

Foley, Lisa: ECOM-DGCE

From: Sewell, Tanya: ECOM-DGCE
Sent: Tuesday, February 14, 2012 11:04
To: Foley, Lisa: ECOM-DGCE; Kaplan-Myrth, Andy: ECOM-DGCE
Subject: RE: It's been tabled...

Was on twitter... Maybe it hasn't made it to official sites yet?

From: Foley, Lisa: ECOM-DGCE
Sent: Tuesday, February 14, 2012 11:03
To: Sewell, Tanya: ECOM-DGCE; Kaplan-Myrth, Andy: ECOM-DGCE
Subject: RE: It's been tabled...

I can't find it anywhere.

From: Sewell, Tanya: ECOM-DGCE
Sent: Tuesday, February 14, 2012 11:00 AM
To: Foley, Lisa: ECOM-DGCE; Kaplan-Myrth, Andy: ECOM-DGCE
Subject: It's been tabled...

<http://www.cbc.ca/news/technology/story/2012/02/14/technology-online-surveillance-bill.html?cmp=rss>

Foley, Lisa: ECOM-DGCE

From: Kaplan-Myrth, Andy: ECOM-DGCE
Sent: Tuesday, February 14, 2012 11:21
To: Foley, Lisa: ECOM-DGCE; Sewell, Tanya: ECOM-DGCE
Subject: RE: It's been tabled...

Ah, yes, it was tabled, but not in any house procedure. No speeches or discussion. That's why we didn't see it on CPAC.

Elizabeth May tweeted the title, so it's public now:

<https://twitter.com/#!/ElizabethMay>

From: Kaplan-Myrth, Andy: ECOM-DGCE
Sent: Tuesday, February 14, 2012 11:07 AM
To: Foley, Lisa: ECOM-DGCE; Sewell, Tanya: ECOM-DGCE
Subject: RE: It's been tabled...

Looks like there was a briefing for MPs, but I don't think it's actually been tabled yet – they're still waiting on a vote in the house on another bill. Elizabeth May was just speaking about the briefing and she appeared to be holding a copy of the bill.

It takes a while for the bill to show up on the legisinfo site anyhow.

From: Foley, Lisa: ECOM-DGCE
Sent: Tuesday, February 14, 2012 11:03 AM
To: Sewell, Tanya: ECOM-DGCE; Kaplan-Myrth, Andy: ECOM-DGCE
Subject: RE: It's been tabled...

I can't find it anywhere.

From: Sewell, Tanya: ECOM-DGCE
Sent: Tuesday, February 14, 2012 11:00 AM
To: Foley, Lisa: ECOM-DGCE; Kaplan-Myrth, Andy: ECOM-DGCE
Subject: It's been tabled...

<http://www.cbc.ca/news/technology/story/2012/02/14/technology-online-surveillance-bill.html?cmp=rss>

Foley, Lisa: ECOM-DGCE

Subject: Lawful Access / PIPEDA

Location: Bruce's office

Start: Tue 2012-02-14 13:30

End: Tue 2012-02-14 14:30

Recurrence: (none)

Meeting Status: Accepted

Required Attendees: Chatelois, Daniele: ECOM-DGCE; Foley, Lisa: ECOM-DGCE

Optional Attendees: Paterson, Jill: ECOM-DGCE

When: Tuesday, February 14, 2012 13:30-14:30 (GMT-05:00) Eastern Time (US & Canada).

Where: Bruce's office

Note: The GMT offset above does not reflect daylight saving time adjustments.

Foley, Lisa: ECOM-DGCE

From: Foley, Lisa: ECOM-DGCE
Sent: Tuesday, February 14, 2012 13:22
To: Wallace, Bruce: ECOM-DGCE; Leduc, Andre: ECOM-DGCE; Kaplan-Myrth, Andy: ECOM-DGCE; Husson, Thierry: SPS
Subject: Harper government introduces Protecting Children from Internet Predators Act

<http://www.publicsafety.gc.ca/media/nr/2012/nr20120214-eng.aspx?rss=true>

Foley, Lisa: ECOM-DGCE

From: Perron, Line: DGSO-DGOGS

Sent: Wednesday, February 15, 2012 20:56

To: Foley, Lisa: ECOM-DGCE

Subject: RE: Harper government introduces Protecting Children from Internet Predators Act
thank you lisa. I also read that there is a lot of reaction today and our PM opens to changes.

From: Foley, Lisa: ECOM-DGCE

Sent: Wed 2012-02-15 2:29 PM

To: Ho, Colman: DGEPS-DGGPN; Gibson, David: DGEPS-DGGPN; Perron, Line: DGSO-DGOGS

Subject: Harper government introduces Protecting Children from Internet Predators Act

I'm sure you all heard the bill was tabled yesterday, but here is a link to the PS website, and the bill itself.

Lisa

<http://www.publicsafety.gc.ca/media/nr/2012/nr20120214-eng.aspx?rss=true>

<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=5380965>

Foley, Lisa: ECOM-DGCE

From: Paterson, Jill: ECOM-DGCE
Sent: Friday, February 17, 2012 8:48
To: ECOM POLICY
Subject: Q&A on Bill C-30

Good Q&A on Bill C-30, strangely with Ontario Privacy Commissioner, rather than federal Commissioner.

http://live.theglobeandmail.com/Event/Online_privacy_what_can_police_know_about_you?from=sec434

Foley, Lisa: ECOM-DGCE

From: Chatelois, Daniele: ECOM-DGCE
Sent: Friday, February 17, 2012 15:23
To: Foley, Lisa: ECOM-DGCE
Subject: OPC blog on C-30

Hi there. Did you see this?

<http://blog.privcom.gc.ca/index.php/2012/02/15/preliminary-reaction-from-office-of-the-privacy-commissioner-of-canada-to-bill-c-30/>

Foley, Lisa: ECOM-DGCE

From: Kealey, Jennifer: ECOM-DGCE
Sent: Friday, February 17, 2012 15:42
To: Wallace, Bruce: ECOM-DGCE
Cc: ECOM PIPEDA; Foley, Lisa: ECOM-DGCE
Subject: RE: Draft agenda for next OPC meeting

Attachments: IC OPC Quarterly Meeting February 2012 draft agenda.doc

Bruce: I have added Bill C-30 update and the Conference Board report (in yellow) to the draft agenda. Timing of the meeting will determine the agenda and vice versa. The draft agenda of the meeting warrants more discussion at a team meeting and with Janet.

Jane: some of the topics you raise should be mentioned to the OPC when there is dialogue with the OPC about the agenda and scheduling of the meeting.

Jennifer

From: Hamilton, Jane: ECOM-DGCE
Sent: Friday, February 17, 2012 1:25 PM
To: Kealey, Jennifer: ECOM-DGCE
Cc: Wallace, Bruce: ECOM-DGCE; ECOM PIPEDA
Subject: Re: Draft agenda for next OPC meeting

One more thing. OPC announced here that they will soon be publishing their guidance on accountability (joint with BC/ALTA). [REDACTED] 21(1)(b) They may want to chat about these initiatives at the meeting but I assume you will be passing the draft agenda by them inviting additions/modifications.

Also, on the international side, OPC is hosting a meeting of DPAs in Montreal in May to discuss enforcement co-operation. Something else that they may want to have on the agenda.

Jane

From: Kealey, Jennifer: ECOM-DGCE
Sent: Friday, February 17, 2012 01:05 PM
To: Hamilton, Jane: ECOM-DGCE
Cc: Wallace, Bruce: ECOM-DGCE; ECOM PIPEDA
Subject: RE: Draft agenda for next OPC meeting

Thanks Jane. All good points for discussion. Jennifer

From: Hamilton, Jane: ECOM-DGCE
Sent: Friday, February 17, 2012 12:40 PM
To: Kealey, Jennifer: ECOM-DGCE
Cc: Wallace, Bruce: ECOM-DGCE; ECOM PIPEDA
Subject: Re: Draft agenda for next OPC meeting

Hi Jennifer.

As I will not be at the team meeting, a couple of thoughts.

Agenda probably should read update on the REVIEW on the OECD Privacy Guidelines.

21(1)(a).21(1)(b)

Also, anything in the Conference Board study we should discuss?

Jane

From: Kealey, Jennifer: ECOM-DGCE
Sent: Friday, February 17, 2012 10:25 AM
To: ECOM PIPEDA
Subject: RE: Draft agenda for next OPC meeting

<<IC OPC Quarterly Meeting February 2012 draft agenda.doc>>

I moved items up and added IB regs. We can further discuss at our team meeting this morning.

From: Kealey, Jennifer: ECOM-DGCE
Sent: Friday, February 17, 2012 10:06 AM
To: ECOM PIPEDA
Subject: FW: Draft agenda for next OPC meeting
Importance: High

Please note. I will update draft agenda.

From: DiFrancesco, Janet: SITT-STIT
Sent: Friday, February 17, 2012 9:03 AM
To: Wallace, Bruce: ECOM-DGCE
Cc: Dumont, Angele: ECOM-DGCE; Hill, Rachel: ECOM-DGCE; Kealey, Jennifer: ECOM-DGCE
Subject: RE: Draft agenda for next OPC meeting
Importance: High

Bruce, I think you need to re-order the agenda a little. From my perspective the most important items on the agenda are the outstanding issues (data destruction guidelines, principal-agent relationships, defn of gov't institutions. Please schedule the meeting as soon as possible. In the meantime, can you provide updates on these issues?

Thanks,

Janet

From: Wallace, Bruce: ECOM-DGCE
Sent: Thursday, February 16, 2012 2:00 PM
To: DiFrancesco, Janet: SITT-STIT
Cc: Dumont, Angele: ECOM-DGCE; Hill, Rachel: ECOM-DGCE; Kealey, Jennifer: ECOM-DGCE
Subject: FW: Draft agenda for next OPC meeting

Hi Janet:

Please find below a draft agenda for a meeting with the OPC. If you concur, I will provide it to my counterpart at the OPC for review and will seek to get a date for a meeting. We will get you a hard copy as well.

<< File: IC OPC Quarterly Meeting February 2012 draft agenda.doc >>

Office of the Privacy Commissioner and Industry Canada

Date and time TBC

Location TBC

Draft Agenda

- **Outstanding issues:**

- * Guidance re destruction of data

- * Principal –Agent Relationships: more targeted material

69(1)(f)

- * Regulations Specifying Investigative Bodies

- **Bill C-12**

69(1)(f)

- **Canada's anti-spam legislation**

69(1)(f)

- **Bill C-30 update**

- **The Conference Board of Canada Report the Economic Impact of Privacy Policy, Laws and Regulations on Commercial Activity**

- **Update on OECD Privacy Guidelines**

- **Debrief of most recent meeting of APEC's Data Privacy Sub-group**

Foley, Lisa: ECOM-DGCE

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Saturday, February 18, 2012 9:01
To: Foley, Lisa: ECOM-DGCE
Subject: Google Alert - Lawful Access

News**8 new results for Lawful Access****Do lawful access right, but get it done**

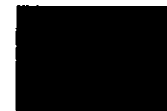
Ottawa Citizen

By Paul Gillespie, Ottawa Citizen February 18, 2012 In the debate over the government's proposed **lawful access** legislation this week, Canadians are rightfully concerned about the loss of privacy. Police are rightfully concerned that the evidence ...

[See all stories on this topic »](#)**Jesse Kline: Lawful access is an example of how not to catch an online predator**

National Post (blog)

Reaction to the Conservatives' **lawful access** bill, which was tabled in the House on Tuesday, has been fierce — and the government appears to be getting the message. On Wednesday, it announced the Protecting Children from Internet Predators Act would ...

[See all stories on this topic »](#)National Post
(blog)**'Lawful access' bill opponents speak up**

Sarnia Observer

More discussion is needed about the ramifications of "**lawful access**," Young said. If ISPs are collecting the data, it could create back doors for hackers, he said. Ontario Information and Privacy Commissioner Ann Cavoukian also raised concerns that ...

[See all stories on this topic »](#)**The iAnkleBracelet » If the Conservatives "lawful access" legislation passes ...**

Oye! Times

If the Conservatives "**lawful access**" legislation passes, we will live in a world wherein your cell phone becomes an ankle bracelet. What a study in contradictions these Conservatives, pounding the table about "intrusive" SURVEYS, filling out a form to ...

[See all stories on this topic »](#)**Lawful Access: Bill On Online Surveillance Not The First With Motherhood Title**

Huffington Post Canada

I'm trying to find a polite expression ... that would just **get** the opposition mad — that would make it almost impossible for you to look at it in a very logical, sound, intelligent way." The names make a handy political marketing tool for the ...

[See all stories on this topic »](#)**Lawful Access: Online Surveillance Bill Will Protect Public Better Than Gun ...**

Huffington Post Canada

Many pointed out the Tories scrapped the gun registry in part because of concerns that it violated the privacy rights of **lawful** gun owners. But Tony Clement defended the government's record on privacy Friday, saying in both cases, officials aimed to ...

[See all stories on this topic »](#)**What we're really talking about when we talk about lawful access**

Macleans.ca (blog)

by Aaron Wherry on Friday, February 17, 2012 2:45pm - 0 Comments First, Section 33 tells us

that, "The Minister may designate persons or classes of persons as inspectors for the purposes of the administration and enforcement of this Act." So we're not ...
[See all stories on this topic »](#)

Tories Parade Another Dangerous Bill To Spy On Canadians

South Asian Link

Opposition says Conservatives' **Lawful Access** Bill, aka Spying on Canadians Bill, has serious implications for Canadians' privacy. By R. Paul Dhillon With News Files
 OTTAWA- In the week that they passed the bill abolishing the gun registry and giving ...



[South Asian Link](#)

[See all stories on this topic »](#)

Web

4 new results for **Lawful Access**

Tories firm on 'lawful access' plan

The Conservative government isn't backing down from a plan to require telecommunications companies to.

www.montrealgazette.com/news/Tories+firm.../story.html

The government fights for its "lawful access" « David Akin's On the Hill

Across our newspaper chain today, I argue that the C-30, the government's so-called "lawful access" legislation, is bad, that, "there is no excuse for this kind of ...

blogs.canoe.ca/davidakin/.../the-government-fights-back-on-c-...

Lawful access argument : Prime time : SunNews Video Gallery

February 16, 2012 12:23. The Tories are backpedaling on their controversial **lawful access** bill, an act plagued with genuine privacy issues. Brian Lilley weighs ...

www.sunnewsnetwork.ca/video/1456382115001

Preemptive lobbying, early advocacy boosts campaign against lawful

Preemptive lobbying, early advocacy boosts campaign against **lawful access**. News | Yael Berger | 02/16/2012 | 5:26 pm ...

www.lobbymonitor.ca/2012/02/16/pre-emptive.../10300

Tip: Use site restrict in your query to search within a site (site:nytimes.com or site:.edu). [Learn more.](#)

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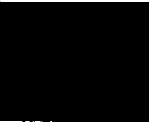
Foley, Lisa: ECOM-DGCE

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Sunday, February 19, 2012 9:01
To: Foley, Lisa: ECOM-DGCE
Subject: Google Alert - Lawful Access

News3 new results for **Lawful Access****Matt Gurney: After careful consideration, Vic Toews sides with 'child ...**

National Post (blog)

Mr. Toews infamously defended the government's so-called **Lawful Access** bill, which would increase the amount of information about customers that telecommunications companies are forced to keep and ease the restrictions against them making said ...

[See all stories on this topic »](#)National Post
(blog)**Banish Vic Toews to backbenches for his child porn remarks**

Calgary Herald

I am no fan of the government's **lawful access** law, as it has too many flaws which make it open to abuse. However, it is awfully rich for the Liberals to scream foul when they tried to implement legislation that was even more far reaching and intrusive ...

[See all stories on this topic »](#)**Robert Fulford: There's no privacy online. And it isn't missed**

National Post (blog)

So it's called the "Protecting Children from Internet Predators Act." Related Jesse Kline: **Lawful access** is an example of how not to catch an online predator Lorne Gunter: Want to read my email, Vic Toews? Get a warrant Vic Toews draws line on lawful ...

[See all stories on this topic »](#)**Web**2 new results for **Lawful Access****The Hidden Implications of Lawful Access | OpenMedia.ca**

Toews' **Lawful Access** bills, or Bill C-30 as they're collectively now known, have sparked such an uproar that they will bypass the House's second reading and ...

www.openmedia.ca/blog/hidden-implications-lawful-access**Lawful access protestors need a new mascot « WordsByNowak**

The federal government did indeed introduce the bill, known as "**Lawful Access**" or C-30, on Tuesday despite the legislation being roundly condemned by ...

wordsbynowak.com/2012/02/15/lawful-access/

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Foley, Lisa: ECOM-DGCE

From: Wallace, Bruce: ECOM-DGCE

Sent: Monday, February 20, 2012 9:17

To: ECOM POLICY

Subject: Global News | 'Gag order' in Internet snooping bill prevents Canadians from knowing whether personal information is handed to authorities

PIPEDA in the news...

*The "gag order," as a leading privacy lawyer called it, is contained in Section 23 of Bill C-30. The paragraph is very technical and references provisions of the **Personal Information Protection and Electronic Documents Act**.*

"Under that law, if an individual asks about a disclosure of their information, the commercial entity -- so in this case the telecommunications companies -- can not disclose it unless the RCMP, CSIS or whoever gives express permission. It would be an offence for the company to hand over that information," said David Fraser.

"That's a gag order

<http://www.globalnews.ca/opposition%2Bblasts%2Bvic%2Btoews39%2Bonline%2Bprivacy%2Bultimatum/6442584281/story.html>

Foley, Lisa: ECOM-DGCE**From:** Google Alerts [googlealerts-noreply@google.com]**Sent:** Monday, February 20, 2012 9:01**To:** Foley, Lisa: ECOM-DGCE**Subject:** Google Alert - Lawful Access**News****2 new results for Lawful Access****Anonymous targets Toews over 'lawful access' bill**

Globe and Mail

Public opposition to the federal government's "lawful access" bill continued to grow over the weekend, as hacker group Anonymous stepped into the fray with a threat to reveal more personal information about Public Safety Minister Vic Toews if the ...

[See all stories on this topic »](#)



Globe and Mail

The People Strike Back

The Mark

Last Tuesday, Public Safety Minister Vic Toews introduced Bill C-30 (aka the "Lawful Access Bill") into the House of Commons. One day earlier, in a foolish attempt to demonize critics of this controversial bill, Toews proclaimed that citizens "can ...

