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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. David Vigneault, Ms. Michelle Tessier, Ms. Cherie Henderson

Mr. David Vigneault, Ms. Michelle Tessier and Ms. Cherie Henderson were examined by Commission counsel during *in camera* hearings held between February 28 and March 6, 2024. Counsel for the Attorney General of Canada appeared on behalf of the Government of Canada and had the opportunity to examine witnesses. 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 with the Canadian Security Intelligence Service Institutional Report prepared by the Government of Canada and the public summary of the interview of CSIS senior officials by Commission Counsel.

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Examination by Commission Counsel

- [1] Mr. Vigneault, Ms. Tessier and Ms. Henderson confirmed the accuracy of the classified summary of the interview that Commission Counsel conducted with them on February 13, 2024. They adopted the classified version as part of their evidence before the Commission.

Overview of CSIS' Structure

- [2] Mr. Vigneault has served as the Director of **the Canadian Security Intelligence Service (“CSIS” or the “Service”)** since 2017. His mandate was renewed for an additional five-year term in 2022. Mr. Vigneault worked in other capacities at CSIS before 2017, and in the Privy Council Office, in the intelligence field. As Director of CSIS, he has managerial oversight of the Service's internal workings and its relationships with external partners. He also acts as the lead CSIS representative for public outreach.
- [3] Ms. Tessier has been an employee of the Service for thirty-five years, working in operational and managerial roles up to her final position as the Deputy Director of Operations (“DDO”), the senior intelligence operations executive in the Service. She retired from the Service in March 2023. In her capacity as DDO, Ms. Tessier oversaw the governance of the Service's operations, including the collection, analysis, and dissemination of intelligence. She often performed the role of Acting Director when Mr. Vigneault was unavailable.
- [4] Ms. Tessier explained that at the beginning of 2019, two assistant directors—the Assistant Director Collection (ADC) and the Assistant Director of Operations (ADO)—reported to her. There was a separate Assistant Director, Assistant Director Intelligence (ADI), who reported directly to the Director of the Service. In early 2019, the two positions of ADO and ADI were merged into the position of the **Assistant Director Requirements (“ADR”)**. Mr. Vigneault explained that the objective was to ensure the integration of the operational and analytical sides of the Service work in a coordinated fashion, and to ensure that CSIS reporting remained relevant to government and external partners.
- [5] Ms. Henderson joined CSIS in 1992. She held operational and managerial roles of increasing responsibility and was the ADR until her recent retirement. In this role, she was responsible for a large portion of the intelligence cycle at CSIS, including the assessment and dissemination of intelligence.

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Dissemination of Intelligence

Intelligence Priorities

- [6] Ms. Henderson sat on the ADM Intelligence Priorities Committee, which plays a key role in making recommendations to Cabinet concerning the Government's intelligence priorities. These priorities become the basis for the intelligence requirements set by CSIS Headquarters, further to a Directive issued by the Minister of Public Safety to that effect. Priorities are communicated to all regional offices and other branches of the Service for the collection and dissemination of intelligence. Ms. Henderson explained that information is disseminated based on the priorities set by the Government and what CSIS can collect under its mandate. These requirements allow CSIS analysts to identify the issues and intelligence that are of interest to the mandates of other government partners.

Intelligence Products

- [7] Ms. Henderson described the various intelligence products that are produced by CSIS, including: Intelligence Reports (a simple piece of unassessed intelligence); Analytical Briefs (a few pieces of information pulled together, with necessary context); Intelligence Assessments (a strong analytical report, with a full assessment of different pieces of information). [These are detailed in Appendix E of the CSIS Institutional Report].
- [8] Mr. Vigneault added that CSIS has developed other products over time to respond to the specific needs of the Government clients. For example, an additional report was designed by CSIS to be distributed to **Deputy Ministers ("DMs")** during the DM Committee on Operations Coordination. Ms. Henderson explained that in response to the need to be able to provide a heads up on upcoming issues to senior government officials, ministers and their staff, CSIS developed the 'Issue Management Unit Note'.

Feedback on Dissemination

- [9] In addition to disseminating intelligence products, Ms. Henderson explained that CSIS responds to follow-up inquiries from government departments about the intelligence products. The frequency of follow-up inquiries and engagement on CSIS intelligence from senior government officials used to be low but has grown recently. CSIS also provides oral briefings to senior government executives. Mr. Vigneault testified that ministers could be

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informed of issues through either oral or written briefings. Oral briefings could be more appropriate when information was particularly urgent or sensitive.

