CANADIAN SECURITY INTELLIGENCE SERVICE STAGE 2 INSTITUTIONAL REPORT

PREPARED FOR THE PUBLIC INQUIRY INTO FOREIGN INTERFERENCE IN FEDERAL ELECTORAL PROCESSES AND DEMOCRATIC INSTITUTIONS

The Canadian Security Intelligence Service (CSIS or the Service) is pleased to offer the following responses to the Commission's request for an Institutional Report addressing specific questions related to its capacity to detect, deter and counter any form of foreign interference directly or indirectly targeting Canada's democratic processes.

(1) A listing and description of all major instances of suspected foreign interference targeting Canada's democratic processes, including summary, dates, target, country involved, key players, information flow and any responses taken.

To arrive at a list of suspected instances of foreign interference that is responsive to the Commission's question, the Privy Council Office (PCO) led a series of consultations with CSIS, Global Affairs Canada (GAC), the Communications Security Establishment (CSE) and Public Safety Canada (PS). The consensus list is included in the Classified CSIS Stage 2 Institutional Report.¹ The unclassified version of the list is reproduced here:

According to CSIS, this additional information revealed that this instance had a lesser impact on Canada's democratic processes than CSIS previously understood. CSIS continues to view this as a suspected instance of foreign interference as it demonstrated a foreign government attempting to build, maintain or leverage relationships with parliamentarians using clandestine, deceptive or threatening tactics as defined in the *CSIS Act*. However, CSIS now assesses that this instance is not of the same order of magnitude as other instances listed in the Classified CSIS IR, as the activity did not have the outcome intended by the foreign government. CSIS relayed this reassessment to PCO, including the National Security and Intelligence Advisor ("NSIA"). The NSIA agreed that, in light of this information, the instance should no longer be

¹ The Classified CSIS Stage 2 Institutional Report ("Classified CSIS IR") delivered to the Commission on July 8, 2024 contained a list of significant instances of suspected foreign interference created at the request of the Commission. In early September 2024, CSIS informed the Commission that it had reassessed one instance which related to a specific parliamentarian, in light of additional information. On September 5 2024, CSIS undertook a review of public records related to the instance. In the course of this review, CSIS learned information that directly contradicted a significant element of the instance as described in the Classified CSIS IR and the CSIS reporting on which it was based. Since the parliamentarian was not a subject or focus of any investigation, CSIS had not tracked the publicly available information regarding the instance.

influence Canadian federal politics with the aim of furthering GoP's interests in Canada.
Reporting indicates a foreign government undertook several actions, including interference, to reduce the likelihood of a specific Liberal candidate from being elected federally. It is suspected that the foreign government sought to thwart the candidate's bid given their support for issues perceived to be contrary to the foreign government's interests.
A foreign government official is suspected of foreign interference that resulted in a briefing to the secret-cleared representatives of the Liberal Party of Canada shortly before the 2021 election and to the Prime Minister shortly after.
Reporting indicates that a foreign government actively supported an individual's 2019 federal nomination race in Don Valley North, including through the use of a proxy agent.
The Government of India is suspected of leveraging proxy agents to clandestinely provide financial support to specific candidates from three political parties in a federal election. The receipt of funds cannot be confirmed, nor the candidates' potential awareness of the origins.
A former parliamentarian is suspected of having worked to influence parliamentary business on behalf of a foreign government

(2) A listing and description of all existing means at the disposal of each government department and agency to detect, deter, and counter any foreign interference activities, including any relevant changes to or evolution in these means.

The Service's authorities to detect, deter and counter any foreign interference activities are derived from the legislative framework in the *CSIS Act*. For years, CSIS faced significant challenges as it continued to rely on authorities designed in, and for a time of analog technology. Today's threat environment is markedly different from the threats Canada faced when the *CSIS Act* came into effect in 1984. Since that time, the world of national security and intelligence has evolved rapidly due to advancements in technology and its impacts, particularly its borderless nature. Accordingly, so too has the way CSIS works to respond to foreign interference threats.

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included in this list. Further consultation across senior government officials resulted in affirmation of this decision. Given the reassessment, CSIS has amended the Classified CSIS IR to remove this item from the list of significant instances.

Under the Service's legislative framework during the timeframe under review by the Commission, which would not include the changes made pursuant to Bill C-70,² the then-existing means to detect, deter, and counter any foreign interference activities included:

□ Section 12 – investigate threats to the security of Canada: CSIS' primary mandate authorizes CSIS to "collect, by investigation or otherwise, to the extent that it is strictly necessary, and analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada" and, "in relation thereto, shall report to and advise the Government of Canada." ³ CSIS may investigate threats within or outside Canada.

The Service collects intelligence further to the GC Intelligence Requirements (which are approved by Cabinet), assesses this intelligence, and reports to and advises the GC by disseminating intelligence products, such as CSIS Intelligence Reports (CIRs), Intelligence Assessments (IAs), and CSIS National Security Briefs (CNSBs). To support its intelligence collection mandate, CSIS liaises with a vast network of domestic and international partners, working closely with its Five Eyes⁴ colleagues within their respective security and intelligence agencies.

During the period under review, CSIS approved investigative authorities relevant to the Commission's mandate.

□ Section 12.1 – threat reduction measures (TRMs): CSIS is authorized to take measures to reduce threats when there are reasonable grounds to believe that an activity is a threat to the security of Canada, and only where the required legal

² Bill C-70 received Royal Assent on June 20, 2024. See *An Act respecting countering foreign interference*, SC 2024, c 16. Part 1 amends the *CSIS Act* in major areas that close critical policy and legal gaps: information sharing, judicial authorizations, dataset collection and use, foreign intelligence collection, and a statutory review of the *CSIS Act*. Those amendments are summarized below.

³ The term "threats to the security of Canada" is defined in s. 2 of the Act to mean:

⁽a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage;

⁽b) foreign-influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person (a key example being foreign interference (FI)):

⁽c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state; and

⁽d) activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada.

Section 2 further specifies that "threats to the security of Canada" "does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d)."

⁴ The Five Eyes (FVEYs) international intelligence alliance includes Canada, the United States, the United Kingdom, Australia, and New Zealand.

conditions under the *CSIS Act* are satisfied.⁵ CSIS can apply to the Federal Court for a warrant where there are reasonable grounds to believe that a warrant is required to enable CSIS to take measures to reduce a threat to the security of Canada, after having received the Minister's approval.⁶

- ☐ Section 13 security assessments: CSIS is authorized to provide security assessments, such as for individuals who require access to classified information or sensitive sites within the GC. **Section 14 – security advice:** CSIS is authorized to provide security advice, including advice relevant to the exercise of a power or performance of a duty or function under the Citizenship Act⁷ or the Immigration and Refugee Protection Act⁸. Section 15 – investigations for security assessments: CSIS is authorized to conduct such investigations as are required for the purposes of providing the aforementioned security assessments (s. 13) or security advice (s. 14). Section 16 – collect foreign intelligence within Canada: Foreign intelligence is that which relates to the intentions, capabilities and activities of a foreign state, a group of foreign states or any foreign person. The CSIS Act stipulates that CSIS may only collect such intelligence at the personal request of the Minister of Foreign Affairs or the Minister of National Defence and with the personal consent of the Minister of Public Safety. Section 16 was one of the areas amended by Bill C-70 to account for technological impacts on how CSIS may collect information under s. 16. Section 17 – cooperate with domestic and foreign partners: CSIS has arrangements or otherwise cooperates with many federal and provincial government departments, subject to approval of the Minister of Public Safety. CSIS may also enter into an arrangement or otherwise cooperate with the government of a foreign state or an institution thereof, subject to the approval of the Minister of Public Safety, after consulting with the Minister of Foreign Affairs.
- □ Section 19 disclose information when authorized: Though s. 19 of the CS/S Act limits CSIS' ability to disclose classified threat information to stakeholders outside the GC, CSIS can do so in certain, exceptional circumstances, including to support criminal investigations and prosecutions. Should the Service need to disclose information for the purposes of performing its duties and functions under

CSIS ensures it complies with the *Avoiding Complicity in Mistreatment by Foreign Entities Act*⁹ when disclosing or cooperating with foreign partners.

⁵ This authority was added to the *CSIS Act* in 2015 further to the *Anti-terrorism Act*, SC 2015, c 20. The Service's TRM authority came into force upon assent on June 18, 2015.

⁶ See CSIS Act, s. 21.1.

⁷ RSC 1985, c C-29.

⁸ SC 2001, c 27.

⁹ SC 2019, c 13, s 49.1.

the CSIS Act, s. 19 can allow for such disclosures. Section 19 was another area amended by Bill C-70, including to allow CSIS to disclose information to build resiliency against threats.

□ Section 21 – conduct warranted investigations: CSIS can apply to the Federal Court for a warrant where there are reasonable grounds to believe that a warrant is required to enable CSIS to investigate a threat to the security of Canada, within or outside Canada, or perform its duties and functions pursuant to s. 16 of the CSIS Act. The CSIS Act requires that the Minister of Public Safety approve warrant applications before they are submitted to the Federal Court. New judicial authorization authorities were added to the CSIS Act by Bill C-70.

CSIS response to suspected FI:

With respect to instances of suspected foreign interference, major or otherwise, the Service's initial response is to advise and inform relevant Government of Canada departments or agencies so that the GC can understand the scope and severity of a threat and incorporate this understanding into its decision making, including its internal assessments and policy initiatives.

CSIS orients its activities based on the GC's intelligence priorities and requirements, and adjusts its collection of information and intelligence according to existing resources and changing threats, all to ensure the GC's intelligence needs are met.

