Canadian Radio-television and Telecommunications Commission
Conseil de la radiodiffusion et des télécommunications canadiennes

Compliance and Enforcement and Telecom Decision CRTC 2021-141

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Bell Canada – Procedural and confidentiality ruling on application by Bell Canada and its affiliates to permanently block certain fraudulent and scam voice calls

In regard to procedural requests in the matter of an application to allow Bell Canada and its affiliates (Bell Canada et al.) to permanently block certain fraudulent and scam voice calls, the Commission approves the process for considering this application and **directs** Bell Canada et al. to disclose on the public record the information referenced in Appendix 1 to this decision; **directs** Bell Canada et al. to disclose to each intervener who signs Bell Canada et al.'s proposed non-disclosure agreement the information referenced in Appendix 2; **directs** Bell Canada et al. to file for the public record abridged versions of their monthly trial reports submitted to the Commission, excluding the attachments, by **7 May 2021**; and **directs** Bell Canada et al. to respond to the requests for information set out in Appendix 3 also by **7 May 2021**.

Background

1. In July 2019, the Commission received an application from Bell Canada, on its own behalf and on behalf of its affiliates (collectively, Bell Canada et al.), to block verified fraudulent calls received or transmitted from, to, or over their networks for 90 days on a trial basis (hereafter, the call-blocking trial application).[1] Bell Canada et al. designated significant portions of the call-blocking trial application as confidential under section 39 of the *Telecommunications Act* (the Act). The Commission issued its determinations regarding Bell Canada et al.'s claims for confidentiality and interveners' requests for disclosure in Compliance and Enforcement and Telecom Decision 2020-7. The Commission acknowledged Bell Canada et al.'s concern that providing certain details of their call-blocking methodology on the public record may provide a material advantage to those seeking to evade the companies' system for the purpose of victimizing Canadians. The Commission also acknowledged the concerns of interveners who argued that the lack of available information impeded their ability to provide meaningful comments on Bell Canada et al.'s call-blocking trial application.

[1] The call-blocking mechanism uses artificial intelligence (AI) to analyze telecommunications traffic in order to flag anomalies that suggest possible fraudulent and scam activity. These anomalies are then subject to review, and if fraudulent or scam activity is verified, Bell Canada et al. blocks subsequent related calls associated with the anomalous activity at the network level.

2. As a result, the Commission directed Bell Canada et al. to disclose certain information on the public record, and to disclose other confidential information to interveners who signed a non-disclosure agreement (NDA) proposed by Bell Canada et al. as approved by the Commission (hereafter, the call-blocking trial NDA).

3. In Compliance and Enforcement and Telecom Decision 2020-185, the Commission approved the call-blocking trial application. The trial started on 15 July 2020 and was set to end on 12 October 2020. In Compliance and Enforcement and Telecom Decision 2020-353, the Commission approved an extension of the trial until it issues its decision on a new application that Bell Canada et al. planned to file with respect to making the tested call-blocking mechanism permanent (hereafter, the permanent call-blocking application).

4. On 25 September 2020, Bell Canada et al. filed the permanent call-blocking application with the Commission. Requests for information (RFIs) were addressed to Bell Canada et al. to obtain additional details for the Commission's examination of the permanent call-blocking application. In addition, Bell Canada et al. was directed to file, for the record of this proceeding, all of their responses to RFIs from the proceeding initiated by the call-blocking trial application, including updates to such responses as necessary.

Bell Canada et al.'s procedural requests

5. Bell Canada et al. cited the need for confidentiality with respect to certain information, including the entirety of the description of the call-blocking mechanism and the raw data regarding the number of fraudulent and scam complaints and the total calls received during the trial. Bell Canada et al. submitted that this information, which they highlighted in yellow, (i) provides detailed descriptions of the proposed technical solution and of the specific characteristics and methodologies of their proposed artificial intelligence (AI) system, and (ii) is commercially proprietary information. Bell Canada et al. also cited the need for confidentiality regarding other information. They presented an NDA (hereafter, the NDA) and considered that this other information could be disclosed to parties who are eligible to execute the NDA (hereafter, NDA-eligible parties) who sign the NDA (hereafter, NDA signatories). Highlighted in blue in Bell Canada et al.'s permanent call-blocking application, this information included the types of calls that would or would not be blocked and the general methodology for investigating such calls.

6. Bell Canada et al. submitted that their confidentiality claims are consistent with the Commission's determinations in Compliance and Enforcement and Telecom Decision 2020-7. They submitted that they sought to balance the significant risk of providing bad actors a road map that could be used to thwart their proposed anti-nuisance calling proposal against the need to provide sufficient notice of the proposal to potentially impacted parties.

