

UNCLASSIFIED



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

In Camera Examination Summary: Mr. Lyall King, Ms. Tara Denham, Mr. Eric Gordon, CSIS Representative¹

Lead officials from the 2019 **Security and Intelligence Threats to Elections Task Force** (“**SITE TF**”) were examined by Commission counsel on March 1, 2023 in an *in camera* hearing. The witnesses – Lyall King, Tara Denham, Eric Gordon, and a CSIS Representative – were examined in a panel format. Counsel for the Attorney General of Canada appeared on behalf of the Government of Canada and had the opportunity to examine witnesses. After ruling on an application from the Government of Canada, the hearing was held in the absence of the public and other Participants.

Notes to Reader

- Commission Counsel have provided explanatory notes in square brackets to assist the reader.
- This summary has been produced in reliance on subclause (a)(iii)(C)(II) of the Commission’s Terms of Reference. It discloses the evidence pertinent to clauses (a)(i)(A) and (B) of the Commission’s Terms of Reference that, in the opinion of the Commissioner, would not be injurious to the critical interests of Canada or its allies, national defence or national security.
- This summary contains information that relates to the Commission’s mandate under clauses (a)(i)(A) and (B) of its Terms of Reference. Information provided during the examination that relates to other aspects of the Commission’s Terms of Reference has been omitted from this summary, but may be adduced by the Commission at a later stage of its proceedings.
- This summary should be read in conjunction with the public interview summary prepared by Commission Counsel.

¹ The identity of the CSIS Representative must remain secret for national and personal security reasons.

UNCLASSIFIED

1. Examination by Commission Counsel

- [1] Each witness confirmed the accuracy of the classified version of the SITE TF 2019 Interview Summary and adopted it as their evidence before the Commission.

1.1 Roles and Responsibilities

- [2] Each witness described their organizational mandate and their roles and responsibilities as SITE TF members.
- [3] **Lyall King** was Chair of SITE TF, which effectively meant that he administered the group, organized meetings, helped organize their path forward and ensured they were prepared for the election. He served an administrative function, along with a team from CSE that he had recruited to help support the secretariat function of SITE. He was also the CSE representative to SITE, meaning that he brought to the table CSE's knowledge of foreign interference as they understood it through their collection activities.
- [4] **Tara Denham** was the representative for GAC from when SITE began through until August 2019.² She helped set up the SITE Task Force and was also responsible for bringing in the information from the RRM as appropriate to contribute to SITE's understanding. As the GAC representative, if there were issues or questions about Global Affairs more broadly, Ms. Denham was the conduit to represent Global Affairs.
- [5] The **CSIS Representative** served as the SITE TF representative for CSIS. In their own organization, they were responsible for coordinating what was brought to SITE and working with the rest of the agency to ensure that the right things were coming forward to the SITE table. The CSIS representative would bring intelligence forward at the SITE table and contribute as the principal representative on SITE for CSIS.

² Gallit Dobner, the GAC representative on the 2019 SITE TF as of August 2019, was unable to attend this hearing, but was available to answer any relevant questions when she appeared as part of the 2021 SITE TF panel.

UNCLASSIFIED

[6] **Eric Gordon** was the RCMP representative on SITE in 2019 from his position of the Director of **Federal Policing, National Intelligence (“FPNI”)**. His role was primarily to coordinate operational activities with the RCMP and the police of jurisdiction in the event that any criminality would have been established during the course of the writ period. To do that, they had mechanisms in place to task and coordinate both RCMP investigative units and police of jurisdiction across the country that were developed through the course of that period. They also worked with the Commissioner for Elections Canada with whom the RCMP has a memorandum of understanding for assistance in those investigations. The RCMP also has a protective policing piece for the party leaders and for ministers and other designated individuals.