An instance or series of instances of foreign interference may generate additional CSIS action or responses. These can include:

acquiring a targeting (investigative) authority, ¹⁰ which enables further investigation of the threat;
acquiring a warrant, which enables more intrusive investigative techniques (see Question 5);
providing briefings to build awareness and resilience (see Questions 7 & 9);
engaging with both domestic and foreign partners (see Questions 4 & 6); and/or
undertaking TRMs.

The answers to questions 3, 4, 5, 6, 7, 9 and 10, below, provide additional details on responses to instances of foreign interference that the Service can take to advance its collection and investigations of threat-related information and intelligence. Question (8) is not applicable to CSIS.

¹⁰ A targeting or investigative authority allows the Service to use different operational tools and techniques requiring various levels of internal approval to investigate the activities of any person, group, issue or event when there are reasonable grounds to suspect that the activities pose a threat to the security of Canada, as defined in s. 2 of the *CSIS Act*.

Integrated Terrorism Assessment Centre (ITAC)

The Integrated Terrorism Assessment Centre (ITAC), created out of the GC's 2004 national security policy, "Securing an Open Society", was established to independently produce comprehensive threat assessments using a wide range of classified and unclassified sources. ITAC has focused on assessing and reporting on terrorism threats, trends and events. This includes recommending the National Terrorism Threat Level for Canada and setting terrorism threat levels for Canadian interests worldwide, including for special events and internationally protected persons. Additionally, since May 2023, ITAC has been building capacity to produce, among other things, integrated strategic threat assessments, including on topics related to foreign interference, for public officials and strategic threat briefings for Ministers, opposition leaders, and other Parliamentarians.

ITAC is intended to serve as a community resource in supporting GC decision-making and providing timely analysis to security partners. ITAC does not collect intelligence as it is solely an assessment body. Instead, ITAC relies on intelligence collected by domestic and international partners, including CSIS and law enforcement, and openly available information to produce integrated threat assessments.

The Executive Director of ITAC (EDIR) functionally reports directly to the Director of CSIS and is accountable on financial, administrative, and performance requirements for ITAC. The EDIR is also responsible for delivering mandate and policy commitments as directed by the National Security and Intelligence Advisor (NSIA). The NSIA chairs the Deputy Ministers' Committee on National Security (DMNS), which acts as the governing board in reviewing ITAC's performance and providing advice on its strategic direction and approving ITAC's annual report.

Investment Canada Act

The *Investment Canada Act* (*ICA*)¹¹ sets out a national security review process to mitigate risks and review foreign investments on national security grounds. Innovation, Science and Economic Development Canada (ISED) is the department responsible for the overall administration of the ICA. The Minister of Innovation, Science and Industry, in consultation with the Minister of Public Safety, is responsible for conducting national security reviews and coordinating investigative bodies, such as CSIS.

As a lead investigative agency for the ICA National Security Review program, CSIS prepares intelligence assessments on foreign investments of concern, leveraging the Service's subject matter expertise, intelligence collection, and allied relationships. CSIS also supports other ICA investigative agencies through the sharing of intelligence and subject matter expertise.

The intelligence assessments prepared by the security and intelligence agencies of the ICA community are then used by ISED and the GC to inform decision-making on how to

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¹¹ RSC 1985, c 28 (1st Supp).

address the identified national security risks using the ICA or, if necessary, other policy or regulatory authorities.

Academic Outreach and Stakeholder Engagement

In November 2019, the CSIS Director created a Stakeholder Engagement Program to ensure that the Service is better positioned to work with communities, openly and transparently, to both learn from their experiences, including on FI. The program was designed to help protect communities most vulnerable to FI by sharing relevant information and providing mitigation advice. The Stakeholder Engagement Program was further developed to complement the Service's existing Academic Outreach Program. Over the years, Academic Outreach and Stakeholder Engagement has commissioned several studies and presentations by subject matter experts on areas related to FI to help sensitize both CSIS employees and others across the GC on FI matters. The program also publishes an external newsletter, "Need to Know", to share information. The March 23, 2023 issue was jointly edited with the Chinese-Canadian National Council for Social Justice and discussed FI.

Amendments to the CSIS Act Relating to the Service's Capacity to Detect, Deter and Counter Foreign Interference

Prior to 2015, the *CSIS Act* had not been substantively amended since the Service's creation in 1984. Since 2015, the *CSIS Act* has seen four amendments that while not specifically related to FI, do impact the Service's capacity to detect, deter, and counter foreign interference directly or indirectly targeting Canada's democratic processes.

April 2015 – "Bill C-44" – Protection of Canada from Terrorists Act, SC 2015, c 9

- Strengthened protections for CSIS human sources in judicial proceedings (s. 18.1 class privilege); and
- Clarified that CSIS can conduct certain activities outside Canada, and that the Federal Court can authorize activities outside Canada (ss. 12(2), 15(2) and 21(3.1)).

June 2015 – "Bill C-51" – Anti-terrorism Act, 2015, SC 2015, c 20

- Introduced the Service's mandate to conduct TRMs, including a regime for obtaining TRM warrants (ss. 12.1 and 21.1); and,
- Introduced assistance orders, which the Court can authorize if a third party's assistance is required to give effect to a warrant (s. 22.3)
- Enacted the Security of Canada Information Disclosure Act. 12

June 2019 – "Bill C-59" – National Security Act, 2017, SC 2019, c 13

- Amended the *CSIS Act* by:
 - Clarifying the threat reduction mandate;

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¹² SC 2015, c 20, s 2.

- Adding a new justification framework for acts or omissions that would otherwise constitute offences;
- Adding new exemptions related to the establishment and use of covert identities; and
- Adding a new framework for the collection, retention and use of datasets.
- Enhanced review and accountability by:
 - Replacing the Security Intelligence Review Committee (SIRC) with the National Security and Intelligence Review Agency (NSIRA); and
 - Establishing new, third party oversight with the Intelligence Commissioner.
- Clarified domestic cooperation by:
 - Enacting the Communications Security Establishment Act,¹³
 which set out new powers and authorities for CSE; and
 - Amending the Security of Canada Information Disclosure Act. 14
- Clarified foreign cooperation by:
 - Enacting the Avoiding Complicity in Mistreatment by Foreign Entities Act, which requires Governor-in-Council directions in place of Ministerial directions.

June 2024 – "Bill C-70" – An Act respecting countering foreign interference, SC 2024, c 16

- Amended the dataset authority to clarify that datasets support CSIS' duties and functions, and authority to better enable CSIS' use of data by, for example, increasing timelines, enabling sharing, enabling use of Canadian datasets for s. 15 investigations, enabling foreign datasets to be treated as Canadian;
- Amended s. 16 to enable CSIS to collect, from within Canada, foreign
 information or intelligence that is located outside Canada if the s. 16
 assistance is directed at a person or thing in Canada or an individual who
 was in Canada and is temporarily outside Canada. CSIS' warrant
 authorities were also amended to enable the Federal Court to issue
 warrants to give effect to this change to s. 16;
- Amended s. 19 of the CSIS Act to enable CSIS to (1) disclose information
 to any person with jurisdiction to investigate contraventions of Canadian
 law, (2) disclose information to non-federal partners to build resiliency
 against threats, and (3) with the approval of the Minister of Public Safety,
 disclose personal information when it is essential in the public interest and
 clearly outweighs privacy invasion;

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¹³ SC 2019, c 13, s 76.

¹⁴ SC 2015, c 20, s 2.

- Amended s. 21 of the CSIS Act to repeal the former process for constituting datasets from warranted collection (this process has been replaced by new provisions within the dataset authority) and to enable the Court to issue warrants for the collection of information or intelligence, from within Canada, to assist in CSIS' performance of its duties and functions under s. 16 of the CSIS Act (see section 16 above);
- Further amended Part II of the Act, titled Judicial Control, by introducing a preservation order, production order, and single use warrant authorities, which are modelled on the powers routinely used by law enforcement and intelligence agencies in other democracies. It also amended the removal warrant authority in s. 23 of the CSIS Act to enable CSIS to remove something installed on consent and the assistance order authority in s. 22.3 of the CSIS Act to include the new single use warrant and the removal warrant;
- Introduced a new provision for the CSIS Act to be reviewed by Parliament every five years, ensuring CSIS can continue to protect and remain accountable to Canada and all Canadians; and
- Clarified that, with emergency designations, employees may be justified in committing or directing another person to commit acts or omissions that would otherwise constitute offences.

Please see <u>Appendix H</u> for details on the CSIS Act amendments.

The Service is responsive to the GC's intelligence requirements as well as to emerging global events by continuing to monitor and assess emerging and existing threat-related activity. The Service has a finite capacity to investigate all threats as defined in s. 2 of the *CSIS Act* and to pursue investigation related to s. 16. As such, there is a continual reprioritization of resources according to the changing threat environment over any given time-frame. There is a direct relationship between the distribution of investigations and the Service's shift in resources in response to a s. 2 threat. For example, in the 5-year timeframe of 2017 to 2021, there was a 35% increase in investigations related to s. 2(b) threats. The increased focus on this threat was at the expense of investigative capacity against other national security threats. By shifting resources to investigate FI, less resources are available to investigate espionage, sabotage and terrorism threats. The number of those investigations declined 35% over the same time frame. This constant reprioritization is necessary as CSIS has not received a corresponding increase in its resources to effectively detect, deter and counter the threat FI activities, despite the increasing threat environment.

CSIS does not have the capacity to investigate all national security threats that meet the legal threshold for investigation and does not have the capacity to seek judicial authorizations for all national security threats meeting the s. 21 legal threshold to obtain a warrant from the Federal Court.

As a result, a number of capacity-related risks exist without resources, impacting CSIS's ability to deliver on FI intelligence requirements.

(3) A listing and description of all policy proposals, legislative plans and resource requests related to foreign interference, including but not limited to memos to the Deputy Minister (or equivalent) or Assistant Deputy Minister (or equivalent). At a minimum, this should include the date of the request, date of decision (where applicable), a summary of the proposed changes and the outcome of the request.