[10] Mr. Vigneault added that CSIS is always seeking to refine its intelligence dissemination process and receive feedback from clients regarding the best means to share intelligence. He identified the newly-created position of CSIS intelligence dissemination officer, housed at Public Safety, as an improvement in the tracking and dissemination of the Service's intelligence. In his opinion, the interest and feedback of government partners for intelligence related to **foreign interference ("FI")** has increased over the past year.

Actioning Intelligence on FI

[11] Ms. Henderson indicated that CSIS does not try to use information of lower or limited sensitivity when drafting and disseminating its intelligence products. Instead, the Service ensures that the products contain appropriate information for decision-making, regardless of sensitivity. Where government partners are prohibited from using the information because of the security classification, CSIS may be able to create a product with a lower sensitivity allowing unclassified elements of the information to be disclosed outside of a secure environment. Ms. Tessier and Mr. Vigneault explained that the creation of products and sharing of intelligence or CSIS insights with lower or no security classification does happen, especially since the COVID-19 pandemic, but remains challenging in the FI field, given the sensitivity of the sources of intelligence and targets of FI activities.

[12] Mr. Vigneault was asked about the political acumen of Service analysts. He acknowledged that not all CSIS analysts were experts in political processes, which sometimes creates a challenge in the assessment of intelligence related to FI. He explained that government officials have sometimes characterized the Service's assessment of FI intelligence as naïve and disconnected from political realities. He stated that government officials sometimes fail to adequately consider the covert dimension of FI activities that, on their face, could appear legitimate in democratic processes. He welcomes such reasoned and challenging discussions and stated that CSIS was committed to improving its understanding of the political process by for example inviting a political Chief of Staff to educate on the political process. Ms. Tessier noted that the Service does not operate in a vacuum and works with

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foreign partners. CSIS analysts also see typologies of FI activity in other countries when they conduct their assessments.

[13] Mr. Vigneault noted that CSIS had developed several initiatives, including with academic institutions and business partners, as part of broader CSIS and government-wide efforts to enable government to use intelligence beyond government. Ms. Henderson agreed and said that the COVID-19 pandemic had been an impetus for the implementation of creative ways to share intelligence, given that most CSIS clients were not in working in offices where they could receive classified materials.

CSIS Responses to FI

[14] Ms. Tessier explained that changes to the *CSIS Act* in 2019 evolved CSIS' implementation of its **Threat Reduction Measures ("TRMs")** mandate. The underlying objective of providing the Service with a TRM mandate is to (1) broaden the range of tools available to CSIS to counter threats, including FI; and (2) to authorize CSIS to take actions to reduce identified threats. Ms. Tessier explained that CSIS is required by statute to have reasonable grounds to believe that an activity constitutes a threat to the security of Canada and to use means that are proportionate to the severity of the threat in order to implement a TRM. The process also requires an assessment of the legal, political, operational and reputational risks of the proposed measures. The process to develop and obtain approval for a TRM is laborious.

Specific Incidents

Recall of an Intelligence Assessment Relating to the Don Valley North Nomination Race

[15] Mr. Vigneault was asked about his decision to recall an intelligence assessment about possible PRC interference in the nomination race for the Liberal Party of Canada candidate in the Don Valley North riding. The assessment was prepared by CSIS in October 2019 and disseminated to senior Government officials, including the NSIA. An internal CSIS email sent shortly after the assessment was published says that the Director asked for the assessment to be recalled further to a discussion with the NSIA.

[16] Mr. Vigneault had no recollection of why the document was recalled, but was confident that the only reason he would have agreed to recall the assessment would be because there was

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an issue with it; he had never and would never recall a document because it was too sensitive. Ms. Tessier added that if it had been something sensitive, the Director would have come to her to discuss it, and she had no recollection of that happening. She has no memory of the recalled assessment.

[17] Mr. Vigneault was asked whether this assessment was raised again in 2023 (after the media leaks), in his briefing of the Prime Minister and senior members of his staff. Mr. Vigneault explained that the discussion was not about this assessment. The discussion was broader and covered the recent media leaks, and included some of the information in the assessment as well as new information.

TRM During the 2019 Election

[18] Mr. Vigneault explained that a TRM was conducted during the 2019 election to reduce the interference threat posed by a Canada-based diplomat from a foreign state other than the PRC. CSIS assessed that the TRM effectively reduced the threat of interference.

