

TekSavvy Solutions Inc. Quarterly Transparency Report

Reporting period: April 1, 2018 to June 30, 2018

Published March 2019

Introduction

The purpose of this report is to provide insight into our disclosure practices by detailing how often we receive and respond to government agencies' requests for the personal information of our end users.

This edition of our Transparency Report contains information about requests that we received between April 1, 2018 and June 30, 2018. As of the date when this report was published, at least six months have passed since we received or responded to each of those requests.

The Government of Canada has endorsed the development and issuance of transparency reports. Innovation, Science and Economic Development Canada (ISED) has subsequently developed [Transparency Reporting Guidelines](#). Although we have adopted most of those Guidelines, we have decided to deviate in respect of how we present the data.

Specifically, ISED suggested enumerating requests only when the number of requests exceed 100; anything below 100 is suggested to be represented by a range of 0-100. While that threshold may make sense for larger telecommunications companies, TekSavvy is still relatively small. We do not receive hundreds of requests from government agencies therefore enumerating requests in a manner consistent with ISED's Guidelines would not provide the level of transparency that we aim to achieve.



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Overview

In total, between April 1, 2018 and June 30, 2018, TekSavvy received 29 requests for information from government agencies. TekSavvy provided the requested information in response to 28 of those requests which represents a 97% response rate.

In this report, the total number of requests for information from government agencies has been broken down into two main categories: by authority and by jurisdiction.

“Authority” indicates whether or not the government agency making the request has done so in accordance with the law. We have broken down the data by authority to include four different subcategories: at the initiative of the organization, informal, court ordered, and emergency (sometimes called “exigent”).

“Jurisdiction” indicates what level of government the requests came from. We have broken down the data by jurisdiction to include three subcategories: provincial (which includes municipal), federal, and non-Canadian.

The data contained in each subcategory is enumerated by the number of requests of each type we received, the number of those requests that we disclosed information in response to, the number of requests that yielded no responsive information and the number of requests we rejected during the relevant reporting period.

We have also included, towards the end of the report, information about disclosures made to government agencies at the initiative of TekSavvy.

Following the table below, we examine our disclosure policies and practices to provide an in-depth explanation of the data.

Requests Received, by Authority					
Type of Request		Number of Requests	Number of Disclosures	No Information	Number Rejected
1	Informal	~0	0	N/A	All (~0)
2	Administrative	0	0	0	0
3	Court Ordered	23	22	1	0
4	Exigent or Emergency	6	6	0	0

Requests Received, by Jurisdiction					
Type of Request		Number of Requests	Number of Disclosures	No Information	Number Rejected
5	Provincial Government Agencies	18	17	1	0
6	Federal Government Agencies	11	11	0	0
7	Foreign Government Agencies	0	0	0	0
		Total: 29	Total: 28	Total: 1	Total: 0

Requests Received, by Authority

1) Informal Requests

Of the 29 requests received during this reporting period, none were informal requests.

Informal requests are requests that lack legal authority. This means that the agency making the request is not doing so under any law – they are simply asking for us to voluntarily provide them with the requested information.

Note that it is difficult for us to know the exact number of informal requests received during the relevant period because these requests sometimes come in the form of a phone call or email which are difficult for TekSavvy's Data Protection Office to log and track.

TekSavvy Policy

While Canada's private sector privacy law (PIPEDA) may allow organizations to voluntarily disclose the personal information of its subscribers in certain circumstances, TekSavvy only makes voluntary disclosures in emergency circumstances.

After disclosure of a subscriber's personal information has been made to a government agency, we notify the individual of the disclosure unless, of course, we are prohibited from doing so by law.

2) Court Ordered Requests

**Of the requests received during this reporting period,
23 were court ordered requests.
TekSavvy provided the requested information
in response to 22 of those requests.**

This category describes any requests for information from government agencies made pursuant to a court order. The most common kind of court orders received by TekSavvy during the relevant period were “Production Orders” pursuant to section 487.014 of the *Criminal Code*.

The disclosure percentage in this particular subcategory is high at 97% because TekSavvy is legally required to comply with court orders. This is true insofar as the court order is compliant with the relevant legislation and is not overreaching or overbroad.

In the event that we are served with a court order that omits required information, is formatted incorrectly, is overreaching, or overbroad, we make our best attempts to work with the agency requesting the information to appropriately address any issues. However, we may reject the request if we are unable to reach a mutual understanding.

During the relevant period, we did not reject any Production Orders for these reasons however, we were unable to provide information in response to one court ordered request because we had no information responsive to the order.

