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Legal and Privacy Implications of 'Spy In The Sky' Satellites

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The recent \$80 million film from Hollywood, *Enemy of the State*, shows Government spy satellites tracking individuals without their knowledge. Whilst the repressive use of such technology was predicted exactly fifty years ago in George Orwell's *Nineteen Eighty-Four*, it seems that these sinister predictions of 'big brother' watching over us are in part now coming true. Although satellites tracking individuals' movements might still be fictional, they are currently used in the UK to monitor such things as agriculture, the environment and fishing. The new generation of satellites with improved resolution imagery can now detect such things as what crops are being grown on private land. There has already been one prosecution in the UK after satellite checks revealed that a farmer had made fraudulent aid claims.¹ The satellite data was used to warn the authorities that there was a discrepancy, and direct evidence based on a visual ground inspection was used as the evidential basis for the successful prosecution.

If the technology continues to advance at such a rate the possibilities of government surveillance in the new millennium are endless. It seems that the unregulated use of these spy satellites raises emerging legal and ethical issues concerning rights of privacy. However, there has been nothing written in traditional legal texts and journals in the United Kingdom on privacy in the context of satellites. This article will attempt to identify and analyse where the law might come into play if a party objects to satellites taking intrusive pictures of his land. The traditional British approach to privacy has usually

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¹ Prosecution by MAFF at Cullompton Magistrates Court - 18 November 1997 - see <http://www.maff.gov.uk/inf/newsrel/1998/980508b.htm/>

centred on land-based issues so particular emphasis will be placed on the use of satellite imagery in the environmental field.

Whilst the issue of privacy in relation to security cameras has been the subject of much discussion in recent years,² there has been little debate in the United Kingdom concerning the civil liberty implications of satellite monitoring. There was a written question in Parliament nearly two years ago on the implications of satellites in relation to personal privacy, where the Government commented that although they '*...do not believe these satellites should pose any threat to personal privacy, ...the British National Space Centre will be keeping these issues under review*'.³ There has as yet been no reported feedback from the British National Space Centre.⁴ As mentioned earlier, regulatory authorities in Britain have been using satellites to monitor fraudulent agricultural claims and as yet no party has objected that the satellites have infringed their privacy. This use of satellite monitoring has been done in accordance with European law, which currently gives Member States the option of using remote sensing or aerial photography to monitor claims for aid.⁵ It seems that any national challenge on the context of the validity of these checks and privacy-related issues would be referred to the European Courts. However, satellites have been used in the United Kingdom for many other activities which are not expressly authorised by European legislation. These have included environmental management projects such as flood plain mapping, coastal zone management and monitoring landfill sites. Interviews with key regulatory officials concerned with the protection of the environment indicated that the question of satellite imagery breaching any privacy laws had not been considered to date.⁶ This article will therefore examine the possibility of whether an individual could argue that evidence collected against him by a satellite has infringed his rights of privacy.

² House of Lords Select Committee on Science and Technology (1998) *Digital Images as Evidence*, 5th Report, HL Paper 64.

³ *Hansard Written Answers*, 12 March 1997, Col WA 27.

⁴ *Personal Communication*, British National Space Centre (1999).

⁵ Council Regulation (EEC) No 3508/92 and Commission Regulation No 3887/92.

⁶ *Personal Communication*, Legal Group, Environment Agency.

There has been no general constitutional or legislative right to privacy in the United Kingdom which may be invoked where it is claimed that intrusive surveillance techniques are being used without the consent of the individual. The courts themselves have also been reluctant to develop rights of privacy, and although the United Kingdom has long been a party to the European Convention on Human Rights, those rights have not been formally incorporated into national law. This position is about to change, and the new Human Rights Act 1998 will introduce such rights into national law within the next two years. It is impossible to predict the impact that these new principles will have on litigation, though it is clear they could be significant - for example, all public authorities will have a general duty to comply with such principles in carrying out their general functions unless national legislation states otherwise. Similarly, parliamentary procedures will be introduced to ensure that national legislation complies with such principles, although the courts will not have the power to strike down laws as contrary to human rights. In the context of satellite imagery, it will therefore be important to consider the extent to which the privacy rights in the European Convention are applicable, and whether the public interest exceptions qualifying those rights can be invoked by government.

