



The National
Security and
Intelligence
Committee of
Parliamentarians

2023 Annual Report

Canada

The National Security and Intelligence Committee of Parliamentarians

Annual Report 2023 (Revised version pursuant to subsection 21(5) of the NSICOP Act)

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Annual Report 2023

**The National Security and Intelligence
Committee of Parliamentarians**



Revisions

Consistent with subsection 21(1) of the National Security and Intelligence Committee of Parliamentarians Act (NSICOP Act), the Committee must submit an annual report to the Prime Minister. Consistent with subsection 21(5) of the NSICOP Act, the Prime Minister may, after consulting the Chair of the Committee, direct the Committee to submit to him or her a revised version of the annual report that does not contain information the Prime Minister believes the disclosure of which would be injurious to national security, national defence or international relations or is information that is protected by solicitor-client privilege.

This report was provided to the Prime Minister on April 10, 2024. No revisions were made to remove information the disclosure of which the Prime Minister believes would be injurious to national defence, national security or international relations, or which constitutes solicitor-client privilege.

However, the report's annexes of the Committee's previous recommendations and the government's responses do contain revisions that were included in previous reports. Each of these are marked with three asterisks (***) . There are no changes to these revisions.

■ Message from the Committee

We are pleased to present the sixth annual report of the National Security and Intelligence Committee of Parliamentarians. As always, the Committee has continued its work supporting and strengthening the effectiveness and accountability of the Canadian security and intelligence community.

Reflecting on the past year

In 2023, the Committee finished two reviews and launched a third. In August, we finished and submitted our review of the Federal Policing mandate of the Royal Canadian Mounted Police to the Prime Minister. The report was subsequently tabled in Parliament in November. Also in November, we finished a special review of an intelligence collection activity and submitted the report to the Prime Minister.

In March, the Committee launched a review of foreign interference in Canada's federal democratic processes and institutions. Indeed, this is the third time that the Committee is examining foreign interference. Accordingly, this most recent review builds on this previous work. Foreign interference is a significant threat to the rights and freedoms of Canadians and Canadian society, and it is paramount that we act to preserve the integrity of our institutions.

During 2023, the Committee was also pleased to welcome two new members and benefitted greatly from their insights and considerable experience. We also note that two members ceased being members in 2023 following their respective appointments as parliamentary secretaries. We would like to sincerely thank them for their important contributions during their tenure.

Opportunities and challenges

The success of the Committee in producing robust reviews on Canada's national security and intelligence apparatus and its ability to deliver relevant recommendations to the government does not imply an absence of challenges.

First, we continue to face challenges in ensuring access to all relevant information to fulfill our statutory responsibility of conducting comprehensive national security and intelligence reviews. As noted in previous annual reports, we are concerned about the extent to which some departments apply a broad definition of Cabinet confidence to withhold documents from the Committee. We remain prepared to work with the government on this issue.

Second, the Committee notes the difficulty of getting timely responses from the government to its recommendations. While we are pleased that the government provided an update this year on the actions taken in relation to some of our earlier recommendations, we continue to await a response to the *Special Report on the Federal Policing Mandate of the Royal Canadian Mounted Police*, provided in 2023. Therefore, the Committee takes this opportunity to reiterate that formal responses are essential to strengthening the policies, operations and accountability of the security and intelligence community.

Conclusion

Finally, we would like to extend our sincere gratitude to officials from the security and intelligence community for their cooperation and to Secretariat officials for their continuing assistance and their unfailing dedication.



The National Security and Intelligence Committee of Parliamentarians

(Membership from the 44th Parliament)

The Honourable David J. McGuinty, P.C., M.P. (Chair)

Mr. Stéphane Bergeron, M.P.

Mr. Don Davies, M.P.

The Honourable Patricia Duncan, Senator

Ms. Iqra Khalid, M.P. (ceased being a member on September 17, 2023)

The Honourable Marty Klyne, Senator

The Honourable Frances Lankin, P.C., C.M, Senator

Ms. Patricia Lattanzio, M.P.

Mr. James Maloney, M.P. (ceased being a member on September 17, 2023)

Mr. Rob Morrison, M.P.

Mr. Alex Ruff, M.S.C, C.D., M.P.

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Introduction

1. The National Security and Intelligence Committee of Parliamentarians (NSICOP, or the Committee) is pleased to present the Prime Minister with its sixth annual report. The report provides an overview of the Committee's work over the past year. It discusses challenges related to accessing documents and government responses to recommendations. It also presents a summary of the Committee's 2023 reviews.

