

Spectrum Management

Internal Procedures Circular

# Licensing of Digital Scanner Receivers

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Comments and suggestions may be directed to the following address:

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Attention: DOSP

## Principle

The radio-frequency spectrum is a natural resource to which all Canadians are entitled access.

## Mandate

Section 5 of the *Radiocommunication Act* states that the Minister may issue radio authorizations for radio installations.

## Legal Framework

In an effort to protect the privacy of individuals, users of digital scanner receivers capable of receiving radiocommunication must obtain a licence as prescribed in the *Radiocommunication Act*. This does not include digital scanner receivers capable only of the reception of broadcasting.

## Policy

In December 1992, the Minister of Communications announced Telecommunications Privacy Principles for all providers of telecommunication services. One of the principles states that, "*When telecommunications services that compromise personal privacy are introduced, appropriate measures must be taken to maintain the consumers' privacy at no extra cost unless there are compelling reasons for not doing so.*" This principle is intended to ensure that the demand for more efficient and sophisticated telecommunications services is balanced with appropriate safeguards for personal privacy.

All analog scanners are exempted from licensing as prescribed in Radio Standard Specification 210 (RSS-210), *Low Power Licence-Exempt Radiocommunication Devices*. However, digital scanner receivers capable of receiving radiocommunication must be licensed.

## Application (Policy Considerations)

Licences for digital scanner receivers capable of receiving radiocommunication may be issued to persons or public service organizations involved in:

- (a) preserving or protecting life and property which includes providing emergency assistance;
- (b) investigating or prosecuting an alleged contravention of any law of Canada or a province, or when intended to be in the interests of the administration of justice;
- (c) managing the radio-frequency spectrum for the purpose of identifying, isolating or preventing an unauthorized or interfering use of a transmission;
- (d) ensuring the security and integrity of communications and communications systems;

- (e) conducting the business of any communication station or system through which such communication is transmitted or received;
- (f) carrying out international affairs, national defence or security on behalf of Her Majesty in the right of Canada; or
- (g) operating radio apparatus in the amateur radio service.

## Procedure

- (1) Radio licences will be issued pursuant to the *Radiocommunication Act* and *Radiocommunication Regulations*, on a case-by-case basis in accordance with the above-noted policy considerations. Applications which are inconsistent with these policy considerations may be considered. However, applicants seeking such deviation must provide supporting rationale for how such deviation from the policy considerations would be in the public interest.
- (2) Unless otherwise indicated in RSS-135, all digital scanner receivers must be certified in accordance with that standard and issued a Technical Acceptance Certificate.