1.2 SITE TF Structure

- [7] Mr. King confirmed that SITE TF is made up of four members at the operational level: The **Communications Security Establishment (“CSE”)**, the **Canadian Security Intelligence Service (“CSIS”)**, **Global Affairs Canada (“GAC”)**, and the **Royal Canadian Mounted Police (“RCMP”)**. SITE TF was established to coordinate information-sharing on matters related to threats to the security of Canada and its federal elections. SITE TF generally applied the *CSIS Act* definition of foreign interference.
- [8] The CSIS Representative and Ms. Denham clarified that CSIS is an intelligence agency and an investigative body, and that GAC is a consumer of intelligence, and through some of their international reports, they gather and assess information. Ms. Denham added that through the **Rapid Response Mechanism (“RRM”)**, GAC was looking specifically at the disinformation space as it pertains to SITE, and emphasized that that the RRM’s mandate was to focus on, and look for, foreign interference or indicators of potential foreign inference within that space. Mr. King did not object to Commission Counsel’s characterisation of CSE as an intelligence-collection body, and Mr. Gordon did not object to Commission Counsel’s characterization of the RCMP as an investigative body.
- [9] Ms. Denham described the RRM as one of Canada’s flagship announcements in 2018, during Canada’s G7 presidency. The context at that time was that there was a greater understanding in the G7 of the threats to democracy writ large and an interest to increase

UNCLASSIFIED

the information sharing and understanding across the G7 of what those threats looked like. There was an agreement to create the G7 Rapid Response Mechanism, which was that each G7 member would have a focal point established where they could share information as they were learning about the threat environment. At the time, one of the big areas of focus was disinformation in the context of **foreign interference** (“**FI**”), including the need to increase our collective understanding and our abilities to look at that space. Ms. Denham described the RRM as a way for Canada to receive information from other G7 countries and share it into Canada’s national structures. As the team learned about different tactics or approaches, they could share that back with the G7.

1.3 Mandate of SITE TF

[10] All of the witnesses agreed that SITE TF’s mandate is four-fold: (i) to provide a clear point of engagement with the security and intelligence community for government partners engaged in related work; (ii) to review and focus intelligence collection, assessment, and open-source analysis related to FI in Canada’s democratic process in a coordinated manner; (iii) to provide situational awareness for government partners, senior public servants and other relevant partners; and (iv) to promote the use of intelligence assessment and open-source information analysis in the protection processes through sharing with partners or, when respective mandates permit, take action to mitigate the threat.

1.4 Definitions and Day-to-Day Functioning

1.4.1 Domestic and Foreign Interference

[11] Ms. Denham explained why RRM distinguished between domestic and foreign interference. RRM’s mandate was to focus and look for foreign interference or indicators of potential foreign interference in the social media landscape for disinformation. What that entails in the social media landscape can be very complex.

[12] Certain indicators might suggest to RRM that a foreign entity was behind the artificial amplification of a news story, including: (i) the disinformation is circulated by accounts that use the same wording at the same time in underlying data; (ii) the accounts are new

UNCLASSIFIED

or were created recently; and (iii) disinformation is posted or circulated during the same time period, e.g. during the business hours of another country.

[13] Where the RRM believed certain activity likely originated from a foreign entity, or if they did not know, they would continue to look. If the RRM concluded that the actor was likely domestic, they would stop because it was not within their mandate to look at domestic content. RRM's default position is to investigate until indicators suggest the activity is wholly domestic.

[14] The CSIS Representative explained that in the case of what CSIS looks at, you could have Canadians and domestic actors who were conducting a set of activities, but at the behest of a foreign state. While the activities may initially appear domestic, CSIS would keep looking until they could determine whether there was foreign influence activity, whether it was truly domestic, or whether it was being driven or people were being tasked by a foreign state or individuals supporting a foreign state to engage in those activities.

1.4.2 Relationship with Elections Security Coordination Committee ("ESCC")

[15] Mr. King stated that the ESCC is meant to coordinate various actors across the Government of Canada in the lead-up to an election, including SITE TF. It is chaired by the **Privy Council Office ("PCO")** and Elections Canada. Mr. King explained that SITE TF met with ESCC, briefed ESCC on SITE TF findings, and shared plans.

1.4.3 SITE TF Response Matrix

[16] Mr. King stated that he and a team at CSE prepared a SITE TF Response Matrix intended to be a guide for SITE TF. The Response Matrix was the result of running a number of table-top exercises so that SITE TF could work through different scenarios that might arise during the writ period and to give a clear understanding of what potential options the SITE TF member organizations had through their own respective mandates and authorities in response to FI. The Response Matrix also considered which agency or department might take the lead role in responding to a potential situation. The Response Matrix is not authoritative or exhaustive, rather, it was designed to provide the SITE TF

UNCLASSIFIED

with background contextual understanding, and to be a guide of categories of things the group might do through monitoring, defending, disrupting and exposing, and to reflect on the different risks involved in each of those activities.

