

**IN THE MATTER OF THE PUBLIC INQUIRY INTO FOREIGN INTERFERENCE IN
FEDERAL ELECTORAL PROCESSES AND DEMOCRATIC INSTITUTIONS**

AFFIDAVIT OF JODY THOMAS

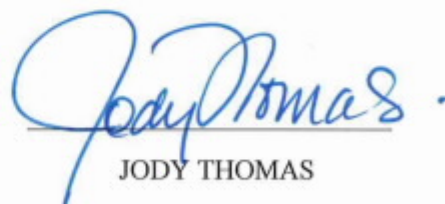
I, Jody Thomas, of the City of Victoria, in the Province of British Columbia, SWEAR THAT:

1. On February 15, 2024, I was interviewed by Counsel to the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions ("Commission Counsel") in my capacity as a National Security Intelligence Advisor to the Prime Minister, along with Janice Charette, and Nathalie Drouin.
2. In advance of the public hearings, Commission Counsel prepared a public summary of our interview, which was reviewed for National Security Confidentiality ("NSC").
3. In the course of the NSC review, some of the information was necessarily removed or nuanced in order to protect the disclosure of information that could be injurious to the critical interests of Canada or its allies, national defence or national security.
4. I have reviewed the public summary of our evidence, a copy of which is attached as **Exhibit "A"** to this affidavit (the "Unclassified Interview Summary").
5. The Unclassified Interview Summary contains an accurate account of the publicly disclosable information that I provided to the Commission. I do not wish to make any changes, additions, or deletions to the Unclassified Interview Summary. Insofar as the Unclassified Interview Summary contains information provided by other interview, that information is accurate to the best of my knowledge and belief.
6. I adopt the contents of the Unclassified Interview Summary ascribed to me as part of my sworn evidence before the Commission.

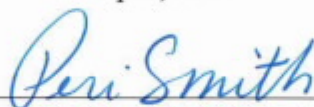
SWORN before me in the City of Victoria,
in the Province of British Columbia, on this 10th day
of April 2024.



PERI SMITH
A Commissioner for Taking Affidavits
in the Province of British Columbia
Barrister & Solicitor
Department of Justice Canada
900-840 Howe Street
Vancouver, BC V6Z 2S9


JODY THOMAS

This is Exhibit "A" referred to in the Affidavit of Jody Thomas, sworn before me at the City of Victoria, in the Province of British Columbia, this 10th day of April, 2024



Commissioner for Taking Affidavits in the Province
of British Columbia

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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

Public Interview Summary: Janice Charette, Nathalie Drouin, Jody Thomas

Senior officials currently or recently from the **Privy Council Office (“PCO”)** were interviewed in a panel format by Commission counsel on February 15, 2024. The interview was held in a secure environment and included references to classified information. This is the public version of the classified interview summary that was entered into evidence in the course of the Commission's in camera hearings held in February and March 2024.

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. Any information provided during the interview 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 unclassified Institutional Report prepared by PCO (“**PCO IR**”).

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1. Background and Mandate

- [1] PCO reports directly to the **Prime Minister (“PM”)**. It supports the development and implementation of the Government of Canada’s policy and legislative agendas. It also supports, among others, the Minister of Democratic Institutions and the effective operation of Cabinet. PCO coordinates responses to issues facing the Government and the country.
- [2] **Janice Charette** served as Clerk of the Privy Council and Secretary to the Cabinet (Clerk) from May 2022 to June 2023. She was Interim Clerk and Secretary to the Cabinet from May 2021 to May 2022.
- [3] **Nathalie Drouin** was appointed **Deputy Minister (“DM”)** of Justice and Deputy Attorney General in 2017. In 2021, she was appointed Deputy Clerk of the Privy Council and Associate Secretary to the Cabinet. Since January 2024, she has served as **Deputy Clerk of the Privy Council and National Security and Intelligence Advisor to the Prime Minister (“NSIA”)**.
- [4] Jody Thomas served as NSIA from January 2022 until January 2024. From 2017 to 2022, she served as DM of National Defence (“DND”).

2. Role of PCO Senior Leadership as it relates to Foreign Interference (“FI”)

- [5] Ms. Charette explained that her role was to provide advice and support to the Prime Minister, to coordinate and support Cabinet deliberations and coordinate and oversee the whole-of-government efforts on any given matter. Indeed, since issues often do not fit squarely in any single ministerial or departmental portfolio, PCO’s role is essential in ensuring coordinated government responses. She noted that PCO’s mandate is very wide in scope and involves all areas of government. The attention given to an issue depends on its relative importance to the agenda of the government and relevance/importance at any given moment.

