

# COMPETITIVE INTELLIGENCE & GOVERNMENT INFO: FIND, USE, & CREATE ACTIONABLE INTELLIGENCE

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# AGENDA

- Intro
- STEEP/PEST
  - Parliamentary & Ministerial
  - Industry Canada
- Access to Information Requests
- Regulatory Intelligence
- Wrap-up & Questions

# INTRO: GOVERNMENT INFORMATION CAN BE A VALUABLE SOURCE FOR CI

- The government can prescribe how industries/companies operate and in what environment.
  - Legislation/regulation
- The government requires disclosure of certain information companies may prefer to keep private, and that disclosure is often made public (or can be).
  - IP Filings
  - Annual Reports
  - Natural resource development plans & projects
  - RFPs/Major Project Tenders (ex PPP)
  - Access to information requests
- The government collects and disseminates information on society.
  - Statistics
  - Parliamentary committee research
  - Public consultations

# FRAMEWORK: STEEP/PEST



# CASE STUDY: TELUS

- Telus is a client of your firm and the firm is looking to expand its relationship. You, run a STEEP analysis on them – using lots of government information! – to find new opportunities.

# Political/Legal

- Hansard/Lipad (Debates) – legislation, policy
- LegisInfo – Legislation/upcoming legislation
- Lobbying activity search – market/competitor lobbying activity (priorities)

Bonus: you can find client council info by looking at lobbyist registrations

# What insights or observations can you make about the political/legal environment that may impact the client?

 When poll is active, respond at **PollEv.com/kc792**  Text **KC792** to **37607** once to join

“News releases”

“Telus corporate website for an overview of the company”

“BCE is lobbying on Bill 28”

“41st Parliament, 2nd Session C-679 <http://www5.statcan.gc.ca/cansim/a34?lang=eng&mode=tableSummary&id=0290046&stByVal=1&p1=1&p2=-1&pattern=telecommunications>”

“<http://business.financialpost.com/pmn/business-pmn/ready-or-not-canadian-business-may-face-sanctions-under-eus-gdpr-privacy-law-2> European and transnational consequences”

“. David Tilson (Dufferin—Caledon, CPC) ...cell towers. The petitioners point out that there are studies in Brazil, Israel, and Germany which show that the cancer rate increases up to 40 times higher within 400 metres of a cell tower than beyond 1,000 metres. They ask the government to ensure that cellular antennae towers are kept away from schools and other sensitive areas, and enforce continuous monitoring during and after the installation of cellular antennas/towers for minimum achievable radiofrequency and microwave radiation levels. {October 2016}”

# What insights or observations can you make about the political/legal environment that may impact the client?

“<https://bdp.parl.ca/Content/LOP/ResearchPublications/2018-05-e.pdf>”

“Bill 375 An act to amend the telecommunications act. ( Long standing private members bill) ”

“<https://hillnotes.ca/2016/03/23/changes-in-the-canadian-wireless-telecommunications-sector/>”

“Library of Parliament - Changes in the Canadian Wireless Telecommunications Sector”

“Library of Parliament - Cybersecurity: Technical and Policy Challenges; a background paper published in February 2018”



# Political/Legal: TELUS Example

## Key findings

- Telecommunications Act / Net Neutrality (debates)
- C-482 An Act to amend the Criminal Code (telecommunication device identifier)
- C-555 An Act to provide transparency and fairness in the provision of telecommunication services in Canada
- Advocate for the establishment of a digital technologies supercluster as part of the Innovation Supercluster Initiative (ISI).

# Social and Ecological

- Statistics Canada: demographic/population information
- Infrastructure or Natural Resources Canada: major project development plans
- Canadian Radio/Television and Telecommunications Commission: market regulation
- Public Opinion Research Reports (LAC): societal perception

# What insights or observations can you make about the societal and ecological environment that may impact the client?

 Respond at **PollEv.com/kc792**  Text **KC792** to **37607** once to join, then text your message

“Product safety and health issues - Health Canada”

“Telecom Commission Letter Addressed to Stephen Schmidt (TELUS) - February 13 2018”

“<http://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=2722>”

“In 2016, operating revenues for the telecommunications industry rose 1.0% over 2015 to \$60.9 billion. At the same time, operating expenses increased 1.4% to \$47.6 billion. As a result, the industry generated a 21.8% operating profit margin. — Statistics Canada Annual Telecommunications Survey 2018”

“<http://www.statcan.gc.ca/daily-quotidien/180517/dq180517c-eng.htm>”

“Public Opinion Research Reports: Wireless Code Public Opinion Research - Quantitative Research Report, prepared for CRTC from April 7, 2014 <http://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/crtc/2014/057-13-e/summary.pdf>”

“<http://www.statcan.gc.ca/daily-quotidien/180517/dq180517c-eng.htm>”

# Social & Ecological: TELUS Example

## Key findings

- Insights on Canadian Society Report (StatsCan)
- Cell phone cost calculator usability study research report (PORP)
- client/competitor broadband & connectivity projects (Infrastructure Canada)

# Technological and Economic

## Industry Canada

- CIPO: client/competitor activity, new products, areas of focus
- Canadian Industry Statistics: baseline comparative industry data

Bonus: you can find counsel information in IP filings.

**What insights or observations can you make about the technological or economic environments that may impact the client?**

# Technological & Economic: TELUS Example

## Key findings

- Patent Filings (CIPO)
- Trademark Filings (CIPO)
- Data Processing, Hosting, and Related Services Industry Statistics (Industry Canada)

# BRINGING IT ALL TOGETHER

Based on these observations, where could there be issues/opportunities?