7. In addition, Bell Canada et al. proposed a process for dealing with their permanent call-blocking application, including the steps for parties to sign the NDA.

8. In response to Bell Canada et al.'s proposed process and requests for confidentiality, the Commission received submissions from Dr. Fenwick McKelvey and Dr. Reza Rajabiun; Mr. Nanni, filed on his own behalf and on behalf of a variety of anonymous individuals; Competitive Network Operators of Canada (CNOC); Quebecor Media Inc., on behalf of Videotron Ltd. (Videotron); Rogers Communications Canada Inc. (RCCI); Shaw Communications Inc. (Shaw); TekSavvy Solutions Inc. (TekSavvy); and TELUS Communications Inc. (TCI).

9. Dr. McKelvey and Dr. Rajabiun as well as Mr. Marc Nanni requested disclosure of certain information. Mr. Nanni requested, among other things, disclosure of all the new and updated information filed by Bell Canada et al. in their RFI responses and of trial reports submitted to the Commission in confidence. Dr. McKelvey and Dr. Rajabiun submitted that there is not enough information on the public record for parties who sign the NDA to properly evaluate the risks of the permanent call-blocking system, and requested that Bell Canada et al. respond to a number of questions.

10. In their reply, Bell Canada et al. substantially requested that the Commission dismiss the various requests made by Dr. McKelvey and Dr. Rajabiun and Mr. Nanni.

Issues

11. The Commission has identified the following issues to be addressed in this decision:

    - Procedural matters
    - Confidentiality matters
    - Other matters

Procedural matters

Positions of parties

Interveners

12. CNOC and TCI supported Bell Canada et al.'s proposed approach. TCI recommended a slight modification to allow no more than seven days for parties to determine whether they are interested in executing the NDA.

13. CNOC, RCCI, Shaw, TCI, and Videotron filed letters requesting to be recognized as a legitimate interested person for the purposes of the NDA.

14. Dr. McKelvey and Dr. Rajabiun and Mr. Nanni objected to Bell Canada et al.'s proposed approach. Dr. McKelvey and Dr. Rajabiun requested that the Commission narrow the scope of Bell Canada et al.'s confidentiality claims and deny their request for the Commission to require parties to sign the NDA. Dr. McKelvey and Dr. Rajabiun argued that the Commission lacks the statutory authority to require private participants to enter into an NDA with a regulated entity in a public consultation

process, and that this requirement is inconsistent with basic principles of procedural fairness. They argued that the use of NDAs will create perverse incentives for regulated entities to make overly broad confidentiality claims on the public record. They added that using NDAs in this procedure is neither necessary nor sufficient in this case. They wished to know, and discuss on the record, the risks associated with communications system reliability (i.e. false positives) and the privacy of Canadians (i.e. what types of information Bell Canada et al. are collecting for their call-blocking algorithms).

15. Dr. McKelvey and Dr. Rajabiun also submitted that it is not clear that the Commission has the legal authority and/or practical capacity to determine who is a legitimate participant for the purpose of qualifying to sign an NDA. Further, they submitted that there is no way for the Commission to prevent parties who initially appear to be legitimate from sharing information with bad actors about what they learn through an NDA.

16. Mr. Nanni submitted that his submission was filed on his own behalf and on behalf of a group of individuals who wished to remain anonymous. He submitted, among other things, that those individuals considered Bell Canada et al.'s call-blocking scheme as constituting a type of government lawful access initiative intended to bypass privacy, consent, knowledge, and court orders. The individuals did not want to identify themselves because they were concerned that being identified as having opposed such a scheme could affect their job or future employment. They also objected to being vetted as legitimate interested parties.

17. Regarding time frames, Mr. Nanni requested that interveners be afforded 60 days to file an answer. Mr. Nanni also requested that Bell Canada et al. file on the public record a list of interveners who have signed the NDA so that he knows with whom he can discuss the information.

18. TekSavvy expressed concern that Bell Canada et al. are relying on secrecy for the security of their mechanism. It submitted that open systems that do not rely on secrecy for security generally offer stronger security.

Bell Canada et al.

19. In their reply, Bell Canada et al. submitted that the circumstances that exist in this case to support an NDA can be expected to be quite rare, specifically (i) the need to keep the information confidential to avoid the risk of rendering the proposed call-blocking initiative useless before it even launches, and (ii) the fact that it is the owner of the information – Bell Canada et al. – that is proposing to permit disclosure under an NDA. Bell Canada et al. submitted that they have no issues related to the facts of this case about the bona fides of any interested persons, and that they have no objections to signing the NDA with any of the nine interveners.

