



TELUS Compliance and Privacy Office
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Heather Hawley
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Member of the TELUS team

March 5, 2014

Christopher Parsons
University of Toronto
Citizen Lab, Munk School of Global Studies
315 Bloor Street West
Toronto, ON, M5S 1A3

Re: Data Retention and Sharing Policies of TELUS

Dear Mr. Parsons,

Thank you for your letter dated January 20, 2014, inquiring about the data retention and sharing policies of TELUS Communications Company (“TELUS”). Certainly, your objective to make informed public policy decisions about how to best protect the security and privacy of Canadians is laudable and one that TELUS shares.

The privacy and security of our customers and employees is of paramount importance to TELUS and, as such, we only disclose confidential customer information to third parties, including government agencies, in accordance with the company’s service terms, its privacy policies, valid court orders or other applicable law. In fact, such is the passion that TELUS has for keeping the information of our customers confidential, that the Privacy Commissioner of Ontario has recognized our President and CEO, Darren Entwistle, as a Privacy Ambassador.

You may be aware that TELUS recently challenged a general warrant obtained by a law enforcement agency regarding the provision of text message data that TELUS felt was overreaching, and successfully pursued the matter all the way to the Supreme Court of Canada. The resulting decision of the Supreme Court has served to enhance the protection of privacy rights of Canadians. We are not aware of any other instance where a telecommunications company in Canada has taken similar action to protect the privacy of its customers. Indeed, it is notable that as we pursued this Supreme Court of Canada challenge we did it with little public support. In future, we would welcome your collaboration as we pursue privacy positions that are in the best interests of our customers, Canadians, and the moral fabric of our country.

Your letter has requested a great amount of detail regarding how, when, and why TELUS discloses information to government agencies. Respectfully, TELUS does not publicly disclose the information that has been requested in your letter. In fact, as you are probably aware, Standard 17 in the *Solicitor General’s Enforcement Standards for Lawful Interception of Telecommunications* prohibits network operators from disclosing certain information about interceptions. Therefore, it is more appropriate to request the desired information directly from the governmental agencies themselves, as the parties that initiate the disclosure requests, rather than from the telecommunications service providers who are, in contrast, simply adhering to the laws that apply to them. Government agencies are better positioned to balance transparency considerations with other important considerations such as the need for confidentiality in relation to investigative techniques, and other law

enforcement or national security concerns. In this regard, we will request the Government to clarify and limit the scope of current confidentiality requirements and to consider measures to facilitate greater transparency.

An area of concern, and one that as privacy advocates we would recommend that you consider, is the extensive scope of court orders obtained by law enforcement agencies. Notably, when TELUS receives court orders from law enforcement agencies, they can often be far reaching. Given your area of expertise, you might consider ways to encourage more restraint in the scope of such orders. This might be accomplished by advocating for the adoption of a model similar to that which exists in the United States where law enforcement agencies pay the costs associated with the production of the records which they obtain. The imposition of a moderate cost in this regard acts as a check and balance to ensure that court orders are focused and thus limited to those records which are considered by law enforcement agencies to be absolutely necessary. This would help to deter orders that are too broad in scope and that may unnecessarily impact the privacy of citizens.

We note that the Privacy Commissioner of Canada has recommended that existing federal privacy legislation be amended to provide for greater transparency with respect to disclosure of personal information by organizations to government agencies. If Parliament sees fit to amend the legislation as recommended, TELUS will, of course, fully comply.

Once again, we commend you for your efforts to enhance the security and privacy of Canadians and wish you well in this pursuit through the proper and appropriate government channels.

Yours truly,

A handwritten signature in blue ink, appearing to read "H. Hawley", is written over a light blue rectangular background.

Heather Hawley
Chief Compliance and Privacy Officer