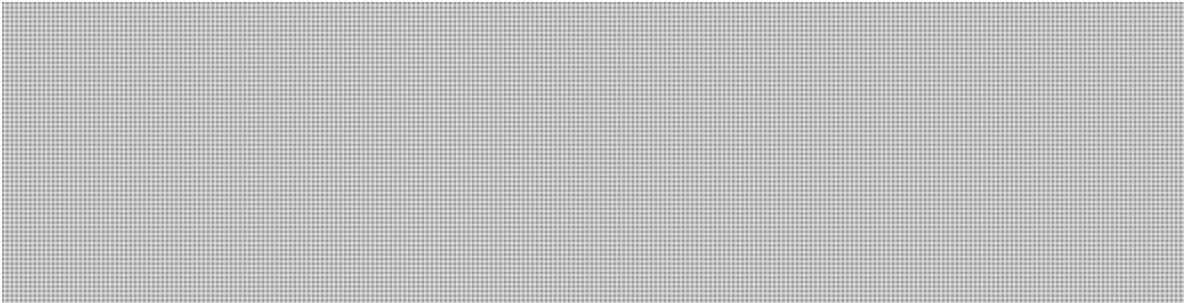


(Current as of 17/11/2008)


## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table

### Solicitor Generals Standards

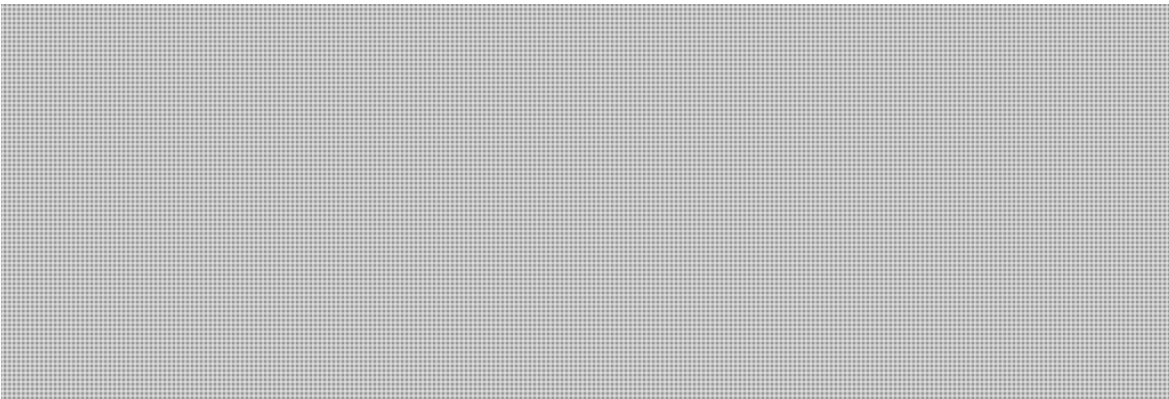
**Standard 1:** Law enforcement agencies require access to the entire telecommunications transmitted, or caused to be transmitted, to and from the number or other identifier of the target service used by the interception subject. Law enforcement agencies also require access to the call-associated data that is generated to process the call.



**Standard 2:** Law enforcement agencies require access to all mobile interception subjects operating temporarily or permanently within a telecommunications system.




**Standard 3:** Law enforcement agencies require access in cases where the interception subject may be using features to divert calls to other telecommunications service or terminal equipment, including calls that traverse more than one network or are processed by more than one network operator/service provider before completing.



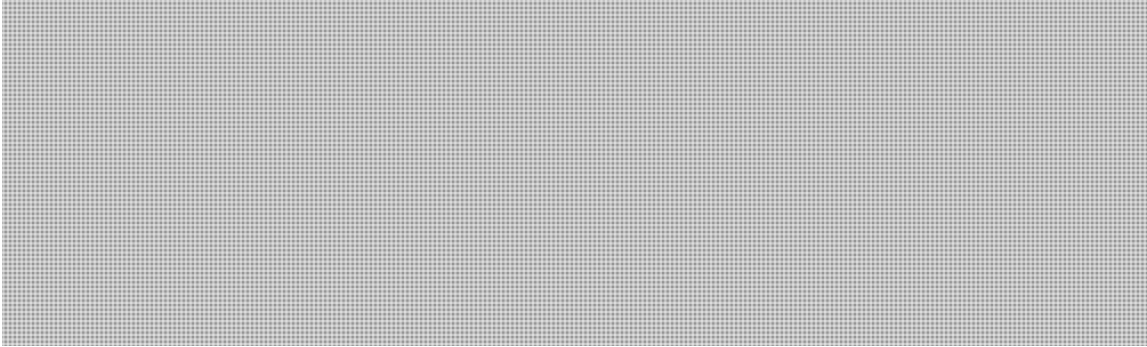
*For further information, please contact Public Safety Canada,  
National Security Technology Division.*

(Current as of 17/11/2008)

## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table




**Standard 4:** Law enforcement agencies require that the telecommunications to and from a target service be provided to the exclusion of any telecommunications that do not fall within the scope of the interception authorization.

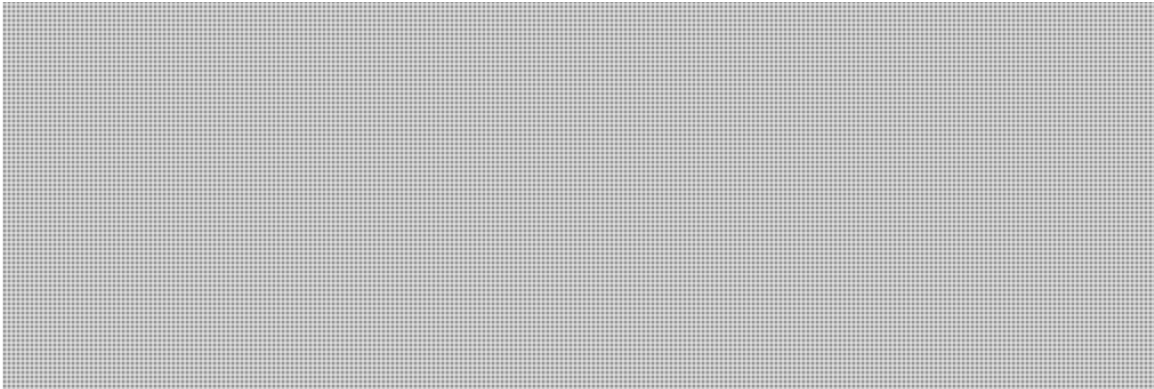


**Standard 5:** Law enforcement agencies require access to available call associated data such as:

A) Signaling of access ready status



B) Called party number for outgoing connections even if there is no successful connection established

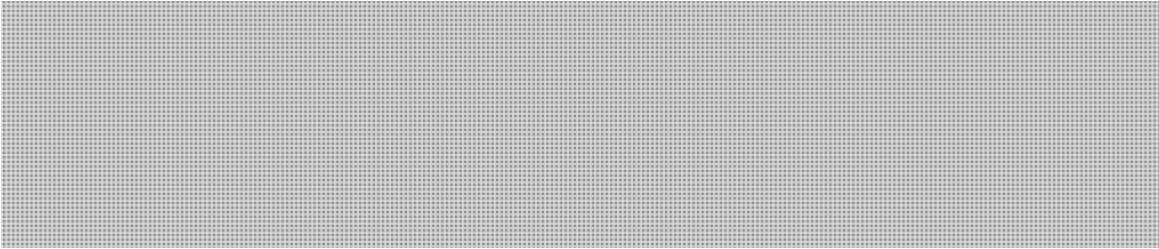


*For further information, please contact Public Safety Canada, National Security Technology Division.*

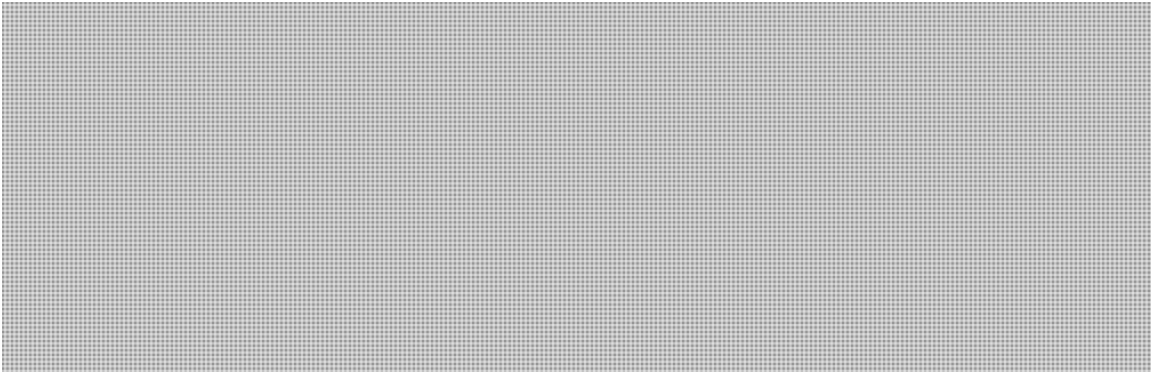
(Current as of 17/11/2008)

## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table

- C) Calling party number for incoming connections even if there is no successful connection established



- D) All digits dialed by the target, including post-connection dialed digits used to activate features such as conference calling and call transfer



- E) Beginning, end, and duration of the connection

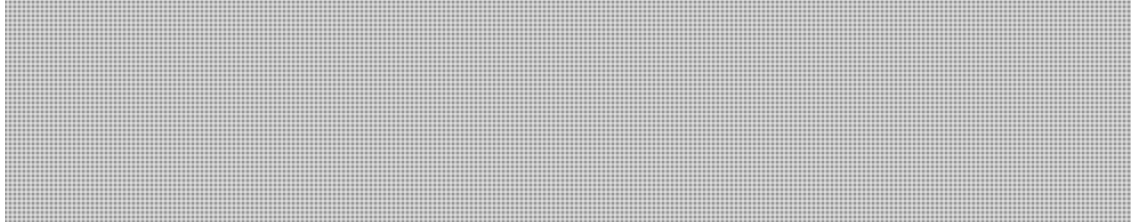


- F) Actual destination and intermediate directory numbers if call has been diverted.

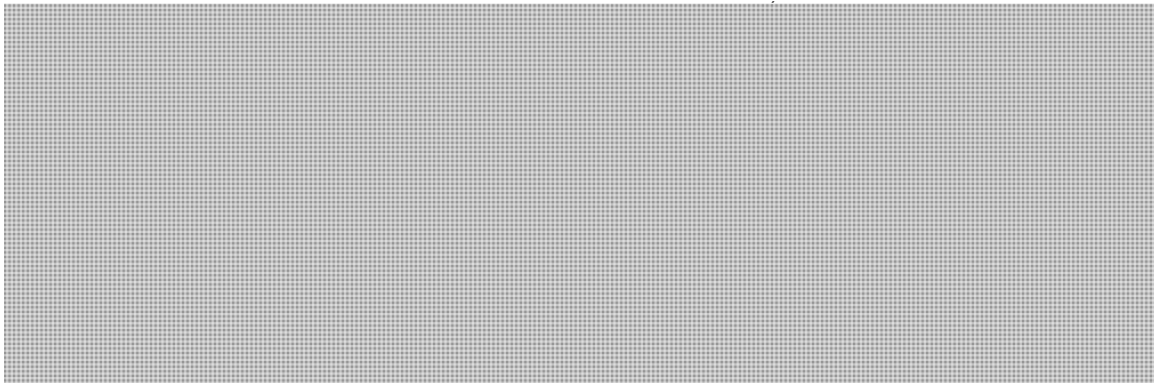
*For further information, please contact Public Safety Canada,  
National Security Technology Division.*

(Current as of 17/11/2008)

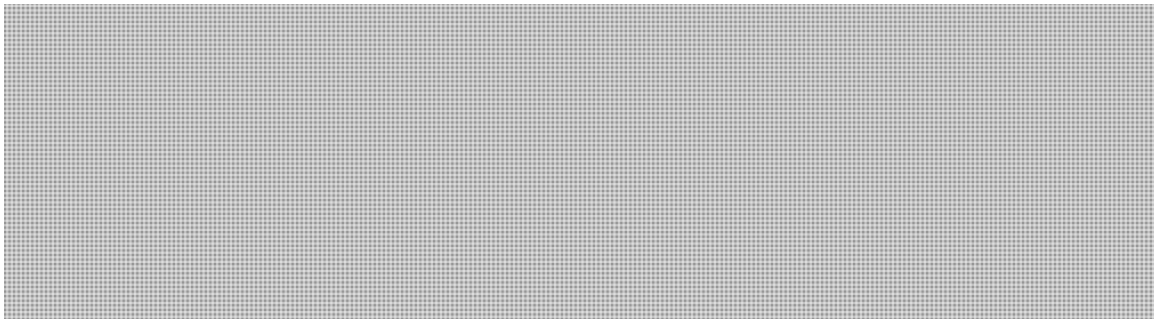
## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table



**Standard 6:** Law enforcement agencies require information on the most accurate geographical location known to the network for mobile subscribers.



**Standard 7:** Law enforcement agencies require data on the specific service used by the interception subject and the technical parameters for that type of communication.



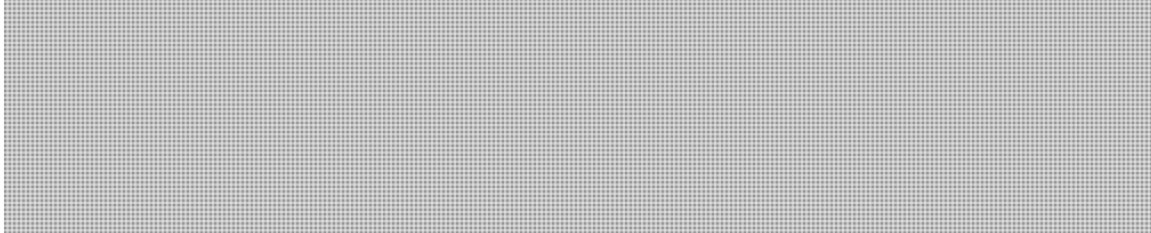
**Standard 8:** Law enforcement agencies require a real-time, full-time monitoring capability for the interception of telecommunications. Call associated data should also be provided in real-time. If call associated data cannot be made available in real time, law enforcement agencies require the data to be

*For further information, please contact Public Safety Canada,  
National Security Technology Division:*

(Current as of 17/11/2008)

## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table

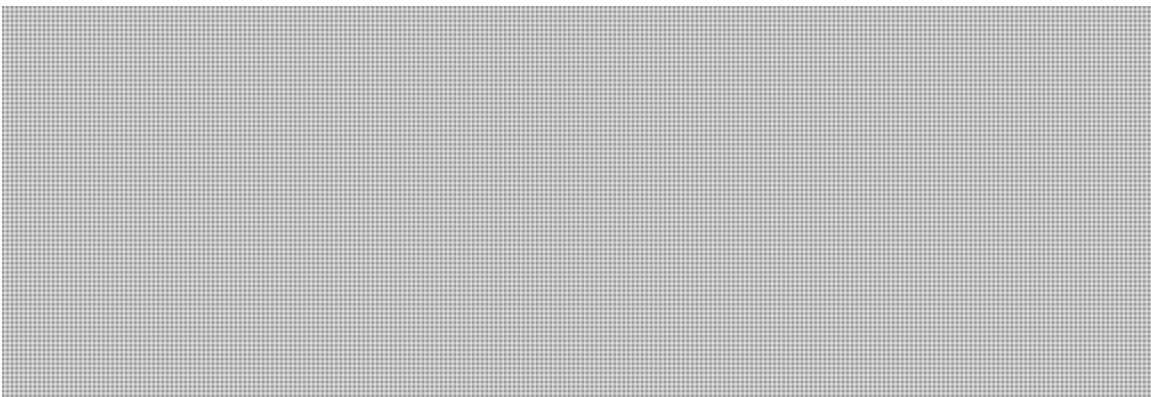
available as soon as possible upon call termination.



**Standard 9:** Law enforcement agencies require network operators/service providers to provide one or more interfaces from which the intercepted communications can be transmitted to the law enforcement monitoring facility. These interfaces have to be commonly agreed on by the interception authorities and the network operators/service providers. Other issues associated with these interfaces will be handled according to generally accepted practices.



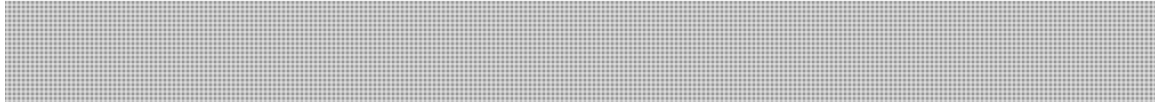
**Standard 10:** Law enforcement agencies require network operators/service providers to provide call associated data and call content from the target service in a way that allows for the accurate correlation of call associated data with call content.



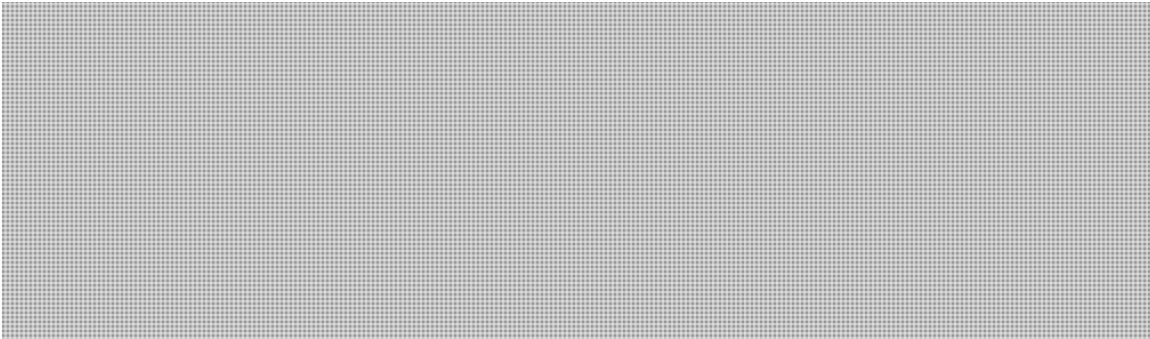
For further information, please contact Public Safety Canada,  
National Security Technology Division.

(Current as of 17/11/2008)

## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table



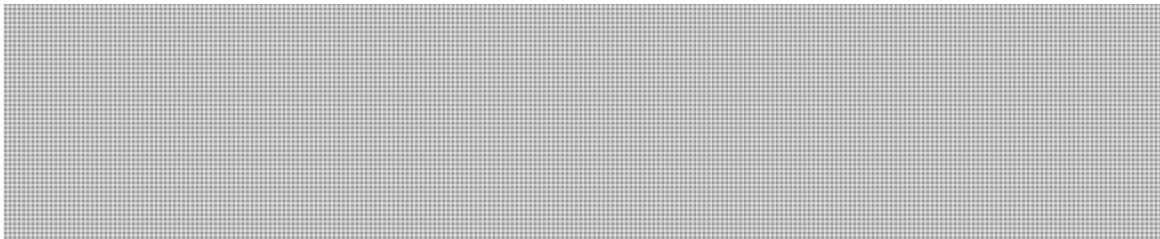
**Standard 11:** Law enforcement agencies require that the format for transmitting the intercepted communications to the monitoring facility be a generally available format.



**Standard 12:** If network operators/service providers initiate encoding, compression or encryption of telecommunications traffic, law enforcement agencies require the network operators/service providers to provide intercepted communications en clair.



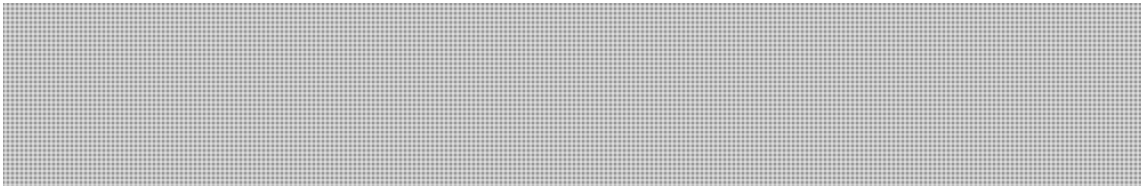
**Standard 13:** Law enforcement agencies require network operators/service providers to be able to transmit the intercepted communications to the law enforcement monitoring facility via fixed or switched connections.



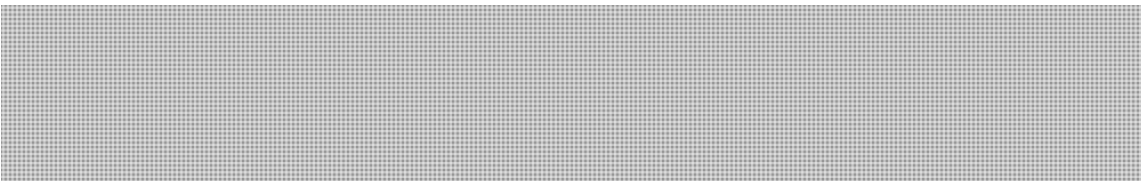
*For further information, please contact Public Safety Canada,  
National Security Technology Division.*

(Current as of 17/11/2008)

## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table



**Standard 14:** Law enforcement agencies require that the transmission of the intercepted communications to the monitoring facility meet applicable Government of Canada security requirements.



**Standard 15:** Law enforcement agencies require interceptions to be implemented so that neither the interception target nor any other unauthorized person is aware of any changes made to fulfill the interception order. In particular, the operation of the target service must appear unchanged to the interception subject.



**Standard 16:** Law enforcement agencies require the interception to be designed and implemented to preclude unauthorized or improper use and to safeguard the information related to the interception.



**Standard 17:** Law enforcement agencies require network operators/service providers to protect information on which and how many interceptions are being or have been performed, and not disclose information on how interceptions are carried out.

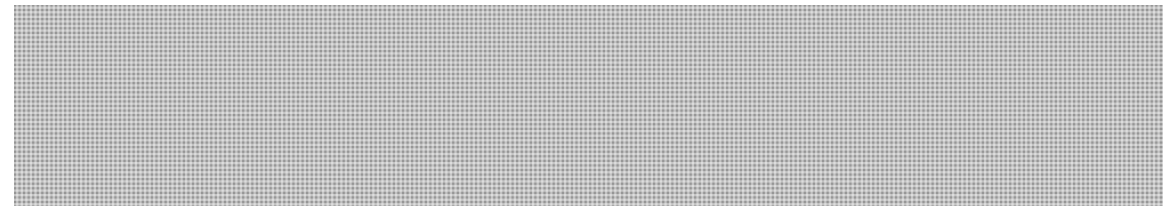
*For further information, please contact Public Safety Canada, National Security Technology Division.*

(Current as of 17/11/2008)

## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table



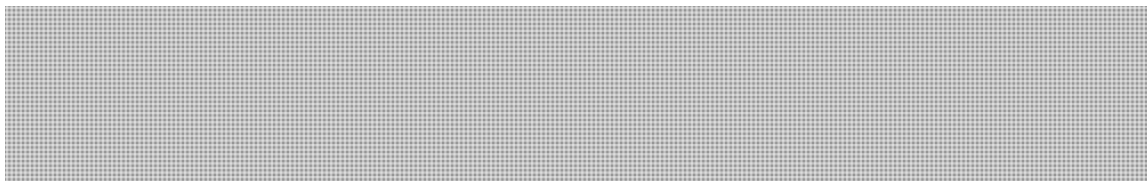
**Standard 18:** Law enforcement agencies require network operators/service providers to ensure that intercepted communications are only transmitted to the monitoring agency specified in the interception authorization.



**Standard 19:** Based on a lawful inquiry and before implementation of the interception, law enforcement agencies require (1) the interception subject's identity service number or other distinctive identifier, (2) information on the services and features of the telecommunications system used by the interception subject and delivered by network operators/service providers, and (3) information on the technical parameters of the transmission to the law enforcement monitoring facility.



**Standard 20:** During the interception law enforcement agencies may require information and/or assistance from the network operators/service providers to ensure that the communications acquired at the interception interface are those communications associated with the target service.



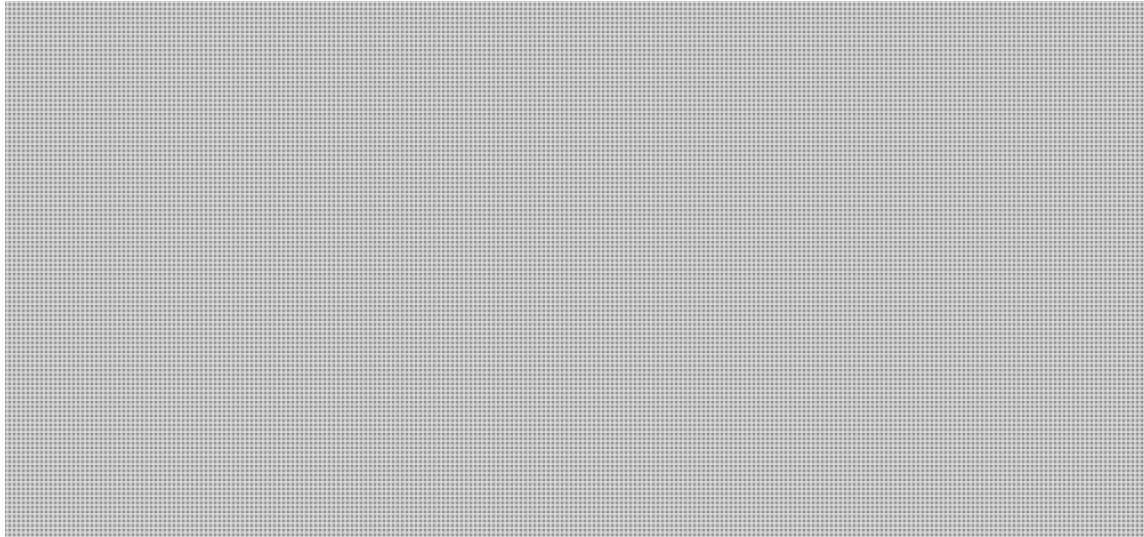
*For further information, please contact Public Safety Canada, National Security Technology Division.*



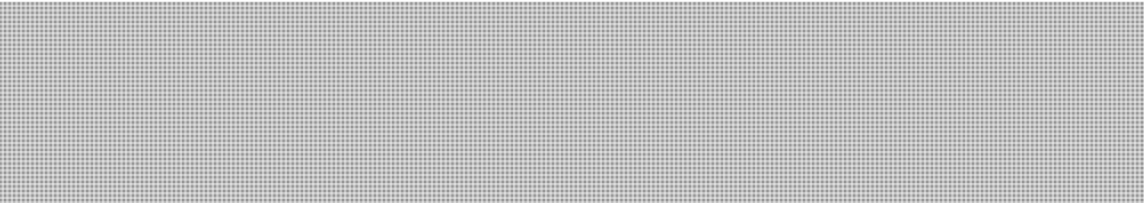
(Current as of 17/11/2008)

## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table

**Standard 21:** Law enforcement agencies require network operators/service providers to make provisions for implementing a number of simultaneous intercepts. Multiple interceptions may be required for a single target service to allow monitoring by more than one law enforcement agency. In this case, network operators/service providers should take precautions to safeguard the identities of the monitoring agencies and ensure the confidentiality of the investigations.



**Standard 22:** Law enforcement agencies require network operators/service providers to implement interceptions as quickly as possible (in urgent cases within a few hours or minutes). The response requirements of law enforcement agencies will vary by the type of target service to be intercepted.



**Standard 23:** For the duration of the interception, law enforcement agencies require that the reliability of the services supporting the interception at least equals the reliability of the target services provided to the interception subject. Law enforcement agencies require the quality of service of the intercepted transmissions forwarded to the monitoring facility to comply with the performance standards of the network operators/service providers.

*For further information, please contact Public Safety Canada,  
National Security Technology Division.*

*(Current as of 17/11/2008)*

## **Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table**



*For further information, please contact Public Safety Canada,  
National Security Technology Division.*

**Moshonas, Jennifer**

---

**From:** Pilon, Claude  
**Sent:** February 28, 2011 1:55 PM  
**To:** Moshonas, Jennifer  
**Cc:** Kousha, Hasti  
**Subject:** FW: [REDACTED]  
Jennifer,

[REDACTED]

Thanks

Claude Pilon  
Counsel / Avocat  
Public Safety Canada Legal Services / Services juridiques de Sécurité publique Canada  
(613) 991-4364 / [claudio.pilon@ps-sp.gc.ca](mailto:claudio.pilon@ps-sp.gc.ca)

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SECRET PROFESSIONNEL DE L'AVOCAT**

Please feel free to reply in the official language of your choice/ N'hésitez pas à me répondre dans la langue officielle de votre choix

---

**From:** Glenn.Sheskay@ic.gc.ca [mailto:Glenn.Sheskay@ic.gc.ca]  
**Sent:** February 16, 2011 8:35 AM  
**To:** Pilon, Claude  
**Subject:** RE: [REDACTED]

Hello Claude:

[REDACTED]

Glenn Sheskay  
Senior Counsel | Avocat-conseil  
Legal Services | Services juridiques  
Industry Canada | Industrie Canada  
808A -235 Queen Street, 235, rue Queen - 808A,  
Ottawa ON K1A 0H5  
Glenn.Sheskay@ic.gc.ca

Telephone | Téléphone 613-946-6782  
Facsimile | Télécopieur 613-954-5356  
Teletypewriter | Tél'imprimeur 1-866-694-8389  
Government of Canada | Gouvernement du Canada

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---

**From:** Pilon, Claude [mailto:Claude.Pilon@ps-sp.gc.ca]  
**Sent:** Monday, February 14, 2011 4:18 PM  
**To:** Sheskay, Glenn: LEG-DROIT  
**Subject:** RE: [REDACTED]

Hi Glenn,

[REDACTED]

Regards,

Claude

Claude Pilon  
Counsel / Avocat  
Public Safety Canada Legal Services / Services juridiques de Sécurité publique Canada  
(613) 991-4364 / [claudio.pilon@ps-sp.gc.ca](mailto:claudio.pilon@ps-sp.gc.ca)

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PROFESSIONNEL DE L'AVOCAT**

Please feel free to reply in the official language of your choice/ N'hésitez pas à me répondre dans la langue officielle de votre choix

**MacDonald, Michael**

---

**From:** Coburn, Stacey  
**Sent:** Tuesday, April 05, 2011 2:16 PM  
**To:** MacDonald, Michael  
**Subject:** FW: From Lynda Clairmont

Classification: SECRET

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

**From:** Alan JONES [mailto: ]  
**Sent:** Tuesday, April 05, 2011 12:24 PM  
**To:** Clairmont, Lynda; Coburn, Stacey  
**Subject:** Re: From Lynda Clairmont

Classification: Secret  
Classification : Secret  
Not for PA / Ne pas classer

Lynda,

I've gone through the two letters.

The letters rased valid concerns but I have a few comments:

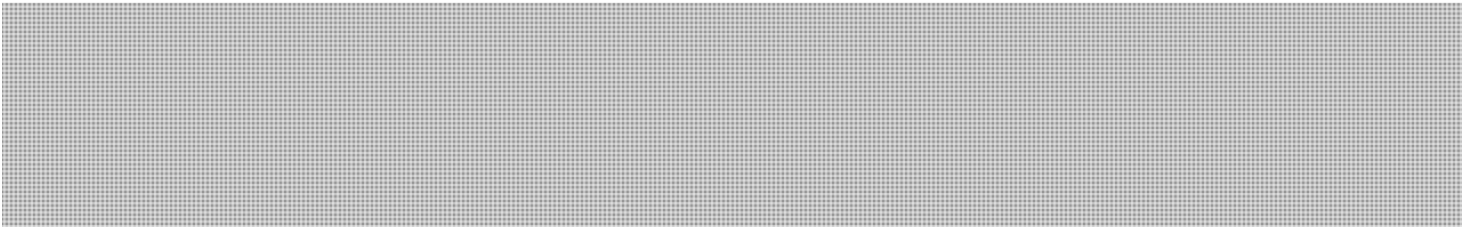
Just some thoughts...

Alan

>>> "Coburn, Stacey" <CoburnS@psepc-sppcc.gc.ca> 4/4/2011 4:56 pm >>>  
Classification: SECRET

Al, as discussed with Lynda.

Stacey



**Emmett, Jamie**

---

**From:** Thompson, Julie  
**Sent:** April-06-11 9:59 AM  
**To:** Moshonas, Jennifer  
**Subject:** FW: SGES updates

FYI

Julie Thompson  
Policy Analyst/Analyste en politiques  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada/Sécurité Publique Canada  
tel: 613.998.7893  
[julie.thompson@ps-sp.gc.ca](mailto:julie.thompson@ps-sp.gc.ca)

---

**From:** Nisrine Slaymane [<mailto:nisrine.slaymane@rcmp-grc.gc.ca>]  
**Sent:** April 4, 2011 11:44 AM  
**To:** Thompson, Julie  
**Cc:** Antonio Utano; Dan McBride; Mark Flynn; Sean Pope; [REDACTED]  
**Subject:** SGES updates

Hi Julie,  
I just heard your voicemail regarding the Solgen Standards updates. I am not aware of any updates that were done in 2008.

[REDACTED]

**Nisrine Slaymane**  
RCMP  
Technical Investigation Services  
TPOF, 1426 St Joseph Blvd  
Orleans, On  
K1A 0R2  
T: 613-998-7570  
F: 613-993-6872  
c: 613-883-7570



**Emmett, Jamie**

---

**From:** MacDonald, Michael  
**Sent:** April-07-11 12:26.PM  
**To:** Coburn, Stacey  
**Cc:** Moshonas, Jennifer  
**Subject:** Email for IC  
**Attachments:** IC Consultation Email.doc

Hey,

Further to our discussion. Let me know what you think, and what she says.

Thanks M

Hi Helen,

With the current reprieve in legislative business, and in light of recent developments with respect to the licensing and upcoming auctions to allocate various spectra, I have asked my staff to look at issues related to lawful interception with the view to sitting down with you, CSIS and the RCMP. As you are likely aware, the latest iteration of the lawful access legislation was tabled but has since died on the Order Paper. Until its long awaited passage, we are looking to further leverage existing mechanisms related to lawful interception as a means of addressing some operational impediments currently being felt within our Portfolio.

Some of the issues I would welcome discussing would include possible updates to the Solicitor General Standards, challenges we are experiencing with the wording currently found in the PCS and Cellular Spectrum Licences under the *Radiocommunication Act*, and general thoughts we have related to spectrum auctions and liberalization of the telecommunications industry.

If you agree, my office could arrange some time for us mid-May. My intention would be to not only discuss the issues above, but also explore potential approaches that would benefit all parties involved.

Looking forward to your thoughts.

Lynda

**Emmett, Jamie**

---

**From:** MacDonald, Michael  
**Sent:** April-07-11 3:42 PM  
**To:** Moshonas, Jennifer  
**Subject:** FW: IC Consultation Email  
**Attachments:** IC Consultation Email.doc

Final email text ADM will send.

---

**From:** Coburn, Stacey  
**Sent:** April 7, 2011 3:33 PM  
**To:** MacDonald, Michael  
**Subject:** IC Consultation Email

Hi Helen,

As you are aware, the latest iteration of the lawful access legislation was tabled but has since died on the Order Paper. Until its passage, we are looking to further leverage existing mechanisms related to lawful interception as a means of addressing some operational concerns raised within the Public Safety Portfolio. I have asked my staff to look at these issues with a view to sitting down with you, CSIS and the RCMP to discuss.

Issues I would propose to discuss include updates to the Solicitor General Standards, challenges we are experiencing with the wording currently found in the PCS and Cellular Spectrum Licences under the *Radiocommunication Act*, and auctions and liberalization of the telecommunications industry.

If you agree, my office could arrange some time for us mid-May. We could discuss the issues above and explore potential approaches.

I look forward to hearing from you.

Thanks,

Lynda

## Thompson, Julie

---

**From:** Nisrine Slaymane <nisrine.slaymane@rcmp-grc.gc.ca>  
**Sent:** April-27-11 9:20 AM  
**To:** Thompson, Julie  
**Subject:** Re: Sol Gen Standards

Sure,




**Nisrine Slaymane**

RCMP  
Technical Investigation Services  
TPOF, 1426 St Joseph Blvd  
Orleans, On  
K1A 0R2  
T: 613-998-7570  
F: 613-993-6872  
c: 613-883-7570

>>> "Thompson, Julie" <[Julie.Thompson@ps-sp.gc.ca](mailto:Julie.Thompson@ps-sp.gc.ca)> 4/27/2011 8:55 AM >>>

Hi Nisrine,

I  and got your phone message regarding the Sol Gen Standards. If possible, I would like to have your changes by the end of the week. If that is too soon, let me know.

Thank you  
Julie

Julie Thompson  
Policy Analyst/Analyste en politiques  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada/Sécurité Publique Canada  
tel: 613.998.7893  
[julie.thompson@ps-sp.gc.ca](mailto:julie.thompson@ps-sp.gc.ca)

## Emmett, Jamie

---

**From:** Thompson, Julie  
**Sent:** April-28-11 2:37 PM  
**To:** Moshonas, Jennifer  
**Subject:** FW: SGES  
**Attachments:** AnnotatedSolGenStandards.pdf

FYI - I sent an e-mail to [REDACTED] see below.

Julie Thompson  
Policy Analyst/Analyste en politiques  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada/Sécurité Publique Canada  
tel: 613.998.7893  
[julie.thompson@ps-sp.gc.ca](mailto:julie.thompson@ps-sp.gc.ca)

---

**From:** Thompson, Julie  
**Sent:** April 28, 2011 2:14 PM  
**To:** [REDACTED]  
**Subject:** SGES

Good afternoon [REDACTED]  
I apologize for any confusion the e-mail below might have generated. As I work closely with [REDACTED] on lawful interception condition for satellite companies, I contacted him as a point of reference for the SGES. In light of this afternoon's conversation, I will add you as primary contact for lawful access/SGES.

Thank you  
Julie

Julie Thompson  
Policy Analyst/Analyste en politiques  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada/Sécurité Publique Canada  
tel: 613.998.7893  
[julie.thompson@ps-sp.gc.ca](mailto:julie.thompson@ps-sp.gc.ca)

---

**From:** Thompson, Julie  
**Sent:** April 7, 2011 10:44 AM  
**To:** Nisrine Slaymane; [REDACTED]  
**Subject:** SGES

Good morning,  
In light of our initiative to discuss changing the LI condition on spectrum with Industry Canada, we understand that the Solicitor General Enforcement Standard (SGES) will need to be revised. I would appreciate if you could review the enclosed SGES and highlight the items that needs to be changed/updated. At this point this is a very preliminary exercise to find out the general need to revise the SGES.

Thank you,  
Julie

Julie Thompson  
Policy Analyst/Analyste en politiques  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada/Sécurité Publique Canada  
tel: 613.998.7893  
[julie.thompson@ps-sp.gc.ca](mailto:julie.thompson@ps-sp.gc.ca)

**Pages 24 to / à 33  
are duplicates of  
sont des duplicatas des  
pages 1 to / à 10**



## Thompson, Julie

---

**From:** Nisrine Slaymane <nisrine.slaymane@rcmp-grc.gc.ca>  
**Sent:** April-29-11 3:28 PM  
**To:** Thompson, Julie  
**Cc:** Bernard Tremblay; Mark Flynn; Sean Pope; [REDACTED]  
**Subject:** Updated Solicitor General Standards  
**Attachments:** [REDACTED]

Hello Julie,

As promised, attached is the updated version of the Solgen standards or as we are proposing to [REDACTED]  
[REDACTED]

I have attached both the clean copy and the working copy. Sean and Bernie were involved in the [REDACTED]  
[REDACTED]  
[REDACTED]

Please let me know what is the next step and feel free to contact me if you have an questions or concerns.

**Nisrine Slaymane**  
RCMP  
Technical Investigation Services  
TPOF, 1426 St Joseph Blvd  
Orleans, On  
K1A 0R2  
T: 613-998-7570  
F: 613-993-6872  
c: 613-883-7570

**Pages 35 to / à 52  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**of the Access to Information  
de la Loi sur l'accès à l'information**

## Thompson, Julie

---

**From:** Moshonas, Jennifer  
**Sent:** April-29-11 4:38 PM  
**To:** Chayer, Marie-Helene; Thompson, Julie  
**Subject:** RE: Lawful Access Operational Issues

Hi MH,

Just a quick debrief, we believe that there still may be a difference of views from RCMP and CSIS on possible amendments to the SGES [REDACTED]. We received comments from the RCMP that edit the current SGES [REDACTED]. Julie validated this several times with Nisrine and her expectations and understanding of our approach are in line with ours.

On the other hand, [REDACTED]. However, as MM mentioned this morning, [REDACTED].

All that to say is that our approach was never firm on whether there would in effect BE any changes made, we were just instructed to gauge the level of change required to the actual standards should the clause ever be amended.

Given that the email from Lynda invites the agencies into the discussion at higher levels, I would recommend that we meet with them early next week to clarify and build a common understanding of what this discussion is intended to do (very preliminary at most) and what we may require to brief up, should you agree.

Anyhow, I just wanted to fill you in in case [REDACTED] may have called you but we can discuss on Tuesday, just recalling you are off on Monday. If you are okay with a meeting we can set it up in your absence.

### *Jennifer Moshonas*

Senior Policy Analyst / Analyste principale de politiques  
National Security Operations Directorate / Direction des Operations de Sécurité Nationale  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada / Sécurité Publique Canada  
Tel: (613) 998-8035  
Email: [jennifer.moshonas@ps.gc.ca](mailto:jennifer.moshonas@ps.gc.ca)

---

**From:** Chayer, Marie-Helene  
**Sent:** April 29, 2011 4:13 PM  
**To:** Moshonas, Jennifer; Thompson, Julie  
**Subject:** Fw: Lawful Access Operational Issues

Fyi. Let's start a briefing binder for Lynda.

Thanks

Marie

---

**From:** MacDonald, Michael  
**To:** Chayer, Marie-Helene

**Sent:** Fri Apr 29 15:39:47 2011

**Subject:** FW: Lawful Access Operational Issues

---

**From:** Clairmont, Lynda

**Sent:** April 29, 2011 2:52 PM

**To:** Helen McDonald ([Helen.McDonald@ic.gc.ca](mailto:Helen.McDonald@ic.gc.ca))

**Cc:** MacDonald, Michael; Coburn, Stacey

**Subject:** Lawful Access Operational Issues

Hi Helen,

As you are aware, the latest iteration of the lawful access legislation was tabled but has since died on the Order Paper. We are looking to leverage existing mechanisms related to lawful interception as a means of addressing some operational concerns raised within the Public Safety Portfolio. I have asked my staff to look at these issues with a view to sitting down with you, CSIS and the RCMP to discuss.

Issues I would propose to discuss include updates to the Solicitor General Standards, challenges we are experiencing with the wording currently found in the PCS and Cellular Spectrum Licences under the *Radiocommunication Act*, and auctions and liberalization of the telecommunications industry.

If you agree, my office could arrange some time for us mid-May. We could discuss the issues above and explore potential approaches.

I look forward to hearing from you.

Thanks,

Lynda

## Thompson, Julie

---

**From:** Moshonas, Jennifer  
**Sent:** May-05-11 12:05 PM  
**To:** Chayer, Marie-Hélène  
**Cc:** Thompson, Julie  
**Subject:** FW: SGES

Hi Marie,

Further to this email, CSIS was fully aware of our approach to potentially 'modernize the interception framework' as they provided comments to the public document that PS submitted on behalf of the Portfolio with regard to the 700MHz. The specific wording that was sent to them (fully detailed in the accompanying classified letter to DM) was:

Any subsequent consultation on the licensing framework for the auction of the 700MHz and 2500MHz should consider the application of the interception requirement as a condition of license. Public Safety Canada will seek to modernize the framework guiding interception requirements as a condition of license. This may include the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*, as well as the language of the interception requirement clause so that is technologically neutral and reflects the current technological environment. The inclusion of the interception requirement as a condition of license would support the needs of law enforcement and national security agencies' until legislation compelling intercept-capability comes into force.

In addition, it was clear that their senior officials were looking at this same issue and conveying it to ours (Alan's email).

The initial email that went out requesting a preliminary and general review of the language of the SGES was also very clear. Just a few back-pocket tidbits in advance of tomorrow's discussion. Also, I'm not sure if it was you or MM that raised the point that the legislation would likely not be implemented [REDACTED] So in between now and then and with the renewal and auctions upcoming, we may still want to but of course tht is what the meeting is for.

Jen

### ***Jennifer Moshonas***

Senior Policy Analyst / Analyste principale de politiques  
National Security Operations Directorate / Direction des Operations de Sécurité Nationale  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada / Sécurité Publique Canada  
Tel: (613) 998-8035  
Email: [jennifer.moshonas@ps.gc.ca](mailto:jennifer.moshonas@ps.gc.ca)

---

**From:** Thompson, Julie  
**Sent:** May 5, 2011 10:42 AM  
**To:** Moshonas, Jennifer  
**Subject:** FW: SGES

FYI

Julie Thompson  
Policy Analyst/Analyste en politiques

National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada/Sécurité Publique Canada  
tel: 613.998.7893  
[julie.thompson@ps-sp.gc.ca](mailto:julie.thompson@ps-sp.gc.ca)

---

**From:** [REDACTED]  
**Sent:** May 5, 2011 10:35 AM  
**To:** Thompson, Julie  
**Cc:** gkirk@justice.gc.ca; Karen Audcent; marie-helene.chayer@ps-sb.gc.ca; btremblay@rcmp-grc.gc.ca  
**Subject:** RE: SGES

Julie,

[REDACTED] The questions I am raising about the SGES should be addressed. Or do we now have two initiatives !?

>>> "Thompson, Julie" <Julie.Thompson@ps-sp.gc.ca> 04/05/2011 3:38 pm >>>

Good afternoon [REDACTED]

As you probably saw, Jennifer is organizing a meeting for us to meet in advance of the ADM to ADM meeting with IC. We will discuss this matter further at the meeting.

Thank you  
Julie

Julie Thompson  
Policy Analyst/Analyste en politiques  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada/Sécurité Publique Canada  
tel: 613.998.7893  
[julie.thompson@ps-sp.gc.ca](mailto:julie.thompson@ps-sp.gc.ca)

---

**From:** [REDACTED]  
**Sent:** April 29, 2011 1:51 PM  
**To:** Thompson, Julie  
**Cc:** gord.kirk@justice.gc.ca  
**Subject:** Re: SGES

Julie,

I would like to know where this "exercise" is going !!?? What is its overall purpose ? In previous messaging with PSC, dealing with the DM PS-to-M IC letter, my understanding was that we were simply trying to get the wording in the licencing regime changed (& not changing the SGES themselves — in fact we did do this exercise several years ago with ourselves, RCMP, IC and Justice, [REDACTED])

In further conversations, you have indicated that you simply would like a comment on whether there is something in the (current/old) SGES that is a problem [REDACTED]

[REDACTED] The answer to that question then is : yes, [REDACTED]

But the LARGER question is , do we really want to go back to the SGES [REDACTED] aside from a whole series of policy / legal questions.

So going back to my initial question — what is the intent ? Do you really want us to re-examine all the standards, etc; up date them to current requirements, [REDACTED] ??

[REDACTED]

>>> "Thompson, Julie" <Julie.Thompson@ps-sp.gc.ca> 28/04/2011 2:14 pm >>>

Good afternoon [REDACTED]

I apologize for any confusion the e-mail below might have generated. As I work closely with [REDACTED] on lawful interception condition for satellite companies, I contacted him as a point of reference for the SGES. In light of this afternoon's conversation, I will add you as primary contact for lawful access/SGES.

Thank you  
Julie

Julie Thompson  
Policy Analyst/Analyste en politiques  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada/Sécurité Publique Canada  
tel: 613.998.7893  
[julie.thompson@ps-sp.gc.ca](mailto:julie.thompson@ps-sp.gc.ca)

---

**From:** Thompson, Julie  
**Sent:** April 7, 2011 10:44 AM  
**To:** Nisrine Slaymane; [REDACTED]  
**Subject:** SGES

Good morning,  
In light of our initiative to discuss changing the LI condition on spectrum with Industry Canada, we understand that the Solicitor General Enforcement Standard (SGES) will need to be revised. I would appreciate if you could review the enclosed SGES and highlight the items that needs to be changed/updated. At this point this is a very preliminary exercise to find out the general need to revise the SGES.

Thank you,  
Julie

Julie Thompson  
Policy Analyst/Analyste en politiques  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada/Sécurité Publique Canada  
tel: 613.998.7893  
[julie.thompson@ps-sp.gc.ca](mailto:julie.thompson@ps-sp.gc.ca)

## Thompson, Julie

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**From:** Moshonas, Jennifer  
**Sent:** May-05-11 12:38 PM  
**To:** Haeck, Kimberly  
**Cc:** Thompson, Julie  
**Subject:** FW: Updated Solicitor General Standards

Hi Kim,

Do you have to arrange access for these attendees with security? If so their names are:

Nisrine Slaymane, RCMP

[REDACTED] CSIS

Gord Kirk, CSIS

[REDACTED] CSIS

Thanks.

### **Jennifer Moshonas**

Senior Policy Analyst / Analyste principale de politiques

National Security Operations Directorate / Direction des Operations de Sécurité Nationale

National Security Technologies/Technologies de Sécurité Nationale

Public Safety Canada / Sécurité Publique Canada

Tel: (613) 998-8035

Email: [jennifer.moshonas@ps.gc.ca](mailto:jennifer.moshonas@ps.gc.ca)

---

**From:** [REDACTED]  
**Sent:** May 5, 2011 10:48 AM  
**To:** Moshonas, Jennifer  
**Subject:** RE: Updated Solicitor General Standards

Jennifer,

yes , we will be there (me, [REDACTED] and Gord) !!

>>> "Moshonas, Jennifer" <[Jennifer.Moshonas@ps-sp.gc.ca](mailto:Jennifer.Moshonas@ps-sp.gc.ca)> 03/05/2011 4:55 pm >>>  
Hello,

We would like to host a meeting here at **340 Laurier 11E-116 on Friday, May 6th at 2:30** to discuss topics in advance of an anticipated ADM meeting with IC and PS. The ADM meeting intends to approach [REDACTED]

Please let me know if you are able to attend. Many thanks,

Jennifer



**Jennifer Moshonas**

Senior Policy Analyst / Analyste principale de politiques  
National Security Operations Directorate / Direction des Operations de Sécurité Nationale  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada / Sécurité Publique Canada  
Tel: (613) 998-8035  
Email: [jennifer.moshonas@ps.gc.ca](mailto:jennifer.moshonas@ps.gc.ca)

---

**From:** Nisrine Slaymane [<mailto:nisrine.slaymane@rcmp-grc.gc.ca>]

**Sent:** April 29, 2011 3:28 PM

**To:** Thompson, Julie

**Cc:** Bernard Tremblay; Mark Flynn; Sean Pope; [REDACTED]

**Subject:** Updated Solicitor General Standards

Hello Julie,

As promised, attached is the updated version of the Solgen standards or as we are proposing to [REDACTED]  
[REDACTED]

I have attached both the clean copy and the working copy. Sean and Bernie were involved in the [REDACTED]  
[REDACTED]

Please let me know what is the next step and feel free to contact me if you have an questions or concerns.

**Nisrine Slaymane**

RCMP

Technical Investigation Services

TPOF, 1426 St Joseph Blvd

Orleans, On

K1A 0R2

T: 613-998-7570

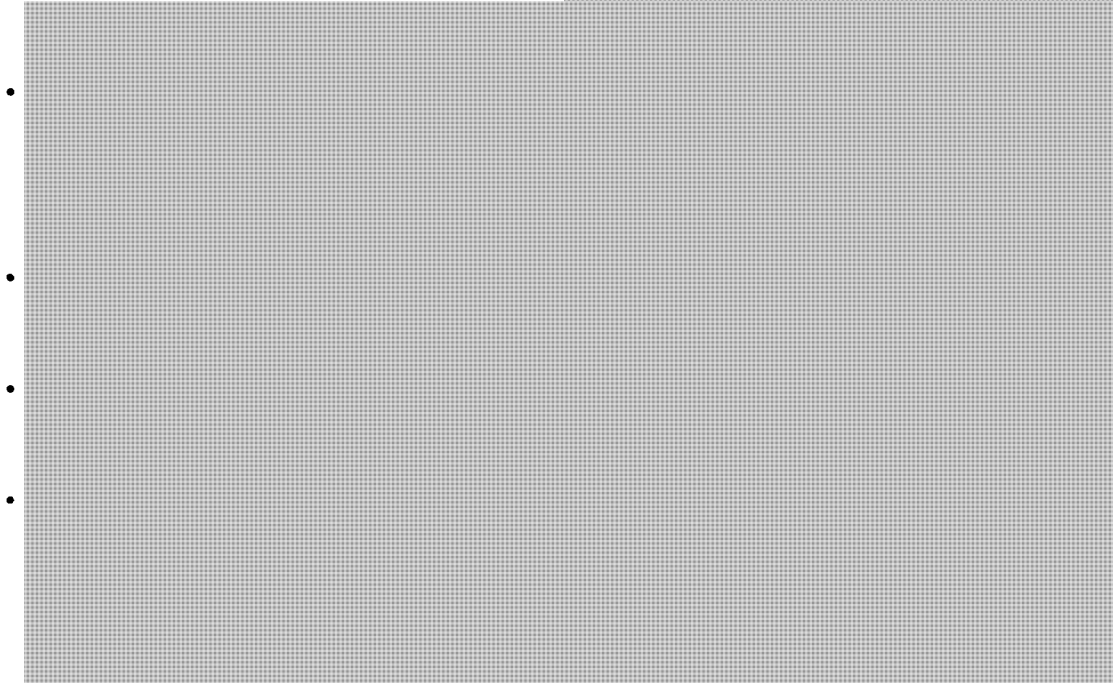
F: 613-993-6872

c: 613-883-7570

## STRENGTHENING THE SPECTRUM LICENSING FRAMEWORK

### DESIRED OUTPUTS/OBJECTIVES

- Revise the interception licensing clause to remove specific reference to “circuit-switched voice telephony” technology. [REDACTED]



### APPROACH



- [REDACTED]
- Should IC concur that there is a need to move forward, discussions with Portfolio will occur to determine their immediate needs and what is reasonable to put forward to industry.
- Consultation with industry is required as per the conditions set out in the language of the clause with respect to amendments. Uncertain at this point if this requires formal consultation through the Gazetting process as they normally do.
- Consultation will allow for the negotiation of elements of the application and requirements of the interception clause. [REDACTED]

- Resources required to manage the negotiation of forbearance requirements need to be considered.
- On a parallel track, PS officials and portfolio agencies will continue to [REDACTED]
- Public input to the 700 MHz auction indicated this. [REDACTED]

### **TIMELINES**

- Dependent on the IC consultation requirements with industry, [REDACTED]

### **CONSIDERATIONS**

- [REDACTED]
- [REDACTED]

### March 31, 2011 Response to Gazette Notice: Consultation on a Policy and Technical Framework for the 700 MHz Band and Aspects Related to Commercial Mobile Spectrum

- Concerns with several proposed elements of the spectrum action design:
  - Designated set-aside allocation to encourage new market entrants – stresses need for Bill C 52
  - Potential changes to foreign investment restrictions – highlights potential vulnerabilities and lawful interception implications. Suggests need to consider/implement measures to mitigate circumstances
  - Upcoming consultation on licensing conditions – amend language in clause; update language in SGEN; apply condition to this band

- [Redacted]

- Include application of the interception condition of license.

- October 2010 – [Redacted]

- [Redacted]

### March 29 Gazette Notice *Consultation on the Renewal of Cellular and PCS Spectrum Licenses*

- Renewal of 200 plus cellular and PCS licenses as of April 2011 for a period of 20 years

- [Redacted]

Currently, the *Radiocommunications Act* grants the Minister of IC powers to revoke licences during the licence term, but only on certain specific grounds e.g. where the conditions have been contravened, or non-payment of fees.

- [Redacted]

- [Redacted]

**Considerations in moving forward:**

- Renewed licenses for a period of 20 years with dated language in clause or not applicable
- Planned 2012 spectrum auction with set-aside component; amendments to open the market; for the 700 and 2500/2690 MHz
- Roll out of Fourth Generation Networks
- Legislation to be tabled/passed within 100 days however is timing of full implementation of legislation a factor e.g. after passing of the regulations and transition period (2016)
- [Redacted]
- Legal/policy questions and considerations e.g. [Redacted]
- [Redacted]

**Other:**

- Exercise undertaken early 2000's to make the standards technology neutral
- Policy/legal questions around amendments
- SGES basis of LA legislation, [Redacted]

**Of the desired outputs what should be in strategy going forward:**

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

**Page 64**

**is withheld pursuant to sections  
est retenue en vertu des articles**

**of the Access to Information  
de la Loi sur l'accès à l'information**

## Thompson, Julie

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**From:** Moshonas, Jennifer  
**Sent:** May-06-11 3:57 PM  
**To:** Chayer, Marie-Helene; Thompson, Julie  
**Subject:** RE: Lawful Access Operational Issues

Maybe its yours?? The one in the morning.

### *Jennifer Moshonas*

Senior Policy Analyst / Analyste principale de politiques  
National Security Operations Directorate / Direction des Operations de Sécurité Nationale  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada / Sécurité Publique Canada  
Tel: (613) 998-8035  
Email: [jennifer.moshonas@ps.gc.ca](mailto:jennifer.moshonas@ps.gc.ca)

---

**From:** Chayer, Marie-Helene  
**Sent:** May 6, 2011 3:56 PM  
**To:** Moshonas, Jennifer; Thompson, Julie  
**Subject:** FW: Lawful Access Operational Issues

Do you know what meeting she is referring to?

---

**From:** MacDonald, Michael  
**Sent:** May 6, 2011 3:54 PM  
**To:** Chayer, Marie-Helene  
**Subject:** FW: Lawful Access Operational Issues

---

**From:** [Helen.McDonald@ic.gc.ca](mailto:Helen.McDonald@ic.gc.ca) [<mailto:Helen.McDonald@ic.gc.ca>]  
**Sent:** May 6, 2011 3:40 PM  
**To:** Clairmont, Lynda  
**Cc:** MacDonald, Michael; Coburn, Stacey; [Fiona.Gilfillan@ic.gc.ca](mailto:Fiona.Gilfillan@ic.gc.ca); [Susan.Bincoletto@ic.gc.ca](mailto:Susan.Bincoletto@ic.gc.ca); [Janet.St.Jacques@ic.gc.ca](mailto:Janet.St.Jacques@ic.gc.ca)  
**Subject:** RE: Lawful Access Operational Issues

Lynda, Thank you for your email. I agree that it would be useful to meet to discuss these issues.

I understand that our respective staffs are meeting on May 12 to consider legislative issues, but that the items raised in your email may also be discussed. Given current pressures here at Industry Canada and to provide our respective staffs time to assess options, I suggest we meet in the late June or early July timeframe.

Regards, Helen

---

**From:** Clairmont, Lynda [[mailto:Lynda.Cclairmont@ps-sp.gc.ca](mailto:Lynda.Clairmont@ps-sp.gc.ca)]  
**Sent:** Friday, April 29, 2011 2:52 PM  
**To:** McDonald, Helen: SITT-STIT  
**Cc:** MacDonald, Michael; Coburn, Stacey  
**Subject:** Lawful Access Operational Issues

Hi Helen,

As you are aware, the latest iteration of the lawful access legislation was tabled but has since died on the Order Paper. We are looking to leverage existing mechanisms related to lawful interception as a means of addressing some operational concerns raised within the Public Safety Portfolio. I have asked my staff to look at these issues with a view to sitting down with you, CSIS and the RCMP to discuss.

Issues I would propose to discuss include updates to the Solicitor General Standards, challenges we are experiencing with the wording currently found in the PCS and Cellular Spectrum Licences under the *Radiocommunication Act*, and auctions and liberalization of the telecommunications industry.

If you agree, my office could arrange some time for us mid-May. We could discuss the issues above and explore potential approaches.

I look forward to hearing from you.

Thanks,

Lynda



**From:** Moshonas, Jennifer  
**Sent:** May 12, 2011 1:27 PM  
**To:** Nistrine Slaymane; 'Mark Flynn'; [REDACTED] 'gkirk@justice.gc.ca'  
**Cc:** Chayer, Marie-Helene; Thompson, Julie  
**Subject:** SGES Meeting with IC  
Hello,

This morning PS met with IC, Electronic Commerce Policy to provide brief their Director on a few issues with respect to Lawful Access.

The issue of SGES and the upcoming meeting between ADMs was raised. It was established that a pre-meeting at the director level will occur prior to the meeting of the ADMs with IC, PS, CSIS and the RCMP. We will keep you informed as details firm up. In the meantime a few things were raised by IC.

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED] Many

thanks,

Jennifer

***Jennifer Moshonas***

Senior Policy Analyst / Analyste principale de politiques  
National Security Operations Directorate / Direction des Operations de Sécurité Nationale  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada / Sécurité Publique Canada  
Tel: (613) 998-8035  
Email: [jennifer.moshonas@ps.gc.ca](mailto:jennifer.moshonas@ps.gc.ca)

**MacDonald, Michael**

---

**From:** Voghel, Carmen  
**Sent:** July 5, 2011 1:40 PM  
**To:** MacDonald, Michael; Gordon, Robert  
**Cc:** Johnston, Shannon; St-Louis, Danielle; Landry, Joelle  
**Subject:** FW: Lawful Access Operational Issues

FYI, Stacey has asked that I book a meeting between you two and Helen McDonald, as a follow up to the exchange of emails below, between Lynda and Helen earlier in May,

I will contact H. McDonald's office, check her availability and get back to you.  
Thanks,

*Carmen*

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**From:** Coburn, Stacey  
**Sent:** May 6, 2011 9:45 PM  
**To:** Voghel, Carmen  
**Subject:** Fw: Lawful Access Operational Issues

---

**From:** Clairmont, Lynda  
**To:** 'Helen.McDonald@ic.gc.ca' <Helen.McDonald@ic.gc.ca>  
**Cc:** MacDonald, Michael; Coburn, Stacey; 'Fiona.Gilfillan@ic.gc.ca' <Fiona.Gilfillan@ic.gc.ca>; 'Susan.Bincoletto@ic.gc.ca' <Susan.Bincoletto@ic.gc.ca>; 'Janet.St.Jacques@ic.gc.ca' <Janet.St.Jacques@ic.gc.ca>  
**Sent:** Fri May 06 17:44:10 2011  
**Subject:** Re: Lawful Access Operational Issues

Ok - will ask my office to schedule - L

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**From:** Helen.McDonald@ic.gc.ca <Helen.McDonald@ic.gc.ca>  
**To:** Clairmont, Lynda  
**Cc:** MacDonald, Michael; Coburn, Stacey; Fiona.Gilfillan@ic.gc.ca <Fiona.Gilfillan@ic.gc.ca>; Susan.Bincoletto@ic.gc.ca <Susan.Bincoletto@ic.gc.ca>; Janet.St.Jacques@ic.gc.ca <Janet.St.Jacques@ic.gc.ca>  
**Sent:** Fri May 06 15:39:41 2011  
**Subject:** RE: Lawful Access Operational Issues

Lynda, Thank you for your email. I agree that it would be useful to meet to discuss these issues.

I understand that our respective staffs are meeting on May 12 to consider legislative issues, but that the items raised in your email may also be discussed. Given current pressures here at Industry Canada and to provide our respective staffs time to assess options, I suggest we meet in the late June or early July timeframe.

06/07/2011

000068

Regards, Helen

---

**From:** Clairmont, Lynda [mailto:Lynda.Clairmont@ps-sp.gc.ca]  
**Sent:** Friday, April 29, 2011 2:52 PM  
**To:** McDonald, Helen: SITT-STIT  
**Cc:** MacDonald, Michael; Coburn, Stacey  
**Subject:** Lawful Access Operational Issues

Hi Helen,

As you are aware, the latest iteration of the lawful access legislation was tabled but has since died on the Order Paper. We are looking to leverage existing mechanisms related to lawful interception as a means of addressing some operational concerns raised within the Public Safety Portfolio. I have asked my staff to look at these issues with a view to sitting down with you, CSIS and the RCMP to discuss.

Issues I would propose to discuss include updates to the Solicitor General Standards, challenges we are experiencing with the wording currently found in the PCS and Cellular Spectrum Licences under the *Radiocommunication Act*, and auctions and liberalization of the telecommunications industry.



If you agree, my office could arrange some time for us mid-May. We could discuss the issues above and explore potential approaches.

I look forward to hearing from you.

Thanks,

Lynda



Public Safety    Sécurité publique  
Canada            Canada

Ottawa, Canada  
K1A 0P8

For your meeting with:  
Helen McDonald  
On: July 18 from 10:00-11:30 am

SECRET

DATE:            ~~JUL~~ 13 2011

File No.: 6950-2 / 380147

MEMORANDUM FOR THE ASSISTANT DEPUTY MINISTER

LAWFUL INTERCEPTION AS A CONDITION OF SPECTRUM LICENSING & PROPOSALS TO LIBERALIZE THE TELECOMMUNICATIONS SECTOR

(Information only)

ISSUE

To provide information in preparation for your meeting with Helen McDonald, Assistant Deputy Minister, Spectrum, Information Technologies and Telecommunications, Industry Canada (IC), to discuss the interception condition of licence for telecommunications service providers, and, the broader national security concerns with respect to removing or lessening foreign investment and control restrictions in the telecommunications sector.

BACKGROUND

By virtue of the *Radiocommunication Act* (**TAB A**), the Minister of Industry is responsible for the effective management and use of spectrum. As such, the Minister is responsible for licensing wireless companies and periodically announces the auction of spectrum portions to allocate licensing rights. In certain circumstances, companies applying for a spectrum licence are required to meet the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* (SGES) as a condition of licence. The SGES set out 23 standards designed to outline technical interception requirements for industry (**TAB B**). [REDACTED] and until the proposed lawful access legislation comes into force, [REDACTED] this interception condition remains the only regulatory mechanism available to compel companies to maintain such capability.

Another important area of work between IC and PS is the potential liberalization of the Canadian telecommunications sector. As you may recall, further to the March 2010 *Speech from the Throne* commitment to open Canada's doors to foreign investment in key sectors, in June 2010, IC put forward the following three options for public consultation:

SECRET

1. Increase the limit for direct foreign investment in broadcasting and telecommunications common carriers from 20% to 49%.
2. Lift restrictions on telecommunications common carriers with revenues representing 10% or less of total telecommunications.
3. Remove telecommunications restrictions completely.

IC has yet to disclose findings from this consultation, or propose a way forward. More recently, IC launched public consultations to inform the design of the 2012 spectrum auctions for the 700 MHz and the 2500 MHz bands. This included the potential to modify current foreign investment restrictions to allow companies to access additional foreign capital.

[REDACTED]

### CONSIDERATIONS

#### *Challenges with the Current Interception Condition of Licence*

For the most part, the SGES continue to be relevant as they were written in a way that was intended to be technologically neutral. However, the condition in the spectrum licence that determines whether or not a company is required to meet the interception requirements of the SGES [REDACTED] for the Portfolio and arguably needs to be updated.

First, [REDACTED]

[REDACTED] Specifically, the current condition states that "licensees using spectrum for circuit-switched voice telephony systems must, from the inception of service, provide for and maintain lawful interception capabilities as authorized by law" (TAB C).

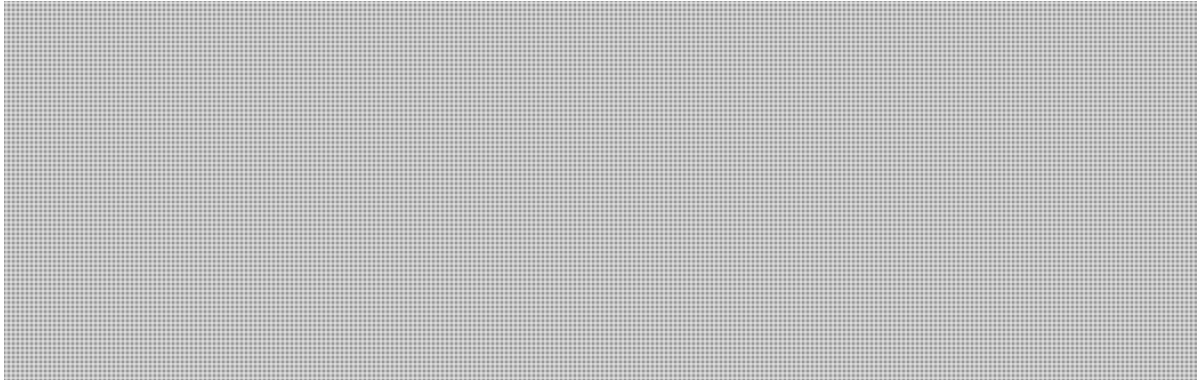
[REDACTED]

[REDACTED]

- PCS refers to wireless services similar to cellular service, but with extended mobility. It uses higher frequency spectrum above 1850 MHz and licensees operating in this range are required to meet the interception condition. PCS does, however, represent only a portion of communications services in Canada.

[REDACTED]

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Of note, as of April 1, 2011, approximately 200 cellular and PCS licences were renewed by IC for a period of 20 years.



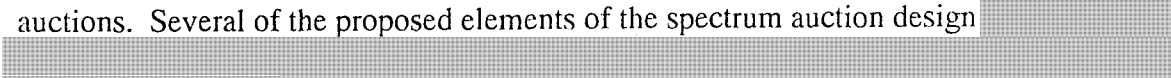
*Spectrum Allocation and Foreign Investment Restrictions*



In 2008, the Minister of Industry launched a spectrum auction that was aimed at encouraging greater competition in the telecommunications sector. This auction set aside a number of licences exclusively for new market entrants to compete against the large established players. While this approach was successful in launching new wireless companies, such as Globalive,



IC is planning two additional auctions for late 2012 to allocate spectrum in the 700 MHz and 2500 MHz bands, and has recently closed public consultations on the design of these auctions. Several of the proposed elements of the spectrum auction design



For example, this could allow for new and potentially foreign-backed companies to more easily enter the Canadian market.

PS submitted comments to IC on the national security considerations related to the auctions (**TAB D**).



SECRET

[REDACTED]

[REDACTED]

IC intends to conduct future consultations specifically to inform and develop licensing requirements for companies operating in the 700 and 2500 MHz bands. At this point, PS will recommend that the lawful interception condition be applied to companies accessing spectrum in this band.

[REDACTED]

In addition, PS will continue to coordinate the efforts of the security and intelligence community to develop legislative options that could address, in part, the security concerns stemming from liberalization.

[REDACTED]

RECOMMENDATION

While PS officials will continue over the next months to work with IC, we would recommend that you raise these issues with your counterpart at IC (**TAB F**). In the absence of lawful access legislation, the SGES remain a necessary interim measure and, as such, ought to be applied as widely and effectively as possible. Measures to mitigate national security risks are an integral component of any proposal for foreign investment reform.

Should you require additional information, do not hesitate to contact me at, (613) 993-4595, or Michèle Kingsley, Director Investigative Technologies and Telecommunications Policy, at (613) 949-3181.



Michael MacDonald

Enclosures: (6)

Prepared by: Jennifer Moshonas



CANADA

CONSOLIDATION

CODIFICATION

# Radiocommunication Act

# Loi sur la radiocommunication

R.S.C., 1985, c. R-2

L.R.C., 1985, ch. R-2

Current to June 22, 2011

À jour au 22 juin 2011

Published by the Minister of Justice at the following address:  
<http://laws-lois.justice.gc.ca>

Publié par le ministre de la Justice à l'adresse suivante :  
<http://lois-laws.justice.gc.ca>



OFFICIAL STATUS  
OF CONSOLIDATIONS

CARACTÈRE OFFICIEL  
DES CODIFICATIONS

Subsections 31(1) and (2) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Les paragraphes 31(1) et (2) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1<sup>er</sup> juin 2009, prévoient ce qui suit:

Published  
consolidation is  
evidence

31. (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

31. (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Codifications  
comme élément  
de preuve

Inconsistencies  
in Acts

(2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the *Publication of Statutes Act*, the original statute or amendment prevails to the extent of the inconsistency.

(2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la *Loi sur la publication des lois* l'emportent sur les dispositions incompatibles de la loi codifiée publiée par le ministre en vertu de la présente loi.

Incompatibilité  
— lois



R.S.C., 1985, c. R-2

L.R.C., 1985, ch. R-2

An Act respecting radiocommunication in Canada

Loi concernant la radiocommunication au Canada

SHORT TITLE

TITRE ABRÉGÉ

Short title

1. This Act may be cited as the *Radiocommunication Act*.

R.S., 1985, c. R-2, s. 1; 1989, c. 17, s. 2.

1. *Loi sur la radiocommunication*.  
L.R. (1985), ch. R-2, art. 1; 1989, ch. 17, art. 2.

Titre abrégé

INTERPRETATION

DÉFINITIONS

Definitions

2. In this Act,

2. Les définitions qui suivent s'appliquent à la présente loi.

Définitions

"broadcasting"  
« radiodiffusion »

"broadcasting" means any radiocommunication in which the transmissions are intended for direct reception by the general public;

« alimentation réseau » Radiocommunication soit transmise par l'exploitant d'un réseau à ses affiliés, soit reçue par lui pour retransmission à ceux-ci, soit transmise par un distributeur légitime à une entreprise de programmation.

« alimentation réseau »  
"network feed"

"broadcasting certificate"  
« certificat de radiodiffusion »

"broadcasting certificate" means a certificate issued by the Minister under subparagraph 5(1)(a)(ii);

« appareil radio » Dispositif ou assemblage de dispositifs destiné ou pouvant servir à la radiocommunication.

« appareil radio »  
"radio apparatus"

"broadcasting undertaking"  
« entreprise de radiodiffusion »

"broadcasting undertaking" includes any distribution undertaking, programming undertaking and network operation to which the *Broadcasting Act* applies;

« autorisation de radiocommunication » Toute licence ou autorisation et tout certificat visés à l'alinéa 5(1)a).

« autorisation de radiocommunication »  
"radio authorization"

"distribution undertaking"  
« entreprise de distribution »

"distribution undertaking" has the same meaning as in the *Broadcasting Act*;

« brouillage préjudiciable » Effet non désiré d'une énergie électromagnétique due aux émissions, rayonnements ou inductions qui compromettent le fonctionnement d'un système de radiocommunication relié à la sécurité ou qui dégrade ou entrave sérieusement ou interrompt de façon répétée le fonctionnement d'appareils radio ou de matériel radiosensible.

« brouillage préjudiciable »  
"harmful interference"

"encrypted"  
« encodage »

"encrypted" means treated electronically or otherwise for the purpose of preventing intelligible reception;

« certificat d'approbation technique » Certificat visé au sous-alinéa 5(1)a)(iv).

« certificat d'approbation technique »  
"technical acceptance certificate"

"harmful interference"  
« brouillage préjudiciable »

"harmful interference" means an adverse effect of electromagnetic energy from any emission, radiation or induction that

(a) endangers the use or functioning of a safety-related radiocommunication system, or

(b) significantly degrades or obstructs, or repeatedly interrupts, the use or functioning of radio apparatus or radio-sensitive equipment;

« certificat de radiodiffusion » Certificat visé au sous-alinéa 5(1)a)(ii).

« certificat de radiodiffusion »  
"broadcasting certificate"

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<p>"interference-causing equipment" « matériel brouilleur »</p>	<p>"interference-causing equipment" means any device, machinery or equipment, other than radio apparatus, that causes or is capable of causing interference to radiocommunication;</p>	<p>« certificat d'opérateur radio » Certificat visé au sous-alinéa 5(1)a)(iii).</p>	<p>« certificat d'opérateur radio » "radio operator certificate"</p>
<p>"lawful distributor" « distributeur légitime »</p>	<p>"lawful distributor", in relation to an encrypted subscription programming signal or encrypted network feed, means a person who has the lawful right in Canada to transmit it and authorize its decoding;</p>	<p>« communication radiotéléphonique » S'entend de la radiocommunication faite au moyen d'un appareil servant principalement à brancher la communication à un réseau téléphonique public commuté.</p>	<p>« communication radiotéléphonique » "radio-based telephone communication"</p>
<p>"Minister" « ministre »</p>	<p>"Minister" means the Minister of Industry;</p>	<p>« distributeur légitime » La personne légitimement autorisée, au Canada, à transmettre un signal d'abonnement ou une alimentation réseau, en situation d'encodage, et à en permettre le décodage.</p>	<p>« distributeur légitime » "lawful distributor"</p>
<p>"network" « réseau »</p>	<p>"network" has the same meaning as in the <i>Broadcasting Act</i>;</p>	<p>« encodage » Traitement électronique ou autre visant à empêcher la réception en clair.</p>	<p>« encodage » "encrypted"</p>
<p>"network feed" « alimentation réseau »</p>	<p>"network feed" means any radiocommunication that is transmitted  (a) by a network operation to its affiliates,  (b) to a network operation for retransmission by it to its affiliates, or  (c) by a lawful distributor to a programming undertaking;</p>	<p>« entreprise de distribution » S'entend au sens de la <i>Loi sur la radiodiffusion</i>.</p>	<p>« entreprise de distribution » "distribution undertaking"</p>
<p>"operator" [Repealed, 1989, c. 17, s. 3]</p>	<p>"operator" [Repealed, 1989, c. 17, s. 3]</p>	<p>« entreprise de programmation » S'entend au sens de la <i>Loi sur la radiodiffusion</i>.</p>	<p>« entreprise de programmation » "programming undertaking"</p>
<p>"prescribed" Version anglaise seulement</p>	<p>"prescribed" means prescribed by regulations;</p>	<p>« entreprise de radiodiffusion » Sont incluses les entreprises de distribution ou de programmation et l'exploitation de réseau auxquelles s'applique la <i>Loi sur la radiodiffusion</i>.</p>	<p>« entreprise de radiodiffusion » "broadcasting undertaking"</p>
<p>"programming undertaking" « entreprise de programmation »</p>	<p>"programming undertaking" has the same meaning as in the <i>Broadcasting Act</i>;</p>	<p>« licence de spectre » Licence visée au sous-alinéa 5(1)a)(i.1).</p>	<p>« licence de spectre » "spectrum licence"</p>
<p>"public" « public »</p>	<p>"public" includes persons who occupy apartments, hotel rooms or dwelling units situated in multi-unit buildings;</p>	<p>« licence radio » Licence visée au sous-alinéa 5(1)a)(i).</p>	<p>« licence radio » "radio licence"</p>
<p>"public switched telephone network" « réseau téléphonique public commuté »</p>	<p>"public switched telephone network" means a telecommunication facility the primary purpose of which is to provide a land line-based telephone service to the public for compensation;</p>	<p>« matériel brouilleur » Dispositif, appareillage ou matériel — autre qu'un appareil radio — susceptible de brouiller la radiocommunication.</p>	<p>« matériel brouilleur » "interference-causing equipment"</p>
<p>"radio apparatus" « appareil radio »</p>	<p>"radio apparatus" means a device or combination of devices intended for, or capable of being used for, radiocommunication;</p>	<p>« matériel radiosensible » Dispositif, appareillage ou matériel — autre qu'un appareil radio — dont l'utilisation ou le fonctionnement est contrarié par des émissions de radiocommunication ou peut l'être.</p>	<p>« matériel radiosensible » "radio-sensitive equipment"</p>
<p>"radio authorization" « autorisation de radiocommunication »</p>	<p>"radio authorization" means a licence, certificate or authorization issued by the Minister under paragraph 5(1)a);</p>	<p>« ministre » Le ministre de l'Industrie.</p>	<p>« ministre » "Minister"</p>
<p>"radio-based telephone communication" « communication radiotéléphonique »</p>	<p>"radio-based telephone communication" means any radiocommunication that is made over apparatus that is used primarily for connection to a public switched telephone network;</p>	<p>« opérateur » [Abrogée, 1989, ch. 17, art. 3]</p>	<p>« public » "public"</p>
		<p>« public » Y sont comprises les personnes qui occupent des appartements ou des chambres d'hôtel, ainsi que des locaux d'habitation situés dans un même immeuble.</p>	

Radiocommunication — 22 juin 2011

<p>“radiocommunication” or “radio” « radiocommunication » ou « radio »</p>	<p>“radiocommunication” or “radio” means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by means of electromagnetic waves of frequencies lower than 3 000 GHz propagated in space without artificial guide;</p>	<p>« radiocommunication » ou « radio » Toute transmission, émission ou réception de signes, de signaux, d’écrits, d’images, de sons ou de renseignements de toute nature, au moyen d’ondes électromagnétiques de fréquences inférieures à 3 000 GHz transmises dans l’espace sans guide artificiel.</p>	<p>« radiocommunication » ou « radio » “radiocommunication” or “radio”</p>
<p>“radio licence” « licence radio »</p>	<p>“radio licence” means a licence issued by the Minister under subparagraph 5(1)(a)(i);</p>	<p>« radiodiffusion » Toute radiocommunication dont les émissions sont destinées à être reçues directement par le public en général.</p>	<p>« radiodiffusion » “broadcasting”</p>
<p>“radio operator certificate” « certificat d’opérateur radio »</p>	<p>“radio operator certificate” means a certificate issued by the Minister under subparagraph 5(1)(a)(iii);</p>	<p>« réseau » S’entend au sens de la <i>Loi sur la radiodiffusion</i>.</p>	<p>« réseau » “network”</p>
<p>“radio-sensitive equipment” « matériel radiosensible »</p>	<p>“radio-sensitive equipment” means any device, machinery or equipment, other than radio apparatus, the use or functioning of which is or can be adversely affected by radiocommunication emissions;</p>	<p>« réseau téléphonique public commuté » Installation de télécommunication qui vise principalement à fournir au public un service téléphonique par lignes terrestres moyennant contrepartie.</p>	<p>« réseau téléphonique public commuté » “public switched telephone network”</p>
<p>“radio station” or “station” « station de radiocommunication » ou « station »</p>	<p>“radio station” or “station” means a place in which radio apparatus is located;</p>	<p>« signal d’abonnement » Radiocommunication destinée à être reçue, directement ou non, par le public au Canada ou ailleurs moyennant paiement d’un prix d’abonnement ou de toute autre forme de redevance.</p>	<p>« signal d’abonnement » “subscription programming signal”</p>
<p>“spectrum licence” « licence de spectre »</p>	<p>“spectrum licence” means a licence issued by the Minister under subparagraph 5(1)(a)(i.1);</p>	<p>« station de radiocommunication » ou « station » Lieu où est situé un appareil radio.</p>	<p>« station de radiocommunication » ou « station » “radio station” or “station”</p>
<p>“subscription programming signal” « signal d’abonnement »</p>	<p>“subscription programming signal” means radiocommunication that is intended for reception either directly or indirectly by the public in Canada or elsewhere on payment of a subscription fee or other charge;</p>	<p>« télécommunication » [Abrogée, 1993, ch. 38, art. 91]  L.R. (1985), ch. R-2, art. 2; 1989, ch. 17, art. 3; 1991, ch. 11, art. 81; 1993, ch. 38, art. 91, ch. 40, art. 23; 1995, ch. 1, art. 62; 1996, ch. 18, art. 60.</p>	
<p>“technical acceptance certificate” « certificat d’approbation technique »</p>	<p>“technical acceptance certificate” means a certificate issued by the Minister under subparagraph 5(1)(a)(iv).</p>		
	<p>“telecommunication” [Repealed, 1993, c. 38, s. 91]  R.S., 1985, c. R-2, s. 2; 1989, c. 17, s. 3; 1991, c. 11, s. 81; 1993, c. 38, s. 91, c. 40, s. 23; 1995, c. 1, s. 62; 1996, c. 18, s. 60.</p>		

APPLICATION

Application to Her Majesty and Parliament

3. (1) Subject to subsection (2), this Act is binding on Her Majesty in right of Canada, on the Senate, House of Commons, Library of Parliament, office of the Senate Ethics Officer and office of the Conflict of Interest and Ethics Commissioner and on Her Majesty in right of a province.

Exemptions

(2) The Governor in Council may by order exempt Her Majesty in right of Canada, or the Senate, House of Commons, Library of Parlia-

APPLICATION

3. (1) La présente loi lie Sa Majesté du chef du Canada et de chaque province, le Sénat, la Chambre des communes, la bibliothèque du Parlement, le bureau du conseiller sénatorial en éthique et le bureau du commissaire aux conflits d’intérêts et à l’éthique.

(2) Le gouverneur en conseil peut toutefois, par décret, exempter Sa Majesté du chef du Canada ou tout représentant — désigné dans

Application à Sa Majesté et au Parlement

Exception

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ment, office of the Senate Ethics Officer or office of the Conflict of Interest and Ethics Commissioner, as represented by the person or persons named in the order, from any or all provisions of this Act or the regulations, and such an exemption may be

(a) in the case of an exemption of Her Majesty in right of Canada, in respect of Her Majesty in right of Canada generally, or only in respect of a department or other body named in the order;

(b) either absolute or qualified; and

(c) of either general or specific application.

Geographical application

(3) This Act applies within Canada and on board

(a) any ship, vessel or aircraft that is

(i) registered or licensed under an Act of Parliament, or

(ii) owned by, or under the direction or control of, Her Majesty in right of Canada or a province;

(b) any spacecraft that is under the direction or control of

(i) Her Majesty in right of Canada or a province,

(ii) a citizen or resident of Canada, or

(iii) a corporation incorporated or resident in Canada; and

(c) any platform, rig, structure or formation that is affixed or attached to land situated in the continental shelf of Canada.

Powers, duties and functions of Minister

(4) Any power, duty or function of the Minister under this Act or the regulations may be exercised or performed by any person authorized by the Minister to do so and, if so exercised or performed, shall be deemed to have been exercised or performed by the Minister.

R.S., 1985, c. R-2, s. 3; R.S., 1985, c. 4 (3rd Supp.), s. 1; 1989, c. 17, s. 4; 1996, c. 31, s. 94; 2004, c. 7, s. 37; 2006, c. 9, s. 34.

PROHIBITIONS

Prohibitions

4. (1) No person shall, except under and in accordance with a radio authorization, install, operate or possess radio apparatus, other than

celui-ci — du Sénat, de la Chambre des communes, de la bibliothèque du Parlement, du bureau du conseiller sénatorial en éthique ou du bureau du commissaire aux conflits d'intérêts et à l'éthique de l'application de toute disposition de la présente loi ou de ses règlements. L'exemption peut ou bien être générale ou relative à un ministère ou autre organisme désigné dans le décret, si elle s'applique à Sa Majesté du chef du Canada, ou bien absolue ou conditionnelle ou encore d'application générale ou spécifique.

(3) La présente loi s'applique au Canada et à bord:

Application géographique

a) d'un navire, bâtiment ou aéronef soit immatriculé ou faisant l'objet d'un permis aux termes d'une loi fédérale, soit appartenant à Sa Majesté du chef du Canada ou d'une province, ou placé sous sa responsabilité;

b) d'un véhicule spatial placé sous la responsabilité de Sa Majesté du chef du Canada ou d'une province, ou de celle d'un citoyen canadien, d'un résident du Canada ou d'une personne morale constituée ou résidant au Canada;

c) d'une plate-forme, installation, construction ou formation fixée au plateau continental canadien.

(4) Les pouvoirs ou fonctions conférés au ministre par la présente loi ou ses règlements d'application peuvent être exercés par toute personne qu'il autorise à agir ainsi. Les pouvoirs ou fonctions ainsi exercés sont réputés l'avoir été par lui.

Pouvoirs et fonctions du ministre

L.R. (1985), ch. R-2, art. 3; L.R. (1985), ch. 4 (3<sup>e</sup> suppl.), art. 1; 1989, ch. 17, art. 4; 1996, ch. 31, art. 94; 2004, ch. 7, art. 37; 2006, ch. 9, art. 34.

INTERDICTIONS

Interdictions

4. (1) Il est interdit, sans une autorisation de radiocommunication et sans en respecter les conditions, d'installer, de faire fonctionner ou de posséder un appareil radio autre :

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(a) radio apparatus exempted by or under regulations made under paragraph 6(1)(m); or

(b) radio apparatus that is capable only of the reception of broadcasting and that is not a distribution undertaking.

Idem

(2) No person shall manufacture, import, distribute, lease, offer for sale or sell any radio apparatus, interference-causing equipment or radio-sensitive equipment for which a technical acceptance certificate is required under this Act, otherwise than in accordance with such a certificate.

Idem

(3) No person shall manufacture, import, distribute, lease, offer for sale or sell any radio apparatus, interference-causing equipment or radio-sensitive equipment for which technical standards have been established under paragraph 6(1)(a), unless the apparatus or equipment complies with those standards.

R.S., 1985, c. R-2, s. 4; 1989, c. 17, s. 4; 1991, c. 11, s. 82.

MINISTER'S POWERS

Minister's powers

5. (1) Subject to any regulations made under section 6, the Minister may, taking into account all matters that the Minister considers relevant for ensuring the orderly establishment or modification of radio stations and the orderly development and efficient operation of radio-communication in Canada,

(a) issue

(i) radio licences in respect of radio apparatus,

(i.1) spectrum licences in respect of the utilization of specified radio frequencies within a defined geographic area,

(ii) broadcasting certificates in respect of radio apparatus that form part of a broadcasting undertaking,

(iii) radio operator certificates,

(iv) technical acceptance certificates in respect of radio apparatus, interference-causing equipment and radio-sensitive equipment, and

(v) any other authorization relating to radiocommunication that the Minister considers appropriate,

a) qu'un appareil exempté au titre d'un règlement pris en application de l'alinéa 6(1)m);

b) qu'un appareil qui ne peut que recevoir de la radiodiffusion et n'est pas une entreprise de distribution.

Idem

(2) Il est interdit de fabriquer, d'importer, de distribuer, de louer, de mettre en vente ou de vendre tout appareil radio, matériel brouilleur ou matériel radiosensible pour lequel un certificat d'approbation technique est exigé au titre de la présente loi, si ce n'est en conformité avec celui-ci.

Idem

(3) Il est interdit d'effectuer les activités prévues au paragraphe (2) à l'égard de tout appareil ou matériel qui y est mentionné et qui n'est pas conforme aux normes techniques fixées en application de l'alinéa 6(1)a) auxquelles il est assujéti.

L.R. (1985), ch. R-2, art. 4; 1989, ch. 17, art. 4; 1991, ch. 11, art. 82.

