



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

Enquête publique sur l'ingérence étrangère
dans les processus électoraux et les
institutions démocratiques fédéraux

Overview Report:

Federal government entities involved in foreign interference matters

Prepared by: Commission Counsel

Summary of Report

This Overview Report identifies the main entities within the federal government that have a role to play in relation to potential foreign interference in federal electoral processes and democratic institutions.

It provides a high-level description of the mandates, roles and relationship between these bodies. It does not purport to identify and summarize all the specific activities that could possibly be undertaken by any of the bodies discussed, nor does it purport to be a comprehensive review of all bodies that play some role with respect to responding to foreign interference.

Note to Reader

Pursuant to Rules 42-44 of the Commission's *Rules of Practice and Procedure*, the following Overview Report contains a summary of background facts and documents relating to the Commission's mandate.

Overview Reports allow facts to be placed in evidence without requiring those facts and related documents to be presented orally by a witness during the public hearings. The Overview Report may be used to assist in identifying issues relevant to the Commission, make findings of fact and enable recommendations to be made by the Commission.

Parties have been provided an opportunity to comment on the accuracy of this Overview Report. Commission Counsel and the Parties may call evidence from witnesses at the Inquiry that casts doubt on the accuracy of the content of the documents underlying this Overview Report. The Parties may also make submissions regarding what, if any, weight should be given to the Overview Report and the cited documents.

Contents

Summary of Report.....	2
Note to Reader.....	2
1. The Governor-in-Council.....	4
2. The Prime Minister, Cabinet and federal departments.....	4
3. The Privy Council Office (PCO).....	6
3.1 Overview of the Privy Council Office.....	6
3.2 The National Security and Intelligence Advisor to the Prime Minister (NSIA), the Security and Intelligence Secretariat and the Intelligence Assessment Secretariat.....	8
4. The Prime Minister’s Office (PMO).....	9
5. Public Safety Canada.....	10
6. The Canadian Security Intelligence Service (CSIS).....	11
7. The Communications Security Establishment (CSE).....	12
8. Global Affairs Canada (GAC).....	13
9. The Royal Canadian Mounted Police (RCMP).....	15
10. Electoral Officials.....	15
10.1 Office of the Chief Electoral Officer (OCEO).....	16
10.2 The Office of the Commissioner of Canada Elections (OCCE).....	17
11. Interdepartmental and multi-institutional bodies.....	17
11.1 The Security and Intelligence Threats to Elections Task Force (SITE TF).....	18
11.2 The Critical Election Incident Public Protocol (CEIPP).....	19
11.3 Elections Security Coordinating Committees (ESCC).....	21
11.4 Standing committees of senior public servants.....	22



1. The Governor-in-Council

- [1] The Governor-in-Council refers to the Governor General acting by and with the advice of the King's Privy Council for Canada. By constitutional convention, powers held by the Governor in Council are exercised on the advice of members of the King's Privy Council for Canada and members of Cabinet. Decisions of the Governor-in-Council are often formally expressed by orders-in-council.

2. The Prime Minister, Cabinet and federal departments

- [2] The Prime Minister is the Head of Government and is the leader of the party that has the confidence of the House of Commons. In almost all cases, that is the party that elected the largest number of members of Parliament.
- [3] The Cabinet is currently composed of the ministers formally appointed by the Governor General on the recommendation of the Prime Minister. By convention, Cabinet ministers are usually elected members of the House of Commons. The powers, duties and functions of ministers are set out in various departmental statutes. These provide the mandates under which ministers and departments are empowered to carry out their designated functions. These Acts are supplemented by other legislation, as well as authorities derived from the royal prerogative. The Prime Minister also provides ministers with mandate letters outlining the objectives the Prime Minister wants each minister to accomplish, as well as the pressing challenges for each ministry.
- [4] In practice, federal departments are presided over by ministers, but day-to-day operations are carried out by officials who report to the deputy minister. Some agencies within the portfolio of a minister have varying degrees of operational independence. For example, the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs is responsible for the Canadian Security Intelligence Service (CSIS) and the Royal Canadian Mounted Police (RCMP) and certain powers, duties and functions related to these two agencies are generally exercised by the agencies or their deputy heads (the Director of CSIS and the Commissioner of the RCMP).



