ILETS ’99 : draft report

ILETS ’99 was held from 16 to 18 November 1999, in Saint Cyr au Mont d’Or, in the premises of the ENSP (National college for police superintendents). The topic of the Seminar was “Reconciling data protection and privacy requirements in the 21st Century”.

Item 1 : Welcome to the delegations

The delegations where welcomed by Mr Michel Richardot, director of the ENSP, and Ms Brigitte Lafourcade, superintendent at the International police cooperation department, chairman of the Seminar.

Item 2 : Adoption of the agenda

The agenda was adopted by the delegates.

Item 3 : Adoption of the report ILETS 98, Ottawa

The report was adopted by the delegates.

Item 4 : National and European developments since ILETS’98

On a national point of view, a lot of the delegates stressed the following problems :

- the cost of the interception facilities, the interception to be supported by LEA
- the interception of the Internet, and of the packet-switched communications
- the access by LEA to the keys of ciphering
- the number portability
- the criminal use of the Internet.

Home Office delegate presented the EU Mutual legal assistance convention. It was stressed that ILETS must elaborate technical requirements for delivery in real-time transmission of all types of satellite intercept product.

Item 6 : European directives on the data protection

EC representative presented the two European directives on data protection :

- Directive 95/46/EC of 10/24/1995 on the protection of individuals with regards to the processing of personal data and on the free movement of such data
- Directive 97/66/EC of 21/15/1997 concerning the processing of personal data and the protection of privacy in the telecommunications sectors which orders the operators to erase or to make anonymous historic data upon the termination of the call.

Item 7 : Internet

FBI representatives presented Internet issues, especially transmission by satellites, voice on Internet and Teledesyc.

Item 8 : Use of encryption by criminals in the field of liberalisation

FBI representatives presented the FBI approach. The electronic surveillance is the tool of last resort, search and seizure are used in almost every investigation.

The crypto unit was created to provide a centralized national resource :

- To strengthen cooperative working relationships with federal, state and local Law enforcement
- To establish strategic partnership with industry, academia and national laboratories.

Concerning the relation with industry, two strategies are used :

- a multilateral relationship, planning and adopting recommendations for future technology solutions ;
- a bilateral relationship, to find specific solutions to specific problems.

Concerning the US regulation, the Cyberspace and Electronic Security Act (CESA) protects the privacy of encryption users and support recoverable encryption. It protects the confidentiality of investigative techniques associated with access to plaintext and industry trade secrets, it permits judges to protect investigative techniques (used to obtain plaintext) from disclosure in civil or criminal cases. CESA authorizes US $ 80 million for 2000-2003 for creating a Technical support center within FBI. This TSC will serve as a centralized resource for all the levels of law enforcement, in responding to the use of encryption by criminals.

Home Office has presented its own regulation. A draft law will be introduce in early 2000. It was written down thank to cooperation between government and industry. The UK legislation provides lawful access to key or, under some circumstances, plaintext ; it applies to only lawfully seized material ; warrant will include application for access authorisation for keys as well ; it enables LEA to require a suspect to turn over an encryption key.

Item 9 : Numbering and access at a subscriber data

EC representative presented the directive 98/61/EC OF 09/24/1998 concerning the operator number portability and carrier pre-selection , and the European encryption policy.

The FBI presented the US approach.

Australian representative presented the needs of the LEA for the access to subscriber data and billing information. He proposed the IUR XG to be asked to develop Explanatory memorandums for subscriber information and service usage information, with each Memorandum containing the information we may provide, the information we require, and the searching facilities needed.

Item 10 :the GPRS (new item)

It was recommended that the GPRS be given to the STC for an Explanatory memorandum

Item 11 : ILETS working methods

- STC

Ms Pat Brown (Home office) presented a report of the STC works. She was confirm as chairman of the STC..

It was decided to merge the STC and the IUR XG, into STC (new name), together to become a single STC with the understanding that the IUR work will continue.

With regards to the status of the ILETS document, it was decided that ILETS must control its documents and not submitted them to the Police Cooperation Working Group, but ILETS should cooperate with it to achieve its goals However this is not the only form that documents can be circulated. ILETS should be careful that it does not tie itself up by placing rules that are hard to live with. ILETS provides a forum where it may share information between the ILETS members, and sometimes with outsiders.

With regards of the Plenary work, it was decided that the Plenary should set the parameters and then review the work of the STC and LAG to ensure that it is useful.

Concerning the STC work plan, it was decided that the work plan is only a guide, ILETS must be flexible.

The relations with ETSI and other standardisation bodies were debated : a link should be set up, but this relationship must be kept under ILETS control.

- LAG

The draft guidelines was discussed and reviewed to elaborate a “chapeau” to cover off the questions such as accountability. This “chapeau” can be used by members , by their governments for publication. The rest of the guidelines are not intended for public distribution. The guidelines were accepted.

Concerning media guidelines, it was stressed that ILETS is not a formal group, and there is therefore no formal membership. Each country must observe its own regulation, and there will be cases for which answers may be forwarded to the national Parliament. If such exposure happens, notification should be sent to all members. The LAG will publish a FAQ and list of responses.

It was decided that the group be named the Policy and Legal Advisory Group (PLAG). The work plan for the PLAG should be distributed soon for members consideration.

