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Helene Bertrand

From: Ivan Villafan
Sent: Wednesday, January 22, 2014 9:11 AM
To: 'Christopher Parsons'
Cc: Christopher Prince
Subject: RE: Heads up re: letters to Canadian TSPs

Thanks very much Chris

Regards,

Ivan

From: Christopher Parsons [mailto:christopher@christopher-parsons.com]
Sent: January-21-14 4:01 PM
To: Christopher Prince; Ivan Villafan
Subject: Heads up re: letters to Canadian TSPs

Hi Chris, Ivan,

I wanted to give you both a heads up that I mailed off letters to the Canadian TSPs yesterday, and that tomorrow at about 10:30 EST the Lab will be publicly posting that this was done and the rationale for the work. I've included, below, a draft of what we plan to write on the site as well as attached one of the template letters so you can see exactly what we wrote.

Cheers,
Chris

Title: Towards Transparency in Canadian Telecommunications

Telecommunications services providers that offer Internet and phone service play central roles in the daily lives of Canadians. The services that these companies provide are essential for contemporary living; we rely on these services to access our email, make or receive our phone calls and text messages, check and update our social media feeds, and figure out how to get where we are going by way of GPS. Our lives are predominantly channeled through these companies' digital networks, to the extent that Canadian telecommunications service providers are functionally the gatekeepers Canadians must pass by before accessing the Internet, or phone networks, at large. Today, Canadian scholars and civil liberties organizations have come together to ask that many of Canada's most preeminent telecommunications companies disclose the kinds, amounts, and regularity at which state agencies request telecommunications data pertaining to Canadians.

Canadian state agencies often request access to the subscriber and telecommunications data held by these Canadian companies, as befits the companies' privileged roles in our lives. [^1] Sometimes access is gained using a court order, sometimes it is not. Sometimes requests are for circumspect amounts of information, and other times for greater volumes of data. To date, however, interested Canadians have had only vague understandings of how, why, and how often Canadian telecommunications providers have disclosed information to government agencies. Given the importance of such systems to Canadians' lives, and the government's repeated allegations that more access is needed to ensure the safety of Canadians, more data is needed for scholars, civil rights organizations, and the public to understand, appreciate, and reach informed conclusions about the legitimacy of such allegations.

Our call for telecommunications transparency is in line with actions taken in the United States, where politicians such as Representative Markey have successfully asked telecommunications service providers to explain the types of requests made by American state agencies for telecommunications data, the regularity of such requests, and the amounts of data disclosed. [^2] Moreover, American companies are developing more and more robust 'transparency reports' to clarify to

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their subscribers how often, and on what grounds, the companies disclose subscriber information to American state authorities. There is no reason why similar good practices cannot be instantiated in Canada as well.

Over the past decade, Canadians have repeatedly heard that law enforcement professionals and state security agents need enhanced access to telecommunications data in order to go about their jobs.[^3] And Canadians have read about how our own signals intelligence service, the Communications Security Establishment Canada, has been and continues to be involved in surveillance operations that 'incidentally' capture Canadians' personal information. [^4] Despite these developments in Canada, there is not a substantially greater degree of actual transparency into how and why Canadian telecommunications service providers disclose information to agents of the Canadian government.

It is in light of this ongoing lack of transparency surrounding telecommunications providers' disclosure of information to state authorities that we, a series of academics and civil rights groups, have issued public letters to many of Canada's largest or most significant Internet and mobile communications providers. We hope that Canada's telecommunications community will welcome these letters in the spirit they are intended: to make clearer to Canadians the specific conditions under which the Canadian government can and does access telecommunications information pertaining to Canadians, the regularity at which such access is granted, and the conditions under which telecommunications companies disclose information to state agencies.

The responses to these letters will enable superior scholarly analyses of Canadian state agency practices, evaluations of proposed federal legislation, and analysis of government agencies to currently access data that is held or transmitted by Canadian telecommunications companies. These responses will also better comparisons between the Canadian and American situations; too often, scholars, advocates, and policy analysts have been forced to transpose American realities onto what might be occurring in Canada. With real Canadian data in hand, it will be possible to more affirmatively differentiate between the state surveillance practices in Canada and the US, as well as to assess existing and proposed mechanisms that state agencies use to access telecommunications data pertaining to Canadians.

These letters were issued by letter mail and, where possible, by e-mail on January 20, 2014. We have requested that the companies respond, or provide a commitment to respond, by March 3, 2014. Below are .pdf copies of the letters that we sent; we look forward to hearing back from the recipients.

Letters sent to Canadian telecommunications service providers

* [Bell Aliant (.pdf)]
* [Bell Canada (.pdf)]
* [COGECO Cable Inc. (.pdf)]
* [Distributel Communications Ltd. (.pdf)]
* [Eastlink (.pdf)]
* [Fido Solutions (.pdf)]
* [Globalive Wireless Management Corp (Wind) (.pdf)]
* [MTS Allstream (.pdf)]
* [Primus Telecommunications Canada Inc (.pdf)]
* [Rogers Group of Companies (.pdf)]
* [Sasktel (.pdf)]
* [Shaw Media Inc. (.pdf)]
* [TekSavvy Solutions Inc. (.pdf)]
* [TELUS Communications Company (.pdf)]
* [Videotron (.pdf)]
* [Xplorenet Communications Inc. (.pdf)]

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Christopher Parsons
Postdoctoral Fellow
Citizen Lab, Munk School of Global Affairs
http://www.christopher-parsons.com
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Helene Bertrand

From: Christopher Prince
Sent: Tuesday, January 21, 2014 4:14 PM
To: Scott Hutchinson; Barbara Bucknell
Cc: Ivan Villafan
Subject: Heads up re: letters to Canadian TSPs
Attachments: Letter Template.pdf

This letter (attached) went out from the Citizen Lab yesterday to all major TSPs operating in Canada. It's co-signed / sponsored by many of the established academics working privacy in Canada.

Tomorrow morning they'll go public with the call-out text below. As you can see linkages are made with NSA debate, lawful access efforts of the recent past and the current spotlight on CSEC.

-----Original Message-----
From: Christopher Parsons [mailto:christopher@christopher-parsons.com]
Sent: Tuesday, January 21, 2014 4:01 PM
To: Christopher Prince; Ivan Villafan
Subject: Heads up re: letters to Canadian TSPs

Hi Chris, Ivan,

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importance of such systems to Canadians' lives, and the government's repeated allegations that more access is needed to ensure the safety of Canadians, more data is needed for scholars, civil rights organizations, and the public to understand, appreciate, and reach informed conclusions about the legitimacy of such allegations.

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* [TekSavvy Solutions Inc. (.pdf)]
* [TELUS Communications Company (.pdf)]
* [Videotron (.pdf)]
* [Xplorenet Communications Inc. (.pdf)]

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Christopher Parsons
Postdoctoral Fellow
Citizen Lab, Munk School of Global Affairs http://www.christopher-parsons.com
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[Company Mailing Information]

January 20, 2014

Dear [Company Privacy Representative]:

We are academic researchers and civil rights organizations who investigate Canadian privacy, security, and speech issues, often as they relate to telecommunications practices and networks. Given the importance of such communications to the Canadian political and economic matters, it is imperative that Canadians have trust and confidence that their digital communications are treated with dignity and are protected from undue access, collection, retention, analysis, or disclosure by third-parties.

Given the importance of communications for Canadians, we are sending this letter to your company and the country's other major telecommunications carriers to ask about your data retention and sharing policies. Specifically, we are asking how, when, and why your company discloses information to government agencies. Your responses are needed to make informed public policy decisions about how best to protect Canadians' security as well as their privacy, and the responses given will be made public. For each question, please provide either a response, indicate that you cannot respond, or indicate that you will not respond.

1. In 2012 and in 2013, how many total requests did your company receive from government agencies to provide information about your customers' usage of communications devices and services:

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a. Within that total, please list the amount of requests your company received for each type of usage, including but not limited to: 1) Geolocation of device (please distinguish between real-time and historical); 2) Call detail records (as obtained by number recorders or by disclosure of stored data); 3) Text message content; 4) Voicemail; 5) Cell tower logs; 6) Real-time interception of communications (i.e. wiretapping); 7) Subscriber information; 8) Transmission data (e.g. duration of interaction, port numbers, communications routing data, etc.); 9) Data requests (e.g. web sites visited, IP address logs); 10) Any other kinds of data requests pertaining to the operation of your network and business.
b. For each of the request types, please detail all of the data fields that are disclosed as part of responding to a request.
c. Within the aforementioned total, how many of the requests were made for real-time disclosures, and how many were made retroactively for stored data?
d. Within the aforementioned total, how many of the requests were made in exigent circumstances, and how many were made in non-exigent circumstances?
e. Within the total, how many of the requests were made subject to a court order?
f. Within the total, how many of the requests did your company fulfill and how many did it deny? If your company denied requests, for what reasons did it do so?
g. Within the total, please identify how many requests were made by Federal, by provincial, and by municipal government agencies.
h. Do you notify your customers when government agencies request their personal information? If so, how many customers per year have you notified?