The European Convention on Human Rights

The recent incorporation of the European Convention of Human Rights into domestic law may have particular significance to privacy issues concerning satellite monitoring. The Human Rights Act 1998 will implement Article 8 of the Convention, which concerns the right to respect for private life.

Article 8

- 1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- 2) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of

national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

It is clear from Article 8 that it protects the right '*to respect for*' the four interests listed in 8(1), not the right to a private life *per se*. This means that there is no general right of privacy for individuals, in the sense that they cannot expect to be left alone by the State completely. It can be seen from 8(2) that the State must strike a fair balance between the good of the individual and the good of the rest of the community. There is very little case law of the Court of Human Rights as to what each of the interests in 8(1) actually means. A discussion is therefore necessary of the relevant issues which may affect satellite imagery.

Right to a Private Life under Article 8(1)

The right to respect for a person's private life, which is protected by Article 8, is a vague concept which can be subject to different interpretations as it is not susceptible to exhaustive definition. However, it seems from the case law that the concept of a private life goes beyond the restrictive confines of the traditional British idea of privacy. The traditional British idea of privacy tends to be more concerned with land rights, whereas the European model seems more concerned with protecting the rights of the individual. This can be demonstrated in the case law of the European Court. The Court in *Niemitz v Germany* said,

'... it would be too restrictive to limit the notion [of private life] to an "inner circle" in which the individual may live his own personal life as he chooses and to exclude therefrom entirely the outside world not encompassed within that circle. Respect for private life must also comprise to a certain degree the right to establish and develop relationships with other human beings.'⁷

⁷ (1992) A 251-B 1992.

This expansion of the ordinary meaning of a private life suggests that the concept of a private space may in some instances be outside the family home. The effect of this in relation to satellite monitoring means that there are two potential ways where a person may in principle object to their 'private life' being violated. The first concerns activities which take place in a public place, and the second, more recognised, violation is activities which take place in their 'home'.

There is again very little guidance at European level, on the rights of individuals in public places and how far Article 8 extends. It is foreseeable that satellite monitoring of public places such as beaches, national parks etc, may be affected by the concept of a private life extending beyond the traditional boundaries of the home. Although it is clear that an individual has no exclusive rights to a private life in public places, it is less clear where the European Court will draw its boundaries. The Court decided in *Friedl v Austria* that being photographed in a public street against one's wishes would not normally amount to an infringement of Article 8.⁸ In this case the court held that,

'... the reason why the taking of photographs and the retention of the photographs were not regarded as an interference could be said to be mainly that, when the photographs were taken, the applicant was in a public place where anyone is in principle free to take photographs and where the taking of photographs can, in most circumstances, be considered a trivial act which must be tolerated by others, although some persons may indeed consider it unpleasant that someone else should take their photograph.'

It is interesting to note that the Commission concluded by only 14 votes to nine in this case that there was no violation as regards the taking of the photograph. This case suggests that if the intrusion is slight and foreseeable, then this is not a violation of Article 8. However, it is less clear whether satellite imagery which is unforeseeable, would be thought to breach individual rights of privacy in a public place.

One of the principal objectives of Article 8 is to protect the individuals'

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(1994) A 305-B.

right to a private life in their homes. An important issue regarding satellite imagery is the definition of 'home' and where it might extend to - eg are gardens or surrounding fields, owned by the individual covered? There is again very little helpful case law on what could constitute a home, although the Court has extended the notion of 'home' to cover some business premises. In *Niemietz v Germany*, the Court decided that 'home' may extend in certain circumstances to a professional person's office.⁹ The Court found that,

'... there appears, furthermore, to be no reason of principle why this understanding of the notion of "private life" should be taken to exclude activities of a professional or business nature since it is, after all, in the course of their working lives that the majority of people have a significant, if not the greatest, opportunity of developing relationships with the outside world. This view is supported by the fact that, as was rightly pointed out by the Commission, it is not always possible to distinguish clearly which of an individual's activities form part of his professional or business life and which do not.'

