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## To Encrypt or Not Encrypt? That is the Question

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In response to the new controversial anti-encryption laws, Australian tech heavyweights have banded together to kick and scream over the restrictive implications the laws are already having on their industry.

Quick history lesson; the Assistance and Access Bill permit law enforcement to demand companies running applications such as Whatsapp to allow “lawful access to information”. This can be through either decryption of encrypted technology, or providing access to communications which are not yet encrypted. These ‘backdoors’ are intended to provide the good guys with the opportunity to fight serious crime, however, there’s serious fear that in reality, these doors could throw out privacy or let in unwanted guests.

While the legislation states that backdoors should only be created if it doesn’t result in any ‘systemic weakness’; this is yet to be defined in a concrete and informative way. Industry points out that once created any such measure has the potential to be exploited by others. There is no such thing as a “once” only back door.

There is little doubt that this will end up in litigation as larger industry players challenge the abstract concepts in the legislation against the reality of their technology.

StartupAUS, an industry group of tech executives, has made several recommendations to amend the legislation. Even though they’re not holding their breath for any significant changes, they’re demanding more transparency around the requirements. Their recommendations include scrapping the requirement for an employee to build capabilities to intercept communications, tightening the scope of ‘designated communication providers’, giving oversight on how companies will be targeted and increasing what constitutes a ‘serious offence’.

Australia’s legislative response to the problem faced by law enforcement is one of the most heavy-handed in the democratic world, and now has the world of technology companies with their significant impact on our economy watching the latest debate on reforms with great concern.

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