



## Telecom Public Notice CRTC 2005-7

Ottawa, 22 June 2005

### **Access to information contained in the incumbent local exchange carriers' Emergency 9-1-1 databases for the purpose of providing a Community Notification Service**

Reference: 8698-C12-200507212 and 8665-S62-200405888

*In this Public Notice, the Commission initiates a proceeding and invites comments on the appropriateness of permitting the use of information contained in the incumbent local exchange carriers' Emergency 9-1-1 databases for the purpose of providing a Community Notification Service, and if so, under what circumstances and with what safeguards.*

#### **Background**

1. The Commission received an application dated 14 June 2004, from the County of Strathcona, on behalf of itself, the City of Fort Saskatchewan, the Association of Municipalities of Ontario, the City of Brandon, the New Brunswick - Department of Safety, Emergency Management Alberta, Emergency Management Ontario, the County of Essex and the City of Niagara Falls (collectively, the applicant), filed pursuant to Part VII of the *CRTC Telecommunications Rules of Procedure*. The applicant requested the Commission to make a determination requiring the incumbent local exchange carriers (ILECs) to provide access, and establishing the terms and conditions of such access, to their Emergency 9-1-1 databases. This access would allow municipal, regional district or other government authority (local government authority) to use the information contained in the ILECs Emergency 9-1-1 databases for the purpose of providing a Community Notification Service (CNS) in order to further enhance the safety of its citizens.
2. The applicant indicated that CNS is a telephone-based public alerting system which enables a local government authority, having responsibility for the provision of critical emergency services, to notify the citizens within its jurisdiction, by the delivery of a recorded telephone message warning of imminent danger to their life, health or property.
3. The applicant submitted that the ILECs' Emergency 9-1-1 databases were the most accurate sources of telephone numbers and current addresses for its citizens, since these databases included both the listed and unlisted telephone subscribers of all ILECs and competitive local exchange carriers (CLECs).
4. The applicant requested that the Commission render a decision on its application in order to rapidly establish CNS on a universal basis throughout Canada.
5. On 14 July 2004, the Commission received comments from Bell Canada, on behalf of itself, MTS Allstream Inc. (MTS Allstream) and Saskatchewan Telecommunications (SaskTel); TELUS Communications Inc. (TCI) and Aliant Telecom Inc. (Aliant Telecom) (collectively, the companies); the Office of the Privacy Commissioner of Canada (the Privacy Commissioner) and the Public Interest Advocacy Centre (PIAC). Reply comments were received from the

applicant on 30 July 2004. The Commission also received letters of support for the application from a number of entities, including the Federation of Canadian Municipalities and various emergency organizations from across Canada.

6. The companies generally did not object to the application, but stated that they were currently not permitted to provide access to the information contained in their Emergency 9-1-1 databases for CNS purposes for reasons of confidentiality of customer information under their respective Terms of Service or their applicable tariffs and associated agreements.
7. The companies noted that their Emergency 9-1-1 databases contained all of their customer records, and in some instances those of the CLECs and those of the small ILECs, which included confidential customer information such as names, addresses and telephone numbers of customers whose listings were not published in the white pages directories or listed in their directory assistance records.
8. The companies generally submitted that there were policy and operational considerations that needed to be addressed before the Commission could make a determination on the application. The companies submitted that it would be appropriate for the Commission to first consider and determine the policy issues and the appropriate framework for allowing access to the Emergency 9-1-1 databases for CNS purposes. The companies also submitted that the application would require that a thorough review of the possible technical, operational and economic factors involved with the proposed CNS be undertaken before any full-scale deployment could take place. The companies proposed that the Commission could refer any outstanding operational and technical details to an industry working group.
9. The Privacy Commissioner supported the intent of CNS, but stated that the information provided in the application was insufficiently detailed for a full understanding of the privacy implications.
10. PIAC was also favourable to the development of CNS, but expressed several concerns regarding the application, including the definition of 'emergency' used to invoke CNS and the privacy issues surrounding CNS.
11. Both the Privacy Commissioner and PIAC submitted that the issues raised by the application were of sufficient importance to warrant a public proceeding.
12. In reply, the applicant stated that in its view, the application was in compliance with the ILECs' Terms of Service and decisions of the Commission with regard to accessing the information contained in the ILECs' Emergency 9-1-1 databases.

### **Regulatory framework**

13. Section 47 of the *Telecommunications Act* (the Act) states that the Commission shall exercise its powers and perform its duties under the Act and any special Act with a view to, among other things, implementing the Canadian telecommunications policy objectives set out in section 7 of the Act. One of these policy objectives is to contribute to the protection of the privacy of persons.