POUVOIRS MINISTÉRIELS

Pouvoirs ministériels

5. (1) Sous réserve de tout règlement pris en application de l'article 6, le ministre peut, compte tenu des questions qu'il juge pertinentes afin d'assurer la constitution ou les modifications ordonnées de stations de radiocommunication ainsi que le développement ordonné et l'exploitation efficace de la radiocommunication au Canada :

a) délivrer et assortir de conditions :

(i) les licences radio à l'égard d'appareils radio, et notamment prévoir les conditions spécifiques relatives aux services pouvant être fournis par leur titulaire,

(i.1) les licences de spectre à l'égard de l'utilisation de fréquences de radiocommunication définies dans une zone géographique déterminée, et notamment prévoir les conditions spécifiques relatives aux services pouvant être fournis par leur titulaire,

(ii) les certificats de radiodiffusion à l'égard de tels appareils, dans la mesure où ceux-ci font partie d'une entreprise de radiodiffusion,

(iii) les certificats d'opérateur radio,

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and may fix the terms and conditions of any such licence, certificate or authorization including, in the case of a radio licence and a spectrum licence, terms and conditions as to the services that may be provided by the holder thereof;

(b) amend the terms and conditions of any licence, certificate or authorization issued under paragraph (a);

(c) make available to the public any information set out in radio licences or broadcasting certificates;

(d) establish technical requirements and technical standards in relation to

- (i) radio apparatus,
- (ii) interference-causing equipment, and
- (iii) radio-sensitive equipment,

or any class thereof;

(e) plan the allocation and use of the spectrum;

(f) approve each site on which radio apparatus, including antenna systems, may be located, and approve the erection of all masts, towers and other antenna-supporting structures;

(g) test radio apparatus for compliance with technical standards established under this Act;

(h) require holders of, and applicants for, radio authorizations to disclose to the Minister such information as the Minister considers appropriate respecting the present and proposed use of the radio apparatus in question and the cost of installing or maintaining it;

(i) require holders of radio authorizations to inform the Minister of any material changes in information disclosed pursuant to paragraph (h);

(j) appoint inspectors for the purposes of this Act;

(k) take such action as may be necessary to secure, by international regulation or otherwise, the rights of Her Majesty in right of Canada in telecommunication matters, and consult the Canadian Radio-television and Telecommunications Commission with re-

(iv) les certificats d'approbation technique à l'égard d'appareils radio, de matériel brouilleur ou de matériel radiosensible,

(v) toute autre autorisation relative à la radiocommunication qu'il estime indiquée;

b) modifier les conditions de toute licence ou autorisation ou de tout certificat ainsi délivrés;

c) mettre à la disposition du public tout renseignement indiqué dans les licences radio ou les certificats de radiodiffusion;

d) fixer les exigences et les normes techniques à l'égard d'appareils radio, de matériel brouilleur et de matériel radiosensible, ou de toute catégorie de ceux-ci;

e) planifier l'attribution et l'utilisation du spectre;

f) approuver l'emplacement d'appareils radio, y compris de systèmes d'antennes, ainsi que la construction de pylônes, tours et autres structures porteuses d'antennes;

g) procéder à l'essai d'appareils radio pour s'assurer de leur conformité aux normes techniques fixées sous le régime de la présente loi;

h) exiger que les demandeurs et les titulaires d'autorisations de radiocommunication lui communiquent tout renseignement qu'il estime indiqué concernant l'utilisation — présente et future — de l'appareil radio, ainsi que son coût d'installation et d'entretien;

i) exiger que ces titulaires l'informent de toute modification importante des renseignements ainsi communiqués;

j) nommer les inspecteurs pour l'application de la présente loi;

k) prendre les mesures nécessaires pour assurer, notamment par voie de réglementation internationale, les droits de Sa Majesté du chef du Canada en matière de télécommunications et consulter le Conseil de la radiodiffusion et des télécommunications canadiennes sur les questions qui lui semblent indiquées;

l) décider de l'existence de tout brouillage préjudiciable et donner l'ordre aux personnes qui possèdent ou contrôlent tout appareil ra-

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spect to any matter that the Minister deems appropriate;

(l) make determinations as to the existence of harmful interference and issue orders to persons in possession or control of radio apparatus, interference-causing equipment or radio-sensitive equipment that the Minister determines to be responsible for the harmful interference to cease or modify operation of the apparatus or equipment until such time as it can be operated without causing or being affected by harmful interference;

(m) undertake, sponsor, promote or assist in research relating to radiocommunication, including the technical aspects of broadcasting; and

(n) do any other thing necessary for the effective administration of this Act.

Canadian telecommunications policy

(1.1) In exercising the powers conferred by subsection (1), the Minister may have regard to the objectives of the Canadian telecommunications policy set out in section 7 of the *Telecommunications Act*.

Bidding system for radio authorizations

(1.2) In exercising the power under paragraph (1)(a) to issue radio authorizations, the Minister may use a system of competitive bidding to select the persons to whom radio authorizations will be issued.

Payments pursuant to bids

(1.3) Where the Minister accepts a bid for a radio authorization under a system of competitive bidding, any moneys payable to Her Majesty pursuant to the bid are in lieu of any fees fixed under this or any other Act for the radio authorization.

Procedures for bidding system

(1.4) The Minister may establish procedures, standards and conditions, including, without limiting the generality of the foregoing, bidding mechanisms, minimum bids, bidders' qualifications, acceptance of bids, application fees for bidders, deposit requirements, withdrawal penalties and payment schedules, applicable in respect of a system of competitive bidding used under subsection (1.2) in selecting the person to whom a radio authorization will be issued.

dio, matériel brouilleur ou matériel radiosensible qu'il juge responsable du brouillage de cesser ou de modifier l'exploitation de cet appareil ou de ce matériel jusqu'à ce qu'il puisse fonctionner sans causer de brouillage préjudiciable ou sans en être contrarié;

m) entreprendre, parrainer, promouvoir ou aider la recherche en matière de radiocommunication, notamment en ce qui touche les aspects techniques de la radiodiffusion;

n) prendre toute autre mesure propre à favoriser l'application efficace de la présente loi.

(1.1) Dans l'exercice des pouvoirs prévus au paragraphe (1), le ministre peut aussi tenir compte de la politique canadienne de télécommunication indiquée à l'article 7 de la *Loi sur les télécommunications*.

(1.2) Dans l'exercice du pouvoir qui lui est conféré par l'alinéa (1)a), le ministre peut recourir à un processus d'adjudication pour délivrer des autorisations de radiocommunication.

(1.3) Lorsque le ministre accepte une enchère dans le cadre d'un processus d'adjudication d'une autorisation de radiocommunication, les sommes payables à Sa Majesté par suite de l'acceptation remplacent les droits fixés par la présente loi ou par toute autre loi relativement à l'autorisation.

(1.4) Le ministre peut établir les formalités, les normes et les modalités applicables au processus d'adjudication visé au paragraphe (1.2) et notamment fixer les mécanismes d'enchère, la mise à prix, les qualités des enchérisseurs, les modalités d'acceptation des enchères, les frais de demande exigibles des enchérisseurs, les exigences de dépôt, les pénalités pour retrait et les calendriers de paiement.

Politique canadienne de télécommunication

Adjudication d'autorisations de radiocommunication

Paiements découlant d'une enchère

Processus d'adjudication



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Suspension or revocation of radio authorization

(2) The Minister may suspend or revoke a radio authorization

- (a) with the consent of the holder thereof;
- (b) after giving written notice to the holder and giving the holder a reasonable opportunity to make representations to the Minister with respect thereto, where the Minister is satisfied that
  - (i) the holder has contravened this Act, the regulations or the terms or conditions of the radio authorization, or
  - (ii) the radio authorization was obtained through misrepresentation; or
- (c) on giving written notice of suspension or revocation to the holder, without having to give the holder an opportunity to make representations to the Minister with respect thereto, where the holder has failed to comply with a request to pay fees or interest due under paragraph 6(1)(f).

R.S., 1985, c. R-2, s. 5; 1989, c. 17, s. 4; 1993, c. 38, s. 92; 1996, c. 18, s. 61.

POWERS OF GOVERNOR IN COUNCIL AND OTHERS

Regulations

6. (1) The Governor in Council may make regulations

- (a) respecting technical requirements and technical standards in relation to
  - (i) radio apparatus,
  - (ii) interference-causing equipment, and
  - (iii) radio-sensitive equipment,
 or any class thereof;
- (b) prescribing the eligibility of persons to whom radio authorizations, or any class thereof, may be issued, including eligibility criteria based on
  - (i) in the case of an individual, citizenship or permanent residence, or
  - (ii) in the case of a corporation, residence, ownership or control of the corporation, and the citizenship or permanent residence status of the directors and officers of the corporation;
- (c) prescribing the qualifications of persons to whom radio authorizations, or any class

(2) Le ministre peut suspendre ou annuler toute autorisation de radiocommunication dans l'un ou l'autre des cas suivants :

- a) avec le consentement du titulaire;
- b) lorsqu'il est convaincu, après avoir donné un avis écrit au titulaire et accordé la possibilité à celui-ci de lui présenter ses observations à cet égard :
  - (i) soit que le titulaire a enfreint la présente loi, ses règlements d'application ou les conditions de l'autorisation,
  - (ii) soit que celle-ci a été obtenue sous de fausses représentations;
- c) après avoir donné un avis écrit de suspension ou d'annulation au titulaire, mais sans nécessairement lui accorder la possibilité de lui présenter ses observations, lorsque le titulaire n'a pas accédé à la demande de verser les droits ou intérêts dus en vertu de l'alinéa 6(1)f).

L.R. (1985), ch. R-2, art. 5; 1989, ch. 17, art. 4; 1993, ch. 38, art. 92; 1996, ch. 18, art. 61.

POUVOIRS DU GOUVERNEUR EN CONSEIL ET AUTRES

Suspension ou annulation de toute autorisation de radiocommunication

6. (1) Le gouverneur en conseil peut, par règlement :

Règlements

- a) fixer les exigences et les normes techniques à l'égard d'appareils radio, de matériel brouilleur et de matériel radiosensible, ou de toute catégorie de ceux-ci;
- b) définir l'admissibilité à l'attribution d'autorisations de radiocommunication, ou de toute catégorie de celles-ci, notamment les critères d'admissibilité fondés sur :
  - (i) dans le cas d'une personne physique, la citoyenneté ou la résidence permanente,
  - (ii) dans le cas d'une personne morale, la résidence, le lien de propriété ou le pouvoir de contrôle, ainsi que le statut de citoyen ou de résident permanent de ses administrateurs et dirigeants;
- c) définir les qualités requises pour l'attribution d'autorisations de radiocommunication, ou de toute catégorie de celles-ci, notamment l'examen à subir;
- d) préciser la procédure applicable à la présentation des demandes d'autorisations de ra-

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thereof, may be issued, including examinations to be administered;

(d) prescribing the procedure governing the making of applications for radio authorizations, or any class thereof, including form and manner, and prescribing the processing and disposition of those applications and the issuing of radio authorizations by the Minister;

(e) prescribing the terms and conditions of radio authorizations, including, in the case of a radio licence, terms and conditions as to the services that may be provided by the holder thereof;

(f) prescribing conditions and restrictions applicable in respect of any prescribed radio service;

(g) prescribing radio apparatus, interference-causing equipment and radio-sensitive equipment, or classes thereof, in respect of which a technical acceptance certificate is required;

(h) respecting the inspection, testing and approval of radio apparatus, interference-causing equipment and radio-sensitive equipment in relation to technical acceptance certificates;

(i) prohibiting or regulating, in relation to

(i) interference to radiocommunication, or

(ii) adverse effects of electromagnetic energy from any emission, radiation or induction,

the manufacture, importation, installation, distribution, lease, offering for sale, sale or use of radio apparatus, interference-causing equipment and radio-sensitive equipment;

(j) prescribing the eligibility and qualifications of persons who may be appointed as inspectors, and the duties of inspectors;

(k) for giving effect to international agreements, conventions or treaties respecting radiocommunication to which Canada is a party;

(l) prescribing fees

(i) for radio authorizations, applications therefor and examinations or testing in relation thereto, and

diocommunication, ou de toute catégorie de celles-ci, notamment quant aux modalités de forme, au mode de traitement et au sort de ces demandes, ainsi qu'à la délivrance des autorisations par le ministre;

e) préciser les conditions des autorisations de radiocommunication et, dans le cas des licences radio, celles qui concernent les services pouvant être fournis par leur titulaire;

f) préciser les conditions et les restrictions applicables aux services radio réglementaires;

g) déterminer lesquels des appareils radio, des matériels brouilleurs et des matériels radiosensibles nécessitent un certificat d'approbation technique;

h) régir l'inspection, l'essai et l'approbation d'appareils radio, de matériel brouilleur et de matériel radiosensible en ce qui concerne les certificats d'approbation technique;

i) interdire ou régir la fabrication, l'importation, l'installation, la distribution, la location, la mise en vente, la vente ou l'utilisation d'appareils radio, de matériel brouilleur et de matériel radiosensible, relativement au brouillage de la radiocommunication ou à l'effet d'une énergie électromagnétique non désirée et due à une émission, à un rayonnement ou à une induction;

j) préciser les fonctions des inspecteurs et régir l'admissibilité et les qualités requises des personnes en vue de leur nomination à ce poste;

k) donner effet aux accords, conventions ou traités internationaux concernant la radiocommunication et auxquels le Canada est partie;

l) fixer les droits à payer — et les intérêts afférents à ceux-ci — pour :

(i) les demandes d'autorisation de radiocommunication, les examens ou les tests nécessaires à leur obtention et la délivrance des autorisations,

(ii) la fourniture de services de gestion du spectre par le ministère des Communications;

m) soustraire — éventuellement aux conditions qu'il fixe — certains appareils radio ou

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(ii) for services provided by the Department of Communications relating to spectrum management,

and respecting interest payable on unpaid fees so prescribed;

(m) prescribing radio apparatus, or any class thereof, that is exempt, either absolutely or subject to prescribed qualifications, from the application of subsection 4(1);

(n) prohibiting or regulating the further telecommunication, other than by persons operating broadcasting undertakings, of radiocommunications;

(o) for requiring, in a manner set out in the regulations, the reception or transmission of radiocommunication by any radio apparatus, or the exchange of radiocommunication by any radio apparatus with another radio apparatus;

(p) prescribing the manner in which radiocommunication is carried on in relation to any class of radio apparatus or radio service;

(q) prescribing the procedure to be followed with respect to the making of determinations under paragraph 5(1)(f), and prescribing the factors, including signal quality requirements, that the Minister shall take into account when making those determinations;

(r) prescribing maximum fines or maximum terms of imprisonment, or both, not exceeding those set out in subsection 10(1), for contravening or failing to comply with a regulation;

(s) prescribing anything that by this Act is to be prescribed; and

(t) generally for carrying out the purposes and provisions of this Act.

Incorporation by reference

(2) A regulation made under subsection (1) incorporating by reference a classification, standard, procedure or other specification may incorporate the classification, standard, procedure or specification as amended from time to time.

R.S., 1985, c. R-2, s. 6; 1989, c. 17, s. 4.

Possession by Her Majesty

7. (1) Her Majesty may assume and, for any length of time, retain possession of any radio station and all things necessary to the sufficient working of it and may, for the same time, re-

catégories de ceux-ci à l'application du paragraphe 4(1);

n) interdire ou régir la retransmission par télécommunication — sauf par les exploitants d'entreprises de radiodiffusion — d'émissions de radiocommunication;

o) exiger soit la réception ou la transmission de radiocommunication par tout appareil radio, soit l'échange de radiocommunication entre cet appareil et un autre, et en prévoir les modalités;

p) déterminer la manière dont s'effectue la radiocommunication à l'égard de toute catégorie d'appareils radio ou de services radio;

q) fixer les modalités de la décision visée à l'alinéa 5(1)f) et préciser les éléments, notamment les exigences en matière de qualité de signal, dont le ministre tient alors compte;

r) fixer les peines, n'excédant pas celles établies au paragraphe 10(1), pour contravenir à un règlement;

s) prendre toute mesure d'ordre réglementaire prévue par la présente loi;

t) prendre toute autre mesure d'application de la présente loi.

Incorporation par renvoi

(2) Il peut être précisé, dans le règlement d'application du paragraphe (1) qui incorpore par renvoi des spécifications — classifications, normes ou modalités —, qu'elles sont incorporées avec leurs modifications successives.

L.R. (1985), ch. R-2, art. 6; 1989, ch. 17, art. 4.

Prise de possession par Sa Majesté

7. (1) Sa Majesté peut temporairement prendre possession d'une station et de tout ce qui est nécessaire à son fonctionnement. Elle peut en outre, pendant cette période, requérir

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(a) a public hearing in respect of the location and extent of the land to be taken possession of or occupied shall be held in accordance with the following procedure:

(i) notice of the time and place for the public hearing shall be given to the Yukon first nation or Gwich'in Tribal Council and the public,

(ii) at the time and place fixed for the public hearing, an opportunity shall be provided for the Yukon first nation or Gwich'in Tribal Council and the public to be heard,

(iii) costs incurred by any party in relation to the hearing are in the discretion of the person or body holding the hearing and may be awarded on or before the final disposition of the issue, and

(iv) a report on the hearing shall be prepared and submitted to the Minister; and

(b) notice of intention to obtain the consent of the Governor in Council shall be given to the Yukon first nation or Gwich'in Tribal Council on completion of the public hearing and submission of a report thereon to the Minister.

Definition of "Tetlit Gwich'in Yukon land"

(8) In this section, "Tetlit Gwich'in Yukon land" means land as described in Annex B, as amended from time to time, to Appendix C of the Comprehensive Land Claim Agreement between Her Majesty the Queen in right of Canada and the Gwich'in, as represented by the Gwich'in Tribal Council, that was approved, given effect and declared valid by the *Gwich'in Land Claim Settlement Act*.

R.S., 1985, c. R-2, s. 10; 1989, c. 17, s. 5; 1994, c. 43, s. 92.

Powers of inspectors

8. (1) Subject to subsection (2), an inspector appointed under paragraph 5(1)(j) may, at any reasonable time, for the purpose of enforcing this Act,

(a) enter any place in which the inspector believes on reasonable grounds there is any radio apparatus, interference-causing equipment or radio-sensitive equipment;

peut avoir lieu qu'après l'observation des formalités suivantes :

a) une audience publique est tenue, en conformité avec les règles énoncées ci-après, au sujet de l'emplacement et de la superficie de la terre visée :

(i) avis des date, heure et lieu de l'audience est donné au public et, selon le cas, à la première nation ou au Conseil tribal des Gwich'in,

(ii) le public et, selon le cas, la première nation ou le Conseil tribal des Gwich'in se voient offrir l'occasion de se faire entendre à l'audience,

(iii) les frais et dépens des parties afférents à l'audience sont laissés à l'appréciation de la personne ou de l'organisme présidant l'audience, qui peut les adjuger en tout état de cause,

(iv) un procès-verbal de l'audience est dressé et remis au ministre;

b) après l'audience publique et la remise du procès-verbal de celle-ci au ministre, avis de l'intention de demander l'agrément du gouverneur en conseil est donné, selon le cas, à la première nation ou au Conseil tribal des Gwich'in.

Définition de « terre gwich'in tetlit du Yukon »

(8) Au présent article, « terre gwich'in tetlit du Yukon » s'entend de toute terre visée à la sous-annexe B — avec ses modifications — de l'annexe C de l'Entente sur la revendication territoriale globale des Gwich'in, conclue entre Sa Majesté la Reine du chef du Canada et les Gwich'in, représentés par le Conseil tribal des Gwich'in, approuvée, mise en vigueur et déclarée valide par la *Loi sur le règlement de la revendication territoriale des Gwich'in*.

L.R. (1985), ch. R-2, art. 10; 1989, ch. 17, art. 5; 1994, ch. 43, art. 92.

Pouvoirs des inspecteurs

8. (1) Sous réserve du paragraphe (2), l'inspecteur nommé au titre de l'alinéa 5(1)j) peut, à toute heure convenable, pour l'application de la présente loi :

a) pénétrer dans tout lieu, s'il a des motifs raisonnables de croire qu'il s'y trouve un appareil radio, du matériel brouilleur ou du matériel radiosensible;

b) examiner l'appareil ou le matériel trouvé sur les lieux;

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quire the exclusive service of the operators and other persons employed in working the station.

les services exclusifs des opérateurs et des autres membres du personnel de la station.

Control by Government

(2) The person who owns or controls the station of which possession is assumed pursuant to subsection (1) shall give up possession of it and the operators and other persons employed as described in that subsection shall, during the time of possession thereunder, diligently and faithfully obey such orders, and transmit and receive such signals, calls and radiograms, as they are required to receive and transmit by any duly authorized officer of the Government of Canada.

(2) La personne qui possède ou contrôle la station visée au paragraphe (1) doit en abandonner la possession; les opérateurs et les autres membres du personnel sont tenus, pendant la durée de la possession par Sa Majesté, d'obéir consciencieusement et fidèlement aux ordres de tout fonctionnaire fédéral dûment autorisé à leur en donner, notamment en ce qui concerne les signaux, appels et radiogrammes qu'il leur demande de recevoir et de transmettre.

Station placée sous tutelle

Compensation

(3) Where the Minister and the person who owns or controls any radio station taken possession of by the Crown under this section cannot agree on the compensation to be paid by the Crown for the taking of possession, the Minister shall refer the matter to the Federal Court for adjudication and the *Expropriation Act* is, with such modifications as the circumstances require, applicable for the purpose of determining the amount of the compensation, if any, and the amount of any judgment on proceedings instituted under this subsection is payable out of the Consolidated Revenue Fund.

(3) En cas de désaccord, entre lui et la personne qui possède ou contrôle une station dont Sa Majesté prend la possession sous le régime du présent article, sur le montant de l'indemnité à payer par celle-ci pour la prise de possession, le ministre soumet l'affaire au jugement de la Cour fédérale. La *Loi sur l'expropriation* s'applique, compte tenu des adaptations de circonstance, pour la détermination de l'indemnité éventuelle et le montant fixé par tout jugement sur des poursuites intentées aux termes du présent paragraphe est payable sur le Trésor.

Indemnisation

Exception

(4) Notwithstanding subsection (3), any dispute as to the compensation to be paid for the taking of possession of a radio station on settlement land as defined in section 2 of the *Yukon Surface Rights Board Act* or on Tetlit Gwich'in Yukon land may be heard and determined only by the Yukon Surface Rights Board under and in accordance with that Act.

(4) Par dérogation au paragraphe (3), l'Office des droits de surface du Yukon est seul à connaître, en conformité avec la *Loi sur l'Office des droits de surface du Yukon*, de tout désaccord sur le montant de l'indemnité payable par suite de la prise de possession, par Sa Majesté, d'une station située sur une terre désignée au sens de l'article 2 de cette loi ou de terres gwich'in tetlit du Yukon.

Exception

Settlement land

(5) If the Yukon first nation concerned does not consent thereto, no interest in settlement land as defined in section 2 of the *Yukon Surface Rights Board Act* may be taken possession of under this section without the consent of the Governor in Council.

(5) Sauf avec le consentement de la première nation touchée, nulle compagnie ne peut, au titre du présent article, s'approprier un droit sur une terre désignée au sens de l'article 2 de la *Loi sur l'Office des droits de surface du Yukon* sans l'agrément du gouverneur en conseil.

Terre désignée

Tetlit Gwich'in Yukon land

(6) If the Gwich'in Tribal Council does not consent thereto, no interest in Tetlit Gwich'in Yukon land may be taken possession of under this section without the consent of the Governor in Council.

(6) Sauf avec le consentement du Conseil tribal des Gwich'in, nulle compagnie ne peut, au titre du présent article, s'approprier un droit sur une terre gwich'in tetlit du Yukon sans l'agrément du gouverneur en conseil.

Terre gwich'in tetlit

Notice of intention

(7) Where an interest in land referred to in subsection (5) or (6) is to be taken possession of without the consent of the Yukon first nation or Gwich'in Tribal Council, as the case may be,

(7) L'appropriation d'un droit sur les terres visées aux paragraphes (5) ou (6) sans le consentement de la première nation ou du Conseil tribal des Gwich'in, selon le cas, ne

Avis d'intention

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(b) examine any radio apparatus, interference-causing equipment or radio-sensitive equipment found therein; and

(c) examine any logs, books, reports, test data, records, shipping bills, bills of lading or other documents or papers found therein that the inspector believes on reasonable grounds contain information relevant to the enforcement of this Act, and make copies thereof or take extracts therefrom.

Dwelling-houses

(2) Where a place referred to in subsection (1) is a dwelling-house, an inspector may not enter that dwelling-house without the consent of the occupant, except

(a) under the authority of a warrant issued under subsection (3), or

(b) where, by reason of exigent circumstances, it would not be practical for the inspector to obtain a warrant

and, for the purposes of paragraph (b), exigent circumstances include circumstances in which the delay necessary to obtain a warrant would result in danger to human life or safety or the loss or destruction of evidence.

Warrants

(3) Where, on *ex parte* application, a justice of the peace is satisfied by information on oath that

(a) entry to a dwelling-house is necessary for the purpose of performing any duty of an inspector under this Act, and

(b) entry to the dwelling-house has been refused or that there are reasonable grounds for believing that entry thereto will be refused,

the justice may issue a warrant authorizing the inspector named therein to enter that dwelling-house, subject to any conditions specified in the warrant.

Use of force

(4) In executing a warrant issued under subsection (3), an inspector shall not use force unless the inspector is accompanied by a peace officer and the use of force is specifically authorized in the warrant.

Assistance to inspectors

(5) The owner or person in charge of a place entered by an inspector shall give the inspector all reasonable assistance to enable the inspector to carry out the inspector's duties under this Act, and shall give the inspector any information that the inspector reasonably requests.

c) procéder à l'examen et à la reproduction totale ou partielle des documents ou pièces — notamment livres, rapports, résultats d'essai ou d'analyse, dossiers, bordereaux d'expédition et connaissements — trouvés sur les lieux, s'il a des motifs raisonnables de croire qu'ils contiennent des renseignements utiles à l'application de la présente loi.

(2) L'inspecteur ne peut toutefois pénétrer, sans l'autorisation de l'occupant, dans une maison d'habitation que s'il est muni du mandat visé au paragraphe (3) ou si l'urgence de la situation — notamment dans les cas où le délai risquerait soit de mettre en danger des personnes, soit d'entraîner la perte ou la destruction d'éléments de preuve — rend l'obtention de celui-ci difficilement réalisable.

Maison d'habitation

(3) Sur demande *ex parte*, le juge de paix peut délivrer un mandat autorisant l'inspecteur qui y est nommé, sous réserve des conditions fixées dans le mandat, à pénétrer dans une maison d'habitation si lui-même est convaincu, d'après une dénonciation faite sous serment, qu'il est nécessaire d'y entrer pour l'exercice des fonctions d'inspecteur prévues dans la présente loi et qu'un refus d'y entrer a été opposé ou qu'il y a des motifs raisonnables de croire qu'un tel refus sera opposé.

Mandat

(4) L'inspecteur ne peut recourir à la force dans l'exécution du mandat que si celui-ci en autorise expressément l'usage et que lui-même est accompagné d'un agent de la paix.

Usage de la force

(5) Le propriétaire ou le responsable du lieu visé est tenu de prêter à l'inspecteur toute l'assistance possible dans l'exercice de ses fonctions et de lui donner les renseignements qu'il peut raisonnablement exiger.

Assistance à l'inspecteur

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Obstruction, false information

(6) Where an inspector is carrying out duties under this Act, no person shall

- (a) resist or wilfully obstruct the inspector; or
- (b) knowingly make a false or misleading statement, either orally or in writing, to the inspector.

1989, c. 17, s. 6.

(6) Il est interdit :

- a) d'entraver volontairement l'action de l'inspecteur dans l'exercice de ses fonctions;
- b) de sciemment lui faire, oralement ou par écrit, une déclaration fausse ou trompeuse.

1989, ch. 17, art. 6.

Entrave et fausses déclarations

OFFENCES AND PUNISHMENT

INFRACTIONS ET PEINES

Prohibitions

9. (1) No person shall

- (a) knowingly send, transmit or cause to be sent or transmitted any false or fraudulent distress signal, message, call or radiogram of any kind;
- (b) without lawful excuse, interfere with or obstruct any radiocommunication;
- (c) decode an encrypted subscription programming signal or encrypted network feed otherwise than under and in accordance with an authorization from the lawful distributor of the signal or feed;
- (d) operate a radio apparatus so as to receive an encrypted subscription programming signal or encrypted network feed that has been decoded in contravention of paragraph (c); or
- (e) retransmit to the public an encrypted subscription programming signal or encrypted network feed that has been decoded in contravention of paragraph (c).

Prohibition

(1.1) Except as prescribed, no person shall make use of or divulge a radio-based telephone communication

- (a) if the originator of the communication or the person intended by the originator of the communication to receive it was in Canada when the communication was made; and
- (b) unless the originator, or the person intended by the originator to receive the communication consents to the use or divulgence.

Idem

(2) Except as prescribed, no person shall intercept and make use of, or intercept and divulge, any radiocommunication, except as permitted by the originator of the communication or the person intended by the originator of the communication to receive it.

9. (1) Il est interdit :

- a) d'envoyer, d'émettre ou de faire envoyer ou émettre, sciemment, un signal de détresse ou un message, appel ou radiogramme de quelque nature, faux ou frauduleux;
- b) sans excuse légitime, de gêner ou d'entraver la radiocommunication;
- c) de décoder, sans l'autorisation de leur distributeur légitime ou en contravention avec celle-ci, un signal d'abonnement ou une alimentation réseau;
- d) d'utiliser un appareil radio de façon à recevoir un signal d'abonnement ou une alimentation réseau ainsi décodé;
- e) de transmettre au public un signal d'abonnement ou une alimentation réseau ainsi décodé.

Interdictions

(1.1) Sauf exception réglementaire, il est interdit d'utiliser ou de communiquer une communication radiotéléphonique sans l'autorisation de l'émetteur ou du destinataire, si l'un d'eux se trouvait au Canada lorsque la communication a été faite.

Interdictions

(2) Sauf exception réglementaire, il est interdit d'intercepter et soit d'utiliser, soit de communiquer toute radiocommunication sans l'autorisation de l'émetteur ou du destinataire.

Idem

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Exceptions	<p>(3) Subsection (2) does not apply in respect of radiocommunication that consists of broadcasting, a subscription programming signal or a network feed.</p> <p>1989, c. 17, s. 6; 1991, c. 11, s. 83; 1993, c. 40, s. 24.</p>	<p>(3) Les communications par radiodiffusion, alimentation réseau ou signal d'abonnement sont soustraites à l'application du paragraphe (2).</p> <p>1989, ch. 17, art. 6; 1991, ch. 11, art. 83; 1993, ch. 40, art. 24.</p>	Exceptions
Penalties	<p><b>9.1</b> Every person who contravenes subsection 9(1.1) or (2) is guilty of an offence punishable on summary conviction and liable</p> <p>(a) in the case of an individual, to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding one year, or to both; and</p> <p>(b) in the case of a person other than an individual, to a fine not exceeding seventy-five thousand dollars.</p> <p>1993, c. 40, s. 25.</p>	<p><b>9.1</b> Quiconque contrevient aux paragraphes 9(1.1) ou (2) commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire :</p> <p>a) dans le cas d'une personne physique, une amende maximale de vingt-cinq mille dollars et un emprisonnement maximal d'un an, ou l'une de ces peines;</p> <p>b) dans le cas d'une personne morale, une amende maximale de soixante-quinze mille dollars.</p> <p>1993, ch. 40, art. 25.</p>	Peines
Offences	<p><b>10.</b> (1) Every person who</p> <p>(a) contravenes section 4 or paragraph 9(1)(a) or (b),</p> <p>(b) without lawful excuse, manufactures, imports, distributes, leases, offers for sale, sells, installs, modifies, operates or possesses any equipment or device, or any component thereof, under circumstances that give rise to a reasonable inference that the equipment, device or component has been used, or is or was intended to be used, for the purpose of contravening section 9,</p> <p>(c) contravenes or fails to comply with an order issued by the Minister under paragraph 5(1)(l), or</p> <p>(d) contravenes or fails to comply with a regulation, where no punishment is prescribed by regulations made under paragraph 6(1)(r) for that contravention or failure to comply,</p> <p>is guilty of an offence punishable on summary conviction and is liable, in the case of an individual, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year, or to both, or, in the case of a corporation, to a fine not exceeding twenty-five thousand dollars.</p>	<p><b>10.</b> (1) Commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, dans le cas d'une personne physique, une amende maximale de cinq mille dollars et un emprisonnement maximal d'un an, ou l'une de ces peines, ou, dans le cas d'une personne morale, une amende maximale de vingt-cinq mille dollars quiconque, selon le cas :</p> <p>a) contrevient à l'article 4 ou aux alinéas 9(1)a) ou b);</p> <p>b) sans excuse légitime, fabrique, importe, distribue, loue, met en vente, vend, installe, modifie, exploite ou possède tout matériel ou dispositif, ou composante de celui-ci, dans des circonstances donnant à penser que l'un ou l'autre est utilisé en vue d'enfreindre l'article 9, l'a été ou est destiné à l'être;</p> <p>c) contrevient à l'ordre donné par le ministre en vertu de l'alinéa 5(1)l);</p> <p>d) à défaut de peine prévue par règlement d'application de l'alinéa 6(1)r), contrevient à un règlement.</p>	Infractions
Idem	<p>(2) Every person who contravenes or fails to comply with subsection 8(5) or (6) is guilty of an offence punishable on summary conviction</p>	<p>(2) Quiconque contrevient aux paragraphes 8(5) ou (6) commet une infraction et encourt, sur déclaration de culpabilité par procédure</p>	Idem



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	and is liable to a fine not exceeding five thousand dollars.	sommaire, une amende maximale de cinq mille dollars.	
Idem	(2.1) Every person who contravenes paragraph 9(1)(c) or (d) is guilty of an offence punishable on summary conviction and is liable, in the case of an individual, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding six months, or to both, or, in the case of a corporation, to a fine not exceeding twenty-five thousand dollars.	(2.1) Quiconque contrevient aux alinéas 9(1)c) ou d) commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, dans le cas d'une personne physique, une amende maximale de dix mille dollars et un emprisonnement maximal de six mois, ou l'une de ces peines, dans le cas d'une personne morale, une amende maximale de vingt-cinq mille dollars.	Idem
Idem	(2.2) Every person who contravenes paragraph 9(1)(e) is guilty of an offence punishable on summary conviction and is liable, in the case of an individual, to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding one year, or to both, or, in the case of a corporation, to a fine not exceeding two hundred thousand dollars.	(2.2) Quiconque contrevient à l'alinéa 9(1)e) commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, dans le cas d'une personne physique, une amende maximale de vingt mille dollars et un emprisonnement maximal d'un an, ou l'une de ces peines, dans le cas d'une personne morale, une amende maximale de deux cent mille dollars.	Idem
Exception	(2.3) No person who decodes an encrypted subscription programming signal in contravention of paragraph 9(1)(c) shall be convicted of an offence under that paragraph if the lawful distributor had the lawful right to make the signal available, on payment of a subscription fee or other charge, to persons in the area where the signal was decoded but had not made the signal readily available to those persons.	(2.3) Le fait de décoder un signal d'abonnement autrement qu'en conformité avec l'autorisation du distributeur légitime ne constitue pas une infraction à l'alinéa 9(1)c) si ce distributeur, étant légitimement autorisé à mettre, à l'endroit du décodage, le signal à la disposition des personnes ayant payé un prix d'abonnement ou une autre forme de redevance, ne l'avait pas mis à la disposition de celles-ci.	Défense
Not lawful excuse	(2.4) Nothing in subsection (2.3) shall constitute a lawful excuse for any person to manufacture, import, distribute, lease, offer for sale or sell any equipment or device, or any component thereof, in contravention of paragraph (1)(b).	(2.4) Le paragraphe (2.3) n'a pas pour effet d'accorder une défense à quiconque fabrique, importe, distribue, loue, met en vente ou vend tout matériel ou dispositif, ou composante de celui-ci, en contravention avec l'alinéa (1)b).	Exception
Due diligence	(2.5) No person shall be convicted of an offence under paragraph 9(1)(c), (d) or (e) if the person exercised all due diligence to prevent the commission of the offence.	(2.5) Nul ne peut être déclaré coupable de l'infraction visée aux alinéas 9(1)c), d) ou e) s'il a pris les mesures nécessaires pour l'empêcher.	Disculpation
Continuing offence	(3) Where an offence under this section is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.	(3) Il est compté une infraction distincte au présent article pour chacun des jours au cours desquels se commet ou se continue l'infraction.	Infraction continue
Injunctions	(4) Where a court of competent jurisdiction is satisfied, on application by the Minister, that an offence under paragraph (1)(a) is being or is likely to be committed, the court may grant an injunction, subject to such conditions as the	(4) S'il est convaincu qu'une infraction à l'alinéa (1)a) se commet ou est sur le point d'être commise, le tribunal compétent peut, sur demande du ministre, accorder une injonction, sous réserve des conditions qu'il juge indi-	Injonctions

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court considers appropriate, ordering any person to cease or refrain from any activity related to that offence.

quées, ordonnant à quiconque de cesser toute activité liée à l'infraction ou de s'en abstenir.

Federal Court

(5) For the purposes of subsection (4), the Federal Court is a court of competent jurisdiction.

(5) La Cour fédérale est, pour l'application du paragraphe (4), un tribunal compétent.

Cour fédérale

Limitation

(6) A prosecution for an offence under this Act may be commenced within, but not after, three years after the day on which the subject-matter of the offence arose.

(6) Les poursuites visées par la présente loi se prescrivent par trois ans à compter de la perpétration de l'infraction.

Prescription

1989, c. 17, s. 6; 1991, c. 11, s. 84.

1989, ch. 17, art. 6; 1991, ch. 11, art. 84.

Liability of directors, etc.

11. Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to or acquiesced or participated in the commission of the offence is a party to and guilty of the offence, and is liable to the punishment provided for that offence in respect of an individual, whether or not the corporation has been prosecuted or convicted.

11. En cas de perpétration par une personne morale d'une infraction à la présente loi, ceux de ses dirigeants, administrateurs ou mandataires qui l'ont ordonnée ou autorisée, ou qui y ont consenti ou participé, sont considérés comme des coauteurs de l'infraction et encourrent la peine prévue pour une personne physique, que la personne morale ait été ou non poursuivie ou déclarée coupable.

Responsabilité pénale : administrateurs

1989, c. 17, s. 6.

1989, ch. 17, art. 6.

Ticket offences

12. (1) The Governor in Council may make regulations designating any offence under this Act as an offence in respect of which

12. (1) Le gouverneur en conseil peut, par règlement, déterminer, parmi les infractions à la présente loi, celles pour lesquelles :

Contravention

(a) any person appointed as an inspector may issue and serve a summons by completing a ticket in the prescribed form, signing it and

a) d'une part, l'inspecteur peut, pour valoir citation, remplir et signer le formulaire réglementaire de contravention et le remettre au prévenu lors de leur prétendue perpétration ou le lui signifier par la poste, à sa dernière adresse connue;

(i) delivering it to the accused at the time the offence is alleged to have been committed, or

b) d'autre part, la dénonciation peut être déposée après la remise ou la signification du formulaire.

(ii) mailing it to the accused at the accused's latest known address, and

(b) the information may be laid after the ticket is delivered or mailed,

Le règlement d'application du présent article fixe pour chaque infraction, d'une part, les modalités permettant au prévenu de plaider coupable et d'acquitter l'amende prévue et, d'autre part, le montant de celle-ci.

and any regulations made under this section shall establish a procedure for voluntarily entering a plea of guilty and paying a fine in respect of each offence to which the regulations relate and shall prescribe the amount of the fine to be paid in respect of each such offence.

Fines

(2) A fine prescribed by regulations made under subsection (1) in respect of an offence may be lower for a first offence than for a subsequent offence, but in no case shall it be greater than one thousand dollars.

(2) Le montant des amendes prévues par règlement d'application du présent article peut être plus élevé en cas de récidive, sans jamais toutefois dépasser mille dollars par infraction.

Amendes en cas de récidive

Failure to respond to ticket

(3) Where a person to whom a ticket is delivered or mailed does not enter a plea within

(3) Si la personne qui reçoit le formulaire de contravention n'y donne pas suite dans le délai

Défaut

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the prescribed time, a justice shall examine the information referred to in subsection (1) and

(a) if the information is complete and regular on its face, the justice shall enter a conviction in the person's absence and impose a fine of the prescribed amount; or

(b) if the information is not complete and regular on its face, the justice shall quash the proceedings.

1989, c. 17, s. 6.

réglementaire, le juge, après examen de la dénonciation :

a) si celle-ci est complète et régulière, la déclarer coupable en son absence et lui impose l'amende réglementaire;

b) sinon, met fin aux procédures.

1989, ch. 17, art. 6.

Forfeiture of radio apparatus

13. (1) In the case of a conviction for an offence under paragraph 10(1)(a), any radio apparatus in relation to which or by means of which the offence was committed may be forfeited to Her Majesty in right of Canada by order of the Minister for such disposition, subject to subsections (2) to (6), as the Minister may direct.

13. (1) En cas de condamnation pour l'infraction visée à l'alinéa 10(1)a), l'appareil radio en cause peut être confisqué au profit de Sa Majesté du chef du Canada par arrêté du ministre pour qu'il en soit disposé, sous réserve des paragraphes (2) à (6), suivant les instructions de celui-ci.

Confiscation

Notice of forfeiture

(2) Where a radio apparatus is ordered to be forfeited under subsection (1), the Minister shall cause a notice of the forfeiture to be published in the *Canada Gazette*.

(2) Le ministre fait publier un avis de la confiscation dans la *Gazette du Canada*.

Avis

Application by person claiming interest

(3) Any person, other than a party to the proceedings that resulted in a forfeiture under subsection (1), who claims an interest in the apparatus as owner, mortgagee, lien holder or holder of any like interest may, within thirty days after the making of the order of forfeiture, apply to any superior court of competent jurisdiction for an order under subsection (6), whereupon the court shall fix a day for the hearing of the application.

(3) Quiconque n'est pas partie aux procédures dont résulte la confiscation et revendique un droit sur cet appareil à titre de propriétaire, de créancier hypothécaire, de détenteur de privilège ou de créancier d'un droit semblable peut, dans les trente jours suivant la prise de l'arrêté, requérir de toute cour supérieure compétente l'ordonnance visée au paragraphe (6), après quoi la cour fixe la date d'audition de la requête.

Requête

Notice

(4) An applicant for an order under subsection (6) shall, at least thirty days before the day fixed for the hearing of the application, serve a notice of the application and of the hearing on the Minister and on all other persons claiming an interest in the apparatus that is the subject-matter of the application as owner, mortgagee, lien holder or holder of any like interest of whom the applicant has knowledge.

(4) Le requérant donne avis de la requête et de la date fixée pour l'audition, au moins trente jours avant celle-ci, au ministre et à toute personne qui, au su du requérant, revendique sur l'appareil radio en cause un droit à titre de propriétaire, de créancier hypothécaire, de détenteur de privilège ou de créancier d'un droit semblable.

Avis

Notice of intervention

(5) Every person, other than the Minister, who is served with a notice under subsection (4) and who intends to appear at the hearing of the application to which the notice relates shall, at least ten days before the day fixed for the hearing, file an appropriate notice of intervention in the record of the court and serve a copy thereof on the Minister and on the applicant.

(5) À l'exception du ministre, toute personne qui reçoit signification d'un tel avis et se propose de comparaître lors de l'audition de la requête qui y est visée dépose au greffe du tribunal, au moins dix jours avant la date fixée pour l'audition, un avis d'intervention dont elle fait transmettre copie au ministre et au requérant.

Avis d'intervention

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Order declaring nature and extent of interests

(6) Where, on the hearing of an application under this section, the court is satisfied that the applicant, or the interveners, if any, or any of them,

(a) are innocent of any complicity and collusion in any conduct that caused the apparatus to be subject to forfeiture, and

(b) in the case of owners, exercised all reasonable care in respect of the persons permitted to obtain possession and use of the apparatus to satisfy themselves that it was not likely to be used in the commission of an offence under paragraph 10(1)(a),

any applicant or intervener in respect of whom the court is so satisfied is entitled to an order declaring that his interest is not affected by the forfeiture and declaring the nature and extent of his interest and the priority of his interest in relation to other interests recognized pursuant to this subsection, and the court may, in addition, order that the apparatus to which the interests relate be delivered to one or more of the persons found to have an interest therein, or that an amount equal to the value of each of the interests so declared be paid to the persons found to have those interests.

1989, c. 17, s. 6.

14. [Repealed, 1989, c. 17, s. 6]

Disposition of fines

15. All fines imposed by this Act or the regulations belong to Her Majesty in right of Canada and shall be paid to the Receiver General.

R.S., c. R-1, s. 13.

GENERAL

Certificates or reports of inspectors

16. (1) In any proceeding under this Act, or in any other proceeding to which the legislative jurisdiction of Parliament extends, a certificate or report purporting to have been given by an inspector who did an inspection or test pursuant to this Act and to have been signed by that inspector is admissible in evidence and, in the absence of any evidence to the contrary, is proof of the matters stated therein relating to the inspection or test, without proof of the signature, official character or capacity of the person appearing to have signed the certificate or report.

No admissibility without notice

(2) No certificate or report shall be received in evidence pursuant to subsection (1) unless the party who intends to produce it has given to

Ordonnance

(6) Le requérant et les intervenants sont fondés à obtenir une ordonnance préservant leurs droits des effets de la confiscation et déclarant la nature, l'étendue et le rang de ceux-ci, lorsque le tribunal est convaincu, à l'issue de l'audition, de ce qui suit :

a) le requérant et les intervenants ne sont coupables ni de complicité ni de collusion à l'égard des actes qui ont rendu l'appareil radio susceptible de confiscation;

b) celles de ces personnes qui en sont propriétaires ont fait toute diligence pour s'assurer que les personnes ayant droit à la possession et à l'exploitation de l'appareil ne risquaient pas en cette qualité de perpétrer l'infraction visée à l'alinéa 10(1)a).

Le tribunal peut, dans ce cas, ordonner soit la remise de l'appareil en cause à l'une ou plusieurs des personnes dont il constate les droits, soit le versement à celles-ci d'une somme égale à la valeur de leurs droits respectifs.

1989, ch. 17, art. 6.

14. [Abrogé, 1989, ch. 17, art. 6]

15. Les amendes imposées par la présente loi ou ses règlements appartiennent à Sa Majesté du chef du Canada et sont versées au receveur général.

S.R., ch. R-1, art. 13.

DISPOSITIONS GÉNÉRALES

Versement des amendes au receveur général

16. (1) Dans les poursuites sous le régime de la présente loi et dans toute autre procédure relevant de l'autorité législative du Parlement, les certificats ou les rapports censés délivrés et signés par l'inspecteur qui a fait l'inspection ou l'essai en question sont admissibles en preuve et, sauf preuve contraire, font foi de leur contenu sans qu'il soit nécessaire de prouver l'authenticité de la signature qui y est apposée ou la qualité officielle du signataire.

Certificats ou rapports des inspecteurs

(2) Les certificats et rapports ne sont reçus en preuve que si la partie qui a l'intention de les produire contre une autre donne à celle-ci

Préavis

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the party against whom it is intended to be produced reasonable notice of that intention, together with a copy of the certificate or report.

un préavis suffisant accompagné d'une copie de ces documents.

Attendance of inspector

(3) A party who receives notice under subsection (2) may, with leave of the court, require the attendance of the inspector for the purposes of cross-examination.

(3) Le destinataire du préavis peut, avec l'autorisation du tribunal, exiger la présence de l'inspecteur pour contre-interrogatoire.

Comparution de l'inspecteur

L.R. (1985), ch. R-2, art. 16; 1989, ch. 17, art. 7.

R.S., 1985, c. R-2, s. 16; 1989, c. 17, s. 7.

Protection from personal liability

17. (1) No action or other proceeding for damages lies or may be instituted against a Minister, servant or agent of the Crown for or in respect of anything done or omitted to be done, or purported to be done or omitted to be done, in good faith under this Act or any order or regulation issued or made under this Act.

17. (1) Aucune action ni autre procédure pour dommages-intérêts ne peut être intentée contre un ministre, un préposé ou un mandataire de l'État pour un fait — acte ou omission — accompli, ou censé l'avoir été, de bonne foi en application de la présente loi ou des décrets, arrêtés ou règlements pris sous son régime.

Exclusion de la responsabilité personnelle

Crown not relieved of liability

(2) Subsection (1) does not relieve the Crown of liability for the acts or omissions described therein, and the Crown is liable under the *Crown Liability Act* or any other law as if that subsection had not been enacted.

(2) Le paragraphe (1) ne dégage pas l'État de sa responsabilité pour les faits qui y sont visés et celui-ci demeure responsable, en application de la *Loi sur la responsabilité de l'État* et de toute autre loi, indépendamment de ce paragraphe.

Responsabilité de l'État

1989, c. 17, s. 7.

1989, ch. 17, art. 7.

CIVIL ACTION

RECOURS CIVIL

Right of civil action

18. (1) Any person who

18. (1) Peut former, devant tout tribunal compétent, un recours civil à l'encontre du contrevenant quiconque a subi une perte ou des dommages par suite d'une contravention aux alinéas 9(1)c), d) ou e) ou 10(1)b) et:

Recours civil

(a) holds an interest in the content of a subscription programming signal or network feed, by virtue of copyright ownership or a licence granted by a copyright owner,

a) soit détient, à titre de titulaire du droit d'auteur ou d'une licence accordée par ce dernier, un droit dans le contenu d'un signal d'abonnement ou d'une alimentation réseau;

(b) is authorized by the lawful distributor of a subscription programming signal or network feed to communicate the signal or feed to the public,

b) soit est autorisé, par le distributeur légitime de celui-ci, à le communiquer au public;

(c) holds a licence to carry on a broadcasting undertaking issued by the Canadian Radio-television and Telecommunications Commission under the *Broadcasting Act*, or

c) soit est titulaire d'une licence attribuée, au titre de la *Loi sur la radiodiffusion*, par le Conseil de la radiodiffusion et des télécommunications canadiennes et l'autorisant à exploiter une entreprise de radiodiffusion;

(d) develops a system or technology, or manufactures or supplies to a lawful distributor equipment, for the purpose of encrypting a subscription programming signal or network feed, or manufactures, supplies or sells decoders, to enable authorized persons to decode an encrypted subscription programming signal or encrypted network feed

d) soit encore élabore un système ou une technique ou fabrique un équipement destinés à l'encodage de signaux d'abonnement ou d'alimentations réseau, les fournit à un distributeur légitime, ou fabrique, vend ou fournit des décodeurs permettant à des personnes autorisées à cet effet de décoder de tels signaux ou alimentations.

may, where the person has suffered loss or damage as a result of conduct that is contrary to paragraph 9(1)(c), (d) or (e) or 10(1)(b), in any court of competent jurisdiction, sue for and re-

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cover damages from the person who engaged in the conduct, or obtain such other remedy, by way of injunction, accounting or otherwise, as the court considers appropriate.

Cette personne est admise à exercer tous recours, notamment par voie de dommages-intérêts, d'injonction ou de reddition de compte, selon ce que le tribunal estime indiqué.

Rules applicable

(2) In an action under subsection (1) against a person,

(2) Le plafond des dommages-intérêts accordés, au terme d'un tel recours, à l'encontre d'une personne physique n'ayant pas contrevenu aux alinéas 9(1)e) ou 10(1)b) et n'ayant pas posé les actes en cause dans un but lucratif est de mille dollars; les frais des parties sont laissés à la discrétion du tribunal.

Règles applicables

(a) a monetary judgment may not exceed one thousand dollars where the person is an individual and the conduct engaged in by the person is neither contrary to paragraph 9(1)(e) or 10(1)(b) nor engaged in for commercial gain; and

(b) the costs of the parties are in the discretion of the court.

Evidence of prior proceedings

(3) In an action under subsection (1) against a person, the record of proceedings in any court in which that person was convicted of an offence under paragraph 9(1)(c), (d) or (e) or 10(1)(b) is, in the absence of any evidence to the contrary, proof that the person against whom the action is brought engaged in conduct that was contrary to that paragraph, and any evidence given in those proceedings as to the effect of that conduct on the person bringing the action is evidence thereof in the action.

(3) Dans tout recours visé au paragraphe (1) et intenté contre une personne, les procès-verbaux relatifs aux procédures engagées devant tout tribunal qui a déclaré celle-ci coupable d'une infraction aux alinéas 9(1)c), d) ou e) ou 10(1)b) constituent, sauf preuve contraire, la preuve que cette personne a eu un comportement allant à l'encontre de ces dispositions; toute preuve fournie lors de ces procédures quant à l'effet de l'infraction sur la personne qui intente le recours constitue une preuve à cet égard.

Preuve de procédures antérieures

Jurisdiction of Federal Court

(4) For the purposes of an action under subsection (1), the Federal Court is a court of competent jurisdiction.

(4) La Cour fédérale est, pour l'application du paragraphe (1), un tribunal compétent.

Cour fédérale

Limitation

(5) An action under subsection (1) may be commenced within, but not after, three years after the conduct giving rise to the action was engaged in.

(5) Les recours visés au paragraphe (1) se prescrivent dans les trois ans suivant la date de l'infraction en cause.

Prescription

Copyright Act

(6) Nothing in this section affects any right or remedy that an aggrieved person may have under the *Copyright Act*.  
1991, c. 11, s. 85.

(6) Le présent article ne porte pas atteinte aux droits ou aux recours prévus par la *Loi sur le droit d'auteur*.  
1991, ch. 11, art. 85.

Loi sur le droit d'auteur

Right of civil action

19. (1) Any person who has made or received a radio-based telephone communication that the person believes on reasonable grounds will be or has been divulged or will be used or has been made use of contrary to subsection 9(1.1) may, in any court of competent jurisdiction, bring an action to prevent the divulgence or use of or to recover damages from the person who will divulge or has divulged or who will make use of or has made use of the radio-based telephone communication, and in any such action the court may grant any remedy, by way of

19. (1) Quiconque a fait ou reçu une communication radiotéléphonique et a des motifs raisonnables de croire que cette communication a été ou sera communiquée ou utilisée en contravention au paragraphe 9(1.1) peut former, devant tout tribunal compétent, un recours civil pour empêcher une telle utilisation ou une telle communication, ou pour recouvrer des dommages du contrevenant. Cette personne est admise à exercer tous recours, notamment par voie de dommages-intérêts, d'injonction ou de

Recours civil

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injunction, damages, accounting or otherwise, as the court considers appropriate.

reddition de compte, selon ce que le tribunal estime indiqué.

Evidence of prior proceedings

(2) In an action under subsection (1) against a person, the record of proceedings in any court in which that person was convicted of an offence under subsection 9(1.1) is, in the absence of any evidence to the contrary, proof that the person against whom the action is brought divulged or made use of the radio-based telephone communication and any evidence given in those proceedings as to the effect of the divulgence or use on the person bringing the action is evidence thereof in the action.

(2) Dans tout recours visé au paragraphe (1) et intenté contre une personne, les procès-verbaux relatifs aux procédures engagées devant tout tribunal qui a déclaré celle-ci coupable d'une infraction au paragraphe 9(1.1) constituent, sauf preuve contraire, la preuve que cette personne a communiqué ou utilisé la communication radiotéléphonique; toute preuve fournie lors de ces procédures quant à l'effet de l'infraction sur la personne qui intente le recours constitue une preuve à cet égard.

Preuve de procédures antérieures

Jurisdiction of Federal Court

(3) For the purposes of an action under subsection (1), the Federal Court is a court of competent jurisdiction.

(3) La Cour fédérale est, pour l'application du paragraphe (1), un tribunal compétent.

Cour fédérale

Limitation

(4) An action under subsection (1) may be commenced within, but not after, three years after the conduct giving rise to the action was engaged in.

(4) Les recours visés au paragraphe (1) se prescrivent dans les trois ans suivant la date de l'infraction en cause.

Prescription

Remedies not affected

(5) Nothing in this section affects any other right or remedy that an aggrieved person might otherwise have.

(5) Le présent article ne porte pas atteinte à tout autre droit ou recours que pourrait avoir la personne lésée.

Autres recours

1993, c. 40, s. 26.

1993, ch. 40, art. 26.

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**RELATED PROVISIONS**

**DISPOSITIONS CONNEXES**

— 1989, c. 17, s. 16

— 1989, ch. 17, art. 16

Radio licences,  
etc.

16. Radio licences, technical construction and operating certificates and radio operator certificates that were in force under the *Radio Act* immediately before this Act comes into force continue in force thereafter as if they had been issued in accordance with the *Radio Act* as amended by this Act.

16. Les licences radio, les certificats techniques de construction et de fonctionnement et les certificats d'opérateur radio en vigueur avant l'entrée en vigueur de la présente loi le demeurent comme si leur prise avait été autorisée par la *Loi sur la radio* dans sa version modifiée par la présente loi.

Licences radio et  
certificats

— 1995, c. 1, s. 62(4)

— 1995, ch. 1, par. 62(4)

Idem

(4) Every reference to the Minister of Communications in any order, regulation or other instrument made under the *Radiocommunication Act* or the *Telecommunications Act* shall, unless the context otherwise requires, be read as a reference to the Minister of Industry.

(4) Dans les textes d'application de la *Loi sur la radiocommunication* ou de la *Loi sur les télécommunications*, la mention du ministre des Communications vaut mention, sauf indication contraire du contexte, du ministre de l'Industrie.

Idem



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AMENDMENTS NOT IN FORCE

MODIFICATIONS NON EN VIGUEUR

	— 1992, c. 47, s. 84 (Sch., s. 14)		— 1992, ch. 47, art. 84 (ann., art. 14)	
1989, c. 17, s. 6	14. Section 12 is repealed.		14. L'article 12 est abrogé.	1989, ch. 17, art. 6
	— 2002, c. 7, s. 233		— 2002, ch. 7, art. 233	
1994, c. 43, s. 92	233. Subsections 7(4) and (5) of the <i>Radiocommunication Act</i> are replaced by the following:		233. Les paragraphes 7(4) et (5) de la <i>Loi sur la radiocommunication</i> sont remplacés par ce qui suit:	1994, ch. 43, art. 92
Exception	(4) Notwithstanding subsection (3), any dispute as to the compensation to be paid for the taking of possession of a radio station on settlement land as defined in section 2 of the <i>Yukon First Nations Land Claims Settlement Act</i> , land identified as such in a self-government agreement as defined in the <i>Yukon First Nations Self-Government Act</i> or on Tetlit Gwich'in Yukon land may be heard and determined only by the body established under the laws of the Legislature of Yukon having jurisdiction with respect to surface rights and in accordance with those laws.		(4) Par dérogation au paragraphe (3), l'organisme établi par les lois de la Législature du Yukon et compétent en matière de droits de surface est seul à connaître, en conformité avec ces lois, de tout désaccord sur le montant de l'indemnité payable par suite de la prise de possession, par Sa Majesté, d'une station située sur une terre désignée au sens de l'article 2 de la <i>Loi sur le règlement des revendications territoriales des premières nations du Yukon</i> , sur une terre tenue pour telle aux termes d'un accord au sens de la <i>Loi sur l'autonomie gouvernementale des premières nations du Yukon</i> ou sur des terres gwich'in tetlit du Yukon.	Exception
Settlement land	(5) If the Yukon first nation concerned does not consent to it, no interest in settlement land as defined in section 2 of the <i>Yukon First Nations Land Claims Settlement Act</i> or identified as such in a self-government agreement as defined in the <i>Yukon First Nations Self-Government Act</i> may be taken possession of under this section without the consent of the Governor in Council.		(5) Sauf avec le consentement de la première nation touchée, nulle compagnie ne peut, sans l'agrément du gouverneur en conseil, s'approprier au titre du présent article un droit sur une terre désignée au sens de l'article 2 de la <i>Loi sur le règlement des revendications territoriales des premières nations du Yukon</i> ou sur une terre tenue pour telle aux termes d'un accord au sens de la <i>Loi sur l'autonomie gouvernementale des premières nations du Yukon</i> .	Terre désignée

**Pages 100 to / à 109  
are duplicates of  
sont des duplicatas des  
pages 1 to / à 10**

## **Annex A – Conditions of Licence for Cellular and PCS Licences Issued Through the Renewal Process (Effective April 2011)**

The following conditions apply to any licences issued through the Renewal Process for PCS and Cellular Licences, 2011, including those initially assigned by auction. It should be noted that the licence is subject to relevant provisions in the *Radiocommunication Act* and the *Radiocommunication Regulations*. For example, the Minister continues to have the power to amend the terms and conditions of spectrum licences (paragraph 5(1)(b) of the *Radiocommunication Act*).

### **1. Licence Term**

**This licence will expire on the date indicated above.**

At the end of this term, the licensee will have a high expectation that a new licence will be issued for a subsequent term through a renewal process unless a breach of licence condition has occurred, a fundamental reallocation of spectrum to a new service is required, or an overriding policy need arises.

The licensee must pay the annual licence fee before March 31 of each year for the subsequent year (April 1 to March 31).

### **2. Licence Transferability and Divisibility**

The licensee may apply, in writing, to transfer its licence in whole or in part (divisibility), in both the bandwidth and geographic dimensions. Departmental approval is required for each proposed transfer of a licence, whether the transfer is in whole or in part. The transferor(s) must provide an attestation and other supporting documentation demonstrating that all conditions, technical or otherwise, of the licence have been met. The transferee(s) must provide an attestation and other supporting documentation demonstrating that it meets the eligibility criteria.

The Department may define a minimum bandwidth and/or geographic dimension (such as the grid cell) for the proposed transfer. Systems involved in such a transfer shall conform to the technical requirements set forth in the applicable standard. The licensee may apply to use a subordinate licensing process.

For more information, refer to Client Procedures Circular CPC-2-1-23, *Licensing Procedure for Spectrum Licences for Terrestrial Services*, as amended from time to time.

### **3. Eligibility**

A licensee operating as a radiocommunication carrier must comply on an ongoing basis with the eligibility criteria in subsection 10(2) of the *Radiocommunication Regulations*. The licensee must notify the Minister of Industry of any change that would have a material effect on its eligibility. Such notification must be made in advance for any proposed transactions within its knowledge.

For more information, refer to Client Procedures Circular CPC-2-0-15, *Canadian Ownership and Control*, as amended from time to time.

#### **4. Displacement of Incumbents**

The licensee must comply with the revised transition policy outlined in Appendix 2 of the Policy and Licensing Procedures for the Auction of Additional PCS Spectrum in the 2 GHz Frequency Range issued on June 28, 2000, and the procedure for the relocation of incumbent microwave stations outlined in Client Procedures Circular CPC-2-1-09, Displacement of Fixed Service Stations Operating in the 2 GHz Frequency Range to Accommodate Licensed Personal Communications Services (PCS), as amended from time to time.

#### **5. Radio Station Installations**

The licensee must comply with Client Procedures Circular CPC-2-0-03, Radiocommunication and Broadcasting Antenna Systems, as amended from time to time.

#### **6. Provision of Technical Information**

When the Department requests technical information on a particular station or network, the information must be provided by the licensee according to the definitions, criteria, frequency, and timelines specified by the Department. For more information, refer to Client Procedures Circular CPC-2-1-23, Licensing Procedure for Spectrum Licences for Terrestrial Services, as amended from time to time.

#### **7. Compliance with Legislation, Regulation, and Other Obligations**

The licensee is subject to, and must comply with, the Radiocommunication Act, the Radiocommunication Regulations and the International Telecommunication Union's Radio Regulations pertaining to its licensed radio frequency bands. The licence is issued on condition that the certifications made in relation to this licence are all true and complete in every respect. The licensee must use the assigned spectrum in accordance with the Canadian Table of Frequency Allocations and the spectrum policies applicable to these bands.

#### **8. Technical Considerations**

The licensee must comply on an ongoing basis with the technical aspects of the appropriate Radio Standards Specifications and Standard Radio System Plans, as amended from time to time.

#### **9. International and Domestic Coordination**

The licensee must comply with the obligations arising from current and future frequency coordination agreements established with other countries and shall be required to provide information or take actions to implement these obligations as requested by the Department. Although frequency assignments are not subject to site licensing, the licensee may be required to furnish all necessary technical data for each relevant site.

The licensee must use its best efforts to enter into mutually acceptable sharing agreements that will facilitate the reasonable and timely development of their respective systems, where applicable, and to coordinate with other licensed users in Canada and internationally where applicable.

## **10. Lawful Interception (Applicable to PCS frequencies only)**

Licensees operating as radiocommunication carriers and using this spectrum for circuit-switched voice telephony systems must, from the inception of service, provide for and maintain lawful interception capabilities as authorized by law. The requirements for lawful interception capabilities are provided in the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* (Rev. Nov. 95). These standards may be amended from time to time.

The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.

## **11. Research and Development**

The licensee must invest, as a minimum, 2 percent of its adjusted gross revenues resulting from its operations in this spectrum, averaged over the term of the licence, in eligible research and development activities related to telecommunications. Eligible research and development activities are those which meet the definition of scientific research and experimental development adopted in the *Income Tax Act*. Adjusted gross revenues are defined as total service revenues, less inter-carrier payments, bad debts, third party commissions, and provincial and goods and services taxes collected.

To facilitate compliance with this condition of licence, the licensee should consult the Department's Guidelines for *Compliance with the Radio Authorization Condition of Licence Relating to Research and Development* (GL-03).

## **12. Mandatory Antenna Tower and Site Sharing**

Licensees operating as radiocommunication carriers must comply with the mandatory antenna tower and site sharing requirements set out in Client Procedures Circular *CPC-2-0-17, Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*, as amended from time to time.

## **13. Mandatory Roaming**

The licensee must comply with the mandatory roaming requirements set out in Client Procedures Circular *CPC-2-0-17, Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*, as amended from time to time.

## **14. Annual Reporting**

The licensee must submit an annual report for each year of the licence term, including the following information:

- - a statement indicating continued compliance with all conditions of licence;
- - an update on the implementation and spectrum usage within the area covered by the licence;

- - existing audited financial statements with an accompanying auditor's report;
- - a report of the research and development expenditures for licensees operating as radiocommunication carriers (the Department reserves the right to request an audited statement of research and development expenditures with an accompanying auditor's report); and
- - a copy of any existing corporate annual report for the licensee's fiscal year with respect to the authorization.

All reports and statements are to be certified by an officer of the company and submitted, in writing, within 120 days of the licensee's fiscal year end, to the address below. Where a licensee holds multiple licences, the reports should be broken down by service area. Confidential information provided will be treated in accordance with subsection 20(1) of the *Access to Information Act*.

Manager, Emerging Networks  
Spectrum Management Operations Branch  
Industry Canada  
300 Slater Street, 15<sup>th</sup> floor  
Ottawa, Ontario K1A 0C8

## **15. System Access Fees or Network and Licensing Charges**

Licensees are not required nor permitted to levy charges to their subscribers on behalf of Industry Canada. In particular, charges which appear to be for spectrum management purposes, such as system access fees or network and licensing charges, are not mandated by Industry Canada.

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**SECRET**

Helen McDonald  
Assistant Deputy Minister  
Industry Canada  
Spectrum, Information Technologies and Telecommunications  
300 Slater Street  
Ottawa, Ontario K1A 0C8

Dear Colleague:

Please find enclosed for your consideration a classified response from Public Safety Canada to Notice No. SMSE-018-10: Consultation on a Policy and Technical Framework for the 700 MHz Band and Aspects Related to Commercial Mobile Spectrum. Public Safety Canada has also submitted an unclassified response to this consultation outlining the emergency management and national security perspective for publication on the Industry Canada website. This version is not for publication but rather is meant to provide your Department with additional context specifically on the national security concerns related to the 700 MHz auction.

Public Safety Canada recognizes the economic advantages of a prosperous Canadian telecommunications industry and can support the intent of the consultation paper as well as some of the elements intended to foster more competition, and, encourage innovation and the development of products and services that will ultimately offer more choices for Canadians.

[Redacted]

[Redacted]

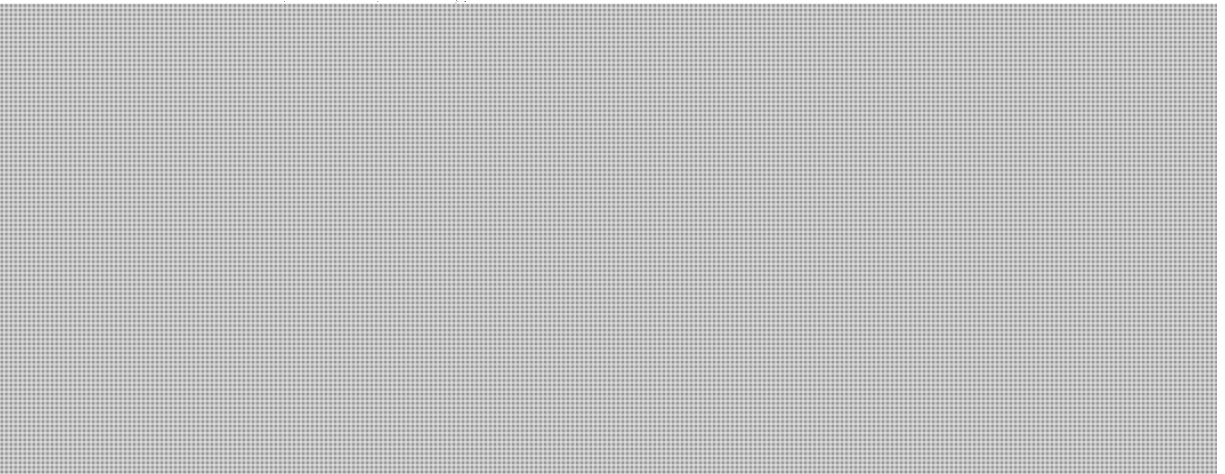
I have enclosed a copy of the submission we provided to your department for reference

[Redacted]

[Redacted]



As work continues on maximizing Canada's competitiveness, my officials will further develop options and will work with your officials to help ensure that any changes to the telecommunications market will be accompanied by necessary mitigation measures and safeguards. These measures will help preserve the integrity of telecommunications networks, which is critical for the economic wellbeing of Canada and for the prosperity of Canadian industry.







Despite the above noted concerns, I want to stress that Public Safety Canada's perspective is not in opposition to the 700 MHz auction. Rather, we want to ensure that the public safety perspective is communicated and incorporated into the consultation process and that appropriate measures are established to protect this vital sector and those who rely on it.

Should you require additional information, do not hesitate to contact me or Michael MacDonald, Director General National Security Operations at 613-993-4595.

Sincerely,

Daniel Lavoie  
Associate Assistant Deputy Minister

**Pages 117 to / à 120  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**of the Access to Information  
de la Loi sur l'accès à l'information**

**SECRET**

- 1 -

## **SUGGESTED POINTS TO RAISE**

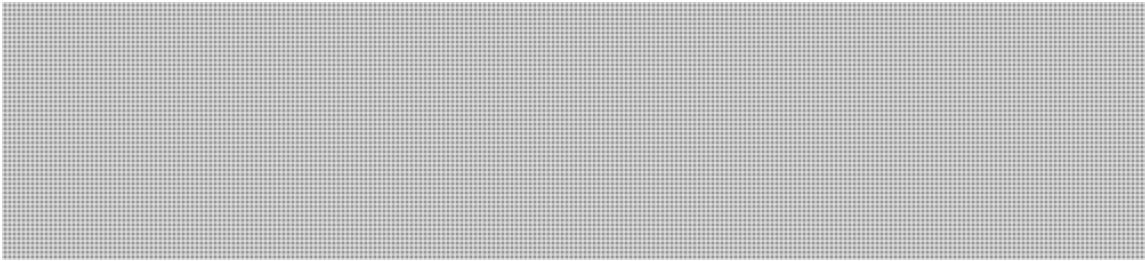
### *Licensing as an interim measure until full implementation of legislation*

- [REDACTED]
- Our hope is that the Government will soon introduce and pass the lawful access legislation, [REDACTED]
- However, the full implementation of the legislation is likely to only occur [REDACTED]
- [REDACTED] until the full implementation of the interception legislation.




### *Required updates to the wording of the current interception condition*

- In order to achieve this, there is arguably a need to revise the interception licensing clause to remove specific reference to “circuit-switched voice telephony” technology. [REDACTED]
- Having the condition stated in language that is technologically neutral would allow it to apply more broadly and effectively. [REDACTED]

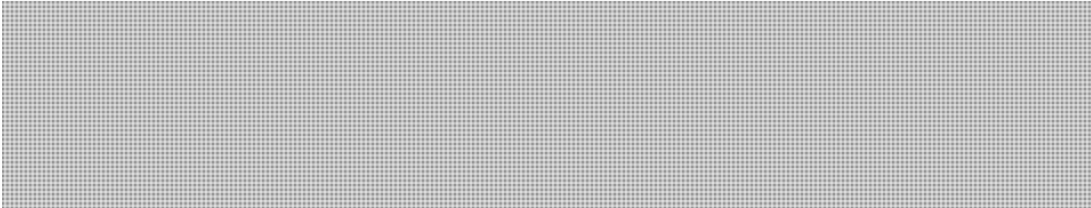
- [REDACTED]



*Licence renewal, new licensees and upcoming spectrum auctions*

- It is understood that consultations with industry would be required should we update the language of the interception condition for existing licence holders.
- 
- PS will continue to work with IC to ensure that an updated condition of interception is included in the design of the licensing framework for the upcoming spectrum auctions for the 700MHz and 2500MHz bands.
- 
-   
It would greatly assist us in preparing a more effective response if we had additional insight into what direction you may be pursuing in this regard.

*Way Forward*

- 
- These issues are, however, complex and involve multiple stakeholders. As such, we could collectively develop a strategy and timeline to mutually advance solutions. My people are willing to work with yours to further this work.

**National Security Operations Directorate /  
Direction générale des Opérations de sécurité nationale**

**Routing Slip / Bordereau d'acheminement**

File No.: 6950-2 / 380147

<b>ADM Meeting with Industry Canada – SGES &amp; Lawful Interception as a Condition of Spectrum Licensing</b>		<b><u>ACTION REQUIRED / MESURES À PRENDRE</u></b>		
<b>Name / Nom</b>	<b>Date</b>	<b>Initials / Initiales</b>	<b>Approval or signature / Approbation ou signature</b>	<b>Information</b>
Author / Auteure <b>Jennifer Moshonas</b>	June 9 2011	JM	<input type="checkbox"/>	<input type="checkbox"/>
Director / Directrice <b>Marie-Hélène Chayer</b>	June 9 2011	MC	<input type="checkbox"/>	<input type="checkbox"/>
Director General / Directeur général <b>Michael MacDonald</b>	July 13/11	MM	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Thompson, Julie

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**From:** Antonio Utano <antonio.utano@rcmp-grc.gc.ca>  
**Sent:** July-26-11 3:14 PM  
**To:** Thompson, Julie  
**Cc:** Desjardins, Yves; Flynn, Mark; Slaymane, Nisrine  
**Subject:** Re: FW: SkySurf and Lawful Intercept/SolGen Standards  
**Attachments:** AnnotatedSolGenStandards.pdf; solgen updates\_clean.docx; solgen updates.docx

Hi Julie,

Here are the annotated Sol Gen Standards (To be shared with SkySurf) in PDF format.

I am assuming the proposed changes we submitted are still being reviewed?

I have attached the proposed Sol Gen Standards just for your reference and your replacement's reference [REDACTED] in word format.

Thank you and [REDACTED]

Tony

Antonio Utano  
Technical Development Unit Manager  
Gestionnaire de l'unité du développement technique

HQ - Technical Operations Directorate  
Direction des opérations techniques-quartier général

Technical Investigation Services - Special "I"  
Service d'enquête techniques - Spéciale "I"  
2521-1426 St. Joseph Blvd./boul St-Joseph  
Ottawa, ON  
K1A 0R2

Tel/Tél: 613.993.8296  
Fax/Télé: 613.993.6872  
E-mail/Courriel: [antonio.utano@rcmp-grc.gc.ca](mailto:antonio.utano@rcmp-grc.gc.ca)

>>> On 7/26/2011 at 1:14 PM, "Thompson, Julie" <[Julie.Thompson@ps-sp.gc.ca](mailto:Julie.Thompson@ps-sp.gc.ca)> wrote:

Good afternoon,

For your information, below is a request from Skysurf's lawyers to provide them with the Sol Gen Standards. I briefly discussed this request with both [REDACTED] and Nisrine, and they should be discussing it further.

I have been working to transition the Solicitor General Enforcement Standards file, including the forbearance requests, over to my colleague, Shawn Plunkett (cc'd on this e-mail). [REDACTED] if you have any questions or requests, please forward them to Shawn.

Thanks  
Julie

Julie Thompson  
Policy Analyst/Analyste en politiques  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada/Sécurité Publique Canada  
tel: 613.998.7893  
[julie.thompson@ps-sp.gc.ca](mailto:julie.thompson@ps-sp.gc.ca)

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**From:** [Duane.Rudeen@ic.gc.ca](mailto:Duane.Rudeen@ic.gc.ca) [mailto:Duane.Rudeen@ic.gc.ca]  
**Sent:** July 19, 2011 4:39 PM  
**To:** Thompson, Julie  
**Subject:** SkySurf and Lawful Intercept/SolGen Standards  
**Importance:** High

Hi Julie,

Got another one for you. This one is from a law firm claiming to represent our air-ground licensee SkySurf. SkySurf won an auction in 2009 ([http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h\\_sf09217.html](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf09217.html) <[http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h\\_sf09217.html](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf09217.html)> ) to operate the "wi-fi on board aircraft" licence which has the Lawful Intercept condition. I cannot vouch that these are their lawyers.

The CEO of SkySurf is:

Raed Almasri, MBA, B.Eng  
President & CEO

SkySurf Canada Communications Inc.  
World Exchange Plaza  
1150-45 O'Connor Street  
Ottawa, Ontario K1P 1A4  
Direct: +1 (613) 265 3329  
Office: +1 (613) 755 4051  
Fax: +1 (613) 755 4052

Perhaps you can arrange to have someone discuss the SolGen standards with him and if he wants to bring in his law firm - up to him I suppose?

Or would rather approach it differently?

Thanks

Duane

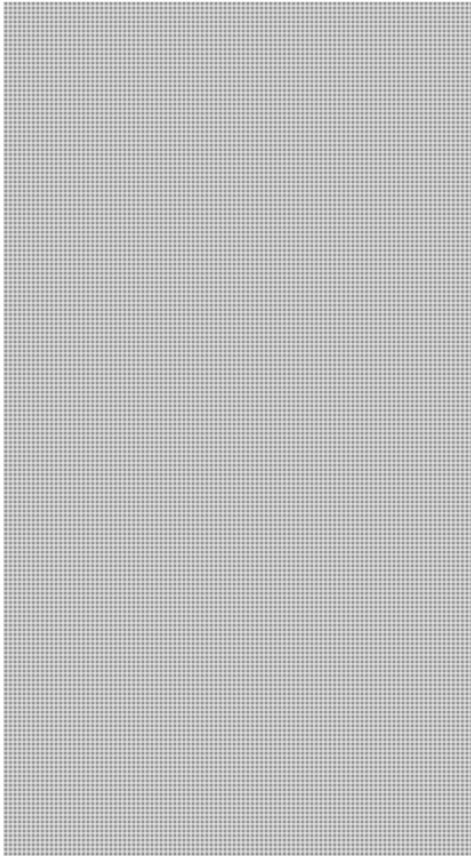
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From: [REDACTED]  
Sent: Tuesday, July 19, 2011 1:55 PM  
To: Kohl, Peter: DGSO-DGOGS (ONT)

Subject: Spectrum Licence number 5086539

Hi Peter, as per our conversation, on page 4 of this licence number 10 Law Interception mentions The Solicitor General's Enforcement of Standards for Lawful Interception of Telecommunications. Would I be able to obtain these guidelines / standards?

Thank you.



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\*\*\*\*\* Attention \*\*\*\*\*

This communication is intended solely for the named addressee(s) and may contain information that is privileged, confidential, protected or otherwise exempt from disclosure. No waiver of confidence, privilege, protection or otherwise is made. If you are not the intended recipient of this communication, please advise us immediately and delete this email without reading, copying or forwarding it to anyone.

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Industry Industrie  
Canada Canada

Canada



**Pages 127 to / à 145  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**of the Access to Information  
de la Loi sur l'accès à l'information**

31 July 2012

**BELL Mobility Inc.**

9. Regarding the Lawful Intercept COL, Bell Mobility notes that the unanimous view was that Industry Canada should not implement the proposed change in the COL wording at this time and instead retain that which currently exists in spectrum licences today.

10. Bell Mobility further recommended, in this regard, that a small portion of the auction proceeds could and should be used to fund Lawful Intercept requirements which are ultimately approved by Parliament and thus deemed to be in the broad public interest of Canadian society.

**Lawful Intercept**

***Industry Canada is seeking comments on the proposed wording of the condition of licence related to lawful intercept requirements.***

**Proposed COL:**

***A licensee operating as a service provider using an interconnected radio-based transmission facility for compensation must provide for and maintain lawful interception capabilities as authorized by law and in accordance with the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications, as amended from time to time.***

***The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include - specific details and dates indicating when compliance to the requirement can be expected.***

131. Industry Canada's Notice stated that it is proposing changes to the lawful intercept COL in order to bring the wording of the COL in line with current technologies. To this end, the Department proposed to remove the text "circuit-switched voice telephony" and to replace it with "interconnected radio-based transmission facility for compensation". For the reasons addressed in its Comments, Bell Mobility noted that it did not support the proposed change in the COL wording at this time.

132. The Company's Comment's noted that any lawful interception obligations imposed should be limited to circumstances where commercially available, standards-based network technology is available. In the event that commercially available off-the-shelf solutions are not available, any requirement for licensees to deploy non-standards-based solutions should, Bell Mobility's Comments considered, be funded by the government. Bell Mobility believes that such funding would be both appropriate and warranted given the public interest considerations driving the provision of such capability.

133. Bell Mobility notes Rogers' comment, in this regard, when it unequivocally states that:

Licensees should not be required to fund intercept capabilities that are not provided for in industry standards and commercially available equipment.

134. Regarding funding, Bell Mobility notes that the auction of the 700 MHz band is likely to produce substantial revenues, likely in the billions of dollars, for the Federal Treasury. Bell Mobility strongly believes that a portion of those revenues, likely a small portion of the overall

auction proceeds, could and should be used to fund lawful intercept requirements. In this regard, Bell Mobility notes that such auction revenues are coming directly from the industry and, while a substantial balance would still be available for deposit into the Federal Treasury, it seems, to Bell Mobility, such use for a small portion of the auction proceeds would be both an appropriate and very reasonable use of the funds. Bell Mobility notes, in this regard, that a precedent exists in the United States, regarding its Incentive Auction proposal, which would see the diversion of at least a portion of auction proceeds in order to achieve desired public policy objectives. If similarly applied in Industry Canada's 700 MHz auction, a small portion of overall auction proceeds could be used to help achieve a desirable public policy outcome, i.e., implementation of lawful intercept capability, which broadly benefits all Canadians.

135. Bell Mobility's Comments further considered, for the reasons addressed therein, that the existing COL rightly limited the current requirement to "circuit-switched voice telephony systems" and that in proposing to replace "circuit-switched voice telephony systems" with "interconnected radio-based transmission facility for compensation," Industry Canada was, intentionally or by accident, opening up additional services to interception requirements including, but not limited to, Internet and broadcasting services.

136. The Company's Comments noted that the proposed revision to the COL would also introduce new and significant obligations on licensees and that such obligations would be introduced just as concurrent legislation, considering related areas of licensees' operations, is before Parliament. Bell Mobility noted its belief that changes, such as those contemplated in the proposed COL, would be more appropriately enacted through federal legislation or, as stated in the Notice, through the pending revision to the Solicitor General's standards that Public Safety Canada is proposing.

137. In this regard, Bell Mobility's Comments stated, that while it appreciated the technological rationale behind the proposed changes to the COL it considered that the more appropriate approach would be for Industry Canada to retain the existing COL as is until the applicable legislative requirements are established thus enabling any revisions to the COL to be made in the light of approved legislation rather than in anticipation of it.

138. Bell Mobility's Comments also considered that revisions to the Solicitor General standards should be subject to prior consultation with the industry. Development of the Solicitor General standards through an accredited industry standards body would, Bell Mobility noted, facilitate the use of commercially available off-the-shelf equipment for lawful intercept.

139. Bell Mobility notes that, where parties did comment on the proposed Lawful Intercept COL, there was unanimous agreement with Bell Mobility's position that the COL remain unchanged for now.

140. The Canadian Wireless Telecommunications Association (CWTA) in its comments, for example, states that:

The Department's proposed change to the lawful intercept COL would impose substantial new obligations on licensees, at a time when parallel legislation addressing similar areas of licensees' operations is before Parliament. CWTA submits that such new changes would be more appropriately made via federal legislation, or the pending revision to the Solicitor General's standards that Public Safety Canada is proposing.

141. The CWTA goes on to conclude, as did Bell Mobility, that:

Given the ongoing legislative process CWTA recommends that the existing COL be retained in licences, until such time as the legislative requirements are finalized, and the COL can be amended accordingly to bring it into line with the legislation that exists at that time.<sup>102</sup>

142. As indicated above, among licensees who commented on the proposed COL, there was unanimous support for the positions adopted by Bell Mobility and the CWTA.

143. Quebecor, for example, in its comments noted that:

Quebecor Media refers the Department to the submission of the Canadian Wireless Telecommunications Association (CWTA) on this matter. We fully support the views expressed by the CWTA.<sup>103</sup>

144. For its part, Rogers notes that:

. . . Rogers believes that it would be inappropriate to impose substantial new lawful access requirements on licensees at a time when Parliament is considering whether to approve any such new requirements and in what form. The new lawful access requirement should only be imposed on licensees as a condition of licence after Parliament enacts enabling legislation that brings the new lawful access requirements into force. In the meantime, the Department should retain the existing condition of licence regarding lawful access.<sup>104</sup>

145. As a result, Bell Mobility continues to recommend that, for the reasons addressed in its Comments as well as in the comments of numerous other parties, that Industry Canada not implement the proposed change in the COL wording at this time and instead retain that which currently exists in spectrum licences today.

## Canadian Wireless Telecommunication Association

### **Re: Gazette Notice DGSO-002-12 -- Consultation on a Licensing Framework for Mobile Broadband Services (MBS) – 700 MHz Band**

- 1) The Canadian Wireless Telecommunications Association (CWTA) is the authority on wireless issues, developments and trends in Canada. It represents cellular, PCS, messaging, mobile radio, fixed wireless and mobile satellite carriers as well as companies that develop and produce products and services for the industry. CWTA is pleased to file its reply comments with respect to the above noted consultation.
  
- 2) CWTA notes that of the submissions filed with Industry Canada in the first phase of this consultation, with comments pertaining to the proposed changes to the Lawful Intercept Condition of Licence (COL) and or the 2% R&D COL, the overwhelming majority are in line with the comments that CWTA submitted:
  - a) The R&D COL is an artifact from a previous era that is no longer appropriate or required. It produces more red tape than research;
  - b) Prescribing a range of R&D activities, as well as an amount of money in which the industry must invest, will stifle innovation and harm the industry;
  - c) Immediate relief is necessary in an industry where network demand and need for additional capital expenditure is accelerating exponentially;
  - d) Innovation will be maintained by the market imperative for wireless licensees to invest R&D as a competitive advantage; and;
  - e) The current lawful intercept COL should be retained until such time as new legislative requirements have been finalized. Solicitor General standards should be the subject of a separate consultation, and ultimately be based on commercially-available technology.
  
- 3) CWTA strongly submits that the R&D COL is no longer necessary since high levels of R&D investment are driven by growing levels of competition in the industry, any regulation will only stifle innovation. CWTA also submits that the lawful intercept COL should not be changed at this time.

## **EASTLINK (Bragg Communications)**

### *Lawful intercept*

56. The Department's proposed change to the lawful intercept COL would impose substantial new obligations on licensees, at a time when parallel legislation addressing similar areas of licensees' operations is before Parliament. Eastlink submits that such new changes would be more appropriately made via federal legislation, or the pending revision to the Solicitor General's standards that Public Safety Canada is proposing. Eastlink agrees with the comments submitted by the Canadian Wireless Telecommunications Association on this issue and we further agree with the CWTA's suggestion that the current condition of licence remain in place until the legislative work currently underway is completed.

## **PUBLIC MOBILE**

### ***XII. Lawful Access***

79. Public Mobile did not address the Department's proposed Lawful Access requirements in our initial comments.

80. Public Mobile would like to refer the Department to the CWTA's comments in paragraphs 18-23 of their submission on this specific proposal. In summary, we agree with the CWTA's statement that:

The Department's proposed change to the lawful intercept COL would impose substantial new obligations on licensees, at a time when parallel legislation addressing similar areas of operation is before Parliament. CWTA submits that such new changes would be more appropriately made via federal legislation or the pending revision to the Solicitor General's standards that Public Safety Canada is proposing.<sup>32</sup>

## **SHAW**

Shaw fully endorses the comments submitted by the Canadian Wireless Telecommunications Association (CWTA) with respect to the proposed conditions of licence relating to (1) the requirement to invest 2 percent of revenues from operations in the spectrum (the R&D COL) and (2) changes to the lawful intercept requirements. Shaw agrees that the R&D COL is a "regulatory relic" that stifles innovation. For the reasons provided in the CWTA submission,<sup>9</sup> the R&D COL must be immediately removed from all spectrum licenses, including those for Fixed-Satellite Services and Broadcasting-Satellite Services. Shaw also agrees that it would be inappropriate for the Department to expand the scope of the lawful intercept condition of licence, so that it includes Internet, cable and satellite, in the midst of a legislative process in which lawful access is being considered at a broader level.

## TELUS

### Conditions of Licence

- TELUS endorses the comments of the Canadian Wireless Telecommunications Association with respect to the proposed wording of the condition of licence related to lawful intercept requirements.

Industry Canada is seeking comments on the proposed wording of the condition of licence related to lawful intercept requirements.

98. The Department has a new condition of licence related to lawful intercept requirements. The key provision is as follows.

**A licensee operating as a service provider using an interconnected radio-based transmission facility for compensation must provide for and maintain lawful interception capabilities as authorized by law and in accordance with the Solicitor General's *Enforcement Standards for Lawful Interception of Telecommunications*, as amended from time to time. [emphasis added]**

99. In its comments, TELUS noted that the proposed condition of licence for lawful intercept requirements represented a significant change from the current lawful intercept condition of licence contained in existing spectrum licences. Most notably, the proposed condition of licence would impose the lawful intercept requirement on any licensee operating as a service provider "using an interconnected radio-based transmission facility for compensation," as opposed to a licensee that "using spectrum for circuit-switched voice telephony systems."


100. Based on the comments filed by various parties on this issue, there is general agreement with the position of the Canadian Wireless Telecommunications Association ("CWTA") on this issue. As noted by the CWTA, the proposed change is a significant departure from the existing condition of licence and potentially forces several additional services to interception requirements. In addition, parties supported the CWTA position that the condition of licence should be based on the legislative requirements that are in force at the time the licence is issued. This condition of licence can be subsequently amended to reflect any future legislation that might be enacted that changes the lawful intercept requirements.

101. On a related point, other parties have also noted that any changes to lawful intercept requirements should only occur after consultation with Industry. For example, Bell states that any revisions *Solicitor General's Enforcement Standards for Lawful Interception of*  
36 TELUS supports this position and would be pleased to participate in such consultation, whether it is conducted by the Department, the Minister of Public Safety or by Parliament as part of the recently introduced Bill C-30.

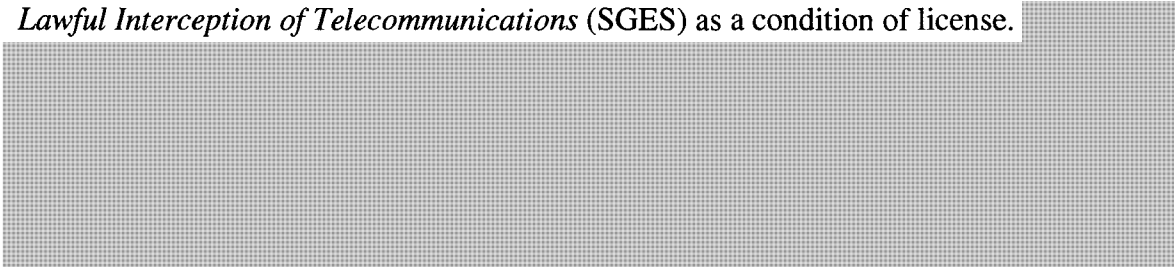

Industry Canada officials,

The Public Safety Portfolio is grateful for your consultation with respect to the lawful interception condition of spectrum license as part of Industry Canada's internal pre-publication consultation process for the upcoming 700 and 2500 MHz auction. These comments should be viewed as supplemental to comments provided in the previous public consultation on the 700 MHz spectrum auction: "*Public Safety Response to Industry Canada's Consultation on a Policy and Technical Framework for the 700 MHz Band and Aspects Related to Commercial Mobile Spectrum (SMSE-018-10)*".

First, we would like to state the importance of including lawful interception as a condition of licence in the upcoming spectrum auction. Lawful interception is an indispensable tool for law enforcement and national security agencies; as an effective and widely applicable interception capability is crucial for investigating criminal activity and threats to national security.



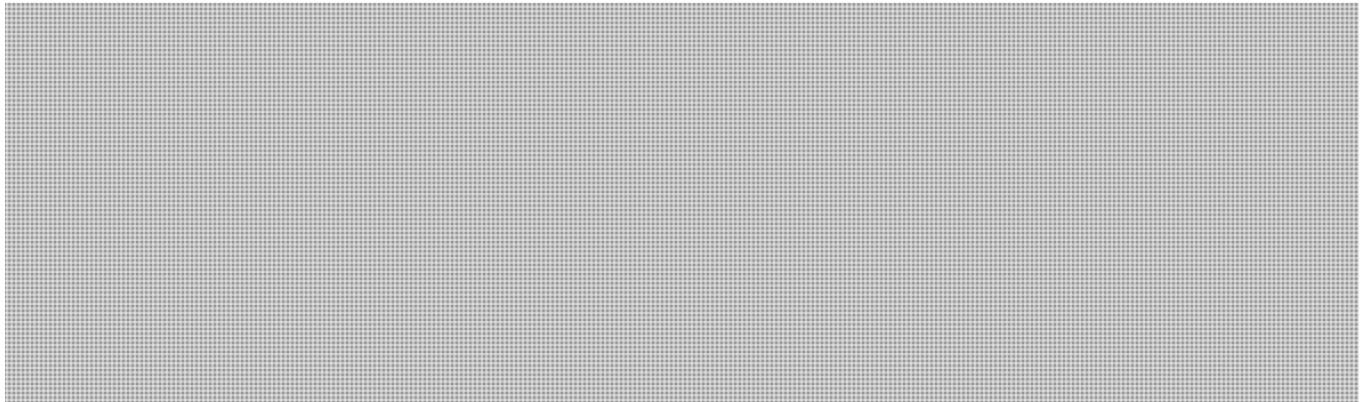
Second, as you know, companies applying for a spectrum license under the *Radiocommunication Act* must meet the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* (SGES) as a condition of license.