2. For each type of usage in 1(a), how long does your company retain those records and the data fields associated with them?
3. What is the average amount of time law enforcement requests for each of the information requests in 1(a) (e.g. 3-5 days of records)? What is the average amount of time that your company is typically provided to fulfill each of the information requests in 1(a)?
4. How many times were you asked to disclose information noted in 1(a) based specifically on:
   a. child exploitation grounds?
   b. terrorism grounds?
   c. national security grounds?
   d. foreign intelligence grounds?
5. What protocol or policies does your company use to respond to requests for data that are noted in 1(a)?
   a. What legal standard do you require government agencies to meet for each type of data request noted in 1(a)?
   b. What are the average number of subscribers who typically have their information disclosed in government agencies requests, for each type of request noted in 1(a)?

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   c. Does your company have distinct policies to respond to exigent and non-exigent requests? If yes, what are these policies or how do they differ?
   d. Is your company required to design your networks and services so government agencies can more readily access customer data in a real time or in a retroactive manner? If yes, please detail those requirements.
   e. Does your company have a dedicated group for responding to data requests from government agents? Are members of this group required to have special clearances in order to process such requests? What is the highest level company official that has direct and detailed knowledge of the activities of this group?
6. What is the maximum number of subscribers that the government requires you to be able to monitor for government agencies' purposes, for each of the information types identified in 1(a)? Have you ever received an official order (e.g. ministerial authorization, court order, etc.) to expand one of those maximum numbers?
7. Has your company received inappropriate requests for information identified in 1(a)? If yes, why were such requests identified as inappropriate and who makes a decision that a request is inappropriate? And if yes, how did your company respond?
8. Does your company have any knowledge of government agencies using their own:
   a. tracking products (e.g. 'IMSI Catchers')?
   b. infiltration software (e.g. zero day exploits, malware, such as FinFisher, etc.)?
   c. interception hardware (i.e. placed within or integrated with your company's network)?
   d. If yes to 8(a), (b), or (c), please explain.
9. Does your company cooperate with government agencies that use their own tracking equipment or provide information on how to interoperate with your company's network and associated information and subscriber information? If yes, how does it cooperate, how many requests does it receive for such cooperation, and how many of your subscribers have been affected by such equipment or interoperation?
10. In 2012 and 2013, did your company receive money or other forms of compensation in exchange for providing information to government agencies? If yes, how much money did your company receive? And if yes, how much does your company typically charge for specific services (please refer to the list in 1(a) above)?
    a. Does your company charge different amounts depending on whether the request is exigent or non-exigent? Does your company charge fees for exigent cell phone tracking requests from law enforcement authorities?
    b. Please include any written schedule of fees that your company charges law enforcement for these services.
    c. Does your company operate purely on a cost recovery basis for providing information to government agencies?

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Thank you for your attention to this important matter. Please provide a response, or commitment to respond, to these questions by March 3, 2014. If you have any questions please contact, or have a member of your staff contact, Christopher Parsons at christopher@christopher-parsons.com.

Sincerely,

Lisa Austin
Associate Professor, Faculty of Law at University of Toronto

Colin Bennett
Professor, Department of Political Science at University of Victoria

Andrew Clement
Professor, Faculty of Information at University of Toronto

Ron Deibert
Director, the Citizen Lab and the Canada Centre for Global Security Studies, Munk School of Global Affairs at University of Toronto

Robert Diab
Law Professor, Faculty of Law at Thompson Rivers University

Michael Geist
Canada Research Chair in Internet and E-commerce Law, Faculty of Law at University of Ottawa

Adam Molnar
Postdoctoral Fellow, the Surveillance Studies Centre at Queen's University

Christopher Parsons
Postdoctoral Fellow, the Citizen Lab, Munk School of Global Affairs at University of Toronto

Andrea Slane
Associate Professor, Faculty of Social Sciences and Humanities at University of Ontario

Valerie Steeves
Assistant Professor, Department of Criminology at University of Ottawa

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Kevin Walby
Assistant Professor, Department of Criminal Justice at University of Winnipeg

Dwayne Winseck
Professor, School of Journalism and Communication and Institute of Political Economy at Carleton University

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Helene Bertrand

From: Christopher Prince
Sent: Thursday, June 20, 2013 12:45 PM
To: Andrew Patrick
Subject: Re: Letter to TSP CEO on data requests from government

We sure did ... I'll send it up

----- Original Message -----
From: Andrew Patrick
Sent: Thursday, June 20, 2013 12:43 PM
To: Christopher Prince
Subject: RE: Letter to TSP CEO on data requests from government

... and, did we get responses?

Andrew Patrick, Ph.D.
Information Technology Research Analyst
Office of the Privacy Commissioner of Canada
E-mail: Andrew.Patrick@priv.gc.ca
Phone: (613) 996-6791
Mobile: (613) 219-3945

-----Original Message-----
From: Christopher Prince
Sent: June-20-13 12:36 PM
To: Andrew Patrick
Subject: Letter to TSP CEO on data requests from government

The letter we sent in 2011.

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Helene Bertrand

From: Christopher Prince
Sent: Thursday, June 20, 2013 12:35 PM
To: Carman Baggaley
Subject: RE: Letter to TSP CEO on data requests from government

Hmm. It's true. We didn't actually say it wouldn't be used for audit or investigation purposes, did we?

-----Original Message-----
From: Carman Baggaley
Sent: Thursday, June 20, 2013 11:11 AM
To: Christopher Prince
Subject: Letter to TSP CEO on data requests from government

Is this it – I don't see a disclaimer

Carman

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Helene Bertrand

From: Carman Baggaley
Sent: Thursday, June 20, 2013 11:11 AM
To: Christopher Prince
Subject: Letter to TSP CEO on data requests from government
Attachments: PRIVACY-#312071-v2-Letter_to_TSP_CEO_on_data_requests_from_government.DOC

Is this it – I don't see a disclaimer

Carman

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Mr. George Cope
Chief Executive Officer
Bell Canada
1000 De La Gauchetière Street West
Office 3700
Montreal, Quebec
H3B 4Y7

Dear Mr. Cope:

As you may know, my Office is currently in the process of examining issues related to online tracking and cloud computing as we prepare for the next legislative review of the *Personal Information Protection and Electronic Documents Act*, slated for this coming year in Parliament. We also expect to appear before Parliament on a series of legislative initiatives which would potentially broaden the scope of disclosures of personal information to government authorities. In continuing in our mandate to research these important issues, I am hopeful that your organization might consider providing my Office with some general information related to requests for information from law enforcement officials, including:

1. Approximately how many data requests from government authorities does your organization receive annually, on average? Similarly, approximately how many users or accounts are subject to disclosure to authorities in response to a valid request?

2. Like some organizations, do you make these figures available to the public in any form?

3. Do you keep internal, aggregate statistics on the types of requests you receive (such as production orders and emergency requests) and the kinds of information requested (e.g. subscriber records, non-content or transactional data, communications content, location information customer look-ups, location data, emergency requests, wiretap requests, production orders)? If so, would you be willing to provide a copy of this information?

4. If your enterprise uses Deep Packet Inspection equipment or software, have you used it in response to a request from federal authorities?

.../2

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5. Like some organizations, do you notify your customers, when the law allows, that their information has been requested, thus giving them an opportunity to contest the request in court?

6. Like some organizations, do you currently seek reimbursement for the cost of complying with these requests? If so, do federal authorities pay their bills in a prompt manner? If not, what steps if any have you taken in order to obtain payment (such as terminating wiretaps and withholding data)?

7. Like some organizations, do you make a schedule of these tariffs or fees available to the public?

I appreciate that gathering the necessary information to answer these questions might be difficult within an organization of your scope. However, the ramifications of upcoming legislative proposals on the issue of government access to information held by organizations like yours are likely to add some further complexity in this area. I am hopeful that your answers, and those of similar organizations to which I have asked these questions, will add to the debate on the need for new government powers to access information held by organizations like yours.

