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# Countering Foreign Interference Act

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# Purpose of the *Countering Foreign Interference Act*

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Introducing a *Countering Foreign Interference Act* will:

1. Protect Canada and Canadians by equipping a broader range of national security partners; ensure CSIS can successfully operate in a digital world; and enable CSIS to respond to evolving threats;
2. Modernize the criminal law so that it better addresses the impact of foreign interference on our communities. It will also standardize the regime for the protection and use of sensitive information in federal administrative proceedings;
3. Bolster deterrence and defence against those foreign states that seek to interfere in Canada and in Canadian democracy in non-transparent ways; and enhance transparency over influence activities undertaken by foreign states and their proxies.

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# Elements of the *Countering Foreign Interference Act*

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- The *Countering Foreign Interference Act* is divided into four (4) parts.
  - Part 1 amends the *Canadian Security Intelligence Service Act*;
  - Part 2 amends the *Security of Information Act* and the *Criminal Code*;
  - Part 3 amends the *Canada Evidence Act* and the *Criminal Code* and makes consequential amendments to other Acts; and,
  - Part 4 enacts the *Foreign Influence Transparency and Accountability Act*.



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# CSIS Act Amendments



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- Foreign interference actors are targeting all aspects of Canadian society – provincial, territorial and Indigenous governments, communities, industry, institutions, academia, and media.
- Technology enables global threat actors and has radically changed the investigative landscape, creating gaps and vulnerabilities.



- Amendments will create modern and transparent authorities, while maintaining robust Ministerial and judicial oversight, and parliamentary and independent review.

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# CSIS Act Amendments

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To protect Canada and Canadians, CSIS must be able to:



**1**  
Equip National Security Partners



**2**  
Operate in a Digital World



**3**  
Respond to Evolving Threats

## Proposed Amendments

### New Authorities

- ✓ Ability to provide information to non-federal partners to build resilience against threats.
- ✓ Requirement for Parliament to periodically review the *CSIS Act*.

### Adjustments to Existing Authorities

- ✓ Range of warrant powers tailored to the requirements of an investigation.
- ✓ Ability to collect, from within Canada, foreign intelligence, that resides outside Canada.
- ✓ Targeted amendments to the dataset regime to better enable use of data and facilitate sharing.
- ✓ Clarify the justification framework for CSIS to direct another person to commit an act or omission in exigent circumstances.



CSIS is accountable to the Government through oversight and review to ensure respect for the rights and freedoms of Canadians and people in Canada.

- Attorney General of Canada
- Federal Court
- Minister of Public Safety
- Canadian Public
- Auditor General
- Intelligence Commissioner
- Privacy Commissioner
- Information Commissioner
- Commissioner of Official Languages
- National Security and Intelligence Review Agency
- National Security and Intelligence Committee of Parliamentarians



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# *Security of Information Act Changes*

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- Create new targeted FI offences:
  - General FI offence committed for a foreign entity ;
  - Indictable offence committed for a foreign entity;
  - Political interference for a foreign entity.
  
- Amend the existing offence of foreign-influenced threats or violence (s. 20) by removing the need to prove that the act actually helped the foreign state or harmed Canada.
  
- Increase the penalty for preparatory offences from 2 years to 5 if done in connection with a SOIA offence punishable by 10+ years in prison.
  
- Amend the definition of “special operational information” to address the inappropriate sharing of military technology and knowledge.



## ***Criminal Code Changes***

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- Proposed changes to the *Criminal Code* would strengthen legal response to sabotage by:
  - enacting a new sabotage offence focused on conduct directed at essential infrastructure and specify categories of protected essential infrastructure;
  - modernize and clarify the mental element required for the offence of sabotage;
  - expressly clarify that the sabotage offences do not apply to legitimate advocacy, protest or dissent in circumstances where there is no intention to cause the serious harms specified in the legislation; and
  - introduce a new offence of making, possessing, selling and/or distributing a device to commit a sabotage offence.