20. Bell Canada et al. submitted that the Commission clearly has the legal authority in the circumstances of this case to allow the owner of confidential information to make it available to legitimate interveners through an NDA. They further submitted that the

use of an NDA would actually strengthen, rather than undermine, the interveners' rights to natural justice and procedural fairness in this proceeding.

21. Bell Canada et al. objected to Dr. McKelvey and Dr. Rajabiun's claim that the NDA creates an incentive for regulated entities to make overly broad confidentiality claims. Bell Canada et al. noted that in Compliance and Enforcement and Telecom Decision 2020-7, the Commission required that certain information subject to a claim of confidentiality be disclosed on the public record. Accordingly, Bell Canada et al. submitted that the call-blocking trial NDA did not apply to that information.

22. With respect to the submission filed by Mr. Nanni on behalf of a variety of anonymous individuals, Bell Canada et al. submitted that those interveners' characterization of Bell Canada et al.'s call-blocking scheme as a government lawful access scheme is patently inaccurate. Further, Bell Canada et al. submitted that Mr. Nanni would not be permitted to share information with any individual on whose behalf he has filed a submission unless they also sign the NDA.

Commission's analysis and determinations

23. In the Commission's view, the circumstances in this proceeding that justify the use of NDAs are unusual, and the use of NDAs in this process will not lead to a new trend. With respect to Dr. McKelvey and Dr. Rajabiun's submission questioning the Commission's legal authority regarding NDAs, the Commission's explicit power to require disclosure of confidential information pursuant to subsection 39(4) of the Act includes the implicit power (i) to allow for selective disclosure where it serves the public interest and (ii) to approve Bell Canada et al.'s proposal to allow for disclosure to legitimate parties who sign an NDA. Consistent with the Commission's findings in the process leading to Compliance and Enforcement and Telecom Decision 2020-185, selective disclosure of certain information not available on the public record to NDA signatories is necessary and appropriate in the particular circumstances of this permanent call-blocking application. In said circumstances, disclosure on the public record of certain information could be used by bad actors to undermine the effectiveness and efficiency of the call-blocking mechanism. Selective disclosure in these circumstances affords interveners a meaningful opportunity to participate in the proceeding while preventing the harm that would be caused by the disclosure on the public record of the information in question.

24. With regard to the appropriate process for dealing with Bell Canada et al.'s permanent call-blocking application, the Commission considers that there are no special circumstances justifying an extension of the regular 30-day time period for filing interventions, as set out in subsection 26(1) of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure).[2] The Commission therefore rejects Mr. Nanni's request that interveners be afforded 60 days to file an answer. The 45 days suggested by Bell Canada et al. essentially amounts to the regular 30-day period: Parties may not actually receive the

[2] The Rules of Procedure can be found on the Commission's website at www.crtc.gc.ca, under "Statutes and regulations."

confidential information until two weeks after the Commission issues its list of NDA-eligible parties, thus leaving them with approximately 30 days to file a submission.

25. Given that six interveners have already notified Bell Canada et al. of their intention to sign the NDA, the Commission considers that a 10-day deadline provides sufficient time to interested persons to indicate their interest. Further, to address the possibility that other interested persons may come forward and wish to sign the NDA, the Commission considers that it would be prudent to approve Bell Canada et al.'s proposal and incorporate time for them to object to any such interested persons, rather than having to amend the process later.

26. It is appropriate to ensure that only responsible interested persons participating in good faith be afforded the opportunity to access the confidential information by signing the NDA. Mr. Nanni objected to the vetting process, raising privacy concerns. The Commission considers that all parties who have participated in the process to date are eligible to sign the NDA, and Bell Canada et al. has agreed. Generally, the Commission would assume the good faith of a new interested person seeking to participate, and Bell Canada et al. would be responsible for demonstrating otherwise.

27. The NDA only binds the specific person who signs it; therefore, only the signatory may have access to the information. Accordingly, an intervener stating that they represent other persons may not share the information with other such persons. If any such persons are interested in actively participating in the proceeding, they can do so by notifying the Commission and signing the NDA.

28. Given that no issues were raised regarding the content of the NDA, the Commission considers the NDA to be reasonable and appropriate.

29. The process approved for dealing with the permanent call-blocking application is set out in paragraph 62 of this decision.

