

MCMC directive allows mass surveillance, warns DAP
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Is Big Brother listening in on our phone conversations and text messages?

Maybe or maybe not, but a Malaysian Communications and Multimedia Commission (MCMC) directive signed last April gives the government the power to do so, says DAP.

According to Pasir Bedamar assemblyperson Terence Naidu and Perak DAP committee member Dyana Sofya Mohd Daud (both left), Directive No 1 of 2013 states surveillance can be used to track and block lost phones.

However, paragraph 24 of the same directive appears to allow for a more “sinister” application, where it says that the Public Cellular Blocking Service (PCBS) could be used for “lawful purposes as deemed necessary by the commission”.

“This directive under the guise of blocking services for lost handphones appears to have a more sinister hidden agenda, if we observe the directive closely,” said the duo.

They said that the directive is problematic as it infringes on privacy and is illegal.

Naidu and Sofya said the provision allows MCMC to collect information ranging from location of users, identity card numbers, behaviour patterns, SIM card number and voice and SMS contents on a “24/7” basis.

This means they can create a “real time” profile of millions of users, which it is then allowed to disclose to third parties as it sees fit. These wide discretionary powers, they said, could easily be abused.

Illegal surveillance

The duo also argue that the move is “illegal” as it goes against the maxim of “innocent before proven guilty.”

They argue that provisions in the Criminal Procedure Code, Dangerous Drugs Act, Kidnapping Act, Malaysian Anti-Corruption Commission Act and Security Offences (Special Measures) Act are sufficient for surveillance of suspects.

“Previously, such information could only be obtained by enforcement agencies in accordance with the existing laws and the retrieval of such information would be recorded.

“This is not the case today as the directive now allows MCMC access to information for

purposes 'deemed necessary by the commission'," they said.

They also questioned why service providers have to pay RM1.50 per annum for every user it services, to a company called Nuemara Malaysia for the PCBS services, as mentioned in the directive.

"Directive No 2 of 2007 reveals that the commission is appointing Nuemara to build, operate and manage the nationwide blocking service for lost or stolen mobile phones. Who is Nuemara, and why Nuemara?" they asked.

"We call on MCMC for greater transparency; to provide sound explanation and justification for lawful interception and the mechanism behind the implementation of PCBS."

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