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## ***Canada Evidence Act Changes***

- The *Canada Evidence Act* includes provisions that govern the protection and disclosure of sensitive information in proceedings.
- This bill would build on this framework by creating a new general scheme that would apply to federal administrative proceedings. It would also allow a judge to base their decision on the sensitive information, while ensuring the continued protection of the information from public disclosure.
- Changes would permit the appointment of special counsel to represent the interests of the non-government party throughout the proceedings.
- Changes would also restrict, in the criminal context, interlocutory appeals of a s. 37 or s. 38 CEA disclosure order by an accused until after the person has been convicted of the offence, unless there are exceptional circumstances justifying an earlier appeal.

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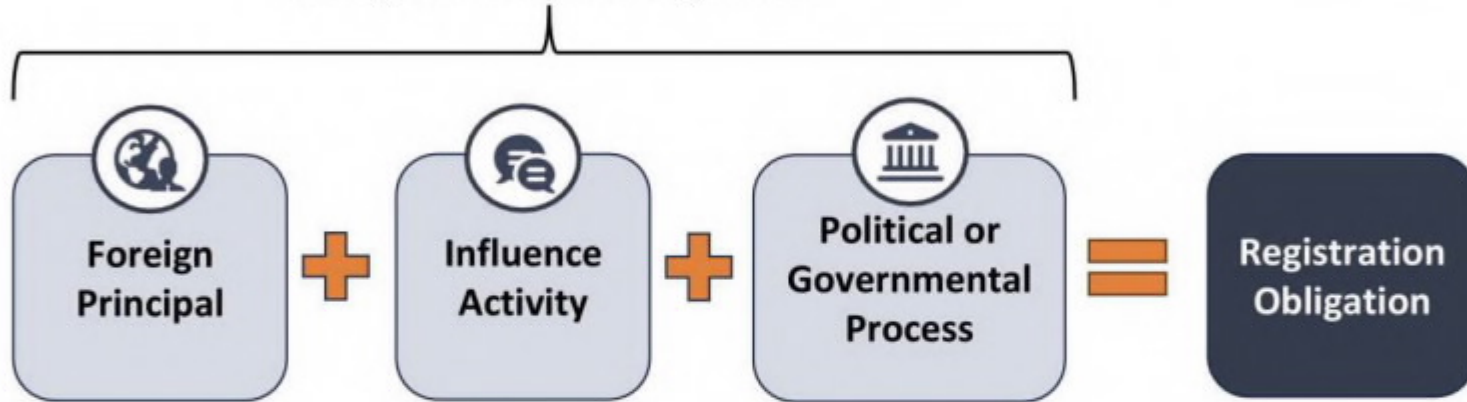
# Foreign Influence Transparency and Accountability Act (FITAA)

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## Foreign Influence Arrangement



Foreign principals include:

- ✓ Foreign Power;
- ✓ Foreign Entity;
- ✓ Foreign Economic Entity; or
- ✓ Foreign State

An influence activity undertaken at the direction of, or in association with a foreign principal:

- ✓ Communication with a public office holder;
- ✓ Communication of information to the public; or,
- ✓ Disbursement of money or items of value

The influence activity must be related to one of the following:

- ✓ Development of policy, program or legislative proposal;
- ✓ Proceeding of a legislative body;
- ✓ Decision-making by public office holder;
- ✓ Nomination of a political candidate; or
- ✓ Holding of an election or referendum

**Registration Obligation**

If all conditions are met, registration is required unless an exemption applies.



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# FITAA - Administration and Enforcement



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## Governance

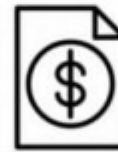


A new Foreign Influence Transparency Commissioner will administer the Act.

- Develop guidance and interpretation bulletins;
- Engage with stakeholders; and,
- Strategic engagement to enhance public awareness.



**Notices;** information notices and transparency notices



**Monetary Penalties;** fines for those who avoid registration obligations.



**Criminal Penalties;** failing to fulfill responsibilities under the law, or providing false information, among others.

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# Questions?

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