

The right to privacy has to be honoured

Mobile operators must not share personal data of customers

WE are deeply concerned by the news reported in this daily yesterday (December 14) of the telecom regulators collecting sensitive personal data of about 7 crore users without their consent. What's more, they have shared this data with another government agency, apparently for a survey. That this should occur only a few weeks before the parliamentary elections raises questions regarding the intention of such activity.

It is disconcerting that the concerned mobile operators were pressurised into handing over the information to BTRC (Bangladesh Telecommunication Regulatory Commission) thereby breaching the confidentiality and trust of their customers. The report reveals that currently there is no privacy and data protection law in the country which is surprising as this may have serious implications in terms of an individual's right to privacy as well as regarding national security. How can we be sure that the personal information collected will not be misused?

What is even more worrying is that nobody seems to know which government body this information was really meant for and for what purpose. The BTRC representative at first said the data was for a survey by the power and energy ministry and later said it was for the Bangladesh Bureau of Statistics (BBS) while the state minister denied that the power and energy ministry had collected any such data at all. Even the BBS has denied collecting any data from BTRC. *The Daily Star's* investigation says otherwise—that the data was indeed collected from BTRC and given to BBS. Later the PM's power and energy adviser admitted that he had collected the data for a survey on power consumers' satisfaction.

Whatever the reason behind the collection of personal data from telecom companies, there is no doubt that this was a major breach in company-client confidentiality. It also violates the Telecommunications Act 2001 which prohibits the collection of customers' information without their consent.

We urge our government to investigate this issue and take action against the government bodies concerned that violated the law and have caused unnecessary anxiety among the public. Individuals have a right to privacy regarding their personal information on their devices. And the state has an obligation to protect that right.

Recognise the families of the martyrs

Alleviate their sufferings

AS this daily has reported on December 12, the families of 600 martyrs in Lalmonirhat town are yet to get recognition from the government. That we are getting to know this fact 47 years after independence is tragic. On April 5, 1971, around 600 Bangalees, including 84 railway officials and employees, school and college teachers, businessmen and cultural activists were brutally killed by the Pakistan army and their collaborators at the rickshaw stand beside Lalmonirhat Railway Station.

Their families are still living with the horrifying memories of the massacre. But it hurts them more as their dear ones' sacrifices have still not been recognised. Many of these families have been passing their days in poverty without even a proper place to live. They have been living in the abandoned houses inside the railway quarters.

This government has always been very proactive in looking after the interests of the families of the freedom fighters and martyrs. It has taken various initiatives under which the war-wounded and martyred freedom fighters' families get regular allowances and other facilities including housing. Therefore, they should recognise these families of martyrs in Lalmonirhat as well and provide them with the state facilities they are entitled to. The families of those who made the highest form of sacrifice for the liberation of this country must not be neglected.

Moreover, as the government has taken various initiatives for preserving the history of our Liberation War, it must make efforts to preserve the killing ground in Lalmonirhat as a historical site without delay.

Progress and regress of RTI in Bangladesh

SHAMSUL BARI and RUHI NAZ

AS the Right to Information (RTI) regime nears completion of its first decade of existence, we asked a few scholars, advocates and users of the law for their views on its progress so far. Results were mixed.

A common view is that Bangladesh's RTI regime has not lived up to its expectations. Many are just happy that the law continues to exist, however waveringly, and has not withered away, as some had feared. They hope that over time, citizens and public officials alike will get used to the law and discover its immense value for the future of democracy in the country.

Others are discouraged by the paltry figure of 7,000 RTI requests on an average annually, which too has largely stagnated in recent years. They feel that for a country with over 160 million people, this doesn't augur well for the future of the law. They are afraid that it may end up as a paper law.

The majority, however, take a middle position. They feel that though the law has not flourished as well as it should have, there are indications that it may do better if serious attention is given to the challenges identified over years. We feel the same way. We have highlighted many of the challenges in this column before.

To learn more about contemporary challenges, we looked into recent decisions of the Information Commission (IC) on complaint cases. They often provide a comprehensive picture of the entire journey of an RTI request. Of course, such cases represent only about 15 percent of all RTI applications filed in the country.

As we reviewed the general opinions against the IC decisions themselves, it was apparent that the law has both progressed and regressed in recent times. While some positive developments have taken place, which raise our hope, the continuation of the old and emergence of new negative practices, both on the part of public authorities and the Information Commission itself, cause us concern.

The good news is that a large number of private authorities, who were previously considered to be outside the ambit of the law, have now been brought within its fold. The Information Commission, together with the government, has officially included all private banks of the country to be covered by the definition of "authorities" with whom citizens may file RTI requests directly.

This is welcome news indeed. Private entities are normally excluded from the purview of the law in most countries. Bangladesh has set an example in this regard.

It would have been more useful, though, if we knew the rationale for the decision. We only know that, faced with a complaint from a citizen who was refused information by a private bank, the IC sought the opinion of the Law Ministry if private banks could be specifically included in Section 2 (2) (vii) of the Act. According to the latter, "any organisation or institution as may be notified in the official gazette from time to time by the government" would be considered as "authority" under the law.

