

Confidential, Draft for Discussion Purposes Only

Draft Lawful Access Issue List

15 December 2011 draft

No.#	Issue (section numbers refer to C-52 numbering)	Statutory or Regulation
	Standards	
	<ul style="list-style-type: none">Ss.7 and 64(1)(f) Identify commercially available standard(s) that will satisfy Act (avoid TSPs having to gamble on what will be sufficient)	R
	<ul style="list-style-type: none">Keep number of applicable standards low to control cost	R
	<ul style="list-style-type: none">S.6(2) Clarify what is meant by confidentiality and security measures, establish workable standards for these	R
	"Communications"	
	<ul style="list-style-type: none">Ss.1, 7(a) and 64(1)(g) Define "communications" that can be intercepted	R
	Delivery of Intercepted Communications	
	<ul style="list-style-type: none">Ss.6 and 64(1)(c)&(d) Clarify where, how and to whom intercepted communications are to be delivered	R
	<ul style="list-style-type: none">s.6(5) Delivery of Intercept in multiple formats, want to avoid having to deliver in multiple forms to multiple LEAs	R
	Capacity	
	<ul style="list-style-type: none">Diversity of Networks, require different intercept technologies (avoid per box approach)	R
	<ul style="list-style-type: none">Use of historical trends to determine future capacity requirements	S and R
	<ul style="list-style-type: none">Public WiFi and end-user identification challenges	R
	<ul style="list-style-type: none">What are the "operational requirements"?	
	<ul style="list-style-type: none">S.7(c) Clarify what is required to facilitate the correct correlation of "all elements of intercepted communications", does that require correlation across companies or different networks?	R
	<ul style="list-style-type: none">Ss.7(d) and 64(1)(h) Establish what is counted as an interception and the formula to calculate the capacity necessary for a "minimum number of interceptions"	R
	<ul style="list-style-type: none">S.12 and 64(1)(i) "Global limit" on interceptions, establish formula for calculating the global limit on interceptions.	R
	<ul style="list-style-type: none">S.26 Clarify who has the obligation to do testing to determine whether a network change will impact equipment or interceptions. Also, does overall volume of users or interceptions constitute a change?Can a TSP just inform CSIS and LEAs of a network change and leave it to them to determine the impact (for example, on the wireless side for Bell Mobility, there are about 250 change notices a week)	S and R
	<ul style="list-style-type: none">S.30 Mandatory Reporting on acquired transmission apparatus<ul style="list-style-type: none">Clarification on the intent of this section (is it just to establish the baseline capacity of acquired apparatus) and	R

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	set out the format of the report	
	Compensation	
	<ul style="list-style-type: none"> Need certainty as to what categories of costs will be compensated and a formula for adequate compensation that will provide certainty and accommodate differing cost structures of companies and networks 	
	<ul style="list-style-type: none"> S.14(3) and (4) and 64(1)(j) Need certainty as to what categories of costs will be compensated with respect to a Ministerial Order and a formula for adequate compensation that will provide certainty and accommodate differing cost structures of companies and networks <ul style="list-style-type: none"> S.14(3) says "initially incur" does that mean that operating expenses will not be compensated? 	R
	<ul style="list-style-type: none"> S.21 for subscriber information requests under ss.16 & 17, need to have a formula for adequate compensation that will provide certainty and accommodate differing cost structures of companies and networks 	R
	<ul style="list-style-type: none"> Clarify that s.16 information that is obtained under another Act (i.e. Criminal Code) is still subject to a fee 	R
	<ul style="list-style-type: none"> S.25 and 64(1)(n) clarify what compensation can be paid to TSPs for assessment and testing of facilities by a TSP 	R
	<ul style="list-style-type: none"> S.29 and 64(1)(o) Specialized telecommunications support <ul style="list-style-type: none"> Define the prescribed conditions Define the prescribed specialized telecom support (does it apply to operations, engineering, tactical support (such as 'one off' solutions) Level of compensation for various types of support 	R
	Security Clearances s.28	
	<ul style="list-style-type: none"> Need for common process, especially clarify process around updating list of cleared individuals (can it be updated quarterly) 	R
	<ul style="list-style-type: none"> Number and level of clearance to line up with sensitivity of specific tasks 	R
	Penalties s.41	
	<ul style="list-style-type: none"> S.41(3)(e) further criteria for imposing AMPs 	R
	Subscriber Information (s.16)	
	<ul style="list-style-type: none"> Review s.16(1) to determine if any of the subscriber information listed is obsolete, duplicative or excessive. 	R
	<ul style="list-style-type: none"> How do TSPs determine who is a designated person able to make a request under s.16? 	R
	Accommodating Technological Change	
	<ul style="list-style-type: none"> Cloud Computing, Social Media Platforms – Who is responsible for what 	
	<ul style="list-style-type: none"> IP v.6 	
	<ul style="list-style-type: none"> LTE 	
	<ul style="list-style-type: none"> WiFi 	
	Exemptions and Exclusions	
	<ul style="list-style-type: none"> Ss.7 and 64(1)(f) List exemptions or exclusions from s.7 operational 	R

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	<p>requirements</p> <ul style="list-style-type: none"> • S. 32 and 64(1)(a)– Establish list of exemptions <ul style="list-style-type: none"> ○ Classes of exempt apparatus and software for new (6,9,11) ○ Subscriber info (16,17) ○ Acquired apparatus (30) 	
	Equipment Location and Reporting	
	<ul style="list-style-type: none"> • S.6(1)(b)What equipment is covered? (need clarity on whether towers, handsets etc. covered) 	R
	<ul style="list-style-type: none"> • S.24(1) and 64(1)(b) Need to clarify what the prescribed information on equipment location is and the process and format for making a request and delivering the information 	R
	<ul style="list-style-type: none"> • S.30 Need to clarify categories of transmission apparatus that qualify for reporting and what information needs to be reported 	R
	<ul style="list-style-type: none"> • S.70 As above re: s.30, We assume that this cannot mean that a company has to report on every piece of transmission apparatus in its network 6 months after s.30 comes into force? What are the reporting requirements? 	R