



Compliance and Enforcement and Telecom Decision CRTC 2021-403

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Bell Canada – Application to allow Bell Canada and its affiliates to block certain fraudulent and scam voice calls on a permanent basis

The Commission **approves** Bell Canada’s application to allow Bell Canada and its affiliates (Bell Canada et al.) to transition its call-blocking mechanism from a trial to a permanent offering subject to the terms and conditions set out in this decision. In addition, the Commission **directs** Bell Canada et al. to file an annual report containing specific information related to its call-blocking mechanism.

Background

1. Given the essential role that telecommunications play in the lives of Canadians, and recognizing that fraudulent and scam calls pose a significant threat to Canadians and the Canadian telecommunications infrastructure, the Commission considers that protecting Canadians when accessing the telecommunications system is of fundamental importance. The Commission has recognized that a layered approach is required to achieve this objective and to that end, has conducted a number of proceedings to consider various measures to protect Canadians against unwanted, unsolicited, and illegitimate calls. For example, in Compliance and Enforcement and Telecom Regulatory Policy 2018-484, the Commission required Canadian carriers and other telecommunications service providers (TSPs) that provide voice telecommunications services to implement universal call blocking to the extent set out in that decision,¹ unless they offered call filtering solutions within the time frame prescribed for the implementation of universal call blocking. The Commission has also mandated the implementation of other measures to empower Canadians to protect themselves from nuisance calls that will allow for the authentication of caller identification information and for call tracing.²
2. In Compliance and Enforcement and Telecom Decision 2020-185, the Commission authorized Bell Canada and its affiliates (Bell Canada et al.) to conduct a 90-day

¹ That is, in cases where the caller identification purports that the call originates from a telephone number that does not conform to established numbering plans.

² See Compliance and Enforcement and Telecom Decisions 2018-32, 2021-123, and 2021-268.

trial (the trial) to block certain known and verified fraudulent and scam voice telephony calls (hereafter, fraudulent calls) received or transmitted from, to, or over their networks, subject to a series of conditions.³ As per that decision, a fraudulent call is a voice telecommunications call that attempts, by deceit, falsehood, or other fraudulent means, to defraud a person, organization, or the public of any property, money, valuable security, or any service.

3. While the call-blocking mechanism trial request was still under review, the Commission authorized Bell Canada et al. to use the call-blocking mechanism to specifically block Wangiri-type fraudulent calls⁴ in Compliance and Enforcement and Telecom Decision 2020-125.
4. The call-blocking system leverages artificial intelligence (AI) to analyze telecommunications traffic to flag anomalies that suggest possible fraudulent activity. These anomalies are then subject to review and if fraudulent activity is verified, Bell Canada et al. would block subsequent related calls associated with the anomalous activity at the network level. The call-blocking system comprises safeguards to reduce the risk of legitimate numbers being blocked (false positives).
5. Given that the call-blocking system is implemented at a network-wide level, every call originating on, terminating on, or transiting through Bell Canada et al.'s networks are subject to analysis and potential blocking. Only voice calls are subject to this system; text messages and other telecommunications are not affected.
6. In approving the trial, the Commission required, among other things, that Bell Canada et al. put in place a redress mechanism to deal with the potential false positives. Under this redress mechanism, Bell Canada et al. must, among other things, notify TSPs of the contact information to submit complaints, maintain a 24-hour turnaround time to resolve the issue, and unblock numbers when the false positive is confirmed.

Application

7. On 25 September 2020, Bell Canada et al. filed an application seeking the Commission's approval, pursuant to section 36 of the *Telecommunications Act* (the Act), to permanently block verified fraudulent calls received or transmitted from, to, or over, their networks using the same call-blocking methodology approved by the

³ The Commission approved an extension to the duration of the trial in Compliance and Enforcement and Telecom Decision 2020-353.

⁴ Wangiri-type fraudulent calls are calls made in huge volume mostly to mobile wireless service subscribers and appear to originate from overseas. The telephone receiving the call is allowed to ring only once or twice, in the hope that the recipient will be intrigued enough to call back the number appearing on their call display. When they do, the payment structure for the processing of the overseas call results in the fraudulent actors receiving a payment.

Commission in Compliance and Enforcement and Telecom Decisions 2020-125 and 2020-185, subject to several modifications, described below.