The Court in the above case recognised that it would not always be possible to draw precise distinctions, but refrained from elaborating further any definite principle that may be followed. It seems the test might be whether the person lives and works at his place or business; or whether the activity that is carried out could be carried on as easily at home as at the place of work. One of these conditions would appear to be essential for Article 8 to apply, although it is difficult to predict how the court may interpret 'home' in the future. In relation to satellite imagery it seems that the boundaries of where, for example, a farmer who lives in a farm house surrounded by his fields, could be said to have a right to privacy for pictures taken of his land are very unpredictable at present. It seems that if satellite pictures clearly show a person's house or immediate back-garden then there may be a cause of action under Article 8. It seems unlikely that in most circumstances an individual could argue in the UK that satellite pictures taken of Government-owned land, a private field or industrial premises could constitute a breach of his private life or home. However, it seems that in certain circumstances

⁹ (1992) A 251-B.

the court may be prepared to accept that Article 8 extends to business premises, although the boundaries of this are uncertain at the current time. What is reasonably certain is that it will be easier for a State to justify the interference with Government-owned land or business premises than wholly domestic premises.

Under the Convention, it is for the applicant to establish the fact of interference and how it has threatened the effective enjoyment of his rights. The first thing the courts will have to consider is the level of intrusiveness. The obvious limits of the technology and its current capabilities concerning resolution would be unlikely to constitute an interference as the satellite image will not be able to isolate individuals. It seems that at the current time the court may find that the use of satellite images would not constitute a violation of Article 8(1) because of this. However, if the resolution of the satellites gets any better and the ways they could be developed, then this is more susceptible to challenge.

In Accordance with the Law

The court will have to examine next whether the measure complained of was justified under Article 8(2) of the Convention, namely whether it was prescribed by law. The Convention states that any act that may infringe Article 8 should have specific statutory authorisation. It is clear that an administrative practice, however well-adhered to, does not provide the guarantee required by 'law'. The purpose of this is so that individuals know with sufficient clarity where they stand. The question whether an interference with an Article 8 right is '*in accordance with the law*' has been a prominent issue in surveillance cases. Covert surveillance is not illegal in the United Kingdom, unless the activity is expressly forbidden by law. The Convention states that such practices are illegal as they are not clearly formulated and accessible to individuals to be aware of the conditions under which the authorities are empowered to resort to secret interference with the right to privacy. In a recent telephone tapping case, *Malone v UK*,¹⁰ the European Court reversed a British court decision and decided that the UK breached

¹⁰ (1995) B 67.

Article 8 because of this. As a result of this case the British introduced the Interception of Communications Act 1985 into national law, which now makes it a criminal offence to carry out telephone surveillance without a warrant.

By analogy, it seems that the use of satellites to monitor private land is not 'in accordance with the law' as there is no specific legislation on this matter. In relation to environmental legislation the Environment Act 1995 (EA '95), provides a comprehensive set of powers of entry and investigation which apply to all enforcing authorities exercising pollution control functions at central and local level. This Act allows an enforcement officer to *'take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation'*.¹¹ The Act also provides for such things as warrants to enter land. The use of satellite imagery to monitor the environment raises two important distinct questions. Firstly, whether the powers under the Environment Act 1995 are specific enough to apply to the use of satellites; and secondly, whether a warrant is required to take the satellite images as the satellite will not in a legal sense enter someone's land.

The *Dow Jones* case in America provides a very good example of where these issues were raised in court.¹² In this case Dow Jones claimed that the aerial photographs of their factory could not be admitted as evidence as the Environmental Protection Agency (EPA) had not got a search warrant. The second issue which Dow Jones argued was that the EPA had used an inspection method that was not explicitly authorised by legislation. The judge decided that a search warrant was not required for such activities and that a regulatory agency did not need explicit statutory provisions to employ methods of observation commonly available to the public at large. Whether aerial surveillance is available to the public at large is at least questionable, as each image currently costs many thousands of pounds to purchase and process.

Although, the courts in other jurisdictions have come to the conclusion that specific legislation is not required, it is arguable whether the European

¹¹ s 108 (e) Environment Act 1995.

¹² *Dow Chemical Company v United States* (1986) No 84 -1259.

courts would reach the same conclusion. Although investigative powers are provided by the EA '95, they do not specifically refer to the use of satellites. In the United Kingdom such enforcement practices by the regulatory authorities are now likely to be interpreted differently and may be in breach of the right to privacy under Article 8 of the Convention. It would seem beneficial for the British legislators to incorporate the use of satellite monitoring into legislation. The need for search warrants in relation to satellite monitoring is very unclear and will probably be decided in the courts. It would seem advisable for guidance at European level on this subject.