In the spirit of shedding some light on current industry practices, any assistance or information you might be able to provide regarding these questions would be greatly appreciated.

Sincerely,

Jennifer Stoddart
Privacy Commissioner of Canada

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Mr. Darren Entwistle
Chief Executive Officer
TELUS Communications
3777 Kingsway, Floor 21
Burnaby, B.C.
V5H 3Z7

Dear Mr. Entwistle:

As you may know, my Office is currently in the process of examining issues related to online tracking and cloud computing as we prepare for the next legislative review of the *Personal Information Protection and Electronic Documents Act*, slated for this coming year in Parliament. We also expect to appear before Parliament on a series of legislative initiatives which would potentially broaden the scope of disclosures of personal information to government authorities. In continuing in our mandate to research these important issues, I am hopeful that your organization might consider providing my Office with some general information related to requests for information from law enforcement officials, including:

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Mr. Nadir Mohamed
Chief Executive Officer
Rogers Communications
333 Bloor Street East
10th floor
Toronto, Ontario
M4W 1G9

Dear Mr. Mohamed:

As you may know, my Office is currently in the process of examining issues related to online tracking and cloud computing as we prepare for the next legislative review of the *Personal Information Protection and Electronic Documents Act*, slated for this coming year in Parliament. We also expect to appear before Parliament on a series of legislative initiatives which would potentially broaden the scope of disclosures of personal information to government authorities. In continuing in our mandate to research these important issues, I am hopeful that your organization might consider providing my Office with some general information related to requests for information from law enforcement officials, including:

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Mr. Ron Styles
Chief Executive Officer
Saskatchewan Telecommunications
2121 Saskatchewan Drive
Regina, Saskatchewan
S4P 3Y2

Dear Mr. Styles:

As you may know, my Office is currently in the process of examining issues related to online tracking and cloud computing as we prepare for the next legislative review of the *Personal Information Protection and Electronic Documents Act*, slated for this coming year in Parliament. We also expect to appear before Parliament on a series of legislative initiatives which would potentially broaden the scope of disclosures of personal information to government authorities. In continuing in our mandate to research these important issues, I am hopeful that your organization might consider providing my Office with some general information related to requests for information from law enforcement officials, including:

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I appreciate that gathering the necessary information to answer these questions might be difficult within an organization of your scope. However, the ramifications of upcoming legislative proposals on the issue of government access to information held by organizations like yours are likely to add some further complexity in this area. I am hopeful that your answers, and those of similar organizations to which I have asked these questions, will add to the debate on the need for new government powers to access information held by organizations like yours.

In the spirit of shedding some light on current industry practices, any assistance or information you might be able to provide regarding these questions would be greatly appreciated.

Sincerely,

Jennifer Stoddart
Privacy Commissioner of Canada

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Mr. Anthony Lacavera
Chairman
Globalive Wireless Management Corp.
48 Yonge Street
Suite 1200
Toronto, Ontario
M5E 1G6

Dear Mr. Lacavera:

As you may know, my Office is currently in the process of examining issues related to online tracking and cloud computing as we prepare for the next legislative review of the *Personal Information Protection and Electronic Documents Act*, slated for this coming year in Parliament. We also expect to appear before Parliament on a series of legislative initiatives which would potentially broaden the scope of disclosures of personal information to government authorities. In continuing in our mandate to research these important issues, I am hopeful that your organization might consider providing my Office with some general information related to requests for information from law enforcement officials, including:

1. Approximately how many data requests from government authorities does your organization receive annually, on average? Similarly, approximately how many users or accounts are subject to disclosure to authorities in response to a valid request?

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3. Do you keep internal, aggregate statistics on the types of requests you receive (such as production orders and emergency requests) and the kinds of information requested (e.g. subscriber records, non-content or transactional data, communications content, location information customer look-ups, location data, emergency requests, wiretap requests, production orders)? If so, would you be willing to provide a copy of this information?

4. If your enterprise uses Deep Packet Inspection equipment or software, have you used it in response to a request from federal authorities?

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5. Like some organizations, do you notify your customers, when the law allows, that their information has been requested, thus giving them an opportunity to contest the request in court?

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Jennifer Stoddart
Privacy Commissioner of Canada

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Mr. J.R. Shaw
Chairman
Shaw Telecom Inc.
630 – 3rd Avenue S.W.
Suite 900
Calgary, Alberta
T2P 4L4

Dear Mr. Shaw:

As you may know, my Office is currently in the process of examining issues related to online tracking and cloud computing as we prepare for the next legislative review of the *Personal Information Protection and Electronic Documents Act*, slated for this coming year in Parliament. We also expect to appear before Parliament on a series of legislative initiatives which would potentially broaden the scope of disclosures of personal information to government authorities. In continuing in our mandate to research these important issues, I am hopeful that your organization might consider providing my Office with some general information related to requests for information from law enforcement officials, including:

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Jennifer Stoddart
Privacy Commissioner of Canada

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Mr. Eric Gales
President
Microsoft Canada Co.
1950 Meadowvale Blvd
Mississauga, Ontario
L5N 8L9

Dear Mr. Gales:

As you may know, my Office is currently in the process of examining issues related to online tracking and cloud computing as we prepare for the next legislative review of the *Personal Information Protection and Electronic Documents Act*, slated for this coming year in Parliament. We also expect to appear before Parliament on a series of legislative initiatives which would potentially broaden the scope of disclosures of personal information to government authorities. In continuing in our mandate to research these important issues, I am hopeful that your organization might consider providing my Office with some general information related to requests for information from law enforcement officials, including:

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Sincerely,

Jennifer Stoddart
Privacy Commissioner of Canada

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Mr. Mark Zuckerberg
Chief Executive Officer
Facebook
156 University Avenue
Palo Alto, California
USA 94301

Dear Mr. Zuckerberg:

As you may know, my Office is currently in the process of examining issues related to online tracking and cloud computing as we prepare for the next legislative review of the *Personal Information Protection and Electronic Documents Act*, slated for this coming year in Parliament. We also expect to appear before Parliament on a series of legislative initiatives which would potentially broaden the scope of disclosures of personal information to government authorities. In continuing in our mandate to research these important issues, I am hopeful that your organization might consider providing my Office with some general information related to requests for information from law enforcement officials, including:

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Jennifer Stoddart
Privacy Commissioner of Canada

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Mr. Derek C. Smith
President
Apple Canada
7495 Birchmount Road
Markham, Ontario
L3R 5G2

Dear Mr. Smith:

As you may know, my Office is currently in the process of examining issues related to online tracking and cloud computing as we prepare for the next legislative review of the *Personal Information Protection and Electronic Documents Act*, slated for this coming year in Parliament. We also expect to appear before Parliament on a series of legislative initiatives which would potentially broaden the scope of disclosures of personal information to government authorities. In continuing in our mandate to research these important issues, I am hopeful that your organization might consider providing my Office with some general information related to requests for information from law enforcement officials, including:

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Sincerely,

Jennifer Stoddart
Privacy Commissioner of Canada

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Mr. Jonathan Lister
Managing Director
Google (Can)
10 Dundas Street East
Suite 600
Toronto, Ontario
M5B 2G9

Dear Mr. Lister:

As you may know, my Office is currently in the process of examining issues related to online tracking and cloud computing as we prepare for the next legislative review of the *Personal Information Protection and Electronic Documents Act*, slated for this coming year in Parliament. We also expect to appear before Parliament on a series of legislative initiatives which would potentially broaden the scope of disclosures of personal information to government authorities. In continuing in our mandate to research these important issues, I am hopeful that your organization might consider providing my Office with some general information related to requests for information from law enforcement officials, including:

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Sincerely,

Jennifer Stoddart
Privacy Commissioner of Canada

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Mr. Jack Dorsey
Executive Chairman
Twitter
795 Folsom Street, Suite 600
San Francisco, California
USA 94103

Dear Mr. Dorsey:

As you may know, my Office is currently in the process of examining issues related to online tracking and cloud computing as we prepare for the next legislative review of the *Personal Information Protection and Electronic Documents Act*, slated for this coming year in Parliament. We also expect to appear before Parliament on a series of legislative initiatives which would potentially broaden the scope of disclosures of personal information to government authorities. In continuing in our mandate to research these important issues, I am hopeful that your organization might consider providing my Office with some general information related to requests for information from law enforcement officials, including:

8. Approximately how many data requests from government authorities does your organization receive annually, on average? Similarly, approximately how many users or accounts are subject to disclosure to authorities in response to a valid request?