8. Specifically, Bell Canada et al. considered that
 - they should be given some flexibility to be able to adjust the call-blocking system so that the algorithm used can be refined to increase the detection rates;
 - the redress mechanism for false positives should be maintained, but a different methodology should be used that would eliminate the need for the 24-hour deadline for resolving false positives that was imposed by the Commission, which included reporting the resolution of the false positive allegation to the Commission;
 - the unblocking measures should be modified to help prevent bad actors from thwarting the system; and
 - the frequency and content of the call-blocking report should be modified by replacing the monthly report requested in Compliance and Enforcement and Telecom Decision 2020-185 with annual reports, starting within 30 days from the date of the approval of this proposal. The report would include
 - the total number of blocked calls per month;
 - a breakdown of the monthly blocked calls (calls terminating on Bell Canada et al.'s networks versus those transiting); and
 - fewer statistics regarding the unblocking of calls than the statistics reported during the trial as requested in the 22 June 2020 [confidential letter](#) sent to Bell Canada et al.
9. Bell Canada et al. proposed to continue to
 - use the same definition of fraudulent calls that the Commission approved in Compliance and Enforcement and Telecom Decision 2020-185;
 - block calls transiting their network (Bell Canada et al. indicates that 38% of the calls blocked were transiting calls); and
 - comply with the condition limiting the use of data solely for blocking purposes.
10. Bell Canada et al. designated significant portions of their application as confidential under section 39 of the Act. In Compliance and Enforcement and Telecom Decision 2021-141, the Commission issued (i) its determinations regarding Bell Canada et al.'s claims for confidentiality; (ii) directed Bell Canada et al. to file for the public record abridged versions of their monthly trial reports submitted to the Commission,

excluding the attachments; and (iii) directed Bell Canada et al. to respond to certain requests for information (RFIs).

11. Consistent with the approach adopted in Compliance and Enforcement and Telecom Decision 2020-7, the Commission upheld the claims of confidentiality for disaggregated, technical, or otherwise proprietary information regarding the call-blocking system. In addition, Bell Canada et al. was required to disclose to signatories of a non-disclosure agreement (NDA) certain confidential information that it did not consider to be of a detailed, technical, or otherwise proprietary nature but that could not be placed on the public record because it could be used by bad actors to thwart Bell Canada et al.'s proposed call-blocking mechanism.
12. In support of their application, Bell Canada et al. submitted that the trial has demonstrated the overwhelming benefits of their call-blocking system, given (i) the number of calls blocked; (ii) the fact that there were no confirmed instances of false positives being blocked; and (iii) the significant reduction in the number of complaints they received since the beginning of the trial.
13. With regard to false positives, Bell Canada et al. submitted that there are different ways by which TSPs could find out that the telephone number of one of their customers has been mistakenly blocked. In the case of a Bell Canada et al. customer, a busy tone will be heard every time they try to call a blocked number, which will most likely result in the customer contacting Bell Canada et al. to resolve the issue. The situation is more complex in the case of a customer of another TSP, who will hear a busy tone only when trying to reach numbers that require the calls to be routed through Bell Canada et al.'s network. This might lead this customer to contact their TSP, which, through standard internal and inter-TSP troubleshooting and investigation procedures, should be able to trace back the issue to blocking by Bell Canada et al.
14. While Bell Canada et al. notified TSPs when the trial started, given the network layer at which the blocking occurs, Bell Canada et al. does not notify on a case-by-case basis the TSP of the originator or the intended recipient of a call that the call has been blocked.
15. The following parties were considered eligible to sign the NDA with Bell Canada et al.: Marc Nanni; Cogeco Communications Inc. (Cogeco); Competitive Network Operators of Canada (CNOC); Quebecor Media Inc., on behalf of Videotron Ltd.; Rogers Communications Canada Inc.; Shaw Communications Inc.; TekSavvy Solutions Inc. (TekSavvy); and Telus Communications Inc. (TCI). All eligible parties with the exception of CNOC signed the NDA.
16. The Commission received interventions from Dr. Fenwick McKelvey and Dr. Reza Rajabiun (who did not sign the NDA and filed a procedural request in addition to their submission), Marc Nanni, TCI, and TekSavvy.