Confidentiality matters

Positions of parties

Interveners

30. Dr. McKelvey and Dr. Rajabiun requested disclosure of sufficient information on the public record to permit them to validate the zero false positive rate claimed by Bell Canada et al. and to determine whether the system has been effective in blocking fraudulent calls and in reducing the incidence of fraudulent and scam calls. In Dr. McKelvey and Dr. Rajabiun's view, this information would not tip off any bad actors about the intricacies of the network level call monitoring and filtering system.

31. Dr. McKelvey and Dr. Rajabiun also sought disclosure on the public record of the type of information Bell Canada et al. is collecting from Canadians' phone calls and from third-party sources for the purpose of their call-blocking system to enable Dr. McKelvey and Dr. Rajabiun to assess the impact on privacy. They submitted that

while there may be some risk that disclosure of such information may tip off bad actors, it is arguable that the minimal risk that might occur could be warranted given the high public interest in protecting the privacy of Canadians. In Dr. McKelvey and Dr. Rajabiun's view, Bell Canada et al. not divulging the key components of their call-blocking scheme may be reasonable. They added, however, that failure to disclose the type of information Bell Canada et al. are harvesting from Canadians' communications creates the impression that Bell Canada et al. may be hiding something that would raise public concern if it were to be made public.

32. 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 and Algorithmic Impact Assessment. In their view, such assessments and operational audits would be an effective way of mitigating the risk of disclosures. At the same time, these assessments and audits would provide appropriate public assurances that the regulated entities – as well as the public entity that regulates them – are taking sufficient precautions to limit the risks to the reliability of the communication system and to the privacy and security of Canadians.

33. Dr. McKelvey and Dr. Rajabiun submitted that given the extent of Bell Canada et al.'s confidentiality claims, there is not enough information on the public record to enable parties who choose not to sign the NDA to ask considered and probative questions. Dr. McKelvey and Dr. Rajabiun added that such questions would assist the Commission and the public to assess the risks that permanent authorization of the system for network level monitoring and phone number blocking poses in terms of false positive errors and protection of privacy. They requested that Bell Canada et al. respond to a number of RFIs, and that they place unredacted responses on the public record to help the parties and the general public better understand the call-blocking system.

34. Mr. Nanni requested that the information filed in confidence be provided to parties who have already signed, or will sign, the NDA. In his letter requesting disclosure of all new and updated RFI responses and Bell Canada et al.'s trial reports, Mr. Nanni submitted that information is missing to the point that he cannot make specific disclosure requests. He also submitted that Bell Canada et al. and the Commission are expecting people to guess what disclosures are needed. Mr. Nanni further submitted that Bell Canada et al. chose not to disclose changes to the RFI responses that were disclosed under the call-blocking trial NDA. Mr. Nanni argued that Bell Canada et al. and the Commission are attempting to hide information and wear people down in order to prevent public participation.

Bell Canada et al.

35. Bell Canada et al. objected to Mr. Nanni's allegations and claimed they were deceitful. Bell Canada et al. submitted that their claims of confidentiality replicate the Commission's confidentiality rulings from Compliance and Enforcement and Telecom Decision 2020-7 and instructions letter dated 22 June 2020. Bell Canada et

al. submitted that they were relying on their prior submissions, in which they explained why the public interest weighs heavily in favour of confidentiality.

36. Bell Canada et al. argued that Dr. McKelvey and Dr. Rajabiun's request that Bell Canada et al. file a Privacy Impact Assessment and an Algorithmic Impact Assessment is beyond the scope of this proceeding, and that those interveners would not have required such an assessment if they had signed the call-blocking trial NDA and obtained the confidential information.

Commission's analysis and determinations

37. Requests for disclosure of information designated as confidential are addressed in sections 38 and 39 of the Act and sections 30 to 34 of the Rules of Procedure. In evaluating these requests, the Commission assesses whether the information falls into a category of information that can be designated confidential pursuant to section 39 of the Act, whether any specific direct harm is likely to result from the disclosure of the information in question, and whether any such harm outweighs the public interest in disclosure.

38. As discussed in more detail in paragraphs 41, 43, and 47 of this decision, the Commission considers that the information subject to a claim of confidentiality referenced in Appendix 1 to this decision is of a sufficiently general nature such that it could not be used to undermine Bell Canada et al.'s proposal or otherwise used in a manner that is likely to cause harm to Bell Canada et al. Bell Canada et al. failed to demonstrate that the harm likely to result from the disclosure of such information on the public record outweighs the public interest in its disclosure. Therefore, the Commission considers that disclosure on the public record of the information referenced in Appendix 1 is in the public interest.

