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SECRETMEMORANDUM FOR THE PRIME MINISTER

c.c.: Jody Thomas, Nathalie G. Drouin

**NATIONAL SECURITY BRIEFINGS TO OPPOSITION LEADERS**

(Decision Sought/Signature Required)

**SUMMARY**

- Classified briefings by Canada's security agencies to leaders of recognized political parties in the House of Commons on matters such as foreign interference and domestic extremism would support informed policy debate and better position Canada's political leaders to take action to protect themselves, their parties and Canada's national security from specific threats.
- It is proposed that you offer to appoint the leaders of recognized political parties as Privy Councillors. This appointment, together with the oath they would take when sworn in, plus a security briefing and Confidentiality Agreement provided by PCO Security Operations, would enable Canada's security agencies to prepare and deliver tailored, classified briefings at the SECRET level, to them as needed.
- Should any party leader prefer not to accept an appointment to the King's Privy Council for Canada, they can request a security clearance as an alternative, enabling them to receive classified briefings.
- If you agree with this proposal, PCO will prepare letters for you to offer appointments to the leaders of the recognized opposition parties and, subsequently, will work with your office to draft appropriate instruments and to determine an appropriate time for the swearing in of the Privy Councillors-designate. PCO will then work to coordinate the briefings.
- **Do you agree?**

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SECRET**Background**

- Recent media reports have brought attention to allegations of foreign interference in Canadian democratic processes during the 2019 and 2021 General Elections. These allegations have led to calls for a public inquiry into foreign interference in Canada. Debate on these issues has been ongoing in the House of Commons, including within the Standing Committee on Procedure and House Affairs (PROC).
- The National Security and Intelligence Committee of Parliamentarians (NSICOP) recommended, in two separate reports in 2018 and 2019, that “[in] the interest of national security, members of the House of Commons and the Senate should be briefed upon being sworn-in and regularly thereafter on the risks of foreign interference and extremism in Canada.”
- Likewise, in the context of his recent evaluation of the Critical Election Incident Public Protocol, Mr. Morris Rosenberg recommended that the National Security Agencies develop a program of unclassified briefings to increase the awareness of Members of Parliament and Senators on foreign interference, election interference, and on measures they can take to safeguard themselves and their online information.

**Proposal**

- In view of growing threats to Canada's national security, there would be significant value in providing classified briefings to the leaders, or interim leaders, of recognized political parties in the House of Commons. This would serve to highlight specific risks to Canada's national security, political parties, and parliamentarians themselves.
- Such briefings would support informed policy debate on foreign interference and other national security threats, such as violent extremism. The briefings would better position Canada's political leaders to take action to protect themselves, their parties and Canada's national security. This initiative could also signal publicly that Canada and all Canadian political parties take threats to national security seriously.
- The focus of the briefings would be to provide opposition leaders with information that is not available publicly, or through the regular means by which officials provide unclassified information to Parliament. As such, it is envisioned that the briefings would be infrequent and typically delivered at the SECRET level. Care would be taken to protect all Cabinet Confidences. Should a TOP SECRET security briefing to leaders be deemed necessary, a formal security clearance may be required in advance of those briefings.

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- If you agree with this proposal, PCO will prepare letters for you to offer appointments to the leaders of the recognized opposition parties. Subsequent to this, PCO will work with your office to draft the appropriate Instruments and determine an appropriate time for the swearing in of the Privy Councillors designate. Following this, PCO would coordinate briefings as required.

### Considerations

- As lawmakers and politicians, all Members of Parliament are at risk of targeting by foreign interference actors and, increasingly, by domestic extremism (as are many of their constituents).
- The Security and Intelligence community is currently developing unclassified security briefings for members of Parliament and Senators.
- It should be noted that Privy Councillor status confers certain lasting benefits, notably the title "Honourable" for life as well as mandatory half-masting of the Canadian flag on the Peace Tower when the individual dies.
- Opposition leaders have been sworn-in as Privy Councillors in the past to allow for the sharing of sensitive information. As a former minister, the current Leader of the Official Opposition, Mr. Poilievre, is already a Privy Councillor.
- Individuals appointed as Privy Councillors go through the same background check process as Cabinet Ministers and Governor in Council (GiC) appointments. Different from a security clearance, which assesses loyalty to Canada for security purposes, the background check looks at issues that relate to reputational risk. Once the GiC checks are complete, and regardless of whether any adverse information is uncovered, appointment is at the discretion of the Prime Minister.
- For clarity, the background check does not confer a security clearance to Privy Councillors. Rather, the oath that they take when sworn-in, in conjunction with a security briefing provided by PCO, allows for these individuals to have access to classified information necessary to perform their role.
- It is considered unlikely that Mr. Blanchette would accept the title of King's Privy Councillor. As such, as an alternative, opposition leaders could request a security clearance, which would also enable them to receive classified briefings. If that is the case, the Privy Councillor process would only need to be undertaken for Mr. Singh.

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- Given his recent public statements on secret briefings, it is expected that Mr. Poilievre will refuse to participate in classified national security briefings.
- The conferring of Privy Councillor status and supplemental vetting will not be a guarantee, that information shared could not be used for partisan purposes. There are risks involved.
- While Privy Councillors are sworn to secrecy for life, those who are Members of Parliament are protected by Parliamentary privilege for comments made in the House of Commons.
- Additional security measures, such as ensuring that opposition leaders sign a Confidentiality Agreement to keep secret any classified information shared with them in the context of such briefings should be considered. Based on the experience of the Security and Intelligence Threats to Elections (SITE) Task Force in the context of previous federal elections, some party leaders may choose not to accept an invitation to classified briefings. Nevertheless, it is in the best interest of Canadian democracy to offer such briefings to all opposition leaders.

Janice Charette

Attachments

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