The Aim of the Interference

If the Court is satisfied that the interference is in accordance with the law, it will examine whether the legislation is justified under the legitimate aims listed in Article 8(2). Typically, the majority of interferences with a person's private life or home will occur in the course of the enforcement of the ordinary criminal law. The European courts will be concerned with whether the enforcement used under the legislation (eg search warrants) is proportionate to the aim of the interference. The problem as regards satellite images is that they are usually just monitoring land and are effectively only looking for 'crimes' or signs of environmental degradation, rather than investigating a specific offence that has been committed.

There are several examples in the United Kingdom where surveillance has been justified to detect crime in the public interest. Legislation has been passed to put on a statutory basis surveillance from closed circuit television cameras¹³ (cctv) and speed cameras.¹⁴ The courts have held that as a matter of public policy these should be permitted, so that persons may go to those in danger in cases of emergency and also to provide a means of detecting and deterring offenders. However, these activities are restricted in that the police have to currently seek authorisation for each cctv camera to be used in a public place from a senior police officer who must be satisfied that no

¹³ s 163, Criminal Justice and Public Order Act 1994.

¹⁴ s 20, Road Traffic Act 1988.

unwarrantable intrusion should take place.¹⁵ The use of covert video surveillance in hospital units has been held to be acceptable by the courts in cases where parents are suspected of hurting their children.¹⁶ It seems that some uses of surveillance are deemed more acceptable than others in protecting public policy.

Quite how far the European courts are willing to go to include protection of the environment as a legitimate aim is of particular relevance to satellite monitoring. The legitimate aims under Article 8(2) include the protection of health, and the protection of the rights and freedoms of others. The Court is notoriously unwilling to elaborate general statements of rights. However, it seems that the Court is moving gradually towards expanding the right to respect for private life to provide for an element of protection against environmental damage or pollution. In a recent judgment the Court has accepted that Article 8 may be interpreted as including an obligation on the State to take positive measures to protect these rights.¹⁷ This approach could require States to take measures to maintain or improve environmental quality to meet a standard compatible with respect for the right to private life. However, it is extremely difficult to say when a State might have a right to interfere with an individual's quality of life in favour of the improved quality of life of the majority. In many instances it would seem beneficial to society at large to undertake satellite monitoring on the grounds of environmental protection, although problems start to materialise in relation to such things as the degree of acceptable intrusiveness.

Implications of Satellite Monitoring Without Authorisation

There was a brief discussion above on whether a warrant would be required to undertake satellite monitoring. Closely related to this is the question of whether evidence that is obtained 'illegally', or without statutory authorisation, is still admissible in the British courts. In this section there will

¹⁵ Para 16, Home Office guidelines on the use of surveillance equipment (1984).

¹⁶ *Re DH (a minor) (child abuse)* (1994) 1 FLR 679, 22 BMLR 146.

¹⁷ *Guerra v Italy* (1998) Application no 116/1196/735/932.

be a discussion on the current practices that take place for admitting evidence without authorisation in the criminal and civil courts and how the Human Rights Act 1998 will affect British practice when it is implemented into law.

Section 78 of the Police and Criminal Evidence Act 1984 provides that evidence which is otherwise admissible may be excluded by the judge on the grounds that it is unduly prejudicial or unfair. This discretion usually comes into play in cases where the enforcement authorities' conduct in the investigation and the way they obtained the evidence is contested. Abuse of enforcement powers can result in evidence being acquired which would otherwise not have been obtained. This can include things such as covert surveillance by bugging and video-taping, as well as illegally entering premises. It is unclear whether the purpose of s 78 is to discourage the police from obtaining evidence in an improper manner by depriving them of the right to use it as evidence or whether it is to protect the accused from being deprived of his civil rights. There have been case precedents that support both of these approaches. In *R v Sang* one of the appeal judges decided that the function of a judge is to ensure that the accused has a fair trial and it is no part of that function to exercise disciplinary powers over police or prosecution as the defendant has available civil and disciplinary remedies.¹⁸

The courts in practice normally only exercise their discretion to render evidence inadmissible for things such as the accused being deprived of a lawyer, or unfair methods employed in the interview room. The courts will therefore normally allow evidence to be admitted even though the enforcement authorities may have obtained it in an irregular fashion. The courts normally follow the test laid down in *Kuruma Son of Kaniu v R*,

'the test to be applied in considering whether evidence is admissible is whether it is relevant to the matters in issue. If it is, it is admissible and the court is not concerned with how the evidence was obtained...we must firmly accept the proposition that an irregularity in obtaining evidence does not render the evidence inadmissible.'¹⁹

¹⁸ [1979] 2 All ER 1222.

