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MEMORANDUM FOR THE PRIME MINISTER

**LETTER TO MINISTERS INVOLVED IN THE CRITICAL ELECTION
INCIDENT PUBLIC PROTOCOL**

(For Decision)

SUMMARY

- The evaluation of the Cabinet Directive on the Critical Election Incident Public Protocol (the Protocol) was submitted to you early September, and a copy forwarded to the National Security Intelligence Committee of Parliamentarians. An unclassified public version will be released in October 2020.
- The Deputy Ministers involved in the implementation of the Protocol received the evaluation report, and were requested to forward a copy to their respective Ministers. (**Appendix A**)
- It is recommended that you send a thank you letter to those Ministers and acknowledge that future work is forthcoming. (**Appendix B-E**)

Background

- To enhance citizen preparedness in advance of the 2019 General Election, the Government of Canada introduced the Critical Election Incident Public Protocol (the Protocol), which was a simple, clear and non-partisan process for informing Canadians if serious incidents threaten the integrity of the election.
- The Cabinet Directive on the Protocol committed to having an independent report prepared following the 2019 General Election.

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- o Mr. James Judd, retired diplomat, senior civil servant, and former Director of the Canadian Security Intelligence Service, completed the evaluation and the final report, which was submitted to you in early September.
- o The report was overall very positive and recommended that the Protocol be re-established for the next General Election. See **Appendix C** for a summary of the findings and recommendations.
- o In light of this, it is recommended that the attached letters be send to the Minister's whose departments and agencies were involved in the successful implementation of the Protocol, and will likely be called upon again to participate in any future iterations of the Protocol

PCO Comment

- o PCO-Democratic Institutions has reviewed the report's recommendations s. 39 - Cabinet Confidence

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Attachment(s)

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Appendix A

Recipient	Rationale for Receipt	Sent
Rob Stewart, Deputy Minister of Public Safety	Potential Future Public Safety Panel Member	yes
David Vigneault, CSIS Director	SITE Member	yes
Brenda Lucki, RCMP	SITE Member	yes
Marta Morgan, Deputy Minister of Foreign Affairs	Panel Member	yes
Shelly Bruce, CSE Commissioner	SITE Member	yes
Nathalie Drouin	Panel Member	yes
Vincent Rigby, NSIA	Current NSIA	yes

Deputies Sent CEIPP Evaluation – September 24, 2020

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Appendix B

Honourable Bill Blair, P.C., M.P.
Minister of Public Safety and Emergency Preparedness
269 Laurier Avenue West
Ottawa, ON K1A 0P0

Dear Bill,

As you know, to enhance citizen preparedness in advance of the 2019 Election, the Government of Canada introduced the Critical Election Incident Public Protocol (the Protocol), which was a simple, clear and non-partisan process for informing Canadians if serious incidents threaten the integrity of the election. The Cabinet Directive on the Protocol also committed to having an independent report prepared following the 2019 General Election.

James Judd, former CSIS director, diplomat, and seasoned public servant completed the assessment, and the classified report was submitted to me and to the National Security Intelligence Committee of Parliamentarians. A copy has also been shared with the Deputies who were involved in implementing the Protocol and an unclassified version will be released publicly this fall.

Overall, the evaluation was extremely positive. The report recognizes the rapport and collegial relationships that developed between the Deputy Ministers of the Panel, Elections Canada representatives, and the members of the Security and Intelligence Threats to Elections Task Force. This is a testament to the dedication and professionalism displayed by those involved in supporting the implementation of the Protocol.

I wanted to take this opportunity to extend my appreciation to you and all of the individuals of your organization who contributed to the success of the Protocol.

As threats to democratic institution, including elections continue to grow and evolve, there is work ahead of us, and I look forward to

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building on this success in the near future.

Sincerely,

Rt. Hon. Justin Trudeau, P.C., M.P.
Prime Minister of Canada

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Appendix C

Findings and RecommendationsFindings

1. Overall, the implementation of the Protocol was successful. While no threats met the threshold, the Protocol ensured the Government of Canada was prepared to report to Canadians as needed and that decision-making about potential interventions did take place as appropriate.
2. The Panel was well supported and received timely, varied and considered intelligence and other reporting.
3. Panel members developed a rapport and came to a common understanding of their roles and the challenges of meeting their responsibilities. Collegial relationships were also developed with partners (Elections Canada and security agencies).
4. Challenges include: the range of possible threats; no other similar model to draw from; the short time for decision-making, possibly with incomplete information; threshold not lending itself to quantifiable decision-making; and finally, distinguishing between domestic and foreign threats on social media.
5. Overall, public and media reactions to the Protocol were neutral to positive. Some foreign media contrasted the Canadian actions very favourable relative to the efforts of other Western countries. That said, the report notes two areas of criticism. The first questioned the utility of the Protocol as any intervention would do more harm than good. The second was about the composition of the Panel. One observation was that it should not be comprised of public servants, but rather eminent Canadians such as former jurists or political leaders. Another critique of the Panel's composition was that the Panel did not have representation from Elections Canada.

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Recommendations

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 the 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.