



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI



Lawful Interception Standards Consultation

**Approved standards for the format of call associated
data and the content of telecommunications**

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Invitation for Submissions

Interested parties are invited to comment on the content of this document. Written submissions should be sent no later than 18 July 2016 to:

By email: (preferred option)

communicationspolicy@mbie.govt.nz

Subject line: "Lawful Interception Standards Submission"

or

By post:

*Lawful Interception Standards Submission
Communications Policy
Ministry of Business, Innovation and Employment
PO Box 1473
WELLINGTON 6140*

Any party wishing to discuss the proposals with Ministry officials should email, in the first instance, communicationspolicy@mbie.govt.nz.

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Submissions are also subject to the Official Information Act 1982. If you have any objection to the release of any information in your submission, please set this out clearly with your submission. In particular, identify which part(s) you consider should be withheld, and explain the reason(s) for withholding the information. The Ministry will take such objections into account when responding to requests under the Official Information Act 1982.

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Introduction

Purpose

This document seeks feedback on the proposed introduction of interception format standards to support network operators and service providers in meeting their obligations under the Telecommunications (Interception Capability and Security) Act 2013 (the Act).

Background

The Act allows for interception format standards to be determined by notice in the Gazette, and sets out broadly the consultation process that must be followed.

Lawful interception standards are used by many jurisdictions to guide network operators and equipment manufacturers on the capabilities required for interception. They establish a consistent set of requirements to ensure interception data¹ is provided to law enforcement agencies in a useable format. They also guide network operators' investment in interception equipment (manufacturers advertise their technologies based on what standards they support).

In New Zealand, some network operators have stated they would like the government to identify specific standards for the format intercepted data must be provided in. This would assist them in ensuring they are compliant with their obligations under the Act, and in selecting the appropriate interception infrastructure to invest in.

The introduction of lawful interception format standards is also supported by law enforcement agencies, to provide clarity for operators in how to meet the Act's requirement that intercepted data be provided in a 'useable format'.

Legislative framework

Section 42(1) of the Act states that the Minister responsible for the administration of the Act may, by notice in the Gazette, determine the format in which call associated data and the content of a telecommunication must be able to be obtained under an interception warrant or any other lawful interception authority. This notice may incorporate by reference all or part of any standard, specification, or requirement that is published by or on behalf of any body or person in any country.

Section 44 of the Act states that network operators who were compliant with their interception obligations under the Telecommunications (Interception Capability) Act 2004 by obtaining call associated data and telecommunications in a format that was able to be used by a surveillance agency will not have to comply with the new standards in order to meet their interception obligations.

¹ 'Interception data' is not a specific term within the Telecommunications (Interception Capability and Security) Act 2013. This term has been used in this document to refer to the call associated data and content of a telecommunication that may be provided to a law enforcement agency under this Act.

This section was included to ensure that legacy networks that were considered compliant at the time the Act was passed would still be considered compliant in the future. This means that some network operators that provided interception data prior to the new Act being implemented in 2013 may not have to upgrade their interception standards to ETSI. However, upon the introduction of standards all network operators that began providing interception data after the 2013 implementation of the Act will be required to use ETSI standards.

Process

The government will use the feedback received on this document to inform policy consideration and finalise views on the key issues.

The Ministry will provide a summary of the submissions to the Minister for Communications, with recommendations on how to proceed.

Following policy consideration, we will announce the outcome of consultation and public submissions on our website. If required, the Minister will introduce standards by notice in the Gazette.

Submissions

You are invited to make a written submission on the issues raised in this discussion document. The closing date for submissions is 5pm, 18 July 2016.

Specific questions are listed at the end this document. We welcome comment on some or all of the questions, as well as broader comment on the issues raised.

Proposed standards

The Ministry recommends that the following formatting standards from the European Telecommunications Standards Institute (ETSI) be introduced. Copies of these standards are available at www.etsi.org.

Title	Description	ETSI standard reference	Comment
Handover interface for the lawful interception of telecommunications traffic	The present document is step 3 of a three-step approach to describe a generic Handover Interface for the provision of lawful interception from a Network Operator, an Access Provider or a Service Provider to the Law Enforcement Agencies.	TS 101 671 v3.13.1 (2015)	This standard is the most recent version.
Handover Interface and Service-Specific Details for IP delivery; Part 1: Handover specification for IP delivery	This standard sets out the handover interface and service-specific details for the interception of IP-services	TS 102 232-1 v3.10.1 (2015)	This standard is the most recent version.
Handover Interface and Service-Specific Details for IP delivery; Part 2: Service-specific details for messaging services	This standard contains service-specific details for the handover of intercepted IP-based messaging services.	TS 102 232-2 v3.8.1 (2014)	This standard is the most recent version.
Handover Interface and Service-Specific Details for IP delivery; Part 3: Service-specific details for internet access services	This standard contains service-specific details for IP delivery, including process of binding a "target identity" to an IP address when providing Internet access, when intercept related information and content of communication needs to be sent, and what information it needs to contain.	TS 102 232-3 v3.3.1 (2013)	This standard is the most recent version.
Handover Interface and Service-Specific Details for IP delivery; Part 4: Service-specific details for Layer 2 services	This standard contains service-specific details for the handover of lawful intercepts for an access provider that has access to layer 2 session information and that is not required to have layer 3 information.	TS 102 232-4 v3.2.2 (2014)	This standard is the most recent version.
Handover Interface and Service-Specific Details for IP delivery; Part 5: Service-specific details for IP Multimedia Services	This standard contains service-specific details for the handover of IP Multimedia Services.	TS 102 232-5 v3.5.1 (2015)	This standard is the most recent version.
Handover Interface and Service-Specific Details (SSD) for IP delivery; Part 6: Service-specific details for PSTN/ISDN services	This standard contains service-specific details for the handover of the lawfully intercepted PSTN/ISDN Services.	TS 102 232-6 v3.3.1 (2014)	This standard is the most recent version.
Handover Interface and Service-Specific Details (SSD) for IP delivery; Part 7: Service-specific details for Mobile	This document specifies an approach for the handover of the lawfully-intercepted information that is defined in the two standards: 3GPP TS 33.108 and ANSI/J-STD-025-B. It uses the	TS 102 232-7 v3.2.1 (2013)	This standard is the most recent version.