The Committee's 2023 activities

2. In 2023, NSICOP welcomed two new members from the Senate. On June 2, the Prime Minister announced the appointment of the Honourable Patricia (Pat) Duncan and on August 8, the appointment of the Honourable Marty Klyne.
3. During the year, the Committee met 38 times between February 3 and December 15. It met with 50 officials from 13 organizations, either in-person or via secure video conference. That work resulted in the completion of two special reports and the launch of one new review.
4. On March 8, the Committee announced a review of foreign interference in Canada's federal democratic processes and institutions pursuant to section 8(1)(a) of the NSICOP Act. This decision followed the Prime Minister's request for the Committee to "complete a review to assess the state of foreign interference in federal electoral processes" with respect to "foreign interference attempts that occurred in the 43rd and 44th federal general elections, including potential effects on Canada's democracy and institutions."¹ The Committee met and considered this request. It decided on a broader review of the state of foreign interference in Canada's federal democratic processes and institutions. This examination builds on work from a previous review tabled in 2020 on the government's response to foreign interference from 2015 to 2018.²
5. On November 7, the Prime Minister tabled a revised version of NSICOP's *Special Report on the Federal Policing Mandate of the Royal Canadian Mounted Police*. The report was submitted to the Prime Minister on August 8 and is summarized below. Findings and recommendations are presented in Annex A. The government has not yet provided a response.
6. For the first time since its inception, the Committee submitted a review to the Prime Minister and invoked subsection 21(3) of the NSICOP Act. Accordingly, this special report, due to the nature and sensitivity of the information reviewed, will not be tabled before either House of Parliament as per subsection 21(4) of the Act. The special report looked at an intelligence collection activity and was submitted to the

¹ Prime Minister, Taking further action on foreign interference and strengthening confidence in our democracy, March 6, 2023, www.pm.gc.ca/en/news/news-releases/2023/03/06/taking-further-action-foreign-interference-and-strengthening. The 43rd federal general election took place on October 21, 2019. The 44th federal general election took place on September 20, 2021.

² NSICOP, Annual Report 2019, March 12, 2020, https://publications.gc.ca/collections/collection_2020/scps-snsi/CP100-2019-eng.pdf

Prime Minister in November. A summary has been included in this annual report. The government responded to the Committee's report.

NSICOP's access to relevant documents

7. The Committee continues to face challenges regarding access to documents for its reviews.
8. In May 2023, the Prime Minister granted NSICOP access to four documents protected by Cabinet confidence as part of its review of foreign interference in Canada's democratic processes and institutions.³ These documents were helpful in understanding the timeframe and steps that the government took to address this issue.
9. Despite this unprecedented access, obstacles remained in accessing all relevant information. Notwithstanding the four Cabinet documents, federal departments and agencies withheld or refused the disclosure of over a thousand documents, in whole or in part, on the basis that they were Cabinet confidences. Specifically, close to a quarter of these documents were withheld in their entirety. The Committee is concerned that some departments and agencies may be inappropriately using claims of Cabinet confidences to avoid disclosing information to the Committee.
10. The Committee was pleased to note that, further to its comment on this issue in its Annual Report 2022, the government has begun to identify which relevant documents are being withheld and on what basis, including claims of Cabinet confidence. This has allowed it to conclude that there are many such claims being exercised for each review. The Committee reiterates the comments made in its *Special Report on the National Security and Intelligence Activities of Global Affairs Canada* in asking the government to address this issue. It continues to state that while a legislative change to the definition of Cabinet confidence is desirable, in the near term, a clear statement of policy that NSICOP should be barred from receiving only core Cabinet secrets would go some way to addressing the issues being experienced. Specifically, such a statement could outline that information withheld from the Committee under section 14(a) of the NSICOP Act would be limited to that which is provided directly to Cabinet or ministers attending Cabinet committee meetings and which reveals options, Cabinet deliberations or discussions of these meetings.
11. It goes without saying that it is essential for the Committee to have comprehensive access to all the information it needs to fulfill its statutory responsibility of conducting reviews and making relevant recommendations to enhance the effectiveness of the security and intelligence community.

The government response to recommendations

12. The Committee also continues to face challenges obtaining responses from the government to its recommendations. While the government is not required to

³ The access was granted following recommendations from the Independent Special Rapporteur on Foreign Interference. Prime Minister of Canada, Prime Minister welcomes Independent Special Rapporteur's report and recommendations, May 23, 2023, www.pm.gc.ca/en/news/news-releases/2023/05/23/prime-minister-welcomes-independent-special-rapporteurs-report-and.

respond to NSICOP findings and recommendations, such responses demonstrate a commitment to taking the necessary action to strengthen the policies, operations and accountability of the security and intelligence community.

13. The challenge was partially resolved in 2021 when the government provided for the first-time explicit responses to recommendations from the Committee’s review of government cyber defences. It did so again the next year following a review of the national security and intelligence activities of Global Affairs Canada. In time for the current annual report, the government provided status updates regarding the implementation of certain recommendations, some dating back to 2018. While the Committee is pleased that some progress is being made, it continues to await a response to its *Special Report on the Federal Policing Mandate of the Royal Canadian Mounted Police*, provided in 2023.

■ Reporting requirements for 2023

Injury to national security and refusal to provide information

14. The NSICOP Act has several reporting requirements. The Committee must include in its annual report the number of instances in the preceding year that an appropriate minister determined that a review conducted under paragraph 8(1)(b) of the Act would be injurious to national security. It must also disclose the number of times a responsible minister refused to provide information to the Committee due to his or her opinion that the information constituted special operational information and would be injurious to national security, consistent with subsection 16(1) of the Act.
15. In 2023, no reviews proposed by the Committee were deemed injurious to national security by a minister and no information requested by the Committee was refused by a minister on these grounds.