- [5] Deputy ministers are the most senior members of the professional, non-partisan public service. They are appointed by the Governor-in-Council on the recommendation of the prime minister. Deputy ministers serve “during pleasure.” This means deputy ministers may be removed (or moved to a different role) at the discretion of the Governor-in-Council, acting on the advice of the Prime Minister.
- [6] The Cabinet is a political decision-making body that is chaired by the Prime Minister. It is a forum for ministers to discuss which policies the government should pursue and how its priorities should be advanced. The Prime Minister sets the agenda of Cabinet. Decisions of Cabinet are not necessarily made by majority vote: the ultimate decision-maker is the Prime Minister.
- [7] In addition, there are several Cabinet committees that support the work of Cabinet. Their membership and mandates are established by the Prime Minister. For the most part, decisions are made at the committee level, although Cabinet must ultimately ratify these decisions and can adjust them before ratifying. However, certain parts of Cabinet decisions are subject to a subsequent decision by the Prime Minister, Minister of Finance or both. This is because the Prime Minister has prerogatives with respect to decisions about machinery of government and funding and the Minister of Finance has a role in funding decisions.
- [8] In the Canadian system of government, ministers are collectively and individually responsible for governing. While individual Cabinet ministers may express disagreement with one another during Cabinet meetings in private, once a collective decision has been made, ministers are expected to publicly support that decision if they wish to remain in the ministry. This is known as the convention of Cabinet solidarity.
- [9] All ministers swear an oath of secrecy upon joining the King’s Privy Council for Canada. Cabinet secrecy requires ministers, and any officials attending Cabinet meetings, not disclose the substance of deliberations of Cabinet.
- [10] Cabinet confidentiality is protected by the common law but also by federal legislation. The main statutory provision is section 39 of the *Canada Evidence Act*, RSC 1985, c C-5, though provisions of other statutes such as the *Access to Information Act*, RSC 1985, c.

*OR: Federal Government Entities
Involved in Foreign Interference matters*



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

A-1, also operate to protect Cabinet confidences. Under section 39 of the *Canada Evidence Act*, a minister of the Crown or the Clerk of the Privy Council may object to the disclosure of information constituting a “confidence of the [King’s] Privy Council.” This phrase is defined as including various classes of documents such as Cabinet memoranda, discussion papers, agendas, or records containing discussions between ministers.

- [11] Section 39 does not actually bar disclosure of Cabinet confidences. Rather, it gives the Clerk of the Privy Council or a federal minister the power to object to their disclosure when faced with such a request. An objection may be made in the form of a certificate issued by the Clerk or a minister. The Clerk of the Privy Council or a minister issues a certificate on the basis that the public interest requires the protecting certain Cabinet confidences. A certificate issued under section 39 is an absolute bar against the disclosure of information covered by it.

3. The Privy Council Office (PCO)¹

- [12] There are two offices that play a key role in supporting the Prime Minister, ministers and Cabinet: The Privy Council Office (PCO) and the Prime Minister’s Office (PMO). This section describes the Privy Council Office. Section 4 of this Report addresses the PMO.

3.1 Overview of the Privy Council Office

- [13] The PCO sits at the centre of government. Its principal role is the coordination of government administration. It is often described as the Prime Minister’s Department. It also provides non-partisan advice to the Prime Minister, Cabinet and Cabinet Committees on matters of national and international importance, supports the Cabinet decision-making process, and ensures the implementation of the government’s policy and legislative agenda across all federal departments and agencies.

¹ This section of the Overview Report can be read alongside *Institutional Report on the Protection of Information in the National Public Interest*, **CAN.DOC.000003**, pp. 3-5.