- Potential challenges facing the client?
- Potential opportunities for the client?
- Trends/pressures that legal representatives should be cognizant of?



# Access To Information and Privacy Requests in CI

- Benefits
- What is Available?
- How To
- Exemptions
- Tips

# ATIP in CI - Benefits

- Determine who key players are inside and outside of government
- Be able to prioritize and plan actions based on government timelines
- See what competitors may be doing
- Uncovering alternative possible policy approaches considered

# ATIP Requests in CI – How To

- Determine your aims and objectives with regard to using the intelligence to be gathered
- Construct the appropriate text including:
  - types of records to be included
  - timeframe of request
  - any exclusions to be made.
- Follow-up with Department

# ATIP Requests in CI – What is Available?

Access to Information Manual

Bill C-58 An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts

Multiple record types – email, video, voice, research, briefing notes

# ATIP Requests in CI – Key Exemptions and Exclusions

## Exemptions

s 21(1) Operations of Government: Advice, etc.

s 20(1) Third party information

s 27 Third Party Intervention

## Exclusions

S 69(1) Confidences of the Queen's Privy Council for Canada

# ATIP in CI - Tips

- Always start with Why?
- Be vague in your request
- Always protect your own (or clients) privacy
- Be vigilant on timelines
- Know your rights

# Regulatory Intelligence

- What is it?
- Canada Gazette
- Key Government Documents
- Forward Regulatory Plans

# Regulatory Intelligence – What is it?

- Most simply... it's *the application of intelligence methods, practices, processes, and research to regulatory issues* (Fleisher, 2017)
- Regulations impacting them may be economic and/or social
- Effective RACI can take advantage of regulatory opportunities, blunt threats



# Regulatory Intelligence – Canada Gazette

Proposed regulations are published in Part I of the *Canada Gazette*.

Part I may contain up to 6 categories.

- **Government house** contains notices of orders, decorations, medals and mentions in dispatches awarded to Canadians
- **Government notices** contains notices published by federal departments, including appointment opportunities
- **Parliament** contains notices published by the House of Commons, the Commissioner of Canada Elections, the Senate and the Chief Electoral Officer
- **Commissions** contains notices published by federal agencies, boards and commissions
- **Miscellaneous notices** contains notices published by law firms, private companies, non-profit organizations, individuals and municipal, provincial and territorial governments
- **Proposed regulations** contains proposals of regulations that have not been enacted

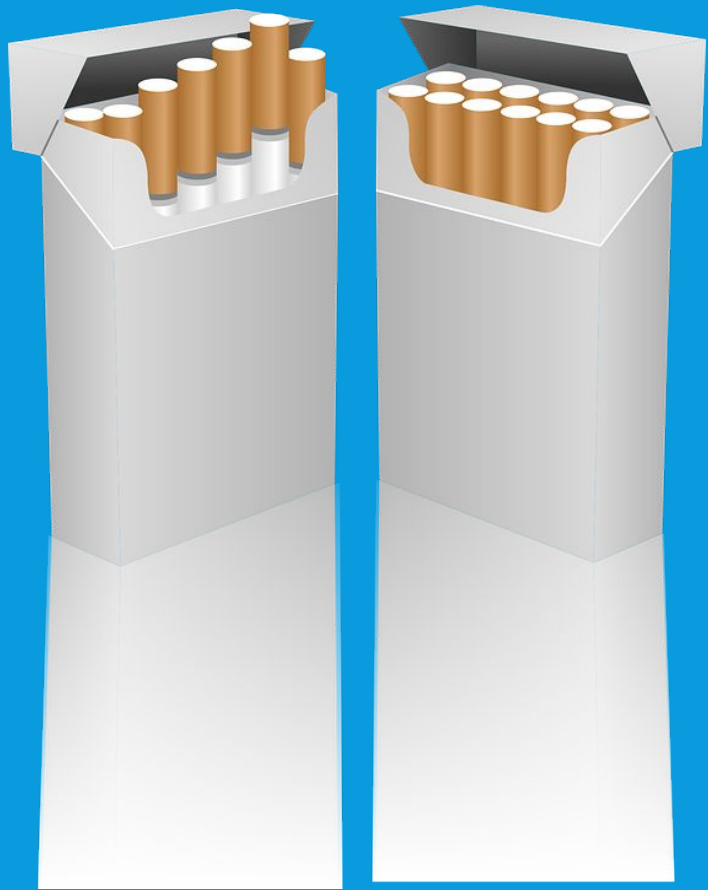
# Regulatory Intelligence – Key Government Documents

- Report on Plans and Priorities
- Departmental Performance Review
- Regulatory Impact Analysis Statement (RIAS): A statement summarizing the analysis undertaken to design a regulatory proposal under this Directive is to be published in the Canada Gazette

# Regulatory Intelligence – Forward Regulatory Plans

- A forward regulatory plan is a public list or description of anticipated regulatory changes or actions that a department intends to bring forward or undertake in a specified time frame.
- Treasury Board Secretariat (TBS) supports the federal regulatory system by:
  - Providing federal regulatory policy and oversight;
  - Supporting evidence-based Governor in Council decision-making; and
  - Advancing and promoting regulatory cooperation.

# Case Study – Contraband Tobacco



Taxation

Packaging

Distribution

Age restrictions

# For more information:



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