



To Adhoc FCM
 À
 From Nanao Kachi
 De Social and Consumer Policy, CRC
 Eric Bowles
 Michel Hogan
 Legal Directorate

Security Classification - Classification de sécurité
Protected B
Our File - Notre référence
Date 18 June 2020

Subject **Application submitted by PIAC regarding pandemic contact-tracing by major Canadian telecommunications service providers**
 Sujet

A. Background

1. On 4 May 2020, the Public Interest Advocacy Centre (PIAC) filed a Part 1 Application requesting Commission action to ensure that pandemic contact tracing applications for public health purposes are developed “in the fairest, most open and transparent manner, non-coercively and only for the intended purpose(s).” Specifically, PIAC asked that the Commission, as a condition of offering telecommunications service (mobile wireless or Internet access), under the authority of ss. 7, 24, 24.1 and 47 of the *Telecommunications Act*, require all telecommunications service providers (TSPs) to:
 - a) Publicly disclose on the record of this proceeding and to the Commission any steps taken for any government or private interest to facilitate contact tracing;
 - b) Inquire into any such TSPs’ activities related to contact-tracing apps or network-level facilitation of individual consumer location or other personal or communications details;
 - c) Require any such TSPs’ activities related to contact tracing respect the confidential customer information rules of the Commission devised for telephony;
 - d) Prohibit TSPs from using prior consumer consent to location track mobile devices (for example, in “opt-in” marketing programs or other TSP portal or other applications) or to provide databases previously gleaned from these programs to any private or government entities to build, improve or test COVID-19 tracing tools without new, explicit, prior individual consent for this new use or disclosure;
 - e) Appoint an inquiry officer under subs. 70(1)(a) of the *Telecommunications Act*, to inquire into and report upon contact tracing, as well as to liaise with public health authorities and governments and non-telecom private parties, if necessary;
 - f) In the alternative, launch a formal Notice of Consultation on the matter.

2. In response to PIAC's application, Rogers filed a letter (7 May 2020) arguing that the federal and provincial privacy commissioners (the Privacy Commissioners) are already seized of this issue and as such, the application should be dismissed.
3. Bell Canada filed a letter (12 May 2020) in support of Rogers position.
4. PIAC responded to Rogers and Bell (12 May 2020) arguing that the Privacy Commissioners have limited jurisdiction and that the "CRTC is the only regulator that has jurisdiction to allow or prohibit use of confidential customer information obtained from Canadians' use of their services or any other aspect of telecommunications." PIAC also cited [Telecom Decision 2003-33](#), in which, it argued, amongst other things, the CRTC "has asserted its jurisdiction to apply higher privacy standards than those set in generalist privacy legislation."
5. Telus filed a response (12 May 2020) to PIAC's application reiterating Rogers and Bells arguments that the Privacy Commissioners are engaged and have taken action with respect to the issue.
6. The Canadian Wireless Telecommunications Association (CWTA) filed a response (13 May 2020) in which it noted that (1) none of the contact tracing apps being implemented or developed in Canadian jurisdictions involve TSPs which are members of the CWTA; (2) if TSPs were "pushing" contact tracing apps to their customers or making them available to their customers in app stores, they would be subject to Canada's Anti-Spam Legislation (CASL)¹; and (3) if TSPs were asked by government authorities to disclose customer personal information that it would only be shared consistent with the *Personal Information Protection and Electronic Documents Act* ("PIPEDA").
7. On 13 May 2020, Commission staff issued a letter under Scott Hutton's signature as the Chief of Consumer, Research and Communications, reiterating that TSPs need to adhere to the *Telecommunications Act* and CASL; and that the CRTC monitors TSP adherence to the legislative and regulatory requirements that fall within the CRTC's mandate. Moreover, the letter indicated that, based on the available information, TSPs do not appear to be involved in the development or implementation of contact tracing apps in Canada, but rather the apps are being developed by governments and health authorities and the apps collect information using Bluetooth technology. The letter also acknowledged that the federal, provincial and territorial Privacy Commissioners issued a [joint statement](#) on 7 May 2020 outlining privacy principles for contact tracing applications. Moreover, it was noted that the Office of the Privacy Commissioner of Canada (OPC), which administers federal privacy legislation (including PIPEDA), had issued on 17 April 2020 a [framework](#) to assess privacy-impactful initiatives in response to COVID-19. The letter concluded (1) Commission staff would continue to monitor the situation and where necessary issue requests for information to TSPs; (2) as part of its monitoring efforts, maintain contact with OPC staff; (3) that there does not appear to be evidence that current privacy frameworks are not sufficient or that launching a public

¹ (CASL) prohibits the installation of a computer program to another person's computing device in the course of commercial activity without the express consent of the device owner or an authorized user.

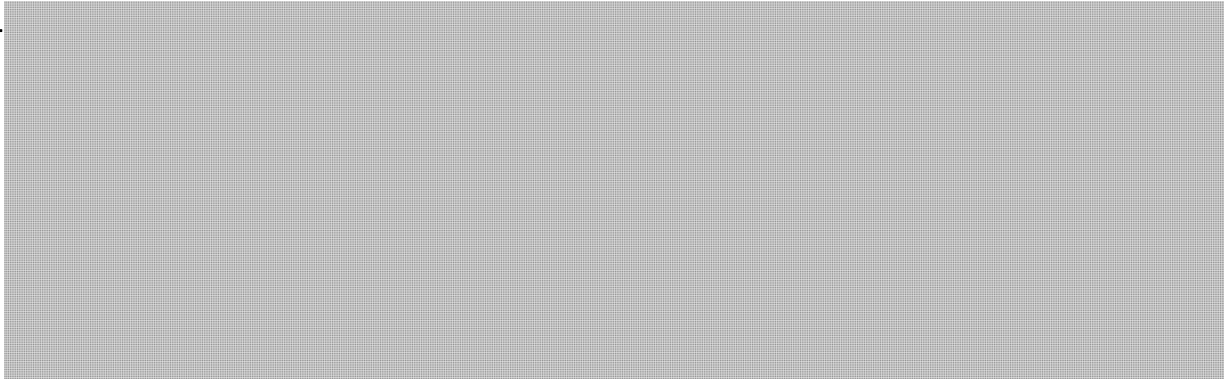
proceeding at this time would be beneficial to Canadians; and (4) as such, the application will not be considered.

8. PIAC filed a procedural request (14 May 2020) arguing that the Commission has an obligation to post the application and is seeking a Commission determination on Rogers' procedural request that PIAC's application should be dismissed. PIAC cited Telus' "Data for Good" Privacy Statement as evidence that the Commission should be intervening.
9. Telus filed a response (15 May 2020) clarifying that Data for Good is not contact-tracing but rather forms part of TELUS' Insight platform and serves to provide Governments, health authorities and academic researchers with de-identified and aggregated data sets that can be used to identify trends and patterns without disclosure of any personally identifiable information.
10. All the referenced correspondence is attached:
 - 04 May 2020 – PIAC Cover Letter and Part 1 Application (2 PDF files)
 - 07 May 2020 – Rogers Letter (1 MS Word file)
 - 12 May 2020 – Bell Canada Letter (1 MS Word file)
 - 12 May 2020 – PIAC Procedural Reply Letter (1 PDF file)
 - 12 May 2020 – Telus Letter (1 PDF file)
 - 13 May 2020 – CWTA Letter (1 PDF file)
 - 13 May 2020 – Commission Staff Letter (1 PDF file)
 - 14 May 2020 – PIAC Procedural Request (1 PDF file)
 - 15 May 2020 – Telus Letter (1 PDF file)

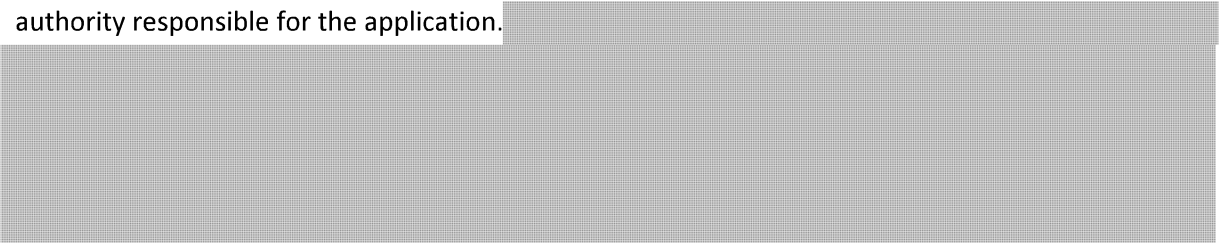
B. Staff Analysis and Recommendations

11. As set out in Section 22 of the Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure (Rules of Procedure), an application must, amongst other things, "contain a clear and concise statement of the relevant facts [and] of the grounds of the application...".

12.

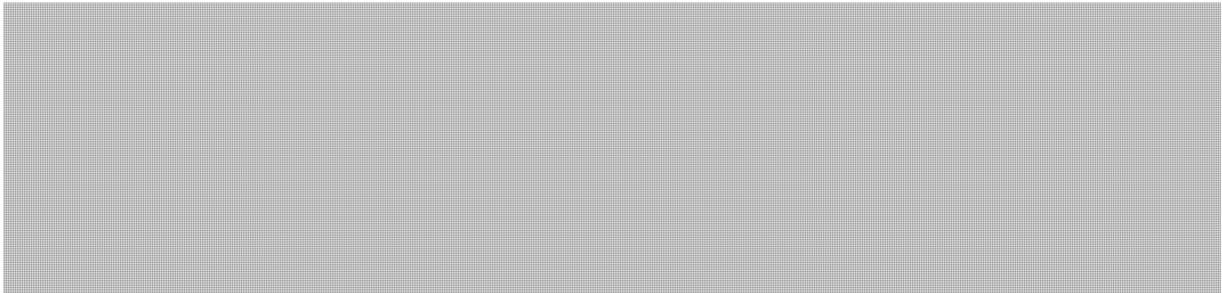


13. The Bluetooth technology – which uses radio waves to determine which other devices are nearby – allows for a log to be collected regarding an individual’s contact with other people who have voluntarily downloaded the contact tracing application. The data collected are stored and delivered through the application to the developer or owner of the application, for instance the health authority responsible for the application.

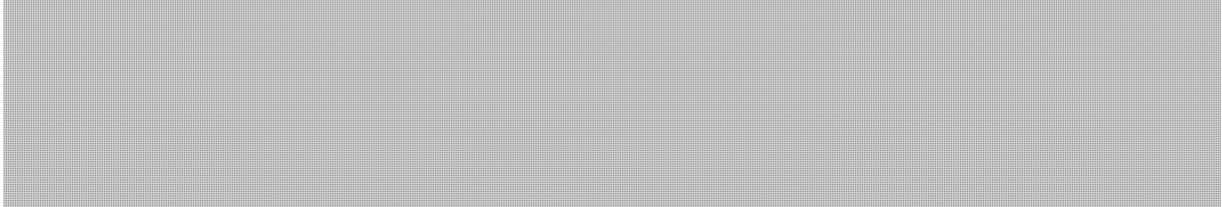


14. Staff would also note that Apple and Google announced on 10 April 2020⁴ that they would work together to develop a set of tools known as application programming interfaces (APIs) so that contact tracing applications created by public health authorities could work on both iPhones and on phones that run Google’s Android operating system. Bluetooth technology forms the basis of the Apple and Google initiative.

15.



16.

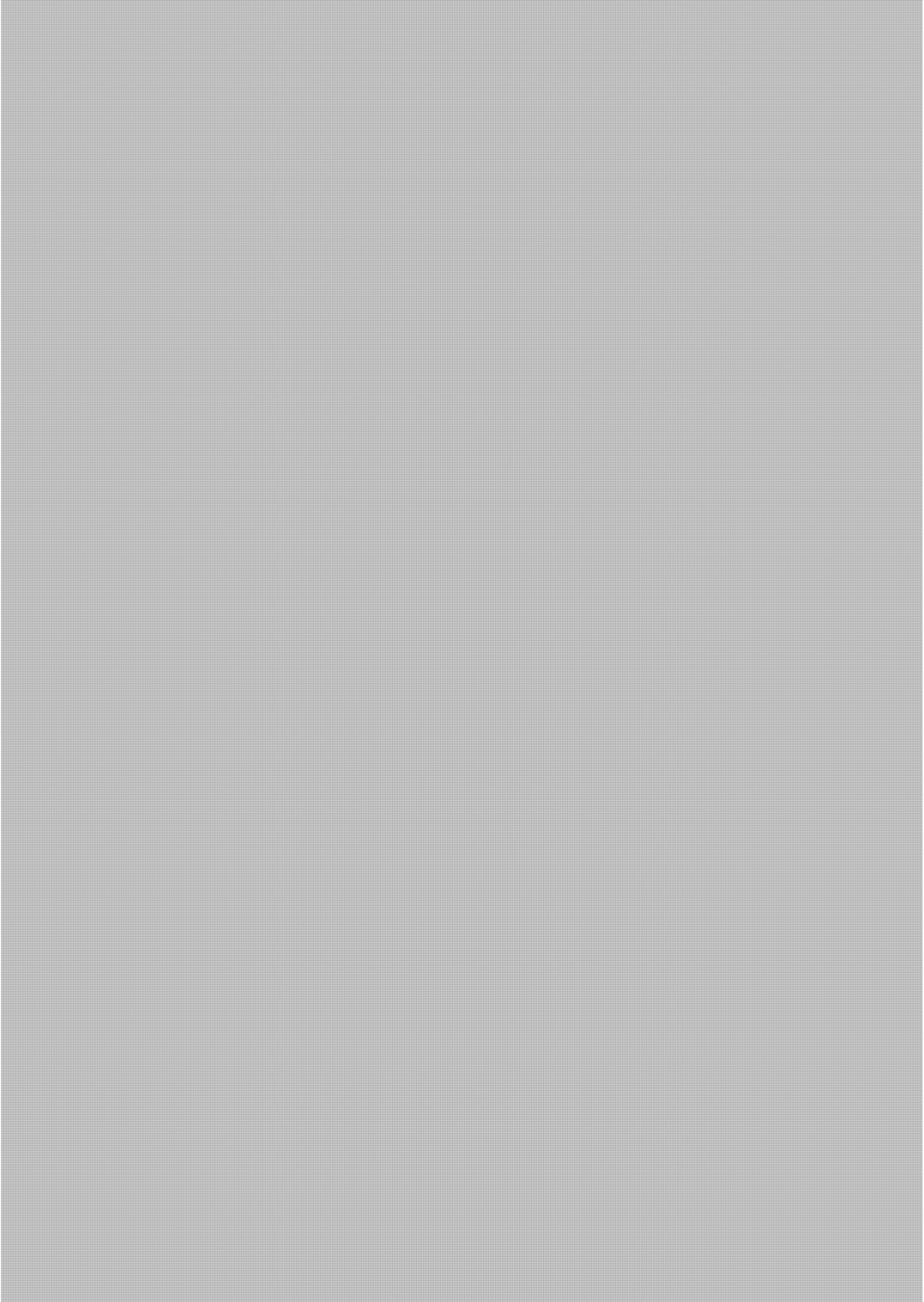


⁴ <https://www.apple.com/newsroom/2020/04/apple-and-google-partner-on-covid-19-contact-tracing-technology/>

17.

18.

19.



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



Appendix – Commission Administered Safeguards and Obligations

Objective 7(i) of the Telecommunications Act (the Act) is "to contribute to the protection of the privacy of persons". In furtherance of this policy objective, the CRTC has imposed various privacy safeguards and obligations as follows:

- All tariffs, customer contracts and other arrangements involving most Canadian carriers are to include wording that prohibit these carriers from disclosing confidential customer information, other than the customer's name, address, and listed telephone number⁵, without express consent of the customer⁶, except in certain specified circumstances:
 - providing telephone-based community notification services⁷
 - sharing information with an affiliate involved in supplying the customer with telecommunications and/or broadcasting services, provided the information is required for and used only for that purpose and disclosure is made on a confidential basis⁸
 - where disclosure is done pursuant to a legal power⁹
- Telecom Decision CRTC 2004-27, required as a condition of providing telecommunications services, that all Canadian carriers must include in their service contracts or other arrangements with resellers that are not covered by the confidentiality requirements, the requirement that such resellers abide by the confidentiality requirements approved in Telecom Decision 2003-33

⁵Telecom Decision CRTC 86-7, *Review of the general regulations of the federally regulated terrestrial telecommunications common carriers* (amended in Telecom Order CRTC 86-593), established that all Canadian carriers, including cellular and personal communications services (PCS) providers (with the exception of all other mobile wireless providers, such as pager service providers) are restricted from providing confidential customer information to third parties without written consent of the customer.

⁶ Telecom Decision CRTC 2003-33, *Confidentiality provisions of Canadian carriers*, expanded the forms of express consent required by Canadian carriers for the disclosure of confidential customer information.

⁷ Telecom Decision CRTC 2007-13, *Use of E9-1-1 information for the purpose of providing an enhanced community notification service*.

⁸ Telecom Regulatory Policy CRTC 2009-723, *Regulatory measures associated with confidentiality provisions and privacy services*.

