



LICENCE AMENDMENT: to the licences of those ICT Licensees currently licensed to provide Type 1, Type 3, Type 4 and/or Type 5 ICT Services, as listed below:

- **AMENDMENT NUMBER 22 TO THE LICENCE OF CABLE & WIRELESS (CAYMAN ISLANDS) LIMITED (1);**

- **AMENDMENT NUMBER 3 TO THE LICENCE OF DATALINK LIMITED (26);**

- **AMENDMENT NUMBER 28 TO THE LICENCE OF DIGICEL CAYMAN LIMITED (5);**

- **AMENDMENT NUMBER 12 TO THE LICENCE OF INFINITY BROADBAND LIMITED (18);**

- **AMENDMENT NUMBER 16 TO THE LICENCE OF TELECAYMAN LIMITED (9);**

- **AMENDMENT NUMBER 19 TO THE LICENCE OF WESTSTAR TV LIMITED (2); and**

- **AMENDMENT NUMBER 24 TO THE LICENCE OF WESTTEL LTD (14).**



AMENDMENT TO LICENCE CONDITION 9 OF TELECOMS LICENSEES' LICENCES

WHEREAS Telecoms Licensees, being those ICT Licensees licensed to provide Type 1, Type 3, Type 4 and/or Type 5 ICT Services over ICT Network(s), were granted licences by the Information and Communications Technology Authority (the 'Authority') (as amended);

AND WHEREAS the Ministry of Home Affairs wrote to Her Excellency, the Governor, on 2 June 2015, asking her to direct the Authority to modify Licence Condition 9 of Telecoms Licensees' Licences by inserting a new Licence Condition 9a to provide for:

- Telecoms Licensees to install and maintain at its own cost the ICT Network equipment and software necessary to enable it to provide information and the interception of messages on its ICT Network as required to be provided by the Telecoms Licensee under the ICTA Law (including applicable Regulations);
- the ability of the Royal Cayman Islands Police Service to commence interception as provided for in a warrant within defined deadlines;

- the provision to the Royal Cayman Islands Police Service of requested information within defined deadlines;
- the appointment of designated contact persons the Royal Cayman Islands Police Service can contact regarding a request for information made under the ICTA Law, or in accordance with other lawful authority, and the assistance necessary to comply with an interception warrant; and,
- the Cayman Islands Police Service to undertake satisfactory security clearances of the designated contact persons.

AND WHEREAS section 31 (2) of the Information and Communications Technology Authority Law (2011 revision) (the 'Law') states that "*the Authority shall, on the direction of the Governor and without the agreement of the licensee, modify a licence for the reasons of security of the Islands*";

AND WHEREAS Her Excellency, the Governor, wrote to the Authority on 3 June 2015 directing the Authority, pursuant to section 31 (2) of the Law, to modify Licence Condition 9 of the Telecoms Licensees' Licences as set out in the Ministry of Home Affairs' letter; and,

THEREFORE, pursuant to sections 23 and 31 of the Law, Licence Condition 9 of the Licensees' Licences as listed is hereby amended as set out in the attached Annex.

Dated this 11 day of June 2015.



Chairman, Information and Communications Technology Authority

Amended: 11 June 2015

ANNEX

LICENCE CONDITION 9a

FACILITATION OF INTERCEPTION

9a.1 The Telecoms Licensee shall install and maintain at its own cost the ICT Network equipment and software necessary to enable it to provide at least the Information and the interception of messages on its ICT Network as required to be provided by the Telecoms Licensee under the ICTA Law (including any Regulations made under that law such as the Interception Regulations).

The ICT Network equipment and software installed to enable the provision of such Information and the interception of messages as referenced above must meet with applicable ETSI standards.

9a.2 Upon notice that a warrant has been issued by the Governor authorising any person employed by the Law Enforcement Agency to intercept a message as provided for under the Interception Regulations, the Telecoms Licensee shall ensure that the Law Enforcement Agency is able to commence interception as provided for in that warrant, free of charge:

- a. as soon as is reasonably practicable but no later than four (4) hours following the communication of that notice; or,
- b. where the information request is headed PRIORITY, (being investigations into matters affecting the immediate safety of a person, the immediate prevention or detection of a serious crime or an immediate threat to national security), as soon as is reasonably

practicable but no later than thirty minutes following the communication of that notice.

9a.3 The Telecoms Licensee shall provide to the Law Enforcement Agency, free of charge and in an encrypted and useable format, the information requested in accordance with a request for information made under section 77 of the ICTA Law (or its equivalent), or in accordance with other lawful authority as the case may be, within the timeframes stated below:

- a. where the information request is headed ROUTINE (being investigations into reports of criminal activity which do not require information for immediate evidential presentation), the information is to be provided within ten (10) working days from the date of the request;
- b. where the information request is headed URGENT, (being investigations into matters which require information for immediate evidential presentation), the information is to be provided within two (2) working days from the date of the request; or,
- c. where the information request is headed PRIORITY, (being investigations into matters affecting the immediate safety of a person, the immediate prevention or detection of a serious crime or an immediate threat to national security), the information is to be provided in real time or as close to real time as is practicable.

9a.4 The Telecoms Licensee shall ensure that there are at least two designated persons in the Cayman Islands, one being the primary contact and the other being the secondary contact, whose responsibility it is to provide the Law Enforcement Agency with information requested in accordance with a

request for information made under the ICTA Law, or in accordance with other lawful authority, and the assistance necessary to comply with a warrant issued by the Governor under the Interception Regulations.

- 9a.5 The Telecoms Licensee shall provide the details of the persons so designated under Condition 9a.4 above to the Law Enforcement Agency, and the appointment of such designated persons is subject to satisfactory security clearances by the Law Enforcement Agency.

Definitions:

"**ETSI**" means the European Telecommunications Standards Institute;

"**Information**" means at least:

- a) the Terminal Equipment being used by a Subscriber of the Telecom Licensee's ICT Services (including the manufacturer, model name or number, type and an identifying serial number or a media access control ('MAC') address);
- b) whether the Terminal Equipment used is, or has been, active on the Telecoms Licensee's ICT Network;
- c) the Subscriber details associated with the Terminal Equipment being used on the Telecoms Licensee's ICT Network (including the relevant telephone number, account identifier, IP address and email address);
- d) the date, time and duration of any voice call by the said Subscriber, including where additional persons may have joined or left that voice call;
- e) the location of the Terminal Equipment in use; and,
- f) the last registered location of the Terminal Equipment which was active on the Telecoms Licensee's ICT Network;

"Interception Regulations" means The Information and Communications Technology Authority (Interception of Telecommunication Messages) Regulations, 2011 or its equivalent;

"Law Enforcement Agency" means the Royal Cayman Islands Police Service;

"Telecoms Licensee" means an ICTA licensee licensed to provide Type 1, 3, 4 or 5 ICT Services, or their equivalent (such services as specified from time to time by the Authority in accordance with s23(2) of the ICTA Law or its equivalent);

"Terminal Equipment" means a product enabling communication or a relevant component thereof which is intended to be connected directly or indirectly by any means whatsoever to interfaces of public ICT Networks; and,

"Useable Format" means a format whereby the information provided is in a format readable by the Law Enforcement Agency.