Services	handover techniques defined in TS 102 232-1.		
Universal Mobile Telecommunications System (UMTS); LTE; 3G security; Handover interface for Lawful Interception (LI).	This standard specified the handover interfaces for lawful interception of packet-data services, circuit switched services, multimedia services within the UMTS network (GSM-based mobile networks) and Evolved Packet System (the core network of the LTE system).	TS 133 108 v11.4.0 (2012)	This is an older version of this particular standard, which is still widely used.

Why ETSI?

ETSI produces lawful interception standards that are developed through a technical committee that represents most major manufacturers, government representatives, network operators, and research organisations.

ETSI standards have been proposed due to their widespread use globally, and due to the perceived support within industry for these standards².

This indicates that the network operators will have a wide selection of ETSI-compatible equipment that they can choose from when selecting interception equipment.

ETSI standards have also been endorsed by New Zealand Police since the introduction of TICSA in 2013, and are identified as the preferred format standards in the New Zealand Police TICSA guidelines.

Updates to standards

ETSI standards are frequently updated. However, many of these amendments are small changes to wording or format. The Act specifically states that if a standard is incorporated by reference, there is no automatic obligation for a network operator to comply with changes to that standard (i.e. the standards under the Act would not automatically update when a new version is issued by ETSI).

Given the frequency of revisions to these standards, the government proposes to establish a process by which standards are reviewed on an as-needed basis. For example, where New Zealand Police advises that there is a significant change to one or more standards, or when the industry requests a review of the standards.

² The 2009 Telecommunications Forum (TCF) interception guidelines, which provided guidance for network operators to comply with the previous Telecommunications Interception Capability Act 2004, strongly recommend the adoption of the ETSI standards. ETSI standards were also mentioned positively by several submitters during the Telecommunications (Interception Capability and Security) Act select committee process.

National Variants

ETSI standards allow national variants to enable jurisdictions to place more specific requirements on network operators. The introduction of these standards presents an opportunity to clarify expectations around how the location of a user is identified and provided to enforcement agencies.

Currently, the location requirements provided for in the Act and in ETSI standards state that network operators are required to provide information on the point a call enters the network. We propose that a further national variant be added to the relevant ETSI standards to clarify the expectation that where a network operator is required to provide a location, that this must be a physical location.

This will provide better clarity to network operators and enforcement agencies about the accepted format for location data.

Our proposed national variants to the ETSI standards are as follows:

New Zealand National Variant on Location Information

Purpose: This national variant establishes additional requirements when providing Intercept Related Information (IRI) records which have a Location field as a mandatory requirement.

Requirement: For IRI records which have a Location field as a mandatory requirement. The location must determine the targets physical location where the Network Operator is providing the 'last mile'/access:

- GPS coordinates* of the target.
- **Physical street address (or GPS Coordinates*) of the 'fixed access' the target has used to established the current connection.
- **GPS coordinates*, azimuth (direction) and practical range of the Network Operators antenna for which a target is connected to wirelessly).

Those instances of a service where the network operator does not provide 'last mile'/access, the location information must provide registration details which identify the target to the Network Operators for the associated service e.g. SIP Registration, IPAddress.

*GPS coordinates as defined MapDatum - WGS84.

**A network provider is able to satisfy this requirement by supplying (in advance) the LEA with data which can be used to derive the physical location information of the target and/or network equipment from the attributes supplied in the IRI E.g. Suppling a document in advance which correlates a globalCellId attribute (as supplied in IRI) to a physical BTS/Cell Site, an antenna direction and its associated coverage pattern.

Questions for submitters

1. Are ETSI standards the most suitable interception standards to become mandatory in New Zealand? If not, why?
2. Are there other standards that should be considered? If so, why?
3. Do you agree that any standards adopted should be based upon a freely available and/or open standard?
4. What is your view on the proposed set of ETSI standards and versions?
5. Do you agree with the introduction of the proposed National Variant on Location Information? If not, why?
6. Do you think other national variants are required?