[See all stories on this topic »](#)

Web**3 new results for Lawful Access****lawful access | Canada.com**

Can you spot the difference on "lawful access" bill? February 15, 2012. 11:48 am • Section:

Politics and the Nation. Posted by: Sarah Schmidt ...

blogs.canada.com/tag/lawful-access/

Conservative Lawful Access Bill has Serious Implications for ...

Discover the Liberal Party of Canada—and find out what we stand for. Read the blog, meet Interim Leader Bob Rae and our MPs, join the Party, donate & more.

www.liberal.ca/.../conservative-lawful-access-bill-has-serious-i...

Do lawful access right, but get it done

In the debate over the government's proposed lawful access legislation this week , Canadians are rightfully.

www.ottawacitizen.com/news/.../6173297/story.html

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[Manage](#) your alerts.

Foley, Lisa: ECOM-DGCE

From: bmunson@itac.ca
Sent: Tuesday, February 21, 2012 10:43
To: Wallace, Bruce: ECOM-DGCE
Cc: Foley, Lisa: ECOM-DGCE
Subject: Re: Feb 28th

Attachments: pic00041.gif



pic00041.gif (2 KB)

Hi Bruce,

I'm coming up for the two meetings, but don't know when the meeting with the Minister's office is, aside from the morning. Hope it's after 10, as I have a teleconference from 9-10. Lunch seems likely to be the best bet.

Would that work for you? (If not, or if the calendar gets too wonky, I may decide to come up the night before - but that's certainly not the first choice.)

Bill Munson
ITAC
tel 905-602-8345 x2223

<Bruce.Wallace@ic.gc.ca>

21/02/2012 09:25

To: <bmunson@itac.ca>
cc: <Lisa.Foley@ic.gc.ca>
Subject: Feb 28th

Hi Bill:

Are you going to be in town on the 28th for the meeting with the Minister's office? Wally let me know the group of ten was going to be in town and asked for a meeting with the group of ten and my team the same afternoon. If you are going to be here, I wouldn't mind a bit of time to talk about the lawful access and some work we are thinking of undertaking.

Let me know what might work for you.

Bruce

(Embedded image moved to file: pic00041.gif)

Foley, Lisa: ECOM-DGCE

Subject: LA Reporting
Location: Your office

Start: Tue 2012-02-21 14:00
End: Tue 2012-02-21 14:30
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Required Attendees: Wallace, Bruce: ECOM-DGCE

I'd like to go over the reporting requirements (and history) for the bill.

Foley, Lisa: ECOM-DGCE

Subject: Updated: LA - Capacity and Reporting Requirements.
Location: Your office

Start: Tue 2012-02-21 14:00
End: Tue 2012-02-21 15:00
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Required Attendees: Foley, Lisa: ECOM-DGCE; Wallace, Bruce: ECOM-DGCE; Leduc, Andre: ECOM-DGCE; Kaplan-Myrth, Andy: ECOM-DGCE

Wallace, Bruce: ECOM-DGCE

From: Foley, Lisa: ECOM-DGCE
Sent: Thursday, February 23, 2012 8:55
To: Wallace, Bruce: ECOM-DGCE
Subject: C-30

In case you didn't see this.

<http://www.infomedia.gc.ca/ic/articles/restricted/2012/02/nau20122501523399.htm>

Foley, Lisa: ECOM-DGCE

From: Foley, Lisa: ECOM-DGCE
Sent: Thursday, February 23, 2012 13:49
To: Wallace, Bruce: ECOM-DGCE; Kaplan-Myrth, Andy: ECOM-DGCE; Leduc, Andre: ECOM-DGCE
Subject: Vic Toews responds to Matt Gurney. And vice versa

Matt Gurney, National Post
Thursday, Feb. 23, 2012

Public Safety Minister Vic Toews has launched a spurious attack on those who oppose his online spying bill. Chris Wattie/Reuters

On Wednesday, Vic Toews, federal Minister of Public Safety, sent this letter to the editors of the National Post:

I read with interest Mr. Gurney's blog posting calling on me to resign.

Let's be clear: the arguments which Gurney relies upon are free of facts. I would ask him to actually read the CBC transcript. At no point was I "surprised" during that interview. The text of the bill accords in every respect with my expressed understanding.

And that should be no surprise. I've been involved in the broader discussion on how to ensure our laws are brought up to speed with rapidly evolving technology since I was the Attorney General in Manitoba over a decade ago.

Gurney is also wrong to say that there are no oversight mechanisms, judicial or otherwise. The Privacy Commissioner is given unprecedented access to all requests filed by law-enforcement for basic subscriber information. Given the failure of prior versions of this Bill tabled by the Liberals to incorporate privacy safeguards and accountability provisions, and the ad hoc nature in which this information is presently disclosed, this bill is a huge leap forward for the privacy of Canadians.

And Gurney is even more misleading when he says this Bill drastically extends police powers in exceptional circumstances. This Bill does not change police powers in "exceptional circumstances".

But if Gurney had actually taken the time read the Bill, he would know that.

As Vancouver Deputy Police Chief Warren Lemcke said, "It is disappointing the amount of misinformation and rhetoric that is clouding an important discussion on this issue. It stems from appealing to the greatest fears of Canadians and suggesting that law enforcement may misuse this legislation. It has been propagated that law enforcement could freely monitor the 'surfing habits of Canadians' and do so without a warrant. Nothing could be farther from the truth."

Responsible journalism demands critical, but fair reporting. It also demands, at bare minimum, a cursory understanding of the issues one discusses with Canadians.

Mr. Gurney would do well to acquire that basic grasp of the legislation if he wants to make a meaningful contribution to this important discussion.

Vic Toews, P.C., Q.C., M.P.

Minister of Public Safety

I'd like to thank Minister Toews for his response. Having 2012/02/21/matt-gurney-vic-toews-should-step-down, posting his reply here is certainly fair. There are several points contained within his letter, however, that I would like to respond to.

1. I can assure the Minister that, despite his suggestions at several points above, I have indeed read Bill C-30 ([external] which can be found here) and listened to his interview on CBC Radio's The House ([external] found here). He chooses to dispute my contention that he was "surprised." I can't speak to his emotional state at the moment that CBC Radio's Evan Solomon read him a portion of the Bill that Minister Toews was apparently not familiar with (found at 7:20 mark of the audio feed), but I feel comfortable with my word choice, given that Minister Toews had to concede that he hadn't heard an interpretation of the language of his own bill, and when pressed, agreed that he'd "like to see an explanation of that" (at the 7:59 mark of the audio). If Minister Toews doesn't consider that to be "surprise" at the content of his own bill, which term would he prefer? Ignorant? Unaware? Uninformed?

2. Minister Toews relates that I said "there are no oversight mechanisms, judicial or otherwise." This is not the case. It was my expressed opinion, in the third paragraph of my Tuesday post, that "robust legal safeguards are not preserved" in Bill C-30 as originally written. That is hardly a declaration that no safeguards exist at all. The issue is whether they are good enough. I, and many others, believe that that is not the case. If such safeguards are strengthened, my stance on the Bill may change. And I said so in my original piece: "The revised or rewritten version [of Bill C-30] may be worthy of passage into law ... "

3. Minister Toews does not believe that police powers are extended under "exceptional circumstances." I would encourage him, and all Canadians, to read Section 17 of the proposed Bill, which reads, in part, "Any police officer may, orally or in writing, request a telecommunications service provider to provide the officer with the information referred to in subsection 16(1) in the following circumstances," which are then listed. The entirety of Section 17 is termed "Exceptional Circumstances." Internet Service Providers often provide such information to police without a warrant. Bill C-30 would compel them to. If the Minister does not believe such constitutes a new police power under exceptional circumstances, what would constitute such a new power?

4. I thank the Minister for quoting Warren Lemcke, Deputy Chief of Police for the Vancouver Police Department. I must admit, however, to being somewhat surprised to hear Minister Toews so eager to tout Deputy Chief Lemcke's support — Deputy Chief Lemcke is co-chair of the Canadian Association of Chiefs of Police (CACP) Law Amendments Committee. CACP was a strong defender of the long-gun registry, which it repeatedly, and very publicly, cited as a valuable law enforcement tool. If you'll recall, such informed counsel from knowledgeable law enforcement personnel had no impact on the recent decision of the federal Tories' to scrap said registry. It would seem that Minister Toews values the input of police chiefs, so long as they agree with him.

5. None of Minister's Toews' comments address the main point I made when calling for him to step down — that it is his conduct as Minister that has disqualified him from continued service, not the specific content of Bill C-30 (which the Tories have already conceded is flawed by sending it to committee for amendments, which the government has signalled it is open to). While I welcome Minister Toews' letter to the editor, nothing contained within sufficiently addresses the fundamental issues I originally raised on Tuesday. I therefore see no reason to reverse my earlier call for Mr. Toews to resign from his post as Minister of Public Safety.

National Post

mgurney@nationalpost.com

Posted in: Full Comment Tags:

Foley, Lisa: ECOM-DGCE

From: Wallace, Bruce: ECOM-DGCE
Sent: Friday, February 24, 2012 13:57
To: ECOM POLICY
Cc: DiFrancesco, Janet: SITT-STIT
Subject: RE: MG on Bill C-30

Thanks, Andy:

There is a little something for all of us in Michael's 12th step needed to fix Bill C-30 (reproduced below):

The government emphasized the need to update the law in order to keep pace with technology and the Internet. Yet the same problems exist on the privacy side where laws have failed to keep pace with new realities. For example, the Privacy Act, the public sector privacy law, has not been updated for decades, despite repeated efforts by every federal privacy commissioner to put the issue on the legislative agenda. Bill C-12, which implements 2006 recommended reforms to PIPEDA, the private sector privacy law, is languishing in the House of Commons with no movement whatsoever. In fact, it has taken so long to move on the bill that many of its provisions on mandatory security breach disclosure rules (the flip side of mandatory subscriber disclosure) are already outdated and insufficient. Throw in the missing anti-spam regulations (which is keeping the anti-spam law from taking effect) and the delayed 2011 statutory review of PIPEDA and it becomes clear that there is much work to be done on the privacy side. Given the close correlation between privacy and security, the government should commit to moving forward with privacy reforms in conjunction with lawful access.

From: Kaplan-Myrth, Andy: ECOM-DGCE
Sent: Friday, February 24, 2012 12:08 PM
To: Wallace, Bruce: ECOM-DGCE; Foley, Lisa: ECOM-DGCE; Leduc, Andre: ECOM-DGCE
Subject: MG on Bill C-30

In case you haven't seen it yet, here's Geist's article from today, "How to Fix Canada's Online Surveillance Bill: A 12 Step To-Do List"

<http://www.michaelgeist.ca/content/view/6339/125/>

--
Andy Kaplan-Myrth
Policy Advisor | Analyste des politiques
Electronic Commerce Branch | Direction générale du commerce électronique
Spectrum, Information Technologies and Telecommunications Sector | Secteur du Spectre, des technologies de l'information et des télécommunications
Industry Canada | Industrie Canada
300 Slater Street, Ottawa ON K1A 0C8 | 300, rue Slater, Ottawa ON K1A 0C8
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Telephone | Téléphone 613-990-9584
Facsimile | Télécopieur 613-941-1164
Government of Canada | Gouvernement du Canada

Foley, Lisa: ECOM-DGCE

From: Google Alerts [googlealerts-noreply@google.com]

Sent: Saturday, February 25, 2012 9:01

To: Foley, Lisa: ECOM-DGCE

Subject: Google Alert - Lawful Access

News

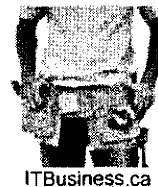
1 new result for Lawful Access

12 fixes for Canada's proposed lawful access bill

ITBusiness.ca

Over the last couple of weeks we have posted several stories and blogs concerning Bill C-30 also known as the **Lawful Access Bill**. There has been massive pushback against the bill and calls for scrapping it. But what could be done to fix Bill C-30?

[See all stories on this topic »](#)



Web

1 new result for Lawful Access

Lawful Access: Rick Mercer Rants About New Online Surveillance ...

"The state has no business in the hard drives of the nation." That's Rick Mercer's take on the new Conservative online surveillance bill, which in its present form ...

www.huffingtonpost.ca/.../lawful-access-rick-mercer-online-su...

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Foley, Lisa: ECOM-DGCE

From: Wallace, Bruce: ECOM-DGCE
Sent: Sunday, February 26, 2012 16:36
To: ECOM POLICY
Cc: DiFrancesco, Janet: SITT-STIT
Subject: Fw: PIPEDA law more insidious than Bill C-30

We will need to review current material first thing tomorrow.

From: Armstrong, Ken: CMB-DGCM
Sent: Sunday, February 26, 2012 10:44 AM
To: Paterson, Jill: ECOM-DGCE
Cc: ECOM PIPEDA
Subject: FW: PIPEDA law more insidious than Bill C-30

If this editorial leads to media calls do you think we have current messaging that addresses the columnist's views about PIPEDA and C-12?

Ken

Subject: PIPEDA law more insidious than Bill C-30

Published | Publi : 2012-02-25
Received | Re u: 2012-02-25 3:58 AM THE LONDON FREE PRESS (FINAL)
EDITORIAL/OPINION, Page: E5
729 words | mots

PIPEDA law more insidious than Bill C-30

ALAN SHANOFF

It's strange how so many commentators have whipped themselves into a lather over the attack on privacy rights in Bill C-30, otherwise known as Protecting Children From Internet Predators Act, yet don't appear troubled by another equally troubling infringement of privacy rights.

Anyone worried by the potential erosion of privacy rights in the Conservatives' Bill C-30 should be even more concerned about the actual erosion of privacy rights in existing federal law known as the **Personal Information Protection and Electronic Documents Act (PIPEDA)**.

Introduced by the Chretien Liberal government in 2000, **PIPEDA** has been in force for over a decade. It regulates the collection, use and disclosure of personal information by businesses.

In other words, it applies to **cellphone** and Internet service providers, **phone companies**, **credit card companies** and all other businesses that collect and track data on our daily activities.

It covers a wider range of businesses than C-30.

PIPEDA allows any business to disclose any personal information without the knowledge or consent of an individual to a government institution or part of a government institution (including a police officer), where the disclosure is requested for the purpose of enforcing or administering any law, or if the information is suspected to relate to national security.

The only limit on this is that the person requesting the information must have identified his or

her "lawful authority".

Courts have interpreted this "lawful authority" to include a police officer's authority to investigate. (Further, under the proposed terms of new legislation known as Bill C-12, PIPEDA will be amended to state police do not require a subpoena or warrant prior to making any request.)

PIPEDA means every police officer in **Canada** has the power to request disclosure of personal information from any business collecting information from subscribers or customers.

True, there's no **legal** compulsion on the business to supply the information but they often do, based on user agreements and their so-called privacy **policies**, which permit information to be supplied under "lawful authority".

Yet it seems few, if any, commentators are concerned with PIPEDA . Surely, for the sake of consistency, opponents of Bill C-30 should be demanding the government amend PIPEDA to define "lawful authority", so that it requires the person making the request for disclosure has a judicial warrant backing up that request.

True, Bill C-30 goes a step beyond PIPEDA by legally requiring all **telecommunication** service providers to provide subscriber information, based solely on a written request, whereas PIPEDA doesn't force, but allows, businesses to release the information.

Still, PIPEDA covers a wider range of businesses, allows for more information to be released based solely upon request and is accessible to any government institution, as well as police.

Arguably, PIPEDA is more intrusive than C-30. Anyone objecting to one must logically object to the other.

That said, a particularly troubling aspect of C-30 relates to the compelled disclosure of subscriber information.

Such disclosure may seem innocuous at first blush.

After all, who could reasonably object to release of a subscriber's name, address, telephone number, e-mail address, Internet protocol address and service provider identifier associated with the subscriber's service and **equipment**?

But we can't look at any one piece of information in isolation. While it in itself might reveal nothing of significance, it may be that same piece of information, when coupled with other data, leads to disclosure of significant facts,

For example, the IP address alone may be of no significance, but it may be the missing piece to a puzzle that leads to disclosure of personal information deserving of protection.

For these reasons even seemingly innocuous subscriber information shouldn't be accessible to authorities without a warrant, unless of course, there's an emergency situation.

alan.shanoff@sunmedia.ca

Wallace, Bruce: ECOM-DGCE

From: Wallace, Bruce: ECOM-DGCE
Sent: Monday, February 27, 2012 8:37
To: Paterson, Jill: ECOM-DGCE; Chatelois, Daniele: ECOM-DGCE
Subject: FW: Digital coverage for Feb 26, 2012
Importance: High

Jill:

Can you review the current media lines and any QP card that we may have on this?

From: DiFrancesco, Janet: SITT-STIT
Sent: Sunday, February 26, 2012 7:05 PM
To: Bincoletto, Susan: SITT-STIT; McDonald, Helen: SITT-STIT
Cc: Wallace, Bruce: ECOM-DGCE
Subject: Fw: Digital coverage for Feb 26, 2012
Importance: High

Re: 1st article below, we will ensure, first thing in the morning, that media lines are up-to-date.

