



GOVERNMENT OF CANADA  
Innovation, Science and  
Economic Development  
235 Queen Street  
2<sup>nd</sup> Floor, West Tower  
Ottawa, Ontario  
K1A 0H5

GOUVERNEMENT DU CANADA  
Innovation, Sciences et  
Développement économique  
235, rue Queen  
2<sup>e</sup> étage, Tour ouest  
Ottawa (Ontario)  
K1A 0H5

**PROTECTED**

**PROTÉGÉ**

Our file  
A-2017-00087

March 28, 2018

Ms. Lex Gill  
315 Bloor Street West  
Toronto, ON M5S 1A3

Dear Ms. Gill:

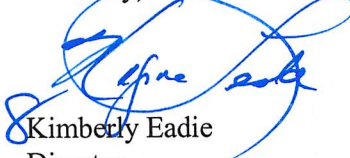
This is in reply to your request submitted under the *Access to Information Act* (the *Act*) for: ***"All records (including but not limited to correspondence) related to the authorization, licensing, and/or certification issued by in relation to devices frequently referred to as "mobile device identifiers" (MDIs) (or "IMSI Catchers") pursuant to the Radiocommunication Act, RSC 1985, c R-2. This request includes but is not limited to all such records related to the Innovation, Science and Economic Development Canada (ISED) "approval" in relation to these devices mentioned by the RCMP in the following interview transcript: <http://www.rcmp-grc.gc.ca/en/news/2017/7/cbc-transcript-april-5th-tech-briefing-teleconference> Limit search to the last 3 years (January 2014 to May 1, 2017)."***

Enclosed is a copy of the records relevant to your request and a report, detailing the results of our review. Further to our assessment, it was determined that some of the information is to be withheld pursuant to sections 13, 15, 19, 21 and 23 of the *Act* (see link for details <http://laws-lois.justice.gc.ca/eng/acts/A-1/>).

For your information, you are entitled to file a complaint with the Information Commissioner within sixty days from the receipt of this notice. The notice of complaint should be sent to: The Office of the Information Commissioner of Canada, 30 Victoria Street, Gatineau, Québec, K1A 1H3.

Should you have any questions, please contact Sashsha Rusenstrom at 343-291-2787 or by email at [sashsha.rusenstrom@canada.ca](mailto:sashsha.rusenstrom@canada.ca).

Sincerely,



Kimberly Eadie  
Director

Access to Information and Privacy Services

Enclosures: 27 pages  
Report

**Canada**

**Kennedy, Caroline (IC)**

---

**From:** Nolan, Stephen (IC)  
**Sent:** March-15-17 9:24 AM  
**To:** Kennedy, Caroline (IC); Corbin, Marc (IC); Gibson, David (IC); Nappert, Hughes (IC)  
**Subject:** FW: Letter regarding MDIs  
**Attachments:** 2017-03-13 RCMP P. Henschel.pdf

FYI/PTI.

---

**From:** Pichette, Laura (IC) On Behalf Of Hill2, Peter (IC)  
**Sent:** March-13-17 3:34 PM  
**To:** [peter.henschel@rcmp-grc.gc.ca](mailto:peter.henschel@rcmp-grc.gc.ca)  
**Cc:** Hill2, Peter (IC)  
**Subject:** Letter regarding MDIs

Good afternoon

Please find attached a letter regarding the use of radio apparatus which communicates with mobile devices.

Sincerely,

Peter Hill

Director General, Spectrum Management Operations | Directeur general, Opérations de la gestion du spectre  
Spectrum Management Operations Branch | Direction générale des opérations de la gestion du spectre  
Spectrum, Information Technologies and Telecommunications Sector | Secteur du Spectre, des technologies de  
l'information et des télécommunications  
Innovation, Science and Economic Development Canada | Innovation, Sciences et Développement économique Canada  
235 Queen Street, Ottawa ON K1A 0H5 | 235, rue Queen, Ottawa, ON K1A 0H5  
Telephone | Téléphone 343-291-3462  
Government of Canada | Gouvernement du Canada



Innovation, Science and  
Economic Development Canada

Innovation, Sciences et  
Développement économique Canada

Our File: 49081700428

**MAR 13 2017**

Mr. Peter Henschel  
Deputy Commissioner  
Specialized Policing Services  
Royal Canadian Mounted Police  
273 Leikin Drive  
Ottawa, Ontario K1A 0R2

Mr. Henschel,

This letter constitutes an authorization issued under section 5(1)(a)(v) of the *Radiocommunication Act*, for employees of the Royal Canadian Mounted Police (RCMP) Technical Investigation Services Branch, as well as employees of the RCMP who fall under the direction of that Branch. This authorization applies only to the installation, operation and possession of radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain data associated with a mobile device or the mobile network that, as per section 492.2 of the *Criminal Code*:

