

RSSSA Permanent Advisory Committee
Notes of Meeting #02
29 June 2023

Participants:

Chair – Michelle Mendes (SatCan)
Maj Daniel Denis, Acting Deputy Director (Global Affairs Canada)
Mathieu Benoit (Natural Resources Canada)
Andrew Davidson (Agriculture and Agri-Food Canada)
Joanne Gabrynowicz (University of Mississippi , USA)
Sarah Gallagher (Western University)
Brian Gallant (Space Canada)
Alex Kaptein (Airbus Defense & Space, Germany)
Eric Laliberté (Canadian Space Agency)
Wade Larson (Earth Daily)
Gordon Rigby (Macdonald Dettwiler and Associates)
Brian Statham (Department of National Defence)
Christine Tovee (Wyvern)

Absence:

Wesley Wark (Centre for International Governance Innovation)

Observers:

Estelle Chou (Global Affairs Canada)
Gordon Deecker (invited observer)
Stephanie Ferraira (Macdonald Dettwiler and Associates)
Thomas Gillon (Global Affairs Canada)
Ruby Szpeflicki (SatCan)

Summary:

This Permanent Advisory Committee Meeting marked the second in a planned series of meetings. This meeting discussed the Sensitivity Table featured in the upcoming update of the *RSSSA Application Guide*, as well as open data.

Agenda – 29 June 2023:

1. Welcome
2. Regrets / New Business / Approval of Agenda
3. Administration
4. Topic #1: Sensitivity table for remote sensing space mission.
5. Topic #2: Open data
6. Topic #3: Regulation of SmallSats
7. Possible Future Topics
8. New Business
9. Roundtable
10. Adjournment

1. Welcome

- The Chair opened the meeting by welcoming all members.
- Guest introductions:
 - Stephanie Ferraira, from Macdonald Dettwiler and Associates.
 - Gordon Deecker, invited observer.
 - Ruby Szpeflicki, from SatCan, who is the Chair's assistant.

2. Regrets/ New Business /Approval of Agenda

- Regrets from Wesley Wark.
- New business raised:
 - 5G Network's desire to use X-Band and its impact on the Remote Sensing Community.
- Agenda approved by Committee.
- Notes for Meeting #1 to be adopted at the next meeting (meeting #3).

3. Administration

- Discussion flow (i.e. topics):
 - To limit each meeting to three (3) discussion items.
 - If discussion item #3 cannot be covered, it will become discussion item #1 at the next meeting.
 - Members to review "possible future topics" (agenda item #7) to establish priority of the next five (5) discussion points.

4. Topic #1: Sensitivity table for remote sensing space mission.

GAC provided context for the Sensitivity Table:

- The table is the result of feedback from the RSSSA Ad-Hoc Committee, the 2022 Independent Review, from OGD, and from experiences with the Canadian CubeSat Project.
- The table relies on the system's resolution as a preliminary approach to determine if the applicant can use a simplified application process.
- Other application consideration include, but are not limited to: who is the applicant; where the data is transferred to; where are the international ground stations and the mission command center; Canadian international relations and any national security concerns.
- The simplified application process could lead to the reduction of some licensing conditions related to the system's data.

Feedback from Committee Members:

- What is the basis for the resolution numbers in draft Table C1 of the Annex?
 - Per GAC, the numbers represent preliminary cut-off lines that are taken into consideration by the regulator, along with who owns the mission, the objective of the space mission, compliance history of applicant (when applicable), etc.
- To be classified as "non-sensitive" suggests that data would be free and open; not to be distributed to sanctioned entities; and images not to be taken over blocked areas.
 - GAC explained that the RSSSA does not interpret sanction law, but Schedule 6 of a licence makes clear on the restricted areas and the distribution of such data. GAC reminded that other federal laws are to be followed.
- Non-sensitive classification suggests that access to data is not being controlled and would constitute a class exemption.

- The sensitive classification for SAR in its entirety is overly conservative and needs to be reviewed as resolution types vary by type of cameras used. Having everything classified as “sensitive” would affect the viability of a mission and have commercial implications for industry.
 - GAC requested that the committee members propose a value for GAC’s consideration that could be applied specifically for SAR system’s “sensitivity line.”
- While the table entries need not be expanded, there were suggestions to add near-infrared, thermal imaging, and distinctions by wavelength.
- Data collecting from “upper atmosphere” should also be added as a class of images.
- Clarity is needed on AIS being sensitive when mapped, but not sensitive otherwise.
- RF detection should be considered in the table.
- Market dynamics need to be taken into consideration, such as if data is available elsewhere. For example, there is a disconnect between data permitted to be open elsewhere (such as in the US), but not in Canada.

- GAC clarified that the Sensitivity Table, which pertains to sensitivity of a remote sensing space system, is intended to provide regulators with some guidelines when assessing licence applications and licence requirements/conditions. The system’s sensitivity does not refer to whether the data is sensitive or whether the data is open/free. The sensitivity of a remote sensing space system will have implications on the application process. If sensitive, consultations will be extensive and there may be more licence conditions/requirements.

5. Topic #2: Open data

Topics #1 and #2 were merged (GAC had originally planned to present separately on open data). Comments expressed by Committee members on open data during the Topic 1# discussion:

- Where does open data fit under the RSSSA? Open data suggests exemptions from RSSSA controls.
 - Per GAC, open data is not defined in the Act. Treasury Board guidelines define open data and GAC follows these guidelines. GAC supports the view that data is beneficial when it is made more open, but it is not freely open (as per Treasury Board guidelines).
- Other considerations can be implemented to permit data to become “open,” such as the latency, using resolution, and the age of the data.
- Open data has economic questions related to it.
- “Open Science Policy” has international vetted benchmark and principles that could be referenced.
- It was proposed that something similar to NOAA’s guidance circulars could be applied to resolve the open data question. [This process sees the creation of WGs within ACRES to address specific issues that are brand new or not addressed by US regulations; work feeds into US Commerce and then NOAA via guidance circulars.]

6. Topic #3: Regulation of SmallSats

Due to time constraints, topic #3 was not covered during this meeting. As such, this issue will be covered as topic #1 at the next meeting.

7. Possible Future Topics

The Committee was asked to examine the listing of potential topics for consideration. The Committee wishes to pursue the following:

- a. Regulation of small satellites
- b. Open Data Definition
- c. Governance structure
- d. Updated CPC 2

8. New Business

A Committee Member presented the following new business related to 5G operators accessing X-band frequency:

- The 5G community is seeking access to the X-band frequency. If successful, this will have an adverse effect to the remote sensing community (limiting or lose the X-band).
- X-band is very scientifically used. Other users include air traffic control and military battle radars.
- In June 2023 at the CITELE meeting, Brazil tabled a proposal supported by 10 Latin American countries that would allow for extensive use of the X-band to 5G operations.
- The US and Canada (via space agencies) are against permitting 5G to use X-band.
- It was proposed that, before the August 2023 meeting and the November 2023 World Radio Conference (Dubai), it would be helpful if committee members could reach out to their contacts in the remote sensing community in Latin America to explain how critical it is to maintain access to X-band.
- The member who raised the issue offered to share slides for outreach purposes and one member offered to contact counterparts in science organizations.

9. Roundtable

Nil.

10. Adjournment

Agreement to convene the next meeting in September. GAC to provide potential dates.

The meeting was adjourned.