¹⁹ [1955] 1 All ER 2360.

Therefore the general test for admissibility is relevance, and anything that comes from a product is admissible if relevant.

The effect of this rule in relation to surveillance techniques can be seen in the case of *R v Khan*.²⁰

In this case the Court of Appeal accepted evidence from a covert listening device (bugging) in the accused's property, even though he argued that this involved trespass; there was no legislation regulating such practice; and there had been a breach of Article 8 of the European Convention of Human Rights. The prosecution argued that all of these circumstances were of insufficient gravity to outweigh the fact that what they were investigating was a type of criminal conduct of great gravity - heroin smuggling. The court agreed with the prosecution and said that although they had acted in an uncontrolled manner the offence merited it and they had acted in accordance with the relevant Home Office guidelines. In other cases, there may well be more compelling considerations of invasion of privacy, but it seems that such considerations must be weighed against the probative value of the evidence. The problems of using satellite surveillance in environmental protection are two-fold. Firstly, as mentioned earlier the satellites are looking for possible breaches of the law rather than specific crimes. Secondly, environmental or agricultural offences are not seen to be criminal in the normal sense of the word and surveillance would seem harder to justify - although monitoring agricultural fraud would probably be considered more acceptable as the subsidies derive from state taxes.

Assuming satellite data might be considered to be illegally obtained evidence (ie there was no express authorisation), this does not mean that at present it will be inadmissible in the civil courts. In civil proceedings there is no discretion to exclude evidence that is either obtained illegally or improperly. In *Helliwell v Piggott-Sims*, the judge held that,

'...so far as civil cases are concerned, it seems to me that the judge has no discretion. The evidence is relevant and admissible. The judge cannot refuse it on the ground that it may have been unlawfully obtained'.²¹

²⁰ [1995] QB 27, *Crim LR* 830.

²¹ (1980) FSR 582 (CA) *per* Lord Denning MR.

Therefore, even though a party may object to evidence being brought against him on the grounds that a tort had been committed, the court will still admit it as evidence. In practice this will mean that an administrative body enforcing clean-up costs may use satellite data to show the type and extent of the damage, even though they did not get a warrant. The court may still order that compensation be payable to the other party if a tort is proved, although the court will probably be sympathetic to the administrative body who were acting in an official capacity to clean up pollution.

The Human Rights Act 1998

It seems that the pragmatic approach of the British courts to accepting evidence from state surveillance may be greatly affected by the Human Rights Act 1998. Section 2 of the Human Rights Act 1998 states that:

'a court or tribunal determining a question which has arisen in connection with a Convention right must take into account any judgment, decision, declaration or advisory opinion of the European Court of Human Rights.'

Therefore, once implemented, the Human Rights Act will also make it unlawful for public authorities to act in a way which is incompatible with the European Convention. Anyone who claims that a public authority has acted unlawfully may make an application for judicial review under s 6. The effect of this is that if someone thinks they have been the victim of intrusive surveillance under Article 8, they may seek judicial review to stop the local authority using the 'illegally obtained' evidence from the satellite, in the proceedings against them. It would therefore seem quite important for the Government to urgently consider legislating on the use of satellites in the United Kingdom.

Also of particular relevance to the European Convention, is what the data will show and what will be done with the data. Disclosure of personal information about an individual other than for the direct purpose for which it was legitimately collected, may constitute an interference with the respect

for private life under Article 8(2). It would seem to be good practice for the Government to implement, in advance, clear guidelines of what the satellites will be used for and why. A similar approach is used for closed circuit television cameras so the police can later justify the interference.

Actions under Civil Law

There is no British tort of privacy, where a defendant may bring an action in the civil courts. However, the concept of invasion of privacy may give rise to land-oriented actions such as trespass or nuisance. Unsurprisingly, there have been no civil actions where a defendant has argued that a satellite has infringed his privacy by trespassing on his land. There is one case precedent on a civil action being brought against a company that took aerial photographs of a defendant's land. In *Lord Bernstein of Leigh Skyviews & General Ltd* the plaintiff objected to the company trying to sell him aerial photographs of his property and claimed for damages for trespass and an injunction to restrain the defendants from entering his air space and from invading his right to privacy.²² The court found that the rights of an owner of air space above his land extended only to such height above the land as was necessary for the ordinary use and enjoyment of the land. The court concluded that an aircraft that had flown several hundred feet above the ground could not be said to cause any interference with the defendant's land and had not therefore committed a trespass. The judge commented that,

'I can find no support in authority for the view that the landowner's rights in the air space above his property extend to an unlimited height. In *Wandsworth Board of Works v United Telephone Co*, Bowen LJ described the maxim, *usque ad coleum*, as a fanciful phrase, to which I would add that if applied literally it is a fanciful notion leading to the absurdity of a trespass at common law being committed by a satellite every time it passes a suburban garden.'²³

²² [1978] QB 479.