*OR: Federal Government Entities
Involved in Foreign Interference matters*



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

- [14] The PCO is headed by the Clerk of the Privy Council and Secretary to the Cabinet (“Clerk”) who is assisted in the discharge of their responsibilities by deputy clerks. The Clerk has three principal roles.
- [15] First, the Clerk acts as the deputy minister to the Prime Minister. As the most senior public service advisor to the Prime Minister, the Clerk’s role is to advise the Prime Minister and ministers on how the executive functions of the government should be fulfilled.
- [16] Secondly, the Clerk is Secretary to the Cabinet and is responsible for the smooth running of all Cabinet business and for ensuring effective decision-making. The Clerk is the custodian of the Cabinet records and, as outlined above, plays an important role in protecting the confidences of the Cabinet.
- [17] Finally, the Clerk is the Head of the federal public service. In that role, the Clerk assumes overall responsibility for the entire public service. As the most senior member of the deputy minister community, the Clerk provides recommendations to the Prime Minister on the appointment of deputy ministers across the public service.
- [18] In addition to its primary role as the central coordinating agency in the federal government, the PCO provides support to several ministers, including the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs. The PCO supports the democratic institutions and intergovernmental affairs elements of this Ministry.
- [19] The PCO also includes a Democratic Institutions Secretariat which supports the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs. The Prime Minister tasked the Minister with strengthening Canadian democratic institutions, including combatting disinformation and examining the link between technology and democracy. The Minister is also tasked with (1) continuing to lead an integrated government response to protect Canada’s democratic institutions, including the federal electoral process, against foreign interference and disinformation, working with domestic and international partners; (2) leading efforts to consider the interplay between



technology and democracy; and (3) working to ensure that participating in Canadian elections continues to be safe, regardless of ongoing events.²

3.2 The National Security and Intelligence Advisor to the Prime Minister (NSIA), the Security and Intelligence Secretariat and the Intelligence Assessment Secretariat

- [20] The National Security and Intelligence Advisor to the Prime Minister (NSIA) provides policy and operational advice to the Prime Minister and to Cabinet. It ensures coordination of government responses to all types of threats and receives information from its Secretariats and from the security and intelligence community, including status updates regarding ongoing security incidents and threats to the security of Canada. The NSIA has the status of a deputy minister. The NSIA is housed in PCO and reports to the Clerk.
- [21] With respect to foreign interference, the NSIA is primarily supported by two secretariats: the Security and Intelligence Secretariat (S&I Secretariat) and the Intelligence Assessment Secretariat (IA Secretariat).
- [22] The S&I Secretariat provides policy advice and support to the NSIA on national security and intelligence matters, including coordinating operational and policy development initiatives for senior-level interdepartmental committees. The S&I Secretariat supports the NSIA in briefing the Prime Minister and Cabinet on key national security issues and has a coordination role whenever national security or intelligence issues are before Cabinet. The S&I Secretariat works with Public Safety Canada and other government departments to convene and support regular senior governance meetings on foreign interference threats and responses.
- [23] The IA Secretariat is a strategic foreign intelligence analysis and assessment unit. It does not collect intelligence but provides intelligence analysis and assessments to the

² Mandate letter from Prime Minister Justin Trudeau to the Minister of Public Safety, Democratic Institutions, the Honourable Dominic LeBlanc, December 16, 2021, **COM0000135(FR)/COM0000143(EN)** .

*OR: Federal Government Entities
Involved in Foreign Interference matters*



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

Prime Minister, Cabinet, the Clerk and senior government officials and plays a key interdepartmental leadership and coordination role for Canadian intelligence community assessments.

- [24] The IA Secretariat also fosters relationships with allied intelligence assessment organizations through horizontal, community-wide initiatives, enterprise solutions and intelligence analysis training.
- [25] The IA Secretariat monitors and assesses foreign interference, examining trends, threats and emerging issues related to foreign interference as they pertain to the geostrategic environment it covers. The IA Secretariat reports on these issues through its range of intelligence products to its core clients, as well as the broader Canadian S&I community.

