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Public Inquiry into Foreign Interference (PIFI)

Information Requested by the Commission

- 1) An overview of the department or agency's mandate.
- 2) A description of the programs, policies and procedures that were implemented by each department and agency to respond to both the general threat and the actual incidents of foreign interference associated with the 43rd and 44th general elections.
- 3) A listing of key executive positions whose responsibilities were related to the matters covered by the Commission's Terms of Reference (a)(i)(A) and (a)(i)(B) in relevant departments and agencies, and the names of their incumbents since September 2018, with descriptions of their duties.
- 4) All means/channels within relevant departments and agencies by which information prepared by intelligence agencies related to possible foreign interference is provided to the Deputy Minister, Minister's office, and Minister.
- 5) All means/channels by which information related to possible foreign interference is provided from relevant departments and agencies to the Privy Council Office (PCO) and Prime Minister's Office (PMO).
- 6) For each occasion on which there was an oral or written briefing relating to the matters covered by the Commission's Terms of Reference (a)(i)(A) and (a)(i)(B) to the Security and Intelligence Threats to Elections (SITE) Task Force, the Critical Election Interference Public Protocol (CEIPP) Panel, a Deputy Minister (or equivalent), the National Security Intelligence Advisor, the Clerk of the Privy Council, PMO or the Prime Minister since September 2018, a listing of the dates, briefing entity and person, including where possible the content of the briefing, and specific cases raised where applicable.
- 7) A listing of the dates and subjects covered for each occasion where a department provided advice and/or a recommendation to a Minister or a Minister's office in response to specific intelligence on foreign interference in democratic processes and institutions, including interference in parliamentary business, since September 2018.
- 8) A description of the national security and intelligence governance inter-departmental architecture, including Deputy Minister, Assistant Deputy Minister and Director General level committees (e.g.: the Deputy Ministers' Committee on National Security).
- 9) A listing of all intelligence products related to the threat or incidence of foreign interference in Canadian democratic processes and institutions developed since September 2018.
- 10) A listing of all the Threat Reduction Measures related to foreign interference in Canadian democratic processes and institutions that have been undertaken since September 2018.

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Public Safety Canada Institutional Response

QUESTION #1 - Overview and mandate of Public Safety Canada

The national security threat landscape, including foreign interference, are increasingly complex and diverse, and present significant challenges to Canada's security and social cohesion. These threats also challenge Canada's economic prosperity and growth which require a stable democracy wherein Canadians feel safe, and business have the confidence to invest. The evidence is clear that greater vigilance of Canadian intellectual property, supply chains, and investment oversight is needed as threat actors, including sophisticated state actors, deploy overt and covert means (e.g., espionage and foreign interference, disinformation, sabotage of critical infrastructure, economic coercion and malicious cyber activities) to the detriment of Canada's security and prosperity. The confidence and trust of Canadians in the Government's institutions and its ability to keep them safe are necessary to ensure social cohesion and the legitimacy of government's policies, legislation and enforcement actions. Public trust in government institutions continues to erode in Canada, and is negatively affected by adversarial efforts. Misinformation is increasingly spread through social media and other forums, challenging facts, evidence and government authority in new and complex ways.

Efforts to mitigate risks and recover from disasters, prevent crime, protect our borders, and safeguard our national security—much of which is exclusively within the federal responsibility to deliver—are fundamental to maintaining the stability Canada needs to attract foreign investment and talent, and secure the environment in which Canada is able to achieve its economic potential.

The Department

The vision of Department of Public Safety and Emergency Preparedness¹ (PS) is to achieve a safe and secure Canada and strong and resilient communities. To do so, PS' mandate is to keep Canadians safe from a range of risks such as natural disasters, crime and terrorism.

The Department's principal role is to bring strategic focus, coordination and direction to the government's overall safety and security agenda. It plays a key role in the development, coordination and implementation of policies in the areas of national security, community safety, crime prevention, law enforcement and emergency management, and maintains a presence in regional offices across the country and in Washington, D.C. It functions as a centralized hub for coordinating work in counter-foreign interference, counter-terrorism, critical infrastructure, cyber security and transportation security.

