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ANNEX 3 TO THE PRESENTATION OF THE COMMISSIONER OF CANADA ELECTIONS TO THE NATIONAL SECURITY AND INTELLIGENCE COMMITTEE OF PARLIAMENTARIANS (NSICOP)

Proposed legislative amendments to statutes other than the *Canada Elections Act*:

The sharing of information and the execution of our mandate could be facilitated if legislative amendments were made to the following acts:

- the *Security of Canada Information Disclosure Act (SCIDA)*; and to
- the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA)*

Issue	Current situation	Proposed measure	Considerations
<i>Security of Canada Information Disclosure Act (SCIDA)</i>			
<p>As the OCCE is not listed in Schedule 3 of the <i>Privacy Act</i> as a government institution, it is also not currently considered a government institution within the meaning of the SCIDA.</p>	<p>The OCCE has established memorandums of understanding with the RCMP and CSIS. However, in order to obtain such information, the OCCE must request it. Thus, communication is limited, since the OCCE must know that information exists in order to request it. Similarly, being a government institution within the meaning of the SCIDA would make it possible to directly receive information related to activities affecting the security of Canada.</p>	<p>Addition of the OCCE to Schedules 2 and 3 of the SCIDA, so that the OCCE is considered a federal institution under that Act and can directly receive information related to activities affecting the security of Canada.</p>	<p>The SCIDA encourages and facilitates the sharing of information between federal institutions. This communication can be initiated by the federal institution that communicates information related to activities affecting the security of Canada.</p> <p>The implementation of this measure would require modifications to the OCCE’s work environment, including the addition of a Sensitive Compartmented Information Facility (SCIF).</p>

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Issue	Current situation	Proposed measure	Considerations
<i>Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA)</i>			
<p>Since the OCCE is not a federal institution named in subsection 55 (3) of the PCMLTFA, it cannot receive financial intelligence directly from the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC).</p>	<p>Since the OCCE is not a designated organization, it obtains information from FINTRAC via the RCMP by completing a VIR (Voluntary Information Reporting) form under its MOU. This process generates considerable additional delays.</p>	<p>Addition of the OCCE to the list of federal institutions named in section 55 (3) of the PCMLTFA to make the BCEF a designated organization to receive financial disclosure directly.</p>	<p>Subsequent to this addition, the OCCE and FINTRAC may establish a memorandum of understanding to govern the terms and conditions of financial information exchanges. The criteria for sharing such information are set out in the PCMLTFA, and require that :</p> <ul style="list-style-type: none"> ➤ the information is related to money laundering or terrorist financing activities; or ➤ the information is related to a threat to the security of Canada.