

Public Inquiry Into
Foreign Interference in
Federal Electoral Processes
and Democratic Institutions

The Honourable Marie-Josée Hogue,
Commissioner

VOLUME 2

CHAPTERS 1-9

Context and Commission's Mandate
/The 2019 and 2021 General
Elections (Facts and Analysis)



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Note on the translation of hearing transcripts

Several footnotes in the report contain references to the transcripts of the Commission’s hearings. These footnotes refer to the pagination of the bilingual version of the transcripts (the “floor” version, as spoken) and not to the pagination of the English-only version.

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CHAPTER 1

How the Foreign Interference Commission Came About

A Chronological Review of Events Leading to its Creation

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1.1 A Commission in the Making

Commissions of inquiry do not come and go just for the sake of it.

They are significant temporary organizations created by governments to expose facts and make recommendations about important public interest issues. As such, they often call into question current public policies and procedures.

Commissions are usually set up *after* troubling events unfold or are reported. Most of the time, there is a story behind the creation of such commissions. This one is no exception.

In this chapter, I summarize the events leading to the Government of Canada creating the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (“**Commission**”). This context is important to better understand the Commission’s scope and objectives, as well as its guiding principles.

1.2 Rising Awareness of Foreign Interference

The notion that foreign states or non-state entities are attempting to interfere in Canadian affairs, and more specifically in our democratic life and institutions, is not new. However, what is relatively new is the rise of public awareness of this issue and the rapidly evolving technical means available to successfully conduct interference.

Since at least the mid-2010s, the government has been increasingly concerned about foreign interference with our democratic institutions. For example, in advance of the 2015 federal elections, Global Affairs Canada (“**GAC**”) reminded foreign diplomats in Canada of their duties and obligations under the *Vienna Convention on Diplomatic Relations* and the *Vienna Convention on Consular Relations* to respect Canadian laws and regulations, and that they should not interfere in Canada’s internal affairs.

After reports of Russian interference in the 2016 United States (“**US**”) presidential election and the leaks relating to the French presidential election, Canadian security and intelligence agencies began to report publicly about foreign interference.

In 2018, in anticipation of our 2019 federal general election, concern about foreign interference in the electoral process continued to grow. Canada’s security and intelligence agencies confirmed the threat and provided detailed descriptions of its magnitude in a series of reports.

1.3 2017–18: Security Experts Make Initial Diagnoses

Canadian government reports provide an important view on the evolution of its thinking about foreign interference. This section highlights some of their content.

Communications Security Establishment (CSE) focuses on cyber threats

2017 The Communications Security Establishment (“**CSE**”) is Canada’s foreign signals intelligence agency and technical authority for cyber security and information assurance (see Volume 2, [Chapter 6](#) and Volume 3, Chapter 11 for more details). It provides technical and operational assistance to federal entities such as the Canadian Security Intelligence Service (“**CSIS**”), the Royal Canadian Mounted Police (“**RCMP**”), the Canadian Armed Forces and the Department of National Defence. In 2017, CSE released a public report focusing on foreign interference.¹ CSE’s assessment was driven by cyber threats to democratic processes in the 2016 US presidential election and in Europe. The report focused on cyber threats because CSE’s mandate deals with electronic communications.

CSE concluded that cyber threats to worldwide democratic processes exist. In its view, these democratic processes include three elements: elections, political parties and politicians and media. CSE reached other important conclusions at the time of writing in 2017:

- Foreign state attempts to influence Canadian elections using cyber capabilities have yet to take place.
- Political parties and politicians as well as media are more vulnerable to cyber threats than are election activities like voting.
- Threats to Canada’s democratic processes at the provincial, territorial and municipal levels are likely to remain low, but some will come under increasing threat.
- Worldwide, over the next year and maybe beyond, it is highly probable that cyber threat activity against democratic processes will increase in both quantity and sophistication.

¹ COM0000049: CSE, Cyber Threats to Canada’s Democratic Process (2017).

Canadian Security Intelligence Service (CSIS) announces a change in the type of threat

2018 The following year, in 2018, CSIS publicly reported on foreign interference.² CSIS is a civilian security and intelligence service. Its core mandate is to investigate threats to the security of Canada outside or inside the country, to collect intelligence respecting foreign states within Canada and to advise the government. Its report said that while terrorism had occupied a significant portion of attention for almost two decades, other threats to Canada’s national security and strategic interests, like foreign interference and espionage, persisted and posed long-term challenges.

CSIS warned that hostile states and state-sponsored actors are targeting Canada’s democratic institutions and processes. While Canada’s electoral system was still strong, the interference threat had targeted our politicians, political parties, elections and media outlets to manipulate the Canadian public and interfere with our democracy.

Interference by foreign spies, or people acting on their behalf, remained the greatest danger. However, CSIS noted the scale, speed, range and impact of foreign interference had grown because of the Internet, especially social media platforms, and the availability of cheaper and more accessible cyber tools.

National Security and Intelligence Committee of Parliamentarians (NSICOP) supports better response

2017 The National Security and Intelligence Committee of Parliamentarians (“**NSICOP**”) was created in 2017 by legislation to provide oversight of government intelligence operations.³ It reviews any government department activity relating to national security or intelligence (other than ongoing operations) and any matter a minister refers to it about national security or intelligence.

NSICOP includes 11 members, up to eight from the House of Commons and up to three from the Senate. For the members from the House of Commons, no more than five can be from the governing party. All members must have a Top Secret security clearance. Ministers and parliamentary secretaries cannot sit on NSICOP. Members are appointed on the recommendation of the Prime Minister and hold office until Parliament is dissolved.

² COM0000053: CSIS, *2018 CSIS Public Report* (June 2019).

³ Including the legislative, regulatory, policy, administrative and financial framework for national security and intelligence.

2018 In 2018, NSICOP issued two reports about foreign interference.⁴ It first published a special report into the allegations associated with the Prime Minister’s official visit to India in February 2018. It then published its first annual report. NSICOP discussed foreign interference in both reports.

NSICOP learned from CSIS that espionage and foreign interference were growing in Canada and would likely require a more significant response in the years ahead. In its annual report, NSICOP stated that cyber threats were an important national security problem, with Russia and the People’s Republic of China (“**PRC**”) among the most active states. NSICOP also noted that the public had little awareness of threats to Canada’s national security, including foreign interference in domestic politics.

1.4 2019 and Beyond: Security Experts Expand Their Findings

Given the reports mentioned in [Section 1.3](#), one can understand why the government began to be interested in foreign interference as a threat to Canada’s security, in addition to the terrorism threat.

CSE warns Canadian voters but notes positive developments

2019 In 2019, CSE updated its 2017 assessment of cyber threats to Canada’s democratic processes and reiterated its initial assessment, namely that:

- Cyber threat activity is increasing around the world, including in Canada.
- A small number of countries are responsible for most cyber threat activity against democratic processes worldwide.
- At the federal level, political candidates, parties, and voters are more vulnerable than the election exercise per se, through online media platforms.⁵

⁴ COM0000149: NSICOP, *Special Report into the allegations associated with Prime Minister Trudeau’s official visit to India in February 2018*, public version (12 October 2018); JKW0000001: NSICOP, *Annual Report 2018*, public version (21 December 2018).

⁵ COM0000050: CSE, *2019 update: Cyber threats to Canada’s democratic process* (2019).

CSE also warned Canadians that voters were very likely to experience some form of foreign cyber interference related to the 2019 federal general election. Activities would likely resemble what happened in other democracies in recent years, such as attempts to polarize people and promote one party over another. The official Canadian vote count was unlikely to be affected, and it was improbable the foreign interference would be on the scale of Russian activity during the 2016 US presidential election.

However, CSE noted some positive developments since its 2017 report. Extensive media coverage and analysis of foreign cyber interference had greatly raised public awareness of this situation, as had more frequent reporting and public attribution of major cyber incidents by Canada and its allies. Also, Internet companies now indicated they were willing to reduce illegitimate use of their platforms that could lead to foreign cyber interference.

2020 Later, in 2020, CSE’s public facing arm, the Canadian Centre for Cyber Security, said that foreign efforts to influence public discourse through social media were now the “new normal.”⁶ State-sponsored cyber activity was generally the most sophisticated threat to Canadians.

2021 In 2021, CSE issued another cyber threat update.⁷ It mentioned:

- Since 2017, the proportion of OECD (Organization for Economic Co-operation and Development) and G20 countries’ democratic processes targeted by cyber threat actors had been relatively stable.
- Globally, from 2015 to 2020, most cyber threat activities affecting democratic processes were state sponsored.
- Globally, Russia, the PRC and Iran were very likely responsible for most of the foreign state-sponsored cyber threat activity against democratic processes.
- Online foreign influence was the most significant cyber threat to voters.

CSE added that Canada’s democratic processes remain a lower priority target for state-sponsored cyber threats relative to other target countries. Nevertheless, Canadian voters would very likely encounter foreign cyber interference ahead of, and during, the next federal election, but it was unlikely to be at the scale seen in the US.

⁶ COM0000526: Canadian Centre for Cyber Security, *National Cyber Threat Assessment, 2020* (CSE, 2020) at p. 5.

⁷ COM0000051: CSE, *Cyber Threats to Canada’s Democratic Process* (July 2021 Update).

2022 In its 2022 *National Cyber Threat Assessment*, the Canadian Centre for Cyber Security said cyber crime was still the number one cyber threat activity facing Canadians, with the cyber programs of the PRC, Russia, Iran and North Korea continuing to pose the greatest strategic cyber threat to Canada. The trend of online foreign influence activities targeting elections and international discourse continued.⁸

CSIS says interference threat has accelerated and evolved

2020 For its part, in 2020-2023, the Canadian Security Intelligence Service (“**CSIS**”) continued to raise foreign interference as a security issue for Canada in its public reports. In its opinion, democratic institutions and processes, including elections, are valuable targets for hostile state actors. CSIS said key national security issues related to foreign interference were accelerating, evolving and becoming much more serious, with increasing scale, scope and complexity.

According to CSIS, misinformation and disinformation activities by state and non-state actors continued to spread and were becoming important means to undermine confidence in governmental institutions and electoral processes. Foreign interference activities in Canada continued to be sophisticated, persistent and pervasive. They targeted all levels of government, the private sector, civil society groups and Canadian communities, especially diaspora groups.

2021 In July 2021, CSIS issued a special public report to increase public awareness about foreign interference.⁹ Also in 2021, for the first time, CSIS publicly reviewed its response to threats of foreign interference separately from espionage.

NSICOP concludes that Russia, the PRC and other states target Canada

2019 In 2019, the National Security and Intelligence Committee of Parliamentarians (NSICOP) devoted a chapter of its annual report to the government’s response to foreign interference, which excluded activities directed at the 2019 federal election and cyber threats. NSICOP concluded that Canada was the target of

⁸ COM0000527_EN: Canadian Centre for Cyber Security, *National Cyber Threat Assessment, 2023-2024* (CSE, 2022).

⁹ CAN007953: CSIS, *Foreign Interference: Threats to Canada’s Democratic Process* (July 2021).

significant and sustained foreign interference activities by states, including the PRC and Russia. Activities included using deceptive means to cultivate relationships for political influence, seeking to sway media reports and elections as well as coercing or inducing diaspora communities to advance foreign interests in Canada.

According to NSICOP, foreign interference has received minimal media and academic coverage in Canada and is not yet part of the wider discourse. The government must engage the public and democratic institutions at each level of government to raise awareness about interference.

- 2020 In its 2020 annual report, NSICOP mentioned that cyber threat actors have refined their ability to conduct online disinformation campaigns to amplify social differences, create conflict and undermine confidence in governmental institutions. It said the number of states involved had grown since January 2019 and state-sponsored online activity was likely to continue to target Canadian political discourse, especially around elections. However, NSICOP concluded that Canada's 2019 federal election did not appear to have been a significant target of online influence and misinformation.
- 2021 In 2021, NSICOP reiterated that cyber threats are a significant and pervasive risk to Canada's national security. Governments are highly attractive targets for cyber attacks. The PRC and Russia are the most sophisticated cyber threat actors targeting the Canadian government. Iran, North Korea and a state not publicly named by NSICOP have moderately sophisticated capabilities.¹⁰
- 2024 On 22 March 2024, NSICOP announced that it had provided the Prime Minister with its classified *Special Report on Foreign Interference in Canada's Democratic Processes and Institutions*. The report was also provided to the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs, the Minister of Foreign Affairs, the Minister of Justice and the Attorney General of Canada and the Minister of National Defence. A public version of this report was tabled in the House of Commons on 3 June 2024.¹¹
- As some of the excerpts of this report raised deep concerns among parliamentarians and the general population, the House of Commons passed a motion on 11 June 2024 asking the Commission to examine some of NSICOP's findings.

¹⁰ COM0000324: NSICOP, *Special Report on the Government of Canada's Framework and Activities to Defend its Systems and Networks from Cyber Attack* (2022).

¹¹ COM0000363: NSICOP, *Special Report on Foreign Interference in Canada's Democratic Processes and Institutions* (June 2024).

This overview of various reports written by Canada’s national security and intelligence community shows that the foreign interference threat is real and growing. The evidence before me supports this, although it also shows the threat is not on the same scale as reported in other democratic states. The next section explores what has been done about this threat.

1.5 Government Adopts Some Measures

The government, which has expressed concern about foreign interference with Canada’s democratic institutions, took some measures to address the issue. At the outset, aside from the Plan to Protect Canada’s Democracy (“**Plan**”), which I discuss below, these measures were modest, but they have intensified over the past two years. The following describes them.

- 2017 On 1 February 2017, Prime Minister Trudeau delivered a mandate letter to then Minister of Democratic Institutions Karina Gould, in which he tasked her, in collaboration with the Minister of National Defence and the Minister of Public Safety and Emergency Preparedness, to lead the Government of Canada’s efforts to defend the Canadian electoral process from cyber threats.¹²
- 2018 In June 2018, Canada hosted the G7 Summit in Charlevoix, Québec, and discussed foreign interference, particularly in the form of cyber threats. Participants agreed to establish the G7 Rapid Response Mechanism (“**G7 RRM**”). The G7 RRM aims to prevent, thwart and respond to malign and evolving threats to G7 democracies by sharing information and analysis and by identifying opportunities for coordinated responses.
- Global Affairs Canada (GAC) is responsible for Canada’s international relations and is the permanent secretariat to the G7 RRM. GAC is therefore involved in helping to prevent and respond to threats to Canada and our international interests.
- In December 2018, Parliament amended the *Canada Elections Act*. Some of the amendments aimed to respond to foreign interference threats.
- 2019 In January 2019, pursuant to the mandate given to them by the Prime Minister in February 2017, the Ministers of Democratic Institutions, Public Safety and Emergency Preparedness and National Defence announced the Plan.

¹² COM0000018: Minister of Democratic Institutions Mandate Letter, 1 February 2017.

The Plan created the Critical Election Incident Public Protocol (“**CEIPP**”), a mechanism for a panel of five senior public servants¹³ (“**Panel**” or “**Panel of Five**”) to communicate with Canadians if one or several incidents threatened the integrity of a federal election.

The Plan also created the Security and Intelligence Threats to Elections Task Force (“**SITE TF**”). With representatives from CSE, the RCMP, GAC and CSIS, the SITE TF reviews and assesses intelligence during elections and gives information to government departments and to the Panel of Five. Initially, the SITE TF focused on intelligence about foreign interference, but it would also eventually be interested in ideological extremism.

Also in 2019, the government established a Cyber Attribution Framework. This initiative is led by GAC. GAC uses the Framework to determine if identified cyber activities can be attributed to a foreign actor.

2020 In December 2020, then-Minister of Public Safety and Emergency Preparedness, Bill Blair, sent a letter to all parliamentarians describing the threat of foreign interference.

2021 In 2021, the government amended the CEIPP based on an independent assessment, prepared by James Judd, of the CEIPP’s operation during the 2019 election.

Still in 2021, the G7 RRM noted that disinformation was an increasingly prominent method of foreign interference with democracies.

2022 In May 2022, the Minister of Public Safety presented a Memorandum to Cabinet with a proposal to modernize Canada’s approach to addressing threats from hostile activities by state actors, which includes foreign interference. Cabinet ratified the proposal later that spring.

In November 2022, the House of Commons Standing Committee on Procedure and House Affairs (“**PROC**”) began studying foreign interference. PROC is a parliamentary committee that studies and reports on the rules and practices of the House of Commons, its committees and its internal administration, as well as electoral matters, members of Parliament’s conflicts of interest, etc.

¹³ Clerk of the Privy Council, National Security and Intelligence Advisor to the Prime Minister, Deputy Minister of Justice and Deputy Attorney General, Deputy Minister of Public Safety and Deputy Minister of Foreign Affairs.

A few weeks later, the House of Commons Standing Committee on Access to Information, Privacy and Ethics (“**ETHI**”) adopted a motion to study “foreign interference and the threats to the integrity of democratic institutions, intellectual property and the Canadian state itself that arise from this foreign interference.” ETHI issued its report in October 2023, concluding Canada is not immune to foreign interference.¹⁴

All these reviews, reports and government actions provide a picture of what took place prior to the 2019 and 2021 federal general elections. The next section gives a summary of what happened during these elections.

1.6 The Last Two Federal General Elections in the Spotlight

This section presents the sequence of expert reports and assessments following the 2019 and 2021 general elections.

- 2019** After the 2019 election, the Chief Electoral Officer announced that there were no significant cyber security threats during the election to Elections Canada’s infrastructure, beyond those faced daily by any federal government organization.
- October 2019 saw at least one media report about possible foreign interference in democratic institutions in Canada. However, NSICOP concluded in its 2020 annual report that Canada’s 2019 federal election did not appear to have been a significant target of online influence and misinformation.
- 2020** In the summer of 2020, Kenny Chiu, member of Parliament (“**MP**”) from the Conservative Party of Canada (“**Conservative Party**”) representing the riding of Steveston-Richmond East in British Columbia, expressed a different opinion. He alleged the PRC’s Consul General in Vancouver targeted Canadian politicians who criticized the PRC’s actions in Hong Kong.
- 2021** In April 2021, Kenny Chiu introduced a private member’s bill aimed at exposing relationships between Canadian lobbying agents and foreign states. After the 2021 election, he told the media that the PRC had targeted him with a disinformation campaign in response to his bill and that he had lost his seat because of it.

¹⁴ COM0000089: House of Commons, Standing Committee on Access to Information, Privacy and Ethics, *Foreign Interference and the Threats to the Integrity of Democratic Institutions, Intellectual Property and the Canadian State* (24 October 2023) (Chair: John Brassard).

News reports about possible foreign interference in the 2019 and 2021 federal elections began to increase following the 2021 election. Still, the Panel of Five did not find large-scale foreign interference in the 2021 election and was of the view that any foreign interference efforts did not meet the threshold for the Panel to act.

As for Elections Canada, as with its 2019 findings, it concluded there were no serious cyber security threats to its infrastructure during the 2021 election beyond those faced daily by any federal government organization.

2022 In June 2022, the Chief Electoral Officer of Canada published a report with recommendations following the 2019 and 2021 general elections. It recognized that malign entities, foreign and domestic, had attempted to create division and cast doubts on the integrity of electoral processes and their results.

The reports and testimony about foreign interference activities gathered over recent years contributed to convincing many that such interference was real and building. Media and public pressure to do more to safeguard Canada’s democracy was also increasing. The story only gathered more momentum in 2023.

1.7 2023 Becomes a Pivotal Year

Significant developments occurred in 2023 in foreign interference, and at a much-accelerated pace than in previous years. Here are some of them, in chronological order.

JANUARY The year began with the Commissioner of Canada Elections announcing that she would review allegations of foreign interference with the 2019 and 2021 elections for possible violations of the *Canada Elections Act*.

FEBRUARY February saw a sharp increase in media reports about possible interference by the PRC in Canadian elections, including information reported to be CSIS intelligence, which many witnesses at the public hearings called “leaks” or “criminal leaks.” I will use these terms, as expressed by the witnesses, throughout my report. This increased media reporting probably led, on 1 March 2023, to the Angus Reid Institute disclosing that most Canadians believed the PRC had attempted to meddle in Canadian elections. Of those polled, 53% said attempted interference represents a serious threat to democracy. Two thirds of respondents said the federal government needed to put additional focus on foreign interference.

MARCH

Several developments occurred in March. On March 6, the Government asked NSICOP to review foreign interference in Canada’s federal democratic processes, with a focus on elections. This included a request to develop a plan to address outstanding recommendations about foreign interference from previous NSICOP reports and the reports of CEIPP reviews. The Prime Minister also spoke to the Chair of the National Security and Intelligence Review Agency (“**NSIRA**”) about a review of how Canada’s national security agencies handled the threat of foreign interference during the 2019 and 2021 elections, specifically around the flow of information from national security agencies to decision-makers.

Two days later, on March 8, PROC tabled a report in Parliament.¹⁵ It called on the Government to launch a national public inquiry into allegations of foreign interference in Canada’s democratic system, including allegations of interference in general elections by foreign governments.

A week later, on March 15, the Government appointed the Right Honourable David Johnston as “Independent Special Rapporteur on Foreign Interference” (“**ISR**”). His mandate was to assess the extent and impact of foreign interference in Canada’s electoral processes, including during the 2019 and 2021 elections, and to consider innovations and improvements in public agencies to counter foreign interference in federal elections. Meanwhile, media interest in foreign interference in Canadian politics continued steadily.

On 23 March 2023, the House of Commons adopted the PROC report.

APRIL

In April, the government outlined recommendations from the NSICOP reports and CEIPP reviews, summarized actions taken and proposed further action.¹⁶ Throughout the month, the media continued to be quite active regarding foreign interference.

MAY

The frequency of developments picked up again on May 1 after a news report alleged Zhao Wei, a Chinese diplomat in Canada, was involved in foreign interference activities targeting MPs. A week later, on May 8, Canada declared Mr. Zhao *persona non grata*. On the same day, the House of Commons debated and passed a Conservative Party motion to establish a federal public commission of inquiry on foreign interference. The motion also called for a registry of foreign agents.

¹⁵ COM0000040: House of Commons, Standing Committee on Procedure and House Affairs, *Twenty-fifth Report, Study: Foreign Election Interference* (2 March 2023) (Chair: Bardish Chagger).

¹⁶ COM0000048: Government of Canada, Democratic Institutions, *Countering an Evolving Threat: Update on Recommendations to Counter Foreign Interference in Canada’s Democratic Institutions* (6 April 2023).

On 10 May 2023, the House of Commons referred¹⁷ to PROC a matter dealing with “contempt concerning the intimidation campaign orchestrated by Mr. Zhao against the member for Wellington-Halton Hills [Michael Chong] and other members.” In response, the Committee heard more testimony about foreign interference. On 10 April 2024, PROC presented its report to the House of Commons.¹⁸ The Committee concluded that, although the PRC had targeted only Michael Chong and the former leader of the Conservative Party, Erin O’Toole, this foreign interference affected all members of the House of Commons and by extension, Canada’s democracy itself. As such, it was a contempt of Parliament.

On 16 May 2023, the government announced the Security and Intelligence Threats to Elections Task Force (SITE TF) would provide enhanced monitoring and assessment of possible foreign interference directed at four federal by-elections to be held in June 2023. A week later, on May 23, NSIRA started its review of foreign interference.¹⁹

NSIRA is an independent and external review body created by statute. It reviews and investigates government national security and intelligence activity to ensure it is lawful, reasonable and necessary. It also investigates public complaints about key national security and intelligence agencies and activities. NSIRA members – a maximum of seven – are eminent Canadians appointed from civil society. They are not elected officials or public servants.

On 23 May 2023, the anticipated ISR report was issued.²⁰ In his initial report, David Johnston concluded that foreign governments are attempting to influence Canadian candidates and voters and that these efforts are omnipresent, especially from the PRC. However, he added that there was no reason to question the validity of the 2019 or 2021 elections. The report went on to explain that leaked intelligence had been misinterpreted without its full context. It mentioned that specific instances of interference were less concerning than media reports had suggested and sometimes the full story was quite different from the media’s version.

¹⁷ The House of Commons can raise claims about infringement of parliamentary privilege or contempt of Parliament by a “question of privilege.” See Marc Bosc & André Gagnon, eds, *House of Commons Procedure and Practice*, 3rd ed. (2017). If the Speaker of the House rules there is a prima facie question of privilege, then they will put a motion to the House. After debate, the House can adopt or defeat the motion. If the Speaker’s motion is to refer the matter to a House committee, the House can either adopt the motion and refer it to a committee or defeat the motion.

¹⁸ COM0000371: House of Commons, Standing Committee on Procedure and House Affairs, *Sixty-Third Report: Question of Privilege Related to the Intimidation Campaign Against the Member for Wellington-Halton Hills and Other Members* (21 March 2024) (Chair: Bardish Chagger).

¹⁹ A year later, on 28 May 2024, NSIRA published its *Review of the dissemination of intelligence on People’s Republic of China political foreign interference, 2018-2023* (COM0000364). See Volume 2, [Chapter 2](#) for more details.

²⁰ COM0000104: Canada, Independent Special Rapporteur, *First Report: The Right Honourable David Johnston, Independent Special Rapporteur on Foreign Interference* (Ottawa: 23 May 2023). As explained further below, the ISR resigned before completing the second phase of his mandate.

The ISR also announced plans to hold public hearings with diaspora communities and other Canadians, government officials (including retired civil servants), experts and other interested parties about foreign interference. The ISR intended to issue policy and governance recommendations after these hearings. However, on 31 May 2023, the House adopted a motion calling on the ISR to step aside and for the Government to urgently establish a public commission of inquiry.

Also in late May, the Angus Reid Institute announced results from another poll about foreign interference. Of the Canadians polled, 52% believed a commission of inquiry was needed despite the ISR’s work. Other findings indicated serious concerns with foreign interference: 43% of Canadians believed elections were becoming less free and less fair and 67% believed the PRC had likely tried to interfere in past Canadian elections.

On May 31, PROC submitted *Report 44* to Parliament. The report reaffirmed PROC’s call for a national public inquiry. It demanded that Government consult with recognized parties within 24 hours with a view to launching a commission of inquiry within two weeks.²¹ All this fed media reports on foreign interference, which continued steadily.

JUNE

In early June, opposition parties continued to call on the Government to end the ISR’s mandate and establish a public commission of inquiry. Diaspora groups joined parliamentarians in calling for a public inquiry. On 9 June 2023, Mr. Johnston resigned as ISR. He said his role was too mired in political controversy for him to continue and the highly partisan atmosphere around his appointment, work and leadership was negatively impacting trust in Canada’s democratic institutions. The media covered this news and continued to raise questions about the government’s handling of foreign interference intelligence.

Also in June, the SITE TF reported it had not observed any indication of foreign interference directed at the four federal by-elections in Manitoba, Ontario and Québec.

AUGUST

In early August, the G7 RRM detected an “information operation” targeting Conservative Party MP Michael Chong and concluded it was “highly probable” the PRC was behind it. Despite this, media interest in foreign interference declined for the first time in months.

²¹ COM0000041: House of Commons, Standing Committee on Procedure and House Affairs, *Forty-fourth Report, Study: Foreign Election Interference* (25 May 2023) (Chair: Bardish Chagger).

SEPTEMBER On 7 September 2023, the Government created the Commission.²²
 All four recognized political parties agreed on the Terms of Reference and on my appointment as Commissioner.

1.8 Summary of How the Commission Came About

The above chronology explains how the Commission came to be. Let me briefly recap. The government had growing concerns about foreign interference in our country and its potential impact on federal elections since at least the mid-2010s. The emergence of new technologies has been exacerbating these concerns.

Official analyses and reports on foreign interference mentioned its existence, with limited impact in the beginning, but with progressively increased risk in the 2021 general election timeframe. Subsequent to this, Parliament's concern grew, with House of Commons committees studying the issue, MPs debating the response from the government and all opposition parties calling for a public commission of inquiry.

Pressure to find innovative ways to detect, investigate and counter such foreign interference increased. As a result, new entities were created, further reports were published, and additional actions were taken. Ultimately, this growing public and parliamentary pressure led to the appointment of the ISR and later to the creation of the Commission and my appointment.

The Commission is a non-partisan, independent and public process. Its aim is to investigate foreign interference in Canadian democratic institutions objectively, comprehensively and rigorously.

Given the tight timelines imposed on the Commission, which reflect the fact that foreign interference is a live and ongoing phenomenon, the Commission had to make choices. It therefore met the persons who seemed most likely to shed light on this phenomenon and the events uncovered, but it could not meet every single person who might have had something relevant to tell. I nonetheless believe that the information received from various sources allowed us to paint a sufficiently accurate picture of foreign interference in our democratic institutions and to understand how the government chose to address it.

As part of my mandate, I had to submit two reports: an Initial Report published on 3 May 2024 and this Final Report.

²² Order in Council P.C. 2023-0882.

Of course, my appointment did not stop other entities from holding their own investigations about foreign interference, and from making recommendations to improve Canada’s response to such interference. New legislation has also been adopted. Those developments do not supersede the Commission’s work, but they are important and meaningful. I summarize them in the next chapter.

CHAPTER 2

Subsequent Developments on Foreign Interference

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2.1 Important Developments to Keep in Mind

Several reviews, investigations and processes relevant to foreign interference have occurred in parallel with the Commission’s work.

In this chapter, I briefly summarize the results of the work carried out by:

- the Commissioner of Canada Elections (“**CCE**”)
- the House of Commons Standing Committee on Procedure and House Affairs (“**PROC**”)
- the National Security and Intelligence Review Agency (“**NSIRA**”)
- the National Security and Intelligence Committee of Parliamentarians (“**NSICOP**”).

I also describe two other important developments about foreign interference in 2024: a House of Commons motion relevant to my mandate and the creation of the new *Countering Foreign Interference Act*.

2.2 The Commissioner of Canada Elections (CCE) Finds no Evidence of Contraventions of the *Canada Elections Act* Related to Foreign Interference

The Commissioner of Canada Elections is the official responsible for ensuring compliance with and enforcing the *Canada Elections Act* (“**CEA**”). They receive and investigate complaints of violations of the *CEA* and, where appropriate, lay charges or take administrative measures against violators.

In March 2023, during her appearance before a parliamentary committee, the CCE confirmed that her office (“**OCCE**”) was reviewing different allegations of foreign interference in the 2019 and 2021 general elections. The CCE ultimately closed this investigation.

When the CCE appeared before me in March 2024, two other major reviews into foreign interference were ongoing. By the time of her second appearance in September, the OCCE had completed one of those reviews.

