FEDERAL COURT

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Applicant

- and -

ATTORNEY GENERAL OF CANADA

Respondent

CERTIFIED TRIBUNAL RECORD Volume VIII

Franchis Doucet

From:

Shayna Stawicki

Sent:

October-06-15 3:46 PM

To:

François Doucet

Subject:

FW: BCCLA- Ex parte convo with Dion

Note to file:

Bccla-phone convo with Stephanie #2

We are now looking at 4 potential witnesses (the 2 mentioned in her original letter

She estimates 2 days duration

Lasked her to get back to me by Tuesday.

From: Shayna Stawicki Sent: October-06-15 3:12 PM

To: Chantelle Bowers

Subject: BCCLA- Ex parte convo with Dion

I spoke with Dion about BCCLA Ex parte dates. She will get back to me with available dates for January and February. In the meantime, could you please ask Mr. Fortier if he has any preferences and/ or blackout dates during those months?

Additionally, in her letter dated July 8, 2015, Ms. Dion indicates that there will be at least 2 witnesses and possibly more depending on the content of the in camera hearing. Now that we have completed the in camera portion, I have asked her to confirm that there will still only be 2 witnesses and to provide an estimate of duration for those witnesses. She will get back to me. If I don't hear from her by next Monday, I will follow up with her.

I also told her that once the date is set, we will be sending an official Notice of Hearing letter, in which we will specify due dates for BOD and more detailed willsays.

1994/15 Page 665 of 716

France's Doucet

From:

Registrar-Greffier

Sent:

Tuesday, October 13, 2015 2:50 PM

To:

Chantelle Bowers; François Doucet

Subject:

FW: Plainte 1500-481

From: Dion, Stéphanie [mailto:Stephanie,Dion@iustice.gc.ca]

Sent: Tuesday, October 13, 2015 1:07 PM

To: Registrar-Greffier < Registrar-Greffier@sirc-csars.pt.ca>

Cc:

Subject: Plainte 1500-481

Bonjour,

Je vous informe par la présente que mon client, les témoins qui seront appelés à témoigner lors de l'audition ex parte et moi-même sommes disponibles au mois de janvier et février 2016, à l'exception des dates suivantes :

- 4 au 8 janvier 2015;
- 29 février 2016.

N'hésitez pas à communiquer avec moi pour toute information supplémentaire.

Sincères salutations,

Stéphanle Dion

Avocate | Counsel

Groupe litiges et conseils en sécurité nationale | National Security Litigation & Advisory Group

stephanie dion@justice.cc.ca

Téléphone | Telephone: 613-842-1356

2037/16 Page 666 of 716

				ŧ.
			90	
			>-	
		*		
¥				
a				
				*.

19age 067 dt41/15

1 of 1

п						
64						
				9		
				15.		
			m			
					8	
						eri an

Page 668 of 716

Page 370 of 716

3 of 3

MEHANS

		2	
41 41			
	25		
		2	

Francois Doucet

From:

Registrar-Greffier

Sent:

Thursday, February 25, 2016 4:24 PM

To:

François Doucet

Subject:

FW: Change of date

From: Registrar-Greffier

Sent: Thursday, February 25, 2016 4:22 PM

To: 'Dion, Stéphanie' <Stephanie. Dion@justice.gc.ca>

Cc:

Subject: RE: Change of date

The member has confirmed that it will take place on the 22nd at 4 pm. i will send a formal letter in the very near future.

Thank you.

Shayna Stawicki

From: Dion, Stéphanie [mailto:Stephanie Dion@justice.gc.ca]

Sent: Thursday, February 25, 2016 11:09 AM

To: Registrar-Greffler <Registrar-Greffler@sirc-csars.gc.ca>

Cc:

Subject: RE: Change of date

Good morning,

The witness, CSIS representative and myself are available on March 22nd.

Stéphanie Dion

From: Registrar-Greffier [mailto:Registrar-Greffier@sirc-csars.gc.ca]

Sent: Wednesday, February 24, 2016 8:54 AM
To: Dion, Stephanie < Stephanie. Dion@justice.gc.ca>

Cc:

Subject: Change of date

Good morning,

Something has come up on the 23rd and the member would like for you to please check the witness' availability for Tuesday the 22nd at 4 pm instead please.

Sent from my BlackBerry 10 smartphone on the Rogers network.

	24			
		3		
				8
		120		
				n
TI T				27
28				
	m.			

Francois Doucet

From:

Registrar-Greffier

Sent:

Thursday, November 12, 2015 9:16 AM

To:

François Doucet

Subject:

FW: Plainte 1500-481

That won't work. Chantelle will contact you to set something up next week alone with her-

From:

Sent: Wednesday, November 11, 2015 2:33 PM

To: Registrar-Greffier < Registrar-Greffier@sirc-csars.gc.ca>

Subject: Re: Plainte 1500-481

OK. Sounds good.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Registrar-Greffler

Sent: Wednesday, November 11, 2015 12:29 PM

To

Cc: Chantelle Bowers; Stéphanie Dion Subject: Re: Plainte 1500-481

Thx so much

Sent from my BlackBerry 10 smartphone on the Rogers network.

From:

Sent: Tuesday, November 10, 2015 6:46 PM

To: Registrar-Greffier

Subject: Re: Plainte 1500-481

Sorry - I'm out of town. may be able to wait till the afternoon. Is 9am Fri ok?

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Registrar-Greffier

Sent: Tuesday, November 10, 2015 4:52 PM

To:

Subject: Re: Plainte 1500-481

Is 2pm Thursday a possibility instead?

Sent from my BlackBerry 10 smartphone on the Rogers network.

From

Sent: Tuesday, November 10, 2015 5:30 PM

To: Registrar-Greffier

Cc: Chantelle Bowers; Stéphanle Dion;

Subject: Re: Plainte 1500-481

Hi Shayna,

1

Friday works in general except that I have another meeting scheduled from 10am to noon. I also may be meeting before that with [9am -10am]. Any chance you and Chantelle are available after noon Friday? Thanks, Sent from my BlackBerry 10 smartphone on the Rogers network. From: Registrar-Greffler [mailto:Registrar-Greffler/@sirc-csars.gc.ca] Sent: 10-Nov-15 2:56 PM Cc: 'Dion, Stéphanie'; Chantelle Bowers Subject: RE: Plainte 1500-481 Would you be available to meet with Chantelle and I this Friday at 11 am to brief us? Many thanks, Shayna

Page 682 of 716

					A
			5		
		2			
				B)	
9					

François Doucet

From:

Registrar-Greffier

Sent:

Friday, December 04, 2015 11:50 AM

To:

François Doucet

Subject:

FW: Document to be filed with you today

From: Registrar-Greffier

Sent: Friday, December 04, 2015 11:50 AM

To:

Cc: 'stephanie.dion@justice.gc.ca' <stephanie.dion@jestice.gc.ca>

Subject: FW: Document to be filed with you today

The vault here will close at 4 pm. Please come before then. So we can put documents there for the weekend, as I am assuming they are classified.

Also, could you please call me regarding another matter at your convenience? 990-6319

From: François Doucet

Sent: Friday, December 04, 2015 11:40 AM

To: Registrar-Greffier < Registrar-Greffier@sire-csars.gc.ca>

Subject: RE: Document to be filed with you today

Yes,

I'll be there

François Doucet

Information Management Coordinator / Coordonnateur de la gestion de l'information Security Intelligence Review Committee / Comité de surveillance des activités de renseignement de sécurité tel: 613-990-6838

fax: 613-990-5230

Francois Doucet@sirc-csars.gc.ca

From: Registrar-Greffier

Sent: Friday, December 04, 2015 11:39 AM

To: Francois Doucet

Subject: FW: Document to be filed with you today

Importance: High

can you confirm you are here until 4 pm?

From:

Sent: Friday, December 04, 2015 9:44 AM

To: Shayna Stawicki < Shayna Stawicki@sirc.csars.gc.ca>
Cc: Dion, Stéphanie < Stephanie Dion@justice.gc.ca>
Subject: Document to be filed with you today

2

Good morning Shayna,

I hope you are well.

Stephanie and I will be hand delivering documents to you today, please take note there is a large amount of documents.

is it possible to tell me until what time you are open for business today?

Thank you,

François Doucet

From:

Registrar-Greffier

Sent:

Friday, December 18, 2015 2:15 PM

To:

François Doucet

Subject:

FW: 1500-481: Ex Parte Questions Overdue

From: Registrar-Greffier

Sent: Friday, December 11, 2015 11:08 AM

To: privamp@champiaw.ca

Cc: Chantelle Bowers < Chantelle Bowers @fsirc csars.gc.ca>

Subject: 1500-481: Ex Parte Questions Overdue

Good morning,

Further to my letter to you dated November 27, 2015, the presiding member in the above-noted matter has instructed me to inform you that you have until end of business day on Tuesday, December 15, 2015 to provide the Security Intelligence Review Committee with your questions for the exparte hearing, if any. Otherwise, we will be proceeding with this complaint without them.

Regards,

Shayna Stawicki

Registrar- Senior Legal Assistant/ Greffière- Adjointe juridique principale Security Intelligence Review Committee/ Comité de surveillance des activités de renseignement de sécurité (613) 990-6319

				1961
		х.		
			ž.	
				l#1
	KI		¥i	
		5		
E				
			4	

		58	
		q	
	24		
	100		
	8		
			2

1 of 2 AGC0516

2 of 2

François Doucet

From:

Registrar-Greffier

Sent:

Tuesday, February 23, 2016 1:00 PM

To: Subject: François Doucet FW: 1500-481

From: Registrar-Greffier

Sent: Tuesday, February 23, 2016 12:57 PM

To: Stephanie Dion <Stephanie Dion@sirc-csars.gc.ca>

Cc:

Subject: 1500-481

Hi Ms. Dion,

As discussed a bit earlier today, I will see you on March 23rd at 4 pm. Also I would like to confirm with you that you have no additional documentation to provide the Committee with for this witness's testimony.

A more formal notice of hearing to come in near future.

Thanks,

Shayna Stawicki

Registrar- Senior Legal Assistant/ Greffière- Adjointe juridique principale Security Intelligence Review Committee/ Comité de surveillance des activités de renseignement de sécurité (613) 990-6319

1924 Foliofity

				s	
		g.			
2 ₆₀					
		*			
				а	
		£*		*	

Karc 'e Chenier

From:

Shayna Stawicki

Sent:

Tuesday, August 04, 2015 4:45 PM

To:

Karolyne Chenier

Subject:

FW: 1500-481: CSIS Witness Enquiry

From: Shayna Stawicki

Sent: Tuesday, August 04, 2015 4:45 PM **To:** 'stephanie.dion@justice.gc.ca'

Subject: 1500-481: CSIS Witness Enquiry

Hi Ms. Dion,

Please note that the Member has indicated that he would like the Service's witness to be present and ready to testify as of 2pm on Thursday, August 13th, in case needed.

Many thanks,

Shayna Stawicki

Registrar- Senior Legal Assistant/ Greffière- Adjointe juridique principale Security Intelligence Review Committee/ Comité de surveillance des activités de renseignement de sécurité (613) 990-6319

1484/15 Page 707 of 716

Karol Chenier

From:

Shayna Stawicki

Sent:

Friday, August 07, 2015 11:47 AM

To:

Karolyne Chenier

Subject:

FW: CSIS Redactions on 1500-481 July 24th Management conference

Pis file

From: Shayna Stawicki

Sent: Friday, August 07, 2015 11:46 AM

To: 'Dion, Stéphanie'

Cc:

Subject: RE: CSIS Redactions on 1500-481 July 24th Management conference

Thank you. The redactions have been made accordingly and you will receive an updated version in the near future, a copy of which is also being provided to the Complainant's counsel.

Shavna Stawicki

Registrar- Senior Legal Assistant/ Greffière- Adjointe juridique principale

Security Intelligence Review Committee/ Comité de surveillance des activités de renseignement de sécurité (613) 990-6319

From: Dion, Stéphanie [mailto:Stephanie Dion@justice.ec.ca]

Sent: Friday, August 07, 2015 9:30 AM

To: Shayna Stawicki

Cc:

Subject: CSIS Redactions on 1500-481 July 24th Management conference

Good morning Ms. Stawicki,

The Service has reviewed the transcripts of the Management Conference of July 24th.

The Service requests that the Committee redact the names of two CSIS employees found at <u>page 6</u> of the transcripts. The names are found at <u>lines 3 and 14</u>.

As I explained during the management conference

, the name of CSIS employees

Please do not hesitate to contact me for any further information.

Stéphanie Dion

Avocate | Counsel

Groupe litiges et conseils en sécurité nationale : National Security Litigation & Advisory Group

stephanie.dion@justice.gc.ca

Téléphone | Telephone: 613-842-1356

Photogoryld S

1 of 1

	a	
	e a a a a a a a a a a a a a a a a a a a	
.55		
22		

Security Intelligence Review Committee



Comité de surveillance des activités de renseignement de sécurité

TOP SECRET (with attach)

File No.: 1500-481

March 8, 2016

External Review and Liaison Canadian Security Intelligence Service 1941 Ogilvie Road Ottawa, Ontario K1J 1B7

Dear

RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION - COMPLAINT PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY INTELLIGENCE SERVICE ACT (CSIS ACT)

Please find enclosed your electronic copy of the transcripts of the *in camera* / ex parte hearing held on January 28, 2016 in the above-noted matter.

Should you have any questions with respect to the foregoing, please do not hesitate to contact me at (613) 990-6319.

Yours sincerely,

Shayna Stawicki

Registrar

Encl.: (1)

P.O. Box / C.P. 2430, Station / Succursale "0" Ottawa, Canada K1P 5W5 Tel: 613 990-8441 Fax: 613 990-5230

Verbatim

1500-481

TOP SECRET

Page 733 of 1048

		:8			
	(4)		12		
8					
				8	
			2		
	w w				
					2
				70	

Francois Doucet

From:

Registrar-Greffier

Sent:

Tuesday, July 19, 2016 3:56 PM

To:

'Dion, Stéphanie'

Cc:

Chantelle Bowers; Francois Doucet; Valerie Poirier

Subject:

RE: File No: 1500-481

I will inform you once it is sent out.

Shayna

From: Dion, Stéphanie [mailto:Stephanie.Dion@justice.gc.ca]

Sent: Tuesday, July 19, 2016 3:27 PM

To: Registrar-Greffier < Registrar-Greffier@sirc-csars.gc.ca>

Cc:

Subject: RE: File No: 1500-481

Good afternoon,

The Service does not need to receive a copy of the summary of evidence provided that it remains unchanged. We would however appreciate being made aware once the summary has been provided to the complainant, for our records.

Sincerely,

Stéphanie Dion

Avocate | Counsel

Groupe litiges et conseils en sécurité nationale | National Security Litigation & Advisory Group

stephanie.dion@iustice.cc.ca

Téléphone | Telephone: 613-842-1356

From: Registrar-Greffier [mailto:Registrar-Greffier@sirc-csars.gc.ca]

Sent: Tuesday, July 19, 2016 2:40 PM

To: Dion, Stéphanie < Stephanie Dion@justice.gc.ca>

Cc: Francois Doucet < Francois Doucet@sire_csars.gc.ca>; Valerie Poirier

<Valerie Poirier@sirc-csars.gc.ca>; Chantelle Bowers <Chanteile.Bowers@sirc-csars.gc.ca>

Subject: RE: File No: 1500-481

Good afternoon,

Thank you for advising me that CSIS has no additional comments. The summary of evidence will be released to the complainant in the very near future.

Normally I would send CSIS a copy of what is being sent to the complainant, but as there are no changes to be made further to the last version I sent you on July 13th, please advise as to whether you still require another copy.

1 of 2

Many thanks.

Page 749 of 1048

Shayna Stawicki

Registrar/ Greffière

Security Intelligence Review Committee/ Comité de surveillance des activités de renseignement de sécurité (613) 990-6319

From: Dion, Stéphanie [mailto:Stephanie.Dion@justice.gc.ca]

Sent: Tuesday, July 19, 2016 2:00 PM

To: Registrar-Greffier < Registrar-Greffier@sirc-csars.gc.ca>

Cc:

Subject: File No: 1500-481

Good afternoon,

Thank you for providing us with the opportunity to comment on the potential harm to national security with respect to the summary of evidence presented *in camera/ex parte* prepared by the Committee. The Service has no comment with respect to the summary enclosed with your letter of July 13, 2016.

Sincerely,

Stephanie Dion

Avocate | Counsel
Groupe litiges et consells en sécurité nationale | National Security Litigation & Advisory Group
stephanie dion@iustice.gc.cg
Téléphone | Telephone: 613-842-1356

1 of 1

Page 751 of 1048

Page 764 of 1048

Page 765 of 1048

2 of 2



Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6 T: 613-237-4740 F: 613-232-2680

RECEIVED SEP 2 0 20%

Bijon Roy broy@champlaw.ca

Our File: 1555

September 20, 2016

BY COURIER

Shayna Stawicki, Registrar Security Intelligence Review Committee 122 Bank Street, 4th Floor Ottawa, ON K1P 5N6

Dear Ms Stawicki:

Re:

British Columbia Civil Liberties Association ("BCCLA")

Complaint re CSIS Surveillance and Information Sharing with the NEB

SIRC File No.: 1500-481

Further to our correspondence of yesterday, please find enclosed five (5) bound copies of the Complainant's final submissions and accompanying Book of Authorities.

We understand that the Office of the Registrar will serve copies of these materials upon the other parties, as required.

All of which is respectfully submitted.

Bijon Roy

encls

Rights

Equality

1 of 1

Dignity

Page 771 of 1048

Karolyne Chenier

From:

Registrar-Greffier

Sent:

Tuesday, September 20, 2016 12:53 PM

To:

'Paul Champ' 'Bijon Roy'

Cc:

Subject:

RE: SIRC File No. 1500-481

Lacknowledge receipt of this email.

Thank you.

Shayna Stawicki 613-990-6319

From: Paul Champ [mailto:pchamp@champlaw.ca] Sent: Monday, September 19, 2016 6:47 PM

To: Shayna Stawicki <Shayna Stawicki@sirc-csars.gc.ca>; Registrar-Greffier <Fegistrar-Greffier@sirc-csars.gc.ca>

Cc: 'Bijon Roy' <broy@champlaw.ca> Subject: SIRC File No. 1500-481

Dear Ms Stawicki,

Please see attached letter and Final Submissions of the Complainant, BC Civil Liberties Association in the above noted matter.

As per the letter, hard copies of the submissions and authorities shall be delivered to the Committee tomorrow.

Paul Champ CHAMP & ASSOCIATES | CHAMP & AVOCATS 43 Florence Street | 43, rue Florence Ottawa, Ontario K2P 0W6 T; (613) 237-2441 F | Téléc.: (613) 232-2680 www.champlaw.ca

François Doucet

From:

Registrar-Greffier

Sent:

Thursday, September 22, 2016 5:07 PM

To:

François Doucet; Karolyne Chenier

Cc:

Chantelle Bowers

Subject:

FW: File 1500-481

From: Dion, Stéphanle [mailto:Stephanie Dion@justico go.ca]

Sent: Thursday, September 22, 2016 3:58 PM

To: Registrar-Greffier < Registrar-Greffier@sirc-csars.gc.ca>

Subject: RE; File 1500-481

Thank you, I received the package shortly before noon.

Stéphanie Dion

From: Registrar-Greffier [mailto:Registrar-Greffier@sirc-csars.gc.ca]

Sent: Thursday, September 22, 2016 11:40 AM

To: Dion, Stéphanie «Stephanie Dion@justice.gc.ca»

Cc: Chantelle Bowers < Chantelle Bowers @sirc-csars.gc.ca>; Valerie Poirier

«Valerie Poirier@sirc-csars.gc.ca»; Karolyne Chenier <Karolyne Cheniar@sirc-csars.gc.ca»</p>

Subject: RE: File 1500-481

Good morning,

I can confirm that they were picked up by your courier yesterday afternoon, despite Karolyne having called in the morning and saying it was urgent.

Thanks,

Shayna:

From: Dion, Stéphanie [mailto:Stephanie Dion@justice.gc.ca]

Sent: Thursday, September 22, 2016 11:08 AM

To: Registrar-Greffier < Registrar-Greffier@sirc-csars.gc.ca>

Cc: Chantelle Bowers < Chantelle Bowers @sirc-csars.gc.ca>; Valerie Poirier

<<u>Valerie Poirier@sirc-csars.gc.ca</u>>; Karolyne Chenier <<u>Karolyne Chenier@sirc-csars.gc.ca</u>>

Subject: RE: File 1500-481

Good morning,

Could you please confirm that the submissions have been sent? I have not received them yet.

Sincerely,

Stéphanie Dion

Avocate | Counsel

Groupe litiges et conseils en sécurité nationale | National Security Litigation & Advisory Group

stephanie dion@justice ac ca

Téléphone | Telephone: 613 842-1356

Page 776 of 1048

From: Registrar-Greffier [mailto:Registrar-Greffier@sirc-csars.gc.ca]

Sent: Tuesday, September 20, 2016 5:08 PM

To: Dion, Stéphanie <Stephanie Dion@justice.gc.ca>

Cc: Chantelle Bowers (Chantelle Bowers@sirc csars.gc.ca>; Valerle Poirier

<\valerie,Poirier@sirc-csars.gc.ca>; Karolyne Chenier <Karolyne.Chenier@sirc-csars.gc.ca>

Subject: RE: File 1500-481

Good afternoon,

We received the complainant's final submissions this afternoon and will be sending the Service their copies tomorrow morning.

Thank you.

Shayna Stawicki

Registrar/ Greffière

Security Intelligence Review Committee/ Comité de surveillance des activités de renseignement de sécurité (613) 990-6319

From: Dion, Stéphanie [mailto:Stenhanie Dion@justice.gc.ca]

Sent: Tuesday, September 20, 2016 10:16 AM

To: Registrar-Greffier < Registrar-Greffier@sirc-csars.gc.ca>

Cc:

Subject: File 1500-481

Good morning,

I understand that the deadline for the Complainant to file its submissions have passed in the above-mentioned file. We would appreciate receiving the submissions as soon as possible so that we may prepare our response.

Sincerely,

Stéphanie Dion

Avocate | Counsel

Groupe litiges et conseils en sécurité nationale | National Security Litigation & Advisory Group

stenhanie dion@justice ac.ca

Téléphone | Telephone: 613-842-1356

Flage 778 of 1048

Francois Doucet

From:

Valerie Poirier

Sent:

Tuesday, October 18, 2016 10:19 AM

To:

Registrar-Greffier, Francois Doucet, Karolyne Chenier, Patrick Lamonde

Cc:

Chantelle Bowers

Subject:

RE: File 1500-481

Nous avons les documents François va les entrer dans HP ce matin.

From: Registrar-Greffier

Sent: Tuesday, October 18, 2016 9:39 AM

To: Francols Doucet <Francois.Doucet@sirc-csars.gc.ca>; Karolyne Chenier <Karolyne.Chenier@sirc-csars.gc.ca>; Patrick

Lamonde <Patrick.Lamonde@sirc-csars.gc.ca>; Valerie Poirier <Valerie.Poirier@sirc-csars.gc.ca>

Cc: Chantelle Bowers < Chantelle.Bowers@sirc-csars.gc.ca>

Subject: FW: File 1500-481

Hooked on the internal and didn't see anything entered into hp- can someone pls confirm that we received these?

Thanks Shayna

From: Dion, Stéphanie [mailto:Stephanie Dion@justice.gc.ca]

Sent: Monday, October 17, 2016 4:51 PM

To: Chantelle Bowers < Chantelle. Bowers @sirc-csars.gc.ca>; Registrar-Greffier < Registrar-Greffier @sirc-csars.gc.ca>

Cc: Shayna Stawicki «Shayna Stawicki wsire csars gc ca»

Subject: File 1500-481

Good afternoon,

The Respondent's classified and unclassified submissions were filed today in the above-mentioned complaint. Please note and inform the Committee member Mr. Fortier that the classified submissions do not repeat the facts and arguments found in the unclassified submissions, and that both sets of submissions are to be read together.

Sincerely,

Stéphanie Dion

Avocate | Counsel

Groupe litiges et consells en sécurité nationale | National Security Litigation & Advisory Group

stephanie dion@justice gc ca

Téléphone | Telephone: 613-842-1356

Page 781 of 1048

Francois Doucet

From:

Registrar-Greffier

Sent:

Tuesday, November 01, 2016 2:55 PM

To:

stephanie.dion@justice.gc.ca

Cc:

Chantelle Bowers; Valerie Poirier; Francois Doucet;

Subject:

1500-481: Complainant's Final Rebuttal Submissions

Good afternoon,

In response to your voicemail, please be advised that the deadline for the complainant's rebuttal submissions is this Thursday, November 3rd. We have not yet heard back about a request for an extension or whether they intend to submit anything.

Thanks,

Shayna Stawicki

Registrar/ Greffière

Security Intelligence Review Committee/ Comité de surveillance des activités de renseignement de sécurité (613) 990-6319

2.00					
		ģ			
				± ±	
	a a				
			Ь		

Francois Doucet

From:

Registrar-Greffier

Sent:

Thursday, November 03, 2016 4:14 PM

To:

'Bijon Roy'

Cc:

'Paul Champ'; Valerie Poirier; François Doucet; Chantelle Bowers

Subject:

RE: SIRC File No. 1500-481 - BCCLA Rebuttal Submissions

Good afternoon,

I acknowledge receipt of this email. I await the hard copies by courier.

Thank you,

Shayna Stawicki

Registrar/ Greffière

Security Intelligence Review Committee/ Comité de surveillance des activités de renseignement de sécurité (613) 990-6319

From: Bijon Roy [mailto:broy@champlaw.ca] Sent: Thursday, November 03, 2016 2:50 PM

To: Shayna Stawicki <Shayna .Stawicki@sirc-csars.gc.ca>; Registrar-Greffier <Registrar-Greffier@sirc-csars.gc.ca>

Cc: 'Paul Champ' <pchamp@champlaw.ca>

Subject: SIRC File No. 1500-481 - BCCLA Rebuttal Submissions

Good afternoon Ms Stawicki,

Please see attached letter and Rebuttal Submissions of the Complainant, BC Civil Liberties Association (BCCLA), in the above-noted matter.

As per our letter, hard copies of these submissions will follow by courier.

Yours truly,

Bijon Roy CHAMP & ASSOCIATES | CHAMP & AVOCATS 43 Florence Street | 43, sue Florence Ottawa, Ontario K2P 0W6 T: (613) 237-4740 F | Télès.: (613) 232-2680 www.champlaw.ca

Francois Doucet

From:

Registrar-Greffier

Sent:

Thursday, November 03, 2016 3:55 PM

To:

Chantelle Bowers

Cc:

François Doucet; Valerie Poirier

Subject:

FW: SIRC File No. 1500-481 - BCCLA Rebuttal Submissions

Attachments:

BCCLA Reply Submissions (SIRC 1500-481).pdf; 16-11-03 - Letter to SIRC.pdf

FVI-

From: Bijon Roy [mailto:broy@champlaw.ca] Sent: Thursday, November 03, 2016 2:50 PM

To: Shayna Stawicki <Shayna.Stawicki@sirc-csars.gc.ca>; Registrar-Greffier <Registrar-Greffier@sirc-csars.gc.ca>

Cc: 'Paul Champ' <pchamp@champlaw.ca>

Subject: SIRC File No. 1500-481 - BCCLA Rebuttal Submissions

Good afternoon Ms Stawicki,

Please see attached letter and Rebuttal Submissions of the Complainant, BC Civil Liberties Association (BCCLA), in the above-noted matter.

As per our letter, hard copies of these submissions will follow by courier.

Yours truly,

Bijon: Roy CHAMP & ASSOCIATES | CHAMP & AVOCATS 43 Florence Street | 43, rue Florence Ottawa, Ontario K2P 0W6 T: (613) 237-4740 F | Téléc.: (613) 232-2680 www.champlaw.ca



Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6 T: 613-237-4740 F: 613-232-2680

Bijon Roy broy@champlaw.ca

Our File: 1555

November 3, 2016

BY EMAIL - Registrar-Greffler@sirc-csars.gc.ca

Shayna Stawicki, Registrar Security Intelligence Review Committee 122 Bank Street, 4th Floor Ottawa, ON K1P 5N6

Dear Ms Stawicki:

Re: British Columbia Civil Liberties Association ("BCCLA")

Complaint re CSIS Surveillance and Information Sharing with the NEB

SIRC File No.: 1500-481

Please find enclosed for filing with the Committee an electronic (PDF) copy of the complainant's final rebuttal submissions in the above-noted matter.

Pursuant to the Committee's requirements, five (5) bound copies of these written submissions will follow by courier.

All of which is respectfully submitted.

encl.

Rights

Equality

Dignity

Page 792 of 1048

THE SECURITY INTELLIGENCE REVIEW COMMITTEE

In the matter of a Complaint filed by the BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION, pursuant to section 41 of the Canadian Security Intelligence Service Act, RSC 1985, c.C-23

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complainant

- and -

THE CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

COMPLAINANT'S REBUTTAL SUBMISSIONS

- 1. The complainant, the British Columbia Civil Liberties Association ("BCCLA") sets out its final rebuttal submissions below (subject to any further questions that may be raised by the Committee).
- 2. The complainant will address three main issues in reply to the Service's submissions: (1) whether the "give to get" technique expands the Service's mandate and permits information sharing with private sector entities under section 19 of the CSIS Act; (2) whether and to what extent Minister Oliver's letter is relevant to the Committee's inquiry into the present complaint; and (3) whether the "chill" experienced by the affected groups was reasonable and linked to CSIS activities.
- 3. Finally, BCCLA affirms its position with respect to the application of subsection 48(1) of the CSIS Act to the testimony and submissions made in this case, in light of

Page 793 of 1048

the Service's confirmation that it does not object to public disclosure of the *in* camera evidence or submissions made by the complainant.

- (1) "Give to Get" Neither Requires nor Authorises Information Sharing under Subsection 19(2) of the CSIS Act
- 4. It was the Service's own evidence which confirmed that the biannual classified briefings held by the Department of Natural Resources (NRCan) are used by CSIS "to share classified information with energy sector stakeholders." BCCLA submits this information sharing to private sector actors is, on its face, outside the Service's mandate under the CSIS Act. Indeed, the Review Committee has previously held that "the CSIS Act does not authorize disclosure of information collected by the Service to non-traditional or non-government partners, such as private sector organizations." 3
- 5. The Service argues there are nevertheless situations where it may be "required" to disclose information outside of government, asserting that sharing intelligence information with third party private sector entities is justified by the "give to get" principle and thus authorized under subsection 19(2) of the Act as being for purposes of the performance of its duties and functions. However, while "give to get" may be a favoured technique or a practice that CSIS frequently employs, it is not part of the Service's mandate under the CSIS Act, nor is it identified under section 19 as an exemption to the presumption against disclosing intelligence information.
- 6. BCCLA submits that the Committee should not readily accept the sharing of intelligence information with private sector entities as authorised under subsection 19(2), merely on the basis that this practice may be convenient for the Service from an operational perspective. Indeed, to do so would effectively render section 19 meaningless, as *all* of the Service's activities must presumptively be rooted in the performance of duties and functions under the *Act*. The threshold for the subsection

*Respondent's Submissions at para, 15; Robert Evidence at 319-322.

Respondent's Submissions at para, 71; BCCLA Submissions at para, 207,

² Ex Parte Summary at paras 16-17, 19: Robert Evidence at 319,

³ Security Intelligence Review Committee, Annual Report 2010-2011: Checks and Balances (2011) at 15.

19(2) exception cannot be so low as to effectively be engaged in all circumstances in which the Service acts in relation to its statutory mandate.

7. Rather, and as this Committee has previously held, section 19 makes clear that any assessment of CSIS information sharing practices must begin with a presumption against the disclosure of intelligence information to third party, private sector entities. The "give to get" technique cannot be assumed to override this statutory presumption, and must not be used to justify information sharing where such disclosures are not permitted under the Act.

(2) Minister Oliver's Letter is Relevant to the Complaint

- 8. The Service downplays the relevance of Minister Oliver's letter, providing evidence suggesting that the Service was unaware as to who briefed Minister Oliver, and arguing that the Review Committee should narrowly construe its own jurisdiction so as not to consider the letter for purposes of this complaint in any event.
- 9. BCCLA submits that the Review Committee's mandate must not be so narrowly construed. SIRC's mandate under the CSIS Act is broad and its powers are extensive: Parliament has entrusted the Committee with scrutinizing CSIS activities for the purpose of ensuring that the Service operates in accordance with the law, including the Charter, the CSIS Act and its regulations and policies. As such, the Committee's role in investigating complaints is not strictly limited to deciding factual questions concerning specific Service actions, but necessarily also includes a broader review and analysis of the context in which concerns or complaints about the Service may arise. Indeed, even in cases where the Committee finds specific allegations are

⁵ Ex Parte Summary at para. 24; Respondent's submissions at para. 57.

⁶ Respondent's submissions at para, 45.

⁷ Canada (Attorney General) v Telbani, 2012 FC 474 at paras 70, 74-77, 83, 92-94, 105, 156-160. Also see: Canadian Civil Liberties Association v Canada, 1998 CanLII 6272 (ONCA).

unsubstantiated, it may nevertheless make recommendations in order to avoid future circumstances that may lead to similar concerns or complaints.⁸

- 10. The evidence before the Committee is clear that the "open letter" issued by then-Minister of Natural Resources, Joe Oliver, referring to "environmental and other radical groups" that threaten to "hijack" the regulatory system to achieve a "radical ideological agenda" that will "undermine Canada's national economic interest" gave rise to legitimate, reasonable concerns that CSiS's extraordinary powers may be used to target groups or individuals. These concerns became manifest when Minister Oliver's letter was followed by publication of ATIA documents revealing that the Service was included among the government institutions, law enforcement and security agencies, and private sector energy industry stakeholders engaged in sharing intelligence information about security matters, including the monitoring of environmental organizations and activists. 9
- 11. BCCLA submits that Minister Oliver's letter is clearly relevant, in that it amounts to a public declaration by a senior representative of the government of Canada that environmental groups are engaged in activities coming within the Service's mandate. As such, neither the Service nor the Review Committee can ignore the letter or the impact it had on groups and individuals who felt targeted by law enforcement and security agencies. Minister Oliver's letter establishes the context in which the affected groups (and individual witnesses) learned about intelligence gathering and sharing by government agencies including CSIS and, at the very least, is relevant to properly assessing the impact and chilling effect of reports concerning CSIS activities which followed these very public statements.

⁸ See, e.g., "Case #1: Allegations of Improper Conduct," included in Security Intelligence Review Committee, Report 2001-2002, Section 2: Investigation of Complaints, Complaints Case Histories at page 2 of 6.

Open Letter from the Hon. Joe Oliver, Minister of Natural Resources, dated January 9, 2012 [Exhibit C-3, Tab 7]; Matthew Millar, "Harper government's extensive spying on anti-oilsands groups revealed in FOIs," The Vancouver Observer, November 19, 2013 [Exhibit C-1, Tab 9]; Matthew Millar, "Harper government officials, spies meet with energy industry in Ottawa," The Vancouver Observer, November 22, 2013 [Exhibit C-1, Tab 12].

- 12. Moreover, BCCLA submits that it would be appropriate for the Committee to consider and comment on the Service's oblivious or cavalier response to Minister Oliver's letter. 10 Where a Minister of the Crown publicly makes clear and unequivocal declarations regarding activities which, if true, would come squarely within the Service's mandate (again, Minister Oliver accused "environmental and radical groups" of "hijacking" the regulatory system to "undermine Canada's national economic interest"), it behooves the Service to respond to those statements in a responsible manner. First of all, it was incumbent upon the Service and within its mandate to follow up on such serious allegations and inquire with the Minister as to their substance. Secondly, BCCLA submits that the Service has a responsibility to ensure that neither these groups nor the public at large are unduly frightened or panicked by such allegations, especially where it is clear that they are unfounded.
- 13. While the Service provided evidence that it undertakes public outreach initiatives "to allay concerns," such efforts appear to be focused on industry stakeholders, and the Service never proactively approached the groups involved in this complaint or any other environmental advocacy groups. 11 BCCLA submits that reaching out to advocacy groups could have provided an excellent opportunity for the Service to build constructive relationships, furthering its capacity to fulfil its statutory mandate while remaining mindful and respectful of lawful advocacy and Charter rights. Indeed, a proactive initiative to allay the concerns of advocacy groups could well be a more valuable application of the "give to get" principle than sharing information about them with the NEB and the private sector, as these groups acknowledge that from time to time they have encountered and distanced themselves from individuals whose motivations seemed questionable. 12

12 Dance-Bennink Evidence at 81-82.

Respondent's submissions at paras 45, 57-59.
 Robert Evidence at 252-253, 292-293; Ex Parte Summary at para. 19.

(3) The Alleged Chill is Reasonable and Directly Linked to CSIS Activities

- 14. The Service cites jurisprudence holding that a chilling effect resulting from a "patently incorrect understanding" of a statutory provision cannot ground a finding of unconstitutionality. However, these cases also make clear that while a chill arising from the conduct of law enforcement or security agencies may not render legislation unconstitutional, a Charter breach for which a remedy is required may of course still arise in respect of the improper or unconstitutional application or enforcement of a constitutionally valid statute.¹³
- 15. Moreover, there is also a crucial distinction between a chilling effect arising from misapprehension of the law and a chilling effect arising from reasonable inferences drawn from available information. BCCLA again emphasizes that in the present case, members of the affected groups were keenly aware of Minister Oliver's public description of them as "radical groups" involved in "hijacking" the regulatory system to "undermine Canada's national economic interest." When the ATIA documents which clearly show at least some CSIS involvement in intelligence gathering and sharing about groups opposed to the Northern Gateway project were publicized, the resulting concerns were not due to a "patently incorrect understanding" of a statutory provision, but rather the only reasonable inference that could be drawn from the limited information available to them. ¹⁴
- 16. Indeed, the evidence presented by the Service in this hearing has supported these suspicions, confirming that CSIS is indeed engaged in routine sharing of classified intelligence information with energy sector stakeholders, including the National Energy Board ("NEB"), and has provided specific intelligence assessments to the NEB. ¹⁵ In these circumstances, it simply cannot be said that concerns about a chilling effect are rooted merely in a "patently incorrect understanding" of the law.

¹³ Little Sisters Book and Art Emporium v Canada (Minister of Justice), [2000] 2 SCR 1120 at paras 133-35, as cited in R v Khawaja, [2012] 3 SCR 555 at paras 82-83.

¹⁴ See, e.g., Biggar Evidence at 133-134.

¹⁵ Ex Parte Summary at paras 16-19; Robert Evidence at 319.

Rather, the evidence is clear that concerns about a chilling effect are both reasonable in the circumstances and directly linked to the Service's conduct in his matter.

(4) Section 48 of the CSIS Act

17. Given that the Service has now advised that it has no objection to BCCLA's submissions regarding the scope and application of section 48 of the CSIS Act, ¹⁶ the complainant requests the Committee to confirm that witnesses who appeared before the Committee on August 12-13, 2015 may speak publicly about the evidence and testimony they provided during the in camera portion of the hearing, and that BCCLA may publicly disclose those transcripts and its submissions in this matter, without further concern in relation to section 48 of the Act. With respect, it would be preferable if the Committee could provide this guidance and direction at its earliest convenience on an interim basis, and without waiting for its final decision.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated at Ottawa, this 3rd day of November, 2016

Bijon Roy

aul, Champ

CHAMP & ASSOCIATES Barristers & Solicitors Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6

T: 613-237-4740 F: 613-232-2680

Solicitors for the Complainant

¹⁶ Respondent's Submissions at para. 71; BCCLA Submissions at paras 198-207.

	я	
	* *	
d	¥	



Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6 T: 613-237-4740 F: 613-232-2680

Bijon Roy broy@champlaw.ca

Our File: 1555

RECEIVED

November 3, 2016

BY COURIER

Shayna Stawicki, Registrar Security Intelligence Review Committee 122 Bank Street, 4th Floor Ottawa, ON K1P 5N6

Dear Ms Stawicki:

Re:

British Columbia Civil Liberties Association ("BCCLA")

Complaint re CSIS Surveillance and Information Sharing with the NEB

SIRC File No.: 1500-481

Further to your letter of October 20, 2016, please find enclosed five (5) copies of the Complainant's rebuttal submissions in the above-noted matter.

We understand that the Office of the Registrar will serve copies of these materials upon the other parties, as required.

All of which is respectfully submitted.

Bijon Roy

encls

Rights

Equality

Dignity

Page 800 of 1048

			•			8	
		590					
						c	2
8					9		
						101	



Comité de surveillance des activités de renseignement de sécurité

PROTECTED B PERSONAL INFORMATION

File No.: 1500-481

November 4, 2016

BY COURIER

Mr. Bijon Roy & Mr. Paul Champ Champ & Associates Equity Chambers 43 Florence Street Ottawa, ON K2P 0W8

Dear Counsel:

RE: BCCLA – PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY INTELLIGENCE SERVICE ACT (CSIS ACT)

Please be advised that the Security Intelligence Review Committee has received your final rebuttal submissions in the above-noted matter on November 3, 2016. The matter is now with the Honourable Yves Fortier, P.C, C.C, O.Q., Q.C., presiding member in this investigation, for the preparation of his final report containing his findings of the investigation and any recommendation that he considers appropriate.

If you have any questions pursuant to this matter, please do not hesitate to contact me at (613) 990-6319.

Yours sincerely,

Shayna Stawicki

Jayra 84

Registrar

P.O. Box / C.P. 2439, Station / Succursale "D" Ottawa, Canada K1P 5W5 Tel: 613 990-8441 Fax: 613 990-5230

Page 808 of 1048

Security Intelligence Review Committee



Comité de surveillance des activités de renseignement de sécurité

PROTECTED B

File No.: 1500-481

November 4, 2016

Mrs. Stephanie Dion Counsel National Security Litigation & Advisory Group Department of Justice Canada PO Box 8127, Station T Ottawa, ON K1G 3H6

Dear Counsel:

RE: BCCLA - COMPLAINT PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY INTELLIGENCE SERVICE ACT (CSIS ACT)

Please find enclosed the complainant's final rebuttal submissions in the above-noted matter, received by the Security Intelligence Review Committee on November 3, 2016. The matter is now with the Honourable Yves Fortier, P.C, C.C, O.Q., Q.C., presiding member in this investigation, for the preparation of his final report containing his findings of the investigation and any recommendation that he considers appropriate.

Should you have any questions with respect to the foregoing, please do not hesitate to contact me at (613) 990-6319.

Yours sincerely,

Shayna Stawicki

Registrar

Encl.: (1)

c.c.: ER&L (with encl)

P.O. Box / C.P. 2430, Station / Succussale "O" Ottawa, Canada K IP 5W5 Yel: 613 990-8441 Fax: 613 990-5230

Page 809 of 1048

THE SECURITY INTELLIGENCE REVIEW COMMITTEE

In the matter of a Complaint filed by the BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION, pursuant to section 41 of the Canadian Security Intelligence Service Act, RSC 1985, c.C-23

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

- and -

Complainant

THE CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

COMPLAINANT'S REBUTTAL SUBMISSIONS

- 1. The complainant, the British Columbia Civil Liberties Association ("BCCLA") sets out its final rebuttal submissions below (subject to any further questions that may be raised by the Committee).
- 2. The complainant will address three main issues in reply to the Service's submissions: (1) whether the "give to get" technique expands the Service's mandate and permits information sharing with private sector entities under section 19 of the CSIS Act; (2) whether and to what extent Minister Oliver's letter is relevant to the Committee's inquiry into the present complaint; and (3) whether the "chili" experienced by the affected groups was reasonable and linked to CSIS activities.
- 3. Finally, BCCLA affirms its position with respect to the application of subsection 48(1) of the CSIS Act to the testimony and submissions made in this case, in light of

Page 810 of 1048 Copy 4 of 5 the Service's confirmation that it does not object to public disclosure of the *in camera* evidence or submissions made by the complainant.¹

- (1) "Give to Get" Neither Requires nor Authorises Information Sharing under Subsection 19(2) of the CSIS Act
- 4. It was the Service's own evidence which confirmed that the biannual classified briefings held by the Department of Natural Resources (NRCan) are used by CSIS "to share classified information with energy sector stakeholders." BCCLA submits this information sharing to private sector actors is, on its face, outside the Service's mandate under the CSIS Act. Indeed, the Review Committee has previously held that "the CSIS Act does not authorize disclosure of information collected by the Service to non-traditional or non-government partners, such as private sector organizations." 3
- 5. The Service argues there are nevertheless situations where it may be "required" to disclose information outside of government, asserting that sharing intelligence information with third party private sector entities is justified by the "give to get" principle and thus authorized under subsection 19(2) of the Act as being for purposes of the performance of its duties and functions. However, while "give to get" may be a favoured technique or a practice that CSIS frequently employs, it is not part of the Service's mandate under the CSIS Act, nor is it identified under section 19 as an exemption to the presumption against disclosing intelligence information.
- 6. BCCLA submits that the Committee should not readily accept the sharing of intelligence information with private sector entities as authorised under subsection 19(2), merely on the basis that this practice may be convenient for the Service from an operational perspective. Indeed, to do so would effectively render section 19 meaningless, as *all* of the Service's activities must presumptively be rooted in the performance of duties and functions under the *Act*. The threshold for the subsection

² Ex Parte Summary at paras 16-17, 19; Robert Evidence at 319.

⁴ Respondent's Submissions at para. 15; Robert Evidence at 319-322.

¹ Respondent's Submissions at para, 71; BCCLA Submissions at para, 207.

³ Security Intelligence Review Committee, Annual Report 2010-2011: Checks and Balances (2011) at 15.

19(2) exception cannot be so low as to effectively be engaged in all circumstances in which the Service acts in relation to its statutory mandate.

7. Rather, and as this Committee has previously held, section 19 makes clear that any assessment of CSIS information sharing practices must begin with a presumption against the disclosure of intelligence information to third party, private sector entities. The "give to get" technique cannot be assumed to override this statutory presumption, and must not be used to justify information sharing where such disclosures are not permitted under the Act.

(2) Minister Oliver's Letter is Relevant to the Complaint

- 8. The Service downplays the relevance of Minister Oliver's letter, providing evidence suggesting that the Service was unaware as to who briefed Minister Oliver, ⁵ and arguing that the Review Committee should narrowly construe its own jurisdiction so as not to consider the letter for purposes of this complaint in any event. ⁶
- 9. BCCLA submits that the Review Committee's mandate must not be so narrowly construed. SIRC's mandate under the CSIS Act is broad and its powers are extensive: Parliament has entrusted the Committee with scrutinizing CSIS activities for the purpose of ensuring that the Service operates in accordance with the law, including the Charter, the CSIS Act and its regulations and policies. As such, the Committee's role in investigating complaints is not strictly limited to deciding factual questions concerning specific Service actions, but necessarily also includes a broader review and analysis of the context in which concerns or complaints about the Service may arise. Indeed, even in cases where the Committee finds specific allegations are

⁵ Ex Parte Summary at para. 24; Respondent's submissions at para. 57.

⁶ Respondent's submissions at para. 45.

⁷ Conada (Attorney General) v Telbani, 2012 FC 474 at paras 70, 74-77, 83, 92-94, 105, 156-160. Also see: Canadian Civil Liberties Association v Canada, 1998 CanLII 6272 (ONCA).

unsubstantiated, it may nevertheless make recommendations in order to avoid future circumstances that may lead to similar concerns or complaints.⁸

- 10. The evidence before the Committee is clear that the "open letter" issued by then-Minister of Natural Resources, Joe Oliver, referring to "environmental and other radical groups" that threaten to "hijack" the regulatory system to achieve a "radical ideological agenda" that will "undermine Canada's national economic interest" gave rise to legitimate, reasonable concerns that CSIS's extraordinary powers may be used to target groups or individuals. These concerns became manifest when Minister Oliver's letter was followed by publication of ATIA documents revealing that the Service was included among the government institutions, law enforcement and security agencies, and private sector energy industry stakeholders engaged in sharing intelligence information about security matters, including the monitoring of environmental organizations and activists. 9
- 11. BCCLA submits that Minister Oliver's letter is clearly relevant, in that it amounts to a public declaration by a senior representative of the government of Canada that environmental groups are engaged in activities coming within the Service's mandate. As such, neither the Service nor the Review Committee can ignore the letter or the impact it had on groups and individuals who felt targeted by law enforcement and security agencies. Minister Oliver's letter establishes the context in which the affected groups (and individual witnesses) learned about intelligence gathering and sharing by government agencies including CSIS and, at the very least, is relevant to properly assessing the impact and chilling effect of reports concerning CSIS activities which followed these very public statements.

8 See, e.g., "Case #1: Allegations of Improper Conduct," included in Security Intelligence Review Committee, Report 2001-2002, Section 2: Investigation of Complaints, Complaints Case Histories at page 2 of 6.

Open Letter from the Hon. Joe Oliver, Minister of Natural Resources, dated January 9, 2012 [Exhibit C-3, Tab 7]; Matthew Millar, "Harper government's extensive spying on anti-oilsands groups revealed in FOIs," The Vancouver Observer, November 19, 2013 [Exhibit C-1, Tab 9]; Matthew Millar, "Harper government officials, spies meet with energy industry in Ottawa," The Vancouver Observer, November 22, 2013 [Exhibit C-1, Tab 12].

- 12. Moreover, BCCLA submits that it would be appropriate for the Committee to consider and comment on the Service's oblivious or cavalier response to Minister Oliver's letter. ¹⁰ Where a Minister of the Crown publicly makes clear and unequivocal declarations regarding activities which, if true, would come squarely within the Service's mandate (again, Minister Oliver accused "environmental and radical groups" of "hijacking" the regulatory system to "undermine Canada's national economic interest"), it behooves the Service to respond to those statements in a responsible manner. First of all, it was incumbent upon the Service and within its mandate to follow up on such serious allegations and inquire with the Minister as to their substance. Secondly, BCCLA submits that the Service has a responsibility to ensure that neither these groups nor the public at large are unduly frightened or panicked by such allegations, especially where it is clear that they are unfounded.
- 13. While the Service provided evidence that it undertakes public outreach initiatives "to allay concerns," such efforts appear to be focused on industry stakeholders, and the Service never proactively approached the groups involved in this complaint or any other environmental advocacy groups. ¹¹ BCCLA submits that reaching out to advocacy groups could have provided an excellent opportunity for the Service to build constructive relationships, furthering its capacity to fulfil its statutory mandate while remaining mindful and respectful of lawful advocacy and *Charter* rights. Indeed, a proactive initiative to allay the concerns of advocacy groups could well be a more valuable application of the "give to get" principle than sharing information about them with the NEB and the private sector, as these groups acknowledge that from time to time they have encountered and distanced themselves from individuals whose motivations seemed questionable. ¹²

¹⁰ Respondent's submissions at paras 45, 57-59.

¹¹ Robert Evidence at 252-253, 292-293; Ex Parte Summary at para. 19.

¹² Dance-Bennink Evidence at 81-82.

(3) The Alleged Chill is Reasonable and Directly Linked to CSIS Activities

- 14. The Service cites jurisprudence holding that a chilling effect resulting from a "patently incorrect understanding" of a statutory provision cannot ground a finding of unconstitutionality. However, these cases also make clear that while a chill arising from the *conduct* of law enforcement or security agencies may not render *legislation* unconstitutional, a *Charter* breach for which a remedy is required may of course still arise in respect of the improper or unconstitutional *application* or enforcement of a constitutionally valid statute.¹³
- 15. Moreover, there is also a crucial distinction between a chilling effect arising from misapprehension of the law and a chilling effect arising from reasonable inferences drawn from available information. BCCLA again emphasizes that in the present case, members of the affected groups were keenly aware of Minister Oliver's public description of them as "radical groups" involved in "hijacking" the regulatory system to "undermine Canada's national economic interest." When the ATIA documents which clearly show at least some CSIS involvement in intelligence gathering and sharing about groups opposed to the Northern Gateway project were publicized, the resulting concerns were not due to a "patently incorrect understanding" of a statutory provision, but rather the only reasonable inference that could be drawn from the limited information available to them. ¹⁴
- 16. Indeed, the evidence presented by the Service in this hearing has supported these suspicions, confirming that CSIS is indeed engaged in routine sharing of classified intelligence information with energy sector stakeholders, including the National Energy Board ("NEB"), and has provided specific intelligence assessments to the NEB. ¹⁵ In these circumstances, it simply cannot be said that concerns about a chilling effect are rooted merely in a "patently incorrect understanding" of the law.

Page 815 of 1948

¹³ Little Sisters Book and Art Emporium v Canada (Minister of Justice), [2000] 2 SCR 1120 at paras 133-35, as cited in R v Khawaja, [2012] 3 SCR 555 at paras 82-83.

¹⁴ See, e.g., Biggar Evidence at 133-134,

¹⁵ Ex Parte Summary at paras 16-19; Robert Evidence at 319.

Rather, the evidence is clear that concerns about a chilling effect are both reasonable in the circumstances and directly linked to the Service's conduct in his matter.

(4) Section 48 of the CSIS Act

17. Given that the Service has now advised that it has no objection to BCCLA's submissions regarding the scope and application of section 48 of the CSIS Act, ¹⁶ the complainant requests the Committee to confirm that witnesses who appeared before the Committee on August 12-13, 2015 may speak publicly about the evidence and testimony they provided during the in camera portion of the hearing, and that BCCLA may publicly disclose those transcripts and its submissions in this matter, without further concern in relation to section 48 of the Act. With respect, it would be preferable if the Committee could provide this guidance and direction at its earliest convenience on an interim basis, and without waiting for its final decision.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated at Ottawa, this 3rd day of November, 2016

11

Chamin

13000

CHAMP & ASSOCIATES Barristers & Solicitors Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6

T: 613-237-4740 F: 613-232-2680

Solicitors for the Complainant

¹⁶ Respondent's Submissions at para. 71; BCCLA Submissions at paras 198-207.

Page 817 of 1048

Ti .		
	90	
77	M	
**		
× e		
2		
		×

1 of 1

				00.		
					8	
			(2)			
				20		
	:				V.	
		20				
	II.					
					*	
	Y.					
		145				
				2		

2

ğ

Page 823 of 1048



Department of Justice Canada

Ministère de la Justice Canada

National Security Litigation & Advisory Group PO Box 8127, Station T Ottawa, Ontario K1G 3H6 Groupe litiges et conseits en sécurité nationale CP 8127, Succursale T Ottawa (Ontario) K1G 3H6

PROTECTED

December 1, 2016

RECEIVED

BY HAND

DEC 8 1 2016

Ms. Shayna Stawicki / Valérie Poirier Registrar Security Intelligence Review Committee Jackson Building 122 Bank Street, 4th Floor Ottawa, Ontario K1P 5N6

Dear Ms. Stawicki / Valérie Poirier;

RE: BCCLA - Complaint against CSIS Pursuant to Section 41 of the CSIS Act Your File 1500-481

On November 24, 2016, Mrs. Chantelle Bowers and Mrs. Valérie Poirier enquired as to the Service's position with respect to paragraph 17 of the Respondent's Rebuttal Submissions in the above-mentioned complaint. Paragraph 17 contains a request by the Complainant to make testimonics and submissions publically available.

At paragraph 207 of the Complainant's final submissions dated September 19, 2016, the Complainant stated:

Given all the foregoing, BCCLA requests the Committee to review and clarify its order regarding the scope and application of section 48 of the CS1S Act as it relates to the evidence of witnesses called on behalf of the BCCLA during the *in camera* portion of the hearing into this complaint. In particular, BCCLA asks the Committee to confirm that, consistent with their Charter rights, witnesses who appeared before it on August 12-13, 2015 are free to speak publicly about the evidence and testimony they provided during the *in camera* portion of the hearing, and BCCLA may, if it wishes, publicly disclose its submissions.

In response to the Complainant's request, at paragraph 71 of the Respondent's submissions dated October 14, 2016, we informed the Committee that:

In the present case, the hearing portion of the investigation has concluded and CSIS has been provided the opportunity to protect any national security

Canadä

Page 827 of 1048

information which may have been inadvertently disclosed at the hearing. For those reasons, the Respondent does not object to the Complainant's request set out at paragraph 207 of the Complainant's final submissions.

At paragraph 17 of the Respondent's rebuttal submissions, the Respondent stated:

Given that the Service has now advised that it has no objection to BCCLA's submissions regarding the scope and application of section 48 of the CSIS Act, the complainant requests the Committee to confirm that witnesses who appeared before the Committee on August 12-13, 2015 may speak publicly about the evidence and testimony they provided during the in camera portion of the hearing, and that BCCLA may publicly disclose those transcripts and its submissions in this matter, without further concern in relation to section 48 of the Act. With respect, it would be preferable if the Committee could provide this guidance and direction at its earliest convenience on an interim basis, and without waiting for its final decision. (our emphasis)

The underlined portions are two new issues that were not found in the Complainant's submissions of September 19, 2016, the Complainant is seeking to:

- make the transcripts publically available;
- get a direction on an interim basis.

With respect to making the transcripts publically available, we understand that paragraph 17 suggests that only the portions of the transcripts (those transcripts) of the testimonies of BCCLA witnesses would be made public by the Complainant. We request that the Committee's order specify that only the Complainant's submissions and evidence may be made publically available.

While we defer to SIRC the issue of the direction on an interim basis, we note that s. 48(2) provides that "in the course of an investigation of a complaint [...] by the Review Committee, [...] no one is entitled as of right to be present during, to have access or to comment on representations made to the Review Committee by any other person." In the present case, the Committee's investigation in still ongoing and will be complete once the final report is issued.

Should you have any questions or concerns, please do not hesitate to contact me at 613-842-1356.

Sincerely,

Stéphanie Dion

Counsel

e: ER&L

51000-677

Page 828 of 1048



Comité de surveillance des activités de renseignement de sécurité

> PROTECTED B PERSONAL INFORMATION

File No. 1500-481

May 31, 2017

BY COURIER

Mr. Bijon Roy & Mr. Paul Champ Champ & Associates Equity Chambers 43 Florence Street, Ottawa, ON, K2P 0W8

Dear Counsel:

RE: **BCCLA - PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY** INTELLIGENCE SERVICE ACT (CSIS ACT)

I wish to inform you of the status of your client's complaint in the abovementioned matter. On May 30, 2017, the Honourable Honourable Yves Fortier, P.C, C.C, O.Q., Q.C., and presiding member of the Security Intelligence Review Committee (Committee), finalized his report. We shall provide you with a copy of the report after the consultation process ensuring compliance with sections 37 and 55 of the CSIS Act has been completed.

If you have any questions pursuant to this matter, please do not hesitate to contact me at (613) 990-6319.

Yours sincerely.

Shayna Stawicki

Registrar

P.O. Box / C.P. 2430, Station / Succursale "D" Ottawa, Canada K1P 5W5 Tel: 613 990-8441 Fax 613 990-5230

Page 829 of 1048

Page 899 of 1048

1 of 1 AGC0551

1

			Ð			
	8					•
		35				
182			<u>«</u>	O.		
			ii a			
					51	
					2	

Page 900 of 1048

AGC0552

Page 901 of 1048

Page 902 of 1048

2 of 3

Page 903 of 1048

3 of 3 AGC0553

Page 904 of 1048

Page 905 of 1048

AGC0555

1 of 2

Page 906 of 1048

AGC0555

2 of 2

Page 907 of 1048

1 of 1 AGC0556

Page 998 of 1048

1 of 1 AGC0557

v.			
		ä	
			3
	*1	10	
	B 44		
e			Se Se
	0		
			9
	2		
	¥	e "	
		15	
iid	×		
		a	

Page 909 of 1048

AGC0558

Page 910 of 1048

2 of 2 AGC0558

Page 911 of 1048

1 of 1 AGC0559

				rg.		
			ĕ			
					58	
	9				.94	
					ii.	
					2	
T.						
					:6	

Page 913 of 1048

1 of 3 AGC0560

Page 914 of 1048

2 of 3 AGC0560

						×	
					Tio.		ž.
8							
				,			
. *							
15	37						

Page 979 of 1048

AGC0561

2 of 3

Page 980 of 1048

3 of 3 AGC0561

e



Comité de surveillance des activités de renseignement de sécurité

PROTECTED B PERSONAL INFORMATION

File No.: 1500-481

August 30, 2017

BY COURIER

Mr. Paul Champ & Mr. Bijon Roy Counsel Champ & Associates Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6

Dear Counsel:

RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION-

COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS) PURSUANT TO SECTION 41 OF THE CSIS ACT

Please find enclosed a redacted copy of the final report dated May 30, 2017, by the Honourable Yves Fortier, P.C., C.C., O.Q.,Q.C., presiding member of the Security Intelligence Review Committee in relation to the investigation of your client's complaint filed pursuant to section 41 of the CSIS Act.

You will note that the report has been reviewed for national security concerns pursuant to ss. 37 and 55(b) of the CSIS Act. However, the report has not been vetted to protect any potential privacy concerns under the *Privacy Act*.

Yours sincerely,

Michael Doucet Executive Director

Encl.: (1)

P.O. Box / C.P. 2430, Station / Succursale "D" Otlawa, Canada K1P 5W5 Tel: 613 990-8441 Fax: 613 990-5230

Page 983 of 1048



Comité de surveillance des activités de renseignement de sécurité

TOP SECRET (with attach.)

File No.: 1500-481

August 30, 2017

BY COURIER

The Honourable Ralph Goodale
Minister of Public Safety and Emergency Preparedness
269 Laurier Avenue West
19th Floor
Ottawa, Ontario
K1A 0P8

Dear Minister Goodale:

RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION-

COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS) PURSUANT TO SECTION 41 OF THE CSIS ACT.

Pursuant to section 52 of the CSIS Act, please find enclosed a copy of the Security Intelligence Review Committee's (Committee) TOP SECRET report in relation to the investigation of a complaint made pursuant to section 41 of the CSIS Act.

I have also enclosed a redacted version of the report which is being provided to the Complainant's counsel on today's date. The report has been redacted in accordance with the Committee's responsibility to protect national security pursuant to section 37 and paragraph 55(b) of the CSIS Act. Please note, however, that it has not been vetted to protect any potential privacy concerns with regard to personal information concerning individuals.

Yours sincerely,

Michael Doucet Executive Director

Encl.: (2)

P.O. Box / C.P. 2430, Station / Succursale "D" Ottawa, Canada K1P 5W5 Tel: 613 990-8441 Fax; 613 990-5230

Page 989 of 1048

	8	
	**	
	*	
	×	15
123		
	*	
	2	
Δ.		
g.		
	a	
		×
		*
	2	



Comité de surveillance des activités de renseignement de sécurité

TOP SECRET (with attach.)

File No.: 1500-481

August 30, 2017

Mr. David Vigneault Director Canadian Security Intelligence Service 1941 Ogilvie Road Ottawa, Ontario K1J 1B7

Dear Mr. Vigneault:

RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION-

COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS) PURSUANT TO SECTION 41 OF THE CSIS ACT

Pursuant to section 52 of the CSIS Act, please find enclosed a copy of the Security Intelligence Review Committee's (Committee) TOP SECRET report in relation to the investigation of a complaint made pursuant to section 41 of the CSIS Act.

I have also enclosed a declassified version of the report which is being provided to the Complainant's counsel on today's date. The declassified report has been redacted in accordance with the Committee's responsibility to protect national security pursuant to section 37 and paragraph 55(b) of the CS/S Act. Please note, however, that it has not been vetted to protect any potential privacy concerns with regard to personal information concerning individuals.

Yours sincerely,

Michael Doucet Executive Director

Encl.: (2)

Cc: Ms. Stephanie Dion, National Security Litigation & Advisory Group (Encl. 2) ERC (Encl. 2)

> P.O. Box / C.P. 2430, Station / Succursale "O" Ottawa, Canada K1P 5W5 Tel: 613 990-8441 Fax: 613 990-5230

Page 990 of 1048

.



Comité de surveillance des activités de renseignement de sécurité

Notwithstanding any STOP SECRET Presenting on this record, the information content of the declaration of the PROTECTED / PERSONAL INFORMATION File No. 1500-481

SECURITY INTELLIGENCE REVIEW COMMITTEE

IN THE MATTER of a complaint filed pursuant to section 41 of the Canadian Security Intelligence Service Act, R.S.C., 1985, c. C-23.

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complainant

- and -

CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

REPORT BY

The Honourable Yves Fortier, P.C., C.C., O.Q., Q.C. Security intelligence Review Committee, Presiding

Security Intelligence Review Committee P.O. Box 2430 Postal Station D Ottawa, ON K1P 5W5

Phone:

(613) 990-8441

Fax:

(813) 990-5230

P.O. Box / C.P. 2430, Station / Succursale "O" Oftawa, Canada K1P 5W5 Tel: 613 990-6441 Fax: 613 990-5280

Page 991 of 1048

1 of 57

AGC0565

Dates of Hearing: -Case management Conference (via teleconference),

Friday, July 24, 2015 in Ottawa

-Case Management Conference (via teleconference),

May 20, 2015 in Ottawa

-In camera hearing, August 12 - 13, 2015 in Vancouver
 -In camera/ ex parte hearing January 28, 2016 in Ottawa
 -In camera/ ex parte hearing March 22, 2016 in Ottawa

Place of Hearing: -Case Management Conferences in Ottawa, Ontario

-In camera hearing in Vancouver -In camera/ ex parte hearing in Ottawa

Before: The Honourable Yves Fortier, P.C., C.C., O.Q., Q.C.

Member, Security Intelligence Review Committee ("Committee")

Counsel: P. Champ and B. Roy, for the Complainant, BCCLA

S. Dion, for the Respondent, the Canadian Security Intelligence

Service ("Service")

C. Bowers, for the Committee

Witnesses: In camera hearing on August 12, 2015 in Vancouver

J. Paterson for BCCLA

In camera hearing on August 13, 2015 in Vancouver

C. Trojand, for BCCLA

T. Dance-Bennink, for BCCLA

J. Biggar, for BCCLA C. Vernon, for BCCLA N. Skuce, for BCCLA Robert, for CSIS

Professor Reg Whitaker, by way of affidavit

In camera, ex parte hearing on January 28, 2016 in Ottawa

CSIS Witness 1, CSIS Witness 2, CSIS Witness 3,

In camera, ex parte hearing on March 22, 2016 in Ottawa

CSIS Witness 4,

Also In Attendance: S. Stawicki, Hearing Registrar

Noel C. Keeley, C.S.R, Court Stenographer

CSIS ER&L Staff (1)

TABLE OF CONTENTS

A.	INTRODUCTION	- 4
₿,	THE COMPLAINT AND THE COMMITTEE'S JURISDICTION	4-8
C.	BACKGROUND	6-10
D.	THE COMMITTEE'S INVESTIGATION	11-34
€.	ANALYSIS	35-56
F.	FINDINGS AND RECOMMENDATIONS	57

A. INTRODUCTION

- This report is made pursuant to subsection 52(1) of the Canadian Security
 Intelligence Service Act, R.S.C., 1985, c. C-23 ("CSIS Act"), after the completion of
 an investigation in relation to a complaint made pursuant to section 41 of the CSIS
 Act by the British Columbia Civil Liberties Association ("BCCLA" or "Complainant").
- 2. This report is made to the Minister of Public Safety and to the Director of the Canadian Security Intelligence Service ("CSIS" or "Service"). It contains the findings and recommendations of the Security Intelligence Review Committee ("Committee" or "SIRC") based on all the documentation, oral evidence and representations available to it during its investigation. This report, subject to the limitations of the CSIS Act, will be forwarded to the Complainant.

B. THE COMPLAINT AND THE COMMITTEE'S JURISDICTION

- Section 41 of the CSIS Act entitles a person to complain to the Committee with respect to "any act or thing" done by the Service. The Committee shall investigate the complaint if the Committee is satisfied that:
 - the Complainant has first made a complaint to the Director with respect to that "act or thing":
 - the Complainant has not received a response within such period of time as the Committee considers reasonable, or the Complainant is dissatisfied with the response given; and,
 - the complaint is not trivial, frivolous, vexatious or made in bad faith.
- 4. In a letter dated February 6, 2014, the Complainant wrote to the Committee to make a complaint pursuant to section 41 of the CS/S Act "regarding improper and unlawful actions of CSIS in gathering information about Canadian citizens and groups engaging in peaceful and lawful expressive activities, and sharing it with other government bodies and private sector actors."
- 5. The Complainant alleges that media reports indicate that the National Energy Board ("NEB") has engaged in systematic information and intelligence gathering about organizations seeking to participate in the NEB's Northern Gateway Project hearing. The Complainant also contends that "records obtained under the Access to Information Act confirm that this information and intelligence gathering was undertaken with the co-operation and involvement of CSIS and other law

-4-

enforcement agencies, and that CSIS participates in sharing intelligence information with the Board's security personnel, the Royal Canadian Mounted Police ("RCMP"), and private petroleum industry security firms."

- In that same letter, the Complainant sets out the following questions that formed the basis of the complaint to the Committee:
 - -Why is CSIS (and other branches of Canadian law enforcement and security apparatus) monitoring public interest, environmental and advocacy groups, in particular Leadnow. ForestEthics Advocacy Association, Council of Canadians, the Dogwood Initiative, EcoSociety, the Sierra Club of British Columbia, and Idle No More, despite an absence of any basis for believing that these groups have engaged in criminal wrongdoing?

-For how long has CSIS been involved in surveillance of these, and other, groups?

-Under what law, regulation or other authority is CSIS acting when it monitors these groups?

 Why is CSIS hearing information about public Interest, environmental and advocacy groups with members of the petroleum industry?

- -What information has been conveyed by CSIS to members of the petroleum industry?
- The Complainant also copied its complaint letter of February 6, 2014 to Michel Coulombe, Interim Director of the Canadian Security Intelligence Service ("CSIS"), pursuant to section 41 of the CSIS Act.
- In a letter dated March 14, 2014, the Assistant Director, Policy and Strategic Partnerships, Tom Venner, replied to the Complainant that he could find no evidence that the Service acted inappropriately. He commented that the information and observations are largely speculative and based on third-party information. He added however, that the Service conducts itself according to the law, policy, and Ministerial Direction. He stated: "I understand your concerns that ... Canadians angaged in peaceful advocacy and protest would be targeted illegitimately by a Government agency. In fact, the employees of CSIS are devoted to protecting Canada's national security and ensuring that the very rights of privacy and free speech which you refer to are indeed protected from individuals and groups who would reject peaceful democratic processes to attain their goals."
- By lefter dated March 20, 2014, the Complainant wrote to the Committee, explaining its position that CSIS has failed to provide any substantive response to

-5-

Norwithstanding son security materiage approximation this record, the information regularly depriods declarables to PROTECTED / PROSENTE DATE MATERIAL

- BCCLA's complaint, and requesting the Committee to commence its investigation regarding the Service's actions.
- By letter dated March 28, 2014, the Committee wrote to both the Complainant and the Service, providing them with the opportunity to make representations regarding the Committee's jurisdiction to investigate the complaint of BCCLA.
- 11. The Complainant responded by letter dated April 4, 2014 with its representations regarding the Committee's jurisdiction to investigate the complaint under section 41, highlighting that the jurisdiction includes the investigation and determination of all legal issues raised by the complaint, including the Service's compliance with the CSIS Act and the Charter.
- 12. On April 7, 2014, counsel for CSIS responded that its client did not wish to make representations on the Committee's jurisdiction at that time.
- On May 27, 2014, the Committee determined that it had the jurisdiction to investigate the complaint, and this was conveyed to the Complainant and the Service by letter dated June 2, 2014.

C. BACKGROUND

- 14. In accordance with the Rules of Procedure of the Security Intelligence Review Committee in relation to its function under paragraph 38(c) of the CSIS Act, I was appointed by the Chair of the Committee to conduct an investigation into this complaint. The parties were advised of the Committee's determination by letters dated September 8, 2014.
- 15. On September 22, 2014, CSIS wrote to the Committee, with a copy to the Complainant, requesting a management conference call for the purpose of identifying the Issues that will be investigated as part of the complaint. CSIS asked that the BCCLA's complaint be better defined and articulated into a complaint of a discrete act or thing done by the Service that the Committee is capable of investigating. CSIS proposed to focus its document collection to documents dated after December 31, 2011, which was the latest period reviewed by the Committee in its review on the topic of lawful advocacy, protest or dissent. The letter from CSIS stated, "Based on the Complainant's letter and the scope of

- 6 -

section 41 of the CSIS Act, the Service proposes that the following issues be investigated as part of this complaint:

 Did the Service investigate groups or individuals for their engagement in lawful advocacy, protest or dissent activities in relation to the Northern Gateway Pipeline Project?

2) If yes, was the investigation lawful?

- 3) Did the Service provide information relating to individuals or groups involved in lawful advocacy, protest or dissent in relation to the Northern Gateway Pipeline Project with the National Energy Board or non-government members of the petroleum industry?
- 4) If yes, was it lawful to provide this information?
- On September 25, 2014 the Complainant wrote to the Committee, with a copy to CSIS, regarding my assignment as presiding member over the complaint. The letter stated that "white BCCLA recognizes Mr. Fortier's exemplary reputation, and does not question his personal or professional integrity, the organization must nevertheless object to his appointment as the presiding SIRC member in the present complaint, given that BCCLA maintains that the involvement of any SIRC members with significant ties to the petroleum industry in this complaint gives rise to a reasonable apprehension of bias". In BCCLA's February 6, 2014 complaint letter, it referred to the "highly publicized ties between several SIRC members and the petroleum industry, including Mr. Fortier's former position on the board of Trans-Canada Pipelines, the company behind the controversial Keystone XL pipeline project.
- On October 8, 2014, the Committee wrote to counsel for the Complainant regarding the matters raised in their letter mentioned above. As the presiding member investigating the complaint, I responded to the Complainant stating.

"On the issue of the potential conflict of interest allegations, the proper course of action to deal with such melters is for a party to formally raise the matter with the presiding member through a motion asking that the member recuse himself from the file and that a ruling on the matter be made thereafter considering the relevant jurisprudence on the issue."

I noted that the conflict of interest issue was raised in the Complainant's letter dated September 25, 2014, but I asked them to confirm whether they intended to bring a formal motion with supporting documentation and argument, or whether I should proceed on the basis of their letter alone.

 On October 28, 2014, the Complainant wrote to the Committee, advising: "Having reviewed the matter, we must advise that, at this time, we do not have sufficient

-7-

information regarding Mr. Fortier's ties to the companies involved in the complaint. We initially raised our concern in the original complaint dated February 6, 2014, citing a news story that Mr. Fortier had previously sat on the board of directors of TransCanada, a company implicated in this complaint." The Complainant indicated that they did not know further details, and posed several questions regarding my involvement with that board of directors.

19. On November 25, 2014, the Committee wrote the following to the Complainant:

"It is a matter of public record that Mr. Fortier was a non-executive member of the TransCanada Board of Directors from April 1992 to July 1998. Since he resigned from the Board in July 1998, Mr. Fortier has never occupied any position with TransCanada. Mr. Fortier has never occupied any position with Enbridge."

- On December 9, 2014, the Complainant wrote to the Committee indicating that BCCLA is prepared to proceed with its complaint before me as the presiding member
- 21. On March 25, 2015, the Complainant wrote to the Committee, calling attention to additional records which had been disclosed to the Canadian Press, under the Access to Information Act. The Complainant contends that this provides further evidence of CSIS' ongoing involvement in gathering and sharing information and intelligence about protests concerning the petroleum industry, including the Northern Gateway Project.
- 22. On April 7, 2015, CSIS wrote to the Committee, with a copy to the Complainant, in response to the Committee's Inquiry on its availability for a pre-hearing conference. The Service asked that its request dated September 22, 2014 for a management conference be held for the purpose of identifying the issues that will be investigated, and the timeframe for document collection, and that the issues to be investigated be limited to the four points it outlined in its letter. The Service also indicated that it has "been made aware through media reports of further allegations made by the Complainant and asked to be informed of the allegations as a matter of procedural fairness and in order to proceed with the document collection and respond to the allegations that are being made.
- 23. On April 9, 2015, the Complainant wrote to the Committee in response to the April 7, 2015 letter from the Service. The Complainant suggested that the issues raised by counsel for CSIS are the kind of matters that can and would be discussed in a pre-hearing conference call. The Complainant generally agreed with the broad issues defined by CSIS with a few revisions to the four questions. The

Complainant stated that their *concern is that CSIS is choosing to frame the issues in a way that would allow CSIS to screen or filter out documents or information that are encompassed by the complaint. It is the BCCLA's position that the first step should be to identify any CSIS investigations of individual or groups that are opposed to the Northern Gateway Project.* The Complainant also suggested that the cut off for document collections should be December 31, 2009, not 2011.

- 24. On April 15, 2015, CSIS acknowledged receipt of and responded to the Complainant's letter of April 9, 2015. The Service agreed with the document collection date as of December 31, 2009. There was also general agreement with the issues as re-formulated by the Complainant with one other minor change.
- 25. On May 15, 2015, the Committee wrote to both parties in preparation of a prehearing conference to be conducted on May 20, 2015, and I invited the parties to consider and address the following questions:
 - 1) Given the wording of section 12 of the CS/S Act which provides that the Service "shall collect, by investigation or otherwise" and the allegations in the letter of complaint to the effect that the Service is "gathering information" and "monitoring and surveillance", what meaning shall be attributed to the words "investigate" and "investigation" in the April 15th 2015 letter (from CSIS)?
 - 2) Whether the "groups or individuals" referred to in questions 1 and 3 of the April 15th letter are those set out on pages 2 and 6 of the letter of complaint?
 - 3) Whether the expression "non-government members of the petroleum industry" is limited to the private-sector industry?
 - 4) While the issues to be examined in the April 15th letter only refer to the Northern Gateway Project, the March 25th 2015 letter (from the Complainant) refers to "protests concerning the petroleum industry, including the Northern Gateway Project" and the attachment to the letter refers to hydraulic fracturing protests in New Brunswick. What is the intended purpose of the references to the protests in New Brunswick?
- 26. A pre-hearing conference call was held in Ottawa on May 20, 2015. The parties agreed to the issues to be examined and that the document collection shall only include information after December 31, 2009. The parties also agreed that an oral in camera hearing be conducted in Vancouver, which is where the Complainant is based. The Committee sent to both parties a copy of the transcript of the pre-hearing conference call, which had been reviewed for national security concerns pursuant to section 37 of the CSIS Act.

- 27. In response to my first question set out for the pre-hearing conference call, the parties confirmed the inclusion of the word "investigation" in the context of "collect, by investigation or otherwise." With respect to my second question, the parties confirmed that the term "groups or individuals" refer to the individuals or members of the groups that are specifically named in BCCLA's February 2014 complaint.
- 28. They answered my third question that the expression "non-government members of the petroleum industry" is limited to the private-sector industry, but agreed that the information sharing is broad enough to include any kind of information that is shared with either the private sector or the NEB about groups or individuals, or members of those groups, participating in the NEB proceedings or speaking out about the Northern Gateway Pipeline, and not simply the intelligence or security briefings. It was also agreed that Section 13 security assessments which empower the Service to conduct security assessments, would be excluded from the information sharing.
- 29. Regarding my last question, the parties agreed that references to the New Brunswick protests were background information only, and that the complaint is focused on the Northern Gateway Project protests, including those in the proceedings before the NEB.
- 30. A case management conference call was held in Ottawa on July 24, 2015 in preparation for the in camera hearing. On August 7, 2015, the Committee provided a copy of the transcript of that case management teleconference call, the transcript having been reviewed for national security concerns pursuant to section 37 of the CSIS Act. The parties reiterated their agreement from the pre-hearing conference call on the four questions or issues forming this complaint, as set out later in my report under the section entitled "Analysis".

D. THE COMMITTEE'S INVESTIGATION

- 31. I conducted the Committee's investigation of the complaint and presided over an in camera hearing (private but in the presence of the Complainant) in Vancouver, British Columbia on August 12 and 13, 2015. On September 30, 2015, the Committee provided a copy of the transcripts from the in camera hearing to the Complainant, which had been reviewed for national security concerns pursuant to section 37 of the CSIS Act and certain redactions had been made.
- 32. At the outset of the in camera hearing on August 12, 2015, I heard opening statements from both parties. I also heard submissions in terms of a preliminary, procedural matter regarding the privacy of proceedings under section 48 (1) of the CSIS Act. As will be seen, I have addressed this matter in greater detail at the end of the analysis section of this report.

Testimonies from the Complainant during the in camera hearing:

- 33. I heard testimony from Mr. Josh Paterson, the first witness for the Complainant. Mr. Paterson is the Executive Director of the BCCLA and a lawyer employed with the BCCLA in Vancouver. He testified that the BCCLA is a non-partisan, non-profit charitable organization established in 1982, incorporated in 1963, whose mandate is to promote, defend and extend human rights and freedoms within Canada. He testified that the BCCLA was one of the parties involved in the McDonald Inquiry and has participated in other commissions of inquiry, and that national security issues have been a key preoccupation for BCCLA during its existence.
- 34. Mr. Paterson testified as to the impact of a news article from the Vancouver Observer, entitled "Harper government's extensive spying on anti-oil sands groups revealed in FOIs Independent federal agency, National Energy Board, directly coordinated effort between CSIS, the RCMP and private oil companies". Mr. Paterson testified that he had been in contact with the journalist after the story had been filed and the journalist had provided him with the documents that had formed the basis of his story. Both parties agreed that there was no dispute that the Access to information documents provided by the Complainant are in fact access to information documents from the NEB and CSIS.

- 35. Mr. Paterson explained that he had contacted representatives of ForestEthics, Sierra Club, LeadNow and the Dogwood Initiative about this complaint, and that the staff members of those organizations were also concerned about the news story "that they personally and their organizations, and people associated with their organizations, may have been spied on.
- 36. When asked by counsel for the Complainant whether he had any prior involvement with the NEB, Mr. Paterson explained that he was invited by the NEB to sit on the steering committee of their stakeholder advisory group through his previous job as a lawyer with West Coast Environmental Law, a non-profit organization in Vancouver. Mr. Paterson explained that he left his voluntary position with the NEB's Committee when he assumed his role with BCCLA. He also explained that he had testified in his own right, as a private individual, at the public hearing in relation to the Enbridge Northern Gateway Pipeline. He testified that BCCLA takes no position concerning the Northern Gateway Pipeline Project; and the extent of its involvement in the NEB proceedings was a letter to the NEB stating that, according to the open courts principle, (they) questioned why those hearing ought to be closed off to the public.
- 37. The witness testified that BCCLA's interest is as "a watchdog in relation to people's right to protest and to be engaged in public processes, both here in B.C. and across the country... our interest in this, then, is solely in relation to the fact that we were concerned, and remain concerned, about the possibility that security services of the Government of Canada were gathering information or participating somehow in the collection of information on the activities of people engaged in lawful, democratic and peaceful political activities.
- 38. Mr. Paterson explained the inferences that he drew about communications between the NEB and CSIS from emails that were released from the NEB to the journalist, and then to Mr. Paterson. Specifically, an email from Mr. Rick Garber, Group Leader of Security at NEB dated January 31, 2013, regarding Prince Rupert security assessment. Mr. Paterson testified that the BCCLA drew an inference from that email that the NEB had asked for, and received, information from both CSIS and the RCMP, and that he understood reference to "the security team, together with our police and intelligence partners, will continue to monitor all sources of information and intelligence" referred to the NEB working with CSIS.
- Mr. Paterson also testified that BCCLA drew an inference that the NEB had received information from CSIS as part of their threat assessment. , based on a

Norwithmending any security one kings appearing on this record, the informed parties of protected a protected a protected a protected a protected and protec

released document entitled "Enbridge Northern Cateway Project Security Plan, Prince Rupert"—In that same document, the witness explained his interpretation of the section under the heading "Security Information-Background", which refers to planned protests, and lists Idle No More, People's Summit and LeadNow and Dogwood Initiative.—The inference drawn from Mr. Paterson was that CSIS, at both National Headquarters and Regional offices, had provided the reference information to the NEB. When counsel for the Complainant questioned the witness as to whether he had direct knowledge about who provided this information about Dogwood Initiative, LeadNow and Idle No More to the NEB, he confirmed that he had no direct knowledge about who provided it."

- 40. The witness provided BCCLA's position regarding a released document following a request for information by the Government Operations Centre entitled "Government of Canada Risk Forecast 2014 Protests & Demonstrations Season" dated May 1, 2014. He commented: "We have publicly expressed concerns about the Government Operations Centre's work in this regard. While, of course, it is completely appropriate for Government to take note of protests - indeed, part of the purpose of most protests is to catch the attention of Government - it seems to us, from what we understand of the GOC, that its purpose is not to provide policy input to, say, Fisheries and Oceans Canada or other Ministries about what people are concerned about; rather, it is more gathering this kind of information in order to make these kinds of assessments of threat and provide that information to Government agencies... Our concerns around what the GOC has been doing is that it at least tends to a suggestion that the government, or at least portions of the Government, are viewing protests in a spirit other than democratic engagement; that it is viewing profest, rather, as something to be concerned about, monitored and reported upon."
- Mr. Paterson's testimony was that, to the best of his knowledge, the organizations in question, such as Idle No More, LeadNow and Dogwood Initiative, have never been involved in violent activities. For example, reference was made to the publicly-stated commitment from the Council of Canadians against violent activities.
- 42. When cross-examined by counsel for CSIS, Mr. Paterson understood the NEB to fall under the Government of Canada and to be part of the Crown. When crossexamined by CSIS counsel regarding the small from Rick Garber of the NEB

. 13 .

13 of 57

AGC0565

Security team, the witness read aloud the statement "Based on the intelligence received, we have no indication of threats to the panel at this time". Mr. Paterson confirmed his understanding from this sentence that CSIS actually did provide information to the NEB.

- 43. Counsel for CSIS asked the witness to refer to the NEB document entitled "Enbridge Northern Gateway Project Security Plan" and the section which reads: "NEB Security and the RCMP have been in regular communications since an initial meeting on October 24, and have discussed the hearing, associated venues and threat intelligence". When asked whether there was any indication in this document to suggest that any of this information about the planned protests referred to was information that was actually provided by the Service, Mr. Paterson agreed that there was nothing that hadn't been redacted that states that the information had been provided by CSIS.
- 44. The following day of the in camera hearing on August 13, 2015 in Vancouver, I heard testimony from five other witnesses for the Complainant, as well as from one witness for the Service.
- 45. Ms. Celine Trojand testified regarding her position since 2009 as Director of organizing for the Dogwood Initiative, which is based in Victoria. She explained that Dogwood Initiative is a non-partisan pro-democracy group, with 315, 000 supporters in their database, 2, 200 active volunteers and 28 staff. She testified as to some of the activities that Dogwood encourages and promotes, and provides training and promotion for its supporters surrounding political organizing, and involvement in community events. The witness explained Dogwood Initiative's Policy on civil disobedience and confirmed that it would not include vandalism to property or violence of any kind.
- 46. With respect to Dogwood Initiative's involvement regarding the Northern Gateway Pipeline, Ms. Trojand explained that "after the National Energy Board recommended approval and it was clear that the federal government was poised to approve the project, our group and other groups were considering the options around our work....Dogwood very strongly felt that our work should be about legitimate political organizing and pressure. So we launched the "Let B.C. Vote" campaign, which is utilizing our provincial legislation in B.C. to trigger and launch a

citizen's initiative that could lead to British Columbians having a province-wide democratic vote on whether or not these projects should go through."

- 47. Ms. Trojand also testified about the workshops around the NEB hearing, which Dogwood Initiative had assisted in organizing, and the door to door campaign around "Knock the Vote". Upon cross-examination by CSIS counsel, the witness agreed that there was no explicit mention of CSIS monitoring open source information in the NBEB document entitled "Enbridge Northern Gateway Project Integrated Security, Logistics and Communications Plan, Kelowna". 59 Rather, the document reads "The Kelowna RCMP as well as NEB Communications and Security continue to monitor open source information."
- 48. I next heard from Ms. Dance-Bennink, who testified as to her role as a retired volunteer with Dogwood Initiative, and regional organizer for the South Island, responsible for two federal ridings, Victoria and Esquimalt Saanich Sooke. The witness works with approximately 100 volunteers. The witness gave evidence as to how she became involved with Dogwood Initiative and its campaigns around oil pipelines and oil tankers, and her blogs regarding her pilgrimage to the tar sands in Alberta.
- 49. Counsel for the Complainant asked the witness what, if any, impact the newspaper stories that were published suggesting that the RCMP and CSIS might be monitoring Dogwood activities related to the NEB hearing, had on the other volunteers that she works with. Ms. Dance-Bennick testified that Dogwood Initiative volunteers were finding it sometimes more difficult to encourage people to sign the petitions due to concerns that "their name may end up on a government security list." She also testified that "the same concern has sometimes been raised by donors, and sometimes in terms of potential volunteers being concerned about how Dogwood is viewed, and whether, if they become a volunteer means that they are viewed as a radical extremist. My answer, always is: We are the exact opposite of that. We are committed to peaceful, non-violent, following the democratic process, particularly electoral processes.
- 50. When cross-examined by counsel for CSiS with respect to the concerns raised by some of the volunteers that "they may end up on "Canada's security list", Ms. Dance Bennick agreed that she was aware that the Service is precluded from investigating unless there is a "threat to the security of Canada", but that there is a strong suspicion, based on the Access to information material that came out, that in fact they (the Service) have been engaged in gathering intelligence on very

- 15 -

lawful, peaceful, democratic processes.' When asked by counsel for CSIS who was the sender of an email dated April 19, 2013 entitled "Security Concerns – National Energy Board", the witness agreed that CSIS was mentioned in the email, but that the email itself came from the RCMP. Counsel for CSIS referred the witness to emails which referred to the NEB consulting with CSIS', and asked the witness where it refers to "sharing of information... where does it say that CSIS has provided information?" The witness answered that she had assumed that information had been shared."

- 51. The next witness for the Complainant was Mr. Jamie Biggar who festified regarding his employment as the Campaigns Director of LeadNow in Vancouver, and described it as a non-profit corporation registered in Canada, with a membership of 450,000 Canadians who subscribed to its email communications. He stated that "it has three major priorities, including working for a strong democracy, working for a fair economy and working for a clean environment. LeadNow organizes campaigns that help people speak to government, and particularly the federal government around particular policy issues and changes that we would like to see, reflective of the community's values..."
- 52. The witness gave detailed evidence of LeadNow's views on the news stories and articles. He stressed their particular concern with the open letter from the Honourable Joe Oliver, Minister of Natural Resources on "Canada's commitment to diversify our energy markets and the need to further streamline the regulatory process in order to advance Canada's national economic interest" dated January 9, 2012. That open letter provides, *Inter alia*:

*Unfortunately, there are environmental and other radical groups that would seek to block this opportunity to diversify our trade. Their goal is to stop any major project no matter what the cost to Canadian families in lost jobs and economic growth. No forestry, No mining. No oil. No gas. No more hydro-electric dams. These groups threaten to hijack our regulatory system to achieve their radical ideological agenda. They seek to exploit any loophote they can find, stacking public hearing with bodies to ensure that delays kill good projects...

53. Mr. Biggar commented that: "there was a perception amongst our staff team and amongst volunteers and folks in our community who we were speaking with that we were part of a community of people that was being targeted. There was a feeling of being targeted and kind of put on an "enemy list." In relation to the news story on the Vancouver Observer website, Mr. Biggar added that "in terms of

- 15 -

the revelation about this spying, part of the concern that it raised for us is the fact that we really have no way of knowing the breadth or depth or scope of the surveillance of our organization and so we have come to simply assume that any device that could be monitored or any way in which data could be recorded in relationship to our organization should be treated as thought it would be public to a spy agency or to government, or potentially to the oil industry." He also states that the stories have scared LeadNow's membership and made them concerned that if they participate in normal peaceful democratic channels, particularly through us, they may end up on a list and that their information may be used improperly or in some way used against them.

- 54. Ms. Caitlyn Vernon next testified before me, on behalf of the Complainant. She testified regarding her work in Victoria at the Sierra Club of British Columbia as the Campaigns Director. She explained that Sierra Club BC is a registered charity, founded in 1969, whose mandate is to protect, conserve and educate the public about B.C.'s wilderness, ecosystems, in light of the urgency of climate change. Sierra Club B.C. has approximately 15,000 people on its email list, 10 full time employees, and a 1 million dollar budget. She also explained that Sierra Club BC is a separate entity from both Sierra Club Canada and Sierra Club U.S. In terms of the methods or techniques Sierra Club uses to promote its goals and objectives, she explained that its primary goal is to raise public awareness. It also produces science-based reports and maps.
- 55. I then heard from Ms. Nikki Skuce, from Smithers, British Columbia, who testified regarding her work with ForestEthics, a non-profit organization where she had worked for almost six years as Senior Energy Campaigner. She explained that the goal of ForestEthics has been to improve conservation, and the way that it operates is by looking at the markets, such as who was buying the forest and wood products. The organization also addressed climate and energy issues, but still kept its name as ForestEthics.
- 56. Ms. Skuce testified as to the activities that ForestEthics engages in and the nature of its work in Canada. She explained that much of its work surrounding a campaign involves education and outreach. She provided examples such as "tabling at events; having postcards and information booths. In the case of Enbridge Northern Gateway, it was having, also, speakers' tours across the northwest talking about the issue. Often, we would come up with a few different strategies of how we think we can win a campaign. In the case of Enbridge, one of the first ones that we spent a lot of time on was trying to get a federally-legislated

tanker ban." She also explained that ForestEthics was involved with one of its partners in the United States regarding the tar sands campaign.

- 57. The witness also provided details regarding ForestEthics Involvement in the NEB hearing as a formal legal party in the proceedings, represented by the law firm EcoJustice. She provided an overview of her own testimony before the NEB hearing concerning an Enbridge oil spill. She also explained that, in addition to participating as an intervenor in the hearing, ForestEthics thought it important to have a public process and they "encouraged people to sign up for the community hearing where they could speak for ten minutes to the panel in various communities around British Columbia, as well as to encourage people to submit written comments." Ms. Skuce also provided details regarding her blog entries that she, and/or others with ForestEthics prepared regarding the Enbridge Pipeline Project.
- 58. When asked by counsel for BCCLA what was ForestEthics view regarding statements made in the open letter from the then Minister of Natural Resources Canada, the witness testified that they felt targeted and commented that "it was shocking to get this from a Canadian government official and our head of Ministry of Natural Resources. It came out the day before the joint review panel hearing began... it created a lot of anxiety and created quite a chill that passed through everyone." She explained that as an organization and individually, there were concerns that they were being labelled and spied on.
- 59. Ms. Skuce also testified regarding her concerns, and those of her colleagues, regarding the news article from the Vancouver Observer on November 19, 2015, and the fact that the RCMP had known about a community meeting between the first nations and community members that had not even been advertised, which showed how much they felt that they were being watched and monitored. She concluded her testimony indicating that ForestEthics has not been involved in any vandalism or violence, or other kinds of direct actions of that nature.
- 60. The Complainant's final witness, Professor Reg Whitaker, was unable to be present at the in camera hearing. With the agreement of both parties, I accepted the testimony of Professor Whitaker by way of a written affidavit, which I received after the in camera hearing. I note that the affidavit of Professor Whitaker, while of general interest to me by way of background, does not deal in any way with the specific allegations of the Complainant.

- 61. Professor Whitaker is a distinguished Research Professor Emeritus in the Department of Political Science at York University and an adjunct professor of Political Science at the University of Victoria. He completed his PhD in Political Economy at the University of Toronto in 1976 and has been a university professor since that time.
- 62. One of his primary areas of study has been the security and intelligence activities of the RCMP and CSIS and he has published numerous scholarly articles and books over the years. Professor Whitaker provided an overview of the RCMP/CSISS selection of targets for intelligence investigations in Canada, and suggested that for much of Canada's history, there had been no clear demarcation between legitimate and illegitimate targets for investigation. He argued that "beyond protecting the country from espionage, sabotage, terrorism, political violence and covert foreign interference threats generally recognized as reasonable targets for intelligence investigations RCMP and CSIS have also targeted groups and individuals said to be "subversive", a vague and elusive term that can take many forms in the minds of those hunting it...operating under a statutory mandate that imposes restraints on its reach and methods, CSIS has shed some, but not all, of the ideological baggage of the RCMP."

Testimony from the Service during the in camera hearing:

- 63. The last witness I heard from during the in camera hearing was from CSIS' witness Robert, who provided his background with the Service and his role with the Vancouver local office. The witness testified that he joined the Service in 1986 and began his career as an intelligence officer, and worked as an analyst in Ottawa, and an investigator in regional offices. Since January 2015, he has been the Regional Director General for British Columbia and the Yukon for CSIS. He explained that his responsibilities include the overall management of the B.C. regional office, including human resources, finances, administration and the conduct of investigations pursuant to the CSIS Act.
- 64. Robert provided an overview of CSIS' mandate to collect information under section 12 of the CSIS Act in terms of its obligation to investigate threats to the security of Canada. He explained that "section 2 a) comprises "espionage or sabotage"; 2 (b) "foreign influenced activities"; 2 (c) would be terrorism or any activity that is done with "serious violence...for the purpose of achieving a political, religious or ideological objective"; and 2 (d) would broadly be defined as "subversion activities or threats." When asked what "subversion" meant, the witness referred to the legislation, citing: "activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by

Notwithstanding any security ma kings appearing on this record, the informating posterior that is declassified to PROTECTED / PERSONAL POLITEMATION

violence of the constitutionally established system of government in Canada. The witness indicated that, to his knowledge, the Service had not conducted a subversion investigation for the last 20 ÷ 25 years.

- 65. When asked by counsel for CSIS whether "threats to the security of Canada" could include lawful advocacy, protest or dissent, Robert responded that it could, but that because of the statutory prohibition, the Service did not investigate lawful advocacy, protest or dissent unless it was done in conjunction with 2 (a), (b), (c), or (d) of the CSIS Act.
- 68. Robert then explained how the Service's priorities are established every year, commencing with an articulation from the Minister of Public Safety as to what are the security priorities of the federal government. He stated: "this letter is sent from the Minister to the Director of the Service and these priorities are then further articulated into intelligence requirements by a branch in our headquarters in Ottawa, the Intelligence Assessment Branch. These intelligence requirements are then sent out to the regional offices, which are the collectors of intelligence and information is then collected and sent back to headquarters, with analysis then done at headquarters, followed by dissemination to our domestic and foreign partners." He also explained that in addition to Ministerial directives, the Service has other tools to guide it regarding the conduct of its operations and activities.
- 67. He referred to CSIS' Operating Principles, "which include the respect for the rule of law; the principle of using lesser investigative techniques before making use of more intrusive techniques; dozens of policies which guide virtually every aspect of Service life, especially when it comes to investigative activities; procedures. Every few months, as an adjustment on current policies, will be Directional Statements that come out from Headquarters to the regional offices to bare left or right of a certain activity; plus ongoing training and just the management's approach to guide and contextualize the conduct of investigations."
- 68. Robert also testified as to how CSIS' policies, procedures, directional statements provide guidelines on how to deal with a situation that may have a "lawful, advocacy, protest or dissent" component. He added that this is also dealt with through training, "in that it is a statutory prohibition to get involved in that type of activity. It is very much front and foremost in how we conduct our investigations. There is great sensitivity around that.
- 69. He explained the distribution of resources within the Service in terms of the different type of investigations, with the emphasis being on counter-terrorism and the focus on foreign fighters. The remaining third or quarter of the Service's efforts

- are focused on counter-intelligence activities, relating to the intentions or activities of foreign government activities within Canada.
- 70. Robert provided an overview of how the Service obtains categories of information in the context of the Service's requirement to use lesser invasive investigation techniques before using more invasive ones. He explained that the Service would first seek open information from domestic partners, voluntary interviews and other techniques or surveillance. He added that "what sets the Service apart from other law enforcement agencies is our focus on the development/recruitment of human sources. But it would be a composite generic-type picture, to get as rich as possible an assessment on a current threat. Once these techniques are used, and if it is deemed necessary and appropriate, consideration would then be given, in exceptional circumstances, to apply through the Federal Court for a warrant."
- 71. Counsel for CSIS asked Robert for his opinion regarding the concerns raised by witnesses for the Complainant that there is a feeling that emails may be being intercepted or read by the Service, or that their communications may somehow be listened to by the Service. Robert responded with an explanation of the "arduous process that is involved in applying for section 21 powers, requiring weeks and months of preparation, Department of Justice consultation, independent counsel from Justice looking at Service affidavits; management chain right up to our Director, who would have to approve the application; and then seeking the approval of the Minister of Public Safety; and then needing to convince a Federal Court judge that the powers sought are justified."
- 72. With respect to surveillance by the Service, Robert explained that before such a technique could be deployed, there would have to be a targeting authority approved by the Regional Director General. Once a targeting approval is in place, a separate approval would be required from the Regional Director General, to move ahead with the surveillance. He also explained that it is an invasive and costly technique. Robert was of the view that the concerns raised by members of the public that participation in lawful advocacy, dissent or protest may have an impact on job opportunities, on security clearance applications, on mobility rights, or on any fundamental rights that individuals have here in Canada are without foundation.
- 73. Aside from section 12 of the CSIS Act, regarding the Service's mandate to report and advise the Government of Canada, Robert also made reference to the various sections that enable the Service to share information beyond the Government of Canada, including sections 19 and section 17. He acknowledged that in order to meet its mandate, the Service is often times required to share information with

other entities. The Service also has an interest in sharing information with members of the public or private-sector entities. He mentioned that "we have shared with various domestic entities, again when it fulfills our section 12 statutory need. Above and beyond that, one of the federal government's security priorities is to protect critical infrastructure, and as part of that broad-based mandate, the Service has a niche role if there is a threat-related information that impacts critical infrastructure".

- 74. The witness spoke of the Service's public outreach initiatives, including speaking to various communities, security representatives of banking institutions, critical infrastructure and various associations. He also explained the bi-annual meetings with Natural Resources Canada (NRCan), which "given its convenient venue, were hosted at CSIS Headquarters and attended by a variety of federal, provincial, municipal, private sector associations, critical infrastructure, to discuss threat-related activities of mutual interest.
- 75. Upon cross-examination by counsel for BCCLA, Robert agreed that the wording in section 2 b) of the CS/S Act of "foreign influenced activities", is not restricted to foreign states, and that the Service could conceivably look at foreign corporations.
- 76. When asked whether the "interests of Canada" outlined in Ministerial Directives could include environmental objectives, Robert responded that he did not recall ever having seen such a reference in any Ministerial Directive.
- 77. Counsel for the Complainant questioned Robert as to whether he was familiar with the new definition of "threats to the security of Canada" found in the new Security of Canada Information Sharing Act, which counsel suggested was "broader than what we see in section 2 here of the CSIS Act and it includes threats to the economic interests of Canada." The witness answered that he was not sufficiently familiar with that definition to provide a useful comment on that.
- 78. When asked by counsel for the Complainant for his interpretation of the open letter from the Honourable Joe Oliver dated January 9, 2012, with respect to the words, "radical group". Robert answered that it would "depend on the group being referred to, for instance a foreign threat, a C.T. threat.". In terms of the sentence that "they use funding from foreign special interest groups to undermine Canada's national economic interest", counsel for BCCLA queried whether that could not fall under the definition of "foreign influenced activities detrimental to Canada's

Notwithstanding say recurity markings appearing on this record; the information compone SEORE Ideals religion to PROTECTION / PERSONAL INFORMATION

interests?" Robert responded that it could, conceivably, but that it "would be a stretch" and reiterated the fact that most of the Service's resources are focused on counter-terrorism. He stated: "Just in terms of priority, this fails way beyond the pale, below the pale. In terms of actually triggering our mandate, a real stretch for the Service to have any interest."

- 79. Robert was also questioned about how the Service interprets section 12 in terms of the collection of information, and specifically how it does this, if not by investigation. For instance, in some circumstances, the Service may be "receiving" and not "investigating. Robert responded that "it's one thing to accept. It's totally another issue to actually report and put into a system. ... nothing should be reported that is not germane to the mandate.
- 80. Robert also answered questions regarding the Service's warrants under section 21 and indicated that information that is publicly available does not require a warrant, but that the interception of an email would require a warrant. The witness also agreed that he was connecting the "report and advise" duty and function under section 12 with the authorization to disclose information under subsection 19 (2). He agreed with counsel for BCGLA's statement that: "for example the National Energy Board would be authorized by subsection 19 (2) if you were looking into a threat assessment. You could report and advise the National Energy Board." He also agreed that "with the report and advise function- or duty under section 12, you don't even have to get into this a), b) c) or d) under subsection 19 (2); just reporting and advising on what you collected in section 12 is sufficient to trigger the authorization."
- 81. With respect to the questions regarding section 17 of the Act regarding cooperation agreements under subsection 2 (a), he explained that "whether it's formalized or not in terms of an instrument, each agreement has to be approved by the Minister", and "sometimes it is not formalized into a written instrument." Robert was also questioned on the agreements that the Service has with other government departments, for example the one with the RCMP. He also stated that he was not aware of whether CSIS had an agreement with the NEB.
- 82. Counsel for BCCLA questioned Robert regarding the agreement with the RCMP in the context of the RCMP doing an investigation and sharing the results with CSIS, and whether that would be considered collection, Robert referred to the Service's procedures and policies and explained that: "It would be one thing, again to accept; but we would need a managerially approved targeting authority in which to put information. If there is no place to park it, if a regional director hasn't signed off

-23-

on any particular investigation, that information would not be retained. There are exceptions to that....if there is a certain relevance to national security, writ large, it may be reported without going under any specific targeting authority. But it will sit there before we are authorized to further pursue an investigative level or direction on an individual, it would just sit there.'

- 83. When asked about whether he had knowledge of the groups named in the complaint, Robert commented that the Service's position for the last thirty years or so, in litigation and SIRC hearing, has been not to confirm or deny the existence of an investigation." However, Robert commented that he is a proponent of "dialoguing with representatives of various groups and community groups".
- 84. Robert responded that the only thing he knew about the consultation between the NEB with CSIS was what he had read in the NEB documents. He stated: "I have only read the redacted exchanges on that point, so I am not sure what the context was, what triggered the request for the consultation. But surely if the Service had information that there was a foreign influenced activity, done covertly, that would have some impact on the National Energy Board, or "serious threat against the proceedings, against the members, or against those attending, we would reach out to the RCMP, or alternatively to the National Energy Board, saying: we have intelligence to indicate that there is a threat against your premises."
- 85. When asked by counsel for the Complainant about his interpretation of the term "risk", Robert categorized it in the "context of a risk of serious violence under 2 c). So presumably I am speculating here if the Service had information about an individual or others who might be participating in an otherwise democratic lawful protest, there might be a potential or a risk for violence, as has been known to happen in Canada and in many other countries. We have no interest in the group or the protest, or the objective. It's one or two, three individuals who might use that as a venue, as a pretext, for violence, for serious violence.....But if there is some linkage between that protest and our mandate -if their purpose in going to that group, that protest, is to wreak havoo, then, yes, it hits our mandate." He also added that he thinks the vast majority of protests in Canada are peaceable.
- 86. When asked if he appreciated the concerns of the people who are involved in protests and demonstrations that they might be watched by either the RCMP or CSIS, notwithstanding the fact that they are engaging in completely peaceful activities, Robert responded that he is "keenly empathetic to that, As I mentioned before, in trying to dissuade, dispel stereotypes or misguided views, erroneous views, we engage in Outreach. We talk to a whole variety of groups and individuals. At the end of the day, I can only control what I can control. The best I

can do is just to testify to the fact that how we investigate is tightly controlled and that we are statutorily precluded from looking at LAPD.*

87. When asked by counsel for the Complainant regarding the agenda for the classified NRCan briefing meeting that it "sounds like CSIS might possibly be sharing information about environmental groups with these oil companies that are sponsoring and attending it," Robert testified that he did not see the connection.

Testimony from the Service during the ex parte hearing:

- At the request of the Service, I also presided over ex parte hearing (private and in the absence of the Complainant) that were held in Ottawa, Ontario on January 28, and March 22, 2016.
- 89. During these ex parte hearing, I heard testimony from four CSIS Witnesses. A summary of this evidence was prepared pursuant to sections 37 and 48 of the CSIS Act and provided to the Complainant. The summary had been vetted for national security concerns to ensure compliance with sections 37 and 55 of the CSIS Act.
- In support of their testimony in the ex parte hearing, the CSIS witnesses relied on several books of documents. CSIS Book of Documents (ex parte hearing), all of the BRS Reporting

The Service indicated that it had provided these documents for the Committee's ease of reference in the conduct of its investigation, but that it did not rely on them for the purpose of the hearing. CSIS Book of documents (ex parte hearing), Ministerial Direction on intelligence priorities, directional statements

operational reporting
as well as CSIS policy information. CSIS Book of Documents
(ex parte hearing), documentation in relation to exchanges with
the National Energy Board and the private sector; information from the Intelligence
Assessments Branch, including a sampling of products, briefings and information
relating to the NRCan classified briefings mentioned in the complaint letter.
CSIS Book of Documents (ex parte hearing),
information.

and is stored at the CSIS premises. Lastly, CSIS Book of Documents (ex parte hearing), information regarding the domestic threat environment in Canada, and additional notes from the Intelligence Assessments Branch.

- 91. CSIS Witness 1, provided testimony concerning her work experience with the Service from 2001, and her role as Chief of the unit responsible for the Service's domestic extremism investigation between November 2013 and January 2015. She testified regarding the Service's collection priorities and the Ministerial Directions provided to the Director of CSIS from the Minister of Public Safety.
- 92. explained that once the Service gets the Ministerial Directives setting out the priorities, they are applied to their operations through intelligence requirements that are set out by the Intelligence Assessments Branch. This sets the basis for what the Service collects based on those intelligence requirements (*IRD"). She explained that information is only collected if it falls into one of the IRDs. The priorities of the government of Canada are tiered into three main categories, with tier 1 being fully resourced, and tier 3 allowing for the collection of Information only if resources permitted. She further explained that there is a fourth category, known as a "watch brief" which means that the Service is monitoring the situation and if there is an actionable piece of intelligence, then it will deploy resources. In terms of the term "actionable piece of intelligence" provided an example of intelligence requirements in relation to
- 93. She oversees the three Heads of the desks below her, and some of her responsibilities include approving messages to be put into the Service's systems and databases, as well as managing human sources in general terms. She also explained that Headquarters Branch is responsible for sending out "Directional Statements" to the regions so that they are able to prioritize and put their resources towards what is important and what is deemed a higher priority for the Service.
- 94. explained the nature of targeting authorities and how they are obtained by CSIS to investigate any threat to the security of Canada. She also identified particular targeting files which her unit was investigating during the time period

- related to this complaint. She described CSIS' practices in relation to investigating threats to the security of Canada by groups involved in domestic extremism.
- 95. She testified in respect of the certificates pursuant to which domestic threats were being investigated as well as having reviewed the list of targets under the domestic threat certificates that have been the subject of an investigation within her unit since. She provided information on the individuals, groups, organizations or events that were, and are, targeted under these certificates, and in particular the.
- 96. She explained that, with a certificate, the Service must make the case that this issue is actually a threat to the security of Canada, and once that is established, there is a validity date that has to be renewed approximately every 2 years. When the Service targets an individual, that person falls under one of the certificates. She explained that

She also explained that each individual would have his or her own targeting authority. The targeting authorities against individuals, and the renewals of those authorities, were also provided in the expanse evidence. For example, a certificate is renewed

97. testified that the intent of the Service's

have proven that "Domestic Extremism" file is

98. In the context of the Northern Gateway Pipeline Development project, testified that

She clarified that when the Service refers

to extremism, it is specifically interested in issues that go from peaceful demonstrations to acts of serious violence.

99. She testified that when conducting investigations, CSIS officers are governed by the CSIS Act and CSIS policies stipulate that they do not look at legitimate protest and dissent, unless it is associated with serious acts of violence. She provided testimony about the tasking provided to the regions related to politically-motivated violence and/or sabotage. The ex parte evidence showed that the Directional Statement from Headquarters

However, Headquarters reminded the regions that the focus is not on legitimate protest or dissent but rather on serious violence

- 100. explained the targeting levels and warrants for certain targets within the Service. She testified that

 were never the target of a Service investigation. However, she explained that there were some instances opposition to the Northern Gateway Pipeline project.
- 101. CSIS Witness 2, testified regarding his work experience with the Service as an analyst with the Intelligence Assessments Branch (IAB) and his specialization in domestic extremism. He outlined the main responsibilities of the IAB, which is to provide timely and relevant intelligence which meets the Government of Canada's stated requirements and priorities. He provided an overview of the Intelligence Assessment Branch's responsibilities, which includes actively engaging with the Government of Canada to identify its intelligence needs and deliver briefings, assessments and reports, providing background information on operational and managerial programs and preparing Threat and Risk Assessments, and providing outreach and education to the federal government.
- 102. testified that he had prepared several intelligence products and briefings on the issue of domestic extremism, and more specifically

 He provided a sample of briefings that he has delivered to various stakeholders (private and public sector) on the issues of domestic extremism. He testified that, during the timeframe related to the complaint, CSIS

was mainly focused on issues related to the Winter Olympics and the G-8/G-20 meetings and any potential threats from domestic extremist for either event.

- 103. The witness also provided an overview of the Service's work conducted in the area of domain awareness. Domain awareness is done in part to ascertain potential triggers and flashpoints, and in part to ensure that the Service is aware of what is happening should a threat arise. Reference is made to SIRC's study entitled "CSIS Activities Related to Domestic Investigations and Emerging Threats".
- 104. testified regarding the biannual classified briefings held by the NRCan and the fact that this forum is used by the Service to share classified information with energy sector stakeholders, such as the NEB. He provided the Committee with concrete examples of serious acts of ideologically-motivated violence which were discussed at some of the NRCan briefings that related to energy and utilities sector stakeholders. He spoke of specific intelligence assessments that were given to the NEB by the IAB of the Service involving domestic extremism issues.
- 105. The witness described how the Service engages in outreach with energy stakeholders and also identified means, other than the classified briefings, through which the Service communicates severe emerging domestic threats to certain industries. He described the policies and requirements for any meeting between the Service and any outside organization, emphasizing the importance of fostering collaboration between CSIS and any organization to prevent terrorism, whether it be within the government of Canada, with lew enforcement partners or private industries. On the issue of the delivery of briefings to the private sector, he referred me to a review conducted by the Committee in 2011 entitled Review of CSIS' Private Sector Relationships. He testified that the Service does not attend nor interfere with any events that involve legal and legitimate protest and/or dissent as it falls outside of its mandate.
- 106. CSIS Witness 3, provided testimony regarding his education and background. He has a degree in degree and a Masters in as well as a Certificate in

following which, he joined the federal public service. He also testified regarding his work experience with the Service as an analyst within the IAB and his specialization in the energy sector.

107. He explained that his primary responsibility was to provide intelligence assessments related to threats to Canada's energy and mineral activities. He

Notwithstanding day security that things appearing no this record, the informatiff OP & GREFin is declaratified to PROTECTED / PERSONAL INFORMATION

highlighted that the interests of his portfolio were restricted to threats to energy and primarily to critical energy infrastructure mostly from domestic extremism, terrorism, or possibly from foreign states. He testified that a secondary responsibility of his branch was to provide assessments relating to economic threats or threats to Canada's economic interests related to energy in the field of proprietary information. He commented that the threats to Canada's economic interests could arise from a variety of sources. "In the primary case, in the first case of infrastructure, primarily from domestic extremism, terrorism, or possibly foreign States. In the case of Canada's economic interests, largely from foreign States and espionage, and threats of that nature."