[17] Mr. King distinguished SITE TF's roles and responsibilities from the respective authorities of individual SITE TF members. SITE TF is an information-sharing space. For example, if, hypothetically, CSE was seeing some sort of cyber activity targeting elections infrastructure, CSE would brief that to SITE. CSE would not go to SITE to ask permission to take a particular action. Instead, CSE might come to the SITE table and say there's some intelligence we're seeing and we feel we have enough to take action under own authorities. The purpose would be to share that information to provide situational awareness and a broader understanding.

[18] The CSIS Representative also noted that SITE TF was a coordinating body where every member agency leveraged their own authorities and mandate and brought those things to the table as they shared their intelligence. The individual authorities of each agency were at play. No additional authorities were conferred to SITE TF. The members' roles were to leverage their authorities to the maximum ability they could to uncover any foreign interference.

1.4.4 Meetings and Information Sharing

[19] Mr. King confirmed that SITE TF met weekly in the lead-up to the writ period. During the writ period, the SITE TF members were in contact daily. Sometimes, the meetings during the writ occurred via secure phone rather than in-person.

[20] Mr. King's team at CSE reviewed **signals intelligence ("SIGINT")** collected by CSE and allies. If CSE noticed a report or collected something they felt was relevant to the election or indicative, for example, of a foreign adversary's capability that could be applied in a Canadian context, they would bring that information to the SITE TF table. Mr. King advised that he would either share the information verbally or share the serial number of the report within the CSE database so that the other SITE TF representatives could find it.

UNCLASSIFIED

- [21] Mr. King stated that during the writ period, he took a form of words from the CSE report, effectively a high-level summary that he would prepare for submission into the SITE **daily situation report** (“**SITREP**”). SITREPs issued daily on weekdays. Mr. King was responsible for reviewing and highlighting the CSE intelligence, and providing a succinct top-line summary for inclusion in the SITREP.
- [22] The CSIS Representative stated that CSIS collected intelligence daily, and had the regions prepare their reports. CSIS turned that into intelligence products as quickly as possible, whether it was the CSIS intelligence reports primarily or verbal disclosures, to ensure that the SITE members had the relevant information during the writ period as they prepared the SITREPs for the next morning.
- [23] CSIS also disseminated that intelligence to the Panel of Five members directly in their respective departments and disseminated it electronically to the SITE panel members. At a certain point in the writ period, the intelligence also went to the ADMs and DG levels of the SITE agencies.
- [24] Ms. Denham explained that GAC took a similar approach during the writ period. The team looked at that social media environment to see if there was any activity that they felt should be brought the SITE table. As with others, that could be shared as a verbal update, and then with a written summary for the daily updates during the writ period.
- [25] Ms. Denham explained that for the RRM, because of the difficulty of identifying whether the source is foreign, they would veer on the side of indicating if they saw larger volumes of activity on a daily basis. The RRM stopped reporting if they were able to indicate that they were no longer able to confirm any foreign ties.
- [26] Mr. Gordon noted that, certainly during the writ period outside of the protected space, the RCMP is really a net consumer of intelligence and information from other agencies. The construct within SITE was separate from the formal information-sharing mechanisms that already existed. He underscored that, just because information may have been shared through the SITE Task Force did not mean that it would have been shared or disseminated more broadly within the RCMP. If there was a requirement to share that information more broadly, they would have gone through the existing information-sharing mechanisms that exist between the agencies.

