

**TOP SECRET - CEO**

**File No.: 2800-132  
(TD R467)**

**REVIEW OF CSIS'S COOPERATION WITH  
AND INVESTIGATION OF**

**(SIRC STUDY 2007-01)**

**Security Intelligence Review Committee  
January 23, 2008**

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## 1 INTRODUCTION

Traditional counter-intelligence (CI) investigations have tended to focus on countries  
conducting espionage - who  
operate covertly in Canada.

Of particular interest for SIRC is the inherent challenge of managing a relationship with a partner who is also a target - that is, working closely with an agency to promote and protect Canadian interests, while also guarding against their suspected threat-related activities. This review sought to explore how the Service balanced this sensitive relationship and, in turn, whether there were any problems or issues that arose from this situation.

## 2 OBJECTIVE AND SCOPE

To understand how CSIS manages this partner-target scenario, and in particular how the Service balances the sensitivities involved in working closely with an agency that is suspected of operating covertly in Canada, SIRC examined both aspects of the CSIS-relationship. First, SIRC reviewed CSIS's cooperation with to determine whether the information exchanged and the cooperation undertaken were within the scope of the relevant section 17 foreign arrangements. Second, SIRC reviewed the Service's investigation of suspected threat-related activities to determine whether CSIS had reasonable grounds to suspect a threat to the security of Canada and whether the targeting authority was proportionate to the seriousness of the threat.

The review period was November 1, 2004 to January 31, 2006, but information was requested outside this scope to make a complete assessment of key issues.

### 3 METHODOLOGY

As part of the review of CSIS's cooperation with of information with with" files

SIRC examined all exchanges and "cooperation

The review of CSIS's investigation of included

Questions and requests for further documentation were also submitted throughout the review.

#### 4 COOPERATION AND EXCHANGES OF INFORMATION WITH

This first section discusses the Service's cooperation with

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#### 4.1.2 Contact and Visit Reports

To ensure that all CSIS parties are kept apprised of information exchanged with foreign partners, operational policy requires that CSIS employees submit a written report following contact with a foreign service representative: a Contact Report must be submitted following any contact with a foreign agency representative, in Canada or abroad, whereas a Visit Report must be submitted following a foreign agency visit to

CSIS HQ.<sup>21</sup> SIRC was told that since the requirements for each report are very similar, "for practical reasons [...] one type of report can easily fulfil both requirements."<sup>22</sup>

SIRC saw references to \_\_\_\_\_ meetings held \_\_\_\_\_ during the review period for which there were no accompanying Contact or Visit Reports on file. Given the complex nature of the Service's relationship with \_\_\_\_\_ SIRC believes that the Service should have maintained complete records of all information shared with this partner.

The issue of missing Contact and Visit Reports was raised in SIRC Study 2005-02.<sup>24</sup>

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<sup>24</sup> SIRC Study 2005-02, *CSIS Liaison with Foreign Agencies: Review of the SLO Post*  
The review noted that less than one quarter of visits \_\_\_\_\_ to CSIS HQ were accompanied by a Visit or Contact Report.

**SIRC found that CSIS did not comply with concerning the submission of Contact and Visit Reports.**

SIRC believes that Contact and Visit Reports are an important tool for tracking and monitoring CSIS's relationships and exchanges of information with foreign partners. From a liaison perspective, they ensure that SLOs are informed of discussions with foreign agencies under their purview. For this reason, the FLV Branch's 2004-2005 Annual Plan states that "the requirement for all Service employees to prepare and submit contact reports following any type of contact with a foreign agency representative continues to be of utmost importance ." [emphasis added]

FLV also requires these reports to brief management in preparation for meetings. This point was emphasized at the October 2004 meeting, when the Chief FLV "stressed the importance of submitting contact reports for all meetings with foreign representatives [and] advised that FLV requires this information for upcoming visits as management wants to know what was discussed and with whom on previous visits." SIRC noted that in the absence of written records, FLV had to query individual Branches for information pertaining to their interactions and initiatives in order to brief the Director.

