



**BRIEFING NOTE**  
**NOTE D'INFORMATION**

Classification: Confidential  
March 8, 2010

**MEETING WITH THE CANADIAN  
ASSOCIATION OF POLICE BOARDS, MARCH 11, 2010**

**ISSUE:**

- The Canadian Association of Police Boards (CAPB) may wish to discuss how the government intends to address a 2009 CAPB resolution calling for legislation to improve interception capability in telecommunications.

**BACKGROUND:**

- The CAPB has consistently been a strong advocate of lawful access legislation. A non-profit organization representing 75 police boards and commissions across Canada, the CAPB has been, since 1989, a national organization dedicated to excellence in police governance. In the past, it adopted a number of resolutions associated with key law enforcement issues.
- One of the 2009 CAPB resolutions requests that “the Federal Government pass legislation to amend the *Criminal Code* to require new telecommunications technologies to be intercept-capable, to inhibit intercept ‘safe havens’ and to modernize electronic intercept provisions” (**Tab A**).
- Bill C-47, the *Technical Assistance for Law Enforcement in the 21st Century Act*, was introduced during the last parliamentary session. Bill C-47 had been referred to the Standing Committee on Public Safety and National Security for study, but had not yet appeared on the Committee’s agenda when Parliament prorogued and the Bill died on the Order Paper.
- CAPB leaders are hopeful that the Government will reintroduce the legislation; police services view such legislative enhancements as integral to their ability to fight crime in an increasingly complex technological environment and may be critical of continued delays. Police services are aware that quick passage of the legislation may be difficult due to concerns expressed by privacy advocates and industry stakeholders with some parts of the Bill.
- The CAPB may also raise issues regarding the fees that are charged to various police agencies by some telephone and Internet companies for assistance in relation to interception (referred to as “operational fees”). In the past, the Canadian Association of Chiefs of Police has called for the Federal Government to pay these operational fees.

**CURRENT STATUS:**

- In the absence of legislation requiring an interception capability, the police and CSIS are facing investigative delays and gaps, as well as high costs associated with the engineering of technical solutions for telecommunications service providers that allow for interception.

- Bill C-47 was designed to address this problem by requiring telecommunications service providers to build and maintain intercept-capable networks and by ensuring that new and significantly modified technologies are intercept-capable.
- The Bill also addressed inconsistent practices across the country regarding the release of basic subscriber information (e.g., name, address, telephone number, e-mail address, Internet Protocol address, or prescribed cellular telephone identifiers) to the police, CSIS and the Competition Bureau. Today, some companies demand court orders before disclosing this information, while other companies voluntarily provide it.
- Under the regulations that were to accompany Bill C-47, reasonable compensation to service providers for their specialized telecommunications support to the police, CSIS and the Competition Bureau was envisioned. Public Safety Canada leads a Portfolio working group, which includes the RCMP, in developing the compensation scheme.

**CONSIDERATIONS:**

- Canada's law enforcement agencies have asked for tools to stay ahead of the tactics adopted by today's criminals. In the recent Speech from the Throne, the Government confirmed its commitment to introducing legislation to give police investigative powers for the 21st century.

**RECOMMENDED POSITION:**

- That you mention that this Government is committed to providing law enforcement and national security agencies with the tools they need to prevent, investigate and prosecute serious crimes, including terrorism.
- That you mention that Public Safety Canada is working to establish a fee schedule that would provide reasonable compensation to service providers for their specialized technical interception assistance and for providing basic subscriber information.
- That you emphasize the significant contributions police services have made to this initiative and that you request their continued support.




Department of Justice Ministère de la Justice  
Canada Canada

284 Wellington Street 284 rue Wellington  
Ottawa, Ontario Ottawa (Ontario)  
K1A 0H8 K1A 0H8

MEMORANDUM / NOTE DE SERVICE

Security classification -- Côte de sécurité
<b>PROTECTED – Solicitor-client privilege</b>
File number -- Numéro de dossier
9-392017
Date
July 9, 2010
Telephone / FAX -- Téléphone / Télécopieur
(613) 957-4931 / (613) 941-1937

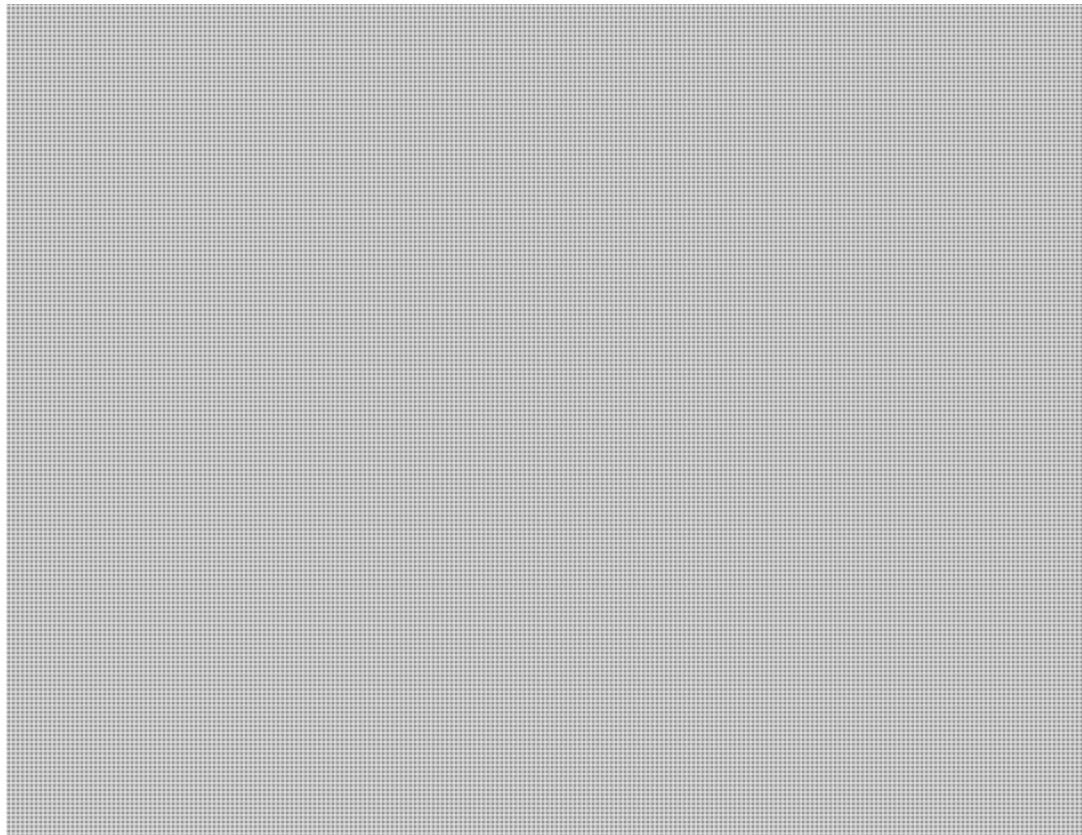
TO / DEST: Hasti Kousha, Counsel  
Public Safety Canada Legal Services

VIA:  Edward (Ted) Livingstone, Deputy Director General and General Counsel  
Constitutional and Administrative Law Section

FROM / ORIG: Karine Richer, Counsel  
Constitutional and Administrative Law Section

SUBJECT / OBJET: 

Comments/Remarques

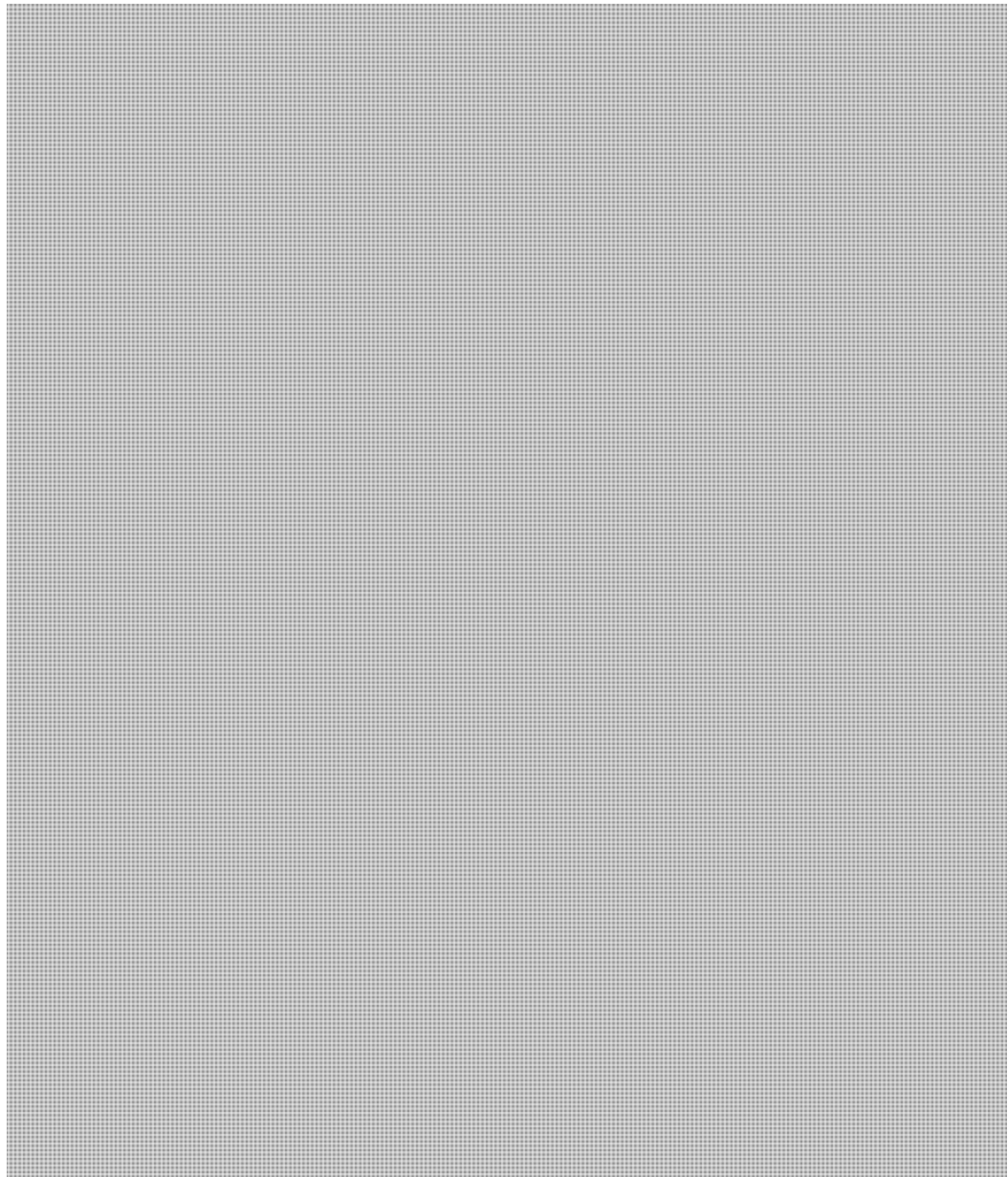


Do not write in this space / Ne pas écrire dans cet espace

**Pages 4 to / à 26  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**23**

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



I hope the foregoing analysis will be useful for your purposes. If you have any further questions, please do not hesitate to contact me.

Handwritten signature of Karine Richer in cursive script.

Karine Richer

ANNEX

*Technical Assistance for Law Enforcement in the 21st Century Act*  
(Former Bill C-47)

2. (2) Nothing in this Act derogates from any power in the *Criminal Code*, the *Canadian Security Intelligence Service Act* or the *National Defence Act* to intercept communications or to request that telecommunications service providers assist in such interceptions.

3. The purpose of this Act is to ensure that telecommunications service providers have the capability to enable national security and law enforcement agencies to exercise their authority to intercept communications and to require telecommunications service providers to provide subscriber and other information, without unreasonably impairing the privacy of individuals, the provision of telecommunications services to Canadians or the competitiveness of the Canadian telecommunications industry.

16. (1) Every telecommunications service provider shall provide a person designated under subsection (3), on his or her written request, with any information in the service provider's possession or control respecting the name, address, telephone number and electronic mail address of any subscriber to any of the service provider's telecommunications services and the Internet protocol address, mobile identification number, electronic serial number, local service provider identifier, international mobile equipment identity number, international mobile subscriber identity number and subscriber identity module card number that are associated with the subscriber's service and equipment.

(2) A designated person shall ensure that he or she makes a request under subsection (1) only in performing, as the case may be, a duty or function

- (a) of the Canadian Security Intelligence Service under the *Canadian Security Intelligence Service Act*;
- (b) of a police service, including any related to the enforcement of any laws of Canada, of a province or of a foreign jurisdiction; or
- (c) of the Commissioner of Competition under the *Competition Act*.

...

17. (1) A police officer may request a telecommunications service provider to provide the officer with the information referred to in subsection 16(1) in the following circumstances:

- (a) the officer believes on reasonable grounds that the urgency of the situation is such that the request cannot, with reasonable diligence, be made under that subsection;

- 27 -

- (b) the officer believes on reasonable grounds that the information requested is immediately necessary to prevent an unlawful act that would cause serious harm to any person or to property; and
- (c) the information directly concerns either the person who would perform the act that is likely to cause the harm or is the victim, or intended victim, of the harm.

The police officer shall inform the telecommunications service provider of his or her name, rank, badge number and the agency in which he or she is employed and state that the request is being made in exceptional circumstances and under the authority of this subsection.

(2) The telecommunications service provider shall provide the information to the police officer as if the request were made by a designated person under subsection 16(1).

...

**21.** (1) A telecommunications service provider that provides information to a person under section 16 or 17 is entitled to be paid the prescribed fee for providing the information.

(2) If the information is requested by a designated person under section 16, the fee is to be paid by the designating authority

(3) If the information is requested by a police officer under section 17, the fee is to be paid by the chief or head of the police service that employs the police officer.

**22.** Nothing in this Act derogates from any other authority under law to obtain the information referred to in subsection 16(1) from a telecommunications service provider.

**23.** Personal information, as defined in subsection 2(1) of the *Personal Information Protection and Electronic Documents Act*, that is provided under subsection 16(1) or 17(1) is deemed, for the purposes of subsections 9(2.1) to (2.4) of that Act, to be disclosed under subparagraph 7(3)(c.1)(i) or (ii), and not under paragraph 7(3)(i), of that Act. This section operates despite the other provisions of Part 1 of that Act.

**29.** (1) If the prescribed conditions are met, a telecommunications service provider that provides under this Act prescribed specialized telecommunications support to the Canadian Security Intelligence Service or a law enforcement agency is entitled, on request, to be paid an amount determined in accordance with the regulations for providing that support.

(2) The amount shall be paid by the agency that received the specialized telecommunications support.

**64. (1)** The Governor in Council may make regulations

...

(*l*) for the purposes of sections 16 and 17, respecting requests made under those sections and the provision of information under those sections, including

(i) specifying the form of that information, the manner of — and time for — providing it and the circumstances under which particular information is to be provided, and

(ii) prescribing any confidentiality or security measures with which the telecommunications service provider must comply;

...

(*o*) for the purposes of section 29, respecting requests for payment and the making of payments;

...

(*q*) prescribing anything that is to be prescribed under this Act; and

(*r*) generally, for carrying out the purposes and provisions of this Act.



***Telecommunications Act, S.C. 1993, c. 38***

**2.** (1) In this Act,

...

"telecommunications service"

«*service de télécommunication*»

"telecommunications service" means a service provided by means of telecommunications facilities and includes the provision in whole or in part of telecommunications facilities and any related equipment, whether by sale, lease or otherwise;

**7.** It is hereby affirmed that telecommunications performs an essential role in the maintenance of Canada's identity and sovereignty and that the Canadian telecommunications policy has as its objectives

- (a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;
- (b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada;
- (c) to enhance the efficiency and competitiveness, at the national and international levels, of Canadian telecommunications;
- (d) to promote the ownership and control of Canadian carriers by Canadians;
- (e) to promote the use of Canadian transmission facilities for telecommunications within Canada and between Canada and points outside Canada;
- (f) to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective;
- (g) to stimulate research and development in Canada in the field of telecommunications and to encourage innovation in the provision of telecommunications services;
- (h) to respond to the economic and social requirements of users of telecommunications services; and
- (i) to contribute to the protection of the privacy of persons.

**23.** For the purposes of this Part and Part IV, "telecommunications service" has the same meaning as in section 2 and includes any service that is incidental to the business of providing telecommunications services.

**24.** The offering and provision of any telecommunications service by a Canadian carrier are subject to any conditions imposed by the Commission or included in a tariff approved by the Commission.

**25.** (1) No Canadian carrier shall provide a telecommunications service except in accordance with a tariff filed with and approved by the Commission that specifies the rate or the maximum or minimum rate, or both, to be charged for the service.

- 30 -

**30.** In default of payment, a rate charged by a Canadian carrier in accordance with this Act for a telecommunications service constitutes a debt due to the carrier and may be recovered in a court of competent jurisdiction.

**32.** The Commission may, for the purposes of this Part,

- (a) approve the establishment of classes of telecommunications services and permit different rates to be charged for different classes of service;
- (b) determine standards in respect of the technical aspects of telecommunications applicable to telecommunications facilities operated by or connected to those of a Canadian carrier;
- (c) amend any tariff filed under section 25 or any agreement or arrangement submitted for approval under section 29;
- (d) suspend or disallow any portion of a tariff, agreement or arrangement that is in its opinion inconsistent with this Part;
- (e) substitute or require the Canadian carrier to substitute other provisions for those disallowed;
- (f) require the Canadian carrier to file another tariff, agreement or arrangement, or another portion of it, in substitution for a suspended or disallowed tariff, agreement, arrangement or portion; and
- (g) in the absence of any applicable provision in this Part, determine any matter and make any order relating to the rates, tariffs or telecommunications services of Canadian carriers.

***Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5***

Disclosure without knowledge or consent

7. (3) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may disclose personal information without the knowledge or consent of the individual only if the disclosure is

(a) made to, in the Province of Quebec, an advocate or notary or, in any other province, a barrister or solicitor who is representing the organization;

(b) for the purpose of collecting a debt owed by the individual to the organization;

(c) required to comply with a subpoena or warrant issued or an order made by a court, person or body with jurisdiction to compel the production of information, or to comply with rules of court relating to the production of records;

(c.1) made to a government institution or part of a government institution that has made a request for the information, identified its lawful authority to obtain the information and indicated that

(i) it suspects that the information relates to national security, the defence of Canada or the conduct of international affairs,

(ii) the disclosure is requested for the purpose of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out an investigation relating to the enforcement of any such law or gathering intelligence for the purpose of enforcing any such law, or

(iii) the disclosure is requested for the purpose of administering any law of Canada or a province;

(c.2) made to the government institution mentioned in section 7 of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* as required by that section;

\* (c.2) made to the government institution mentioned in section 7 of the *Proceeds of Crime (Money Laundering) Act* as required by that section;

\* [Note: Paragraph 7(3)(c.2), as enacted by paragraph 97(1)(a) of chapter 17 of the Statutes of Canada, 2000, will be repealed at a later date.]

(d) made on the initiative of the organization to an investigative body, a government institution or a part of a government institution and the organization

(i) has reasonable grounds to believe that the information relates to a breach of an agreement or a contravention of the laws of Canada, a province or a foreign jurisdiction that has been, is being or is about to be committed, or

- 32 -

(ii) suspects that the information relates to national security, the defence of Canada or the conduct of international affairs;

(e) made to a person who needs the information because of an emergency that threatens the life, health or security of an individual and, if the individual whom the information is about is alive, the organization informs that individual in writing without delay of the disclosure;

(f) for statistical, or scholarly study or research, purposes that cannot be achieved without disclosing the information, it is impracticable to obtain consent and the organization informs the Commissioner of the disclosure before the information is disclosed;

(g) made to an institution whose functions include the conservation of records of historic or archival importance, and the disclosure is made for the purpose of such conservation;

(h) made after the earlier of

(i) one hundred years after the record containing the information was created, and

(ii) twenty years after the death of the individual whom the information is about;

(h.1) of information that is publicly available and is specified by the regulations;

(h.2) made by an investigative body and the disclosure is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province; or

(i) required by law.



Public Safety Canada  
Sécurité publique Canada  
Deputy Minister / Sous-ministre  
Ottawa, Canada  
K1A 0P8

(inside folder)

\*original document\*  
(was not stapled)

**CONFIDENTIAL**

DATE: JUL 16 2010

File No. 6950-1 /372162

**MEMORANDUM FOR THE MINISTER**

**REQUEST BY THE CANADIAN WIRELESS TELECOMMUNICATIONS ASSOCIATION TO CONVENE A TECHNICAL FORUM ON LAWFUL ACCESS**

(For Information)

**ISSUE**

The Canadian Wireless Telecommunications Association (CWTA) has suggested that the Government convene a technical forum in early fall 2010 to discuss technical standards associated with a potential lawful access legislation.

**BACKGROUND**

The CWTA represents several Canadian companies offering wireless telecommunications services and products. The Association's primary role is to represent the wireless industry's interests before the Government and various regulatory agencies.