UNCLASSIFIED

1.4.5 SITREPs

- [27] Ms. Denham confirmed that the SITREPs were circulated to SITE TF member agencies' Assistant Deputy Ministers and Deputy Ministers, as well as the Panel of Five. SITREPs were sent by email over the Canadian Top Secret Network ("CTSN") or through client relations officers.
- [28] Ms. Denham confirmed that each SITE TF member was responsible for populating the daily SITREP with their summary of relevant information. Mr. King explained that, as the chair, CSE's secretariat was responsible for combining the incoming intelligence into the daily SITREP. They asked that each of the SITE members provided CSE with their inputs on a daily basis by 10 a.m. It was not CSE's role or job to assess what was being given to them, or to edit that information in any way. Each member had their own responsibility to ensure that they were reflecting their respective organization's information accurately. CSE merely combined that information into the document for dissemination.
- [29] Mr. King explained that there were off-hours and on-call procedures for SITE TF to be alerted to incoming information. The members used their respective 24-hour watch offices at the different organizations to disseminate and contact one another if that was required. Mr. King did not believe that the SITE TF representatives were ever called in over a weekend, but the path for communication did exist.
- [30] However, Mr. King emphasized that the SITREP was one mechanism to share information, and others existed if needed. They were also able to communicate through email, as well as through existing information sharing channels between their organizations. As an example, Mr. King noted that if CSE produced a report on a Saturday, that report would have been put into their database, which would have made the report accessible to anybody who needed to see it. In that example, it is possible that Mr. King would be alerted to the report and could trigger a call-out to alert their respective ADMs to discuss whether the Panel needed to be alerted.
- [31] SITREPs each contained a "threat trend". Mr. King explained that this was the first time SITE TF had been active for an election, and so the group did have some discussion in terms of formatting of the SITREPs, what should be included, and how to present the

UNCLASSIFIED

information. He recalled that they wanted to try to give some indication as to whether things appeared to be at what they would classify as a “normal” level of activity in term of adversaries. They were not looking at the writ period exclusively. The SITE TF had been looking during the year leading up to the 2019 election to understand what the countries they had identified as concerns were doing. He stated that there was some sense that if the group thought that things were “getting hot”, or worse, they should give that indication.

[32] The threat trend was not a scientific formula. Instead, it was meant to be a bit of a “thumb in the air indicator” as to whether they felt things were getting worse, and it was a trial to see whether it would be useful. Mr. King clarified that the threat trend was intended to give an overall assessment of the threat level and was not necessarily reflective of any one piece of information. All of the SITREPs issued in 2019 indicated the threat trend was stable.

1.4.6 Briefings and Other Interactions with the Panel of Five

[33] In addition to the SITREPs, Mr. King testified that the Panel of Five was briefed outside of the daily updates, although he remembered that more from 2021. He recalled a weekly touchpoint, largely with the Deputy Ministers (“DM”) of the SITE member organizations, where they would provide the Panel of Five a broader view of what the threat was looking like.

[34] Mr. King could remember the Deputy Minister of CSIS, David Vigneault, and the Deputy Minister of CSE, Shelly Bruce, effectively combining together to give an overarching view of what the foreign intelligence collection was seeing. Those briefings were delivered verbally. Mr. King said that he would have provided speaking notes for his DM to read from.

[35] There were no formal procedures for communications between the Panel of Five and SITE TF, but also no restrictions on the Panel reaching back out to the SITE TF for clarification. Mr. King did not remember that happening in 2019, but did remember receiving questions in 2021. He noted that it would be open to and fair for any DM to ask them questions related to what they were providing.

UNCLASSIFIED

- [36] The CSIS Representative explained that the talking points that would have been prepared for the CSIS DM would have included any CSIS references in the SITREPs. For instance, where the SITREP says, “CSIS Intelligence Report to follow” the CSIS Intelligence Report would have been produced and shared with the Panel. While the SITE TF member representatives were largely not in the room with the DMs for those Panel of Five meetings, the CSIS Representative would have been prepared to speak to any of the CSIS items from that week’s SITREP.
- [37] CSIS’ broader assessment of reliability was not imported into the SITREPs because the CSIS reports that contained this assessment were disseminated directly to the Panel of Five members and to relevant senior ADMs and DMs. The SITREP was a quick summary of the actual report that was coming or had already been delivered.

1.4.7 Threat Assessment in the Lead-Up to the Election

- [38] In the lead-up to the election, China was seen as the most significant threat to the Canadian electoral space from an interference perspective.
- [39] The CSIS representative described China as “at the ceiling” in terms of their intent and capability. Russia was a highly-capable threat actor with very little intent in Canada’s democratic institutions. SITE TF also looked at India, Pakistan, and Iran. To demonstrate that the gap between China and the other threat actors was very significant, the CSIS representative contrasted China being “at the ceiling”, with the other countries being somewhere “around our ankles”, in terms of level of threat activity and intent to interfere in the 2019 Canadian election.