14. In *9-1-1 service – Rates for wireless service providers, Centrex customers and multi-line customers / manual access to the automatic location identification database*, Telecom Decision CRTC 99-17, 29 October 1999 (Decision 99-17), the Commission underlined the importance that it attached to the protection of confidential customer information. At the same time, the Commission noted that the ability to obtain information quickly could make a critical difference in emergency situations. Consequently, the Commission determined that, on balance, it was in the public interest to permit manual access to the Automatic Location Identification database (Emergency 9-1-1 database) by the Public Safety Answering Points (PSAPs) operated by municipalities, or other governmental authorities responsible for the provision of emergency services, in certain limited circumstances with appropriate safeguards to address confidentiality concerns, and that those safeguards should be included in 9-1-1 agreements with municipalities.
15. In Decision 99-17, the Commission noted that the ILECs' Terms of Service contained provisions with respect to confidential information. The Commission noted however, that the approved General Tariff items for 9-1-1 service and the standard 9-1-1 agreements between the ILECs and the municipalities only permitted the disclosure of confidential customer information on a call-by-call basis for the sole purpose of responding to emergency calls.
16. In *Rates modified for province-wide 9-1-1 service*, Order CRTC 2000-630, 6 July 2000, the Commission considered that allowing emergency service operators other than the PSAPs operated by municipalities, or other governmental authorities, manual access to the Emergency 9-1-1 database would raise confidentiality and liability issues not contemplated in Decision 99-17.

### **Call for comments**

17. Having considered the application, comments received from the companies, PIAC, the Privacy Commissioner, all other comments received and the applicant's reply comments, the Commission considers that there is a need to carefully consider and balance the public safety benefits and the privacy concerns of subscribers whose confidential information is contained in the ILECs' Emergency 9-1-1 databases. The Commission also considers that the application could equally impact customers of the CLECs and other ILECs who were not made parties to the proceeding. Accordingly, the Commission considers that it is appropriate to initiate a broader public proceeding to consider the use of information contained in the ILECs' Emergency 9-1-1 databases for CNS purposes.
18. The Commission hereby initiates a proceeding to determine whether it is appropriate to permit the use of information contained in the ILECs' Emergency 9-1-1 databases for CNS purposes and, if so, to define the applicable circumstances of such use, including the safeguards and the framework, and any requirements to be imposed on the ILECs and CLECs.

### **Scope of the proceeding**

19. The Commission invites parties to comment on the following:
  - i) Should the Commission permit the use of information contained in the ILECs' Emergency 9-1-1 databases for CNS purposes?

Parties are invited to provide their views on any relevant privacy issues including whether, on balance, the value of CNS using the ILECs' Emergency 9-1-1 database information outweighs the privacy concerns of all the ILECs' and CLECs' customers.

ii) If the Commission were to permit the use of information contained in the ILECs' Emergency 9-1-1 databases for CNS purposes:

- a) Who should be authorized to request the use of information contained in the ILECs' Emergency 9-1-1 databases for CNS purposes, and what other entities should be involved with such a request?
- b) In what situations and circumstances should the information contained in the ILECs' Emergency 9-1-1 databases be used for CNS purposes?

Parties are invited to provide their views on what would be an acceptable definition of an emergency, specifying appropriate circumstances that would justify the use of information contained in the ILECs' Emergency 9-1-1 database information for CNS purposes.

- c) What information from the ILECs' Emergency 9-1-1 databases should be made available for CNS purposes?
- d) What additional safeguards, including any relevant terms and conditions, should be established in order to ensure that an individual's privacy is not unnecessarily compromised in the operation of CNS?
- e) How should CNS using information contained in the ILECs' Emergency 9-1-1 databases operate?

Parties are invited to provide their views on the operation of a CNS. For example, should the entities identified in a) above be given any access to the ILECs' Emergency 9-1-1 databases or should they solely be authorized to request the use of the information? How should a CNS message be disseminated to the public (i.e. by whom and using what system)? How and when should the potential entities identified in a) above interact with each other in order to provide a CNS? What requirements should be imposed on the ILECs and CLECs in the operation of CNS? Parties are invited to comments on any other CNS operational issues.

iii) Parties are further invited to provide comments on any other matters within the scope of this proceeding.

## **Procedure**

- 20. All ILECs and CLECs (collectively, the LECs), the County of Strathcona, the City of Fort Saskatchewan, the Association of Municipalities of Ontario, the City of Brandon, the New Brunswick – Department of Safety, Emergency Management Alberta, Emergency Management Ontario, the County of Essex and the City of Niagara Falls (collectively, the applicant), the Privacy Commissioner and PIAC are made parties to this proceeding.

