

September 17, 2020

Filed Via GCKey

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
1 Promenade du Portage
Ottawa, Ontario K1A 0N2

Dear Mr. Doucet,

Re: PIAC Application: “COVID Alert” and “ABTraceTogether” Apps and Related Matters

1. The Canadian Wireless Telecommunications Association (CWTA) is in receipt of a Part 1 Application (the “Application”) from the Public Interest Advocacy Centre (PIAC) filed with the Commission on September 8, 2020, in which PIAC requested specific Commission relief related to Canadian telecommunication service providers (TSPs) involvement in COVID-19 exposure notification measures (specifically the COVID Alert and ABTraceTogether exposure notification applications).
2. CWTA is also in receipt of the letter filed with the Commission by Rogers Communications Canada Inc. (Rogers), dated September 11, 2020, in which Rogers requests that the Commission dismiss the Application. CWTA supports Rogers’ request to dismiss PIAC’s application.
3. As referenced by Rogers, the Commission has already responded to a similar application filed by PIAC earlier this year and noted that there this is no evidence that current privacy frameworks such as the *Personal Information Protection and Electronic Documents Act* (“PIPEDA”) are insufficient to address potential requests for disclosure of subscriber information and that a public proceeding would not benefit Canadians. The design and use of the exposure notification apps have been thoroughly reviewed by the Office of the Privacy Commissioner of Canada (“OPC”) and Alberta’s Office of the Information and Privacy Commissioner, and government officials have publically expressed their government’s commitment to respecting the privacy of Canadians who use government published exposure notification apps.
4. Despite the allegations contained in PIAC’s Application, the Application contains no evidence and CWTA TSP members categorically deny that they are active participants in government contact tracing measures or have engaged in privacy violations in connection with same. CWTA members take the privacy and security of subscriber information seriously and have well-established policies and procedures governing the protection of subscriber information. As noted in our response to PIAC’s earlier application, if TSPs were asked by a government authority to disclose customer personal information in connection with subscriber use of government

exposure notification applications, such action could only be taken if the request is in compliance with the *Personal Information Protection and Electronic Documents Act* (“PIPEDA”). The OPC has also published detailed guidelines reminding organizations of their responsibilities under PIPEDA in connection with privacy and COVID-19.¹

5. For these reasons, as well as the reasons set out in the Rogers letter, CWTA respectfully requests that the Commission dismiss PIAC’s application for a Part 1 proceeding.

Sincerely,

[ORIGINAL SIGNED BY ERIC SMITH]

Eric Smith
Senior Vice President

cc: John Lawford, PIAC
Respondents as identified in PIAC’s Application

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¹ https://www.priv.gc.ca/en/privacy-topics/health-genetic-and-other-body-information/health-emergencies/gd_covid_202003/