



Government of Canada
Privy Council Office

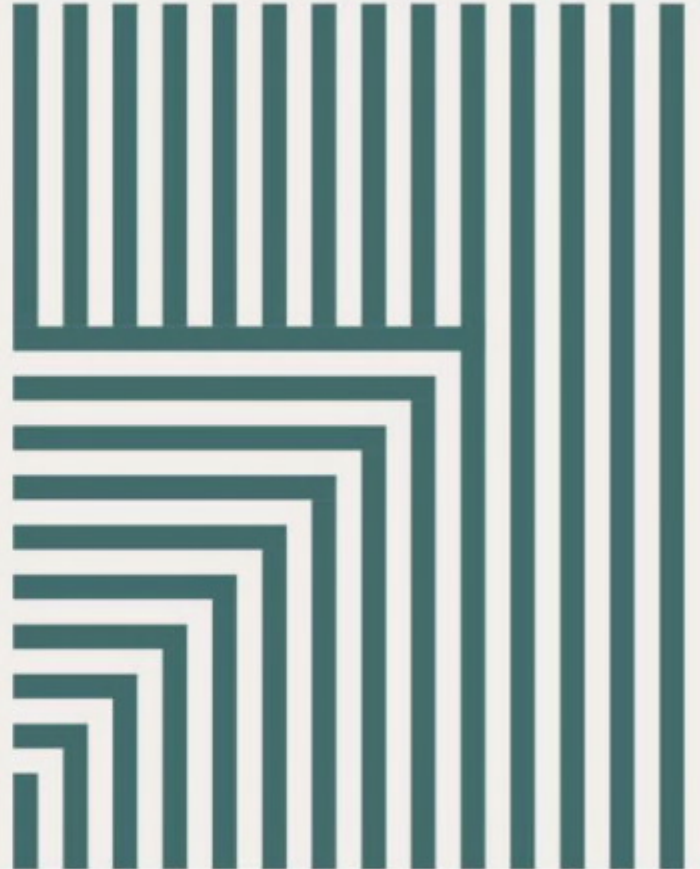
Gouvernement du Canada
Bureau du Conseil privé

Canada

Critical Election Incident Public Protocol

Individual Panel Member's Briefing

September 2023



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Introduction & Context

Electoral interference in Canada: Current status & evolving response

- **Global context of democratic recession:** ↓ trust in democratic institutions, ↑ polarization, ↑ recourse to violence as “acceptable democratic discourse”, ↑ of infodemic in the COVID-19 context, and malign actors exacerbating existing cleavages to ↓ faith in democracy
- **Increased national awareness of the threat of foreign interference (FI) in Canada**
- Countering FI as a **Government of Canada priority:**
 - Two parliamentary committees (PROC and ETHI) undertook studies this year related to FI, with potential for ongoing study
 - On March 6, 2023, the Prime Minister announced a series of measures to counter FI, including an action plan (LeBlanc-Charette report) to respond to existing recommendations on interference (Judd, Rosenberg, NSICOP) and the establishment of an Independent Special Rapporteur on FI.
 - On September 7, 2023, Minister LeBlanc announced a Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, to be led by the Honourable Marie-Josée Hogue.

Electoral interference in Canada: Plan to Protect Canada's Democracy

- Created in 2019, and renewed in 2021, the **Plan to Protect Canada's Democracy** is a **whole-of-government** and **whole-of-society approach** to safeguard Canada's elections and democratic institutions against interference and to further strengthen them. The Plan is based on 4 pillars:
 - Enhancing citizen preparedness;
 - Improving organizational readiness;
 - Combatting foreign interference; and
 - Building a healthy information ecosystem
- A key element of the Plan: **continuous engagement with political parties.**
 - Political parties nominate key personnel to receive security clearances and classified briefings.
 - CSE created a 24/7 hotline for high profile clients, including political parties.
 - PPS provides security briefings to incoming Members of Parliament.
 - CSIS provides briefings to Parliamentarians (2021: 45 briefings; 2022: 49 briefings) and has briefed several MPs with its threat reduction mandate.
 - May 2023 ministerial directive (Minister of PS) that CSIS provides highest levels of attention to threats to Parliamentarians.

