

Comments on petition for rule making

Submitted by:

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I am writing in reply to the claim that encryption is necessary for amateur radio emergency services.

The petition should be denied because:

1. It is unnecessary.
2. It makes it difficult for the amateur service to remain self policing.

Encryption is unnecessary

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The claim is that HIPAA requires encryption of communications.

In fact, DHS states in

<http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/incidentalu&d.pdf>

For example, the Privacy Rule does not require the following types of structural or systems changes:

- o Private rooms.
- o Soundproofing of rooms.
- o Encryption of wireless or other emergency medical radio communications which can be intercepted by scanners.
- o Encryption of telephone systems.

In addition, amateur radio operators can be trained to operate

the radio systems of the government or medical agencies that they are assisting, and use those non-amateur channels for any traffic that is deemed inappropriate for amateur transmission.

Limits self-policing of amateur service.  
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Encryption of appropriate emergency traffic may be argued to be not a significant factor in the amateur frequencies, but such an argument neglects several factors.

Since the traffic is encrypted, it would not be possible for a listener to determine if it was, in fact, legitimate emergency traffic. If the station identification was also encrypted, it would not be possible to determine a way of verifying the traffic. Since the traffic would be encrypted, a listening observer could not verify if the traffic was legitimate amateur traffic.

Traffic that violated other rules for the amateur service could be hidden under the claim that it is practice or testing for emergency services, when it is nothing of the sort.

Thank you for your time in reading this.

Ralph Alan Larson