²³ *ibid* Griffiths J.

The defendants had a statutory defence anyway under the Civil Aviation Act 1949 which permits aircraft to enter into air space over property. It seems that the actual act of the satellite passing over property would not infringe any common law rules - and it would be extremely difficult for the plaintiff to find out whether it had passed over his property in the first place.

The plaintiffs in this case argued that it was not the plane that committed the trespass but the taking of the photographs. The court held that the taking of a photograph was not illegal under any law and could not be constituted as interference with property. The court concluded that even if this was unlawful the aerial photographers could still take pictures of the defendant's property over neighbouring land. However, the court did say that although the taking of a single photograph was not actionable, a successful action in nuisance may be brought if 'a plaintiff was subjected to the harassment of constant surveillance of his house from the air, accompanied by the photographing of his every activity' they would give relief. Therefore, although the courts are willing to protect defendants from intrusive activities that are on an on-going basis it seems unlikely that they will consider satellite monitoring (as the technology is at the moment) to constitute an interference with property rights in the majority of cases. The only argument that it is intrusive is if someone processes the data so the picture can clearly identify something on someone's property. It is conceivable in the future that satellites may be used to spy on industrial competitors to try and gain advantages - though the activity that is spied on would have to be outside of a covered building.

Conclusion

The new major piece of legislation introduced in the United Kingdom in 1998, may have considerable implications for privacy. The effect this legislation might have in practice is not yet well understood - as it has not yet been fully implemented or subject to scrutiny in the courts. Although the European Convention has been in existence for a considerable time it is extremely difficult to determine the merits of potential complaints as the Court has been notoriously unwilling to expand on crucial definitions within Article 8. However, it is conceivable that in the near future that the legislation will be tested in the context of a complaint concerning spy satellites. This

will probably arise from someone complaining about satellite data being used against them in criminal proceedings. It seems more likely that it will be in one of the other European Countries where a test case is first heard, as many of the other Member States have traditionally treated state intervention and privacy issues more seriously than the United Kingdom.

The biggest potential barrier for bringing a privacy action at present appears to be establishing the interference. There has been a shift in the concept of interference because of the essentially European-influenced legislation which concentrates more on the individual than on traditional British land rights. At the present time the resolution capabilities of satellites cannot make out individuals and even images of buildings are poor - although image quality is improving on a rapid scale. The satellite image would have to show something quite intrusive to persuade the courts that there is a need for legal redress. If an individual can pass this first hurdle he may have a good cause of action. It seems that the current use of satellites by United Kingdom regulators to monitor land-use are not in accordance with the law. The Government would be advised to think ahead and consider regulating on this matter or amending existing legislation to include the specific use of satellites as an inspection method.

The current uses of satellites in the context of environmental protection seem to be quite unobtrusive to individuals and would not be the cause of many legal complaints. The current and potential uses of satellites make them an important part of protecting and preserving the environment and may be deemed justifiable on the grounds of public interest. Similarly, the monitoring of agricultural fraud may also be justified because of the degree of fraud taking place all over Europe, which was costing taxpayers a great deal of money. However, the potential uses of satellite monitoring in the future may go beyond what the public find acceptable. The British tabloid philosophy that those with nothing to hide have nothing to fear, seems to go too far in the context of mass state surveillance. The fear of losing our souls to technology set up by a totalitarian state, as suggested in *Nineteen Eighty-Four*, has left a lasting impression in the half-century since it was penned, and the concept of a private life has become more important. The establishment of a body that considers the ethical and legal implications of monitoring certain activities by satellite, before giving permission for them to take place would seem sensible. Such a system currently takes place for

the use of closed circuit television surveillance in public places. The Government would be advised to consider the public acceptability of such methods of surveillance very carefully or risk the possibility of many legal disputes in the future.

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