Reviews deemed injurious to national security 0

Information requests refused 0

Avoiding Complicity in Mistreatment by Foreign Entities Act

16. Pursuant to the *Avoiding Complicity in Mistreatment by Foreign Entities Act* (the Act), twelve organizations within the federal government must submit to their Minister an annual report in respect of the implementation of the Act in the previous calendar year.⁴ The annual reports must contain information regarding:
 - a. The disclosure of information to a foreign entity that would result in a substantial risk of mistreatment to an individual;
 - b. The making of requests to any foreign entity for information that would result in a substantial risk of mistreatment of an individual; and

⁴ The federal organizations mandated to report are: Canada Border Services Agency; Canada Revenue Agency; Canadian Security Intelligence Service; Communications Security Establishment; Department of National Defence and the Canadian Armed Forces; Financial Transactions and Reports Analysis Centre of Canada; Fisheries and Oceans Canada; Global Affairs Canada; Immigration, Refugees and Citizenship Canada; Public Safety Canada; Royal Canadian Mounted Police; and Transport Canada.

- c. The use of information that is likely to have been obtained through the mistreatment of an individual by a foreign entity.
17. The Act requires the implicated Ministers to provide a copy of their organization's annual mistreatment reports to NSICOP and the National Security and Intelligence Review Agency (NSIRA). The Committee received all twelve annual compliance reports.

Referrals

18. Pursuant to paragraph 8(1)(c) of the NSICOP Act, any minister of the Crown may refer any matter relating to national security or intelligence to the Committee for review.
19. On March 6, 2023, the Prime Minister requested that NSICOP “complete a review to assess the state of foreign interference in federal electoral processes” with respect to “the 43rd and 44th federal general elections, including potential effects on Canada’s democracy and institutions, and have their findings and recommendations reported to Parliament.”⁵
20. The Committee considered the Prime Minister’s request. It decided on a broader review under paragraph 8(1)(a) of the NSICOP Act of the state of foreign interference in Canada’s federal democratic processes and institutions, from 2018 to the present, examining other periods, where relevant.
21. On March 8, 2023, the Committee announced its review of foreign interference in Canada’s federal democratic processes and institutions.⁶ The review will build on the Committee’s review of the government’s response to foreign interference from 2015 to 2018 which was tabled in 2020.⁷

⁵ Prime Minister, Taking further action on foreign interference and strengthening confidence in our democracy, March 6, 2023, www.pm.gc.ca/en/news/news-releases/2023/03/06/taking-further-action-foreign-interference-and-strengthening. The 43rd federal general election took place on October 21, 2019. The 44th federal general election took place on September 20, 2021.

⁶ NSICOP, National Security and Intelligence Committee of Parliamentarians launches review of Foreign Interference in Canada’s Democratic Processes, March 8, 2023, www.nsicop-cpsnr.ca/press-releases/pr-cp-2023-03-08/pr-cp-2023-03-08-en.html.

⁷ NSICOP, Annual Report 2019, March 12, 2020, https://publications.gc.ca/collections/collection_2020/scps-snsi/CP100-2019-eng.pdf

Review of the Royal Canadian Mounted Police's Federal Policing mandate

22. On November 7, 2023, the Prime Minister tabled the *Special Report on the Federal Policing Mandate of the Royal Canadian Mounted Police* (RCMP) in Parliament. A revised version of the report was concurrently made available to the public on the Committee's website.⁸ The following is a summary of the review.
23. Through its Federal Policing mandate, the RCMP is one of Canada's leading national security and intelligence organizations. It is responsible for investigating events in Canada and abroad related to national security, transnational and serious organized crime, financial crime and cyber crime.⁹ It is also charged with protecting key federal and designated officials and supporting international operations. In sum, Federal Policing deals with some of the most serious threats to Canadians and Canadian interests.
24. While the RCMP has undergone several reviews over the years, no external independent review of its Federal Policing mandate was ever conducted. Accordingly, the Committee elected to review this mandate, consistent with subsection 8(1)(b) of the NSICOP Act. Specifically, it sought to examine Federal Policing's programs, activities, structures, capabilities, authorities and accountabilities.
25. Federal Policing is essential to Canada's national security, but the Committee's review revealed that the RCMP faces several challenges in discharging this mandate. First, the Committee notes that Federal Policing's budgetary resources are consistently displaced to fund other organizational priorities, primarily contract policing. Second, Federal Policing struggles to source all the skills, education and experience required to conduct the increasingly complex and specialized investigations needed in the modern criminal threat environment. Third, the RCMP lacks effective and consistent direction over federal investigative units throughout the country resulting in a persistent inability to track major projects and to effectively prioritize and direct resources. Finally, the RCMP lacks standardized methods or approaches for data analytics. Accordingly, poor data integrity and information management undermine effective decision-making and support to operations.
26. In sum, the RCMP Federal Policing program struggles with weak governance and prioritization of federal activities and investigations; poor data and data management; an intelligence function misaligned with federal requirements; and recruitment and training models ill-suited to its mandate. The RCMP clearly recognizes the problems facing its Federal Policing mandate. If fully implemented, its many initiatives in the areas of governance, data, prioritization, intelligence, recruitment and training should improve

⁸ NSICOP, *Special Report on the Federal Policing Mandate of the Royal Canadian Mounted Police*, November 7, 2023, www.nsicop-cpsnr.ca/press-releases/pr-cp-2023-11-07/pr-cp-2023-11-07-en.html.

