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SECRETMEMORANDUM FOR THE CLERK

via: Paul MacKinnon

**RECOMMENDATIONS FROM THE EVALUATION REPORT
OF THE CRITICAL ELECTION INCIDENT PUBLIC PROTOCOL:
EARLY ACTIONS FOR IMPLEMENTATION**

(For Decision)

SUMMARY

- This note follows on your direction to initiate work to support the implementation of Mr. Rosenberg's recommendations as found in the Memorandum to the Prime Minister on the classified evaluation of the Critical Election Incident Public Protocol (**TAB A**). It provides a plan for recommendations that can be immediately actioned within current authorities (see **TAB B** for a division of recommendations).
- PCO Secretariats concur with the seven recommendations for early action which have been grouped into three categories:
 - a. Resume Panel meetings, with the first one to be held in April 2023;
 - b. Provide unclassified briefings to Parliamentarians on interference, with a first set of briefings to begin in September 2023;
 - c. Enhance communications strategy around measures to protect Canada's democratic institutions.
- A tentative workplan can be found in **TAB C**. Assessment is ongoing for consideration and implementation of the nine remaining recommendations.
- **Do you agree?**

Background

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- You recently shared the Memorandum to the Prime Minister on the classified evaluation report of the Critical Election Incident Public Protocol (the Protocol), conducted by Mr. Morris Rosenberg (**TAB A**).
- In addition to having been shared with the Prime Minister, the classified evaluation report has also been shared with the National Security and Intelligence Committee of Parliamentarians (NSICOP). A declassified public version will be released in due course.

PCO Comment

- It is proposed to immediately action the seven recommendations that can be done within current authorities. A tentative workplan is attached (**TAB C**) for these recommendations grouped along the following three themes:

1) Panel meetings

- Mr. Rosenberg recommends beginning Panel briefings early in the mandate. This recommendation is particularly relevant in a minority government context.
- As a result, it is recommended to hold a meeting of the Panel in April 2023. Since three out of five members have been appointed to their position after the last general election and have not yet assumed their Panel-related role, this first briefing would be an opportunity to provide an introduction to the role and functioning of the Panel. The agenda could also an overview of the Rosenberg recommendations and the approach for their implementation, as well as a briefing of the current threat environment.
- Subsequently, Panel meetings could be held on a quarterly basis.

2) Unclassified briefings to Parliamentarians

- The need for Parliamentarians' briefings on foreign interference was recently highlighted by Members of Parliament (MPs) themselves during the Standing Committee on Procedures and House Affairs' study on foreign electoral interference. This sort of initiative had also been recommended by the NSICOP in both its 2018 report on the Prime Minister's February 2018 trip to India and its 2019 annual report.

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- In 2019, work had been initiated to provide an unclassified introductory briefing to Parliamentarians on foreign interference risks they face but it did not come to fruition. While this was meant to be a one-time briefing, we recommend exploring options for a more sustained approach to briefing Parliamentarians. For instance, security briefings could be included in MPs' onboarding training.
- As next steps, the relevant secretariats within PCO (Democratic Institutions (DI), Security and Intelligence (S&I), and Legislation and House Planning) will engage with appropriate bodies of Parliament (e.g., Library of Parliament, Leader of the Government in the House of Commons and the Government Representative in the Senate). A fall 2023 date is targeted for a first set of briefings (i.e., once Parliament resumes).

3) Enhanced communications strategy around the measures to protect Canada's democratic institutions:

- A high degree of parliamentary and media attention has recently been provided to the issue of foreign election interference, especially in the context of the 2021 General Election. The media coverage has highlighted the need to better communicate the role of the Panel and its place within the government's apparatus to protect Canadian institutions against foreign interference in democratic processes.
- An enhanced communications strategy should address the Panel and the threshold for announcement to Canadians but also the suite of activities under the Protocol, including the measures to be taken in the event of foreign interference below the threshold for announcement.
- As next steps, the relevant secretariats within PCO (DI, S&I and Communications) will develop a communications strategy and engage, as needed, with other government departments. It is suggested that the enhanced communications strategy be discussed at a meeting of the Panel in summer 2023.

Other recommendations:

- Mr. Rosenberg's nine remaining recommendations are related to areas such as changes to be made to the Protocol, briefings to political parties that are specific to the caretaker period and security-related issues.
- Assessment is ongoing for consideration of these recommendations.

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The implementation of some of them will be included in the next version of the Protecting Democracy Plan.

Assistant Secretary

Attachments (3)

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Recommendations for Government actions to be actioned out immediately under current authorities:

- 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. (1)
- 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. (4)
- 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. (5)
- It is recommended that the Government consider options to ensure that the Panel is well-prepared in advance, and as much as possible, continuity of members is maintained between elections. (6)
- Briefings of the Panel should begin much earlier in the mandate and include non-government actors with expertise on interference and disinformation. (7)
- 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. (14)
- 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. (16)

Other recommendations:

- 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

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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. (2)

- 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. (3)
- 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. (8)
- 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. (9)
- 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. (10)
- There should be further study of the issue of whether the Protocol should be amended to provide for the possibility of below the threshold set out in Section 6.0. (11)
- There should be an effort made to provide briefings to political party representatives at downtown Ottawa secure locations. (12)
- Briefing times [for political parties] should be fixed in advance, with flexibility to address urgent situations. (13)
- The Protocol should be maintained with the modifications noted in this report. (15)