Review concerning Greater Vancouver ridings

In December 2022, the OCCE started a review of allegations of contraventions of the *Canada Elections Act* in the Vancouver area during the 2021 federal election. This review included interference allegedly affecting the campaign of the incumbent Conservative Party of Canada candidate for Steveston—Richmond East, Kenny Chiu, who lost his seat in the 2021 election. I discuss these events in more detail in Volume 2, [Chapter 8](#).

The review came about after the Bloc Québécois submitted a complaint to the OCCE based on media reports allegedly revealing leaked classified information about foreign interference. Members of the public also filed complaints on the same issue.

After an extensive review, the OCCE did not find sufficient evidence to substantiate a contravention of the *CEA*, including the undue foreign influence offence. However, the OCCE noted that the information generated by the review led it to believe that there were attempts to influence the Chinese Canadian community. On 19 August 2024, the OCCE closed the file. The OCCE gave a detailed briefing to the Royal Canadian Mounted Police (“**RCMP**”) and the Canadian Security Intelligence Service (“**CSIS**”) and disclosed information to the Canadian Radio-television and Telecommunications Commission (“**CRTC**”) in respect to foreign ownership or control of Canadian broadcasting media, specifically radio stations in the Greater Vancouver Area.

Review concerning Greater Toronto Area ridings

In March 2023, the OCCE started a review of allegations including undue influence by foreigners and violations of contribution rules in the 2019 general election, which, if true, would contravene the *Canada Elections Act (CEA)*. The allegations were that a network of individuals associated with the People’s Republic of China (“**PRC**”) Consulate in the Greater Toronto Area transferred roughly \$250,000 to aid a local federal candidate and that the Consulate was involved in the Liberal Party of Canada nomination campaign for the Don Valley North riding in 2019. I discuss these allegations in more detail in Volume 2, [Chapter 7](#).

To date, the OCCE has not uncovered evidence to support a violation of the *CEA*. This review remains ongoing.

Other allegations concerning Markham–Unionville riding

Beginning in April 2023, the OCCE looked at allegations made by Member of Parliament for St. Albert—Edmonton, Michael Cooper, at a meeting of PROC. Mr. Cooper stated that before the 2021 election, the then-MP for Markham—Unionville had received a cryptic and threatening text message from the PRC Consul General in Toronto. At the conclusion of its review, the OCCE did not find sufficient evidence to substantiate the elements of the offence of undue foreign influence or other potential contraventions under the *CEA*.

2.3 The House of Commons Standing Committee on Procedure and House Affairs (PROC) Examines Cyber Campaign

On 29 April 2024, the Member of Parliament for the Alberta riding of Sherwood Park—Fort Saskatchewan, Garnett Genuis, raised two questions of privilege in the House of Commons. Both questions were about a cyber campaign targeting parliamentarians in 2021 by an entity allegedly affiliated with the PRC known as Advanced Persistent Threat 31 (“**APT 31**”). The cyber campaign targeted parliamentarians around the world, including Mr. Genuis and 17 other Canadian parliamentarians who were members of the Interparliamentary Alliance on China (“**IPAC**”). IPAC is an international non-partisan group of legislators working to influence the way democratic countries deal with the PRC. I discuss the events surrounding these events in more detail in Volume 4, Chapter 15.

On 8 May 2024, the Speaker of the House of Commons ruled that privilege appeared to have been breached by the APT 31 campaign. The House then asked PROC to study the matter.

From June to November 2024, PROC held numerous meetings and heard from 22 witnesses, including the Deputy Clerk of the Privy Council, House of Commons administration officials, officials from CSIS and the Communications Security Establishment (“**CSE**”) and six affected Parliamentarians. The proceedings before PROC were ongoing at the time parliament was prorogued in January 2025.

2.4 The National Security and Intelligence Review Agency (NSIRA) Finds Problems with the Dissemination of Intelligence

On 28 May 2024,²³ NSIRA published its *Review of the dissemination of intelligence on People’s Republic of China political foreign interference, 2018-2023*.

The review assessed the flow of intelligence within government about PRC foreign interference in federal democratic institutions and processes from 2018 to 2023. This included information flow from producers of intelligence, such as CSIS, to consumers of intelligence, including senior public servants.²⁴

NSIRA analyzed, among other things:

- The role of senior public servants, including the National Security and Intelligence Advisor to the Prime Minister (“**NSIA**”), in sharing intelligence.
- CSIS’s intelligence sharing practices.
- Two key government measures to protect the integrity of Canada’s elections, i.e. the Security and Intelligence Threats to Elections Task Force (“**SITE TF**”) and the Critical Election Incident Public Protocol (“**CEIPP**”). I discuss these further in Volume 3, Chapter 12.

NSIRA found problems mainly related to when and how intelligence on foreign interference was shared, and with whom. It also found that the SITE TF and the CEIPP’s Panel of Five (“**Panel**”)²⁵ were not adequately geared to address, human based, riding-by-riding interference, as opposed to broad, systemic interference.

Problems with when and how to share intelligence

NSIRA found that security and intelligence agencies had significant disagreements about when and how to share information and intelligence on political foreign interference between 2018 and 2023. Some in the intelligence community were more reluctant to identify certain activities as foreign

²³ The Prime Minister received a copy of the review on 26 April 2024, and a classified version of the review earlier, on 5 March 2024.

²⁴ Agencies reviewed were: CSIS, CSE, the Royal Canadian Mounted Police (RCMP), Global Affairs Canada (GAC), Public Safety Canada and the Privy Council Office (PCO).

²⁵ Under the CEIPP, a panel of five senior public servants are brought together during elections to communicate with Canadians if one or several incidents threaten the integrity of a federal election. They are called the “Panel” or the “Panel of Five”. The Panel is made up of the: Clerk of the Privy Council, National Security and Intelligence Advisor to the Prime Minister, Deputy Minister of Justice and Deputy Attorney General, Deputy Minister of Public Safety and Deputy Minister of Foreign Affairs.

interference, due to the risk of characterizing legitimate political or diplomatic behaviour as threat activities.

NSIRA also observed that within CSIS there was uncertainty, poor communication and inconsistency about the rationale for whether, when and how to share intelligence. Thus, in certain instances CSIS did not clearly communicate its perspective on the threat posed by political foreign interference activities. Further, there was no clear basis to justify a decision to take action (including to outwardly report information), leading to a natural risk aversion on the part of decision-makers.

CSIS's preferred use of oral briefings rather than written products during the 2019 and 2021 elections created challenges for tracking and documenting what information was provided.

To address these problems, NSIRA recommended that:

- CSIS develop, in consultation with relevant government stakeholders, a comprehensive policy and strategy governing its engagement with threats related to political foreign interference. This would improve internal organizational coherence and inform government stakeholders that CSIS's intelligence and advice about political foreign interference is based on rigorous standards and established thresholds.
- This policy makes explicit CSIS's thresholds and practices for the communication and dissemination of intelligence regarding political foreign interference. This would include the relevant levels of confidence, corroboration, contextualization and characterization necessary for intelligence to be reported.

Problems with tracking, limited distribution and understanding of intelligence

Regarding the tracking of intelligence, CSIS is responsible for controlling and documenting access to sensitive information. However, NSIRA found that CSIS could not definitively identify who received and read its intelligence. This was partly because organizations receiving the intelligence, like Public Safety Canada ("**Public Safety**"), had inadequate internal tracking systems. Ultimately, however, it was incumbent on CSIS to control and document access.

Regarding the distribution of intelligence, the review noted that CSIS and CSE's decision to limit the distribution of some intelligence to senior officials reduced the ability of the RCMP, Global Affairs Canada ("**GAC**") and the Privy Council Office ("**PCO**") to incorporate this intelligence into their analysis. It also noted that senior public servants had had disagreements with the National Security and Intelligence Advisor to the Prime Minister (NSIA) about whether intelligence should be shared with the political executive. NSIRA also found that the NSIA's role in decisions about disseminating CSIS intelligence products was unclear.

Regarding the understanding of intelligence, NSIRA observed that consumers of intelligence did not always understand the significance of intelligence and how to integrate it into their policy analysis and decision-making. Also, specialized intelligence units and senior public servants disagreed about whether some activities were foreign interference rather than legitimate diplomatic activity.

As a result, NSIRA recommended the following to both producers and consumers of intelligence:

- As a basic accountability mechanism, CSIS and Public Safety should rigorously track and document who has received intelligence products. In the case of highly sensitive and urgent intelligence, this should include documenting who has read intelligence products.
- Public Safety, GAC, PCO, and other regular consumers of intelligence, should enhance intelligence literacy within their departments.
- The security and intelligence community should develop a common, working understanding of political foreign interference.
- The role of the NSIA, including with respect to decisions regarding the dissemination of intelligence, should be described in a legal instrument.

Problems with addressing human-based, riding-level interference

NSIRA's review found the SITE TF and the Panel of Five were geared to addressing broad, systemic and largely online interference (like that during the 2016 United States presidential election). In NSIRA's view, they were not adequately set up to address human-based, riding-by-riding interference, which NSIRA saw as the most significant threat to Canadian democratic processes and institutions.

Therefore, NSIRA recommended adjustments to the way the SITE TF and the Panel of Five work:

- The SITE TF should align its priorities with the threat landscape, including threats which occur outside of the immediate election period.
- GAC and PCO should ensure that GAC's involvement on the SITE TF leverages the department's capacity to analyze and address traditional, human-based foreign interference, in addition to the online remit of GAC's Rapid Response Mechanism.
- PCO should empower the Panel of Five to develop additional strategies to address the full threat landscape during election periods, including when threats manifest in specific ridings.

Although the evidence I heard does not allow me to approve all of NSIRA’s recommendations fully and without reservation, I generally agree with the conclusions that NSIRA came to. I discuss certain elements with which I do not necessarily agree later in this report.

2.5 The National Security and Intelligence Committee of Parliamentarians (NSICOP) Report

On 22 March 2024, NSICOP submitted its classified *Special Report on Foreign Interference in Canada’s Democratic Processes and Institutions* to the Prime Minister. On 3 June 2024, a publicly disclosable version of the report was tabled in Parliament. Its overarching conclusion was that the federal government had been slow to respond to the foreign interference threat and needed to act swiftly to address the issue.

NSICOP identified the PRC, India, Pakistan, Iran and Russia, as well as two states it did not publicly name, as states that had conducted activities that undermined the democratic rights and freedoms of Canadians.

NSICOP also noted that distinguishing foreign influence from foreign interference can be difficult. I am entirely in agreement with this comment and add that this will probably always be the case. I discuss this further in Volume 2, [Chapter 3](#).

NSICOP concluded that Canada is the target of pervasive and sustained foreign interference activities aimed at our democratic processes and institutions. These activities are a continuing and significant threat to our national security and to the integrity of our democracy. Foreign interference undermines democratic rights and fundamental freedoms, the integrity and credibility of our parliamentary process and public trust in government policy decisions. I also agree with this conclusion, and add that, in my opinion, taking measures to rebuild trust in our democratic institutions should be a real priority. I return to this idea in Volume 5, Chapter 19 with my recommendations.

The report also said that while the integrity of the 2019 and 2021 general elections was maintained, foreign states had attempted to influence riding-level races. There was no indication of cyber threat activity targeting the electoral infrastructure during the elections. However, CSE detected state-directed cyber threat activity outside the election periods that targeted democratic institutions and processes.

According to NSICOP, the Plan to Protect Canada’s Democracy as it existed in 2018 was insufficient to address foreign interference in democratic processes and institutions. NSICOP considered that the government did not show a sense of urgency in addressing foreign interference. The government took until 2022 to develop and approve its Countering Hostile Activities by State Actors Strategy and took an additional year to conduct consultations on new legislation.

The report also noted that gaps in authorities and legislation limited the security and intelligence community’s ability to act. These gaps also limited its ability to share information with parliamentarians and other orders of government, or with law enforcement agencies for investigations or prosecutions. That said, Bill C-70, which received royal assent on 20 June 2024 as the *Countering Foreign Interference Act*, was meant to address these difficulties. I discuss Bill C-70 in more detail in Volume 3, Chapter 12.

NSICOP also found significant differences in how ministers, departments and agencies interpret the gravity and prevalence of foreign interference, including the threshold needed to warrant a response.

NSICOP said it had seen troubling intelligence that some parliamentarians are “semi-witting or witting” participants in foreign state efforts to interfere in Canadian politics. I will come back more specifically to this statement, with which I do not entirely agree, in Volume 4, Chapter 18.

To address these problems, the report recommended the following to the government and to the security and intelligence community:

Recommendations to the Government of Canada

- Table legislation before the next federal election to address gaps in Canada’s legal framework with respect to foreign interference, specifically to:
 - create a foreign influence transparency registry
 - amend the Criminal Code and the Security of Information Act to define foreign interference and introduce relevant offences
 - modernize the CSIS Act, including to facilitate wider sharing of classified information
 - address the intelligence-to-evidence challenge
 - reduce vulnerabilities in political nomination processes, including leadership conventions.
- Engage political parties to determine whether party nomination processes and leadership conventions should be included within the framework of the *Canada Elections Act*, and work with Parliament to determine whether the statute governing the Conflict of Interest and Ethics Commissioner and the Senate Ethics Officer should be revised to include foreign interference.

- Review and renew legislation, strategies and funding to ensure they keep pace with the evolution of foreign interference activities and other national security threats, and regularly include and respect legislative review provisions in national security legislation.
- Ensure that the role, mandate and accountabilities of the National Security Council²⁶ and supporting governance committees are clear and publicly communicated to improve transparency and performance.
- Immediately implement and report annually on the briefings for parliamentarians on the threat of foreign interference.

Recommendations to the national security and intelligence community

- Develop consistent definitions and thresholds for action with respect to foreign interference.
- Organizations responsible for intelligence collection and those responsible for providing policy advice, respectively, should regularly collaborate to provide the government with timely and comprehensive assessments of threats and advice for action.

2.6 **Bloc Québécois Makes a Motion to Expand the Mandate of the Commission**

On 11 June 2024, the House of Commons adopted a motion introduced by the Bloc Québécois in response to the NSICOP special report on foreign interference. The Motion asked that the House:

- Take note of the NSICOP special report on foreign interference.
- Express concern that certain elected officials may be wittingly or unwittingly working in the interests of foreign powers.
- Request the terms of reference of the Foreign Interference Commission to be expanded to allow it to investigate Canada's federal democratic institutions, including members of the House of Commons elected in the 43rd and 44th Parliaments as well as Senators.

²⁶ The National Security Council is a Cabinet committee established in 2023, for strategic decision-making and sharing intelligence analysis.

On 17 June 2024, I agreed to conduct the examination under the Commission’s existing mandate and within the Commission’s framework, in accordance with the rules and principles that apply to independent commissions of inquiry. I address this aspect of my mandate in Volume 4, Chapter 18.

2.7 **The New *Countering Foreign Interference Act* (Bill C-70) Becomes Law and Bill C-65 is Introduced**

The Government introduced Bill C-70, on 6 May 2024. On 20 June 2024, the *Countering Foreign Interference Act* received royal assent. Part of the Act addresses the NSICOP’s Special Report recommendations, although work on Bill C-70 was underway when NSICOP published its report.

The Act made key changes to Canada’s national security architecture. It enacted the *Foreign Influence Transparency and Accountability Act* and amended the following legislation:

- *Canadian Security Intelligence Service Act*
- *Security of Information Act* (renamed the *Foreign Interference and Security of Information Act*)
- *Criminal Code*
- *Canada Evidence Act*.

The Government also introduced Bill C-65, *An Act to amend the Canada Elections Act*, in the House of Commons on 20 March 2024. However, shortly before the release of this report, Bill C-65 died on the Order Paper when Parliament was prorogued. The proposed amendments would have:

- Established new prohibitions and modified existing prohibitions, including in relation to foreign influence in the electoral process, the provision of false or misleading information respecting elections and the acceptance or use of certain contributions.
- Expanded the scope of certain provisions relating to the administration and enforcement of the *Canada Elections Act*, including by granting the Commissioner of Canada Elections certain additional powers.

Both the *Countering Foreign Interference Act* and Bill C-65 are addressed in more detail in Volume 3, Chapter 12.

2.8 Conclusion

The Foreign Interference Commission is a non-partisan, independent and public process that adds to the excellent work described above. My work is intended to promote transparency, even if the public nature of my investigation is constrained to some extent by the need to protect national security and the security of some witnesses.

The investigation involved both a retrospective review of what happened and a prospective view of what should happen. To do this work, I was aided by broad investigative powers, legal, research and policy experts, cooperation from government officials, the Government of Canada, the Commission’s Participants and input by the public. In the next chapter, I explain my interpretation of my mandate as set out in the Foreign Interference Commission’s Terms of Reference.

CHAPTER 3

The Commission’s Mandate and Key Concepts

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3.1 Introduction – A Brief Reminder of My Mandate

My mandate was to examine and assess the following:

- Interference by China, Russia and other foreign states or non-state actors, including any potential impacts, in order to confirm the integrity of, and any impacts on, the 43rd (2019) and 44th (2021) general elections at the national and electoral district (riding) levels.
- The flow of information about foreign interference within government and to senior decision-makers, including elected officials, before, during and after those elections and actions taken in response.
- Government’s capacity to detect, deter and counter any form of foreign interference directly or indirectly targeting Canada’s democratic processes.

I also had to make recommendations to the federal government on how it can better protect federal democratic processes from foreign interference.

I hope that the Commission’s work in fulfilling its mandate has enhanced public awareness and understanding of the challenges of disclosing classified national security information and shown that it is possible to make public some sensitive information without impacting national security.

As I explain in the next chapter, while the Commission has been able to make public an unprecedented amount of previously unreleased information, national security nonetheless requires that some of it remain confidential. For this reason, I have also prepared a classified supplement to this report. This classified supplement has the information I learned through the Commission’s investigation that could not be made public because of national security concerns.

The Commission’s Terms of Reference²⁷ specified the issues to be investigated. Guiding principles that I have established also informed my role as Commissioner. These are described below along with my understanding of the following terms in the Terms of Reference: “foreign interference”, “democratic institutions”, “democratic processes” and “electoral processes”.

²⁷ Order in Council P.C. 2023-0822.

3.2 The Commission’s Guiding Principles

In achieving my mandate, I was guided by the following principles:

Proportionality

Transparency

Fairness

Thoroughness

Expeditiousness

These principles not only guided how the Commission did its work, but they also informed how I interpreted the scope of my mandate.

Proportionality

Proportionality was of paramount importance to the Commission’s work. Given the limited time available, the Commission team and I tried to focus the investigation on those issues most directly relevant to my mandate. At the public hearings, I evaluated the relative contributions each Participant could bring to an issue and allocated cross-examination time accordingly.

Transparency

Commission proceedings and processes were as open and available to the public as reasonably possible. They had to always respect national and personal security requirements as well as other confidentiality requirements and privileges. In the next chapter, I discuss in detail the challenge of maximizing transparency, both by the Commission and by the federal government, while respecting security and confidentiality requirements.

Fairness

The Commission needed to treat all those involved or implicated by its work fairly and impartially. To that end, I considered and balanced the interests of the public (including the right to be informed), the interests of individuals (including the right to privacy and the right to a fair process) and the interests of national security.

It is also due to fairness concerns that I chose, insofar as possible, not to identify the Canadian individuals, entities or groups who might have been mentioned in intelligence collected by intelligence agencies in connection with foreign interference. Since a commission of inquiry such as this one does not provide them with a real and sufficient opportunity to defend themselves, it would have been unfair to name them and risk exposing them to public

condemnation. Canada is a state grounded on the rule of law that has other, more appropriate forums to hear and, if necessary, pronounce on, allegations of this sort.

Thoroughness

I examined the relevant issues, past and present, with care. This was so that there would be no doubt that I explored and answered the questions raised by the Commission’s mandate as completely as possible within the limited time given to me.

As I said previously, the Commission necessarily had to make choices during its investigation and hear only those whom it considered most likely to inform its understanding. But in the end, I am satisfied that the evidence I received made it possible for me to fully grasp the phenomenon of foreign interference in democratic processes and institutions.

Expeditiousness

The Commission had a tight timeframe within which to complete its mandate. Given that the foreign interference threat is real and growing, it was particularly important for me to respect, as much as possible, the specified deadlines and do my work rapidly and efficiently without sacrificing quality or adherence to my other guiding principles.











3.3 The Commission’s Terms of Reference Involved Fact-Finding and Policy Work

My mandate involved both fact-finding and policy work, as defined in Clauses A to E of the Terms of Reference.

As directed by the Terms of Reference, I first examined the challenges, limitations and potential impacts associated with the public disclosure of classified national security information (Clause D). I then reviewed the potential impacts of foreign interference on the 2019 and 2021 general elections (Clause A) and examined the flow of information regarding foreign interference within the federal government before, during and after those elections (Clause B). I reported my preliminary findings on this in my Initial Report of 3 May 2024.

As I acknowledged in my Initial Report, the Commission’s work on these questions would necessarily not end with publication of that report, given that the clauses of the Commission’s mandate are not “watertight compartments”. There was overlap and interchange among these topics. For instance, I received some evidence relevant to Clauses A and B during other stages of the Commission’s investigation. Therefore, this Final Report addresses all aspects of the Commission’s mandate.

The following table sets out the questions addressed in each report.

	 Initial Report	 Final Report
Clause A – Potential impacts of foreign interference on the 2019 and 2021 federal general elections		
Clause B – Flow of information within the federal government and its response before, during and after the 2019 and 2021 general elections		
Clause C – Government’s capacity to detect, deter and counter foreign interference targeting democratic processes		
Clause D – Challenge of disclosing classified information to the public		
Clause E – Policies and recommendations to better protect democratic processes from foreign interference		

Clause D - Challenges of holding public hearings while protecting classified national security information

I begin by discussing Clause D of the Terms of Reference because the Commission undertook this part of its mandate first.

Clause D required me to hold public hearings at the outset of my mandate to identify challenges, limitations and potential adverse impacts associated with disclosing classified national security information and intelligence to the public.²⁸

As I discuss in Volume 2, [Chapter 4](#), the preliminary public hearings examining the potential public disclosure of national security information helped me increase public awareness about the challenge of balancing transparency with national security confidentiality. They also helped me determine how to maximize transparency while protecting national security interests in the context of a public inquiry where the majority of the evidence is classified.

Clause A – Fact-finding related to potential impacts of foreign interference on the 2019 and 2021 general elections

Clause A of the Terms of Reference related to fact-finding and directed me to assess possible foreign interference in the 2019 and 2021 federal elections. I had to examine the integrity of these elections at the national and electoral district (riding) levels. Clause A specifically instructed me to assess the potential impact on these elections of any interference by China, Russia and other foreign state or non-state actors.

My investigation of possible foreign interference covered two separate periods. The first period was from when the election period began on 11 September 2019 until the government was formed after election day on 21 October 2019. The second period was from 15 August 2021, when the election period began, until the government was formed after election day on 20 September 2021.

I recognize foreign interference can be the cumulative effect of acts that may not have occurred within those periods. However, the principles of proportionality, thoroughness and expeditiousness required me to limit my Clause A investigation to a period that could be comprehensively examined within the time allowed. Still, I considered all information that seemed helpful to my mandate about events that might have taken place outside the main investigation periods.

Evidence about possible foreign interference primarily came from government organizations and witnesses. The Commission thoroughly reviewed evidence about possible foreign interference identified or suspected by governmental organizations and determined whether this affected the outcome of the 2019 and 2021 elections.

²⁸ The hearings on Clause D took place from 29 January to 2 February 2024, and were also called the “National Security Confidentiality” or “NSC” hearings.

However, an investigation into the credibility and reliability of each piece of underlying intelligence was outside the scope of the Terms of Reference and went against the Commission’s principles of proportionality and expeditiousness. The Commission did not have the tools or time required to conduct such an investigation. This would have required substantial technical and human resources, as well as the capacity to receive and analyze vast quantities of raw intelligence.

Clause B – Fact-finding related to the flow of information regarding foreign interference in the 2019 and 2021 general elections

Clause B also related to fact-finding and directed me to examine and assess the flow of information about foreign interference to senior decision-makers, including elected officials. This applied to the weeks leading up to, during and following the 2019 and 2021 federal elections.

My review included the flow of information between the Security and Intelligence Threats to Elections Task Force and the Critical Election Incident Public Protocol’s “Panel of Five” senior civil servants, among others.

Finally, I examined governmental actions in response to the information received.

Clause C – Fact-finding related to the government’s capacity to detect and respond to foreign interference

Clause C also related to fact-finding. It directed me to examine and assess the capacity of relevant departments, agencies, institutions, structures and governance processes to allow the government to detect, deter and counter direct or indirect foreign interference targeting Canada’s democratic processes and institutions. To this end, I examined government action including:

- The creation, sharing, assessment and distribution of intelligence and advice to senior decision-makers, including elected officials.
- Support and protection in place for individuals targeted by foreign states or by their agents, including Parliamentarians and, to a certain extent, members of diasporas.
- The new mechanisms to protect the 43rd and 44th federal elections from foreign interference.

Unlike Clauses A and B, the focus of Clause C was largely on the present and intended to feed forward-looking recommendations.

The Commission’s work also addressed the motion adopted by the House of Commons on 11 June 2024 in response to the National Security and Intelligence Committee of Parliamentarians *Special Report on Foreign Interference in Canada’s Democratic Processes and Institutions*,²⁹ which referred to parliamentarians who may have been semi-witting or witting participants in foreign interference activities. The motion asked the Government to expand the Commission’s Terms of Reference to investigate these matters. My mandate under Clause C was broad enough to permit the Commission to examine this issue. I did so while also respecting the principles of procedural fairness and the fundamental rights of any person affected by the Commission’s work and in compliance with the rule of law. In Volume 4, Chapter 18, I address this aspect of my work.

Clause E – Formulating recommendations

The final aspect of my mandate related to making recommendations (Clause E). In addition to the evidence learned through the Commission’s fact-finding investigation, this involved hearing from a wide range of experts. Clause E directed me to recommend ways to better protect federal democratic processes from foreign interference. My recommendations are mainly based on my findings and conclusions about the first four aspects of the Terms of Reference (Clauses A to D) but also include what I learned from the policy roundtables.

3.4 Our Democratic Institutions and Their Processes

When foreign states interfere with our democratic institutions, this is a violation of Canadian sovereignty and an attack on the integrity of our democracy.

My Terms of Reference referred to both “electoral processes” and to “democratic institutions,” which indicate that the government intended the Commission to look at foreign interference beyond elections. To investigate foreign interference in electoral processes and democratic institutions, I needed to interpret what the government intended by these terms.

²⁹ COM0000363: National Security and Intelligence Committee of Parliamentarians, *Special Report on Foreign Interference in Canada’s Democratic Processes and Institutions* (3 June 2024).

For a start, I concluded “democratic institutions” and “democratic processes” refer to essentially the same thing in the context of the Commission’s work. While democratic institutions and processes are not synonymous, the terms are used interchangeably by federal government organizations, parliamentary committees and others.

Democratic institutions are the entities involved in making democracy function well, including the Crown, the Prime Minister and Cabinet, the House of Commons, the Senate, political parties, the media, the public service and the judiciary. However, I do not interpret my Terms of Reference as asking the Commission to investigate all these areas. Even if it were possible in theory, it would be impossible given the Commission’s timeline.

In defining “democratic institutions” for the Commission’s work, in addition to considering the Terms of Reference as a whole, I looked to the federal government’s use of the term, which expressly includes Parliament, the division of powers and the formation of government.

Therefore, in the context of the Commission’s mandate, I find democratic institutions include the federal electoral process, the federal political executive and Parliament, but, since they only pertain to federal processes, they do not include provincial, territorial, Indigenous or municipal governments.

In summary, my mandate was to investigate potential foreign interference with:

- the federal electoral process, which I interpret as including the electoral system and political party processes like choosing candidates and leaders
- executive decision-making by Cabinet and its ministers in relation to their departments
- law-making by members of Parliament.

I briefly describe each of these elements below.

The federal electoral process

The federal electoral process allows Canadian citizens to choose their representatives in Parliament (called members of Parliament or “**MPs**”). The leader of the party that has the most MPs is normally appointed Prime Minister. In turn, the Prime Minister selects who will sit in Cabinet. In this way, the electoral process has significant consequences for both the legislative and executive branches of government.

Elections Canada administers the federal electoral process. This is an independent non-partisan agency responsible for running elections and referendums. It administers rules in the *Canada Elections Act* (“**CEA**”) related to the voting process, how much money can be raised, reported and spent, rules around political advertising and a number of other matters.

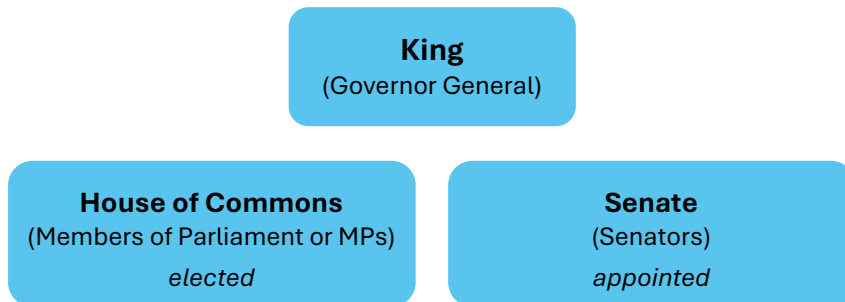
Registered political parties, which are instrumental to the electoral process, recruit and support candidates, run candidate nomination contests, choose leaders, raise funds, organize and educate voters. Third parties are persons or groups that seek to influence elections but do not run candidates themselves. Both political parties and third parties must register with Elections Canada and are regulated by the *CEA*.

Executive decision-making by Cabinet

The Prime Minister and Cabinet set the Government’s policy agenda and carry it out via the public service. Policy and operational decisions made by ministers within their departments are also part of executive decision-making.

Law-making by members of Parliament

The Government of Canada (the Prime Minister and Cabinet) sets the legislative agenda, but law-making is done by Parliament. Parliament consists of the King (as represented in Canada by the Governor General) and two legislative chambers: the House of Commons and the Senate. MPs are elected and sit in the House of Commons. Senators are appointed by the Governor General on the advice of the Prime Minister and sit in the Senate.



3.5 The Notion of Foreign Interference

The term “foreign interference” means different things in different contexts. Thus, it is important to be clear about the sense in which the Commission has used the term for the purpose of fulfilling its mandate.

In this report, I use the term “foreign interference” to mean a clandestine, deceptive or threatening activity by a foreign state, or those acting on a state’s behalf, that is detrimental to the interests of Canada.

For the Commission’s purposes, “acting on a state’s behalf” means acting at the direction of a foreign state to benefit the interests of that state.