⁹ International investigations are conducted in cooperation with foreign police services.

Federal Policing's ability to fulfill its mandate. However, the Committee believes that more leadership and direction from the federal government is needed. This will help to ensure that Federal Policing is able to address the highest priority threats to Canadian national security and public safety.

27. The government has a responsibility to ensure that the various components of its security and intelligence community function effectively. On the basis of its review, the Committee believes that Federal Policing cannot function as effectively as it must to protect Canada and Canadians from the most significant national security and criminal threats. The government must act to ensure it does.

■ Review of an intelligence collection activity

28. The Committee conducted a review pursuant to section 8(1)(b) of the NSICOP Act on an intelligence collection activity. The Special Report highlighted concerns about the authority of the federal department or agency to participate in this collection activity, particularly with regard to its Canadian partners in the security and intelligence community, including the lack of appropriate governance; and the role that the Department of Justice plays in providing advice in areas of national security and intelligence that will likely not receive judicial scrutiny.
29. The Committee received a response from the government to its report on March 21, 2024. Of the Committee's five recommendations, the government rejected one, accepted three and commented on another.

Annex A: Findings and recommendations of the Federal Policing mandate review

Findings

- F1.** Federal Policing is an essential component of Canada's security and intelligence community. It has a unique and broad mandate that includes investigating threats to national security and transnational and serious organized crime, protecting key federal and designated officials, supporting international operations, such as peace-keeping, and maintaining key policing relationships, both among our allies and with international institutions.
- F2.** Federal Policing's ability to manage its budget and maintain operations has only been possible as a result of unfilled vacancies in the program since 2016. Federal budgetary resources also are consistently displaced to fund other organizational priorities, primarily Contract Policing.
- F3.** Federal Policing's approaches to recruitment and training do not sufficiently support the Federal mandate. Federal Policing has struggled to source all the skills, education and experience required to conduct increasingly complex and specialized investigations in the modern criminal threat environment.
- F4.** Federal Policing lacks effective and consistent direction over federal investigative units throughout the country. Federal Policing's Prioritization Committee reviews new projects without an understanding of current investigations and expenditures in all Divisions, limiting Federal Policing's ability to track major projects or to direct resources to the highest threats from a national perspective.
- F5.** Federal Policing's problems with data integrity and information management undermine effective decision-making and support to operations. The RCMP has an ineffective governance system which lacks standardized methods or approaches for data analytics. Of the information that is entered into the various data systems, many include incomplete records, outdated reporting, inconsistencies, incorrect data and missing information. Moreover, compliance among Federal Policing units throughout the country with direction to address these problems is near zero. This undermines Federal Policing's ability to prioritize its work, attribute actual costs to investigations, and enable its intelligence units to make linkages among investigations or identify emerging issues.
- F6.** Federal Policing does not have performance measures that account for success outside of charges laid. Federal Policing investigations are complex and can involve assistance or other activities that do not have arrest or charges as a goal. Current measures do not include relevant context or provide enough scope for complex outcomes.
- F7.** The RCMP recognizes the problems facing its Federal Policing mandate. The RCMP cannot effect the necessary changes alone. The Minister must take a greater role with respect to issues such as governance, priorities, and organizational direction.

Recommendations

- R1.** The Minister of Public Safety provide clear and regular direction to the RCMP to strengthen Federal Policing, including in areas of governance; financial controls; human resources, recruiting and training; and information management. In each of these areas, this direction should include the Minister's expectations, clear interim and final objectives, and clear performance measures.
- R2.** The Government recognize that Federal Policing resources are insufficient to fulfil its various mandates and put in place measures to ensure Federal resources are appropriated fully to Federal priorities.
- R3.** The Government ensure that Federal Policing has the sufficient level of autonomy to fulfill its mandates and implement any organizational changes necessary to do so.
- R4.** As part of its deliberations, the Government consider amendments to the RCMP Act, including to define police independence and provide reporting obligations for the Federal Policing mandate (similar to the CSIS Act).
- R5.** Federal Policing develop appropriate performance measures that better reflect the complexity of its operations and outcomes. These measures should be fully supported internally by data collection, analysis and reporting.

Status

As of December 31, 2023, the government has not provided a status update regarding the implementation of these recommendations.