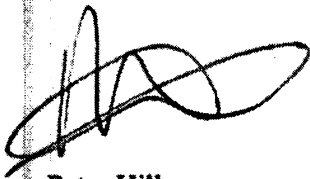
- (a) relates to the telecommunication functions of dialing, routing, addressing or signalling;
- (b) is transmitted to identify, activate or configure a device, including a computer program as defined in subsection 342.1(2) of the *Criminal Code*, in order to establish or maintain access to a telecommunication service for the purpose of enabling a communication, or is generated during the creation, transmission or reception of a communication and identifies or purports to identify the type, direction, date, time, duration, size, origin, destination or termination of the communication; and
- (c) does not reveal the substance, meaning or purpose of the communication.

...2/

- 2 -

**This authorization is subject to the attached terms and conditions, and expires five years from the day it is signed. In particular, these radio apparatus may be installed, operated or possessed only in accordance with the purposes under section 54 of the *Radiocommunication Regulations*.**

**Yours Sincerely,**

A handwritten signature in black ink, appearing to be 'Peter Hill', with a stylized, cursive script.

**Peter Hill  
Director General  
Spectrum Management Operations Branch**

**Attachment**



**Attachment**

**Terms and Conditions**

1. The authorization applies only to employees of the Royal Canadian Mounted Police (RCMP) Technical Investigation Services Branch, as well as employees of the RCMP who fall under the direction of that Branch, and is limited to the installation, operation and possession of radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain data associated with a mobile device or the mobile network that, as per section 492.2 of the *Criminal Code*:
  - (a) relates to the telecommunication functions of dialing, routing, addressing or signalling;
  - (b) is transmitted to identify, activate or configure a device, including a computer program as defined in subsection 342.1(2) of the *Criminal Code*, in order to establish or maintain access to a telecommunication service for the purpose of enabling a communication, or is generated during the creation, transmission or reception of a communication and identifies or purports to identify the type, direction, date, time, duration, size, origin, destination or termination of the communication; and
  - (c) does not reveal the substance, meaning or purpose of the communication.
2. All employees of the RCMP installing, operating and possessing these radio apparatus must be appropriately trained.
3. Every reasonable effort shall be made to localize, confine or restrict, to the extent possible, interference and obstruction to radiocommunication.
4. The radio apparatus must be turned off and stored in a secure location when not in use, including when being transported.
5. Every reasonable effort shall be made to ensure that the installation and operation of these radio apparatus complies with Safety Code 6 (*Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz*) at all times, including the consideration of combined effects of nearby installations within the local radio environment.
6. The authorization to install, operate and possess these radio apparatus applies only for the purposes under section 54 of the *Radiocommunication Regulations*, restated as follows:

- a. preserving or protecting any property, or the prevention of serious harm to any person, including the bringing of emergency assistance to any person,
- b. giving evidence in any criminal or civil proceeding or in any other proceeding in which the persons may be required to give evidence on oath,
- c. investigation or prosecution of an alleged contravention of any law of Canada or a province or in the interests of the administration of justice,
- d. international affairs or national defence or security.

Ontario  
Provincial  
Police

Police  
provinciale  
de l'Ontario



**OFFICE OF THE BUREAU COMMANDERS  
COMMANDANTS DE BUREAU**

777 Memorial Ave. 777, ave. Memorial  
Orillia, ON L3V 7V3 Orillia, ON L3V 7V3

Tel: 705-329-6325 Tél.: 705-329-6325  
Fax: 705-329-6318 Téléc: 705-329-6318

File Reference: 600-00

February 17, 2017

Ms. Corinne Charette  
Senior Assistant Deputy Minister  
Innovation, Science and Economic Development Canada  
Spectrum, Information Technologies and Telecommunications  
235 Queen Street, CD Howe Building, Room 196B  
Ottawa, Ontario K1A 0H5

Dear Ms. Charette,

**Re: The Radiocommunication Act and Mobile Devices Identifiers**

I am writing concerning the applicability of the *Radiocommunication Act* to the Ontario Provincial Police (OPP) use of Mobile Device Identifiers (MDIs), also referred to as International Mobile Subscriber Identity (IMSI) catchers.