39. Further, the Commission considers that the harm likely to result from disclosure on the public record of the information identified in Appendix 2 to this decision outweighs the public interest in its disclosure given that the information could be used by bad actors to undermine the effectiveness of the proposed call-blocking mechanism. However, disclosure of that information to NDA signatories would not likely cause harm to Bell Canada et al. that outweighs the public interest in such disclosure. This is because the information is general enough not to reveal detailed technical network or other proprietary or commercially sensitive information, and such disclosure would enhance those parties' opportunities to participate in the proceeding.

Information filed in confidence in Bell Canada et al.'s permanent call-blocking application

40. As mentioned above, Bell Canada et al. designated as confidential but agreed to disclose to NDA signatories information that they highlighted in blue relating to (i) aggregate trial results (i.e. number of complaints per 10 million calls on Bell Canada et al.'s networks) and (ii) their proposed changes to the requirements imposed by the Commission regarding false positives and other unblocking measures. Bell Canada et al. supported this claim of confidentiality on the basis that the

disclosure of those matters could reasonably be expected to result in material gain for bad actors and perpetuate significant financial harms to Canadians targeted by their scam.

41. The Commission agrees that the information described above could be used to the material gain of bad actors, and that the resulting harm outweighs the public interest in disclosure on the public record. The Commission considers that the general trend of call complaints on page 5 of the permanent call-blocking application cannot reasonably be expected to be used to the benefit of bad actors. This general trend could be revealed on the public record without disclosing the specific numbers of complaints per 10 million calls by disclosing Table 2 on page 5 of Bell Canada et al.'s permanent call-blocking application but not revealing the numbers on the vertical axis.

42. Bell Canada et al. designated as confidential their description of the call-blocking mechanism in paragraph 15 of their permanent call-blocking application on the basis that it (i) contains technical and commercially sensitive information that provides detailed descriptions of the proposed technical solution and of the specific characteristics and methodologies of their proposed AI system, and (ii) is commercially proprietary information. The Commission recognizes that the description of the call-blocking mechanism was maintained in confidence in the context of the call-blocking trial application. However, the Commission considers that the balance of any harm likely to result from disclosure against the public interest in disclosure can be different in the context of this permanent call-blocking application. Given that this application is for permanent approval, and considering its precedence, it is essential to afford interveners a meaningful opportunity to comment on the application by making as much information available to them as is reasonable in the circumstances.

43. The Commission considers that most of the information provided in paragraph 15 of the permanent call-blocking application could provide bad actors with useful information and therefore could be used to undermine Bell Canada et al.'s call-blocking proposal to the benefit of persons seeking to make illegitimate calls. However, the Commission considers that certain parts of the description, as set out in Appendix 1 to this decision, will not reveal anything new to bad actors that they could use to their advantage, and disclosure on the public record is not likely to cause harm to Bell Canada et al. Further, the Commission notes that little of the information in paragraph 15 of the permanent call-blocking application is of a detailed, technical, or otherwise proprietary nature and is indeed of a similar nature to information in RFI responses that were disclosed to signatories of the call-blocking trial NDA. In light of all of the above, the Commission concludes that any harm likely to be caused by disclosure to NDA signatories of the information contained in paragraph 15 and identified in Appendix 2 to this decision is outweighed by the public interest in disclosure to those parties.

Information filed in confidence in responses to RFIs

44. With regard to the RFI responses to Bell et al.(CRTC)16Aug19-1, -2, -3, -5, -6, -7, -10, and -11, filed on the record of the permanent call-blocking application by Bell Canada et al. on 21 December 2020, the Commission confirms its previous rulings regarding confidentiality set out in Compliance and Enforcement and Telecom Decision 2020-7.

45. The Commission did not previously rule on the specific confidentiality claims made regarding Bell Canada et al.'s responses to Bell et al.(CRTC)17Jan20-1 to -7, which were filed in the call-blocking trial application. The Commission considers that the information contained in those responses is the same, or of a similar nature, as the information that has been disclosed to NDA signatories in the context of the call-blocking trial application. For example, the information designated as confidential in Bell et al.(CRTC)17Jan20-6 is the same information that was included in Bell et al.(CRTC)16Aug19-2. The Commission considers that the information is not of a technical or otherwise proprietary nature, and that NDA signatories cannot reasonably be expected to use this information to their own advantage.