⁹ Order CRTC 2001-279, *Provision of subscribers' telecommunications service provider identification information to law enforcement agencies* and Telecom Decision CRTC 2002-21, *Provision of subscribers' telecommunications service provider identification to law enforcement agencies*.

and in previous determinations. Subsequently, these privacy requirements were directly imposed upon resellers.¹⁰

- Requirements on local exchange carriers in both forborne and regulated markets to offer services designed to protect customer privacy (e.g., unlisted number service¹¹, call display, call display blocking, and call trace¹²). The privacy protections are set out in Telecom Decision CRTC 97-8 and were subsequently directly imposed upon resellers¹³.
- A condition that Internet service providers may not use personal information collected for the purposes of traffic management for other purposes, and may not disclose such information. Subsequently, these privacy requirements were directly imposed upon resellers.¹⁴
- A requirement that wireless service providers notify customers of amendments to their privacy policies at least 30 days before the amendments take effect.¹⁵

Furthermore, and independent of the measures taken by the Commission under the *Telecommunications Act*, Canada's Anti-Spam Legislation (CASL) prohibits the installation of a computer program to another person's computing device in the course of commercial activity without the express consent of the device owner or an authorized user.

¹⁰ Telecom Regulatory Policy CRTC 2017-11, *Application of regulatory obligations directly to non-carriers offering and providing telecommunications services*

¹¹ First imposed in Telecom Order 98-109.

¹² First imposed in Telecom Decision CRTC 90-10, *Bell Canada - Introduction Of Call Management Service*; Telecom Decision CRTC 97-8, *Local Competition*

¹³ Telecom Regulatory Policy CRTC 2017-11, *Application of regulatory obligations directly to non-carriers offering and providing telecommunications services*

¹⁴ Telecom Regulatory Policy CRTC 2009-657, *Review of the Internet traffic management practices of Internet service providers* and Telecom Regulatory Policy CRTC 2017-11, *Application of regulatory obligations directly to non-carriers offering and providing telecommunications services*

¹⁵ Telecom Regulatory Policy CRTC 2013-271, *The Wireless Code*

DOCUMENT AT A GLANCE**AD HOC FCM**

TITLE AND PURPOSE (presentation, information, consultation, decision, application #)

Denial of PIAC's application regarding pandemic contact-tracing by major Canadian telecommunications service providers.

SUMMARY (Must include key issues and recommendations)

Background

On 4 May 2020, the Public Interest Advocacy Centre (PIAC) filed a Part 1 Application requesting Commission action to ensure that pandemic contact tracing applications for public health purposes are developed "in the fairest, most open and transparent manner, non-coercively and only for the intended purpose(s)."

On 13 May 2020, Commission staff issued a letter under Scott Hutton's signature as the Chief of Consumer, Research and Communications, informing PIAC that the application will not be considered as: TSPs already need to adhere to the *Telecommunications Act* and CASL; based on the available information, TSPs do not appear to be involved in the development or implementation of contact tracing apps in Canada; the federal, provincial and territorial Privacy Commissioners issued a joint statement on 7 May 2020 outlining privacy principles for contact tracing applications; the Office of the Privacy Commissioner of Canada (OPC) had issued on 17 April 2020 a framework to assess privacy-impactful initiatives in response to COVID-19; and that there does not appear to be evidence that current privacy frameworks are not sufficient or that launching a public proceeding at this time would be beneficial to Canadians. The letter indicated that Commission staff would continue to monitor the situation, including maintaining communications with staff at the OPC.

PIAC filed a procedural request (14 May 2020) arguing that the Commission has an obligation to post the application and is seeking a Commission determination on Rogers' procedural request that PIAC's application should be dismissed. PIAC cited Telus' "Data for Good" Privacy Statement as evidence that the Commission should be intervening.

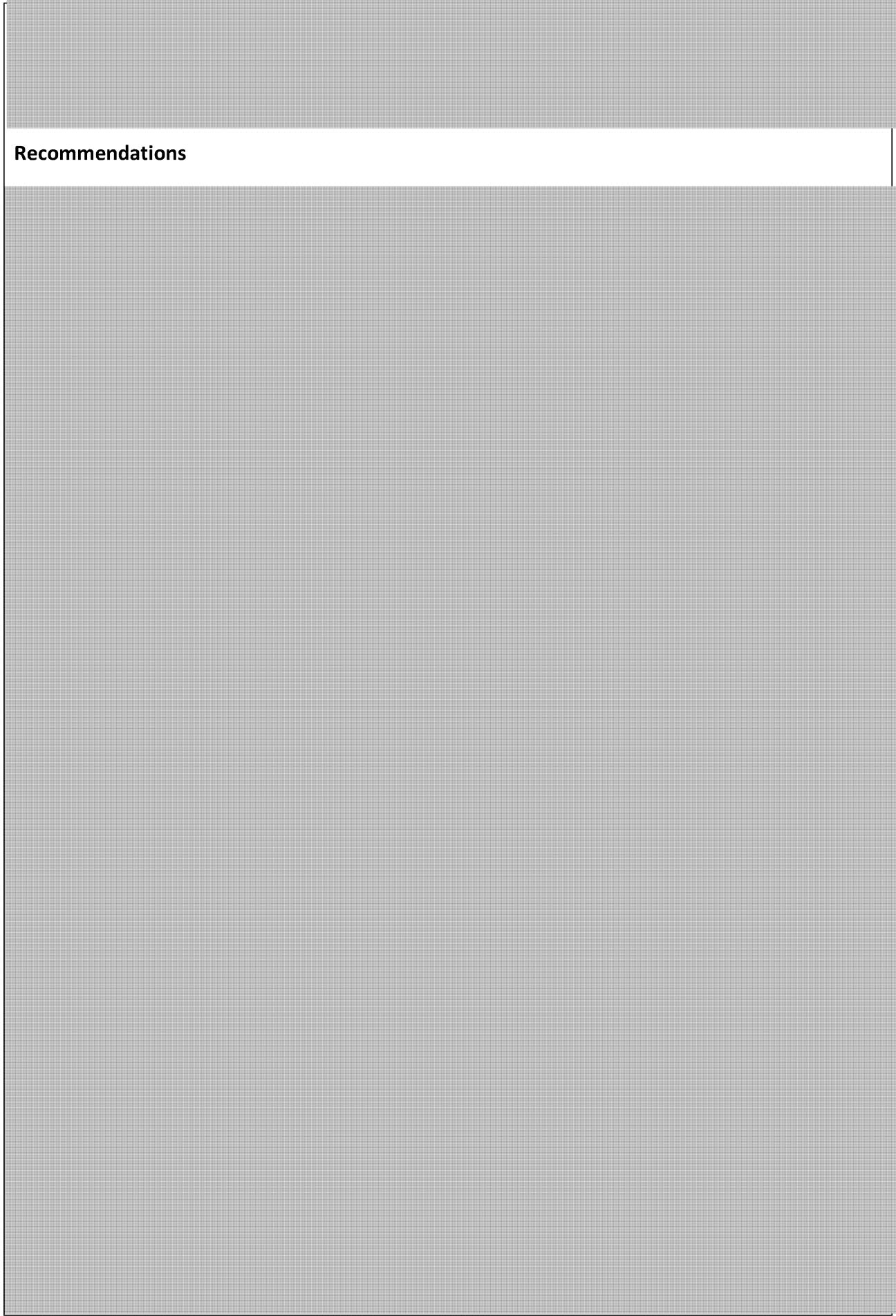
Telus filed a response (15 May 2020) clarifying that Data for Good is not contact-tracing but rather forms part of TELUS' Insight platform and serves to provide Governments, health authorities and academic researchers with de-identified and aggregated data sets that can be used to identify trends and patterns without disclosure of any personally identifiable information

Analysis

s.21(1)(a)

s.21(1)(b)

Recommendations



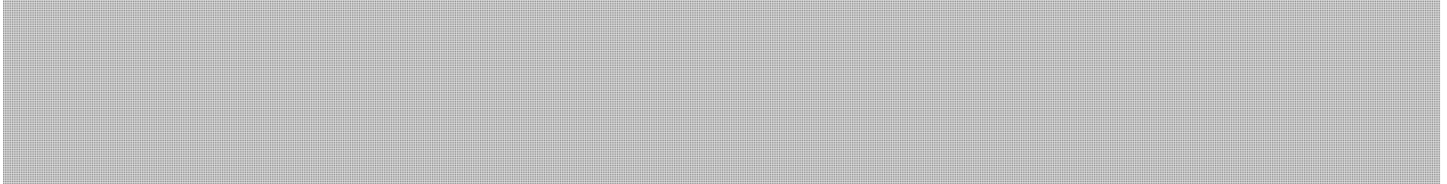


IMPACT ANALYSIS	n/a	RELEVANT PAGE(S)
Official language minority communities or other considerations (see: DM5#2540849)		
Small Businesses (see: DM5 #1672887)		
CONTACT INFORMATION		
<p>NAME AND TITLE: NANAOKACHI, DIRECTOR OF SOCIAL AND CONSUMER POLICY</p> <p>DIRECTORATE: CRC</p> <p>TELEPHONE: 819-997-4700</p>		
TRANSLATION EXPECTED ON:	n/a	

Bowles, Eric

From: Hutton, Scott
Sent: September 28, 2020 4:09 PM
To: Bowles, Eric; Old, Matthew
Cc: Carter, Sheehan; Frenette, Rachelle; Kachi, Nanao; Leclerc, Guillaume; Hogan, Michel; Poirier, Mélanie; Rancourt, Mélanie
Subject: RE: PIAC Part 1 - COVID Tracing App Memo - Scope-setting

Hi All, now that Eric explained the concern here is the suggestion. Merge the issues into a single paragraph as follows:



S

From: Bowles, Eric
Sent: September 28, 2020 3:17 PM
To: Hutton, Scott <scott.hutton@crtc.gc.ca>; Old, Matthew <Matthew.Old@crtc.gc.ca>
Cc: Carter, Sheehan <sheehan.carter@crtc.gc.ca>; Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>; Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>; Poirier, Mélanie <Melanie.Poirier@crtc.gc.ca>; Rancourt, Mélanie <melanie.rancourt@crtc.gc.ca>
Subject: RE: PIAC Part 1 - COVID Tracing App Memo - Scope-setting

If our end goal is to ensure that parties have adequate notice of the potential breadth of any resulting CRTC determinations, then, to be on the side of angels, we could say something like:



From: Hutton, Scott
Sent: September 28, 2020 2:50 PM
To: Old, Matthew <Matthew.Old@crtc.gc.ca>
Cc: Carter, Sheehan <sheehan.carter@crtc.gc.ca>; Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>; Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>; Poirier, Mélanie <Melanie.Poirier@crtc.gc.ca>; Rancourt, Mélanie <melanie.rancourt@crtc.gc.ca>
Subject: RE: PIAC Part 1 - COVID Tracing App Memo - Scope-setting

Hi Matthew,

Thanks for making the changes. I suggest the following additional changes to para 1:

- A large rectangular area of the document is redacted with a grey, textured pattern.

[REDACTED]

I must say I still find the Second para confusing. I don't think it adds much so maybe we could drop the second para altogether? Views?

S

From: Old, Matthew
Sent: September 28, 2020 9:45 AM
To: Hutton, Scott <scott.hutton@crtc.gc.ca>
Cc: Carter, Sheehan <sheehan.carter@crtc.gc.ca>; Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>; Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>; Poirier, Mélanie <Melanie.Poirier@crtc.gc.ca>; Rancourt, Mélanie <melanie.rancourt@crtc.gc.ca>
Subject: RE: PIAC Part 1 - COVID Tracing App Memo - Scope-setting

Good morning Scott:

I've made some changes to the memo in an effort to clarify the final section.

The latest draft is attached to this message.

Matt

From: Hutton, Scott
Sent: September 25, 2020 9:52 AM
To: Old, Matthew <Matthew.Old@crtc.gc.ca>
Cc: Carter, Sheehan <sheehan.carter@crtc.gc.ca>; Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>; Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>; Poirier, Mélanie <Melanie.Poirier@crtc.gc.ca>; Rancourt, Mélanie <melanie.rancourt@crtc.gc.ca>
Subject: RE: PIAC Part 1 - COVID Tracing App Memo - Scope-setting

Hi Matthew, I like your memo and have no comments on the body of the text. I do find the two paragraphs describing the main elements of the SECGEN letter to be confusing. The 1st para is just one long sentence that says what's in, then what's not then what's in again. While the second one seems to be speaking more to members than potential interveners. I don't understand it. [REDACTED]

From: Old, Matthew
Sent: September 24, 2020 12:18 PM
To: Hutton, Scott <scott.hutton@crtc.gc.ca>
Cc: Carter, Sheehan <sheehan.carter@crtc.gc.ca>; Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>; Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>; Poirier, Mélanie <Melanie.Poirier@crtc.gc.ca>; Rancourt, Mélanie <melanie.rancourt@crtc.gc.ca>
Subject: PIAC Part 1 - COVID Tracing App Memo - Scope-setting

Good day Scott:

Please find two documents attached to this message: i) the PIAC Part 1 – COVID Tracing App Memo (Scope-setting); and ii) the associated routing slip.

The memo has been signed off by all those listed in CC, and you're the last to see it.

I look forward to your comments and questions.

Hope all is well.

Matt

Matthew Old

Analyste | Analyst

Politique sociale et des consommateurs | Social and Consumer Policy

CRTC

Tel: 873-353-4578

matthew.old@crtc.gc.ca



Canadian Radio-television and
Telecommunications Commission

Conseil de la radiodiffusion et des
télécommunications canadiennes

Archived: December 2, 2020 9:35:58 AM

From: [Hutton, Scott](#)

Sent: October 23, 2020 11:10:19 AM

To: [Bowles, Eric](#); [Old, Matthew](#)

Cc: [Carter, Sheehan](#); [Frenette, Rachelle](#); [Kachi, Nanao](#); [Leclerc, Guillaume](#); [Hogan, Michel](#); [Poirier, Mélanie](#); [Rancourt, Mélanie](#)

Subject: RE: PIAC Part 1 COVID Tracing Apps - SecGen Letter

Sensitivity: Normal

Hi Eric and Matthew, Eric's suggestion seems appropriate. Please proceed accordingly and consider me signed off. Thx all. S

From: [Bowles, Eric](#)

Sent: October 22, 2020 4:52 PM

To: [Hutton, Scott](#) <scott.hutton@crtc.gc.ca>; [Old, Matthew](#) <Matthew.Old@crtc.gc.ca>

Cc: [Carter, Sheehan](#) <sheehan.carter@crtc.gc.ca>; [Frenette, Rachelle](#) <rachelle.frenette@crtc.gc.ca>; [Kachi, Nanao](#) <Nanao.Kachi@crtc.gc.ca>; [Leclerc, Guillaume](#) <Guillaume.Leclerc@crtc.gc.ca>; [Hogan, Michel](#) <Michel.Hogan@crtc.gc.ca>; [Poirier, Mélanie](#) <Mélanie.Poirier@crtc.gc.ca>; [Rancourt, Mélanie](#) <melanie.rancourt@crtc.gc.ca>

Subject: RE: PIAC Part 1 COVID Tracing Apps - SecGen Letter

Scott, you raise an excellent point. While the application was filed as a Part 1 it was not immediately posted the Commission's website.

From: [Hutton, Scott](#)

Sent: October 22, 2020 4:47 PM

To: [Old, Matthew](#) <Matthew.Old@crtc.gc.ca>

Cc: [Carter, Sheehan](#) <sheehan.carter@crtc.gc.ca>; [Frenette, Rachelle](#) <rachelle.frenette@crtc.gc.ca>; [Kachi, Nanao](#) <Nanao.Kachi@crtc.gc.ca>; [Leclerc, Guillaume](#) <Guillaume.Leclerc@crtc.gc.ca>; [Bowles, Eric](#) <eric.bowles@crtc.gc.ca>; [Hogan, Michel](#) <Michel.Hogan@crtc.gc.ca>; [Poirier, Mélanie](#) <Mélanie.Poirier@crtc.gc.ca>; [Rancourt, Mélanie](#) <melanie.rancourt@crtc.gc.ca>

Subject: RE: PIAC Part 1 COVID Tracing Apps - SecGen Letter

Hi Matthew, We seem to have hit the mark with this letter. Thanks to all who contributed. I have no comment on the wording as is but I do have one question:

Thx S

From: [Old, Matthew](#)

Sent: October 21, 2020 3:06 PM

To: [Hutton, Scott](#) <scott.hutton@crtc.gc.ca>

Cc: [Carter, Sheehan](#) <sheehan.carter@crtc.gc.ca>; [Frenette, Rachelle](#) <rachelle.frenette@crtc.gc.ca>; [Kachi, Nanao](#) <Nanao.Kachi@crtc.gc.ca>; [Leclerc, Guillaume](#) <Guillaume.Leclerc@crtc.gc.ca>; [Bowles, Eric](#) <eric.bowles@crtc.gc.ca>; [Hogan, Michel](#) <Michel.Hogan@crtc.gc.ca>; [Poirier, Mélanie](#) <Mélanie.Poirier@crtc.gc.ca>; [Rancourt, Mélanie](#) <melanie.rancourt@crtc.gc.ca>

Subject: PIAC Part 1 COVID Tracing Apps - SecGen Letter

Greetings Scott:

The latest draft of the SecGen letter is attached to this email message (along with the routing slip).

As was the case with the memo, you're the last to see it.

I'd be glad to respond to any of your comments or questions.

Matt

Matthew Old

Analyste | Analyst

Politique sociale et des consommateurs | Social and Consumer Policy

CRTC

Tel: 873-353-4578

matthew.old@crtc.gc.ca

Archived: December 2, 2020 9:48:06 AM
From: Frenette, Rachelle
Sent: September 28, 2020 12:32:00 PM
To: Kachi, Nanao; Carter, Sheehan; Old, Matthew; Leclerc, Guillaume
Cc: Bowles, Eric; Hogan, Michel
Subject: RE: PIAC Part 1 - COVID Tracing App Memo - Scope-setting
Sensitivity: Normal

After re-reading the last paragraph, I too had some questions about what we were trying to say here. Please let me know what the resolution is.

