

Lawful Interception in 3GPP and current LI SA3-LI#59 issue.

Chairman SA3-LI (Content not approved by SA3-LI)

LI Obligations around the world

- Lawful Interception is a **National Obligation**.
 - Countries just about agree on the principle of Voice and Data LI.
- “Lawful” interception is covered by legal Warrant process and is in most countries subject to Judicial oversight.
- Targeted interception (as defined by 3GPP) is interception based on specific targeting of 1 or more Users against a lawful authorisation.

SA3-LI Documents

- SA3-LI does not develop standards in the normal 3GPP release and Stage 1,2,3 sense.
- 33.106 – This is the LEA global requirements document. It is the superset of LI obligations / requirements global 3GPP networks need to comply with.
 - It is not a 3GPP stage 1 technical requirements specification in SA1 sense.
 - Most CSPs do not have LI service requirements in SA1 sense.....
 - It is part stage 1 and stage 2.
 - It is not release dependent the traditional sense.
- 33.107 – Essentially the Stage 1 and 2 technical LI architecture
- 33.108 – Stage 3 LI
 - ASN.1 Handover specifications are generally not used by CSPs
 - ETSI 102.232 is seen as “global standard” for LI handover.
 - 33.108 is used it is generally encapsulated as 102.232 part 7.
- Unlike most 3GPP documents 33.106,107,108 have standing in many national laws and allow “safe harbour” for the CSPs.
- All capabilities in 107 are 108 are optional for CSP implementation / use and are subject to national law
 - Presence of a capability or requirement in 106,107,108 has no bearing on whether a CSP is required to implement it.

SA3-LI Scope

- SA3-LI is charged with dealing with Lawful Interception requirements and solutions across 3GPP.
 - As defined by SA3 scope.
 - “The subworking group SA WG3-LI will detail the requirements for lawful interception in 3GPP systems, and produce all specifications needed to meet those requirements. This work shall be performed in conjunction with the regional standards bodies.”
- SA3-LI is not a regulatory body and as with the rest of 3GPP is not qualified to assess the legal basis on which national regulation and CSP obligations are based.
- SA3-LI develops technical solutions to national regulatory requirements.
 - It is not SA3-LI’s (or SA3’s) job to consider country by country applicability other than to ensure that LEAs / Regulators are able to demonstrate the basis for a requirement
- SA3-LI contains 3GPP’s body of expertise for Lawful Interception standardisation.
 - In the same way SA3-LI lacks the expertise to develop security solutions it relies on SA3 or regional partners to do this, SA3 does not contain the necessary expertise to directly assess LI.

SA3 Scope and Working Procedures

- Within the 3GPP structure SA3 is charged with developing LI solutions through SA3-LI for all 3GPP services.
- SA1 routinely writes LI compliance requirements into every service specification it produces.
- SA3-LI operating at arm's length deals with LI issues.
 - SA3 and SA3-LI have minimal delegate overlap.
- To reduce SA3 meeting load SA3 approves SA3-LI documents by email list approval
 - This is on the basis that SA3-LI contains the LI expertise
 - SA3 is tasked with identifying fundamental errors, mistakes and assisting SA3LI to make security improves by leveraging SA3 expertise.

Proprietary vs Standardised Solutions

- SA3-LI is the only fully open LI group.
- Standardised solutions provide CSPs with a safe harbour implementation and generally constrain LEA requirements.
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- 3GPP standardised solutions do not support bulk interception.
- 3GPP standardised solutions maximise privacy and security given that is are mandatory capabilities across global CSPs.
- Proprietary solutions do little for public transparency and privacy
 - Making a solution proprietary does not remove the LI requirement.
- Vendors and CSPs are protected from uncertainty around export restrictions.
- For CSPs not using a capability / service there is no impact.
- Allows for a degree of competition in the market.
- Allows for SACS initiatives to be applied if required in future.

SA3-LI CR on 33.106 and S3i-152462 commenting paper (1 of 2).

