

**Department of the Solicitor General  
Response to Industry Canada  
Gazette Notice DGRB-003-98/DGRB-001-99**

Consultation on the 24 and 38 GHz Frequency Bands:  
Proposed Policy and Licensing Procedures

On behalf of the Department of the Solicitor General of Canada, I am pleased to indicate support for *Gazette Notice DGRB-003-98*, and particularly the continued utilization of a condition of license which ensures lawfully authorized access to private communications.

Electronic interception under lawful warrant of personal communications is an indispensable technique for law enforcement. We must maintain this capacity in Canada in order to protect public safety and national security.

This cannot be accomplished solely by governments. The private sector, in benefiting from the use of spectrum and other public assets, is also expected to contribute to the safety and security of Canadians. By the same token, however, Government understands that such requirements must be practicable and the playing field must be level.

The Department strongly supports inclusion of condition of license 4.7(2) as outlined in the consultation document. The requirements for lawful interception as provided in the *Solicitor General's Enforcement Standards for Lawful Interception of Telecommunications-SGES (Rev. Nov. 95)* should apply to all successful bidders. Should an auction winner transfer or divide its license, it is imperative that the requirements set out in the SGES also be transferred as outlined in section 4.5 of the draft consultation document.

This application of the SGES would be consistent with Industry Canada's licensing policies for other spectrum services, such as Local Multi-Point Communications Services (LMCS) and Personal Communications Services (PCS).

I would like to reaffirm the importance of the application of the SGES for lawful access. Rapid deployment of new technologies and convergence policies present serious challenges to law enforcement. Remedies such as conditional licensing are consistent with the Government's

strategy for the information highway and the September 1997 final report of the Information Advisory Council which recommended that Government take the necessary steps to ensure the enforcement of federal and provincial laws.