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- [6] For the 2021 election period, Ms. Charette assessed that a higher level of importance was given to FI as demonstrated by the implementation of the Plan to Protect Canada's Democracy, including updates made to the Cabinet Directive on the Critical Election Incident Public Protocol (CEIPP) ahead of the 2021 federal general election [launched by the Minister of Democratic Institutions in 2019 ahead of the 43rd general election, this Plan advances four pillars to strengthen the electoral system and protect it against cyber and other threats, including FI]. She noted that, during election periods, the FI file took on greater importance for her as a Clerk and Chair of the Panel of Five under the CEIPP while in non-election periods, as Clerk, her involvement would be more one of monitoring unless a senior official such as the NSIA or Director of the **Canadian Security Intelligence Service ("CSIS")** had raised FI issues for her attention.
- [7] Ms. Charette also identified that the media leaks of 2022 and 2023 [a series of media articles that appeared to be based on classified intelligence relating to potential incidents of FI] as key events that led to FI becoming an area of more intense focus, including the launch of review processes that followed them (e.g. the **National Security and Intelligence Committee of Parliamentarians ("NSICOP")**, the **National Security and Intelligence Review Agency ("NSIRA")** as well as the appointment of the Independent Special Rapporteur on Foreign interference). She identified a report issued by herself and the Honourable Dominic LeBlanc – "Countering an Evolving Threat: Update on Recommendations to Counter Foreign Interference in Canada's Democratic Institutions" – as an example of her work as Clerk on FI.

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- [8] Ms. Drouin noted that, as Deputy Clerk, her mandate was to support Ms. Charette. She agreed with Ms. Charette with respect to the evolving focus on FI from 2019 to 2023. She added that, as DM of Justice and as Deputy Clerk, she had been involved in policy efforts that were linked to the threat of FI. She explained that since the 2016 US elections had been targeted by a disinformation campaign attributed to Russia, several initiatives, not specific to FI, had been put in place to address misinformation and disinformation. She noted that the Clerk had tasked work to assess the threat and develop options to respond, including calling several meetings to discuss this issue because of the perceived level of seriousness of the threat.
- [9] Ms. Thomas noted that her perspective was slightly different from that of her former colleagues. She explained that through her role at DND, she had been exposed to FI and she noted that she saw the public version of the NSICOP report *Special Report into the Allegations associated with Prime Minister Justin Trudeau's Official Visit to India in February 2018* [which was triggered by media reporting on the attendance of Jaspal Atwal at a reception hosted by the PM in Mumbai]. She indicated that the FI threat was an important aspect of her former mandate as NSIA, a role in which she accessed intelligence in many forms, including raw intelligence. She confirmed that the FI threat became a focal point following the media leaks in 2023.
- [10] Ms. Thomas explained that she understood FI in broad terms. She explained that there is a continuum between foreign influence, foreign interference, and transnational repression. While the line between each of these threats is not always clear (e.g., transnational repression may sometimes be used as a tool to control diaspora communities in elections), they do not always target Canadian democratic institutions.

2.1. Structure of the office of the NSIA

- [11] Ms. Thomas explained that the office of the NSIA is served by three deputy secretariats:
- The Deputy NSIA, which supports the NSIA in all aspects of their work;

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- The Foreign and Defence Policy Advisor to the Prime Minister, which provides policy advice related to foreign policy and defence and the impact that initiatives may have on foreign partners (e.g., proposed legislation to implement a foreign agent registry) and bilateral relations; and
- The Public Inquiry into Foreign Interference Secretariat.

[12] The NSIA is also responsible for the Intelligence Assessment Secretariat (“IAS”) and the Security and Intelligence Secretariat (“S&I”).

[13] The IAS:

- Analyzes intelligence from all government departments and agencies to provide a whole-of-government assessment on specific issues;
- Produces daily intelligence bulletins, which are disseminated throughout government including to the **Prime Minister’s Office (“PMO”)**;
- Produces a distilled weekly version of these daily bulletins which are disseminated to a limited distribution that may include the **PM**;
- Produces long-term assessed intelligence products for policy development purposes;
- Acts as secretary of the **DM Committee on Intelligence Response (“DMCIR”)**;
- Interacts with foreign partners such as the Five Eyes Alliance [intelligence alliance composed of Australia, Canada, New Zealand, the **United Kingdom (“UK”)** and the **United States (“US”)**] or the G7 [informal grouping of the world’s advanced economies, including Canada, France, Germany, Italy, Japan, the UK, the US, as well as the European Union].