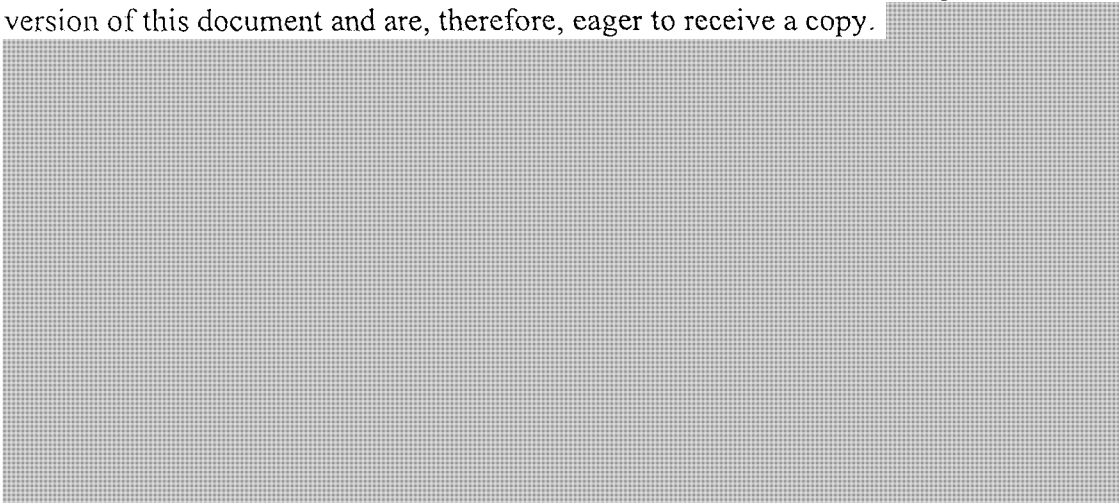
Throughout the development of the lawful access legislation, the Government consulted extensively with key stakeholders, including the CWTA. These consultations were taken into consideration during the drafting of the former Bill C-47 (*Technical Assistance for Law Enforcement in the 21st Century Act*). Former Bill C-47, introduced in the House of Commons on June 18, 2009, died on the Order Paper when Parliament was prorogued in December 2009.

The intent of former Bill C-47 was not to impose new Canadian technical standards on the Industry, but to ensure that telecommunications service providers put in place and maintain capabilities that would allow the legal interception of telecommunications. As such, the Bill defined obligations for telecommunications service providers in technology-neutral terms. Taking into account the fact that telecommunications networks require a certain amount of lead time for any design changes, the Bill also allocated 18 months to comply with new requirements. Should the legislation be reintroduced in Parliament, it is envisioned that these requirements would be defined in greater detail in regulations.

Public Safety Canada has been working with Portfolio agencies and the Competition Bureau to develop both detailed regulations and a high-level *Lawful Access Regulations Policy Document*. While the policy document is nearly finalized and should be ready for approval in the fall, further consultations with Portfolio agencies is required to clearly define technical requirements in the regulations that will meet the needs of law enforcement agencies and the Canadian Security Intelligence Service.

CONSIDERATIONS

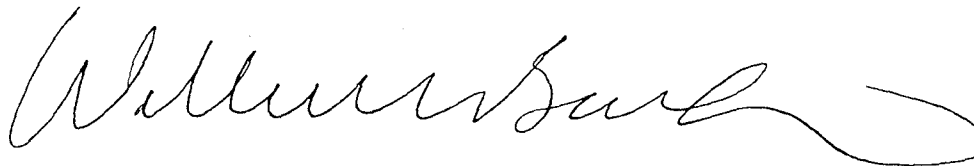
Telecommunications service providers would like to contribute to shaping the technical requirements related to lawful access. As a previous iteration of the regulations policy document was made public in 2005, service providers are expecting that more details on these requirements will be provided through a revised version of this document and are, therefore, eager to receive a copy.



RECOMMENDATION



Should you require additional information, please do not hesitate to contact me or Lynda Clairmont, Assistant Deputy Minister, Emergency Management and National Security Branch, at 613-990-4976.



William V. Baker

s.21(1)(a)

August 2010

## **Backgrounder - Operational Fees and Bill C-47 Proposals for Compensation**

### **1.0 Types of Law Enforcement/National Security (LE/NS) Operational Fees**

- Telephone companies have been charging LE/NS agencies fees for the assistance they provide to the agencies related to interceptions for over 25 years.
- The LE/NS agencies refer to these fees, collectively, as “operational fees”.
- Some of the operational fees are regulated through CRTC tariffs. Others are unregulated and are set unilaterally by each service provider.
- Three types of operational fees exist today: look-up fees, hook-up fees, and charges for haulback.

#### **1.1 Look-Up**

- “Look-up” means the provision by a service provider of Customer Name and Address (CNA) information when presented with a telephone number (or the reverse look-up of a telephone number when presented with CNA). In addition, the provision of Local Service Provider Identification (LSPID), in the realm of telephony, has been closely associated with “look-up”. Before a phone company can be asked to provide CNA, the agencies need to identify the service provider for that number. There is a centralized source to obtain LSPID and it charges a fee to identify the service provider in question. In the absence of an LSPID service, the only way in which the agencies can obtain this information is through the time-consuming process of contacting each local carrier directly. LE/NS agencies also request CNA from Internet Service Providers (ISP) but to date the ISPs are not charging for providing this information to police.
- “Look-up” fees are regulated for certain telephone service providers but not for any Internet Service Providers.

#### **1.2 Hook-Up**

- “Hook-up” means the provision by a service provider of the means to effect the lawfully authorized electronic surveillance of the private communication of a designated subject (i.e., a “wiretap”). It may also extend to the connection of a dial number recorder (DNR) or the switch-based access of call-identifying information. It may further extend to the connection of a device to an ISP’s network to obtain the private communication of a designated subject or to obtain the traffic data associated with a designated subject’s use of Internet services.

- “Hook-up” charges are regulated only for *SaskTel*<sup>1</sup>. The majority are unregulated and handled through contracts with the LE/NS agencies.

### **1.3 Haulback**

- “Haulback” means the carriage service that transports the interception product from an Interception Access Point (i.e., telecommunications service provider facility) to the law enforcement agency collection or monitoring facility. It is worthwhile noting that haulback fees are directly related to the distance in kilometres that the interception product must travel and the volume of the product. It is also related to the type of interface provided by the service provider and its associated cost (e.g., copper lines versus fibre).
- Since the LE/NS agencies would continue to pay tariffed rates set by the CRTC for the carriage or transport of intercepted information to their facilities, no further discussion of haulback fees is necessary for purposes of this Backgrounder.

### **2.0 Key CRTC Decisions**

- There have been several relevant CRTC decisions related to operational fees.

#### **2.1 LEA Services, including Look-Up**

- Telecom Public Notice CRTC 99-10 (extended and renamed on August 4, 1999 as Public Notice 99-17), was initiated to address a tariff filing by Telus Communications Inc. for a “LEA Service” in Alberta. This was actually an application for a tariff for a basket of services and assistance: two variations of “look-up” (confidential and non-confidential), services and assistance pursuant to orders under s.492.2, information provided pursuant to search warrants, and hook-ups pursuant to Part VI. From the perspective of the Department of Justice, as stated in the written submission, there were two broad matters at issue: first, whether fees should be charged to LEAs by TSPs in relation to services arising from court orders; second, whether fees should be charged to LEAs by TSPs in relation to requests for non-confidential customer information without a court order.
- On July 21, 2000, the CRTC rendered a decision (CRTC Order 2000-676) in which it denied Telus’ proposed tariff. With respect to assistance rendered pursuant to a court order, the Commission ruled there is no compelling telecommunications policy reason for it to assume jurisdiction. In this regard the Commission appeared to be acknowledging a point raised by many parties, namely, that the CRTC did not have the jurisdiction to approve a tariff associated with court-ordered assistance.

---

<sup>1</sup> See CRTC, Order 2000-64 (Ottawa:29 June 2000). Note: later in the Backgrounder the SaskTel situation will be explained.



“In the absence of a compelling policy rationale for regulation of the activities in question under the [Telecommunications] Act, the Commission finds that the aspects of the proposed LEA service that are mandated by court orders are not telecommunications services within the meaning of the Act. The trigger for the activities in question is ultimately community interest in crime detection and prevention. The need for ‘services’ from the telephone company is ancillary to this overriding objective. When taking into account the object and purpose of both the *Telecommunications Act* as a whole and the *Criminal Code* (pursuant to which the activities in question are mandated), the telecommunications aspect of the activities in question is ancillary to the main character, which is crime detection, crime prevention and law enforcement. In the circumstances, the Commission considers that compensation for compliance with court orders, notwithstanding the ancillary involvement of telecommunications, is best dealt with by the courts.” (para.12)

“If there is a concern that the current regime (where compensation for compliance with court orders is left to the discretion of the courts) is not appropriate given the potentially mounting costs, it is open to Parliament to address the issue explicitly through legislative amendments.” (para. 13)

- The Commission’s decision not to assert its jurisdiction with respect to court-ordered ‘services’ meant that the question of operational fees with respect to the “look-up” of confidential customer information remained essentially unresolved. Consequently, in this respect the result was that Telus continued to bill for such services and LE/NS agencies continued to pay.
- In light of Order 2000-676, in a letter dated July 28, 2000, the Commission gave Bell Canada an opportunity to show cause why the CNA service (Item 2175) of its General Tariff should not be revoked. This issue was addressed in Telecom Decision CRTC 2002-52 (August 30, 2002). In the course of its analysis, the Commission characterized Order 2000-676 as being “focused on the disclosure of confidential information pursuant to a court order” and decided that consistent with Order 2000-676, the Commission would continue to refrain from exerting jurisdiction in such matters. Bell was required to remove the provision of confidential information to LEAs from tariff item 2175. On the other hand:

“The Commission agrees that warrantless access to non-confidential reverse directory information is an important and indispensable source of information for police investigations and inquiries. Given that the information in question is non-confidential, the Commission is of the view that, on balance, the value of non-confidential reverse directory information in the performance of their duties outweighs the privacy concerns in providing the information.” (para. 17)

“With respect to the provision of confidential information pursuant to Item 2175, the Commission finds, consistent with its finding in Order 2000-676, that there is no compelling telecommunications policy reason for it to assume jurisdiction over the

provision of confidential information to LEAs pursuant to a warrant or other judicial authorization. In the absence of a compelling policy rationale for the regulation of these activities under the [Telecommunications] Act, the Commission also finds that this aspect of the service is not a telecommunications service within the meaning of the Act.” (para. 18)

- Consequently, the CRTC concluded that it would not revoke Item 2175 of Bell’s General Tariff as far as the “look-up” of non-confidential information was concerned.

## 2.2 LSPID Service

- The Commission rendered a decision (CRTC 2001-279) granting the introduction of Bell Canada’s tariffed national Local Service Provider Identification (LSPID) service. Under this service, LE/NS agencies can, under certain conditions, contact Bell Corporate Security via electronic file transfer, fax or phone to request LSPID information. Bell official would then find the service provider information through queries to a database.
- Bell Canada's LSPID service provides the name of the telecommunication service carrier that is servicing the queried phone number. This LSPID service has access to LSPID information from across Canada for wireline, wireless and pager numbers, whether published, unpublished or unlisted. It should be noted that the LSPID service does not provide CNA information, even if it is Bell who is identified as the servicing company. Consequently, the second stage is for the LE/NS agencies to contact the security department to which the LSPID points and obtain the CNA. This may or may not require a warrant as there is no standardized practice across the country at present. For example, Telus requires a court order in Alberta before the information will be made available to these agencies; whereas in other provinces no warrant is required but service providers will provide the CNA information for a fee.
- It should be noted that the methods for accessing LSPID/CNA apply to telephony only. The “look-up” provisions for wireline telephony have been subject to extensive regulatory scrutiny over the past several years. The “look-up” charges with respect to wireless have not been subject to regulation and have been paid on the basis of informal arrangements or contractual relations between specific LE/NS agencies and specific wireless providers. With respect to the Internet, there is no system in place for accessing the Internet-equivalent of “LSPID” or CNA information. All such requests seem to be conducted on a case-by-case basis.
- In a letter dated February 12, 2003, the Canadian Associate of Chiefs of Police (CACP) LAES Committee requested the CRTC to clarify Telecom Decision CRTC 2002-52. CACP LAES wanted to know whether or not it was the intent of the Commission to take away the ability of the companies to tariff for the provision of all CNA, both confidential and non-confidential, provided to a LE/NS agencies pursuant to a warrant or other judicial authorization such as a call records production order.

- The CRTC responded in a letter dated July 23, 2003, by stating that:

“The question of the provision of non-confidential information pursuant to a warrant or other judicial authorization was not before the Commission in the proceeding that led to Decision 2002-52. Consequently, the issue was not addressed by the Commission.”

“However, Commission staff considers that the provision of non-confidential information pursuant to a search warrant or other judicial authorization would also not be a telecommunications service within the meaning of the Act.”

### 2.3 “Hook-Up” Service

- Over the past 25 years, telecommunication networks and technology has evolved to the extent that LE/NS agencies cannot set up and carry out intercepts without technical assistance from service providers. As a result, LE/NS agencies have been paying service providers to carry out this work, generally by way of contracts (written, verbal or implied). With the exception of SaskTel, “hook-up” charges are unregulated and are therefore more problematic than “look-up” or haulback charges which are subject to CRTC tariffs.
- Prior to 2000, SaskTel was provincially regulated. SaskTel came under CRTC regulation in 2000 and the CRTC approved the General Tariff Basic Service Item 110.16 in June 2000.<sup>2</sup> Item 110.16 includes Direct Customer Access (essentially the “look-up” of confidential and non-confidential customer name and address information and the production of other confidential customer information pursuant to a court order) as well as Wiretap Services (essentially the set up and take down of wireline and wireless intercepts, as well as certain labour charges).
- SaskTel is the only case of CRTC tariffs for “hook-up”, namely: \$200 for a wireline tap, and \$850 activation fee plus \$200/month for a wireless tap. Those rates were consistent with the amounts that were typically being charged by TSPs in the 1990s.
- The Commission’s decision not to assert its jurisdiction with respect to court-ordered services, except in the case of SaskTel, has meant that, with the exception of SaskTel, the TSPs who charge LE/NS agencies operational fees are doing so by way of contract and invoices for CSIS and by way of invoices (implied contract) for police agencies, and outside the scope of regulatory or other statutory controls. Unfortunately, given that there is no regulatory control over those “hook-up” fees, LE/NS agencies cannot ensure that the amounts are reasonable.

---

<sup>2</sup> Telecom Order CRTC 2000-604, 29 June 2000.

- [REDACTED]

## 2.4 Status of LE/NS agencies Look-Up and Hook-Up Payment Practices

- For the most part, LE/NS agencies pay service providers for “look-up” and “hook-up.” There are however, some exceptions where fees are not paid. For instance:

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

- Among those LE agencies no longer paying service providers for hook-up, [REDACTED]

## 3.0 Supreme Court of Canada and *Tele-Mobile*

- The *Tele-Mobile* (a.k.a. Telus Mobility) decision, rendered by the Supreme Court in 2008, does not pertain to interception, “look-up” or “hook-up” and does not pertain to CRTC tariffs. Nonetheless, the criminal law policy principles emanating from the decision are pertinent to the compensation scheme currently being formulated under *Technical Assistance for Law Enforcement in the 21<sup>st</sup> Century Act*.
- The issue for the SCC was whether Telus could receive compensation for the costs it incurred in complying with production orders to produce information for police related to two criminal investigations.
- Relevant principles in *Tele-Mobile* include:
  - In criminal matters, citizens (including 3rd parties) have a duty to assist the Crown with the administration of justice but compensation is not ordinarily available for the expenses they incur in assisting the Crown; and,
  - If Parliament intends for a 3rd party to receive compensation for expenses incurred assisting the Crown with the administration of justice, the entitlement to receive such compensation must be explicitly set out in legislation.

#### 4.0 Compensation Provisions in former *Bill C-47* (TALEA)

- The *Technical Assistance for Law Enforcement in the 21<sup>st</sup> Century Act* (TALEA) was designed to address TSPs “look-up” and “hook-up” charges by providing for new statutory forms of compensation. The intent was that these new forms of compensation would supersede both unregulated and tariffed “look-up” and “hook-up” charges.
- Haulback charges would be left alone as LEAs would continue to pay tariffed rates set by the CRTC.
- TALEA expressly provides for TSP compensation in relation to providing subscriber information (clause 21) and for the specialized telecommunications support that TSPs furnish in relation to provisioning interceptions (clause 29), as follows:

21. (1) A telecommunications service provider that provides information to a person under section 16 or 17 is entitled to be paid the prescribed fee for providing the information.

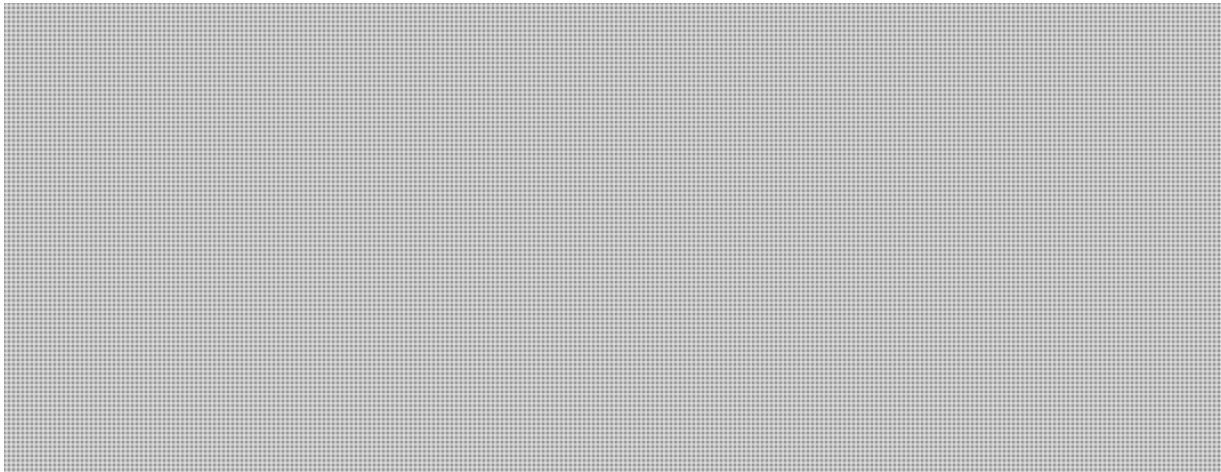
(2) If the information is requested by a designated person under section 16, the fee is to be paid by the designating authority.

(3) If the information is requested by a police officer under section 17, the fee is to be paid by the chief or head of the police service that employs the police officer.

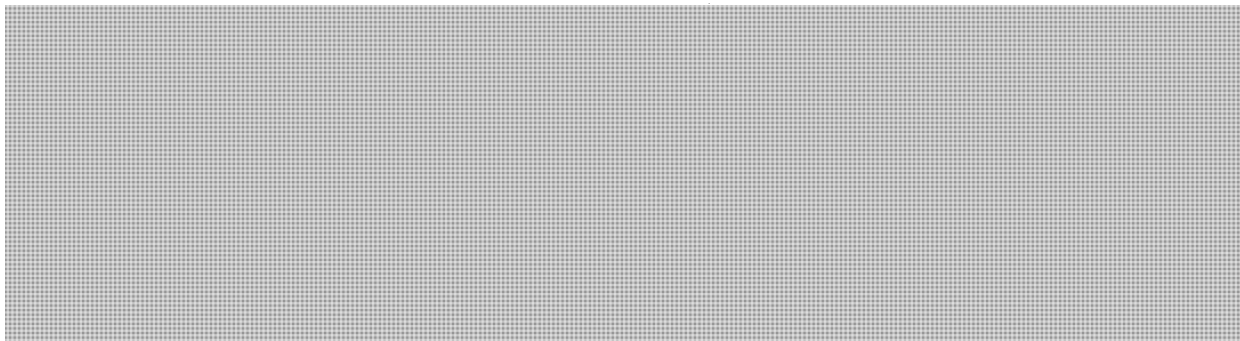
29. (1) If the prescribed conditions are met, a telecommunications service provider that provides under this Act prescribed specialized telecommunications support to the Canadian Security Intelligence Service or a law enforcement agency is entitled, on request, to be paid an amount determined in accordance with the regulations for providing that support.

(2) The amount shall be paid by the agency that received the specialized telecommunications support.

#### 5.0 Summary of Proposed Section 29 Public Safety Compensation Scheme

- 
-

s.21(1)(a)



**Comparison Chart**

	<b>Intercept Hook-Up</b> CC Part VI &/or CC s. 492.2(1)	<b>Court Ordered Search / Production of Information</b>	<b>Voluntary* Look-Up / Production of CNA Information / PIPEDA</b>	<b>Statutorily-required Provision of CNA Information</b>
Legal basis to <u>compel</u> 3 <sup>rd</sup> party assistance with CC order	CC s. 487.02 assistance order	CC s. 487.012 & 487.013 production orders; CC s. 487 search warrant plus CC s. 487.02 assistance order; CC s. 492.2(2) call records production order plus CC s. 487.02 assistance order	None	Bill C-47 – TSPs would be required on request to provide name, address & other identifying info
Legal basis for 3 <sup>rd</sup> party to seek payment under CC	None - TM para 59: in absence of specific provision to permit recovery of costs, compensation is not ordinarily recoverable in criminal matters	None - TM para 59: in absence of specific provision to permit recovery of costs, compensation is not ordinarily recoverable in criminal matters; TM para 42 & 59: judge cannot order compensation for compliance with production order, absent express wording in CC	None	N/A
Legal basis for 3 <sup>rd</sup> party to seek payment under another federal statute	Bill C-47 - if TSP meets conditions and makes request, TSP would be entitled to be paid amount determined in accordance with regulations for providing <u>specialized telecommunications support</u>	None	<i>Telecommunications Act</i> & CRTC tariffs (for Bell, Telus and SaskTel); none approved for other telcos or for ISPs. CCAICE agreed ISP members would not charge for IP address related CNA requested with ICE LERs	Bill C-47 – TSPs would be entitled to be paid a <u>prescribed fee</u> for providing the info (regardless whether confidential or non-confidential and regardless if purpose is for criminal investigation or general policing duty)

\* Voluntary = absent a judicial process (e.g. warrant or court order) or an express statutory obligation compelling production of the information.