9. Like some organizations, do you make these figures available to the public in any form?

10. Do you keep internal, aggregate statistics on the types of requests you receive (such as production orders and emergency requests) and the kinds of information requested (e.g. subscriber records, non-content or transactional data, communications content, location information customer look-ups, location data, emergency requests, wiretap requests, production orders)? If so, would you be willing to provide a copy of this information?

11. If your enterprise uses Deep Packet Inspection equipment or software, have you used it in response to a request from federal authorities?

.../2

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Jennifer Stoddart
Privacy Commissioner of Canada

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Mr. Mike Lazaridis
President and CEO
Research in Motion
295 Phillip Street
Waterloo, Ontario
N2L 3W8

Dear Mr. Lazaridis:

As you may know, my Office is currently in the process of examining issues related to online tracking and cloud computing as we prepare for the next legislative review of the *Personal Information Protection and Electronic Documents Act*, slated for this coming year in Parliament. We also expect to appear before Parliament on a series of legislative initiatives which would potentially broaden the scope of disclosures of personal information to government authorities. In continuing in our mandate to research these important issues, I am hopeful that your organization might consider providing my Office with some general information related to requests for information from law enforcement officials, including:

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17. Do you keep internal, aggregate statistics on the types of requests you receive (such as production orders and emergency requests) and the kinds of information requested (e.g. subscriber records, non-content or transactional data, communications content, location information customer look-ups, location data, emergency requests, wiretap requests, production orders)? If so, would you be willing to provide a copy of this information?

18. If your enterprise uses Deep Packet Inspection equipment or software, have you used it in response to a request from federal authorities?

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Privacy Commissioner of Canada

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Mr. John Donahoe
President and CEO
Ebay Canada
199 Bay Street
Toronto, Ontario
M5L 1B9

Dear Mr. Donahoe:

As you may know, my Office is currently in the process of examining issues related to online tracking and cloud computing as we prepare for the next legislative review of the *Personal Information Protection and Electronic Documents Act*, slated for this coming year in Parliament. We also expect to appear before Parliament on a series of legislative initiatives which would potentially broaden the scope of disclosures of personal information to government authorities. In continuing in our mandate to research these important issues, I am hopeful that your organization might consider providing my Office with some general information related to requests for information from law enforcement officials, including:

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24. Do you keep internal, aggregate statistics on the types of requests you receive (such as production orders and emergency requests) and the kinds of information requested (e.g. subscriber records, non-content or transactional data, communications content, location information customer look-ups, location data, emergency requests, wiretap requests, production orders)? If so, would you be willing to provide a copy of this information?

25. If your enterprise uses Deep Packet Inspection equipment or software, have you used it in response to a request from federal authorities?

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Privacy Commissioner of Canada

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Helene Bertrand

From: Christopher Prince
Sent: Friday, December 16, 2011 12:17 PM
To: Laura Gosset
Subject: RE: Letter to TSP CEO on data requests from government

Thanks Laura, greatly appreciated.

-----Original Message-----
From: Laura Gosset
Sent: Thursday, December 15, 2011 2:53 PM
To: Christopher Prince; Josee Phillips
Subject: RE: Letter to TSP CEO on data requests from government

Christopher,

The attached reference is the letter and I anticipate the docket to arrive here with the morning mail at 10:00.

If you can't open this let me know.

Laura

-----Original Message-----
From: Christopher Prince
Sent: December 14, 2011 4:04 PM
To: Laura Gosset; Josee Phillips
Subject: Letter to TSP CEO on data requests from government

I understand a response to this letter from the Commissioner this past summer will be coming in this week or next from the law firm Gowlings, on behalf of many of the people we wrote to. Could you let me know / provide me a copy when it comes in? Many thanks.

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gowlings

montréal · ottawa · toronto · hamilton · waterloo region · calgary · vancouver · moscow · london

Karen E. Hennessey
Direct 613-783-8804
Direct Fax 613-788-3581
karen.hennessey@gowlings.com
File No. 02379950

December 14, 2011

PRIVATE AND CONFIDENTIAL

Office of the Privacy Commissioner of Canada
112 Kent Street
Place de Ville
Tower B, 3rd Floor
Ottawa, Ontario
K1A 1H3

ATTN: Jennifer Stoddard

Dear Ms. Stoddard:

Re: Response to Request for General Information From Canadian Wireless Telecommunications Association (the "CWTA") Members

We are acting for the CWTA.

We write further to the Office of the Privacy Commissioner of Canada's ("**OPC**") request, which we understand was sent to twelve Canadian service providers asking for specific information about lawful access service in Canada.

A number of the service providers solicited by OPC are members of the CWTA. The CWTA members have expressed concern with providing the requested information on a company by company basis. After confirming with the OPC that they would accept information submitted on an aggregate basis, on September 14, 2011, the chair of the CWTA/ITAC Lawful Access Policy Committee, Bill Abbott, wrote to certain telecommunication service providers and requested that they submit their responses directly to Gowling Lafleur Henderson LLP for the assembly of a confidential aggregate report.

We have therefore agreed, as independent counsel for CWTA, to aggregate the responses received and provide a report in a format where quantitative and qualitative responses cannot be attributed to any one provider. We are bound to keep all company responses confidential.

We have received a response from nine providers. These providers provide wireline and wireless telephone service as well as retail and wholesale internet access service. As a group they represent a substantial proportion of Canada's telecommunications customer connections.

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gowlings

Please find attached as Appendix A hereto, the aggregated response to the OPC's general questions concerning lawful access. We note that this Appendix A only provides a subset of the actual lawful requests and is based on nine Canadian providers.

Yours very truly,

GOWLING LAFLEUR HENDERSON LLP

Karen E. Hennessey

cc: Canadian Wireless Telecommunications Association

OTT_LAW\ 3000664

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Appendix A:

Aggregated Response to the Office of the Privacy Commissioner Questions

Concerning Lawful Access

These responses have been aggregated and are being provided to the OPC, in accordance with the letter from Gowling Lafleur Henderson LLP dated December 14, 2011.

No.	Question	Company Response
1a	Approximately how many data requests from government authorities does your organization receive annually, on average?	Aggregate Average Annual Requests: 1,193,630 [1, 2] 1. This number includes an aggregation of responses from nine providers. 2. One provider provided the number of responses rather than the number of requests.
1b	Similarly, approximately how many users or accounts are subject to disclosure to authorities in response to a valid request? ***Explanatory Note (This question is difficult to answer. CNA requests usually correspond one request to one account/customer whereas Non-CNA requests may cover many accounts/customers.)***	Aggregate users and accounts subject to disclosure: 784,756 [1, 2, 3, 4,] 1. This total only includes three providers as five providers were unable to provide this information. 2. One provider replied that the average number of subscribers per request was 1.74. 3. One provider noted that all accounts are subject to disclosure with a valid request. 4. One provider replied that it cannot accurately determine the number of users and accounts subject to disclosure. Customer name and address requests usually correspond one request to one account/customer. Non-customer name and address requests may cover many accounts/customers.
2	Like some organizations, do you make these figures available to the public in any form?	No. [1] 1. One provider noted that it was recently required to provide a list of dates, times and information to a customer related to information released to the LEA in response to a privacy complaint from the customer.
3a	Do you keep internal, aggregate statistics on the types of requests you receive (such as production orders and emergency requests) and the kinds of information requested (e.g. subscriber records, non-content or transactional data,	Yes. [1, 2, 3, 4, 5, 6] 1. One provider noted that the numbers represent approximate numbers of requests received by law enforcement and government agencies of all levels nationally. In some cases, duplication and overlap may occur. For example, if a request is received to provide a name and address on a single account from

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	communications content, location information customer look-ups, location data, emergency requests, wiretap requests, production orders)?	5 different law enforcement and government agencies, this is treated as five separate requests. Should the same request be submitted several times over the course of the year by the same law enforcement agency this is treated as an individual request. Such duplications are not tracked by the provider. Statistics pertaining to search warrants, production orders, government agency requirement letters and customer authorized third party disclosures (to government agencies or law enforcement) are tracked according to the number of customer files created in response to these disclosures, and not the number of actual authorizations received. For example, a single production order can require the production of records associated with 10 individual telephone numbers. This production order would be tracked as 10 requests. 2. One provider noted that statistics relating to requests for customer information, emergency requests, wiretap requests, and court orders received are kept at a high level of security for internal use only. 3. One provider noted that statistics relating to requests for customer information, emergency requests, wiretap requests, and Court Orders are kept at a high security level for internal use only. 4. One provider noted that it tracks the type of request, but not the kind of information requested. 5. One provider tracks the types of orders (production warrants, court orders, registered owner etc.) in its database system. The system records what is required from each order, such as CDR, text, tower, subscriber and information. This provider also keeps records of all lawful intercept warrants and orders in its database system. However, while certain statistics can be extracted from this database, it would require considerable manual effort as there are no existing reports. In addition, this data is classified as restricted information and cannot be disclosed without proper authorization. 6. One provider only tracks court orders on a monthly basis by province.
3b	If so, would you be willing to provide a copy of this information?	No.

