

# SECURITY INTELLIGENCE REVIEW COMMITTEE

## TOP SECRET//CANADIAN EYES ONLY SIRC REVIEW 2014-04 CSIS'S SECTION 16 PROGRAM

### SUMMARY

- This review examined several facets of CSIS's s. 16 activities, including Government direction, requests for assistance, prioritization, collection, record-keeping and dissemination.
- SIRC assessed that the reporting associated with [redacted] targets it reviewed complied with collection requirements and the terms of the Federal Court warrants.
- Overall, SIRC was satisfied with the governance of the s. 16 program. SIRC found that the new changes to CSIS's foreign intelligence function have improved not only the process for requesting collection, but the relevance and utility of the information collected.

File No. 2800-191 (TD R547)

**ATIP version**

NOV 28 2018

dated: \_\_\_\_\_

# Table of Contents

---

1	INTRODUCTION .....	3
2	METHODOLOGY .....	4
2.1	Review Activity and Criteria .....	4
3	BACKGROUND .....	5
4	CSIS's FOREIGN INTELLIGENCE FUNCTION .....	6
4.1	Process and Engagement .....	6
4.2	Collection and Reporting .....	7
5	CONCLUSION .....	8
	ANNEX A – SUMMARY OF FINDINGS .....	9
	ANNEX B – SUMMARY OF RECOMMENDATIONS .....	10

**ATIP version**

dated: NOV 28 2018

# 1 INTRODUCTION

---

Section 16 (s. 16) of the *CSIS Act* authorizes CSIS to assist the Minister of National Defence or the Minister of Foreign Affairs by collecting information within Canada that relates to the defence of Canada or the conduct of the international affairs of Canada.

The Government of Canada (GOC) made several changes in order to coordinate and streamline intelligence requirements, priorities and collection, including s. 16. In 2014, CSIS officially changed its s. 16 procedures to come into line with those changes.

In past years, SIRC has touched on CSIS's s. 16 activities in a few reviews; however, it has been five years since SIRC has taken a comprehensive look at the s.16 'program'. Overall, SIRC was satisfied with the governance of the s. 16 program. SIRC found that the new changes to CSIS's foreign intelligence function have improved not only the process for requesting collection, but the relevance and utility of the information collected. It also found that the reporting associated with targets it reviewed complied with collection requirements and the terms of the Federal Court warrants.

---

**ATIP version**

**dated: NOV 28 2018**

## 2 METHODOLOGY

---

This review examined several facets of CSIS's s. 16 activities, including Government direction, requests for assistance, prioritization, collection, record-keeping and dissemination. The review took an in-depth look at a sample s. 16 investigations to assess compliance with the *CSIS Act*, Ministerial Directives and CSIS policy, as well as any judicial instructions and/or other relevant legislation.

The core review period was April 1, 2012 to March 31, 2014. However, SIRC received information and documentation that fell outside this time frame to execute a complete assessment of key issues.

### 2.1 Review Activity and Criteria

SIRC assessed the Service's overall management processes and governance of its s.16 'program' in order to ensure that activities were reasonable/necessary, efficient and effective. SIRC also examined elements of analysis and advice to government through reporting and feedback from clients, including cooperation with CSEC and DFATD. This included an assessment of CSIS reports to the requesting Department and all documentation used to support these reports.

SIRC's framework for this review encompassed targets, including associated warrants. SIRC reviewed all relevant operational and corporate documentation to assess CSIS's collection in regard to these targets through the lenses of authority, necessity, reasonableness, legality, proportionality and internal governance. SIRC also analyzed the overall reasonableness, effectiveness and efficiency of the new s. 16 procedures.

This study was based on a review of all relevant documentation and was guided, but not limited to, some of the following issues: the objectives of the s. 16 program; the planned next steps for this program; whether CSIS conducts its investigations in accordance with the *Act* and Ministerial Direction; assistance from other partners; CSIS's role in the development and prioritization of GOC foreign intelligence requirements and how they are incorporated into CSIS planning; and CSIS's management of its liaison with external clients and stakeholders.

ATIP version

dated: NOV 28 2018

### 3 BACKGROUND

---

In recent years, SIRC commented on what it viewed as an increasing overlap between s. 12 and s. 16 collection. Specifically, SIRC's analysis was that the lines of distinction between the two distinct legislative mandates were becoming blurred. As a result, SIRC made recommendations to CSIS to further demarcate collection for security intelligence and foreign intelligence.<sup>2</sup>

Since that time, CSIS has made a number of changes that have resulted in a clearer distinction between s. 12 and s.16 collection.

---

<sup>2</sup> 2009-02: Review of the Section 16 Program and the Use of Information Collected:

Therefore, SIRC recommended that the Government provide direction and/or guidance to the Service concerning its expanding role in foreign intelligence.

**ATIP version**

dated: **NOV 28 2018**

## 4 CSIS's FOREIGN INTELLIGENCE FUNCTION

---

Overall, SIRC found that the new changes to CSIS' foreign intelligence function have improved not only the process for requesting collection, but the relevance and utility of the information collected.

### 4.1 Process and Engagement

More recently, in July 2014, CSIS adopted new Foreign Intelligence guidelines and procedures that have further helped in aligning CSIS's s. 16 program with the GOC approach to s.16 intelligence collection.

**ATIP version**  
NOV 28 2018  
dated: \_\_\_\_\_

SIRC's examination s. 16 targets showed that the more centralized process contributed to ensuring that collection was reasonable, effective and efficient. The intelligence collected aligned with, and responded to, the wider GOC intelligence priorities and requirements, and reflected CSIS's capacity to collect.

## 4.2 Collection and Reporting

In addition to examining the governance of the foreign intelligence function, SIRC also reviewed the collection and reporting s. 16 targets during the review period and found that it complied with all criteria.

---

**ATIP version**

**dated: NOV 28 2018**

## 5 CONCLUSION

---

Overall, SIRC was satisfied with the governance of the s. 16 program and with the reporting from sample targets examined. The Committee notes the improvements CSIS has made to ensure a greater distinction between s. 12 and s. 16. SIRC found that the new changes to CSIS's foreign intelligence function have improved not only the process for requesting collection, but the relevance and utility of the information collected.

**ATIP version**

NOV 26 2018

dated: \_\_\_\_\_



## ANNEX A – SUMMARY OF FINDINGS

---

- SIRC found that the new changes to CSIS' foreign intelligence function have improved not only the process for requesting collection, but the relevance and utility of the information collected.

**ATIP version**

NOV 28 2018

dated: \_\_\_\_\_

## ANNEX B – SUMMARY OF RECOMMENDATIONS

---

- There are no recommendations in this review.

**ATIP version**

**NOV 26 2018**

**dated:** \_\_\_\_\_