

Snowden: impact in Norway

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Introduction

The Snowden-revelations have primarily had an indirect effect in Norway. Official government policies have not been changed, but awareness about the scope and significance of electronic intelligence gathering has risen in the public as well as in the official domains. It has also triggered renewed interest in debates and topics related to data security.

When *The Guardian* first broke the news about the NSA mass surveillance programmes, such as PRISM, it hit Norway with big news headlines just like in most other parts of the world. The mass collection of personal data from American internet companies and services was of a bigger scale than most people had imagined.

However, there were no indications at that time of specific American surveillance efforts targeting Norway and Norwegian infrastructure, as was reported in Germany and other countries. Also, when the news broke a few months later about NSA phone tapping of European leaders and eavesdropping on EU delegations and the UN, it did not affect Norway directly, as there were no indications that such activities were directed against Norwegian leaders or Norwegian institutions or embassies. The reactions were therefore muted in Norway.

However, for a few hours in December an outcry began to build up, when the daily *Dagbladet*, revealed it was in possession of a document from Snowden which allegedly showed that the NSA had collected 33 million instances of traffic data within a specific time-frame in Norway. However, when the claim was rebutted within few hours (see below), the debate faded away.

Nonetheless, during the 8 months or so since Edward Snowden first began publishing the secret NSA documents, the topics of mass surveillance, data protection, freedom of expression, tech-

nological possibilities and security have been given greater attention in the public discourse. In the following section we will look more specifically at the official Norwegian responses, those of the opposition parties, as well as the reactions of the general public.

Government response

The agency which has been most active and warned against the implications of the Snowden revelations is the Norwegian Data Protection Authority. From the very first breaking of the news and throughout the whole period it has been actively engaged in public debates, public information, and lobbying for a firm government response towards the US. In August it called upon the Norwegian Minister of Justice to seek clarity from the US authorities as to what kind of data was collected, from which sources, how it is regulated legally, and to what extent Norwegian citizens' data had been collected through PRISM and similar programmes.

Possibly as a result of such pressure a meeting took place in Washington D.C. on 29 August 2013. A Norwegian delegation consisting of representatives of the Ministries of Justice, Defence and Foreign Affairs had asked to meet with the US Department of Justice to discuss the various surveillance programmes that had been revealed in the press over the summer. According to the Ministry of Justice, they were briefed by their US counterparts about the various American programmes, the extent to which they covered Norwegian citizens and companies, which authorities have access to the collected data, as well as topics related to the protection of human rights, data security and data protection. The US authorities stressed that PRISM was firmly grounded in legislation and under real and efficient legal mechanisms of control and that it is based upon targeted and justified assessment of suspicion. It was agreed that follow-up was

mutually desirable, yet except for a brief encounter between the Norwegian Minister of Justice and his US counterpart in November, no substantial discussions or follow-up has taken place. According to Norwegian officials the replies given by the US authorities were satisfactory.

Official Norwegian responses to Snowden have since then been limited to minor issues, such as the rejection of his application for political asylum.

However, the debate about mass surveillance and data protection also reignited a discussion about national internet systems. As about 80% of all Norwegian internet traffic is routed via Sweden, several experts have expressed concern that Swedish intelligence can collect it all – and even trade it on the international intelligence market. The Swedish “FRA-law” regulates this activity but puts no limitation on data collection on traffic stemming from Norway. In an intervention to the European Court of Human Rights in 2009, the International Commission of Jurists in Norway argued that Norwegian citizens in this regard are “lawless” when it comes to their basic rights to privacy. The Court has yet to rule on this case. Nevertheless, as the parties comprising the new Norwegian government had expressed similar concerns while in opposition, it addressed the topic with the Swedish government on two occasions in 2013. The general position of the Norwegian government in this regard is that “friends should not spy on each other”. This phrase we recognize from the European reactions to NSA’s surveillance of European leaders and institutions. The Norwegian-Swedish discussions can therefore to some extent be regarded as an indirect effect of the Snowden affair.

2

Another example of an indirect effect can be found in the Parliament. In January the Norwegian Parliamentary Intelligence Oversight Committee asked for an increased budget. The head of the committee stated that she recognised that the committee was lagging behind the technological evolution of the intelligence services, and asked for both more resources and an evaluation of its mandate and methods. Although Snowden was not mentioned, the timing of this request makes it likely that there is a connection.

A last example of the government response was rather peculiar. When the Norwegian daily *Dagbladet* claimed that the NSA had collected traffic data about 33 million Norwegian instances of communication, the head of the international Norwegian Intelligence Service (NIS), MG Kjell Grandhagen hastily called a press conference, rebutting the claim. This surveillance, he said, was not conducted by the NSA in Norway but by NIS – in connection with on-going military operations – and then shared with the NSA. Such a revelation of capacity and capability of an intelligence service is rare, and may be regarded as a direct effect of the publication of the

Snowden documents (albeit misinterpreted by the publishing paper). Interestingly, the attitude of the media commentators swung from an outcry against a potential American mass surveillance on Norwegians, to a fascination over both the frankness of the intelligence chief and a tacit pride in the strength of NIS and the high regard it enjoys from the NSA. The close relations between NIS and NSA was reaffirmed in some of the leaked documents, a relationship stemming from the Cold War and Norway’s geopolitical position close to the Soviet – now Russian – North Fleet. Hence, no one questioned NIS’ collection of 33 million instances of communications abroad, and no one asked if the Norwegian’s demand for privacy should apply equally to these – presumably Afghan – foreigners.

In short, the official Norwegian government, and its institutions and agencies have had meetings, some discussions and exchanges on the political and expert level – but nothing has changed materially: No new laws are enacted, regulations changed or new security measures imposed by the government.