Rachelle

From: Kachi, Nanao
Sent: September 28, 2020 12:09 PM
To: Carter, Sheehan <sheehan.carter@crtc.gc.ca>; Old, Matthew <Matthew.Old@crtc.gc.ca>; Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>
Cc: Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>
Subject: RE: PIAC Part 1 - COVID Tracing App Memo - Scope-setting

Good Morning,

We can reword the sentence.

[Redacted]

But of course – we are in Scott’s and your hands.

Cheers,

Nanao

From: Carter, Sheehan
Sent: September 28, 2020 12:06 PM
To: Old, Matthew <Matthew.Old@crtc.gc.ca>; Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>; Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>
Cc: Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>
Subject: RE: PIAC Part 1 - COVID Tracing App Memo - Scope-setting

Had a bit of a conversation with Scott about this. The changes do help, thank you, [Redacted] I think Scott will ask something similar.

BTW, when the SecGen letter goes out, please make sure to involve Comms.

Sheehan

From: Old, Matthew
Sent: September 28, 2020 9:45 AM
To: Hutton, Scott <scott.hutton@crtc.gc.ca>; Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>; Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>; Poirier, Mélanie <Melanie.Poirier@crtc.gc.ca>; Rancourt, Mélanie <melanie.rancourt@crtc.gc.ca>
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[Redacted] Thx S

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Sent: September 24, 2020 12:18 PM
To: Hutton, Scott <scott.hutton@crtc.gc.ca>; Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>; Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>; Poirier, Mélanie <Melanie.Poirier@crtc.gc.ca>; Rancourt, Mélanie <melanie.rancourt@crtc.gc.ca>
Subject: PIAC Part 1 - COVID Tracing App Memo - Scope-setting

Good day Scott:

Please find two documents attached to this message: i) the PIAC Part 1 – COVID Tracing App Memo (Scope-setting); and ii) the associated routing slip.

The memo has been signed off by all those listed in CC, and you’re the last to see it.

I look forward to your comments and questions.

Hope all is well.

Matt

Matthew Old
Analyste | Analyst
Politique sociale et des consommateurs | Social and Consumer Policy
CRTC
Tel: 873-353-4578
matthew.old@crtc.gc.ca

I

MEMORANDUM

NOTE DE SERVICE

To À	Ad hoc Full Commission Meeting / Réunion plénière du Conseil ad hoc TBD 2020 / À déterminer 2020	Security Classification - Classification de sécurité Protected B Our File – Notre référence DM# 3919402
From De	Matthew Old Social and Consumer Policy, CRC Eric Bowles Legal Directorate Michel Hogan	Your File – Votre référence 2020-0576-9 Date 22 September 2020
Subject Sujet	Part 1 application submitted by PIAC regarding COVID-19 contact-tracing applications - Staff recommendation to publish with scope clarification	

A. Background

1. On 9 September 2020, the Public Interest Advocacy Centre (PIAC) filed a Part 1 Application¹ in relation to COVID-19 contact tracing applications requesting that the Commission set out rules in advance for Telecommunications Service Providers (TSPs) regarding possible disclosure of subscriber information or other subscriber data related to either IP addresses or mobile telephone numbers.
2. The principal requests raised in PIAC's application were for the Commission to:
 - a. declare that the confidential customer information rules developed by the Commission in the context of wireline telephony are appropriate for all TSPs and that confidential customer information includes IP addresses and mobile phone numbers as well as any other information generated from the network connection of digital contact tracing technologies;
 - b. impose on all TSPs, pursuant to sections 24 and 24.1 of the *Telecommunications Act*, a requirement to abide by such rules; and,
 - c. prohibit TSPs from disclosing, without explicit consent, any subscriber information requested by any Canadian or foreign government in relation to a contact tracing application, unless such disclosure meets a test to be devised by the Commission, which test

¹ PIAC had previously filed a Part 1 Application related to contact tracing applications on 4 May 2020. This application was dismissed by the Commission as being overly broad and failing to provide evidence of TSP involvement and thus failing to demonstrate that Commission action was required. In its new Part 1 Application, PIAC argued that the applications have since launched and newly-available information points to particular issues that should be addressed by the Commission.

should only allow for such disclosure where necessary to prevent, mitigate or reduce the spread of serious illness.

3. Furthermore, PIAC suggested further potential actions that the Commission could consider, which were similar to those it raised in the dismissed Part 1 application, including:
 - a) Requiring that TSPs publicly disclose on the record of this proceeding and to the Commission any steps taken for any government or private interest to facilitate contact tracing;
 - b) Inquiring into any such TSPs' activities related to contract-tracing apps or network-level facilitation of individual customer location or other personal or communication details;
 - c) Prohibiting TSPs from using prior customer consent to location track mobile devices or to provide existing databases to any private or government entities to build, improve or test COVID-19 tracing tools without new, explicit, prior individual consent for this new use or disclosure;
4. Rogers filed a letter on 11 September 2020, arguing that despite the allegations made by PIAC that TSPs are active participants in contact tracing measures and about the role of TSPs in privacy violations, PIAC gives no real evidence to support these assertions. Rogers also concluded that the alleged issues that PIAC has asked the Commission to intervene in have already been assessed and reviewed by the OPC and that PIAC failed to demonstrate a change of circumstances warranting the need for a Commission proceeding in this matter.
5. The Canadian Wireless Telecommunications Association (CWTA) submitted a letter on 17 September 2020 supporting Rogers' arguments and submitted that CWTA TSP members categorically deny that they are active participants in government contact tracing measures or have engaged in privacy violations in connection with same. CWTA further noted that should any such request be made, such action could only be taken if the request is in compliance with the *Personal Information Protection and Electronic Documents Act* (PIPEDA).
6. Rogers and the CWTA argued that the Commission should dismiss the application.

B. Staff Analysis and Recommendations

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s.21(1)(b)

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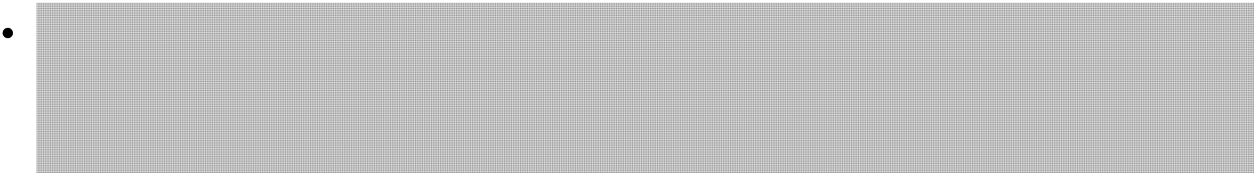
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Ad hoc Telecommunications Committee Meeting Agenda

13 October 2020 | 2:00 pm (*or imm. after BCM*) | Skype Meeting

Tuesday, 13 October 2020

2:00 PM Item 1 - **DECISION:** Part 1 application submitted by PIAC regarding COVID-19 contact-tracing applications – Staff recommendation to publish with scope clarification (Matthew Old) (Éric Bowles / Michel Hogan) **45 minutes**

Protected B

Ad hoc Full Commission Meeting Record

7 July 2020 | 1:30pm | Skype Meeting

Members present:

I. Scott (Chairperson)

C. Anderson

A. Barin

M. Lafontaine

C. Laizner

J. Levy

C. Simard

1. **DECISION:** Denial of the Public Interest Advocacy Centre's application regarding pandemic contact-tracing by major Canadian telecommunications service providers (DM# 3882346)

The Commission denied the Public Interest Advocacy Centre's (PIAC) Part 1 application. The Commission's decision was issued to PIAC by way of a Secretary General Letter.



Ian Scott
Chairperson



Digitally signed by Charron, Phil
Date: 2020.09.03 17:13:21 -04'00'

Claude Doucet
Secretary General

Archived: December 2, 2020 9:49:18 AM
From: [Frenette, Rachelle](#)
Sent: September 24, 2020 9:39:00 AM
To: [Carter, Sheehan, Old, Matthew](#)
Cc: [Kachi, Nanao](#); [Leclerc, Guillaume](#); [Bowles, Eric](#); [Hogan, Michel](#)
Subject: RE: PIAC Part 1 COVID Tracing App Memo
Sensitivity: Normal

And with that...I am signed off as well. I have initialled the routing slip to paper it.

Have a great day everyone.

Rachelle

From: Carter, Sheehan
Sent: September 23, 2020 6:26 PM
To: Old, Matthew <Matthew.Old@crtc.gc.ca>; Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>
Cc: Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>
Subject: RE: PIAC Part 1 COVID Tracing App Memo

I made a couple more tweaks, to the tweaks you made in response to my tweaks (only where I had made comments previously). Basically, all tweaked out now.

From: Old, Matthew
Sent: September 23, 2020 4:08 PM
To: Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>; Carter, Sheehan <sheehan.carter@crtc.gc.ca>
Cc: Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>
Subject: RE: PIAC Part 1 COVID Tracing App Memo

Good evening Sheehan, Rachelle:

First of all, thank you to both of you for your comments. Yes, Sheehan – this is indeed my first memo. I feel like I should be passing out cigars.

I've accepted any proposed format/wording changes, and I've replied to your concerns in the attached version.

As always, I'm happy to respond to any feedback.

Matt

From: Frenette, Rachelle
Sent: September 23, 2020 9:47 AM
To: Carter, Sheehan <sheehan.carter@crtc.gc.ca>; Old, Matthew <Matthew.Old@crtc.gc.ca>
Cc: Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>
Subject: RE: PIAC Part 1 COVID Tracing App Memo

Hello Matthew:

I have a few follow-up questions as well. The document was checked-out so I saved my comments in a separate document.

Merci!

Rachelle

From: Carter, Sheehan
Sent: September 22, 2020 7:51 PM
To: Old, Matthew <Matthew.Old@crtc.gc.ca>; Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>
Cc: Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>
Subject: RE: PIAC Part 1 COVID Tracing App Memo

Is this your first official memo, Matt? Very well done. I had some tweaks to tighten up the language, but nothing too extensive. I did sign off on the routing slip, but I would appreciate having answers to the two comments/questions I made as well please before you move on past Rachelle.

Sheehan

From: Old, Matthew
Sent: September 22, 2020 10:07 AM
To: Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>; Carter, Sheehan <sheehan.carter@crtc.gc.ca>
Cc: Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>
Subject: PIAC Part 1 COVID Tracing App Memo

Good morning Rachelle, Sheehan:

Please find two documents attached to this message: the memo and the routing slip - both related to PIAC's Part 1 Application (regarding COVID Tracing Apps).

I look forward to your comments and questions.

Matt

Matthew Old
Analyste | Analyst
Politique sociale et des consommateurs | Social and Consumer Policy
CRTC
Tel: 873-353-4578
matthew.old@crtc.gc.ca

Protected B

Ad hoc Full Commission Meeting Agenda

7 July 2020 | 1:30 pm | Skype Meeting

Tuesday, 7 July 2020

1:30 PM Item 1 - **DECISION:** Denial of PIAC's application regarding pandemic contact-tracing by major Canadian telecommunications service providers (Nanao Kachi) (Éric Bowles / Michel Hogan)
60 minutes

Bowles, Eric

From: Bowles, Eric
To: Hogan, Michel
Cc: Frenette, Rachelle
Subject: DOCS-#3855855-v1-Contact_Tracing_-_PIAC_-_memo NK (Eric and Michel)(Sheehan and Rachelle)
Attachments: DOCS-#3855855-v1-Contact_Tracing_-_PIAC_-_memo NK (Eric and Michel)(Sheehan and Rachelle).doc

Michel,

I'm sending you Nanao's revised draft along with my proposed additional changes for your review. Nanao would like to receive our comments before the end of day. [REDACTED] so I'm trying to move things along as much as I can in the early hours of the day while I still have some work ability available to me.

Essentially, I've proposed changes to paragraphs 11, 12 and further tweaked the very paragraph 18 that I had originally proposed. Minor additional modifications were made to paragraph 13.



Conseil de la radiodiffusion et des télécommunications canadiennes

Canadian Radio-television and Telecommunications Commission

MEMORANDUM

NOTE DE SERVICE

To
 À
 Adhoc FCM -e-Meeting

From
 De
 Nanao Kachi
 Social and Consumer Policy, CRC
 Eric Bowles
 Michel Hogan
 Legal Directorate

Security Classification - Classification de sécurité
Protected B
Our File - Notre référence
Date 27 May 3 June 2020

Subject **Application submitted by PIAC regarding pandemic contact-tracing by major Canadian telecommunications service providers**
 Sujet

A. Background

1. On 4 May 2020, the Public Interest Advocacy Centre (PIAC) filed a Part 1 Application requesting Commission action to ensure that pandemic contact tracing applications for public health purposes are developed “in the fairest, most open and transparent manner, non-coercively and only for the intended purpose(s).” Specifically, PIAC asked that the Commission, as a condition of offering telecommunications service (mobile wireless or Internet access), under the authority of ss. 7, 24, 24.1 and 47 of the *Telecommunications Act*, require all telecommunications service providers (TSPs) to:
 - a) Publicly disclose on the record of this proceeding and to the Commission any steps taken for any government or private interest to facilitate contact tracing;
 - b) Inquire into any such TSPs’ activities related to contact-tracing apps or network-level facilitation of individual consumer location or other personal or communications details;
 - c) Require any such TSPs’ activities related to contact tracing respect the confidential customer information rules of the Commission devised for telephony;
 - d) Prohibit TSPs from using prior consumer consent to location track mobile devices (for example, in “opt-in” marketing programs or other TSP portal or other applications) or to provide databases previously gleaned from these programs to any private or government entities to build, improve or test COVID-19 tracing tools without new, explicit, prior individual consent for this new use or disclosure;
 - e) Appoint an inquiry officer under subs. 70(1)(a) of the *Telecommunications Act*, to inquire into and report upon contact tracing, as well as to liaise with public health authorities and governments and non-telecom private parties, if necessary;
 - f) In the alternative, launch a formal Notice of Consultation on the matter.

Document Number: 3855855
 27/05/2020

2. In response to PIAC's application, Rogers filed a letter (7 May 2020) arguing that the federal and provincial privacy commissioners (the Privacy Commissioners) are already seized of this issue and as such, the application should be dismissed.
3. Bell Canada filed a letter (12 May 2020) in support of Rogers position.
4. PIAC responded to Rogers and Bell (12 May 2020) arguing that the Privacy Commissioners have limited jurisdiction and that the "CRTC is the only regulator that has jurisdiction to allow or prohibit use of confidential customer information obtained from Canadians' use of their services or any other aspect of telecommunications." PIAC also cited [Telecom Decision 2003-33](#), in which, it argued, amongst other things, the CRTC "has asserted its jurisdiction to apply higher privacy standards than those set in generalist privacy legislation."
5. Telus filed a response (12 May 2020) to PIAC's application reiterating Rogers and Bells arguments that the Privacy Commissioners are engaged and have taken action with respect to the issue.
6. The Canadian Wireless Telecommunications Association (CWTA) filed a response (13 May 2020) in which it noted that (1) none of the contact tracing apps being implemented or developed in Canadian jurisdictions involve TSPs which are members of the CWTA; (2) if TSPs were "pushing" contact tracing apps to their customers or making them available to their customers in app stores, they would be subject to Canada's Anti-Spam Legislation (CASL)¹; and (3) if TSPs were asked by government authorities to disclose customer personal information that it would only be shared consistent with the *Personal Information Protection and Electronic Documents Act* ("PIPEDA").
7. On 13 May 2020, Commission staff issued a letter under Scott Hutton's signature as the Chief of Consumer, Research and Communications, reiterating that TSPs need to adhere to the *Telecommunications Act* and CASL; and that the CRTC monitors TSP adherence to the legislative and regulatory requirements that fall within the CRTC's mandate. Moreover, the letter indicated that, based on the available information, TSPs do not appear to be involved in the development or implementation of contact tracing apps in Canada, but rather the apps are being developed by governments and health authorities and the apps collect information using Bluetooth technology. The letter also acknowledged that the federal, provincial and territorial Privacy Commissioners issued a [joint statement](#) on 7 May 2020 outlining privacy principles for contact tracing applications. Moreover, it was noted that the Office of the Privacy Commissioner of Canada (OPC), which administers federal privacy legislation (including PIPEDA), had issued on 17 April 2020 a [framework](#) to assess privacy-impactful initiatives in response to COVID-19. The letter concluded (1) Commission staff would continue to monitor the situation and where necessary issue requests for information to TSPs; (2) as part of its monitoring efforts, maintain contact with OPC staff; (3) that there does not appear to be evidence that current privacy frameworks are not sufficient or that launching a public

¹ (CASL) prohibits the installation of a computer program to another person's computing device in the course of commercial activity without the express consent of the device owner or an authorized user.

proceeding at this time would be beneficial to Canadians; and (4) as such, the application will not be considered.