The Department provides transfer payments and support to various programs, including crime prevention, border policy, disaster mitigation, preparedness and recovery, search and rescue, serious and organized crime, countering radicalization to violence, cyber security and critical infrastructure. The Department also maintains the Government Operations Centre (GOC), a 24/7 facility that supports preparedness and coordinates the integrated federal response to all-

¹ The Department's legal name is the Department of Public Safety and Emergency Preparedness. The Department is commonly referred to as Public Safety Canada (PS). The legal name must be used in statutory instruments, such as legislation or Orders in Council, as well as other types of documents that have legal effect, including contracts or other formal agreements.

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hazard events of national interest. The majority of the Department's employees work in the National Capital Region, but regional offices are also located in five regions: Ontario, Quebec and Nunavut, Atlantic, Prairies and Northwest Territories, and Pacific (British Columbia and Yukon) regions.

The Public Safety Portfolio

The Public Safety Portfolio is composed of the Department of Public Safety and Emergency Preparedness² (PS) and five agencies: Royal Canadian Mounted Police (RCMP), the Canada Border Services Agency (CBSA), the Canadian Security Intelligence Service (CSIS), the Correctional Service of Canada (CSC), and the Parole Board of Canada (PBC).

- The **Royal Canadian Mounted Police (RCMP)** enforces Canadian laws, prevents crime and maintains peace, order and security, where they maintain jurisdiction.
- The **Canada Border Services Agency (CBSA)** manages the nation's borders by enforcing Canadian laws governing trade and travel, as well as international agreements and conventions. CBSA facilitates legitimate cross-border traffic and supports economic development while stopping people and goods that pose a potential threat to Canada from crossing at a port of entry.
- The **Canadian Security Intelligence Service (CSIS)** investigates and reports on activities that may pose a threat to the security of Canada. CSIS also provides security assessments, on request, to all federal departments and agencies.
- The **Correctional Service of Canada (CSC)** helps protect society by encouraging offenders to become law-abiding citizens while exercising reasonable, safe, secure and humane control. CSC is responsible for managing offenders sentenced to two years or more in federal correctional institutions and under community supervision.
- The **Parole Board of Canada (PBC)** is an independent body that grants, denies or revokes parole for inmates in federal prisons and provincial inmates in province without their own parole board. The PBC helps protect society by facilitating the timely reintegration of offenders into society as law-abiding citizens.

In addition, the Portfolio includes three review bodies: the Civilian Review and Complaints Commission for the RCMP (CRCC), the Office of the Correctional Investigator (OCI), and the RCMP External Review Committee (ERC).

The Portfolio is the biggest, non-military Portfolio in the Government of Canada. The Portfolio's 2023-24 budget was more than \$10 billion, and it employed close to 72,000 full-time equivalents working in every part of the country and internationally. Each organization contributes to the public safety agenda through its unique mandate and responsibilities.

² The Department's legal name is the Department of Public Safety and Emergency Preparedness. The Department is commonly referred to as Public Safety Canada (PS). The legal name must be used in statutory instruments, such as legislation or Orders in Council, as well as other types of documents that have legal effect, including contracts or other formal agreements.

UNCLASSIFIEDThe Ministers

The Department supports two Cabinet Ministers (collectively, the Ministers):

The Honourable Dominic LeBlanc is the Minister of Public Safety and Emergency Preparedness (PS Minister)³. The PS Minister is also the Minister for Democratic Institutions and Intergovernmental Affairs since 2023. The PS Minister presides over the Department of Public Safety and Emergency Preparedness and is also responsible for five portfolio agencies, including their respective oversight bodies, within the PS umbrella. The Minister has a broad array of statutory duties, functions and responsibilities which are set out in a wide range of federal statutes. The Minister has sole responsibility for a series of statutes, and shared responsibility with other ministers for many others. The legislation administered by the PS and portfolio agencies includes over 100 federal statutes and their regulations. Each portfolio agency has its own governing legislation which sets out its statutory authority and to various degrees, the role of the Minister.