Opposition response

The party that have voiced the strongest criticism and outrage of the NSA-surveillance is the Socialist Left party (SV), which has a tradition of being sceptical to the security apparatuses, intelligence services and the United States’ foreign policy. Besides nominating Edward Snowden for the Nobel Peace Prize, SV called for the establishment of an independent “surveillance commission”. The purpose was to map and assess the totality of surveillance Norwegian citizens are exposed to, and evaluate if the Norwegian intelligence services have operated within the law. This was rejected by all the other parties in parliament, which generally argue that existing institutions and oversight mechanisms are satisfactory. The Liberal party, which supports the government thought parliament, has nonetheless also argued in favour of a “personal data commission” to address the impact of the explosive increase in internet usage, and has also voiced concern over the mass surveillance, demanded better international regimes and systems for personal data protection, such as Norwegian participation in the proposed European Data Protection Board. The opposition Labour party on its side recently called for a “digital vulnerability commission” to assess the digital critical infrastructure in Norway. The Snowden-revelation can be seen as a backdrop for these initiatives.

However, none of the proposed national commissions have materialized due to political disagreements about both the necessity and the eventual mandate of such a commission. But it is far too early to rule out that the establishment of some sort of commission related to new technology, data protection and cyber security may eventually emerge.

Interestingly, there are hardly any voices in the Norwegian public domain arguing *in favour* of mass surveillance in the name of security and anti-terrorism. The closest is the national intelligence service which has asked for new and more intrusive legislation related to alleged terrorists. But politically there are hardly any “hawks”, only “doves”, something which is reconcilable with the often-prompted self-image of Norway as a “peace nation”.¹ The political ignorance of the Norwegian collection of mass data internationally indicates a certain double standard in this regard.

Public opinion poll:

Measuring the impact of the Snowden revelations on the general public is obviously challenging. It is hard to determine exactly what causes changes in public opinion. However, the Norwegian Data Protection Authority and the Norwegian Board of Technology recently published a joint public opinion poll on people’s attitude towards data protection.² It also included a couple of questions directly linked to Snowden. It found that 45% of the interviewees found the NSA surveillance unacceptable, while 27% regarded it as concerning but necessary. Furthermore, 46% said they had become more concerned about data protection the last 2-3 years. However these are highly subjective measurements, based on people’s self-perceptions. Given the media focus on Snowden, as well as the debate about the EU so-called Data Protection Directive a few years earlier, there is no surprise people say they pay more attention to this than before.

It becomes more interesting when attitudes can be compared over time. When asked to what extent they are concerned with data protection the percentage who said they were “very concerned” with had risen from 22% in 1997 to 26% in 2014, and those claiming to be “rather concerned” had increased from 55% to 61%. Obviously the explosion of social media and usage of the internet in these 17 years has changed circumstances dramatically, making such an increase of awareness and concern unsurprising. It cannot therefore be attributed directly to Snowden. Furthermore, the usage of social media continues to increase, indicating that the concerns do not change people’s habits or limit their activity.

One of the concerns of the Data Protection Authority is the potential of a so-called *chilling effect* whereby the freedom of expression is limited though a loss of confidence in the environment one communicates in. If fear of repercussions makes people think twice before posting opinions on social media or in other forms, it is in effect a limitation of freedom of expression – which in turn could weaken democracy.

When the survey asked if the Snowden-revelations had made people change their habits, 62% answered that it had not. When asked how people would respond if they hypothetically knew that all of their electronic communications were under surveillance by intelligence services, 45% responded they would continue their activity as before. The Snowden-revelations can therefore not be said to have had a chilling effect on Norwegians. Nonetheless, on the last question 27% stated they would be more careful about internet searches and 24% would be more careful with what they wrote in online debates and social network. 26% had at least once chosen to discuss something orally, rather than over mail, sms or a similar technology.

One may therefore conclude that the Norwegian public appears to have become more aware of the potential surveillance of their online activity. This cannot be attributed to Snowden alone, but it is reasonable to assume that the frequent media focus on this over the last months has increased this awareness. However, where the red line goes between healthy awareness and the chilling effect is another discussion.

Another indicator is the usage of cloud storage. Since it has become better known that the NSA may require companies in the US to share their entire database with them, these companies were projected by analysts to lose customers. A Norwegian cloud-storage company, conversely, recently claimed to have got about 100 000 new customers since last summer. This boost can most likely be attributed to the Snowden revelations.

Conclusions

Edward Snowden’s leaked NSA documents have not shocked Norway. Neither the government nor the public seem very troubled by the revelations. This is most likely because no direct espionage or surveillance in Norway or against Norwegians has been disclosed. Nevertheless, new public investigations or commissions addressing some of these topics – and subsequent new legislation or operational practices cannot be ruled out in the future. Certain parties, activists and agencies, such as the Data Protection Authority have been actively warning of the risks and vulnerabilities. If nothing else, the Snowden revelations have increased the awareness of the exposures in the digital age and of the need to pay attention to new revolutionary technological developments. But they have hardly changed the habits, security measures, or control mechanisms in Norway, nor chilled Norway’s relations with the US.

1 See for instance this speech by former Foreign Minister Jonas Gahr Støre: Norway – a peace nation. Myth or fact? <http://www.regjeringen.no/en/archive/Stoltenbergs-2nd-Government/Ministry-of-Foreign-Affairs/taler-og-artikler/2006/norway--a-peace-nation-myth-or-fact-.html?id=420860>

2 Available at <https://www.datatilsynet.no/Nyheter/2014/Personvern-2014-tilstand-og-trender-/> (Norwegian only)



This analysis was commissioned by the European Council of Foreign Relations (ECFR) as a part of a larger study of the impact of the Snowden revelations throughout Europe. The full report is available at: www.ecfr.eu

4



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