The OPP uses MDI technology to assist in criminal investigations relating to national security, serious and organized crime and other Criminal Code offences that impact the safety and security of Ontarians. An MDI is an invaluable law enforcement tool that simulates a cellular tower to attract and collect limited data from mobile devices during an investigation. The OPP deploys MDI technology in a manner that is consistent with federal laws and judicial oversight requirements. Specifically, absent exigent circumstances, judicial authorization is sought prior to deploying an MDI. MDI technology is only deployed in a limited number of priority circumstances where MDI capabilities are best suited to achieve specific public safety objectives. Contrary to recent media coverage, the MDI function of the OPP's device does not intercept or receive any form of private communications, including voice and audio communications, text messages, email messages and encryption keys.

We understand that Innovation, Science and Economic Development Canada (ISED) has been examining whether MDI technology falls within the definition of a "jammer" under the *Radiocommunication Act* and whether a separate radio authorization may be required to possess and operate an MDI. The OPP was first made aware of ISED views on the RCMP's use of MDIs through media coverage in late March 2016.

Investigation and Support Bureau  
Bureau des enquêtes et du soutien  
Tel: 705-329-6325  
Fax: 705-329-6318

Organized Crime Enforcement Bureau  
Bureau de la lutte contre le crime  
organisé  
Tel: 705-329-6325  
Fax: 705-329-6318

Provincial Operations Intelligence Bureau  
Bureau des renseignements opérations  
provinciales  
Tel: 705-329-6310  
Fax: 705-329-6584

The Radiocommunication Act and Mobile Devices Identifiers

Page two

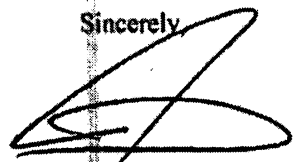
I am seeking the assistance of ISED to ensure that the OPP deploys its MDI technology in full compliance with the *Radiocommunication Act*. Furthermore, while the immediate need focusses on MDIs, the OPP uses other sensitive investigative techniques that may also warrant further analysis vis-à-vis any potential application to the *Radiocommunication Act*.

The OPP is requesting an authorization issued under section 5(1)(a)(v) of the *Radiocommunication Act* for employees of the Technical Support Branch, as well as employees of the OPP who fall under the direction of that Branch. This authorization applies only to the installation, operation and possession of radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain data associated with a mobile device or the mobile network that, as per section 492.2(6) of the *Criminal Code*:

- (a) relates to the telecommunication functions of dialing, routing, addressing or signalling;
- (b) is transmitted to identify, activate or configure a device, including a computer program as defined in subsection 342.1(2) of the *Criminal Code*, in order to establish or maintain access to a telecommunication service for the purpose of enabling a communication, or is generated during the creation, transmission or reception of a communication and identifies or purports to identify the type, direction, date, time, duration, size, origin, destination or termination of the communication; and
- (c) does not reveal the substance, meaning or purpose of the communication.

Thank you in advance for supporting our efforts to protect Canadians. Your staff is invited to communicate directly with Detective Inspector Robert Longstreet, Officer In Charge, Technical Support Branch at (705) 329-6492 or [robert.longstreet@opp.ca](mailto:robert.longstreet@opp.ca).

Sincerely,



J.E. (John) Tod  
Chief Superintendent  
Bureau Commander  
Investigation & Support Bureau



Innovation, Science and  
Economic Development Canada

Innovation, Sciences et  
Développement économique Canada

Our File: 46081700382

**APR 06 2017**

Mr. J.E. (John) Tod  
Chief Superintendent  
Bureau Commander  
Investigation & Support Bureau  
Ontario Provincial Police  
777 Memorial Avenue  
Orillia, Ontario L3V 7V3

Mr. Tod,

This letter constitutes an authorization issued under section 5(1)(a)(v) of the *Radiocommunication Act*, for employees of the Ontario Provincial Police (OPP) Technical Support Branch, as well as employees of the OPP who fall under the direction of that Branch. This authorization applies only to the installation, operation and possession of radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain data associated with a mobile device or the mobile network that, as per section 492.2 of the *Criminal Code*:

- (a) relates to the telecommunication functions of dialing, routing, addressing or signalling;
- (b) is transmitted to identify, activate or configure a device, including a computer program as defined in subsection 342.1(2) of the *Criminal Code*, in order to establish or maintain access to a telecommunication service for the purpose of enabling a communication, or is generated during the creation, transmission or reception of a communication and identifies or purports to identify the type, direction, date, time, duration, size, origin, destination or termination of the communication; and
- (c) does not reveal the substance, meaning or purpose of the communication.

...2/

- 2 -

This authorization is subject to the attached terms and conditions, and expires five years from the day it is signed. In particular, these radio apparatus may be installed, operated or possessed only in accordance with the purposes under section 54 of the *Radiocommunication Regulations*.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'Peter Hill', with a stylized, cursive script.