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4	If your enterprise uses Deep Packet Inspection equipment or software, have you used it in response to a request from federal authorities?	Two providers responded "Yes".[1] Five providers replied "No". [2, 3] Two providers did not provide a response to the question asked.
		1. One provider noted that it uses Deep Packet Inspection equipment for the limited use of decoding packets for source and destination routing information to facilitate delivery of Part 6 data delivery on Internet target interception. There is no packet inspection and analysis done. 2. One provider noted that it does not use Deep Packet Inspection equipment or software for the purposes of responding to requests from federal authorities. Interception of communications over data networks is accomplished by sending what is essentially a mirror image of the packet data as it transits the network of data nodes. This packet data is then sent directly to the agency who has obtained lawful access to the information. Deep packet inspection is then performed by the law enforcement agency for their purposes. 3. One provider noted that it commenced using Deep Packet Inspection equipment, in a lab environment in the beginning of Sept 2011, set to launch in its production environments in mid-October. It is intended to be used for traffic management purposes only.
5	Like some organizations, do you notify your customers, when the law allows, that their information has been requested, thus giving them an opportunity to contest the request in court?	No.
6a	Like some organizations, do you currently seek reimbursement for the cost of complying with these requests?	(a) Eight providers replied "Yes". [1, 2, 3, 4, 5, 6, 7] (b) One provider replied "No".

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		1. One provider replied that it seeks reimbursement for the costs of complying with certain types of requests. Those include disclosure of customer name and address where judicial authorization does not exist and interception of communications. 2. One provider noted that its charges depend on the type of information requested. It provides assistance on a best efforts basis with cost recovery billing for lawful intercepts and technical assistance. It notes that some LEA's have refused to pay where the request is authorized by a court. There is no charge to LEA for emergency support, other than applicable levies for E911 tariffs. 3. One provider replied that LEA's are billed. 4. One provider replied that they seek reimbursement only for lawful intercepts at this time. 5. One provider bills agencies for establishing connections and their usage of telecommunication services on part 6 authorizations. These charges are based on cost recovery estimates. 6. One provider charges for CNAs and warrants which LEAs do not typical pay for. This provider also charges labour and facilities used for intercepts and notes that LEA's typical pay these charges. 7. One provider replied that they seek reimbursement only where costs are significant.
6b	If so, do federal authorities pay their bills in a prompt manner?	(a) Eight providers replied generally yes, with exceptions.[1] (b) This question is not applicable to the provider who replied "No" in Section 6 above.
		1. The general consensus was that the providers do not usually have any problems getting reimbursed but most providers also noted that there have been some difficulties with certain municipal police forces which refuse to reimburse the provider for their costs of complying with the requests.

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6c	If not, what steps if any have you taken in order to obtain payment (such as terminating wiretaps and withholding data)?	(a) Six providers provided their payment process.[1, 2, 3, 4] (b) Three providers responded "Not Applicable."
		1. One provider noted that it has been provided with an explanation that they are awaiting Legislation compelling them to pay for warranted information, so this provider (at this time) takes no action to collect. 2. One provider replied that it still responds within a reasonable timeframe and at a minimum, as required by law. 3. One provider noted that it proceeds to take informal steps. 4. Three providers replied that at this time they do not take any of the measures as described in order to obtain recuperation of such costs in the event a law enforcement agency refuses to reimburse it for its costs.
7	Like some organizations, do you make a schedule of these tariffs or fees available to the public?	(a) Seven providers provided a reply with an explanation. [1, 2, 3, 4, 5] (b) Two providers replied "Not Applicable".
		1. One provider noted that they make available only to the extent there is a CRTC approved tariff. 2. Two providers noted that it complies with its general tariff on this issue. 3. Two providers noted that it does not make available to the general public, schedules of tariffs and fees associated with recoverable costs related to disclosures to law enforcement and government agencies. 4. One provider noted that this does not currently apply to its exchange of services. 5. One provider replied that it does not make its schedule of tariffs or fees available to the public, but does provide to Enforcement and Government Agencies.

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Ron Styles
President & Chief
Executive Officer

2121 Saskatchewan Drive
Regina, Saskatchewan
Canada S4P 3Y2

Telephone: (306)777-2201
Fax: (306)777-1812
Email: ron.styles@sasktel.com

PRIVACY COMMISSIONER
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COMMISSAIRE VIE PRIVÉE

January 4, 2012

Ms Jennifer Stoddart
Privacy Commissioner of Canada
12 Kent St
Ottawa Ont
K1A 1H3

Dear Ms. Stoddart:

Re: Lawful Access

I want to close the loop vis a vis your letter of August 3, 2011 requesting certain information regarding Law Enforcement Agencies. I am pleased to inform you that on December 12, 2011, SaskTel was a party to a collective response to your information request. This response was prepared by Gowling Lafleur Henderson LLP, acting as independent counsel for the Canadian Wireless Telecommunication Association (CWTA).

SaskTel does take matters of privacy, as it relates to lawful access, very seriously and gladly participated in this joint response. I trust the aggregated information, provided by the CWTA on behalf of its members, was helpful and informative. Should you have any other questions please don't hesitate to contact me.

Yours truly,

Ron Styles
President and Chief Executive Officer

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TELUS®

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Ted Woodhead
Vice-President
Telecom Policy & Regulatory Affairs

PRIVACY COMMISSIONER
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COMMISSAIRE VIE PRIVÉE

December 14, 2011

Ms. Jennifer Stoddart
Privacy Commissioner of Canada
112 Kent Street
Place de Ville- Tower B, 3rd Floor
Ottawa, Ontario K1A 1H3

Dear Commissioner Stoddart:

Re: Review of the *Personal Information Protection and Electronic Documents Act* and request for information about lawful access service in Canada

I am responding on behalf of Darren Entwistle, Chief Executive Officer of TELUS, to your letter addressed to him dated August 3, 2011. TELUS is a leading national telecommunications company in Canada, with over 12 million customer connections including 7.2 million wireless subscribers, 3.6 million wireline network access lines and 1.3 million Internet subscribers, and we do receive a significant number of data requests from law enforcement authorities each year.

We understand that TELUS, and eleven other Canadian service providers, were all sent similar letters from the Office of the Privacy Commissioner of Canada ("OPC") asking for specific information about lawful access service in Canada. These service providers are all members of the CWTA/ITAC ad hoc committee on Lawful Access Policy, and representatives from this committee had discussions with your office, with agreement that this information would be provided in aggregate and on a confidential basis to the OPC.

We have requested that Gowling Lafleur Henderson LLP, counsel for the CWTA, provide responses to these questions on our collective behalf to your office this week. As a result, this information is being provided to the OPC in a format where quantitative and qualitative responses cannot be attributed to any one provider. However, feel free to contact me if you require further clarification or information from TELUS regarding lawful access issues.

Yours truly,

Ted Woodhead
Vice-President
Telecom Policy & Regulatory Affairs

cc. Darren Entwistle, CEO, TELUS

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Ginette Lalonde

From: Christopher Prince
Sent: December-16-11 10:58 AM
To: Chantal Bernier; Andrew Patrick; Daniel Caron
Cc: Barbara Bucknell; Carman Baggaley; Anna Zubrzycka
Subject: Letter to TSP CPO on data requests from government
Attachments: PRIVACY-336314.PDF.DRF; PRIVACY-312071.DOC.DRF

Back in July, some of you may recall that we drafted up a letter (see attached RDIMS 312071) at the Commissioner's request in which we asked the major telecommunications companies operating in Canada about their procedures for complying with government data requests.

As you know, ISP assistance to police has been something of a blind spot in the public debate. Part of the reasoning behind our inquiry was to get a clearer picture of that landscape, directly from industry itself. Yesterday, we finally heard back (see attached 336314).