46. Further, the Commission considers that disclosure on the public record of the words designated as confidential in response to Bell et al.(CRTC)17Jan20-7 is likely to cause harm by making them available to bad actors to use to their advantage. Consistent with previous rulings, the Commission considers that disclosure of this information to NDA signatories would not likely cause harm that outweighs the benefits of such disclosure, given that the information is not of a detailed, technical, or proprietary nature, and that NDA signatories cannot reasonably be expected to use this information to their own advantage. Accordingly, the Commission concludes that disclosure to NDA signatories of the information filed in response to Bell et al.(CRTC)17Jan20-1 to -7, as set out in Appendix 2, is not likely to result in harm to Bell Canada et al. that outweighs the public interest in such disclosure.

47. Finally, Bell Canada et al. designated as confidential information regarding the false positive complaints received during the call-blocking trial, filed in their response to Bell et al.(CRTC)10Dec20-1(e), one of the RFIs addressed in the permanent call-blocking application. The Commission considers that the general description of the inquiries, as set out in Appendix 1 to this decision, is not by nature confidential, and that there is no harm likely to result from disclosure on the public record. Further, while the more detailed explanation, identified in Appendix 2 to this decision, would reveal information that could be used by bad actors to better understand how the call-blocking mechanism works, its disclosure to NDA signatories would not likely result in any harm that is outweighed by the public interest in such disclosure.

Information filed in confidence in trial reports

48. In Compliance and Enforcement and Telecom Decision 2020-185, the Commission directed Bell Canada et al. to file, for each 30-day period during the call-blocking trial, a report containing information related to the total number and frequency of blocked calls each week, as well as information regarding false positives and the

unblocking of numbers. Details about the manner to present the information were contained in a confidential letter sent to Bell Canada et al. on 19 June 2020.

49. Bell Canada et al. filed their monthly reports entirely in confidence, stating that this was consistent with the Commission's directions. While the Commission has upheld the claims of the confidentiality of much of the information contained in the reports, it has not directed that the reports be filed in confidence. Each monthly report consists of a letter to the Secretary General and various attachments. The letter provides a summary of the detailed data contained in the attachments, as well as information regarding false positives and the investigation process. Given that the attachments contain highly disaggregated data that is consistently treated as confidential, an abridged version of the attachments would not serve any purpose because they would in effect be empty.

50. By contrast, the information in the letters to the Secretary General is not all confidential, and an abridged version of each monthly letter should be filed on the public record. While a significant amount of the information would not be disclosed, an abridged version would provide some context and could contain some of the aggregated information. The Commission notes that Bell Canada et al. included in their application on the public record the total number of calls blocked and false positives for each month of the Wangiri call-blocking trial[3] and the 90-day call-blocking trial from May to September. The Commission considers that interveners should have access to the more recent results, and that abridged versions of the letters from the monthly reports would provide this information.

Conclusion

51. In light of all the above, the Commission **directs** Bell Canada et al. to disclose on the public record the information referenced in Appendix 1 to this decision.

52. The Commission **directs** Bell Canada et al. to disclose to each NDA signatory (i) the information referenced in Appendix 2 to this decision and (ii) the responses to Bell et al.(CRTC)16Aug19-1, -2, -3, -5, -6, -7, -10, and -11 to the same extent as was required to be disclosed in Compliance and Enforcement and Telecom Decision 2020-7.

53. The Commission **directs** Bell Canada et al. to file for the public record abridged versions of their monthly trial reports submitted to the Commission, excluding the attachments, which may be filed entirely in confidence. Given the disaggregated and detailed nature of the data contained in the attachments, an abridged version of them would not serve any useful purpose. Specifically, abridged versions of the trial reports filed to date are to be filed by **7 May 2021**. Abridged versions of future trial reports must be filed for the public record on the same day they are filed with the Commission.

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[3] In Compliance and Enforcement and Telecom Decision 2020-125, the Commission approved an application from Bell Canada, on behalf of itself and its affiliates that carry voice traffic, to block verified Wangiri fraud calls received or transmitted from, to, or over their networks until 1 June 2020, subject to certain conditions.

54. Finally, except for the information identified in appendices 1 and 2 to this decision, the Commission upholds the remaining claims of confidentiality for information in the permanent call-blocking application as well as the RFI responses filed on the record of this proceeding on 21 December 2020 to the extent requested by Bell Canada et al. (i.e. entirely confidential or confidential vis-à-vis the public record but disclosed to NDA signatories).

