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Dear Graham

Publication of materials that assist crime

It was good to meet you on 23 March, and I found our discussion about the principles governing publication of research materials very helpful. I promised you that we would put down on paper our views of the key issues.

Your document "Good Research Practice" states that publication must take into account the consequences of dissemination in the wider media; and in your letter of 8 February you listed specifically national security and legal prohibition as factors which would prevent publication. We agree that this is all very necessary but would argue it alone is not sufficient and that the policy should go further. We believe the concept should be one of responsible disclosure. So we would argue that to support the publication of materials which assist or actively enable acts of crime, even if the act of publication is not itself legally prohibited, is not an appropriate stance for the University to adopt.

In the case which prompted our present concerns, the M.Phil did not in our view contain anything which would infringe responsible disclosure. However, the M.Phil publication was followed by the publication of the explicit details of how to construct a device which could assist in the commission of an offence.

As we mentioned in our meeting, the Serious Crime Act 2007 (section 44) has some relevance, in that it states "A person commits an offence if (a) he does an act capable of encouraging or assisting the commission of an offence; and (b) he intends to encourage or assist its commission". We would argue that a responsible body like the University should take a lead from this and should define its policies in such a way that the University should not be associated with the publication of materials without an assessment of whether they might encourage or assist the commission of an offence. Nor should it defend publication by simply arguing "no intent". Clearly the University's interest in this is reputational as well as no doubt a proper resistance to anything which could encourage the commission of an offence.

Further, we would argue that it is perfectly possible to publish papers which describe what has been discovered during research without providing materials which assist crime. Indeed, we believe that this is the way you have conducted your affairs until the recent episode during which we think a line was crossed.

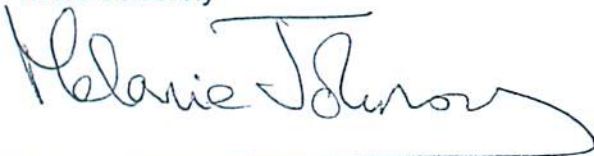
So this leads us to the view that your guidelines need strengthening on this point, and they should make specific reference to the need to assess, prior to publication, whether materials might "encourage or assist" crime and in the case of uncertainty provide for some internal mechanism to resolve matters.

This implies appropriate processes for overseeing such assessments, and during our discussion we touched upon a number of issues which complicate the enforcement of guidelines including the different relationship the University has with employees and with research students. Coming ourselves from an organisation which engages in self-regulation (in our case, of an industry of competing firms), we can identify with the complexities and difficulties you face in encouraging and overseeing best practice. However, without such processes in place, one cannot manage the risk to the University's reputation were researchers/staff to act in a way which could be seen as "encouraging or assisting" crime.

Finally, we are also concerned, as we discussed in the meeting, that the episode which kicked off this debate, the publication by one of your students of research papers which describe in detail how to build the "Smart Card Detective" device, has now moved on to the selling of a device of the same name on the Internet by a Cambridge-based consultancy firm. Whilst we know no more about the detailed functionality of this device than we did when we visited your offices, it indicates how things may be progressing in what feels like a very unhealthy direction; and, if the selling of the device is capable of "encouraging or assisting the commission of an offence", how close to the wind some are sailing.

I look forward to hearing further from you.

Yours sincerely

A handwritten signature in black ink that reads "Melanie Johnson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Melanie Johnson
Chair, The UK Cards Association