Annex B: Recommendations of prior reviews

Special report into the allegations associated with Prime Minister Trudeau's official visit to India in February 2018

Description

A special report on the allegations raised in the context of the Prime Minister's trip to India in February 2018 relating to foreign interference in Canadian political affairs, risks to the security of the Prime Minister, and the inappropriate use of intelligence.

Recommendations

Foreign interference

- R1.** In the interest of national security, members of the House of Commons and the Senate should be briefed upon being sworn-in and regularly thereafter on the risks of foreign interference and extremism in Canada. In addition, Cabinet Ministers should be reminded of the expectations described in the Government's Open and Accountable Government, including that Ministers exercise discretion with whom they meet or associate, and clearly distinguish between official and private media messaging, and be reminded that, consistent with the Conflict of Interest Act, public office holders must always place the public interest before private interests. ***
- R2.** The Minister of Public Safety and Emergency Preparedness should consider revising the *** to include a formal role for the National Security and Intelligence Advisor. The information provided to the Committee demonstrates that the NSIA played a significant role ***. The Committee believes that the NSIA has a legitimate role to provide advice as coordinator of the security and intelligence community and advisor to the Prime Minister. ***

Security

- R3.** Drawing on the Committee's findings, an interdepartmental review should be undertaken to identify key lessons learned following these events.
- R4.** The Government should develop and implement a consistent method of conducting background checks by all organizations involved in the development of proposed guest lists for foreign events with the Prime Minister.

The use of intelligence

- R5.** The Prime Minister should review the role of the NSIA in the area of countering threats to the security of Canada. The Committee already made one recommendation with respect to the role of the NSIA in the area of ***. The Committee notes that a number of other government departments and agencies have statutory authority to take measures to protect Canada from threats to its security. The role of the NSIA should be clarified for those organizations, as well.

Status

The government provided the following responses to the recommendations R1 and R2 in a report published in 2023 entitled *Countering an Evolving Threat: Update on Recommendations to Counter Foreign Interference in Canada's Democratic Institutions* (commonly known as the Leblanc-Charette report):¹⁰

Response to R1.1:

The Parliamentary Protective Service provides security briefings to incoming Members of Parliament. The Security and Intelligence Threats to Election Task Force (SITE) offers briefings to political party representatives during writ period. The Privy Council Office Security Operations Division briefs all incoming Ministers and Parliamentary Secretaries on the spectrum of threats, including foreign interference. CSIS also provides briefings to Parliamentarians upon request.

Briefings for Members of Parliament and the Senate will be provided upon their swearing-in and on a regular basis.

Response to R1.2:

Expectations and obligations for Ministers and their actions have been made public as part of *Open and Accountable Government*.

Response to R2:

Steps were taken to further strengthen the national security governance framework to ensure that the National and Security and Intelligence Advisor to the Prime Minister (NSIA) maintains awareness of ongoing threats and mitigation measures, including those related to foreign interference.

¹⁰ Government of Canada, *Countering an Evolving Threat: Update on Recommendations to Counter Foreign Interference in Canada's Democratic Institutions*, April 6, 2023, www.canada.ca/en/democratic-institutions/services/reports/countering-evolving-threat.html.

Review of the Process for Setting Intelligence Priorities

Description

A review of the Government of Canada's process for establishing the national intelligence priorities, focusing on the governance of the process, the participation of the organizations involved, and performance measurement and resource expenditures.

Recommendations

- R1.** The National Security and Intelligence Advisor, supported by the Privy Council Office, invest in and take a stronger managerial and leadership role in the process for setting intelligence priorities to ensure organizational responses to the intelligence priorities are timely and consistently implemented.
- R2.** The security and intelligence community develop a strategic overview of the Standing Intelligence Requirements to ensure Cabinet is receiving the best information it needs to make decisions.
- R3.** Under the leadership of the National Security and Intelligence Advisor and supported by the Privy Council Office, the security and intelligence community develop tools to address the coordination and prioritization challenges it faces in relation to the Standing Intelligence Requirements.
- R4.** The security and intelligence community, in consultation with the Treasury Board Secretariat, develop a consistent performance measurement framework that examines how effectively and efficiently the community is responding to the intelligence priorities, including a robust and consistent resource expenditure review.

Status

For the 2023 Annual Report, the government provided a partial status update on the implementation of these recommendations. It notes that as a result of the recommendations the Privy Council Office has “strengthened the process for setting priorities, including a greater leadership role for the National Security and Intelligence Advisor to the Prime Minister.”¹¹

¹¹ Privy Council Office, Letter to NSICOP, February 11, 2024.

Review of the Department of National Defence and the Canadian Armed Forces' Intelligence Activities

Description

A review of the intelligence activities of the Department of National Defence and the Canadian Armed Forces. The Committee examined the scope of these activities, their legal authorities and the existing oversight mechanisms for their control and accountability.