From: Dupuy, Helene: CMB-DGCM
Sent: Sunday, February 26, 2012 08:24 AM
To: Ahmad, Saaqib: DEPC; Allain, Julie: SPS; Baillie, Aaron: ICT-TIC; Beaudoin, Alain: SITT-STIT; Bincoletto, Susan: SITT-STIT; Bradley, Carol: GPP; Chatelois, Daniele: ECOM-DGCE; Chevrier, Aline: DGSO-DGOGS; Chow, Brian: SPS; Classen, Anna: PCO; CMB-ASG-Strategic Policy (M. McGrath); DES Working Group; DiFrancesco, Janet: SITT-STIT; Douab, Ouafaa: HRB-DGRH; Downie, Colette: SPS; Dupuis, Marc: DGEPS-DGGPN; Fondjo, Olivier: ECOM-DGCE; Gilfillan, Fiona: DGSO-DGOGS; Hall, Heather: DGSO-DGOGS; Hill, Peter: DGSO-DGOGS; Johnstone, Christopher: SPS; Kaplan-Myrth, Andy: ECOM-DGCE; Kruszelnicki, Chris: CMB-DGCM; Leduc, Andre: ECOM-DGCE; Lefebvre, Jean-Pierre: PCH; Lyon, Suzanne: ECOM-DGCE; MacGillivray, Allan: SPS; Matthews, Gilles: CMB-DGCM; McBrine, Delbert: DEPC-PCEN; McDonald, Helen: SITT-STIT; Miller, Pamela: SPS; Morgan, Marta: IS-SI; Mulcaster, Karey: CRC; Ogg, Andrew: SPS; Padfield, Chris: DEPC-PCEN; Paterson, Jill: ECOM-DGCE; Peets, Gerard: SPS (NCR-RCN); Pierre, Mesmin: ECOM-DGCE; Rand, Bob: ICT-TIC (NCR-RCN); Rowe, Shelley: SPS; Ryan, Michael: SPS; Valery Navarrete <Valery.Navarrete@pch.gc.ca>; Waters Kushnir, Daniel: SITT-STIT; Wood, Dana Lynn: ECOM-DGCE; Andrews, Jillian: IC; Bailey, Philip: IC-MIN; Bett, Jason: CMB-DGCM; Cimpaye, Michel: CMB-DGCM; Crawford, Lisa: CMB-DGCM; D'Angelo, Diana: SADMO-BSMDP; Dupuy, Helene: CMB-DGCM; Freamo, Janice: CMB-DGCM; French, Scott: MOSSBT-MEPET; Gauvin, Annie: CMB-DGCM; Guenette, Corinne: CMB-DGCM; Hebert, Lauren: CMB-DGCM; Keeley, Lindsay: MOSST-MEST; Kennedy, Sarah: CMB-DGCM; Légaré, Marie-Hélène: SIS-SSI; LeGresley, Gemma: CMB-DGCM; Long, Alicia: CMB-DGCM; Mailhot, Philippe: IC-MIN (NCR-RCN); Rancourt, Marie-Elise: PCO-BCP; McFarlane, Gregory: IC; McIntyre, Patrick: MOSST-MEST; Mellon, Derek: CMB-DGCM; Menard, Linda: RO-OR; O'Leary, Sean: IC-MIN; Pelletier, Naomi: IC; Perrault, Patrick: RO-OR; Plouffe, Marc-Andre: IC; Power, Stefanie: CMB-DGCM; Salisbury, Brian: CMB-DGCM; Spurling, Brian: CMB-DGCM; Thomas, Stephanie: MOSST-MEST; Tuck, Simon: CMB-DGCM; Vallieres, Marc: IC; van Hemmen, David: IC-MIN; Walker, Richard: IC; Waring, Jeff: IC-MIN (NCR-RCN); Winchester, Bruce: IC; Yap, Lisa: RO-OR (PAC)
Subject: Digital coverage for Feb 26, 2012

Published | Publié: 2012-02-26
 Received | Reçu: 2012-02-26 6:02 AM

THE TORONTO SUN (FINAL)
 EDITORIAL/OPINION, Page: 35

Serious breach of privacy rights

Why the silence on Chretien's Personal Information Protection and Electronic Documents Act?

ALAN SHANOFF

It's strange how so many commentators have whipped themselves into a lather over the attack on privacy rights in Bill C-30, otherwise known as the Protecting Children From Internet Predators Act. And yet they don't appear troubled by another infringement of privacy rights that is even more serious.

Anyone worried by the potential erosion of privacy rights in the Conservatives' Bill C-30 should be even more concerned about the actual erosion of privacy rights in existing federal law known as the **Personal Information Protection and Electronic Documents Act (PIPEDA)**.

Introduced by the Chretien Liberal government in 2000, **PIPEDA** has been in force for over a decade. It regulates the collection, use and disclosure of personal information by businesses.

In other words, it applies to **cellphone** and Internet service providers, phone **companies**, **credit card companies** and all other businesses that collect and track data on our daily activities.

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The only limit on this is that the person requesting the information must have identified his or her "lawful authority."

Courts have interpreted this "lawful authority" to include a police officer's authority to investigate."

(Further, under the proposed terms of new legislation known as Bill C-12, **PIPEDA** will be amended to state police do not require a subpoena or warrant prior to making any request."

PIPEDA means every police officer in Canada has the power to request disclosure of personal information from any business collecting information from subscribers or customers.

True, there's no **legal** compulsion on the business to supply the information but they often do, based on user agreements and their so-called **privacy policies**, which permit information to be supplied under "lawful authority".

Yet it seems few, if any, commentators are concerned with **PIPEDA**.

DEFINE 'LAWFUL AUTHORITY'

Surely, for the sake of consistency, opponents of Bill C-30 should be demanding the government amend **PIPEDA** to define "lawful authority", so that it requires the person making the request for disclosure has a judicial warrant backing up that request.

True, Bill C-30 goes a step beyond **PIPEDA** by **legally** requiring all **telecommunication** service providers to provide subscriber information, based solely on a written request, whereas **PIPEDA** doesn't force, but allows, businesses to release the information.

Still, **PIPEDA** covers a wider range of businesses, allows for more information to be released based solely upon request and is accessible to any government institution, as well as police.

Arguably **PIPEDA** is more intrusive than C-30. Anyone objecting to one must logically object to the other.

That said, a particularly troubling aspect of C-30 relates to the compelled disclosure of subscriber information.

Such disclosure may seem innocuous at first blush.

After all, who could reasonably object to release of a subscriber's name, address, telephone number, e-mail address, Internet protocol address and service provider identifier associated with the subscriber's service and **equipment**?

But we can't look at any one piece of information in isolation. While it in itself might reveal nothing of significance, it may be that same piece of information, when coupled with other data, leads to disclosure of significant facts,

For example, the IP address alone may be of no significance, but it may be the missing piece to a puzzle that leads to disclosure of personal information deserving of protection.

For these reasons even seemingly innocuous subscriber information shouldn't be accessible to authorities without a warrant, unless of course, there's an emergency situation.

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Received | Reçu: 2012-02-26 6:04 AM

TORONTO STAR (ONT)
NEWS, Page: A13

Surveillance goes deeper than feared

michael geist

Privacy International, one of the world's leading **privacy** organizations, last year released the results of a multi-year investigation into the shadowy world of the commercial surveillance industry. Dubbed "Big Brother Inc.," the investigation placed the spotlight on dozens of companies that specialize in covert surveillance technologies that are typically sold directly to governments and law enforcement agencies.

While governments in Asia and the Middle East have provided a ready market for technologies that can monitor Internet activities, Canada's new online surveillance legislation

features provisions that appear to open the door to bringing such tools here.

The **Privacy International** investigation revealed that surveillance companies commonly promote virtually unlimited monitoring capabilities to governments and police agencies.

For example, Italian-based Innova offers "solutions for the interception of any kind of protocols and IP-based communication, such as web browsing, email and web-mails, social networks, peer-to-peer communication, chat and videochat."

Endace Accelerated, a New Zealand-based company, promotes the "power to see all for Government" and the U.K.-based Gamma Group offer "turnkey lawful interception projects" that includes SMS interception, speech identifying tools, and data retention.

In all, the investigation demonstrated how online surveillance has become a massive global industry that makes it easy for law enforcement agencies to implement surveillance capabilities.

Several Canadian companies, including B.C.-based Vineyard Networks, which specializes in deep packet inspection of Internet traffic - a form of filtering that examines data for viruses or spam - for lawful interception purposes, were included in the report. Yet more important than the Canadian surveillance industry is the potential market in Canada for surveillance technologies.

Most of the attention on the recent introduction of Internet surveillance legislation has focused on the mandatory disclosure of Internet and telephone subscriber information without court oversight.

But just as troubling is the plan to create a massive new surveillance infrastructure within the Canadian Internet.

Bill C-30 requires Internet providers to acquire the ability to engage in multiple simultaneous interceptions and gives law enforcement the power to audit their surveillance capabilities. Should it take effect, the bill would create a new regulatory environment for Internet providers, requiring them to submit a report within months of the law taking effect describing their equipment and surveillance infrastructure. Moreover, they would actively work with law enforcement to test their facilities for interception purposes and even provide the name of employees involved in interceptions to allow for possible RCMP background checks.

In addition to the surveillance requirements, the bill would also give the government the power to install its own equipment directly onto private Internet provider networks. Section 14 (4) provides:

The Minister may provide the telecommunications service provider with any equipment or other thing that the Minister considers the service provider needs to comply with an order made under this section.

This amounts to government power to decide what specific surveillance equipment must be installed on private Internet provider and telecom networks by allowing it to simply take over the Internet provider or telecom network and install its own equipment.

With ongoing doubts about the ability of Canadian Internet providers to pay the multi-million dollar costs associated with new surveillance equipment (and some speculation the government is prepared to provide tens of millions of dollars in assistance), the government may ultimately shift toward a model in which it buys the surveillance equipment and uses Section 14(4) to require the Internet providers to install it.

If that is what the government has in mind, Bill C-30 will soon look like a giant Canadian "open for business" sign to Big Brother Inc.

Michael Geist can be reached at or online at www.michaelgeist.ca.

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Published | Publié: 2012-02-26
Received | Reçu: 2012-02-26 5:53 AM

LE SOLEIL
ACTUALITÉS, Page: 13

Facebook

attention aux droits d'auteur!

Pierre-Olivier Fortin

Vous envoyez sur Facebook une petite vidéo faite maison, et hop! : «déclaration de violation des droits d'auteur». Facebook vous met en garde : ne recommencez plus ou nous fermerons votre compte. Vraiment, le **copyright**, la firme de Palo Alto prend cela très au sérieux!

La scène est typique. Les collègues s'assemblent autour du bureau de la jeune maman, qui prend un malin plaisir à montrer comment grandissent ses deux petits monstres. A une autre époque, elle aurait sorti ses photos de son portefeuille, mais, signe des temps, c'est une jolie vidéo qu'elle fait jouer sur son ordinateur, sous le regard attendri des curieux tout autour.

La responsable de cet attroupement est la collègue Stéphanie Martin. Elle avait préparé chez elle un diaporama avec des photos de ses petits mousses qui jouent aux cow-boys à la maison. Dans le logiciel gratuit iPhoto, que plusieurs utilisent sur Mac, elle choisit une chanson d'accompagnement à son diaporama. Le logiciel le propose You've Got a Friend in Me, entendue dans Histoire de jouets. Jusque-là, tout va bien. Fière, surtout de ses enfants, mais aussi de son chef-d'œuvre cinématographique, elle décide d'envoyer le tout aux grands-parents via Facebook.

Mais, surprise, la machine refuse de prendre la vidéo, puisqu'elle viole des **droits d'auteur**. «Votre vidéo a été retirée, car elle semble contenir des matériaux, comme des clips vidéo ou un fond sonore, appartenant à des tiers», affiche Facebook en grosses lettres.

Elle jure qu'elle n'a pourtant jamais piraté une chanson... Mais aussi étonnée soit-elle, Facebook avait raison. Et ce serait aussi le cas pour toute chanson, vidéo ou photo dont vous ne détenez pas les droits, qu'elles soient publiées sur Facebook ou sur YouTube. Ces sites, évidemment, exigent que le contenu qui y est publié n'enfreigne pas la propriété intellectuelle d'autrui.

Utilisation personnelle

Dans le cas qui nous occupe, c'est la chanson du logiciel iPhoto qui pose un problème. «Puisque la musique m'était proposée par le logiciel, je n'ai jamais pensé que je pouvais enfreindre le **droit d'auteur**», se défend-elle. Mais une porte-parole d'Apple a confirmé, hier, par courriel, que «la licence de la musique dans iPhoto est pour une utilisation personnelle», ce qui ne donne aucun droit aux utilisateurs de la publier.

Cette façon de faire soulève aussi des questions de vie privée, à savoir comment **Facebook** a pu détecter qu'une chanson se trouvait dans la vidéo. Évidemment, «au nombre de millions [de vidéos] qui entrent, personne ne regarde tout ça!» explique la spécialiste des médias sociaux Michelle Blanc. Elle ajoute que les **médias sociaux** détectent ce genre de matériel à l'aide d'une signature électronique dans le fichier qui indique la présence de matériel protégé, ou encore en reconnaissant une série de caractères qui correspondrait au titre d'une œuvre.

Une porte-parole de Facebook a de son côté confirmé au Soleil que **Facebook**, «comme plusieurs sites qui hébergent des vidéos, utilise la technologie pour identifier les possibles **violations de droits d'auteur**» et que ce «système a pour but d'aider tout le monde en alertant les usagers qui, sans le savoir, pourraient envoyer des vidéos qui violeraient des **droits d'auteur**».

Les distributeurs de disques et de films aux États-Unis, poursuit Mme Blanc, n'hésitent plus à poursuivre les individus qui violent les **droits d'auteur sur Internet**. La prudence s'impose.

pofortin@lesoleil.com ILLUS: **Facebook** peut détecter et refuser de publier une vidéo qui contient, par exemple, une chanson pour laquelle on ne dispose pas de licence.

Published | Publié: 2012-02-26
Received | Reçu: 2012-02-26 4:53 AM

Internal Article / Article interne

New entrants beating incumbents in subscriber adds: Report

The Wire Report

[February 24, 2012 - 6:14pm

A new report by the Seaboard Group research firm says Canada's new entrant wireless carriers are "winning the race" for new customers.

The report, released this week, analysed how many new subscribers the incumbent carriers and new entrants added during the fourth quarter of 2011.

The report said incumbents **Rogers Communications Inc.**, **BCE Inc.**, and **Telus Communications Co.** added a combined 234,000 net subscriber additions over the period.

Four new entrants, **Wind Mobile**, **Public Mobile**, **Mobilicity** and Videotron (owned by **Quebecor Media Inc.**), added a combined 218,000 net subscribers.

The report said the numbers, drawn from quarterly financial reports and Seaboard Group estimates, show that "a competitive shift is under way in the marketplace" that is good for consumers.

The report is a supplement to another released earlier this month, entitled "Long Term Evolutionary Challenge: Limiting Carrier Gluttony," which argued that the presence of the new entrants has led to lower wireless prices for consumers in Canada's major markets.

The report also estimated that wireless spectrum frequencies awarded to the incumbents in 1985 is now worth about \$20 billion.

"[T]hese are the same incumbents that decry any further support to today's new entrants," the Seaboard Group wrote, adding that the 700 MHz auction should reserve spectrum for small players.

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Published | Publié: 2012-02-26
Received | Reçu: 2012-02-26 4:51 AM

Internal Article / Article interne

PIAC urges set-asides for spectrum auction

The Wire Report

[February 24, 2012 - 6:22pm

The Public Interest Advocacy Centre (PIAC) said Friday that cap-based rules for the auction of valued 700 MHz spectrum would be "an abandonment" of the federal government's commitment to competition in Canada's wireless market.

PIAC said the federal government should set aside blocks of spectrum for new entrant carriers in the auction to ensure those carriers' survival.

"Only set-asides can ensure new wireless companies can offer the latest handsets with wireless data, which are what consumers are demanding," John Lawford, counsel for PIAC, said in a statement.

"Caps do not solve the issue of dominance by the big three wireless carriers because Bell, TELUS and Rogers can afford to pay to keep all new competition out of their markets."

The government is expected to release the rules for the upcoming auction by the end of the month.

This week, new entrants **Wind Mobile** and **Public Mobile** said they intend to boycott the auction if set-asides are not included as part of the auction framework.

The following day, **BCE Inc.** reiterated its call for an open auction, saying it is necessary to obtain enough 700 MHz spectrum to roll out a national network using fourth-generation LTE technology.

"With only half as much spectrum available compared to the 2008 auction, spectrum set asides or other extraordinary favours for certain companies would permanently disadvantage a truly national wireless operator like Bell," the company said in a release.

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Published | Publi : 2012-02-26
Received | Re u: 2012-02-26 4:47 AM

Internal Article / Article interne

Wind makes another plea for 700 MHz spectrum set asides

Cartt.ca

[February 24, 2012

TORONTO

Wind Mobile made a final appeal to Industry Canada and the federal government to set aside a portion of the 700 MHz spectrum for exclusive bidding by new wireless entrants. The rules for the pending auction are expected to be announced shortly.

In a statement on Friday, CEO Anthony Lacavera said that the idea of spectrum caps, which was proposed by Telus, will not only shut investors out of the pending spectrum auction, but it puts the Big Three' incumbents interests ahead of consumer interests.

"If

Minister Paradis makes a decision to announce caps' over set aside' for the next wireless spectrum auction then he will have decided to side with high-paid Big Three lobbyists instead of the Canadian consumer," Lacavera said in the statement. "If the Harper Government makes this mistake, they will undo every positive advance made in wireless over the past three years and move us back to an era dominated by an oligopoly that produced higher prices, fewer choices and mass dissatisfaction among consumers."

Without access to foreign capital and to the 700 MHz spectrum set aside, Lacavera maintains that no new entrant would, or could, seriously bid against the likes of Bell, Rogers and Telus. That would most certainly result in the return of higher-priced wireless services in Canada.

"We invested over a billion dollars in Canadian wireless under the promise of a real competitive landscape in this country," added Ossama Bessada, VimpelCom's head of Europe and North America and CEO of Wind Italy. "We fully expect that the government will do the right thing and live up to its commitment to build a thriving, viable wireless market by setting the conditions for new entrants to fully participate in the upcoming auction and disallow the incumbents to outbid the opponent in order to stave off competition."

Russia's VimpelCom bought control of Orascom Telecom in October 2010, which included the 65% interest Orascom had in Wind Mobile here in Canada.

www.windmobile.ca

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Wallace, Bruce: ECOM-DGCE

From: Armstrong, Ken: CMB-DGCM
Sent: Monday, February 27, 2012 17:01
To: ECOM PIPEDA
Subject: FW: MOTION: Liberal Opposition Day - February 28, 2012

As you may already have heard...

-----Original Message-----

From: Murray, Jennifer A.: CMB-DGCM
Sent: Monday, February 27, 2012 4:22 PM
To: QP coordinators; QP Administrator: SPS; Badets, William: STAT; Karen.Mihoreau@statcan.gc.ca; karen.mihoreau@rogers.blackberry.net; Preston.Poon@statcan.gc.ca; bill.badets@rogers.blackberry.net
Cc: CMB-Ministerial Liaison; CMB-Advisory; CMB-Media Relations; Translation - Traduction: TR-BI; Guenette, Corinne: CMB-DGCM; Salisbury, Brian: CMB-DGCM; LeGresley, Gemma: CMB-DGCM; Spurling, Brian: CMB-DGCM; Stewart, Francoise: CMB-DGCM; Poirier, Kate: CMB-DGCM
Subject: MOTION: Liberal Opposition Day - February 28, 2012

Hello / Bonjour :

Please see the confirmed motion below for tomorrow's Liberal Opposition Day.