8. PIAC filed a procedural request (14 May 2020) arguing that the Commission has an obligation to post the application and is seeking a Commission determination on Rogers' procedural request that PIAC's application should be dismissed. PIAC cited Telus' "Data for Good" Privacy Statement as evidence that the Commission should be intervening.
9. Telus filed a response (15 May 2020) clarifying that Data for Good is not contact-tracing but rather forms part of TELUS' Insight platform and serves to provide Governments, health authorities and academic researchers with de-identified and aggregated data sets that can be used to identify trends and patterns without disclosure of any personally identifiable information.
10. All the referenced correspondence is attached:
 - 04 May 2020 – PIAC Cover Letter and Part 1 Application (2 PDF files)
 - 07 May 2020 – Rogers Letter (1 MS Word file)
 - 12 May 2020 – Bell Canada Letter (1 MS Word file)
 - 12 May 2020 – PIAC Procedural Reply Letter (1 PDF file)
 - 12 May 2020 – Telus Letter (1 PDF file)
 - 13 May 2020 – CWTA Letter (1 PDF file)
 - 13 May 2020 – Commission Staff Letter (1 PDF file)
 - 14 May 2020 – PIAC Procedural Request (1 PDF file)
 - 15 May 2020 – Telus Letter (1 PDF file)

B. Staff Analysis and Recommendations

[Redacted]

11. [Redacted] As set out in Section 22 of the Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure (Rules of Procedure), an application must, amongst other things, "contain a clear and concise statement of the relevant facts [and] of the grounds of the application...". [Redacted]

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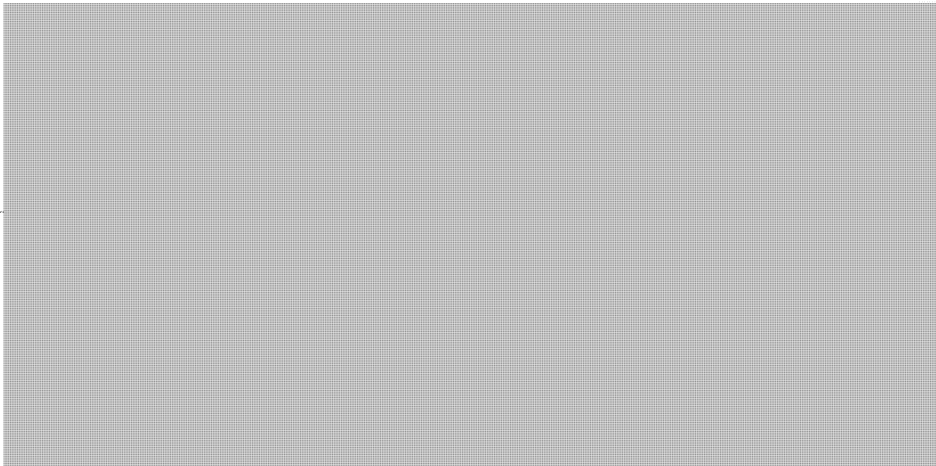
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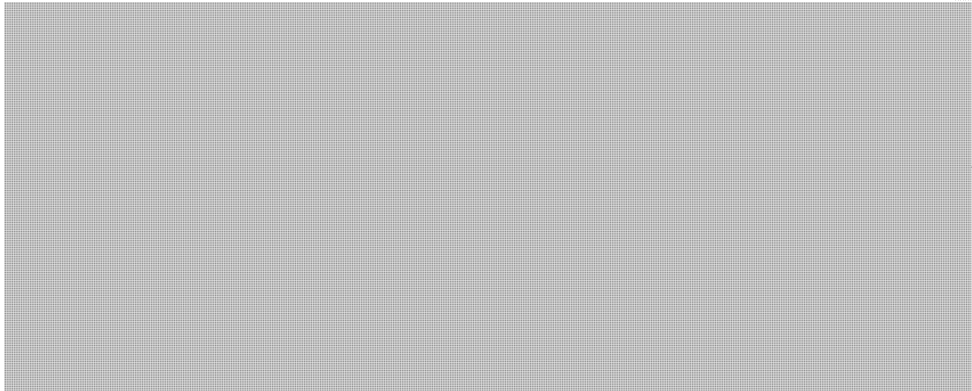


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Commented [KN6R5]

13. The Bluetooth technology – which uses radio waves to determine which other devices are nearby – allows for a log to be collected regarding an individual's contact with other people who have downloaded the contact tracing application. The data collected are stored and delivered through the application to the developer or owner of the application, for instance the health authority responsible for application.



14. Staff would also note that Apple and Google ~~announced~~ on 10 April 2020⁵ ~~announced~~ that they would work together to develop a set of tools known as application programming interfaces (APIs) so that contact tracing applications created by public health authorities could work on both iPhones and on phones that run Google's Android operating system. Bluetooth technology forms the basis of the Apple and Google initiative.



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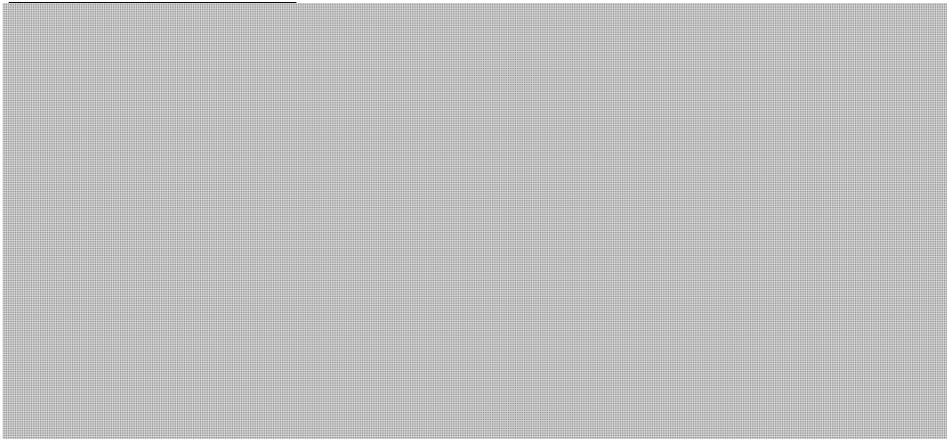
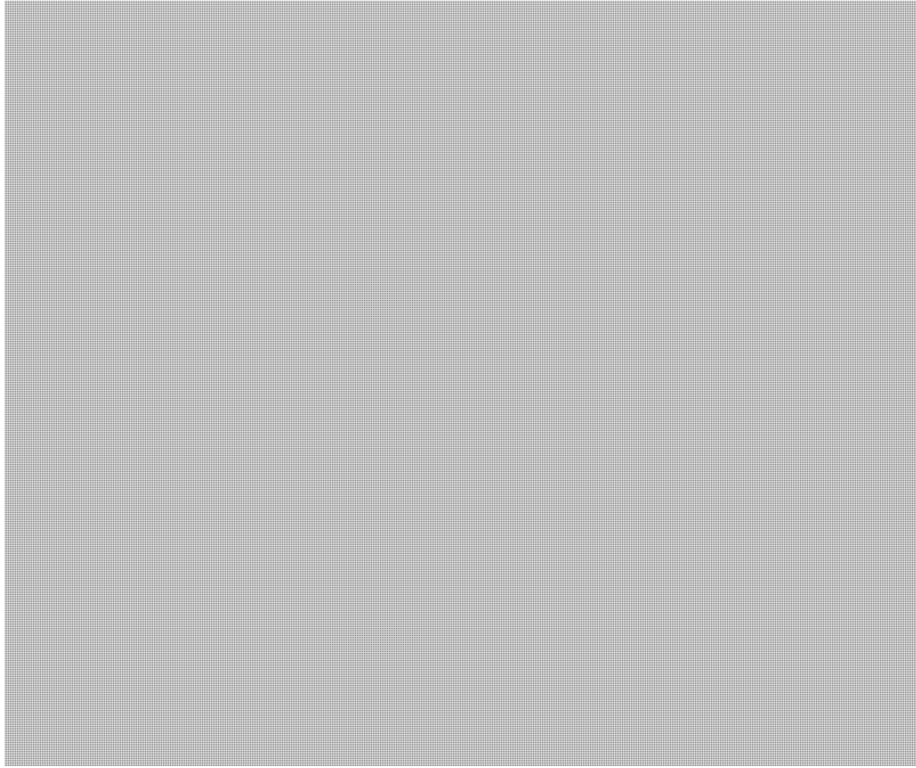
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Appendix – Commission Safeguards and Obligations

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Objective 7(i) of the Telecommunications Act (the Act) is "to contribute to the protection of the privacy of persons". In furtherance of this policy objective, the CRTC has imposed various privacy safeguards and obligations as follows:



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English (Canada)

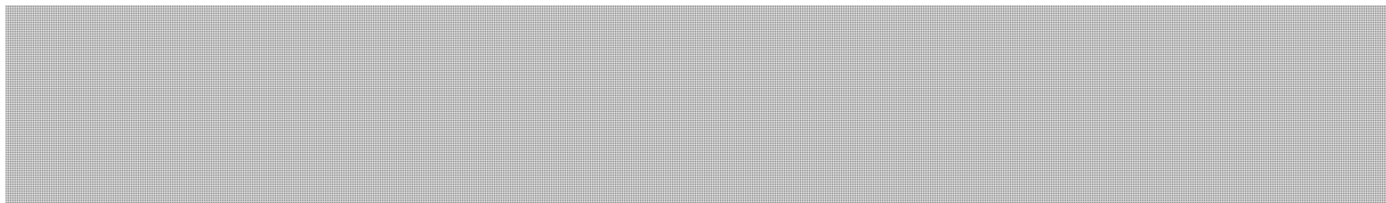
Bowles, Eric

To: Kachi, Nanao
Cc: Hogan, Michel
Subject: FW: Document1
Attachments: Document1.docx

Categories: Red Category

Nanao,

While just a suggestion, I think that the following is a better proposal for a new para. 18 than that contained in the attachment:



From: Bowles, Eric
Sent: June 2, 2020 4:15 PM
To: Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>
Cc: Hogan, Michel <Michel.Hogan@crtc.gc.ca>
Subject: Document1

Nanao,

I've seen the comments that Rachele provided to you. From an earlier discussion with her, I understand that one of the paragraphs going to her second comment is current paragraph 17. While I have not reviewed the attached suggestion with either her or Michel, I offer it to you for your consideration. Not much has changed. In essence, I delete most of the first sentence and include a new paragraph 18.

You may want to amend the second bullet of the final paragraph in a like-fashion.

Cheers

17.

18.

17.



Archived: December 2, 2020 9:32:54 AM

From: Hogan, Michel

Sent: October 29, 2020 4:55:24 PM

To: Frenette, Rachelle

Cc: Gagnon, Jean-Sébastien

Subject: RE: Demande Partie 1 - applications de tracage

Sensitivity: Normal

Attachments:

19598627.doc ; DOCS-#3890321-v9-Sec_Gen_Letter_-_PIAC_Application_-_for_review__13_July...docx ;

Bonjour Rachelle,

Voici le lien vers la lettre qui a été publiée sur le site web du Conseil (<https://crtc.gc.ca/tra/archive/2020/11200817.htm>), version DM (# 3890321) ci-jointe.

Une copie des plaidoiries du PGC est également jointe.

Merci,

Michel H.

From: Frenette, Rachelle

Sent: October 29, 2020 4:36 PM

To: Hogan, Michel <Michel.Hogan@crtc.gc.ca>

Cc: Gagnon, Jean-Sébastien <Jean-Sebastien.gagnon@crtc.gc.ca>

Subject: Demande Partie 1 - applications de tracage

Bonjour Michel:

Pourrais-tu fournir à Jean-Sébastien la première lettre du Secrétaire Général qui fait état du refus du Conseil à considérer la première demande formulé par PIAC sur les applications de traçage.

Aussi, si tu as encore une copie des plaidoiries du PGC en réponse à la demande d'interjeter en appel de la SCFP j'aimerais bien les relire.

Merci Michel,

Rachelle

**Pages 42 to / à 57
are public-denied pursuant to section
est public-refusé en vertu de l'article**

68(a)

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

DM 3890321

Telecom – Commission Letter Addressed to Mr. John Lawford (PIAC)

Ottawa, XX August 2020

BY E-MAIL

John Lawford
Executive Director and General Counsel
Public Interest Advocacy Centre
285 McLeod Street, Suite 200
Ottawa, Ontario K2P 1A1
jlawford@piac.ca

RE: Application submitted by the Public Interest Advocacy Centre regarding pandemic contact-tracing by major Canadian telecommunications service providers

Dear Sir:

This letter sets out the Commission's determinations regarding the application from the Public Interest Advocacy Centre's (PIAC's) dated 4 May 2020, in which it requests Commission action to ensure that pandemic contact tracing applications for public health purposes are developed "in the fairest, most open and transparent manner, non-coercively and only for the intended purpose(s)".

The Commission acknowledges that PIAC's application has raised important issues that are relevant and of interest to Canadians, as well as to federal, provincial and territorial Privacy Commissioners. The Commission is also concerned with how telecommunications service providers (TSPs) use and manage the confidential customer information of their customers and has put into place frameworks to regulate the behaviours of TSPs in this regard, in accordance with its jurisdiction under the *Telecommunications Act* (the Act) and the policy objective in s.7(i) of the Act to contribute to the protection of privacy of persons. The appropriate handling of confidential customer information by TSPs is paramount and the Commission has considered PIAC's application in that context.

PIAC's application requested that the Commission, as a condition of offering telecommunications services (mobile wireless or Internet access), under the authority of ss. 7, 24, 24.1 and 47 of the *Telecommunications Act*, require all TSPs to:

- a) Disclose to the public and the Commission any steps taken for any government or private interest to facilitate contact tracing;
- b) Inquire into any such TSPs' activities related to contact-tracing applications or network-level facilitation of individual consumer location or other personal or communications details;

- c) Require any such TSPs' activities related to contact tracing respect the confidential customer information rules of the Commission devised for telephony;
- d) Prohibit TSPs from using prior consumer consent to location track mobile devices or to provide databases previously gleaned from these programs to any private or government entities to build, improve or test COVID-19 tracing tools without new, explicit, prior individual consent for this new use or disclosure;
- e) Appoint an inquiry officer under subs. 70(1)(a) of the *Telecommunications Act*, to inquire into and report upon contact tracing, as well as to liaise with public health authorities and governments and non-telecom private parties, if necessary;
- f) In the alternative, launch a formal Notice of Consultation on the matter.

The Commission received related correspondence from Rogers (7 May 2020), Bell (12 May 2020), PIAC (12 May 2020 and 14 May 2020), Telus (12 May 2020 and 15 May 2020) and the Canadian Wireless Telecommunications Association (CWTA) (13 May 2020).

In their correspondence, Rogers, Bell and Telus indicated that federal and provincial Privacy Commissioners are already seized of this issue and as such, the application should be dismissed.

PIAC took the position in their 12 May 2020 correspondence that Privacy Commissioners have limited jurisdiction and that the Commission "is the only regulator that has jurisdiction to allow or prohibit use of confidential customer information." It further noted that the Commission in [Telecom Decision 2003-33](#) "asserted its jurisdiction to apply higher privacy standards than those set in generalist privacy legislation."

The CWTA noted that none of its members are involved with contact tracing applications and that Canada's Anti-Spam Legislation (CASL) and the *Personal Information Protection and Electronic Documents Act* ("PIPEDA") offer Canadians protections that address the issues highlighted by PIAC.

A Commission staff letter was sent to PIAC on 13 May 2020 indicating that the application would not be considered in light of the fact that the application and later correspondence does not appear to present any evidence that current privacy frameworks are not sufficient or that launching a public proceeding at this time would be beneficial to Canadians. It acknowledged that the federal, provincial and territorial Privacy Commissioners have taken action with respect to privacy-impactful initiatives in response to COVID-19.

In its 14 May 2020 letter, PIAC argued that the Commission has an obligation to post the application and sought a Commission decision on Rogers' procedural request to dismiss the application. PIAC cited Telus' "Data for Good" Privacy Statement as evidence that the Commission should be intervening.

On 15 May 2020, Telus clarified that Data for Good is not contact-tracing, but rather forms part of Telus's Insight platform and serves to provide Governments, health authorities and academic researchers with de-identified and aggregated data sets that can be used to identify trends and patterns without disclosure of any personally identifiable information.

The documents referenced in this letter can be accessed through the Related Documents link.

As noted earlier, the Commission considered PIAC's application in the context of the appropriate handling of confidential customer information by TSPs.

In the Commission's view, the evidence put forward in PIAC's application, as well as in the submissions of the CWTA and various TSPs, do not demonstrate that such an inquiry is warranted at this time. Based on the available information, TSPs do not appear to be involved in the development or implementation of contact tracing applications in Canada, but rather to the extent that applications are being developed, it is by Governments¹, health authorities and third-party developers. The voluntary contact tracing applications use Bluetooth technology to collect information to alert Canadians that they may have been exposed to a person(s) infected with COVID-19. The available evidence indicates that TSPs are not involved in the collection nor in the communication of that data. Rather, TSPs, as common carriers, provide the networks over which these, as well as other applications, operate.

As set out in Section 22 of the Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure (Rules of Practice and Procedure), an application must, amongst other things, "contain a clear and concise statement of the relevant facts [and] of the grounds of the application..." The Commission finds that PIAC's application, as filed, is broad in nature and does not identify a specific activity or action by TSPs in the development or implementation of contact tracing measures such that Commission intervention is warranted at this time. In addition, it does not demonstrate that existing privacy frameworks and protections are insufficient at this time to address the issues it has identified.

The Commission acknowledges that a joint statement was released on 7 May 2020 by the federal, provincial and territorial Privacy Commissioners outlining privacy principles for contact tracing applications. These principles include, amongst others, meaningful consent, time and purpose limitations, and transparency and accountability. Prior to this joint statement, the Office of the Privacy Commissioner of Canada (OPC) had issued a framework to assess privacy-impactful initiatives in response to COVID-19 on 17 April 2020.

In sum, the application does not support the proposition that TSPs are actively participating in or contemplating participating in contact tracing measures and that the current Commission privacy frameworks that regulate the behaviours of TSPs, in conjunction with other legal requirements flowing from privacy legislation, are insufficient to address current contact tracing initiatives or, more importantly, that additional regulatory measures are required.