SIRC's review revealed not only a lack of adherence to operational policy, but also an inconsistent approach to recording information shared between CSIS and foreign partners. When such information was reported, it was done either through Contact or Visit Reports, operational reports, or in some cases, informal emails.<sup>28</sup> Noting the considerable overlap between Contact and Visit Reports, and in an effort to promote consistency and encourage CSIS employees to fulfil the requirement to document liaison contacts, SIRC believes that CSIS should simplify the process for recording information exchanges with foreign counterparts by requiring employees to submit one standard report containing all non-operational information.

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<sup>28</sup> SIRC was provided with two emails that discussed meetings with foreign counterparts.



SIRC recommends that CSIS employees submit one standard written record of non-operational information exchanged with foreign partners, which would be placed in both the relevant "cooperation with" file and operational database. The written record of non-operational information exchanged should include the location of any documents detailing the operational information exchanged with foreign partners.

The second part of this recommendation is consistent with operational policy; SIRC is simply proposing that a suggested practice become formalized.<sup>29</sup> SIRC understands that CSIS does not store operational information in a non-operational repository; the recommendation ensures this separation is maintained.

As the number of visits to CSIS HQ by foreign agency representatives and travel abroad by CSIS personnel steadily increases, CSIS must ensure that it continues to manage its foreign partnerships effectively. By submitting timely written reports following liaison contacts, and making these more accessible, CSIS would not only ensure that it is kept abreast of information exchanged with foreign partners, but would also enhance its ability to get quick and comprehensive snapshots of these relationships. This is particularly important in the current context given the Service's

### 4.3

Section 17(1)(b) of the *CSIS Act* states that the Service may, with the approval of the Minister, "enter into an arrangement or otherwise cooperate" with foreign security or intelligence organizations. This requirement is reiterated in Annex D of Ministerial Direction<sup>32</sup> and in operational policy, which states that the Minister "is responsible for approving arrangements under section 17 of the *CSIS Act* that enable the Service to cooperate with a foreign state or institution thereof."<sup>33</sup> The CSIS Director is authorized to undertake exchanges or cooperation with a foreign agency without an approved arrangement only in emergency circumstances.<sup>34</sup>

In the course of the review, SIRC saw documents indicating that the Service was cooperating with \_\_\_\_\_ an agency with whom CSIS does not have a section 17 arrangement.

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<sup>32</sup> Ministerial Direction states that "subject to the Minister's approval, CSIS may have with each such organization an arrangement for cooperation."

<sup>34</sup> Annex D of Ministerial Direction states that in emergency circumstances, cooperation may be required for a specific security intelligence purpose where no arrangement exists with a foreign security or intelligence organization. In the event the Minister is unavailable to approve an arrangement, the Director is authorized to undertake whatever exchanges or cooperation are necessary to address such an urgent requirement.

SIRC asked why CSIS did not seek a separate section 17 arrangement with and was told that a foreign arrangement with "was not viewed as a requirement."<sup>41</sup> However, SIRC believes that the Service's operational exchanges and discussions with constitute cooperation that requires Ministerial approval.

SIRC recommends that CSIS establish a separate section 17 foreign arrangement with \_\_\_\_\_ to fully conform with the *CSIS Act*, Ministerial Direction and operational policies.

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## 6 CONCLUSION

The Service's relationship with \_\_\_\_\_ has evolved considerably in recent years,

\_\_\_\_\_ Nevertheless, to more effectively coordinate its relationship with \_\_\_\_\_ and to ensure adherence to the CSIS Act, Ministerial Direction and operational policy, SIRC made two recommendations: that CSIS employees submit one standard written record of information exchanged with foreign partners (which would apply to contact with all foreign partners) and that CSIS establish a section 17 foreign arrangement

Overall, despite greater cooperation \_\_\_\_\_ the Service clearly has an ongoing interest in investigating its covert activities. Though this relationship may seem contradictory, in SIRC's assessment it was handled in an effective manner during the period under review. That said, SIRC emphasizes the continued need for caution and balance in CSIS's relationship with \_\_\_\_\_ to ensure that Canada's interests are thoroughly protected.

### LIST OF ACRONYMS

ADO	Assistant Director Operations
CSE	Communications Security Establishment
FINTRAC	Financial Transactions and Reports Analysis Centre
FLV	Foreign Liaison and Visits
LO	Liaison Officer
SLO	Security Liaison Officer
TARC	Targeting Approval and Review Committee