The Commission’s use of the term “foreign interference” draws on definitions used by federal government agencies and task forces, parliamentary committees, as well as international and academic sources.

Foreign influenced activities that are threats to the security of Canada

First, I rely on the definition of foreign influenced activities that are “threats to the security of Canada” in section 2 of the *Canadian Security Intelligence Service Act* (“**CSIS Act**”). The purpose of the *CSIS Act* definition is to outline the scope and boundaries of activities that the Canadian Security Intelligence Service (“**CSIS**”) may legally investigate. These activities are:

- within or relating to Canada
- detrimental to the interests of Canada
- clandestine or deceptive or involving a threat to any person.

While the *CSIS Act* definition serves a specific purpose, it makes sense to use it for my mandate because it is also commonly used across federal government agencies, departments, government processes and parliamentary committees. It is also a definition that is similar to how a number of foreign and international bodies define foreign interference.

Foreign state actors

While the *CSIS Act* definition forms a useful starting point, I added to this the condition that the activities are done by a foreign state, either directly or indirectly through proxies, agents or co-opted individuals. This is because Clause A of the Commission’s Terms of Reference explicitly referred to “foreign states” and because Canadian departments and agencies, as well as foreign and international entities also include this in their definitions of foreign interference.

Non-state actors

While Clause A also referred to “non-state actors,” I concluded this means entities connected to foreign states or aligned with them in some way. Including “non-state actors” in the Commission’s Terms of Reference stems from recognizing that foreign state interference may be the result of activities by domestic or foreign actors who are proxies, agents or co-opted individuals of a foreign state. When I considered the text of Clause A in the context of the entire Terms of Reference, I concluded the Government did not intend to broaden the reach of the Commission to non-governmental entities that were not acting as instruments of a foreign state.

Further, the principles of proportionality, expeditiousness and thoroughness informed my interpretation of the Commission’s mandate. Interpreting the mandate of the Commission as including interference by any foreign entity would have been contrary to these principles. The Commission could not have thoroughly considered foreign interference within the required time if it had had to examine clandestine or threatening actions by foreign entities without any connection to a foreign state.

Concluding on the meaning of foreign interference

I conclude that my interpretation of the notion of foreign interference is appropriate for my mandate and the nature of the Commission’s work. It has a broad scope that covers traditional forms of foreign interference, such as direct, person-to-person activities, and digital forms of foreign interference. Importantly, it closely mirrors definitions used by federal government processes and entities, including national security and intelligence agencies and parliamentary committees.

However, understanding the foreign interference threat to Canada is more than just knowing what it means for the Commission’s mandate. In the following section, I discuss four observations that I believe are important to understanding foreign interference more generally.

3.6 Four Key Observations about Foreign Interference

Foreign interference is not new, but is evolving

Democracies have always been confronted with foreign interference, but actors, targets and methods change as the geopolitical reality shifts and technologies evolve. Because of Canada’s robust measures to protect voting in elections, including a paper ballot system and strong cyber defence, foreign states are often forced to use traditional forms of interference. These remain significant threats.

However, there are ways in which the foreign interference threat in Canada has evolved in recent years. Geopolitics have changed. Countries with increased power have begun to use that power to influence others. And, because of new technologies, there are more countries that have the ability and the interest to target Canada today than in the past.

New technologies mean that, while old methods of foreign interference remain available, new methods have emerged. The digital environment provides foreign states with new ways to target individuals and organizations, including monitoring and harassment. Even in the brief time between the 2019 and 2021 elections, there were significant changes to the online landscape. Alternative social media platforms have become more common and artificial intelligence has changed the way disinformation can spread. This rapid evolution is likely to continue.

Foreign interference is not just about elections

There is a constant baseline of foreign interference in Canada. It happens whether or not an election is taking place. This was clear from the work of the Commission described in my Initial Report and from the 2024 reports by the National Security and Intelligence Review Agency and the National Security and Intelligence Committee of Parliamentarians.

That said, elections are attractive targets. They are the focal point of many of Canada’s democratic institutions. CSIS has observed persistent state-sponsored threat activity targeting elections for many years. In fact, activities targeting elections may occur months, or even years, before an election period begins.

Adherence to democratic values and protection of fundamental rights can complicate Canada’s response to the threat of foreign interference

Because of the value we place on rights and freedoms in our democracy, responding to foreign interference can be challenging. Four kinds of values can contribute to this dynamic:

- freedom of belief, opinion and expression
- the right to privacy
- due process rights
- impartiality of the public service.

Freedom of belief, opinion and expression: The *Charter of Rights and Freedoms* (“**Charter**”) protects freedom of belief, opinion and expression. While these freedoms are central to a democratic system, they can also make it challenging to respond to foreign interference. Canadians have the right to express views that align with those of foreign countries, even when those countries are hostile toward Canada. The mere fact that people or organizations advocate for policies that favour foreign states does not mean they are involved in foreign interference. They may simply be exercising their constitutional rights, even if by doing so they can advance a foreign country’s interests. When the government responds, it must do so in a way that does not undermine the rights of Canadians to hold and express their opinions.

This reality may make government officials less likely to respond to suspected foreign interference unless they can be sure of a foreign link. However, reaching such a level of certainty may be difficult and waiting for such certainty may leave room for further foreign interference. As is often the case, the challenge is to find an appropriate balance.

The right to privacy: Privacy is another value that can make responding to foreign interference difficult. Privacy is a right that has a basis in the *Charter*, as well as laws such as Québec’s *Charter of Human Rights and Freedoms*, provincial privacy acts and in common law. Privacy may limit the tools the Canadian government can use to detect foreign interference.

For example, while several government entities monitor publicly available social media to identify disinformation, they generally do not access private online groups out of respect for privacy. The Communications Security Establishment, while possessing extensive technical capabilities, is generally prohibited from targeting Canadians or persons in Canada. Privacy is a principle Canadians hold dear.

Due process rights: The *Charter* and the common law guarantee a fair trial, which includes the right for a person charged with an offence to be presumed innocent until guilt is proved beyond a reasonable doubt, and the right to access and answer the evidence against them. These rights help protect our liberty, but they can also make it challenging to enforce laws against foreign interference.

Much of the information that authorities have about foreign interference comes in the form of intelligence. Often, this intelligence is not admissible in court and therefore cannot be used in criminal proceedings. I discuss this challenge in Volume 2, [Chapter 5](#).

Impartiality of the public service: The non-partisan nature of the public service also affects Canada’s ability to defend government institutions against foreign interference, as public servants may be hesitant to take any steps that could, or could be seen to, impact electoral or partisan politics.

The public service provides evidence-based, objective advice to political leaders and then faithfully executes government decisions regardless of the governing party.

For public trust in the electoral process to be maintained, the public must know that civil servants who administer elections are non-partisan and impartial. Having the public understand this is especially important during an election, because the public service may be asked to make public statements in response to foreign interference.

As any such communication could be seen as favouring one party over another and undermine confidence in the democratic system, there could be a tendency to set the bar for intervention very high. Foreign actors may be aware of this and use methods that stay below those high thresholds to avoid provoking a response.

There is a grey area between foreign interference and legitimate influence

There are different understandings about what foreign interference is. Even if we were to adopt a common definition, there would be different opinions about whether any given situation meets the definition of foreign interference. I discuss this further in Volume 3, Chapter 10.

Some actions are clearly illegitimate foreign interference, and some actions are clearly legitimate, normal diplomacy. Foreign state actions can, however, fall somewhere in between.

It is normal and legitimate for national governments – including Canada’s – to work to influence the decisions of other governments to advance their national interest. This is because the decisions governments make have consequences beyond their borders, for example on trade, climate, foreign relations, development and defence.

Accordingly, every country uses influence when it pursues its citizens’ interests on the world stage. Appropriate forms of influence include maintaining diplomatic relations, negotiating at international governing bodies, issuing statements that publicly praise or condemn the actions of other states³⁰ and advocating for joint action. Even aggressive actions like imposing sanctions can be legitimate diplomacy. Other types of legitimate foreign influence activities include foreign states:

- funding registered lobbyists under the *Lobbying Act*
- publicly sponsoring or attending community events
- publicly taking out advertisements outside of election periods
- publicly funding research.

These activities involve attempts by foreign states to persuade Canada or Canadians using legal means done openly.

In cases of foreign interference, states use coercion, deception, illegal methods or threats against individuals or groups to pursue their interests in ways that are detrimental to Canada.

3.7 Transnational Repression and Foreign Interference

One of the more pervasive ways in which countries carry out foreign interference in Canada is by targeting diaspora communities. This can include attempting to influence their voting, silence dissent, amplify preferred state narratives, control public opinion and sow discord. When countries go beyond their own borders to intimidate, silence, coerce, harass or harm members of diaspora communities, this is called transnational repression.

Transnational repression is a form of foreign interference. Where members of diaspora communities are subject to foreign interference, it is often through transnational repression. Further, transnational repression that does not directly target democratic institutions may still impact them if it discourages diaspora communities from participating in our democratic processes, such as elections.

Evidence about transnational repression is discussed in Volume 4, Chapter 17 and what I heard from my consultations with diaspora communities is discussed in Volume 6, Chapter 21.

³⁰ As long as it is done outside of election periods.

3.8 Interference in Other Countries’ Democratic Institutions for Self-Interest

States may want to help elect candidates who support policies favourable to them, or at least, elect people who do not oppose them. States may want to acquire information or transmit propaganda. Some states may want to suppress domestic dissension by influencing or pressuring citizens or former citizens living in other countries.

Some states aim to cause discord and conflict to destabilize a target country. Nations that are unified, share core values and have high levels of public trust in the institutions, systems and processes that govern their lives, tend to be stronger. Therefore, this kind of foreign interference may aim to create polarization and distrust among citizens, and between citizens and their governments. It may also aim to undermine faith in our democratic institutions.

3.9 The Multiple Targets of Foreign Interference with Democratic Institutions

There are many targets of foreign interference in Canada. A range of groups contribute to Canada’s democratic institutions and foreign states may try to exploit any or all of them. The following are primary targets of foreign interference.

Candidates and parliamentarians: Members of Parliament exercise state power on behalf of voters, so foreign countries can try to exploit them. While senators are not elected, they also have considerable power in our legislative system and can also be targets for foreign interference.

Candidates who are running for elected office may be as vulnerable to foreign interference as elected officials due to their reliance on fundraising and community support. Candidates also lack institutional protections available to elected officials. Foreign countries are often patient, targeting individuals who they hope will someday become public office holders.

Ministerial exempt staff (also called “political staffers”): Exempt staff work in ministers’ offices and share their political goals. They are employed within the government but are not public servants. They are part of the information flow to elected officials and can influence decision-making.

Campaign staffers: They work for political parties during election campaigns, whether as paid employees or volunteers, and can be an important lever of influence for foreign states.

Voters: Voters are viewed as vulnerable to foreign interference and can be effectively targeted by disinformation and other interference campaigns.

Diaspora communities: One of the primary ways in which countries carry out foreign interference in Canada is by targeting cultural communities.

Interest groups: Foreign countries also target interest groups in the electoral process, such as donors, lobbyists and community groups.

Media: Foreign states target a wide range of media outlets, including traditional (mainstream) outlets such as television, radio and newspapers, as well as online news sources and social media. Community media outlets, such as Canadian-based foreign language media, are also targets.

I further discuss the various targets of foreign interference in Volume 3, Chapter 10.

3.10 The Methods of Foreign Interference

Just as foreign states target a range of people, they use a range of tactics to interfere with Canada’s democracy:

- long-term cultivation of relationships with candidates or office holders at lower levels of government (for example, today’s school board trustee may become tomorrow’s member of Parliament)
- manipulating individuals into sharing valuable information
- covert financing of political parties and candidates
- mobilizing and leveraging community organizations
- exploiting opportunities in political party processes
- blackmail and threats
- cyber threats
- media influence, misinformation (false information spread unintentionally) and disinformation (false or distorted information intentionally spread to cause harm by manipulating public opinion or undermining public trust).

I describe these methods in Volume 3, Chapter 10. I note that many of the above foreign interference activities are done through proxies and co-optees. A proxy is an individual or organization with an established relationship with a foreign state that takes direction (explicitly or implicitly) from them to engage in an activity. A co-optee has a similar relationship with a foreign state, but a less formal one. An advantage of using a proxy or co-optee is that it can obscure the link between the activity in question and the foreign state.

3.11 Conclusion

The Commission’s Terms of Reference specified the issues to be investigated, defined my mandate and structured the Commission’s investigation. The Commission’s guiding principles were also important to understanding the scope of my mandate.

In the next chapter, I discuss the tension between public transparency and national security confidentiality given the subject matter of this Commission. I also describe how the Commission has worked to carefully balance the need for both openness and secrecy.

CHAPTER 4

Balancing Openness and Transparency and National Security

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4.1 The Challenge of Informing the Public While Protecting National Security

The Commission must be open and transparent. At the same time, it must protect Canada’s national security interests. This is one of the greatest challenges the Commission faced in conducting this inquiry.

To be successful, an inquiry must have the public’s confidence in the way in which it is carried out. Openness and transparency must inform every aspect of its process. To the extent possible, relevant information gathered during the inquiry must be made available to the public.

On the other hand, disclosing certain information to the public could harm Canada’s national security interests. The public benefit from this type of information being kept confidential. A public inquiry that reveals highly sensitive information could do more harm than good.

The challenge I faced as Commissioner is how to fully consider and balance both interests. Other commissioners have also had to address national security interests in the context of a public inquiry. However, this Commission stands out for how closely and extensively its mandate is linked to state secrets. This Commission’s mandate engaged national security considerations at every turn in its investigation and on a scale not encountered in other commissions. Throughout the inquiry, the Commission has had to carefully balance the need for openness and transparency with the need for secrecy. In this chapter, I explain how the Commission has done this.

4.2 Why the Commission Must Be Open and Transparent

The Commission must be open and transparent so the public can understand its work and have confidence in it. This includes having a transparent process and issuing a public report.

A basic purpose of public inquiries is to “bring facts to public light in a thorough way that pursued the public’s interest in knowing what happened and why.”³¹ In the case of this inquiry, the public has a vital interest in understanding whether Canada’s democratic processes have been targeted by foreign states. If so, the public should know whether those efforts have had an impact on our democratic system. It also has an interest in knowing

³¹ The Hon. J. Michael MacDonald, Leanne J. Fitch & Dr. Kim Stanton, *Turning the Tide Together: Final Report of the Mass Casualty Commission* (His Majesty the King in Right of Canada, 2023), vol. 7 at p. 6.

whether members of Parliament wittingly contributed to acts of foreign interference.

Canadians also deserve to know whether the government has done enough to protect their democracy, and whether it has the capacity to detect, deter and counter foreign interference threats to come. The existence of a vibrant democracy depends on public confidence in the democratic process itself. In maximizing transparency, the Commission aims to uphold confidence in our democratic processes and institutions.

A commission can show openness and transparency in different ways. At its simplest, a commission can show its openness and transparency by issuing a public report that explains the truth about the thing being investigated. A transparent report clearly sets out a commissioner's findings, and the reasons for them. In my view, a report that states only conclusions or is full of redacted passages falls short of what a public inquiry should accomplish.

A commission must also have a transparent process. The purpose of an inquiry is not only to tell the truth to the public, but also to show it to them. This means a public inquiry must pursue the truth in a public fashion. A commission that works behind closed doors would have difficulty in accomplishing the mission of a public inquiry, though I recognize that this may sometimes be inevitable. The public learns the truth not only from reading a report, but from observing a commission's proceedings, seeing witnesses testify and hearing their evidence. This is why I insisted that there be public hearings at every stage of the Commission's work. This took an enormous amount of time, effort and resources, but I considered it vital to the mission of this inquiry.

Public proceedings are a critical component of public inquiries, but they alone do not ensure the transparency needed to promote public confidence. In fact, public hearings are only one small part of what public inquiries do. Much of a commission's work occurs in private. This includes most of the investigation, which occurs before public hearings ever begin. Despite this, a commission should be open and transparent at all phases of its work. Members of the public should understand the commission's process and work and should be able to comment on and criticize what it does in addition to what it ultimately says. This is why this Commission ensured the public was regularly kept informed of its progress and the results of its investigative work. Without this form of openness, members of the public may lack confidence in a commission's work.

Justice Cory of the Supreme Court of Canada underlined the importance of different forms of transparency for a commission's success in his often-quoted reasons in the *Westray Mine Tragedy* case:

One of the primary functions of public inquiries is fact-finding. They are often convened, in the wake of public shock, horror, disillusionment, or scepticism, in order to uncover “the truth.” Inquiries are, like the judiciary, independent; unlike the judiciary, they are often endowed with wide-ranging investigative powers. In following their mandates, commissions of inquiry are, ideally, free from partisan loyalties and better able than Parliament or the legislatures to take a long-term view of the problem presented. Cynics decry public inquiries as a means used by the government to postpone acting in circumstances which often call for speedy action. Yet, these inquiries can and do fulfil an important function in Canadian society. In times of public questioning, stress and concern they provide the means for Canadians to be apprised of the conditions pertaining to a worrisome community problem and to be a part of the recommendations that are aimed at resolving the problem. Both the status and high public respect for the commissioner and the open and public nature of the hearing help to restore public confidence not only in the institution or situation investigated but also in the process of government as a whole. They are an excellent means of informing and educating concerned members of the public.³²

Transparency is as important to this Commission as it was to others. I had to strive for openness so the public could understand how the integrity of Canada’s democratic institutions is protected, and whether such protection can be improved. Openness is essential for the public to have confidence in public institutions. The public deserves no less.

4.3 Why the Commission Must Respect National Security Confidentiality

While the Commission must be open and transparent, it must also keep some information private to protect national security.

Transparency is important. But in some cases, secrecy is important as well. No reasonable person would suggest that everything should be disclosed to everyone. A reasonable person appreciates that, depending on the circumstances, there must be limitations on openness and transparency, whether it be for privacy reasons, personal safety, law enforcement, commercial competitiveness, national security or some other compelling reason.

³² *Phillips v. Nova Scotia (Commission of Inquiry into the Westray Mine Tragedy)*, [1995] 2 SCR 97 at para. 62.

However, secrecy often appears worrying when it comes to information held by the government. The public often views government secrecy with suspicion, or even hostility. This is particularly true when the government invokes the “need” for secrecy to shield information relevant to matters of great public interest. Governments sometimes refuse to even explain why information must be kept secret, and only make vague references to national security. It is not surprising that members of the public would question this sort of claim. Indeed, public pushback is itself a sign of a healthy democracy.

Still, it is in the public interest to protect at least some government secrets. Maintaining secrecy can ensure safety, protect lives and even maintain the rule of law. The government often invokes these reasons to justify keeping information secret in matters related to national security.

National security is difficult to define. In a court case arising from the Arar Inquiry, Justice Noël, of the Federal Court of Canada, wrote that national security “means at minimum the preservation of the Canadian way of life, including the safeguarding of the security of persons, institutions and freedoms in Canada.”³³ The concept’s lack of a precise definition can be challenging. Still, it describes a vital set of interests that should be protected.

Governments seek to protect national security in various ways, and the extent to which they do so depends on the sensitivity of the information and the methods used to obtain it. Some are mundane, while others are the stuff of spy novels. Those falling into the second category, like details of operational tradecraft including the use of confidential human sources, justify a great degree of secrecy.

Certain types of information have to be kept secret for Canada to engage in activities vital to its national security. Information that could reveal where intelligence comes from, how it is collected or who the targets of investigations are is particularly sensitive. Exposing it to hostile actors could cause grave harm to both individuals and to Canada as a whole. In the case of intelligence about the activities of foreign states, the need for caution is particularly strong because foreign adversaries are sophisticated intelligence collectors. They may pick up on even small bits of information.

This does not mean all information related to national security is secret or must be kept from the public. Disclosing information to the public can also enhance national security. For example, Canadian Security Intelligence Service (“**CSIS**”) Director David Vigneault (since retired) testified that sharing information about foreign interference with the public can help Canadians build resilience to interference in the future. I agree with him and will emphasize this point in my recommendations (see Volume 5, Chapter 19).

³³ *Canada (Attorney General) v. Canada (Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar)*, 2007 FC 766 at para. 68.

However, witnesses and Participants generally agreed that some information related to national security must be kept secret. This includes some of the information received and heard by the Commission. After hearing extensive evidence on this question and examining much of the information at issue, I reached the same conclusion. Later in this chapter, I discuss how I implemented this requirement into the work of the Commission.

4.4 What Classified Information is and How Access to it is Limited

I will now discuss what classified information is, how it can be handled and how it can be disclosed to the public. Basic knowledge of these issues will help the public understand the challenge I faced in balancing openness with protecting national security.

The difference between classified and protected information

Certain types of information can cause injury (harm) if they are disclosed without authorization. To reduce the risk of harm, government directives control access to this information.³⁴ These directives create categories of information with their own sets of rules.

Information is categorized as either “protected” or “classified,” depending on the kind of injury that could occur if it is disclosed. The information is “protected” if the potential injury is to an interest other than the national interest, such as a person’s privacy or safety. The information is “classified” if the national interest could be injured.

Within each category, there are three sub-categories. They relate to the level of injury that is reasonable to expect if the information is disclosed without authorization. The level of injury ranges from “limited” to “extremely grave.”

³⁴ Treasury Board Secretariat, *Directive on Security Management*; Treasury Board Secretariat, *Standard on Security Screening*.

	Protected Information	Classified Information
Disclosure could reasonably be expected to cause...	(harm outside the national interest)	(harm to the national interest)
Limited or moderate injury	Protected A	Confidential
Serious injury	Protected B	Secret
Extremely grave injury	Protected C	Top Secret

Classified information generally has greater restrictions and controls than protected information. Similarly, Top Secret information has greater restrictions and controls than Secret or Confidential information.

Control systems for more sensitive information (compartmented information)

Some information is so sensitive that it is placed under greater restrictions than “regular” Top Secret information. This information is put under a “control system,” which is an administrative set of rules governing access, marking, handling and control of information. A control system can be understood as a “compartment” that restricts how and by whom information can be accessed, handled and shared. These restrictions go beyond those already imposed on Top Secret information. Information that is under a control system is also referred to as “compartmented information.”

Within a control system, there can be additional control systems (or sub-compartments), which protect even more sensitive information. A good example is information about signals intelligence, which is foreign intelligence obtained from secretly accessing or intercepting other entities’ communications. Signals intelligence is placed under the “Special Intelligence” or “SI” compartment. Two sub-compartments within the SI compartment are more tightly controlled because they contain even more sensitive information. The GAMMA sub-compartment protects especially sensitive signals intelligence reporting. The ECI sub-compartment protects especially sensitive capabilities, methods or techniques used by Canada and its allies. Within GAMMA and ECI, there are further sub-sub-compartments which are even more restricted.

Compartmented information contains some of the most sensitive information the government possesses. Accordingly, it is subject to the strictest limits available on access and handling.

As I will discuss below, a significant proportion of highly relevant material handled by the Commission contains compartmented information.

How documents are classified

Documents are classified based on the most sensitive information they contain. A document could contain mostly non-sensitive information, but if a single sentence contains information that is Top Secret, or if combined with other information could cause a reader to infer Top Secret information, the whole document is classified as Top Secret. I will come back to this process in my recommendations. In my view, this leads to an over-classification of intelligence that may prevent the public from properly understanding national security issues such as foreign interference.

The process of classifying information follows established policies and procedures. The entity that creates a document is responsible for classifying it. Where documents are prepared by Canadian officials, classification is done by experts with relevant knowledge. In the case of signals intelligence products prepared by the Communications Security Establishment (“CSE”), most are classified as Top Secret//SI or higher.

Canada imports more intelligence than it exports, which is not surprising, given its size and resources. The government obtains a significant amount of its classified information from foreign allies. In these cases, the foreign ally determines the classification level and control measures of the information. Canadian officials must respect the classification determinations of its allies to preserve relationships with originating agencies and foster information sharing.

How access is limited: security clearances, indoctrinations and the need-to-know principle

As I have discussed above, the level of control on who can access information depends on the degree of harm which is reasonable to expect if it is disclosed without authorization. The higher the degree of harm, the stricter the controls on who can access the information. By limiting access to classified information, the government seeks to protect it from unauthorized disclosure and therefore to protect the national interest.

Generally speaking, three measures limit access to classified documents: security clearances, indoctrinations and the “need-to-know” principle.

To access classified information, a person must first possess the necessary security clearance. Government departments grant security clearances after screening by security officials. The higher the clearance, the more in-depth and intrusive the screening. Security clearances exist at the “reliability status,” Secret or Top Secret levels, and may include enhanced clearance levels.

To access compartmented information, a person must have received an appropriate “indoctrination.” A security clearance alone is not enough. Indoctrination is the term used by Canada’s intelligence agencies to describe the required training and briefings given to individuals before they are granted access to a control system or sub-control system. Without proper indoctrination, not even a Top Secret clearance authorizes a person to access compartmented information. Having access to one control system also does not permit access to other control systems.

Even if someone has the necessary clearance and indoctrination to access a piece of information, they can only access it if it is required for them to perform their official duties. This is known as the need-to-know principle.

Some extremely sensitive information is distributed only to specific named individuals, such as specific ministers or the prime minister, deputy ministers or chiefs of staff. In this way, the need-to-know principle ensures that some very sensitive documents are only ever seen by a handful of specific people, even though many more would have the necessary clearance to see them.

Lowering or removing classification

A document’s classification level may be lowered or removed, but only in specific circumstances.

One way this can happen is by altering the text of a document, such as by redacting (removing or covering) words, sentences or pages.

Classification may also be lowered or removed due to changing circumstances. Over time, information that was once classified at a particular level may no longer cause as much harm if disclosed. In such a circumstance, a document’s classification level could be changed without any alteration to the document itself. Canada does not have a declassification system, which in my view contributes to a culture of secrecy in the national security community.

The decision to lower or remove a document’s classification belongs to the agency that created it (e.g., CSIS or CSE). However, if a document contains classified information from a foreign partner, the partner must first agree to this, even if the information is reproduced in a Canadian-made document. The partner may agree or refuse. This principle of “originator control” is an important aspect of Canada’s intelligence sharing relationships. Canada’s ability to keep the confidence of its partners and the access to intelligence that it brings depends largely on Canada respecting its allies’ classification determinations.

An alternative process to release classified information is producing summaries that provide unclassified information about a classified document without disclosing the classified information. An agency may also produce a document based on classified information but write it in such a way that the document itself is not classified. This is often referred to as “writing to release.” This allows agencies to disclose important information about a topic to a wider audience without revealing classified information, such as how and by whom the information was collected. Writing unclassified documents in this way can be an effective way to convey information to the public even when the information comes from classified sources.

4.5 The Legal Rules that Protect National Security Confidentiality

The classification of information, control systems, limits on access and the rules for lowering or removing classification discussed above are the product of government directives and agreements between allied agencies. They do not themselves have the force of law. However, the Commission’s Terms of Reference require me and my staff to respect these rules at all stages of the inquiry.

On top of Canada’s classification rules, a set of laws regulate access to sensitive information. These laws have a significant impact on how the Commission can handle, use and disclose information to the Commission’s Participants and the public since the Commission is bound by them. I will now discuss some of the relevant legal rules contained in these laws:

- section 38 of the *Canada Evidence Act*
- section 37 of the *Canada Evidence Act*
- the *Foreign Interference and Security of Information Act*
- sections 18 and 18.1 of the *Canadian Security Intelligence Service Act*
- section 55 of the *Communications Security Establishment Act*.

In addition to these rules, section 39 of the *Canada Evidence Act* protects Cabinet confidences. Cabinet confidences are information that would reveal the discussions and deliberations of Cabinet ministers on matters that have been discussed at Cabinet meetings. The essence of the principle of Cabinet confidentiality is to protect the collective decision-making of ministers. Without this protection, Cabinet members might not be able to speak freely, and it could be very difficult for the government to speak in unison before Parliament and the public.

Section 38 of the *Canada Evidence Act*: injury to international relations, national defence or national security

The *Canada Evidence Act* sets rules around the disclosure of information in proceedings when this could injure Canada’s international relations, national defence or national security. These rules are found in section 38 of the *Canada Evidence Act*. They must be followed in many types of proceedings, including this inquiry. In practice, section 38 allows the Commission to examine significant amounts of highly classified information but prohibits the Commission from disclosing that information to the public unless the government agrees to it.

These rules apply to “sensitive” or “potentially injurious” information. “Sensitive” information means information in the possession of the government relating to international relations, national defence or national security that the government is taking measures to protect. “Potentially injurious” information means information that could injure international relations, national defence or national security if it were disclosed to the public.

Section 38 provides that a participant in a proceeding must notify the Attorney General of Canada if sensitive or potentially injurious information is expected to be disclosed. Once such notice has been given, section 38 prohibits the disclosure of the information. The information can only be disclosed if either the Attorney General of Canada agrees to it, or the Federal Court decides that it can be released.

To facilitate my work, the Government authorized individuals and entities to disclose this type of information to the Commission. However, under section 38, the Commission can only disclose this information with the consent of the Attorney General of Canada or with a decision from the Federal Court of Canada.

The details of the section 38 rules are complex. To put it simply, the government could object to the Commission releasing information to the public if the government believed it would cause injury to international relations, national defence or national security. If the Commission and the government disagreed on the matter and could not resolve the disagreement, they could have gone to the Federal Court to resolve the dispute. The Court would decide whether the information would in fact cause injury if released, and if so, whether the public interest in disclosing it outweighs the public interest in keeping it secret. In reaching its decision, the Court could consider reasonable alternatives most likely to limit any injury, such as permitting the disclosure of redacted documents or summaries of information.

This is a very simplified description of the section 38 rules. In practice, the process is laborious and time-consuming. As I discuss below, the time required to obtain a court decision in a section 38 proceeding presented a challenge for this Commission, which had to operate under a very tight timeline. The Commission was nonetheless ready to go to Federal Court, if this had been necessary to accomplish its mandate, though it ultimately did not have to.

Section 37 of the *Canada Evidence Act*: specified public interests

The government can also object to information being disclosed based on specified public interests under section 37 of the *Canada Evidence Act*. This protection is not limited to a particular type of harm or interest. Any sufficiently compelling public interest not related to national security can justify not disclosing information. Each case must be evaluated individually. In practice, specified public interest immunity has been used to protect the following interests, among others:

- the identity of confidential informants
- information about ongoing criminal investigations
- information about sensitive investigation techniques
- information that would endanger the safety of public officers or members of the public, if disclosed.