CSIS engages regularly with PS, PCO and other partners to advance CSIS' policy proposals, legislative plans and resource requests. CSIS works with PS and PCO in a coordinated approach to national security threats to ensure cohesion with Canada's national security policies. CSIS also regularly briefs and meets with the Minister of Public Safety and the Minister's Office in order to inform the Minister of important national security developments and key elements of the Service's operational activity, as well as seek ministerial approval where needed.

CSIS actively leads and contributes to the GC's national security policy agenda, including with respect to foreign interference. While Cabinet confidentiality limits what CSIS can disclose regarding its contributions and although the final outcomes of certain MCs may no longer be covered by Cabinet confidentiality, CSIS' underlying advice to and via senior officials on the development of these initiatives remains protected. We are therefore unable to provide supporting materials.

Several legislative efforts and Treasury Board Submissions for resource requests impacting the Service's ability to detect, deter and counter foreign interference exist for the time span of the Commission's mandate, but these records have been withheld as they would reveal information protected by Cabinet Confidence.

<u>Table 1</u> includes an unclassified list of partner consultations, including with diaspora communities, on the recent *CSIS Act* amendments included in Bill C-70 which received Royal Assent on June 20, 2024.

Budget 2024 proposes to provide \$655.7 million over eight years, starting in 2024-25, with \$191.1 million in remaining amortization, and \$114.7 million ongoing to the CSIS to enhance its intelligence capabilities, and its presence in Toronto. Although the budget is designed to equip CSIS to keep pace with technological developments and these targeted and significant investments will enhance CSIS' capability to detect, deter and counter FI, resource challenges remain as CSIS' baseline budget reflects its capabilities in 1984. The increasingly diverse, complex and global nature of threats today means that CSIS must now make difficult decisions on the reallocation of resources between operational demands, as well as having to allocate investigative funds to meet statutory obligations and support external oversight functions.

(4) A listing and description of all existing arrangements and undertakings (including Memoranda of Understanding) between government departments and agencies, and with international partners, aimed at detecting, deterring, and countering foreign interference activities, including the dates that the arrangements have been in place.

All of the authorities previously stated in response to Question 2 are used in varying capacities to detect, deter and counter foreign interference.

CSIS fosters strong relationships with Indigenous governments and organizations, municipal, provincial, territorial and federal governments and foreign partners in building resilience against foreign interference threats. The Service works closely with both domestic and foreign security intelligence partners to detect, deter and counter foreign interference through the sharing of intelligence. Collaboration and partnerships between domestic and international security intelligence services and law enforcement agencies are critical to ensuring collective security and bolstering CSIS' ability to counter foreign interference.

Information-Sharing Memoranda of Understanding (MOUs) with Domestic Partners

CSIS is able to share and exchange a broad range of information with various levels of government through information-sharing Memoranda of Understanding or arrangements. Exchanging information with all levels of government and law enforcement in Canada is crucial to CSIS fulfilling its mandate to lawfully advise the GC of threats to the national security of Canada.

See Table 2 for a listing of CSIS' Memoranda of Understanding/Arrangements.

Cooperation with Foreign Entities

Exchanging information with foreign agencies is an integral part of CSIS' mandate and is a crucial component of Canada's ability to effectively investigate, assess, and counter threats to Canada and its interest. For example, the Service maintains longstanding partnerships within the Five Eyes alliance. Cooperation with these countries is robust, across a range of threats from foreign interference to violent extremism, and is critical in helping safeguard Canada's national security.

CSIS is able to share or exchange a broad range of information with foreign entities through the authorities granted under paragraph 17(1)(b) of the CSIS Act. Per that paragraph, the Service may, "with the approval of the Minister after consultation by the Minister with the Minister of Foreign Affairs, enter into an arrangement or otherwise cooperate with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof". A 17(1)(b) arrangement permits CSIS to engage in a more collaborative way with a foreign agency for the purpose of performing the Service's duties and functions under the CSIS Act. Such

arrangements are not specifically aimed at detecting, deterring and countering foreign interference activities but may include intelligence sharing related to foreign interference. The list of existing arrangements includes agencies in a great many countries.

In 2018, CSIS maintained 306 arrangements and at present (June 2024), CSIS has 317. This growth allows CSIS to respond to an evolving threat landscape.

Depending on the nature of the arrangement, the Service may cooperate with the foreign partner on one or more of the following: (1) immigration vetting and security assessments, (2) acquisition or exchange of information, and (3) technical assistance.

(5) A listing and description of all warrant applications related to foreign interference submitted to the Minister of Public Safety, and ministerial authorizations submitted to the Minister of National Defence, including date submitted to the Minister, date approved by the Minister, date of decision by the Federal Court and, if applicable, the reasons for decision.

Under s. 21 of the *CSIS Act*, a designated judge of the Federal Court may issue a warrant if satisfied that there are "reasonable grounds to believe" that a warrant is required to enable the Service to investigate a threat to the security of Canada, which may include foreign interference threats. A designated judge may also issue a s. 21 warrant if satisfied that there are "reasonable grounds to believe" that a warrant is required for the Service to perform its duties and functions under s. 16. Section 21 warrants are generally issued for a maximum period of one year.¹⁵

Section 21.1 of the *CSIS Act* further allows the Service to seek a Federal Court warrant to carry out certain TRMs. During the period under review by the Commission, the Service did not seek any s. 21.1 warrants.

The Federal Court can also issue assistance orders, ordering an individual or entity to assist CSIS to give effect to a warrant (ss. 22.3(1)), and order measures to ensure the confidentiality of such an order (ss. 22.3(2)). Note that Bill C-70 introduced additional judicial authorities, as summarized in response to Question 2, above.

In its warrant applications and dealings with the Federal Court, CSIS has a "duty of candour" to be full, fair and frank with respect to all facts, including exculpatory information, relating to warrant applications before the Federal Court.

As part of CSIS' duty of candour obligations, CSIS discloses any instances of warrant-related non-compliance to the Federal Court. On a bi-annual basis, CSIS produces the Warranted Compliance Incident Report (WCIR) to keep the Court apprised of warrant-related non-compliance instances. To increase transparency with the Court, CSIS also attends a quarterly Case Management Conference to answer any questions related to the WCIR or with regards to the state of the Compliance program at the Service. CSIS has a duty to proactively advise the Federal Court, the Minister of Public Safety and NSIRA on issues of non-compliance pertaining to Canadian law, Ministerial Direction and potential unlawful activity.

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¹⁵ Warrants issued for 2(d) threats (i.e. subversion) are limited to 60 days (see s 21(5)(a) of the CSIS Act).

(6) A listing and description of the date, venue, participants and summary of discussion for all engagements by senior executives (ADM and above, including Ministers) with representatives of foreign governments where the subject of foreign interference was raised.

<u>Table 3</u> lists engagements by CSIS senior executives (ADM and above) with representatives of foreign governments where the subject of foreign interference was discussed at the meeting.

(7) A listing and description of all education campaigns aimed at Parliamentarians and their staff, political parties, government employees at federal, provincial or municipal levels, diaspora groups, or the general public related to foreign interference.

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(9) A listing of all engagements at divisional Director level (or equivalent) or above with representatives of diaspora groups where the subject of foreign interference was discussed. Listing should include dates, names of departmental and diaspora representatives and summary of discussion.

The mechanisms by which CSIS conducts engagement activities and education campaigns overlap. CSIS proactively engages with members of Canadian society to promote dialogue and build awareness on national security matters. This includes engaging with stakeholders to increase awareness and understanding of foreign interference including with Parliamentarians and their staff, political parties, government employees (federal, provincial, territorial, municipal and Indigenous), diaspora groups, and the public. In recent years, CSIS has increased its public engagement and communication efforts due to the pervasive nature of the foreign interference threat. Through increased transparency, CSIS fosters a more informed national security discussion and, by doing so, ultimately builds resiliency against foreign interference. Due to constraints on the Service's former s. 19 disclosure authority, engagements with those outside of the GC were generally limited to unclassified and general threat information. CSIS, however, has also leveraged its threat reduction mandate to inform others of threats in order to reduce them in specific circumstances.

CSIS uses its full authorities under the *CSIS Act* to investigate suspected interference by foreign states that would undermine Canada's democratic processes, threaten the lives and wellbeing of Canadians, or intimidate Canadian communities. Certain foreign states routinely attempt to threaten and intimidate individuals around the world through various state entities and non-state proxies. Relationships with diaspora communities are invaluable for CSIS to effectively execute its mandate, as such, the Service takes every measure possible to ensure safeguards are in place to protect those relationships.

By working in collaboration with domestic and international partners, the Academic Outreach and Stakeholder Engagement (AOSE) program has facilitated over 150 engagements with civil society partners to build resilience against foreign interference,

espionage, and other hostile state activities and has provided over 200 security briefings to elected and unelected officials at all levels of government to build resilience against foreign interference and espionage. AOSE has met with senior university administrators across Canada to build awareness of the extent of foreign interference activities, such as monitoring, intimidation, and harassment targeting international students on Canadian campuses. AOSE has also facilitated security clearances for leadership of Inuit Tapiriit Kanatami (ITK) to provide a mechanism for information-sharing with Inuit leaders to better support Inuit self-determination and to increase awareness and understanding of foreign interference.

Most CSIS interactions with stakeholders do not occur in a formal meeting but rather are based on an informal series of interactions over a prolonged period of time. CSIS takes great effort to establish and build upon its relationships that are nurtured after years of effort. Through the hundreds of informal engagements with our network of partners and stakeholders, CSIS is working hard to build relationships of trust.

As such, it is difficult to include all stakeholder interactions in formal reporting. <u>Table 4</u> lists formal meetings with Canadian partners, including with diaspora communities, on the topic of FI. The table represents CSIS efforts at educating other partners, including Indigenous representative bodies on this threat. The table does not reflect the various informal interactions.

