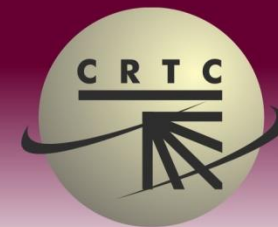




Conseil de la radiodiffusion et des
télécommunications canadiennes

Canadian Radio-television and
Telecommunications Commission



Canadian Radio-television and Telecommunications Commission

CRTC
ESPC 2016

Canada



Disclaimer

This presentation has been prepared by Commission staff to provide general information with respect to Canada's Anti-spam Legislation. This material is not to be considered legal advice nor is it binding on the Commission itself. Further, it does not reflect an interpretation of CASL and/or its accompanying regulations by the Office of the Privacy Commissioner, the Competition Bureau or Industry Canada.



Highlights

- CRTC
 - Compliance and Enforcement Sector
- Canada's Anti-spam Legislation
- International Agreements and Industry Collaboration
- Compliance and Enforcement Update
 - Compliance Continuum
 - Warning Letters, Citations and Undertakings
 - SME Assistance
- Spam Reporting Centre
 - Case Selection
 - Submissions from Canadians






What is the CRTC?

- An administrative tribunal that regulates and supervises broadcasting and telecommunications in Canada.
 - An administrative tribunal is a specialized governmental agency established under legislation to implement legislative policy.

Derives its regulatory authority from the following Acts of Parliament:

- the Canadian Radio-television and Telecommunications Commission Act, 1985
- the *Broadcasting Act*, 1991
- the *Telecommunications Act*, 1993 and
- the *Canada Elections Act*, 2000
- **Canada's Anti-spam Legislation (CASL), 2014**

Overview of CASL - Legislative roles

Administration	Violation	Addressing
<p>CRTC</p> 	<p>The legislation includes violations respecting:</p> <ul style="list-style-type: none"> • sending of commercial electronic messages (CEMs) without consent • alter transmission data in the course of a commercial activity without consent • Installing a computer program in the course of a commercial activity without consent 	<ul style="list-style-type: none"> • Spam (s.6) • Botnets (s.8) • Malware (s.8) • Network re-routing (s.7)
<p>Competition Bureau (CB)</p> 	<p>Amends the <i>Competition Act</i> to include violations respecting:</p> <ul style="list-style-type: none"> • Misleading and deceptive practices/ representations, including false headers, subject lines, etc... 	<ul style="list-style-type: none"> • False or misleading representations online (incl. websites and addresses)
<p>Office of the Privacy Commissioner (OPC)</p> 	<p>Amends <i>Personal Information Protection and Electronic Documents Act (PIPEDA)</i> to include contraventions involving:</p> <ul style="list-style-type: none"> • The collection and use of personal address information without consent • The collection of personal information by illegally accessing, using, or interfering with computer systems 	<ul style="list-style-type: none"> • Address harvesting (steal email contacts) • Dictionary attacks (Systematically guessing email addresses to spam) • Spyware (Personal Info)



Levels of Arrangements

Type of Arrangement	Purpose	Examples
Formal one-off Letter *Authority under s.60 of CASL	Case-by-Case basis	To request information related to a specific ongoing case
Memorandum of Understanding *Authority under s.60 of CASL	Agency to Agency	CRTC entering into an agreement related to ongoing information sharing with respect to enforcement of similar mandates (CRTC and FTC MOU)
Free Trade Agreements *Authority does not exist under CASL	State-to-State arrangements	Canada-Korea Free Trade Agreement



CRTC - FTC MOU Agreement

- On 24 March 2016, CRTC signs partnership agreement with U.S. Federal Trade Commission to fight unlawful spam and unsolicited telecommunications
- This covers authority under Canada's Anti-Spam Legislation and CRTC's Unsolicited Telecommunications Rules
- The MOU outlines the levels of assistance, information confidentiality and data retention
- The MOU further reiterates the longstanding cooperation between the FTC and CRTC under each agencies respective Do Not Call Regime

A decorative graphic in the top-left corner featuring a globe with latitude and longitude lines, partially obscured by several overlapping, curved lines in shades of blue and purple that sweep across the top of the slide.

