



2014 03 03

To: Mr. Christopher Parsons
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Email: christopher@christopher-parsons.com

Subject: **Inquiry concerning lawful access and other disclosures to government**

Dear Mr. Parsons,

1. I am writing in response to your letter of 20 January 2014. Thank you for your inquiry regarding Bell Canada's practices concerning lawful access and other disclosures of information to government agencies in Canada.

2. Bell Canada has always been committed to maintaining the privacy of its customer's information. Bell Canada's commitment to privacy is reflected in its privacy policy (found at http://support.bell.ca/Billing-and-Accounts/Security_and_privacy/How_does_Bell_respect_my_privacy). In addition, Bell Canada's management of personal information is regulated by a variety of measures, including the Canadian Radio-television and Telecommunications Commission (CRTC) and the Personal Information Protection and Electronic Documents Act (PIPEDA). In keeping with Bell Canada's privacy policy, PIPEDA and CRTC regulations, Bell Canada will only disclose customers' information without the customer's consent in circumstances permitted by PIPEDA and required by law.

3. To ensure that customer information is only disclosed in circumstances permitted by PIPEDA and required by law, all such requests are vetted by Bell Canada's lawful access group and, where there is any doubt, by my office. The lawful access group exercises careful scrutiny over disclosure requests. Where necessary, the lawful access group has required government agencies to withdraw their disclosure requests where the request appears unreasonable in its scope or lacks the reasonable grounds required by law. In the past, when there were concerns about the statutory power of law enforcement agencies (LEAs) to request warrantless access to customer information under exigent circumstances, Bell Canada led the way to implement an industry-wide process requiring LEAs to document the basis for each such access request.

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4. With respect to the questions set out in your letter, I note at the outset that the level of information you have requested is significant. In the absence of guidance from the applicable authorities (including the Office of the Privacy Commissioner of Canada), it is not clear what level of disclosure is permitted under applicable law.

5. Bell Canada (and other TSPs in Canada) effectively protect the privacy of personal information by assessing whether a given lawful access request meets the requirements of CRTC regulations, PIPEDA and all other applicable statutes. However, private companies like Bell Canada are not in a good position to balance the competing principles and interests triggered by detailed public disclosures about the volume and nature of lawful access requests. When these requests are made to government bodies, access-to-information principles exist to strike the right balance, and a well-understood system exists to challenge any decisions made. Requests to private companies do not have the advantage of this process for balancing competing interests in the information.

6. Our conclusion is that your request for detailed information about lawful access activities should be made to the various government bodies involved who are bound by access-to-information laws and can engage in the proper balancing of social interests.

Yours truly,

[Original signed by B. Abbott]

Bill Abbott

Senior Counsel & Bell Privacy Ombudsman

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