Peter Hill  
Director General  
Spectrum Management Operations Branch

Attachment

**Attachment**

**Terms and Conditions**

1. The authorization applies only to employees of the Ontario Provincial Police (OPP) Technical Support Branch, as well as employees of the OPP who fall under the direction of that Branch, and is limited to the installation, operation and possession of radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain data associated with a mobile device or the mobile network that, as per section 492.2 of the *Criminal Code*:
  - (a) relates to the telecommunication functions of dialing, routing, addressing or signalling;
  - (b) is transmitted to identify, activate or configure a device, including a computer program as defined in subsection 342.1(2) of the *Criminal Code*, in order to establish or maintain access to a telecommunication service for the purpose of enabling a communication, or is generated during the creation, transmission or reception of a communication and identifies or purports to identify the type, direction, date, time, duration, size, origin, destination or termination of the communication; and
  - (c) does not reveal the substance, meaning or purpose of the communication.
2. All employees of the OPP installing, operating and possessing these radio apparatus must be appropriately trained.
3. Every reasonable effort shall be made to localize, confine or restrict, to the extent possible, interference and obstruction to radiocommunication.
4. The radio apparatus must be turned off and stored in a secure location when not in use, including when being transported.
5. Every reasonable effort shall be made to ensure that the installation and operation of these radio apparatus complies with Safety Code 6 (*Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz*) at all times, including the consideration of combined effects of nearby installations within the local radio environment.

6. The authorization to install, operate and possess these radio apparatus applies only for the purposes under section 54 of the *Radiocommunication Regulations*, restated as follows:
- (a) preserving or protecting any property, or the prevention of serious harm to any person, including the bringing of emergency assistance to any person,
  - (b) giving evidence in any criminal or civil proceeding or in any other proceeding in which the persons may be required to give evidence on oath,
  - (c) investigation or prosecution of an alleged contravention of any law of Canada or a province or in the interests of the administration of justice,
  - (d) international affairs or national defence or security.



Jensen, Amy (IC)

**From:** Jensen, Amy (IC)  
**Sent:** April-07-17 4:12 PM  
**To:** Scott Campbell  
**Subject:** RE: request for authorization

Hi Scott,

Thanks for this. We've had some internal discussions today but would like to have a discussion with [redacted] as we develop a way forward with this request (and any similar ones). I understand he is away from the office at the moment, but we plan to get in touch as soon as we can.

Thanks.

Amy

**From:** Scott Campbell  
**Sent:** April-06-17 4:41 PM

**To:** Jensen, Amy (IC)  
**Subject:** request for authorization

Good afternoon Amy,

I know we spoke briefly on the phone yesterday, but given recent media events my Inspector has asked that I make an official request to ISCD for an authorization under the Radiocommunication Act. There is some urgency to try to get this authorization in place as we are currently utilizing the device.

Please find attached a letter with the official request. I have also attached a draft authorization for Calgary Police Service [redacted]

I provided your name to [redacted] and I understand he was also going to be contacting you on behalf of his agency for the same authorization.

Thanks,  
Scott

**Sgt. Scott Campbell #3356**  
Calgary Police Service

19(1),13(1)(d)

**Draft – For Discussion Purposes Only**

Date#

File # #####

Mr. Paul Cook  
Deputy Chief  
Bureau of Investigative Support  
Calgary Police Service  
5111 47 St NE  
Calgary, Alberta T3J 3R2

Mr. Cook,

This letter constitutes an authorization for employees of the Calgary Police Service (CPS), issued under section 5(1)(a)(v) of the *Radiocommunication Act*, to install, operate and possess radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain transmission data, as defined in section 487.011 of the *Criminal Code*, associated with a mobile device or the mobile network.

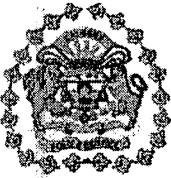
This authorization is subject to the attached terms and conditions, and expires five years from the day it is signed. In particular, these radio apparatus may be installed, operated or possessed only in accordance with the purposes under section 54 of the *Radiocommunication Regulations*.

This authorization will be published on the Innovation, Science and Economic Development Canada website.

Yours Sincerely,

Peter Hill  
Director General  
Spectrum Management Operations Branch

Attachment



**Calgary Police Service**

5111 47 St NE

Calgary, AB T3J 3R2

Amy Jensen

A/Manager, Spectrum Management Operations Branch  
Innovation, Science and Economic Development Canada

Dear Amy,

Please accept this letter as an official request for the Calgary Police Service to obtain an authorization under section 5(1)(a)(v) of the *Radiocommunication Act* to install, operate and possess radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain transmission data, as defined in section 487.011 of the Criminal Code, associated with a mobile device or the mobile network.