Working with Industry

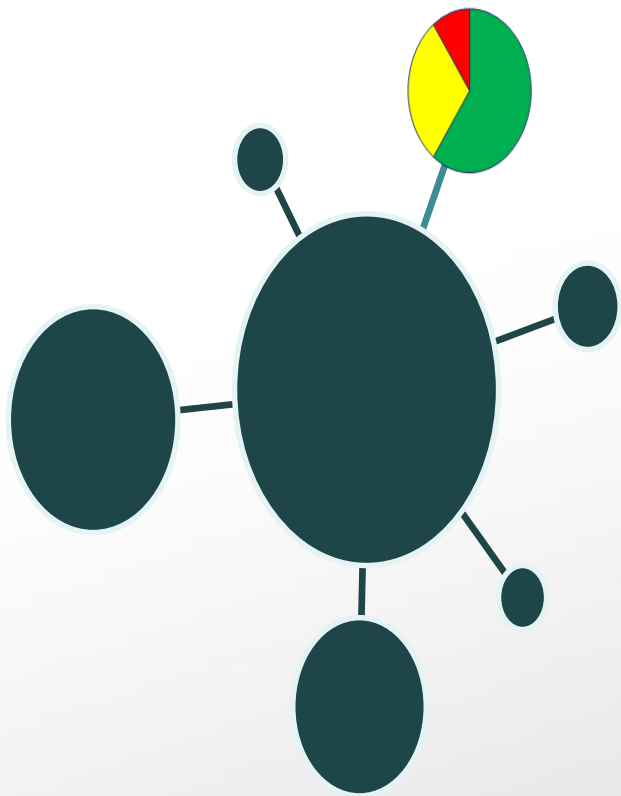
- Voluntarily direct reporting function from email interface
- NDAs and other agreements are being put into place
 - threats posed to networks
 - better sharing of intelligence to better target enforcement efforts.



Working with Industry

- Assistance from Industry – s.56
 - **Voluntary disclosure by private sector** - Despite subsection 7(3) of the Personal Information Protection and Electronic Documents Act (PIPEDA), any organization to which Part 1 of that Act applies may on its own initiative disclose to the Commission, the Commissioner of Competition or the Privacy Commissioner any information in its possession that it believes relates to violations of the Act .

Intelligence Process Overview



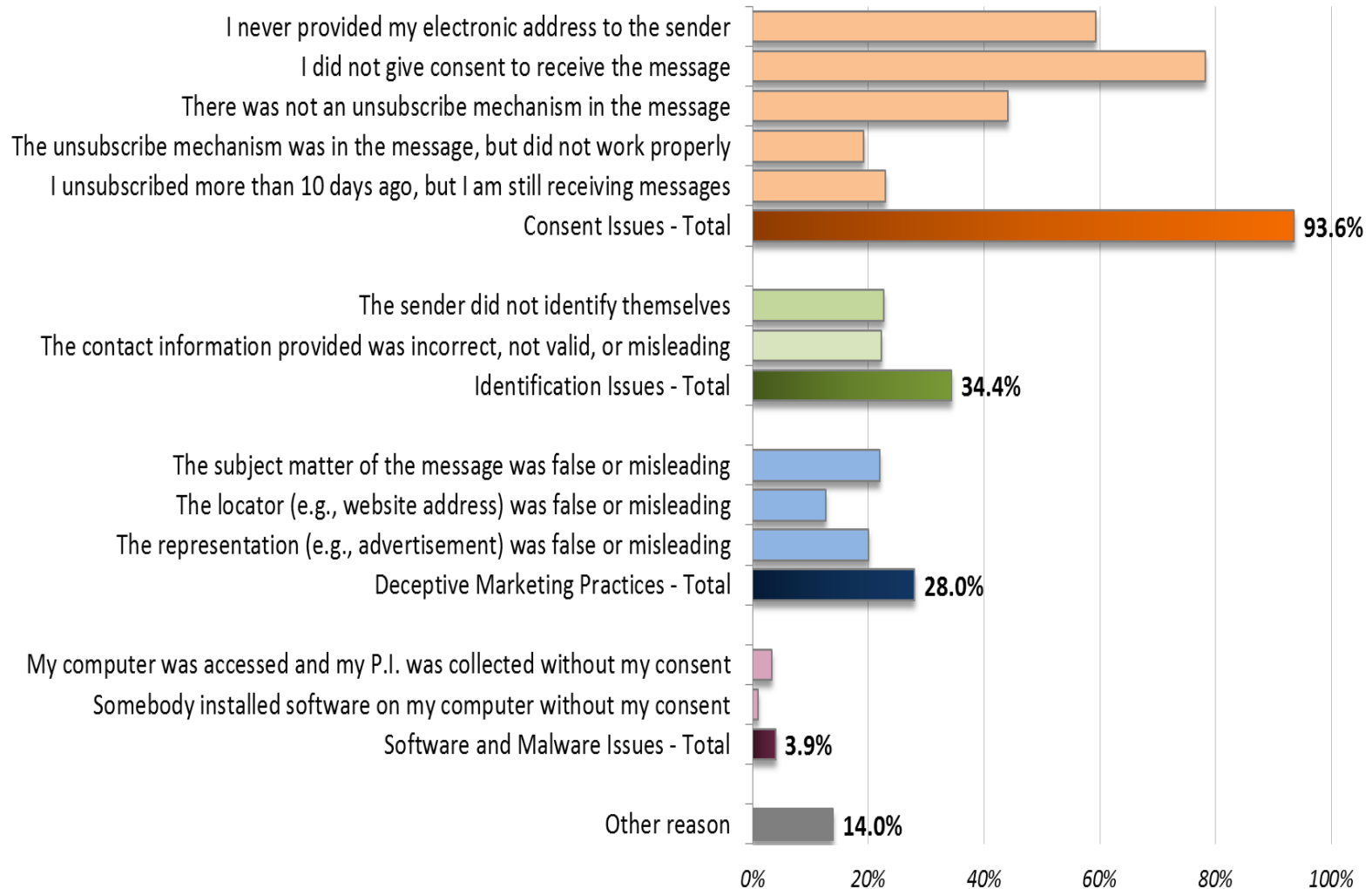
- Inquiries into the SRC can be prompted by any number of things:
 - Identification of trends;
 - Noted spike in a particular activity or from a particular entity;
 - Compliance or enforcement actions taken by international counterparts;
 - Leads from partner organizations and agencies
- This may be a prompt to look more closely at one particular actor or, more commonly, multiple actors within a certain commercial or industrial sector