[14] The S&I Secretariat:

- Facilitates coordination on national security policy and operational issues for national security events.

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[15] She indicated that the NSIA's Office was recently restructured because of the establishment of the National Security Council.

2.2. Interdepartmental Committees related to National Security and Intelligence

[16] The witnesses were asked to comment on p. 25-26 of PCO's Institutional Report [a list of the relevant interdepartmental committees relating to national security and intelligence]. They provided further insight on the structure and mandate of the following committees:

a. DMCIR

[17] DMCIR is composed of DM-level representation from CSIS, the **Communications Security Establishment ("CSE")**, PCO, **Global Affairs Canada ("GAC")**, and the **Royal Canadian Mounted Police ("RCMP")**. Ms. Thomas explained that she stood up this committee in the spring of 2023 to create a forum to discuss what measures could be taken with respect to actionable intelligence on specific, urgent, and short-term issues. DMCIR meets weekly, but *ad hoc* meetings can also be called (and can include *ad hoc* members, depending on the nature of the threat) to address specific issues.

[18] Ms. Thomas explained that, prior to the creation of DMCIR, those types of discussions occurred informally, amongst a sub-group of **DM Operational Coordination ("DMOC")** members. She noted that it had been challenging to hold the discussions in that format during the COVID-19 pandemic, because of the classification level of the information involved. She indicated that the creation of DMCIR was part of an effort to facilitate these discussions and enable better tracking of the issues discussed and their outcomes.

b. DM Intelligence Committee ("DMIC")

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[19] Ms. Thomas indicated that, as opposed to DMCIR, DMIC's main focus is considering the IAS assessed long pieces on future strategy (e.g., critical minerals) and issues from a policy perspective. DMIC has a broader membership, which includes the **Financial Transactions and Reports Analysis Centre of Canada, Canada Border Services Agency, Immigration, Refugees and Citizenship Canada, Innovation, Science and Economic Development Canada, the Department of Fisheries and Oceans and Environment and Climate Change Canada**. It can also include special guests, and meets quarterly.

c. **DMOC**

[20] Ms. Thomas explained that DMOC meets weekly. From the former NSIA's perspective, its purpose is to share current information and intelligence on incidents and matters among members, and to ensure a coordinated approach on issues that the NSIA considers to be the most important.

d. **DM National Security ("DMNS")**

[21] DMNS is a Clerk-structured committee [such committees are convened and membership specified by direction of the Clerk in order to focus DM work on a specific file to integrate medium-term planning] co-chaired by the NSIA and the DM of **Public Safety ("PS")**. Ms. Thomas explained that its main purpose is to advance national security policy issues identified by PS and any other department.

e. **DM Protection Committee ("DMPC")**

[22] Ms. Thomas explained that DMPC identifies and assesses threats to elected officials and allocates resources (generally RCMP resources) accordingly. DMPC was inspired by an initiative launched in the UK. Ms. Drouin and Ms. Thomas noted that, in some cases, such threats may have an FI dimension, and that they may have an effect on elections by discouraging affected candidates from running for office.

f. **DM National Security Review Coordination ("DMRC")**

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[23] Ms. Thomas referred to PCO's Institutional Report for the mandate of this Committee [chaired by the NSIA. Its mandate is to provide strategic guidance and direction of the interaction between the security and intelligence community and NSICOP, NSIRA, and, as required, the Intelligence Commissioner]. She explained that it had not been convened during her tenure and that its mandate is largely addressed through DMOC and other DM committees as appropriate.

g. Deputy Minister Foreign Interference Committee ("DMFI")

[24] Ms. Thomas explained that this committee has evolved from a series of **DM Coordination ("DMC")** meetings on FI [DMCs are stood up at the initiative of the Clerk to focus and drive work on a specific issue that has become prominent or has encountered difficulties]. In February 2023, the DMFI was convened by co-chairs PS and the NSIA. It is a place where policy issues are discussed, and it is the main forum for PS to present the work of the FI Coordinator [this new role, housed within PS, is intended to enhance a proactive and coordinated approach on FI].