Procedural request

17. By letter dated 2 October 2020, Dr. McKelvey and Dr. Rajabiun requested that the Commission require Bell Canada et al. to provide, on the public record, an independently commissioned Privacy Impact Assessment (PIA) and an Algorithmic Impact Assessment (AIA). In response, the Commission, in Compliance and Enforcement and Telecom Decision 2021-141, ruled that it was neither necessary nor appropriate to direct Bell Canada et al. to undertake these assessments at that time. However, it addressed an RFI to Bell Canada et al. asking whether Bell Canada et al. had undertaken a PIA or an AIA of the proposed system, and if not, why not. In their reply, Bell Canada et al. indicated that (i) they performed their own privacy assessment, and that they are confident that the privacy safeguards described to the Commission and built into the system meet or exceed privacy best practices and the requirements of the Personal Information Protection and Electronic Documents Act (PIPEDA); and that (ii) they have not undertaken an AIA because the flagged anomalies are then subject to review, and safeguards have been put in place to reduce the number of false positives.
18. By letter dated 21 May 2021, Dr. McKelvey and Dr. Rajabiun requested that the Commission audit Bell Canada et al.'s call-blocking tool for the purpose of conducting an independent PIA and an independent AIA of the system and place them on the public record of this process. In Dr. McKelvey and Dr. Rajabiun's view, impact assessments are critical accountability tools that create public confidence in automated decision making and should be required as a precondition to adopting any automated tools designed to monitor and determine what content telecommunications customers receive. In their opinion, the assessments would help identify potential harms before they manifest.
19. In their intervention, Dr. McKelvey and Dr. Rajabiun requested that the Commission suspend the process until it has either rejected their procedural request or conducted a PIA and AIA of Bell Canada et al.'s call-blocking system and placed the results of these assessments on the public record. They submitted that the responses to RFIs by Bell Canada et al.⁵ validate some of their concerns regarding the potential impact of network-level blocking on the reliability of Canada's communications system and on the privacy of Canadians.
20. TekSavvy submitted that the Government of Canada's Directive on Automated Decision-Making (the Directive) ensures that Automated Decision Systems used by the Government of Canada to recommend or make an administrative decision about a client are deployed in a manner that reduces risks to Canadians and federal institutions, and leads to more efficient, accurate, consistent, and interpretable decisions made pursuant to Canadian law. The Directive stipulates that an AIA must be completed prior to the production of any Automated Decision System.

⁵ Bell et al.(CRTC)27Apr21-1,2,3,4,5 CETD 2021-141

21. TekSavvy submitted that the Commission should require Bell Canada et al. to complete an AIA for their call-blocking system as part of its process to determine whether it should be approved. More generally, TekSavvy proposed that the Commission provide TSPs with a regulatory framework, incorporating the Directive and AIA tool, on how TSPs can use artificial intelligence or machine learning in telecommunications services.

Positions of parties

Interveners

22. TekSavvy recommended that the Commission only approve Bell Canada et al.'s call-blocking measures for an additional period of one year. During that time, the Commission would launch a proceeding to address the matter of machine learning as a tool for call-blocking and/or more broadly in provisioning telecommunications services with the objective of developing a regulatory framework. Once such a framework has been finalized, Bell Canada et al. would then be able to apply that framework to their call-blocking measures.
23. TekSavvy raised concerns over Bell Canada et al.'s transparency toward their customers and other TSPs, the lack of notification to Bell Canada et al.'s customers and other TSPs when their incoming or outgoing calls have been impacted or blocked, and the failure to provide advance notification to Bell Canada et al.'s customers about the call-blocking mechanism. Furthermore, given that calls transiting (without originating from or terminating on) Bell Canada et al.'s network can also be blocked, TekSavvy submitted that it is likely directly impacted by Bell Canada et al.'s proposed novel call-blocking mechanism. Finally, TekSavvy added that Bell Canada et al. is seeking approval for some minor added flexibility to the call-blocking mechanism approved for trial, but that it is unclear what the impact would be if Bell Canada et al. change any of the parameters related to their current call-blocking efforts.
24. Dr. McKelvey and Dr. Rajabiun also submitted that the public record in this proceeding is limited due to the Commission rulings that enable Bell Canada et al. to (i) keep in confidence some information regarding their call-blocking system and (ii) share other information only to the signatories of an NDA. As a result, the Commission would have to rely solely on confidential information to make its determination and would thus not be in a position to publicly defend and justify its ruling on this proceeding. Dr. McKelvey and Dr. Rajabiun submitted that such a level of non-disclosure is inconsistent with established processes at the Commission and best practices in administrative law. They added that the use of NDAs in public proceedings is inconsistent with basic objectives of Parliament in requiring open public proceedings and evidence-based administrative decision making.
25. Regarding the identification of false positives, Dr. McKelvey and Dr. Rajabiun submitted that the process is neither user-friendly nor streamlined, and that Bell Canada et al. shifts the onus and the costs of identifying false positives to other

carriers and customers. They argued that a zero false positive rate is likely a function of the cumbersome complaint process, and that the error rate could be dramatically underreported.