Educating Members of Parliament

Canada's democratic institutions are a significant focus of foreign interference. In response, for several years CSIS has prioritized the briefing of Parliamentarians and public officials and their staff (federal, provincial, territorial, municipal, Indigenous). C-70 recently provided the Service further disclosure authorities. However, up until very recently, specific provisions of the *CSIS Act* currently limited the extent to which classified information could be disclosed during these engagements. Despite being limited to providing unclassified information, CSIS was able to provide details about the tactics, tradecraft and methodologies of foreign interference threat actors targeting elected officials. The briefings were designed to provide enough information to build awareness to make foreign interference efforts unsuccessful while still respecting our obligations under the *CSIS Act* as well as protecting sources and methodologies.

Please refer to the updated **Appendix D** from the Stage 1 Institutional Report for a list of engagements to educate Parliamentarians and their staff, political parties, employees within the federal, provincial, municipal or Indigenous government on the threat of foreign interference.

Educating Government Employees

In light of the ever-increasing threat of foreign interference and espionage, CSIS has created new products related to granting security clearances to educate and build

awareness within the GC – including how to mitigate and manage the risks to Canadian assets and information.

Public Education

CSIS has published unclassified reports, including, for example, "Foreign Interference and You," in eight languages including the languages of several diaspora communities directly targeted by foreign interference (Arabic, Farsi, Russian, Simplified Chinese, Traditional Chinese, Punjabi, English and French). In August 2023, the Service conducted a public campaign on disinformation to build awareness on the topic. Since 2018, CSIS has released annual public reports. Prior to 2018, CSIS published a public report every two or three years. CSIS has steadily released more information in each subsequent public report. The 2023 annual public report continues to build on this trend.

CSIS also uses social media to educate the public on FI. In 2023, there were over 9.7 million views of CSIS content, 157% more than in 2022.

By sharing as much information as widely as possible, CSIS builds understanding across Canada of the threat environment and supports informed dialogue on national security issues. This objective is achieved, in part, by offering information on CSIS's public website and social media accounts; delivering public remarks; appearing before Parliamentary committees; and media interviews. As mentioned previously, since 2018, the Director of CSIS has also delivered an annual public speech which is intended to educate the public on national security, including foreign interference.

See <u>Table 5</u> for a non-exhaustive listing of all public engagements at the ADM and DM-level and <u>Table 6</u> for a listing of screenshots of all social media engagements.

CSIS senior executives have openly discussed the fact that one of the best mechanisms to counter foreign interference, generally and in our democratic processes specifically, is through transparent discussion with Canadians on what foreign interference is and how it is conducted. Exposing the mechanisms used by certain foreign states to improperly interfere in Canadian affairs limits their efficacy and increases the resiliency of Canadian institutions and society. As noted earlier, for the period under review by the Commission, CSIS had statutory limitations on its ability to publicly share information collected under its mandate. Although Bill C-70 will not entirely lift these statutory limitations, the Service will have new authorities to disclose for the purpose of building resiliency.

CSIS supports the Commission's mandate to conduct its affairs in a transparent manner. CSIS undertook an unparalleled effort to respond to the Commission's requests for unclassified summaries of classified topics of interest to the Commission. CSIS authored 13 of the 14 topical summaries released under the Commission's mandate, summarizing highly classified intelligence on sensitive matters in a manner that could be disclosed publicly. This undertaking represents the broadest release of

intelligence relating to foreign interference into democratic processes by the Service. These disclosures facilitated a robust public discussion on matters of national security, without causing harm to Canada's intelligence collection capabilities.

CSIS also responds to media requests, providing as much information as possible. Since late 2022, there has been a considerable increase in requests for information related to FI. CSIS takes its responsibility to be as transparent as possible seriously for requests from the public; this includes transparency with respect to releasable information related to FI in its holdings. In 2023, CSIS received 3,387 *Privacy Act*¹⁶ requests and 941 *Access to Information Act*¹⁷ (*ATIA*) requests. For the 2023 calendar year, CSIS on-time compliance stood at 94% for *Privacy Act* requests and 92% for ATIA requests.

See <u>Table 7</u> for a listing of the topical summaries of classified intelligence released to date.

(8) (PCO and/or Public Safety) For each interdepartmental committee related to foreign interference, listing of meeting frequency (or meeting dates if ad hoc) and description of what documentation is routinely produced for each committee (e.g. agendas, list of participants, annotated agendas for the Chair, meeting summaries, minutes).

Question (8) is not applicable to CSIS.

- (9) See page 13 for combined answer to Question 7 and Question 9
- (10) Any relevant updates related to the information provided in the Stage 1 Institutional Report.

Please see the following updated unclassified appendices from the CSIS Stage 1 Institutional Report:

APPENDIX B2 – June 2024 Addition: 2022 and 2023 CSIS Annual Public Reports

APPENDIX G – Overview of FI TRMs (Updated June 2024)

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¹⁶ RSC 1985, c P-21.

¹⁷ RSC 1985, c A-1.

TABLE 1

CSIS Act Amendments – Consultations

In addition to the below consultations, CSIS also supported Ministerial briefings related to the FI-related legislative amendments.

In November 2023, the Government of Canada launched public consultations on possible amendments to the *Canadian Security Intelligence Service Act* (the *CSIS Act*) that would better equip CSIS to carry out its mandate to investigate, advise the Government of Canada, and take measures to reduce threats to the security of Canada and all Canadians. The consultations included an online survey available to the public and direct engagement with provincial and territorial governments; Indigenous governments; the private sector; academia; legal, privacy and transparency experts; community and religious representative organizations; and other civil society stakeholder and partner groups. The consultation process was a valued experience for the Government, and provided an opportunity to reach out to and learn from many civically-engaged members of Canadian society.

Participating Canadians indicated a general understanding that advancements in technology and evolving threats have created a need for changes to the *CSIS Act*, and favoured amendments. Respondents held a generally positive view toward the amendments under consideration, though there was variability between the categories in the degree of support.

While support was strong, not all participants favoured the proposals. A minority of respondents expressed concerns specific to privacy and the need for strong oversight and accountability, with contributions also reflecting the importance of building trust in CSIS and encouraged continued transparency.

Taken as a whole, most participants acknowledged that the proposed amendments could better equip CSIS and the Government to respond to national security threats such as foreign interference.

TABLE 2

Memoranda of Understanding / Arrangements related to Foreign Interference (2018 – 2024)

The list below is reflective only of the MOUs relevant to the Commission's mandate and in place during the identified timeframe; it is not an exhaustive list of the Service's MOUs / Arrangements. It is neither reflective of renewals of MOUs / Arrangements nor their initial start date.

Title	Date	Description
CSIS RCMP Framework for Cooperation (One Vision)	2015-11-10	The purpose of the One Vision Framework is to establish a clear and transparent framework to govern information sharing between CSIS and the RCMP as they both exercise their separate national security mandates.
	(One Vision 2.0)	
	2021-11-10 (One Vision 3.0)	
Memorandum of Understanding between CSIS and OCCE	2019-09-26	CSIS and OCCE share a goal of preventing covert, clandestine or criminal activities interfering with or influencing electoral processes in Canada.
		The need to ensure the integrity of Canada's electoral processes, while effectively managing national security threats in a dynamic and fluid threat environment, requires a clear framework for cooperation that allows for the collaborative threat assessment and consideration of the best means of response.
		This MOU provides for a means of cooperation to determine the most effective and efficient way to address a threat in accordance with each Participant's respective legislative authorities.
Memorandum of Understanding between CSIS and the Commissioner of Canada Elections	2019-09-26	The MOU provides for a means of cooperation to determine the most effective and efficient way to address a threat in accordance with each Participant's respective legislative authorities.
Memorandum of Understanding between PPSC, DoJ, RCMP, and CSIS	2020-10-13	Concerning certain roles and responsibilities in relation to national security investigations.

Memorandum of	2023-03-30	This MOU sets out the roles and responsibilities of the
Understanding		Participants in sharing information for the purpose of
between CSIS		enhancing the safety and security of members of the House.
and the House of		
Commons (Office		
of the Sergeant-		
At-Arms, SAA)		

TABLE 3

Engagements by CSIS Senior Executives with Representatives of Foreign Governments (2018 – 2024)

TABLE 4

Academic Outreach and Stakeholder Engagement (AOSE) including Diaspora Community Engagements on the Topic of Foreign Interference (2018 – 2024)

TABLE 5

Public Engagements on the topic of Foreign Interference (2018 – 2024)

The list below is not an exhaustive list of the Service's public engagements.