1.4.8 Book-Keeping and Receipt of Information

- [40] Mr. King explained that CSE maintained an incident register as part of the SITE secretariat. They wanted to track what they were seeing over time. The document was fairly informal. The point was to capture the information and then try to look at it over an extended period of time to identify themes. Was most of it from China? Was most of it cyber activity targeting a network? Or was it interference activity more broadly speaking and targeting the public? Initially, the intent was to look at this register and pull some

UNCLASSIFIED

information into the After-Action Report at the end of the day to be able to describe what they had broadly seen.

1.4.9 Review of Information Received By Member Agencies

- [41] Mr. Gordon explained that the bulk of information that he received as the RCMP representative was daily updates from the protective side and protective operations. Physical security surrounding the leaders was the bulk of the RCMP mandate. They would share anything that they thought might be significant within SITE TF's mandate, but for the most part, there was not too much RCMP information to share during the writ period from the RCMP perspective.
- [42] Ms. Denham stated that the RRM team reported daily on what they were seeing. Individuals at the director level would approve what was being seen, what was deemed to be significant enough that it would be shared with SITE TF in a report.
- [43] The CSIS Representative indicated that during the writ period, they would receive all of the intelligence that had been collected in the previous 24 hours and been included in a report. Where the intelligence related to one of the countries of interest they were monitoring, they would receive it via email and review it. They would then do a quick consult up with their seniors, and would push out to SITE TF whatever was relevant. The bar for relevance was really low. It was not limited to information about foreign interference in the election. Rather, information was deemed relevant if it related to democratic institutions, foreign interference, or information that could become foreign interference. The amount of time it took to complete the review and assess relevant information varied day-to-day, but it was the CSIS Representative's full-time job during the writ period.
- [44] Mr. King noted that he had a small team of CSE employees assisting him with review. The team reviewed SIGINT from CSE and allies to assess relevance. Mr. King had a person who would collect that information and they would talk through it on a daily basis to decide whether it was relevant to SITE TF's mandate. They also had internal discussions with the different teams within CSE who were aware of the requirements and what SITE TF wanted to see from an interference perspective. If CSE had an indication

UNCLASSIFIED

that they might be about to report something, they would flag that information to Mr. King and his team.

[45] CSE also used a low bar for relevance because they wanted to know and understand what the adversary capabilities were, in addition to what they were doing. CSE is legally restricted to looking at foreign actors. They cannot direct activities against Canadians or any individual in Canada. As a result, CSE must look outward. They looked at what other countries were doing to see if it was being pointed inwards towards Canada. Equally, if those countries were doing things in other domains or countries, CSE wanted to know what tools of interference they were leveraging. That was relevant intelligence to the Canadian space because it might give an indication as to what type of tools or techniques or tactics that country might turn and deploy in a Canadian space. As a result, CSE was pretty broad in terms of trying to look at the activities because it is not always immediately evident what falls into the definition of “foreign interference”.

1.5 Specific Events during the 2019 Election

1.5.1 Allegation of Election Interference in a Nomination Contest in Don Valley North

[46] The CSIS Representative confirmed that both SITE TF and the Panel of Five received intelligence on alleged FI in a nomination contest that took place in Don Valley North during the 2019 federal election. The CSIS Representative noted that they had flagged the information to SITE TF before any formal report or other intelligence product was generated. They also recalled discussing the allegations during SITE TF meetings. Mr. King recalled doing so as well.

[47] Mr. King explained that CSIS—not SITE TF—retained authority to respond as necessary to the intelligence, as it was CSIS intelligence. In addition to discussing the details amongst their representatives, he would ultimately expect the information to be circulated in a SITREP, which it was.

[48] The CSIS Representative was referred to a CSIS intelligence product that was shared with SITE TF on October 1, 2019 about Don Valley North, and recalled later that month.

UNCLASSIFIED

The product referenced the same intelligence that SITE TF had received earlier on the alleged FI in the nomination contest and combined it with some additional background intelligence as well as some assessment, in order to provide a more complete picture for the intelligence consumer. The CSIS Representative was not the manager of the assessment team that produced the Report, so did not know why this Report was recalled. They indicated that sometimes, corrected reports are issued. When this happens, those who have received the recalled report are instructed to destroy all original copies.

