



Transparency Report

INTRODUCTION

As a telecommunications service provider, VMedia is contacted from time to time by government and law enforcement agencies seeking information about our customers.

We take our customers privacy seriously and we do whatever we can, within the limits of the law, to protect our customers' information. Outlined below is our 2015 Transparency Report which provides further details about the types of requests that we received from these entities during the past year and how we typically respond. We fully comply with Canadian privacy laws and take necessary measures to safeguard our customers' information. At the same time, we are also compelled by Canadian law to respond to federal, provincial and municipal government and law enforcement agencies when they present a legally valid request for customer information such as a search warrant or court order.

The requests that we receive from government and law enforcement agencies are in the form of warrants and court orders, as well as authorized requests pertaining to the enforcement of laws like the *Income Tax Act*. We also assist police services in the case of emergencies or life threatening situations.

Generally speaking, about half of these authorized requests are to confirm a particular customer's name and address, which we respond to accordingly so that police do not issue a warrant to the wrong person. We only provide customer information when forced by law or in emergency situations and after the request has been thoroughly vetted. If we consider an order to be too broad or far reaching, we push back. If it is deemed necessary and appropriate, we would go to court to oppose a request that is not justified by the conditions outlined above.

Our customers' privacy is important to us and we believe more transparency is helpful. The 2015 Transparency Report is provided with that in mind.

WHY AND HOW WE RESPOND

Specific Canadian law governs both how we safeguard private customer information and how government and law enforcement agencies can compel companies like VMedia to provide information to them:

- The *Personal Information Protection and Electronic Documents Act (PIPEDA)* covers how we protect customers' information and how we disclose it.

- The *Criminal Code* and other related laws allow government and law enforcement agencies to require us to provide customer information when there is a legally valid reason
- The CRTC Confidential Customer Information Rules (CRTC Rules) outline situations where customer information - other than name, address and listed numbers, which can always be provided - may be disclosed to third parties including law enforcement agencies.

VMedia's Privacy Policy and Terms of Service outline how we protect our customers' privacy and information under these laws. We only provide private customer information when we are required by law or in cases of emergencies and after the request has been thoroughly vetted.

TYPES OF REQUESTS RECEIVED

1. Customer name/address checks:

Legal Authority: *PIPEDA* and CRTC Rules permit confirming basic information like name, address and listed phone number.

Details: So that the police do not issue a warrant to the wrong person, these requests are to confirm a customer's name and address.

Examples of Information Provided: When provided with a name and address by the authorities, we will confirm whether or not the person is a VMedia customer. When provided with a listed phone number, we will provide the name and address of a customer if it matches. The IP address is not provided.

2. Court Order/Warrant Requesting Customer Information:

Legal Authority: Issued under the *Criminal Code* or other laws.

Details: A court order or warrant includes production orders, summons, subpoenas and search warrants issued by a judge or other judicial officer. This court order or warrant compel us to provide customer information to the police or other authorities or to attend court to provide evidence/testimony about customer information.

Examples of Information Provided: Customer account information such as name and address, the customer's payment history with VMedia, billing records, or call records.

3. Government Requirement Order:

Legal authority: Issued under laws such as the *Customs Act* or *Income Tax Act*.

Details: A court order that obligates us to provide customer information to the requesting agency.

Examples of Information Provided: Customer account information such as payment history, billing records, or call records.

4. Emergency Requests from Police in Life Threatening Situations:

Legal Authority: The *Criminal Code* and *PIPEDA*

Details: We assist police services in emergency or life threatening situations such as individuals in distress or missing persons cases.

Examples of Information Provided: Assisting the police to locate someone with an IP address and providing contact details for someone who has contacted emergency over IP services and may be unable to communicate.

5. Child Sexual Exploitation Emergency Assistance Requests:

Legal authority: The *Criminal Code* and *PIPEDA*.

Details: We assist police during investigations of child exploitation.

Examples of Information Provided: Confirming a customer's name and address when provided with a warrant or an order in order to assist police in preventing or stopping the sexual exploitation of a child.

6. Court Order to Comply with a Mutual Legal Assistance Treaty Request:

Legal authority: Issued under *Mutual Legal Assistance in Criminal Matters Act*.

Details: We do not respond to requests from foreign governments or agencies. However we do advise them to have their country's justice authority contact the Department of Justice Canada. If that country has a treaty or convention with Canada, then the request would be processed by Canadian authorities and an order may be issued by a Canadian court to gather evidence. We are then compelled to provide customer information to the police or other Canadian authority in Canada conducting the investigation.

Examples of Information Provided: Customer account information such as payment history, billing records, or call records.

FREQUENTLY ASKED QUESTIONS

1. Which agencies have requested information?

We get requests from different government and law enforcement agencies, including Federal agencies such as the Royal Canadian Mounted Police, Canadian Security Intelligence Service,

Canada Border Services Agency, Canada Revenue Agency as well as Provincial and Municipal agencies like Police forces and Coroners

2. Do you ever reject law enforcement requests?

If we consider an order to be too broad and far reaching, then we push back and, if necessary, would go to court to oppose the request.

3. Do you provide metadata or direct access to customer databases?

No, we do not provide metadata without a warrant, or direct access to our customer databases. We only provide the information we are required to provide and this information is retrieved by our staff.

4. How much do you charge for requests?

We assume all costs associated with providing a response for most court-ordered requests for customer information. In some cases, we charge a small fee to recover our costs associated with complying with the request.

5. Do you fight for customers' privacy rights?

Yes we do. If we feel a request or an order is too broad or far reaching, we do push back and, if necessary, would go to court to oppose the request. Our customers' privacy is important to us and providing a Transparency Report assures our customers of our position.

6. How long do you keep customer information?

We only keep information for as long as it is necessary for business purposes or as required by law. As an example, the law requires us to keep customer bills for seven years. We do not keep our customers' communications such as emails because our customers' privacy is important.