Accordingly, the Commission has determined that it is not in the public interest, at this time, for it to engage in a broad-based inquiry of the type requested by PIAC nor to require the production of the requested information. The Commission has considered the application and has

¹ The Government of Alberta launched ABTraceTogether on 1 May 2020 and on 18 June 2020 it was announced that the Government of Canada was developing a national, voluntary contact tracing application. On 31 July 2020, the Government of Canada released COVID Alert in Ontario and noted that it is working with the other provinces and territories to bring their jurisdictions on board in the coming weeks and months. The Office of the Privacy Commissioner of Canada (OPC) and the Office of the Information and Privacy Commissioner of Ontario (IPC) have reviewed COVID Alert and have indicated their support for the use of this application.

determined that an inquiry will not be launched either by the appointment of an Inquiry Officer or by a notice of consultation at the moment.

The Commission continues to closely monitor the situation in the public interest. Should the factual circumstances change or should indications arise that TSPs are participating – or contemplating participating – in contact tracing measures, the Commission may reconsider whether to inquire into these activities in order to determine what, if any, additional measures should be taken. As part of its monitoring efforts, the Commission will continue to communicate with the OPC.

Yours sincerely,

(Original signed by)

Claude Doucet
Secretary General
CRTC

**BEFORE THE CANADIAN RADIO-TELEVISION AND
TELECOMMUNICATIONS COMMISSION**

**IN THE MATTER OF AN APPLICATION UNDER THE
TELECOMMUNICATIONS ACT BY**

THE PUBLIC INTEREST ADVOCACY CENTRE



(APPLICANT)

and

Bell Canada; Bell Mobility Inc.; Bragg Communications Incorporated, carrying on business as Eastlink; the Canadian Cable Systems Alliance; the Canadian Network Operators Consortium Inc.; Cogeco Communications Inc.; Comwave Networks Inc; Distributel Communications Limited; Freedom Mobile Inc.; Ice Wireless Inc.; Iristel Inc.; the Independent Telecommunications Providers Association (ITPA); Primus Management ULC; Quebecor Media Inc., on behalf of Videotron Ltd. (Videotron); Rogers Communications Canada Inc. (RCCI); Saskatchewan Telecommunications; Shaw Telecom G.P. (Shaw); TBayTel; TekSavvy Solutions Inc., Télébec, Limited Partnership; Telus Communications Company; etc., BEING ALL CANADIAN TELECOMMUNICATIONS SERVICE PROVIDERS

(RESPONDENTS)

REGARDING PANDEMIC CONTACT-TRACING AT APPLICATION AND NETWORK LEVELS

4 May 2020

1.0 INTRODUCTION

1. The Public Interest Advocacy Centre (PIAC) files this Application under the *Telecommunications Act*¹ and pursuant to Part 1 the CRTC *Rules of Practice and Procedure*² regarding pandemic contact-tracing at application and network levels by major Canadian telecommunications service providers (TSPs).

2. According to public news reports, the federal and certain provincial governments, on behalf of provincial and federal public health authorities, as well as municipal health authorities, are actively considering requesting that Canadian TSPs assist in tracking COVID-19 positive individuals in order to “contact-trace” them in efforts to control epidemic spread of the virus.

3. Such public news stories indicate a larger discussion of such telecommunications tracking facilities, likely largely through personal mobile wireless devices (smartphones) either by installing new software (“apps”) whether with consumer/citizen consent or via operating software or other software upgrades to major smartphone operating systems and/or using network-level location tracing facilities of TSPs intended for wireless connectivity and network management.

4. This application asks the Commission to clarify that TSPs must follow the privacy requirements of the *Telecommunications Act*, to require all TSPs to notify the Commission of any steps taken for any government or private interest to facilitate contact tracing and to make those steps public, and to demonstrate the Commission’s active oversight of this contentious area. PIAC believes the Commission’s oversight role is crucial and that absent leadership and dedication to the rule of law, that there is a risk of corporate and governmental intrusion via Canadians’ essential communications.

5. This application asks the Commission to, as a condition of offering telecommunications service (mobile wireless or Internet access), under the authority of ss. 7, 24, 24.1 and 47 of the *Telecommunications Act*, require all TSPs to:

- a) Publicly disclose on the record of this proceeding and to the Commission any steps taken for any government or private interest to facilitate contact tracing;
- b) Inquire into any such TSPs’ activities related to contact-tracing apps or network-

¹ S.C. 1993, c. 38.

² SOR/2010-277, s. 22.

- level facilitation of individual consumer location or other personal or communications details;
- c) Require any such TSPs' activities related to contact tracing respect the confidential customer information rules of the Commission devised for telephony;
 - d) Prohibit TSPs from using prior consumer consent to location track mobile devices (for example, in "opt-in" marketing programs or other TSP portal or other applications) or to provide databases previously gleaned from these programs to any private or government entities to build, improve or test COVID-19 tracing tools without new, explicit, prior individual consent for this new use or disclosure;
 - e) Appoint an inquiry officer under subs. 70(1)(a) of the *Telecommunications Act*, to inquire into and report upon contact tracing, as well as to liaise with public health authorities and governments and non-telecom private parties, if necessary;
 - f) In the alternative, launch a formal Notice of Consultation on the matter.

6. The application is based on the principles of transparency, democracy and human rights and accountability. PIAC believes that the value of any such telecommunications-based contact-tracing system, coming at the very likely expense of confidentiality and consumer and citizen privacy, must occur in the fairest, most open and transparent manner, non-coercively and only for the intended purpose(s). Such applications and network systems must not inadvertently exacerbate social discrimination. PIAC also believes that any information or databases, algorithms or insights, should not be used for any extraneous commercial, government or other purpose as a result of any potential tracking, via apps or at the network level or both, and that any information or databases must be destroyed once such contact-tracing for this disease is no longer required.

2.0 THE PARTIES

7. The Public Interest Advocacy Centre (PIAC) is a national non-profit organization and registered charity which represents consumer interests – and those of vulnerable consumers in particular – in the provision of important public services.

8. The respondents are major retail mobile wireless service providers (WSPs) or Internet service providers (ISPs) or inclusively, "telecommunications service providers" ("TSPs").

9. While we have named certain of such providers above as examples in the interests of

administrative economy – the actual number of TSPs in Canada being very large – this application is however directed to all TSPs in Canada.

10. PIAC believes the Commission should provide guidance and rules to all TSPs, not just those named as respondents or to “major” TSPs. We have attempted to serve and otherwise bring to the notice of all TSPs of this application in the hopes that they will comment and bring a wider perspective to the Commission but we submit that the Commission posting this application should serve as sufficient notice to all TSPs of the potential for the application to apply to them.

3.0 THE FACTS

11. It appears that the federal governments and several provincial governments and apparently at least one municipal government have been in talks or consultations with private companies to design smartphone-based contact-tracing in an effort to deal with the present COVID-19 epidemic.

12. Several contact tracing apps and network solutions have been approved or tolerated in other countries and require location tracking or, if not continuously transmitting location tracking, require the turning over of location from the app if the user has been deemed infected, quarantined or otherwise movement restricted or isolated.⁴ These apps and network tracking systems vary widely in their technologies and presumably in their level of involvement with telecommunications service providers to work. Some operate at the device level and others have a measure of platform or operating system integration. Most prominent amongst these latter apps is the very recent Apple-Google COVID-19 “Privacy-Preserving Contact Tracing” program,⁵ which: “In the second phase, available in the coming months, this capability will be introduced at the operating system

³ Justin Trudeau, Press Conference, 25 March 2020: “We recognize in an emergency situation we need to take certain steps that wouldn’t be taken in a non-emergency situation, but that is not something we are looking at now. But all options are on the table to do what is necessary to keep Canadians safe.”

⁴ Notably, Singapore – the “TraceTogether” app: “It uses Bluetooth Relative Signal Strength Indicator (RSSI) readings between devices across time to approximate the proximity and duration of an encounter between two users. This proximity and duration information is stored in an encrypted form on a person’s phone for 21 days on a rolling basis. No location data is collected. If a person unfortunately falls ill with COVID-19, the Ministry of Health (MOH) would work with the individual to map out 14 days’ worth of activity, for contact tracing. And if the person has the TraceTogether app installed, he/she is required by law (TraceTogether 2020) to assist in the activity mapping of his/her movements and interactions and may be asked to produce any document or record in his/her possession including data stored by any apps in the person’s phone.” Barry Sookman, “AI and contact-tracing: How to protect privacy while fighting the COVID-19 pandemic,” Macdonald-Laurier Institute (April 2020). Australia appears to now promote a modified version of TraceTogether in that country.

⁵ Apple Newsroom media release, “Apple and Google partner on COVID-19 contact tracing technology” (10 April 2020), online: <https://www.apple.com/ca/newsroom/2020/04/apple-and-google-partner-on-covid-19-contact-tracing-technology/>

level to help ensure broad adoption, which is vital to the success of contact tracing.”⁶

13. However, it is possible that many such apps rely for their utility upon user location tracking, that may only be available to the app due to location tracking methods provided by the mobile wireless (*i.e.*, from WSPs) or (in the case of home WiFi use, or use in a WiFi zone out of the home) via the Internet (*i.e.*, from ISPs).

4.0 CONTACT-TRACING AND RELATED MATTERS

14. COVID-19 is an unprecedented and deadly challenge to people worldwide, including people in Canada. PIAC acknowledges the need for significant public health measures to deal with the pandemic and we support the government directives to self-isolate and otherwise social distance to slow the spread of the virus.

15. PIAC believes therefore that the present movement to develop COVID-19 contact-tracing primarily is responding to a public health inquiry into positive or suspected cases contact-tracing.

16. However, even such a “narrow” public health goal is related to and intertwined with related but purely public control measures, which can include: quarantine, self-isolation, social (or physical) distancing, essential services definitions, positive and negative testing prioritization and communications to governments and the public, and individual treatment, as well as potential anti-body testing and many related matters. The wide nature of potential consequences of public health contact-tracing and the legal and policy limits of public health as a discipline therefore complicates this purpose for any inquiry into individual privacy. We do not underestimate the complexity of such an undertaking nor the stakes of such an effort.

17. In addition, however, many of these same public health purposes have also been intermingled with possible uses of contact-tracing for government and private sector pandemic control and emergency management, which also consider questions of: quarantine, self-isolation, social (or physical) distancing, essentiality, positive and negative testing and treatment, anti-body testing), but from a private employment, public order and policing perspective.

18. PIAC wishes therefore to underline that the purpose of this application is not to impede public health contact-tracing for appropriate purposes of public health and that we do not take a

⁶ Apple, “Exposure Notification - Frequently Asked Questions” (April 2020), online: <https://static.cdn-apple.com/applications/covid19/current/static/contact-tracing/pdf/ExposureNotification-FAQv1.0.pdf> at p. 2.

position as to the appropriate constitutional or legal or policy limits of public health. However, we do wish to note that the overlap of the effects of using contact-tracing for both public health and pandemic control by government or the private sector raises serious issues that the Commission under its telecommunications oversight jurisdiction must consider not only in depth but in haste.

5.0 **LAW: PRIVACY OVERSIGHT AND RULES FOR TSPS**

19. We are concerned about the lack of action by the CRTC thus far on many matters during the present epidemic, but in particular its seeming failure, or at least failure of transparency if the Commission instead is working behind the scenes, to vet and manage the developing and very serious matter of the interplay of *Telecommunications Act* and other privacy-related requirements within its area of jurisdiction and the contact-tracing movement and its attempted integration into public health and emergency management. This lack of leadership and public accountability presents clear risks to consumer and citizen privacy and possibly makes the proposed contact-tracing solutions less reliable and more likely to be applied to unrelated uses.

20. Here is the law: the *Telecommunications Act* telecommunications policy objectives include subs. 7(i), which requires the Commission to consider how “to contribute to the protection of the privacy of persons.”

21. As PIAC has noted in many proceedings involving TSP subscriber and Canadian carrier privacy since, subs. 7(i) requires not only: 1. an analysis in addition to general privacy laws (mainly PIPEDA); but also 2. that a higher standard of privacy must be met to satisfy the “promotion” of subscriber privacy than that outlined generally for private commerce in the *Personal Information Protection and Electronic Documents Act*.

22. To its credit, and despite recent intense pressure from major telecommunications providers who used to promote high levels of privacy under their telephony general tariffs but now appear to see it as a barrier to behavioural advertising and “surveillance capitalism”, the Commission has found on multiple occasions that the privacy policy requirements of the *Telecommunications Act* require an extremely high standard of confidentiality and customer privacy be met.⁷

⁷ See Telecom Decision, *Confidentiality provisions of Canadian carriers* (30 May 2003); online: <https://crtc.gc.ca/eng/archive/2003/dt2003-33.htm> . See also Telecom Decision CRTC 2003-33-1 (11 July 2003); online: <https://crtc.gc.ca/eng/archive/2003/dt2003-33-1.htm> . More recently, see: Telecom Decision CRTC 2015-462, Public Interest Advocacy Centre and the Consumers' Association of Canada - Application regarding Bell Mobility Inc.,

23. We submit that the same high level of consumer privacy applies to the extent that arguments may be raised that government action, in the telecommunications sphere, only be judged by, or is only governed by, the federal *Privacy Act*, the provincial freedom of information and privacy acts or any sector-specific legislation applying to the provincial or municipal governments in the provinces and territories. In addition, we submit that absent a specific exclusion of the Commission's *Telecommunications Act* jurisdiction in a federal emergency order or statute – of which we are presently unaware of any relevant instances, at least in relation to the federal *Emergencies Act* or *Emergencies Management Act* – that the Commission should similarly interpret subs. 7(i) of the *Telecommunications Act* to require a higher standard of privacy than in particular the *Privacy Act* or any provincial statutes.

24. Therefore, we would expect that the Commission would inquire into the plans of TSPs regarding possible COVID-tracing apps and network usage (including location-tracking functionality). The Commission must remind the TSPs that, according to Commission interpretations of confidentiality of customer information and privacy that these TSPs would have to have obtained prior, verifiable, explicit consent from any customers to permit any disclosure of confidential customer information to any non-affiliated third party, as per the requirements of Telecom Decision 2003-33 and subsequent modifications made in Telecom Decision 2004-27, and Telecom Decision 2005-15.

25. This latter decision sets out the acceptable methods for obtaining consent to disclose confidential customer information (at para. 29) under telephony tariffs:

29. In light of the above, the Commission directs Canadian carriers to modify their existing tariffs, customer contracts, and other arrangements to amend the list of acceptable methods of obtaining express consent as determined in the last paragraph of Decision 2003-33-1 as follows:

Express consent may be taken to be given by a customer where the customer provides:

- *written consent;*
- *oral confirmation verified by an independent third party;*
- *electronic confirmation through the use of a toll-free number;*
- *electronic confirmation via the Internet;*
- *oral consent, where an audio recording of the consent is retained by the carrier; or*

- *consent through other methods, as long as an objective documented record of customer consent is created by the customer or by an independent third party.*

26. These new methods were added to the tariff rules on customer information confidentiality for telephony of the major incumbent telephone providers. For example, Bell Canada's General Tariff, No. 6716, which still applies to "regulated" telephone service areas in Bell Canada's "serving territory" of Ontario and Quebec reads thusly (Item 10: "Terms of Service", Article 11 "Confidentiality of Customer Records"⁸):

Article 11: Confidentiality of Customer Records

Note: Continues to apply to local services provided in forborne exchanges

11.1 Unless a customer provides express consent or disclosure is pursuant to a legal power, all information kept by the Company regarding the customer, other than the customer's name, address and listed telephone number, are confidential and may not be disclosed by the Company to anyone other than:

- the customer;
- a person who, in the reasonable judgement of the Company, is seeking the information as an agent of the customer;
- another telephone company, provided the information is required for the efficient and cost effective provision of telephone service and disclosure is made on a confidential basis with the information to be used only for that purpose;
- a company involved in supplying the customer with telephone or telephone directory related services, provided the information is required for that purpose and disclosure is made on a confidential basis with the information to be used only for that purpose;
- an agent retained by the Company to evaluate the customer's credit worthiness or to collect the customer's account, provided the information is required for and is to be used only for, that purpose;
- a public authority or agent of a public authority, if in the reasonable judgement of the Company, it appears that there is imminent danger to life or property which

⁸ Online: <https://www.bce.ca/Tariffs/bellcanada/GT/1/10.pdf?version=1588367123387>

could be avoided or minimized by disclosure of the information;

- a public authority or agent of a public authority, for emergency public alerting purposes, if a public authority has determined that there is an imminent or unfolding danger that threatens the life, health or security of an individual and that the danger could be avoided or minimized by disclosure of information; or
- an affiliate involved in supplying the customer with telecommunications and/or broadcasting services, provided the information is required for that purpose and disclosure is made on a confidential basis with the information to be used only for that purpose.

(a) Express consent may be taken to be given by a customer where the customer provides:

- written consent;
- oral confirmation by an independent third party;
- electronic confirmation through the use of a toll-free number;
- electronic confirmation via the Internet;
- oral consent, where an audio recording of the consent is retained by the carrier; or
- consent through other methods, as long as an objective documented record of customer consent is created by the customer or by an independent third party.

11.2 The Company's liability for disclosure of information contrary to Article 11.1 is not limited by Article 16.1.

11.3 Upon request, customers are permitted to inspect any of the Company's records regarding their service.

11.4 The Company may also release to a law enforcement agency, in accordance with the terms of a tariff approved by the CRTC, the identity of the service provider, but not the name of the customer, associated with a specific telephone number. [Emphasis added.]

