

Telecommunications Carriers' Forum

Project Scope: To Develop an Interception Code of Practice

Date Submitted:
June 2008

A. Issue Identification

There is a need to establish a Code of Practice for Interception capability of Public Switched Telecommunications Networks (PSTN) and Public Data Networks (PDN) to government agencies to ensure that all relevant industry members are delivering to the requirements of the Telecommunications (Interception Capability) Act 2004 in a consistent and, if possible, collaborative manner.

A Project Proposal was developed in May 2008 which included the recommendation that a report and possibly a non-regulated code be developed for Interception Data which comes into affect in April 2009. Since that Project Proposal was developed and approved the Interception Working group have agreed that it would be beneficial to include both PSTN and PDN in the scope of work to ensure that co-ordination and consistent standards can be established for both these areas.

This Code of Practice would be non-regulated, and will specify the minimum standards that all network operators will comply in terms of Interception capability.

This project must be completed in such a time to allow network operators to provide data interception services by April 2009.

B. Background

The Telecommunications (Interception Capability) Act 2004 (TICA) requires network operators to ensure that PSTN and PDN have interception capability. Under the Act, PSTN compliance is current and PDN compliance is due in April 2009. There is an obligation that network operators shall assist authorised government agencies with interceptions upon request.

The TICA is non-prescriptive in its approach to outlining how network operators shall deliver these capabilities. As such, network operators are currently engaging with the relevant government agencies in order to agree the appropriate standards, processes and platforms required to meet the legislative requirements.

However, as all network operators are primarily engaging in these discussions independently, there is little coordination or standardisation of solutions or processes across the industry. This creates significant risks:

- a. That the network operators may interpret the requirements of the TICA in different manners, and will therefore provide different levels of service to government agencies;
- b. That the government agencies may be required to liaise differently with each network operators, which may create confusion and delay in the appropriate method for engaging different operators for assistance;
- c. Without standardisation, government agencies may receive intercept related content and data from each individual network operator in a manner that is significantly different. This is likely to create issues for the agencies in specifying their interface technologies and network operators interpreting and assuring the integrity of that data;
- d. That the individual government agencies may specify individual requirements for interception that are not consistent across all government agencies, which may require network operators to deliver to more requirements , and incur greater costs, than would otherwise be necessary;
- e. That ultimately, individually developed "point solutions" are likely to result in an inefficient and counterproductive industry solution to the TICA, and increase the risk of future regulatory intervention to streamline processes.

The TCF believes that the most appropriate solution for controlling these risks is to develop a Code of Practice for Interception capability of PSTN and PDN to authorised government agencies to streamline processes and reduce confusion by implementing an industry agreed solution.

C. Project Scope

The scope of this project is to prepare a code of practice for Interception capability of PSTN and PDN, which would be multi-laterally adopted by members of the TCF and other interested parties. It is proposed that the code would:

- a. recommend a common industry approach to meeting the requirements of the TICA which would include agreeing principles to achieve the TIC2004 compliance.
- b. meet the requirements of any government agencies that will require interception services in accordance with the TICA, in a consistent, and cost-efficient and time-efficient manner;
- c. confirm the timeline for implementation, to assist all network operators in providing data interception services by April 2009;

D. Deliverables

The deliverable from this project is a non-regulated Interception Code or practice.

E. Working Party Membership

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F. Timeline

The table sets out the project timeline.

Milestone	Date
Draft Report on Interception Code of Practice completed and submitted to TCF Board for approval	30 June 2008
'Strawman' draft Code released to IWG for comment prior to workshop	31 July 2008
IWG workshop with Government Agency participation	13 August 2008
Draft Code updated with Government Agency comments and submitted to TCF Board for approval to issue for public consultation.	19 September 2008
TCF Member Consultation Commences	03 October 2008
TCF Member Consultation period closes	31 October 2008

Milestone	Date
Final draft of Interception Code of Practice submitted to TCF Board for endorsement	28 November 2008
TIC Deadline for Provision of Data Interception Capability	5 April 2009

G. Resources

The TCF budget includes an allowance of up to 120 hours of Forum Administrator resource for this workstream.

H. Recommendation

That the TCF Board:

- 1) **Approve** the inclusion of Interception capability for PSTN into the project scope; and
- 2) **Approve** this project scope.