26. Finally, Dr. McKelvey and Dr. Rajabiun argued that because the Commission has already authorized the implementation of the call-blocking system and it is currently operational, Bell Canada et al. did not demonstrate why its permanent authorization is necessary.
27. TCI supported the application in general, with the provision that one amendment, discussed below, be made to Bell Canada et al.'s proposed new process for addressing false positives. TCI is satisfied that Bell Canada et al. are taking all reasonable measures to ensure that calls are fraudulent in nature before blocking them. It considered that the number of calls blocked and the absence of false positives indicate that the system is beneficial to the public, and thus, sees no reason why Bell Canada et al. should not be permitted to continue to apply this process unless the number of false positives starts to trend upwards.
28. TCI partially supported Bell Canada et al.'s new proposed process for investigation and reporting of complaints regarding false positives, but raised concerns that this new process could result in legitimate numbers not being unblocked after reception of the complaint (or result in complaints of false positives not being properly resolved) and proposed an alternative process.
29. Marc Nanni strongly opposed Bell Canada et al.'s call-blocking system, citing a variety of reasons. Marc Nanni considers that (i) the call-blocking system collects personal data that can be used for commercial gain; (ii) the proceeding lacks transparency and accountability due to the scope of confidentiality and the use of NDAs; (iii) legitimate, critical, and important calls could be blocked; (iv) the call-blocking system violates the [Wireless Code](#), and (v) the application of AI and a call-blocking mechanism to all users instead of true bad actors is not appropriate. Marc Nanni thus considers that Bell Canada et al.'s mechanism deprives him of his basic rights. He commented on other topics, such as STIR [Secure Telephone Identity Revisited]/SHAKEN [Signature-based Handling of Asserted information using toKENs] and the Canadian Secure Token Governance Authority (CST-GA).

Bell Canada et al.'s reply

30. Regarding the request for an AIA, Bell Canada et al. argued that given that the present situation is not that of a government-run procurement in which Bell Canada et al. proposes to offer AI services to the Government of Canada, the Directive and the associated AIA do not apply. Bell Canada et al. submitted that even if this were a case of government procurement, the plain language of these policy documents render them inapplicable. Bell Canada et al. added that the Commission understood that the need for an AIA would become moot once NDA-signatory interveners signed the NDA and gained access to a critical piece of information.

31. Concerning the interveners' comments about privacy risks and a PIA, Bell Canada et al. argued that their system does not collect personal information as defined under privacy law, but rather, analyzes aggregate data that does not relate to or identify individuals. The system therefore does not give rise to privacy concerns.
32. Bell Canada et al. submitted that the Commission has already vetted the security controls applied to the data collected and analyzed as part of the call-blocking system. They noted that during the proceeding leading to Compliance and Enforcement and Telecom Decision 2020-185, the Commission sent multiple RFIs to Bell Canada et al. related to security and privacy. Bell Canada et al. added that the Commission indicated in that decision that it was satisfied with the measures in place for the protection of confidential information. These measures included a condition in the approval of the trial that Bell Canada et al. could not use or disclose any personal or otherwise confidential information used to detect fraudulent calls for any purpose other than implementing the trial of the call-blocking system approved in that decision. Bell Canada et al. agreed to the continued application of this condition and would therefore keep all of the safety measures of the trial in place.
33. Regarding the interveners' concerns about the risk of blocking legitimate telephone calls, Bell Canada et al. pointed out that necessary measures are taken during the review of the anomalies. Bell Canada et al. also disagreed that the process a TSP would have to go through to realize that the number of one of their customers is being mistakenly blocked is opaque and cumbersome. They submitted that the process described in their RFI responses⁶ is standard telecommunications industry-wide and an established long-standing trouble resolution process.
34. Concerning TCI's suggestion, in the case of false positive complaints, Bell Canada et al. submitted that they have committed to expand the scope of their investigation, including with good faith attempts to reinvestigate. Bell Canada et al. are concerned that TCI's suggestion would provide bad actors a way to evade the blocking mechanism.
35. Bell Canada et al. further submitted that they consider the risk of false positives to be extremely low, and that their commitment to provide the Commission with a report on every false positive complaint within two business days of the complaint will provide the Commission with timely oversight and the ability to resolve any false positive disputes. Thus, instead of adopting TCI's suggestion, Bell Canada et al. proposed a modification to their original proposal regarding false positives.
36. In response to the criticisms that using NDAs creates a lack of transparency in the public proceeding, Bell Canada et al. submitted that the Commission has already concluded it has the requisite jurisdiction and necessary legal authority under subsection 39(4) of the Act to allow for the type of selective disclosure enabled by the NDA where it serves the public interest. Bell Canada et al. argued that it is