[25] In addition to their descriptions of these committees, the witnesses provided general comments on the impact of input from interdepartmental committees on government decision-making. Ms. Charette and Ms. Thomas noted that the output of these committees was not always funneled up (such as e.g. the work of committees with an informative purpose, where information is brought to the attention of other government departments and agencies by PCO). Both Ms. Drouin and Ms. Charette noted that, since issues are typically relevant to more than a single agency or department, committees are essential mechanisms of horizontal coordination. Further, these committees were essential to effectively tasking what had been identified as priorities by the Clerk and her team.

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3. Flow of Information

3.1. Information received by the NSIA

- [26] The witnesses were asked to expand on p. 8 of PCO's Institutional Report [which explains the processing of information within PCO].
- [27] Ms. Thomas noted that, in her capacity as former NSIA, she received a constant flow of information from agencies that act as collectors. She received this information mostly by email through the **Canadian Top Secret Network ("CTSN")** or via the **Communications Security Establishment ("CSE")** database. She viewed the CSE database as more effective and secure than CTSN, notably because it tracks who accesses the information, and mentioned that there was an effort to migrate intelligence sharing from CTSN to the CSE database.
- [28] Ms. Thomas identified two main sources of intelligence that would be provided to her:
- The IAS provided her with a daily intelligence package that could include up to a hundred reports. The contents of these reports was determined based in part on the intelligence needs that her office identified and in part on what the IAS itself assessed to be important.
 - For compartmentalized intelligence products, or in some cases where Ms. Thomas was a named recipient, **Client Relation Officers ("CROs")** [employees of CSE housed within PCO and other agencies who are typically responsible for providing information to top senior officials and ministerial offices] would provide her with the relevant product. The CRO would wait until Ms. Thomas had read the relevant documents and then manage their storage or destruction. Ms. Thomas indicated that she received documents from CROs daily and sometimes several times daily.

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- If she was a named recipient for a report, this would be brought to her attention by her staff. She would typically ask the providing agency for the authorization to share selected products addressed specifically to her with the Clerk/Deputy Clerk and with PMO.

[29] Ms. Thomas emphasized that the volume of intelligence provided to her was substantial. She assessed that intelligence providers had improved in flagging important issues or reports and their intended recipients, as opposed to merely including them in the extensive intelligence package received daily by her office. She noted that a consideration with all intelligence that she read was what were the required next steps, for example, did the Clerk/Deputy Clerk or the PM or PMO need to be made aware of the intelligence, did the NSIA need to make calls to Five Eyes partners or agencies or would meeting with DM colleagues in relation to the intelligence be needed.

[30] Ms. Charette indicated that she typically received a distilled version of the intelligence received by Ms. Thomas. She did not receive information daily from CROs. More typically, information would be provided by the CRO once per week or on an as needed urgent basis. She also received the Daily Foreign Intelligence Bulletin produced by IAS, and the Weekly Foreign Intelligence Bulletin. Ms. Charette had established a weekly oral briefing with the IAS, whose topics were determined jointly. In particular circumstances (e.g. an upcoming diplomatic meeting between the PM and another head of state), she could also receive *ad hoc* briefings and products.

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3.2. Information provided to PMO

- [31] Ms. Thomas explained that PMO staff received a daily intelligence package from the IAS. She was not involved in identifying or approving the contents of the package. When she came across an important item, she would usually highlight the most important aspects for senior PMO staff to read and was confident that these were read as they often led to conversations between PCO and PMO. She stated that to her knowledge, agencies who provided intelligence did not list PMO staff as a named recipient of intelligence reports.
- [32] Ms. Thomas does not know how intelligence is accessed within PMO. Ms. Drouin and Ms. Thomas opined that the package provided to PMO was over-inclusive and, for that reason, may not have been read in its entirety by PMO.

3.3. Information provided to the PM

- [33] Ms. Charette indicated that if a provider of intelligence (e.g., CSIS) thought that a matter was of sufficient urgency or importance to be brought to the attention of the PM, they would typically inform their relevant minister prior to bringing it to the attention of PCO or the PM. In most cases, if an agency wanted to brief the PM, they first briefed the NSIA and usually also the Clerk jointly or separately, who then assessed whether and in what timeframe the PM needed to be briefed. The Clerk and the NSIA could either brief the PM themselves or ask the provider to brief the PM, usually in the presence of PMO staff and the NSIA. In rare cases, (e.g., following the media leaks in 2023), the PM initiated the request to be briefed on a specific issue.
- [34] Ms. Charette noted that the channel for providing intelligence to the PM changed during the caretaker period, as most staff took leave from their regular duties to participate in the electoral campaign and therefore would not receive intelligence. There was generally a contact-person or persons who remained at PMO as well as someone who accompanied the PM on the campaign itself who could receive information and intelligence and provide it to the PM.