Topic is privacy and justice. Lead is Public Safety with support from Justice.

Thanks / Merci !

February 23, 2012 — Mr. Rae (Toronto Centre) — That the House recognize: (a) the fundamental right of all Canadians to the freedoms of speech, communication and privacy, and that there must be a clear affirmation on the need for these rights to be respected in all forms of communication; (b) that the collection by government of personal information and data from Canadians relating to their online activities without limits, rules, and judicial oversight constitutes a violation of the Canadian Charter of Rights and Freedoms' protections against unreasonable search and seizure; (c) that Canadians who have expressed deep concerns about Bill C-30 should not be described as being friends of child pornography or advocates of criminal activity; (d) that the Charter is the guarantor of the basic rights and freedoms of all Canadians; and (e) that the Charter is paramount to any provision of the Criminal Code of Canada; and accordingly the House calls on the Prime Minister to ensure that any legislation put forward by his government respects the provisions of the Charter and its commitment to the principles of due process, respect for privacy and the presumption of innocence.

23 février 2012 — M. Rae (Toronto-Centre) — Que la Chambre reconnaisse : a) le droit fondamental de tous les Canadiens à la liberté d'expression, à la liberté de communication et à la vie privée, ainsi que la nécessité d'affirmer clairement que ces droits doivent être respectés dans toutes les formes de communication; b) que la collecte, par le gouvernement, de données et de renseignements personnels sur les activités en ligne des Canadiens, sans limites, sans règles et sans supervision judiciaire constitue une violation de la Charte canadienne des droits et libertés pour ce qui est des protections qu'elle offre contre les fouilles, les perquisitions et les saisies abusives; c) que les Canadiens qui ont exprimé de vives inquiétudes au sujet du projet de loi C-30 ne devaient pas être qualifiés d'amis de la pornographie juvénile ou de défenseurs de la criminalité; d) que la Charte constitue la garante des libertés et des droits fondamentaux de tous les Canadiens; e) que la Charte a préséance sur toute disposition du Code criminel; par conséquent, la Chambre demande au premier ministre de veiller à ce que toute loi présentée par ce gouvernement respecte les dispositions de la Charte et la valeur qu'elle accorde aux principes de l'application régulière de la loi, du respect de la vie privée et de la présomption d'innocence.

Lead : Public Safety with support from Justice

Wallace, Bruce: ECOM-DGCE

Subject: Teleconference : Bill C-30
Location: 340 Laurier Avenue West - Boardroom 11E-116

Start: Mon 2012-02-27 15:30
End: Mon 2012-02-27 16:30
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Required Attendees: net.DiFrancesco@ic.gc.ca; Wallace, Bruce: ECOM-DGCE

Dial In #: 613-960-7510 / 1-877-413-4781
Conference ID: 4095867

Foley, Lisa: ECOM-DGCE

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Monday, February 27, 2012 9:01
To: Foley, Lisa: ECOM-DGCE
Subject: Google Alert - Lawful Access

News**3 new results for Lawful Access****Bill C-30 a waste of money**

Interlake Spectator

By Teresa Carey The federal government says it will cost \$80 million to implement bill C-30, the **lawful access** bill (later renamed "protecting children from on-line predators" act) that forces internet and telecommunications service providers to ...

[See all stories on this topic »](#)

Student fees, access to justice and Leveson Part II – The Human Rights Roundup

UK Human Rights Blog (blog)

The proposed reforms to **legal** aid are divisive: they are either necessary to combat a society of blame and litigation, or a disastrous reduction of **access** to justice for those who can't afford **legal** fees. The subject is given in-depth treatment on BBC ...

[See all stories on this topic »](#)



[UK Human Rights Blog \(blog\)](#)

Bill C-30: no need to snoop

Regina Leader-Post

The government's proposed **lawful access** legislation, Bill C-30, uses a sledgehammer to kill a fly. Geist and other experts note that 95 per cent of police requests for information are already met by ISPs on a voluntary basis. "Despite claims that court ...

[See all stories on this topic »](#)

Blogs**1 new result for Lawful Access****Michael Geist - Could 'Lawful Access' Jeopardize Canada's ...**

By Michael Geist

Dr. Michael Geist is the Canada Research Chair of Internet and E-commerce Law at the University of Ottawa., *lawful access* and eu adequacy.

Michael Geist Blog

Web**1 new result for Lawful Access****Lawful access bill could cost \$80 million; will ISPs pick up the tab?**

Canadian ISPs still haven't been told exactly how they are required to implement surveillance equipment and how much it will cost them.

www.itbusiness.ca/it/client/en/home/news.asp?id=66211

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Wallace, Bruce: ECOM-DGCE

From: Kealey, Jennifer: GPP
Sent: Tuesday, February 28, 2012 10:27
To: ECOM POLICY
Subject: FW: Today in Parliament / Aujourd'hui au Parlement (02.28.2012)

Subject: Today in Parliament / Aujourd'hui au Parlement (02.28.2012)

TODAY IN PARLIAMENT (Tuesday, February 28, 2012)

HOUSE OF COMMONS

4th Opposition day

Motion: Mr. Rae (Toronto Centre) — That the House recognize: (a) the fundamental right of all Canadians to the freedoms of speech, communication and privacy, and that there must be a clear affirmation on the need for these rights to be respected in all forms of communication; (b) that the collection by government of personal information and data from Canadians relating to their online activities without limits, rules, and judicial oversight constitutes a violation of the Canadian Charter of Rights and Freedoms' protections against unreasonable search and seizure; (c) that Canadians who have expressed deep concerns about Bill C-30 should not be described as being friends of child pornography or advocates of criminal activity; (d) that the Charter is the guarantor of the basic rights and freedoms of all Canadians; and (e) that the Charter is paramount to any provision of the Criminal Code of Canada; and accordingly the House calls on the Prime Minister to ensure that any legislation put forward by his government respects the provisions of the Charter and its commitment to the principles of due process, respect for privacy and the presumption of innocence.

Private Members' Business

S-206 — Mr. Albrecht (Kitchener—Conestoga) — World Autism Awareness Day Act — Second reading (first time debated)

Committee Business

(8:45 am - 10:45 am) Standing Committee on Official Languages: Evaluation of the Roadmap: Improving Programs and Service Delivery: *Witnesses:* Department of Justice (Andrée Duchesne, Senior Counsel and Manager, Francophonie, Justice in Official Languages and Legal Dualism; Linda DuPont, Legal Counsel, Francophonie, Justice in Official Languages and Legal Dualism); Health Canada (Debbie Beresford-Green, Acting Assistant Deputy Minister, Regions and Programs Branch; Roger Farley, Acting Director General, Programs Directorate, Regions and Programs Branch); Statistics Canada (Jean-Pierre Corbeil, Chief Specialist, Language Statistics Section; François Nault, Director, Social and Aboriginal Statistics Division)

(8:45 am - 10:45 am) Standing Committee on Transport, Infrastructure and Communities: 1. Innovative Transportation Technologies: *Witnesses:* Department of Natural Resources (Geoff Munro, Chief Scientist and Assistant Deputy Minister, Innovation and Energy Technology Sector); National Research Council Canada (Ian Potter, Vice-President, Engineering; Paul Treboutat, Director General, Centre for Surface Transportation Technology); 2. Committee Business

(9:00 am - 12:00 pm) Legislative Committee on Bill C-11: Bill C-11, An Act to amend the Copyright Act: *Witnesses:* Canadian Federation of Musicians (Bill Skolnik, Chief Executive Officer; Warren J. Sheffer, Legal Counsel); Pineridge Broadcasting (Don Conway, President); Re:Sound Music Licensing Company (Ian Mackay, President; Matthew Fortier, Director, Communications); Association nationale des éditeurs de livres (Aline Côté, President, Les Éditions Berger; Jean Bouchard, Vice-President and General Manager, Groupe Modulo); Canadian School Boards Association (Cynthia Andrew, Policy Analyst, Ontario Public School Boards Association); Association of Canadian Community Colleges (Michèle Clarke, Director, Government Relations and Policy Research, Public Affairs; Claude Brulé, Dean, Algonquin College)

YESTERDAY IN PARLIAMENT (Monday, February 27, 2012)

HOUSE OF COMMONS

Latest Journal: <http://www.parl.gc.ca/HousePublications/Publication.aspx?Pub=Journals&Language=E&Mode=1&Parl=41&Ses=1>

Mr. Watson made a statement on the automotive industry

Mr. Poilievre made a statement on the shipping industry

Associate Minister Fantino answered questions from Mr. McKay and Mr. Kellway on National Defence/F-35s

Mr. Lake answered a question from Mr. Thibeault on telecommunications

TOMORROW IN PARLIAMENT (Wednesday, February 29, 2012)

HOUSE OF COMMONS

Deferred Recorded Divisions

C-280 — Ms. Duncan (Etobicoke North) — National Strategy for Chronic Cerebrospinal Venous Insufficiency (CCSVI) Act — Second reading

M-274 — Mr. Benoit (Vegreville—Wainwright) — Multiple sclerosis

C-315 — Mr. Aubin (Trois-Rivières) — An Act to amend the Canada Labour Code (French language) — Second reading

C-299 — Mr. Wilks (Kootenay—Columbia) — An Act to amend the Criminal Code (kidnapping of young person) — Second reading

Private Members' Business

C-293 — Ms. James (Scarborough Centre) — An Act to amend the Corrections and Conditional Release Act (vexatious complainants) — Second reading (resuming debate)

Committee Business

(3:30 pm - 6:30 pm) Legislative Committee on Bill C-11: Bill C-11, An Act to amend the Copyright Act: *Witnesses:* Canadian Independent Music Association (Stuart Johnston, President; Robert D'Eith, Secretary, Board of Directors); Canadian Artists Representation Copyright Collective Inc. (Janice Seline, Executive Director; Adrian Göllner, Affiliate artist); Canadian Consumer Initiative (John Lawford, Counsel; Janet Lo, Counsel); Audio Cine Films Inc. (Jean-François Cormier, President and General Manager; Bertrand-Olivier Desmarteau, Communications Director); Criterion Pictures (John Fisher, Chief Executive Officer, Head Office; Suzanne Hitchon, President and General Manager, Head Office); Société des auteurs de radio, télévision et cinéma (Yves Légaré, Director General; Sylvie Lussier, President)

SENATE

Committee Business

(4:15 pm - 6:15 pm) Banking, Trade and Commerce (BANC): Review of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act (S.C. 2000, c. 17), pursuant to section 72 of the said Act. *Witnesses:* Canada Revenue Agency (Cathy Hawara, Director General, Charities Directorate, Legislative Policy and Regulatory Affairs Branch, Claude St-Pierre, Director General, Enforcement and Disclosures Directorate, Compliance Programs Branch, Alison Rutherford, Acting Director, Review and Analysis Division, Charities Directorate, Legislative Policy and Regulatory Affairs Branch, Stephanie Henderson, Manager, Special Enforcement Program, Enforcement and Disclosures Directorate, Compliance Programs Branch); Foreign Affairs and International Trade Canada (Sabine Nolke, Director General, Major Programs, International Security Branch, Michael Walma, Director, International Crime and Terrorism Division)

=====

AUJOURD'HUI AU PARLEMENT (mardi, le 28 février 2012)

CHAMBRE DES COMMUNES

4e journée d'opposition

Motion: M. Rae (Toronto-Centre) — Que la Chambre reconnaisse : a) le droit fondamental de tous les Canadiens à la

liberté d'expression, à la liberté de communication et à la vie privée, ainsi que la nécessité d'affirmer clairement que ces droits doivent être respectés dans toutes les formes de communication; b) que la collecte, par le gouvernement, de données et de renseignements personnels sur les activités en ligne des Canadiens, sans limites, sans règles et sans supervision judiciaire constitue une violation de la Charte canadienne des droits et libertés pour ce qui est des protections qu'elle offre contre les fouilles, les perquisitions et les saisies abusives; c) que les Canadiens qui ont exprimé de vives inquiétudes au sujet du projet de loi C-30 ne devraient pas être qualifiés d'amis de la pornographie juvénile ou de défenseurs de la criminalité; d) que la Charte constitue la garante des libertés et des droits fondamentaux de tous les Canadiens; e) que la Charte a préséance sur toute disposition du Code criminel; par conséquent, la Chambre demande au premier ministre de veiller à ce que toute loi présentée par ce gouvernement respecte les dispositions de la Charte et la valeur qu'elle accorde aux principes de l'application régulière de la loi, du respect de la vie privée et de la présomption d'innocence.

Affaires émanant des députés

S-206 — M. Albrecht (Kitchener—Conestoga) — Loi sur la Journée mondiale de sensibilisation à l'autisme — Deuxième lecture (commencement du débat)

Travaux des comités

(8:45 - 10:45) Comité permanent des langues officielles: Évaluation de la Feuille de route : amélioration des programmes et de la prestation des services: *Témoins*: Ministère de la Justice (Andrée Duchesne, avocate-conseil et gestionnaire Francophonie, Justice en langues officielles et Dualisme juridique; Linda DuPont, conseillère juridique Francophonie, Justice en langues officielles et Dualisme juridique); Santé Canada (Debbie Beresford-Green, sous-ministre adjointe par intérim, Direction générale des régions et des programmes; Roger Farley, directeur général par intérim, Direction des programmes, Direction générale des régions et des programmes); Statistique Canada (Jean-Pierre Corbeil, spécialiste en chef, Section des statistiques linguistiques; François Nault, directeur, Division Statistique sociale et autochtone)

(8:45 - 10:45) Comité permanent des transports, de l'infrastructure et des collectivités: 1. Technologies de transport novatrices: *Témoins*: Ministère des Ressources naturelles (Geoff Munro, scientifique principal et sous-ministre adjoint, Secteur de l'innovation et de la technologie énergétique); Conseil national de recherches Canada (Ian Potter, vice-président, Génie; Paul Treboutat, directeur général, Centre de technologie des transports de surface); 2. Travaux du Comité

(9:00 - 12:00) Comité législatif chargé du projet de loi C-11: Projet de loi C-11, Loi modifiant la Loi sur le droit d'auteur: *Témoins*: Fédération canadienne des musiciens (Bill Skolnik, chef de la direction; Warren J. Sheffer, avocat-conseil); Pineridge Broadcasting (Don Conway, président); Ré:Sonne Société des gestion de la musique (Ian Mackay, président; Matthew Fortier, directeur, Communications); Association nationale des éditeurs de livres (Aline Côté, Président, Les Éditions Berger; Jean Bouchard, vice-président et directeur général, Groupe Modulo); Association canadienne des commissions/conseils scolaires (Cynthia Andrew, analyste des politiques, Ontario Public School Boards Association); Association des collèges communautaires du Canada (Michèle Clarke, directrice, Relations gouvernementales et recherches stratégiques, Affaires publiques; Claude Brulé, Doyen, Collège algonquin)

HEIR AU PARLEMENT (lundi, le 27 février 2012)

CHAMBRE DES COMMUNES

Dernier journal : <http://www.parl.gc.ca/HousePublications/Publication.aspx?Pub=Journals&Mode=1&Parl=41&Ses=1&Language=F>

Dernier débat : <http://www.parl.gc.ca/HousePublications/Publication.aspx?Pub=hansard&Mode=1&Parl=41&Ses=1&Language=FHOUSE>

M. Watson a fait une déclaration au sujet du secteur de l'automobile

M. Poilievre a fait une déclaration au sujet du transport maritime

Ministre associé Fantino a répondu à des questions de M. McKay et M. Kellway

M. Lake a répondu à une question de M. Thibeault au sujet des télécommunications

DEMAIN AU PARLEMENT (mercredi, le 29 février 2012)

CHAMBRE DES COMMUNES

Votes par appel nominal différés

C-280 — Mme Duncan (Etobicoke-Nord) — Loi sur la stratégie nationale relative à l'insuffisance veineuse céphalorachidienne chronique (IVCC) — Deuxième lecture

M-274 — M. Benoit (Vegreville—Wainwright) — Sclérose en plaques

C-315 — M. Aubin (Trois-Rivières) — Loi modifiant le Code canadien du travail (langue française) — Deuxième lecture

C-299 — M. Wilks (Kootenay—Columbia) — Loi modifiant le Code criminel (enlèvement d'une jeune personne) — Deuxième lecture

Affaires émanant des députés

C-293 — Mme James (Scarborough-Centre) — Loi modifiant la Loi sur le système correctionnel et la mise en liberté sous condition (plaignants quérulents) — Deuxième lecture (reprise du débat)

Travaux des comités

(9:00 - 12:00) Comité législatif chargé du projet de loi C-11: Projet de loi C-11, Loi modifiant la Loi sur le droit d'auteur: *Témoins*: Canadian Independent Music Association (Stuart Johnston, président; Robert D'Eith, secrétaire, Conseil d'administration); Société des droits d'auteurs du Front des artistes canadiens inc. (Janice Seline, directrice exécutive; Adrian Göllner, artiste affilié); Initiative canadienne des consommateurs (John Lawford, avocat; Janet Lo, avocate); Audio Ciné Films inc. (Jean-François Cormier, président - directeur général; Bertrand-Olivier Desmarteau, directeur des communications); Les films Criterion (John Fisher, chef de la direction, Bureau central; Suzanne Hitchon, présidente et directrice générale, Bureau central); Société des auteurs de radio, télévision et cinéma (Yves Légaré, directeur général; Sylvie Lussier, présidente)

SÉNAT

(16h15 - 18h15) Banque et commerce (BANC): Examen sur la Loi sur le recyclage des produits de la criminalité et le financement des activités terroristes (L.C. 2000, ch. 17), conformément à l'article 72 de cette loi. *Témoins*: Agence du Revenu du Canada (Cathy Hawara, directrice générale, Direction des organismes de bienfaisance, Direction générale de la politique législative et des affaires réglementaires, Claude St-Pierre, directeur générale, Direction de l'exécution et des divulgations, Direction générale des programmes d'observation, Agence du revenu du Canada, Alison Rutherford, directrice intérimaire, Division de la revue et de l'analyse, Direction des organismes des bienfaisance, Direction générale de la politique législative et des affaires réglementaires, Stephanie Henderson, gestionnaire, Programme spécial d'exécution, Direction de l'exécution et des divulgations, Direction générale des programme d'observation); Affaires étrangères et Commerce international Canada (Sabine Nolke, directrice générale, bureau principal du programme de sécurité internationale, Michael Walma, directeur, Direction de la criminalité internationale et du terrorisme)

Foley, Lisa: ECOM-DGCE

From: Google Alerts [googlealerts-noreply@google.com]**Sent:** Tuesday, February 28, 2012 9:01**To:** Foley, Lisa: ECOM-DGCE**Subject:** Google Alert - Lawful Access**News****5 new results for Lawful Access****Lawful Access Signals Canada Is Open to 'Big Brother Inc.'**

TheTyee.ca

Endace Accelerated, a New Zealand-based company, promotes the "power to see all for Government" and the UK-based Gamma Group offer "turnkey **lawful** interception projects" that includes SMS interception, speech identifying tools, and data retention.