⁶ Bell et al.(CRTC)10Dec20-1

appropriate to ensure that only responsible interested parties be afforded the opportunity to sign the NDA to ensure the confidential information does not fall into the hands of bad actors.

37. Bell Canada et al. disagreed that the NDA serves to intimidate potential interveners from criticizing the merits of the application and indicated that the NDA specifically states that signatories are free to use the confidential information solely for the purpose of comment on the application.
38. Bell Canada et al. requested that all other miscellaneous arguments be rejected by the Commission. Notably, they submitted that the precaution taken during the review of the anomalies will result in a nil risk of blocking critical calls.
39. Finally, Bell Canada et al. submitted that they do not have any plans to inform their customers about the call-blocking system because they see no benefit from making such an announcement.⁷ They added that the blocking mechanism being considered in this proceeding does not require any action from their customers. This is in contrast to universal call blocking, which required consumers to be informed, given the importance of changing any of their non-conforming calling line identifiers so that their outbound calls would not be blocked.

Commission's analysis and determinations

Procedural matters

40. With regard to the request that Bell Canada et al. produce a PIA and the related privacy concerns described above, the Commission notes that during the proceeding leading to the approval of the call-blocking trial, it addressed a number of RFIs to Bell Canada et al. in relation to privacy concerns, and many interveners raised potential privacy issues in their submission. The RFI responses were included on the record of the current proceeding.
41. As the Commission stated in Compliance and Enforcement and Telecom Decision 2020-185, the data that Bell Canada et al. uses in the call-blocking system is obtained and retained by Bell Canada et al., like all other TSPs, as a matter of course to provide telecommunications services and operate telecommunications infrastructure. Furthermore, Bell Canada et al.'s collection, use, and disclosure of any such information for the purpose of their proposed call-blocking system is subject to their existing regulatory and legal obligations regarding the collection, use, and disclosure of personal and other confidential information. Finally, given the novel manner in which the information would be used to detect fraudulent calls, Bell Canada et al. was not permitted to use or disclose such information for any purpose other than implementing the trial of the call-blocking system approved in

⁷ Bell et al.(CRTC)10Dec20-1

that decision. The Commission was thus satisfied that the measures in place for the protection of personal or otherwise confidential information were sufficient.

42. As noted above, Bell Canada et al. proposed to use the same call-blocking mechanism, with the exception of the modifications explained above in paragraphs 8 and 35, for the permanent call-blocking mechanism, and to subject their use of the data to the same process, rules, and safeguards as in the trial. In light of all of the above, the Commission considers that its review of the call-blocking system is sufficient to address any privacy concerns for the purposes of the Act, and that a separate PIA is not necessary for these purposes.
43. Regarding the proposed requirement for Bell Canada et al. to perform an AIA on their call-blocking system, the Commission notes that the Directive and the associated AIA do not apply to the call-blocking mechanism because it is deployed by Bell Canada et al. on their own initiative and on their own networks.
44. In any event, the Commission considers that an AIA is neither necessary nor appropriate in the present case. The Commission notes that the purpose of the AIA described in the Directive is to evaluate the impact of an AI system before its deployment in order to assess risks and detect issues in advance, and that this is typically the purpose for AIAs being used in the private sector. In addition, Bell Canada et al.'s call-blocking system has been the subject of multiple Commission proceedings, which have generated an extensive record. Moreover, Bell Canada et al. has filed monthly reports on the results of the trial since its implementation in July 2020, and these reports have been made available on an aggregate basis to NDA signatories.
45. The proceedings have thus afforded the Commission, as well as interested parties, the opportunity to examine, among other things, the system's impact on other TSPs and on customers, the type of data monitored by the AI, and the risk of false positives. The Commission considers that its public proceedings have afforded a sufficient opportunity to assess the risks and issues associated with the AI being used by Bell Canada et al. in their call-blocking system. The Commission considers that it is unlikely that conducting an AIA at this point would provide any new meaningful information for the purpose of determining whether approval of the call-blocking system is appropriate.
46. Furthermore, given the unique nature of the current application and the fact that the Commission has not received other applications requiring its consideration of the use of AI within a TSP's telecommunications network, the Commission does not consider there is any need for regulatory framework regarding the use of AI at this time.
47. As a result, the Commission **denies** Dr. McKelvey and Dr. Rajabiun's request to have an AIA and a PIA performed on Bell Canada et al.'s call-blocking system.

