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Information & Communications Technology Authority

PRESS RELEASE

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Information & Communications Technology Authority Public Consultation on Deep Packet Inspection and Similar Technologies

The Information and Communications Technology Authority (ICTA) has launched a public consultation on the use Deep Packet Inspection (“DPI”) and similar technologies by Internet Service Providers (“ISPs”). Although this may appear to be merely a technical issue, it in fact has real-world implications for Internet users in the Cayman Islands.

The Technology

All traffic being sent over the Internet, whether it is a web page, a data file, or credit card information, is split up into one or more packets of information. Each packet consists of a header followed by data (sometimes called the body or payload).

Packet headers are inspected by ISPs for a variety of reasons, including optimization of packet routing, detection of network abuse, and statistical analysis. Such inspection gives ISPs access to basic information about Internet traffic, but does not disclose the contents of users' email or web surfing.

In contrast, DPI provides ISPs with the ability to access to the content of all unencrypted Internet traffic that ISP customers send or receive, including web surfing data, email, and peer-to-peer downloads. Owing to the volume of traffic on most networks, DPI is usually automated and performed by software based on criteria set by the network operator.

After inspecting the contents of users' packets, ISPs can use DPI to perform activities based on filter criteria. DPI can be used, for example, to:

- a. build profiles of consumers for marketing purposes;
- b. intercept communications at the request of law enforcement;

- c. restrict access to selected sites or types of information;
- d. enforce copyright laws;
- e. prioritize the transmission of some packets over others; and
- f. identify computer viruses and spam.

The Potential Benefits

The use of DPI is potentially beneficial to consumers and to the telecommunications industry. It enables the industry to guarantee different levels of service by associating particular application-types with particular usage-plans or priority levels, potentially helping to prevent network congestion and thus improve an ISP's service to customers. Further, information gained from DPI can assist ISPs with network design and their plans for network expansion, network security and the delivery of new and enhanced services.

Companies marketing DPI have proposed that ISPs can also enhance their revenue streams by providing targeted advertising and by charging content providers fees to ensure that customers have "priority access" to their services.

The Potential Concerns

The use of DPI may also have drawbacks. In addition to the question of whether or not the use of DPI is legal under the present provisions of the ICTA Law, use of DPI technology raises two issues that have proved to be controversial in other jurisdictions: personal privacy and "Net Neutrality" or traffic shaping.

Some advocacy groups consider that the use of DPI represents an unacceptable invasion of individual privacy as it gives the ISP's the ability to access the content of all unencrypted Internet traffic, including web surfing data, email, and peer-to-peer downloads. They believe that the alleged benefits of DPI are either of no benefit to the end-user or that similar results can be achieved using less invasive methods.

The "Net Neutrality" debate centres around whether or not network operators should be permitted to vary the bandwidth being provided to customers based upon the protocols or applications that the customer is using (e.g. to throttle bandwidth for peer-to-peer and/or according priority to VoIP applications.) Network operators in other jurisdictions argue this action is appropriate in order to avoid network congestion. Those in favour of Net Neutrality argue that customers purchase a "pipe" from the providers and it should not matter what they pass down that pipe.

The Consultation

To assist with its consideration of this issue, the Authority invites all stakeholders to provide their views. Copies of the posted consultation document may be obtained by accessing the ICTA web site at www.icta.ky or by calling the ICTA offices at 946-ICTA

(4282). Comments on the Public Consultation are to be submitted to the ICTA by 31 August 2009. Submissions may be sent by e-mail to: consultations@icta.ky ; OR delivered to the ICTA at Alissta Tower, Third Floor, OR mailed to P.O. Box 2502 GT, Grand Cayman, OR sent by fax to (345) 945-8284.

Note to Editors:

The ICTA is an independent statutory authority which is responsible for the regulation and licensing of telecommunications, broadcasting, and all forms of radio which includes ship, aircraft, mobile and amateur radio. The ICTA conducts the administration and management of the .ky domain, and also has a number of responsibilities under the Electronic Transactions Law, 2000.