The Honourable Harjit Sajjan is the Minister of Emergency Preparedness (EP Minister). The EP Minister is also President of the King's Privy Council for Canada and the Minister responsible for the Pacific Economic Development Agency of Canada. He also has principal responsibility for the PCO Emergency Preparedness Secretariat, which is discussed in the Institutional Report submitted by the PCO. The EP Minister is also responsible to advance the departmental mandate related to emergency management and is the lead Minister on emergency management reform. The EP Minister works in collaboration with the PS Minister on achieving the emergency management commitments.

The institutional head at PS is Deputy Minister of Public Safety, Shawn Tupper (DM). Associate Deputy Minister, Tricia Geddes (Associate DM) supports the DM. The five portfolio agencies are also each headed by a Deputy Head with a direct relationship with the PS Minister.

Ministerial AuthoritiesNotable Legislation and Statutory Responsibilities:

- The *Department of Public Safety and Emergency Preparedness Act* of 2005 established the Department and sets out the Minister's general powers, duties and functions. The Minister "presides" over and has "the management and direction" of Public Safety Canada. The "powers, duties and functions" extend to and include all matters relating to "public safety and emergency preparedness" over which Parliament has jurisdiction — and that have not been assigned by law to another department, board or agency of the Government of Canada. The Minister also exercises national leadership in relation to public safety and emergency preparedness.
- The Minister is responsible for most of the federal agencies operating in the areas of national security, policing and law enforcement, border services and corrections and conditional release, namely the Royal Canadian Mounted Police, Canadian Security Intelligence Service, Canada Border Services Agency, Correctional Service of Canada and the Parole Board of

³ Minister of Public Safety and Emergency Preparedness is the legal name and refers to the Minister appointed by the Prime Minister to be the Minister identified as such in the federal legislation and regulations.

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Canada. The Minister's role is to coordinate their activities and establish strategic priorities relating to public safety and emergency preparedness. The relevant statutes are: the *Royal Canadian Mounted Police Act* (RCMP Act), the *Canadian Security Intelligence Service Act* (CSIS Act), the *Canada Border Services Agency Act* (CBSA Act) and the *Corrections and Conditional Release Act* (CCRA).

- Under the *Emergency Management Act*, the Minister is responsible for exercising leadership in Canada relating to emergency management by coordinating amongst federal government institutions, in cooperation with the provinces and other entities. This includes coordinating the federal Government's response to emergencies in Canada; establishing arrangements for the continuity of constitutional government in the event of an emergency; and, in consultation with the Minister of Foreign Affairs, developing joint emergency plans with the United States and coordinating Canada's response to emergencies that may take place in the United States.
- Statutes for which the Minister has sole responsibility include: the *Criminal Records Act*, *DNA Identification Act*, *Sex Offender Information Registration Act*, *Firearms Act*, *Prisons and Reformatories Act*, *International Transfer of Offenders Act*, *Witness Protection Program Act*, *Security of Canada Information Disclosure Act*, *Secure Air Travel Act*, and the *Prevention of Terrorist Travel Act*.
- Statutes for which the Minister will play an important role along with other ministers include: the *Criminal Code*, *Immigration and Refugee Protection Act* (IRPA), *Extradition Act*, *Charities Registration (Security of Information) Act* (CRSIA), *Security Offences Act* (SOA), *Investment Canada Act*, *Customs Act*, *Canadian Passport Order*, and many others.
- Statutes for which all Cabinet Ministers have responsibilities, notably include: the *Access to Information Act*, *Privacy Act*, *Financial Administration Act*, and the *Emergency Management Act*.

Authority for Others to Exercise the Minister's Statutory Responsibilities

Not all the Minister's responsibilities need be personally exercised by the Minister. Most of the Minister's statutory duties are exercised by officials on the Minister's behalf, either because of a specific designation or delegation, or because of authority granted by the *Interpretation Act* to officials occupying a position appropriate to carrying out the Minister's responsibility. As a consequence, many authorities and responsibilities assigned by statute to the Minister may be exercised by the Deputy Minister or other departmental officials who occupy positions appropriate to carry out the functions.