Applicants' request for approval pursuant to section 36 of the Act

48. The Commission notes that both during the trial and the current proceeding, it made multiple confidentiality rulings. The Commission maintained the confidentiality of Bell Canada et al.'s proprietary or commercially sensitive information. At the same time, it allowed for the disclosure of certain other confidential information to interveners who signed an NDA. This approach afforded interveners a meaningful opportunity to participate in the proceeding, while preventing the harm that would be caused by making the information available on the public record and accessible for use by bad actors wishing to undermine the proposed system. The Commission considers that its approach is in the public interest and consistent with principles of procedural fairness.
49. Pursuant to section 36 of the Act, a Canadian carrier cannot “control the content or influence the meaning or purpose of telecommunications carried by it for the public” except where the Commission approves otherwise. The Commission has previously expressed the view that the requirement to obtain approval pursuant to that section arises when a carrier seeks to block calls.⁸ The Act does not set out parameters to guide the Commission's exercise of this discretionary power, aside from the generally applicable requirements that it exercise its authority (i) with a view to implementing the telecommunications policy objectives set out in section 7 of the Act, and (ii) in compliance with the 2006 Policy Direction⁹ and the 2019 Policy Direction¹⁰ (collectively, the Policy Directions).
50. In considering whether to approve the call-blocking trial in Compliance and Enforcement and Telecom Decision 2020-185, the Commission stated that successfully blocking verified fraudulent calls would benefit Canadians and telecommunications networks and would therefore be in the public interest. The Commission was satisfied that the benefits of the proposed trial would outweigh any of the concerns raised, and that the proposed call-blocking mechanism was sufficiently tailored to minimize any valid concerns.
51. Based on the reports filed with the Commission, Bell Canada et al.'s call-blocking system successfully blocked 1,120,372,443 calls since it became operational on 15 July 2020 until the end of the 16th reporting period on 16 October 2021. The Commission considers that the fact that the call-blocking mechanism has successfully blocked over one billion fraudulent calls with no confirmed false positives constitutes significant evidence of the capability of Bell Canada et al.'s

⁸ See Compliance and Enforcement and Telecom Regulatory Policy 2016-442.

⁹ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

¹⁰ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, 17 June 2019

call-blocking system to serve the public good by preventing the harm that could result if those calls were to reach Canadians. Moreover, the significant reduction in the number of complaints regarding fraudulent calls received by Bell Canada et al. and the Commission since the beginning of the trial serves as another indicator of the positive results of Bell Canada et al.'s call-blocking system.

52. The Commission recognizes that the fact that there were no false positives confirmed throughout the trial does not necessarily mean that there were in fact no false positives. The Commission reviewed the specific mechanisms and procedures used by Bell Canada et al. to identify and confirm fraudulent calls prior to blocking any such call. On the basis of this review—aspects of which were filed in confidence but disclosed to NDA signatories—the Commission is satisfied that the risk of false positives, if any, is extremely low.
53. Given the low to non-existent risk that legitimate calls will be affected, the Commission does not consider that there is any need for Bell Canada et al. to notify their customers of their call-blocking system. This is because there is no action that their customers would need to take to ensure that their legitimate calls are not blocked. Further, Bell Canada et al. maintain client support and technical problem resolution services that customers can access to address any problems with their telephone services.
54. Furthermore, the Commission is satisfied that the procedures proposed by Bell Canada et al. in this application are appropriate for addressing complaints concerning blocked calls in an efficient and effective manner. Bell Canada et al. must advise all TSPs of the existence of their call-blocking mechanism and provide contact information to which they can report false positives. The Commission considers that no additional measures are necessary to facilitate the reporting of complaints about false positives by TSPs.
55. With regard to the procedures for addressing false positive complaints, the Commission considers that Bell Canada et al.'s proposal will make the existing process more robust, and that TCI's suggestion for improvements are not necessary for an efficient and effective process. In the event that a false positive is confirmed, the Commission considers that the redress mechanisms will be effective in resolving any false positives fairly, swiftly, and comprehensively. As noted in Compliance and Enforcement and Telecom Decision 2020-185, these procedures and redress mechanisms would ensure that repeated false positive events do not occur. Lastly, the Commission considers that the new unblocking measures suggested by Bell Canada et al. would improve the system because they would make it more difficult for bad actors to thwart the system.