4. The Prime Minister's Office (PMO)

- [26] The PMO supports the Prime Minister in exercising his duties as head of government, leader of a political party recognized in the House of Commons and member of Parliament. Political staff at the PMO work with counterparts in the public service and ministerial offices, advising the Prime Minister on matters such as policy, communications and parliamentary affairs. The PMO also liaises on behalf of the Prime Minister with ministers, parliamentary secretaries and members of Parliament.
- [27] The PMO is headed by the Prime Minister's Chief of Staff, who oversees approximately 100 staff including communications staff, regional advisors and policy advisors. PMO personnel are not members of the public service and are referred to as "exempt staff." They are not subject to the strict neutrality and impartiality rules that apply to public servants. PMO operates as the link between the partisan interests of the Prime Minister and the operations of government.
- [28] Like the Prime Minister, all ministers are supported by exempt staff. One of the purposes of having ministerial offices separate from a minister's department is to provide ministers with advisors and assistants who share their political commitment and who can

*OR: Federal Government Entities
Involved in Foreign Interference matters*



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

provide political advice. Exempt staff in ministerial offices do not have the authority to give directions to public servants. They can, however, ask for information or transmit their minister's instructions, which is usually done through the deputy minister.

- [29] The PMO maintains a close relationship with exempt staff in all ministers' offices to ensure the flow of information and coordination on policy and operational issues within and across the government. For instance, there are regular meetings of all ministerial chiefs of staff and senior officials at the PMO. Members of the PMO also have regular contact with PCO officials.

5. Public Safety Canada³

- [30] The Department of Public Safety and Emergency Preparedness (PS) is responsible for matters of public safety, national security and emergency management.
- [31] PS develops and provides advice to the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs on national security matters in support of operational activities undertaken by the Canadian security and intelligence community. This includes functioning as a centralized hub for coordinating work on a number of national security issues, including countering foreign interference.
- [32] The PS portfolio includes CSIS and the RCMP, both of which are discussed below.
- [33] The Minister of Public Safety has the authority to provide direction to the heads of agencies, who are responsible for the control and management of their respective agency. Direction is sometimes provided through formal instruments known as ministerial directives. Most directions provide high-level direction and require the deputy minister or agency head to determine the ways and means of accomplishing objectives.

³ This section of the Overview Report can be read alongside *Institutional Report on the Protection of Information in the National Public Interest*, **CAN.DOC.000003**, p. 5.



6. The Canadian Security Intelligence Service (CSIS)⁴

- [34] CSIS or, the Service, is a civilian security intelligence service. The head of CSIS is the director, who serves as Deputy Head for the organization and reports to the Minister of Public Safety. The director is supported by several deputy directors.
- [35] The Deputy Director Operations (DDO) is most directly involved in investigating the threat posed to Canada by foreign interference, including in federal elections and democratic processes. The DDO heads the directorate that is responsible for the operational activities of the Service, including intelligence collection, assessments and threat reduction measures.
- [36] The Deputy Director, Policy and Strategic Partnerships (DDP) is responsible for the overall strategic policy framework of the Service including proposing legislative amendments to the *Canadian Security Intelligence Service Act*, RSC 1985, c C-23 (*CSIS Act*), so that CSIS can better address foreign interference threats.
- [37] CSIS's core mandate is to investigate threats to the security of Canada and advise the Government of Canada on such threats. The *CSIS Act* identifies the specific activities that the Service may investigate as well as the threshold that must be met for CSIS to engage in investigative activities. Among others, section 2 of the *CSIS Act* defines as a threat to the security of Canada “espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage,” and “foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person.”
- [38] CSIS's authority to collect information and intelligence on threats to the security of Canada rests in section 12 of the *CSIS Act*. Subsection 12(2) clarifies that CSIS may investigate within or outside of Canada. Further to its mandate to investigate threats to

⁴ This section of the Overview Report can be read alongside *Institutional Report on the Protection of Information in the National Public Interest*, **CAN.DOC.000003**, pp. 5-6.

*OR: Federal Government Entities
Involved in Foreign Interference matters*



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

the security of Canada, CSIS also has the authority under section 12.1 of the *CSIS Act* to take measures to reduce these threats in certain circumstances.

- [39] In addition to investigating threats to the security of Canada, CSIS also conducts foreign intelligence collection within Canada pursuant to section 16 of the *CSIS Act*, i.e., intelligence relating to the intentions, capabilities and activities of a foreign state, a group of foreign states or any foreign person. CSIS may only collect such intelligence at the personal request of the Minister of Foreign Affairs or the Minister of National Defence and with the personal consent of the Minister of Public Safety.
- [40] As Canada's civilian security intelligence service, CSIS collects and assesses intelligence and then provides advice to the Government of Canada, including in the form of intelligence assessments and reports which are shared with other relevant government departments and agencies to inform them of threat-related matters and to enable them to use intelligence in advancing their own respective mandates. In 2022, CSIS produced over 2,500 assessments and reports on all threats it was investigating, including foreign interference.

