Canadian Commercial Remote Sensing Data Policy

The *Remote Sensing Space Systems Act*

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Introduction

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Context

• Civil, Private and Military satellite remote sensing technology has made significant advances

• High capability remote sensing satellites have raised national security, defence and foreign policy concerns

• States must meet their international obligations and should honour their voluntary commitments to regulate the space activities of their nationals

• Governments all promote national social, economic and developmental interests without compromising national security, defence and foreign policy interests

• All legal and regulatory regimes must be effective and efficient
Chronology of Milestones

- 1995  RADARSAT-1 is launched (GoC)
- 1998  RADARSAT-2 programme begins (Private)
- 1999  Canada’s “Access Control” Policy announced
- 2000  A CANADA-US Agreement is signed
- 2003  Government decision for a new law
- 2005  Bill C-25 is introduced into Parliament
- 2006  Bill C-25 receives Royal Assent
- 2006  Regulations are proposed
- 2007  Regulations gain approval
- 2007  The Act and Regulations enter into force
- 2007  RADARSAT-2 on eve of being licensed
- 2007  RADARSAT-2 is set to be launched
The *Remote Sensing Space Systems Act*

- Applies to public, private and public-private systems
- Applies to systems operating within Canada and for Canadians operating systems outside of Canada
- Operators need a licence from the Minister of Foreign Affairs
- Exemptions from the Act are possible for persons, systems and data
- Primary factors for consideration in granting a licence: national security, defence of Canada, protection of Canadian Forces, international relations and international obligations
- Applicants must also commit to dispose of the system, including the satellite
Licensee-System Participant Agreements and Licensee’s End-User Licence Agreements (EULAs)

CONTROLLED ACTIVITIES

(a) formulating or giving a command to a remote sensing satellite of the system;
(b) receiving raw data from a remote sensing satellite of the system;
(c) storing, processing or distributing raw data from the system;
(d) establishing or using cryptography in communications with a remote sensing satellite of the system, or information assurance measures for the system.

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END USERS

Contract with Command or Data Protection Plan

SYSTEM PARTICIPANT(S)

- Remote Sensing Products
- Raw Data other than SLC
- Single-Look Complex (SLC) Data
- Remote Sensing Products

ACCESS PROFILES

Communication of SLC Data and provision of Remote Sensing Products rules are both specified in the operating licence.
The Remote Sensing Space Systems Act (3)

• Extraordinary powers:
  – Priority Access to Services
    • Department of National Defence
    • Department of Foreign Affairs and International Trade
    • National intelligence agency and the national police service
  – Interruption of Service
    • Department of National Defence
    • Department of Foreign Affairs and International Trade

• The Act defines a compliance regime that includes criminal offences, violations and alternate compliance agreements

• The Act also specifies the powers for inspectors and compliance officers within Canada
The *Remote Sensing Space System Regulations*

- Contains the procedural details for the administration of the Act
- Defines the information required for application, amendment and the renewal of licences
  - System Requirements Review to Preliminary Design Review quality is expected for application submissions
  - Command and Data Protection Plans for Controlled Activities are key documents in the regime
- Raw Data must be put on offer for the public good before disposal by the Licensee
The *Remote Sensing Space System Regulations (2)*

- Specifies the records that must be kept by the Licensee
- Specifies the notices that must be given to the Minister
- Defines the violations and the monetary value of penalties for any such violations
Operating Licences

- Identifies persons that exercise control over the Licensee and the System Participants
- Identifies persons that operate the system and perform Controlled Activities
- Specifies any performance restrictions and operating conditions for the system
- Specifies the access profiles for Raw Data and Remote Sensing Products by class of persons, by region imaged, by residency of the End-User and by latency
- Specific End-Users may also be assigned an individual access profile
- Fixes the Command and Data Protection Plans for the Licensee and System Participants
- Also fixes approved End-User Data Licences as requirements of the licence
Conclusions

- Canada has implemented the *Remote Sensing Space Systems Act*
- Canada is on the eve of issuing its first operating licence for RADARSAT-2
- The Government of Canada has negotiated agreements with the US Government to facilitate access to sensitive US controlled goods and technology by Canadian companies
- Canada is open for business in this exciting new domain of public and private endeavours
Questions?
References

• *Remote Sensing Space Systems Act*, (2005, c.45), Assented to November 25, 2005 is available at:

• *Remote Sensing Space Systems Regulations*, SOR/2007-66, Registration March 29, 2007 is available at:

• RADARSAT-1 and -2 information is available at:

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