Under section 37, if the government objects to information being disclosed because of a specified public interest, the information can only be disclosed with a court’s authorization.

The *Foreign Interference and Security of Information Act*: persons permanently bound to secrecy and special operational information

The *Foreign Interference and Security of Information Act* (“**FISIOA**”)³⁵ seeks to ensure that sensitive information will not be publicly disclosed unless authorized by the government. In some ways it is like section 38 of the *Canada Evidence Act*: both laws share the purpose of protecting the confidential information vital to certain national interests. However, they do this in different ways. Section 38 governs how sensitive information is produced or disclosed in legal proceedings. Meanwhile, the *FISIOA* makes it a crime to communicate, store, receive or use certain types of sensitive information without authorization.

³⁵ Previously known as the *Security of Information Act*.

Two elements of the *FISIOA* are particularly relevant to the Commission’s work: the categories of “persons permanently bound to secrecy” and “special operational information.”

A relatively small group of people are permanently bound to secrecy due to the nature of their work or the sensitive information they are exposed to. These people must keep certain information secret, forever. They have increased responsibilities to protect information and to prevent it from being disclosed without authorization and may face criminal charges for failing to do so. People who are permanently bound to secrecy include, for example, employees of CSIS and CSE. The Commission’s staff and I are also permanently bound to secrecy.

Once a person is permanently bound to secrecy, they have that status for life. They must respect certain obligations even if they are no longer employed by a designated agency or no longer have access to sensitive information.

Persons permanently bound to secrecy must follow rules that restrict communicating any sensitive information, particularly “special operational information.” Special operational information is information that the government is taking measures to protect, either because it reveals certain types of information listed in the *FISIOA*, or because it can allow someone to infer information listed in the *FISIOA*. This includes information such as:

- the identity of confidential human sources of intelligence
- military plans
- how Canada collects intelligence secretly
- the targets of secret operations
- any information of a similar nature.

For a person who is permanently bound to secrecy, it is a crime to communicate or confirm special operational information intentionally and without authorization.

The *FISIOA* is relevant to the Commission’s work because a very large part of the documents provided by the government contain special operational information. As persons permanently bound to secrecy, the Commission’s staff and I cannot legally disclose this information without authorization.

Sections 18 and 18.1 of the *Canadian Security Intelligence Service Act*: covert operatives and confidential human sources

Two sections of the *Canadian Security Intelligence Service Act* (“**CSIS Act**”) are also relevant to materials held by the Commission.

Section 18 protects the identity of CSIS employees who have or are likely to engage in covert (secret) operations. In performing their duties under the *CSIS*

Act or in its administration or enforcement, individuals may learn the identities of such CSIS employees. Section 18 prohibits them from disclosing this information.

Section 18.1 protects the identity of CSIS’s confidential human sources. In some ways, this protection is narrower than section 18 because it only prohibits disclosing information as part of a legal proceeding. On the other hand, it is broader because it prohibits anyone from disclosing the information, regardless of how they obtained it. These disclosures would nevertheless be captured and protected by section 38 of the *Canada Evidence Act*.

In practice, the protection in section 18.1 prevents the Commission or Participants from publicly disclosing any information that would tend to reveal the identity of a CSIS human source.

Section 55 of the *Communications Security Establishment Act*: persons or entities giving confidential assistance

Section 55 of the *Communications Security Establishment Act* protects the identity of individuals and organizations who give or have given confidential assistance to CSE to enable it to perform its duties and functions. It is similar to the protection for CSIS human sources. Any information that could reveal the identity of a person or entity who provides or has provided assistance to the CSE on a confidential basis cannot be disclosed during a legal proceeding.

In practice, this means the Commission cannot disclose information that would tend to identify a person or entity who assists or has assisted CSE since this could pose risks to their safety or life.

4.6 Other Concerns that Favour Confidentiality

Beyond national security, other concerns also weighed in favour of keeping certain information confidential during this inquiry. Two examples can help illustrate the diverse interests that may have to be balanced against the public interest in transparency.

Protecting diaspora communities and other targets of foreign interference

The first example relates to concerns raised by members of diaspora communities and others who may be the targets of foreign interference. People in Canada who are targets of repression by foreign regimes (transnational repression) may have very real fears about speaking out publicly about their experiences. This may be due to the trauma they have experienced, or out of fear of retaliation for speaking publicly. Their fear may relate to their own safety, or that of their family, friends and community members, whether living in Canada or abroad.

Obtaining the views and insight of members of these communities was critical to the Commission’s success. Indeed, the Commission’s Terms of Reference explicitly refer to diaspora communities as potentially being “especially vulnerable” and “the first victims of foreign interference in Canada’s democratic processes.”³⁶ Yet to learn from the lived experiences of those most impacted, the Commission sometimes needed to offer witnesses protections that made the process not fully transparent.

Under the Commission’s *Rules of Practice and Procedure*, I authorized potential witnesses to apply to me confidentially for a wide range of protections. The Commission also developed additional procedures to obtain information from members of the public confidentially, even without a formal application by a witness. These measures were critical for the Commission to fulfil its mandate, even if by their nature, they limited the Commission’s transparency.

Ultimately, I heard from more than 100 diaspora community members from 13 different communities about their experiences and concerns respecting foreign interference. I did so during private consultation meetings (see Volume 6, Chapters 20 and 21). I also received information from some diaspora community members during the public factual hearings, and from some witnesses by affidavit.³⁷

Protecting ongoing investigations

Another concern played a significant role in the Commission’s investigation: protecting ongoing investigations. I cannot share information that would compromise ongoing investigations with Participants or the public. The Terms of Reference direct me to perform my duties “in such a way as to ensure that the conduct of the Public Inquiry does not jeopardize any ongoing criminal investigation or proceeding, or any other investigation.”³⁸

³⁶ Order in Council P.C. 2023-0882, cl. (a)(i)(C)(II).

³⁷ See Volume 6, Chapter 20 for more details on the Commission’s Public Consultation Program.

³⁸ Order in Council P.C. 2023-0882, cl. (a)(iii)(B).

Even without this limitation in the Terms of Reference, provisions such as section 37 of the *Canada Evidence Act* and certain provisions of the *Canada Elections Act* would have limited the extent to which certain information could be made public. Therefore, while I heard some evidence about ongoing investigations by law enforcement agencies during the public hearings, this was frequently in the form of summaries or simply references to the existence of investigations. More detailed information was often obtained by the Commission but could not be publicly disclosed.

4.7 The Challenge of Maximizing Transparency with Limited Time

The Commission faced a serious challenge in its efforts to be transparent due to the limited time available to complete its work, given the large volume of information it received and the need to protect sensitive.

To put the challenges facing the Commission in concrete terms, I will discuss the documents the government provided to the Commission. These documents form the bulk of the evidence obtained by the Commission during its proceedings. They contain a wealth of information about possible foreign interference into Canada’s electoral processes and democratic institutions, as well as measures taken by the government to detect, deter and counter such threats. Unsurprisingly, Participants, the media and members of the public are interested in seeing these documents. It is also unsurprising that many of these documents are highly classified.

Most commissions of inquiry do not encounter any classified materials. When they do, the classified materials are exceptional, making up a small part of the evidence they receive.

Our inquiry was fundamentally different. Of the nearly 50,000 documents produced to the Commission by the government of Canada, approximately 80% were classified. Much of the information the Commission received was special operational information under the *Foreign Interference and Security of Information Act*.

How national security confidentiality impacted the Commission’s work

Documents being classified had only a limited impact on conducting my investigation. All lawyers working for the Commission obtained Top Secret clearances and received the “indoctrinations” required to access all relevant compartmented information. My staff had access to some of Canada’s most

closely guarded secrets. The Commission independently selected who to interview and who to call as a witness to testify before me under oath or affirmation. Also, the Commission had access to the most senior levels of Canada’s bureaucracy and political leadership, up to and including the Clerk of the Privy Council and the Prime Minister.

Put simply, national security confidentiality did not affect my ability to seek out the truth, even if it presented real challenges in maintaining open and transparent processes and reports.

How national security concerns impacted the Commission’s transparency

I return to where I began this chapter: public inquiries must be transparent to be successful. Every limit on the public nature of a commission is a missed opportunity. Being open and transparent helps foster public confidence, educate the public and enable the public to participate in finding the truth on a matter of grave public concern.

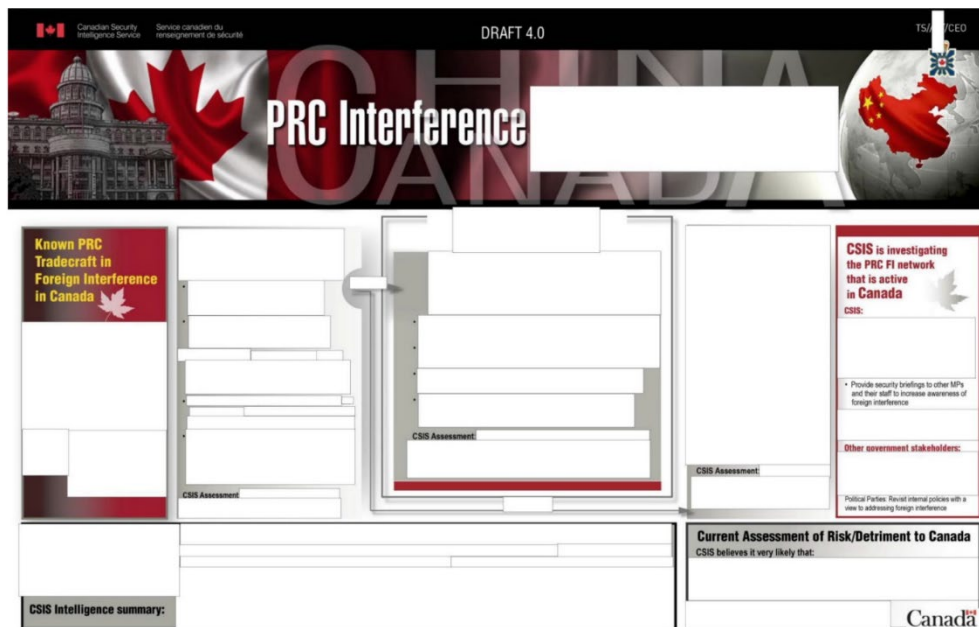
But the reality of this inquiry meant that limits on transparency were inevitable. Everyone agrees that this inquiry had to limit the information it disclosed to some extent, even the people most in favour of openness. The challenge was finding ways to maximize transparency given the realities of the information the Commission handled.

I held preliminary hearings in January and February 2024 to explore ways of maximizing transparency while protecting national security. At the start, the Commission identified a sample of 13 documents provided by the government. The Commission asked the government to redact them (to remove information) into a format that could be publicly disclosed. The results were striking.

In some cases, very little text was removed, and the redactions did not prevent a reader from fully understanding the document. For example, a 32-page report classified at the Secret Level had only a single redaction of approximately four lines of text.³⁹ Anyone reading this document would fully understand its nature, context and content.

In other cases, however, documents were so heavily redacted that they were impossible to understand. Here is an example of one such document:

³⁹ CAN000900: *Report on the Assessment of the Critical Election Incident Public Protocol*.



A range of considerations can explain the differences in how documents are redacted. In some cases, documents are only classified because of a single sentence or piece of information and the classified information can be identified and removed. Some types of documents are created to be distributed to a wide audience. They are worded to avoid disclosing sources, methods or other highly sensitive details. Those documents can then be publicly disclosed with almost no changes.

However, other documents are drafted differently, often for very specific audiences who already hold the highest security clearances. An example were CSIS intelligence reports, which former CSIS Director Vigneault described as containing essentially “raw intelligence.” They are meant to be read by a very small number of people within the federal government. These documents are drafted to be precise and direct. They often contain highly sensitive information related to sources or methods of collection.

It is interesting to note that some documents containing, on their face, very similar information had fewer redactions. These documents are designed to be shared with a wider audience and can be disclosed to the public in a far more accessible way.

To sum up, many documents the Commission received could not be disclosed to the public in a useful format. Sometimes, however, the Commission identified documents it could disclose more easily that conveyed the same information about foreign interference and Canada’s responses.

How limited time posed a problem

The exercise testing the 13 sample documents revealed a second challenge: the problem of time. The government said it took some 200 person-hours to redact those 13 documents. Former CSIS Director David Vigneault also testified that the government experts who had to review the documents to assess the risk of harm from disclosing them had other important duties. The same experts collect information and produce intelligence the government relies on to protect Canadians. In other words, not only did the redaction exercise take a lot of time, but as a result, the government had to divert resources from other important tasks.

I accept the government’s assessment that the mass review and redaction of documents produced to the Commission was “not sustainable if replicated over a longer term.”⁴⁰ Indeed, I doubt the government could have reviewed every relevant classified document for public release until well after the Commission ended.

The redaction exercise helped me understand the challenges that the Commission faced in maximizing transparency. It also confirmed that some documents are both informative and can be released in a way that allows Participants and the public to understand them. However, repeating the same process for the many, many thousands of classified documents the Commission received was simply unrealistic. These realizations helped to inform the strategy the Commission took to maximizing transparency.

The Commission’s preliminary hearings then turned to other potential strategies for maximizing the information disclosed to the public. The Commission heard from academic experts, current and retired members of Canada’s intelligence community and the then Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs, Dominic LeBlanc.⁴¹ The Commission also received proposals from the Participants both before and after the hearings.⁴²

⁴⁰ CAN.DOC.000001: *Letter to Commission from Government of Canada – National Security Confidentiality Review* at p. 6.

⁴¹ In December 2024, Minister LeBlanc ceased to be Minister of Public Safety, and became Minister of Finance.

⁴² A summary of the Participants’ proposals can be found in Annex D of my Initial Report.

4.8 My Practical Approach to Balance Transparency and National Security

I adopted an approach to this Inquiry that I believe allowed for carefully balancing the public interest in transparency with the need to protect national and personal security. I also tried to remain flexible and to be creative to promote transparency, while respecting the legal rules and practical limitations that applied to the Commission. This approach did both and could, in my view, live up to the ideals of what a public inquiry should be.

My approach to national security confidentiality focused on three scenarios that were likely to arise during the inquiry:

- The Commission wished to disclose documents received from the government, but the government believed these documents had to be redacted.
- The government requested that testimony be given in camera (i.e., in the absence of the public and Participants, other than the Attorney General of Canada) because the evidence dealt with sensitive or classified information.
- Persons who feared for their safety but wished to contribute to the Commission’s work requested to testify or provide documents in camera or with other protective measures in place.

Disclosing government documents

The Commission’s *Rules of Practice and Procedure* took into account that the Commission would receive unredacted documents from the government and would identify what it wished to present as evidence or disclose to the Parties. These *Rules* were adopted after consulting with the Parties.

The Commission carefully reviewed the thousands of documents provided by the government. I can confidently say that not all of them were relevant or useful for the public to understand the issues I was examining. Also, in many cases, multiple documents conveyed the same relevant information in different ways. Some of them were more suitable for public disclosure than others.

Because of this and of the limited time available, the Commission did not attempt to obtain publicly disclosable versions of each and every relevant document. Instead, the Commission’s focus was to obtain public disclosure of the documents and information the Commission considered the most relevant and useful. I believe the Commission’s success in promoting transparency and openness can be measured by both the quality and quantity of information it succeeded in making public.

First, the Commission identified its priority documents. It then worked with the government to agree on what information had to be removed from documents, or on an acceptable way to summarize them. The Commission's approach varied from document to document and topic to topic. It depended on the best option to convey meaningful information to the public, while also protecting national security confidentiality.

When the government proposed removing information, I did not agree without question. The Commission required the government to justify its redactions. If the Commission considered the information relevant and useful and the redaction not justified, Commission counsel pushed back. In some cases, the Commission and the government worked to agree on a publicly disclosable summary, as set out in the *Rules of Practice and Procedure*.

In other words, the government was required to demonstrate that disclosing the information could be injurious (harmful) to the critical interests of Canada or its allies, national defence or national security, as written in my Terms of Reference.

Where the government and the Commission could not resolve a disagreement, litigation remained open as a final means to decide the issue. Asking the Federal Court to make decisions on section 38 (injury to international relations, national defence or national security) was, however, far from ideal. That said, the Commission made it clear that it was ready to go to court if need be.

In order to address disagreements pragmatically, the Commission would sometimes accept a redaction to ensure that a document could be produced to the Participants or the public in a timely way, while reserving its rights to continue to push for greater disclosure. In some cases, this allowed the Commission to obtain versions of documents with fewer redactions as its hearings continued.

I note as well that the Commission's efforts to release as much information as reasonably possible continued even after its public hearings. As a result, I was able to release even more information in this report than had previously been made public.

Evaluating government requests for *in camera* hearings

My Terms of Reference permitted the Attorney General of Canada to request that I receive information in the absence of the public and in the absence of any Participant and their counsel. This is what is referred to as an "*in camera* hearing." I was required to hold an *in camera* hearing if I believed that disclosing the information could cause injury to the critical interests of Canada or its allies, national defence or national security. The *Rules of Practice and Procedure* also provided for this.

During the first part of the Commission’s proceedings, when the government requested such a hearing, I required it to prove why it was necessary. Commission counsel tested the government’s claim that *in camera* hearings were necessary. Before the *in camera* hearings took place, Commission counsel questioned the government’s assertions that certain evidence could not be shared with the public.

During the second part of the proceedings, I once again asked the government to make submissions on the need for *in camera* hearings.

Ultimately, I was convinced that the government established that some evidence should be heard *in camera*. After these *in camera* hearings, the Commission and the government prepared public summaries of the evidence presented that disclosed as much evidence as possible.

As with documents, asking the Federal Court to resolve disputes with respect to *in camera* hearings would not have been ideal. That said, it remained an option to seek maximum transparency in the event that the Commission and the government could not agree on the content of a summary of an *in camera* hearing. This did not happen.

Protecting individuals who fear for their safety

Protecting the legitimate interests of individuals who feared for their safety was a matter I took seriously. While not a question of national security confidentiality, it presented a challenge in maximizing transparency and openness.

When a person asked to testify before me *in camera* because they feared for their safety or that of those close to them, I answered their request promptly. In some cases, I concluded that an *in camera* hearing was not justified, but that some protections were required. The person always knew what protections they would receive before deciding whether or not to provide evidence to the Commission.

In two cases, I permitted witnesses to provide evidence by way of sealed affidavits because I was satisfied that it was necessary in order to protect their safety and wellbeing. I did not feel that it was necessary to hold *in camera* hearings, but obtaining their evidence through sealed affidavits had the same effect: the Commission obtained their evidence while providing them with necessary protections.

4.9 Summary of the Challenge the Commission Faced and of my Approach to Transparency and to Protecting National Security

In this chapter, I discussed the challenge the Commission faced in balancing essential but competing interests.

On the one hand, the Commission had to be as open and transparent to the public as possible. This is part of any commission's purpose and is necessary for public trust.

On the other hand, I had to be careful to protect sensitive information that could harm Canada's national security or certain other interests if it became public. This is especially true given the nature of my mandate and the amount of classified information I received as evidence.

There were also practical limits to what I could do. I had a short deadline to deliver this report. Asking the government to review, edit or redact thousands of documents to release them publicly was unrealistic.

Considering all this, I believe I took a flexible and balanced approach. Commission counsel worked with the government to disclose as much information as possible, trying to find solutions in instances of disagreement. I am satisfied by the result since we have been able to disclose a body of information about Canada's highly sensitive topics that is unprecedented.

In my view, this has also shown that it is possible to disclose sensitive information without compromising national security. I hope that this will help the national security and intelligence community and the government find effective ways of disclosing information when it is justified in the public interest. That said, it is unquestionably in Canada's interests, and in the interests of us all, that some intelligence remains secret. We must come to accept this.

CHAPTER 5

Introduction to Intelligence Concepts and Related Challenges

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5.1 Introduction

As I mentioned in the previous chapter, intelligence played a central role in this Inquiry. The Commission received both raw intelligence as well as intelligence reports and assessments. Other documents disclosed how intelligence was communicated, considered and sometimes acted on.

In the previous chapter, I discussed the challenge faced by the Commission in balancing the need for transparency and the need to protect national security. One of the ways in which the Commission did this was by obtaining public summaries of the intelligence that Canada possessed on particular topics (referred to as the “topical summaries”). These summaries, which were prepared by the government, all came with long caveats about the reliability of the intelligence. They highlighted the fact that intelligence must be approached with caution and has inherent limits and weaknesses. Intelligence can be very useful or even critical, but can also be unreliable, incomplete or simply wrong. Thus, intelligence should not always be understood as being true and reflective of reality. It must be used with caution, especially when it comes to relying on it to take measures that will negatively impact someone in particular.

Intelligence is easy to misunderstand. Most people have never seen an intelligence report or assessment, and most probably do not know how intelligence is collected, analyzed, shared and used. This can lead to misconceptions. Some people may believe intelligence is proven fact that is necessarily reliable and trustworthy. Others see it as something that is inherently suspect and unreliable.

Given how central intelligence was to the Commission’s work, it is important to understand what it is, why it is produced, how it is used and what it can or cannot do. A realistic understanding of intelligence provides critical context for the evidence the Commission heard. This chapter aims to provide this understanding.

5.2 What Intelligence Is

Intelligence is information for policymakers and decision-makers

Intelligence has no universally accepted definition, making it challenging to describe. To begin, it helps to distinguish intelligence from the broader concept of information. Simply put, information is anything that can be known, no matter how it is known, what it is about or whether it is true.

Intelligence is a subset of information. More precisely, intelligence is generally understood as information that has been collected, processed and narrowed to meet the needs of policymakers or decision-makers.

Of course, policymakers and decision-makers have diverse interests, needs and concerns and require information about many topics to address them. However, when people use the word “intelligence,” they most commonly do so in respect of international relations, national defence, national security or a combination of these topics. We often divide intelligence into corresponding categories:



Foreign intelligence relates to what foreign individuals, states, organizations or terrorist groups do, can do or intend to do in relation to international affairs, defence or security



Defence intelligence relates to military operations and planning at every level, from tactical to strategic



Security intelligence relates to threats to Canada’s security caused by espionage and sabotage, foreign interference and influence, terrorism, subversion and violent extremism



Criminal intelligence relates to investigations into criminal offences, which can include some of the threats listed above, like terrorism and violent extremism

Intelligence is part of a process

Intelligence is the product of a sophisticated process in which information is requested, collected, analyzed and provided to policymakers and decision-makers. This process is often called the “intelligence cycle.” There is no universally accepted definition of the intelligence cycle, but it is typically described as including the following phases:

1 Priorities and direction

Policymakers and decision-makers express their needs to the intelligence community, reflecting the government’s policy priorities. Some priorities are long-standing, while others address current issues. In Canada, intelligence priorities are set every two years by Cabinet, which then sends directives to intelligence agencies designed to carry out these priorities. I discuss this aspect of the intelligence cycle in Canada in more detail in Volume 3, Chapter 10.



2 Planning

Intelligence agencies determine how to meet the government’s intelligence priorities. They plan collection, assign resources and determine the need to collaborate with partner agencies.



3 Collection, processing and exploitation

Intelligence agencies collect information using different methods and sources. What and how they collect depends on what is being investigated, what is allowed by law and what sources are available. If necessary, information is converted, translated or synthesized so it can be analyzed.



4 Analysis and production

Intelligence analysts examine and evaluate the information. They add context and integrate the information into reports and other intelligence products. Those products can include an assessment of the subject and its potential policy impacts. Analysts can also identify gaps in the intelligence and suggest collecting more information.



5 Dissemination

Finished intelligence products are shared with government policymakers and decision-makers or other officials. The intelligence products can vary based on the issue or the intended audience.



6 Feedback

Policymakers and decision-makers evaluate the intelligence, give feedback on whether it meets their requirements and suggest adjustments or improvements. This feedback can influence future requirements or direction given to agencies, and can lead agencies to improve their processes, especially when they distribute intelligence.



Intelligence is collected in different ways

Intelligence is collected in various ways depending on the collector’s capabilities, the nature of the issue, available tools and what collection is allowed by law.

The main categories of intelligence include:

<p>Human-Source Intelligence (HUMINT)</p> <p>Information collected from human sources.</p> <p><i>For example, information collected from a confidential informer.</i></p>	<p>Signals Intelligence (SIGINT)</p> <p>Information collected by accessing signals between people, between machines, or a combination of both.</p> <p><i>For example, intercepted email over the Internet.</i></p>	<p>Imagery Intelligence (IMINT)</p> <p>Images of objects created electronically or with optical tools on film, screens or other media.</p> <p><i>For example, satellite images of a foreign military installation.</i></p>
<p>Geospatial Intelligence (GEOINT)</p> <p>Imagery and geospatial data produced by integrating imagery intelligence and geographic information.</p> <p><i>For example, mapping a foreign state’s underwater coastline.</i></p>	<p>Open-Source Intelligence (OSINT)</p> <p>Publicly available information, including traditional and social media, public records, academic journals, professional resources, commercial databases or websites.</p> <p><i>For example, corporate business records.</i></p>	<p>Measurement and Signature Intelligence (MASINT)</p> <p>Scientific and technical information used to locate, identify or describe distinctive characteristics of specific targets.</p> <p><i>For example, detecting and measuring nuclear radiation.</i></p>

5.3 The Limitations of Intelligence

Canada devotes considerable resources to collecting, analyzing and sharing intelligence to inform policy and operational decision-making. Intelligence is a valuable tool for responding to challenges like foreign interference, but it is important to understand its limitations.

While intelligence is important, it has inherent limitations. Recognizing those limits helps in understanding how and why government policymakers and decision-makers responded (or did not respond) to intelligence they received during the periods examined by the Commission.

Intelligence is not always reliable and credible

As I discussed above, intelligence is collected through various methods. The reliability of the information obtained may vary from source to source. For example, the report of a witness to an event may be unreliable if the witness did not have a good opportunity to see the event or if it occurred quickly. On the other hand, wiretaps of communications can reliably convey the exact words spoken. Even then, however, their meaning may be unclear or even intentionally deceptive.

The credibility of sources can also be a concern. Sources may, for example, attempt to intentionally mislead their audience. An untested human source may provide confidential information to an intelligence officer, who must then consider several factors when assessing if the information is reliable and credible:

- Why did the source provide the information?
- How did the source obtain the information?
- Has the source provided reliable information in the past?
- Could someone have planted misleading information?
- Have others received similar information?

Intelligence officers sometimes know the answers to these types of questions, but other times they do not. This can make it difficult to know if intelligence is reliable and credible. Moreover, intelligence reports are often based on a combination of different sources of intelligence, which are pieced together to try to convey a larger picture. Each piece may have a different degree of reliability and credibility, which can make it challenging to appreciate the overall strength of a report.

Intelligence does not eliminate uncertainty

Government policymakers and decision-makers also deal with uncertainty when considering intelligence. Indeed, they regularly set policy or make decisions based on imperfect information. Intelligence aims to improve this situation, but it does not always do so. Still, decisions must be made, even under significant uncertainty.

The Commission requested “topical summaries” from the government that were based on Canada’s intelligence holdings.⁴³ These unclassified summaries came with warnings (caveats) about their limitations. For example, the caveats warned that information may:

- come from a single unconfirmed source
- have unknown or varying degrees of reliability
- be provided to influence rather than to inform
- be translated from a different language
- be incomplete or insufficient.

These factors, and others, can affect how policymakers and decision-makers consider and act on intelligence.

Simply put, it is important to remember that just because intelligence suggests something, it does not mean it is true, accurate or complete.

5.4 The Challenges of Acting on Intelligence

Intelligence is collected to help guide policy and decisions. It can provide valuable context to help government officials understand other information. Sometimes, intelligence can help decision-makers act to address particular issues. For example, it may reveal a threat requiring a response or an opportunity that could benefit Canada.

However, using intelligence and acting on it comes with challenges. As discussed above, one major challenge is determining if intelligence is reliable and credible. Intelligence is not perfect and determining whether it requires action can be difficult. Even if intelligence is sufficiently credible and reliable to act upon, other challenges can remain.

Acting on intelligence can reveal sources, targets and methods

By acting on intelligence, Canada might alert foreign actors that it knows something they wish to keep secret. In turn, this can expose how Canada obtained the information and the means it used to collect it.

⁴³ These were also referred to as the “CAN SUM” documents, as they were listed with Document ID numbers starting with “CAN.SUM” in the Commission’s records management system.

Sophisticated adversaries, like hostile foreign states, keep a close watch on Canada’s actions. They do so to gain information about Canada, but also to learn what intelligence Canada may or may not have about a foreign state. Even minor intelligence-based actions can expose targets of an investigation, as well as disclose what Canada knows, does not know and the sources and methods used to obtain that information.

For example, suppose Canada acts based on sensitive information from a human source to bolster its defences around a Canadian embassy in anticipation of an attack from a hostile actor. The hostile actor may notice Canada’s actions and suspect it is based on leaked information. If only a few people had access to that information, the hostile actor could suspect that one of them provided the information to Canada, and use threats or violence to identify the leaker. The Canadian government’s actions could therefore jeopardize their source and put them in direct harm.

Protecting sources and methods is crucial for Canada to keep gathering intelligence. If a foreign state learns of Canada’s sources – human or technical – it can take steps to neutralize those sources or make them less effective. This can endanger people who take risks to provide intelligence to Canada and its allies. Without the ability to protect the shared information, Canada may lose out on critical intelligence in the future, which in turn could harm our national security.

The fact that Canada is a net importer of intelligence adds a further dimension to the need to protect sources and methods. Much of Canada’s intelligence comes from its foreign allies, all of whom expect Canada to protect those allies’ sources and methods. Failing to do so could make allies hesitate to share intelligence in the future.

In summary, while acting on intelligence is often necessary, it requires a careful balance between acting today and preserving the ability to gain intelligence in the future. Sometimes, this means refraining from action or opting for less public measures to protect sources and methods.

Using intelligence in legal proceedings presents challenges

Challenges also arise when government actions based on intelligence lead to a legal proceeding. This is because of the specific rules and procedures that apply to legal proceedings, many of which are designed to protect the rights of individuals. These problems are collectively known as “intelligence-to-evidence” or “intelligence-as-evidence” challenges. To understand them, it is important to understand what is meant by “evidence.”

Evidence is the foundation of any legal proceeding. It is something (testimony, documents or objects) presented in a proceeding for the purpose of proving or disproving some fact. People or parties rely on evidence to make their case or defend themselves, with a view to obtaining a desirable outcome. Decision-makers, such as judges, assess the evidence presented in deciding what that outcome should be.