In reading through the letter, you'll find it raises as many questions as it answers. However, it took us considerable wrangling to get this response and frankly, I am relieved to have something in hand. At minimum, it should help flesh out one aspect of our submission. I'll be starting to draw this up next week, in anticipation of the bill's introduction in the new year, and hope to share an initial draft of that with you quite soon.

-----Original Message-----
From: Christopher Prince
Sent: Wednesday, July 06, 2011 11:11 AM
To: Research - Recherche -dl; Policy & PA - Politiques & AP -dl
Cc: Joanne Dugas
Subject: Letter to TSP CPO on data requests from government

As discussed, attached is the letter and distribution we've prepared for the Commissioner to send to telcos operating in Canada, on the data requests / lawful access issue. Will likely go out this week - I believe Joanne is prepping for signature

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Helene Bertrand

From: Christopher Prince
Sent: Thursday, December 01, 2011 12:07 PM
To: 'bill.abbott@bell.ca'
Subject: RE: follow-up

Understood Bill, and again my sincerest appreciation for what we know is a sensitive issue.

Now as for the authentication chat – maybe we should try to get this in sooner rather than later – meaning the next couple of weeks.

Let me survey the point people quickly and get back to you.

Chris

From: bill.abbott@bell.ca [mailto:bill.abbott@bell.ca]
Sent: Thursday, December 01, 2011 12:03 PM
To: Christopher Prince
Cc: bill.abbott@bell.ca
Subject: RE: follow-up

Hello Chris,

I appreciate the invite for an informal discussion and yes, would be happy to do so. Can you suggest some possible meeting times?

On the lawful access questions, Gowlings is drafting the cover letter and aggregated report (both fairly short) this week. The companies that put info in will be having a conference call next week to make sure we are all fine with the drafting and then, hopefully, the materials go in. We are walking a delicate line between supporting privacy and not antagonizing Public Safety/LEAs, so the materials will be pretty factual, not much commentary.

Regards,

From: Christopher Prince [mailto:Christopher.Prince@priv.gc.ca]
Sent: December 1, 2011 11:47 AM
To: Abbott, William (A485813)
Subject: follow-up

Mr. Abbott,

It was very nice to have had a chance to talk with you the other day. Thanks for saying hello.

As we discussed, I have confirmed that we are revising our 2006 guidance on authentication: http://www.priv.gc.ca/information/guide/auth_061013_e.cfm; and here's our piece on collection of DL data: http://www.priv.gc.ca/information/guide/2009/gl_dl_090426_e.cfm.

Are you in Ottawa? Would it be worth your time to come in for an informal, working-level talk with the folks heading that review?

000084

Let me know if that might interest you.

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Chris Prince
Strategic Policy Analyst
Office of the Privacy Commissioner of Canada
112 Kent Street, 3rd Floor
Ottawa, Ontario
K1A 1H3
(613) 947-7005

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Helene Bertrand

From: Christopher Prince
Sent: Thursday, November 24, 2011 11:23 AM
To: 'bill.abbott@bell.ca'
Cc: 'Alexander Adeyinka'; Daniel Caron
Subject: RE: OPC Request for Data on Lawful Access Requests

Good morning Mr. Abbott,

I was writing to inquire about the status of your response in relation to the Commissioner's letter from August 2011.

It was our understanding that in August the CWTA/ITAC group had taken over from the individual CPOs at the various organizations but that a response was imminent once Gowlings reviewed.

Would you be able to update us? According to our correspondence file, as of mid-Oct, we've still received no response.

Many thanks

Chris Prince
Strategic Policy Analyst
Office of the Privacy Commissioner of Canada
112 Kent Street, 3rd Floor
Ottawa, Ontario
K1A 1H3
(613) 947-7005

From: bill.abbott@bell.ca [mailto:bill.abbott@bell.ca]
Sent: Thursday, October 13, 2011 9:05 AM
To: Christopher Prince
Cc: Alexander Adeyinka
Subject: RE: OPC Request for Data on Lawful Access Requests

Hello Chris,

I am following up on this today and will get back to you this afternoon.

From: Alexander Adeyinka [mailto:Alexander.Adeyinka@rci.rogers.com]
Sent: October 6, 2011 5:17 PM
To: Christopher Prince
Cc: Abbott, William (A485813)
Subject: RE: OPC Request for Data on Lawful Access Requests

Hello Christopher. We handed this over to the joint industry CWTA/ITAC Lawful Access committee's chairman, Bill Abbott (cc'd). A template was developed to collect the answers which were then sent to an independent party (at Gowlings law office) by the respective companies for aggregation. I believe the template answers were sent to Gowlings late August. Bill, can you please provide Christopher an update. Thanks

---

Alexander J. Adeyinka III
Assoc. Privacy Officer &
Snr. Regulatory Counsel
ROGERS COMMUNICATIONS
416-935-6590

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From: Christopher Prince [mailto:Christopher.Prince@priv.gc.ca]
Sent: Thursday, October 06, 2011 5:10 PM
To: Alexander Adeyinka
Subject: RE: OPC Request for Data on Lawful Access Requests

Good afternoon Mr. Adeyinka,

Has there been any progress on your end regarding this inquiry? We've heard from several other organizations but I understand you still had some work to do.

If you can let me know if you've made any head-way and when we might anticipate your proposed group response, that would be helpful.

From: Alexander Adeyinka [mailto:Alexander.Adeyinka@rci.rogers.com]
Sent: Wednesday, August 24, 2011 10:56 AM
To: Christopher Prince
Subject: RE: OPC Request for Data on Lawful Access Requests

Morning Christopher. Further to the email below, some of our colleagues are having difficulty tracking the OPC's letter within their organization. You may want to consider re-sending the letter to the privacy officer of each company. As well, we are wondering if you may provide us a list of companies to which the request was sent so we can canvass them for aggregation of our respective data.

Rgds

>>>>

Thanks Barbara. Hello Christopher. At least Rogers, Bell and RIM have expressed a desire to aggregate their data together. The three companies belowng to the Privacy Task Force, of which there are several other members but we have not socialized this matter with them because it is not clear who else received the request from the OPC. We do intend to ask if other members favor aggregation. But before we do that we will appreciate a definitive answer from the OPC if responses in aggregated form is acceptable. We will develop a table that collects and aggregates each company's data for each of the OPC's request and present it in aggregated form, indicating how many companies were pooled.

As well, we will like to get an idea as to when the OPC expects the data.

Rgds

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Helene Bertrand

From: Christopher Prince
Sent: Thursday, October 27, 2011 9:55 AM
To: 'bill.abbott@bell.ca'
Cc: Barbara Bucknell
Subject: RE: OPC Request for Data on Lawful Access Requests

Good morning Mr. Abbott,

I was asked to check-in with you on any new developments; last time we exchanged e-mail I believe you were just waiting on one or two organizations?

Many thanks,

Chris Prince
Strategic Policy Analyst
Office of the Privacy Commissioner of Canada
112 Kent Street, 3rd Floor
Ottawa, Ontario
K1A 1H3
(613) 947-7005

From: bill.abbott@bell.ca [mailto:bill.abbott@bell.ca]
Sent: Thursday, October 13, 2011 9:05 AM
To: Christopher Prince
Cc: Alexander Adeyinka
Subject: RE: OPC Request for Data on Lawful Access Requests

Hello Chris,

I am following up on this today and will get back to you this afternoon.

Regards,

From: Alexander Adeyinka [mailto:Alexander.Adeyinka@rci.rogers.com]
Sent: October 6, 2011 5:17 PM
To: Christopher Prince
Cc: Abbott, William (A485813)
Subject: RE: OPC Request for Data on Lawful Access Requests

Hello Christopher. We handed this over to the joint industry CWTA/ITAC Lawful Access committee's chairman, Bill Abbott (cc'd). A template was developed to collect the answers which were then sent to an independent party (at Gowlings law office) by the respective companies for aggregation. I believe the template answers were sent to Gowlings late August. Bill, can you please provide Christopher an update. Thanks

---

Alexander J. Adeyinka III
Assoc. Privacy Officer &
Snr. Regulatory Counsel
ROGERS COMMUNICATIONS
416-935-6590

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From: Christopher Prince [mailto:Christopher.Prince@priv.gc.ca]
Sent: Thursday, October 06, 2011 5:10 PM
To: Alexander Adeyinka
Subject: RE: OPC Request for Data on Lawful Access Requests

Good afternoon Mr. Adeyinka,

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If you can let me know if you've made any head-way and when we might anticipate your proposed group response, that would be helpful.