27. Before examining in detail the requirements of, and exceptions to, the Confidentiality Rules under these tariffs, PIAC acknowledges that these requirements apply to regulated telephony services of incumbent telephone companies. However, as the Commission has not proceeded to update the confidentiality rules to apply to Internet and mobile wireless services, PIAC submits that effectively the same rules, until such an inquiry is undertaken, should be applied to all TSPs under s. 24 and s. 24.1 as a condition of service.

28. PIAC submits that the wording of the above-quoted tariff regarding "imminent danger to life or property" was added by the Commission in responses to Bell Canada's entreaties to allow it

to supply such information to authorities when a situation of an actual crime, such as child exploitation, was occurring in real-time, online, and not as a blanket permission that could apply to non-urgent, though still potentially life-saving matters such as pandemic contact-tracing.

29. PIAC further submits that the wording of the exception “if a public authority has determined that there is an imminent or unfolding danger that threatens the life, health or security of an individual and that the danger could be avoided or minimized by disclosure of information” was intended to facilitate public alerting for emergencies such as tornados and active shooters, but not generally for public health tracing. However, even if this exemption could be interpreted to include contact-tracing, it makes it clear that such a disclosure request must come from the (in this case) health authority and not some private actor such as a software vendor, and is limited to specific individuals being traced due to their relation with a confirmed or suspected positive COVID-19 patient and not as a general fishing expedition or blanket request to track all individuals in case one day they possible might be exposed to a positive case.

30. A final worry is the existence of previously consented location or other tracking explicitly consented to by telecommunications users to TSPs in other contexts. For example, several major TSPs run “opt-in” programs of location tracking to offer, for example, discount coupons to consumers using their devices when they enter or approach certain retail locations.⁹ In accordance with PIPEDA and, we submit, the telephone tariffs, such a “trove” or database of previous location and other data collected under prior consumer consent to location track mobile devices should not be provided to any private or government entities to build, improve or test COVID-19 tracing tools without the customer’s new, explicit, prior individual consent for this new use or disclosure

31. Consumers and citizens have several legal, constitutional, ethical and democratically valid reasons for insisting that their TSPs protect their privacy to this degree: possible reduced civil liberties,¹⁰ the creation of COVID-19 databases and their use in policing and emergency response,¹¹ and likely discriminatory use (against vulnerable or historically disadvantaged or oppressed groups and individuals) of tracking despite individual consent requirements.¹²

⁹ See, for example, Appendix A for Rogers’ Privacy Policy which allows such tracking with prior consent.

¹⁰ See Canadian Civil Liberties Association, “CCLA Live COVID-Liberty Updates” and the links therein, online: <https://ccla.org/coronavirus/>

¹¹ See Open Letter of the CCLA, BLAC, HALCO an ALS to Ontario Solicitor General Sylvia Jones, 23 April 2020. Online: <https://ccla.org/cclanewsletter/wp-content/uploads/2020/04/2020-04-20-Letter-to-Sol-Gen-Final-1.pdf>

¹² See, for example, the concerns outlined by Chris Parsons, senior research associate, Citizen Lab, Munk School of Global Affairs & Public Policy, University of Toronto, “Contact tracing must not compound historical discrimination”,

32. We also believe that the Commission has consistently upheld a very high standard of customer confidentiality in telecommunications and should continue that tradition for new telecommunications services and for novel situations such as the present epidemic. This means that any proposed disclosure of confidential customer information should meet the existing express consent standards and methods and such consent should not be removed or “implied” or “deemed” by law for pandemic control purposes in general.

33. However, if demonstrably and absolutely needed to effectively implement public health-led contact-tracing, then contact-tracing using confidential customer information generated by TSPs could be permitted on a very strict, publicly transparent and time-limited basis and only for those purposes, with express consent. We would leave this determination, and the scope of and mechanics of any such permission, to the Commission.

6.0 CONCLUSION AND REQUESTED RELIEF

34. This application asks the Commission to, as a condition of offering telecommunications service (mobile wireless or Internet access) under ss. 7, 24, 24.1 and 47 and possibly s. 70, require all TSPs to:

- a) Publicly disclose on the record of this proceeding and to the Commission any steps taken for any government or private interest to facilitate contact-tracing;
- b) Inquire into any such TSPs’ activities related to contact-tracing apps or network-level facilitation of individual consumer location or other personal or communications details;
- c) Require any such TSPs’ activities related to contact-tracing respect the confidential customer information rules of the Commission devised for telephony;
- d) Prohibit TSPs from using prior consumer consent to location track mobile devices (for example, in “opt-in” marketing programs or other TSP portal or other applications) or to provide databases previously gleaned from these programs to any private or government entities to build, improve or test COVID-19 tracing tools without new, explicit, prior individual consent for this new use or disclosure;

- e) Appoint an inquiry officer under subs. 70(1)(a) of the *Telecommunications Act*, to inquire into and report upon contact-tracing, as well as to liaise with public health authorities and governments and non-telecom private parties, if necessary;
- f) In the alternative, launch a formal Notice of Consultation on the matter.

Yours truly,



John Lawford
Counsel for PIAC

jlawford@piac.ca
285 McLeod Street, Suite 200
Ottawa, ON K2P 1A1
(613) 562-4002
www.piac.ca
613-447-8125

7.0 ANNEX A: SAMPLE CUSTOMER-TRACKING CONSENT FOR MARKETING PURPOSES (ROGERS PRIVACY POLICY, EXCERPTS)**ROGERS PRIVACY POLICY**

At Rogers, we are committed to protecting the privacy of the personal information of our customers and users of our digital properties. We take all reasonable steps to ensure that this information is safe and secure, including putting in place rigorous policies and procedures to fully comply with all Canadian privacy laws and regulations.

This Policy covers the following information:

- Scope and application;
- How we obtain your consent to collect, use and disclose your personal information;
- How and why we collect, use and disclose your personal information;
- Details on where your information is stored, secured and how long it is kept for;
- How to access your personal information that we hold; and
- Who to contact for queries about your privacy.

Scope & Application of this Policy

Who does this policy apply to? All customers and users of the products, services, websites, apps, and other digital services offered by Rogers and other members and affiliates of the Rogers Communications Inc. organization. These include our wireless services (Rogers, Fido, Chatr, Cityfone and its branded entities), Rogers Media brands, our Connected Home services (TV, Internet, Home Phone and Smart Home Monitoring), and Rogers for Business.

In some instances, our products and services or those offered by a third-party service provider to our customers or users have their own specific privacy policies.

[...]

What information does this Privacy Policy apply to? This policy applies to all personal information that we collect, use, or disclose about our customers and users of our digital platforms.

This includes your name, address, email, how you pay for your services, how you use our products including our websites, network use, and information gathered from third parties, such as credit bureaus. It also includes IP addresses, URLs, data transmission information, as well as the time you spend on websites, what advertisements you follow, and your time on and use of our apps.

[...]

Consent

How does Rogers obtain consent?

Your consent to the collection, use, or disclosure of personal information may be implied or express, through written, oral, electronic or any other method.

For example, when you provide us your address, it is implied that it is used for billing purposes and service provisioning. However, if we are dealing with more sensitive information, such as performing a credit check, we will seek your express consent. We will also obtain your express consent for marketing purposes.

[...]

How & Why We Collect Personal Information

How does Rogers collect my personal information?

[...]

Your information may be collected in the following ways:

- Automatically: When you use a product or service that we supply to you.

[...]

Why does Rogers collect my personal information?

Rogers collects personal information for many different reasons in order to provide you with the products and services we offer, including but not limited to the following:

- To deliver you the products and services you have purchased from us, and to bill you and collect payment for those products and services. To understand your needs and offer you products and services from members of the Rogers Communications Inc. organization including Rogers, Rogers Bank and our agents, dealers and related companies, or trusted third parties that may be of interest to you.
- To provide tailored service to you. For example, we may use account information about you to improve your interactions with us or provide a positive and personalized customer experience.
- To provide geo-location services that will send you offers and promotions from carefully chosen third parties based on your current and historical personal location information.
- To perform analytics, administer surveys, or request feedback to improve and manage our relationship with you.
- To ensure the Rogers networks are functioning and protect the integrity of our networks.
- To confirm or authenticate your identity and ensure your information is correct and up-to-date.
- To ensure compliance with our Terms of Service and Acceptable Use Policy.
- To comply with legal obligations and regulatory requirements.

[...]

[...]

Disclosure

When is my personal information disclosed?

Unless we have your express consent or pursuant to a legal power, we will only disclose your personal information to organizations outside Rogers without your consent in the following limited circumstances:

- To a person who, in our reasonable judgement, is seeking the information as your agent.
- To another telephone company, when the information is required for the provision of home phone service and disclosure is made confidentially.
- To a service provider or other agent retained by us, such as a credit reporting agency, for account management, the collection of past due bills on your account, or to evaluate your creditworthiness.
- To a service provider or third party that is performing administrative functions for us to manage our customer accounts.
- To another organization for fraud prevention, detection or investigation if seeking consent from you would compromise the investigation.
- To a law enforcement agency whenever we have reasonable grounds to believe that you have knowingly supplied us with false or misleading information or are otherwise involved in unlawful activities.
- To a public authority or agent of a public authority if it appears that there is imminent danger to life or property which could be avoided or minimized by disclosure of the information.
- To a public authority or agent of a public authority, for emergency public alerting purposes, if a public authority has determined that there is an imminent or unfolding danger that threatens the life, health or security of an individual and that the danger could be avoided or minimized by disclosure of the information.
- To a third party who may be interested in buying Rogers assets and personal customer information must be shared to assess the business transaction.
- We will disclose information about your credit behaviour to credit reporting agencies or parties collecting outstanding debt.
- Your personal information may also be shared with members or affiliates of the Rogers

Communications Inc. organization, such as Rogers Bank.

Storage, Security & Retention

Where will my personal information be stored?

Personal information about our customers or users of our digital properties may be stored or processed in or outside Canada. The information will be protected with appropriate safeguards, but may be subject to the laws of the jurisdiction where it is held.¹³

[...]

*** End of Document ***

¹³ Underlined emphasis is PIAC's. Online: <https://www.rogers.com/cms/pdf/en/Rogers-Terms-of-Service-Acceptable-Use-Policy-and-Privacy-Policy-en.pdf> See for excerpts, at pp. 24-27.

Ted Woodhead

360 Albert Street, Suite 830
Ottawa, Ontario K1R 7X7
regulatory@rci.rogers.com

May 7, 2020

Filed Via GCKey

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
1 Promenade du Portage
Ottawa, Ontario K1A 0N2

Dear Mr. Doucet,

Re: PIAC Application Regarding Pandemic Contact-Tracing at Application and Network Levels

Rogers Communications Canada Inc. (“Rogers”) is in receipt of a Part 1 Application (the “Application”) from the Public Interest Advocacy Centre (“PIAC”), filed with the Commission on May 4, 2020. In its Application, PIAC requested specific action in relation to Canadian telecommunication service providers’ (“TSPs”) involvement in potential or actual pandemic contact-tracing for public health.

In addition to requiring TSPs to disclose involvement in contact-tracing as a condition of service, relief sought by PIAC includes a request for Commissioner oversight to “*inquire into and report upon contact tracing, as well as to liaise with public health authorities and governments and non-telecom private parties*” or to hold a formal Notice of Consultation in the matter of contact-tracing.

The Office of the Privacy Commissioner of Canada (“OPC”) and all provincial and territorial Information and Privacy Commissioners (collectively, “Privacy Commissioners”) have been actively participating in the privacy debate surrounding contact-tracing in Canada for many weeks, including discussions with provincial health authorities and parties developing contact-tracing applications.

As recently as today, May 7, 2020, these Privacy Commissioners issued a joint statement outlining the expected principles to be adhered to by governments developing contact-tracing applications. The OPC, which regulates the privacy practices of telecommunications services providers, also issued guidance on privacy and Covid-19 on March 20, 2020. It subsequently released a framework to assist government institutions to assess privacy-impactful initiatives in response to COVID-19 on April 17, 2020.

Given the issue that PIAC has asked the Commission to intervene in has already been addressed by significant guidance and oversight by Privacy Commissioners, as outlined above, Rogers requests the Commission dismiss the PIAC Application for a Part 1 proceeding.

Sincerely,

{Original signed by:}

Ted Woodhead
SVP, Regulatory

cc. John Lawford, PIAC
Respondent as identified in PIAC's Application



2020 05 12

To: Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Subject: **PIAC Part 1 Application Regarding Pandemic Contact-Tracing Application and Network Levels – Bell Supports Rogers request to dismiss**

Dear Mr. Doucet,

1. We are in receipt of the letter filed with the Commission by Rogers Communications Inc. (Rogers), dated 7 May 2020, in which Rogers requests that the Commission dismiss the application by Public Interest Advocacy Centre (PIAC) for a Part 1 proceeding regarding Canadian telecommunication service providers (TSPs) involvement in potential or actual pandemic contact-tracing. We support Rogers' request to dismiss PIAC's application for the reasons set out in Rogers' letter.

2. As noted in Rogers' letter, the Office of the Privacy Commissioner of Canada (OPC) and all provincial and territorial Information and Privacy Commissioners (collectively "Privacy Commissioners") are actively engaged in the current public discussions regarding privacy and the COVID-19 outbreak. This involvement has resulted in the issuance of a joint statement that sets out the guidelines that the Privacy Commissioners expect governments to follow if developing or using any contact-tracing application¹, which followed earlier OPC guidance for both private sector organizations, including TSPs, and government institutions regarding information sharing in response to public health situations.² Given the active engagement by Canada's Privacy Commissioners with the issues raised by PIAC and the significant guidance and oversight already provided by them, there is no requirement for the Commission to institute a Part 1 proceeding.

3. Bell therefore respectfully requests that the Commission dismiss PIAC's application.

Yours truly,

[Original signed by R. Barber]

Ruby Barber
Assistant General Counsel

c.c.: Stephen Millington, CRTC
PIAC
Rogers
All Canadian TSPs

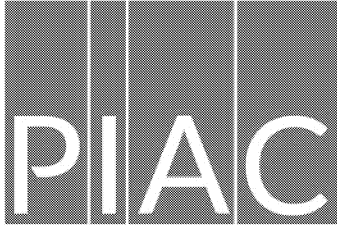
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¹ https://www.priv.gc.ca/en/opc-news/news-and-announcements/2020/nr-c_200507/.

² https://www.priv.gc.ca/en/privacy-topics/health-genetic-and-other-body-information/health-emergencies/gd_covid_202003/.

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PUBLIC INTEREST ADVOCACY CENTRE
LE CENTRE POUR LA DÉFENSE DE L'INTÉRÊT PUBLIC

285 McLeod Street, Suite 200, Ottawa, ON K2P 1A1

12 May 2020

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON K1A 0N2

VIA GC KEY

Dear Mr. Doucet,

**Re: *Application Regarding Pandemic Contact-Tracing at Application and Network Levels*
Reply of PIAC to Procedural Letters of Rogers and Bell to Dismiss Application**

The Public Interest Advocacy Centre (PIAC) is in receipt of two procedural letters, one from Rogers, dated 7 May 2020 and one from Bell, dated 12 May 2020, in relation to our Part 1 Application filed 4 May 2020 requesting certain action by the Commission directed to all Canadian telecommunications service providers' regarding their potential involvement in pandemic contact-tracing for public health purposes.

Rogers asked that the Application be dismissed and Bell supported Rogers for the reasons Rogers gave.

Rogers has pointed to a joint statement (the day Rogers filed its objection) made by Office of the Privacy Commissioner of Canada ("OPC") and all provincial and territorial Information and Privacy Commissioners (collectively, "Privacy Commissioners"). Rogers describes the Privacy Commissioners as having "issued a joint statement outlining the expected principles to be adhered to by governments developing contact-tracing applications." Rogers continues that:

The OPC, which regulates the privacy practices of telecommunications services providers, also issued guidance on privacy and Covid-19 on March 20, 2020. It subsequently released a framework to assist government institutions to assess privacy-impactful initiatives in response to COVID-19 on April 17, 2020.

Given the issue that PIAC has asked the Commission to intervene in has already been addressed by significant guidance and oversight by Privacy Commissioners, as outlined above, Rogers requests the Commission dismiss the PIAC Application for a Part 1 proceeding.

While it is encouraging to see the Privacy Commissioners engaging so quickly with this important issue and indicating guidance at the level(s) at which they have (limited) jurisdiction, the fact is that the CRTC

is the only regulator that has jurisdiction to allow or prohibit use of confidential customer information obtained from Canadians' use of their services or any other aspect of telecommunications.

The CRTC has on numerous occasions, and most clearly in Telecom Decision 2003-33, stated that its jurisdiction over privacy of telecommunications is separate and additional to, for example, the OPC's jurisdiction under the *Personal Information Protection and Electronic Documents Act* (PIPEDA). In addition, it has asserted its jurisdiction to apply higher privacy standards than those set in generalist privacy legislation.

We do not believe that the Commission can avoid its jurisdiction when it has a valid application before it that addresses that exact jurisdiction, and which jurisdiction is not existing elsewhere in the legal system. It is not up to the regulated telecommunications companies to state that they are regulated in some other fashion to avoid the Commission's jurisdiction under the *Telecommunications Act*.

We therefore ask the Commission to dismiss these two procedural requests to dismiss our application, which was duly filed in accordance with the Rules and to allow it to proceed, and to please post our Application on the CRTC's website, which, to date, has not yet occurred.