Recommendations

- R1.** The Department of National Defence/Canadian Armed Forces (DND/CAF) review and strengthen its administrative framework governing defence intelligence activities, particularly with respect to the Ministerial Directive on Defence Intelligence, to ensure that it meets its own obligations on governance and reporting to the Minister of National Defence, and is properly tracking the implementation of those obligations. In particular:
- devise a standard process, or principles, for determining a nexus between a defence intelligence activity and a legally authorized mission;
 - document its compliance with obligations in the Directive, including in areas of risk specified in the Directive not currently included in annual reports to the Minister; and
 - implement a standardized process for interdepartmental consultations on the deployment of defence intelligence capabilities, including minimum standards of documentation.
- R2.** The Government amend Bill C-59, National Security Act, 2017, to ensure that the mandate of the proposed National Security and Intelligence Review Agency includes an explicit requirement for an annual report of DND/CAF activities related to national security or intelligence.
- R3.** Drawing from the Committee's assessment and findings, the Government give serious consideration to providing explicit legislative authority for the conduct of defence intelligence activities.

Status

For the 2023 Annual Report, the government provided a status update on the implementation of these recommendations. It notes that as a result of the recommendations the DND/CAF has “enhanced its policy framework for these activities; and has established a program to ensure the compliance of these activities with relevant legislation, ministerial directives, and internal policies.”¹²

The Committee recognizes that recommendation R2 was overtaken by events when Bill C-59, the *National Security Act, 2017* received Royal Assent on June 21, 2019, and did not include a requirement for NSIRA to produce an annual report of DND/CAF activities related to national security or intelligence.

¹² Privy Council Office, Letter to NSICOP, February 11, 2024.

Diversity and Inclusion in the Security and Intelligence Community

Description

A review that provides a baseline assessment of the degree of representation of women, Aboriginal peoples, members of visible minorities and persons with disabilities within the security and intelligence community, and examines the goals, initiatives, programs and measures that departments and agencies have taken to promote diversity and inclusion.

Recommendations

- R1.** The Committee conduct a retrospective review in three to five years to assess the security and intelligence community's progress in achieving and implementing its diversity goals and inclusion initiatives, and to examine more closely the question of inclusion, including issues of harassment, violence and discrimination, through closer engagement with employees.
- R2.** The security and intelligence community adopt a consistent and transparent approach to planning and monitoring of employment equity and diversity goals, and conduct regular reviews of their employment policies and practices (that is, employment systems reviews) to identify possible employment barriers for women, Aboriginal peoples, members of visible minorities and persons with disabilities.
- R3.** The security and intelligence community improve the robustness of its data collection and analysis, including GBA+ assessments of internal staffing and promotion policies and clustering analyses of the workforce. In this light, the Committee also highlights the future obligation for organizations to investigate, record and report on all occurrences of harassment and violence in the workplace.
- R4.** The security and intelligence community develop a common performance measurement framework, and strengthen accountability for diversity and inclusion through meaningful and measurable performance indicators for executives and managers across all organizations.

Status

For the 2023 Annual Report, the government provided a partial status update on the implementation of these three recommendations (R2 to R4; R1 relates to the Committee). It notes that:

“departments in the security and intelligence community continue to make progress in implementing the Committee's diversity, equity, and inclusion recommendations, and in achieving these goals generally. Most have completed Employment Systems Reviews (ESRs), or have such reviews underway. ESRs are key tools for employment equity and diversity goals, and are the foundation of departmental employment equity plans. For example, in mid-2022 the Canadian Security Intelligence Service (CSIS) launched its Diversity, Equity, and Inclusion Strategy, based on broad consultations with stakeholders including a Diversity and Inclusion Advisory Committee and various employee networks.”¹³

¹³ Privy Council Office, Letter to NSICOP, February 11, 2024.

The Government Response to Foreign Interference

Description

A review of the breadth and scope of foreign interference in Canada; the government's response; the implicated organizations and their response capabilities; the extent of coordination and collaboration among these organizations; the degree to which the government works with other levels of government and targets of foreign interference; and government engagement with allies abroad.

Recommendations

- R1.** The Government of Canada develop a comprehensive strategy to counter foreign interference and build institutional and public resiliency. Drawing from the Committee's review and findings, such a strategy should:
- a. identify the short- and long-term risks and harms to Canadian institutions and rights and freedoms posed by the threat of foreign interference;
 - b. examine and address the full range of institutional vulnerabilities targeted by hostile foreign states, including areas expressly omitted in the Committee's review;
 - c. assess the adequacy of existing legislation that deals with foreign interference, such as the Security of Information Act or the Canadian Security Intelligence Service Act, and make proposals for changes if required;
 - d. develop practical, whole-of-government operational and policy mechanisms to identify and respond to the activities of hostile states;
 - e. establish regular mechanisms to work with sub-national levels of government and law enforcement organizations, including to provide necessary security clearances;
 - f. include an approach for ministers and senior officials to engage with fundamental institutions and the public; and
 - g. guide cooperation with allies on foreign interference.
- R2.** The Government of Canada support this comprehensive strategy through sustained central leadership and coordination. As an example of a centralized coordinating entity to address foreign interference, the Committee refers to the appointment and mandate of the Australian National Counter Foreign Interference Coordinator.