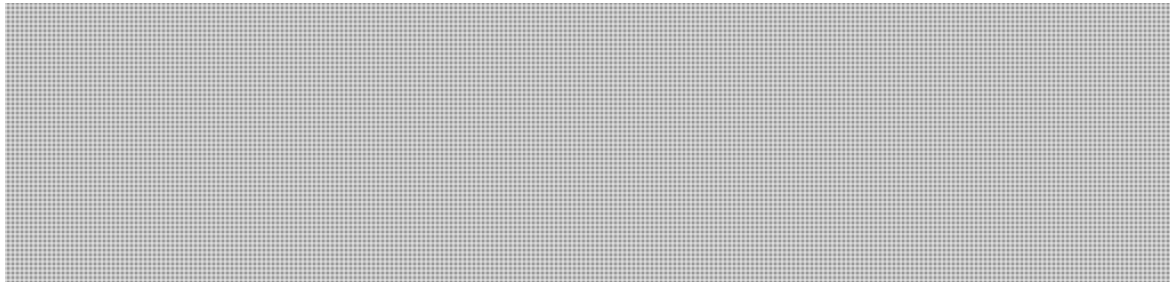
As noted in our previous submission to the public consultation regarding the 700MHz spectrum auction, having a technologically neutral condition of licence will assist law enforcement and national security agencies to keep pace with criminal and terrorist



elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.



*The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.*



Again, thank you for the opportunity to comment. We look forward to continuing to work with Industry Canada in the development of 700 and 2500 MHz spectrum auction.

Industry Canada officials,

The Public Safety Portfolio is grateful for your consultation with respect to the lawful interception condition of spectrum license as part of Industry Canada's internal pre-publication consultation process for the upcoming 700 and 2500 MHz auction. These comments should be viewed as supplemental to comments provided in the previous public consultation on the 700 MHz spectrum auction: "*Public Safety Response to Industry Canada's Consultation on a Policy and Technical Framework for the 700 MHz Band and Aspects Related to Commercial Mobile Spectrum (SMSE-018-10)*".

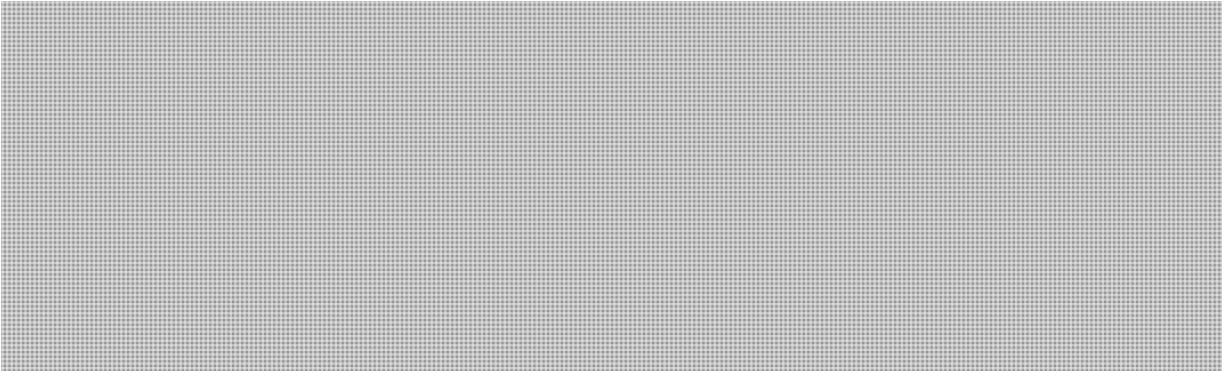
Overall, we view this as an important step in modernizing the language in the standards to reflect the current realities in the telecommunications sectors.

First, we would like to state the importance of including lawful interception as a condition of licence in the upcoming spectrum auction. Lawful interception is an indispensable tool for law enforcement and national security agencies; as an effective and widely applicable interception capability is crucial for investigating criminal activity and threats to national security.

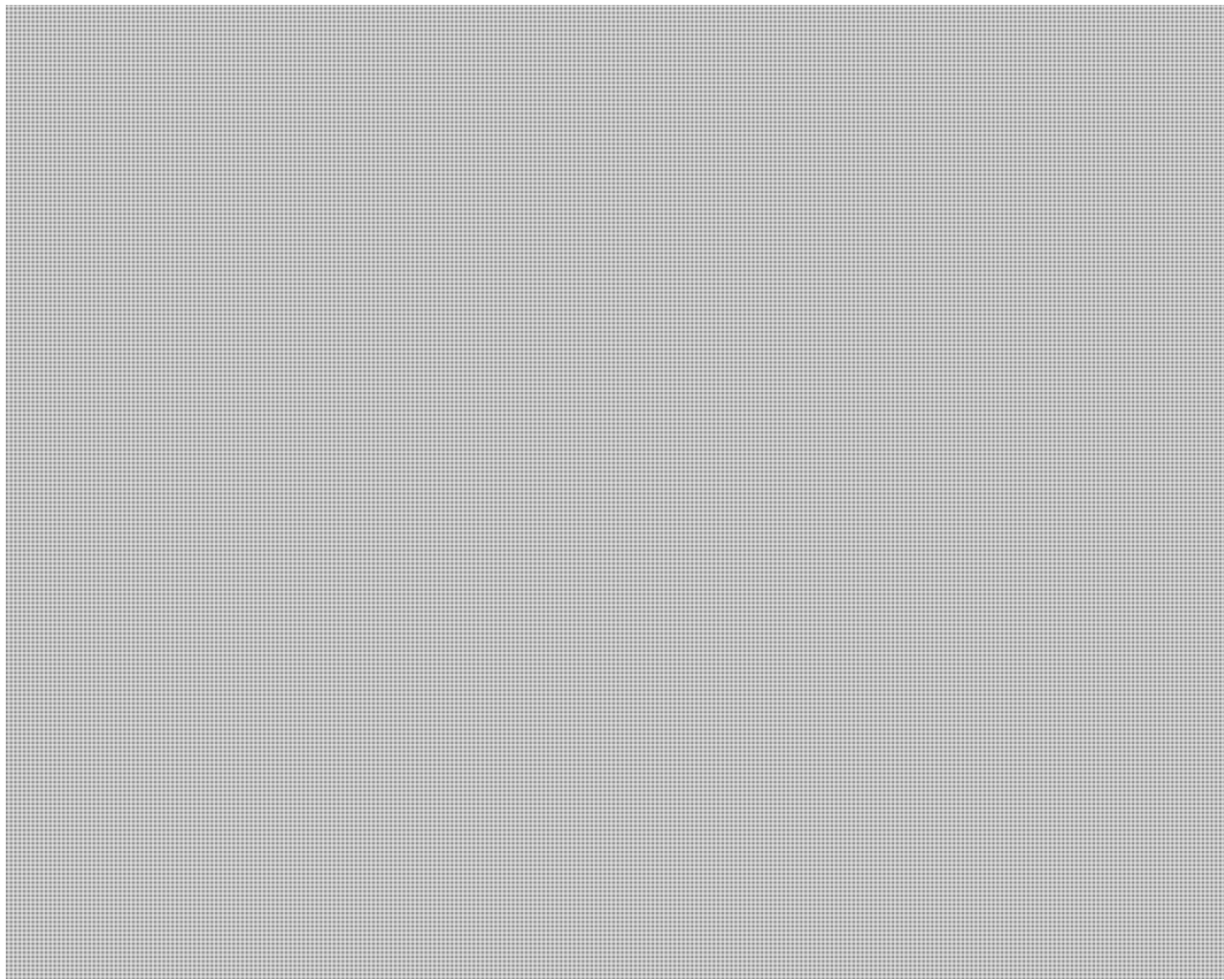
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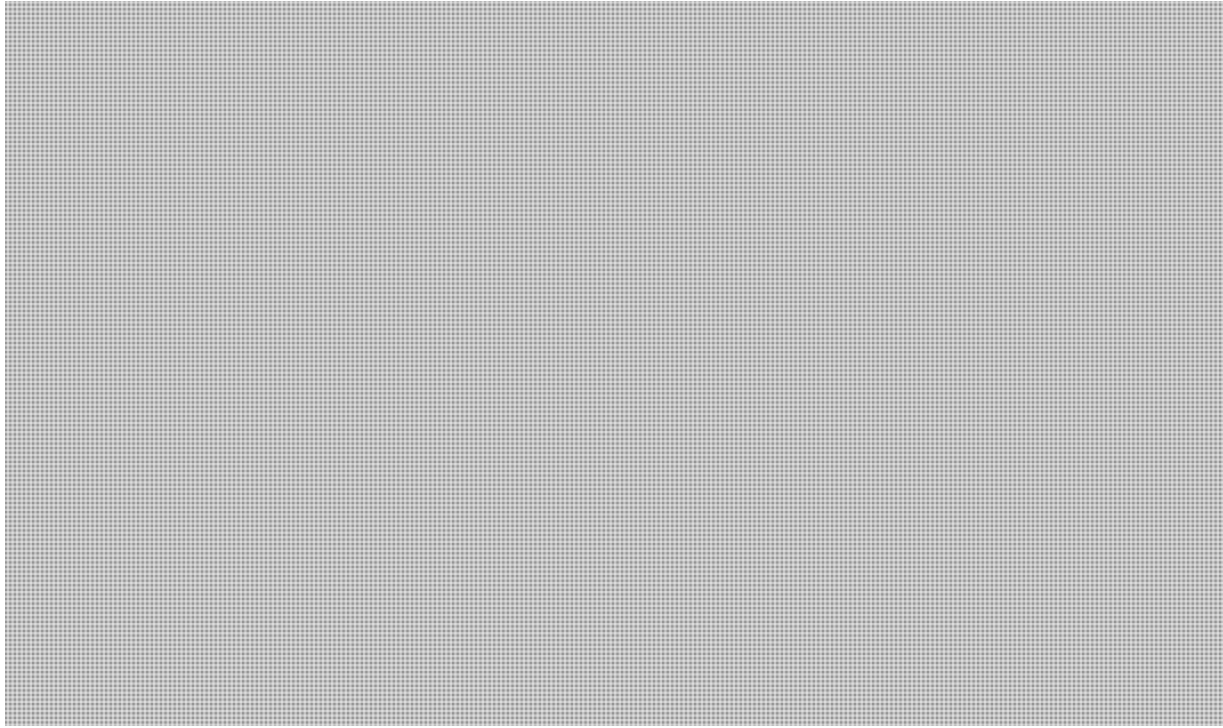
As noted in our previous submission to the public consultation regarding the 700MHz

spectrum auction, having [REDACTED] will assist law enforcement and national security agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.



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Again, thank you for the opportunity to comment. We look forward to continuing to work with Industry Canada in the development of 700 and 2500 MHz spectrum auction.

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Public Safety Canada views the strength of the telecommunications industry and protecting national security, not as competing or rival propositions, but rather as mutual reinforcing. Canadians benefit tremendously from a strong and secure telecommunications sector. We agree that it is necessary for our departments to work together with other relevant stakeholders to achieve this aim.

Overall, we view this ~~as~~ consultation as an important opportunity to modernizing the language in the lawful interception condition of licence and the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* to reflect current technological realities. Modernizing the language will assist the Government of Canada in ensuring that it is only placing conditions on the telecommunications industry that are required for national security purposes and that are relevant and up-to-date. ~~This~~ public consultation will also provide an opportunity for the telecommunications industry to be consulted on proposed changes/modifications and be further engaged in a dialogue regarding lawful interception.

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#### LAWFUL INTERCEPTION CONDITION OF LICENCE

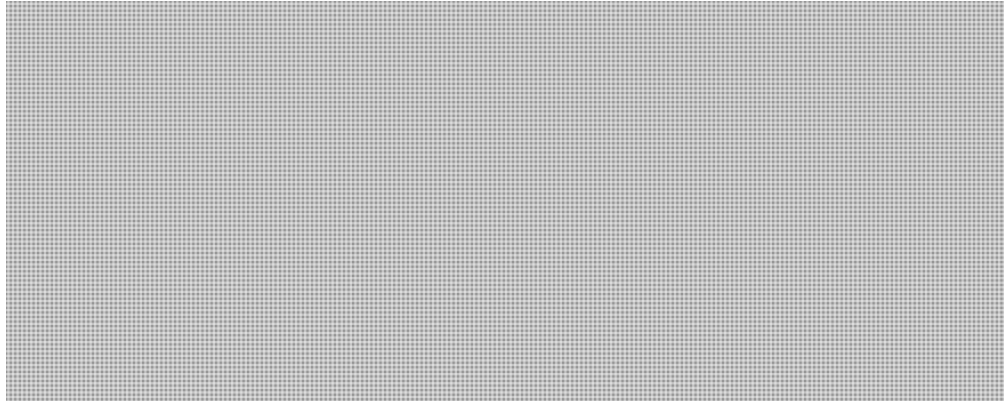
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<sup>1</sup> While Rogers has indicated that it will have upwards of 10 million people covered by LTE by the end of the year, it is difficult to guesstimate the number of actual LTE subscribers.  
<http://news.idg.no/cw/art.cfm?id=EB13165A-1A64-67EA-E458554C51E05361>

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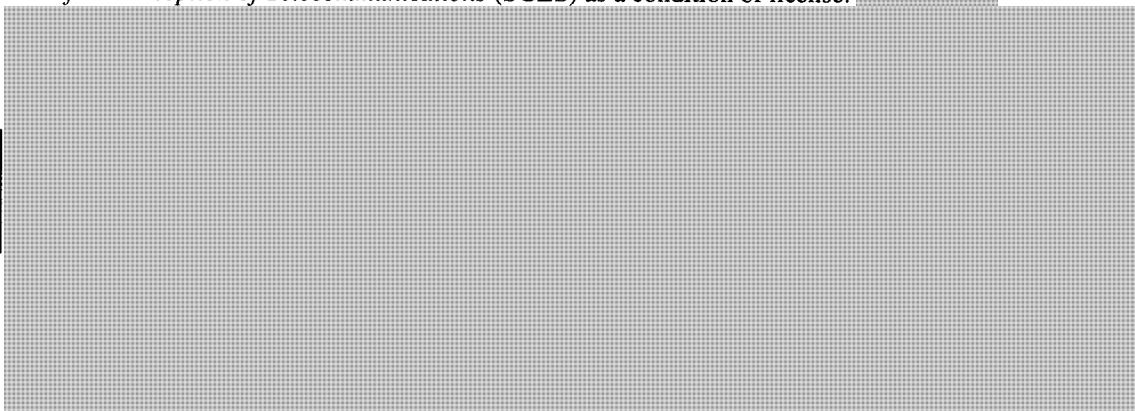
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RECOMMENDED CHANGES TO CONDITION OF LICENCE

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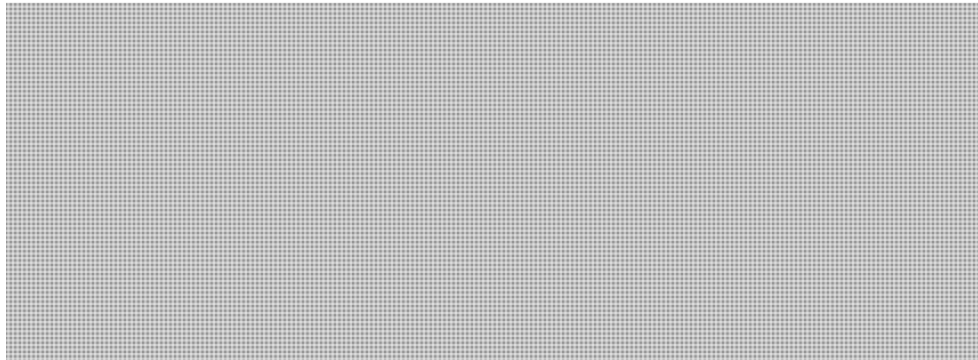


As noted in our previous submission to the public consultation regarding the 700MHz spectrum auction, having a technologically neutral condition of licence will assist law enforcement and national security agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.



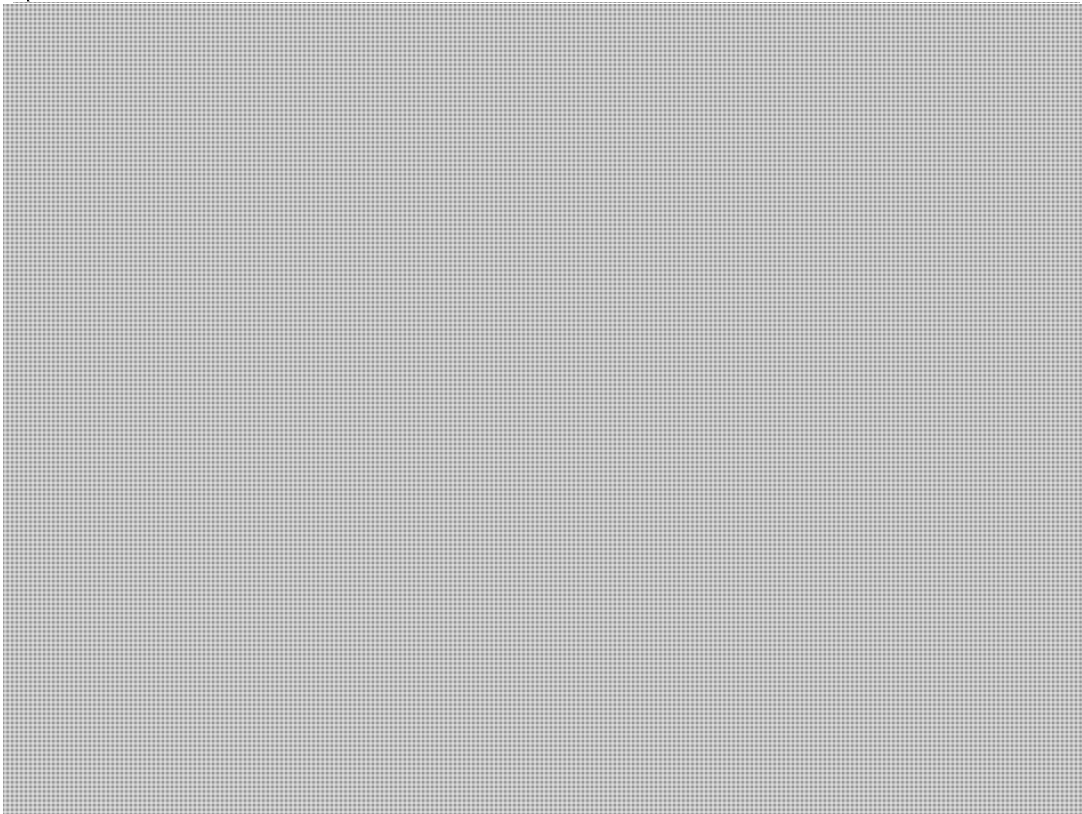


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**MODERNIZING THE SOLICITOR GENERAL'S ENFORCEMENT STANDARDS**

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Again, thank you for the opportunity to comment. We look forward to continuing to work with Industry Canada in the development of 700 and 2500 MHz spectrum auction. As this issue is of great importance to us, we would be grateful if Industry Canada officials continue to keep us consulted as this moves forward. We would be especially grateful for being consulted on the design of the public consultation on the 700 and 2500 MHz auction prior to its public release.



PSC Draft Response to Industry Canada  
Lawful Interception Condition of Licence – Internal Consultation

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Industry Canada officials,

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Public Safety Canada regards having a strong telecommunications industry and protecting national security- not as competing or rival propositions- but rather as mutual reinforcing. Canadians benefit tremendously from a strong and secure telecommunications sector. We believe that it is necessary for our departments to work together and with other relevant stakeholders to achieve this aim.

Overall, we view this ~~public as consultation as~~ an important opportunity to modernizing the language in the lawful interception condition of licence and the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* to reflect current technological realities. ~~Modernizing the language will assist the Government of Canada in ensuring that it is only placing conditions on the telecommunications industry that are required for national security purposes and that are relevant and up-to-date. This public consultation will also provide an opportunity for the telecommunications industry to be consulted on proposed changes changes to the lawful interception condition of licence and minor adjustments to the Solicitor General's Enforcement Standards. In addition, it will provide an opportunity for all parties to and be further continue engaged~~ in a dialogue regarding lawful interception.

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LAWFUL INTERCEPTION CONDITION OF LICENCE

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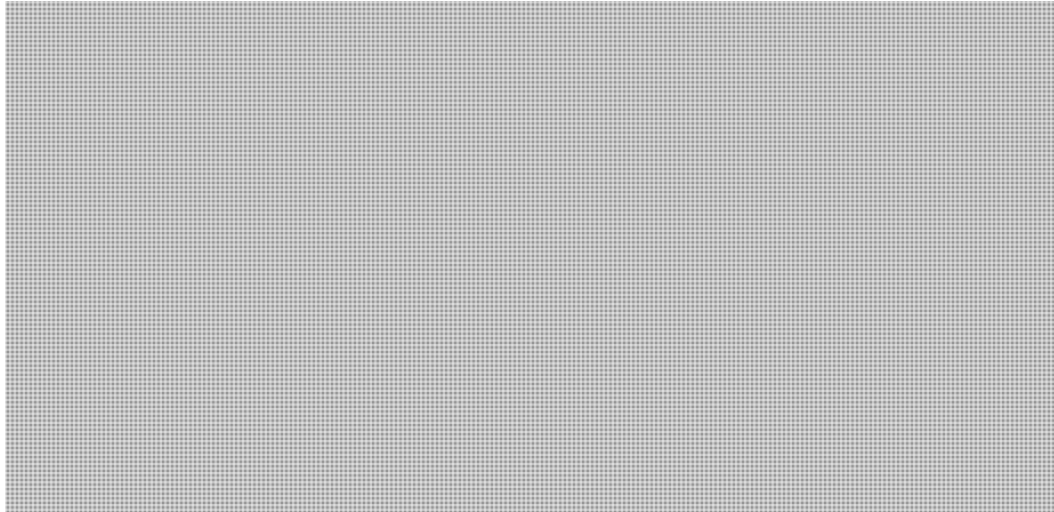
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Drafted: ITTP/Plunkett; September 30, 2011  
Consulted: RCMP (a/Insp Utano); CSIS/ ITTP/Moshonas, Emmett  
Approved:

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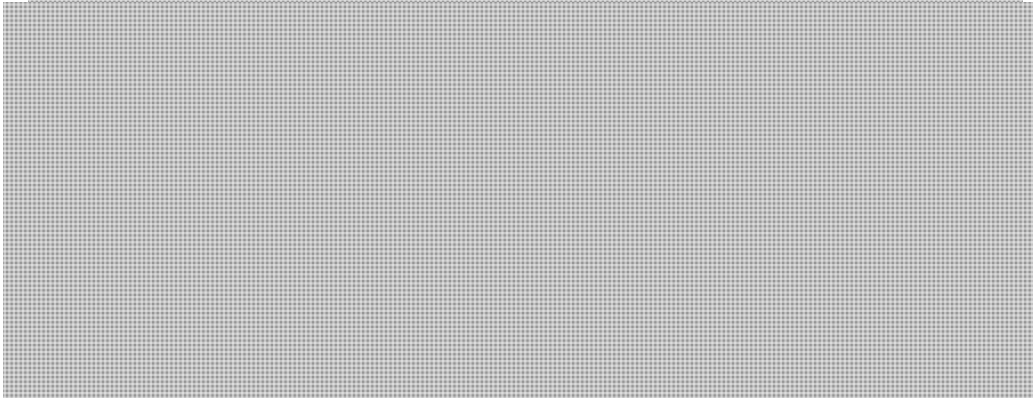
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RECOMMENDED CHANGES TO CONDITION OF LICENCE

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Currently, Second, as you know, companies applying holding for a PCS spectrum license under the Radiocommunication Act must meet the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (SGES) as a condition of license.



As noted in our previous submission to the public consultation regarding the 700MHz spectrum auction<sup>2</sup>, having a technologically neutral condition of licence will assist law enforcement and national security agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.

<sup>1</sup> While Rogers has indicated that it will have upwards of 10 million people covered by LTE by the end of the year, it is difficult to guesstimate the number of actual LTE subscribers.  
<http://news.idg.no/cw/art.cfm?id=EB13165A-1A64-67EA-E458554C51E05361>

<sup>2</sup> Public Safety Response to Industry Canada's Consultation on a Policy and Technical Framework for the 700 MHz Band and Aspects Related to Commercial Mobile Spectrum (SMSE-018-10).

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***MODERNIZING THE SOLICITOR GENERAL'S ENFORCEMENT STANDARDS***

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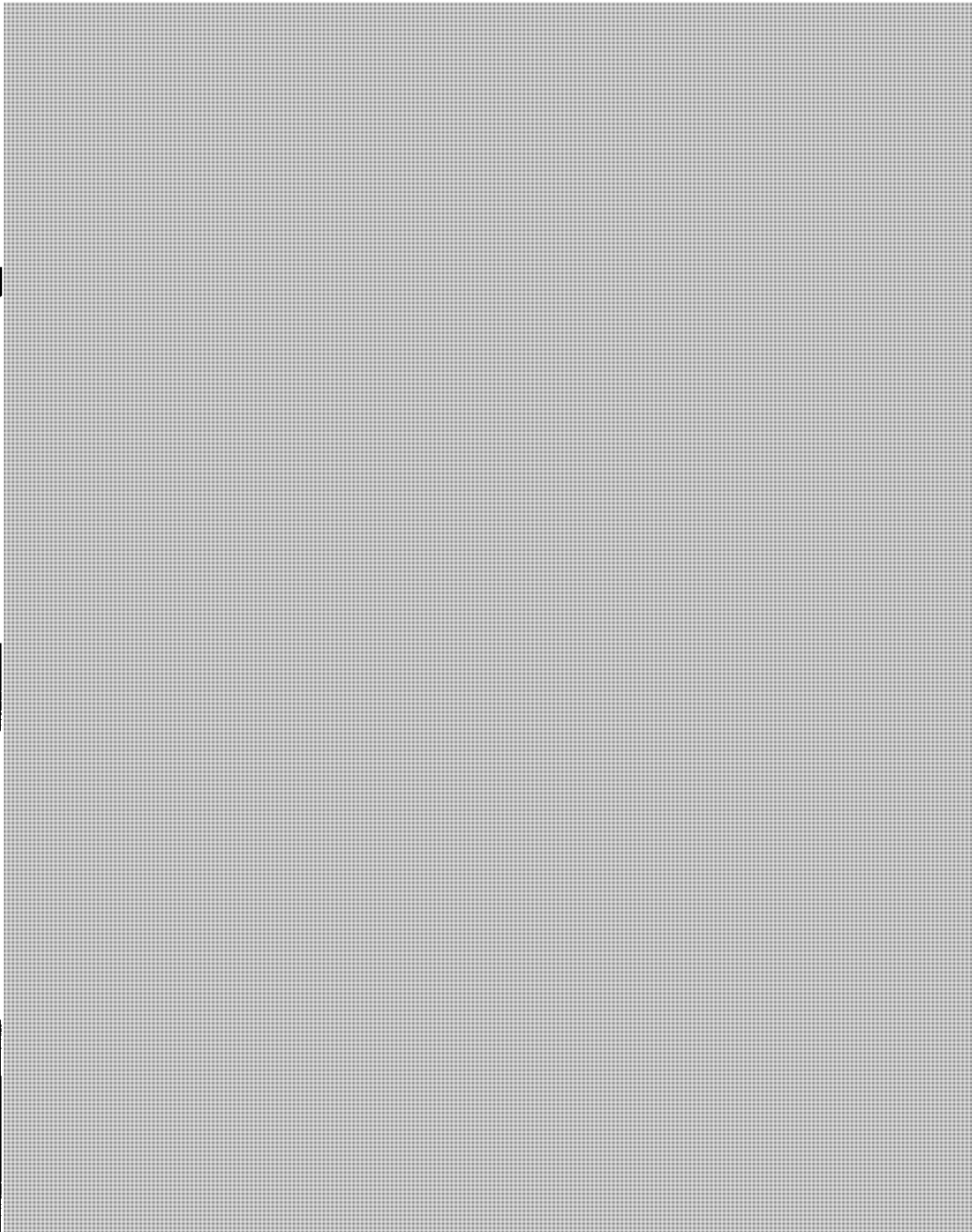
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Again, thank you for the opportunity to comment. We look forward to continuing to work with Industry Canada in the development of 700 and 2500 MHz spectrum auction. We would be especially grateful for being consulted on the design of the public consultation

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on the 700 and 2500 MHz auction prior to its public release. As this issue is of considerable importance to us, we would be grateful if Industry Canada officials could continue to keep us consulted, not only for the consultation on the 700 and 2500 MHz auctions, but also for any consultations regarding renewal of existing licenses and/or any other upcoming consultations.

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Should you have any addition questions, please do not hesitate to contact myself at (613) 990-7066 or Michèle Kingsley, Director, National Security Technologies at (613) 949-3181.

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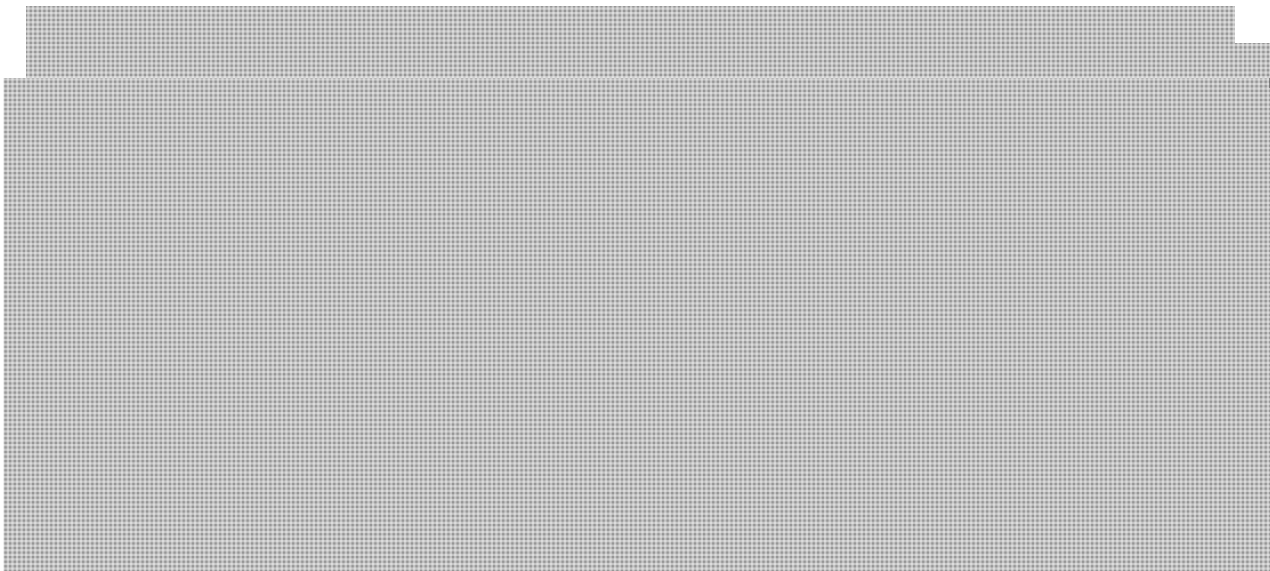
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Overall, we view this public consultation as an important opportunity to modernize the language in the lawful interception condition of licence and the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* to reflect current technological realities [REDACTED]. Modernizing the language will assist the Government of Canada in ensuring that it is only placing conditions on the telecommunications industry that are required for national security purposes and that are relevant and up-to-date. This consultation will also provide an opportunity for the telecommunications industry to be consulted on proposed changes to the lawful interception condition of licence and minor adjustments to the Solicitor General's Enforcement Standards. In addition, it will provide an opportunity for all parties to continue in a dialogue regarding lawful interception.

#### *LAWFUL INTERCEPTION CONDITION OF LICENCE*

The Public Safety Portfolio would like to first emphasize the importance of including lawful interception as a condition of licence in the upcoming spectrum auction public consultation. Lawful interception is an indispensable tool for law enforcement and national security agencies. An effective interception capability is crucial for investigating criminal activity and threats to national security.



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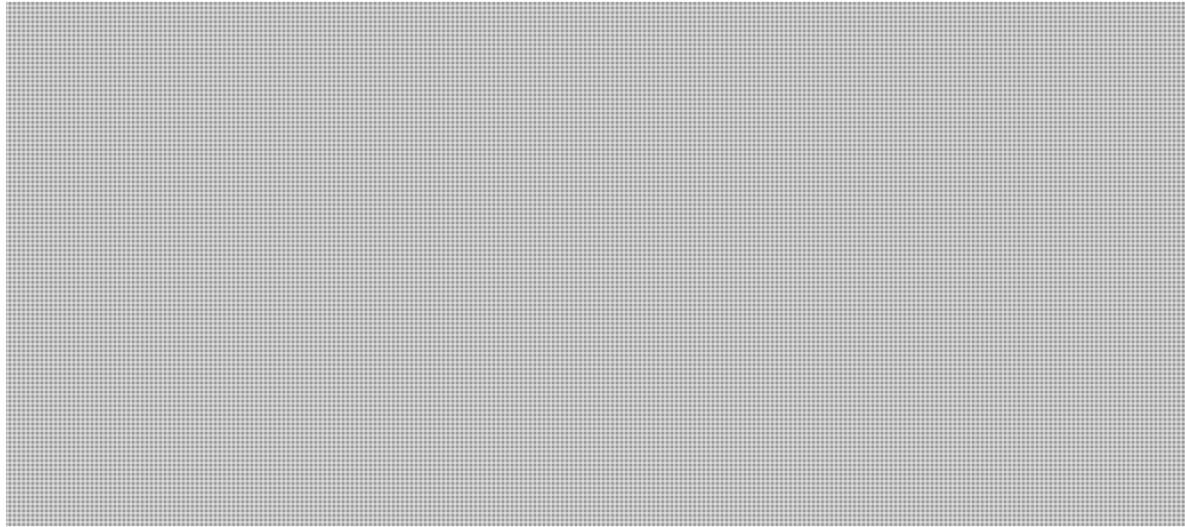
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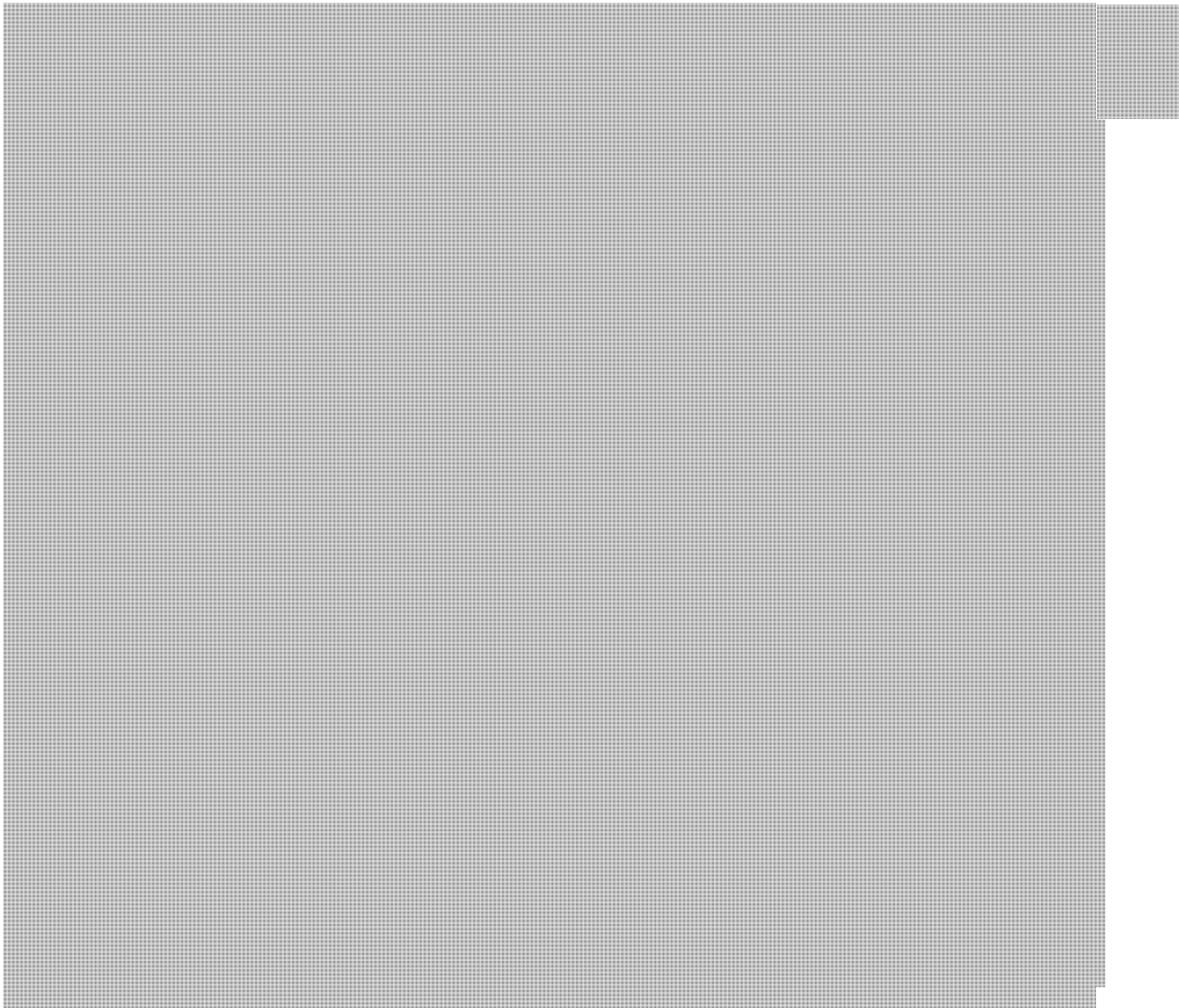
As noted in our previous submission to the public consultation regarding the 700MHz spectrum auction,<sup>1</sup> having a technologically neutral condition of licence will assist law enforcement and national security agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes. ~~Public Safety Response to Industry Canada's Consultation on a Policy and Technical Framework for the 700 MHz Band and Aspects Related to Commercial Mobile Spectrum (SMSE-018-10)~~

<sup>1</sup> Public Safety Response to Industry Canada's Consultation on a Policy and Technical Framework for the 700 MHz Band and Aspects Related to Commercial Mobile Spectrum (SMSE-018-10)

PSC Draft Response to Industry Canada  
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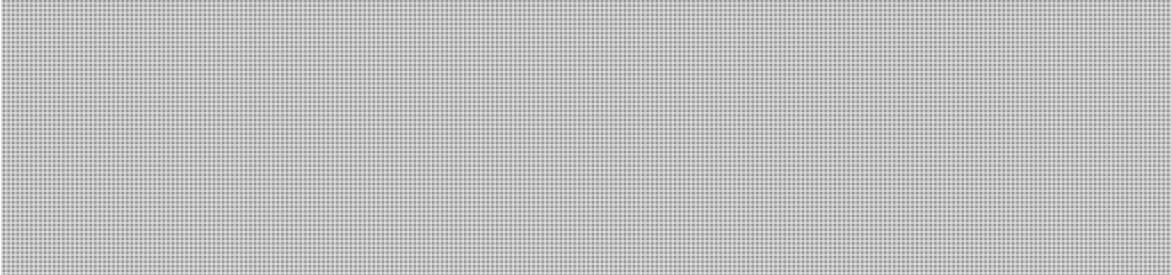
*MODERNIZING THE SOLICITOR GENERAL'S ENFORCEMENT STANDARDS*



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Consulted: RCMP (a/Insp Utano); CSIS, [redacted] ITTP/Moshonas, Emmett  
Approved:



PSC Draft Response to Industry Canada  
Lawful Interception Condition of Licence – Internal Consultation



Again, thank you for the opportunity to comment. We look forward to continuing to work with Industry Canada in the development of 700 and 2500 MHz spectrum auction. We would be especially grateful for being consulted on the design of the public consultation on the 700 and 2500 MHz auction prior to its public release. As this issue is of considerable importance to us, we would be grateful if Industry Canada officials could continue to keep us consulted, not only for the consultation on the 700 and 2500 MHz auctions, but also for any consultations regarding renewal of existing licenses and/or any other upcoming consultations.

Should you have any addition questions, please do not hesitate to contact myself at (613) 990-7066 or Michèle Kingsley, Director, National Security Technologies at (613) 949-3181.

Question Period Note

**FOREIGN INVESTMENT REFORM IN THE TELECOMMUNICATIONS SECTOR**

**ISSUE:** National security concerns related to the reform of foreign investment restrictions in Canada's telecommunications sector.

**BACKGROUND:**

The Canadian telecommunications industry has undergone considerable change with the evolution of technology and increased global competition. These changes have prompted Government policy makers to assess whether the right frameworks are in place to encourage competition and investment in the Canadian telecommunications sector. In July 2010, the Minister of Industry launched a public consultation on proposals to lessen foreign investment restrictions in Canada's telecommunications sector.

Currently, foreign ownership restrictions for the telecommunications sector are set out under Section 16 of the *Telecommunications Act*, which ensures that Canada's telecommunications infrastructure is owned and controlled by Canadians. While lessening or eliminating foreign investment restrictions would lead to economic benefits for Canadians,

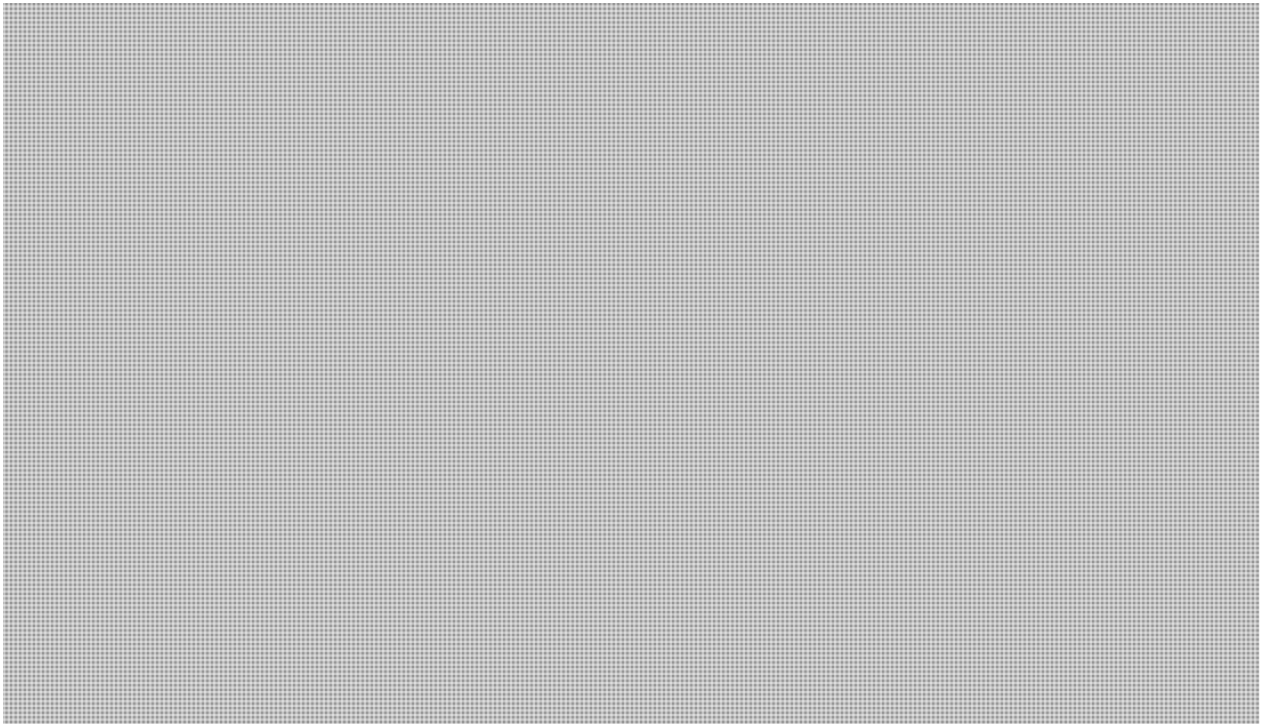
Public Safety officials are also seeking to modernize the framework guiding interception requirements as a condition of license to support the needs of law enforcement and national security agencies until legislation compelling intercept-capability comes into force, which may include updating the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*.

Furthermore, to aid in combating cyber espionage, Public Safety has established the Canadian Security Telecommunications Advisory Council (CSTAC) in late 2010. The CSTAC is comprised of senior executives from the public and private sectors to provide a forum to exchange information and collaborate strategically on current and evolving issues that may affect the confidentiality, integrity or availability of the telecommunications infrastructure.

## FOREIGN INVESTMENT REFORM IN THE TELECOMMUNICATIONS SECTOR

**PROPOSED RESPONSE:**

- **Public Safety Canada recognizes the economic advantages of reducing or removing restrictions on foreign investment in the Canadian telecommunications sector and strongly supports this initiative.**
  
- **However, we cannot have a thriving telecommunications industry in Canada unless it is a secure telecommunications industry.**



- **As options are considered to maximize Canada's competitiveness in the telecommunications sector, Public Safety officials are working with Industry Canada, Portfolio agencies and other Government stakeholders to further develop options to help ensure that any change to the telecommunications market will be accompanied by necessary security safeguards.**

**CONTACTS:**

Prepared by  
Jennifer Moshonas  
Policy Specialist  
National Security Operations  
Directorate

Tel. no.  
998-8035 (office)

Approved by  
Michael MacDonald  
Director General  
National Security Operations  
Directorate

Tel. no.  
993-4595 (office)

## Plunkett, Shawn

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**From:** Moshonas, Jennifer  
**Sent:** October-06-11 11:33 AM  
**To:** Plunkett, Shawn  
**Subject:** RE: Lawful Interception Condition of Licence Consultation Document  
**Attachments:** PS-SP-#494962-v6-Lawful\_Interception\_Condition\_of\_Licence\_Consultation\_-\_ (700\_and\_2500\_MHz).doc

**Categories:** Blue Category

Hi Shawn, I have to run, took a look and its really good. I had two small suggestions in yellow highlight. I would also recommend changing your para on application of condition of licence in all upcoming spectrum band auctions. It is not likely that there will be any in the near future as this commodity is finite. I would suggest saying that we would like to continue to be included in any consultations that may occur around existing licenses and renewal and/or upcoming to ensure our perspective is considered. Again, it was us in the past that did not feed in. Thanks,

Jen

### *Jennifer Moshonas*

Senior Policy Analyst / Analyste principale de politiques  
National Security Operations Directorate / Direction des Operations de Sécurité Nationale  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada / Sécurité Publique Canada  
Tel: (613) 998-8035  
Email: [jennifer.moshonas@ps.gc.ca](mailto:jennifer.moshonas@ps.gc.ca)

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**From:** Plunkett, Shawn  
**Sent:** October 5, 2011 5:43 PM  
**To:** Moshonas, Jennifer  
**Cc:** Emmett, Jamie  
**Subject:** Lawful Interception Condition of Licence Consultation Document

Here is the latest draft, which includes verbal and written comments from CSIS, RCMP, MK and MM. I also tried to capture the conversation yesterday with yourself and Jaime. I have also included the recommended changes to the SGES.

Michele had initially requested a memo to cover the note to IC. I can send that along as well after I write it (it would include mostly just process/background)

Will proof-read tomorrow.

### *Shawn Plunkett*

Senior Policy Analyst / Analyste principal des politiques  
National Security Technologies/Technologies de Sécurité Nationale  
National Security Operations Directorate / Direction des Operations de Sécurité Nationale  
Public Safety Canada / Sécurité Publique Canada  
Tel: (613) 990-7066  
Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)

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Industry Canada officials,

The Public Safety Portfolio is grateful for your consultation with respect to the lawful interception condition of spectrum license as part of Industry Canada's internal pre-publication consultation process for the upcoming 700 and 2500 MHz auction. ~~These comments should be viewed as supplemental to comments provided in the previous public consultation on the 700 MHz spectrum auction: "Public Safety Response to Industry Canada's Consultation on a Policy and Technical Framework for the 700 MHz Band and Aspects Related to Commercial Mobile Spectrum (SMSE-018-10)".~~

Public Safety Canada regards having a strong telecommunications industry and protecting national security- not as competing or rival propositions- but rather as mutual reinforcing. Canadians benefit tremendously from a strong and secure telecommunications sector. We believe that it is necessary for our departments to work together and with other relevant stakeholders to achieve this aim.

Overall, we view this public as consultation as an important opportunity to modernizing the language in the lawful interception condition of licence and the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* to reflect current technological realities. Modernizing the language will assist the Government of Canada in ensuring that it is only placing conditions on the telecommunications industry that are required for national security purposes and that are relevant and up-to-date. This public consultation will also provide an opportunity for the telecommunications industry to be consulted on proposed changes changes to the lawful interception condition of licence and minor adjustments to the Solicitor General's Enforcement Standards. In addition, it will provide an opportunity for all parties to ~~and be further continue engaged~~ in a dialogue regarding lawful interception.

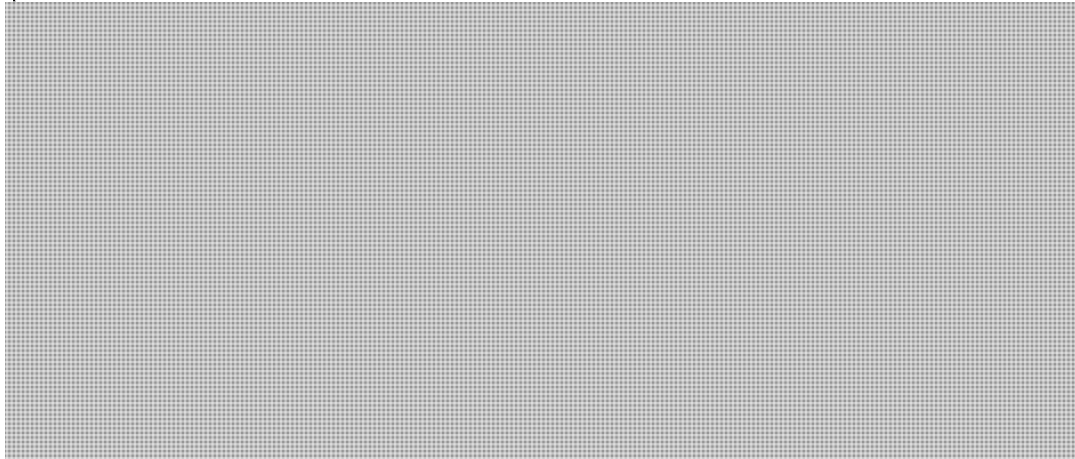
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LAWFUL INTERCEPTION CONDITION OF LICENCE

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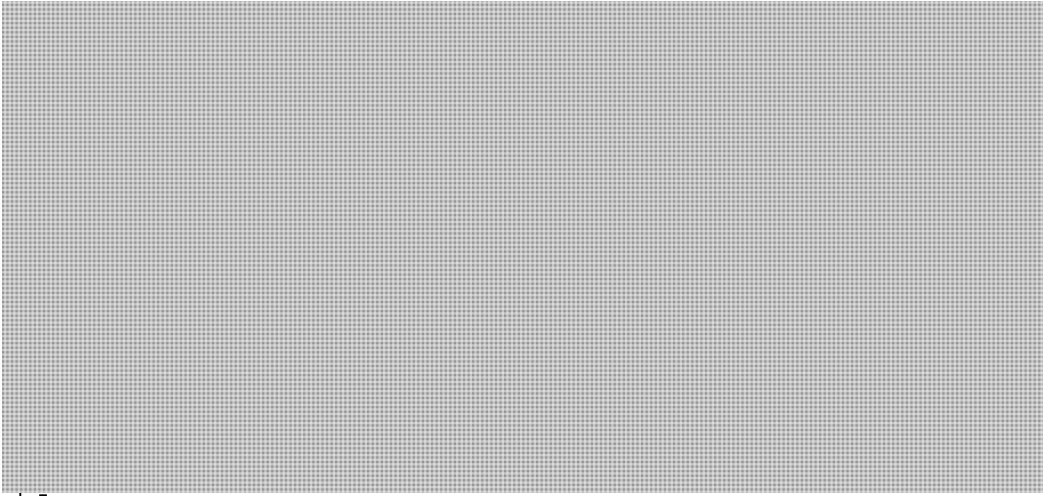
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Drafted: ITTP/Plunkett; September 30, 2011.  
Consulted: RCMP (a/Insp Utano); ITTP/Moshonas, Emmett  
Approved:

PSC Draft Response to Industry Canada  
Lawful Interception Condition of Licence – Internal Consultation

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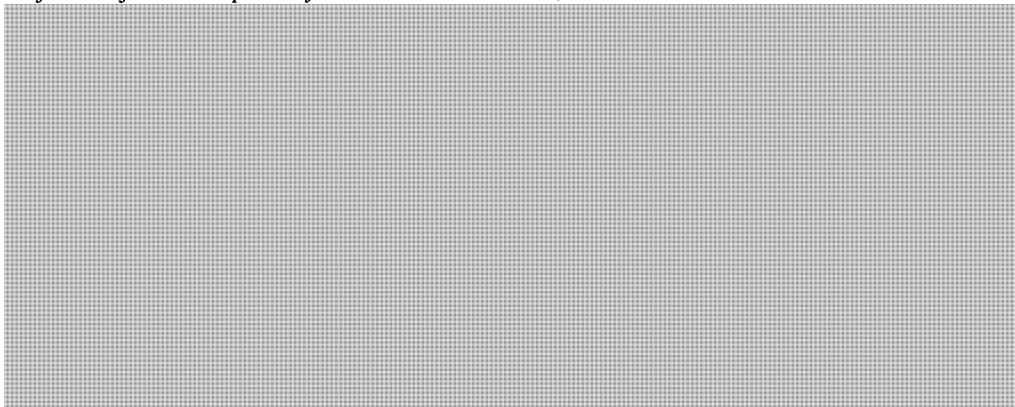
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RECOMMENDED CHANGES TO CONDITION OF LICENCE

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Currently, Second, as you know, companies applying for a PCS spectrum license under the Radiocommunication Act must meet the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (SGES) as a condition of license.



As noted in our previous submission to the public consultation regarding the 700MHz spectrum auction<sup>2</sup>, having a technologically neutral condition of licence will assist law enforcement and national security agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.

<sup>1</sup> While Rogers has indicated that it will have upwards of 10 million people covered by LTE by the end of the year, it is difficult to guesstimate the number of actual LTE subscribers.

<http://news.idg.no/cw/art.cfm?id=EB13165A-1A64-67EA-E458554C51E05361>

<sup>2</sup> Public Safety Response to Industry Canada's Consultation on a Policy and Technical Framework for the 700 MHz Band and Aspects Related to Commercial Mobile Spectrum (SMSE-018-10).

Drafted: ITTP/Plunkett; September 30, 2011

Consulted: RCMP (a/Insp Utano); ITTP/Moshonas, Emmett

Approved:

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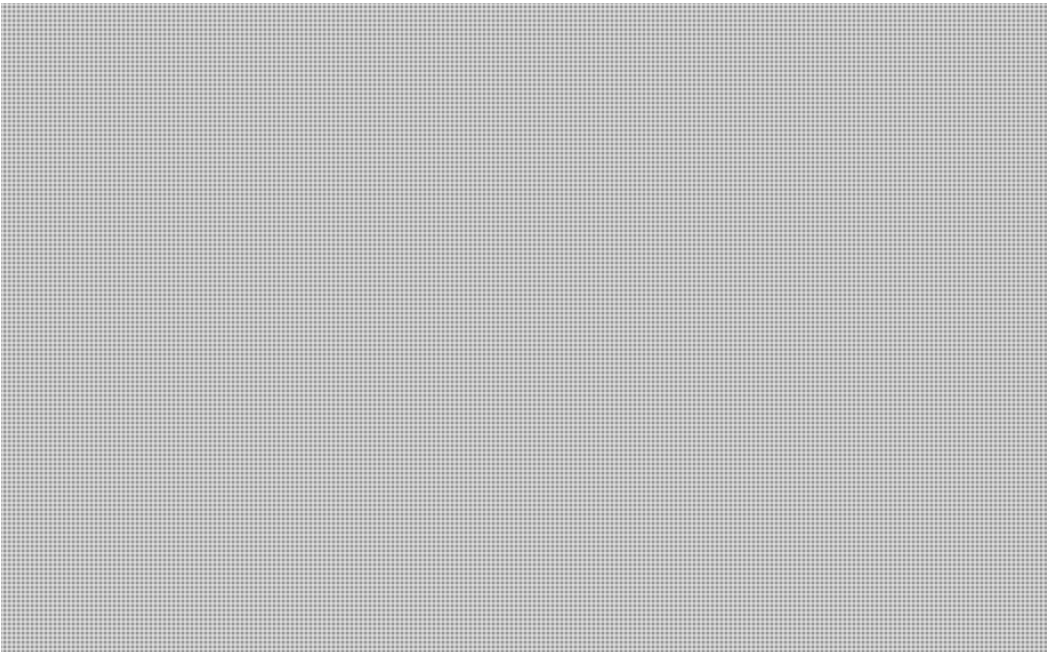
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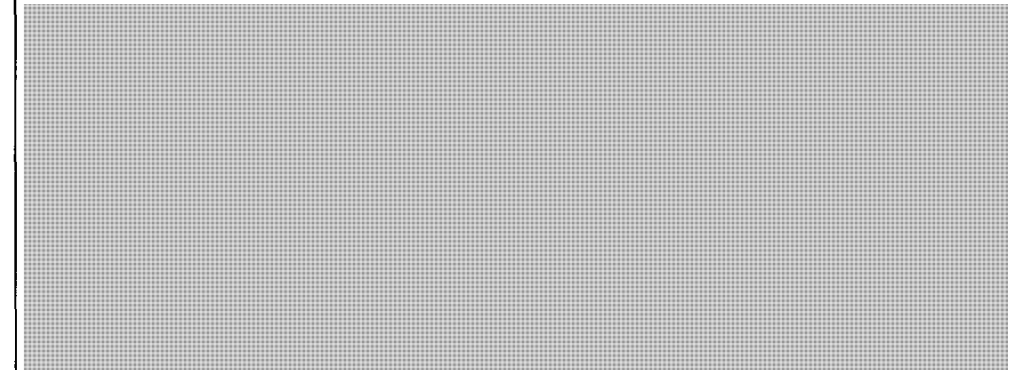
PSC Draft Response to Industry Canada  
Lawful Interception Condition of Licence – Internal Consultation

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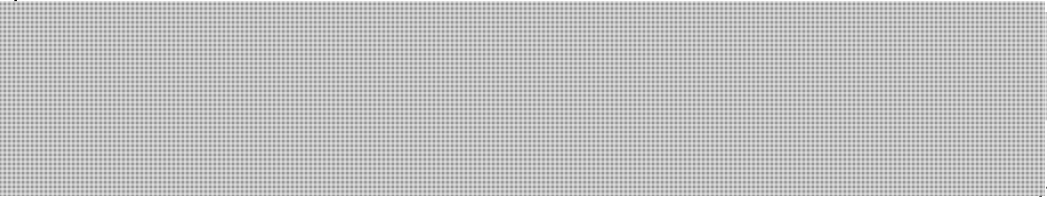
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*The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.*



MODERNIZING THE SOLICITOR GENERAL'S ENFORCEMENT STANDARDS

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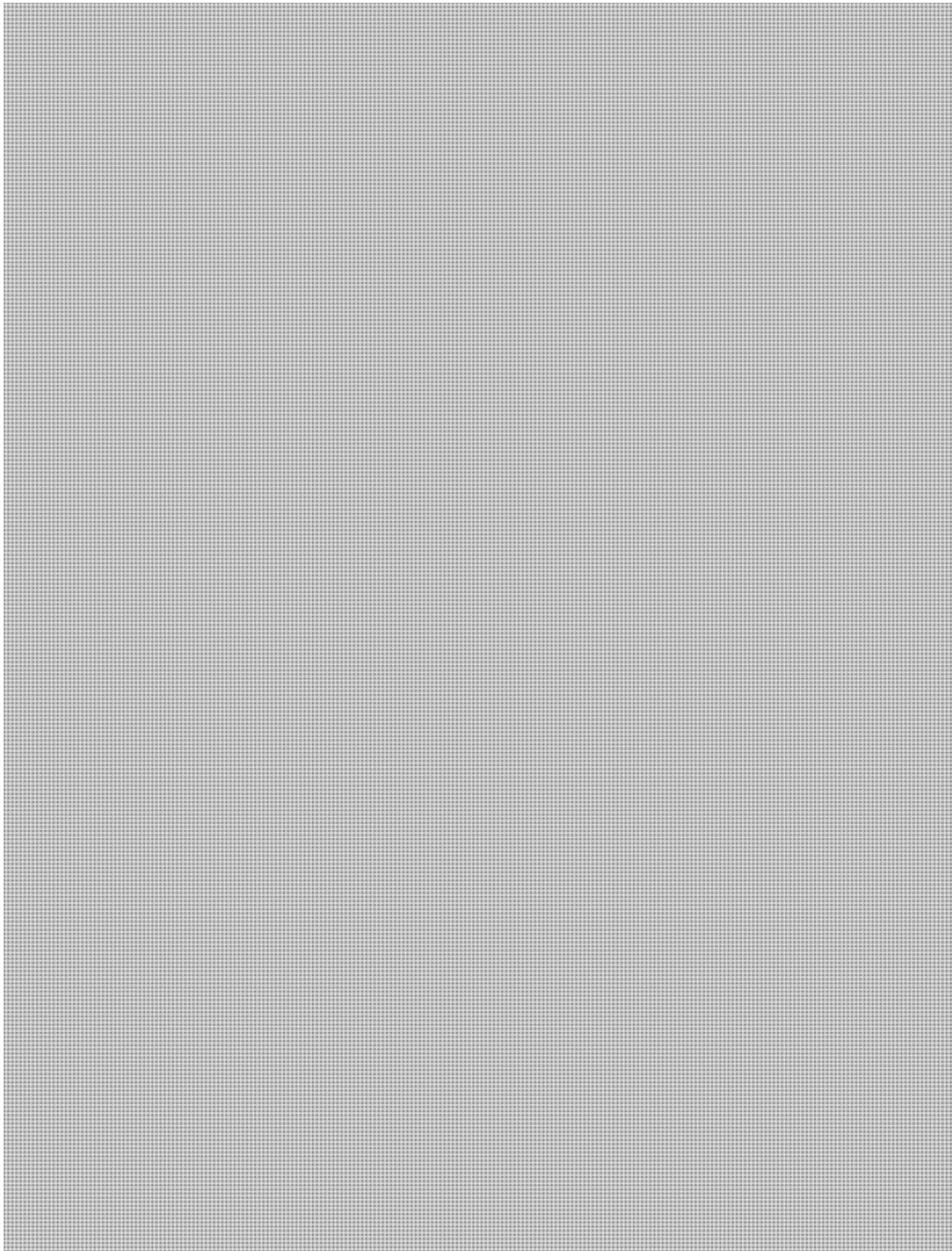
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Approved:

PSC Draft Response to Industry Canada  
Lawful Interception Condition of Licence – Internal Consultation

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Again, thank you for the opportunity to comment. We look forward to continuing to work with Industry Canada in the development of 700 and 2500 MHz spectrum auction. As

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Drafted: ITTP/Plunkett; September 30, 2011  
Consulted: RCMP (a/Insp Utano); ITTP/Moshonas, Emmett  
Approved:



PSC Draft Response to Industry Canada  
Lawful Interception Condition of Licence – Internal Consultation

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this issue is of great importance to us, we would be grateful if Industry Canada officials continue to keep us consulted as this moves forward. We would be especially grateful for being consulted on the design of the public consultation on the 700 and 2500 MHz auction prior to its public release.

Drafted: ITTP/Plunkett; September 30, 2011  
Consulted: RCMP (a/Insp Utano); ITTP/Moshonas, Emmett  
Approved:

5

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MEMORANDUM NOTE DE SERVICE

TO / À

Director General  
National Security Operations Directorate

FROM / DE

Director  
National Security Technologies

SUBJECT / OBJET

Industry Canada Consultation – Lawful Interception Condition of Spectrum Licence

Security classification / Classification de sécurité	PROTECTED 'A'
Originator/Telephone number / Auteur/Numéro de téléphone	Shawn Plunkett (990-7066)
Our file / Notre référence	
Your file / Votre référence	
Date	October 7, 2011

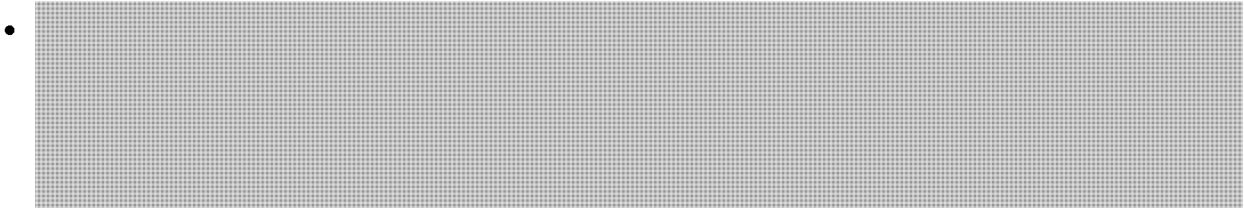
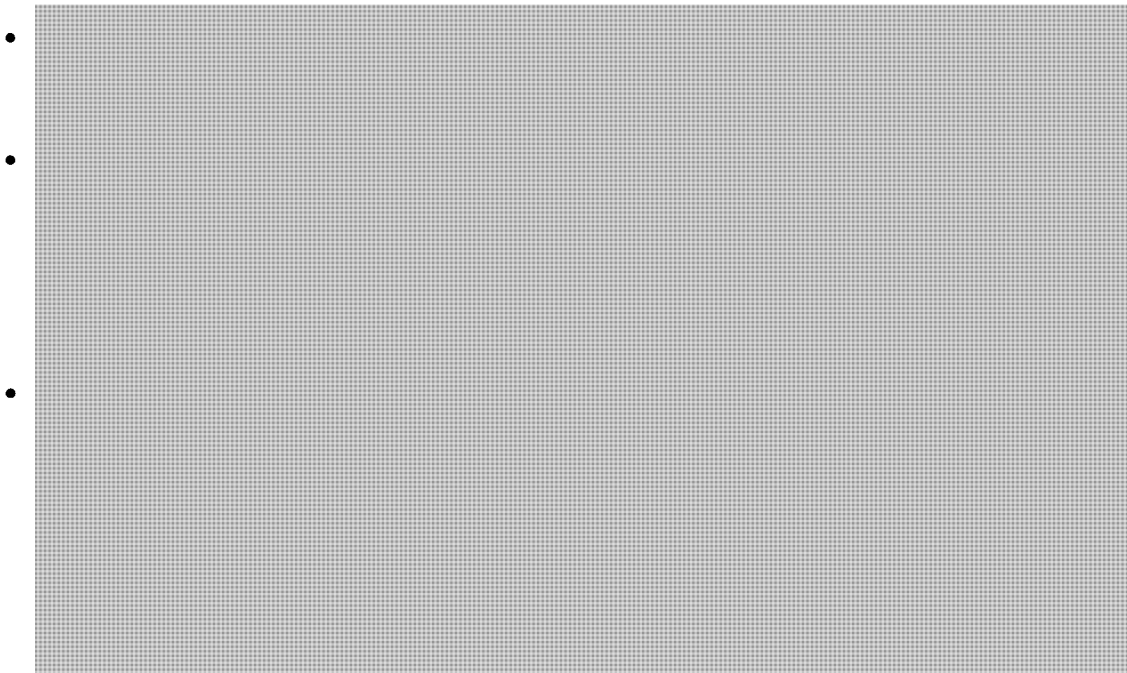
**Issue**

Approval of a Public Safety Canada response to Industry Canada as part of their internal "pre-consultation" on the lawful interception condition of spectrum licence for the upcoming 700 and 2500 MHz public consultation.

**Background**

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- The enclosed response was prepared in consultation with the Public Safety Portfolio. [Redacted]

- The response includes three sections:



**Recommendation**

- That you approve the enclosed Public Safety Canada response to Industry Canada

Michèle Kingsley

Enclosures: (2)

## Plunkett, Shawn

---

**From:** Kingsley, Michèle  
**Sent:** October-12-11 5:40 PM  
**To:** 'peter.hill@ic.gc.ca'  
**Cc:** MacDonald, Michael; 'Duane.Rudeen@ic.gc.ca'; Plunkett, Shawn; Moshonas, Jennifer; Emmett, Jamie  
**Subject:** 700 and 2500 MHz auction consultation  
**Attachments:** PS-SP-#497126-v1-SGES\_-\_Recommended\_Changes\_-\_IC\_Consultaiton\_-\_Oct\_2011.DOC; Lawful\_Interception\_Condition\_of\_Licence\_Consultation\_-\_ (700\_and\_2500\_MHz) v11.DOC

**Categories:** Blue Category

Hi Peter,

As discussed yesterday, you'll find attached our comments on the need for the lawful access condition of licence as well as our proposed updating of the condition and SGES.

I'm happy to discuss further. Thanks again for the opportunity to comment.

Au plaisir,

Michèle

**Michèle Kingsley**

Director, Investigative Technologies and Telecommunications Policy | Directrice, Technologies d'enquêtes et politiques des télécommunications

National Security Operations | Opérations de la sécurité nationale

Public Safety Canada | Sécurité publique Canada

613.949.3181 / [michele.kingsley@ps-sp.gc.ca](mailto:michele.kingsley@ps-sp.gc.ca)

**Pages 181 to / à 184  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**of the Access to Information  
de la Loi sur l'accès à l'information**

Public Safety Canada Draft Response to Industry Canada  
Lawful Interception Condition of Licence – Internal Consultation

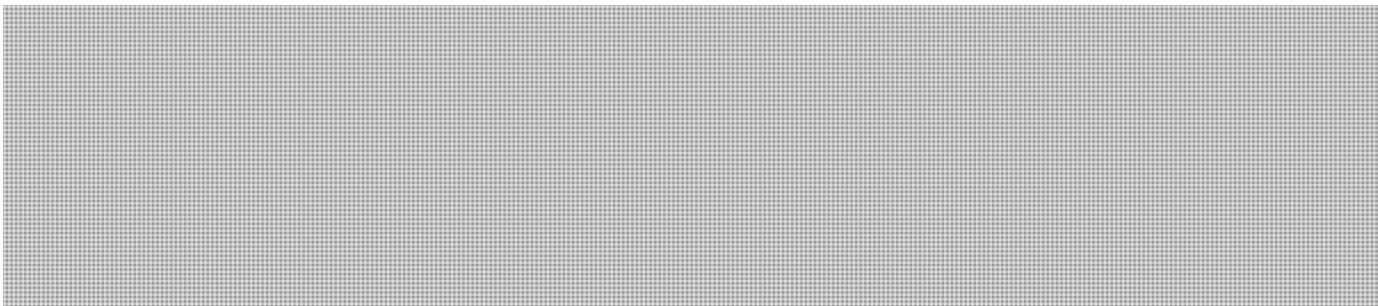
Industry Canada officials,

The Public Safety portfolio is grateful for your consultation with respect to the lawful interception condition of spectrum licence as part of Industry Canada's internal pre-publication consultation process for the upcoming 700 and 2500 MHz auction. Public Safety Canada regards having a strong telecommunications industry and protecting national security – not as competing propositions – but rather as mutually reinforcing. Canadians benefit tremendously from a strong and secure telecommunications sector.

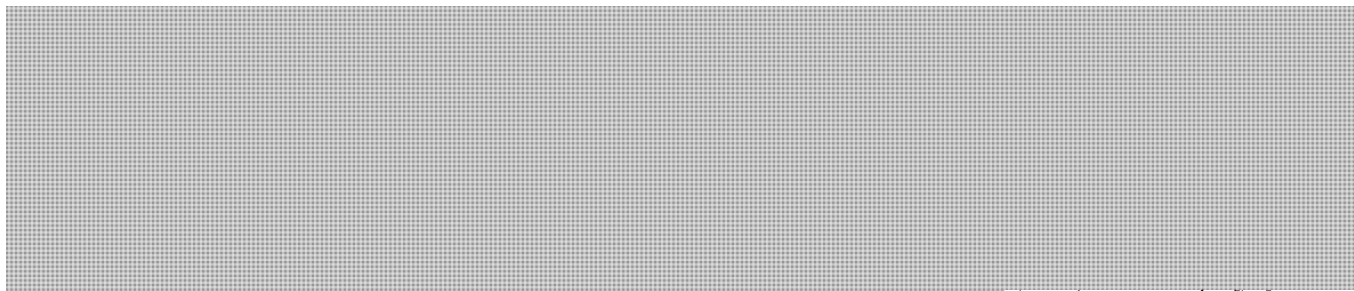
Overall, we view this public consultation as an important opportunity to modernize the language in the lawful interception condition of licence and the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*. Modernizing the language will assist the Government of Canada in ensuring that conditions are relevant and up to date. This consultation will also provide an opportunity for the telecommunications industry to be consulted on any proposed changes to the lawful interception condition of licence and Solicitor General's Enforcement Standards (SGES).

#### *LAWFUL INTERCEPTION CONDITION OF LICENCE*

The Public Safety portfolio would like to emphasize the importance of including lawful interception as a condition of licence in the upcoming spectrum auction public consultation. Lawful interception is an indispensable tool for law enforcement and national security agencies. An effective interception capability is crucial for investigating criminal activity and threats to national security. This is particularly important in the context of an absence of proposed lawful access legislation.



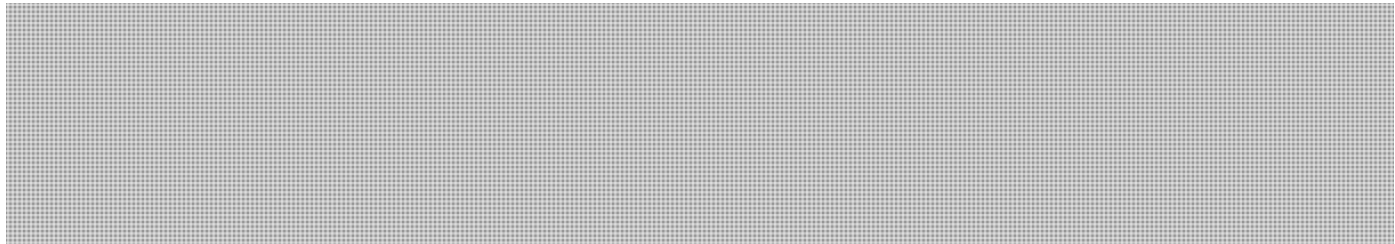
#### *RECOMMENDED CHANGES TO CONDITION OF LICENCE*



Therefore, Public Safety

Canada strongly recommends the following language as a lawful interception condition of spectrum licences as part of the 700 and 2500 MHz auction:

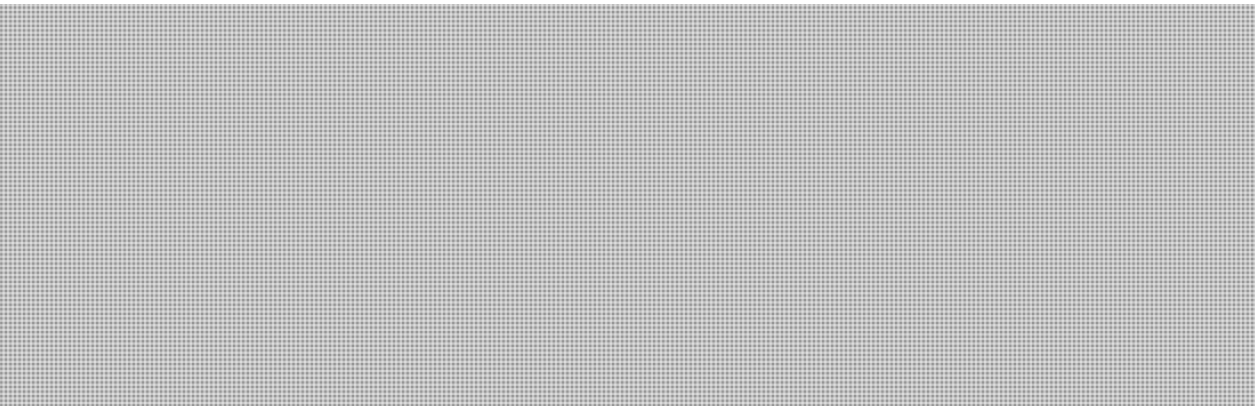
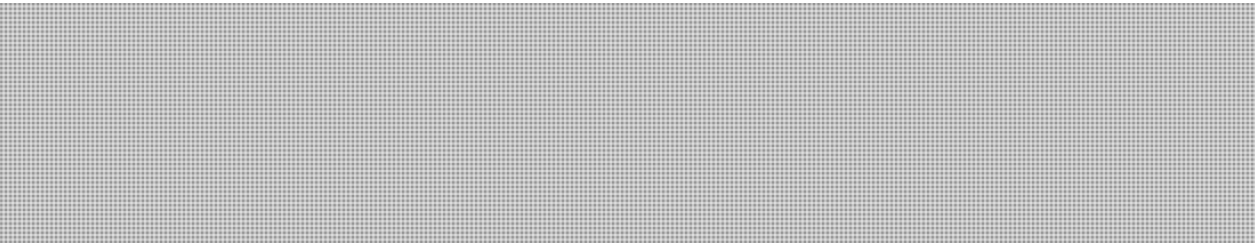
Public Safety Canada Draft Response to Industry Canada  
Lawful Interception Condition of Licence – Internal Consultation



*The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.*



As noted in our previous submission to the public consultation regarding the 700 MHz spectrum auction,<sup>1</sup> having a technologically neutral condition of licence will assist law enforcement and national security agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.



**MODERNIZING THE SOLICITOR GENERAL'S ENFORCEMENT STANDARDS**



<sup>1</sup> *Public Safety Response to Industry Canada's Consultation on a Policy and Technical Framework for the 700 MHz Band and Aspects Related to Commercial Mobile Spectrum (SMSE-018-10)*

Public Safety Canada Draft Response to Industry Canada  
Lawful Interception Condition of Licence – Internal Consultation



Again, thank you for the opportunity to comment. We look forward to continuing to work with Industry Canada in the development of 700 and 2500 MHz spectrum auction. As this issue is of considerable importance to us, continued consultation on this and future spectrum consultations and/or licence renewals would be greatly appreciated.



## Thompson, Julie

---

**From:** Plunkett, Shawn  
**Sent:** October-14-11 10:54 AM  
**To:** 'Yves.Desjardins@rcmp-grc.gc.ca'; [REDACTED]  
**Cc:** [REDACTED]; 'mark.flynn@rcmp-grc.gc.ca'; 'antonio.utano@rcmp-grc.gc.ca'; 'nistrine.slaymane@rcmp-grc.gc.ca'; Kingsley, Michèle  
**Subject:** Fw: 700 and 2500 MHz auction consultation - LI condition of licence  
**Attachments:** PS-SP-#497126-v1-SGES\_-\_Recommended\_Changes\_-\_IC\_Consultaiton\_-\_Oct\_2011.DOC; Lawful\_Interception\_Condition\_of\_Licence\_Consultation\_-\_ (700\_and\_2500\_MHz) v11.DOC

Colleagues,

Please find enclosed the consolidated Public Safety comments as forwarded to IC.

Should you have any questions please do not hesitate to contact me.

Thanks again for your contributions.

Shawn Plunkett

[REDACTED]  
PS/SP Canada

---

**From:** Kingsley, Michèle  
**Sent:** Wednesday, October 12, 2011 05:40 PM  
**To:** 'peter.hill@ic.gc.ca' <peter.hill@ic.gc.ca>  
**Cc:** MacDonald, Michael; 'Duane.Rudeen@ic.gc.ca' <Duane.Rudeen@ic.gc.ca>; Plunkett, Shawn; Moshonas, Jennifer; Emmett, Jamie  
**Subject:** 700 and 2500 MHz auction consultation

Hi Peter,

As discussed yesterday, you'll find attached our comments on the need for the lawful access condition of licence as well as our proposed updating of the condition and SGES.

I'm happy to discuss further. Thanks again for the opportunity to comment.

Au plaisir,

Michèle

**Michèle Kingsley**

Director, Investigative Technologies and Telecommunications Policy | Directrice, Technologies d'enquêtes et politiques des télécommunications

National Security Operations | Opérations de la sécurité nationale

Public Safety Canada | Sécurité publique Canada

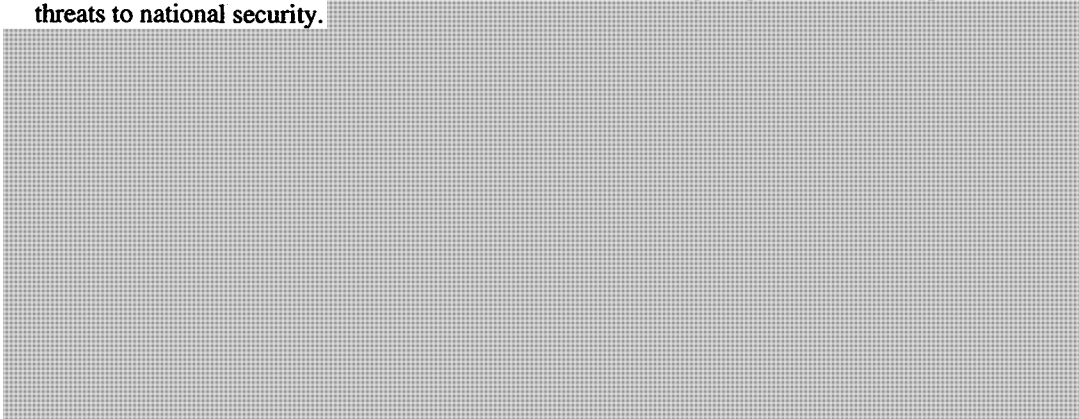
613.949.3181 / [michele.kingsley@ps-sp.gc.ca](mailto:michele.kingsley@ps-sp.gc.ca)

**Pages 189 to / à 195  
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pages 181 to / à 187**

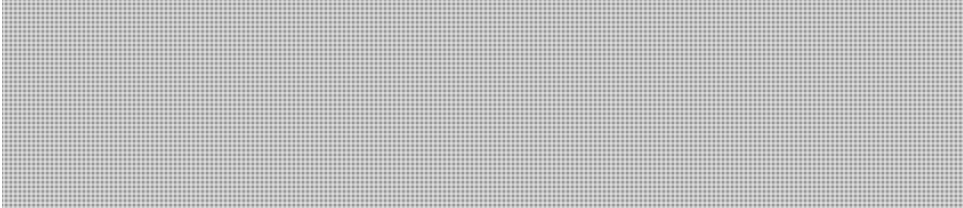
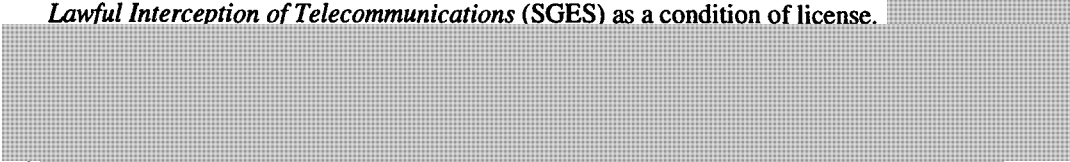
Industry Canada officials,

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First, we would like to state the importance of including lawful interception as a condition of licence in the upcoming spectrum auction. Lawful interception is an indispensable tool for law enforcement and national security agencies; as an effective and widely applicable interception capability is crucial for investigating criminal activity and threats to national security.

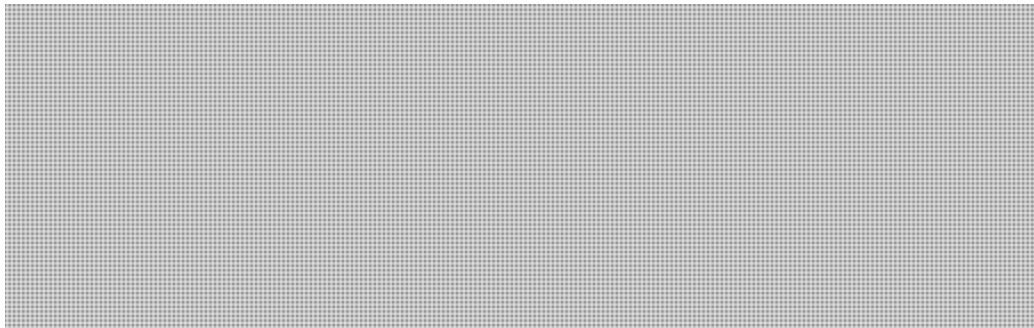


Second, as you know, companies applying for a spectrum license under the *Radiocommunication Act* must meet the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* (SGES) as a condition of license.

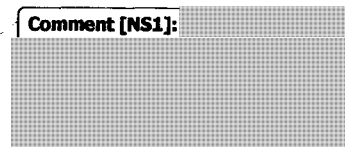


As noted in our previous submission to the public consultation regarding the 700MHz spectrum auction, having a technologically neutral condition of licence will assist law enforcement and national security agencies to keep pace with criminal and terrorist

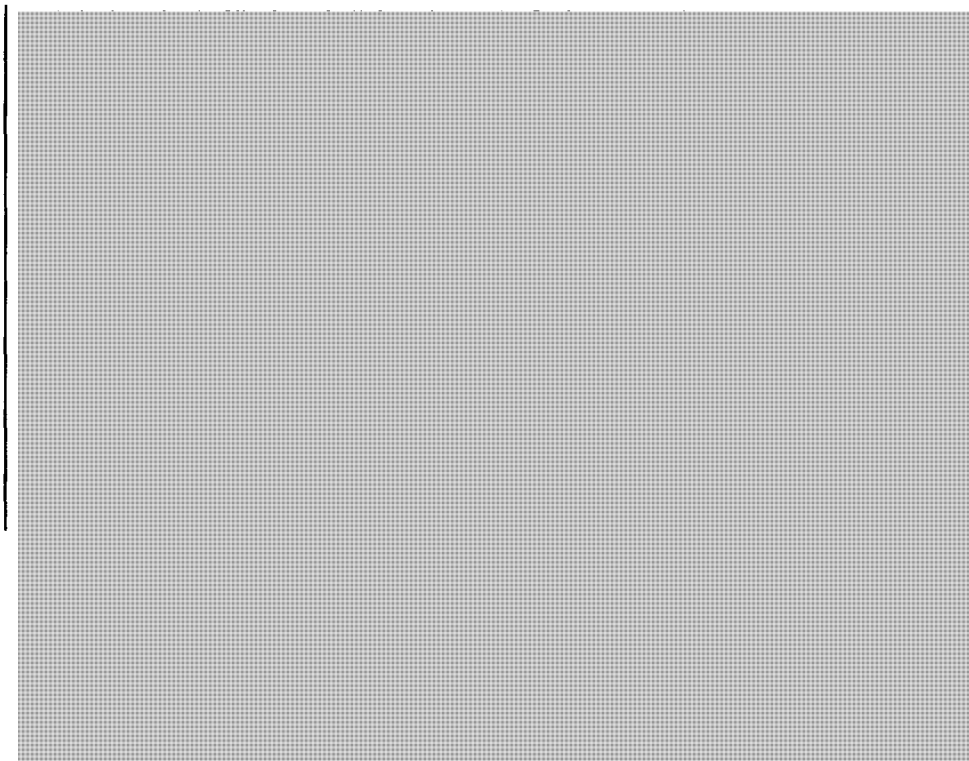
elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.



**Comment [NS1]:**



*The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.*



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Again, thank you for the opportunity to comment. We look forward to continuing to work with Industry Canada in the development of 700 and 2500 MHz spectrum auction.

**Emmett, Jamie**

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**From:** Plunkett, Shawn  
**Sent:** October-17-11 10:22 AM  
**To:** [REDACTED]  
**Cc:** Yves Desjardins; Mark Flynn; 'Antonio Utano'; Kingsley, Michèle; Moshonas, Jennifer  
**Subject:** Additional Information Requested: 700 and 2500 MHz auction consultation (COB Wednesday)

[REDACTED]  
Please find below an initial response from IC regarding the LI condition of licence consultation with respect to the language suggested by the Service.

With respect to question 2) below, [REDACTED]

[REDACTED]

For #1, these are proposed changes as we would like to consult with the telecommunications sector prior to making any final changes.

PSC's proposed changes to LI condition of licence.

[REDACTED]

Grateful if you could provide by this information by **COB Wednesday**. Please let me know if this is not possible.

Happy to discuss. If you have any questions, I can be reached at 613-990-7066.

Much appreciated.

Shawn

---

**From:** Duane.Rudeen@ic.gc.ca [mailto:Duane.Rudeen@ic.gc.ca]  
**Sent:** October 14, 2011 10:20 AM  
**To:** Kingsley, Michèle  
**Cc:** MacDonald, Michael; Plunkett, Shawn; Moshonas, Jennifer; Emmett, Jamie; Suneil.Kanjeekal@ic.gc.ca  
**Subject:** RE: 700 and 2500 MHz auction consultation

Hi Michele

We have undertaken a preliminary review of your proposals and have a couple questions:

1) Regarding the changes to the SolGen Standards. Are the indicated changes official or proposed? Our current Conditions of Licence refer to a revised (in 1995) version which is the official version supplied to Industry Canada at that time and to which all current radiocommunication carrier spectrum licences refer. If the SolGen Standards have now been changed to [REDACTED] and the wording adjusted, we will need a formal letter indicating this as it could affect all of our existing spectrum licences with this Condition. And we will likely need to inform our licensees that the Standards have been revised.

2) Regarding your proposed changes to the wording of our Licence Condition, we understand the justification for [REDACTED]

Should you wish to discuss this further please call me. In the meantime, we will continue to review what you have currently submitted.

Duane Rudeen

Technical Policy Analyst | Analyste de politiques techniques  
Spectrum Management Operations Branch | Direction générale des opérations de la gestion du spectre  
Industry Canada | Industrie Canada  
300 Slater Street, Ottawa ON K1A 0C8 | 300, rue Slater, Ottawa ON K1A 0C8  
duane.rudeen@ic.gc.ca  
Telephone | Téléphone 613-998-3850  
Facsimile | Télécopieur 613-991-3514

---

**From:** Kingsley, Michèle [mailto:Michele.Kingsley@ps-sp.gc.ca]  
**Sent:** Wednesday, October 12, 2011 5:40 PM  
**To:** Hill, Peter: DGSO-DGOGS  
**Cc:** MacDonald, Michael; Rudeen, Duane: DGSO-DGOGS; Plunkett, Shawn; Moshonas, Jennifer; Emmett, Jamie  
**Subject:** 700 and 2500 MHz auction consultation

Hi Peter,

As discussed yesterday, you'll find attached our comments on the need for the lawful access condition of licence as well as our proposed updating of the condition and SGES.

I'm happy to discuss further. Thanks again for the opportunity to comment.

Au plaisir,

Michèle

**Michèle Kingsley**  
Director, Investigative Technologies and Telecommunications Policy | Directrice, Technologies d'enquêtes et politiques des télécommunications  
National Security Operations | Opérations de la sécurité nationale  
Public Safety Canada | Sécurité publique Canada

613.949.3181 / [michele.kingsley@ps-sp.gc.ca](mailto:michele.kingsley@ps-sp.gc.ca)

## Plunkett, Shawn

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**From:** Kingsley, Michèle  
**Sent:** October-21-11 4:48 PM  
**To:** MacDonald, Michael  
**Cc:** Plunkett, Shawn; Johnston, Shannon  
**Subject:** FW: RE: 700 and 2500 MHz auction consultation

**Categories:** Blue Category

Mike - for your approval, the response to IC's questions on the condition of license consultation. Thanks, m.