Electoral interference in Canada: Critical Election Incident Public Protocol:

- The Critical Election Incident Public Protocol (the Protocol) is one the **Plan’s flagship initiatives**. It lays out a process by which a **panel of non-partisan senior public servants** (the Panel) **are responsible to determine whether Canadians should be informed** of incidents or series of incidents that threaten Canada’s ability to have a free and fair election.
- **Different from other initiatives:** The Protocol, active during the Caretaker period, is a deliberative decision-making body (it is NOT an advisory body to Ministers).
- **The Critical Election Incident Public Protocol is perceived as a success:**
 - The Protocol works well and needs to be re-established for the next elections (Judd 2020 and Rosenberg 2023)
 - 2019 and 2021 elections were “well protected by sophisticated mechanisms” (ISR 2023)

Why a Panel?

- **Your current role positions you as a Panel member**, with a critical contribution to ensuring election integrity.
- **Why have a Panel to administer the Protocol?**
 - Made in Canada solution to the Obama dilemma: a government knew that an election was “hacked” but felt unable to publicly intervene.
 - Elections remain heightened moments of risk for foreign interference and information manipulation.
 - One part of a broader effort to assure Canadians of the integrity of their elections.
- **Why senior deputy ministers?**
 - As a deputy minister, you are **uniquely positioned** to understand, question and probe information that is provided.
 - You have and then bring together **knowledge, experience, judgement** and the support of your departmental staff to assess and challenge the information and intelligence presented to you.
 - You are **impartial** and **non-partisan**.
- The Government of Canada **committed to ensuring the Panel is ready and well supported** in advance of the next general election, and the Clerk provided direction to PCO to brief Panel members and organize recurring Panel meetings.
- In the *Countering an evolving threat* report, the Government committed to review the Cabinet Directive on the Protocol. Your role is important in determining how the Protocol will be administered in the next election.