Chris Prince
Strategic Policy Analyst
Office of the Privacy Commissioner of Canada
112 Kent Street, 3rd Floor
Ottawa, Ontario
K1A 1H3
(613) 947-7005

From: Alexander Adeyinka [mailto:Alexander.Adeyinka@rci.rogers.com]
Sent: Wednesday, August 24, 2011 10:56 AM
To: Christopher Prince
Subject: RE: OPC Request for Data on Lawful Access Requests

Morning Christopher. Further to the email below, some of our colleagues are having difficulty tracking the OPC's letter within their organization. You may want to consider re-sending the letter to the privacy officer of each company. As well, we are wondering if you may provide us a list of companies to which the request was sent so we can canvass them for aggregation of our respective data.

Rgds

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Thanks Barbara. Hello Christopher. At least Rogers, Bell and RIM have expressed a desire to aggregate their data together. The three companies belowng to the Privacy Task Force, of which there are several other members but we have not socialized this matter with them because it is not clear who else received the request from the OPC. We do intend to ask if other members favor aggregation. But before we do that we will appreciate a definitive answer from the OPC if responses in aggregated form is acceptable. We will develop a table that collects and aggregates each company's data for each of the OPC's request and present it in aggregated form, indicating how many companies were pooled.

As well, we will like to get an idea as to when the OPC expects the data.

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Rgds

Alexander J. Adeyinka III
Assoc. Privacy Officer &
Snr. Regulatory Counsel
ROGERS COMMUNICATIONS
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Helene Bertrand

From: Christopher Prince
Sent: Friday, October 21, 2011 3:33 PM
To: 'bill.abbott@bell.ca'
Subject: RE: OPC Request for Data on Lawful Access Requests

Bill, that's absolutely fine. I was just asked to see how things were coming along ... I can appreciate your wanting to wait until you have a fully accurate sense. As for the second part of the question, the reason we kept to a short-list (as I recall) was that we wanted to restrict the survey to "major players". I suspect if we put the same questions to many smaller providers, they'd be at a bit of a loss. That was the only reason I believe.

Have a great weekend,
Chris

From: bill.abbott@bell.ca [mailto:bill.abbott@bell.ca]
Sent: Friday, October 21, 2011 3:26 PM
To: Christopher Prince
Cc: bill.abbott@bell.ca
Subject: RE: OPC Request for Data on Lawful Access Requests

Hello Chris,

As of last week, we had two large TSPs and two small TSPs who reported numbers. I sent a reminder and gave the others until this Friday. My concern is that without a fairly broad response we won't have a large enough pool to a) provide anonymity to each TSP as to the relative volume of requests that they handle and b) an accurate representation of the volume of requests.

I will get back to you Monday. By the way, part of the problem is that the list of TSPs and manufacturers that you sent the questions to is relatively small. Is there a reason why the list was so short? Any chance of the OPC sending the list out to a larger pool of potential respondents?

Regards,

From: Christopher Prince [mailto:Christopher.Prince@priv.gc.ca]
Sent: October 21, 2011 3:22 PM
To: Abbott, William (A485813)
Subject: RE: OPC Request for Data on Lawful Access Requests

Good afternoon Mr. Abbott,

I was just checking in, wondering if there has been any progress on the group response. Or just an update in general.

Many thanks.

Chris Prince
Strategic Policy Analyst
Office of the Privacy Commissioner of Canada
112 Kent Street, 3rd Floor
Ottawa, Ontario
K1A 1H3
(613) 947-7005

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Assoc. Privacy Officer &
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From: Christopher Prince [mailto:Christopher.Prince@priv.gc.ca]
Sent: Thursday, October 06, 2011 5:10 PM
To: Alexander Adeyinka
Subject: RE: OPC Request for Data on Lawful Access Requests

Good afternoon Mr. Adeyinka,

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Chris Prince
Strategic Policy Analyst
Office of the Privacy Commissioner of Canada
112 Kent Street, 3rd Floor
Ottawa, Ontario
K1A 1H3
(613) 947-7005

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From: Alexander Adeyinka [mailto:Alexander.Adeyinka@rci.rogers.com]
Sent: Wednesday, August 24, 2011 10:56 AM
To: Christopher Prince
Subject: RE: OPC Request for Data on Lawful Access Requests

Morning Christopher. Further to the email below, some of our colleagues are having difficulty tracking the OPC's letter within their organization. You may want to consider re-sending the letter to the privacy officer of each company. As well, we are wondering if you may provide us a list of companies to which the request was sent so we can canvass them for aggregation of our respective data.

Rgds

>>>>

Thanks Barbara. Hello Christopher. At least Rogers, Bell and RIM have expressed a desire to aggregate their data together. The three companies belowng to the Privacy Task Force, of which there are several other members but we have not socialized this matter with them because it is not clear who else received the request from the OPC. We do intend to ask if other members favor aggregation. But before we do that we will appreciate a definitive answer from the OPC if responses in aggregated form is acceptable. We will develop a table that collects and aggregates each company's data for each of the OPC's request and present it in aggregated form, indicating how many companies were pooled.

As well, we will like to get an idea as to when the OPC expects the data.

Rgds

Alexander J. Adeyinka III
Assoc. Privacy Officer &
Snr. Regulatory Counsel
ROGERS COMMUNICATIONS
416-935-6590

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Helene Bertrand

From: Barbara Bucknell
Sent: Tuesday, August 23, 2011 5:15 PM
To: Christopher Prince
Cc: Ann Goldsmith
Subject: FW: OPC Request for Data on Lawful Access Requests

Chris – you and I only spoke briefly about this last week. Can you touch base with Ann about it? I briefed her on the back and forth that he and I had. I will also leave you a copy of my notes from my conversation with him (from last week). I did not call him back today as you can probably glean from my message.

b

Barbara Bucknell
Policy Analyst/Analyste en politiques
Office of the Privacy Commissioner of Canada/
Commissariat à la protection de la vie privée du Canada
613-943-5549
Barbara.Bucknell@priv.gc.ca

From: Barbara Bucknell
Sent: Tuesday, August 23, 2011 5:14 PM
To: 'Alexander Adeyinka'
Cc: Christopher Prince
Subject: RE: OPC Request for Data on Lawful Access Requests

Hi Alexander,

In your phone message to me today, you suggested providing the information in aggregate form to our office. I gather this means that you and other organizations would pool your information and provide it to us. This seems like it could work in that it would provide us with the information we are seeking.

I have copied my colleague, Christopher Prince, on this message. I would suggest that the two of you touch base if you need to discuss further. He is the lead on this file and I am going to be out of the office till after Labour Day.

I hope this is helpful.

Barbara

Barbara Bucknell
Policy Analyst/Analyste en politiques
Office of the Privacy Commissioner of Canada/
Commissariat à la protection de la vie privée du Canada
613-943-5549
Barbara.Bucknell@priv.gc.ca

From: Alexander Adeyinka [mailto:Alexander.Adeyinka@rci.rogers.com]
Sent: Monday, August 22, 2011 4:53 PM
To: Barbara Bucknell
Subject: OPC Request for Data on Lawful Access Requests

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Hello Barbara. I am just touching base to inquire if you have an answere to our request to have a conference and provide the data requested by phone.

Tx

Alexander J. Adeyinka III
Assoc. Privacy Officer &
Snr. Regulatory Counsel
ROGERS COMMUNICATIONS
416-935-6590

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Helene Bertrand

From: Christopher Prince
Sent: Thursday, August 04, 2011 11:56 AM
To: LIT-EIL -dl
Cc: Nicholas Koutros; Tara Whalen
Subject: Letter to TSP CPO on data requests from government
Attachments: PRIVACY-312071.DOC.DRF

FYI: this letter went out yesterday

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Helene Bertrand

From: Geneviève Madore
Sent: Wednesday, July 13, 2011 11:00 AM
To: Christopher Prince
Cc: Joanne Dugas
Subject: RE: Letter to TSP CPO on data requests from government
Attachments: PRIVACY-314555.DOC.DRF

Good morning,

Please find the letters, attached.

Before the expected deadline because I realised they were all identical.

Joanne, si tu as des questions, n'hésite pas.

Merci.