[See all stories on this topic »](#)**Lawful Access: Poll Finds Majority Of Canadians Think Tories' Online ...**

Huffington Post Canada

When asked whether respondents agreed with allowing "police to **get** warrants to obtain information transmitted over the Internet and data related to its transmission, including locations of individuals and transactions," 68 per cent said that they did.

[See all stories on this topic »](#)**Invading our privacy**

Regina Leader-Post

By Rob J. Sutherland, The Leader-Post February 28, 2012 Despite being very outspoken on the question of crime, Prime Minister Stephen Harper seems far from eager to discuss the "**Lawful Access**" legislation, Bill C-30, that will allow invasive online ...

[See all stories on this topic »](#)**Matt Gurney: Liberal involvement in Wikileaks a godsend for reeling Tories**

National Post

The government has taken its lumps over its efforts to pass "**lawful access**" legislation, Bill C-30, which proved deeply unpopular even among Tory faithful, and gave Public Safety Minister Vic Toews ample opportunity to embarrass himself, ...

[See all stories on this topic »](#)

National Post

Scrapping gun registry has taught Tories nothing

Calgary Herald

Not that the government is about to reverse itself on the registry, but its approach to selling Bill C-30 - the new **lawful access** legislation - is quite reminiscent of how the gun registry has been defended. Certainly there are parallels between the ...

[See all stories on this topic »](#)

Tip: Use a minus sign (-) in front of terms in your query that you want to exclude. [Learn more.](#)

[Delete this alert.](#)[Create another alert.](#)[Manage your alerts.](#)

Foley, Lisa: ECOM-DGCE

From: Kingsley, Michèle [Michele.Kingsley@ps-sp.gc.ca]
Sent: Wednesday, February 29, 2012 12:58
To: Wallace, Bruce: ECOM-DGCE; MacDonald, Michael
Cc: Foley, Lisa: ECOM-DGCE; Leduc, Andre: ECOM-DGCE
Subject: RE: ITAC Cyber Security Forum meeting, Tuesday March 6, 09:30 - noon ET - revised agenda

Thanks Bruce.

Mike has indicated to them that we are not available to attend. Thanks for the debrief afterwards.

m

-----Original Message-----

From: Bruce.Wallace@ic.gc.ca [mailto:Bruce.Wallace@ic.gc.ca]
Sent: February-29-12 12:39 PM
To: MacDonald, Michael; Kingsley, Michèle
Cc: Lisa.Foley@ic.gc.ca; Andre.Leduc@ic.gc.ca
Subject: FW: ITAC Cyber Security Forum meeting, Tuesday March 6, 09:30 - noon ET - revised agenda

Hi Mike and Michele:

You may already be aware, but Bill C-30 is on the agenda for next Tuesday's Cyber Security Forum Meeting. Not sure if you are planning on sending anyone but, in not, my team can provide a quick debrief on the discussion for you after the meeting.

Bruce

-----Original Message-----

From: bmunson@itac.ca [mailto:bmunson@itac.ca]
Sent: Wednesday, February 29, 2012 12:23 PM
To: info@itac.ca
Subject: ITAC Cyber Security Forum meeting, Tuesday March 6, 09:30 - noon ET - revised agenda

ITAC Cyber Security Forum

Here is a revised draft agenda for our meeting on Tuesday March 6, 09:30 to noon Eastern Time. An item has been added.

If you haven't done so already, please contact my colleague Janet Rawding in you plan to participate in person or by phone - tel 905-602-8345 x2235.

Bill Munson
ITAC

(See attached file: 2012 03 06 - CSF agenda.doc)

Foley, Lisa: ECOM-DGCE

From: Google Alerts [googlealerts-noreply@google.com]

Sent: Wednesday, February 29, 2012 9:01

To: Foley, Lisa: ECOM-DGCE

Subject: Google Alert - Lawful Access

News

1 new result for **Lawful Access**

Poll suggests Canadians support online surveillance bill — to a point

Vancouver Sun

And only one in three (35 per cent) would support legislation that makes it **legal** for Internet Service Providers to retain personal subscriber data, such as emails and web surfing activities, so that police may **access** them at a future date.

[See all stories on this topic »](#)

Web

1 new result for **Lawful Access**

Lawful Access bill put on hold

The Globe and Mail has this article about the government deciding the time (and very possibly the content) for Bill C-30 is not right. Thank goodness. For now ...

bowen-island-bc.com/forum/read.php?1,1262258

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Foley, Lisa: ECOM-DGCE

From: Foley, Lisa: ECOM-DGCE
Sent: Tuesday, February 14, 2012 9:09
To: Wallace, Bruce: ECOM-DGCE
Cc: Sewell, Tanya: ECOM-DGCE
Subject: FW: ACTION: SITT DM Update for February 17, 2012

Bruce?

Lawful Access: *An Act to enact the investigating and Preventing Criminal Electronic Communications Act and to amend the Criminal Code and other Acts* was tabled on February 14th. Public Safety is the lead and as such, will respond to enquires made in the House or coming from the media. Your office and MINO have been briefed by CMB on the communications strategy. No further information has been requested from MINO.

From: Sewell, Tanya: ECOM-DGCE
Sent: Tuesday, February 14, 2012 8:11 AM
To: Foley, Lisa: ECOM-DGCE
Subject: RE: ACTION: SITT DM Update for February 17, 2012

Meant to send you this yesterday... I assume this will have to be updated?

Lawful Access: Tabling of the Lawful Access legislation is currently expected sometime in February. We will provide updated information as it becomes available.

From: Boyanowski, Ellen: SITT-STIT
Sent: Monday, February 13, 2012 8:41
To: SITT ADM Update Group
Cc: Waters Kushnir, Daniel: SITT-STIT; Bradley, Carol: GPP; Covey, Chantal: GPP; Watt, Holly: SITT-STIT
Subject: ACTION: SITT DM Update for February 17, 2012
Importance: High

Good morning: Attached is the SITT DM Update for **February 17, 2012**, for update and submission **by COB on Tuesday, February 14, 2012.**

If you have any questions, please contact Ellen Boyanowski or Holly Watt.

<< File: 266263-SITT_DM_Update_(Feb_17)_on_issues_related_to_SITT_Sector_for_February_17__2012-R-SITT-STIT.DOC.DRF >> << File: 266263-SITT DM Update (Feb 17) on issues related to SITT Sector for February 17, 2012-1-SITT-STIT.DOC >>

We would like to remind everyone of the following processes:

- **Changes are to be made directly in EDRMS** and in LIGHT BLUE (in 11 font) (CRC in hard copy)
- Note that the final document retains these changes in blue to make them easier to track, therefore please only highlight what is *new*.
- Focus should be on new information where possible, removing older background where appropriate
- **If an item requires no change, indicate NO CHANGE in red at the end of the item**
- **If an item is to be deleted, please indicate DELETE in red at the end of the item**

Foley, Lisa: ECOM-DGCE

From: Foley, Lisa: ECOM-DGCE
Sent: Tuesday, February 14, 2012 9:49
To: Hill, Rachel: ECOM-DGCE
Subject: RE: Bilat with Janet

ISP Code of Conduct

- This week I'll send a short email to you, Helen and Susan with a summary of our call with Tom Copeland. (this was on last weeks bilat note – I drafted an email for Bruce, but I don't know if he sent it)

21(1)(a),21(1)(b)

Lawful Access

- Tabled today.

21(1)(a),21(1)(b)

From: Hill, Rachel: ECOM-DGCE
Sent: Tuesday, February 14, 2012 9:35 AM
To: Chatelois, Daniele: ECOM-DGCE; Foley, Lisa: ECOM-DGCE; Jones, Jacqueline: ECOM-DGCE; Kaplan-Myrth, Andy: ECOM-DGCE; Kealey, Jennifer: ECOM-DGCE; Leduc, Andre: ECOM-DGCE; Paterson, Jill: ECOM-DGCE; Wood, Dana Lynn: ECOM-DGCE
Subject: Bilat with Janet

Good morning,

Just a quick reminder to send me any items you would like for Bruce to mention to Janet during the weekly Bilat.

Please send Nil response if you don't have anything. You are welcome to add it directly to the attached document, otherwise a bullet point is appreciated.

<< File: 267182-Bilat_Weekly_Agenda_2012-02-14-R-SITT-STIT.DOC.DRF >>

Thanks, Rachel

Wallace, Bruce: ECOM-DGCE

From: Wallace, Bruce: ECOM-DGCE
Sent: Monday, February 27, 2012 10:26
To: Paterson, Jill: ECOM-DGCE; Chatelois, Daniele: ECOM-DGCE
Subject: Re: Digital coverage for Feb 26, 2012

Thanks, jill. Can you get a hard copy to Janet?

From: Paterson, Jill: ECOM-DGCE
Sent: Monday, February 27, 2012 10:23 AM
To: Wallace, Bruce: ECOM-DGCE; Chatelois, Daniele: ECOM-DGCE
Subject: RE: Digital coverage for Feb 26, 2012

Attached is a draft QP card based on an Oct 2011 card which covered both lawful authority and proactive disclosures. I have made slight modifications

21(1)(a).21(1)(b)

From: Wallace, Bruce: ECOM-DGCE
Sent: Monday, February 27, 2012 8:37 AM
To: Paterson, Jill: ECOM-DGCE; Chatelois, Daniele: ECOM-DGCE
Subject: FW: Digital coverage for Feb 26, 2012
Importance: High

Jill:

Can you review the current media lines and any QP card that we may have on this?

From: DiFrancesco, Janet: SITT-STIT
Sent: Sunday, February 26, 2012 7:05 PM
To: Bincoletto, Susan: SITT-STIT; McDonald, Helen: SITT-STIT
Cc: Wallace, Bruce: ECOM-DGCE
Subject: Fw: Digital coverage for Feb 26, 2012
Importance: High

Re: 1st article below, we will ensure, first thing in the morning, that media lines are up-to-date.

From: Dupuy, Helene: CMB-DGCM
Sent: Sunday, February 26, 2012 08:24 AM
To: Ahmad, Saaqib: DEPC; Allain, Julie: SPS; Baillie, Aaron: ICT-TIC; Beaudoin, Alain: SITT-STIT; Bincoletto, Susan: SITT-STIT; Bradley, Carol: GPP; Chatelois, Daniele: ECOM-DGCE; Chevrier, Aline: DGSO-DGOGS; Chow, Brian: SPS; Classen, Anna: PCO; CMB-ASG-Strategic Policy (M. McGrath); DES Working Group; DiFrancesco, Janet: SITT-STIT; Douab, Ouafaa: HRB-DGRH; Downie, Colette: SPS; Dupuis, Marc: DGEPS-DGGPN; Fondjo, Olivier: ECOM-DGCE; Gilfillan, Fiona: DGSO-DGOGS; Hall, Heather: DGSO-DGOGS; Hill, Peter: DGSO-DGOGS; Johnstone, Christopher: SPS; Kaplan-Myrth, Andy: ECOM-DGCE; Kruszelnicki, Chris: CMB-DGCM; Leduc, Andre: ECOM-

DGCE; Lefebvre, Jean-Pierre: PCH; Lyon, Suzanne: ECOM-DGCE; MacGillivray, Allan: SPS; Matthews, Gilles: CMB-DGCM; McBrine, Delbert: DEPC-PCEN; McDonald, Helen: SITT-STIT; Miller, Pamela: SPS; Morgan, Marta: IS-SI; Mulcaster, Karey: CRC; Ogg, Andrew: SPS; Padfield, Chris: DEPC-PCEN; Paterson, Jill: ECOM-DGCE; Peets, Gerard: SPS (NCR-RCN); Pierre, Mesmin: ECOM-DGCE; Rand, Bob: ICT-TIC (NCR-RCN); Rowe, Shelley: SPS; Ryan, Michael: SPS; Valery Navarrete <Valery.Navarrete@pch.gc.ca>; Waters Kushnir, Daniel: SITT-STIT; Wood, Dana Lynn: ECOM-DGCE; Andrews, Jillian: IC; Bailey, Philip: IC-MIN; Bett, Jason: CMB-DGCM; Cimpaye, Michel: CMB-DGCM; Crawford, Lisa: CMB-DGCM; D'Angelo, Diana: SADMO-BSMDP; Dupuy, Helene: CMB-DGCM; Freamo, Janice: CMB-DGCM; French, Scott: MOSSBT-MEPET; Gauvin, Annie: CMB-DGCM; Guenette, Corinne: CMB-DGCM; Hebert, Lauren: CMB-DGCM; Keeley, Lindsay: MOSST-MEST; Kennedy, Sarah: CMB-DGCM; Légaré, Marie-Hélène: SIS-SSI; LeGresley, Gemma: CMB-DGCM; Long, Alicia: CMB-DGCM; Mailhot, Philippe: IC-MIN (NCR-RCN); Rancourt, Marie-Elise: PCO-BCP; McFarlane, Gregory: IC; McIntyre, Patrick: MOSST-MEST; Mellon, Derek: CMB-DGCM; Menard, Linda: RO-OR; O'Leary, Sean: IC-MIN; Pelletier, Naomi: IC; Perrault, Patrick: RO-OR; Plouffe, Marc-Andre: IC; Power, Stefanie: CMB-DGCM; Salisbury, Brian: CMB-DGCM; Spurling, Brian: CMB-DGCM; Thomas, Stephanie: MOSST-MEST; Tuck, Simon: CMB-DGCM; Vallieres, Marc: IC; van Hemmen, David: IC-MIN; Walker, Richard: IC; Waring, Jeff: IC-MIN (NCR-RCN); Winchester, Bruce: IC; Yap, Lisa: RO-OR (PAC)

Subject: Digital coverage for Feb 26, 2012

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THE TORONTO SUN
EDITORIAL/OPINION, F

Serious breach of privacy rights

Why the silence on Chretien's Personal Information Protection and Electronic Documents Act?

ALAN SHANOFF

It's strange how so many commentators have whipped themselves into a lather over the attack on privacy rights in Bill C-30, otherwise known as the Protecting Children From Internet Predators Act. And yet they don't appear troubled by another infringement of privacy rights that is even more serious.

Anyone worried by the potential erosion of privacy rights in the Conservatives' Bill C-30 should be even more concerned about the actual erosion of privacy rights in existing federal law known as the **Personal Information Protection and Electronic Documents Act (PIPEDA)**.

Introduced by the Chretien Liberal government in 2000, **PIPEDA** has been in force for over a decade. It regulates the collection, use and disclosure of personal information by businesses.

In other words, it applies to **cellphone** and Internet service providers, **phone companies**, **credit card companies** and all other businesses that collect and track data on our daily activities.

It covers a wider range of businesses than C-30.

PIPEDA allows any business to disclose any personal information without the knowledge or consent of an individual to a government institution or part of a government institution (including a police officer), where the disclosure is requested for the purpose of enforcing or administering any law, or if the information is suspected to relate to national security.

The only limit on this is that the person requesting the information must have identified his or her "lawful authority."

Courts have interpreted this "lawful authority" to include a police officer's authority to investigate."

(Further, under the proposed terms of new legislation known as Bill C-12, **PIPEDA** will be amended to state police do not require a subpoena or warrant prior to making any request."

PIPEDA means every police officer in **Canada** has the power to request disclosure of personal information from any business collecting information from subscribers or customers.

True, there's no **legal** compulsion on the business to supply the information but they often do, based on user agreements and their so-called privacy **policies**, which permit information to be supplied under "lawful authority".

Yet it seems few, if any, commentators are concerned with **PIPEDA**.

DEFINE 'LAWFUL AUTHORITY'

Surely, for the sake of consistency, opponents of Bill C-30 should be demanding the government amend **PIPEDA** to define "lawful authority", so that it requires the person making the request for disclosure has a judicial warrant backing up that request.

True, Bill C-30 goes a step beyond **PIPEDA** by **legally** requiring all **telecommunication** service providers to provide subscriber information, based solely on a written request, whereas **PIPEDA** doesn't force, but allows, businesses to release the information.

Still, **PIPEDA** covers a wider range of businesses, allows for more information to be released based solely upon request and is accessible to any government institution, as well as police.

Arguably **PIPEDA** is more intrusive than C-30. Anyone objecting to one must logically object to the other.

That said, a particularly troubling aspect of C-30 relates to the compelled disclosure of subscriber information.

Such disclosure may seem innocuous at first blush.

After all, who could reasonably object to release of a subscriber's name, address, telephone number, e-mail address, Internet protocol address and service provider identifier associated with the subscriber's service and **equipment**?

But we can't look at any one piece of information in isolation. While it in itself might reveal nothing of significance, it may be that same piece of information, when coupled with other data, leads to disclosure of significant facts,

For example, the IP address alone may be of no significance, but it may be the missing piece to a puzzle that leads to disclosure of personal information deserving of protection.

For these reasons even seemingly innocuous subscriber information shouldn't be accessible to authorities without a warrant, unless of course, there's an emergency situation.

Surveillance goes deeper than feared

michael geist

Privacy International, one of the world's leading privacy organizations, last year released the results of a multi-year investigation into the shadowy world of the commercial surveillance industry. Dubbed "Big Brother Inc.," the investigation placed the spotlight on dozens of companies that specialize in covert surveillance technologies that are typically sold directly to governments and law enforcement agencies.

While governments in Asia and the Middle East have provided a ready market for technologies that can monitor Internet activities, Canada's new online surveillance legislation features provisions that appear to open the door to bringing such tools here.

