

TOP SECRET

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1 INTRODUCTION

This year, SIRC decided to take an in-depth look at CSIS's activities with respect to the .² The review was guided by a number of key considerations, such as: the processes and issues surrounding CSIS's decision to accept a case; the overall management of the program; CSIS's interactions with internal and external stakeholders; and, how the Service manages cases that carry a potential for public controversy.

At the conclusion of its review, SIRC found that each case is different and presents its own set of challenges and circumstances –

it is clear that the process is costly, administratively burdensome and, in some instances, carries significant potential for public controversy.³ SIRC took note of a few issues that pose challenges from a management perspective, namely with respect to information management and systematic practices for briefing the Executive and/or the Minister. More broadly, SIRC found that although it is appropriate for CSIS to handle cases on a case-by-case basis, the program could benefit from more concerted strategic planning.

² The former Office of the Inspector General had completed its own (2009/2010-10). The main findings and recommendations stemming from this report were in relation to inadequate policy on and Ministerial reporting requirements. Some of these issues have since been addressed; however, others still require more thought.

³ To provide some perspective on the financial implications, the amount spent by CSIS

2 METHODOLOGY

This study set out to provide an in-depth examination of CSIS's involvement in cases, including recent shifts in policy and procedures. SIRC also wanted to examine any liaison with other Government of Canada departments/agencies, as well as

To achieve its objectives, SIRC examined cases and held an in-depth briefing with the provided SIRC with good insight into the activities. This briefing

SIRC staff encountered a number of significant delays with respect to document provision.⁵ At the outset of the review process, SIRC had difficulty obtaining lists containing basic information on cases. The turn-around time for such requests is typically quick, but in this review, SIRC encountered significant delays despite numerous reminders to the Branch.

SIRC also had difficulty obtaining review material from Branch. Specifically, in a number of instances, SIRC was informed that some requested documentation, such as background documents, studies or other materials pertaining to the history or evolution of CSIS's program, did not exist. Yet, after careful examination of some review documentation, as well as continued and persistent requests, SIRC found that some of the preliminary documents requested had simply not been provided. For example, during a briefing, SIRC learned about a key background document outlining the history and development of the program; this revelation came about four months after SIRC's initial request for this type of information. The provision of Branch's

is another example of information that was not initially provided to SIRC. SIRC only became aware that the contained information related to through its examination of a selected file. As a result, **SIRC found that failed to adequately address SIRC's requests for documentation that was needed to carry out its review.**

SIRC is uncertain whether the issues encountered with respect to document provision are due to archiving practices, an absence of actual written records, difficulties in searching or retrieving requested materials, or a combination of these factors. Nonetheless, SIRC noted that the problems encountered in obtaining information from Branch pointed towards an indication of problems in information management by the policy centre responsible for As SIRC was not confident that it had received all necessary documentation for this review, a request was made for

⁵ This review was originally slated to be presented at the October SIRC meeting, but was delayed to December.

management to initiate a thorough examination into how it addressed SIRC's queries and report back to SIRC on its assessment within 90 days. SIRC received subsequent confirmation that it had been provided all requested information.

The core review period for this study was from December 2008 to April 2013. Available documentation and relevant issues falling outside of this review period were also examined in order to provide a more complete picture.

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In 2010, as part of its review the former Office of the Inspector General (OIG) had recommended that CSIS make significant improvements to policy governing these activities as these were "inadequate." The OIG specifically recommended that CSIS consider "updating existing policy and developing policy to address the circumstances In particular, it is recommended that the Service address Ministerial reporting requirements".¹⁸

Following the OIG's report, in April 2011, CSIS revamped its policies,

After careful review, however, SIRC noted the need for further improvement as the current policy still provides insufficient guidance

CSIS has acknowledged that deficiencies remain in its policy and is working on developing a new policy suite. Moreover, despite this work on policy, SIRC noted outstanding issues with respect to Ministerial reporting requirements.