Sincerely,



John Lawford,
Counsel to PIAC

cc All Canadian TSPs
Stephen Millington, CRTC



TELUS
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Stephen Schmidt
Vice-President – Telecom Policy & Chief Regulatory Legal Counsel
Telecom Policy & Regulatory Affairs

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May 12, 2020

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON K1A 0N2

Dear Mr. Doucet:

Re: PIAC Part 1 Application Regarding Pandemic Contact-Tracing at Application and Network Levels – Response of TELUS Communications Inc. (“TELUS”)

1. TELUS is in receipt of a Part 1 Application Regarding Pandemic Contact-Tracing at Application and Network Levels filed by the Public Interest Advocacy Centre (“PIAC”) on May 4, 2020. Among its various relief, PIAC requests that the Commission “clarify that TSPs [telecommunications service providers] must follow the privacy requirements of the *Telecommunications Act*” and require telecommunications service providers to disclose involvement in contact-tracing as a condition of service. PIAC also asks for the Commission to “inquire into and report upon contact-tracing, as well as to liaise with public health authorities and governments and non-telecom private parties.”¹ TELUS is also in receipt of a response to PIAC’s Part 1 Application from Rogers Communications Canada Inc. (“Rogers”), dated May 7, 2020.
2. TELUS supports Rogers’ position that the Commission should dismiss PIAC’s Part 1 Application, because none of PIAC’s requested relief is necessary. There is no need for the Commission to make any clarification regarding the requirements of TSPs to adhere to Canadian privacy law. The Federal, Provincial and Territorial Privacy Commissioners (collectively, “Privacy Commissioners”) are already fully engaged and have the broad jurisdiction necessary to protect privacy in relation to contact-tracing, regardless of the technology used.

¹ Application of PIAC, paras 4-5.

TELUS Communications Inc.
May 12, 2020

3. In addition, the Privacy Commissioners have already released a framework of privacy principles for governments that plan to use contact-tracing applications.² This framework includes the principles of legal authority, necessity, proportionality, de-identification and transparency, among others, and underscores the requirement to obtain clear, meaningful and specific separate consent from participants to initiate contact-tracing for public health purposes.
4. The Privacy Commissioners have the policy and technical expertise to review the privacy impacts of any contact-tracing applications in use in Canada.³ The Federal Office of the Privacy Commissioner (the “OPC”) protects the privacy rights of Canadians in accordance with the Federal *Privacy Act* and the *Personal Information Protection and Electronic Documents Act*. The OPC issued an advisory on privacy issues related to COVID-19 in March 2020,⁴ and a “Framework for the Government of Canada to Assess Privacy-Impactful Initiatives in Response to COVID-19,”⁵ which demonstrate that it is actively overseeing the privacy impact of responses to the pandemic, such as contact-tracing by governments or the private sector.
5. Federal and provincial health authorities are urgently working to address public health concerns related to COVID-19. The Commission should not initiate a duplicative review of contact-tracing in Canada that could delay the use of contact-tracing applications by governments that are compliant with the framework developed by Privacy Commissioners.
6. PIAC’s requested relief, including a Commission inquiry into contact-tracing, is unnecessary, especially given the current engagement of the Privacy Commissioners. TELUS asks that Commission dismiss PIAC’s application.

Yours truly,

{Original signed by Stephen Schmidt}

Stephen Schmidt

² Office of the Privacy Commissioner of Canada, *Supporting public health, building public trust: Privacy principles for contact tracing and similar apps*, “Joint Statement by Federal, Provincial and Territorial Privacy Commissioners”, 7 May 2020, online: <https://www.priv.gc.ca/en/opc-news/speeches/2020/s-d_20200507/>.

³ As noted in the May 7, 2020 Joint Statement, Information and Privacy Commissioner of Alberta is reviewing a privacy impact assessment for the ABTraceTogether app that was recently launched in Alberta, and will provide recommendations directly to the Government of Alberta.

⁴ See <https://priv.gc.ca/en/privacy-topics/health-genetic-and-other-body-information/health-emergencies/gd_covid_202003/>.

⁵ See <https://priv.gc.ca/en/privacy-topics/health-genetic-and-other-body-information/health-emergencies/fw_covid/>.

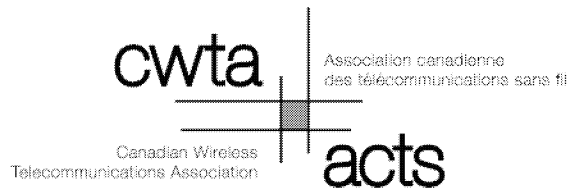
TELUS Communications Inc.
May 12, 2020

Vice-President - Telecom Policy & Chief Regulatory Legal Counsel
Telecom Policy & Regulatory Affairs

KMZ/jr

cc. Stephen Millington, CRTC, stephen.millington@crtc.gc.ca
Nanao Kachi, CRTC, nanao.kachi@crtc.gc.ca
Kaitlin Mackenzie, TELUS, (613) 597-8328, kaitlin.mackenzie@telus.com
John Lawford, PIAC, j.lawford@sympatico.ca
Ted Woodhead, Rogers, regulatory@rci.rogers.com

* * * End of document * * *



May 13, 2020

Filed Via GCKey

Mr. Claude Doucet
 Secretary General
 Canadian Radio-television and
 Telecommunications Commission
 1 Promenade du Portage
 Ottawa, Ontario K1A 0N2

Dear Mr. Doucet,

Re: PIAC Application Regarding Pandemic Contact-Tracing at Application and Network Levels

The Canadian Wireless Telecommunications Association (“CWTA”) is in receipt of the letter filed with the Commission by Rogers Communications Canada Inc. (“Rogers”), dated May 7, 2020, in which Rogers requests that the Commission dismiss the application by the Public Interest Advocacy Centre (“PIAC”) for a Part 1 proceeding regarding Canadian telecommunication service providers (“TSPs”) involvement in potential or actual pandemic contact-tracing. CWTA supports Rogers’ request to dismiss PIAC’s application.

As noted in the Rogers letter, the Office of the Privacy Commissioner of Canada (“OPC”) and all provincial and territorial Information and Privacy Commissioners (collectively “Privacy Commissioners”) are actively engaged in the public discussion regarding privacy and the COVID-19 outbreak. Rogers also highlights that this engagement has resulted in the issuance of a joint statement that sets out the guidelines that the Privacy Commissioners expect governments to follow if developing or using any contact-tracing application.¹ This followed earlier OPC guidance for both private sector organizations, including TSPs, and government institutions regarding information sharing in response to public health situations.²

It is also apparent that governments that have launched, or announced plans to launch, a contact-tracing application are doing so under the oversight of their respective privacy commissioners. For example, Alberta recently launched its AB TraceTogether application and provided Alberta’s Information and Privacy Commissioner with a privacy impact assessment on the app. The Commissioner has stated his appreciation that Alberta Health will be publishing a summary of the

¹ https://www.priv.gc.ca/en/opc-news/news-and-announcements/2020/nr-c_200507/

² https://www.priv.gc.ca/en/privacy-topics/health-genetic-and-other-body-information/health-emergencies/gd_covid_202003/

privacy impact assessment and indicated that he will continue to monitor the implementation of the app.³

In New Brunswick, the provincial government indicated that it is developing a contact-tracing app and emphasized that privacy is “always an overriding principle”.⁴ To that end, the government has briefed its province’s privacy commissioner on the app it intends to launch, and is scheduled to provide a demonstration of the app to the Commissioner prior to launch.⁵

It is important to note that the above-mentioned apps are not being developed by or on behalf of, or being implemented by, our TSP members. For example, the Alberta government application was developed by the consulting firm Deloitte, and is being distributed by the government via the Apple App Store and Google Play Store. Were TSPs “pushing” such apps out to customers, or even making them available to customers in app stores, they would be required to comply with the very rigorous standards set out in CASL for disclosure or consent in connection with the installation of computer programs on customer devices. The Commission is well aware of these strict requirements given that it has primary enforcement responsibility under CASL.

In addition, if TSPs were asked by government authority to disclose customer personal information in connection with contact-tracing, such action could only be taken in compliance with the *Personal Information Protection and Electronic Documents Act* (“PIPEDA”).

As such, CWTA respectfully submits that if TSP members were, at any point, to develop or implement contact-tracing apps, or otherwise be involved in contact-tracing at government request; there are already two pieces of legislation – one administered by the Commission and the other overseen by the OPC – that apply to such activities. Our TSP members take these obligations, and the privacy and security of customer information, seriously.

In conclusion, CWTA is aligned with Rogers’ request given that:

- If TSPs were to develop or implement contact-tracing apps or other methodologies, or be otherwise engaged by governments in contact-tracing at the request of governmental authorities, such activities would be subject to PIPEDA and, very possibly, CASL; and
- Canada’s Privacy Commissioners are seized with the issues raised by PIAC, both through the issuance of guidance and engaging in oversight of contact-tracing methods adopted or announced by governments in Canada.

³ <https://www.oipc.ab.ca/news-and-events/news-releases/2020/commissioner-comments-on-alberta%E2%80%99s-contact-tracing-app.aspx>

⁴ <https://www.cbc.ca/news/canada/new-brunswick/covid-19-contact-tracing-app-new-brunswick-1.5548334>

⁵ <https://www.cbc.ca/news/canada/new-brunswick/covid-19-contact-tracing-app-privacy-new-brunswick-1.5552750> .

Newfoundland and Labrador have also indicated it is working on the development of a contact-tracing app and news reports suggest that the province’s Privacy Commissioner is aware and ready to provide oversight of its implementation - <https://www.thetelegram.com/news/local/privacy-and-public-health-can-coexist-with-contact-tracing-app-privacy-commissioner-443323/>

For these reasons, CWTA respectfully requests that the Commission dismiss PIAC's application for a Part 1 proceeding.

Sincerely,

[ORIGINAL SIGNED BY ERIC SMITH]

Eric Smith
Senior Vice President

cc: John Lawford, PIAC
Respondent as identified in PIAC's application

*** End of Document ***



Conseil de la radiodiffusion et des
télécommunications canadiennes

Canadian Radio-television and
Telecommunications Commission

Ottawa, Canada
K1A 0N2

DM3847882

Ottawa, 13 May 2020

BY EMAIL

John Lawford
Executive Director and General Counsel
Public Interest Advocacy Centre
285 McLeod Street, Suite 200
Ottawa, Ontario K2P 1A1
jlawford@piac.ca

Subject: Application submitted by PIAC regarding pandemic contact-tracing by major Canadian telecommunications service providers

Dear Mr. Lawford,

This letter is in response to the above-noted application, dated 4 May 2020, in which you request Commission action to ensure that pandemic contact tracing applications for public health purposes are developed “in the fairest, most open and transparent manner, non-coercively and only for the intended purpose(s)”.

I appreciate the concerns raised in your application and understand that this issue is a concern for many Canadians and various organizations, such as yours.

I would like to take this opportunity to reiterate that telecommunications service providers (TSPs) must adhere to the *Telecommunications Act*, including all applicable Commission rules concerning the protection of customer privacy. In addition, *Canada’s Anti-Spam Legislation*¹ (CASL) prohibits the installation of a computer program to another person’s computing device in the course of commercial activity without the express consent of the device owner or an authorized user. Please be assured that we continuously monitor adherence to these and other legislative and regulatory requirements that fall within the CRTC’s authority.

While the CRTC regulates several areas of the Canadian telecommunications sector (including some aspects relating to privacy) under the *Telecommunications Act*, the issues raised in your application appear to extend beyond the CRTC’s purview. TSPs are generally not involved in the development of third-party applications, in the subsequent downloading of these applications by Canadians or in the development of the operating software of the devices that are used to access TSPs’ networks. TSPs provide the networks over which applications operate and in some cases, may have provided the device used to access the network.

¹ The CRTC is responsible for the enforcement of sections 6 to 8 of CASL.



Conseil de la radiodiffusion et des
télécommunications canadiennes

Canadian Radio-television and
Telecommunications Commission

Ottawa, Canada
K1A 0N2

DM3847882

According to the available information, the one contact tracing application to be released in a jurisdiction in Canada is voluntary to download and does not appear to rely on collecting data from the TSPs' networks, but rather relies on Bluetooth technology. Other applications that are being proposed or developed by other governments and health authorities in an effort to manage the current health crisis appear to be modeled on the same voluntary- and Bluetooth-based approach.

Moreover, I was pleased to see that a joint statement was released on 7 May 2020 by federal, provincial and territorial privacy commissioners outlining privacy principles for contact tracing applications. These principles included, amongst others, meaningful consent, time and purpose limitations, transparency and accountability. Prior to this joint statement, the Office of the Privacy Commissioner of Canada (OPC), who is responsible for enforcing federal privacy laws that set out the rules for how federal government institutions and certain businesses must handle personal information, had issued a framework to assess privacy-impactful initiatives in response to COVID-19 on 17 April 2020.

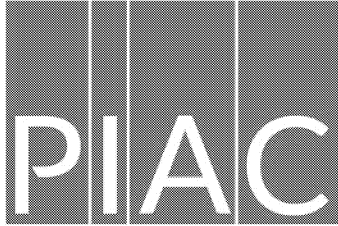
This situation and the efforts to contain and manage it continue to evolve. Commission staff will continue to closely monitor all relevant developments and, where appropriate, will send requests for information to TSPs with respect to this issue. As part of its monitoring efforts, Commission staff will maintain contact with staff from the OPC, the federal lead on privacy issues. However, there would appear to be no evidence that current privacy frameworks are not sufficient to address recent efforts or that initiating a public proceeding would be beneficial to Canadians at this time.

In light of the above, I inform you that your application will not be further considered.

Yours sincerely,

Originally signed by Scott Hutton

Chief, Consumer, Research and Communications
Canadian Radio-television and Telecommunication Commission



PUBLIC INTEREST ADVOCACY CENTRE
LE CENTRE POUR LA DÉFENSE DE L'INTÉRÊT PUBLIC

285 McLeod Street, Suite 200, Ottawa, ON K2P 1A1

14 May 2020

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON K1A 0N2

VIA GC KEY

Dear Mr. Doucet,

**Re: *Application Regarding Pandemic Contact-Tracing at Application and Network Levels*
REQUEST of PIAC for COMMISSION to Accept Application, Reject Procedural Motion to Dismiss
and to POST our Application on CRTC Website**

The Public Interest Advocacy Centre (PIAC) is in receipt of CRTC staff letter, dated yesterday, which purports to hold that the above-noted “application will not be further considered”.

We also note that Commission staff continues to fail to post our Application, which was duly filed, which CRTC website posting is required by s. 23 of the *Rules of Practice and Procedure*, which reads: “The Commission must post on its website all applications that comply with the requirements set out in section 22.”

By this letter, PIAC requests that the Commission, not staff, issue a ruling on a procedural request by Rogers to dismiss our Application (supported by Bell and TELUS). We further request that the Commission direct staff to forthwith post our application.

Staff does not have the power to “not consider” a duly filed Application. In our view, it is legally filed and not yet dealt with by the Commission, which has the sole power to rule on Rogers’ request.

Subsection 3(1) of the *CRTC Act* constitutes the “Commission” as the up to 13 members of the Commission appointed by the Governor in Council. Subsection 12(2) provides that the full-time members of the Commission (and the Chairperson, for Chairperson duties, which does not include adjudicating Applications on his or her own) exercise the power of the Commission, not staff.

It is unclear to PIAC upon what authority the CRTC can “not consider” an application. Although the Rules allow an adjournment of a proceeding (s. 10(a)), there is no explicit “suspension of consideration” power.

There is a general power to dispense with or vary the Rules under s. 7, “[i]f the Commission is of the opinion that considerations of public interest or fairness permit”.

The judicial powers of the Commission in s. 55 of the *Telecommunications Act* do not speak of suspension of consideration or similar procedural powers, although there is a “basket clause” in subs. 55(e) that permits it “the doing of anything else necessary for the exercise of its powers and the performance of its duties.”

PIAC presumes, therefore, that the Commission may therefore suspend “consideration” of the application as a form of adjournment, as modified by the power in s. 7 of the Rules to vary that rule, if it would be “in the public interest”. For the reasons given in the Application, PIAC does not believe that it would be in the public interest to adjourn our Application.

PIAC finally notes that under subs. 52(3) of the *Telecommunications Act* that:

“The power of the Commission to hear and determine a question of fact is not affected by proceedings pending before any court in which the question is in issue.”

We submit that the same argument would apply to any inquiries opened by Privacy Commissioners.

Therefore PIAC requests that the Commission rule on Rogers’ request that the Commission dismiss our Application without process or a hearing. We submit that to do so, the Commission would have to meet a very, very, very high bar indeed. This is because the CRTC has a special jurisdiction to protect confidential customer information derived from the use of cellphones and the Internet and telephone networks. This jurisdiction has, until now, been jealously guarded by the Commission. The Commission therefore has a responsibility to telecommunications subscribers to ensure their privacy. The Commission is the only regulator with clear oversight and enforcement jurisdiction over the telecommunications providers who, we reiterate, will undoubtedly will be integral to the creation of any truly effective contact-tracing or other public health application.¹ Our application being dismissed without consideration of these particular jurisdictional powers of the Commission, or by leaving it wholly in the hands of the Privacy Commissioners who do not have such jurisdiction or powers, we submit, denies the public the benefit of the *Telecommunications Act*, which we submit is an impermissible abdication of the Commission’s powers.

Again, if the Commission approves such uses and the consent required after an open, public proceeding such as our Application, or a Notice of Consultation, that is appropriate. What is not appropriate is attempting to avoid the issue, which will not go away.