Geneviève Madore
Rédactrice-réviseure (français) | French Writer-Editor Commissariat à la protection de la vie privée du Canada | Office of the Privacy Commissioner of Canada 112, rue Kent, Ottawa (ON) K1A 1H3 | 112 Kent Street, Ottawa, ON, K1A 1H3 Tél. | Tel. : 613-947-7256 / Téléc. | Fax : 613-995-1139

-----Original Message-----
From: Christopher Prince
Sent: Monday, July 11, 2011 12:53 PM
To: Geneviève Madore
Cc: Joanne Dugas
Subject: RE: Letter to TSP CPO on data requests from government

Absolutely; could I ask you to cc: Joanne Dugas when it comes back, as she will be finalizing for the Commissioner's signature

-----Original Message-----
From: Geneviève Madore
Sent: Monday, July 11, 2011 12:52 PM
To: Christopher Prince
Subject: RE: Letter to TSP CPO on data requests from government

Would Monday, July the 18th, be also acceptable?

Geneviève

-----Original Message-----
From: Christopher Prince
Sent: Monday, July 11, 2011 10:59 AM
To: Geneviève Madore

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Cc: Joanne Dugas
Subject: RE: Letter to TSP CPO on data requests from government

This week would be ideal

-----Original Message-----
From: Geneviève Madore
Sent: Monday, July 11, 2011 10:19 AM
To: Christopher Prince
Subject: RE: Letter to TSP CPO on data requests from government

Do you have any specific return date?

Thank you.

Geneviève Madore
Rédactrice-réviseure (français) | French Writer-Editor Commissariat à la protection de la vie privée du Canada | Office of the Privacy Commissioner of Canada 112, rue Kent, Ottawa (ON) K1A 1H3 | 112 Kent Street, Ottawa, ON, K1A 1H3 Tél. | Tel. : 613-947-7256 / Téléc. | Fax : 613-995-1139

-----Original Message-----
From: Christopher Prince
Sent: Monday, July 11, 2011 10:16 AM
To: Geneviève Madore
Cc: Joanne Dugas; Nicholas Koutros
Subject: Letter to TSP CPO on data requests from government

Translation if you please, thank you

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Monsieur Louis Audet
Président et chef de la direction
Cogeco Communications
5 Place Ville-Marie, Bureau 1700
Montréal (Québec) H3B 0B3

Monsieur,

Comme vous le savez peut-être, le Commissariat à la protection de la vie privée du Canada mène actuellement un examen des enjeux associés au suivi en ligne et à l'infonuagique en vue du prochain examen parlementaire de la *Loi sur la protection des renseignements personnels et les documents électroniques* au cours de l'année qui vient. Nous prévoyons également comparaître devant le Parlement pour donner notre point de vue sur divers projets législatifs qui pourraient élargir l'étendue des renseignements personnels pouvant être communiqués aux instances gouvernementales. Afin de poursuivre la recherche sur ces enjeux importants, conformément à notre mandat, je souhaiterais que votre organisation accepte de fournir au Commissariat des renseignements généraux sur les demandes d'information que vous recevez des responsables de l'application de la loi, notamment :

1. Combien de demandes de données, en moyenne, votre organisation reçoit-elle d'instances gouvernementales chaque année? Quel serait le nombre approximatif d'utilisateurs ou de comptes visés par la communication à des instances gouvernementales en réponse à une demande valide?

2. À l'instar d'autres organisations, permettez-vous au public d'avoir accès à ces chiffres sous une forme quelconque?

3. Conservez-vous des statistiques internes agrégées sur les types de demandes reçues (p. ex. ordonnances de communication, urgences) et de renseignements demandés (p. ex. dossiers d'abonné, données non liées à du contenu ou transactionnelles, contenu de communications, information et données sur l'emplacement, recherches de clients, urgences, demandes d'écoute électronique, ordonnances de communication)? Dans l'affirmative, accepteriez-vous de fournir une copie de ces renseignements?

4. Si votre entreprise utilise de l'équipement ou des logiciels permettant l'inspection approfondie des paquets, les avez-vous utilisés pour répondre à une demande provenant d'instances fédérales?

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5. À l'instar de certaines organisations, informez-vous vos clients, lorsque la loi le permet, que des renseignements les concernant ont fait l'objet d'une demande afin de leur permettre de contester celle-ci devant les tribunaux?

6. À l'instar de certaines organisations, demandez-vous actuellement à ce que les dépenses engendrées pour répondre à ces demandes vous soient remboursées? Le cas échéant, les instances fédérales vous paient-elles rapidement? Dans la négative, quelles mesures avez-vous prises, s'il y a lieu, pour vous faire payer (p. ex. mettre fin à l'écoute électronique, retenir des données)?

7. À l'instar de certaines organisations, permettez-vous au public d'avoir accès à une grille des tarifs ou frais demandés?

Je comprends que la collecte des renseignements nécessaires pour répondre à ces questions puisse être difficile dans une grande organisation. Cependant, les ramifications des propositions législatives à venir sur la question de l'accès, par le gouvernement, à des renseignements détenus par des organisations comme la vôtre risquent de rendre la situation encore plus complexe. J'ai espoir que vos réponses, conjuguées à celles d'organisations similaires auxquelles j'ai posé les mêmes questions, alimenteront le débat sur la pertinence d'octroyer de nouveaux pouvoirs au gouvernement en vue d'accéder à de l'information détenue par des organisations comme la vôtre.

Afin que nous puissions faire la lumière sur les pratiques actuelles de l'industrie, nous serions très heureux de recevoir toute l'aide ou information que vous serez en mesure de nous fournir sur ces questions.

Veuillez agréer, Monsieur, l'expression de ma considération distinguée.

La commissaire à la protection de la vie privée du Canada,

Jennifer Stoddart

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Helene Bertrand

From: Christopher Prince
Sent: Wednesday, July 13, 2011 11:37 AM
To: Geneviève Madore
Subject: RE: Letter to TSP CPO on data requests from government

Thanks Genevieve!

-----Original Message-----
From: Geneviève Madore
Sent: Wednesday, July 13, 2011 11:00 AM
To: Christopher Prince
Cc: Joanne Dugas
Subject: RE: Letter to TSP CPO on data requests from government

Good morning,

Please find the letters, attached.

Before the expected deadline because I realised they were all identical.

Joanne, si tu as des questions, n'hésite pas.

Merci.

Geneviève Madore
Rédactrice-réviseure (français) | French Writer-Editor Commissariat à la protection de la vie privée du Canada | Office of the Privacy Commissioner of Canada 112, rue Kent, Ottawa (ON) K1A 1H3 | 112 Kent Street, Ottawa, ON, K1A 1H3 Tél. | Tel. : 613-947-7256 / Téléc. | Fax : 613-995-1139

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From: Christopher Prince
Sent: Monday, July 11, 2011 12:53 PM
To: Geneviève Madore
Cc: Joanne Dugas
Subject: RE: Letter to TSP CPO on data requests from government

Absolutely; could I ask you to cc: Joanne Dugas when it comes back, as she will be finalizing for the Commissioner's signature

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Sent: Monday, July 11, 2011 12:52 PM
To: Christopher Prince
Subject: RE: Letter to TSP CPO on data requests from government

Would Monday, July the 18th, be also acceptable?

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Geneviève

-----Original Message-----
From: Christopher Prince
Sent: Monday, July 11, 2011 10:59 AM
To: Geneviève Madore
Cc: Joanne Dugas
Subject: RE: Letter to TSP CPO on data requests from government

This week would be ideal

-----Original Message-----
From: Geneviève Madore
Sent: Monday, July 11, 2011 10:19 AM
To: Christopher Prince
Subject: RE: Letter to TSP CPO on data requests from government

Do you have any specific return date?

Thank you.

Geneviève Madore
Rédactrice-réviseure (français) | French Writer-Editor Commissariat à la protection de la vie privée du Canada | Office of the Privacy Commissioner of Canada 112, rue Kent, Ottawa (ON) K1A 1H3 | 112 Kent Street, Ottawa, ON, K1A 1H3 Tél. | Tel. : 613-947-7256 / Téléc. | Fax : 613-995-1139

-----Original Message-----
From: Christopher Prince
Sent: Monday, July 11, 2011 10:16 AM
To: Geneviève Madore
Cc: Joanne Dugas; Nicholas Koutros
Subject: Letter to TSP CPO on data requests from government

Translation if you please, thank you

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Helene Bertrand

From: Christopher Prince
Sent: Wednesday, July 06, 2011 11:11 AM
To: Research - Recherche -dl; Policy & PA - Politiques & AP -dl
Cc: Joanne Dugas
Subject: Letter to TSP CPO on data requests from government
Attachments: PRIVACY-312900.DOC.DRF; PRIVACY-312071.DOC.DRF

As discussed, attached is the letter and distribution we've prepared for the Commissioner to send to telcos operating in Canada, on the data requests / lawful access issue. Will likely go out this week - I believe Joanne is prepping for signature

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