3.1

With respect to cases, SIRC understands that they must be handled on a case-by-case basis as they require flexibility. At the same time, owing to their sensitivity, details and developments of each case must be closely guarded SIRC noted that this situation may lead to lost opportunities to learn from past lessons. In the course of its review, SIRC also noted that CSIS did well in documenting information

¹⁸ OIG Report: (2009/2010-10)

recommends that the **Unit improve its information management methods and archiving practices**

SIRC also noted that the **Unit is not playing as important a role in the approval process as outlined in current policy.**

In the course of its review, SIRC came across a clear situation where better internal coordination and involvement from the **Unit at the initial decision-making stage could have proven beneficial.**

In light of these circumstances, **SIRC recommends that CSIS carefully examine the role of the [redacted] Unit within the larger [redacted] process, with a view of making the Unit's involvement in operational discussions and decision-making processes more explicit and formal.**

3.2 Ministerial Reporting

The second issue that SIRC flagged pertains to the mechanisms through which the Minister of Public Safety, and also the CSIS Executive, are kept abreast of pertinent developments relating to [redacted]

The Minister of Public Safety is apprised of CSIS's [redacted] activities through the Director's Annual Report to the Minister, which contains the [redacted] approved in the past fiscal year. [redacted] rather, the Director "may" to report to, or inform, the Minister on [redacted] consult the Minister in relation to [redacted] That said, Ministerial Direction does require the Director to report to the Minister of Public Safety, in a timely manner "when there is a potential that a CSIS activity may have significant adverse impact on Canadian interests, such as discrediting the Service or the GoC, giving rise to public controversy".

After thorough review of several cases, SIRC is of the opinion that cases often carry elements that could give rise to public controversy.

SIRC was told that should an activity have the potential to cause public controversy, the Service would be required to advise the Minister.²⁶

Upon requesting information on the number of cases that the Minister would have been made aware, SIRC was informed that "even though the Minister does not need to approve the Service still submits an Aide Memoire to the Minister. This is not a requirement, but rather a best practice".²⁷ However, based on the case files reviewed and the information provided, **SIRC found that the Minister of Public Safety is not always systematically advised, nor is there consistency in the application of the Aide Memoire.**

SIRC was told that the Minister was first informed of this case file, nor indication that the Minister had been informed of this and the potential for public controversy stemming from this development. **SIRC therefore recommends that CSIS make consistent use of the Aide Memoire in all cases to ensure formal and systematic reporting to the Minister of Public Safety.**

At the internal level, SIRC was informed that the CSIS Executive is kept apprised of major developments

Upon reviewing within the review period, SIRC noted there was no mention of any cases beyond August 2011.

This situation was perplexing as SIRC believes that developments stemming from at least case files reviewed would have warranted some form of briefing to the

²⁶ Email from ER&L to SIRC October 30, 2013

²⁷ Email from ER&L to SIRC October 30, 2013

SIRC was surprised that this significant development was not mentioned that the Executive was not informed of this significant provided with any documentation indicating that such action had been taken.³⁰ For this reason, **SIRC recommends that appropriate mechanisms or processes be put into place to assist in systematically informing the CSIS Executive on developments related to cases.** It is doubtful but SIRC was not

3.3 The Bigger Picture

SIRC was told that CSIS's interactions with domestic partners are on a case by case approach. There are no formal working groups that exist to examine and discuss matters relating to The Head of the Unit noted that CSIS will reach out to domestic partners on occasion and on a need only basis; however, it has not reached out to any partners to seek advice or share best practices. It is recognized that CSIS must keep a tight grip on the details associated with but similar to other information-sharing groups within intelligence circles, there are benefits of sharing best practices without revealing specific operational details or jeopardizing operational security.³¹

³⁰ This further illustrates issues with document provision as well as the findings and recommendations with respect to information management practices.

³¹ SIRC is aware of a number of Five-Eye conferences and working groups that CSIS sits on that examine a wide range of program and operational matters.

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CSIS feels that its current approach is indeed sustainable and that it is well positioned to be able to deal with a possible influx of cases, should it occur. CSIS noted that the introduction of new policies and procedures will provide better guidance the issues raised in **SIRC's review suggests that CSIS could benefit from more effective strategic planning on matters related to**

4 CONCLUSION

Since the Office of the Inspector General last reviewed the _____ in 2010, CSIS has made some changes to its policies and also developed an appropriate subject matter expertise to deal with the various day-to-day challenges

Overall, SIRC's general assessment is that CSIS's program on _____ is achieving its intended objectives and goals; however, SIRC believes that CSIS's _____ program could benefit from more effective strategic planning.