- New Members

Several countries, namely Japan, Switzerland and Czech Republic, have applied to become member of ILETS

Australia will contact Japan, while Europe will have to liaise with the European applications. The PLAG can examine the applications to make recommendations for the membership. Nevertheless, it was stressed that ILETS must not become political.

Item 12 : Next meeting

The USA or New Zealand will host the next meeting.

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Conclusions on technical matters			
Issue	Action required	Committee / country / Individual responsible	Target date
Committee structure	Endorse existing chairmanship of STC and LAG Committees. STC to take on responsibilities of IUR. Chairs to co-operate on meeting dates. LAG to meet at least biannually.	ILETS	Endorsed at ILETS 1999
Reports to appropriate international fora	No ILETS STC technical documents to be submitted without agreement of STC STC Chair to provide oral updates to appropriate international fora	ILETS	Endorsed at ILETS 1999
Satellite interception	Common technical standards for delivery of product	STC	To consider any further work required at January meeting
	Iridium	Netherlands	
	GlobalStar	Netherlands	
	ICO	UK	
	Teledesic	US	
	Circulate latest text of the EU Mutual Legal Assistance Convention	UK	Immediately after ILETS 1999
Delivery of real-time intercept product between countries as a result of MLAC agreements	Agree handover and delivery specifications between countries	STC	Bring conclusions to next ILETS Plenary.
Endorse ILETS link into international standards bodies	Decide that ILETS STC should link into international standards work on lawful interception, and act as a co-ordinating body for ILETS members Produce an updated list of international standards under negotiation, and contact	STC	Principle endorsed at ILETS 1999; detailed working arrangements to be considered at January 2000 meeting of STC

	points within ILETS		
Conduct survey of implementation of IUR 1995 in ILETS members	Update earlier French survey and include non-EU members of ILETS	STC (Austria)	Survey to be completed well in advance of next ILETS Plenary – presentation to next ILETS Plenary on conclusions and recommendations for any action required.
Terms of reference for STC	Chair and Secretariat to draft and circulate ToR	STC	ToR to be endorsed by STC during 2000
Internet interception	Further work required on technical options to deal with the interception of Internet communications	STC (US delegation to lead)	Detailed presentation by US delegation to ILETS STC in January 2000
Handover interface specifications	Develop ILETS requirements for technical standards on handover interfaces – particularly for IP traffic – and ensure that these are reflected in international handover standards	STC (Dutch delegation to lead)	Ongoing
Mobile radio communications (GPRS)	Identify interception options	STC (UK delegation to lead)	Ongoing.
Encryption	Descriptive paper on encryption and Internet strategy	STC (US delegation)	
Intelligent Networks	Identify intercept options	STC (Germany to lead)	Ongoing
Switches and equipment standards	Develop database of interception solutions for particular switches and other equipment.	STC (UK to lead)	Present database to next ILETS Plenary
Encryption: International co-operation	Consider options for improving co-operation on international technical standards, and identifying threats for law enforcement Identify lead delegate for encryption matters	STC (Submit views to Rupert Thorogood) All delegations to inform Rupert	Views to Rupert before Christmas 1999. For discussion at STC in January 2000.

	within each country	Thorogood	
Subscriber and service usage IUR	Produce updated versions of subscriber and service usage IUR using Dutch document as a basis for future work and reflecting high tech crime requirements	STC (Australia to lead)	Endorsed at ILETS 1999. Initial discussion at STC in January
Future work on explanatory memoranda on IUR for Broadband data services Satellites Internet	Report outcome to Chairman of appropriate international fora. Further work required in STC	STC Canada to lead on developing requirements for data services	
Retention of data and implications of data protection legilslation	All delegations to consider options for improving the retention of data by Communication Service Providers		

This document is for the internal use only of ILETS members and should handled appropriately. It should be disclosed to any wider audience without the prior agreement of the ILETS Plenary or, under urgent circumstances, the STC Committee.

Guidelines to assist in determining what other agencies should be invited to the annual International Law Enforcement Telecommunications Seminar

The International Law Enforcement Telecommunications Seminar (ILETS) is an annual gathering of law enforcement and national security agencies from a number of countries that provide for lawful telecommunications interception. The purpose of the seminar is to provide a forum of cooperation where developments , issues, problems and possible solutions in the area of lawful telecommunications interception can be considered and addressed. These issues are looked at in the framework of the national laws of the country of the agencies attending, and with regard to the obligation to protect the human and civil rights of the individual, including their rights to privacy. Recommendations emanating from the seminar can then be put to the respective governments to whom the agencies are ultimately responsible, for their consideration, and if accepted, adoption and implementation.

ILETS does not rely upon a resolution or directive of any international organisation or group of countries for its existence.

Attendance at ILETS is by invitation only.

In determining whether an invitation should be extended to a particular agency, existing participants, who must be unanimous in their decision, should have regard, among other things, to the following :

The state in which the agency resides shall have :

- **A sophisticated nationwide telecommunications network ;**

- **A genuine regulatory framework governing the network which, among other things, includes: a specific framework governing the interception of the network under judicial or administrative authority ; appropriate safeguards to protect an individual's human and civil rights, including their right to privacy; and history of honouring those commitments ;**

- **The state of the invited agency shall also subscribe or intend to subscribe to the International Users Requirements adopted by ILETS and take the necessary steps to implement them.**

ILETS members shall also have regard to whether it is in the overall interest of ILETS that the agency be invited to attend.