Cc: ,
Subject: Lawful Access - ITAC/CWTA meeting with PSC and LEAs September 15th, summary

Hello All,

The meeting with PSC and LEAs on Thursday, Sept. 15 went well. The PSC appeared willing to engage with industry to address some of our concerns to the extent they could be addressed through the upcoming draft Regulations. The fact that the legislation is a top priority for a majority government and that industry's concerns have not gone away may have focussed their attention more than usual. With respect to the takeaway tasks, I am hoping that we can strike a small work group for each and turn them around relatively quickly. We will cover this at the next ITAC/CWTA LAP call, September 29th.

The following is a summary of the meeting.

Attendees:

Name	Company	Name	Department/LEA
	Bell Canada	Michael MacDonald	PSC - DG
	Bell Canada	Bruce Wallace	IC – Ecommerce branch
	Cogeco	Michelle Kingsley	PSC
	RIM	Maciek Hawrylak	PSC
	Telus	Matt Chagaloff	PSC or DoJ
Bill Munson	ITAC	Karen Audcent	S. Counsel, DoJ
	Rogers	Bernie Tremblay	RCMP
	Microsoft	Shawn Pope	RCMP
			PSC
			PSC

Take-away Tasks

	Task	Prime	Due date
1	Through ITAC the industry's will create a chart dividing out its issues in detail between those that arise directly from the legislation and those that arise from, or could be addressed in the Regs	ITAC/CWTA	
2	PSC will provide possible frameworks for a collaborative forum that allow work on details of issues without violating any of the restrictions imposed on the public service (cabinet confidence, etc)	M. MacDonald	
3	TSPs to provide a sample or model for a tiered approach to capacity thresholds by network type (wireline, wireless, cable, conference call, etc) as an alternative to the per service and global limit model currently proposed. Could be one based on historical volumes	ITAC/CWTA	
4	Provide a list of further exemptions that TSPs want in the Act, with justification to be identified within a schedule or an Annex	ITAC/CWTA	
5	Review list of subscriber identifiers in s.16 of draft Bill to see if any are obsolete, meaningless, unworkable etc.	ITAC/CWTA	
6	Send Terms of Service Article 11 to Karen Audcent and provide explanation of background and restrictions on disclosing info in the absence of a "legal power"		

The meeting was structured around the CWTA/ITAC deck.

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PSC noted that Bill language is broad and technically neutral, with details to be addressed in Regs. A number of ways to flexibly address concerns:

- Regs – planning to have extensive consultation and input on draft Regs
- Exemptions (either in Bill or Regs)
- Alternative compliance plans – These are company specific compliance plans, a company would propose the measures it would take to try to meet the LA requirements and if the plan is approved by PSC, that is good enough.
- Information Circulars– this will provide a mechanism for the interpretations Regulations and Act

Collaborative Forum:

A government/LEA/TSP collaborative forum is necessary. Meet regularly over many months with a structured work plan to address concerns in a logical order. Membership may change over time depending on topics being discussed. TSPs would send technically skilled, cleared individuals.
PSC showed interest, outlined certain restrictions on the operation of such a forum including: cabinet confidences, not fettering Minister, Public Service guidelines on policy making, Public Service Values and Ethics, that fact that formal consultation requires Ministerial approval.

Standards:
TSPs explained importance re: ability to buy equipment, ability to know that it meets requirements, interoperability
PSC said no safe harbours based on standards, but the alternative compliance model comes pretty close. Might look at the SolGen wireless forbearance model as an option.

Capacity:
No recognition of a more tactical approach to addressing low need intercept capabilities. Idle staff, wasted investment, but can't not implement the capacity because you can't "risk manage" non-compliance with a statute.
PSC asked for sample of an alternative, tiered model (see Task 3)
Statutory exemptions may also be a way of addressing capacity issues. If TSP feels that the service is not of interest can meet with LEAs prior to agree on an exemption.

Subscriber Info:
PSC says the intent is actually to tighten the ability to request SI without a warrant. Discussed practical challenges of obtaining SI across a number of services, especially if required simultaneously. The Forum could work through a table to say what piece of info gets you what piece of SI.

Security Clearances:
LEA should be realistic about which TSP employees really need clearance and streamline/unify the clearance process, perhaps tier to the sensitivity of info involved. PSC says it will look into this.

Draft Regs:
PSC cannot provide or discuss draft Regs. Won't be tabled until after Act is passed. Are willing to discuss concepts. Will look at updating the Reg policy documents (for example, there is nothing there about single point of delivery).