The **Privacy International** investigation revealed that surveillance companies commonly promote virtually unlimited monitoring capabilities to governments and police agencies.

For example, Italian-based Innova offers "solutions for the interception of any kind of protocols and IP-based communication, such as web browsing, email and web-mails, social networks, peer-to-peer communication, chat and videochat."

Endace Accelerated, a New Zealand-based company, promotes the "power to see all for Government" and the U.K.-based Gamma Group offer "turnkey lawful interception projects" that includes SMS interception, speech identifying tools, and data retention.

In all, the investigation demonstrated how online surveillance has become a massive global industry that makes it easy for law enforcement agencies to implement surveillance capabilities.

Several Canadian companies, including B.C.-based Vineyard Networks, which specializes in deep packet inspection of Internet traffic - a form of filtering that examines data for viruses or spam - for lawful interception purposes, were included in the report. Yet more important than the Canadian surveillance industry is the potential market in Canada for surveillance technologies.

Most of the attention on the recent introduction of Internet surveillance legislation has focused on the mandatory disclosure of Internet and telephone subscriber information without court oversight.

But just as troubling is the plan to create a massive new surveillance infrastructure within the Canadian Internet.

Bill C-30 requires Internet providers to acquire the ability to engage in multiple simultaneous interceptions and gives law enforcement the power to audit their surveillance capabilities. Should it take effect, the bill would create a new regulatory environment for Internet providers, requiring them to submit a report within months of the law taking effect describing their equipment and surveillance infrastructure. Moreover, they would actively work with law enforcement to test their facilities for interception purposes and even provide the name of employees involved in interceptions to allow for possible RCMP background checks.

In addition to the surveillance requirements, the bill would also give the government the power to install its own equipment directly onto private Internet provider networks. Section 14

(4) provides:

The Minister may provide the telecommunications service provider with any equipment or other thing that the Minister considers the service provider needs to comply with an order made under this section.

This amounts to government power to decide what specific surveillance equipment must be installed on private Internet provider and telecom networks by allowing it to simply take over the Internet provider or telecom network and install its own equipment.

With ongoing doubts about the ability of Canadian Internet providers to pay the multi-million dollar costs associated with new surveillance equipment (and some speculation the government is prepared to provide tens of millions of dollars in assistance), the government may ultimately shift toward a model in which it buys the surveillance equipment and uses Section 14(4) to require the Internet providers to install it.

If that is what the government has in mind, Bill C-30 will soon look like a giant Canadian "open for business" sign to Big Brother Inc.

Michael Geist can be reached at or online at www.michaelgeist.ca.

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LE
ACTUALITÉS, F

Facebook

attention aux droits d'auteur!

Pierre-Olivier Fortin

Vous envoyez sur Facebook une petite vidéo faite maison, et hop! : «déclaration de violation des droits d'auteur». Facebook vous met en garde : ne recommencez plus ou nous fermerons votre compte. Vraiment, le copyright, la firme de Palo Alto prend cela très au sérieux!

La scène est typique. Les collègues s'assemblent autour du bureau de la jeune maman, qui prend un malin plaisir à montrer comment grandissent ses deux petits monstres. A une autre époque, elle aurait sorti ses photos de son portefeuille, mais, signe des temps, c'est une jolie vidéo qu'elle fait jouer sur son ordinateur, sous le regard attendri des curieux tout autour.

La responsable de cet attroupement est la collègue Stéphanie Martin. Elle avait préparé chez elle un diaporama avec des photos de ses petits mousses qui jouent aux cow-boys à la maison. Dans le logiciel gratuit iPhoto, que plusieurs utilisent sur Mac, elle choisit une chanson d'accompagnement à son diaporama. Le logiciel le propose You've Got a Friend in Me, entendue dans Histoire de jouets. Jusque-là, tout va bien. Fière, surtout de ses enfants, mais aussi de son chef-d'œuvre cinématographique, elle décide d'envoyer le tout aux grands-parents via Facebook.

Mais, surprise, la machine refuse de prendre la vidéo, puisqu'elle viole des droits d'auteur. «Votre vidéo a été retirée, car elle semble contenir des matériaux, comme des clips vidéo ou

un fond sonore, appartenant à des tiers», affiche **Facebook** en grosses lettres.

Elle jure qu'elle n'a pourtant jamais piraté une chanson... Mais aussi étonnée soit-elle, Facebook avait raison. Et ce serait aussi le cas pour toute chanson, vidéo ou photo dont vous ne détenez pas les droits, qu'elles soient publiées sur **Facebook** ou sur YouTube. Ces sites, évidemment, exigent que le contenu qui y est publié n'enfreigne pas la **propriété intellectuelle** d'autrui.

Utilisation personnelle

Dans le cas qui nous occupe, c'est la chanson du logiciel iPhoto qui pose un problème. «Puisque la musique m'était proposée par le logiciel, je n'ai jamais pensé que je pouvais enfreindre le **droit d'auteur**», se défend-elle. Mais une porte-parole d'Apple a confirmé, hier, par courriel, que «la licence de la musique dans iPhoto est pour une utilisation personnelle», ce qui ne donne aucun droit aux utilisateurs de la publier.

Cette façon de faire soulève aussi des questions de vie privée, à savoir comment **Facebook** a pu détecter qu'une chanson se trouvait dans la vidéo. Évidemment, «au nombre de millions [de vidéos] qui entrent, personne ne regarde tout ça!» explique la spécialiste des médias sociaux Michelle Blanc. Elle ajoute que les **médias sociaux** détectent ce genre de matériel à l'aide d'une signature électronique dans le fichier qui indique la présence de matériel protégé, ou encore en reconnaissant une série de caractères qui correspondrait au titre d'une œuvre.

Une porte-parole de Facebook a de son côté confirmé au Soleil que **Facebook**, «comme plusieurs sites qui hébergent des vidéos, utilise la technologie pour identifier les possibles violations de droits d'auteur» et que ce «système a pour but d'aider tout le monde en alertant les usagers qui, sans le savoir, pourraient envoyer des vidéos qui violeraient des **droits d'auteur**».

Les distributeurs de disques et de films aux États-Unis, poursuit Mme Blanc, n'hésitent plus à poursuivre les individus qui violent les **droits d'auteur** sur Internet. La prudence s'impose.

pofortin@lesoleil.com ILLUS: **Facebook** peut détecter et refuser de publier une vidéo qui contient, par exemple, une chanson pour laquelle on ne dispose pas de licence.

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Internal Article / Article

New entrants beating incumbents in subscriber adds: Report

The Wire Report

[February 24, 2012 - 6:14pm]

A new report by the Seaboard Group research firm says Canada's new entrant wireless carriers are "winning the race" for new customers.

The report, released this week, analysed how many new subscribers the incumbent carriers and new entrants added during the fourth quarter of 2011.

The report said incumbents **Rogers Communications Inc., BCE Inc., and Telus Communications Co.** added a combined 234,000 net subscriber additions over the period.

Four new entrants, **Wind Mobile, Public Mobile, Mobilicity** and Videotron (owned by **Quebecor Media Inc.**), added a combined 218,000 net subscribers.

The report said the numbers, drawn from quarterly financial reports and Seaboard Group estimates, show that "a competitive shift is under way in the marketplace" that is good for consumers.

The report is a supplement to another released earlier this month, entitled "Long Term Evolutionary Challenge: Limiting Carrier Gluttony," which argued that the presence of the new entrants has led to lower wireless prices for consumers in Canada's major markets.

The report also estimated that wireless spectrum frequencies awarded to the incumbents in 1985 is now worth about \$20 billion.

"[T]hese are the same incumbents that decry any further support to today's new entrants," the Seaboard Group wrote, adding that the 700 MHz auction should reserve spectrum for small players.

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Internal Article / Article

PIAC urges set-asides for spectrum auction

The Wire Report

[February 24, 2012 - 6:22pm

The Public Interest Advocacy Centre (PIAC) said Friday that cap-based rules for the auction of valued 700 MHz spectrum would be "an abandonment" of the federal government's commitment to competition in Canada's wireless market.

PIAC said the federal government should set aside blocks of spectrum for new entrant carriers in the auction to ensure those carriers' survival.

"Only set-asides can ensure new wireless companies can offer the latest handsets with wireless data, which are what consumers are demanding," John Lawford, counsel for PIAC, said in a statement.

"Caps do not solve the issue of dominance by the big three wireless carriers because Bell, TELUS and Rogers can afford to pay to keep all new competition out of their markets."

The government is expected to release the rules for the upcoming auction by the end of the month.

This week, new entrants **Wind Mobile** and **Public Mobile** said they intend to boycott the auction if set-asides are not included as part of the auction framework.

The following day, **BCE Inc.** reiterated its call for an open auction, saying it is necessary to obtain enough 700 MHz spectrum to roll out a national network using fourth-generation LTE technology.

"With only half as much spectrum available compared to the 2008 auction, spectrum set asides or other extraordinary favours for certain companies would permanently disadvantage a truly national wireless operator like Bell," the company said in a release.

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Internal Article / Article

Wind makes another plea for 700 MHz spectrum set asides

Cartt.ca

[February 24, 2012

TORONTO

Wind Mobile made a final appeal to Industry Canada and the federal government to set aside a portion of the 700 MHz spectrum for exclusive bidding by new wireless entrants. The rules for the pending auction are expected to be announced shortly.

In a statement on Friday, CEO Anthony Lacavera said that the idea of spectrum caps, which was proposed by Telus, will not only shut investors out of the pending spectrum auction, but it puts the Big Three' incumbents interests ahead of consumer interests.

"If

Minister Paradis makes a decision to announce caps' over set aside' for the next wireless spectrum auction then he will have decided to side with high-paid Big Three lobbyists instead of the Canadian consumer," Lacavera said in the statement. "If the Harper Government makes this mistake, they will undo every positive advance made in wireless over the past three years and move us back to an era dominated by an oligopoly that produced higher prices, fewer choices and mass dissatisfaction among consumers."

Without access to foreign capital and to the 700 MHz spectrum set aside, Lacavera maintains that no new entrant would, or could, seriously bid against the likes of Bell, Rogers and Telus. That would most certainly result in the return of higher-priced wireless services in Canada.

"We invested over a billion dollars in Canadian wireless under the promise of a real competitive landscape in this country," added Ossama Bessada, VimpelCom's head of Europe and North America and CEO of Wind Italy. "We fully expect that the government will do the right thing and live up to its commitment to build a thriving, viable wireless market by setting the conditions for new entrants to fully participate in the upcoming auction and disallow the incumbents to outbid the opponent in order to stave off competition."

Russia's VimpelCom bought control of Orascom Telecom in October 2010, which included the 65% interest Orascom had in Wind Mobile here in Canada.

www.windmobile.ca

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Foley, Lisa: ECOM-DGCE

From: Foley, Lisa: ECOM-DGCE
Sent: Tuesday, February 14, 2012 10:29
To: Wallace, Bruce: ECOM-DGCE
Subject: Addressing Issues

Attachments: Issues Addressed.doc

Here's a 2-pager taken from the Qs and As. It addresses issues re: privacy and the industry.



Issues
ddressed.doc (39 KB)

Bill C-XX, *An Act to enact the investigating and Preventing Criminal Electronic Communications Act and to amend the Criminal Code and other Acts* (short title, *Protecting Children from Internet Predators Act*) was tabled on February 14th.

Addressing Privacy Concerns

- With regard to requests for basic subscriber information (BSI), Public Safety amended the former C-52, eliminating five mobile identifiers from the list of subscriber information law enforcement will be entitled to request.
- Identifiers to be provided under the basic subscriber information provisions are limited to only those specified in legislation, as opposed to listing them in the regulations. Should authorities seek to expand the list of identifiers in the future, this would require an amendment to the Act, with full Parliamentary debate.
- The Act now includes a mandatory review of the legislation by Parliament after five years. The Parliamentary review will serve to highlight any unanticipated problems and will provide law-makers the opportunity to amend any parts of the Act that are not functioning effectively, including controls on the disclosure of basic subscriber information.
- The number of officials who can request basic subscriber information is limited to a maximum of five people per organization, or 5% of the organization's workforce (whichever is greater).
- Procedures will be put in place for mandatory record keeping by authorities of all requests for basic subscriber information.
- Basic subscriber information may only be requested in order to perform a duty or function of the agency in which a designated official works.
- Regular internal audits are mandatory and must be conducted by the heads of respective agencies. Reports on the findings of these audits are to be provided to the responsible Minister and to the responsible external review bodies.
- The Act expressly reconfirms the role of oversight bodies to audit the basic subscriber information controls of an agency within their jurisdiction – such as the Privacy Commissioner for the RCMP and Competition Bureau, and the Security Intelligence Review Committee for CSIS – at any time.

Addressing Concerns of Industry Stakeholders

- The legislation contains a number of mechanisms to minimize the cost to service providers, and provides for exemptions for small telecommunications service providers in order to ensure they are not at a disadvantage. It also contains provisions to address concerns around increased costs. These are listed below:

- There is an 18-month transition period to allow service providers time to adjust their network planning so that the requirements of the legislation can be factored in during the design stage of new networks.
- If authorities require service providers to implement interception capability within the 18-month transition period, the service providers will be compensated by the Government.
- Service providers with less than 100,000 subscribers are exempt from many of the Bill's requirements for the first three years.
- The legislation only requires service providers to build intercept capability into new equipment. Companies are not required to add this capability to any equipment already in use.
- In the area of capacity for multiple interceptions, the Government will provide compensation where this threshold must be exceeded.
- Exemptions may be granted to service providers for up to three years in order to permit innovative technologies to be brought to the marketplace prior to being fully compliant with the requirements of the Act.
- The requirements are designed to ensure specific equipment is not imposed on service providers; they will be free to select the most cost efficient solution for their particular networks based on their business practices.
- Telecommunications service providers will also be compensated for providing specialized telecommunications support for assisting with interceptions and for providing basic subscriber information.

Foley, Lisa: ECOM-DGCE

From: Hawrylak, Maciek [Maciek.Hawrylak@ps-sp.gc.ca]
Sent: Tuesday, February 14, 2012 14:49
To: Foley, Lisa: ECOM-DGCE; [REDACTED] 15(1)(d)(ii)
Cc: Wallace, Bruce: ECOM-DGCE; Chatelois, Daniele: ECOM-DGCE [REDACTED] 15(1)(d)(ii)
Subject: RE: Regs WG - progress review and follow-up tasks

Lisa,

That's great, thank you. There is still a chance that tomorrow's meeting will be cancelled, but I will advise by end of day.

Best,
 Maciek

Maciek Hawrylak
 National Security Operations Directorate | Direction des Operations de Sécurité Nationale
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 Maciek.Hawrylak@ps-sp.gc.ca

From: Lisa.Foley@ic.gc.ca [mailto:Lisa.Foley@ic.gc.ca]
Sent: February-14-12 2:48 PM
To: Hawrylak, Maciek; [REDACTED] 15(1)(d)(ii)
Cc: Bruce.Wallace@ic.gc.ca; Daniele.Chatelois@ic.gc.ca
Subject: RE: Regs WG - progress review and follow-up tasks

Hi Maciek and Dave,

A colleague of mine, Danièle Chatelois, will be joining us tomorrow morning. Danièle can speak to PIPEDA requirements for data retention and disposal.

Lisa

From: Hawrylak, Maciek [mailto:Maciek.Hawrylak@ps-sp.gc.ca]
Sent: Thursday, February 9, 2012 12:15 PM
To: Foley, Lisa: ECOM-DGCE; Pentland, Douglas: CB-BC; Kofler, Gernot: CB-BC; [REDACTED] 15(1)(d)(ii)
 [REDACTED] 15(1)(d)(ii) Kirk, Gordon (Gordon.Kirk@justice.gc.ca); Bernard Tremblay (Bernard.Tremblay@rcmp-grc.gc.ca); Helene Van Dyke (Helene.VanDyke@rcmp-grc.gc.ca); Sean Pope (Sean.Pope@rcmp-grc.gc.ca); 'matthew.shogilev@justice.gc.ca' (matthew.shogilev@justice.gc.ca); 'Karen Audcent (Karen.Audcent@justice.gc.ca)'
Cc: Kwavnick, Andrea; Kousha, Hasti; Maille, Marie Anick: PS-SP; Kingsley, Michèle
Subject: Regs WG - progress review and follow-up tasks

Colleagues,

This is just a brief message to update the group on our progress, and to remind people of the follow-up tasks we have set for ourselves.

21(1)(b).21(1)(c)

21(1)(b),21(1)(c)

Thanks everyone!

Maciek

Foley, Lisa: ECOM-DGCE

From: Foley, Lisa: ECOM-DGCE
Sent: Wednesday, February 15, 2012 7:51
To: Wallace, Bruce: ECOM-DGCE
Cc: Hill, Rachel: ECOM-DGCE
Subject: QP Card

Attachments: 237057-LA_QP_Card-R-SITT-STIT.DOC.DRF



237057-LA_QP_Car
d-R-SITT-STIT....

Here it is again, in case we are asked for one this morning. Rachel has the translation on a memory stick, but it has not yet been reviewed. I think André is probably the only person who could review it for us.

I'll be offline all morning as we aren't allowed to take electronic devices into the CSIS building. I should be back in the office by 1.

Lisa

Protecting Children from Internet Predators Act **(February 14, 2012)**

QP ELEMENT (69 words)

QUESTION:

What is the government doing to protect Canadian's privacy under the proposed *Protecting Children from Internet Predators Act*?

- **The Government of Canada is committed to protecting the privacy of Canadians, while at the same time safeguarding Canadians and their communities.**
- **Bill C-30, the *Protecting Children from Internet Predators Act*, includes a number of privacy safeguards developed as a result of consultations with Canadian Privacy Commissioners and industry stakeholders.**
- **My colleague, the Minister of Public Safety, can speak to the specifics of the proposed legislation.**

MEDIA RESPONSE ELEMENT (85 words)

- The Bill amends the *Criminal Code* to address cybercrime and to enable it to respond to today's telecommunications reality.
- The basic subscriber information to be provided by a Telecommunication Service Provider (TSP) to a designated official under the new Act is limited. It does not identify who they called, or which website(s) they visited.
- Safeguards in Bill C-30, such as putting procedures in place for mandatory record keeping by authorities of all requests, and mandating regular internal audits, will protect Canadians' privacy.