The admissibility of intelligence as evidence varies based on the type of proceeding and the required burden of proof. For instance, police may use intelligence to justify an arrest or obtain a search warrant from a judge. Intelligence can also be presented during a bail hearing to demonstrate that the accused is a flight risk or poses a danger to the public. But most of the time, in a criminal trial, intelligence is similar to hearsay (i.e., information heard or observed by someone other than the witness) and is therefore inadmissible. In such cases, the prejudicial impact on the accused’s rights almost always outweighs its probative value. At a very basic level, the difference between intelligence and evidence is what you know (or think you know) and what you can prove in a court of law.

In many situations, strict rules govern what can be presented as evidence. Those rules determine:

- What is admissible, meaning what can be presented in a proceeding.
- How it can be presented in a proceeding.
- How this material can be used after it has been admitted for consideration.

These rules are important in our legal system. They are designed to ensure that decisions are based only on reliable information and that people are treated fairly. They can also make it difficult or impossible to use intelligence as evidence. There are at least two reasons why: (1) the use of intelligence in legal proceedings may result in it being disclosed – either to a participant or to the public – and (2) because intelligence itself may not meet the legal requirements to be admissible, and thus cannot be considered by a decision-maker.

Intelligence is subject to disclosure

The risk of revealing sources and methods of collecting intelligence is especially high when legal proceedings are contemplated. This is because in most legal proceedings, the opposite side has a right to access relevant information. This risk is particularly high if police use intelligence during an investigation that leads to someone being charged with a crime.

In Canada, a person charged with a crime has a constitutional right to “disclosure”. This means the prosecution must provide them with all the information in its possession relating to the investigation unless it is “clearly irrelevant” or privileged. The prosecution is required to disclose any information that the accused person could reasonably use for their defence, even if:

- the information cannot be admitted into evidence
- it is incriminating and unhelpful to the accused person
- it is not credible
- the prosecution does not intend to use it during the trial.

This means any relevant intelligence an agency shares with law enforcement must generally be disclosed to the accused person if charges are laid, even if the prosecution does not intend to use it. This could make the intelligence public and risk revealing intelligence capabilities, methods, sources or targets of investigation. Since intelligence agencies wish to protect this information, they may be reluctant to share information with law enforcement at all for fear that it would be made public. The government could use measures to prevent the disclosure of such information, such as invoking section 38 of the *Canada Evidence Act*,⁴⁴ but doing so generally means that it could not be used as evidence and could raise other problems related to fair trial rights.

The nature of the information contained in intelligence files further complicates the issue. Intelligence is often unverified and may be speculative or misleading. Intelligence gathering investigations may be wide ranging, extending well beyond the scope of a criminal investigation. In some instances, the rules of disclosure could result in providing sensitive, yet marginally relevant information to the accused person.

In other instances, the government may rely on intelligence to act against a person or entity. For example, the government may wish to rely on evidence to justify a “security certificate” to remove a person from Canada, designate a terrorist entity, deregister a charity or include a person on a “no-fly list.” This can result in legal proceedings to review the government’s actions.

A person seeking to review these types of government actions does not have the same right to disclosure as defendants in criminal trials. However, they generally still have a right to obtain some information from the government. What information they can access depends on the type of proceeding. However, the risk that sensitive intelligence may need to be disclosed if a proceeding occurs is always present, just as it is in criminal investigations.

Intelligence may not be admissible as evidence

An additional challenge with using intelligence as evidence is that it may not be admissible in a legal proceeding because of the rules of evidence.

Intelligence agencies collect intelligence to advise the government, not to use as evidence in criminal trials. Their investigations are not oriented toward criminal prosecution. While police are required to be mindful about the rules governing the admissibility of evidence when they collect information, intelligence agencies generally need not be. They can consider information or use methods that do not comply with the rules of evidence.

⁴⁴ I discuss this provision in Volume 2, [Chapter 4](#).

For example, intelligence agencies can consider information obtained indirectly. A source might inform the employee of an intelligence agency about an event another person witnessed. The employee can then include this second-hand information in their analysis. Police can also use this kind of information during their investigation to obtain a search warrant from a judge, for example. However, they could not use this as evidence at trial because hearsay rules generally prevent the use of such indirect information as evidence in court. The hearsay rule prohibits someone from testifying about what someone else told them. To use this information in court, the original witness must be found and called to testify, which may not be possible.

If acting on intelligence will result in a legal proceeding in which the intelligence itself cannot be relied upon, there may simply be no reason to commence the proceeding in the first place.

Using intelligence to make a decision that impacts someone may be unfair

Decision-makers should be cautious when using intelligence to decide issues that will directly impact a person's reputation, livelihood or rights. Courts have rules of evidence to ensure decisions are made on information that is credible and reliable for a reason. As explained above, intelligence is not evidence of fact. Decision-makers who consider actions that would negatively impact someone's rights, freedoms or opportunities should bear the limitations of intelligence in mind when doing so. This is also why I decided that it would be unfair to identify in this report Canadians who may have been mentioned in intelligence collected by intelligence agencies in connection with foreign interference activities.

5.5 Conclusion

Intelligence is a valuable tool for government policymakers and decision-makers, particularly in matters of national security, national defence or international relations. However, it comes in various forms and its accuracy and reliability can vary. Even with much intelligence, government decisions are often made with incomplete knowledge.

Using intelligence presents challenges. Actions that could reveal intelligence sources, targets or methods of investigation must be carefully weighed against the need to continue to receive intelligence in the future. In addition, using intelligence in legal proceedings can be particularly difficult and using it to make a decision that directly impacts an individual or a group requires careful assessment by a decision-maker to ensure fairness.

Despite these challenges, intelligence remains valuable. Quality intelligence can be key in informing policymaking and decision-making and responding to threats like foreign interference. It can also offer valuable tips and leads for the authorities to follow up on and potentially gather evidence. Knowing both the strengths and the limits of intelligence is critical for assessing the measures taken by Canada to respond to foreign interference.

CHAPTER 6

Federal Entities Involved in Responding to Foreign Interference

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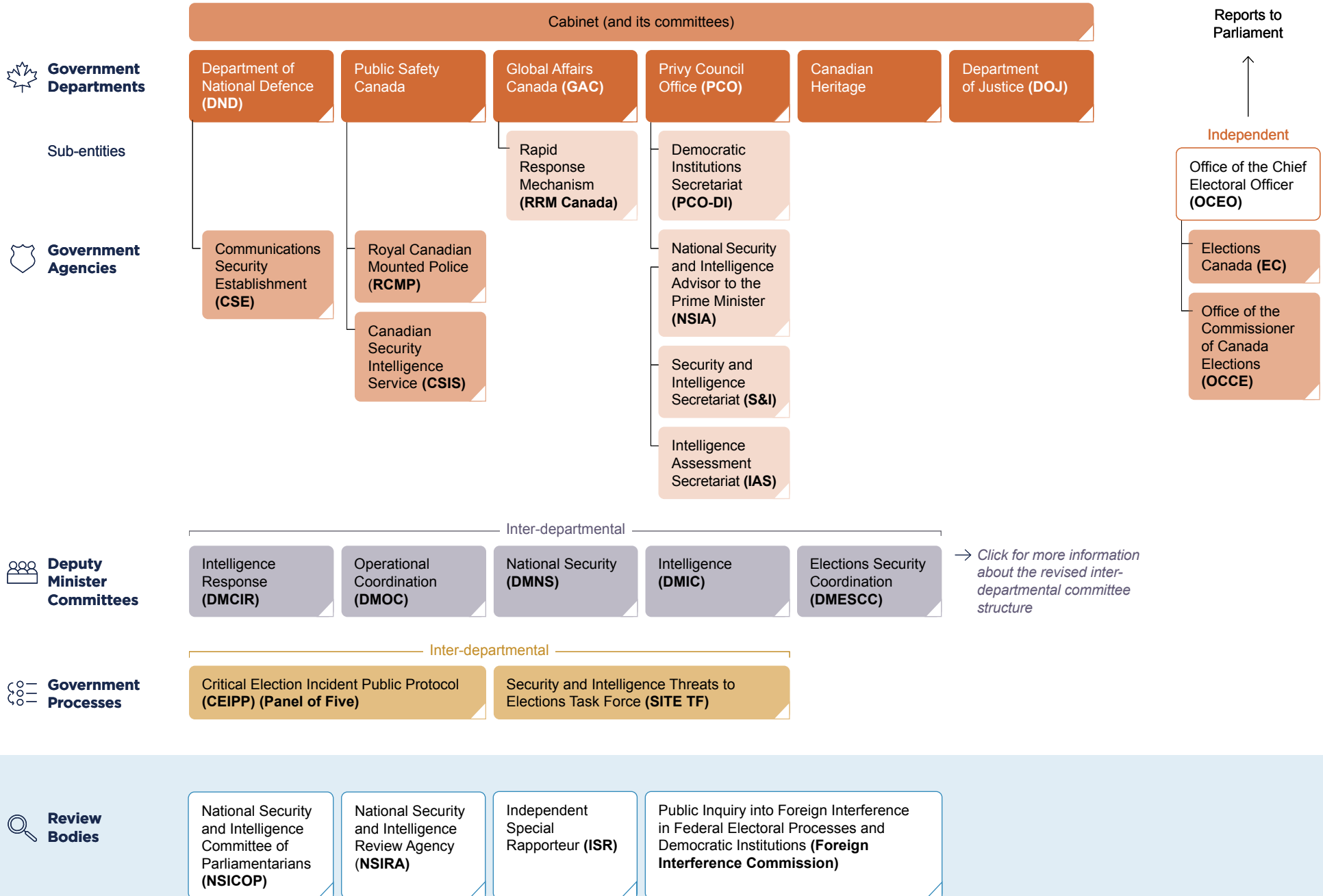
6.1 **Distinct Mandates with Interconnected Roles and Responsibilities**

In Canada, a number of government agencies, departments, other federal entities and offices are involved in detecting, deterring and countering foreign interference. Each has a specific mandate.

This chapter provides a brief overview of the main federal entities and processes relevant to the Commission’s work. I discuss these, and others, in greater detail in Volume 3, Chapters 11 and 13 of this Report.

The next page also provides a visualization of many of the entities discussed in this chapter and elsewhere in the report.

Main Federal Entities Involved in Responding to Foreign Interference



6.2 Elected Political Leadership

Prime Minister and Cabinet set direction

The Prime Minister is Head of Government and chair of Cabinet.

Cabinet is the political decision-making body that sets the federal government’s policies and priorities for the country. It is made up of the Prime Minister and ministers appointed by the Governor General on the Prime Minister’s recommendation. At Cabinet, including through various Cabinet committees, ministers propose decisions and actions for the government to take. As its chair, the Prime Minister sets the agenda of Cabinet and acts as its ultimate decision-maker.

I discuss the Cabinet committees involved in countering foreign interference in Volume 3, Chapter 11 of this report.

Political staff provide support and advice

The Prime Minister and all ministers are supported by offices composed of political staff. These political staffers are not subject to the neutrality and impartiality rules that apply to public servants and are exempt from the appointment procedures in the *Public Service Employment Act*. That is why they are referred to as “exempt staff.” They share the Prime Minister and Cabinet’s political commitment and are expected to provide the political support and advice that the non-partisan public service cannot give.

Staff in ministerial offices and the Prime Minister’s Office are the link between the political interests of their ministries and the operations of the rest of the government.

Ministerial offices and their exempt staff work separately from public servants in their respective departments. Ministerial office staff can ask public servants for information or communicate the minister’s instructions to the deputy minister or other departmental staff. However, exempt staff in ministerial offices have no authority to direct public servants’ day-to-day actions.

6.3 Government Departments, Agencies and Processes

Each Cabinet minister directs the federal department or agency for which they are responsible. Although departments are presided over by elected ministers who are members of the party in power, they are also guided by deputy ministers who are impartial public servants. Ministers generally give high-level policy direction or operational decisions to their deputy minister or agency head who then determine how to implement them.

Day-to-day departmental operations are carried out by public servants, including the deputy minister or agency head, who are among the most senior public servants in government.

Public servants, including deputy ministers and agency heads, work for the government and the public. They are responsible to the elected Government but not to a political party. They develop and deliver public programs and services, inform policymaking and advise the Government. Public servants are bound by strict political neutrality and impartiality rules.⁴⁵

The core function of the public service is to provide non-partisan, objective and frank advice to ministers to support them in the performance of their work. Once a decision is made, public servants are expected to implement policies of the elected Government without partisan bias.

These characteristics of public servants must be kept in mind at all times.

Government agencies

I briefly describe here the main federal departments and agencies discussed in this Report. I explain the workings of each of these in Volume 3, Chapter 11 of the Report.

Communications Security Establishment (CSE)

CSE is Canada’s national cryptologic agency, providing the federal government with foreign signals intelligence (“**SIGINT**”), cyber security and support for defence and national security.

The Chief of CSE is the most senior public servant within CSE. The Minister of National Defence is responsible for CSE.

⁴⁵ These rules are set out in the *Values and Ethics Code for the Public Service*.

Canadian Security Intelligence Service (CSIS)

CSIS is Canada’s security intelligence service. Its director, the most senior public servant within CSIS, reports to the Minister of Public Safety.

The core mandate of CSIS is to investigate threats to Canada’s security. One of those threats is foreign interference. Under the *Canadian Security Intelligence Service Act*, CSIS can collect information and intelligence on threats to Canada’s national security and may investigate those threats within or outside Canada. In certain circumstances, it can also take measures to reduce these threats. If requested by the Minister of National Defence or the Minister of Foreign Affairs, CSIS has a limited ability to collect foreign intelligence.

Royal Canadian Mounted Police (RCMP)

The RCMP is Canada’s national police force. It is headed by the Commissioner. Like the Director of CSIS, the Commissioner reports to the Minister of Public Safety.

The RCMP is the main federal entity responsible for preventing, detecting, deterring and responding to security-related criminal threats in Canada. This includes investigating illegal activities targeting Canada’s democratic institutions and safeguarding electoral processes.

Government departments

Public Safety Canada

Public Safety develops and provides advice to the Minister of Public Safety on national security matters. The Minister is responsible for five portfolio agencies: the RCMP, CSIS, the Canada Border Services Agency, the Correctional Service of Canada and the Parole Board of Canada. These agencies report directly to the Minister of Public Safety. They do not report to the Deputy Minister of Public Safety. CSIS and the RCMP are the agencies most directly engaged in countering foreign interference.

Privy Council Office (PCO): Clerk, NSIA and secretariats

PCO is the central coordinating point in the government. It provides non-partisan advice to the Prime Minister, Cabinet and Cabinet committees on matters of national and international importance. It also supports the development and implementation of the Government of Canada’s policy and legislative agendas. Its wide mandate covers all areas of government activity, including deterring, detecting and countering foreign interference.

The Clerk of the Privy Council heads PCO and acts as its deputy minister. The Clerk is also the most senior public servant within the federal government and is the Head of the federal public service.

Within PCO, the National Security and Intelligence Advisor to the Prime Minister (“**NSIA**”) reports to the Clerk. They are also Deputy Clerk of the Privy Council. The NSIA provides policy and operational advice, as well as intelligence, directly to the Prime Minister on issues related to national security, including foreign interference. They also support Cabinet and ensure coordination of government responses to all types of threats to the security of Canada.

PCO also includes the Democratic Institutions Secretariat, which supports the Minister of Democratic Institutions. The Minister’s mandate includes strengthening Canadian democratic institutions, combatting disinformation and examining the link between technology and democracy.

Global Affairs Canada (GAC) and the Rapid Response Mechanism (RRM)

GAC is the department that manages diplomatic relations, promotes international trade, provides consular assistance and accredits foreign diplomats in Canada. It also leads international development, humanitarian, peace and security assistance efforts and contributes to national security and the development of international law. GAC supports three ministers, including the Minister of Foreign Affairs.

GAC engages in bilateral and multilateral forums including the G7⁴⁶ Rapid Response Mechanism (“**G7 RRM**”). The G7 RRM strengthens coordination between G7 countries to identify and respond to diverse and evolving foreign threats to democracy. These threats include hostile foreign state activity targeting democratic institutions and processes.

The Rapid Response Mechanism Canada (“**RRM Canada**”) within GAC is the permanent secretariat for the G7 RRM. It monitors international online open source information for disinformation and information manipulation and works to attribute its origins. During general elections and by-elections, RRM Canada also monitors the domestic online open source environment.

Canadian Heritage

Canadian Heritage’s mandate is to foster and promote Canadian identity and values, cultural development and heritage.

The Digital and Creative Marketplace Frameworks (“**DCMF**”) branch within Canadian Heritage focuses on policy in several areas, including online disinformation and harms. DCMF also manages the Digital Citizen

⁴⁶ The G7 is comprised of Canada, France, Germany, Italy, Japan, the United Kingdom and the United States, with additional representation from European Union institutions.

Contribution Program, which funds research projects to better understand the impacts of online disinformation and how to counter it.

Department of Justice (DOJ)

The DOJ supports the dual roles of the Minister of Justice and the Attorney General of Canada. The Minister of Justice ensures the administration of public affairs is in accordance with law and oversees the administration of justice in Canada not within the jurisdiction of the governments of the provinces. DOJ also conducts all litigation by and against the federal government and advises the government, including Cabinet, on all legal matters.

The Deputy Minister who heads the DOJ also acts as Deputy Attorney General and sits on the Critical Election Incident Public Protocol’s (“**CEIPP**”) Panel of Five (“**Panel**”), which I discuss below.

Entities and processes that protect federal elections

The *Canada Elections Act* (“**CEA**”) establishes the rules for federal elections. It has provisions that can be used to counter foreign interference. For example, under the *Canada Elections Act*, only Canadian citizens and permanent residents can make financial contributions to political parties and candidates and only Canadian citizens can vote.

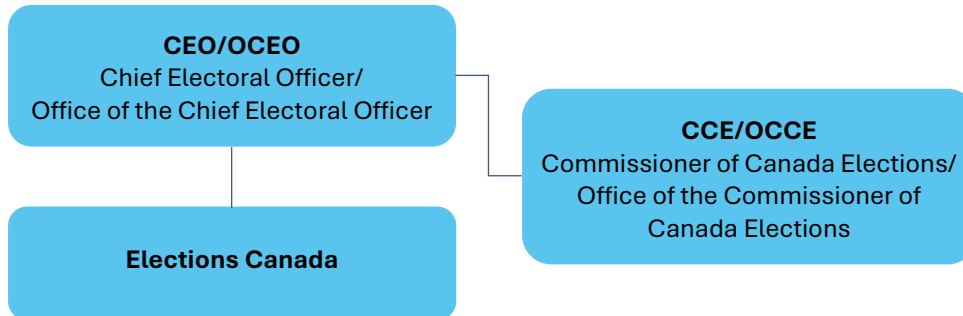
The Act also prohibits foreigners from exerting undue influence on federal elections. This means that during an election period, foreign entities or individuals are banned from spending money to, among other things, promote or oppose a candidate or a political party. While the *CEA* does not prevent foreign entities or individuals from expressing support or opposition to a candidate or a political party, it does prohibit them from spending money to do so. They are also prohibited from doing anything that is an offence under a federal law (for example, intimidation or threats) to exert influence.

In addition to protections in the *CEA*, there are also measures under the government’s Plan to Protect Canada’s Democracy (“**Plan**”) that protect federal elections like the Panel of Five and the Security and Intelligence Threats to Elections Task Force (“**SITE TF**”). The Plan is discussed in detail in Volume 3, Chapter 12 and the SITE TF and the Panel are described below.

Office of the Chief Electoral Officer and Elections Canada

The Office of the Chief Electoral Officer of Canada (“**OCEO**”) is an independent agency reporting to Parliament. Elections Canada and the Office of the Commissioner of Canada Elections (“**OCCE**”) are part of the OCEO and have different mandates.

The Chief Electoral Officer of Canada (“**CEO**”), an independent official appointed by Parliament, is the head of Elections Canada, which administers federal elections and ensures their integrity. As part of its mandate, Elections Canada monitors publicly available social media and digital content for information to detect incorrect information on the electoral process. It also receives, reviews and audits a wide range of documents that participants in the electoral process are required to file, and administers Canada’s political financing rules.



Office of the Commissioner of Canada Elections (OCCE)

The Commissioner of Canada Elections (“**CCE**”), appointed by the CEO, is the head of the OCCE. The OCCE operates independently from Elections Canada. It ensures compliance with and enforces the *CEA*. It investigates potential violations of the *CEA*, and can issue warnings, impose administrative sanctions and bring charges.

The OCCE can cooperate with the RCMP during investigations. It can receive and provide information from and to security and intelligence partners, including CSIS and the RCMP.

Electoral Security Coordination Committees (ESCCs)

The ESCCs coordinate activities related to elections integrity. These committees bring together senior officials from key agencies and departments. The ESCCs are co-chaired by Elections Canada and the Privy Council Office. They provide members with an opportunity to understand each other’s roles and responsibilities, establish lines of communication, conduct tabletop exercises and share intelligence.

Security and Intelligence Threats to Elections Task Force (SITE TF)

The SITE TF was announced in 2019 as part of the Plan to Protect Canada’s Democracy. It is an information-sharing and coordinating forum composed of representatives from CSE, CSIS, the RCMP and GAC. Its members coordinate the review of election-related intelligence, provide situational awareness to the Panel of Five and may coordinate action to mitigate threats through their respective departmental or agency mandates. It is not, however, a decision-making body. Individual members maintain their independent authorities to act.

One of the SITE TF’s main mandates is to provide regular briefings to the Panel of Five during an election period.

Critical Election Incident Public Protocol (CEIPP) and the Panel of Five

The Panel of Five administers the CEIPP, a mechanism created in 2019 to communicate with Canadians if an incident threatens, or an accumulation of incidents threaten, the integrity of a federal election. Five senior public servants sit on the Panel:

- Clerk of the Privy Council
- National Security and Intelligence Advisor to the Prime Minister (NSIA)
- Deputy Minister of Justice and Deputy Attorney General
- Deputy Minister of Public Safety
- Deputy Minister of Foreign Affairs.

The Panel receives information primarily from the SITE TF but can receive information from other sources. The Panel must evaluate if Canada’s ability to hold a free and fair election is threatened. If a threat meets the established CEIPP threshold, the Panel must decide who within government will issue a public statement to Canadians about the threat. Panel decisions are made by consensus.

6.4 **The Entities That Have Reviewed Foreign Interference**

In addition to the Foreign Interference Commission, four other entities have reviewed aspects of foreign interference.

The National Security and Intelligence Committee of Parliamentarians and the National Security and Intelligence Review Agency are statutory bodies that review all of the government’s national security and intelligence activities. Their work in relation to foreign interference is described in Volume 2, [Chapters 1 and 2](#).

The other two entities are House of Commons committees. In two specific situations, the Standing Committee on Procedure and House Affairs (“**PROC**”) has studied whether foreign states have tried to interfere with members of Parliament. PROC’s work is discussed in Volume 2, [Chapters 1 and 2](#). In 2023, the Standing Committee on Access to Information, Privacy and Ethics (“**ETHI**”) studied threats arising from foreign interference to the integrity of democratic institutions, intellectual property and the Canadian state. ETHI’s work is described in Volume 2, [Chapter 1](#).

6.5 Conclusion

In Canada, many entities participate in countering foreign interference, each with its own mandate.

Up to this point, I have provided context for the Commission’s work, to ensure readers have a common understanding about the Commission’s investigation and key concepts relevant to its mandate. In the following chapters, I turn to the evidence I heard and my conclusions from the Commission’s investigation.

CHAPTER 7

The 2019 General Election

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***Information may be incomplete:** intelligence products are discussed in many areas of this public report. Please note that this report includes only relevant information that can be appropriately sanitized for public release in a manner that is not injurious to the critical interests of Canada or its allies, national defence or national security. Additional intelligence may exist.*

7.1 Introduction

The Commission’s investigation identified a number of alleged incidents of foreign interference in the 2019 general election. A matter that received much attention during the proceedings involves allegations of irregularities in the Liberal Party of Canada (“**Liberal Party**”) nomination contest in Don Valley North (“**DVN**”), Ontario. However, I also heard evidence about events in Greater Vancouver, activities involving alleged foreign funding, Canadian Security Intelligence Service (“**CSIS**”) interventions against actions by the Government of Pakistan and potential online disinformation.

As I have noted throughout this report, much of what I discuss here is based on intelligence holdings. Much of the intelligence at issue cannot be publicly disclosed or may only be disclosed in summary form. Furthermore, much of the intelligence is uncorroborated and may be based on information of unknown or varying degrees of reliability or information that was provided to influence as much as inform. The Commission did not verify or test the contents of the intelligence holdings, and they must not be taken as proven fact.

While this chapter attempts to set out the relevant events of the 2019 election in as much detail as possible, readers should bear these limitations in mind in reading the sections below.

7.2 The Liberal Party Nomination Race for Don Valley North

Han Dong wins the Liberal Party nomination contest in Don Valley North

DVN is a riding in the Greater Toronto Area with a substantial Chinese Canadian population. Leading into the 2019 general election, the Member of Parliament (“**MP**”) for DVN was Geng Tan, a member of the Liberal Party.

In June 2019, Mr. Tan announced he would not run in the upcoming federal general election. Several people encouraged Han Dong, who was a Member of

Provincial Parliament for the Ontario Liberal Party from 2014 to 2018, to seek the nomination. He announced his candidacy later that month. Bang-Gu Jiang, who ran unsuccessfully for the Liberal Party in another riding in the 2015 election, also sought the nomination. Liberal Party insiders expected it to be a close contest, but Mr. Dong was considered to be slightly favoured.

The vote took place on 12 September 2019, the day after the 2019 federal election campaign began. It was a hotly contested nomination meeting, described as chaotic.

I heard evidence that Bang-Gu Jiang ran a strong campaign and mustered a good turnout such that Mr. Dong’s campaign believed that he might lose the vote. In the end, however, Mr. Dong prevailed by a very close margin.

What the Commission heard about alleged irregularities

In understanding the events surrounding the DVN nomination contest, it is important to distinguish between what was known at the time of the election, and what is known today. The Commission had the benefit of hearing from Mr. Dong, as well as his campaign manager Ted Lojko. During the public hearings, the Commission also had the benefit of a summary of intelligence held by the government about the DVN nomination.

The government has intelligence holdings indicating irregularities in the DVN nomination contest that may have included activities undertaken by individuals close to People’s Republic of China (“**PRC**”) officials. Information was learned from a variety of sources with various levels of corroboration.

Some information about the nomination contest, though not firmly substantiated, was provided before the 2019 election. Intelligence reporting indicated that buses were used to bring international students of Asian origin to the nomination process in support of Mr. Dong at the direction of PRC officials in Canada. Some intelligence reporting also indicated that the students were provided with falsified documents to allow them to vote, despite not being residents of DVN. The documents would have been provided by individuals associated with a known proxy agent. There were allegations that the students were told by PRC officials in Canada to support Mr. Dong if they wanted to maintain their student visas.

Further intelligence reported after the election also indicated that veiled threats were issued by the PRC Consulate to the international students, implying their student visas would be in jeopardy and that there could be consequences for their families back in the PRC if they did not support Han Dong.

The Security and Intelligence Threats to Elections Task Force (“**SITE TF**”) After Action Report for the 2019 Federal Election stated that “PRC officials likely manipulated one of the nomination contests in the Toronto riding of Don Valley North,” but it also states that some of the allegations “remain unconfirmed.”⁴⁷

Rules for voting in nomination contests are determined by political parties. To vote in a Liberal Party nomination contest, a person must be at least 14 years old, ordinarily reside in the riding and be a registered member of the party before a “cutoff” date a week or two before the vote. Non-citizens, including international students, are eligible to vote if they can provide satisfactory proof of residence. At a nomination meeting, voters are required to show ID, like a driver’s licence or other form of government ID. That information needs to match the information on the membership list.

Apparently, it is common for a campaign to bus voters to a nomination contest. There was also evidence that busing is sometimes arranged by third parties, such as a “Young Liberals” club at a post-secondary institution.

During the DVN contest, Mr. Dong’s campaign rented two buses to transport party members to the vote, including residents of apartment buildings for seniors.

Mr. Dong told the Commission that shortly after the nomination contest, he was told that a bus of international students who lived in a residence at Seneca College had come to the nomination meeting to vote. Mr. Dong drew a link between this bus and a campaign event he had attended at a Seneca College residence to solicit support from high school students attending a private school called New Oriental International College. The students spoke Mandarin, and Mr. Dong believed they were PRC nationals.

Mr. Dong did not know who had arranged or paid for the bus containing foreign students. He testified that, to the best of his knowledge, his campaign was not involved in organizing or paying for any such bus.

Assessment of the intelligence

CSIS collected intelligence suggesting that this may have been foreign interference. It included allegations that buses were used to bring international students to vote for Mr. Dong at the direction of PRC officials in Canada. The allegations were assessed as “consistent with [redacted] PRC foreign interference activity in the Greater Toronto Area...”⁴⁸

⁴⁷ CAN008973: *Security and Intelligence Threats to Elections Task Force - After Action Report (2019 Federal Election)* at pp. 12, 26.

⁴⁸ CAN005461: *SITE Task Force, FI efforts against Dong Han* at p. 1.

During the election, information related to these allegations was provided to the panel established under the Critical Election Incident Public Protocol (“**Panel of Five**” or “**Panel**”) during the election period. The information the Panel received evolved over this period. Ultimately, the allegation that buses of students attended the nomination vote was “more corroborated” than the other elements of the reporting, which remained unconfirmed.

The Panel’s view was that there was no reliable information about whether the students actually voted, whether they were forced to vote, whether they were under threat of losing their visas or whether they were indeed residents in the riding.

The Panel also considered whether its mandate covered nomination contests. At least some members queried whether the nomination process was more a matter for the affected political party. However, the Panel decided to consider this intelligence, nonetheless.

The Panel asked intelligence agencies to continue to provide it with information regarding this matter. The Panel also confirmed that CSIS had notified elections authorities and indicated that the Liberal Party should be informed. In the event that the Liberal Party nominee was elected, the party would then be aware that the person might be vulnerable to foreign interference.

The Panel ultimately concluded that the threshold to make an announcement was not met. The Panel’s view was that the fact that information was shared with the Commissioner of Canada Elections and the Liberal Party reduced the potential impact of the irregularities on the integrity of the election. The Panel also considered that:

- The intelligence respecting the alleged irregularities was evolving and not firmly substantiated.
- The information related to a nomination race and did not directly impact the electoral process.
- If the candidate were elected, the party leader would be aware of the risk this person might represent.