[49] The CSIS Representative explained that SITREPs generally reflect new reporting. Because the recalled CSIS intelligence product synthesized previously disseminated intelligence, it is unlikely the product would have appeared in a SITREP. Mr. King added that SITREPs are tactical in nature. They were intended to quickly brief outwards and upwards on the latest information.

[50] The CSIS Representative added that elements of the CSIS intelligence product were contained in speaking notes they prepared for a briefing. The briefing occurred at the Secret level, using a mechanism SITE TF had set up to brief political parties.

[51] Mr. King added that the secure briefing mechanism was created to enable SITE TF to provide cleared members of political parties with context on the FI threat landscape, including providing them with some broad information on the types of activities that SITE TF was seeing and the tactics and techniques that might be used by adversaries in different spaces. The mechanism also opened up channels of communication so that party members could engage with SITE TF if they had questions, concerns or other issues.

[52] When asked whether the SITE TF had discussions about whether the alleged bussing and potential foreign interference in Don Valley North impacted the threat level, neither Mr. King nor the CSIS Representative could recall whether such discussions occurred.

[53] Mr. King was referred to an email he had written on Election Day about an intelligence product that had been disseminated by CSIS on the prior Friday. In that email, Mr. King noted that the intelligence product had been distributed by CSIS to the Panel of Five and to the ADM and DM levels, but not sent out via the broader SITE TF distribution list, so at least one individual who was invited to a call about the report was not able to see it.

UNCLASSIFIED

Although Mr. King recalled writing the email, he did not otherwise remember the particulars of the email. He surmised that he may have written it in response to a question about how the intelligence product was disseminated in an attempt to reconstruct the information flow over the weekend, and to confirm whether and when the Panel saw the report.

[54] Mr. King noted that no information flow is perfect and that this was the first time the SITE TF was in effect, therefore they often identified gaps in things. He pointed to the dissemination of CSIS intelligence products as an example. While these products contain dissemination lists, SITE TF does not necessarily know who actually saw the material at what time. He provided the example of a product disseminated via email, which is hand delivered through a client relations officer to a deputy minister as opposed to disseminating reporting through CSE's database, which gives CSE more information, and more granularity, about who may have accessed a report at a particular time.

[55] Mr. King recalled that CSIS intelligence products were often disseminated to SITE TF representatives, Deputy Ministers, and sometimes to the Assistant Deputy Ministers. Mr. King explained that SITE TF asked CSIS to broaden the dissemination list of its foreign interference related intelligence products relevant to SITE to include the ADMs and Director Generals of the SITE TF member organizations, so that levels were not being skipped between the SITE TF representatives and their Deputy Ministers so that there would be a direct reporting chain that was seeing the information at the SITE TF table. Mr. King also noted that named distribution lists exist to try and control or contain sensitive information.

[56] Mr. King underscored that CSIS retains authority to respond as they see fit to CSIS-collected intelligence, and that SITE TF was not an approval body. He added that he would prefer to see reporting before action is taken, but this is not always possible given timing constraints. Mr. King stated that he would not expect any organization to wait to have a conversation with him, as chair of SITE TF, before taking an action that they deem necessary or before sharing their own intelligence as they felt was necessary.

UNCLASSIFIED

1.5.2 SITE TF After-Action Report

- [57] The witnesses were shown the 2019 SITE TF After Action Report. Mr. King remembered discussing bussing students in to a nomination vote but did not remember a discussion about a related comment in the After Action report.
- [58] The CSIS Representative explained that nomination processes are not part of the Panel of Five's remit. Reviewing the Panel of Five's Protocol, the CSIS Representative noted that "it will only be initiated to respond to incidents that occur within the writ period and that do not fall within Elections Canada's areas of responsibility, as identified in the *Canada Elections Act*. However, the CSIS Representative added that SITE TF went to great lengths to ensure that the Panel had all of the information and intelligence regarding this issue immediately as it was being collected and that the relevant political party knew about it too.
- [59] The CSIS Representative stated that it was for the Panel to determine whether the intelligence may or may not have had an impact on the election, but all of the relevant information was put before them.
- [60] Mr. King explained that SITE TF's role was to broadly understand the actions of adversaries and report that information. SITE TF took a broad view of adversary activities because it was not always possible to understand immediately whether a certain action was FI.