- testified that he had been a coordinator for the NRCan biannual classified briefings since 2010 and described the origin and purpose of these briefings as well as the Service's role. He explained that the lead agency for these classified briefings is NRCan, and that CSIS cooperates with NRCan and with the RCMP in this regard: "(t)he subject matter of what is discussed is in the hands of NRCan, as is the list of invitees, who attends on the basis of their need to know and on having the requisite security clearance."
- 109. He provided details of his own role in terms of the arrangements for such meetings, including ensuring that the briefing room they have, which is a secure facility, is available to NRCan as a convenience, so that they can bring in members of the private sector, largely individuals responsible for security at their respective companies, and other participants, occasionally from the Government. During the actual briefings, the Service will occasionally provide speakers. While he does not speak at these briefings, the witness explained that he prepares speaking notes for his Director General. For example, he had written notes regarding domestic extremism threats, based on open source material regarding events that had actually happened and had been reported in the newspapers.
- 110. He testified that while he is responsible for writing a memo to management regarding the briefings, there is no formal Memorandum of Understanding. The witness testified that he has not seen any information collected at these briefings by the Service, and that, should members of the private sector wish to provide information to the Service, he explains to them that the proper channel is to notify the regional office. In terms of participants at the NRCan meetings, the witness provided some examples from the private sector including the

- 111. The witness also gave examples of some briefings or liaisons with government or private sectors in which CSIS participates other than the NRCan briefings. He explained that the Service contributes to the Government of Canada's strategy, through Public Safety on the "National strategy and action plan on the protection of critical infrastructure". The term "infrastructure" is not just the energy infrastructure, but includes the infrastructure of the financial, transportation, water, agriculture and health sectors.
- also testified of his participation in other briefings or liaison with the government or private sector. He provided the example of "other than the classified briefings, there is an unclassified briefing for what is called the International Pipeline Security Forum, which alternates between Canada and the United States, but explained that "as threats to that sector
- from Mr. Tim O'Neil referred to in the comptaint's exhibit book, which mentions security concerns regarding the Northern Gateway Project. He explained that the email from Tim O'Neil, by way of information only, as there was no action required on the part of the Service. The email discusses the possible threats to National Energy Board hearing and concludes that there is nothing specific that he is aware of, testified that
- 114. CSIS Witness 4, testified, following the Committee's request to hear testimony from an investigator in the British Columbia region during the years relevant to this complaint. He provided testimony regarding his work experience with the Service from 1995 onwards, including his various positions in the British Columbia Region from 1998 to the present. He also described his roles and responsibilities as the supervisor for the unit responsible for the Service's domestic extremism investigation in Vancouver from 2010-2013.
- 115. testified that ne was responsible for overseeing the investigations that fell under his remit. This included providing input as to an intelligence officer's plan to debrief a source; approving the interview and its objectives; approving

Notwithstanding any security markings approxing on this avered, the information OP SEOREM is declaration of PROTECTED / PERSONAL INFORMATION

operational reports, and initiating the dialogue with his Chief to put into place warrant powers against a target, if it were necessary.

118. He discussed the mandatory process and requirements for an intelligence officer to make a request to conduct a community interview related to the Service's domestic extremism investigations. He explained that he was the head of the He also provided details regarding.

by Headquarters as a sensitive investigation because it might have some kind of impact on the civil liberties of individuals. He explained that they were extremely careful when they actually made the decision to go out and conduct an interview. He testified that

117. testified that the Service is "not in the business of investigating environmentalists because they are advocating for an environmental cause, period." For example, he explained that

because that is not what we are about. We are only interested in our targets.

- 118. The witness said that he had not heard of most of the groups prior to this complaint. The witness testified that it was not surprising that there were protests related to the Northern Gateway Pipeline Project but underscored that Service employees are mandated and limited by the CSIS Act which does not permit CSIS to investigate groups or individuals for their activities related to lawful advocacy, protest or dissent, unless it is tied directly to a threat.
- 119. When asked what the term brings to his mind at the time of the protests related to the Northern Galeway Pipeline Project, explained that his consideration went to

He also explained that the Service had no remit vis-à-vis the protests



against the building of the Northern Gateway Pipeline

120.

also testified that

"Service our investigations, incidentally, some reporting on come up He clarified that the through the course of might

121. He further testified that the information flow between CSIS and private or other public stakeholders was generally a one-way process in which CSIS received the information. He did not recall having seen the article written by the Honourable Joe Oliver prior to the hearing.

Final submissions:

- 122. With the completion of the ex parte hearing, the parties were subsequently invited to provide their final submissions in writing to the Committee.
- 123. The Committee received the Complainant's final submissions on September 19, 2016, in which BCCLA submits:

"that the evidence demonstrates that CSIS was collecting information about these groups, at least passively, and perhaps actively, and in the absence of evidence that these groups constituted a threat to the security of Canada, this collection was not authorized by section 12 of the CSIS Act. The Complainant also argues that CSIS' collection activities, combined with intemperate language by a federal Cabinet minister criticizing environmental groups opposed to the pipeline policy as pushing a "radical ideological agenda" created a real chilling effect for groups and individuals that wished to organize and collectively express their opinions on the proposed pipeline. The sharing of this information in confidential briefings with private sector actors in the petroleum industry served to heighten the perception that CSIS was exercising its powers in support of the political or economic status quo."

124. The Committee received the Service's final reply submissions on October 17, 2016, in which it submits that the evidence has shown that CSIS' actions were lawful and in accordance with its mandate pursuant to the CSIS Act, stating that:

"any collection and dissemination of information by CSIS was done lawfully in conformity with its mandate. Furthermore, the Complainant has failed to establish that CSIS has done the acts or things alleged in its complaint. Requests for information or advice from the NEB to CSIS do not demonstrate that CSIS collected information about the groups seeking to participate in the NEB hearing. The Complainant has also failed to establish a causal connection between the acts or things done or allegedly done by the Service and the "chilling effect" on freedom of expression and association."

- 125. The Committee received the Complainant's rebuttal submissions on November 3, 2016. Following receipt of the Complainant's rebuttal submissions, the Committee inquired on November 24, 2016, whether the Service had any national security concerns with the Complainant's request that BCCLA may publicly disclose the transcripts from the *in camera* hearing.
- On December 1, 2016, the Committee received the Service's written submissions in regards to the Complainant's request.
- 127. On December 23, 2016, the Committee provided the Complainant with a copy of the Service's submissions and the Complainant was given an opportunity to reply:
- 128. On January 16, 2017, the Committee received the Complainant's comments, in response to the Service's letter of December 1, 2016. The Complainant reiterated its request that "the Committee confirm, prior to the Issuance of its final report and at its earliest convenience on an interim basis, that witnesses who appeared before the Committee on August 12-13, 2015 may speak publicly about the evidence and testimony they provided during the *in camera* portion of the hearing and that BCCLA may publicly disclose those transcripts and its submissions in this matter, without limitation due to security concerns under section 48 of the Act."
- 129. I have decided that it would be in the best interests of justice for me to address this matter in the context of my final report.
- 130. In preparing this final report, in addition to reading the submissions of the parties, I have considered the evidence given by witnesses, the documentation submitted by the parties and the Committee's counsel for the in camera and the ex parte hearing, as well as other relevant material made available to me in the course of my investigation of this complaint.

E. ANALYSIS

- 131. This complaint is filed by the Complainant under section 41 of the CSIS Act, concerning the conduct of CSIS.
- 132. The Complainant's complaint is set out in its letter of February 6, 2014, and was summarized by counsel for the Complainant at the in camera hearing as follows: "Firstly, that the BCCLA believes that the Service was gathering information or, in accordance with the language of section 12 of the Statute, "collecting" information about Canadian citizens and groups engaging in peaceful and lawful expressive activities"; and then the second part of the complaint is that it then shared this information with government bodies and private sector factors."
- 133. The Complainant is relying, first, upon information that initially came out in the press in November of 2013 that suggested that the RCMP and CSIS were collecting intelligence or information on groups and individuals opposed to the Northern Gateway Pipeline and then secondly, that they were sharing that information with the National Energy Board and members of the petroleum industry.
- 134. Some of the groups named in those documents include LeadNow, ForestEthics, the Council of Canadians, the Dogwood Initiative, EcoSociety, the Sierra Club of British Columbia and Idle No More. The Complainant provided testimonial evidence from most of those groups and provided me with background about their organizations and about their activities in relation to the Northern Gateway Pipeline Project. The Complainant has stressed that none of these groups are criminal organizations, nor do they have any history of advocating, encouraging or participating in violent or other criminal activity. The evidence before me has confirmed this, and it is not in issue.
- 135. As agreed by the parties during the preliminary conference calls in this matter, the complaint requires me to answer the following four questions in relation to the groups listed in the Complaint letter of February 2014, namely Leadnow, ForestEthics Advocacy Association, the Council of Canadians, the Dogwood Initiative, EcoSociety, the Sierra Club of British Columbia and Idle No More.

Question 1:

Did the Service collect Information about groups or individuals for their activities in relation to the Northern Gateway Pipeline Project?

Question 2:

If so, was it lawful?

Question 3:

Did the Service provide information relating to individuals or groups opposed to the Northern Gateway Pipeline Project to the National Energy Board or non-governmental members of the petroleum industry?

Question 4:

If so, was it lawful?

136. I have addressed each of these questions separately below in my report.

Question 1:

137. Through the ex parte evidence and hearing, I heard that the Service

However, I have seen no evidence that the Service was collecting information or investigating as a result of peaceful advocacy or dissent.

- 138. the collection of information conducted in an ancillary manner, in the context of other lawful investigations.
- 139. Through the evidence presented to me in the ex parle hearing, I am aware of the collection of information in accordance with section 12 and the provision of information as it pertains to certain individuals for whom the appropriate targeting authorities were in place.
- 140. The groups and/or individuals named in this complaint
- 141. The ex parte evidence has convinced me that

 was done as anciliary information in respect of
 lawful targeting authorities against targets in place at the time, unrelated to groups
 or individuals engaged in legitimate protest and dissent.

- 36 -

142. For example, I note that in the BRS reporting regarding the Service indicates in its analysis sections that "the information had been collected and reported to assist the Service in assessing the threat environment and the potential for threat-related violence sternming from protests/demonstrations." However, the Service clearly acknowledged that the no threat to the security of Canada.

143. In the ex parte hearing.

and

testified that these groups were

I have considered these instances carefully.

- 144. The Respondent's evidence with respect to the collection of information is twofold: 1) the Service presented evidence on the subjects of investigation under a targeting authority and 2) the Service provided all the operational reporting after December 31, 2009.
- 145. The Service provided me with the list of groups and individuals that were CSIS targets at the time,
- 146. In terms of operational reports are CSIS operational reports issued during the review period which reference

This prompted the Service to conduct an opensource search on what was. In another instance, provided information to CSIS

was also mentioned in a report related to the activities of another subject of investigation.

147. There are CSIS operational reports which reference was named

In one case, it

shared with the Service. In another instance,

that was is mentioned because a

Notwithstanding any accords now kings opposing on this record, the information-propried beginns declaration PROTECTED / PERSONNIA RESIDENTION

which prompted the Service to conduct a google search to learn information about 148. was mentioned in operational reports issued during the review period, largely because 149. is mentioned in operational reports. Some of these reports refer to It was also the subject of operational reports regarding 150. is referenced in operational reports because. and because 151. is mentioned in operational report 152. is mentioned in operational reports, mostly with reference 153. I fully expect that the Service will review the information collected in its holdings in accordance with the recent decision of the Honourable Simon Noël of the Federal Court. , to ensure that the only information retained is that which meets the "strictly necessary" retention threshold.

- 154. The Complainant's final submissions—refer to a SIRC Review conducted in 1989 entitled "Report on CSIS Activities regarding the Canadian Peace Movement" that found that the Service "has not proven that it can appropriately distinguish between legitimate dissent or lawful advocacy and activities that may on reasonable grounds be suspected of constitute threats to the security of Canada.—The complainant submits "that the attitude of CSIS witnesses towards Minister Oliver's letter reflects a surprising lack of awareness or sensitivity to legitimate concerns the public may have that there is a connection between comments by a federal Cabinet Minister and internal government documents that show CSIS is consulting or briefing on groups opposed to the Northern Gateway project.
- 155. However, I note that since that 1989 review, the Committee has kept a watchful eye on the topic of lawful advocacy, protest or dissent, and has considered this topic in various reviews. For example, in its Annual Report in 2002-2003, entitled "Domestic Threats in Conjunction with Lawful Advocacy, Protest and Dissent", the Committee found that the Service was "taking considerable care in implementing policy measures designed to prevent intrusion into legitimate and political activity." In its 2012-2013 Annual Report, the Committee conducted a review of "CSIS's Activities Related to Domestic Investigations and Emerging Issues" and found that any activities surrounding the Vancouver Olympics and the G8/G20 Summits that only related to legitimate protest and dissent were not investigated.
- 158. The totality of the evidence which I have reviewed and analyzed demonstrates that there was no direct link between CSIS and the "chilling effect" which the Complainant's witnesses mentioned in their testimonies. I agree with the Respondent's submission that the Complainant failed to differentiate the actions of the NEB and of the RCMP and those of CSIS.
- 157. However, I can understand why the Complainant, not having access to all of the Service's evidence, might have felt that the groups it represents were being spied on, in view of certain media reports and certain government documents. I also appreciate the concerns of the witnesses appearing before me on behalf of the Complainant who referred to these articles.
- 158. I well appreciate that the letter of 9 January 2012 from the Honourable Joe Oliver, then Minister of Natural Resources, where he wrote that "(u) nfortunately, there

Notwithstanding any security markings oppositing an this record, the information OR SECRETE is declarable to PROTECTED / PERSONAL INFORMATION

are environmental and other redical groups that would seek to block this opportunity to diversify our trade. Their goal is to stop any major project no malter what the cost to Canadian families in lost jobs and economic growth" is regrettable. It can only have increased the concerns of the members of these groups that the entities to which they belonged were being spied on by CSIS and the RCMP. It certainly explains their evidence before me which was clearly fuelled by the Minister and certain journalists.

159. However, the evidence I heard from CSIS' witnesses in both the in camera and ex parte hearing has convinced me that neither CSIS nor the Ministry of Public Safety responsible for CSIS, had anything to do with the drafting of the Honourable Joe Oliver's letter or indeed any media report submitted in evidence before me. The Service's policies and directions were not influenced in any way by these media articles.

Quastion 2:

160. I have found that the Service had information

In these circumstances, this collection falls squarely within the Service's mandate.

- 161. The Complainant contends that records obtained by Access to Information requests show that CSIS prepares reports and shares information regarding protest activities. BCCLA also maintains that "the Service's action in relation to citizens and groups engaging in peaceful and lawful expressive activities have gone beyond merely collecting intelligence information under section 12 of the Act, and instead sharing this information with the NEB and private companies regarded as stakeholders in the energy sector."
- 162. The Complainant stated that "Parliament has placed very clear limits (on) the scope of the Service's intelligence-gathering activities, expressly providing that CSIS's mandate "does not include lawful advocacy, protest or dissent."
- 163. I certainly agree with the Complainant's assessment of Parliament's intention not to allow the Service's mandate to include lawful, advocacy, protest or dissent ("LAPD"). However, I cannot find, on the basis of the evidence before me, that CSIS, in this case, expanded its mandate to include lawful advocacy, protest or dissent.

164. I note that the Service's mandate under section 12 of the CSIS Act is to collect and retain information regarding threats to the security of Canada and is limited "to the extent that it is strictly necessary". I recall, in this context, the recent decision of Mr. Justice Simon Noël, wherein he wrote:

"Section 12 (1) must be read logically: if collection of information is performed on a strictly necessary basis, it goes without saying that retaining the strictly filtered information is permitted because the point of entry of the information is the strict collection process. Therefore the retention function may only logically retain what has been collected in a "strictly necessary" manner. The same rational applies in regard to the analysis function: if information is validly collected, only that strictly collected information is analysed. In those scenarios, there are no issues of limits to retention or analysis of the information because it has been legitimately collected pursuant to section 12 (1) and section 2."

- 165. Section 12 of the CSIS Act clearly states that the Service "shall report to and advise the Government of Canada."
 - 12 (1) The Service shall collect, by investigation or otherwise, to the extent that it is strictly necessary, and analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and, in relation (hereto, shall report to and advise the Government of Canada. (my emphasis)
 - (2) For greater certainty, the Service may perform its duties and functions under subsection (1) within or outside Canada.
- 166. Section 2 of the CSIS Act defines what those "threats to the security of Canada" entail, but clearly states that this:

"does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d).

- 167. Thus, it is also clear that, if those LAPD activities are carried out in conjunction with any of the activities referred to in the enumerated threats in section 2, they may fall under the Service's mandate under section 12.
- 168. The Complainant argues that the activities of these environmental groups opposed to the Northern Gateway Pipeline Project could not possibly fall under the definition of "threats to the security of Canada" as set out in section 2 of the Act.

Noneliberanthy and provide a personal spreading on this second, the information and income income is declaration on PROTECTED / PERSONAL INFORMATION

- 169. Insofar as the named groups' activities remain peaceful and lawful, I agree. In fact, the definition of "threats to the security of Canada" under section 2 very clearly states that this does not include "lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d).
- 170. By way of example, I note that when questioned what an illegitimate protest would be from the Service's perspective, CSIS witness Robert commented during the in camera hearing that "all protests are part of the democratic fabric of Canada, and part of our job in investigating threats to our security is to allow protest to take place." Robert's testimony during the in camera hearing was clear that the Service was kept actively engaged dealing with terrorism and other threats to the security of Canada, and it did not have the mandate to investigate peaceful advocacy, protest or dissent. I find the Respondent's evidence credible.
- 171. The Complainant contends that documents such as a Memorandum to the Director of CSIS, from the Assistant Director, Policy and Strategic Partnership of CSIS, regarding a meeting of the Deputy Ministers' Committee on Resources and Energy, dated June 9, 2014, "confirms that the Service was indeed collecting information about opponents to the Northern Gateway pipeline project...
- 172. However, I note that in that same memorandum, the Assistant Director, Policy and Strategic Partnership of CSIS clearly states that "(t)he Service recognizes that many of these issues involve legitimate protest and dissent and as such, have no mandate nexus.
- 173. In the context of that same memorandum and attached document from the Government Operations Centre, entitled "Government of Canada Risk Forecast 2014 Protests and Demonstrations Season", I also note and emphasize that the Government Operations Centre is not part of CSIS, but rather part of the Department of Public Safety.
- 174. The evidence of the Respondent's witnesses, as well as the documentary evidence presented by the Service during both the *in camera* hearing and the exparte hearing is persuasive. I am convinced by that evidence that CSIS did not
- 175. Accordingly, I find that the Service's collection of information was lawful and within its mandate, and that the Service did not investigate activities involving lawful advocacy, protest or dissent.

- 42 -

Question 3:

- 176. I find that there was no sharing of information by the Service about these groups or individuals opposed to the Northern Gateway Pipeline Project with the NEB, or other non-governmental members of the petroleum industry. Rather, the evidence presented to me during the ex parte hearing has convinced me that CSIS did not disseminate information about the named groups or individuals, either with the NEB or with private members of the petroleum industry.
- 177. The Complainant contends that government documents prove that there was sharing of information and collecting of information. "These documents are not only emails between the NEB and the RCMP and CSIS, as well as internal NEB emails, but also Security Assessment Reports by the NEB itself where there is reference to CSIS and obtaining intelligence from CSIS at the national level and at the regional headquarters level."
- 178. For example, the Complainant points to an NEB document entitled "Enbridge Northern Gateway Project Integrated Security, Logistics and communications Plan, Kelowna, dated January 24, 2013, under the heading "Threat Assessment", where certain sections have been redacted on the basis of the applicable exclusion under the ATIP Act in the right hand column. However, one can see references to the NEB consulting CSIS, both national headquarters and regional offices, as well as RCMP.
- 179. Some of the groups named in this complaint are identified in the NEB document, under the heading of "open source information reporting", such as Idle No More regarding a planned protest; LeadNow and Dogwood Initiative regarding a workshop and skills training, and EcoSociety regarding a plan to charter a bus to attend the Nelson hearing. Also, an NEB document entitled "Enbridge Northern Gateway Project Security Plan, Prince Rupert", dated January 23, 2013, mentions that the NEB consulted CSIS, both national headquarters and regional offices. Emails refer to consultation between the NEB Security team and CSIS at national and regional levels.
- 180. I note that most of these documents were released as a result of the ATIP request and that they were NEB documents. While I have seen emails and documents which refer to consultation between NEB and CSIS, there is no evidence before me which demonstrates that CSIS provided information to the NEB about any one of these groups.

- 181. Authority for the Service to disclose information it has obtained in the performance of its duties is found in section 19 of the CSIS Act. If CSIS discloses information, it must do so in conformity with its mandate under section 12 (see above) and the provisions of section 19 which reads as follows:
 - 19 (1) Information obtained in the performance of the duties and functions of the Service under this Act shall not be disclosed by the Service except in accordance with this section.
 - (2)) The Service may disclose information referred to in subsection (1) for the purposes of the performance of its duties and functions under this Act or the administration or enforcement of this Act or as required by any other law and may also disclose such information.
 - (a) where the information may be used in the investigation or prosecution of an alleged contravention of any law of Canada or a province, to a peace officer having jurisdiction to investigate the alleged contravention and to the Attorney General of Canada and the Attorney General of the province in which proceedings in respect of the alleged contravention may be taken;
 (b) where the information relates to the conduct of the international affairs of Canada, to the Minister of Foreign Affairs or a person designated by the Minister

of Foreign Affairs for the purpose; c) where the information is relevant to the defence of Canada, to the Minister of National Defence or a person designated by the Minister of National Defence for

the purpose; or

- (d) where, in the opinion of the Minister, disclosure of the information to any minister of the Crown or person in the federal public administration is essential in the public interest and that interest clearly outweighs any invasion of privacy that could result from the disclosure, to that minister or person.
- (3) The Director shell, as soon as practicable after a disclosure referred to in paragraph (2)(d) is made, submit a report to the Review Committee with respect to the disclosure.
- 182. The ex parta evidence has revealed that the Service fulfills its mandate of "reporting and advising" with the production of various documents to domestic and foreign partners, including intelligence assessments, reports to foreign agencies and risk assessments to domestic partners. With respect to its mandate to provide such reports and advice to the "Government of Canada", this can include any department or agency of the federal government, including the RCMP and the NEB. The Service has the obligation to provide those reports and advice to the Government of Canada in accordance with the enabling legislation.
- 183. The evidence presented to me ex parte has persuaded me that CSIS does indeed provide advice to the NEB pursuant to section 12 and subsection 19 (2) of the

- CSIS Act. However, the ex parte evidence does not reveal any reference to or mention of anyone
- 184. The Complainant also refers to an email from the RCMP which states that it will "continue to monitor all aspects of the anti-petroleum industry movement" and concludes that this information "will be shared with (their) intelligence partners", who the Complainant submits must include CSIS.
- 185. In this connection, I note that CSIS interacts with other law enforcement agencies whose mandate includes the Investigation of criminal offences and the collection of evidence in aid of prosecutions in courts. CSIS' website mentions that "while CSIS is at the forefront of Canada's national security system, several Canadian government departments and agencies also provide services that, taken together, help to ensure the safety and protection of Canadians. This, of course, includes the RCMP.
- 186. The Complainant also submits that the NRCan biannual classified briefings demonstrate that the Service shared information with non-government members of the petroleum industry. BCCLA submits that none of the provisions in the Act "permit sharing of information with private sector parties in the energy industry, as the Service acknowledges doing through NRCan classified briefings and other outreach events with energy stakeholders."
- 187. In the words of the Complainant, "some of the documents indicate that Natural Resources Canada holds security briefings, with not only the RCMP and CSIS but also with members of the petroleum industry. Some of the documentation indicates that these meetings are held at CSIS Headquarters in Ottawa, and further, that some of the petroleum industry actors, including in particular Enbridge, which is the proponent of the Northern Gateway Pipeline, were not only participating but in fact were sponsoring certain aspects of the events. They were paying for meals and hospitality opportunities for both CSIS and the RCMP and these petroleum industry actors. Given the timing of these briefings and the reference to "sharing information about environmental groups" and given the participation of these various actors, it is our view that a reasonable inference to draw, and the inference that was drawn by B.C. Civil Liberties Association and the targeted groups mentioned, is that information about them had been shared."
- 188. There is clear evidence that the Service participated in meetings or round tables with NRCan, and the private sector, including the petroleum industry, at CSIS headquarters. However, the ex parte evidence presented to me is also clear. These briefings involved national security matters, and were definitely not concerned with

- 189. Under the heading of "sharing intelligence", I note that the CSIS website provides that "at the national level, CSIS provides hundreds of briefings each year to various communities including law enforcement and other security intelligence agencies; academia; Canadian government departments and agencies; provincial, territorial and municipal governments; and the public." These briefings include threat assessments, which, the website provides, are "evaluations about the scope and immediacy of a variety of threats posed by individuals and groups in Canada and abroad. Threat and Risk Assessments are conducted by government departments and agencies. CSIS provides assistance for their preparation when requested."
- 190. I also heard testimony ex parte that information has been collected when certain CSIS targets that are planning to threaten specific private sector companies, CSIS will then meet with these companies and share with them information about these threats. I am satisfied that such liaison with the private sector is important in order to protect Canadians.
- 191. Having reviewed carefully the totality of the evidence submitted to me during the in camera and ex parte hearings, I find that, at no time, did the Service share information with members of the petroleum industry concerning the "targeted groups" referred to by the Complainant.
- 192. Having so concluded, however, I must say that I well understand some of the Complainant's concern. The perception of the Service discussing the security of energy resources development with members of the petroleum industry can give rise to legitimate concern on the part of entities such as the Complainant and the "targeted groups".
- 193. In this connection, I recall that on May 23, 2013, Natural Resources Canada hosted a "Classified Briefing for Energy and Utilities Sector Stakeholders" in collaboration with CSIS and the RCMP. This briefing was held at the CSIS headquarters. National security and criminal risks to critical energy infrastructure were on the agenda whose theme was the "Security of energy resources development". A networking reception at the Château Laurier was sponsored by BrucePower and Brookfield, and breakfast, lunch and coffee were sponsored by Enbridge the next day.
- 194. As I said earlier, the issue is one of public perception for the Service. This needs to be addressed. Public discussion about issues of national security should be encouraged in a democracy. Because of its remit, CSIS obviously has a significant role to play in these discussions. "Targeted groups" such as those

involved in the present complaint may also have a role to play in the discussions regarding national security. I recommend that the Service prioritize such inclusive public discussions with the groups involved in the present complaint, where possible, having regard to the classified nature of certain topics.

Question 4:

- 195. Since I have found that the Service has not shared any information concerning the "targeted groups" represented by BCCLA with the NEB or other nongovernmental members of the petroleum industry, the question of lawfulness has become moot.
- 196. The evidence presented to me in the ex parte hearings has convinced me that any collection and dissemination of information by CSIS was done lawfully and in accordance with its mandate. I am persuaded that there was no targeting of

"Chilling Effect"

- 197. The Complainant argues in its final submission that its allegations against CSIS led to what it describes as a "chilling effect".
- 198. The Complainant submits that CSIS collected information about the named groups and individuals outside the authority of the Act, and this collection created a "chilling effect" that inhibited them from exercising fundamental freedoms protected by the Canadian Charter of Rights and Freedoms.
- 199. I must now address this submission of the Complainant as it pertains to an alleged breach of the Charter.
- 200. The Complainant's submission on this important issue is well and clearly set out as follows:

"Since CSIS carries out its activities in secret, and CSIS has not commented publicly about its interest in groups opposed to the pipeline, there is a reasonable fear that CSIS' extraordinary powers could be used to target groups or individuals that were characterized as having a "radical ideological agenda" by a federal Cabinet minister. This has resulted in a very real chilling effect on the groups, making them more cautious about their activities and comments and how their staff and members communicated with each other. It has even deterred some from becoming involved or supporting the groups.

"BCCLA submits that the above evidence clearly establishes that there was in fact a chilling effect on groups and individuals that were engaged in lawful

- 47 -

Page 1037 of 1048

advocacy and protest activities, and who dissented from the preferred policies of the government of the day. This chilling effect was caused by the media reports about CSIS consultations and briefings on groups opposed to the Northern Galeway project, in combination with then-Minister Oliver's ill-considered rhetorical attacks on groups opposed to government policy. These lewful advocacy and protest activities engage the right to freedom of expression, among the most fundamental of rights possessed by Canadians. The Canadian Charter of Rights and Freedoms guarantees protection for freedom of expression under section 2 of the Charter along with historically powerful modes of collective expression, namely peaceful assembly and association.

201. In its final submissions, the Respondent submitted that:

"any collection and dissemination of information by CSIS was done lawfully in conformity with its mandate. Furthermore, the Complainant has failed to establish that CSIS has done the acts or things alleged in its complaint. Requests for information or advice from the NEB to CSIS do not demonstrate that CSIS collected information about the groups seeking to participate in the NEB's hearings. The Complainant has also failed to establish a causal connection between the acts or things done or allegedly done by the Service and the "chilling effect" on freedom of expression and association."

202. In its final rebuttal submissions, the Complainant argued as follows:

"(i)ndeed, the evidence presented by the Service in this heering has supported these suspicions, confirming that CSIS is indeed engaged in routine sharing of classified intelligence information with energy sector stakeholders, including the National Energy Board, and has provided specific intelligence assessments to the NEB. In these circumstances it simply cannot be said that concerns about a chilling effect are rooted merely in a "patently incorrect understanding" of the law. Rather, the evidence is clear that concerns about a chilling effect are both reasonable in the circumstances and directly linked to the Service's conduct in this matter."

203. The Complainant also submits that the concerns of the targeted groups arise from reasonable inferences. The Complainant writes;

"Moreover, there is also a crucial distinction between a chilling effect arising from misapprehension of the law and a chilling effect arising from reasonable inferences drawn from available information. BCCLA again emphasizes that in the present case, members of the affected groups were keenly aware of Minister Oliver's public description of them as "radical groups" involved in "hijacking" the regulatory system to "undermine Canada's national economic interest". When the ATIA documents-which clearly show at least some CSIS involvement in intelligence gathering and sharing about groups opposed to the Northern

- AR -

Galeway project – were publicized, the resulting concerns were not due to a "petently incorrect understanding" of a statutory provision, but rather the only reasonable inference that could be drawn from the limited information available to them."

- 204. These concerns may be real, as I have said earlier at paragraph 157. However, I have seen in the context of the totality of the evidence which was provided to me during the ex parte hearings that these concerns were not justified. The conduct of the Service in the present case has been in conformity with its enabling legislation.
- 205. As I found earlier in my analysis of Question 1, the Complainant has failed to establish a "causal effect" or "direct link" between CSIS' conduct and the "chilling effect" which it invokes. Having found no "chilling effect", its allegations cannot form the basis of a Charter violation.
- 206. In my view, this finding also disposes of the Complainant's allegation that section 2 of the Charter, which guarantees the protection for freedom of expression, was breached by CSIS' conduct in its investigation of the activities of the Northern Gateway Pipeline project.
- 207. After having carefully reviewed the evidence submitted to me in the ex parte hearings, and as I have said earlier in paragraph 156, I am satisfied that it does not support the Complainant's submission regarding a "direct link" between CSIS' conduct and the "chilling effect". Therefore, upon review of the evidence before me in this case, I am convinced that there was no Charter breach.

Additional procedural questions:

208. The following two procedural questions arose in the context of this investigation regarding evidence and testimony provided by the Complainant.

Can witnesses for the Complainant who appeared before the Committee on August 12-13, 2015 speak publicly about the evidence and testimony they provided during the in camera portion of the hearing?

AND

Can BCCLA publicly disclose those transcripts and its submissions in this matter without limitation due to security concerns under section 48 of the Act?

- 209. By way of background, I will review the history of these procedural questions.
- 210. At the beginning of the *in camera* hearing on August 12, 2015 in Vancouver, as is standard practice for all SIRC hearing, I reminded the parties of subsection 48 (1) of the CSIS Act, which provides as follows:
 - 48 (1) Every investigation of a complaint under this Part by the Review Committee shall be conducted in private.
 - 48 (1) Les enquêtes sur le plaints présentées en vertu de la présente partie sont tenues en secret.
- 211. Again, as is standard practice. I also informed the parties that, for reasons of security and confidentiality, no electronic devices, including cellular phones, I-Pads, or recorders were allowed in the hearing room.
- 212. I then heard submissions from the parties in respect of a preliminary/procedural matter regarding the privacy of proceedings under subsection 48 (1) of the CSIS Act.
- 213. I first heard submissions from counsel for CSIS, regarding her concern that the Complainant had made available on its website a piedge form for individuals to obtain recaps of the in camera proceedings. She stated, "As you mentioned in your opening remarks, these hearing are to be conducted in private. As such, it seems to us that offering such recaps to people outside the hearing room would not be in conformity with subsection 48 (1) of the CSIS Act, which states that these investigations are to be "conducted in private".
- 214. Counsel for CSIS added:

"To us, this entails that what occurs during these hearing remains "secret": secret or private. Again, I am not sure what the intentions of the Complainant are. But just speculating, would what is suggested go as far as providing the transcripts of the hearing to members of the public? There is some concern because, again, there is a fine line for the Service, as to classified/unclassified information. I understand these are in camera proceedings and generally there is no classified information that gets divulged. However, sometimes the line between classified and unclassified is a difficult one, requiring us to thread (sic) lightly."

215. I also heard in reply, submissions from counsel for BCCLA, who said that:

"the BCCLA's intention is to broadcast details about the hearing that any permissible. So that is an issue that we can carvass with the Member. At this point, what the client intends to do is to just advise the public about who will be testifying an particular days, and so forth, along with the anticipated testimony of those witnesses. So it would be prior to their appearing as a witness. I recognize that under section 48, the Act refers to this proceeding as a "private" hearing. It is my understanding that that is generally referring to an in camera hearing at which others can't be present in the room as the evidence is being called."

- 216. After having heard these submissions, I ruled that the Committee can decide upon procedural matters before it, and as such, I determined that the disclosure of witness names was alright, but that there should be no release of summaries of evidence to the media. I was mindful of subsection 48 (1), which is the guiding principle that "every investigation is to be conducted in private", and in the French-language version, the scope of the privacy is extended somewhat: "sont tenues en secret." I also reminded the parties that subsection 48 (2) provides that no one is entitled as of right to be present at the *in camera* hearing. However, I gave the Complainant's first witness, Mr. Paterson, permission to stay in the hearing room with BCCLA counsel.
- 217. To summarize, the guiding principle set out by the Legislator is the "private" nature of the SIRC hearing. "Les enquêtes....sont tenues en secret." The integrity of the proceedings must be respected, and, to that end, the evidence of all witnesses, not only the evidence of the Service's witnesses, cannot be divulged.
- 218. The Complainant provided an undertaking not to divulge the testimony and evidence of any witness appearing before me during the *in camera* hearing. The Complainant then asked whether this undertaking also

- encompassed statements by witnesses divulging the outline of their forthcoming testimony.
- 219. In response, I reiterated that the overriding principle is the "private" nature of the hearing, and that the investigation of any complaint by SIRC should be held in private, "en secret". I added that "I have no trouble, no difficulty, with any of your witnesses in effect saying. What I intend to tell the representative of SIRC who is hearing this complaint is such and such. My order goes to the actual evidence, the actual testimony of the witnesses, which should not, in any form, either by way of a summary or by way of "this is what I have said" kind of statement be divulged.
- 220. Counsel for the Complainant then said that he wanted to reserve the right to come back to this question at the conclusion of the in camera hearing. I note that counsel for the Complainant only raised this matter with me again in his final submissions in September 2016. I also invited submissions from the Respondent on this question.
- 221. In its final submissions, the Complainant submitted that:

"the statutory requirement that SIRC hearing be held in private should not prohibit witnesses or the complainant from publicly disclosing that information." The Complainant requested a formal ruling regarding the scope of the private nature of SIRC's proceedings in the investigation of complaints. Specifically, the Complainant asked the "Committee to review and clarify its order regarding the scope and application of section 48 of the CSIS Act as it relates to the evidence of witnesses called on behalf of the BCCLA during the in camera portion of the hearing into this complaint."

- 222. Addressing this request of the Complainant, CSIS' counsel submitted that "in the present case, the hearing portion of the investigation has concluded and CSIS has been provided the opportunity to protect any national security information which may have been inadvertently disclosed at the hearing. For those reasons, the Respondent does not object to the Complainant's request set out at paragraph 207 of the Complainant's final submission."
- 223. In its final Rebuttal Submissions, however, the Complainant in effect, amended its original request and asked that my order also include the release of transcripts. It is evident that this amended request goes much further than the Complainant's original request which CSIS' counse! had agreed to.

224. I note that, in its final Rebuttal Submissions, the Complainant avers:

"Given that the Service has now advised that it has no objection to BCCLA's submissions regarding the scope and application of section 48 of the CSIS Act, the Complainant requests the Committee to confirm that witnesses who appeared before the Committee on August 12-13, 2015 may speak publicly about the evidence and testimony they provided during the in camera portion of the hearing, and that BCCLA may publicly disclose those transcripts and its submissions in this majter, without further concern in relation to section 48 of the Act (my emphasis)."

225. The Respondent, in its final rebuttal submissions, submitted:

"the Complainant has now raised "two new issues that were not found in the Complainant's submissions of September 19, 2016, the Complainant is seeking to — make the transcripts publically available; —get a direction on an interim basis. With respect to making the transcripts publically available, we understand that paragraph 17 suggests that only the portions of the transcripts (those transcripts) of the testimonias of BCCLA witnesses would be made public by the Complainant. We request that the Committee's order specify that only the Complainant's submissions and evidence may be made publically available."

- 226. The Complainant asked me to issue a ruling prior to the issuance of my final report. However, I decided that it would be more appropriate to provide my rulings in my final report on all questions submitted to me in the course of my investigation.
- 227. In my capacity as an independent decision-maker, I consider it paramount that the integrity of the SIRC proceedings, informed by the mandatory edict of the Legislator in section 48 of the CSIS Act be respected.
- 228. In order to respect the private nature of a SIRC in camera hearing, the Committee, to date, has never released to the public at large the transcripts of such hearing or even a summary of the evidence of witnesses. The Complainant, of course, is present during the in camera hearing, and the Committee has provided Mr. Champ with the transcripts in order to allow him to prepare his submissions, but not to disseminate them to the public.
- 229. Such wide and unfettered dissemination would be, in my opinion, a flagrant breach of section 48 of the CSIS Act for a number of reasons.
- 230. The Committee is master of its own proceedings. This is emphasized in subsection 39 (1) of the CSIS Act, which reads as follows:

39 (1) Subject to this Act, the Review Committee may determine the procedure to be followed in the performance of any of its duties or functions:

231. The Committee also has its own Rules of Procedure which guide it in the conduct of its work. While the Committee's revised rules apply to complaints, reports and references received on or after May 1, 2014, they nevertheless assist me in ruling on this important issue in respect of the present complaint which was filed on February 8, 2014. Accordingly, I refer in particular to the following rules:

Interpretation of Rules

Rule 1.04 (1) These rules shall be liberally construed to advance the purposes set out in rule 1.02.

(2) These rules are not exhaustive and the Committee retains the authority to decide any issue of procedure not provided for by these rules.

Deemed Undertaking

Rule 14.01(1) This rule applies to information or evidence obtained by the parties in the course of an investigation before the Committee.

(2) This rule does not apply to information or evidence obtained otherwise than under subrule (1).

(3) All parties and their lawyers are deemed to undertake not to use information or evidence to which this rule applies for any purposes other than those of the investigation in which the evidence was obtained.

(4) Subrule (3) does not prohibit a use to which the person who disclosed the information or evidence consents.

(5) Subrule (3) does not prohibit a prosecution of a person for an offence under section 131 of the Criminal Code (perjury).

14.02 If satisfied that the public interest outweighs any prejudice that would result to a party who disclosed information or evidence, a member may direct that subrule 14.01 (3) does not apply to information or evidence, and may impose such terms and give such directions as are just.

232. In addition, the Committee is an independent quasi-judicial tribunal, and, as such, it has powers that are similar to those of a superior court of record. I note in this connection, section 50 of the CSIS Act, which provides:

50. The Review Committee has, in relation to the investigation of any complaint under this Part, power

(a) to summon and enforce the appearance of persons before the Committee and to competithem to give oral or written evidence on oath and to produce such documents and things as the Committee deems requisite to the full investigation and consideration of the complaint in the same manner and to the same extent as a superior court of record:

(b) to administer oaths; and

(c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the Committee sees fit, whether or not that evidence or information is or would be admissible in a court of law.

233. I recall again that subsection 48 (1) of the CSIS Act imposes on me the obligation to conduct my investigation in private. As an independent quasi-judicial tribunal, the Committee has the power to decide that the proceedings must remain private.

48 (1) Every investigation of a complaint under this Part by the Review Committee shall be conducted in private.

234. Subsection 48 (2) of the CSIS Act is also relevant to my determination of the scope and application of subsection 48 (1). It reads as follows:

46 (2) In the course of an investigation of a complaint under this Part by the Review Committee, the complainant, deputy head concerned and the Director shall be given an opportunity to make representations to the Review Committee, to present evidence and to be heard personally or by counsel, but no one is entitled as of right to be present during, to have access to or to comment on representations made to the Review Committee by any other person. (my emphasis):

 Rules 16.09 and 18.03 (8) of SIRC's current Rules of Procedure are also pertinent. They provide as follows:

16.09 No person shall take or attempt to take a photograph, motion picture, audio recording or other record capable of producing visual or oral representations by electronic means or otherwise,

(a) at a hearing,

(b) of any person entering or leaving the room in which a hearing is to be or has been convened, or

(c) of any person in the building in which a hearing is to be or has been convened where there is reasonable ground for believing that the person is there for the purpose of attending or leaving the hearing.

18.03 (8) A witness and his counsel are entitled to be present at the hearing only when that witness is giving evidence.

236. The Federal Court found in Canada (AG) v. Al Telbani that "SIRC is a specific statutory body with special attributes relating to national security. SIRC's

- 55 -

Page 1045 of 1048

proceedings establish a balance between national security and the rights of individuals. SIRC has powers that are similar to those of a superior court of record..."

237. The proceedings of the Committee were well summarized in that decision. The Federal Court wrote:

"SIRC investigations are conducted in private. However, the complainant, deputy head concerned and the Director are given an opportunity to make representations to the Commiftee, to present evidence and to be heard personally or by counsel. Nonetheless, no one is entitled as of right to be present during, to have access to or to comment on representations made to the Committee by any other person. In spite of this, the Committee's Rules of Procedure allow for statements summanzing information from private hearing to be provided, to the extent that no information related to national security is disclosed.

"As for SIRC's proceedings and as was previously noted, the Supreme Court had already given its approval. Justice Sopinka, while emphasizing that it was not for him to rule on the issue, concluded that SIRC's proceedings respected the principles of fundamental justice.

- 238. In short, the confidentiality of SIRC's proceedings is the cornerstone of its investigations. Access to the Committee by a Complainant must be done in private, in respect of the principles of fundamental justice. SIRC does not disclose the filing of a complaint and the anonymity of the Complainant is respected throughout the process. All documents created or obtained by the Committee in the course of an investigation are exempt from disclosure.
- 239. It is my opinion that I must give effect to the intention of the Legislator encapsulated in subsection 48 (1) of the CS/S Act. Accordingly, the Complainant may not disclose publicly the evidence and testimony which they proffered during the in camera hearing and BCCLA may not disclose publicly any part of the transcripts or the submissions of its counsel, and I so find.

F. FINDINGS AND RECOMMENDATIONS

- 240. For all these reasons, I find that the Complainant's allegations are not supported by the evidence, and the complaint is accordingly dismissed.
- 241. While I found that the Service did collect some ancillary information

 I find that any information reported was done incidentally, in respect of lawful targeting authorities in place at the time,

 I also find that the Service did not investigate recognized as being associated with lawful advocacy, protest or dissent.
- 242. I find that the Service did not share information regarding these groups or individuals with the NEB or other non-governmental members of the petroleum industry.
- 243. I recommend that the Service prioritize inclusive public discussions with the groups involved in the present complaint, where possible, having regard to the classified nature of certain topics.

FOR ALL THESE REASONS, ON BEHALF OF THE SECURITY INTELLIGENCE REVIEW COMMITTEE, THE COMPLAINT IS DISMISSED.

The Honourable Yves Fortier, PG, CC, OQ, QC

Ottawa, Ontario
This 30 day, of Way 2017

Security Intelligence Review Committee



Comité de surveillance des activités de renseignement de sécurité

PROTECTED B
PERSONAL INFORMATION

File No.: 1500-481

September 25, 2017

BY COURIER

Mr. Bijon Roy Counsel Champ & Associates Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6

Dear Counsel:

RE:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION-COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS) PURSUANT TO SECTION 41 OF THE CSIS ACT

Please be advised that your letter dated September 18, 2017 was received by the Security Intelligence Review Committee and was referred to the Presiding member. The Honourable Yves Fortier, P.C., C.C., O.Q., Q.C., has asked me to acknowledge receipt of your letter, the contents of which he has noted. As this matter is closed, Mr Fortier has nothing further to add to his final report.

Yours sincerely,

Shayna Stawicki Registrar

c.c.: Stephanie Dion, National Security Litigation & Advisory Group

P.O. Box / C.P. 2430. Station / Succursale "D" Ottawa, Canada K1P 5W5 Tel: 613 990-8441 Fax: 613 990-5230

Page 1048 of 1048

TAB



CONSOLIDATION

CODIFICATION

Canadian Security Intelligence Service Act

Loi sur le Service canadien du renseignement de sécurité

R.S.C., 1985, c. C-23

L.R.C. (1985), ch. C-23

Current to June 17, 2015

À jour au 17 juin 2015

Last amended on April 23, 2015

Dernière modification le 23 avril 2015

Published by the Minister of Justice at the following address: http://laws-lois.justice.gc.ca Publié par le ministre de la Justice à l'adresse suivante : http://lois-laws.justice.gc.ca

SIS-1

Tab/Onglet1

Page/Page 0001

2 of 34

AGC0567

OFFICIAL STATUS OF CONSOLIDATIONS

Subsections 31(1) and (2) of the Legislation Revision and Consolidation Act, in force on June 1, 2009, provide as follows:

Published consolidation is evidence 31. (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

Inconsistencies in Acts (2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the Publication of Statutes Act, the original statute or amendment prevails to the extent of the inconsistency.

NOTE

This consolidation is current to June 17, 2015. The last amendments came into force on April 23, 2015. Any amendments that were not in force as of June 17, 2015 are set out at the end of this document under the heading "Amendments Not in Force".

CARACTÈRE OFFICIEL DES CODIFICATIONS

Les paragraphes 31(1) et (2) de la Loi sur la révision et la codification des textes législatifs, en vigueur le 1^{es} juin 2009, prévoient ce qui enit:

- 31. (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support étectronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.
- (2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la Loi sur la publication des lois l'emportent sur les dispositions incompatibles de la loi coditiée publiée par le ministre en vertu de la présente loi.

Codifications comme élément de préuve

Incompatibilité
-- lois

NOTE

Cette codification est à jour au 17 juin 2015. Les dernières modifications sont entrées en vigueur le 23 avril 2015. Toutes modifications qui n'étaient pas en vigueur au 17 juin 2015 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

CSIS-1

Tab/Onglet1

Page/Page 0002

TABLE OF PROVISIONS

TABLE ANALYTIQUE

Section		Page	Article		Page
	An Act to establish the Canadian Security Intelligence Service	y		Loi constituant le Service canadien du renseignement de sécurité	
	SHORT TITLE	1		TITRE ABRÉGÉ	1
1	Short title	i	1	Titre abrégé	1
190	INTERPRETATION	1		DÉFINITIONS	1
22		it.			
2	Definitions	1	2	Définitions	1
	PARTI			PARTIE I	
	CANADIAN SECURITY INTELLIGENCE SERVICE	3		SERVICE CANADIEN DU RENSEIGNEMENT DE SÉCURITÉ	3
	ESTABLISHMENT OF SERVICE	3		Constitution	3
3	Establishment of Service	3	3	Constitution	3
	DIRECTOR	3		DIRECTEUR	3
4	Appointment	3	4	Nomination	3
5	Salary and expenses	3	5	Traitement et frais	3
	Management of Service	4		Gestion	4
6	Role of Director	4	6	Rôle du directeur	4
7	Consultation with Deputy Minister	4	7	Consultation du sous-ministre	4
8	Powers and functions of Director	5	8	Attributions du directeur	5
9	Process for resolution of disputes of	.5	9	Mode de règlement des différends :	3
2	support staff	6		personnel de soutien	6
10	Oaths	6	10	Serments	6
11	Certificate	6	11	Certificat	6
	Duties and Functions of Service	6	***	FONCTIONS DU SERVICE	6
12	Collection, analysis and retention	6	12	Informations et renseignements	6
13	Security assessments	7	13	Évaluations de sécurité	7
14	Advice to Ministers	7	14	Conseils aux ministres	7
15	Investigations	7	15	Enquêtes	7
16	Collection of information concerning		16	Assistance	8
	foreign states and persons	8			
17	Cooperation	8	17	Coopération	8
18	Offence to disclose identity	9	18	Infraction - communication de l'identité	9
18.1	Purpose of section - human sources	10	18.1	Objet de l'article sources humaines	10
19	Authorized disclosure of information	11	19	Autorisation de communication	11
20	Protection of employees	12	20	Protection des employés	12
	PART II			PARTIE II	
	JUDICIAL CONTROL	13		CONTRÔLE JUDICIAIRE	13
21	Application for warrant	13	21	Demande de mandat	13
22	Renewal of wairant	15	22	Renouvellement	15
23	Warrant authorizing removal	15	23	Mandat d'enlèvement de certains objets	15
24	Warrant to have effect notwithstanding	616)	24	Primauté des mandats	16
	other laws	16			

Canadian Security Intelligence Service — June 17, 2015

Section)#	Page	Article		Page
25	Crown Liability and Proceedings Act not to apply	16	25	Non-application de la Loi sur la responsabilité civile de l'État et le	12
26	Exclusion of Part VI of Criminal Code	16	26	contentieux administratif Non-application de la partie VI du Code	16
27	Hearing of applications	16	27	criminel Audition des demandes	16
28	Regulations	17	28	Règlements	17
	PARTIII			PARTIE III	
	REVIEW	17		SURVEILLANCE	17
	Interpretation	17		DEFINITION	17
29	Definition of deputy head	17	29	Définition de administrateur général	17
/	17 N		42		36.2
	SECURITY INTELLIGENCE REVIEW COMMITTEE	18		Comité de surveillance des activités de renseignement de sécurité	18
34	Security Intelligence Review Committee	18	34	Constitution du comité de surveillance	18
35	Chairman of the Review Committee	18	35	Premier dirigeant .	18
36	Staff of Review Committee	18	36	Personnel du comité de surveillance	18
37	Compliance with security requirements	19	37	Conditions de sécurité	19
38	Functions of Review Committee	19	38	Fonctions du comité de surveillance	19
39	Committee procedures	20	39	Procédure	20
40	Review	20	40	Recherches	20
	COMPLAINTS	21		PLAINTES	21
41	Complaints	21	41	Plaintes	21
42	Denial of security clearance	21	42	Refus d'une habilitation de sécurité	21
43	Member of the Committee authorized to		43	Délégation de compétence	22
	act alone	22			
44	Complaints submitted on behalf of		44	Représentants	22
	complainants	-22			
45	Written complaint	23	45	Plaintes écrites	23
46	Statement and notice of hearing to be	22	46	Résumé au plaignant	23
38	sent to the complainant	23		E	474
	Investigations	23		Enquêtes	23
47	Notice of intention to investigate	23	47	Avis d'enquête	23
48	Investigations in private	23	48	Secret	23
49	Canadian Human Rights Commission		49	Commentaires de la Commission	
	may comment	23		canadienne des droits de la personne	23
50	Powers of Review Committee	24	50	Pouvoirs du comité de surveillance	24
51	Evidence in other proceedings	24	51	Inadmissibilité de la preuve dans d'autres	***
50	Tr. CF.	24	50	procédures	24
52	Report of findings	24	52	Rapport et recommandation	24
	REPORTS	25		RAPPORTS	25
53	Annual reports	25	53	Rapport annuel	25
54	Minister's briefings	25	54	Questions portées à l'attention du ministre	25
55	Protection of confidential information	25	55	Protection des renseignements	
				confidentiels	25

Service canadien du renseignement de sécurité — 17 juin 2015

Section		Page	Article		Page
	PART IV			PARTIE IV	
	REVIEW BY PARLIAMENT	25		EXAMEN PARLEMENTAIRE	25
56	Review of Act after five years	25	56	Examen de la loi après cinq ans	25
	SCHEDULE	27		ANNEXE	27
	RELATED PROVISIONS	28		DISPOSITIONS CONNEXES	28

5

SIS-1

Tab/Onglet1



R.S.C., 1985, c. C-23

L.R.C., 1985, ch. C-23

An Act to establish the Canadian Security Intelligence Service

SHORT TITLE

Short title

 This Act may be cited as the Canadian Security Intelligence Service Act.

1984. c. 21, s. 1.

INTERPRETATION

Definitions

2. In this Act.

"department" «ministère» "department", in relation to the government of Canada or of a province, includes

- (a) any portion of a department of the Government of Canada or of the province, and
- (b) any Ministry of State, institution or other body of the Government of Canada or of the province or any portion thereof;

"Deputy Minister" www.ministress "Deputy Minister" means the Deputy Minister of Public Safety and Emergency Preparedness and includes any person acting for or on behalf of the Deputy Minister of Public Safety and Emergency Preparedness;

"Director"

"Director" means the Director of the Service;

"employee" «employé» "employee" means a person who is appointed as an employee of the Service pursuant to subsection 8(1) or has become an employee of the Service pursuant to subsection 66(1) of the Canadian Security Intelligence Service Act, chapter 21 of the Statutes of Canada, 1984, and includes a person who is attached or seconded to the Service as an employee;

"Toreign state" "État étranger) "foreign state" means any state other than Canada;

"human source" a suprehumainen "human source" means an individual who, after having received a promise of confidentiality, has provided, provides or is likely to provide information to the Service; Loi constituant le Service canadien du renseignement de sécurité

TITRE ABRÉGÉ

 Loi sur le Service canadien du renseignement de sécurité.

1984, ch. 21, art 1

DÉFINITIONS

 Les définitions qui suivent s'appliquent à la présente loi.

«comité de surveillance» Le comité de surveillance des activités de renseignement de sécurité constitué par le paragraphe 34(1).

«directeur» Le directeur du Service.

«employé» Personne nommée employé du Service en vertu du paragraphe 8(1) ou qui l'est devenue en vertu du paragraphe 66(1) de la Loi sur le Service canadien du renseignement de sécurité, chapitre 21 des Statuts du Canada de 1984. Sont comprises parmi les employés les personnes affectées au Service ou détachées auprès de lui à titre d'employé.

«État étranger» État autre que le Canada.

«évaluation de sécurité» Évaluation de la loyauté d'un individu envers le Canada et, à cet égard, de sa fiabilité.

«inspecteur général» [Abrogée, 2012, ch. 19, art. 378]

«intercepter» S'entend au sens de l'article 183 du Code criminel.

«juge» Juge de la Cour fédérale choisi pour l'application de la présente loi par le juge en chef de ce tribunal.

«lieux» Sont assimilés à des lieux les moyens de transport. Time abrégé

Détinitions

«comité de surveillance» "Review Committee"

«directour»

« employé » "employee"

«État étranger» "forcign state"

e évaluation de sécurité » "sectativ assessment"

«intercepte:» "intercept"

> wjugen "Judge"

elieux e

"Inspector General" [Repealed, 2012, c. 19, s. 378]

"intercept" wintercepterw "intercept" has the same meaning as in section 183 of the Criminal Code;

judge" «juge» "judge" means a judge of the Federal Court designated by the Chief Justice thereof for the purposes of this Act;

"Minister" aministry a

"Minister" means the Minister of Public Safety and Emergency Preparedness;

"place" «lieux» "place" includes any conveyance;

"Review Committee" «comité de surveillance» "Review Committee" means the Security Intelligence Review Committee established by subsection 34(1);

"security assessment" «évaluation de sécurité» "security assessment" means an appraisal of the loyalty to Canada and, so far as it relates thereto, the reliability of an individual;

"Service" «Service» "Service" means the Canadian Security Intelligence Service established by subsection 3(1);

"threats to the security of Canada" «menaces envers la sécurité du Canada»

"threats to the security of Canada" means

- (a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage,
- (b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person,
- (c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state, and
- (d) activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada.

but does not include lawful advocacy, protest or dissent unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d).

R.S., 1985, c. C-23, s. 2; 2001, c. 41, s. 89; 2005, c. 10, s. 13; 2012, c. 19, s. 278; 2015, c. 9, s. 2.

«menaces envers la sécurité du Canada» Constituent des menaces envers la sécurité du Canada les activités suivantes :

- a) l'espionnage ou le sabotage visant le Canada ou préjudiciables à ses intérêts, ainsi que les activités tendant à favoriser ce genre d'espionnage ou de sabotage;
- b) les activités influencées par l'étranger qui touchent le Canada ou s'y déroulent et sont préjudiciables à ses intérêts, et qui sont d'une nature clandestine ou trompeuse ou comportent des menaces envers quiconque;
- c) les activités qui touchent le Canada ou s'y déroulent et visent à favoriser l'usage de la violence grave ou de menaces de violence contre des personnes ou des biens dans le but d'atteindre un objectif politique, religieux ou idéologique au Canada ou dans un État étranger;
- d) les activités qui, par des actions cachées et illicites, visent à saper le régime de gouvernement constitutionnellement établi au Canada ou dont le but immédiat ou ultime est sa destruction ou son renversement, par la violence.

La présente définition ne vise toutefois pas les activités licites de défense d'une cause, de protestation ou de manifestation d'un désaccord qui n'ont aucun lien avec les activités mentionnées aux alinéas a) à d).

«ministère» Sont compris parmi les ministères:

- o) tout secteur d'un ministère du gouvernement du Canada ou d'une province;
- b) l'ensemble ou tout secteur d'un département d'État, d'une institution ou d'un autre organisme du gouvernement du Canada ou d'une province.

«ministre» Le ministre de la Sécurité publique et de la Protection civile.

«Service» Le Service canadien du renseignement de sécurité constitué par le paragraphe 3(1).

« source humaine » Personne physique qui a reçu une promesse d'anonymat et qui, par la suite, a fourni, fournit ou pourrait vraisemblablement fournir des informations au Service. amenaces envers la securité du Canada » "the eats to the security of Canada"

aministère » "department"

«ministre» "Minister"

«Service» "Service"

« source humaine » "human source"

«sous-ministre» Le sous-ministre de la Sécurité publique et de la Protection civile ou toute personne qui agit en son nom.

"Sous-ministre »
"Deputy
"Minister"

L.R. (1985), eb. C-23, art. 2; 2001, ch. 41, art. 89; 2005, eb. 10, art. 13; 2012, ch. 19, art. 378; 2015, cb. 9, art. 2.

PARTI

CANADIAN SECURITY INTELLIGENCE SERVICE

ESTABLISHMENT OF SERVICE

Establishment of Service 3. (1) The Canadian Security Intelligence Service is hereby established, consisting of the Director and employees of the Service.

Principal office

(2) The principal office of the Service shall be in the National Capital Region described in the schedule to the National Capital Act.

Other offices

(3) The Director may, with the approval of the Minister, establish other offices of the Service elsewhere in Canada.

1984, c. 21, s. 3.

DIRECTOR

Appointment

 (1) The Governor in Council shall appoint the Director of the Service.

Term of office

(2) The Director shall be appointed to hold office during pleasure for a term not exceeding five years.

Re-appointment

(3) Subject to subsection (4), the Director is eligible, on the expiration of a first or any subsequent term of office, to be re-appointed for a further term not exceeding five years.

Limitation

(4) No person shall hold office as Director for terms exceeding ten years in the aggregate.

Absence or incapacity

(5) In the event of the absence or incapacity of the Director, or if the office of Director is vacant, the Governor in Council may appoint another person to hold office instead of the Director for a term not exceeding six months, and that person shall, while holding that office, have all of the powers, duties and functions of the Director under this Act or any other Act of Parliament and be paid such salary or other remuneration and expenses as may be fixed by the Governor in Council.

1984, c. 21, s. 4.

Salary and expenses

5. (1) The Director is entitled to be paid a salary to be fixed by the Governor in Council

PARTIE I

SERVICE CANADIEN DU RENSEIGNEMENT DE SÉCURITÉ

CONSTITUTION

 (1) Est constitué le Service canadien du renseignement de sécurité, composé de son directeur et de ses employés.

Siège

Constitution

(2) Le siège du Service est fixé dans la région de la capitale nationale définie à l'annexe de la Loi sur la capitale nationale.

(3) Le directeur peut, avec l'approbation du

ministre, établir des bureaux du Service ailleurs au Canada.

1984, ch. 21, art. 3.

DIRECTEUR

4. (1) Le gouverneur en conseil nomme le directeur.

Nomination

(2) Le directeur occupe son poste à titre amovible pour une durée maximale de cinq ans.

Mandat

(3) Sous réserve du paragraphe (4), le mandat du directeur est renouvelable pour une durée maximale idéntique. Renouvellement

(4) La durée d'occupation maximale du poste de directeur par le même titulaire est de dix ans

Durée limite

(5) En cas d'absence ou d'empêchement du directeur ou de vacance de son poste, le gouverneur en conseil peut nommer un intérimaire pour un mandat maximal de six mois; celul-ci exerce alors les pouvoirs et fonctions conférés au directeur en vertu de la présente loi ou de toute autre loi fédérale et reçoit la rémunération et les frais que fixe le gouverneur en conseil.

1984, eli: 21, art. 4.

.

Absence ou empéchement

5. (1) Le directeur a le droit de recevoir le traitement que fixe le gouverneur en conseil et Traitement et Peis

3

Tab/Onglet1

Page/Page 0008 -

and shall be paid reasonable travel and living expenses incurred by the Director in the performance of duties and functions under this Act

Pension benefits

(2) The provisions of the Public Service Superunnuation Act, other than those relating to tenure of office, apply to the Director, except that a person appointed as Director from outside the public service, as defined in the Public Service Superannuation Act, may, by notice in writing given to the President of the Treasury Board not more than sixty days after the date of appointment, elect to participate in the pension plan provided by the Diplomatic Service (Special) Superannuation Act, in which case the provisions of that Act, other than those relating to tenure of office, apply to the Director from the date of appointment and the provisions of the Public Service Superannuation Act do not apply.

R,S., 1985, c. C-23, s. 5; 2003, c. 22, s. 225(E).

MANAGEMENT OF SERVICE

Role of Director

 (1) The Director, under the direction of the Minister, has the control and management of the Service and all matters connected therewith.

Minister may issue directions (2) In providing the direction referred to in subsection (1), the Minister may issue to the Director written directions with respect to the Service and a copy of any such direction shall, forthwith after it is issued, be given to the Review Committee.

Directions deemed not to be statutory instruments (3) Directions issued by the Minister under subsection (2) shall be deemed not to be statutory instruments for the purposes of the Statutory Instruments Act.

Periodic reports by Director (4) The Director shall, in relation to every 12-month period or any lesser period that is specified by the Minister, submit to the Minister, at any times that the Minister specifies, reports with respect to the Service's operational activities during that period, and shall cause the Review Committee to be given a copy of each such report.

R.S., 1985, c. C-23, s. 6; 2012, c. 19, s. 379.

Consultation with Deputy Minister

- 7. (1) The Director shall consult the Deputy
 - (a) the general operational policies of the Service; and

est indomnisé des frais de déplacement et de séjour entraînés par l'exercice des fonctions qui lui sont conférées en application de la présente loi.

(2) Les dispositions de la Loi sur la pension de la fonction publique qui ne traitent pas d'occupation de poste s'appliquent au directeur; toutefois, s'il est choisi en dehors de la fonction publique, au sens de la loi mentionnée ci-dessus, il peut, par avis écrit adressé au président du Conseil du Trésor dans les soixante jours suivant sa date de nomination, choisir de cotiser au régime de pension prévu par la Loi sur la pension spéciale du service diplomatique: dans ce cas, il est assujettí aux dispositions de cette loi qui ne traitent pas d'occupation de poste.
LR. (1985), ch. C-23, art. 5; 2003, ch. 22, art. 225(A).

Régione de pension

GESTION

6. (1) Sous la direction du ministre, le directeur est chargé de la gestion du Service et de tout ce qui s'y rattache.

- (2) Dans l'exercice de son pouvoir de direction visé au paragraphe (1). le ministre peut donner par écrit au directeur des instructions concernant le Service; un exemplaire de cellesci est transmis au comité de surveillance dès qu'elles sont données.
- (3) Les instructions visées au paragraphe (2) sont réputées ne pas être des textes réglementaires au sens de la Loi sur les textes réglementuires.
- (4) Pour chaque période de douze mois d'activités opérationnelles du Service ou pour les périodes inférieures à douze mois et aux moments précisés par le ministre, le directeur présente à celui-ci des rapports sur ces activités; il en fait remettre un exemplaire au comité de surveillance.

L.R. (1985), ch. C-23, art. 6; 2012, ch. 19, art. 379.

- 7. (1) Le directeur consulte le sous-ministre sur les points suivants :
 - a) l'orientation générale des opérations du Service:

Rôle du directeur

Instructions du

Non-application de la Lni sur les textes règlementaires

Rapports périodiques

Consultation du sous-ministre

(b) any matter with respect to which consultation is required by directions issued under subsection 6(2).

Idem

(2) The Director or any employee designated by the Minister for the purpose of applying for a warrant under section 21 or 23 shall consult the Deputy Minister before applying for the warrant or the renewal of the warrant.

Advice by Deputy Minister (3) The Deputy Minister shall advise the Minister with respect to directions issued under subsection 6(2) or that should, in the opinion of the Deputy Minister, be issued under that subsection.

1984, c. 21, s. 7.

Powers and functions of Director

- 8. (1) Notwithstanding the Financial Administration Act and the Public Service Employment Act, the Director has exclusive authority to appoint employees and, in relation to the human resources management of employees, other than persons attached or seconded to the Service as employees,
 - (a) to provide for the terms and conditions of their employment, and
 - (b) subject to the regulations,
 - (i) to exercise the powers and perform the functions of the Treasury Board relating to human resources management under the Financial Administration Act, and
 - (ii) to exercise the powers and perform the functions assigned to the Public Service Commission by or pursuant to the Public Service Employment Act.

Discipline and grievances of employees (2) Notwithstanding the Public Service Labour Relations Act but subject to subsection (3) and the regulations, the Director may establish procedures respecting the conduct and discipline of, and the presentation, consideration and adjudication of grievances in relation to employees, other than persons attached or seconded to the Service as employees.

Adjudication of employee grievances (3) When a grievance is referred to adjudication, the adjudication shall not be heard or determined by any person, other than a full-time member of the Public Service Labour Relations and Employment Board that is established by subsection 4(1) of the Public Service Labour Relations and Employment Board Act.

- b) toute autre question à l'égard de laquelle les instructions visées au paragraphe 6(2) exigent une pareille consultation.
- (2) Le directeur ou un employé désigné par le ministre aux fins d'une demande de mandat en vertu des articles 21 où 23 consulte le sousministre avant de présenter la demande de mandat ou de renouvellement du mandat.
- (3) Le sous-ministre conseille le ministre sur les instructions déjà données ou à donner, selon lui, en vertu du paragraphe 6(2).

1984, ch. 21, att. 7

- 8. (1) Par dérogation à la Loi sur la gestion des finances publiques et à la Loi sur l'emploi dans la fonction publique, le directeur a le pouvoir exclusif de nommer les employés et, en matière de gestion des ressources humaines du Service, à l'exception des personnes affectées au Service ou détachées auprès de lui à tître d'employé:
 - a) de déterminer leurs conditions d'emploi;
 - b) sous réserve des règlements :
 - (i) d'exercer les attributions conférées au Conseil du Trésor en vertu de la Loi sur la gestion des finances publiques en cette matière,
 - (ii) d'exercer les attributions conférées à la Commission de la fonction publique sous le régime de la Loi sur l'emploi dans la fonction publique.
- (2) Par dérogation à la Loi sur les relations de travail dans la fonction publique mais sous réserve du paragraphe (3) et des règlements, le directeur peut établir des règles de procédure concernant la conduite et la discipline des employés, à l'exception des personnes affectées au Service ou détachées auprès de lui à titre d'employé, la présentation par les employés de leurs griefs, l'étude de ces griefs et leur renvoi à l'arbitrage.
- (3) Les griefs renvoyés à l'arbitrage ne peuvent être entendus et tranchés que par un membre à temps plein de la Commission des relations de travail et de l'emploi dans la fonction publique créée par le paragraphe 4(1) de la Loi sur la Commission des relations de travuil et de l'emploi dans la fonction publique.

Idem

Conseils du sous-ministre

Attributions that

Conduite des employés et griefs

Arbitrants

Regulations

- (4) The Governor in Council may make regulations
 - (a) governing the exercise of the powers and the performance of the duties and functions of the Director referred to in subsection (1);
 and
 - (b) in relation to employees to whom subsection (2) applies, governing their conduct and discipline and the presentation, consideration and adjudication of grievances.

R.S., 1985, c. C-23, s. 8; 2003, c. 22, ss. 143, 234; 2013, c. 40, s. 449.

Process for resolution of disputes of support staff

- (1) Notwithstanding the Public Service Labour Relations Act,
 - (a) the process for resolution of a dispute applicable to employees of the Service in a bargaining unit determined for the purposes of that Act is by the referral of the dispute to arbitration; and
 - (b) the process for resolution of a dispute referred to in paragraph (a) shall not be altered pursuant to that Act.

Public Service Superannuation Act (2) Employees of the Service shall be deemed to be employed in the public service for the purposes of the Public Service Superannuation Act.

R.S., 1985, c. C-23, s. 9; 2003, c. 22, ss. 144(E), 225(E)

9.1 [Repealed, 2003, c. 22, s. 145]

Oaths

10. The Director and every employee shall, before commencing the duties of office, take an oath of allegiance and the oaths set out in the schedule.

1984, c. 21, s. 10.

Certificate

11. A certificate purporting to be issued by or under the authority of the Director and stating that the person to whom it is issued is an employee or is a person, or a person included in a class of persons, to whom a warrant issued under section 21 or 23 is directed is evidence of the statements contained therein and is admissible in evidence without proof of the signature or official character of the person purporting to have issued it.

1984 c. 21. s. 11.

DUTIES AND FUNCTIONS OF SERVICE

Collection, unallysis and retention 12. (1) The Service shall collect, by investigation or otherwise, to the extent that it is

- (4) Le gouverneur en conseil peut prendre des réglements :
 - a) pour régir l'exercice par le directeur des pouvoirs et fonctions que lui confère le paragraphe (1);
 - b) sur la conduite et la discipline des employés visés au paragraphe (2), la présentation de griefs par ceux-ci, l'étude de ces griefs et leur renvoi à l'arbitrage.
- L.R. (1985), ch. C-23, art. 8; 2003, ch. 22, art. 143 et 234; 2013, ch. 40, art. 449.
- 9. (1) Par dérogation à la Loi sur les relations de travail dans la fonction publique :
 - a) le mode de règlement des différends applicable aux employés qui font partie d'une unité de négociation déterminée pour l'application de cette loi est l'arbitrage;
 - b) cette loi ne peut être invoquée pour modifier le mode de règlement des différends visé à l'alinéa a).
- (2) Les employés sont présumés faire partie de la fonction publique pour l'application de la Loi sur la pension de la fonction publique.

L.R. (1985), ch. C-23, art. 9; 2003, ch. 22, art. 144(A) ct 225(A).

- 9.1 [Abrogé, 2003, ch. 22, art. 145]
- 10. Avant de prendre leurs fonctions, le directeur et les employés prêtent le serment d'allégeance ainsi que les serments mentionnés à l'annexe.

1984, ch. 21, art. 10.

11. Le certificat censé être délivré par le directeur ou sous son autorité, où il est déclaré que son titulaire est un employé ou est une personne, ou appartient à une catégorie, destinataire d'un mandat décerné en vertu des articles 21 ou 23, fait foi de son contenu et est admissible en preuve sans qu'il soit nécessaire de prouver l'authenticité de la signature ou la qualité officielle de la personne censée l'avoir délivré.

1984, ch. 21, art. 11.

FONCTIONS DU SERVICE

12. (1) Le Service recueille, au moyen d'enquêtes ou autrement, dans la mesure strictement Réglements

Mode de réglement des différends : personnel de soutien

Loi sur la peasion de la fonction publique

Semients

Certificat

Informations et conseignements

6

SIS-1

Tab/Onglet1

strictly necessary, and analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and, in relation thereto, shall report to and advise the Government of Canada.

No territorial limit (2) For greater certainty, the Service may perform its duties and functions under subsection (1) within or outside Canada.

R.S., 1985, c. C-23, s. 12; 2015, c. 9, s. 3.

Security assessments 13. (1) The Service may provide security assessments to departments of the Government of Canada.

Arrangements with provinces

- (2) The Service may, with the approval of the Minister, enter into an arrangement with
 - (a) the government of a province or any department thereof, or
 - (b) any police force in a province, with the approval of the Minister responsible for policing in the province.

authorizing the Service to provide security as-

Arrangements with foreign states (3) The Service may, with the approval of the Minister after consultation by the Minister with the Minister of Foreign Affairs, enter into an arrangement with the government of a forcigu state or an institution thereof or an institution thereof authorizing the Service to provide the government, institution or organization with security assessments.

R.S., 1985, c. C-23, s. 15; 1995, c. 5, s. 25

Advice to Ministers

- 14. The Service may
- (a) advise any minister of the Crown on matters relating to the security of Canada, or
- (b) provide any minister of the Crown with information relating to security matters or criminal activities,

that is relevant to the exercise of any power or the performance of any duty or function by that Minister under the Citizenship Act or the Immigration and Refugee Protection Act.

R.S., 1985, c. C-23, s. 14; 2001, c. 27, s. 323.

Investigations

15. (1) The Service may conduct such investigations as are required for the purpose of

nécessaire, et analyse et conserve les informations et renseignements sur les activités dont il existe des motifs raisonnables de soupçonner qu'elles constituent des menaces envers la sécurité du Canada; il en fait rapport au gouvernement du Canada et le conseille à cet égard.

(2) Il est entendu que le Service peut exercer les fonctions que le paragraphe (1) lui confère même à l'extérieur du Canada.

L.R. (1985), ch. C-23, art. 12; 2015, ch. 9, art. 3.

- (1) Le Service peut fournir des évaluations de sécurité aux ministères du gouvernement du Canada.
- (2) Le Service peut, avec l'approbation du ministre, conclure des ententes avec :
 - a) le gouvernement d'une province ou l'un de ses ministères;
 - b) un service de police en place dans une province, avec l'approbation du ministre provincial chargé des questions de police.

Ces ententes autorisent le Service à fournir des évaluations de sécurité.

(3) Le Service peut, avec l'approbation du ministre, après consultation entre celui-ci et le ministre des Affaires étrangères, conclure avec le gouvernement d'un État étranger ou l'une de ses institutions, ou une organisation internationale d'États ou l'une de ses institutions, des ententes l'autorisant à leur fournir des évaluations de sécurité.

L.R. (1985), ch. C-23, cirt. 13; 1995, ch. 5, art. 25;

14. Le Service peut :

- a) fournir des conseils à un ministre sur les questions de sécurité du Canada;
- b) transmettre des informations à un ministre sur des questions de sécurité ou des activités criminelles,

dans la mesure où ces conseils et informations sont en rapport avec l'exercice par ce ministre des pouvoirs et fonctions qui lui sont conférés en vertu de la Loi sur la citovenneté ou de la Loi sur l'immigration et la protection des réfugiés.

L.R. (1985), ch. C-23, art. 14: 2001, ch. 27, art. 223.

15. (1) Le Service peut mener les enquêtes qui sont nécessaires en vue des évaluations de

Aucune limite tetritoriale

Évaluations de

Ententes avec les provinces

Ententes avec des États étrangers

Conseils aux ministres

Enquêtes

7

CSIS-1

Tab/Onglet1

providing security assessments pursuant to section 13 or advice pursuant to section 14.

No territorial

- (2) For greater certainty, the Service may conduct the investigations referred to in subsection (1) within or outside Canada.
- R.S., 1985, c. C-23, s. 15; 2015, c. 9, s. 4.

Collection of information concerning foreign states and persons

- 16. (1) Subject to this section, the Service may, in relation to the defence of Canada or the conduct of the international affairs of Canada, assist the Minister of National Defence or the Minister of Foreign Affairs, within Canada, in the collection of information or intelligence relating to the capabilities, intentions or activities of
 - (a) any foreign state or group of foreign states; or
 - (b) any person other than
 - (i) a Canadian citizen,
 - (ii) a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act, or
 - (iii) a corporation incorporated by or under an Act of Parliament or of the legislature of a province.

Limitation

(2) The assistance provided pursuant to subsection (1) shall not be directed at any person referred to in subparagraph (1)(b)(i), (ii) or (iii).

Personal consent of Ministers required

- (3) The Service shall not perform its duties and functions under subsection (1) unless it does so
 - (a) on the personal request in writing of the Minister of National Defence or the Minister of Foreign Affairs; and
 - (b) with the personal consent in writing of the Minister.

R.S., 1985, c, C-23, s. 16; 1995, c. 5, s. 25; 2001, c. 27, s. 224; 2015, c. 3, s. 34(F). c. 9, s. 5(F).

Cooperation

- 17. (1) For the purpose of performing its duties and functions under this Act, the Service may,
 - (a) with the approval of the Minister, enter into an arrangement or otherwise cooperate with

sécurité et des conseils respectivement visés aux articles 13 et 14.

(2) Il est entendu que le Service peut mener les enquêtes visées au paragraphe (1) même à l'extérieur du Canada.

L.R. (1985), ch. C-23, art. 15; 2015, ch. 9, art. 4.

- 16. (1) Sous réserve des autres dispositions du présent article, le Service peut, dans les domaines de la défense et de la conduite des affaires internationales du Canada, prêter son assistance au ministre de la Défense nationale ou au ministre des Affaires étrangères, dans les limites du Canada, à la collecte d'informations ou de renseignements sur les moyens, les intentions ou les activités :
 - a) d'un État etranger ou d'un groupe d'États étrangers;
 - b) d'une personne qui n'appartient à aucune des catégories suivantes;
 - (i) les citoyens canadiens,
 - (ii) les résidents permanents au sens du paragraphe 2(1) de la Loi sur l'immigration et la protection des réfugiés,
 - (iii) les personnes morales constituées sous le régime d'une loi fédérale ou provinciale.
- (2) L'assistance autorisée au paragraphe (1) est subordonnée au fait qu'elle ne visc pas des personnes mentionnées à l'alinéa (1)b).
- (3) L'exercice par le Service des fonctions visées au paragraphe (1) est subordonné :
 - a) à une demande personnelle écrite du ministre de la Défense nationale ou du ministre des Affaires étrangères;
 - b) au consentement personnel écrit du ministre.

L.R. (1985), ch. C-23, an. 16: 1995, ch. 5, an. 25; 2001, ch. 27, art. 224; 2015, ch. 3, art. 34(F), ch. 9, art. 5(F)

- 17. (1) Dans l'exercice des fonctions qui lui sont conférées en vertu de la présente loi, le Service peut :
 - avec l'approbation du ministre, conclure des ententes ou, d'une laçon générale, coopèrer avec :

Augung limite

Assistance

Restriction

Consentement personnel des ministres

Coopération

- (i) any department of the Government of Canada or the government of a province or any department thereof, or
- (ii) any police force in a province, with the approval of the Minister responsible for policing in the province; or
- (b) with the approval of the Minister after consultation by the Minister with the Minister of Foreign Affairs, enter into an arrangement or otherwise cooperate with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof.

Copies of arrangements to Review Committee (2) Where a written arrangement is entered into pursuant to subsection (1) or subsection 13(2) or (3), a copy thereof shall be given forthwith to the Review Committee.

R.S., 1985, c. C-23, s. 17; 1995, c. 5, s. 25.

Offence to disclose identity 18. (1) Subject to subsection (2), no person shall knowingly disclose any information that they obtained or to which they had access in the course of the performance of their duties and functions under this Act or their participation in the administration or enforcement of this Act and from which could be inferred the identity of an employee who was, is or is likely to become engaged in covert operational activities of the Service or the identity of a person who was an employee engaged in such activities.

Exceptions

(2) A person may disclose information referred to in subsection (1) for the purposes of the performance of duties and functions under this Act or any other Act of Parliament or the administration or enforcement of this Act or as required by any other law or in the circumstances described in any of paragraphs 19(2)(a) to (d).

Offence

- (3) Every one who contravenes subsection (1)
 - (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
 - (b) is guilty of an offence punishable on summary conviction.

R.S., 1985, r. C-23, s. 18; 2015, c. 9. s. 6.

- (i) les ministères du gouvernement du Canada, le gouvernement d'une province ou l'un de ses ministères,
- (ii) un service de police en place dans une province, avec l'approbation du ministre provincial chargé des questions de police;
- b) avec l'approbation du ministre, après consultation entre celui-ci et le ministre des Affaires étrangères, conclure des ententes ou, d'une façon générale, coopérer avec le gouvernement d'un État étranger ou l'une de ses institutions, ou une organisation internationale d'États ou l'une de ses institutions.
- (2) Un exemplaire du texte des ententes écrites conclues en verta du paragraphe (1) ou des paragraphes 13(2) ou (3) est transmis au comité de surveillance immédiatement après leur conclusion.

L.R. (1985), ch. C-23, art. 17; 1995, ch. 5, art. 25.

- 18. (1) Sous réserve du paragraphe (2), nul ne peut sciemment communiquer des informations qu'il a acquises ou auxquelles il avait accès dans l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ou lors de sa participation à l'exécution ou au contrôle d'application de cette loi et qui permettraient de découvrir l'identité d'un employé qui a participé, participe ou pourrait vraisemblablement participer à des activités opérationnelles cachées du Service ou l'identité d'une personne qui était un employé et à participé à de telles activités.
- (2) La communication visée au paragraphe (1) peut se faire dans l'exercice de fonctions conférées en vertu de la présente loi ou de toute autre loi fédérale ou pour l'exécution ou le contrôle d'application de la présente loi, si une autre règle de droit l'exige ou dans les circonstances visées aux alinéas 19(2)a) à d).
- (3) Quiconque contrevient au paragraphe (1) est coupable :
 - a) soit d'un acte criminel et passible d'un emprisonnement maximal de cinq ans;
 - b) soit d'une infraction punissable par procédure sommaire.

L.R. (1985), ch. C-23, erc. 18: 2015, ch. 9, art. 6

Transmission des ententes au comité de surveillance

Instruction communication de l'identité

Exceptions

Infraction

Purpose of section human sources 18.1 (1) The purpose of this section is to ensure that the identity of human sources is kept confidential in order to protect their life and security and to encourage individuals to provide information to the Service.

Prohibition on disclosure (2) Subject to subsections (3) and (8), no person shall, in a proceeding before a court, person or body with jurisdiction to compel the production of information, disclose the identity of a human source or any information from which the identity of a human source could be inferred.

Exception —

(3) The identity of a human source or information from which the identity of a human source could be inferred may be disclosed in a proceeding referred to in subsection (2) if the human source and the Director consent to the disclosure of that information.

Application to

- (4) A party to a proceeding referred to in subsection (2), an amicus curiae who is appointed in respect of the proceeding or a person who is appointed to act as a special advocate if the proceeding is under the *Immigration and Refugee Protection Act* may apply to a judge for one of the following orders if it is relevant to the proceeding:
 - (a) an order declaring that an individual is not a human source or that information is not information from which the identity of a human source could be inferred; or
 - (b) if the proceeding is a prosecution of an offence, an order declaring that the disclosure of the identity of a human source or information from which the identity of a human source could be inferred is essential to establish the accused's innocence and that it may be disclosed in the proceeding.

Contents and service of application (5) The application, and the applicant's affidavit deposing to the facts relied on in support of the application shall be filed in the Registry of the Federal Court. The applicant shall, without delay after the application and affidavit are filed, serve a copy of them on the Attorney General of Canada.

Attorney General of Canada (6) Once served, the Attorney General of Canada is deemed to be a party to the applica-

- 18.1 (1) Le présent article vise à préserver l'anonymat des sources humaines afin de protéger leur vie et leur sécurité et d'encourager les personnes physiques à fouruir des informations au Service.
- (2) Sous réserve des paragraphes (3) et (8), dans une instance devant un tribunal, un organisme ou une personne qui ont le pouvoir de contraindre à la production d'informations, nul ne peut communiquer l'identité d'une source humaine ou toute information qui permettrait de découvrir cette identité.
- (3) L'identité d'une source humaine ou une information qui permettrait de découvrir cette identité peut être communiquée dans une instance visée au paragraphe (2) si la source humaine et le directeur y consentent.
- (4) La partie à une instance visée au paragraphe (2), l'amicus curiae nommé dans cette instance ou l'avocat spécial nommé sous le régime de la Loi sur l'immigration et la protection des réfugiés peut demander à un juge de déclarer, par ordonnance, si une telle déclaration est pertinente dans l'instance:
 - a) qu'une personne physique n'est pas une source humaine ou qu'une information ne permettrait pas de découvrir l'identité d'une source humaine;
 - b) dans le cas où l'instance est une poursuite pour infraction, que la communication de l'identité d'une source humaine ou d'une information qui permettrait de découvrir cette identité est essentielle pour établir l'innocence de l'accusé et que cette communication peut être faite dans la poursuite.
- (5) La demande et l'affidavit du demandeur portant sur les faits sur lesquels il fonde celle-ci sont déposés au greffe de la Cour fédérale. Sans délai après le dépôt, le demandeur signific copie de la demande et de l'affidavit au procureur général du Canada.
- (6) Le procureur général du Canada est réputé être partie à la demande dès que celle-ci lui est signifiée.

Objet de l'article
— sources
humaines

Interdiction de communication

Exception --

Demande à un juge

Contenu et signification de la demande

Procureur général du Canada Hearing

(7) The hearing of the application shall be held in private and in the absence of the applicant and their counsel, unless the judge orders otherwise.

disclosure to establish innocente

(8) If the judge grants an application made under paragraph (4)(b), the judge may order the disclosure that the judge considers appropriate subject to any conditions that the judge speci-

Effective date of

(9) It the judge grants an application made under subsection (4), any order made by the judge does not take effect until the time provided to appeal the order has expired or, if the order is appealed and is confirmed, until either the time provided to appeal the judgement confirming the order has expired or all rights of apneal have been exhausted.

Contidentiality

- (10) The judge shall ensure the confidentiality of the following:
 - (a) the identity of any human source and any information from which the identity of a lruman source could be inferred; and
 - (b) information and other evidence provided in respect of the application if, in the judge's opinion, its disclosure would be injurious to national security or endanger the safety of any person.

Confidentiality on appeal

(11) In the case of an appeal, subsection (10) applies, with any necessary modifications, to the court to which the appeal is taken. 2015. c. 9, s. 7.

Authorized intonnation

19. (1) Information obtained in the performance of the duties and functions of the Service under this Act shall not be disclosed by the Service except in accordance with this section.

Lem

- (2) The Service may disclose information referred to in subsection (1) for the purposes of the performance of its duties and functions under this Act or the administration or enforcement of this Act or as required by any other law and may also disclose such information,
 - (a) where the information may be used in the investigation or prosecution of an alleged contravention of any law of Canada or a province, to a peace officer having jurisdiction to investigate the alleged contravention and to the Attorney General of Canada and the Attorney General of the province in

(7) La demande est entendue à huis clos et en l'absence du demandeur et de son avocat, sauf si le juge en ordonne autrement.

Andition

(8) Si le juge accueille la demande présentée au titre de l'alinéa (4)b), il peut ordonner la communication qu'il estime indiquée sous réserve des conditions qu'il précise,

Cadonnaice de communication pour établic

(9) Si la demande présentée au titre du paragraphe (4) est accueillie, l'ordonnance prend effet après l'expiration du délai prévu pour en appeler ou, en cas d'appel, après sa confirmation el l'épuisement des recours en appel.

Prise d'effet de

(10) Il incombe au juge de garantir la confidentialité :

Contidentialité

- a) d'une part, de l'identité de toute source humaine ainsi que de toute information qui permettrait de découvrir cette identité;
- b) d'autre part, des informations et autres éléments de preuve qui lui sont fournis dans le cadre de la demande et dont la communication porterait atteinte, selon lui, à la sécurité nationale ou à la sécurité d'autrui.
- (11) En cas d'appel, le paragraphe (10) s'applique, avec les adaptations nécessaires, aux tribunaux d'appel.

2015, ch. 9, art. 7.

- 19. (1) Les informations qu'acquiert le Service dans l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ne peuvent être communiquées qu'en conformité avec le présent article.
- (2) Le Service peut, en vue de l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ou pour l'exécution ou le contrôle d'application de celle-ci, ou en conformité avec les exigences d'une autre règle de droit, communiquer les informations visées au paragraphe (1). Il peut aussi les communiquer aux autorités ou personnes suivantes :
 - a) lorsqu'elles peuvent servir dans le cadre d'une enquête ou de poursuites relatives à une infraction présumée à une loi fédérale ou provinciale, aux agents de la paix compétents pour mener l'enquête, au procureur général

Confidentialité en appel

Autorisation de

which proceedings in respect of the alleged contravention may be taken;

- (b) where the information relates to the conduct of the international affairs of Canada, to the Minister of Foreign Affairs or a person designated by the Minister of Foreign Affairs for the purpose;
- (a) where the information is relevant to the defence of Canada, to the Minister of National Defence or a person designated by the Minister of National Defence for the purpose; or
- (d) where, in the opinion of the Minister, disclosure of the information to any minister of the Crown or person in the federal public administration is essential in the public interest and that interest clearly outweighs any invasion of privacy that could result from the disclosure, to that minister or person.

Report to Review Committee (3) The Director shall, as soon as practicable after a disclosure referred to in paragraph (2)(d) is made, submit a report to the Review Committee with respect to the disclosure.

R.S., 1985, c, C-23, s. 19; 1995, c. 5, s. 25; 2003, c. 22, s. 224(E).

Protection of employees

20. (1) The Director and employees have, in performing the duties and functions of the Service under this Act, the same protection under the law as peace officers have in performing their duties and functions as peace officers.

Unlawful conduct

(2) If the Director is of the opinion that an employee may, on a particular occasion, have acted unlawfully in the purported performance of the duties and functions of the Service under this Act, the Director shall cause to be submitted a report in respect thereof to the Minister.

Report and comments to Attorney General of Canada (3) The Minister shall cause to be given to the Attorney General of Canada a copy of any report that he receives pursuant to subsection (2), together with any comment that he considers appropriate in the circumstances.

Copies to Review Committee (4) A copy of anything given to the Attorney General of Canada pursuant to subsection (3) shall be given forthwith to the Review Committee.

1984, c. 21, s. 20.

- du Canada et au procureur général de la province où des poursuites peuvent être intentées à l'égard de cette infraction;
- b) lorsqu'elles concernent la conduite des affaires internationales du Canada, au ministre des Affaires étrangères ou à la personne qu'il désigne à cette fin;
- c) lorsqu'elles concernent la défense du Canada, au ministre de la Défense nationale ou à la personne qu'il désigne à cette fin;
- d) lorsque, selon le ministre, leur communication à un ministre ou à une personne appartenant à l'administration publique fédérale est essentielle pour des raisons d'intérêt public et que celles-ci justifient nettement une éventuelle violation de la vie privée, à ce ministre ou à cette personne.
- (3) Dans les plus brefs délais possible après la communication visée à l'alinéa (2)d), le directeur en fait rapport au comité de surveillance.

t. R. (1985), ch. C-23, art. 19; 1995, ch. 5, art. 25; 2003, ch. 22, art. 224(A).

- 20. (1) Le directeur et les employés bénéficient, dans l'exercice des fonctions conférées au Service en vertu de la présente loi, de la même protection que celle dont bénéficient, en vertu de la loi, les agents de la paix au titre de leurs fonctions.
- (2) Le directeur fait rapport au ministre des actes qui peuvent avoir été accomplis selon lui illicitement, dans des cas particuliers, par des employés dans l'exercice censé tel des fonctions conférées au Service en vertu de la présente loi.
- (3) Le ministre fait transmettre au procureur général du Canada un exemplaire des rapports qu'il reçoit en conformité avec le paragraphe (2), accompagnés des commentaires qu'il juge à propos.
- (4) Un exemplaire de tous les documents transmis au procureur général du Canada en conformité avec le paragraphe (3) est envoyé au comité de surveillance dès leur transmission au procureur général.

1984, ch. 21, art. 20,

Rapport au comité de surveillance

Protection des employés

Agissements

Transmission au procureur genéral

Envoi au comité de surveillance

PART II

JUDICIAL CONTROL

Application for

21. (1) If the Director or any employee designated by the Minister for the purpose believes, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate, within or outside Canada, a threat to the security of Canada or to perform its duties and functions under section 16, the Director or employee may, after having obtained the Minister's approval, make an application in accordance with subsection (2) to a judge for a warrant under this section.

Matters to be specified in application for warrant

- (2) An application to a judge under subsection (1) shall be made in writing and be accompanied by an affidavit of the applicant deposing to the following matters, namely,
 - (a) the facts relied on to justify the belief, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16;
 - (b) that other investigative procedures have been tried and have failed or why it appears that they are unlikely to succeed, that the urgency of the matter is such that it would be impractical to carry out the investigation using only other investigative procedures or that without a warrant under this section it is likely that information of importance with respect to the threat to the security of Canada or the performance of the duties and functions under section 16 referred to in paragraph (a) would not be obtained;
 - (c) the type of communication proposed to be intercepted, the type of information, records, documents or things proposed to be obtained and the powers referred to in paragraphs (3)(a) to (c) proposed to be exercised for that purpose;
 - (d) the identity of the person, if known, whose communication is proposed to be intercepted or who has possession of the information, record, document or thing proposed to be obtained;
 - (e) the persons or classes of persons to whom the warrant is proposed to be directed;

PARTIE II

CONTRÔLE JUDICIAIRE

- 21. (1) Le directeur ou un employé désigné à cette fin par le ministre peut, après avoir obtenu l'approbation du ministre, demander à un juge de décerner un mandat en conformité avec le présent article s'il a des motifs raisonnables de croire que le mandat est nécessaire pour permettre au Service de faire enquête, au Canada ou à l'extérieur du Canada, sur des menaces envers la sécurité du Canada ou d'exercer les fonctions qui lui sont conférées en vertu de l'article 16.
- (2) La demande visée au paragraphe (1) est présentée par écrit et accompagnée de l'affidavit du demandeur portant sur les points suivants:
 - a) les faits sur lesquels le demandeur s'appuie pour avoir des motifs raisonnables de croire que le mandat est nécessaire aux fins visées au paragraphe (1);
 - b) le fait que d'autres méthodes d'enquête ont été essayées en vain, ou la raison pour laquelle elles semblent avoir peu de chances de succès, le fait que l'urgence de l'affaire est telle qu'il serait très difficile de mener l'enquête saus mandat ou le fait que, sans mandat, il est probable que des informations importantes concernant les menaces ou les fonctions visées au paragraphe (1) ne pourraient être acquiscs;
 - c) les catégories de communications dont l'interception, les catégories d'informations, de documents ou d'objets dont l'acquisition, ou les pouvoirs visés aux alinéas (3)a) à c) dont l'exercice; sont à autoriser;
 - d) l'identité de la personne, si elle est connue, dont les communications sont à intercepter ou qui est en possession des informations, documents ou objets à acquérir;
 - e) les personnes ou catégories de personnes destinataires du mandat demandé;
 - f) si possible, une description générale du lieu où le mandat demandé est à exécuter;
 - g) la durée de validité applicable en vertu du paragraphe (5), de soixante jours ou d'un an au maximum, selon le cas, demandée pour le mandat;

Demanda do

Contenu de la

19 of 34

- (f) a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given:
- (g) the period, not exceeding sixty days or one year, as the case may be, for which the warrant is requested to be in force that is applicable by virtue of subsection (5); and
- (h) any previous application made in relation to a person identified in the affidavit pursuant to paragraph (d), the date on which the application was made, the name of the judge to whom each application was made and the decision of the judge thereon.

ys or h the is ap-

Issuance of

- (3) Notwithstanding any other law but subject to the Statistics Act, where the judge to whom an application under subsection (1) is made is satisfied of the matters referred to in paragraphs (2)(a) and (b) set out in the affidavit accompanying the application, the judge may issue a warrant authorizing the persons to whom it is directed to intercept any communication or obtain any information, record, document or thing and, for that purpose,
 - (a) to enter any place or open or obtain access to any thing;
 - (b) to search for, remove or return, or examine, take extracts from or make copies of or record in any other manner the information, record, document or thing; or
 - (c) to install, maintain or remove any thing.

Activities outside Conada (3.1) Without regard to any other law, including that of any foreign state, a judge may, in a warrant issued under subsection (3), authorize activities outside Canada to enable the Service to investigate a threat to the security of Canada.

Matters to be specified in warrant

- (4) There shall be specified in a warrant issued under subsection (3)
- (a) the type of communication authorized to be intercepted, the type of information, records, documents or things authorized to be obtained and the powers referred to in

h) la mention des demandes antérieures touchant des personnes visées à l'alinéa d), la date de chacune de ces demandes, le nom du juge à qui elles ont été présentées et la décision de celui-ci dans chaque cas.

- (3) Par dérogation à toute autre règle de droit mais sous réserve de la Loi sur la statistique, le juge à qui est présentée la demande visée au paragraphe (1) peut décerner le mandat s'il est convaincu de l'existence des faits mentionnés aux alinéas (2)a) et b) et dans l'affidavit qui accompagne la demande; le mandat autorise ses destinataires à intercepter des communications ou à acquérir des informations, documents ou objets. À cette fin, il peut autoriser aussi, de leur part:
 - a) l'accès à un lieu ou un objet ou l'ouverture d'un objet;
 - b) la recherche, l'enlèvement ou la remise en place de tout document ou objet, leur examen, le prélèvement des informations qui s'y trouvent, ainsi que leur enregistrement et l'établissement de copies ou d'extraits par tout procédé;
 - c) l'installation, l'entretien et l'enlèvement d'objets.
- (3.1) Sans égard à toute autre règle de droit, notamment le droit de tout État étranger, le juge peut autoriser l'exercice à l'extérieur du Canada des activités autorisées par le mandat décerné, en vertu du paragraphe (3), pour permettre au Service de faire enquête sur des menaces envers la sécurité du Canada.
- (4) Le mandat décerné en vertu du paragraphe (3) porte les indications suivantes :
 - a) les catégories de communications dont l'interception, les catégories d'informations, de documents ou d'objets dont l'acquisition, ou les pouvoirs visés aux alinéas (3)a) à c) dont l'exercice, sont autorisés;

Délivrance du mandat

Activités à l'extérieur du Canada

Contenu du mandat paragraphs (3)(a) to (c) authorized to be exercised for that purpose:

- (b) the identity of the person, if known, whose communication is to be intercepted or who has possession of the information, record, document or thing to be obtained;
- (c) the persons or classes of persons to whom the warrant is directed;
- (d) a general description of the place where the warrant may be executed, if a general description of that place can be given;
- (e) the period for which the warrant is in force; and
- (f) such terms and conditions as the judge considers advisable in the public interest.

Maximum duration of warrant

- (5) A warrant shall not be issued under subsection (3) for a period exceeding
 - (a) sixty days where the warrant is issued to enable the Service to investigate a threat to the security of Canada within the meaning of paragraph (d) of the definition of that expression in section 2; or
- (b) one year in any other case.
 R.S., 1985, c. C-23, s. 25; 2015, c. 9, s. 8.

Renewal of warrant

- 22. On application in writing to a judge for the renewal of a warrant issued under subsection 21(3) made by a person entitled to apply for such a warrant after having obtained the approval of the Minister, the judge may, from time to time, renew the warrant for a period not exceeding the period for which the warrant may be issued pursuant to subsection 21(5) if satisfied by evidence on oath that
 - (a) the warrant continues to be required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16; and
 - (b) any of the matters referred to in paragraph 21(2)(b) are applicable in the circumstances,

1984, c. 21, s. 22,

Warrant authorizing removal 23. (1) On application in writing by the Director or any employee designated by the Minister for the purpose, a judge may, if the judge thinks fit, issue a warrant authorizing the persons to whom the warrant is directed to remove

- b) l'identité de la personne, si elle est connue, dont les communications sont à intercepter ou qui est en possession des informations, documents ou objets à acquérir;
- c) les personnes ou catégories de personnes destinataires du mandat;
- d) si possible, une description générale du lieu où le mandat peut être exécuté;
- e) la durée de validité du mandat;
- f) les conditions que le juge estime indiquées dans l'intérêt public.
- (5) Il ne peut être décerné de mandat en vertu du paragraphe (3) que pour une période maximale:
 - a) de soixante jours, lorsque le mandat est décerné pour permettre au Service de faire enquête sur des menaces envers la sécurité du Canada au sens de l'alinéa d) de la définition de telles menaces contenue à l'article 2;
 - b) d'un an, dans tout autre cas.
- L.R. (1985), ch. C-23, art. 21; 2015, ch. 9, art. 8.
- 22. Sur la demande écrite, approuvée par le ministre, que lui en fait une personne autorisée à demander le mandat visé au paragraphe 21(3), le juge peut le renouveler, pour une période n'excédant pas celle pour laquelle ce mandat peut être décerné en vertu du paragraphe 21(5), s'il est convaincu par le dossier qui lui est présenté sous serment, à la fois :
 - a) que le mandat reste nécessaire pour permettre au Service de faire enquête sur des menaces envers la sécurité du Canada ou d'exercer les fonctions qui lui sont conférées en vertu de l'article 16;
- b) de l'existence des faits mentionnés à l'alinéa 21(2)b).

1984, ch. 21, art. 22.

23. (1) Sur la demande écrite que lui en fait le directeur ou un employé désigné à cette fin par le ministre, le juge peut, s'il l'estime indiqué, décemer un mandat autorisant ses destinataires à enlever un objet d'un lieu où il avait été Mandat d'enlévement de certains objets

Durée meximale

Renouvellement

from any place any thing installed pursuant to a warrant issued under subsection 21(3) and, for that purpose, to enter any place or open or obtain access to any thing.

Matters to be specified in warrants (2) There shall be specified in a warrant issued under subsection (1) the matters referred to in paragraphs 21(4)(c) to (f).

1984, c. 21, s. 23.

Warrant to have effect notwithstanding other laws

- 24. Notwithstanding any other law, a warrant issued under section 21 or 23
 - (a) authorizes every person or person included in a class of persons to whom the warrant is directed,
 - (i) in the case of a warrant issued under section 21, to exercise the powers specified in the warrant for the purpose of intercepting communications of the type specified therein or obtaining information, records, documents or things of the type specified therein, or
 - (ii) in the case of a warrant issued under section 23, to execute the warrant; and
 - (b) authorizes any other person to assist a person who that other person believes on reasonable grounds is acting in accordance with such a warrant.

1984, c. 21, s. 24.

Crown Liability and Proceedings Act not to apply

- 25. No action lies under section 18 of the Crown Liability and Proceedings Act in respect
 - (a) the use or disclosure pursuant to this Act of any communication intercepted under the authority of a warrant issued under section 21: or
 - (b) the disclosure pursuant to this Act of the existence of any such communication.

R.S., 1985, c. C-23, s. 25: 1993, c. 34, s. 49.

Exclusion of Part VI of Criminal Code 26. Part VI of the Criminal Code does not apply in relation to any interception of a communication under the authority of a warrant issued under section 21 or in relation to any communication so intercepted,

1984. c. 21, s. 26.

Hearing of applications

27. An application under section 21, 22 or 23 to a judge for a warrant or the renewal of a installé en conformité avec un mandat décerné en vertu du paragraphe 21(3). À cette fin, le mandat peut autoriser, de leur part, l'accès à un lieu ou un objet ou l'ouverture d'un objet.

(2) Le mandat décerné en vertu du paragraphe (1) porte les indications mentionnées aux alinéas 21(4)c) à f).

1984, ch. 21, art. 23.

24. Par dérogation à toute autre règle de droit, le mandat décerné en vertu des articles 21 ou 23: Primauté des mandats

Contenti du mandet

- a) autorise ses destinataires, en tant que tels ou au titre de leur appartenance à une catégorie donnée;
 - (i) dans le cas d'un mandat décerné en vertu de l'article 21, à employer les moyens qui y sont indiqués pour effectuer l'interception ou l'acquisition qui y est indiquée,
 - (ii) dans le cas d'un mandat décerné en vertu de l'article 23, à exécuter le mandat;
- b) autorise quiconque à prêter assistance à une personne qu'il a des motifs raisonnables de croire habilitée par le mandat.

1984, ch. 21, art. 24.

- 25. Il ne peut être intenté d'action sous le régime de l'article 18 de la Loi sur la responsabilité civile de l'État et le contentieux administratif à l'égard :
 - a) de l'utilisation ou de la révélation faite en conformité avec la présente loi d'une communication dont l'interception a été autorisée par un mandat décerné en vertu de l'article 21;
 - b) de la révélation faite en conformité avec la présente loi de l'existence de cette communication.

L.R. (1985), ch. C-23, art. 25: 1993, ch. 34, art. 49.

26. La partie VI du Code criminel ne s'applique pas à une interception de communication autorisée par un mandat décerné en vertu de l'article 21 ni à la communication elle-même. Non-application de la partie VI du Code criminel

Non-application

responsobilité

civile de l'Émi et le contentieux

udministratif

1984, ch. 21, art. 26.

27. Une demande de mandat ou de renouvellement de mandat faite à un juge en vertu de

Audition des demandes

16

SIS-1

Tab/Onglet1

warrant shall be heard in private in accordance with regulations made under section 28.

1984, c. 21, s. 27.

Regulations

- 28. The Governor in Council may make regulations
 - (a) prescribing the forms of warrants that may be issued under section 21 or 23;
 - (b) governing the practice and procedure of, and security requirements applicable to, hearings of applications for those warrants and for renewals of those warrants; and
 - (c) notwithstanding the Federal Courts Act and any rules made thereunder, specifying the places where those hearings may be held and the places where, and the manner in which, records or documents concerning those hearings shall be kept.

R.S., 1985, c. C-23, s. 28; 2002, c. 8, s. 182,

PART III

REVIEW

INTERPRETATION

Definition of "deputy head"

- 29. In this Part, "deputy head" means, in re-
 - (a) a department named in Schedule I to the Financial Administration Act, the deputy minister thereof,
 - (b) the Canadian Forces, the Chief of the Defence Staff,
 - (c) the Royal Canadian Mounted Police, the Commissioner,
 - (d) the Service, the Director, and
 - (e) any other portion of the federal public administration, the person designated by order in council pursuant to this paragraph and for the purposes of this Part to be the deputy head of that portion of the federal public administration.

R.S., 1985 c, C-23, s. 29; 2003, c. 22, s. 224(E).

- 30. [Repealed, 2012, c. 19, s. 380]
- 31. [Repealed, 2012, c. 19, s. 380]
- 32. [Repealed, 2012, c. 19, s. 380]
- 33. [Repealed, 2012, c. 19, s. 380]

l'article 21, 22 ou 23 est entendue à huis clos en conformité avec les règlements d'application de l'article 28.

1984, ch. 21, art. 27,

- 28. Le gouverneur en conseil peut, par règlement :
 - a) déterminer la forme des mandats décernés en vertu de l'article 21 ou 23;
 - b) prévoir les règles de pratique et de procédure, ainsi que les conditions de sécurité, applicables à l'audition d'une demande de mandat ou de renouvellement de mandat;
 - c) par dérogation à la Loi sur les Cours fédérales et aux règles établies sous son régime, préciser les lieux où peuvent se tenir les auditions et où doivent être conservés les archives et documents qui s'y rattachent, de même que leur mode de conservation.

L.R. (1985), ch. C-23, art. 28; 2002, ch. 8, art. 182.

PARTIE III

SURVEILLANCE

DEFINITION

- Dans la présente partie, «administrateur général» s'entend :
 - u) à l'égard d'un ministère mentionné à l'annexe I de la Loi sur la gestion des finances publiques, du sous-ministre;
 - b) à l'égard des Forces canadiennes, du chef d'état-major de la défense;
 - c) à l'égard de la Gendannerie royale du Canada, du Commissaire;
 - d) à l'égard du Service, du directeur;
 - e) à l'égard d'un autre secteur de l'administration publique fédérale, de la personne désignée par décret, en vertu du présent alinéa, à titre d'administrateur général de ce secteur pour l'application de la présente partie.

L.R. (1985), ch. C-23, grt. 29: 2003, ch. 22, art. 224(A).

- 30. [Abrogé, 2012, ch. 19, art. 380]
- 31. [Abrogé, 2012, ch. 19, art. 380]
- 32. [Abrogé, 2012, ch. 19, art. 380]
- 33. [Abrogé, 2012, ch. 19, art. 380]

Regiements

Définition de

weneral w

« administrateur

SECURITY INTELLIGENCE REVIEW COMMITTEE

Security Intelligence Review Committee 34. (1) There is hereby established a committee, to be known as the Security Intelligence Review Committee, consisting of a Chairman and not less than two and not more than four other members, all of whom shall be appointed by the Governor in Council from among members of the Queen's Privy Council for Canada who are not members of the Senate or the House of Commons, after consultation by the Prime Minister of Canada with the Leader of the Opposition in the House of Commons and the leader in the House of Commons of each party having at least twelve members in that House.

Term of office

(2) Each member of the Review Committee shall be appointed to hold office during good behaviour for a term not exceeding five years.

Re-appointment

(3) A member of the Review Committee is eligible to be re-appointed for a term not exceeding five years.

Expenses

(4) Each member of the Review Committee is entitled to be paid, for each day that the member performs duties and functions under this Act, such remuneration as is fixed by the Governor in Council and shall be paid reasonable travel and living expenses incurred by the member in the performance of those duties and functions.

1984, c. 21, s. 34,

Chairman of the Review Committee 35. (1) The Chairman of the Review Committee is the chief executive officer of the Committee.

Acting Chairman of the Review Committee (2) The Chairman of the Review Committee may designate another member of the Committee to act as the Chairman in the event of the absence or incapacity of the Chairman and, if no such designation is in force or the office of Chairman is vacaut, the Minister may designate a member of the Committee to act as the Chairman.

1984, c. 21, s. 35.

Suff of Review Committee

- 36. The Review Committee may, with the approval of the Treasury Board,
 - (a) engage a secretary and such other staff as it requires; and

COMITÉ DE SURVEILLANCE DES ACTIVITÉS DE RENSEIGNEMENT DE SÉCURITÉ

34. (1) Est constitué le comité de surveillance des activités de renseignement de sécurité, composé du président et de deux à quatre autres membres, tous nommés par le gouverneur en conseil parmi les membres du Conseil privé de la Reine pour le Canada qui ne font partie ni du Sénat ni de la Chambre des communes. Cette nomination est précédée de consultations entre le premier ministre du Canada, le chef de l'opposition à la Chambre des communes et le chef de chacun des partis qui y disposent d'au moins douze députés.

Constitution du comité de surveillance

(2) Les membres du comité de surveillance sont nommés à titre inamovible pour une durée maximale de cinq ans. Dinee du mandat

(3) Le mandat des membres du comité de surveillance est renouvelable pour une durée maximale identique. Renouvellement

(4) Les membres du comité de surveillance ont le droit de recevoir, pour chaque jour qu'ils exercent les fonctions qui leur sont conférées en vertu de la présente loi, la rémunération que fixe le gouverneur en conseil et sont indemnisés des frais de déplacement et de séjour entraînés par l'exercice de ces fonctions.

Rémunération et frais

1984, ch. 21, art. 34.

35. (1) Le président est le premier dirigeant du comité de surveillance.

Premier dirigeant

Suppléance

(2) Le président peut désigner un membre du comité de surveillance pour assumer la présidence en cas d'absence ou d'empêchement de sa part; à défaut d'une telle désignation préalable ou en cas de vacance du poste de président, le ministre désigne le président suppléant parmi les autres membres.

1984, ch. 21, art. 35.

36. Le comité de surveillance peut, avec l'approbation du Conseil du Trésor :

Personnel du comité de surveillance

 a) engager un secrétaire et le personnel dont il a besoin;

(b) fix and pay the remuneration and expenses of persons engaged pursuant to paragraph (a).

1984, c. 21, s. 36,

Compliance with security requirements 37. Every member of the Review Committee and every person engaged by it shall comply with all security requirements applicable by or under this Act to an employee and shall take the oath of secrecy set out in the schedule.

1984, c. 21, s. 37

Functions of Review Committee

- 38. (1) The functions of the Review Committee are
 - (a) to review generally the performance by the Service of its duties and functions and, in connection therewith.
 - (i) [Repealed, 2012, c. 19, s. 381]
 - (ii) to review directions issued by the Minister under subsection 6(2),
 - (iii) to review arrangements entered into by the Service pursuant to subsections 13(2) and (3) and 17(1) and to monitor the provision of information and intelligence pursuant to those arrangements,
 - (iv) to review any report or comment given to it pursuant to subsection 20(4),
 - (v) to monitor any request referred to in paragraph 16(3)(a) made to the Service,
 - (vi) to review the regulations, and
 - (vii) to compile and analyse statistics on the operational activities of the Service;
 - (b) to arrange for reviews to be conducted, or to conduct reviews, pursuant to section 40; and
 - (c) to conduct investigations in relation to
 - (i) complaints made to the Committee under sections 41 and 42,
 - (ii) reports made to the Committee pursuant to section 19 of the Citizenship Act, and
 - (iii) matters referred to the Committee pursuant to section 45 of the Canadian Human Rights Act.

Review Committee's after functions (2) As soon as the circumstances permit after receiving a copy of a report referred to in subsection 6(4), the Review Committee shall submit to the Minister a certificate stating the b) fixer et verser la rémunération et les frais des personnes visées à l'alinéa a).

1984, ch. 21, art. 36.

37. Les membres du comité de surveillance et les personnes qu'il engage se conforment aux conditions de sécurité applicables aux employés en vertu de la présente loi et prêtent le serment de secret mentionné à l'annexe.

1984 ch. 21 art 37.

38. (1) Le comité de surveillance a les fonctions suivantes :

Fonctions de comité de surveillance

Conditions de

sécurité

- a) surveiller la façon dont le Service exerce ses fonctions et, à cet égard :
 - (i) [Abrogé, 2012, ch. 19, art. 381]
 - (ii) examiner les instructions que donne le ministre en vertu du paragraphe 6(2),
- (iii) examiner les ententes conclues par le Sérvice en vertu des paragraphes 13(2) et (3) et 17(1), et surveiller les informations où renseignements qui sont transmis en vertu de celles-ci.
- (iv) examiner les rapports et commentaires qui lui sont transmis en conformité avec le paragraphe 20(4),
- (v) surveiller les demandes qui sont présentées au Service en vertu de l'alinéa 16(3)a),
- (vi) examiner les règlements,
- (vii) réunir et analyser des statistiques sur les activités opérationnelles du Service;
- b) effectuer ou faire effectuer des recherches en vertu de l'article 40;
- c) faire enquête sur :
 - (i) les plaintes qu'il reçoit en verm des articles 41 et 42,
 - (ii) les rapports qui lui sont transmis en vertu de l'article 19 de la Loi sur la citoyenneté,
 - (iii) les affaires qui lui sont transmises en vertu de l'article 45 de la Loi canadienne sur les droits de la personne.
- (2) Dans les plus brefs délais possible après réception du rapport visé au paragraphe 6(4), le comité de surveillance remet au ministre un certificat indiquant dans quelle mesure le rap-

Antres fenetions da comité de surveillance

extent to which it is satisfied with the report and whether any of the Service's operational activities described in the report, in its opinion,

- (a) is not authorized by or under this Act or contravenes any directions issued by the Minister under subsection 6(2); or
- (b) involves an unreasonable or unnecessary exercise by the Service of any of its powers.

R.S., 1985, c. C-23, s. 38: 2001, c. 27, s. 225; 2012, c. 19, s. 381.

Committee procedures 39. (1) Subject to this Act, the Review Committee may determine the procedure to be followed in the performance of any of its duties or functions.

Access to information

- (2) Despite subsection 18.1(2), any other Act of Parliament or any privilege under the law of evidence, but subject to subsection (3), the Review Committee is entitled
 - (a) to have access to any information under the control of the Service that relates to the performance of the duties and functions of the Committee and to receive from the Director and employees such information, reports and explanations as the Committee deems necessary for the performance of its duties and functions; and
 - (b) during any investigation referred to in paragraph 38(c), to have access to any information under the control of the deputy head concerned that is relevant to the investigation.

Idem

(3) No information described in subsection (2), other than a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the Canada Evidence Act applies, may be withheld from the Committee on any grounds.

R.S., 1985, c. C-23, s. 39; 2012, c. 19, s. 382; 2015, c. 9, s. 9.

Review

40. (1) For the purpose of ensuring that the activities of the Service are carried out in accordance with this Act, the regulations and directions issued by the Minister under subsection 6(2) and that the activities do not involve any unreasonable or unnecessary exercise by the Service of any of its powers, the Review Committee may

port lui paraît acceptable et signalant toute activité opérationnelle du Service visée dans le rapport qui, selon lui :

- a) n'est pas autorisée sous le régime de la présente loi ou contrevient aux instructions données par le ministre en vertu du paragraphe 6(2);
- b) comporte un exercice abusif ou inutile par le Service de ses pouvoirs.