CSIS notifies the Liberal Party

On 28 September 2019, the two security-cleared representatives of the Liberal Party were briefed by CSIS on the allegations in DVN. This briefing included reference to allegations about buses being used to bring international students in support of Mr. Dong at the direction of PRC officials in Canada and allegations about PRC officials implying the maintenance of the students’ visas was tied to support for Han Dong. The Liberal Party representative passed the information from the briefing on to Jeremy Broadhurst, who was the National Campaign Director for the Liberal Party in the 2019 election. Mr. Broadhurst held a Top Secret clearance because of his

position as Chief of Staff to the Minister of Foreign Affairs and could receive classified information from the cleared Liberal Party representatives.

Although he was on leave from the government at the time to participate in the campaign, Mr. Broadhurst contacted senior public servants at the Privy Council Office (“PCO”) to make sure he understood the information correctly and to see if there was additional information they could share.

Mr. Broadhurst did not ask for any specific additional information to be gathered at that point, explaining that he believed it would have been inappropriate for him to give direction to public servants on how they should do their job.

Mr. Broadhurst also spoke to Liberal Party officials to see if they were aware of irregularities in the vote and to determine whether the results were being contested by the unsuccessful candidate. He testified that he was limited in what he could ask of party officials because he was under an obligation not to reveal to anyone, including the people he was asking questions of, the subject matter of the intelligence reports. He could therefore only ask questions about the conduct of the nomination meetings. Mr. Broadhurst was advised by the party that the nomination was hotly contested, but nothing stood out as abnormal. No irregularities were cited, and the losing candidate had not challenged the process.

Azam Ishmael, the Liberal Party’s National Director since 2017, was one of the people CSIS briefed in September 2019. At the hearing, he acknowledged clandestine activity could occur in a nomination race, but he said it would be difficult for foreign states to interfere in the Liberal Party’s candidate nomination process because the Party has many security measures.

The Prime Minister decides not to remove Mr. Dong as the Liberal Party candidate

Mr. Broadhurst decided the information about DVN needed to be brought to the attention of Prime Minister Justin Trudeau in his capacity as Liberal Party leader. Although Mr. Trudeau was on the road campaigning, Mr. Broadhurst was able to brief him at the airport in Ottawa on September 30, two days after CSIS briefed the Liberal Party.

Mr. Broadhurst said he told Mr. Trudeau there were allegations about buses provided by the PRC being used to bus students to the nomination contest, and the alleged intimidation of the students by PRC officials. He characterized the intelligence as being an allegation that there was a plan to do something, but they could not point to specifics, like names or a particular bus.

Mr. Broadhurst testified that he told Mr. Trudeau that the allegations were consistent with PRC activities in the Greater Toronto Area. He emphasized that there was an important distinction between something being consistent with PRC foreign interference in the Greater Toronto Area and foreign interference activity actually occurring with respect to election campaigns.

Mr. Broadhurst said that intelligence officials wanted the Liberal Party to be aware that the allegation was out there, but they did not recommend that the Liberal Party should do anything in response. He also explained that it “...would have been very surprising to me if intelligence officials had felt it was their place to advise a party about whether or not to drop candidates... it’s not the place of intelligence officials to make that kind of recommendation.”⁴⁹

Mr. Broadhurst recommended to Mr. Trudeau that no immediate action be taken. He based this on what he thought should be an extremely high bar for overturning a democratic result in a nomination race, especially since the allegations could not be disclosed. He understood the intelligence was considered credible enough to share, but it was not being presented as the “truth.”

Mr. Trudeau noted in his testimony that it was difficult for him to differentiate what he was told by Mr. Broadhurst at the time from information he learned later. He recalled that Mr. Broadhurst advised him that intelligence officials had concerns that PRC officials in Canada had been developing a plan to possibly interfere in the DVN nomination contest by mobilizing buses of Chinese speakers or Chinese diaspora community members to support Mr. Dong. He was told the security agencies were not “entirely certain” as to whether the plan was executed.

Mr. Trudeau observed that while buses carrying Chinese speakers were not in itself cause for alarm, CSIS was concerned about PRC involvement. He asked to what extent CSIS was certain that the PRC was behind mobilizing the bus or buses, and he also asked whether CSIS had information that Mr. Dong was witting and aware of this. Mr. Trudeau explained that according to what Mr. Broadhurst told him, no clear answers were given by CSIS at that point.

Mr. Trudeau also asked Mr. Broadhurst whether there was a sense that the actual result of the nomination could have been affected by the votes of those on the bus or buses (CSIS had no conclusions to share at that point), whether CSIS recommended any action (it did not; the purpose was to inform the Liberal Party so it could take any actions it deemed appropriate), whether Liberal Party officials overseeing the vote knew of irregularities (there were no red flags) and whether the losing contestant was disputing the result (she was not). Mr. Trudeau agreed that there should be a fairly high threshold for overturning the results of a nomination contest.

In his *in camera* testimony before me, Mr. Trudeau noted that not approving Mr. Dong’s endorsement would have had direct electoral consequences as the Liberal Party expected to win DVN. It would also have had a devastating impact on Mr. Dong personally. Mr. Trudeau noted that he has had to eject candidates and members of Parliament (MPs) from the Liberal Party in the past, for a variety of reasons, but he did not feel there was sufficient or sufficiently credible information to justify removing Mr. Dong.

⁴⁹ Evidence of Jeremy Broadhurst, April 9, 2024, Transcript, vol. 13 at pp. 122-123.

Mr. Trudeau emphasized in his public testimony that he was faced with a binary choice: remove Mr. Dong or leave him in place. But he testified that, having chosen to allow Mr. Dong to remain as the Liberal Party candidate, this was a matter that “we would have to revisit”:

Certainly in the case that candidate got elected, there would be questions we would have to follow up on after the election to properly understand what happened and what the issues or the risks were in this situation.⁵⁰

He explained that he knew after the election, when he went back to being primarily Prime Minister, he could engage Canada’s intelligence agencies and seek more information, which could inform decisions about Mr. Dong’s roles and responsibilities.

I asked Mr. Trudeau whether the issue was revisited after the election. He confirmed that the Liberal Party investigated immediately after they received the information from the Security and Intelligence Threats to Elections Task Force (SITE TF) in September, prior to the election but he was not sure what more could have been done, as they were limited in the information they had. For him, the follow-up was about obtaining more clarity from intelligence agencies on the possible involvement of PRC authorities with a nomination race and a particular candidate. He did not provide further information in response to my question at that time.

However, the Commission received evidence that, after the 2019 election, the Prime Minister’s Office (“**PMO**”) requested, and received, a briefing about the reported irregularities from senior officials. It appears that no documentation exists on this. Since then, the Prime Minister and the PMO have received additional briefings about Mr. Dong.

Should additional intelligence respecting or implicating the 2019 DVN Liberal Party nomination process exist, I could not disclose it in this report as it would be injurious to national security.

Mr. Dong stepped aside from the Liberal Party caucus following public reporting based on allegedly leaked information related to his interactions with PRC officials and his communications respecting the detention of Michael Kovrig and Michael Spavor (“**Two Michaels**”). In his evidence before the Commission, Mr. Dong acknowledged speaking with the Consul General and other PRC consular officials about the Two Michaels but denied advising the PRC to extend their detention. Mr. Dong testified that he consistently advocated for the release of the Two Michaels.

⁵⁰ Evidence of Prime Minister Justin Trudeau, April 10, 2024, Transcript, vol. 14 at p. 175.

The government prepared a public summary of intelligence relating to Mr. Dong’s communications with PRC officials regarding the Two Michaels. This summary says that Mr. Dong expressed the view that even if the Two Michaels were released at that moment, it would be viewed by opposition parties as an affirmation of the effectiveness of a hardline Canadian approach. Mr. Dong testified that he was not sure what was meant by that portion of the summary. He did not remember saying anything like that and added that the “logic” did not make sense to him.

I note that Mr. Dong testified that all his conversations with PRC consular officials took place in Mandarin. The intelligence report I have reviewed, and which is the basis for the public summary, is written in English. It is not a transcript of a conversation. It is a summarized report on a conversation that took place in a different language. Precision and nuance can be lost in translation. On the basis of the information available to me, I am unable to say whether the public summary accurately and fairly reflects the details of the communications between Mr. Dong and consular officials. I can say the classified information available to me corroborates Mr. Dong’s denial of the allegation that he suggested the PRC should hold off releasing the Two Michaels. He did not suggest that the PRC extend their detention.

CSIS briefs electoral authorities

During the 2019 federal election, the Chief Electoral Officer (“**CEO**”) was also informed by CSIS about the DVN nomination contest. The CEO determined that no action could be taken at that time by his office. Nomination contests are not regulated by Elections Canada, other than in respect of financing rules. Where nomination contests are held, if certain spending thresholds are met participants must file a return with Elections Canada. Those returns are audited as a matter of course.

In the case of the DVN contest, Mr. Dong’s returns were audited. Elections Canada referred the matter to the Office of the Commissioner of Canada Elections (“**OCCE**”) to investigate a potential violation of the *Canada Elections Act*. The file was referred to the OCCE for reasons unrelated to allegations of foreign interference.

CSIS recalls a National Security Brief

CSIS prepared a CSIS National Security Brief (“**CNSB**”) dated 1 October 2019, titled “Foreign Interference in the 2019 Federal Campaign of Dong Han.” A CNSB is a compilation and analysis of intelligence on a specific topic.

The CNSB was recalled by the then CSIS Director shortly after a discussion with the National Security and Intelligence Advisor to the Prime Minister (“NSIA”). Recalling a document involves asking recipients to destroy it. While the underlying information and reports remain available to CSIS, the CNSB is no longer accessible. I heard evidence that recalling a report “is not unusual, but (...) not regular, sort of in between”.⁵¹

Former CSIS Director David Vigneault did not recall why this report was recalled. Then NSIA Greta Bossenmaier said she likely read the report and may have asked questions about it but did not remember asking for it to be recalled. Mr. Vigneault said that a report might be recalled for several reasons: for instance, it includes incorrect information or the report inadvertently identifies a source. Mr. Vigneault insisted he had never recalled a report because it was too sensitive or for political reasons.

In the absence of any explanation for the recall, I cannot draw any conclusion from this incident, other than noting that this report was recalled.

Findings respecting the Don Valley North (DVN) nomination contest

It is not the mandate of this Commission to determine what actually took place at the DVN nomination meeting in 2019, and I would not be able to do so on the record before me in any event. However, this incident makes clear that nomination contests may be gateways for foreign states who wish to interfere in our democratic processes.

The PRC’s alleged active support of Mr. Dong’s nomination bid, including through the use of a proxy agent, is included in the list of major instances of suspected foreign interference targeting Canada’s democratic processes produced by the government of Canada at the request of the Commission (see Volume 3, Chapter 10).

Political parties are solely responsible for regulating their nomination processes, with the exception of some financing rules. From the evidence I have heard, the eligibility criteria for voting in nomination contests and the control measures in place vary greatly among political parties. Those adopted by the Liberal Party are not particularly stringent nor are their verification measures. I will return to the topic of political party processes in my recommendations.

⁵¹ Evidence of Cherie Henderson, April 4, 2024, Transcript, vol. 10 at p. 168.

7.3 PRC Interference in Greater Vancouver

The government has intelligence holdings indicating that during the 2019 election some PRC officials likely favoured particular political candidates and political parties, and clandestinely leveraged Canadian and Canada-based intermediaries to support the PRC’s preferred candidates in the Greater Vancouver area. The intelligence indicates PRC political preferences were party agnostic and opportunistic. Intelligence reporting indicates these officials coordinated the exclusion of some political candidates perceived as “anti-China” from attending local community events related to the election. This was accomplished through PRC proxy agents, thereby hiding the direct involvement of these PRC officials.

Intelligence that the PRC favoured particular candidates in the Greater Vancouver area was shared with the SITE TF, who testified they shared it with the Panel of Five.

Jenny Kwan is the MP for Vancouver East, a seat she has held since 2015 as a member of the New Democratic Party. Since 2019, her concerns about PRC policies, particularly with respect to Taiwan, Hong Kong and the Uyghur community, have grown, as has her strong public advocacy around them.

Starting in 2019, Ms. Kwan observed a “seismic shift” in her relationship with Chinese Canadian community organizations. The most obvious sign was that she would no longer receive invitations to some community events. Invitations to these events are usually interpreted to be a sign of respect and approval in the community. Ms. Kwan called this “deplatforming.” She testified that what was described in the summary of the government’s intelligence holdings related to the PRC activities in the Greater Vancouver area, which I described above, matched her own experiences as a candidate and MP.

7.4 Other Alleged PRC Foreign Interference Activities

Canada’s intelligence holdings equally indicate that before and during the 2019 general election, a group of known and suspected PRC-related threat actors in Canada, including PRC officials, worked in loose coordination with one another to covertly advance PRC interests through Canadian democratic institutions.

Reporting indicated that 11 political candidates and 13 political staff members were assessed to be either implicated in or impacted by this group of threat actors. “Implicated” is used by CSIS to indicate that an individual had at least one direct connection to a person of interest regarding PRC foreign interference. This does not mean they are knowingly involved in or complicit with threat activity. “Impacted” is defined as indicating that an individual was directly affected by foreign interference activities conducted by the threat actors.

Seven candidates were from the Liberal Party and four were from the Conservative Party of Canada. CSIS assessed that some of these individuals appeared willing to cooperate in foreign interference-related activity while others appeared to be unaware of such activity due to its clandestine nature.

Additionally, intelligence assessments suggest that some of these PRC-related threat actors received financial support from the PRC. There likely were at least two transfers of funds approximating \$250,000 from PRC officials in Canada, possibly for foreign interference-related purposes. However, there is no intelligence that the \$250,000 went to any of the 11 candidates. The funds were transferred via multiple individuals to obfuscate their origins: via an influential community leader, to the staff member of a 2019 federal election candidate and then to an Ontario Member of Provincial Parliament. The transfer(s) reportedly took place in late 2018 to early 2019.

The SITE TF was aware of allegations relating to the transfer of roughly \$250,000 from PRC officials in Canada, possibly for foreign interference-related purposes, and shared this information with the Panel of Five.

The Panel of Five was aware of allegations that there was some financial support for candidates in Toronto in 2019 but did not attribute the activities to a “network.” Nathalie Drouin, then Deputy Minister of Justice, was surprised by references in the media reporting in 2022 or 2023 to the specific amount of \$250,000 and to a “network” of 11 candidates. Those specifics did not come to the Panel’s attention until after the election, and Ms. Drouin did not recall hearing about the 11 candidates before the media reporting.

I note that intelligence products from early 2020 describe the 11 candidates as being implicated in a “network.” Ms. Drouin testified that for her, the use of the word “network” was unfortunate because this gave the impression that the individuals were working in concert. The record before me does not support a finding that the candidates implicated in the network were working together.

The Panel did not make a public announcement about this issue. The Panel explained that there was a lot of ambiguity in relation to intent and purpose. The Panel asked the national security and intelligence agencies to monitor the situation and to continue to report to them.

7.5 Threat Reduction Measure Targeting Pakistan

Canada’s intelligence holdings indicate that Government of Pakistan officials in Canada attempted to clandestinely influence Canadian federal politics. A threat reduction measure (“**TRM**”)⁵² was conducted in advance of the 2019 campaign to reduce the foreign interference threat posed by Pakistan. The TRM included meeting with several individuals and potentially political figures who were candidates or elected officials and who had been targeted for foreign interference by Pakistan, to discuss the activity of concern.

CSIS monitored the situation and the TRM was assessed to have effectively reduced the threat of interference.

Information about the TRM came to the attention of the SITE TF and the Panel of Five. The political parties were briefed on the TRM as it was being implemented. In the Panel’s view, the situation involving Pakistan did not meet the threshold for an announcement.

7.6 The Buffalo Chronicle

About two weeks before the 2019 election, the Rapid Response Mechanism (“**RRM**”) Canada learned that false, inflammatory and salacious articles about the Prime Minister were being circulated by the Buffalo Chronicle, a United States-based website. The false information appeared to be spreading. RRM Canada determined that the website used poor journalistic practices and that some of the website advertising did not appear to be monetized, suggesting that the motivation for posting the disinformation was not ad revenue. However, RRM Canada could not conclude that the stories were foreign state-sponsored disinformation or that the amplification of the stories on social media was state-sponsored.

The issue was reported to the Panel of Five through daily reports provided by the SITE TF.

Buzzfeed and the *Toronto Star* investigated the allegations that were being published, determined them to be false and made that information public. The story died down about a week before the actual election. RRM Canada continued to investigate the source, but the information was debunked, and the story ran out of steam. The Panel’s view was that because of this, and because it could not be determined whether the story was created by foreign

⁵² Threat reduction measures are discussed in more detail in Volume 3, Chapter 11.

interference, the threshold for making an announcement was not met. For them the information ecosystem had cleansed itself.

Two media information system experts who testified at the hearing said the Buffalo Chronicle incident was an example where media fact-checking and hypervigilance may have amplified rather than countered disinformation. The witnesses said a higher number of Canadians were exposed to the content via mainstream reporting than through the Buffalo Chronicle article itself.

In advance of the 2019 general election the four major United States-based social media companies—Microsoft, Twitter, Facebook and Google—had agreed to the Canadian Declaration of Electoral Integrity Online. This was a voluntary agreement intended to put “on the radar” of these companies that a Canadian election was occurring and that there were expectations that social media platforms would do their part to ensure elections integrity by enforcing their community standards.

Allen Sutherland, an Assistant Secretary to the Cabinet within the Privy Council Office (PCO), had developed relationships with these companies. He testified that Facebook brought the Buffalo Chronicle article to his attention. Mr. Sutherland believed the highly inflammatory content had the potential to go viral and become a national event. Mr. Sutherland said that, at the direction of the Clerk of the Privy Council, he asked Facebook to remove the article. Facebook complied.

Ms. Drouin, a member of the 2019 Panel, had a slightly different recollection. She testified that Facebook had proactively reached out to Mr. Sutherland to ask whether the article should be removed. Mr. Sutherland spoke to the then Clerk of the Privy Council, who believed that it should. In Ms. Drouin’s view, Facebook acted voluntarily, based on the declaration they had signed, and not because they were ordered or directed to do so.

7.7 An Intelligence Report Relating to Potential PRC Foreign Interference

An intelligence report relating to potential PRC foreign interference was circulated to various recipients on 18 October 2019 (a Friday evening), three days before the election. The NSIA at the time, Ms. Bossenmaier, testified that she would have been briefed on the issue that evening. She added that she would have been notified that other authorities, like Elections Canada and the Office of the Commissioner of Canada Elections (OCCE), had been informed of the issue and that action had been taken.

Elections Canada was indeed notified, and they reached out to PCO to determine the reliability of the information. They wanted the OCCE to be briefed, which occurred the next day. CSIS likely provided the OCCE with a

classified “use letter,” meaning the information was provided for intelligence purposes, but could not be used for any kind of investigation or review.

It appears that at least two of the Panel members, Ms. Drouin (Justice) and Monik Beauregard (Public Safety) did not receive the email before Monday. Ms. Beauregard indicated that she would have been unable to receive the information until then because it had to be printed out and delivered to her. But, she said, if something urgent had come up, she would have been notified by the NSIA and could have obtained the information sooner.

During an *in camera* examination, Ms. Drouin explained that the Panel was aware that Elections Canada was going to be briefed about the potential for irregularities on election day in a riding but was unclear on the timeline of the briefing. Ms. Drouin added in her evidence that the information was about the electoral process/conduct of the election and was thus submitted to the OCCE.

7.8 The Revision of a CSIS National Security Brief After the Election

CSIS issued a National Security Brief (CNSB) dated 29 October 2019 (eight days after the election) that identified potential foreign interference by a politically-connected Canadian. That person had not previously been identified as acting on behalf of a foreign state but appeared to have been doing so in the period leading up to the 2019 election. The report assessed that it was likely that the actor “has already had an impact on the 2019 federal election and will remain a foreign interference threat after the election.” It appears that everyone on the SITE TF except the CSIS representative was taken by surprise by the CNSB.

The Chair of the SITE TF at that time, Lyall King, drafted an email in which he expressed his frustration about the way the information was disseminated. The email described the report as “massively problematic” and detailed several problems. These included:

- The SITE TF had “no visibility” of this reporting. The SITE TF may have received some components of the reporting in less detail, but nothing that linked them together into a coherent narrative.
- The distribution of the CNSB was too limited, which “effectively renders the intelligence meaningless. How can we identify and understand the complete picture and explore ways to mitigate a problem if only five people receive the information- and no-one in an operational capacity.”

- The assessment in the CNSB would raise questions about why this information was not brought forward to the SITE TF sooner.⁵³

Mr. King explained that he would have expected CSIS to discuss the report with the SITE TF before it was issued. In addition, he was concerned that the SITE TF did not have a full understanding of the issue and because the assessment seemed to contradict the SITE TF's general assessment about the integrity of the election.

Cherie Henderson was the Director General of CSIS's Intelligence Assessment Branch in 2019. She testified that CSIS's investigation into this actor began long before the election period. The intelligence would have been shared with various partners but not with the SITE TF, which was focused on the election. The report was finalized right after the election. Ms. Henderson said this incident illustrated a limitation with the SITE TF's focus on assessing foreign interference-related intelligence during the election period, as they might not have considered the pre-election intelligence on this actor.

Ms. Henderson testified CSIS revisited its conclusions after Mr. King's email and concluded that the report had overstated the impact of the actor's actions. CSIS's revised assessment was that the actor could potentially have had an impact on "that particular timeframe and that particular issue," but would not have impacted the integrity of the 2019 election. An updated CNSB, dated 3 December 2019, removed the assessment, and said instead that the person's relationships and activities were consistent with known PRC tradecraft, "which could be expected to be applied to future elections at all levels."

The frustration expressed by Mr. King about the SITE TF's receipt of the CNSB is understandable. I agree that it was problematic for the SITE TF – which was tasked with compiling and collating intelligence and information relevant to the integrity of the election – to have received an assessment from CSIS that discussed the election only after the fact. That said, I have nevertheless taken into account the existence of this report.

Mr. King testified that the SITE TF attempted to take into account lessons learned from 2019 in terms of information-sharing and flow as they moved towards the next general election. Based on my review of the documents as well as on the testimony I heard, I am satisfied that significant efforts were made in 2019 and 2021 to ensure the necessary flow of information to the SITE TF and the Panel. In my view, the issue of the timing of the CNSB is not indicative of a larger or systemic issue with information sharing within and between these constructs.

⁵³ CAN003128: Email from Lyall King, October 19, 2019 at p. 2.

7.9 Media Ecosystem Observatory Monitoring for Disinformation

In the lead up to, and during the 2019 general election, the Media Ecosystem Observatory (“**MEO**”) undertook a project to monitor the digital media ecosystem in Canada as part of a broader project to better understand how disinformation and other forms of online media manipulation impact democratic institutions and political life.

The MEO, a collaboration between researchers at McGill University and the University of Toronto, emerged in the lead up to the 2019 election although its infrastructure was established after the election. It aims to enhance understanding of the media ecosystem, how information moves through it, who are its relevant actors, how its operation impacts the information people are exposed to and how that influences their behavior. Its target audiences include individuals, journalists and policymakers. I discuss the MEO in Volume 3, Chapter 13.

As part of its work related to the 2019 general election, the MEO monitored Facebook and Twitter (now X), as well as news from approximately 20 news outlets. It also conducted 9 surveys and purchased data regarding approximately 1,300 individuals.

The MEO found that misinformation and disinformation did not play a major role in the 2019 election or impact its outcome. It did not appear coordinated and had a limited impact on the information ecosystem.

The MEO concluded that the Canadian political information ecosystem during the 2019 election was likely more resilient than that of other countries like the United States. The MEO attributed this to a population with a relatively high trust in traditional news media, relatively homogenous media preferences with only a marginal role for hyper-partisan news, high levels of political interest and knowledge and fairly low levels of ideological polarization.

I note, however, that during the hearings, Professor Taylor Owen – the Beaverbrook Chair in Media, Ethics and Communications at McGill University, and the co-Principal Investigator at the MEO – said that measures that gauge democratic resiliency have been decreasing in Canada since the 2019 election.

7.10 Conclusion

Before assessing the impacts of the events surrounding the 2019 general election, I will first consider the events surrounding the 2021 general election. I address this topic in the next chapter.

CHAPTER 8

The 2021 General Election

Incidents and Responses

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***Information may be incomplete:** intelligence products are discussed in many areas of this public report. Please note that this report includes only relevant information that can be appropriately sanitized for public release in a manner that is not injurious to the critical interests of Canada or its allies, national defence or national security. Additional intelligence may exist.*

8.1 Introduction

There were a number of allegations of foreign interference during the 2021 general election. This chapter provides an overview of the evidence respecting these allegations, including:

- Disinformation targeting the Conservative Party of Canada (“**Conservative Party**”), its leader Erin O’Toole and one of its British Columbia candidates, Kenny Chiu.
- Matters relating to foreign interference briefed to cleared representatives of the Liberal Party of Canada (“**Liberal Party**”).
- Events in the Vancouver area riding of New Democratic Party (“**NDP**”) Member of Parliament (“**MP**”) Jenny Kwan.
- Potential foreign interference activity by the Government of India and the Russia Federation.

Before turning to these specific allegations, I will first review the evidence I heard about the briefings provided to the cleared political party representatives by the Security and Intelligence Threats to Elections Taskforce (“**SITE TF**”). I do so because it provides important context for what political parties say they may have understood about the foreign interference threat going into the 2021 election.

8.2 **SITE TF Briefings to Security-Cleared Political Party Representatives**

As I discuss in Volume 4, Chapter 15, the SITE TF provided Secret level briefings to security-cleared political party representatives in both 2019 and 2021.

During the Commission’s public hearings, I heard evidence from the security-cleared representatives of the Conservative Party, the NDP and the Liberal Party who participated in these briefings. They indicated that the information they received during briefings was general background information about threats, not specific or actionable intelligence.

Party representatives reported that in the initial July 2021 pre-election briefing they received from the SITE TF, they were told that there was little evidence to suggest any impact of foreign interference on the elections. Walied Soliman, the Conservative Party representative, said this confirmed his pre-existing view that foreign interference should be “low on the radar” for the 2021 election because there had been nothing to worry about in the 2019 election. The Liberal Party and NDP representatives agreed that they were reassured by what they heard from the SITE TF.

Mr. Soliman stated that he strongly supports having a body like the SITE TF, and that there was great potential in it giving briefings to security-cleared party representatives. However, like representatives of other political parties, he was disappointed not to receive information that was specific enough to permit the party to take action in response to this information. Anne McGrath, the NDP representative, said that she received no information or tools to identify when foreign interference was happening, and only received phone numbers to call in the event foreign interference was suspected by party officials.

Mr. Soliman was left wondering why he had gone through such an extensive clearance process when, in his view, he did not learn anything he had not read in the newspapers.

SITE TF members testified that the briefings had two purposes. The first was to provide a “little bit” more information than could be found in open sources about the tactics and techniques used by foreign countries that engage in foreign interference. The purpose of this was so that the political parties could raise their own awareness and potentially identify whether foreign interference was happening in their own spaces. SITE TF members agreed that it was not possible to act immediately on the basis of this type of information.

Second, the briefings were intended to open up a two-way path of communication so that if the parties had concerns, they could relay that information back.

The Commission received the SITE TF briefing notes that were used to brief political party representatives in July 2021. In a section of the document entitled “Lessons Learned from 2019,” a bullet point states that “SITE did observe foreign interference (FI) activities targeting certain ridings and candidates in relation to the election, directed largely from China, and to a lesser extent from India and Pakistan, through the use of human agents. None of the activities met the threshold to pursue criminal investigations.”⁵⁴

A section entitled “The foreign interference threat environment 2021” includes information that the People’s Republic of China (“**PRC**”) would be the primary threat actor in the upcoming election and may seek to interfere in specific ridings to either support those viewed to be “pro-PRC,” or oppose those viewed to be “anti-PRC.”

⁵⁴ CAN018041: *SITE TF Briefing to Secret Cleared Federal Political Parties* at p. 2.

Further, the notes state that the use of social media platforms by state actors to conduct disinformation had increased and that the trend was likely to be a factor in the electoral context, though attribution of such activity to foreign actors remained difficult.

When questioned about the briefing notes during the public hearings, the Liberal Party representative testified that, while he did not see the document, generally speaking, it reflected the nature of the briefing that he received. The NDP representative testified that the information in the document was more specific than anything she recalled receiving. The Conservative Party representative testified that he did not recall receiving this information and would have been alarmed by these kinds of statements.

Copies of the SITE TF briefing notes were not shared with the political party representatives. All briefings were given orally and the representatives were not permitted to take notes. I note that Secret-level documents are subject to specific rules regarding where they can be viewed and how they must be stored. The SITE TF members testified, however, that the “briefings were read verbatim, and the language was chosen very carefully and vetted thoroughly through all the intelligence agencies.”⁵⁵

Regardless of what specific details were shared with the political party representatives on specific dates, in my view it is apparent that there was a wide gulf between the expectations of the representatives as to what information would be shared with them and what the SITE TF was actually able to provide.

It appears that the role of the SITE TF in this respect was either not properly explained, or not properly understood, or perhaps both. It is clear that the political party representatives feel they were not properly informed by the SITE TF and even that they were unduly reassured by what they heard causing them to put down their guard.

⁵⁵ Evidence of “CSIS Representative”, April 5, 2024, Transcript, vol. 11 at p. 187.

8.3 Misinformation and Disinformation Relating to the Conservative Party’s Policy Platform, Erin O’Toole and Kenny Chiu

A false narrative about the Conservative Party policy platform and Erin O’Toole

During the election period, the Conservative Party and its then leader, Erin O’Toole, were the subject of inaccurate reports that circulated widely on Chinese language media outlets that are known to have, or may have, ties to the PRC or Chinese Communist Party (“**CCP**”).

I heard testimony from Mr. O’Toole about why he believed the Conservative Party was made the target of a disinformation campaign. Prior to the 2021 election, the Conservative Party tabled a motion in the House of Commons recognizing the Uyghur genocide. The Conservative Party caucus also supported a private member’s bill proposed by Conservative Party MP Kenny Chiu to establish a foreign influence registry. Both were likely viewed by the PRC as unfavourable to it.

The Conservative Party had also raised questions in the House of Commons about suspected PRC espionage in a government laboratory in Winnipeg, which prompted suggestions by the governing Liberal Party that the Conservative Party was echoing anti-Asian sentiment that was prevalent during the pandemic. According to Mr. O’Toole, that suggestion fueled a narrative that the Conservative Party was anti-China. This narrative was amplified in Chinese language media criticizing the party for its positions on PRC-related issues.