TekSavvy Policy

TekSavvy only retains information that correlates a subscriber with an electronic address (IP address) for a period of 30 days after that IP address is no longer associated with that specific subscriber. Some of our Transparency Reports indicate that we did not provide the requested information for all of the court orders we received, which is generally because we no longer had any information that was responsive to some of those orders.

3) **Emergency (Exigent) Requests**

Of the requests received during this reporting period, six were requests for information in relation to exigent or emergency circumstances. TekSavvy provided the requested information in response to all six of those requests.

This category includes all requests made in relation to “*an emergency that threatens the life, health or security of an individual*” as set out in subsection 7(3)(e) of PIPEDA which allows organizations such as TekSavvy to disclose a subscriber’s personal information without their knowledge or consent.

TekSavvy Policy

Before disclosing information in response to an exigent or emergency request, TekSavvy requires the agency making the request to answer a series of questions intended to establish the urgency of the request and the importance of the requested information. This approach ensures compliance with subsection 7(3)(e) of PIPEDA before we disclose the requested information.

Requests Received, by Jurisdiction

4) Provincial & Municipal Government Agencies

**Of the requests received during this reporting period,
18 were requests for information from provincial government agencies.
TekSavvy provided the requested information
in response to 17 of those requests.**

The number of requests that resulted in a disclosure in this particular category represent a 94% disclosure rate.

One request from a provincial or municipal government agency yielded no information, so no disclosure was made.

5) Federal Government Agencies

**Of the requests received during this reporting period,
11 were requests for information from federal government agencies.
TekSavvy provided the requested information
in response to all of those requests.**

Federal agencies have met with TekSavvy to discuss practices on both sides that respect investigative needs while protecting subscriber privacy. As a result, their requests typically result in disclosures which contributed to the high disclosure rate of 100% for this subcategory during the relevant period.

6) Non-Canadian Government Agencies

**During the relevant period,
TekSavvy did not receive any requests for information
from non-Canadian government agencies.**

TekSavvy Policy

It is TekSavvy's policy not to disclose subscriber information unless we are required to do so. Non-Canadian government agencies do not have authority to directly require us to disclose information to them. Instead, they must work with a Canadian law enforcement agency to request or order us to disclose information.

Disclosures Made at the Initiative of the Organization

**During this reporting period,
TekSavvy made one disclosure to a government agency
at our own initiative.**

This category is used to describe any disclosures TekSavvy made proactively. We only make voluntary disclosures if TekSavvy becomes aware of a real and imminent threat being made to someone's wellbeing. These kinds of circumstances do not arise often. When they do, they generally result from one of our agents overhearing physical violence during a phone interaction with our customers.

TekSavvy Policy

We record all of our phone conversations with our customers, within the technical constraints of our systems. These recordings are retained for a period of two years to assist in the resolution of service-related or billing disputes.

Types of Information Requested

The ISED Transparency Reporting Guidelines previously referred to in this report suggest breaking down requests by types of information sought. There were 5 suggested categories: basic identifying information, tracking data, transmission data, stored data and real-time interception.

Basic identifying information is any personal identifier and may include data points such as a subscriber's name, service address, billing address, telephone number or email address. All of the 29 requests received during the period of April 1, 2018 to June 30, 2018 requested basic identifying information.

Tracking data is defined by ISED as data obtained via a tracking warrant that relates to the location of a transaction, individual or thing. Within this meaning of tracking data, none of the requests received during the relevant period were for tracking data. Note that in past Quarterly Transparency Reports, we took the view that "tracking data" included all location information. We now understand that to be incorrect; "tracking data" only includes information requested or obtained in the context of a tracking warrant or similar.

Transmission data may include the MAC address of a cable internet modem, the login of a DSL modem and any other modem identifiers such as the make, model, and serial number of the device. Of the 29 requests for information received during the relevant period, four included a request for transmission data.

Stored data is any information that is collected and then kept for any period of time. All of the requests received during the relevant period were for stored data.

Real-time interception occurs when communications are intercepted as they occur, typically through the means of a wiretap. To date, TekSavvy has not been asked to take part in the real-time interception of its subscribers' communications.

For an in depth explanation of what types of information TekSavvy collects and retains about its subscribers, and for more information about our privacy practices, please refer to our [Privacy Policy](#), and our [Privacy FAQs](#), our [Law Enforcement Guide](#), and [our response](#) to CitizenLab's 2017 request for information about our privacy and transparency practices.