The list below is not an exhaustive list of the Service's public engagements.			
Topic	Forum	Document Date	CSIS Executive / Branch Present
Annual Speech by CSIS Director David Vigneault	Economic Club of Canada	2018-12-04	Director
FI General, Economy, Espionage	Standing Committee on Industry and Technology (INDU)	2020-06-11	Assistant Director Requirements
FI General, Economy, Espionage	Standing Committee on Industry and Technology (INDU)	2020-06-11	Assistant Director Requirements
FI General, Economy, Espionage	Standing Committee on Industry and Technology (INDU)	2020-06-18	Assistant Director Requirements
FI General, Economy, Espionage	Standing Committee on Industry and Technology (INDU)	2020-06-18	Assistant Director Requirements
UFWD	Standing Committee on Public Safety and National Security (SECU)	2020-11-02	Director
FI General	Standing Committee on Public Safety and National Security (SECU)	2020-11-25	Deputy Director Operations
Annual Speech by CSIS Director David Vigneault	Centre for International Governance Innovation	2021-02-09	Director

FI General	Canada China Legislative Association (CACN)	2021-03-11	Director
FI General, Economy, Research	Standing Committee on Public Safety and National Security (SECU)	2021-05-12	Assistant Director Requirements
FI General, Economy, Research	Standing Committee on Industry and Technology (INDU)	2022-01-27	Assistant Director Requirements
FI General, Espionage, Cyber	Standing Committee on National Defence (NDDN)	2022-03-22	Assistant Director Requirements
Annual Speech by CSIS Director David Vigneault	University of British Columbia	2022-05-04	Director
FI General, Democratic Institutions	Standing Committee on Public Safety and National Security (SECU)	2022-11-01	Deputy Director Operations
FI General	Canada China Legislative Association (CACN)	2023-02-06	Director
FI General, Democratic Institutions	Standing Committee on Procedure and House Affairs (PROC)	2023-02-09	Assistant Director Requirements
FI General, Democratic Institutions	Standing Committee on Procedure and House Affairs (PROC)	2023-02-09	Assistant Director Requirements
FI General, Democratic Institutions	Standing Committee on Procedure and House Affairs (PROC)	2023-03-02	Director and Deputy Director Operations

FI General, Democratic Institutions	Standing Committee on Procedure and House Affairs (PROC)	2023-04-27	Assistant Director Requirements
FI General, Democratic Institutions, Threats against MPs	Standing Committee on Procedure and House Affairs (PROC)	2023-06-13	Director and Assistant Director Requirements
CSIS Director David Vigneault participation	Emerging Technology and Securing Innovation Summit	2023-10-17	Director
FI General, Economy, Research	Standing Committee on Science and Research (SRSR)	2023-10-23	Deputy Director, Policy and Strategic Partnerships
FI General, Disinformation	Standing Committee on Access to Information, Privacy and Ethics (ETHI)	2023-11-20	Assistant Director Requirements
FI General, Economy, Research	Standing Committee on Science and Research (SRSR)	2023-11-22	Director and Deputy Director, Policy and Strategic Partnerships
Annual Speech by CSIS Director David Vigneault	Canadian Museum for Human Rights	2023-12-11	Director

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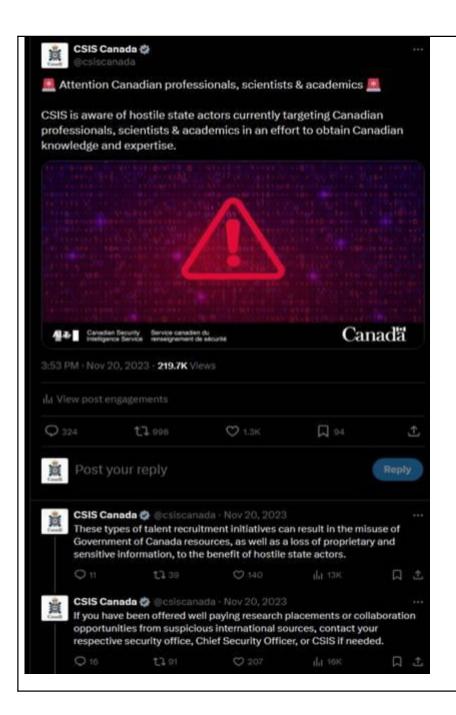
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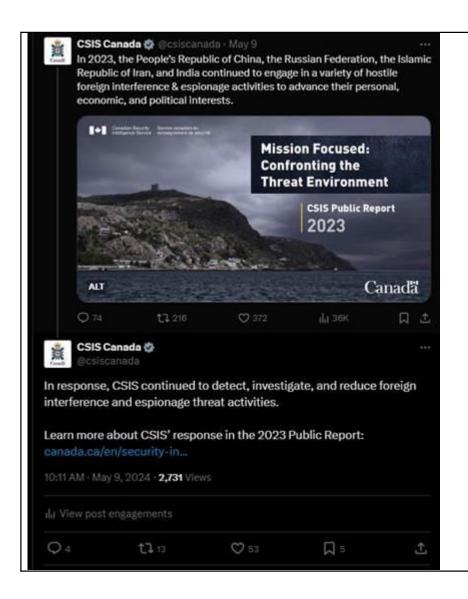


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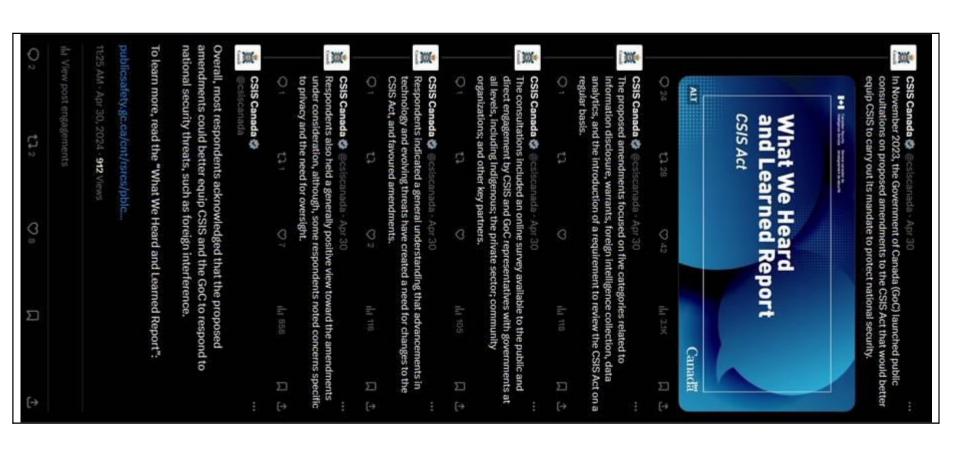


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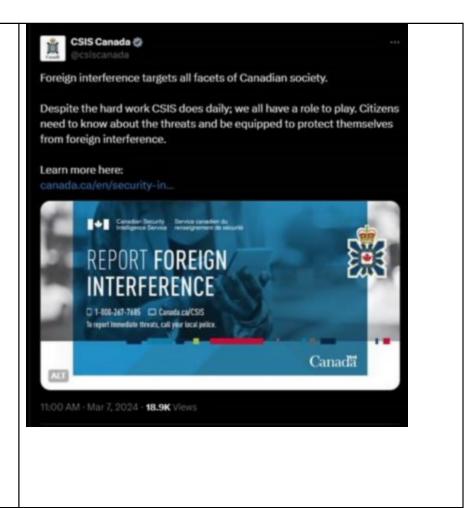


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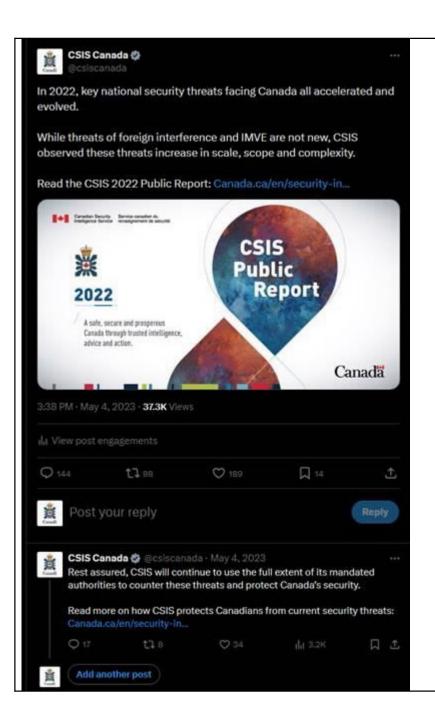




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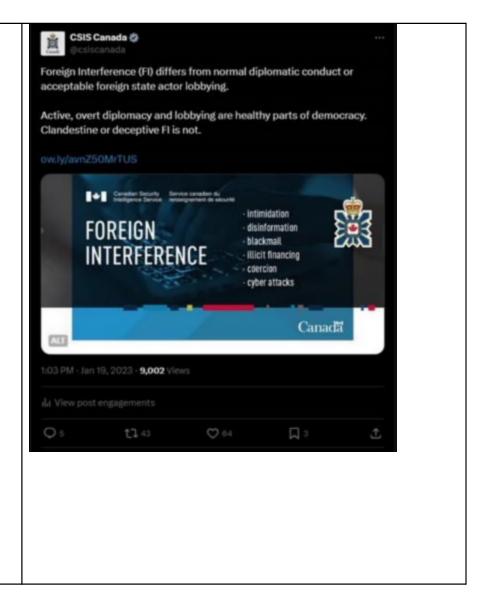
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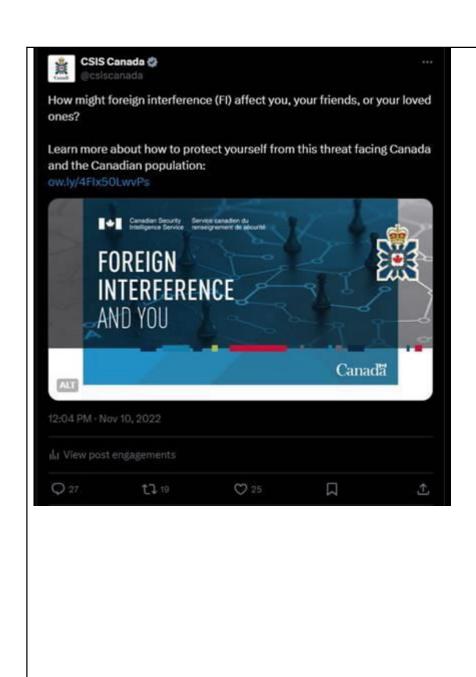