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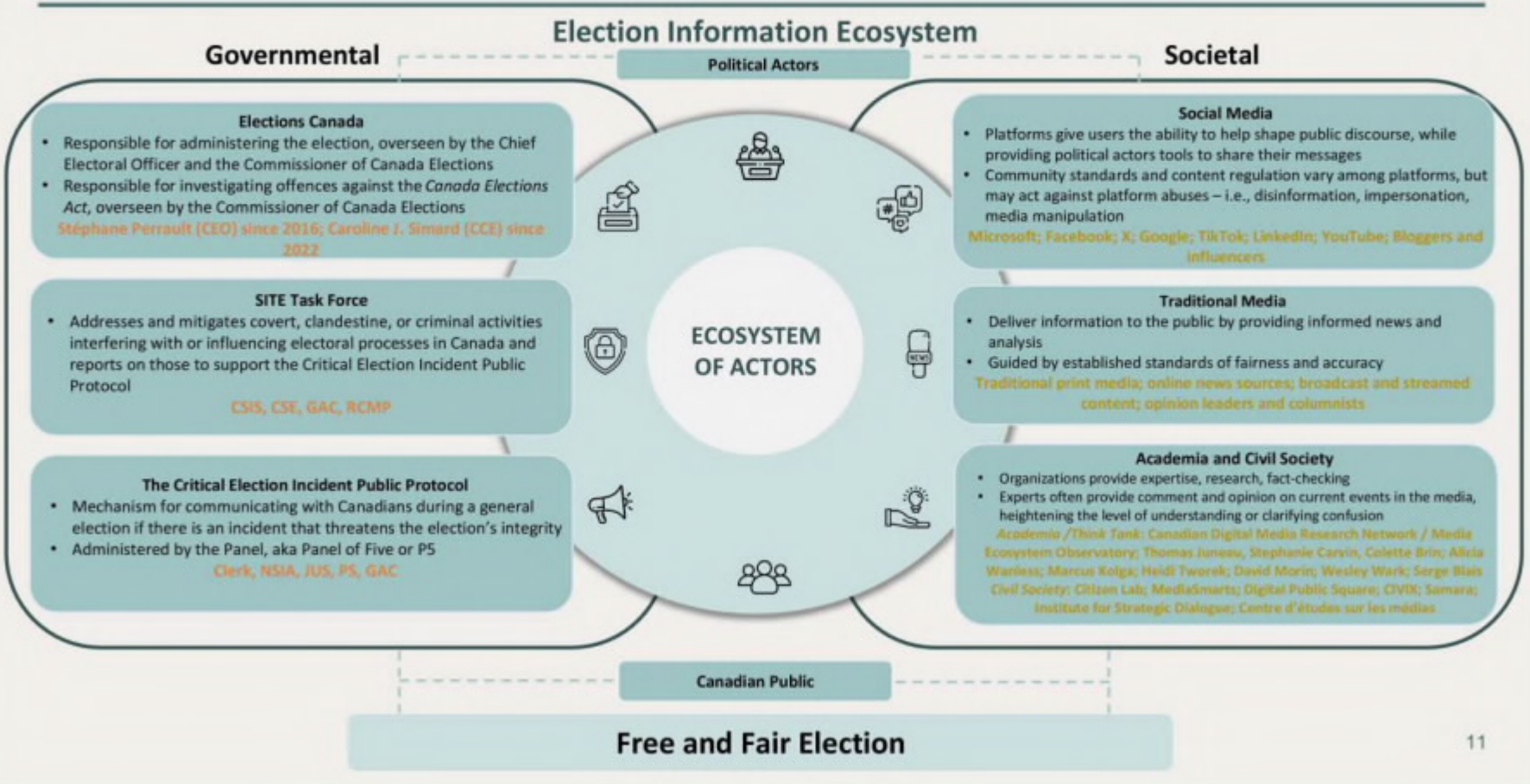
Who's Who: Main players in ensuring Canada's electoral integrity

- **You, as a Panel member**, administer, with co-Panel members, the **Critical Election Incident Public Protocol**
- **Co-Panel members:**
 - Clerk of the Privy Council: John Hannaford
 - National Security and Intelligence Advisor to the Prime Minister: Jody Thomas
 - Deputy Minister of Justice and Deputy Attorney General: Shalene Curtis-Micallef
 - Deputy Minister of Public Safety: Shawn Tupper
 - Deputy Minister of Foreign Affairs: David Morrison

Who's Who: Main players in ensuring Canada's electoral integrity

Who supports you?

- **PCO-DI and PCO-S&I** support you (i.e. organizing meetings, providing briefing materials, writing records of decision).
- The **Security and Intelligence Threats to Election Task Force (SITE)** provides you with briefings to inform your decision making.
 - **Who are they?** Communications Security Establishment; Canadian Security Intelligence Service; Royal Canadian Mounted Police; and Global Affairs Canada
 - They **carry on their existing mandate** and coordinate with each other on emerging developments and potential threats to the integrity of the election
 - They **must be encouraged to not hold anything back** – this allows you to make your analysis as to whether the intelligence meets the threshold to be shared with Canadians
- **Your department** may also provide service in aid of your role.
- The **Government of Canada community**: you can count on full support from all federal departments and agencies.
- **Elections Canada, civil society organizations, and others** can provide you with briefings as appropriate.



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What are you expected to do?

Outside the electoral period:

- **You meet regularly with Panel members** and receive updates on the threat environment.
- **Why meet outside of the electoral period?**
 - To understand your role and fully embrace it; and
 - To gain a common understanding of what is the baseline of FI is critical to appreciating what may constitute irregular interference and noteworthy activity.