- CR represent the consensus of LI experts group in 3GPP.
- Given that 33.106 is the LEA requirements document, all LEAs in SA3-LI endorsed the adding of these requirements as representative.
 - Includes government representative for Netherlands, France, USA, UK, Canada, Germany, Korea.
 - SA3-LI is unable to comment on views of LEAs who do not attend SA3-LI and as with all other 3GPP groups such views are out of scope of SA3 / SA3-LI.
 - SA3-LI is an open group and all LEAs are free to attend (subject to 3GPP membership).
 - The majority of the largest western global operators were present in SA3-LI and did not object to this on the basis that LEAs demonstrated that there is a national requirement in markets in which they operate.
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- Companies are welcome to attend SA3-LI and contribute to LI standards development.
 - SA3 is not the correct place for discussions on LI requirement applicability.
- KPN / TNO paper does not challenge the actual content of the CR other than to the extent that there may be some CSPs not needing this.
 - That is a given for all LI capabilities.

SA3-LI CR on 33.106 and S3i-152462 commenting paper (2 of 2).

- KPN / TNO paper indicates there may be security issues
 - None are actually demonstrated.
 - LI poorly implemented as with any other network capabilities is a potential security weakness.
 - Onus is on SA3, vendors and CSP security policies to ensure 3GPP networks are designed and operated securely.
- Following the logic that only some countries or CSPs require this, SA3 should stop work on any security capabilities which are not required by ALL CSPs in ALL markets.
- CR is consistent with existing terms of reference of SA3 and SA3-LI.
- 80:20 rule applies with 33.106
 - Just because there is a requirement in 106 does not mean a free for all in 107 ,108.
 - Proportionality, privacy and security national law consideration have to be met.
- Critically the CR only applies to companies who have or are implementing LCS **AND are obligated by their national law to provide capability for LI purposes.**

Anti Trust impartiality and competition

- IT, IPR, antitrust reminders provided by the chair:
- The attention of the delegates to the meeting of this Technical Specification Group was drawn to the fact that 3GPP Individual Members have the obligation under the IPR Policies of their respective Organizational Partners to inform their respective Organizational Partners of Essential IPRs they become aware of. The delegates were asked to take note that they were thereby invited:
 - - to investigate whether their organization or any other organization owns IPRs which were, or were likely to become Essential in respect of the work of 3GPP.
 - - to notify their respective Organizational Partners of all potential IPRs, e.g., for ETSI, by means of the IPR Information Statement and the Licensing declaration forms
- The attention of the delegates to the meeting was drawn to the fact that 3GPP activities were subject to all applicable antitrust and competition laws and that compliance with said laws was therefore required by any participant of the meeting, including the Chairman and Vice-Chairmen and were invited to seek any clarification needed with their legal counsel. The leadership would conduct the present meeting with impartiality and in the interests of 3GPP. Delegates were reminded that timely submission of work items in advance of TSG/WG meetings was important to allow for full and fair consideration of such matters.

Way forward / Options on specific 33.106 CR from SA3-LI#59

- 1. Approve the CR
 - SA3 to assist SA3-LI in overcoming any security issues.
 - SA3 companies contribute to on-going work in SA3-LI.
- 2. Forward to SA Plenary for their decision
 - Wider implications for 3GPP need to be considered if we cutting LI scope back.
- 3. Reject CR
 - SA3 would need to send an LS to SA plenary and SA1 stating that SA3 is no longer providing full LI coverage in 3GPP.
 - Some 3GPP specifications would need disclaimers added to indicate they may not be LI compliant in all countries.
 - SA3 consider agreeing a working principle that SA3 will only develop LI or Security solutions where all countries / operators agree there is a requirement, as recommended by KNP / TNO paper.
 - SA3-LI can ask ETSI TC LI to take care of this.
 - Against the spirit of the 3GPP partnership principles.
 - Solution would still be standardised impacting 3GPP but 3GPP would have no input.
 - SA3 revert to approving SA3-LI by in meeting approval
 - Docs discussed and presented – will need to reserve ½ day of SA3 time to cover properly.