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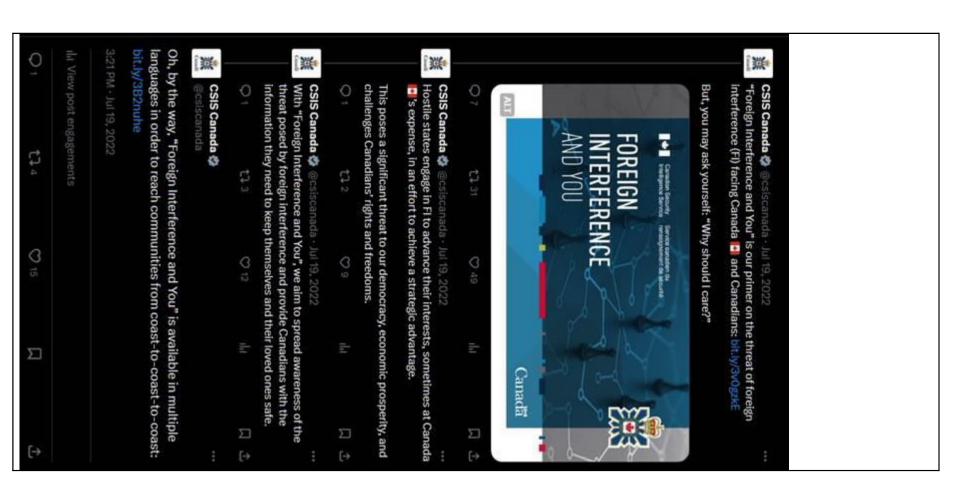


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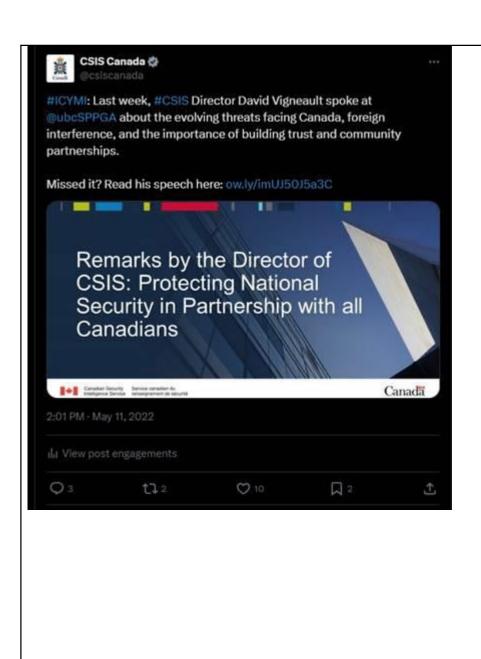
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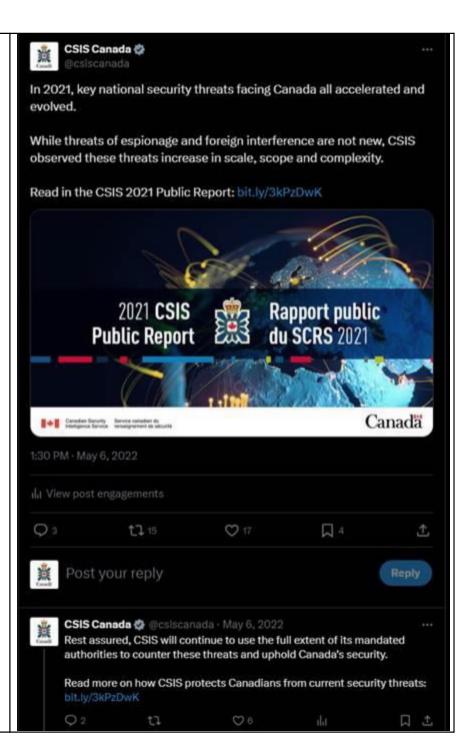




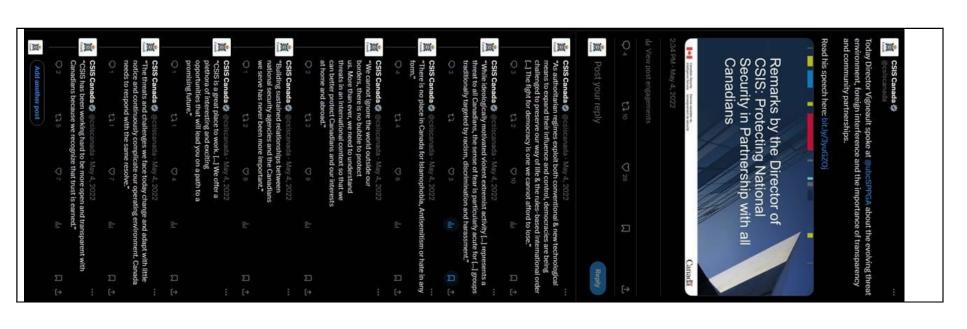


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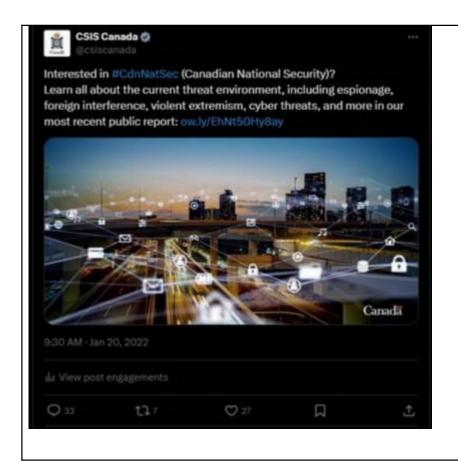




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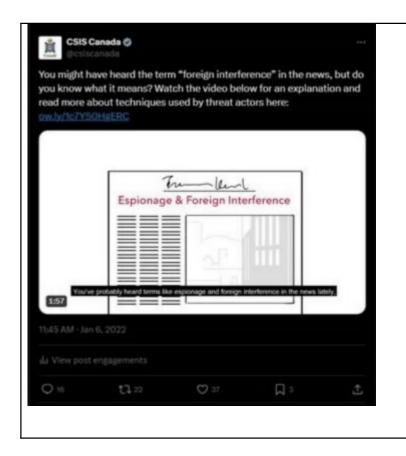


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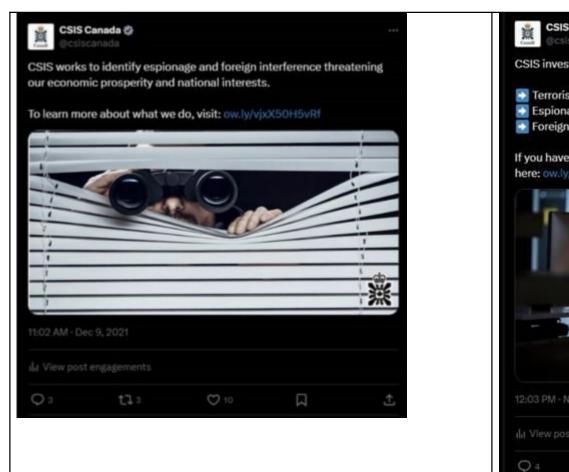


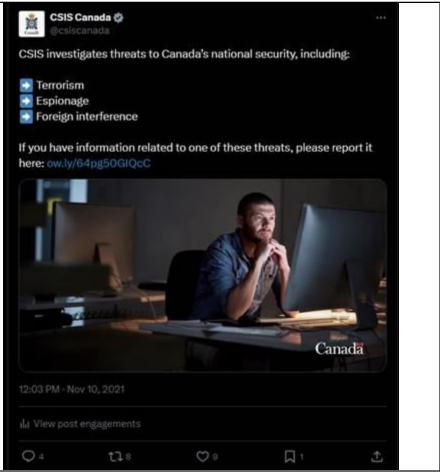
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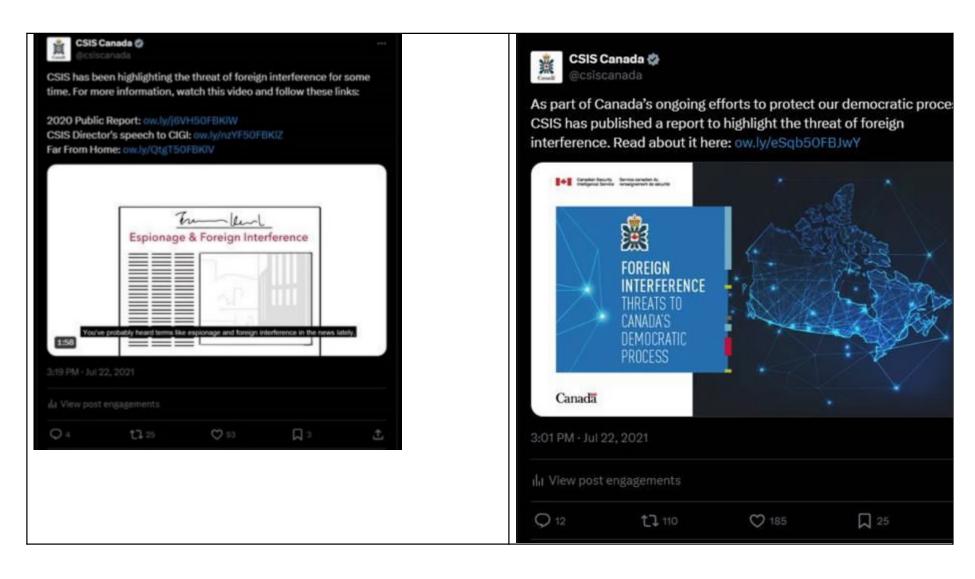


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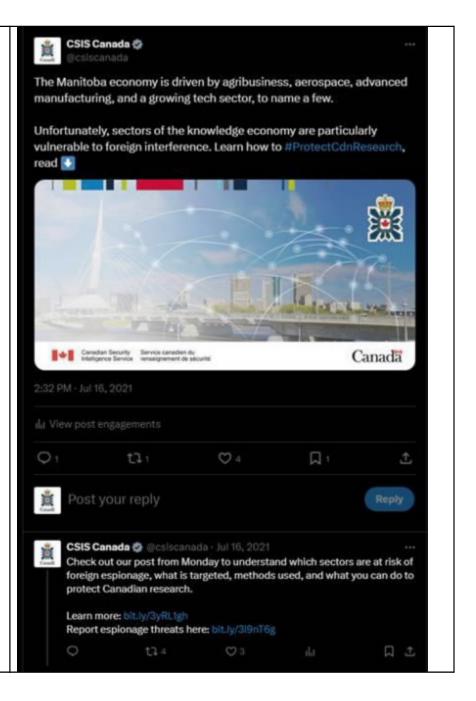