During the electoral period:

- **You evaluate intelligence provided by the SITE Task Force** to determine whether an incident or series of incident may impact Canada's ability to have a free and fair election and should be communicated to Canadians.
- **What is an incident?** Incidents can be disinformation-related (deep fakes, fake news site, amplified by bots), cyber attacks (hack and leaks, data manipulation) or person-to-person, espionage and interference (nomination interference, blackmail, bribery, infiltration, intimidation, illegal contributions).

What is a typical Panel meeting?

Typical agenda items for Panel meetings:

- Threat update (SITE Task Force)
 - Helps you gain an understanding of the baseline of FI in Canada
- Discussion on recently released reports by national security agencies
- Debrief on political party meetings/briefings
- Scenario exercises
 - Helps you work as a group and practise the decision-making process
- Panel discussion on threshold
 - Helps you gain a full appreciation and nuanced understanding of how to interpret the threshold
- Panel discussion on announcement process
 - Helps you understand the communications process and implications

How are you expected to fulfill your role?

Meeting the threshold for announcement is a high bar that requires judgement...

- The Protocol includes three considerations that apply to **each individual electoral riding's election**:
 - ✓ The degree to which the incident(s) undermine Canadians' ability to have a free and fair election;
 - ✓ The potential of the incident(s) to undermine the credibility of the election;
 - ✓ The degree of confidence officials have in the intelligence or information.

... but the Panel brings together leaders with broad, relevant expertise.

- An effective Panel develops a nuanced understanding of the threshold and an appreciation of the threat landscape by learning from and taking full advantage of the SITE Task Force's briefings, the daily situation reports and by actively seeking required information from across the public service.
- **This allows you to administer the Protocol effectively.**

In 2019 and 2021, the threshold was communicated as being very high and a public announcement as being a measure of last resort. BUT the context has likely changed (i.e. calls for greater transparency and precedents in terms of public communications).

What is the time commitment during the electoral period?

- In 2019 and 2021, the Panel met on average once a week, or more frequently if necessary.
- Weekly Panel meetings divided in two parts:
 - Part 1: SITE Task Force provides intelligence briefings to the Panel; and
 - Part 2: Panel members deliberate on what they heard and what they may need.
- **During the Caretaker period*, attending the Panel is one of the overarching priorities for all Panel members.**
 - **Why?** Decisions must be unanimous and cannot be vetoed, including by ministers and the Prime Minister.

*Reminder: The Caretaker period begins with the dissolution of the Parliament and ends when a new government is sworn-in or when an election result returning an incumbent government is clear. Should the incumbent government not be returning, the Panel continues to play a role until the swearing-in of ministers.

What is the time commitment outside the electoral period?

- In 2019, the Panel met 6 times outside the electoral period:
 - May – September 2019: 6 meetings to discuss roles, receive threat briefings and do scenario exercises
 - No post-election meeting
- In 2021, the Panel met 5 times outside the electoral period:
 - January 2021: 1 meeting to update on recent developments
 - June – July 2021: 3 meetings for threat updates, scenarios exercises, etc.
 - December 2021: 1 meeting to discuss SITE After Action Report and lessons learned
- Rosenberg noted that Panel members found the pre-election briefings process **somewhat rushed**.
- Panel members must understand what is the baseline of interference in Canada to know what constitutes regular and irregular behaviour.
- As a result, briefings of the Panel are beginning **much earlier in the mandate** and occurring on an **ongoing basis**.

Next Steps

- Next meeting is planned for October 2023
- This full Panel meeting will focus on:
 - Threat landscape overview by the SITE Task Force
 - Debrief of June 19, 2023 and July 25, 2023 by-elections experience
 - Overview of SITE Task Force after-election report
 - Operational matters
 - Working towards a common understanding of the threshold
 - Secretarial support
 - Forward calendar
- Materials will be distributed beforehand