BACKGROUND (450 words)

Bill C-30 is a response to the growing complexity of telecommunications technologies that underpin modern life, which have outstripped the ability of authorities to keep pace and are exploited by criminals, terrorists, and other individuals or groups to hide their illegal activities. Earlier iterations of this Bill were introduced in 2005, 2009, and most recently in 2010 as former Bills C-50, C-51 and C-52.

This bill contains six principal components:

Intercept capability. Bill C-30 requires telecommunications service providers to build and maintain intercept capable networks.

New safeguards for interception of private communications in exceptional circumstances. Bill C-30 improves the public accountability of the interception regime by introducing annual public reporting of interceptions made in exceptional circumstances under s.184.4 of the *Criminal Code*.

Basic subscriber information. Bill C-30 provides the police, CSIS and the Competition Bureau with consistent and reliable access to basic subscriber information, which is often required at the early stages of investigations or to fulfill general policing duties. Limited numbers of designated police, CSIS and Competition Bureau officials may request any of the following basic identifiers: the subscriber's name, address, telephone number, e-mail address, Internet Protocol address, and local service provider identifier. It does not include a history of websites visited, the content of emails or information pertaining to phone calls a person made or received. Accessing such information will continue to require a warrant.

Streamlined court order application process. The Bill reduces delays and redundancies associated with applying for warrants or orders that are related to a wiretap application by creating a single application process for both the wiretap authorization and any related warrants or orders.

Modernizing some investigative powers. The Bill amends substantive offences and procedural powers of the *Criminal Code* to better address cybercrime and update the *Criminal Code* to enable it to respond to today's telecommunications reality.

Ratifying the Council of Europe *Convention on Cybercrime*. Canada signed the Council of Europe's *Convention on Cybercrime*, in 2001 and 2005 respectively, but has yet to ratify it. The amendments proposed in this Bill will allow Canada to ratify this important Convention and improve international cooperation on cybercrime. The tools and safeguards proposed in Bill C-30 are essential for the investigation and prosecution of serious offences such as child pornography, drug trafficking and terrorism.

Many other countries, including the United Kingdom, the United States, Australia, Germany and Sweden, already have similar laws in place to ensure intercept capability and access to basic subscriber information for their respective law enforcement and national security agencies.

Public Safety and Justice officials have been discussing lawful access legislation with Privacy Commissioners for many years. Their comments and advice have informed legislative proposals and will continue to contribute to this important initiative.

SPOKESPERSON

Janet DiFrancesco, Director General, ECOM
613-990-2225

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PREPARATION AND APPROVALS

Prepared by: Lisa Foley, ECOM, 613-952-3424

Key contact: Bruce Wallace, ECOM, 613-949-4759

Approved by: Janet DiFrancesco, ECOM, 613-990-2225

Date: February 14, 2012

Last Updated: February 13, 2012

Foley, Lisa: ECOM-DGCE

From: Hawrylak, Maciek [Maciek.Hawrylak@ps-sp.gc.ca]
Sent: Wednesday, February 15, 2012 7:53
To: Foley, Lisa: ECOM-DGCE
Subject: Re: Regs WG - progress review and follow-up tasks

Yep, that was my plan.

Maciek

From: Lisa.Foley@ic.gc.ca [mailto:Lisa.Foley@ic.gc.ca]
Sent: Wednesday, February 15, 2012 07:19 AM
To: Hawrylak, Maciek
Subject: Re: Regs WG - progress review and follow-up tasks

Hi Maciek,
 If possible, could we start with the retention issue this morning? That way Daniele won't have to stay for the whole meeting.

Lisa

From: Hawrylak, Maciek [mailto:Maciek.Hawrylak@ps-sp.gc.ca]
Sent: Tuesday, February 14, 2012 04:02 PM
To: Foley, Lisa: ECOM-DGCE
Subject: FW: Regs WG - progress review and follow-up tasks

Lisa,

Sorry, I forgot to include Danielle. Grateful you advise her.

Thanks,
 Maciek

From: Hawrylak, Maciek
Sent: February-14-12 3:54 PM
To: Kwavnick, Andrea; 'Lisa.Foley@ic.gc.ca' (Lisa.Foley@ic.gc.ca); Douglas.Pentland@bc-cb.gc.ca; Gernot.Kofler@bc-cb.gc.ca; [REDACTED] 15(1)(d)(ii) Kirk, Gordon (Gordon.Kirk@justice.gc.ca); Bernard Tremblay (Bernard.Tremblay@rcmp-grc.gc.ca); Helene Van Dyke (Helene.VanDyke@rcmp-grc.gc.ca); Sean Pope (Sean.Pope@rcmp-grc.gc.ca); 'matthew.shogilev@justice.gc.ca' (matthew.shogilev@justice.gc.ca); 'Karen Audcent (Karen.Audcent@justice.gc.ca)'
Cc: Kousha, Hasti; Maillé, Marie Anick; Kingsley, Michèle
Subject: RE: Regs WG - progress review and follow-up tasks

Colleagues,

Fresh off the introduction of Bill C-30 today, we will be having our second Regs WG meeting tomorrow morning as planned, at CSIS, from 9-12.

While most, if not all, of you have been to the CSIS building before, just a few details/reminders courtesy of [REDACTED] 15(1)(d)(ii)

Address: 1941 Ogilvie Rd.

Parking: There is limited, paid visitor's parking (B1). Visitors must register their vehicle at the second checkpoint once inside.

Taxi: The drop off point is outside the front doors. Taxis will need to be called for pick up as there is no taxi stand.

Electronic devices: All electronic devices (cell phones, USBs, computers, etc.) must be left at the first checkpoint once inside.

See you all tomorrow,
Maciek

From: Kwavnick, Andrea

Sent: February-10-12 12:04 PM

To: Hawrylak, Maciek; 'Lisa.Foley@ic.gc.ca' (Lisa.Foley@ic.gc.ca); Douglas.Pentland@bc-cb.gc.ca; Gernot.Kofler@bc-cb.gc.ca; 15(1)(d)(ii) Kirk, Gordon (Gordon.Kirk@justice.gc.ca); Bernard Tremblay (Bernard.Tremblay@rcmp-grc.gc.ca); Helene Van Dyke (Helene.VanDyke@rcmp-grc.gc.ca); Sean Pope (Sean.Pope@rcmp-grc.gc.ca); 'matthew.shogilev@justice.gc.ca' (matthew.shogilev@justice.gc.ca); 'Karen Audcent (Karen.Audcent@justice.gc.ca)'

Cc: Kousha, Hasti; Maillé, Marie Anick; Kingsley, Michèle

Subject: RE: Regs WG - progress review and follow-up tasks

Importance: High

Good Afternoon,

Given other lawful access related events taking place on Monday, the regs meeting scheduled for Monday afternoon is cancelled.

Thank you. Have a good weekend.
Andrea

From: Hawrylak, Maciek

Sent: February-09-12 12:15 PM

To: 'Lisa.Foley@ic.gc.ca' (Lisa.Foley@ic.gc.ca); Douglas.Pentland@bc-cb.gc.ca; Gernot.Kofler@bc-cb.gc.ca; 15(1)(d)(ii) Kirk, Gordon (Gordon.Kirk@justice.gc.ca); Bernard Tremblay (Bernard.Tremblay@rcmp-grc.gc.ca); Helene Van Dyke (Helene.VanDyke@rcmp-grc.gc.ca); Sean Pope (Sean.Pope@rcmp-grc.gc.ca); 'matthew.shogilev@justice.gc.ca' (matthew.shogilev@justice.gc.ca); 'Karen Audcent (Karen.Audcent@justice.gc.ca)'

Cc: Kwavnick, Andrea; Kousha, Hasti; Maillé, Marie Anick; Kingsley, Michèle

Subject: Regs WG - progress review and follow-up tasks

Colleagues,

This is just a brief message to update the group on our progress, and to remind people of the follow-up tasks we have set for ourselves.

21(1)(b).21(1)(c)

21(1)(b).21(1)(c)

Thanks everyone!

Maciek

Foley, Lisa: ECOM-DGCE

From: Foley, Lisa: ECOM-DGCE
Sent: Wednesday, February 15, 2012 15:50
To: Wallace, Bruce: ECOM-DGCE
Subject: Compensation to TSPs

Attachments: Issues Addressed.doc

21(1)(b)

Myth: This legislation will be expensive for service providers, who will pass the cost along to consumers.

Fact: Lawful Access legislation contains a number of mechanisms that would minimize the cost to service providers when fulfilling their legislative obligations.

- The intercept capability requirements within the proposed new legislation are forward-looking, and equipment that is already in place when the legislation comes into force is only required to maintain existing capability. The legislation was designed this way as it was recognized that it is more cost-effective to incorporate intercept capability at the design stage than it is to include it in equipment already in use. In addition, the proposed legislation:
 - Grants an initial transition period of 18 months for all telecommunications service providers, during which time the operational requirements relating to any newly installed equipment or software would be suspended. This would allow telecommunications service providers time to plan, test and integrate intercept capability into new equipment and services. Provides reasonable compensation to telecommunications service providers in instances where the RCMP or CSIS require them to implement intercept capability that goes over and above the legislative requirements. This could include requiring any telecommunications service provider to build extra capacity for simultaneous interceptions or to meet intercept capability requirements under the legislation within the 18 month transition period through an order by the Minister of Public Safety.
 - Allows telecommunications service providers to select the most cost efficient solution for their particular networks, based on their business practices, rather than imposing the use of specific equipment.
 - Provides compensation to telecommunications service providers for the specialized telecommunications support they provide the police and CSIS in performing interceptions, as well as for providing the police, CSIS and the Competition Bureau with basic subscriber information.
 - Includes provisions that provide flexibility to telecommunications service providers if they are facing problems that limit their ability to comply with the requirements of the proposed legislation, such as requesting a suspension of their operational obligations for a period of time, developing an alternate compliance plan with authorities, and/or being considered for an exemption order.

14.

(3) Mounted Police or the Director of the Canadian Security Intelligence Service, as the case may be, must pay the telecommunications service provider an amount that the Minister considers reasonable towards the expenses that the Minister considers are necessary for the service provider to incur initially to comply with an order made under this section.

(4) The Minister may provide the telecommunications service provider with any equipment or other thing that the Minister considers the service provider needs to comply with an order made under this section.

COMPENSATION

65. There is to be paid out of the Consolidated Revenue Fund the sums required to meet the monetary obligations of Her Majesty in right of Canada under subsections 14(3), 21(1) and 29(1).

66. If compensation for the provision of information or specialized telecommunications support is to be paid under section 21 or 29, no such compensation is to be paid under any other Act of Parliament.

Foley, Lisa: ECOM-DGCE

From: Wallace, Bruce: ECOM-DGCE
Sent: Thursday, February 16, 2012 11:45
To: Foley, Lisa: ECOM-DGCE
Subject: FW: Possible Amendments to IPCEC

From: Wallace, Bruce: ECOM-DGCE
Sent: Thursday, February 16, 2012 11:38 AM
To: Joly, Brigitte: CB-BC
Subject: RE: Possible Amendments to IPCEC

No word yet on timing. Will forward nay info I get when it comes in. Doug P was also copied on the e-mail so he may be able to participate. 21(1)(b)

Let me know if you need me to do anything at this end.

B

From: Joly, Brigitte: CB-BC [mailto:Brigitte.Joly@bc-cb.gc.ca]
Sent: Thursday, February 16, 2012 11:23 AM
To: Wallace, Bruce: ECOM-DGCE
Subject: Re: Possible Amendments to IPCEC

Thanks Bruce. Any idea when the conference call will be organized? I am attending meetings at the OECD in Paris and may not be able to dial in.

From: Wallace, Bruce: ECOM-DGCE <Bruce.Wallace@ic.gc.ca>
To: Joly, Brigitte: CB-BC
Sent: Thu Feb 16 11:18:27 2012
Subject: FW: Possible Amendments to IPCEC

Hi Brigitte:

Your e-mail address below looked odd to me - am forwarding just in case you did not get it.

From: MacDonald, Michael [mailto:Michael.MacDonald@ps-sp.gc.ca]
Sent: Thursday, February 16, 2012 10:59 AM
To: 'Stan Burke'; 15(1)(d)(ii) DiFrancesco, Janet: SITT-STIT; brigitte.jjoly@cb-bc.gc.ca
Cc: Bernard Tremblay; Wallace, Bruce: ECOM-DGCE; doug.pentland@cb-bc.gc.ca; Kingsley, Michèle; Kousha, Hasti; Karen.Audcent@justice.gc.ca; Kwavnick, Andrea
Subject: Possible Amendments to IPCEC
Importance: High

Hi,

21(1)(b)

Michele will call a teleconference this early afternoon to brief folks.

Thanks Mike

Foley, Lisa: ECOM-DGCE

From: Wallace, Bruce: ECOM-DGCE
Sent: Wednesday, February 15, 2012 13:08
To: Kingsley, Michèle
Cc: Foley, Lisa: ECOM-DGCE
Subject: FW: government introduces "An Act to enact the Investigating and Preventing Criminal Electronic Communications Act and to amend the Criminal Code and other Acts"

Hi Michele:

I am not sure if you or members of your team subscribe to any of the Information Technology Association of Canada (ITAC) mailing lists but this is an e-mail from the ITAC Cyber Security Forum Chair.

We usually attend the meetings as they are in Ottawa - the next one is March 6th. If the bill is on the agenda, I will let you know.

-----Original Message-----

From: bmunson@itac.ca [mailto:bmunson@itac.ca]
Sent: Wednesday, February 15, 2012 11:48 AM
To: info@itac.ca
Subject: government introduces "An Act to enact the Investigating and Preventing Criminal Electronic Communications Act and to amend the Criminal Code and other Acts"

ITAC Cyber Security Forum

The federal government has introduced its long-awaited lawful access legislation. The proper name of Bill C-30 is An Act to enact the Investigating and Preventing Criminal Electronic Communications Act and to amend the Criminal Code and other Acts, but as you can see from the news release below, the government has chosen to introduce a selectively accurate 'short title' that may mislead some people into seeing the bill as not nearly as broad as it really is. The news release, with a link to a backgrounder, can be found at:
<http://news.gc.ca/web/article-eng.do?jsessionid=ac1b105330d8f3adac043ble4f67bf67c8f1016d0f09.e38RbhaLb3qNe3aNbi0?mthd=tp&crtr.page=1&nid=656749&crtr.tp1D=1>

The full bill can be found at
<http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=5375610>

We'll certainly discuss this at the March 6 ITAC Cyber Security Forum meeting. As you might imagine, there is widespread concern within our industry regarding elements of the bill.

Bill Munson
ITAC

OTTAWA, February 14, 2012 — The Honourable Vic Toews, Minister of Public Safety, and the Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, today introduced in the House of Commons the Protecting Children from Internet Predators Act, a Bill that would provide law enforcement and the Canadian Security Intelligence Service (CSIS) with the modern investigative tools they need to help fight crime and national security threats, while strengthening safeguards to protect the privacy of Canadians.

"Our Government is committed to keeping our streets and communities safe. Rapid changes in technology mean crimes and national security threats are

more difficult to investigate. As a result, criminals, gangs and terrorists have found ways to exploit technological innovations to hide their illegal activities," said Minister Toews. "This legislation would give law enforcement and CSIS the investigative tools they need to do their jobs and keep our communities safe."

Bill C-30 would require telecommunications service providers (TSP) to:

- implement and maintain systems capable of lawfully intercepting communications in order to support the police and CSIS when needed;
- and
- provide basic subscriber information in a consistent and timely fashion to designated police, CSIS and Competition Bureau officials upon request (limited to subscriber name, address, telephone number, e-mail address, the internet protocol address, and the name of the service provider).

The proposed legislation would help to protect the security and privacy of Canadians by imposing strict limits on the number of CSIS and law enforcement officials who are permitted to make basic subscriber information requests, and apply new requirements for recording, reporting, and auditing those requests.

In addition, the Bill would:

- streamline the application process when court orders or warrants need to be issued in relation to an investigation that involves interceptions;
- update existing offences in the Criminal Code to ensure that they are able to cover new ways of committing old crimes;
- create new, carefully tailored investigation tools, such as production and preservation orders in the Criminal Code and the Competition Act;
- enable Canada to ratify the Council of Europe's Convention on Cybercrime and its Additional Protocol on Xenophobia and Racism; and
- add the safeguards of reporting and notification for the interception of private communications in exceptional circumstances.

"New technologies provide new ways of committing crimes, making them more difficult to investigate. We must ensure that law enforcement has the investigative tools to bring to justice those who break the law," said Minister Nicholson. "This legislation will enable authorities to keep pace with rapidly changing technology, without diminishing the legal protections currently afforded to Canadians with respect to privacy."

The proposed legislation is consistent with that of Australia, New Zealand, the United Kingdom and the United States, and will improve Canada's ability to work with its international partners to combat crime and terrorism.

At the January 2012 meeting of federal, provincial and territorial (FPT) ministers responsible for justice and public safety in Charlottetown, Prince Edward Island, the ministers unanimously agreed on the need to enhance and modernize the investigative capability of law enforcement and urged the federal government to move forward on enacting previously introduced legislation.

"Lawful access represents an important tool to assist policing in combatting serious criminal activity, such as organized crime, sexual predators or identity theft," said Dale McFee, President of the Canadian Association of Chiefs of Police. "Modernization of current legislative provisions reflects significant and obvious advancements in communications technologies, which will allow the police to lawfully and effectively investigate serious offences."

An online version of the proposed legislation will be available at

See Also:

Backgrounder: Protecting Children from Internet Predators Act
Modernizing investigative tools through the Protecting Children from
Internet Predators Act

Information:

Media Relations

Public Safety Canada

613-991-0657

Media Relations

Department of Justice

613-957-4207

Foley, Lisa: ECOM-DGCE

From: Foley, Lisa: ECOM-DGCE
Sent: Thursday, February 16, 2012 14:31
To: Leduc, Andre: ECOM-DGCE; Kaplan-Myrth, Andy: ECOM-DGCE
Subject: FW: Possible Amendments to IPCEC

From: Wallace, Bruce: ECOM-DGCE
Sent: Thursday, February 16, 2012 2:00 PM
To: Kingsley, Michèle
Cc: Foley, Lisa: ECOM-DGCE
Subject: RE: Possible Amendments to IPCEC

Hi Michele:

I am not available at that time but will have one of my team participate - probably Andy Kaplan Myrth. Maybe you and I can touch base tomorrow morning?