1.5.3 SITE TF Allegations of Funding From Foreign Countries

- [61] Commission Counsel asked about a CSIS intelligence report which contained allegations regarding funding from foreign countries.
- [62] The CSIS Representative explained that CSIS sometimes adds caveats related to concerns over motivation which can appear in intelligence reports so that consumers have the same understanding as CSIS about these concerns. CSIS disseminated the report with those caveats so that consumers had the same understanding.
- [63] Commission counsel noted that the SITREPs did not contain any reference to this intelligence. The CSIS Representative noted that they could not speak specifically to that

UNCLASSIFIED

particular report, but also observed that the intelligence was not specifically about the 2019 election, and was instead about other individuals and their activities. Although they could not speak to the decision-making at the time, they suggested that this could explain why the information was not included in a SITREP.

1.5.4 Threat Reduction Measures

[64] The witnesses were referred to a series of SITREPs: (i) a SITREP that indicates CSIS met with cleared representatives of political parties during the writ period to advise them that a **Threat Reduction Measure (“TRM”)** to address FI from a particular country was underway;³ (ii) a SITREP that indicates that CSIS has received reporting related to the TRM;⁴ (iii) a SITREP that states there are early indicators that the TRM is having its desired effect.⁵ The CSIS Representative explained that the TRM was taken in response to intelligence regarding FI from a specific country.

1.5.5 Information Flow Issue

[65] The witnesses were asked about the process by which they received a CSIS National Security Brief (“CNSB”). The CNSB, issued after the election, included the assessment that an individual “is directly and continuously engaging in foreign interference activity on behalf of the PRC”. The CNSB assessed that it was likely the individual had already had an impact on the 2019 federal election, and would remain an FI threat after the election. It was shared with SITE TF in late October, after the election concluded.

[66] The CSIS Representative noted that a corrected copy of this product was disseminated two months after the original. The corrected copy no longer included the assessment that the election had been impacted, and instead assessed that the individual’s relationships and activities were consistent with known PRC tradecraft which could be expected to be applied to future elections at all levels. The CSIS Representative indicated that, before the corrected copy was disseminated, they were no longer in the same role, and so were unaware of the process that resulted in the corrected copy being disseminated.

³ CAN002961.

⁴ CAN002964.

⁵ CAN003006.

UNCLASSIFIED

- [67] When asked about an email sent by Gallit Dobner [the SITE TF representative for GAC from August 2019 onward], who had indicated that everyone at SITE TF was taken by surprise by the release of the uncorrected CNSB, the CSIS Representative indicated that they did not recall being taken by surprise.
- [68] Mr. King agreed that an email he had written, shortly after SITE TF had received the uncorrected CNSB, expressed some frustration with the manner in which this product was disseminated. Given the nature of the report, Mr. King explained that he would have expected CSIS to discuss it at the SITE TF table prior to it being issued. He explained that SITE TF was notified of individual pieces of intelligence that made it into the CNSB, but that the overall narrative was not necessarily clear to him.
- [69] Mr. King was asked about a contemporaneous email where he described the statement as “massively problematic” and poorly timed. He clarified that he was concerned because SITE TF did not have a full understanding of the issue. He also indicated that he was concerned because the assessment seemed to contradict SITE TF’s general assessment at the time that they did not think there was an impact on the overall outcome of the election, though he noted some nuances in the situation, as SITE TF was talking about the overall picture and the CNSB was more specific. Mr. King stated that his disappointment was not being able to have a chance to discuss those nuances before the CNSB was disseminated.
- [70] The CSIS Representative was shown an email they had written stating that Mr. King’s concerns were discussed and dealt with at the Director General level, with the Director General of the CSIS Intelligence Assessment Branch. The CSIS Representative indicated that they did not participate in these discussions. Mr. King indicated the same.
- [71] Mr. King noted that, as SITE TF moved forward into 2021, they tried to learn lessons in terms of information sharing and flow. They noted those issues in the After Action Report, where they also acknowledged the difficulties in sharing sensitive intelligence, and tried to rectify them as best it could. In particular, he noted that this included reviewing and revising SITE TF’s terms of references, including the principles they would follow for information flow, prior to the next election. He suggested that the type of issue described above as “normal things that happen...between intelligence services” because each

UNCLASSIFIED

agency has different ways and means of protecting and sharing intelligence, and so issues can arise, but SITE TF tried to address this type of issue moving forward.