L.R. (1985), ch. C-23, art. 38; 2001, ch. 27, art. 225; 2012, ch. 19 art. 381

39. (1) Sous réserve des autres dispositions de la présente loi, le comité de surveillance peut déterminer la procédure à suivre dans l'exercice de ses fonctions.

(2) Malgré le paragraphe 18.1(2), toute autre loi fédérale ou toute immunité reconnue par le droit de la preuve, mais sous réserve du paragraphe (3), le comité de surveillance :

- a) est autorisé à avoir accès aux informations qui se rattachent à l'exercice de ses fonctions et qui relèvent du Service et à recevoir du directeur et des employés les informations, rapports et explications dont il juge avoir besoin dans cet exercice;
- b) au cours des enquêtes visées à l'alinéa 38c), est autorisé à avoir accès aux informations qui se rapportent à ces enquêtes et qui relèvent de l'administrateur général concerné.

(3) À l'exception des renseignements confidentiels du Conseil privé de la Reine pour le Canada visés par le paragraphe 39(1) de la Loi sur la preuve au Canada, aucune des informations visées au paragraphe (2) ne peut, pour quelque motif que ce soit, être refusée au comité

L.R. (1985), eh. C-23, art. 39; 2012, eh. 19, art. 382; 2015, eh. 9. art. 9.

40. (1) Afin de veiller à ce que les activités du Service soient conduites conformément à la présente loi, à ses règlements et aux instructions du ministre visées au paragraphe 6(2), et qu'elles ne donnent pas lieu à l'exercice par le Service de ses pouvoirs d'une façon abusive ou inutile, le comité de surveillance peut:

Procedure

Accès aux informations

dem

Recherches

- (a) direct the Service to conduct a review of the Service's specific activities and provide the Committee with a report on the review;
 or
- (b) if it considers that a review by the Service would be inappropriate, conduct such a review itself.

Report of findings

- (2) On completion of a review conducted under subsection (1), the Review Committee shall provide the Minister and the Director with the following:
 - (a) in the case of a review conducted by the Service, the Service's report to the Committee along with any recommendations that the Committee considers appropriate; and
 - (b) in the case of a review conducted by the Committee, its own report, which is to contain the findings of the review and any recommendations that the Committee considers appropriate.

R.S., 1985. c. C-23, s. 40; 2012. c. 19, s. 383.

COMPLAINTS

Complaints

- 41. (1) Any person may make a complaint to the Review Committee with respect to any act or thing done by the Service and the Committee shall, subject to subsection (2), investigate the complaint if
 - (a) the complainant has made a complaint to the Director with respect to that act or thing and the complainant has not received a response within such period of time as the Committee considers reasonable or is dissatisfied with the response given; and
 - (b) the Committee is satisfied that the complaint is not trivial, frivolous, vexatious or made in bad faith.

Other redress available (2) The Review Committee shall not investigate a complaint in respect of which the complainant is entitled to seek redress by means of a grievance procedure established pursuant to this Act or the Public Service Labour Relations Act.

R.S., 1985, c. C-23, s. 41; 2003, c. 22, s. 146(E).

Denial of security elegrance 42. (1) Where, by reason only of the denial of a security clearance required by the Government of Canada, a decision is made by a deputy head to deny employment to an individual or to dismiss, demote or transfer an individual or to

- a) soit faire effectuer par le Service des recherches sur certaines activités du Service et exiger de lui qu'il lui en fasse rapport;
- b) soit effectuer ces recherches lui-même s'il juge qu'il serait contre-indiqué de les faire effectuer par le Service.
- (2) À l'issue des recherches, le comité de surveillance envoie au ministre et au directeur :

Rapport

- a) si les recherches ont été effectuées par le Service, le rapport que celui-ci lui a fait parvenir et les recommandations que le comité juge indiquées;
- b) s'il a effectué lui-même les recherches, son propre rapport contenant ses conclusions et les recommandations qu'il juge indiquées.
- L.R. (1985), ch. C-23, art. 40; 2012, ch. 19, art. 383

PLAINTES

41. (1) Toute personne peut porter plainte contre des activités du Service auprès du comité de surveillance; celui-ci, sous réserve du paragraphe (2), fait enquête à la condition de s'assurer au préalable de ce qui suit :

Plantes

- a) d'une part, la plainte a été présentée au directeur sans que ce dernier ait répondu dans un délai jugé normal par le comité ou ait fourni une réponse qui satisfasse le plaignant;
- b) d'autre part, la plainte n'est pas frivole, vexatoire, sans objet où entachée de mauvaise foi.
- (2) Le comité de surveillance ne peut enquêter sur une plainte qui constilue un grief susceptible d'être réglé par la procédure de griefs établie en vertu de la présente loi ou de la Loi sur les relations de travail dans la fonction publique.

L.R. (1985), ch. C-23, art. 41; 2003, ch. 22, art. 146(A).

42. (1) Les individus qui font l'objet d'une décision de renvoi, de rétrogradation, de mutation ou d'opposition à engagement, avancement ou mutation prise par un administrateur général pour la seule raison du refus d'une habilitation

Refus d'une habilitation de sécurité

Restriction

21

deny a promotion or transfer to an individual, the deputy head shall send, within ten days after the decision is made, a notice informing the individual of the denial of the security clearance. de sécurité que le gouvernement du Canada exige doivent être avisés du refus par l'administrateur général; celui-ci envoie l'avis dans les dix jours suivant la prise de la décision.

Idens

(2) Where, by reason only of the denial of a security clearance required by the Government of Canada to be given in respect of an individual, a decision is made to deny the individual or any other person a contract to provide goods or services to the Government of Canada, the deputy head concerned shall send, within ten days after the decision is made, a notice informing the individual and, where applicable, the other person of the denial of the security clearance.

(2) Dans le cas où, pour la seule raison du refus d'une habilitation de sécurité que le gouvernement du Canada exige à l'égard d'un individu, celui-ci, ou une autre personne fait l'objet

vidu, celui-ci ou une autre personne fait l'objet d'une décision d'opposition à un contrat de fourniture de biens ou de services à ce gouvernement, l'administrateur général concerné envoie dans les dix jours suivant la prise de la décision un avis informant l'individu, et s'il y a ident

Receipt and investigation of complaints

- (3) The Review Committee shall receive and investigate a complaint from
 - (a) any individual referred to in subsection(1) who has been denied a security clearance;
 - (b) any person who has been denied a contract to provide goods or services to the Government of Canada by reason only of the denial of a security clearance in respect of that person or any individual.

Time within which complaint is to be made (4) A complaint under subsection (3) shall be made within thirty days after receipt of the notice referred to in subsection (1) or (2) or within such longer period as the Review Committee allows.

1984, c. 21, s. 42.

Member of the Committee authorized to act alone 43. A member of the Review Committee may exercise any of the powers or perform any of the duties or functions of the Committee under this Part in relation to complaints.

1984, c. 21, s. 43.

Complaints submitted on behalf of complainants 44. Nothing in this Act precludes the Review Committee from receiving and investigating complaints described in sections 41 and 42 that are submitted by a person authorized by the complainant to act on behalf of the complainant, and a reference to a complainant in any other section includes a reference to a person so authorized.

1984, c. 21, s. 44.

(3) Le comité de surveillance reçoit les plaintes et fait enquête sur les plaintes présentées par :

lieu l'autre personne, du refus.

phrintes et enquêtes

Réception des

- a) les individus visés au paragraphe (1) à qui une habilitation de sécurité est refusée;
- b) les personnes qui ont fait l'objet d'une décision d'opposition à un contrat de fourniture de biens ou de services pour la seule raison du refus d'une habilitation de sécurité à ces personnes ou à quiconque.
- (4) Les plaintes visées au paragraphe (3) sont à présenter dans les trente jours suivant la réception de l'avis mentionné aux paragraphes (1) ou (2) ou dans le délai supérieur accordé par le comité de surveillance.

1984, ch. 21, art. 42.

43. Un membre du comité de surveillance peut, à l'égard des plaintes dont celui-ci est saisi, exercer les pouvoirs et fonctions que la présente partie confère au comité.

1984, ch. 21, art 43.

44. Le comité de surveillance peut recevoir les plaintes visées aux articles 41 et 42 par l'intermédiaire d'un représentant du plaignant. Dans les autres articles de la présente loi, les dispositions qui concernent le plaignant concernent également son représentant.

1984, ch. 21, art. 44.

Délégation de compétence

Représentants

Wraten complaint 45. A complaint under this Part shall be made to the Review Committee in writing unless the Committee authorizes otherwise.

1984, c. 21, s. 45.

Statement and notice of hearing to be sent to the complainant 46. The Review Committee shall, as soon as practicable after receiving a complaint made under section 42, send to the complainant a statement summarizing such information available to the Committee as will enable the complainant to be as fully informed as possible of the circumstances giving rise to the denial of the security clearance and shall send a copy of the statement to the Director and the deputy head concerned.

1984, c. 21, s. 46.

INVESTIGATIONS

Notice of intention to investigate 47. Before commencing an investigation of a complaint referred to in paragraph 38(c) other than an investigation under section 41, the Review Committee shall notify the Director and, where applicable, the deputy head concerned of its intention to carry out the investigation and shall inform the Director and the deputy head of the substance of the complaint.

1984, c. 21, s. 47.

Investigations in private 48. (1) Every investigation of a complaint under this Part by the Review Committee shall be conducted in private.

Right to make representations (2) In the course of an investigation of a complaint under this Part by the Review Committee, the complainant, deputy head concerned and the Director shall be given an opportunity to make representations to the Review Committee, to present evidence and to be heard personally or by counsel, but no one is entitled as of right to be present during, to have access to or to comment on representations made to the Review Committee by any other person.

1984, c. 21, s. 48.

Canadian Human Rights Contraission may comment 49. In the course of an investigation of a complaint under this Part, the Review Committee shall, where appropriate, ask the Canadian Human Rights Commission for its opinion or comments with respect to the complaint.

1984, c. 21, s. 49.

45. Les plaintes visées à la présente partie sont à présenter par écrit au comité de surveillance, sauf autorisation contraire de celui-ci.

1984, ch. 21, art. 45,

46. Afin de permettre au plaignant d'être informé de la façon la plus complète possible des circonstances qui ont donné lieu au refus d'une habilitation de sécurité, le comité de surveillance lui envoie, dans les plus brefs délais possible après réception d'une plainte présentée en vertu de l'article 42, un résumé des informations dont il dispose à ce sujet; il envoie un exemplaire du résumé au directeur et à l'administrateur général concerné.

1984, ch. 21, art. 46.

ENOUÉTES

47. Le comité de surveillance, avant de procéder aux enquêtes visées à l'alinéa 38c), autres que celles faites en vertu de l'article 41, avise le directeur et, s'il y a lieu, l'administrateur général concerné de son intention d'enquêter et leur fait connaître l'objet de la plainte.

1984, ch. 21, art. 47.

48. (1) Les enquêtes sur les plaintes présentées en vertu de la présente partie sont tenues en secret.

(2) Au cours d'une enquête relative à une plainte présentée en vertu de la présente partie, le plaignant, le directeur et l'administrateur général concerné doivent avoir la possibilité de présenter des observations et des éléments de preuve au comité de surveillance ainsi que d'être entendu en personne ou par l'intermédiaire d'un avocat; toutefois, nul n'a le droit absolu d'être présent lorsqu'une autre personne présente des observations au comité, ni d'en recevoir communication ou de faire des commentaires à leur sujet.

1984, ch. 21, art. 48.

49. Au cours d'une enquête relative à une plainte présentée en vertu de la présente partie, le comité de surveillance demande, si cela est opportun, à la Commission canadienne des droits de la personne de lui donner son avis ou ses commentaires sur la plainte.

1984, ch. 21, art. 49.

Plaintes épites

Résumé au plaignant

Avis d'enquête

Secret

Droit de présenter des observations

Commentaires de la Commission canadienne des draits de la personne

23

Tab/Onglet1

Powers of Review Committee

- The Review Committee has, in relation to the investigation of any complaint under this Part, power
 - (a) to summon and enforce the appearance of persons before the Committee and to compel them to give oral or written evidence on oath and to produce such documents and things as the Committee deems requisite to the full investigation and consideration of the complaint in the same manner and to the same extent as a superior court of record;
 - (b) to administer oaths; and
 - (c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the Committee sees fit, whether or not that evidence or information is or would be admissible in a court of law.

1984, c. 21, s. 50.

Evidence in other proceedings 51. Except in a prosecution of a person for an offence under section 133 of the Criminal Code (false statements in extra-judicial proceedings) in respect of a statement made under this Act, evidence given by a person in proceedings under this Part and evidence of the existence of the proceedings are inadmissible against that person in a court or in any other proceedings.

1984, c. 21, s. 51.

Report of findings

- 52. (1) The Review Committee shall,
- (a) on completion of an investigation in relation to a complaint under section 41, provide the Minister and the Director with a report containing the findings of the investigation and any recommendations that the Committee considers appropriate; and
- (b) at the same time as or after a report is provided pursuant to paragraph (a), report the findings of the investigation to the complainant and may, if it thinks fit, report to the complainant any recommendations referred to in that paragraph.
- (2) On completion of an investigation in relation to a complaint under section 42, the Review Committee shall provide the Minister, the Director, the deputy head concerned and the complainant with a report containing any recommendations that the Committee considers

50. Le comité de surveillance a, dans ses enquêtes sur les plaintes présentées en vertu de la présente partie, le pouvoir :

 a) d'assigner et de contraindre des témoins à comparaître devant lui, à déposer verbalement ou par écrit sous serment et à produire les pièces qu'il juge indispensables pour instruire et examiner à fond les plaintes, de la même façon et dans la même mesure qu'une cour supérieure d'archives;

- b) de faire prêter serment;
- c) de recevoir des éléments de preuve ou des informations par déclaration verbale ou écrite sous serment ou par tout autre moyen qu'il estime indiqué, indépendamment de leur admissibilité devant les tribunaux.

1984, ch. 21, art. 50.

51. Sauf les cas où une personne est poursuivie pour une infraction visée à l'article 133 du Code criminel (fausses déclarations dans des procédures extrajudiciaires) se rapportant à une déclaration faite en vertu de la présente loi, les dépositions faites au cours de procédures prévues par la présente partie ou le fait de l'existence de ces procédures ne sont pas admissibles contre le déposant devant les tribunaux ni dans aucune autre procédure.

1984, ch. 21, art. 51.

52. (1) Le comité de surveillance :

a) à l'issue d'une enquête sur une plainte présentée en vertu de l'article 41, envoie au ministre et au directeur un rapport contenant ses conclusions et les recommandations qu'il juge indiquées;

b) en même temps ou plus tard, fait parvenir au plaignant les conclusions de son enquête: s'il le juge à propos, il peut y joindre tout ou partie des recommandations mentionnées à l'alinéa a).

(2) À l'issue d'une enquête sur une plainte présentée en vertu de l'article 42, le comité de surveillance envoie au ministre, au directeur, à l'administrateur général concerné et au plaignant un rapport des recommandations qu'il Pouvoirs du comité de surveillance

Inadmissibilité de la preuve dans d'autres procédures

Rapport et

ldem

ldem

appropriate, and those findings of the investigation that the Committee considers it fit to report to the complainant.

1984, c. 21, s. 52.

juge indiquées et des conclusions qu'il juge à propos de communiquer au plaignant. 1984, ch. 21, art. 52.

REPORTS

Annual reports

53. The Review Committee shall, not later than September 30 in each fiscal year, submit to the Minister a report of the activities of the Committee during the preceding fiscal year and the Minister shall cause the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the day the Minister receives it.

R.S., 1985, c. C-23, s. 53; R.S., 1985, c. I (4th Supp.), s. 7.

Minister's briefings 54. (1) At least once a year, and at any other time at the Minister's request, the Review Committee, or a person engaged by it and designated by it for the purposes of this section, shall meet the Minister and brief him or her on any matter that relates to the performance by the Service of its duties and functions.

Special reports

(2) The Review Committee may, on request by the Minister or at any other time, furnish the Minister with a special report concerning any matter that relates to the performance of its duties and functions.

R.S., 1985, c. C-23, s. 54; 2012, c. 19, s. 384.

Protection of confidential information

- 55. The Review Committee shall consult with the Director in order to ensure compliance with section 37 in preparing
 - (a) a statement under section 46 of this Act, subsection 45(6) of the Canadian Human Rights Act or subsection 19(5) of the Citizenship Act; or
 - (b) a report under paragraph 52(1)(b), subsection 52(2) or section 53 of this Act, subsection 46(1) of the Canadian Human Rights Act or subsection 19(6) of the Citizenship Act.

R.S., 1985, c. C-23, s. 55; 2001, c. 27, s. 226.

PART IV

REVIEW BY PARLIAMENT

Review of Act after five years 56. (1) After July 16, 1989, a comprehensive review of the provisions and operation of this Act shall be undertaken by such committee

RAPPORTS

53. Au plus tard le 30 septembre, le comité de surveillance présente au ministre son rapport d'activité pour l'exercice précédant cette date. Le ministre le fait déposer devant chaque chambre du Parlement dans les quinze premiers jours de séance de celle-ci suivant sa réception.

L.R. (1985), ch. C-23. art. 53; L.R. (1985), ch. 1 (4' suppl.), art. 7.

Rapport annual

54. (1) Au moins une fois par année, et à tout autre moment à la demande du ministre, le comité de surveillance ou la personne engagée par celui-ci et désignée par lui pour l'application du présent article rencontre le ministre et l'informe sur la façon dont le Service exerce ses fonctions.

Questions portées à l'estention du ministre

(2) Le comité de surveillance peut, de sa propre initiative ou à la démande du ministre, présenter à celui-ci un rapport spécial sur toute question qui relève de sa compétence.

L. R. (1985), ch. C-23, art. 54; 2012, ch. 19, art. 384.

Rapports spéciaux

55. Le comité de surveillance consulte le directeur en vue de l'observation de l'article 37 pour l'établissement :

Protection des rensolgnements confidenticis

- a) des résumés visés à l'article 46 de la présente loi, au paragraphe 45(6) de la Loi canadienne sur les droits de la personne ou au paragraphe 19(5) de la Loi sur la citoyenneté;
- b) des rapports visés à l'alinéa 52(1)b), au paragraphe 52(2) ou à l'article 53 de la présente loi, au paragraphe 46(1) de la Loi canadienne sur les droits de la personne ou au paragraphe 19(6) de la Loi sur la citoyenneté

L.R. (1985), ch. C-23, art. 55: 2001, ch. 27, art. 226.

PARTIE IV

EXAMEN PARLEMENTAIRE

56. (1) Après le 16 juillet 1989, un examen complet des dispositions et de l'application de la présente loi doit être fait par le comité, soit

Examen de la foluprès cinq ans:

25

CSIS-1

Tab/Onglet1

of the House of Commons or of both Houses of Parliament as may be designated or established by Parliament for that purpose. de la Chambre des communes, soit mixte, que le Parlement désigne ou constitue à cette fin.

Report to Parliament (2) The committee referred to in subsection (1) shall, within a year after a review is undertaken pursuant to that subsection or within such further time as Parliament may authorize, submit a report on the review to Parliament including a statement of any changes the committee recommends.

1984, c. 21, s. 69.

(2) Dans l'année qui suit le début de son étude ou dans le délai supérieur que le Parlement lui accorde, le comité visé au paragraphe (1) remet sou rapport, accompagné des modifications qu'il recommande, au Parlement. 1984. ch. 21, art. 69.

Rapport au Parlement SCHEDULE (Section 10)

OATH OF OFFICE

I., swear that I will faithfully and impartially to the best of my abilities perform the duties required of me as (the Director, an employee) of the Canadian Security Intelligence Service. So help me God.

OATH OF SECRECY

1984, c. 21, Sch.

ANNEXE (article 10)

SERMENT PROFESSIONNEL

Je.jure que je remplirai avec tidélité, impartialité et dans toute la mesure de mes moyens les fonctions qui in incombent en qualité (de directeur m d'employé) du Service canadien du renseignement de sécurité. Ainsi Dieu me soit en aide.

SERMENT DE SECRET

1984, ch. 21, ann.

27

Tab/Onglet1

Page/Page 0032 .

RELATED PROVISIONS

DISPOSITIONS CONNEXES

- 2005, c. 38, s. 16, as amended by 2005, c. 38, par. 144(8)(a)(E)

Definitions

16. The following definitions apply in sections 17 to 19 and 21 to 28.

"former agency" a ancienue agent.cn

"former agency" means the portion of the federal public administration known as the Canada Border Services Agency.

"new agency" unoinvelle иденсен

"new agency" means the Canada Border Services Agency established under subsection 3(1).

order P.C. 2003-2064" «decret C.P. 2003-2064 %

"order P.C. 2003-2064" means Order in Council P.C. 2003-2064 of December 12, 2003, registered as 51/2003-216.

- 2005, v. 38, par. 19(1)(f)

References

19. (1) A reference to the former agency in any of the following is deemed to be a reference to the new agency:

(f) any order of the Governor in Council made under paragraph 29(e) of the Canadian Security Intelligence Service Act;

- 2005, c. 38, par. 19(2)(a)

Deputy head

19. (2) The designation of a person as deputy head of the former agency in any of the following is deemed to be a designation of the President of the new agency as deputy head of that agency:

(a) any order of the Governor in Council made under paragraph 29(e) of the Canadian Security Intelligence Service Act; and

- 2005, ch. 38, art. 16, modifié par 2005, ch. 38, al. 144(8)a)(E)

16. Les définitions qui suivent s'appliquent aux articles 17 à 19 et 21 à 28.

«ancienne agence» Le secteur de l'administration « ancienne publique fédérale appelé Agence des services frontaagence a "former agency"

«décret C.P. 2003-2064» Le décret C.P. 2003-2064 du 12 décembre 2003 portant le numéro d'enregistrement TR/2003-216.

«décret C.P. 2003-2064 » "order P.C. 2003-2064

Délimitions

«nouvelle agence» L'Agence des services frontaliers du Canada constituée par le paragraphe 3(1).

«nouvelle agagaen. hew agency"

- 2005, ch. 38, al. 19(1)f)

liers du Canada.

19. (1) La mention de l'ancienne agence dans les textes ci-après vaut mention de la nouvelle agence :

Mentions

f) tout décret pris en vertu de l'alinéa 29 e) de la Loi sur le Service canadien du renseignement de sécurité:

- 2005, ch. 38, al. 19(2)a)

19. (2) La désignation de toute personne à titre d'administrateur général de l'ancienne agence dans les textes ci-après vaut désignation du président de la nouvelle agence à titre d'administrateur général de

Administrateur général

a) tout décret pris en vertu de l'alinéa 29 e) de la Loi sur le Service canadien du renseignement de sécurité:

TAB



Government of Canada

Gouvernement du Canada Canada

Canadian Security Intelligence Service (/index-en.php)
Home → About Us → Legislation

Legislation

The CSIS (Canadian Security Intelligence Service) Act (http://laws-

<u>lois.justice.gc.ca/eng/acts/c-23/index.html/</u>(1984) provides the legislative foundation for the CSIS (Canadian Security Intelligence Service) mandate, outlines CSIS (Canadian Security Intelligence Service) roles and responsibilities, confers specific powers and imposes constraints, and sets the framework for democratic control and accountability for Canada's security intelligence service. For example,

- The Act strictly limits the type of activity that may be investigated, the ways that
 information can be collected, and who may view the information. Information may be
 gathered primarily under the authority of section 12 of the Act, and must pertain to
 those individuals or organizations suspected of engaging in activities that may
 threaten the security of Canada (i.e., espionage, sabotage, political violence,
 terrorism, and clandestine activities by foreign governments).
- The CSIS (Canadian Security Intelligence Service) Act prohibits the Service from investigating acts of lawful advocacy, protest, or dissent. CSIS (Canadian Security Intelligence Service) may only investigate these types of acts if they are linked to threats to Canada's national security.
- Sections 13 and 15 of the Act give CSIS (Canadian Security Intelligence Service) the
 authority to conduct security assessments on individuals seeking <u>security clearances</u>
 (/scrtscrnng/index-en.php) when required by the federal public service as a condition
 of employment.
- Sections 14 and 15 authorize CSIS (Canadian Security Intelligence Service) to conduct security assessments (/scrtscrnng/index-en.php) used during the visa application process and the application process for refugees and Canadian citizenship.

Other legislation related to security intelligence includes the following:

• The <u>Immigration and Refugee Protection Act (http://laws-lois.justice.gc.ca/eng/acts/I-2.5/index.html)</u> provides for security screening of people in the refugee stream who may pose security risks and allows for their early removal from Canada. This legislation strengthens Canada's ability to detect and refuse entry to suspected terrorists. It streamlines the process for deporting anyone who enters Canada and is later found to be a security threat. It also limits the right of refugee claimants to appeal if their claims are rejected on grounds of national security, and

https://www.csis.gc.ca/bts/lgsltn-en.php

2015-07-14

SIS-2

Tab/Onglet2

- authorizes Citizenship and Immigration Canada to deny suspected terrorists access to the refugee system.
- The <u>Anti-terrorism Act</u> (http://lois-laws.justice.gc.ca/eng/acts/A-11.7/index.html) (Bill C-36) creates measures to identify, deter, disable and prosecute those engaged in terrorist activities or those who support these activities. The legislation makes it an offence to knowingly support terrorist organizations, whether through overt violence, or through material support. The Anti-terrorism Act requires the publication of a list of groups deemed to constitute a threat to the security of Canada and to Canadians.
- The <u>Security of Information Act</u> (http://laws-lois.justice.gc.ca/eng/acts/O-5/index.html) legislates various aspects of security of information, including the communication of information, forgery, falsification of reports, unauthorized use of uniforms and entering a prohibited place.
- The <u>Public Safety Act (http://laws-lois.justice.gc.ca/eng/acts/P-31.5/)</u> enhances the ability of the Government of Canada to provide a secure environment for air travel and allows specified federal departments and agencies to collect passenger information for the purpose of national security. It also establishes tighter controls over explosives and hazardous substances and deters the proliferation of biological weapons. While the Anti-Terrorism Act focusses mainly on the criminal law aspects of combatting terrorism, this legislation addresses the federal framework for public safety and protection.

Date modified:

2014-05-02

		n ×
		E ii
2		2
8		
	121	
		41

TAB



Government of Canada

Gouvernement du Canada Canadä

Canadian Security Intelligence Service (/index-en.php)

Home → About Us → Role of CSIS

Role of CSIS

CSIS (Canadian Security Intelligence Service) is at the forefront of Canada's national security establishment, employing some of the country's most intelligent and capable men and women. The Service's role is to investigate threats, analyze information and produce intelligence. It then reports to, and advises, the Government of Canada to protect the country and its citizens. Key threats include terrorism, the proliferation of weapons of mass destruction, espionage, foreign interference and cyber-tampering affecting critical infrastructure. CSIS (Canadian Security Intelligence Service) programs are proactive and pre-emptive.

Through its Security Screening Program, <u>CSIS</u> (Canadian Security Intelligence Service) prevents non-Canadians who pose security concerns from entering Canada or receiving permanent resident status or citizenship. The Service also safeguards the confidential information of the Government of Canada from foreign governments and other entities that may present a risk.

However, countering terrorist violence is the top priority for CSIS (Canadian Security Intelligence Service). Terrorism, which has become a global phenomenon, is a very real threat to our national security. Terrorists and their supporters come from a variety of countries, cultures, political systems and socio-economic backgrounds. They include both highly educated elites and more humble "foot soldiers." Followers are recruited from around the world, including our own country. CSIS (Canadian Security Intelligence Service) strives to prevent terrorist acts from being planned in Canada, from occurring on Canadian territory and from affecting Canadian citizens and assets abroad.

CSIS (Canadian Security Intelligence Service)' proactive role complements law enforcement agencies such as police forces, which investigate crime and collect evidence to support prosecutions in courts of law.

CSIS (Canadian Security Intelligence Service) activities and services can be grouped in the following categories:

- Intelligence Collection and Analysis (/bts/ntllgnc-en.php)
- Sharing Intelligence (/bts/shrng-en.php)
- Security Screening (/scrtscrnng/index-en.php)
- · Sharing Information with the Public (/bts/shrngpblc-en.php)
- Reaching out to Experts (/bts/cdmctrch-en.php)

https://www.csis.gc.ca/bts/role-en.php

2015-07-14

Role of Other Departments and Agencies

While CSIS (Canadian Security Intelligence Service) is at the forefront of Canada's national security system, several Canadian government departments and agencies also provide services that, taken together, help to ensure the safety and protection of Canadians.

Key Federal Government Departments

Key departments of the Government of Canada involved in the Canadian security and intelligence community include the following:

- Public Safety Canada (http://www.publicsafety.gc.ca/index-eng.aspx): Provides national leadership in assuring the viability and resilience of Canada's critical infrastructure and for ensuring national civil emergency preparedness. Together with partners in criminal justice and security, the department is also responsible for protecting the public and maintaining a just, peaceful and safe society. Partner agencies include the Canadian Security Intelligence Service, the Roya! Canadian Mounted Police, the Canada Border Services Agency, the Canada Firearms Centre, the Correctional Services of Canada and the National Parole Board.
- Department of National Defence (http://www.forces.gc.ca/en/): Assesses foreign
 political and military information, and scientific and technical information. It provides
 the government with an around-the-clock intelligence watch on developments abroad
 that could affect Canada or Canadians. The Canadian Forces also maintain at high
 readiness a counter-terrorism unit prepared to rescue hostages or undertake other
 action in response to a counter-terrorist incident.
- Foreign Affairs, Trade and Development Canada (http://www.international.gc.ca/international/index.aspx): Manages Canada's day-today relations with the governments and people of other nations. The department leads the country's efforts in developing effective international responses to security issues in forums such as the United Nations and the G-8. Its security and intelligence responsibilities include helping protect Canadians and Canadian government facilities abroad, supporting Canadians abroad who are victims of terrorism, managing such issues as the expulsion of foreign diplomats from Canada for security reasons and can denying passports to those who represent a security risk.
- <u>Citizenship and Immigration Canada (http://www.cic.gc.ca/english/index.asp)</u>:
 Oversees the federal government's immigration and citizenship policies and programs. As such, it helps to ensure that immigrants, refugees, and visitors who come to Canada do not represent a risk. It has the authority to deny access to this

Role of CSIS Page 3 of 4

country to those coming from abroad, revoke Canadian citizenship, and deport people from Canada.

- Department of Justice Canada (http://www.justice.gc.ca/eng/index.html): Provides
 legal advice and services to federal government departments and agencies. In CSIS
 (Canadian Security Intelligence Service)' case, on-site legal counsels ensure the
 legality of its security and intelligence activities. Senior Justice counsels also serve
 on various committees that guide and coordinate the security and intelligence
 community's activities.
- Transport Canada (http://www.tc.gc.ca/eng/menu.htm): Sets and enforces security standards for Canada's air, land, and water transportation systems, and directs the transportation industry to take appropriate security measures to deal with threats.

Key Federal Government Agencies

Key agencies of the Government of Canada involved in the Canadian security and intelligence community include the following:

- Royal Canadian Mounted Police (http://www.rcmp-grc.gc.ca/index-eng.htm):
 Enforces federal laws, investigates criminal offences related to espionage and terrorism and collects and analyzes evidence to support prosecutions in court.
- Communications Security Establishment (http://www.cse-cst.gc.ca/index-eng.html):
 Provides the government with foreign intelligence by collecting and analyzing information captured on foreign radio, radar, and other electronic signals, and reporting its findings to the appropriate authorities. The CSE also helps to ensure that the Canadian government's telecommunications are secure from interception, disruption, manipulation, or sabotage.
- Canada Border Services Agency (http://www.cbsa-asfc.gc.ca/menu-eng.html):
 Manages Canada's borders by administering and enforcing the regulations that
 govern trade and travel as well as international agreements and conventions. The
 agency provides the first line of defence in preventing inadmissible people, such as
 terrorists, undeclared foreign Intelligence Officers, and criminals, from entering
 Canada. The agency plays a key role in detecting attempts by foreigners to smuggle
 weapons/bomb elements (conventional or weapons of mass destruction) into
 Canada.
- Privy Council Office (http://www.pco-bcp.gc.ca/index.asp?lang=eng): Coordinates
 the Government of Canada's policies relating to the security and intelligence
 activities of all federal departments and agencies, and promotes international
 intelligence relationships.
- National Security Advisor: Advises the Prime Minister on security matters and strengthens the capacity of the Privy Council Office to develop and implement an

https://www.csis.gc.ca/bts/role-en.php

Role of CSIS Page 4 of 4

integrated policy on national security and emergencies. The Advisor supports the Security, Public Health, and Emergency Committee to Cabinet, and coordinates integrated threat assessments and inter-agency cooperation among security organizations through the Integrated Terrorism Assessment Centre (http://www.itac.gc.ca/index-en.php).

- Financial Transactions and Reports Analysis Centre of Canada (http://www.fintraccanafe.gc.ca/intro-eng.asp): (FINTRAC (Financial Transactions and Reports Analysis Centre)) Receives, analyzes, assesses and discloses financial intelligence on suspected money laundering, terrorist financing, and threats to the security of Canada.
- <u>Canadian Air Transport Security Authority (http://www.catsa.gc.ca/home)</u>: Protects
 the public by securing critical areas of the Canadian air transportation system.

Date modified:

2014-05-02

	Labi			#5 #1



Government of Canada

Gouvernement du Canada

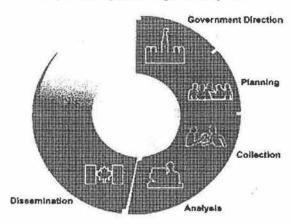
Canadä

Canadian Security Intelligence Service (/index-en.php)
Home → About Us → Security Intelligence Cycle

Security Intelligence Cycle

CSIS (Canadian Security Intelligence Service) gathers intelligence information and disseminates it to appropriate government policy-makers using a five-phase process, known as the "security intelligence cycle," which consists of the following in order:

The Security Intelligence Cycle



- 1. Government direction
- 2. Planning
- 3. Collection
- 4. Analysis
- 5. Dissemination

1. Government Direction

CSIS (Canadian Security Intelligence Service) responds to direction from the Government of Canada. This direction comes from the Minister of Public Safety Canada (PS (Public Safety)) and focuses on matters concerning policies, operations, and the ongoing management of CSIS (Canadian Security Intelligence Service). Through these directives, CSIS (Canadian Security Intelligence Service) develops policy guidelines that cover many areas of CSIS (Canadian Security Intelligence Service) activity, including guidance in the use of investigative techniques.

https://www.csis.gc.ca/bts/ccl-en.php

Intelligence priorities are evaluated each year based on an annual assessment and review of the changing security environment. CSIS (Canadian Security Intelligence Service) integrates government requirements into the intelligence cycle, based on consultations with other government departments and agencies.

2. Planning

Planning encompasses the entire intelligence process, which begins with threat assessment and ends v. * the delivery of intelligence products.

In planning an investigation, care is taken to ensure an appropriate balance between the degree of intrusiveness of the investigation and respect for the rights and freedoms of those being investigated.

3. Collection

CSIS (Canadian Security Intelligence Service) investigators, who are located across the country at regional offices, use a variety of methods to collect information on individuals and groups whose activities are suspected of constituting a threat to national security.

The information necessary to conduct an investigation is collected from various sources, including:

- open sources, which include newspapers, periodicals, academic journals, foreign and domestic broadcasts; official documents, and other published material; and
- members of the public, foreign governments, Canadian partners, as well as through technical interception of communications and inquiry. Investigations that rely on these techniques of information collection are subject to a rigorous process of accountability and review (/bts/ccntblt-en.php).

Information on global trends that might have Canadian security implications is collected by security liaison officers (SLO (Security Liaison Officer)s) posted at Canadian diplomatic missions abroad. SLO (Security Liaison Officer)s consult with foreign police and security intelligence agencies, collect and analyze open-source information, and conduct security screening assessments of prospective immigrants.

4. Analysis

https://www.csis.gc.ca/bts/ccl-en.php

2015-07-14

Tab/Onglet4

CSIS (Canadian Security Intelligence Service) investigators and SLO (Security Liaison Officer)s assess the quality of the information gathered locally to prepare a security intelligence report. The information is sent to CSIS (Canadian Security Intelligence Service) Headquarters in Ottawa for further analysis and combined with information provided by other Canadian government departments and agencies, foreign intelligence agencies, and open sources. The analysis process results in intelligence reports and threat assessments. CSIS (Canadian Security Intelligence Service)' Government Liaison Unit, which is responsible for maintaining regular contact with departments, enables the Service to tailor intelligence information to a department's specific requirements.

5. Dissemination

The Government of Canada and law enforcement authorities are the main recipients of intelligence reports and threat assessments. For example:

- Royal Canadian Mounted Police (RCMP (Royal Canadian Mounted Police)) uses threat assessments to determine the level of security required to protect foreign diplomatic missions in Canada and Canadian VIPs;
- Foreign Affairs and International Trade Canada uses CSIS (Canadian Security Intelligence Service) products to determine the appropriate level of protection required for Canadian missions and overseas personnel; and
- Transport Canada uses CSIS (Canadian Security Intelligence Service) products when considering security concerns for the travelling public.

Date modified:

2014-05-02



Government of Canada

Gouvernement du Canada Canadä

Canadian Security Intelligence Service (/index-en.php)

Home → About Us → Intelligence Collection and Analysis

Intelligence Collection and Analysis

Intelligence Collection

The people who work at CSIS collect information in Canada and abroad and use it as the basis for providing advice to the Government of Canada in the form of intelligence reports about activities that may constitute a threat to the security of Canada. This information is collected from many sources, including:

- · members of the public
- · foreign governments
- · human sources
- · technical interception of telecommunications
- open sources including newspapers, periodicals, academic journals, foreign and domestic broadcasts, official documents, and other published material.

In planning and conducting an investigation, care is taken to ensure an appropriate balance between the degree of intrusiveness of an investigation and the rights and freedoms of those being investigated. Investigations that require use of more intrusive techniques, such as the interception of telecommunications, are subject to a rigorous process of challenge and controls, including the use of a Federal Court warrant. For more information about this process, see <u>Accountability and Review (/bts/ccntblt-en.php)</u>.

Analysis

CSIS analysts use their knowledge of regional, national, and global issues to assess the quality of information gathered, and to convert the information into useful security intelligence that is shared within the Canadian government and with partners in the security and intelligence community.

On a strategic level, CSIS produces reports on emerging trends and issues that could affect the security of Canada and that provide context to specific threats and their security implications. Strategic assessments-which focus on thematic, global, and potential threats-are particularly useful to policy analysts and strategic decision-makers.

https://www.csis.gc.ca/bts/ntllgnc-en.php

On a tactical level, CSIS analyzes, publishes, and disseminates intelligence products that address current threats to the security of Canada. Tactical analyses—which focus on case-specific or country-specific threats—typically support a specific client or purpose.

What is "intelligence"?

In the present context, "intelligence" refers to the product resulting from the collection, collation, evaluation and analysis of information with respect to issues covered under the CSIS mandate.

Date modified:

2014-05-02

https://www.csis.gc.ca/bts/ntllgnc-en.php

2015-07-14

Tab/Onglet5

Page/Page 0044

		w			II.		
	*						
					ii ii		
							91
			36				
						51	
			30				



Government of Canada

Gouvernement du Canada Canadä

Canadian Security Intelligence Service (/index-en.php)
Home → About Us → Sharing Intelligence

Sharing Intelligence

Sharing intelligence and cooperation, both at the national and international levels, is essential to effectively gauge current and future threats to the security of Canada and to analyze terrorist trends.

Sharing Intelligence Nationally

At the national level, CSIS provides hundreds of briefings each year to various communities including law enforcement and other security intelligence agencies; academia; Canadian government departments and agencies; provincial, territorial, and municipal governments; and the public.

Specific mechanisms for sharing intelligence include the following:

- Government Liaison Unit is responsible for maintaining regular contact with Canadian government departments and agencies in order to determine their security intelligence requirements. This enables CSIS to provide client-focussed service and timely, value-added security intelligence advice.
- Threat Assessments, one of CSIS' key products, are evaluations about the scope and immediacy of a variety of threats posed by individuals and groups in Canada and abroad. Threat Assessments are used by Canadian organizations such as:
 - The RCMP, to determine the level of security required to protect foreign diplomatic missions in Canada and Canadian VIPs;
 - Foreign Affairs and International Trade Canada, to determine the proper level of protection required for Canadian missions and overseas personnel; and
 - Transport Canada, when considering security concerns for the travelling public.
- CSIS is also an active participant in the Government of Canada's Integrated
 Terrorism Assessment Centre (ITAC), which produces comprehensive threat
 assessments on terrorism that reflect information and intelligence collected by all
 players in the Canadian intelligence community.
- Threat and Risk Assessments (TRAs) are conducted by government departments and agencies. CSIS provides assistance for their preparation when requested.
- CSIS supplies information to the Enforcement Information Index, an automated system administered by Canada Border Services Agency (CBSA) that alerts immigration and customs officers about the threat posed to national security by

https://www.csis.gc.ca/bts/shrng-en.php

2015-07-14

SIS-6

Page/Page 0045

Tab/Onglet6

suspected and known terrorists, and foreign intelligence officers seeking admission to Canada. The information enables Canadian immigration officials to refuse applications from these suspects, effectively barring their entry to Canada. (More information about the lmmigration and Refugee Protection Act (http://lawslois.justice.gc.ca/eng/acts/I-2.5/index.html).

- Canadian immigration officials launch formal judicial proceedings, in cooperation with CSIS, to have individuals who are deemed inadmissible on national security grounds removed from Canada. Security Certificates are issued jointly by the Minister of Public Safety and the Minister of Citizenship and Immigration, and reviewed by the Federal Court, after which the subject may be deported.
- In the course of its investigations, CSIS often obtains ancillary information
 regarding criminal matters, which may be turned over to law enforcement
 agencies. Extensive and timely liaison with the RCMP and other police authorities
 has helped to apprehend criminals and prevent the threat posed by organized crime.

Sharing Intelligence Internationally

At the international level, CSIS works in close collaboration with Canada's traditional allies and shares pertinent intelligence to counter the global threat of terrorism and the proliferation of weapons of mass destruction. CSIS also cooperates with a number of other countries and provides information to selected foreign agencies. Strict standards and guidelines govern relationships with foreign entities and the sharing of intelligence. Prior to entering into such agreements, all CSIS' foreign arrangements must be reviewed by the Minister of Foreign Affairs and International Trade and approved by the Minister of Public Safety Canada. In addition, the Security Intelligence Review Committee (SIRC) and the Office of the Inspector General carefully examine these arrangements and monitor the exchange of information to ensure that the terms of the arrangements are upheld. For more information, see Accountability and Review (/bts/ccntblt-en.php).

Date modified:

2014-05-02

3 of 3



Government of Canada

Gouvernement du Canada Canadä

Canadian Security Intelligence Service (/index-en.php)
Home → About Us → Sharing Information with the Public

Sharing Information with the Public

CSIS stays in contact with the public through various programs and activities:

- · Liaison/Awareness Program
- · Public Liaison and Outreach Program
- · Media Relations Program
- · Cross-cultural Roundtable on Security

Liaison/Awareness Program

The Liaison/Awareness Program provides for ongoing dialogue with private and public organizations on the threat posed to Canadian interests by foreign governments which engage in economic espionage. The program allows CSIS to collect and assess the information needed to investigate activities of economic espionage against Canada, while enabling Canadian companies and public organizations to reduce their vulnerability by more effectively protecting themselves.

How to Participate

If you suspect that your organization has been the victim of economic espionage or if you are interested in finding out how to best protect your organization against potential threats, CSIS can deliver a presentation designed to sensitize your employees. The presentation covers some of the most common covert methods used by those who engage in economic espionage, and describes the steps that an organization should consider in assessing its vulnerabilities. The presentation also outlines the threat to information security, providing recent examples of computer intrusions that illustrate the real threat posed to computer and telecommunications systems. By participating in the program, your organization can gain a better appreciation of the risks that may be facing it, which will enhance its ability to protect sensitive or proprietary information and technology.

(Note: CSIS does not provide security consulting services, nor does it give tailored advice on protecting proprietary information and technology.)

To arrange for a presentation at your location, please contact the CSIS office nearest you (/contact-en.php?id=01).

https://www.csis.gc.ca/bts/shrngpblc-en.php

2015-07-14

CSIS-7

Tab/Onglet7

Page/Page 0047

Public Liaison and Outreach Program

The Public Liaison and Outreach Program is aimed at informing the public about the role and activities of CSIS in supporting national security. In this context, the Public Liaison and Outreach officer responds to enquiries from the public, and, in cooperation with regional officers, identifies opportunities to raise public awareness about issues relating to CSIS.

The officer provides briefings concerning CSIS's role and activities to federal and provincial government departments and agencies, foreign liaison officers, universities, associations and community groups across the country; distributes unclassified CSIS publications such as the Public Report, resource materials such as the Backgrounders series and multimedia presentations; and responds to requests for information (/contacten.php) received from the public.

Media Relations Program

The Media Relations Program plays an important role in ensuring that the media receives timely, accurate, balanced and consistent information from CSIS.

The officer responsible for this program is CSIS's main media spokesperson. The officer responds to <u>media enquiries (/contact-en.php?id=03)</u> and requests for interviews and provides them with unclassified information.

Cross-cultural Roundtable on Security

A key element of the government's National Security Policy is the <u>Cross-cultural</u> Roundtable on Security (http://www.publicsafety.gc.ca/cnt/nfnl-scrt/crss-cltrl-rndtbl/index-eng.aspx), a forum aimed at engaging Canadians in a long-term dialogue on national security matters, recognizing that Canada is a diverse and pluralistic society. The Roundtable provides a forum to discuss emerging trends and developments stemming from national security matters and serves to inform policy-makers.

Date modified:

2014-05-02

*



Government of Canada

Gouvernement du Canada



Canadian Security Intelligence Service (/index-en.php)
Home → About Us → Academic Outreach

Academic Outreach

Academic Outreach

- World Watch: Expert Notes (/pblctns/index-en.php?cat=02)
- Occasional Papers: Priority Issues (/pblctns/index-en.php?cat=03)
- Other Documents (/pblctns/index-en.php?cat=02#other)
- Global Futures Forum (/pblctns/wrldwtch/2012/gff-2012-en.php)

Intelligence in a shifting world

Like every other aspect of modern life, the only real constant in the world of security and intelligence is change.

Since the fall of communism, the global security environment has undergone a dramatic shift. In addition to traditional state-to-state conflicts, there now exists a wide array of security challenges that cross national boundaries and involve groups operating independent of national governments. In this environment, security threats range from terrorism, illicit networks and global diseases to energy security, international competition for resources, and the security consequences emerging from the effects of global warming. Several other factors such as globalization, the development of technology and information technology are also driving this change and making national and global security more complex and interdependent.

What we do

In September 2008, CSIS (Canadian Security Intelligence Service) launched its Academic Outreach Program to better understand these current and emerging issues. By drawing regularly on knowledge from experts and taking a multidisciplinary, collaborative approach, the Service wants to play an active role in fostering a clearer understanding of security issues. This process will benefit both the Service's experts as well as the researchers and

https://www.csis.gc.ca/bts/cdmctrch-en.php

2015-07-14

SIS-8

Tab/Onglet8

Page/Page 0049

2 of 3

AGC0574

Academic Outreach Page 2 of 2

specialists who collaborate with us. The Program's activities aim to develop a long-term view of various trends and problems, to challenge our own assumptions and cultural bias, as well as to sharpen our research and analytical capacities.

Our goals are to:

- tap into networks of experts from various disciplines and sectors, including
 government, think-tanks, research institutes, universities, private business and nongovernmental organizations (NGOs) in Canada and abroad. Where those networks
 do not exist, we may create them in partnership with various organizations:
- stimulate the study of issues related to Canada's security and intelligence apparatus, while contributing to an informed public discussion about the history, function and future of intelligence in this country.

Through its Academic Outreach Program, the Service intends to support, design, plan and/or host several activities, including conferences, seminars, papers, presentations and round-table discussions. For example, the Service has been actively contributing to development of the <u>Global Futures Forum (/pblctns/wrldwtch/2012/gff-2012-en.php)</u>, a multinational security and intelligence community.

While the Service does not take formal positions on issues, the results of some of our outreach activities are released on our <u>publications page (/pblctns/index-en.php)</u>, mostly as part of the *World Watch: Expert Notes* series. By publicizing the ideas emerging from our projects, the Service seeks to stimulate debate and encourage the exchange of views and perspectives with other organizations and individual thinkers.

Date modified:

2014-05-02



Government of Canada

Gouvernement du Canada Canad'ä

Canadian Security Intelligence Service (/index-en.php)

Home → At Home and Abroad → At Home and Abroad

At Home and Abroad

Domestic Cooperation

CSIS is a true national service, and, as such, its resources and personnel are geographically dispersed across Canada. The CSIS National Headquarters is located in Ottawa, with Regional Offices in Halifax, Montreal, Ottawa, Toronto, Edmonton and Burnaby. CSIS also has District Offices in St. John's, Fredericton, Quebec City, Niagara Falls, Windsor, Winnipeg, Regina and Calgary.

The geographic configuration allows the Service to closely liaise with its numerous federal, provincial and municipal partners on security issues of mutual interest.

Additionally, CSIS has several Airport District Offices, including those at Toronto's Pearson International Airport and at Vancouver's International Airport. These offices support aviation security, and assist CIC and CBSA on national security issues. The CSIS Airport District Offices also provide information to their respective CSIS Regional Offices and to CSIS Headquarters, and liaise with other federal government departments and agencies that have a presence within Canada's airports.

CSIS continues to share information on security issues with a wide variety of domestic partners. A key component of CSIS cooperation with its domestic partners remains the production and dissemination of intelligence reports and assessments such as those drafted by the Service's Intelligence Assessments Branch and Canada's Integrated Terrorism Assessment Centre, which is housed within CSIS headquarters.

One of CSIS's most important domestic partners is the Royal Canadian Mounted Police (RCMP). Because CSIS is a civilian agency without the powers of arrest, it will alert the RCMP to security threats that rise to the level of criminality, whereupon the RCMP can initiate their own investigation and lay charges if appropriate. CSIS collects intelligence whereas law inforcement—the RCMP—collect evidence for criminal prosecution.

Over the past few years, CSIS and the RCMP continued to develop a series of protocols on information-sharing. There is a growing body of Canadian jurisprudence in this area, which the Department of Justice and the Public Prosecution Service of Canada have

https://www.csis.gc.ca/hmndbrd/index-en.php

helped interpret for CSIS and the RCMP. The goal is to ensure that both organizations work together in a way that enhances the national security of Canada while at the same time respecting their respective legislative mandates.

To ensure that CSIS is in both practice and spirit a national service, intelligence officers get to live and work in different regions of the country during the course of their careers. One benefit of a CSIS career is the opportunity it provides to see Canada from coast-to-coast-to-coast.

Foreign Operations and International Cooperation

Over the past decade, world events have demonstrated that the threats of terrorism and espionage are not restricted by national borders. Many of the national security challenges facing Canada originate from or have a strong nexus to events, foreign governments, individuals and groups overseas.

Globalization has led to enhanced and more complex security threats from terrorism, other unlawful and violent extremist activity, espionage, weapons proliferation, illegal immigration, cyber-attacks and other acts targeting Canadians domestically and abroad. Canada's global presence in industry, diplomacy and as travellers of the world further compounds these threats and often results in its citizens and interests being targeted or threatened by terrorist groups and hostile foreign intelligence agencies.

The international dimension of terrorism manifested in Canada is continuously demonstrated by the fact that foreign terrorists continue to inspire and provide direction to individuals and groups in Canada. Some Canadians and residents of Canada have left the country to seek training in terrorist camps in Somalia, Pakistan and elsewhere in an attempt to support or conduct terrorist operations within Canada or abroad. Additionally, over the past several years, Canadians have been kidnapped in places such as Colombia, Iraq, Afghanistan, Somalia, Kenya, Pakistan, Niger, and Sudan. Numerous Canadian businesses, their workers and Canadian diplomats abroad have also been targeted or threatened.

The intent of the CSIS Act and, indeed, the expectations of Canadians, necessitates that CSIS is vigorously pursuing the collection of security intelligence wherever that intelligence can be obtained, be it in Canada or overseas. As a result, CSIS has enhanced and continues to maintain an international presence. In today's global environment, CSIS liaison and cooperation with its international partners remains a crucial component of our country's ability to effectively investigate, assess and counter threats to Canada and its interests.

https://www.csis.gc.ca/hmndbrd/index-en.php

2015-07-14

AGC0575

CSIS has officers stationed in cities and capitals around the world. Their primary function is to collect and, where appropriate, share security intelligence information related to threats to Canada, its interests and its allies with partner agencies. CSIS officers stationed abroad also provide security screening support to Canada's Citizenship and Immigration (CIC) offices and to the security programs of the Department of Foreign Affairs, Trade and Development Canada (DFATD).

Occasionally, the Service is required to send Canada-based officers abroad to respond to certain extraordinary situations. For instance, CSIS efforts have provided assistance in the evacuations of Canadians from regions in turmoil. CSIS officers, at considerable personal risk, have been dispatched to unstable countries and dangerous situations around the globe. The training, expertise and commitment of CSIS personnel is well-known in the global intelligence community.

The intelligence collected by CSIS has assisted Canadian government agencies to restrict entry to Canada of individuals who represent threats to Canadian security interests. CSIS's efforts have also cast light on the intentions and capabilities of terrorist groups and hostile intelligence agencies that seek to target Canadians, Canadian interests and the interests of our allies.

CSIS has more than 280 arrangements with foreign agencies or international organizations in some 150 countries and territories. Of those arrangements, some 60 were defined as 'Dormant' by CSIS (meaning there have been no exchanges for a period of one year or more). Additionally, CSIS continued to restrict contact with eleven foreign entities due to ongoing concerns over the reliability or human rights reputations of the agencies in question, while two arrangements remained in abeyance pending an assessment of the agency's future. Finally, one arrangement was terminated following the dissolution of the foreign agency.

For reasons of security and privacy, the Service does not publicly divulge details of the information it exchanges nor does it identify the foreign agencies in question. CSIS must protect its foreign arrangements in order to keep the relationships viable and secure. Foreign agencies expect that the information they provide to CSIS will remain confidential, just as the Service expects that any information it provides to foreign agencies will not be divulged or disseminated to a third party without the Service's prior consent.

Canada is a global entity with interests and equities at risk from terrorism, criminality and hostile intelligence agencies. The international mosaic which helps sustain Canada as a strong, healthy nation has, at times, revealed direct associations between international terrorist groups and Canadian-based citizens and residents. These represent national security concerns which require an international response, both in terms of information

https://www.csis.gc.ca/hmndbrd/index-en.php

sharing and collection of intelligence outside of Canada. CSIS is positioned and committed to pursuing its mandate to collect security intelligence, in Canada or overseas, in support of protecting Canadians, Canadian interests and the interests of our international partners.

Date modified:

2014-05-02

https://www.csis.gc.ca/hmndbrd/index-en.php

2015-07-14

CSIS-9

Tab/Onglet9

Page/Page 0054



Government of Canada Gouvernement du Canada Canada

Canadian Security Intelligence Service (/index-en.php)

Home → About Us → Frequently Asked Questions (FAQ)

Frequently Asked Questions (FAQ)

CSIS (Canadian Security Intelligence Service) Mandate

▼ What does CSIS do?

CSIS (Canadian Security Intelligence Service) collects and analyzes information and security intelligence from across the country and abroad, and reports to and advises the Government of Canada on national security issues and activities that threaten the security of Canada. The Service also provides security assessments to all federal departments and agencies, with the exception of the Royal Canadian Mounted Police (RCMP (Royal Canadian Mounted Police)).

- What constitutes a threat to the security of Canada?
 The activities that constitute a threat to the security of Canada include:
 - terrorism, that is, serious violence for the purpose of achieving a political, religious or ideological objective;
 - · proliferation of weapons of mass destruction;
 - · espionage; and,
 - · foreign-influenced activity.
- ▼ How does CSIS differ from the RCMP?

While CSIS (Canadian Security Intelligence Service) is strictly concerned with collecting information and security intelligence for the purpose of advising the government, the role of the RCMP (Royal Canadian Mounted Police) and other law enforcement agencies is to investigate criminal activity and to collect evidence that can be used in criminal prosecutions.

▼ Is CSIS allowed to investigate protest groups?
CSIS (Canadian Security Intelligence Service) is is mandated to investigate individuals or groups that may pose a threat to the security of Canada. As defined in section 2 of the CSIS (Canadian Security Intelligence Service) Act, threats include espionage or sabotage, foreign-influenced activities or activities in support of terrorism. Section 2

https://www.csis.gc.ca/bts/fq-en.php

2015-07-14

CSIS-10

Tab/Onglet10

Page/Page 0055

specifically bars CSIS (Canadian Security Intelligence Service) from investigating "lawful advocacy, protest or dissent,"unless it is carried out in conjunction with one of the threat-related activities defined in the *Act*.

Is CSIS allowed to recruit university students to spy on their colleagues on campus? One of the acknowledged methods of investigation used by CSIS (Canadian Security Intelligence Service), and by security intelligence and law enforcement agencies worldwide, is the recruitment of human sources.

If a CSIS (Canadian Security Intelligence Service) investigation involves the direction of a human source or the use of intrusive devices, the Service is required, pursuant to ministerial direction, to obtain ministerial approval.

Also, if a CSIS (Canadian Security Intelligence Service) investigation involves the use of intrusive techniques, such as telephone intercepts or covert searches, the Service would be required, pursuant to section 21 of the CSIS (Canadian Security Intelligence Service) Act, to obtain a warrant approved by a Federal Court judge.

CSIS (Canadian Security Intelligence Service)' operational activities are also subject to ongoing review by the Security Intelligence Review Committee (SIRC (Security Intelligence Review Committee)) and the Office of the Inspector General (OIG (Office of the Inspector General)), both of which are "arms-length" agencies whose main purpose is to ensure compliance with the CSIS (Canadian Security Intelligence Service) Act, CSIS (Canadian Security Intelligence Service) Policies and ministerial direction.

- ▼ How does CSIS decide to investigate a particular person or group?
 While CSIS (Canadian Security Intelligence Service) cannot disclose its operational methodologies, it is important to note that when it decides to investigate a person or a group, it is because they are suspected of posing a threat to the security of Canada as defined in section 2 of the CSIS (Canadian Security Intelligence Service) Act. The person or group must be engaging in activities that are believed to be in support of espionage, sabotage, foreign-influenced activity or activities in support of terrorism.
- ▼ Is CSIS targeting its counter-terrorism activities on particular racial groups?
 CSIS (Canadian Security Intelligence Service) targets individuals and groups based on their activities-which must be in support of a threat as defined in section 2 of the CSIS (Canadian Security Intelligence Service) Act-and not on their ethnic origin or country of birth, on their ethnic origin or country of birth. In recent years, certain Canadian minority groups have felt singled out by security and law enforcement agencies. This is a legitimate perception but it is only a perception.

https://www.csis.gc.ca/bts/fq-en.php

2015-07-14

3 of 8

CSIS (Canadian Security Intelligence Service) operational activities are subject to review by SIRC (Security Intelligence Review Committee) and the OIG (Office of the Inspector General) on a yearly basis. In its more than 20 years of existence, CSIS (Canadian Security Intelligence Service) has never been accused of inappropriate targeting by SIRC (Security Intelligence Review Committee) nor by the OIG (Office of the Inspector General).

As a federal government agency, CSIS (Canadian Security Intelligence Service) is sensitive to Canada's multicultural society. The Service makes a concerted effort to have a workforce that represents Canadians from all backgrounds. In fact, cultural diversity is an essential component of CSIS (Canadian Security Intelligence Service)' operational effectiveness.

- ▼ Can I file a complaint about CSIS? You may file a complaint about an activity conducted by CSIS (Canadian Security Intelligence Service) or concerning the denial or revocation of a security clearance. Read the process for filing a complaint (/contact-en.php?id=02) for more information.
- ▼ Is the work of CSIS similar to how it is portrayed in Canadian television shows such as The Border?

It is important to remember that shows such as CBC's *The Border* are works of fiction, and employ fictional devices and situations to generate drama. While life at CSIS has its moments, the work of intelligence officers bears little resemblance to how it is portrayed on television. *The Border*, for example, suggests that CSIS can arrest or detain people. CSIS, in fact, does not have the power to do either. The same show suggests CSIS can arbitrarily raid or seize material. CSIS requires warrants to conduct any such intrusive activities. Likewise, CSIS has extremely strict protocols governing how it shares information with other countries and how that information can be used. These protocols have been reviewed by both the SIRC (Security Intelligence Review Committee) and the Arar Commission of Inquiry.

Security Intelligence

▼ What is "security intelligence"? Security intelligence is the product resulting from the collection, collation, evaluation and analysis of information regarding security threats. It provides government decision-makers with insight into activities and trends at national and international levels that can have an impact on the security of Canada. This insight allows decision-makers to

https://www.csis.gc.ca/bts/fq-en.php

develop suitable policy in anticipation of possible threats. Regardless of its source, security intelligence provides value in that it supplements information that is already available from other government departments or the media. Intelligence conveys the story behind the story.

- How does CSIS provide added value? The added value that CSIS (Canadian Security Intelligence Service) provides stems from analysis and a wide variety of investigative techniques, including the use of covert and intrusive methods, such as electronic surveillance and the recruitment and tasking of human sources.
- ▼ Can CSIS investigative techniques be arbitrarily deployed? No. All intrusive methods of investigation used by CSIS (Canadian Security Intelligence Service) are subject to several levels of approval before they are deployed. The most intrusive methods, such as electronic surveillance, mail opening, and covert searches, require a warrant issued by a judge of the Federal Court of Canada. SIRC (Security Intelligence Review Committee) and the IG (Inspector General) closely review CSIS (Canadian Security Intelligence Service) operations to ensure they are lawful and comply with the Service's policies and procedures.
- ▼ What does CSIS do with the intelligence it collects? CSIS (Canadian Security Intelligence Service) reports to and advises the Government of Canada on threats to the security of Canada. CSIS (Canadian Security Intelligence Service) intelligence is shared with other Canadian government departments and agencies, including Foreign Affairs and International Trade Canada, Immigration and Citizenship Canada, the Department of National Defence, and the RCMP (Royal Canadian Mounted Police). CSIS (Canadian Security Intelligence Service) also has arrangements to provide security assessments to other countries, mostly in relation to visa applications.

Operations Abroad

▼ Does CSIS have a foreign presence?

https://www.csis.gc.ca/bts/fq-en.php

2015-07-14

5 of 8

CSIS Security Liaison Officers(SLOs) are posted at Canadian diplomatic missions worldwide. They collect relevant information from foreign police services and security intelligence agencies and from open sources, such as newspapers, periodicals, domestic broadcasts and official documents. SLOs also conduct security assessments of prospective immigrants.

▼ Does CSIS operate overseas?

There is no restriction in the CSIS (Canadian Security Intelligence Service) Act on where CSIS (Canadian Security Intelligence Service) may collect information on threats to the security of Canada. We may collect information on security threats from anywhere in Canada or abroad.

The CSIS (Canadian Security Intelligence Service) Act also allows the Service to provide the Government of Canada with non-threat related intelligence that is collected incidentally during CSIS (Canadian Security Intelligence Service) operations.

CSIS (Canadian Security Intelligence Service) has carried out operations overseas in the past, and will continue to do so as circumstances warrant.

▼ What is CSIS' role with respect to Canada's foreign intelligence requirements? Section 16 of the CSIS (Canadian Security Intelligence Service) Act allows the Service to collect foreign information or intelligence relating to the capabilities, intentions, or activities of any foreign state or group of foreign states, or anyone other than a Canadian citizen, permanent resident, or a Canadian corporation.

"Foreign intelligence," as defined in the Act, can only be collected in Canada at the request of the Minister of Foreign Affairs and International Trade Canada, or the Minister of National Defence.

Our current priority, however, is threats to the security of Canada (particularly terrorist threats).

Security Screening

▼ What is security screening?

Security screening is a process by which the name of a security clearance applicant is verified against CSIS databases to determine whether the applicant is mentioned in relation to threat-related activities. Depending on the level or category of security

https://www.csis.gc.ca/bts/fq-en.php

clearance required, security screening can also involve interviewing the applicant's friends, neighbours and employers, consulting with local police, and possibly interviewing the applicant.

- What is the purpose of security screening? The purpose of security screening is to prevent anyone of security concern from gaining access to sensitive government assets, locations or information, and to prevent non-Canadians who pose security concerns or risks from entering Canada or receiving permanent residence in the country.
- ▼ Who must undergo the security screening process? Federal public service employees, members of the Armed Forces and persons under contract to a government department who, in the performance of their duties, have access to classified government assets or information, as well as people who work at sensitive sites such as airports, the Parliamentary Precinct and nuclear power stations, are required to hold a security clearance. Non-Canadians who apply for permanent residency or refugee status must also undergo security screening. Security assessments fall into the following program categories: Government Screening, Sensitive Sites Screening, Foreign Screening, Immigration and Citizenship Screening, and Refugee Claimant Screening. Read more about security assessments (/scrtscrnng/index-en.php).
- W How can I obtain a security clearance? CSIS (Canadian Security Intelligence Service) provides security assessments of individuals to all federal government departments and agencies (except the RCMP (Royal Canadian Mounted Police)). It does not, however, assist members of the general public with obtaining security clearances. To obtain a security clearance, you may contact the following authorities:
 - If you are a member of the general public and a condition of employment requires a government security clearance, contact the Human Resources division of the hiring government department.
 - If you are a general contractor and require a security clearance, call Public Works and Government Services Canada at 613-948-4176, or call toll-free at 1-866-368-4646 (weekdays, from 8 a.m. until 4:30 p.m.).
 - For all immigration/refugee/visa-related issues, contact Citizenship and Immigration Canada at 1-888-242-2100.

2015-07-14

7 of 8

If you wish to file a complaint concerning the denial or revocation of a security clearance necessary to obtain or keep federal government employment or contracts, contact the Security Intelligence Review Committee (SIRC (Security Intelligence Review Committee)) (http://www.sirc-csars.gc.ca/cmpplt/index-eng.html) and follow the prescribed complaint process (/contact-en.php?id=02).

Contacting CSIS

- ▼ I have some important information that might be of interest to CSIS. Whom do I contact? See the <u>list of addresses and telephone numbers (/contact-en.php)</u> for CSIS (Canadian Security Intelligence Service) headquarters and regional offices.
- ▼ Whom do I contact to file a complaint about CSIS?
 The Director of CSIS (Canadian Security Intelligence Service) and the Security Intelligence Review Committee (SIRC (Security Intelligence Review Committee)) are responsible for responding to complaints concerning an activity conducted by CSIS (Canadian Security Intelligence Service), or the denial or revocation of a security clearance.

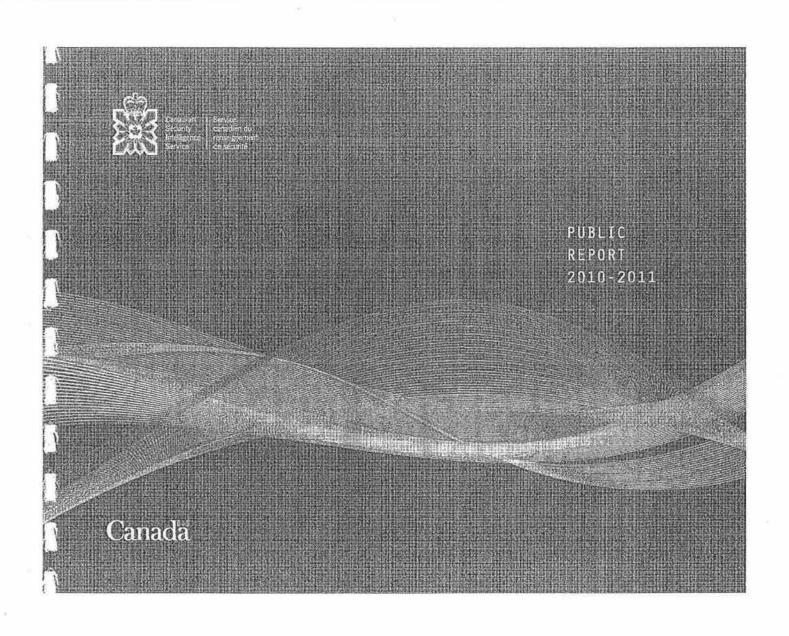
To file a complaint, follow the process for filing a complaint (/contact-en.php?id=02).

Date modified:

2014-05-02

ISIS-10

TAB



© PUBLIC WORRS AND GOVERNMENT SERVICES GANADA 2012 CM, No. PS74-2011 ISSN 1184-6413







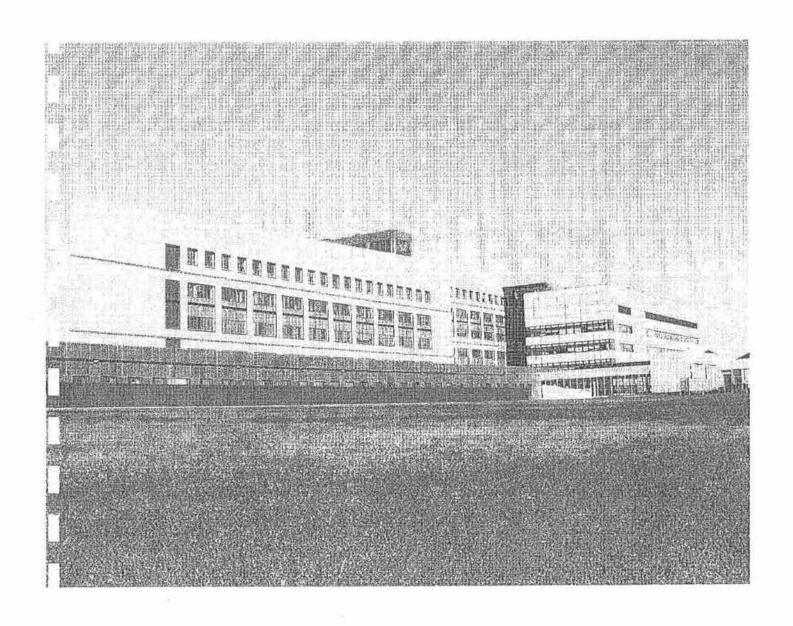


CSIS-11

Tab/Onglet11

Page/Page 0063 -

3 of 50



MESSAGE FROM THE DIRECTOR



The fiscal year 2010-2011 was both a challenging and a successful one for CSIS. Several counterterrorise operations by the Service and its partners resulted in the prevention of attacks in Canada. Internationally, we continued to exect an effective presence, including in Aighanistan where the intelligence we collected saved lives.

Granifying as it is to survey a year of achievements, doing so provokes some wistfulness. All of us would profer to five in a world where a peaceable country such as ours had no need to maintain a robust security and intelligence apparatus — a world where threats to our security were decreasing rather than increasing, where adversaries were disappearing faster than they are appearing, where the methods by which Canadian interests can be hit med were diminishing rather than expending.

Unfortunately, that is not the world Canadians find themselves in.

While the "9-11 era" might be over, symbolized by the demise of Osama bin Luden, violence committed in the name of extremist political or religious ideologies remains a global scourge. Oppressive governments continue to produce, or seek to produce, weapons of mass destruction, thereby jeopardizing international security. Economic and strategic competition among matieus has produced levels of histile foreign explorage that rival those witnessed during the Cold War.

The threats to Canada's national security are different from those faced by previous generations.

Back when the world's most powerful countries were in thrall to totalizarian, expansionist governments—namely, fascist or communist—democracies such as ours had a feeling of existential vulnerability. Today the spectre of atmiss invading our shortes to recentives our system of government has diminished. But it's equally rate that today, in the age of globalization, a handful of men or women with the right weapons can cause the sort of destruction that in years past only a large number of trained soldiers could have done.

Today's world is interconnected in ways we are only beginning to understand. The globalization of ideas and of technology is a positive development when those ideas and rechnologies are vehicles for human advancement. It is a less positive development when they are put to the service of human conflict. The complexity of the threat environment – evolving as rapidly as technology itself – presents an unprecedented challenge for the national security community.

It used to be that we knew, by and large, what the threat was and who our adversaries were. [Inday it can be hard sometimes to identify either.

On the espionage front, exher attacks against sensitive information systems will happen instantaneously, in Internet time, with victims not knowing how they were hit or by whom, in some cases not even knowing they've been hit at all. On the terrorism front, the Internet enables extremises to create victual communities. Terrorists no longer need to maintain the operational security of safehouses, because they can share and obtain tradecraft from the isolation of their one-toom apartments.

Anders Breivik of Norway did not need the support of a large network to early out one of the most hordific terrorist attacks of 2011. He represented the most difficult threat to detect – the "lone actor." Extremists of all stripes have taken note. Terrorist leaders used to call upon supporters to early in training camps abroad but now those supporters are being asked simply to mount attacks where they are. The terrorist message has been callored to the medium.

The above examples illustrate how the Service needs to adapt to ever-changing threats. On the analytical side, we have recruited and trained top-tier analysis and subject-matter experts. We are doing, for example, curring edge research on the dynamics of radicalization, because detecting violent extremists isn't enough. We need also to understand them — to understand how seemingly ordinary young men or women can grow up in Canada yet come to reject the Western democratic values that underpin Canada identity, instead replacing them with the nibilist ideology of al-Qseda.

The past year was a significant one in Canadian security history because the story of the Toronto 18 reached its legal conclusion in an Ontario courceour, (see Making History, page 21). The work leading to the successful prosecution of members of that terror cell was a model of cooperation between the Service, law enforcement – principally the RCMP – and the Public Prosecution Service of Canada. It was important for Canadians to see that terrorism is a global phenomenon and our country is in no way immune, and also that threats can originate from both inside and outside our borders.

CSIS-11

Tab/Onglet11

Page/Page 0066

6 of 50

When we talk of confronting new realities, we include economic realities. Taxpayers expect value and sound fiscal management from their public institutions. The Service will confinue to identify the most effective options to reflect the environment in which we operate. The culture of innovation, efficiency and responsible resource management at CSIS is inherent with who we are and expresses itself both in good and in uncertain economic times.

At CSfs we are keenly aware of the special role Canadians have given us. We are often asked if it is frustrating to work under the condition that our successes are known, most of the time, only to ourselves. If ever that is a hurden it is far ourseighed by the unique compensation of which we are the secipient, and that is the privilege of contributing to a safer and stronger Canada.

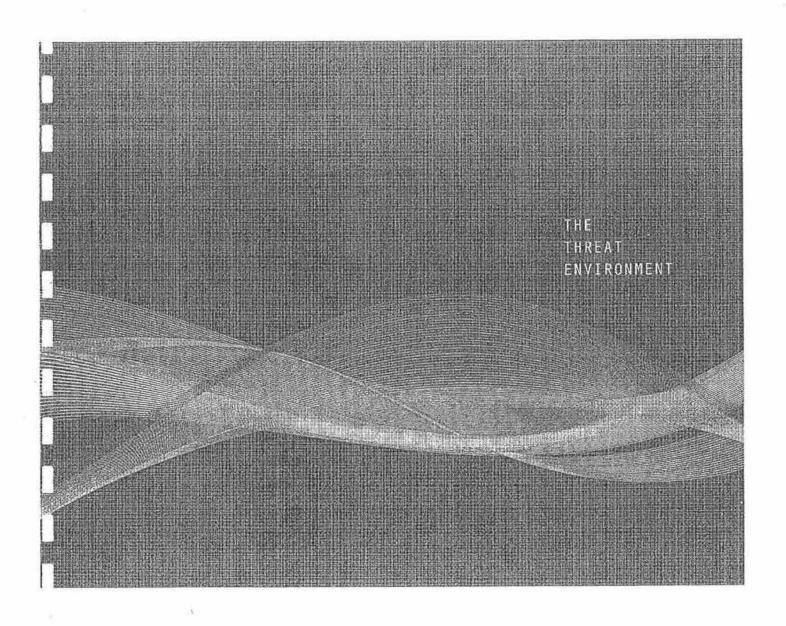
Richard B. Fadden

Director, Canadian Security Intelligence Service

TABLE OF CONTENTS

Message from the Director	3	Making History (Toronto 18)	21
The Threat Environment	9	Security Screening Program	25
Terrorism and Extremism	11	Government Security Screening	. 23
Fact have Birth of a reminion	14	Poreign Screening	28
Fact have Society tires, for from home	15	Find box: Screening in action 1	25
Terrorist Financing and		Immigration and Citizenship Screening	25
Financial Investigation	15	Spedight: Screening of Refugee Claimants	
Chemical, Biological, Radiological,		(Front End Screening)	25
and Nuclear (CBRN) Weapons	16	Yest love Servening in section H	30
Fact base Keeping therats wet	17	At Home and Abroad	31
Cybersecurity	1.4	Domestic Conperation	33
Espionage and Foreign Interference	18	Foreign Operations and	7.7
Full how: I seeking North	19	International Cospecation	34
		Sharing responsibly	33

AL	inique Workplace	37
	Our people	39
	Recruitment	40
	Financial Resources	40
	Integrated Planning and Accountability	41
Rev	view and Accountability	43
	'The Minister of Public Safety	16
	The Security Intelligence Review Committee (SIRC)	46
	The Inspector General (IG)	47.
	CSIS Internal Audit Branch / Disclosure of Wrongdoing and Reprisal Protection	47
	Access to Information and Privacy	47
	Fact hes: History on File	48
Tal	king to Canadians	51
	Community engagement	53
	And and Control	1.00



THE THREAT ENVIRONMENT

Terrorism and Extremism

As in recent years, the greatest threat to the national security of Canada is terrorism, a phenomenon that, in Canada, has been associated with a variety of radical political and religious movements.

Although the face of terrorism continues to be a diverse one, today the most salient threat has the form of Islamist extremism. In 2010-2011 there were many reminders that the threat is real and serious. The last members of the domestic

CSIS-11

Tab/Onglet11

Page/Page 0071

PUBLIC EXPOST VBIO-2011

terrorist network known as the Toronto 18 received their prison sentences, culminating in a life term for Sahreef Abdulhaleem (see Making History on page 21). Yer just as the Toronto 18 case reached its judicial conclusion, the existence of an unrelated suspected terrorist cell became public with the arrests in August 2010 of three Ontario men.

While some Canadian terrorists have sought to commit attacks here at home, others have been implicated in plots against targets abroad. Canadians seeking to conduct terrorism in other countries are of concern to Canada in the same way that Canada expects foreign governments to take responsibility for their own citizens who support terrorism against Canadians. In March 2011, Canadian authorities issued arrest warrants for two future Wimipeg residents suspected of travelling abroad for the purpose of supporting terrorism. The warrants, issued in absentia since the accused are no longer in Canada, illustrated the transmittenal nature of the terrorism threat today.

Despite a series of setbacks including the death of leader Osama bin Laden, Al Queda (AQ) remains one of the most dangerous terrorist groups in the world. Failed terrorism plots in a number of Western countries have led jovestigators back to largely ungovernable areas to the border regions of Afghanistan and Pakistan. The region will remain a significant source of terrorist activity for the foreseeable future.

Groups affiliated with AQ in different parts of the world also pose agnificant terrorise threats. In 2010, Al Queda in the Aribian Peninsula (AQAP), based out of Yemen, asserted itself as an AQ affiliate that continues to present a significant danger to the West. The group is determined and innovative, as was made clear by its attempt in the fall of 2010 to blow-up eargo planes over North America using ductored printer-tartridges. This innovative attack-planning had already been demonstrated by its previous 2019 Christmas Day attempt to blow up a US-hound airliner as it approached Derroit. Flad these attacks been successful, the airplanes might well have been downed over Canadian cities, resulting in significant Canadian casualties.

AQAP has suffered noteworthy serbacks with the deaths of two key members, Anwar al-Awiaki and Santir Khan. Both were US citizens and the creators of AQAP's English-language illudist publication Implire Despite their elimination, the group is believed to retain operational capacity. Furthermore, AQAP is in an excellent position to exploit the unrest in Yemen and other parts of the Arab world in order to enhance its operational capabilities.

Other Al Queda-affiliated groups also survived, modifistanding vigrarius counter-tercorism operations. Al Queda in Iraq (AQI), which had repeatedly been described as in a state of near collapse due to US pressure in Iraq, demonstrated resilience with a number of attacks in 2010 and 2011. In North Africa, Al Queda in the Islamic Maghreh (AQIM) continues to pursue a campaign of kidnapping and small-scale attacks in the Sahel and North Africa. The threat posed by AQIM may increase if it is able to explore the current unrest in North Africa.

A major national security concern for Canada emanates from the troubled African state of Semalia, where the cuttiless terrorist group Al Shahaah controls significant parts of the country and operates with relative impunity. Numerous young Somali Canadians have travelled to Somalia for terrorist craining, a disturbing phenomenon that has also been seen in the US and in other Western countries with a Somali diaspota. There have been reports that some of these individuals, including Canadians, have been killed as a result. Although it fulls outside the review period of this report, in October 2011 an alleged Al Shabaah suicide bomber delivered a message specifically calling for attacks inside Canada, among other countries.

Seniali Canadians are rightly worried about the radicalization of some of their worth, and the national security community – including CSIS – is committed to helping families and communities keep their children from pursuing a path that can have no good putcome.

Groups such as Al Shabaab, AQ, and those affiliated with AQ continue to train terrorists and to encourage supporters around the world to earry

PR6516 REPRIT 2014-2014

our arthests against. Western targets. The recruitment of Western ettizens to participate in terrorise acts is a priority for those groups, because such operatives have easy access to Europe and North America.

The threat of "home-grown" externism is of paramount content to Canadian national security. It refers to the indoctionation and radicalization of individuols into the ideology espoused and propagated by Al Qaeda. This threat can be seen in security tecent cases globally in February 2012, from UK citizens, arrested in December 2010, were condited of planting to homb the London Stock Exchange; similarly, in July 2011, a US soldier was acrossed for plotting a shooting at the US military base Fort Hood, flooking to replicate the earlier shooting by Major Nidal Hasan. All admitted to having read Impire magazine.

CSIS has worked diligently to understand the dynamics of radicalization – the process whereby individuals move from holding moderare, mainstream beliefs towards adopting excremist political or religious ideologies. In early 2011, CSIS's Intelligence Assessments Branch produced an important research report on radicalization in Canada. The study does not identify a single, predictable pattern of radicalization. The process by which someone moves from moderate beliefs to extramist beliefs is a personal one. It varies from individual to individual. There is no single, linear process that leads to extremism.

Several drivers do appear with some frequency, however, including the adoption of significant grievances against Western governments, their societies and way of life, as well as the conviction that the Muslim world is under actacl, and needs defending through the use of virolence. The influence of a charismatic ideologue such as the late Annat Al-Awlaki becomes magnified in these environments. The abundance of Internet-based fectures and propaganda supporting a radical cosmology also contributes to the process.

Violenc extremists have come from all social and age levels, are spread widely across the educational spectrum and can appear fully integrated into society, making detection and intervention difficult. As a result of these challenges, CSIS continues to study the phenomenon and is working with allies in this regard.

Hizballah's main preoccupations in 2010-2011 were to extend influence over Lebanése political life while managing allegations regarding its involvement in the 2005 murder of former Paine. Minister Rang Haziri, Hizballah continued the pace of its Syrian and Iranian-supported military rearmatient. The improved quiuting lethality and sophistication of its weapons systems have reinforced its dominance in the south of Debanon and the Bekas Valley, where the authority of the Lebanese Armed Forces is severely restricted. Hizballah maintains training camps, engages in weapons struggling and drug trafficking, and also maintains an accental of thousands of cockets aimed to the south, at Israel. Hizballah's increasing political role and military capabilities directly some the goo-political increase of its fearian and Syrian patrons.

Combining Palesonian nationalism with Islands extremism. Hamas paradoxically continues to advocate the descrution of Israel on the one hand, and a long-term reasefire on the other. Hamas's engagement in politics since its 2007 takeover of Gaza and its competition with Farah has forced the group to develop a delicate balance between competing interests. Hamas has had to rone down some of its Islands thetoric, frequently placing secular political considerations before succely religious objectives. Hamas's immediate concerns center on lifting the economic blockade of Gaza and securing the release of prisoners in Israel. While it insists on maintaining control of Gaza, it also seeks to avoid being inarginalized in any negociations with Israel. In part, this may explain its recent reconciliation with Farah.

Page/Page 0073

RUBLEL REPORT 1019-2011

Birth of a revolution

On December 17, 2010, a Tunistan fruit yender named Mohamed Bouzztzi sechimself on the to protest the lack of economic opportunity and political freedom in his country. His sufeide became a symbolic expression of despaie that resonated among rullians of other young people in the Arah world. Mass protests and then revolution council, teading to the collapse of long-standing regimes in some Middle Eastern countries.

Will the tiplicaval of the political order in the Middle Fast dbrinish or increase the thren to Canadian security interests? That's a complex question, one that will preoccupy CSIS for the next year and beyond. Analysis are well aware that the region facks a strong tradition of democratic politics. The various repressive regimes have always bad opponents, but those appropriates have not typically exhibited democratic instincts. There is a perennial anxiety that violent extremises will see in the turnula an opportunity to strengthen their own hand.

At the same time, it's impossible to watch the Atab Spring and not hope that it marks the stirring of genuine democratic reform. The drama is such beginning It is one the whole world is watching, because the outcome has implications for international security.



"SPILITARS CARTICICATE IN THE COPULAR GRADEING THAT COPPLET

Other forms of violence, motivated by ideology, continue to threaten Canadian rational security. Domestic or "multi-issue" extremises in Canada, though small in number, are capable of orchestrating acts of violence, as illustrated by the 2010 firebombing of a Royal Bank branch in Ottewa. This represented a sections case of politically motivated violence against the financial sector. The grievances harboured by those who oppose issues such as the perceived uppressive effects of capitalism are likely to continue and may trigger additional acts of sections violence.

Right-wing extremism has not been a significant problem in Canada in recent years. Those who hold such views have tended to be isolated and ineffective figures. However, the 22 July 2011 bombing and shooting rampage in Oslo, Norway, which killed 77 people, showed that a marginalized individual, if properly morivated, can successfully execute truss-casually termism. The fact that such "lone actors" are by definition operating individually increases their chance of operational success, because they are hard to detect.

CSIS-11

Tab/Onglet11

Page/Page 0074

14 of 50

Bunity respir reserved.

The varied matter of the retroitst threat requires a multi-tered response, CSIS works locally, nationally and internationally to identify threats to Canada and to its foreign paratets. The arrangements CSIS has escublished with services and agencies in Canada, and around the sworld, ensure that the information-exchanges necessary to combat terrorism are in place.

Saving lives, far from home

Of all the successes in 2010;2011, the Survice is particularly proud of our work in Afghanistan. Beginning in 2002, CSIS played a critical role in supporting Canada's combar mission in that country. Information follocted by CSIS in Afghanistan saved lives - Canadian lives and the lives of Afghan civilians. The end of the Canadian combar mission in Afghanistan hay changed how CSIS focuses at actions in that region, but it has that brought those efforts to an end. Our mandate is to follow the threat. And as long as the activities of extremist networks operating in Afghanistan threaten Canadian interests, the region will remain an important meditigenes concern for the Section.

Terrorist Financing and Financial Investigation

Terrorist organizations require finances and resources to recruit and cain members, to distribute propaganda and to eatry out their attacks. Every dollar denied to terrorists makes these actions more difficult and thus less likely to happen.

The economics of research are extremely complex. Terrorist funding is often transmational, and may involve many different players using a variety of rechniques in order to achieve their destred goals. In order to a uniter such activity, counter-terrorism authorities need to work together. CSIS

enjoys excellent relationships with domestic partners such as the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), the Roy at Canadian Mounted Police (RCMP) and the Canada Revenue Agency (CRA). Again, owing to the temsorational nature of terrorist financing, CSIS also receives information and discusses issues of mutual concern with international counterparts.

When terrorist groups do emerge, Canada can formally declare them as such and list the group as a terrorist entity under the Contined Coeff of Canada. Once designated as a terrorist entity the group's assets in Canada are frozen and any financial and material support to such designated contries constitutes a criminal offence. By partnering with other agencies and institutions, CSIS can help maintain the efficiency and integrity of Canada's financial system, while at the same one remaining vigilant against any forms of terrorist financing or support.

In 2010, a British Columbia man, Prapah man Thambiblucal, was the first, person to be charged and convicted for terrorist financing. He pleaded gully to the offence and was sentented to six months in fail after admitting to police that some of his collection was directed to the Liberadon Tigers of Tamil Echan, a fixed terrorist cotiny in Canada. A 2011 Crown appeal for a longer sentence was dismissed by the BC Goura of Appeal.

Some toreign investments in Canada can also pose wider national security concerns. The Investment Canada Act provides the Government of Canada with a mechanism to ensure that foreign investments are within Canada's national security interests. CSIS plays a contributing role by advising government of the national security implications that might asise from a proposed foreign investment.

Public Report 2010-2055

Chemical, Biological, Radiological, and Nuclear (CBRN) Weapons

The proliferation of chemical, biological, radiological and medeac (CBRN) verspons, commonly referred to as weapons of mass destruction (WMD) and their delivery vehicles poses a significant, threat to the security of Canada, its allies and the international community. Regardless of whether proliferation is catried out by state or non-state actors, the pursuit of WMD increases global tensions and may even precipitate armed conflicts. Their actual use in war, the idea of which is anothern to Canadian values, would cause unspeakable suffering and devastation. Canada is a party to many international conventions and other arrangements designed to stem the proliferation of WMD, and CSIS works closedy with both domestic and foreign partners to uphold the nation's commitment to this cause.

Canada is a leader in many high technology areas, some of which are applicable to WMD programs. As a result, foreign entities seeking to advance WMD programs have targeted Canada in an attempt to obtain Canadian technology, materials and expertise. CSIS investigates these attempts to procure WMD technology within and through Canada, and in turn advises the government. CSIS also seeks information on the progress of foreign WMD programs, both in their own right – as possible threats in national or international security – and in order to determine what proliferators may be seeking to acquire.

The danger of nuclear proliferation remains acute. Iran is widely believed to be steking the capability in produce duction weapons. It has continued to advance a uranium enrichment program despite widespread international condemnation and successive UPN Security Council resolutions demanding that it cease such activity.

North Korea has revice tested a nuclear explosive device. The country is believed to have sufficient plutmium for a small assenta of nuclear weapons and it recently revealed the existence of a transium enrichment program that could further add to its arsenal. North Korea's nuclear

proliferation has a destabilizing impact on the Korean Peninsula and Northeast Asia. Canada has significant economic and strategic interests in this region that could be at risk from North Korea's activities in this regard. South Korea is Canada's seventh-largest trading partner and the hird-largest in Asia after China and Japan. There are more than 20,000 Canadians firing in South Korea and 200,000 Canadians firing in South Korea and 200,000 Canadians firing in South Korea and 200,000 Canadians for Korean origin who could be deeply affected in the event of a conflict.

Nurth Korea has shown no inclination to "denuclearize," as called for by the international community and, moreover, has been proven willing to export its nuclear technology to states such as Syria. In South Asia, a principal concern remains the nuclear arsenal of Pakistan and questions over the security of those weapons systems given the domestic instability in that country.

A number of terrorist groups have sought the ability to use CBRN materials as weapons. Some groups such as Al Queda have pursued efforts to cause mass casualties with biological agents such as anchran, or improvised nuclear explosity devices. While the technological hurdles to such efforts reinain significant, the possibility that a terrorist group could acquire crude capabilities of this kind cannot be discounted. Even a relatively unsophisticated use of chemical, biological or cudioactive material in small-scale attacks could have a disruptive economic and psychological impact that would the outweigh the actual casualties inflicted.

Keeping threats out

Whatever the threat to Canada, we at CSIS believe that it should be stopped as early as possible—at its source if practical—and connecessarily overty of in the public eye. By this ene, we are actively working with this parenters to ensure the forward defence of Canada. Through our overseas operations, CoIS plays a key me in helping to cush irregular and flegal migration to Canada. We provide secondly screening advice to Chisenship and Immigration Canada, and we participate in joint intelligence operations against complex trafficking, snuggling and financing networks that seek to exploit Canada. These efforts help loop potentially dangerous individuals from entering this country.

Cybersecurity

The Internet and other communication rechnologies allow any individual, group or organization to attack Canada without having to set foot here. These hisrile activits can include both sear and mon-state actions fureign intelligence agencies, remaints, "hactivists" or simply milicious individuals acting alone. Regardless the motivation, hospile actors have access to a growing range of cyber attack tools and techniques. Media reporting on cybersecurity milests a growing awnoress of the destructive impact that such amacks can have on Canada, both for the private and public sector. As technologies evolve and become more complex, so too do the challenges of detecting and protecting against cyber artacles.

We have seen anticks against a wide variety of departments at the federal, provincial and even municipal level. In January 2011, attackers targeted the negworks of the Uniance Department and Treasury Board. Unfortunately attacks like this are not a rare exception. The Government

of Canada is now witnessing serious attempts to penetrate its networks on a daily basis.

In the prhata sector we also observe a wide targe of targeting. The main rarget, which is similar to traditional economic espionage, is the aerospace and high-technology industry. From the attackers' perspective, it is significantly cheaper and often less difficult to steal research than to develop it. Another traditional economic espionage target we often come across is the oil and gas industry and tanversities involved in research and development. In addition to scaling intellectual property, state-sponsored attackers are also seeking any information which will give their domestic tempanies a competitive edge over Caoadian firms, an example would be inside knowledge of upcoming negotiatives—personalities involved, their likes and dislikes, and so on.

CSIS broadly defines a cyber related attack as the use of information systems or computer technology as either weapon or target to gain unauthorized access to, or diver malicious activity against, computers, networks, or communications. Attackers have employed exterfully crafted e-mails, social networking services and other vehicles to acquire government, corporate or personal data. Foreign intelligence agencies use the Internet to conduct espitange operations, as this is a relatively line-cust and line-sisk way (nobbain classified, proprietary or other sensitive information.

Given the borderless and instantaneous nature of cyber transactions, foreign actors could stage an operation against a Canadian target in a very short period of time. Cyber operations targeting Canada will likely persist in the foreseeable future as rechnological advances make this form of espionage particularly attractive.

Cyber attacks, liewever, are not limited to data theft or espionage. An adversary can also target critical infrastructure — energy girds, commonication networks, financial systems— and disrupt our way of life in very significant ways. For instance, the August 2003 blackmat that affected 50 million people across custom North America shows the

: Y.

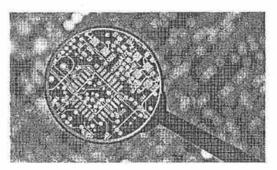
restle erest rass-reti

potential impact a major cyber event could have. Although the incident was not a terrorist or cyber ateack, it highlighted the vulocrability of technologically advanced societies.

Because the direct from cyber-espionage, cyber-sabotage and other cyber operations are part of a broader economic direct to key sectors of Canadian society, CSIS works closely with other government departments such as the RCMP, the Department of National Defence (DND), the Communications Security Establishment Canada (CSEC), and Public Safery Canada (PSC). CSIS also liaises with international partners in order to remain abreast of the global threat.

As outlined in the Government of Canada's Cyber Security Strategy, CSIS will analyze and investigate domestic and international threats to the security of Canada, responding to the evolution in cybersecurity technologies and practices.

Canada's National Strategy for Critical Infrastructure and the Action Plan for Critical Infrastructure promote partnerships among critical infrastructure sectors and all branches and levels of government, to improve information sharing and protection.



Espionage and Foreign Interference

CSIS continues to investigate and advise the Government of Canada on espionage and foreign interference. Espionage is a reality in the post-Cold War era where economic and strategic compedition is both global and intense. Canadian interests are damaged by espionage activities through the loss of assets and leading-edge technology; the leakage of contidential government information or applications; and the coercion and manipulation of echno-coloural communities in Canada.

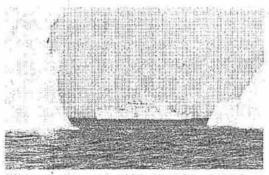
Foreign governments have traditionally conducted covert intelligence gathering operations in Canada through diplomatic missions, various organizations, and by recruiting agents or informants. As a founding trember of the North Adantic Treaty Organization (NATO), a signatory to a number of other multilateral and bilateral defence agreements, and a close economic and strategic partner of the United Scates, Canada remains an artraceive target for espionage. A number of foreign governments continue to clandesducky gather political, economic and military information in Canada; they have also targeted Canada's NATO utilies for information related to NATO's military and political activities.

In recent years there have been several high-profile cases in Canada, the US and Europe highlighting the use of "illegals" – foreign intelligence operatives living in their target country under assumed identifies, without the protection of diplomatic immunity. The use of illegals is an example of a very traditional approach to espionage – that is, the use of human intelligence – but espionage via technology, especially experspace as detailed earlier, is becoming more significant every year.

Looking North

CSIS is a national service with a national presence, and that includes the Ganadian North. As the Archic becomes ever-more attractive to foreign countries as a source of natural resources and possible independent, the Service will play a role in helping the federal government ensure the severeignty and seemily of Cariata's Archic Archipolago and suffacent waters.

The Arctic occupies an important place in our collective consciousness, but it is also increasingly acquiring a strategic timension. A key component of Canadian national identity is our status as a northern country, and that is worth protecting.



CAIS MAS A ROLE TO PLAY IN HELPING THE REDEAK UDGERNAEN. ENGGRE THE ROVEREIRITY AND SECURITY OF THE CANADIAN TOWIN.

In trainy's global economy, knowledge is power, especially in areas of science and technology. Many countries will therefore go to great lengths to find an advantage, which has led to a nonceable increase in claudestine attempts to gain unauthorized access to proprietary information or technology.

As a world lexéer in communications, biotechnology, mineral and energy extention, acrospace and other areas, Canada remains an attractive target for economia espionage. Several countries engage in economia espionage against Canada to acquire expensise, dual-use technology and other referant information relaced to duise and other sectors. Its important to note that those who commit economic espionage are not just interested in domestic Canadian interests and resources. Canadian interests and resources. Canada's commencial interests abroad are similarly vulnerable. The implications of economic espionage on Canada can be measured in lost jubs, in lost tax executes and in an overall diminished competitive accounting.

A related security issue is one of foreign investment. Canada is a tracing nation, with economic wealth, advanced infrastructure and vast potential—all of which make Canada a natural and attractive prospect for foreign investors. While the vast importly of foreign investment in Canada is carried out in an open and transparent manner, certain state-owned enterprises (SOEs) and private firms with close ties to their home governments have putroued opaque agendas or received clandestine intelligence support for their pursuits here.

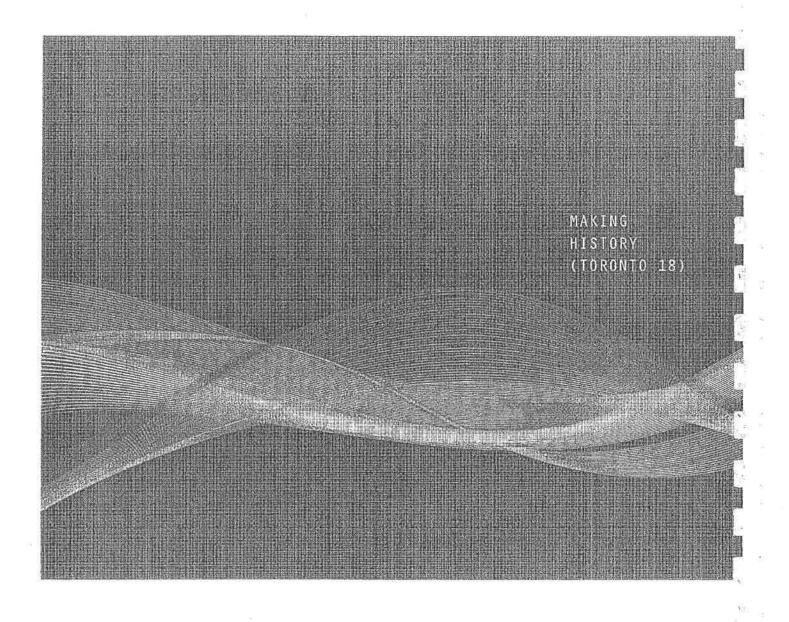
When foreign companies with use to foreign intelligence agencies or hosdle governments seek to acquire control over strategic sectors of the Canadian economy, it can represent a threat to Canadian security interests. The foreign entities might well exploit that extend in an effort to lauditate illegal transfers of technology or to engage in other espionage and other weign interference activities. CSIs expects that national security concerns related to foreign investment in Canada will continue to materialize, owing to the increasingly prominent rule that SOUs are playing in the economic attackeds of some foreign governments.

PRAISE REPORT 1110-2011

Finally, as per our legislative mandate, CSIS continues to investigate foreign interference. This refers to the phenomenon whereby foreign governments or their agents attempt to influence clandestinely Canadian policies and opinions. It also refers to the effort by some foreign powers to engage in covert menitoring and intimidation of diaspute groups in Canada.

Foreign interference is particularly netatious because it can have the effect of discupsing the multicultural harmony that is central to Canadian identity. It is to protect intringent communities that CSIS collects intelligence about foreign interference. Members of dissports groups are typically the victims of foreign interference. They should be able to live in peace and not worry about being watched, harassed or correct by foreign powers.

2.0



CSIS-11

Tab/Onglet11

Page/Page 0081

MAKING HISTORY (TORONTO 18) On March 4, 2011, the most important counter-terrorist operation in Canadian history reached its conclusion in a Brampton, Ontario, courtroom when Shareef Abdelhaleem received a life term in prison. He was the last member of the terrorist network known as the Toronto 18 to be sentenced.

The public story of the Toronto 18 began in early June of 2006 when law enforcement authorities arrested a large group of men and tecnagers from the Toronto area on suspicion of planning a mass-casualty attack inside Canada.

MENTIL REPORT ANTHORES

AcCaIS, though, the story began well before than The Service was aware of the plot and, using an array of investigative tools from cutting-edge technology to old-fashioned human sources and sucveillance, had been munitaring the suspects closely.

At the time of the actests, some Canadians wanted to minimize the senousness of the case, believing that terrorism is something that happens to other countries. Yet the subsequent criminal trials revealed that the Yuronto 18 was the real thing, a being first instance of "homegorwin" terrorism. Eleven of the original 18 were sent to prison.

Had the conspirators successfully executed their plan to set off bombs at the Tommo Strick Exchange and other public places, Canada would have been frieder changed.

The case assumed historic significance for a number of reasons.

First, it raised the security awareness of Canadians. "T-18" is recognized as a counter-terrorism case-study, a model of how security officials and police authorities (CSIS and the RCMP) exp work together in a very that achieves a countries goal while not dilluting of (webstepping their respective legislative manifeates.

Second, the investigation showed that violent extratulate even in a peaceable and pluralistic country such as Canada: seemingly ordinary young then who great up in Canada came to reject the Western, liberal and democratic values that underpin Canadian identity, instead replacing them with the violent; anti-Western ideology of Al-Queda.

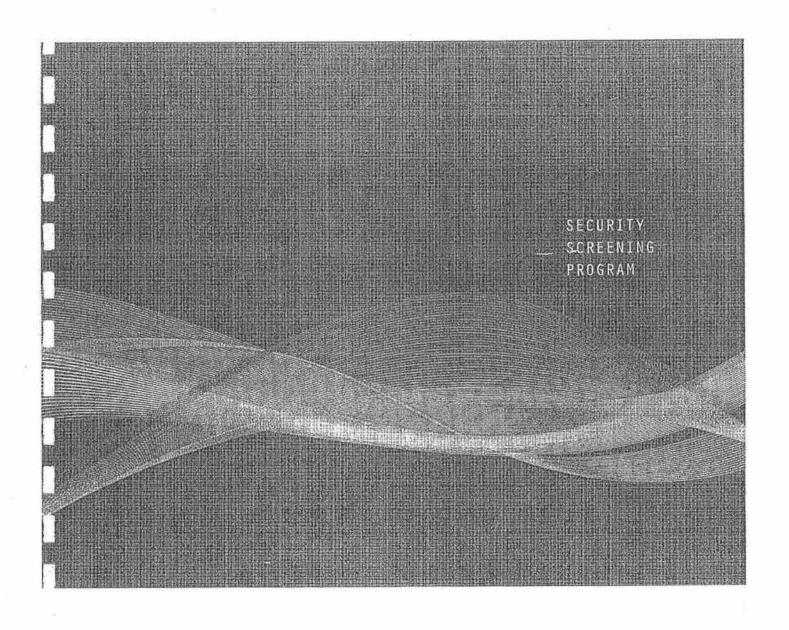
It is the view of CMS that the culmination of an investigation in the form of criminal charges is dever an occasion for celebration. Many of the accused at the centre of the Toronto 15 investigation had promising fourtes. One was a successful computer engineer. Of tourse one's primary rhoughts are with the potential victims of terrorism, but losing a son or daughter to violent extremism is still losing a child.

Many CSIS mains from across the organization worked on the investigation, some around the clock for weeks at a time. It was a period of high tension; the time between the planning and execution of a terzorist attack can be dangerously short.

The mandate of CSIS is to protect Canada's security interests. In the case of the Toronto 18 this interest protecting the most fundamental of all interests the right to life and to physical security.

Tab/Onglet11

Page/Page 0083



SECURITY SCREENING PROGRAM The CSIS Security Screening program serves as the first line of defeute against terrorism and extremism, espionage and the proliferation of weapons of mass destruction. The program is designed to prevent individuals who pose a threat to the security of Canada from entering or obtaining status in Canada or from obtaining access to sensitive government sites, assets or information.

2.

CSiS-11 Tab/Onglet11 Page/Page 0035

25 of 50 AGC0577

PESLIC REPORT ZOIS-2011

In 2010-2014, the Security Screening program remained one of the most visible operational activities undertaken by the Service. CSIS processed more than 500 000 Security Screening cases for its clients.

Government Security Screening

The Policy on Government Security (PGS) states that security clearances are required for employees of the Government of Canada, and for persons under contract to a federal government department who have lawful access to classified government assets or information. The Service, under the authority of sections 13 and 15 of the CSIS 4ct, is mandated to invostigate and provide security assessments to government departments and institutions for this purpose. However, the PGS gives these departments and institutions the exclusive authority to grant or deny such clearances.

The Service's Government Sercenting Section also supports several site-access programs. CSIS provides security assessments for individuals requiring access to major power, sirports, sensitive marine facilities, nuclear power facilities, the Parliamentary Precinct, as well as certain provincial and federal government departments. These programs enhance security and enduce the potential threat from extremist and acrosise groups and foreign governments seeking to exploit such access.

Some examples of the Service's work include security assessments provided to the Canada Border Services Agency (CBSA) for commercial divers who apply for a border pass under the Canada-US Free and Secure Trude program (FAST); and assessments on certain locally engaged staff, (foreign nationals) at Canadian missions abroad. The latter are provided to the Department of Foreign Affairs and International Trade.

Foreign Screening

Under reciprocal screening agreements, CSIS provides security assessments to foreign governments and international organizations (such as NATO) concerning Caundian residents who reside abroad and are being considered for positions requiring classified access in a foreign country. Canadian critizers them whom information is being provided most give their consent in advance. All screening arrangements with foreign entities are approved by the Muisseer of Public Safety after consultation with the Ministeer of Foreign Affairs and International Trade Canada.

Government Screening Programs

Requests received *	2009-2010	2010-2011
Federal Government Departments	64,300	54,400
Free and Secure Teade (FAST)	7,700	31,890
Transport Canada (Marine & Airport)	34,900	35,100
Parliamentary Precinct	1,100	1,400
Nuclear Facilities	9,500	. 12,500
Provinces	:850	260
Site Access-Others	3,400	2,500
Special Events Accreditation	200,800**	24,200
Foreign Screening	490	500

^{*} Figures have been munded

[&]quot;Increase largely this to the 2010 Winter Olympic Games

Screening in action I

In 2010, the Service received Permanent Resident applications from Citizenship & Immigration Canada (CIC) for a group of seven foreign nationals who were sponsored and being considered for status and re-settlement in Canada. Service investigation repealed dual all seven applicants were either under investigation in under arrest far links to or troubership in extremist organizations which were also based terrotest entities in either the US or Canada. The Service provided advice to the Canada Burder Services Agency (CRSA) in accordance with section 14 of the CSIS Ser, indicating that all seven individuals had either links to or membership in an extremis cell. All seven applicants were subsequently deemed inadmigsible and refused Permanent Resident status in Canada inadmigsible and refused Permanent Resident status in Canada.

Immigration and Citizenship Screening

While Cauada's long and valued tradition of welcoming immigrants and visitors continues, Canada and its affect must continue to remain vigitant in countering acts of political or religiously motivated violence and espionage. Maintaining the integrity of the immigration system is essential to strengthening Canada's security environment.

The objective of CSIS's Immigration and Citizenship Screening Program is to assist the Government of Canada in preventing non-Canadians who pose a threat to national security from entering or obtaining status in Canada, CSIS, under the authority of sections 14 and 15 of the CHIS Ad. provides advice to CBSA and to Citizenship and Immigration Canada (CIC) based on the security-related criteria contained in the Investment and Riffogir Protestion Ata (IRPA) and the Citizenship Act.

This program includes the following essential screening components: applicants for permanent residence from within Canada and abroad; refugee claimants Prosti End Screening); applicants for Canadian citizenship, and the screening of visitous from countries of terrorism, proliferation, and espirinage concert.

CSIS suives to provide quality advice to partner departments, on time. While the total ourable of immigration screening requests received in 2016/11 remained at approximately the same levels as the previous year, processing time for these requests were in many cases halved. The median number of calendar days required to process permanent resident applicants living in Canada dropped from 78 days to 38 days. Processing times for retugee claimants dropped from a median of 74 to 48 days. For regular permanent resident applicants, from Ganada, the US or oversens, the combined median processing time was 29 days – eight fewer than in 2009/10.

Spotlight: Screening of Refugee Claimants (Front End Screening)

Canada's refugee determination system is recognized around the world for its fairness in offering protection to genuine refugee applicants. However, without proper safeguards, the system is vulnerable to criminals or terrorists posing as refugees. The Government of Canada's Refugee Determination Program is Canada's first line of defence, with a mandate to screen all refugee applicants in order to determine their admissibility to Canada.

The CSIS Security Screening program supports the Refugue Determination Program. By conducting security screening investigations, CSIS provides security advice regarding refugee applicants to CBSA and CIG. The program's goal is to ensure that individuals deemed madmissible to Canada for security reasons under the IRI-1 are identified as early as possible in the refugee determination process and prevented from taking up residence.

000-14 MEP44" 2014-2011

Immigration and Citizenship Screening Programs

Requests received *	2009-2010	2010-2011
Permanent Residents Within and Outside Canada	77,600	79,600
From Find Screening**	23,500	17,400
Citizenship Applications (Marine & August programs)	175,500	198,800
Visitors Visa Venting	67,800	71,400

Figures have been rounded.

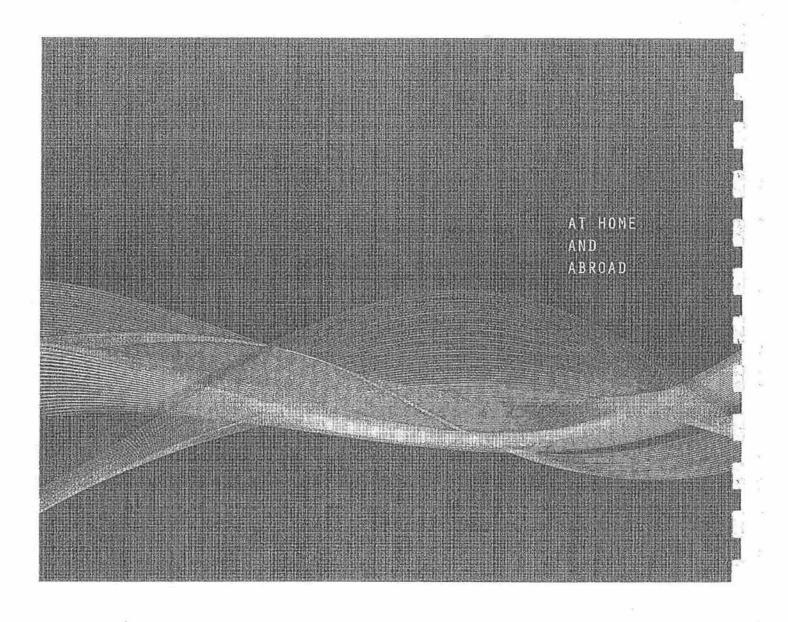
Screening in action II

Nearing the end of Canada's mission in Kandahar Province, Alghanistan, the Government of Canada infinited a Special Immigration Measures (SIM) program to support the immigration to Canada of a select number of locally engaged staff who provided valuable support to Canada's efforts throughout the preceding years. The Service, as a whole-sofgovernment partner, was instrumental during this program in providing accounts advice to both CBSA and CIC in accordance with section 14 of the CSIS Act. CSIS advice focussed upon threats or potential threats posed by applicants from this volatile and complex environment.



STEED THE STREET WILL THE STREET HAVE HELDED HAVE STREET AND ACCORDED HER STREET STREET, STREET

^{**} Individuals claiming refugee status in Canada of at ports of entry.



CSIS-11

Tab/Onglet11

Page/Page 0089

AT HOME AND ABROAD

Domestic Cooperation

in a company of the sign of the control of the first of the second of th

of \$48°° and \$488a floors his activity of earlier to the origin of the

The work, is an experience to a filled in all a walk. If it is discussful and it is and a now shown one

CSIS is a true national service, and, as such, its resources and personnel are geographically dispersed across Canada. The CSIS National Headquarters is located in Ottawa, with Regional Offices in Halifax, Montreal, Ottawa, Toronto, Edmonton and Burnaby. CSIS also has District Offices in St. John's, Fredericton, Quebec City, Niagara Palls, Windsor, Wionipeg, Regina and Calgary.

3

STRIBL ROBLET BELL-FOLL

The geographic configuration allows the Service to closely lease with its númerous féderal, provincial and municipal partnées on security issues of munial interest.

Additionally, CSIS has several Airport District Offices, including those at Toronto's Peasson International Airport and at Vancouver's International Airport These offices support attation security, and assist CIC & CBSA on national security issues. The CSIS Airport District Offices also provide information to their respective CSIS Regional Offices and to CSIS Headquarters, and liaise with other rederal government departments and agencies that have a presence within Canada's airports.

In 2010-2011, CSIS continued to share information on security issues with a wide variety of domestic partners. A key component of CSIS cooperation with its domestic partners remains the production and dissemination of intelligence reports and assessments such as those drafted by the Service's Intelligence Assessments Branch and Canada's Integrated Terrorism Assessment Centre, which is housed within CSIS headquarters.

One of CSIS's most important domestic partners is the Royal Canadian Mounted Police (RCMP). Because CSIS is a civilian agency without the provers of arrest, it will alers the RCMP to security threats that use to the level of criminality, whereupon the RCMP can initiate their own investigation and lay charges if appropriate. CSIS collects intelligence whereas the police—the RCMP—collect evidence for criminal prosecution.

This division of fabour worked well during the Gold War period but has arguably become more complicated in the post 9-11 age of international terrorism. Must mushly, planting a terrorist attack is as much a crime as carrying one out. This means that the intelligence a CSIS officer collects about a suspected plot could be legally indistinguishable from evidence - and yet the collection of evidence is normally a job for police, not the In 2016-2011, CSIS and the RCMP continued to develop a series of protocols on information-sharing. There is a growing body of Canadian jurisprudence in this area, which the Department of Justice and the Public Prosecution Service of Canada have helped interpret for CSIS and the RCMP. The goal is to ensure that both organizations work together in a way that enhances the national security of Canada while at the same time respecting their respective legislative mandates. Fortunately, there is much to build on. The Toronto 18 case, for example, is widely recognized as a model of how CSIS and the RCMP can run separate yer parallel counterterrorism investigations.

Over the next year, CSIS will cominue to work with RCMP on arricularing respective roles so that an already productive and effective relationship becomes even more so.

Foreign Operations and International Cooperation

Over the post decade, the Service has increasingly focused on global issues and specifically on how they affect the national security interests of Canada. As such, the Service has enhanced its international presence.

Section 12 of the CSIS old does not distinguish between domestic and foreign collection, and thus allows the Service an equal mandate to collect security intelligence abroad. CSIS has officers seationed in cities and capitals around the world, among them Washington, Paris and London Their primary function is to collect security intelligence information related to threats to Canada, its interests and its allies.