---

**From:** Plunkett, Shawn  
**Sent:** October 21, 2011 4:37 PM  
**To:** Kingsley, Michèle  
**Subject:** RE: 700 and 2500 MHz auction consultation

---

Duane,  
Please find responses to your questions below. Should you have any questions or comments, do not hesitate to contact us.

- 1) In response to question 1, we regard these changes as proposed. We believe that the 700 and 2500 MHz spectrum auction is an excellent opportunity to begin the process of consulting with relevant stakeholders regarding their view of changes to condition of licence and the Solicitor General Enforcement Standards (SGES). [REDACTED]

[REDACTED] we consider it appropriate to consult on proposed changes with all affected stakeholders. We would like to work with Industry Canada on the proposed changes.

[REDACTED]

As many of the past spectrum licenses make specific reference to the "SGES (Rev. Nov. 1995)", [REDACTED]

[REDACTED]

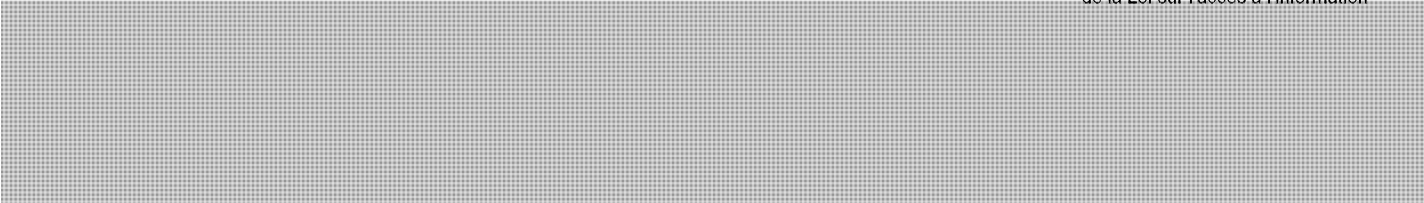
We would appreciate Industry Canada's input into this matter as well.

- 2) In response to question 2, [REDACTED]

[REDACTED]

However, for the sake of clarity and to minimize changes, we would propose to use the following in lieu of our previous submission:






Again we very much welcome this opportunity to continue this important dialogue and would be happy to discuss should you have any additional questions.

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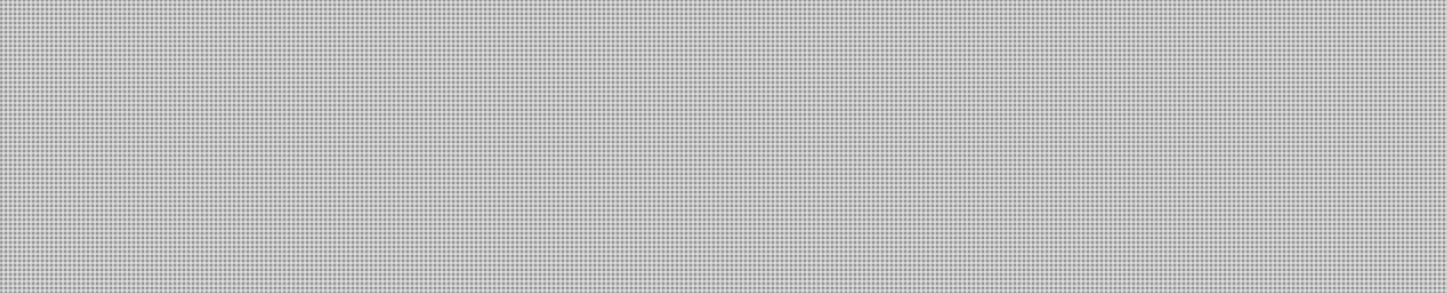
**From:** Duane.Rudeen@ic.gc.ca [mailto:Duane.Rudeen@ic.gc.ca]  
**Sent:** October 14, 2011 10:20 AM  
**To:** Kingsley, Michèle  
**Cc:** MacDonald, Michael; Plunkett, Shawn; Moshonas, Jennifer; Emmett, Jamie; Suneil.Kanjeekal@ic.gc.ca  
**Subject:** RE: 700 and 2500 MHz auction consultation

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2) Regarding your proposed changes to the wording of our Licence Condition, we understand the justification for



Should you wish to discuss this further please call me. In the meantime, we will continue to review what you have currently submitted.

Duane Rudeen

Technical Policy Analyst | Analyste de politiques techniques  
Spectrum Management Operations Branch | Direction générale des opérations de la gestion du spectre  
Industry Canada | Industrie Canada  
300 Slater Street, Ottawa ON K1A 0C8 | 300, rue Slater, Ottawa ON K1A 0C8  
duane.rudeen@ic.gc.ca  
Telephone | Téléphone 613-998-3850  
Facsimile | Télécopieur 613-991-3514

**From:** Kingsley, Michèle [mailto:Michèle.Kingsley@ps-sp.gc.ca]  
**Sent:** Wednesday, October 12, 2011 5:40 PM  
**To:** Hill, Peter: DGSO-DGOGS  
**Cc:** MacDonald, Michael; Rudeen, Duane: DGSO-DGOGS; Plunkett, Shawn; Moshonas, Jennifer; Emmett, Jamie  
**Subject:** 700 and 2500 MHz auction consultation

Hi Peter,

As discussed yesterday, you'll find attached our comments on the need for the lawful access condition of licence as well as our proposed updating of the condition and SGES.

I'm happy to discuss further. Thanks again for the opportunity to comment.

Au plaisir,

Michèle

**Michèle Kingsley**

Director, Investigative Technologies and Telecommunications Policy | Directrice, Technologies d'enquêtes et politiques des télécommunications

National Security Operations | Opérations de la sécurité nationale

Public Safety Canada | Sécurité publique Canada

613.949.3181 / [michele.kingsley@ps-sp.gc.ca](mailto:michele.kingsley@ps-sp.gc.ca)

## Plunkett, Shawn

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**From:** Moshonas, Jennifer  
**Sent:** October-24-11 12:22 PM  
**To:** Plunkett, Shawn  
**Subject:** RE: For Review - Draft Response - 700 and 2500 MHz auction consultation

**Categories:** Blue Category

Hi, good job on explaining the MVNO. I have a comment on the first point and comment/question on the second. Has this gone yet?

### *Jennifer Moshonas*

Senior Policy Analyst / Analyste principale de politiques  
National Security Operations Directorate / Direction des Operations de Sécurité Nationale  
National Security Technologies/Technologies de Sécurité Nationale  
Public Safety Canada / Sécurité Publique Canada  
Tel: (613) 998-8035  
Email: [jennifer.moshonas@ps.gc.ca](mailto:jennifer.moshonas@ps.gc.ca)

---

**From:** Plunkett, Shawn  
**Sent:** October 20, 2011 4:29 PM  
**To:** Kingsley, Michèle  
**Cc:** Moshonas, Jennifer; Emmett, Jamie  
**Subject:** For Review - Draft Response - 700 and 2500 MHz auction consultation

Hi Michèle,  
Please find a draft response to IC for the lawful interception condition of licence. IC had asked for the note for the end of the week. Just let me know if we need more time and I can contact Duane.  
Let me know if you have any questions.

---

Duane,  
Please find responses to your questions below. Should you have any questions or comments, do not hesitate to contact us.

- 1) In response to question 1, we regard these changes as proposed. We believe that the 700 and 2500 MHz spectrum auction is an excellent opportunity to begin the process of consulting with relevant stakeholders regarding their view of changes to the Solicitor General Enforcement Standards (SGES). While we recognize that Public Safety Canada has the authority to revise the standards [REDACTED]

[REDACTED] we consider it appropriate and necessary to consult on proposed changes to the SGES with all affected stakeholders. We are grateful to Industry Canada for opening a dialogue with us on the proposed changes to the lawful interception condition of licence and we would like to expand this dialogue to include the SGES.

[REDACTED] However, in addition to consulting on the lawful interception condition of licence, we are also requesting that Industry Canada include a reference to proposed wording changes to the SGES in the 700 and 2500 MHz auction to signal to the telecommunications sector our interest in consulting with them on proposed changes. PSC could then

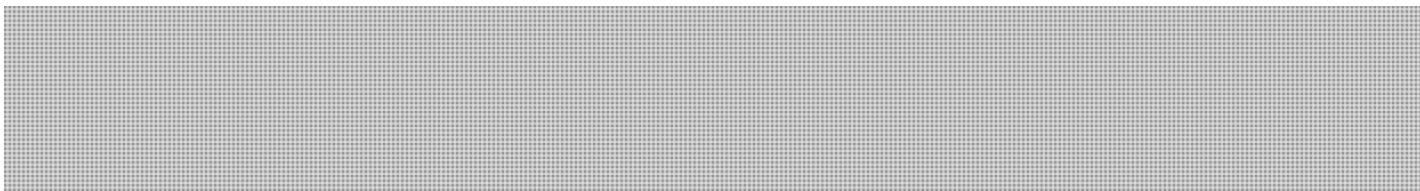
consult with all relevant stakeholders in the telecommunications sector (including those that may not participate in the 700 or 2500 MHz auction) on these proposed changes.



2) In response to question 2,



However, for the sake of clarity, we would propose to use the following in lieu of our previous submission:



Again we very much welcome this opportunity to continue this important dialogue and would be happy to discuss should you have any additional questions.

11. Lawful Interception \*\*

Licensees using spectrum for circuit-switched voice telephony systems must, from the inception of service, provide for and maintain lawful interception capabilities as authorized by law.

The requirements for lawful interception capabilities are provided in the Solicitor

General's Enforcement Standards for Lawful Interception of Telecommunications (Rev. Nov. 95). These standards may be amended from time to time following consultation with the Solicitor General of Canada and licensees.

Licensees may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with the Solicitor General of Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.

---

**From:** Duane.Rudeen@ic.gc.ca [mailto:Duane.Rudeen@ic.gc.ca]

**Sent:** October 14, 2011 10:20 AM

**To:** Kingsley, Michèle

**Cc:** MacDonald, Michael; Plunkett, Shawn; Moshonas, Jennifer; Emmett, Jamie; Suneil.Kanjeekal@ic.gc.ca

**Subject:** RE: 700 and 2500 MHz auction consultation

Hi Michele

We have undertaken a preliminary review of your proposals and have a couple questions:

1) Regarding the changes to the SolGen Standards. Are the indicated changes official or proposed? Our current Conditions of Licence refer to a revised (in 1995) version which is the official version supplied to Industry Canada at that time and to which all current radiocommunication carrier spectrum licences refer. If the SolGen Standards have now been changed to [REDACTED] and the wording adjusted, we will need a formal letter indicating this as it could affect all of our existing spectrum licences with this Condition. And we will likely need to inform our licensees that the Standards have been revised.

2) Regarding your proposed changes to the wording of our Licence Condition, we understand the justification for [REDACTED]

Should you wish to discuss this further please call me. In the meantime, we will continue to review what you have currently submitted.

Duane Rudeen

Technical Policy Analyst | Analyste de politiques techniques

Spectrum Management Operations Branch | Direction générale des opérations de la gestion du spectre

Industry Canada | Industrie Canada

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

duane.rudeen@ic.gc.ca

Telephone | Téléphone 613-998-3850

Facsimile | Télécopieur 613-991-3514

**From:** Kingsley, Michèle [mailto:Michele.Kingsley@ps-sp.gc.ca]

**Sent:** Wednesday, October 12, 2011 5:40 PM

**To:** Hill, Peter: DGSO-DGOGS

**Cc:** MacDonald, Michael; Rudeen, Duane: DGSO-DGOGS; Plunkett, Shawn; Moshonas, Jennifer; Emmett, Jamie

**Subject:** 700 and 2500 MHz auction consultation

Hi Peter,

As discussed yesterday, you'll find attached our comments on the need for the lawful access condition of licence as well as our proposed updating of the condition and SGES.

I'm happy to discuss further. Thanks again for the opportunity to comment.

Au plaisir,

Michèle

**Michèle Kingsley**

Director, Investigative Technologies and Telecommunications Policy | Directrice, Technologies d'enquêtes et politiques des télécommunications

National Security Operations | Opérations de la sécurité nationale

Public Safety Canada | Sécurité publique Canada

613.949.3181 / [michele.kingsley@ps-sp.gc.ca](mailto:michele.kingsley@ps-sp.gc.ca)

## Plunkett, Shawn

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**From:** Plunkett, Shawn  
**Sent:** November-01-11 4:31 PM  
**To:** 'Duane.Rudeen@ic.gc.ca'  
**Cc:** Suneil.Kanjeekal@ic.gc.ca; Kingsley, Michèle; Moshonas, Jennifer  
**Subject:** RE: 700 and 2500 MHz auction consultation

Duane,

Many thanks for the opportunity to comment. We agree with your approach on removing circuit switch

In light of this, we would recommend the following be included in the public consultation. We recommend that, given that this consultation is to focus on the condition of licence, that the lawful interception condition be stated first with the standards second. We would also recommend including the exact wording of the proposed condition of licence.

Certain spectrum licences contain a lawful interception condition of licence. As part of this condition of licence, standards for lawful interception, entitled the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*, were developed. These standards were last revised in 1995.

Industry Canada is proposing making changes to the lawful interception condition of licence, in order to bring the wording in line with current technologies. The proposed change is to remove the text "circuit-switched voice telephony" from the lawful intercept condition. This proposed change does not affect existing spectrum licences issued under other licensing processes. Furthermore, licensees will continue to be able to apply for forbearance from the condition.

[Insert revised condition of licence]

In order to update the standards, Public Safety Canada is proposing minor modifications to the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*,

For more information on proposed changes to the Standards, please contact Public Safety Canada at 1-800-830-3118 or refer to the Public Safety Canada website at <http://www.publicsafety.gc.ca>.

We would like to caveat that that we are beginning the process of discussing with our communications people how to contact us. Therefore, there may be some changes to the contact info for Public Safety.

We would be happy to discuss this with you should you wish to make further changes to this section of the public consultation. We would also be grateful for the final version that is sent forward.

Thanks again.

Shawn Plunkett  
Senior Policy Analyst / Analyste principale des politiques  
National Security Technologies/Technologies de Sécurité Nationale  
National Security Operations Directorate / Direction des Opérations de Sécurité Nationale  
Public Safety Canada / Sécurité Publique Canada  
Tel: (613) 990-7066  
Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)

**From:** Duane.Rudeen@ic.gc.ca [mailto:Duane.Rudeen@ic.gc.ca]  
**Sent:** October 31, 2011 1:18 PM  
**To:** Plunkett, Shawn  
**Cc:** Suneil.Kanjeekal@ic.gc.ca  
**Subject:** RE: 700 and 2500 MHz auction consultation

Hi Shawn

For your information, we have decided to propose removing the reference to circuit switched [REDACTED]

Furthermore, we will not be consulting on the wording changes in the Standards however we will make note that the "owner" and some modifications are being made and that they should contact you.

Proposed wording will be something like this (subject to editorial mods):

The existing standards for Lawful Intercept referred to in Industry Canada's conditions of licence are known as the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* with the last revision taking place in November 1995. In the early 2000's, the responsibility for several organizations under the Department of Solicitor General of Canada was transferred to the newly created Department of Public Safety Canada. Public Safety Canada now retains the authority to revise the Standards and has informed Industry Canada that it intends to modify the Standards [REDACTED]

[REDACTED] For more information on any changes to the Standards, please contact Public Safety Canada at <http://www.publicsafety.gc.ca/abt/contact-eng.aspx>

With respect to the wording changes in Industry Canada's condition of licence for Lawful Intercept, Industry Canada is proposing to remove the text referring to "circuit-switched voice telephony" in order to bring the wording in line with current technologies. [REDACTED]

[REDACTED] The proposed change does not affect existing spectrum licences issued under other licensing processes and, furthermore, licensees will continue to be able to apply for forbearance from the condition.

We would like to make sure we are not overstating PSC's intent particularly in the first paragraph above. We need a quick response on this one.

Thanks

Duane

**From:** Plunkett, Shawn [mailto:Shawn.Plunkett@ps-sp.gc.ca]  
**Sent:** Wednesday, October 26, 2011 11:36 AM  
**To:** Rudeen, Duane: DGSO-DGOGS  
**Cc:** Kanjeekal, Suneil: DGSO-DGOGS; Kingsley, Michèle; Hill, Peter: DGSO-DGOGS; MacDonald, Michael; Moshonas,



Jennifer; Emmett, Jamie

**Subject:** RE: 700 and 2500 MHz auction consultation

Duane,

Apologies for the delay. Please find responses to your questions below. Should you have any questions or comments, do not hesitate to contact us.

- 1) In response to question 1, we regard these changes as proposed. We believe that the 700 and 2500 MHz spectrum auction is an excellent opportunity to begin the process of consulting with relevant stakeholders regarding their view of changes to condition of licence and the Solicitor General Enforcement Standards (SGES). [REDACTED] we consider it appropriate to consult on proposed changes with all affected stakeholders. We would like to work with Industry Canada on the proposed changes.

[REDACTED]

As many of the past spectrum licenses make specific reference to the "SGES (Rev. Nov. 1995)", [REDACTED]

We would appreciate Industry Canada's input into this matter as well.

- 2) In response to question 2, [REDACTED]

[REDACTED]

However, for the sake of clarity and to minimize changes, we would propose to use the following in lieu of our previous submission:

[REDACTED]

Again we very much welcome this opportunity to continue this important dialogue and would be happy to discuss should you have any additional questions.

*Shawn Plunkett*

*Senior Policy Analyst / Analyste principal des politiques*

*National Security Technologies/Technologies de Sécurité Nationale*

*National Security Operations Directorate / Direction des Operations de Sécurité Nationale*

*Public Safety Canada / Sécurité Publique Canada*

*Tel: (613) 990-7066*

*Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)*

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**From:** Duane.Rudeen@ic.gc.ca [mailto:Duane.Rudeen@ic.gc.ca]

**Sent:** October 14, 2011 10:20 AM

**To:** Kingsley, Michèle

**Cc:** MacDonald, Michael; Plunkett, Shawn; Moshonas, Jennifer; Emmett, Jamie; Suneil.Kanjeekal@ic.gc.ca  
**Subject:** RE: 700 and 2500 MHz auction consultation

Hi Michele

We have undertaken a preliminary review of your proposals and have a couple questions:

1) Regarding the changes to the SolGen Standards. Are the indicated changes official or proposed? Our current Conditions of Licence refer to a revised (in 1995) version which is the official version supplied to Industry Canada at that time and to which all current radiocommunication carrier spectrum licences refer. If the SolGen Standards have now been changed to [REDACTED] and the wording adjusted, we will need a formal letter indicating this as it could affect all of our existing spectrum licences with this Condition. And we will likely need to inform our licensees that the Standards have been revised.

2) Regarding your proposed changes to the wording of our Licence Condition, we understand the justification for removing the reference to "circuit-switched voice telephony" [REDACTED]

Should you wish to discuss this further please call me. In the meantime, we will continue to review what you have currently submitted.

Duane Rudeen

Technical Policy Analyst | Analyste de politiques techniques

Spectrum Management Operations Branch | Direction générale des opérations de la gestion du spectre

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duane.rudeen@ic.gc.ca

Telephone | Téléphone 613-998-3850

Facsimile | Télécopieur 613-991-3514

---

**From:** Kingsley, Michèle [mailto:Michele.Kingsley@ps-sp.gc.ca]

**Sent:** Wednesday, October 12, 2011 5:40 PM

**To:** Hill, Peter: DGSO-DGOGS

**Cc:** MacDonald, Michael; Rudeen, Duane: DGSO-DGOGS; Plunkett, Shawn; Moshonas, Jennifer; Emmett, Jamie

**Subject:** 700 and 2500 MHz auction consultation

Hi Peter,

As discussed yesterday, you'll find attached our comments on the need for the lawful access condition of licence as well as our proposed updating of the condition and SGES.

I'm happy to discuss further. Thanks again for the opportunity to comment.

Au plaisir,

Michèle

**Michèle Kingsley**

Director, Investigative Technologies and Telecommunications Policy | Directrice, Technologies d'enquêtes et politiques  
des télécommunications

National Security Operations | Opérations de la sécurité nationale

Public Safety Canada | Sécurité publique Canada

613.949.3181 / [michele.kingsley@ps-sp.gc.ca](mailto:michele.kingsley@ps-sp.gc.ca)

**Unclassified**

DATE: November 2, 2011

File No.: 6951-8 / 383554

**MEMORANDUM FOR THE ASSISTANT DEPUTY MINISTER**

c.c.: Gina Wilson

c.c.: Stéphanie Durand

**700 AND 2500 MHZ PUBLIC CONSULTATION  
ON THE LAWFUL INTERCEPTION CONDITION OF LICENCE**

(Information Only)

**ISSUE**

To provide an update on the public consultation for the 700 and 2500 MHz spectrum auction with respect to the lawful interception condition of spectrum licence. This is further to the memo received in July 2011, TITLE

**BACKGROUND**

Industry Canada (IC) is planning spectrum auctions for late 2012 or early 2013 to allocate spectrum in the 700 MHz and 2500 MHz bands. In the summer of 2011, IC held a public consultation on the design of these auctions. During this consultation, Public Safety Canada (PSC) submitted comments to IC on the national security considerations related to the auctions. Specifically, PSC indicated in its public comments that it would be seeking to modernize the framework guiding interception requirements and noted that this may include changes to the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*

IC is now planning a further public consultation for the 700 MHz and 2500 MHz auction, specifically on the conditions of spectrum licence. Certain spectrum licences contain a lawful interception condition of licence and PSC has been working with IC to review changes to this particular condition. Prior to the implementation of lawful access legislation, the lawful interception condition is the primary instrument for public safety agencies to compel telecommunications companies to provide court authorized intercepts.

The lawful interception condition also refers to standards for lawful interception, entitled the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*, a set of 23 standards that list the technical requirements needed by for law enforcement and national security agencies for lawful interception. These standards were last revised in 1995. PSC is also proposing minor modifications to modernize the Enforcement Standards.

Drafted: NSOD/Plunkett; November 1, 2011

Consulted:

000213

## CURRENT STATUS

As a result of PSC's previous input into the public consultation on the 700 and 2500 MHz auction, Industry Canada has consulted PSC on the lawful interception condition of licence. PSC responded by recommending that IC continue to include a lawful interception as a condition of licence and to remove reference to "circuit-switched voice telephony" in the condition of licence. PSC also indicated to Industry Canada that it will be proposing minor modifications to the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*;

[REDACTED]

We expect that these recommendations will form part of the public consultation. With respect to the Solicitor General's Standards, PSC had indicated to Industry Canada that we would be proposing [REDACTED] minor modifications to the standards. The proposed changes are:

[REDACTED]

## NEXT STEPS

Industry Canada has stated that the launch of the public consultation for the condition of licences is tentatively scheduled for early December 2011. National Security Operations will continue to work with Industry Canada on the lawful interception condition of licence in preparation for the public consultation. As part of this process, Public Safety Canada will be proposing minor changes to the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*. We will be working with PSC Communications to identify the most appropriate method to communicate these proposed changes to stakeholders. This may include a reference to the Public Safety Canada website and a listing of the PSC 1-800 number in Industry Canada's public consultation.

Should you require additional information, do not hesitate to contact me at (613) 990-4976, or Michèle Kingsley, Director, National Security Technologies at (613) 949-3181.

Michael MacDonald  
Director General  
National Security Operations

Prepared by: Shawn Plunkett

**Speaking Notes  
for**

**William Baker  
Deputy Minister of Public Safety Canada**

***“Balancing Innovation and Competitiveness with  
Public Safety: The Road Ahead”***

**At the  
8<sup>th</sup> Annual  
Insight Telecommunications Forum**

**Ottawa Convention Centre  
Ottawa, Ontario**

**November 2, 2011**

*Check against delivery*

- Thank you so much for that kind introduction,  
and for inviting me to speak to you today.
- I'm encouraged to see forums like this one  
taking place here in Ottawa. Everyone here  
— whether government or private sector —  
has a vested interest in addressing the  
challenges, and seizing the opportunities,  
presented by our digital networks.
- Together, we all face a common challenge::  
How to promote innovation, competitiveness  
and economic growth in the digital realm, as

well as ensure safety and security of our  
networks?

- We all understand the importance of emerging technology and a driver of economic growth. Yet, as Deputy Minister of Public Safety Canada, my priority is the safety and security of Canadians. How best to keep our networks, our information and our citizens safe is a critical function of our public safety community.
- There are many unknowns in terms of cyber security: How do we protect our private



information? What's the best way to detect a hacker before they strike? How do we reassure our citizens and our customers that they can trust our networks?

- Two things are clear.
- First and foremost, economic growth and cyber security are highly integrated and mutually reinforcing — in other words, we cannot sacrifice one for the other. They must both grow and improve in tandem.

- Secondly, it is only with improved collaboration and information-sharing among partners that we can find that mid-point, that balancing point, where everyone benefits.
- Despite our different roles and the competitive relationships among you, everybody here has a common interest in securing cyberspace and in expanding the digital economy.
- Everybody here has a business and security interest in ensuring Canada's information

infrastructure is resilient enough to function in the face of physical or digital threats.

- As you know, intellectual property theft and malicious cyber attacks cost businesses around the world billions of dollars a year, and those attacks come over global telecommunications infrastructure.
- I'm quite certain, however, that I don't need to throw statistics at you. You know full well the costs in terms of lost dollars and lost confidence if your networks aren't up and

running 24-7. It's literally your bread and butter if your networks are compromised.

- And at the federal level, we now deliver 130 essential services to Canadians almost exclusively online.
- So we have to be confident that those networks are working and that they are secure. The days of sitting back and hoping for the best are long gone.

## **Innovation and Competitiveness**

- In addition to the importance of the infrastructure you collectively operate, your companies are also major innovators and contributors to Canada's economic prosperity.
- Consequently, your own corporate networks contain valuable information that others seek.
- As dependence on the digital infrastructure increases and the value of the information online rises, so too do the consequences when that information is compromised.

- We have all witnessed a transformation in the cyber threat. The motivation of attackers has changed. They're no longer in it for the notoriety and fame. Attackers have realized that they can use their skills to make money — a lot of it. And this is done at our expense.
- While the openness of our markets and society make Canada an attractive partner for trade, these same factors also make Canada more vulnerable to espionage.

- Both traditional and cyber espionage continue to pose a serious threat to Canadian interests.
- In the past, espionage activity was linked with foreign states seeking political and military intelligence. Today, this activity increasingly targets commercial and private sectors, with cyber criminals looking for information on technology and product development, manufacturing processes and research initiatives, as well as negotiation details and financial transactions.

- All of this information can assist other countries in gaining an economic advantage or enabling foreign companies to establish a market edge using Canadian technologies and innovation.
  
- All this to say that ultimately our shared interest is in ensuring that individual Canadians and Canadian businesses trust our infrastructure, our products, our services and our institutions.



## **Public Safety's Role in Securing Digital**

### **Networks**

#### **Critical Infrastructure**

- For decades now, telecommunications networks have been considered “critical infrastructure.” But today there can be little doubt that they are the most critical infrastructure we have.
- It is the foundation upon which everything else rests: national security, public services and utilities, transportation and banking. In

essence, it underpins virtually all economic activity, and much of our daily lives.

- Reliable, cutting-edge and cost-competitive telecommunications infrastructure is one of Canada's competitive advantages and must remain so.
- But a strong network must be a secure network.
- The Government of Canada recognizes how important digital infrastructure is to Canada's

national security, economic prosperity and  
quality of life.

- As the department responsible for policy  
development on matters of national security  
and crime prevention, Public Safety Canada  
leads the whole-of-government effort to bolster  
our shared digital networks on many levels,  
and with many partners, domestically and  
internationally.
- In this regard, Public Safety has been the lead  
department for two key policy initiatives  
launched by the Government of Canada in the

past year and a half, to deliver on our share of that responsibility.

- In May 2010, *Canada's National Strategy and Action Plan for Critical Infrastructure* was launched.
- The Strategy is Canada's game plan for addressing the full range of risks to our vital assets and systems — all of which form the backbone of our economy, our security, our health and our way of life.

- And, as some of our critical infrastructure straddles the border with the US — such as energy and transportation networks — we also signed an Action Plan last year with the United States to establish a cross-border approach to strengthening the resilience of our vital assets and systems.
- As part of our National Strategy, the first National Cross-Sector Forum took place in December 2010, bringing together national leaders from the 10 critical infrastructure sectors, as well as government and private sector stakeholders. This group will meet

continue to meet regularly to identify key assets and systems, to discuss common vulnerabilities and interdependencies, and to establish an information-sharing framework as we move forward.

### Cyber Strategy

- In the same way that securing critical infrastructure is a shared responsibility, so too is cyber security.
- Today, criminals are increasingly turning to the anonymity and global reach of the Internet to steal identities and commit fraud.

- Terrorists are using the Internet for recruitment, propaganda, information sharing and planning.
- And foreign governments exploit cyberspace for economic, commercial, political and military advantage.
- The threat is real and evolving.

- In October 2010, Canada's *Cyber Security Strategy* was launched as our overarching plan to meet the growing cyber threat.
- It integrates activities already underway, introduces new initiatives, and identifies the scope of a long-term, comprehensive approach to secure cyberspace for Canadians.
- The Strategy rests heavily on partnerships, collaboration and information-sharing. This means working with government at all levels, with the private sector, with international



partners, and importantly, with individual  
citizens.

- The Strategy is built on three pillars.
- First, we are enhancing the security of government systems to better protect the private information of Canadians, the corporate information of business, and sensitive economic and national security information to ensure the continued delivery of services.

- Second, we are collaborating with our provincial, territorial, private sector and international partners to jointly implement ways to enhance information-sharing, improve our mutual understanding of the cyber threat and contribute to each other's efforts to mitigate threats and attacks.
- And third, we are working to help Canadians stay safe online. Last month, we launched the "get cyber safe" website as part of Cyber Security Awareness Month. This new resource contains information and straight-forward tips that will help Canadians become

more aware of their role in cyber security,  
including basic security practices and  
measures they can take to protect themselves  
and their families online.

- We are making good progress on the other  
pillars, as well. As just one example, we  
established the Canadian Security  
Telecommunications Advisory Council late last  
year — in fact some of you here may have  
been at that inaugural meeting. This is a  
forum for senior executives from the public  
and private sectors to exchange information  
and collaborate on common cyber security

issues. We look forward to continuing this important dialogue on a regular basis.

### Legislation/Regulation

- Another area of focus at the federal level is the ongoing work to update laws and regulations to reflect the reality of the digital world. Over the past few years, the government passed two pieces of legislation that address Identity Theft and strengthen Anti-Spam laws.
- Further, my department is supporting the government's efforts to re-introduce legislation that would provide authorities with the tools

they need to fulfill their mandates in the modern era.

- We know that the availability of new technologies, along with the rapid growth of connectivity to the Internet, have created serious challenges for our law enforcement and security agencies.
- That's because the legislation that authorizes the interception of communications was designed nearly 35 years ago. Our laws have simply not kept pace with advancements in technology.

- On the Public Safety side, we are responsible for legislation that will ensure that telecommunications service providers have the technical ability to comply with judicial authorizations to intercept communications. It will also clarify the authority to access basic subscriber information.
- The Department of Justice is working on related legislation to modernize the investigative powers in the *Criminal Code*, the *Competition Act* and the *Mutual Legal Assistance in Criminal Matters Act*. This will ensure that law enforcement agencies are

able to meet the challenges posed by new technologies. This legislation would also allow Canada to ratify the *Council of Europe's Convention on Cybercrime*.

- In the coming months, these legislative proposals, commonly called Lawful Access, will be re-introduced.
- The fact is that if Canada's police forces are to have access to the information they need to keep our communities and country safe, they must keep pace with the technology being used by criminals and terrorists. And that is

exactly what the legislation will allow them to do.

- We are also seeking to modernize the regulatory framework guiding interception requirements, which may include updating the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*.
- Updating this framework will ensure that the interception needs of law enforcement and national security agencies are met and that public safety agencies are able to keep pace



with the constantly changing technological environment.

- So this paints a picture in broad strokes of the some of the challenges, strategies and legislative efforts involved with digital security at the federal level.
- I'd now like to touch on some key areas of interest, to us and to all you here, which fall within this balancing act of promoting economic competitiveness and innovation, while ensuring that we have a strong and resilient telecommunications network.

## Liberalization

- An area of high interest for our Government — and I suspect most of you in the room — is the “liberalization” of foreign investment restrictions in Canada’s telecommunications sector.
- Public Safety Canada recognizes the economic advantages of reducing or removing restrictions on foreign investment in the Canadian telecommunications sector.

- Yet, we must also consider, however, that any liberalizing efforts may have significant implications from a national security perspective.
- Information and communications technologies are a critical infrastructure and our government has a requirement to protect them. This is a sensitive sector for national security and the considerations are very complex.
- Without implementing the appropriate mitigation strategies, lessening the current

restrictions on foreign investment has the possibility to create new and exacerbate existing security challenges.

- Increasing foreign investment may allow for an increase in data traffic and equipment outside of Canadian jurisdictions. This could result in companies operating or providing services in Canada that are outside the purview of Canadian laws.
- This would impede our ability to investigate and prevent major crimes and terrorism as

well as impede our ability to protect the  
privacy of Canadians.

- Over the years, the Government of Canada  
and Canadian telecommunications companies  
have worked together closely in order to  
ensure that law enforcement agencies have  
the tools they need to effectively investigate  
and prosecute criminal activities and terrorism.
- With an increasing number of new entrants  
into the Canadian telecommunications market,  
the need for legislation requiring intercept-  
capable networks is paramount to ensure that

Canadian authorities maintain their investigative and intelligence gathering capabilities of law enforcement agencies and national security agencies are appropriately maintained.

- Canadian legislation doesn't yet require service providers to build or maintain intercept-capable equipment. So, even if law enforcement has the judicial authority to intercept communications, providers may not have the technical capabilities in place to comply.

- Other countries with more liberalized telecommunications regimes have measures and laws in place to ensure adequate control over networks — some of which Canada does not yet have in place.
- Without the appropriate safeguards in place, the loosening of current restrictions could also further expose our digital networks, and the users and services that rely on them, to an increased threat of cyber espionage and denial of service attacks.

- Public Safety Canada is working with Industry Canada to address these concerns and to develop meaningful mitigation strategies as these issues move forward.

### 700 MHz

- Another area of much focus in the digital realm right now is the upcoming auction of the 700 Megahertz band of radio spectrum.
- The conversion of broadcast television from analog to digital signals provides a tremendous opportunity to secure a portion of



the vacated 700 MHz spectrum for the public safety community.

- The excellent qualities of this frequency band could lay the foundation for truly interoperable national mobile broadband communications. This will allow public safety agencies to better plan, coordinate, and execute their missions, for their day-to-day operations and when responding to crisis events.
- This past February, Public Safety Canada submitted its response to Industry Canada's

public consultations on the auctioning off of  
the 700 Megahertz spectrum.

- This response included the national security concerns raised a moment ago relating to liberalizing Canada's foreign investment restrictions. It also included a recommendation regarding the public safety and emergency management usage of the 700 Megahertz spectrum.
- My department recommended that 20 MHz of bandwidth from this 700 MHz spectrum be set aside for public safety purposes. This

recommendation is supported by provincial and territorial ministers responsible for emergency management, as well as emergency responder associations.

My Department is working with Industry Canada to ensure that the economic benefits of this auction are balanced with Public Safety's needs and concerns.

## GNSS

- A third priority that is not often associated with the telecommunications sector is the range of the challenges related to Global Navigation

Satellite Systems. The most commonly known system is the Global Positioning System, or GPS, which was developed by the United States and has exploded in use.

- It's hard to imagine what we did before GPS — it's available around the world, it's reliable and accurate, and it's free. For these reasons, along with the fact that it is just plain fascinating to be able to pinpoint where you are on the planet, GPS has become increasingly integrated into every aspect of our lives.

- In fact, all of Canada's critical infrastructure sectors rely on GPS in some way. For example, banks use the GPS clock to time-stamp transactions; and the transportation industry uses GPS to get them where they need to go quickly and efficiently.
- On the Public Safety side, first responders use GPS to navigate the shortest route to an incident site, which improves response times. GPS is also used to help locate emergency beacon signals during search and rescue operations. This system, known as Search and Rescue Satellite Aided Tracking, or

SARSAT, has been credited with saving more than 24,000 lives worldwide since its inception in the 1980s.

- However, like any technology, these systems are subject to threats and vulnerabilities.

Ground stations that control the satellites and receive data could become the targets of cyber or terrorist attacks.

- Furthermore, GPS uses a relatively weak signal and the information must travel a long distance, making the signal vulnerable to

intentional or unintentional jamming, including radiation and solar storms.

- At best, an interruption in this service, intentional or not, could result in an inconvenience and degradation in service.
- However, a prolonged service interruption could have significant consequences for the safety and security of Canadians.
- In truth, we don't yet fully understand what the impact would be if there was a prolonged

service disruption. And that is a sobering thought.

- From a Canadian perspective, the Department of National Defence is studying this issue, in close collaboration with Public Safety Canada and other stakeholders, to help predict the effects of GPS loss, to see what other countries are doing to address these issues and to develop some mitigation strategies.

That report is expected in early 2012.

Partnerships are Key



- As you can see, our digital networks are highly complex and interconnected. The ever-evolving and diverse nature of this critical infrastructure means that it doesn't really belong to anyone, and yet, it belongs to all of us in some way. Government, business, citizens — we are all users of digital networks, and we are all creating the content and defining the mechanisms of those networks.
- Certainly our cyber networks offer untold economic opportunities. And at the same time, without the proper mechanisms in place

to keep our digital networks resilient and  
secure, we are all vulnerable.

- That's why we must work together.
- We throw around the words “partnership” and “collaboration” a lot in government circles, but on an issue of this magnitude, we simply cannot afford to move forward separately. There is too much at stake.

- Fortunately, Canada's public and private sectors already share a long history of working

together to achieve economic, national  
security and public safety goals.

- We must continue this close relationship. We must share information amongst ourselves about the threats we face, and our best approaches to mitigation. We must share ideas on shaping our operating environment to allow for more resiliency and security.
- Albert Einstein once said: *“Life is like riding a bicycle. To keep your balance, you must keep moving.”*

- So let's keep moving forward together to find the appropriate balance between the desire to innovate and grow economically, with the need to ensure our telecommunications networks are resilient and secure.
- I look forward to having more opportunities to discuss these critical issues with you, and to work together on finding that balance in the coming months and years.
- On that note, I will conclude my remarks and take a few questions. Thank you for your kind attention, and enjoy the rest of your forum.

**Unclassified**

DATE: November 3, 2011

File No.: 6951-8 / 383554

**MEMORANDUM FOR THE ASSISTANT DEPUTY MINISTER**

c.c.: Gina Wilson

c.c.: Stéphanie Durand

**700 AND 2500 MHZ PUBLIC CONSULTATION  
ON THE LAWFUL INTERCEPTION CONDITION OF LICENCE**

(Information Only)

**ISSUE**

To provide an update on the public consultation process for the 700 and 2500 MHz spectrum auction with respect to the lawful interception condition of spectrum licence.

**BACKGROUND**

Industry Canada (IC) is planning an auction anticipated for early 2013 to allocate spectrum in the 700 MHz and 2500 MHz bands. In the summer of 2011, IC held a public consultation on the design of these auctions. This consultation was of significant interest to Public Safety Canada (PS) as its outcome will have important emergency management and national security implications. As such, PS submitted comments, as part of IC's consultation, from both perspectives. With respect to emergency management, PS recommended a portion of spectrum be designated for public safety use.

From a national security perspective, [REDACTED]

PS also submitted public comments as part of this consultation that indicated it would be seeking to modernize the licensing framework guiding interception requirements and noted that this may include changes to the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)*.

IC is now planning a further public consultation for the 700 MHz and 2500 MHz auction, specifically on the conditions of spectrum licence. Certain spectrum licences contain a lawful interception condition of licence and PS has been working with IC to review changes to this condition. Prior to the implementation of lawful access legislation, the lawful interception condition is the primary instrument for public safety agencies to compel telecommunications companies to provide court authorized intercepts. [REDACTED]

In addition, the lawful interception condition states that licencees must meet the *Sol Gen Standards*, a set of 23 standards that list the technical requirements needed by for law enforcement and national security agencies for lawful interception. These standards were last revised in 1995.

### **CURRENT STATUS**

As part of the next phase of consultation for the spectrum auction design, IC has consulted PS on the lawful interception condition of licence. PS is recommending that IC continue to include a lawful interception as a condition of licence and to remove reference to "circuit-switched voice telephony" in the condition of licence. PS also indicated to IC that it will be proposing minor modifications to the *Sol Gen Standards*.

[REDACTED]

We expect that these recommendations will form part of the public consultation. With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing [REDACTED] minor modifications to the standards. However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process. The proposed changes are:

[REDACTED]

### **NEXT STEPS**

IC has indicated that the launch of the public consultation for the condition of licences is tentatively scheduled for early December 2011. National Security Operations (NSO) will continue to collaborate with IC on modifications to the lawful interception condition of licence in preparation for the public consultation. NSO will also engage PS Comms to identify the most appropriate method to communicate our proposed changes to the *Sol Gen Standards* to stakeholders. This may include a reference to the Public Safety Canada website and a listing of the PSC 1-800 number in IC's public consultation.

Should you require additional information, do not hesitate to contact me at (613) 990-4976, or Michèle Kingsley, Director, National Security Technologies at (613) 949-3181.

Michael MacDonald  
Director General  
National Security Operations

Prepared by: Shawn Plunkett

**Plunkett, Shawn**

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**From:** Plunkett, Shawn  
**Sent:** November-03-11 12:46 PM  
**To:** Kousha, Hasti  
**Cc:** Pilon, Claude; Slatkoff, Ari  
**Subject:** RE: [REDACTED]

**Categories:** Blue Category

Hi Hasti, [REDACTED]

Perhaps we could discuss and I can brief you on our previous discussions when you have a moment?

Thanks.

Shawn. 990-7066.

---

**From:** Kousha, Hasti  
**Sent:** November 3, 2011 12:25 PM  
**To:** Plunkett, Shawn  
**Cc:** Pilon, Claude; Slatkoff, Ari  
**Subject:** RE: [REDACTED]

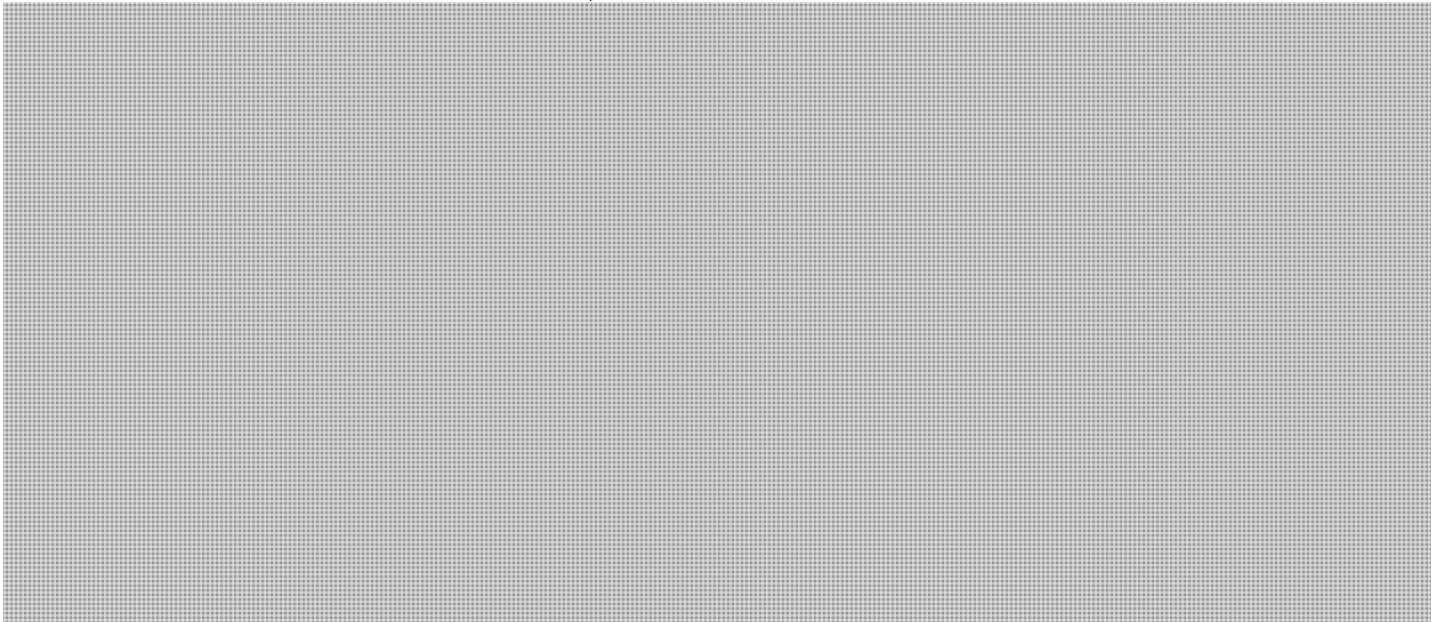
Hi Shawn,

Thank you,  
Hasti

---

**From:** Plunkett, Shawn  
**Sent:** November 3, 2011 11:52 AM  
**To:** Kousha, Hasti  
**Cc:** Pilon, Claude  
**Subject:** [REDACTED]

Hi Hasti,



Thanks very much. Should you require further clarity, I can be reached at 990-7066.

*Shawn Plunkett*  
*Senior Policy Analyst / Analyste principal des politiques*  
*National Security Technologies/Technologies de Sécurité Nationale*  
*National Security Operations Directorate / Direction des Operations de Sécurité Nationale*  
*Public Safety Canada / Sécurité Publique Canada*  
*Tel: (613) 990-7066*  
*Email: shawn.plunkett@ps.gc.ca*



1/3  
7 NOV 2011

**UNCLASSIFIED**

DATE:

File No.: 6951-8 / 383554

**MEMORANDUM FOR THE ASSISTANT DEPUTY MINISTER**

c.c.: Gina Wilson

c.c.: Stéphanie Durand

**700 AND 2500 MHZ PUBLIC CONSULTATION  
ON THE LAWFUL INTERCEPTION CONDITION OF LICENCE**

(Information Only)

**ISSUE**

To provide an update on the public consultation process for the 700 and 2500 MHz spectrum auction with respect to the lawful interception condition of spectrum licence.

Industry Canada (IC) is planning an auction anticipated for early 2013 to allocate spectrum in the 700 MHz and 2500 MHz bands. In the summer of 2011, IC held a public consultation on the design of these auctions. This consultation was of significant interest to Public Safety Canada (PS) as its outcome will have important emergency management and national security implications. As such, PS submitted comments, as part of IC's consultation, from both perspectives. With respect to emergency management, PS recommended a portion of spectrum be allocated for public safety use.

From a national security perspective, [REDACTED]

PS also submitted public comments as part of this consultation that indicated it would be seeking to modernize the licensing framework guiding interception requirements and noted that this may include changes to the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)*.

A key component of the licensing framework for interception is a lawful interception condition of spectrum licence. In the absence of lawful access legislation, this lawful interception condition is the primary instrument for public safety agencies to compel telecommunications companies to provide court authorized intercepts. [REDACTED]

[REDACTED] The lawful interception condition states that licencees must meet the *Sol Gen Standards*, a set of 23 standards that list the technical requirements needed by for law enforcement and national security agencies for lawful interception. These standards were last revised in 1995.

## CURRENT STATUS

IC is now planning a further public consultation for the 700 MHz and 2500 MHz auction, specifically on the conditions of spectrum licence in December 2011. In this context, we have been working with IC to continue to include a lawful interception as a condition of licence and to remove reference to "circuit-switched voice telephony" in the condition of licence. PS also indicated to IC that it will be proposing minor modifications to the *Sol Gen Standards*.

[REDACTED]

We expect that these recommendations will form part of the public consultation. With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing [REDACTED] minor modifications to the standards. The proposed changes are:

[REDACTED]

However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process, but will indicate in its consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information.

## NEXT STEPS

National Security Operations Directorate (NSOD) will continue to collaborate with IC on modifications to the lawful interception condition of licence in preparation for the public consultation. NSOD will also engage PS Communications to identify the most appropriate method to communicate our proposed changes to the *Sol Gen Standards* to stakeholders. This may include a reference to the Public Safety Canada website and a listing of PS's 1-800 number in IC's public consultation.

Should you require additional information, do not hesitate to contact me at (613) 993-4595, or Michèle Kingsley, Director, Investigative Technologies and Telecommunications Policy at (613) 949-3181.

Michael MacDonald  
Director General  
National Security Operations Directorate

Prepared by: Shawn Plunkett



Public Safety    Sécurité publique  
Canada            Canada

Ottawa, Canada  
K1A 0P8

Bob G,  
FYI.

UNCLASSIFIED

DATE:        **NOV 10 2011**

File No.: 6951-8 / 383554

**MEMORANDUM FOR THE ASSISTANT DEPUTY MINISTER**

c.c.: Gina Wilson

c.c.: Stéphanie Durand

**700 AND 2500 MHZ PUBLIC CONSULTATION  
ON THE LAWFUL INTERCEPTION CONDITION OF LICENCE**

(Information Only)

**ISSUE**

To provide an update on the public consultation process for the 700 and 2500 MHz spectrum auction with respect to the lawful interception condition of spectrum licence.

**BACKGROUND**

Industry Canada (IC) is planning an auction anticipated for early 2013 to allocate spectrum in the 700 MHz and 2500 MHz bands. These are bands of spectrum that were freed up following the transition of television broadcasts to digital format. The 700 MHz spectrum is highly sought after as Telecommunication Service Providers (TSPs) will use this band to launch their new LTE services. The auction is expected to generate billions of dollars for the Government of Canada. In the summer of 2011, IC held a public consultation on the design of these auctions. This consultation was of significant interest to Public Safety Canada (PS) as its outcome will have important emergency management and national security implications. As such, PS submitted comments, as part of IC's consultation, from both perspectives. With respect to emergency management, PS recommended a portion of spectrum be allocated for public safety use.

From a national security perspective, [REDACTED]

[REDACTED] PS also submitted public comments that it would be seeking to modernize the licensing framework guiding interception requirements and noted that this may include changes to the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)*.

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A key component of the licensing framework for interception is a lawful interception condition of spectrum licence. In the absence of lawful access legislation, this lawful interception condition is the primary instrument for public safety agencies to compel telecommunications companies to effect court authorized intercepts. [REDACTED]

### CURRENT STATUS

IC is planning a further public consultation in December 2011 for the 700 MHz and 2500 MHz auctions, specifically on the conditions of spectrum licence. In this context, [REDACTED]

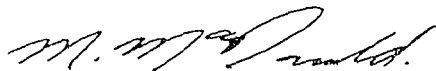
PS also indicated to IC that it will be proposing [REDACTED] minor modifications to the *Sol Gen Standards* as they were last revised in 1995. The proposed changes are: [REDACTED]

[REDACTED] However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process, but will indicate in its consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information.

### NEXT STEPS

The National Security Operations Directorate (NSOD) will continue to collaborate with IC on modifications to the lawful interception condition of licence in preparation for the public consultation. NSOD will also engage PS Communications to identify the most appropriate method to communicate our proposed changes to the *Sol Gen Standards* to stakeholders. This may include a reference to the Public Safety Canada website and a listing of PS's 1-800 number in IC's public consultation.

Should you require additional information, do not hesitate to contact me at (613) 993-4595, or Michèle Kingsley, Director, Investigative Technologies and Telecommunications Policy at (613) 949-3181.



Michael MacDonald  
Director General  
National Security Operations Directorate

Prepared by: Shawn Plunkett

**UNCLASSIFIED**

DATE:

File No.: 6951-8 / 383554

**MEMORANDUM FOR THE ASSISTANT DEPUTY MINISTER**

c.c.: Gina Wilson

c.c.: Stéphanie Durand

**700 AND 2500 MHZ PUBLIC CONSULTATION  
ON THE LAWFUL INTERCEPTION CONDITION OF LICENCE**

(Information Only)

**ISSUE**

To provide an update on the public consultation process for the 700 and 2500 MHz spectrum auction with respect to the lawful interception condition of spectrum licence.

Industry Canada (IC) is planning an auction anticipated for early 2013 to allocate spectrum in the 700 MHz and 2500 MHz bands. In the summer of 2011, IC held a public consultation on the design of these auctions. This consultation was of significant interest to Public Safety Canada (PS) as its outcome will have important emergency management and national security implications. As such, PS submitted comments, as part of IC's consultation, from both perspectives. With respect to emergency management, PS recommended a portion of spectrum be allocated for public safety use.

From a national security perspective,

Public Safety also submitted public comments that it would be seeking to modernize the licensing framework guiding interception requirements and noted that this may include changes to the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)*.

**UNCLASSIFIED**

- 2 -

A key component of the licensing framework for interception is a lawful interception condition of spectrum licence. In the absence of lawful access legislation, this lawful interception condition is the primary instrument for public safety agencies to compel telecommunications companies to effect court authorized intercepts. [REDACTED]

### **CURRENT STATUS**

IC is now planning a further public consultation in December 2011 for the 700 MHz and 2500 MHz auctions, specifically on the conditions of spectrum licence. In this context, we have been working with IC to include a lawful interception as a condition of licence and to remove reference to "circuit-switched voice telephony" in the condition of licence. PS also indicated to IC that it will be proposing minor modifications to the *Sol Gen Standards* as they were last revised in 1995.

[REDACTED]

We expect that these recommendations will form part of the public consultation.

With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing [REDACTED] minor modifications to the standards. The proposed changes are:

[REDACTED]

However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process, but will indicate in its consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information.

.../3

**UNCLASSIFIED**

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**NEXT STEPS**

National Security Operations Directorate (NSOD) will continue to collaborate with IC on modifications to the lawful interception condition of licence in preparation for the public consultation. NSOD will also engage PS Communications to identify the most appropriate method to communicate our proposed changes to the *Sol Gen Standards* to stakeholders. This may include a reference to the Public Safety Canada website and a listing of PS's 1-800 number in IC's public consultation.

Should you require additional information, do not hesitate to contact me at (613) 993-4595, or Michèle Kingsley, Director, Investigative Technologies and Telecommunications Policy at (613) 949-3181.

Michael MacDonald  
Director General  
National Security Operations Directorate

Prepared by: Shawn Plunkett

QUESTION PERIOD NOTE

Date: December 2011  
Classification: UNCLASSIFIED  
Branch / Agency: PS/ NSOD

## Question Period Note

### LAWFUL INTERCEPTION – CONDITION OF SPECTRUM LICENCE

**ISSUE:** Public consultations on the conditions of spectrum licences, notably the lawful interception condition of licence. The *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*, part of the lawful interception condition, will also be publicly consulted in a separate, but parallel process.

#### BACKGROUND:

Prior to lawful access legislation, the primary instrument for public safety agencies to compel telecommunications companies to provide court authorized intercepts was through including a requirement for lawful interception in their spectrum licence. [REDACTED]

[REDACTED] Public Safety Canada and Industry Canada are examining ways to revise the lawful interception condition and will be publicly consulting on proposed changes as part of the upcoming 700 and 2500 MHz auctions.

Industry Canada will be conducting additional public consultations on the conditions of spectrum licence. This consultation will allow stakeholders to comment on the expected conditions that will form part of the 700 MHz and 2500 MHz spectrum licensing regime. This spectrum will be allocated through an auction process that is expected to be launched near the end of 2012. This spectrum auction is expected to generate billions of dollars for the Government of Canada.

Law enforcement and national security agencies require an effective lawful interception capacity in order to investigate crimes and threat to Canadian security. Therefore, the primary concern being addressed with changes to the lawful interception condition of licence, through the public consultation, [REDACTED]

In addition, part of the requirements of the lawful interception condition of licence is for licensees to abide by the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (Solicitor General Standards) - a set of 23 standards that indicate the technical requirements needed by law enforcement and national security agencies for lawful interception. The standards themselves will not be part of the public consultation for the 700 and 2500 MHz auction led by Industry Canada. However, proposed minor modifications of the standards will be consulted through a separate process led by Public Safety Canada. [REDACTED]

A stronger lawful interception condition of spectrum licence, while beneficial to law enforcement and national security agencies, [REDACTED]



## LAWFUL INTERCEPTION – CONDITION OF SPECTRUM LICENCE

### PROPOSED RESPONSE:

- The lawful interception condition and the Solicitor General standards are important tools for law enforcement and national security agencies in the fight against criminal and terrorist-related activity.
- The purpose of updating the lawful interception condition of licence and the Solicitor General Standards is to bring these requirements up to speed with the technological realities of our times.
- I have been working closely with the Minister of Industry, through the upcoming public consultation for the 700 MHz and 2500 MHz spectrum auction, to ensure that stakeholders can comment on proposed changes to the lawful interception condition.
- Until full implementation of this Government's proposed lawful access legislation, the lawful intercept condition of licence remains an important tool in the fight against crime and terrorism.

### CONTACTS:

Prepared by  
Shawn Plunkett  
Senior Policy Advisor

Tel. no.  
613.990-7066 (office)  
[REDACTED] (BB)

Approved by (DG level only)  
Michael MacDonald  
Director General

Tel. no.  
613.990-4976 (office)  
[REDACTED] (BB)

## Thompson, Julie

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**From:** Plunkett, Shawn  
**Sent:** December-02-11 4:46 PM  
**To:** Duane.Rudeen@ic.gc.ca  
**Cc:** 'Suneil.Kanjeekal@ic.gc.ca'; Kingsley, Michèle; Moshonas, Jennifer; 'Filipps, Lisa'  
**Subject:** FW: 700 and 2500 MHz auction consultation

Duane,  
As discussed...

Following discussions with our communications colleagues, we wish to include the following as part of the public consultation document that Industry Canada will release in early January.

For more information on proposed changes to the Solicitor General Enforcement Standards, please contact Public Safety Canada at [communications@ps.gc.ca](mailto:communications@ps.gc.ca) or the General Enquiries line at 1-800-830-3118.

Once you have confirmed the language that is to be included in the public consultation document, grateful if you could provide us with a copy. Also grateful if you could keep us in the loop regarding timing of the release, in order that we can advise our comms colleagues.

Thanks very much.

Shawn

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**From:** Plunkett, Shawn  
**Sent:** November-01-11 4:31 PM  
**To:** 'Duane.Rudeen@ic.gc.ca'  
**Cc:** Suneil.Kanjeekal@ic.gc.ca; Kingsley, Michèle; Moshonas, Jennifer  
**Subject:** RE: 700 and 2500 MHz auction consultation

Duane,  
Many thanks for the opportunity to comment. We agree with your approach on removing circuit switch

In light of this, we would recommend the following be included in the public consultation. We recommend that, given that this consultation is to focus on the condition of licence, that the lawful interception condition be stated first with the standards second. We would also recommend including the exact wording of the proposed condition of licence.

Certain spectrum licences contain a lawful interception condition of licence. As part of this condition of licence, standards for lawful interception, entitled the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*, were developed. These standards were last revised in 1995.

Industry Canada is proposing making changes to the lawful interception condition of licence, in order to bring the wording in line with current technologies. The proposed change is to remove the text "circuit-switched voice telephony" from the lawful intercept condition. This proposed change does not affect existing spectrum licences issued under other licensing processes. Furthermore, licensees will continue to be able to apply for forbearance from the condition.

[Insert revised condition of licence]

In order to update the standards, Public Safety Canada is proposing minor modifications to the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*, [REDACTED]

[REDACTED] For more information on proposed changes to the Standards, please contact Public Safety Canada at 1-800-830-3118 or refer to the Public Safety Canada website at <http://www.publicsafety.gc.ca>.

We would like to caveat that that we are beginning the process of discussing with our communications people how to contact us. Therefore, there may be some changes to the contact info for Public Safety.

We would be happy to discuss this with you should you wish to make further changes to this section of the public consultation. We would also be grateful for the final version that is sent forward.

Thanks again.

Shawn Plunkett  
Senior Policy Analyst / *Analyste principal des politiques*  
National Security Technologies/*Technologies de Sécurité Nationale*  
National Security Operations Directorate / *Direction des Operations de Sécurité Nationale*  
Public Safety Canada / *Sécurité Publique Canada*  
Tel: (613) 990-7066  
Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)

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**From:** [Duane.Rudeen@ic.gc.ca](mailto:Duane.Rudeen@ic.gc.ca) [<mailto:Duane.Rudeen@ic.gc.ca>]  
**Sent:** October 31, 2011 1:18 PM  
**To:** Plunkett, Shawn  
**Cc:** [Suneil.Kanjeekal@ic.gc.ca](mailto:Suneil.Kanjeekal@ic.gc.ca)  
**Subject:** RE: 700 and 2500 MHz auction consultation

Hi Shawn

For your information, we have decided to propose removing the reference to circuit switched [REDACTED]

Furthermore, we will not be consulting on the wording changes in the Standards however we will make note that the "owner" and some modifications are being made and that they should contact you.

Proposed wording will be something like this (subject to editorial mods):

The existing standards for Lawful Intercept referred to in Industry Canada's conditions of licence are known as the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* with the last revision taking place in November 1995. In the early 2000's, the responsibility for several organizations under the Department of Solicitor General of Canada was transferred to the newly created Department of Public Safety Canada. Public Safety Canada now retains the authority to revise the Standards and has informed Industry Canada that it intends to modify the Standards [REDACTED]

[REDACTED] For more information on any changes to the Standards, please contact Public Safety Canada at <http://www.publicsafety.gc.ca/abt/contact-eng.aspx>

With respect to the wording changes in Industry Canada's condition of licence for Lawful Intercept, Industry Canada is proposing to remove the text referring to "circuit-switched voice telephony" in order to bring the

wording in line with current technologies.

The proposed change does not affect existing spectrum licences issued under other licensing processes and, furthermore, licensees will continue to be able to apply for forbearance from the condition.

We would like to make sure we are not overstating PSC's intent particularly in the first paragraph above. We need a quick response on this one.

Thanks

Duane

---

**From:** Plunkett, Shawn [<mailto:Shawn.Plunkett@ps-sp.gc.ca>]  
**Sent:** Wednesday, October 26, 2011 11:36 AM  
**To:** Rudeen, Duane: DGSO-DGOGS  
**Cc:** Kanjeekal, Suneil: DGSO-DGOGS; Kingsley, Michèle; Hill, Peter: DGSO-DGOGS; MacDonald, Michael; Moshonas, Jennifer; Emmett, Jamie  
**Subject:** RE: 700 and 2500 MHz auction consultation

Duane,  
Apologies for the delay. Please find responses to your questions below. Should you have any questions or comments, do not hesitate to contact us.

- 1) In response to question 1, we regard these changes as proposed. We believe that the 700 and 2500 MHz spectrum auction is an excellent opportunity to begin the process of consulting with relevant stakeholders regarding their view of changes to condition of licence and the Solicitor General Enforcement Standards (SGES).

We would like to work with Industry Canada on the proposed changes.

As many of the past spectrum licenses make specific reference to the "SGES (Rev. Nov. 1995)",

We would appreciate Industry Canada's input into this matter as well.

- 2) In response to question 2,

However, for the sake of clarity and to minimize changes, we would propose to use the following in lieu of our previous submission:



Again we very much welcome this opportunity to continue this important dialogue and would be happy to discuss should you have any additional questions.



*Shawn Plunkett*  
*Senior Policy Analyst / Analyste principal des politiques*  
*National Security Technologies/Technologies de Sécurité Nationale*  
*National Security Operations Directorate / Direction des Operations de Sécurité Nationale*  
*Public Safety Canada / Sécurité Publique Canada*  
Tel: (613) 990-7066  
Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)

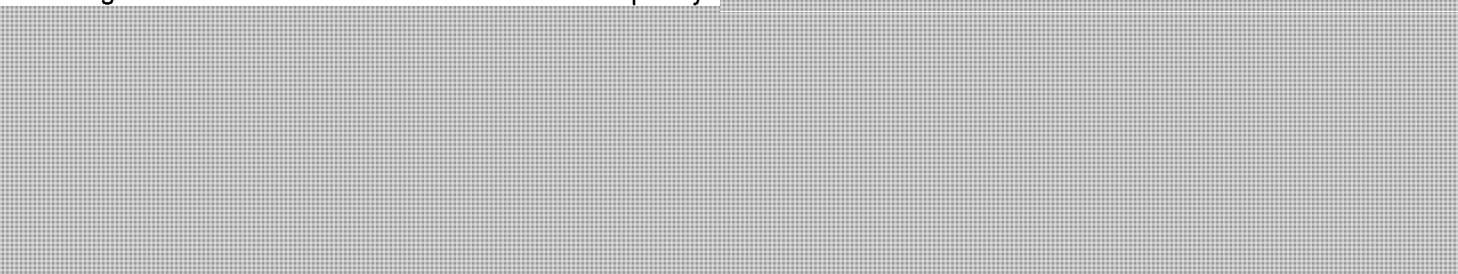
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**From:** [Duane.Rudeen@ic.gc.ca](mailto:Duane.Rudeen@ic.gc.ca) [mailto:Duane.Rudeen@ic.gc.ca]  
**Sent:** October 14, 2011 10:20 AM  
**To:** Kingsley, Michèle  
**Cc:** MacDonald, Michael; Plunkett, Shawn; Moshonas, Jennifer; Emmett, Jamie; [Suneil.Kanjeekal@ic.gc.ca](mailto:Suneil.Kanjeekal@ic.gc.ca)  
**Subject:** RE: 700 and 2500 MHz auction consultation

Hi Michele

We have undertaken a preliminary review of your proposals and have a couple questions:

- 1) Regarding the changes to the SolGen Standards. Are the indicated changes official or proposed? Our current Conditions of Licence refer to a revised (in 1995) version which is the official version supplied to Industry Canada at that time and to which all current radiocommunication carrier spectrum licences refer. If the SolGen Standards have now been changed to  and the wording adjusted, we will need a formal letter indicating this as it could affect all of our existing spectrum licences with this Condition. And we will likely need to inform our licensees that the Standards have been revised.
- 2) Regarding your proposed changes to the wording of our Licence Condition, we understand the justification for removing the reference to "circuit-switched voice telephony" 



Should you wish to discuss this further please call me. In the meantime, we will continue to review what you have currently submitted.

Duane Rudeen

Technical Policy Analyst | Analyste de politiques techniques  
Spectrum Management Operations Branch | Direction générale des opérations de la gestion du spectre  
Industry Canada | Industrie Canada  
300 Slater Street, Ottawa ON K1A 0C8 | 300, rue Slater, Ottawa ON K1A 0C8

[duane.rudeen@ic.gc.ca](mailto:duane.rudeen@ic.gc.ca)

Telephone | Téléphone 613-998-3850

Facsimile | Télécopieur 613-991-3514

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**From:** Kingsley, Michèle [<mailto:Michele.Kingsley@ps-sp.gc.ca>]

**Sent:** Wednesday, October 12, 2011 5:40 PM

**To:** Hill, Peter: DGSO-DGOGS

**Cc:** MacDonald, Michael; Rudeen, Duane: DGSO-DGOGS; Plunkett, Shawn; Moshonas, Jennifer; Emmett, Jamie

**Subject:** 700 and 2500 MHz auction consultation

Hi Peter,

As discussed yesterday, you'll find attached our comments on the need for the lawful access condition of licence as well as our proposed updating of the condition and SGES.

I'm happy to discuss further. Thanks again for the opportunity to comment.

Au plaisir,

Michèle

**Michèle Kingsley**

Director, Investigative Technologies and Telecommunications Policy | Directrice, Technologies d'enquêtes et politiques des télécommunications

National Security Operations | Opérations de la sécurité nationale

Public Safety Canada | Sécurité publique Canada

613.949.3181 / [michele.kingsley@ps-sp.gc.ca](mailto:michele.kingsley@ps-sp.gc.ca)

## **Communications Plan – Public Safety Canada** **Public Consultation to the 700 MHz and 2500 MHz Spectrum Auction**

### **Overview:**

Industry Canada (IC) is planning an auction anticipated for early 2013 to allocate spectrum in the 700 MHz and 2500 MHz bands. Prior to this auction, IC will be holding a second public consultation in early 2012 on the design of the 700 MHz and 2500 MHz auctions, specifically on the conditions of spectrum licence. In this context, we have been working with IC to include a lawful interception as a condition of licence and to remove reference to “circuit-switched voice telephony” in the condition of licence. Public Safety Canada (PS) also indicated to IC that it will be proposing minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)* as they were last revised in 1995.

With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing [REDACTED] minor modifications to the standards. [REDACTED]

However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process, but will indicate in its consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information. We have proposed to IC that they include the PS General Enquiries line (1-800-830-3118) in the public consultation document to handle any public enquiries regarding these proposed changes.

As a result, we expect that affected companies may contact

### **KEY MESSAGES**

#### **If caller is requesting any information relating to the Lawful Interception Condition of Spectrum Licence:**

- *Industry Canada is responsible for the public consultation on the Condition of Licences. Should you wish to make comments on the condition of licence, you can contact Industry Canada at...[Insert IC contact info]*

#### **If caller is seeking a copy of the SolGen Standards:**

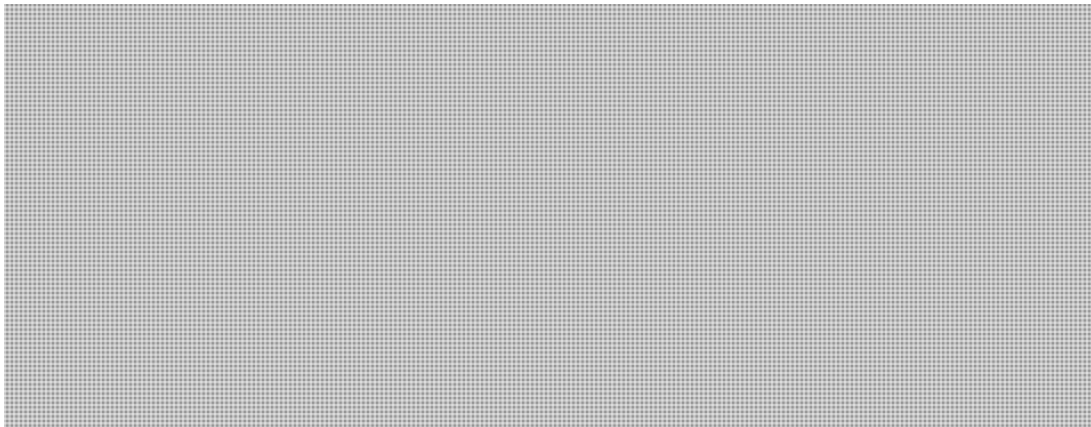
- *Are you requesting a copy as or on behalf of a spectrum licence holder?*
  - Yes, Requesting as a current or potential Spectrum licence holder (or on behalf of)  
*For a copy of the SolGen Standards, please contact Shawn Plunkett, Public Safety Canada at 613.990.7066 (English) or Michèle Kinglsey, Public Safety Canada at 613-949-3181 (Français)*
  - No.

*Unfortunately, the SolGen Standards is not a public document. Should you so choose, you may be able to access the document through the ATIP process.  
[Insert ATIP contact info]*

**If caller is seeking what changes are being made to the SolGen Standards:**

- Requesting as a current or potential spectrum licence holder (or on behalf of)

*As noted in the public consultation document, we are proposing only [redacted] minor modifications [redacted]*



- If further details are requested or if a copy of the changes are requested:

*I would encourage you to contact Shawn Plunkett, Public Safety Canada at 613.990.7066 (English) or Michèle Kinglsey, Public Safety Canada at 613-949-3181 (Français) for more information.*

- Requesting as an individual

*Unfortunately, the SolGen Standards is not a public document. Should you so choose, you may be able to access the document through the ATIP process.  
[Insert ATIP contact info]*

**If caller is seeking to make comments on proposed changes to the SolGen Standards**

- *We welcome your input into For comments on proposed changes you can contact Shawn Plunkett, Public Safety Canada at 613.990.7066 (English) or Michèle Kinglsey, Public Safety Canada at 613-949-3181 (Français)*



**Qs & As:**

**When will these proposed changes take effect?**

**Will these proposed changes impact previous spectrum licences?**

**How will these changes affect the spectrum auction?**


**How will these changes affect my business?**

**Will removing "Circuit-Switched" have a significant impact on our business?**

**MEDIA LINES:**

*[Note there is sensitivity regarding publicizing the SolGen Standards]*

Public Safety Canada is proposing only minor modifications to the SolGen Standards. We are simply updating the language in the standards to reflect the current environment.

As noted in the public consultation, 

At this stage, these changes are only proposed. Once we have received feedback from industry, we will assess the viability of making these changes.

Communications Plan—Public Safety Canada  
Public Consultation to the 700 MHz and 2500 MHz Spectrum Auction

Public Enquiries/Media Relations Messages

Overview **ISSUE:**

Industry Canada (IC) is planning an auction anticipated for early 2013 to allocate spectrum in the 700 MHz and 2500 MHz bands. Prior to this auction, IC will be holding a second public consultation in early 2012 on the design of the 700 MHz and 2500 MHz auctions, specifically on the conditions of spectrum licence. In this context, we have been working with IC to include a lawful interception as a condition of licence and to remove from this condition any reference to “circuit-switched voice telephony”. Public Safety Canada (PS) also indicated to IC that it will be proposing minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)* as they were last revised in 1995.

With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing minor modifications to the standards.

However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process, but will indicate in its consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information. We have proposed to IC that they include the PS General Enquiries email and phone line in the public consultation document to handle any public enquiries regarding these proposed changes.

As a result, we expect that affected companies may contact Public Safety Canada to enquire as to proposed changes to the *Sol Gen Standards*. It should be noted that Public Safety cannot respond to questions surrounding the auction writ large or on any specific condition of licence. Public Safety Canada is only responsible for the *Sol Gen Standards*.

**PROTOCOL**

For Media Relations:

- When a call is received by Media Relations a notification will be sent to the Minister’s Office Director of Communications, the DG of Communications, program communications strategists and the responsible policy sector.
- Media Relations spokespersons will use the messages and Q&As below to formulate responses and work with the policy sector to finalize answers.
- Final media lines need to be approved by the DG NS Ops or as delegated.
- Media Relations will then seek approvals from DG Communications and the Minister’s Office as well as advise PCO Communications.
- Once approved, media relations will provide the final response to the journalist.

For Public Enquiries:

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- Calls are logged as they are received and responded to using the initial method of contact (phone or email). For straightforward questions, Public Enquiries officers will provide the preapproved responses provided below.
- For calls seeking to provide feedback or more complex questions Public Enquiries can forward requests to the policy centre.
- Public Enquiries will provide the policy sector with updates on number of calls received on request.

**MEDIA LINES:**

[Note there is sensitivity regarding publicizing the SolGen Standards]

Public Safety Canada is proposing ~~only~~ minor modifications to the Solicitor General Enforcement Standards for Lawful Interception of Telecommunications. ~~SolGen Standards. We are simply updating to update~~ the language in the standards to reflect the current environment.

As noted in the public consultation, 

~~At this stage, these changes are only proposed. Despite~~ While the fact the changes are minor, we are currently seeking feedback from industry to ensure that their views are heard.

**KEY MESSAGES STANDARD RESPONSES FOR PUBLIC ENQUIRIES**

**If caller is requesting any information relating to the 700 MHz or 2500 MHz Spectrum ~~auetio~~ auction:**

- Industry Canada is responsible for the public consultation on the Spectrum Auctions. Should you wish to make comments on the spectrum auction, ~~you~~ please contact Industry Canada at... [Insert IC contact info]

**If caller is requesting any information relating to the Lawful Interception Condition of Spectrum Licence:**

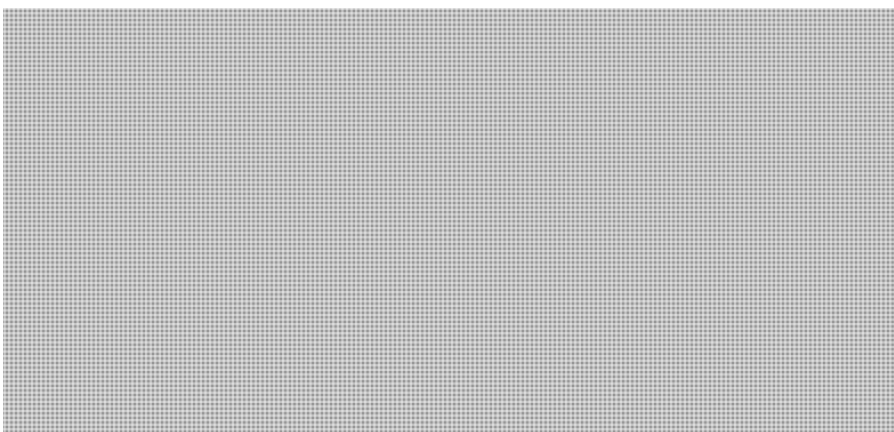
- Industry Canada is responsible for the public consultation on the Conditions of Licences. Should you wish to make comments on the condition of licence, ~~you~~ please contact Industry Canada at... [Insert IC contact info]

**If caller is seeking a copy of the SolGen Standards:**

- We can provide you with a copy of the SolGen Standards. Please provide us with either an email or mailing address and we will provide you with a copy of the Standards as well as the proposed changes.

**If caller is seeking what changes are being made to the SolGen Standards:**

- As noted in the public consultation document, we are proposing only  minor modifications 



- **If further details are requested:**

I would encourage you to contact Shawn Plunkett, Public Safety Canada at 613-990-7066 (English) or Michèle Kinglsey, Public Safety Canada at 613-949-3181 (Français) for more information. We would be happy to take your contact information and the responsible party at Public Safety will contact you in the near future.

**If caller is seeking to make comments on proposed changes to the SolGen Standards**

- ~~We welcome your input into the proposed changes. We would be happy to take your contact information and have the responsible party at Public Safety contact you in the near future. For the SolGen Standards. For comments on proposed changes you can contact Shawn Plunkett, Public Safety Canada at 613-990-7066 (English) or Michèle Kinglsey, Public Safety Canada at 613-949-3181 (Français)~~

**Qs & As:**

**When will these proposed changes take effect?**

These changes would take effect once any 700 MHz or 2500 MHz licences are granted and would apply only to these forthcoming licences.


**Will these proposed changes impact previous spectrum licences?**

The proposed changes to the SolGen Standards will only impact future licences that will be acquired through the 700 and 2500 MHz auction. They will not be applied to any existing licence.

**How will these changes affect the spectrum auction?**

These changes will not have any direct bearing on the spectrum auction themselves. As indicated in the public consultation, the changes being proposed to the SolGen standards are minor and administrative in nature.

**How will these changes affect my business?**

There will be no negative impact on potential licencees. 

**Will removing "Circuit-Switched" have a significant impact on our business?**

The removal of the term 'circuit-switched' forms part of the Conditions of Licence and not the SolGen Standards. Industry Canada is responsible for the public consultation on the Conditions of Licence. Should you wish to make comments on the conditions of licence, you ~~can~~please contact Industry Canada at... [Insert IC contact info]

## **Public Consultation to the 700 MHz and 2500 MHz Spectrum Auction**

### **Public Enquiries/Media Relations Messages**

#### **ISSUE:**

Industry Canada (IC) is planning an auction anticipated for early 2013 to allocate spectrum in the 700 MHz and 2500 MHz bands. Prior to this auction, IC will be holding a second public consultation in early 2012 on the design of the 700 MHz and 2500 MHz auctions, specifically on the conditions of spectrum licence. In this context, we have been working with IC to include a lawful interception as a condition of licence and to remove from this condition any reference to "circuit-switched voice telephony". Public Safety Canada (PS) also indicated to IC that it will be proposing minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)* as they were last revised in 1995.

With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing minor modifications to the standards. [REDACTED]

However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process, but will indicate in its public consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information. We have proposed to IC that they include the PS General Enquiries email and phone line in the public consultation document to handle any public enquiries regarding these proposed changes.

As a result, we expect that affected companies may contact Public Safety Canada to enquire as to proposed changes to the *Sol Gen Standards*. It should be noted that Public Safety cannot respond to questions surrounding the auction writ large or on any specific condition of licence. Public Safety Canada is only responsible for the *Sol Gen Standards*. Please note that while not a classified document, due to the nature of the material, there is sensitivity regarding actively publicizing the *Sol Gen Standards*.

#### **PROTOCOL**

For Media Relations:

- When a call is received by Media Relations a notification will be sent to the Minister's Office Director of Communications, the DG of Communications, program communications strategists and the responsible policy sector.
- Media Relations spokespersons will use the messages and Q&As below to formulate responses and work with the policy sector to finalize answers.
- Final media lines need to be approved by the DG NS Ops or as delegated.
- Media Relations will then seek approvals from DG Communications and the Minister's Office as well as advise PCO Communications.
- Once approved, media relations will provide the final response to the journalist.

**For Public Enquiries:**

- Calls are logged as they are received and responded to using the initial method of contact (phone or email). For straightforward questions, Public Enquiries officers will provide the preapproved responses provided below.
- For calls seeking to provide feedback or more complex questions Public Enquiries can forward requests to the policy centre.
- Public Enquiries will provide the policy sector with updates on number of calls received on request.

**MEDIA LINES:**

Public Safety Canada is proposing minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* to update the language in the standards to reflect the current environment.

While the changes are minor, we are currently seeking feedback from industry to ensure that their views are heard.

**STANDARD RESPONSES FOR PUBLIC ENQUIRIES**

**If caller is requesting any information relating to the 700 MHz or 2500 MHz Spectrum auction:**

- Industry Canada is responsible for the public consultation on the Spectrum Auctions. Should you wish to make comments on the spectrum auction, please contact Industry Canada at... [Insert IC contact info]

**If caller is requesting any information relating to the Lawful Interception Condition of Spectrum Licence:**

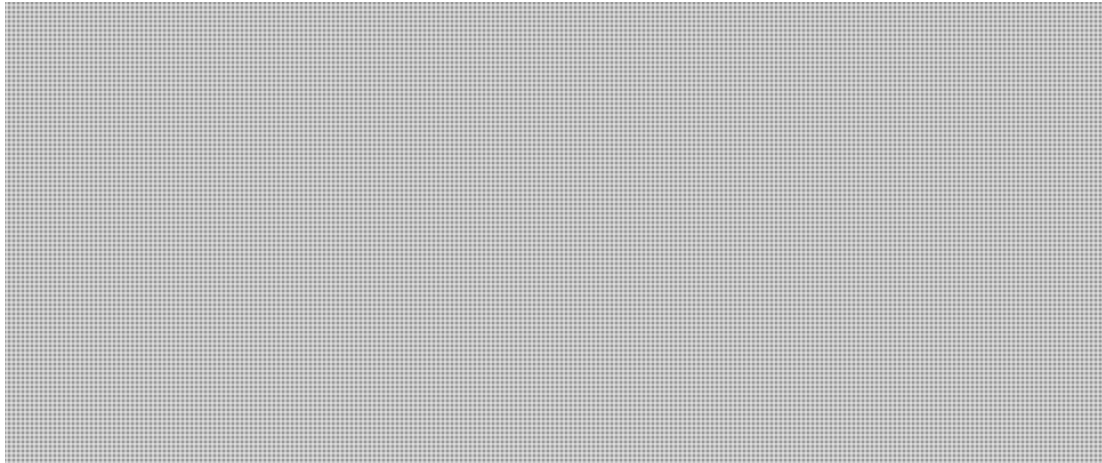
- Industry Canada is responsible for the public consultation on the conditions of licences. Should you wish to make comments on the condition of licence, please contact Industry Canada at... [Insert IC contact info]

**If caller is seeking a copy of the SolGen Standards:**

- We can provide you with a copy of the *Solicitor General Enforcement Standards*. Please provide us with either an email or mailing address and we will provide you with a copy of the standards, as well as the proposed changes.

**If caller is seeking what changes are being made to the SolGen Standards:**

- As noted in the public consultation document, we are proposing only [REDACTED] minor modifications that will have little impact on licencees.



- **If further details are requested:**

- We would be happy to take your contact information and the responsible party at Public Safety will contact you in the near future.

**If caller is seeking to make comments on proposed changes to the SolGen Standards**

- We welcome your input into the proposed changes. We would be happy to take your contact information and have the responsible party at Public Safety contact you in the near future.

**Qs & As:**

**When will these proposed changes take effect?**

These changes would take effect once any 700 MHz or 2500 MHz licences are granted and would apply only to these forthcoming licences.

**Will these proposed changes impact previous spectrum licences?**

The proposed changes to the *Solicitor General Enforcement Standards* will only impact future licences that will be acquired through the 700 and 2500 MHz auction. They will not be applied to any existing licence.

**How will these changes affect the spectrum auction?**

These changes will not have any direct bearing on the spectrum auction themselves. As indicated in the public consultation, the changes being proposed to the *Solicitor General Enforcement Standards* are minor and administrative in nature.



**How will these changes affect my business?**

There will be no negative impact on potential licencees.



**Will removing “Circuit-Switched” have a significant impact on our business?**

The removal of the term ‘circuit-switched’ forms part of the conditions of licence and not the SolGen Standards. Industry Canada is responsible for the public consultation on the conditions of licence. Should you wish to make comments on the conditions of licence, please contact Industry Canada at...[\[Insert IC contact info\]](#)

Helen McDonald  
Senior Assistant Deputy Minister  
Industry Canada  
SPECTRUM, INFORMATION TECHNOLOGIES  
AND TELECOMMUNICATIONS

Comment [PS1]: Confirm name, title etc.

300 Slater Street  
Ottawa, Ontario K1A 0C8  
Canada

Dear Helen,

Comment [PS2]: How to address

I would like to express my thanks to you and your organization for your collaborative work with respect to the lawful interception condition of licence in the impending public consultation for the 700 MHz spectrum auction. We are very grateful that you have decided to update the condition of licence for lawful interception, especially by removing reference to "circuit-switch" services. While we understand that this removal is for consultation purposes only, we appreciate that you have chosen to have an open and transparent discussion on this issue.

While Public Safety Canada will be submitting formal comments as part of Industry Canada's public consultations on the 700MHz and 25MHz spectrum auctions, I wanted to express our appreciation to you for the opportunity to be involved in this process-  
*limited to LI CoL.*

I would like to first thank you for including a lawful interception as a condition of licence in the upcoming spectrum auction public consultation. Lawful interception is an indispensable tool for Public Safety agencies. Until full implementation of lawful access legislation, an effective lawful interception condition of licence – with its forbearance regime – remains the most effective instrument for **sustaining** lawful interception capabilities.

As you are aware, the current language of the lawful interception condition is outdated



We appreciate your efforts in modernizing the condition of licence to bring it in line with today's technologies and assist law enforcement and national security agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.

We are also supportive on retaining the forbearance regime. We view the forbearance process as a very important avenue for dialogue with telecommunications companies. It allows both sides to engage in a cooperative exchange whereby parties are able to come to a mutually beneficial arrangement.

Should you require additional information, do not hesitate to contact me or Michael MacDonald, Director General National Security Operations at 613-993-4595.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security  
Public Safety Canada

**Name**  
**Title**  
Royal Canadian Mounted Police

**ADDRESS**  
Ottawa, Ontario **POSTAL CODE**  
Canada

Dear [???,

Comment [PS1]: How to address?

I would like to express my thanks to you and your organization for your collaborative and effective work with respect to our negotiations with Industry Canada on the lawful interception condition of licence in the impending public consultation for the 700 MHz and 2500 MHz spectrum auction.

As you are aware, Public Safety Canada (PS) has been working with Industry Canada to modernize the current framework guiding lawful interception in Canada.

I am pleased to inform you that Industry Canada has agreed to include a lawful interception condition of licence in the upcoming 700 MHz and 2500 MHz spectrum auction public consultation. The lawful interception condition of licence will be technologically neutral and therefore will not include any reference to "*circuit-switched voice telephony services*". While this does not represent a definitive change in the wording of the lawful interception condition of licence, as these changes still require consultation with the telecommunications industry; it does indicate Industry Canada's willingness to have public discussion on removing the term 'circuit-switched'.

Modernizing the condition of licence will assist to bring it in line with today's technologies and assist law enforcement agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.

PS will also be providing comments on the public consultation to Industry Canada and requests your organization's continued assistance in developing these comments. Shortly we will be consulting with your organization, to ensure that your concerns regarding lawful interception are raised in the context of the condition of licence.

I will keep you apprised of the status of the public consultation, both in terms of our input into the consultation and the eventual outcomes of the consultation.

Thank you again for your continued collaboration and cooperation.

Should you require additional information, do not hesitate to contact me or Michael MacDonald, Director General National Security Operations at 613-993-4595.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security  
Public Safety Canada

Helen McDonald  
Senior Assistant Deputy Minister  
Industry Canada  
SPECTRUM, INFORMATION TECHNOLOGIES  
AND TELECOMMUNICATIONS

Comment [PS1]: Confirm name, title etc.

300 Slater Street  
Ottawa, Ontario K1A 0C8  
Canada

Dear Helen,

Comment [PS2]: How to address

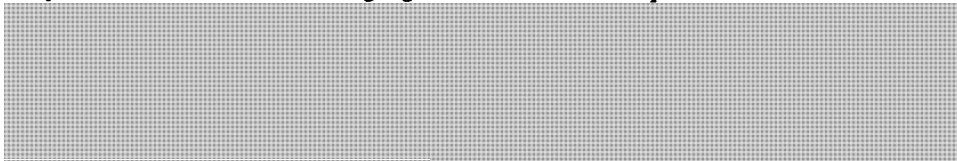
I would like to express my thanks to you and your organization for your collaborative work thus far with respect to the lawful interception condition of licence for the impending public consultation on the design of the 700 MHz and 2500 MHz spectrum auction. We look forward to continuing to work Industry Canada moving forward on this important file.


We understand that you are considering updating the condition of licence for lawful interception, especially by removing reference to "*circuit-switch voice telephony services*". While we understand that this removal is for consultation purposes only, we appreciate that you are considering having an open and transparent discussion on this issue.

While Public Safety Canada will also be submitting formal comments as part of Industry Canada's public consultations on the design of the 700MHz and 25MHz spectrum auctions, I wanted to express our appreciation to you and your staff for the opportunity to be consulted on the lawful interception condition of licence prior to the launch of the public consultation.

Lawful interception is an indispensable tool for Public Safety agencies. Until full implementation of lawful access legislation, an effective lawful interception condition of licence – with its forbearance regime – remains the most effective instrument for facilitating the development of lawful interception capabilities.

As you are aware, the current language of the lawful interception condition is outdated

  
It also breeds further confusion and could lower public confidence in the Government of Canada by including language and technology that is out of date in their licensing conditions.



We appreciate your efforts in working with us to modernize the condition of licence to bring it in line with today's technologies and assist law enforcement and national security agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.

We are also supportive of retaining the forbearance regime. We view the forbearance process as a very important avenue for dialogue with telecommunications companies. It allows both sides to engage in a cooperative exchange whereby parties are able to come to a mutually beneficial arrangement. It also ensures that undue burden is not placed on the telecommunications industry, without disregarding the lawful interception needs of Public Safety agencies.

Thank you again for your ongoing cooperation in this regard. We look forward to continuing our collaboration moving forward.

Should you require additional information, do not hesitate to contact me or Michael MacDonald, Director General National Security Operations at 613-993-4595.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security  
Public Safety Canada

Alan R. Jones  
Assistant Director Technology  
Canadian Security Intelligence Service

Comment [PS1]: Confirm name, title etc.

P.O. Box 9732.  
Station "T"  
Ottawa, Ontario K1G 4G4  
Canada

Dear Alan,

Comment [PS2]: How to address?

I would like to express my thanks to you and your organization for your collaborative and effective work with respect to our negotiations with Industry Canada on the lawful interception condition of licence for the impending public consultation for the 700 MHz and 2500 MHz spectrum auction. We expect this public consultation to be launched and published in the Canada Gazette in early 2012.

As you are aware, Public Safety Canada (PS) has been working with Industry Canada (IC) to modernize the current framework guiding lawful interception in Canada.


We have received indications from IC that they have agreed to include a lawful interception condition of licence in the upcoming 700 MHz and 2500 MHz spectrum auction public consultation. Pending final Industry Canada approval, the proposed lawful interception condition of licence will be technologically neutral and therefore will not include any reference to "*circuit-switched voice telephony services*". This does not however, represent a definite change in the wording of the lawful interception condition of licence; these changes still require consultation with the telecommunications industry.

Modernizing the condition of licence will assist to bring it in line with today's technologies and assist agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.