The Committee reiterates its recommendation from its Special Report into the Allegations Associated with Prime Minister Trudeau's Official Visit to India in February 2018:

- In the interest of national security, members of the House of Commons and Senate should be briefed upon being sworn-in and regularly thereafter on the risks of foreign interference and extremism in Canada. In addition, Cabinet Ministers should be reminded of the expectations described in the Government's Open and Accountable Government, including that Ministers exercise discretion with whom they meet or associate, and clearly distinguish between official and private media messaging, and be reminded that, consistent with the Conflict of Interest Act, public office holders must always place the public interest before private interests.

Status

The government provided the following responses to the recommendations R1 and R2 in a report published in 2023 entitled *Countering an Evolving Threat: Update on Recommendations to Counter Foreign Interference in Canada's Democratic Institutions* (commonly known as the Leblanc-Charette report):¹⁴

Response to R1:

Departments and agencies work together as part of an effective governance framework to identify and respond to foreign interference activities. The new National Counter Foreign Interference Coordinator will play a leading role to ensure Government-wide efforts to combat foreign interference are working effectively and towards the same goal. Using the findings and recommendations from the Independent Special Rapporteur's review on foreign interference, as well as the ongoing reviews from NSICOP and the National Security and Intelligence Review Agency, the Government will take additional action.

Response to R1.a:

Departments and agencies have developed comprehensive assessments of foreign interference threats and risks. This analysis is ongoing and takes into account how the threat — and the measures to counter it — evolve. Departments and agencies have been engaging with stakeholders in various sectors to share information on threats and help identify risks. Challenges remain in concretely measuring and articulating foreign interference harms in certain sectors of strategic interest. The Government will leverage the new National Counter Foreign Interference Coordinator, academic and other outreach programs to engage stakeholders to further assess the short- and long-term impacts of foreign interference in Canada.

Response to R1.b:

Departments and agencies have developed comprehensive assessments of foreign interference threats and risks.

The tools used by foreign state actors to conduct interference activities continue to evolve, require ongoing assessments of risks. Departments and agencies will continue to collaborate with stakeholders to assess vulnerabilities in strategic sectors.

Budget 2023 provides \$48.9 million over three years to the Royal Canadian Mounted Police (RCMP) to protect Canadians from harassment and intimidation, increase its investigative capacity, and more proactively engage with communities at greater risk of being targeted.

Response to R1.c:

Over the past few years, departments and agencies have conducted policy and legal analysis to identify gaps and develop options to address them.

The Minister of Public Safety, informed by the ongoing work of the Independent Special Rapporteur and the reviews of NSICOP and NSIRA, will work and consult on changes to the CSIS Act, the *Security of Information Act*, and the *Criminal Code*.

¹⁴ Government of Canada, *Countering an Evolving Threat: Update on Recommendations to Counter Foreign Interference in Canada's Democratic Institutions*, April 6, 2023, www.canada.ca/en/democratic-institutions/services/reports/countering-evolving-threat.html.

Response to R1.d:

The establishment of the Counter-Foreign Interference Coordinator enhances the existing national security governance and the government's capacity to effectively address foreign interference activities. Budget 2023 provides \$13.5 million over five years, and \$3.1 million ongoing to Public Safety Canada to establish a National Counter-Foreign Interference Office. The 2023 Budget further proposes \$48.9 million over three years to the RCMP to protect Canadians from harassment and intimidation, increase its investigative capacity, and more proactively engage with communities at greater risk of being targeted.

Departments and agencies work together as part of an effective governance framework to identify and respond to foreign interference activities. Over the past years, steps were taken to strengthen the national security governance framework to ensure that the NSIA maintains active awareness of ongoing threats and mitigation measures, including those related to foreign interference.

Budget 2022 provided \$2 million annually for the Protecting Democracy Unit at the Privy Council Office to coordinate, develop, and implement government-wide measures designed to combat disinformation and protect Canada's democratic institutions and processes. This includes developing a whole-of-society approach to protecting Canada's democracy, the implementation of a counter disinformation toolkit, and training for Parliamentarians and public servants on misinformation and disinformation, building upon the United Kingdom's RESIST model. It also includes further developing options to strengthen interdepartmental governance, in consideration of existing committees.

The Government of Canada announced a \$5.5 million investment to strengthen the capacity of civil society and research partners to provide important insights into the dynamics of Canada's information ecosystem, including with respect to disinformation and activities of state actors.

Response to R1.e:

Over the past few years, the RCMP, CSIS, the Canadian Centre for Cyber Security, and Public Safety Canada have engaged with provincial, territorial and municipal colleagues, as well as with critical infrastructure owners and operators to increase awareness of foreign interference threats and build resilience.

Sustained, regular, and coordinated engagement with partners is essential to detect threats, build resilience and effectively counter foreign interference activities. The new National Counter Foreign Interference Coordinator will work on expanding briefing mechanisms with provincial/territorial, municipal, and Indigenous officials. The Protecting Democracy Unit within the Privy Council Office will expand its work with provinces and territories.