Grey shading means proposed / suggested – not in effect

CCAICE = Canadian Coalition Against Internet Child Exploitation (Bell, Rogers, Telus, RCMP, Cybertip.ca)

ICE LERs = Internet child exploitation law enforcement voluntary disclosure requests

TM = Tele-Mobile 2008 SCC ruling

**Page 45**

**is withheld pursuant to section  
est retenue en vertu de l'article**

**21(1)(a)**

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



**BRIEFING NOTE**  
**NOTE D'INFORMATION**

Classification: Unclassified

Date: August 10, 2010

**THE CANADIAN ASSOCIATION OF POLICE BOARDS**  
**ANNUAL CONFERENCE:**  
**LAWFUL ACCESS**

**ISSUE:**

The Canadian Association of Police Boards may wish to discuss Lawful Access legislation.

**BACKGROUND:**

Lawful Access refers to the lawful interception of telecommunications, and the search and seizure of digital evidence and electronic data. The legislative authorities to conduct these activities, which are found in Part VI and Part XV of the *Criminal Code*, need to be updated in order to remain relevant and responsive to a modern communications environment and law enforcement's investigative needs. As well, in the absence of legislation compelling Telecommunications Service Providers (TSPs) to develop and maintain intercept-capable networks, the police and the Canadian Security Intelligence Service (CSIS) are often facing investigative delays and gaps, as well as high costs associated with the development of case-by-case technical solutions for interceptions.

To address these challenges, in 2009 the Government introduced three Lawful Access-related Bills. In May 2009, the Minister of Justice introduced former Bill C-31 (*An Act to amend the Criminal Code, the Corruption of Foreign Public Officials Act and the Identification of Criminals Act and to make a consequential amendment to another Act*). Former Bill C-31 contained, among other provisions, *Criminal Code* amendments allowing wiretap without warrants in exceptional circumstances. The Bill had been referred to the Legislative Committee for study when Parliament prorogued in December 2009.

In June 2009, the Ministers of Justice and Public Safety introduced former Bills C-46 (*Investigative Powers for the 21<sup>st</sup> Century Act*) and C-47 (*Technical Assistance for Law Enforcement in the 21<sup>st</sup> Century Act*), respectively. Former Bill C-46 would have amended the *Criminal Code* to better address cybercrime and crimes committed using new technologies, while former Bill C-47 would have compelled TSPs to build and maintain intercept-capable networks, and would have required them to supply basic subscriber information (e.g. name, address, telephone number, e-mail address, Internet Protocol address, and prescribed cellular telephone identifiers) to designated police, CSIS and Competition Bureau officials, upon request. Both Bills had been referred to the Standing Committee on Public Safety and National Security for study, but had not yet appeared on the Committee's agenda, before prorogation.

The Canadian Association of Police Boards (CAPB) has been advocating for Lawful Access legislation for many years. A 2009 CAPB resolution called on the Government to "pass legislation to amend the *Criminal Code* to require new telecommunications technologies to be intercept-capable, to inhibit intercept 'safe havens' and to modernize electronic intercept provisions." It is expected that the CAPB will be critical of the fact that Lawful Access legislation has not been reintroduced.



The Association might also raise the issue of fees charged by most TSPs for interceptions (referred to as “operational fees”). Specifically, operational fees consist of payment to TSPs for assisting with the implementation of an intercept and for providing basic subscriber information. While former Bill C-47 stipulated that TSPs were entitled to receive compensation for providing basic subscriber information and specialized telecommunications support for interception, there is currently no set amounts for these services.

**CURRENT STATUS:**

In preparation for the potential reintroduction of Lawful Access legislation, Public Safety Canada (PS) is working with Portfolio agencies to develop the regulations that would accompany the Act. The regulations, on which stakeholders from outside the federal government have not yet been consulted, clearly lay out how the legislation would be implemented and include a fee schedule for operational fees. The Department of Justice conducted similar work in preparation for potential reintroduction of former Bills C-31 and C-46.

**CONSIDERATIONS:**

The police and CSIS are increasingly faced with interception challenges as technology continues to evolve. In the current legislative framework, addressing these challenges requires that the police and CSIS cooperate with TSPs to develop intercept solutions. As such, it is crucial that Canadian law enforcement agencies and CSIS maintain effective relationships with the telecommunications industry.

**RECOMMENDED POSITION:**

It is recommended that you mention that the Government is committed to providing the police and CSIS with the tools they need to fulfill their respective mandates.

It is also recommended that you mention that PS is working to develop a fee schedule that, should former Bill C-47 be reintroduced and receive Royal Assent, would be fair for all parties involved.



**BRIEFING NOTE**  
**NOTE D'INFORMATION**

Classification: Unclassified

Date: September 15, 2010

**THE CANADIAN ASSOCIATION OF CHIEFS OF POLICE**  
**LAWFUL ACCESS**

**ISSUE:**

The Canadian Association of Chiefs of Police (CACP) may wish to discuss Lawful Access legislation.

**BACKGROUND:**

Lawful Access refers to the lawful interception of telecommunications, and the search and seizure of digital evidence and electronic data. The legislative authorities to conduct these activities, which are found in Part VI and Part XV of the *Criminal Code*, need to be updated in order to remain relevant and responsive to a modern communications environment and law enforcement's investigative needs. As well, in the absence of legislation compelling Telecommunications Service Providers (TSPs) to develop and maintain intercept-capable networks, the police and the Canadian Security Intelligence Service (CSIS) are often facing investigative delays and gaps, as well as high costs associated with the development of case-by-case technical solutions for interceptions.

To address these challenges, in 2009 the Government introduced three Lawful Access-related Bills. In May 2009, the Minister of Justice introduced former Bill C-31 (*An Act to amend the Criminal Code, the Corruption of Foreign Public Officials Act and the Identification of Criminals Act and to make a consequential amendment to another Act*). Former Bill C-31 contained, among other provisions, *Criminal Code* amendments to maintain the constitutionality of allowing wiretap without warrants in exceptional circumstances. The Bill had been referred to the Legislative Committee for study when Parliament prorogued in December 2009.

In June 2009, the Ministers of Justice and Public Safety introduced former Bills C-46 (*Investigative Powers for the 21<sup>st</sup> Century Act*) and C-47 (*Technical Assistance for Law Enforcement in the 21<sup>st</sup> Century Act*), respectively. Former Bill C-46 would have amended the *Criminal Code* to better address cybercrime and crimes committed using new technologies, while former Bill C-47 would have compelled TSPs to build and maintain intercept-capable networks, and would have required them to supply basic subscriber information (e.g. name, address, telephone number, e-mail address, Internet Protocol address, and prescribed cellular telephone identifiers) to designated police, CSIS and Competition Bureau officials, upon request. Both Bills had been referred to the Standing Committee on Public Safety and National Security for study, but had not yet appeared on the Committee's agenda, before prorogation.

The CACP has been advocating for Lawful Access legislation for many years and stated last year that current legislation is "inadequate to allow efficient and effective lawful access to current and emerging data communications services in Canada." It is expected that the CACP will be critical of the fact that Lawful Access legislation has not been reintroduced.

The Association might also raise the issue of fees charged by most TSPs for assistance (referred

to as “operational fees”). Specifically, operational fees consist of payment to TSPs for assisting with the implementation of an intercept (“hook-up”) and for providing basic subscriber information (“look-up”). While former Bill C-47 stipulated that TSPs were entitled to receive compensation for providing basic subscriber information and specialized telecommunications support for interception, there is currently no set amounts for these services.

### **CURRENT STATUS:**

In preparation for the potential reintroduction of Lawful Access legislation, Public Safety Canada (PS) is working with Portfolio agencies to develop the regulations that would accompany the Act. The issue of operational fees is being addressed through this work, on which stakeholders from outside the federal government have not yet been consulted.

In the past, however, the CACP has publicly stated that authorities should not be required to pay TSPs for complying with court orders (i.e. “hook-up”). Nevertheless, most police services, as well as CSIS, do pay “hook-up” fees and have been doing so for many years. In 2009, while maintaining that “an arbitrary, non-negotiable fee with respect to the execution of a court order brings the administration of justice into disrepute,” the CACP proposed to PS officials the following three options to address the issue of “hook-up” costs:

- The Government could provide tax credits to TSPs;
- TSPs could establish a public safety tariff that would appear on customer invoices; or,
- The Government could provide a federal funding pool from which the costs incurred by TSPs could be recovered.

These options were considered in the past and were rejected by central agencies, PS officials and TSPs for many reasons, including a reduction in revenue for the Government, security concerns resulting from the sharing of intercept-related information with the Canada Revenue Agency, and intergovernmental and jurisdictional issues.

### **CONSIDERATIONS:**

The police and CSIS are increasingly faced with interception challenges as technology continues to evolve. In the current legislative framework, addressing these challenges requires that the police and CSIS cooperate with TSPs to develop intercept solutions. As such, it is crucial that Canadian law enforcement agencies and CSIS maintain effective relationships with the telecommunications industry.

**RECOMMENDED POSITION:**

It is recommended that you mention that the Government is committed to providing the police and CSIS with the tools they need to fulfill their respective mandates.

It is also recommended that you mention that, as per Government direction, PS is working to develop a fee schedule that, should former Bill C-47 be reintroduced and receive Royal Assent, would be fair for all parties involved.



**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

**Protected B | Protégé B**

Solicitor-Client privilege | Secret professionnel de l'avocat

File number -- Numéro de dossier

10037-2

Date

2010-10-19

Telephone / FAX -- Téléphone / Télécopieur

991-4364

**MEMORANDUM / NOTE DE SERVICE**

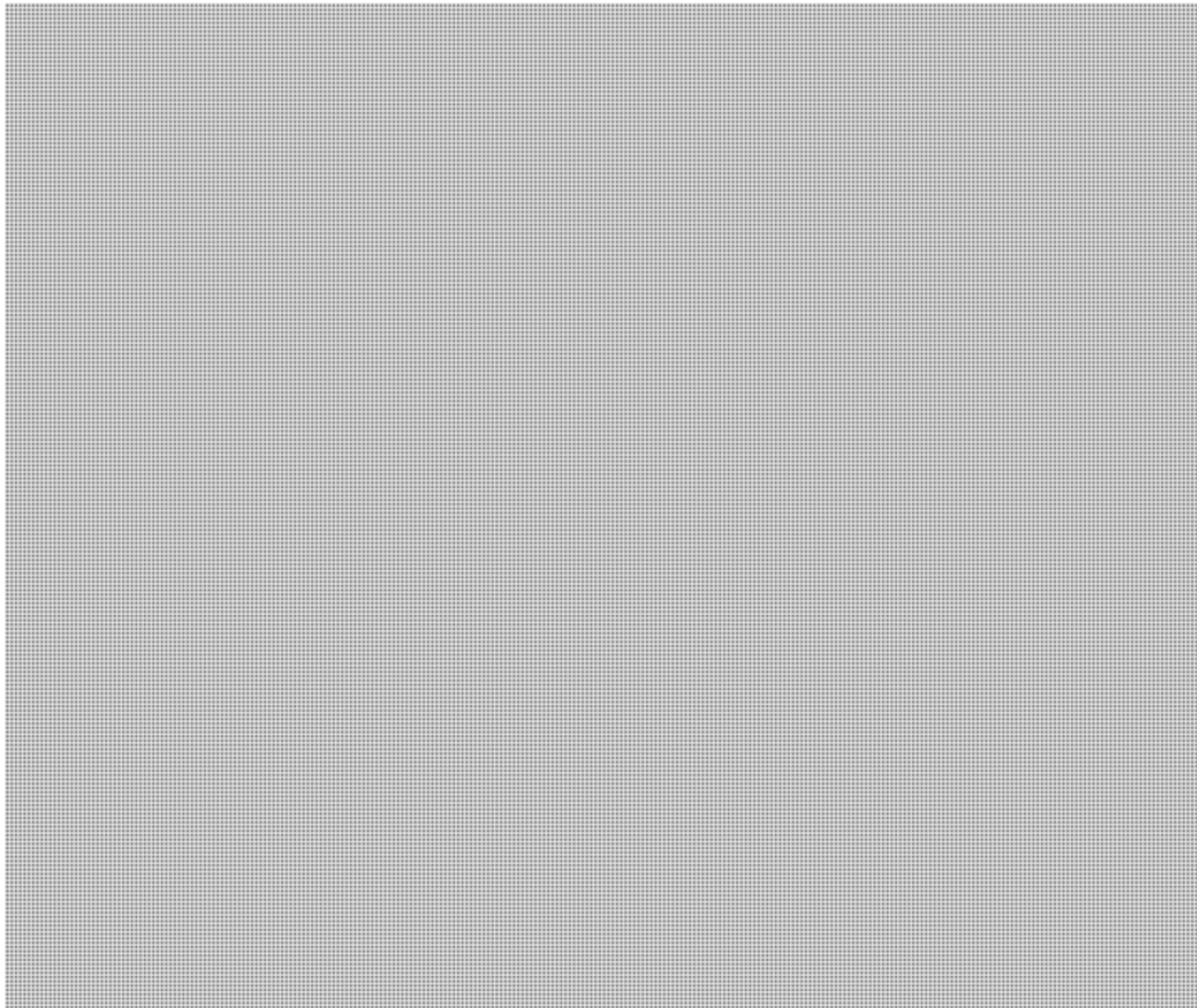
**TO / DEST:** Marie-Hélène Chayer, Director, National Security Technology,  
Public Safety

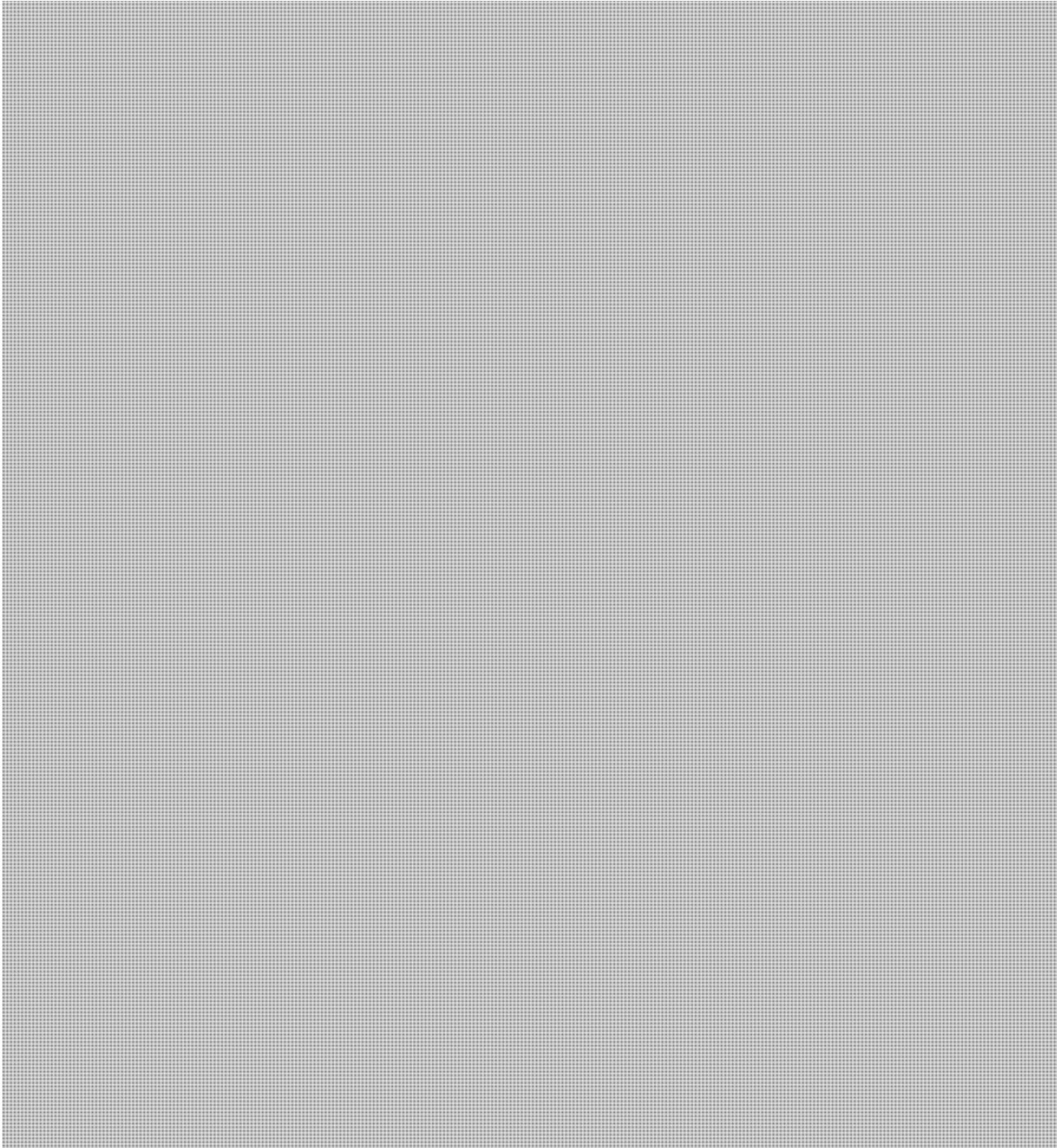
**FROM / ORIG:** Claude Pilon, Counsel, Public Safety Legal Services  
Hasti Kousha, Counsel, Public Safety Legal Services

**SUBJECT /  
OBJET:**



Comments/Remarques





We trust that we have answered your questions. Please feel free to contact us should you need further assistance.

Claude Pilon  
Hasti Kousha

cc. Paul Shuttle

---



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 classification

**Protected B | Protégé B**

Solicitor-Client privilege | Secret professionnel de l'avocat

File number -- Numéro de dossier

10037-2

Date

2010-10-21

Telephone / FAX -- Téléphone / Télécopieur

991-4364

MEMORANDUM / NOTE DE SERVICE

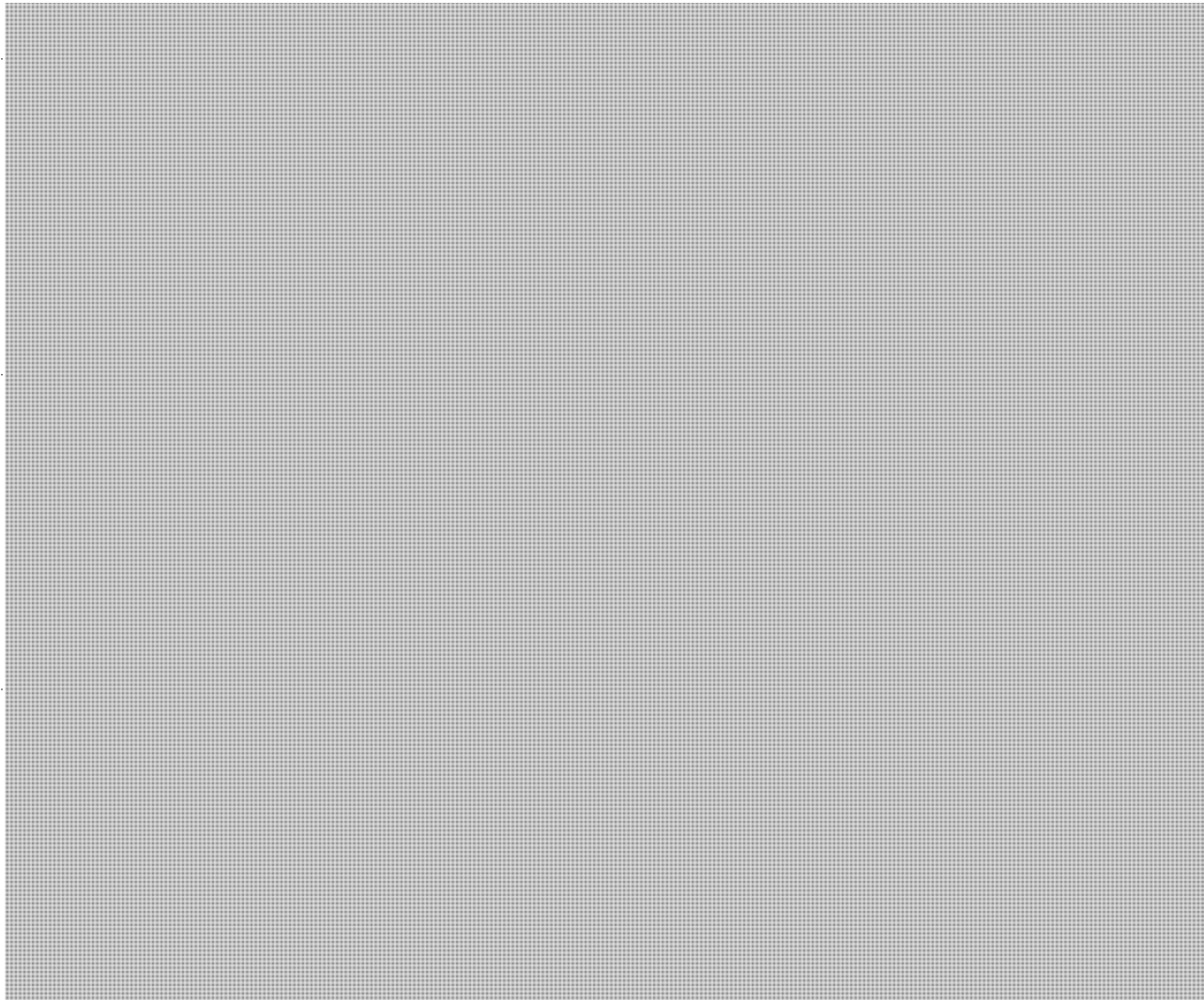
TO / DEST: Marie-Hélène Chayer, Director, National Security Technology,  
Public Safety

