

## **Lockdown law: a balancing act between peace and removal of civil liberty.**

The last few months have curtailed our civil liberties to an extent never experienced in peacetime. Businesses, gyms and clubs have been shut down, places of worship closed and enormous restrictions placed on our movement, in response to 'the serious and imminent threat to public health' caused by Covid-19.

The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 has given 'relevant' people, such as constables, police community support officers, people designated by a local authority or by the Secretary of State the right to impose fines of up to £960 or even prosecute those who do not comply with these new regulations.

A YouGov survey taken at the beginning of the lockdown found an overwhelmingly favourable response to these restrictions, with 93% of the population supporting the lockdown restrictions being in place for the following three weeks.

The Government and its advisors are exploring the possibility of using our individual mobile phone data to track and monitor our behaviour in their attempts to contain the virus. As the Information Commissioner's Office said, "Public bodies may require additional collection and sharing of personal data to protect against serious threats to public health."

It is interesting to compare this present situation with the public furore over the threat to our data privacy posed by a Huawei supply of a 5G network only a few months ago, with Wired magazine commenting that 'the ruling Communist Party could pressure Huawei into installing backdoors into its products that would allow it to spy on traffic that's passing through its networks under laws introduced in 2017.'

This blog argues that the British public will seemingly accept enormous restriction on their civil liberties, as long as they feel as though they are making these restrictions through their own free will.

However, as the transmission of the virus plateaus and the immediate threat to life diminishes, the population may become less willing to accept the restrictions that could threaten their wealth and mental health.

Enforcement of the lockdown measures may become increasingly necessary if the public choose to exercise their civil liberties. This could result in a large increase in prosecutions and

public discontent, which may in turn place extraordinary pressure on pro bono clinics as well as the justice system at large to deal with cases of breach of human rights.

It is therefore going to become intensely important that the government ensures that 'relevant people' use the restriction granted by the HPR 2020 in a proportionate measure, whilst remaining focussed on the message that we are choosing to self – isolate, rather than have these restrictions imposed upon us in law.

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