1.5.6 Information Flow to the RCMP

- [72] Mr. Gordon was also asked about the CNSB. He was referred to an email from another RCMP SITE TF representative who reviewed the product and suggested that the RCMP may have to look into the intelligence described in the CNSB further. In the email, a CSIS employee responded to say that the intelligence could not be directed onwards to the RCMP, as it was shared to the RCMP recipients only within their role on SITE TF. However, the employee advised that, if the RCMP employee felt that this is of interest to the RCMP, there were other steps that should be taken.
- [73] Mr. Gordon agreed that this was a manifestation of the “intelligence versus evidence” problem, in that the RCMP require actionable intelligence to form the basis for an investigation, unlike what was included in the CNSB. Mr. Gordon noted that there are different ways that intelligence or information can make its way from CSIS to the RCMP. In this case, the CSIS employee wrote back to suggest a One Vision meeting at a certain level between RCMP **Federal Policing National Security (“FPNS”)** and CSIS to discuss the possibility of sharing information [One Vision is a framework established to coordinate work and de-conflict cases]. He also indicated that CSIS may proactively share information on a case-by-case basis with the RCMP through advisory letters or disclosure letters [as they were called at the time]. These processes are the normal and long-standing mechanisms for exchanging information and/or intelligence between CSIS and the RCMP.
- [74] The CSIS Representative indicated they did not know if there was any follow-up with the RCMP on this topic. When asked who would have “made the call” as to whether intelligence should go to the RCMP, the CSIS Representative stated that the answer is situation dependent, and that different individuals would have that responsibility at different times. However, the CSIS Representative said that generally speaking, CSIS’s operations units, not the assessment units, would determine whether or not information

UNCLASSIFIED

should be shared with RCMP. Other units would become involved in response to a request from the RCMP.

2. Examination by Counsel for the Government of Canada

[75] Mr. King elaborated on the challenges of building SITE TF up from scratch, and coordinating four different organizations with different approaches to intelligence. Although the organizations had all previously worked together, and had existing channels of engagement, SITE TF was a different construct. The organizations had never done anything like this before. Mr. King described the challenges they were dealing with as cultural differences between SITE TF members in the way they approach things. They apply different disciplines. SIGINT is different from human intelligence, which differs from the disciplines that GAC uses in the RRM. Different language can be used to describe the same issue, and it is not certain that each member organization uses the same probability scales to assess intelligence. There are also different institutional processes and practices for sharing information. Mr. King explained that, throughout the course of establishing SITE TF, they stumbled upon some of those differences, and suggested that some of the issues they had experienced in terms of information flow could be explained by him not understanding CSIS' internal process to approve a document, when the process is different within CSE. There were challenges in trying to understand the members' various perspectives and processes.

[76] Mr. King noted that SITE TF was not the only source of information for the Panel of Five. Rather, it was one means of collating and looking at various collections, and promoting visibility of FI. He noted that PCO also interacted with the Panel. PCO took on more of a role in coordinating briefings in early 2019. Privy Council Office Democratic Institutions, for example, would have been engaging with social media companies and the like, so the Panel would have been able to receive information from other government departments through different channels or through their own means.

[77] SITE TF is a coordination and collaborative space. Each SITE TF member organization has its own authorities and mandates to collect and disseminate information. SITE does not exist to restrict flow of information and did not prevent information from going to the

UNCLASSIFIED

Panel. Rather, SITE TF was meant to supplement existing channels of information and encourage a global view of the FI landscape in relation to elections.

[78] Mr. King explained that there are many different types of FI activity. SITE TF developed a categorization system for different types of FI activities to try to make sense of the world of FI. The different categories corresponded to the different types of responses that had been explored in the process of creating the Response Matrix. SITE TF also produced documentation as a guide to those different categorizations.

[79] Mr. King explained that SITE TF also created summaries of what CSE and CSIS were collecting against a range of adversaries. These summaries were meant to allow SITE TF to have a complete view of CSE and CSIS's coverage of adversary behaviour, to identify gaps in collection activities, and to summarize the sources of information that were being received by those agencies. Mr. King clarified that the sources of information summarized were not created just for SITE TF, but rather represented all of the various inputs collected by CSIS and CSE.