At the end of August 2021, Global Affairs Canada’s Rapid Response Mechanism (“**RRM**”) Canada saw some discussion on WeChat that Mr. O’Toole would ban WeChat if elected. WeChat is a popular social media application used by a large number of Mandarin speakers.

On August 28, a popular WeChat news account called York BBS, which may have links to the PRC, shared an anonymous post repeating this claim and saying that Mr. O’Toole was the “Canadian version of Trump.” The post was shared the next day by WeChat news accounts in the Vancouver area.

Narratives about Mr. O’Toole’s intentions and the Conservative Party platform began to circulate more widely around September 8, when an article in the *Hill Times*, an Ottawa-based newspaper, quoted a Canadian political analyst saying that the Conservative Party almost wanted to break diplomatic relations with the PRC. York BBS then posted an article about Erin O’Toole

focusing on the Conservative Party’s electoral platform, which contained erroneous information.

On September 9, the *Global Times*, a Chinese state media source, published an article entitled, “Canadian Tories’ ‘hostile China blueprint’ caters to toxic atmosphere against Beijing amid sour ties.” This piece drew from the *Hill Times* article that discussed the various political parties’ respective China-Canada relations policies.

Between September 10 and 16, at least eight popular WeChat news accounts in Canada shared the *Global Times* story that the Conservative Party would “break ties” with the PRC. More than a dozen PRC provincial and state-level media outlets also published the story. On September 12, a video report similar to the *Global Times* story surfaced on *Xinhua News*, a PRC reporting agency.

It appears that the false narrative regarding Mr. O’Toole ceased circulating after September 12.

A false narrative regarding MP Kenny Chiu and the foreign influence registry

Over a two-week period starting in early September, erroneous information circulated about Conservative Party MP Kenny Chiu, who was running for re-election in Steveston–Richmond East, a riding in the Vancouver area that is home to a large Chinese Canadian community.

On 13 April 2021, Mr. Chiu tabled a private member’s bill seeking to create a foreign influence registry. Mr. Chiu indicated his goal was to ensure transparency about attempts at political lobbying in Canada by foreign states. Though the bill did not mention any country by name, Mr. Chiu received feedback from some constituents soon after the bill was introduced, saying that he was a racist and anti-China.

On 6 September 2021, a Markham, Ontario-based news outlet called *105.9 Yes My Radio*, published an anonymous Chinese language blog calling on readers to “pay attention to Kenny Chiu’s ‘Foreign Interference Registry.’” The author stated that any individual or group with ties to China may be considered a spokesperson and would need to register.

On 8 September, *Global Chinese Convergence Media* (“**CGCTV**”), a Markham-based news site shared a slightly revised blog post from *105.9 Yes My Radio* claiming that Mr. Chiu’s “anti-China” stance came from his Hong Kong background.

Government intelligence holdings suggest there are close links between *105.9 Yes My Radio* and *CGCTV* and the PRC government or PRC state media.

Later, during the election period, Mr. Chiu became aware of social media messaging, as well as an anonymous article published on September 9 in the *Today Commercial News*, a Toronto area Chinese language newspaper. It claimed that he introduced his foreign influence registry bill to suppress the Chinese Canadian community by forcing Chinese Canadians to register as foreign agents. The newspaper had not spoken with Mr. Chiu before publishing the article. The newspaper encouraged people to share the article with others within Canada’s Chinese language media ecosystem.

Mr. Chiu told the Commission that he started collecting screenshots of the WeChat messages. He believed that somebody, likely the PRC, was weaponizing the emotions of the electorate against him. Mr. Chiu reported that Chinese Canadian volunteers stopped coming forward to help with his campaign, which he viewed as a sign that somebody had warned them not to volunteer.

Mr. Chiu attempted to respond to this narrative in the media, but his messaging was not picked up or circulated by Chinese language outlets. Mr. Chiu said that he was shunned by Chinese language media, which generally did not cover him during his campaign. He contrasted this with their treatment of his Liberal Party opponent, who ended up winning the election.

Mr. Chiu reports the matter to the Conservative Party central campaign and the Canadian Security Intelligence Service (CSIS)

In early September 2021, Mr. Chiu’s campaign leadership contacted the Conservative Party central campaign with these concerns. At this time, Fred DeLorey, the Conservative Party campaign director, and Tausha Michaud, Mr. O’Toole’s Chief of Staff, were receiving reports of complaints from campaign organizers that voters in certain communities were being steered away from Conservative Party candidates.

Mr. Chiu also reported his concerns to the Canadian Security Intelligence Service (“**CSIS**”), which had provided him with a defensive briefing before the election. Mr. Chiu said that when he brought these concerns to CSIS, they did not tell him anything or offer any assistance. CSIS requested printed copies of the screenshots he had of messages containing misinformation and disinformation. He did not hear from them again until he received a briefing in the fall of 2023, after media reporting about alleged leaks of CSIS intelligence reports.

During his testimony, Mr. Chiu poignantly described his feeling of needing help, yet finding none. I can understand why he felt that way. It is not obvious what help the government could or should have provided at the time. But as I mentioned in my Initial Report, it raises questions about when and how government should intervene to respond to online misinformation and disinformation (including during an election). I will deal with this in my recommendations.

The Office of the Commissioner of Canada Elections (OCCE) reviews of foreign interference allegations arising from the 2021 general election in Greater Vancouver

Following a complaint from the Bloc Québécois in December 2022, the Office of the Commissioner of Canada Elections (“**OCCE**”) initiated a review into certain allegations of foreign interference that focused on electoral districts in the Greater Vancouver area and the unsuccessful campaign of Kenny Chiu in Steveston-Richmond East. The aim of the review was to determine whether there was sufficient evidence to conduct a fuller investigation into possible contraventions of the *Canada Elections Act* (“**CEA**”).

This was the OCCE’s first major review specific to foreign interference. The OCCE investigators concluded that, although the information received during the review suggested there were attempts to influence the Chinese Canadian community, they did not obtain sufficient evidence to support any of the elements of undue foreign influence or other contraventions as defined by the *CEA*.

OCCE investigators did however find that the information gathered in the course of their investigation indicated that “impetus and direction was given by PRC officials for the anti-Conservative Party campaign” through a range of public statements made by diplomatic and consular officials. They found that “the overall campaign was carried out and amplified via a multi-pronged and layered approach using Chinese Canadian association individuals, Chinese Canadian business interests, as well as pervasive social media and printed, digital and broadcast media messaging.”⁵⁶

The OCCE provided verbal briefings to both the Royal Canadian Mounted Police (“**RCMP**”) and CSIS respecting the outcome of its investigation.

Information flow to decision-makers during the election period

Government agencies were aware during the election period that media outlets associated with the PRC were spreading and amplifying misleading information about the Conservative Party platform, Erin O’Toole and Kenny Chiu.

The Global Affairs Canada (“**GAC**”) SITE TF representative explained that by 9 September 2021, RRM Canada had detected two complementary sets of activity that could be disinformation campaigns. One was broad-based and targeted the Conservative Party and Mr. O’Toole, and the other targeted Mr. Chiu and the foreign agent registry legislation that he was advancing. RRM Canada was aware that these articles questioned whether Canadians of

⁵⁶ CEF0000302_R: *Memorandum re File 2022-0925* (19 August 2024) at paras. 148-149.

Chinese heritage should vote for the Conservative Party and that they were disseminated on Chinese language social media.

GAC’s representative emphasized that RRM Canada had no evidence that the disinformation campaign was foreign state directed. There were indicators of coordinated behaviour, but while this could have been the product of PRC intervention, it could also have been organic. The SITE TF reached a similar conclusion.

During the election period, the information collected by RRM Canada concerning the two false narratives was included in various RRM Canada daily briefs, which were used to prepare the daily situational reports that were provided to the panel established under the Critical Election Incident Public Protocol (“**Panel of Five**” or “**Panel**”).

RRM Canada also produced weekly briefs that were shared with the SITE TF and the Elections Security Coordination Committee. On 13 September 2021, RRM Canada prepared a specific report on these negative narratives about the Conservative Party which was shared with the SITE TF.

The Panel was briefed that RRM Canada was tracking the issue, and they were briefed on the topic at their weekly meetings.

The Panel discussed the circulation of these narratives. Like RRM Canada, the Panel noted the difficulty of attributing this activity to foreign actors or agents.

The PRC’s involvement with the spreading or amplifying of misleading information in 2021 is less clear than in a later disinformation campaign against MP Michael Chong in May 2023, which I discuss in Volume 4, Chapter 15. Nonetheless, it cannot be dismissed.

From the evidence that I have heard, attributing online activity to foreign countries is very difficult, and absolute certainty can rarely be achieved. However, I must ask: what should be done in light of this fact? What can we do when we cannot attribute a disinformation campaign to foreign countries with certainty?

In Mr. Chiu’s case, the Panel was also not inclined to intervene because it could not distinguish this activity from the political debate that occurs (and should be encouraged) during an election. The Panel explained that debate can include falsehoods and still be protected as a legitimate exercise of freedom of expression so long as it is not foreign state-sponsored or amplified.

We must recognize that certain distortions within political debate may constitute acceptable forms of expression as long as they are not orchestrated by a foreign state. This makes the question of attribution very relevant as well as the question of what we can do when we cannot definitively attribute an online disinformation campaign.

The Panel of Five concluded that the threshold for an announcement had not been met and no further actions were warranted. The Panel’s conclusion was informed by a number of considerations including Mr. Chiu’s public statements on these narratives on his personal social media platform, which they felt had cleansed the information ecosystem. They also considered the fact that the narrative concerning Mr. O’Toole lost traction well before election day.

I am not at all convinced by the idea of a self-cleansing media ecosystem. By the time that disinformation fades away, it may often be too late. The damage to the democratic process or to those targeted may already be done. Dr. Chris Tenove, Assistant Director of the Centre for the Study of Democratic Institutions at the University of British Columbia, commented during the Commission’s policy hearings that information ecosystems never fully cleanse. This is not to say that correction of false narratives is pointless; just that it is far from being a perfect cure.

The fact that the narratives targeting Mr. Chiu and Mr. O’Toole had died down by election day does not mean that they had no effect. In my opinion, it may be necessary to intervene more quickly in cases like this. However, I doubt that the public would accept government officials making a determination of what information needs to be corrected. We must therefore look for, and hopefully find, another acceptable solution.

None of the security-cleared political party representatives recalled having been specifically briefed regarding these two sets of false narratives. GAC and Communications Security Establishment members of the SITE TF recalled having done so. The materials produced to the Commission included several mentions of meeting with political party representatives on 15 September 2021, but no indication about what, if anything, was said about the false narratives. In the circumstances, given the passage of time and the absence of any written materials, I am unable to conclude whether the information was or was not properly passed on to the party representatives. I do find that it should have been.

Conservative Party’s complaint to government officials

Shortly after the election, Mr. Soliman and Ms. Michaud had a call with the Privy Council Office (“**PCO**”) to advise that they were hearing from Conservative Party candidates who believed that foreign interference had occurred during the campaign. The Conservative Party campaign put together a package of materials that they sent to PCO a few days after the call.

PCO tasked the SITE TF with looking into the complaints. The SITE TF’s CSIS representative testified that the allegations were taken seriously and that significant resources were invested, primarily by CSIS and RRM Canada, to evaluate this particular issue. In an assessment report dated 19 October 2021, the SITE TF found that it could not “decisively conclude that the PRC

sought to clandestinely and deceptively influence outcomes in all of the thirteen (13) ridings identified by the [Conservative Party].” Further, it could not “conclusively assess to what extent a foreign government sought to clandestinely orchestrate online and/or media efforts to discredit the Conservative Party, its candidates, or policies with the specific intent to influence the outcome of the election.”⁵⁷

In my opinion, the SITE TF language used here is unclear. It would be helpful if government agencies making such assessments would use words that clearly convey their position.

The SITE TF did note that the close timing and similar content of these publications across different platforms were noteworthy and unusual. It highlighted the fact that some of the narratives echoed points that were openly stated by the PRC government and in Chinese Communist Party (CCP) propaganda.

Walied Soliman and Tausha Michaud were briefed by a PCO representative about the SITE TF’s assessment on 22 October 2021. Mr. Soliman testified that the meeting felt more like a communication exercise than a truth gathering and public policy exercise.

Mr. Soliman’s view was that the government responded to the Conservative Party materials with “shrugged shoulders,” being of the view that no foreign interference had occurred during the election campaign. Mr. Soliman did not have any basis to doubt their judgment, however, and was conscious of looking like a sore loser.

Conclusions of the SITE TF remain unchanged

In its After Action Report dated 17 December 2021, the SITE TF confirmed it had no clear evidence that the online activity was a PRC-directed campaign. However, the SITE TF also stated it observed “indicators of potential coordination between various Canada-based Chinese language news outlets as well as PRC and CCP news outlets.”⁵⁸ These conclusions highlight the inherent challenges in attribution, and the importance of setting a reasonable threshold for intervention. Some Participants have suggested that, in light of the indicators of potential coordination identified by the SITE TF, action should have been taken. I address this challenge in Volume 3, Chapter 11 when I discuss cyber attribution.

In a note prepared for a briefing to the Prime Minister’s Office in February 2023, CSIS opined that PRC foreign interference activities in 2021 were “almost certainly” motivated by a perception that the Conservative Party

⁵⁷ CAN014862: *SITE TF Assessment*, 19 October 2021 at p. 2.

⁵⁸ CAN002359: *Security and Intelligence Threats to Elections Taskforce - After Action Report (2021 Federal Election)* at p. 2.

was promoting an anti-PRC platform. In relation to the observed online activities, the note indicates:

[redacted] the timing of these efforts to align with Conservative polling improvements; the similarities in language with articles published by PRC state media; and the partnership agreements between these Canada-based outlets and PRC entities; all **suggest that these efforts were orchestrated or directed by the PRC.**⁵⁹

CSIS Director David Vigneault (since retired) confirmed that this statement did not reflect any change in the SITE TF’s analysis or conclusions, in particular that the SITE TF was not able to conclude that the online activities were orchestrated by the PRC.

Analysis by the Media Ecosystem Observatory (MEO)

The SITE TF’s analysis is consistent with the Media Ecosystem Observatory’s (“MEO’s”) conclusions about the 2021 election. As was the case with the 2019 general election, the MEO performed social media monitoring, large-scale data collection and survey research in connection with the 2021 election. In addition, the MEO had a team of qualitative researchers online to observe communities and conversations about the election. The MEO also had Mandarin language monitoring on WeChat and Weibo. The MEO’s methodology included surveying individuals of Chinese descent on their attitudes before and after the election to determine whether there was a shift during the election.

Though the MEO found a large amount of misinformation circulating in the media ecosystem, particularly with regards to COVID-19 measures and claims of widespread voter fraud, it concluded that the misinformation had a limited impact on the election, due to the fact that it prompted little discussion and Canadians were able to detect false stories.

More specifically, the MEO found that PRC officials and state media commented on the election with an apparent aim to convince Chinese Canadians to vote against the Conservative Party and Erin O’Toole, and that there was misleading information circulating on Chinese language social media platforms about Kenny Chiu. However, the MEO did not find evidence that this activity had a significant impact on the overall election but could not discount the possibility that riding-level contests could have been affected.

⁵⁹ CAN004495: Canadian Security Intelligence Service, *Briefing to the Prime Minister’s Office on Foreign Interference Threats to Canada’s Democratic Institutions* at p. 3 (bold in original).

In light of the MEO’s findings, I remain satisfied that the Panel’s determination that the online activities observed by RRM Canada did not meet the threshold for a public announcement was reasonable at the time it was made. However, this situation highlights a serious gap in the mechanisms available to address misinformation or suspected disinformation during the election period, mechanisms that are further limited by the involvement of WeChat. Also, the absence of clear guidelines for when government will act short of a public announcement by the Panel – such as PCO’s handling of the Buffalo Chronicle in 2019 – is unhelpful. These are the issues I address in my recommendations.

8.4 Briefing to Security-Cleared Liberal Party of Canada Representatives

Around 12 September 2021, representatives of CSIS, with the support of PCO, briefed the cleared Liberal Party representatives about an issue relating to foreign interference. The information that was discussed had previously been briefed to the Panel of Five in late August and early September. The Liberal Party representatives passed the information to Jeremy Broadhurst, who was then a senior official with the Liberal Party campaign while on leave as the Chief of Staff to the Minister of Foreign Affairs. Mr. Broadhurst testified that the information he received required no immediate action or follow-up. For logistical reasons among others, Mr. Broadhurst was unable to share the information from the briefing with the Prime Minister before election day but did so shortly thereafter.

Following the briefing to the Liberal Party representatives, the Panel was able to continue to monitor the matters throughout the election period. At no point did the Panel find that these matters met the threshold for a public announcement as set out in the Critical Election Incident Public Protocol.

The subject matter of the briefing to the Liberal Party representatives, about a foreign government official suspected of foreign interference, is one of the major instances of suspected foreign interference listed in the CSIS Stage 2 Institutional Report filed with the Commission. I discuss this list of instances in more detail in Volume 3, Chapter 10. Intelligence relating to this particular matter and the government’s response to the intelligence is discussed in detail in the classified supplement to my Initial Report and in the classified supplement to this report.

8.5 Suspected Foreign Interference in the Vancouver East Electoral Contest

Jenny Kwan is the MP for Vancouver East, which contains Vancouver’s historic Chinatown. She is a member of the NDP caucus and was first elected to the House of Commons in 2015 after a career in municipal and provincial politics. Ms. Kwan is Chinese Canadian and immigrated to Canada from Hong Kong when she was a child.

Ms. Kwan has made many public statements and taken public positions that are critical of the PRC government. Ms. Kwan has regularly commemorated the Tiananmen Square massacre and participated in many community rallies as an activist and as an elected official. Her concerns and public criticism regarding the PRC’s policies, specifically with respect to Taiwan, Hong Kong and the Uyghur community escalated around 2019.

Ms. Kwan testified to several incidents that she alleges may have been the result of foreign interference by the PRC in response to these positions. This includes events that occurred in and around the 2021 election. Ms. Kwan had no direct evidence of PRC involvement in these events, but her experiences are consistent with a 2024 SITE TF report, which mentions local community networks are a key vector for facilitating foreign interference. In May 2023, Ms. Kwan was advised in a CSIS briefing that she was deemed an “evergreen target” by the PRC.

Exclusion from community events

Since taking more public positions critical of the PRC government, Ms. Kwan has observed a seismic shift in her relationship with the major Chinese Canadian community organizations in her riding. She previously had good relationships with these organizations. Since 2019, however, she ceased being invited to many key events organized by some Chinese Canadian community organizations.

She has observed her constituents being more fearful of voting for her and worried that the PRC would find out if they had voted for her or supported her, and that this would compromise the safety of their families in the PRC.

Ms. Kwan testified about an example of being excluded from a significant event in her community. In 2022, Lunar New Year in her riding was marked by a public celebration. This was a particularly celebratory moment because previous events could not take place due to the COVID pandemic. The event was organized by two groups, one of which – the Chinese Benevolent Association – has alleged ties to the United Front Work Department (“**UFWD**”). The UFWD is a department of the Chinese Communist Party (CCP)

that is tasked with collecting intelligence and engaging in foreign interference, including through influencing members of Chinese diaspora communities living in other countries.

Ms. Kwan did not receive an invitation to this event, while MPs from other Vancouver-area ridings were invited. Ms. Kwan testified that she believes she was excluded from this event due to her support for Hong Kong democracy protestors and the Uyghur genocide motion in the House of Commons.

I note that government intelligence holdings indicated that, during the 2019 federal election, PRC officials coordinated the exclusion of particular party candidates, perceived to be anti-China, from attending local community events in the Greater Vancouver area. This exclusion was reported to be done through PRC proxy agents. Intelligence holdings also indicate that the practice of deliberately excluding certain politicians from Chinese Canadian community events appears to have continued in 2020 and 2021.

Lunch event for a Liberal Party candidate

Ms. Kwan also raised concerns about a prominent member of the Chinese Canadian community in Vancouver, Fred Kwok, hosting a free lunch in support of Ms. Kwan's Liberal Party opponent in the 2021 election. Ms. Kwan said that the invitations to the lunch posted on WeChat encouraged the Chinese Canadian community to vote for MPs "who would care about issues of the Chinese nationals," the latter term meaning persons who prioritize issues of concern to the PRC government.

On 7 September 2021, NDP lawyers filed a complaint with the Office of the Commissioner of Canada Elections (OCCE) alleging that the organizer of the lunch had violated third party election rules. In response, Mr. Kwok reported the cost of the lunch to be \$1,500.00, though Ms. Kwan believes the actual cost significantly exceeded that amount.

Following an investigation by the OCCE, the Official Agent of the Liberal Party campaign in Vancouver East was issued an administrative monetary penalty for failure to report the lunch as a non-monetary contribution. The OCCE determined that the organizer of the lunch did not break any rules under the *Canada Elections Act*. The OCCE did not identify evidence of foreign funding and noted that it was the Liberal Party campaign that approached Mr. Kwok to organize a lunch.

Ms. Kwan was disappointed with the outcome of the OCCE investigation.

Ms. Kwan also reported the lunch to the RCMP and CSIS. Ms. Kwan testified that, in her opinion, none of the government agencies to which the incident was reported seemed that interested in the issue.

On 7 September 2021, the SITE TF daily situational report shows that RRM Canada was aware of the lunch invitations on WeChat. The report indicates that the posters on the WeChat group where the invitations were published are claimed by open source reports to be linked to the UFWD. Ms. Kwan testified that she was not told by the government agencies she had contacted that the SITE TF was aware of the lunch event.

8.6 Suspected Foreign Interference by the Government of India

Intelligence agencies reported that Government of India officials had:

continue[d] to conduct FI activities in Canada, both directly and through their Canadian proxies. During GE44 Indian officials were observed expressing interest in individual electoral contests and likely hoped pro-India candidates would prevail or, at least, that perceived anti-India candidates would not be (re-)elected.⁶⁰

Intelligence holdings also reveal that a Government of India proxy agent may have attempted to clandestinely provide financial support to candidates from three political parties in 2021. The source of any such financial contribution could have been unknown to the candidates.

In the classified supplements to this report and to my Initial Report, I review the intelligence relating to potential foreign interference by India in the 2021 general election, its dissemination within the government and actions taken in response. I have not identified any shortcomings with respect to information flow or the government's response.

8.7 Suspected Russian Disinformation Activity

Intelligence holdings reveal that Russia has significant capabilities and seeks to undermine public confidence in political systems and democratic processes in the West. However, intelligence agencies reported that Russia is

⁶⁰ CAN002359: *Security and Intelligence Threats to Elections Taskforce - After Action Report (2021 Federal Election)* at p. 6.

likely not currently a significant foreign interference actor in relation to Canadian federal elections. There are no indications that Russia would seek to target a particular Canadian political party or leader for foreign interference because the Kremlin likely assesses that major Canadian federal parties do not differ significantly in their stance toward Russia.

The Panel did not observe and was not notified of any evidence of a concerted Russian disinformation campaign during the 2021 election. The MEO did not detect evidence of Russian interference either. However, it did not monitor Russian language social media posts or platforms, and thus could not exclude the possibility of a low-scale Russian influence campaign.

Some Participants that represent diaspora communities disputed this view and insisted that the Commission conduct its own forensic investigation into Russian interference. Although I understand their wish to see this happen, it was not something the Commission could do. It has neither the mandate nor the expertise to act as an intelligence agency in its own right.

I agree with them that the lack of intelligence harvested by CSIS or the Communications Security Establishment (CSE) does not definitively prove that there has been no foreign interference by Russia in the 2021 election. But it does mean that no such interference has been observed.

8.8 Conclusion

In the next chapter, I provide my assessment of how these events impacted the integrity of the 2021 general election.

CHAPTER 9

Assessing the Impacts of Foreign Interference

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Information may be incomplete: intelligence products are discussed in many areas of this public report. Please note that this report includes only relevant information that can be appropriately sanitized for public release in a manner that is not injurious to the critical interests of Canada or its allies, national defence or national security. Additional intelligence may exist.

9.1 Overview

Clauses A and B of the Commission’s Terms of Reference directed me to focus on the 2019 and 2021 federal general elections. In investigating these issues, I learned foreign interference is an ever-present reality not just in Canada, but around the world. I also learned that measures are in place to try and respond to it, whether or not an election is underway.

As I said in my Initial Report, foreign interference is like crime. It is always present. Its methods evolve. While the government has ways to address it, it is likely impossible to eradicate it. That said, it must be discouraged, and its effects must be mitigated.

Given this reality, the question is whether foreign interference rose to a degree that it impacted the integrity of the 2019 or 2021 general election.

In answering this, I find it useful to consider a series of questions about the 2019 and 2021 general elections, and the impact that foreign interference had on them.

- **Was there foreign interference targeting the 2019 and 2021 general elections?** Yes. I have no difficulty concluding that there was.
- **Did foreign interference undermine the integrity of the electoral system itself?** No. The administration of the elections was sound.
- **Did foreign interference impact which party came into power in 2019 or 2021?** No, it did not.
- **Did foreign interference impact any election results at the riding level?** This is a more difficult question to answer. It is possible that results in a small number of ridings were affected, but this cannot be said with certainty.
- **Did foreign interference nevertheless impact the broader electoral ecosystem?** It did. Regardless of the impact on specific election results, all foreign interference impacts the right of Canadians to have their electoral processes free from covert influence. By this I mean their right to vote freely and in an informed manner.
- **Did foreign interference undermine public confidence in Canadian democracy?** Regrettably, the answer is yes. This is perhaps the greatest harm Canada has suffered as a result of foreign interference and the public attention that it has now received.

- **Does foreign interference impact everyone equally?** It did not. The means and methods of foreign interference harm Canadians from certain diaspora communities in distinct ways. This includes those that are directly involved in our democratic institutions as candidates or members of Parliament. Their experiences must not be ignored, and specific attention should be given to them.

9.2 There was Foreign Interference in the 2019 and 2021 Elections

The events that I describe in [Chapters 7](#) and [8](#) underlie my conclusion that some foreign countries engaged in foreign interference in the past two general elections. I must point out that other events that I cannot describe in the public report, but which are described in the classified supplements to my Initial Report and this report, also contribute to this conclusion.

I am not the only one to have reached this conclusion. Indeed, it appears that few would seriously suggest otherwise. Canadian Security Intelligence Service (“**CSIS**”) Director David Vigneault (since retired) said CSIS knew the People’s Republic of China (“**PRC**”) sought to clandestinely and deceptively interfere in both the 2019 and 2021 elections.

The Panel of Five, established under the Critical Election Incident Public Protocol came to the same conclusion in 2019. That same year, the Security and Intelligence Threats to Elections Task Force (“**SITE TF**”) observed foreign interference activities from the PRC, and to a lesser extent India and Pakistan, targeting certain ridings and candidates. The 2021 SITE TF concluded the PRC engaged in foreign interference in the 2021 elections. These observations are consistent with the publicly disclosable summaries of Canada’s overall intelligence holdings.

While Russia was not identified as having played an active role in this respect, it appears to have the capacity to interfere in Canada’s electoral processes. Moreover, there are credible allegations that it has been involved in spreading disinformation and sowing social discord for purposes unrelated to Canada’s elections.

As I said above, foreign interference is an unfortunate geopolitical reality. It is therefore unsurprising that Canadian intelligence agencies observed foreign interference activities in the context of these elections. The important question that this Commission has been asked to answer is whether these attempts at interference succeeded in impacting the elections.

9.3 Foreign Interference Did Not Impact the Electoral System Itself

In my opinion, the evidence showed foreign interference did not impact the integrity of Canada’s electoral system in 2019 and 2021. Our electoral system is robust and well administered.

I define the “electoral system” as the rules and controls administered by Elections Canada to secure an election. The electoral system in this sense is defined by the rules set out in the *Canada Elections Act* and the means that Elections Canada uses to implement them.

Stéphane Perrault, Chief Electoral Officer during both elections, said he had a high level of confidence in the integrity of the results with respect to issues within Elections Canada’s mandate at both the national and individual riding levels. I agree, and no evidence suggests otherwise.

The SITE TF also saw no evidence to indicate foreign state actors were specifically targeting Elections Canada or Canadian electoral system networks in 2019 or 2021 and noted the electoral systems continued to be resilient.

The Election Expert Team of the Organization for Security and Co-operation in Europe observed our 2021 election and concluded that Elections Canada organized the election impartially and transparently. The Team expressed a high degree of trust in the integrity of Elections Canada.

Elections Canada worked with the Canadian Centre for Cybersecurity to protect the elections IT infrastructure. The Communications Security Establishment, while authorized to engage in defensive cyber operations to protect electoral and democratic institutions, including Elections Canada, saw no reason to do so during either election.

I therefore believe voters were able to freely cast their ballots, and have their votes faithfully recorded.

9.4 Foreign Interference Did Not Impact Which Party Formed Government

Attempting to measure the impact of foreign interference on electoral outcomes is inherently difficult. It is generally impossible to draw a straight line between a particular incident and the outcome of an election, just as it is to draw a straight line between the varied, often subtle foreign interference activities that took place prior to or during the elections and the final seat count in the House of Commons.

However, looking at the 2019 and 2021 general elections as a whole, I am confident that whatever impact foreign interference had, it did not affect which political party formed government. The Liberal Party of Canada (“**Liberal Party**”) would have been in government with or without foreign interference. Based on the evidence before me, I firmly believe that foreign interference only manifested itself in, and could only have impacted, a handful of ridings.

It is true, as I discussed in [Chapter 8](#), that some disinformation about the Conservative Party of Canada (“**Conservative Party**”), its then leader Erin O’Toole, and Conservative Party candidate Member of Parliament (“**MP**”) Kenny Chiu circulated more widely, but the nature and reach of this disinformation was such that it was only likely to have an impact within certain communities. I say this not to minimize the gravity of the incidents, but as a realistic assessment of its impact on actual election results at the national level.

It should be remembered that in 2019, the Liberal Party won 157 seats, while the Conservative Party, which finished second, won 121. In 2021, the Liberal Party won 160 seats, and the Conservative Party won 119.

Once again, I am not the only one to reach the conclusion that foreign interference did not change which party formed Government. Mr. O’Toole, leader of the Conservative Party in 2021, Walied Soliman, his campaign co-chair, Michael Chong, another Conservative Party MP with standing at the Inquiry, and the Conservative Party itself have all told the Commission that foreign interference did not keep the Conservative Party out of power.

Mr. O’Toole testified that the Conservative Party had modelled the expected election results, and the votes the Conservative Party expected to receive in its favour in certain ridings began to diminish as misinformation spread. However, he acknowledged the number of ridings affected would have been insufficient to conclude that the Liberal Party would not have formed Government. The Conservative Party representatives accepted this.