Sincerely,



John Lawford,
Counsel to PIAC

cc All Canadian TSPs
Stephen Millington, CRTC

¹ Lest the Commission believe that this is not the case, we invite you to peruse TELUS’ “Data for Good – Privacy Statement” document at: <https://www.telus.com/en/about/covid-19-updates/privacy-statement>
This document purports to outline what TELUS will do in relation to telecommunications data of subscribers and public health uses. PIAC opposes uses 2-5 without a CRTC hearing and prior approval.

Stephen Schmidt
Vice-President – Telecom Policy & Chief Regulatory Legal Counsel
Telecom Policy & Regulatory Affairs

(613) 597-8363 Telephone
(613) 597-8374 Facsimile
regulatory.affairs@telus.com

May 15, 2020

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON K1A 0N2

Dear Mr. Doucet:

Re: PIAC Part 1 Application Regarding Pandemic Contact-Tracing at Application and Network Levels – Response of TELUS Communications Inc. (“TELUS”)

1. TELUS is in receipt of a letter filed by the Public Interest Advocacy Centre (“PIAC”) dated May 14, 2020 as a follow-up to its above-noted application. In its letter, PIAC claims that the Commission is the “only regulator with clear oversight and enforcement jurisdiction over the telecommunications providers.” Further, PIAC suggests that telecommunications service providers “will undoubtedly will be integral to the creation of any truly effective contact-tracing or other public health application.”¹ As purported support for this statement, PIAC provides a link to TELUS’ webpage outlining its Data for Good Privacy Statement.² PIAC is simply wrong in fact and law.
2. The Federal Office of the Privacy Commissioner (“OPC”) has jurisdiction over telecommunications service providers as federal undertakings, pursuant to the *Personal Information Protection and Electronic Documents Act* (PIPEDA). The OPC also has the expertise to use its jurisdiction over telecommunications providers. Moreover, as noted in TELUS’ May 12, 2020 letter, the OPC is already actively exercising its jurisdiction by publishing guidelines for activities relating to COVID-19 (such as contact-tracing) and providing ongoing oversight of such activities.
3. PIAC has also mischaracterized TELUS’ Data for Good program. To be clear, Data for Good is not contact-tracing. Data for Good insights are provided through the

¹ Letter of PIAC, 14 May 2020, p. 2.

² See “Data for Good” Privacy Statement, online <<https://www.telus.com/en/about/covid-19-updates/privacy-statement>>.

TELUS Communications Inc.

May 15, 2020

TELUS Insights platform. This platform is Privacy by Design certified and has been developed and stress-tested in accordance with international best practices in privacy and data analytics, to provide de-identified and aggregated data sets that can identify trends and patterns without impacting individual privacy. De-identified data means it cannot be traced back to an individual; and aggregated data means that it is compiled into a large data pool. In short, Data for Good does not involve any disclosure of personal information or customer confidential information.

4. Data for Good is part of TELUS' longstanding commitment to using data to deliver social benefits while respecting the highest standards of privacy and transparency. By using strong de-identification measures, combined with aggregating data, Data for Good can provide governments, health authorities and academic researchers with insights that can assist in flattening the curve of COVID-19, stem its spread, lessen its health and economic impacts, coordinate health care, or contribute to studies that could prevent or mitigate future phases of pandemics. No personal information is disclosed and no customer confidential information is disclosed as part of this process. The OPC's continuing oversight gives ongoing assurance that there is no improper use of personal information or customer confidential information.

Yours truly,

{Original signed by Stephen Schmidt}

Stephen Schmidt

Vice-President - Telecom Policy & Chief Regulatory Legal Counsel
Telecom Policy & Regulatory Affairs

KMZ/io

- cc. Stephen Millington, CRTC, stephen.millington@crtc.gc.ca
Nanao Kachi, CRTC, nanao.kachi@crtc.gc.ca
Kaitlin Mackenzie, TELUS, (613) 597-8328, kaitlin.mackenzie@telus.com
John Lawford, PIAC, j.lawford@sympatico.ca
Respondents to PIAC's Part I Application

* * * End of document * * *



Ottawa, 27 October 2020

Our reference: 8665-P8-202005769

BY EMAIL

Distribution List and Interested Persons

**Re: Part 1 application submitted by PIAC regarding COVID-19 exposure notification applications –
Scope of issues to be considered by the Commission in the context of this Part 1 application**

Dear Sir/Madam,

On 9 September 2020, the Public Interest Advocacy Centre (PIAC) filed a Part 1 Application in relation to what it referred to as COVID-19 contact tracing applications, requesting that the Commission set out rules in advance for Telecommunications Service Providers (TSPs) regarding possible disclosure of subscriber information or other subscriber data related to either IP addresses or mobile telephone numbers.

The principal requests raised in PIAC's application were for the Commission to:

- a. declare that the confidential customer information rules developed by the Commission in the context of wireline telephony are appropriate for all TSPs and that confidential customer information includes IP addresses and mobile phone numbers as well as any other information generated from the network connection of digital contact tracing technologies;
- b. impose on all TSPs, pursuant to sections 24 and 24.1 of the *Telecommunications Act* (the Act), a requirement to abide by such rules; and,
- c. prohibit TSPs from disclosing, without explicit consent, any subscriber information requested by any Canadian or foreign government in relation to a contact tracing application, unless such disclosure meets a test to be devised by the Commission, which should only allow for such disclosure where necessary to prevent, mitigate or reduce the spread of serious illness.

Rogers Communications Inc. (Rogers) filed a letter on 11 September 2020 and the Canadian Wireless Telecommunications Association (CWTA) on 17 September 2020, arguing that despite PIAC's allegations that TSPs are active participants in contact tracing measures, PIAC gave no real evidence to support these assertions. Rogers also noted that the alleged issues on which PIAC has asked the Commission to intervene have already been assessed and reviewed by the Office of the Privacy Commissioner of Canada and that PIAC failed to demonstrate a change of circumstances warranting the need for a Commission proceeding in this matter. Rogers and the CWTA argued that the Commission should dismiss the application.

On 22 September 2020, PIAC filed a response to the procedural letters from Rogers and CWTA disagreeing with their assertions.

The Commission recognizes that the Part 1 application raises certain important concerns that fall within the scope of the Act. In this regard, one of the policy objectives set out in section 7 of the Act involves contributing to the protection of the privacy of persons.

Specifically, the Commission considers that the application raises certain policy concerns pertaining to TSPs' role with regard to customers' privacy that merit further consideration. The Commission notes that PIAC's application focusses on the deployment of exposure notification applications developed in light of the current COVID-19 pandemic and queries whether the definition of confidential customer information should be extended to include mobile phone numbers and IP addresses. However, the Commission considers that PIAC's application requests regulatory measures that, if granted, would have implications beyond the specific context within which the application was filed. In addition, the Commission is concerned that a number of other aspects of PIAC's application appear to go beyond matters directly related to TSPs' actions, which are not matters subject to the Commission's regulatory purview under the Act.

In light of the above, the Commission clarifies that, in the present proceeding, it will only consider matters subject to the Act, specifically (1) issues that pertain to the role of TSPs in the handling of confidential customer information; (2) issues relating to what information should qualify as confidential customer information; and (3) any resulting measures that should apply to the TSP's collection, use and disclosure of that information. The Commission will not entertain issues nor consider interventions related to the merits of exposure notification applications nor of the handling of confidential customer information by parties other than TSPs.

- 3 -

This application will be open for comments for 30 days from the date of publication, after which PIAC will have 10 days to reply.

Yours sincerely,

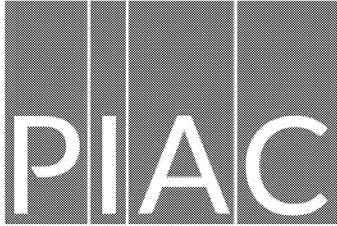
Claude Doucet
Secretary General

Distribution List

Mr. John Lawford, Counsel – Public Interest Advocacy Centre (PIAC), jlawford@piac.ca
Ted Woodhead, Rogers Communications Inc., rwi_gr@rci.rogers.com
Eric Smith, CWTA, esmith@cwta.ca

CC

Bell Canada and Bell Mobility Inc., bell.regulatory@bell.ca
Bragg Communications Incorporated, regulatory.matters@corp.eastlink.ca
Canadian Communication Systems Alliance (CCSA), cedwards@ccsaonline.ca
Cogeco Communications Inc., telecom.regulatory@cogeco.com
Distributel Communications Limited, christopher.hickey@distributel.ca
Freedom Mobile Inc., regulatory@sjrb.ca
Ice Wireless Inc., regulatory@icewireless.com
Independent Telecommunications Providers Association (ITPA), jonathan.holmes@itpa.ca
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Quebecor Media Inc., peggy.tabet@quebecor.com
Rogers Communications Inc., rwi_gr@rci.rogers.com
Saskatchewan Telecommunications Holding Corporation, document.control@sasktel.com
Shaw Communications Inc., regulatory@sjrb.ca
TBaytel, rob.olenick@tbaytel.com; stephen.scofich@tbaytel.com; david.wilkie@tbaytel.com
Teksavvy Solutions Inc., regulatory@teksavvy.com
Telus Communications Company, regulatory.affairs@telus.com
Xplornet Communications, xplornet.legal@corp.xplornet.com



PUBLIC INTEREST ADVOCACY CENTRE
LE CENTRE POUR LA DÉFENSE DE L'INTÉRÊT PUBLIC

285 McLeod Street, Suite 200, Ottawa, ON K2P 1A1

4 May 2020

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON K1A 0N2

VIA GC KEY

Dear Mr. Doucet,

Re: *Application Regarding Pandemic Contact-Tracing at Application and Network Levels*

The Public Interest Advocacy Centre (PIAC) hereby files a Part 1 application requesting specific Commission action (as specified in the Application) in relation to all Canadian telecommunications service providers' involvement in potential or actual pandemic contact-tracing for public health purposes.

Please note that we bring this Application seeking clarity and transparency and not in any way seeking to impede appropriate public health measures.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Lawford', written in a cursive style.

John Lawford,
Counsel to PIAC

cc All Canadian TSPs
Stephen Millington, CRTC

Ad Hoc Full Commission Meeting Agenda

7 July 2020 | 1:30 PM | Skype Meeting

1. **DECISION:** Denial of PIAC's application regarding pandemic contact-tracing by major Canadian telecommunications service providers (Nanao Kachi) (Éric Bowles / Michel Hogan) **60 minutes**

- Document at a glance
- Memo
- 4 May 2020 - PIAC Cover Letter
- 4 May 2020 - PIAC Part 1 Application
- 7 May 2020 - Rogers Letter
- 12 May 2020 - Bell Canada Letter
- 12 May 2020 - PIAC Procedural Reply Letter
- 12 May 2020 - Telus Letter
- 13 May 2020 - CWTA Letter
- 13 May 2020 - Commission Staff Letter
- 14 May 2020 - PIAC Procedural Request
- 15 May 2020 - Telus Letter



Date: 13 October 2020

DM5#: 3927036

Classification: Protected B

Rapids:

Bordereau d'acheminement / Routing Slip

<u>Titre / Title:</u>		<u>MESURES À PRENDRE / ACTION REQUIRED</u>			
Nom / Name	Target Sign-off Date	Date of Sign-off	Paraphe / Initials	Approbation ou signature / Approval or signature	Information
Auteur / Originator: Matthew Old				<input type="checkbox"/>	<input type="checkbox"/>
Gestionnaire / Manager: Guillame Leclerc	13 Oct	13 Oct	GL	<input type="checkbox"/>	<input type="checkbox"/>
Avocat(e)s / Counsel: Eric Bowles Michel Hogan	14 Oct	19 Oct	MH EB	<input type="checkbox"/>	<input type="checkbox"/>
Directeur / Director Nanao Kachi	15 Oct	19 Oct	NK	<input type="checkbox"/>	<input type="checkbox"/>
Avocate Générale / General Counsel Rachelle Frenette	21 Oct	21 oct	RF	<input type="checkbox"/>	<input type="checkbox"/>
Directeur général / Director General Sheehan Carter	21 Oct	21 Oct	SC	<input type="checkbox"/>	<input type="checkbox"/>
Directeur exécutif, Radiodiffusion / Executive Director, Broadcasting Scott Shortliffe				<input type="checkbox"/>	<input type="checkbox"/>
Cadre en chef de la conformité et des enquêtes / Chief Compliance & Enforcement Officer Steven Harroun				<input type="checkbox"/>	<input type="checkbox"/>
Directeur exécutif, Télécommunications / Executive Director, Telecommunications Chris Seidl				<input type="checkbox"/>	<input type="checkbox"/>
Avocat général principal /Senior General Counsel Steven Millington				<input type="checkbox"/>	<input type="checkbox"/>
Directeur exécutif, Communications / Executive Director, Communications Véronique Lehoux				<input type="checkbox"/>	<input type="checkbox"/>
Dirigeant principal, Consommation, recherche et communications / Chief, Consumer, Research and Communications Scott Hutton	22 Oct	23 Oct	SH	<input type="checkbox"/>	<input type="checkbox"/>
Secrétaire général / Secretary General Claude Doucet	27 Oct			<input type="checkbox"/>	<input type="checkbox"/>
Président / Chairman Ian Scott				<input type="checkbox"/>	<input type="checkbox"/>

s.21(1)(b)

Archived: December 2, 2020 9:40:39 AM

From: Frenette, Rachelle

Sent: October 21, 2020 2:27:00 PM

To: Carter, Sheehan; Old, Matthew

Cc: Kachi, Nanao; Leclerc, Guillaume; Bowles, Eric; Hogan, Michel

Subject: RE: Draft of SecGen Letter and Routing Slip (PIAC Part 1 COVID Tracing Apps)

Sensitivity: Normal

I am trying to make up for all the times that I am late. ;)

From: Carter, Sheehan

Sent: October 21, 2020 2:13 PM

To: Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>; Old, Matthew <Matthew.Old@crtc.gc.ca>

Cc: Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>

Subject: RE: Draft of SecGen Letter and Routing Slip (PIAC Part 1 COVID Tracing Apps)

Darn, that Rachelle is too fast this week. That's the second time she has beaten me. Only a few small tweaks on my part and I have signed off. Thank you all.

Sheehan

From: Frenette, Rachelle

Sent: October 21, 2020 1:06 PM

To: Old, Matthew <Matthew.Old@crtc.gc.ca>

Cc: Carter, Sheehan <sheehan.carter@crtc.gc.ca>; Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>

Subject: FW: Draft of SecGen Letter and Routing Slip (PIAC Part 1 COVID Tracing Apps)

Hello Matthew:

I have made a few editorial changes that I hope [REDACTED] tightens up the text a bit. Happy to discuss. I am signed off.

Rachelle

From: Old, Matthew

Sent: October 20, 2020 11:02 AM

To: Carter, Sheehan <sheehan.carter@crtc.gc.ca>; Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>

Cc: Kachi, Nanao <Nanao.Kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>

Subject: Draft of SecGen Letter and Routing Slip (PIAC Part 1 COVID Tracing Apps)

Good morning Sheehan, Rachelle:

Please find the latest draft of the SecGen letter attached for your review.

I welcome your questions and comments.

Matt

Matthew Old

Analyste | Analyst

Politique sociale et des consommateurs | Social and Consumer Policy

CRTC

Tel: 873-353-4578

matthew.old@crtc.gc.ca

Archived: December 2, 2020 9:45:58 AM
From: Hogan, Michel
Sent: October 21, 2020 12:34:21 PM
To: Frenette, Rachelle
Cc: Bowles, Eric
Subject: RE: Draft of SecGen Letter and Routing Slip (PIAC Part 1 COVID Tracing Apps)
Sensitivity: Normal

Bonjour Rachelle,

Merci,

Michel H.

From: Frenette, Rachelle
Sent: October 20, 2020 7:15 PM
To: Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>
Subject: FW: Draft of SecGen Letter and Routing Slip (PIAC Part 1 COVID Tracing Apps)

Salut Eric et Michel

Merci

Rachelle

From: Old, Matthew
Sent: October 20, 2020 11:02 AM
To: Carter, Sheehan <sheehan.carter@crtc.gc.ca>; Frenette, Rachelle <rachelle.frenette@crtc.gc.ca>
Cc: Kachi, Nanao <nanao.kachi@crtc.gc.ca>; Leclerc, Guillaume <Guillaume.Leclerc@crtc.gc.ca>; Bowles, Eric <eric.bowles@crtc.gc.ca>; Hogan, Michel <Michel.Hogan@crtc.gc.ca>
Subject: Draft of SecGen Letter and Routing Slip (PIAC Part 1 COVID Tracing Apps)

Good morning Sheehan, Rachelle:

Please find the latest draft of the SecGen letter attached for your review.

I welcome your questions and comments.

Matt

Matthew Old
Analyste | Analyst
Politique sociale et des consommateurs | Social and Consumer Policy
CRTC
Tel: 873-353-4578
matthew.old@crtc.gc.ca

Archived: December 2, 2020 9:52:13 AM

From: [Frenette, Rachelle](#)

Sent: September 10, 2020 9:19:00 AM

To: [Millington, Stephen](#)

Subject: Contract Tracing

Sensitivity: Normal

Good Morning Steve:

We've received an new PIAC application regarding contact tracing. The application is not posted yet. The team is meeting on Friday to review the application and discuss next steps.

Rachelle

Archived: December 2, 2020 9:53:07 AM

From: [Frenette, Rachelle](#)

Sent: August 7, 2020 9:53:00 AM

To: [Millington, Stephen](#)

Subject: Contact Tracing

Sensitivity: Normal

Good Morning Steve:

Just to let you know, the contact tracing Sec Gen letter is with Claude at the moment. I expect that the letter will be sent to PIAC and publicly known either today or early next week.

Rachelle