7. The Communications Security Establishment (CSE)⁵

- [41] The CSE is Canada's national cryptologic agency providing the Government of Canada with foreign signals intelligence (SIGINT), cyber security and information assurance. The head of the organization is the Chief, CSE. The Chief, CSE serves as Deputy Head for the organization and reports to the Minister of National Defence. The Chief, under the direction of the Minister of National Defence, has the management and control of CSE and all matters relating to it.
- [42] CSE intercepts and analyzes foreign electronic communications to provide the federal government with unique information about foreign threats to Canadian security and prosperity and important insights to support foreign policy and decision-making. CSE

⁵ This section of the Overview Report can be read alongside *Institutional Report on the Protection of Information in the National Public Interest*, **CAN.DOC.000003**, pp. 6-7.

*OR: Federal Government Entities
Involved in Foreign Interference matters*



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

may engage in defensive or active cyber operations if authorized by the Minister of National Defence personally. The Minister must also either consult or obtain the personal consent of the Minister of Foreign Affairs before issuing such authorizations. CSE's Canadian Centre for Cyber Security helps defend Canadian Federal infrastructure deemed of importance to the Government from malicious cyber activity. CSE helps federal law-enforcement and security agencies, such as CSIS and the RCMP, as well as the Canadian Armed Forces (CAF) and the Department of National Defence (DND) in the performance of lawful duties.

- [43] CSE produces over 3,200 signals intelligence reports per year to help support government decision-making in the fields of international affairs, defence and security, including foreign interference, and provides a better understanding of global events and crises and helping to further Canada's interest and security in the world. CSE reports may be shared with other relevant Government of Canada organizations (the DND/CAF, CSIS, the RCMP, Global Affairs Canada and PCO, amongst others) for information purposes and for use pursuant to their own mandates.
- [44] In addition to providing cyber security and information assurance services to protect federal infrastructure, CSE also provides technical and operational assistance to agencies such as CSIS, the RCMP and CAF. In the course of providing its assistance, CSE operates under the authority of the requesting agency to carry out the activity, including requirements with respect to any applicable warrant.

8. Global Affairs Canada (GAC)⁶

- [45] Global Affairs Canada (GAC) is the federal department responsible for advancing Canada's international relations. It supports three ministers, including the Minister of Foreign Affairs.

⁶ This section of the Overview Report can be read alongside *Institutional Report on the Protection of Information in the National Public Interest*, **CAN.DOC.000003**, pp. 7-8 and *Institutional Report – Global Affairs Canada*, **CAN.DOC.00000X**.



- [46] GAC is among the largest consumers of intelligence in the federal government. Intelligence on the capabilities, intentions and activities of foreign states collected by domestic and allied intelligence partners informs a wide range of GAC's activities, from policy development to the security of Canada's missions abroad. Pursuant to section 16 of the *CSIS Act*, CSIS may assist the Minister of Foreign Affairs, within Canada, in the collection of foreign intelligence.
- [47] GAC also produces specialized diplomatic and open-source reporting on foreign interference related issues, as well as strategic intelligence assessments.
- [48] The *Communications Security Establishment Act*, SC 2019, c 13, also provides that CSE may engage in defensive or active cyber operations if authorized by the Minister of National Defence personally. The Minister must also either consult or obtain the personal consent of the Minister of Foreign Affairs before issuing such authorizations.
- [49] GAC houses the Rapid Response Mechanism (RRM) Canada Secretariat, which coordinates the G7 RRM. The G7 RRM is an institution established by "Group of 7"⁷ leaders at the 2018 G7 Summit. The G7 RRM strengthens coordination between G7 countries to identify and respond to diverse and evolving foreign threats to democracy. These threats include hostile foreign state activity targeting democratic institutions and processes. It also includes threats targeting the media and information environment, and the exercise of human rights and fundamental freedoms.
- [50] In Canada, the RRM monitors the digital information environment using open-source data analytics for indicators of foreign state-sponsored information manipulation and disinformation. The RRM also represents GAC on the SITE Task Force, which is discussed later in this report. In this capacity, the RRM acts as an early warning system for indicators of information manipulation and other threats to democracy. Starting in 2020, the RRM also began to prepare standard departmental briefing notes for the

⁷ The Group of 7 is comprised of Canada, France, Germany, Italy, Japan, the United Kingdom and the United States, with additional representation from European Union institutions.