Occasionally, the Service is obliged to send Canada-based officers abroad to respond to certain extraordinary situations. Examples of this include evacuations of Canadians from nations in turnioil and kidnapping of Canadian citizens: CSIS officers stationed abroad also provide screening support to Caitada's Citizenship and Immigration (CIC) offices.

AGC0577

Tab/Onglet11

PORTE TERRY 1919-1911

The decision to give CSIS a mandate to collect security intelligence abroard emerged from the Parliamentary debates in the early 1980s when the CSIS and was being crafted. The intent was clearly to ensure that CSIS could follow the threats wherever they might materialize.

Another consequence of the transmitional nature of today's security shreats is the increased cooperation among governments and their security agencies.

In 2010-2014, CSIS implemented 11 new foreign arrangements and as of March 31, 2011, had 289 arrangements with foreign agencies or international organizations in 151 countries. Of those arrangements, 41 are currently defined as dormant, meaning there have been no information exchanges for a period of one year of longer, Duning that same period, six existing fireign arrangements were either enhanced or altered by the Service. Additionally, eight attangements were categorized as having restricted contact due to concerns over the reliability of the foreign agencies in question.

Exchanging information with foreign agencies remains a key component in CSIS's ability to effectively earry out its mandate. In a globalized world, security threats such as terrorism, esplorage or proliferation of weapons of mass destruction, teerignize on harders. (See next section "Sharing Responsibly")

Foreign terrorists continue to inspire and provide direction to individuals and groups in Canada. Some Canadiaus have left the country to seek training in terrorist camps in Somalia, Pakistan and elsewhere in an attempt to support or conduct terrorist rependions within Canada or abtivat, Additionally, over the past several years, Canadiaus have been kidnapped in places such as Iraq, Afghanistan, Somalia, Pakistan, Niger, and Sudan. Certain Canadian businesses and their workers abtord have been targeted or threstened.

Canadian Forces and government officials in high-risk areas auch as Afghanistan also continue to operate in precarious and dangerous surroundings. The same can be said for CSIS officers. In 2010-2011, the Service continued to provide timely reporting from Afghanistan in support of Canada's mission in that country. CSIS supported alliest efforts to combat extremism with a nexus to the region and provided intelligence which contributed to the safety and security of Canadians, allies and Afghan citizens within the country.

Elsewhere, Canada's national security interests are potentially threatened by illegal migration and human satingeling, which again are issues of an international scope. Similarly, weapons proliferation—chemical, biological, radiological and nuclear—is a global problem that no one executive can address alone.

For reasons of security and privacy, the Service does not publicly divulge details of the information it exchanges not does it identify the foreign agencies in question. CSIS must protect its foreign arrangements in order to keep the relationships viable and secture. Foreign agencies expect that the information they provide to CSIS will remain confidential, just as the Service expects that any information it provides to foreign agencies will not be publicly divulged or disseminated to a third party without the Service's prior consent.

Our international allies expect Canada to assume responsibility for investigation of threats posed by Canadians abroad, just as we expect the same from our partners. As a result, CSIS has become increasingly competent in the international arena and with global issues.

Sharing Responsibly

No single idea less had a more profound impact on national security policy than the recognition that public safety is a shared effort, both domestically and internationally.

Put.to Repair 4010-2022

Most obviously, termism is a phenomenon without borders, as the 9-11 attacks dramatically illustrated. The plot was directed from Taliban Afghanistan, one of the most anti-democratic and undeveloped contains in the world; the larget was the United States, one of the world's eldest and most developed democratics. The bijackers were mostly from Saudi Arabia, while the planning took place in Hamburg and other cities. Because the attacks targeted the aviation sector—a global industry—the reverberations were felt across the world, economically and in other ways.

Instability in one part of the world can directly impact the security stuation in mother part of the world. The permeability of borders has been hastened thanks to rechnology, as expressed in cyber-espionage and backing. Foreign acrors or states can discupt our way of life in protound ways without ever coming into our condity or even near our shores.

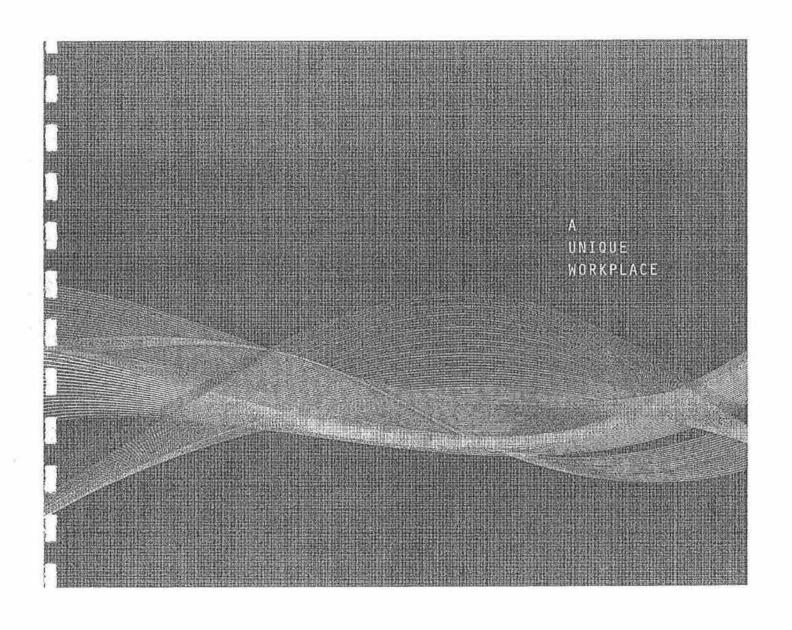
CSIS's mandate is to collect information about security threats to Canada, and to fulfill that mendate we need to exchange intelligence with allies and other partners around the world. It used to be that in the security intelligence community the earthphones was "need to know." That is still the case in many ways, but there is a recognition that a number of situations and investigations require a "need to share."

CSIS acknowledges that information sharing chiries risks, especially with regards to foreign agencies in countries that do not have the same democratic traditions as Ganada. At CSIS our overriding concern is to ensure that we are never complete, directly or indirectly, in the instreament of any individual. As a result, our information-sharing practices are governed by strict standards and guidelines.

Indeed, the Service has one of the most stringeru processes of all intelligence services with regards to information-sharing. Each of our foreign arrangement requests must be approved by the Minister of Public Safety after consultation with the Minister of Foreign Affairs the Service uses proper cave as of instructions when sharing information; our review bodies—the Security foreligence Review Committee and the Inspector

General - have access to all CSIS foreign arrangement files and review those relationships on an annual basis.

It is abundantly clear in the post 9-11 era that collaboration across the international security intelligence community is non-negotiable. At CSIS, we have been able to meet our domestic and international responsibilities in a way that is consistent with Canadian law and that reflects Canadian



ISIS-11

Tab/Onglet11

Page/Page 0094

A UNIQUE WORKPLACE

Our People

In 2010-2011, the number of full-time staff at CSIS totalled 3,285. Our workplace is a highly diverse one, representing the rich mosaic of Canada. Collectively, our employees speak about 105 languages. With respect to age demographics, four generations of workers can be found in our offices. We are evenly split among men and women.

CSIS-11

Tab/Onglet11

Page/Page 0095

370

35 of 50 AGC0577

PRESTO REPORT IDEA-2001

A large majority of our staff — more than 70 per cent — speak both of Canada's official languages. Nearly 30 per cent of employees can speak a language other than English or French. Training is available to all employees in both official languages and many informal groups exist for employees who speak, or would like to learn to speak, other languages.

CSIS is widely recognized as a desirable employer, not just because the work is inherently interesting but because we have a progressive workplace culture. For three years running, the organization has been named one of Canada's Top 100 Employers. The Service has also been owned one of the National Capital Region Top Employers for four consecutive years. Finally, for the second year in a row, we were selected as one of the Top Employers for Canadians over 40.

These achievements are reflected in our ability to remin top talent. For the fiscal year 2000-2011, we recorded a consistently low resignation rate of 0.7 per cent. In fact, the resignation rate has howered around the 1 per cent mark for the last eight years. In addition, for every four employees eligible to refre in 2010-2011, only one chose to do so.

In addition the Service has adapted its training and development programs to ensure that all personnel are sensitive to the experiences and expectations of new Canadians. This training has become part of the formal learning curriculum, delivered by CSIS scaff who can speak personally about different cultures and faiths as well as external experts representing religious or cultural communities.

Recruitment

CSIS has made it a priority to recenit a new generation of professionals who reflect the current demographic realities of Canada. The Service continues to attract bright, young Canadians to our ranks – people who have the latewhedge, aptitude, skills and passion for modern intelligence work and the desire to protect Canada's national security. We continue to hire individuals who wish to pussue significant careers with CSIS in fields

as varied as engineering, computer science, technology, communications, finance, and human resources, to name a few.

This past year, an unpracedented shift has taken place in the way CSIS recruits. Consistent with the Public Service Renewal initiative, the Service has transformed its recruiting approach from an informal word-of-mouth practice to a modern, branded, forward-looking one with the creation of a proactive recruiting and marketing strategy. This new direction was essential for the organization as tentain current in industry-best recruitment practices. While much of the informal recruiting focus and attention of the past had been directed at Intelligence Officer (IO) positions, the need to find qualified applicants to fill non-IO positions, such as IT and engineering, is now greater.

Our accelerated recruiting needs also meant that the Service had to reach out to specialized sectors more aggressively. The Service had to be more creative and innovative—beyond tenditional job fairs—in order to deliver its strategic recruiting message and raise the profile of the Service. Accordingly, CMS became more visible to the public in 2011 as it attended high-profile events to promote jobs in the organization.

When attending recruiting events, many people are surprised to meer and chat one-on-one with actual employees of the Service. Just as importantly, the messaging over the past few months has been solid and constant; that CSIS is a smart career choice. Those who meet the basic requirements can apply on the miero site at www.intelligemematters.ca.

Financial Resources

CSIS's final expenditures for 2010-2011 totalled \$515 million.

The Service's financial resources have increased since 2001-2002, partly as a result of new funding for public security and anti-terrorism initiatives allocated in the December 2001 Federal Budget. Funding was also provided to augment the Service's foreign collection capabilities, to administer

9 2

Canada's Integrated Terrorism Assessment Centre, to help GSIS maniolinits operational explicity both domestically and abound, to expand its National Headquarters and to believe existing capacities to combat terrorist financing.

In 2010-2011, additional funding was allocated through the Federal Budget to address CSIS's most acute program integrity recell. In addition, Federal Budget 2010 committed S3 million over three years to assist Citizenship and Immigration Canada and other partners, such as CSIS, in the implementation of a three year inumigration backlog reduction strategy.

Incremental funding was approved to allow CSIS to meet its securityrelated planning roles and operational responsibilities for the 2010 Muskoka G8 Summit and G20 meeting. Over a period of two fiscal years (2009-2010 to 2010-2011), CSIS received a total of \$3.1 million in support of the Service's role and requirements related to the security of the Summits.

Finally, CSIS was required to rationalize operations and ensure alignment, with organizational needs as part of the Government of Canada's strategic review process in 3000-2010. As part of this strategic review the Service's budget will be reduced by \$15 million effective 2012-2013.

Integrated Planning and Accountability

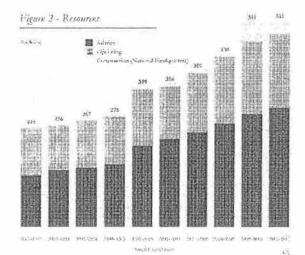
The Service has completed its second year of the Integrated Planning and Accountability initiative. In 2010, it successfully completed the first CSIS Integrated Business Plan (the Plan) and implemented a new mid-pear review mechanism. These processes help CSIS to make critical and informed decisions about resource allocation in keeping with its top priorities, mandate and mission.

Integrated planning serves to create a roadmap which management and all employees can follow to fulfill their responsibilities. This is particularly important in titles of global instability and of fiscal restraint. Using the Plan as a toolar improve the management of resources, minigate risk and achieve henter results for Canadians, the Service sens it principles in response

to both the evolving threas environment and domestic economic imperatives. Moving forward, the Service will build on the planning and mid-year processes, while continuing to develop a more integrated and rigorous performance and reporting framework.

Construction costs shown are for the expansion of CSIS National Headquarters. Costs incurred from fiscal year 2002-2003 to 2006/2007 represent expenditures associated with the project definition stage.

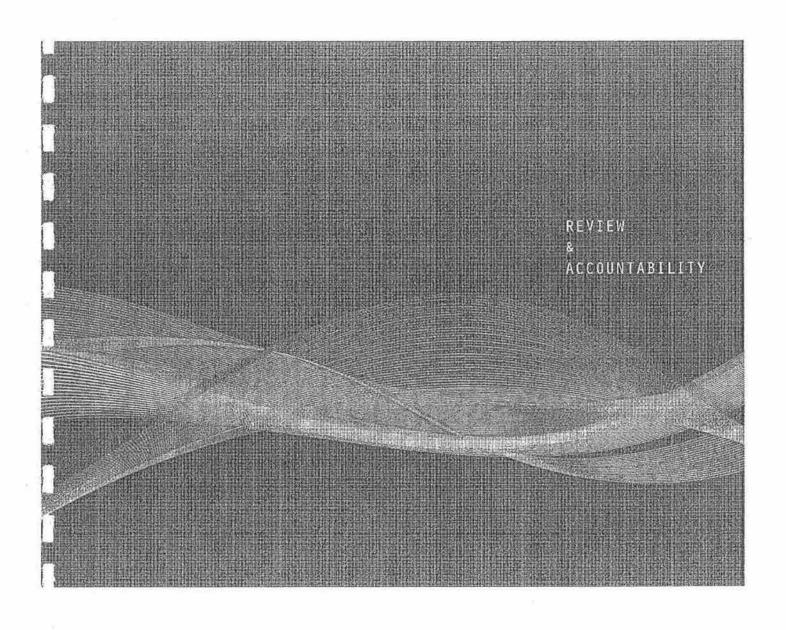
In 2007-2008 and 2008-2009, costs incurred were enably attributable to the building's site preparation. The construction of Phase III began in the summer of 2009, with total expenditures of \$30 million in 2010-2011, The building was officially opened by the Minister of Poblic Safety on 27 October 2011.



CSIS-11

Tab/Onglet11

Page/Page 0097



REVIEW & ACCOUNTABILITY CSIS is on occasion permitted to use what can be intrusive investigational techniques, and accordingly CSIS requires a strong system of accountability. The men and women of CSIS welcome the scrutiny. They understand they are expected not just to keep Canada safe but to do so in a way that is consistent with Canadian values.

CSIS is among the most reviewed intelligence agencies in the world. Fully two-thirds of our enabling legislation,

CSIS-11

Tab/Onglet11

Page/Page 0099

AGC0577

Public Person Idea-2011

the CSIS Art, is dedicated stylely to ensuring that the Service is subject to proper reporting and accountability mechanisms. The activities of CSIS are subject to review by the Security Intelligence Review Committee (SIRC), the Inspector General (IG) for CSIS, the Federal Court, as well as by various officers of Parliament, including the Auditor General and the Privacy Commissioner. The nearly three decades of inscraction between CSIS and its review bodies have allowed the Service to develop and work with a robust set of operational policies, and to mature greatly as an organization.

The observations, recommendations and even occasional criticisms provided by our review bodies have made CSIS a more effective and professional organization.

The Minister of Public Safety

The CSIS Director is accountable to the Minister of Public Safety, who provides Ministerial Direction on the policies, operations and management of the Service.

Pursuant to section 6(2) of the CSIS Ad, the Ninister may issue to the Director written directions with respect to the Service. This can include direction on any matter, including intelligence collection priorities and/or testrictions, and on when, and under what circumstances and to what extent, the Service is to inform the Minister of its operations.

CSIS requires the approval of the Minister of Public Safety before entering into formal CMX -bu section 17 arrangements with domestic partners (s.17.(1)(a)) and foreign agency partners (s.17.(1)(b)). This ensures that the government's domestic and foreign policy interests and priorities are properly considered prior to the establishment of any formal intelligence sharing arrangement.

The Service slso requires the approval of the Minister to file warrant applications with the Federal Court (section 21). This ensures appropriate ministerial accountability over the Service's more intrusive operational activities. Section 23 of the CSIS Acrequires CSIS to report annually to the Minister on operational activities.

The Security Intelligence Review Committee (SIRC)

The Security Intelligence Review Committee, established in the CSIS Act, is an independent, external review body which reports to the Parliament of Canada on Service operations.

Every year, SIRC undertakes a set of reviews of CSIS operations, SIRC also investigates complaints surrounding Service activides. Individuals who have had a security clearance decide or resolved can similarly file a complaint before SIRC. Following each review or complaint investigation, SIRC provides observations and recommendations pertaining to the CSIS policy, program or operation in question.

While CSIS is not required by law to adopt SIRC recommendations, they are carefully considered. In fact, the Service has implemented most of SIRC's recommendations over the years.

The SIRC Annual Report, tabled in Parliament by the Minister, provides an unclassified overview of its various studies of CSIS issues that were conducted during the fiscal year, and of the results of its complaints investigations.

The Service's interactions with SIRC are primarily managed by the CSIS External Review and Linison Unit. The unit coordinates the Service's response to requests or questions coming from SIRC, and acts as the main liaison point regarding complaints against CSIS filed with SIRC under sections 41 and 42 of the CSIS Act.

rustle Atrok' sere-rus.

The Inspector General (IG)

CSIS's second review holly, the Inspector General (167), is accommode to the Almister of Public Safety. The 167's work assists the Minister in exercising responsibility for the Service.

The IG anominors CSIS for compliance with operational policies, and issues a yearly certificate indicating the degree of satisfaction with the Director's Animal Report on CSIS activities that is provided to the Minister of Public Safety under section 33 of the CSIS Au. An unclassified version of the IGS animal certificate is available on the Office of the Inspector General's web page, via the Public Safety Canada website.

CSIS Internal Audit Branch / Disclosure of Wrongdoing and Reprisal Protection

The Internal Audit function is headed by the Chief Audit Executive (CAE), who reports to the CSIS Director and to an excernal Audit Committee. The CAE provides the Director, Senior Management and the Audit Committee with independent, objective advice, guidance and assurance on the Service's disk management practices, management control frameworks, and governance processes. The CAE is also the Senior Officer for Disclosure of Wrongdoing.

In 2010-2011, the Service implemented an Internal Disclosure of Wrongduing and Reprisal Protection Policy. The policy provides a confidential mechanism for employees to come forward if they believe that serious wrongduing has taken place. It also provides protection against reprisal when employees come forward, and ensures a fair and objective protess for those against whom allegations are made. This effort to establish an effective internal disclosure process has met with success and has the support of senior managers.

With respect to Internal Audit, the professional standards of the Internal Audit function were acknowledged in 2010-2011. First, Treasury Board rated the function as "Strong" during its annual Management Accountability Pramework assessment, Second, two self-assessments addressing the requirements of the Institute of Internal Auditors and the Office of the Comprolled General were externally validated. As a result, the Internal Audit function can confirm that it complies with internationally recognized auditing standards.

The CSIS Audit Committee continued to bring about improvements to the delivery of assurance services. The Audit Committee focused on examining CSIS activities and performance in the five key areas in the Committee's mandate, namely risk management, naungement control framework; financial reporting; values and ethics; and the internal audit function. The Audit Committee continued to contribute to the independence and statize of the Internal Audit function by maintaining high standards in their review of work performed by the function. The Audit Committee also rigosomsly monitored the implementation of management action plans following internal audit reports.

Over the past year, CSIS demonstrated that it is an organization willing to listen to advice from a variety of sources and to create action plans accordingly. The Internal Audit function remains committed to supporting CSIS and improving its operations by maintaining a disciplined approach to assessing and improving the effectiveness of the Service's risk management, control and givernance processes.

Access to Information and Privacy

The mandate of the Access to Information and Prevacy (ATIP) Unit is to fulfill the Service's obligations under the Areas to Information Act and Privacy Id. The CSIS ATIP Coordinator has the delegated authority from the Minister of Public Safety Canada to exercise and perform the duties of the Minister exceed of the institution.

27

PORCES PERSON EVER-2015

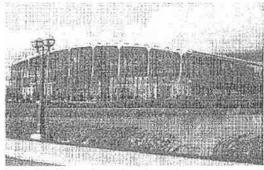
In 2010-2011, the ACIP Unit continued to conduct awareness sessions for all new CSIS employees. Briefing sessions were also given to managers and other specialized functional areas. Thirteen sessions were given to 331 participants who were provided with an overview of the Pinary Act as well as the Areas to Information Act, and a better understanding of their obligations and the process within CSIS.

The ATIP Coordinator liaises with the Treasury Board Secretariat, the Information and Privacy Commissioness and other government departments and agencies on behalf of CSIS. In addition, the ATIP Unit processes and responds to all Privacy Act and Auers to Information Act requests made to CSIS.

The Primy Haveane into force on July 1, 1983. Under subsection 12(1) of the Hav, Canadian citizens, pertranent residents and individuals present in Canada have the right to access their personal information under the control of the Government of Canada. As with requests under the Haves to Information. Act, the right to obtain information under the Princy Adia. In Information and the Princy Adia is to permit effective functioning of government while at the same time promoting transparency and accountability in government institutions.

During the 2010-2011 fiscal period, the CSIS ATTP Unit received a total of 398 requests under the Private Act (representing an increase of 32 per cent over the previous fiscal year) and 263 requests under the Aceta to Information Act (an increase of 69 per cent over the last reporting period).

The ATIP Unit strives to improve its administration of both Alds. Considerable effort was devoted to addressing all mandatory reporting requirements, resulting in a 'Strong' rating during the last round of the Management Assessment Francework exercise as it relates to capacity and governance,



Elegaty and acceived Camada Phesenvalion Centae IV Gattmeau, Office

History on File

The historical record of Canada is preserved by Library and Archives Canada (LAC). By Law, all government institutions must transfer to LAC records of lostorical importance, and CSIS is no exception.

CSIS was created in 1984 and inherited the Cold War files of our predecessor, the RCMP Security Service. Over the years, CSIS has transferred thousands of those records to LAC. The first transfer occurred in 1989 when the Service sent over its files on sospected subversives, revolutionaries and the like.

(Continued on west page)

12

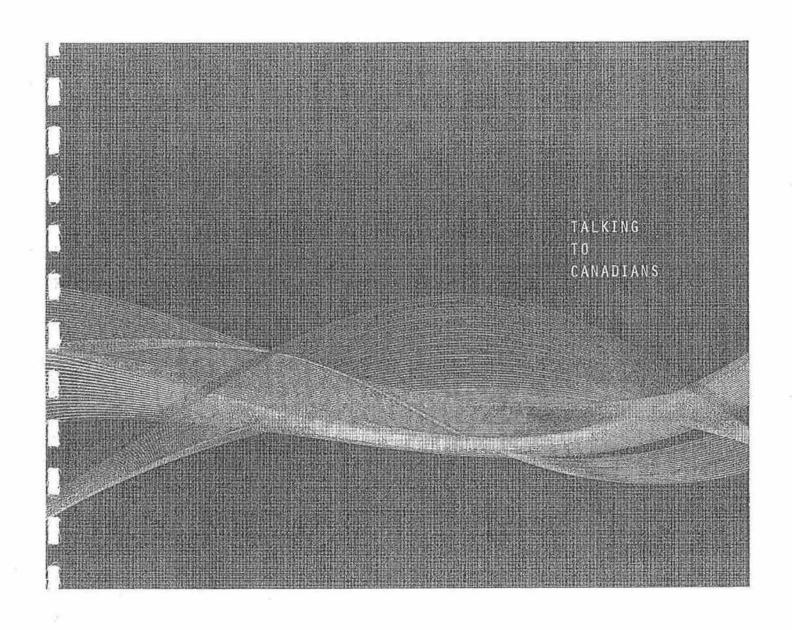
***** KEP#1 2814-2211

The security community recognizes that Cold War files have important cultural value and that if manerial can be unclassified, then it should be. This desire for transparency represents a significant arthurdinal shift. The very existence of security doesiers on the Caramonist Party of Canada and similar organizations would never have been selmowledged a miniser of years ago. The default position was to protect information.

The approach today, however, is to release thes of historical and cultural significance quiess there are compelling security reasons for to. Accordingly, CSIS is working with LAC to ensure that as much material as possible can be made public. Our national nutrative is contained in security documents from the Cald Way, making them of legitimate interest not just to scholars and journalists but to all Canadians.

The disclosure process can be technical and time-consuming. Although LAC retains the documents, they still need to the verted to make certain they do not contain information that holds current operational value. CSIS researchers will pore over hundreds and hundreds of old RCMP reports, laborously separating information obtained using human sources from that obtained using technical intercepts such as wiretaps. The aim is to proceed human sources while facilitating the disclosure of technical intercepts.

One of the privileges of working at CSIS is the opportunity to hold bistory in our hands. By working closely with the nation's archivesis, we seek to give all Canadians the same opportunity.



SIS-11

Tab/Onglet11

Page/Page 0104

44 of 50

TALKING TO CANADIANS

Community engagement

Some people assume that a security service always needs to operate in the shadows, but that is an outdated assumption. It is true that CSIS deals in secrets but that doesn't mean we have to be a secret organization.

Canadians expect a certain transparency and openness from their institutions. CSIS cannot – and should not – seek special exemptions at every turn. Ordinary Canadians have a strong interest in issues of national

CSIS-11

Tab/Onglet11

Page/Page 0105 -

45 of 50 AGC0577

PUBLIC REPUBLI 2011-2011

security, and CSIS, where possible, is arong to contribute to that public conversation.

We are, for example, inchasingly acrive in what is called public "outreach", especially with respect to cultural communities. We are an enthusiastic partner of the Coss-Calcural Roundeable on Security (CCRS), an initiative championed by the Minister of Public Safety that seeks to demystify the security apparatus. The CCRS brings together security officials from several government agencies and departments and introduces them to members of ethno-cultural groups across Canada.

Over the past year, CS15 personnel have participated in a variety of outreach meetings, sonte of them formal affairs around boardoom tables and some of them more casual "town-half" - style gatherings. We continue to meet personally - one-on-one, in some cases - with continualty representatives who have an interest in getting to know us and our mandate. The aim is to have an honest and useful dialogue, and indeed that has been our experience.

These events allow the Service to explain that our mandate is to protect all Canadians, including minority and immigrant communicies. Because the Service has identified Islamist extremism as the most pressing threat to national security, many Muslim-Canadians understandably want to show what the implications are for them. Public outreach in mosques, community balls and other places — affords the Service the opportunity to assure Muslim-Canadians that we see them as partners and allies.

CSIS uself is a remarkably diverse organization, becoming more so every year, Just as some cultural communides might worcy dut the security establishment barbours misperceptions about them, we at CSIS work hard to clear up misunderstandings about who we are. The multicultural character of Canada is reflected in our workforce, something that would perhaps not be widely known or appreciated were it not for our particulation in public outreach.

Community engagement is still relatively new to the Service, but the exercise is proving to be a positive one. As the custodian of national security expertise, we believe there is value in our assuming, where appropriate, an educational role, one that brings benefits to ourselves and, more importantly, to the communities we serve.

Academic Outreach

CSJS Jaunched its Academic Outreach Program in September 2008. The purpose of the program is to promote a dislogue with experts from a variety of disciplines and cultural backgrounds working in universities, think ranks and other research institutions in Canada and abroad.

This program allows CSIS access to leading thinkers and writers specializing in security related issues. It may happen that some of our academic partners hold ideas or promote findings that conflict with our own views and experience, but that is one of the reasons we initiated the program. We believe there can be value in having informed observers challenge our thinking and approaches. The program helps the Service focus its intelligence collection efforts and improve its analytical capacity.

The exchange runs in hold directions. A more internative relationship with the academic community allows the Service to share some of its own expertise and interests, which in turn can help scholars – political scientists, historians, psychologists – to identify new avenues of research.

Academic Ourreach (AO) hosted a conference entirled "Matching Ambitions and Realides: What Future for Russia?" AO brought treather a multi-disciplinary group of experts from a number of countries to imagine alternative scenarios for this former superpower as it tries to claim a leading role in a shifting world order, all the while grappling with the demands of political and economic modernization.

We also hosted an in depth bricking on the socio-political and economic drivers in Yerien that are facilitating the expansion of Al Queda in the

CSIS-11

Tab/Onglet11

Page/Page 0106

FUGLIC REPORT 2012-2015

Arabian Peransult, («VQMP). The presenter on Vennen had done extensive research in that country and was able to present unique insights into the tribal dynamics, political culture, sectamen tensions and socio-economic challenges confronting Yenten.

There is a significant interest on the part of experts to participate in activities sponsored by CSIS. Since 2008, CSIS's Academic Outreach unit has organized six international conferences, numerous seminars and workshops, and dozens of lunchtime presentations in which outside experts speak to CSIS personnel on a topic of muttal interest at the Service's National Headquarters in Ottawa. The lunchtime profenations are very popular, reflecting a commitment to professional development arrang CSIS personnel.

In 2010-2011, outside-experts engaged CSIS staff on discussions covering a range of security and strategic issues, including the security challenges confronting Arab states Chinak evolving interest in the Actit; the internal dynamics of the Iranian regime; technology transfers and the spread of nuclear weapons; Russia's changing tole on the world stage; and the security dimensions of the global food system.

Intellectual engagement with scholars outside the professional security establishment helps the Service ask the right questions — and avoid aurprises — on issues pertaining both to the Canadian and global security environments. The program is still young, but it has helped CSIS adopt a more holistic approach when reviewing and assessing national and international listics of interest.

The Academic Outreach program has also enhanced partnerships with other government departments. Canada's Foreign Affairs and International Trade, Pricy Council Office, Canadian Food Inspection Agency and the International Development Research Center have co-sponsored with CSIS some of the international conferences, providing an opportunity for members of the broader intelligence community across government to liase and collaborate.

espile sirgil reic-rail

CONTACT US

National Headquarters

Canadian Security Intelligence Service P.O. Box 9732, Station T Otrawa ON K1G 4G4

Tel. 613-993-9620 or 1-800-267-7685 toll-free (Onrario only) TTY 613-991-9228 (for hearing-impaired, available 24 hours a day)

Media and Public Liaison Queries:

CSIS Communications Branch Ptv. Box 9732, Station T Ottown ON KTG 4G4 Tel. 613:231-0100

Regional Offices

Adantic Region	P.O. Box 125, Station Central Halifax NS 33] 3K5 Tcl. 902-420-5900
New Brunswick Disreiet	P.O. Bus 6010, Station A Frederican NB E3B 5G4 Tel, 506-452-3786
Newfoundland and Labrador District	P.O. Box 2585, Stadon C Su. John's NL. ATC 616 Tel. 7(9):224-8650
Quebec Region	P.O. Box 2000, Station A Montreal QC, FI3C 3A6 Tel. 514-395-5600 or 1-877-223-2265 toll-free (Quebec only)

Suprie mesoni zale-zasi

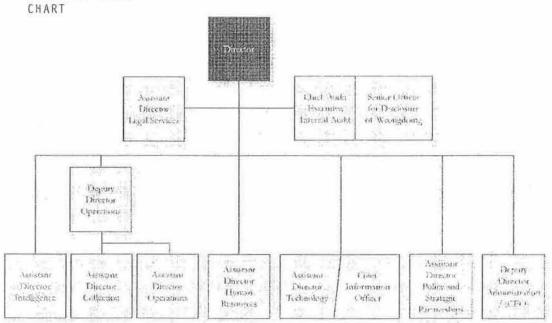
Quebee City District	P.O. Box 10013, Station Saints-Foy Quebre QC 31V 4C6 Tel. 418 529 8926		
Ouawa Région	P.O. Sox 9732, Stadion T Ordava ON K1G 4G4 Tel. 603-998-1679 in 1-800-267-7685 in h-fase (Omnitio only)		
Tonaui Region	P.O. Box 760, Station A Teronto ON M5W 1G3. Tel. 416-865-1480		
Prairie (Mberra, Saskatchewan, Mantoha, Northwestern Oritario, Yukon; Northwest Territories, Nunavut)	P.O. Box 47009 62 Gay Centre Edmonton AB T5J 4N1 Tel. 780-401-7800 or 1-800-66)-5780 toll-free (Univie bolly)		
Calgary District	P.O. Bux 2671, Station Nf Calgary AB T2P 5C1 Tcl 403-292-5255		
Saskatchowan District	P.O. Box 5089, Station Main Regins SK S4P 4B2 Tel. 306 "80 5512		
Mania iba District	P.O. Box 771, Stanion Main Winnipeg MB, R5G 403 Tel. 204-954-8120		
Bidijsti Columbia Region	RC: 6ov 80629 South Baccaby BC V5H 3V. Tel. 60th 528 7-10c		

57

49 of 50

PHD.14 PERMIT 2018-2311

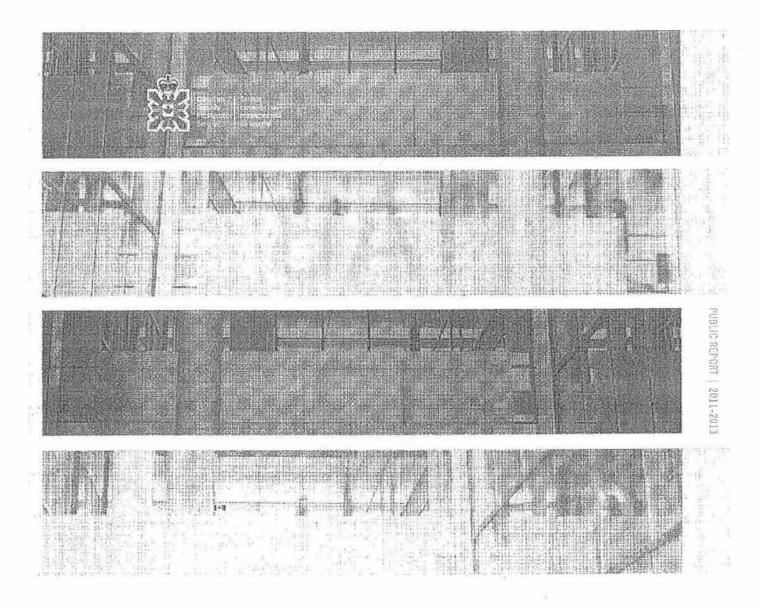
EXECUTIVE ORGANIZATIONAL CHART



36

TAB

12



CSIS-12 Tab/Onglet12

Page/Page 0111

2 of 71

CSIS-12

Tab/Onglet12

Page/Page 0112

AGC0578

PORCHEREPORT | 1011-2013



MESSAGE FROM THE DIRECTOR

The release of our Public Report is an important event for the Canadian Security Intelligence Service (CSIS), because it provides an opportunity for ux to talk about who we are and about the security threats Canada faces.

It used to be the intelligence community would tarely – if ever – speak to those issues in a public forum. In today's world, however, it may be that the first line of defence in protecting national security is public awareness of the threat environment. Security is a collaborative effort between governments and citizens, and in that spirit we at CSIS see the value in transparency, to the extent such is possible. It is an axiom within intelligence services that successes are known only to us but failures are known to all. In between those two poles, there is much that can be shared.

In 2011-2013, the review period of this report, there was an exponential increase in public awareness of the cyber threat, a realization that if you open even one malicious e-mail hostile actors can steal your most sensitive information – and do so in a blink of an eye and from thousands of kilometres away. CSIS and its partners are mandated to protect Canada's security interests. Our job becomes immeasurably easier as ordinary Canadians learn to be more careful where they click.

PUBLIC TEPOR" | 2011 2012

The sophistication and determination of cyber-spies, some of whom are backed by foreign governments, will continue to grow Individuals; corporations and nations that are unable to defend themselves will suffer economic and other consequences. Fortunately Capada is well-positioned to meet this very serious threat.

Despite the visibility atrached to expersecurity, in this Public Report we reveal that terrorism is still one greatest predicupation. The goal of terrorism is not to steal secrets in the connectes they rarget but to kill people. This remains an immediate danger to public safety.

In April 2015, (wo men, one in Toronto and one in Montreal, were charged with plotting to attack a passenger train. In announcing those arrests, our law enforcement colleagues alluded to links between the accused and Al-Qaeda elements abroad. In a globalized world of personal mobility and modern communications technology, violent people and violent ideologies have greater reach than ever before. Al-Qaeda and other groups continue to successfully recruit and mobilize terrorist operatives, and those same groups continue to identify Canada as an attractive target.

Terrorism is a multifaceted phenomenon, one that has evolved since the CSIS. An was conceived nearly 30 years ago. In the heyday of political terrorism, a terrorist's objective was more often than not ro draw attention or support for a cause, rather than to maximize civilian casualties. Those were the days when violent groups issued demands and even gave advance warning. In exceeding the 9-11 attacks, by contrast, the hijackets made no demands and Al-Queda initially did not even claim responsibility. Similarly, the contemporary phenomenon of "lone acror" terrorism—manifested most horeificially in 2011 by Anders Breivik in Norway—seems to have as its objective the murder of as many people as possible.

Moreover, modern technologies have accelerated the speed with which threats develop. The time between the conception and execution of an attack can be very short. When it comes to counter-terrorism, CSIS operates in a higher risk environment than ever before, with no margin for error. The said reality of Canadian citizens participating in terrorist activities is another aspect of the problem that is rightly drawing public attention, (See "A Canadian Concern", page 27)

That said, one of the most disturbing national security incidents of 2011-2013 was not terrorism. In January 2012, Sub-Lieutenant JetTrey Paul Deliste was arrested in Halifax and charged with spying for a foreign government. He later pleaded guilty and received 20 years in prison.

The case was historic because it marked the first conviction under the Security of Information—Id and served as a reminder that Canada is a highly attractive ranger for hostile intelligence agencies. There are as many, and arguably more, attempts to steal Canadian secrets today—economic, military, political—than at any time in our national listory.

CSIS-12

Tab/Onglet12

Page/Page 0114

PUBLIC DEPURT | 2011-2014

As with counter-retroxism, our counter-espionage units operate in a higher risk environment than ever before. In the age of thumb drives, a warehouse of documents can be stolen in the blink of an eye and then carried away in one's procket. As CSIS has said before, we wish for a world where the methods by which Canadian interests are harmed were diminishing rather than expanding, but saidly that is not the world we know.

Recently, the open media carried reports of new nuclear resting in North Korea. Meanwhile, Iran's nuclear ambition continues to be a developing story with implications for international stability and security. Canada's security interests, at home and abroad, are directly affected by the illicit production of unspeakably destructive weapons. This is an ongoing concern, one we share with our allies and to which we have committed significant counter-proliferation expertise.

The 2011-2013 period was also significant for CSIS in that we contributed to the government's broader effort to achieve economic efficiencies. The public resources with which we are entrusted must be managed responsibly, and we undertook detailed reviews of all activities to ensure the benefits justify the expenses. The Service will continue to do its part to help reduce the federal deficit.

The professionalism of CSIS is reflected in the fusion of operational effectiveness and responsible administration. We appreciate the confidence the government invests in the Service, and it remains for us a privilege to protect Canadians and Canada's interests.

Michel Coulombe

PUBLIC REPORT 1 70:11-20.4

TABLE OF CONTENTS

Message from the Interim Director		Weapons of Mass Destruction	20	
		Chemical, Biological, Radiological, and Nuclear	20	
The Threat Environment 2011-2013	11	(CBRN) Weapons		
Terrorism	11	Lean	21	
Terrorism at Home and Abroad	!1	North Kurea	21	
Radicalization	12	Other CBRN Issues	21	
Al-Queda Core and Affiliates	1.3			
Somalia and Al Shabaab	14	Luoking Forward	22	
AQAP, AQI and JN	14			
-101M	15	Portrait of a Terrorist Group: Al Shabaab	25	
Boko Haram and Ansaru	15	Fact base A Commism Consern	27	
Tran	15			
Hizballah	16	The Rise of the Analyst		
Dorucsuc and Multi-Issue Extremism	16	Intelligence Analysis in a Changing World		
Terrorist Unancing and Dinancial Investigation	17	Responding to Changing Threats and Requirements		
Espionage and Foreign Interference	17	A Core Group of Expens	32	
Protecting Canadian Sovereignty	17	Fact been CSIS Analystic Minds More Thors Writing	33	
Espionage Threats	18	Working Within the Canadian	33	
Foreign Interference	18	Intelligence Community		
		Supporting Foreign Partnerships	33	
Cybersecurity and Critical Infrastructure Protection	13			

PSSNIC 868040-1 2011-2014

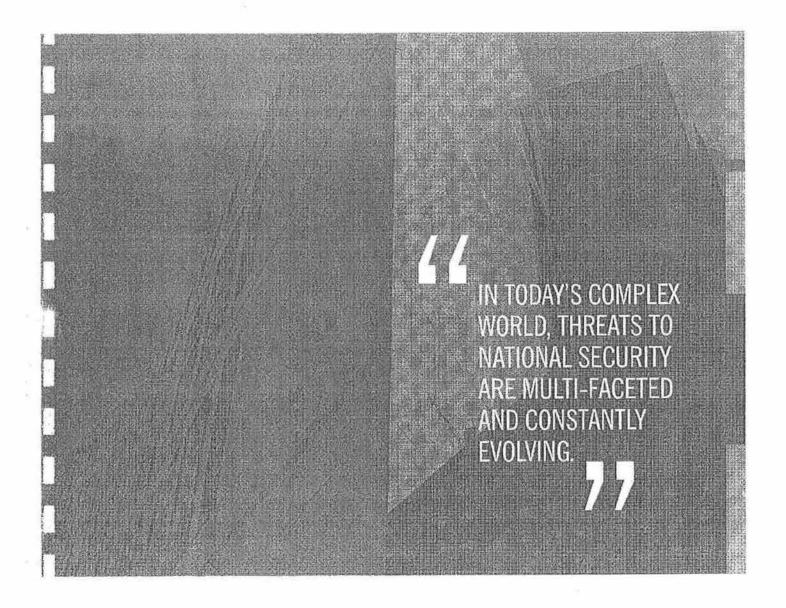
Security Screening Program	37	Committed to Canadians	6.3
Government Security Screening	37	Continuoloy Engagement	63
Fact inse: Government Servening Programs	38	Academia (Jurrench	64
Fact hose Severaling in Action I	58		
framigration and Citizenship Screening	39	Contact Us	68
Fact have Immigration and Citizenship Screening Pragrams	461		
Fact box: Screening in Action II	40	Executive Organizational Chart	20
At Home and Abroad	43		
Domestic Cooperation	43	*	
Foreign Operations and International Cooperation	44		
Fact box: Security Intelligence vs. Farriga Intelligence	46		
An organization like no other	49	.4	
Our People	49		
Recruitment	50		
Figancial Resources	51		
Review and Accountability	55		
The Minister of Public Safety	55		
The Security Intelligence Review Committee (SIRC)	56		
Fact base Tin Inspector General (IG)	57		
CSIS-Internal Audit Branch/ Disclosure	5?		
of Wrongdoing and Reprisal Protection		4	
Access to Information and Privacy (ATIP)	58		

CSIS-12

Tab/Onglet12

Page/Page 0118

), ()), ()



10 of 71

THE THREAT ENVIRONMENT 2011-2013

Canada, a multicultural and diverse nation with an abundance of natural resources, requires security to preserve the way of life enjoyed by those who live within its borders. In today's complex world, threats to national security are multi-faceted and constantly evolving. Under Canadian law, and specifically the Canadian Security Intelligence Service (CSIS), Au, the Service is required to investigate threats to the security of Canada. The following is a brief summary of the key threats to Canada between April 2011—April 2013.

Terrorism

Terrorism at home and abroad

The period between April 2011—April 2013 saw a considerable evolution in the doniestic and international terrorist threat as well as a number of significant events. Within Canada, there were high-profile incidents of Canadians travelling abroad to engage in terrorist activities, as well as the notable artests for an alleged terrorist plot to be carried

out on Canadian soil. In the United States, terror attacks at the April 2013 Boston Marathon demonstrated the ongoing threat to the West from homegrown violent extremism.

Internationally, developments such as the death of Osama bin Laden in May 2011, Anwar Awlaki in September 2011, and other key leaders dealt significant blows to the Al-Qaeda (AQ) leadership. Despite these events, the threat from international terrorism remains significant. Terrorist movements in North and West Africa, Somalia, Traq, Syria and elsewhere feature near daily violent attacks which kill nomerous innocent civilians each year and destabilize regions, posing a threat to Canadian interests abroad. Other events, such as the July 2011 atracks in Norway carried out by the extremist Anders Breivik that killed 77 people, serve as a reminder that terrorism takes many forms and is not limited to unstable parts of the world.

In Canada, terrorism emanating from Al-Qaeda-inspired extremism remains a serious fareat. Despite recent successful operations targeding Al-Qaeda Core, the Service emittinues to see support for AQ causes in Canada. Of particular significance is the above-mentioned investigation into an alleged Al-Qaeda-linked plot to attack a train in Southern Ontario, which led to the arrest of two individuals in April 2013.

It is important to note that although AQ-inspited extremism might at this moment in time tepresent the most visible terrorist threat to Canadian interests, historically terrorism in Canada has been committed in the name of a variety of ideologies. There are at least three main ways in which rerrorism threatens the safety and security of Canadians:

- First, recreases continue to plot direct attacks against Canada and its allies at home and abroad with the aim of causing death and disruptions.
- Second, recrurists seek to conduct activities on Canadian territory to support terrorism globally (such as fundralising to support attacks and militain groups);
- Third, terrorist supporters seek to radicalize individuals within Canada, some of whom may travel overseas for terrorist training or to engage in terrorism abroad. These individuals endanger their lives and pose a risk to the countries to which they have travelled. Further, should they return to Canada, it is uncertain to what ends these individuals may put their training. There is concern it may include actempting to radicalize others, or train individuals in terrorist methods.

CSIS works with its law enforcement partners and other government agencies in order to preserve the safety, security and way of life for all who live within our borders. Further, the Service is committed to supporting the Crossframent of Canada's national counter-recomm strategy, Building Ruilling Aginal Tirrainin, released in February 2012 and expanded upon in the 2011 Public Report on the Terrain Threat to Canada.

Radiculization

The radicalization of Canadians towards violent extremism continues to be a significant concern to Canadian national security. Essentially,

radicalization is the process whereby individuals move from holding uniderate, mainstream beliefs towards adopting extremist policical or religious ideologies, Individuals who become radicalized may support or become involved in violent extremism. Activities can range from attack planning against Canadian targets, sending money or resources to support violent extremist groups, and/or influencing others (particularly pouth) rowards adopting radical ideologies. Radicalized individuals may also seek to travel abound for terrorist training or to engage in fighting. Such individuals can pose very serious durats to the security of Canada. Not only are they now seasoned lighters who larness the ability to conduct atracks here, but they may also serve in influencing others.



The the care of amount of positive form and attraction and between the form of the contraction and a positive of the contraction of the contractio

13 of 71

The participation of two young Canadians in an attack on an Algerian petroleum facility in January 2013 where up to 60 individuals died, as well as the widely-reported travel of two other young Canadians to North Africa, allegedly for extremist purposes, is indicative of this trend and highlights the challenge posed by the travel of cadicalized individuals for terrorist purposes.

To order to generate a better understanding of the phenomenon, the Service conducts research on radicalization in Canada. CSIS has found that for those influenced by the AQ narrative, violent extremists have come from varied social and age levels, are spread widely across the educational spectrum and can appear fully integrated into society, making detection especially difficult.

Al-Qaeda Core and Affiliates

During 2011-2013, Al-Qaeda Gote, based in Pakiscan's tribal areas, experienced a series of major setbacks, including most importantly the death of its leader and founder, Osama bin Laden. This is in addition to the deaths or areass of several other key AQ commanders and operatives, resulting from a potent and sustained counter-terrorism compaign led by the United States.

Moreover, AQ Core was caught off-guard by the political uprisings of the "Arab Spring", which largely rejected the Al-Qaeda natrative and message. During the period of this Report, AQ was initially absent and largely silent regarding the revolutions taking place. However, movements linked to AQ, or inspired by its narrative, have subsequently

appeared in some Arab Spring countries. There is concern that the volatile security situation in some Arab countries as a result of the Arab Spring uprisings has now provided from for AQ and its affiliates to operate more freely.

Additionally, AQ Care has also been increasingly vocal about the Arab Spring. In early 2012, AQ leader Ayman al-Zawahiri released a video which called on jihadists in Syria and the wider region to join the light against the Assad regime in Syria. In early April 2013, al-Zawahiri called upon all Muslims to unite in creed and actions, stating this is a "very crucial issue" for Muslims, especially as they enter a "new phase of empowerment and conquest" in the wake of the Arab Spring. These messages are typical of recent AQ releases which have adopted a more dogmatic stance; informing the revolutionaries of their duty to implement shada law and seeking to situate geo-political events within a historical narrarive shaped by AQ's worldview. Further, messages are evidence of al-Zawahid's ongoing attempts to evercome leadership losses and operational weaknesses and reaffirm AQ's relevance and status as the vanguard of a global movement.

The Service assesses that AQ Core remains a dangerous terrorist group, which has thus far retained the intern to carry out speciatulae attacks against the West and to influence individuals to do the same. The Service espects that AQ Core will remain based in the Afglian/Pakistan border tribal areas for the foreseeable future. This area is therefore likely to remain a significant source for terrorist activity that constitutes a threat to the security of Canada.

Somalia and Al Shabaab

Instability, terrorism, piracy and violence continue to plague the troubled African state of Somalia. The resulting problems which emanate from this region constitute significant threats to the security of Canada. In particular, the terrorist group Al Shabaab remains a substantial threat to regional security despite several seducits it suffered between April 2011 April 2015, namely with the introduction of a Kenyan-Ied African Union force into Somalia. For example, in the spring of 2013, Al Shabaab was successful in launching several high-profile attacks in Mogadishu.

A number of Somali-Canadians have travelled to Somalia for retrorist training and to engage in violent jihad. Some of these individuals have reportedly been killed. In April 2013, a Canadian is reported to have taken part in the deadly attacks on Mogadishu's Benadir Courts which killed numerous individuals. For those who survive, there are endeems over the ends to which they may put their training. In October 2011 a Somali-American swicide bomber released an audiorape specifically calling upon "brothers and sisters" to engage in violent jihad in Canada. In April 2013, the Canadian government passed legislation which makes it illegal to leave Canada for the purpose of committing sertorism.

VARA ACI and IN

From 2011 until the summer of 2012, the Yernen-based Al-Qaeda in the Acibian Peninsula (AQAP) engaged in a shore-term insurgency in the southern governorates of Abyan and Shabwah. While eventually forced to retreat, the group remains a significant terrorist threat focussed on carrying out attacks within Yernen and against the international community. Moreover, the group maintains the capacity and intent to carry out international plots when the opportunity presents itself. This was illustrated by the disruption of a second underwear plot by the Service's albeid partners in May 2012, modeled on a similar failed plot by Umar Parouk Abdulmontallab in December 2009 which, had he been successful, might well have blown up a passenger jet enroute for Detroit over Canadian airspace.

AQAP's online magazine, Impire, has continuously urged its audience to engage in lone-actor terrorism. A "Lone Mujahid Pocketbook", collecting advice and techniques from the 10 issues of Impire Magazine, was published in March 2013.

Al-Qaeda in Imq (AQI) remains a deadly force within Iraq although it lacks the support it would need amongst the general population to become a successful insurgency movement. Events in Syria, however, have provided AQI with new opportunities to challenge regional stability. AQI has provided support and operativus to Syria-based extremists and continued instability may eventually offer militant groups in Iraq increased freedom to operate in the region.

CSIS-12

Tab/Onglet12

Page/Page 0124

PUBLIC REPORT | 2/11/2014

10

Jabhat al Nusra (JN) has emerged as an AQ node in Syria and one of the many groups fighting against President Bashar Al-Assad's regime. Recently, it openly pledged allegiance to AQ Core leader, Al-Zawahiri. The threat posed by JN is complex. There is significant concern teat extremism in Syria will result in a new generation of baule-hardened extremists who may seek to return to their home countries or export terrorism abroad.

MJCH

In North Africa, Al-Qaeda in the Islamic Maghreb (AQIM) continued to pursue a campaign of kidnapping and violence in the Sahel and North Africa, including the attack by an AQIM splinter group on an Algerian petroleum facility in January 2013 where up to 60 people died, and in which two suspected Canadian extremists participated. During 2011-2012, AQIM benefited from a Tuareg uprising in Northern Mali to increase its operational capacity, sanctuary and influence, AQIM has aligned itself with local extremist groups, and together they were able to effectively take control of most of Northern Mali. In light of growing concerns over the threat posed to regional stability with the consolidation of AQIM's territory, Prince militarily intervened in the country in December 2012, swiftly defeating the militants. Nevertheless, stability in the country will likely remain clusive for some time.

These developments have important implications for Canada as a number of Canada in businesses are based in Southern Mali and across the region, particularly in Nigeria. Additionally, Canada has a number

of development projects in the Sahel region which may be at risk if the instability there continues.

Boko Haram and Assaru

Within Nigeria, AQ-inspired Boko Haram and splinter group, Ansarul Muslimion Fi Biladis Sudan (Ansaru), engaged in a series of violent attacks in 2012, as well as several kidnappings against Western interests between December 2013 and February 2013. These violent actions demonstrate that Boko Haram and Ansaru pose a threat to Western interests in Nigeria. However, the February 2013 kidnapping of a French family by Boko Haram in Cameronon (allegedly in response to the French intervention in Mali) is a significant development as it represents a departure from past activities in Nigeria. Further, it suggests that these groups increasingly have the intent and the capacity to carry our operations outside of Nigeria.

Tran

Inus remains a leading counter-proliferation concern and state-sponsor of terrorism. Recently, a number of terrorist incidents have occurred or been foiled, all of which have been publically attributed to Itun's Islamic Revolutionary Guard Corps Qods Force (IRGC-QF) and/or Lebauese Hizballali.

In September 2012, the Government of Canada announced the closure of the Iranian Finishassy and that it would designate the country as a sponsor of terrorism under the Justice for Victims of Terrorism 24th.

FURLICASTRAST | 2017-551-5

Further, the Government of Canada listed the Islamic Revolutionary Guard Corps! Qods Force (IRGC-QF) as a terrorist entity under section 83:05 of the Criminal Code in December 2012.

Highallah

Hisballah continués to be a major source of terrorism in the Middle East and has been listed as a terrorist citity in Corada since 2002. Hisballah has established networks in Lebanese Shia diaspora communities áround the world, including Canada. The group has used these networks as mechanisms for fundraising, recruirment and logistical support. Norably, in 2013 Bulgarian automities reported that a dual Lebanese-Canadian citizen had participated in the July 2012. Burgas Airport bombing linked to Hizballah. The Service is concerned that Flizballah may recruit and train other Canadian citizens to participate in similar plots.

During the period of review covered by this Report, Hisballah's main preoccupation was an maintain its influence over Lebanese political life while managing the fallout of the Sydan uprising. The improved quantity, lethality and cophistication of Hisballah's weapons systems have reinforced its dominance in the south of Lebanen and the Bekad Valley, where the authority of the Lebanese Armed Porces is severely restricted. Hisballah maintains training camps, engages in weapons smuggling and also maintains an arsenal of thousands of rockets aimed at Israel.

Hizballah's increasing political role and military capabilities directly serve the gen-political interests of its Iranian and Syrian patrons. However, the uprising in Syria poses a significant logistical challenge to Hizballah, which is worried about the survival of President Assad's regime. Syria has served as a supply conduit for Hizballah and has been a facilitator of many of its activities. Parther, Hizballah, Syria and Iran claim to act in unison as an "are of resistance" against Istael, essentially, the raison d'être of the retrorist group. The fall of the Syrian regime would mean the loss to Hizballah of a key ally in the region. The Service assesses that Hizballah will continue to be a source of violence and disruption, posing a threat to Canadians and Canadian interests.

Demostic and Multi-Issue Extremism

Other forms of violence, morivated by ideology or policial cause, also threaten Canadian national security. Domestic extremists in Canadia are capable of orchestrating acts of serious violence. The 2010 frebombing of a Royal Bank branch in Ottawa, and the bombing of a military recruiting centre in Trois-Rivières. Quebec are just a few examples. Grievances barboured by those who oppose issues such as the perceived dehumanizing effects of capitalism are likely to continue and may trigger additional acts of serious violence.

Right-wing extremism has not been as significant a problem in Canada in recent years. Those who hold such extremist views have tended to be isolated and ineffective figures. Flowever, the July 2011 humbing and shooting rampage in Norway, which killed 77 people, showed that

CSIS-12

Tab/Onglet12

Page/Page 0126

AGC0578

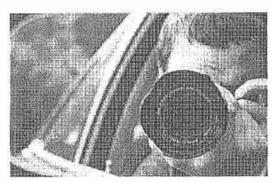
even a single individual can successfully execute mass-casualty terrorism.

Terrofist Pinancing and Financial Investigation

Terrorist organizations require linances and resources to recruit and train members, to distribute propaganda and to carry out their attacks. Every dollar denied to terrorists makes these actions more difficult and thus less likely to happen.

The economics of terrorism are complex, Terrorist funding is often transnational, and may involve many different players using a variety of techniques in order to achieve their desired goals. In order to counter such activity, counter-terrorism authorities need to work together. CSIS enjoys excellent relationships with domestic partners such as the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), the Royal Canadian Mounted Police (RCMP), the Canada Revenue Agency (CRA) as well as international pareners.

When terrorist groups emerge, Canada can formally declare them as such and list the group as a terrorist entity under the Criminal Code of Canada. Once designated as a terrorist entity, the group's assets in Canada are frozen and any financial and material support to such designated entities constitutes a criminal offence. By parmeting with other agencies and institutions, CSIS helps to maintain the efficiency and integrity of Canada's financial system, while at the same time remaining vigilant against any forms of retrorist financing or support



To only from a manufacture and the services are one of Galacky, violating to obtain that an expension of a policy process.

Espionage and Foreign Interference

Protecting Canadian Sovereignty

While counter-terrorism remains a priority for the Service, during 2011-2013 CSIS continued to investigate and advise the government on other threats to the security of Canada, including espionage and foreign interference. An increasingly competitive global marketplace that has fostered evolving regional and transnational relationships has also resulted in a number of threats to Canadian economic and strategic interests and assets.

Espionage Threats

A number of roccign intelligence services continue to gather political, economic, and military information in Canada through clandestine means. The recent case of Sub-Lieutenant Jeffrey Paul Debisle, who plead guilty in October 2012 to spying for Russia and was later sentenced to 20 years in prison, is an example of such activity.

Canada's advanced industrial and rechnological espaibilities, combined with expertise in a number of sectors, make this country an attractive target for foreign intelligence services. Several sectors of the Canadian economy have been of particular interest to foreign agencies, including aerospace, biotechnology, chemicals, communications, information technology, mining and metallurgy, nuclear energy, oil and gas, as well as the environment. The covert esploitation of these sectors by foreign powers as a means to advance their economic and strategic interests may come at the expense of Canada's interests and objectives. Some tamifications of this activity include loss jobs, corporate and ray revenues, and a diminished competitive advantage.

Canada, with its economic wealth and advanced infrastructure, offers attractive prospects to foreign investors. Corporate acquisitions by some foreign entities can pose risks related to the vulnerability of critical infrastructure, control over strategic sectors, espionage and foreign interference activities, and transfer of technology. One risk relates to the consequences that may full from foreign state control over strategic resources and their porential access to sensitive technology. CSIS assesses that national security concerns related to

foreign investments in Canada will continue to materialize, owing to the prominent role of State Owned Enterprises in the economic strategies of some foreign governments.

Foreign Interference

Canada, as an open, multicultural society, has traditionally been vulnerable to foreign interference activities. When dissport groups in Canada are subjected to clandestine and deceptive manipulation by a foreign power in order for it to garner support for its policies and values, these activities constitute a threat to the security of Canada. As boundaries between foreign state and non-state actors become increasingly blurred, it is particularly challenging for intelligence services to differentiate between legislimate and illegitimate activities. Poseign interference it, Canadian society — as a residual aspect of global or regional political and social conflicts, or divergent strategic and economic objectives — will continue in the coming years.

Cybersecurity and Critical Infrastructure Protection

Although attacks may come from the virtual realm, their consequences are very real. Increasingly, individuals, groups or organizations with mulicious intentions are able to attack Canada without actually having to set foot on Canadian soil. These hestile actors can include both state and non-state actors; foreign intelligence agencies, represent

CSIS-12

Tab/Onglet12

Page/Page 0128

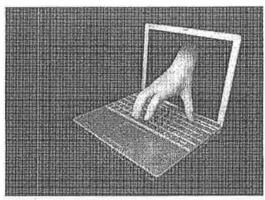
AGC0578

PUBLIC REPORT | 2011-2915

"hackevists" or simply individuals acting alone. Moreover, these hosfile actors have access to a growing range of cyber-attack tools and techniques. Attackers have employed carefully crafted e-mails, social networking services and other vehicles to acquire government, corporate or personal data.

As rechnologies evolve and become more complex, so too do the challenges of detecting and protecting against cyber-attacks. Foreign intelligence agencies use the Internet to conduct espionage operations, as this is a relatively low-cost and tow-risk way to obtain classified, proprietary or other sensitive information. There have been a significant number of attacks against a variety of agencies at the federal, provincial and even municipal level. The Government of Canada, like drose of other countries, witnesses serious attempts to penetrate its networks on a daily basis.

CSIS is also aware of a wide range of targeting against the private sector in Canada. The main targets are high-technology industries, including the telecommunications sector. However, the Service is also aware of actacks against the oil and gas industry and other elements of the natural resource sector, as well as universities involved in research and development. In addition to stealing intellectual property, state-sponsored attackers seek information which will give their domestic companies a compenitive edge over Canadian firms.



Technology, call editarions in this swortige and remissed have produced a vulntigibility Cyber a tablet, can also, in an insanity was the area of meeting a modernment on.

Of particular importance are the different types of cyber operations that may occur. On the one hand there are politically motivated backer collectives that will attempt to hijack computer networks to spread mischief or propagate false infortracion (such as the hoat Twitter report in April 2013 from a backed news-organization of an attack on the White House). More serious are cyber operations which attempt to achieve some sort of "gain", normally in the form of acquiring information which may be valuable in negoriations or sensitive and proprietary information.

However, there have also been recens cases of cyber-operations which do not seek "gain" other than to delete data irrevocably, or rarget critical infrastructure such as energy grids, communication networks, and financial systems. For example, the 2012 cyber-attacks on Saudi Aranteo which shut down 30,000 computers was reportedly aimed at shutting down oil and gas production. A few days later RasGas in Quar was hit by a similar attack. Any attack on infrastructure targets in Canada could disrupt our way of life in very significant ways. The security of supervisory control and data acquisition (SCADA) systems, upon which the public and private sectors depend, is becoming increasingly important. Should cyber-operations, such as the ones carried our against Soudi Aramen and Ras Gas, be targeted against systems in Canada, the impact could be severe and affect any and all areas of critical infrastructure, including those which affect water supply, energy and utilizies, manufacturing. Internet communications rechnology or even gravely affect insultations such as schools and hospitals. Given the borderless and instantaneous nature of cyber transactions, foreign acroirs may stage an operation against a Canadian target in a very short period of time.

Because the threat from eyher-espionage, exher-saholage and other cyber-operations are part of a broader economic threat to key sections of Canadian society, the Service works closely with other government departments and international partners in order to cemain abreast of the global threat. As outlined in the Government of Canada's Cyber Servicy Strategy, the Service analyses and investigates domestic and international threats to the security of Canada, responding to the evolution in cyber-security technologies and practices.

Weapons of Mass Destruction

Chemical, Biological, Radiological, and Nuclear (CBRN) Weapons

The proliferation of chemical, biological, radiological and nuclear (CBRN) weapons, commonly referred to as weapons of mass destruction (WMD), and their delivery vehicles constitutes a significant threat to the security of Canada, its allies and the international community. Regardless of whether proliferation is carried out by state or non-state actors, the parsuit of WMD increases global tensions and may even precipitate armed conflicts. Canada is a party so many international conventions and other arrangements designed to stem the proliferation of WMD, and CSIS works closely with both domestic and foreign pattners to uphold the nation's commitment to this cause.

Canada is a leader in many high technology areas, some of which are applicable to WMD programs. As a result, foreign entiries seeking to advance WMD programs have targeted Canada in an attempt to obtain Canadian technology, materials and expertise. CSIS investigates these attempts to procure WMD technology within and through Canada, and in turn advises the government as to the nature of these efforts. CSIS actively monitors the progress of foreign WMD programs, both in their own right — as possible threats to national or international sectiony—and in order to determine what proliferators may be seeking to acquire

CSIS-12

Tab/Onglet12

Page/Page 0130

Lines

Iran is widely believed to be seeking the capability to produce nuclear weapons. It has continued nondvance a transium enrichment program despite widespread international condemnation, successive UN Security Council resolutions demanding that it cease such activity, and the imposition of increasingly severe economic and financial sanctions in response to its failure to comply. A November 2011 report of the International Atomic Finergy Agency (IAEA) detailed past Jianian research applicable to the development of nuclear weapons and watted that such work could be continuing. In 2011-2012, Iran had enough enriched transium, which, if further enriched to weapons grade, could be used for rive nuclear weapons. These developments have raised tensions and increased the likelihood of a regional conflict which could severely impact the safety of Canadians, Canadian interests as well as our allies in the region.

Nuclé Korsu

The death of Kim Jung II in December 2011 and the rise of his son, Kim Jung Un, to the leadership of North Koren created uncertainty as to the future of the impoverished but aggressive nation. North Koren has shown no serious inclination to "denuclearize" as called for by the international community. North Koren continues to actively pursue the development of nuclear weapons and maintains a uraniom enrichment program that could further add to its arstnal. Further, it is believed that North Koren is actively developing a new road-tuolsic, intercontinental hallistic missile (ICBM) capable of reaching North America.

In February 2012, North Korea reached an agreement with the United States to suspend long-range missile tests and uranium enrichment and admir UN inspectors in exchange for food aid. However, the agreement fell through after North Korea's unsuccessful test of a long-range missile under the gaise of a space-launch vehicle (SLV) in April 2012. In December 2012, North Korea hegan deploying the launch vehicles for its KN-08 intercontinened ballistic missile (ICBM), which is in the late stage of development. Significantly, in February 2013, North Korea for the third time tested a nuclear explosive device, provoking international outlage and new sanctions on the country.

There is concern as to how this aggressive and unpredictable country may use its nuclear weapon capability in the future. North Korca's increasingly belicose rhetoric in the spring of 2013 may be accompanied by further provocative actions in the near-term.

Other CBRN Lones

In South Asia, a principal concern remains the nuclear arsenal of Pakistan and questions over the security of those weapons systems given the domestic instability in that country. Unrest in the Arab world has also raised fears about the security of chemical weapons (CW) stocks in some countries, notably Syria. The international community remains intensely concerned that Syria's large stockpile of CW might find its way into the hands of terrorists or be used by the regime against its own people.

PUBLIC REPORT + 2011-2013

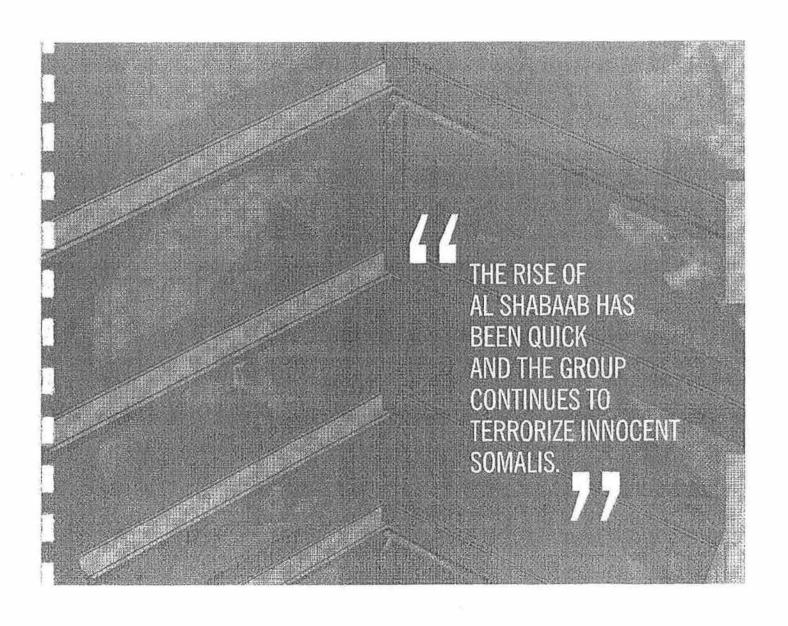
22

A number of recroist groups have sought the ability to use CBRN materials as weapons. Some groups such as AQ have pursued efforts to cause mass casualnes with biological agents such as anthrax, or improvised nuclear explosive devices. While the technological hurdles are significant, the possibility that a terrorist group could acquire could capabilities of this kind cannot be discounted. Even a rolatively mapphisticated use of chemical, biological or radioactive material in sinall-scale attacks could have a discuptive economic and psychological impact that could far outweigh the actual casualties inflicted.

Looking Forward

Canada is a relatively safe country with a hasmonious society that has a strong sense of the fundamental values and freedoms embedded in our way of life. However, there are and will continue to be threats to our national security. Canadian interests are through by explorange activities through the loss of assets and leading edge technology, the leaking of confidential government information or applications and the coercion and manipulation of ethno-cultural communities. Terrorism and radicalization threaten the loss of life at hiome and abroad. CSIS is committed to monitoring these threats and working with our domestic and international partners to ensure the safety and security of Canadians in an uncertain international environment.

Page/Page 0132



CSIS-12

Tab/Onglet12

Page/Page 0134

25 of 71 AGC0578

PORTRAIT OF A TERRORIST GROUP: AL SHABAAB

Terrorsm is a major chreat to global security, and one of the geographic areas of greatest concern is the troubled African state of Somalia, the operating centre for the group Al Shahaab ("The Youth").

Al Shabaab initially operated as a militin affiliated with the Islamic Courts Union (ICU). In late 2006, after the ICU was defeated by a Western-backed Ethiopian military intervention, Al Shabaab evolved into its own distinct organization, controlling swathes of land in the southern and central parts of Somalia, including within the capital of Mogadishu. The group is committed to expelling all foreign presence from Somalia and transforming the country into an illiberal theorracy, governed by a radical interpretation of Islamic law.

Recently, Al Shabaab has suffered significant territorial losses and setbacks at the hands of African Union forces but the group continues to pose a threat. In February 2012, Al Shabaab announced that it had formally joined Al Qaeda (AQ). Subsequent reporting indicates that its members are acceptly fighting alongside Al Qaeda in the Arabian

Peninsula in Yemen, and Al Shahaab has also been reported in having assisted Nigeria-based, Boko Haram – another tetrorist organization.

The rise of Al Shahaab has been quick and the group continues to terrorize innocent Somalis. The attacks are brural. In December 2009, Al Shahaab conducted a suicide attack on a medical school graduation ceremony at a hotel in Mogadishu, killing 21 people including a handful of government officials.

In July 2010, the group demonstrated its ability and willingness to attack outside Somalia when it extried out twin suicide bomb attacks in the Ugandan capital of Kampala. The attacks killed 76 people who had gathered to watch the FIFA World Cup final. Al Shabaab believes that watching sports on television is immoral.

In October 2011, suspected Al Shabaab militants kidnapped a French woman, Marie Dedieu, from a beachfront residence in Kenya. Though kidnapping is not a unique tactic, this incident was especially cruel. Ms. Dedieu was dependent on a wheelchair and medication. She died a few weeks later in captivity. In April 2013, Al Shabaab orchestrated a bloody attack on a courthouse in Mogadishu that made headlines around the world and showed that the group is still very much in business.

Al Shabaab has banned international aid agencies, including the UN and Red Cross, from operating in areas it controls. In November 2011, the group raided and seized control of several facilities preventing the distribution of much needed aid to Somalis.

FBB16 38996 4 1114-2403

Of particular concern is the success of Al Shabzah's recruiment campaign. The group's use of the Internet and new media such as Twitter, coupled with the promise of adventure and purpose, has enabled the group to attract recruits from around the world, including those from Somali disspect communities. Since 2009, the group has been soliciting support from abroad by presenting its campaign in Sottalia as a from in the global jihad.

Numerous young Canadians have been lured by this dangerous message and have reavelled to Somalia for terrorist training, a disturbing phenomenon that has also been seen in the US and in other Western countries with a Somali dissperia. There have been reports that some of these individuals, including Canadians, have been killed as a result. In October 2011 an alleged Al Shabaab suicide bomber delivered a message specifically calling for attacks inside Canada, among other countries.

Groups such as Al Shabaal, AQ, and those affiliated with AQ continue to train terrorises and to encourage supporters around the world to carry out attacks against Western targets. The retruitment of Western cruzens to participate in terrorist acts benefits these groups, because such operatives have easy access to Europe and North America.

These are all clear reasons why the Government of Canada listed Al Shahaah as a terrorise entity in March 2010. In fact, the group has been listed by many Western countries, including the CS, the UK, Australia and others. But make no mistake, Al Shahaah doesn't just pose an isolated threat to security afar in its own geographic surroundings—the threat in Canada and Canadian interests is very real.

Somali-Canadines are rightly worded about the influence and reach of this group, and the national security community – including CSIS – is committed to helping families and communities keep their children from pursuing a path that can have no good ourcome



As the based as most the mady based government on the state of the state of the desired of the age of the state of the sta

CSIS-12 Tab/Onglet12 Page/Page 0136

27 of 71 AGC0578

PUBLIC REPORT | 20:1-20:3

A CANADIAN CONCERN

CSIS HAS PUBLICLY EXPRESSED ALARTA — YELDO SO AGAIN MICHIS REPORT — ABOLT THE INCREASING NUMBER OF CANADIAN CITIZENS OR RESIDENTS WAS LEAVE THE COUNTRY TO PARTILIPATE IN TERRORIST ACTIVITIES ASROAD, SOMETIMES, HE QUESTION IS ASKED WITH CANADA SPOBLO BE SO CONCERNED ABOUT THIS PHENODIFNON, ESPECIALLY WHEN THE MOULD RETERRORISTS HAVE A GOLD CHANGE OF RETURNIBILLED IN THEIR FOREIGN DESTINATION IS IT NOT SETTER TO HAVE VIOLENT EXTREMISTS I CAVE CANADA RATHER THAN STAY!

THE ANSWER IS THAT HO COUNTRY CAN BECCINE AN UNWITTING EXPORTER OF TERRORISM WITHOUT SUPERING CHARGE TO ITS INTERNATIONAL IMAGE AND RELATIONS, GANGOR S LEGAL OBLIGATIONS TO PROTACTE GLOBAL SECURITY NEED TO BE HONOURED, AND THAT REAMS ASSURING RESPONSIBILITY FOR CUR OWN, A CANADIAN WHO TRAVELS TO COMMITTERRORISM IS STALL VERY MUCH A CANADIAN "PROBLEM."

THERE IS ALSO THE SPECTRE THAT SUCH INDIVIDUALS WILL RETURN TO GANGIA MOSE DEEPLY RADICALIZED THAN VIRENTHEY LEFT, MOST TRÖUBLING, IF THEY PARTICIPATE IN A FOREIGN CONFLICT ON TRAIN WITH A TERRORIST SECURITY THEY MISH RETURN WITH CERTIAN OPERATIONAL SKILLS THAT CAN BE DEPLOYED THOMSELVES OR TAUGHT TO FELLOW CANADIAN EXTREMISTS, ETHER MAY THIS IS A SERIOUS SECURITY THYERT TO CANADIA.

11

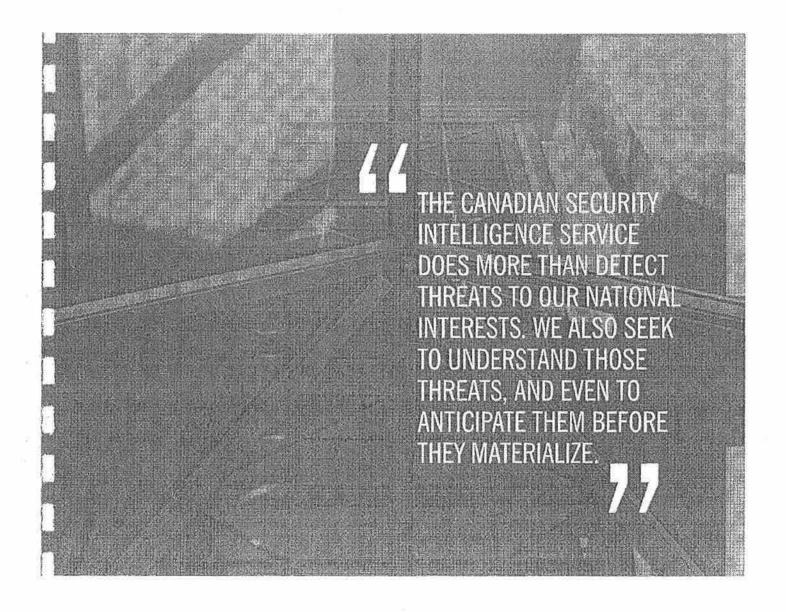
CSIS-12

Tab/Onglet12

Page/Page 0138

29 of 71

12



CSIS-12

Tab/Onglet12

Page/Page 0140

31 of 71

THE RISE OF THE ANALYST

Intelligence Analysis in a Changing World

The Canadian Security Intelligence Service does more than detect threats to our national interests. We also seek to understand those threats, and even to anticipate their before they materialize. That's where the role of the analyst comes in. The complexity of today's threat environment—and the speed at which it can change, owing to technology among other factors—requires an interestingly sophisticated response on our part.

The intelligence analyst surveys the crowded landscape of information, both classified and unclassified, and from that jungle of data he or she identifies the shape of things that policy-makers need to worry about. At more than any other point in our country's history, leaders are relying upon good intelligence analysis to help inform their decision-making process. In today's security context, insight is as valuable as information.

CSIS generates a number of intelligence products, unging from raw ("non-assessed") intelligence to broader, strategic analysis of ropical or regional-based threats. The Integrated Terrorism Assessment Centre (ITAC), located within CSIS National Headquarters in Ottawa, produces threat assessments and tactical reports, frequently in response to threat incidents or fast-developing issues, ITAC is staffed by representatives from a number of federal government departments.

The Intelligence Assessments Branch (IAB) houses the core of the Service's analytical expertise. IAB provides timely and focused intelligence which meets the Government of Canada's sened priorities. Within the Service, IAB is responsible for prioritizing and integrating intelligence requirements. IAB analysts are leading subject-matter experts in their respective areas, from the radicalization process to the geopolities of North Africa, and this expertities supports the front line operational work. That is to say, analysis is playing an aucreasingly important tole in guiding our operations and intelligence collection.

Responding to Changing Threats and Requirements

In the course of an average day, any number of threat-related incidents around the world — many of which have a direct or indirect impact on Canada — will receive public attention and generate questions from political officials and other decision-makers. Intelligence agencies must be prepared to respond to those questions by delivering quick and concise analysis, all the while being mindful of the bigger and longer term picture as well.

At any given moment, CSIS is managing dozens of priority operations. In some cases, threats evolve day-to-day, while in others, steady patterns

PUBLIC REPORT : TREE-2013

of activity are monitored and noted. Whether it is an initial assessment following a terrorist attack or an analysis of recent trends to espiratage, the Service has worked to improve its ability to deliver the right intelligence product to its government clients in a timely manner.

Rain intelligence reporting is disseminated in order to provide a soupshot of a threat-related issue. This is different from a Wirtat assessment, which typically offers a synopsis of the immediate situation. Both raw intelligence reporting and threat assessments are designed to answer short-term questions. There is, however, a need for in-depth assessments that contextualize the issue and tell the reader why it is significant for Canada. These are unitegic intelligence assessments, which draw upon CSIS reporting, foreign agency information and uponsource material and serve to provide government officials with a holistic picture of the threat and its potential consequences for Canada. Strategic infelligence assessments not only answer questions about what happened yesterday but they also throw light on what might happen in the coming weeks or months - and what that might mean for Canada's national security. Strategic intelligence assessments play a key role in identifying emerging trends and, in some cases, linking those trends or actors to recent events in Canada or abroad.

CSIS produces other assessments as well, providing government clients with an analysis of the potential threats to a physical installation, facility, or organization. But the pressing demands of the immediate threat environment have not detracted from the Service's requirement to look down the road — even around the corner — so that we can better assess how regional or global events, organizational dynamics, and individual actors might have an impact on the security of Canada

over the long term. While CSIS is not in the husiness of predicting the future, we recognize that embryonic trends in today's threat landscape may develop into dominant realities over the next year or decade, and it is imperative to identify and prepare for them.

A Core Group of Experts

Effective intelligence analysis requires an integrated team approach – from the investigators who collect the information, to the analysts who make sense of the intelligence and, finally, to the individuals who ensure that the final product gets to the right people at the right of the individuals who ensure that the final product gets to the right people at the right of the individuals who ensure that the final product gets to the right people at the right of the than ever, decision-makers are demanding high-quality intelligence analysis to identify trends or threats that have a direct impact on the security of Canada. They are increasingly recognizing the value of CSIS analysis to meet those objectives.

As with many other security and intelligence services, CSIS has worked to improve both the quality and timeliness of its analytical product for government clients. Quality-control is essential: the consequences of providing our government with inaccume information or analysis could be severe. In recent years, we have attracted a number of subject-macter experts from the public and private sectors, with varying backgrounds and skill-sets. The ractical analysis and strategic analysis who form the core of the Service's analytical expertise are relied upon to produce analysis, identify intelligence gaps, and carry out a variety of other activities in support of the Service's mandate. This is no easy task. It requires in-depth knowledge of the subject, a thorough enderstanding of how to evaluate the intelligence, and a mastery of the various analytical cools used to produce intelligence assessments.

PERCE REPORT | 2001-2013

CSIS ANALYSTS: MUCH MORE THAN WRITING

CSIS AMALYSIS PERFORM A WIDE RANGE OF FUNCTIONS MOVE AND BEYONG WAITING ASSESSMENT PRODUCTS. RECOGNIZED WITHIN OUR GOVERNMENT AS EXPERTS IN THEIR TIELUS. COINSISTRATEGIC ANALYSIS ARE SENIO CALLED UPON INCREASINGLY TO BIVER SENIOR DECISION-MAKES AND OTHER LEVELS OF SOVERNMENT OF SEPECIFIC ISSUES. DELIVER PRESENTADIONS TO THE PRIVATE SECTOR AND ALALEMIA, AND THERE WITH OTHER GOVERN WENT TO ESSONNEL ON A VARIETY OF ISSUES, ANALYSIS SERVE ANOTHER IMPORTANT ORGANIZATIONAL ROLE BY PROVIDING STRATEGIC SISISKT, IDENTIFYING INTELLIGENCE SAYS, AND RENDERING OTHER FORMS OF SUPPORT TO OUR INTELLIGENCE SEFFICERS IN THE FIELD AND TO CHE SETIOR MANAGEMENT.

Working Within the Canadian Intelligence Community

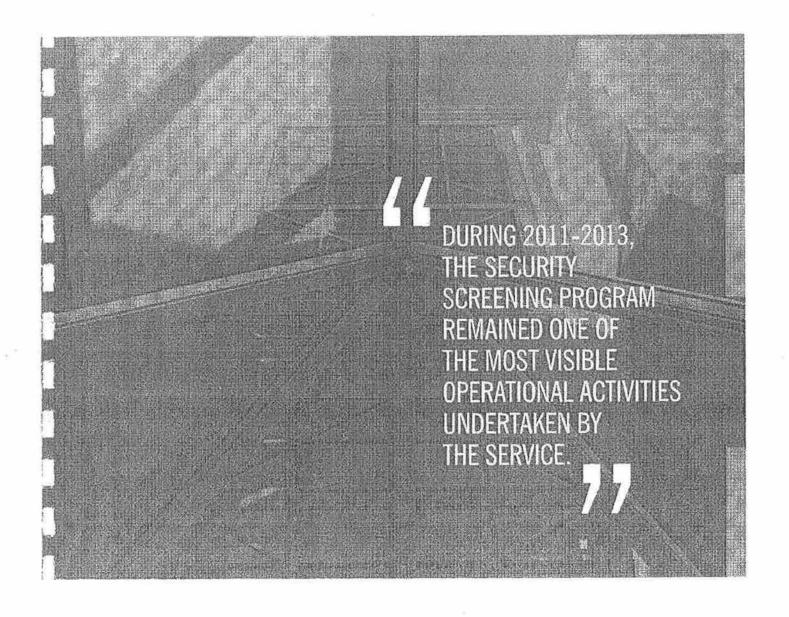
The complexity of the threat environment and the volume of opensource and classified information have reinforced the need to develop inter-agency cooperation in Canada. Members of the Canadian intelligence community continue to work on ways to better coordinate their activities and provide the best product to decision-makers. CSIS analysts work closely with intelligence analysts from other Government of Canada departments, producing community assessments and participating regularly in discussions on issues identified as intelligence priorities. Decision-makers expect the intelligence community to produce comprehensive and coherent analysis. Collaboration and the shating of best-practices across agencies have advanced this objective.

Supporting Foreign Parmerships

CSIS maintains robuse intelligence partnerships with a number of foreign agencies around the world. While much of the business of inter-agency partnerships involves information-sharing on specific threats and targets, the exchange of intelligence analysis is playing an increasingly important role in the Service's international relationships. CSIS analytical products have a reputation for excellence among our foreign partners, and they have helped to facilitate collaboration with foreign agencies and multinational organizations on key the rear-related issues. CSIS analysts — often acting as unbassadots of the Service—play the additionally important role of liaising with foreign agency partners on key strategic issues, briefing representatives of foreign agencies and international organizations, and currying our other duties calling for subject-matter expectise.

CSIS-12 Tab/Onglet12 Page/Page 0144

35 of 71 AGC0578



CSIS-12

Tab/Onglet12

Page/Page 0146 V-

SECURITY SCREENING PROGRAM

The CSIS Security Screening program plays a key role in defending Canada from the threats of terrorism and extremism, espionage, and the proliferation of weapons of mass destruction. The program prevents individuals who pose a threat to the security of Canada from entering or obtaining securs in Canada or from obtaining secess to sensitive sites, government assets or information.

In both 2011-2012 and 2012-2013, the Security Screening program semained one of the most visible operational activities undertaken by the Service. During those two years, CSIS received more than 870,000 Security Screening requests from a wide variety of government clients.

Government Security Screening

The Government Security Screening program conducts investigations and provides security assessments under the authority of sections 13 and 15 of the CSIS Art. These assessments form an integral past of the decision-making process required for the issuance of security and

site access clearances required for employees of the Government of Canada, or for persons under contract to a federal government department requiring lawful access to classified government assets or information.

CSIS security assessments address national security concerns as defined in Section 2 of the CSIS Act, criteria security to the federal Policy on Government Security (PGS), and requirements established by other clients under a variety of legislative authorities. Notwithstanding CSIS security assessments, however, the PGS gives these departments and institutions exclusive authority to grant or dony such clearances.

CSIS Government Security Screening also supports a variety of programs relating to sensitive sites such as: airports and marine facilities, the Parliamentary Precinct and nuclear power facilities. It also plays an integral role in providing assessments for the Free and Secure Trade (UAST) program which seeks to ease access for both American and Canadlan-based commercial drivers across our shared border.

Finally, under reciprocal screening agreements, CSIS may provide security assessments to foreign governments and international organizations (such as NATO) concerning Canadians being considered for positions requiring classified access to information or sites in a foreign country. Canadian citizens, about whom information is being provided, must give their consent in advance and all screening arrangements with foreign criticis are approved by the Minister of Public Safety after consultation with the Minister of Foreign Affairs.

Government Scienning Programs

Negative received a	241(1-261)	3011-2012	2012-2013
Colord Consequentes Organizações	34,400	£3,89u	31,200
tice and Senare Union (CAST)	31.800	13,900	12,600
i' in puri Alem <u>ida</u> (Manus and Angesn)	35,100	49,100	30,500
Marketine early Proceeds	3,400	1,200	950.1
Notice Carridge	12,500	(1,200	7,000a
Troplace	2(4)	264,	330
has Access that	2,500	5,3(1))	4,5180
Special Science Accordingtion	24.2(a)	2,0371	940
Iwedon Secondo	50a	250	400

The transfer of the second

SCREENING IN ACTION I

WHEN CONTROL AS A SECURITY STREET AND A TENTRAL BUSINESS CAN THE PRODUCT AS A SECURITY FOR A SECURITY TO THE SECURITY PRODUCT AS A SECURITY OF DESIGNATION OF THE PRODUCT ASSESSMENT OF THE SECURITY OF A SECURITY OF THE PRODUCT ASSESSMENT OF THE ACCOUNTY OF A SECURITY OF A SECURITY OF A SECURITY ASSESSMENT AS A SECURITY OF A SECURITY OF A SECURITY ASSESSMENT AS A SECURITY ASSESSMENT.

Immigration and Citizenship Screening

CSIS's Immigration and Giozenship Screening Program is a key component of the Service's Security Screening program. As part of its mandate under the authority of sections 14 and 15 of the CVIS Art, CSIS conducts investigations in order to assist the Government of Canada in preventing non-Canadians who pose a threat to national security from entering or obtaining status in Canada. In carrying out this mandate, CSIS works closely with the Canada Border Services Agency (CBSA) and Giozenship and Immigration Canada (CIC) in order to provide security sched advice. These CSIS activities are conducted in support of the Immigration and Refuger Protetion Art (IRPA) and the Citizenship Art.

CSIS also works with Government of Canada partners in reviewing security aspects of the immigration system to ensure that the Service's security screening operations remain officient and effective, and that its advice is relevant and timely. In an effort to meet increasing demands, CSIS continues to refine business processes and exploit new technologies, with the aim of finding efficiencies and eliminating redundancies.

In order to fulfill its mandate, CSIS conducts its immigration screening investigations both in Canada and abroad. The Immigration Screening Program is divided into the following business lines: applications for permanent residence from within Canada and abroad; applications for temporary resident visus; applications for Canadian citizenship; and refugee claims, both inland and abroad.



USEs servicing activities have helped made unwegates and seringers begin how reach Cumids.

13

Immigration and Citizenship Screening Programs

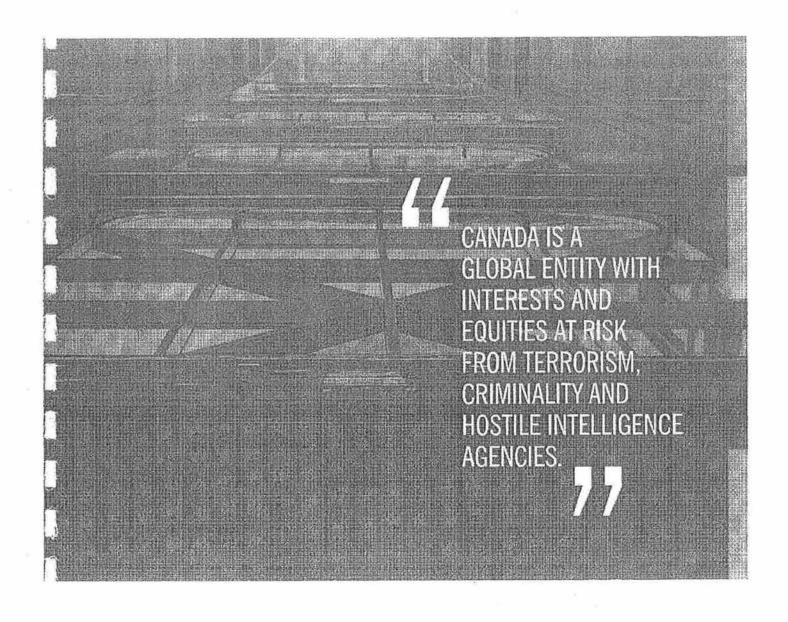
Isoquesta received*	2010-2011	2611-3012	2012-2013
Permaneet Residents Withto end Churide Canada	79,646	523,2000	75,200
From Fine Successing®	17,400	18,500	12,460
Civile aship Applications	198,863	295(00)	12139(1)
Visitars Visa Vegons	71,460	\$8,200	=4,8iHz

Figures are hely consided.

SCREENING IN ACTION II

ON HOLY BUT I. THE SERVICE RECEIVED FROM CREENINGS AND PARKETSHOR CARRIED AND REFERENCE AND RECEIVED AND REPORTED AND REPORTED AND REPORT OF THE CARL AND PARKET AND

or Tool's about the Pasy relayer served to Consider in a years of Early



CSIS-12

Tab/Onglet12

Page/Page 0152

43 of 71 AGC0578

AT HOME AND ABROAD

Domestic Cooperation

CSIS is a true national service, and, as such, its resources and personnel are geographically dispersed across Canada. The CSIS National Headquarters is located in Ottawa, with Regional Offices in Halifax, Montreal, Ottawa, Toronto, Edinonton and Burnaby. CSIS also has District Offices in St. John's, Fredericton, Quebec Cicy, Niagara Falls, Windsor, Winnipeg, Regina and Calgary.

The geographic configuration allows the Service to closely liaise with its numerous federal, provincial and municipal pattners on security issues of mutual interest.

Additionally, CSIS has several Airport District Offices, including those at Toronto's Pearson International Airport and at Vancouver's International Airport. These offices support aviation security, and assist CJC and CBSA on national security issues. The CSIS Airport District Offices also provide information to their respective CSIS Regional Offices and to CSIS Headquarters, and liaise with other federal government departments and agencies that have a presence within Canada's airports.

During 2011-2013, CSIS continued to share information on security issues with a wide variety of domestic partners. A key component of CSIS cooperation with its domestic partners remains the production and dissemination of intelligence reports and assessments such as those drafted by the Service's Intelligence Assessments Branch and Canada's Integrated Terrorism Assessment Centre, which is housed within CSIS headquarters.

One of CSIS's most important domestic partners is the Royal Canadian Mounted Police (RCMP). Because CSIS is a civilian agency without the powers of arrest, it will alert the RCMP to security threats that rise to the level of criminality, whereupon the RCMP can initiate their own investigation and lay charges if appropriate. CSIS collects intelligence whereas law inforcement—the RCMP—collect evidence for criminal prosecution.

In 2011-2012, CSIS and the RCMP continued to develop a series of protocols on information-sharing. There is a growing body of Canadian jurisprudence in this area, which the Department of Justice and the Public Prosecution Service of Canada have helped interpret for CSIS and the RCMP. The goal is to ensure that both organizations work together in a way that enhances the national security of Canada while at the same time respecting their respective legislative mandates.

To ensure that CSIS is in both practice and spirit a national service, intelligence officers get to live and work in different regions of the country during the course of their careers. One benefit of a CSIS career is the opportunity it provides to see Canada from coast-to-coast-to-coast.

Foreign Operations and International Cooperation

Over the past decide, world events have demonstrated that the threats of terriorism and espaininge are not restricted by national burders. Many of the national security challenges facing Canada originate from or have a strong nexus to events, foreign governments, individuals and groups overseas.

Globalization has led to enhanced and more complex security threats from terrorism, other unlawful and violent extremist activity, esplonage, weapons proliferation, illegal immigration, tyber-attacks and other acts targeting Canadaus domestically and abroad. Canada's global presence in industry, diplomacy and as travellers of the world further compounds these threats and otten results in its citizens and interests being fargetted or threatened by terrorist groups and hostile foreign (arelligence agencies.)

The international dimension of terrorism immifested in Canada is continuously demonstrated by the fact that foreign terrorists continue to inspire and provide direction to individuals and groups in Canada. Some Canadans and residents of Canada have left the country to seek training in terrorist camps in Somalia, Pakistan and elsewhere in an attempt to support or conduct terrorist operations within Canada or abroad. Additionally, over the past several years, Canadians have been kidnapped in places such as Colombia, Iria, Afghanistan, Somaia, Kenya, Pakistan, Niger, and Sudan, Numerous Canadian businesses, their workers and Canadian diplomats abroad have also been targeted or threatened.

The intent of the CSLS and and, indeed, the expectations of Canadians, necessitates that CSLS is vigorously pursuing the collection of security intelligence wherever that intelligence can be obtained, be it in Canada or overseas. As a result, CSLS has enablanced and continues to maintain an international presence. In today's global environment, CSLS liaison and cooperation with its international pattness remains a crucial component of our country's ability to effectively investigate, assess and counter threats to Canada and its interests.

CSIS has officers stationed in cities and capitals around the world. Their primary function is to collect and, where appropriate, share security intelligence information related to threats to Canada, its interests and its allies with partner agencies. CSIS officers stationed abroad also provide security seccenting support to Canada's Citizenship and Immigration (CIC) offices and to the security programs of the Department of Foreign Affairs, Teade and Development Canada (DEATD).

Occasionally, the Service is required to send Canada-based officers abroad to respond to certain extraordinary situations. For instance, CSIS efforts have provided assistance in the evacuations of Canadians from regions in turmoil. CSIS officers, at considerable personal disk, have been dispatched to unstable countries and dangerous situations around the globe. The training, expertise and commitment of CSIS personnel is well-known in the global intelligence community.

The intelligence collected by CSIS during 2011-2013 has assisted Canadian government agencies to restrict entry to Canada of

CSIS-12

Tab/Onglet12

Page/Page 0154

PUBLIC REPORT | 2011-2013

individuals who represent threats to Canadian security interests. CSIS's efforts have also cast light on the intentions and capabilities of terrorist groups and hostile intelligence agencies that seek to target Canadians, Canadian interests and the interests of our allies.

As of March 31, 2013, CSIS had more than 280 arrangements with foreign agencies or international organizations in some 150 countries and territories. This includes four new foreign arrangements approved during the 2012-2013 fiscal year by the Minister of Public Safety following consultation with the Minister of Foreign Affairs as required under Section 17 (1)(b) of the CSIS Ald. Of those arrangements, some 60 were defined as 'Dormant' by CSIS (meaning there have been no exchanges for a period of one year or more). Additionally, CSIS continued to restrict contact with eleven foreign entities due to ongoing concerns over the reliability or human rights reputations of the agencies in question, while two arrangements remained in abeyance pending an assessment of the agency's future. Finally, one arrangement was terminated following the dissolution of the foreign agency.

For reasons of security and privacy, the Service does not publicly divulge details of the information it exchanges nor does it identify the foreign agencies in question. CSIS must protect its foreign arrangements in order to keep the relationships viable and secure. Foreign agencies expect that the information they provide to CSIS will remain confidential, just as the Service expects that any information it provides to foreign agencies will not be divulged or disseminated to a third party without the Service's prior consent.

Canada is a global entity with interests and equities at risk from terrorism, criminality and hostile intelligence agencies. The international mosaic which helps sustain Canada as a strong, healthy nation has, at times, revealed direct associations between international terrorist groups and Canadian-based cuitzens and residents. These represent national security concerns which require an international response, both in terms of information sharing and collection of intelligence outside of Canada. CSI5 is positioned and committed to pursuing its mandate to collect security intelligence, in Canada or overseas, in support of protecting Canadians, Canadian interests and the interests of our international partners.

PUBLIC VEPCAT - SEL - 2013

15

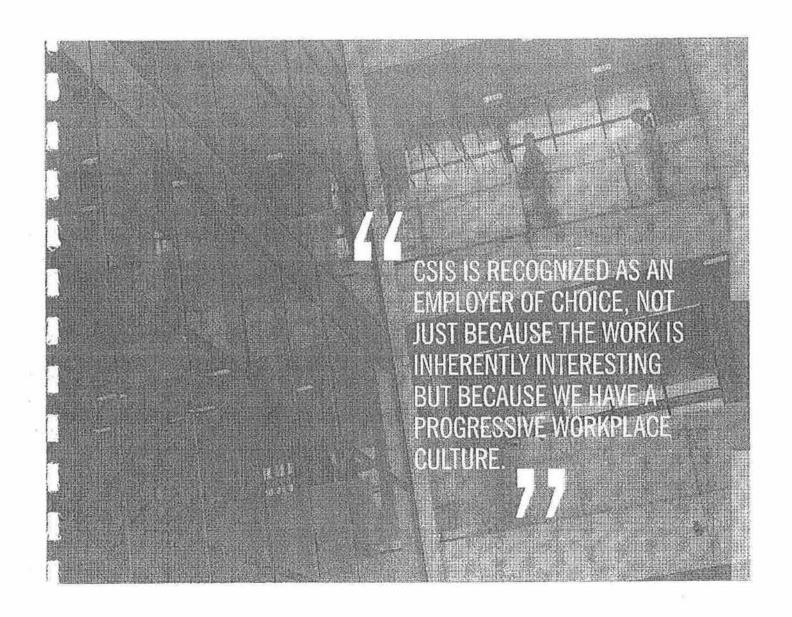
SECURITY INTELLIGENCE VS. FOREIGN INTELLIGENCE

USIS NOT A LOUGH, THE CONTROL TO COLLECT FORM "SECURITY THE LIGHTER AND TO REPORT OF THE LIGHTER THROUGH THE PROTECTION OF THE PROTECTION

REPORTLY MILLIONING REFERS OF A ZORGAZION ESCAL TREGITS TO THE SECURITY OF CAMBOA, SUCH AS 199-59 SO AND HOSPITIACE. THE MAIGSTRY OF RESIDENCES AND MOTIVATES AS CAMBOA, SUCH RESIDENCES AND MOTIVATES AS CAMBOA, AND THE SERVICE FOLLOWS INCREMENTS OF MAIOTIME SERVICE FOLLOWS INCREMENTS. OUT FOR CAMBOA, AND THE SERVICE FOLLOWS INCREMENTS. OUT FOR CAMBOA, AND THE SERVICE FOLLOWS INCREMENTS.

PROBLEM NATIONS ASSUMED TO CHARLES AND REPORT AND ASSUMEN ASSUMENT CAPABILITIES OF THE PROBLEMS OF THE SAME OF THE SAME OF THE SAME OF THE PROBLEMS ASSUMED TO THE PROBLEMS AS OF THE PR

Page/Page 0158



CSIS-12

Tab/Onglet12

Page/Page 0158

49 of 71

AGC0578

PUBLIC REPORT | 2611-2013

44

AN ORGANIZATION LIKE NO OTHER

Our People

The CSIS workforce is remarkably diverse, employing individuals in a variety of different settings. We have employees working as Intelligence Officers (IOs), Surveillants, Translators, Information Management Analysts and Administrative support to name a few. A complex organization such as CSIS requires an equally complex staffing regime.

At the beginning of the 2013 fiscal year, CSIS had more than 3,200 full time equivalents (PTEs) splir evenly along the gender line. Collectively, our employees speak 107 languages. 75 per cent of our employees speak both official languages and 20 per cent have a good or excellent knowledge of a foreign language other than English or French. With respect to age demographics, four generations of workers can be found in our offices and the average age of our employees is 41.7 years.

CSIS is recognized as an employer of choice, not just because the work is inherently interesting but because we have a progressive workplace culture. For five years running, the organization has been named one of Canada's Top 100 Employers. The Service has also been named one of the National Capital Region Top Employers for six consecutive years and finally, for the fourth year in a row, we were selected as one of the Top Employers for Canadians over 40.

CSIS is a career employee. Employees \overrightarrow{pt} the Service are recognized for their skills, talents and contributions which is reflected in our ability to retain our top talent. For the fiscal year 2012-2013, we recorded a resignation rate of only 0.8 per cent. In fact, the resignation rate has howered around the 1 per cent made for the last ten years.

As a knowledge based organization, CSIS continues to invest in ongoing Jearning for all employees. All employees benefit from an integrated corporate training and development regime called the Entry-to-Exit Training Framework (EET). As an extension to the EET Framework, Learning Paths for all occupational groups are accessible to all employees via the Service's Intranet. The Learning Paths have also been integrated with another HR initiative entitled "Career Navigator" which provides a one stop shop for employees to review the position profile, education criteria for any position in the Service. These tools assist employees to take control of their own career path.

E-learning is another critical element of the Service's new blended learning approach, which seeks to make the best possible use of various learning methods (e.g. videoconference, mentoring, instructorled courses). ELITT, a new online learning root, allows access to both

self-paced and live virtual online courses directly from an employee's corporate desktop. ELITE will supply internal courses designed by Training and Development and courses supplied by partner agencies and outside vendors. Access to ELITE will be 24/7:

In 2012, a new Talent Management (TM) Branch was established to support the development and maintenance of a high-performing workforce in the Service. Led by a director general, the new TM Branch supports the development of four key groups in the Service. I) Executives, 2) Participants in the Leadership Development Program (LDP), 3) Managers and supervisors, and 4) Employees. A TM Framework was elaborated with a focus on talent analytics, onboarding, performance management, training and development, succession planning, and career management.

The Service remains committed to the principles of Public Service Renewal. This engagement stems from the belief that the best way to fulfill our mandate to protect national security is to create and nurure a respectful and innovative work continument where employee engagement is high and performance excellence is the norm.

Recraitment

With its reputation as an "employer of choice", coupled with enhanced recruiting activities and targeted ads over the past year, more potential applicants have begun to take notice of CSIS and its various career opportunities.

CSIS is committed to building an organization reflective of Canada's rich cultural mosaic and as such we continue to promote a better understanding of our role, mandate and career opportunities available. In 2011, CSIS welcamed a Proactive Aboriginal Recruiter whose main role is to reach out to Aboriginal, First Nation and Inuit communities throughout Canada. This is rhe first time in CSIS's history that we have assigned someone to proactively reach out and promote our careers in these communities.

Our microsite also saw some enhancements this year with coiscureers, ca replacing the former intelligencematters, ca as a means to simplify our web address and to further correlate with our brand messaging. This microsite is the main portal of information for porendal applicants, who can also apply for CSIS positions online and we are committed to ensuring that it remains a relevant and useful resource for our potential applicants.

Our drive-to-web marketing strategy is effective and has attracted impressive traffic. The overall number of CSIS applicants applying online has more than quadrupled in 2012-2013 (52,126) compared to 2009-2010 (12,88°). Also, from September 1, 2012 to March 30, 2013 essenteers, as received 537,557 unique visitors for a total of 798,182 visits, and more than 4 million page views.

CSIS continues to explore ways of building our brand and recruiting messaging using social media such as Facebook, LinkedIn, Twitter and YouTube. In September 2011, six recruiding videos were posted to YouTube. Reaction to the videos was extremely positive as by March.

CSIS-12 Tab/Onglet12 Page/Page 0160

51 of 71 AGC0578

POSTIGREPORT | 1011-2015

FA:

31, 2013 the videos had received more than 100,000 views. In 2012, CSIS posted an advertisement on LinkedIn to reach out to potential IT applicants. Our click-through rate was higher than industry standards as hundreds of applicants from LinkedIn applied for IT positions through essentiers.

Social media is a low cost alternative to reach our potential applicants and growing in popularity every year.

Financial Resources

CSIS's final expenditures for 2011-2012, the last period for which figures are available, totalled \$540 million.

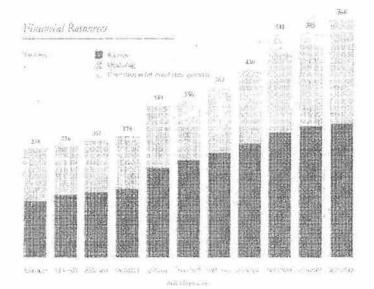
The Service's financial resources increased from 2001-2002 to 2012-2013, partly as a result of new funding for public security and antiterrorism initiatives allocated in the December 2001 Federal Budget.
Funding was also provided to augment the Service's foreign collection
capabilities, to administer Canada's Integrated Terrorism Assessment
Centre, to help CSIS maintain its operational capacity both domestically
and abroad, to expand its National Headquarters and to bolster existing
capacities to combat terrorist financing. Furthermore, in 2010-2011,
new funding was announced for CSIS to address its most acute
program integrity needs.

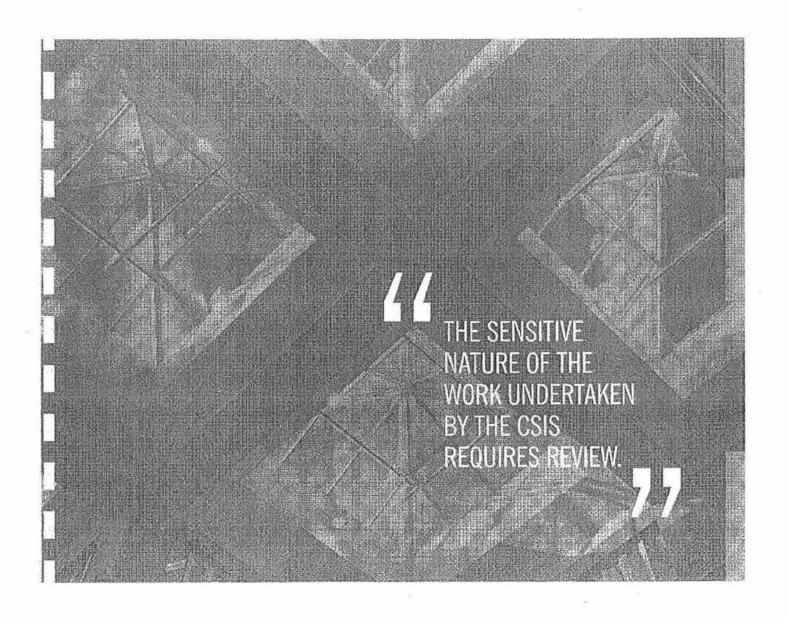
The Service was subject to a stringent review process dedicated to ensuring that taxpayer dollars were being used as effectively and efficiently as possible. In 2009-2010, the Government of Canada had

began a strategic review process and the Service was required to rationalize operations and ensure alignment with organizational needs. This strategic review resulted in a \$15 million budget reduction effective 2012-2013. Furthermore, as part of the Government's Deficit Reduction Action Plan (DRAP) announced in the 2012 Federal Budget, by 2014-2015 and ongoing the Service will reduce its budget by \$24.5 million.

Construction costs shown are for the expansion of CSIS National Headquarters, Costs incurred from fiscal year 2002-2003 to 2006-2007 represent expenditures associated with the project definition stage. In 2007-2008 and 2008-2009, costs incurred were mainly attributable to the building's site preparation. The construction of Phase III began in the summer of 2009, with total expenditures of \$4.9 million in 2011-2012. The building was officially opened by the Minister of Public Safety in October 2011.

PERSONEPOST - 9015-0018





SIS-12

Tab/Onglet12

Page/Page 0163

54 of 71

CSIS-12 Tab/Onglet12 Page/Page 0164

55 of 71 AGC0578

REVIEW AND ACCOUNTABILITY

The CSIS Art did more than create Canada's civilian security intelligence agency. The Act also created and entrenched a regime of securitability so that the new agency, CSIS, would never engage in activities inconsistent with fundamental Canadian values.

The sensitive nature of the work undertaken by CSIS requires review. Service employees are accustomed to this close, ongoing scrutiny, and we believe it has helped the Service to become a global model of how an intelligence agency ought to function in a democratic system. CSIS continuously reviews and adapts its policies and practices, where required, in order to improve our operational effectiveness while ensuring that our activities continue to be earried our within our legislated mandate.

As with other federal agencies, the activities of CSIS are subject to review by the Federal Court, as well as by various officers of Parliament, including the Auditor General and the Privacy Commissioner, Again, the regular interaction between CSIS and these external bodies has helped the Service to become a more effective and professional organization.

The Minister of Public Safety

The CSIS Director is accountable to the Minister of Public Safety, who provides ministeral direction on the policies, operations and management of the Service.

Parsuant to seem on 6(2) of the CSIS Air, the Minister may issue to the Director written directions with respect to the Service. This can include direction on any matter, including intelligence collection priorities and/or restrictions, and on when and how the Service informs the Minister of its operations.

CSIS requires the approval of the Minister of Public Safety before entering into formal arrangements with domesde and foreign agency partners. These arrangements are governed under section 17(1)(a) and section 17(1)(b) of the CSIS Art and serve to ensure that the government's domestic and foreign policy interests and priorities are properly considered prior to the establishment of any formal intelligence sharing arrangement.

The Service also requires the approval of the Minister to file warrant applications with the Pederal Court (section 21). This ensures appropriate ministerial accountability over the Service's more intrusive operational activities. Section 6(4) of the CSIS Accrequires CSIS to report annually to the Minister on operational activities.

The Security Intelligence Review Committee (SIRC)

The Scounty Intelligerice Review Committee (SIRC) is an independent, external review body which reports to the Parliament of Canada on Service operations.

SIRC and CSIS were both products of the same piece of legislation, the CSIS Ad, and came into being at the same time in 1984. The CSIS Ad was amended in 2012, repealing the Inspector General and transferring its responsibilities to SIRC, including accountability towards the Minister.

From the outser SIRC has always had access to all information held by the Service, with the exception of Cabinet confidences. In addition, SIRC meets with and interviews CSIS staff regulady, and formally questions CSIS witnesses in a quasi-judicial complaints process.

While CSIS is not required by law to adopt SIRC recommendations, they are carefully considered. The results of SIRC reviews and complaints are regularly discussed among members of the CSIS Executive and the Service has adopted most of SIRCs recommendations over the years.

The STRC Annual Report, cabled in Padiament by die Afinister, provides an unclassified overview of its various studies of CSIS issues that were conducted during the fiscal year, and of the results of its complaints investigations.

The Service's interactions with SIRC are primarily managed by the CSIS External Review and Liaison Unit. The unit coordinates the Service's response to requests or questions from SIRC, and acts as the primary point of contact regarding complaints against CSIS filed with SIRC under sections 41 and 42 of the CSIC Att.

57 of 71

THE INSPECTOR GENERAL (IG)

THE LEGISLATION THAT CREATED CSISSIN 1981 STIPULATED THAT THE GENERAL WIGH. BE PRICEYED BY TWO BODIES. THE SIRC AND THE HISPESTOR GENERAL WIGH.

IN JUNE 2012, THE DIFFICE OF THE INSPECTOR CENERAL WAS ELIMINATED AS PART OF THE GOVERNMENT'S DEPICT REDUCTION ACTION PLAN (DRAP) ANNUOLOGIE IN THE 2012 FEBERAL SUDGET, THE PROVE ENTRENCHED THE RESPONSIBILITY FOR SOMETHING COIS OPERATIONS INTO ONE OPERATIONS — SIRC. THIS CONSQUENCY WAS MAKED AT STREAMLINING OPERATIONS, FUNCTIONS AND RESOURCES OF THE IG'S WERE ACCORDINGLY TRANSFERRED TO SIRC. IN PARTICULAR, THE IG NOW CORES, INSPECT COMPULANCE WITH OPERATIONAL POLICES AND ISSUED A TENTAL CLASSIFIED CENTRICATE TO THE WANSTER, THIS CONTINUAL REPORT OF DISCRETIFIED FROM IDEA OF SATISFACTION WAS IT THE DIRECTOR SHAPING SERVICE OF THE CONTINUAL PROPERTY UNDER SECTION 38 OF THE LOSS AND, THIS DIRECTOR THE PLANCTION HEAD BEEN RETAINED AND RESPONSIBILITY FOR THE ISSUENCE OF THE CHAPTED VENUS TRANSFERSED TO SIRC. NOW UNDER SECTION 5(4).

TO ENSURE A COMPARABLE DEBREE OF ACCOUNTABILITY AS INTHE PREMIOUS INSTEAD, SIRC, MAICH PEPORTS TO PARLIAMENT, WILL MOST ROWNE THE MODISTR OF DUDING SAFELY WITH THE REPORTS OF ALL REVIEWS OF USIS ACTIVITIES THAT MAINTERSHAPES. IT WILL AUSO HOW BRIEF THE MINISTER AT LEAST ONCE A YEAR OF THIS COMPANY TO RESPOND THE MAINTERS SHOWARD COSTS ACTIVITIES OF FARMADAY, THE ABILITY TO RESPOND AT MY EARLY STAGE TO MAY CONCERNS ABOUT 10% OSIS COMPUTED THIS SUBJECTS.

CSIS Internal Audit Branch / Disclosure of Wrongdoing and Reprisal Protection

The Internal Andit (IA) Branch is led by the Chiaf Andit Executive (CAE), who reports to the CSIS Director and to the CSIS External Audit Committee (AC). The CAE provides assurance services to the Director, Senior Management and the AC, as well as independent, objective advice and guidance on the Service's risk management practices, control framework, and governance processes. The CAP is also the Senior Officer for Disclosure of Wrongdoing.

In 2010-2011, an external, independent assessment continued that the internal audit function was in general conformance with the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing and the Code of Ethics. The assessment also concluded that the audit function was in general conformance with the Treasury Board Policy on Internal Audit Suite and the Internal Audit Suite and the Internal Auditing Standards for the Government of Canada.