Accepting that the Liberal Party would have still formed the Government is not necessarily an easy thing to do. For persons who have genuine, good faith beliefs that foreign interference had a serious impact, it might be attractive to attribute the lost election to foreign interference. The fact that there is agreement from members of the Conservative Party that this did not occur reflects respect for our democracy, as well as the seriousness with which Participants in these proceedings have approached the Commission’s work.

9.5 Foreign Interference Could Have Impacted Certain Riding Results

I cannot exclude the possibility that the outcome in some individual ridings could have been affected by foreign interference. However, in my view, the number of ridings at issue is relatively small, and the ultimate effects of foreign interference remain uncertain. I discuss two examples of potentially affected ridings here.

In 2019, a prime example of observed potential foreign interference was the Liberal Party nomination race in Don Valley North (“**DVN**”), a riding in the Greater Toronto Area. As I explain in [Chapter 7](#), there are strong indications that there was a bus transporting international students, most likely from the PRC, who attended the DVN nomination contest and likely voted in support of Han Dong. Some information contained in the classified supplement to my Initial Report reinforces this conclusion.

I cannot exclude the possibility that, if the PRC did interfere in the DVN nomination, this may have impacted the result of the nomination contest. The nomination race was “very close,” and it is not possible to determine the number of students who were on the bus or how they ultimately voted. Given that DVN was considered a “safe” Liberal Party seat, if foreign interference did impact the nomination race, this would likely not have affected which party held the riding. It would, however, have affected who was elected to Parliament. This is significant.

In 2021, a significant instance of potential foreign interference was the electoral race in Steveston–Richmond East in British Columbia.

As I discuss in [Chapter 8](#), in late August and early September 2021, misleading information about the Conservative Party, Mr. O’Toole and Conservative Party candidate MP Kenny Chiu circulated on media outlets known or suspected to have ties to the PRC. These articles painted the Conservative Party and the candidates O’Toole and Chiu as anti-PRC and attempted to dissuade Chinese Canadians from voting for them.

Although no definitive link between these false narratives and the PRC has been proven, there are strong indicators of PRC involvement. While there may not have been a direct “tasking” by the PRC, this may not have been necessary – those who wish to assist the PRC often know what to do without being told. This is part of what makes PRC interference so insidious, and so difficult to detect.

The impact of this misleading information on the election result in Mr. Chiu’s Steveston–Richmond East riding is difficult to determine. There are a multitude of factors that may affect how someone votes. Moreover, in Canada how someone votes is secret. It is therefore not possible to directly link the misleading media narratives with how any given voter cast their ballot. And even if I were to assume that some votes were changed, there is no way to know whether enough votes were changed to affect the result.

All that I am able to conclude is that there is a reasonable possibility that the media narrative discussed above could have impacted the result in Steveston–Richmond East. I do not go any further than that. It shows, however, how important it is to combat disinformation. I will return to this topic in Volume 5, Chapter 19.

I note that there have been suggestions that multiple seats were affected by foreign interference in 2021. The evidence before me does not lead to such a finding. I note that the alleged disinformation campaign targeting Mr. O’Toole, and the Conservative Party targeted a discrete community. While such a campaign could have had an impact in a riding like Mr. Chiu’s, I fail to see how it could have had a similar impact on a wider scale. It is possible that the online narratives could have led to wider allegations of anti-Asian racism on the part of the Conservative Party, which potentially could have had a wider impact. However, I simply do not have a basis on which to make a finding that such an effect occurred.

In saying this, I do not mean to minimize the legitimate concerns of those who raised these issues. My findings are limited to the evidence before me. And as I discuss below, regardless of whether actual electoral results are affected, the problem of foreign interference is pervasive, insidious and harmful to Canada’s democratic institutions.

9.6 Foreign Interference Impacted the Electoral Ecosystem in 2019 and 2021

Although the election result at the national level was not impacted, and only a few races were potentially impacted at the riding level, I am nevertheless of the view that foreign interference impacted the overall election ecosystem in 2019 and 2021.

This “electoral ecosystem” includes not only the electoral process itself and the participants within it, such as political parties, candidates and voters, but also the norms that contribute to free and fair elections. These norms include freedom of expression and a free press, the principle that voters should not be misled, enticed or coerced and the right to be free from transnational repression.

In my view, foreign interference has an impact when there is a single instance where a ballot is cast in a certain way, or not cast at all, because of a foreign state’s enticement, misinformation, disinformation or coercion. Foreign interference that discourages political engagement and discourse is harmful to Canadian democratic processes.

Further, in considering the effects of foreign interference, we must look past the narrow question of how ballots are cast. Foreign interference can also impact how candidates engage with their communities or how policy proposals are put forward and defended. These sorts of impacts are less tangible and more difficult to identify, but they are very real, and in my opinion, equally harmful.

As I have already stated, assessing the impacts of foreign interference on elections is hard. However, the evidence allows me to conclude foreign interference likely impacted some votes in the 2019 and 2021 general elections. More broadly, foreign interference in 2019 and 2021 undermined the right of voters to have an electoral ecosystem free from coercion or covert influence. This impact has likely been slight to date but may become more severe in the future.

I would also like to emphasize that there is a real risk of politicians modifying their positions or their messages as a result of foreign interference, that the risk will increase and that we need to protect against it. This outcome would be very detrimental to the functioning of our democracy, as it would undermine the fundamental principle that politicians must be free to express their opinions, and those of their constituents, without fear and without covert influence from a foreign state.

9.7 Foreign Interference Impacts Confidence in Canadian Democracy

The main impact of foreign interference in the 2019 and 2021 elections has been, for some Canadians, rightly or wrongly, reduced trust in Canada's democratic process. What the public heard about foreign interference in the media contributed to this reduction of trust.

Public trust in democratic government institutions is important in a democratic country like Canada. Trust leads to greater acceptance of public policies, nurtures political participation, strengthens social cohesion and builds institutional legitimacy.

A loss of trust occurs when Canadians perceive the integrity of our electoral process to have been undermined.

While awareness of foreign interference may at one time have been largely within the domain of national security and intelligence agencies and hidden from public view, the cat is now out of the proverbial bag. The result has been to shake the confidence of Canadians in their electoral processes. Much of this was caused by what came to light initially through the media, which did not offer a full and accurate picture of the phenomenon. That said, one cannot blame the media since they worked with what they had. However, they had only incomplete pieces of information.

Ironically, undermining faith in democracy and government is a primary aim of many of the states that engage in foreign interference. And trust, once diminished, can take a long time to rebuild. It is therefore important that the government work hard to re-establish Canadians' trust in their democratic institutions by informing them of the threat of foreign interference, and by taking real and concrete steps to detect, deter and counter it. I will discuss in Volume 5, Chapter 19 the need for greater transparency from the government and the national security and intelligence community.

9.8 Foreign Interference Impacts Diaspora Communities Differently

At various stages of the Commission's work, I heard from groups of Canadians who are members of diaspora communities in order to gain a greater understanding of how foreign interference impacts their communities and their lives.

Diaspora communities are a common target of foreign interference. I have heard many painful accounts of how foreign interference and transnational repression deny members of these communities the same safety, protection and freedoms that other Canadians enjoy. I discuss what I learned about these experiences in greater detail in Volume 4, Chapter 17 and Volume 6, Chapter 21.

Here, it is enough for me to recognize that while foreign interference targeting Canada's democracy harms all Canadians, those impacts are not all experienced in the same way. Without careful attention being given to the unique experiences of Canadians from diaspora communities, any understanding of foreign interference will necessarily be incomplete. Similarly, any responses to foreign interference need to be informed by the distinct ways in which Canadians from different backgrounds are impacted by foreign interference.

9.9 Conclusion

Reviewing the events surrounding the 2019 and 2021 general elections was the main focus of the first part of the Commission's work. However, the Commission's mandate was not only to look at the past, but also to the future. In Volumes 3 and 4, I shift my focus to the current state of affairs, namely, the foreign interference threat facing Canada is today, and how we as a society, defend against it.

ANNEX A

Glossary

Term	Acronym or Abbreviation	Definition
Artificial Intelligence / Generative Artificial Intelligence (Intelligence artificielle/Intelligence artificielle générative)	AI / GenAI (IA / IA générative)	Information technology that performs tasks that would ordinarily require human brain power to accomplish. Generative AI is a type of AI that produces various forms of content such as text, speech or audio, code, videos and images. It learns from existing content and use the patterns and structures to generate new content, based on user inputs.
Assistant Deputy Ministers' National Security Operations Committee (Comité des sous-ministres adjoints sur les opérations de sécurité nationale)	ADM NS Ops (CSMAOSN)	Committee of assistant deputy ministers from across government departments that coordinates operational responses to national security matters.
Attorney General of Canada (Procureur général du Canada)	AGC (PGC)	Chief law officer of government, also the Minister of Justice. <ul style="list-style-type: none"> • Conducts litigation on behalf of the Government of Canada. • Does not represent individual government departments or agencies but gives them legal advice and legislative services. • Acts in the public interest to uphold the Constitution, the rule of law and respect for independence of the courts.
Cabinet		Political decision-making body chaired by the Prime Minister. Made up of ministers appointed by the Governor General on the recommendation of the Prime Minister (i.e. Cabinet ministers). By convention, Cabinet ministers are usually members of Parliament. They head government departments.

Term	Acronym or Abbreviation	Definition
Canadian Centre for Cyber Security (Centre canadien pour la cybersécurité)	CCCS (CCC)	Part of the Communications Security Establishment (CSE). It is the unified source of expert advice, guidance, services and support on cyber security for Canadians.
Canadian Digital Media Research Network (Réseau canadien de recherche sur les médias numériques)	CDMRN (RCRMN)	Research community in Canada aimed at strengthening information resilience and safeguarding Canadian democracy. The network is coordinated by the Media Ecosystem Observatory (MEO, see definition).
Canadian Heritage (Patrimoine canadien)	PCH (PCH)	Federal government department responsible for promoting Canadian identity and values, cultural development and heritage.
Canadian Radio-television and Telecommunications Commission (Conseil de la radiodiffusion et des télécommunications canadiennes)	CRTC	Public entity in charge of regulating and supervising broadcasting and telecommunications in Canada. The CRTC operates at arm's length from the federal government and implements laws and regulations set by Parliament.
Canadian Security Intelligence Service (Service canadien du renseignement de sécurité)	CSIS (SCRS)	Federal government agency governed by the <i>Canadian Security Intelligence Service Act</i> . <ul style="list-style-type: none"> Investigates activities suspected of being threats to the security of Canada and reports on these to the government. Can also take measures to reduce threats to the security of Canada. Can also render assistance to certain ministers in gathering foreign intelligence within Canada.
Chief Electoral Officer (Directeur général des élections)	CEO (DGE)	Head of Elections Canada. Responsible for running elections and regulatory compliance with election rules. Directly responsible to Parliament, not to the government.

Term	Acronym or Abbreviation	Definition
Classified information (Information classifiée)		Information government declares could reasonably be injurious to the national interest if disclosed, as per the following three categories: <ul style="list-style-type: none"> • Confidential – Limited or moderate injury • Secret – Serious injury • Top Secret – Extremely grave injury
Clerk of the Privy Council and Secretary to the Cabinet (Greffier du Conseil privé et secrétaire du Cabinet)	Clerk (Greffier)	Senior public servant in the Privy Council Office, who also serves as Secretary to the Cabinet and Deputy Minister of the Prime Minister
Client Relations Officer (Agent des relations avec les clients)	CRO (ARC)	Intelligence official responsible for providing relevant intelligence products to security-cleared officials and staff.
Commission counsel (Avocats de la Commission)		Lawyers who work for the Commissioner on the Foreign Interference Commission.
Commissioner of Canada Elections (Commissaire aux élections fédérales)	CCE (CEF)	Ensures compliance with the <i>Canada Elections Act</i> and the <i>Referendum Act</i> . Appointed by the Chief Electoral Officer after consultation with the Director of Public Prosecutions of Canada.
Communications Security Establishment (Centre de la sécurité des télécommunications)	CSE (CST)	Federal government agency that provides the government with foreign signals intelligence and is responsible for cyber security and information assurance. The Canadian Centre for Cyber Security is part of CSE.
Compartmented information (Information cloisonnée)		Classified information subject to an additional control system (an administrative framework) that sets standards for access, marking, handling and control of information.

Term	Acronym or Abbreviation	Definition
Critical Election Incident Public Protocol (Protocole public en cas d'incident électoral majeur)	CEIPP (PPIEM)	Protocol applied during federal elections by a panel of five senior civil servants (the “Panel” or the “Panel of Five”): <ul style="list-style-type: none"> • Clerk of the Privy Council • National Security and Intelligence Advisor to the Prime Minister • Deputy Minister of Justice and Deputy Attorney General • Deputy Minister of Public Safety Canada • Deputy Minister of Foreign Affairs Aimed at protecting federal elections from interference, including foreign interference.
Deepfake (Hypertrucage)		Artificial images, videos or audios that are digitally altered or generated using AI tools.
Defensive Briefing (Brefpage sur la sécurité défensive)		See “Protective Security Briefing.”
Democratic Institutions Secretariat of the Privy Council Office (Secrétariat des institutions démocratiques du Bureau du Conseil privé)	PCO-DI	PCO Secretariat that provides policy support and advice to the Prime Minister and the Minister of Democratic Institutions on issues that impact Canadian democratic institutions.
Department of National Defence (Ministère de la Défense nationale)	DND (MDN)	Federal government department that oversees and supports the Canadian Armed Forces.
Digital Citizen Initiative (Initiative de citoyenneté numérique)	DCI (ICN)	Department of Canadian Heritage program formally established in 2020 to combat online disinformation, support democracy and promote a healthy information ecosystem through research and partnership initiatives.
Disinformation (Désinformation)		False or inaccurate information deliberately spread to deceive or mislead. See also “Misinformation”.

Term	Acronym or Abbreviation	Definition
Elections Canada (Élections Canada)		Entity responsible for administering federal elections. Headed by the Chief Electoral Officer (CEO). Operates independently from government.
Elections Security Coordinating Committees (Comités de coordination de la sécurité des élections)	ESCCs (CCSE)	Committees of senior government and Elections Canada officials created during federal elections (deputy minister, assistant deputy minister or director general level). Co-chaired by the Privy Council Office and Elections Canada. Ensures a coordinated approach and common understanding among the national security and intelligence community, Elections Canada and the Commissioner of Canada Elections.
Executive branch (Pouvoir exécutif)		One of three branches of Canada’s system of government. The other two are the legislative and judicial branches. Each branch has different powers and responsibilities defined in the Constitution. Executive branch implements laws and policy. Prime Minister and Cabinet are the executive branch of government.
Five Eyes (Groupe des cinq)		Intelligence alliance made up of Australia, Canada, New Zealand, the United Kingdom and the United States. These countries are parties to the multilateral UK-USA Agreement, a treaty for cooperation in signals intelligence. Informally, “Five Eyes” can also refer to the group of intelligence agencies of these countries.
Foreign Interference (Ingérence étrangère)	FI (IE)	For the purpose of the Commission, foreign interference means clandestine, deceptive or threatening activity by a foreign state, or those acting on a state’s behalf, that is detrimental to the interests of Canada.
Foreign Interference Commission (Commission sur l’ingérence étrangère)	Commission	Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions.

Term	Acronym or Abbreviation	Definition
G7 Rapid Response Mechanism (Mécanisme de réponse rapide du G7)	G7 RRM (MRR du G7)	G7 (Canada, France, Germany, Italy, Japan, the United Kingdom and the United States) mechanism for identifying and responding to foreign threats to democracy. The G7 RRM is coordinated by the G7 RRM Secretariat, which is a part of Global Affairs Canada.
Global Affairs Canada (Affaires mondiales Canada)	GAC (AMC)	Federal government department that manages diplomatic relations, promotes international trade and provides consular assistance. Also leads international development, humanitarian, peace and security assistance efforts as well as contributes to national security and the development of international law.
Governor in Council (Gouverneure en conseil)	GIC (GEC)	Governor General acting with the advice of the King’s Privy Council for Canada. By convention, the Governor General exercises their powers only on the advice of members of the King’s Privy Council which includes members of Cabinet (see definition of “King’s Privy Council for Canada”). In practice, the “Governor in Council” is the federal Cabinet and the Governor General. Governor in Council decisions are often formally issued as orders in council.
<i>In camera</i> (Huis clos)		Legal term meaning “in private.” For example, <i>in camera</i> hearings are hearings without the presence of the public or press.
Intelligence Assessment Secretariat (Secrétariat de l’évaluation du renseignement)	PCO-IAS (SER du BCP)	Strategic intelligence analysis and assessment unit within the Privy Council Office for intelligence collected by security and intelligence agencies. Provides analysis and assessments to the Prime Minister, Cabinet, the Clerk of the Privy Council and Secretary to the Prime Minister and senior government officials.
Inter-departmental Committees (Comités interministériels)		Committees made up of high-ranking officials from different agencies and departments to enhance coordination efforts. Generally exist at the deputy minister, assistant deputy minister and director general levels.

Term	Acronym or Abbreviation	Definition
Intervener (Intervenant)		<p>Entity with “standing” (see definition) at the Foreign Interference Commission with limited participatory rights.</p> <p>An intervener is also a Participant.</p> <p>Entitled to notice of the Commission’s public hearings and to attend them as a Participant, to make submissions, receive exhibits from the public hearings and other rights if specifically granted by the Commissioner.</p>
Judicial branch (Pouvoir judiciaire)		<p>One of three branches of Canada’s system of government. The other two are the legislative and executive branches. Each branch has different powers and responsibilities defined in the Constitution.</p> <p>The judicial branch interprets and applies the law.</p> <p>The judicial branch is made up of Canada’s courts and is independent of government.</p>
King’s Privy Council for Canada (Conseil privé du Roi pour le Canada)		<p>Group appointed by the Governor General to advise the King: Cabinet ministers, former Cabinet ministers, the Chief Justice of Canada, former chief justices, former speakers of the House of Commons, former speakers of the Senate, former governors general and distinguished individuals.</p>
Legislative branch (Pouvoir législatif)		<p>One of three branches of Canada’s system of government. The other two are the executive and judicial branches. Each branch has different powers and responsibilities defined in the Constitution.</p> <p>The legislative branch makes laws.</p> <p>Parliament (the Senate and House of Commons) is the legislative branch of the federal government.</p>
Media Ecosystem Observatory (Observatoire de l’écosystème médiatique)	MEO	<p>Organization arising from an interdisciplinary collaboration between McGill University and the University of Toronto that studies the health of the media ecosystem.</p> <p>It is the coordinating body of the Canadian Digital Media Research Network (see definition).</p>
Memorandum to Cabinet (Mémoire au Cabinet)	MC	<p>A written document outlining a legislative or policy initiative, used to seek Cabinet approval.</p>

Term	Acronym or Abbreviation	Definition
Misinformation (Mésinformation)		False or inaccurate information (not intended to mislead). See also “Disinformation.”
National Counter Foreign Interference Coordinator (Coordonnateur national de la lutte contre l’ingérence étrangère)	NCFIC (CNLIE)	Position created in 2023 to coordinate the government of Canada’s policy response to foreign interference. This includes work to enhance transparency in the government’s response through public engagement with all Canadians, including diaspora groups, academia, non-governmental organizations as well as other domestic and international partners.
National Security Council (Conseil de la sécurité nationale)	NSC (CSN)	Cabinet committee created in 2023 and chaired by the Prime Minister for strategic decision-making on Canada’s interests related to public safety, national security, foreign policy and intelligence issues.
National Security and Intelligence Advisor to the Prime Minister (Conseiller à la sécurité nationale et au renseignement auprès du premier ministre)	NSIA (CSNR)	Senior official who provides policy and operational advice to the Prime Minister and Cabinet on national security matters to ensure coordination of government responses to threats. Receives information from its Secretariats and from the security and intelligence community. Currently has the status of a deputy clerk within the Privy Council Office and reports to the Clerk of the Privy Council and Secretary to the Cabinet.
National Security and Intelligence Committee of Parliamentarians (Comité des parlementaires sur la sécurité nationale et le renseignement)	NSICOP (CPSNR)	Statutory committee composed of members of Parliament and senators governed by the <i>National Security and Intelligence Committee of Parliamentarians Act</i> . Reviews government intelligence operations, including the legislative, regulatory, policy, administrative and financial framework for national security and intelligence. Also reviews the activity of any government department relating to national security or intelligence (unless it is an ongoing operation, and the minister determines a review would be injurious to national security) and investigates any matter a minister refers to it about national security or intelligence.

Term	Acronym or Abbreviation	Definition
National Security and Intelligence Review Agency (Office de surveillance des activités en matière de sécurité nationale et de renseignement)	NSIRA (OSSNR)	Statutory review body, external to government, created by the <i>National Security and Intelligence Review Agency Act</i> and which reports to Parliament. Reviews and investigates government national security and intelligence activity to ensure it is lawful, reasonable and necessary. Also investigates complaints about key national security agencies and activities.
National security confidentiality (Confidentialité à des fins de sécurité nationale)	NSC (CSN)	Purpose is to restrict access to certain government information and prevent its disclosure in order to protect national security interests.
“ Need-to-know ” (« Besoin de savoir »)		Term describing a condition that must be met to access to classified information. Even if someone has the necessary security clearance to access a piece of information, they can only access it if it is necessary in the performance of their official duties.
Office of the Chief Electoral Officer (Bureau du directeur général des élections)	OCEO (DGE)	Independent agency made up of Elections Canada and the Office of the Commissioner of Canada Elections (OCCE).
Office of the Commissioner of Canada Elections (Bureau du commissaire aux élections fédérales)	OCCE (BCEF)	Organization led by the Commissioner of Canada Elections (CCE) within the Office of the Chief Electoral Officer (OCEO). In its compliance and enforcement responsibilities under the <i>Canada Elections Act</i> , the OCCE acts independently from the OCEO.
Open source (Sources ouvertes)		Information that is publicly available.
Order in council (Décret)	OIC	Legal instrument made by the Governor in Council under statutory authority (or less frequently, the royal prerogative). Always made on the recommendation of the responsible minister of government and only has legal effect when signed by the Governor General.

Term	Acronym or Abbreviation	Definition
Panel of Five or Panel (Panel des cinq)		See “Critical Election Incident Public Protocol.”
Participant		Individual or entity with “standing” (see definition) at the Foreign Interference Commission, either a Party or Intervener.
Party (Partie)		Individual or entity with “standing” (see definition) at the Foreign Interference Commission with full rights to participate, including a right to access documents in advance of the hearings and to question witnesses. A Party is also a Participant.
<i>Persona non grata</i>	PNG	Latin term meaning “unwelcome person.” In diplomacy, it refers to the practice of a host state requesting a foreign diplomat to leave its territory. When a host state declares a diplomat “ <i>persona non grata</i> ,” it is essentially expelling them from the country.
Prime Minister’s Office (Cabinet du premier ministre)	PMO (CPM)	Office responsible for assisting the Prime Minister in carrying out his responsibilities as head of government, leader of a political party and as a member of Parliament. It is made up of political staff and not career public servants.
Privileges		
— Cabinet confidences privilege (Privège relatif aux renseignements confidentiels du Cabinet)		Protects the confidentiality of discussions taking place within Cabinet. Protection of Cabinet confidences is a common law rule as well as a statutory rule set out in section 30 of the <i>Canada Evidence Act</i> and recognized by the <i>Access to Information Act</i> . Applies to anyone involved in Cabinet meetings, even if not ministers.
— Litigation privilege (Privège relatif au litige)		Protects communications (including documents) between a lawyer, their client or a third party created for the dominant purpose of preparing for existing or anticipated litigation.

Term	Acronym or Abbreviation	Definition
<p>— Parliamentary privilege (Privilège parlementaire)</p>		<p>Rights and immunities deemed necessary for the House of Commons and the Senate and their members to fulfill their functions. For example: freedom of speech in the House and in committees of the House, and exemption from subpoenas to attend court as a witness.</p> <p>Also, power of the House of Commons and Senate to protect themselves, their members and their procedures from undue interference so they can carry out their principal functions effectively.</p>
<p>— Section 38 of the <i>Canada Evidence Act</i> privilege (Privilège en vertu de l'article 38 de la <i>Loi sur la preuve au Canada</i>)</p>		<p>Protects information that, if disclosed, could cause injury to Canada's international relations, national defence or national security. Protection of the latter is also called "national security privilege."</p> <p>Information protected by section 38 privilege can only be disclosed if a court so orders or the Attorney General of Canada allows it.</p>
<p>— Solicitor-client privilege (Privilège du secret professionnel de l'avocat)</p>		<p>Protects communications (including documents) between a lawyer and their client created for the purpose of seeking or giving legal advice and intended to be kept confidential.</p> <p>This privilege belongs to the client, who is the only person who can waive it.</p>
<p>— Public interest privilege (section 37 of the <i>Canada Evidence Act</i>) (Protection des renseignements d'intérêt public, [article 37 de la <i>Loi sur la preuve au Canada</i>])</p>		<p>Protects information based on specified public interests. Any sufficiently compelling public interest can justify non-disclosure.</p> <p>Has been held to protect the identity of confidential informants, information about ongoing criminal investigations, information about sensitive investigative techniques and information that, if disclosed, would endanger the safety of public officers or the public.</p> <p>Also called "specified public interest immunity."</p>

Term	Acronym or Abbreviation	Definition
Privy Council Office (Bureau du Conseil privé)	PCO (BCP)	Government department with the principal role to coordinate government administration. Often described as the Prime Minister’s Department. Provides non-partisan advice to the Prime Minister, Cabinet and Cabinet committees on matters of national and international importance. Supports Cabinet decision-making and ensures implementation of the government’s policy and legislative agenda across all federal departments and agencies.
Protected information (Information protégée)		Information that the government has decided could reasonably be expected to injure an interest, other than the national interest, if publicly disclosed. There are three categories: <ul style="list-style-type: none"> • Protected A (limited or moderate injury). • Protected B (serious injury). • Protected C (extremely grave injury).
Protective Security Briefing (Brefage préventif de sécurité)	PSB (BPS)	Type of unclassified briefing provided by the Canadian Security Intelligence Service (CSIS) to sensitize an individual with respect to a threat. Also known as a “defensive briefing.”
Public Safety Canada (Sécurité publique Canada)		Federal government department responsible for public safety, national security and emergency management.
Royal assent (Sanction royale)		When the Governor General approves a bill passed by Parliament making it an Act of Parliament.
Royal Canadian Mounted Police (Gendarmerie royale du Canada)	RCMP (GRC)	Canada’s national police service. Prevents and investigates crime, maintains peace and order, enforces laws, contributes to national security, ensures the safety of designated government officials and foreign dignitaries and the diplomatic community, and provides operational support to other police and law enforcement agencies within Canada and abroad.
Security and Intelligence Community (Communauté de la sécurité et du renseignement)	S&I Community	Government of Canada departments and agencies working on national security and intelligence gathering: CSE, CSIS, DND, GAC, PCO, Public Safety Canada and the RCMP.

Term	Acronym or Abbreviation	Definition
<p>Security and Intelligence Secretariat of the Privy Council Office</p> <p>(Secrétariat de la sécurité et du renseignement du Bureau du Conseil privé)</p>	<p>PCO-S&I</p> <p>(S et R duBCP)</p>	<p>PCO Secretariat that gives policy advice and supports the National Security and Intelligence Advisor to the Prime Minister, briefing them and Cabinet on key national security issues.</p> <p>Has a coordination role when national security or intelligence issues are before Cabinet.</p> <p>Works with Public Safety Canada and other government departments to convene and support regular senior governance meetings on foreign interference threats and responses.</p>
<p>Security and Intelligence Threats to Elections Task Force</p> <p>(Groupe de travail sur les menaces en matière de sécurité et de renseignements visant les élections)</p>	<p>SITE TF</p> <p>(Groupe de travail)</p>	<p>A governmental task force with representatives from:</p> <ul style="list-style-type: none"> • Canadian Security and Intelligence Service (CSIS) • Communications Security Establishment (CSE) • Global Affairs Canada (GAC) • Royal Canadian Mounted Police (RCMP) <p>Created to safeguard federal elections from foreign interference.</p>
<p>Sergeant-at-Arms</p> <p>(Sergent d'armes)</p>	SAA	<p>Performs many ceremonial duties in the House of Commons and is also responsible, as Corporate Security Officer, for the security of the House and its members off Parliament Hill.</p>
<p>Spamouflage</p> <p>(Camouflage de pourriels)</p>		<p>Tactic that uses networks of new or hijacked social media accounts to post and amplify propaganda messages across multiple platforms.</p>
<p>Standing</p> <p>(Qualité pour agir)</p>		<p>Opportunity to participate directly in proceedings (i.e. in court or before administrative tribunals) with certain rights.</p> <p>The Foreign Interference Commission's <i>Rules of Practice and Procedure</i> govern who can have standing as a Party or Intervener (collectively, "Participants") in the Commission's proceedings.</p>

Term	Acronym or Abbreviation	Definition
Standing Committee on Access to Information, Privacy and Ethics (Comité permanent de l'accès à l'information, de la protection des renseignements personnels et de l'éthique)	ETHI	Made up of members of the House of Commons. Studies matters related to: <ul style="list-style-type: none"> the Office of the Information Commissioner of Canada the Office of the Privacy Commissioner of Canada the Office of the Commissioner of Lobbying of Canada. Also studies certain issues related to the Office of Conflict of Interest and Ethics Commissioner.
Standing Committee on Procedure and House Affairs (Comité permanent de la procédure et des affaires de la Chambre)	PROC	Made up of members of the House of Commons. Studies and reports on: <ul style="list-style-type: none"> the rules and practices of the House and its committees electoral matters questions of privilege member of Parliament conflicts of interest.
Terms of Reference (Mandat)	ToR	The Foreign Interference Commission's mandate as set out in Order in Council P.C. 2023-0882 (which creates the Foreign Interference Commission and appoints the Commissioner).
Threat reduction measure (Mesure de réduction de la menace)	TRM (MRM)	Operational measure taken by the Canadian Security Intelligence Service (CSIS) to reduce threats to the security of Canada, under section 12.1 of the <i>CSIS Act</i> , which requires that the measure be reasonable and proportional to the severity of the threat.
Transnational repression (Répression transnationale)	TNR (RTN)	For the purpose of the Commission, transnational repression is when countries employ measures beyond their borders to intimidate, silence, coerce, harass or harm individuals, primarily members of diaspora communities in Canada.



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