

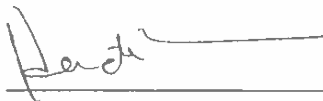
**IN THE MATTER OF THE PUBLIC INQUIRY INTO FOREIGN INTERFERENCE IN  
FEDERAL ELECTORAL PROCESSES AND DEMOCRATIC INSTITUTIONS**

**AFFIDAVIT OF MARK SCRIVENS**

I, Mark Scrivens, of the City of Ottawa, in the Province of Ontario, AFFIRM THAT:

1. On July 8, 2024, I was examined by Counsel to the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (“Commission Counsel”) as part of a Technical Briefing Panel on Bill C-70 in my capacity as Senior Counsel at Criminal Law Policy Section of the Department of Justice, along with Dr. Nicole Giles, Sarah Eastbrooks, Sébastien Aubertin-Giguère and Greg Koster.
2. In advance of the public hearings, Commission Counsel prepared a public summary of our examination, which was reviewed for National Security Confidentiality (“NSC”).
3. I have reviewed the public summary of our evidence, a copy of which is attached as **Exhibit “A”** to this affidavit (the “C-70 Technical Briefing Summary”), bearing Commission Exhibit number WIT0000132.
4. The C-70 Technical Briefing 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 C-70 Technical Briefing Summary. Insofar as the C-70 Technical Briefing Summary contains information provided by other examined participants, that information is accurate to the best of my knowledge and belief.
5. I adopt the contents of the C-70 Technical Briefing Summary ascribed to me as part of my evidence before the Commission.

Affirmed before me in the city of Ottawa,  
in the Province of Ontario on October 22, 2024



Commissioner for Taking Affidavits



Mark Scrivens

Heidi Lynn Schwartz,  
a Commissioner, etc., Province of  
Ontario, for the Government of  
Canada, Department of Justice  
Expires August 4, 2026.

Exhibit "A" referred to in the  
Affidavit of  
Mark Scrivens,  
Affirmed before me on this 22<sup>nd</sup> day of  
October 2024



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Commissioner for Taking Affidavits

Heidi Lynn Schwartz,  
a Commissioner, etc., Province of  
Ontario, for the Government of  
Canada, Department of Justice.  
Expires August 4, 2026.

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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* Technical Briefing on Bill C-70, *An Act Respecting Countering Foreign Interference*: [Sebastien Aubertin-Giguère Associate Deputy Minister, National and Cyber Security Branch, Public Safety Canada, Nicole Giles Senior Assistant Deputy Minister and Deputy Director for Policy and Strategic Partnerships at CSIS, Greg Koster Director and General Counsel with the Criminal Law Policy Section at the Department of Justice, Mark Scrivens Senior Counsel at the Criminal Law Policy Section at the Department of Justice, and Sarah Estabrooks Director General of Policy and Foreign Relations at CSIS]

During *in camera* hearings held in July and August 2024 the Government of Canada provided a technical briefing on Bill C-70, *An Act Respecting Countering Foreign Interference* (the Act) which received Royal Assent on June 20, 2024. Counsel for the Attorney General of Canada appeared on behalf of the Government of Canada and had the opportunity to examine the briefing panel. Commission Counsel also had the opportunity to examine the briefing panel. The hearing was held in the absence of the other Participants. This summary discloses the evidence that, in the opinion of the Commissioner, would not be injurious to critical interests of Canada or its allies, national defence or national security. This summary should be read in conjunction with the Commission's Overview Report on Bill C-70.

#### Notes to Reader:

- Commission Counsel have provided explanatory notes in square brackets to assist the reader.

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## 1. Bill C-70 Technical Briefing

- [1] The briefing panel began with a contextual overview of the impetus for Bill C-70 which highlighted the evolution of the threat landscape and the need for the Government of Canada to modernize its Foreign Interference tool box. The Government's focus in this recent exercise of modernisation is reflected in parts 1 to 4 of Bill C-70 which in turn reflect three key aims:
- a) First, to better protect Canada and the Canadian population with legislative authorities to allow CSIS to provide a wider range of partners with information, including about FI. The legislation also provides CSIS with the tools it needs to work in a digital world and respond to the evolving FI threat.
  - b) Secondly, to modernize criminal and administrative law to respond to current FI threats. For example, Bill C-70 creates offences and sanctions so foreign interference actors face more serious consequences for their interference in Canadian affairs, including in relation to its democratic processes and institutions. Bill C-70 also creates a regime of general application that will allow the use and protection of sensitive intelligence, including intelligence related to FI, in various federal administrative processes.
  - c) Thirdly, to create a regime for regulating foreign influence activities in Canada, and, in doing so, discourage foreign actors and states and their proxies from engaging in activities that interfere in Canadian affairs.
- [2] The briefing panel reflected on some of the ways that threat activity has changed significantly. For example, technology has further enabled threat actors in ways that have created new vulnerabilities for Canada's national security and has radically changed the investigative landscape. Additionally, the target of threats has changed significantly, foreign interference actors are not simply targeting the federal government, as envisaged when the *CSIS Act* was first enacted in 1984. Other levels of government across Canada, minority communities and individuals, industries, educational

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institutions and research facilities are all potential targets of interference activities by foreign states and their proxies. As a result, the legislative response to the threat posed by foreign interference needed to be broad.

- [3] The briefing panel outlined the key elements of Bill C-70 (Parts 1 to 3) which amend previous legislation [*CSIS Act*, *Criminal Code*, *Security of Information Act* and *Canada Evidence Act*], some of the operational challenges it is intended to address, the ways in which the new provisions might apply, including the mechanisms of enforcement, and the work being done to operationalise the new legislation.
- [4] The briefing panel also outlined the provisions relating to the new Foreign Influence Transparency Registry (the Registry) and Foreign Influence Transparency Commissioner (the FI Commissioner) (Part 4) that will require persons or entities who have a foreign influence arrangement to provide certain information to the FI Commissioner for the maintenance of a public registry. The briefing panel also set out the role and powers of the FI Commissioner. The briefing panel confirmed that there was presently no set date for the coming into force of the registry regime and it was first necessary to put in place the office of the FI Commissioner and establish the regulatory processes.
- [5] The briefing panel confirmed that guidance on the application and interpretation of the provisions pertaining to the Registry will need to be issued by the new FI Commissioner, and subject to contingencies, that Canada is seeking to establish the Registry infrastructure within the next 12 months. The briefing panel also confirmed that in respect of exemptions to the registration requirements, the legislation provides the capacity to create by regulation certain types of exemptions; at this point, Canada is not planning to create any new categories of exemption.
- [6] The briefing panel also discussed the wide and extensive Bill C-70 consultation processes and the ways in which Canada sought to reflect the feedback from the consultations in the development of Bill C-70. For the federal application of the registry,

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the consultation process is concluded, however for the subnational application of it, it is necessary to have another round of consultations with provinces, territories, and Indigenous governments to ensure that there is support and comfort with the proposals and co-development [of the relevant provisions] for subnational implementation. The witness panel confirmed that there have been 26 briefings since the finalization of Bill C-70, and the Department of Justice is still open to listening to and considering feedback and reactions to the final Act.