The AC continued to bring about improvements to the delivery of assurance services by examining CSIS' performance in the areas of risk management controls and governance processes relating to both operational activities and administrative services. By maintaining high standards in relation to its review function in particular following-up on the implementation of management action plans derived from audit recommendations the AC supports and enhances the independence of the audit function.

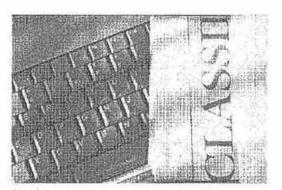
LAS efforts and performance were also recognized by the Treasury Board Secretariat in context of the Management Accountability Framework by rating the audit function as "Strong" in 2011-2012 and 2012-2013.

In the capacity of Senior Officer for Disclosure of Wrongdoing, the CAE is responsible for administering the Internal Disclosure of Wrongdoing and Reputati Protection Policy. The Policy provides a confidential mechanism for employees to come forward if they believe that serious wrongdoing has taken place. It also provides protection against reprisal when employees come forward, and ensures a fair and objective process for those against whom allegations are made. This effort to establish an effective internal disclosure process has net with success and has the support of senior managers.

Over the years, CSIS has demonstrated that it is a responsive and numble organization that listens to advice from a variety of sources and implements change accordingly. In its role as assurance provider, IA supports due Service in implementing change by maintaining professional services that contribute to improving cotporate risk management, control and governance processes.

Access to information and Privacy (ATIP)

The mandate of the Access to Information and Privacy (ATIP) Unit is to fulfill the Service's obligations under the vicess to Information Act and the Privacy Art. The Service's Chief, ATIP is corrusted with the delegated authority from the Minister of Public Safety Canada to exercise and perform the duties of the Minister as head of the institution.



Although CAIS in the cancellance of our receive, see "if exercise it seems in the viction and of viction was real and a real control of the product of the territories places, they are had a control expression and the loss of Figure 2000 at 15.

As the custodian of expectise related to the Service's obligations under the classic to Information Art and the Privacy Art, the ATTP Unit processes all requests made under the relevant legislation and responds to informal requests for information. In doing so, the unit must bedone the need for transparency and accountability in government institutions while ensuring the protection of the Service's most sensitive information and assets.

In addition, the ATIP Unit directs all activities within the Service relating to the administration, application and promotion of hote Acts. It provides advice to senior management on the implementation

PURLIC DEPOST: 2011-2013

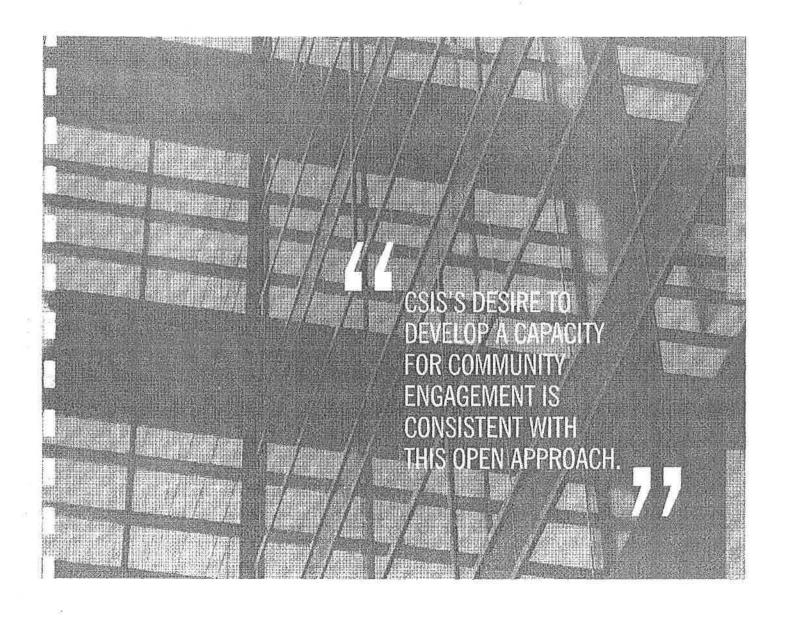
of the Acts and prepares reports to Parliament, Treasury Board Secretarist (TBS) and senior management.

In 2011-2012, the ATIP Unit conducted a number of awareness sessions for all new employees, as well as for a number of managers and specialized groups. The objective of the sessions was to provide participants with an overview of both the Arous to Information Harand the Privacy Act and to promote a better understanding of their obligations under these Acts.

In addition to enhancing awareness internally, the Service's ATTP Unit participates in intergovernmental activities as well. In Pebruary 2012, the unit delivered a briefing session at a Departmental Security Officers (DSO) conference hosted by CSIS. An estimated 58 DSO's from other federal institutions and 100 Service employees were in attendance.

During the last two fiscal years, the CSIS ATTP Unit received a total of 465 requests under the Privacy, 4a and 717 requests under the Access to Information Act. The Service's on-time completion rate was more than 99 per cent and CSIS received a 'Strong' rating from 'I'BS in all three Management Assessment Framework lines of evidence related to the administration of the Acts. The Information Commissioner's special report tabled to Parliament on May 31, 2012 also recognized the Service's outstanding achievement.

14



CSIS-12

Tab/Onglet12

Page/Page 0172 1

AGC0578

PRESERVATION : 2011-2013

COMMITTED TO CANADIANS

Community Engagement

The work of intelligence services, even in democratic systems, is often cloaked in mystery and misunderstood by ordinary citizens. The entertainment industry in particular specializes in images of "spies" operating according to their own rules and with little accountability. The more pressic truth however, at least at CSIS, is that we are not a secret organization and have no desire to be one. While true that we deal in secrets — or, better pur, in classified information — we recognize that Canadians expect transparency from their institutions.

Indeed, in February 2012, the Government of Canada released its first counter-terrorism strategy, Building Resilience Against Terrorism, a document that highlights the importance of openness between citizens and their government in the ongoing, shared effort to counter violent extremism. CSIS's desire to develop a capacity for community engagement is consistent with this open approach. Canadian citizens have a strong interest in issues of national security, and where possible the Service is trying to promote an informed public conversation.

To this end, CSIS has continued to be an enthusiastic pattner of the Cross-Cultural Roundrable on Security (CCRS), a Public Safety Canadaled initiative that seeks to deriverify the security apparatus. The CCRS brings together security officials from several government agencies and departments and introduces them to members of ethno-cultural groups across Canada.

Over the past two years. CSIS personnel have perticipated in a variety of outresch meetings, some of them formal affairs around boardroom tables and some of them more casual "town-hall" style gatherings. We continue to meet personally – one-on-one, in some cases – with community representatives who have an interest in getting to know us and our mandate. The aim is to have an honest and useful dialogue, and indeed that has been our experience.

These initiatives provide the Service an opportunity to explain that our mandate is to protect all Canadians, including minority and immigrant communities. This is especially important given that some in these communities may fear the security apparatus based on experiences in their countries of origin. Canadians are entitled to know how we at CSIS conduct our business and the parameters within which we operate. Through our communications activities, the Service seeks to assure all Canadians that we see them as partners and allies.

CSIS itself is a remarkably diverse organization, becoming more so every year. The multicultural character of Canada is profoundly reflected in our workforce, something that would perhaps not be widely known or appreciated were it not for our participation in public outreach.

64 PRIMAG REPORT (2011-2015

Community engagement is still relatively new to the Service, but the exercise is proving to be a positive one. As the custodian of notional security expense, we believe there is value in our assuming, where appropriate, an educational role, one that brings benefits to ourselves and, more importantly, to the communities we serve.

Academie Guedech

CSIS launched us. Academic Outreach Program in September 2008. The purpose of the program is to promote a dialogue with experts from a variety of disciplines and cultural backgrounds working in universities, think tanks and other research institutions in Canada and abroad.

This program affords CSIS access to leading thinkers who can provide unique insights into a range of issues that have an immediate and long-term impact on Canada's security environment. It may happen that some of our academic partners hold ideas or promote findings that conflict with our own views and experience, but that is one of the reasons we initiated the program. We believe there can be value in briving informed observers challenge our thinking and approaches. The program helps for Service focus is intelligence collection efforts and improve its molytical capacity.

The exchange cons in both directions, A more interactive relationship with the academic community allows the Service to share some of its two expertise and interests, which in our can help scholars – political scientists, economists, historians, eyoersecurity experts, oxycloologists – to identify new exerces of research.

Academic Outreach (AO) hosted faree conferences during 2011-2013 that brought together multi-disciplinary groups of experts from several countries. The first conference was emided "Competing Visions of the State. Political and Security Trends in the Arab Viorid and the Middle East" and was designed to identify the implications of the Arab Uprisings for the region and the West. The second conference, entitled "Informing (In)stability. The Security Implications of a Shifting News and Media Environment", focused on the tremendous changes information technology has introduced to the media world and their consequences for government and other social acrors. The third conference, "The Security Dimensions of an Inducatial China", examined the security implications of the evolution of China as a burgeoning superpower.

The international conferences, however, represent only one component of the AO program. We have also hosted a number of in-depth briefings on other topics of interest. For instance, one examined advances in Iran's nuclear program. The speaker had conducted extensive research on the technical aspects of the question as well as the intentions of the Iranian landership. Another briefing designed to holster our analytic capacity involved discussions with practitioners of foresight and the role that it can play in the field of intelligence analysis.

There is a significant interest on the part of experts to participate in activities sponsored by CSIS. Since 2008, the Service's Academic Ourreach Branch has organized nine international conferences numerous seminars and workshops, and hundreds of mountime expert briefings in which outside experts speak to CSIS personnel on a topic

CSIS-12 Tab/Onglet12 Page/Page 0174

65 of 71 AGC0578

PER REPORT | 2011-10:3

60

of mutual interest at the Service's National Headquarters in Orraws. The lunchtime presentations are very popular, reflecting a commitment to professional development among CSIS personnel.

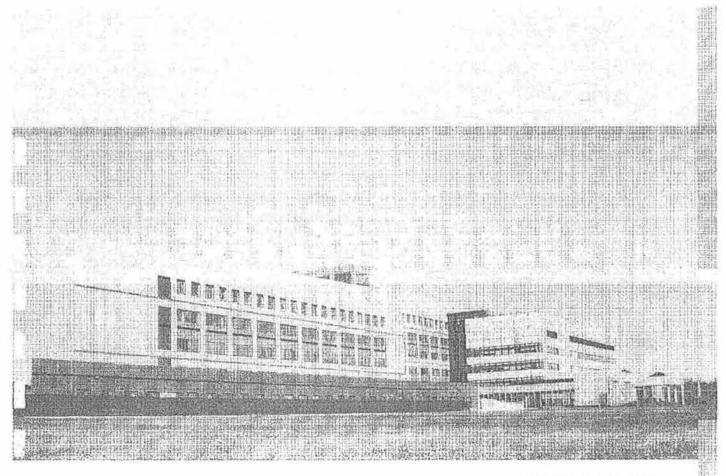
During 2011-2013, outside experts engaged CSIS staff on discussions covering a range of security and strategic issues, including the changing leadership of the Chinese Communist Party; the availability and safety of bio-chemical weapons to Syria; tadicalization trends in West and East Africa and South Asia; the future of politics in Iraq; the changing nature of North Korea's political economy and challenges confronting the Punn presidency in Russia. The Academic Outreach Branch also commissioned several experts in appport of a foresight project ained at developing alternative future securious for the Al-Qaeda phenomenon in the year 2018. The results are now available on our website.

Intellectual engagement with scholars ourside the professional security establishment helps the Service ask the right questions – and avoid surprises – on Issues pertaining both to the Canadian and global security environments. The program is still young, but it is playing an important tole in enabling CSIS to adopt a more holistic approach when reviewing and assessing national and international issues of interest. Ensuring that we have access to all of the information possible allows the Service effectively and accurately to fulfil its mandate, and to do so responsibly.

The Academic Outreach program promotes partnerships with other government departments. Canada's Foreign Affairs. Trade and Development, the Privy Council Office, the Canadian Food Inspection Agency, the Department of National Defence and the International

Development Research Centre provided support to some of the CSIS international conferences. The lunchtime series is also open to analysis from the broader intelligence community. These shared events provide an opportunity for members of the intelligence community across government to Jiaise and collaborate.

67 of 71 AGC0578



SSE BOILDING PEACEGRAPTERS - 077489

CONTACT US

National Headquarters

Canadian Security Intelligence Service P.O. Box 9732, Station T Ottawa ON K1G 4G4

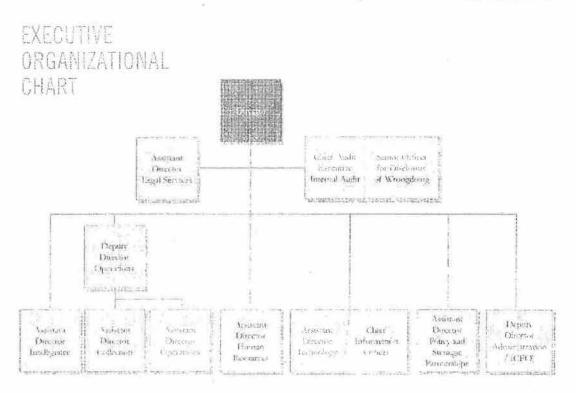
Tel, 613-993-9620 or 1-800-267-7685 toll-free (Ortano only) TTY 613-991-9228 (for hearing-impaired, available 24 hours a day) Media and Public Liaison Queries:

CSIS Communications Branch P.O. Box 9732, Station T Ottawa ON K1G 4G4 Tel. 513-231-0100

Regional Offices

Athinas Region	P.O. Sox 425, Station Central Hilliam NS B3J 375 Tel: 902-420-5900
New Brunswick District	P.O. Box 6010, Station A Fredericton NB E3B 5G4 Tel. 506-452-3786
Newfoundland and Labrador District	P.O. Bux 2585, Station C St. John's NE ATC 616 Tel: 709-724-8650
Quebec Region	P.O. Rex 2000, Sertion 5 Minuted QC £13C 5.5n Tel. 5:4-335-5600 on 1-877-223-2265 tell-free (Quebec only)

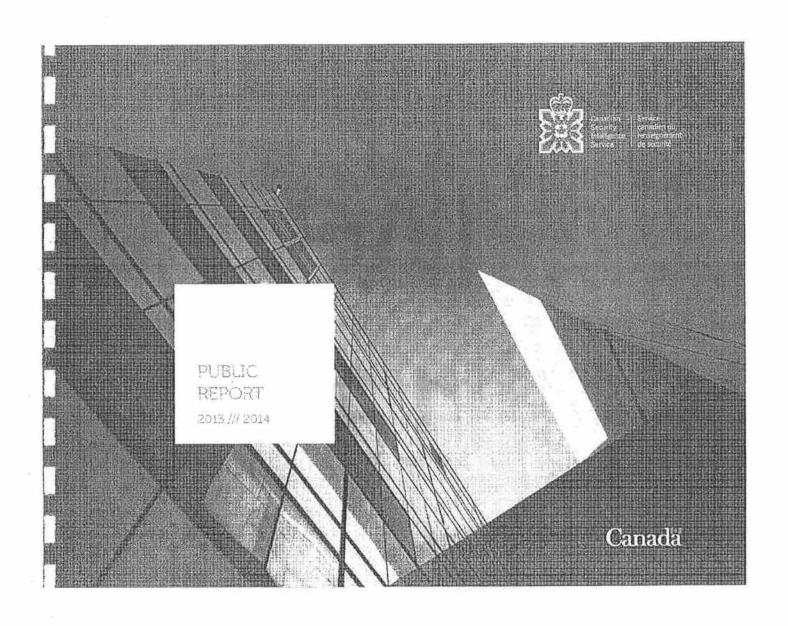
Quebec City District	P.O. Box 10043, Station Sainte-Foy Quebec QC GTV 4C6 Tel: 418-529-8926		
	P.O. Box 9732, Station of		
Otmsa Region	Onaxe ON K1G 4G4		
	Tel. 613-998-1679 or 1-800-267-7685 roll-free (Ontario only)		
	E.O. Box 760, Station A		
Prairie Region (Alberta, Saskatchewan, Manituba, Northwestern Outario, Yukon, Northwest Territories, Nunavut) Calgary District askatchewan District	Toronto ON X6W 1G3		
	Tel. 416-865-1480		
National Association and the second	P.O. Brot 47(109		
	62 City Centre		
	Edmonton AB T5J 4N1		
Northwest Jettifotins, Nunavut,	Tel. 780-401-7800 or 1-800-661-5730 roll-free (Peairie only)		
	P.O. Box 2671, Station M		
Calgary District	Calgary AB T2P 3CJ		
	Tel. 403-292-5255		
5	P.O. Bus 5089, Station Main		
Saskatchewan District	Regina SK S4P-4B2		
	Tel. 306-780-5512		
	P.O. Box 971, Station Main		
Manitoba District	Winnipeg MB R3C 4G3		
	Tel. 204-954-8120		
	P.O. Box 80629		
Buitish Columbia Region	South Burnaby BC VSH 3Y1		
TELE CONTROL E SONTE TELEFON (ATT A A A A A A A A A A A A A A A A A	Tel. 504-528-7490		



21						
						10
×						
				i.e.		
	W					
	ñ					
	6	10				

TAB

13



ISIS-13

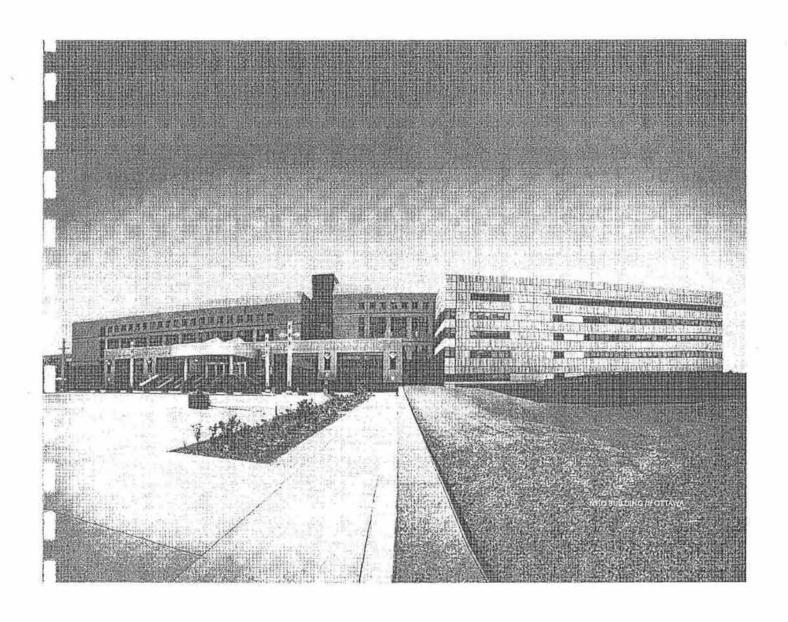
Tab/Onglet13

Page/Page 0181

PUBLIC REPORT

CSIS-13 Tab/Onglet13 Page/Page 0182

3 of 58 AGC0579





MESSAGE FROM OUR DIRECTOR

As I write these words, many in our nation are still coming to terms with the events of last fall when two Canadians, radicalized to violence, launched separate attacks against fellow citizens, one in Saint-Jean-sur-Richelieu, Quebec, and the other in Ottawa. Two unarmed members of the Canadian Armed Forces were killed. The Canadian Security Intelligence Service (CSIS) joined the rest of the country in mourning their loss.

The attacks exposed in a most vivid way the valuesability to terrorism that an open society like Canada faces. There was a period after 9-11 when many people assumed that an effective terrorist attack was necessarily one that involved a network of highly trained operatives bent on committing a spectacular, mass-casualty event. In truth, a single assailant with low-teels weaponry – a rifle or even a car – can bring tragedy and insecurity to our communities, as we saw in Canada.

That Canada is not immune to this kind of violence has long been clear to those of us in the national security community – and to anyone else who follows the news of the day. The October attacks in Saint-Jean-sur-Richelieu and Ottawa were not the only major terrorism-related story of 2014. A month earlier, in an Ottawa countroom, a 34-year-old Canadian was contricted of planning to commit acts of terrorism in Canada. The sentencing hearing was notable not just for the lengthy prison term given to the accused – 24 years – but for the court's vivid reaction to what the individual intended to co.

"You are now a convicted terrorist," said the presiding judge, "That fact carries with it an utterly deplotable stigma that is likely impossible to enace... You have betrayed the trust of your government and your fellow citizens. You have effectively been convicted of treason, an act that invites universal condemnation among sovereign states throughout the world."

Life Monthly Committee

An accomplice was also convicted of terrorism-related offences and sentenced to 12 years. The evidence presented in court indicated that the men were seeking to establish a functioning terrorist cell in Canada; they might have succeeded if not — to quote the judge again — for the "vigilant and tireless" work of our national security agencies. The scope of the problem was further illustrated when terrorism-related charges were laid against a 15-year-old boy from Montgeal in December 2014, and then against a group of Ottawa men in January 2015.

There are violent people and violent groups that want to kill Canadians. It's a sobering observation to make, and there is no euphemistic way of making it.

During the review period of the CSIS 2013-14 Public Report, the phenomenon of so-called foreign fighters gained increased prominence. The attention and concern has in my view been entirely legitimate. The fanaticism associated with al-Qaeda and murderous off-shoots such as the Islamic State in Iraq and the Levant (ISIL) is resonating with some individuals in Canada.

Community leaders, teachers and most of all parents have seen young people pursue a cause that has no good outcome. A number of these young Canadians have died in the foreign lands to which they have been drawn. There is no doubt that some of these Canadians have also killed people.

CSIS has been clear about the security challenge. We are interested in Canadian extremists who return to this country more radicalized than when they departed. Will their status as veterans of a foreign conflict better enable them to retruit other Canadians? Will they use their foreign contacts to set up networks in Canada to facilitate the movement of fighters, material and money in and out of the country?

And, most importantly, will they use their terrorist training to attempt violent acts here in Canada? Europe has already suffered such attacks. 2015 began with the January massacres in Paris at a magazine office and a Jewish grocery store. At least one of the attackers was reported to have had terrorist training in Yeinen. Some months earlier, a French citizen and "returnee" from Syria went on a shooting spree in Belgium and killed a number of innocent civilians.

Even if a Canadian extremist does not immediately return, he or she is still a Canadian problem. Just as Canadian extremists other nations to prevent their citizens from harming Canadians and Canadian interests, we too are obligated to deny Canadian extremists the ability to kill and terrorize people of other countries. And, lastly, there is the threat-posed here by frustrated extremists who have been unable to join the fight abroad. It is for all of these reasons, as our Public Report makes clear, that terrorism continues to be the most significant threat to Canada's security interests.

Terrorism, however, is far from the only threat. Espirotage against Canada's economic; political and military interests is an ongoing concern. In December 2013, a Canadian citizen living in Oriestic was accessed and charged under the Security of Information Act for allegedly passing sensitive information to a foreign entity. This was barely nine months after another Canadian, naval officer Jeffrey Deliste, was scarenced to 20 years in prison also for violating the Security of Information Act and selling secrets to a hostile foreign entity.

These espionage cases are high-profile for the simple fact that they met a criminal directhold and became publicly known. Cyber increasions orchestrated by hostile foreign states, such as the one in the summer of 2014 against the National Research Council of Canada, are also increasingly of concern. There are many other activities occurring all the time in Canada – not just espionage our clandestine foreign influence – and while not in the public eye, they are equally damaging to Canadian security and sovereignty.

The year 2014 marked the 30th anniversary of the creation of CSIS. We are proud that in these past three decades we have matured into a valued and respected Canadian institution (see "Thirty Years of National Security", page 9). The work we do is complex and sensitive, seemingly more so every year in a constantly changing threat environment.

Yet ever constant is our commitment not only to fulfill our mandate of keeping Canada and Canadians safe, but to do so in a way that is consistent with Canadian values. We promise to do so for the next 30 years, and beyond.

Michel Coulombe



ISIS-13

Tab/Onglet13

Page/Page 0187

AGC0579

8 of 58

CSIS-13 Tab/Onglet13 Page/Page 0188

9 of 58 AGC0579

Marian politica in the com-

380

TABLE OF CONTENTS

Message fro	on the Director	5	Domestic Extremism	23
Thirty years	s of National Security	9	Terrorist Financing, Financial Investigation and Listings	23
The Threat	Environment	15	Illegal Migration	24
Terr	orism	15	Espionage and Foreign Interference	2.1
	Terrorism at home and abroad	15	Protecting Canadian Sovereignty	24
	Radicalization	16	Espionage Threats	25
	Al-Qaeda Core	17	State-Owned Enterprises -	25
	Al-Qacda and affiliates	18	With Opportunity Comes Risk	
	Somaljo and Al Shabaah	19	Foreign Interference	25
	Al-Greela in the Arabian Peninsula	19	Cyber Security and Critical Infrastructure	26
	(AQAP), Ansar Bayt al-Maydit	20	Protection	
	(ABM) and Jubbat vi-Nusra (IN)	20	Weapons of Mass Destruction	.28
	Al-Queda in the Islamic Maghreb	20	Counter-Proliferation: Chemical,	28
	(AQIM),		Radiological, Biological and Nuclear	
	Baka Floraia	21	(CBRN) Weapons	
	Islamic State of Iraq and the Levant	21	Iran	28
	(ISIL)		North Korca	28
	Tran	21	Other CBRN Issues	29
	Hirdhallah	22	Leveling formered	20

Terrorist Group Profile: The Islamic	33	Speaking to Canadians	63
State of Iraq and the Levant (ISIL)		The Public Conversation on National	-63
160 170 330		Security: Media and Public Liaison	
Security Screening Program	37	Academic Outreach	63
Government Security Serecting	37	######################################	199
Immigration and Citizenship Screening	38	Contact tis	69
		Executive Organizational Chart	71
At Home and Abroad	43	The second of the second secon	
Domestic Cooperation	43		
Fereign Operations and International	4.3		
Cooperation			
		T.	
A Unique Workplace	49		
Our People	49		
Regulment	51		
Pinancial Resources	52		
Review and Accountability	57		
The Minister of Public Safety	57		
The Security Intelligence Review	58		
Committee (SIRC)			
Access to Information and Privacy (ATIP)	58		
GSIS Toternal Audit Branch / Disclosure of	59		
Wrongdoing and Reprisal Protection			



THE THREAT ENVIRONMENT 2013-2014

NUMBER OF STREET

Canada is a multicultural and diverse nation that possesses a wealth of human capital and natural resources. It is one of the most desirable places to live, continually ranking uear the top of global surveys for its high standard of living. Security remains essential to the preservation of Canada's way of life and the protection of those who reside within its borders. In today's complex, interconnected world, threats to national security are many, multi-faceted and continually evolving, and quite often originate in places far removed from our borders. Under the Canadian Security Intelligence Service (CSIS) Act (1984), the Service is mandated to investigate activities that may on reasonable grounds be suspected of constituting a threat to the security of Canada. The Service's priorities include threats emanating from or related to terrorism, espionage and foreign interference, proliferation and cyber-threats. The following is a summary of the key threats to Canada since April 2013:

Terroriem

Terrorisio at lance and granad

Terrorism continues to be the most significant and persistent threat to Canada's national security, and the period since April 2013 has witnessed a substantial progression in the domestic and international terrorist threat. Within Canada, there were high-profile incidents of Canadians travelling abroad to engage in terrorist activities. In the United States, the sector attack at the April 2013 Boston Marathon demonstrated the ongoing threat to the West from homogrown violent extension.

Internationally, the al-Queda (AQ) network continued to face significant adversity. Internal disputes within the global network led in 2013-14 to the Islamic State in Iraq and the Levant (ISIL) breaking away from the AQ fold. That said, the threat from international terrorism remains substantial and terrorist movements remain active in North and West Africa, Somalia, Iraq, Spria and elsewhere. They continue to inflict casualnes against innocent civilians – including Canadians – and to destabilize countries and entire regions, thereby posing a threat to Canadian interests abroad.

In Canada, termism emanating from AQ-inspired extremism remains a serious threat. Despite a weakened AQ Chre, the Service continues to see support for the AQ cause in Ganada. The arrest of two individuals in April 2013, as part of an alleged AQ-linked plot to strack a team in southern Ontario, is proof of these evolving plots. In recent

months, Canadians have been killed while fighting alongside extremists in Syria and Iraq.

There are three primary ways in which terrorism continues to threaten the safety and security of Canadians:

- First, terrorists continue to plot direct attacks against Canada and its allies at home and abroad with the aim of causing death and disruption;
- Second, terrorists seek to conduct activities on Canadian territory that support terrorism globally, including fundraising to support attacks and militant groups;
- Third, terrorises and their supporters employ social media to reach individuals in Canada for operational purposes and to radicalize them. Some of these radicalized individuals may conduct attacks before travelling abroad or travel overseas to obtain training or to engage in terrorism in other countries. They endanger themselves and pose a risk to the countries to which they have travelled. Should they return to Canada, they may pose a threat to national security by attempting to radicalize others, train them in terrorist methods, or conduct terrorist attacks on their own.

CSIS works with its law enforcement partners and other government agencies in order to preserve the safety, security and way of life for all who live within our borders. Purifier, the Service is committed to

supporting the Government of Canada's national counter-terrorism strategy, Building Resilience Against Terrorism, released in 2012 and expanded upon in the 2013 and 2014 Public Reports on the Terrorist Threat to Canada.

Radicalization

The radicalization of Canadiaus towards violent extremism continues to be a significant concern to the Service and its domestic parmers. Radicalization is the process whereby individuals abandon otherwise moderate, mainstream beliefs and at some stage adopt extremist political or religious ideologies. Radicalized individuals may advocate violent extremism or mobilize to become engaged in violent extremism. Activities can range from attack planning against Canadian targets, sending money or resources to support violent extremist groups abroad, and/or influencing others (particularly youth) to adopt radical ideologies. These individuals may also attempt to travel abroad for terrorist training or to engage in fighting. If they become seasoned fighters with experience in conducting terrorist attacks or assist in the radicalization of others, such individuals can passe a serious threat to the national security of Canada.

In October 2013, British authorities detained four individuals for allegedly planning attacks in the United Kingdom. At least one of the individuals had been to Syria and returned to the UK in mid-2013. In February 2014, British authorities arrested another four individuals, one of whom had reportedly travelled to Syria and attended a terrorist training camp. In May 2014 a French citizen, who is believed to have

spent a year in Syria fighting alongside jihadists, conducted a terrorist attack when he opened fire at the Jewish Museum in Brüssels, killing four people. These cases demonstrate the potential threat some returnees may pose to national security after their return home. Even if they do not teturn, foreign fighters pose significant problems insofar as these individuals lend support to the terrorist cause abroad. The deaths of Canadians in Syria and Iraq are indicative of this trend and highlights the challenge posed by the travel of radicalized individuals for terrorist putposes. In April 2013, the Canadian government passed legislation which makes it illegal to leave Canada for the purpose of committing terrorism.

In order to generate a better understanding of the phenomenon, the Service conducts research on radicalization in Canada. CSIS has found that radicalized individuals come from varied social backgrounds and age groups, with a wide range of educational credentials and often appear to be fully integrated into society. This makes the detection of radicalized individuals particularly challenging.

Al-Qaeda Cers

THE STORE STREET

Based predominantly in the tribal areas of Afghanistan and Pakistan, Al-Qaeda (AQ) Core has experienced a series of major serbacks, going back to the 2011 death of its leader and founder, Osama bin Laden. As a result of a potent and sustained counter-terrorism campaign led by the United States, AQ Core's leadership has been degraded significantly over the past several years. Nevertheless, AQ Core continues to be flexible and still commands the loyalty of several

affiliate organizations and associated regional extremist groups. In 2013, bin Laden's successor Ayman al-Zawahiri named the leader of AQ's affiliate in Yemen as his deputy. This marks the first time since 2001 that AQ's top leadership is not in its entirety based in the Afghanistan-Pakistan theatre, demonstrating that AQ continues to exhibit resilience and an ability to adapt in the face of adversity.

In early 2014 AQ also severed des with its former affiliate, the Islamic State of Iraq and the Levant (ISIL, formerly Al-Qaeda in Iraq), after al-Zawaliiri was openly rebuffed by ISIL's leadership when he attempted to mediate a dispute between ISIL and another group, Jabhat al-Nusra (JN). The incident represented arguably the most public disagreement among AQ leaders, and possibly the most serious defiance by an affiliate of AQ leadership since 2001. Furthermore, guidance issued by al-Zawahiri in 2013 for affiliates to avoid the bloodshed of innocent Muslim civilians was consistently ignored by AQ's affiliates. These developments, coupled with ISIL's conquest of key Iraqi cities and declaration of the Caliphate in June 2014, represents the most significant challenge to AQ Core's leadership, sources of revenue and ideological legiumacy since 2001.

Nevertheless, the AQ narrange continues to inspire extremists globally. This narrange alleges that the West is conspiring and waging war against Islam, and that there is an obligation on the part of "true believers" to wage jihad against the West in order to defend the Islamic community. In place of the current regimes in the Muslim Middle East, these extremists claim to be working toward the creation of a sharia-based society under an Islamic Caliphate. Notwithstanding the

narrative, AQ-inspired extremists are often resilient in the face of local, regional and global events, and have adopted emerging technologies and changed their tactics in order to achieve their objectives. Furthermore, these extremist elements are deft at exploiting opportunities that allow them to expand into new areas while withstanding sustained counter-terrorism campaigns. While AQ Core and its affiliates remain central to the AQ global movement, the wideranging facilitation activities of individuals, with a large number of contacts, experience and knowledge, have created a web of transnational extremist networks that earity out the day to day activities of what its members call global jihad.

AQ Core was caught off-guard by the political uprisings of the "Arab Spring", which largely rejected the AQ narrative and message. AQ was initially absent in these revolutions, but some movements linked to AQ, or otherwise inspired by its narrative, have subsequently appeared in Arab Spring countries. The volatile security situation stemming from the Arab Spring has now provided room for AQ and its affiliates to operate more freely. Furthermore, the course of the Arab Spring has in some respects reinforced the AQ narrative. The overthrow of Egyptian president Mohammad Morsi in July 2013 and the subsequent designation of the Egyptian Muslim Brotherhoud (EMB) as a terrorist group by the Egyptian authorities reinforced the AQ narrative that democracy is futile and that only jihad will bring about meaningful change in the Muslim world. The Arab Spring has thus afforded new opportunities to AQ Core.

AQ Core remains a dangerous terrorist group, which has thus far recipied the intent to carry out major attacks against the West and to influence individuals to do the same. The group has not successfully executed an attack in the West since the 2005 bombing of the London Underground, although several attempts have been disrupted in other countries, demonstrating the originity intent and capacity for serious acts of violence against Western interests. The Service assesses that AQ Core will remain based in the Afghan/ Pakistan border tribal areas for the foreseeable future. This area is therefore likely to remain a significant source for terrorist activity that constitutes a threat to the security of Canada.

AQ AShates

AQ affiliates based in the Middle East have benefitted from expanding the territory in which they are able to operate and develop sources of funding. In 2013 all the major AQ affiliates engaged in kidnapping for ransom activities, especially targeting Westerners, which provided them with money that could be used to expand their operational capacity. Kidnapping for ransom operations are likely to continue and will remain a serious threat to Canadians who travel to areas where AQ linked groups are known to operate.

Arghanistan

Treate the complete of a street was a second of the the othe lander Arma but as Athair of the Receipt visit position a trial array. The set of Cartico's williary mainers accounts the system of Asia (MDA symb) remaining Coerbon for eachies of his favor by the energy 2614 "Neverteening Courses." TO REPORT HER PORTUGUES AND A STREET AND A STREET CORRESPONDED FOR THE STREET CORRESPONDED FOR THE STREET, AND A STREET AND A STREET, AND A ST united the making Restaurance the Happano becomes companied south army strates a gard. Tracers and todayners each tile La luciy de 214 c. Peras la car avi a tambét de sivere las el ero pidesas apartos a trabbi testrura ul mas en Marchello 2014. han the Consider characterized billed other a Ridso Makey house of priest by Tallean Silver's combons. They ward wie digns by translate the charmles threat to Canadan Stewart. on president flow. The infatiguest propagation because of ong unal meson converse sout a consecutiful ten inspriency are have to other than she miles attaining at Afabani steric

Consider Straff Education

Political instability, terroitism, and piracy continue to plague Somalia. The resulting problems which emanate from East Africa constitute significant threats to the security of Canada. In particular, the tercorist group Al Shabaah (AS) remains a significant threat to regional security despite lusing control of territory in Somalia. Al Shabaab increased its operational tempo, conducting a number of lethal attacks in Somalia and Kenya in April and September 2013, respectively, including an attack on the Westgate Shopping Center in Nairobi, Kenya, during which at least 67 were killed, including two Canadian citizens.

A number of Somali-Canadians have travelled to Somalia for terrorise training. Some of these individuals have reportedly been killed. In April 2013, a Canadian was reported to have taken part in the deadly attacks on Mogadishu's Benadir Courts which killed numerous individuals. In April 2013, the Canadian government passed legislation which makes it illegal to leave Canada for the purpose of committing

IN States to But but Persons & Ga (B)

The Verneo-based Al-Queda in the Arabian Peninsula (AQAP) remains a significant terrorist threat with the capacity and intent to carry our attacks within Yemen and against the international community. Although AQAP continues to maintain a specialized cell dedicated to Western operations, in 2013-14 it focused much of its attention against the Yemeni government. However, AQNP propaganda continues to

CSIS-13 Tab/Onglet13 Page/Page 0196

> 17 of 58 AGC0579

underline the importance of striking at the international community as well as the need for extremists to engage in self-generated acts of domestic terrorism, criminality and salvotage; its magazine, Impire, continues to release easy to understand how-to-guides for building

explosives.

transfig to Market at he

Ansar Bayt al-Maqdis (ABM), an AQ-affiliated group based in the Sinai Peninsula, has responded to AQ's call to jihad. Since the July 2013 removal of the Morsi government in Egypt, the ABM has conducted several significant attacks, the majority of which were directed at Egyptian government and security forces. However, in February 2014, the group carried out a suicide attack against tourists near Taba, on the Israeli-Egyptian border, killing three South Koreans. In May 2014 it attacked another tourist bus in southern Sinai.

John and Virginia P.V.

JN has emerged as an AQ node in Syria and is one of the many groups fighting against President Bashar Al-Assad's regime. In 2013 it openly pledged allegiance to AQ Coxe leader, Ayroan al-Zawahini. JN has focused its operations against the Syrian regime; however, infighting among opposition groups like JN, ISIL and others may have a detrimental impact on their ability to topple the Syrian regime. The ongoing chaos in Syria and Iraq means that these groups will cuntinue to draw Westerners who seek to engage in violent extremism or to support it. There is growing concern that extremism in Syria and Iraq

will result in a new generation of battle-hardened extremists who may eventually return to their home contotries or continue to export terrorism abroad.

through to be to be as the door of pitty

In North Africa, Al-Qaeda in the Islamic Maghreb (AQIM) continued to pursue a campaign of violence, including the attack by an AQIM splinter group on an Algerian petroleum facility in January 2015 where up to 60 people died, and in which two suspected Canadian extremists participated. In addition, AQIM has continued to exploit the security vacuum provided by the Libyan and Tunisian revolutions.

AQIM has exploited developments in northern Mali to increase its operational capacity, sanctuary and influence. It has aligned itself with local extremist groups, and together they were able to effectively gain control of most of northern Mali. France's military intervention against the militants in December 2012 succeeded in weakening AQIM but the group and its allies have proven to be resilient. Political stability in northern Mali will likely remain elusive for some time, providing space for the extremists to re-establish some safe havens.

The very fluid regional security environment has important implications for Canada as a number of Canadian businesses across the wider region could be at risk.

Berelows

In Nigeria, the violent Islamist extremist group Boko Haram has become increasingly lethal and suphisticated over the past year, with the group escalating its violent campaign to undertaine the Nigerian government's authority in the country's northeast. Boko Haram's April 2014 abduction of almost 250 schoolgirls has drawn international attention.

Suspected Boko Haram elements were also believed to be behind the April 2014 kidnapping of Canadian Sister Gilberte Bussière and two Italian priests in the far northern region of Cameroon. The victims were released on June 1. The incident is the latest demonstration that kidnapping remains one of the primary threats to Canadians across the wider North/West Africa region. It also suggests that Nigerianbased extremist groups increasingly have the intent and the capacity to cacry out operations against Western interests outside of Nigeria.

Although Boko Hacam directs many of its deadly attacks against the Nigerian state in northern Nigeria, the group has also conducted some indiscriminate attacks in the Nigerian capital, Abuja, increasing the risk to Canadian interests.

istomic State of Log and the Levant (SIL)

The Islamic State of Traq and the Levant (ISH, formedy Al-Qaeda in Iraq or AQI) has since 2004 been a deadly force within Iraq but in April 2013 expanded its activities into Syria. However, a serious dispute

in 2013 between the Syrian Islamisr group Jabhae al-Nissra (JN) and ISIL led AQ leader Ayman al-Zavahiri to side with JN. When ISIL defied the AQ Core leadership, the latter disavowed the group in February 2014. ISIL thus remains an AQ offshoot with no organizational relationship with the AQ Core leadership.

After its June 2014 gains in Iraq, ISIL (now called "Islamic State") announced on June 29 the establishment of the Caliphate stretching from the Syrian governorate of Aleppo in the west to the Iraqi province of Diyala in the east. Although ISIL's extreme Isrutality has been a source of tension with other extremist groups, as of the summer of 2014 it had managed to gain control of a significant share of Iraqi and Syrian territory.

Ivita

Iran has a well-documented history of providing funds, weapons, training and political support to a range of designated terrorist groups, including Lebanese Hizballah, Palestinian groups such as Hamas and Palestinian Islamic Jinad (PIJ), and several Sha militias in Iraq, such as Kataih Hizballah and Asaih Abl al-Haq. Several of these terrorist groups have been mobilized by Iran in support of the Syrian regime. Supporting these groups gives Iran regional leverage from the Levant and Gaza to Iraq. In addition to its sponsorship of terrorist groups, Iran continues to be a major regional and international security concern. Its activities in the areas of proliferation and offensive cyber operations continue, as does its support for the Syrian regime.

CSIS-13

Tab/Onglet13

Page/Page 0198

AGC0579

In September 2012, the Government of Canada severed diplomatic relations with Tehran and simultaneously designated the country as a sponsor of terrorism under the Justice for Victims of Terrorism Act. In December 2012, the Government of Canada listed the Islamic Revolutionary Guard Coups' Qods Force (IRGC-QF) as a terrorist entity under section 83.05 of the Criminal Code. In May 2013, the Government of Canada amounced additional sanctions against Iran under the Special Economic Measures Act (SFIM.4) and the cessation of virtually all economic activity with Irao. As of spring 2014, Canada and Iran have no formal diplomatic telations.

riizballah

Hizballah continues to be a major source of terrorism in the Middle bast and has been listed as a terrorist entity in Canada since 2002 Hizballah has established networks in Lebanese Shia diaspora communities around the world, including Canada. The group has used these networks as mechanisms for fundraising, recruitment and logistical support. The Bulgarian authorities reported in 2013 that a dual Lebanese-Canadian citizen had participated in the July 2012. Burgas Airport humbing linked to Hizballah, which killed one Bulgarian and five Israelis. The Service is concerned that Hizballah may recruit and train other Canadian citizens to participate in similar plots.

During the period of review covered by this Report, Hizhallah's main preoccupation was to maintain its influence over Lebanese political life while managing the fallout of the Syrian aprising. The improved quantity, lethality and sophistication of Hizballah's weapons systems have reinforced its dominance in southern Lebanon and the Belsaa Valley, where the authority of the Lebanese Armed Forces is severely restricted. Hisballah maintains training camps, engages in weapons smuggling and also recains an arsenal of thousands of rockets aimed at Israel.

Hizballah's increasing political tole and military capabilities directly serve the geo-political interests of its Iranian and Syrian patrons. However, the uprising in Syria poses a significant logistical challenge to Hizballah, which is worried about the survival of President Assad's regime. Syria has served as a supply conduit for Hizballah and has been a facilitator of many of its activities. Further, Hizballah, Syria and Iran claim to act in unison as an "arc of resistance" against Israel, essentially, the raison d'être of the terrorist group. The fall of the Syrian regime would mean the loss to Hizballah of a key ally in the region. The Service assesses that Hizballah will continue to be a source of violence and disruption, posing a threat to Canadians and Canadian interests.

Exclorating is stalled for a one and to uneversions iterated from a constitution of the content of the Content of the region of the property of the Martine 2s of Polarity in the Martine 2s of Polarity in the Martine Research in the long of the received for a content of the section of the section of the section of the Content of Martine Research in the dispension of the content of the section o

Tizz restit. But emisse

While small in number, extremists in Canada, motivated by an ideology or a political cause, are capable of orchestrating acts of serious violence. Left-wing extremists often operate in small cells or piromote direct artacks against the capitalist system or modern civilization including saborage of critical infrastructure. Right-wing extremist circles appear to be fragmented and primarily pose a threat to public order and not to national security.

Terrorisa Financiag, Pipanicial Investigation and ten

Terrorist organizations require financial resoutces in order to recruit and train followers to distribute propaganda and to earry out their artacks. Denying terrorists access to funds makes their activities more difficult and less-likely to happen. The economics of terrorism are complex, however. Terrorist financing is frequently transnational in scope and may involve immercus across using a multiplicity of practices. In order to counter such activity, counter-terrorism authorities work together. CSIS enjoys excellent relationships with domestic pattners such as the Financial Transactions and Reports Analysis Centes of Canada (FINTRAC), the Royal Canadian Mounted Police (RCMP), the Canada Revenue Agency (CRA) as well as international partners.

When terrorist groups emerge, Canada can formally declare them as such and list a group as a terrorist entity under the Criminal Code.

125 10 2 17 27 1 10 1 10 1

Canada presently has a total of 53 entities listed, the most recent additions being Al-Murabitoun, Al-Muwaqi'un Bil Dima, Movement for Oneness and Jihad in West Africa (MOJWA), and IRFAN-CANADA. Once a group has been designated as a terrorist entity, the group's assets in Canada are frozen and any financial and material support to the listed entities constitutes a criminal offence.

Glegal sugration

Canada remains a preferred destination for immigrants from around the world, thousands of whom come to Canada annually to create economic opportunities for themselves and for Canada. The unfettered movement of people, goods and services is also increasingly important to Canada's economic prosperity in a globalized economy. However, the business of human smuggling poses mounting tisks in this context. Human smuggling networks, particularly those based in South and Southeast Asia, rely more and more on the worldwide, interconnected air travel system as a method of travel to North America. Must of the internationally disparate smuggling networks depend on large-scale document forgery, multiple facilitators and linkages of secondary associates providing global coverage. CSIS works closely with its domestic and foreign partners to mitigate the cisks associated with iltegal migration, in particular the potential exploitation of these networks by state and non-scate actors.

Espionage and Foreign Interference

Protesting Canadian Sovereignty

While counter-terrorism remains a priority for the Service, during the period covered by this Report CSIS continued to investigate and advise the government on other threats to the security of Canada, including espironage and foreign interference. An increasingly competitive global marketplace that has fostered evolving regional and transnational relationships has also resulted in a number of threats to Canadian economic and strategic interests and assets. As a result, Canada remains a target for traditional espironage activities, many of which continue to futus for our advanced technologies and government proprietary and classified information, as well as certain Canadian resource and advanced technology sectors.

Epitamater Paleous

A number of foreign states, with Russia and China often cited in the press as examples, continue to gather political, economic, and military information in Canada through clandestine means. Canada's advanced industrial and technological eapabilities, combined with expertise in a number of sectors, make our country an attractive target for foreign intelligence services. Several key sectors of the Canadian economy have been of particular interest to foreign agencies, including but not limited to aerospace, biotechnology, communications, information technology, nuclear energy, oil and gas, as well as the environment. The covert exploitation of these sections by foreign states, in order to advance their own economic and strategic interests, may come at the expense of Canada's national interests, including lost jobs and revenues, and a climinished competitive global advantage.

State-Owned Enterprises - With Opportunity Comics Rick

Highly developed and industrialized countries such as Canada face aggressive and increasing competition, lawful and otherwise, from developing nations determined to improve their economic standing. Among the most effective and least ensity methods to achieve these goals is economic espimage. Other foreign-influenced activities include clandestine attempts to circumvent Canada's laws and policies, the compromise of loyalties of Canadians, penetration through cyber operations, and the pursuit of objectives that are detrimental to Canada's own economic security.

State-Owned Enterprises (SOEs) are commercial entries operated by foreign governments that can further the legitimate policy and economic goals of the nations they represent Certain SOEs may, however, be used to advance state objectives that are non-transparent or benefit from covert state support such that competitors may be disadvantaged and market forces skewed.

CSIS assesses that national security concerns related to foreign investments in Canada will continue to materialize, owing to the prominent role of State-Owned Enterprises in the economic strategies of some foreign governments. These concerns include the consequences that may arise from foreign state control over strategic resources and their potential access to sensitive technology.

Foreign interference

Canada is an open, multicultural society that has traditionally been vulnetable to foreign interference activities. When diaspora proups in Canada are subjected to clandestine and deceptive manipulation or infimidation by foreign states seeking to gather support for their policies, or to multi-criticism, these activities constitute a threat to the security if not the sovereignty of Canada. Foreign interference in Canadian society—as a residual aspect of global or regional political and social conflicts, or divergent strategic and economic objectives—will continue into the future.

CSIS-13

Tab/Onglet13

Page/Page 0202

23 of 58

Ukraine: Regional Crisis, International Implications

The chart in Ukraine which was naggered by must product against the visitor Yandkowyer (conformant applier to shenging). He would not visit factors a timen to she in Politically 27 fs. and consequences of the product of the the charton, where a fractional displacement using the must by presence in the Chinem, where a fraction to Served with every or Rossy's risk of, 21 annexs for not the perinsels. Russia into septied with members of the fourable monthly measurem bloomes, when produced in self-produced against the entire Source Agril 2014. Oktobre has constructed majories—presidency operations against these septimals (podes, who likely shall down Majorsian authors Rhydrobiet Towar austern Ukrains on July 17.

Runsie's well until not Uth a hear is veneriginly demonstrates its continues of inverviewher an entire. The support for pre-Runsian substantial unitarial map proteomed the conflict and continues to the formation ordered as becoming economic and the UK a man introduct to promote its vectority, economic and the Egy, published with Catalagae and context as attended. The context map of Context with Catalagae and context as attended. The context map in our Minish 17 80% assembly when a context map in our because the partitions.

Cyber Security and Oddical Infrastructure Protection

As oudined in the Government of Canada's Cyber Security Strategy, the Service analyzes and investigates domestic and international directs to the security of Canada, responding to the evolution in cyber-security technologies and practices. From these activities, it is clear that Canada remains a target for malicious, offensive cyber activities by foreign actors, who target the networked infrastructures of both the public and the private sectors, as well as the personnel using these systems. These actors are increasing in number and capability. Their cyber operations include surveillance, compromise, and exfiltration and exploitation efforts and are conducted for some form of gain, including the acquisition of proprietary information, data relating to business deals and assets, and public and private-securi strategic plans: A highprofile example of this was the cyber exploitation, in late June 2014, of the National Research Council of Canada (NRC) computer network, which forced it to shut down its information technology (FI) network and rebuild its information security framework.

Although attacks may come from the virtual realm, their consequences are very real. Increasingly, individuals, groups or organizations with malicious intentions are able to mount computer network operations (CNO) against Canada – through the global information infrascructure – without having to set foor physically on Canadian soil. These hostile actors include both state and non-state actors – such as foreign intelligence agencies, terrorists, or simply lone actors – who may also work together towards a common goal. Moreover, these hostile actors

have access to a growing range of malware roots and techniques. They frequently employ carefully crafted e-mails (known generally as "phishing"), social networking services and other vehicles to acquire government, corporate or personal data.

As rechnologies evolve and become more complex, so too do the challenges of detecting and protecting against CNO. Foreign intelligence agencies use the Internet to conduct espionage, as this is a relatively low-cost and low-risk way to obtain classified, proprietacy or other sensitive information. There have been a significant number of attacks against a variety of agencies at the federal, provincial and even municipal level, almost all in support of wider espionage gosls. The Government of Canada witnesses serious attempts to penetrate its networks on a daily basis. On the other hand, there are politically-motivated collectives of actors who will attempt to hijack computer networks to spread mischief or propagate false information; however, these do not necessarily represent a threat to Canada's national security.

CSIS is also aware of a wide range of targeting against the private sector in Canada and abroad. The targets of these attacks are often high-technology industries, facluding the telecommunications and aviation sectors. However, the Service is also aware of CNO against the oil and gas industry and other elements of the natural resource sector, as well as universities engaged in advanced research and development. In addition to stealing intellectual property, one of the objectives of state-spansored CNO is to obtain information which will give their domestic companies a competitive edge over Canadian firms—including around investment or acquisition negotiations with Canadian companies and the Government of Canada.

There have also been recent cases of CNO, such as the 2012 computer network attacks (CNA) on Saudi Aramen which shut down 30,000 computers. This operation was reportedly signed at discupting oil and gas production and demonstrates expanding capabilities. Similar attacks on infrastructure targets in Canada could impact our way of life in very significant ways. The security of supervisory control and data acquisition (SCADA) systems and industrial controls systems (ICS), upon which the public and private sectors depend, is becoming increasingly important. Should such destructive cyber-operations be successfully targeted against systems in Canada, they could affect any and all areas of octiveal infrastructure.

The on-going conflicts in Ukraine and Syria have seen the use of destructive cyber capabilities deployed by state and sub-state actors – reminiscient of similar uses of cyber means to complement the real-world confrontations around the Georgian couller in 2008, and against the Estonian scare in 2007; similarly, the conflict between Israel, Palestinian greiups, and Hizballah has long seen offensive cyber means used between the different combatants. While these conflicts may not present an immediate national security threat, given the instantaneous nature of global cyber transactions, foreign actors may stage an operation against a Canadian target with little it rewarning. The Service works closely with other government departments and international pattners in order to remain abreast of the global threat.

Weapons of Mass Destruction

Counter-Pheliferation; Chemical, Biological, Radiological, and Nuclear (CBRN) Weapons

The proliferation of chemical, biological, radiological and nuclear (CHRN) weapons, commonly referred to as weapons of mass destruction (WMD), and their delivery vehicles constitutes a global challenge and a significant threat to the security of Canada and its allies. Whether proliferation is carried out by state or non-state actors, the pusuit of WMD increases global tensions and may even precipitate armed conflicts in some regions. Canada participates in several international forta and is a party to many international conventions and other arrangements designed to stem the proliferation of WMD. CSIS works closely with both domestic and foreign pattners to uphold our country's commitment to the cause of non- and counterproliferation.

Canada is a leader in many high technology areas, some of which are applicable to WMD programs. As a result, states of proliferation concern seeking to advance:their own WMD programs have targeted Canada in an attempt to obtain dual-use technologies, materials and expertise. CSIS investigates these attempts to procure WMD-applicable technology within and through Canada, and in surn advises the Government of Canada as to the nature of these efforts. CSIS actively monitors the progress of foreign WMD programs, both in their own right—as possible threats to hational or global security—and in order to determine what proliferators may be seeking to acquire.

lysa-

Iran is widely believed to be seeking the capability to produce nuclear weapons. It has continued to advance a uranium enrichment program despite widespread international condemnation, successive UN Security Council resolutions demanding that it cease such activity, and the imposition of increasingly severe economic and financial sanctions in response to its failure to comply. Under the Joint Plan of Action (JPA) concluded in November 24, 2013, Iran essentially froze its nuclear program in its current state, with some limited "roll-back" in regard to its stock of corriched uranium. The JPA took effect on January 20, 2014, and several rounds of negotiations aimed at reaching a comprehensive solution of the issue have occurred since then between fran and the five permanent members of the United Nations Security Council plus Germany (P5±1). On July 18, 2014, the JPA was extended by four months, until November 24, 2014, to permit a continuation of the negotiations.

Nurth Roses.

North Korea has shown no serious inclination to "de-nuclearize," as called for by the international community. During 2013 North Korea resumed operation of its plutonium-producing reactor at Yongbyon. It is also building an experimental light-water reactor that could be an additional source of plutonium for weapons; and is greatly expanding its centrifuge facility at Yongbyon, capable of providing enriched uranium to further increase its nuclear arsenal. North Korea is also actively developing a wide range of ballistic missiles, including

a new road-mobile, intercontinental ballistic missile (ICBM) capable of reaching North America.

There is concern as to how this aggressive and unpredictable country may ultimately use its nuclear weapon capability. Many observers expect North Korea in the not-two-distant future to resume underground nuclear tests and flight tests of long-range ballistic missiles.

Direct CARM sames

In South Asia, the rapidly expanding nuclear arsenal of Pakistan and questions over the security of those weapons systems given the domestic instability in that country remain principal concerns.

Despite the recent supervised destruction of Syria's declared chemical weapons (CW) stockpile, completed in mid-2014, the country is widely suspected of recaming some of its stocks and capability. It is also believed to have continued using chemical agents (such as chlorine) in small-scale attacks on its domestic opposition, in contravention of its new obligations under the Chemical Weapons Convention.

A number of terrorist groups have sought the ability to use CBRN materials as weapons. Some groups such as AQ have pursued efforts to eause mass casualties with biological agents such as anthrax, or improvised nuclear explosive devices. While the technological hurdles are significant, the possibility that a terrorist group could acquire crude capabilities of this kind cannot be discounted. Even a relatively

unsophisticated use of chemical, biological or radioactive material in small-scale attacks could have a distriptive economic and psychological impact that could far nurveigh the actual casualties inflicted.

Looking Forward

Canada is a relatively safe and peaceable country with a strong sense of the fundamental values and freedoms embedded in our way of life. However, there continue to be several threats to our national security. Canadian interests are damaged by exploring entirities through the loss of assets and leading-edge technology, the leaking of confidential government information and the coercion and manipulation of diaspera communities. Terrorism and radicalization threaten the loss of life at home and abroad. The dynamics of the threst chvironifient, as they are witnessed by the Service and briefly described above, will continue to be at play for the next year. Viglance, adaptability and a continued partnership with the Government of Canada's Ministries and agencies and foreign partners will help mitigate both the dontestic and the international threat environment for Canada's Ministries and agencies and foreign partners will help mitigate both the dontestic and the international threat environment for Canada's



TERRORIST GROUP PROFILE: THE ISLAMIC STATE OF IRAQ AND THE LEVANT

TATEMET KINDS NOW HAVE

The Islamic State of Iraq and the Levant (ISIL) originated in October 2004 as the AQ aftiliate, Al-Queda in Iraq (AQI), AQI conducted several lerhal terrorist operations against United States and Coalition forces and the Shia-dominated Traqi authorities. In 2006 AQI rebranded itself as the Islamic State of Iraq, but following the outbreak of the Syrian conflict to April 2013 it again retitled itself as ISII, to emphasize its presence in both Iraq and Syria. It quickly became one of the leading Surni Islamist militant groups in Syria, where it contested Jablat al-Nusra (IN, the al-Nusra Front) for official status as the AQ representative. Disagreements between IN and ISIL compelled the AQ leader Ayman al-Zawahiri to intervene and side with the former. When ISIL defied the AQ Core leadership, the latter publicly disavowed the group in early February 2014.

ISIL launched a dramatic offensive in Iraq in early June 2014, which led to its capture of Mosul on June 10. It also seized a large part of Al Anbar, Diyala, Ninawa, and Salah ad-Din governocates. On Jüne 29, 2014, ISIL announced the establishment of a Caliphate stretching from the Synan governorate of Aleppo in the west to the Iraqi province of Diyala in the east, and cenamed itself the "Islamic Sore." In the process, it has undermined the viability of the Iraqi state.

Even before its recent gains in Iraq, ISIL had acquired an infamous reputation for causing mass civilian casualties. There seems no limit to the group's capacity for committing grotesque acts of violence, such as the beheading of western journalists. ISII, will often film these hordific acts and incorporate the material into sophisticated propaganda campaigns with an international reach. Canadian extremists have featured prominently in ISII, propaganda.

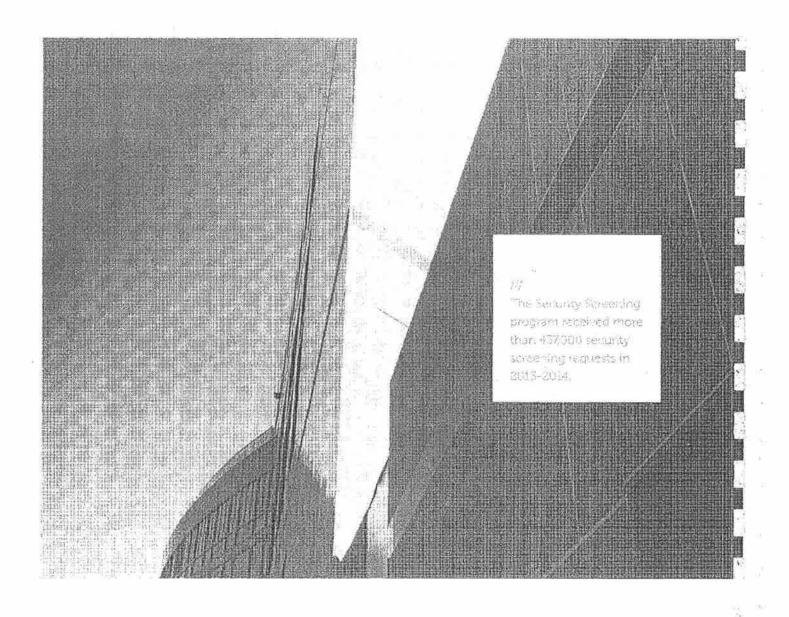
Despite its ruprite with AQ Core, ISIL has won the endorsement of some prominent ideologues and an oath of fealty from the Sinai-based entity, Ansar Bayr al-Maydis (ABM). In Iraq, ISIL has several allies including a variety of former insurgents, Sunni tribal leaders and even former Baachist military officers. ISIL is financially autonomous, able to derive a variety of revenues from the territories it controls, including through hidoapping and extortion, and has recently gained additional military stockpiles in Iraq.

ISIL's violent message has won adherents from abroad. Several hundred and possibly thousands of foreign fighrers, including radicalized Europeans, Australians and North Americans, have travelled to Syria.

"Mis to to regard the Autors

and Iraq to join the group. Some Canadians have been killed fighting alongside ISIL in Iraq and Syria: A French national who fought in Syria perpetrated a terrorist attack in Belgium in May 2014. The problem of radicalized individuals and foreign fighters is growing and is becoming international in scope.

In its previous Public Reports and elsewhere, CSIS has raised concern about the growing number of Canadian citizens who have left the country to participate in foreign terrorist activities. In light of the growing menace posed by ISIL and its ability to attract foreign fighters, CSTS again draws attention to this problem. No country can become an unwitting exporter of terrorism without suffering damage to its international image and relations. Furthermore, Canada has legal obligations to promote global security which must be honoured, which means assuming responsibility for its own citizens. The problem is not uniquely Canadian, but Canadians who travel to commit terrorism abroad are still very much a Canadian "problem," What is more, the foreign fighter phenomenon poses other security threats to our country. There is always the possibility that radicalized individuals who travel to support terrorism abroad will return to Canada, even more deeply radicalized than when they left, harde-hardened, and likely possessing new skills that could pose a serious threat to Canada and its citizens.



SECURITY SCREENING

The CSIS Security Screening program helps defend Canada and Canadians from threats to national security, including terrorism and extremism, espionage, and the proliferation of weapons of mass destruction. Security Screening prevents persons who pase threat those entering or obtaining status in Canada, or from obtaining access to sensitive sites, government assets or information.

One of the most visible of the Service's operational sectors, the Security Screening program, received more than 437,000 security screening requests from a wide variety of government clients in 2013-2014.

Government Security Screening

For government employees and some contractors employed by the government, their work entails having access to sensitive information and sites. As such, security clearances are a condition of their employment. In support of the Government of Canada departmental and agency decision-making on the granting, denial or revocation of security clearances, the Government Security Screening program conducts investigations and provides security assessments under the authority of sections 13 and 15 of the CSIS Art.

CSIS government security screening and security assessments address national security threats defined in section 2 of the CSIS Ad, as well as criteria set out in the federal Policy on Government Security (PGS), and other legislated requirements. While government screening security assessments play a critical trole in the decision-making process concerning a security clearance, the PGS assigns client departments and agencies the responsibility for the decision to grant or deny such releavances.

CSIS government security screening also conducts screening to protect sensitive sites from national security direats, including airports and marine facilities, Ottawa's Parliamentary Precinct and nuclear power facilities.

Through its government screening program, CSIS also assists the RCMP with the accreditation process for Canadians and foreign nationals seeking access or participating in major events in Canada (for example, the 2015 Pan Am and Parapan Am Games in Toronto). Government security screening and security assessments are provided in support of the Canada-US Pree and Secure Trade (FAST) program that helps expedite the movement of approved commercial drivers across the burder.

Through reciprocal screening agreements, CSIS may also provide security assessments to foreign governments and international organizations (for example, NATO) concerning Canadians seeking employment which requires access to sensitive information or sites in another country. These reciprocal screening agreements are approved by the Minister of Public Safety after consultation with the Minister

of Poreign Affairs. As with all government employment-related clearances, Canadian citizens must provide their consent prior to screening being conducted.

Immigration and Othership Ecreaning

CSIS' Immigration and Citizenship Screening program conducts screening investigations in order to provide security advice to the Canada Border Services Agency (CBSA) and Citizenship and Immigration Canada (CIC) regarding persons attempting to enter or claim status in Canada who might represent a threat to national security. Conducted under the authority of sections 14 and 15 of the CSIS' Act, this sectening supports the administration of the Immigration and Refugee Protection Act (IRPA) and the Citizenship Act.

Through this program, CSIS provides security advice on permanent residence and eitizenship applicants; persons applying for temporary resident visas (whether visitors, foreign students or temporary foreign workers); and, persons applying for refugee status in Canada.

While CSIS provides advice to CBSA and CIC on potential threats to national security, CIC is responsible for decisions related to admissibility into Canada, the granting of a visa, or the acceptance of applications for refugee status, permanent residence or circenship.

CSIS also works with Government of Canada partners in reviewing the national security component of the immigration system to ensure that the Service's security screening operations remain efficient and effective, and that its advice is relevant and timely. In an effort to meet increasing demands, CSIS continues to refine business processes and exploit new technologies, with the aim of focusing resources on legitimate threats to Canada and Canadians and helping to facilitate the travel of legitimate applicants.

CSIS-13

Tab/Onglet13

Page/Page 0212

AGC0579

Government: Screening in Action I

White cannot cause it section, it meaning becoming to be a facing posterior of compartment, CVII formed that are instance of one required a social elements was formed to these of the period of the compartment of the respection of the compartment of the respection of continuous against Contrate an obtained in words, they are not CVII for the face of the respective particles as the contrate accessed that the code that may engage in activates that point a former of the activity of Contrate The required that the reflection of the department meantains to describe a section of the reflection of the department meantains of the reflection of the region of the reflection of the region of the region of the reflection of the region of the region

While conducting a an activity screening investigation for a fection in a dimension in partition. USS teamers that on the industrial a no required a screen of assent a real presuranced and recovering of and made worked for an expansional analysis assessed that the artificial teamers contain industrial contains in Canada. The Service assessed that the industrial property angage in activities easing a thermal in the secondary of Canada. The successed that the secondary angage in activities easing a themal in the secondary of Canada. The successed that the successed that the success of Canada. The success of the succ

Immigration: Screening in Action II

Osla who not an element's temporary to perform any CIPV spoken was accepted from the chiral to an officially amorphism tercent and of building year, residentially amorphism and a country of spoken company. The amorphism of the Circuit. The distribution Agency CibCar with your to reduce the contact with all of the fast and to burn forth a contact with the subject was regionally to the fast and to the reduce of the Total transfer and transfer of the Total tran

CSIS before a treatment from a tool treatment, remident (IRP) applicant treatment beauty or solved in cross site by statistic of the beauty of a displaced more than a greatment or the largest content of a displaced more than a greatment of an industrial content of a displaced provided a crumity of an industrial content of a displaced more than a cruminal or a displaced or a displaced or an arms of the Carrests.

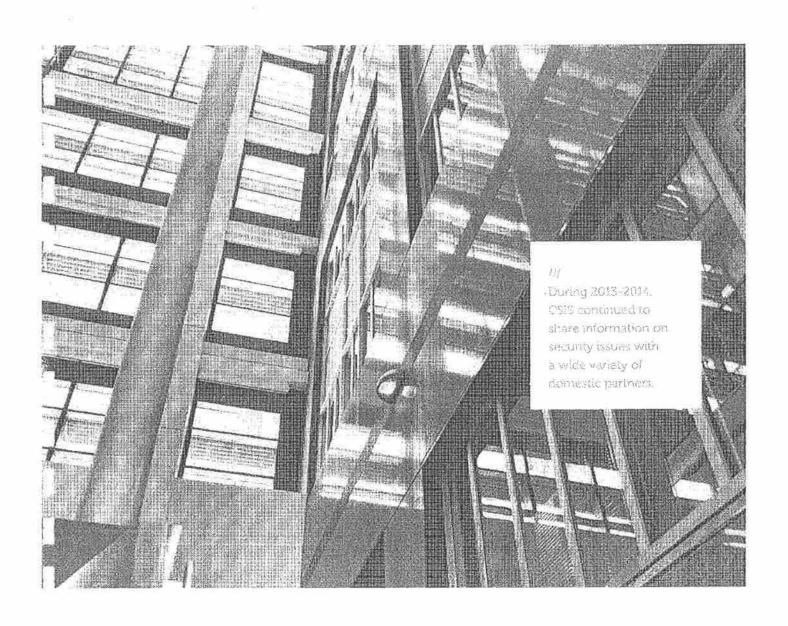
		the test to the second series as the second second	AN WILLIAMS STEEL			
Reducids Received 2013-2014		Government Screening Programs 2013-2014				
Part et at elecadoria especial de la Controles de desenva en la controles de	9 30s 9.807	ženirsi ilakovinica. Daprakjenis	47.13			
Let Marie Coll Process	208 865	Frem and Sectors Tharts IPAST y	13,1%			
Sampa na respirata male prima Sama sa about matan	*{(\(\frac{1}{2}\)\)	Processors Comerce (Months and Amport)	12,00%			
Start with his training and a section in which	PPG F	Parametery President Parameter Security of	75741			
		Proxystes	240			
		Nue Access Cilisara Tipos Lel Ezerto Akrasóltotkon	\$600			
		Private Residence (1994)				

CSIS-13

Tab/Onglet13

Page/Page 0214

AGC0579



AT HOME AND ABROAD

Comestic Cooperation

CSIS is a true national service, and, as such, its resources and personnel are geographically dispersed across Canada. The CSIS National Headquarters is located in Ottawa, with Regional Offices in Hailfax, Montreal, Ottawa, Toronto, Edmonton and Burnaby. CSIS also has District Offices in St. John's, Frederiction, Quebec City, Niagara Palls, Windsor, Winnipeg, Regions and Calgary.

The geographic configuration allows the Service to closely liaise with its numerous feeteral, provincial and hounicipal partners on security issues of murual interest. Additionally, CSIS has several Airport District Offices, including those at Toronto's Pearson International Airport and at Vancouver's International Airport. These offices support availation security, and assist CIC and CBSA on national security issues. The CSIS Airport District Offices also provide information to their respective CSIS Regional Offices and to CSIS Headquarters, and liaise with other federal government departments and agencies that have a presence within Canada's airports.

During 2013-2014, CSIS continued to share information on security issues with a wide variety of domestic partners. A key component of

CSIS cooperation with its domestic partners remains the production and dissemination of intelligence reports and assessments such as those drafted by the Service's Intelligence Assessments Branch and Canada's Integrated Terrorism Assessment Centre, which is housed within CSIS headquarters.

One of CSIS's most important domestic partners is the Royal Canadian Mounted Police (RCMP). Because CSIS is a civilian agency without the powers of acrest, it will alert the RCMP to security threats that rise to the level of criminality, whereupon the RCMP can initiate their own investigation and lay charges if appropriate. CSIS collects intelligence whereas law enforcement—the RCMP—collect evidence for criminal prosecution.

To ensure that CSIS is in both practice and spirit a national service, intelligence officers get to live and work in different regions of the country during the course of their careers. One benefic of a CSIS career is the opportunity it provides to see Canada from coast-ro-coase-to-coast-

Foreign Operations and International Cooperation

The international security environment continues to result in increased threats to Canada and its interests, both domestically and abroad. Ongoing conflicts in several regions of Africa, the Middle East, Asia, Eastern Europe and elsewhere showed no signs of abating during the 2013-14 period, and continue to have serious national and international

THE MEMORY PROPERTY

security implications. Worldwide incidents of terrorism, espionage, weapons proliferation, illegal migration, cyber-attacks and other acts targeting Canadians — directly or indirectly — remain ever present. Since the bulk of such threats originate from (or have a nexus to) regions beyond Canada's borders, CSIS needs to be prepared and equipped to investigate the threat anywhere.

While many such threats have existed for decades, others have emerged more recently. Kidnappings of Canadians and foreigners by terrorist groups — considered tare even a decade ago — have become much more commonplace, with such activity having occurred in countries such as Cameroon, Niger, Afghanistan, Colombia, Iraq, Somalia, Kenya, Pakistan and the Sudan. On the cyber front, foreign governments, terrorists and backers are increasingly using the Internet and other means to target critical infeastructure and information systems of other countries.

Additionally, other, more familiar threats continue to evolve. The globalization of terrorism is expanding the breadth of radicalization, as individuals influenced by extremist ideology who were once content to support their extremist beliefs from afar — including a significant number of Canadians — are now travelling abroad to participate in terrorist activity, particularly (but not exclusively) to conflict zones. Those that fight and train with terrorist groups overseas could return to conduct domestic attacks themselves, or teach such techniques to fellow Canadian extremists. Others within Canada continue to be inspired and directed by those same terrorist entities to recruit and support their extremist ideology and activities. Espionage threats,

often involving the usual suspects, have certainly not disappeared during this latest 'age of tectorism'. They have, in fact, become far more complex and increasingly difficult to detect and counter due to continuing advancements in technology and the globalization of communications.

Whether countering traditional threats or newer ones, CSIS must remain adaptable in order to keep abreast of developments in both the domestic and international spheres. Despite differences in mandate, structure or vision, security intelligence agencies around the globe are all faced with very-similar priorities and challenges. To meet the Government of Canada's priority intelligence requirements, CSIS has established information-sharing arrangements with foreign organisations. These arrangements provide CSIS access to timely information linked to a number of threats and allow the Service (and, in turn, the Government of Canada) to obtain information which might otherwise not be available.

As of March 31, 2014, CSIS had over 290 arrangements with foreign agencies or international organisations in some 150 countries and territories. This includes one new foreign arrangement approved during the 2013-2014 fiscal year by the Minister of Public Safery. Of those arrangements, 69 were defined as 'Docmant' by CSIS (meaning there have been no exchanges for a period of one year or more). Additionally, CSIS continued to restrict contact with nine foreign entities due to ongoing concerns over the reliability or human rights reputations of the agencies in question, while two arrangements remained in abeyance pending an assessment of the agency's future.

CSIS regularly assesses its foreign relationships, and reviews various government and non-government human rights reports and assessments for all countries with which the Service has implemented Ministerially-approved arrangements.

CSIS also has officers stationed in various cities around the world whose role is to collect and, when required, share security intelligence information related to diteats to Canada, its interests and its allies with host agencies. CSIS officers stationed abroad also provide security screening support to Canada's Citizenship and Immigration (CIC) offices and to the security programs of the Department of Foreign Affairs, Trade and Development Canada (DFATD).

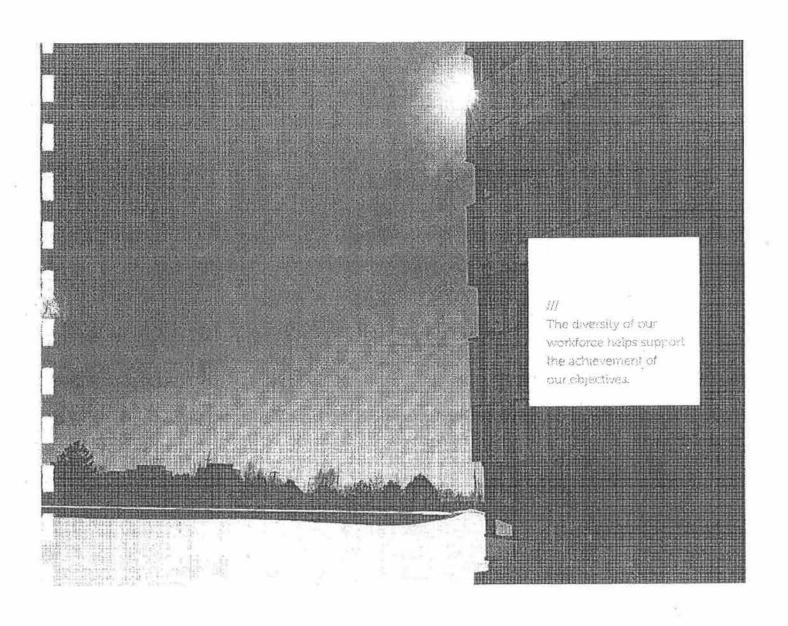
CSIS remains committed to collecting security intelligence information — within Canada and abroad — on threats to Canada, its interests and those of our allied international partners.

CSIS-13

Tab/Onglet13

Page/Page 0218

11



CSIS-13 Tab/Onglet13 Page/Page 0219

40 of 58 AGC0579

A UNIQUE WORKPLACE

Our People

B Thoras Mark

The people of CSIS are committed to maintaining an organization that is adept, ilenible and innovative in the delivery of its mondate and in the pursuit of its significant mission. This commitment is critical when operating in an environment that is continually changing and faced with ongoing fiscal restraints.

At the beginning of the 2013-2014 fiscal year, CSIS had over 3,000 full time employees divided evenly along gender lines. Collectively, our employees speak 109 languages, 68% of our employees speak both official languages and 20% have a good tit excellent knowledge of a foreign language other than English or French. With respect to age demographics, four generations of workers can be found in our offices and the average age of our employees is 42 years. The Service employs individuals in a vacety of settings and has employees working in different fields such as Intelligence Officers, Analysis, Engineers and Translators, to name a few.

The diversity of our workforce helps support the achievement of our objectives. It allows us to better understand the demographies of the

Canadian communities we protect, therefore better equipping us to collect relevant and accurate intelligence. A diverse and inclusive work environment ensures an engaged workforce, intovative thinking and ultimately results in an increase in the quality of our products and services.

A number of human resources programs have helped transform our organization into the highly regarded, award winning agency that it is today. These programs continue to be a huge success, in terms of promoting innovation and employee engagement. One initiative from this past year gave CSIS employees the opportunity to 'pitch' their technology themed proposals directly to a panel of four senior Executives offering access to a designated reserve of funds and resources to help implement the chosen ideas. Recognizing the significant stress associated with relocation, another initiative was introduced, creating a new "one-stop shop" containing all related information for domestic and foreign relocations - now accessible to employees on a new intraner site. A new publication, directed towards managers, was introduced to provide timely and televant information/ tips on various topics for those in a supervisory role in order to help enhance management and leadership skills within the Service tanks. In addition to these initiatives, the Service held its fourth annual Professional Development Day, along with the development of an extensive Wellness Program, which incorporates new initiatives with respect to mental and physical wellness.

CSIS is recognized as an employer of choice, not just because the work we do is inherently interesting, but because we have a progressive

aging energy twee July

workplace culture where our employees are recognized for their skills, talents and contributions. For seven years running, we have been named one of Canada's Top 100 Employers. The Service has also been named one of the National Capital Region Top Employers for seven consecutive years. We were named one of the Top Employers for Canadians over 40 from 2009 to 2013 and finally, in 2013, we were honored as one of Canada's 10 Most Admired Corporate Cultures. We pride ourselves as being a career employer and are proud to say that our resignation rate has remained under 1% over the last 10 years.

The Service recognizes that learning and training are essential components of a successful organization as well as imperative tools to continually renew and retain our employees. As such, CSIS continues to invest in ongoing learning for all employees. Our vision is to provide all employees, regardless of their function, level or location, with opportunities to learn from the day they arrive in the Service to the day they leave. Learning Paths for each occupational group are accessible to all employees across the Service. Individual Learning Plans are currently being piloted, and a Service-wide launch is anticipated for early 2015. These personalized plans will enable employees and supervisors to collaboratively map out an employee's learning and development.

The Service understands the value of "e-learning" and how it can be incorporated with other training methodologies to enhance overall learning (i.e., videoconference, mentoring, instructor-led, virtual, simulation and online). Although e-learning is not compatible for every type of course content, it is at the forefront of our learning strategy.

CSIS has a specialized in-house group consisting of e-learning specialists and instructors who are responsible for the design, development and delivery of in-house virtual / simulation and online training. Cutting edge hardware/software is used extensively for this purpose.

More than 100 leadership development, software training, professional development, and operational online courses have been made available to employees at all levels via the Learning Management System. As a result, employees have 24/7 access to courses from external vendors and key partners – right at their desktops - to enhance their knowledge and shills, for their current and future roles. This new approach has increased access, reach and timeliness of training.

A number of our classrooms have been equipped with smart boards, which are actively being used for course design and delivery. CSIS has constructed an in-house Simulation / Virtual Training Lab, which houses state-of-the-art equipment, and is utilized within many of our courses.

An updated Management Development Program (MDP) was launched to better identify and develop managers to support the Service's organizational and operational objectives. Participants are given the opportunity, over a period of up to 5 years, to acquire leadership knowledge, knowl-tow, and abilities through challenging assignments, leadership development, and mentoring.

Over the last two years, the Service introduced a new integrated succession planning process which allows for a 5 year forcast period. This initiative, discrete towards Service executives, allows for better talent analytics in order to predict and manage executive staffing actions and development.

Finally, the CSIS Strategic Priorities align with and support the Clerk of the Privy Council's Blueprint 2020 vision and pillars.

Recruitment

Recruiting and Staffing has streamlined its internal Career Opportunities (CO) and external recruiting to ensure that the Service has the right talent to deliver on our mandate.

Our national recruiting strategy continues to move forward across Canada. A niote modern approach to recruiting continues to place technology at the forefront by using social media outlets such as Twitter and Linkedlu and other innovative recruiting strategies with IT professionals being our main focus.

The Service undertook, for the first time, a targeted recruiting blitz in the Greater Toronto Area in September 2013 to attract IT professionals to apply at esiscencers.ca. The initiative resulted in many advectising firsts for CSIS. Most notably:

- · Radio ads
- · posters in the TTC (subway);

- Digital ads in the office network and restaurants;
- "Open doors" style career information sessions; and
- Direct mail campaign through EinkedIn sent to 6,000 IT professionals.

Our recruiting activities and targeted messaging have increased awareness surrounding our rule and mandate, which in turn, has resulted in well-suited candidates applying for positions.

We have received more than 100,000 CVs in the past two years and more than 1,000,000 hits to esiscareers.ea. Twitter is now used as a regular marketing tool to announce events attended by CSIS recruiters. Tweets are sent out every week to invite potential applicants to come and meet the recruiters.

In early 2014, a call went out to the general public to come and meet CSIS recruiters in the Ottawa and Gatineau area. This is the first time CSIS bosted its own event. The initiative attracted more than 1,200 people over eight sessions – triple the anticipated amount. Hits to esisteneeus a went up 40% the week of the event.

In 2013-14, the Service attended 85 hobiti-space events across Canada, ear 37 advertising spots, field 33 career information sessions and attended 12 networking events.

The student co-up program is an important part of CSIS's recruiting strategy. A full-time to-up coordinator was assigned in 2012. In just two short years, CSIS received close to 1,700 applications from

university and college co-op students across Canada; of the students selected for co-op terms, 74% were hired full time upon graduation. Students bired by CSIS have the opportunity to participate in:

- a) "meet and greet" with the CSIS Director,
- t'speed networking" session where co-op students meet serior CSIS managers;
- e) Direct communication with the Co-op Coordinator; and
- d) Informal networking and team building activides.

At CSIS, the development, growth and retention of our employees are a priority. Therefore we strive to offer promotional opportunities to our employees first. Annually, the Service hosts a Professional Development Day where employees have the opportunity to:

- Explore the various career opportunities that exist within the Service.
- Discover the types of skills and experience required for a job/career that may be of interest.
- Learn about the roles and functions of other branches/regions within the Service.
- · Attend presentations

Financial Resources

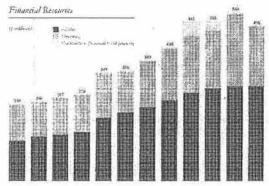
CSIS's final expenditures for 2012-2013, the last period for which figures are available, amounted to \$496 million.

The Service's financial resources increased from 2001-2002 to 2011-2012, partly as a result of new funding for public security and anti-terrorism initiatives allocated in the December 2001 Federal Budget. Funding was also provided to augment the Service's foreign collection capabilities, to administer Canada's Integrated Terrorism Assessment Centre, to help CSIS maintain its operational capacity both domestically and abound, to expand its National Headquarters and to bulster existing capacities to combat terrorist financing. Furthermore, in 2010-2011, new funding was announced for CSIS to address its most acute program integrity needs.

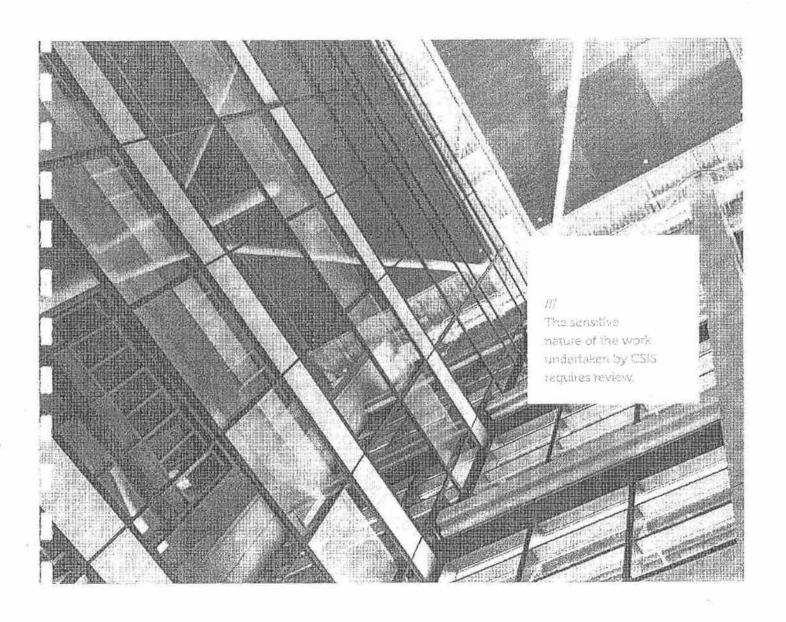
Construction costs shown are for the expansion of CSIS National Fleadquarters. Costs incurred from fiscal year 2003-2004 to 2006-2007 represent expenditures associated with the project definition stage. In 2007-2008 and 2008-2009, costs incurred were mainly attributable to the building's site preparation. The construction of Phase III began in the summer of 2009, with total expenditures of \$4.9 nullion in 2011-2012. Phase III was officially opened by the Minister of Public Safety in October 2011.

The Service was subject to a stringent review process dedicated to ensuring that taxpayer dollars were being used as effectively and efficiently as possible. In 2009-2010, the Government of Canada had

begun a strategic review process and the Service was required to rationalize operations and ensure alignment with organizational needs. This strategic review resulted in a \$15 million budget reduction effective 2012-2013. Furthermore, as part of the Government's Deficit Reduction Action Plan (DRAP) announced in the 2012 Federal Budget, CSIS' budget was reduced by an additional \$13.7 million in 2012-2013. Further reductions of \$20.2 million were realized in 2013-2014. Reductions will increase to \$24.5 million in 2014-2015 and moving forward.



SHEND PRINCIPLE WARM DAME SHEND PRINCIPLE SHEND OFFICE DRIPS DRIPS PRINCIPLE



REVIEW AND ACCOUNTABILITY

The CSIS Ad did more than create Canada's civilian security intelligence agency. The Act also created and entrenched a regime of accountability so that the new agency, CSIS, would never engage in activities inconsistent with fundamental Canadian values.

The sensitive nature of the work undertaken by CSIS requires review. Service employees are accustomed to this close, ongoing scrutiny, and we believe it has helped the Service to become a global model of how an intelligence agency ought to function in a democratic system. CSIS continuously reviews and adapts its policies and practices, where required, in order to improve our operational effectiveness while ensuring that our activities continue to be earlied out within our legislated mandate:

As with other federal agencies, the activities of CSIS are subject to review by the Federal Court, as well as by various officers of Parliament, including the Auditor General and the Privacy Commissioner, Again, the regular interaction between CSIS and these external bodies has helped the Service to become a more effective and professional organization.

The Minister of Public Safety

The CSIS Director is accountable to the Minister of Public Safety, who provides ministerial direction on the policies, operations and management of the Service.

Pursuant to section 6(2) of the CSIS Air, the Minister may liste to the Director written directions with respect to the Service. This can include direction on any matter, including intelligence collection priorities and/or restrictions, and on when and how the Service informs the Minister of its operations.

CSIS requires the approval of the Minister of Public Safety before entering into formal arrangements with domestic and foreign agency pattners. These arrangements are governed under section 17(1)(a) and section 17(1)(b) of the CSIS At and serve to ensure that the government's domestic and foreign policy interests and priorities are properly considered prior to the establishment of any formal intelligence sharing arrangement.

The Service also requires the approval of the Minister to file warrant applications with the Federal Court (section 21). This ensures appropriate ministerial accountability over the Service's more incusive operational activities. Section 6(4) of the CUV-Ad requires CSIS to report annually to the Minister on operational activities.

The Security Intelligence Review Committee (SIEC)

The Security Intelligence Review Committee (SIRC) is an independent, external review body which reports to the Parliament of Canada on Service operations.

SIRC and CSIS were both products of the same piece of legislation, the CSIS Ad, and came into being at the same time in 1984. The CSIS Ad was amended in 2012, repealing the Inspector General and transferring some of its responsibilities to SIRC, in particular the annual certificate. SIRC is also now required to brief the Minister at least once a year on the Service's duries and functions.

From the outset SIRC has always had access to all information held by the Service, with the exception of Cabinet confidences. In addition, SIRC meets with and interviews CSIS staff regularly, and formally questions CSIS witnesses in a quasi-judicial complaints process.

While CSIS is not required by law to adopt SIRC recommendations, they are carefully considered. The results of SIRC reviews and complaints are regularly discussed among members of the CSIS Executive and the Service has adopted a majority of SIRC's recommendations over the years.

The SIRC Annual Report, rabled in Parliament by the Minister, provides an unclassified overview of its various studies of CSIS issues that were conducted during the fiscal year, and of the results of its complaints investigations.

The Service's interactions with SIRC are primarily managed by the CSIS External Review and Liaison Unit. The unit coordinates the Service's response to requests or questions from SIRC, and acts as the primary point of contact regarding complaints against CSIS filed with SIRC under sections 41 and 42 of the CSIS Ad.

Access to information and Privacy (ATIP)

The mandate of the Access to Information and Privacy (ATIP) Unit is to fulfill the Service's obligations under the Access to Information Act and the Privacy Act. The Service's Chief, ATIP is entrusted with the adelegated authority from the Minister of Public Safety Canada to exercise and perform the duties of the Minister as head of the institution.

As the custodian of expercise related to the Service's obligations under the Awas to Information, Ad and the Privay Aid, the ATIP Unit processes all requests made under the relevant legislation and responds to informal requests for information, and doing so, the unit must balance the need for transparency and accountability in government institutions while ensuring the protection of the Service's most sensitive information and assets.

In addition, the ATIP Unit directs all activities within the Service relating to the administration, application and promotion of both Acts. It provides advice to senior management on the implementation of the Acts and prepares reports to Parliament, Treasury Board Secretariat and senior management.

In 2012-2013, the ATIP Unit conducted a number of awareness sessions for a number of managers and specialized groups. In addition, as part of CSIS' E-learning initiative, an ATIP awareness video was developed. This video is a requirement for all new employees and acts as a reference for all others. The objective of the sessions and the video was to provide employees with an overview of both the Acous to Information. Act and the Privacy Act and to promote a better understanding of their obligations under these Acts.

45- 100211 - 114-114

During the last fiscal year, the CSIS ATIP Unit received a total of 350 requests under the *Princy Act* and 913 requests under the *Actis to Information Act*. The Service's on-time completion rate was 96% for Privacy requests and 97% for Access requests.

CSIS Internal Audit Branch / Disclosure of Wrongdoing and Reprisal Protection

The Internal Audit (IA) Branch is led by the Chief Audit Executive (CAF), who reports to the CSIS Director and to the CSIS External Audit Committee (AC). The GAE provides assurance services to the Director, Senior Management and the AC, as well as independent, objective advice and guidance on the Service's risk management practices, control framework, and governance processes. The CAE is also the Senior Officer for Disclosuce of Wrongdoing.

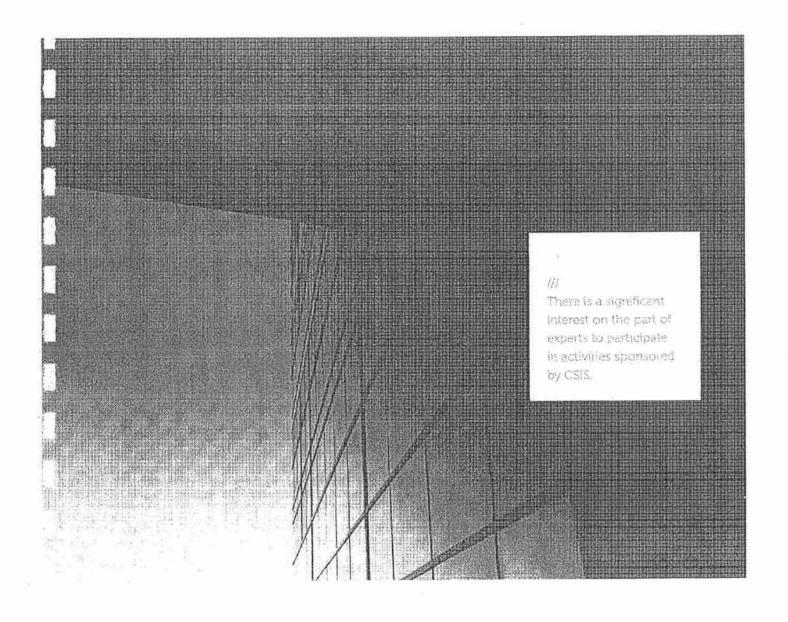
The AC continued to bring about improvements to the delivery of assurance services by examining CSIS' performance in the areas of risk management, control and governance processes relating to both

operational activities and administrative services. By maintaining high standards in relation to its review function in particular following-up on the implementation of management action plans derived from audit recommendations, the AC supports and enhances the independence of the audit function.

LA's efforts and performance have also been recognized by the Treasury Board Secretariar in contest of the Management Accountability Framework, which has continued to rate the audit function as "Strong", the highest possible rating.

In the capacity of Senior Officer for Disclosure of Wrongdoing, the CAE is responsible for administering the Internal Disclosure of Wrongdoing and Reprisal Protection Policy. The Policy provides a confidential mechanism for employees to come forward if they believe that serious wrongdoing has taken place. It also provides protection against reprisal when employees come forward, and ensures a fair and objective process for three against whom allegations are made. This effort to establish an effective internal disclosure process has met with success and has the support of senior managers.

Over the years, CSIS has demonstrated that it is a responsive and nimble organization that listens to advice from a variety of sources and implements change accordingly. In its role as assurance provider, IA supports the Service in implementing change by maintaining professional services that contribute to improving corporate risk management, control and governance processes.



SPEAKING TO CANADIANS

The Public conversation on National Security: Media and Public Daison.

In roday's environment, our mission statement to protect Canada's national security interests and the safety of Canadians resonates with the people of CSIS more than eyer. The men and women of CSIS take pinde in carrying out this role, and they also recognize that to do so effectively requires engaging in a dialogue with citizens, organizations, communities, and the media across the country and around the world.

Historically, CSIS has not always had a visible public presence, owing to the assumption that intelligence services are supposed to operate "in the shadows." A low or non-existent profile was perhaps considered a good thing, and as such there was little need for an active media and public liaison office. Over the last decade, however, that perspective has changed. Whether intelligence services like it or not, in the era of social media and cable news the conversation about domestic and global security is a public one — and ordinary citizens righdy feel they have a stake in that conversation.

The role of the Service's media and public liaison is to help educate Canadians about issues of inational security that matter to them. At times this can be challenging due to the fact that CSIS cannot disclose specific details about our investigations; methodologies, or activities. But we can — and we are — helping to raise security awareness, and also to demystify some of our two work.

We often say that while CSIS is the keeper of many secrets, we need not be a secret organization. Where we can find appropriate opportunities to promote an informed dialogue about the security environment, we try to take them.

The Service recognizes that our ability to operate effectively depends on our having the public trust. And the Service also recognizes that organizations that practice transparency, to the extent they ear, typically enjoy more trust than organizations that don't.

Academic Outreach

The Academic Quiteach program at CSIS seeks to promote a dialogue with experts from a variety of disciplines and cultural backgrounds working in universities, think tanks and other research institutions in Canada and abroad.

This program affords CSIS access to leading thinkers who can provide unique insights into a range of issues that have an immediate and long-term impact on Canada's security environment. It may happen that some of our academic partners hold ideas or promote findings

that conflict with our own views and experience, but that is one of the reasons we initiated the program. We believe there can be value in having informed observers challenge our thinking and approaches. The program helps the Service focus its intelligence collection efforts and improve its analytical capacity.

The exchange runs in both directions. A more interactive relationship with the academic community allows the Service to share some of its own expectise and interests, which in turn can help scholars – political scientists, economists, historians, cybersecutity experts, psychologists, etc. – to identify new avenues of research.

Academic Outreach (AO) hosted two conferences in 2013-2014 that brought together multi-disciplinary groups of experts from several countries. The first conference was entitled "Political Stability and Secutity in West and North Africa" and examined the divers of violent extremism in this region. The second conference, held under the theme of "Pitfalls and Promises: Security Implications of a Post-revolutionary Middle East", anchored a broad discussion of the Middle East in an exploration of the Syrian eivil war and the dynamics refashioning Egypt's political landscape.

The international conferences, litwever, represent only one component of the AO program. We also hosted a number of in-depth briefings on other topics of interest. For instance, one examined the potential implications of the withdrawal of NATO forces from Afghanistan. The speaker's knowledge, based on years of experience and much field research work, outlined scenarios as to the future of the country.

Another briefing looked into the evolving interests and designs of Russia towards the Middle East.

There is a significant interest on the part of expects to participate in activities sponsored by CSIS. Since 2008, the Service's Academic Outreach Branch has organized eleven international conferences, numerous seminars and workshops, and hundreds of moontime expert briefings to which outside expects speak to CSIS personnel on a topic of mutual interest at the Service's National Headquarters in Ottawa. The lunchtime presentations are very popular, reflecting a commitment to professional development among CSIS personnel.

During 2013-2014, ourside experts engaged CSIS staff on discussions covering a range of security and strategic issues, including the results of the June 2013 Iranian elections; the evolving phenomenon of the extremist travellers, otherwise known as "foreign fighters"; Hizballah's tactics and ambitions; China's Arctic strategy; and Iran's nuclear program.

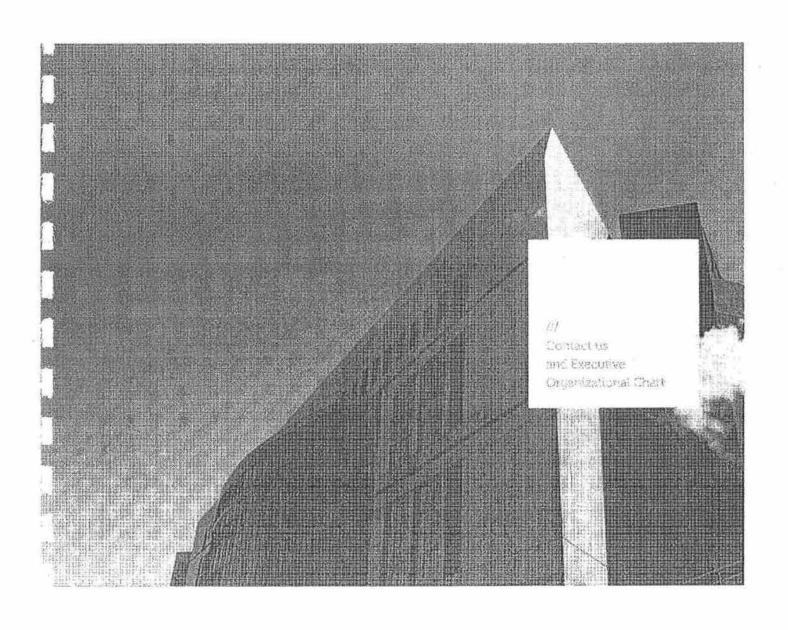
Intellectual engagement with scholars outside the professional security establishment helps the Service ask the right questions — and avoid surprises — on issues pectaining both to the Canadian and global security environments. The program is still young, but it is playing an important role in enabling CSIS to adopt a more holistic approach when reviewing and assessing national and international issues of interest Ensuring that we have access to all of the information possible allows the Service effectively and accurately to fulfil its mandate, and to do so responsibly.

The Academic Outreach program promotes partnerships with other government departments. Canada's Foreign Affairs, Trade and Development, the Privy Council Office, the Canadian Food Inspection Agency, the Department of National Defence and the International Development Research Centre provided support to some of the CSIS international conferences. The program also serves as an important rool of strengthening partnerships with foreign organisations; its last conference on West and North Africa was designed and organised jointy with the United Kingdom's Cabinet Office. The function series is also open to analysis from the broader intelligence community. These shared events provide an apportunity for members of the intelligence community across government to liaise and cellaborate.

CSIS-13 Tab/Onglet13

53 of 58

Page/Page 0232



CSIS-13

Tab/Onglet13

Page/Page 0233

54 of 58

MICONTACT US

Mayoral Headquarts s

Canadian Security Intelligence Service P.O. Box 9752, Station T Onawa ON K1G 4G4

Tel. 613-993-9620 or 1-800-267-7685 toll-free (Ontario enly). TTY 613-991-9228 (for hearing-impaired, available 24 hours a day). Modis and Public bidgon Süshes:

CSIS Communications Branch P.O. Box 9732, Station T Ottawa ON K1G 4G4 Tcl. 613-231-0100

Regional Differen

Arlantic Region

P.O. Box 126, Station Central Halifax NS B8J 3K5 Tel: 902-420-5900

New Brunswick District

P.O. Box 6010, Station A Fredericton NB E3B 5G4 Tel. 506-452-3786

Newfoundland and Labrador District

P.O. Box 2585, Station C. St. John's NT. A1C 6J6 Tel: 709-724-8650

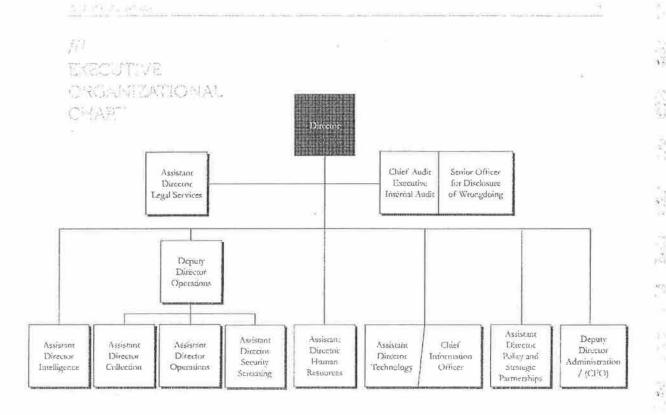
Quebec Region

P.O. Bree 2000, St-Jacques Station Montreal QC H3C 3A6

Tel. 514-393-5600 or 1-677-223-2265 toll-free (Quebec only)

F. 18.	t- 10.5	Acres .		4.00	7. 2	-Y2
4.00	55 15	 Alle .	(0)	185	130	35.50

Quebec City District		P.O. Box 10043, Station Sainte-Poy Quebec QC G1V 4C6 Tel. 418-529-8926				
Ottawa Region		P.O. Box 9732, Station T				
		Ottawa ON KIG 4G4				
		Tel. 613-998-1679 or 1-800-267-7685 roll-free (Ontario only)				
Toronto Region		P.O. Box 760, Station A				
		Toronto ON MSW 1G3				
		Tel. 416-865-1480				
D. J. D. JAB . C. J. V. Nr. J.		PO Box 47009				
Prairie Region (Alberta, Saskatchewan, Manitoba,		62 City Centre				
Northwestern Ontario, Yukon, Northwest Textitories, Nunavut)		Edmonton AB TSJ 4N1				
Profetowest Technopes, Nunavuty		Tel. 780-401-7800 or 1-800-661-5780 toll-free (Prairie only)				
		P.O. Box 2671, Station M				
Calgary District		Calgacy AB T2P 3C1				
		Te), 403-292-5255				
		P.O. Box 5089, Station Main	ě.			
Saskatchewan District		Regina SK S4P 4H2	100			
		Tel. 306-780-5512				
		P.O. Box 771, Station Main				
Manitoha District		Winnipeg MB R3C 4G3				
		Tel. 201-954-8130				
THE RESERVE TO SERVE THE PROPERTY OF THE PROPE	63	P.O. Box 8/1629				
British Columbia Region		South Burnaby BC V5H 3Y1				
		Tel. 604-528-7400				



/// NOTES



58 of 58 AGC0579

TAB



Hi {{\$first_name}},

In June, we outlined a new multi-pronged strategy to stop the expansion of oil tanker traffic on our coast. Our first action under the new plan starts now. Mob the Mic.

Our opponents have more money than we can imagine. They have ties to the highest levels of government, and the explicit support of Prime Minister Stephen Harper. To defend our coast we need to be more powerful than the oil industry. We can do that. We simply need to keep growing in size and diversity, and be smart and bold about how we spend our time and money.

Mob the Mic fits the bill. Enbridge's oil pipeline and supertanker plan is currently being reviewed by a federal panel. We think the review process is deeply flawed, but our concerns with the process make it even more important to ensure Enbridge can't just breeze through it. We need to show up and be heard.

The panel is going to be conducting public hearings in 2012. Dates and locations haven't been set yet, because the schedule is determined by who signs up to present (that's where you come in).

To send an overwhelming message we'll need to flood the panel with about 1,000 presentations. Signing up doesn't mean you need to make an elaborate speech. You just need to voice your opinion on Enbridge's proposal.

We've set up a handy-dandy web form that makes signing up easy. All you need to do is take 60 seconds to register before Oct. 1. You have the option to create a team and ask your friends to join, or you can leave the team section blank and ily solo.

Please take one minute to sign up today.

For our rivers and our coast,

Eric, Celine, Emma, Karl and Erika

PICEASE DICINATE

https://www.giftool.com/donations/Donate?ID=17458AID=1273

2 of 3 AGC0580

From: Celine at Dogwood Initiative

Subject A: You're going to make Canadian history

Subject B: Mob the Mic update

Hi Test,

The dust has settled on our Mob the Mic action, which saw you and thousands of others sign up to have your say on Enbridge's Northern Gateway proposal during the upcoming federal review process.

Our goal was 1,000 sign-ups but incredibly more than 4,000 people registered to speak! This made <u>national news</u> because the previous record for participation at this type of public hearing was 558 speakers. So congratulations, Test — you're going to make Canadian history!

Here's what will happen next. The National Energy Board, which is responsible for coordinating the review process, will sort through the registrations and determine the dates and locations of the hearings.

Once that information becomes available, we'll be in touch to co-ordinate the details.

What we know right now is that hearings are expected to happen in the first half of 2012 and you'll each be given 10 minutes to speak. If you feel a little hesitant about what to say, don't worry — we'll be hosting some workshops to help you prepare. Your statement can be as simple or as detailed as you like.

Thanks again. We're so excited to stand by your side and make Canadian history. We'll be in touch when we have more information for you.

For our rivers and our coast,

Eric, Celine, Emma, Karl and Erika

3 of 3 AGC0580

TAB

7

1 of 2



Hi {{\$first name}},

If you haven't heard yet, the federal panel reviewing Enbridge's tanker and pipeline proposal is coming to Comox this Friday and Saturday.

More than 4,400 people have registered to make statements to this panel and Comox is the first stop where they'll hear stories and opinions from regular Canadians, like you and I, who could be impacted by this proposal.

When your community steps up to the mic on Friday and Saturday we are going to be there and we hope you can join, too.

We want the panel and our provincial and federal governments to know that opposition to oil tankers goes beyond those 4,400 registrants. British Columbians of all backgrounds and political stripes are coming together to protect the coast from oil tankers and oil spills

Outside the hearing this Saturday several Comox Valley groups have organized a rally around lunch break at 1 p.m. and a discussion session afterward from 2 to 5 for those who would like to take part in a community dialogue.

Whether you want to witness the passion and commitment of your neighbours on the mic, join the rally or get answers on how to organize with your community, Saturday is a day for us to come together, take a stand and make a statement.

Enbridge panel hearings Come in to listen March 30th & 31st 9 a.m. to 5 p.m., 1855 Noel Avenue Comox Community Center

Our Coast, Our Decision Rally
March 31st
Rally: 1 to 2 p.m., 1855 Noel Avenue
Discussion Session: 2 p.m. to 5p.m., 1909 Robb Road, School Gymnasium
Share the event on Facebook

I will be there the entire weekend to answer any questions or comments and to join the fun!

Hope to see you soon,

Celine

2 of 2 AGC0581

TAB

3

1 of 2

AGC0582



Hi {{\$first_name}},

You're likely aware the public hearings on Enbridge's oil pipeline and tanker proposal are happening in Kelowna next week. On January 28th, dozens of concerned citizens will present their views to the review panel.

Our biggest fear is that the presenters' important stories will be lost in the bureaucracy of the hearing process. We need to make sure politicians get the picture because ultimately, this is going to be a political decision.

On the Sunday before the hearings, we're partnering with our friends at Leadnow.ca to hold a workshop on political organizing in advance of the provincial election. Join us to learn how you can create a growing incentive for politicians to say no to pipelines and oil tankers as part of their election platforms.

Pipelines and Provincial Organizing Workshop

When: Sunday January 27th, 2 p.m. - 5 p.m.

Where: First United Church Hall, 721 Bernard Avenue Kelowna, BC

Why: Because it's our coast and our decision.

MLAs of all political stripes need to take a stronger stance against plans to bring more oil tankers to B.C.'s coast. Will you help us reach out to voters in the lead up to May's provincial election?

We've all come a very long way. These next steps are crucial, Please RSVP to the Facebook event.

We hope to see you there.

For the coast,

Celine, Eric, Ben, Karl, Emma and Lyndsey

P.S. Local organizers are holding a People's Summit on Enbridge Saturday evening at the First United Church Hall at 7 p.m. Speakers include Grand Chief Stewart Phillip, federal Green Party leader Elizabeth May, filmmaker Damien Gillis and provincial environment critic Rob Fleming.

2 of 2

AGC0582

TAB

4

Knock the Vote

When	Jan 12, 2013 from 12:00 AM to 02:00 AM	
Where	45 Songhees Road	
Contact Name	Celine Trojand	
Add event to calendar	© vCal □ iCal	



national surple

When: January 11, 4-6 p.m.

Where: Meet outside the Delta Victoria Ocean Pointe Hotel at 45

Songhees Road.

Why: Because it's our coast and our decision.

How: Transportation provided by Social Coast's super stylin' Action Bus. Facebook Event Page: https://www.facebook.com/events/286805188089659

PLEASE RSVP

You may have heard the public hearings on Enbridge's oil pipeline and tanker proposal are coming to Victoria in early January. For eight straight days, hundreds of concerned citizens will present their views to the review panel.

Our biggest fear is that the presenters' important stories will be lost in the bureaucracy of the hearing process. We need to take their courage to the streets because ultimately this is going to be a political decision.

On the last day of the hearings (Jan. 11), we are going to celebrate the presenters with hot cocoa and treats outside the hearings and then we're going make a major political statement by going door-knocking in the ridings of Oak Bay-Gordon Head (held by the B.C. Liberals) and Victoria-Swan Lake (held by the B.C. NDP) to collect more No Tankers petition signatures.

MLAs of all political stripes need to take a stance on proposals to bring more oil tankers to B.C.'s coast. By showing our continuing action in important ridings leading up to the 2013 provincial election, we will pressure MLAs to say no to pipelines and oil tankers as part of their election platform.

Join us to Knock the Vote!



CAMPAIGNS	GET INVOLVED	ABOUT US	SUPPORT OUR WORK
no tankers	organize with us	blog	donata
coal	attend an event	privacy policy	other ways to give
CONTACT US	work with us	our annual report	
MEDIA CENTRE	stay in the loop	publications	



Jan. 9, 2013

MEDIA ADVISORY

Knock the Vote event on Friday will take oil tanker issue to the doorstep

Date: Friday Jan. 11, 2013

Time: 4 to 6 p.m.

Place: Meet in front of Delta Ocean Pointe Hotel, before departing on buses for the ridings of

Oak Bay-Gordon Head and Victoria-Swan Lake

After eight days and 280 speakers at the Enbridge joint review panel hearings in Victoria, the decision boils down to politics and, with an election five months away, provincial politics play a pivotal role.

With that in mind, about 200 people, including many presenters to the joint review panel, are expected to attend Knock the Vote on Friday to take the No Tankers message to voters in two Victoria-area ridings in a strategic canvass blitz.

The volunteers will be going door-to-door collecting No Tankers petition signatures. More than 146,000 people have signed Dogwood Initiative's No Tankers petition so far.

Media are invited to meet at the Delta Ocean Pointe Hotel and to ride-along to see how oil pipelines and tankers play out as a voting issue in conversations with citizens in the Victoria area.

"This is an important voting issue for the majority of British Columbians," said Emma Gilchrist, communications director for Dogwood Initiative. "We're encouraging all MLAs to take a clear stance on proposals to bring more oil tankers to B.C.'s coast."

Media contact: Emma Gilchrist, Communications Director (250) 661-7277 emma@dogwoodinitiative.org

Dogwood Initiative is a Victoria-based public interest advocacy group working to help British Columbians have more say in decisions about their air, land and water.

-30-



Hi {{\$first_name}},

So many people have already RSVP'd for Knock the Vote that we've had to book two extra buses! Thank you for signing up!

We'll start off with a quick training and then hop on buses to collect more No Tankers petition signatures in two Important ridings.

Here are the details again:

When: January 11, 4-6 p.m. (Meet at 4 p.m. sharp)

Where: Meet outside the Delta Victoria Ocean Pointe Hotel at 45 Songhees Road (on

the side of the hotel closest to the water)
Why: Because it's our coast and our decision
How: Transportation provided by Dogwood

Remember to dress warmly and bring a flashlight or wear reflective clothing. When we're done we'll head over to Swans Pub to celebrate all our hard work and recognize the courage of everyone who presented to the Joint Review Panel.

This is going to be fun and it's going to have an impact. See you tomorrow!

For the coast,

Celine

P.S. Our Communications Director Emma is live-tweeting from the hearings — you can follow the coverage on our website and by following us on Facebook and Twitter.

PLEASE DONATE

https://www.gifitool.com/donations/Donate?ID=88&AID=1981

4 of 14 AGC0583

Blog WOOD initiative

Vour suide to the doorstep

Things are coming to a head

Alberta's pushing, China's pushing, the Harper government's pushing and some of the most powerful oil companies in the the world are pushing to bring oil tankers and pipelines to B.C.'s coast.

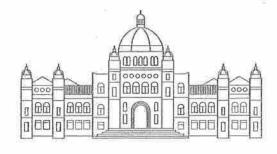


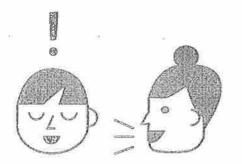
That's where you come in

Together, we can hold them back and keep our waters clean, but in the end we need our politicians to show some leadership.

Your journey

You have the power to stop these proposals because you can influence provincial politicians who have the power to protect B.C.'s coast from oil pipelines and tankers. Some of them just need a nudge, while others may have to be pushed.





Your mission

Convince your MLA to become a champion for B.C.'s coast. Do this by working directly with us and others to organize in your riding and make this a vote-determining issue for as many people as possible.

We're going door to door!