FROM / ORIG: Claude Pilon, Counsel, Public Safety Legal Services  
Hasti Kousha, Counsel, Public Safety Legal Services

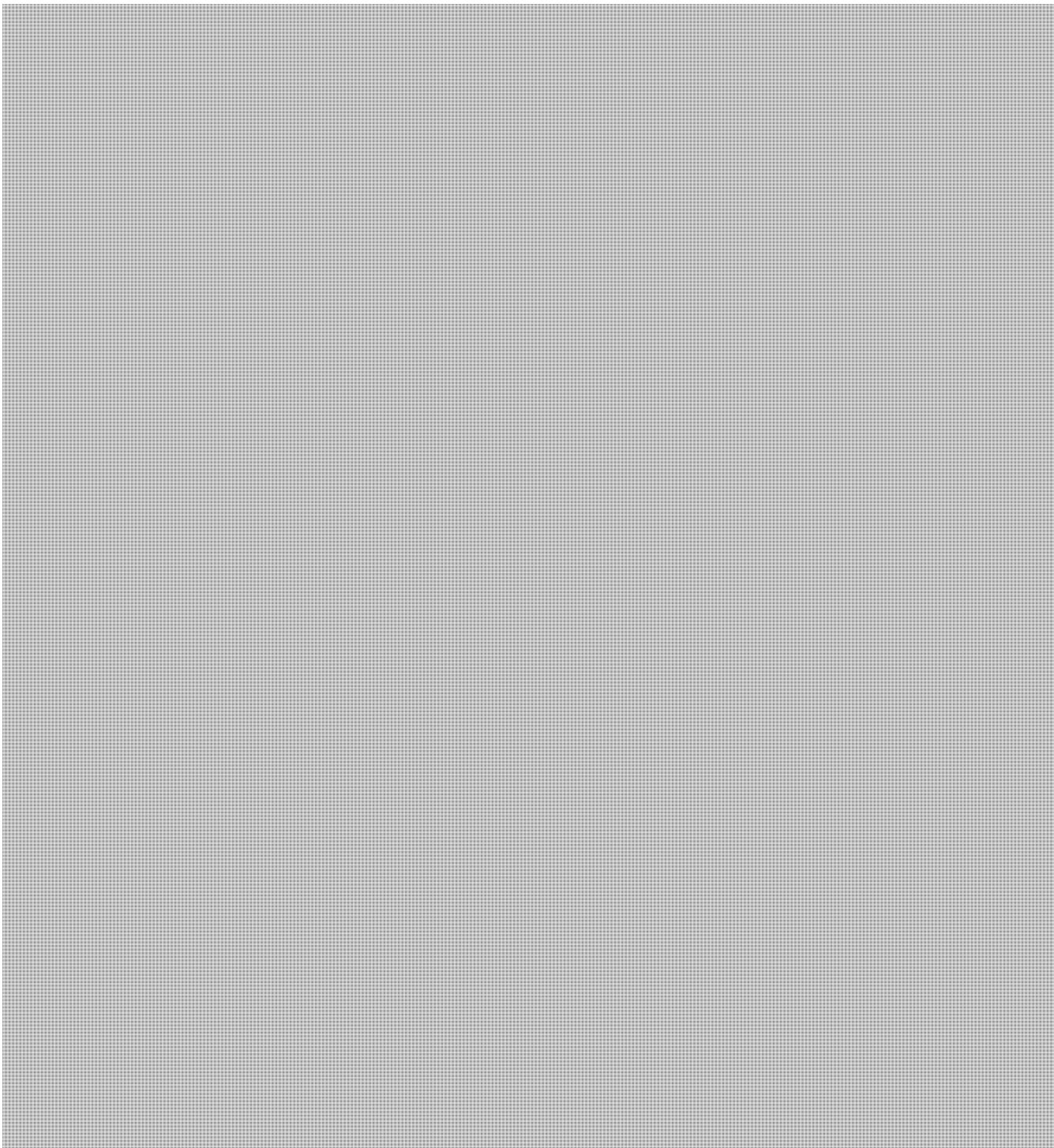
SUBJECT /  
OBJET:



Comments/Remarques







We trust that we have answered your questions. Please feel free to contact us should you need further assistance.

Claude Pilon  
Hasti Kousha

cc. Paul Shuttle

**BRIEFING NOTE FOR THE MINISTER**  
**BILL C-52 - MINISTERIAL ORDERS**

- Bill C-52 (formerly Bill C-47) provides the Minister of Public Safety with the power to order service providers to comply with certain intercept capability obligations above and beyond the basic requirements outlined in the Bill.
- When a Ministerial Order is issued the telecommunications service provider will be entitled to compensation as specified in the regulations.

**Background**

- The *Investigating and Preventing Criminal Electronic Communications Act* (Bill C-52) requires the gradual roll-out of interception capability. In some cases, this might need to be accelerated or enhanced to address investigative needs.
- To facilitate this, Bill C-52 permits the Minister of Public Safety to order a telecommunications service provider to comply with any obligations for interception under the *Act* and regulations, in any manner and time deemed necessary.
- For example, a Ministerial Order would allow the Minister to order service providers to exceed the number of simultaneous interceptions outlined in the regulations. Also, if an investigation is particularly sensitive, the Minister may order service providers to have in place additional security and confidentiality measures.
- The Minister may also order that a service provider's apparatus meet operational requirements in advance of the proposed legislative deadlines regarding intercept obligations.

**Considerations**

- With the Ministerial Order, the service provider is entitled to be reasonably compensated for the costs of complying with the order.
- Upon request from the RCMP or CSIS, the Minister of Public Safety may issue an order if it is deemed necessary. Accordingly, the payment for costs associated with the Ministerial Order will be the responsibility of the requesting agency.
- The Minister, through the RCMP or CSIS, may provide equipment, or anything else needed for compliance. The service provider has to notify the relevant agency should there be problems with the equipment they have provided and assist in resolving any problems. However, the service

provider is not obligated to maintain the intercept capability of any  
equipment provided under a Ministerial Order.

**BRIEFING NOTE FOR THE MINISTER**  
**BILL C-52 – SCOPE OF THE LEGISLATION**

- Bill C-52 (formerly Bill C-47) has two key elements :
  - telecommunications service providers are required to build and maintain intercept-capable networks; and,
  - telecommunications service providers are required to provide basic subscriber information to designated officials upon request.
- All telecommunications service providers in Canada are subject to the legislation. However, the legislation is flexible and contains mechanisms to respond to the diversity of the telecommunications industry in Canada.

**Background**

- Bill C-52 will require telecommunications service providers to build and maintain intercept-capable networks. Police and CSIS will continue to require a court order to intercept communications, as stipulated in the *Criminal Code* and the *Canadian Security Intelligence Service Act*.
- The *Act* will also require telecommunications service providers to provide basic subscriber information to designated police, CSIS and Competition Bureau officials upon request. Authorities do not currently require a warrant to obtain this information.
- Bill C-52 will apply to all telecommunications service providers in Canada.
- If a service provider contravenes the legislation, it could be subject to fines of up to \$250,000. Service providers could also be subject to fines of up to \$500,000 for wilful misconduct. The penalties, which are designed to encourage compliance as opposed to punish, will be subject to appeal.

**Considerations**

- The legislation provides for exemptions with respect to various obligations under the *Act*. For example:
  - institutions such as elementary and high schools, charities, hospitals, e-commerce services, e-banking services and places of worship, are excluded from its requirements;
  - small service providers (with fewer than 100,000 subscribers) will be exempted from many intercept capability requirements for the first three years after the law comes into force; and,

- institutions that offer telecommunications services ancillary to their principal function including post secondary schools, community centres, libraries, restaurants and hotels, have minimal requirements.
- These exemptions are meant to focus the application of the legislation on the service providers and services of greatest importance to the police and CSIS.

November 2010

**BRIEFING NOTE FOR THE MINISTER**  
**BILL C-52 – OBLIGATIONS OF TELECOMMUNICATIONS SERVICE PROVIDERS**

- Bill C-52 (formerly Bill C-47) will require telecommunications service providers to build and maintain networks that are capable of intercepting communications under court order.
- The Act will also require telecommunications service providers to provide basic subscriber information to designated police, Canadian Security Intelligence Service (CSIS), and Competition Bureau employees upon request.

**Background**

- Bill C-52 obligates telecommunications service providers to build and maintain intercept-capable networks. This includes the ability to:
  - isolate targeted telecommunications;
  - conduct interceptions within a specified time;
  - provide intercepted communications to authorities in a specified time, manner and form;
  - remove any encryption or other treatment the service provider has applied to intercepted communications, and provide an untreated version of the communication to authorities; and,
  - carry out simultaneous interceptions of the telecommunications of multiple individuals, for multiple agencies.
- Bill C-52 obligates telecommunications service providers to provide, upon request by designated authorities, the following subscriber information:
  - name;
  - address;
  - telephone number;
  - email address;
  - internet protocol address;
  - mobile identification number;
  - electronic serial number;
  - local service provider identifier;
  - international mobile equipment identity number;
  - international mobile subscriber identity number; and,
  - subscriber identity module card number.
- The legislation will obligate service providers to take measures to protect the confidentiality and security of the assistance they provide.

## Considerations

- The obligations for intercept capability are not retroactive. There is an 18 month transition period from when the *Act* comes into force to allow service providers time to integrate intercept capability into new equipment and software.
- Small service providers with fewer than 100,000 subscribers will be exempted from certain intercept capability obligations for the first three (3) years from when the *Act* comes into force. In these instances, they are only required to provide a physical connection point for interception.
- Service providers will not be obligated to remove encryption or other treatments applied to intercepted communications if doing so would require the development or acquisition of decryption tools or techniques.
- The above allowances are designed to ensure the legislation is flexible, responsive and does not limit the competitiveness of the industry.

**Pages 62 to / à 63  
are not relevant  
sont non pertinentes**



**Pages 64 to / à 65  
are not relevant  
sont non pertinentes**



**BRIEFING NOTE**  
**NOTE D'INFORMATION**

**UNCLASSIFIED**  
**JULY 2011**

**THE CANADIAN ASSOCIATION OF CHIEFS OF POLICE**  
**LAWFUL ACCESS**

**ISSUE:**

The Canadian Association of Chiefs of Police (CACP) may wish to discuss Lawful Access legislation.

**BACKGROUND:**

Lawful Access refers to the lawful interception of telecommunications, and the search and seizure of digital evidence and electronic data. The legislative authorities to conduct these activities, which are found in Part VI and Part XV of the *Criminal Code*, need to be updated in order to remain relevant and responsive to a modern telecommunications environment and law enforcement's investigative needs. As well, in the absence of legislation compelling Telecommunications Service Providers (TSPs) to develop and maintain intercept-capable networks, the police and the Canadian Security Intelligence Service (CSIS) are often facing investigative delays and gaps, as well as high costs associated with the development of case-by-case technical solutions for court authorized interceptions.

To address these challenges, the Government reintroduced three Lawful Access-related Bills last fall. Specifically, the Minister of Justice introduced former Bill C-50 (*Improving Access to Investigative Tools for Serious Crimes Act*), which contained, among other provisions, *Criminal Code* amendments to maintain the constitutionality of allowing wiretap without warrants in exceptional circumstances, and former Bill C-51 (*Investigative Powers for the 21<sup>st</sup> Century Act*), which would have amended the *Criminal Code* to better address cybercrime and crimes committed using new technologies.

The Minister of Public Safety introduced former Bill C-52 (*Investigating and Preventing Criminal Electronic Communications Act*), which would have required TSPs to build and maintain intercept-capable networks, and would have required them to, upon request, provide basic subscriber information (e.g. name, address, telephone number, e-mail address, Internet Protocol address, and prescribed cellular telephone identifiers) to any police officer in emergencies and to designated police, CSIS and Competition Bureau officials for the conduct of their investigative duties. The Bills died on the Order Paper when Parliament was dissolved.

The CACP supported former Bill C-52 when it was introduced and might be critical of the fact that Lawful Access legislation has not yet come into force. The Association might also raise the issue of fees charged by most TSPs for assistance (referred to as "operational fees"). Specifically, operational fees consist of payment to TSPs for assisting with the implementation of an intercept ("hook-up") and for providing basic subscriber information ("look-up"). While former Bill C-52 stipulated that TSPs were entitled to receive compensation for providing basic subscriber information and specialized telecommunications support for interception, the amount of compensation has not been determined.

**CURRENT STATUS:**

The Conservative Party of Canada's recent election platform included a commitment to combine 12 crime bills and pass them within Parliament's first 100 sitting days. This would include "bills that give law enforcement and national security agencies up-to-date tools to fight crime in today's high-tech telecommunications environment." In preparation for the potential reintroduction of Lawful Access legislation, Public Safety Canada (PS) is leading the development of regulations that would accompany the Act. The issue of operational fees is being addressed through this work, on which stakeholders from outside the federal government have not yet been consulted.

In the past, the CACP has stated that authorities should not have to pay TSPs for complying with court orders. Nevertheless, most police services, as well as CSIS, have been paying operational fees for many years. In 2009, while maintaining that "an arbitrary, non-negotiable fee with respect to the execution of a court order brings the administration of justice into disrepute," the CACP proposed to PS officials the following three options to address this issue:

- The Government could provide tax credits to TSPs;
- TSPs could establish a public safety tariff that would appear on customer invoices; or,
- The Government could provide a federal funding pool from which the costs incurred by TSPs could be recovered.

These options were considered in the past and were rejected by central agencies, PS officials and TSPs for many reasons, including a reduction in revenue for the Government, security concerns resulting from the sharing of intercept-related information with the Canada Revenue Agency, and intergovernmental and jurisdictional issues.

**CONSIDERATIONS:**

The police and CSIS are increasingly faced with interception challenges as technology continues to evolve. In the current legislative framework, addressing these challenges requires that they cooperate with TSPs to develop intercept solutions. As such, it is crucial that they maintain effective relationships with the telecommunications industry.

**RECOMMENDED POSITION:**

It is recommended that you mention that the Government is committed to providing the police and CSIS with the tools they need to fulfill their respective mandates to ensure public safety.

It is also recommended that you mention that PS is working to develop a fee schedule that, should former Bill C-52 be reintroduced and receive Royal Assent, would be fair for all parties involved.



**BRIEFING NOTE**  
**NOTE D'INFORMATION**

**UNCLASSIFIED**

July 12, 2011

**LAWFUL ACCESS**

**ISSUE:**

The Canadian Association of Police Boards (CAPB) may wish to discuss Lawful Access legislation.

**BACKGROUND:**

Lawful Access refers to the lawful interception of telecommunications, and the search and seizure of digital evidence and electronic data. The legislative authorities to conduct these activities, which are found in Part VI and Part XV of the *Criminal Code*, need to be updated in order to remain relevant and responsive to a modern telecommunications environment and law enforcement's investigative needs. As well, in the absence of legislation compelling Telecommunications Service Providers (TSPs) to develop and maintain intercept-capable networks, the police and the Canadian Security Intelligence Service (CSIS) are often facing investigative delays and gaps, as well as high costs associated with the development of case-by-case technical solutions for court authorized interceptions.

To address these challenges, the Government reintroduced three Lawful Access-related Bills last fall. Specifically, the Minister of Justice introduced former Bill C-50 (*Improving Access to Investigative Tools for Serious Crimes Act*), which contained, among other provisions, *Criminal Code* amendments to maintain the constitutionality of allowing wiretaps without warrants in exceptional circumstances, and former Bill C-51 (*Investigative Powers for the 21<sup>st</sup> Century Act*), which would have amended the *Criminal Code* to better address cybercrime and crimes committed using new technologies.

The Minister of Public Safety introduced former Bill C-52 (*Investigating and Preventing Criminal Electronic Communications Act*), which would have required TSPs to build and maintain intercept-capable networks, and would have required them to, upon request, provide basic subscriber information (e.g. name, address, telephone number, e-mail address, Internet Protocol address, and prescribed cellular telephone identifiers) to any police officer in emergencies and to designated police, CSIS and Competition Bureau officials for the conduct of their investigative duties. The Bills died on the Order Paper when Parliament was dissolved.

The CAPB has been advocating for Lawful Access legislation for many years. A 2010 CAPB resolution called on the Government to "pass legislation to amend the *Criminal Code* to require new telecommunications technologies to be intercept-capable, to prevent intercept safe havens and to modernize electronic intercept provisions."

**CURRENT STATUS:**

The Conservative Party of Canada's recent election platform included a commitment to combine 12 crime bills and pass them within Parliament's first 100 sitting days. This would include "bills that give law enforcement and national security agencies up-to-date tools to fight crime in today's high-tech telecommunications environment."

**CONSIDERATIONS:**

The CAPB has consistently been a strong advocate of Lawful Access legislation and is hopeful that legislation will be reintroduced in Parliament and receive Royal Assent. The CAPB views these legislative initiatives as integral to the ability of police to fight crime in an increasingly complex technological environment and may be critical of continued delays. Police services are aware that quick passage of legislation may be difficult due to concerns expressed by privacy advocates and industry stakeholders.

**RECOMMENDED POSITION:**

It is recommended that you mention that the Government is committed to providing the police and CSIS with the tools they need to fulfill their respective mandates to ensure public safety.

It is also recommended that you mention because of the input of stakeholders, including the CAPB, that former Bill C-52 struck an appropriate balance between the need to protect the security of Canadians, the competitiveness of the telecommunications industry, and the privacy rights of Canadians.



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).

and until the proposed lawful access legislation comes into force, 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:

s.16(1)(c)  
s.21(1)(a)

SECRET

s.15(1) - Subv  
s.16(1)(c)  
s.16(2)  
s.21(1)(a)

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.

### 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 for the Portfolio and arguably needs to be updated.

First,

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).

- 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.

SECRET

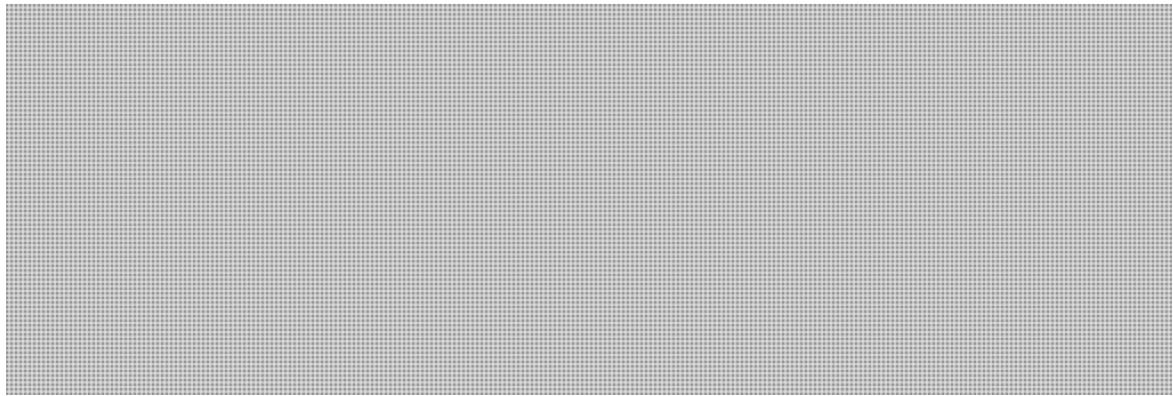
s.15(1) - Subv

s.16(1)(c)

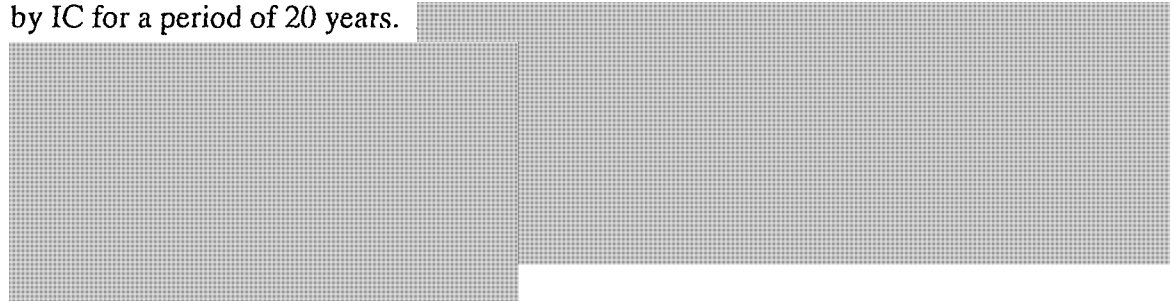
s.16(2)

s.21(1)(a)

s.21(1)(b)



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



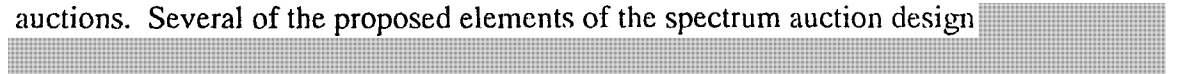
*Spectrum Allocation and Foreign Investment Restrictions*



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,

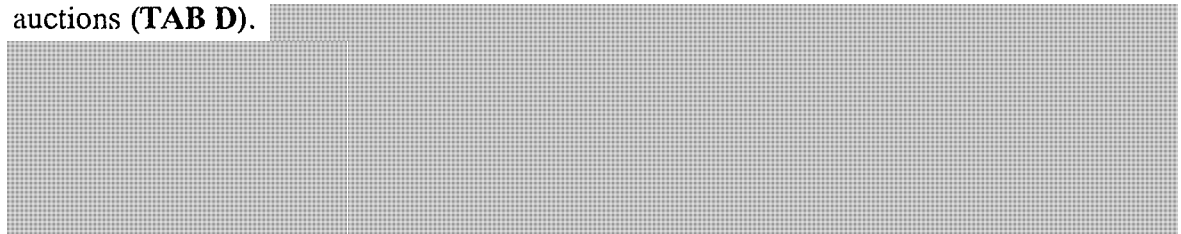


IC is planning two additional auctions for late 2012 to allocate spectrum in the 700 MHz and 2500 MHz bands, and has recently closed public consultations on the design of these auctions. Several of the proposed elements of the spectrum auction design



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

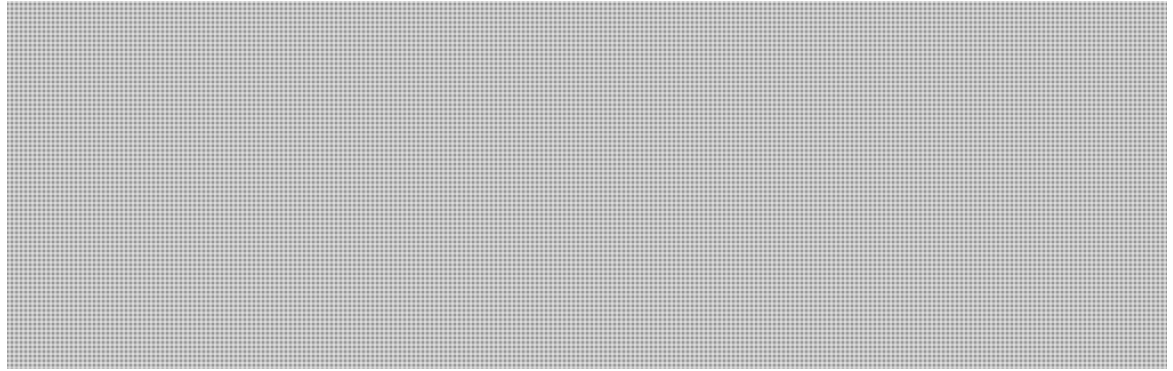
PS submitted comments to IC on the national security considerations related to the auctions (**TAB D**).