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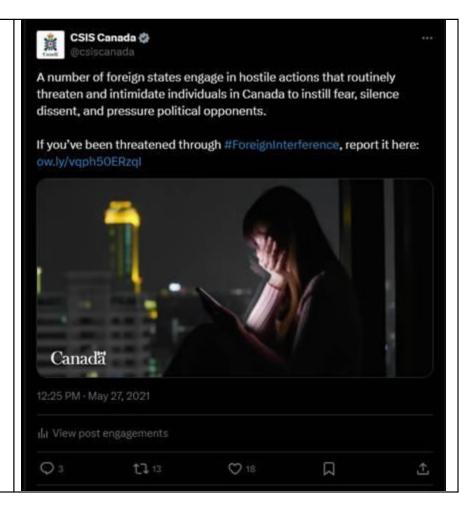
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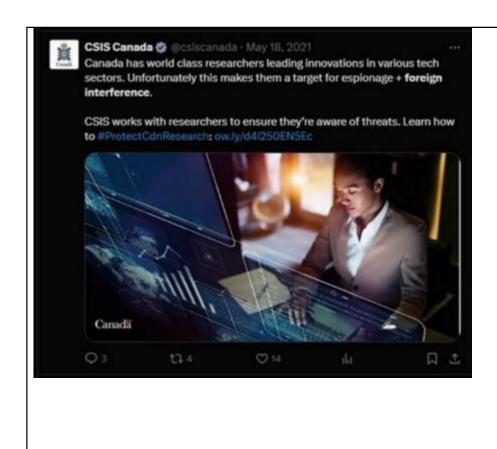


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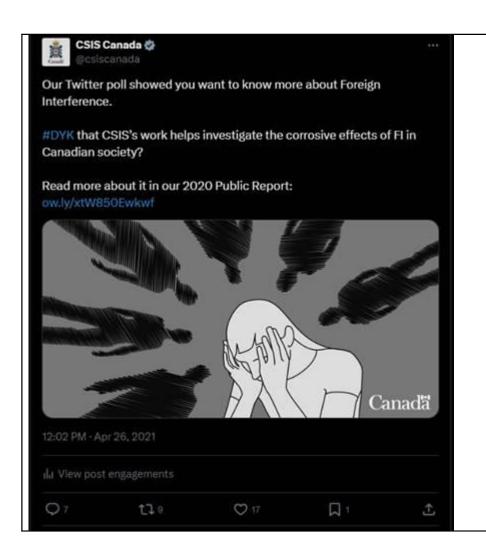


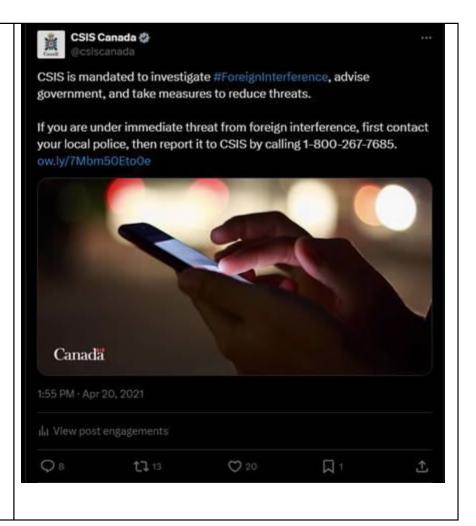
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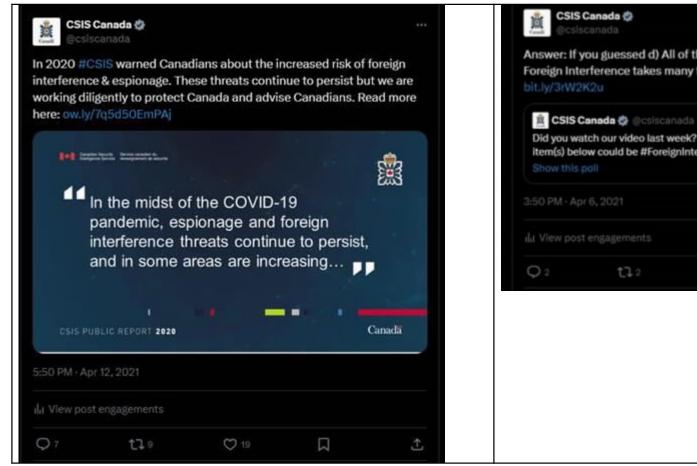


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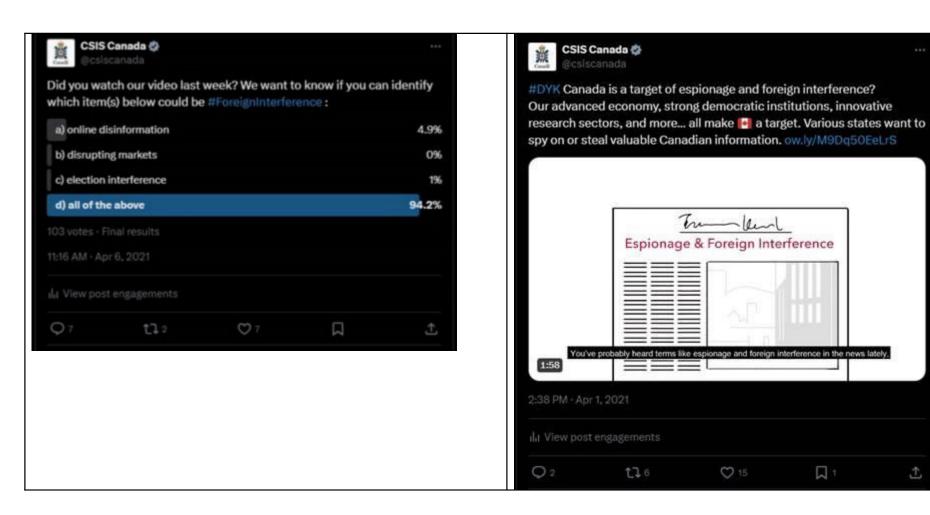


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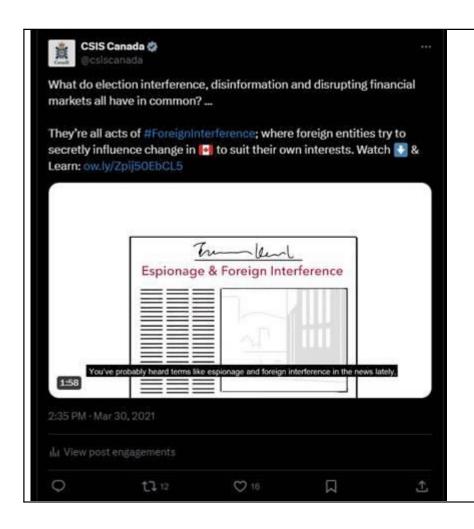




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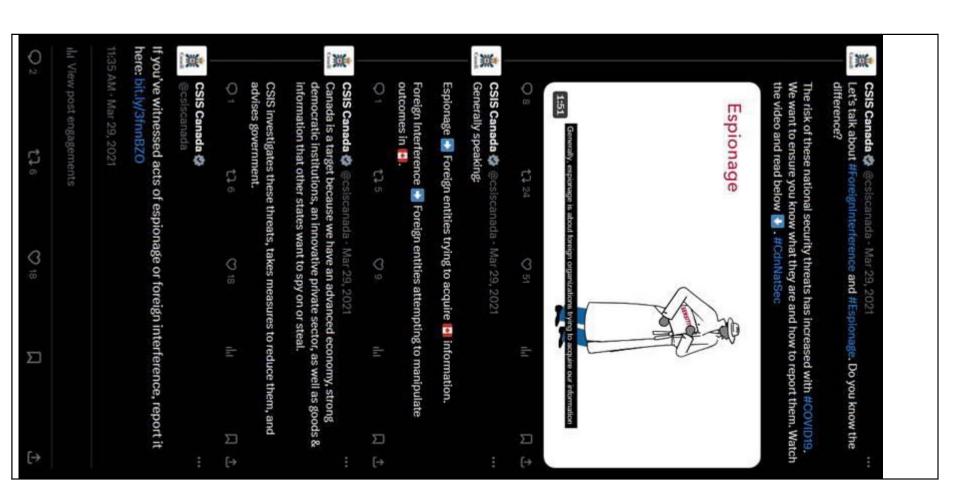


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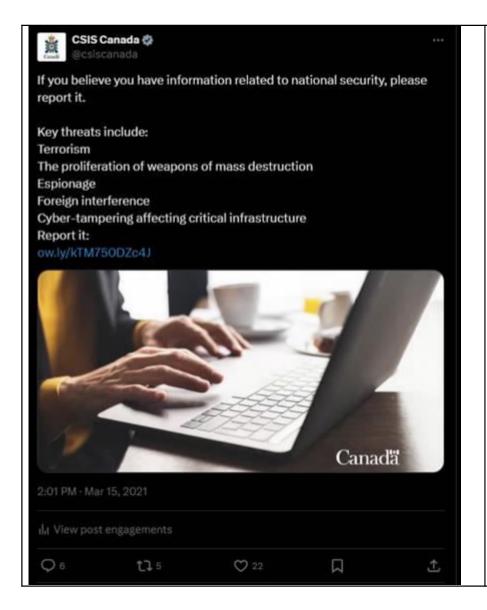