56. The Commission considers that a number of other comments made on the record are out of scope of this proceeding and are therefore not addressed in this decision.¹¹

Conclusion

57. In light of all of the above, the Commission finds that the concerns raised by interveners do not justify denying the proposal to transition the trial of the call-blocking mechanism into a permanent phase. The Commission considers that the significant benefits of Bell Canada et al.'s call-blocking system in protecting Canadians from the harm associated with fraudulent calls, as well as protecting the telecommunications network in general, overwhelmingly outweighs the concerns raised, including in particular the low to non-existent risk of having legitimate calls blocked.
58. Accordingly, the Commission concludes that approving Bell Canada et al.'s call-blocking proposal pursuant to section 36 of the Act would be consistent with the telecommunications policy objectives set out in the Act and would serve the public interest.
59. The Commission recognizes that Bell Canada et al. may need to modify the algorithm over time to allow the system to become more efficient and adapt to the changing behaviour of bad actors, and the Commission's approval herein allows for such necessarily incidental adjustments. The Commission's approval does not, however, encompass any modifications to the fundamental structure of the call-blocking mechanism set out in this decision, and in particular, to the measures Bell Canada et al. currently have in place to ensure they do not block false positives. The Commission is satisfied that it has the necessary oversight, through Bell Canada et al.'s reporting duties (see paragraph 63 of this decision) to ensure that any modifications made by Bell Canada et al. to their algorithm fall within the scope of this decision.
60. Regarding ongoing oversight of the call-blocking system, the Commission considers that monthly reports are no longer necessary and would constitute an inappropriate level of administrative burden and Commission oversight, particularly given the positive results of the trial. The Commission is satisfied that annual reports will be sufficient. Furthermore, the Commission considers that a list identifying the actual numbers blocked is no longer necessary. Given the concerns raised by Bell Canada et al. regarding the average time between a number being flagged and subsequently

¹¹ These comments relate to personal data used by the CST-GA and the use of the "OririgID" STIR/SHAKEN parameters; compliance with the terms of the NDA; which branches of Commission staff should deal with call-blocking proceedings; a proposal for the Commission to create, within a month, an AI incident database; a proposal for a citizen oversight committee to monitor both the CST-GA and the Commission; and a request by an intervener for monetary compensation for intrusions into his confidential affairs and life.

blocked, the Commission considers that the annual report should include this new metric.

61. Accordingly, the Commission **directs** Bell Canada et al. to file an annual report containing the information set out below in paragraph 63. The first annual report described in subparagraph (a) below must be filed 12 months from the date of this decision. In addition, the Commission maintains the requirement imposed in Compliance and Enforcement and Telecom Decision 2020-185 that Bell Canada et al. file other information that the Commission may request from time to time.
62. The Commission therefore **approves**, pursuant to section 36 of the Act, the implementation by Bell Canada et al. of their call-blocking system described on the record of this proceeding subject to the terms and conditions set out below. Consistent with its determinations in Compliance and Enforcement and Telecom Decision 2021-141, the Commission has retained in confidence certain details in the conditions set out below that would reveal confidential information concerning Bell Canada et al.'s call-blocking system. These details are set out in a separate letter to Bell Canada et al. (hereafter, the confidential letter) to be disclosed to the interveners who signed an NDA pursuant to the process set out in Compliance and Enforcement and Telecom Decision 2021-141.
63. The conditions of approval are as follows:
 - a) Bell Canada et al. must file annually a report containing the following information for the 12 months preceding the report:
 - i. the total number of blocked calls per month
 - ii. a breakdown of monthly blocked calls showing calls terminating versus calls transiting on Bell Canada et al.'s networks
 - iii. for each month, the average time between the detection of an anomaly and the blocking of a call
 - iv. the information described in paragraph 1 of the annex of the confidential letter
 - b) Bell Canada et al. must notify the Commission of any changes made to the AI system, including changes described in paragraph 2 of the annex of the confidential letter, within **60 days** of any such change, by way of a letter addressed to the Commission's Chief Compliance and Enforcement Officer.
 - c) Within the first **30 days** of the issuance of this decision, Bell Canada et al. must notify TSPs offering voice telecommunications services of the telephone number and email address for TSPs to use to submit complaints or notices of possible false positives. This notification must inform the TSPs of the service standard outlined in subparagraph (d) below. Bell Canada et al. must notify TSPs of any changes to the telephone number and email address prior to implementing any such change.