As part of this process, we have also negotiated with Industry Canada wording in the public consultation document to include a reference to proposed minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* (Annex A). IC has indicated that they will not consult specifically on modifications to the standards through their public consultation on the spectrum



auctions, but will instead refer interested parties to Public Safety Canada. PS will then respond to enquiries regarding our proposed modifications to the standards. We have prepared standard responses to guide our replies and have developed media lines in the event that there is media coverage, (Annex B).



In addition, PS will also be providing comments on the public consultation to Industry Canada and requests your continued assistance in developing these comments. Shortly we will be consulting with your organization, to ensure that law enforcement and national security needs and concerns regarding lawful interception are raised in the context of the condition of licence for the 700 MHz and 2500 MHz auctions.

I will keep you apprised of the status of the public consultation, both in terms of our input into the public consultation and its eventual outcomes.

Thank you again for your continued collaboration and cooperation.

Should you require additional information, do not hesitate to contact me or Michael MacDonald, Director General National Security Operations at 613-993-4595.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security  
Public Safety Canada

Helen McDonald  
Senior Assistant Deputy Minister  
Industry Canada  
Spectrum Information Technologies and Telecommunications

300 Slater Street  
Ottawa, Ontario K1A 0C8  
Canada


Dear Mrs. McDonald,

I would like to express my thanks to you and your organization for our collaborative work thus far regarding the lawful interception condition of licence for the impending public consultation on the design of the 700 and 2500 MHz spectrum auctions. We look forward to continuing to work with Industry Canada on this important file.

I understand that our recommendation to update the lawful interception condition of licence, by removing reference to "*circuit-switch voice telephony services*", has been positively received and is likely to be included in the public consultation.

While Public Safety Canada will be submitting formal comments as part of Industry Canada's public consultation, I wanted to express our appreciation for the opportunity to be consulted on the lawful interception condition of licence prior to the launch of the public consultation.

As you are aware, the current language of the lawful interception condition is outdated.



Lawful interception is an indispensable tool for Public Safety agencies. Until full implementation of lawful access legislation, an effective lawful interception condition of licence – with its forbearance regime – remains the most effective instrument for facilitating the development of lawful interception capabilities. I appreciate your efforts in working with us to modernize the condition of licence to bring it in line with today's technologies and assist Public Safety agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.

In addition, we are very supportive of retaining the forbearance regime. We view the forbearance process as a very important avenue for dialogue with telecommunications companies. It allows both sides to engage in a cooperative exchange whereby parties are

able to come to mutually beneficial arrangements. It also ensures that undue burden is not placed on the telecommunications industry, without disregarding the lawful interception needs of Public Safety agencies.

Thank you again for your ongoing cooperation in this regard. I look forward to continuing our collaboration.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security  
Public Safety Canada

## Public Consultation to the 700 MHz and 2500 MHz Spectrum Auction

### Public Enquiries/Media Relations Messages

#### ISSUE:

Industry Canada (IC) is planning an auction anticipated for early 2013 to allocate spectrum in the 700 MHz and 2500 MHz bands. Prior to this auction, IC will be holding a second public consultation in early 2012 on the design of the 700 MHz and 2500 MHz auctions. IC will likely be consulting on what the spectrum auction will look like and will include consulting on the conditions that will be required to obtain a spectrum licence. In this context, we have been working with IC to include a lawful interception condition of licence and to remove from this condition any reference to "circuit-switched voice telephony". Also, Public Safety Canada (PS) indicated to IC that it will be proposing minor modifications to the guidelines document that outlines intercept capability requirements entitled: *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)*, as they were last revised in 1995.

With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing [REDACTED] minor modifications to the standards. [REDACTED]

However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process, but will indicate in its public consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information. We have proposed to IC that they include the PS General Enquiries email and phone line in the public consultation document to handle any public enquiries regarding these proposed changes.

As a result, we expect that affected companies may contact Public Safety Canada to enquire as to proposed changes to the *Sol Gen Standards*. It should be noted that Public Safety cannot respond to questions surrounding the auction writ large or on any specific condition of licence. Public Safety Canada is only responsible for the *Sol Gen Standards*. Please note that while not a classified document, due to the nature of the material, there is sensitivity regarding actively publicizing the *Sol Gen Standards*.

#### PROTOCOL

For Media Relations:

- When a call is received by Media Relations, a notification will be sent to the Minister's Office Director of Communications, the DG of Communications, program communications strategists and the responsible policy sector.
- Media Relations spokesperson will use the messages and Q&As below to formulate responses and work with the policy sector to finalize answers.
- Final media lines need to be approved by the DG NS Ops or as delegated.


- Media Relations will then seek approvals from DG Communications and the Minister's Office as well as advise PCO Communications.
- Once approved, media relations will provide the final response to the journalist.

**For Public Enquiries:**

- Calls are logged as they are received and responded to using the initial method of contact (phone or email). For straightforward questions, Public Enquiries officers will provide the preapproved responses provided below.
- For calls seeking to provide feedback or more complex questions, Public Enquiries can forward requests to the policy centre.
- Public Enquiries will provide the policy sector with updates on number of calls received on request.

**MEDIA LINES:**

Public Safety Canada is proposing minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* to update the language in the standards to reflect the current environment.



While the changes are minor, we are currently seeking feedback from industry to ensure that their views are heard.

**STANDARD RESPONSES FOR PUBLIC ENQUIRIES**

**If caller is requesting any information relating to the 700 MHz or 2500 MHz Spectrum auction:**

- Industry Canada is responsible for the public consultation on the Spectrum Auctions. Should you wish to make comments on the spectrum auction, please contact Industry Canada at... [Insert IC contact info]

**If caller is requesting any information relating to the Lawful Interception Condition of Spectrum Licence:**

- Industry Canada is responsible for the public consultation on the conditions of licences. Should you wish to make comments on the condition of licence, please contact Industry Canada at... [Insert IC contact info]

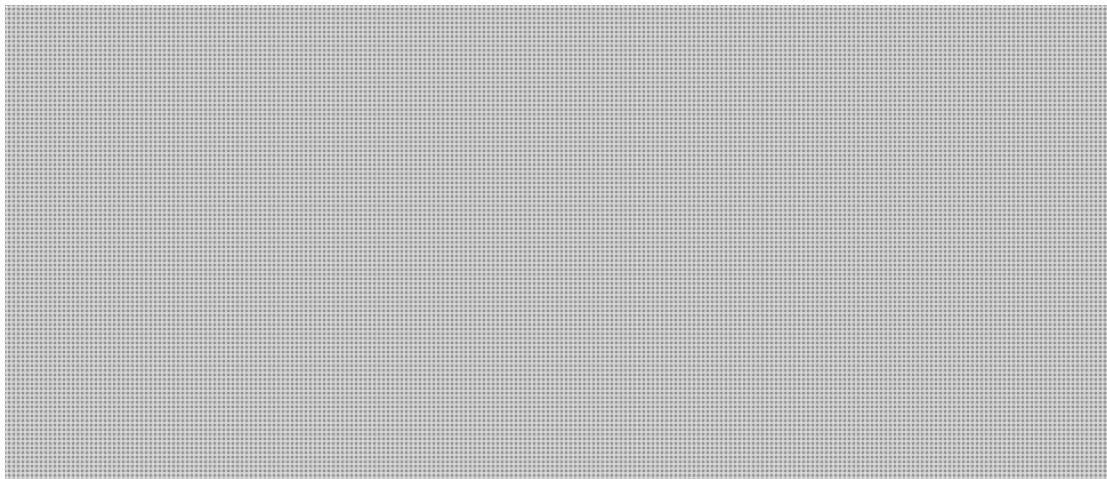
**If caller is seeking a copy of the SolGen Standards:**

- Please provide us with either an email or mailing address and the responsible party at Public Safety will contact you shortly.

*[Please forward along contact information and any relevant notes to the policy centre for further action.]*

**If caller is seeking what changes are being made to the SolGen Standards:**

- As noted in the public consultation document, we are proposing only [REDACTED] minor modifications [REDACTED]



- **If further details are requested:**

We would be happy to take your contact information and the responsible party at Public Safety will contact you in the near future.

**If caller is seeking to make comments on proposed changes to the SolGen Standards**

- We welcome your input into the proposed changes. We would be happy to take your contact information and have the responsible party at Public Safety contact you in the near future.

**Os & As:**

**When will these proposed changes take effect?**

These changes would take effect once any 700 MHz or 2500 MHz licences are granted and would apply only to these forthcoming licences.

**Will these proposed changes impact previous spectrum licences?**

The proposed changes to the *Solicitor General Enforcement Standards* will only impact future licences that will be acquired through the 700 and 2500 MHz auction. They will not be applied to any existing licence.

**How will these changes affect the spectrum auction?**

These changes will not have any direct bearing on the spectrum auction themselves. As indicated in the public consultation, the changes being proposed to the *Solicitor General Enforcement Standards* are minor and administrative in nature.

**How will these changes affect my business?**

There will be no negative impact on potential licencees. 



**Will removing “Circuit-Switched” have a significant impact on our business?**

The removal of the term ‘circuit-switched’ forms part of the conditions of licence and not the SolGen Standards. Industry Canada is responsible for the public consultation on the conditions of licence. Should you wish to make comments on the conditions of licence, please contact Industry Canada at... [Insert IC contact info]

QUESTION PERIOD NOTE

Date: October 2011  
Classification: UNCLASSIFIED  
Branch / Agency: PS/ NSOD

## Question Period Note

### LAWFUL INTERCEPTION – CONDITION OF SPECTRUM LICENCE

**ISSUE:** Public consultations on the conditions of spectrum licences, including the lawful interception condition of licence. The *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*, part of the lawful interception condition, will also be publicly consulted as part of this process.

#### BACKGROUND:

Prior to lawful access legislation, the primary instrument for public safety agencies to compel telecommunications companies to provide court authorized intercepts was through including a requirement for lawful interception in their spectrum licence.

Public Safety Canada and Industry Canada are examining revising the lawful interception condition and will be publicly consulting these changes as part of the upcoming 700 and 2500 MHz auctions.

Industry Canada will be conducting an additional public consultation on the conditions of spectrum licence. This consultation will allow stakeholders to comment on the expected conditions that will form part of the 700 MHz and 2500 MHz spectrum licensing regime. This spectrum will be allocated through an auction process that is expected to be launched near the end of 2012. This spectrum auction is expected to generate billions of dollars for the Government of Canada.

Law enforcement and national security agencies require an effective lawful interception capacity in order to investigate crimes and threat to Canadian security. Therefore, the primary concern being addressed with changes to the lawful interception condition of licence, through the public consultation.

In addition, part of the requirements of the lawful interception condition of licence is for licensees to abide by the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (Solicitor General Standards) - a set of 23 standards that indicate the technical requirements needed by for law enforcement and national security agencies for lawful interception. These standards will also form part of the public consultation for the 700 and 2500 MHz auction.

A stronger lawful interception condition of spectrum licence, while beneficial to law enforcement and national security agencies,




## LAWFUL INTERCEPTION – CONDITION OF SPECTRUM LICENCE

### PROPOSED RESPONSE:

- **The lawful interception condition and the Solicitor General standards are important tools for law enforcement and national security agencies in the fight against criminal and terrorist-related activity.**
- **The purpose of updating the lawful interception condition of licence and the Solicitor General Standards is to bring these requirements up to speed with the technological realities of our times.**
- **I have been working closely with the Minister of Industry, through the [UPCOMING] public consultation for the 700 MHz and 2500 MHz spectrum auction, to ensure that stakeholders can comment on proposed changes to the lawful interception condition.**
- **Until full implementation of lawful access legislation the lawful intercept condition remains an important tool in the fight against crime and terrorism.**

### CONTACTS:

Prepared by  
Shawn Plunkett

Tel. no.  
613.990-7066  
 (cel)

Approved by (ADM level only)  
Lynda Clairmont

Tel. no.  
613.990-4976

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Alan R. Jones  
Assistant Director Technology  
Canadian Security Intelligence Service

P.O. Box 9732-  
Station "T"  
Ottawa, Ontario K1G 4G4  
Canada

Dear Mr. Jones,

~~I would like to express my thanks for your efforts with respect to the lawful interception condition of licence for the impending public consultation on the 700 and 2500 MHz spectrum auctions. We expect this public consultation to be launched and published in the Canada Gazette in early 2012.~~

~~Public Safety Canada (PS) has been working with Industry Canada (IC) to modernize the current framework guiding lawful interception in Canada. Until full implementation of Lawful Access legislation, the regulatory framework guiding spectrum licences remains our only leverage to compel telecommunications companies to provide lawful interception capabilities.~~

As you may know, our officials have been working together, along with Industry Canada (IC), to address the challenges associated with an outdated lawful interception condition of licence in the context of the upcoming public consultation for the 700 and 2500 MHz spectrum auction. This consultation, which we expect will occur in early 2012, will focus primarily on the design of the spectrum auction and which conditions are to be included in future spectrum licences.

~~We have received indications from IC that they have agreed will agree to include a lawful interception condition in the the upcoming public consultation document. Pending final IC approval, IC is also considering rewording this condition, to be proposed condition will be technologically neutral and will not include any reference to "circuit-switched voice telephony services". It is being proposed that this revised condition would apply to future licences on these spectrum bands. While this is a positive step, the ultimate decision on This does not represent a definite change in the inclusion and wording of the lawful interception condition. Final changes will only be made made following the closing of the public consultation once the spectrum auction is ready to be launched, likely in early 2013.~~

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However, IC's openness to consider changes to the lawful interception condition demonstrates a willingness on their part to work with us moving forward.

As part of ~~this~~ this process, we have also ~~negotiated with~~ negotiated with Industry Canada ~~wording in the~~ that their public consultation ~~document to~~ will include a reference to proposed minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* (SGES - Annex A). ~~IC has indicated that they will not be consulting on the Sol-Gen Standards, bSGES, but will instead refer interested parties to Public Safety Canada (PS). PS will then respond to enquiries regarding our proposed modifications to the standards. We have prepared standard responses to guide our replies and have developed media lines in the event that there is media coverage (Annex B).~~

~~Furthermore, PS will be providing formal comments on the public consultation to Industry Canada and requests your continued assistance in developing these comments. We will be consulting with your organization shortly, to ensure that law enforcement and national security needs and concerns regarding lawful interception continue to be raised.~~

To reinforce our collective position, PS will be providing IC with formal comments on the once the consultation is opened. We will be requesting your assistance in developing these comments, to ensure that law enforcement and national security needs and concerns regarding lawful interception continue to be raised.

I will keep you apprised of the status of the public consultation, both in terms of our input into the public consultation and its eventual outcomes.

Thank you again for your continued collaboration and cooperation. I am encouraged by these developments and hopeful that it will lead to a robust condition of licence for the upcoming 700 and 2500 MHz spectrum auction.

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Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security  
~~Public Safety Canada~~

ANNEX B

**Public Consultation to the 700 MHz and 2500 MHz Spectrum Auction**

**Public Enquiries/Media Relations Messages**

**ISSUE:**

Industry Canada (IC) is planning an auction anticipated for early 2013 to allocate spectrum in the 700 MHz and 2500 MHz bands. Prior to this auction, ~~IC will be holding a second public consultation in early 2012 on the design of the 700 MHz and 2500 MHz auctions will be held.~~ Specifically, IC will likely be consulting on what the spectrum auction will look like and will include consulting on the conditions that will be required to obtain a spectrum licence. In this context, we have been working with IC to include a lawful interception condition of licence and to remove from this condition any reference to "circuit-switched voice telephony". Also, Public Safety Canada (PS) indicated to IC that it will be proposing minor modifications to the guidelines document that outlines intercept capability requirements entitled: *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)*, as they were last revised in 1995.

With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing [redacted] minor modifications to the standards. [redacted]

However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process, but will indicate in its public consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information. We have proposed to IC that they include the PS General Enquiries email and phone line in the public consultation document to handle any public enquiries regarding these proposed changes.

As a result, we expect that affected companies may contact Public Safety Canada to enquire as to proposed changes to the *Sol Gen Standards*. It should be noted that Public Safety cannot respond to questions surrounding the auction writ large or on any specific condition of licence. Public Safety Canada is only responsible for the *Sol Gen Standards*. Please note that while not a classified document, due to the nature of the material, there is sensitivity regarding actively publicizing the *Sol Gen Standards*.

**PROTOCOL**

For Media Relations:

- When a call is received by Media Relations, a notification will be sent to the Minister's Office Director of Communications, the DG of Communications, program communications strategists and the responsible policy sector.
- Media Relations spokesperson will use the messages and Q&As below to formulate responses and work with the policy sector to finalize answers.
- Final media lines need to be approved by the DG NS Ops or as delegated.

## ANNEX B

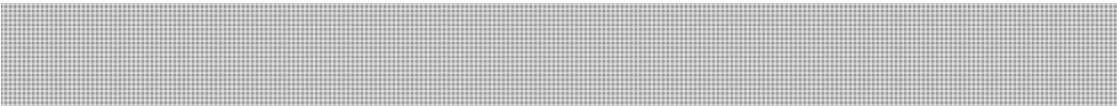
- Media Relations will then seek approvals from DG Communications and the Minister's Office as well as advise PCO Communications.
- Once approved, media relations will provide the final response to the journalist.

### For Public Enquiries:

- Calls are logged as they are received and responded to using the initial method of contact (phone or email). For straightforward questions, Public Enquiries officers will provide the preapproved responses provided below.
- For calls seeking to provide feedback or more complex questions, Public Enquiries can forward requests to the policy centre.
- Public Enquiries will provide the policy sector with updates on number of calls received on request.

### **MEDIA LINES:**

Public Safety Canada is proposing minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* to update the language in the standards to reflect the current environment.



While the changes are minor, we are currently seeking feedback from industry to ensure that their views are heard.

### **STANDARD RESPONSES FOR PUBLIC ENQUIRIES**

#### **If caller is requesting any information relating to the 700 MHz or 2500 MHz Spectrum auction:**

- Industry Canada is responsible for the public consultation on the Spectrum Auctions. Should you wish to make comments on the spectrum auction, please contact Industry Canada at...[\[Insert IC contact info\]](#)

#### **If caller is requesting any information relating to the Lawful Interception Condition of Spectrum Licence:**

- Industry Canada is responsible for the public consultation on the conditions of licences. Should you wish to make comments on the condition of licence, please contact Industry Canada at...[\[Insert IC contact info\]](#)

## ANNEX B

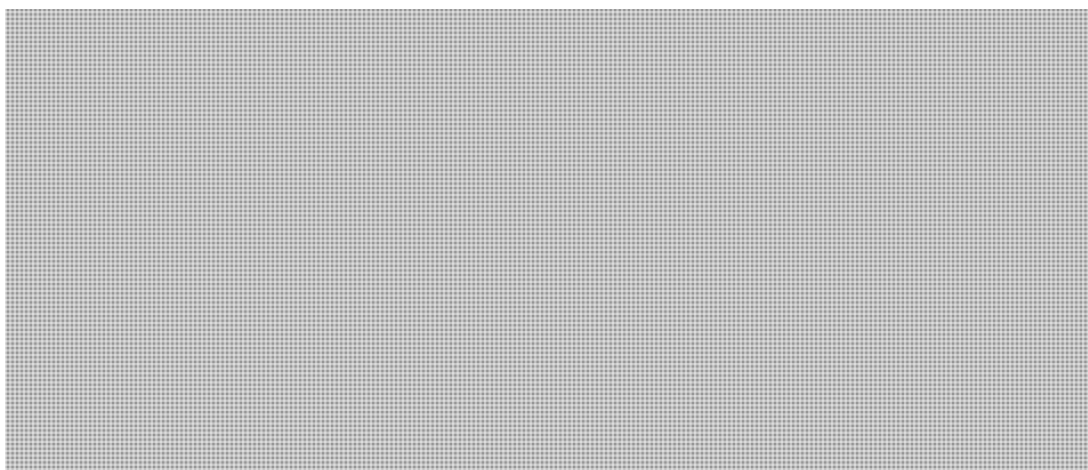
### **If caller is seeking a copy of the SolGen Standards:**

- Please provide us with either an email or mailing address and the responsible party at Public Safety will contact you shortly.

*[Please forward along contact information and any relevant notes to the policy centre for further action.]*

### **If caller is seeking what changes are being made to the SolGen Standards:**

- As noted in the public consultation document, we are proposing only [REDACTED] minor modifications [REDACTED]



- **If further details are requested:**

We would be happy to take your contact information and the responsible party at Public Safety will contact you in the near future.

### **If caller is seeking to make comments on proposed changes to the SolGen Standards**

- We welcome your input into the proposed changes. We would be happy to take your contact information and have the responsible party at Public Safety contact you in the near future.

### **Os & As:**

#### **When will these proposed changes take effect?**

These changes would take effect once any 700 MHz or 2500 MHz licences are granted and would apply only to these forthcoming licences.

#### **Will these proposed changes impact previous spectrum licences?**

## ANNEX B

The proposed changes to the *Solicitor General Enforcement Standards* will only impact future licences that will be acquired through the 700 and 2500 MHz auction. They will not be applied to any existing licence.

### **How will these changes affect the spectrum auction?**

These changes will not have any direct bearing on the spectrum auction themselves. As indicated in the public consultation, the changes being proposed to the *Solicitor General Enforcement Standards* are minor and administrative in nature.

### **How will these changes affect my business?**

There will be no negative impact on potential licencees.   


### **Will removing “Circuit-Switched” have a significant impact on our business?**

The removal of the term ‘circuit-switched’ forms part of the conditions of licence and not the SolGen Standards. Industry Canada is responsible for the public consultation on the conditions of licence. Should you wish to make comments on the conditions of licence, please contact Industry Canada at... [Insert IC contact info]



Alan R. Jones  
Assistant Director Technology  
Canadian Security Intelligence Service RCMP- Contact Information

P.O. Box 9732  
Station "T"  
Ottawa, Ontario K1G 4G4  
Canada RCMP - Address

Dear Mr. Jones Mr. XXXX,

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~~I would like to express my thanks for your efforts with respect to the lawful interception condition of licence for the impending public consultation on the 700 and 2500 MHz spectrum auctions. We expect this public consultation to be launched and published in the Canada Gazette in early 2012.~~


~~Public Safety Canada (PS) has been working with Industry Canada (IC) to modernize the current framework guiding lawful interception in Canada. Until full implementation of Lawful Access legislation, the regulatory framework guiding spectrum licences remains our only leverage to compel telecommunications companies to provide lawful interception capabilities.~~

As you may know, our officials have been working together, along with Industry Canada, to address the challenges associated with an outdated lawful interception condition of spectrum licence.


We have received indications from IC that they have agreed to include a lawful interception condition in the upcoming public consultation document. Pending final IC approval, the proposed condition will be technologically neutral and will not include any reference to "circuit-switched voice telephony services". This does not represent a definite change in the wording of the lawful interception condition. Final changes will only be made following the closing of the public consultation.

As part of this process, we have also negotiated with Industry Canada wording in the public consultation document to include a reference to proposed minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* (Annex A). IC has indicated that they will not consult on the *Sol Gen Standards*, but will instead refer interested parties to Public Safety Canada. PS will then respond to enquiries regarding our proposed modifications to the standards. We have

prepared standard responses to guide our replies and have developed media lines in the event that there is media coverage (Annex B).



Furthermore, PS will be providing formal comments on the public consultation to Industry Canada and requests your continued assistance in developing these comments. We will be consulting with your organization shortly, to ensure that law enforcement and national security needs and concerns regarding lawful interception continue to be raised.



I will keep you apprised of the status of the public consultation, both in terms of our input into the public consultation and its eventual outcomes.

Thank you again for your continued collaboration and cooperation.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security  
Public Safety Canada

Antoine Babinsky (TBC)

Chief Superintendent

OIC, RCMP Technical Operations

Alan R. Jones

Assistant Director Technology

Canadian Security Intelligence Service Royal Canadian Mounted Police

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P.O. Box 9732

Station "T"

Ottawa, Ontario K1G 4G4

Canada RCMP - Address

Dear Mr. Jones Mr. Babinsky,

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~~I would like to express my thanks for your efforts with respect to the lawful interception condition of licence for the impending public consultation on the 700 and 2500 MHz spectrum auctions. We expect this public consultation to be launched and published in the Canada Gazette in early 2012.~~

Public Safety Canada (PS) has been working with Industry Canada (IC) to modernize the current framework guiding lawful interception in Canada. Until full implementation of Lawful Access legislation, the regulatory framework guiding spectrum licences remains our only leverage to compel telecommunications companies to provide lawful interception capabilities.

As you may know, our officials have been working together, along with Industry Canada, to address the challenges associated with an outdated lawful interception condition of spectrum licence in the context of the upcoming public consultation for the 700 MHz and 2500 MHz spectrum auction. We expect this public consultation to be launched and published in the Canada Gazette in early 2012.

We have received indications from IC that they will agree to include a lawful interception condition in the spectrum auction public consultation document. Pending final IC approval, the proposed condition will be technologically neutral and will not include any reference to "circuit-switched voice telephony". While this is a positive step, the ultimate decision on the wording of the lawful interception condition will only be made once the spectrum auction is opened, likely in early 2013.

~~We have received indications from IC that they have agreed to include a lawful interception condition in the upcoming public consultation document. Pending final IC approval, the proposed condition will be technologically neutral and will not include any~~

~~reference to "circuit-switched voice telephony services". This does not represent a definite change in the wording of the lawful interception condition. Final changes will only be made following the closing of the public consultation.~~

As part of this process, we have also negotiated with Industry Canada wording in the public consultation document to include a reference to proposed minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* (Annex A). IC has indicated that they will not consult on the *Sol Gen Standards*, but will instead refer interested parties to Public Safety Canada (PS). PS will then respond to enquiries regarding our proposed modifications to the standards. We have prepared standard responses to guide our replies and have developed media lines in the event that there is media coverage (Annex B).

Furthermore, PS will be providing formal comments on the public consultation to Industry Canada and requests your continued assistance in developing these comments. We will be consulting with your organization shortly, to ensure that law enforcement and national security needs and concerns regarding lawful interception continue to be raised.

I will keep you apprised of the status of the public consultation, both in terms of our input into the public consultation and its eventual outcomes.

Thank you again for your continued collaboration and cooperation.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security  
Public Safety Canada

Helen McDonald  
Senior Assistant Deputy Minister  
Industry Canada  
Spectrum Information Technologies and Telecommunications

300 Slater Street  
Ottawa, Ontario K1A 0C8  
Canada

Dear Mrs. McDonald,

I would like to express my thanks to you and your organization for our collaborative work ~~thus far regarding the lawful interception condition of licence for~~ in the context of the impending public consultation on the design of the 700 and 2500 MHz spectrum auctions. ~~We look forward to continuing to work with Industry Canada on this important file.~~

While Public Safety Canada will be submitting formal comments as part of Industry Canada's ~~public consultation~~, I wanted to express our appreciation for the opportunity to ~~be consulted~~ comment on the lawful interception condition of licence prior to the launch of the public consultation.

Lawful interception is an indispensable tool for Public Safety agencies. Until full implementation of lawful access legislation, an effective lawful interception condition of licence<sub>2</sub>— with its forbearance regime<sub>2</sub>— remains the most effective instrument for facilitating the development of lawful interception capabilities. I appreciate your efforts in working with us to modernize the condition of licence to bring it in line with today's technologies and assist Public Safety agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.

~~W~~In addition, we are very supportive of retaining the forbearance regime. We view the forbearance process as a very important avenue for dialogue with telecommunications companies. It allows both sides to engage in a cooperative exchange whereby parties are able to come to mutually beneficial arrangements. It also ensures that undue burden is not placed on the telecommunications industry, without disregarding the lawful interception needs of Public Safety agencies.

Thank you again for your ongoing cooperation in this regard. I look forward to continuing our collaboration.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security  
Public Safety Canada

Alan R. Jones  
Assistant Director Technology  
Canadian Security Intelligence Service

P.O. Box 9732.  
Station "T"  
Ottawa, Ontario K1G 4G4  
Canada

Dear Mr. Jones,

~~I would like to express my thanks for your efforts with respect to the lawful interception condition of licence for the impending public consultation on the 700 and 2500 MHz spectrum auctions. We expect this public consultation to be launched and published in the Canada Gazette in early 2012.~~

~~Public Safety Canada (PS) has been working with Industry Canada (IC) to modernize the current framework guiding lawful interception in Canada. Until full implementation of Lawful Access legislation, the regulatory framework guiding spectrum licences remains our only leverage to compel telecommunications companies to provide lawful interception capabilities.~~

As you may know, our officials have been working together, along with Industry Canada (IC), to address the challenges associated with an outdated lawful interception condition of licence (LI condition) in the context of the upcoming public consultation for the 700 and 2500 MHz spectrum auction. This consultation, which we expect will occur in early 2012, will focus primarily on the design of the spectrum auction and which conditions are to be included in future spectrum licences.

~~We have received indications from IC that they have agreed will agree to include a LI condition lawful interception condition in the the upcoming public consultation document. Pending final IC approval, the proposed LI condition will be technologically neutral and will not include any reference to "circuit-switched voice telephony services". While this is a positive step, the ultimate decision on This does not represent a definite change in the inclusion and wording of the lawful interception LI condition. Final changes will only be made made following the closing of the public consultation once the spectrum auction is ready to be launched, likely in early 2013. However, IC's openness to consider changes to the LI condition demonstrates a willingness on their part to work with us moving forward.~~

To reinforce our position, PS will also be providing IC with formal comments on the once the consultation is opened. At this time, we will be requesting your assistance in

developing these comments, to ensure that law enforcement and national security needs and concerns regarding lawful interception continue to be raised.

As part of ~~this~~<sup>the</sup> process, we have also negotiated with Industry Canada wording in the public consultation ~~document~~ to include a reference to proposed minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications (SGES-~~(, Annex A)~~*. IC has indicated that they will not consult on the ~~Sol Gen Standards, bSGES,~~ but will instead refer interested parties to Public Safety Canada (PS). PS will then respond to enquiries regarding our proposed modifications to the standards. We have prepared standard responses to guide our replies and have developed media lines in the event that there is media coverage (Annex B).

~~Furthermore, PS will be providing formal comments on the public consultation to Industry Canada and requests your continued assistance in developing these comments. We will be consulting with your organization shortly, to ensure that law enforcement and national security needs and concerns regarding lawful interception continue to be raised.~~

I will keep you apprised of the status of the public consultation, both in terms of our input into the public consultation and its eventual outcomes.

Thank you again for your continued collaboration and cooperation.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security



**Public Safety Canada**

Alan R. Jones  
Assistant Director Technology  
Canadian Security Intelligence Service

P.O. Box 9732.  
Station "T"  
Ottawa, Ontario K1G 4G4  
Canada

Dear Mr. Jones,

~~I would like to express my thanks for your efforts with respect to the lawful interception condition of licence for the impending public consultation on the 700 and 2500 MHz spectrum auctions. We expect this public consultation to be launched and published in the Canada Gazette in early 2012.~~

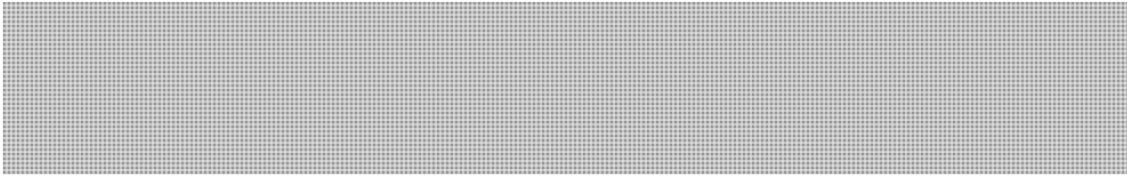
~~Public Safety Canada (PS) has been working with Industry Canada (IC) to modernize the current framework guiding lawful interception in Canada. Until full implementation of Lawful Access legislation, the regulatory framework guiding spectrum licences remains our only leverage to compel telecommunications companies to provide lawful interception capabilities.~~

As you may know, our officials have been working together, along with Industry Canada, to address the challenges associated with an outdated lawful interception condition of spectrum licence in the context of the upcoming public consultation for the 700 MHz and 2500 MHz spectrum auction. We expect this public consultation to be launched and published in the Canada Gazette in early 2012.

We have received indications from IC that they ~~have agreed~~ will agree to include a lawful interception condition in the ~~upcoming spectrum auction~~ public consultation document. Pending final IC approval, the proposed condition will be technologically neutral and will not include any reference to "*circuit-switched voice telephony services*". While this is a positive step, the ultimate decision on This does not represent a definite change in the wording of the lawful interception condition. Final changes will only be made made following the closing of the public consultation once the spectrum auction is opened, likely in early 2013.

As part of this process, we have also negotiated with Industry Canada wording in the public consultation document to include a reference to proposed minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* (Annex A). IC has indicated that they will not consult on the *Sol Gen Standards*, but will instead refer interested parties to Public Safety Canada (PS). PS will then respond to enquiries regarding our proposed modifications to the standards. We

have prepared standard responses to guide our replies and have developed media lines in the event that there is media coverage (Annex B).



Furthermore, PS will be providing formal comments on the public consultation to Industry Canada and requests your continued assistance in developing these comments. We will be consulting with your organization shortly, to ensure that law enforcement and national security needs and concerns regarding lawful interception continue to be raised.



I will keep you apprised of the status of the public consultation, both in terms of our input into the public consultation and its eventual outcomes.

Thank you again for your continued collaboration and cooperation.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security  
Public Safety Canada

A/Commr. Antoine Babinsky  
A/Commissioner, Technical Operations  
Royal Canadian Mounted Police

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1426 St. Joseph Blvd.

Ottawa, Ontario

K1A 0R2

Alan R. Jones

Assistant Director Technology

Canadian Security Intelligence Service

P.O. Box 9732

Station "T"

Ottawa, Ontario K1G 4G4

Canada

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Dear Mr. Jones Mr. Babinsky,

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~~I would like to express my thanks for your efforts with respect to the lawful interception condition of licence for the impending public consultation on the 700 and 2500 MHz spectrum auctions. We expect this public consultation to be launched and published in the Canada Gazette in early 2012.~~

~~Public Safety Canada (PS) has been working with Industry Canada (IC) to modernize the current framework guiding lawful interception in Canada. Until full implementation of Lawful Access legislation, the regulatory framework guiding spectrum licences remains our only leverage to compel telecommunications companies to provide lawful interception capabilities.~~

~~As you may know, our officials have been working together, along with Industry Canada, to address the challenges associated with an outdated lawful interception condition of spectrum licence in the context of the upcoming public consultation for the 700 MHz and 2500 MHz spectrum auction. We expect this public consultation to be launched and published in the Canada Gazette in early 2012.~~

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As part of this process, we have also negotiated with Industry Canada wording in the public consultation document to include a reference to proposed minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* (Annex A). IC has indicated that they will not consult on the *Sol Gen Standards*, but will instead refer interested parties to Public Safety Canada (PS). PS will then respond to enquiries regarding our proposed modifications to the standards. We have prepared standard responses to guide our replies and have developed media lines in the event that there is media coverage (Annex B).

Furthermore, PS will be providing formal comments on the public consultation to Industry Canada and requests your continued assistance in developing these comments. We will be consulting with your organization shortly, to ensure that law enforcement and national security needs and concerns regarding lawful interception continue to be raised.

I will keep you apprised of the status of the public consultation, both in terms of our input into the public consultation and its eventual outcomes.

Thank you again for your continued collaboration and cooperation.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security  
Public Safety Canada

QUESTION PERIOD NOTE

Date: October 2011  
Classification: UNCLASSIFIED  
Branch / Agency: PS/ NSOD

## Question Period Note

### LAWFUL INTERCEPTION – CONDITION OF SPECTRUM LICENCE

**ISSUE:** Public consultations on the conditions of spectrum licences, including notably the lawful interception condition of licence. The *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*, part of the lawful interception condition, will also be publicly consulted ~~as part of this~~ in a separate, but parallel process.

#### BACKGROUND:

Prior to lawful access legislation, the primary instrument for public safety agencies to compel telecommunications companies to provide court authorized intercepts was through including a requirement for lawful interception in their spectrum licence.

Public Safety Canada and Industry Canada are examining ~~ways to revising~~ the lawful interception condition and will be publicly consulting on these proposed changes as part of the upcoming 700 and 2500 MHz auctions.

Industry Canada will be conducting ~~an~~ additional public consultations on the conditions of spectrum licence. This consultation will allow stakeholders to comment on the expected conditions that will form part of the 700 MHz and 2500 MHz spectrum licensing regime. This spectrum will be allocated through an auction process that is expected to be launched near the end of 2012. This spectrum auction is expected to generate billions of dollars for the Government of Canada.

Law enforcement and national security agencies require an effective lawful interception capacity in order to investigate crimes and threat to Canadian security. Therefore, the primary concern being addressed ~~with changes to the lawful interception condition of licence, through the public consultation,~~

In addition, part of the requirements of the lawful interception condition of licence is for licensees to abide by the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (Solicitor General Standards) - a set of 23 standards that indicate the technical requirements needed by ~~for~~ law enforcement and national security agencies for lawful interception. These standards themselves will also form not be part of the public consultation for the 700 and 2500 MHz auction led by Industry Canada. However, proposed minor modifications of the standards will be consulted through a separate process led by Public Safety Canada.

A stronger lawful interception condition of spectrum licence, while beneficial to law enforcement and national security agencies,

## LAWFUL INTERCEPTION – CONDITION OF SPECTRUM LICENCE

### PROPOSED RESPONSE:

- The lawful interception condition and the Solicitor General standards are important tools for law enforcement and national security agencies in the fight against criminal and terrorist-related activity.
- The purpose of updating the lawful interception condition of licence and the Solicitor General Standards is to bring these requirements up to speed with the technological realities of our times.
- I have been working closely with the Minister of Industry, through the upcoming ~~[UPCOMING]~~ public consultation for the 700 MHz and 2500 MHz spectrum auction, to ensure that stakeholders can comment on proposed changes to the lawful interception condition.
- Until full implementation of this Government's proposed lawful access legislation, the lawful intercept condition of licence remains an important tool in the fight against crime and terrorism.

### CONTACTS:

Prepared by  
Shawn Plunkett  
Senior Policy Advisor

Tel. no.  
613.990-7066 (office)  
[REDACTED] (BBeel)

Approved by (ADM-DG level only)  
~~Lynda Clairmont~~ Michael MacDonald  
Director General

Tel. no.  
613.990-4976 (office)  
[REDACTED] (BB)

Alan R. Jones  
Assistant Director Technology  
Canadian Security Intelligence Service


P.O. Box 9732.  
Station "T"  
Ottawa, Ontario K1G 4G4  
Canada

Dear Mr. Jones,


As you may know, our officials have been working together to address challenges associated with having an outdated lawful interception condition of spectrum licences.

We have received indications from IC that they have agreed to include a lawful interception condition in the upcoming public consultation document. Pending final IC approval, the proposed condition will be technologically neutral and will not include any reference to "*circuit-switched voice telephony services*". This does not represent a definite change in the wording of the lawful interception condition. Final changes will only be made following the closing of the public consultation.

As part of this process, we have also negotiated with Industry Canada wording in the public consultation document to include a reference to proposed minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* (Annex A). IC has indicated that they will not consult on the *Sol Gen Standards*, but will instead refer interested parties to Public Safety Canada. PS will then respond to enquiries regarding our proposed modifications to the standards. We have prepared standard responses to guide our replies and have developed media lines in the event that there is media coverage (Annex B).



Furthermore, PS will be providing formal comments on the public consultation to Industry Canada and requests your continued assistance in developing these comments. We will be consulting with your organization shortly, to ensure that law enforcement and national security needs and concerns regarding lawful interception continue to be raised.





I will keep you apprised of the status of the public consultation, both in terms of our input into the public consultation and its eventual outcomes.

Thank you again for your continued collaboration and cooperation.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security  
Public Safety Canada

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Helen McDonald  
Senior Assistant Deputy Minister  
Industry Canada  
Spectrum Information Technologies and Telecommunications

300 Slater Street  
Ottawa, Ontario K1A 0C8  
Canada

Dear Mrs. McDonald,

I would like to express my thanks to you and your organization for our collaborative work ~~thus far regarding the lawful interception condition of licence for~~ in the context of the impending public consultation on the design of the 700 and 2500 MHz spectrum auctions. ~~We look forward to continuing to work with Industry Canada on this important file.~~

~~I understand that our recommendation to update the lawful interception condition of licence, by removing reference to "circuit-switch voice telephony services",~~

While Public Safety Canada will be submitting formal comments as part of Industry Canada's public consultation, I wanted to express our appreciation for the opportunity to ~~be consulted~~ comment on the lawful interception condition of licence prior to the launch of the public consultation.

I understand that our recommendation to update the lawful interception condition of licence, by removing reference to "circuit-switch voice telephony", has been positively received and is likely to be included in the public consultation.

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Lawful interception is an indispensable tool for Public Safety agencies. Until full implementation of lawful access legislation, an effective lawful interception condition of licence, — with its forbearance regime, — remains the most effective instrument for facilitating the development of lawful interception capabilities. I appreciate your efforts in working with us to modernize the condition of licence to bring it in line with today's technologies and assist Public Safety agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.

~~W~~~~h~~~~e~~~~n~~~~a~~~~d~~~~d~~~~i~~~~t~~~~i~~~~o~~~~n~~~~,~~~~w~~~~e~~ are very supportive of retaining the forbearance regime. We view the forbearance process as a very important avenue for dialogue with telecommunications companies. It allows both sides to engage in a cooperative exchange whereby parties are able to come to mutually beneficial arrangements. It also ensures that undue burden is not placed on the telecommunications industry, without disregarding the lawful interception needs of Public Safety agencies.

Thank you again for your ongoing cooperation in this regard. I look forward to continuing our collaboration.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security  
~~Public Safety Canada~~

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A/Commr. Antoine Babinsky  
A/Commissioner, Technical Operations  
Royal Canadian Mounted Police,

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1426 St. Joseph Blvd.  
Ottawa, Ontario  
K1A 0R2  
Alan R. Jones  
Assistant Director Technology  
Canadian Security Intelligence Service

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P.O. Box 9732,  
Station "T"  
Ottawa, Ontario K1G 4G4  
Canada

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Dear Mr. Jones Mr. Babinsky,

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~~I would like to express my thanks for your efforts with respect to the lawful interception condition of licence for the impending public consultation on the 700 and 2500 MHz spectrum auctions. We expect this public consultation to be launched and published in the Canada Gazette in early 2012.~~

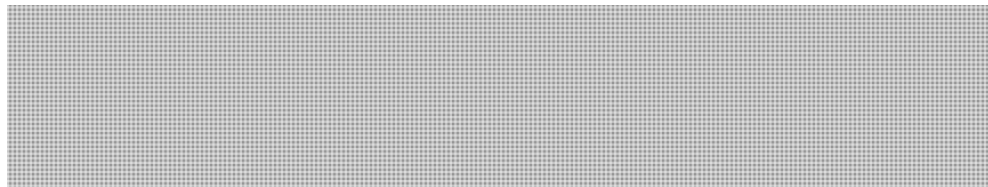
~~Public Safety Canada (PS) has been working with Industry Canada (IC) to modernize the current framework guiding lawful interception in Canada. Until full implementation of Lawful Access legislation, the regulatory framework guiding spectrum licensees remains our only leverage to compel telecommunications companies to provide lawful interception capabilities.~~

As you may know, our officials have been working together, along with Industry Canada (IC), to address the challenges associated with an outdated lawful interception condition of licence in the context of the upcoming public consultation for the 700 and 2500 MHz spectrum auction. This consultation, which we expect will occur in early 2012, will focus primarily on the design of the spectrum auction and which conditions are to be included in future spectrum licences.

We have received indications from IC that they are strongly considering including a lawful interception condition in the public consultation. IC is also considering rewording this condition to be technologically neutral and would not include reference to 'circuit-switched voice telephony'. It is being proposed that this revised condition would apply to

future licences on these spectrum bands. While IC had demonstrated an openness to consider changes to the lawful interception condition demonstrates, a final decision on removing 'circuit-switched voice telephony' has yet to be made.

As part of this process, we have negotiated with Industry Canada to include a reference to proposed minor modifications to the Solicitor General Enforcement Standards for Lawful Interception of Telecommunications (SGES, Annex A) in their public consultation document. IC will not be consulting on the SGES, but will refer interested parties to Public Safety Canada (PS). PS will then respond to enquiries regarding our proposed modifications to the standards. We have prepared standard responses to guide our replies and have developed media lines in the event that there is media coverage (Annex B).



To reinforce our collective position, PS will be providing IC with formal comments on the once the consultation is opened. We will be requesting your assistance in developing these comments, to ensure that law enforcement and national security needs and concerns regarding lawful interception continue to be raised.

I will keep you apprised of the status of the public consultation, both in terms of our input into the public consultation and its eventual outcomes.

Thank you again for your continued collaboration and cooperation. I am encouraged by these developments and hopeful that it will lead to a robust condition of licence for the upcoming 700 and 2500 MHz spectrum auction.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security

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Alan R. Jones  
Assistant Director Technology  
Canadian Security Intelligence Service

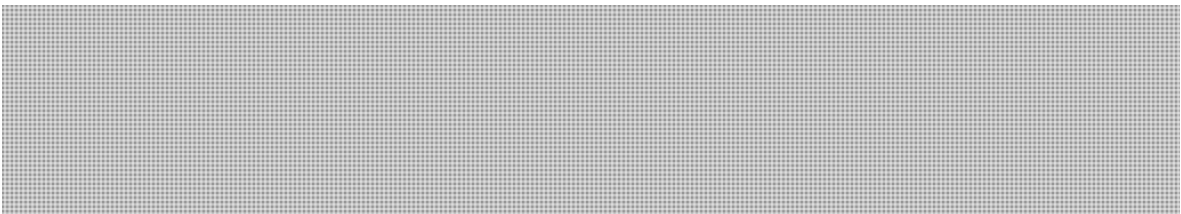
P.O. Box 9732  
Station "T"  
Ottawa, Ontario K1G 4G4  
Canada

Dear Mr. Jones,

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We have received indications from IC that they are strongly considering including a lawful interception condition in the public consultation. IC is also considering rewording this condition to be technologically neutral and would not include reference to '*circuit-switched voice telephony*'. It is being proposed that this revised condition would apply to future licences on these spectrum bands. While IC had demonstrated an openness to consider changes to the lawful interception condition demonstrates, a final decision on removing '*circuit-switched voice telephony*' has yet to be made.

As part of this process, we have negotiated with IC to include a reference to proposed minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* (SGES, Annex A) in their public consultation document. IC will not be consulting on the SGES, but will refer interested parties to Public Safety Canada (PS). PS will then respond to enquiries regarding our proposed modifications to the standards. We have prepared standard responses to guide our replies and have developed media lines in the event that there is media coverage (Annex B).



To reinforce our collective position, PS will be providing IC with formal comments on the once the consultation is opened. We will be requesting your assistance in developing

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these comments, to ensure that law enforcement and national security needs and concerns regarding lawful interception continue to be raised.

I will keep you apprised of the status of the public consultation, both in terms of our input into the public consultation and its eventual outcomes.

Thank you again for your continued collaboration and cooperation. I am encouraged by these developments and hopeful that it will lead to a robust condition of licence for the upcoming 700 and 2500 MHz spectrum auction.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security

**Page 337**

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est retenue en vertu des articles**

**of the Access to Information  
de la Loi sur l'accès à l'information**



**Pages 338 to / à 339  
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**of the Access to Information  
de la Loi sur l'accès à l'information**

**Page 340**

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**of the Access to Information  
de la Loi sur l'accès à l'information**

## ANNEX B

### Public Consultation to the 700 MHz and 2500 MHz Spectrum Auction

#### Public Enquiries/Media Relations Messages

#### ISSUE:

Industry Canada (IC) is planning an auction anticipated for the first half of 2013 to allocate spectrum in the 700 MHz and a further auction on the 2500 MHz bands likely the following year. Prior to this auction, a second public consultation in early 2012 on the design of the 700 MHz and the 2500 MHz auctions will be held. Specifically, IC will be consulting on what conditions will be attached to the spectrum licences for the 700 and 2500 MHz band. In this context, we have been working to include a lawful interception condition of licence and to remove from this condition any reference to "circuit-switched voice telephony". Also, Public Safety Canada (PS) indicated to IC that it will be proposing minor modifications to the guidelines document that outlines intercept capability requirements entitled: *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)*, as they were last revised in 1995.

With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing [REDACTED] minor modifications to the standards. [REDACTED]

However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process, but will indicate in its public consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information. We have proposed to IC that they include the PS General Enquiries email and phone line in the public consultation document to handle any public enquiries regarding these proposed changes.

As a result, we expect that affected companies may contact Public Safety Canada to enquire as to proposed changes to the *Sol Gen Standards*. It should be noted that Public Safety cannot respond to questions surrounding the auction writ large or on any specific condition of licence. Public Safety Canada is only responsible for the *Sol Gen Standards*. Please note that while not a classified document, due to the nature of the material, there is sensitivity regarding actively publicizing the *Sol Gen Standards*.

#### PROTOCOL

For Media Relations:

- When a call is received by Media Relations, a notification will be sent to the Minister's Office Director of Communications, the DG of Communications, program communications strategists and the responsible policy sector.
- Media Relations spokespeople will use the messages and Q&As below to formulate responses and work with the policy sector to finalize answers.
- Final media lines need to be approved by the DG NS Ops or as delegated.

## ANNEX B

- Media Relations will then seek approvals from DG Communications and the Minister's Office as well as advise PCO Communications.
- Once approved, media relations will provide the final response to the journalist.

### For Public Enquiries:

- Calls are logged as they are received and responded to using the initial method of contact (phone or email). For straightforward questions, Public Enquiries officers will provide the preapproved responses provided below.
- For calls seeking to provide feedback or more complex questions, Public Enquiries can forward requests to the policy centre.
- Public Enquiries will provide the policy sector with updates on number of calls received on request.

### **MEDIA LINES:**

Public Safety Canada is proposing minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* to update the language in the standards to reflect the current environment.



While the changes are minor, we are currently seeking feedback from industry to ensure that their views are heard.

### **STANDARD RESPONSES FOR PUBLIC ENQUIRIES**

#### **If caller is requesting any information relating to the 700 MHz or 2500 MHz Spectrum auction:**

- Industry Canada is responsible for the public consultation on the Spectrum Auctions. Should you wish to make comments on the spectrum auction, please contact Industry Canada at ... [[Insert IC contact info](#)]

#### **If caller is requesting any information relating to the Lawful Interception Condition of Spectrum Licence:**

- Industry Canada is responsible for the public consultation on the conditions of licences. Should you wish to make comments on the condition of licence, please contact Industry Canada at ... [[Insert IC contact info](#)]

## ANNEX B

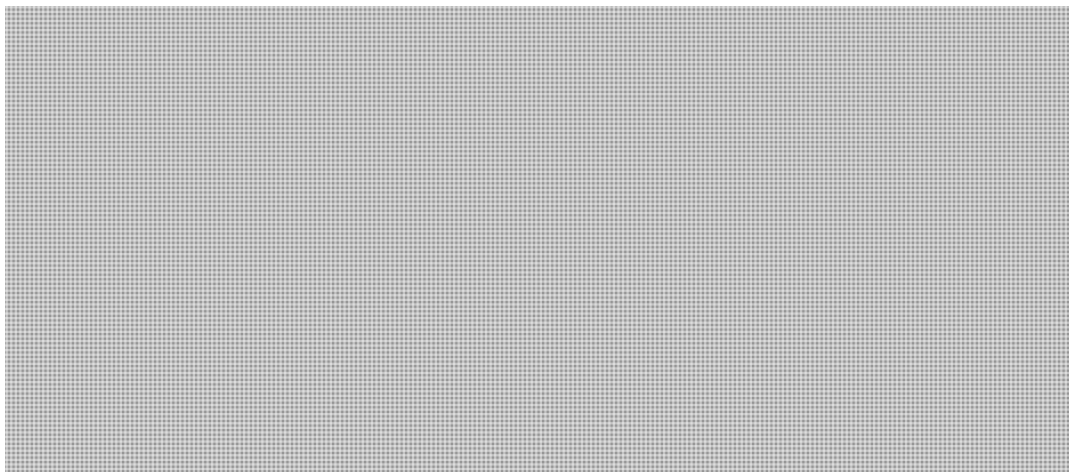
### **If caller is seeking a copy of the SolGen Standards:**

- Please provide us with either an email or mailing address and the responsible party at Public Safety will contact you shortly.

*[Please forward along contact information and any relevant notes to the policy centre for further action.]*

### **If caller is seeking what changes are being made to the SolGen Standards:**

- As noted in the public consultation document, we are proposing only [REDACTED] minor modifications [REDACTED]



- **If further details are requested:**

We would be happy to take your contact information and the responsible party at Public Safety will contact you in the near future.

### **If caller is seeking to make comments on proposed changes to the SolGen Standards**

- We welcome your input into the proposed changes. We would be happy to take your contact information and have the responsible party at Public Safety contact you in the near future.

### **Qs & As:**

#### **When will these proposed changes take effect?**

These changes would take effect once any 700 MHz or 2500 MHz licences are granted and would apply only to these forthcoming licences.

#### **Will these proposed changes impact previous spectrum licences?**



## ANNEX B

The proposed changes to the *Solicitor General Enforcement Standards* will only impact future licences that will be acquired through the 700 and 2500 MHz auction. They will not be applied to any existing licence.

### **How will these changes affect the spectrum auction?**

These changes will not have any direct bearing on the spectrum auction themselves. As indicated in the public consultation, the changes being proposed to the *Solicitor General Enforcement Standards* are minor and administrative in nature.

### **How will these changes affect my business?**

There will be no negative impact on potential licencees.   


### **Will removing “Circuit-Switched” have a significant impact on our business?**

The removal of the term ‘circuit-switched’ forms part of the conditions of licence and not the SolGen Standards. Industry Canada is responsible for the public consultation on the conditions of licence. Should you wish to make comments on the conditions of licence, please contact Industry Canada at... [Insert IC contact info]

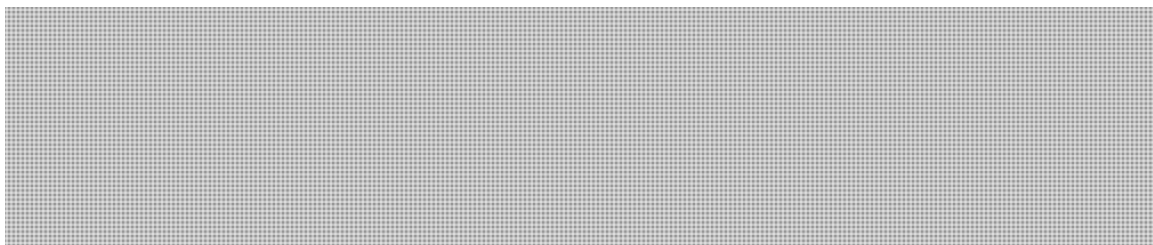
Helen McDonald  
Senior Assistant Deputy Minister  
Industry Canada  
Spectrum Information Technologies and Telecommunications

300 Slater Street  
Ottawa, Ontario K1A 0C8  
Canada

Dear Mrs. McDonald,

I would like to express my thanks to you and your organization for our collaborative work in the context of the impending public consultation on the design of the 700 and 2500 MHz spectrum auctions.

While Public Safety Canada will be submitting formal comments as part of Industry Canada's consultation, I wanted to express our appreciation for the opportunity to comment on the lawful interception condition of licence prior to the launch of the public consultation.



Lawful interception is an indispensable tool for Public Safety agencies. Until full implementation of lawful access legislation, an effective lawful interception condition of licence, with its forbearance regime, remains the most effective instrument for facilitating the development of lawful interception capabilities. I appreciate your efforts in working with us to modernize the condition of licence to bring it in line with today's technologies and assist Public Safety agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.

We are very supportive of retaining the forbearance regime. We view the forbearance process as a very important avenue for dialogue with telecommunications companies. It allows both sides to engage in a cooperative exchange whereby parties are able to come to mutually beneficial arrangements. It also ensures that undue burden is not placed on

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the telecommunications industry, without disregarding the lawful interception needs of Public Safety agencies.

Thank you again for your ongoing cooperation in this regard. I look forward to continuing our collaboration.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security



A/Commr. Antoine Babinsky  
A/Commissioner, Technical Operations  
Royal Canadian Mounted Police

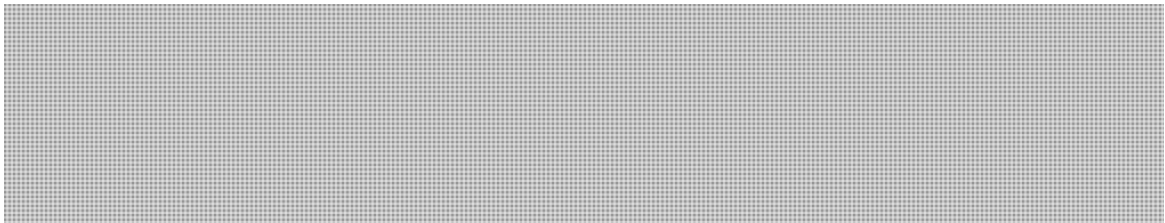
1426 St. Joseph Blvd.  
Ottawa, Ontario  
K1A 0R2

Dear Mr. Babinsky,

As you may know, our officials have been working together, along with Industry Canada (IC), to address the challenges associated with an outdated lawful interception condition of licence in the context of the upcoming public consultation for the 700 and 2500 MHz spectrum auction. This consultation, which we expect will occur in early 2012, will focus primarily on the design of the spectrum auction and which conditions are to be included in future spectrum licences.

We have received indications from IC that they are strongly considering including a lawful interception condition in the public consultation. IC is also considering rewording this condition to be technologically neutral and would not include reference to '*circuit-switched voice telephony*'. It is being proposed that this revised condition would apply to future licences on these spectrum bands. While IC had demonstrated an openness to consider changes to the lawful interception condition demonstrates, a final decision on removing '*circuit-switched voice telephony*' has yet to be made.

As part of this process, we have negotiated with IC to include a reference to proposed minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* (SGES, Annex A) in their public consultation document. IC will not be consulting on the SGES, but will refer interested parties to Public Safety Canada (PS). PS will then respond to enquiries regarding our proposed modifications to the standards. We have prepared standard responses to guide our replies and have developed media lines in the event that there is media coverage (Annex B).



To reinforce our collective position, PS will be providing IC with formal comments on the once the consultation is opened. We will be requesting your assistance in developing these comments, to ensure that law enforcement and national security needs and concerns regarding lawful interception continue to be raised.

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I will keep you apprised of the status of the public consultation, both in terms of our input into the public consultation and its eventual outcomes.

Thank you again for your continued collaboration and cooperation. I am encouraged by these developments and hopeful that it will lead to a robust condition of licence for the upcoming 700 and 2500 MHz spectrum auction.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security

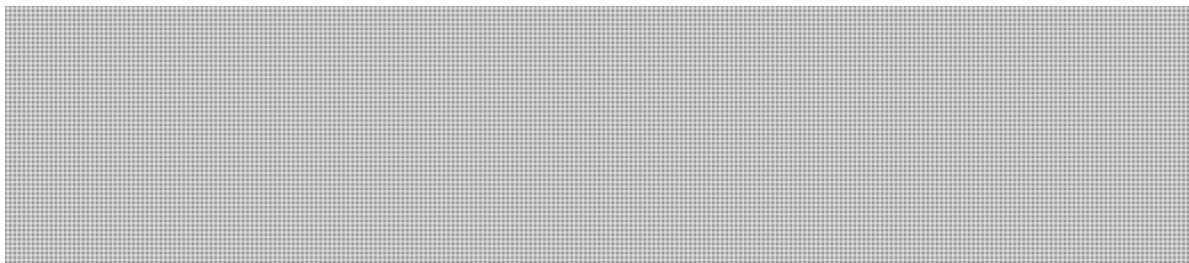
Helen McDonald  
Senior Assistant Deputy Minister  
Industry Canada  
Spectrum Information Technologies and Telecommunications

300 Slater Street  
Ottawa, Ontario K1A 0C8  
Canada

Dear Mrs. McDonald,

I would like to express my thanks to you and your organization for our collaborative work in the context of the impending public consultation on the design of the 700 and 2500 MHz spectrum auctions.

While Public Safety Canada will be submitting formal comments as part of Industry Canada's consultation, I wanted to express our appreciation for the opportunity to comment on the lawful interception condition of licence prior to the launch of the public consultation.



Lawful interception is an indispensable tool for Public Safety agencies. Until full implementation of lawful access legislation, an effective lawful interception condition of licence, with its forbearance regime, remains the most effective instrument for facilitating the development of lawful interception capabilities. I appreciate your efforts in working with us to modernize the condition of licence to bring it in line with today's technologies and assist Public Safety agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.

We are very supportive of retaining the forbearance regime. We view the forbearance process as a very important avenue for dialogue with telecommunications companies. It allows both sides to engage in a cooperative exchange whereby parties are able to come to mutually beneficial arrangements. It also ensures that undue burden is not placed on

-2-

the telecommunications industry, without disregarding the lawful interception needs of  
Public Safety agencies.

Thank you again for your ongoing cooperation in this regard. I look forward to  
continuing our collaboration.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security

**UNCLASSIFIED**

DATE:

File No.: NS 6652 / 384678

**MEMORANDUM FOR THE ASSISTANT DEPUTY MINISTER**

**LAWFUL INTERCEPTION**  
**CONDITION OF LICENCE PUBLIC CONSULTATION**

(Decision Sought)

**ISSUE**

Attached for your signature is a letter to Industry Canada regarding the impending public consultation on 700 MHz spectrum auction, which will include the lawful interception condition of licence.

**BACKGROUND**

This memorandum is further to the note entitled "700 and 2500 MHz Public Consultation on the Lawful Interception Condition of Licence" (**TAB 1**) that provided an overview of our discussions with Industry Canada (IC) regarding the inclusion of a lawful interception condition of licence in the public consultation for the upcoming spectrum auctions.

Anticipated for early 2013, the Government of Canada is expected to launch a public auction for the 700 MHz spectrum band, as well as the 2500 MHz band. The 700 MHz spectrum band are radio frequencies (bandwidth) highly sought after by telecommunications service providers as it is the band where new LTE (Long Term Evolution) services are to reside. This auction is expected to generate billions in revenue for the Government of Canada. Of note, Public Safety Canada (PS) has requested 20 MHz of this spectrum to develop a wireless first responders' network.

Leading up to the spectrum auction, Industry Canada will be holding public consultations to determine how the spectrum is allocated and what conditions will be applied to licence holders. In early 2011, the first such public consultation was held. PS submitted formal comments to IC with respect to: a wireless network for first responders; the potential implications of the liberalization of the telecommunications industry in Canada; and on modernizing the lawful interception condition of licence. A

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response from IC (in the form of a decision paper) to the comments received as part of the first public consultation is expected to be made public shortly. Once this decision paper is released, IC will move to the second public consultation, anticipated for February 2012. At this stage, we do not expect a third round of consultations.

*Lawful Interception Condition of Licence*

In Canada, spectrum is allocated by way of auction and managed through a licencing regime, whereby successful bidders are given spectrum licences. These spectrum licences contain the conditions that the licence holders must comply with in order to use their purchased spectrum to provide wireless phone and internet services. Traditionally, one of the conditions in the spectrum licences has been to provide lawful interception capabilities. Until the full implementation of lawful access legislation, the lawful interception condition has been the primary instrument for public safety agencies to compel telecommunications companies to provide court authorized intercepts.

The second round of public consultations on the spectrum auction is expected to focus on which conditions are to be included in spectrum licences for the 700 MHz band. While there have been several delays, this round of consultations is expected in February 2012 and is set to be open to the public for a minimum of 60 days. This is important for PS as the lawful interception condition of licence will form part of this consultation. While PS will be providing formal comments as part of this public consultation, IC has engaged PS prior to the launch of the second consultation in order to assess our views on the lawful interception condition of licence.

In order to make this condition technologically neutral, the term "*circuit-switched voice telephony*" must be removed from the condition of licence,

As most telecommunications companies are moving towards new LTE (Long Term Evolution) networks, that are '*packet-switched*',

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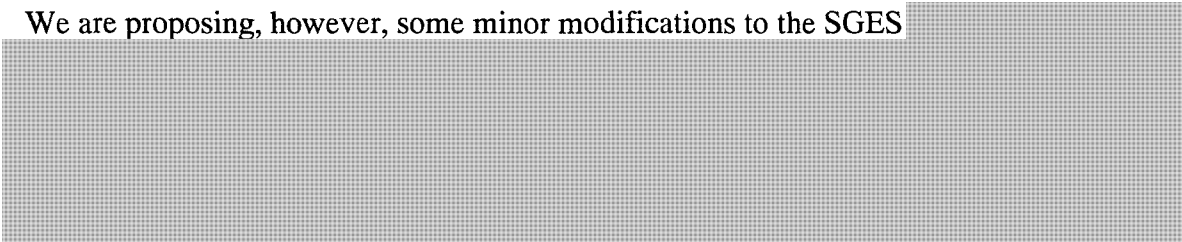
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*Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (SGES)*

Part of the lawful interception condition of licence is for licence holders to comply with the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (SGES)* - a set of 23 standards that indicate the technical requirements needed by law enforcement and national security agencies for lawful interception. These standards act as a guide for telecommunications companies on how to provide public safety agencies with lawful intercepts. While the SGES have not been updated since 1995, they continue to be useful in indicating to telecommunication providers the necessary requirements for lawful interception in Canada and are not as constrictive as the lawful interception condition of licence.

We are proposing, however, some minor modifications to the SGES



The proposed changes to the SGES will not form part of IC's public consultation, as IC views PS as the 'owners' of the standards. They will, however, include a reference in the public consultation that PS is proposing minor changes to the SGES. This document will encourage interested parties to contact Public Safety's general enquiries line should they have any comments regarding changes to the SGES.

Public Safety will accept comments on the SGES for the same period as the Industry Canada consultation is open. While not a public consultation, PS is interested in alerting possible spectrum licence holders regarding the possibility of changes to the SGES. In order to facilitate this, we have worked with PS Communications in order to respond to any enquiries regarding the proposed changes. This included developing media lines, standard responses and Qs and As.

Following the closing of Industry Canada's public consultation, PS will continue to work with IC in order to make the relevant modifications to the condition of licence and the SGES. Any changes to these two components will need to be completed prior to the launch of the spectrum auction in early 2013.

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**CONSIDERATIONS**

In order to indicate to IC the importance that we place on removing '*circuit-switched voice telephony*' from the lawful interception condition of licence, a letter has been drafted from yourself to Helen McDonald at Industry Canada. [REDACTED]

Shortly, we will be providing you with letters to send to the RCMP and CSIS to inform your colleagues on the progress of updating the condition of licence and to thank them for their collaboration. The letters to the RCMP and CSIS will demonstrate an effort on our part to remedy an issue of concern for the Portfolio agencies. [REDACTED]

**RECOMMENDATION**

- That you sign the enclosed letter.
- That you send the enclosed letter to your counterpart at Industry Canada.

Should you require additional information, do not hesitate to contact me at (613) 993-4595, or Michèle Kingsley, Director, Investigative Technologies and Telecommunications Policy at (613) 949-3181.

Michael MacDonald  
Director General  
National Security Operations Directorate

Prepared by: Shawn Plunkett



**UNCLASSIFIED**

DATE:

File No.: NS 6652 / 384678

**MEMORANDUM FOR THE ASSISTANT DEPUTY MINISTER**

**LAWFUL INTERCEPTION**  
**CONDITION OF LICENCE PUBLIC CONSULTATION**

(Decision Sought)

**ISSUE**

Attached for your signature are three (3) letters, to Industry Canada, the RCMP and CSIS, regarding the impending public consultation on 700 MHz spectrum auction, which will include the lawful interception condition of licence.

**BACKGROUND**

This memorandum is further to the note entitled "700 and 2500 MHz Public Consultation on the Lawful Interception Condition of Licence" (**TAB 1**) that provided an overview of our discussions with Industry Canada (IC) regarding the inclusion of a lawful interception condition of licence in the public consultation for the upcoming spectrum auctions.

Anticipated for early 2013, the Government of Canada is expected to launch a public auction for the 700 MHz spectrum band, as well as the 2500 MHz band. The 700 MHz spectrum band are radio frequencies (bandwidth) highly sought after by telecommunications service providers as it is the band where the new Long Term Evolution (LTE) services are to reside. This auction is expected to generate billions in revenue for the Government of Canada. Of note, Public Safety Canada (PS) has requested 20 MHz of this spectrum to develop a wireless first responders' network.

Leading up to the spectrum auction, Industry Canada will be holding public consultations to determine how the spectrum should be allocated and what conditions will be applied to licence holders. In early 2011, the first such public consultation was held. PS submitted formal comments to IC with respect to: a wireless network for first responders; the potential implications of the liberalization of the telecommunications industry in Canada; and on modernizing the lawful interception condition of licence. A

UNCLASSIFIED

- 2 -

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*Lawful Interception Condition of Licence*

In Canada, spectrum is allocated by way of auction and managed through a licencing regime, whereby successful bidders are given spectrum licences. These spectrum licences contain the conditions that the licence holders must comply with in order to use their purchased spectrum to provide wireless phone and internet services. Traditionally, one of the conditions in the spectrum licences has been to provide lawful interception capabilities. Until the full implementation of lawful access legislation, the lawful interception condition has been the primary instrument for public safety agencies to compel telecommunications companies to provide lawful intercepts.

The second round of public consultations on the spectrum auction is expected to focus on which conditions are to be included in spectrum licences for the 700 MHz band. While there have been several delays, this round of consultations is expected in February 2012 and is set to be open to the public for a minimum of 60 days. This is important for PS as the lawful interception condition of licence will form part of this consultation. While PS will be providing formal comments as part of this public consultation, IC has engaged PS prior to the launch of the second consultation in order to assess our views on the lawful interception condition of licence.

In order to make this condition technologically neutral, the term "*circuit-switched voice telephony*" must be removed from the condition of licence.

As most telecommunications companies are moving towards new LTE networks, that are '*packet-switched*',

.../3

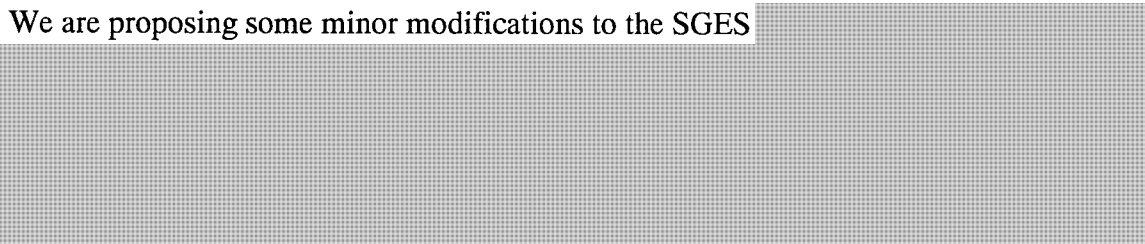
UNCLASSIFIED

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We are proposing some minor modifications to the SGES



The proposed changes to the SGES will not form part of IC's public consultation, as IC views PS as the 'owners' of the standards. They will, however, include a reference in the public consultation that PS is proposing minor changes to the SGES. This document will encourage interested parties to contact Public Safety's general enquiries line should they have any comments regarding changes to the SGES.

Public Safety will accept comments on the SGES for the same period as the Industry Canada consultation is open. While not a public consultation, PS is interested in alerting possible spectrum licence holders regarding the possibility of changes to the SGES. In order to facilitate this, we have worked with PS Communications in order to respond to any enquiries regarding the proposed changes. This included developing media lines, standard responses and Qs and As (**TAB 2**).

Following the closing of Industry Canada's public consultation, PS will continue to work with IC in order to make the relevant modifications to the condition of licence and the SGES. Any changes to these two components will need to be completed prior to the launch of the spectrum auction in early 2013.

**CONSIDERATIONS**

In order to inform your colleagues on the progress of updating the condition of licence and to thank them for their collaboration, three letters have been drafted for your review and approval. One letter is addressed to your counterpart at Industry Canada, Helen McDonald (**TAB 3**); and two are addressed to your counterparts at the RCMP and CSIS (**TAB 4 and 5**).

**UNCLASSIFIED**

- 4 -

The letters serve several purposes. The letter to IC will

The letter will also work towards fostering greater communication between IC and PS in order that our departments continue to work collaboratively moving forward.

The letters to the RCMP and CSIS will demonstrate an effort on our part to remedy an issue of concern for the Portfolio agencies. It will also serve to signal that while our efforts have been received positively by Industry Canada, a decision on this issue has yet to be made. The letters to the RCMP and CSIS will include as annexes the media lines noted above in TAB 2, as well as the proposed changes to the SGES.

### **RECOMMENDATIONS**

- That you sign the enclosed letters.
- That you send the enclosed letters to your counterparts at Industry Canada, the RCMP and CSIS.

Should you require additional information, do not hesitate to contact me at (613) 993-4595, or Michèle Kingsley, Director, Investigative Technologies and Telecommunications Policy at (613) 949-3181.

Michael MacDonald  
Director General  
National Security Operations Directorate

Prepared by: Shawn Plunkett

U.S. / Canada

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File No.: NS 6652 / 384678

**MEMORANDUM FOR THE SENIOR ASSISTANT DEPUTY MINISTER**

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(Decision sought)

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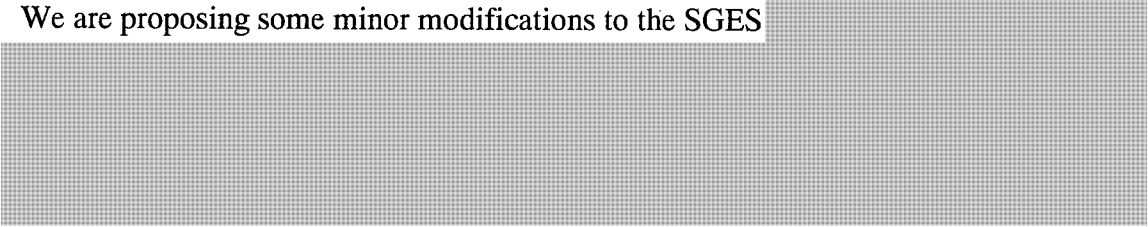
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In order to indicate to IC the importance that we place on removing 'circuit-switched voice telephony' from the lawful interception condition of licence, a letter has been drafted from yourself to Helen McDonald at IC (**TAB 3**). The intent of this letter is to urge IC to modernize the lawful interception condition of licence and to foster greater communication between IC and PS, thus encouraging continued cooperation between the two departments.

**UNCLASSIFIED**

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Michael MacDonald  
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Enclosures: 3

I approve:

---

Lynda Clairmont

Prepared by: Shawn Plunkett



**UNCLASSIFIED**

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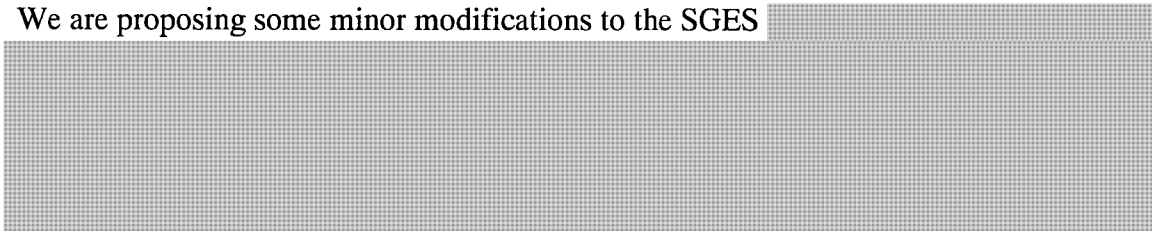
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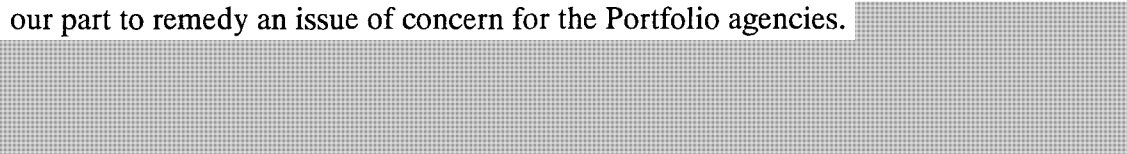
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Enclosures: 3

I approve:

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Lynda Clairmont

Prepared by: Shawn Plunkett



Public Safety Canada / Sécurité publique Canada

Senior Assistant Deputy Minister / Sous-ministre adjoint principal

Ottawa, Canada K1A 0P8

UNCLASSIFIED

DATE: Jan 17/12

File No Stacey,

MEMO MINISTER

Pls hold for LC,  
but ensure she reviews  
immediately upon her  
return. We are running

ISSUE

Attached against the clock on ing the impending  
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intercep

BACKGROUND

undertake their public  
consultations in Feb.

This memo Public  
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*The MM*

Anticipa launch a public  
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spectrum by

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Public Safety    Sécurité publique  
Canada            Canada

Senior Assistant    Sous-ministre  
Deputy Minister    adjoint principal

Ottawa, Canada  
K1A 0P8

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(Decision sought)

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The forbearance regime allows the Minister of Industry, in consultation with PS, to forbear the licence holder from complying, either in full or in part, with the lawful interception condition of licence. IC can grant forbearance should it determine that developing or purchasing lawful interception capabilities is not reasonably achievable or is cost prohibitive. PS views the forbearance process as an important dialogue to discuss with licence holders the lawful interception requirements and to identify areas where PS Portfolio agencies can assist telecommunications companies to comply with their lawful interception requirements.

In order to make this condition technologically neutral, the term "*circuit-switched voice telephony*" must be removed from the condition of licence, (see example **TAB 2**, page 4).

As most telecommunications companies are moving towards new LTE networks, that are '*packet-switched*',

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[REDACTED]

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-4-

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[REDACTED]

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Enclosures: 3

I approve:

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Lynda Clairmont

Prepared by: Shawn Plunkett

UNCLASSIFIED

DATE:

File No.: 6951-8 / 383554

MEMORANDUM FOR THE ASSISTANT DEPUTY MINISTER

c.c.: Gina Wilson

c.c.: Stéphanie Durand

700 AND 2500 MHZ PUBLIC CONSULTATION  
ON THE LAWFUL INTERCEPTION CONDITION OF LICENCE

(Information Only)

ISSUE

To provide an update on the public consultation process for the 700 and 2500 MHz spectrum auction with respect to the lawful interception condition of spectrum licence.

Industry Canada (IC) is planning an auction anticipated for early 2013 to allocate spectrum in the 700 MHz and 2500 MHz bands. In the summer of 2011, IC held a public consultation on the design of these auctions. This consultation was of significant interest to Public Safety Canada (PS) as its outcome will have important emergency management and national security implications. As such, PS submitted comments, as part of IC's consultation, from both perspectives. With respect to emergency management, PS recommended a portion of spectrum be allocated for public safety use.

From a national security perspective,

Public Safety also submitted public comments that it would be seeking to modernize the licensing framework guiding interception requirements and noted that this may include changes to the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)*.

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- 2 -

A key component of the licensing framework for interception is a lawful interception condition of spectrum licence. In the absence of lawful access legislation, this lawful interception condition is the primary instrument for public safety agencies to compel telecommunications companies to effect court authorized intercepts. [REDACTED]

### CURRENT STATUS

IC is now planning a further public consultation in December 2011 for the 700 MHz and 2500 MHz auctions, specifically on the conditions of spectrum licence. In this context, we have been working with IC to include a lawful interception as a condition of licence and to remove reference to "circuit-switched voice telephony" in the condition of licence. PS also indicated to IC that it will be proposing minor modifications to the *Sol Gen Standards* as they were last revised in 1995.

[REDACTED]

With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing [REDACTED] minor modifications to the standards. The proposed changes are:

[REDACTED]

However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process, but will indicate in its consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information.

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- 3 -

NEXT STEPS

National Security Operations Directorate (NSOD) will continue to collaborate with IC on modifications to the lawful interception condition of licence in preparation for the public consultation. NSOD will also engage PS Communications to identify the most appropriate method to communicate our proposed changes to the *Sol Gen Standards* to stakeholders. This may include a reference to the Public Safety Canada website and a listing of PS's 1-800 number in IC's public consultation.

Should you require additional information, do not hesitate to contact me at (613) 993-4595, or Michèle Kingsley, Director, Investigative Technologies and Telecommunications Policy at (613) 949-3181.

Michael MacDonald  
Director General  
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# SPECTRUM LICENCE

Issued under the authority of the Minister of Industry in accordance with the Radiocommunication Act and Regulations made thereunder

EFFECTIVE DATE	EXPIRY DATE	ACCOUNT NUMBER
April 1, 2011	March 31, 2031	07-091901349

**RADIOCOMMUNICATION CARRIER**

Rogers Communications Partnership  
 Ron Murphy, Dir. Radio Engineering  
 8200 Dixie Road  
 Brampton ON L6T 0C1

**THIS LICENCE AUTHORIZES THE UTILIZATION OF THE SPECIFIED RADIO FREQUENCIES IN THE SERVICE AREA LISTED BELOW**

NUMBER TYPE	SERVICE AREA	SERVICE AREA ID
5113309 FIXED	East Ont/Ont-Est, Outaouais	2-06

**LICENCE CONDITIONS**

Refer to Attached Appendix. Previously licenced under licence : #4966270

LOWER FREQUENCIES	UPPER FREQUENCIES	AUTHORIZED COMMUNICATIONS AND CONDITIONS
1890.00000 MHz TO 1895.00000 MHz	1970.00000 MHz TO 1975.00000 MHz	PCS/SCP F/F'

**SERVICES**

T LAND/MOBILE

**APPENDICES**

I3

Conditions of Licence for Renewed Cellular and PCS Licences  
(Effective April 2011)

The following conditions apply to any licences issued through the Renewal Process for PCS and Cellular Licences, 2011, including those initially assigned by auction. It should be noted that the licence is subject to relevant provisions in the Radiocommunication Act

# SPECTRUM LICENCE

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ACCOUNT NUMBER	LICENCE NUMBER
7-091901349	5113309

## APPENDICES

and the Radiocommunication Regulations. For example, the Minister continues to have the power to amend the terms and conditions of spectrum licences (paragraph 5(1)(b) of the Radiocommunication Act).

### 1. Licence Term

This licence will expire on the date indicated above.

At the end of this term, the licensee will have a high expectation that a new licence will be issued for a subsequent term through a renewal process unless a breach of licence condition has occurred, a fundamental reallocation of spectrum to a new service is required, or an overriding policy need arises.

The licensee must pay the annual licence fee before March 31 of each year for the subsequent year (April 1 to March 31).

### 2. Licence Transferability and Divisibility

The licensee may apply, in writing, to transfer its licence in whole or in part (divisibility), in both the bandwidth and geographic dimensions. Departmental approval is required for each proposed transfer of a licence, whether the transfer is in whole or in part. The transferor(s) must provide an attestation and other supporting documentation demonstrating that all conditions, technical or otherwise, of the licence have been met. The transferee(s) must provide an attestation and other supporting documentation demonstrating that it meets the eligibility criteria.

The Department may define a minimum bandwidth and/or geographic dimension (such as the grid cell) for the proposed transfer. Systems involved in such a transfer shall conform to the technical requirements set forth in the applicable standard.

The licensee may apply to use a subordinate licensing process.

For more information, refer to Client Procedures Circular CPC-2-1-23, Licensing Procedure for Spectrum Licences for Terrestrial Services, as amended from time to time.

### 3. Eligibility

A licensee operating as a radiocommunication carrier must comply on an ongoing basis with the eligibility criteria in subsection 10(2) of the Radiocommunication Regulations. The

# SPECTRUM LICENCE

Issued under the authority of the Minister of Industry in accordance with the Radiocommunication Act and Regulations made thereunder

ACCOUNT NUMBER	LICENCE NUMBER
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licensee must notify the Minister of Industry of any change that would have a material effect on its eligibility. Such notification must be made in advance for any proposed transactions within its knowledge.

For more information, refer to Client Procedures Circular CPC-2-0-15, Canadian Ownership and Control, as amended from time to time.

### 4. Displacement of Incumbents

The licensee must comply with the revised transition policy outlined in Appendix 2 of the Policy and Licensing Procedures for the Auction of Additional PCS Spectrum in the 2 GHz Frequency Range issued on June 28, 2000, and the procedure for the relocation of incumbent microwave stations outlined in Client Procedures Circular CPC-2-1-09, Displacement of Fixed Service Stations Operating in the 2 GHz Frequency Range to Accommodate Licensed Personal Communications Services (PCS), as amended from time to time.

### 5. Radio Station Installations

The licensee must comply with Client Procedures Circular CPC-2-0-03, Radiocommunication and Broadcasting Antenna Systems, as amended from time to time.

### 6. Provision of Technical Information

When the Department requests technical information on a particular station or network, the information must be provided by the licensee according to the definitions, criteria, frequency, and timelines specified by the Department. For more information, refer to Client Procedures Circular CPC-2-1-23, Licensing Procedure for Spectrum Licences for Terrestrial Services, as amended from time to time.

### 7. Compliance with Legislation, Regulation, and Other Obligations

The licensee is subject to, and must comply with, the Radiocommunication Act, the Radiocommunication Regulations and the International Telecommunication Union's Radio Regulations pertaining to its licensed radio frequency bands. The licence is issued on condition that the certifications made in relation to this licence are all true and complete in every respect. The licensee must use the assigned spectrum in accordance

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with the Canadian Table of Frequency Allocations and the spectrum policies applicable to these bands.

### 8. Technical Considerations

The licensee must comply on an ongoing basis with the technical aspects of the appropriate Radio Standards Specifications and Standard Radio System Plans, as amended from time to time.

### 9. International and Domestic Coordination

The licensee must comply with the obligations arising from current and future frequency coordination agreements established with other countries and shall be required to provide information or take actions to implement these obligations as requested by the Department. Although frequency assignments are not subject to site licensing, the licensee may be required to furnish all necessary technical data for each relevant site.

The licensee must use its best efforts to enter into mutually acceptable sharing agreements that will facilitate the reasonable and timely development of their respective systems, where applicable, and to coordinate with other licensed users in Canada and internationally where applicable.

### 10. Lawful Interception (Applicable to PCS frequencies only)

Licensees operating as radiocommunication carriers and using this spectrum for circuit-switched voice telephony systems must, from the inception of service, provide for and maintain lawful interception capabilities as authorized by law. The requirements for lawful interception capabilities are provided in the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (Rev. Nov. 95). These standards may be amended from time to time.

The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.



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### 11. Research and Development

The licensee must invest, as a minimum, 2 percent of its adjusted gross revenues resulting from its operations in this spectrum, averaged over the term of the licence, in eligible research and development activities related to telecommunications. Eligible research and development activities are those which meet the definition of scientific research and experimental development adopted in the Income Tax Act. Adjusted gross revenues are defined as total service revenues, less inter-carrier payments, bad debts, third party commissions, and provincial and goods and services taxes collected.

To facilitate compliance with this condition of licence, the licensee should consult the Department's Guidelines for Compliance with the Radio Authorization Condition of Licence Relating to Research and Development (GL-03).

### 12. Mandatory Antenna Tower and Site Sharing

Licensees operating as radiocommunication carriers must comply with the mandatory antenna tower and site sharing requirements set out in Client Procedures Circular CPC-2-0-17, Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements, as amended from time to time.

### 13. Mandatory Roaming

The licensee must comply with the mandatory roaming requirements set out in Client Procedures Circular CPC-2-0-17, Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements, as amended from time to time.

### 14. Annual Reporting

The licensee must submit an annual report for each year of the licence term, including the following information:

- a statement indicating continued compliance with all conditions of licence;
- an update on the implementation and spectrum usage within the area covered by the licence;
- existing audited financial statements with an accompanying auditor's report;

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- a report of the research and development expenditures for licensees operating as radiocommunication carriers (the Department reserves the right to request an audited statement of research and development expenditures with an accompanying auditor's report); and
- a copy of any existing corporate annual report for the licensee's fiscal year with respect to the authorization.

All reports and statements are to be certified by an officer of the company and submitted, in writing, within 120 days of the licensee's fiscal year end, to the address below. Where a licensee holds multiple licences, the reports should be broken down by service area. Confidential information provided will be treated in accordance with section 20(1) of the Access to Information Act.

Manager, Emerging Networks  
Spectrum Management Operations Branch  
Industry Canada  
300 Slater Street, 15th floor

Ottawa, Ontario K1A 0C8

### 15. System Access Fees or Network and Licensing Charges

Licensees are not required nor permitted to levy charges to their subscribers on behalf of Industry Canada. In particular, charges which appear to be for spectrum management purposes, such as system access fees or network and licensing charges, are not mandated by Industry Canada.

Last revision date: March 11, 2011

# SPECTRUM LICENCE

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<b>ACCOUNT NUMBER</b>	<b>LICENCE NUMBER</b>
7-091901349	5113309

## LICENCE ADDENDA

This licence authorizes the licensee to establish and operate a radio station as described in the approved application, in accordance with specific items or conditions and applicable provisions of the Radiocommunication Act and its regulations. This authority should not be construed as approving the use of any antenna supporting structure which has not been approved by the Department of Transport from an aeronautical safety point of view. Except as provided in the regulations, no change in the apparatus or operations shall be made without the authority of the Minister, Industry Canada, and the licensee shall notify the Department in writing upon a change of address.

The Department may, at a future date, require the licensee to install filters, tone coding devices, reduce the effective radiated power and/or antenna height as appropriate.

Service Category indicates the categories of service the station is authorized to perform.

In many cases licence fees are related to the number of transmit and receive channels. A code, used in the "channel" column, indicates the number of equivalent voice channels as given in the following table:

Channel Code	1 to 9	A	B	C	D	E	F	G	Other Letters H, I, J, etc.
Equivalent No. of Voice Channels	1 to 9	10 to 24	25 to 60	61 to 120	121 to 300	301 to 600	601 to 960	961 to 1200	Measured in units of 300 channels

For further information regarding your radio licence please contact your nearest Industry Canada District Office. The Radiocommunication Act and the Radiocommunication Regulations are available on Internet at:

<http://www.ic.gc.ca/spectrum>

ENQUIRIES CONCERNING THIS LICENCE SHOULD BE DIRECTED TO INDUSTRY CANADA,  
SPECTRUM MANAGEMENT OPERATIONS BRANCH, 300 SLATER STREET, OTTAWA, ON, K1A 0C8.  
E-mail : [spectrum.operations@ic.gc.ca](mailto:spectrum.operations@ic.gc.ca)

## Public Consultation to the 700 MHz and 2500 MHz Spectrum Auction

### Public Enquiries/Media Relations Messages

#### ISSUE:

Industry Canada (IC) is planning an auction anticipated for early 2013 to allocate spectrum in the 700 MHz and 2500 MHz bands. Prior to this auction, a second public consultation in early 2012 on the design of the 700 MHz and 2500 MHz auctions will be held. Specifically, IC will be consulting on what the spectrum auction will look like and will include consulting on the conditions that will be required to obtain a spectrum licence. In this context, we have been working to include a lawful interception condition of licence and to remove from this condition any reference to "circuit-switched voice telephony". Also, Public Safety Canada (PS) indicated to IC that it will be proposing minor modifications to the guidelines document that outlines intercept capability requirements entitled: *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)*, as they were last revised in 1995.

With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing [REDACTED] minor modifications to the standards.

However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process, but will indicate in its public consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information. We have proposed to IC that they include the PS General Enquiries email and phone line in the public consultation document to handle any public enquiries regarding these proposed changes.

As a result, we expect that affected companies may contact Public Safety Canada to enquire as to proposed changes to the *Sol Gen Standards*. It should be noted that Public Safety cannot respond to questions surrounding the auction writ large or on any specific condition of licence. Public Safety Canada is only responsible for the *Sol Gen Standards*. Please note that while not a classified document, due to the nature of the material, there is sensitivity regarding actively publicizing the *Sol Gen Standards*.

#### PROTOCOL

For Media Relations:

- When a call is received by Media Relations, a notification will be sent to the Minister's Office Director of Communications; the DG of Communications, program communications strategists and the responsible policy sector.
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- For calls seeking to provide feedback or more complex questions, Public Enquiries can forward requests to the policy centre.
- Public Enquiries will provide the policy sector with updates on number of calls received on request.

**MEDIA LINES:**

Public Safety Canada is proposing minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* to update the language in the standards to reflect the current environment.



While the changes are minor, we are currently seeking feedback from industry to ensure that their views are heard.