Dissemination of Information to the SITE TF and Panel of 5 during the 2019 Election

[19] Mr. Vigneault and Ms. Henderson discussed the dissemination of a specific CSIS intelligence report to the SITE TF. The report identified potential FI by a politically-connected Canadian. That person had not previously been identified as acting on behalf of a foreign state, but appeared to have been doing so in the period leading up to the 2019 election. The report initially assessed it likely that the actor “has already had an impact on the 2019 federal election, and will remain a foreign interference threat after the election”. The report was brought to the attention of the SITE TF on October 29, 2019, after the election. The chair of the SITE TF told CSIS that he believed that the information should have been shared with the SITE TF sooner, and in particular before the election, given its significance.

[20] Ms. Henderson recalled discussing this incident with the responsible ADM at CSE after the fact, and telling him that the Service believed the report’s wording over-stated the impact of the actor’s activities. The Service assessed that, while the actor could potentially have had an impact on democratic processes, their actions had not compromised the integrity of the 2019 election. Accordingly, the report was modified, removing the assessment regarding the actor’s impact on the 2019 election. Ms. Henderson stated that this incident showed a limitation relating to the SITE TF’s focus on assessing FI-related intelligence during the writ

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period. Because the FI activities of this actor were already the subject of CSIS reporting before the writ period and were shared with the appropriate stakeholders, those particulars might not have been considered by the SITE TF.

[21] Mr. Vigneault did not recall whether a draft of the above-noted intelligence was provided to the Panel of 5. More broadly, he noted that theoretically the Panel of 5 and the SITE TF received the same information but that the Panel of 5 also had independent sources of information that fed directly into it – regardless, practically speaking, pertinent information made its way to both bodies. Ms. Henderson added that the SITE TF served a very specific and operational purpose, namely, to identify threats and to determine which of its member agencies was best-placed to mitigate it.

[22] After the examination, the Attorney General of Canada advised that CSIS could not find evidence that the particular draft intelligence report was provided to the Panel of 5.

Briefings Provided to Elected Officials Ahead of the 2021 Election

[23] Ms. Henderson explained that CSIS collected intelligence before the 2021 election in accordance with its mandate that led it to assess that specific Members of Parliament could be the targets of FI by foreign states. Ms. Tessier added that a focus on defensive action in relation to FI and elected officials was relatively new for federal elections. As the FI threat intensified, CSIS developed creative methods to address the threat, including the briefing of elected officials identified as potential FI vectors. Ms. Henderson stated that these briefings were generally very well-received by their recipients.

[24] Ms. Tessier distinguished between briefings authorized under a TRM, which were specific and included references to classified information, and briefings conducted outside the scope of a TRM, which warned of the FI threat in general terms and did not refer to classified information.

Impacts of FI on Diaspora Groups

[25] Commission counsel asked the witnesses about the approach of the Service to transnational repression. Mr. Vigneault's responses included reference to the fact that foreign actors sometimes targeted political processes by attempting to exert influence over the voting patterns and political positions of diaspora groups. The scope of covert means used by actors depended on their interests and capabilities. Different countries have different levels of

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interest in matters such as Canadian politics, and they use different methods to exert influence on Canadians.

[26] He identified the PRC as a particularly active actor in transnational repression. The Communist Party of China (“CPC”) has clear views on its authority over ethnic Chinese in diaspora communities, including students. Mr. Vigneault explained that the PRC exerts influence over the Chinese diaspora by various means, including pressure on, or threats against, their families. These tactics are used by the PRC to attempt to control the public narrative over issues of interest to the PRC (such as the treatment of Uyghurs) and to place individuals viewed as favorable to the PRC in positions of power.

[27] Other actors, such as Iran, exert influence over their Canadian diasporas to attempt to sway public opinion on more specific issues.

Examination by Counsel for the Government of Canada

[28] Mr. Vigneault indicated that all information – classified and unclassified – could inform strategic government decision-making, even if the specifics of classified information could not be publicly identified as the basis of a government decision. He emphasized that CSIS works closely with its government partners to enable them to action intelligence in various fields, including criminal prosecutions, immigration and investment regulation. Ms. Henderson agreed with Mr. Vigneault’s explanation and added that specific interdepartmental forums, such as the Assistant Deputy Ministers’ Tactical Group, were established to enable the government to better act on intelligence.

[29] Overall, Mr. Vigneault assessed that, while there were FI activities during the 2019 and 2021 elections, those FI incidents did not impact the integrity of either election. He noted that it was challenging to assess the impact on the integrity of an election, especially where the FI consists of disinformation.