21. All submissions received regarding the Part VII application requesting access to the ILECs Emergency 9-1-1 databases for the purpose of providing a community notification service, dated 14 June 2004, will be added to the record of this proceeding.
22. Other parties wishing to participate in this proceeding are required to notify the Commission of their intention to do so by **8 July 2005** (the registration date) and to provide their contact information. They are required to do so by contacting the Secretary General by mail at CRTC, Ottawa, Ontario, K1A 0N2, by fax at (819) 994-0218 or by e-mail at [procedure@crtc.gc.ca](mailto:procedure@crtc.gc.ca). They are to indicate in the notice their e-mail address where available. If such parties do not have access to the Internet, they are to indicate in their notice whether they wish to receive disk versions of hard copy filings.
23. The Commission will issue, as soon as possible after the registration date, a complete list of parties and their mailing address (including their e-mail address, if available), identifying those parties who wish to receive disk versions.
24. The Commission invites all parties to file written comments with the Commission with respect to the issues described above by **29 July 2005**, serving a copy on all other parties by that date. Parties should include with their comments any evidence that they consider necessary to support their arguments. This includes any research studies or other material that parties wish to refer to in this proceeding.
25. Any persons who wish merely to file written comments in this proceeding, without receiving copies of the various submissions, may do so by submitting their comments in writing to the Commission by **29 July 2005**.
26. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding.
27. This proceeding will have an interrogatory process. The Commission and the parties may address interrogatories to the LECs and to any party who filed comments pursuant to paragraph 24. Any such interrogatories must be filed with the Commission and served on the party in question by **9 September 2005**.
28. Responses to all interrogatories are to be filed with the Commission and served on all parties by **30 September 2005**.
29. Requests by parties for further responses to their interrogatories, specifying in each case why a further response is both relevant and necessary, and requests for public disclosure of information for which confidentiality has been claimed, setting out in each case the reasons for disclosure, must be filed with the Commission and served on all relevant parties by **7 October 2005**.
30. Written responses to requests for further responses to interrogatories and for public disclosure must be filed with the Commission and served on the party making the request by **14 October 2005**.

31. A determination with respect to requests for further information and public disclosure will be issued as soon as possible. Any information to be provided pursuant to that determination will be filed with the Commission and served on all parties by **28 October 2005**.
32. Parties may file written argument with the Commission, serving a copy on all other parties by **10 November 2005**.
33. Parties may file written reply argument with the Commission, serving a copy on all other parties by **18 November 2005**.
34. Where a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date.
35. Parties may file their submissions electronically or on paper. Submissions longer than five (5) pages should include a summary.
36. Each paragraph of submissions should be numbered.
37. Where the submission is filed by electronic means, the line **\*\*\*End of document\*\*\*** should be entered following the last paragraph of the document as an indication that the document has not been damaged during electronic transmission.
38. Please note that only those submissions electronically filed will be available on the Commission's website and only in the official language and format in which they are submitted.
39. The Commission also encourages parties to monitor the record of this proceeding (and/or the Commission's website) for additional information that they may find useful when preparing their submissions.

### **Important**

40. All information submitted, including your name, e-mail address, and any other information not submitted under a claim for confidentiality, will be posted on the Commission's website. Documents received in electronic format will be posted on the Commission's website exactly as you send them, and in the official language and format in which they are received. Documents not received electronically will be available in .pdf format.

### **Location of CRTC offices**

41. Submissions may be examined or will be made available promptly upon request at the Commission offices during normal business hours:

Central Building  
Les Terrasses de la Chaudière  
1 Promenade du Portage, Room 206  
Gatineau, Quebec J8X 4B1  
Tel: (819) 997-2429 - TDD: 994-0423  
Fax: (819) 994-0218

Metropolitan Place  
99 Wyse Road, Suite 1410  
Dartmouth, Nova Scotia B3A 4S5  
Tel: (902) 426-7997 - TDD: 426-6997  
Fax: (902) 426-2721

205 Viger Avenue West, Suite 504  
Montréal, Quebec H2Z 1G2  
Tel: (514) 283-6607

55 St. Clair Avenue East, Suite 624  
Toronto, Ontario M4T 1M2  
Tel: (416) 952-9096

Kensington Building  
275 Portage Avenue, Suite 1810  
Winnipeg, Manitoba R3B 2B3  
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Cornwall Professional Building  
2125 - 11th Avenue, Suite 103  
Regina, Saskatchewan S4P 3X3  
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10405 Jasper Avenue, Suite 520  
Edmonton, Alberta T5J 3N4  
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Secretary General

*This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*