*OR: Federal Government Entities
Involved in Foreign Interference matters*



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

Deputy Minister of Foreign Affairs to support their participation in the CEIPP Panel of 5, which is also discussed below.

9. The Royal Canadian Mounted Police (RCMP)⁸

- [51] The RCMP is Canada's national police force, with a mandate to: (1) prevent and investigate crime; (2) maintain peace and order; (3) enforce laws; (4) contribute to national security; (5) ensure the safety of designated government officials and foreign dignitaries and the diplomatic community; and (6) provide operational support to other police and law enforcement agencies within Canada and abroad. The RCMP is led by the Commissioner.
- [52] Under its law enforcement duties, the RCMP has the primary responsibility for preventing, detecting, deterring and responding to national security-related criminal threats in Canada. This includes investigating illegal activities targeting Canada's democratic institutions and safeguarding electoral processes.
- [53] As discussed in more detail below, the RCMP collaborates with various external partners including the SITE Task Force, the CEIPP and the RRM. It has bilateral relationships with other agencies including CSIS and the Commissioner of Canada Elections.

10. Electoral Officials

- [54] Federal elections are governed by the provisions of the *Canada Elections Act*, SC 2000, c 9 (*CEA*). The *CEA* contains provisions that could be relevant to foreign interference, including financing rules and the prohibition against undue influence by foreigners.⁹

⁸ This section of the Overview Report can be read alongside *Institutional Report on the Protection of Information in the National Public Interest*, **CAN.DOC.000003**, p. 8 and *Institutional Report – Royal Canadian Mounted Police*, **CAN.DOC.00000X**.

⁹ See *Canada Elections Act*, s. 282.4.



[55] The Chief Electoral Officer (CEO) heads Elections Canada (EC), which administers federal elections. The Commissioner of Canada Elections (CCE) ensures compliance with, and enforcement of, the *CEA*. Although part of the same agency (Office of the Chief Electoral Officer), the CEO and CCE have distinct mandates and carry out their work independently from each other.

10.1 Office of the Chief Electoral Officer (OCEO)¹⁰

[56] The OCEO is an independent agency of Parliament. EC and the CCE are part of the OCEO. As noted above, EC administers federal elections and is headed by the CEO. The CEO is an officer of Parliament who is directly responsible to Parliament itself.

[57] The mandate of EC covers both electoral operations (i.e., running elections) and regulatory compliance (i.e., ensuring others comply with electoral rules, such as third-party financing provisions).

[58] EC works to ensure the integrity of federal elections, including by working to identify and respond to misinformation or disinformation about elections themselves. As part of its mandate to provide accurate information about the federal electoral process, EC monitors publicly available social media and digital content for information about the federal electoral process. As part of this monitoring, EC does not look into whether sources of information are domestic or foreign.

[59] EC uses its understanding of the information environment to develop and update its communications products and to react to inaccurate narratives about its mandate or the electoral process. It also engages in high-level analysis of the information environment with security partners including PCO, PS, CSIS, CSE, GAC, the RCMP and the Office of the Commissioner of Canada Elections.

¹⁰ This section of the Overview Report can be read alongside *Elections Canada Institutional Report*, **ELC.DOC.000001**.