You're going to go have personal conversations with voters that your MLA particularly cares about, letting these people know if their MLA is or isn't doing a good enough job and inviting them to sign the No Tankers petition.

Why?

Because it works! Face to face conversations are without a doubt the best way to connect with people about an issue that you care about and convince them to join. You'll be going into specific areas of your community called polling divisions. We've picked some polling divisions for this event that should get the attention of the local MLA. By directly contacting voters we're showing all election hopefuls that oil tankers are a vote determining issue and that they have a lot to gain by taking a strong position.

Why do we collect signatures and information at the door?

The petition is our formal signal to the government of the public desire to protect our coast. When it comes to election time, we need to contact as many people as possible, give them updates on party positions and encourgae them to vote.



Tips for door-knocking

- This is an opportunity to talk to people in your community about something you care about. Have some fun with it!
- It's more fun to door-knock in teams. Start by knocking on doors in teams of two, and then split up once each person is comfortable.
- Your polling division may contain many apartment or condominium buildings that aren't accessible. That's just the way it goes. Sign up for additional polling divisions.
- Schedule your door-knocking sessions between 5 p.m. and 8 p.m. on weekdays, or on the weekends after 11 a.m.
- Two people should be able to cover a polling division in about two to three hours.
- Keep each session under three hours.
- For the people who open the door, seeing two people is more intimidating, so you
 want to split up as soon as you're comfortable.
- · Wearing No Tankers T-shirts or a No Tankers pin makes you look legit.
- Approaching people at the door can be nerve-wracking at first, and there may be a
 certain amount of negativity thrown at you. Although the majority of reactions will be
 positive, be prepared to handle a certain amount of rejection. Don't take it personally!
 Assume that your unyielding positive attitude will eventually be appreciated.
- Have fun with the mission and smile a lot. Being super serious is boring and doesn't work as well. Definitely don't show anger, ever!
- You want to have as many conversations as possible in a short amount of time. This means keeping your pitch really short, and finding a way to politely end a conversation if things are dragging on. "Well, I've got a lot of houses to visit so I better get going."
- Practice your pitch, which is what you're going to say to quickly explain the petition
 and wrap up the issue in a nice concise package. Don't read from a script! Memorize it
 and modify it as you see fit. Usually, it comes out slightly different each time. That's
 totally cool.



AGC0583

8 of 14

The pitch

Sameleore

Hello! Im visiting your neighborhood to collect signatures on a petition to stop the expansion of crude oil tanker traffic through B.C.s coastal waters. Would you be interested in signing?"

If they say no ="Ok, have a great day/night!"

// they say yes - "That's great!" Hand them the petition and before (or while) they fill it out, briefly explain the issue

There are two major proposals to bring more crude oil tankers through B.C.'s coastal waters so that Alberta can send its oil to China and elsewhere. The oil isn't for use in Canada. We want to protect the Great Beat Rainforest, the fishery and coastal communities like ours from oil spills, and we also want to recognize decisions already made against these tankers by First Nations and local governments.

Then before you leave. Importantly, our Province has the power to stop these projects. Here's some information on where each party stand on this issue."

Hand them the flyes open with the party positions facing them if its appropriate, circle the leading parties with your centand reiterate positions to them

If there were an election tomorrow who do you think you would you for?

lark their response and any notes on your data collection sheet liftyou can, sen



9 of 14 AGC0583

FAQs

Q: What is this all about?

A: Calgary-based oil and gas company Enbridge Inc. is proposing a pipeline running 1,170 km from Alberta's tar sands to a new port in Kitimat, on British Columbia's west coast. From there, the crude oil would be loaded onto tankers for export to international markets. If the project proceeds, more than 225 oil tankers would travel B.C.'s northern inside coastal waters per year. Currently there is no bulk crude oil tanker traffic on B.C.'s north coast.

Kinder Morgan is proposing to twin their Trans Mountain Pipeline that runs into Burnaby. There are currently 60 tankers coming into the Burrard Inlet every year—this expansion would triple this number, simply for export of crude oil.

Q: We all use oil. Without these tankers, where will we get it?

A: These crude oil tanker expansion proposals would not provide B.C. with oil, but would export Alberta's oil to China, other Asian countries and the United States, while B.C. would be left with the risk.

Q: Are you trying to shut down the Kinder Morgan pipeline in Burnaby?

No, we're simply trying to stop the proposed expansion, which would triple the amount of tankers in the Burrard Inlet.



10 of 14

FAQs

Q: Canada's economy is dependent on oil exports so wouldn't this benefit our economy?

A: It's questionable for our national economy to be overly dependent on the export of a single non-renewable commodity like oil because of its effect on inflation and other sectors of the economy. In B.C., our economy is deeply connected to the health of our rivers and coasts, which can provide for us indefinitely if we take care of them. It's a choice between an oil economy vs. an economy that has sustained people on these lands and waters for thousands of years. Robyn Allan, the former CEO of the Insurance Corporation of British Columbia, has argued that in addition to risking existing jobs in sectors like seafood and ocean recreation, these proposals could hurt multiple aspects of our economy by driving up the price of fuel.

Q: How many people have signed the petition so far?

A: More than 150,000 people have signed either this petition or an earlier version of it. We're shooting for 400,000. That would be equivalent to 10% of B.C.'s population.



11 of 14 AGC0583

FAQs

Q: Will it really make a difference?

A: We'll be able to get some media coverage when we submit batches of the petition, and it will be an important measure of public support for the cause, but the most important thing the petition does is connect us all into an ongoing communications network. That's what politicians worry about — our ability to stay connected and publicize their actions, especially during an election. Our ability to communicate with one another is powerful — it's largely how we got all three federal opposition parties (the Liberals, NDP and Bloc) to support the idea of a tanker ban before the last federal election. We'll be organizing in the upcoming election to make sure that we have a provincial government that is opposed to these proposals—and the province can stop these projects.

Q: Will Dogwood Initiative call or send e-mails to people who sign the petition?

A: We don't have any political power unless we continue to talk to each other and give each other updates. So yes, we'll periodically get in touch via e-mail or on the phone to keep you posted and give you opportunities to help out. If you don't want to be contacted, you can let us know at any time.



AGC0583

12 of 14

Checklist for door-knocking

No Tankers pin or T-shirt if you have one Wear weather-appropriate clothing and comfortable shoes A canvassing kit including: Water and snack Legal size No Tankers petitions and your polling division maps. One legal size clipboard per person with at least 5 petition sheets per clipboard A copy of the tanker route and/or First Nation opposition maps taped to the back of each clipboard. A copy of the Coastal First Nations and Save the Fraser declarations clipped under the petition sheets. Reliable pens (one for each clipboard plus two spares) Flashlight and reflective arm band A stack of signed sticky notes for "Sorry we missed you messages" Phone numbers for your canvassing team mates in case you get lost! Have a plan on when and where to meet up after your door knocking (we recommend a local pub!) to debreif, share stories and collect all of your petition sheets for submission.



How much fun was that!?

If you want to have an impact in the upcoming provincial election, download the Find Leaders Action Kit. It will give you resources and tools to make tankers a vote determining issue in your riding.

You can help stop these proposals.

Start here.

notankers.ca/find-leaders



TAB

5

†Dogwood Initiative



864 Queens Ave.
Victoria, British Columbia,
Phone: 250.370.9930 ext. 23
Fax: 250.370.9990
E-Mail: will@dogwoodiniuative.org/
Web: https://dogwoodiniuative.org/

Memo

To: Dogwood Initiative Board

From: Will Horter

Date: Friday, July 24, 15

Re: Dogwood Initiative policy on civil disobedience

The Issue:

The issue of participating in civil disobedience has arisen as a topic of discussion in need of clarification—both in terms of Dogwood Initiative's position on civil disobedience and Dogwood Initiative's policy surrounding staff participating in civil disobedience.

Background:

In the lead up to Will's arrest for blocking a coal train (May, 2012) and the Defend Our Coast action (October, 2012) Dogwood Initiative staff had a vibrant internal discussion about our position on protests and civil disobedience. Ultimately, we reached consensus on the policy detailed below, but never ratified the policy officially. Given recent events, it is time to clarify that policy officially, and the Board did so by adopting this policy in principal on July 7, 2015.

Before I go into details, let's define some terms: By 'protest' I mean an event that has as its <u>central motivating</u> <u>emotion anger and/or frustration</u>, and <u>includes a central element of conflict</u>. I consider civil disobedience a form of protest where the conflict is escalated to where there's a risk of arrest. These are distinct from big celebrations or demonstrations generally, which are differentiated from protests by their relative lack of conflict.

Protests, civil resistance (otherwise known as civil disobedience) are important political tools, especially for the disadvantaged with minimal access to the levers of power. The power of civil disobedience lies in the debate it generates about the law and the moral justification of violating it. By defying a societal norm, and being willing to suffer the consequences, citizens shine a spotlight on the bad law or draconian consequences and seek to both bring it into disrepute and catalyze others to stand against it.

In general, protests and any kind of civil disobedience are essentially defensive actions. They are tactics, I think, best utilized when, for example:

- 1. You have no or limited power and need to confront power;
- 2. Your issue isn't on anybody's radar; or
- 3. It's the 11th hour and there's a good chance things won't go your way.

There are other reasons to consider protests – boosting morale, making people feel a part of something big etc., - but these are equally served by big celebrations or other non-confrontational events.

One type of civil disobedience that is offensive in B.C. is First Nations-led civil disobedience, which is often framed as being "civilly obedient" to Indigenous laws that are incompatible with colonial laws, i.e. resource permits or lax regulations. Used well, it can be a demonstration of power rather than a demonstration of powerlessness. That's because First Nations hold title and rights, which give them increased legal leverage with the Crown. A strategic blockade can force action by government officials when the alternative is a long, potentially expensive, legal battle. For example, Heiltsuk Nation's recent occupation of the Department of Fisheries and Oceans office on Denny Island demanding that federal officials close an unsustainable herring roe fishery. The action worked, forcing DFO officials to engage in direct negotiations with the Heiltsuk. Days later the Crown ordered a complete withdrawal of the commercial herring fleet from Heiltsuk territory.

One of the main risks of protest's and civil disobedience is that they are inevitably divisive. These tactics turn some people off as much as they turn some people on. And the people they turn off are sometimes the people you most need to be on your side if you are to win.

In regards to Dogwood Initiative's two main campaigns this certainly is the case. Federally, the Prime Minister does not care about protesters. Actually, he probably wants more protests. Protests help the Prime Minister cement his bogus – but persuasively powerful – 'us (good Canadians) vs. the radicals' (bad Canadians) frame. Harper knows Conservative voters generally don't show up to protests. In fact, the strong conservative value of adherence to authority means Conservative voters generally like to hate protesters. Ever hear this: "Why don't you just get a job like everybody else"?

It is for these reasons that Dogwood Initiative generally tries to avoid protests and civil disobedience. They are defensive tactics and our work is primarily intended to allow us to play an offensive strategy- to create situations where we define the terms of the political debate, instead of reacting to others frames.

That said, if we want the future of the Canada we believe is possible, civil disobedience will very likely play an important role. I can't think of any major political shift that has ever occurred in Canada that didn't have a component of people breaking unjust laws. For example, many Canadians forget the role civil disobedience played in helping Tommy Douglas get a universal health care system first in Saskatchewan and later throughout Canada. Given the role corporations, the media and government have in maintaining the status quo, I can't imagine Canadian governments taking meaningful action on global warming, local control or reducing poverty without some people engaging in strategic civil disobedience.

Strategic civil disobedience is a solemn act of citizenship, and when treated as such – as opposed to civil disobedience as stunt – it can be extremely powerful. Given the consequences – and for civil disobedience to be successful there always must be serious potential consequences – it should not be engaged in lightly. To be effective civil disobedience has to be widely perceived as a 'reasonable' response only undertaken after exhausting all other options, there are few situations that meet this standard.

However, to be powerful, people that could be moved by civil disobedience must be aware of it. And herein lies another dilemma: The current reality is that protests and most civil disobedience don't even get mentioned in the media unless they are the first, biggest, most violent or involve something edgy or creative. Greenpeace's use of media-focused stunts has diminished its impact. Simply refusing to obey a law doesn't have the power it used to. Now people objecting to government or corporate actions have to be extremely creative in getting their messages out.

Most examples of civil disobedience - lacking a coherent theory of change or compelling narrative about exhausted reasonable approaches - haven't thought through these issues and therefore are not strategic.

3 of 5 AGC0584



3

Dogwood's position on civil disobedience

Until now Dogwood has not taken a blanket position on civil disobedience — rather, we consider it a tool in the tool box to be strategically evaluated on a case-by-case basis.

Our general view is that civil disobedience, albeit powerful, is too often used inappropriately. It is rolled out by people that want to "do something," but can't think of anything strategic to do. It is generally associated with individuals or groups that have a weak or non-existent theory of change.

The decision for Dogwood Initiative to engage in, or publically endorse civil disobedience is a serious one, with enormous political, legal and potentially financial consequences. Since most civil disobedience in B.C takes place as people being held in contempt of a court injunction as part of a civil action for damages – as opposed to criminal charge of trespass or mischief – Dogwood Initiative could be exposed to significant damage awards.

For these reasons, at this moment in time, Dogwood Initiative will generally not engage in civil disobedience.

In the future, any decision for the organization or its staff to participate in civil disobedience needs to be signed off on by the Executive Director, in consultation with Board of Directors.

In terms of endorsing civil disobedience by others, particularly First Nations, this will be done rarely, only after the approval of Dogwood's Executive Director analyzes the following factors:

- Is supported by the First Nation's elected leadership (Chief and Council), hereditary leadership, or both?
- · Is the theory of change strong or weak?
- · Are the goals of the action clear?
- Is the compatible with Dogwood Initiative's broader goals?

Policy on staff participating in civil disobedience

So what about Dogwood staff participating in civil disobedience?

The decision to engage in civil disobedience is an intensely personal decision. Personally, when I decided to risk arrest to stop a coal train at the border in 2012 I thought hard about the choice. Dogwood Initiative wants its staff to be a political as possible in their private lives as long as it doesn't interfere with their job responsibilities or bring the organization into disrepute.

There are two potential situations:

- 1. An individual Dogwood staff person seeks to participate in civil disobedience related to issues Dogwood is working on but where the organization has not made the strategic decision to pursue civil disobedience.
- An individual Dogwood staff person wants to engage in civil disobedience on issues Dogwood IS NOT WORKING ON.

Civil disobedience or protests on issues Dogwood Initiative is working on

In discussions with staff it was generally agreed that as a Dogwood Initiative employee you are representing Dogwood (whether you like it or not) whenever you make public statements or take actions on an issue that Dogwood Initiative is currently working on.

It was agreed that to avoid confusion Dogwood Initiative staff should not participate in protests or civil disobedience on issues related to those the organization is working on.

If a staff person seeks to participate in such a protest or civil disobedience they should obtain prior written consent from the Executive Director or Operations Director. Participating without written consent could be a contravention of an employee's employment contract and could risk bringing the organization into "disrepute." Your right as a citizen does not trump your responsibility to abide by your employment contract.

4 of 5 AGC0584



If such consent is given, the staff person must take all measures to ensure they are not acting or perceived to be acting as a spokesperson related to the action.

That said, Dogwood Initiative recognizes that the course of history is not about the perfect strategy or new social media gadgets; it is about people who are passionate about their beliefs being brave enough to step away from the convenient path, to ruffle feathers and break a few rules in pursuit of a more just, equitable and sustainable future. Dogwood Initiative's leadership recognizes this and will keep it in mind when evaluating requests.

Civil disobedience or protests on issues Dogwood Initiative is NOT working on

On occasion some staff may be interested in being involved in protests or civil disobedience on issues not related to Dogwood Initiative's work. Although Dogwood Initiative doesn't intend to get involved in our staff's personal political choices, it should be flagged that staff that are considering becoming involved in another organization that is partaking in civil disobedience could present a conflict of interest, which all staff are contractually obliged to notify the organization about.

To avoid this situation, staffs is encouraged to discuss the matter with the Executive Director or Operations Director before the protest or civil disobedience commences.

5 of 5 AGC0584

TAB

6

1 of 7

AGC0585

MY LETTER TO THE NORTHERN GATEWAY PROJECT PANEL July 31, 2012 – submitted electronically

Dear panel members,

As a resident of Victoria, B.C., I am firmly opposed to the proposed Northern Gateway Pipeline and the addition of more than 225 supertankers to B.C.'s coast.

I've just returned from a cruise to Alaska and was horrified to see the wild and foggy terrain the tankers must traverse. An oil spill is inevitable and B.C. is on the hook for the cost of the cleanup.

Our coast supports more than 45,000 jobs in the seafood and marine recreation sectors, far more than the 560 long term jobs in B.C. promised by Enbridge.

I'm also deeply concerned by the fact the pipeline will cross 776 waterways on its way to the ocean. As the recent oil spill in Michigan proves, Enbridge does not have proper safeguards in place to ensure safe transit.

I remember well the BC ferries Queen of the North which hit and sank off Gil Island in 2006. And the Exon Valdez disaster has left many coastal communities without any means of livelihood to this day.

More than 70 First Nations oppose further oil pielines and tankers through B.C. I firmly support their right to make decisions over their lands and waters. Europeans have done enough damage to this country.

Rather than export oil to Asia and the USA, I'd like to see our government support sustainable energy sources. The extreme weather we're experiencing is just another sign of global warming – it's time for us to give up our dependency on fossil fuels.

I urge you as panel members to call upon Parliament to use whatever means are available to oppose the Enbridge pipeline proposal and stop the expansion of crude oil tanker traffic through B.C.'s coastal waters.

Thank you for listening to me.

Terry Dance-Bennink, M.Ed.

Presentation to the

Embridge Northern Gateway Project Joint Review Panel

Victoria, B.C. January 10, 2013

by Terry Dance-Bennink, M.Ed.

Thank you for listening to me today. I will answer three questions:

- 1) Who am I?
- 2) How does this project impact me?
- 3) Is the project in Canada's public interest?

1) Who am I?

So first, who am I? My name is Terry Dance-Bennink and I'm a retired Vice-President Academic of Sir Sandford Fleming College in Peterborough, Ontario. As Fleming's VPA, I was also responsible for the School of Environmental & Natural Resource Sciences, so I have a keen interest in the environment.

My husband and I moved to Victoria seven years ago and we live in an ocean-view condo by Victoria's harbour. We watch tankers and freighters pass by our home every day. I'm a breast cancer survivor and volunteer with the Canadian Cancer Society. I'm also a member of the United Church of Canada and the Sierra Club. I've not been active politically for decades, but this issue has made me step forward.

2) How does this project impact me?

As a coastal resident, I'm primarily concerned about the risk of oil tanker spills, which history shows are inevitable. Even Enbridge's president has conceded that "whatever industrial activity you have, it has some element of risk," (*Times Colonist* 14/10/12).

I watched our foggy coastline come and go on a cruise to Alaska and was horrified at the thought of 220 supertankers winding their way from Kitimat through 125 km of narrow, rocky passes. The Hecate Strait is the 4th most dangerous body of water in the world, according to Canada's Marine Weather Hazaards Manual.

I've also cruised the Pacific coast from Victoria to Puerta Villarta in weather described by the captain as a severe gale. I clung to the ship's railings feeling sick and dizzy and kept thinking of tankers braving waves that have on occasion exceeded 100 ft in northern B.C. Two vessels have run into trouble in heavy weather off our coast just in the last month. As the B.C. Ferries *Queen of the North* sinking in 2006 points out, human error is always a danger, along with the weather.

And when the predicted big earthquake happens – and we just had a 7.5 quake last week in Alaska - it will take only one pipeline crack and one tanker oil spill to wreak devastation on our coast. We live in a ring of fire where oil has no place.

The movie, On the Line, shows the proposed inland route for the pipeline that would cross pristine wilderness and 776 fish-bearing waterways. I love to eat salmon and care about the livelihood of those who catch them. But salmon are not the only species endangered by oil spills – the humpback whale, marbled murrelet, Nechako Sturgeon and Southern Mountain Caribou are all at risk and deserve to live and flourish just as we humans do.

Enbridge assures us that it can contain a major spill which would only occur once in 15,000 years. But I don't trust this company and neither does the B.C. government. Elizabeth Graff, a government lawyer, spoke at one of your hearings and cited a corporate structure that limits Enbridge's liability in the event of a spill, despite the disastrous 2010 pipeline breach in Michigan. B.C.'s taxpayers would bear the lion's share of the risk.

B.C.'s Environment Ministry flagged many other concerns in its September 2010 discussion paper. The paper noted 38 catastrophic landslides in northern B.C. since 1973, many of them near the proposed pipeline route. And Enbridge pipelines have sprung 31 leaks in the U.S. since 2002. Six of the 10 largest were not detected by the company's leak-detection system.

I've tried to put myself in Stephen Harper's shoes, but cannot for the life of me, fathom why he gutted so many of our environmental protections last year, while actively promoting this pipeline. Even Carney, a former member of Harper's caucus, criticized his March budget which shut down Canadian Coast Guard communications centres and a search-and-rescue station on the B.C. coast, weakened fisheries' habitat protection laws and slashed the number of fisheries biologists. I ask you, what better way to cover up a major oil spill?

For all these reasons, I stand by the 1972 Government of Canada moratorium on offshore oil and gas activities through B.C.'s Inner Passage. Every prime minister since then has honoured this commitment – except Stephen Harper.

3) Is this project in Canada's public interest?

My answer is NO for two reasons. First, it violates First Nations rights under Section 35 of our Constitution. 130 First Nations are opposed to this pipeline. And B.C. First Nations have not signed away their rights under bogus treaties. The Idle No More movement is just one sign of their growing anger at centuries of neglect and racism.

The timelines for this panel's work will be unlikely to survive an inevitable Supreme Court challenge by First Nations.

Our ancestors invaded this land 150 years ago and stole property that did not belong to them. We have a precious opportunity today to stop a reoccurrence of cultural genocide. And as a white person, this time I want to be on the right side. It is my moral duty.

Lastly, this project is not in Canada's public interest because, as a planet, we are on the verge of environmental collapse. I'm aware that your panel considers global warming to be beyond its scope on the grounds you are concerned with oil transport not extraction. But if transport is expanded, so is extraction. And the oil sands are a notorious contributor to global warming.

You've included "cumulative effects" under the topic of environmental effects in your terms of reference. I believe an increase in tar sands production and hence global warming is certainly a "cumulative effect."

Even the World Bank has raised an unequivocal alarm. In its 2012 report *Turn Down the Heat*, the Bank predicts we're headed towards a 4 degree Celsius world within this century. A world that would bring unprecedented heat waves, severe drought, and major floods with serious impacts on ecosystems, as we're already starting to see.

Something <u>can</u> be done to stop this but it requires a bold moral vision – not tankers filled with crude oil headed for Asia. We have a carbon-based economy and we have to de-carbonize it. Our whole way of life has to change.

I know it will be incredibly hard to wean ourselves off oil, but the first step in breaking an addiction is to admit the depth of the problem. And there are all sorts of healthier green industries springing up around the world. I trust human ingenuity will find a way.

So I'm no longer an arm-chair critic. I intend to get active in both provincial and federal politics for the first time in decades. I will campaign this spring for whichever party has the strongest No Tankers Off Our Coast stance.

And I'm not alone. More than two-thirds of B.C. residents are opposed to the pipeline according to recent polls. 125,000 have signed a No Tankers petition, the majority of B.C. municipalities and First Nations are opposed, and 4,000 people have registered to speak before your panel. I hope you'll listen to the will of the people and recommend against this pipeline.

FACE TO FACE WITH ENBRIDGE

Terry Dance-Bennink is a breast cancer survivor who volunteers with the Canadian Cancer Society and local environmental groups. She's a former vice-president academic of an Ontario community college and a writer/personal historian.

With some trepidation, I signed up to speak at the Enbridge hearings in Victoria last January. I felt I had a duty to speak out as a former vice-president academic of Fleming College, known for its School of Environmental and Natural Sciences.

On the day of my presentation, I joined a roomful of others at the Delta Ocean Pointe Hotel. We had to present photo ID at the door and swear on the Bible to tell the truth. Three of us at a time were escorted to the actual hearing room, which was set up like a courtroom. I felt like a witness at an historic trial presided over by a judge without power to issue a binding verdict. The Joint Review Panel can only make recommendations to Harper and his cabinet.

I sat down before the three panel members and two Enbridge representatives - finally, I was face to face with Enbridge. I maintained eye contact with them throughout most of my presentation which was videotaped. A live audio broadcast was also placed on the panel's website. You can visit this website anytime and listen to some amazing speakers, some of whom will move you to tears (www.gatewaypanel.review.gc.ca).

Fearing conflict, the panel refused to allow the public to attend the live hearings. We were forced to watch a video feed in the Ramada Inn a few kilometres away, and as a result, very few people showed up. In contrast, the open hearings up north attracted hundreds of concerned citizens. I guess Victoria has a reputation for violence!

Like 252 other presenters, I had carefully researched the proposed route of Enbridge's pipeline and the effect of 220 supertankers winding their way from Kitimat through 125 km of narrow, rocky passes. And like every other presenter, my answer to Enbridge was a resounding "NO!" Here are some excerpts from my presentation.

"My husband and I moved to Victoria seven years ago and we live in a condo by Victoria's harbour. We watch tankers and freighters pass by our home every day. As a coastal resident, I'm primarily concerned about the risk of oil tanker spills, which history shows are inevitable. The Hecate Strait is the 4th most dangerous body of water in the world, according to Canada's Marine Weather Hazards Manual. And human error is always a danger, along with the weather...

When the predicted big earthquake happens, it will take only one pipeline crack and one tanker oil spill to wreak devastation on our coast. We live in a ring of fire where oil has no place...

I've tried to put myself in Stephen Harper's shoes, but cannot for the life of me, fathom why he gutted so many of our environmental protections last year, while actively promoting this pipeline. Is he preparing for a big cover-up?

Is this project in Canada's public interest? My answer is NO for two reasons. First, it violates First Nations rights under Section 35 of our Constitution. 130 First Nations are opposed to this pipeline. And B.C. First Nations have not signed away their rights under bogus treaties. The Idle No More movement is just one sign of their growing anger at centuries of neglect and racism.

As a white person, I want to be on the right side of history for once. It's my moral duty.

Secondly, this project is not in our public interest because, as a planet, we're on the verge of environmental collapse. I'm aware that your panel considers global warming to be beyond its scope on the grounds you are concerned with oil transport, not extraction. But if transport is expanded, so is extraction. And the oil sands are a notorious contributor to global warming.

You've included "cumulative effects" under the topic of environmental effects in your terms of reference. An increase in tar sands production and hence global warming is certainly a "cumulative effect"...

Something <u>can</u> be done to stop this but it requires a bold moral vision – not tankers filled with crude oil headed for Asia. Our whole way of life has to change.

I know it will be incredibly hard to wean ourselves off oil, but the first step in breaking an addiction is to admit the depth of the problem. And there are all sorts of healthier green industries springing up around the world. I trust human ingenuity will find a way.

I'm no longer an arm-chair critic. I intend to get active in provincial and federal politics for the first time in decades. I'll campaign this spring for whichever party has the strongest No Tankers Off Our Coast stance. B.C. still has the power to stop this project."

As I left the room that day, I felt proud to have joined the chorus of "No Tankers" and I was encouraged to see the panel take my comments seriously. But the battle is far from won. I've got work to do this spring – door to door, phone to phone. Will you join me?

774 words January 31, 2013

7 of 7 AGC0585

×				
	8			
	3		w	
			X .	
				ě
		N		
		ti.		
				El

TAB

1



Government Gouvernement of Canada du Canada

Canada

Natural Resources Canada

Home > The Media Room > Archives (up to 2013) > 2012 Media Advisories > The Media Room

The Media Room

Natural Resources Canada 2012/1 January 9, 2012

An open letter from the Honourable Joe Oliver, Minister of Natural Resources, on Canada's commitment to diversify our energy markets and the need to further streamline the regulatory process in order to advance Canada's national economic interest

Canada is on the edge of an historic choice: to diversify our energy markets away from our traditional trading partner in the United States or to continue with the status quo.

Virtually all our energy exports go to the US. As a country, we must seek new markets for our products and services and the booming. Asia-Pacific economies have shown great interest in our oil, gas, metals and minerals. For our government, the choice is clear: we need to diversify our markets in order to create jobs and economic growth for Canadians across this country. We must expand our trade with the fast growing Asian economies. We know that increasing trade will help ensure the financial security of Canadians and their families.

Unfortunately, there are environmental and other radical groups that would seek to block this opportunity to diversify our trade. Their goal is to stop any major project no matter what the cost to Canadian families in lost jobs and economic growth. No forestry. No mining. No oil. No gas, No more hydro-electric dams.

These groups threaten to hijack our regulatory system to achieve their radical ideological agenda. They seek to exploit any loophole they can find, stacking public hearings with bodies to ensure that delays kill good projects. They use funding from foreign special interest groups to undermine Canada's national economic interest. They attract jet-setting celebrities with some of the largest personal carbon footprints in the world to lecture Canadians not to develop our natural resources. Finally, if all other avenues have failed, they will take a quintessential American approach: sue everyone and anyone to delay the project even further. They do this because they know it can work. It works because it helps them to achieve their ultimate objective; delay a project to the point it becomes economically unviable.

Anyone looking at the record of approvals for certain major projects across Canada cannot help but come to the conclusion that many of these projects have been delayed too long. In many cases, these projects would create thousands upon thousands of jobs for Canadians, yet they can take years to get started due to the slow, complex and cumbersome regulatory process.

For example, the Mackenzie Valley Gas Pipeline review took more than nine years to complete. In comparison, the western expansion of the nation-building Canadian Pacific Railway under Sir John A. Macdonald took four years. Under our current system, building a temporary ice arena on a frozen pond in Banff required the approval of the federal government. This delayed a decision by two months. Two valuable months to assess something that thousands of Canadians have been doing for over a century.

Our regulatory system must be fair, independent, consider different viewpoints including those of Aboriginal communities, review the evidence dispassionately and then make an objective determination. It must be based on science and the facts. We believe reviews for major projects can be accomplished in a quicker and more streamlined fashion. We do not want projects that are safe, generate thousands of new jobs and open up new export markets, to die in the approval phase due to unnecessary delays.

Unfortunately, the system seems to have lost sight of this balance over the past years. It is broken. It is time to take a look at it.

It is an urgent matter of Canada's national interest.

The Hon. Joe Oliver Minister of Natural Resources

Media may contact:

Patricia Best Director of Communications Office of the Minister Natural Resources Canada Ottawa 613-996-2007 or

Media Relations Natural Resources Canada Ottawa 613-992-4447

NRCan's news releases and backgrounders are available at www.nrcan.ec.ca/media.

Date Modified: 2013-11-12

		ŭ	
		12	
			G.
		1361	

TAB

8

1 of 13 AGC0587

prestEthics

...JUT US

PROTECT FORESTS

OPPOSE DIRTY ENERGY SUPPORT COMMUNITY

SIGN UP FOR EMAIL ALERTS

DO SOMETHING

DONATE



The Root Word: ForestEthics Blog



Enbridge JRP Technical Hearings Begin

Enbridge Hearings

Tar sands development in Alberta, Canada

BY NIKKI SKUCE, SENIOR ENERGY CAMPAIGNER, FORESTETHICS ADVOCACY

The Basics.

This week the Technical Hearings for Enbridge's Northern Gateway pipeline and tanker project got underway in Edmonton. After months of reviewing Enbridge's hefty application, asking them clarification questions and identifying gaps, finding experts and putting our own evidence and reports forward, being questioned by Enbridge on that evidence, and having the Panel ask questions, things have, in essence, moved into a live court-like process. These hearings are an opportunity for registered intervenors to cross-exam Enbridge on their evidence, and also for Enbridge and others to cross-exam some of those who submitted their own reports and evidence.

Unlike the community hearings where people got the chance to speak from the heart or give a presentation for up to 10 minutes, there are no presentations during these hearings. The company and other intervenors have to defend their evidence that is on the public record with the National Energy Board. While Enbridge will be doing its best to defend the merits of its proposal, most intervenors will be doing their best to highlight the gaps, deficiencies and lack of credibility of Enbridge's proposal. In other words, convincing the three-member Panel that this high-risk project is not in Canada's national interest.

In Edmonton, the hearings deal with the economic issues related to the pipeline and tanker project. Then they will move to Prince George to talk about pipeline safety/integrity, and will wrap up in Prince Rupert where marine issues and Aboriginal Rights will be addressed.

Most of the initial three days of the hearings were taken up by the Alberta Federation of Labour questioning Enbridge on issues such as refineries, economic reasoning for shipping raw bitumen (tar sands), potential price impacts on consumers. They also challenged the integrity of some of the economic analysis reports. The Alexander First Nation questioned Enbridge on equity deals and benefits, and sought clarity on Aboriginal consultation.

The BC Government, absent to date from the review process (having submitted no reports or questions over the previous months), showed up next. I found it rather amusing that despite sending Premier Clark's "A team" to the hearings", they were still unable to keep to the list of issues being addressed in Edmonton. Even though Minister Lake and Geoff Plant were there, the Panel adjourned the hearings until the morning so that BC representatives could regroup and tailor their appropriate questions to the economic and financial issues being addressed in Edmonton. Hopefully they will do a better job Friday, because we need leadership from British Columbia to challenge Enbridge on a project that is definitely not in this province's interest.



Recent

Popular

Related



#StopOilTrains Week of Action Roundup



What Do the Ferguson Movement, the Charleston Murders and Oil Trains Have in Common?



Pope Francis On the Way to Paris



Three Lessons I've Learned about Why Activists Should Meditate



The Path to Permanent Protection: Fortune Minerals Leaves Sacred Headwaters

STAY CONNECTED

Like Share 49,671 people like this. Be the first of your

LATEST TWEETS

Tweets

Follow



ForestEthics @ForestEthics With proper accounting, the #fossiffuel business doesn't look like such a moneymaker ow ly/Q8zPI @drvox Show Summary



Beari8it @Beari8it

5 Jul

Tweet to @ForestEthics

HOT TOPICS

#BlackLivesMatter #StopOilTrains

#ThereIsNoNeutral Action Recap action

report back Alberta art &

activism an + activism bay area BC

BC's COAST Blast Zone Bomb Trains british columbia Bunker Spill burnaby mountain California Californians Against Fracking canada Canadian Lawsuit

Next post >>



By Nikki Skuce, Senior Energy Campaigner, ForestEthics Advocacy

Follow Nikki Skuce on Twitter: @nikkiskuce

More by Nikki Skuce:

Call of distress: The Simushir and the threat of tankers on British Columbia's northern coast

Enbridge Northern Gateway Investor Report: The Peoples Version 2014 Enbridge Investor Report Northern Gateway caribou china clean energy future climate change Coal Crude by fall crude oil Dogwood dot 111 Earth Day Ecosystem Based Management Enbridge English Bay environmental justice events exploding oil trains fair trade Ferguson first nations Fortune Minerals fracking freedom train free trade FSC G7 get inspired get the Shell Out Gitga'at nation Governor Inslee green divas greenWash Haida Gwaii Imperial Metals Institutional Racism just for tun kalamazoo river spill Kinder Morgan Klabona Keepers Lac-Mégantic lobbyists mindfulness mining blockades Mount Polley national geographic natural gas NEB Lawsuit net neutrality NO FIPA Northern Gateway no tankers NTSB obama oil by rail oil spill oil train regulations oil trains paper policy paul colangelo pem peatlands people's climate march Philips 66 Phillips 66 pipelines Pope Frances Rachel Notley Racial Injustice Rainforest Solutions Project Ralph Nader refineries responsible economies responsible resource development richmond sacred headwaters sacred waters safe oil trains San Luis Obispo SFI sierra club SOS Day of Action Staff Stories Tahltan take action Tarsands Invasion Tar Sands SOS Transportation Safety Board Tree geek United Nations white house Why We Do Our Work WIId

salmon

SIGN UP FOR EMAIL ALERTS

ABOUTUS

PROTECT FORESTS

OPPOSE DIRTY ENERGY SUPPORT COMMUNITY

Enbridge cross-examination focuses on campaigning, lobbying; ignores evidence

Tuesday Nov 27, 2012

PRESS CONTACTS: Nikki Skuce, ForestEthics Advocacy - 259-877-7762 or 778-210-0117; Barry Robinson, Ecojustice - 403-830-2032

PRINCE GEORGE, BC - Given the opportunity to shed light on its proposed Northern Galeway Pipeline project at the NEB's Joint Review Panel (JRP) hearings currently taking place in Prince George, Enbridge lawyer Laura Estep chose instead to focus on ForestEthics Advocacy's use of the media, campaigning and previous questions directed to Enbridge.

*This is an emotionally charged project. Living in Smithers, people are definitely in fear of losing our healthy salmon watersheds," ForestEthics Advocacy senior energy campaigner Nikki Skuce told the panel and a full house at the hearings.

Estep asked Skuce if she considers herself a lobbyist; when Skuce responded that she did not, Estep then pressed Skuce on whether she was familiar with the rules of lobbying and if it is a legitimate practice.

*I think it is. There are definitely different levels of access. Someone like Enbridge has met 145 times since July 2008 with government officials while we've struggled to access meetings with conservative federal government. officials on the couple of trips we've made to Ottawa," Skuce told the Joint Review Panel

Previously, ForestEthics Advocacy counsel Tim Leadem questioned Enbridge about the company's lobbying of the federal government to relax environmental protection laws. As Enbridge has continually asked for the public's trust as it continues to develop its pipeline plans, Leadem noted that it was important to know whether Enbridge is lobbying the federal government to change its environmental regulations.

When asked about her public statements decrying the federal government's changes to the Fisheries Act, Skuce said, "We think that a number of the changes that happened in Bill 38 were efforts to try and make the building of pipelines such as Enbridge Northern Gateway easier.

"I don't have any direct evidence because I don't have the ear of the prime minister or have word from Minister Oliver about his sphere of influence, but lobbying by Enbridge, CEPA and others appear to have been effective," she

Enbridge also questioned ForestEthics Advocacy about a sign-up page on its wabsite for participating in the hearings,

*As interveners in this process we think it's important to have strong public participation," Skuce said, further responding that the website also helped those in support of the process: "In terms of the written comments ... Ethical Oil encouraged their members to submit letters through our website and ForestEthics submitted everything that came though regardless of their position."

Once questions around advocacy and media wrapped up, Estep focused her cross-examination on Natural Resource Dalense Council's (NRDC) report on corrosivity of diluted bitumen, Northern Gateway put forward reports by Alberta Innovates and others that come to different conclusions. However, Anthony Swift of NRDC summed up that all these reports use different baselines (eg. for definition of conventional crude), temperatures and internal versus external corrosion. He maintained his conclusion that due to increases in volumes of



ENBRIDGE HEARINGS PAGE

nbridge cross-examination focuses on campaigning, lobbying; ignores evidence | ForestEthics

dilBit being transported, that more comprehensive studies need to be done on the risks associated with tar sands through pipelines,

ABOUT US

PROTECT FORESTS

OPPOSE DIRTY ENERGY SUPPORT COMMUNITY

DO SOMETHING

DOMATE

SIGN UP FOR EMAIL ALERTS



D

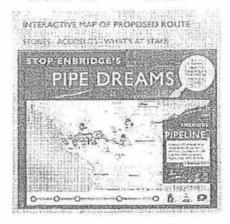
Four highlights from Enbridge's cross-examination on pipeline proposal

Wednesday Nov 28, 2012

Given the opportunity to shed light on its proposed Northern Gateway Pipeline project at the NEB's Joint Review Panel (JRP) hearings currently taking place in Prince George, Enbridge lawyer Laura Estep chose instead to focus on ForestEthics Advocacy's use of the media, campaigning and previous questions directed to Enbridge. The following are four highlights from the crossexamination of ForestEthics Advocacy's senior energy campaigner, Nikki Skuce,

- 1. When asked by Enbridge about "appealing to people's fears" in its campaign against Northern Gateway, Nikki responded that, "Living in Smithers, people are definitely in fear of losing our healthy salmon watersheds. ... I do think there's definitely psychological and emotional fears about that, and I wouldn't say that we larget those, I would just say that that's part of how Northern Gateway is resonating with people."
- 2. In response to questions previously posed to an Enbridge panel by ForestEthics lawyer Tim Leadern around its efforts to change federal environmental laws, Enbridge questioned Nikki on her views about lobbying. "There are definitely different levels of access. Someone like Eribridge has met 145 times since July of 2008 with federal government officials, whereas we have been unable, in the couple of times that we've been able to make a trip to Ottawa, to be able to meet with very many, if any, Conservative Party members,* Nikki told the panel,
- 3. About facilitating public participation in the JRP hearings through the ForestEthics website: "As interveners in this process we think it's important to have strong public participation," Nikki said, adding that: "Ethical Oil encouraged their members to submit letters of comment through our website and we submitted everything that came our way. We think it's the public participation that's important, not so much what each individual says."
- 4. ForestEthics lawyer Barry Robinson objected when Enbridge's lawyer asked Skuce if she was attending the hearings because it provided *ready access to the media." He noted that, "Certainly Ms. Skuce has spoken to the media outlets, as has (Enbridge president) Mr. Carruthers and other representatives of Northern Galeway.*

Read more about the cross-examination in the press release or blog post,



ENERIDGE HEARINGS PAGE

ABOUT US

PROTECT FORESTS

OPPOSE DIRTY ENERGY

SUPPORT COMMUNITY

Enbridge Hearings

SIGN UP FOR EMAIL ALERTS

DO SOMETHING

DOMATE



The Root Word: ForestEthics Blog

From the heart: Could straight talk stop a pipeline?

NOV 28, 2012



Next was one of thousands at the Defend Our Coast rally in Victoria, British Columbia this fall

BY AMANDA FOLLETT, COMMUNICATIONS CONTRACTOR, FORESTETHICS ADVOCACY

On Monday, I watched ForestEthics Advocacy senior energy campaigner Nikki Skuce take the stand at the Embridge Northern Gateway hearings in Prince George, British Columbia.

Nikki sat alone before the Joint Review Panel—a three-member board tasked by Canada's National Energy Board to review the proposed pipeline-amidst a sea of empty seats left by the previous panel of two-dozen Government of Canada employees. Her fellow panelists Nathan Lemphers, with the Pembina Institute, and Arithony Swift, with Natural Resource Defense Council, joined the discussion by webcam.

The 24-person wall of bureaucracy that preceded Nikki said very little. When the Haisla First Nation asked about ensuring water quality, it was told to direct the questions to a subsequent panel; when it asked about grizzly bears, it was told to talk to the provincial government; when it asked about Environment Canada's response to oil spills, witnesses deferred to the National Energy Board.

That's right: Canada's federal agency responsible for protecting the environment takes its marching orders from an independent agency mandated with promoting oil and gas development Bul I digress.

It wasn't the most productive—or exciting—cross-examination t've heard, and I spent much of the morning gazing up at the gauze-draped ceiling of the College Heights Community Centre. Despite being dressed up for matrimonial celebrations, what was taking place below was anything but a happy hereafter.

When ForestEthics Advocacy's witnesses took the stand, instead of examining submitted evidence, Enbridge chose to paint Nikki-and, by extension, the organization—as a media hungry, fear-mongering brainwasher. In short, it aimed at her motives and credibility, in favor of drawing attention to the damning reports that reveal a pipeline through northern BC is a ludicrous idea.

Nikki answered Enbridge's questions simply and honestly, showing grace under fire. The testimony was a breath of fresh air in a hearing room so full of spin and stuffed shirts. Do people in northern BC fear a pipeline? Naturally, they do. Does ForestEthics Advocacy oppose the project? Indeed, it does. Are we voicing these opinions to become darlings of the media? In the words of ForestEthics' lawyer Barry Robinson before the panel:

"Certainly Ms. Skuce has spoken to the media outlets, as has (Enbridge president) Mr.

Recent

Popular

Related



#StopOilTrains Week of Action Roundup



What Do the Ferguson Movement, the Charleston Murders and Oil Trains Have in Common?



Pope Francis On the Way to Paris



Three Lessons I've Learned about Why Activists Should Meditate



The Path to Permanent Protection: Fortune Minerals Leaves Sacred Headwaters

STAY CONNECTED

Like Share 49,671 people like this. Se the first of your

LATEST TWEETS

Tweets

Follow



ForestEthics @ForestEthics 32mi With proper accounting, the #fossilfuel business doesn't look like such a moneymaker ow.ly/Q8zPJ @drvox Show Summary



BeariSit @SeariSit Chrysta activists call for

Tweet to @ForestEthics

HOT TOPICS

#BlackLivesMatter #StopOifTrains #ThereIsNoNeutral Action Recap action

report back Alberta art & activism and + activism bay area BC

BC's COast Blast Zone Bomb Trains briffish columbia Bunker Spill burnaby mountain California Californians Against Fracking canada Canadian Lawsuit

Carruthers and other representatives of Northern Gateway,"

Indeed, when the hearings wrapped up on Monday, it wasn't Nikki that pourced on the local Prince George Citizen reporter: it was Enbridge spokesperson Paul Stanway.

One thing that Enbridge couldn't pin on Nikki was the "foreign radical" tag.Canada's Natural Resources Minister Joe Oliver used to paint groups opposed to the pipeline earlier this year. That's because Nikki's motivations don't at all come from fame, greed or power.

Nikki is my neighbor in Smithers, BC, a small, northern town that would be directly affected by the Enbridge pipeline. We live on the same road, belong to the same book club, and share the same passion for northern BC's communities, fandscapes, rivers and wildlife. Heck, some days, we even share the same moose passing through our backyards.

It's people like Nikki—mother, neighbor, book club member—that Northern Gateway proponents should fear most: she's sincere, she's passionate, and she's dedicated to keeping pipelines out of northern BC.

Read four highlights from her cross examination >>

Tags: BC's coast



By Amanda Follett, Communications Contractor, ForestEthics Advocacy

Follow Amanda Follett on Twitter: @amandajfollett

More by Amanda Follett:

Northern Gateway Decision: What Did the Panelists Actually Hear?

Dear Enbridge: Economics Aren't Everything. Northern Gateway
Pipeline Would Impact Much More.

Seeing the Light: Province of British Columbia Joins Opposition to Proposed Enbridge Pipeline

caribou china clean energy future climate change Coal Crude by Tail crude oil Dogwood dot 111 Earth Day Ecosystem Based Management Entridge English Bay environmental justice **EVENTS** excleding oil trains fair trade Ferguson first nations Fortune Minerals fracking freedom train free trade FSC G7 get inspired get the shell out Gitga'at nation Governor Inslee green divas greenwash Haida Gwaii Imperial Metals Institutional Racism just for run kalamazoo river spill Kinder Morgan Klabona Keepers Lac-Mégantic lobbyists mindfulness mining blockades Mount Polley national geographic natural gas NEB Lawsuit net neutrality NO FIPA Northern Galeway no tankers NTSB obama oil by rail oil spill oil train regulations oil trains paper policy paul colangelo pcm peatlands people's climate march Philips 66 Phillips 66 pipelines Pope Frances Rachel Notley Racial Injustice Rainforest Solutions Project Ralph Nader refineries responsible economies responsible resource development richmond sacred headwaters sacred waters safe oil trains San Luis Obispo SFI sierra dlub SOS Day of Action Staff Stories Tahltan take action Tarsands Invasion Tar Sands SOS Transportation Safety Board tree geek United Nations white house Why We Do Our Work WIId salmon

...JUT US

PROTECT FORESTS

OPPOSE DIRTY ENERGY SUPPORT COMMUNITY

DO SOMETHING

Related



In Canada, PM Harper has lists of "Friends" and "Enemies." Guess Which Side We're On?

JUL 22, 2013

Great Bear Rainforest



adian Prime Minister Stephen Harper, Photo OFficia/Noi/6

BY NIKKI SKUCE, SENIOR ENERGY CAMPAIGNER, FORESTETHICS ADVOCACY

As an environmental coafition, ForestEthics has worked with Fortune 500 companies, First Nations (Canada's indigenous peoples) and other stakeholders to develop solutions toward protecting endangered forests and wild places.

We have also worked closely with governments of all levels, including Canada's federal government. An example of our government work: after a decade of markets campaigns and boardroom meetings with various stakeholders, we reached an agreement to protect British Columbia's Great Bear Rainforest-one of the last coastal temperate rainforests of its kind. This created a monumental conservation agreement.

It was then Minister of the Environment John Baird who announced in 2007 that the Federal government would match the British Columbia Liberal Government's \$30 million contribution towards a conservation trust fund for communities in the Great Bear Rainforest. The federal government's contribution was what enabled the fund. This trust fund would seed sustainable economic initiatives for local First Nations. It would also provide those communities with the capacity for planning and management of the newly protected 6.7 million acres (2.2 million hectares) of forest.

Since the day that Baird announced the Federal government's key contribution to that worldrenowned conservation agreement, Prime Minister Harper won a majority government in Canada. And since then, we have been actively trying to stop his government's agenda of expanding dirty tar sands oil at all costs. Those plans include building the Enbridge Northern Gateway pipeline that would introduce massive oil tankers for the first time ever to the majestic Great Bear Rainforest.

Once, we were collaborators with the federal government on projects like protecting the Great Bear Rainforest. Now we've been accused of working against the government.

What kind of democracy are we living in?

Despite challenging their agenda, it admittedly came as a shock to us in the Vancouver and Smithers, BC offices to hear that the Harper government had called ForestEthics "enemies of the state" back in early 2012. While some folks jumped to comparisons of the McCarthy era, my family jumped to the Argentine Dirty War where those labeled as "enemies" disappeared if

DONATE

SIGN UP FOR EMAIL ALERTS

Recent

Popular

#StopOilTrains Week of



Action Roundup



What Do the Ferguson Movement, the Charleston Murders and Oil Trains Have in Common?



Pope Francis On the Way to Paris



Three Lessons I've Learned about Why Activists Should Meditate



The Path to Permanent Protection: Fortune Minerals Leaves Sacred Headwaters

STAY CONNECTED

Like Share 49,670 people like this, Be the first of your

LATEST TWEETS

Tweets

Follow



ForestEthics @ForestEthics 41m With proper accounting, the #fossilfuel business doesn't look like such a moneymaker ow.ly/Q8zPJ @drvox Show Summary



Beari8it @Beari8it

5 Jul

Tweet to @ForestEthics

HOT TOPICS

#BlackLivesMatter #StopOilTrains

#ThereIsNoNeutral Action Recap action

report back Alberta art & activism art + activism bay area BC

BC's coast Blast Zone Bomb Trains british columbia Bunker Spill burnaby

mountain California Californians Agains Fracking canada Canadian Lawsuit they didn't succeed in seeking refuge first.

But more than anything, it made us all ask-is this Canada??? Is this the country we all know and grew up in, which is supposedly based on "peace, order and good government"?

Days later, Minister Joe Oliver posted an open letter to Canadians that proceeded to call

9 Ihose opposed to Enbridge's Northern Gateway pipeline and tanker project "radicals."

Instead of hiding, we decided to give up our charitable status—which we deeply appreciated and respected—to become ForestEthics Advocacy. We needed to do more advocacy with this adversarial government, not less.

So, last week when Harper made his minimal cabinet shuffle in an attempt at renewal from a scandal-ridden government, it was not entirely surprising that the Prime Minister's Office had asked for "enemies lists" to pass on to newly appointed cabinet ministers. If we found out that we were on that list in 2012, we can only guess that we're still there, though the list isn't public.

Harper's government has divided Caradians more than any other. He has seemingly enjoyed creating rifts. Like conservative governments in the US, the federal Canadian government operates in black and white--you're on a "friends" or "enemies" list; you're a "radical" if you oppose projects it supports; you're a "foreign-puppet" if you're an organization who accepts international funds, but in the "national interest" if you're a foreign government or company taking over our natural resources; you're shut down if you're a scientist who reveals facts contrary to its ideology; or as former Minister Vic Toews said: "you're with us or you're with the child pornographers." As opposed to any kind of collaborative approach, the federal conservative majority government is one more interested in warring with its own people.

As with all empires, Harper's too will fall. And when it does, let's elect a government that respects differences, engages in debate, and doesn't bully those who oppose its agenda. As with the Great Bear Rainforest agreement, let's collaborate and find solutions that address the environment and jobs, Let's work together toward a better, more sustainable future.

Tags: responsible economies get inspired



By Nikki Skuce, Senior Energy Campaigner, ForestEthics Advocacy

Follow Nikki Skuce on Twitter: @nikkiskuce

More by Nikki Skuce:

Call of distress: The Simushir and the threat of tankers on British Columbia's northern coast

Enbridge Northern Gateway Investor Report: The Peoples Version 2014 Enbridge Investor Report Northern Gateway

canbou china clean energy future climate change Coal Crude by Fall crude oil Dogwood dot 111 Earth Day Ecosystem Based Management Enbridge English Bay environmental justice **EVENTS** exploding oil trains fair trade Ferguson first nations Fortune Minerals fracking freedom train free trade FSC G7 get inspired get the Shell Out Gitga'at nation Governor Inslee green divas greenwash Haida Gwaii Imperial Metals Institutional Racism just for run kalamazoo river spill Kinder Morgan Klabona Keepers Lac-Mégantic lobbyists mindfulness mining blockades Mount Polley national geographic natural gas NEB Lawsuit net neutrality ho FIPA Northern Gateway no tankers NTSB obama oil by rail oil spill oil train regulations oil trains Daper policy paul colangelo pcm peatlands people's climate march Philips 66 Phillips 66 pipelines Pope Frances Rachel Notley Racial Injustice Rainforest Solutions Project Ralph Nader Tefineries responsible economies responsible resource development richmond sacred headwaters sacred waters safe oil trains San Luís Obispo SFI sierra club SOS Day of Action Staff Stories Tahltan take action Tarsands Invasion Tar Sands SOS Transportation Safety Board tree geek United Nations white house Why We Do Our Work WIId salmon

...JUT US

PROTECT FORESTS

OPPOSE DIRTY ENERGY

SUPPORT COMMUNITY

SIGN UP FOR EMAIL ALERTS

BO SOMETHING

LIKE WHAT YOU READ?

DONATE



-11

The Root Word: ForestEthics Blog

We'll Say it Again, Enbridge: We Still Don't Want Your toxic Northern Gateway Pipeline

MAY 9, 2014

Canada's Tar Sands

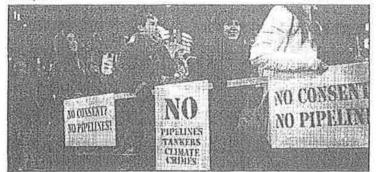


Photo credit: Flouritravisbianston

BY NIKKI SKUCE, SENIOR ENERGY CAMPAIGNER, FORESTETHICS ADVOCACY

For the past few years, British Columbians have been uniting to say 'no' to the Enbridge Northern Gateway tar sands pipeline. The Northern Gateway project could increase tar sands development in Canada by a whopping 30 per cent. Such a massive increase would devastate our climate and our communities. And, sorry oil profiteers, we won't let that happen.

In the next month or so, the Canadian federal government will announce its decision on whether or not to approve Northern Gateway. Regardless of government permits, Northern Gateway does not have the people's permission and will never be built. We're going to be busy over the next few weeks ensuring that we send a clear message that we are united and strong against this tar sands pipeline and tankers (join us May 10th at the #NoEnbridge rally in Vancouver!).

This past week, a group of us from BC took our message to Enbridge shareholders at its AGM in Calgary, Alberta.

As you can probably imagine, the Enbridge AGM was an entirely different event than a solidarity rally, like the one on May 10th. I'm not sure how many of you have gone to a corporate AGM. They're weird.

The initial part is procedural theatre. People are picked beforehand to support and carry motions. Votes for any resolutions or for a Board of Directors, hardly a democratic election.

In oil giant Enbridge's case, the formal business of the meeting is followed by CEO Al Monaco's presentation on how great the company did the previous year, and future projections for growth, Isn't it great that demand for energy is growing and supply has grown? And yes, transition and renewables are needed, but not too much. Liquid pipelines are the real moneymakers.

The presentation is followed by a Q&A period. This is the opportunity for shareholders and proxy holders to ask the CEO questions directly. This is where our delegation lined up.

The first four statements and questions were from First Nations, including Chief Na'Moks, Wet'suwet'en hereditary chief, Art Sternit, Executive Director of Coastal First Nations, Gerald Amos, former Haisla chief, and Jasmine Thomas, member of Yinka Dene Alliance. Together these folks represent land that would be affected by more than 50 per cent of the pipeline and

Sign up below to receive our latest blog posts by email

Email



Recent

Popular

Related



#StopOilTrains Week of Action Roundup



What Do the Ferguson Movement, the Charleston Murders and Oil Trains Have in Common?



Pope Francis On the Way to Paris



Three Lessons I've Learned about Why Activists Should Meditate



The Path to Permanent Protection: Fortune Minerals Leaves Sacred Headwaters

STAY CONNECTED

Like Share 49,669 people like this. Be the first of your

LATEST TWEETS

Tweets

Follow



Beari8it @Beari8it

Climate activists call for greener economy cbc.ca/news/canada/to.. #cdnpoli Stephen Harper wants a tar sands economy

Retweeted by ForestEthics

Show Summary

Tweet to @ForestEthics

HOT TOPICS

#BlackLivesMalter #StopOilTrains

tanker route. Time and time again, they've shown their resolute opposition and will to enforce their indigenous laws.

As Gerald Amos put it: "If necessary, we will be civilly obedient to the Coastal First Nations declaration barning crude oil supertankers on our coast."

Despite the powerful statements (and the fact that we have been dealing with Enbridge for 9 years – yes, almost a decade of its threat), Enbridge's CEO Al Monaco refuses to accept that no means no. He wants to "continue to dialogue." In fact we made such an impression on the CEO, that he wrote a blog wenting to keep talking. But we seem to be talking different languages.

Patricia Lange, resident of Kitimat and recently joined member of Douglas Channel Watch, a community-based group that formed in response to Enbridge's threat, spoke next about the lack of social licence as shown by the recent 'no' vote in her community about the project. Somehow CEO Al Monaco saw the 42% vote in favour of Northern Gateway in Kitimat as a great showing with people standing up to say "this can be done safely." The spin was dizzying.

I spoke next. After raising statements from the public record, where people have committed to "putting their bodies in front of bulldozers," and bringing up some of the history of direct action taken in BC's Northwest to stop bad development projects. I asked how far he was willing to go to push his project through a region and province that has firmly rejected it.

Somehow Al Monaco thinks more tech and more talk will win us over, despite admitting that Enbridge "has made mistakes in the past." Enbridge has been threatening this region since it first proposed this project in 2005. People fear the potential impacts Northern Gateway could have on our watersheds, wild salmon, cultures, economies and quality of life. People committing to do what it takes to protect our region and our way of life is a reality.

The AGM was an opportunity to let shareholders and the Board of Directors know just how risky an investment Northern Gateway is. As Chief Na'Moks told the media, "investor money will slt there and rot." Enbridge seems set on continuing to put their money down a rat hole,

With just a few weeks left before the federal government makes its decision on Northern Gateway, we need to send a strong message to Conservative Members of Parliament that the federal government must reject this toxic pipeline and tanker project.

Tomorrow, on Saturday, May 10, join us at the #NoEnbridge rally happening nationwide. Standing united, we will stop Northern Galeway.

Tags: clean energy future action report back first nations



By Nikki Skuce, Senior Energy Campaigner, ForestEthics Advocacy

Follow Nikki Skuce on Twitter: @nikklskuce

More by Nikki Skuce:

Call of distress: The Simushir and the threat of tankers on British Columbia's northern coast

Enbridge Northern Gateway Investor Report: The Peoples Version 2014 Enbridge Investor Report Northern Gateway

#ThereIsNoNeutral Action Recap action report back Alberta art & activism an + activism bay area BC BC's COast Blast Zone Bomb Trains. british columbia Bunker Spill burnaby mountain California Californians Against Fracking canada Canadian Lawsuit caribou china clean energy future climate change Coal Crude by Tail crude oil Dogwood dot 111 Earth Day Ecosystem Based Management Enbridge English Bay environmental justice **EVENTS** exploding oil trains fair trade Ferguson first nations Fortune Minerals fracking freedom train free trade FSC 67 get inspired get the shell out Gitga'at nation Governor Inslee green divas greenwash Haida Gwaii Imperial Metals Institutional Racism just for fun kalamazoo river spill Kinder Morgan Klabona Keepers Lac-Mégantic lobbyists mindfulness mining blockades Mount Polley national geographic natural gas NEB Lawsuit net neutrality NO FIPA Northern Galeway no tankers NTSB obama oil by rail oil spill oil train regulations oil trains DADET POLICY paul colangelo pon, peatlands people's climate march Philips 66 Phillips 66 pipelines Pope Frances Rachel Notley Racial Injustice Rainforest Solutions Project Ralph Nader refineries

responsible economies responsible resource development richmond sacred headwaters sacred waters safe oil trains San Luis Obispo SFI sierra club SOS

Day of Action Staff Stories Tahltan take action Tarsand's Invasion Tar Sands SOS Transportation Safety Board tree geek United Nations white house Why We Do Our Work Wild salmon

LOUIT US

PROTECT FORESTS

OPPOSE DIRTY ENERGY SUPPORT COMMUNITY

Harper Will Regret Approving the Enbridge Pipeline BC likely to play a major role in outcome of 2015 election

Tuesday Jun 17, 2014

Ben West, Tar Sands Campaign Director, ForestEthics

Advocacy: 604-710-5340

Nikki Skuce, Senior Energy Campaigner, ForestEthics

Advocacy: 778-210-0117

If spokespeople are unavailable, contact 604-803-6927 to arrange an interview.

For Immediate Release - Tuesday, June 17, 2014

VANCOUVER - The Harper government announced its long-awaited decision on Enbridge's proposed Northern Gateway pipeline today. The approval comes as no surprise to environmental groups who say the fight is far from over.

'This isn't over until tankers are filling up with Enbridge's oil on the coast, and that is never going to happen - the people of BC have spoken and are steadfast against it," said Ben West, Tar Sands Campaign Director, "Prime Minister Harper will likely regret trying to push this politically toxic project on BC in the lead up to a close election."

*The Conservative government bent over backwards to make things easy for Northern Gateway. They changed almost every piece of environmental legislation to pave the way for pipelines," said Nikki Skuce, Senior Energy Campaigner. "While Enbridge has overcome another hurdle with this federal approval, they still face a wall of opposition in BC. First Nations, BC municipalities and the BC provincial government have all rejected Northern Gateway."

ForestEthics Advocacy plans to ramp up its organizing work in key areas to make sure the Enbridge decision is a 2015 election issue that stalks Harper. They have also organized a campaign asking Premier Clark to act on her rejection of Northern Gateway (see: http://standstrongchristy.ca/).

*This pipeline will never be built. The people have said 'No' to Northern Gateway," said Skuce. "Instead of seeing shovels in the ground, we'll be seeing action in the courts, at the BC legislature, on the land and at the ballot box in 2015.4

ForestEthics Advocacy was an intervenor in the Joint Review Panel process and has launched a judicial review that specifically asks the Federal Court to repeal any Federal Cabinet, NEB or other approvals that are issued while waiting for their case to be heard. First Nations have also made it clear they plan to file lawsuits if the pipeline project is approved by the Harper Government.

*First Nations' rights are the biggest obstacle to Harper's attempt to ram this forward and thousands of people have pledged to stand with First Nations, including in direct action. We will be helping organize non-violent direct action trainings. We hope it doesn't have to come to that but we are getting organized to make sure folks will be safe if the courts fail to stop the project in time," said West

-30-



DO SOMETHING

DONATE

LEARN MORE ABOUT ENBRIDGE

The Issue BC's iconic North Coast is too valuable to be put at risk for an Enbridge spill read more,...



The Facts

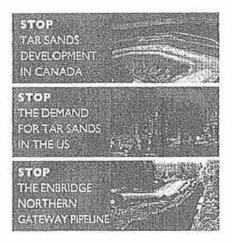
Proposed pipeline would facilitate tar sands expansion by 30%, which is Canada's fasting growing source of greenhouse gas emissions, and other facts read



The Solutions

Protect our coast and the economies that depend on them read more ...





TAB



Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6 T: 613-237-4740 F: 613-232-2680

Paul Champ pchamp@champlaw.ca

Our File: 1555

RECEIVED

February 6, 2014

BY COURIER

Shayna Stawicki, Registrar Security Intelligence Review Committee 122 Bank Street, Suite 200 Ottawa, ON K1P 5N6 Silauna Colle Just College Col

Dear Ms Stawicki:

Re: Surveillance of Canadian Citizens and Information Sharing with the National Energy Board

We are legal counsel for the British Columbia Civil Liberties Association ("BCCLA"). By this letter, our client is making a complaint pursuant to section 41 of the Canadian Security Intelligence Service Act regarding the improper and unlawful actions of the Canadian Security Intelligence Service ("CSIS" or "the Service") in gathering information about Canadian citizens and groups engaging in peaceful and lawful expressive activities, and sharing it with other government bodies and private sector actors.

As set out in greater detail below, recent media reports indicate that the National Energy Board ("NEB" or the "Board") has engaged in systematic information and intelligence gathering about organizations seeking to participate in the Board's Northern Gateway Project hearings. Records obtained under the Access to Information Act confirm that this information and intelligence gathering was undertaken with the co-operation and involvement of CSIS and other law enforcement agencies, and that CSIS participates in sharing intelligence information with the Board's security personnel, the Royal Canadian Mounted Police ("RCMP"), and private petroleum industry security firms. The records suggest that the targeted organizations are viewed as potential security risks simply because they advocate for the protection of the environment.

This complaint is directed at all CSIS employees participating in, directing or supervising the impugned activities described in more detail in the body of this letter. In brief, BCCLA has serious concerns about the scope and extent of the Service's intelligence gathering activities and its practice of monitoring groups and organizations that seek to peacefully participate in public discourse about energy-related programs such as the Northern Gateway Project. BCCLA is particularly concerned about the chilling effect that such intelligence gathering and sharing will have on participation in the Board's proceedings, as

Rights

Equality

it _____ ars to criminalize what is intended to be a forum for public expression and engagement in decision-making processes regarding projects of significant public interest. These activities violate sections 2(b), 2(c), 2(d) and 8 of the Canadian Charter of Rights and Freedoms, and are not authorized by section 12 of the CSIS Act.

Background and Specific Concerns

For the past few years, BCCLA has become increasingly alarmed by reports about the interest expressed by Canadian law enforcement and security agencies in organizations engaged in environmental advocacy. Last year, media reports documented these agencies describing such groups as "a growing radicalized environmentalist faction within Canadian society that is opposed to Canada's energy sector policies". Subsequent media reports have suggested that CSIS and other government agencies regard protests and opposition relating to the petroleum industry as threats to national security.

Most recently, the media has reported that CSIS worked with and shared information with the NEB about so-called "radicalised environmentalist" groups seeking to participate in the Board's hearings regarding the Northern Gateway Project. These groups, which include Leadnow, ForestEthics Advocacy Association, the Council of Canadians, the Dogwood Initiative, EcoSociety, and the Sierra Club of British Columbia, have well-established records of engagement and advocacy on a wide range of public issues. Also included was the relatively newer social and political movement for Indigenous rights, Idle No More. None of these groups are criminal organizations, nor do they have any history of advocating, encouraging, or participating in criminal activity.

BCCLA has reviewed the Access to Information Act records upon which these recent media reports were based, and has also been contacted by many individuals involved with these organizations. BCCLA has serious concerns about the Service's involvement and conduct in this matter. In particular, we note the following:

Documents released by the NEB indicate that CSiS provided the Board with
intelligence information beyond the open-source information its own security staff
were capable of gathering. Richard Garber, the NEB's Group Leader of Security,
wrote in a January 31, 2013 email that the Board's security team had consulted with
CSIS "at national and regional levels," noting that they would continue monitoring
all sources of information and intelligence together with police and intelligence
partners. The NEB's "threat assessments" pertaining to hearings in Kelowna and
Prince Rupert confirm that the Board consulted with "national-level intelligence

Rights

Equality

¹ Jim Bronskill, "RCMP Concerned About 'Radicalized Environmentalist' Groups Such As Greenpeace: Report," *The Canadian Press*, July 29, 2012.

² Stephen Leahy, "Canada's environmental activists seen as 'threat to national security'," The Guardian, February 14, 2013.

³ Shawn McCarthy, "CSIS, RCMP monitored activist groups before Northern Gateway hearings," *The Globe and Mail*, November 21, 2013; Krystle Alarcon and Matthew Millar, "Harper government under fire for spying on environmental groups," *The Vancouver Observer*, November 21, 2013; Matthew Millar, "Harper government officials, spies meet with energy industry in Ottawa," *The Vancouver Observer*, November 22, 2013.

⁴ Email of R. Garber re Prince Rupert security assessment, dated January 31, 2013 [A0008929_37-000037-38].

resources" including "the Canadian Security Intelligence Service, both National Headquarters and Regional offices." BCCLA finds it disturbing that CSIS would provide such high-level intelligence to an arms-length government adjudicative body such as the NEB, particularly since national and local police had no expectation of any criminal activity in connection with the Board's proceedings.

- A member of the RCMP's Critical Infrastructure Intelligence Team ("CIIT") wrote to NEB staff and at least one CSIS official, on April 19, 2013 regarding the risk of interference with the Board's hearings by groups opposed to oilsands and pipeline development. Despite acknowledging that CIIT had no intelligence indicating a criminal threat to the NEB or its members, the email advises that CIIT "will continue to monitor all aspects of the anti-petroleum industry movement" and confirms that this information is also being shared with CSIS. Again, BCCLA is troubled that CSIS and the RCMP would deem it necessary to share information and monitor the activities of groups and individuals who are not suspected of any criminality.
- The April 19, 2013 email also refers to the biannual "NRCan Classified Briefings" held by Natural Resources Canada, at which CSIS and the RCMP share information about security matters, including the monitoring of environmental organizations and activists, with the NEB and representatives of the energy industry. Indeed, the email invites the Board's representatives to discuss their concerns with security officials at the next NRCan Classified Briefing meeting. Such information sharing may compromise the ability of individuals, groups, and organizations to participate fully and effectively before the NEB, as industry representatives may be receive information that assists in advancing their position before the Board, and the Board itself may be made privy to unproven yet highly prejudicial allegations against some of the parties appearing before it.
- Finally, it appears highly likely that "intelligence" gathered by CSIS and shared with the NEB and industry representatives includes personal information about specific individuals.

Chilling Effect on Free Expression and Violations of Privacy

Freedom of expression is among the most fundamental of rights possessed by Canadians, and is guaranteed by section 2(b) of the *Canadian Charter of Rights and Freedoms*. Similarly, sections 2(c) and (d) of the *Charter* protect historically powerful modes of

Rights

Equality

⁵ National Energy Board, "Appendix 9: Enbridge Northern Gateway Project Integrated Security, Logistics and Communications Plan: Kelowna," dated January 24, 2013 [A0008929_61-000061]; National Energy Board, "Appendix 11: Enbridge Northern Gateway Project Security Plan: Prince Rupert," dated January 23, 2013 [A0008929_77-000077].

Email of T. O'Neil to R. Garber and 23 other recipients re "Security Concerns - National Energy Board," dated April 19, 2013 [A0008929_14-000014-15].

Matthew Millar, "Harper government's extensive spying on anti-oilsands groups revealed in FOIs," The Vancouver Observer, November 19, 2013; Matthew Millar, "Harper government officials, spies meet with energy industry in Ottawa," The Vancouver Observer, November 22, 2013.

co. ive expression, namely peaceful assembly and association. Protecting democratic discourse and participation in decision-making is a core rationale for these freedoms. The Supreme Court of Canada has repeatedly emphasized the paramount importance of free expression to Canadian society. As Chief Justice McLachlin stated in *Grant v Torstar Corp*, "free expression is essential to the proper functioning of democratic governance." For this reason, "freewheeling debate on matters of public interest is to be encouraged" because the truth-seeking function of public debate is dependent on the free flow of information and expression of diverse opinions.⁸

Any state action that discourages or deters individuals from engaging in free expression infringes section 2(b) of the *Charter*. Such violations are particularly egregious when they restrict expression concerning public affairs. BCCLA maintains that monitoring, surveillance, and information sharing with other government agencies and private sector interests creates a chilling effect for groups and individuals who may wish to engage in public discourse or participate in proceedings before the Board. Such scrutiny may also deter those who simply wish to meet with or join a group to learn more about a matter of public debate or otherwise exchange information or share views with others in their community. Indeed, BCCLA has already heard from several of the affected groups that members and prospective members of their organizations have expressed serious concerns and reluctance to participate in light of recent media reports of monitoring by law enforcement and security agencies.⁹

BCCLA also notes that individuals and groups have a reasonable expectation of privacy in meeting to discuss matters of public interest or planning ways of lawfully exercising their *Charter*-protected assembly and expression rights. If CSIS is involved in infiltrating these groups or is otherwise relying on confidential informants or covert intelligence gathering, then an inquiry must also be conducted into whether such activities amount to an unreasonable search in violation of section 8 of the *Charter*.

CSIS officials appear to equate advocacy for the environment at the expense of the petroleum industry as "a threat to the security of Canada". But opposing certain energy sector policies, even those viewed as key national policies to the government of the day, does not constitute subversion or a threat to national security. The evidence confirms that the groups were not suspected of any criminal activity, and were planning only to express their opinions to decision-makers and the public at large. That is a core democratic activity that should not attract the attention of CSIS. Indeed, the CSIS Act makes clear that "lawful advocacy, protest or dissent" cannot be regarded as threat to national security. Accordingly, monitoring and surveillance of these groups was not authorized by section 12 of the CSIS Act, and constituted a breach of privacy and an unreasonable search pursuant to section 8 of the Charter.

Finally, BCCLA is also concerned that the Service's ongoing collaboration and information sharing with the NEB and other interested parties may undermine the fairness of the Board's proceedings. In this regard, BCCLA is concerned that disclosing to the NEB that

⁸ Grant v Torstar Corp, 2009 SCC 61 at paras. 48 and 52.

⁹ BCCLA is prepared to provide the Committee with statements or other information from affected individuals and groups as to the impact of news reports of surveillance by law enforcement and security agencies on group membership and participation upon request or at such later stage as may be appropriate.

ce. In groups are of interest to or under investigation by CSIS may prejudice their credibility when they appear before the Board as intervening parties. As such, disclosure of intelligence information to the Board or other interested parties may compromise the right of these groups or individuals to participate in or even attend proceedings in which they have clearly expressed an interest. Moreover, CSIS is only authorized under section 12 of the CSIS Act to report intelligence or information to the Government of Canada, which would not include private sector actors or the arms-length NEB.

Conflict of Interest

Recent media reports have identified several SIRC committee members who maintain close relationships with Enbridge and the petroleum industry. Given the subject-matter of this complaint, including allegations of inappropriate or unlawful collaboration between CSIS, the National Energy Board, and petroleum industry representatives (including Enbridge and Northern Gateway in particular), these ties raise serious concerns about conflict of interest, independence, and reasonable apprehension of bias.

BCCLA was therefore pleased to learn that the Hon. Chuck Strahl had done the right thing by voluntarily stepping down as SIRC Chair after it emerged that he is also registered as a lobbyist on behalf of Enbridge's Northern Gateway Pipelines project. ¹⁰ However, BCCLA remains concerned that other SIRC committee members may have similar conflicts arising from their close ties to the petroleum industry and controversial pipeline projects. In particular, we note that SIRC member Denis Losier currently sits on the board of directors for Enbridge NB, a wholly-owned Enbridge subsidiary, while SIRC member Yves Fortier previously sat on the board of TransCanada Pipelines, the company that is now behind the proposed Keystone XL project. ¹¹

Not only do these companies have direct and significant financial interests in the outcome of NEB proceedings, but they are also squarely implicated in matters raised in this complaint. For example, the above-mentioned "NRCan Classified Briefings," at which CSIS shared intelligence information with NEB and petroleum industry representatives, were sponsored by Enbridge. ¹² In our view, the involvement in this complaint of any SIRC committee member who also works with the petroleum industry gives rise to a clear conflict of interest and reasonable apprehension of bias. In addition, participating in the investigation of this complaint could provide these individuals with information or insight which may be extremely valuable to their petroleum industry clients.

Given these serious concerns, BCCLA maintains that any Review Committee members having ties to the petroleum industry must recuse themselves from <u>any</u> participation or involvement in the investigation of this complaint, and no other member who may have similar ties to the petroleum industry should be designated to act in respect of this matter.

Rights

Equality

¹⁰ Matthew Millar, "Canada's top spy watchdog lobbying for Enbridge Northern Gateway pipeline," The Vancouver Observer, January 4, 2014.

Greg Weston, "Other spy watchdogs have ties to oil business," CBC News, January 10, 2014.
 Matthew Millar, "Harper government's extensive spying on anti-oilsands groups revealed in FOIs," The Vancouver Observer, November 19, 2013.

Co. Ision

In light of the foregoing, BCCLA asks that the Committee undertake a full investigation of the allegations described in this complaint and those CSIS members who are or may have been involved in targeting groups participating or seeking to participate in NEB hearings. You will note that this letter is copied to Michel Coulombe, Interim Director of CSIS. As such, our letter also constitutes a complaint to the Director, as required under section 41 of the CSIS Act. As we anticipate that CSIS will issue its final response within thirty days, we would ask SIRC to take the preliminary steps needed to commence its review of the within complaint by appointing a member of the Committee to investigate this matter, keeping in mind the conflict of interest and bias concerns discussed above.

In particular, we expect the investigation to address the following questions:

- Why is CSIS (and other branches of Canadian law enforcement and security apparatus) monitoring public interest, environmental and advocacy groups, in particular Leadnow, ForestEthics Advocacy Association, Council of Canadians, the Dogwood Initiative, EcoSociety, the Sierra Club of British Columbia, and Idle No More, despite an absence of any basis for believing that these groups have engaged in criminal wrongdoing?
- For how long has CSIS been involved in surveillance of these, and other, groups?
- Under what law, regulation or other authority is CSIS acting when it monitors these groups?
- Why is CSIS sharing information about public interest, environmental and advocacy groups with members of the petroleum industry?
- Under what authority is CSIS acting when sharing intelligence concerning these groups with members of the petroleum industry?
- What information has been conveyed by CSIS to members of the petroleum industry?
 (We request copies of any notes, transcripts or recordings of these communications.)

We trust you will appreciate the urgency of this matter, and look forward to hearing from you regarding next steps in the complaint process as soon as possible. We remain available to address any questions or furnish any additional information which you may require in the course of your inquiry into this matter.

Mal.

Yours truly

Paul Champ

J. Paterson, Executive Director, BCCLA

M. Coulombe, Interim Director, CSIS

Rights

Equality

TAB

2



Sandoe canadish du rensolgnement de sécurité

Paul Champ Champ & Associates Counsel, British Colombia Civil Liberties Association 43 Florence Street Ottawa, ON K2P 0W6 MAR 142014

Dear Mr. Champ:

Thank you for your letter dated February 6, 2014, in which you raise concerns, on behalf of your client, the BC Civil Liberties Association, relating to the investigation of groups and individuals associated with environmental activism.

The activities of the Canadian Security Intelligence Service (CSIS) are governed by the CSIS Act. Our mandate includes, under section 12 of the Act, investigating and advising the Government of Canada on activities that may on reasonable grounds be suspected of constituting threats to national security, defined in section 2 of the act, as: a) espionage or sabotage; b) foreign interference; c) terrorism and extremism; and d) subversion. The CSIS Act also does not constrain the provision of advice to any particular department, agency, or Minister of the Crown.

As you note, the CSIS Act expressly forbids the investigation of lawful advocacy, protest, or dissent. Such activities can only be investigated when they are carried out in conjunction with the threat-related activities cited above, again as stipulated by the Act. The Service's adherence to the Act, which is of course thoroughly reviewed annually by the Security Intelligence Review Committee (SIRC), is very well-established. In that regard I would encourage you to examine SIRC's most recent annual report and in particular its review of CSIS activities related to domestic investigations and emerging issues. In that review, SIRC found that the Service adhered to the law and internal policy, that the Service did not investigate "activities related only to legitimate protest and dissent," and that the Service was quick to terminate investigations when individuals were no longer involved in threat-related activity. The above referenced report can be found at www.sirc-csars.gc.ca.

In response to your concerns, as articulated in the four bullets outlined on pages 2 to 3 of your letter, it is difficult to respond insofar as credible specifics of any wrongdoing or improper conduct by the Service were not provided. The information and observations are largely speculative and based on third-party information. The Service can, however, assure you that that we conduct ourselves according to the law, policy, and Ministerial Direction.

RO. Box 9732 Postal Station "T" Ottawa, Ontario K1G 4G4 C.P. 9732 Succursale "T" Oitzwa (Ontario) K1G 4G4

Canadä

I understand your concerns that Canadians engaged in peaceful advocacy and protest would be targeted illegitimately by a Government agency. In fact, the employees of CSIS are devoted to protecting Canada's national security and ensuring that the very rights of privacy and free speech which you refer to are indeed protected from individuals and groups who would reject peaceful democratic processes to attain their goals.

I trust that the foregoing has been of some assistance,

Yours sincerely,

Tom Venner Assistant Director

Policy and Strategic Partnerships

TAB

3

1 of 3

AGC0590



Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6 T: 613-237-4740 F: 613-232-2680

Paul Champ pchamp@champlaw.ca

Our File: 1555

March 20, 2014

BY FACSIMILE - 613-990-5230

Sylvie E Roussel, Senior Counsel Security Intelligence Review Committee PO Box 2430, Station "D" Ottawa, ON K1P 5W5

Dear Ms Roussel:

Re: British Columbia Civil Liberties Association

Complaint re CSIS Surveillance and Information Sharing with the NEB

SIRC File No.: 1500-481

We are writing further to your letter of March 18, 2014 regarding the complaint by the British Columbia Civil Liberties Association ("BCCLA") dated February 6, 2014.

As you know, BCCLA's February 6 complaint was copied to Michel Coulombe, Interim Director of the Canadian Security Intelligence Service ("CSIS") pursuant to section 41 of the CSIS Act. We have today received a response from CSIS in this matter [see attached].

As you will see from Mr Venner's letter, CSIS has provided no substantive response to the serious concerns raised by BCCLA's complaint. Rather, CSIS simply notes its statutory obligations and the oversight provided by SIRC, but declines to respond to the specific concerns raised in BCCLA's complaint. It is particularly troubling that Mr Venner's letter gives no indication that CSIS has conducted any inquiries or review of the matters referred to in BCCLA's complaint whatsoever.

In these circumstances, it is BCCLA's position that CSIS has failed to provide any substantive response to its complaint. Accordingly, we hereby ask the Review Committee to commence its investigation of BCCLA's complaint without further delay.

Rights

Equality

Which sharing from you in the very near future regarding next steps in the complaint process, and remain available to address any questions or furnish any additional information which you may require in the course of your inquiry into this matter.

Yours truly,

ETICL.

J. Paterson, Executive Director, BCCLA

R. Mangat, BCCLA

Rights

Equality

			9
			14
	£		
9			
		m .	



Comité de surveillance des activités de renseignement de sécurité

PROTECTED PERSONAL INFORMATION

-File No.: 1500-481

March 28, 2014

BY COURIER .

Mr. Paul Champ Counsel Champ & Associates Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6

Dear Mr. Champ:

RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION –
COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY
INTELLIGENCE SERVICE ACT (CSIS Act)

I wish to acknowledge receipt of your letter dated March 20, 2014 to the Security Intelligence Review Committee (Review Committee).

On behalf of the Review Committee, I would like to provide you and your client with the opportunity to make additional representations regarding the Review Committee's jurisdiction under section 41 of the CSIS Act to investigate this complaint. The Review Committee requests your additional representations, if any, by May 9, 2014. CSIS will likewise be provided with the opportunity to make representations on the Review Committee's jurisdiction.

The Review Committee will thereafter determine whether it has jurisdiction with regard to your client's complaint and, if it does, will proceed with an investigation. Once the Review Committee has determined its jurisdiction with respect to the complaint, you will be contacted with more information.

0339/14

P.O. Box / C.P. 2430, Station / Succursale "D" Ottawa, Canada K1P 5W5 Tel: 613 990-8441 Fax: 613 990-5230

PROTECTED -PERSONAL INFORMATION

For more information about the complaints process, please visit our website at www.sirc-csars.gc.ca or you may contact the Review Committee's Registrar, Ms. Nathalie Thériault, at (613) 990-6319.

Yours sincerely,

Sylvie E. Roussel Senior Counsel

Security Intelligence Review Committee



Comité de surveillance des activités de renseignement de sécurité

Notwithstanding any security markings appearing on this record, the information properties have a section of PROTECTED / TEXNOTIAL INFORMATION

File No.: 1500-481

March 28, 2014

Canadian Security Intelligence Service 1941 Ogilvie Road Ottawa, Ontario K1J 1B7

Dear

RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION (BCCLA) –
COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY
INTELLIGENCE SERVICE ACT (CSIS Act)

I wish to inform you that on March 20, 2014 the Security Intelligence Review Committee (Review Committee) received a letter of complaint against CSIS from Mr. Paul Champ, on behalf of his client BCCLA, a copy of which is enclosed. We have also included for your information a copy of a letter dated February 6, 2014 to the Review Committee which was also sent to the Director of CSIS as well as CSIS's response dated March 14, 2014.

On behalf of the Chair of the Review Committee, the Honourable Deborah Grey, P.C., O.C., I would appreciate your assistance by providing us with the opportunity to meet with your officials to review all information, records, references, etc., CSIS has relating to the National Energy Board's hearings regarding the Northern Gateway Project, Enbridge, Northern Gateway, Leadnow, ForestEthics Advocacy Association, the Council of Canadians, the Dogwood Initiative, EcoSociety, the Sierra Club of British Columbia, and Idle No More.

In addition, I would like to provide CSIS with the opportunity to make any representations regarding the Review Committee's jurisdiction to investigate the complaint of BCCLA. We ask that you kindly provide any representations on the foregoing issue by May 9, 2014. If you require additional time to make representations regarding the Review Committee's jurisdiction, I would ask that you kindly inform me as soon as possible. The Complainant is likewise being given the opportunity to make representations on the Review Committee's jurisdiction.

P.O. Box / C.P. 2430, Station / Succursale *D* Ottawa, Canada K1P 5W5 Tel: 613 990-8441 Fax: 613 990-5230 MANIN

CONFIDENTIAL

Should you have any questions, please do not hesitate to contact me at (613) 990-8445.

Yours sincerely,

Sylvie E. Roussel Senior Counsel

Encl.: (3)

- Letter of complaint to the Review Committee dated February 6, 2014
- Letter to the Review Committee dated March 20, 2014
 Letter from the Assistant Director, Policy and Strategic Partnerships dated March 14, 2014 to the Complainant

		4
	41	
	2	
*		
		N.
		a a
		25

5

AGC0592



Comité de surveillance des activités de renseignement de sécurité

PROTECTED B

File No.: 1500-481

June 2, 2014

BY COURIER

Mr. Paul Champ Counsel Champ & Associates Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6

Dear Mr. Champ:

RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION (BCCLA) –
COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY
INTELLIGENCE SERVICE ACT (CSIS Act)

Further to the letter from Ms. Sylvie E. Roussel, Senior Counsel for the Security Intelligence Review Committee (Committee), dated March 28, 2014, I wish to advise you, on behalf of the Committee and in accordance with section 11 of the Committee's Rules of Procedure, that the Committee determined on May 27, 2014 that it does have the jurisdiction to investigate your client's complaint under section 41 of the CSIS Act. Once a member of the Committee has been assigned to the file, you will be notified.

You will be contacted by the Committee's Registrar to schedule a prehearing conference to set the terms of reference for the investigation of your client's complaint.

In accordance with subsection 48(2) of the CSIS Act, your client has the opportunity to make representations to the Committee either in writing or personally at a hearing.

The Access to Information Act (ATI) provides citizens with the right to access information held by government institutions. Your client may wish to make an Access to Information request to CSIS to prepare for a hearing of this matter. For more information on making such a request, you may wish to consult the following website:

P.O. Box / C.P. 2430, Station / Succursale "D" Ottawa, Canada K1P 5W5 Tel: 613 990-8441 Fax: 613 990-5230 0585/14

Security Intelligence Review Committee



Comité de surveillance des activités de renseignement de sécurité

PROTECTED B

File No.: 1500-481

June 2, 2014

BY HAND

Ms. Stéphanie Dion Counsel National Security Litigation & Advisory Group Department of Justice Canada PO Box 8127, Station T Ottawa, ON K1G 3H6

Dear Ms. Dion:

RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION (BCCLA) COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY
INTELLIGENCE SERVICE ACT (CSIS Act)

Further to the letter from Ms. Sylvie E. Roussel, Senior Counsel for the Security Intelligence Review Committee (Committee), dated March 28, 2014, to Director General, External Review and Liaison, I wish to advise you, on behalf of the Committee and in accordance with section 11 of the Committee's Rules of Procedure, that the Committee determined on May 27, 2014 that it does have the jurisdiction to investigate BCCLA's complaint under section 41 of the CSIS Act. Once a member of the Committee has been assigned to the file, you will be notified.

You will be contacted by the Committee's Registrar to schedule a pre-hearing conference to set the terms of reference for the investigation of BCCLA's complaint.

Should you have any questions regarding the foregoing, please do not hesitate to contact Ms. Sylvie E. Roussel, at (613) 990-8445.

Yours sincerely,

Michael Doucet

Executive Director

c.c.: ER&L

P.O. Box / C.P. 2430, Station / Succursale *D* Ottawa, Canada K1P 5W5
Tel: 613 990-8441 Fax: 613 990-5230

(586/14

	*	
72		
5		



Security Intelligence Review Committee



Comité de surveillance des activités de renseignement de sécurité

PROTECTED B

File No.: 1500-481

September 8, 2014

BY HAND

Ms. Stéphanie Dion Counsel National Security Litigation & Advisory Group Department of Justice Canada PO Box 8127, Station T Ottawa, ON K1G 3H6

Dear Ms. Dion:

RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION (BCCLA) COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY
INTELLIGENCE SERVICE ACT (CSIS Act)

I wish to inform you that the above-noted matter has been re-assigned to the Honourable Yves Fortier, P.C., C.C., O.Q., Q.C..

I will contact you shortly regarding the next steps.

Should you have any questions with respect to the foregoing, please do not hesitate to contact me at (613) 990-6319.

Yours sincerely,

Nathalie Thériault

appali Therial o

Registrar

c.c.: ER&L

(outline)



Security Intelligence Review Committee



Comité de surveillance des activités de renseignement de sécurité

PROTECTED B

File No.: 1500-481

September 8, 2014

BY COURIER

Mr. Paul Champ Counsel Champ & Associates Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6

Dear Counsel:

RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION –
COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY
INTELLIGENCE SERVICE ACT

I wish to inform you that the above-noted matter has been assigned to the Honourable Yves Fortier, P.C., C.C., O.Q., Q.C..

I will contact you shortly regarding the next steps.

Should you have any questions with respect to the foregoing, please do not hesitate to contact me at (613) 990-6319.

Yours sincerely,

Nathalie Thériault

Registrar

P.O. Box / C.P. 2430. Station / Succursale "D" Ottawa, Canada K1P 5W5 Tel: 613 990-8441 Fax: 613 990-5230 1046/14

Marie Hurale

		a		
		ä		
11.51				
*				
			ž.	
	¥	, *		
	- D			
	X			



Department of Justice Canada Ministère de la Justice Canada

Mationa, Security Utigation & Advisory Group PO 36x 8127, Station T Ottowa, Ontario K1G 8H5 Groupe litiges of consel's en sociational and conseller of the conseller of Ottawa (Crossia) k1G 3H5

PROTECTED

September 22, 2014

BY HAND

Ms. Sylvie Roussel
Senior Counsel
Security Intelligence Review Committee
Jackson Building
122 Bank Street, 4th Floor
Ottawa, Ontario
K1P 5N6

Dear Ms. Roussel:

Re: BCCLA - Complaint against CSIS Pursuant to Section 41 of the CSIS Act-Your File 1500-481 Representations by CSIS prior to SIRC Determining Jurisdiction

Please submit this correspondence to the Honourable Yves Fortier who was recently assigned to the above-mentioned complaint.

The Service requests that a management conference be held specifically for the purpose of identifying the issues that will be investigated as part of this complaint. The complaint set out in the February 6, 2014 correspondence to the Security Intelligence Review Committee (the Committee) asks that the Committee investigate overly broad questions that, in many instances, do not relate to "any net or thing done by the Service" as provided by Section 41 of the CSIS Act.

While the Service appreciates and acknowledges the role that organizations like the BCCLA play with respect to civil liberties issues, the Service submits that the BCCLA's complaint must be better defined and articulated into a complaint of a discrete act or thing done by the Service that the Committee is capable of investigating. The Committee must be cautious in allowing a complainant to initiate, by way of a complaint, a review of the Service's investigations regarding domestic threats and information sharing with Canadian government agencies without specific information to support the allegations. The Committee ought not to allow itself to become a proxy of the ECCLA in a matter which falls within the ambit of a review and not a complaint.

Based on the Complainant's letter and the scope of section 41 of the CSIS Act. the Service proposes that the following issues be investigated as part of this complaint:

Canada

2 of 3

AGC0594

- () Did the Service investigate groups or individuals for their engagement in law of advocacy, protest or dissent activities in relation to the Northern Gateway Pipeline Project?
- 2) If yes, was the investigation lawful?
- 3) Did the Service provide information relating to individuals or groups involved in lawful advocacy, protest or dissent in relation to the Northern Gateway Pipeline Project with the National Energy Board or non-government members of the petroleum industry?
- 4) If yes, was it lawful to provide this information?

It should be noted that the Committee has conducted several reviews and audits on the topic of "lawful advocacy, protest or dissent". The latest period reviewed by the Committee ended December 31, 2011. Upon completion of this latest review, the Committee found that "activities related only to legitimate protest and dissent were not investigated". As such, the Service proposes to focus its document collection to documents dated after December 31, 2011.

In order for the Service to meet its disclosure obligations, it is paramount that these issues be clearly identified at the onset. Until such time that the issues to be examined in the course of this complaint are clearly identified by the Committee, the Service will be initiating its document collection based on the 4 issues identified above for documents dated after December 31, 2011.

Should you require further information, please contact the undersigned at (613) 842-1356.

Sincerely.

Stephanic Dion

Counsel

e.c. ER&L

14/51000-677

e c. Paul Champ

3 of 3

Since 2000, the topic of flat ful advacacy, provide or dissent lines been discussed in 6 SIRC named repairs (1995-2000, 2007-2002, 2006-2007, 2008-2009, 2012-2013).

SIRC 2012-2013 Annual Report, Dissigned the Gen. p.34.



Comité de surveillance des activités de renseignement de sécurité

PROTECTED B

File No.: 1500-481

October 8, 2014

BY COURIER

Mr. Paul Champ Counsel Champ & Associates Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6

Dear Counsel:

RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION –
COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY
INTELLIGENCE SERVICE ACT

I write further to your letter dated September 25, 2014. The member of the Security Intelligence Review Committee (Committee) assigned to preside the investigation of your client's complaint, the Hon. Yves Fortier, P.C.,C.C.,O.Q.,Q.C., has instructed me to inform you of the following:

As the presiding member investigating your complaint, I am seized of the matters you raise in your letter dated September 25, 2014 and as such I am responding to you in that capacity.

On the issue of the potential conflict of interest allegations, the proper course of action to deal with such matters is for a party to formally raise the matter with the presiding member through a motion asking that the member recuse himself from the file and that a ruling on the matter be made thereafter considering the relevant jurisprudence on the issue.

I note that you have raised the conflict of interest issue in your letter dated September 25, 2014. I would ask that you confirm whether you intend to bring a formal motion with supporting documentation and argument or whether I shall proceed on the basis of your letter dated September 25, 2014. If you wish to bring a formal motion, I ask that you submit your motion materials, supporting argument and case law by October 28, 2014 in order to prevent

P.O. Box / C.P. 2430, Station / Succursale "D" Ottawa, Canada K1P 5W5 Tel: 613 990-8441 Fax: 613 990-5230 1190/14

PROTECTED B

delays in this investigation. Your motion materials will be shared with the Canadian Security Intelligence Service who, as respondent, will be afforded an opportunity to make submissions on the motion. For the time being I remain the presiding member in this investigation.

Should you have any questions with respect to the foregoing, please do not hesitate to contact me at (613) 990-6319.

Yours sincerely,

Nathalie Thériault

Machali Therial

Registrar

c.c.: Ms. Stéphanie Dion, National Security Litigation & Advisory Group

		5	
		$\overline{\eta}$	



Security Intelligence Review Committee



Comité de surveillance des activités de renseignement de sécurité

PROTECTED B

File No.: 1500-481

November 25, 2014

BY COURIER

Mr. Paul Champ Counsel Champ & Associates Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6

Dear Counsel:

RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION –
COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY
INTELLIGENCE SERVICE ACT

I write further to your letter dated October 28, 2014. The member of the Security Intelligence Review Committee (Committee) assigned to preside over the investigation of your client's complaint, the Hon. Yves Fortier, P.C., C.C., O.Q., Q.C., has instructed me to inform you of the following:

It is a matter of public record that Mr. Fortier was a non-executive member of the TransCanada Board of Directors from April 1992 to July 1998. Since he resigned from the Board in July 1998, Mr. Fortier has never occupied any position with TransCanada. Mr. Fortier has never occupied any position with Enbridge.

Should you have any questions with respect to the foregoing, please do not hesitate to contact me at (613) 990-6319.

Yours sincerely,

Nathalie Thériault

Registrar

c.c.: Ms. Stéphanie Dion, National Security Litigation & Advisory Group

P.O. Box / C.P. 2430, Station / Succursale "D" Ottawa, Canada K1P 5W5 Tel: 613 990-8441 Fax: 613 990-5230

2 of 2

4

Department of Justice Canada

National Security Litigation & Advisory Group PO Box 8127, Station T Ottawa, Ontario K1G 3H6 Ministère de la Justice Canada

Groupe litiges et conseils en sécurité nationale CP 8127, Succursale T Ottawa (Ontario) K1G 3H6 PROTECTED

0570/iS

St. Council 2015-04- A

April 7, 2015

BY MAIL

Ms. Sylvie Roussel
Senior Counsel
Security Intelligence Review Committee
Jackson Building
122 Bank Street, 4th Floor
Ottawa, Ontario
K1P 5N6

Dear Ms. Roussel:

Re: BCCLA - Complaint against CSIS Pursuant to Section 41 of the CSIS Act

Your File 1500-481

Please submit this correspondence to the Honorable Yves Fortier.

Following SIRC's inquiry on our availability for a pre-hearing conference to be held in May we would like to bring to your attention a correspondence dated September 22, 2014 for which the Service has not yet received a response.

On September 22, 2014, the Service requested that a management conference be held specifically for the purpose of identifying the issues that will be investigated in the context of this complaint.

As mentioned in our letter of September 22, 2014, the Service suggested that the issues to be investigated as part of this complaint be limited to the following:

- 1) Did the Service investigate groups or individuals for their engagement in lawful advocacy, protest or dissent activities in relation to the Northern Gateway Pipeline Project?
- 2) If yes, was the investigation lawful?
- 3) Did the Service provide information relating to individuals or groups involved in lawful advocacy, protest or dissent in relation to the Northern Gateway Pipeline Project with the National Energy Board or non-government members of the petroleum industry?
- 4) If yes, was it lawful to provide this information?

Canad'ä

The Service also suggested focusing its document collection to documents dated after December 31, 2011.

The Service has not yet received a response from SIRC with respect to issues suggested above. As such, the Service remains in a difficult position to conduct its document collection and to identify witnesses and the evidence that will be filed. It is paramount that the issues be clearly identified prior to proceeding to a pre-hearing conference where witnesses, scheduling and evidence will be discussed. The Service is not in a position to assess the witnesses that will be appearing before SIRC, the evidence that will be filed and the projected duration of the hearing prior to the scope of the complaint being clarified. We are of the view that it would be beneficial if discussions between the parties and SIRC could be held prior to the pre-hearing conference so that the issues could be agreed upon.

Furthermore, the Service has been made aware through media reports of further allegations made by the complainant. The Service has not yet received correspondence from the complainant on these new allegations. The Service, as a party to these proceedings, must be informed of the allegations made against it as a matter of procedural fairness and in order to proceed with the document collection and respond to the allegations that are being made. We request that the Service be provided a copy of this latest correspondence either from the complainant or the Committee.

Should you require further information, please contact the undersigned at (613) 842-1356.

Sincerely,

Stéphanie Dion

ld/51000-677

Encl.

c.c. Paul Champ;

ER&L

3 of 3 AGC0597

	2			
	51			
*				
			K ²	
SE S		X		

Champ & Associates

Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6

1505-48116L

T: 613-237-4740 F: 613-232-2680

www.champlaw.ca

49881203 OboZ/15 PROPERTY TO

DATE 2015-04

Paul Champ pchamp@champlaw.ca

Our File: 1555

April 9, 2015

BY COURIER

Sylvie Roussel, Senior Counsel Security Intelligence Review Committee 122 Bank Street, 4th Floor Ottawa, ON K1P 5N6 Stéphanie Dion National Security Litigation & Advisory Group Department of Justice Canada PO Box 8127, Station T Ottawa, ON K1G 3H6

Dear Ms Roussel:

Re:

British Columbia Civil Liberties Association ("BCCLA")

Complaint re CSIS Surveillance and Information Sharing with the NEB

SIRC File No.: 1500-481

We are in receipt of and write in response to Ms Dion's letter dated April 7, 2015.

As noted in our earlier correspondence, BCCLA is prepared to proceed with its complaint before Mr Fortier, and welcomes any opportunity to participate in preliminary steps which may assist in moving the Review Committee's inquiry into this important matter forward in a timely and expeditious fashion.

We do not necessarily grasp the distinction that Ms Dion attempts to draw between a "management conference" and a "pre-hearing conference". It would seem to us that the issues raised by Ms Dion are the kind of matters that can and would be discussed in a pre-hearing conference call. With respect to the specific issues raised by CSIS, we generally agree with the broad issues defined by Ms Dion, with the following revisions:

- 1) Did the Service investigate groups or individuals for their engagement in lawful, advocacy, protest or dissent activities in relation to the Northern Gateway Pipeline Project?
- 2) If yes, was the investigation lawful?
- 3) Did the Service provide information relating to individuals or groups involved in lawful, protest or dissent in relation <u>opposed</u> to the Northern Gateway Pipeline Project with the National Energy Board or non-government members of the petroleum industry?
- 4) If yes, was it lawful to provide this information?

Rights

Equality

Dignity

It is our view that Questions 1 and 3 pre-supposed answers that would make Questions 2 and 4 redundant. Our concern is that CSIS is choosing to frame the issues in a way that would allow CSIS to screen or filter out documents or information that are encompassed by the complaint. It is the BCCLA's position that the first step should be to identify any CSIS investigations of individuals or groups that are opposed to the Northern Gateway Project. Once the nature and scope of those investigations are determined, the parties can argue, and the Committee can determine, whether the activities of those groups or individuals were or were not "lawful advocacy, protest or dissent" within the meaning of s. 12 of the CSIS Act. (The BCCLA also argues in its complaint that the investigations infringed Charter rights, which would be included in whether or not CSIS' investigations or information sharing was "lawful".)

The BCCLA also submits that the cut off for document collection should be December 31, 2009, rather than 2011. The National Energy Board announced its terms of reference in December 2009, so that seems to be an appropriate date for a "cut off". We also note that Ms Dion's letter dated September 22, 2014, suggests that the Service would be "initiating its document collection" based on the issues and cut-off date identified. However, her letter dated April 7, 2015, implies that the collection has not yet commenced. That would be highly regrettable and we would urge the Service to collect the relevant information on this complaint immediately, particularly given that this complaint was filed over a year ago.

The BCCLA reiterates its desire to have SIRC deal with this complaint in a timely and expeditious fashion. To this end, we are available to participate in any preliminary conferences which SIRC may deem appropriate in the circumstances of this case, and look forward to hearing from the Review Committee in this regard. With respect to our most recent correspondence, and again in the interest of moving this matter forward in a timely and expeditious fashion, please find enclosed for both SIRC and CSIS copies of our March 25, 2015 letter to the Registrar of the Review Committee.

Please do not hesitate to contact the undersigned should you have any further questions in this matter.

Yours truly

and .

Letter of March 25, 2015, with enclosures

-

J. Paterson, Executive Director, BCCLA

Rights

Equality

Dignity



Department of Justice Canada

National Security Litigation & Advisory Group PO Box 8127, Station T Ottawa, Ontario K1G 3H6 Ministère de la Justice Canada

Groupe litiges et conseils en sécurité nationale CP 8127, Succursale T Ottawa (Ontario) K1G 3H6

> 49815 885 0652/15

PROTECTED

REFERRED TO DATE DATE

Sr. Cancel 2015-044

Regiotran

April 15, 2015

BY MAIL

Ms. Sylvie Roussel
Senior Counsel
Security Intelligence Review Committee
Jackson Building
122 Bank Street, 4th Floor
Ottawa, Ontario
K1P 5N6

Dear Ms. Roussel:

Re:

BCCLA - Complaint against CSIS Pursuant to Section 41 of the CSIS Act

Your File 1500-481

We acknowledge receipt and are writing in response to Mr. Champ's letter of April 9, 2015.

We agree with the issues as re-formulated by Mr. Champ. We have made one other minor change which is outlined below. As such, we understand that the issues to be examined as part of this complaint will be the following:

- Did the Service investigate groups or individuals for their activities in relation to the Northern Gateway Pipeline Project?
- 2) If yes, was the investigation lawful?
- 3) Did the Service provide information relating to individuals or groups opposed to the Northern Gateway Pipeline Project to the National Energy Board or non-government members of the petroleum industry?
- 4) If yes, was it lawful to provide this information?

Canada

we do not find questions 2 and 4 to be redundant considering section 2 of the CSIS Act which provides that "threats to the security of Canada" does not include lawful advocacy, protest or dissent <u>unless</u> carried in conjunction with any of the activities described as constituting "threats to the security of Canada".

We also agree that document collection shall include information dated December 31, 2009 and later.

We would appreciate receiving SIRC's approval of the proposed scope and time-period that will be examined as part of the complaint.

Should you require further information, please contact the undersigned at (613) 842-1356.

Sincerely,

Stéphanie Dion

mew/ 51000-677

c.c. Paul Champ;

ER&L

				8		
	Die .					
3						
			25			
21						
	25					
		22				
					•	

TAB

13

Security Intelligence Review Committee



Comité de surveillance des activités de renseignement de sécurité

PROTECTED B

File No.: 1500-481

May 15, 2015

BY COURIER

Mr. Paul Champ Counsel Champ & Associates Equity Chambers 43 Florence Street Ottawa, ON K2P 0W6

Ms. Stéphanie Dion Counsel National Security Litigation & Advisory Group Department of Justice Canada PO Box 8127, Station T Ottawa, ON K1G 3H6

Dear Counsel:

RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION –
COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY

INTELLIGENCE SERVICE ACT

I am writing on behalf of the Presiding member, the Hon. Yves Fortier, P.C., C.C., O.Q., Q.C. The Presiding member has considered the letter of complaint dated February 6, 2014 and the correspondence dated September 22, 2014, March 25, 2015, and April 7, 9 and 15, 2015. With respect to the proposed issues to be examined as part of the complaint as set out by Ms. Dion in her letter dated April 15, 2015, the Presiding member has raised the following questions which the parties are invited to consider and address during the pre-hearing conference to be conducted on May 20, 2015:

- 1) Given the wording of section 12 of the CSIS Act which provides that the Service "shall collect, by investigation or otherwise" and the allegations in the letter of complaint to the effect that the Service is "gathering information" and "monitoring and surveillance", what meaning shall be attributed to the words "investigate" and "investigation" in the April 15th letter?
- 2) Whether the "groups or individuals" referred to in questions 1 and 3 of the April 15th letter are those set out on pages 2 and 6 of the letter of complaint?

P.O. Box / C.P. 2430, Station / Succursale *D* Ottawa, Canada K1P 5W5 Tel: 613 990-8441 Fax: 613 990-5230

0896/15

- 3) Whether the expression "non-government members of the petroleum industry" is limited to the private-sector industry?
- 4) While the issues to be examined in the April 15th letter only refer to the Northern Gateway Project, the March 25th letter refers to "protests concerning the petroleum industry, including the Northern Gateway Project" and the attachment to the letter refers to hydraulic fracturing protests in New Brunswick. What is the intended purpose of the references to the protests in New Brunswick?

Should you have any questions with respect to the foregoing, please do not hesitate to contact me at (613) 990-6319.

Yours sincerely,

Shayna Stawicki Registrar

ii			
	·		
*			
	*		
2			V II 21
			ä
		ù	
*			
or and a second			

R-3

PROTECTED B

File No. 1500-481

SECURITY INTELLIGENCE REVIEW COMMITTEE

IN THE MATTER of a complaint filed pursuant to section 41 of the Canadian Security Intelligence Service Act, RSC 1985; c C-23

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complainant

-and-

CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

BOOK OF AUTHORITIES

William F. Pentney, Q.C. Deputy Attorney General of Canada

Per: Stephanic Dion
Department of Justice
National Security Litigation
& Advisory Group
P.O. Box 8127, Station T
Ottawa, Ontario
K1G 3H6

Tel: 613-842-1356 Fax: 613-842-1345 General line: 613-231-0027

Solicitor for the Respondent

3535/16 Copy lof S

BOOK OF AUTHORITIES

RESPONDENT'S SUBMISSIONS

INDEX

Legislation

- 1 Canadian Security Intelligence Service Act, RSC 1985, c C-23
- 2 Canadian Security Intelligence Service Act Deputy Heads of the Public Service of Canada Order, SI/93-81

Case Law

- 3 Canadian Broadcasting Corporation v Attorney General of Ontario, 2015 ONSC 3131
- 4 F.H. v McDougall, [2008] 3 SCR 41
- 5 Lavigne v Canada (Office of the Commissioner of Official Languages), [2002] 2 SCR 773
- 6 Moysa v Alberta (Labour Relations Board), [1989] 1 SCR 1572
- 7 R v Khawaja, 2012 SCC 69
- 8 RWDSU v Dolphin Delivery Ltd., [1986] 2 SCR 573

Other Documents

9 CSIS Bill C-9 Minister's "Black Book", s. 48

2 of 2 AGC0601

TAB



CANADA

CONSOLIDATION

CODIFICATION

Canadian Security Intelligence Service Act

Loi sur le Service canadien du renseignement de sécurité

R.S.C., 1985, c. C-23

L.R.C. (1985), ch. C-23

Current to September 27, 2016

Last amended on June 18, 2015

À jour au 27 septembre 2016

Dernière modification le 18 juin 2015

Published by the Minister of Justice at the following address: http://laws-lois.justice.gc.ca Publié par le ministre de la Justice à l'adresse suivante : http://lois-laws.justice.gc.ca

OFFICIAL STATUS OF CONSOLIDATIONS

Subsections 31(1) and (2) of the Legislation Revision and Consolidation Act, in force on June 1, 2009, provide as follows:

Published consolidation is evidence

31 (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

Inconsistencies in Acts

(2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the *Publication of Statutes Act*, the original statute or amendment prevails to the extent of the inconsistency.

NOTE

This consolidation is current to September 27, 2016. The last amendments came into force on June 18, 2015. Any amendments that were not in force as of September 27, 2016 are set out at the end of this document under the heading "Amendments Not in Force".

CARACTÈRE OFFICIEL DES CODIFICATIONS

Les paragraphes 31(1) et (2) de la Loi sur la révision et la codification des textes législatifs, en vigueur le 1er juin 2009, prévoient ce qui suit:

Codifications comme élément de preuve

31 (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Incompatibilité - lois

(2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la Loi sur la publication des lois l'emportent sur les dispositions incompatibles de la loi codifiée publiée par le ministre en vertu de la présente loi.

NOTE

Cette codification est à jour au 27 septembre 2016. Les dernières modifications sont entrées en vigueur le 18 juin 2015. Toutes modifications qui n'étaient pas en vigueur au 27 septembre 2016 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

TABLE OF PROVISIONS

An Act to establish the Canadian Security Intelligence Service

Short Title

1 Short title

Interpretation

2 Definitions

PART I

Canadian Security Intelligence Service

Establishment of Service

3 Establishment of Service

Director

- 4 Appointment
- 5 Salary and expenses

Management of Service

- 6 Role of Director
- 7 Consultation with Deputy Minister
- 8 Powers and functions of Director
- 9 Process for resolution of disputes of support staff
- 10 Oaths
- 11 Certificate

Duties and Functions of Service

- 12 Collection, analysis and retention
- 12.1 Measures to reduce threats to the security of Canada
- 12.2 Prohibited conduct
- 13 Security assessments
- 14 Advice to Ministers
- 15 Investigations
- 16 Collection of information concerning foreign states and persons
- 17 Cooperation
- 18 Offence to disclose identity

TABLE ANALYTIQUE

Loi constituant le Service canadien du renseignement de sécurité

Titre abrégé

Titre abrégé

Définitions

2 Définitions

PARTIE I

Service canadien du renseignement de sécurité

Constitution

- 3 Constitution
 - Directeur
- 4 Nomination
- 5 Traitement et frais

Gestion

- 6 Rôle du directeur
- 7 Consultation du sous-ministre
- 8 Attributions du directeur
- 9 Mode de règlement des différends : personnel de soutien
- 10 Serments
- 11 Certificat

Fonctions du Service

- 12 Informations et renseignements
- 12.1 Mesures pour réduire les menaces envers la sécurité du Canada

12.2 Interdictions

- 13 Évaluations de sécurite
- 14 Conseils aux ministres
- 15 Enquêtes
- 16 Assistance
- 17 Coopération
- 18 Infraction communication de l'identité

Current to September 27, 2016 Last amended on June 18, 2015 À jour au 27 septembre 2016 Dernière modification le 18 juin 2015

Canadian Security Intelligence Service TABLE OF PROVISIONS			Service canadien du renseignement de sécurité TABLE ANALYTIQUE	
18.1	Purpose of section — human sources	18.1	Objet de l'article – sources humaines	
19	Authorized disclosure of information	19	Autorisation de communication	
20	Protection of employees	20	Protection des employés	
	PART II		PARTIE II	
	Judicial Control		Contrôle judiciaire	
21	Application for warrant	21	Demande de mandat	
21.1	Application for warrant — measures to reduce threats to the security of Canada	21.1	Demande de mandat — mesures pour réduire les menaces envers la sécurité du Canada	
22	Renewal of warrant	22	Renouvellement	
22.1	Renewal of warrant — measures to reduce threats to the security of Canada	22.1	Renouvellement — mesures pour réduire les menaces envers la sécurité du Canada	
22.2	_imits on execution of warrant	22.2	Limite imposée au destinataire du mandat	
22.3	Assistance order	22.3	Ordonnance d'assistance	
23	Warrant authorizing removal	23	Mandat d'enlèvement de certains objets	
24	Narrant to have effect notwithstanding other laws	24	Primauté des mandats	
24.1	Authorization to request assistance	24.1	Demande d'assistance	
25	Crown Liability and Proceedings Act not to apply	25	Non-application de la Loi sur là responsabilité civile de l'État et le contentieux administratif	
26	Exclusion of Part VI of Criminal Code	26	Non-application de la partie VI du Code criminel	
27	l-learing of applications	27	Audition des demandes	
28	Regulations	28	Règlements	
	PARTIII		PARTIE III	
	Review		Surveillance	
	Interpretation		Définition	
29	Definition of deputy head	29	Définition de administrateur général	
	Security Intelligence Review Committee	9	Comité de surveillance des activités de renseignement de sécurité	
34	Security Intelligence Review Committee	34	Constitution du comité de surveillance	
35	Chairman of the Review Committee	35	Premier dirigeant	
36	Staff of Review Committee	36	Personnel du comité de surveillance	
37	Compliance with security requirements	37	Conditions de sécurité	
38	Functions of Review Committee	38	Fonctions du comité de surveillance	
39	Committee procedures	39	Procédure	
40	Review	40	Recherches	
	Complaints		Plaintes	
41	Complaints	41	Plaintes	
42	Denial of security clearance	42	Refus d'une habilitation de sécurité	
43	Member of the Committee authorized to act alone	43	Délégation de compétence	

Current to September 27, 2015 Last amended on June 18, 2015 Å jour au 27 septembre 2016 Demiere modification to 19 juin 2015

	lan Security Intelligence Service OF PROVISIONS		o canadien du renseignament de sécurite ANALYTIQUE
44	Complaints submitted on behalf of complainants	44	Représentants
45	Written complaint	45	Plaintes écrites
46	Statement and notice of hearing to be sent to the complainant	46	Résumé au plaignant
	Investigations		Enquêtes
47	Notice of intention to investigate	47	Avis d'enquête
48	Investigations in private	48	Secret
49	Canadian Human Rights Commission may comment	49	Commentaires de la Commission canadienne des droits de la personne
50	Powers of Review Committee	50	Pouvoirs du comité de surveillance
51	Evidence in other proceedings	51	Inadmissibilité de la preuve dans d'autres procédures
52	Report of findings	52	Rapport et recommandation
	Reports		Rapports
53	Annual reports	53	Rapport annuel
54	Minister's briefings	54	Questions portées à l'attention du ministre
.55	Protection of confidential information	55	Protection des renseignements confidentiels
	PART IV		PARTIE IV
	Review by Parliament		Examen parlementaire
56	Review of Act after five years	56	Examen de la loi après cinq ans

ANNEXE

SCHEDULE



R.S.C., 1985, c. C-23

L.R.C., 1985, ch. C-23

An Act to establish the Canadian Security Intelligence Service

Short Title

Short title

1 This Act may be cited as the Canadian Security Intelligence Service Act.

1984, c. 21, s. 1.