SECRET

s.16(1)(c)  
s.16(2)  
s.21(1)(a)



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.

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.

**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.

A handwritten signature in black ink, appearing to read "M. MacDonald", is written over a light grey grid background.

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, "broadcasting" means any radiocommunication in which the transmissions are intended for direct reception by the general public; "broadcasting certificate" means a certificate issued by the Minister under subparagraph 5(1)(a)(ii); "broadcasting undertaking" includes any distribution undertaking, programming undertaking and network operation to which the Broadcasting Act applies; "distribution undertaking" has the same meaning as in the Broadcasting Act; "encrypted" means treated electronically or otherwise for the purpose of preventing intelligible reception; "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;

2. Les définitions qui suivent s'appliquent à la présente loi. « 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. « appareil radio » Dispositif ou assemblage de dispositifs destiné ou pouvant servir à la radiocommunication. « autorisation de radiocommunication » Toute licence ou autorisation et tout certificat visés à l'alinéa 5(1)a. « brouillage préjudiciable » Effet non désiré d'une énergie électromagnétique due aux émissions, rayonnements ou inductions qui compromet 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. « certificat d'approbation technique » Certificat visé au sous-alinéa 5(1)a)(iv). « certificat de radiodiffusion » Certificat visé au sous-alinéa 5(1)a)(ii). Définitions

Radiocommunication — June 22, 2011

<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 » [Abrogé, 1993, ch. 38, art. 91]</p>	<p>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]</p> <p>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

Application à Sa Majesté et au Parlement

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.

Exception

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

Radiocommunication — June 22, 2011

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 :

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.

Application géographique

(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.

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

Pouvoirs et fonctions du ministre

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 :

Radiocommunication — 22 juin 2011

(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 assujetti.

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,



*Radiocommunication — June 22, 2011*

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-

Radiocommunication — 22 juin 2011

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.

dio, matériel brouilleur ou matériel radiosensible qu'il juge responsable du brouillage de cetera 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.

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*.

(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*.

Politique canadienne de télécommunication

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.

(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.

Adjudication d'autorisations de radiocommunication

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.

(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.

Paiements découlant d'une enchère

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.

(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.

Processus d'adjudication

Radiocommunication — June 22, 2011

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-

*Radiocommunication — 22 juin 2011*

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

Radiocommunication — June 22, 2011

(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 contravention 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.

(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.

Incorporation par renvoi

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

Radiocommunication — June 22, 2011

(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.

(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.

Définition de « terre gwich'in tetlit du Yukon »

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;

Pouvoirs des inspecteurs

Radiocommunication -- 22 juin 2011

(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.

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.

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.

(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

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.

(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

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.

(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

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.

(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

Radiocommunication — June 22, 2011

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 fautive ou trompeuse.

1989, ch. 17, art. 6.

Entrave et fausses déclarations

OFFENCES AND PUNISHMENT

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.

INFRACTIONS ET PEINES

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



Radiocommunication — 22 juin 2011

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>9.1 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>9.1 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>10. (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>10. (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

Radiocommunication — June 22, 2011

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

Radiocommunication — 22 juin 2011

	<p>court considers appropriate, ordering any person to cease or refrain from any activity related to that offence.</p>	<p>quées, ordonnant à quiconque de cesser toute activité liée à l'infraction ou de s'en abstenir.</p>	
Federal Court	<p>(5) For the purposes of subsection (4), the Federal Court is a court of competent jurisdiction.</p>	<p>(5) La Cour fédérale est, pour l'application du paragraphe (4), un tribunal compétent.</p>	Cour fédérale
Limitation	<p>(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.</p> <p>1989, c. 17, s. 6; 1991, c. 11, s. 84.</p>	<p>(6) Les poursuites visées par la présente loi se prescrivent par trois ans à compter de la perpétration de l'infraction.</p> <p>1989, ch. 17, art. 6; 1991, ch. 11, art. 84.</p>	Prescription
Liability of directors, etc.	<p>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.</p> <p>1989, c. 17, s. 6.</p>	<p>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.</p> <p>1989, ch. 17, art. 6.</p>	Responsabilité pénale : administrateurs
Ticket offences	<p>12. (1) The Governor in Council may make regulations designating any offence under this Act as an offence in respect of which</p> <p>(a) any person appointed as an inspector may issue and serve a summons by completing a ticket in the prescribed form, signing it and</p> <p>(i) delivering it to the accused at the time the offence is alleged to have been committed, or</p> <p>(ii) mailing it to the accused at the accused's latest known address, and</p> <p>(b) the information may be laid after the ticket is delivered or mailed,</p> <p>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.</p>	<p>12. (1) Le gouverneur en conseil peut, par règlement, déterminer, parmi les infractions à la présente loi, celles pour lesquelles :</p> <p>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;</p> <p>b) d'autre part, la dénonciation peut être déposée après la remise ou la signification du formulaire.</p> <p>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.</p>	Contravention
Fines	<p>(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.</p>	<p>(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.</p>	Amendes en cas de récidive
Failure to respond to ticket	<p>(3) Where a person to whom a ticket is delivered or mailed does not enter a plea within</p>	<p>(3) Si la personne qui reçoit le formulaire de contravention n'y donne pas suite dans le délai</p>	Défaut

Radiocommunication — June 22, 2011

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.

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.

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*.

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.

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.

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.

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.

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

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

Avis

(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

(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

(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

Radiocommunication — 22 juin 2011

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

Radiocommunication — June 22, 2011

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

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

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

Radiocommunication — 22 juin 2011

	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,  (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.	(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
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 <i>Copyright Act</i> .  1991, c. 11, s. 85.	(6) Le présent article ne porte pas atteinte aux droits ou aux recours prévus par la <i>Loi sur le droit d'auteur</i> .  1991, ch. 11, art. 85.	<i>Loi sur le droit d'auteur</i>
Right of civil action	<b>19.</b> (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	<b>19.</b> (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

*Radiocommunication — June 22, 2011*

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.



*Radiocommunication — 22 juin 2011*

**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

Radiocommunication — June 22, 2011

AMENDMENTS NOT IN FORCE

MODIFICATIONS NON EN VIGUEUR

— 1992, c. 47, s. 84 (Sch., s. 14)

1989, c. 17, s. 6     **14.** Section 12 is repealed.

— 2002, c. 7, s. 233

1994, c. 43, s. 92     **233.** Subsections 7(4) and (5) of the *Radiocommunication Act* are replaced by the following:

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 First Nations Land Claims Settlement Act*, land identified as such in a self-government agreement as defined in the *Yukon First Nations Self-Government Act* 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.

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 *Yukon First Nations Land Claims Settlement Act* or identified as such in a self-government agreement as defined in the *Yukon First Nations Self-Government Act* may be taken possession of under this section without the consent of the Governor in Council.

— 1992, ch. 47, art. 84 (ann., art. 14)

1989, ch. 17, art. 6     14. L'article 12 est abrogé.

— 2002, ch. 7, art. 233

1994, ch. 43, art. 92     **233.** Les paragraphes 7(4) et (5) de la *Loi sur la radiocommunication* sont remplacés par ce qui suit:

Exception     (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 *Loi sur le règlement des revendications territoriales des premières nations du Yukon*, sur une terre tenue pour telle aux termes d'un accord au sens de la *Loi sur l'autonomie gouvernementale des premières nations du Yukon* ou sur des terres gwich'in tetlit du Yukon.

Terre désignée     (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 *Loi sur le règlement des revendications territoriales des premières nations du Yukon* ou sur une terre tenue pour telle aux termes d'un accord au sens de la *Loi sur l'autonomie gouvernementale des premières nations du Yukon*.

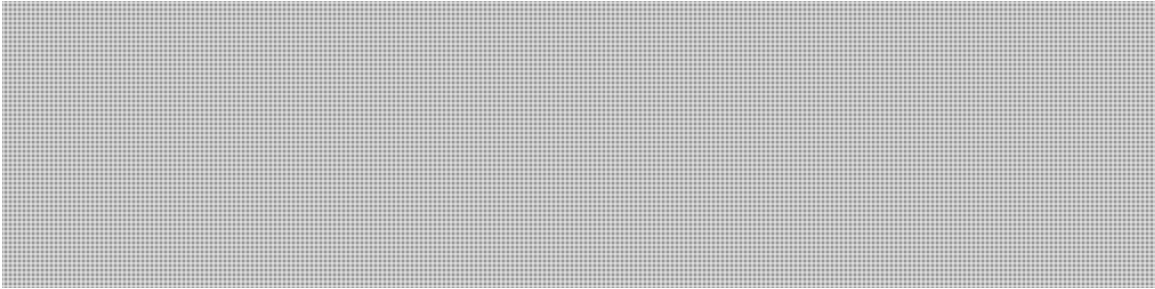
(Current as of 17/11/2008)

s.15(1) - Subv  
s.16(1)(b)  
s.16(2)


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

### **Solicitor Generals Standards**

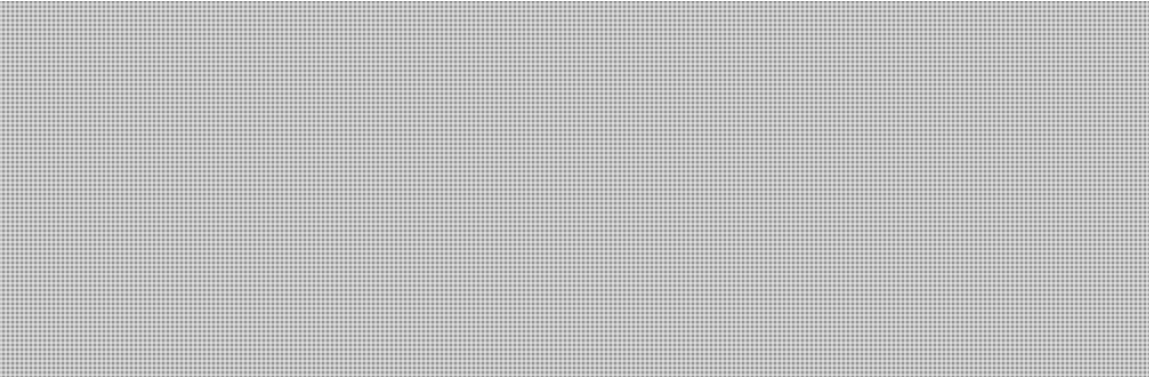
**Standard 1:** Law enforcement agencies require access to the entire telecommunications transmitted, or caused to be transmitted, to and from the number or other identifier of the target service used by the interception subject. Law enforcement agencies also require access to the call-associated data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

s.15(1) - Subv

s.16(1)(b)

s.16(2)

## 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

s.15(1) - Subv

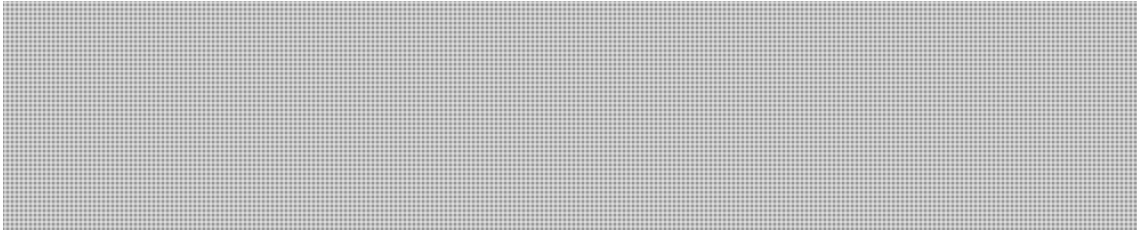
(Current as of 17/11/2008)

s.16(1)(b)

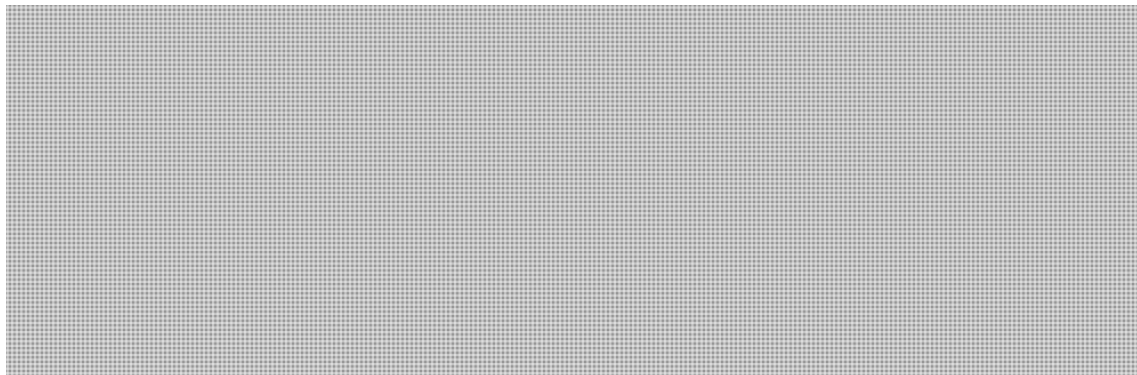
s.16(2)

## **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.

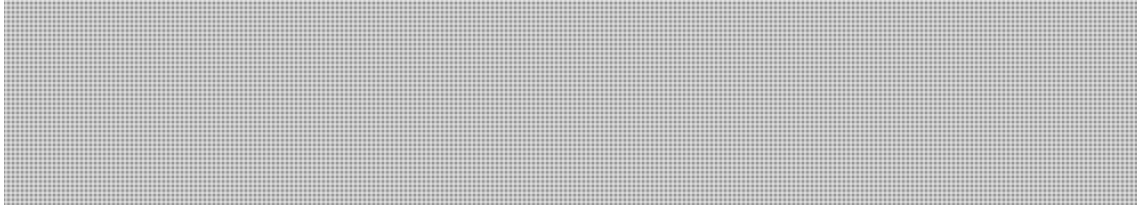
s.15(1) - Subv

(Current as of 17/11/2008)

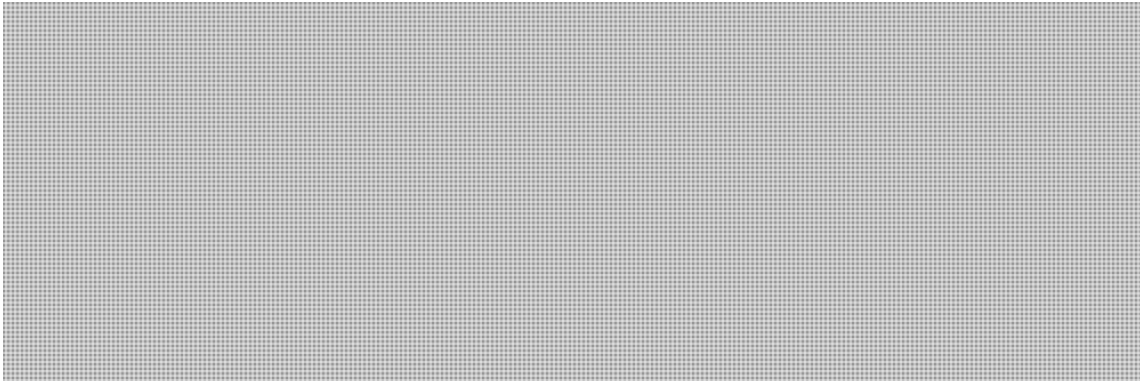
s.16(1)(b)

s.16(2)

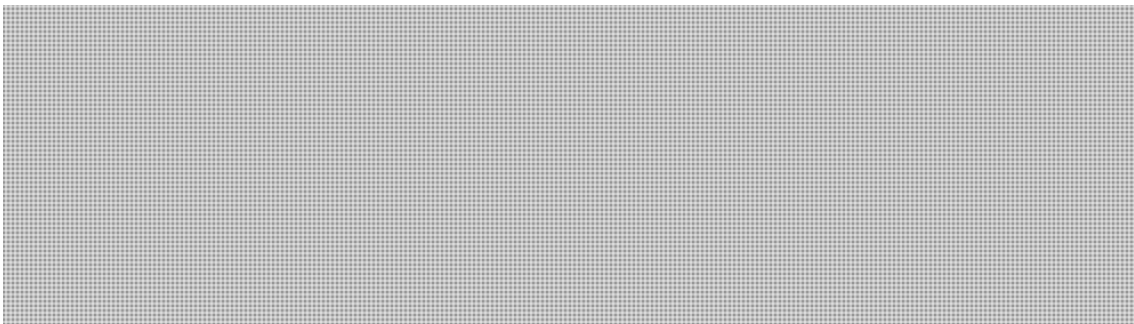
## Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications - Compliance Table



**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.*

s.15(1) - Subv

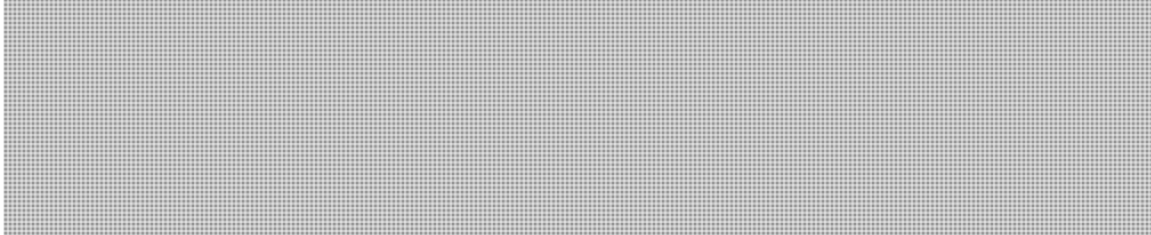
(Current as of 17/11/2008)

s.16(1)(b)

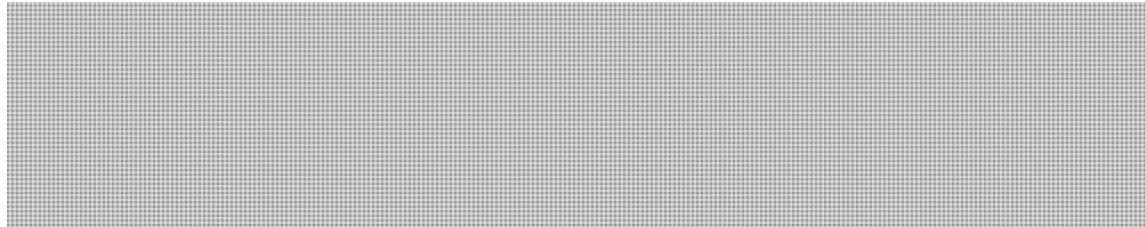
s.16(2)

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

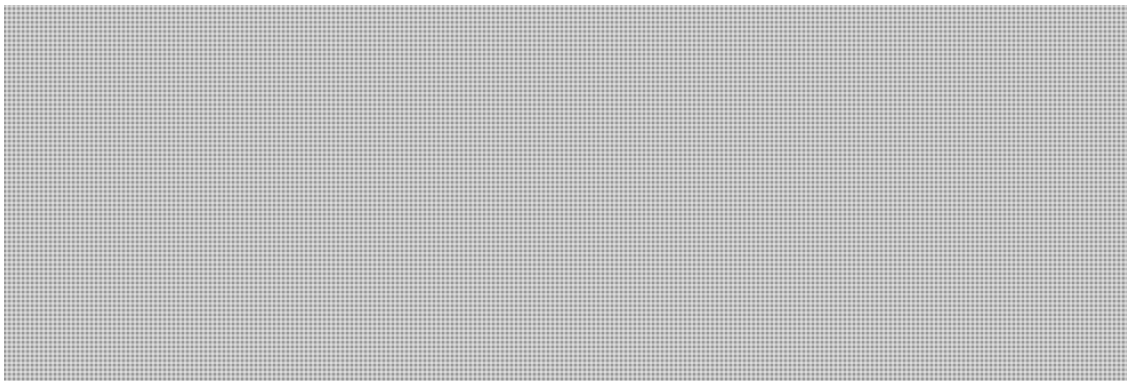
available as soon as possible upon call termination.