Response to R1.f:

Departments and agencies have been developing their capabilities to conduct outreach activities, including CSIS stakeholder engagement (industry, universities, research and development, Canadian communities, civil society), Communications Security Establishment and Cyber Centre outreach (industry, small business, privately-owned critical infrastructure), and RCMP community outreach efforts.

Communications and outreach are key elements of the government strategy to counter foreign interference. Efforts will continue to engage with partners effectively and cohesively across all jurisdictions.

The Government will use the new National Counter Foreign Interference Coordinator and CSIS's upcoming Annual Report to bolster communications with Canadians. Recently announced funding to strengthen the capacity of civil society partners to counter disinformation, including from foreign sources, will also help to increase resilience. New briefings will be offered to Members of Parliament and Senators and the Coordinator will work on expanding briefings to partners outside the Federal Government.

The Government will look at establishing a process by which members of the Panel as part of the Critical Election Incident Public Protocol, engage with stakeholders and communities. This engagement would seek views on best practices to mitigate the impact of foreign interference and disinformation on Canada's institutions.

Response to R1.g:

Departments and agencies each engage with their international counterparts in collaborative efforts and partnerships to address foreign interference.

The Counter Foreign Interference Coordinator will increase the coherence of these interdepartmental efforts, and will ensure alignment with Canada's foreign policy objectives.

Cooperation with Canada's allies is also undertaken by the Minister of Public Safety as Canada's representative at the annual Five Country Ministerial, where Five Eyes security ministers meet to collaborate on various national security issues, including foreign interference; to discuss respective approaches to shared issues; and to coordinate a cohesive Five Eyes response.

Response to R2:

The Prime Minister announced the establishment of the Counter Foreign Interference Coordinator. Budget 2023 proposes to provide \$13.5 million over five years, and \$3.1 million ongoing to Public Safety Canada to establish a National Counter-Foreign Interference Office.

Budget 2022 provided \$2 million annually to the Privy Council Office to coordinate, develop, and implement government-wide measures designed to combat disinformation and protect Canada's democracy.

The Canada Border Services Agency's National Security and Intelligence Activities

Description

A review of the national security and intelligence activities of the Canada Border Services Agency, focusing on CBSA's governance over national security and intelligence activities in CBSA's Enforcement and Intelligence Program; CBSA's conduct of sensitive national security and intelligence activities; and CBSA's relations with its key partners in the areas of national security and intelligence.

Recommendations

- R1.** The Minister of Public Safety and Emergency Preparedness provide written direction to the Canada Border Services Agency on the conduct of sensitive national security and intelligence activities. That direction should include clear accountability expectations and annual reporting obligations.
- R2.** The Canada Border Services Agency establish a consistent process for assessing and reporting on the risks and outcomes of its sensitive national security and intelligence activities.

Status

For the 2023 Annual Report, the government provided a status update on the implementation of these recommendations.¹⁵ The government advised that the Minister of Public Safety issued the Ministerial Direction to the Canada Border Services Agency on Surveillance and Confidential Human Sources, which directs it to establish risk management and reporting mechanisms related to surveillance and confidential human sources.¹⁶

¹⁵ Privy Council Office, Letter to NSICOP, February 11, 2024.

¹⁶ Subsequently published to the web on June 15, 2022; Public Safety Canada, Ministerial Directions, June 15, 2022, www.publicsafety.gc.ca/cnt/trnsprnc/ns-trnsprnc/index-en.aspx.

Special Report on the Collection, Use, Retention and Dissemination of Information on Canadians in the context of the Department of National Defence and Canadian Armed Forces Defence Intelligence Activities

Description

A special report on the collection, use, retention and dissemination of information on Canadian citizens by the Department of National Defence and the Canadian Armed Forces in the conduct of defence intelligence activities, focusing on the operational context, legal framework, the CANCEL Function Directive, and the treatment of this information before the Directive.

Recommendations

- R1.** The Department of National Defence / Canadian Armed Forces (DND/CAF) rescind the Chief of Defence Intelligence Functional Directive: Guidance on the Collection of Canadian Citizen Information and, in consultation with the Privacy Commissioner, review all of its functional directives and other DND/CAF policy instruments that are relevant to the collection, use, retention and dissemination of information about Canadians to ensure consistent governance of these activities.
- R2.** To resolve the issue of the extraterritorial application of the Privacy Act, the Minister of National Defence should ensure DND/CAF complies with the letter and spirit of the Privacy Act in all of its defence intelligence activities, whether they are conducted in Canada or abroad.
- R3.** The Minister of National Defence introduce legislation governing DND/CAF defence intelligence activities, including the extent to which DND/CAF should be authorized to collect, use, retain and disseminate information about Canadians in the execution of its authorized missions.

Status

As of December 31, 2023, the government has not provided a status update regarding the implementation of these recommendations.

■ Annex C: Abbreviations

CAF	Canadian Armed Forces
CSIS	Canadian Security Intelligence Service
CSE	Communications Security Establishment
DND	Department of National Defence
NSICOP, or the Committee	National Security and Intelligence Committee of Parliamentarians
NSIRA	National Security and Intelligence Review Agency
RCMP	Royal Canadian Mounted Police