**STANDARD RESPONSES FOR PUBLIC ENQUIRIES**

**If caller is requesting any information relating to the 700 MHz or 2500 MHz Spectrum auction:**

- Industry Canada is responsible for the public consultation on the Spectrum Auctions. Should you wish to make comments on the spectrum auction, please contact Industry Canada at... [Insert IC contact info]

**If caller is requesting any information relating to the Lawful Interception Condition of Spectrum Licence:**

- Industry Canada is responsible for the public consultation on the conditions of licences. Should you wish to make comments on the condition of licence, please contact Industry Canada at... [Insert IC contact info]

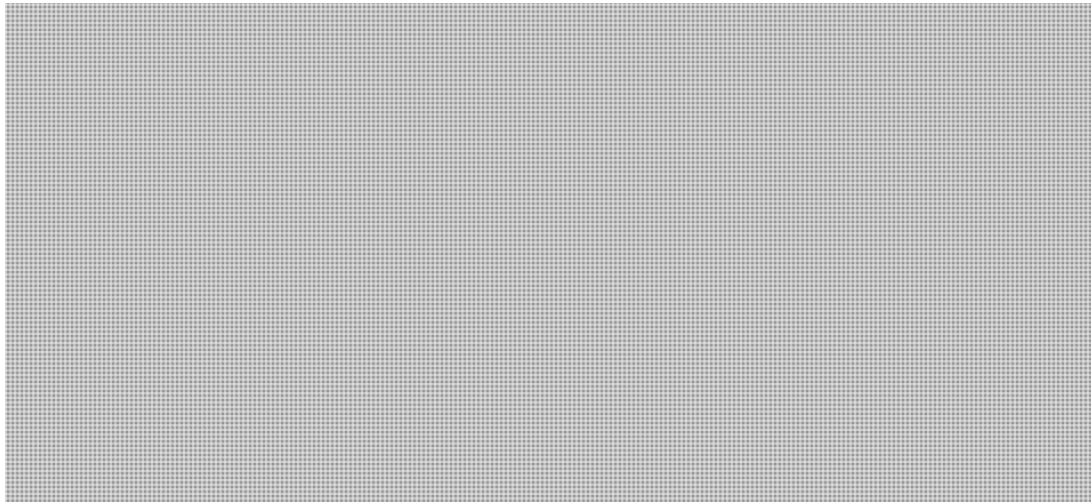
**If caller is seeking a copy of the SolGen Standards:**

- Please provide us with either an email or mailing address and the responsible party at Public Safety will contact you shortly.

*[Please forward along contact information and any relevant notes to the policy centre for further action.]*

**If caller is seeking what changes are being made to the SolGen Standards:**

- As noted in the public consultation document, we are proposing only [redacted] minor modifications [redacted]



- **If further details are requested:**

We would be happy to take your contact information and the responsible party at Public Safety will contact you in the near future.

**If caller is seeking to make comments on proposed changes to the SolGen Standards**

- We welcome your input into the proposed changes. We would be happy to take your contact information and have the responsible party at Public Safety contact you in the near future.

**Qs & As:**

**When will these proposed changes take effect?**

These changes would take effect once any 700 MHz or 2500 MHz licences are granted and would apply only to these forthcoming licences.


**Will these proposed changes impact previous spectrum licences?**


The proposed changes to the *Solicitor General Enforcement Standards* will only impact future licences that will be acquired through the 700 and 2500 MHz auction. They will not be applied to any existing licence.

**How will these changes affect the spectrum auction?**

These changes will not have any direct bearing on the spectrum auction themselves. As indicated in the public consultation, the changes being proposed to the *Solicitor General Enforcement Standards* are minor and administrative in nature.

**How will these changes affect my business?**

There will be no negative impact on potential licencees. 



**Will removing "Circuit-Switched" have a significant impact on our business?**

The removal of the term 'circuit-switched' forms part of the conditions of licence and not the SolGen Standards. Industry Canada is responsible for the public consultation on the conditions of licence. Should you wish to make comments on the conditions of licence, please contact Industry Canada at... [Insert IC contact info]



Public Safety    Sécurité publique  
Canada            Canada

Senior Assistant    Sous-ministre  
Deputy Minister    adjoint principal

Ottawa, Canada  
K1A 0P8

Helen McDonald  
Senior Assistant Deputy Minister  
Industry Canada  
Spectrum Information Technologies and Telecommunications

300 Slater Street  
Ottawa, Ontario K1A 0C8  
Canada

Dear Ms. McDonald,

I would like to express my thanks to you and your organization for our collaborative work in the context of the impending public consultation on the design of the 700 and 2500 MHz spectrum auctions.

While Public Safety Canada will be submitting formal comments as part of Industry Canada's consultation, I wanted to express our appreciation for the opportunity to comment on the lawful interception condition of licence prior to the launch of the public consultation.

I understand that our recommendation to update the lawful interception condition of licence, by removing the current reference to "*circuit-switch voice telephony*".

Updating the language, thus making it technologically neutral,

Lawful interception is an indispensable tool for Public Safety agencies. Until full implementation of proposed lawful access legislation, an effective lawful interception condition of licence, with its forbearance regime, remains the most effective instrument for facilitating the development of lawful interception capabilities.

I appreciate your efforts in working with us to modernize the condition of licence to bring it in line with today's technologies and assist Public Safety agencies to keep pace with criminal and terrorist elements that are taking advantage of new and existing technologies to communicate, plan and commit crimes.

Canada



-2-

Thank you again for your ongoing cooperation in this regard. I look forward to continuing our collaboration.

Sincerely,

Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security

c.c. Gina Wilson, Assistant Deputy Minister, Regional Operations

**Page 388**

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est retenue en vertu des articles**

**of the Access to Information  
de la Loi sur l'accès à l'information**

**Page 389**

**is withheld pursuant to sections  
est retenue en vertu des articles**

**of the Access to Information  
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## Plunkett, Shawn

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**From:** Plunkett, Shawn  
**Sent:** February-20-12 5:45 PM  
**To:** Duane.Rudeen@ic.gc.ca  
**Cc:** 'Kingsley, Michèle'  
**Subject:** RE: [REDACTED]

**Categories:** Blue Category

Duane,

The proposed changes to the SGES are not official and there is no intention to make them official prior to the launch of IC's public consultation. [REDACTED]

[REDACTED] The language in the public consultation document will serve to solicit this feedback.

Therefore, we have no issue with keeping the name Sol Gen standards (without the including *Rev. Nov. 95*) in the LI condition of licence for the public consultation [REDACTED]

[REDACTED] We also support keeping the language of "These standards may be amended from time to time."

Should you have any questions, please let me know.

Thanks.

Shawn

---

**From:** Duane.Rudeen@ic.gc.ca [mailto:Duane.Rudeen@ic.gc.ca]  
**Sent:** February-20-12 10:36 AM  
**To:** Plunkett, Shawn  
**Subject:** [REDACTED]

Hi Shawn

A question re: [REDACTED]

Is this official? Is there an official document we could refer to? We point to the SolGen Stds in our Condition of Licence and in the proposal for 700 MHz we point to [REDACTED] However, if there is no official document, then we would need to [REDACTED] and add in the "as amended from time to time" text.

Please advise the status of the changes

Thanks

Duane



Industry  
Canada

Industrie  
Canada

Canada

## Plunkett, Shawn

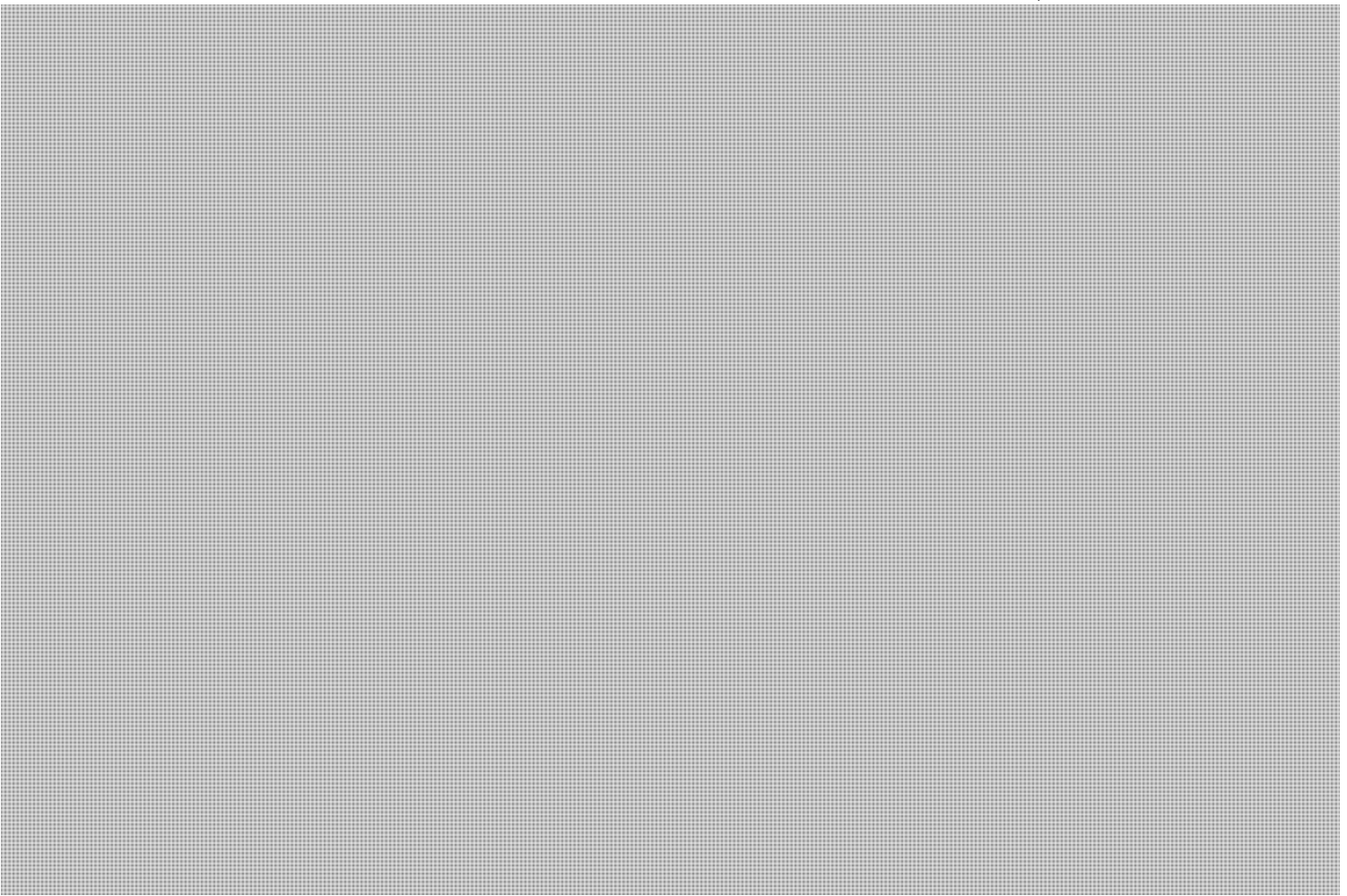
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**From:** Plunkett, Shawn  
**Sent:** February-20-12 3:28 PM  
**To:** 'Duane.Rudeen@ic.gc.ca'  
**Subject:** RE: [REDACTED]

**Categories:** Blue Category

Thanks Duane.

I still need to chat with my director regarding our discussion, but in the meantime, for ease of reference, here are the proposed changes to the SGES in the event that there continues to be concerns expressed by your senior mgmt as a result of the current climate. (These paras. were sent to Peter Hill last October)



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**From:** [Duane.Rudeen@ic.gc.ca](mailto:Duane.Rudeen@ic.gc.ca) [mailto:Duane.Rudeen@ic.gc.ca]  
**Sent:** February-20-12 10:36 AM  
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Canada

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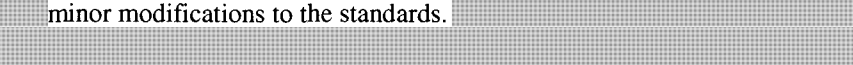
**ANNEX B**

**Public Consultation to the 700 MHz and 2500 MHz Spectrum Auction**

**Public Enquiries/Media Relations Messages**

**ISSUE:**

Industry Canada (IC) is planning an auction anticipated for ~~early the first half of 2013~~ to allocate spectrum in the 700 MHz and a further auction on the 2500 MHz bands likely the following year. Prior to this auction, a second public consultation in early 2012 on the design of the 700 MHz and the 2500 MHz auctions will be held. Specifically, IC will be consulting on what conditions will be attached to the ~~the spectrum auction will look like and will include consulting on the conditions that will be required to obtain a spectrum licence.~~ licences for the 700 and 2500 MHz band. In this context, we have been working to include a lawful interception condition of licence and to remove from this condition any reference to "circuit-switched voice telephony". Also, Public Safety Canada (PS) indicated to IC that it will be proposing minor modifications to the guidelines document that outlines intercept capability requirements entitled: *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)*, as they were last revised in 1995.

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**ANNEX B**

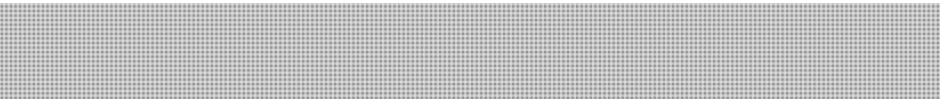
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**If caller is requesting any information relating to the Lawful Interception Condition of Spectrum Licence:**

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**ANNEX B**

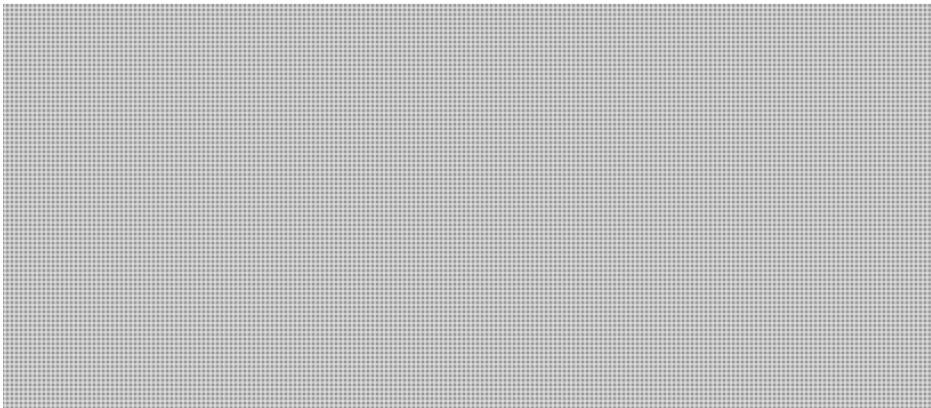
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| ANNEX B

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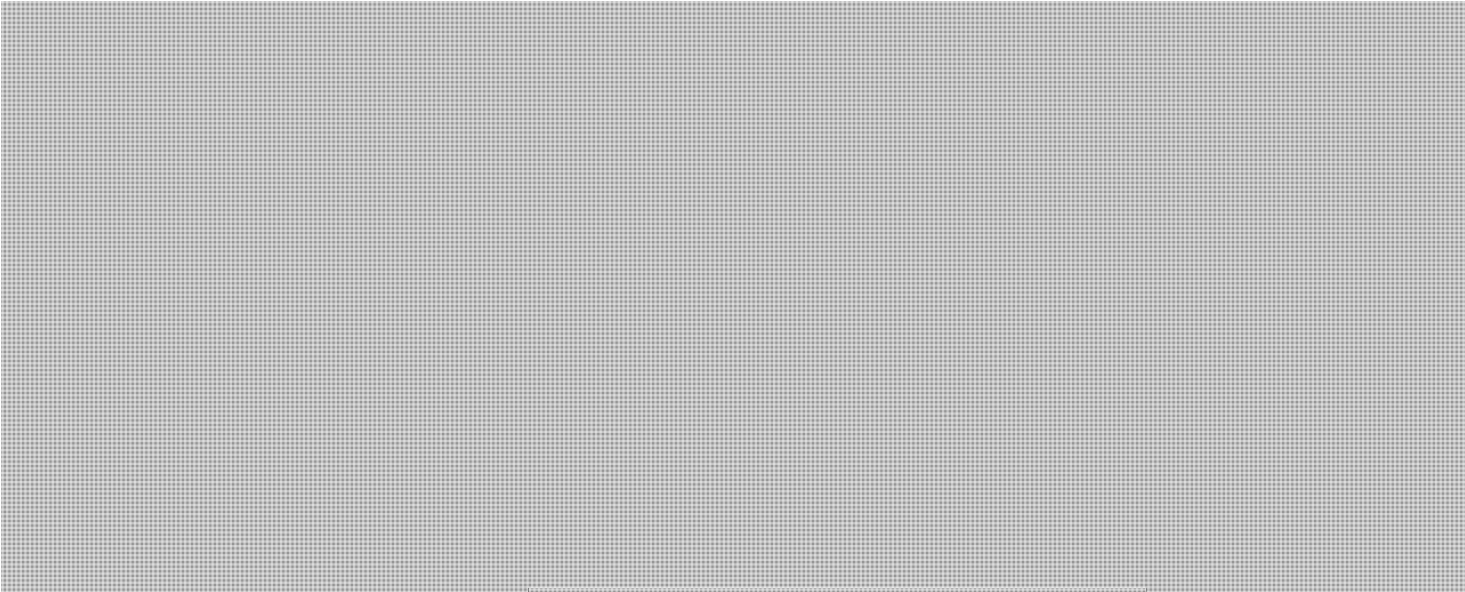
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## Plunkett, Shawn

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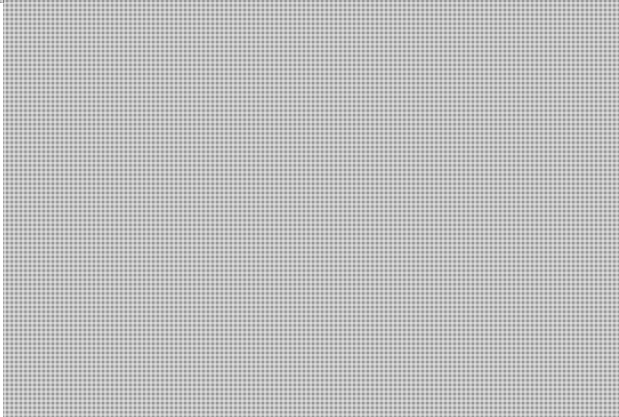
**Subject:** [REDACTED]  
**Location:** 340 Laurier - 11E-171  
**Start:** Fri 13/04/2012 3:00 PM  
**End:** Fri 13/04/2012 4:00 PM  
**Recurrence:** (none)  
**Meeting Status:** Meeting organizer  
**Organizer:** Plunkett, Shawn  
**Required Attendees:** Kingsley, Michèle; Pilon, Claude

Claude,



Thanks very much.

Shawn



## Public Consultation to the 700 MHz and 2500 MHz Spectrum Auction

### Public Enquiries/Media Relations Messages

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- Once approved, media relations will provide the final response to the journalist.

For Public Enquiries:

- Calls are logged as they are received and responded to using the initial method of contact (phone or email). For straightforward questions, Public Enquiries officers will provide the preapproved responses provided below.
- For calls seeking to provide feedback or more complex questions, Public Enquiries can forward requests to the policy centre.
- Public Enquiries will provide the policy sector with updates on number of calls received on request.

### **MEDIA LINES:**

Public Safety Canada is proposing minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* to update the language in the standards to reflect the current environment.



While the changes are minor, we are currently seeking feedback from industry to ensure that their views are heard.

### **STANDARD RESPONSES FOR PUBLIC ENQUIRIES**

**If caller is requesting any information relating to the 700 MHz or 2500 MHz Spectrum auction:**

- Industry Canada is responsible for the public consultation on the spectrum auctions. Should you wish to make comments on the spectrum auction, please contact Industry Canada.

**If caller is requesting any information relating to the Lawful Interception Condition of Spectrum Licence:**

- Industry Canada is responsible for the public consultation on the conditions of licences. Should you wish to make comments on the condition of licence, please contact Industry Canada.

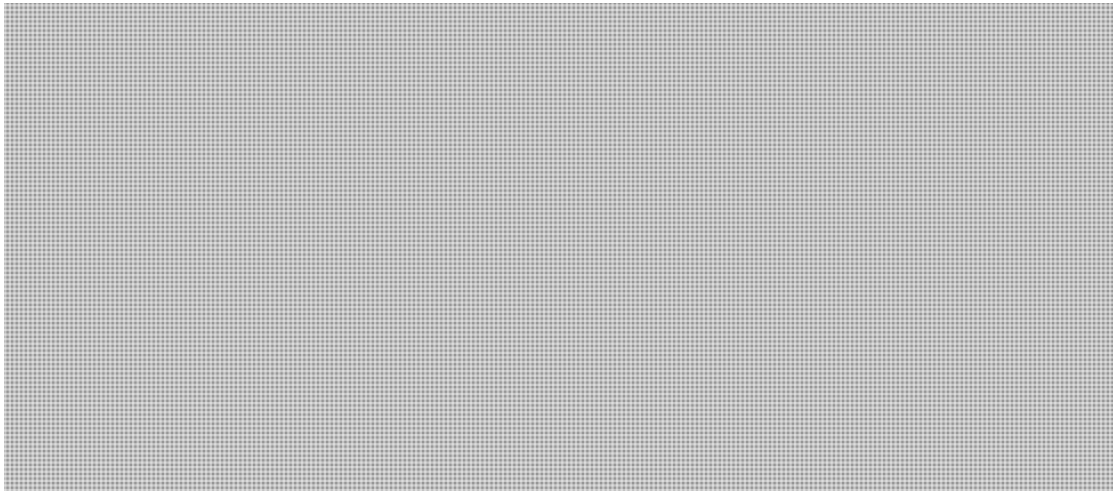
**If caller is seeking a copy of the SolGen Standards:**

- Please provide us with either an email or mailing address and the responsible party at Public Safety will contact you shortly.

*[Please forward along contact information and any relevant notes to the policy centre for further action.]*

**If caller is seeking what changes are being made to the SolGen Standards:**

- As noted in the public consultation document, we are proposing only [REDACTED] minor modifications [REDACTED]



- **If further details are requested:**

We would be happy to take your contact information and the responsible party at Public Safety will contact you in the near future.

**If caller is seeking to make comments on proposed changes to the SolGen Standards**

- We welcome your input into the proposed changes. We would be happy to take your contact information and have the responsible party at Public Safety contact you in the near future.

**Qs & As:**



**When will these proposed changes take effect?**

Notifications will be sent to licencees should any changes to the *Solicitor General Enforcement Standards* be made.

**How will these changes affect the spectrum auction?**

These changes will not have any direct bearing on the spectrum auction themselves. As indicated in the public consultation, the changes being proposed to the *Solicitor General Enforcement Standards* are minor and administrative in nature.

**How will these changes affect my business?**

There will be no negative impact on potential licencees.   


**Will removing “Circuit-Switched” have a significant impact on our business?**

The removal of the term ‘circuit-switched’ forms part of the conditions of licence and not the *Solicitor General Enforcement Standards*. Industry Canada is responsible for the public consultation on the conditions of licence. Should you wish to make comments on the conditions of licence, please contact Industry Canada.

## Meeting with IC – April 20, 2012

### Participants:

PS ITTP: Kingsley, Plunkett

IC:

Heather Hall, Associate Director Spectrum Management Operations

Justine Sider, Senior Spectrum Engineer, Mobile Services Engineering

Duane Rudeen, Technical Analyst, Emerging Networks (Spectrum Management Operations)

### Agenda:

- 1- To discuss any progress/update on the Lawful Interception condition of licence- notably removal of 'circuit-switched.'
- 2- To have a general discussion on changes to the SGES, including proposed changes.

### **Scenario**

#### Item 1

- Request an update as to whether a decision on having and LI condition of licence and the removal of 'circuit-switch' has been made.
- Request current language on LI condition of licence in the public consultation document.
  - We would need to see any of this language in advance if it includes any reference to PS (to confirm Comms info, process language).
- Seek update on timelines for launch of consultation.



Item 2

- Assuming 'circuit-switched' is removed:
  - IC has advised us previously that PS owns the SGES and therefore can make changes to them. Is this still your view?
  - If we were seeking to make changes, even minor ones, what role would IC want in the process?
  - How would we communicate the changes to IC? Ministerial letter?
  - Would IC in turn notify each licensee?
  - If changes were made now, would they only apply to the 700/2500 MHz auction or would they have to apply to all licensees?

## Plunkett, Shawn

---

**From:** Plunkett, Shawn  
**Sent:** April-23-12 10:00 AM  
**To:** MacDonald, Michael  
**Cc:** Kwavnick, Andrea  
**Subject:** RE: spectrum/circuit-switch

**Categories:** Blue Category

Will do.  
Shawn

---

**From:** MacDonald, Michael  
**Sent:** April-23-12 9:57 AM  
**To:** Plunkett, Shawn  
**Cc:** Kwavnick, Andrea  
**Subject:** FW: spectrum/circuit-switch

Hi Shawn,

Pls monitor closely.

thx

---

**From:** Kingsley, Michèle  
**Sent:** April-20-12 2:59 PM  
**To:** MacDonald, Michael  
**Cc:** Plunkett, Shawn  
**Subject:** spectrum/circuit-switch

Mike,

Shawn and I just spoke with IC about the 700Mhz consultations and removing "circuit-switch" from the condition. It sounds as though they are going ahead with including that removal in the consultation

Although they wouldn't confirm, it also sounded as though the consultation may be launched very soon, perhaps as soon as Monday. You will recall that the wording we had negotiated with them referenced that PSC was proposing changes to the SGES (specifying they DO NOT add burden on companies) and giving the 1-800 number for more info.

We will touch base with comms again so they know phones may start ringing soon. We will send them the final Qs &As you had approved and sent Lynda (Suki in her absence). Mostly the 1-800 folks will be taking down info and we/ITTP will be responding to requests for info.

I will touch base again with PCO/Lesley as well so they're in the loop.

Thanks, Michèle

## Plunkett, Shawn

---

**From:** Plunkett, Shawn  
**Sent:** April-25-12 10:13 AM  
**To:** Pilon, Claude  
**Cc:** Kingsley, Michèle; Kwavnick, Andrea  
**Subject:**

Claude,

Thanks very much.

*Shawn Plunkett*

*Senior Policy Advisor / Conseiller principal en politiques*

*Investigative Technologies and Telecommunications Policy (ITTP) /*

*Technologies d'enquêtes et politiques des télécommunications (TEPT)*

*National Security Operations Directorate / Direction des Operations de Sécurité Nationale*

*Public Safety Canada / Sécurité Publique Canada*

*Tel: (613) 990-7066*

*Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)*

**Plunkett, Shawn**

---

**From:** Plunkett, Shawn  
**Sent:** April-25-12 10:28 AM  
**To:** Kingsley, Michèle  
**Cc:** Kwavnick, Andrea  
**Subject:** RE: Publication of the 700 MHz Consultation

Hi MK,  
One detail on our brief with Mike.

Following our conversion last Friday with IC, I revised two of the responses in the Qs&As section of the Comms plan that was approved by SADMO. [REDACTED] We ran these revisions by Mike and he was comfortable. He did have some legal questions, which I copied you on in a separate message.

Thanks

---

**From:** Kingsley, Michèle  
**Sent:** April-25-12 9:44 AM  
**To:** Kwavnick, Andrea; Plunkett, Shawn  
**Subject:** Re: Publication of the 700 MHz Consultation

Great thanks.

---

**From:** Kwavnick, Andrea  
**Sent:** Wednesday, April 25, 2012 09:43 AM  
**To:** Kingsley, Michèle; Plunkett, Shawn  
**Subject:** RE: Publication of the 700 MHz Consultation

Hi Michèle,

We briefed Mike. Now we're just waiting for the launch, to see the language that is used.

Thanks  
Andrea

---

**From:** Kingsley, Michèle  
**Sent:** April-25-12 9:17 AM  
**To:** Plunkett, Shawn; Kwavnick, Andrea  
**Subject:** Re: Publication of the 700 MHz Consultation

Thanks. Please give Mike a heads up.

---

**From:** Plunkett, Shawn  
**Sent:** Wednesday, April 25, 2012 09:08 AM  
**To:** Kingsley, Michèle; Kwavnick, Andrea  
**Subject:** RE: Publication of the 700 MHz Consultation

Here is the relevant excerpt from the speech. The speech was delivered yesterday, so the launch looks to be today.

The final consultation on the 700 megahertz spectrum auction format and conditions of licence will be launched tomorrow.

This will further enable companies to bring LTE or fourth-generation mobile services to more Canadians across the entire country.

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**From:** [Duane.Rudeen@ic.gc.ca](mailto:Duane.Rudeen@ic.gc.ca) [<mailto:Duane.Rudeen@ic.gc.ca>]  
**Sent:** April-25-12 9:03 AM  
**To:** Plunkett, Shawn; Kingsley, Michèle; Kwavnick, Andrea  
**Cc:** [Justine.Sider@ic.gc.ca](mailto:Justine.Sider@ic.gc.ca)  
**Subject:** FW: Publication of the 700 MHz Consultation

Shawn, Michelle, Andrea

FYI. From yesterday's news.

Duane

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Hi everyone,

For your information, in his address at the Canada 3.0 Digital Media Forum in Stratford (ON), the Minister announced today that the "Consultation of a Licensing Framework for Mobile Broadband Services (MBS) - 700 MHz Band" will be launched tomorrow, April 25 2012.

Attached is a link to the Minister's speech.

<http://news.gc.ca/web/article-eng.do?mthd=tp&ctr.page=1&nid=670849&ctr.tp1D=4>

Bonjour,

Pour votre information, lors de son discours devant le *Forum sur les médias numériques Canada 3.0* à Stratford (Ontario) aujourd'hui, le Ministre a annoncé que la "Consultation sur un cadre de délivrance des licences pour services mobiles à large bande (SMLB) - bande de 700 MHz" sera lancée dès demain, le 25 avril 2012.

Le lien au discours est inclus ci-dessous.

<http://nouvelles.gc.ca/web/article-fra.do?mthd=tp&ctr.page=1&nid=670849&ctr.tp1D=4>

**Aline Chevrier**

Telecommunications Policy Analyst | Analyste des politiques de télécommunications

Spectrum Management Operations | Opérations de la gestion du spectre

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

## Thompson, Julie

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**From:** Plunkett, Shawn  
**Sent:** April-25-12 4:22 PM  
**To:** Yves Desjardins; [REDACTED]  
**Cc:** [REDACTED] Mark Flynn (mark.flynn@rcmp-grc.gc.ca); Antonio Utano (antonio.utano@rcmp-grc.gc.ca); Nisrine Slaymane (nisrine.slaymane@rcmp-grc.gc.ca); [REDACTED] Kingsley, Michèle; Kwavnick, Andrea  
**Subject:** Release of 700 MHz Public Consultation - Lawful Interception Condition of Licence  
**Attachments:** Fw: 700 and 2500 MHz auction consultation - LI condition of licence

Colleagues,

Today, Industry Canada has launched their public consultation on the licensing framework for the 700 MHz spectrum auction. <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf10374.html>

This public consultation will elicit feedback on the proposed conditions of licence for the upcoming 700 MHz spectrum auction. As part of this consultation, Industry Canada is seeking comments on the proposed wording of the lawful interception condition of licence. I have enclosed the relevant wording for the lawful interception condition of licence far below.

Of particular note:

- 1) In the consultation, Industry Canada is proposing to remove the text "circuit-switched voice telephony" from the lawful interception condition for 700 MHz spectrum licences. This removal will not apply to existing licences.
- 2) The consultation also indicates that Public Safety is proposing minor modifications to the SolGen Standards. These are the same minor modifications that were discussed with the Portfolio in the fall of 2011 (I have enclosed the proposed changes in the attached email).
- 3) The new proposed wording for the lawful interception condition of licence includes the following:

*A licensee operating as a service provider using an interconnected radio-based transmission facility for compensation must provide for and maintain lawful interception capabilities as authorized by law and in accordance with the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications, as amended from time to time.*

- 4) There were no changes to the paragraph related to forbearance.

Public Safety Canada provided comments to Industry Canada during the previous public consultation on this issue and we expect that we will once again provide comments to Industry Canada regarding these latest proposals for the lawful interception condition of spectrum licence. We will be consulting with you shortly to develop a common response to Industry Canada.

Should you have any questions please do not hesitate to contact me: (613) 990-7066.

Thank you again for your efforts last fall in developing these proposals.

Shawn

107. **Lawful Intercept:** Certain spectrum licences contain a lawful intercept condition of licence that requires the licensee to maintain interception capabilities so that information can be provided when required by a warrant. The current condition of licence reads as follows:

**“Licensees using spectrum for circuit-switched voice telephony systems must, from the inception of service, provide for and maintain lawful interception capabilities as authorized by law. The requirements for lawful interception capabilities are provided in the Solicitor General’s *Enforcement Standards for Lawful Interception of Telecommunications* (Rev. Nov. 95). These standards may be amended from time to time.**

**The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.”**

108. Industry Canada is proposing changes to the lawful intercept condition of licence in order to bring the wording in line with current technologies. The proposed change is to remove the text “circuit-switched voice telephony” from the lawful intercept condition, as networks are no longer limited to circuit-switched technology. This proposed change does not affect existing spectrum licences issued under other licensing processes. Forbearance may be granted where Industry Canada deems it warranted.

109. The condition of licence refers to standards for lawful interception, entitled the Solicitor General’s *Enforcement Standards for Lawful Interception of Telecommunications*. Public Safety Canada is currently responsible for these standards, which were last revised in 1995. Public Safety Canada has informed Industry Canada that it is proposing modifications to the standards. Industry Canada is proposing to simply refer to the requirement to provide for and maintain lawful interception capabilities, in accordance with the enforcement standards in effect at the time of licence issue and as amended from time to time. For further information on proposed changes to the Solicitor General’s *Enforcement Standards*, please contact Public Safety Canada via the General Enquiries line at 1-800-830-3118.

110. In consideration of the above, the proposed wording of the condition of licence is as follows:

**A licensee operating as a service provider using an interconnected radio-based transmission facility for compensation must provide for and maintain lawful interception capabilities as authorized by law and in accordance with the Solicitor General’s *Enforcement Standards for Lawful Interception of Telecommunications*, as amended from time to time.**

**The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.**

Industry Canada is seeking comments on the proposed wording of the condition of licence related to lawful intercept requirements.



## Plunkett, Shawn

---

**From:** Duane.Rudeen@ic.gc.ca  
**Sent:** April-26-12 3:33 PM  
**To:** Plunkett, Shawn  
**Subject:** RE: It's out

Hi Shawn

Not sure of the confusion.

We apply the SGES standards as worded now and any amendments that may come along. The wording is similar to what we use now for all licences. All we are doing for 700 MHz licences is trying to make it simpler in that whatever the SGES says then that is what we would expect our licensee to adhere to. For the older licences (PCS, 24/38 GHz, etc), there is the "circuit-switched" wording which may limit the application of the SGES.

*incl. the title.*  
For the older licences, the status is quo. They are not affected by this. A consultation would need to take place to make changes to that wording on the Condition of Licence(s). Once everything is in on this current consultation and a decision on the wording of the Condition is made, we may then consider looking at the earlier licences but for now - there is no real plan to do so.

If you want to discuss, I am in tomorrow.

Duane

---

**From:** Plunkett, Shawn [<mailto:Shawn.Plunkett@ps-sp.gc.ca>]  
**Sent:** Wednesday, April 25, 2012 3:25 PM  
**To:** Rudeen, Duane: DGSO-DGOGS  
**Subject:** RE: It's out

Thanks Duane. I certainly appreciate all your work on proposing to remove CS in the consultation (and graciously putting up with my continued requests for updates). Is it a relief for you to finally get it out?

One question, I am a little unclear as to the meaning of the following sentence in para 109: Industry Canada is proposing to simply refer to the requirement to provide for and maintain lawful interception capabilities, in accordance with the enforcement standards in effect at the time of licence issue and as amended from time to time.

One the one hand it seems to me to imply that changes to the SGES would not apply retroactively, yet then states that they can be amended from time to time. Perhaps we can schedule some time either late this week or early next week to discuss. I think we will need a common understanding on the meaning of this line in the event that we get questions on it from stakeholders.

Thanks again.

---

**From:** Duane.Rudeen@ic.gc.ca [<mailto:Duane.Rudeen@ic.gc.ca>]  
**Sent:** April-25-12 2:39 PM

**To:** Plunkett, Shawn  
**Subject:** It's out

<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf10374.html>

Duane



Industry  
Canada

Industrie  
Canada

Canada



Public Safety / Sécurité publique  
Canada / Canada

Ottawa, Canada  
K1A 0P8

Lynda/Bob,  
Some key efforts  
we think are  
necessary. mm

Lynda  
A good initiative that will  
provide increased rigour of the SGES  
process  
March 2012-0514.

CONFIDENTIAL

DATE: MAY 01 2012

File No.: NS 6652-03 / 386919

MEMORANDUM FOR THE SENIOR ASSISTANT DEPUTY MINISTER

ENHANCEMENTS TO THE MANAGEMENT  
OF THE LAWFUL INTERCEPTION CONDITION  
OF LICENCE REGIME, INCLUDING FORBEARANCE

(Information only)

ISSUE

Overview of recent and proposed enhancements to the management of the forbearance regime with respect to the lawful interception condition of licence.

BACKGROUND

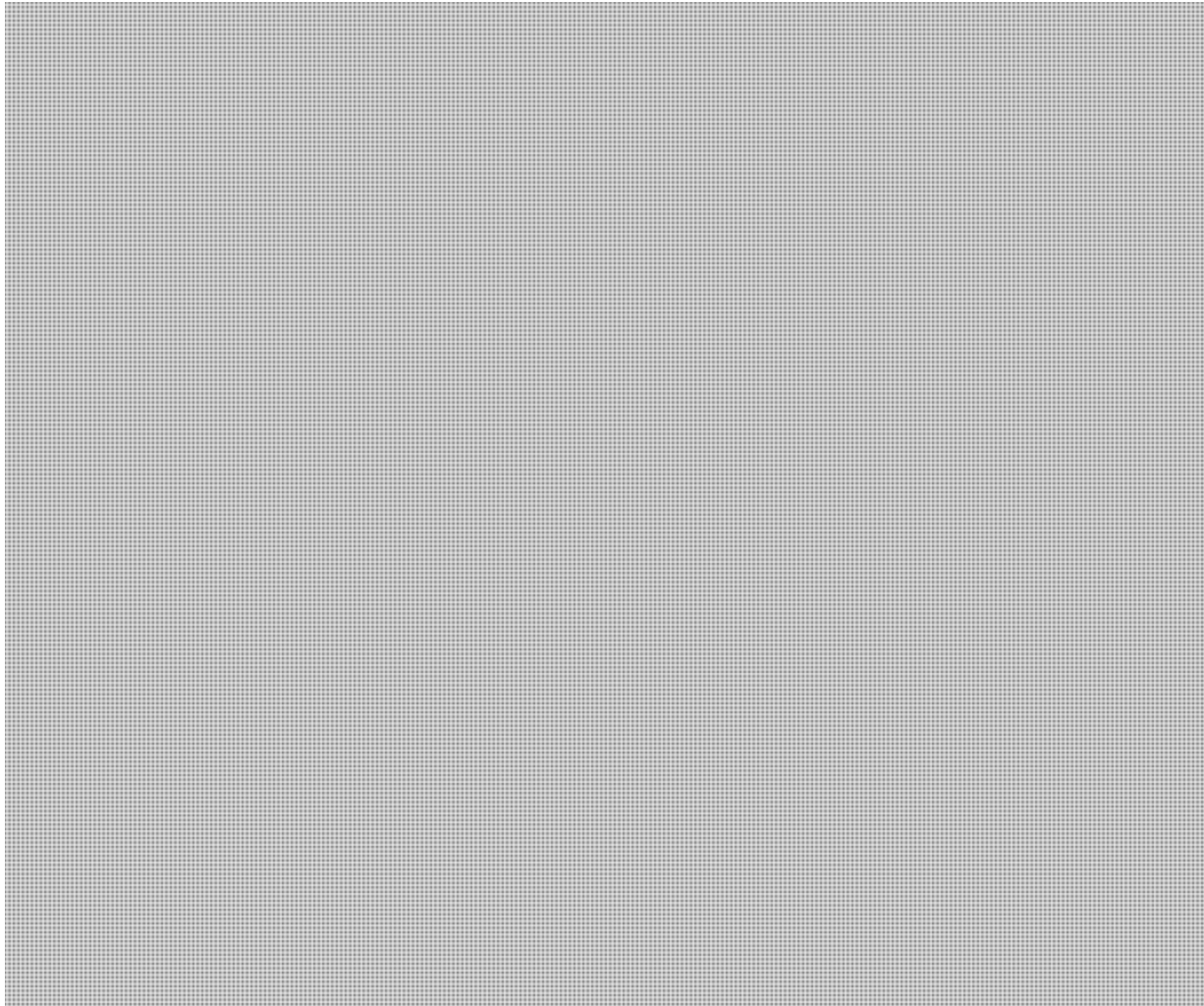
Until passage and full implementation of lawful access legislation, the primary instrument for public safety agencies to compel telecommunications service providers and distributors to meet court authorized intercepts is through including a requirement for lawful interception in their spectrum licence. Part of this requirement is for licensees to abide by the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* (SGES), a set of 23 standards that outline the high level requirements needed by public safety agencies to conduct lawful interception.

An important component of the Lawful Interception (LI) condition of licence is the forbearance regime. The Minister of Industry, in consultation with Public Safety Canada (PS), has the power to grant forbearance to any spectrum licensee from complying with all or part of the SGES. The forbearance regime allows for an important dialogue between the licensee and the Public Safety Portfolio, while ensuring that licence holders are working towards providing the required lawful intercept capabilities. Its objective is to foster relationships for problem resolution, not to deny or revoke licences.

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CONSIDERATIONS



*Stronger Reporting Tools*

[REDACTED] ITTP has begun to develop stronger reporting tools. Beginning with the fourth quarter of FY 2011-12, ITTP will report on the forbearance regime to myself on a quarterly basis [REDACTED]

We will also be updating the existing forbearance tracking report to ensure that the report has the sufficient level of information, including specifics relating to the nature of the forbearance request, in order to make more informed decisions. [REDACTED]

[REDACTED] A more robust tracking system will also allow

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-3-

greater forward planning and thereby assist in ensuring that the Portfolio's time resources are well managed.

[Redacted]

[Redacted]

[Redacted]

*Update on LI Condition of Licence – 700 MHz Spectrum Auction*

On April 25, 2012, IC launched a public consultation on the conditions of licence for the upcoming 700 MHz spectrum auction. As part of this public consultation, IC has agreed to consult on removing references to specific technologies in the Lawful Interception (LI) condition of spectrum licence, notably by removing the term 'circuit-switched'. If this

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change to the condition of licence is adopted,

IC has also included in the public consultation document, a reference to changes to the SGES that PS is currently proposing and directs interested parties to PS for further information.

This could include providing formal and public comments to IC as part of this consultation, which PS did for the last public consultation on this issue. Should PS provide comments we would consult with the Portfolio agencies to ensure a comprehensive Portfolio view is sent to IC. Our comments would need to be submitted to IC no later than June 25, 2012.

### NEXT STEPS

ITTP will develop and incorporate the above noted changes and continue to identify ways to manage the condition of licence regime in an effective and efficient manner. A more rigorous management of the forbearance process will allow PS to continue demonstrating leadership and value-added to our Portfolio partners.

Should you require additional information, do not hesitate to contact me at 613-993-4595, or Michèle Kingsley, Director, Investigative Technologies and Telecommunications Policy at 613-949-3181.



Michael MacDonal  
Director General  
National Security Operations

Prepared by: Shawn Plunkett

## Plunkett, Shawn

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**From:** Plunkett, Shawn  
**Sent:** May-02-12 1:48 PM  
**To:** 'Nisrine Slaymane'; Yves Desjardins; [REDACTED]  
**Cc:** Kwavnick, Andrea; Kingsley, Michèle; Antonio Utano; Mark Flynn; [REDACTED]  
**Subject:** RE: Release of 700 MHz Public Consultation - Lawful Interception Condition of Licence  
**Categories:** Blue Category

Hi Nisrine,

Industry Canada does not 'approve' of changes to the SolGen standards, technically speaking. Rather we must seek IC's agreement to include these standards as part of the Lawful Interception condition of licence, for which they have full authority. Therefore, we are able to move forward with the proposed minor modifications, as Industry Canada has indicated that they would agree to include the SolGen Standards with these minor changes as part of the LI condition of licence for the 700 MHz auction. Should we wish to make further changes to the Standards, we would once again need to consult with Industry Canada.

[REDACTED]

If you have any further questions, please let me know.

Thank you.

*Shawn Plunkett*  
*Senior Policy Advisor / Conseiller principal en politiques*  
*Investigative Technologies and Telecommunications Policy (ITTP) /*  
*Technologies d'enquêtes et politiques des télécommunications (TEPT)*  
*National Security Operations Directorate / Direction des Operations de Sécurité Nationale*  
*Public Safety Canada / Sécurité Publique Canada*  
*Tel: (613) 990-7066*  
*Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)*

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**From:** Nisrine Slaymane [mailto:[nisrine.slaymane@rcmp-grc.gc.ca](mailto:nisrine.slaymane@rcmp-grc.gc.ca)]  
**Sent:** April-29-12 7:17 PM  
**To:** Plunkett, Shawn; Yves Desjardins; [REDACTED]  
**Cc:** Kwavnick, Andrea; Kingsley, Michèle; Antonio Utano; Mark Flynn; [REDACTED]  
**Subject:** Re: Release of 700 MHz Public Consultation - Lawful Interception Condition of Licence

Shawn,  
Did IC approve the proposed changes to Solgen Standards or not yet?  
Nisrine

>>> "Plunkett, Shawn" <[Shawn.Plunkett@ps-sp.gc.ca](mailto:Shawn.Plunkett@ps-sp.gc.ca)> 2012-04-25 16:21 >>>

Colleagues,

Today, Industry Canada has launched their public consultation on the licensing framework for the 700 MHz spectrum auction. <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf10374.html>.

This public consultation will elicit feedback on the proposed conditions of licence for the upcoming 700 MHz spectrum auction. As part of this consultation, Industry Canada is seeking comments on the proposed wording of the lawful interception condition of licence. I have enclosed the relevant wording for the lawful interception condition of licence far below.

Of particular note:

- 1) In the consultation, Industry Canada is proposing to remove the text "circuit-switched voice telephony" from the lawful interception condition for 700 MHz spectrum licences. This removal will not apply to existing licences.
- 2) The consultation also indicates that Public Safety is proposing minor modifications to the SolGen Standards. These are the same minor modifications that were discussed with the Portfolio in the fall of 2011 (I have enclosed the proposed changes in the attached email).
- 3) The new proposed wording for the lawful interception condition of licence includes the following:

*A licensee operating as a service provider using an interconnected radio-based transmission facility for compensation must provide for and maintain lawful interception capabilities as authorized by law and in accordance with the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications, as amended from time to time.*

- 4) There were no changes to the paragraph related to forbearance.

Public Safety Canada provided comments to Industry Canada during the previous public consultation on this issue and we expect that we will once again provide comments to Industry Canada regarding these latest proposals for the lawful interception condition of spectrum licence. We will be consulting with you shortly to develop a common response to Industry Canada.

Should you have any questions please do not hesitate to contact me. (613) 990-7066.

Thank you again for your efforts last fall in developing these proposals.

Shawn

**107. Lawful Intercept:** Certain spectrum licences contain a lawful intercept condition of licence that requires the licensee to maintain interception capabilities so that information can be provided when required by a warrant. The current condition of licence reads as follows:

**"Licensees using spectrum for circuit-switched voice telephony systems must, from the inception of service, provide for and maintain lawful interception capabilities as authorized by law. The requirements for lawful interception capabilities are provided in the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (Rev. Nov. 95). These standards may be amended from time to time.**

**The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following**



**consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.”**

108. Industry Canada is proposing changes to the lawful intercept condition of licence in order to bring the wording in line with current technologies. The proposed change is to remove the text “circuit-switched voice telephony” from the lawful intercept condition, as networks are no longer limited to circuit-switched technology. This proposed change does not affect existing spectrum licences issued under other licensing processes. Forbearance may be granted where Industry Canada deems it warranted.

109. The condition of licence refers to standards for lawful interception, entitled the Solicitor General’s *Enforcement Standards for Lawful Interception of Telecommunications*. Public Safety Canada is currently responsible for these standards, which were last revised in 1995. Public Safety Canada has informed Industry Canada that it is proposing modifications to the standards. Industry Canada is proposing to simply refer to the requirement to provide for and maintain lawful interception capabilities, in accordance with the enforcement standards in effect at the time of licence issue and as amended from time to time. For further information on proposed changes to the Solicitor General’s Enforcement Standards, please contact Public Safety Canada via the General Enquiries line at 1-800-830-3118.

110. In consideration of the above, the proposed wording of the condition of licence is as follows:

**A licensee operating as a service provider using an interconnected radio-based transmission facility for compensation must provide for and maintain lawful interception capabilities as authorized by law and in accordance with the Solicitor General’s *Enforcement Standards for Lawful Interception of Telecommunications*, as amended from time to time.**

**The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.**

Industry Canada is seeking comments on the proposed wording of the condition of licence related to lawful intercept requirements.

## Plunkett, Shawn

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**From:** Plunkett, Shawn  
**Sent:** May-02-12 4:04 PM  
**To:** Kingsley, Michèle  
**Subject:** FW: [REDACTED]

Michèle,

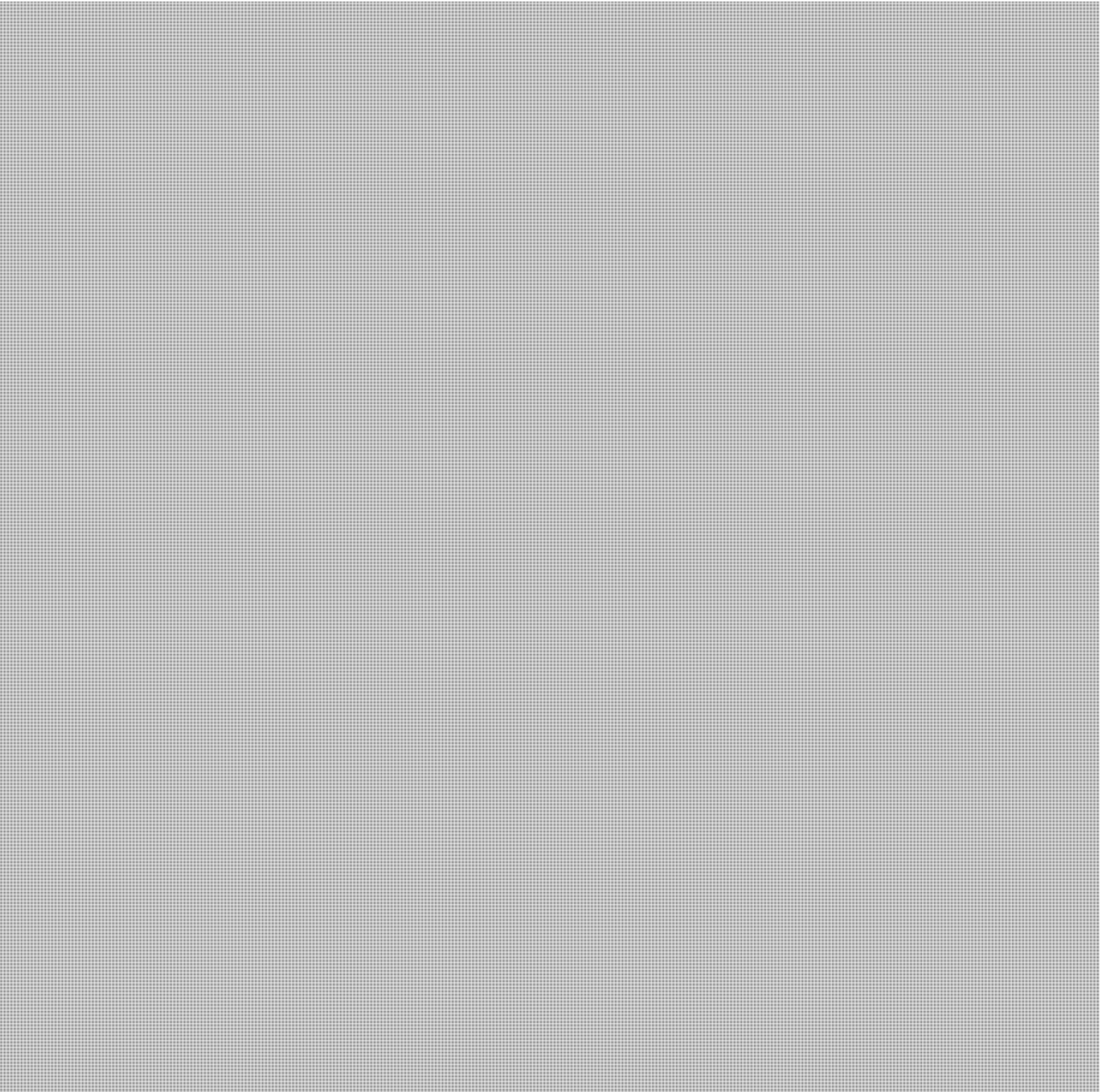


Thanks

---

**From:** Plunkett, Shawn  
**Sent:** April-25-12 10:13 AM  
**To:** Pilon, Claude  
**Cc:** Kingsley, Michèle; Kwavnick, Andrea  
**Subject:** [REDACTED]

Claude,



Thanks very much.

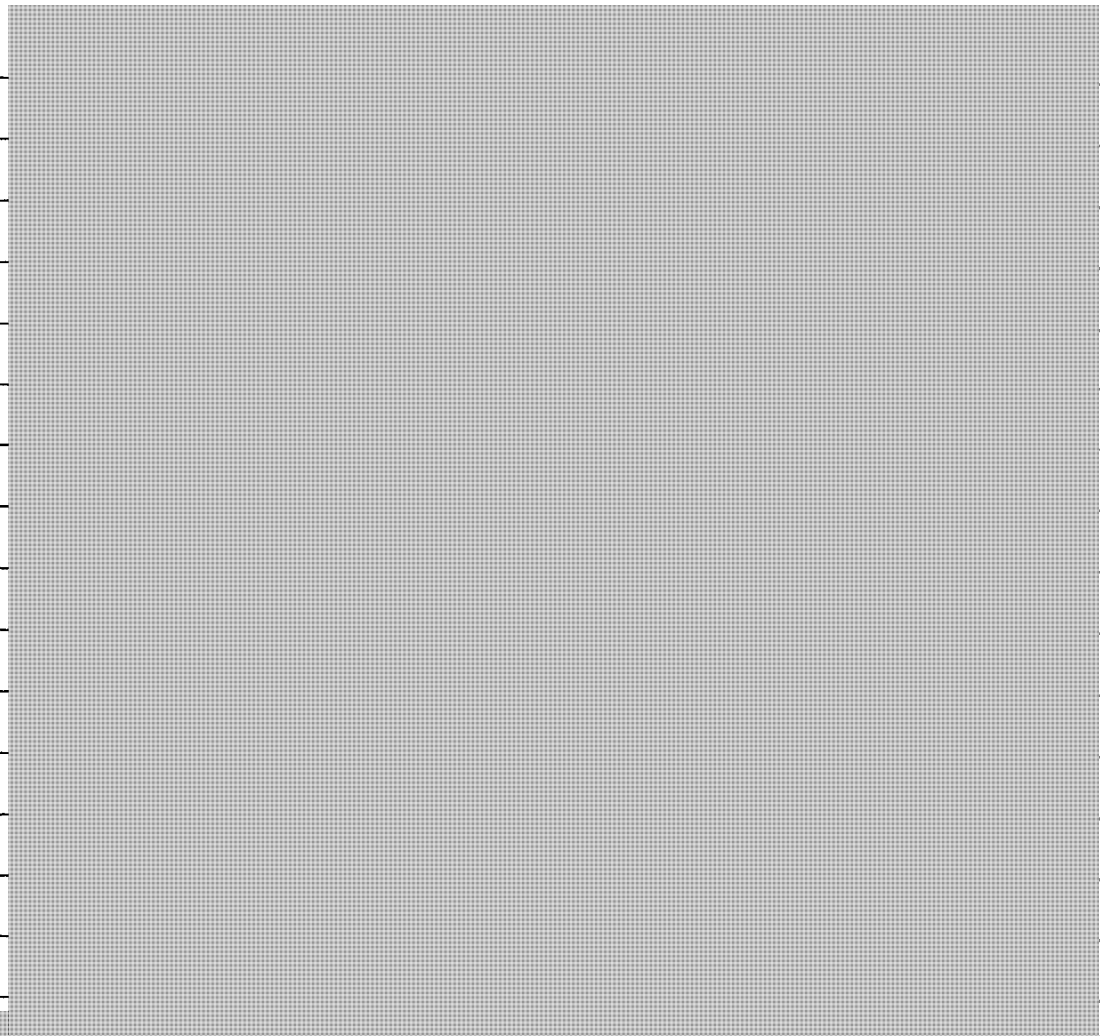
*Shawn Plunkett*  
*Senior Policy Advisor / Conseiller principal en politiques*  
*Investigative Technologies and Telecommunications Policy (ITTP) /*  
*Technologies d'enquêtes et politiques des télécommunications (TEPT)*  
*National Security Operations Directorate / Direction des Operations de Sécurité Nationale*  
*Public Safety Canada / Sécurité Publique Canada*  
Tel: (613) 990-7066  
Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)

May 2, 2012

16B 2900

16A Doors

991-4364



## Plunkett, Shawn

---

**From:** Pilon, Claude  
**Sent:** May-09-12 2:30 PM  
**To:** Plunkett, Shawn  
**Subject:** RE: [REDACTED]

**Categories:** Blue Category

Shawn,

[REDACTED]

Thanks

Claude

Claude Pilon, B.Sc., LL.L, LL.B  
Counsel / Avocat  
Public Safety Canada Legal Services / Services juridiques de Sécurité publique Canada  
(613) 991-4364 / [claudio.pilon@ps-sp.gc.ca](mailto:claudio.pilon@ps-sp.gc.ca)

**PROTECTED: SOLICITOR-CLIENT PRIVILEGE / PROTÉGÉ: PRIVILÈGE DU SECRET  
PROFESSIONNEL DE L'AVOCAT**

Please feel free to reply in the official language of your choice/ N'hésitez pas à me répondre dans la langue officielle de votre choix

---

**From:** Plunkett, Shawn  
**Sent:** May-03-12 2:01 PM  
**To:** Pilon, Claude  
**Subject:** RE: [REDACTED]

Hi Claude,

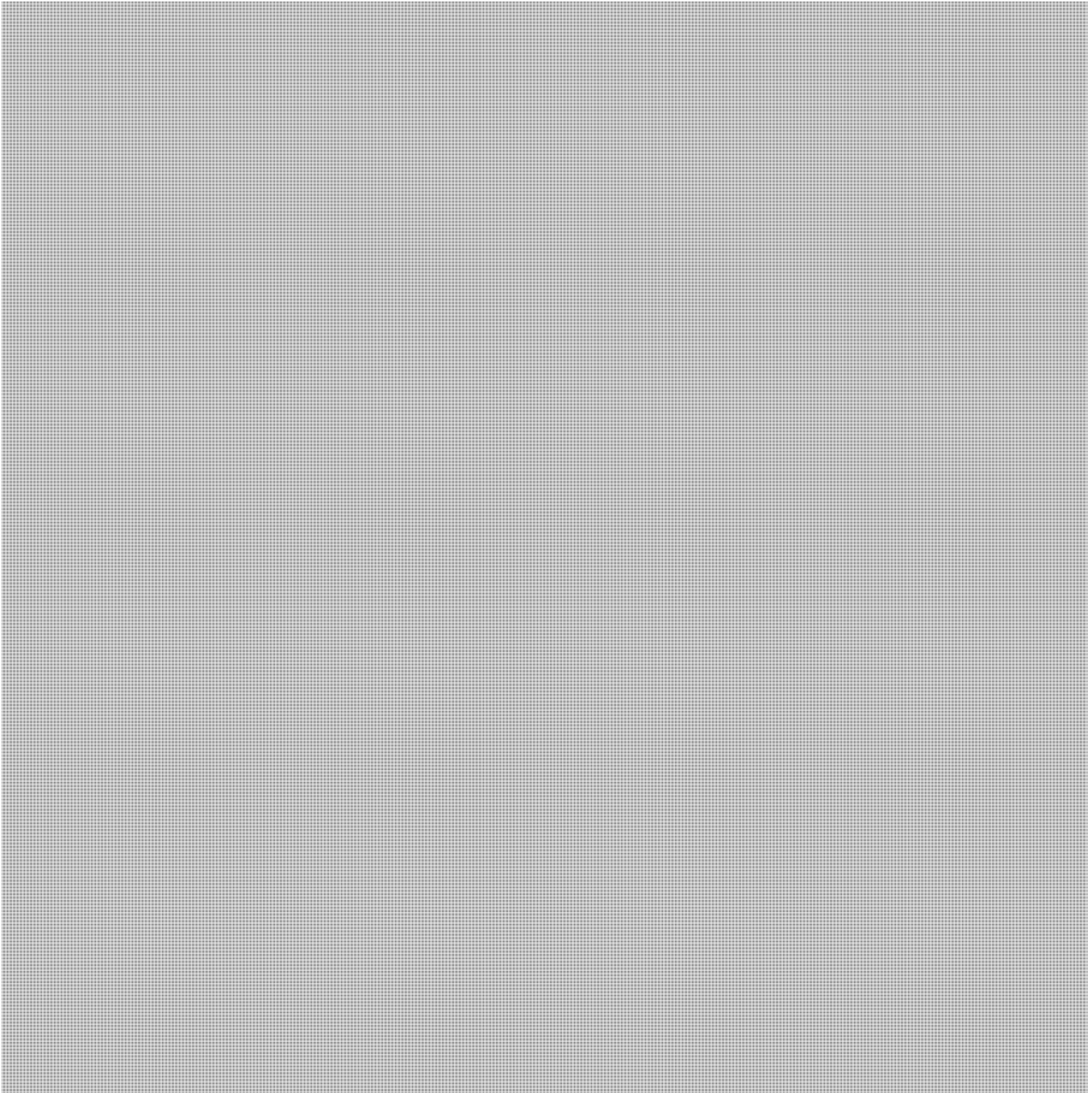
[REDACTED]

Thanks again.

---

**From:** Plunkett, Shawn  
**Sent:** April-25-12 10:13 AM  
**To:** Pilon, Claude  
**Cc:** Kingsley, Michèle; Kwavnick, Andrea  
**Subject:** [REDACTED]

Claude,



Thanks very much.

*Shawn Plunkett*  
*Senior Policy Advisor / Conseiller principal en politiques*  
*Investigative Technologies and Telecommunications Policy (ITTP) /*  
*Technologies d'enquêtes et politiques des télécommunications (TEPT)*  
*National Security Operations Directorate / Direction des Operations de Sécurité Nationale*  
*Public Safety Canada / Sécurité Publique Canada*

Tel: (613) 990-7066

Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)

[REDACTED]

**When were they first created?**

According to archived information, in the fall of 1995, the Department decided the most effective way to ensure lawful access would be by means of a condition of license under the authority of the Minister of Industry. As such, the 1995 version of the SGES was first written [REDACTED]

In February, 1996, officials of IC, RCMP, CSIS and the Department of the Solicitor General reached an agreement on the wording for a conditional clause for interception requirements to be used as part of the overall licensing process. This clause, entitled Provision of Intercept Capability for Telecommunications, states that the requirements for lawful interception are provided in the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications*.

It is this clause that contains [REDACTED]

This is because at the time it was being negotiated, the first technology to be address through the SGES was the Personal Communications Services (PCS). Cellular licenses were already in place prior, hence the reason why the SGES were not part of the policy dialogue on the requirements of licensing for that spectrum band. It was anticipated that the SGES would serve as an interim measure for lawful interception until legislation was passed. The SGES themselves are written in a way that is technologically neutral.

[REDACTED] At that time, Canadian carriers were also upgrading their networks and providing new services. In response, the Solicitor General's committee published a revised version of its standards in March 2000. The only modification made to the 1995 document was to add explanatory text for each of the 23 standards.

**Last updated in 2008?**

We are unsure of any changes made in 2008, we are consulting with RCMP to verify.

**IC's conditions of license really have no penalties, just the fact that the license could be pulled for non compliance?**



Currently, non-compliance with license conditions could result in suspension or revocation of a licence. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The condition provides relief through limited forbearance when it is deemed that adherence to the standard was not technically achievable for licensees and

[REDACTED]

## Plunkett, Shawn

---

**From:** Plunkett, Shawn  
**Sent:** May-23-12 5:19 PM  
**To:** 'Bill Munson'  
**Subject:** RE: Solicitor General Enforcement Standards

A small circulation (5-6) within ITAC would be acceptable, provided that this circulation includes the below proviso.

If you are seeking to circulate outside of the organization, our preference would be for those interested parties outside of ITAC to contact us directly to receive a copy.

Thanks for your understanding on this. Please let me know if you have any questions.

Shawn

**From:** Bill Munson [<mailto:bmunson@itac.ca>]  
**Sent:** May-23-12 3:38 PM  
**To:** Plunkett, Shawn  
**Subject:** RE: Solicitor General Enforcement Standards

Thanks very much, Shawn,

I'm assuming that passing it along to a small number of people – five or six – would be okay. Ok: y??

Bill Munson  
ITAC  
tel 905-602-8345 x2223

**From:** Plunkett, Shawn [<mailto:Shawn.Plunkett@ps-sp.gc.ca>]  
**Sent:** 2012-May-23 2:30 PM  
**To:** Bill Munson  
**Cc:** Kingsley, Michèle  
**Subject:** Solicitor General Enforcement Standards

Mr. Munson,

Thank you for your interest in the Solicitor General Enforcement Standards for the Lawful Interception of Telecommunications (SGES).

As per your request, enclosed is two copies of the SGES. One is the original version of the standards and the other is a copy of the SGES that includes the proposed minor changes to the standards that we are considering, as referenced in Industry Canada's 700 MHz public consultation. In the document, you will note the proposed changes in blue, while the original language is in red.

As discussed, this is **not a public document**, as it pertains to requirements guiding the lawful interception of communications. We therefore stipulate that this document is not to be made public (i.e. posted on a website or published in print), disseminated or circulated. We appreciate your cooperation on this important matter.

Should you have any comments on the standards themselves, I would be happy to further discuss any comments or questions that you may have.

Thank you.

Shawn Plunkett  
Senior Policy Advisor / Conseiller principal en politiques  
National Security Operations Directorate / Direction des opérations de sécurité nationale  
Public Safety Canada / Sécurité Publique Canada  
340 Ave Laurier W, Ottawa,  
Ontario, Canada, K1A 0P9  
Telephone | Téléphone: (613) 990-7066  
Facsimile | Télécopieur: (613) 991-4669  
Email | Courriel: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)



Public Safety  
Canada

Sécurité publique  
Canada

## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table

### Solicitor General's Standards

**Standard 1:** Law enforcement agencies require access to the entire telecommunications transmitted, or caused to be transmitted, to and from the number or other identifier of the target service used by the interception subject. Law enforcement agencies also require access to the call-associated data that is generated to process the call.

**Standard 2:** Law enforcement agencies require access to all mobile interception subjects operating temporarily or permanently within a telecommunications system.

**Standard 3:** Law enforcement agencies require access in cases where the interception subject may be using features to divert calls to other telecommunications service or terminal equipment, including calls that traverse more than one network or are processed by more than one network operator/service provider before completing.

**Standard 4:** Law enforcement agencies require that the telecommunications to and from a target service be provided to the exclusion of any telecommunications that do not fall within the scope of the interception authorization.

**Standard 5:** Law enforcement agencies require access to available call associated data such as:

- A) Signaling of access ready status
- B) Called party number for outgoing connections even if there is no successful connection established
- C) Calling party number for incoming connections even if there is no successful connection established
- D) All digits dialed by the target, including post-connection dialed digits used to activate features such as conference calling and call transfer
- E) Beginning, end, and duration of the connection
- F) Actual destination and intermediate directory numbers if call has been diverted.

## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table

**Standard 6:** Law enforcement agencies require information on the most accurate geographical location known to the network for mobile subscribers.

**Standard 7:** Law enforcement agencies require data on the specific service used by the interception subject and the technical parameters for that type of communication.

**Standard 8:** Law enforcement agencies require a real-time, full-time monitoring capability for the interception of telecommunications. Call associated data should also be provided in real-time. If call associated data cannot be made available in real time, law enforcement agencies require the data to be available as soon as possible upon call termination.

**Standard 9:** Law enforcement agencies require network operators/service providers to provide one or more interfaces from which the intercepted communications can be transmitted to the law enforcement monitoring facility. These interfaces have to be commonly agreed on by the interception authorities and the network operators/service providers. Other issues associated with these interfaces will be handled according to generally accepted practices.

**Standard 10:** Law enforcement agencies require network operators/service providers to provide call associated data and call content from the target service in a way that allows for the accurate correlation of call associated data with call content.

**Standard 11:** Law enforcement agencies require that the format for transmitting the intercepted communications to the monitoring facility be a generally available format.

**Standard 12:** If network operators/service providers initiate encoding, compression or encryption of telecommunications traffic, law enforcement agencies require the network operators/service providers to provide intercepted communications en clair.

**Standard 13:** Law enforcement agencies require network operators/service providers to be able to transmit the intercepted communications to the law enforcement monitoring facility via fixed or switched connections.

**Standard 14:** Law enforcement agencies require that the transmission of the intercepted communications to the monitoring facility meet applicable

## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table

Government of Canada security requirements.

- Standard 15:** Law enforcement agencies require interceptions to be implemented so that neither the interception target nor any other unauthorized person is aware of any changes made to fulfill the interception order. In particular, the operation of the target service must appear unchanged to the interception subject.
- Standard 16:** Law enforcement agencies require the interception to be designed and implemented to preclude unauthorized or improper use and to safeguard the information related to the interception.
- Standard 17:** Law enforcement agencies require network operators/service providers to protect information on which and how many interceptions are being or have been performed, and not disclose information on how interceptions are carried out.
- Standard 18:** Law enforcement agencies require network operators/service providers to ensure that intercepted communications are only transmitted to the monitoring agency specified in the interception authorization.
- Standard 19:** Based on a lawful inquiry and before implementation of the interception, law enforcement agencies require **(1)** the interception subject's identity service number or other distinctive identifier, **(2)** information on the services and features of the telecommunications system used by the interception subject and delivered by network operators/service providers, and **(3)** information on the technical parameters of the transmission to the law enforcement monitoring facility.
- Standard 20:** During the interception law enforcement agencies may require information and/or assistance from the network operators/service providers to ensure that the communications acquired at the interception interface are those communications associated with the target service.
- Standard 21:** Law enforcement agencies require network operators/service providers to make provisions for implementing a number of simultaneous intercepts. Multiple interceptions may be required for a single target service to allow monitoring by more than one law enforcement agency. In this case, network operators/service providers should take precautions to safeguard the identities of the monitoring agencies and ensure the confidentiality of the investigations.

## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table

**Standard 22:** Law enforcement agencies require network operators/service providers to implement interceptions as quickly as possible (in urgent cases within a few hours or minutes). The response requirements of law enforcement agencies will vary by the type of target service to be intercepted.

**Standard 23:** For the duration of the interception, law enforcement agencies require that the reliability of the services supporting the interception at least equals the reliability of the target services provided to the interception subject. Law enforcement agencies require the quality of service of the intercepted transmissions forwarded to the monitoring facility to comply with the performance standards of the network operators/service providers.

**Pages 434 to / à 437  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**of the Access to Information  
de la Loi sur l'accès à l'information**





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**International Travel Report  
Rapport de voyage international**

Please submit this report to the International Affairs division ([international@ps-sp.gc.ca](mailto:international@ps-sp.gc.ca))  
no later than 10 business days after your return.

Event Title <i>Titre de l'événement</i> ISS World Europe Conference (Intelligence Support Systems for Lawful Interception, Criminal Investigations and Intelligence Gathering)	Date of Event <i>Date de l'événement</i> 2012-06-05 - 2012-06-07	Place (City, Country) <i>Lieu (Ville, Pays)</i> Prague, Czech Republic
<b>Traveller(s)/Voyageur(s)</b>		
Name(s) <i>Nom(s)</i> Shawn Plunkett	Division/Branch <i>Division/Secteur</i> Investigative Technologies and Telecommunications Policy/ National Security Branch	Telephone No. <i>N° de téléphone</i> 613-990-7066
<b>International Strategic Framework Priorities Priorité selon le Cadre stratégique international</b>		
Thematic Priority(ies)* <i>Priorité thématique**</i>	Bilateral Priority(ies)* <i>Priorité bilatérale**</i>	Multilateral Priority(ies)* <i>Priorité multilatérale**</i>
Crime Prevention Cyber Security National Security Learning and Development	United Kingdom Australia Israel United States Netherlands	N/A
*Indicate <b>ALL</b> of the thematic, bilateral, or multilateral priorities from the ISF that apply (see reverse). **Indiquez <b>TOUTES</b> les priorités thématiques, bilatérales ou multilatérales du CSI relatives au voyage (voir au verso).		

**Description – Description:**

**Please outline the meetings and/or events attended during your travel, and identify the key outcomes of each.**

As **Public Safety Canada** continues to lead on the management of the lawful interception regime in Canada and is also investigating the way forward for telecommunications security in Canada, understanding emerging challenges and potential interception solutions in the international community will be key to develop an effective **lawful access framework** in Canada. Currently, **Investigative Technologies and Telecommunications Policy (ITTP)** is exploring several avenues for developing and strengthening Canada's lawful interception regime, including through modernizing lawful interception standards, preparing the implementation of lawful access legislation and identifying potential challenges to lawful interception in Canada.

The trip consisted of attendance at the **ISS World Europe 2012** conference (Intelligent Support Systems for Lawful Interception, Criminal Investigations and Intelligence Gathering). Presently in its 9<sup>th</sup> year, this three day conference is the largest gathering of law enforcement, government officials and Telecommunications Service Providers (TSP) on the subject of lawful interception with over a 1000 participants from 69 countries, including the **United Kingdom, Australia, Israel**, Indonesia, Brazil and South Africa. It is also the largest vendor exhibition of equipment related to lawful interception, criminal investigations and intelligence gathering with over 50 vendors and sponsors.

**Outcomes:**

*Emerging Challenges*

One of the key outcomes of the ISS World Europe conference was that it identified some of the key **Lawful Interception (LI)** challenges for law enforcement and the intelligence community.





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Another group of challenges for lawful interception is the multiplicity of social networking, webmail, and cloud computing programs and applications. The fact that there are a significant number of new means of communicating is a considerable challenge for interception.

Finally, the international nature of the Internet and the corresponding **jurisdictional concerns** were highlighted. However, while several potential solutions were identified, these solutions were tactical in nature.

In addition, there did not seem to be any consensus on the way forward for overcoming the jurisdictional challenges associated with interception, outside of greater cooperation between countries.

#### *Lawful Interception Standards*

**Public Safety Canada** is in the process of modernizing the language around Canada's current LI standards, the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications*.

A key outcome of this conference was the development of contacts and information relating to ETSI LI standards.

The conference featured an afternoon session devoted to discussing ETSI standards as they relate to LI. This included general remarks from the Chair of the **ETSI Technical Committee on Lawful Interception (ETSI/TC LI)**. He stressed the need for greater participation, by states and private companies, in standards development and highlighted the progress ETSI has made on basic interception requirements for call detail records and content, as well as handover interfaces (how the information is transmitted from telecommunications carriers to authorized officials). One of the speakers, Rudolph Wunsch from the vendor Utimaco, spoke of the ETSI standards

#### *Lawful Intercept Solutions*

Perhaps the most important outcome of the conference was the outputs of speaking with various private companies and vendors who develop LI solutions. There were two key outputs from **engagement of vendors**: identification of various solutions that are currently available on the marketplace; and,

**ITTP** currently manages the lawful interception condition of spectrum licence regime in Canada and works with Canadian telecommunication carriers to assist them in complying with their lawful interception requirements. To assist this process, information regarding what solutions and technologies for lawful interception exist is required. At ISS World Europe, several vendors developed



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the type of lawful intercept solutions that could be used by Canadian telecommunications providers in order to comply with their lawful interception requirements.

**ITTP** also leads on the development of lawful access legislation and regulations. In developing these, there needs to be an appreciation of the potential costs that Canada's lawful interception requirements may have on telecommunications carriers in Canada. Therefore, it is important to discuss with lawful interception solution vendors the estimated costs for developing lawful access requirements. Such information requires some engagement of the vendors and the ISS World Europe provided an opportunity to discuss this with several different vendors and also develop contacts for future information requirements.

#### *Seminars/Workshops*

The first morning of the conference was reserved for seminars and workshops that provided additional information on the composition of network infrastructures for wireline, wireless and TCP/IP (Transmission Control Protocol/Internet Protocol) telecommunications. These sessions provided information that increased knowledge of how various technologies work and specifically how the various technologies can be used for lawful interception. Some technical knowledge of TCP/IP, which specifies the protocols required for routing, transmitting and receiving data, is required in order to develop a greater understanding of how lawful interception works in practice for data communications. The TCP/IP session also identified some lawful intercept challenges,

Meetings were also held with representatives from the **Canadian Embassy in Prague** in order to advise them of **Public Safety Canada's** participation in the conference and to gauge their interest in conference materials and outputs.

#### **Relevance – Pertinence:**

**Why are these outcomes important to Public Safety? How do they promote the priorities identified in the RPP, IHRBP, or your Branch Business Plan?**

The outcomes of the conference support and promote two Departmental Program Activities: **National Security** and **Countering Crime**, as identified in Public Safety's **2012-2013 Report on Plans and Priorities**. The information and contacts gained through participation at the conference will further the following Public Safety Canada Priority: *advance a robust approach to addressing national security threats including implementing Canada's Cyber Security Strategy*. More specifically, the conference outcomes directly support the following activity: *advance lawful access legislative and regulatory initiatives*. The conference sessions provided considerable information regarding LI that will assist in strengthening lawful access initiatives.

In addition, the outcomes of the conference will work to support three key activities/deliverables stemming from the **Emergency Management and National Security 2011-2012 Branch Business Plan**.

This contributes to the following deliverable: develop policy, legislative and program management options pertaining to lawful access. Better understanding of the nature of telecommunications infrastructure and stronger knowledge of the different lawful interception solutions and technologies that are presently available on the marketplace, will foster a greater ability to attain the following Branch deliverables: develop initiative to modernize licensing requirements pertaining to lawful interception of communications; and research and analysis to identify and address inter jurisdictional issues as they relate to investigative requirements.



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**Next Steps/Action Required - Prochaines étapes / mesures à prendre:**  
**What actual or potential commitments were made on behalf of Canada,  
Other Government Departments, Public Safety, or the Portfolio Agencies?  
What must be done or decided in light of this travel?**

Further engagement with the various lawful interception vendors and exhibitors will be required in order to fill a key gap in the development of the lawful access legislative regime and the current lawful interception condition of licence regime.



During the conference, side-bar meetings with representatives of the **ETSI/TC LI** were held, including with the Chair, Peter van der Arend from the **Netherlands**. As Canada continues to evaluate its existing standards, future engagement with this body and its Chair may be required.

As this was a conference, there were no decision points or commitments made from the Government of Canada.



**Department of Justice  
Canada**

**Ministère de la Justice  
Canada**

**Public Safety and Emergency  
Preparedness Canada**

269 Laurier Avenue West, 16<sup>th</sup> Floor  
Ottawa, Ontario  
K1A 0P8

**Sécurité publique et  
Protection civile Canada**

269, avenue Laurier Ouest, 16<sup>e</sup> étage  
Ottawa (Ontario)  
K1A 0P8

Security classification -- Côte de sécurité <b>Solicitor-Client privilege   Secret professionnel de l'avocat</b> <b>Protected B</b>
File number -- Numéro de dossier <b>10037-2</b>
Date <b>June 25, 2012</b>
Telephone / FAX -- Téléphone / Télécopieur <b>613-991-4364</b>

**MEMORANDUM / NOTE DE SERVICE**

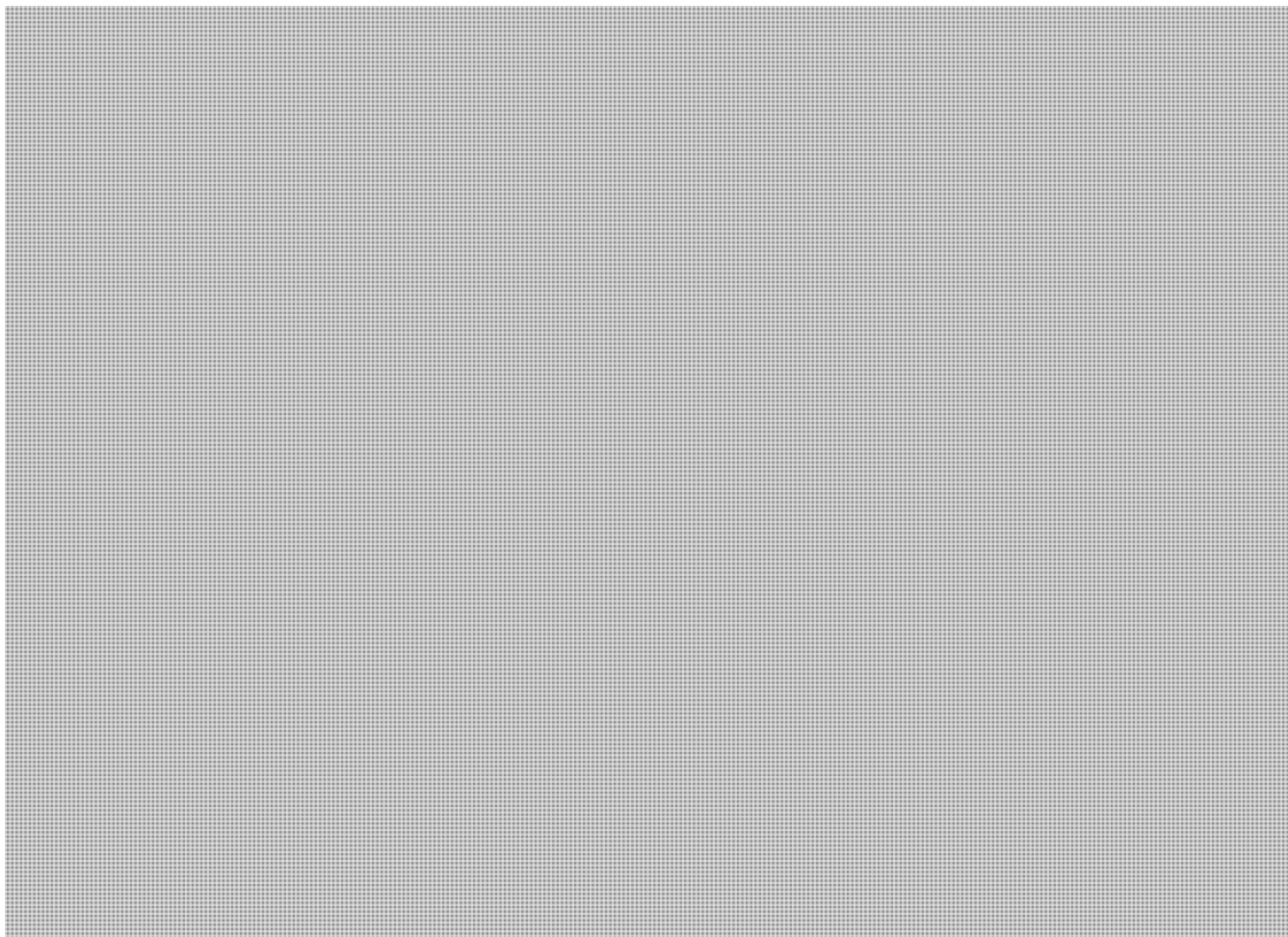
TO / DEST: **Shawn Plunkett**  
**Senior Policy Advisor**  
**Investigative Technologies and Telecommunications Policy (ITTP)**  
**National Security Operations**

FROM / ORIG: **Claude Pilon**  
**Counsel**  
**Public Safety Legal Services**

SUBJECT /  
OBJET:



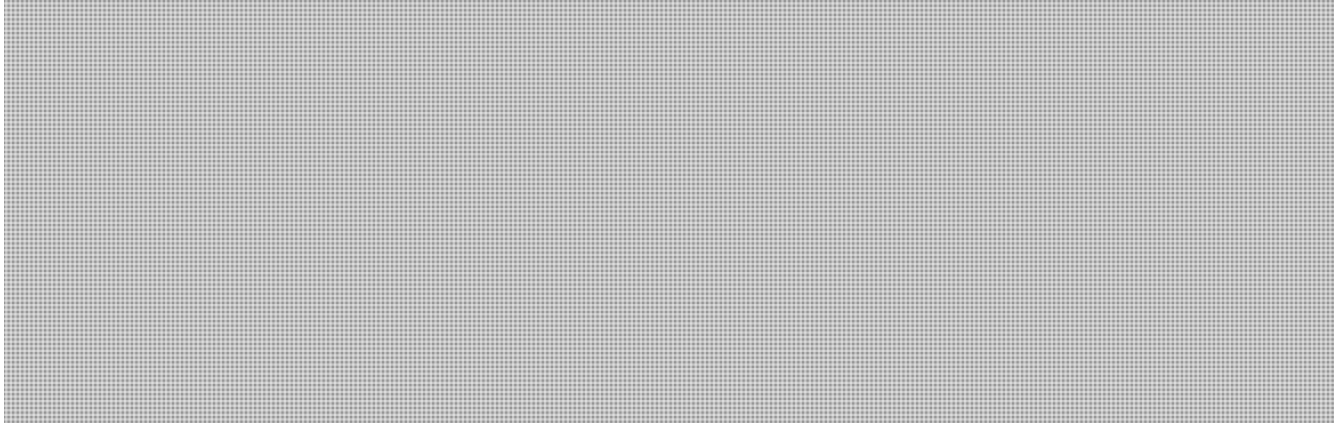
Comments/Remarques



**Page 443**

**is withheld pursuant to section  
est retenue en vertu de l'article**

**of the Access to Information  
de la Loi sur l'accès à l'information**



Sincerely,

Claude Pilon

cc.

Hasti Kousha

## Emmett, Jamie

---

**From:** Kingsley, Michèle  
**Sent:** June-29-12 11:41 AM  
**To:** Plunkett, Shawn  
**Cc:** Kwavnick, Andrea; Hawrylak, Maciek; Johnston, Shannon; Haeck, Kimberly  
**Subject:** RE: Overview - Public Comments on Lawful Intercept Condition of Licence

Thanks. I think we should do all 3... Let's start working on a short public response and we will meet with Mike to discuss.

Shannon – could Shawn and I get 30 minutes with Mike early-ish next week?

Thanks, m.

---

**From:** Plunkett, Shawn  
**Sent:** June-29-12 11:17 AM  
**To:** Kingsley, Michèle  
**Cc:** Kwavnick, Andrea; Hawrylak, Maciek  
**Subject:** Overview - Public Comments on Lawful Intercept Condition of Licence

Michèle,

Yesterday afternoon, Industry Canada posted the public comments received regarding the rules and conditions of licence relating to the 700 MHz spectrum auction.

[Comments Received on Gazette Notice DGSO-002-12 — Consultation on a Licensing Framework for Mobile Broadband Services \(MBS\) — 700 MHz Band](#)

Several respondents provided comments on the lawful intercept condition of licence. (Bell, the Canadian Wireless Telecommunications Association, Globalive, MTS Allstream, SSI Group of Companies, Rogers, TbayTel and Telus.) The responses were similar in nature, using similar language, thus implying a concerted effort. It should also be noted that several commenters referenced CWTA's comments in their response on lawful interception.

I am currently undertaking a more rigorous review, but after a preliminary look, some themes have appeared:

- 1) *Majority Opposed to LI Changes*: With the exception of the SSI Group (an Internet Service Provider based in Yellowknife), all commenters were opposed to changes to the Lawful Interception Condition of Licences. The primary reason indicated was that changes would introduce new and significant obligations on licence holders.
- 2) *Legislation should be vehicle for LI changes*: There was a general consensus that the condition of licence should not be changed and that the appropriate venue for making significant changes of this nature is through the legislation. It was argued that the CoL should be unchanged until Parliament passes the legislation, at which time the CoL can be updated (if needed). It was also noted that the lawful intercept condition of licence should reflect existing legislative requirements and should not anticipate future legislative requirements.
- 3) *SolGen Standards*. Two main points were raised regarding the SGES:
  - a. Changes to the Solicitor General Standards should be part of a separate consultation.



- b. Any changes to the standards should be done in accredited standard-setting bodies and should only require standard-based and commercially available solutions. [REDACTED]

**Potential Options:**

[REDACTED]

If you have time either today or early next week to discuss, that would be best given that there is a very short turnaround for Reply Comments and it would likely take time to receive the necessary consultations and approvals.

Thanks.

*Shawn Plunkett*  
*Senior Policy Advisor / Conseiller principal en politiques*  
*Investigative Technologies and Telecommunications Policy (ITTP) /*  
*Technologies d'enquêtes et politiques des télécommunications (TEPT)*  
*National Security Operations Directorate / Direction des opérations de sécurité nationale*  
*Public Safety Canada / Sécurité Publique Canada*  
*Tel: (613) 990-7066*  
*Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)*

July 2012

Q1: In the Industry Canada 700Mhz consultation there is language concerning changes to the Solicitor General's *Enforcement Standards for Lawful Interception of Telecommunications*. Specifically, Section 109 reads as follows:

The condition of licence refers to standards for lawful interception, entitled the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications. Public Safety Canada is currently responsible for these standards, which were last revised in 1995. Public Safety Canada has informed Industry Canada that it is proposing modifications to the standards. Industry Canada is proposing to simply refer to the requirement to provide for and maintain lawful interception capabilities, in accordance with the enforcement standards in effect at the time of licence issue and as amended from time to time. For further information on proposed changes to the Solicitor General's Enforcement Standards, please contact Public Safety Canada via the General Enquiries line at 1-800-830-3118.

I am requesting further information about the proposed changes, as suggested by Industry Canada. Can you specifically outline what changes are being proposed? I have a copy of the annotated *Enforcement Standards* from late 2008, and I am interested in what modifications in language or policy Public Safety is proposing to change.

A1:

- As noted in Industry Canada's Consultation on a Licensing Framework for Mobile Broadband Services (MBS) — 700 MHz Band, Public Safety Canada has informed Industry Canada that it is proposing modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications*.
- Public Safety Canada is in the process of discussing potential modifications with targeted stakeholders in order to seek their views on any potential changes. At this time, we are proposing only minor modifications to the *Solicitor General Enforcement Standards* that we expect will have little impact on licensees.
- The *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* are only to be provided to licence holders or prospective licence holders, or their representatives, to assist them in complying with their lawful interception condition of licence. They contain sensitive information and are not for public dissemination or circulation.



Earth Str.

not for MSS - still radio licenses → 1 yr  
↳ only for fees novel

→ New MSS regime depends on system

Satellites

Licences:

licence apparatus for each

only for proposal

- [Redacted]
- [Redacted]

Consultation:

for FSS/BSS → initial licences "launch" phase → replaced w/ spectrum

once sat, launched get radio spectrum

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

- orbital position not sat. (apparatus) → caveat (fess might take while)

Monitoring of Licences

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Case by Case Depending on spectrum use.

Status:

- [Redacted]
- [Redacted]
- [Redacted]

still space str licences

MSS → 90mhz

Changes to SGES

Annual

## Plunkett, Shawn

---

**From:** Slack, Jessica  
**Sent:** July-06-12 4:07 PM  
**To:** Kingsley, Michèle  
**Cc:** Duval, Jean Paul; Filipps, Lisa; Wilson, Barbara; Plunkett, Shawn; MacDonald, Michael; Kwavnick, Andrea  
**Subject:** Re: Notification: Media Call from the Wire Report - 700 MHz and Lawful Access

Thanks, Michele. JP, can you get in touch with mr at IC? Michel Cimpaye is the contact.