55. For the sake of clarity, the following requirements apply regarding participation in this process by NDA signatories:

    a) Core obligations of interveners under the NDA are (i) to retain the information in confidence and not to disclose it to anyone other than another intervener who has signed the NDA, Bell Canada et al., or the Commission; and (ii) not to use such information for any purpose other than participation in the process.

    b) Interveners should return or destroy the information once the proceeding has been concluded, and once it is no longer required for that purpose.

    c) For clarity, the NDA does not apply to any information that is placed on the public record in accordance with this decision.

    d) Any interventions that include comments that would reveal the information received under the NDA must be filed in accordance with the Commission's procedures for filing confidential information, as set out in Broadcasting and Telecom Information Bulletin 2010-961. For example, an abridged version of any such intervention must be filed for the public record, omitting only confidential information. Documents should not be reformatted; rather, the space left by the omitted confidential information should be left blank. Interveners requiring assistance may consult Commission staff for assistance in filing abridged submissions.

Other matters

56. Mr. Nanni requested to be considered as a legitimate intervener but considered that he does not need to sign a new NDA to do so. The Commission considers that the language of the call-blocking trial NDA limits the effect of that NDA to the 90-day call-blocking trial proceeding only. Therefore, that NDA cannot be used in the present proceeding, and any party wishing to access the confidential information, permitted in accordance with this decision, must sign the NDA filed as part of the permanent call-blocking application.

57. Mr. Nanni also requested that Bell Canada et al. file on the public record the list of parties who sign the NDA. The Commission considers that such information is not confidential, and that it would be appropriate for Bell Canada et al. to comply with this request. Accordingly, the Commission will make available on its website the list of NDA-eligible parties who sign the NDA, as set out in paragraph 62 in the process below.

58. As stated above, Dr. McKelvey and Dr. Rajabiun provided a list of questions for Bell Canada et al. to answer on the public record. In their reply, Bell Canada et al. submitted that Dr. McKelvey and Dr. Rajabiun's request is out of process because it is not a disclosure request but rather a series of RFIs. The Commission considers that the request amounts to a series of RFIs to Bell Canada et al.; however, this characterization does not preclude consideration of the request at this time. The Commission considers that to the extent that the RFIs are relevant and appropriate and could enhance the record of this proceeding, it is preferable to address them at this point in the process.

59. The Commission considers that the RFIs related to false positives are reasonable because their purpose is to solicit information that could assist interveners in understanding Bell Canada et al.'s proposal and would complement the RFIs regarding false positives already sent by the Commission. With regard to whether Bell Canada et al. has undertaken a Privacy Impact Assessment and Algorithmic Impact Assessment, the Commission considers that while not essential, the response to this RFI might be helpful for the interveners and should not require much effort on the part of Bell Canada et al. Accordingly, the Commission **directs** Bell Canada et al. to respond to the RFIs set out in Appendix 3 to this decision by **7 May 2021**. While Dr. McKelvey and Dr. Rajabiun requested that all the answers be provided on the public record, the Commission considers that Bell Canada et al.'s RFI responses should be filed in a manner consistent with the confidentiality rulings in this process.

60. In the Commission's view, the remaining questions posed by Dr. McKelvey and Dr. Rajabiun should not be addressed to Bell Canada et al. Their first question is not an appropriate RFI because it essentially asks Bell Canada et al. to justify their application for permanent approval at this time. The other RFIs are not necessary because their purpose is to solicit information already covered on the record of the process through previous RFIs.

61. Finally, as stated above, Dr. McKelvey and Dr. Rajabiun requested that Bell Canada et al. provide a Privacy Impact Assessment and an Algorithmic Impact Assessment. The Commission considers that the related RFI in Appendix 3 asks Bell Canada et al. whether they have obtained any such assessments. The Commission does not consider that it is necessary or appropriate to direct Bell Canada et al. to undertake these assessments at this time, particularly in light of the extent of information that will be released to parties who sign the NDA. The Commission therefore **denies** this request.

Process

62. Given all of the above, the Commission approves the following process:

    a) Bell Canada et al. must file with the Commission and provide a copy to all interested persons a revised abridged application for the public record, in accordance with Appendix 1 to this decision; abridged versions of their monthly trial reports for the public record; and their responses to the RFIs set out in Appendix 3 to this decision by **7 May 2021**.

b) Interested persons wishing to sign the NDA (filed by Bell Canada et al. in this proceeding) must notify the Commission and Bell Canada et al. of their intention to do so by **7 May 2021**.[4]

c) If Bell Canada et al. wish to file comments objecting to any NDA signatories on the basis they are not are eligible to execute the NDA, Bell Canada et al. must serve a copy on the interested person or persons in question by **17 May 2021**.

d) The Commission will issue a list of NDA-eligible parties on **27 May 2021**.

e) If NDA-eligible parties wish to execute and deliver the signed NDA to Bell Canada et al., they must do so by **10 June 2021**.

f) Bell Canada et al. must provide to an NDA signatory the confidential information contemplated pursuant to this decision within **two business days** after receipt of that intervener's signed NDA.

g) If interested persons wish to file interventions, they must do so by **12 July 2021**, serving a copy on Bell Canada et al.

h) If Bell Canada et al. wish to file their reply, they must do so by **22 July 2021**, serving a copy on all parties.

