

For Public Release

UNCLASSIFIED**Foreign Agent Registry Public Consultations**

Aide Memoire for IND/oMINA Meeting

Jan 16, Time TBC

CONTEXT:

PS is seeking to launch public consultations on the concept of a Canadian Foreign Agent Transparency Registry.

The consult may be limited to a prospective Registry but could include additional themes, such as SOIA and CSIS Act amendments, if desired. Relevant OGDs, including GAC, are being consulted on materials and, when sufficiently developed, anticipated plans.

PMO approvals are ultimately required before public consults are launched.

BOTTOM LINE UP FRONT:

Subject to requisite political-level approvals, consultations may begin as early as February, 2023.

Foreign Agent Registry Public Consultations

1. PS is preparing consultation options and materials in coordination with other government departments, including GAC. High level of comfort to launch these consults.
2. Consultations require final green light from PS Minister and PMO (not OGDs). Earliest possible launch would be February; practically, POEC may impact timing.
3. Additional HASA consultations (e.g. SOIA, CSIS Act) are possible; these do not have to be concurrent with Foreign Agent Registry consult. However, no option is closed.
4. Proposed target consultation list has been developed with community groups and advocacy organizations; academia; legal practitioners; business; indigenous groups; provinces and territories.
5. Some questions on engagement with p/t remain to be resolved and may depend on final content in consultation materials.
6. There is sensitivity that consultation materials do not appear prescriptive.

Consultations Document

7. Specific to "Malign Foreign Influence in Canada" and whether Canada should consider a foreign agent registry.

[APG]

For Public Release

UNCLASSIFIED

8. Background and context set out responsibility of government to protect individuals and communities; changing threat landscape; focus on Hostile State Actors.
9. Canada is increasingly a target of foreign interference.
10. Document outlines policy framework, definitions, example scenarios, existing tools set out in diverse legislation. *Lobbying Act* and *Conflict of Interest Act* are highly relevant.
11. Additional tools need to be considered given existing limitations and growing risks, particularly those faced by diaspora communities and other groups with close links to foreign countries.
12. Guiding principles are outlined with the intent to increase transparency, bolster deterrence, enable detection, align with democratic partners, minimize administrative burdens, and uphold the charter.
13. Sets out view as to how a foreign agent registry could address the current limitations and risks.
14. Broad guiding questions for the consultees are presented along with descriptions of international benchmarks and essential detail on current Canadian legislative tools.

GAC Implications

GAC continues to be fully engaged in by the substantive developments on counter-HASA modernization, particularly through the Rapid Response Mechanism, Research Security, relations with diaspora groups and foreign states, and departmental mandate issues.

The consultation process is primarily led by Public Safety with high implications for organizations responsible for specific legislation, including JUS and CSIS. GAC is contributing broad expertise in support of prospective consult materials; will provide recommendations on the form and mechanisms of consults once initial plans are established; and has provided recommended target consultation participants.

Name and symbol of drafter/tel.: INPL/

[APG]