13(1)(d)

The Calgary Police Service also possesses this equipment and therefore is seeking the same authorization. We will provide ISED access to the equipment or supporting documentation as required. As previously discussed, 13(1)(d) and therefore if your ISED technicians have examined their equipment and are satisfied that this equipment, either the specific make/model or the type of equipment in general, meets the definition of a radio apparatus potentially there will be no need for an actual examination of ours.

I have attached a draft copy of an authorization

13(1)(d)

Please advise if there are any changes that are required.

Please contact me for any further information that is required.

Sincerely,

**Sgt. Scott Campbell #3356**  
Calgary Police Service

13(1)(d).19(1)

Cc: Insp. Ryan Jepson, TOS  
S/Sgt. Mark Rahn, TIS

Draft – For Discussion Purposes Only

**Attachment**

**Terms and Conditions**

1. The authorization applies only to employees of the Calgary Police Service Technical Operations Section, as well as other employees of the Calgary Police Service who fall under the direction of that Section and, is limited to the installation, operation and possession of radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain transmission data, as defined in s.487.011 of the *Criminal Code*, associated with a mobile device or the mobile network.
2. All employees of the CPS installing, operating and possessing these radio apparatus must be appropriately trained.
3. Every reasonable effort shall be made to localize, confine or restrict, to the extent possible, interference and obstruction to radiocommunication.
4. The radio apparatus must be turned off and stored in a secure location when not in use, including when being transported.
5. Every reasonable effort shall be made to ensure that the installation and operation of these radio apparatus complies with Safety Code 6 (*Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz*) at all times, including the consideration of combined effects of nearby installations within the local radio environment.
6. The authorization to install, operate and possess these radio apparatus applies only for the purposes under section 54 of the *Radiocommunication Regulations*, restated as follows:
  - a. preserving or protecting any property, or the prevention of serious harm to any person, including the bringing of emergency assistance to any person,
  - b. giving evidence in any criminal or civil proceeding or in any other proceeding in which the persons may be required to give evidence on oath,
  - c. investigation or prosecution of an alleged contravention of any law of Canada or a province or in the interests of the administration of justice,
  - d. international affairs or national defence or security.

**Jensen, Amy (IC)**

---

**From:** Ketler, Trevor <tketler@winnipeg.ca>  
**Sent:** April-13-17 1:49 PM  
**To:** Jensen, Amy (IC)  
**Cc:** Ketler, Trevor; Conway, Jeff  
**Subject:** Official Request  
**Attachments:** Scanned Request from Chief.pdf

Hi Amy,

This email is a follow up to our phone conversation on Friday, April 7.

Please find the attached request for exemption under the Radiocommunication Act.

Best Regards,



**Trevor Ketler**

Sergeant, Technical Surveillance Unit  
Division 42, Winnipeg Police Service  
City of Winnipeg  
Phone: 204.986.19(1)  
Mobile: 204.471.19(1)  
Email: tketler@winnipeg.ca  
Website: winnipeg.ca  
Address: P.O. Box 1680, Winnipeg, MB R3C 0R6



Connect with us:  

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**Winnipeg Police Service • Service de police de Winnipeg**

"A Culture of Safety for All" « Cultiver la sécurité pour tous »

April 10, 2017

Ms. Amy Jensen  
A/Manager, Spectrum Management Operations Branch  
Innovation, Science and Economic Development Canada

Dear Ms. Jensen,

I understand that the RCMP have obtained an authorization under section 5(1)(a)(v) of the *Radiocommunication Act* to install, operate and possess radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain transmission data, as defined in section 487.011 of the Criminal Code, associated with a mobile device or the mobile network.

I am advised that this authorization was granted after an examination of their equipment by ISED technicians and that a determination was made that the equipment was a radio apparatus as defined in the act.

The Winnipeg Police Service also possesses this equipment and is also seeking an authorization. We will provide ISED access to the equipment or supporting documentation as required, however since we have the same equipment as the RCMP, I anticipate that there is potentially no need for an actual examination of ours.

I understand that Sgt. Trevor Ketler has contacted you. Please contact him at [tketler@winnipeg.ca](mailto:tketler@winnipeg.ca) or 204.986.19(1) if further information is required.