- d) Within **two business days** of receipt of a false positive complaint, Bell Canada et al. must provide a report, in accordance with the instructions in paragraph 3 of the annex of the confidential letter, to the relevant complainant TSP and to the Commission, regardless of the outcome of the complaint.
- e) Bell Canada et al. must implement the unblocking measures specified in paragraph 4 of the annex of the confidential letter.
- f) Bell Canada et al. must not use or disclose any personal or otherwise confidential information used to detect fraudulent calls for any purpose other than implementing the call-blocking system approved in this decision.
- g) Upon request by the Commission, Bell Canada et al. must provide any additional data or reports in relation to the approved call-blocking system within a time frame that may be determined by the Commission.

Policy Directions

64. The Policy Directions state that the Commission, in exercising its powers and performing its duties under the Act, shall implement the policy objectives set out in section 7 of the Act in accordance with the considerations set out therein, and should specify how its decisions can, as applicable, promote competition, affordability, consumer interests, and innovation.
65. As noted above, the call-blocking mechanism proposed by Bell Canada et al. in this proceeding, as approved in this decision, is an efficient, effective, and innovative tool that will serve to protect Canadians from the harms of fraudulent calls and protect the integrity and efficiency of telecommunications networks. To the extent that the mechanism applies equally to competitors' traffic transiting on Bell Canada et al.'s networks, it operates in a competitively neutral manner. Moreover, the Commission's approval of this mechanism pursuant to section 36 of the Act would advance the policy objectives set out in paragraphs 7(a), (b), (c), (f), (h), and (i) of the Act.¹²

Secretary General

¹² The cited policy objectives are 7(a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions; 7(b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada; 7(c) to enhance the efficiency and competitiveness, at the national and international levels, of Canadian telecommunications; 7(f) to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective; 7(h) to respond to the economic and social requirements of users of telecommunications services; and 7(i) to contribute to the protection of the privacy of persons.

Related documents

- *CISC Network Working Group Consensus Report – Canadian traceback trial report*, Compliance and Enforcement and Telecom Decision CRTC 2021-268, 5 August 2021
- *Bell Canada – Procedural and confidentiality ruling on application by Bell Canada and its affiliates to permanently block certain fraudulent and scam voice calls*, Compliance and Enforcement and Telecom Decision CRTC 2021-141, 27 April 2021
- *STIR/SHAKEN implementation for Internet Protocol-based voice calls*, Compliance and Enforcement and Telecom Decision CRTC 2021-123, 6 April 2021
- *Bell Canada – Request to extend its trial to block certain fraudulent and scam voice calls*, Compliance and Enforcement and Telecom Decision CRTC 2020-353, 9 October 2020
- *Bell Canada – Application to allow Bell Canada and its affiliates to block certain fraudulent and scam voice calls on a trial basis*, Compliance and Enforcement and Telecom Decision CRTC 2020-185, 9 June 2020
- *Bell Canada – Application to block Wangiri fraud calls*, Compliance and Enforcement and Telecom Decision CRTC 2020-125, 16 April 2020
- *Application to allow Bell Canada and its affiliates to block certain fraudulent voice calls on a trial basis – Requests for disclosure of information filed in confidence and motion for a non-disclosure agreement*, Compliance and Enforcement and Telecom Decision CRTC 2020-7, 17 January 2020
- *Implementation of universal network-level blocking of calls with blatantly illegitimate caller identification*, Compliance and Enforcement and Telecom Regulatory Policy CRTC 2018-484, 19 December 2018
- *Measures to reduce caller identification spoofing and to determine the origins of nuisance calls*, Compliance and Enforcement and Telecom Decision CRTC 2018-32, 25 January 2018; as amended by Compliance and Enforcement and Telecom Decisions CRTC 2018-32-1, 24 October 2018; and 2018-32-2, 18 December 2018
- *Empowering Canadians to protect themselves from unwanted unsolicited and illegitimate telecommunications*, Compliance and Enforcement and Telecom Regulatory Policy CRTC 2016-442, 7 November 2016