Secretary General

Related documents

- *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
- *Procedures for filing confidential information and requesting its disclosure in Commission proceedings*, Broadcasting and Telecom Information Bulletin CRTC 2010-961, 23 December 2010; as amended by Broadcasting and Telecom Information Bulletin CRTC 2010-961-1, 26 October 2012

[4] It is considered that persons who have already informed the Commission of their intention to sign the NDA have already completed this step.

Appendix 1 to Compliance and Enforcement and Telecom Decision CRTC 2021-141

Bell Canada et al. is to disclose on the public record the information filed in confidence in their permanent call-blocking application to the extent set out below:

- Table 2, with the exception of the numbers on the vertical axis
- Paragraph 10, with the exception of the first eight words of the fourth line (i.e. the eight words after “Trial” and before “that” on the fourth line)
- Subparagraph 15(a), except the following: the words after “deployed” and before “we” in the first line; the words after “the” and before “touching” at the end of the second line and beginning of the third line; and the words after “networks” in the third line
- Subparagraph 15(b), except for the fifth word (i.e. the number) in line 1 (footnote 12 and bullets (i) to (vi) are not to be disclosed)
- Subparagraph 15(f), with the exception of the words after “use” and before “to review” in the first line
- Subparagraph 15(h)

Bell Canada et al. is to disclose on the public record the information filed in confidence on the second line of paragraph (e) in their response Bell et al.(CRTC)10Dec20-1 to the RFI.

Appendix 2 to Compliance and Enforcement and Telecom Decision CRTC 2021-141

Bell Canada et al. is to disclose to NDA signatories the information filed in confidence in their permanent call-blocking application to the extent set out below:

- Paragraph 10: the words not disclosed on the public record in Appendix 1 to this decision
- Subparagraph 15(a): all the words not disclosed on the public record in Appendix 1 to this decision
- Footnote 12 in subparagraph 15(b)
- Subparagraph 15(c)
- Subparagraph 15(d)
- Subparagraph 15(e)
- Subparagraph 15(f): the words not disclosed on the public record in Appendix 1 to this decision
- Subparagraph 15(g)

Bell Canada et al. is to disclose to NDA signatories the information filed in confidence in their revised responses to RFIs (i.e. in Bell et al.(CRTC)16Aug19-1, -2, -3, -5, -6, -7, -10 and -11) to the same extent as set out by the Commission in Compliance and Enforcement and Telecom Decision 2020-7.

Bell Canada et al. is to disclose to NDA signatories all the information filed in confidence in Bell et al.(CRTC)17Jan20-1 to -7.

Bell Canada et al. is to disclose to NDA signatories the information filed in confidence in response to Bell et al.(CRTC)10Dec20-1 from the fourth word in the third line (i.e. what follows “we”) to the end of paragraph (e).

Appendix 3 to Compliance and Enforcement and Telecom Decision CRTC 2021-141

Requests for information to Bell Canada et al.

Bell Canada et al. is to file their responses to the following requests for information by **7 May 2021**:

Q.1: Given that the system is implemented at the network level and impacts all traffic that transverses Bell Canada et al.'s system, how would a customer of another Canadian carrier suspect that their number might be blocked by Bell Canada et al.'s networks?

Q.2: Does Bell Canada et al. inform other Canadian carriers of the numbers Bell Canada et al.'s system is blocking so that when a customer of another Canadian carrier calls customer service, the carrier would be able to determine that the customer's own number has been erroneously blocked and advise Bell Canada et al. to correct the error?

Q.3: If Bell Canada et al. are not informing other carriers of the numbers that are being blocked, how can other carriers determine whether their customers' numbers have been erroneously blocked?

Q.4: How would a legitimate caller from outside Canada calling a Canadian customer of Bell Canada et al. and/or another Canadian carrier learn why they are unable to connect to a Canadian number? How would they be able to report and initiate remediation of the error?

Q.5: Has Bell Canada et al. undertaken a Privacy Impact Assessment or Algorithmic Impact Assessment of the proposed system, and if not, why not?