Sincerely,

Danny Smyth  
Chief of Police



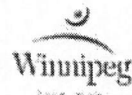
An Internationally Accredited  
Law Enforcement Agency  
Organisme d'application de la  
loi reconnu internationalement

P.O. Box 1680 Winnipeg, Manitoba R3C 2Z7 Bus: 204-986-19(1) Fax: 204-986-6077  
B.P. 1680 Winnipeg, Manitoba R3C 2Z7 Trav: 204-986-19(1) Téléc: 204-986-6077

[www.winnipeg.ca/police](http://www.winnipeg.ca/police)



WPGpolice



**Nolan, Stephen (IC)**

---

**From:** Pichette, Laura (IC) on behalf of Hill2, Peter (IC)  
**Sent:** March-13-17 3:34 PM  
**To:** peter.henschel@rcmp-grc.gc.ca  
**Cc:** Hill2, Peter (IC)  
**Subject:** Letter regarding MDIs  
**Attachments:** 2017-03-13 RCMP P. Henschel.pdf

Good afternoon

Please find attached a letter regarding the use of radio apparatus which communicates with mobile devices.

Sincerely,

Peter Hill

Director General, Spectrum Management Operations | Directeur general, Opérations de la gestion du spectre  
Spectrum Management Operations Branch | Direction générale des opérations de la gestion du spectre  
Spectrum, Information Technologies and Telecommunications Sector | Secteur du Spectre, des technologies de  
l'information et des télécommunications  
Innovation, Science and Economic Development Canada | Innovation, Sciences et Développement économique Canada  
235 Queen Street, Ottawa ON K1A 0H5 | 235, rue Queen, Ottawa, ON K1A 0H5  
Telephone | Téléphone 343-291-3462  
Government of Canada | Gouvernement du Canada



Innovation, Science and  
Economic Development Canada

Innovation, Sciences et  
Développement économique Canada

Our File: 49081700428

**MAR 13 2017**

Mr. Peter Henschel  
Deputy Commissioner  
Specialized Policing Services  
Royal Canadian Mounted Police  
273 Leikin Drive  
Ottawa, Ontario K1A 0R2

Mr. Henschel,

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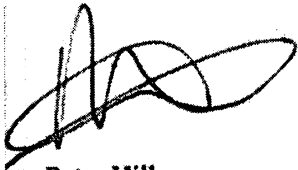
...2/



- 2 -

This authorization is subject to the attached terms and conditions, and expires five years from the day it is signed. In particular, these radio apparatus may be installed, operated or possessed only in accordance with the purposes under section 54 of the *Radiocommunication Regulations*.

Yours Sincerely,

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Peter Hill  
Director General  
Spectrum Management Operations Branch

Attachment

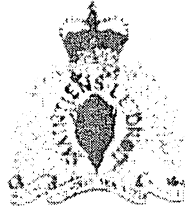
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  - (b) is transmitted to identify, activate or configure a device, including a computer program as defined in subsection 342.1(2) of the *Criminal Code*, in order to establish or maintain access to a telecommunication service for the purpose of enabling a communication, or is generated during the creation, transmission or reception of a communication and identifies or purports to identify the type, direction, date, time, duration, size, origin, destination or termination of the communication; and
  - (c) does not reveal the substance, meaning or purpose of the communication.
2. All employees of the RCMP installing, operating and possessing these radio apparatus must be appropriately trained.
3. Every reasonable effort shall be made to localize, confine or restrict, to the extent possible, interference and obstruction to radiocommunication.
4. The radio apparatus must be turned off and stored in a secure location when not in use, including when being transported.
5. Every reasonable effort shall be made to ensure that the installation and operation of these radio apparatus complies with Safety Code 6 (*Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz*) at all times, including the consideration of combined effects of nearby installations within the local radio environment.
6. The authorization to install, operate and possess these radio apparatus applies only for the purposes under section 54 of the *Radiocommunication Regulations*, restated as follows:

- a. preserving or protecting any property, or the prevention of serious harm to any person, including the bringing of emergency assistance to any person,
- b. giving evidence in any criminal or civil proceeding or in any other proceeding in which the persons may be required to give evidence on oath,
- c. investigation or prosecution of an alleged contravention of any law of Canada or a province or in the interests of the administration of justice,
- d. international affairs or national defence or security.

Royal Canadian Mounted Police



Gendarmerie royale du Canada

Deputy Commissioner / Sous-commissaire  
Specialized Policing Services / Services de police spécialisés

Protected B

July 25, 2016

Ms. Corinne Charette  
Senior Assistant Deputy Minister  
Innovation, Science and Economic Development Canada  
Spectrum, Information Technologies and Telecommunications  
235 Queen Street, Building CD Howe Building, Room 196B  
Ottawa, Ontario K1A 0H5

Déar Ms. Charette,

**Re: The Radiocommunication Act and Mobile Devices Identifiers**

I am writing concerning the applicability of the *Radiocommunication Act* to the Royal Canadian Mounted Police's (RCMP) use of Mobile Device Identifiers (MDIs), also referred to as International Mobile Subscriber Identity (IMSI) catchers.