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- Plan to Protect Canada's Democracy
 - Cabinet Directive on the Critical Election Incident Public Protocol
 - Security and Intelligence Threats to Elections (SITE) Task Force
 - James Judd's Independent Evaluation Report on the assessment of the Critical Election Incident Public Protocol
 - Morris Rosenberg's Independent Evaluation Report on the assessment of the 2021 Critical Election Incident Public Protocol
 - Countering an evolving threat: Update on recommendations to counter foreign interference in Canada's democratic institutions
 - First Report - The Right Honourable David Johnston, Independent Special Rapporteur on Foreign Interference

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Judd Report's Recommendations - 2019 General Election

1. Implement the Protocol for the next election using the same model and Panel membership. Prepare Panel members early, starting with new members. The high threshold and decision by consensus should be maintained, as well as the support and participation from the same departments and agencies. The rationale is that this model has already been accepted by political parties and there is the ability to maintain some consistency in membership. An accompanying media strategy should also be developed.
2. The Protocol should also cover the pre-writ period, recognizing this may not be possible in the event of an election triggered by a non-confidence vote.
3. Privy Council Office support teams (Democratic Institutions and Security and Intelligence) should monitor any international developments, with particular attention paid to any evolution in tactics by malign actors and any developments in defensive counter-measures taken by target countries (legal, regulatory and operational). This can also include academic and think-tank research.
4. Immediately establish the same relationships with the political parties, particularly with respect to guidance and support around cyber issues as the parties are likely targets beyond simply the election period.
5. Conduct an evaluation on the extent to which the social media platforms lived up to the Canada Declaration on Electoral Integrity Online. Once complete, hold discussions with the platforms on the Government's expectations for the next election. Participation in the Paris Call could possibly inform any new agreements.

Rosenberg Report's Recommendations - 2021 General Election

1. Public communication about the Protocol should provide a clear explanation for the inclusion of domestic actors and of the types of activities that are of concern.
2. Preparations for the next election should include an assessment of whether ministerial security, Royal Canadian Mounted Police protective policing, and local policing capabilities are adequate for the level and persistence of threats and whether there is effective coordination among these bodies. There should also be a review of the coordination between political parties and the government with respect to campaign and security operations.
3. There should be an assessment as to whether any adjustments should be made to the role of the SITE membership in light of the growing problem of domestic interference.
4. There should be an announcement, within a year of the previous election, about the government's plan to safeguard the integrity of Canada's elections, including an explanation of the reason for the Protocol.
5. The government's plan and public communications should acknowledge that the problem of interference occurs both before the election is called and during the caretaker period. It should be clearer on how and by whom pre-election interference will be addressed, beyond saying that it will be handled through normal ministerial channels.
6. The government should consider options to ensure that the Panel is well-prepared in advance, and as much as possible, continuity of members is maintained between elections.
7. Briefings of the Panel should begin much earlier in the mandate and include non-government actors with expertise on interference and disinformation.

Rosenberg Report's Recommendations - 2021 General Election (cont.)

8. There should be an opportunity for a review body to assess the decisions of ministers with respect to the use of threat reduction measures during the caretaker period.
9. The government should consider amending section 6.0 to provide that, barring any national security or public interest reasons, an announcement would be made if the threshold is met.
10. The government should consider removing the fourth sentence in the final paragraph of section 6.0 and clarifying that actual or potential impact is one of several considerations that the Panel takes into account in exercising its judgment as to whether the threshold has been met.
11. There should be further study of the issue of whether the Protocol should be amended to provide for the possibility of announcements below the threshold set out in section 6.0.
12. There should be an effort made to provide briefings to political party representatives at downtown Ottawa secure locations.
13. The times for briefings of political party representatives should be fixed in advance, with flexibility to address urgent situations.
14. The national security agencies should develop a program of unclassified briefings to increase the awareness of Members of Parliament and Senators on foreign interference and on election interference and on measures they can take to safeguard themselves and their online information.
15. The Protocol should be maintained with the modifications noted in this report.
16. Public communications on the Protocol should emphasize the full range of activities that occur during the caretaker period, rather than being focused on the announcement by the Panel.