*OR: Federal Government Entities
Involved in Foreign Interference matters*



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

10.2 The Office of the Commissioner of Canada Elections (OCCE)¹¹

- [60] The CCE is the head of the OCCE. The CCE is the independent officer who is responsible for ensuring the *CEA* is complied with and enforced.
- [61] The CCE is appointed by the CEO after consulting with the Director of Public Prosecutions of Canada. Although the OCCE is within the OCEO, it carries out its compliance and enforcement work independently from EC and the CEO.
- [62] The CCE may launch an investigation of their own initiative or following a complaint from the public or a referral made by the CEO or from another Government department or agency.
- [63] In carrying out compliance and enforcement work, the CCE may, depending on the breach of the *CEA* involved, make use of criminal or administrative tools in the *CEA*. The CCE may lay criminal charges, which are then prosecuted by the Public Prosecution Service of Canada. The CCE may also take administrative steps to respond to violations of the *CEA*, such as issuing administrative monetary penalties.
- [64] The OCCE maintains information sharing relationships with a range of security and intelligence partners, including CSIS and the RCMP. The OCCE may also cooperate with the RCMP in conducting investigations.

11. Interdepartmental and multi-institutional bodies

- [65] Several bodies involving participation from multiple departments, agencies and institutions exist to promote collaboration and cooperation in responding to foreign interference and promoting the integrity of electoral processes and democratic institutions.

¹¹ This section of the Overview Report can be read alongside *Institutional Report – Office of the Commissioner of Canada Elections*, **CEF.DOC.000001**.



11.1 The Security and Intelligence Threats to Elections Task Force (SITE TF)

- [66] In January 2019, the Ministers of Democratic Institutions, of Public Safety and Emergency Preparedness and of National Defence announced the Government's "Plan to Protect Canada's Democracy." There are four pillars: (1) enhancing citizen preparedness; (2) improving organizational readiness; (3) combatting foreign interference; and (4) building a healthy information ecosystem.
- [67] The Plan created, among other things, the SITE TF. The SITE TF has representatives from CSE, the RCMP, GAC and CSIS. Its role is to help safeguard Canadian federal elections from foreign interference by:
- i. providing a clear point of engagement with the security and intelligence community for Government partners engaged in related work;
 - ii. reviewing and focusing intelligence collection, assessment and open-source analysis related to foreign interference in Canada's democratic process in a coordinated manner;
 - iii. providing situational awareness for Government partners, senior public servants and other relevant partners; and,
 - iv. promoting the use of intelligence, assessment and open-source information analysis in the protection of electoral processes through sharing with partners or, when respective mandates permit, take action to mitigate the threat.



11.2 The Critical Election Incident Public Protocol (CEIPP)

- [68] The CEIPP, created in 2019, is a mechanism for senior public servants (called the “Panel” or the “Panel of Five”) to communicate clearly, transparently and impartially with Canadians during an election if there is an incident that threatens the integrity of a federal election.¹² The senior public servants who sit on the Panel of Five are the Clerk of the Privy Council, the National Security and Intelligence Advisor to the Prime Minister, the Deputy Minister of Justice and Deputy Attorney General, the Deputy Minister of Public Safety and the Deputy Minister of Foreign Affairs.¹³
- [69] The CEIPP is not just about foreign interference. It is aimed at election interference more broadly.¹⁴ It is only initiated to respond to incidents occurring during the caretaker period,¹⁵ and does not cover incidents withing Election Canada’s responsibility¹⁶
- [70] The CEIPP is as follows:
- a. national security agencies provide regular briefings to the Panel and the Panel can receive information and advice from other sources;
 - b. political parties are told how to report any electoral interference they may experience;

¹² Government of Canada, Democratic Institutions, “Strengthening Canada’s electoral system” (December 7, 2023), **COM0000192(FR)/COM0000209(EN)**.

¹³: Government of Canada, Democratic Institutions, “Cabinet Directive on the Critical Election Incident Public Protocol,” (August 12, 2021), **COM0000023(EN)/COM0000082(FR)**.

¹⁴ Morris Rosenberg, *Report on the Assessment of the 2021 Critical Election Incident Public Protocol*, Privy Council Office (2023), **COM0000194(FR)/COM0000195(EN)** at 7-13.

¹⁵ The caretaker period begins when the Government loses a vote of non-confidence or Parliament has been dissolved and ends when a new government is sworn-in or when an election result returning and incumbent government is clear: Privy Council Office, “Guidelines on the conduct of Ministers, Ministers of State, exempt staff and public servants during an election” (August 2021), **COM0000098(EN)/COM0000138(FR)**.