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[35] Ms. Charette noted that the Clerk's office in PCO did not track the intelligence products that had been seen by the PM, as they did not flow through that office. Ms. Thomas added that she sometimes brought intelligence herself to the PM and that often, the PM's Chief of Staff would identify intelligence reports that the PM needed to see.

4. Specific Briefings and Issues

4.1. September 13, 2022 CSIS briefing to the NSIA and October 27, 2022 briefing to the PM

[36] The witnesses were asked about a September 13, 2022 briefing to the NSIA and Clerk and an October 27, 2022 briefing to the PM on foreign interference. Ms. Thomas explained in these types of briefings, the speaking notes of the person delivering the briefing were not shared with the recipients or attendees, nor did the person delivering the briefing read directly from the notes. Ms. Thomas and Ms. Charette remembered both briefings.

[37] Ms. Charette noted that the September 13, 2022 briefing to the NSIA and Clerk was unusual because it occurred at CSIS facilities at the request of the CSIS Director. They explained that the briefings set out CSIS's growing concerns over FI and its impacts on Parliamentarians, and steps that CSIS was taking to address them. The briefing also included specific examples, of which Ms. Charette and Ms. Thomas had not been previously aware. Because the briefings were classified Top Secret, Ms. Charette did not take notes.

4.2. February 9, 2021 Briefing to the PM

[38] In response to the question as to whether this briefing was the first time the PM had been briefed on FI matters, Ms. Charette, who was not yet in her position at PCO, said that she would be surprised if that was the case. She said the PM would have been briefed on FI in the past.

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[39] Ms. Charette stated that, to her knowledge, the PM was not informed of ongoing **Threat Reduction Measures (“TRMs”)** undertaken by CSIS, except as they may have related to a broader issue. She added that there were three main reasons for briefing the PM: (i) to provide situational awareness, (ii) to inform policy development or (iii) to recommend action or inform a decision by the PM.

4.3. The Media Leaks

[40] Ms. Drouin’s awareness of the leaked intelligence is as follows:

- She had no recollection of having been briefed about the specific individuals whose identities were leaked by the media as potential proxies or targets of FI;
- She was aware of allegations that there was a flow of money through proxies but she did not know the identities of anyone allegedly involved;
- She was generally aware of the allegations in the Don Valley North nomination vote;
- She was aware that Kenny Chiu and Erin O’Toole claimed to be targets of disinformation, but was not aware of any potential PRC connection to this.

[41] Ms. Thomas’ immediate focus after the leaks was to identify the source of the leaks. She indicated that she had not been made aware of the allegations concerning Han Dong and the “two Michaels” [allegations that Han Dong had asked the PRC consulate to delay the release of Michael Spavor and Michael Kovrig, two Canadian citizens detained by the PRC in retaliation for Canada’s arrest of Meng Wanzhou].

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[42] Ms. Charette's primary focus in terms of Canadian-Chinese relations in 2021 and 2022 was the "two Michaels" and their detention by the PRC, rather than foreign interference. She mentioned that she was informed that Mr. Chiu and Mr. O'Toole alleged that they were targeted by disinformation campaigns and was aware of the allegations that bus loads of students were brought to support Han Dong in the Don Valley North nomination race.

4.4. Engagement of Parliamentarians

[43] Ms. Thomas sometimes engaged Members of Parliament to discuss FI but that she was not involved in CSIS TRMs.

5. Government Responses to address FI

[44] Ms. Thomas explained that the notion of "actionable" intelligence needed to be better understood and defined in the context of FI. She emphasized that actionable intelligence did not necessarily mean that the PM had to act, as other departments or agencies were usually better placed to respond within their mandates. She explained that in order to be actionable, a piece of intelligence must show with a high degree of confidence that something has happened or will happen to be actionable. Actionable intelligence is rare in FI, as opposed to other areas where it is not uncommon.

[45] Ms. Charette noted that Canada's toolkit to address the FI threat is comprised of defensive and offensive tools. What she described as Canada's "defensive" tools had already been developed (e.g., initiatives to counter misinformation or disinformation, the Rapid Response Mechanism, and the Plan to Protect Canada's Democracy) and were ground-breaking. Ms. Charette noted that further work is required on Canada's offensive tools defined as measures to deal with specific instances of FI, given the evolving context and the changing nature of the FI threats.