In its response, the Law Ministry simply held, without giving any reason, that private banks should indeed be

directly but interact with the public more closely than many public bodies. Should they not be accountable to the people? The question is a matter of much debate globally.

A global approach has, however, emerged whereby private bodies which have to abide by government regulations are indirectly brought within the RTI fold through the regulatory path. For example, citizens aggrieved by stale food at private restaurants may ask for the government food inspector's inspection report. The Bangladesh IC too has taken this approach wherever appropriate. We laud its position.

These laudable developments have, however, been marred by many less generous and sometimes outright negative positions taken by the IC in dealing with citizens' complaints. In one particular case, the IC's ire against a

suspicion, a better approach would have been for the IC to look into the matter first by calling in the applicants instead of asking the police to do so.

The observations of the Supreme Court of India in an RTI case where excessive workload of a public authority was invoked may be instructive here. After underlining that public authorities must realise that the era of transparency has arrived, the Court went on to state categorically that: "Additional workload is not a defence. If there are practical insurmountable difficulties, it is open to the...bodies to bring them to the notice of the government for consideration so that any changes to the Act can be deliberated upon."

If we wish to see an unhindered growth of the RTI regime in Bangladesh, we must take note of the underlying message. An accommodating approach towards the few RTI users in the country who have persevered to apply the law, will have a salutary effect on the regime.

Improvements in some other areas will also be useful. Many designated officers of public authorities are still reluctant to attend complaint hearings at the IC, even after repeated summonses, leading to frequent postponements. One hearing was postponed more than eight times. Such delays cause unnecessary hardship for ordinary citizens, including cost in money and time, and are very discouraging. The law provides clear guidance to deal with such dereliction of duty. There is a growing feeling among RTI users that the IC is more lenient towards government officials compared to ordinary applicants. Such impressions must be avoided.

We also found that the IC continues to deny even a hearing to many complainants simply because of procedural errors. Some indulgence here, as practised in many countries, will be helpful.

We hope that our observations would be taken by all concerned in the constructive spirit with which they have been made. As the law benefits us all in the country equally, we need to work together for its success. Let us hope that in the forthcoming general elections, political parties will renew their commitment to uphold the objectives of RTI Act 2009, and whichever government comes to power will take it forward.

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considered as covered by the law. Subsequently, the Ministry of Information issued the notification through official gazette.

Determining whether an entity is an "authority" under the law often requires interpretation of the substantive provisions of the definition provided in the law. This is both a prerogative and responsibility of the IC. We do not know why the IC did not exercise that prerogative. Of course, we welcome the end result but believe that an exposition of IC's reasoning would have been even better for democracy.

Private entities are normally excluded from RTI law simply because the latter is premised upon the fact that citizens are entitled to monitor the work primarily of those authorities which use public funds. Problems arise where private entities may not benefit from public funds

frequent complainant was expressed through having the local police check on his antecedents. The police found nothing on him, but the action sent a wrong message to prospective users.

It must be remembered that the law does not restrict any citizen from asking for any information from a public authority without providing any reason or justification. The concerned authority may refuse to disclose the information, if permitted by the law, but it cannot reject a request or suspect the motives of a claimant simply because voluminous or even nonsensical or frivolous information is sought.

In another case, the IC found it necessary to investigate if any unfair motive lay behind large number of requests made by two frequent users of the law. However, even if the nature of their requests could arguably give rise to

Killing the planet

Carbon dioxide in the atmosphere has reached unprecedented levels.

What can we do about it?

QUAMRUL HAIDER

SINCE the beginning of the Industrial Revolution, we have pumped nearly 2,000 billion tonnes of carbon dioxide into the atmosphere. Moreover, in April of this year, the average concentration of carbon dioxide reached a dubious milestone—410 parts per million—according to data recorded at the Mauna Loa Observatory in Hawaii. Carbon dioxide hasn't been this high in millions of years.

Arguably, such a great accumulation of carbon dioxide and the threat it poses to humanity evoke feelings of helplessness and despair. And the worrisome part is that the rising trend of accumulation is not expected to change anytime soon because our dependence on fossil fuels is not showing any signs of easing off, let alone going down. Besides, the carbon dioxide that is emitted today will remain in the atmosphere for thousands of years trapping additional climate-changing heat. Consequently, leading climate scientists believe that the average global temperature will increase by more than three degrees Celsius in the next 100 years or so. If indeed that's the scenario, it would rip apart the fabric of our civilisation.

As discussed in an op-ed piece published in this newspaper on November 29, 2018, a few ground-based geo-engineering technologies have been developed and deployed on an experimental basis to combat global warming by removing carbon dioxide from the atmosphere, as well as preventing it from entering the atmosphere. Three such technologies are Direct Air Capture (DAC), Carbon Capture and Storage (CCS) and Bioenergy with Carbon Capture and Sequestration (BECCS).

Before a large-scale deployment of these technologies, the big question that needs to be addressed is whether they can keep the global temperature rise under two degrees Celsius by the end of this century, as agreed upon by the stakeholders at the non-binding 2015 Paris Climate Accord. Also, what are their pros and cons?