By way of background, the RCMP uses MDI technology to assist in criminal investigations relating to national security, serious and organized crime, and other Criminal Code offences that impact the safety and security of Canadians. An MDI is an invaluable law enforcement tool that simulates a cellular tower to attract and collect limited data from mobile devices during an investigation. The RCMP deploys MDI technology in a manner that is consistent with federal laws and judicial oversight requirements. Specifically, absent exigent circumstances, judicial authorization is sought prior to deploying an MDI. Moreover, MDI technology is only deployed in a limited number of priority circumstances where MDI capabilities are best suited to achieve specific public safety objectives. Contrary to recent media coverage, the MDI equipment used by the RCMP does not, and cannot, intercept or receive any form of private communications, including voice and audio communications, text messages, email messages and encryption keys.

The RCMP considers its use of MDI technology to be lawful and consistent with the *Radiocommunication Act* (Subsection 4(4) and Paragraph 9(1)(b)) Exemption Order, No. 2015-1 which exempts certain RCMP employees from the application of specific provisions of the Act in relation to jammers (insofar as MDI technology is capable of causing limited interference or obstruction to radiocommunications).

That identified, we understand that Innovation, Science and Economic Development Canada (ISED) has been examining whether MDI technology falls within the definition of a "jammer" under the *Radiocommunication Act*, and whether a separate radio authorization may be required to possess and operate an MDI. The RCMP was first made aware of ISED views on the RCMP's use of MDIs through media coverage in late March 2016.

The RCMP is committed to addressing this issue in a timely manner. I am therefore seeking the assistance of ISED to ensure that the RCMP deploys MDI technology in full compliance with the *Radiocommunication Act*. Furthermore, while the immediate need focuses on MDIs, the RCMP uses other, sensitive investigative techniques that may also warrant further analysis vis-à-vis any potential application to the *Radiocommunication Act*.

Let me thank you in advance for supporting RCMP efforts to protect Canada and Canadians. Your staff is invited to communicate directly with Superintendent Maury Medjuck, Officer in Charge, Technical Investigation Services Operations at 613-949-8905 or [Maury.Medjuck@rcmp-grc.gc.ca](mailto:Maury.Medjuck@rcmp-grc.gc.ca).

Sincerely,



Peter Henychel, Deputy Commissioner  
Specialized Policing Services



Innovation, Science and  
Economic Development Canada

Innovation, Sciences et  
Développement économique Canada

AUG 12 2016

Mr. Peter Henschel  
Deputy Commissioner  
Specialized Policing Services  
Royal Canadian Mounted Police  
273 Leikin Drive  
Ottawa, Ontario K1A 0R2

Dear Mr. Henschel,

Thank you for your letter of July 25, 2016, seeking our advice on the use of mobile device identifiers (MDIs) in accordance with the requirements of the *Radiocommunication Act*.

We appreciate the importance of ensuring the RCMP has at its disposal the necessary tools, including those involving radiocommunications, to conduct its mandate and ensure the safety and security of Canadians. As such, I have asked Philip Fleming, Director, Spectrum Regulatory Policy, to work with your officials to review the RCMP's requirements and pursue any actions that may be needed in the most expeditious manner.

We look forward to working with you and expect to be able to confirm our advice over the next few months.

Sincerely,

Corinne Charette  
Senior Assistant Deputy Minister  
Spectrum, Information Technologies and Telecommunications

c.c. Phillip Fleming, Director, Spectrum Regulatory Policy, Spectrum, Information Technologies and Telecommunications 604-666-1415 or [philip.fleming@canada.ca](mailto:philip.fleming@canada.ca).

**Corbin, Marc (IC)**

---

**From:** Nolan, Stephen (IC)  
**Sent:** October 18, 2016 1:31 PM  
**To:** Corbin, Marc (IC); Kennedy, Caroline (IC); Gibson, David (IC); Noel, Sylvain (IC); Nappert, Hughes (IC)  
**Subject:** Legal Discussion Paper - 23  
**Attachments:** 23  
**Categories:** ATI

Hi everyone,

As promised, here is the discussion paper drafted by RCMP Legal Service (with contributions from ISED Legal Services) on the 23 The main questions brought up are essentially the following:

21(1)(a).21(1)(b).23

This is meant only to provide background or as an FYI.