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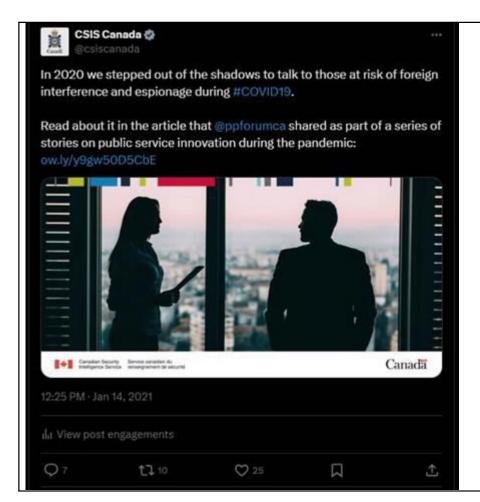




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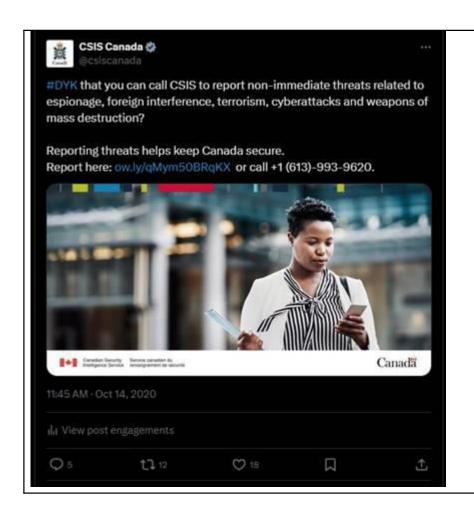


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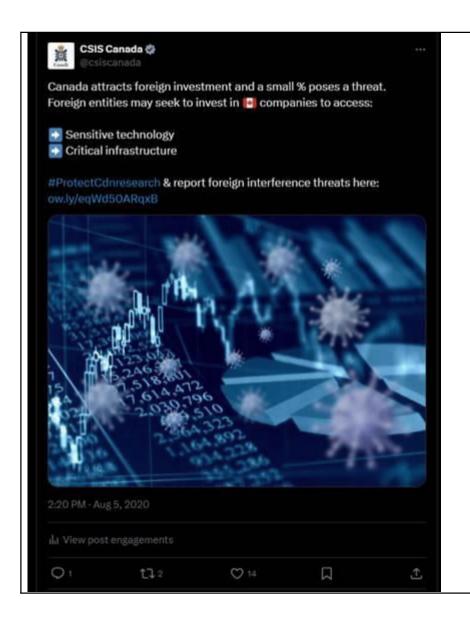


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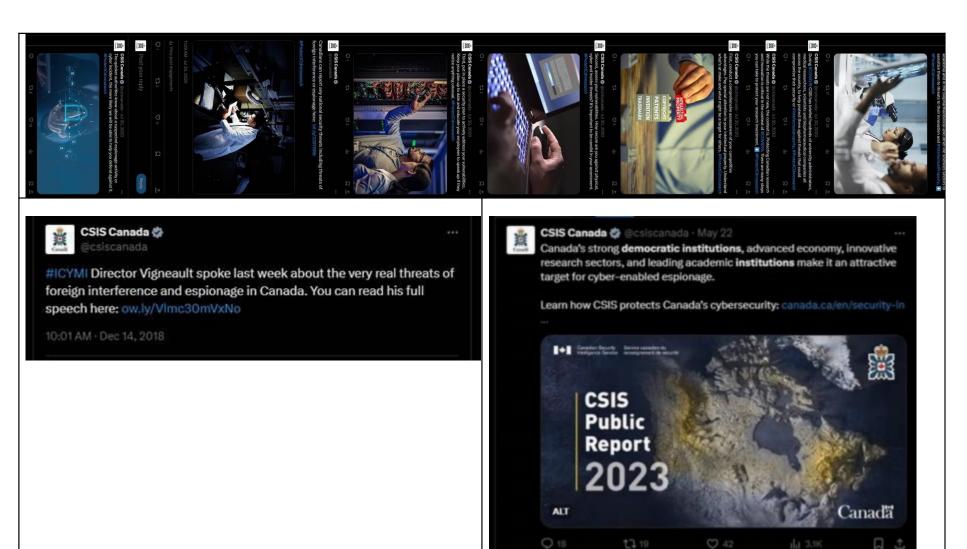


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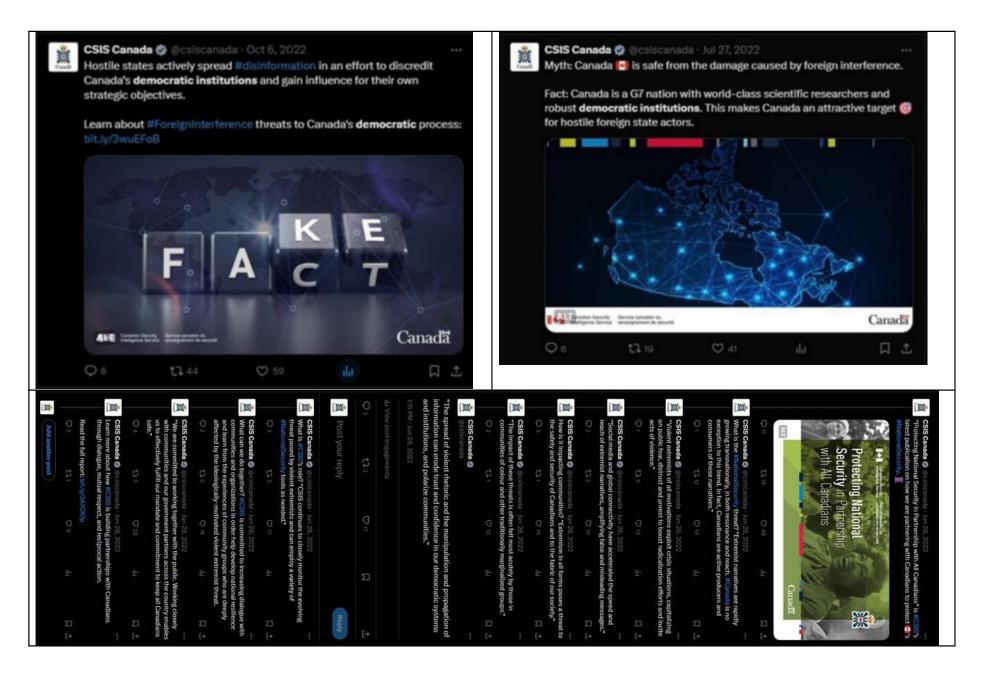


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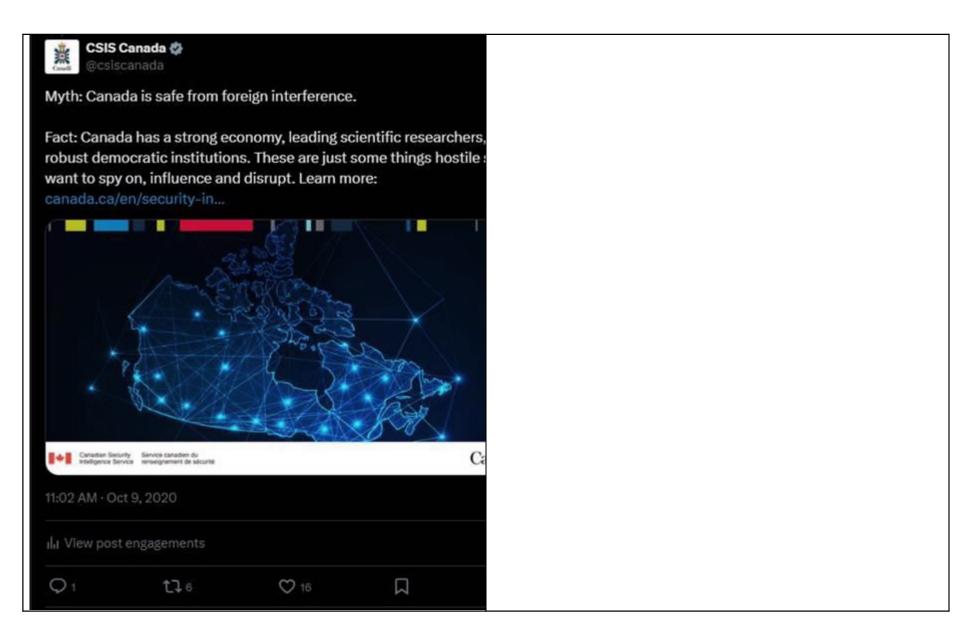


TABLE 7

Topical Summaries of Classified Intelligence	
Topic	CAN DOC ID
Don Valley North (DVN) Liberal Party Nomination Race in 2019	CAN.SUM.000001
Intelligence Relating to Han Dong and Communication with People's Republic of China Officials Regarding the "Two Michaels"	CAN.SUM.000002
People's Republic of China Officials – Foreign Interference Activities in greater Vancouver in the 2019 General Election	CAN.SUM.000003
Possible People's Republic of China Foreign Interference- Related Mis or Disinformation	CAN.SUM.000004
Country Summary: People's Republic of China	CAN.SUM.000005
Country Summary: Russia	CAN.SUM.000006
Country Summary: India	CAN.SUM.000007
Country Summary: Pakistan	CAN.SUM.000008
Country Summary: Kingdom of Saudi Arabia	CAN.SUM.000009
People's Republic of China – Threat Actors, Contact with Candidates and Staff, and Funding of Threat Actors	CAN.SUM.000010
Threat Reduction Measure Conducted in 2019	CAN.SUM.000011
Government of India Foreign Interference Activities in the 2021 General Election	CAN.SUM.000012
Comments by Individual People's Republic of China Officials on Expressed Partisan Preferences in the 2019 and 2021 General Election	CAN.SUM.000013
Country Summary: Iran	CAN.SUM.000014