Carbon dioxide is a relatively small part of the atmosphere—about 0.04 percent. Hence, DAC will work effectively only in the vicinity of power plants and factories where carbon dioxide is emitted

in copious amounts. To capture carbon dioxide away from the sources of emission, DAC facilities would have to be rolled out on a vast scale.

An area of major concern with large-scale DAC installations is energy efficiency. It takes far more energy and resources to remove carbon dioxide that is so sparsely distributed throughout the atmosphere. In a report prepared by the American Physical Society in 2011, it is estimated that to extract a billion tonne of carbon dioxide, a figure viewed by many experts as climatically significant, maximally efficient DAC systems would require about 10,000 MW of power. To put this in perspective, this is more than the net capacity of the largest nuclear

geologists worry that a leak could even trigger minor earthquakes. The storage sites would, therefore, require long-term monitoring to ensure their stability.

Nevertheless, DAC is a promising technology because rather than being attached to a single source of carbon dioxide, it can be built and deployed anywhere in the world, including areas where the environment is otherwise unsuitable for agriculture, human habitation or other natural carbon dioxide mitigation efforts such as reforestation and afforestation.

Unlike DAC, CCS and BECCS are not negative emission technologies. Since they capture and store carbon dioxide at

bon sink, in favour of other forms of biomass. Both CCS and BECCS face the same storage issues as DAC.

Compared to DAC which is believed to have a high mitigation cost, the pathway of BECCS has reasonable costs. But the competition for land to grow biomass may limit the large-scale deployment of this technology.

Although it seems to be a valid strategy to use the aforementioned technologies to reduce the concentration of carbon dioxide in the atmosphere, they cannot be considered a panacea to the problems arising from the emission of greenhouse gases. In some ways, they come across as a band-aid solution. Furthermore, they would be slow to reduce climate risks, requiring decades to make an appreciable impact on the atmospheric concentration of carbon dioxide, particularly if we continue to move in the wrong direction, which is burn fossil fuel at a prodigious rate. Analysis of climate data indicates that in 2018 we are on pace to release a record-breaking 37 billion tonnes of carbon dioxide, with China, US, EU and India being the main culprits. If such huge annual emissions continue unabated, it would be a no-win situation for DAC. That being the case, negative and zero emission technologies won't work at the levels required to compensate for mitigation of global warming.

Finally, while the guardians of our planet are delivering recycled speeches at various rambunctious conferences, the latest one at COP24 in Katowice, reminding us about what we already know but failing to understand and act to prevent the calamitous effects of climate change, scientists are working tirelessly behind the scenes on a number of bold new ideas, both ground-based and space-based. As an example of ground-based technology, physicists at Columbia University in New York are working on synthetic trees with materials called sorbents that would absorb carbon dioxide from the air. Most of the space-based technologies are concerned with solar radiation management, with the aim of preventing some of the sun's rays from ever reaching the earth's biosphere.

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PHOTO: REUTERS

power plant in the world.

In order for DAC to be feasible as a negative emission technology, it is crucial that the amount of carbon dioxide removed from the atmosphere should be appreciably greater than the amount emitted. Otherwise, it would get snared in a continuous game of catch-up with the voluminous output of carbon dioxide.

Since the extracted carbon dioxide is stored underground, it raises concerns over possible leaks which may bring about greater atmosphere warming undoing any of the gains from capturing carbon dioxide in the first place. If leaked into groundwater aquifers, it could make the latter unsafe for drinking. Some

the source before it enters the atmosphere, they are considered to be zero emission technologies. However, in industries where CCS technology is used, it cannot capture 100 percent of the carbon dioxide. As of today, CCS reduces emissions by about 90 percent.

As for BECCS, there are sustainability issues for it involves biomass together with carbon capture and storage, all of which involve many sub-systems. They span from biomass availability and storage capacities to water use. Another major issue with BECCS is that there are carbon dioxide emissions associated with the growing, harvesting and transporting of biomass. Additionally, it may involve cutting down forests, a big car-

LETTERS TO THE EDITOR

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Myanmar can't just deny reality

Myanmar continues to delay the process of Rohingyas' safe repatriation back to their homeland. Moreover, Myanmar's religious affairs minister recently made a derogatory and provocative remark about Rohingya refugees. He referred to them as "Bengali" and falsely claimed that Bangladesh was not letting them return.

Bangladesh's foreign minister rightly protested the falsehood, reminding Myanmar that its "anti-Bangladesh, anti-Rohingya and anti-Muslim policy" is regarded by many as being an apartheid one.

Like the minister, Myanmar maintains that it was Bangladesh that was not allowing Rohingyas to go back. But in fact, it is the unsafe conditions prevailing in Myanmar that Rohingyas are extremely worried about. Recently, Reuters published an excellent investigative piece that detailed how the Myanmar army has been torturing the remaining Rohingyas who are being forced to live in ramshackle camps.

Myanmar cannot continue to spread falsehood. It stands accused of coming short of creating appropriate conditions for Rohingyas' safe repatriation.

Zillur Rahaman, By email