From: Kimberly.Haack@ps-sp.gc.ca [<mailto:Kimberly.Haack@ps-sp.gc.ca>] **On Behalf Of** Kingsley, Michèle
Sent: Thursday, February 16, 2012 1:53 PM
To: Kwavnick, Andrea; Durand, Mathieu; Hawrylak, Maciek; Maille, Marie Anick: PS-SP; karen.audcent@justice.gc.ca: Pentland, Douglas: CB-BC; Joly, Brigitte: CB-BC; Wallace, Bruce: ECOM-DGCE; 'Bernard Tremblay'; Kousha, Hasti; 15(1)(d)(ii) MacDonald, Michael
Subject: Possible Amendments to IPCEC
When: Thursday, February 16, 2012 15:40-16:00 (GMT-05:00) Eastern Time (US & Canada).
Where: Teleconference

Good Afternoon,

We are sending this meeting invitation to you as your organization's coordinator. Please forward the invitation to your colleagues. The teleconference information is below:

Dial in #: 613-960-7513
Toll free dial in #: 1 877-413-4788
Conference ID: 18(d)

Thank you.

Foley, Lisa: ECOM-DGCE

From: Foley, Lisa: ECOM-DGCE
Sent: Thursday, February 16, 2012 16:21
To: DiFrancesco, Janet: SITT-STIT; Wallace, Bruce: ECOM-DGCE
Cc: Leduc, Andre: ECOM-DGCE; Kaplan-Myrth, Andy: ECOM-DGCE
Subject: LA teleconference

Nothing major to report.

21(1)(a).21(1)(b)

Bruce, we can give you the specifics tomorrow morning.

Lisa

Foley, Lisa: ECOM-DGCE

From: Hawrylak, Maciek [Maciek.Hawrylak@ps-sp.gc.ca]
Sent: Friday, February 17, 2012 9:09
To: Kwavnick, Andrea; Foley, Lisa: ECOM-DGCE; Pentland, Douglas: CB-BC; Kofler, Gernot: CB-BC; 15(1)(d)(ii); 'Kirk, Gordon (Gordon.Kirk@justice.gc.ca)'; 'Bernard Tremblay (Bernard.Tremblay@rcmp-grc.gc.ca)'; 'Helene Van Dyke (Helene.VanDyke@rcmp-grc.gc.ca)'; 'Sean Pope (Sean.Pope@rcmp-grc.gc.ca)'; 'matthew.shogilev@justice.gc.ca' (matthew.shogilev@justice.gc.ca); 'Karen Audcent (Karen.Audcent@justice.gc.ca)'
Cc: Kousha, Hasti; Maille, Marie Anick: PS-SP; Kingsley, Michèle
Subject: RE: Regs WG - progress review and follow-up tasks

Colleagues,

With several people unavailable on Monday due to Family Day, I'm cancelling Monday's Regs meeting (Outlook cancellation shortly).

I am also unable to make Wednesday's meeting as the TBS-led Regulatory Reform Working Group (I mentioned this at our first meeting) has made an all-day meeting that day. To replace that day, CSIS has kindly offered Thursday PM or Friday AM. Can you please signal to me whether you are available for those slots, and if so, which is your preference?

Many thanks,
 Maciek

From: Hawrylak, Maciek
Sent: February-14-12 3:54 PM
To: Kwavnick, Andrea; 'Lisa.Foley@ic.gc.ca' (Lisa.Foley@ic.gc.ca); Douglas.Pentland@bc-cb.gc.ca; Gernot.Kofler@bc-cb.gc.ca; 15(1)(d)(ii); Kirk, Gordon (Gordon.Kirk@justice.gc.ca); Bernard Tremblay (Bernard.Tremblay@rcmp-grc.gc.ca); Helene Van Dyke (Helene.VanDyke@rcmp-grc.gc.ca); Sean Pope (Sean.Pope@rcmp-grc.gc.ca); 'matthew.shogilev@justice.gc.ca' (matthew.shogilev@justice.gc.ca); 'Karen Audcent (Karen.Audcent@justice.gc.ca)'
Cc: Kousha, Hasti; Maillé, Marie Anick; Kingsley, Michèle
Subject: RE: Regs WG - progress review and follow-up tasks

Colleagues,

Fresh off the introduction of Bill C-30 today, we will be having our second Regs WG meeting tomorrow morning as planned, at CSIS, from 9-12.

While most, if not all, of you have been to the CSIS building before, just a few details/reminders courtesy of 15(1)(d)(ii)

Address: 1941 Ogilvie Rd.

Parking: There is limited, paid visitor's parking (B1). Visitors must register their vehicle at the second checkpoint once inside.

Taxi: The drop off point is outside the front doors. Taxis will need to be called for pick up as there is no taxi stand.

Electronic devices: All electronic devices (cell phones, USBs, computers, etc.) must be left at the first checkpoint once inside.

See you all tomorrow,
 Maciek

From: Kwavnick, Andrea

Sent: February-10-12 12:04 PM

To: Hawrylak, Maciek; 'Lisa.Foley@ic.gc.ca' (Lisa.Foley@ic.gc.ca); Douglas.Pentland@bc-cb.gc.ca; Gernot.Kofler@bc-cb.gc.ca; 15(1)(d)(ii) Kirk, Gordon (Gordon.Kirk@justice.gc.ca); Bernard Tremblay (Bernard.Tremblay@rcmp-grc.gc.ca); Helene Van Dyke (Helene.VanDyke@rcmp-grc.gc.ca); Sean Pope (Sean.Pope@rcmp-grc.gc.ca); 'matthew.shogilev@justice.gc.ca' (matthew.shogilev@justice.gc.ca); 'Karen Audcent (Karen.Audcent@justice.gc.ca)'

Cc: Kousha, Hasti; Maillé, Marie Anick; Kingsley, Michèle

Subject: RE: Regs WG - progress review and follow-up tasks

Importance: High

Good Afternoon,

Given other lawful access related events taking place on Monday, the regs meeting scheduled for Monday afternoon is cancelled.

Thank you. Have a good weekend.

Andrea

From: Hawrylak, Maciek

Sent: February-09-12 12:15 PM

To: 'Lisa.Foley@ic.gc.ca' (Lisa.Foley@ic.gc.ca); Douglas.Pentland@bc-cb.gc.ca; Gernot.Kofler@bc-cb.gc.ca; 15(1)(d)(ii) Kirk, Gordon (Gordon.Kirk@justice.gc.ca); Bernard Tremblay (Bernard.Tremblay@rcmp-grc.gc.ca); Helene Van Dyke (Helene.VanDyke@rcmp-grc.gc.ca); Sean Pope (Sean.Pope@rcmp-grc.gc.ca); 'matthew.shogilev@justice.gc.ca' (matthew.shogilev@justice.gc.ca); 'Karen Audcent (Karen.Audcent@justice.gc.ca)'

Cc: Kwavnick, Andrea; Kousha, Hasti; Maillé, Marie Anick; Kingsley, Michèle

Subject: Regs WG - progress review and follow-up tasks

Colleagues,

This is just a brief message to update the group on our progress, and to remind people of the follow-up tasks we have set for ourselves.

21(1)(b).21(1)(c)

21(1)(b),21(1)(c)

Thanks everyone!

Maciek

Foley, Lisa: ECOM-DGCE

From: Foley, Lisa: ECOM-DGCE
Sent: Friday, February 17, 2012 9:36
To: Wallace, Bruce: ECOM-DGCE
Subject: Lawful Access: Surveillance Bill's Cost Worries Telecom Providers

When you're speaking to Michèle, you might want to mention this article and the quote from Tom.

21(1)(b)

21(1)(b)

Lawful Access: Surveillance Bill's Cost Worries Telecom Providers

Huffington Post Canada

The legislation would allow authorities **access** to Internet subscriber information — including name, address, telephone number and email address — without a warrant. It would also require telecommunication service providers to have the technical ...

Meetings to discuss compensation are planned over the next several weeks with officials from the departments of Public Safety, Justice and Industry, said Tom Copeland, chairman of the Canadian Association of Internet Providers, which represents small- and medium-sized companies.

Foley, Lisa: ECOM-DGCE

From: Kingsley, Michèle [Michele.Kingsley@ps-sp.gc.ca]
Sent: Friday, February 24, 2012 15:26
To: Wallace, Bruce: ECOM-DGCE
Cc: Kwavnick, Andrea; Foley, Lisa: ECOM-DGCE
Subject: RE: MG on Bill C-30

Ok. See you Monday at 10:30.

From: Bruce.Wallace@ic.gc.ca [<mailto:Bruce.Wallace@ic.gc.ca>]
Sent: February-24-12 3:24 PM
To: Kingsley, Michèle
Cc: Kwavnick, Andrea; Lisa.Foley@ic.gc.ca
Subject: RE: MG on Bill C-30

No need to meet before.

21(1)(a),21(1)(b)

From: Kingsley, Michèle [<mailto:Michele.Kingsley@ps-sp.gc.ca>]
Sent: Friday, February 24, 2012 3:08 PM
To: Wallace, Bruce: ECOM-DGCE
Cc: Kwavnick, Andrea
Subject: Re: MG on Bill C-30

We'll be calling a meeting of the broader group at 10:30. Do you think it's necessary to meet beforehand?

From: Bruce.Wallace@ic.gc.ca [<mailto:Bruce.Wallace@ic.gc.ca>]
Sent: Friday, February 24, 2012 03:05 PM
To: Kingsley, Michèle
Cc: Kwavnick, Andrea
Subject: RE: MG on Bill C-30

Myself, Lisa and Danièle Chatelois (our privacy expert - she recently attended at regs WG meeting to speak to the law enforcement provisions in PIPEDA and Bill C-12)

From: Kingsley, Michèle [<mailto:Michele.Kingsley@ps-sp.gc.ca>]
Sent: Friday, February 24, 2012 2:42 PM
To: Wallace, Bruce: ECOM-DGCE
Cc: Kwavnick, Andrea
Subject: Re: MG on Bill C-30

We can try. Who would come?

From: Bruce.Wallace@ic.gc.ca [<mailto:Bruce.Wallace@ic.gc.ca>]
Sent: Friday, February 24, 2012 02:36 PM
To: Kingsley, Michèle
Cc: Kwavnick, Andrea
Subject: RE: MG on Bill C-30

This afternoon is not good as some key staff are away. Could we do Monday morning instead?

From: Kingsley, Michèle [<mailto:Michele.Kingsley@ps-sp.gc.ca>]
Sent: Friday, February 24, 2012 2:10 PM
To: Wallace, Bruce: ECOM-DGCE
Cc: Kwavnick, Andrea
Subject: Re: MG on Bill C-30

Thanks. We're looking at stuff now. Would people like to come by this aft? 3:30?

From: Bruce.Wallace@ic.gc.ca [<mailto:Bruce.Wallace@ic.gc.ca>]
Sent: Friday, February 24, 2012 02:00 PM
To: Kingsley, Michèle
Subject: FW: MG on Bill C-30

Hi Michele:

21(1)(a).21(1)(b)



From: Kaplan-Myrth, Andy: ECOM-DGCE
Sent: Friday, February 24, 2012 12:08 PM
To: Wallace, Bruce: ECOM-DGCE; Foley, Lisa: ECOM-DGCE; Leduc, Andre: ECOM-DGCE
Subject: MG on Bill C-30

In case you haven't seen it yet, here's Geist's article from today, "How to Fix Canada's Online Surveillance Bill: A 12 Step To-Do List"

<http://www.michaelgeist.ca/content/view/6339/125/>

--
Andy Kaplan-Myrth
Policy Advisor | Analyste des politiques
Electronic Commerce Branch | Direction générale du commerce électronique
Spectrum, Information Technologies and Telecommunications Sector | Secteur du Spectre, des technologies de

l'information et des télécommunications

Industry Canada | Industrie Canada

300 Slater Street, Ottawa ON K1A 0C8 | 300, rue Slater, Ottawa ON K1A 0C8

Andy.Kaplan-Myrth@ic.gc.ca

Telephone | Téléphone 613-990-9584

Facsimile | Télécopieur 613-941-1164

Government of Canada | Gouvernement du Canada

Foley, Lisa: ECOM-DGCE

From: Hawrylak, Maciek [Maciek.Hawrylak@ps-sp.gc.ca]
Sent: Sunday, February 26, 2012 16:26
To: Bernard Tremblay (Bernard.Tremblay@rcmp-arc.gc.ca); Sean Pope (Sean.Pope@rcmp-grc.gc.ca); [redacted] 15(1)(d)(ii) Foley, Lisa: ECOM-DGCE; Pentland, Douglas: CB-BC; Kofler, Gernot: CB-BC; 'matthew.shogilev@justice.gc.ca' (matthew.shogilev@justice.gc.ca); 'Karen Audcent (Karen.Audcent@justice.gc.ca)'
Cc: Helene Van Dyke (Helene.VanDyke@rcmp-grc.gc.ca); Gordon Kirk (Gordon.Kirk@justice.gc.ca); Kousha, Hasti; Kwavnick, Andrea; Maille, Marie Anick: PS-SP; Scott, Marcie; Durand, Mathieu
Subject: For Comment: [redacted] 21(1)(b) elements of IPCEA
Attachments: [redacted] 21(1)(b)

Colleagues,

[redacted]
21(1)(b)

We are, of course, trying to get these added to the master list as soon as possible, just to be ready. Could you please read through and provide any comments by **1 pm on Monday**? As usual, apologies for the tight timeline.

Many thanks,
Maciek

Maciek Hawrylak
National Security Operations Directorate | Direction des Operations de Sécurité Nationale
Public Safety Canada | Sécurité Publique Canada
Tel | Tél : 613-991-6036
Fax | Téléc : 613-991-4669
Maciek.Hawrylak@ps-sp.gc.ca

Link of
OCS - mon dept

Correspondence Minister/Correspondance Ministre: OCS

From: Paradis, Christian - Assistant 1 [christian.paradis.a1@parl.gc.ca] on behalf of "Paradis, Christian - Député" [christian.paradis@parl.gc.ca]
Sent: Tuesday, February 14, 2012 14:43
To: Correspondence Minister/Correspondance Ministre: OCS
Subject: TR: My concerns regarding the proposed "protecting children from internet predators act"

-----Message d'origine-----

De : [redacted] 19(1)

Envoyé : 14 février 2012 12:59

À : Dewar, Paul - M.P.

Cc : Paradis, Christian - Député; Moore, James - M.P.; Harper, Stephen - P.M.

Objet : My concerns regarding the proposed "protecting children from internet predators act"

I am writing to express my concern over the Lawful Access bill introduced in the House today. The proposed legislation will force every phone and Internet provider to collect the private information of any Canadian, at any time, without a warrant.

This warrantless search will invade the privacy of all Canadians under the guise of "If you don't have anything to hide, you don't have anything to fear". This invasion opens Canadians to a horrible level of Orwellian surveillance, and exposes us all anyone who wants to view such data.

The outrageous claims by Safety Minister Vic Toews that if "you're not with us, you're with the child pornographers" show just how low our current government will stoop to pass this legislation. Comparing anyone who opposes their pet legislation to child pornographers is disgusting and insulting to all law-abiding Canadians. This ploy to equate privacy with child pornography needs to be shown for the sham it is. Anyone who would use the excuse of "for the children", playing on the fears of parents, does not deserve to be in elected office.

Let's not forget the cost associated with this as ISPs scramble to comply, passing on the costs to the consumer, inflating Canada's already high internet prices.

The outspoken response of Privacy Commissioner Jennifer Stoddart and technology experts like Michael Geist should raise the hackles of all Canadians who care about our right to exist without our lives being invaded on a whim.

Sincerely,

[redacted signature box]
19(1)

CC: The Right Honourable Stephen Harper
CC: The Honourable Christian Paradis Minister of Industry
CC: The Honourable James Moore Minister of Canadian Heritage

*Transfer to Public Safety***Correspondence Minister/Correspondance Ministre: OCS**

From: [redacted] 19(1)
Sent: Wednesday, February 15, 2012 13:53
To: Correspondence Minister/Correspondance Ministre: OCS; harper stephen
Subject: No warrantless internet searches!

Canada does not want to go down the road of expanding police powers to go on fishing expeditions to view the private internet behaviour of law abiding citizens. In his typical oversimplification of the issue, Harper tells us that either you are with the government, or you are with the child pornographers. We are also told that law abiding citizens need not be concerned about this proposed legislation. I can assure you that I am a law abiding 57 year old [redacted] 19(1) who has never viewed an Internet porn site in my life, and yet I am concerned about this erosion of my civil rights. A large child pornography ring was recently broken under existing legislation, which demonstrates that there is no need for further intrusive police measures. If there is reasonable grounds for a search of a person's internet behaviour, a judge will issue a warrant for that. We need checks and balances in our system, and a judge gives sober second thought for the need for an intrusion into the privacy of Canadians. [redacted] 19(1)

2012-02-15

Ford, Ruth: CPO-BSGP

Transfer to
Public Safety

From: Prime Minister/Premier ministre [pm@pm.gc.ca]
Sent: Thursday, February 23, 2012 9:34
To: 19(1)
Cc: Correspondence Minister/Correspondance Ministre: OCS
Subject: Office of the Prime Minister / Cabinet du Premier ministre

Dear 19(1) :

Thank you for writing to the Prime Minister. In your e-mail, you raised an issue that falls within the portfolio of the Honourable Christian Paradis, Minister of Industry.

Please be assured that your comments have been carefully noted. I have taken the liberty of forwarding your e-mail to Minister Paradis. I am certain that the Minister will wish to give your views every consideration.

For more information on the Government's initiatives, you may wish to visit the Prime Minister's Web site, at www.pm.gc.ca.

Once again, thank you for taking the time to write.

M.F. Bustos
Manager/Gestionnaire
Executive Correspondence Services
for the Prime Minister's Office
Services de la correspondance
de la haute direction
pour le Cabinet du Premier ministre

>>> From : 19(1)
08:47:30 PM >>>

Received : 22 Feb 2012

>>> Subject : Stop Online Spying >>>>

We oppose mandatory Internet surveillance. This scheme is poorly thought out, costly, and will leave our personal information less secure. Unchecked mass surveillance is a breach of our fundamental right to privacy.

19(1)