While the *Interpretation Act* provides authority for others to act in the place of Minister, and an appointment under the *Ministries and Ministers of State Act* provides authority to a Minister of State to assist the Minister, they do not confer authority in the following circumstances:

- 1) where a statute expressly states that the Minister must personally act;

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- 2) where the statutory scheme or the nature of the subject matter at issue (its importance) indicates that it was likely Parliament's intention for the Minister to exercise the responsibilities personally; or,
- 3) where the statutory power relates to the making of a regulation or a recommendation to the Governor in Council.

The *Interpretation Act* applies only to officials of the Department over which the Minister presides. It thus does not provide authority for persons outside the Department, such as officials in Portfolio agencies, to exercise ministerial powers, unless the Minister designates or authorizes named officials in an agency.

Delegations or designations should be set out in a written instrument. The instrument can identify a specific person or class of persons (those occupying particular positions). All delegation, designation or authorization instruments signed by a Minister, unless amended, revoked or superseded, continue in effect when a new Minister takes office.

Ministerial Authority to Give Direction to Agency Heads

The Minister has an overall direction power not only with respect to Public Safety Canada, but also the Royal Canadian Mounted Police (RCMP), Canada Border Services Agency (CBSA), Canadian Security Intelligence Service (CSIS), and Correctional Services Canada (CSC). Under the various statutes establishing the agencies, the Minister has the authority to provide "direction" to the Agency Heads, who are responsible for the "control and management" of the agency, "under the direction of the Minister". Direction is sometimes provided through formal instruments known as "Ministerial Directives". Most directions should provide high-level direction and require the Deputy Minister or Agency Head to determine the ways and means of accomplishing objectives. In some cases, this is required by law; in other cases, it may still be advisable as an exercise of good governance. The question of how the Minister may legally exercise the direction power is complex and the answer will depend on the specific statutory power or function at issue and the specific fact situation.

The Principle of Police Independence

The limits above apply even more strongly in the case of the RCMP, due to the principle of police independence. The principle of police independence requires that police, in exercising their police powers and making decisions related to law enforcement and the investigation of individual cases of alleged criminal activity, must be free of direction or influence from the executive. This principle was endorsed by the Supreme Court of Canada in 1999 in the case of *Campbell and Shirose*, which explained that the RCMP Commissioner "is not to be considered a servant or agent of the government while engaged in a criminal investigation. The Commissioner is not subject to political direction". This includes political direction by the Minister of Public Safety, to whom the Commissioner ultimately reports. Any Directive to the RCMP must be provided to the Commissioner only and fall outside the law enforcement function so as to not infringe on police independence. They should not interfere with a specific law enforcement function, often referred to as "core policing decisions", as expertise, tactical and implementation decisions should be left to the RCMP.

UNCLASSIFIEDQUESTION #2 - A description of the programs, policies and procedures that were implemented by each department and agency to respond to both the general threat and the actual incidents of foreign interference associated with the 43rd and 44th general elections.

PS did not implement specific programs, policies or procedures to respond to FI in the 43rd and 44th elections. SITE and Panel of Five documents were provided directly to PS Deputy Minister's Office, without routing through the Department.

QUESTION #3 – Key Executive Positions

The following provides key executive positions whose responsibilities relate to matters covered by the Commission's Terms of Reference at Public Safety Canada, and the names of their incumbents since September 2018, with descriptions of their duties.

Deputy Minister, Public Safety Canada

- Malcolm Brown2016 – May 2019
- Gina WilsonMay 2019 – December 2019
- Rob StewartDecember 2019 – October 2022
- Shawn TupperOctober 2022 – present

Associate Deputy Minister, Public Safety Canada

- Vincent RigbyJuly 2017 – August 2019
- Monik BeauregardAugust 2019 – June 2022
- Tricia GeddesJune 2022 – present

Senior Assistant Deputy Minister (SADM), National & Cyber Security Branch (NCSB)

The SADM manages the work of NCSB, which coordinates and provides support with respect to detection, denial, prevention, response, and recovery on matters relevant to national and cyber security. This includes working with operational and policy partners to provide strategic advice to the Government on evolving and sensitive security issues. NCSB identifies and works to close gaps in Canada's ability to address and withstand national and cyber-security threats. These threats include, but are not limited to, ransomware, foreign influence, money laundering, terrorist financing, threats to critical infrastructure, weapons of mass destruction, hostile state activity, and terrorism.