Interpretation

Definitions

2 In this Act,

department, in relation to the government of Canada or of a province, includes

- (a) any portion of a department of the Government of Canada or of the province, and
- (b) any Ministry of State, institution or other body of the Government of Canada or of the province or any portion thereof; (ministère)

Deputy Minister means the Deputy Minister of Public Safety and Emergency Preparedness and includes any person acting for or on behalf of the Deputy Minister of Public Safety and Emergency Preparedness; (sous-ministre)

Director means the Director of the Service; (directeur)

employee means a person who is appointed as an employee of the Service pursuant to subsection 8(1) or has become an employee of the Service pursuant to subsection 66(1) of the Canadian Security Intelligence Service Act, chapter 21 of the Statutes of Canada, 1984, and includes a person who is attached or seconded to the Service as an employee; (employé)

foreign state means any state other than Canada; (État étranger) Loi constituant le Service canadien du renseignement de sécurité

Titre abrégé

Titre abrégé

1 Loi sur le Service canadien du renseignement de sécurité.

1984, ch. 21, art. 1.

Définitions

Définitions

2 Les définitions qui suivent s'appliquent à la présente loi.

comité de surveillance Le comité de surveillance des activités de renseignement de sécurité constitué par le paragraphe 34(1). (Review Committee)

directeur Le directeur du Service. (Director)

employé Personne nommée employé du Service en vertu du paragraphe 8(1) ou qui l'est devenue en vertu du paragraphe 66(1) de la Loi sur le Service canadien du renseignement de sécurité, chapitre 21 des Statuts du Canada de 1984. Sont comprises parmi les employés les personnes affectées au Service ou détachées auprès de lui à titre d'employé. (employee)

État étranger État autre que le Canada. (foreign state)

évaluation de sécurité Évaluation de la loyauté d'un individu envers le Canada et, à cet égard, de sa fiabilité. (security assessment)

inspecteur général [Abrogée, 2012, ch. 19, art. 378]

intercepter S'entend au sens de l'article 183 du Code criminel. (intercept)

juge Juge de la Cour fédérale choisi pour l'application de la présente loi par le juge en chef de ce tribunal. (judge)

Current to September 27, 2016 Last amended on Juna 18, 2015 A jour au 27 septembre 2016 Derniere modification le 18 juin 2015 Canadian Security Intelligence Service Interpretation

human source means an individual who, after having received a promise of confidentiality, has provided, provides or is likely to provide information to the Service; (source humaine)

Inspector General [Repealed, 2012, c. 19, s. 378]

intercept has the same meaning as in section 183 of the Criminal Code; (intercepter)

judge means a judge of the Federal Court designated by the Chief Justice thereof for the purposes of this Act; (juge)

Minister means the Minister of Public Safety and Emergency Preparedness; (ministre)

place includes any conveyance; (lieux)

Review Committee means the Security Intelligence Review Committee established by subsection 34(1); (comité de surveillance)

security assessment means an appraisal of the loyalty to Canada and, so far as it relates thereto, the reliability of an individual; (évaluation de sécurité)

Service means the Canadian Security Intelligence Service established by subsection 3(1); (Service)

threats to the security of Canada means

- (a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage,
- (b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person,
- (c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state, and
- (d) activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada,

but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities Service canadien du renseignement de sécurité Délimitors Article 2

lieux Sont assimilés à des lieux les moyens de transport.

menaces envers la sécurité du Canada Constituent des menaces envers la sécurité du Canada les activités suivantes:

- a) l'espionnage ou le sabotage visant le Canada ou préjudiciables à ses intérêts, ainsi que les activités tendant à favoriser ce genre d'espionnage ou de sabotage;
- b) les activités influencées par l'étranger qui touchent le Canada ou s'y déroulent et sont préjudiciables à ses intérêts, et qui sont d'une nature clandestine ou trompeuse ou comportent des menaces envers quiconque;
- c) les activités qui touchent le Canada ou s'y déroulent et visent à favoriser l'usage de la violence grave ou de menaces de violence contre des personnes ou des biens dans le but d'atteindre un objectif politique, religieux ou idéologique au Canada ou dans un État étranger;
- d) les activités qui, par des actions cachées et illicites, visent à saper le régime de gouvernement constitutionnéllement établi au Canada ou dont le but immédiat ou ultime est sa destruction ou son renversement, par la violence.

La présente définition ne vise toutefois pas les activités licites de défense d'une cause, de protestation ou de manifestation d'un désaccord qui n'ont aucun lien avec les activités mentionnées aux alinéas a) à d). (threats to the security of Canada)

ministère Sont compris parmi les ministères :

- a) tout secteur d'un ministère du gouvernement du Canada ou d'une province;
- b) l'ensemble ou tout secteur d'un département d'État, d'une institution ou d'un autre organisme du gouvernement du Canada ou d'une province. (department)

ministre Le ministre de la Sécurité publique et de la Protection civile. (Minister)

Service Le Service canadien du renseignement de sécurité constitué par le paragraphe 3(1). (Service)

source humaine Personne physique qui a reçu une promesse d'anonymat et qui, par la suite, a fourni, fournit ou pourrait vraisemblablement fournir des informations au Service. (human source) Canadian Security Intelligence Service Interpretation Sections 2-4

referred to in paragraphs (a) to (d). (menaces envers la sécurité du Canada)

R.S., 1985, c. C-23, s. 2, 2001, c. 41, s. 89; 2005, c. 10, s. 13; 2012, c. 18, s. 378; 2015, c. 9, s. 2

PARTI

Canadian Security Intelligence Service

Establishment of Service

Establishment of Service

3 (1) The Canadian Security Intelligence Service is hereby established, consisting of the Director and employees of the Service.

Principal office

(2) The principal office of the Service shall be in the National Capital Region described in the schedule to the National Capital Act.

Other offices

(3) The Director may, with the approval of the Minister, establish other offices of the Service elsewhere in Canada.

1984, ç. 21, s. 3.

Director

Appointment

4 (1) The Governor in Council shall appoint the Director of the Service.

Term of office

(2) The Director shall be appointed to hold office during pleasure for a term not exceeding five years.

Re-appointment

(3) Subject to subsection (4), the Director is eligible, on the expiration of a first or any subsequent term of office, to be re-appointed for a further term not exceeding five years.

Limitation

(4) No person shall hold office as Director for terms exceeding ten years in the aggregate. Service canadien du renseignament de sécurité Détautors Articles 2-4

sous-ministre Le sous-ministre de la Sécurité publique et de la Protection civile ou toute personne qui agit en son nom. (Deputy Minister)

L.R. (1985), ch. C-23; art. 2; 2001, ch. 41, art. 89; 2005, ch. 10, art. 13; 2012, ch. 19, art. 378; 2015, ch. 9, art. 2.

PARTIE I

Service canadien du renseignement de sécurité

Constitution

Constitution

3 (1) Est constitué le Service canadien du renseignement de sécurité, composé de son directeur et de ses employés.

Siège

(2) Le siège du Service est fixé dans la région de la capitale nationale définie à l'annexe de la Loi sur la capitale nationale.

Bureaux

(3) Le directeur peut, avec l'approbation du ministre, établir des bureaux du Service ailleurs au Canada.

1884, ch. 21, an. 3.

Directeur

Nomination

4 (1) Le gouverneur en conseil nomme le directeur.

Mandat

(2) Le directeur occupe son poste à titre amovible pour une durée maximale de cinq ans.

Renouvellement

(3) Sous réserve du paragraphe (4), le mandat du directeur est renouvelable pour une durée maximale identique.

Durée limite

(4) La durée d'occupation maximale du poste de directeur par le même titulaire est de dix ans.

3

Canadian Security Intelligence Service PART I Canadian Security Intelligence Service Director Sections 4-6 Sorvice renadien du renseignement de sécurité PARTIE I Sawice canadien du tenseignement de securité Directieur Articles 4-6

Absence or incapacity

(5) In the event of the absence or incapacity of the Director, or if the office of Director is vacant, the Governor in Council may appoint another person to hold office instead of the Director for a term not exceeding six months, and that person shall, while holding that office, have all of the powers, duties and functions of the Director under this Act or any other Act of Parliament and be paid such salary or other remuneration and expenses as may be fixed by the Governor in Council.

1984, c. 21, s. 4.

Salary and expenses

5 (1) The Director is entitled to be paid a salary to be fixed by the Governor in Council and shall be paid reasonable travel and living expenses incurred by the Director in the performance of duties and functions under this Act.

Pension benefits

(2) The provisions of the Public Service Superannuation Act, other than those relating to tenure of office, apply to the Director, except that a person appointed as Director from outside the public service, as defined in the Public Service Superannuation Act, may, by notice in writing given to the President of the Treasury Board not more than sixty days after the date of appointment, elect to participate in the pension plan provided by the Diplomatic Service (Special) Superannuation Act, in which case the provisions of that Act, other than those relating to tenure of office, apply to the Director from the date of appointment and the provisions of the Public Service Superannuation Act do not apply.

R.S., 1985, c. C-23, s. 5; 2003, c. 22, s. 225(E).

Management of Service

Role of Director

6 (1) The Director, under the direction of the Minister, has the control and management of the Service and all matters connected therewith.

Minister may issue directions

(2) In providing the direction referred to in subsection (1), the Minister may issue to the Director written directions with respect to the Service and a copy of any such direction shall, forthwith after it is issued, be given to the Review Committee.

Absence ou empêchement

(5) En cas d'absence ou d'empêchement du directeur ou de vacance de son poste, le gouverneur en conseil peut nommer un intérimaire pour un mandat maximal de six mois; celui-ci exerce alors les pouvoirs et fonctions conférés au directeur en vertu de la présente loi ou de toute autre loi fédérale et reçoit la rémunération et les frais que fixe le gouverneur en conseil.

1984, ch. 21, art. 4.

Traitement et frais

5 (1) Le directeur a le droit de recevoir le traitement que fixe le gouverneur en conseil et est indemnisé des frais de déplacement et de séjour entraînés par l'exercice des fonctions qui lui sont conférées en application de la présente loi.

Régime de pension

(2) Les dispositions de la Loi sur la pension de la fonction publique qui ne traitent pas d'occupation de poste s'appliquent au directeur; toutefois, s'il est choisi en dehors de la fonction publique, au sens de la loi mentionnée ci-dessus, il peut, par avis écrit adressé au président du Conseil du Trésor dans les soixante jours suivant sa date de nomination, choisir de cotiser au régime de pension prévu par la Loi sur la pension spéciale du service diplomatique; dans ce cas, il est assujetti aux dispositions de cette loi qui ne traitent pas d'occupation de poste.

L.R. (1985), ch. C-23, art. 5; 2003, ch. 22, art. 225(A).

Gestion

Rôle du directeur

6 (1) Sous la direction du ministre, le directeur est chargé de la gestion du Service et de tout ce qui s'y rattache.

Instructions du ministre

(2) Dans l'exercice de son pouvoir de direction visé au paragraphe (1), le ministre peut donner par écrit au directeur des instructions concernant le Service; un exemplaire de celles-ci est transmis au comité de surveillance dès qu'elles sont données.

Current to September 27, 2016 Last amended on June 18, 2015 À jour au 27 septembre 2016 Demiere modification le 18 juin 2015 Canadian Security Intelligence Service PART I Canadian Securit Intelligence Service Management of Service Sections 8.7

Directions deemed not to be statutory instruments

(3) Directions issued by the Minister under subsection (2) shall be deemed not to be statutory instruments for the purposes of the Statutory Instruments Act.

Periodic reports by Director

(4) The Director shall, in relation to every 12-month period or any lesser period that is specified by the Minister, submit to the Minister, at any times that the Minister specifies, reports with respect to the Service's operational activities during that period, and shall cause the Review Committee to be given a copy of each such report.

Measures to reduce threats to the security of Canada

- (5) The reports shall include, among other things, the following information in respect of the Service's operational activities, during the period for which the report is made, to reduce threats to the security of Canada:
 - (a) for each of the paragraphs of the definition threats to the security of Canada in section 2, a general description of the measures that were taken during the period in respect of the threat within the meaning of that paragraph and the number of those measures;
 - (b) the number of warrants issued under subsection 21.1(3) during the period and the number of applications for warrants made under subsection 21.1(1) that were refused during the period; and
 - (c) for each threat to the security of Canada for which warrants have been issued under subsection 21.1(3) before or during the period, a general description of the measures that were taken under the warrants during the period.

R.S. 1985, 5, C-23, 8, 6; 2012, C 19, s, 379; 2015, C 20, s, 40

Consultation with Deputy Minister

- 7 (1) The Director shall consult the Deputy Minister on
 - (a) the general operational policies of the Service; and
 - (b) any matter with respect to which consultation is required by directions issued under subsection 6(2).

Consultation with Deputy Minister - warrant

(2) The Director or any employee who is designated by the Minister for the purpose of applying for a warrant Service canadien du renseignement de sécurite PARTIE 1 Service canadien du renseignement de sécurité Gestion Articles 6-7

Non-application de la Loi sur les textes réglementaires

(3) Les instructions visées au paragraphe (2) sont réputées ne pas être des textes réglementaires au sens de la Loi sur les textes réglementaires.

Rapports périodiques

(4) Pour chaque période de douze mois d'activités opérationnelles du Service ou pour les périodes inférieures à douze mois et aux moments précisés par le ministre, le directeur présente à celui-ci des rapports sur ces activités; îl en fait remettre un exemplaire au comité de surveillance.

Mesures pour réduire les menaces envers la sécurité du Canada

- (5) Les rapports précisent notamment les éléments d'information ci-après au sujet des activités opérationnelles exercées par le Service durant la période visée pour réduire les menaces envers la sécurité du Canada:
 - a) pour chacun des alinéas de la définition de menaces envers la sécurité du Canada à l'article 2, une description générale des mesures prises à l'égard des menaces au sens de l'alinéa en cause et le nombre de ces mesures:
 - b) le nombre de mandats décernés en vertu du paragraphe 21.1(3) et le nombre de demandes de mandat présentées au titre du paragraphe 21.1(1) qui ont été rejetées;
 - c) pour chacune des menaces envers la sécurité du Canada à l'égard desquelles des mandats ont été décernés en vertu du paragraphe 21.1(3) durant la période ou avant que celle-ci ne débute, une description générale des mesures prises en vertu des mandats en cause.

L.R. (1985), ch. C-23, art. 6; 2012, ch. 19, art. 379; 2015, cb. 28, art. 40.

Consultation du sous-ministre

- 7 (1) Le directeur consulte le sous-ministre sur les points suivants :
 - a) l'orientation générale des opérations du Service;
 - b) toute autre question à l'égard de laquelle les instructions visées au paragraphe 6(2) exigent une pareille consultation.

Consultation du sous-ministre - mandats

(2) Le directeur ou un employé désigné par le ministre aux fins d'une demande de mandat visée aux articles 21, 21.1 ou 23 consulte le sous-ministre avant de présenter la demande de mandat ou de renouvellement du mandat.

Canadian Security Intelligence Service PART I Canadian Security Intelligence Service Management of Service Sections 7-8 Service cenadien du renseignement de sécurité PARTIE I Service cenadien du renseignement de sécurité Gastion Articles 7-8

under section 21, 21.1 or 23 shall consult the Deputy Minister before applying for the warrant or the renewal of the warrant.

Advice by Deputy Minister

(3) The Deputy Minister shall advise the Minister with respect to directions issued under subsection 6(2) or that should, in the opinion of the Deputy Minister, be issued under that subsection.

R.S., 1985, c. C-23, s. 7; 2015, c. 20, s. 41,

Powers and functions of Director

8 (1) Notwithstanding the Financial Administration Act and the Public Service Employment Act, the Director has exclusive authority to appoint employees and, in relation to the human resources management of employees, other than persons attached or seconded to the Service as employees,

- (a) to provide for the terms and conditions of their employment; and
- (b) subject to the regulations,
 - (i) to exercise the powers and perform the functions of the Treasury Board relating to human resources management under the Financial Administration Act, and
 - (ii) to exercise the powers and perform the functions assigned to the Public Service Commission by or pursuant to the Public Service Employment Act.

Discipline and grievances of employees

(2) Notwithstanding the *Public Service Labour Relations Act* but subject to subsection (3) and the regulations, the Director may establish procedures respecting the conduct and discipline of, and the presentation, consideration and adjudication of grievances in relation to, employees, other than persons attached or seconded to the Service as employees.

Adjudication of employee grievances

(3) When a grievance is referred to adjudication, the adjudication shall not be heard or determined by any person, other than a full-time member of the Public Service Labour Relations and Employment Board that is established by subsection 4(1) of the Public Service Labour Relations and Employment Board Act.

Regulations

(4) The Governor in Council may make regulations

Conseils du sous-ministre

(3) Le sous-ministre conseille le ministre sur les instructions déjà données ou à donner, selon lui, en vertu du paragraphe 6(2).

L.A. (1985), ch. C-23, art. 7; 2015, ch. 20, art. 41.

Attributions du directeur

- 8 (1) Par dérogation à la Loi sur la gestion des finances publiques et à la Loi sur l'emploi dans la fonction publique, le directeur a le pouvoir exclusif de nommer les employès et, en matière de gestion des ressources humaines du Service, à l'exception des personnes affectées au Service ou détachées auprès de lui à titre d'employé:
 - a) de déterminer leurs conditions d'emploi;
 - b) sous réserve des règlements :
 - (i) d'exercer les attributions conférées au Conseil du Trésor en vertu de la *Loi sur la gestion des fi*nances publiques en cette matière,
 - (ii) d'exercer les attributions conférées à la Commission de la fonction publique sous le régime de la Loi sur l'emploi dans la fonction publique.

Conduite des employés et griefs

(2) Par dérogation à la Loi sur les relations de travail dans la fonction publique mais sous réserve du paragraphe (3) et des réglements, le directeur peut établir des règles de procédure concernant la conduite et la discipline des employés, à l'exception des personnes affectées au Service ou détachées auprès de lui à titre d'employé, la présentation par les employés de leurs griefs, l'étude de ces griefs et leur renvoi à l'arbitrage.

Arbitrage

(3) Les griefs renvoyés à l'arbitrage ne peuvent être entendus et tranchés que par un membre à temps plein de la Commission des relations de travail et de l'emploi dans la fonction publique créée par le paragraphe 4(1) de la Loi sur la Commission des relations de travail et de l'emploi dans la fonction publique.

Règlements

(4) Le gouverneur en conseil peut prendre des règlements:

Current to September 27, 2018 Last amended on June 18, 2015 À jour au 27 septembre 2016 Demiere modification le 18 juin 2015 Canadian Security intelligence Service PART I Canadian Security Indexegnitio Service Section 8-12

- (a) governing the exercise of the powers and the performance of the duties and functions of the Director referred to in subsection (1); and
- (b) in relation to employees to whom subsection (2) applies, governing their conduct and discipline and the presentation, consideration and adjudication of grievances.

R S., 1985, c. C-23, s. 8; 2003, c. 22, ss. 143, 234; 2013, c. 40, s. 449.

Process for resolution of disputes of support staff

- 9 (1) Notwithstanding the Public Service Labour Relations Act,
 - (a) the process for resolution of a dispute applicable to employees of the Service in a bargaining unit determined for the purposes of that Act is by the referral of the dispute to arbitration; and
 - (b) the process for resolution of a dispute referred to in paragraph (a) shall not be altered pursuant to that Act.

Public Service Superannuation Act

(2) Employees of the Service shall be deemed to be employed in the public service for the purposes of the *Public Service Superannuation Act*.

R.S., 1985, c. C-23, s. 9; 2003, c. 22, ss. 144(E), 225(E).

9.1 [Repealed, 2003, c. 22, s. 145]

Oaths

10 The Director and every employee shall, before commencing the duties of office, take an oath of allegiance and the oaths set out in the schedule.

1934, c. 21, s. 10.

Certificate

11 A certificate purporting to be issued by or under the authority of the Director and stating that the person to whom it is issued is an employee or is a person, or a person included in a class of persons, to whom a warrant issued under section 21 or 23 is directed is evidence of the statements contained therein and is admissible in evidence without proof of the signature or official character of the person purporting to have issued it.

1984 = 21 # 11

Duties and Functions of Service

Collection, analysis and retention

12 (1) The Service shall collect, by investigation or otherwise, to the extent that it is strictly necessary, and

Service canadien du renseignement de sécurite PARTIE I Service caradien ou tenseignement de sécurité Cestion : Articles 8-12

- a) pour régir l'exercice par le directeur des pouvoirs et fonctions que lui confère le paragraphe (1);
- b) sur la conduite et la discipline des employés visés au paragraphe (2), la présentation de griefs par ceuxci, l'étude de ces griefs et leur renvoi à l'arbitrage.

L.R. (1985), ch. C-23, art. 8: 2003, ch. 22, art. 143 et 234; 2013, ch. 40, art. 449

Mode de règlement des différends : personnel de soutien

- 9 (1) Par dérogation à la Loi sur les relations de travail dans la fonction publique :
 - a) le mode de règlement des différends applicable aux employés qui font partie d'une unité de négociation déterminée pour l'application de cette loi est l'arbitrage;
 - b) cette loi ne peut être invoquée pour modifier le mode de règlement des différends visé à l'alinéa a).

Loi sur la pension de la fonction publique

(2) Les employés sont présumés faire partie de la fonction publique pour l'application de la Loi sur la pension de la fonction publique.

L.R. (1985), ch. C-23, art. 9; 2003, ch. 22; art. 144(A) at 225(A).

9.1 [Abrogé, 2003, ch. 22, art. 145]

Serments

10 Avant de prendre leurs fonctions, le directeur et les employés prêtent le serment d'allégeance ainsi que les serments mentionnés à l'annexe.

1984, ch. 21, art. 10.

Certificat

11 Le certificat censé être délivré par le directeur ou sous son autorité, où il est déclaré que son titulaire est un employé ou est une personne, ou appartient à une catégorie, destinataire d'un mandat décerné en vertu des articles 21 ou 23, fait foi de son contenu et est admissible en preuve sans qu'il soit nécessaire de prouver l'authenticité de la signature ou la qualité officielle de la personne censée l'avoir délivré.

1984, co. 21, art. 11.

Fonctions du Service

Informations et renseignements

12 (1) Le Service recueille, au moyen d'enquêtes ou autrement, dans la mesure strictement nécessaire, et

Current to September 27, 2018 Last amendad of June 18, 2018 À icur au 27 septembre 2015 Demisse modification is 18 juin 2018 Canadian Security Intelligence Service PART I Cenadian Security intelligence Service Duties and Functions of Service Sections 12/12/2

analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and, in relation thereto, shall report to and advise the Government of Canada.

No territorial limit

(2) For greater certainty, the Service may perform its duties and functions under subsection (1) within or outside Canada.

R.S., 1985, c. C-23, s. 12; 2015, c. 9, s. 3.

Measures to reduce threats to the security of Canada

12.1 (1) If there are reasonable grounds to believe that a particular activity constitutes a threat to the security of Canada, the Service may take measures, within or outside Canada, to reduce the threat.

Limits

(2) The measures shall be reasonable and proportional in the circumstances, having regard to the nature of the threat, the nature of the measures and the reasonable availability of other means to reduce the threat.

Warrant

(3) The Service shall not take measures to reduce a threat to the security of Canada if those measures will contravene a right or freedom guaranteed by the Canadian Charter of Rights and Freedoms or will be contrary to other Canadian law, unless the Service is authorized to take them by a warrant issued under section 21.1.

Clarification

(4) For greater certainty, nothing in subsection (1) confers on the Service any law enforcement power. 2015, c. 20, s. 42.

Prohibited conduct

- 12.2 (1) In taking measures to reduce a threat to the security of Canada, the Service shall not
 - (a) cause, intentionally or by criminal negligence, death or bodily harm to an individual:
 - (b) wilfully attempt in any manner to obstruct, pervert or defeat the course of justice; or
 - (c) violate the sexual integrity of an individual.

Service canadien du ranseignement de sécurité PARTIE I Service caradien du fonte gramant de récunté Fontoins du Service Articles 13-10,2

analyse et conserve les informations et renseignements sur les activités dont il existe des motifs raisonnables de soupçonner qu'elles constituent des menaces envers la sécurité du Canada; il en fait rapport au gouvernement du Canada et le conseille à cet égard.

Aucune limite territoriale

(2) Il est entendu que le Service peut exercer les fonctions que le paragraphe (1) lui confère même à l'extérieur du Canada.

L.R. (1985), ch. G-23, art. 12; 2015, ch. 9, art. 3.

Mesures pour réduire les menaces envers la sécurité du Canada

12.1 (1) S'il existe des motifs raisonnables de croire qu'une activité donnée constitue une menace envers la sécurité du Canada, le Service peut prendre des mesures, même à l'extérieur du Canada, pour réduire la menace.

Limites

(2) Les mesures doivent être justes et adaptées aux circonstances, compte tenu de la nature de la menace et des mesures, ainsi que des solutions de rechange acceptables pour réduire la menace.

Mandat

(3) La prise par le Service de mesures pour réduire une menace envers la sécurité du Canada est subordonnée à l'obtention d'un mandat au titre de l'article 21.1 s'il s'agit de mesures qui porteront atteinte à un droit ou à une liberté garantis par la Charte canadienne des droits et libertés ou qui seront contraires à d'autres règles du droit canadien.

Précision

(4) Il est entendu que le paragraphe (1) ne confère au Service aucun pouvoir de contrôle d'application de la loi.

Interdictions

- 12.2 (1) Dans le cadre des mesures qu'il prend pour réduire une menace envers la sécurité du Canada, le Service ne peut:
 - a) causer, volontairement ou par négligence criminelle, des lésions corporelles à un individu ou la mort de celui-ci;
 - b) tenter volontairement de quelque manière d'entraver, de détourner ou de contrecarrer le cours de la justice;
 - c) porter atteinte à l'intégrité sexuelle d'un individu.

Current to September 27, 2016 Last amended on June 18, 2015 A jour au 27 septembre 2015 Dernière modification le 18 juin 2015 Canadian Security Intelligence Service PART I Canadian Security Intelligence Service Duriss and Functions of Service Sections 12-2-18

Definition of bodily harm

(2) In subsection (1), bodily harm has the same meaning as in section 2 of the Criminal Code.

2015, c 20, s 42.

Security assessments

13 (1) The Service may provide security assessments to departments of the Government of Canada.

Arrangements with provinces

- (2) The Service may, with the approval of the Minister, enter into an arrangement with
 - (a) the government of a province or any department thereof, or
- (b) any police force in a province, with the approval of the Minister responsible for policing in the province,

authorizing the Service to provide security assessments.

Arrangements with foreign states

(3) The Service may, with the approval of the Minister after consultation by the Minister with the Minister of Foreign Affairs, enter into an arrangement with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof authorizing the Service to provide the government, institution or organization with security assessments.

R.S., 1985, c. C-23, s. 13; 1995, c. 5, s. 25.

Advice to Ministers

- 14 The Service may
 - (a) advise any minister of the Crown on matters relating to the security of Canada, or
 - (b) provide any minister of the Crown with information relating to security matters or criminal activities,

that is relevant to the exercise of any power or the performance of any duty or function by that Minister under the Citizen: hip Act or the Immigration and Refugee Protection Act.

R.S. 1985, t. C-23, s. 14, 2007, c. 27, s. 223.

Investigations

15 (1) The Service may conduct such investigations as are required for the purpose of providing security assessments pursuant to section 13 or advice pursuant to section 14.

Service canadien du renseignement de sécurité PARTIE I Service de adien ou renseignement de sécurité Fonctions du Service

Définition de lésions corporelles

(2) Au paragraphe (1), lésions corporelles s'entend au sens de l'article 2 du Code criminel.

Évaluations de sécurité

13 (1) Le Service peut fournir des évaluations de sécurité aux ministères du gouvernement du Canada.

Ententes avec les provinces

- (2) Le Service peut, avec l'approbation du ministre, conclure des ententes avec :
 - a) le gouvernement d'une province ou l'un de ses ministères;
 - b) un service de police en place dans une province, avec l'approbation du ministre provincial chargé des questions de police.

Ces ententes autorisent le Service à fournir des évaluations de sécurité.

Ententes avec des États étrangers

(3) Le Service peut, avec l'approbation du ministre, après consultation entre celui-ci et le ministre des Affaires étrangères, conclure avec le gouvernement d'un État étranger ou l'une de ses institutions, ou une organisation internationale d'États ou l'une de ses institutions, des ententes l'autorisant à leur fournir des évaluations de sécurité.

L.R. (1985), ch. C-23, art. 13; 1995, cn. 5, art. 25.

Conseils aux ministres

- 14 Le Service peut :
 - a) fournir des conseils à un ministre sur les questions de sécurité du Canada;
 - b) transmettre des informations à un ministre sur des questions de sécurité ou des activités criminelles,

dans la mesure où ces conseils et informations sont en rapport avec l'exercice par ce ministre des pouvoirs et fonctions qui lui sont conférés en vertu de la Loi sur la citoyenneté ou de la Loi sur l'immigration et la protection des réfugiés.

L.R. (1986), ch. C-23, art. 14; 2001, ch. 27, art. 223.

Enquêtes

15 (1) Le Service peut mener les enquêtes qui sont nécessaires en vue des évaluations de sécurité et des conseils respectivement visés aux articles 13 et 14. Canadian Security Intelligence Service PART I Canadian Security Intelligence Service Duties and Eurotrons of Service Sections 15-17

No territorial limit

(2) For greater certainty, the Service may conduct the investigations referred to in subsection (1) within or outside Canada.

R.S., 1985, c. C-23, s. 15; 2015, c, 9, s, 4,

Collection of information concerning foreign states and persons

- 16 (1) Subject to this section, the Service may, in relation to the defence of Canada or the conduct of the international affairs of Canada, assist the Minister of National Defence or the Minister of Foreign Affairs, within Canada, in the collection of information or intelligence relating to the capabilities, intentions or activities of
 - (a) any foreign state or group of foreign states; or
 - (b) any person other than
 - (i) a Canadian citizen,
 - (ii) a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*, or
 - (iii) a corporation incorporated by or under an Act of Parliament or of the legislature of a province.

Limitation

(2) The assistance provided pursuant to subsection (1) shall not be directed at any person referred to in sub-paragraph (1)(b)(i), (ii) or (iii).

Personal consent of Ministers required

- (3) The Service shall not perform its duties and functions under subsection (1) unless it does so
 - (a) on the personal request in writing of the Minister of National Defence or the Minister of Foreign Affairs; and
 - (b) with the personal consent in writing of the Minister.

R.S., 1985, c. C-23, s. 16: 1995, c. 5, s. 25; 2001, c. 27, s. 224; 2015, c. 3, s. 34(F), c. 5, s 5(F).

Cooperation

- 17 (1) For the purpose of performing its duties and functions under this Act, the Service may,
 - (a) with the approval of the Minister, enter into an arrangement or otherwise cooperate with

Service canadien du moseignement de socialité PARTIE I Salvece celestres du l'ensergnement de sequite Fondations du Service.

Aucune limite territoriale

(2) Il est entendu que le Service peut mener les enquêtes visées au paragraphe (1) même à l'extérieur du Canada.

Assistance

- 16 (1) Sous réserve des autres dispositions du présent article, le Service peut, dans les domaines de la défense et de la conduite des affaires internationales du Canada, prêter son assistance au ministre de la Défense nationale ou au ministre des Affaires étrangères, dans les limites du Canada, à la collecte d'informations ou de renseignements sur les moyens, les intentions ou les activités:
 - a) d'un État étranger ou d'un groupe d'États étrangers:
 - b) d'une personne qui n'appartient à aucune des catégories suivantes :
 - (i) les citoyens canadiens,
 - (ii) les résidents permanents au sens du paragraphe 2(1) de la Loi sur l'immigration et la protection des réfugiés,
 - (iii) les personnes morales constituées sous le régime d'une loi fédérale ou provinciale.

Restriction

(2) L'assistance autorisée au paragraphe (1) est subordonnée au fait qu'elle ne vise pas des personnes mentionnées à l'alinéa (1)b).

Consentement personnel des ministres

- (3) L'exercice par le Service des fonctions visées au paragraphe (1) est subordonné:
 - a) à une demande personnelle écrite du ministre de la Défense nationale ou du ministre des Affaires étrangères;
- b) au consentement personnel écrit du ministre. L.R. (1985), ch. C-23, arc, 16; 1995, ch. 5, art. 25; 2001, ch. 27, art. 224; 2015, ch. 3, art. 34(F), ch. 8, art. 5(F).

Coopération

- 17 (1) Dans l'exercice des fonctions qui lui sont conférées en vertu de la présente loi, le Service peut :
 - a) avec l'approbation du ministre, conclure des ententes ou, d'une façon générale, coopérer avec :

Current to September 27, 2016 Lest amended on June 18, 2015 10

À jour au 27 septembre 2016 Cernière modification le 18 juin 2015 Canadian Security intelligence Service PART I Constitute Security Intelligence Service Duties and Functions of Service Sections 17-18

- (i) any department of the Government of Canada or the government of a province or any department thereof, or
- (ii) any police force in a province, with the approval of the Minister responsible for policing in the province; or
- (b) with the approval of the Minister after consultation by the Minister with the Minister of Foreign Affairs, enter into an arrangement or otherwise cooperate with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof.

Copies of arrangements to Review Committee

(2) Where a written arrangement is entered into pursuant to subsection (1) or subsection 13(2) or (3), a copy thereof shall be given forthwith to the Review Committee.

R.S., 1985, c. C-23, s. 17; 1995, c. 5, s. 25.

Offence to disclose identity

18 (1) Subject to subsection (2), no person shall knowingly disclose any information that they obtained or to which they had access in the course of the performance of their duties and functions under this Act or their participation in the administration or enforcement of this Act and from which could be inferred the identity of an employee who was, is or is likely to become engaged in covert operational activities of the Service or the identity of a person who was an employee engaged in such activities.

Exceptions

(2) A person may disclose information referred to in subsection (1) for the purposes of the performance of duties and functions under this Act or any other Act of Parliament or the administration or enforcement of this Act or as required by any other law or in the circumstances described in any of paragraphs 19(2)(a) to (d).

Offence

- (3) Every one who contravenes subsection (1)
 - (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
 - (b) is guilty of an offence punishable on summary conviction.

R.S., 1985, c. €-23, s. 12; 2015, c. 9, s. €.

Sorvice canadren du renseignement de sécurire PARTE I Service Canadren ou tense que trent de técurire Ferrit en de Sarvice Articles 17-18

- (i) les ministères du gouvernement du Canada, le gouvernement d'une province ou l'un de ses ministères,
- (ii) un service de police en place dans une province, avec l'approbation du ministre provincial chargé des questions de police;
- b) avec l'approbation du ministre, après consultation entre celui-ci et le ministre des Affaires étrangères, conclure des ententes ou, d'une façon générale, coopérer avec le gouvernement d'un État étranger ou l'une de ses institutions, ou une organisation internationale d'États ou l'une de ses institutions.

Transmission des ententes au comité de surveillance

(2) Un exemplaire du texte des ententes écrites conclues en vertu du paragraphe (1) ou des paragraphes 13(2) ou (3) est transmis au comité de surveillance immédiatement après leur conclusion.

L.R. (1985), ch. C-23, art. 17; 1995, ch. 5; art. 25.

Infraction - communication de l'identité

18 (1) Sous réserve du paragraphe (2), nul ne peut sciemment communiquer des informations qu'il a acquises ou auxquelles il avait accès dans l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ou lors de sa participation à l'exécution ou au contrôle d'application de cette loi et qui permettraient de découvrir l'identité d'un employé qui a participé, participe ou pourrait vraisemblablement participer à des activités opérationnelles cachées du Service ou l'identité d'une personne qui était un employé et a participé à de telles activités.

Exceptions

(2) La communication visée au paragraphe (1) peut se faire dans l'exercice de fonctions conférées en vertu de la présente loi ou de toute autre loi fédérale ou pour l'exécution ou le contrôle d'application de la présente loi, si une autre règle de droit l'exige ou dans les circonstances visées aux alinéas 19(2)a) à d).

Infraction

- (3) Quiconque contrevient au paragraphe (1) est coupable:
 - a) soit d'un acte criminel et passible d'un emprisonnement maximal de cinq ans;
 - b) soit d'une infraction punissable par procédure sommaire.

LR (1986), th. C-23, ert. 12, 2015, ch. 9, art. 5.

Canadian Security Intelligence Service PART I Canadian Security Intelligence Service Duties and Functions of Service Section 18.1

Purpose of section - human sources

18.1 (1) The purpose of this section is to ensure that the identity of human sources is kept confidential in order to protect their life and security and to encourage individuals to provide information to the Service.

Prohibition on disclosure

(2) Subject to subsections (3) and (8), no person shall, in a proceeding before a court, person or body with jurisdiction to compel the production of information, disclose the identity of a human source or any information from which the identity of a human source could be inferred.

Exception - consent

(3) The identity of a human source or information from which the identity of a human source could be inferred may be disclosed in a proceeding referred to in subsection (2) if the human source and the Director consent to the disclosure of that information.

Application to judge

- (4) A party to a proceeding referred to in subsection (2), an amicus curiae who is appointed in respect of the proceeding or a person who is appointed to act as a special advocate if the proceeding is under the Immigration and Refugee Protection Act may apply to a judge for one of the following orders if it is relevant to the proceeding:
 - (a) an order declaring that an individual is not a human source or that information is not information from which the identity of a human source could be inferred; or
 - (b) if the proceeding is a prosecution of an offence, an order declaring that the disclosure of the identity of a human source or information from which the identity of a human source could be inferred is essential to establish the accused's innocence and that it may be disclosed in the proceeding.

Contents and service of application

(5) The application and the applicant's affidavit deposing to the facts relied on in support of the application shall be filed in the Registry of the Federal Court. The applicant shall, without delay after the application and affidavit are filed, serve a copy of them on the Attorney General of Canada.

Attorney General of Canada

(6) Once served, the Attorney General of Canada is deemed to be a party to the application.

Service canadien du renseignement de sécurité PARTIE I Service canadien du l'Ancadorement de sécurité Foncoire du Service. Article 13.1

Objet de l'article - sources humaines

18.1 (1) Le présent article vise à préserver l'anonymat des sources humaines afin de protéger leur vie et leur sécurité et d'encourager les personnes physiques à fournir des informations au Service.

Interdiction de communication

(2) Sous réserve des paragraphes (3) et (8), dans une instance devant un tribunal, un organisme ou une personne qui ont le pouvoir de contraindre à la production d'informations, nul ne peut communiquer l'identité d'une source humaine ou toute information qui permettrait de découvrir cette identité.

Exception - consentement

(3) L'identité d'une source humaine ou une information qui permettrait de découvrir cette identité peut être communiquée dans une instance visée au paragraphe (2) si la source humaine et le directeur y consentent.

Demande à un juge

- (4) La partie à une instance visée au paragraphe (2), l'amicus curiae nommé dans cette instance ou l'avocat spécial nommé sous le régime de la Loi sur l'immigration et la protection des réfugiés peut demander à un juge de déclarer, par ordonnance, si une telle déclaration est pertinente dans l'instance:
 - a) qu'une personne physique n'est pas une source humaine ou qu'une information ne permettrait pas de découvrir l'identité d'une source humaine;
 - b) dans le cas où l'instance est une poursuite pour infraction, que la communication de l'identité d'une source humaine ou d'une information qui permettrait de découvrir cette identité est essentielle pour établir l'innocence de l'accusé et que cette communication peut être faite dans la poursuite.

Contenu et signification de la demande

(5) La demande et l'affidavit du demandeur portant sur les faits sur lesquels il fonde celle-ci sont déposés au greffe de la Cour fédérale. Sans délai après le dépôt, le demandeur signific copie de la demande et de l'affidavit au procureur général du Canada.

Procureur général du Canada

(6) Le procureur général du Canada est réputé être partie à la demande dès que celle-ci lui est signifiée.

Current to September 27, 2016 Last amended on June 18, 2015 12

A jour au 27 septembre 2016 Demière modification le 18 juin 2015 Canadian Security Intelligence Service PART I Chard an Security Intelligence Service Dates and Functions of Service Sections 18,1-19

Hearing

(7) The hearing of the application shall be held in private and in the absence of the applicant and their counsel, unless the judge orders otherwise.

Order - disclosure to establish innocence

(8) If the judge grants an application made under paragraph (4)(b), the judge may order the disclosure that the judge considers appropriate subject to any conditions that the judge specifies.

Effective date of order

(9) If the judge grants an application made under subsection (4), any order made by the judge does not take effect until the time provided to appeal the order has expired or, if the order is appealed and is confirmed, until either the time provided to appeal the judgement confirming the order has expired or all rights of appeal have been exhausted.

Confidentiality

- (10) The judge shall ensure the confidentiality of the following;
 - (a) the identity of any human source and any information from which the identity of a human source could be inferred; and
 - (b) information and other evidence provided in respect of the application if, in the judge's opinion, its disclosure would be injurious to national security or endanger the safety of any person.

Confidentiality on appeal

(11) In the case of an appeal, subsection (10) applies, with any necessary modifications, to the court to which the appeal is taken.

2015, c. 9, ε. 7. ·

Authorized disclosure of information

19 (1) Information obtained in the performance of the duties and functions of the Service under this Act shall not be disclosed by the Service except in accordance with this section.

ldem

(2) The Service may disclose information referred to in subsection (1) for the purposes of the performance of its duties and functions under this Act or the administration or enforcement of this Act or as required by any other law and may also disclose such information, Sonvice canadion du renseignement de sécurité PARTIE I Denuce canad en du renseignement de sécurité fonctions du Senine Articles 18 3/19

Audition

(7) La demande est entendue à huis clos et en l'absence du demandeur et de son avocat, sauf si le juge en ordonne autrement.

Ordonnance de communication pour établir l'innocence

(8) Si le juge accueille la demande présentée au titre de l'alinéa (4)b), il peut ordonner la communication qu'il estime indiquée sous réserve des conditions qu'il précise.

Prise d'effet de l'ordonnance

(9) Si la demande présentée au titre du paragraphe (4) est accueillie, l'ordonnance prend effet après l'expiration du délai prévu pour en appeler ou, en cas d'appel, après sa confirmation et l'épuisement des recours en appel.

Confidentialité

- (10) Il incombe au juge de garantir la confidentialité:
 - a) d'une part, de l'identité de toute source humaine ainsi que de toute information qui permettrait de découvrir cette identité;
 - b) d'autre part, des informations et autres éléments de preuve qui lui sont fournis dans le cadre de la demande et dont la communication porterait atteinte, selon lui, à la sécurité nationale ou à la sécurité d'autrui.

Confidentialité en appel

(11) En cas d'appel, le paragraphe (10) s'applique, avec les adaptations nécessaires, aux tribunaux d'appel.

Autorisation de communication

19 (1) Les informations qu'acquiert le Service dans l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ne peuvent être communiquées qu'en conformité avec le présent article.

Idem

(2) Le Service peut, en vue de l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ou pour l'exécution ou le contrôle d'application de celle-ci, ou en conformité avec les exigences d'une autre règle de droit, communiquer les informations visées au paragraphe (1). Il peut aussi les communiquer aux autorités ou personnes suivantes :

Canadian Security Intelligence Service PART I Canadian Secure http://gence Service Dures and Functions of Service Sections 19-20

- (a) where the information may be used in the investigation or prosecution of an alleged contravention of any law of Canada or a province, to a peace officer having jurisdiction to investigate the alleged contravention and to the Attorney General of Canada and the Attorney General of the province in which proceedings in respect of the alleged contravention may be taken;
- (b) where the information relates to the conduct of the international affairs of Canada, to the Minister of Foreign Affairs or a person designated by the Minister of Foreign Affairs for the purpose;
- (c) where the information is relevant to the defence of Canada, to the Minister of National Defence or a person designated by the Minister of National Defence for the purpose; or
- (d) where, in the opinion of the Minister, disclosure of the information to any minister of the Crown or person in the federal public administration is essential in the public interest and that interest clearly outweighs any invasion of privacy that could result from the disclosure, to that minister or person.

Report to Review Committee

(3) The Director shall, as soon as practicable after a disclosure referred to in paragraph (2)(d) is made, submit a report to the Review Committee with respect to the disclosure.

R.S., 1985, c. C-23, s. 19, 1995, c. 5, s. 25; 2003, c. 22, s. 224(E).

Protection of employees

20 (1) The Director and employees have, in performing the duties and functions of the Service under this Act, the same protection under the law as peace officers have in performing their duties and functions as peace officers.

Unlawful conduct

(2) If the Director is of the opinion that an employee may, on a particular occasion, have acted unlawfully in the purported performance of the duties and functions of the Service under this Act, the Director shall cause to be submitted a report in respect thereof to the Minister.

Report and comments to Attorney General of Canada

(3) The Minister shall cause to be given to the Attorney General of Canada a copy of any report that he receives pursuant to subsection (2), together with any comment that he considers appropriate in the circumstances.

Service canadien du renseignement de sécurité PARTIE I Service canadien du renseignement de sécurité Continons du Service Articles 18-20

- a) lorsqu'elles peuvent servir dans le cadre d'une enquête ou de poursuites relatives à une infraction présumée à une loi fédérale ou provinciale, aux agents de la paix compétents pour mener l'enquête, au procureur général du Canada et au procureur général de la province où des poursuites peuvent être intentées à l'égard de cette infraction;
- b) lorsqu'elles concernent la conduite des affaires internationales du Canada, au ministre des Affaires étrangères ou à la personne qu'il désigne à cette fin;
- c) lorsqu'elles concernent la défense du Canada, au ministre de la Défense nationale ou à la personne qu'il désigne à cette fin;
- d) lorsque, selon le ministre, leur communication à un ministre ou à une personne appartenant à l'administration publique fédérale est essentielle pour des raisons d'intérêt public et que celles-ci justifient nettement une éventuelle violation de la vie privée, à ce ministre ou à cette personne.

Rapport au comité de surveillance

(3) Dans les plus brefs délais possible après la communication visée à l'alinéa (2)d), le directeur en fait rapport au comité de surveillance.

L.R. (1985), ch. C-23, art. 19; 1995, ch. 5, art. 25; 2003, ch. 22, art. 224(A)

Protection des employés

20 (1) Le directeur et les employés bénéficient, dans l'exercice des fonctions conférées au Service en vertu de la présente loi, de la même protection que celle dont bénéficient, en vertu de la loi, les agents de la paix au titre de leurs fonctions.

Agissements illicites

(2) Le directeur fait rapport au ministre des actes qui peuvent avoir été accomplis selon lui illicitement, dans des cas particuliers, par des employés dans l'exercice censé tel des fonctions conférées au Service en vertu de la présente loi.

Transmission au procureur général

(3) Le ministre fait transmettre au procureur général du Canada un exemplaire des rapports qu'il reçoit en conformité avec le paragraphe (2), accompagnés des commentaires qu'il juge à propos.

Canadian Security Intelligence Service PART I Canadian Security missigence Service Dutesiend Functione of Service Sections 21-21

Copies to Review Committee

(4) A copy of anything given to the Attorney General of Canada pursuant to subsection (3) shall be given forthwith to the Review Committee.

1984 c 21 s. 20

PART II

Judicial Control

Application for warrant

21 (1) If the Director or any employee designated by the Minister for the purpose believes, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate, within or outside Canada, a threat to the security of Canada or to perform its duties and functions under section 16, the Director or employee may, after having obtained the Minister's approval, make an application in accordance with subsection (2) to a judge for a warrant under this section.

Matters to be specified in application for warrant

- (2) An application to a judge under subsection (1) shall be made in writing and be accompanied by an affidavit of the applicant deposing to the following matters, namely,
 - (a) the facts relied on to justify the belief, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16;
 - (b) that other investigative procedures have been tried and have failed or why it appears that they are unlikely to succeed, that the urgency of the matter is such that it would be impractical to carry out the investigation using only other investigative procedures or that without a warrant under this section it is likely that information of importance with respect to the threat to the security of Canada or the performance of the duties and functions under section 16 referred to in paragraph (a) would not be obtained;
 - (c) the type of communication proposed to be intercepted, the type of information, records, documents or things proposed to be obtained and the powers referred to in paragraphs (3)(a) to (c) proposed to be exercised for that purpose;
 - (d) the identity of the person, if known, whose communication is proposed to be intercepted or who has possession of the information, record, document or thing proposed to be obtained;

Service canadian du renseignement de sécurite PARTIE I Service canadian corressegnement de securité Foisipeur ou Sérvice Articles 20-21

Envoi au comité de surveillance

(4) Un exemplaire de tous les documents transmis au procureur général du Canada en conformité avec le paragraphe (3) est envoyé au comité de surveillance dès leur transmission au procureur général.

1984, ch. 21, art 20.

PARTIE II

Contrôle judiciaire

Demande de mandat

21 (1) Le directeur ou un employé désigné à cette fin par le ministre peut, après avoir obtenu l'approbation du ministre, demander à un juge de décerner un mandat en conformité avec le présent article s'il a des motifs raisonnables de croire que le mandat est nécessaire pour permettre au Service de faire enquête, au Canada ou à l'extérieur du Canada, sur des menaces envers la sécurité du Canada ou d'exercer les fonctions qui lui sont conférées en vertu de l'article 16.

Contenu de la demande

- (2) La demande visée au paragraphe (1) est présentée par écrit et accompagnée de l'affidavit du demandeur portant sur les points suivants:
 - a) les faits sur lesquels le demandeur s'appuie pour avoir des motifs raisonnables de croire que le mandat est nécessaire aux fins visées au paragraphe (1);
 - b) le fait que d'autres méthodes d'enquête ont été essayées en vain, ou la raison pour laquelle elles semblent avoir peu de chances de succès, le fait que l'urgence de l'affaire est telle qu'il serait très difficile de mener l'enquête sans mandat ou le fait que, sans mandat, il est probable que des informations importantes concernant les menaces ou les fonctions visées au paragraphe (1) ne pourraient être acquises;
 - c) les catégories de communications dont l'interception, les catégories d'informations, de documents ou d'objets dont l'acquisition, ou les pouvoirs visés aux alinéas (3)a) à c) dont l'exercice, sont à autoriser;
 - d) l'identité de la personne, si elle est connue, dont les communications sont à intercepter ou qui est en possession des informations, documents ou objets à acquérir;
 - e) les personnes ou catégories de personnes destinataires du mandat demandé;

15

Service canadien du renseignement de sécurité PARTIE II Canadie juggares Article 21

- (e) the persons or classes of persons to whom the warrant is proposed to be directed;
- (f) a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given;
- (g) the period, not exceeding sixty days or one year, as the case may be, for which the warrant is requested to be in force that is applicable by virtue of subsection (5); and
- (h) any previous application made under subsection (1) in relation to a person who is identified in the affidavit in accordance with paragraph (d), the date on which each such application was made, the name of the judge to whom it was made and the judge's decision on it.

Issuance of warrant

- (3) Notwithstanding any other law but subject to the Statistics Act, where the judge to whom an application under subsection (1) is made is satisfied of the matters referred to in paragraphs (2)(a) and (b) set out in the affidavit accompanying the application, the judge may issue a warrant authorizing the persons to whom it is directed to intercept any communication or obtain any information, record, document or thing and, for that purpose,
 - (a) to enter any place or open or obtain access to any thing;
 - (b) to search for, remove or return, or examine, take extracts from or make copies of or record in any other manner the information, record, document or thing; or
 - (c) to install, maintain or remove any thing.

Activities outside Canada

(3.1) Without regard to any other law, including that of any foreign state, a judge may, in a warrant issued under subsection (3), authorize activities outside Canada to enable the Service to investigate a threat to the security of Canada.

Matters to be specified in warrant

- (4) There shall be specified in a warrant issued under subsection (3)
 - (a) the type of communication authorized to be intercepted, the type of information, records, documents or things authorized to be obtained and the powers

- f) si possible, une description générale du lieu où le mandat demandé est à exécuter;
- g) la durée de validité applicable en vertu du paragraphe (5), de soixante jours ou d'un an au maximum, selon le cas, demandée pour le mandat;
- h) la mention des demandes antérieures présentées au titre du paragraphe (1) touchant des personnes visées à l'alinéa d), la date de chacune de ces demandes, le nom du juge à qui elles ont été présentées et la décision de celui-ci dans chaque cas.

Délivrance du mandat

- (3) Par dérogation à toute autre règle de droit mais sous réserve de la Loi sur la statistique, le juge à qui est présentée la demande visée au paragraphe (1) peut décerner le mandat s'il est convaincu de l'existence des faits mentionnés aux alinéas (2)a) et b) et dans l'affidavit qui accompagne la demande; le mandat autorise ses destinataires à intercepter des communications ou à acquérir des informations, documents ou objets. À cette fin, il peut autoriser aussi, de leur part :
 - a) l'accès à un lieu ou un objet ou l'ouverture d'un objet;
 - b) la recherche, l'enlèvement ou la remise en place de tout document ou objet, leur examen, le prélèvement des informations qui s'y trouvent, ainsi que leur enregistrement et l'établissement de copies ou d'extraits par tout procédé;
 - c) l'installation, l'entretien et l'enlèvement d'objets.

Activités à l'extérieur du Canada

(3.1) Sans égard à toute autre règle de droit, notamment le droit de tout État étranger, le juge peut autoriser l'exercice à l'extérieur du Canada des activités autorisées par le mandat décerné, en vertu du paragraphe (3), pour permettre au Service de faire enquête sur des menaces envers la sécurité du Canada.

Contenu du mandat

- (4) Le mandat décerné en vertu du paragraphe (3) porte les indications suivantes :
 - a) les catégories de communications dont l'interception, les catégories d'informations, de documents ou

Current to September 27, 2016 Last amended on June 18, 2015 16

A jour au 27 septembre 2016 Dernière modification le 18 juin 2015

Service canadien du renseignement de sécurity PARTIE II Contrôle judicaté Articles 21-21.1

referred to in paragraphs (3)(a) to (c) authorized to be exercised for that purpose;

- (b) the identity of the person, if known, whose communication is to be intercepted or who has possession of the information, record, document or thing to be obtained;
- (c) the persons or classes of persons to whom the warrant is directed:
- (d) a general description of the place where the warrant may be executed, if a general description of that place can be given;
- (e) the period for which the warrant is in force; and
- (f) such terms and conditions as the judge considers advisable in the public interest.

Maximum duration of warrant

- (5) A warrant shall not be issued under subsection (3) for a period exceeding
 - (a) sixty days where the warrant is issued to enable the Service to investigate a threat to the security of Canada within the meaning of paragraph (d) of the definition of that expression in section 2; or
- (b) one year in any other case.

 R.S., 1985, c. C-23, s. 21, 2015, c. 9, s. 8, c. 20, s. 43.

Application for warrant — measures to reduce threats to the security of Canada

21.1 (II) If the Director or any employee who is designated by the Minister for the purpose believes on reasonable grounds that a warrant under this section is required to enable the Service to take measures, within or outside Canada, to reduce a threat to the security of Canada, the Director or employee may, after having obtained the Minister's approval, make an application in accordance with subsection (2) to a judge for a warrant under this section.

Matters to be specified in application

- (2) An application to a judge under subsection (1) shall be made in writing and be accompanied by the applicant's affidavit deposing to the following matters:
 - (a) the facts relied on to justify the belief on reasonable grounds that a warrant under this section is required to enable the Service to take measures to reduce a threat to the security of Canada;
 - (b) the measures proposed to be taken;

- d'objets dont l'acquisition, ou les pouvoirs visés aux alinéas (3)a) à c) dont l'exercice, sont autorisés;
- b) l'identité de la personne, si elle est connue, dont les communications sont à intercepter ou qui est en possession des informations, documents ou objets à acquérir;
- c) les personnes ou catégories de personnes destinataires du mandat;
- d) si possible, une description générale du lieu où le mandat peut être exécuté;
- e) la durée de validité du mandat;
- f) les conditions que le juge estime indiquées dans l'intérêt public.

Durée maximale

- (5) Il ne peut être décerné de mandat en vertu du paragraphe (3) que pour une période maximale:
 - a) de soixante jours, lorsque le mandat est décerné pour permettre au Service de faire enquête sur des menaces envers la sécurité du Canada au sens de l'alinéa d) de la définition de telles menaces contenue à l'article 2;
- b) d'un an, dans tout autre cas. L.R. (1985), ch. C-23, art. 21; 2016, ch. 9, art. 8, ch. 20, art. 43.

Demande de mandat — mesures pour réduire les menaces envers la sécurité du Canada

21.1 (1) Le directeur ou un employé désigné à cette fin par le ministre peut, après avoir obtenu l'approbation du ministre, demander à un juge de décerner un mandat en conformité avec le présent article s'il a des motifs raisonnables de croire que le mandat est nécessaire pour permettre au Service de prendre, au Canada ou à l'extérieur du Canada, des mesures pour réduire une menace envers la sécurité du Canada.

Contenu de la demande

- (2) La demande est présentée par écrit et accompagnée de l'affidavit du demandeur portant sur les points suivants:
 - a) les faits sur lesquels le demandeur s'appuie pour avoir des motifs raisonnables de croire que le mandat est nécessaire pour permettre au Service de prendre des mesures pour réduire une menace envers la sécurité du Canada;

- Service canadien du renseignament de sacurite PARTIE II Contrôle udiciatre Article 21.1
- (c) the reasonableness and proportionality, in the circumstances, of the proposed measures, having regard to the nature of the threat, the nature of the measures and the reasonable availability of other means to reduce the threat;
- (d) the identity of the persons, if known, who are directly affected by the proposed measures;
- (e) the persons or classes of persons to whom the warrant is proposed to be directed;
- (f) a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given;
- (g) the period, not exceeding 60 days or 120 days, as the case may be, for which the warrant is requested to be in force that is applicable by virtue of subsection (6); and
- (h) any previous application made under subsection (1) in relation to a person who is identified in the affidavit in accordance with paragraph (d), the date on which each such application was made, the name of the judge to whom it was made and the judge's decision on it.

Issuance of warrant

- (3) Despite any other law but subject to the Statistics. Act, if the judge to whom an application under subsection (1) is made is satisfied of the matters referred to in paragraphs (2)(a) and (c) that are set out in the affidavit accompanying the application, the judge may issue a warrant authorizing the persons to whom it is directed to take the measures specified in it and, for that purpose,
 - (a) to enter any place or open or obtain access to any thing;
 - (b) to search for, remove or return, or examine, take extracts from or make copies of or record in any other manner the information, record, document or thing;
 - (c) to install, maintain or remove any thing; or
 - (d) to do any other thing that is reasonably necessary to take those measures.

Measures taken outside Canada

(4) Without regard to any other law, including that of any foreign state, a judge may, in a warrant issued under

- b) les mesures envisagées;
- c) le fait que les mesures envisagées sont justes et adaptées aux circonstances, compte tenu de la nature de la menace et des mesures, ainsi que des solutions de rechange acceptables pour réduire la menace;
- d) l'identité des personnes qui sont touchées directement par les mesures envisagées, si elle est connue;
- e) les personnes ou catégories de personnes destinataires du mandat demandé;
- f) si possible, une description générale du lieu où le mandat demandé est à exécuter;
- g) la durée de validité applicable en vertu du paragraphe (6), de soixante jours ou de cent vingt jours au maximum, selon le cas, demandée pour le mandat;
- h) la mention des demandes antérieures présentées au titre du paragraphe (1) touchant des personnes visées à l'alinéa d), la date de chacune de ces demandes, le nom du juge à qui elles ont été présentées et la décision de celui-ci dans chaque cas.

Délivrance du mandat

- (3) Par dérogation à toute autre règle de droit mais sous réserve de la Loi sur la statistique, le juge à qui est présentée la demande visée au paragraphe (1) peut décerner le mandat s'il est convaincu de l'existence des faits qui sont mentionnés aux alinéas (2)a) et c) et énoncés dans l'affidavit qui accompagne la demande; le mandat autorise ses destinataires à prendre les mesures qui y sont indiquées. À cette fin, il peut autoriser aussi, de leur part :
 - a) l'accès à un lieu ou un objet ou l'ouverture d'un objet;
 - b) la recherche, l'enlèvement ou la remise en place de tout document ou objet, leur examen, le prélèvement des informations qui s'y trouvent, ainsi que leur enregistrement et l'établissement de copies ou d'extraits par tout procédé;
 - c) l'installation, l'entretien et l'enlèvement d'objets;
 - d) les autres actes nécessaires dans les circonstances à la prise des mesures.

Mesures à l'extérieur du Canada

(4) Sans égard à toute autre règle de droit, notamment le droit de tout État étranger, le juge peut autoriser la prise Canadian Security Intelligence Service PART II out cel Centrel Sections 71 1-23

subsection (3), authorize the measures specified in it to be taken outside Canada.

Matters to be specified in warrant

- (5) There shall be specified in a warrant issued under subsection (3)
 - (a) the measures authorized to be taken;
 - (b) the identity of the persons, if known, who are directly affected by the measures;
 - (c) the persons or classes of persons to whom the warrant is directed;
 - (d) a general description of the place where the warrant may be executed, if a general description of that place can be given;
 - (e) the period for which the warrant is in force; and
 - (f) any terms and conditions that the judge considers advisable in the public interest.

Maximum duration of warrant

- (6) A warrant shall not be issued under subsection (3) for a period exceeding
 - (a) (0) days if the warrant is issued to enable the Service to take measures to reduce a threat to the security of Canada within the meaning of paragraph (d) of the definition threats to the security of Canada in section 2; or
 - (b) 120 days in any other case.

2015, c. 20, s. 44.

Renewal of warrant

- 22 On application in writing to a judge for the renewal of a warrant issued under subsection 21(3) made by a person entitled to apply for such a warrant after having obtained the approval of the Minister, the judge may, from time to time, renew the warrant for a period not exceeding the period for which the warrant may be issued pursuant to subsection 21(5) if satisfied by evidence on oath that
 - (a) the warrant continues to be required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16; and
 - (b) any of the matters referred to in paragraph 21(2)(b) are applicable in the circumstances.

1984 c 21 i 22

Service vanadien du rensaignament de sécurite PARTIE II Compôte judicistre Articles 21.1.22

à l'extérieur du Canada des mesures indiquées dans le mandat décerné en vertu du paragraphe (3).

Contenu du mandat

- (5) Le mandat décerné en vertu du paragraphe (3) porte les indications suivantes :
 - a) les mesures autorisées;
 - b) l'identité des personnes qui sont touchées directement par les mesures, si elle est connue;
 - c) les personnes ou catégories de personnes destinataires du mandat;
 - d) si possible, une description générale du lieu où le mandat peut être exécuté;
 - e) la durée de validité du mandat;
 - t) les conditions que le juge estime indiquées dans l'intérêt public.

Durée maximale

- (6) Il ne peut être décerné de mandat en vertu du paragraphe (3) que pour une période maximale:
 - a) de soixante jours, lorsque le mandat est décerné pour permettre au Service de prendre des mesures pour réduire une menace envers la sécurité du Canada au sens de l'alinéa d) de la définition de telles menaces à l'article 2;
- b) de cent vingt jours, dans tout autre cas.

Renouvellement

- 22 Sur la demande écrite, approuvée par le ministre, que lui en fait une personne autorisée à demander le mandat visé au paragraphe 21(3), le juge peut le renouveler, pour une période n'excédant pas celle pour laquelle ce mandat peut être décerné en vertu du paragraphe 21(5), s'il est convaincu par le dossier qui lui est présenté sous serment, à la fois:
 - a) que le mandat reste nécessaire pour permettre au Service de faire enquête sur des menaces envers la sécurité du Canada ou d'exercer les fonctions qui lui sont conférées en vertu de l'article 16;
 - b) de l'existence des faits mentionnés à l'alinéa 21(2)b).

1984, ch. 21, am. 22.

Servica canadien du renseignement de sécurité PARTIE II Contrôle (udiciana Articles 22.1-22.3

Renewal of warrant — measures to reduce threats to the security of Canada

- 22.1 (1) On application in writing to a judge for the renewal of a warrant issued under subsection 21.1(3) made by a person who is entitled, after having obtained the Minister's approval, to apply for such a warrant and who believes on reasonable grounds that the warrant continues to be required to enable the Service to take the measures specified in it to reduce a threat to the security of Canada, the judge may renew the warrant if the judge is satisfied by evidence on oath of the following matters:
 - (a) the facts relied on to justify the belief on reasonable grounds that the warrant continues to be required to enable the Service to take the measures specified in it to reduce a threat to the security of Canada; and
 - (b) the continued reasonableness and proportionality, in the circumstances, of the measures specified in the warrant, having regard to the nature of the threat, the nature of the measures and the reasonable availability of other means to reduce the threat.

Limits on renewal

(2) A warrant issued under subsection 21.1(3) may be renewed only twice, with each renewal being for a period not exceeding the period for which it may be issued under subsection 21.1(6).

2015, c. 20, s. 45,

Limits on execution of warrant

22.2 A person to whom — or a person who is included in a class of persons to whom — a warrant issued under section 21.1 is directed may take the measures specified in it only if, at the time that they take them, they believe on reasonable grounds that the measures are reasonable and proportional in the circumstances, having regard to the nature of the threat to the security of Canada, the nature of the measures and the reasonable availability of other means to reduce the threat.

2015, c. 20, s. 45,

Assistance order

22.3 (1) A judge may order any person to provide assistance if the person's assistance may reasonably be considered to be required to give effect to a warrant issued under section 21 or 21.1.

Confidentiality

(2) The judge may include in the order any measure that the judge considers necessary in the public interest to ensure the confidentiality of the order, including the identity of any person who is required to provide assistance

Renouvellement — mesures pour réduire les menaces envers la sécurité du Canada

- 22.1 (1) Sur la demande écrite, approuvée par le ministre, que lui en fait une personne qui est habilitée à demander le mandat visé au paragraphe 21.1(3) et qui a des motifs raisonnables de croire que le mandat reste nécessaire pour permettre au Service de prendre les mesures qui y sont indiquées pour réduire une menace envers la sécurité du Canada, le juge peut renouveler le mandat, s'il est convaincu par le dossier qui lui est présenté sous serment, à la fois:
 - a) de l'existence des faits sur lesquels le demandeur s'appuie pour avoir des motifs raisonnables de croire que le mandat reste nécessaire pour permettre au Service de prendre les mesures qui y sont indiquées pour réduire une menace envers la sécurité du Canada;
 - b) du fait que les mesures indiquées dans le mandat demeurent justes et adaptées aux circonstances, compte tenu de la nature de la menace et des mesures, ainsi que des solutions de rechange acceptables pour réduire la menace.

Limites

(2) Le mandat peut être renouvelé au plus deux fois et, chaque fois, pour une période n'excédant pas celle pour laquelle il peut être décerné en vertu du paragraphe 21.1(6).

2015, ch. 20, art. 45.

Limite imposée au destinataire du mandat

22.2 Le destinataire — qu'il le soit à titre individuel ou au titre de son appartenance à une catégorie donnée — du mandat décerné en vertu de l'article 21.1 ne peut prendre les mesures autorisées par le mandat que s'il a des motifs raisonnables de croire qu'elles sont, au moment de leur prise, justes et adaptées aux circonstances, compte tenu de la nature de la menace envers la sécurité du Canada et des mesures, ainsi que des solutions de rechange acceptables pour réduire la menace.

2015, ch. 20, art. 45.

Ordonnance d'assistance

22.3 (1) Le juge peut ordonner à toute personne de prêter son assistance si celle-ci peut raisonnablement être jugée nécessaire à l'exécution d'un mandat décerné en vertu des articles 21 ou 21 l

Confidentialité

(2) Le juge peut prévoir dans l'ordonnance toute mesure qu'il estime nécessaire dans l'intérêt public afin de garantir la confidentialité de l'ordonnance, notamment la confidentialité de l'identité des personnes tenues de

Current to September 27, 2015 Last amended on June 18, 2015 20

A jour su 27 septembre 2016 Derniers modification le 18 juin 2015 Canadian Security Intelligence Service PART B Judicial Course Sections 12.2-20.1

under the order and any other information concerning the provision of the assistance.

2015, c. 20, s. 45.

Warrant authorizing removal

23 (1) On application in writing by the Director or any employee who is designated by the Minister for the purpose, a judge may, if the judge thinks fit, issue a warrant authorizing the persons to whom the warrant is directed to remove from any place any thing installed in accordance with a warrant issued under subsection 21(3) or 21.1(3) and, for that purpose, to enter any place or open or obtain access to any thing.

Matters to be specified in warrant

(2) There shall be specified in a warrant issued under subsection (1) the matters referred to in paragraphs 21(4)(c) to (f) or 21.1(5)(c) to (f), as the case may be.

Warrant to have effect notwithstanding other laws

24 Notwithstanding any other law, a warrant issued under section 21 or 23

- (a) authorizes every person or person included in a class of persons to whom the warrant is directed,
 - (i) in the case of a warrant issued under section 21, to exercise the powers specified in the warrant for the purpose of intercepting communications of the type specified therein or obtaining information, records, documents or things of the type specified therein, or
 - (ii) in the case of a warrant issued under section 23, to execute the warrant; and
- (b) authorizes any other person to assist a person who that other person believes on reasonable grounds is acting in accordance with such a warrant.

1984, c. 21, s. 24

Authorization to request assistance

24.1 (1) A person to whom — or a person who is included in a class of persons to whom — a warrant issued under section 21.1 is directed may request that another person assist them in taking any measure that the requester is authorized to take under the warrant if the requester believes on reasonable grounds that the measure is reasonable and proportional in the circumstances, having regard to the nature of the threat to the security of Canada, the nature of the measure and the reasonable availability of other means to reduce the threat.

Service canadien du renseignement de sécurite PARTIE II Controle judiciaire Articles 22.3-24.1

prêter assistance aux termes de l'ordonnance et de toute autre information concernant cette assistance.

Mandat d'enlèvement de certains obiets

23 (1) Sur la demande écrite que lui en fait le directeur ou un employé désigné à cette fin par le ministre, le juge peut, s'il l'estime indiqué, décerner un mandat autorisant ses destinataires à enlever un objet d'un lieu où il avait été installé en conformité avec un mandat décerné en vertu des paragraphes 21(3) ou 21.1(3). À cette fin, le mandat peut autoriser, de leur part, l'accès à un lieu ou un objet ou l'ouverture d'un objet.

Contenu du mandat

(2) Le mandat décerné en vertu du paragraphe (1) porte les indications mentionnées aux alinéas 21(4)c) à f) ou 21.1(5)c) à f), selon le cas.

LR. (1985), ch. C-23, art. 23; 2015, ch. 20, art. 45.

Primauté des mandats

- 24 Par dérogation à toute autre règle de droit, le mandat décerné en vertu des articles 21 ou 23 :
 - a) autorise ses destinataires, en tant que tels ou au titre de leur appartenance à une catégorie donnée :
 - (5) dans le cas d'un mandat décerné en vertu de l'article 21, à employer les moyens qui y sont indiqués pour effectuer l'interception ou l'acquisition qui y est indiquée,
 - (ii) dans le cas d'un mandat décerné en vertu de l'article 23, à exécuter le mandat;
 - b) autorise quiconque à prêter assistance à une personne qu'il a des motifs raisonnables de croire habilitée par le mandat.

1984, ch. 21, art 24.

Demande d'assistance

24.1 (1) Le destinataire — qu'il le soit à titre individuel ou au titre de son appartenance à une catégorie donnée — du mandat décerné en vertu de l'article 21.1 peut demander à toute personne de lui prêter assistance pour lui permettre de prendre la mesure autorisée par le mandat, s'il a des motifs raisonnables de croire que la mesure est juste et adaptée aux circonstances, compte tenu de la nature de la menace envers la sécurité du Canada et de la mesure, ainsi que des solutions de rechange acceptables pour réduire la menace.

Service canadian du renseignament de securité PARTIE II Constité autoraire Articles 24.1-28

Person giving assistance

(2) A person to whom a request is made under subsection (1) is justified in assisting the requester in taking the measure if the person believes on reasonable grounds that the requester has the authority to take the measure.

2015, c. 20, s. 46.

Crown Liability and Proceedings Act not to apply

- 25 No action lies under section 18 of the Crown Liability and Proceedings Act in respect of
 - (a) the use or disclosure in accordance with this Act of any communication intercepted under the authority of a warrant issued under section 21 or 21.1; or
 - (b) the disclosure pursuant to this Act of the existence of any such communication.

H.S., 1985, c. C-23, s. 25; 1993, c. 34, s. 49; 2015, c. 20, s. 47.

Exclusion of Part VI of Criminal Code

26 Part VI of the Criminal Code does not apply in relation to any interception of a communication under the authority of a warrant issued under section 21 or 21.1 or in relation to any communication so intercepted.

R.S., 1985, c, C-23, s. 26; 2015, c. 20, s. 48.

Hearing of applications

27 An application under section 21, 21.1 or 23 for a warrant, an application under section 22 or 22.1 for the renewal of a warrant or an application for an order under section 22.3 shall be heard in private in accordance with regulations made under section 28.

R.S., 1985, c. C-23, s. 27; 2015, c. 20, s. 48.

Regulations

- 28 The Governor in Council may make regulations
 - (a) prescribing the forms of warrants that may be issued under section 21, 21.1 or 23;
 - (b) governing the practice and procedure of, and security requirements applicable to, hearings of applications for those warrants, for renewals of those warrants and for orders that may be made under section 22.3; and
 - (c) notwithstanding the Federal Courts Act and any rules made thereunder, specifying the places where those hearings may be held and the places where, and the manner in which, records or documents concerning those hearings shall be kept.

B.S., 1985, c. C-22, s. 28; 2002, c. 8, s. 182; 2015, c. 20, s. 49.

Personne prétant assistance

(2) La personne visée par la demande est justifiée de prêter assistance à l'auteur de la demande pour lui permettre de prendre la mesure si elle a des motifs raisonnables de croire qu'il est autorisé à la prendre.

2015, ch. 20, art. 48.

Non-application de la Loi sur la responsabilité civile de l'État et le contentieux administratif

- 25 Il ne peut être intenté d'action sous le régime de l'article 18 de la Loi sur la responsabilité civile de l'État et le contentieux administratif à l'égard :
 - a) de l'utilisation ou de la révélation faite en conformité avec la présente loi d'une communication dont l'interception a été autorisée par un mandat décerné en vertu des articles 21 ou 21.1;
 - b) de la révélation faite en conformité avec la présente loi de l'existence de cette communication.

I 8 (1985) ch C-23 art 25 1993 ch 34 art 49 2015 ch 20 art 47.

Non-application de la partie VI du Code criminel

26 La partie VI du Code criminel ne s'applique pas à une interception de communication autorisée par un mandat décerné en vertu des articles 21 ou 21.1 ni à la communication elle-même.

L.R. (1985), ch. C-23, art. 26; 2015, ch. 20, art. 48.

Audition des demandes

27 Une demande de mandat faite en vertu des articles 21, 21,1 ou 23, de renouvellement de mandat faite en vertu des articles 22 ou 22,1 ou d'ordonnance présentée au titre de l'article 22,3 est entendue à huis clos en conformité avec les règlements d'application de l'article 28.

L.R. (1985), ch. C-23, art. 27; 2015, ch. 20, art. 48.

Règlements

- 28 Le gouverneur en conseil peut, par règlement :
 - a) déterminer la forme des mandats décernés en vertu des articles 21, 21,1 ou 23;
 - b) régir la pratique et la procédure, ainsi que les conditions de sécurité, applicables à l'audition des demandes de mandat ou de renouvellement de mandat ou à celle des demandes d'ordonnance présentées au titre de l'article 22.3:
 - c) par dérogation à la Loi sur les Cours fédérales et aux règles établies sous son régime, préciser les lieux où peuvent se tenir les auditions et où doivent être conservés les archives et documents qui s'y rattachent, de même que leur mode de conservation.

L.R. (1985), ch. C-23, art. 28, 2002, ch. 8, art. 182; 2013, ch. 20, art. 49.

Current to September 27, 2016 Last amended on June 18, 2015 22

A jour au 27 septembru 2016 Dernière modification le 18 juin 2018 Canadian Security Intelligence Service PART III Styless Sections 29-34

PART III

Review

Interpretation

Definition of deputy head

- 29 In this Part, deputy head means, in relation to
 - (a) a department named in Schedule I to the Financial Administration Act, the deputy minister thereof,
 - (b) the Canadian Forces, the Chief of the Defence Staff.
 - (c) the Royal Canadian Mounted Police, the Commissioner.
 - (d) the Service, the Director, and
 - (e) any other portion of the federal public administration, the person designated by order in council pursuart to this paragraph and for the purposes of this Part to be the deputy head of that portion of the federal public administration.

R.S., 1985, c. C-23, s. 29; 2003, c. 22, s. 224(E).

- 30 [Repealed, 2012, c. 19, s. 380]
- 31 [Repealed, 2012, c. 19, s. 380]
- 32 [Repealed, 2012, c. 19, s. 380]
- 33 [Repealed, 2012, c. 19, s. 380]

Security Intelligence Review Committee

Security Intelligence Review Committee

34 (1) There is hereby established a committee, to be known as the Security Intelligence Review Committee, consisting of a Chairman and not less than two and not more than four other members, all of whom shall be appointed by the Governor in Council from among members of the Queen's Privy Council for Canada who are not members of the Senate or the House of Commons, after consultation by the Prime Minister of Canada with the Leader of the Opposition in the House of Commons and the leader in the House of Commons of each party having at least twelve members in that House.

Sarvice canadien du renseignement de securite PARTIE III Surve l'ance Articles 29-34

PARTIE III

Surveillance

Définition

Définition de administrateur général

- 29 Dans la présente partie, administrateur général s'entend:
 - a) à l'égard d'un ministère mentionné à l'annexe I de la Loi sur la gestion des finances publiques, du sousministre;
 - b) à l'égard des Forces canadiennes, du chef d'étatmajor de la défense;
 - c) à l'égard de la Gendarmerie royale du Canada, du Commissaire;
 - d) à l'égard du Service, du directeur;
 - e) à l'égard d'un autre secteur de l'administration publique fédérale, de la personne désignée par décret, en vertu du présent alinéa, à titre d'administrateur général de ce secteur pour l'application de la présente partie.

L.R. (1985), ch. C-23, art. 29; 2003, ch. 22, art. 224(A)

- 30 [Abrogé, 2012, ch. 19, art. 380]
- 31 [Abrogé, 2012, ch. 19, art. 380]
- 32 [Abrogé, 2012, ch. 19, art. 380]
- 33 [Abrogé, 2012, ch. 19, art. 380]

Comité de surveillance des activités de renseignement de sécurité

Constitution du comité de surveillance

34 (1) Est constitué le comité de surveillance des activités de renseignement de sécurité, composé du président et de deux à quatre autres membres, tous nommés par le gouverneur en conseil parmi les membres du Conseil privé de la Reine pour le Canada qui ne font partie ni du Sénat ni de la Chambre des communes. Cette nomination est précédée de consultations entre le premier ministre du Canada, le chef de l'opposition à la Chambre des communes et le chef de chacun des partis qui y disposent d'au moins douze députés.

Canadian Security Intelligence Service PART III Review Security Intelligence Review Committee Sections 34-38

Term of office

(2) Each member of the Review Committee shall be appointed to hold office during good behaviour for a term not exceeding five years.

Re-appointment

(3) A member of the Review Committee is eligible to be re-appointed for a term not exceeding five years.

Expenses

(4) Each member of the Review Committee is entitled to be paid, for each day that the member performs duties and functions under this Act, such remuneration as is fixed by the Governor in Council and shall be paid reasonable travel and living expenses incurred by the member in the performance of those duties and functions.

Chairman of the Review Committee

35 (1) The Chairman of the Review Committee is the chief executive officer of the Committee.

Acting Chairman of the Review Committee

(2) The Chairman of the Review Committee may designate another member of the Committee to act as the Chairman in the event of the absence or incapacity of the Chairman and, if no such designation is in force or the office of Chairman is vacant, the Minister may designate a member of the Committee to act as the Chairman.

Staff of Review Committee

36 The Review Committee may, with the approval of the Treasury Board,

- (a) engage a secretary and such other staff as it requires; and
- (b) fix and pay the remuneration and expenses of persons engaged pursuant to paragraph (a).

1984, c. 21, s. 36.

Compliance with security requirements

37 Every member of the Review Committee and every person engaged by it shall comply with all security requirements applicable by or under this Act to an employee and shall take the oath of secrecy set out in the schedule.

1984, c. 21, s. 37

Functions of Review Committee

38 (1) The functions of the Review Committee are

Service canadian du tenseignoment de sécurite
PARTIE III Servadance
Connté de surveillance des activités de rense gneroant de sécurite
Articles 34.38

Durée du mandat

(2) Les membres du comité de surveillance sont nommés à titre inamovible pour une durée maximale de cinq ans.

Renouvellement

(3) Le mandat des membres du comité de surveillance est renouvelable pour une durée maximale identique.

Rémunération et frais

(4) Les membres du comité de surveillance ont le droit de recevoir, pour chaque jour qu'ils exercent les fonctions qui leur sont conférées en vertu de la présente loi, la rémunération que fixe le gouverneur en conseil et sont indemnisés des frais de déplacement et de séjour entraînés par l'exercice de ces fonctions.

1984, ch. 21, art. 34.

Premier dirigeant

35 (1) Le président est le premier dirigeant du comité de surveillance.

Suppléance

(2) Le président peut désigner un membre du comité de surveillance pour assumer la présidence en cas d'absence ou d'empêchement de sa part; à défaut d'une telle désignation préalable ou en cas de vacance du poste de président, le ministre désigne le président suppléant parmi les autres membres.

1984, ch. 21, art. 35.

Personnel du comité de surveillance

36 Le comité de surveillance peut, avec l'approbation du Conseil du Trésor :

- a) engager un secrétaire et le personnel dont il a besoin;
- b) fixer et verser la rémunération et les frais des personnes visées à l'alinéa a).

1984, ch. 21, art. 36.

Conditions de sécurité

37 Les membres du comité de surveillance et les personnes qu'il engage se conforment aux conditions de sécurité applicables aux employés en vertu de la présente loi et prêtent le serment de secret mentionné à l'annexe.

1984, ch. 21, art. 37

Fonctions du comité de surveillance

38 (1) Le comité de surveillance a les fonctions suivantes:

Current to September 27, 2016 Last amended on June 18, 2015 24

A jour au 27 septembre 2016 Elemiera modification le 13 juin 2015 Certeolan Security Intelligence Service PART III Review Security Intelligence Review Committee Section 36

- (a) to review generally the performance by the Service of its duties and functions and, in connection therewith
 - (i) [Repealed, 2012. c. 19, s. 381]
 - (ii) to review directions issued by the Minister under subsection 6(2),
 - (iii) to review arrangements entered into by the Service pursuant to subsections 13(2) and (3) and 17(1) and to monitor the provision of information and intelligence pursuant to those arrangements,
 - (iv) to review any report or comment given to it pursuant to subsection 20(4),
 - (v) to inonitor any request referred to in paragraph 16(3)(a) made to the Service,
 - (vi) to review the regulations, and
 - (vii) to compile and analyse statistics on the operational activities of the Service;
- (b) to arrange for reviews to be conducted, or to conduct reviews, pursuant to section 40; and
- (c) to conduct investigations in relation to
 - (i) complaints made to the Committee under sections 41 and 42,
 - (ii) reports made to the Committee pursuant to section 19 of the Citizenship Act, and
 - (iii) matters referred to the Committee pursuant to section 45 of the Canadian Human Rights Act.

Review of measures

(1.1) In reviewing the performance by the Service of its duties and functions the Review Committee shall, each fiscal year, review at least one aspect of the Service's performance in taking measures to reduce threats to the security of Canada.

Review Committee's other functions

(2) As soon as the circumstances permit after receiving a copy of a report referred to in subsection 6(4), the Review Committee shall submit to the Minister a certificate stating the extent to which it is satisfied with the report and whether any of the Service's operational activities described in the report, in its opinion, Service constian qu'estaignement de sécurité PARTIE III Surveitance Contré de surveitance des suffertés de rensegnement de sécurita Article 28

- a) surveiller la façon dont le Service exerce ses fonctions et, à cet égard :
 - (i) [Abrogé, 2012, ch. 19, art. 381]
 - (ii) examiner les instructions que donne le ministre en vertu du paragraphe 6(2),
 - (iii) examiner les ententes conclues par le Service en vertu des paragraphes 13(2) et (3) et 17(1), et surveiller les informations ou renseignements qui sont transmis en vertu de celles-ci,
 - (iv) examiner les rapports et commentaires qui lui sont transmis en conformité avec le paragraphe 20(4).
 - (v) surveiller les demandes qui sont présentées au Service en vertu de l'alinéa 16(3)a),
 - (vi) examiner les règlements,
 - (vii) réunir et analyser des statistiques sur les activités opérationnelles du Service;
- b) effectuer ou faire effectuer des recherches en vertu de l'article 40;
- c) faire enquête sur :
 - (i) les plaintes qu'il reçoit en vertu des articles 41 et 42
 - (ii) les rapports qui lui sont transmis en vertu de l'article 19 de la Loi sur la citoyenneté,
 - (iii) les affaires qui lui sont transmises en vertu de l'article 45 de la Loi canadienne sur les droits de la personne.

Examen des mesures

(1.1) Dans le cadre de la surveillance de la façon dont le Service exerce ses fonctions, le comité de surveillance examine à chaque exercice au moins un aspect de la prise, par le Service, de mesures pour réduire les menaces envers la sécurité du Canada.

Autres fonctions du comité de surveillance

(2) Dans les plus brefs délais possible après réception du rapport visé au paragraphe 6(4), le comité de surveillance remet au ministre un certificat indiquant dans quelle mesure le rapport lui paraît acceptable et signalant toute activité opérationnelle du Service visée dans le rapport qui, selon lui : Canadian Security intelligence Service PART fil Review Security intelligence Review Committee Sections 38-40

- (a) is not authorized by or under this Act or contravenes any directions issued by the Minister under subsection 6(2); or
- (b) involves an unreasonable or unnecessary exercise by the Service of any of its powers.

R.S., 1985, c. C-23, s. 38, 2001, c. 27, s. 225, 2012, c. 19, s. 381; 2015, c. 20, s. 50.

Committee procedures

39 (1) Subject to this Act, the Review Committee may determine the procedure to be followed in the performance of any of its duties or functions.

Access to information

- (2) Despite subsection 18.1(2), any other Act of Parliament or any privilege under the law of evidence, but subject to subsection (3), the Review Committee is entitled
 - (a) to have access to any information under the control of the Service that relates to the performance of the duties and functions of the Committee and to receive from the Director and employees such information, reports and explanations as the Committee deems necessary for the performance of its duties and functions; and
 - (b) during any investigation referred to in paragraph 38(c), to have access to any information under the control of the deputy head concerned that is relevant to the investigation.

Idem

(3) No information described in subsection (2), other than a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the Canada Evidence Act applies, may be withheld from the Committee on any grounds.

R.S., 1985, c. C-23, s. 39; 2012, c. 19, s. 382; 2015, c. 9, s. 9.

Review

- **40 (1)** For the purpose of ensuring that the activities of the Service are carried out in accordance with this Act, the regulations and directions issued by the Minister under subsection 6(2) and that the activities do not involve any unreasonable or unnecessary exercise by the Service of any of its powers, the Review Committee may
 - (a) direct the Service to conduct a review of the Service's specific activities and provide the Committee with a report on the review; or
 - (b) if it considers that a review by the Service would be inappropriate, conduct such a review itself.

Service canadien du renseignement de sécurite PARTE III Surveitance Comité de suiveit ance des activités de renseignement de sécut té Articles 38-40

- a) n'est pas autorisée sous le régime de la présente loi ou contrevient aux instructions données par le ministre en vertu du paragraphe 6(2);
- b) comporte un exercice abusif ou inutile par le Service de ses pouvoirs.

L.R. (1985), ch. C-23, art. 38; 2001, ch. 27, art. 225; 2012, ch. 19, art. 381; 2015, ch. 20, art. 50.

Procédure

39 (1) Sous réserve des autres dispositions de la présente loi, le comité de surveillance peut déterminer la procédure à suivre dans l'exercice de ses fonctions.

Accès aux informations

- (2) Malgré le paragraphe 18.1(2), toute autre loi fédérale ou toute immunité reconnue par le droit de la preuve, mais sous réserve du paragraphe (3), le comité de surveillance:
 - a) est autorisé à avoir accès aux informations qui se rattachent à l'exercice de ses fonctions et qui relèvent du Service et à recevoir du directeur et des employés les informations, rapports et explications dont il juge avoir besoin dans cet exercice;
 - b) au cours des enquêtes visées à l'alinéa 38c), est autorisé à avoir accès aux informations qui se rapportent à ces enquêtes et qui relèvent de l'administrateur général concerné.

Idem

(3) À l'exception des renseignements confidentiels du Conseil privé de la Reine pour le Canada visés par le paragraphe 39(1) de la Loi sur la preuve au Canada, aucune des informations visées au paragraphe (2) ne peut, pour quelque motif que ce soit, être refusée au comité.

L.R. (1985), ch. C-23, art. 39; 2012, ch. 19, art. 382; 2015, ch. 9, art. 9.

Recherches

- 40 (1) Afin de veiller à ce que les activités du Service soient conduites conformément à la présente loi, à ses règlements et aux instructions du ministre visées au paragraphe 6(2), et qu'elles ne donnent pas lieu à l'exercice par le Service de ses pouvoirs d'une façon abusive ou inutile, le comité de surveillance peut :
 - a) soit faire effectuer par le Service des recherches sur certaines activités du Service et exiger de lui qu'il lui en fasse rapport;
 - b) soit effectuer ces recherches lui-même s'il juge qu'il serait contre-indiqué de les faire effectuer par le Service.

Current to September 27, 2016 Last amended on June 18, 2015 25

À jour au 27 septembre 2016 Dernière motification le 18 juin 2015 Carechan Security Intelligence Service PART III To Alexi Security Intelligence Review Committee Sections 41-42

Report of findings

(2) On completion of a review conducted under subsection (1, the Review Committee shall provide the Minister and the Director with the following:

- (a) in the case of a review conducted by the Service, the Service's report to the Committee along with any recommendations that the Committee considers appropriate; and
- (b) in the case of a review conducted by the Committee, its own report, which is to contain the findings of the review and any recommendations that the Committee considers appropriate.

R.S., 1985, c. C-23, s. 40; 2012, c. 19, s. 383

Complaints

Complaints

- 41 (1) Any person may make a complaint to the Review Committee with respect to any act or thing done by the Service and the Committee shall, subject to subsection (2), investigate the complaint if
 - (a) the complainant has made a complaint to the Director with respect to that act or thing and the complainant has not received a response within such period of time as the Committee considers reasonable or is dissatisfied with the response given; and
 - (b) the Committee is satisfied that the complaint is not trivial, frivolous, vexatious or made in bad faith.

Other redress available

(2) The Review Committee shall not investigate a complaint in respect of which the complainant is entitled to seek redress by means of a grievance procedure established pursuant to this Act or the Public Service Labour Relations Act.

R.S., 1985, 1 C-23, s. 41; 2003, c. 22, s. 146(E).

Denial of security clearance

42 (1) Where, by reason only of the denial of a security clearance required by the Government of Canada, a decision is made by a deputy head to deny employment to an individual or to dismiss, demote or transfer an individual or to deny a promotion or transfer to an individual, the deputy head shall send, within ten days after the decision is made, a notice informing the individual of the denial of the security clearance.

Idem

(2) Where, by reason only of the denial of a security clearance required by the Government of Canada to be Service canadien du renseignement de sécurité PARTIE III Suive-Ponce Comité de suive-lance des activités de renseignement de sécurité Articles 20-42

Rapport

- (2) À l'issue des recherches, le comité de surveillance envoie au ministre et au directeur :
 - a) si les recherches ont été effectuées par le Service, le rapport que celui-ci lui a fait parvenir et les recommandations que le comité juge indiquées;
 - b) s'il a effectué lui-même les recherches, son propre rapport contenant ses conclusions et les recommandations qu'il juge indiquées.

L.R. (1965), ch. C-23, art. 40; 2012, ch. 19, art. 383

Plaintes

Plaintes

- 41 (1) Toute personne peut porter plainte contre des activités du Service auprès du comité de surveillance; celuici, sous réserve du paragraphe (2), fait enquête à la condition de s'assurer au préalable de ce qui suit:
 - a) d'une part, la plainte a été présentée au directeur sans que ce dernier ait répondu dans un délai jugé normal par le comité ou ait fourni une réponse qui satisfasse le plaignant;
 - b) d'autre part, la plainte n'est pas frivole, vexatoire, sans objet ou entachée de mauvaise foi.

Restriction

(2) Le comité de surveillance ne peut enquêter sur une plainte qui constitue un grief susceptible d'être réglé par la procédure de griefs établie en vertu de la présente loi ou de la Loi sur les relations de travail dans la fonction publique.

L.R. (1985), ch. C-23, ert. 41: 2003, ch. 22, ert. 146(A).

Refus d'une habilitation de sécurité

42 (1) Les individus qui font l'objet d'une décision de renvoi, de rétrogradation, de mutation ou d'opposition à engagement, avancement ou mutation prise par un administrateur général pour la seule raison du refus d'une habilitation de sécurité que le gouvernement du Canada exige doivent être avisés du refus par l'administrateur général; celui-ci envoie l'avis dans les dix jours suivant la prise de la décision.

Iden

(2) Dans le cas où, pour la seule raison du refus d'une habilitation de sécurité que le gouvernement du Canada Canadian Security Intelligence Service PART III Severy Completits Sections 42-46

given in respect of an individual, a decision is made to deny the individual or any other person a contract to provide goods or services to the Government of Canada, the deputy head concerned shall send, within ten days after the decision is made, a notice informing the individual and, where applicable, the other person of the denial of the security clearance.

Receipt and investigation of complaints

- (3) The Review Committee shall receive and investigate a complaint from
 - (a) any individual referred to in subsection (1) who has been denied a security clearance; or
 - (b) any person who has been denied a contract to provide goods or services to the Government of Canada by reason only of the denial of a security clearance in respect of that person or any individual.

Time within which complaint is to be made

(4) A complaint under subsection (3) shall be made within thirty days after receipt of the notice referred to in subsection (1) or (2) or within such longer period as the Review Committee allows.

1984, c. 21, s. 42

Member of the Committee authorized to act alone

43 A member of the Review Committee may exercise any of the powers or perform any of the duties or functions of the Committee under this Part in relation to complaints.

1984, c. 21, s. 43

Complaints submitted on behalf of complainants

44 Nothing in this Act precludes the Review Committee from receiving and investigating complaints described in sections 41 and 42 that are submitted by a person authorized by the complainant to act on behalf of the complainant, and a reference to a complainant in any other section includes a reference to a person so authorized.

1984, c. 21, s. 44

Written complaint

45 A complaint under this Part shall be made to the Review Committee in writing unless the Committee authorizes otherwise.

1994, c. 21, s. 45

Statement and notice of hearing to be sent to the complainant

46 The Review Committee shall, as soon as practicable after receiving a complaint made under section 42, send to the complainant a statement summarizing such

Service canadien du renseignement de sécurité PARTIE III Surveillance Plantes Articles 42-46

exige à l'égard d'un individu, celui-ci ou une autre personne fait l'objet d'une décision d'opposition à un contrat de fourniture de biens ou de services à ce gouvernement, l'administrateur général concerné envoie dans les dix jours suivant la prise de la décision un avis informant l'individu, et s'il y a licu l'autre personne, du refus.

Réception des plaintes et enquêtes

- (3) Le comité de surveillance reçoit les plaintes et fait enquête sur les plaintes présentées par :
 - a) les individus visés au paragraphe (1) à qui une habilitation de sécurité est refusée;
 - b) les personnes qui ont fait l'objet d'une décision d'opposition à un contrat de fourniture de biens ou de services pour la seule raison du refus d'une habilitation de sécurité à ces personnes ou à quiconque.

Délai

(4) Les plaintes visées au paragraphe (3) sont à présenter dans les trente jours suivant la réception de l'avis mentionné aux paragraphes (1) ou (2) ou dans le délai supérieur accordé par le comité de surveillance.

1984, ch. 21, art. 42.

Délégation de compétence

43 Un membre du comité de surveillance peut, à l'égard des plaintes dont celui-ci est saisi, exercer les pouvoirs et fonctions que la présente partie confère au comité.

1984, ch. 21, art. 43.

Représentants

44 Le comité de surveillance peut recevoir les plaintes visées aux articles 41 et 42 par l'intermédiaire d'un représentant du plaignant. Dans les autres articles de la présente loi, les dispositions qui concernent le plaignant concernent également son représentant.

1984, ch. 21, art. 44

Plaintes écrites

45 Les plaintes visées à la présente partie sont à présenter par écrit au comité de surveillance, sauf autorisation contraire de celui-ci.

1984, ch. 21, art. 45

Résumé au plaignant

46 Afin de permettre au plaignant d'être informé de la façon la plus complète possible des circonstances qui ont donné lieu au refus d'une habilitation de sécurité, le

Current to September 27, 2015 Last amended on June 18, 2015 28

A jour su 27 septembre 2016 Demière modification to 18 juin 2015 Canadian Recurry Intelligence Service PART III Recure Complaints Sections 43-90

information available to the Committee as will enable the complainant to be as fully informed as possible of the circumstances giving rise to the denial of the security clearance and shall send a copy of the statement to the Director and the deputy head concerned.

1984, c. 21 s. 46.

Investigations

Notice of intention to investigate

47 Before commencing an investigation of a complaint referred to in paragraph 38(e) other than an investigation under section 41, the Review Committee shall notify the Director and, where applicable, the deputy head concerned of its intention to carry out the investigation and shall inform the Director and the deputy head of the substance of the complaint.

1984, c. 21, s. 47,

Investigations in private

48 (1) Every investigation of a complaint under this Part by the Review Committee shall be conducted in private.

Right to make representations

(2) In the course of an investigation of a complaint under this Part by the Review Committee, the complainant, deputy head concerned and the Director shall be given an opportunity to make representations to the Review Committee, to present evidence and to be heard personally or by coursel, but no one is entitled as of right to be present during, to have access to or to comment on representations made to the Review Committee by any other person.

1984, c. 21, s. 48

Canadian Human Rights Commission may comment

49 In the course of an investigation of a complaint under this Part, the Review Committee shall, where appropriate, ask the Canadian Human Rights Commission for its opinion or comments with respect to the complaint.

Powers of Review Committee

50 The Review Committee has, in relation to the investigation of any complaint under this Part, power

(a) to summon and enforce the appearance of persons before the Committee and to compel them to give oral or written evidence on oath and to produce such documents and things as the Committee deems requisite to Sarvice canadish du senseignament de socurite PARTE BI Surveillance Flentes Articlas 46-50

comité de surveillance lui envoie, dans les plus brefs délais possible après réception d'une plainte présentée en vertu de l'article 42, un résumé des informations dont il dispose à ce sujet; il envoie un exemplaire du résumé au directeur et à l'administrateur général concerné.

1984, ch. 21, art. 46.

Enquêtes

Avis d'enquête

47 Le comité de surveillance, avant de procéder aux enquêtes visées à l'alinéa 38c), autres que celles faites en vertu de l'article 41, avise le directeur et, s'il y a lieu, l'administrateur général concerné de son intention d'enquêter et leur fait connaître l'objet de la plainte.

1984, ch. 21, art. 47

Secret

48 (1) Les enquêtes sur les plaintes présentées en vertu de la présente partie sont tenues en secret.

Droit de présenter des observations

(2) Au cours d'une enquête relative à une plainte présentée en vertu de la présente partie, le plaignant, le directeur et l'administrateur général concerné doivent avoir la possibilité de présenter des observations et des éléments de preuve au comité de surveillance ainsi que d'être entendu en personne ou par l'intermédiaire d'un avocat; toutefois, nul n'a le droit absolu d'être présent lorsqu'une autre personne présente des observations au comité, ni d'en recevoir communication ou de faire des commentaires à leur sujet.

1984, ch. 21, art. 48,

Commentaires de la Commission canadienne des droits de la personne

49 Au cours d'une enquête relative à une plainte présentée en vertu de la présente partie, le comité de surveillance demande, si cela est opportun, à la Commission canadienne des droits de la personne de lui donner son avis ou ses commentaires sur la plainte.

1984, ch. 21, art. 49.

Pouvoirs du comité de surveillance

50 Le comité de surveillance a, dans ses enquêtes sur les plaintes présentées en vertu de la présente partie, le pouvoir :

 a) d'assigner et de contraindre des témoins à comparaître devant lui, à déposer verbalement ou par écrit sous serment et à produire les pièces qu'il juge Canadian Security Intelligence Service PART III Review Investigations Sections 50-83

> the full investigation and consideration of the complaint in the same manner and to the same extent as a superior court of record;

(b) to administer oaths; and

(c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the Committee sees fit, whether or not that evidence or information is or would be admissible in a court of law.

1984, c. 21, s. 50

Evidence in other proceedings

51 Except in a prosecution of a person for an offence under section 133 of the *Criminal Code* (false statements in extra-judicial proceedings) in respect of a statement made under this Act, evidence given by a person in proceedings under this Part and evidence of the existence of the proceedings are inadmissible against that person in a court or in any other proceedings.

1984, c. 21, s. 51.

Report of findings

52 (1) The Review Committee shall,

(a) on completion of an investigation in relation to a complaint under section 41, provide the Minister and the Director with a report containing the findings of the investigation and any recommendations that the Committee considers appropriate; and

(b) at the same time as or after a report is provided pursuant to paragraph (a), report the findings of the investigation to the complainant and may, if it thinks fit, report to the complainant any recommendations referred to in that paragraph.

Idem

(2) On completion of an investigation in relation to a complaint under section 42, the Review Committee shall provide the Minister, the Director, the deputy head concerned and the complainant with a report containing any recommendations that the Committee considers appropriate, and those findings of the investigation that the Committee considers it fit to report to the complainant.

1594, c. 21, 5. 57

Reports

Annual reports

53 (1) The Review Committee shall, not later than September 30 in each fiscal year, submit to the Minister a

Service canedien du renseignement de sécurité PARTIE III Surveillance Enquêtes Articles 50-53

indispensables pour instruire et examiner à fond les plaintes, de la même façon et dans la même mesure qu'une cour supérieure d'archives;

b) de faire prêter serment;

c) de recevoir des éléments de preuve ou des informations par déclaration verbale ou écrite sous serment ou par tout autre moyen qu'il estime indiqué, indépendamment de leur admissibilité devant les tribunaux.

1984, ch. 21, art. 50.

Inadmissibilité de la preuve dans d'autres procédures

51 Sauf les cas où une personne est poursuivie pour une infraction visée à l'article 133 du Code criminel (fausses déclarations dans des procédures extrajudiciaires) se rapportant à une déclaration faite en vertu de la présente loi, les dépositions faites au cours de procédures prévues par la présente partie ou le fait de l'existence de ces procédures ne sont pas admissibles contre le déposant devant les tribunaux ni dans aucune autre procédure.

Rapport et recommandation

52 (1) Le comité de surveillance :

 a) à l'issue d'une enquête sur une plainte présentée en vertu de l'article 41, envoie au ministre et au directeur un rapport contenant ses conclusions et les recommandations qu'il juge indiquées;

b) en même temps ou plus tard, fait parvenir au plaignant les conclusions de son enquête; s'il le juge à propos, il peut y joindre tout ou partie des recommandations mentionnées à l'alinéa a).

Idem

(2) À l'issue d'une enquête sur une plainte présentée en vertu de l'article 42, le comité de surveillance envoie au ministre, au directeur, à l'administrateur général concerné et au plaignant un rapport des recommandations qu'il juge indiquées et des conclusions qu'il juge à propos de communiquer au plaignant.

1984, ch. 21, art. 52.

Rapports

Rapport annuel

53 (1) Au plus tard le 30 septembre, le comité de surveillance présente au ministre son rapport d'activité pour

Current to September 27, 2016 Last amended on June 18, 2015 30

A jour au 27 septembre 2016 Dernière modification le 18 juin 2015 Canadian Security Intelligence Servite PART III Folder Februar Sections 53-66

report of the activities of the Committee during the preceding fiscal year and the Minister shall cause the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the day the Minister receives it.

Additional information

(2) In addition, the report shall specify the number of warrants issued under section 21.1 in the fiscal year and the number of applications for warrants made under that section that were refused in that year.

R.S., 1985, c. C-23, s. 53; R.S., 1985, c. 1 (4th Supp.), s. 7; 2015, c. 20, s. 51,

Minister's briefings

54 (1) At least once a year, and at any other time at the Minister's request, the Review Committee, or a person engaged by it and designated by it for the purposes of this section, shall meet the Minister and brief him or her on any matter that relates to the performance by the Service of its duties and functions.

Special reports

(2) The Review Committee may, on request by the Minister or at any other time, furnish the Minister with a special report concerning any matter that relates to the performance of its duties and functions.

R.S., 1985, p. C-23, s. 54; 2012, c. 19, s. 384

Protection of confidential information

55 The Review Committee shall consult with the Director in order to ensure compliance with section 37 in preparing

(a) a statement under section 46 of this Act, subsection 45(6) of the Canadian Human Rights Act or subsection 19(5) of the Citizenship Act; or

(b) a report under paragraph 52(1)(b), subsection 52(2) or section 53 of this Act, subsection 46(1) of the Canadian Human Rights Act or subsection 19(6) of the Citizenship Act.

R.S., 1985, et. C-23, s. 55: 2001, c. 27, s. 226.

PART IV

Review by Parliament

Review of Act after five years

56 (1) After July 16, 1989, a comprehensive review of the provisions and operation of this Act shall be undertaken by such committee of the House of Commons or of

Service canadien du renseignament de sécurité PARTIE III Surveillance Raupons Articles 53-56

l'exercice précédant cette date. Le ministre le fait déposer devant chaque chambre du Parlement dans les quinze premiers jours de séance de celle-ci suivant sa réception.

Informations supplémentaires

(2) Le rapport précise, pour l'exercice visé, le nombre de mandats décernés en vertu de l'article 21.1 et le nombre de demandes de mandat présentées au titre de cet article qui ont été rejetées.

L.R. (1985), ch. C-23, an. 53; L.R. (1985), ch. 1 (46 suppl.), art. 7; 2015, ch. 20, an. 51.

Questions portées à l'attention du ministre

54 (1) Au moins une fois par année, et à tout autre moment à la demande du ministre, le comité de surveillance ou la personne engagée par celui-ci et désignée par lui pour l'application du présent article rencontre le ministre et l'informe sur la façon dont le Service exerce ses fonctions

Rapports spéciaux

(2) Le comité de surveillance peut, de sa propre initiative ou à la demande du ministre, présenter à celui-ci un rapport spécial sur toute question qui relève de sa compétence.

L.R. (1985), ch. C-23, art. 54; 2012, ch. 19, art. 384.

Protection des renseignements confidentiels

55 Le comité de surveillance consulte le directeur en vue de l'observation de l'article 37 pour l'établissement :

a) des résumés visés à l'article 46 de la présente loi, au paragraphe 45(6) de la Loi canadienne sur les droits de la personne ou au paragraphe 19(5) de la Loi sur la citoyenneté;

b) des rapports visés à l'alinéa 52(1)b), au paragraphe 52(2) ou à l'article 53 de la présente loi, au paragraphe 46(1) de la Loi canadienne sur les droits de la personne ou au paragraphe 19(6) de la Loi sur la citoyenneté

L.R. (1985), ch. C-23, arr. 55; 2001, ch. 27, arr. 226.

PARTIE IV

Examen parlementaire

Examen de la loi après cinq ans

56 (1) Après le 16 juillet 1989, un examen complet des dispositions et de l'application de la présente loi doit être fait par le comité, soit de la Chambre des communes, soit mixte, que le Parlement désigne ou constitue à cette fin.

Canadian Security Intelligence Service PART IV Review by Parliament Section 55 Service canadien du renseignement de sécurité PARTIE IV Examen parlymentaire Article 56

both Houses of Parliament as may be designated or established by Parliament for that purpose.

Report to Parliament

(2) The committee referred to in subsection (1) shall, within a year after a review is undertaken pursuant to that subsection or within such further time as Parliament may authorize, submit a report on the review to Parliament including a statement of any changes the committee recommends.

1984. c. 21, s. 69.

Rapport au Parlement

(2) Dans l'année qui suit le début de son étude ou dans le délai supérieur que le Parlement lui accorde, le comité visé au paragraphe (1) remet son rapport, accompagné des modifications qu'il recommande, au Parlement.

1984, ch. 21, art. 69.

Current to September 27, 2016 Last amended on June 18, 2015 3

À jour au 27 septembre 2016 Dernière modification is 18 juin 2015 Canadian Security Intelligence Service SCHEDUU;

SCHEDULE

(Section 10)

Oath of Office

I,, swear that I will faithfully and impartially to the best of my abilities perform the duties required of me as (the Director, an employee) of the Canadian Security Intelligence Service. So help me God.

Oath of Secrecy

I,, swear that I will not, without due authority, disclose or make known to any person any information acquired by me by reason of the duties performed by me on behalf of or under the direction of the Canadian Security Intelligence Service or by reason of any office or employment held by me pursuant to the Canadian Security Intelligence Service Act. So help me God.

Service canadien du renseignement de sécurité ANNEXE

ANNEXE

(article 10)

Serment professionnel

Je,, jure que je remplirai avec fidélité, impartialité et dans toute la mesure de mes moyens les fonctions qui m'incombent en qualité (de directeur ou d'employé) du Service canadien du renseignement de sécurité. Ainsi Dieu me soit en aide.

Serment de secret

Je,, jure que, sauf autorisation régulièrement donnée, je ne révélerai rien de ce qui sera parvenu à ma connaissance dans l'exercice de mes fonctions pour le compte ou sous la direction du Service canadien du renseignement de sécurité ou en raison des charges ou de l'emploi que je détiens sous le régime de la Loi sur le Service canadien du renseignement de sécurité. Ainsi Dieu me soit en aide.

1984, ch. 21, ann.

RELATED PROVISIONS

- 2005, c. 38, s. 16, as amended by 2005, c. 38, par. 144(8)(a)(E)

Definitions

16 The following definitions apply in sections 17 to 19 and 21 to 28.

former agency means the portion of the federal public administration known as the Canada Border Services Agency. (ancienne agence)

new agency means the Canada Border Services Agency established under subsection 3(1). (nouvelle agence)

order P.C. 2003-2064 means Order in Council P.C. 2003-2064 of December 12, 2003, registered as SI/2003-216. (décret C.P. 2003-2064)

- 2005, c. 38, par. 19(1)(f)

References

- 19 (1) A reference to the former agency in any of the following is deemed to be a reference to the new agency:
 - (f) any order of the Governor in Council made under paragraph 29(e) of the Canadian Security Intelligence Service Act;
- 2005, c. 38, par. 19(2)(a)

Deputy head

- 19 (2) The designation of a person as deputy head of the former agency in any of the following is deemed to be a designation of the President of the new agency as deputy head of that agency:
 - (a) any order of the Governor in Council made under paragraph 29(e) of the Canadian Security Intelligence Service Act; and

DISPOSITIONS CONNEXES

- 2005, ch. 38, art. 16, modifié par 2005, ch. 38, al. 144(8)a)(E)

Définitions

16 Les définitions qui suivent s'appliquent aux articles 17 à 19 et 21 à 28.

ancienne agence Le secteur de l'administration publique fédérale appelé Agence des services frontaliers du Canada. (former agency)

décret C.P. 2003-2064 Le décret C.P. 2003-2064 du 12 décembre 2003 portant le numéro d'enregistrement TR/2003-216. (order P.C. 2003-2064)

nouvelle agence L'Agence des services frontaliers du Canada constituée par le paragraphe 3(1). (new agency)

- 2005, ch. 38, al. 19(1)f)

Mentions

- 19 (1) La mention de l'ancienne agence dans les textes ciaprès vaut mention de la nouvelle agence :
 - f) tout décret pris en vertu de l'alinéa 29e) de la Loi sur le Service canadien du renseignement de sécurité;
- 2005, ch. 38, al. 19(2)a)

Administrateur général

- 19 (2) La désignation de toute personne à titre d'administrateur général de l'ancienne agence dans les textes ci-après vaut désignation du président de la nouvelle agence à titre d'administrateur général de celle-ci:
 - a) tout décret pris en vertu de l'alinéa 29e) de la Loi sur le Service canadien du renseignement de sécurité;

TAB



CANADA

CONSOLIDATION

CODIFICATION

Canadian Security Intelligence Service Act Deputy Heads of the Public Service of Canada Order Décret sur la désignation des administrateurs généraux de l'administration publique fédérale (Loi sur le Service canadien du renseignement de sécurité)

SI/93-81

TR/93-81

Current to September 27, 2016

Last amended on January 1, 2016

À jour au 27 septembre 2016

Dernière modification le 1 janvier 2016

Published by the Minister of Justice at the following address: http://laws-lois.justice.gc.ca Publié par le ministre de la Justice à l'adresse suivante : http://lois-laws.justice.gc.ca

OFFICIAL STATUS OF CONSOLIDATIONS

Subsections 31(1) and (3) of the Legislation Revision and Consolidation Act, in force on June 1, 2009, provide as follows:

Published consolidation is evidence

31 (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

Inconsistencies in regulations

(3) In the event of an inconsistency between a consolidated regulation published by the Minister under this Act and the original regulation or a subsequent amendment as registered by the Clerk of the Privy Council under the Statutory Instruments Act, the original regulation or amendment prevails to the extent of the inconsistency.

NOTE

This consolidation is current to September 27, 2016. The last amendments came into force on January 1, 2016. Any amendments that were not in force as of September 27, 2016 are set out at the end of this document under the heading "Amendments Not in Force".

CARACTÈRE OFFICIEL DES CODIFICATIONS

Les paragraphes 31(1) et (3) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1^{er} juin 2009, prévoient ce qui suit:

Codifications comme élément de preuve

31 (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

[...]

Incompatibilité - règlements

(3) Les dispositions du règlement d'origine avec ses modifications subséquentes enregistrées par le greffier du Conseil privé en vertu de la *Loi sur les textes réglementaires* l'emportent sur les dispositions incompatibles du règlement codifié publié par le ministre en vertu de la présente loi.

NOTE

Cette codification est à jour au 27 septembre 2016. Les dernières modifications sont entrées en vigueur le 1 janvier 2016. Toutes modifications qui n'étaient pas en vigueur au 27 septembre 2016 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

AGC0603

TABLE OF PROVISIONS

Order Respecting the Designation of Persons for the Purposes of Part III the Canadian Security Intelligence Service Act to be the Deputy Heads of Portions of the Public Service of Canada

- Short Title
- 2 Designation

SCHEDULE

TABLE ANALYTIQUE

Décret désignant des personnes à tître d'administrateur général d'un secteur de l'administration publique fédérale pour l'application de la partie III de la Loi sur le service canadien du renseignement de sécurité

- 1 Titre abrégé
- 2 Désignation

ANNEXE

Registration SI/93-81 June 16, 1993

CANADIAN SECURITY INTELLIGENCE SERVICE ACT

Canadian Security Intelligence Service Act Deputy Heads of the Public Service of Canada Order

P.C. 1993-1073 May 25, 1993

His Excellency the Governor General in Council, on the recommendation of the Solicitor General of Canada and the President of the Treasury Board, pursuant to paragraph (e) of the definition deputy head in section 29 of the Canadian Security Intelligence Service Act, is pleased hereby to make the annexed Order respecting the designation of persons for the purposes of Part III of the Canadian Security Intelligence Service Act to be the deputy heads of portions of the public service of Canada.