Information gathering

- Individuals can submit their email or mobile text spam, or information regarding other electronic threats directly to the SRC
 - using a detailed Web form at fightspam.gc.ca;
or,
 - by forwarding their e-mail spam to spam@fightspam.gc.ca.
- 585,000 of Submissions to the Spam Reporting Centre total from both sources
- The SRC also receives feeds from other partners – including honeypots, internet service providers, other law enforcement agencies internationally



Issues Reported from Submissions Received



Compliance Continuum





Enforcement Actions and Powers

Enforcement Powers	Enforcement Actions
Inspection Powers	Education and Outreach
Search Warrants (CASL)	Administrative Monetary Penalties (AMPs) Both the UTRs and CASL
Preservation Demands (CASL)	Warning Letters or Citations
Notice to Produce (CASL)	Negotiated Settlements
Restraining Orders (CASL)	Undertakings (CASL)
Injunctions (CASL)	Notice of Violation




Case highlights

- CRTC Chief Compliance and Enforcement Officer issues **\$1.1 million penalty** to Compu-Finder for spamming Canadians
- Plentyoffish Media Inc. **pays \$48,000** for non-compliance with Canada's Anti-Spam Law
- Porter Airlines Inc. **pays \$150,000** for non-compliance with Canada's Anti-Spam Law
- Rogers Media Inc. **pays \$200,000** for non-compliance with Canada's Anti-Spam Law



Case Highlights

- CRTC serves its first-ever warrant under CASL in botnet takedown - Win32/Dorkbot
- CRTC executes warrant in malicious malware investigation
- Completed over 30 investigations in 2015
- Issued more than 50 Notices to Produce (NTPs)
- Citations are now being issued under CASL
- Enforcement Action in the United States



Top Issues in Enforcement – Case Examples

- Express and Implied Consent
- Conspicuous Publication
- Unsubscribe
- Record Keeping
- Due Diligence



QUESTIONS?

Useful Resources

Guidance on Implied Consent :

<http://www.crtc.gc.ca/eng/com500/guide.htm>

Frequently Asked Questions:

<http://www.crtc.gc.ca/eng/com500/faq500.htm>

Guidance on Installation of Computer Programs

<http://www.crtc.gc.ca/eng/internet/install.htm>

Compliance and Enforcement – Corporate Compliance Programs

Information Bulletin CRTC 2014-326:

<http://www.crtc.gc.ca/eng/archive/2014/2014-326.htm>