**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.*


s.15(1) - Subv

(Current as of 17/11/2008)

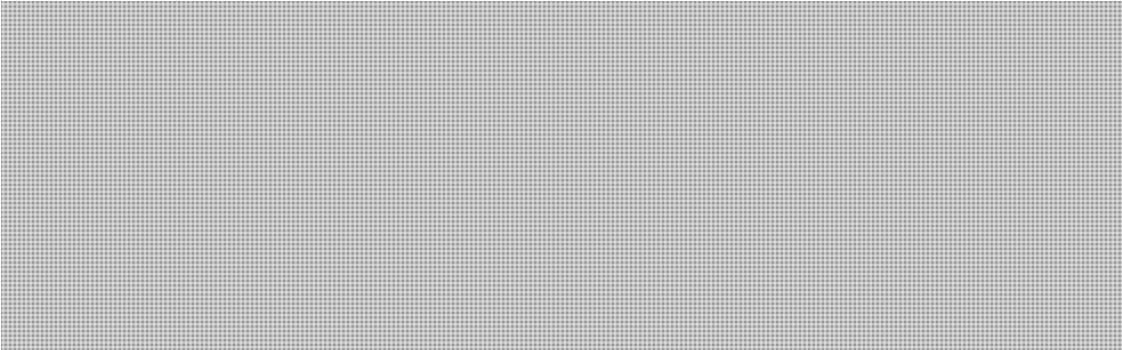
s.16(1)(b)

s.16(2)


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



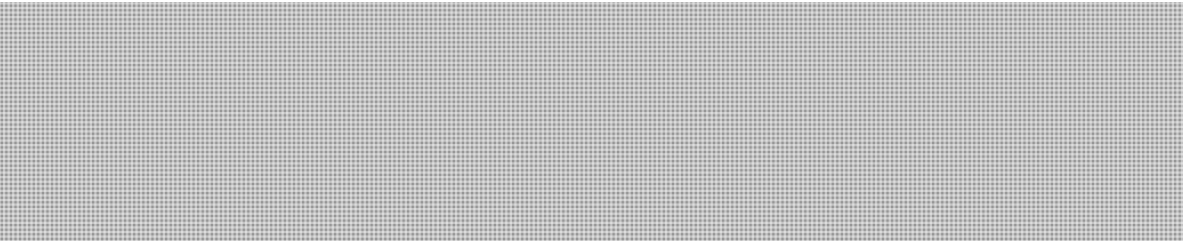
**Standard 11:** Law enforcement agencies require that the format for transmitting the intercepted communications to the monitoring facility be a generally available format.



**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.*



s.15(1) - Subv  
s.16(1)(b)  
s.16(2)

(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.*


s.15(1) - Subv

s.16(1)(b)

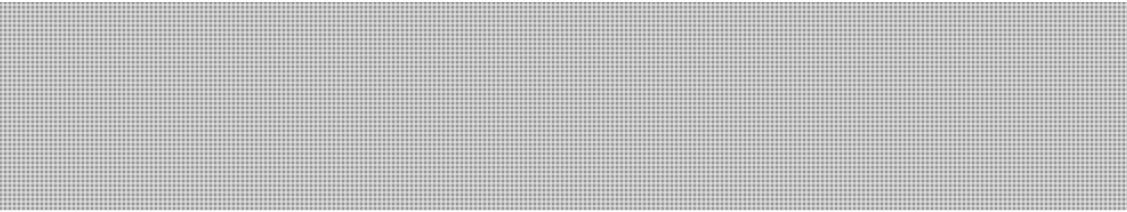
(Current as of 17/11/2008)

s.16(2)


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



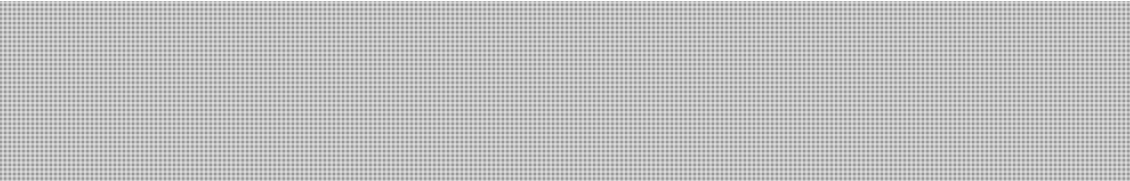
**Standard 18:** Law enforcement agencies require network operators/service providers to ensure that intercepted communications are only transmitted to the monitoring agency specified in the interception authorization.



**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.*

s.15(1) - Subv

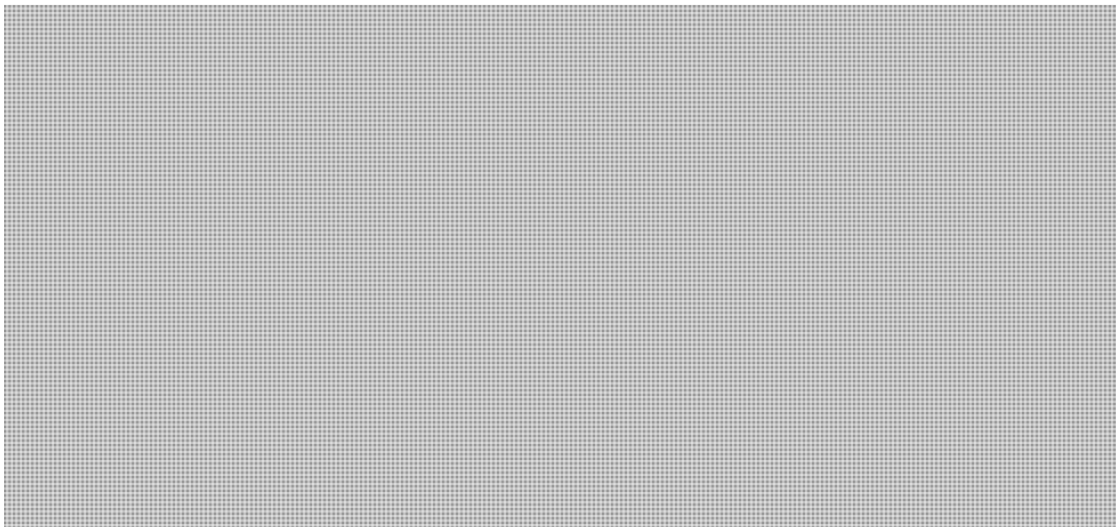
s.16(1)(b)

s.16(2)

(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.

s.15(1) - Subv

s.16(1)(b)

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

s.16(2)

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



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

## **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.



**SECRET**

s.15(1) - Subv  
s.16(1)(b)  
s.16(2)

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]

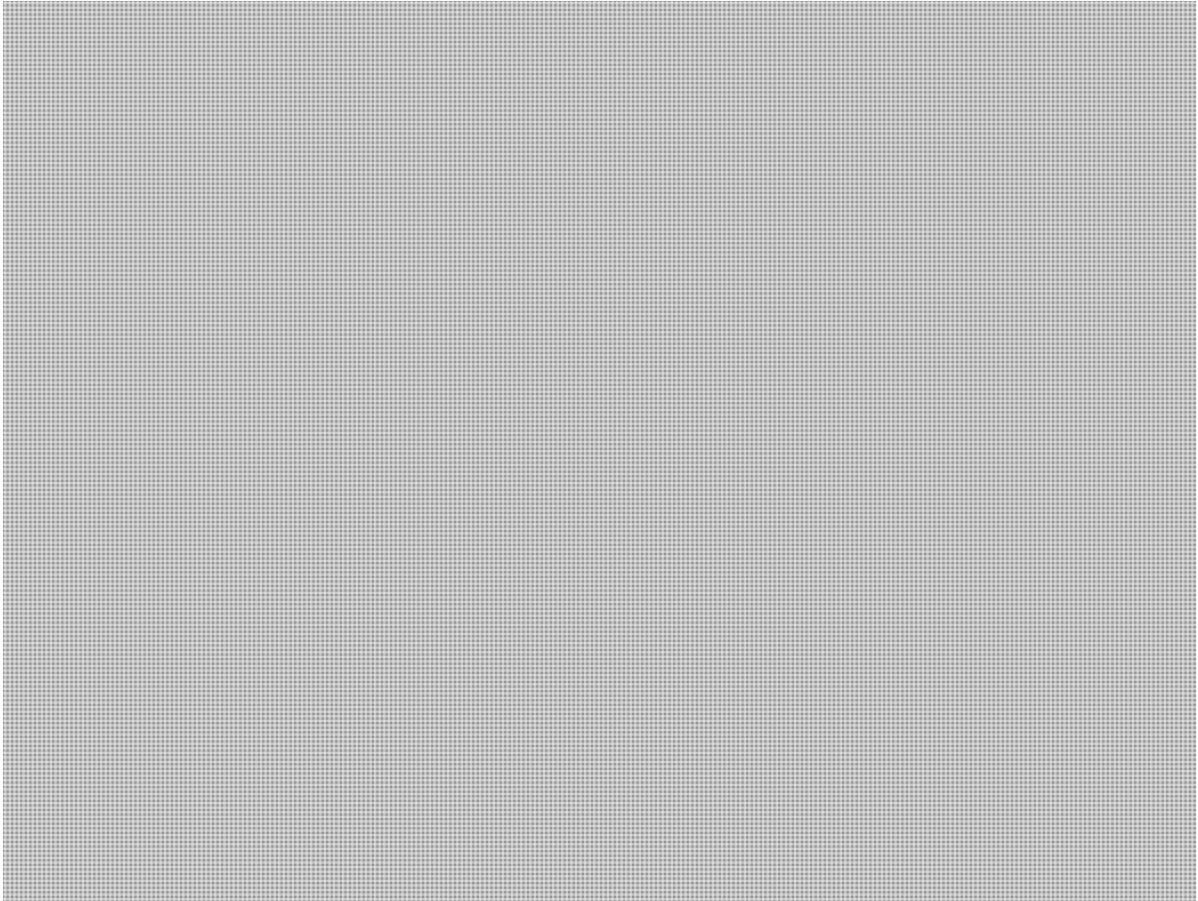
[Redacted]

s.15(1) - Subv

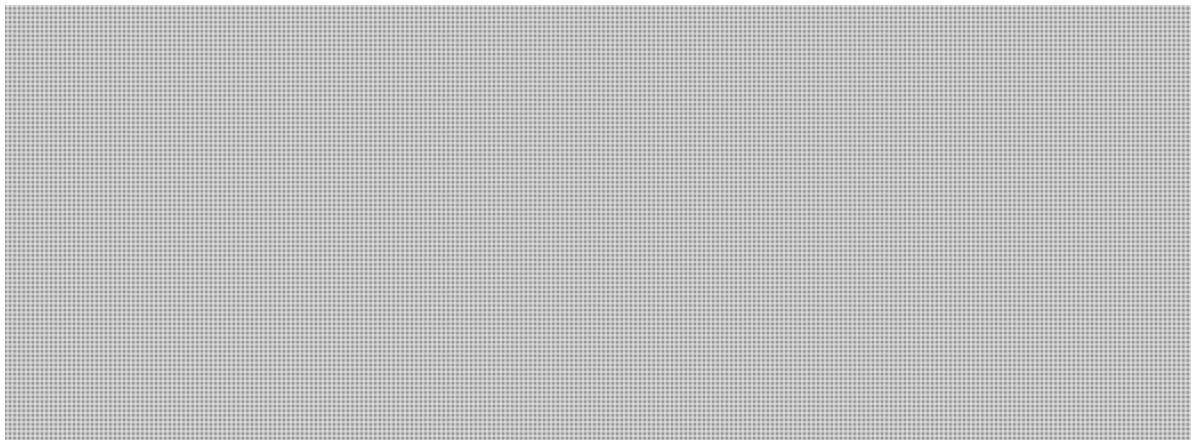
s.16(1)(b)

s.16(2)

- 2 -



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.



- 3 -

s.15(1) - Subv

s.16(1)(b)

s.16(2)



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 116 to / à 119**  
**are withheld pursuant to sections**  
**sont retenues en vertu des articles**

**15(1) - Subv, 16(1)(c), 16(2), 21(1)(a)**

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

**SECRET**

- 1 -

s.15(1) - Subv

s.16(1)(c)

s.16(2)

s.21(1)(a)

## **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*

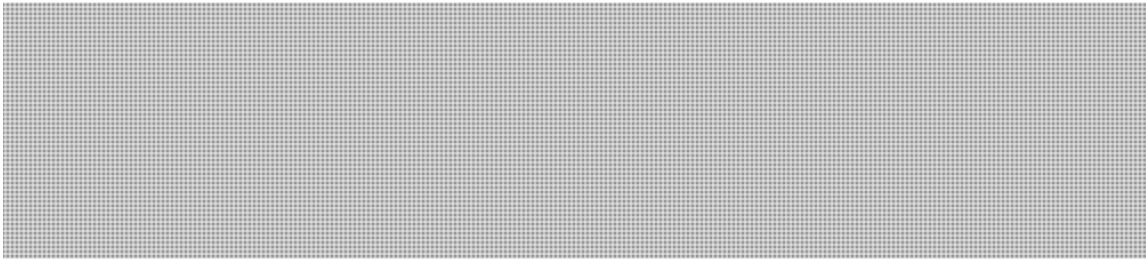
- In order to achieve this, there is arguably a need to revise the interception licensing clause to remove specific reference to “circuit-switched voice telephony” technology. [REDACTED]
- Having the condition stated in language that is technologically neutral would allow it to apply more broadly and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

s.15(1) - Subv

s.16(1)(c)

s.16(2)

s.21(1)(a)

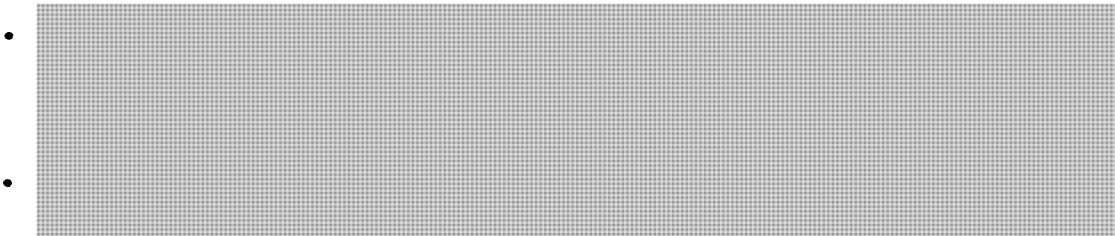


*Licence renewal, new licensees and upcoming spectrum auctions*

- 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.



**BRIEFING NOTE  
NOTE D'INFORMATION**

**UNCLASSIFIED  
DECEMBER 2011**

**THE CANADIAN ASSOCIATION OF CHIEFS OF POLICE  
LAWFUL ACCESS**

**ISSUE:**

The Canadian Association of Chiefs of Police (CACP) may wish to discuss Lawful Access legislation.

**BACKGROUND:**

Lawful Access refers to the lawful interception of telecommunications, and the search and seizure of digital evidence and electronic data. The legislative authorities to conduct these activities, which are found in Part VI and Part XV of the *Criminal Code*, need to be updated in order to remain relevant and responsive to a modern telecommunications environment and law enforcement's investigative needs. As well, in the absence of legislation compelling Telecommunications Service Providers (TSPs) to develop and maintain intercept-capable networks, the police and the Canadian Security Intelligence Service (CSIS) are often facing investigative delays and gaps, as well as high costs associated with the development of case-by-case technical solutions for court authorized interceptions.

To address these challenges, the Government reintroduced three Lawful Access-related Bills in 2010. Specifically, the Minister of Justice introduced former Bill C-50 (*Improving Access to Investigative Tools for Serious Crimes Act*), which contained, among other provisions, *Criminal Code* amendments to maintain the constitutionality of allowing wiretap without warrants in exceptional circumstances, and former Bill C-51 (*Investigative Powers for the 21<sup>st</sup> Century Act*), which would have amended the *Criminal Code* to better address cybercrime and crimes committed using new technologies.

The Minister of Public Safety introduced former Bill C-52 (*Investigating and Preventing Criminal Electronic Communications Act*), which would have required TSPs to build and maintain intercept-capable networks, and would have required them to, upon request, provide basic subscriber information (e.g. name, address, telephone number, e-mail address, Internet Protocol address, and prescribed cellular telephone identifiers) to any police officer in emergencies and to designated police, CSIS and Competition Bureau officials for the conduct of their investigative duties. The Bills died on the Order Paper when Parliament was dissolved.

The CACP supported former Bill C-52 when it was introduced and might be critical of the fact that Lawful Access legislation has not yet come into force. The Association might also raise the issue of fees charged by most TSPs for assistance (referred to as "operational fees"). Specifically, operational fees consist of payment to TSPs for assisting with the implementation of an intercept ("hook-up") and for providing basic subscriber information ("look-up"). While former Bill C-52 stipulated that TSPs were entitled to receive compensation for providing basic subscriber information and specialized telecommunications support for interception, the amount of compensation has not been determined.

**CURRENT STATUS:**

The Conservative Party of Canada's recent election platform included a commitment to pass crime related legislation, including "bills that give law enforcement and national security agencies up-to-date tools to fight crime in today's high-tech telecommunications environment." In preparation for the potential reintroduction of Lawful Access legislation, Public Safety Canada (PS) is leading the development of regulations that would accompany the Act. The issue of operational fees is being addressed through this work, on which stakeholders from outside the federal government have not yet been consulted.

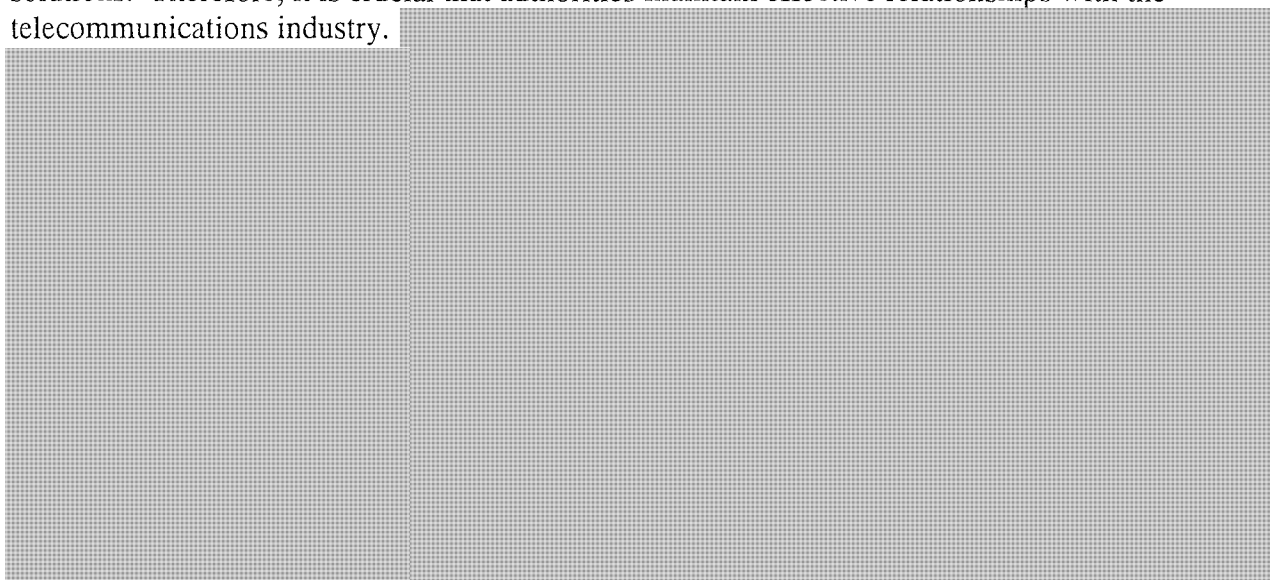
In the past, the CACP has stated that authorities should not have to pay TSPs for complying with court orders. Nevertheless, most police services, as well as CSIS, have been paying operational fees for many years. In 2009, while maintaining that "an arbitrary, non-negotiable fee with respect to the execution of a court order brings the administration of justice into disrepute," the CACP proposed to PS officials the following three options to address this issue:

- The Government could provide tax credits to TSPs;
- TSPs could establish a public safety tariff that would appear on customer invoices; or,
- The Government could provide a federal funding pool from which the costs incurred by TSPs could be recovered.

These options were considered in the past and were rejected by central agencies, PS officials and TSPs for many reasons, including a reduction in revenue for the Government, security concerns resulting from the sharing of intercept-related information with the Canada Revenue Agency, and intergovernmental and jurisdictional issues.

**CONSIDERATIONS:**

The police and CSIS are increasingly faced with interception challenges as technology continues to evolve. Addressing these challenges requires cooperation with TSPs to develop intercept solutions. Therefore, it is crucial that authorities maintain effective relationships with the telecommunications industry.





**RECOMMENDED POSITION:**

It is recommended that you mention that the Government is committed to providing the police and CSIS with the tools they need to fulfill their respective mandates to ensure public safety.