Enregistrement TR/93-81 Le 16 juin 1993

LOI SUR LE SERVICE CANADIEN DU RENSEIGNEMENT DE SÉCURITÉ

Décret sur la désignation des administrateurs généraux de l'administration publique fédérale (Loi sur le Service canadien du renseignement de sécurité)

C.P. 1993-1073 Le 25 mai 1993

Sur recommandation du solliciteur général du Canada et du président du Conseil du Trésor et en vertu de l'alinéa e) de la définition de administrateur général à l'article 29 de la Loi sur le Service cànadien du renseignement de sécurité, il plaît à Son Excellence le Gouverneur général en conseil de prendre le Décret désignant des personnes à titre d'administrateur général d'un secteur de l'administration publique fédérale pour l'application de la partie III de la Loi sur le Service canadien du renseignement de sécurité, ci-après.

Order Respecting the Designation of Persons for the Purposes of Part III the Canadian Security Intelligence Service Act to be the Deputy Heads of Portions of the Public Service of Canada

Décret désignant des personnes à titre d'administrateur général d'un secteur de l'administration publique fédérale pour l'application de la partie III de la Loi sur le service canadien du renseignement de sécurité

Short Title

1 This Order may be cited as the Canadian Security Intelligence Service Act Deputy Heads of the Public Service of Canada Order.

Designation

2 The person holding the position set out in column II of an item of the schedule is hereby designated, for the purposes of Part III of the Canadian Security Intelligence Service Act, as the deputy head of that portion of the public service of Canada set out in column I of that item.

Titre abrégé

1 Décret sur la désignation des administrateurs généraux de l'administration publique fédérale (Loi sur le Service canadien du renseignement de sécurité).

Désignation

2 Le titulaire d'un poste visé à la colonne II de l'annexe est désigné, pour l'application de la partie III de la *Loi* sur le Service canadien du renseignement de sécurité, à titre d'administrateur général du secteur de l'administration publique fédérale mentionné à la colonne I.

SCHEDULE

(Section 2)

	Column I	Column #
tem	Portion of the public service of Canada	Position
).1	Administrative Tribunals Support Service of Canada Service canadien d'appui aux tribunaux administratifs	Chief Administrator Administrateur en chef
	Atlantic Canada Opportunities Agency Agence de promotion économique du Canada atlantique	President Président
i)	[Repealed, SI/2005-134, s. 1]	
	Atomic Energy of Canada Limited Énergie atomique du Canada, Limitée	President and Chief Executive Officer Président-directeur général
	Bank of Canada Banque du Canada	Governor Gouverneur
	Bureau of Pensions Advocates Bureau de services juridiques des pensions	Chief Pensions Advocate Chef avocat-conseil
5.01	Canada Border Services Agency Agence des services frontaliers du Canada	President Président
,1	Canada Customs and Revenue Agency Agence des douanes et du revenu du Canada	Commissioner Commissaire
ę.	Canada Deposit Insurance Corporation Société d'assurance-dépôts du Canada	President and Chief Executive Officer Président et premier dirigeant
6	Canada Development Investment Corporation Corporation d'investissements au développement du Canada	Executive Vice-President Premier vice-président
	[Repealed, SI/2014-87, s. 2]	
	Canada Lands Company Limited Société immobilière du Canada Limitée	President Président
0	Canada Mortgage and Housing Corporation Société canadienne d'hypothèques et de logement	President Président
1	Canada Ports Corporation Société canadienne des ports	President and Chief Executive Officer Président et premier dirigeant
2	Canada Post Corporation Société canadienne des postes	President and Chief Executive Officer Président-directeur général
3	Canadian Advisory Council on the Status of Women Conseil consultatif canadien de la situation de la femme	President Présidente
4	Canadian Broadcasting Corporation Société Radio-Canada	President Président-directeur général
5	Canadian Centre for Management Development Centre canadien de gestion	Principal Directeur
6	Canadian Centre for Occupational Health and Safety Centre canadien d'hygiène et de sécurité au travail	President and Chief Executive Officer Président et premier dirigeant
7	Canadian Commercial Corporation Corporation commerciale canadienne	President Président
8	Canadian Dairy Commission Commission canadianne du lait	Chairman Président

2

1 :-

	Column I	Column II
Item	Portion of the public service of Canada	Position
18.01	[Repealed, SI/2006-84, s. 1]	
18,1	Canadian Food Inspection Agency Agence canadienne d'inspection des ailments	President Président
18.2	[Repealed, SI/2014-2, s. 1]	
19	Canadian Forces Non-Public Funds Fonds non publics des Forces canadiennes	Director General, Personnel Services Directeur général, Service du personnel
20	Canadian Grain Commission Commission canadienne des grains	Chief Commissioner Président
21	Canadian Human Rights Commission Commission canadienne des droits de la personne	Chief Commissioner Président
22	Canadian Intergovernmental Conference Secretariat Secrétariat des conférences intergouvernementales canadiennes	Secretary Secretaire
23	[Repealed, SI/2013-72, s. 1]	
24	[Repealed, Sl/2014-87, s. 2]	
25	Canadian Livestock Feed Board Office canadien des provendes	Chairman Président
26	Canadian Museum of Civilization Musée canadien des civilisations	Deputy Director Sous-directeur
27	Canadian Museum of Nature Musée canadien de la nature	Deputy Director Sous-directeur
27.01	Canadian Northern Economic Development Agency Agence canadienne de développement économique du Nord	President Président
27.1	Canadian Nuclear Safety Commission Commission canadienne de sûreté nucléaire	President and Chief Executive Officer Président et premier dirigeant
28	Canadian Pension Commission Commission canadienne des pensions	Chairman Président
29	Canadian Radio-television and Telecommunications Commission Conseil de la radiodiffusion et des télécommunications canadiennes	Chairperson Président
30	Canadian Secretariat Secrétariat canadien	Deputy Secretary and Senior Policy Advisor Secrétaire adjoint et conseiller principal en politique
31	Canadian Space Agency Agence spatiale canadienne	President Président
32	Canadian Transportation Accident Investigation and Safety Board Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports	Chairperson Président
33	Canadian Wheat Board Commission canadienne du blé	Chief Commissioner Président
34	[Repealed, SI/2014-87, s. 2]	
34.1	Communications Security Establishment Centre de la sécurité des télécommunications	Chief Chef

Current to September 27, 2016 Last amended on January 1, 2016 3

A jour au 27 septembre 2016 Dernière modification le 1 janvier 2016

	Column I	Column #
tem	Portion of the public service of Canada	Position
5	Copyright Board Commission du droit d'auteur	Vice-Chairman and Chief Executive Officer Vice-président et premier dirigeant
6	Correctional Service of Canada Service correctionnel du Canada	Commissioner of Corrections Commissaire aux services correctionnels
5.1	Department of Employment and Social Development Ministère de l'Emploi et du Développement social	Deputy Minister Sous-ministre
7	Department of Industry, Science and Technology Ministère de l'Industrie, des Sciences est de la Technologie	Deputy Minister Sous-ministre
7.1	[Repealed, SI/2006-15, s. 1]	
В	The Director, The Veterans' Land Act Directeur des terres destinées aux anciens combattants	Deputy Minister of Veterans Affairs Sous-ministre des Affaires des anciens combattants
3.1	Economic Development Agency of Canada for the Regions of Quebec Agence de développement économique du Canada pour les régions du Québec	President Président
)	Elections Canada Elections Canada	Chief Electoral Officer Directeur général des élections
)	Emergency Preparedness Canada Protection civile Canada	Executive Director Administrateur général
	Energy Supplies Allocation Board Office de répartition des approvisionnements d'énergie	Chairman Président
2	Export Development Canada Société pour l'expansion des exportations	President Président
	Farm Credit Canada Financement agricole Canada	Chairman Président
1	Federal Business Development Bank Banque fédérale de développement	President Président
5	Federal Court of Canada Cour fédérale du Canada	Administrator Administrateur
5.1	Federal Economic Development Agency for Southern Ontario. Agence fédérale de developpement économique pour le Sud de l'Ontario	President Président
5.2	Financial Transactions and Reports Analysis Centre of Canada Centre d'analyse des opérations et déclarations financières du Canada	Director Directeur
S	Fitness and Amateur Sport Condition physique et sport amateur	Deputy Minister Sous-ministre
1	Fraser River Harbour Commission Commission du port de Fraser River	Port Manager and Chief Executive Officer Gestionnaire de port et premier dirigeant
	Goods and Services Tax-Consumer Information Office Bureau d'information des consommateurs sur la taxe sur les produits et services	Executive Director Directeur général
	Grain Transportation Agency Office du transport du grain	Administrator Administrateur

Current to September 27, 2016 Lest emencied on January 1, 2016 À jour au 27 septembre 2018 Dernière modification le 1 janvier 2018

	Columni	Column II
Item	Portion of the public service of Canada	Position
50	Great Lakes Pilotage Authority, Ltd. Administration de pilotage des Grands Lacs, Limitée	Chairman Président
51	Halifax Port Corporation Société de port de Halifax	President and Chief Executive Officer Président et premier dirigeant
52	Hamilton Harbour Commissioners Commissaires du havre de Hamilton	Port Director Directeur de port
53	[Repealed, 2012, c. 31, s. 296]	
54	Immigration and Refugee Board Commission de l'immigration et du statut de réfugié	Chairman Président
55	Indian Oil and Gas Canada Pétrole et gaz des Indiens Canada	Deputy Minister Sous-ministre
55.1	[Repealed, S1/2009-49, s. 2]	
56	Investment Canada Investissement Canada	President Président
57	Medical Research Council Conseil de recherches médicales	President <i>Président</i>
57,1	Military Grievances External Review Committee Comité externe d'examen des griefs militaires	Chairperson Président
58	Montreal Port Corporation Société du port de Montréal	President and Chief Executive Officer Président et premier dirigeant
59	Nanaimo Harbour Commission Commission du port de Nanaïmo	Port Manager Gestionnaire de port
60	Library and Archives of Canada Bibliothèque et Archives du Canada	Librarian and Archivist of Canada Bibliothécaire et archiviste du Canada
61	National Capital Commission Commission de la capitale nationale	Chairman Président
62	National Energy Board Office national de l'énergie	Chairman Président
63	National Farm Products Marketing Council Conseil national de commercialisation des produits de ferme	Chairman Président
64	National Film Board Office national du film	Commissioner Commissaire
65	National Gallery of Canada Musée des beaux-arts du Canada	Director Directeur
66	Library and Archives of Canada Bibliothèque et Archives du Canada	Librarian and Archivist of Canada Directeur général
67	National Museum of Science and Technology Musée national des sciences et de la technologie	Director Directeur
68	National Parole Board Commission nationale des libérations conditionnelles	Chairman Président
69	National Research Council of Canada Conseil national de recherches du Canada	President Président

Current to September 27, 2015 Last amended on January 1, 2016 A jour au 27 septembre 2016 Dernière modification la 1 janvier 2016

	Column I	Column il
em	Portion of the public service of Canada	Position
0	National Transportation Agency Office national des transports	Chairman Président
1	Natural Sciences and Engineering Research Council Conseil de recherches en sciences naturelles et en génie	President Président
2	North Fraser Harbour Commission Commission du port de North Fraser	Port Manager Gestionnaire de port
3	Northern Pipeline Agency Administration du pipe-line du Nord	Commissioner Directeur général
3.1	Office of Infrastructure of Canada Bureau de l'infrastructure du Canada	Deputy Head Administrateur général
4	Office of the Auditor General of Canada Bureau du vérificateur général du Canada	Deputy Auditor General Sous-vérificateur général
4.01	Office of the Chief Human Resources Officer Bureau du dirigeant principal des ressources humaines	Chief Human Resources Officer Dirigeant principal des ressources humaines
5	Office of the Commissioner for Federal Judicial Affairs Bureau du commissaire à la magistrature fédérale	Commissioner for Federal Judicial Affairs Commissaire à la magistrature fédérale
3	Office of the Commissioner of Official Languages Commissariat aux langues officielles	Deputy Commissioner Sous-commissaire
7	Office of the Comptroller General Bureau du contrôleur général	Comptroller General of Canada Contrôleur général du Canada
3	Office of Co-ordinator, Status of Women Bureau de la coordinatrice de la situation de la femme	Co-ordinator Coordinatrice
9	Office of the Information Commissioner of Canada Bureau du Commissaire à l'information du Canada	Information Commissioner Commissaire à l'information
)	Office of the Privacy Commissioner Bureau du Commissaire à la protection de la vie privée	Commissioner Commissaire
0.01	Office of the Public Sector Integrity Commissioner Commissariat à l'intégrité du secteur public	Commissioner Commissaire
0.1	Office of the Registrar of Lobbyists Bureau du directeur des lobbyistes	Registrar Directeur
ť	Office of the Secretary to the Governor General Bureau du secrétaire du gouverneur général	Secretary Secrétaire
1	Office of the Superintendent of Bankruptcy Bureau du surintendant des faillites	Superintendent of Bankruptcy Surintendant des faillites
Į.	Office of the Superintendent of Financial Institutions Bureau du surintendant des institutions financières	Superintendent Surintendant
	Oshawa Harbour Commission Commission du port d'Oshawa	Port Manager and Chief Executive Officer Gestionnaire de port et premier dirigeant
	Pacific Pilotage Authority Administration de pilotage du Pacifique	Chairman Président
Ę	Patented Medicine Prices Review Board Conseil d'examen du prix des médicaments brevetés	Chairman Président

	Column I	Column II
tem	Portion of the public service of Canada	Position
37	Port Alberni Harbour Commission Commission du port de Port Alberni	Port Manager and Chief Executive Officer Gestionnaire de port et premier dirigeant
88	Port of Quebec Corporation Société de port de Québec	President and Chief Executive Officer Président et premier dirigeant
19	Prairie Farm Rehabilitation Committees Comités du rétablissement agricole des Prairies	Deputy Minister Sous-ministre
0	Prince Rupert Port Corporation Société de port de Prince Rupert	General Manager and Chief Executive Officer Directeur général et premier dirigeant
11	Privy Council Office Bureau du Conseil privé	Clerk of the Privy Council Greffier du Conseil privé
2	Procurement Review Board Commission de révision des marchés publics	Chairman Président
2.01	[Repealed, SI/2012-54, s. 1]	
2.1	Public Health Agency of Canada Agence de la santé publique du Canada	President Président
3	Public Service Commission Commission de la fonction publique	Chairman Président
3.1	[Repealed, SI/2009-14, s. 1]	- N
4 to 95.2	[Repealed, SI/2014-87, s. 2]	
6	Royal Canadian Mint Monnaie royale canadienne	Master Président
7	Royal Canadian Mounted Police External Review Committee Comité externe d'examen de la Gendarmerie royale du Canada	Chairman Président
8	Royal Canadian Mounted Police Public Complaints Commission Commission des plaintes du public contre la Gendarmerie royale du Canada	Chairman Président
9	St. John's Port Corporation Société du port de St. John's	Port Manager and Chief Executive Officer Directeur général et premier dirigeant
00	The St. Lawrence Seaway Authority Administration de la voie maritime du Saint-Laurent	President and Chief Executive Officer Président et premier dirigeant
01	Saint John Port Corporation Société du port de Saint John	General Manager and Chief Executive Officer Directeur général et premier dirigeant
02	Science Council of Canada Conseil des sciences du Canada	Chairman Président
03	Security Intelligence Review Committee Comité de surveillance des activités de renseignement de sécurité	Chairman Président
03.1	Shared Services Canada Services partagés Canada	President Président
04	Social Sciences and Humanities Research Council of Canada Conseil de recherches en sciences humaines du Canada	President President

Current to September 27, 2016 Last amended on January 1, 2016 7

A jour au 27 septembre 2016 Dernière modification le 1 janvier 2016

	Column 1	Column II
tem	Portion of the public service of Canada	Position
106	Statistical Survey Operations Opérations des enquêtes statistiques	Chief Statistician Statisticien en chef
107	Statistics Canada Statistique Canada	Chief Statistician Statisticien en chef
801	Supreme Court of Canada Cour suprême du Canada	Registrar Registraire
109	Tax Court of Canada Cour canadienne de l'impôt	Registrar Greffier
110	Thunder Bay Harbour Commission Commission du port de Thunder Bay	General Manager and Chief Executive Officer Gestionnaire genéral et premier dirigeant
11	Toronto Harbour Commissioners Commissaires du havre de Toronto	General Manager Gestionnaire général
11.1	[Repealed, SI/2009-49, s. 3]	
12	Vancouver Port Corporation Société du port de Vancouver	Port Manager and Chief Operating Officer Directeur général et chef de l'Exploitation
13	Veterans Review and Appeal Board Tribunal des anciens combattants (révision et appel)	Chairperson Président
114	VIA Rail Canada Inc. VIA Rail Canada Inc.	Executive Vice-President and Chief Operating Officer Vice-président administratif et chef de l'Exploitation
115	Western Economic Diversification Diversification de l'économie de l'Ouest Canadien	Deputy Minister :Saus-ministre
16	Windsor Harbour Commission Commission du port de Windsor	General Manager and Chief Executive Officer Gestionnaire de port et premier dirigeant

1998, c. 26, s. 85; SI/99-115, ss. 1(E), 2(F); 2001, c. 22, s. 22, c. 33, s. 30(E), c. 34, s. 32; SI/2001-116, ss. 1(F), 2(E); SI/2003-46, ss. 1(E), 2(F); 2004, c. 11, s. 52; SI/2004-110, s. 1; SI/2004-127, s. 1; SI/2005-129, s. 1(F); SI/2005-134, ss. 1, 2; SI/2006-15, s. 1; SI/2006-21, s. 1; SI/2006-84, s. 1; SI/2007-46, s. 1; SI/2008-47, s. 1; SI/2008-14, ss. 1, 2; SI/2008-14, ss. 1, 2; SI/2008-15, s. 1; SI/2008-15, s. 1; SI/2008-17, s. 1; SI/2008-17, s. 1; SI/2008-17, s. 1; SI/2008-18, s. 1; SI/2008-18, s. 1; SI/2008-19, s. 1

ANNEXE

(article 2)

	Colonne I	Colonne II
Article	Secteur de l'administration publique fédérale	Poste
1	Administration de la voie maritime du Saint-Laurent The St. Lawrence Seaway Authority	Président et premier dirigeant President and Chief Executive Officer
2	Administration de pilotage des Grands Lacs, Limitée Great Lakes Pilotage Authority, Ltd.	Président Chairman
3	Administration de pilotage du Pacifique Pacific Pilotage Authority	Président Chairman
E .	Administration du pipe-line du Nord Northern Pipeline Agency	Directeur général Commissioner
1,1	Agence canadienne de développement économique du Nord Canadian Northern Economic Development Agency	Président President
5	[Abrogé, TR/2013-72, art. 1]	
5.1	Agence canadienne d'inspection des aliments Canadian Food Inspection Agency	Président President
5.11	Agence de développement économique du Canada pour les régions du Québec Economic Development Agency of Canada for the Regions of Quebec	Président President
5.2	[Abrogé, TR/2009-14, art. 1]	36
5.2	Agence de la santé publique du Canada Public Health Agency of Canada	Président President
3	Agence de promotion économique du Canada atlantique Atlantic Canada Opportunities Agency	Président President
5.1	Agence des douanes et du revenu du Canada Canada Customs and Revenue Agency	Commissaire Commissioner
5.2	Agence des services frontaliers du Canada Canada Border Services Agency	Président President
5.3	Agence fédérale de développement économique pour le Sud de l'Ontario Federal Economic Development Agency for Southern Ontario	President
1	Agence spatiale canadienne Canadian Space Agency	Président President
(Bibliothèque et Archives du Canada Library and Archives of Canada	Bibliothècaire et archiviste du Canada Librarian and Archivist of Canada
	Banque du Canada Bank of Canada	Gouverneur Governor
0	Banque fédérale de développement Federal Business Development Bank	Président President
1	Bibliothèque et Archives du Canada Library and Archives of Canada	Directeur général National Librarian

Current to September 27, 2016 Last amended on January 1, 2016 À jour au 27 septembre 2016 Dernière modification le 1 janvier 2015

	Colonne I	Colonne II
Article	Secteur de l'administration publique fédérale	Poste
12	Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports Canadian Transportation Accident Investigation and Safety Board	Président Chairperson
13	Bureau de la coordonnatrice de la situation de la femme Office of the Co-ordinator, Status of Women	Coordonnatrice Co-ordinator
3.1	Bureau de l'infrastructure du Canada Office of Infrastructure of Canada	Administrateur général Deputy Head
4	Bureau de services jurídiques des pensions Bureau of Pensions Advocates	Chef avocat-conseil Chief Pensions Advocate
5	Bureau d'information des consommateurs sur la taxe sur les produits et services Goods and Services Tax Consumer Information Office	Directeur général Executive Director
6	Bureau du commissaire à la magistrature fédérale Office of the Commissioner for Federal Judicial Affairs	Commissaire à la magîstrature fédérale Commissioner for Federal Judicial Affairs
7	Bureau du Commissaire à la protection de la vie privée Office of the Privacy Commissioner	Commissaire Commissioner
8	Bureau du Commissaire à l'Information du Canada Office of the Information Commissioner of Canada	Commissaire à l'information Information Commissioner
9	Bureau du Conseil privé Privy Council Office	Greffier du Conseil privé Clerk of the Privy Council
0	Bureau du contrôleur général Office of the Comptroller General	Contrôleur général du Canada Comptroller General of Canada
20.1	Bureau du directeur des lobbyistes Office of the Registrar of Lobbyists	Directeur Registrar
0.2	Bureau du dirigeant principal des ressources humaines Office of the Chief Human Resources Officer	Dirigeant principal des réssources humaines Chief Human Resources Officer
11	Bureau du secrétaire du gouverneur général Office of the Secretary to the Governor General	Secrétaire Secretary
2	Bureau du surintendant des faillites Office of the Superintendent of Bankruptcy	Surintendant des faillites Superintendent of Bankruptcy
3	Bureau du surintendant des institutions financières Office of the Superintendent of Financial Institutions	Surintendant Superintendent
4	Bureau du vérificateur général du Canada Office of the Auditor General of Canada	Sous-vérificateur général Deputy Auditor General
5	Centre canadien de gestion Canadian Centre for Management Development	Directeur Principal
5.1	[Abrogé, TR/2006-84, art. 1]	
6	Centre canadien d'hygiène et de sécurité au travail Canadian Centre for Occupational Health and Safety	Président et premier dirigeant President and Chief Executive Officer
26.001	Centre d'analyse des opérations et déclarations financières du Canada Financial Transactions and Reports Analysis Centre of Canada	Director

	Colonne I	Colonne II
Article	Secteur de l'administration publique fédérale	Poste
26.01	Centre de la sécurité des télécommunications Communications Security Establishment	Chef Chief
6.1	[Abrogé, TR/2014-2, art. 1]	
27	Comité de surveillance des activités de renseignement de sécurité Security Intelligence Review Committee	Président Chairman
8	Comité externe d'examen de la Gendarmerie royale du Canada Royal Canadian Mounted Police External Review Committee	Président Chairman
28.1	Comité externe d'examen des griefs militaires Military Grievances External Review Committee	Président Chairperson
9	Comités du rétablissement agricole des Prairies Prairie Farm Rehabilitation Committees	Sous-ministre Deputy Minister
0	Commissaires du havre de Hamilton Hamilton Harbour Commissioners	Directeur de port Port Director
1	Commissaires du havre de Toronto Toronto Harbour Commissioners	Gestionnaire général General Manager
1.1	Commissariat à l'intégrité du secteur public Office of the Public Sector Integrity Commissioner	Commissaire Commissioner
2	Commissariat aux langues officielles Office of the Commissioner of Official Languages	Sous-commissaire Deputy Commissioner
3	Commission canadienne des droits de la personne Canadian Human Rights Commission	Président Chief Commissioner
4	Commission canadienne des grains Canadian Grain Commission	Président Chief Commissioner
5	Commission canadienne des pensions Canadian Pension Commission	Président Chairman
5.1	Commission canadienne de sûretë nucléaire Canadian Nuclear Safety Commission	Président et premier dirigeant President and Chief Executive Officer
6	Commission canadienne du blé Canadian Wheat Board	Président Chief Commissioner
7	Commission canadienne du lait Canadian Dairy Commission	Président Chairman
8	[Abrogé, TR/2005-134, art. 1]	
9	Commission de la capitale nationale National Capital Commission	Président Chairman
0	Commission de la fonction publique Public Service Commission	Président Chairman
1	Commission de révision des marchés publics Procurement Review Board	Président Chairman
12	Commission des plaintes du public contre la Gendarmerie royale du Canada Royal Canadian Mounted Police Public Complaints Commission	Prèsident Chairman

Current to September 27, 2018 Last amended on January 1, 2016 11

À jour au 27 septembre 2016 Dernière modification le 1 janvier 2016

	Colonne I	Colonne II
rticle	Secteur de l'administration publique fédérale	Poste
3	[Abrogé, TR/2014-87, art. 2]	
4	Commission de l'immigration et du statut de réfuglé Immigration and Refugee Board	Président Chairman
4.1	[Abrogé, TR/2009-49, art. 2]	
5	Commission du droit d'auteur Copyright Board	Vice-président et premier dirigeant Vice-Chairman and Chief Executive Officer
3	Commission du port de Fraser River Fraser River Harbour Commission	Gestionnaire de port et premier dirigeant Port Manager and Chief Executive Officer
7	Commission du port de Nanaimo Nanaimo Harbour Commission	Gestionnaire de port Port Manager
3	Commission du port de North Fraser North Fraser Harbour Commission	Gestionnaire de port Port Manager
9	Commission du port de Port Alberni Port Alberni Harbour Commission	Gestionnaire de port et premier dirigeant Port Manager and Chief Executive Officer
9	Commission du port de Thunder Bay Thunder Bay Harbour Commission	Gestlonnaire général et premier dirigeant General Manager and Chief Executive Officer
1	Commission du port de Windsor Windsor Harbour Commission	Gestionnaire de port et premier dirigeant General Manager and Chief Executive Officer
2	Commission du port d'Oshawa Oshawa Harbour Commission	Gestionnaire de port et premier dirigeant Port Manager and Chief Executive Officer
3	Commission nationale des libérations conditionnelles National Parôle Board	Président Chairman
1	Condition physique et sport amateur Fitness and Amateur Sport	Sous-ministre Deputy Minister
5	Conseil canadien des normes Standards Council of Canada	Président President
6	[Abrogé, TR/2014-87, art. 2]	N
7	Conseil consultatif canadien de la situation de la femme Canadian Advisory Council on the Status of Women	Présidente President
3	[Abrogé, 2012, ch. 31, art. 296]	
9	Conseil de radiodiffusion et des télécommunications canadiennes Canadian Radio-television and Telecommunications Commission	Président Chairperson
0	Conseil de recherches en sciences humaines du Canada Social Sciences and Humanities Research Council of Canada	Président President
1	Conseil de recherches en sciences naturelles et en génie Natural Sciences and Engineering Research Council	Président President
2	Conseil de recherches médicales Medical Research Council	Président President
	Conseil des sciences du Canada Science Council of Canada	Président Chairman

	Colonne I	Colonne II
Article	Secteur de l'administration publique fédérale	Poste
54	Conseil d'examen du prix des médicaments brevetés Patented Medicine Prices Review Board	Président Chairman
55	Conseil national de commercialisation des produits de ferme National Farm Products Marketing Council	Président Chairman
66	Conseil national de recherches du Canada National Research Council of Canada	Président President
7	Corporation commerciale canadienne Canadian Commercial Corporation	Président President
8	Corporation d'investissements au développement du Canada Canada Development Investment Corporation	Premier vice-président Executive Vice-President
9	Cour canadienne de l'impôt Tax Court of Canada	Greffier Registrar
0	Cour fédérale du Canada Federal Court of Canada	Administrateur Administrator
1	Cour suprême du Canada Supreme Court of Canada	Registraire Registrar
2	Directeur des terres destinées aux anciens combattants The Director, The Veterans' Land Act	Sous-ministre des Affaires des anciens combattants Deputy Minister of Veterans Affairs
3	Diversification de l'économie de l'Ouest canadien Western Economic Diversification	Sous-ministre Deputy Minister
4	Élections Canada Elections Canada	Directeur général des élections Chief Electoral Officer
5	Énergie atomique du Canada, Limitée Atomic Energy of Canada Limited	Président-directeur général President and Chief Executive Officer
5.1	Exportation et développement Canada Export Development Canada	Président President
5.1	Financement agricole Canada Farm Credit Canada	Président <i>Chairman</i>
6	Fonds non publics des Forces canadiennes Canadian Forces Non-Public Funds	Directeur général, Service du personnel Director General, Personnel Services
7 à 77.2	[Abrogés, TR/2014-87, art. 2]	¥.
8	Investissement Canada Investment Canada	Président President
9	Ministère de l'Industrie, des Sciences et de la Technologie Department of Industry, Science and Technology	Sous-ministre Deputy Minister
9.1	Ministère de l'Emploi et du Développement social Department of Employment and Social Development	Sous-ministre Deputy Minister
9,2	[Abrogé, TR/2006-15, art. 1]	
0	Monnaie royale canadienne Royal Canadian Mint	Président Master
1	Musée canadien de la nature Canadian Museum of Nature	Sous-directeur Deputy Director

Current to September 27, 2016 Last amended on January 1, 2016 13

À jour au 27 septembre 2016 Dernière modification le 1 janvier 2016

	Colonne I	Colonne II
rticle	Secteur de l'administration publique fédérale	Poste
	Musée des beaux-arts du Canada National Gallery of Canada	Directeur Director
3	Musée canadien des civilisations Canadian Museum of Civilization	Sous-directeur Deputy Director
4	Musée national des sciences et de la technologie National Museum of Science and Technology	Director .
5	Office canadien des provendes Canadian Livestock Feed Board	Président Chairman
6	Office de répartition des approvisionnements d'énergie Energy Supplies Állocation Board	Président Chairman
7	Office du transport du grain Grain Transportation Agency	Administrateur Administrator
8	Office national de l'énergie National Energy Board	Président Chairman
9	Office national des transports National Transportation Agency	Président Chairman
D	Office national du film National Film Board	Commissaire Commissioner
1	Opérations des enquêtes statistiques Statistical Survey Operations	Statisticien en chef Chief Statistician
2	Pétrole et gaz des Indiens Canada Indian Oil and Gas Canada	Sous-ministre Deputy Minister
3	Protection civile Canada Emergency Preparedness Canada	Administrateur général Executive Director
4	Secrétariat canadien Canadian Secrétariat	Secrétaire adjoint et conseiller principal en politique Deputy Secretary and Senior Policy Advisor
4.1	[Abrogé, TR/2012-54, art. 1]	
1.2	[Abrogé, TR/2009-49, art. 3]	*
5	Secrétariat des conférences intergouvernementales canadiennes Canadian Intergovernmental Conference Secretariat	Secrétaire Secretary
5.1	Service canadien d'appui aux tribunaux administratifs Administrative Tribunals Support Service of Canada	Administrateur en chef Chief Administrator
ì	Service correctionnel du Canada Correctional Service of Canada	Commissaire aux services correctionnels Commissioner of Corrections
i.1	Services partagés Canada Shared Services Canada	President President
7.	Société canadienne d'hypothèques et de logement Canada Mortgage and Housing Corporation	Président President
1	Société canadienne des ports Canada Ports Corporation	Président et premier dirigeant President and Chief Executive Officer

Article	Colonne Secteur de l'administration publique fédérale	Colonne II Poste
100	Société d'assurance-dépôts du Canada Canada Deposit Insurance Corporation	Président et premier dirigeant President and Chief Executive Officer
101	Société de port de Halifax Halifax Port Corporation	Président et premier dirigeant President and Chief Executive Officer
102	Société de port de Prince Rupert Prince Rupert Port Corporation	Directeur général et premier dirigeant General Manager and Chief Executive Officer
103	Société de port de Québec Port of Quebec Corporation	Président et premier dirigeant President and Chief Executive Officer
105	Société du port de Montréal Montreal Port Corporation	Président et premier dirigeant President and Chief Executive Officer
106	Société du port de Saint John Saint John Port Corporation	Directeur général et premier dirigeant General Manager and Chief Executive Officer
107	Société du port de St. John's St. John's Port Corporation	Directeur général et premier dirigeant Port Manager and Chief Executive Officer
108	Société du port de Vancouver Vancouver Port Corporation	Directeur général et chef de l'Exploitation Port Manager and Chief Operating Officer
109	Société immobilière du Canada Limitée Canada Lands Company Limited	Président President
111	Société Radio-Canada Canadian Broadcasting Corporation	Président-directeur général President
112	Statistique Canada Statistics Canada	Statisticien en chef Chief Statistician
113	[Abroge, TR/2014-87, art. 2]	
114	[Abrogé, TR/2009-98, art. 1]	
115	[Abrogé, TR/2014-87, art. 2]	
115.1	Tribunal des anciens combattants (révision et appel) Veterans Review and Appeal Board	Président Chairperson
116	VIA Rail Canada Inc. VIA Rail Canada Inc.	Vice-président administratif et chef de l'Exploitation Executive Vice-president and Chief Operating Officer

1998, ch. 26, art. 85, TR/99-115, art. 1(A) et 2(F); 2001, ch. 22, art. 22, ch. 33, art. 30(A), ch. 34, art. 32; TR/2001-116, art. 1(F) et 2(A); TR/2003-46, art. 1(A) et 2(F); 2004, ch. 11, art. 52; TR/2004-10, art. 1; TR/2004-127, art. 1; TR/2004-14, art. 1 et 2; TR/2009-99, art. 1; TR/2009-99, art. 1; TR/2009-99, art. 1; TR/2009-99, art. 1; TR/2011-97, art.

TAB

3

AGC0604

CITATION: Canadian Broadcasting Corporation v. Attorney General of Ontario,

2015 ONSC 3131

COURT FILE NO.: CV-10-409382

DATE: 20150723

SUPERIOR COURT OF JUSTICE - ONTARIO

RF:

CANADIAN BROADCASTING CORPORATION, CANADIAN JOURNALISTS FOR FREE EXPRESSION and RTNDA CANADA, Applicants

AND:

ATTORNEY GENERAL OF ONTARIO, MINISTER OF COMMUNITY AND CORRECTIONAL SERVICES and COMMISSIONER OF THE ONTARIO PROVINCIAL POLICE, Respondents AND:

SHAWN BRANT, Intervenor, Added Party

APPLICATION UNDER section 24(1) of the Constitution Act, 1982

BEFORE: Justice Glustein

COUNSEL: M. Philip Tunley and Justin Safayeni, for the Applicants

Hart Schwartz and Dan Guttman, for the Respondents

Peter Rosenthal, for the Intervenor, Added Party

HEARD: May 11 and 12, 2015

GLUSTEIN J.:

NATURE OF APPLICATION AND OVERVIEW

- [1] The applicants, Canadian Broadcasting Corporation ("CBC"), Canadian Journalists for Free Expression ("CJFE"), and RTNDA Canada ("RTNDA") (collectively, the "Media Applicants") bring this application for:
 - (i) "a declaration that the practice of Ontario Provincial Police officers impersonating journalists for purposes of criminal enforcement and investigation violates sections 2, 7, 8 and 15 of the Canadian Charter of Rights and Freedoms (*Charter*) and cannot be justified under section 1 of the Charter*; and

- (ii) "alternatively, a declaration that, in the absence of prior judicial authorization, the practice of Ontario Provincial Police officers impersonating journalists for purposes of criminal enforcement and investigation violates sections 2, 7, 8 and 15 of the Charter and cannot be justified under section 1 of the Charter".
- [2] The Media Applicants are joined in their request for a declaration by Shawn Brant ("Brant"), who was granted status to intervene in the application as an added party pursuant to a consent order of Perell J., dated October 2, 2012.
- [3] Although Brant did not bring a separate application, he supports the submissions made by the Media Applicants, swore an affidavit in support of the application, and filed a separate factum. I refer to the Media Applicants and Brant collectively as the "Applicants".
- [4] The respondents, Attorney General of Ontario, Minister of Community Safety and Correctional Services (the "Minister"), and Commissioner of the Ontario Provincial Police (collectively, the "Respondents") oppose the application.
- [5] At the outset of the hearing, the Applicants advised the court that they were not seeking a declaration that the impugned conduct of the Ontario Provincial Police ("OPP") violated sections 7, 8, and 15 of the *Charter* and were limiting the relief sought to a declaration that the impugned conduct violated s. 2(b) of the *Charter* ("s. 2(b)"), and in particular, freedom of expression, including freedom of the press and other media of communication.
- [6] The following issues arise from the application:
 - (i) What evidence exists on the record of a "real" practice which can be considered by the court on a constitutional application?

The Applicants seek to challenge (a) "plainclothes" surveillance by OPP officers of public protests in the presence of media (which I define as "Media-Presence Surveillance"), (b) an "undercover" operation by an OPP officer posing as an independent author to obtain information from an immate leading to a conviction (the "Independent Author Operation"), and (c) Ontario Provincial Police Order 2.8.6 ("Police Order 2.8.6") which permits an OPP officer to pose as a member of the media subject to prior approval.

The Respondents do not challenge that there is a "real" practice of Media-Presence Surveillance. However, the Respondents submit that there is no "real" practice arising from either the Independent Author Operation or Police Order 2.8.6. The Independent Author Operation is a single instance and is not a "practice". Police Order 2.8.6 has never been used to permit an OPP officer to pose as a journalist to obtain information in an undercover role.

(ii) Do the pleadings limit the scope of the conduct that can be reviewed in the application? The Applicants submit that Media-Presence Surveillance can be challenged as a violation of s. 2(b), on the basis of the pleadings and the application record, regardless of whether the conduct constitutes "impersonating journalists for purposes of criminal enforcement and investigation".

The Respondents submit that the Applicants cannot seek a declaration that Media-Presence Surveillance violates s. 2(b) because the notice of application only seeks a declaration prohibiting the practice of "impersonating journalists" and the Respondents submit that Media-Presence Surveillance does not constitute impersonation of a journalist.

The Applicants submit that (a) the pleadings are broad enough to include a challenge to the Independent Author Operation and Police Order 2.8.6; and (b) in any event, there is no prejudice to the Respondents in addressing such issues.

The Respondents submit that the application cannot be extended to permit a challenge of the Independent Author Operation or Police Order 2.86. These matters were not raised in the notice of application or application record but were only raised by the Respondents in response to the application, to demonstrate that the OPP does not engage in "undercover" activities to assume the identity of a journalist from a newsgathering organization for the purpose of gaining the trust of an individual in order to obtain confidential information from a witness or suspect.

In any event, the Respondents submit that the Independent Author Operation is not an example of impersonating a journalist and, as such, does not fall within the scope of the application;

(iii) Does any of the impugned conduct violate s. 2(b)?

The Applicants submit that all of the impugned conduct violates s. 2(b) since it (i) restricts the free flow of information to journalists, and (ii) increases danger to journalists which impinges on their ability to gather news.

The Respondents submit that even if all of the impugned conduct could be considered by the court on this application, it does not violate s. 2(b), as (i) there is no evidence before the court of a "chilling effect" on freedom of expression as a result of the conduct; and (ii) such a causal link is not "indisputable";

(iv) If any of the impugned conduct violates s. 2(b), is such conduct a reasonable limit prescribed by law and justified under s. 1 of the *Charter* ("s. 1")?

The Applicants submit that the impugned examples of conduct are not reasonable limits prescribed by law and, as such, are not justified under s. 1. The Respondents submit that the impugned examples of conduct are reasonable limits prescribed by law and, as such, are justified under s. 1; and

(v) Is the declaration sought by the Applicants appropriate declaratory relief?

The Applicants submit that the definitions of "impersonating" and "journalist" are clear and appropriate and, as such, declaratory relief can be granted. The Respondents submit that "the Applicants' apparent definitions of both 'impersonate' and 'journalist' are simply too imprecise and ill-defined to provide meaningful guidance or judicial manageability".

- [7] For the reasons set out below, I dismiss the application. In brief, I find that:
 - (i) There is a "real" practice of Media-Presence Surveillance. However, there is no evidence that the practice includes responding to identity questions from protesters or others by posing as a journalist.

There is no evidence of any practice of impersonating journalists arising out of the Independent Author Operation or from Police Order 2.8.6.

Consequently, the only 'real' and not 'theoretical' practice which could be considered by the court is Media-Presence Surveillance;

(ii) Regardless of whether Media-Presence Surveillance constitutes "impersonating" a "journalist", the Applicants can challenge that practice under s. 2(b). The effect of Media-Presence Surveillance on freedom of expression was (a) raised through correspondence with the Minister and the OPP as soon as the Media Applicants became aware of the issue, (b) raised in the application record before the court, and (c) fully addressed by the Respondents in their responding material.

The scope of the application is limited on the pleadings to Media-Presence Surveillance. The Media Applicants raised the constitutionality of the Independent Author Operation and Police Order 2.8.6 only in their factum, without amending their notice of application, which caused prejudice to the Respondents who did not lead evidence relevant to s. 2(b) or s. 1. Even at the hearing, the Media Applicants chose not to adjourn the application to amend the notice of application to challenge the conduct.

In any event, the Independent Author Operation does not constitute impersonation of a "journalist", so it would not be within the scope of the application; and

(iii) None of the impugned conduct violates s. 2(b). The evidence before the court does not establish that Media-Presence Surveillance has a "chilling effect" on freedom of expression. Further, the connection between Media-Presence Surveillance and restricting the flow of information from journalistic sources or increasing danger to journalists is not "indisputable" or "self-evident" as that standard has been discussed in the case law.

There is no evidence that either the Independent Author Operation or Police Order 2.8.6 has a "chilling effect" on freedom of expression, nor could such a conclusion be said to be "indisputable".

[8] Given my findings as summarized above, I do not address whether any of the impugned practices are justified under s. I, or whether declaratory relief is the appropriate remedy.

ANALYSIS

- Issue 1: The existence of a practice with respect to Media-Presence Surveillance, the Independent Author Operation, and Police Order 2.8.6
- [9] Before the court can consider the constitutionality of a practice, there must be evidence of such a practice. I review the applicable law and relevant evidence on this issue below.
 - a) The applicable law
- [10] The question before the court on an application for declaratory relief under the *Charter* must be "real and not theoretical" (*Canada (Prime Minister) v. Khadr*, 2010 SCC 3, at para. 46).
- [11] "Potential questions and concerns" are not sufficient to ground a constitutional challenge (S.L. v. Commission scolaire des Chênes, 2012 SCC 7 ("S.L."), per LeBel J. concurring, at para. 58). A constitutional challenge cannot be made in a "factual vacuum" based on "the unsupported hypotheses of enthusiastic counsel" (MacKay v. Manitoba, [1989] 2 SCR 357 ("MacKay"), at 361-62).
- [12] Consequently, if there is no practice established on the evidence, the court should not make a theoretical finding as to whether a practice, if it existed, would violate s. 2(b).
 - b) Review of the relevant evidence
- [13] At the hearing, the evidence was that OPP officers do not engage in undercover operations as journalists, but do engage in Media-Presence Surveillance. There was no evidence of a practice by OPP officers engaged in Media-Presence Surveillance to respond to identity questions by posing as a journalist.
- [14] The evidence also established that there has been no authorization under Police Order 2.8.6 for an OPP officer to pose as a journalist. Finally, there is no evidence of any practice arising from the Independent Author Operation.
- [15] I review this evidence below.
 - 1. OPP officers do not engage in undercover operations as journalists
 - i) An explanation of the "undercover" process

- [16] The evidence at trial was that OPP officers do not engage in undercover operations as journalists.
- [17] Chief Superintendent Barnum ("Barnum") of the OPP swore an affidavit on behalf of the Respondents. I summarize his evidence on this issue.
- [18] The OPP relies on the use of undercover officers in many cases to obtain evidence for criminal prosecutions. Given the dangerous nature of undercover assignments, the OPP has rules in place for selection, training, and operating procedures. No undercover operation can be conducted without a formal request including an operating plan, and only upon approval by the Covert Operations Section.
- [19] Once an undercover operation is approved, the plan is assigned:
 - an "undercover coordinator" who is responsible for reviewing proposed undercover operations and ensuring they are consistent with the relevant Standard Operating Procedures and Police Orders,
 - (ii) an "undercover handler" who is an experienced officer trained in managing undercover operations and has final decision-making authority during actual undercover operations in regards to the safety of the undercover operative, and
 - (iii) an "undercover operative" who is an officer acting under the authority of the Covert Operations Section who disguises his or her identity or uses an assumed identity for the purpose of gaining the trust of an individual or organization in order to obtain information or evidence. An officer who becomes an undercover operative must receive accredited training through the Criminal Intelligence Service of Ontario or the OPP.
- [20] An undercover officer is trained to maintain his or her assumed role regardless of what occurs. Undercover officers typically interact with the suspect, and use their assumed roles to gain the trust of the individual or organization in order to obtain information or evidence.
- [21] Undercover operations may involve a number of separate "plays" in order to gain the trust of the suspect and to obtain sufficient information to support a criminal charge. Each of those "plays" is planned, reviewed and approved by a senior officer.
 - ii) OPP officers do not conduct undercover operations as journalists
- [22] Barnum's unchallenged evidence was that he was not aware of any occasion on which an undercover OPP officer has posed as a journalist.
- [23] Barnum's evidence was that one reason why the technique of posing as a journalist is not used is that such operations would be very complicated and the risks of detection of the undercover operative would be high.

- [24] Barnum's evidence was that given the internet, information about an individual or media outlet can be obtained easily. Consequently, posing as a member of a fictitious news organization would require a great deal of expense to create a website and examples of articles written by the officer in order to complete the ruse. There would be significant concerns that the suspect would have the opportunity to investigate the story of the undercover officer.
- [25] Barnum repeatedly stated that "we don't do it" when asked whether such a practice existed.
- [26] In a series of letters from the OPP to the Media Applicants responding to concerns about Media-Presence Surveillance, the OPP adopted the loose language of "undercover" operations, despite the accepted distinction between "plainclothes" and "undercover" operations. However, a fair reading of those letters does not suggest that the OPP has a practice of "undercover" operations posing as journalists, but instead, is maintaining that it will continue its practice of Media-Presence Surveillance.
- [27] The Applicants sought to rely on the evidence of Constable Steven Martell ("Martell") at Brant's preliminary inquiry that Martell "pretended" to be a journalist in an "undercover" operation while conducting Media-Presence Surveillance. However, Martell's affidavit filed in response to the present application explains his usage of those terms at the preliminary inquiry, and that his surveillance role was to "blend in" and "hide in plain sight". That evidence does not ground a factual basis for a practice of undercover operations.
- [28] Consequently, there is no evidence to support a practice of undercover operations by police posing as journalists to obtain information from suspects. The practice at issue is Media-Presence Surveillance.
 - 2. OPP officers engage in plainclothes surveillance including Media-Presence Surveillance
- [29] A plainclothes officer is an officer dressed in civilian clothing. Although these members may be assigned to support undercover operations, and are considered to be in a covert role, they are not undercover operatives and are not trained as such.
- [30] The role of a plainclothes officer is not to take on a particular role but rather to "hide in plain sight" or "blend in" by being dressed as a civilian. Plainclothes surveillance by officers dressed in civilian clothes is frequently effective. These officers may carry a camera or small video camera, as may any member of the public. These cameras are unmarked and do not carry any media logo. In the Media-Surveillance Practice examples discussed below, the plainclothes officers were dressed in jeans, plain shirts, T-shirts, or hooded sweatshirts. They were no clothing with logos and did not carry equipment with logos to identify themselves as members of the media.
- [31] The plainclothes surveillance can take place in the presence or outside the presence of media and with or without other members of the public present. The intention is to "blend in" with the crowd of people who are filming or watching the public protest.

- [32] Plainclothes officers are normally used in situations such as public protests requiring surveillance or intelligence gathering. Consequently, interaction between the plainclothes officer and the suspect (if there is one) is either very limited or not required.
- [33] There are numerous situations in addition to public protests where the OPP deploys plainclothes officers to obtain surveillance evidence. Plainclothes officers may capture photos and/or video of individuals involved, analyze these images and then lay charges later if required. Plainclothes OPP officers gather intelligence during these events, including public protests, to preserve the peace and to protect the protesters and the public.
 - i) Impugned examples of Media-Presence Surveillance
- [34] The Applicants rely on three examples of Media-Presence Surveillance to seek a declaration that the "practice of Ontario Provincial Police officers impersonating journalists for purposes of criminal enforcement and investigation" violates s. 2(b).
- [35] However, the only examples on which there is evidence of Media-Presence Surveillance relate to plainclothes surveillance at (i) Ipperwash Provincial Park ("Ipperwash") on September 5, 1995 (the "Ipperwash Surveillance"), and (ii) the Aboriginal Day of Action (the "Day of Action") on June 28, 2007 (the "Day of Action Surveillance").
- [36] I review each of these examples below (as well as the purported example of surveillance at the Dudley George funeral).

a. The Ipperwash Surveillance

- [37] On September 5, 1995, OPP Constable Dyke ("Dyke") and OPP Constable Whitehead ("Whitehead") (collectively, the "constables") were assigned to conduct plainclothes surveillance of protesters at Ipperwash.
- [38] The constables were driving a blue GMC car that was not marked in any manner associating it or them with a news agency.
- [39] The constables were not wearing any article of clothing associating them with a news agency. Dyke was wearing blue jeans and a plain shirt and Whitehead was wearing blue jeans and a t-shirt.
- [40] The constables were operating from an area where journalists had congregated. The surveillance footage showed marked vans and individuals carrying specialized equipment.
- [41] The constables were using a small handheld video camera with no unique features to conduct surveillance.
- [42] In the first minute of footage, the constables spoke to several nearby individuals who appear to be journalists, about a problem with the constables' car battery. The constables asked for assistance and advised the individuals that they had jumper cables in the trunk of their car.

- [43] Someone on the scene offered to assist with the battery. Another individual in the group involved in that conversation asked whether the constables were "just here for your own interests or are you shooting for somebody". Dyke answered that he was "freelancing". He was then asked "for who?" He answered "U.P.A.". The individual asked "what's that?" Dyke did not respond to the question but the individual then repeated the question by asking "what's that stand for?" At that point, Dyke responded "United Press Associates".
- [44] Dyke's response that he and Whitehead were working for "U.P.A." or "United Press Associates" was an on-the-spot (Barnum describes it as "coughed up") reaction to a series of questions. It was not part of pre-planned undercover personas. The constables were not at Ipperwash in any undercover capacity to pose as journalists. They did not attempt to interview any protesters or suspects. They did not identify themselves as journalists to any protesters or suspects.

b. No OPP surveillance activities at the Dudley George funeral

- [45] The Applicants filed evidence from Peter Edwards ("Edwards"), a reporter with *The Toronto Star*, that (i) he saw "undercover" OPP officers "posing as a television news crew" at the funeral of Dudley George; and (ii) the officers acted in a "casual and flippant" manner that "conveyed a strong and unmistakable message to the First Nations people and their supporters that people in the mainstream media were annused by their situation, and by their grief".
- [46] In their factum, the Applicants referred to this evidence as establishing a "strong suspicion that the OPP also posed as journalists to videotape Dudley George's fineral".
- [47] However, the evidence does not support that there was OPP surveillance of the Dudley George funeral. On cross-examination, Edwards conceded that the assertions in his affidavit were based on suspicions and assumptions that he formed many years after the incident.
- [48] Barmun was not aware of any OPP surveillance of Dudley George's funeral. Of the three OPP members assigned full time to the Ipperwash Inquiry, (i) the OPP member responsible to view all video taken by the OPP during the Ipperwash incident never saw any video of the Dudley George funeral and was unaware of any video footage existing of the funeral; and (ii) the two other OPP members were also not aware of any footage of the funeral.
- [49] Consequently, I find that there was no OPP surveillance at the Dudley George funeral.

c. Day of Action Surveillance

- [50] Martell conducted plainclothes surveillance at the Day of Action. He filed an affidavit for the application and he was extensively cross-examined. I summarize the relevant evidence below.
- [51] On June 28, 2007, Martell was requested by the OPP Intelligence Unit to conduct plainclothes surveillance by taking video footage at the barricades erected at the Day of Action

protest site in the context of a dispute in the Tyendinaga Mohawk Territory. Martell was asked "to blend into the crowd". He attended at the site that evening

- [52] Martell drove an unmarked black Pontiac G6, and wore his own clothes, consisting of jeans, a hooded sweatshirt (which belonged to his brother), skateboard-style shoes, and a baseball cap. None of these items had any media-related names, logos, or other markings. Martell had a small hand-held digital video camera that was approximately the size of the palm of his hand. The camera bore no media-related names, logos, or other markings.
- [53] There were two barricades at the site. Martell located a first barricade at Highway 2 and Wyman Road. He observed a number of people, including members of the media, within and outside of the barricade. Some members of that group were identifiable as media, because they wore identifying clothing such as shirts with network names or logos, and carried specialized equipment such as large video cameras and microphones that were marked with network names or logos.
- [54] Martell remained outside of the barricade and took video footage of the general situation at the barricade, with the objective of getting different views of the site for intelligence-gathering purposes.
- [55] Martell did not speak to anyone while outside the first barricade, and left after approximately 20 minutes.
- [56] Martell located a second barricade at Wyman Road at the railway tracks. After pulling up to the barricade in his car, he spoke briefly to a protester and asked if he could take video. Martell did not explain the reason for his request or identify himself. Martell immediately left the site when the protester refused Martell's request. Martell then drove a short distance away, parked the car on the side of the road, and took a short video from the back window of his vehicle.
- [57] Martell returned to the first barricade. He observed some members of the media who he identified as such because they were clothing or carried specialized equipment with identifying names and logos.
- [58] The area was controlled by the First Nations. Martell sought access to the area so that he could get a better vantage point.
- [59] Martell went inside the area and took some video footage. No one was preventing access to the area. He left the blockade after approximately 20 minutes without having spoken to anyone.
- [60] Martell later testified at a preliminary inquiry for Brant. In the course of his testimony, the Crown counsel conducting his examination-in-chief put to him the following question: "It was planned that you would perform for want of a better word some undercover duties during any blockades that took place". Martell adopted the phrase "undercover" as put to him in

the question, stating that he was assigned to "try to get close to the barricades, or the blockades, to see what was going on and possibly tape them, and blend in in an undercover capacity".

- [61] Similarly, Crown counsel asked Martell: "Now, you were acting in an undercover capacity as you've told us, and you had a video camera. What were you pretending to be?" Martell answered, "I just pretended to be part of the media".
- [62] On cross-examination at the preliminary inquiry, Martell also agreed with Mr. Rosenthal, counsel for Brant (the same counsel as on this application) when Mr. Rosenthal suggested that Martell was "pretending to be part of the media".
- [63] However, it was clear from Martell's evidence at the preliminary inquiry, and his affidavit and cross-examination evidence before the court on this application, that Martell was assigned to a plainclothes role, not an undercover one.
- [64] In 2007, Martell had not received any training as an undercover operative, and he was not authorized to undertake an undercover assignment.
- [65] Martell explained in his affidavit on this application that he accepted Crown counsel's use of the word "undercover" because he understood that most lay people do not distinguish between the words "undercover" and "plainclothes", and the difference between those words as the OPP understands them did not seem important for the purpose of the hearing. He understood the questioning from Crown counsel (and later from Mr. Rosenthal on cross-examination) to be directed at understanding that he was not wearing a police uniform but rather, was attempting to "blend in" with the crowd.
- [66] Martell explained in his affidavit that he used the word "pretending" that was suggested by the Crown, because he was in an area where there were many members of the media and he was trying to blend in. Martell explained that the word "pretending" was not an accurate description of his activities and that a more accurate description was that he was attempting to "hide in plain sight" or "blend in" with the media. He does not know if anyone thought he was a member of the media, or another member of the public, or whether they noticed him at all.
- [67] Even at the preliminary inquiry, Martell switched to more accurate terminology during the cross-examination by Mr. Rosenthal. Martell described himself as being in "plainclothes" and agreed with Mr. Rosenthal's characterization that "plainclothes" means "people trying to blend in".
- [68] The evidence of Martell (both at the preliminary inquiry and at the present application) establishes that regardless of the language used by counsel or Martell at the preliminary inquiry, Martell did not do anything to identify himself as a member of the media. He did not tell anyone that he was a member of the media, and he did not have any specialized clothing or equipment designed to make people believe that he was a member of the media. Consequently, I find that Martell was engaged in Media-Presence Surveillance.

- No practice of responding to identity questions by posing as journalists during police surveillance
- [69] The Applicants sought to rely on the statement by Dyke that he was with "United Press Associates" to establish a practice that plainclothes officers represent their identity as journalists. However, the evidence does not support such a practice.
- [70] There is no "practice" of posing as journalists either in undercover operations, or in response to questions (if asked) about a plainclothes' officer's identity in the course of Media-Presence Surveillance. An "on-the-spot" response by Dyke to a repeated question about his identity does not constitute a practice to be considered by the court.
- [71] Martell's evidence as to his practice while conducting Media-Presence Surveillance is that he will not respond to questions about his identity by saying that he is a member of the nædia. Martell's cross-examination evidence was that if asked his identity by someone (including a protester) while filming, his response to the situation would be "I wouldn't have said anything" and "I would have disengaged" and walked away if the questioning continued.
- [72] Martell gave evidence that the purpose of plainclothes surveillance is to "blend in" with others engaged in filming the crowd, whether or not members of the media, and not to interact with those engaged in the public protests.
- [73] The Respondents acknowledged in their factum that a response such as that given by Dyke at Ipperwash would constitute "posing" as a member of the media and could not be provided without prior authorization under Police Order 2.8.6 (described in more detail at paragraphs 78-80 below). The Applicants agreed with that interpretation.
- [74] Barmum took the position that a "coughed-up" answer such as from Dyke would not constitute "posing" under Police Order 2.8.6.
- [75] In any event, regardless of whether Police Order 2.8.6 permits a response similar to that of Dyke, there is no evidence of any other incident of a police officer responding as did Dyke. Consequently, there is no evidence of any practice by OPP officers conducting Media-Presence Surveillance to respond to identity questions by posing as journalists (perhaps because such a claim could be easily disproved as the plainclothes officer would have no identification as a journalist available to establish such a claim).
- [76] The Applicants also seek to rely on a report on CBC's "The National" on January 21, 2004. In that report, Susan Ormiston ("Ormiston") of the CBC, who did not swear an affidavit for the application, refers to a response from Superintendant Bill Crate of the OPP when he states that "it does happen, but it happens rarely". The evidence is inadmissible hearsay. Further, it is not clear from the report transcript whether Supt. Crate's response refers to the practice of Media-Presence Surveillance in general or to OPP officers identifying themselves as journalists if asked about their identity while conducting plainclothes surveillance. Finally, something which happens "rarely" is not a practice.

4. There is no practice of impersonating journalists under Police Order 2,8.6

- [77] OPP policy is set out in Ontario Provincial Police Orders ("Police Orders") enacted pursuant to s. 17(2) of the *Police Services Act*, R.S.O. 1990, c. P. 15, which gives the OPP Commissioner "the general control and administration of the Ontario Provincial Police and the employees connected with it."
- [78] On July 29th, 2011, new Police Orders governing a number of areas relating to covert operations came into force. Police Order 2.8.6 provides:

An employee working in an undercover or a plain clothes role shall not pose as a person in authority unless he/she has prior approval from the Commander, POIB through Covert Operations Section. This includes gathering intelligence or making/enhancing prosecutorial actions. Approval shall only be granted if the situation relates to a significant threat to public safety, is exigent in nature, and where no other alternative exists.

- [79] Under Police Order 2.8.6, a "person in authority" includes a member of the media.
- [80] Approval has only been sought once under Police Order 2.8.6 for an officer to pose as a member of the media in relation to a homicide investigation. Approval was denied since the Bureau Commander was not satisfied that there were no "reasonable alternatives". Consequently, there is no practice of impersonating journalists under Police Order 2.8.6.
- [81] The Applicants also submit that the inclusion of a "member of the media" in Police Order 2.8.6 was done because the "OPP itself recognized ... special concerns about freedom of expression raised by the practice of impersonating journalists". The RTNDA had written to the OPP Commissioner on August 7, 2008 asking "that guidelines [be] imposed to require authorization at the most senior levels of the force".
- [82] Further, by the date of Police Order 2.8.6, the Media Applicants had served their notice of application.
- [83] However, the evidence does not support that the OPP recognized freedom of expression concerns if an officer seeks to obtain information by posing as a journalist.
- [84] In his cross-examination, Barnum gave the following evidence about the reasons for inclusion of a "member of the media" in Police Order 2.8.6:
 - (i) The OPP group that prepared Police Order 2.8.6 "discussed ... at length" whether inclusion of a "member of the media" in Police Order 2.8.6 was "something that's going to impact our operational capability", [whether] "have we done it a lot in the past" and concluded that "there's not a lot of value [in undercover operations as a journalist] ... with all the Internet and things of that nature, it would be next to impossible to build a cover story that was adequate": and

- (ii) The media was added because Barnum knew of the media's concerns about freedom of expression "from the intention of this application" and "also, it's really not something that we do. So, again, we looked at it and said, 'Well, we can put it in policy [sic] because it doesn't really impact our day-to-day operations".
- [85] Consequently, Barnum did not "recognize" "special concerns about freedom of expression raised by the practice of impersonating journalists". Barnum recognized that the Media Applicants had raised those concerns, and included a member of the media as a person in authority since it had no impact on the OPP's day-to-day operations.
- [86] The Applicants submit that there is no evidence that police officers receive any training on Police Order 2.8.6. However, Barnum's evidence is that "[e]very member in the organization knows they exist and is responsible to work within the guidelines of Police Orders". Barnum's evidence is that the Police Orders are "accessible", "searchable" and available through every member's computer. Barnum describes the process by which the "day-to-day officer ... will search Police Orders" to find a reference to conduct which he or she must consider on a daily basis. Barnum's evidence is that "it captures every member of the organization, regardless of what function you are doing".

5. There is no practice arising from the Independent Author Operation

- [87] There is no evidence of any practice under which the OPP engage in impersonating independent authors.
- [88] In 2009, an OPP undercover officer posed as an independent author, not affiliated with any publisher or organization, in order to interview a federal inmate. The officer's "cover story" was that she hoped to publish a book with funding from her father.
- [89] The officer told the inmate that she was interested in writing a book compiling the life story of an accused who was already imprisoned for committing murder but was suspected of having committed another murder that had remained unsolved. In fact, the officer had been sent to obtain evidence from the accused linking him to this second murder.
- [90] The officer met with the accused on numerous occasions, and eventually elicited enough evidence to link the accused to the unsolved murder. During the operation, it was also discovered that the accused had not committed the first murder for which he was already imprisoned, as he had confessed in order to protect another individual who had committed it. The other individual was located and charged with committing the first murder.
- [91] The Applicants sought to attach, as exhibits to the Barnum cross-examination, newspaper articles about the Independent Author Operation which purported to set out details of the operation. However, the Applicants acknowledged at the hearing that they could not rely on the articles for the truth of their contents and could only rely on them for the fact that the incident became known in the media.

[92] An example of a single undercover operation in which an OPP officer obtained information by posing as an independent author does not constitute a factual basis for the court to find a "practice".

c) Conclusion

- [93] On the basis of the above evidence, there is no evidence of a practice of undercover operations in which OPP officers pose as journalists.
- [94] There is a "real" practice of Media-Presence Surveillance and, as such (subject to the pleadings issue I discuss below), it can be considered by the court on a constitutional challenge.
- [95] However, there is no practice of plainclothes OPP officers engaged in Media-Presence Surveillance to identify themselves as journalists if questioned as to their identity. Consequently, it cannot be considered a "real" practice and, as such, I do not address the theoretical constitutional validity of the issue.
- [96] There is no practice relating to Police Order 2.8.6 before this Court. The only evidence is that there has been only one request under Police Order 2.8.6 to pose as a journalist and that request was denied. Consequently, any concern as to the effect of Police Order 2.8.6 is based on a theoretical situation which should not be considered by the courts.
- [97] Similarly, even if impersonating an independent author could be considered impersonating a journalist (which I reject for the reasons I discuss below), there is no evidence of any "practice" arising from the Independent Author Operation. Consequently, the Independent Author Operation cannot be considered a "real" practice and, as such, I do not address the theoretical constitutional validity of the issue.
- [98] For the above reasons, the only practice properly before the court (subject to the issue of pleadings which I address below) is Media-Presence Surveillance.

Issue 2: The scope of the application under the pleadings

- [99] The Applicants submit that the pleadings are broad enough to encompass a challenge to Media-Presence Surveillance, as well as to the Independent Author Operation and Police Order 2.8.6.
- [100] The Respondents submit that none of those issues can be raised under the pleadings. With respect to Media-Presence Surveillance, the Respondents submit that (i) the notice of application limits the constitutional challenge to "the practice of Ontario Provincial Police Officers impersonating journalists for purposes of criminal enforcement and investigation"; and (ii) Media-Presence Surveillance does not constitute "impersonating" journalists.

[101] With respect to the Independent Author Operation and Police Order 2.8.6, the Respondents submit that the constitutionality of the conduct was not raised until the Applicants' factum and, as such, is not properly before the court.

a) The applicable law

- [102] The issues in a civil action must be decided within the boundaries of the pleadings. In *Musicians' Pension Fund of Canada (Trustees of) v. Kinross Gold Corp.*, 2014 ONCA 6070 ("Kinross"), the plaintiff sought leave under s. 138.8(1) of the Ontario Securities Act to proceed with a statutory action for misrepresentation and to certify the action as a class proceeding, based on alleged misrepresentations concerning two gold mines.
- [103] In Kinross, the plaintiff submitted before the motions judge that there was an additional misrepresentation (which the Court of Appeal defined as the "Expansion Claim") that the corporate defendant's "planned expansion project for the Tasiast mine remained on schedule when, in fact, the schedule was unrealistic" (Kinross, at paras. 1-4).
- [104] The motions judge dismissed the Expansion Claim because it was not pleaded by the appellants (Kinross, at para. 6).
- [105] Speaking for the Court, Cronk J.A. dismissed the appeal on the basis that the Expansion Claim was not raised in the pleadings. She held (*Kinross*, at paras. 83-84):

The appellants' final complaint about the leave ruling is that the motion judge erred by failing to consider the Expansion Claim because the appellants failed to plead this claim. The appellants maintain that this was an overly 'technical' and erroneous basis on which to deny leave to proceed with the Expansion Claim.

I disagree. As this court has consistently emphasized, it is central to the litigation process that issues in a civil action be decided within the boundaries of the pleadings. Fundamental fairness and the efficacy of the civil litigation process demand no less. [Emphasis added.]

[106] Similarly, in Wilson v. Beck. [2013] ONCA 316 ("Wilson"), MacPherson J.A. set out the principle that "It is fundamental to the litigation process that lawsuits be decided within the boundaries of the pleadings" (Wilson, at para. 27).

b) Analysis

[107] The issue of the scope of the application depends on a review of the pleadings as a whole, as well as the evidence led in the application record on the various issues, to determine the "boundaries of the pleadings" and whether "fundamental fairness and the efficacy of the civil litigation process" is served by permitting the issues to be argued before the court on the basis of the pleadings.

[108] I consider the evidence related to the Media-Presence Surveillance, Police Order 2.8.6, and the Independent Author Operation below.

1. Media-Presence Surveillance

- [109] A review of the pleadings and evidentiary record filed by the Applicants and addressed by the Respondents in their responding material demonstrates that the practice of Media-Presence Surveillance is properly before the court in this application.
- [110] The Respondents submit that based on the notice of application, the Applicants cannot challenge Media-Presence Surveillance since the Respondents submit that such conduct does not constitute "impersonating" a "journalist".
- [111] I do not agree. I find that the practice of Media-Presence Surveillance is raised in the application and can be challenged under s. 2(b), regardless of whether the practice constitutes impersonation of a journalist.
- [112] At paragraph 1(a) of the notice of application, the Media Applicants seek a declaration that "the practice of Ontario Provincial Police officers impersonating journalists for purposes of criminal enforcement and investigation violates sections 2, 7, 8 and 15 of the [Charter] and cannot be justified under section 1 of the Charter."
- [113] While paragraph 2(g) of the notice of application refers to OPP officers being engaged in "undercover" operations, the same paragraph makes clear that Media-Presence Surveillance is the impugned practice:

By way of specific example, O.P.P. Constable Steve Martell has admitted under oath to impersonating a journalist in order to infiltrate protest activities during the 2007 Aboriginal Day of Action. By way of further example, the Ipperwash Inquiry heard evidence confirming that O.P.P. officers impersonated journalists in order to infiltrate the protesters occupying Ipperwash Provincial Park.

Paragraph 2(k) of the notice of application also makes clear that it is the Media-Presence Surveillance practice raised by the Ipperwash and Day of Action examples, as referred to in correspondence between the Media Applicants and the Minister and OPP Commissioner, which is impugned by the Applicants:

Despite written requests by the Applicants to the Minister, the Minister has failed or refused to take any steps in the exercise of his oversight role, to ensure that appropriate legislation, policies or procedures are in place govern [sic] the practice of journalist impersonation.

[115] The affidavit evidence specifically sets out the letters of complaint by the Media Applicants of the OPP conduct at Ipperwash and the Day of Action. The CJFE 2008 letter raised the issue of Martell's surveillance at the Day of Action. The RTNDA's letters of 2004 and 2008 raised both the Ipperwash and Day of Action concerns. The CBC raised the Ipperwash concerns

in its January 2004 report in "The National" and referred in its 2008 letter to both the Ipperwash events and Martell's surveillance at the Day of Action.

- [116] The above letters reflect the concern of the Media Applicants that the practice of Media-Presence Surveillance was impeding the media's ability to gather information and could put journalists in danger. It is those concerns that underlie the present application.
- [117] I note that the use of the word "undercover" in the correspondence is similar to the use of the word in Martell's preliminary inquiry. There was never any suggestion in the correspondence that the OPP was engaged in undercover operations with officers using a false persona to pose as journalists to obtain information, but the term "undercover" was used loosely by all to address the practice of Media-Presence Surveillance.
- [118] At the hearing, the Applicants submitted that Media-Presence Surveillance constituted "impersonating journalists" since the surveillance took place in areas where media congregated. The Respondents submitted that such surveillance was not "impersonating" since the OPP officers were in plainclothes with no identifying media signs.
- [119] However, the debate over whether Media-Presence Surveillance constitutes "impersonation" or "undercover operations" is irrelevant. The constitutionality of the practice of Media-Presence Surveillance was raised in the pleadings and evidentiary record and is properly before the court.
- [120] The Applicants raised the issue throughout their application that there was a practice of Media-Presence Surveillance as demonstrated by the Ipperwash and Day of Action examples and the Respondents fully addressed those issues in the responding material through the affidavits of Barmum and Martell.
- [121] In his affidavit filed for this hearing, Martell explains that members of the public often do not make the distinction between "plainclothes" and "undercover" and that he used "undercover" at the preliminary inquiry since those were terms considered appropriate by Crown counsel at that hearing. Having often used the words "undercover" in addressing plainclothes surveillance, both in responding to correspondence from the Media Applicants and in Martell's preliminary inquiry, the Respondents cannot preclude the consideration by the court of the practice of Media-Presence Surveillance simply because the Applicants used the same "undercover" term.
- [122] For the above reasons, I do not accept the Respondents' submission at paragraph 65 of their factum that:

The Notice of Application is limited to 'the practice of impersonating journalists in undercover operations' (Notice of Applicaton [sic], para. 2(g)), and does not challenge nor make any reference to the plainclothes surveillance of public protests. [...] If this Court concludes that plainclothes surveillance of public protests does not constitute the 'impersonation of journalists' than [sic] this Application should be dismissed.

[123] Consequently, the scope of the application encompasses whether Media-Presence Surveillance violates s. 2(b). The issue is raised in the pleadings. Further, there is evidence that (i) such a practice exists; and (ii) the OPP has indicated that the practice will continue.

2. Can the Applicants challenge whether Police Order 2.8.6 or the Independent Author Operation violate s. 2(b)?

- [124] I have already found above that the evidence does not establish a practice of the OPP posing as journalists through either Police Order 2.8.6 or the Independent Author Operation and for those reasons, I found that they are not proper constitutional issues to be considered by the court.
- [125] However, I also find that the constitutionality of these issues was not raised in the application and cannot be raised as an argument in a factum before the court without a proper pleading on the issue.
- [126] The Media Applicants chose not to amend their pleadings, even though the issue was raised as late as the outset of the hearing, when the court asked the Media Applicants whether they sought any further amendments, given the Respondents' submissions in their factum that (i) Police Order 2.8.6 and the Independent Author Operation were not raised in the pleadings; and (ii) as such, the constitutionality of those matters could not be considered by the court.
- [127] In the present application, the Media Applicants did not rely in their notice of application or application record on either (i) Police Order 2.8.6 or (ii) the Independent Author Operation. The Applicants submit that they could not have done so since (i) Police Order 2.8.6 was not in effect at that time; and (ii) they had no knowledge of the Independent Author Operation until the example was raised in the responding material. However, I do not agree that such a response is satisfactory.
- [128] I address the issues relevant to Police Order 2.8.6 and the Independent Author Operation below.

i) Police Order 2.8.6

- [129] The Respondents raised Police Order 2.8.6 in their responding application record as evidence that the OPP does not impersonate journalists in undercover operations, to respond to that issue as set out by the Media Applicants in their notice of application. The Respondents did not bring the constitutionality of Police Order 2.8.6 into play, but instead relied upon it as a factual basis to address the lack of any undercover journalist operations.
- Upon being advised of Police Order 2.8.6 and its application to a "member of the media", the Media Applicants could have amended their notice of application to plead that Police Order 2.8.6 violated s. 2(b). The Media Applicants did not do so. If they had, the Applicants could have filed evidence before the court as to the "chilling effect" of Police Order 2.8.6 on freedom of expression, and the Respondents could have led evidence on the effects of Policy

- 2.8.6 on freedom of expression and evidence relevant to the factors to be considered in a s. I analysis.
- [131] Consequently, there is prejudice to the Respondents in having the court make a finding of constitutionality on Police Order 2.8.6 in the absence of a pleading on the issue.

ii) Independent Author Operation

- [132] Similarly, the Independent Author Operation was raised by the Respondents as an example of an undercover operation not involving a journalist, in order to contrast "undercover" operations with the practice of Media-Presence Surveillance.
- [133] The Independent Author Operation was not raised in the application record (as the Media Applicants would not have been aware of it). In their factum filed in support of the application and in their oral submissions to the court, the Media Applicants sought to rely on the Independent Author Operation as an example of impersonation of a journalist.
- [134] If the Media Applicants had amended the notice of application to submit that the Independent Author Operation was "impersonation" of a "journalist" and, as such, violated s. 2(b), the Respondents would have been put on notice of that issue for the application, and again could have led evidence relevant to both s. 2(b) and s. 1.
- [135] Consequently, there is prejudice to the Respondents in having the court make a finding of constitutionality on the Independent Author Operation in the absence of a pleading on the issue.
- [136] I would also preclude any challenge to the Independent Author Operation on the basis that even if it could be relied upon in the pleadings, there is no admissible evidence before the court that the OPP officer posing as an author impersonated a journalist. The Applicants acknowledge that the newspaper article relating to how the operation took place, attached as an exhibit to the Barnum cross-examination, is inadmissible hearsay.
- [137] On the evidence before the court, the OPP officer did not pose as a journalist. There was no suggestion that the officer had any certification as a journalist or represented that she was a member of any media organization. The evidence was that she said she was writing a book with funding from her father.
- [138] Further, I find that an "independent author" is not a "journalist". While the Applicants submit that some journalists also are non-fiction authors, that proposition does not lead to the corollary that any non-fiction author is a journalist. The Supreme Court, in *Grant v. Torstar Corp.*, 2009 SCC 61 ("*Torstar*"), distinguished between the "traditional media" (the same or similar term used by the Applicants to describe the Media Applicants) and others engaged in "communicating on matters of public interest ... which do not involve journalists" [Emphasis added.] (*Torstar*, at paras, 96-97).

[139] Similarly, in R v. National Post. 2010 SCC 16 ("National Post"), the court did not grant a constitutionally-entrenched immunity to protect journalists against the compelled disclosure of secret sources, since an "ill-defined group of writers and speakers" could not necessarily be considered journalists but "everyone" could choose "to exercise his or her freedom of expression on matters of public interest" (National Post, at para. 40):

[T]he protection attaching to freedom of expression is not limited to the 'traditional media', but is enjoyed by 'everyone' (in the words of s. 2(b) of the Charter) who chooses to exercise his or her freedom of expression on matters of public interest whether by blogging, tweeting, standing on a street corner and shouting the 'news' at passing pedestrians or publishing in a national newspaper. To throw a constitutional immunity around the interactions of such a heterogeneous and ill-defined group of writers and speakers and whichever 'sources' they deem worthy of a promise of confidentiality and on whatever terms they may choose to offer it (or, as here, choose to amend it with the benefit of hindsight) would blow a giant hole in law enforcement and other constitutionally recognized values such as privacy. [Emphasis added.]

[140] Consequently, the submission that a non-fiction author should be considered a journalist is not consistent with decisions in *Torstar* and *National Post*. While everyone enjoys freedom of expression, it does not mean that an author who chooses to write a book on a subject is a journalist.

c) Conclusion

[141] For all of the above reasons, I limit the scope of the application to the issue of whether Media-Presence Surveillance constitutes a violation of s, 2(b).

Issue 3: Does Media-Presence Surveillance violate s. 2(b)?

a) Overview

[142] It is settled law that freedom of expression is "crucial to any notion of democratic rule", is "reliant on a free and vigorous press", and "encompass[es] the right to transmit news and other information, but also the right to gather this information" (Canadian Broadcasting Corp. v. New Brunswick (Attorney General), [1996] 3 SCR 480 ("New Brunswick"), at paras. 18-19, 23-24). Consequently, the ability of the media to publish news and gather news is protected under s. 2(b) (New Brunswick, at para. 26).

[143] However, the above general statements do not address the issue before the court, which is whether Media-Presence Surveillance violates s. 2(b).

22 of 41 AGC0604

[144] To determine that issue, the Applicants accept that they must satisfy the court that the practice of Media-Presence Surveillance creates a "chilling effect" on the ability of journalists to gather news, whether on the evidence or by "common sense".

[145] The Applicants submit:

That this chilling effect results from the OPP's practice can be seen from the ample record before the Court, and is equally supported by common sense and judgment about human behaviour.

The applicants submit that the evidence in the record is sufficient to find an infringement of s. 2(b). However, that record is also consistent with common sense and judgment about human behaviour.

[146] The Applicants submit that the chilling effect arises in two ways, as stated in all of the affidavits filed by the applicants:

- (i) "Police impersonation of journalists destroys public trust in the profession of journalism, making it far more difficult or impossible for journalists to access information that ought, in the public interest, be reported"; and
- (ii) "Police impersonation of journalists creates a heightened risk of physical harm to journalists" which affects news gathering because "it reduces the willingness of journalists to take on these risks and report on these stories".
- [147] The Respondents submit that "neither the evidentiary record nor common sense supports a finding that there is a 'direct relationship' between plainclothes surveillance of public protests and the 'drying up' of news sources, or that plainclothes surveillance of public protests has any 'chilling effect' on freedom of expression or of the press'.
- [148] Consequently, the issue of whether Media-Presence Surveillance violates s. 2(b) depends on two sub-issues: (i) whether the evidentiary record supports a finding that there is a chilling effect on news gathering as a result of the practice, and (ii) in any event, whether such a finding can be made by the court as a matter of common sense. I first consider the applicable law as to the evidentiary standard and then address each sub-issue below.

b) The applicable law

- [149] The burden of proof that there has been a violation of s. 2(b) rests on the Applicants (Moysa v. Alberta (Labour Relations Board), [1989] 1 SCR 1572 ("Moysa"), per Sopinka J., at 1581).
- [150] Courts have used different expressions to express the onus on an applicant in a constitutional application to establish that the impugned legislation or practice violates s. 2 of the

Charter. However, the essence of the required connection is the same and has been settled for decades: the applicant must establish a "direct link" (Moysa, at 1581) or a "causal connection between the [impugned practice or legislation] and the chilling of expression" (R. v. Khawaja, 2012 SCC 69 ("Khawaja"), per McLachlin C.J., at para. 81).

- [151] There are two ways that such a causal connection can be established. Generally, the applicant is required to lead evidence as to the "chilling effect" of the inpugned practice on the *Charter* freedom. In exceptional cases, the chilling effect may be "self-evident" or "can be inferred from known facts and experience" (Moysa, at 1581; Khawaja, at paras. 79-80).
- [152] The standard to establish that a chilling effect is "self-evident", or "can be inferred from known facts and experience" is high. A court will only make such a finding when "no reasonable person would dispute ... the chilling effect" of the impugned practice or law on the Charter freedom (Khawaja, at para. 79), or when it is "indisputable" (Moysa, at 1581) or "exceptional" (Danson v. Ontario (Attorney General), [1990] 2 SCR 1086 ("Danson"), per Sopinka J., at 1101).
- [153] In Danson, Sopinka J. reviewed the "theoretical example" considered by Beetz J., in Manitoba (Attorney: General) v. Metropolitan Stores Ltd., [1987] 1 SCR 110 at 133, "where Parliament or a legislature would purport to pass a law imposing the beliefs of a state religion". Sopinka J. distinguished between that "exceptional case" and the typical constitutional challenge in which evidence of the alleged effects is required. Sopinka J. held (Danson, at 1101):

The unconstitutional purpose of Beetz J.'s hypothetical law is found on the face of the legislation, and requires no extraneous evidence to flesh it out. It is obvious that this is not one of those exceptional cases. In general, any Charter challenge based upon allegations of the unconstitutional effects of impugned legislation must be accompanied by admissible evidence of the alleged effects. In the absence of such evidence, the courts are left to proceed in a vacuum, which, in constitutional cases as in nature, has always been abhorred. As Morgan put it, op. cit., at p. 162: '... the process of constitutional litigation remains firmly grounded in the discipline of the common law methodology.' [Emphasis added.]

[154] The Applicants rely on several cases in which the court stated that a direct link may be established without evidence in certain clear cases. By way of example, in St. Elizabeth Home Society v. Hamilton (City), 2008 ONCA 182 ("St. Elizabeth"), Sharpe J.A. held (St. Elizabeth, at para. 32):

Courts routinely craft legal rules without the need for elaborate empirical evidence. They instead employ their judgment as to the likely impact rules will have on human behaviour, particularly where the issue is encouraging the free flow of information.

[155] In St. Elizabeth, the issue before the court was the disclosure of a journalist's source in a contempt hearing. There was evidence at the show cause hearing from the journalist's

publisher and Vincent Carlin ("Carlin"), a veteran journalist who was qualified as an independent expert witness. Carlin "explained the importance of confidential sources as 'the lifeblood' of the media's watchdog function and that if journalists did not maintain confidentiality and protect their sources, the sources would 'dry up'" (St. Elizabeth, at paras. 14 and 31).

- [156] In those circumstances, the court held that "no more [evidence] was required" (St. Elizabeth, at para. 31). However, the court relied on the evidentiary record.
- [157] Similarly, the Applicants rely on the decision in *National Post*, in which Binnie J. stated (*National Post*, at para. 64) that in determining whether an impugned practice violates the *Charter*, "the court will weigh up the evidence on both sides (supplemented by judicial notice, common sense, good judgment and appropriate regard for the 'special position of the media')". However, Binnie J. relied on the evidentiary record, including expert evidence, to consider the importance of confidentiality of sources to freedom of expression. He held (*National Post*, at para. 33):

In Lessard and New Brunswick, the Court accepted that freedom to publish the news necessarily involves a freedom to gather the news. We should likewise recognize in this case the further step that an important element in the news gathering function (especially in the area of investigative journalism) is the ability of the media to make use of confidential sources. The appellants and their expert witnesses make a convincing case that unless the media can offer anonymity in situations where sources would otherwise dry-up, freedom of expression in debate on matters of public interest would be badly compromised. Important stories will be left untold, and the transparency and accountability of our public institutions will be lessened to the public detriment. [Emphasis added.]

- [158] Finally, the Applicants rely on the concurring decision of La Forest J., in Canadian Broadcasting Corporation v. Lessard, [1991] 3 SCR 421 ("Lessard"), in which La Forest J. commented "[t]hat someone might be deterred from providing information to a journalist because of his or her identity [being disclosed] seems to me to be self-evident" (Lessard, at 430).
- [159] However, La Forest J. held that there was no constitutional violation because there was no link between the impugned practice (the seizure of films and photographs of public demonstrations) and the alleged effect that people would be less likely to provide information to the media. He held (*Lessard*, at 431):
 - I find the CBC's argument that there will be a 'chilling effect' on newsgathering unpersuasive, in so far as that argument pertains to films and photographs taken of an event. I think the chill is already there. Absent a promise of confidentiality, no one can reasonably believe that there is no danger of identification when he is being captured on film by the press.

When the press is covering an event under circumstances such as those in the present case, the very reason for the presence of cameramen is to take film and photographs for the purpose of broadcasting. While not all of the photographs will get published, there is a very real possibility that someone who commits a crime in front of the camera will find himself on the evening news or on the front page of a newspaper. The situation might be different if the press had made an undertaking to edit the film so that no identities would be revealed, or had promised confidentiality. Absent such a promise, however, it should be apparent that a photograph of a demonstrator 'caught in the act' of vandalizing a post office or factory is precisely the sort of 'newsworthy' item that is likely to make it into the paper. [Emphasis added.]

[160] Consequently, while La Forest J., in *Lessard*, commented that it is "self-evident" that disclosure of a source could deter someone from providing information, he did not find a breach of s. 2(b) because he required evidence that the impugned practice would result in such an effect on newsgathering. La Forest J. relied on the reasons of Sopinka J. in *Moysa*, which reiterated the importance of evidence to establish that the impugned practice would detrimentally affect journalists' ability to gather information. In *Moysa*, Sopinka J. held (*Moysa*, at 1581):

Even if I assume for the moment that the right to gather the news is constitutionally enshrined in s. 2(b) the appellant has not demonstrated that compelling journalists to testify before bodies such as the Labour Relations Board would detrimentally affect journalists' ability to gather information. No evidence was placed before the Court suggesting that such a direct link exists. While judicial notice may be taken of self-evident facts, I am not convinced that it is indisputable that there is a direct relationship between testimonial compulsion and a 'drying-up' of news sources as alleged by the appellant. The burden of proof that there has been a violation of s. 2(b) rests on the appellant. Absent any evidence that there is a tie between the impairment of the alleged right to gather information and the requirement that journalists testify before the Labour Relations Board, I cannot find that there has been a breach of s. 2(b) in this case. [Emphasis added.]

- [161] The need for reliability and trustworthiness increases directly with the centrality of the fact to the disposition of the controversy. In R. v. Spence, 2005 SCC 71 ("Spence"), the Supreme Court was asked to take judicial notice that jurors of the same race as the complainant would be biased in favour of the complainant because of a "sympathy factor".
- [162] Binnie J. held that it was not appropriate to take judicial notice of the bias proposition advanced by the intervenor, African Canadian Legal Clinic. Binnie J. held (Spence, at para. 54):

I do not think the African Canadian Legal Clinic's view of race-based sympathy for victims (or partiality in favour of certain witnesses) is so notoriously correct

as 'not to be the subject of debate among reasonable persons'. Nor is it capable of immediate demonstration by resort to 'readily accessible sources of indisputable accuracy' (Find, at para. 48).

- [163] Binnie J. held that (i) "the closer the fact approaches the dispositive issue, the more the court ought to insist on compliance with the stricter Morgan criteria [for judicial notice]" (Spence, at para. 61); and (ii) "the Morgan criteria will have great weight when the legislative fact or social fact approaches the dispositive issue" (Spence, at para. 63).
- [164] Binnie J. distinguished between cases in which judicial notice was sought of "background facts" and those cases in which judicial notice was sought of facts central to the disposition of the case. He emphasized the high threshold required for judicial notice when the fact alleged is the central issue before the court. Binnie J. held (Spence, at para. 65):

When asked to take judicial notice of matters falling between the high end already discussed where the Morgan criteria will be insisted upon, and the low end of background facts where the court will likely proceed (consciously or unconsciously) on the basis that the matter is beyond serious controversy, I believe a court ought to ask itself whether such 'fact' would be accepted by reasonable people who have taken the trouble to inform themselves on the topic as not being the subject of reasonable dispute for the particular purpose for which it is to be used, keeping in mind that the need for reliability and trustworthiness increases directly with the centrality of the 'fact' to the disposition of the controversy. [Italics in original; emphasis added.]

[165] Binnie J. then considered the example of a "chill" to the gathering of news and compared the evidentiary requirements when it was a central issue or "adjudicative fact" (as in *Moysa*) as compared to "legislative" or background facts in defamation proceedings. Binnie J. held (*Spence*, at para 66):

Both of these examples dealt with the 'legislative facts' underlying a claimed rule giving effect to journalistic privilege. For the purposes of regulating procedures in defamation proceedings, the courts were prepared to accept as a reasonable generalization that failure to respect confidential sources would 'chill' the gathering of news, which would not be in the public interest. In *Moysa*, however, for the very different purpose of considering whether the underlying 'legislative fact' was sufficiently beyond controversy to support a claim to entrenchment as a *Charter* privilege, the generalization was subjected to closer scrutiny. [Emphasis added.]

[166] A further guiding principle in determining whether an impugned practice violates the *Charter* is that "a chilling effect that results from a patently incorrect understanding of a provision cannot ground a finding of unconstitutionality" (*Khawaja*, at para. 82).

- [167] Finally, a chilling effect that results from police misconduct and not the impugned legislation or practice is not a chill created by the impugned legislation or practice (Khawaja, at para 83).
- [168] On the basis of the above cases, I summarize the following principles:
 - Objective evidence is required to establish that the impugned legislation or practice results in a chilling effect on a *Charter* freedom, unless it is an exceptional circumstance or self-evident;
 - (ii) Expert testimony can assist the court, although it may not be required;
 - (iii) The evidentiary standard is stricter when the "fact" to be established is central to the determination of the Charter violation;
 - (iv) A chilling effect that results from a patently incorrect understanding of a provision cannot ground a finding of unconstitutionality; and
 - (v) A chilling effect that results from police misconduct and not the impugned legislation or practice is not a chill created by the impugned legislation or practice.
- [169] I now consider the evidentiary record before the court.
 - c) Does the evidentiary record support a finding that there is a chilling effect on news gathering as a result of the practice of Media-Presence Surveillance?
- [170] The Applicants submit that the practice of Media-Presence Surveillance "demonstrates a serious effect on freedom of expression" by:
 - (i) "making it difficult or impossible for journalists to gather news and information from members of the public that ought, in the public interest, to be reported – particularly stories that depend on members of closed societies, gatekeepers, individuals who have allegedly broken the law and whistleblowers"; and
 - (ii) "creating a heightened risk of physical harm to journalists in certain situations, leaving journalists less willing to take on these risks, gather this news and information, and report these stories of public importance".
- [171] I first review the evidence filed on the effects on freedom of expression of Media-Presence Surveillance. I then consider whether that evidence establishes a "direct link" or "causal connection" between Media-Presence Surveillance and a chilling effect on news gathering or whether such a finding is "indisputable". Finally, I review the evidence filed on the effect on freedom of expression as a result of the Independent Author Operation and Police Order 2.8.6.

1. The Applicants' evidence

- [172] The Applicants filed affidavits from six journalists, and from Brant.
 - i) The evidence of Kelly Toughill ("Toughill")
- [173] Toughill was the primary affiant for the application. Toughill is currently a professor of journalism and has been employed by various newspapers including *The Toronto Star*. Toughill was a member of the board of directors of CJFE and is a member of CJFE.
- [174] Toughill filed a lengthy affidavit. Her evidence focused primarily on the importance of public trust in journalists, particularly in "closed societies" such as "sex trade workers", "drug addicts", "political or protest groups", "marginalized ethnic communities", "childhood sexual abuse victims" and "aboriginal rights activists".
- [175] Toughill emphasized the importance of "journalist access to closed societies and other sources" and "the principles of professional practice that create conditions of trust with sources who do not have confidence in other authorities". She also commented on the "function of the press in a free and democratic society" and provided her analysis of the "comparative experience in the United States".
- [176] However, with respect to the effect of Media-Presence Surveillance on freedom of expression, Toughill's evidence was limited to the following statements:

Impact of the practice of police impersonation of journalists on public trust

In my view, the impersonation of journalists by police for investigative purposes is likely to cause substantial harm to the public trust enjoyed by journalists, which enables the work I have described above. As I described above, many closed societies are already fearful that journalists observing or reporting on their activities may be police operatives, particularly in the context of public protest.

Now that the Ontario Provincial Police, at least, have publicly confirmed the use of this practice and the absence of any applicable guidelines when it is appropriate to do so, it is likely that this concern will become more commonplace. If journalists lose the ability to penetrate closed societies and interact with criminals and others who face or perceive risk from speaking to authorities, society's ability to discover and understand the facts underlying issues of public policy will be hanned. While journalists will still be free to write about powerful, well-entrenched interests who neither face nor perceive risk from dealing with the public authorities, they will lose the ability to report on the impact of new laws, regulations, and governmental or corporate actions on those who are often most affected by such changes. A classic definition of public service journalism is to 'give voice to the voiceless'; without the ability to have relationships of trust with the most marginalized in society, the press cannot serve that function.

Impact of police impersonation of journalists on journalist safety

The police impersonation of journalists creates an equally serious concern about journalist safety and working conditions. Journalists often encounter circumstances where their safety is threatened by those on whom they are reporting. It is only due to individual journalists' willingness to take those risks that many stories can be reported at all. Of the examples outlined above, the most frequent circumstance involving risk is where journalists report on protest situations. The publicly disclosed examples of the Ontario Provincial Police using this practice have typically involved just such situations.

In some cases, journalists deliberately enter into situations that police consider too dangerous for themselves. By way of example, I covered a riot in Crown Heights, Brooklyn, in which police remained behind a barricade in full riot gear whilst reporters followed and mingled with the crowd. Had the rioters suspected I was a police officer, I would have been in very grave danger; however, I could not interview the rioters, and understand and report on their motivation, without mingling with them on the street.

These direct risks to journalists are exacerbated where police elevate the level of mistrust of journalists through a publicly-known practice of impersonating journalists.

The indirect harm resulting from this elevated risk is that it reduces the willingness of journalists to take on these risks and report on these stories. This disincentive in turn has the effect of reducing the level of neutral information disseminated to the public about these issues and disputes. [Underlining in original.]

ii) The evidence of Peter Edwards

- [177] Edwards is a reporter with *The Toronto Star*. With respect to the effects of "police impersonation of journalists", he agreed with Toughill's "analysis, and her opinions and conclusions on the matters at issue".
- [178] Edwards also gave evidence that he observed "a group of undercover Ontario Police officers, posing as a television news crew" "at various times, among the journalists", and that "this conduct continued, even at George's funeral" (which I do not accept as set out at paragraphs 47-49 above).
- [179] Edwards commented that "the means [police] employ should not interfere with journalists who are attempting to do their jobs in a safe and effective way" and "[i]t is important to have it widely understood that there is a clear line between information gathering by police and by journalists".
 - iii) The evidence of Amold Amber

30 of 41 AGC0604

- [180] Arnold Amber ("Amber") is the president of CJFE. He gave evidence about the CJFE and its correspondence with the Minister (copied to the Commissioner of the OPP). With respect to the effects of "police impersonation of journalists", he agreed with Toughill's "analysis, and her opinions and conclusions on the matters at issue".
- [181] Amber's evidence is that he had been involved as a journalist in violent street demonstrations and that "I know first hand how important it is for journalists to be seen as independent reporters, not as possible agents or members of the police".

iv) The evidence of Cal Johnstone

- [182] Cal Johnstone ("Johnstone") is the past president of the RTNDA. He gave evidence about the RTNDA and its correspondence with the Commissioner of the OPP. With respect to the effects of "police impersonation of journalists", he agreed with Toughill's "analysis, and her opinions and conclusions on the matters at issue".
- [183] Johnstone referred to "principles of neutrality and objectivity" journalists rely upon "in order to gain the trust of their audience as well as those we interview during the newsgathering process".

v) The evidence of David Seglins

- [184] David Seglins ("Seglins") is a journalist with the CBC. He gave evidence about the CBC, the January 2004 report in "The National", and the CBC's correspondence with the Minister and the Commissioner of the OPP. With respect to the effects of "police impersonation of journalists", he agreed with Toughill's "analysis, and her opinions and conclusions on the matters at issue".
- [185] Seglins gave evidence that in the summer of 2009, while he was walking in Caledonia. Ontario on "disputed Douglas Creek Estates lands in connection with CBC's coverage of the ongoing dispute between Aboriginal and non-Aboriginal groups regarding those lands, I was confronted by a Mohawk watchperson who challenged me to confirm that I was indeed a journalist, and not a police officer in disguise" which "highlighted for me the importance of the issues related to the effects of this policy practice on newsgathering and journalists' safety".

vi) The evidence of Linden MacIntyre

[186] Linden MacIntyre ("MacIntyre") describes himself as being "continuously employed in journalism for more than forty-six (46) years" and "the author of four books". He agreed with Toughill's conclusions. MacIntyre stated that "impersonation of journalists by police, for investigative purposes or otherwise, fundamentally undermines" the "trust between members of the media and people they rely on for the effective conduct of their work" and that

"such practices raise tensions and suspicion that create a potential barrier between a journalist and a subject whose confidence is vital to the process of information gathering".

[187] MacIntyre's opinion was that "it is reasonable to expect that the law should ... [recognize] the importance of authenticity in the practice of journalism and [forbid] the impersonation of journalists for purposes of law enforcement, intelligence gathering or any other activity that is unrelated to the free, open and truthful business of informing the public".

vii) The evidence of Brant

[188] Brant's evidence can be summarized as follows:

- Brant has been "involved in numerous protests concerning violations of First Nation peoples' rights";
- (ii) When Brant speaks to media and to the police, he does so "as two distinct and separate entities" and, as such, "messaging to the media is completely different from messaging to the police"; and
- (iii) "From what I learned from the media about events at Ipperwash, and from the testimony of Officer Martel [sic] at my preliminary inquiry, I have become aware that officers might pose as media representatives when they attend protests by First Nations people. This awareness has made me cautious in speaking to people who claim to represent the press. This has limited my expression to the press".

Analysis of the Applicants' evidence

- There is no expert evidence before the court
- [189] Unlike the situation in *St. Elizabeth* or *National Post*, the Applicants did not file independent expert evidence in support of their submission that the practice of Media-Presence Surveillance has a chilling effect on freedom of expression.
- [190] An independent expert has a duty to provide opinion evidence that is fair, objective and non-partisan. Those principles exist at common law and were confirmed by the 2010 amendments to Rule 53.03 which were "intended to clarify and emphasize the existing duties of expert witnesses" (*Moore v. Getahun*, 2015 ONCA 55, at para, 52).
- [191] Toughill acknowledged that she was a supporter of the litigation and she hoped it would be successful. She did not sign a Form 53 to acknowledge her independence as an expert. Consequently, she is not an independent expert witness.
- [192] The Applicants submit that Toughill can be considered a "participant expert" as that term was recently considered in Westerhof v. Gee Estate, 2015 ONCA 206 ("Westerhof"), in which the court permitted treating physicians to provide opinion evidence if they were not retained by a party to the litigation and (i) the witness gave an opinion as to conclusions the

witness reached "based on the witness's observation of or participation in the events at issue"; and (ii) the witness formed the opinion to be given as part of the ordinary exercise of his or her skill, knowledge, training and experience while observing or participating in such events (Westerhof, at para, 60).

- [193] However, Toughill was not a participant in the events at issue, unlike the treating physicians in *Westerhof*. She purports to provide evidence to the court as "a stranger to the underlying events who gave an opinion based on a review of documents or statements from others concerning what had taken place". Consequently, Toughill's affidavit evidence is not admissible as opinion evidence from a participant witness (*Westerhof*, at para, 70).
- [194] I do not find that expert evidence is always required to establish a causal connection between an impugned practice and a *Charter* violation. However, the court must review the evidence filed in support of the application to determine whether a direct link exists.
 - Toughill's evidence does not support a direct link between Media-Presence Surveillance and a chilling effect on freedom of expression
- [195] To establish a direct link between an impugned practice and chilling effects on freedom of expression, the court requires objective evidence and not the subjective opinions of the parties involved.
- [196] In S.L., Deschamps J. dismissed an application under s. 2(a) of the Charter seeking a declaration that the Quebec mandatory ethics and religious culture program violated freedom of religion. Deschamps J. held that "an infringement of this right cannot be established without objective proof of an interference with the observance of that practice" (S.L., at para. 2). Deschamps J. elaborated on the need for objective evidence (S.L., at paras. 23-24):

At the stage of establishing an infringement, however, is not enough for a person to say that his or her rights have been infringed. The person must prove the infringement on a balance of probabilities... based on facts that can be established objectively.

It follows that when considering an infringement of freedom of religion, the question is not whether the person sincerely believes that a religious practice or belief has been infringed, but whether a religious practice or belief exists that has been infringed. The subjective part of the analysis is limited to establishing that there is a sincere belief that has a nexus with religion, including the belief in an obligation to conform to a religious practice. As with any other right or freedom protected by the Canadian Charter and the Quebec Charter, proving the infringement requires an objective analysis of the rules, events or acts that interfere with the exercise of the freedom. To decide otherwise would allow persons to conclude themselves that their rights had been infringed and thus to supplant the courts in this role. [Emphasis added.]

- [197] Without any independent expert evidence, the evidence on this application is from the affiant witnesses and there is no objective evidence in any of the affidavits.
- [198] Toughill was not aware of any empirical, academic or other published studies that supported any of her opinions or assumptions, including:
 - (i) Her assumption and speculation regarding the public's ability to identify members of the media or who the public may assume is a member of the media;
 - (ii) Her opinion that plainclothes police officers videotaping a public protest while standing near a journalist could destroy public trust in the profession of journalism or increase the risk of physical harm to journalists, even if those officers do not attempt to speak to any suspects or witnesses;
 - (iii) Her view that the risk caused by police impersonation of journalists has reduced the willingness of journalists to report their stories; and
 - (iv) Her opinion that a requirement of prior judicial authorization would reduce the suspicion of prospective sources and the risk to journalists.
- [199] Toughill gave an undertaking to produce any relevant articles to support her position but provided no such articles.
- [200] Further, any opinion of Toughill that a member of a closed society would be unwilling to speak with a journalist out of concern that the person they are speaking with is a police officer posing as a journalist is based on an "incorrect understanding" of the practice and "cannot ground a finding of unconstitutionality" (Khawaja, at para. 82).
- [201] Toughill's concerns are based on the premise that "members of 'closed societies' speak to journalists because they are a conduit to the broader public on issues of importance" and that "[b]ecause of these strong professional traditions, individuals who face real or perceived risk in communicating their stories or revealing information of public interest are often prepared to speak to journalists, despite being unwilling to speak to police or, indeed, to speak publicly at all".
- [202] Toughill's concern is based on a misunderstanding of the practice of OPP officers engaged in Media-Presence Surveillance. There is no evidence that any such OPP officer attempts to speak with any member of a closed society in order to obtain information. Rather, the evidence is to the contrary.
- [203] OPP officers engaged in Media-Presence Surveillance are conducting surveillance, not speaking with those they are watching. Those officers do not seek to earn the "trust" of members of closed societies in mainstream major media (as represented by the Media Applicants) through discussions with individuals in "closed societies". OPP officers conducting Media-Presence Surveillance are only engaged in filming or other surveillance as part of a crowd

of media or others who are engaged in the same activity either for their media organization or for their personal expression on matters of public interest "whether by blogging, tweeting standing on a street corner and shouting the 'news' at passing pedestrians" (as per Binnie J. in *National Post*, at para. 40).

[204] Further, even if there could be a trust relationship when a member of a closed society speaks with a member of the mainstream major media, Toughill's evidence is that those communications require individual trust in the particular journalist, which is even more removed from general surveillance by OPP officers in a group of people who are filming or watching a public protest.

[205] Toughill's evidence was that any "trust" relationship with a journalist which would lead a member of the public to speak was "based on their belief in that specific journalist's commitment to fairness and neutrality rather than the profession's commitment to fairness and neutrality" and that a journalist establishes the trust of the people that he or she is trying to interview by, for example, having a "body of work that they can point to that a source can look at and determine if they think they have been generally fair."

[206] In essence, the Applicants ask the court to rely on Toughill's subjective opinion to conclude that Media-Presence Surveillance, without OPP officers engaging in any way with the people they are observing at public protests, will (i) result in members of closed societies being less willing to talk to journalists, and (ii) make it more dangerous when journalists seek to talk to such individuals. Toughill's limited paragraphs in which she states that opinion are not supported by any objective evidence before the court.

[207] I adopt the following submission from the Respondents' factum with respect to Toughill's evidence:

Anyone can take a camera (or cellphone with a camera) to a public protest and video the event. The protesters have no expectation that their conduct will remain confidential — indeed the purpose of a public protest is to be seen and gain publicity. Anyone who takes a video of a public protest can give the video to the press or to the police or distribute it over the internet. There is no evidence that the public perceives plainclothes videographers at public protests to be journalists, let alone journalists working for or on behalf of a major news organization. There is no evidence that the public perceive plainclothes police officers standing beside or among journalists to be journalists. There is no evidence that people who take pictures or videos at public protests subscribe to any code of ethics or have a 'trust relationship' with members of the public or members of closed societies. There is no evidence that plainclothes police officers standing beside journalists at public protests will lead people to believe that undercover police also pose as journalists working for major news agencies.

- iii) The evidence of the other affiants does not support a direct link between Media-Presence Surveillance and a chilling effect on freedom of expression
 - The evidence of the other Media Applicants' affiants
- [208] The Media Applicants' other affiants generally adopt Toughill's opinions that the practice of "impersonating journalists" by "posing as a television news crew" (i) makes it more difficult for journalists to access information, and (ii) creates a heightened risk of physical harm. These affidavits provide no objective evidence to the record before the court.
- [209] A repetition of conjecture does not constitute evidence (see Abella J.A. (as she then was) dissenting, but not on this point, in *Payne v. Ontario Human Rights Commission*, [1990] OJ No. 2987 (CA), at para. 110). The additional affidavits offer no objective evidence needed to satisfy the court of the chilling effect of Media-Presence Surveillance.
- [210] The only additional evidence to the arguments filed by the Media Applicants is from Seglins who states that in the summer of 2009, he was "confronted by a Mohawk watchperson who challenged me to confirm that I was indeed a journalist, and not a police officer in disguise". Seglins chose to leave the premises rather than have the situation escalate.
- [211] However, a single example from one journalist about one person who questioned whether he was a journalist or police officer does not demonstrate on an objective basis that Media-Presence Surveillance has a chilling effect on members of "closed societies" that prevents them from communicating with the media or increases the danger to journalists working with such members. The concern of that individual could just as easily have been based on the fact that Seglins was walking alone in a disputed territory without any visible media identification. Seglins' example is not a case of Media-Presence Surveillance in which an OPP officer "hides in plain sight" in the presence of media who are all filming a public protest.
- [212] An unidentified individual journalist on his own in a highly disputed area might be questioned as to whether he was a police officer. However, there is no "causal connection" between Seglins being stopped in an isolated area (or Toughill's example of reporting from the middle of a riot in Crown Heights or Amber's example of reporting from street demonstrations) and the practice of Media-Presence Surveillance.
- [213] In any event, it would not be appropriate to draw any causal connection to danger to journalists (even if the Seglins' incident could logically be linked to Media-Presence Surveillance) from a singular example which is now six years old without any other objective evidence.

b. The evidence of Brant

- [214] The Applicants seek to rely on the evidence of Brant. However, his evidence is also subjective, based on his opinion, and does not provide an objective basis to find a causal link between Media-Presence Surveillance and a restriction on freedom of expression.
- [215] The evidence of Brant is unclear as to the basis of his concern that "officers might pose as media representatives when they attend protests by First Nations people".
- The evidence is uncontested that OPP officers engaged in Media-Presence Surveillance only attend to "blend in" or "hide in plain sight" in a plainclothes capacity for surveillance and do not seek to engage in any discussion posing as journalists with protesters in order to obtain information. Martell's evidence is that he will disengage if asked whether he is a journalist. The evidence is that OPP officers engaged in Media-Presence Surveillance wear no identifying clothing and do not carry any identifying logos to suggest that they are a member of the media. They blend in with the media and any other member of the public taking video footage.
- [217] Consequently, the "caution" that Brant claims to have in talking to the press is not based on any evidence that OPP officers seek to engage in such a conversation. If Brant's belief is that OPP officers gather evidence by interviewing people while posing as members of the media, such a mistaken belief cannot ground a s. 2(b) claim (Khawaja, at para, 82).
- [218] Even if Brant has become "cautious" in speaking with the media at protests because of Media-Presence Surveillance (which would not be logical on a proper understanding of the practice), his personal caution does not suffice to establish an objective causal link between Media-Presence Surveillance and a restriction on freedom of expression.
- [219] In any event, Brant's claim of purported caution to speak to the media because of Media-Presence Surveillance is a bald assertion unsupported by evidence. Brant provides no specific example in which he interacted differently with someone from the media because of a belief that that person may be a police officer. As Deschamps J. concluded in S.L., "it is not enough for a person to say that his or her rights have been infringed. The person must prove the infringement on a balance of probabilities... based on facts that can be established objectively" (S.L., at paras. 23-24).
- [220] Consequently, for the above reasons, I find that the evidentiary record before the court does not establish a direct link or causal connection between Media-Presence Surveillance and restriction on freedom of expression.
 - d) Can Media-Presence Surveillance be found to have a chilling effect on freedom of expression as a matter of common sense?
- [221] In their factum, the Applicants submit that the effects of Media-Presence Surveillance can be found to violate s. 2(b) as "self-evident" or by "common sense". I do not agree.

- As I discuss above, it requires an exceptional case to find, on the basis of common sense or as "self-evident", that an impugned legislation or practice violates a *Charter* freedom. Since the comments of Beetz J. in *Metropolitan Stores* in 1987, La Forest J. in *Moysa* in 1989, Sopinka J. in *Lessard* in 1991, Binnie J. in *Spence* in 2005, and up to the comments of McLachlin C.J. in *Khawaja* in 2012, the Supreme Court has reiterated the importance of an "evidentiary basis", and has limited "common sense" or "self-evident" findings to situations in which (i) the violation is "indisputable" (*Moysa*, at 1581); or (ii) "no reasonable person would dispute" the "chilling effect" of the practice (*Khawaja*, at para, 79).
- [223] The standard to require judicial notice is at its highest in the present case, as the "fact" to be established is dispositive of the case (Spence, at para. 65).
- [224] It is not "indisputable" that Media-Presence Surveillance would either (i) make journalists' ability to gather news more difficult, or (ii) create an increased risk of harm for journalists leaving them less willing to accept risks.
- [225] At a public protest, participants attend to be in a public forum with full knowledge that they may be watched or filmed in the course of such a protest. I restate and adopt the comments of La Forest J. in Lessard which are equally applicable in the present application:

I find the CBC's argument that there will be a 'chilling effect' on newsgathering unpersuasive, in so far as that argument pertains to films and photographs taken of an event. I think the chill is already there. Absent a promise of confidentiality, no one can reasonably believe that there is no danger of identification when he is being captured on film by the press. When the press is covering an event under circumstances such as those in the present case, the very reason for the presence of cameramen is to take film and photographs for the purpose of broadcasting. While not all of the photographs will get published, there is a very real possibility that someone who commits a crime in front of the camera will find himself on the evening news or on the front page of a newspaper. The situation might be different if the press had made an undertaking to edit the film so that no identities would be revealed, or had promised confidentiality. Absent such a promise, however, it should be apparent that a photograph of a demonstrator 'caught in the act' of vandalizing a post office or factory is precisely the sort of 'newsworthy' item that is likely to make it into the paper. [Emphasis added.]

- [226] If there is no "common sense" or self-evident" causal link to a *Charter* violation for police seizing films and photographs of public demonstrations (as in *Lessard*), then no such link should exist in the present case with respect to Media-Presence Surveillance when the "very reason for the presence of cameramen is to take film and photographs for the purpose of broadcasting".
- [227] 1 adopt the following submission from the Respondents' factum:

Moreover, given the ubiquity of video cameras at public events (including public protests) no one can reasonably believe that everyone with a camera is a journalist or member of the press, and given the ability of everyone with a camera (or cell phone) to post such videos or photos on internet sites like Facebook and YouTube, no one can reasonably believe that their conduct at such public events is confidential.

- [228] Further, the Applicants' witnesses acknowledged on cross-examination that a person participating in a public protest cannot know whether a person with a camera or cell phone is a journalist or member of the press.
- [229] Finally, it is not a "common sense" or "self-evident" conclusion that journalists would be in increased danger as a result of Media-Presence Surveillance. There is no evidence that OPP officers conduct video surveillance as part of a crowd of protesters, or even try to "blend in" with a crowd engaged in protest.
- [230] Consequently, any danger to a journalist who reports from a crowd is not connected to Media-Presence Surveillance and any concern that a member of a closed society might have in such a public protest would be based on an incorrect understanding of the practice of Media-Presence Surveillance. Such a misunderstanding cannot ground a claim of unconstitutionality (*Khawaja*, at para. 82).
- [231] While a protester may be concerned that an unidentified individual walking on disputed land might be an OPP officer conducting surveillance (as took place with Seglins), that effect does not arise out of Media-Presence Surveillance. Seglins' confrontation cannot be tied to the impugned practice of Media-Presence Surveillance as an "indisputable" fact.
- [232] For the above reasons, I do not find it "self-evident", or a matter of "common sense", or that "no reasonable person would dispute" that Media-Presence Surveillance would have a chilling effect on freedom of expression.
 - e) Does the evidence or "common sense" support a finding that there is a chilling effect on news gathering as a result of the Independent Author Operation or Police Order 2.8.6?
- [233] Even though I have set out above the basis for my conclusion that (i) there is no practice with respect to either the Independent Author Operation or Police Order 2.8.6; (ii) neither the Independent Author Operation or Police Order 2.8.6 is properly within the scope of this application; and (iii) impersonating an independent author does not constitute impersonating a journalist; I find that, in any event, the evidentiary record would not support any direct link or causal connection between these matters and restriction of freedom of expression, nor would such a conclusion be "indisputable".
- [234] With respect to the Independent Author Operation, there is no evidence to support the Applicants' contention that Toughill's concerns have any relationship to police posing as "independent authors". There is no evidence that:

- (i) the public perceive "independent authors" to be journalists, let alone journalists working for or on behalf of a major news organization;
- independent authors subscribe to any code of ethics or that the practices of independent authors have led to a "trust relationship" with members of the public or members of closed societies;
- (iii) "independent authors" have privileged access to members of the public or members of closed societies; or
- (iv) undercover police posing as "independent authors" will lead people to believe that undercover police also pose as journalists working for major news agencies.
- [235] Consequently, there is no evidence of a direct relationship between undercover police posing as "independent authors" and the "drying up" of news sources.
- [236] With respect to Police Order 2.8.6, the only evidence is that the undercover impersonation of journalists by OPP officers has not been approved since this policy came into effect. There is no evidence that the operation of this policy has had any negative effect on the Applicants' freedom of expression.
- [237] Further, I do not find it "indisputable" that an undercover operation by an OPP officer posing as an independent author, or a Police Order permitting posing as a journalist only in "exigent" circumstances with a "significant threat to public safety" "where no other alternative exists" (and has never been approved with respect to posing as a journalist), would have a chilling effect on freedom of expression.

f) Conclusion

- [238] Consequently, the Applicants have not established that Media-Presence Surveillance (or the Independent Author Operation or Police Order 2.8.6) violates s. 2(b).
- [239] Given this finding, I do not address the various issues under s.1 of the *Charter*, or whether declaratory relief is appropriate in the present case.

ORDER AND COSTS

- [240] For the above reasons, I dismiss the application. If counsel cannot agree on costs, I will consider written costs submissions from each party of no more than three pages (not including a bill of costs), to be delivered by the Respondents within 14 days of this order, with the Applicants to respond within 14 days from receipt of the Respondents' submissions. The Respondents may provide a reply of no more than two pages to be delivered within 10 days of receipt of the Applicants' costs submissions.
- [241] I thank counsel for their thorough written and oral submissions which were of great assistance to the court.

600	

Justice Glustein

DATE: 20150723

41 of 41