

ON THE CONTRARY **Tony Delamothe**

# How the internet's unmanageability might play out

For a vision of the future, think WikiLeaks plus the British tabloid press

The motion being debated was “The private lives of public figures deserve more protection from the press,” and Max Mosley, former Formula One boss, was describing the devastating effects of the *News of the World*'s revelations about his sex life.

Although he'd won his legal case against the newspaper for breaching his privacy, two years later Mosley was still trying to get some of the offending material removed from the internet. Policing the internet, commiserated fellow debater Rachel Atkins, was “unmanageable.”

This was a revealing admission from a partner of Schillings, a legal firm that includes reputation management among its offerings. Seeking injunctions, and “superinjunctions,” to stop publication of stories about its celebrity clients is its stock in trade. If allegations do escape into the public domain, quick legal action can dissuade other newspapers from repeating them. But on the internet it can be hard to locate a stable door, let alone close it before or after the horse has bolted. Once out there, the story can run and run.

Sex also features in a story currently being played out in Sweden, where Julian Assange, editor in chief of WikiLeaks, is being questioned by police over allegations of rape, which he strenuously denies. This followed less than a month after Wikileaks had posted 75 000 confidential military reports from the war in Afghanistan. Their publication marked the most emphatic fulfilment yet of WikiLeaks' mission to post “classified, censored or otherwise restricted material of political, diplomatic or ethical significance” (<http://wikileaks.org>).

But revelations about Assange's sexual activities are not the issue here; and even if Assange could be disappeared as efficiently as a victim in Stieg Larsson's dragon tattoo trilogy, he's already served his purpose.

WikiLeaks provides “proof of concept.” It works as intended. Close it down and a dozen more such sites, bigger and better, would spring up in its place.

Closing it down seems fanciful at the moment, however. Assange told the *New Yorker* that WikiLeaks maintains its content on more than 20 servers around the world and on hundreds of domain names, including a few mirror sites run by independent well wishers ([www.newyorker.com/reporting/2010/06/07/100607fa\\_fact\\_khatchadourian](http://www.newyorker.com/reporting/2010/06/07/100607fa_fact_khatchadourian)). A maniacal obsession with secrecy makes it “vastly more secure than any banking network.” A government or company that wanted to remove content from WikiLeaks would have to practically dismantle the internet itself, said the *New Yorker*.

Until that happens, confidential information can be posted on the internet, free of censorship. How this transformational moment in the freedom of information would have been relished by the publisher Lord Northcliffe, who famously said: “News is what somebody somewhere wants to suppress; all the rest is advertising.”

WikiLeaks' target is oversecretive governments and corporations—not the bedroom antics of public figures. We have slaving British tabloids to thank for their clear demonstration that once something is available digitally no insurmountable technical barriers exist to sharing it with the public. A former *News of the World* reporter recently claimed that the newspaper had used the services of a private detective on almost every story it published a few years ago, if not for hacking into voicemail then for accessing confidential databases ([www.guardian.co.uk/media/2010/sep/08/phone-hacking-news-of-the-world-witness](http://www.guardian.co.uk/media/2010/sep/08/phone-hacking-news-of-the-world-witness)). Other tabloids may have been up to similar tricks.

Once the NHS Summary Care Records



“Once the NHS Summary Care Records system comes fully online it doesn't take a great leap of imagination to see how tempting it will be to unscrupulous journalists and their agents”

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system comes fully online it doesn't take a great leap of imagination to see how tempting it will be to unscrupulous journalists and their agents. Think how much a little medical history could spice up a lacklustre story of a celebrity couple. An awareness of this possibility was one of the many strands to the opposition to Connecting for Health. Another was concern at the government's proposals, since dropped, to allow ministers to “remove or modify any legal barrier to data sharing” to secure a policy objective (*BMJ* 2009;338:b895).

As a close internet watcher for some years I've come to the conclusion that as soon as you recognise where the internet is heading it's best to take up residence there, using your energies to prepare for the new world rather than to fight it. So the message I take from recent revelations is that in this new world every item of interest available digitally will find its way into the public domain and will be preserved there beyond the reach of any jurisdiction.

What does this mean for medicine? Governments should expect public minded citizens, misguidedly or not, to leak confidential documents concerning health policy and spending. The commercial confidentiality protecting the workings of, say, independent sector treatment centres will be rudely punctured. Data that drug companies refuse to divulge, despite exhortations to do so, will turn up anyway.

The other side of that coin is that doctors and patients may become economical with the truth when updating electronic medical records. Such collusion would be both understandable and defensible—unless, of course, the Summary Care Records could promise the same security standards as WikiLeaks.

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