Thanks,

---

**Stephen Nolan**

Regulatory Officer | Agent de la réglementation

Spectrum Management Operations Branch | Direction générale des opérations de la gestion du spectre

Spectrum, Information Technologies and Telecommunications Sector | Secteur du Spectre, des technologies de l'information et des télécommunications

Innovation, Science and Economic Development Canada | Innovation, Sciences et Développement économique Canada

235 Queen Street, Ottawa ON K1A 0C8 | 235, rue Queen, Ottawa ON K1A 0H5

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Telephone | Téléphone 343-291-3467

Facsimile | Télécopieur 343-291-3526

Government of Canada | Gouvernement du Canada

**Kennedy, Caroline (IC)**

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**From:** Jensen, Amy (IC)  
**Sent:** April-06-17 4:50 PM  
**To:** Fleming, Philip (IC); Kennedy, Caroline (IC); Corbin, Marc (IC); Noel, Sylvain (IC); Nolan, Stephen (IC); Gibson, David (IC); Nappert, Hughes (IC)  
**Subject:** FW: request for authorization  
**Attachments:** 170406 CPS request for authorization.pdf; Draft\_MDL\_Authorization\_-\_CPS.docx  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi team,

Fyi – attached is the formal request from the Calgary Police Service for an authorization.

Amy

---

**From:** Scott Campbell [REDACTED] 19(1)  
**Sent:** April-06-17 4:41 PM  
**To:** Jensen, Amy (IC)  
**Subject:** request for authorization

Good afternoon Amy,

I know we spoke briefly on the phone yesterday, but given recent media events my Inspector has asked that I make an official request to ISED for an authorization under the Radiocommunication Act. There is some urgency to try to get this authorization in place as we are currently utilizing the device.

Please find attached a letter with the official request. I have also attached a draft authorization for Calgary Police Service [REDACTED] 13(1)(d)

I provided your name to [REDACTED] 19(1) and I understand he was also going to be contacting you on behalf of his agency for the same authorization.

Thanks,  
Scott

**Sgt. Scott Campbell #3356**  
**Calgary Police Service**

[REDACTED] 13(1)(d), 19(1)



**Axcess-1**

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A-2017-00087

PDF File Name/PDF Fichier		A-2017-00087_0001.pdf				Page Count/Nombre de pages	27
Page Numbers in PDF/Numéro de la page (PDF)	Clauses Used/Clauses citées	Status/L'état	Pages in Original/Pages dans l'originale	Pages Withheld/Pages non divulguées	Pages Released/Pages divulguées	Doc Page # W/H/Page # (document) p/r	PDF Page # W/H /Page # (PDF)p/
(1 - 1)		Released in Entirety	1	0	1		
(2 - 3)		Released in Entirety	2	0	2		
(4 - 5)		Released in Entirety	2	0	2		
(6 - 7)		Released in Entirety	2	0	2		
(8 - 9)		Released in Entirety	2	0	2		
(10 - 11)		Released in Entirety	2	0	2		
(12 - 12)	13(1)(d), 19(1)	Partial Release	1	0	1		
(13 - 13)		Released in Entirety	1	0	1		
(14 - 15)	13(1)(d), 19(1)	Partial Release	2	0	2		
(16 - 16)	19(1)	Partial Release	1	0	1		
(17 - 17)	19(1)	Partial Release	1	0	1		
(18 - 18)		Released in Entirety	1	0	1		
(19 - 20)		Released in Entirety	2	0	2		
(21 - 22)		Released in Entirety	2	0	2		
(23 - 24)		Released in Entirety	2	0	2		
(25 - 25)		Released in Entirety	1	0	1		
(26 - 26)	21(1)(a), 21(1)(b), 23	Partial Release	1	0	1		
(27 - 27)	13(1)(d), 19(1)	Partial Release	1	0	1		
(28 - 28)	21(1)(a), 21(1)(b)	Exempt in entirety	1	1	0	All/Tout	(28 - 28)
(29 - 38)	23	Exempt in entirety	10	10	0	All/Tout	(29 - 38)
(39 - 44)	23	Exempt in entirety	6	6	0	All/Tout	(39 - 44)
(45 - 47)	23	Exempt in entirety	3	3	0	All/Tout	(45 - 47)
(48 - 49)	23	Exempt in entirety	2	2	0	All/Tout	(48 - 49)
(50 - 50)	15(1)	Exempt in entirety	1	1	0	All/Tout	(50 - 50)
(51 - 51)	15(1)	Exempt in entirety	1	1	0	All/Tout	(51 - 51)
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(52 - 53)	15(1)	entirety	2	2	0	All/Tout	(52 - 53)
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