It is also recommended that you mention that PS is working to develop a fee schedule that, should former Bill C-52 be reintroduced and receive Royal Assent, would be fair for all parties.



Public Safety    Sécurité publique  
Canada            Canada

Ottawa, Canada  
K1A 0P8

Bob G,  
FXC.

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.

s.15(1) - Subv

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)*.

UNCLASSIFIED

s.16(1)(c)

- 2 -

s.16(2)

s.21(1)(b)

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]

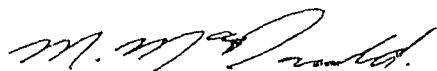
PS also indicated to IC that it will be proposing [REDACTED] minor modifications to the *Sol Gen Standards* as they were last revised in 1995. [REDACTED]

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

000126



Public Safety    Sécurité publique  
Canada            Canada

Senior Assistant    Sous-ministre  
Deputy Minister    adjoint principal

Ottawa, Canada  
K1A 0P8

UNCLASSIFIED

DATE:

File No.: NS 6652 / 384678

MEMORANDUM FOR THE SENIOR ASSISTANT DEPUTY MINISTER

LAWFUL INTERCEPTION  
CONDITION OF LICENCE PUBLIC CONSULTATION

(Decision sought)

ISSUE

Attached for your signature is a letter to Industry Canada (IC) 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 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, IC 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

s.16(1)(c)  
s.16(2)  
s.21(1)(a)  
s.21(1)(b)

industry in Canada; and on modernizing the lawful interception condition of licence. A 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 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 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 response,

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*',

[REDACTED]

*Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications (SGES)*

- s.16(1)(c)
- s.16(2)
- s.21(1)(a)
- s.21(1)(b)

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 some minor modifications to the SGES [REDACTED]

[REDACTED] with the removal of the term '*circuit-switched*'.

[REDACTED] the primary goal of removing '*circuit-switched*' [REDACTED]

The proposed changes to the SGES will not form part of IC's public consultation, [REDACTED] IC may, however, include a reference in their public consultation that PS is proposing minor changes to the SGES. This document will encourage interested parties to contact PS's general enquiries line should they have any comments regarding changes to the SGES.

PS will accept comments on the SGES for the same period as the IC 700 MHz 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 3).

Following the closing of IC's 700 MHz 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 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 4). [REDACTED]

UNCLASSIFIED

-4-

s.21(1)(a)

s.21(1)(b)

[REDACTED]

Shortly, we will be providing you with letters to send to the RCMP and CSIS to inform your colleagues on the progress we are achieving in 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]

### RECOMMENDATIONS

- 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 MacDonal  
Director General  
National Security Operations Directorate

Enclosures: 3

I approve:

---

Lynda Clairmont

Prepared by: Shawn Plunkett

s.15(1) - Subv

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)*.



s.16(1)(c)

s.16(2)

s.21(1)(a)

s.21(1)(b)

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]

With respect to the *Sol Gen Standards*, PS had indicated to IC that we would be proposing [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.

.../3

UNCLASSIFIED

- 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  
National Security Operations Directorate

Prepared by: Shawn Plunkett



# SPECTRUM LICENCE

Issued under the authority of the Minister of Industry in accordance with the Radiocommunication Act and Regulations made thereunder

<b>EFFECTIVE DATE</b>	<b>EXPIRY DATE</b>	<b>ACCOUNT NUMBER</b>
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
113309 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**

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

Issued under the authority of the Minister of Industry in accordance with the Radiocommunication Act and Regulations made thereunder

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
7-091901349	5113309

## APPENDICES

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

# 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
7-091901349	5113309

## APPENDICES

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.

# 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
7-091901349	5113309

## APPENDICES

### 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;

# 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
7-091901349	5113309

## APPENDICES

- 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

Issued under the authority of the Minister of Industry in accordance with the Radiocommunication Act and Regulations made thereunder

<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

s.21(1)(a)

#### 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. [REDACTED]

However, [REDACTED]

[REDACTED] 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.

s.21(1)(a)

- 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]

s.16(1)(c)

s.16(2)

s.21(1)(a)

s.21(1)(b)

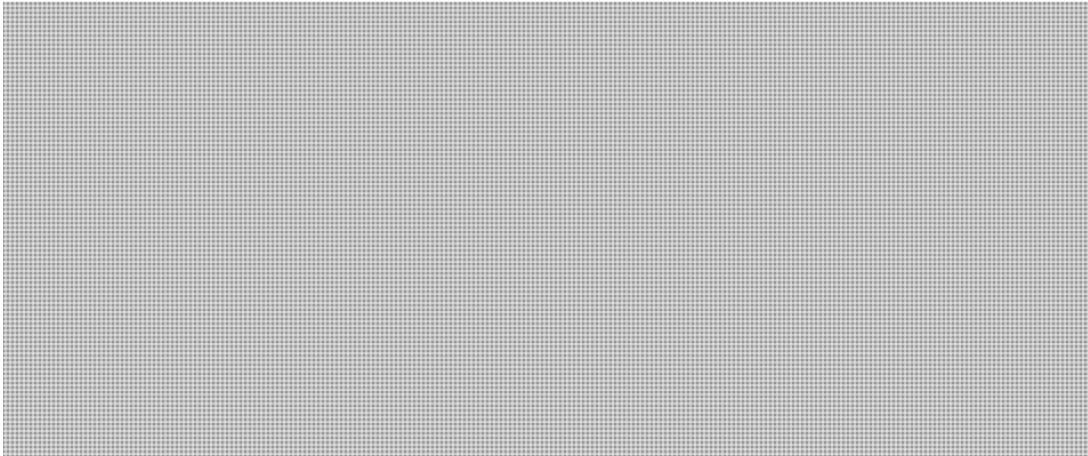
**If caller is seeking a copy of the SolGen Standards:**

- 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 [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]

s.16(1)(c)

s.16(2)

s.21(1)(a)



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

s.16(1)(c)  
s.16(2)  
s.21(1)(a)  
s.21(1)(b)

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

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



**UNCLASSIFIED**

**International Travel Report**  
**Rapport de voyage international**

s.16(1)(c)

s.16(2)

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</b> <b>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
<p>*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).</p>		

**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.







s.15(1) - Int'l

s.16(1)(c)

s.16(2)

[REDACTED]

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.

[REDACTED]

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.

[REDACTED]

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*.

[REDACTED]

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 Wunschuh from the vendor Utimaco, spoke of the ETSI standards

[REDACTED]

#### *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,

[REDACTED]

**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



the type of lawful intercept solutions that could be used by Canadian telecommunications providers in order to comply with their lawful interception requirements.

s.16(1)(c)

s.16(2)

**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.

**Page 150**  
**is under consultation**  
**est sous consultation**



**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

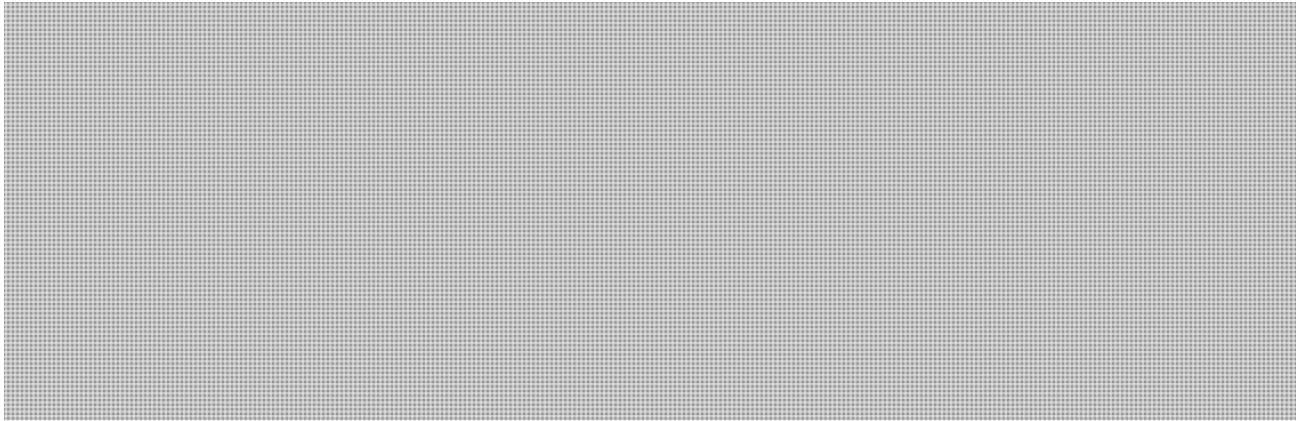


**Page 152**

**is withheld pursuant to section  
est retenue en vertu de l'article**

**23**

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



Sincerely,

Claude Pilon

cc.

Hasti Kousha



Security classification – Cote de sécurité

Protected B / Solicitor- Client  
Privilege

File Number – Numéro de dossier

61100-5-5

Date (Y-A / M / D-J)

2012-08-24

Telephone / Fax -- Téléphone / Télécopieur

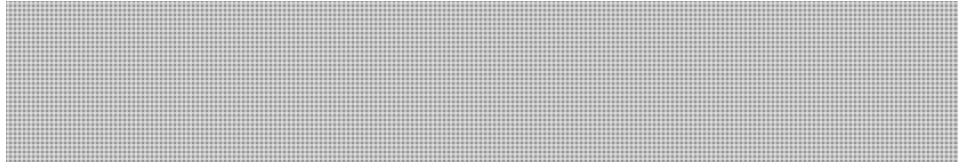
613-948-7418

## MEMORANDUM / NOTE DE SERVICE

TO / DEST. : Hasti Kousha, Counsel, Public Safety Canada Legal Services and  
Michèle Kingsley, Director, National Security Technologies, Public  
Safety Canada

FROM / ORIG. : Matthew Shogilev, Counsel, Criminal Law Policy Section  
(CLPS), Justice Canada  
(with input from Karen Audcent, Senior Counsel, CLPS and  
Joanne Klineberg, Senior Counsel, CLPS)

SUBJECT / OBJET :

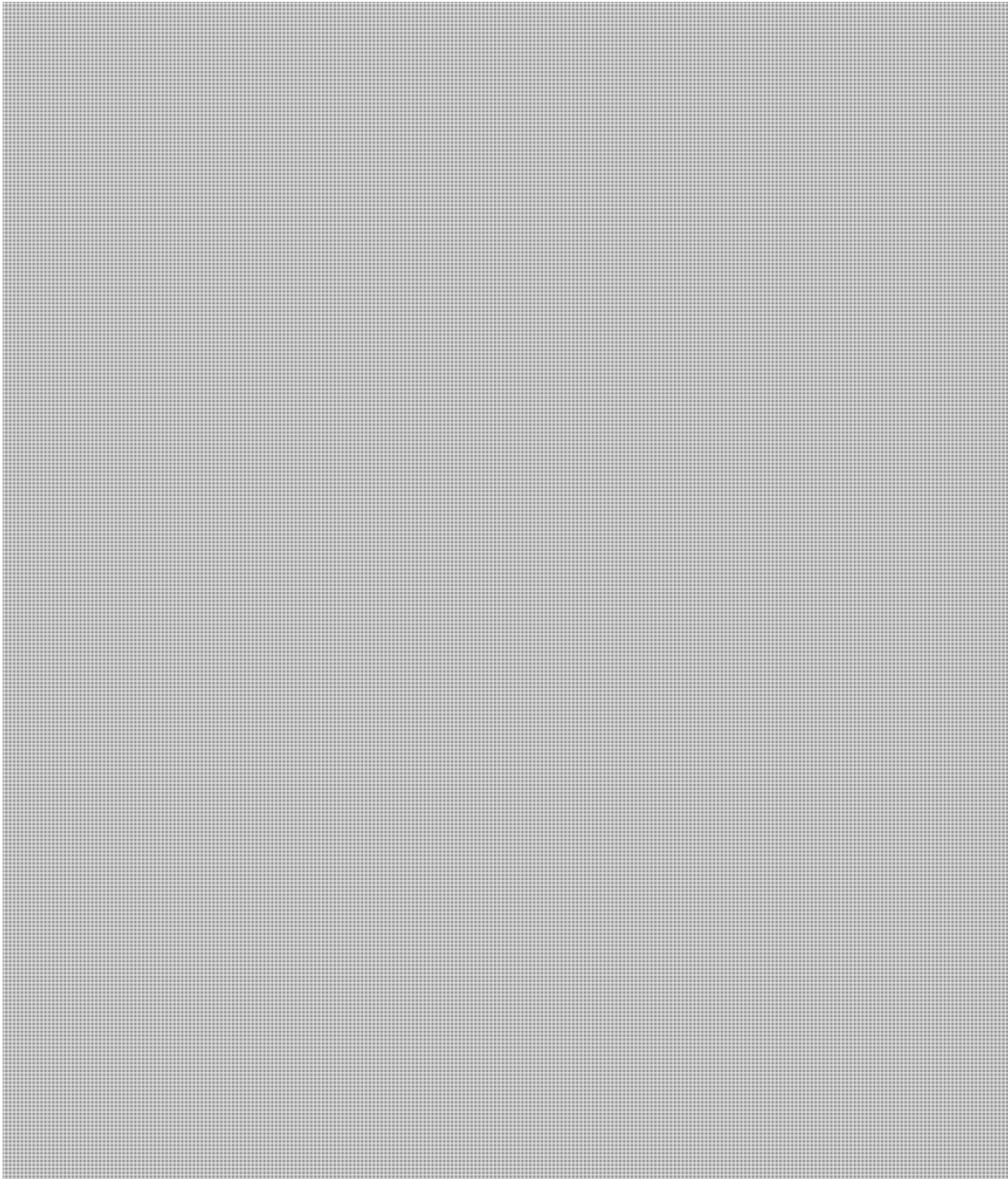


**Pages 155 to / à 157  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**23**

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





I hope these comments are of assistance to you. We would be happy to discuss.

**SECRET**

DATE:

File No.: NS 6060 / 390421

RDIMS No.: Dragon 3586

**MEMORANDUM FOR THE DIRECTOR GENERAL**

**A PRIMER ON CIRCUIT SWITCHED  
AND PACKET SWITCHED TECHNOLOGIES**

(Information only)

**ISSUE**

This memo will provide general information about switching in telecommunications networks, focusing on circuit switching and packet switching. Future trends and the impact on law enforcement and national security will also be discussed.

**BACKGROUND**

*What is "switching" in the context of telecommunications?*

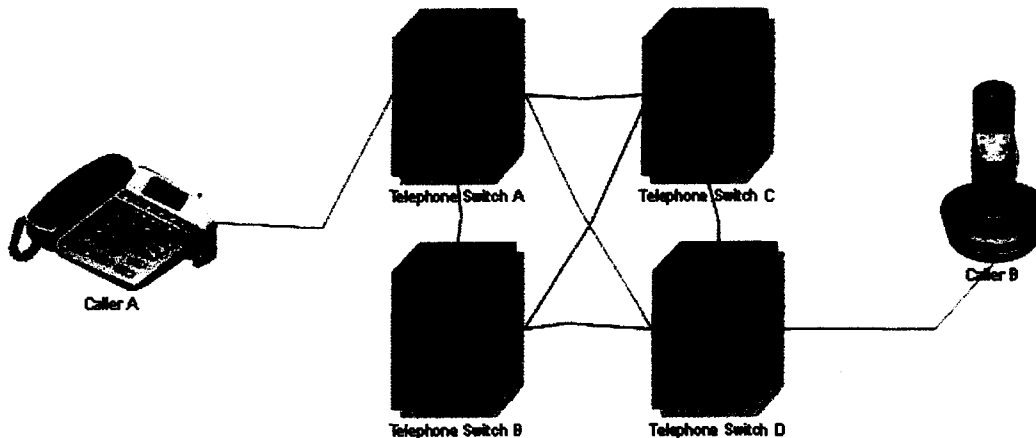
Switching in the context of telecommunications refers to forwarding of a message from one device to another within a telecommunications network. A message can be voice or data communications (e.g. calls, e-mails, video or pictures). There are different types of switching, but the main ones used in public networks are circuit switching and packet switching. Optical switching, a relatively new technology, is also increasingly employed in Canadian telecommunications networks.

*What is circuit-switching?*

Circuit switching is a telecommunications method where a message is sent over a specific, pre-established path (circuit). This path is determined at the time start of the communications, and remains an exclusive path until the communications session ends. This method of switching requires a dedicated connection of the two communication devices, even if it's temporary. Circuit switching is used in the Public Switched Telephone Network (PSTN), also called the Plain Old Telephone System (POTS). Circuit switching was used for voice communications because it was reliable and offered high Quality of Service (QoS)<sup>1</sup>, resulting in no dropped calls and no distortion. Circuit switched networks are still deemed more reliable than packet switched networks, but the QoS gap has been closing over the years due to advances in technology. Today, calls made using 3G or previous generation mobile phones, and some land-line based telephones, still rely on circuit switching.

---

<sup>1</sup> Quality of Service (QoS) applies to a broad collection of networking technologies and techniques. The goal of QoS is to provide guarantees on the ability of a network to deliver predictable results. Elements of network performance within the scope of QoS often include availability (uptime), bandwidth (throughput), latency (delay), and error rate.



*What is the current status and future of circuit-switching?*

Circuit-switching is currently only used for voice communications, but not all voice communications use circuit switching. The use of circuit switching by telecommunications service providers (TSPs) is decreasing as they update their networks and replace their switches. There is no consensus on when circuit-switched networks will be obsolete.

*What is a packet?*

A packet is a chunk of specially formatted and structured digital information. A message is separated into several chunks/packets, usually according to Internet Protocol (IP) rules. Each packet contains not only the information or message itself, but the destination and other pertinent information that allows the reassembly of packets so the original message can be reconstructed at the destination. Packets have to be digital data, not analog<sup>2</sup>. Packets are also called *datagrams* or *segments*.

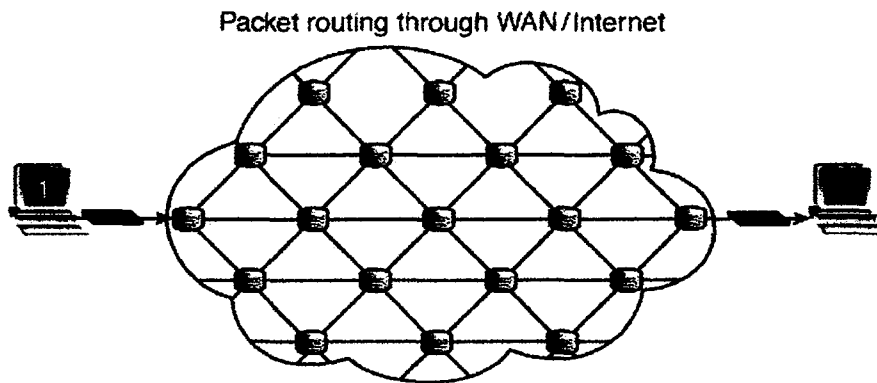
*What is packet switching?*

Packet switching refers to a situation where a message is sent in packets in a telecommunications network. In *Virtual Circuit Packet Switching*, packets follow a dedicated (even if only temporarily), pre-established virtual route. This ensures that each packet arrives in order and there are no QoS issues. Virtual Circuit Packet Switching is commonly used in large corporations to connect their computer networks between buildings.

The most widely used type of packet switching today, particularly for telecommunications networks, is the *Datagram Packet Switching*, where packets travel independently of each other. Each packet may use a different path to reach its intended final destination and even arrive out of order. The message is then reconstructed at the destination by reassembling the packets in the right order. The Internet, and all IP based telecommunications networks use this type of packet switching.

---

<sup>2</sup> Analog technology takes a radio/video signal and transforms it into electric pulses. Digital technology breaks signal into a binary format (zeros and ones).



*What is the current status and future of packet-switching?*

Currently, all communications over the Internet and all data communications (e.g. e-mails, text messages, video files, pictures, etc.) over telecommunications networks use packet switching. All communications (e.g. voice calls and data) that travel over IP based telecommunications networks are packet switched.

Some of the newer telecommunications networks, including those using 4G mobile technologies such as LTE, are IP based and use packet switching for data and voice communications. Packet switching allows for much more efficient use of a telecommunications network (a circuit or path is not reserved exclusively for a particular communication) and responds to consumer demands for using Internet “on the go” and making low cost long distance phone calls via the Internet using Voice over Internet Protocol (VOIP). As band-width use becomes more efficient through advances in technology, the QoS may approach that of circuit-switched networks.

*What is optical switching?*

Optical switching is the process of connecting optical signals between multiple devices on optical communication lines. Optical switching systems may convert the optical signals to electrical form or they may directly connect the optical signals using optical switches. This technology works similarly to packet-switching, except it forwards light instead of electrical signals.

*What is the current status and future of optical-switching?*

Optical switching is used for telecommunications that occur on fiber-optic cables. Optical signals (e.g. light) travel at a faster speed than electrical signals. However, because fiber optic cables are far more expensive and require more maintenance than electrical cables, their deployment has been selective. Optical switching in general may be used within the core (i.e. the non-public part of a Telecommunication Service Provider’s (TSP) network) or between the closest TSP device (termed “access device”) and a customer’s home. This is termed “Fiber to the Home”, and marketed as a way to offer very high quality television. Optical switching will likely continue to be deployed by TSPs selectively where it makes business sense to do so.