---

**From:** Kingsley, Michèle  
**Sent:** Friday, July 06, 2012 04:03 PM  
**To:** Slack, Jessica  
**Cc:** Duval, Jean Paul; Filipps, Lisa; Wilson, Barbara; Plunkett, Shawn; MacDonald, Michael; Kwavnick, Andrea  
**Subject:** RE: Notification: Media Call from the Wire Report - 700 MHz and Lawful Access

Hi Jessica,

We will try to have something early afternoon Monday, but we need to consult with IC as they are the lead on the Condition of License (COL). We understand they got a similar request yesterday so we need to coordinate. We asked but haven't seen their response yet – perhaps you could a copy through their comms shop?

Shawn Plunkett is the analyst on the COL – Andrea's off the hook!

Merci, Michèle

---

**From:** Slack, Jessica  
**Sent:** July-06-12 3:08 PM  
**To:** Kwavnick, Andrea; Kingsley, Michèle  
**Cc:** Duval, Jean Paul; Filipps, Lisa; Wilson, Barbara  
**Subject:** FW: Notification: Media Call from the Wire Report - 700 MHz and Lawful Access

Andrea, Michele

See very technical request below. Would we be in a position to have to these questions by early afternoon on Monday?

Jessica

---

**From:** Slack, Jessica  
**Sent:** July-06-12 3:05 PM  
**To:** Carmichael, Julie; Mueller, Mike; McGrath, Andrew; Mueller, Mike; [AkimIsabelle.Thibouthot@pco-bcp.gc.ca](mailto:AkimIsabelle.Thibouthot@pco-bcp.gc.ca)  
**Cc:** Swift, Andrew ([Andrew.Swift@ps-sp.gc.ca](mailto:Andrew.Swift@ps-sp.gc.ca)); Filipps, Lisa ([Lisa.Filipps@ps-sp.gc.ca](mailto:Lisa.Filipps@ps-sp.gc.ca)); Paulson, Erika; Bradley, Jane; Wilson, Barbara; Duval, Jean Paul; Tomlinson, Jamie  
**Subject:** Notification: Media Call from the Wire Report - 700 MHz and Lawful Access

Good afternoon,

We've received the request below.

Proposed response to follow.

Jessica

Reporter's Name [REDACTED]  
Media Outlet The Wire Report  
Call Date 7/6/2012 4:00 PM  
Telephone [REDACTED]  
E-mail address [REDACTED]  
Deadline 7/9/2012 3:00 PM  
Status Consulting  
Branch NS  
Subject TBD  
Questions I'm wondering if someone from Public Safety might be available to provide comment on the proposed revisions to the lawful intercept requirements as put forward in Industry Canada's Consultation on a Licensing Framework for Mobile Broadband Services (MBS) — 700 MHz Band.

Specifically, I was hoping that someone there might be able to tell me:

- Did Public Safety ask Industry Canada to update the lawful intercept conditions of licence (COLs) for the 700 MHz band to cover all "interconnected radio-based transmission facility for compensation" instead of the previously encompassed "circuit-switched voice telephony?" If so, why does Public Safety feel this is an important addition, and what additional technologies is this expected to encompass?
- If this new COL is approved, would Public Safety update the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications to incorporate the change? If so, by when would Public Safety look to make that change?
- I have received a copy of the aforementioned Solicitor General standards that is listed as being current as of November, 2008. Have there been changes to the standards since this time or is this document still up-to-date?
- Can the department react to the suggestion by one of my sources that imposing these changes through a COL is an attempt to "sneak" lawful access changes "through the backdoor" while Bill C-30 is stalled in Parliament?

Additionally, I would like to note that I am finding a hard time getting in touch with sources who can speak to the technological value of making this change. Given my desire to provide fair and balanced reporting, I would greatly welcome extended comments in this regard, or any opportunity to interview someone from the department on this subject on Monday morning, if possible.

Unfortunately, given that I will be writing to a 4 p.m. deadline on Monday, I will need to ask that any comments or interview be provided prior to 3 p.m. Monday, July 9 (and the earlier the better).

## Plunkett, Shawn

---

**From:** Brown, Émilie  
**Sent:** July-06-12 4:29 PM  
**To:** McDonald, Jessica  
**Cc:** Trudel, Pierre; St-Laurent, Bernard; Plunkett, Shawn; Emmett, Jamie  
**Subject:** RE: questions about 700 mhz

Hi Jessica,

Thanks for seeking clarification from the person. This is in fact on the portion of 700 MHz that's up for auction and not the portion that's reserved for public safety purposes. Now that I have the context, I realize the question should really go to Michèle Kingsley's group in the NS branch that deal with lawful interception. It's more a question for them. I have cc'd Shawn Plunkett and Jamie Emmett from their group.

Sincerely,

Émilie

Émilie Brown

Senior Policy Analyst / Analyste de politiques principale

Emergency Management Planning Division (EMPD)/Division Planification de la gestion des mesures d'urgences (DPGMU)

Public Safety Canada / Sécurité publique Canada

Tel : 613-949-3995

cell: [REDACTED]

Email/Courriel : [emilie.brown@ps-sp.gc.ca](mailto:emilie.brown@ps-sp.gc.ca)

---

**From:** McDonald, Jessica  
**Sent:** Friday, July 06, 2012 3:22 PM  
**To:** Brown, Emilie  
**Subject:** FW: questions about 700 mhz

Hi Emilie,

Please see his questions and the context below.

Thank you!

**Jessica McDonald**

Communications Officer | Agente des communications

Public Safety Canada | Sécurité publique Canada

Tel/Tél: (613) 949-5536

[jessica.mcdonald@ps-sp.gc.ca](mailto:jessica.mcdonald@ps-sp.gc.ca)

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---

**From:** [REDACTED]  
**Sent:** Friday, July 06, 2012 3:16 PM  
**To:** McDonald, Jessica  
**Subject:** Re: questions about 700 mhz

Hi Jessica,

Thanks for the call back today. The question is below; should I direct it to another party via email, or will you be getting it to someone who can respond to it (wasn't clear in your message if I was to respond to you or another contact email).

In the Industry Canada 700Mhz consultation there is language concerning changes to the Solicitor General's *Enforcement Standards for Lawful Interception of Telecommunications*. Specifically, Section 109 reads as follows:

The condition of licence refers to standards for lawful interception, entitled the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications. Public Safety Canada is currently responsible for these standards, which were last revised in 1995. Public Safety Canada has informed Industry Canada that it is proposing modifications to the standards. Industry Canada is proposing to simply refer to the requirement to provide for and maintain lawful interception capabilities, in accordance with the enforcement standards in effect at the time of licence issue and as amended from time to time. For further information on proposed changes to the Solicitor General's Enforcement Standards, please contact Public Safety Canada via the General Enquiries line at 1-800-830-3118.

I am requesting further information about the proposed changes, as suggested by Industry Canada. Can you specifically outline what changes are being proposed? I have a copy of the annotated *Enforcement Standards* from late 2008, and I am interested in what modifications in language or policy Public Safety is proposing to change.

Cheers,

[Redacted signature]

--

\*\*\*\*\*

[Redacted signature block]

\*\*\*\*\*

McDonald, Jessica

6 July, 2012 11:07 AM

Hello [Redacted]

Further to our telephone conversation, if you can please send your detailed questions regarding the 700 mhz via email, it would be greatly appreciated and we can then respond to you via email.

Thank you,

**Jessica McDonald**

Communications Officer | Agente des communications

Public Safety Canada | Sécurité publique Canada

Tel/Tél: (613) 949-5536

[jessica.mcdonald@ps-sp.gc.ca](mailto:jessica.mcdonald@ps-sp.gc.ca)

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## Kwavnick, Andrea

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**From:** Plunkett, Shawn  
**Sent:** July-06-12 5:55 PM  
**To:** McDonald, Jessica  
**Cc:** Kwavnick, Andrea; Kingsley, Michèle  
**Subject:** Re: questions about 700 mhz

Hi Jessica,

We would be the policy centre to respond to this inquiry.

We can prepare a response for Comms to provide to the requester, should that be the appropriate process.

Do you have a timeline for a response? We are currently working on a similar response for comms with a Monday midday deadline.

Thanks and have a good weekend.

Shawn Plunkett

PS/SP Canada

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**From:** Brown, Émilie  
**Sent:** Friday, July 06, 2012 04:29 PM  
**To:** McDonald, Jessica  
**Cc:** Trudel, Pierre; St-Laurent, Bernard; Plunkett, Shawn; Emmett, Jamie  
**Subject:** RE: questions about 700 mhz

Hi Jessica,

Thanks for seeking clarification from the person. This is in fact on the portion of 700 MHz that's up for auction and not the portion that's reserved for public safety purposes. Now that I have the context, I realize the question should really go to Michèle Kingsley's group in the NS branch that deal with lawful interception. It's more a question for them. I have cc'd Shawn Plunkett and Jamie Emmett from their group.

Sincerely,

Émilie

Émilie Brown  
Senior Policy Analyst / Analyste de politiques principale  
Emergency Management Planning Division (EMPD)/Division Planification de la gestion des mesures d'urgences (DPGMU)  
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Tel : 613-949-3995  
cell: [REDACTED]  
Email/Courriel : [emilie.brown@ps-sp.gc.ca](mailto:emilie.brown@ps-sp.gc.ca)

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**From:** McDonald, Jessica  
**Sent:** Friday, July 06, 2012 3:22 PM  
**To:** Brown, Emilie  
**Subject:** FW: questions about 700 mhz

Hi Emilie,

Please see his questions and the context below.

Thank you!

**Jessica McDonald**

Communications Officer | Agente des communications

Public Safety Canada | Sécurité publique Canada

Tel/Tél: (613) 949-5536

[jessica.mcdonald@ps-sp.gc.ca](mailto:jessica.mcdonald@ps-sp.gc.ca)

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**From:** [Redacted]

**Sent:** Friday, July 06, 2012 3:16 PM

**To:** McDonald, Jessica

**Subject:** Re: questions about 700 mhz

Hi Jessica,

Thanks for the call back today. The question is below; should I direct it to another party via email, or will you be getting it to someone who can respond to it (wasn't clear in your message if I was to respond to you or another contact email).

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I am requesting further information about the proposed changes, as suggested by Industry Canada. Can you specifically outline what changes are being proposed? I have a copy of the annotated *Enforcement Standards* from late 2008, and I am interested in what modifications in language or policy Public Safety is proposing to change.

Cheers,

[Redacted]

--

\*\*\*\*\*

[Redacted]

\*\*\*\*\*

McDonald, Jessica

6 July, 2012 11:07 AM

Hello 

Further to our telephone conversation, if you can please send your detailed questions regarding the 700 mhz via email, it would be greatly appreciated and we can then respond to you via email.

Thank you,

**Jessica McDonald**

Communications Officer | Agente des communications

Public Safety Canada | Sécurité publique Canada

Tel/Tél: (613) 949-5536

[jessica.mcdonald@ps-sp.gc.ca](mailto:jessica.mcdonald@ps-sp.gc.ca)

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## Plunkett, Shawn

---

**From:** Duval, Jean Paul  
**Sent:** July-09-12 9:57 AM  
**To:** Plunkett, Shawn  
**Cc:** Filippis, Lisa; Slack, Jessica; Kwavnick, Andrea  
**Subject:** FW: Appel média - [REDACTED] (The Wire Report) - Consultation on a Licensing Framework for Mobile Broadband Services (MBS) - 700 MHz Band

Shawn,

As discussed, the first email below contains the original request from the journalist. You will also find Industry Canada's response to the journalist along with the most recent proposed response to his follow-up question.

If at all possible, we are hoping to respect the journalist's deadline of 3pm today. Glad to discuss further as needed.

Kind regards,  
JP

Jean Paul Duval  
Communications Directorate | Direction générale des communications  
Public Safety Canada | Sécurité publique Canada  
Telephone | Téléphone : 613-991-1689  
Cell | Portable: [REDACTED]  
Email | Courriel : [jeanpaul.duval@ps-sp.gc.ca](mailto:jeanpaul.duval@ps-sp.gc.ca)

---

**From:** Michel.Cimpaye@ic.gc.ca [mailto:Michel.Cimpaye@ic.gc.ca]  
**Sent:** Friday, July 06, 2012 6:22 PM  
**To:** Duval, Jean Paul  
**Cc:** Swift, Andrew; Wilson, Barbara; Slack, Jessica; Carta, John; Austria, Jamela; Willey, Chris  
**Subject:** RE: Appel média - [REDACTED] (The Wire Report) - Consultation on a Licensing Framework for Mobile Broadband Services (MBS) - 700 MHz Band

Pareillement JP!

For your info, here is our proposed response, approved by sector and legal. Will let you know what will be the final outcome

### Follow-up Q

I have spoken with a few other people on this who have suggested that this is an effort to move lawful intercept requirements through the "backdoor" will Bill C-30 lays fallow ... obviously I would like to give you guys a fair chance to respond to this accusation.

### Response

We note that bill C-30, which is much broader than our existing spectrum licence conditions, also deals with lawful intercept. At this point in time, we are responsible for establishing conditions of licence for the upcoming 700 MHz auction based on current legislation. We are proposing updated wording for a requirement that has been on spectrum licences since 1996 to make it consistent with today's technology. Moreover, this is a proposal that is being consulted on as part of an open and transparent public process.

MC

**From:** Duval, Jean Paul [mailto:JeanPaul.Duval@ps-sp.gc.ca]  
**Sent:** Friday, July 6, 2012 5:39 PM  
**To:** Cimpaye, Michel: CMB-DGCM  
**Cc:** Swift, Andrew; Wilson, Barbara; Slack, Jessica; Carta, John; Austria, Jamela; Willey, Chris  
**Subject:** RE: Appel média - [REDACTED] (The Wire Report) - Consultation on a Licensing Framework for Mobile Broadband Services (MBS) - 700 MHz Band

Merci Michel,

On s'en reparle bientôt.

Bonne fin de semaine,  
JP

---

**From:** Michel.Cimpaye@ic.gc.ca [mailto:Michel.Cimpaye@ic.gc.ca]  
**Sent:** Friday, July 06, 2012 4:51 PM  
**To:** Duval, Jean Paul  
**Cc:** Swift, Andrew; Wilson, Barbara; Slack, Jessica; Carta, John; Austria, Jamela; Willey, Chris  
**Subject:** RE: Appel média - [REDACTED] (The Wire Report) - Consultation on a Licensing Framework for Mobile Broadband Services (MBS) - 700 MHz Band

Merci Jean-Paul, voici la requête initiale qu'il nous avait envoyée avec sa question de suivi. Notre réponse initiale se trouve plus bas.

Je vous tiendrai au courant de la réponse que nous allons proposer pour cette question supplémentaire.

### Follow-up Q

I have spoken with a few other people on this who have suggested that this is an effort to move lawful intercept requirements through the "backdoor" will Bill C-30 lays fallow ... obviously I would like to give you guys a fair chance to respond to this accusation:

\*\*\*\*\*

**REPORTER:** [REDACTED]@thewirereport.ca, [REDACTED]

**TOPIC:** 700 MHz

**DEADLINE:** Today

### REQUEST

I am writing today to request an interview with someone from the department to speak to the significance of the proposed lawful intercept conditions of licence (COLs) for 700 MHz spectrum licence winners.

Specifically, I am wondering if someone could speak to why these changes are needed, what new technologies they will encompass, and why this change would only be applied to telecom networks on the 700 MHz frequencies. I am also, of course, curious as to what the consequences could be of not imposing updated lawful intercept COLs, and whether the department has any reaction to industry's suggestion that these changes should be made through legislation or through Solicitor General standards instead of through a COL.

If at all possible, I would love to speak with someone on this issue today or tomorrow morning, with the intention of publishing a story tomorrow in the early afternoon. If an interview cannot be arranged, I would also consider written comments of response from the department.

To arrange an interview, please feel free to contact me at either this email address or at either of the numbers listed below. Many thanks in advance for any help you can provide in this regard.

## PROPOSED RESPONSE

1) significance of the proposed lawful intercept conditions of licence (COLs) for 700 MHz spectrum licence winners.

The existing text limits the implementation of the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunication to circuit-switched voice telephony. The proposed changes to the 700 MHz licences reflect the expectation that networks deployed using 700 MHz spectrum will likely be packet-switched networks rather than circuit-switched networks.

2) why these changes are needed

The proposed change would bring the requirement in line with current technologies.

3) what new technologies they will encompass,

The proposed condition wording removes the text limiting the Standards to networks employing circuit-switched voice telephony technology and does not specify any particular technology, hence where intercept capabilities are required, it would include all technologies deployed using 700 MHz spectrum.

4) why this change would only be applied to telecom networks on the 700 MHz frequencies

Industry Canada is consulting on proposed conditions of licence for this band. In the future, the Department may consider proposing similar wording changes to the Lawful Intercept condition for licences in other bands; however, the Department would consult with these licensees prior to making any changes.

5) what the consequences could be of not imposing updated lawful intercept COLs,

The existing text limits the implementation of the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunication to circuit-switched voice telephony. Networks using the 700 MHz band are expected to deploy state-of-the-art technologies, which are likely not circuit-switched technology.

6) whether the department has any reaction to industry's suggestion that these changes should be made through legislation or through Solicitor General standards instead of through a COL.

Industry Canada has responsibility for establishing conditions of licence based on legislation in place today. Should the Solicitor General make changes to the Standards or should Parliament enact new legislation, Industry Canada would reassess the implications of that change at that time.

MC

**Michel Cimpaye**

Relations avec les médias

Industrie Canada

613-943-2502

---

**From:** Duval, Jean Paul [mailto:JeanPaul.Duval@ps-sp.gc.ca]

**Sent:** Friday, July 6, 2012 4:39 PM

**To:** Cimpaye, Michel: CMB-DGCM

**Cc:** Swift, Andrew; Wilson, Barbara; Slack, Jessica; Carta, John; Austria, Jamela; Willey, Chris

**Subject:** Appel média - [REDACTED] (The Wire Report) - Consultation on a Licensing Framework for Mobile Broadband Services (MBS) — 700 MHz Band

Bonjour Michel,

Tel que discuté au téléphone, voici les détails de l'appel média que nous avons reçu de [REDACTED]

Nous travaillons présentement afin de répondre aux questions attribué à Sécurité publique Canada, et nous aimerions coordonner nos réponses avec vous. Avez-vous déjà répondu à n'importe quelle des quatre questions ci-dessous? Une copie de vos réponses seraient grandement appréciés.

Il me ferait plaisir d'en discuter davantage avec vous, cas échéant.

Reporter's Name [REDACTED]  
Media Outlet The Wire Report  
Call Date 7/6/2012 4:00 PM  
Telephone [REDACTED]  
E-mail address [REDACTED]  
Deadline 7/9/2012 3:00 PM  
Status Consulting  
Branch NS  
Subject TBD  
Questions I'm wondering if someone from Public Safety might be available to provide comment on the proposed revisions to the lawful intercept requirements as put forward in Industry Canada's Consultation on a Licensing Framework for Mobile Broadband Services (MBS) — 700 MHz Band.

Specifically, I was hoping that someone there might be able to tell me:

- Did Public Safety ask Industry Canada to update the lawful intercept conditions of licence (COLs) for the 700 MHz band to cover all "interconnected radio-based transmission facility for compensation" instead of the previously encompassed "circuit-switched voice telephony?" If so, why does Public Safety feel this is an important addition, and what additional technologies is this expected to encompass?
- If this new COL is approved, would Public Safety update the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications to incorporate the change? If so, by when would Public Safety look to make that change?
- I have received a copy of the aforementioned Solicitor General standards that is listed as being current as of November, 2008. Have there been changes to the standards since this time or is this document still up-to-date?
- Can the department react to the suggestion by one of my sources that imposing these changes through a COL is an attempt to "sneak" lawful access changes "through the backdoor" while Bill C-30 is stalled in Parliament?

Additionally, I would like to note that I am finding a hard time getting in touch with sources who can speak to the technological value of making this change. Given my desire to provide fair and balanced reporting, I would greatly welcome extended comments in this regard, or any opportunity to interview someone from the department on this subject on Monday morning, if possible.

Unfortunately, given that I will be writing to a 4 p.m. deadline on Monday, I will need to ask that any comments or interview be provided prior to 3 p.m. Monday, July 9 (and the earlier the better).

Many thanks in advance for any help you can provide in this regard.

All the best,

--

Reporter, The Wire Report  
69 Sparks St., Ottawa, ON K1P 5A5  
Tel: [REDACTED]  
Cell: [REDACTED]  
Twitter: [REDACTED] | @thewirereport  
[www.thewirereport.ca](http://www.thewirereport.ca)

Merci,  
JP

Jean Paul Duval

## Plunkett, Shawn

---

**From:** Plunkett, Shawn  
**Sent:** July-09-12 5:17 PM  
**To:** Kwavnick, Andrea  
**Cc:** Kingsley, Michèle  
**Subject:** FW: Request for comment

**Categories:** Blue Category

Final lines. MO made only a couple of changes to the last two bullets of the C-30 responses:

- ~~Both Bill C-30 and the~~ This proposed change to the lawful interception condition of licence will ensure that law enforcement and national security officials can continue to perform lawful interceptions in accordance with Canadian laws.
- ~~While the proposed change specifically addresses the applicability of the condition of licence for the 700 MHz band, Bill C-30 is much more comprehensive and covers a much broader range of issues relating to lawful interception.~~

---

**From:** Filipps, Lisa  
**Sent:** July-09-12 5:04 PM  
**To:** Plunkett, Shawn  
**Subject:** Fw: Request for comment

Shawn - here is the final response - please note that changes to Q4 came from MO

---

**From:** PS Media Relations / Relations médias SP  
**Sent:** Monday, July 09, 2012 04:49 PM  
**To:** [REDACTED]@thewirereport.ca>  
**Subject:** RE: Request for comment

[REDACTED]

Very sorry for the delay on this.

Please find below the answers to your questions.  
Jessica

Q1: Did Public Safety ask Industry Canada to update the lawful intercept conditions of licence (COLs) for the 700 MHz band to cover all "interconnected radio-based transmission facility for compensation" instead of the previously encompassed "circuit-switched voice telephony?" If so, why does Public Safety feel this is an important addition, and what additional technologies is this expected to encompass?

A1:



- Public Safety Canada and Industry Canada have been working together since 1995 with respect to the lawful interception condition of licence.
- The original lawful interception condition of licence included the term 'circuit-switched voice telephony' at a time when network technologies were primarily 'circuit-switched'. Telecommunications companies, however, are currently moving away from 'circuit-switched' networks towards newer, state-of-the-art technologies, which are likely not circuit-switched.
- Therefore, as technologies advance, so too must the tools that regulate them.

Q2: If this new COL is approved, would Public Safety update the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications to incorporate the change? If so, by when would Public Safety look to make that change?

A2:

- It is important to continue to ensure that the measures that are put into place to protect the safety and security of Canadians are relevant and up-to-date.
- Should the change to the lawful interception condition of licence be included in the spectrum licences for the 700 MHz band, Public Safety Canada would seek to make minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* as noted in Industry Canada's public consultation document.

Q3: I have received a copy of the aforementioned Solicitor General standards that is listed as being current as of November, 2008. Have there been changes to the standards since this time or is this document still up-to-date?

A3:

- The document with the notation 'current as of 17/11/2008' is the current version of *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications*.

Q4: Can the department react to the suggestion by one of my sources that imposing these changes through a COL is an attempt to "sneak" lawful access changes "through the backdoor" while Bill C-30 is stalled in Parliament?

A4:

- Public Safety Canada's mission is to build a safe and resilient Canada. We do this in part by ensuring that law enforcement and national security agencies have the tools they need to protect Canada and Canadians.
- This proposed change will ensure that law enforcement and national security officials can continue to perform lawful interceptions in accordance with Canadian laws.

**From:** [REDACTED]@thewirereport.ca]  
**Sent:** July-09-12 3:13 PM  
**To:** PS Media Relations / Relations médias SP  
**Subject:** Re: Request for comment

Thank you Jessica.

I have filed my story, but can still add your comments before it's posted if they come in over the next 90 minutes or so.

I appreciate your efforts.

All the best,

[REDACTED]

On Mon, Jul 9, 2012 at 3:09 PM, PS Media Relations / Relations médias SP <[PSMediaRelations@ps-sp.gc.ca](mailto:PSMediaRelations@ps-sp.gc.ca)> wrote:

[REDACTED]

We are working diligently on your request and should have something for you soon.  
Jessica

**From:** [REDACTED]@thewirereport.ca]  
**Sent:** July-09-12 11:44 AM

**To:** PS Media Relations / Relations médias SP  
**Subject:** Re: Request for comment

Thanks, Jessica.

It is greatly appreciated.

All the best,

[REDACTED]

On Mon, Jul 9, 2012 at 11:19 AM, PS Media Relations / Relations médias SP <[PSMediaRelations@ps-sp.gc.ca](mailto:PSMediaRelations@ps-sp.gc.ca)> wrote:

Hi [REDACTED]

Yes we are working towards your 3 o'clock deadline and will do our best to meet it.

Jessica

**From:** [REDACTED]@thewirereport.ca]  
**Sent:** July-09-12 11:15 AM

**To:** PS Media Relations / Relations médias SP

**Subject:** Re: Request for comment

Hello,

Sorry to bother you all, but I'm wondering if there is any chance that Public Safety will be able to respond today to my previous email inquiry (see below).

I will be running a story on this today, and would love to be able to include the department's side of the story, if at all possible.

Please let me know if you require any clarification on any of my questions, or if there is anything else I can do to help facilitate a timely response.

All the best,

--

[REDACTED]  
Reporter, **The Wire Report**  
69 Sparks St., Ottawa, ON K1P 5A5  
Tel: [REDACTED]  
Cell: [REDACTED]  
Twitter: [REDACTED]@thewirereport  
[www.thewirereport.ca](http://www.thewirereport.ca)

On Fri, Jul 6, 2012 at 3:02 PM, [REDACTED]@thewirereport.ca> wrote:

Thank you, Jessica.

It is greatly appreciated.

Have a nice weekend,

[REDACTED]

On Fri, Jul 6, 2012 at 2:59 PM, PS Media Relations / Relations médias SP <[PSMediaRelations@ps-sp.gc.ca](mailto:PSMediaRelations@ps-sp.gc.ca)> wrote:

[REDACTED]

We will look into this for you.  
Jessica

**From:** [REDACTED]@thewirereport.ca]  
**Sent:** July-06-12 2:53 PM  
**To:** PS Media Relations / Relations médias SP  
**Subject:** Request for comment

Hello,

I'm wondering if someone from Public Safety might be available to provide comment on the proposed revisions to the lawful intercept requirements as put forward in Industry Canada's Consultation on a Licensing Framework for Mobile Broadband Services (MBS) — 700 MHz Band.

Specifically, I was hoping that someone there might be able to tell me:

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All the best,

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[REDACTED]  
Reporter, **The Wire Report**  
69 Sparks St., Ottawa, ON K1P 5A5  
Tel: [REDACTED]  
Cell: [REDACTED]  
Twitter: [REDACTED] [@thewirereport](https://twitter.com/thewirereport)  
[www.thewirereport.ca](http://www.thewirereport.ca)

--

[REDACTED]  
Reporter, **The Wire Report**  
69 Sparks St., Ottawa, ON K1P 5A5  
Tel: [REDACTED]  
Cell: [REDACTED]  
Twitter: [REDACTED] [@thewirereport](https://twitter.com/thewirereport)  
[www.thewirereport.ca](http://www.thewirereport.ca)

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Twitter: [REDACTED] [@thewirereport](https://twitter.com/thewirereport)  
[www.thewirereport.ca](http://www.thewirereport.ca)

## Plunkett, Shawn

---

**From:** Plunkett, Shawn  
**Sent:** July-09-12 6:01 PM  
**To:** 'Duane.Rudeen@ic.gc.ca'  
**Subject:** RE: Media lines for the Wire story (1:30pm deadline)

**Categories:** Blue Category

Here are the MO approved lines. I suspect we might be getting more requests, so I'm trying to put some comms pieces together. Will try to touch base with you tomorrow to discuss. Thanks

Q1: Did Public Safety ask Industry Canada to update the lawful intercept conditions of licence (COLs) for the 700 MHz band to cover all "interconnected radio-based transmission facility for compensation" instead of the previously encompassed "circuit-switched voice telephony?" If so, why does Public Safety feel this is an important addition, and what additional technologies is this expected to encompass?

A1:

- Public Safety Canada and Industry Canada have been working together since 1995 with respect to the lawful interception condition of licence.
- The original lawful interception condition of licence included the term 'circuit-switched voice telephony' at a time when network technologies were primarily 'circuit-switched'. Telecommunications companies, however, are currently moving away from 'circuit-switched' networks towards newer, state-of-the-art technologies, which are likely not circuit-switched.
- Therefore, as technologies advance, so too must the tools that regulate them.

Q2: If this new COL is approved, would Public Safety update the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications to incorporate the change? If so, by when would Public Safety look to make that change?

A2:

- It is important to continue to ensure that the measures that are put into place to protect the safety and security of Canadians are relevant and up-to-date.
- Should the change to the lawful interception condition of licence be included in the spectrum licences for the 700 MHz band, Public Safety Canada would seek to make minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* as noted in Industry Canada's public consultation document.

Q3: I have received a copy of the aforementioned Solicitor General standards that is listed as being current as of November, 2008. Have there been changes to the standards since this time or is this document still up-to-date?

A3:

- The document with the notation 'current as of 17/11/2008' is the current version of *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications*.

Q4: Can the department react to the suggestion by one of my sources that imposing these changes through a COL is an attempt to "sneak" lawful access changes "through the backdoor" while Bill C-30 is stalled in Parliament?

A4:

- Public Safety Canada's mission is to build a safe and resilient Canada. We do this in part by ensuring that law enforcement and national security agencies have the tools they need to protect Canada and Canadians.
- This proposed change will ensure that law enforcement and national security officials can continue to perform lawful interceptions in accordance with Canadian laws.

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**From:** Duane.Rudeen@ic.gc.ca [mailto:Duane.Rudeen@ic.gc.ca]  
**Sent:** July-09-12 1:19 PM  
**To:** Plunkett, Shawn  
**Subject:** RE: Media lines for the Wire story (1:30pm deadline)

ok  
Thanks

Duane

---

**From:** Plunkett, Shawn [mailto:Shawn.Plunkett@ps-sp.gc.ca]  
**Sent:** Monday, July 9, 2012 1:15 PM  
**To:** Rudeen, Duane: DGSO-DGOGS  
**Subject:** RE: Media lines for the Wire story (1:30pm deadline)

Ok. Then maybe I'll send you the version once it is approved, if that works?  
I think IC comms is getting the lines from our comms as well.

---

**From:** Duane.Rudeen@ic.gc.ca [mailto:Duane.Rudeen@ic.gc.ca]  
**Sent:** July-09-12 1:09 PM  
**To:** Plunkett, Shawn  
**Subject:** RE: Media lines for the Wire story (1:30pm deadline)  
No. Just curious to see.

Duane

---

**From:** Plunkett, Shawn [mailto:Shawn.Plunkett@ps-sp.gc.ca]  
**Sent:** Monday, July 9, 2012 1:07 PM  
**To:** Rudeen, Duane: DGSO-DGOGS  
**Subject:** RE: Media lines for the Wire story (1:30pm deadline)

Ok. Just finishing off the latest draft. Will send along ASAP. Hasn't been approved at DG level yet.  
Do you need to run it up your chain?

---

**From:** Duane.Rudeen@ic.gc.ca [mailto:Duane.Rudeen@ic.gc.ca]  
**Sent:** July-09-12 12:52 PM  
**To:** Plunkett, Shawn  
**Subject:** RE: Media lines for the Wire story (1:30pm deadline)

Hi Shawn  
Yes - please.

Duane

---

**From:** Plunkett, Shawn [<mailto:Shawn.Plunkett@ps-sp.gc.ca>]  
**Sent:** Monday, July 9, 2012 11:46 AM  
**To:** Rudeen, Duane: DGSO-DGOGS  
**Subject:** Media lines for the Wire story (1:30pm deadline)  
**Importance:** High

Hi Duane,

Does IC want to see (or be consulted) on what we produce for the Wire story on the CoL?

Our deadline is 1:30pm today.

Thanks.

*Shawn Plunkett*

*Senior Policy Advisor / Conseiller principal en politiques*

*Investigative Technologies and Telecommunications Policy (ITTP) /*

*Technologies d'enquêtes et politiques des télécommunications (TEPT)*

*National Security Operations Directorate / Direction des opérations de sécurité nationale*

*Public Safety Canada / Sécurité Publique Canada*

*Tel: (613) 990-7066*

*Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)*



## Public Consultation to the 700 MHz and 2500 MHz Spectrum Auction

### Public Enquiries/Media Relations Messages

#### ISSUE:

Industry Canada (IC) is planning an auction anticipated for the first half of 2013 to allocate spectrum in the 700 MHz and a further auction on the 2500 MHz bands likely the following year. Prior to this auction, a second public consultation in early 2012 on the design of the 700 MHz and the 2500 MHz auctions will be held. Specifically, IC will be consulting on what conditions will be attached to the spectrum licences for the 700 and 2500 MHz band. In this context, we have been working to include a lawful interception condition of licence and to remove from this condition any reference to "circuit-switched voice telephony". Also, Public Safety Canada (PS) indicated to IC that it will be proposing minor modifications to the guidelines document that outlines intercept capability requirements entitled: *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)*, as they were last revised in 1995.

With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing [REDACTED] minor modifications to the standards. [REDACTED]

However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process, but will indicate in its public consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information. We have proposed to IC that they include the PS General Enquiries email and phone line in the public consultation document to handle any public enquiries regarding these proposed changes.

As a result, we expect that affected companies may contact Public Safety Canada to enquire as to proposed changes to the *Sol Gen Standards*. It should be noted that Public Safety cannot respond to questions surrounding the auction writ large or on any specific condition of licence. Public Safety Canada is only responsible for the *Sol Gen Standards*. Please note that while not a classified document, due to the nature of the material, there is sensitivity regarding actively publicizing the *Sol Gen Standards*.

#### PROTOCOL

For Media Relations:

- When a call is received by Media Relations, a notification will be sent to the Minister's Office Director of Communications, the DG of Communications, program communications strategists and the responsible policy sector.
- Media Relations spokespeople will use the messages and Q&As below to formulate responses and work with the policy sector to finalize answers.
- Final media lines need to be approved by the DG NS Ops or as delegated.

- Media Relations will then seek approvals from DG Communications and the Minister's Office as well as advise PCO Communications.
- Once approved, media relations will provide the final response to the journalist.

For Public Enquiries:

- Calls are logged as they are received and responded to using the initial method of contact (phone or email). For straightforward questions, Public Enquiries officers will provide the preapproved responses provided below.
- For calls seeking to provide feedback or more complex questions, Public Enquiries can forward requests to the policy centre.
- Public Enquiries will provide the policy sector with updates on number of calls received on request.

**MEDIA LINES:**

Public Safety Canada is proposing minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* to update the language in the standards to reflect the current environment.

While the changes are minor, we are currently seeking feedback from industry targeted stakeholders to ensure that their views are heard.

**STANDARD RESPONSES FOR PUBLIC ENQUIRIES**

**If caller is requesting any information relating to the 700 MHz or 2500 MHz Spectrum auction:**

- Industry Canada is responsible for the public consultation on the spectrum auctions. Should you wish to make comments on the spectrum auction, please contact Industry Canada.

**If caller is requesting any information relating to the Lawful Interception Condition of Spectrum Licence:**


- Industry Canada is responsible for the public consultation on the conditions of licences. Should you wish to make comments on the condition of licence, please contact Industry Canada.

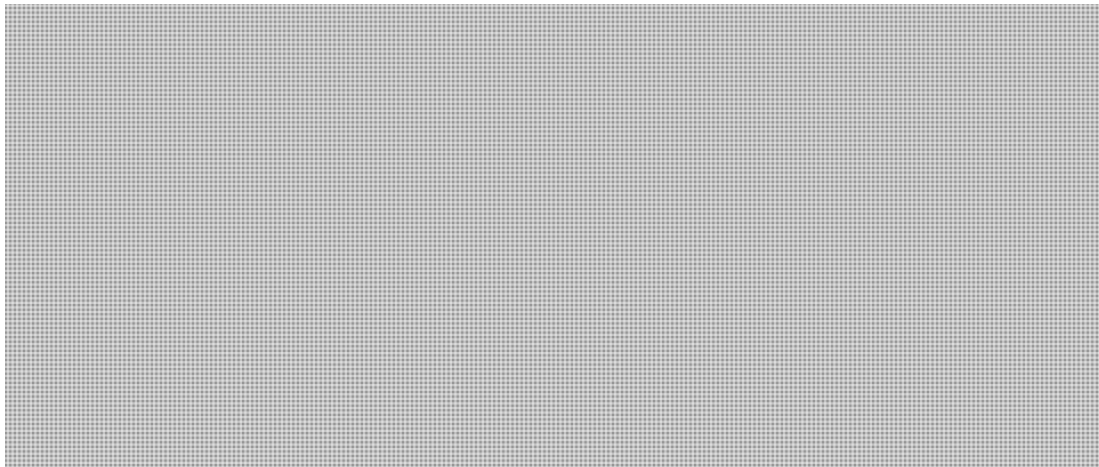
**If caller is seeking a copy of the SolGen Standards:**

- Please provide us with your contact information ~~either an email or mailing address~~ and the responsible party at Public Safety will contact you shortly.

*[Please forward along contact information and any relevant notes to the policy centre for further action.]*

**If caller is seeking what changes are being made to the SolGen Standards:**

- Public Safety Canada has informed Industry Canada that it is proposing modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications*.
- Public Safety Canada is in the process of discussing potential modifications with targeted stakeholders in order to seek their views on any potential changes. At this time, we are proposing only minor modifications to the *Solicitor General Enforcement Standards* that we expect will have little impact on licensees.
- ~~As noted in the public consultation document, we are proposing only minor modifications~~ 



- **If further details are requested:**

We would be happy to take your contact information and the responsible party at Public Safety will contact you in the near future.

**If caller is seeking to make comments on proposed changes to the SolGen Standards**

- We welcome your input into the proposed changes. We would be happy to take your contact information and have the responsible party at Public Safety contact you in the near future.

**Qs & As:**

**When will these proposed changes take effect?**

Notifications will be sent to licencees should any changes to the *Solicitor General Enforcement Standards* be made.

**How will these changes affect the spectrum auction?**

These changes will not have any direct bearing on the spectrum auction themselves. ~~As indicated in the public consultation, the changes being proposed to the *Solicitor General Enforcement Standards* are minor and administrative in nature.~~

~~**How will these changes affect my business?**~~

~~There will be no negative impact on potential licencees.~~

**Will removing “Circuit-Switched” have a significant impact on our business?**

The removal of the term ‘circuit-switched’ forms part of the conditions of licence and not the *Solicitor General Enforcement Standards*. Industry Canada is responsible for the public consultation on the conditions of licence. Should you wish to make comments on the conditions of licence, please contact Industry Canada.

## Plunkett, Shawn

---

**From:** Plunkett, Shawn  
**Sent:** July-31-12 1:27 PM  
**To:** Kingsley, Michèle  
**Cc:** Kwavnick, Andrea; Hawrylak, Maciek  
**Subject:** Overview - Reply Comments on LI Condition of Licence - 700 MHz Spectrum Auction

Michèle,

The Reply Comments as part of the 700 MHz consultation are now publicly available on the Industry Canada website. These reply comments are an opportunity for commentators to review and respond to comments put forth during the initial consultation period. I spoke with IC yesterday and they stated that the next step will be for IC to review all the comments and reply comments. These comments may inform their decision paper outlining the rules and conditions for the auction. They did not yet have a timeline for the release of this paper (which will include a decision on the LI CoL).


Most of the replies reiterate or indicate support for the comments made during the initial round, notably with respect to the following:

- 1) All those who provided reply comments on the LI CoL were opposed to the proposed wording removing 'circuit-switched' (Bell, CWTA, Rogers, Telus, Eastlink, Public Mobile and Shaw). It should be noted that Bell stated that the unanimous view based on initial comments is that the LI CoL should not be changed at this time. (*This is incorrect as a small TSP 'SSi Group' agreed with proposed wording.*) The CWTA refers to the 'overwhelming majority'.
- 2) Most explicitly indicated that the proposed wording would result in new and significant obligations on licence holders.
- 3) Several noted it was inappropriate to make these changes while Parliament is reviewing related legislation.
- 4) Changes to SGES should be done through a separate consultation.
- 5) All LI requirements(including SGES) should be linked to commercially-available technology and industry standards.

There was a new comment that may be of interest. Bell recommended that a small portion of the spectrum auction proceeds 'could and should' go towards lawful intercept requirements once legislation is passed. Unsure what IC's response to this would be.

### 2500MHz Auction

On a related note, IC indicated that they have an initial draft of the 2500 MHz consultation paper that is being reviewed by their legal staff.



Shawn Plunkett  
Senior Policy Advisor / Conseiller principal en politiques  
Investigative Technologies and Telecommunications Policy (ITTP) /  
Technologies d'enquêtes et politiques des télécommunications (TEPT)  
National Security Operations Directorate / Direction des opérations de sécurité nationale

*Public Safety Canada / Sécurité Publique Canada*  
Tel: (613) 990-7066  
Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)

Aug 2012

# SGES Meeting

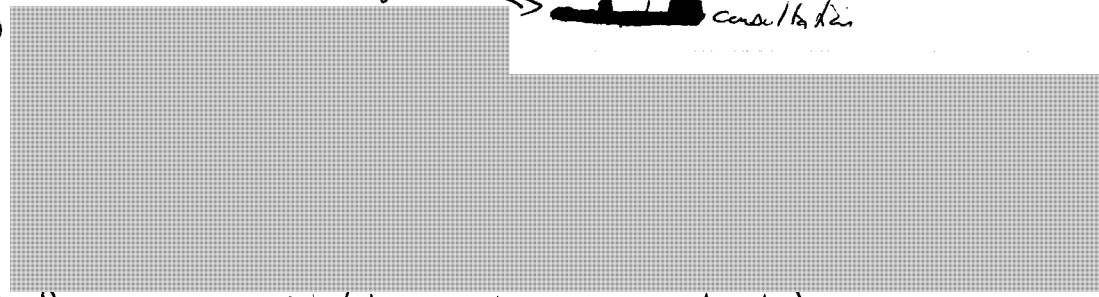
Date Aug 20

TY

→ one voice  
→ ongoing improvements  
→ 2-3 yr horizon  
→ ~~consultation~~

① Context / Set the stage

②



③ Review STDS - What do we get (services, networks)

- What are we missing?
- Where can we improve?

④



- Re current forbearance + Re. STDS
- Provide updates on any discussions w/ licence holders

Value?

⑤ Feedback

⑥



→ Forbearance



⑦



27 avr



## Plunkett, Shawn

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**From:** MacDonald, Michael  
**Sent:** April-25-12 4:12 PM  
**To:** Plunkett, Shawn; Kingsley, Michèle; Kwavnick, Andrea  
**Subject:** RE: Release of 700 MHz Public Consultation

**Categories:** Blue Category

thx

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**From:** Plunkett, Shawn  
**Sent:** April-25-12 2:58 PM  
**To:** MacDonald, Michael; Kingsley, Michèle; Kwavnick, Andrea  
**Subject:** Release of 700 MHz Public Consultation

IC's public consultation has now been launched. <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf10374.html>

Some quick items of note:

- 1) IC is proposing to remove "circuit-switched voice telephony" from the condition of licence.
- 2) IC included a reference to PS proposing modifications to the SGES. While much of the paragraph is similar to the previous language we have seen, the following sentence is new: "Industry Canada is proposing to simply refer to the requirement to provide for and maintain lawful interception capabilities, in accordance with the enforcement standards in effect at the time of licence issue and as amended from time to time." I will need to consult with Industry Canada regarding the intent of this language as it is new wording that we have not yet seen.
- 3) I will also need to consult with the engineers in the Portfolio regarding the impact of the statement "using an interconnected radio-based transmission facility for compensation" as stated below in para 110. This language is also new.
- 4) There is no change to the wording of the forbearance paragraph.

I will contact comms, PS legal and the 700 group to advise of the launch.

Below is the specific language regarding the lawful interception condition of licence.

107. **Lawful Intercept:** Certain spectrum licences contain a lawful intercept condition of licence that requires the licensee to maintain interception capabilities so that information can be provided when required by a warrant. The current condition of licence reads as follows:

**"Licensees using spectrum for circuit-switched voice telephony systems must, from the inception of service, provide for and maintain lawful interception capabilities as authorized by law. The requirements for lawful interception capabilities are provided in the Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (Rev. Nov. 95). These standards may be amended from time to time.**



**The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.”**

108. Industry Canada is proposing changes to the lawful intercept condition of licence in order to bring the wording in line with current technologies. The proposed change is to remove the text “circuit-switched voice telephony” from the lawful intercept condition, as networks are no longer limited to circuit-switched technology. This proposed change does not affect existing spectrum licences issued under other licensing processes. Forbearance may be granted where Industry Canada deems it warranted.

109. The condition of licence refers to standards for lawful interception, entitled the Solicitor General’s *Enforcement Standards for Lawful Interception of Telecommunications*. Public Safety Canada is currently responsible for these standards, which were last revised in 1995. Public Safety Canada has informed Industry Canada that it is proposing modifications to the standards. Industry Canada is proposing to simply refer to the requirement to provide for and maintain lawful interception capabilities, in accordance with the enforcement standards in effect at the time of licence issue and as amended from time to time. For further information on proposed changes to the Solicitor General’s *Enforcement Standards*, please contact Public Safety Canada via the General Enquiries line at 1-800-830-3118.

110. In consideration of the above, the proposed wording of the condition of licence is as follows:

**A licensee operating as a service provider using an interconnected radio-based transmission facility for compensation must provide for and maintain lawful interception capabilities as authorized by law and in accordance with the Solicitor General’s *Enforcement Standards for Lawful Interception of Telecommunications*, as amended from time to time.**

**The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.**

## Plunkett, Shawn

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**From:** Plunkett, Shawn  
**Sent:** August-21-12 3:56 PM  
**To:** Yves Desjardins (Yves.Desjardins@rcmp-grc.gc.ca); Antonio Utano (antonio.utano@rcmp-grc.gc.ca); [REDACTED]  
**Subject:** For Comments - REPORT - Portfolio Meeting - SGES  
**Categories:** Blue Category

Colleagues,

Thanks again for meeting yesterday. In order to brief up, I put together a short report below. Comments welcome. I'm looking to circulate to management by COB tomorrow (Aug 22). Thanks

**REPORT:** On August 20, 2012, PS/Plunkett, CSIS/[REDACTED] and RCMP/Desjardins and Utano met to discuss the Solicitor General Enforcement Standards (SGES), including the forbearance program.

- [REDACTED] RCMP noted that they and CSIS had met the previous week to discuss the SGES. During those discussions, they indicated that there was now some agreement within the Portfolio with respect to [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]
- [REDACTED]

- [Redacted]

**Forbearance Program**

- PS outlined the need to strengthen the forbearance program and seek to maximize the use of existing tools and levers;
- [Redacted]
- PS noted that a standard by standard review of the SGES would be useful in order to identify what requirements are expected for each standard and will assist in gauging compliance.

**Next Steps**

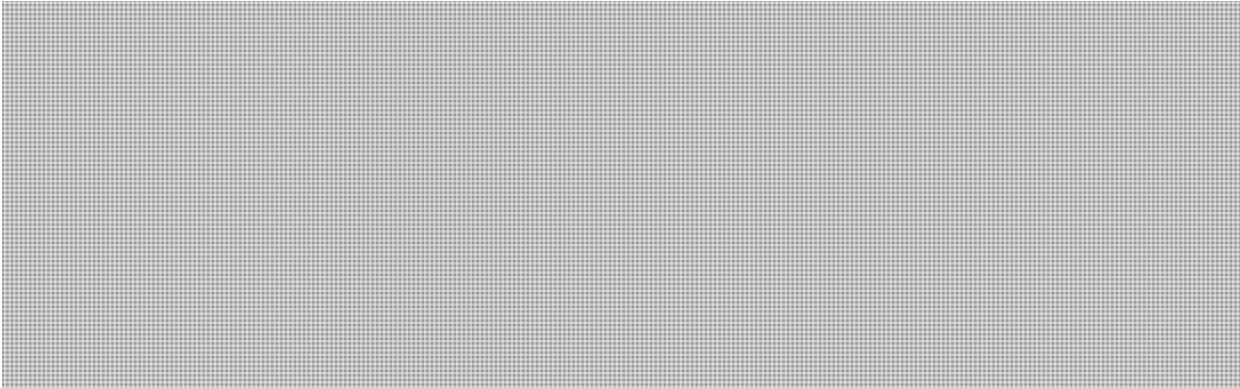
- [Redacted]
- [Redacted]
- PS will arrange a meeting shortly to discuss possible strengthening of the forbearance program, including the process of recommending forbearance;
- PS will launch a process to review the specific requirements for each standard. The purpose would be to ensure all parties have a common understanding of what requirements we are asking for under each standard;
- The RCMP will provide a copy of the proposed changes to the SGES to PS;
- [Redacted]

**Page 481**

**is withheld pursuant to sections  
est retenue en vertu des articles**

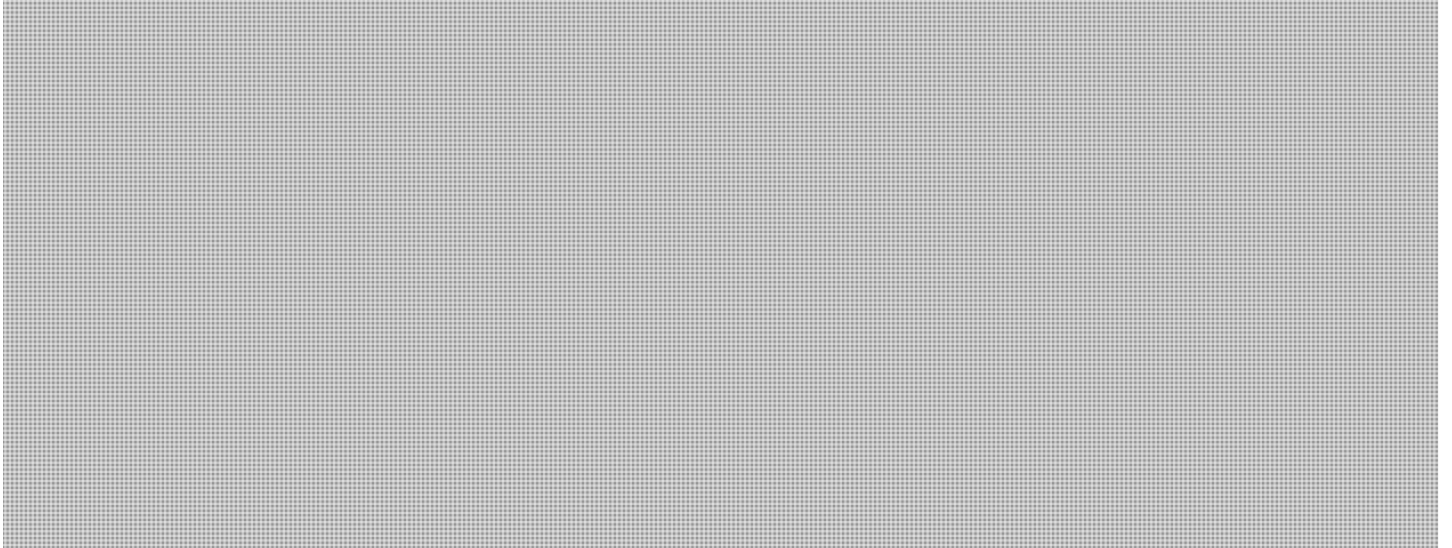
**of the Access to Information  
de la Loi sur l'accès à l'information**

## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications

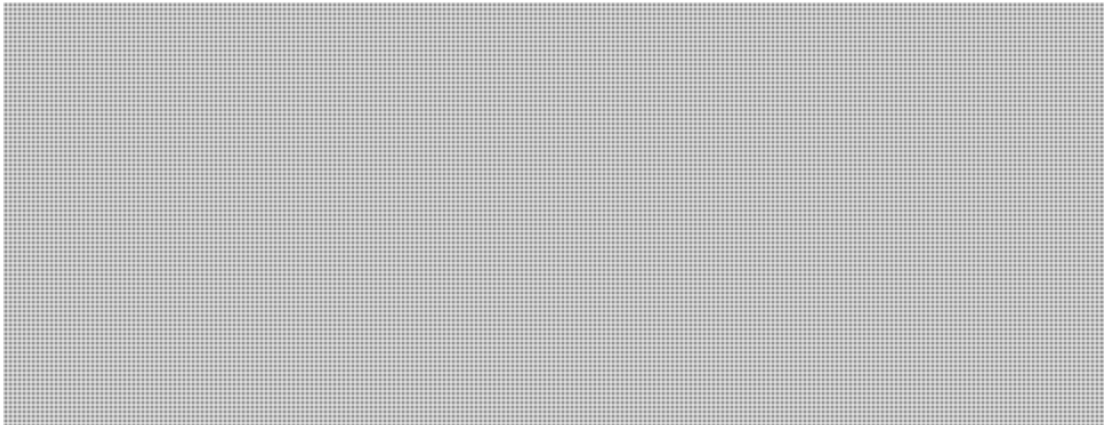


**Standard 1:** Law enforcement agencies require access to the entire telecommunications transmitted, or caused to be transmitted, to and from the number or other identifier of the target service used by the interception subject. Law enforcement agencies also require access to the call-associated data that is generated to process the call.



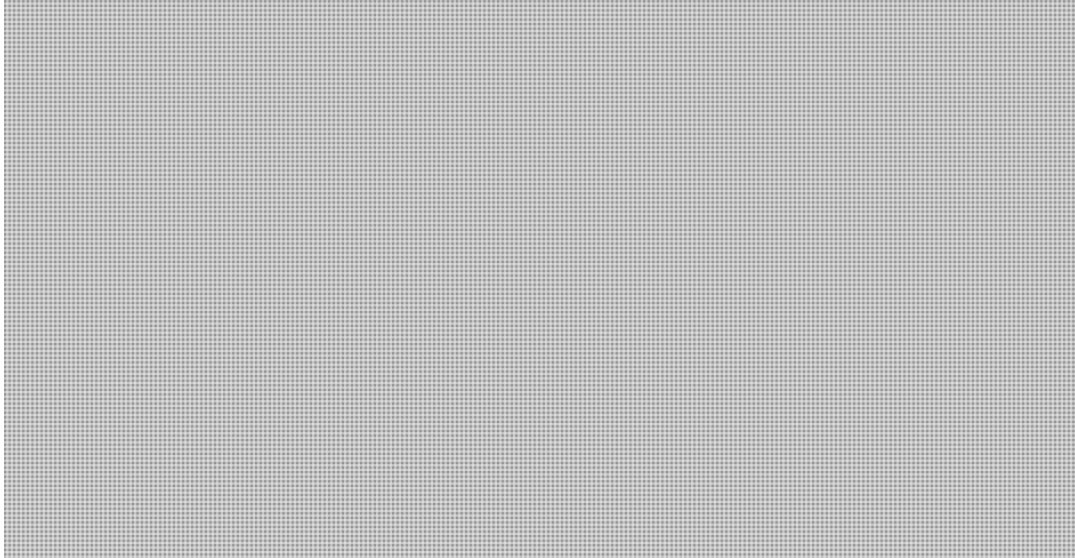


**Standard 2:** Law enforcement agencies require access to all mobile interception subjects operating temporarily or permanently within a telecommunications system.

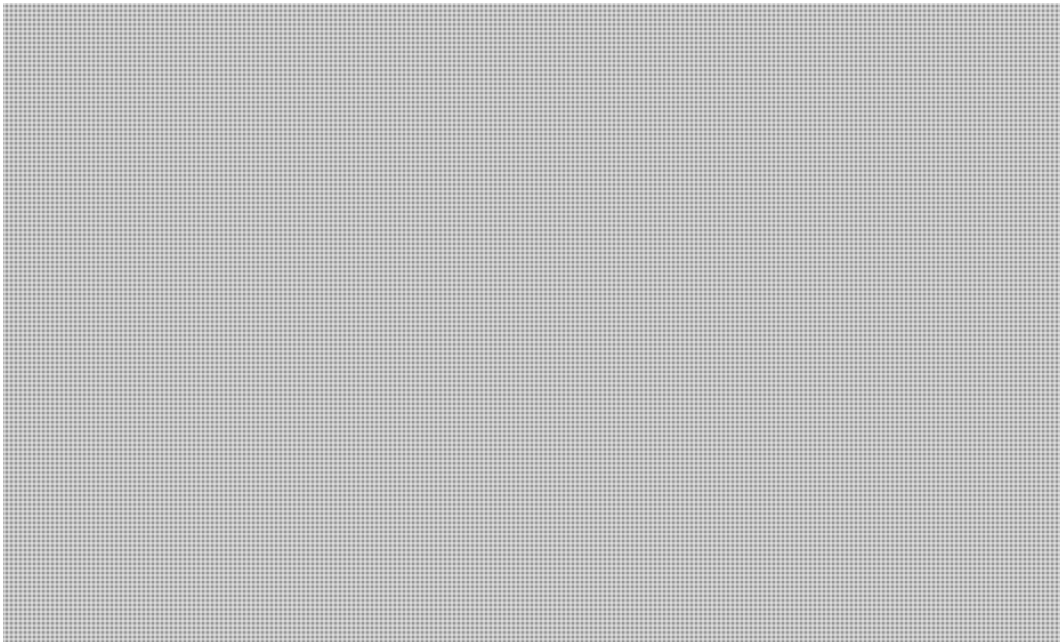


**Standard 3:** Law enforcement agencies require access in cases where the interception subject may be using features to divert calls to other telecommunications service or terminal equipment, including calls that traverse more than one network or are processed by more than one network operator/service provider before completing.

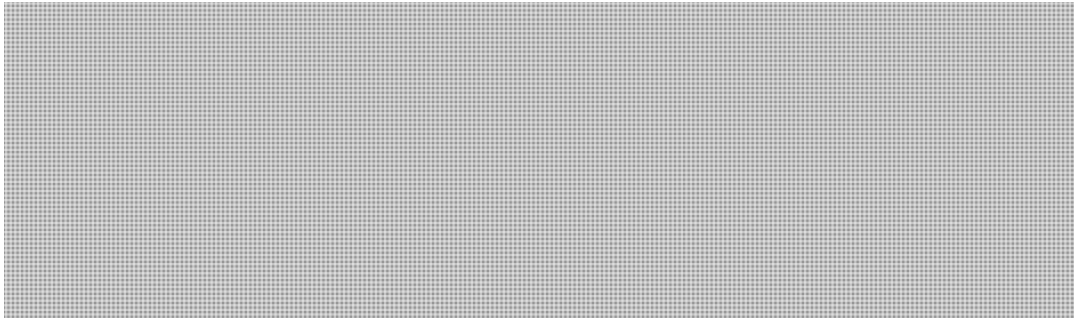




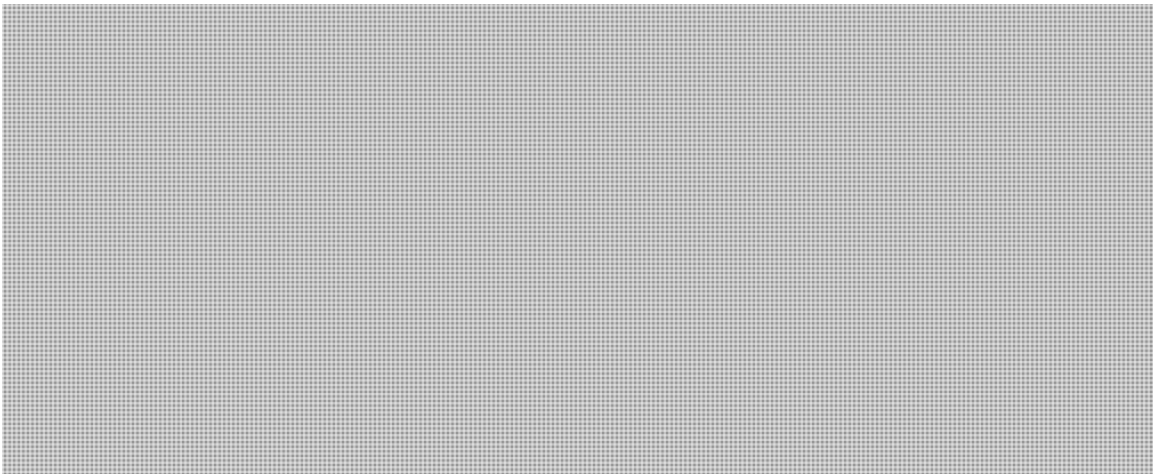
**Standard 4:** Law enforcement agencies require that the telecommunications to and from a target service be provided to the exclusion of any telecommunications that do not fall within the scope of the interception authorization.



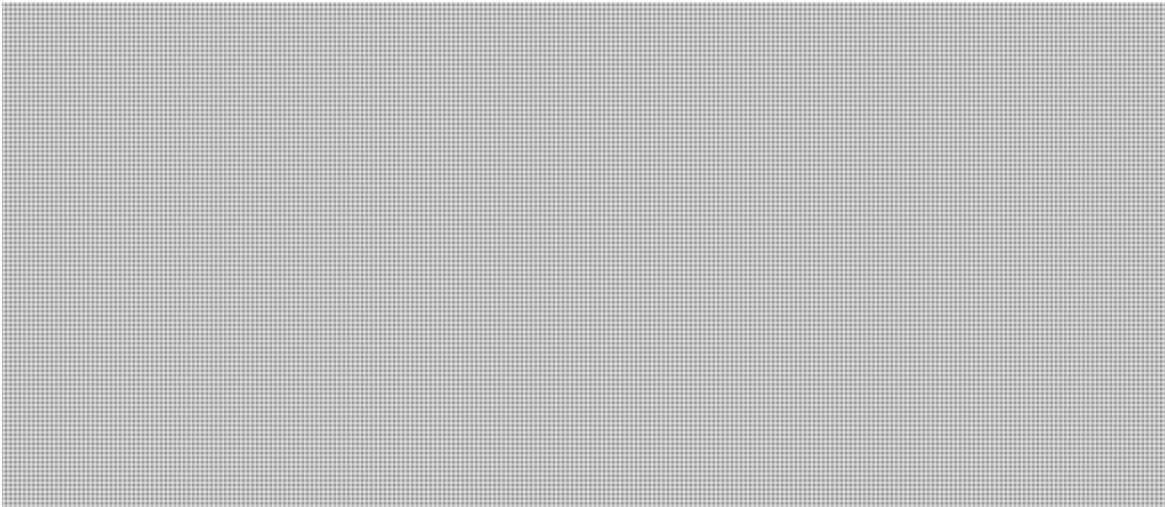
**Standard 5:** Law enforcement agencies require access to available call associated data such as:



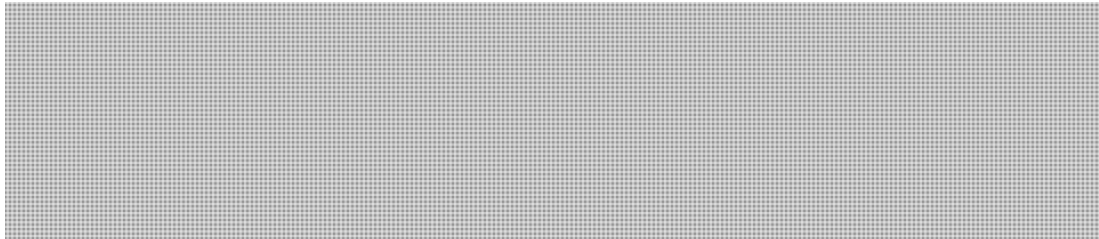
A) Signaling of access ready status



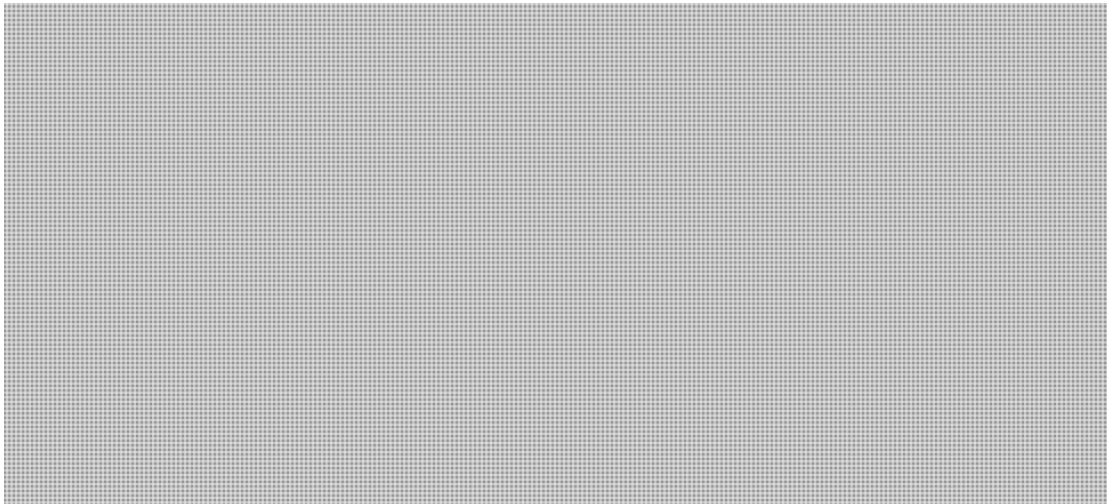
B) Called party number for outgoing connections even if there is no successful connection established



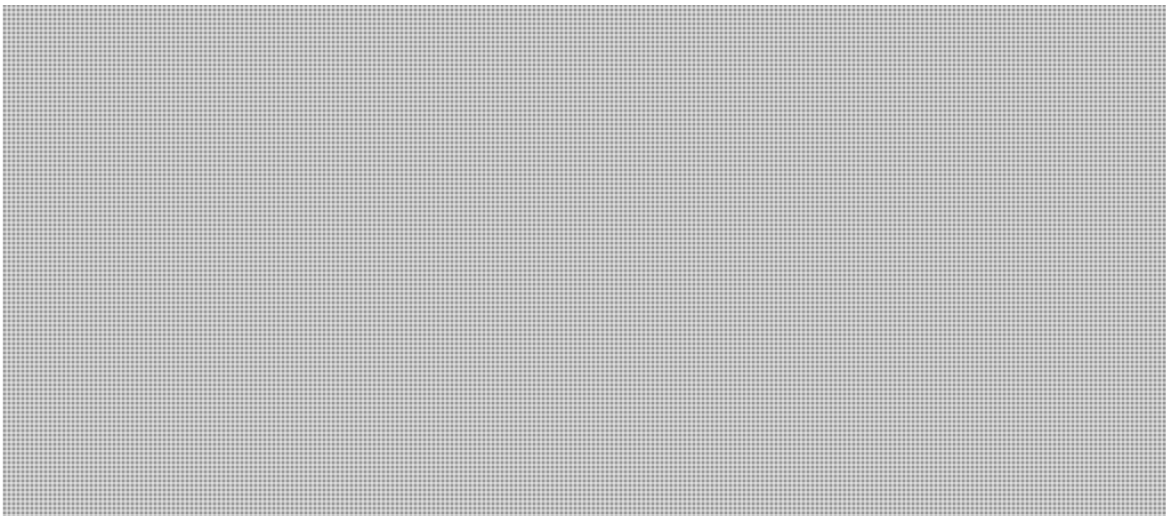


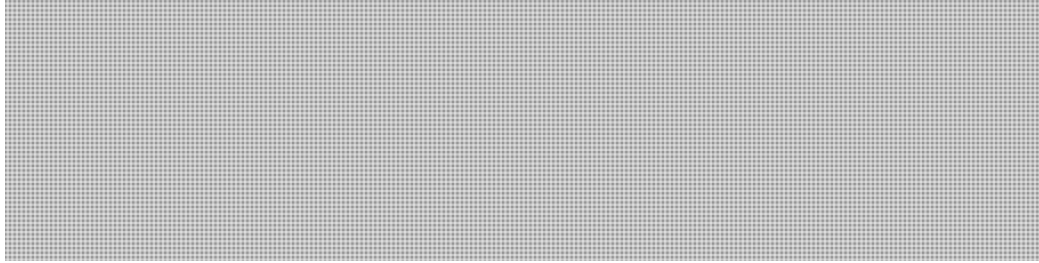


C) Calling party number for incoming connections even if there is no successful connection established

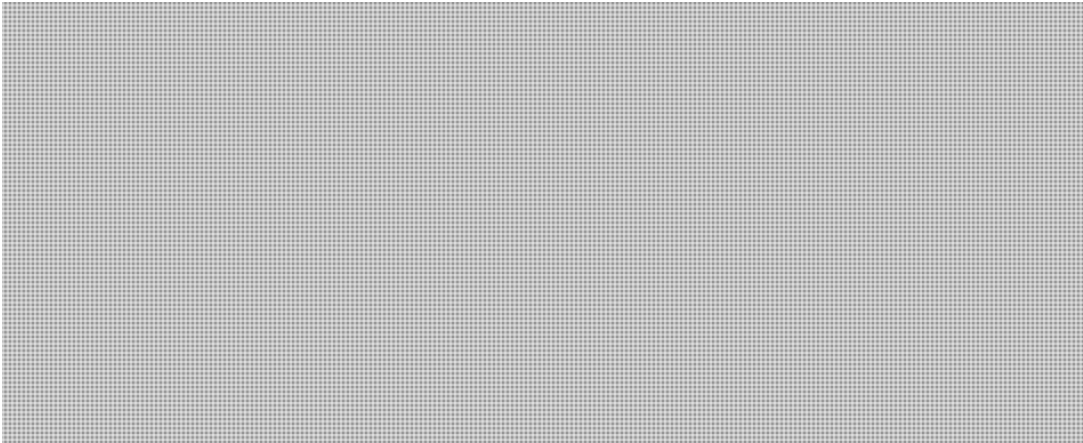


D) All digits dialed by the target, including post-connection dialed digits used to activate features such as conference calling and call transfer

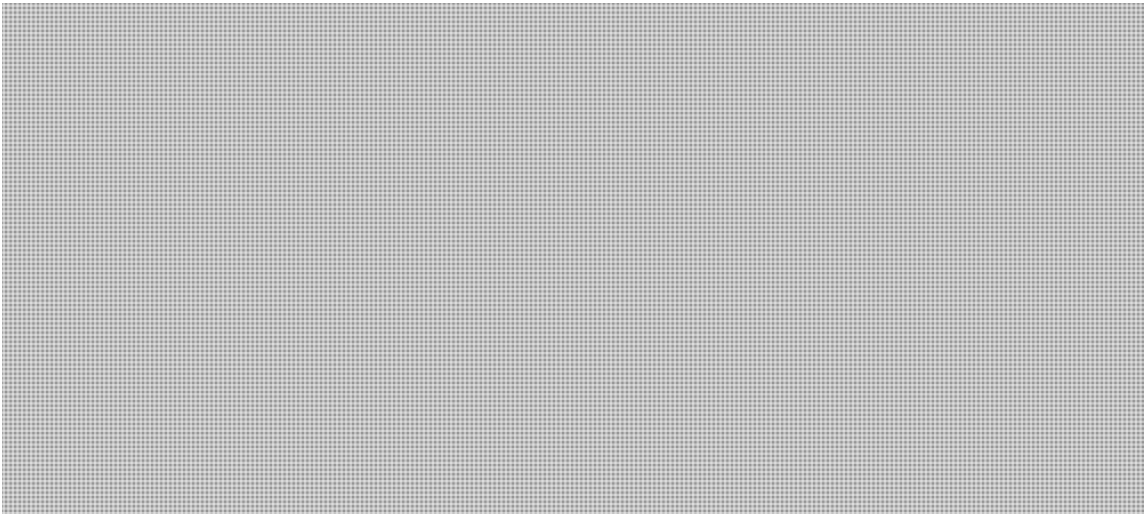




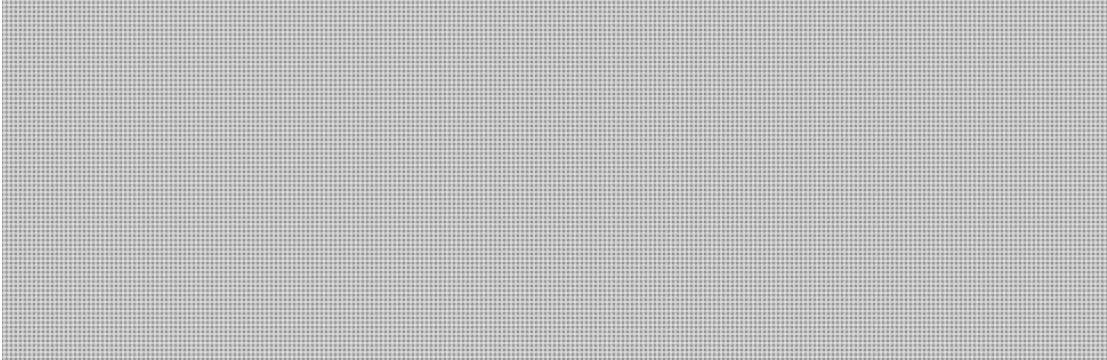
E) Beginning, end, and duration of the connection



F) Actual destination and intermediate directory numbers if call has been diverted.



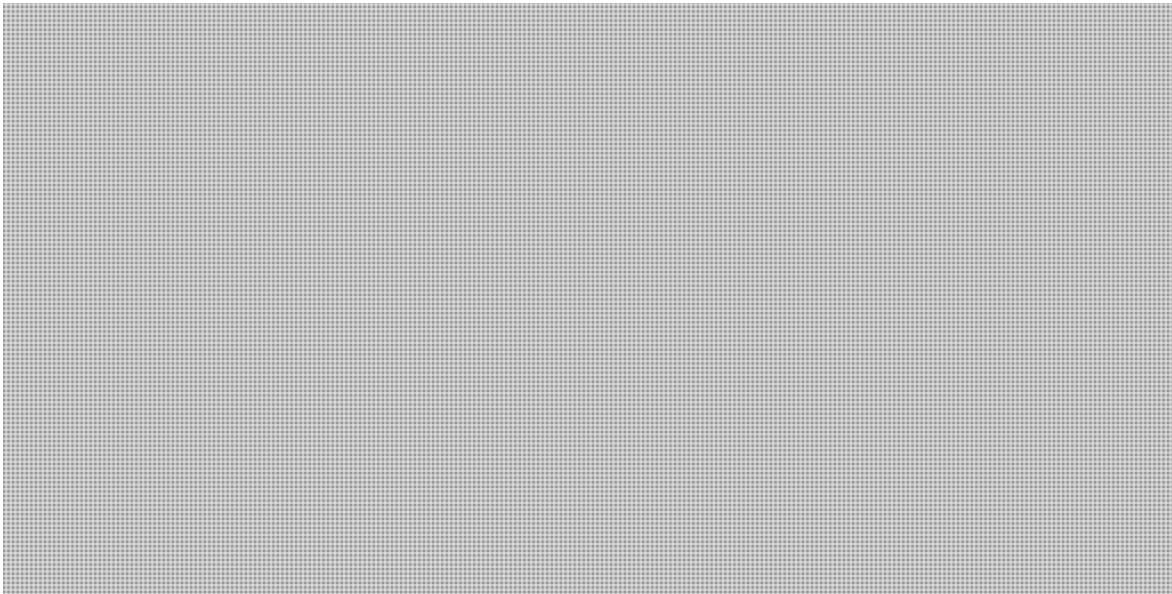
**Standard 6:** Law enforcement agencies require information on the most accurate geographical location known to the network for mobile subscribers.



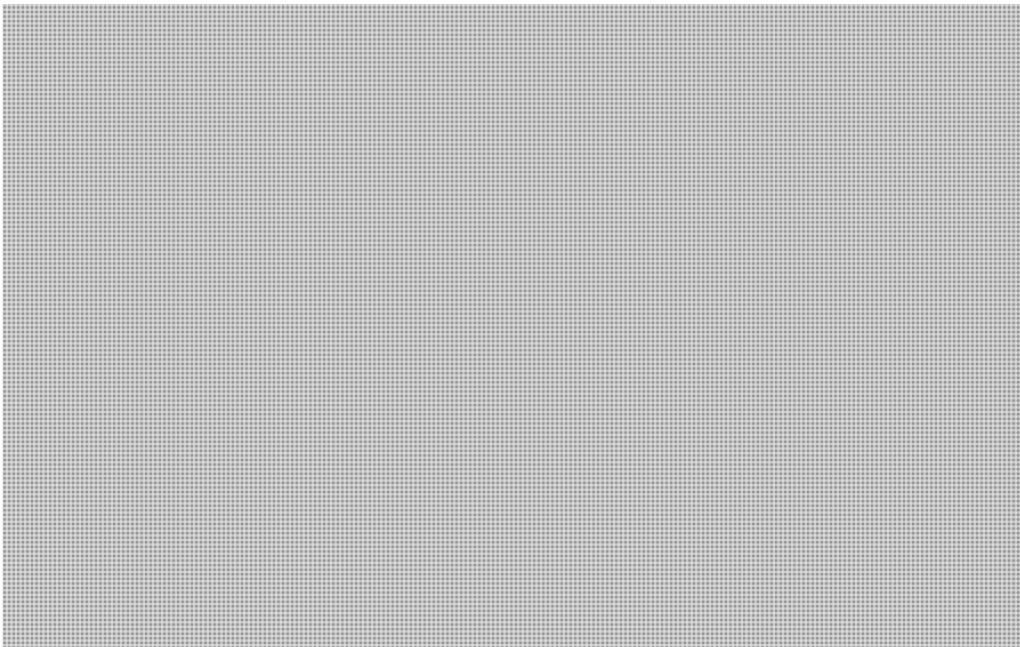
**Standard 7:** Law enforcement agencies require data on the specific service used by the interception subject and the technical parameters for that type of communication.




**Standard 8:** Law enforcement agencies require a real-time, full-time monitoring capability for the interception of telecommunications. Call associated data should also be provided in real-time. If call associated data cannot be made available in real time, law enforcement agencies require the data to be available as soon as possible upon call termination.

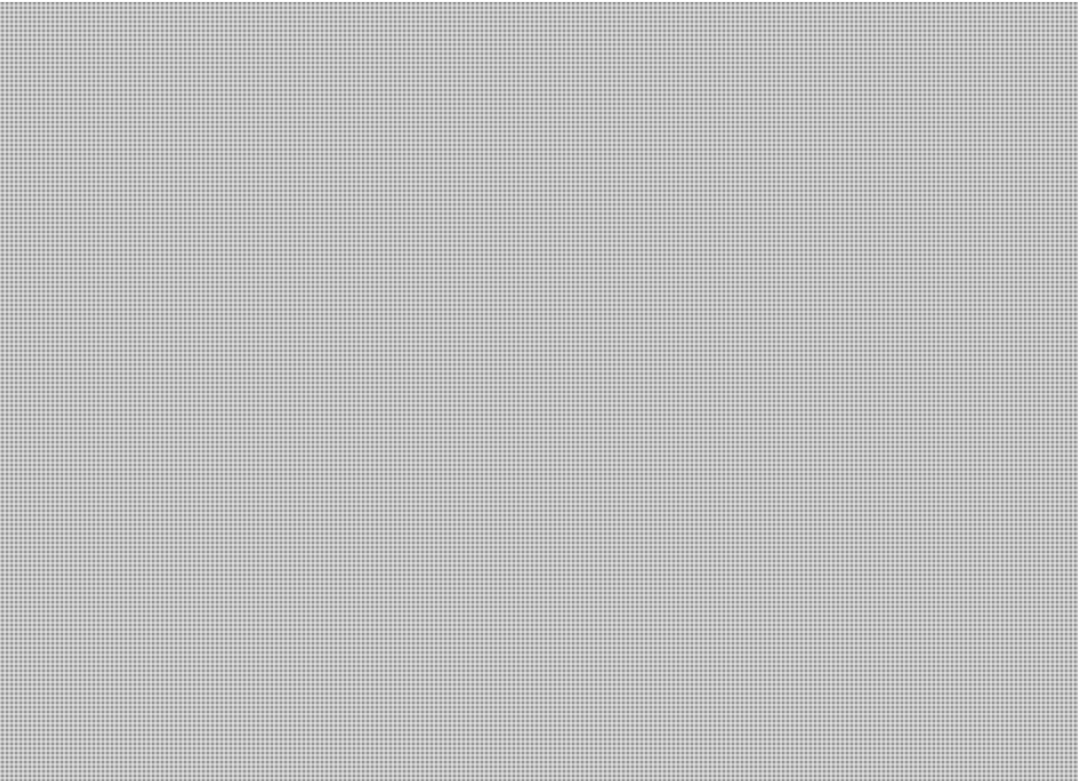


**Standard 9:** Law enforcement agencies require network operators/service providers to provide one or more interfaces from which the intercepted communications can be transmitted to the law enforcement monitoring facility. These interfaces have to be commonly agreed on by the interception authorities and the network operators/service providers. Other issues associated with these interfaces will be handled according to generally accepted practices.

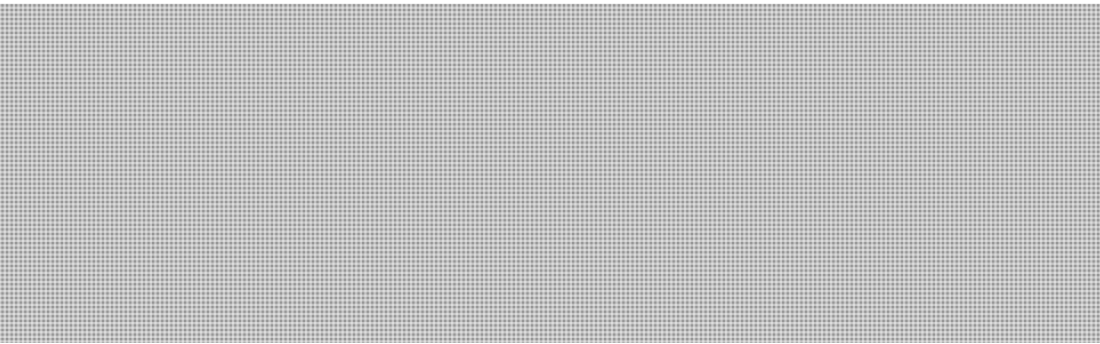


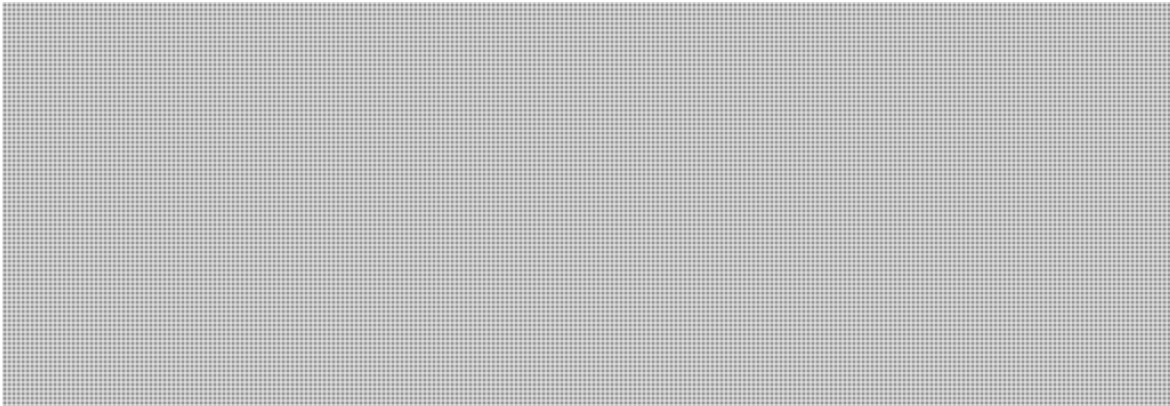


**Standard 10:** Law enforcement agencies require network operators/service providers to provide call associated data and call content from the target service in a way that allows for the accurate correlation of call associated data with call content.

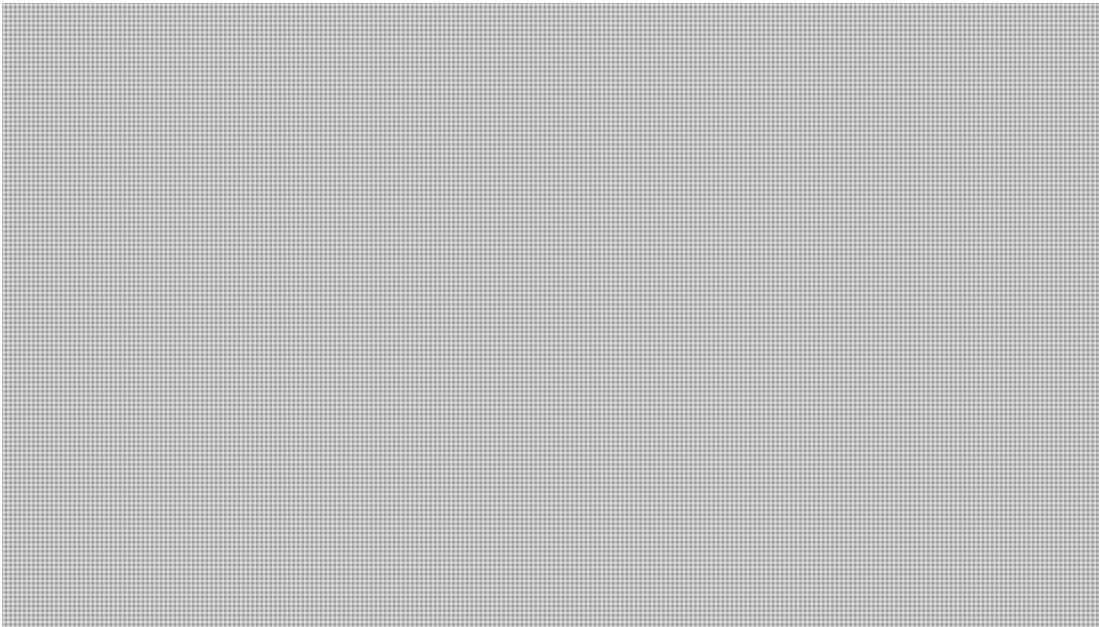


**Standard 11:** Law enforcement agencies require that the format for transmitting the intercepted communications to the monitoring facility be a generally available format.



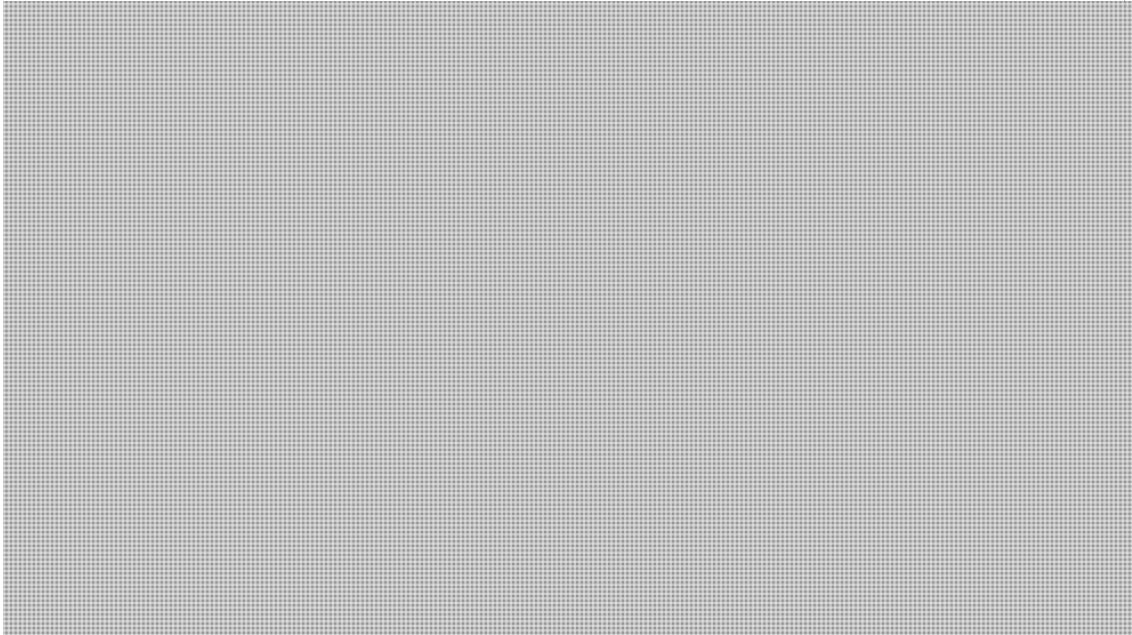


**Standard 12:** If network operators/service providers initiate encoding, compression or encryption of telecommunications traffic, law enforcement agencies require the network operators/service providers to provide intercepted communications en clair.

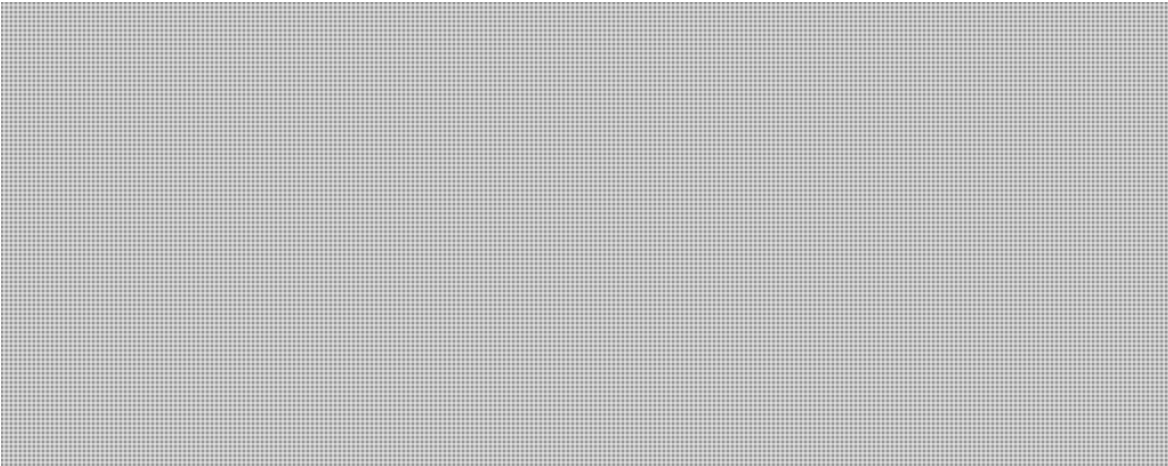


**Standard 13:** Law enforcement agencies require network operators/service providers to be able to transmit the intercepted communications to the law enforcement monitoring facility via fixed or switched connections.

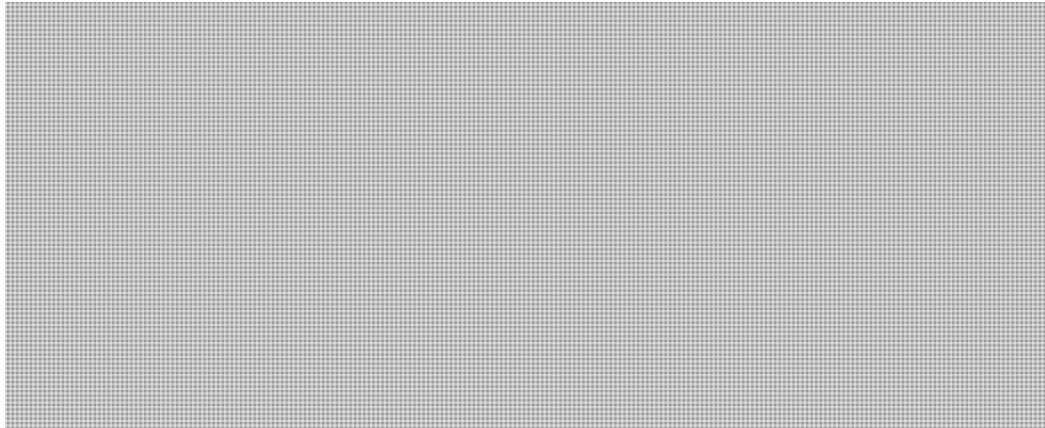




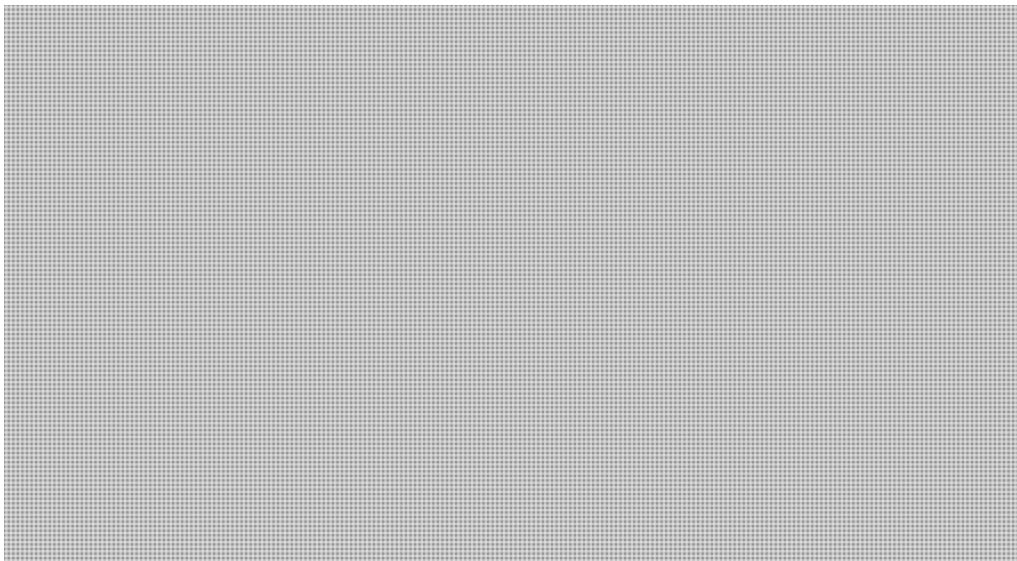
**Standard 14:** Law enforcement agencies require that the transmission of the intercepted communications to the monitoring facility meet applicable Government of Canada security requirements.



