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CANADIAN TELECOMMUNICATIONS AND ONLINE SERVICES LAW

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This publication provides a comprehensive statement and analysis of the law relating to telecommunications law in Canada. This in-depth reference deals with a broad range of topics, including a general description of the constitutional and legislative framework governing telecommunications services, the incorporation, licensing and powers of carriers, the regulation of rates, resale of services, carrier liability and the duty to serve, the powers of the CRTC and the conduct of regulatory proceedings. The publication includes a discussion of all significant case law and regulatory rulings across Canada. Supplemented annually, this publication is an invaluable reference for anyone involved in this rapidly changing field.

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What's New in this Update

This release features updates to Chapter 4, Provision of Telecommunications Service, Chapter 8, Online Services, Chapter 11, Privacy, Criminal Law and Competition Law, Appendix A Federal Statutes, Appendix B Federal Regulations, Directives, CRTC Information Bulletins, Appendix G Table of CRTC Decisions and Appendix H Tables of Statutes, Regulations and Statutory Instruments.

Highlights

Online Services—Other Legislation—Provincial Legislation on Online Harms—Several provinces have enacted legislation making it a tort to distribute intimate images of a person without that person's consent. The laws of two provinces include provisions addressing the position of intermediaries in the distribution of such images.

Privacy, Criminal Law, Competition and International Treaties—Lawful Interception of Communications under the Criminal Code—The rights protected by section 8 of the Charter are subject to limits prescribed by law. In certain circumstances, the law authorizes law enforcement authorities and intelligence agencies to intercept communications traffic (i.e., to monitor the contents of communications by means of wiretaps and similar techniques) and to collect the communications data or metadata associated with such traffic (i.e., information about who placed a call to whom, where, when, etc.). Questions have been raised about the compliance of such legislation with the citizen's right to privacy and right to be secure from unreasonable search and seizure embodied in section 8 of the Charter. This section provides an overview of the provisions of the Criminal Code, R.S.C. 1985, c. C-46 which authorize lawful interception of communications and collection and use of communications data and the jurisprudence interpreting and applying these provisions in light of the protections afforded by section 8 of the Charter.