**SECRET**

-4-

**IMPLICATIONS FOR LAW ENFORCEMENT AND NATIONAL SECURITY**


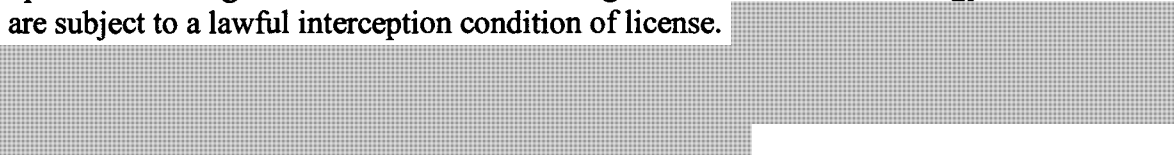
s.15(1) - Subv

s.16(1)(b)

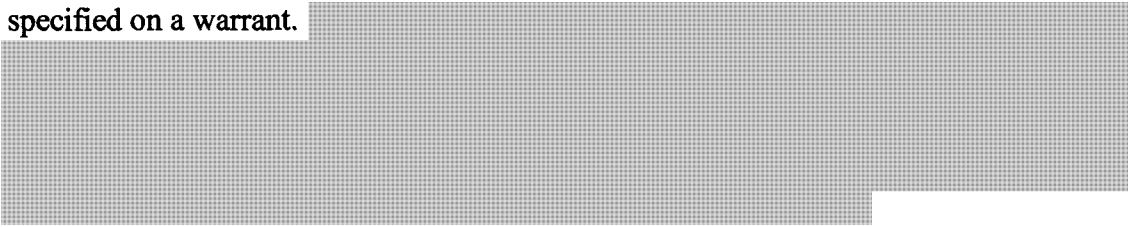
s.16(2)

Technological advancements in Canadian telecommunications networks pose legislative/regulatory, as well as technical and operational challenges for lawful interception.

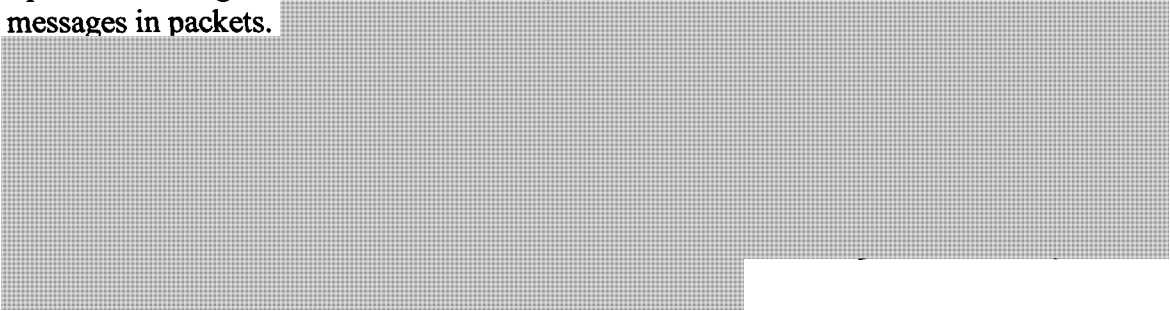
**Legislative/Regulatory challenges** Under the *Radiocommunication Act*, TSPs are subject to certain conditions of license, which can include lawful interception. Indeed, operators offering wireless voice services using circuit switched technology in Canada are subject to a lawful interception condition of license.



**Technical and Operational Challenges** *Packet switched* communications require a great deal more engineering, analysis and detailed knowledge of a particular communication network than circuit switched in order to perform an interception as specified on a warrant.



*Optical switching* refers to switching on optical fiber networks, which also handles messages in packets.



Prepared by: Rana Dincoy  
October 3, 2012

7/11/2013  
**SECRET**

**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 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

**SECRET**

s.16(1)(c)

s.16(2)

s.21(1)(a)

s.21(1)(b)

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, [REDACTED]

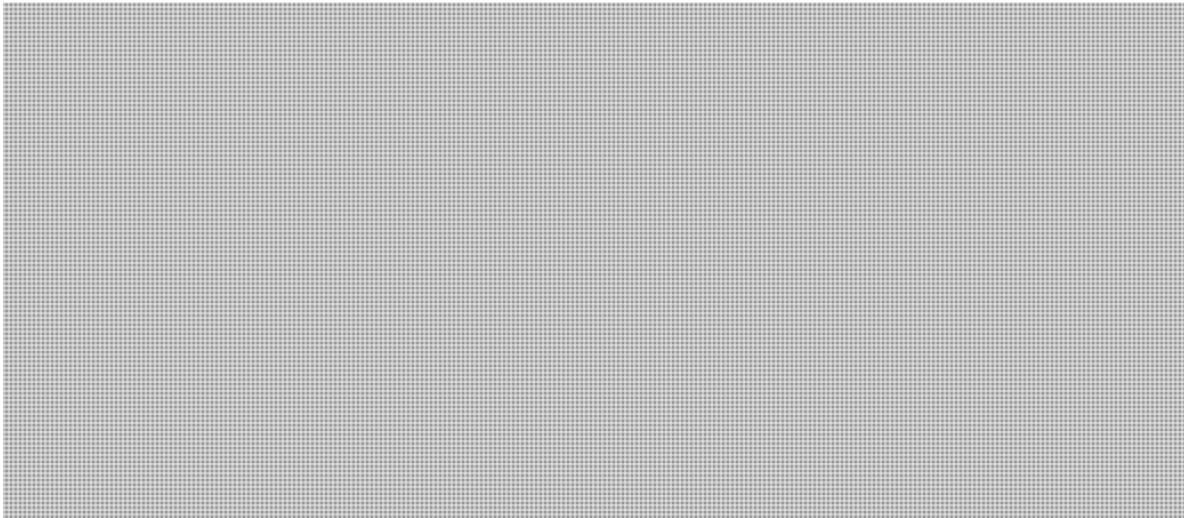
[REDACTED] However, IC did flag, in its public consultation, that PS was considering proposing minor modifications to the SGES. [REDACTED]

### **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.



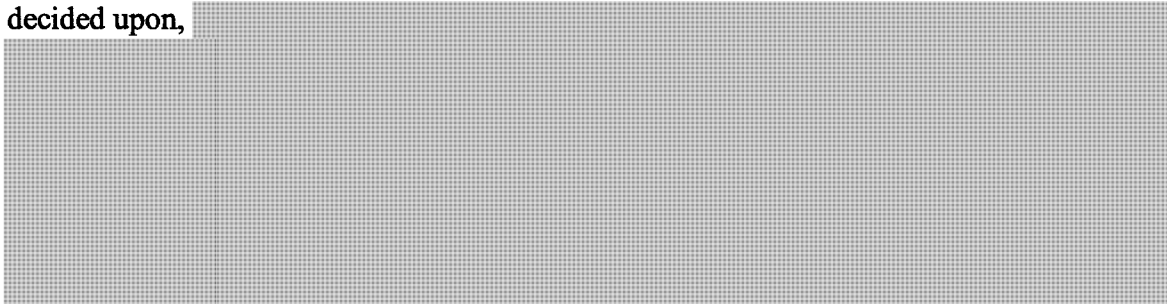
**SECRET**



**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,



s.16(1)(c)

s.16(2)

s.21(1)(a)



**SECRET**

s.15(1) - Subv

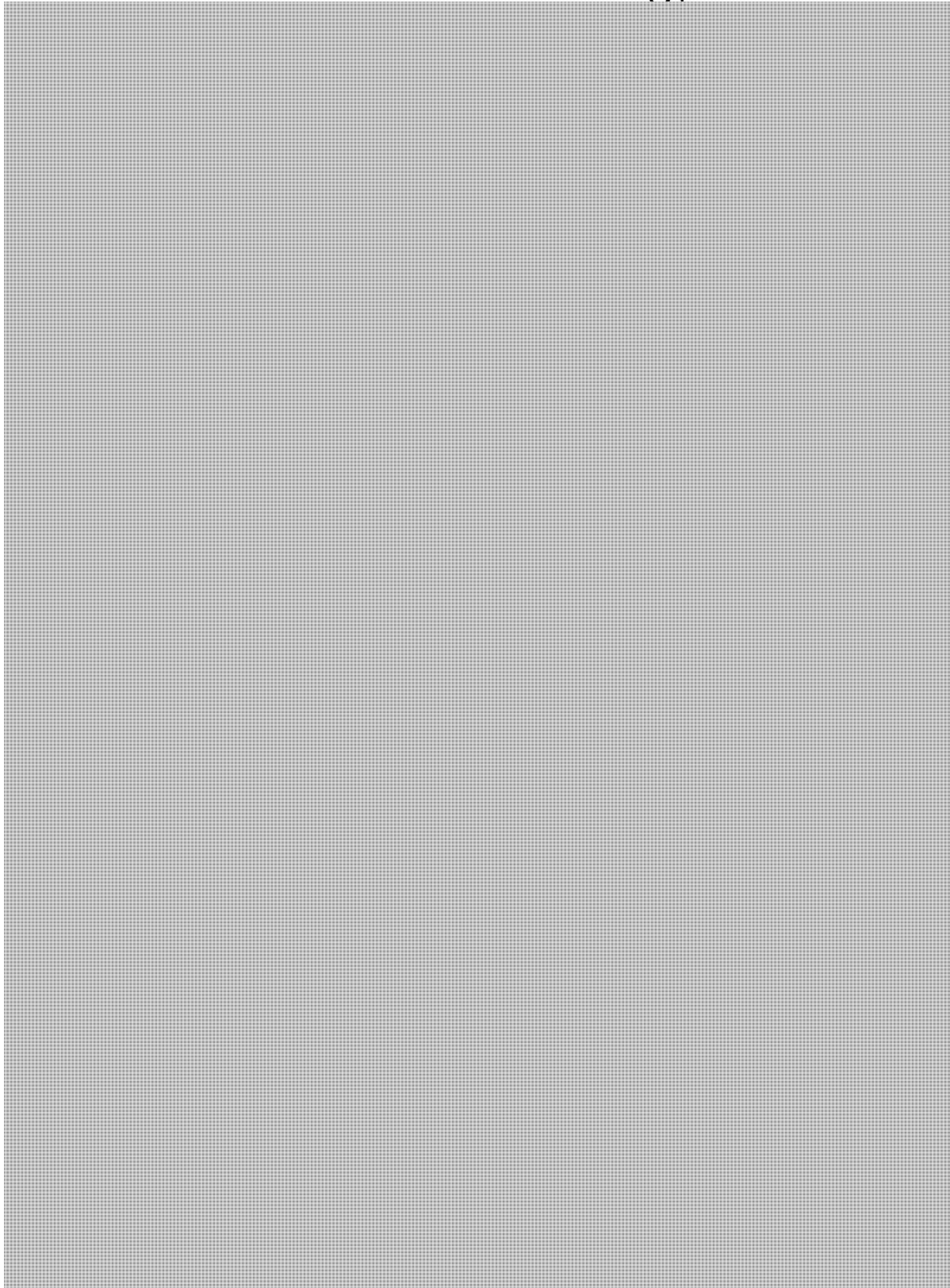
s.16(1)(b)

s.16(1)(c)

s.16(2)

ANNEX A

DRAFT



**Page 167**

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

**15(1) - Subv, 16(1)(b), 16(1)(c), 16(2)**

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



s.16(1)(b)

**SECRET**

DATE:

File No.: NS 6652 / 393945  
RDIMS No.: Dragon 5131

**MEMORANDUM FOR THE SENIOR ASSISTANT DEPUTY MINISTER**

**LAWFUL INTERCEPTION CONDITION OF LICENCE  
FOR THE 700 MHZ SPECTRUM AUCTION**

(Information Only)

**ISSUE**

To provide information on Industry Canada's recent decision regarding the lawful interception condition of spectrum licence for the 700 MHz spectrum band.

**BACKGROUND**

In Canada, radio spectrum, the frequencies over which wireless communications are transmitted, is managed through a licensing regime. Under the *Radiocommunication Act* (RA), the Minister of Industry has the authority to grant licences with conditions and Telecommunication Service Providers (TSPs) must comply with these conditions when delivering wireless services such as cellular, smart phone and wireless Internet.

Certain licences include a condition to facilitate lawful interception. In those situations where a TSP's network cannot facilitate a lawful interception, the Minister of Industry, in consultation with Public Safety Canada (PS), may grant forbearance for a specified period of time. In the absence of lawful interception legislation,

**CURRENT STATUS**

In the context of the upcoming spectrum auctions on the 700 MHz and 2500 MHz spectrum bands, PS engaged Industry Canada (IC) with the intention of modernizing

.../2

**SECRET**

s.16(1)(b)

-2-

s.16(1)(c)

s.16(2)

s.21(1)(a)

the lawful interception condition of spectrum licence. Currently, the condition refers to outdated technologies, is limited to voice services and does not apply to all spectrum bands.

In April 2012, IC launched a public consultation on the 700 MHz spectrum auction and proposed to make the lawful interception condition both technologically and service neutral. Most TSPs and the Canadian Wireless Telecommunications Association (CWTA) opposed the proposed changes arguing that any modification to the lawful interception regime in Canada would be more appropriately done through legislation.

On March 7, 2013, IC released its decision on the conditions that will apply to spectrum licences on the 700 MHz band. For these licences, the lawful interception condition will now cover all technologies, but will continue to apply only to voice services thus excluding data services (i.e., Internet services). Data services are expected to continue to be among the fastest growing portions of the Canadian telecommunications market.

IC has given TSPs and the general public the opportunity to request clarification on any of the conditions of licence for the 700 MHz spectrum band and will respond publicly to these requests by May 20, 2013. The actual auction for this band will not take place until November 19, 2013. Once the auction is held and licences are awarded,

### **CONSIDERATIONS**

IC's decision on the lawful interception condition of licence for the 700 MHz spectrum band

.../3

**SECRET**

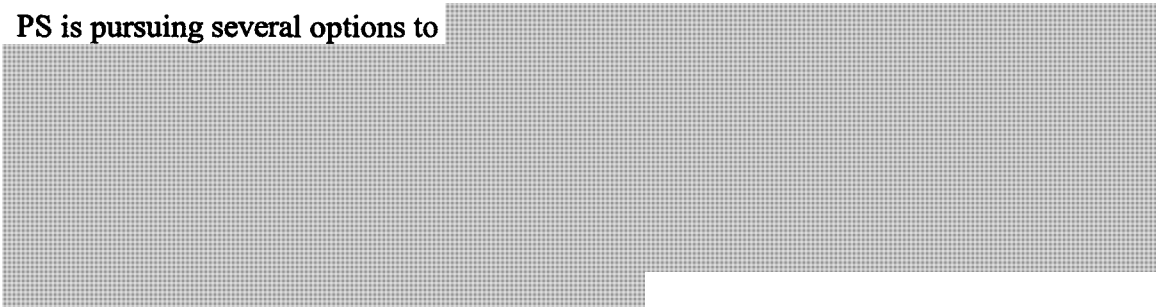
s.16(1)(c)  
s.16(2)  
s.21(1)(a)

-3-



**NEXT STEPS**

PS is pursuing several options to



Should you require additional information, do not hesitate to contact me at 613-993-4595, or Marie-Hélène Chayer, Director, Investigative Technologies and Telecommunications Policy at 613-949-3181.

A handwritten signature in black ink, appearing to read 'M. MacDonald', is written over the typed name.

Michael MacDonald  
Director General  
National Security Operations Directorate

Prepared by: Shawn Plunkett

3/1/03/2011

s.16(1)(b)

s.16(2)

**SECRET**

DATE:

File No.: 6950-1 / 377254

**MEMORANDUM FOR THE ASSISTANT DEPUTY MINISTER**

**SOLICITOR GENERAL ENFORCEMENT STANDARDS AND LAWFUL INTERCEPTION AS A CONDITION OF SPECTRUM LICENSING**

(Signature required by March 31, 2011)

**ISSUE**

Your signature is requested on a letter to the Assistant Deputy Minister of Industry Canada (IC), proposing measures to help ensure a more effective application of the licence condition under the *Radiocommunications Act* for the lawful interception of telecommunications, as a result of some challenges associated with the current licence condition.

**BACKGROUND**

There is currently no legislation compelling telecommunications service providers to maintain intercept-capable systems. That said, in certain circumstances, companies applying for a spectrum licence under the *Radiocommunication Act* must meet the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* as a condition of licence (**TAB A**). The condition requires that Personal Communications Services "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".

However, it has become increasingly apparent that

- s.16(1)(a)(i)
- s.16(1)(a)(ii)
- s.16(1)(c)
- s.16(2)
- s.21(1)(a)
- s.21(1)(b)

Specifically, the first concern lies with the specific reference to “circuit-switched voice telephony” technology as part of the wording of the current licensing clause for the interception requirement. This refers to equipment that was in place at the time that the clause was being negotiated. Since then, most companies have decommissioned these types of switches as they deploy newer technologies.

The second concern is that the condition only applies to Personal Communications Services licences, which includes higher frequency spectrum above the 1900 MHz range and represents only a small portion of the spectrum supporting communications in Canada.

### **CONSIDERATIONS**

As of April 1, 2011, approximately 200 cellular and Personal Communications Services licences will be up for renewal.

As PS and IC were discussing this issue, IC launched public consultations on how to proceed with the design of two upcoming spectrum allocation auctions for the 700 MHz and 2500 MHz bands. As you know, PS has already submitted comments, including a reference to the need to update the lawful interception licence condition. IC will conduct further consultations specifically on the licensing requirements for spectrum being allocated in the 700 MHz band. At that point,


**SECRET**

s.15(1) - Subv

- 3 -

s.21(1)(a)


PS is also analyzing

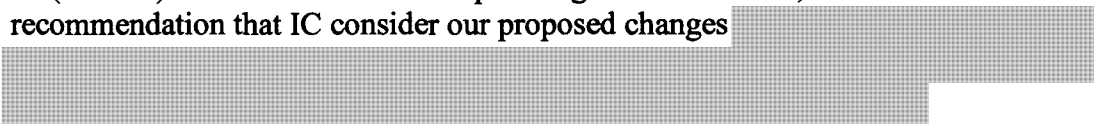


**RECOMMENDATION**

While PS officials will continue over the next months to work with IC



 we would recommend that you send the enclosed letter to your counterpart at IC (**TAB B**). In the context of the upcoming licence renewal, the letter includes a recommendation that IC consider our proposed changes



Should you require additional information, do not hesitate to contact me or Marie-Hélène Chayer, Director Investigative Technologies and Telecommunications Policy, at (613) 949-3181.

Michael MacDonald

Enclosures: (2)

I approve:

\_\_\_\_\_  
Lynda Clairmont

Prepared by: Jennifer Moshonas



s.16(1)(b)

s.16(1)(c)

s.16(2)

s.21(1)(a)

**SECRET**

Formatted: Right: 2.54 cm, Top: 3.17 cm, Bottom: 2.54 cm, Header distance from edge: 0.99 cm, Footer distance from edge: 0.48 cm

Helen McDonald  
Assistant Deputy Minister  
Spectrum, Information Technologies and Telecommunications  
Industry Canada  
300 Slater Street  
Ottawa, Ontario K1A 0C8  
Mr. Richard Dieerni  
Deputy Minister  
Industry Canada  
Office of the Deputy Minister  
235 Queen St.  
Ottawa, ON K1A 0H5

Dear colleague Mrs. Dieerni McDonald:

I am writing to seek your support to modify the Lawful Interception of Telecommunications condition of licence clause to allow for a more effective and broader application of its requirements.

As you are aware, there is currently no legislation compelling telecommunications service providers to maintain intercept-capable systems. That said, in certain circumstances, companies applying for a spectrum licence under the *Radiocommunication Act* must meet the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications* (SGES) as a condition of licence. The condition requires that Personal Communications Services (PCS) providers 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.

~~That said~~ However, it has become increasingly apparent that the application of the current lawful interception condition

s.16(1)(c)

s.16(2)

s.21(1)(a)

- 2 -

~~SECRET~~~~SECRET~~

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt

Formatted: Right

[Redacted]

[Redacted]

[Redacted]

Over the last ~~two~~three months, my officials have engaged your Department to address these concerns. Officials from my Department suggested that the

We also made these recommendations as part of your department's recent consultations on the 700 MHz spectrum auction.

aswhile legislative proposals in support of lawful access are being developed. Parliament continues to considers lawful access legislation.

s.15(1) - Subv

s.21(1)(a)

- 3 -

~~SECRET~~

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt

Formatted: Right



I can also appreciate the need to consult

This would allow for our departments to work together to resolve these shortcomings and implement proposed amendments as soon as possible.

Should you wish to discuss this further, please do not hesitate to contact me or Mrs. Lynda Michael MacDonald, Director General, National Security Operations Directorate, at 613-993-4595 ~~Clairmont, Assistant Deputy Minister, Emergency Management and National Security, at 613-990-4976.~~

~~I thank you for your attention to this and hope to see these amendments made in the near future important matter.~~

Sincerely,

~~Lynda Clairmont~~ William V. Baker  
Assistant Deputy Minister  
of Public Safety  
Emergency Management and National Security

c.c.: Antoine Babinsky ~~William Elliott, Q.C., Commissioner, Chief Superintendent, Technical Operations, of the Royal Canadian Mounted Police~~

~~Assistant Director, Technology, of the Canadian Security Intelligence Service~~

Formatted: Indent: Left: 0 cm, Hanging: 0.95 cm

Formatted: Indent: Left: 1 cm



MEMORANDUM / NOTE DE SERVICE

Security classification -- Côte de sécurité <b>Protected B</b>
File number -- Numéro de dossier
Date <b>April 15, 2013</b>
Telephone / FAX -- Téléphone / Télécopieur <b>(613) 991-4364</b>

TO / DEST: **Maciek Hawrylak  
National Security Operations Directorate**

FROM / ORIG: **Claude Pilon,  
Counsel, Public Safety Legal Services**

SUBJECT / OBJET: 

Comments/Remarques



**Pages 178 to / à 182  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**23**

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