**Standard 15:** Law enforcement agencies require interceptions to be implemented so that neither the interception target nor any other unauthorized person is aware of any changes made to fulfill the interception order. In particular, the operation of the target service must appear unchanged to the interception subject.



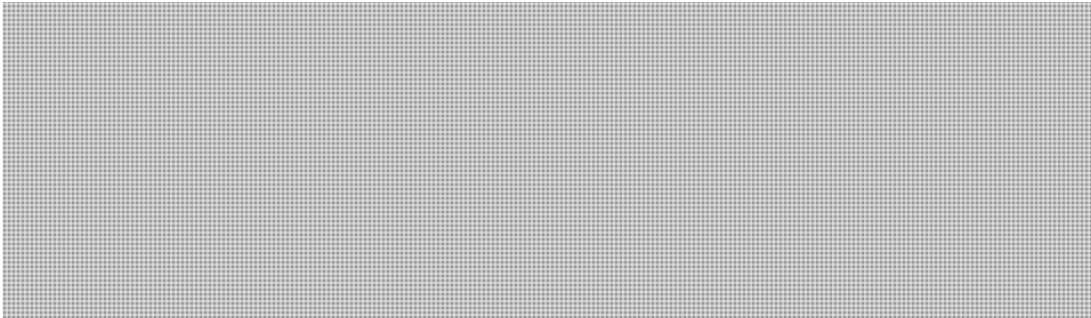
**Standard 16:** Law enforcement agencies require the interception to be designed and implemented to preclude unauthorized or improper use and to safeguard the information related to the interception.



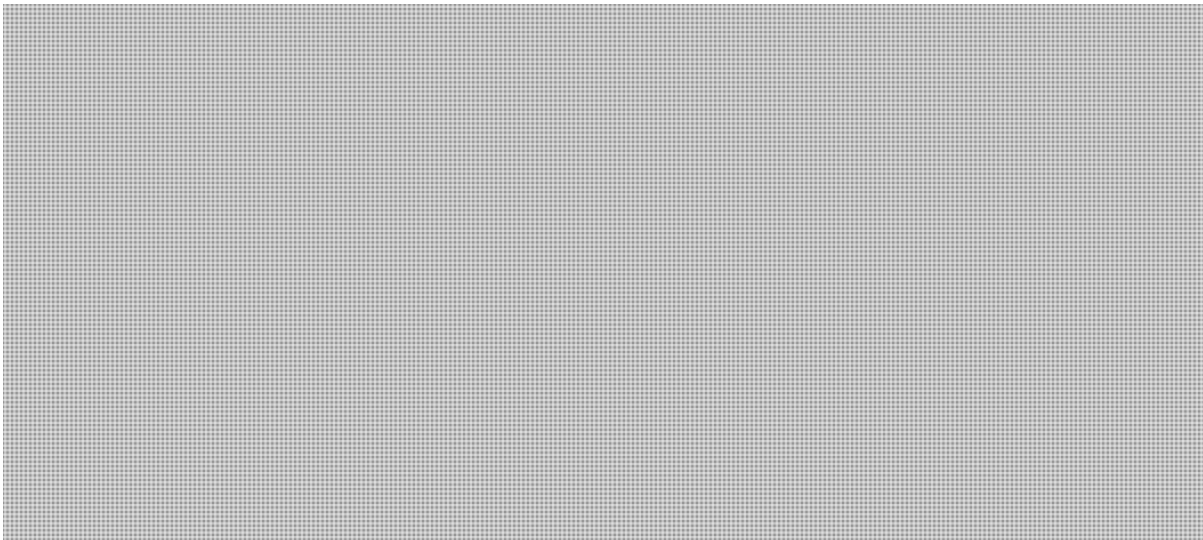
**Standard 17:** Law enforcement agencies require network operators/service providers to protect information on which and how many interceptions are being or have been performed, and not disclose information on how interceptions are carried out.



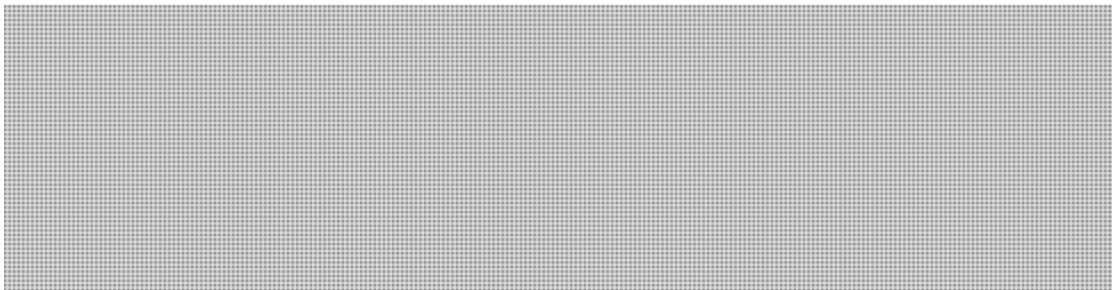


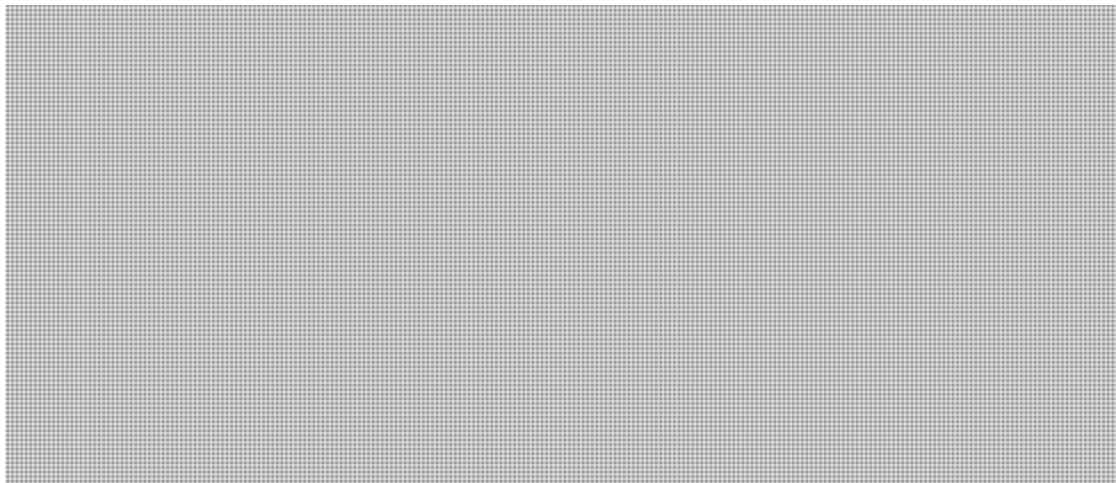


**Standard 18:** Law enforcement agencies require network operators/service providers to ensure that intercepted communications are only transmitted to the monitoring agency specified in the interception authorization.

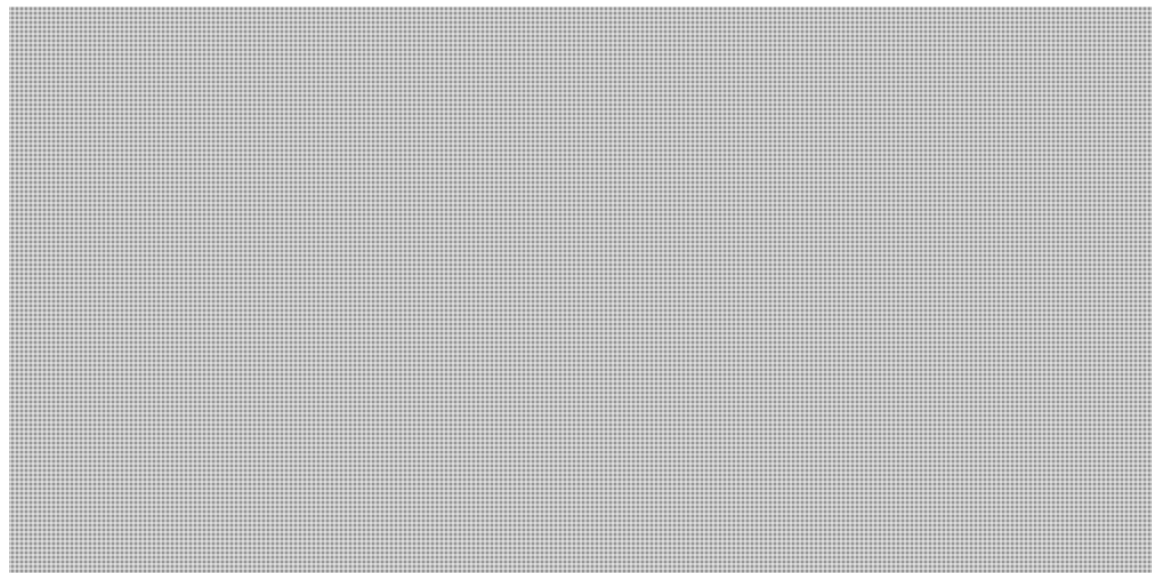


**Standard 19:** Based on a lawful inquiry and before implementation of the interception, law enforcement agencies require **(1)** the interception subject's identity service number or other distinctive identifier, **(2)** information on the services and features of the telecommunications system used by the interception subject and delivered by network operators/service providers, and **(3)** information on the technical parameters of the transmission to the law enforcement monitoring facility.

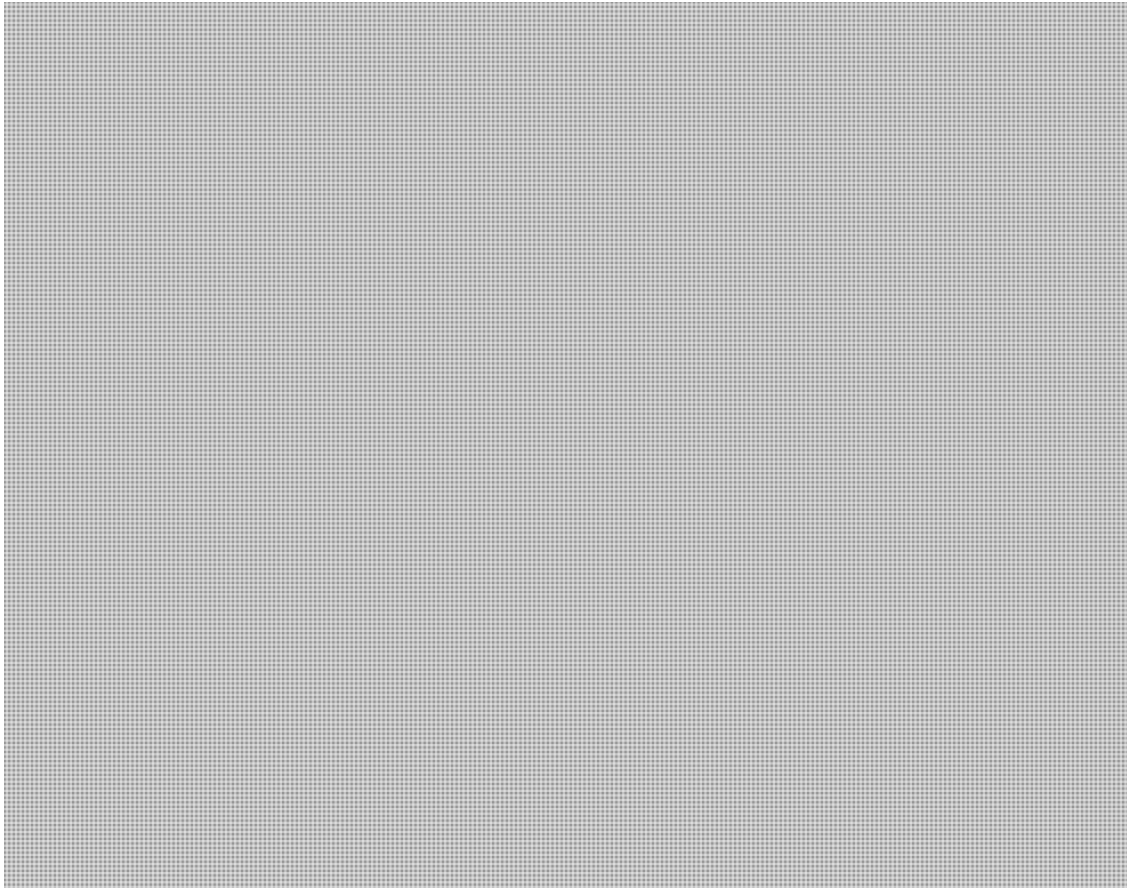




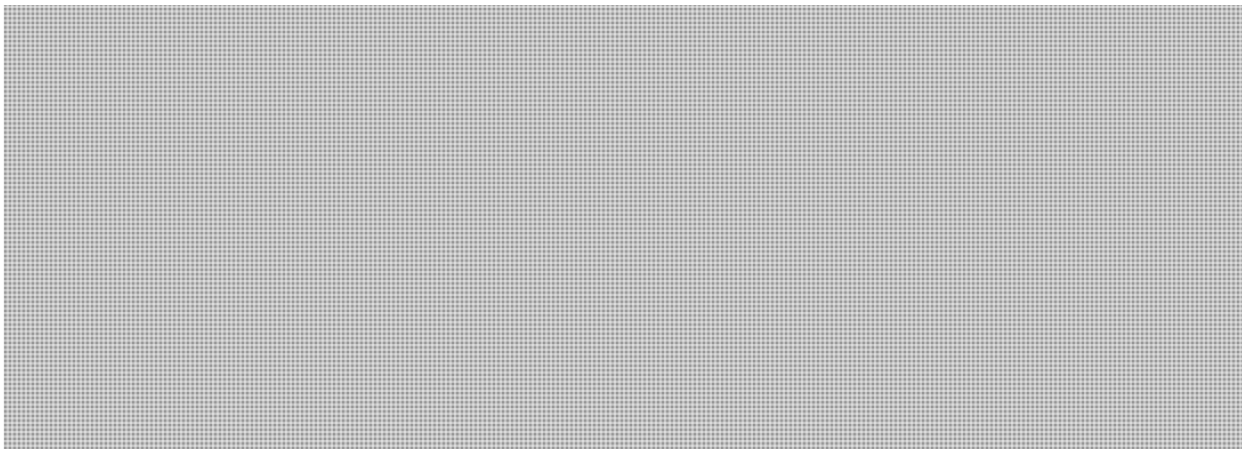
**Standard 20:** During the interception law enforcement agencies may require information and/or assistance from the network operators/service providers to ensure that the communications acquired at the interception interface are those communications associated with the target service.

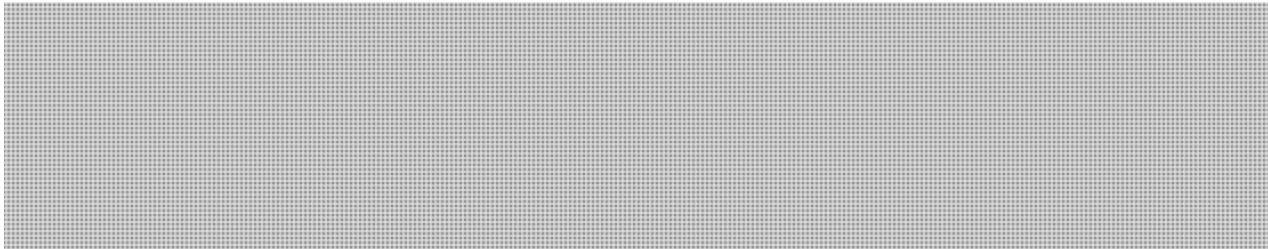


**Standard 21:** Law enforcement agencies require network operators/service providers to make provisions for implementing a number of simultaneous intercepts. Multiple interceptions may be required for a single target service to allow monitoring by more than one law enforcement agency. In this case, network operators/service providers should take precautions to safeguard the identities of the monitoring agencies and ensure the confidentiality of the investigations.

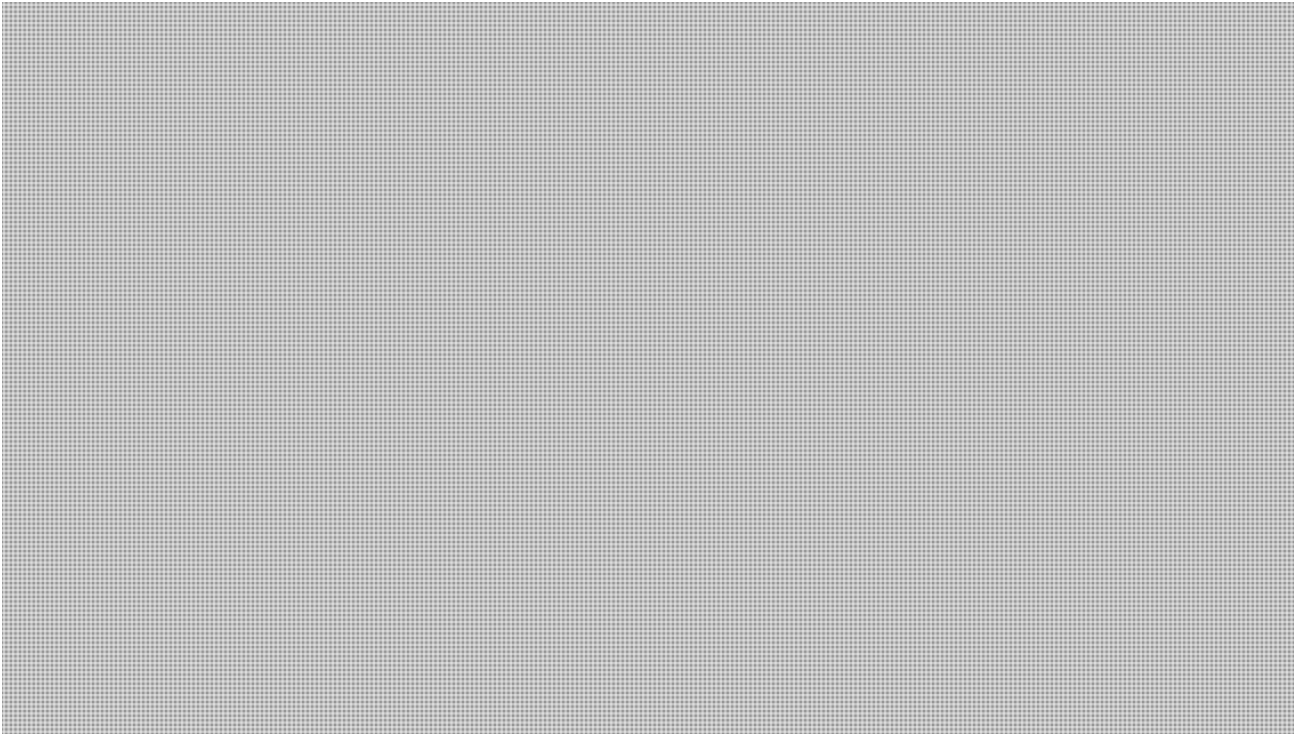


**Standard 22:** Law enforcement agencies require network operators/service providers to implement interceptions as quickly as possible (in urgent cases within a few hours or minutes). The response requirements of law enforcement agencies will vary by the type of target service to be intercepted.





**Standard 23:** For the duration of the interception, law enforcement agencies require that the reliability of the services supporting the interception at least equals the reliability of the target services provided to the interception subject. Law enforcement agencies require the quality of service of the intercepted transmissions forwarded to the monitoring facility to comply with the performance standards of the network operators/service providers.



DRAFT

DATE:

File No.: NS 6950-O3 /  
RDIMS No.:

**MEMORANDUM FOR THE DIRECTOR GENERAL**

**FORBEARANCE QUARTERLY REPORT, FY 2012-2013, Q2**

(Information only)

**ISSUE**

To provide an update on issues related to forbearance from the lawful interception condition of licence (LIC) for the second quarter of FY 2012-2013; from July 1, 2012 to September 30, 2012. The next report is due January 31, 2012.

**STATUS OF FORBEARANCE REQUESTS**

[Redacted]

*Status:*

*Report:*

*Next Steps:*

[Redacted]

*Status:*

*Report:*

*Next Steps:-*

[Redacted]

*Status:*

*Report:*

*Next Steps:*



*Status:*

*Report:*

*Next Steps:*



*Status:*

*Report:*

*Next Steps:*

**FORBEARANCE PROGRAM ENHANCEMENTS**

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

**LOOK AHEAD**

- October 2012
  - Recommendation to IC on [Redacted] Forbearance (Oct 3)
  - Cross-Border Interception Meeting with DoJ (Oct 18)
- November 2012
  - Forbearance Expiry – [Redacted] (Nov 30)
  - Forbearance Expiry – [Redacted] (Nov 30)
  - Meeting with Portfolio on Forbearance (Nov 7)
- December 2012
  - Forbearance Expiry – [Redacted] (December 30)
  - Forbearance Expiry – [Redacted] (December 30)

Should you require additional information, please do not hesitate to contact me at

- 3 -

613-949-3181 or Shawn Plunkett, Senior Policy Advisor, Investigative Technologies and  
Telecommunications Policy at 613-990-7066.

|  
**Marie-Hélène Chayer**  
**Director, Investigative Technologies and Telecommunications Policy**  
**National Security Operations**

**Prepared by:**

## Thompson, Julie

---

**From:** Plunkett, Shawn  
**Sent:** October-18-12 3:00 PM  
**To:** Filipps, Lisa  
**Cc:** Chayer, Marie-Helene; Thompson, Julie  
**Subject:** Comms lines Solicitor General Enforcement Standards - 2500 MHZ Spectrum Auction

Hi Lisa,

As an FYI and further to our work together on the 700 MHz, please note that the 2500MHz auction has now been launched by Industry Canada.

<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf10471.html>

In this consultation document, they once again refer to the Public Safety General Enquiries line (pasted here).

137. The condition of licence refers to standards for lawful interception, entitled the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications*. Public Safety Canada is currently responsible for these standards, which were last revised in 1995. Public Safety Canada has informed Industry Canada that it is proposing modifications to the standards. Industry Canada is proposing to simply refer to the requirement to provide for and maintain lawful interception capabilities, in accordance with the enforcement standards in effect at the time of licence issuance and as amended from time to time. For further information on proposed changes to the Solicitor General's Enforcement Standards, please contact Public Safety Canada via the General Enquiries line at 1-800-830-3118.

We are in the process of reviewing the lines we had sent to you previously, but for the time being, I wanted to give you a heads-up. If we decide to make changes to our comms package, we will notify you immediately.

I will be out of the office until November 2. If you have any questions in the meantime, please contact Marie-Helene Chayer and Julie Thompson (copied).

Thanks very much.

Shawn

---

**From:** Plunkett, Shawn  
**Sent:** July-25-12 8:48 AM  
**To:** Filipps, Lisa  
**Cc:** Kingsley, Michèle  
**Subject:** Revised Comms lines Solicitor General Enforcement Standards

Hi Lisa,

As previously discussed, please find enclosed the revised version of the Standard Response, Qs & As and Media Lines regarding the Solicitor General Enforcement Standards.

This revised version will replace the current version that you have on file (changes are in track changes).

Should you have any questions, please do not hesitate to contact me.

Thanks very much for your help with this.



Shawn

---

**From:** Filipps, Lisa  
**Sent:** April-25-12 3:08 PM  
**To:** Plunkett, Shawn  
**Subject:** RE: Use of 1-800 General Enquiries Line for enquiries regarding Solicitor General Enforcement Standards

Thanks Shawn!

---

**From:** Plunkett, Shawn  
**Sent:** Wednesday, April 25, 2012 3:06 PM  
**To:** Filipps, Lisa  
**Cc:** Kingsley, Michèle; Picard, Josée; McDonald, Jessica; Manning, Kerri; Kwavnick, Andrea  
**Subject:** RE: Use of 1-800 General Enquiries Line for enquiries regarding Solicitor General Enforcement Standards

Hi Lisa, the launch of the public consultation is now official and publicly available:  
<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf10374.html>

Below is the specific language regarding the lawful interception condition of licence. I have included the relevant language regarding our contact info in red.

Thanks very much.

107. **Lawful Intercept:** Certain spectrum licences contain a lawful intercept condition of licence that requires the licensee to maintain interception capabilities so that information can be provided when required by a warrant. The current condition of licence reads as follows:

**“Licensees using spectrum for circuit-switched voice telephony systems must, from the inception of service, provide for and maintain lawful interception capabilities as authorized by law. The requirements for lawful interception capabilities are provided in the Solicitor General’s Enforcement Standards for Lawful Interception of Telecommunications (Rev. Nov. 95). These standards may be amended from time to time.**

**The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.”**

108. Industry Canada is proposing changes to the lawful intercept condition of licence in order to bring the wording in line with current technologies. The proposed change is to remove the text “circuit-switched voice telephony” from the lawful intercept condition, as networks are no longer limited to circuit-switched technology. This proposed change does not affect existing spectrum licences issued under other licensing processes. Forbearance may be granted where Industry Canada deems it warranted.

109. The condition of licence refers to standards for lawful interception, entitled the Solicitor General’s *Enforcement Standards for Lawful Interception of Telecommunications*. Public Safety Canada is currently responsible for these standards, which were last revised in 1995. Public Safety Canada has informed Industry Canada that it is proposing modifications to the standards. Industry Canada is proposing to simply refer to the requirement to provide for and maintain lawful interception capabilities, in accordance with

the enforcement standards in effect at the time of licence issue and as amended from time to time. For further information on proposed changes to the Solicitor General's Enforcement Standards, please contact Public Safety Canada via the General Enquiries line at 1-800-830-3118.

110. In consideration of the above, the proposed wording of the condition of licence is as follows:

**A licensee operating as a service provider using an interconnected radio-based transmission facility for compensation must provide for and maintain lawful interception capabilities as authorized by law and in accordance with the Solicitor General's *Enforcement Standards for Lawful Interception of Telecommunications*, as amended from time to time.**

**The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.**

---

**From:** Filippis, Lisa  
**Sent:** April-25-12 9:30 AM  
**To:** Plunkett, Shawn  
**Cc:** Kingsley, Michèle; Picard, Josée; McDonald, Jessica; Manning, Kerri; Kwavnick, Andrea  
**Subject:** RE: Use of 1-800 General Enquiries Line for enquiries regarding Solicitor General Enforcement Standards

Thanks Shawn!

---

**From:** Plunkett, Shawn  
**Sent:** Wednesday, April 25, 2012 9:20 AM  
**To:** Filippis, Lisa  
**Cc:** Kingsley, Michèle; Picard, Josée; McDonald, Jessica; Manning, Kerri; Kwavnick, Andrea  
**Subject:** RE: Use of 1-800 General Enquiries Line for enquiries regarding Solicitor General Enforcement Standards  
**Importance:** High

Hi Lisa,

Further to my message below, we have received word that Industry Canada's public consultation is to be launched today.

We are still awaiting confirmation on the final language for the public consultation, but we expect that Public Safety's general enquiries line will be listed in this consultation. Interested parties will be directed to the general enquiries number for further information on proposed changes to the *Solicitor General Enforcement Standards for the Lawful Interception of Telecommunications*, as we have previously discussed. Therefore, it is possible that calls to the general enquiries line on this topic may begin shortly. I will confirm with you once it is officially published online.

Should there be any questions or concerns, or if you require anything further, please do not hesitate to contact me.

Thanks very much.

Shawn

---

**From:** Filipps, Lisa  
**Sent:** April-20-12 3:44 PM  
**To:** Plunkett, Shawn  
**Cc:** Kingsley, Michèle; Picard, Josée; McDonald, Jessica; Manning, Kerri  
**Subject:** RE: Use of 1-800 General Enquiries Line for enquiries regarding Solicitor General Enforcement Standards

Thanks Shawn – I'll make sure the Public Enquiries team has that information and they will be in touch if any assistance is needed in responding to questions.

---

**From:** Plunkett, Shawn  
**Sent:** Friday, April 20, 2012 3:43 PM  
**To:** Filipps, Lisa  
**Cc:** Kingsley, Michèle  
**Subject:** Use of 1-800 General Enquiries Line for enquiries regarding Solicitor General Enforcement Standards  
**Importance:** High

Hi Lisa,  
As per my voice message.

We spoke several months ago regarding using the General Enquiries line to intake potential comments on the *Solicitor General Enforcement Standards*.

Industry Canada has indicated to us this afternoon that they expect to launch the public consultation **very shortly, as early as Monday**. Unfortunately, IC has not provided us with any additional information. We would expect that calls may come in following this launch.

Apologies for the delay in sending you these, but I have enclosed the updated version of the Standard Response, Qs & As and Media Lines that we had drafted together.

I did not include it in the enclosed document, but I would be the policy centre contact person for this operation.

Grateful if we could touch base to discuss when you have a moment. I can be reached at 990-7066.

Thanks very much.

*Shawn Plunkett*  
*Senior Policy Advisor / Conseiller principal en politiques*  
*Investigative Technologies and Telecommunications Policy (ITTP) /*  
*Technologies d'enquêtes et politiques des télécommunications (TEPT)*  
*National Security Operations Directorate / Direction des Opérations de Sécurité Nationale*  
*Public Safety Canada / Sécurité Publique Canada*  
Tel: (613) 990-7066  
Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)

Oct 26 2012 (62)

**SECRET**

DATE:

File No.: NS 6950-O3 / 391118

RDIMS No.: Dragon 3779

**MEMORANDUM FOR THE DIRECTOR GENERAL**

**FORBEARANCE QUARTERLY REPORT, FY 2012-2013, Q2**

(Information only)

**ISSUE**

To provide an update on issues related to forbearance from the lawful interception condition of licence (LIC) for the second quarter of FY 2012-2013; from July 1, 2012 to September 30, 2012. The next report is due January 31, 2012.

**STATUS OF FORBEARANCE REQUESTS**

[Redacted]

*Status:*

[Redacted]

*Report:*

[Redacted]

*Next Steps:*

[Redacted]

*Forbearance expiry date:*

[Redacted]

**SECRET**

- 2 -

[Redacted]

*Status:* [Redacted]

*Report:* [Redacted]

*Forbearance expiry date:* [Redacted]

*Next Steps:* [Redacted]

[Redacted]

*Status:* [Redacted]

*Report:* [Redacted]

*Forbearance expiry date:* [Redacted]

**SECRET**

- 3 -

*Next Steps:* [Redacted]

[Redacted]

*Status:* [Redacted]

*Report:* [Redacted]

*Forbearance expiry date:* [Redacted]

*Next Steps:* [Redacted]

[Redacted]

*Status:* [Redacted]

*Report:* [Redacted]

*Next Steps:* [Redacted]

*Forbearance expiry date:* [Redacted]

**UPDATE ON THE FORBEARANCE PROGRAM ENHANCEMENTS**

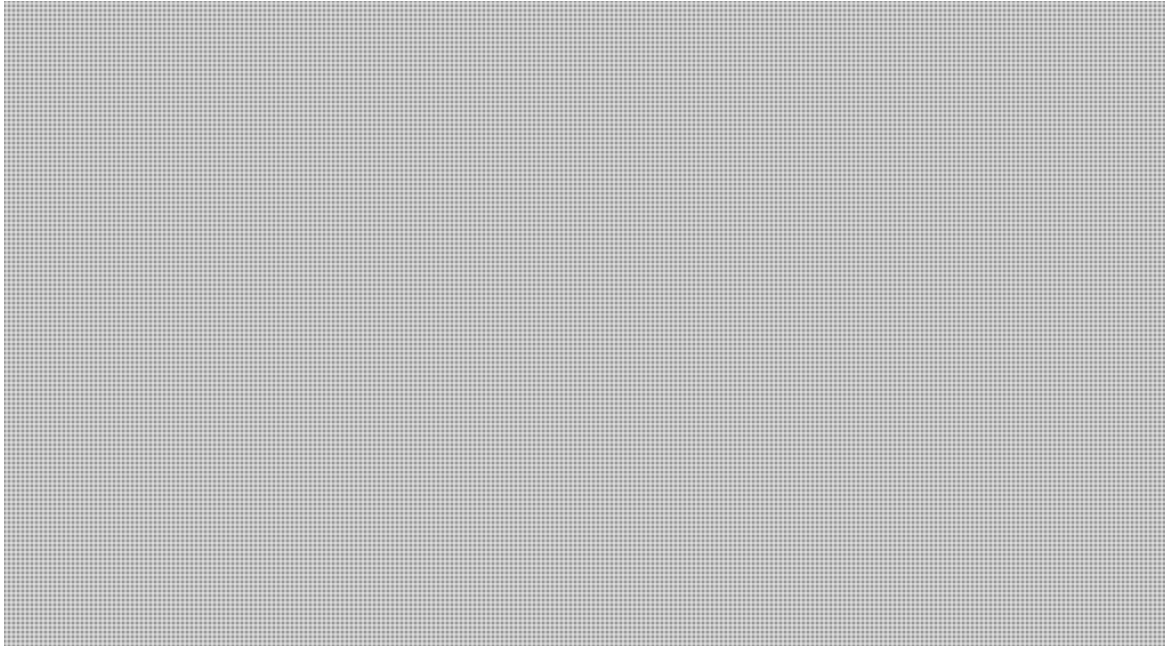
As it was reported in the previous quarterly report, the forbearance has been reinforced along three thematic lines:

[Redacted]

.../4

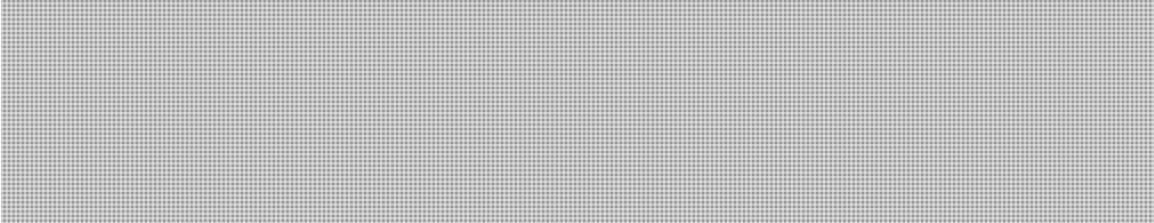
**SECRET**

- 4 -



### **MEETINGS WITH PORTFOLIO**

On August 20, 2012, PS met with Portfolio to discuss the SGES, including the forbearance program. However, the meeting was overhauled by discussions surrounding



A meeting with Portfolio has been scheduled for November 7, 2012, to discuss the management of the forbearance regime and launch our monthly meetings. These meetings will help facilitate a common understanding of the forbearance process; identify and work towards solving key issues, such as [redacted]; discuss the various functional requirements of each standard; and assist in identifying areas where improvements can be made. The first meeting will concentrate on discussing options to [redacted]

### **LOOK AHEAD**

- October 2012
  - Recommendation to IC on [redacted] Forbearance (October 3, 2012)
  - Cross-Border Interception Meeting with DoJ (October 18, 2012)
  
- November 2012
  - Meeting with Portfolio on Forbearance (November 7, 2012)

.../5

**SECRET**

- 5 -

- Forbearance Expiry – [REDACTED] (November 30, 2012)
- Forbearance Expiry – [REDACTED] (November 30, 2012)
  
- December 2012
  - Forbearance Expiry – [REDACTED] (December 30, 2012)
  - Forbearance Expiry – [REDACTED] (December 30, 2012)

Should you require additional information, please do not hesitate to contact me at 613-949-3181 or Shawn Plunkett, Senior Policy Advisor, Investigative Technologies and Telecommunications Policy at 613-990-7066.

Marie-Hélène Chayer  
Director, Investigative Technologies and Telecommunications Policy  
National Security Operations

Prepared by: Julie Thompson



**SECRET**

DATE:

File No.: NS 6950-O3 / 391118  
RDIMS No.: Dragon 3779

**MEMORANDUM FOR THE DIRECTOR GENERAL**

**FORBEARANCE QUARTERLY REPORT, FY 2012-2013, Q2**

(Information only)

**ISSUE**

To provide an update on issues related to forbearance from the lawful interception condition of licence (LIC) for the second quarter of FY 2012-2013; from July 1, 2012 to September 30, 2012. The next report is due January 31, 2012. A copy of the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications* (SGES) is attached at **TAB A**.

**STATUS OF FORBEARANCE REQUESTS**

[Redacted]

*Status:*

[Redacted]

*Report:*

[Redacted]

*Next Steps:* [Redacted]

*Forbearance expiry date:* [Redacted]

[Redacted]

*Status:* [Redacted]

*Report:* [Redacted]

*Forbearance expiry date:* [Redacted]

*Next Steps:* [Redacted]

[Redacted]

*Status:* [Redacted]

*Report:* [Redacted]

**SECRET**

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*Forbearance expiry date:* [Redacted]  
[Redacted]

*Next Steps:* [Redacted]  
[Redacted]  
[Redacted]

*Status:* [Redacted]

*Report:* [Redacted]  
[Redacted]

*Forbearance expiry date:* [Redacted]

*Next Steps:* [Redacted]  
[Redacted]  
[Redacted]

*Status:* [Redacted]  
[Redacted]

*Report:* [Redacted]  
[Redacted]

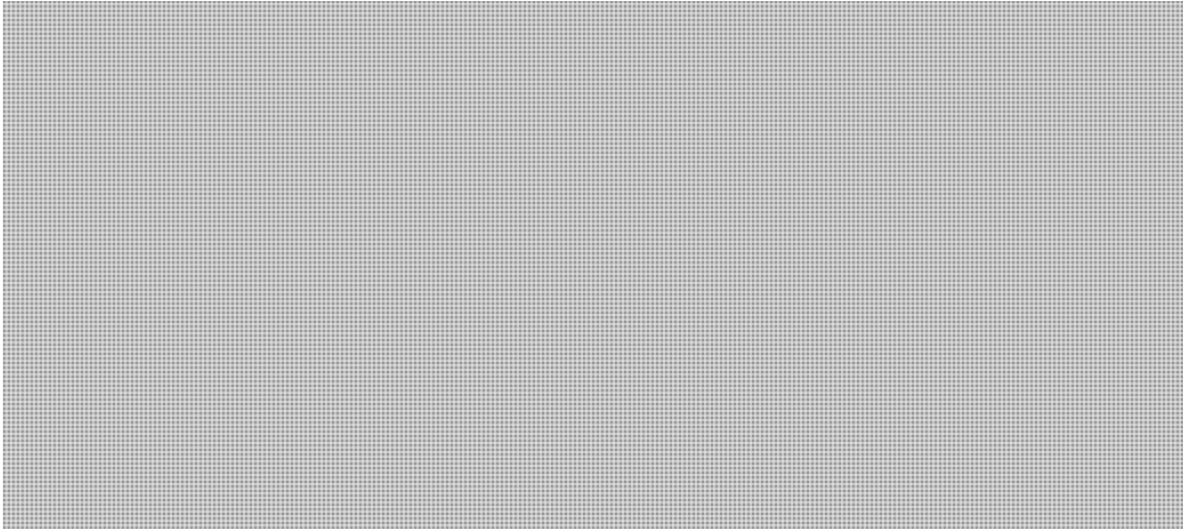
*Next Steps:* [Redacted]  
[Redacted]

*Forbearance expiry date:* [Redacted]

**SECRET**

- 4 -

## **MEETINGS WITH PORTFOLIO**



## **LOOK AHEAD**

- October 2012
  - Recommendation to IC on [REDACTED] Forbearance (October 3)
  - Cross-Border Interception Meeting with DoJ (October 18)
  
- November 2012
  - Meeting with the RCMP and CSIS on the Forbearance Regime (November 7)
  - Forbearance Expiry – [REDACTED] (November 30)
  - Forbearance Expiry – [REDACTED] (November 30)
  
- December 2012
  - Forbearance Expiry – [REDACTED] (December 30)
  - Forbearance Expiry – [REDACTED] (December 30)

Should you require additional information, please do not hesitate to contact me at 613-949-3181 or Shawn Plunkett, Senior Policy Advisor, Investigative Technologies and Telecommunications Policy at 613-990-7066.

Marie-Hélène Chayer  
Director, Investigative Technologies and Telecommunications Policy  
National Security Operations

Prepared by: Julie Thompson

§ 41(1) 3012

**Previous language:**

Licensees using spectrum for circuit-switched voice telephony systems must, from the inception of service, provide for and maintain lawful interception capabilities as authorized by law. The requirements for lawful interception capabilities are provided in the Solicitor General's *Enforcement Standards for Lawful Interception of Telecommunications* (Rev. Nov. 95). These standards may be amended from time to time.

The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.

**Current language:**

A-licensees using spectrum for circuit-switched voice telephony systems

[redacted] Impact will be that spectrum licences for the 700 MHz licences will not be limited to only circuit-switched technology.

operating as a service provider

*Radiocommunications service provider* is defined in the Radiocommunication Regulations as "person including a radiocommunications carrier, who operates radio apparatus used by that person or another person to provide radiocommunication services for compensation.

using an interconnected radio-based transmission facility

The phrase *interconnected radio-based transmission facility* is defined in the Radiocommunication Regulations as: "any radio apparatus that is used for the transmission or reception of intelligence to or from anywhere on a public switched network."

for compensation

The term *for compensation* is referred to in the Radiocommunication Regulations under *Radiocommunications service provider* (above) and radiocommunication carrier, which is defined as "a person who operates an interconnected radio-based transmission facility used by that person or another person to provide radiocommunication services for compensation".

must, from the inception of service,

[REDACTED]

provide for and maintain lawful interception capabilities as authorized by law. ~~The requirements for lawful interception capabilities are provided in~~ and in accordance with

Is there a difference between these two phrases? Perhaps seek legal opinion.

the Solicitor General's *Enforcement Standards for Lawful Interception of Telecommunication*, (Rev. Nov. 95). ~~These standards may be~~ as amended from time to time.

[REDACTED]

The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.

**700 MHz Proposed language for condition of licence:**

A licensee ~~using spectrum for circuit-switched voice telephony systems~~ operating as a service provider using an interconnected radio-based transmission facility for compensation must, ~~from the inception of service,~~ provide for and maintain lawful interception capabilities as authorized by law. ~~The requirements for lawful interception capabilities are provided in~~ and in accordance with the Solicitor General's *Enforcement Standards for Lawful Interception of Telecommunication*, (Rev. Nov. 95). ~~These standards may be~~ as amended from time to time.

The licensee may request the Minister of Industry to forbear from enforcing certain assistance capability requirements for a limited period. The Minister, following consultation with Public Safety Canada, may exercise the power to forbear from enforcing a requirement or requirements where, in the opinion of the Minister, the requirement is not reasonably achievable. Requests for forbearance must include specific details and dates indicating when compliance to the requirement can be expected.

**NOTES:**

*(Radiocommunications) service provider* is defined in the Radiocommunication Regulations as "a person including a radiocommunications carrier, who operates radio apparatus used by that person or another person to provide radiocommunication services for compensation."

The phrase *interconnected radio-based transmission facility* is defined in the Radiocommunication Regulations as "any radio apparatus that is used for the transmission or reception of intelligence to or from anywhere on a public switched network."

## Thompson, Julie

---

**From:** Thompson, Julie  
**Sent:** November-23-12 2:19 PM  
**To:** Plunkett, Shawn  
**Subject:** Meeting overview

Report: On November 21, 2012, PS/Chayer, Plunkett and Thompson, CSIS/ [REDACTED] and RCMP/ Piche and Beiersdorfer held a meeting to discuss [REDACTED]

Next Steps:

Please provide PS with:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

PS will:



- 
- 



Julie Thompson  
Policy Analyst/Analyste en politiques  
Investigative Technologies and Telecommunications Policy/Politiques sur les technologies d'enquête et les  
télécommunications  
National Security Operations Directorate/Direction des Operations de Sécurité Nationale  
Public Safety Canada/Sécurité Publique Canada  
Tel: 613.998.7893  
Email/Courriel : [julie.thompson@ps-sp.gc.ca](mailto:julie.thompson@ps-sp.gc.ca)

## Plunkett, Shawn

---

**From:** Chayer, Marie-Helene  
**Sent:** November-30-12 10:59 AM  
**To:** Plunkett, Shawn; MacDonald, Michael  
**Subject:** RE: Public Comments on Lawful Intercept Condition of Licence - 2500 MHz Consultation

**Categories:** Blue Category

Thanks Shawn.

Mike – FYI. I would like to chat about that when you have a moment.

Thanks

Marie

**Marie-Hélène Chayer**

Director – Investigative Technology and Telecommunications Policy /  
Directrice – Politique sur les technologies d'enquêtes et les télécommunications  
National Security Operations Division / Division des Opérations de sécurité nationale  
Public Safety Canada / Sécurité Publique Canada  
(613)949-3181

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**From:** Plunkett, Shawn  
**Sent:** November-30-12 10:39 AM  
**To:** Chayer, Marie-Helene  
**Cc:** Thompson, Julie  
**Subject:** Public Comments on Lawful Intercept Condition of Licence - 2500 MHz Consultation

Marie-Hélène,

Last week Industry Canada posted the public comments received regarding the rules and conditions of licences relating to the 2500 MHz spectrum auction.

[Comments Received on Gazette Notice DGSO-004-12 Consultation on a Licensing Framework for Broadband Radio Service \(BRS\) – 2500 MHz Band](#)

The vast majority of the replies mirror the comments made under the 700 MHz band consultation (see report far below). Below are some of the major comments received:

- 1) Near unanimous opposition to change in condition of licence (Bell, CWTA, Eastlink, WIND, MTS Allstream, Public Mobile, Quebecor, Rogers, Sasktel, Telus). Only Mobilicity stated no comment, while several small or independent organizations were silent.
- 2) C-30: All major carriers and CWTA argued that changes of this magnitude are more appropriately done with legislation and not that the condition of licence.
- 3) 'Substantial new obligations' to carriers. Most major carriers and Bell in particular noted that as standard 1 requires access to the entire telecommunication transmitted removing circuit-switched would open up to Internet and Broadcasting services and thus place 'substantial new obligations' on carriers.
- 4) SGES Revisions: Major carriers noted that changes to the SGES should be done through an accredited standards body and that the lawful intercept obligations should be limited to circumstances where commercially-available,

standards-based technology is available. Non-standard based solutions should be funded by the government (Bell).

- 5) Auction Proceeds: Bell re-iterated its previous comment that spectrum auction proceeds should be used to fund lawful access initiatives.

We are now in the 'reply comment' phase, where the public can reply to the comments posted on IC's website. Parties have until December 17, 2012 to make 'reply comments'. The reply comments for the 700 MHz auction were essentially re-iterating support for the opposition to the condition of licence (See Report on reply comments— RDIMS 705722)

In sum, there is no new information, nor any surprises with the responses for this consultation.

Please let me know if you have any further questions.

Merci

Shawn

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**From:** Plunkett, Shawn  
**Sent:** June-29-12 11:17 AM  
**To:** Kingsley, Michèle  
**Cc:** Kwavnick, Andrea; Hawrylak, Maciek  
**Subject:** Overview - Public Comments on Lawful Intercept Condition of Licence

Michèle,

Yesterday afternoon, Industry Canada posted the public comments received regarding the rules and conditions of licence relating to the 700 MHz spectrum auction.

*Comments Received on Gazette Notice DGSO-002-12 — Consultation on a Licensing Framework for Mobile Broadband Services (MBS) — 700 MHz Band*

Several respondents provided comments on the lawful intercept condition of licence. (Bell, the Canadian Wireless Telecommunications Association, Globalive, MTS Allstream, SSI Group of Companies, Rogers, TbayTel and Telus.) The responses were similar in nature, using similar language, thus implying a concerted effort. It should also be noted that several commenters referenced CWTA's comments in their response on lawful interception.

I am currently undertaking a more rigorous review, but after a preliminary look, some themes have appeared:

- 1) Majority Opposed to LI Changes: With the exception of the SSI Group (an Internet Service Provider based in Yellowknife), all commenters were opposed to changes to the Lawful Interception Condition of Licences. The primary reason indicated was that changes would introduce new and significant obligations on licence holders.
- 2) Legislation should be vehicle for LI changes: There was a general consensus that the condition of licence should not be changed and that the appropriate venue for making significant changes of this nature is through the legislation. It was argued that the CoL should be unchanged until Parliament passes the legislation, at which time the CoL can be updated (if needed). It was also noted that the lawful intercept condition of licence should reflect existing legislative requirements and should not anticipate future legislative requirements.
- 3) SolGen Standards. Two main points were raised regarding the SGES:
  - a. Changes to the Solicitor General Standards should be part of a separate consultation.

- b. Any changes to the standards should be done in accredited standard-setting bodies and should only require standard-based and commercially available solutions. [REDACTED]

**Potential Options:**

- 1- [REDACTED]
- 2- [REDACTED]
- 3- [REDACTED]

If you have time either today or early next week to discuss, that would be best given that there is a very short turnaround for Reply Comments and it would likely take time to receive the necessary consultations and approvals.

Thanks.

*Shawn Plunkett*  
*Senior Policy Advisor / Conseiller principal en politiques*  
*Investigative Technologies and Telecommunications Policy (ITTP) /*  
*Technologies d'enquêtes et politiques des télécommunications (TEPT)*  
*National Security Operations Directorate / Direction des opérations de sécurité nationale*  
*Public Safety Canada / Sécurité Publique Canada*  
*Tel: (613) 990-7066*  
*Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)*

## Plunkett, Shawn

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**From:** Plunkett, Shawn  
**Sent:** January-02-13 3:40 PM  
**To:** Duval, Jean Paul  
**Cc:** Champoux, Martin; MacDonald, Michael; Kingsley, Michèle; Chayer, Marie-Helene  
**Subject:** FW: Media Call - Globe and Mail - Lawful Interception Enforcement Standards  
**Attachments:** PS-SP-#526559-12-COMMS - Standard Comms Responses - 700MHz Auction, SGES Modifications.DOC; PS-SP-#586039-10-A Primer on Spectrum in Canada - Virtual Library - 2012-03-20.DOC; PS-SP-#748449-5-Backgrounder - SGES - 2012-01-02.DOCX; PS-SP-#469348-1-Standard - SolGen Enforcement Standards for Lawful Interception of Telecommunications - ANNOTATED.PDF

Hi JP,

Please find enclosed the following document related to the below request:

- 1) The annotated copy of the Solicitor General's Enforcement Standards for the Lawful Interception of Telecommunications.
- 2) A backgrounder contextualizing the SGES. This document is for background use for PS comms only and should not be shared.
- 3) A comms package written for our proposed modifications to the "Solicitor General's Enforcement Standards for the Lawful Interception of Telecommunications" (SGES). This package was developed with and previously submitted to comms.
- 4) A Primer on Spectrum in Canada (background material on what is spectrum)

Please note that these documents are for internal use only and should not be shared with the applicant.

This package was approved by our acting DG.

Please let me know should you require anything further.

Shawn

*Shawn Plunkett  
Senior Policy Advisor / Conseiller principal en politiques  
Investigative Technologies and Telecommunications Policy (ITTP) /  
Technologies d'enquêtes et politiques des télécommunications (TEPT)  
National Security Operations Directorate / Direction des opérations de sécurité nationale  
Public Safety Canada / Sécurité Publique Canada  
Tel: (613) 990-7066  
Email: [shawn.plunkett@ps.gc.ca](mailto:shawn.plunkett@ps.gc.ca)*

**From:** MacDonald, Michael  
**Sent:** January-02-13 9:11 AM  
**To:** Maillé, Marie Anick  
**Cc:** Kingsley, Michèle; Chayer, Marie-Helene; Plunkett, Shawn  
**Subject:** Fw: Media Call - Globe and Mail - Lawful Interception Enforcement Standards

Hi,

Can you pls action this. In providing the document to Comms for them to read, you might think about also attaching the Primer as well.

Merci. MM

**From:** Duval, Jean Paul  
**Sent:** Monday, December 31, 2012 03:47 PM  
**To:** MacDonald, Michael  
**Cc:** Champoux, Martin  
**Subject:** Media Call - Globe and Mail - Lawful Interception Enforcement Standards

Good day Mike,

We received a request from the Globe and Mail seeking an interview/discussion on specific interception standards for telecommunication carriers as detailed in the "Solicitor General's Enforcement Standards for the Lawful Interception of Telecommunications".

Comms would like to start by reviewing this document. Can you advise if someone within your team can provide a copy for our reference? FYI - MO is also interested in reviewing this document.

Kind regards,  
JP

Title	[REDACTED]
Media Outlet	Globe and Mail
Call Date	12/31/2012 3:00 PM
Telephone	[REDACTED]
E-mail address	[REDACTED]@globeandmail.com
Deadline	Open
Status	Consulting
Subject	Lawful Interception Enforcement Standards (re: Lawful Access)
Questions	<p>I am reviewing a document put together by Public Safety Canada's National Security Technology Division regarding 22 specific interception standards that telecom carriers were asked to provide police circa 2008.</p> <p>I am seeking a discussion with someone in the division to discuss these specific 22 measures. Would that be possible?</p> <p><b>Document info:</b></p> <ul style="list-style-type: none"><li>- "Solicitor General's Enforcement Standards for the Lawful Interception of Telecommunications -- Compliance Table."</li><li>- said to be "current as of Nov. 17 2008"</li><li>- 22 standards make explicit what the government is seeking from telecom networks and carriers</li><li>- Annotated with italics further explaining the standards</li></ul>

- Among measures made explicit are needs for intercepting various modalities (call forwarding / real-time audio / data-voice correlation accuracy measures / encryption algorithms, etc etc etc)
- Prepared by Public Safety's National Security Technology Division

Jean Paul Duval  
Communications Directorate | Direction générale des communications  
Public Safety Canada | Sécurité publique Canada  
Telephone | Téléphone : 613-991-1689  
Cell | Portable: 613-301-4280  
Email | Courriel : [jeanpaul.duval@ps-sp.gc.ca](mailto:jeanpaul.duval@ps-sp.gc.ca)

**Pages 525 to / à 534  
are duplicates of  
sont des duplicatas des  
pages 1 to / à 10**



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January 2, 2013

## MEDIA CALL - LAWFUL INTERCEPTION ENFORCEMENT STANDARDS

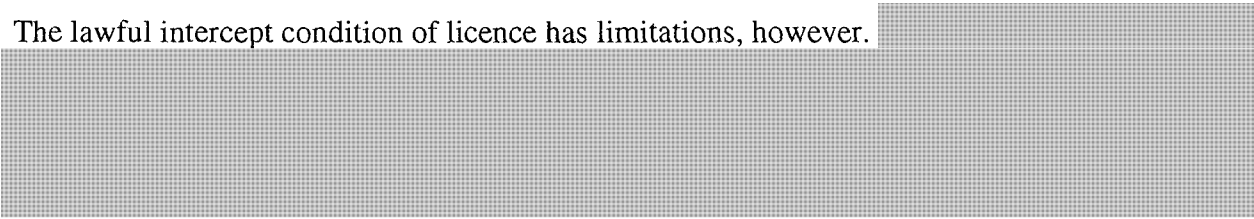
### BACKGROUND

Spectrum is, in basic terms, the highway over which voice, data, images and other communications travel. It is a finite resource and in today's digital age is the backbone of our economy and our lifestyles. The increased use by consumers, as well as the increase in the number of services requiring spectrum, means that spectrum demand is increasingly outpacing supply. Dropped calls, lag times and slow upload or download speeds can all be attributable to limited spectrum.

In Canada, as in many other countries, spectrum is often allocated by way of auction and managed through a licencing regime, whereby successful bidders are given spectrum licences. Under the *Radiocommunication Act*, the Minister of Industry has the authority to grant spectrum licences and place conditions on these licences. Licence holders must comply with these conditions in order to use their purchased spectrum to provide wireless services, such as cellular and internet services. A component of this licensing framework is the lawful interception condition of spectrum licence, which requires licence holders to have and maintain lawful interception capabilities. This lawful interception condition is the primary instrument for public safety agencies to compel applicable telecommunications companies to effect court authorized intercepts.

Part of the lawful interception condition of licence is for licence holders to comply with the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* (SGES) - a set of 23 requirements that serves as a technical guide for telecommunications companies on how to provide public safety agencies with lawful intercepts. They range from what type of information law enforcement and national security agencies require the licence holder to provide, the technical information as to how it must be provided, and security parameters that must be followed. Due to differences in network architecture, law enforcement and national security agencies must often work with the individual licence holders to discuss these standards. It should also be noted that due to the nature of the material in the document, there is sensitivity regarding publishing the SGES. They are not a public document and are not available on any Government of Canada website.

The lawful intercept condition of licence has limitations, however.



### CURRENT STATUS

To address limitations outlined above, Public Safety Canada (PS) and Industry Canada (IC) are examining ways to revise the lawful interception condition and have publicly consulted on proposed changes as part of the upcoming 700 and 2500 MHz auctions. While we are working with IC to update the lawful interception condition for new technologies that can be used for

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January 2, 2013

future spectrum auctions, any potential changes will not apply to existing licences, but only to future licences on the 700 and 2500 MHz bands.

As part of a larger consultation on all the licence conditions that are being proposed to apply to the 700 and 2500 MHz spectrum bands, IC has publicly consulted on the lawful interception condition of licence. These public consultations allowed stakeholders to comment on the expected conditions that will be assigned to the 700 MHz and 2500 MHz spectrum licenses. Included in the language of these consultations was that PS is proposing minor modifications to the SGES. These proposed modifications, however, were not formally part of IC's public consultation, which was limited to only the conditions of spectrum licence.

Public consultations on the 700 MHz auction occurred in May-July 2012 and for the 2500 MHz auction in October-December 2012. Taking into account these public consultations, IC is currently deliberating on the proposed changes to the condition of licences. A decision on whether to make any proposed changes to the lawful interception condition of licence for the 700 MHz auction is expected in early 2013, while a decision on the 2500MHz auction is expected later in 2013. These decisions will not change the SGES; they will only impact the lawful interception condition of licence.

All comments made as part of these consultations were made public on IC's website. Many of the telecommunications companies that provided comments were opposed to making changes to the lawful interception condition of licence, as it would make the condition applicable to their newer technologies. Many also noted that any changes to the lawful interception regime in Canada should be done through legislation.

## Public Consultation to the 700 MHz and 2500 MHz Spectrum Auction

### Public Enquiries/Media Relations Messages

#### ISSUE:

Industry Canada (IC) is planning an auction anticipated for the first half of 2013 to allocate spectrum in the 700 MHz and a further auction on the 2500 MHz bands likely the following year. Prior to this auction, a second public consultation in 2012 on the design of the 700 MHz and the 2500 MHz auctions will be held. Specifically, IC will be consulting on what conditions will be attached to the spectrum licences for the 700 and 2500 MHz band. In this context, we have been working to include a lawful interception condition of licence and to remove from this condition any reference to "circuit-switched voice telephony". Also, Public Safety Canada (PS) indicated to IC that it will be proposing minor modifications to the guidelines document that outlines intercept capability requirements entitled: *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications (Sol Gen Standards)*, as they were last revised in 1995.

With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing [REDACTED] minor modifications to the standards. [REDACTED]

However, IC has stated that it will not be consulting on changes to the *Sol Gen Standards* through this process, but will indicate in its public consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information. We have proposed to IC that they include the PS General Enquiries phone line in the public consultation document to handle any public enquiries regarding these proposed changes.

As a result, we expect that affected companies may contact Public Safety Canada to enquire as to proposed changes to the *Sol Gen Standards*. It should be noted that Public Safety cannot respond to questions surrounding the auction writ large or on any specific condition of licence. Public Safety Canada is only responsible for the *Sol Gen Standards*. Please note that while not a classified document, due to the nature of the material, there is sensitivity regarding actively publicizing the *Sol Gen Standards*.

#### PROTOCOL

For Media Relations:

- When a call is received by Media Relations, a notification will be sent to the Minister's Office Director of Communications, the DG of Communications, program communications strategists and the responsible policy sector.
- Media Relations spokespersons will use the messages and Q&As below to formulate responses and work with the policy sector to finalize answers.
- Final media lines need to be approved by the DG NS Ops or as delegated.


- Media Relations will then seek approvals from DG Communications and the Minister's Office as well as advise PCO Communications.
- Once approved, media relations will provide the final response to the journalist.

For Public Enquiries:

- Calls are logged as they are received and responded to using the initial method of contact (phone or email). For straightforward questions, Public Enquiries officers will provide the preapproved responses provided below.
- For calls seeking to provide feedback or more complex questions, Public Enquiries can forward requests to the policy centre.
- Public Enquiries will provide the policy sector with updates on number of calls received on request.

### **MEDIA LINES:**

Public Safety Canada is proposing minor modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications*.



While the changes are minor, we are currently seeking feedback from targeted stakeholders to ensure that their views are heard.

### **STANDARD RESPONSES FOR PUBLIC ENQUIRIES**

**If caller is requesting any information relating to the 700 MHz or 2500 MHz Spectrum auction:**

- Industry Canada is responsible for the public consultation on the spectrum auctions. Should you wish to make comments on the spectrum auction, please contact Industry Canada.

**If caller is requesting any information relating to the Lawful Interception Condition of Spectrum Licence:**

- Industry Canada is responsible for the public consultation on the conditions of licences. Should you wish to make comments on the condition of licence, please contact Industry Canada.

**If caller is seeking a copy of the SolGen Standards:**

- Please provide us with your contact information and the responsible party at Public Safety will contact you shortly.

*[Please forward along contact information and any relevant notes to the policy centre for further action.]*

**If caller is seeking what changes are being made to the SolGen Standards:**

- Public Safety Canada has informed Industry Canada that it is proposing modifications to the *Solicitor General Enforcement Standards for Lawful Interception of Telecommunications*.
- Public Safety Canada is seeking feedback on potential modifications from targeted stakeholders in order to seek their views on any potential changes. At this time, we are proposing only minor modifications to the *Solicitor General Enforcement Standards* that we expect will have little impact on licensees.
  - **If further details are requested:**

We would be happy to take your contact information and the responsible party at Public Safety will contact you in the near future.

**If caller is seeking to make comments on proposed changes to the SolGen Standards**

- We welcome your input into the proposed changes. We would be happy to take your contact information and have the responsible party at Public Safety contact you in the near future.

**Qs & As:**

**When will these proposed changes take effect?**

Notifications will be sent to licencees should any changes to the *Solicitor General Enforcement Standards* be made.

**How will these changes affect the spectrum auction?**

These changes will not have any direct bearing on the spectrum auction themselves.

**Will removing "Circuit-Switched" have a significant impact on our business?**

The removal of the term 'circuit-switched' forms part of the conditions of licence and not the *Solicitor General Enforcement Standards*. Industry Canada is responsible for the public consultation on the conditions of licence. Should you wish to make comments on the conditions of licence, please contact Industry Canada.

**UNCLASSIFIED**

DATE:

File No.: NS 6652

RDIMS No: 586039

**MEMORANDUM FOR THE DIRECTOR GENERAL**

**A PRIMER ON SPECTRUM IN CANADA**

(Information only)

**ISSUE**

This memo will provide background information on spectrum and its properties, specifically with respect to the 700 MHz and 2500 MHz bands. It will also provide information as to how spectrum is managed in Canada.

**BACKGROUND**

This primer was developed through open sources materials by Public Safety officials.

*What is Spectrum?*

Spectrum or radio spectrum is radio frequencies on which all communication signals travel, including wireless services, GPS, radio, television, etc. Spectrum is, in basic terms, the highway over which voice, data, images and other communications travel. It is a finite resource and in today's digital age is the backbone of our economy and our lifestyles. The increased use by consumers, as well as the increase in the number of services requiring spectrum, means that spectrum demand is increasingly outpacing supply. Dropped calls, lag times and slow upload or download speeds can all be attributable to limited spectrum.

Spectrum is made up of various frequencies, the unit for which is the hertz (Hz). The frequency is determined by the number of complete waves past a fixed point in one second. Thus, the frequency of a signal where 700 million waves pass a fixed point in one second is 700 MHz.

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### *Spectrum Ranges*

Spectrum frequencies are grouped into ranges, each of which possesses particular characteristics that determine its usage. While there are 12 different ranges as designated by the International Telecommunications Union (ITU, the UN body responsible for international spectrum management- see below for more on spectrum management), popular telecommunications services operate in the Ultra High Frequency (UHF) range. The range of the UHF is 300 MHz to 3000 MHz. Both the 700 and 2500 MHz spectrum frequencies fall within the UHF band.

### *Frequency Bands*

The UHF range is separated into smaller frequency bands. In Canada, the following bands in the UHF range are designated for commercial mobile services:

- Mobile Broadband Services (MBS): 698-764 / 776-794 MHz (700 MHz Band)
- Cellular: 824-849 / 869-894 MHz ('Cel' or 800 MHz Band)
- Advanced Wireless Services (AWS): 1710-1755 / 2110-2155 MHz
- Personal Communications Services (PCS): 1850-1915 / 1930-1995 MHz
- Broadband Radio Services (BRS): 2500-2690 MHz (2500 MHz Band)

These bands are very similar to the bands designated in the U.S., with slight modifications for the Canadian market. Industry Canada allocates spectrum largely along U.S. lines to help ensure interoperability, harmonization and equipment complementarity. Bands are sometimes given a 'common name', such as Cellular or PCS, to differentiate between the frequency bands. However, the name does not necessarily limit the type of equipment that can operate over the bands (i.e. cellular phones can operate on other bands, besides the 'Cel' band). Some of the uses of the other frequency bands not listed above in the UHF include: television and radio, air traffic control radars, mobile satellite services, paging, search and rescue satellites, among others. Each band has certain characteristics, which make it more useful to one service or another.

### *Capacity*

The lower frequencies have the longest radio waves and the higher frequencies have the shortest radio waves. Lower frequencies are longer highways, but cannot carry as much information. Higher frequencies are shorter highways, but can carry more information- i.e. they have more broadband capacity. This means that services that carry a lot of information (such as wireless internet connections for the home and mobile data services) are better placed in the higher frequency bands while signals with less information (such as voice, text or radio) can be carried by the lower frequency bands.

### *Propagation*

Another factor that differentiates spectrum bands is its propagation characteristics. Propagation refers to the way radio waves behave as they travel from point to point

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While there are several other factors relating to propagation, one of the key factors relates to how much power is transmitted. Since waves continue until they run out of power, the more power each wave has, the further it can go. Lower frequencies are said to travel longer distances because they have more power. A combination of both the length (lower frequencies have longer waves) and the power of the waves are what likely contribute to the ability of these frequency bands to penetrate through walls and buildings.

#### *Bandwidth*

Bandwidth is the range of frequencies that a signal occupies in the spectrum- i.e. the width of the cars on the highway. For example, an FM radio station might broadcast on a frequency of 92.9 MHz but requires a bandwidth of 0.3 MHz (the frequencies 92.8, 92.9 and 93.0 MHz). Other stations cannot broadcast on these frequencies within the same region without causing or receiving interference. Voice or texting takes less bandwidth than data services, such as downloading a movie or video, which means that more calls/text can be sent at the same time within a proscribed spectrum range.

### **SPECTRUM MANAGEMENT**

Industry Canada (IC) is responsible for the management of the radio frequency spectrum and satellite orbital resources. Access to these resources is provided through authorization. The growth in the number and variety of applications, along with ever-increasing user expectations, places an increasing demand on the radio frequency spectrum and thus the need to manage it effectively and efficiently.

Given that radio frequency emissions are not bound by geopolitical boundaries, spectrum must also be effectively coordinated on a global scale. In this context, Canada participates in various international governmental organizations such as the International Telecommunication Union (ITU), where the treaty-binding *ITU Radio Regulations* (RR) are developed and updated. The RR provides a basis for the *Canadian Table of Frequency Allocations* (CTFA), which establishes the frequency allocations available for radio services in Canada. While the CFTA reflects international changes, it also takes into account Canadian requirements to ensure that government, commercial and private users have full flexibility to develop new applications.

#### *Spectrum Blocks*

As part of spectrum management, IC further classifies frequency bands into blocks of spectrum. Through the development of a 'band plan', and in conjunction with international standards and regulations, IC assigns different blocks of spectrum for different purposes. These purposes include: being auctioned off for commercial use; held for public safety purposes; held for public goods, such as air traffic control radars or meteorological uses; assigned as guard bands to limit interference between blocks; or



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reserved as unusable blocks (simply meaning that there are no known uses or technology for this part of the spectrum). In developing a band plan, IC must take several factors into consideration when assigning spectrum including the size of the blocks, the 'pairing' of blocks and the equipment and technology that is available on frequency bands.

#### *Spectrum Block Size*

Returning to the highway analogy, how wide the highways are (narrow or broadband) and whether they are built for one way or two way traffic (paired or unpaired) are critical for the efficient use of spectrum, in terms of access, speed and volume of traffic. Sending large amounts of information (music, video) requires broadband (large blocks), while smaller amounts of information (voice, texts) can make use of narrower bands of spectrum. Yet, as spectrum is a fixed resource, the band plan must also consider the distribution and allocation of spectrum. For example, creating fewer, larger blocks of spectrum (broadbands), may allow for more information to pass through, but would limit the number of companies or organizations with access to the spectrum (i.e. it would be limited to the company that successfully bid on the spectrum). As there are rules governing spectrum sharing and interference between blocks, it is difficult, and often not in the best interests of the successful bidder, to share spectrum. Conversely, if there are many, smaller blocks of spectrum, it would increase access to the spectrum by different parties, but would limit the usefulness of spectrum by constricting the amount of information that could pass through each block. For the 700 MHz band, IC publicly consulted on which 'band plan', should be adopted. It was decided that the band plan that proposed harmonization with the U.S. band plan will be adopted for the 700 MHz. This harmonization will also ensure that there is considerable equipment and technology available that is compatible with the frequencies as well as ensuring cross-border roaming.

#### *Paired and unpaired (uplink and downlink)*

Also taken into consideration when allocating spectrum is whether the spectrum traffic is paired (where all the traffic in the block goes one-way, either upload or download) or unpaired (where the traffic can go both ways). Paired spectrum allocates two distinct and equal frequency blocks; one assigned to "downlink", (from the base station to mobile devices), and the other to "uplink" (from the mobile device to the base station). Voice traffic works well in paired spectrum, as it has roughly the same amount of information travelling in the uplink as it does for the downlink (i.e. you 'upload' your voice to your counterpart in one block of spectrum and 'download' their voice from another block). In contrast, unpaired spectrum provides a single block used for both downlink and uplink (most people download information off the Internet, but fewer upload information). Data services, such as web pages, content, video, music, etc., tend to have considerable more information travelling on the downlink side, meaning that unpaired spectrum is more efficient for this type of use.

#### *Regions/ Tiers*

Finally, in Canada, mobile service providers are granted spectrum licences to allow them to provide coverage over a specific geographic area. In Canada, these geographic areas

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(often called tiers or service areas) define the boundaries of the spectrum licence. Therefore, one national wireless carrier will need to hold many spectrum licences, one for each different service area. Breaking spectrum licences into smaller service areas allows for regional and smaller providers to bid on licences that coincide with their business plans. For example, SaskTel and MTS Allstream can bid on spectrum licences in the service areas for Saskatchewan and Manitoba or WIND Mobile and Mobilicity can bid for spectrum only in Toronto and Montreal if they so choose. However, the more service areas there are, the increased likelihood there will be for interference between neighbouring service areas (simply because there will be more shared 'borders' between areas). For the 700 MHz auction, IC publicly consulted on the size and location of the tiers. In the recent decision paper, it was decided that there will be 14 services areas (roughly based on provinces, with one area for all the territories and several additional areas for the high density urban populations in southern Ontario, Ottawa-Gatineau and Montreal).

### **700 and 2500 MHz SPECTRUM**

All spectrum bands have positive and negative characteristics. How one describes 'prime' spectrum is essentially a matter of trade-offs; sacrificing distance for volume of information for example. The 700 MHz spectrum comprises 108 MHz of spectrum, the frequencies from 698-806 MHz. It was previously used for analog television, but is being re-purposed for commercial and public safety use. The appeal of the 700 MHz band is that it is a 'middle ground' band. It is a low enough frequency to travel far and penetrate through buildings, yet high enough to be able to transmit a sufficient level of data.

Some of the pros of the 700 MHz band as assigned by IC are:

- Can travel longer distances than the previous spectrum for wireless. This reduces the number of signal transmitting towers needed, thus reducing costs of building and maintaining infrastructure, especially when delivery to rural communities.
- Can penetrate buildings and walls, due to the properties of the frequency. This is especially useful in downtown, urban areas.
- In the 700 MHz band, IC has carved out 4 blocks of paired spectrum, referred to as 'Prime' spectrum (blocks: B, C, C1, C2):
  - These blocks are paired and therefore are good for delivering voice/cell phone services;

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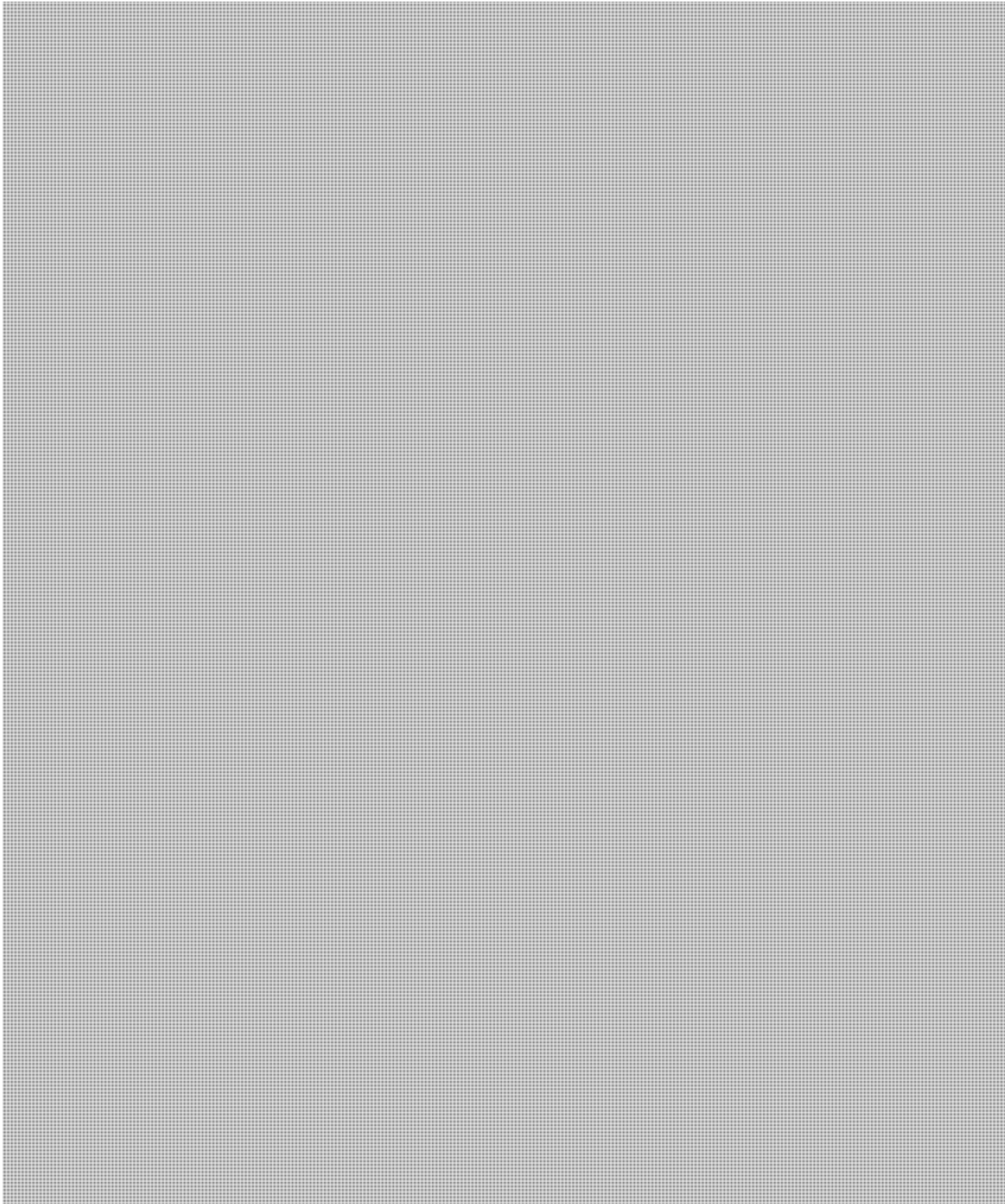
- The size of these bands range from 10 and 12 MHz, which is sufficient (although not optimal) to run LTE networks; 20 MHz is the highest range for LTE and therefore would make for the fastest network.
- Blocks B and C correspond with the blocks used by AT&T in the U.S. Therefore, equipment and devices that are manufactured to work on AT&T's large network will be compatible in Canada. This provides economies of scale, where Canadian telecommunications companies will not need standalone or custom equipment or devices for their own networks. In addition, having corresponding spectrum and equipment will facilitate roaming between countries.
- Blocks C1 and C2 correspond with the blocks used by Verizon. This is beneficial for the same reasons as above.

Some of the pros of the 2500 MHz band as assigned by IC are:

- This spectrum will be able to transmit a considerable amount of broadband data to users as higher frequencies can transmit more data.
- There is a significant amount of spectrum available- nearly 200 MHz of spectrum.
- The unpaired blocks will be large- 25 MHz each.
- While the paired blocks will be only 10 MHz, due to the number of blocks available, there is the possibility that companies can purchase neighbouring blocks, thus giving them a wider spectrum to use.

Prepared by: Shawn Plunkett  
May 29, 2012

Background Info for Upcoming meeting on [REDACTED]



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**is withheld pursuant to sections  
est retenue en vertu des articles**

**of the Access to Information  
de la Loi sur l'accès à l'information**

## Thompson, Julie

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**From:** Thompson, Julie  
**Sent:** February-04-13 10:46 AM  
**To:** Plunkett, Shawn  
**Subject:** RE: agenda item

What about this??

Discuss the current functional requirement of each SGES to ensure collective understanding

Julie Thompson  
Policy Analyst/Analyste en politiques  
Investigative Technologies and Telecommunications Policy/Politiques sur les technologies d'enquête et les télécommunications  
National Security Operations Directorate/Direction des Operations de Sécurité Nationale  
Public Safety Canada/Sécurité Publique Canada  
Tel: 613.998.7893  
Email/Courriel : [julie.thompson@ps-sp.gc.ca](mailto:julie.thompson@ps-sp.gc.ca)

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**From:** Plunkett, Shawn  
**Sent:** February-04-13 10:24 AM  
**To:** Thompson, Julie  
**Subject:** RE: agenda item

Sorry to be picky, but I don't think we should use the word 'amend'.

How about:  
Existing functional requirements for the Sol Gen Standards

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**From:** Thompson, Julie  
**Sent:** February-04-13 10:14 AM  
**To:** Plunkett, Shawn  
**Subject:** agenda item

What do you think as an agenda item:

Assess the need to amend the SGES

Julie Thompson  
Policy Analyst/Analyste en politiques  
Investigative Technologies and Telecommunications Policy/Politiques sur les technologies d'enquête et les télécommunications  
National Security Operations Directorate/Direction des Operations de Sécurité Nationale  
Public Safety Canada/Sécurité Publique Canada  
Tel: 613.998.7893  
Email/Courriel : [julie.thompson@ps-sp.gc.ca](mailto:julie.thompson@ps-sp.gc.ca)

**SECRET**

DRAFT

DATE:

File No.: NS 6652  
RDIMS No: DRAGON 5273

**MEMORANDUM FOR THE DIRECTOR OF ITTP**

**PRIMER ON THE SOLICITOR GENERAL'S ENFORCEMENT STANDARDS FOR  
LAWFUL INTERCEPTION OF TELECOMMUNICATIONS**

(Information only)

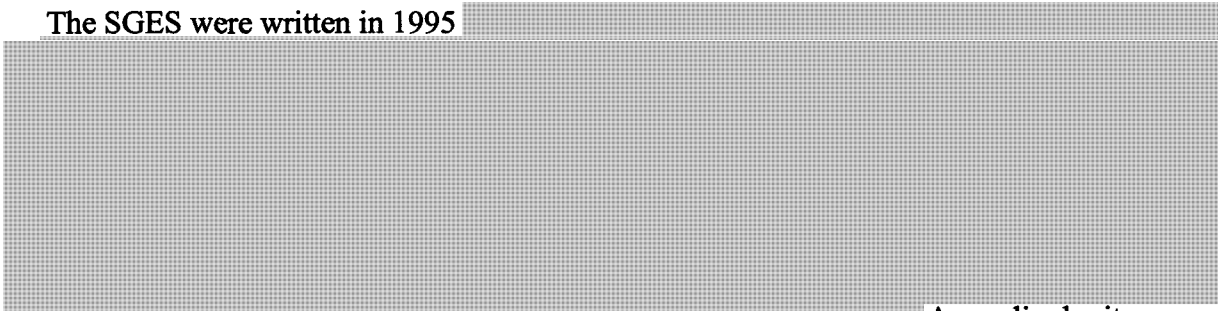
**ISSUE**

To provide background information and a technical overview of the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* (SGES).

**BACKGROUND**

In order to conduct lawful interception of telecommunications, law enforcement and national security agencies rely on the cooperation and assistance of operators of communications networks, Telecommunication Service Providers (TSP) and manufacturers of telecommunication and lawful interception equipment. It is necessary that telecommunications systems meet Canadian specifications to be technically capable of effecting authorizations to lawfully intercept communications. Accordingly the SGES were design to provide TSPs with a set of operational and technical requirements to maintain intercept capable equipment.

The SGES were written in 1995



Accordingly, it was decided that in order to maintain lawful interception capabilities, the most effective way would be by means of a condition of licence under the authority of the Minister of Industry with a requirement to abide by the SGES.

**SECRET**

In 1996, officials from Industry Canada (IC), the Royal Canadian Mounted Police (RCMP), Canadian Security Intelligence Service (CSIS) and the Department of the Solicitor General reached an agreement on the wording for a conditional clause for interception requirements to be used as part of the overall licensing process. The lawful interception condition requires TSPs with a lawful interception condition and using circuit-switched voice telephony systems to be intercept capable. Basically, the lawful interception condition of licence states that the requirements for LI are provided in the SGES. This lawful interception condition is the primary instrument for public safety agencies to compel applicable telecommunications companies to effect court authorized intercepts.

In 1998, [REDACTED]

[REDACTED] At the same time, Canadian carriers were also upgrading their networks and providing new services. In response, the SGES were revised in 2000. The only modification made to the 1995 version was to add explanatory text for each of the 23 paragraphs.

The 23 requirements that make up the SGES can be divided into two broad categories: engineering specifications and operational protocols (ANNEX A). The engineering specifications are written in plain language and look more like "basic user requirements" to be submitted to TSPs technical personnel to develop their own lawful intercept solution applicable to their network. The operational protocols provide for the non-technical and general components of the lawful interception process. Due to differences in network architecture, law enforcement and national security agencies must often work with the individual TSP to assist in implementing lawful intercept solutions.

### **CURRENT STATUS**

The availability of new technologies, along with the rapid growth of connectivity to the Internet have created serious lawful interception challenges for law enforcement and security agencies. [REDACTED]

As part of the upcoming spectrum auctions on the 700 MHz and 2500 MHz spectrum bands, PS has provided a formal public response, as well as a classified one, to IC



regarding modernize the lawful interception condition of licence to ensure that it reflects today's communication environment. Based on PS submissions, IC proposed to make the lawful intercept condition both technologically neutral and service neutral and sought feedback from stakeholders regarding this change. The public responses from TSPs was near unanimous in its opposition to the proposed changes, arguing that changes to the lawful interception regime in Canada would be more appropriately done through legislation. PS did not provide a public response to either public consultation, but

[REDACTED]

[REDACTED]

[REDACTED] however, this was not formally part of IC's public consultation. PS indicated to IC that we would be proposing [REDACTED] minor modifications to the standards [REDACTED]

The proposed changes are:

[REDACTED]

[REDACTED] Even though IC did not consult on changes to the SGES through this process, it indicated in its public consultation that PS proposes to modernize these standards and refer stakeholders to PS for further information.

### NEXT STEP

Until the passage of the lawful access legislation, the lawful interception condition of licence and the SGES are the primary tools for law enforcement and national security agencies to effect court authorized intercepts.

IC has yet to make a decision on the wording for the lawful interception condition for the 700 MHz and 2500 MHz upcoming spectrum auctions. Depending on the wording decided upon, [REDACTED]

[REDACTED]

**Page 552**

**is withheld pursuant to sections  
est retenue en vertu des articles**

**of the Access to Information  
de la Loi sur l'accès à l'information**

**Page 553**

**is withheld pursuant to sections  
est retenue en vertu des articles**

**of the Access to Information  
de la Loi sur l'accès à l'information**

7/2/2013  
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**SECRET**

DRAFT

DATE:

File No.: NS 6652  
RDIMS No: DRAGON 5273

**MEMORANDUM FOR THE DIRECTOR OF ITTP**

**PRIMER ON THE SOLICITOR GENERAL'S ENFORCEMENT STANDARDS FOR  
LAWFUL INTERCEPTION OF TELECOMMUNICATIONS**

(Information only)

**ISSUE**

To provide recommendations on whether to proceed with amendment to the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* (SGES).

**BACKGROUND**

In 1995, officials from Industry Canada (IC), the Royal Canadian Mounted Police (RCMP), Canadian Security Intelligence Service (CSIS) and the then Department of the Solicitor General agreed on a non-legislative approach for securing lawful interception capabilities through a condition of wireless licence for lawful interception (LI) requirements. The LI condition of licence requires certain Telecommunication Service Providers (TSPs) with a lawful interception condition to be intercept capable. However, the lawful interception condition of licence does not state the specific requirements, but rather to refers to a companion document, the SGES.

The SGES are a set of 23 requirements that serve as technical guide to assist telecommunications companies provide law enforcement and national security safety agencies with intercepts. These requirements range from what type of information agencies require the licence holder to provide, the technical information on how to is must be provided and security parameters and policies that must be followed. The 23 requirements that make up the SGES can be divided into two broad categories: engineering specifications and operational protocols (**ANNEX A**). The engineering specifications are high-level and written in plain language to allow TSPs latitude to develop their own LI solution compatible with their network. The operational protocols provide the non-technical and general components of the LI process, such as security policies. Due to differences in network architecture, law enforcement and national

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security agencies must often work with the individual TSP to assist in implementing lawful intercept solutions.

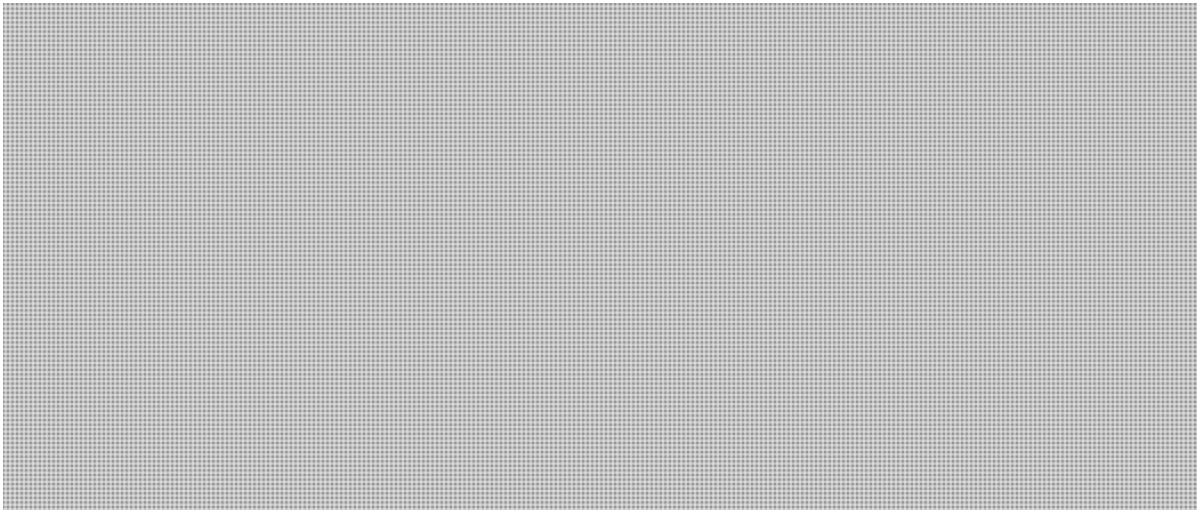
In the planning stages of the public consultation on the 700 and 2500 MHz spectrum auction,

However, IC did flag, in its public consultation, that PS was considering proposing minor modifications to the SGES.

### **CONSIDERATIONS**

Despite the rapid change in technology, the SGES have not been revised since their development in 1995. The only change was in 2000 to add some annotations to each standard to explain in greater detail each requirement. Yet, the SGES continue to be useful in outlining LI requirements and providing guidance to TSPs on how to effect interceptions for law enforcement and national security agencies.

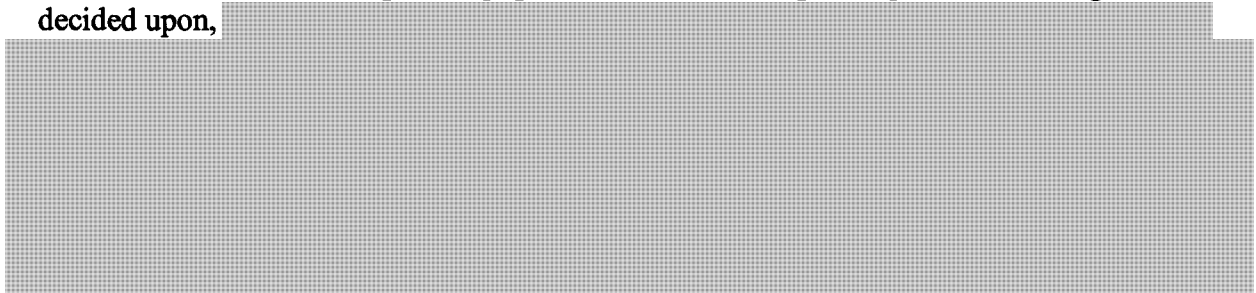
**SECRET**



**NEXT STEP**

Until the passage of the lawful access legislation, the lawful interception condition of licence and the SGES are the primary tools for law enforcement and national security agencies to effect court authorized intercepts.

IC has yet to make a decision on the wording for the lawful interception condition for the 700 MHz and 2500 MHz upcoming spectrum auctions. Depending on the wording decided upon,



# SGES - Primer "For Info"

## Issue

## Background

- > Origins
- > Intent
- > Outline Categories
  - > Categories (2)      Specs & Protocols
  - > Groups (5-7)      CAD, etc.
- > Describe Groups

Requirements  
but not standards

## Considerations

① Challenges: -> Common (?) challenges

- > [Redacted]
- > [Redacted]
- > ...
- > ...

-> Some Group Challenges (ie. challenges related to a group)

-> [Redacted]

~~XXXXXXXXXXXXXXXXXXXX~~

② Consultation -> History (background (IC Public Consultation)

- > ~~the~~ original consultation (1<sup>st</sup>)
- > More recent (2<sup>nd</sup>)

-> Chgs to SGES would likely require public consultation

MHC  
Dir ITTP

Feb 25 2014  
3:22p 000557