¹⁶ Government of Canada, Democratic Institutions, “Cabinet Directive on the Critical Election Incident Public Protocol,” (August 12, 2021), **COM0000023(EN)/COM0000082(FR)**; Morris Rosenberg, *Report on the Assessment of the 2021 Critical Election Incident Public Protocol*, Privy Council Office (2023), **COM0000194(FR)/COM0000195(EN)** at 23-24.

*OR: Federal Government Entities
Involved in Foreign Interference matters*



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

- c. if the head of CSIS, CSE, the RCMP or GAC becomes aware of interference in a general election, they inform the Panel, which will consider all options to address the incident(s);¹⁷
- d. the Panel evaluates incidents of election interference and determines if the threshold (discussed in more detail below) for informing the public is met;
- e. if the threshold is met, the Panel will inform the Prime Minister, the other major party leaders and Elections Canada that it intends to make a public announcement; and
- f. after the above briefing, the Clerk of the Privy Council, on behalf of the Panel, may issue a statement or ask the relevant agency head(s) to issue a statement to Canadians.¹⁸

[71] The threshold for informing the public is met if an incident, or an accumulation of incidents, threaten Canada's ability to have a free and fair election. This is a qualitative assessment which includes consideration of: (1) the degree to which the incident(s) undermine(s) Canadians' ability to have a free and fair election; (2) the potential of the incident(s) to undermine the credibility of the election; and (3) the degree of confidence officials have in the intelligence or information.¹⁹

[72] This threshold is purposely high before a public statement may be made to inform the public of any threat to a free and fair election.²⁰

¹⁷ As part of their respective responsibilities, CSIS, CSE, the RCMP and GAC, in consultation with each other, also otherwise consider all options to effectively address the interference.

¹⁸ Government of Canada, Democratic Institutions, "Cabinet Directive on the Critical Election Incident Public Protocol," (August 12, 2021), **COM0000023(EN)/COM0000082(FR)**.

¹⁹ Government of Canada, Democratic Institutions, "Cabinet Directive on the Critical Election Incident Public Protocol," (August 12, 2021), **COM0000023(EN)/COM0000082(FR)**.

²⁰ Morris Rosenberg, *Report on the Assessment of the 2021 Critical Election Incident Public Protocol*, Privy Council Office (2023), **COM0000194(FR)/COM0000195(EN)** at 12, 27.



[73] After each general election, the CEIPP requires an independent assessment of its implementation.²¹

[74] Since the summer of 2023, the SITE TF has been in place for federal by-elections.

11.3 Elections Security Coordinating Committees (ESCC)

[75] To address potential threats of foreign interference during elections, an Elections Security Architecture is established during election periods. This brings together multiple departments and agencies to ensure that intelligence and information indicating possible foreign interference are gathered, assessed and shared as rapidly as possible.

[76] A primary component of this architecture is the ESCC, which can meet at the deputy minister, assistant deputy minister, or director general levels. The ESCC is co-chaired by PCO and by Elections Canada and ensures a coordinated approach and common understanding among the S&I community, Elections Canada and the Commissioner of Canada Elections.

[77] Operational coordination between ESCC and the SITE TF allows key players to coordinate, assess and verify threat-related information regarding potential interference activities. Other national security governance committees may also be leveraged as appropriate to share information and coordinate decision making during elections. The ESCC can also meet outside of election periods to maintain connections and momentum and to review preparedness for emerging threats.

²¹ Government of Canada, Democratic Institutions, “Cabinet Directive on the Critical Election Incident Public Protocol,” (August 12, 2021), **COM0000023(EN)/COM0000082(FR)**.



11.4 Standing committees of senior public servants

[78] A number of inter-departmental standing committees of senior public servants are involved in coordinating responses to foreign interference. These are comprised of national security operational and policy committees that exist at the deputy minister, assistant deputy minister and director-general levels.

	Policy	Operations
Deputy minister	Deputy Minister National Security Committee (DMNS)	Deputy Ministers' Committee on Operational Coordination (DMOC)
Assistant deputy minister	Assistant Deputy Ministers' National Security Policy Committee (ADM NS Pol)	Assistant Deputy Ministers' National Security Operations Committee (ADM NS Ops)
Director-general		Elections Security Coordinating Committee