**Media release**

22 January 2018

**Deciphering the encryption dilemma**

To address the contentious issues surrounding access to and use of encryption, researchers at the University of Waikato plan to examine not just laws but also the other relevant rules that apply to this technology.

Their approach is in sharp contrast to the position of government leaders like Australian Prime Minister Malcolm Turnbull who believe that the law trumps the mathematics that underlie encryption. Turnbull has been quoted as saying, “The laws of Australia prevail in Australia, I can assure you of that. The laws of mathematics are very commendable, but the only law that applies in Australia is the law of Australia.”

Waikato researchers Associate Professor Wayne Rumbles, Associate Professor Ryan Ko and Dr Michael Dizon believe that a hard and inflexible stance is not supported by the research and is not conducive for finding an acceptable solution to the encryption dilemma. Scholars from diverse fields as technology law, cybercrime, socio-legal studies, science and technology studies (STS), and computer science have convincingly established that, together with law, social norms, market forces, scientific principles, and technical code all play important parts in the regulation of technology.

Previous studies have also shown that laws do not exist in a vacuum and they must be studied in context. According to Dizon, “If governments wish to enact a law or policy to regulate a technology like encryption, it is essential to have a proper understanding of the technology itself as well as the norms and values of the relevant stakeholders who use it. Otherwise, the law may prove ineffective or its legitimacy questioned.”

Building on the Faculty of Law’s strength in the study of law in context and the Faculty of Computing and Mathematical Sciences’ expertise in cybersecurity, the researchers plan to examine the legal and technical principles and the social values that are pertinent to encryption. They are actively seeking participation and input from members of the general public, businesses, government and other stakeholders.

Their research on encryption is funded by the New Zealand Law Foundation’s [Information Law and Policy Project (ILAPP)](http://www.lawfoundation.org.nz/?page_id=6984), which is intended to explore and develop law and policy to help New Zealand adapt to future changes in the information age.

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