NCSB develops and provides advice to the Minister of Public Safety on national security matters in support of the many operational activities undertaken by the Canadian security and intelligence community. This includes functioning as a centralized hub for coordinating work on a number of national security issues, including countering foreign interference.

- Monik Beauregard2018 – August 2019
- (Vacant).....August 2019 – October 2019

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- Dominic RochonOctober 2019 – October 2022
- Sébastien Aubertin-Giguère (acting)October 2022 – March 2023
- Patrick BoucherMarch 2023 – present

Associate Assistant Deputy Minister (AADM), NCSB /National Counter-Foreign Interference Coordinator

The AADM supports the SADM in the fulfillment of Executive functions on behalf of the Branch. As of June 2023, the AADM also assumed the responsibilities of the newly created position of Canada’s National Counter-Foreign Influence Coordinator (NCFIC).

The NCFIC was established to coordinate Government of Canada efforts to combat foreign interference by providing leadership to advance a unified federal response to Foreign Interference (FI) actions, and increasing situational awareness and transparency through community engagement with domestic and international stakeholders and partners.

- Sébastien Aubertin-GiguèreMarch 2023 – present

Director General, National Security Operations Directorate (NSOD), NCSB

NSOD supports the Minister in discharging his national security mandate through preparedness and responsive policy and operational advice. It is responsible for a range of national security threats, including economic security, Investment Canada Act transactions, the listing of terrorist entities pursuant to the Criminal Code, intelligence dissemination and countering foreign interference policy development. In fulfilling its duties, the Directorate works closely with other Federal and Provincial government departments and agencies to ensure cohesion and coordination of actions.

- [REDACTED]
- [REDACTED]

Director General, National Security Policy Directorate (NSPD), NCSB

This directorate supports the Ministers with respect to key national security policy issues, including legislative review, extremism, and intelligence gathering.

- Lesley SoperSeptember 2018 – present

QUESTION #4 - All means/channels within relevant departments and agencies by which information prepared by intelligence agencies related to possible foreign interference is provided to the Deputy Minister, Minister’s office, and Minister.

Public Safety (PS, or the Department) Canada’s National Security Operations Directorate (NSOD) is the primary recipient of intelligence from collectors and producers on behalf of the Department, due to its role as the “single window” for receipt and dissemination of intelligence to designated recipients (“clients”) within the Department. Primary collectors and producers include the following:

1. the Canadian Security Intelligence Service (CSIS);

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2. the Privy Council Office's Intelligence Assessment Secretariat;
3. the Integrated Threat Assessment Centre; and,
4. the Canadian Forces Intelligence Command.

NSOD does not provide intelligence analysis. Rather, it performs a triage function, elevating particularly sensitive or action-oriented intelligence for designated recipients. This triage function considers both the requirement of decision-makers, as well as shifting priorities in response to ongoing domestic and international events.

Other parts of PS, such as the National Security Assessment and Analysis Division, the Counter-Foreign Interference Division, and the Economic Security Hub, within NSOD; as well as the National Security Policy Directorate, also have access to intelligence, including unique products and sources; however these tend to be specific to a given program and may not be provided through regular intelligence dissemination channels.

In addition to the role played by NSOD in disseminating relevant intelligence, Communications Security Establishment (CSE) Client Relations Officers (CROs) provided senior officials with tailored signals intelligence. CRO service at the Department is undergoing changes and will no longer be routinely serviced by CSE, but rather, by a CSIS employee seconded to the Department.

Clients

Designated recipients for intelligence within the Department (or, NSOD's intelligence "clients") include the following senior officials:

1. Director General, NSOD
2. Associate Assistant Deputy Minister, Counter-Foreign Interference Coordinator
3. Senior Assistant Deputy Minister (SADM), National and Cyber Security Branch
4. Associate Deputy Minister (DMA)
5. Deputy Minister (DM)
6. Minister of Public Safety (PS Minister)

Process

Daily: NSOD reviews its holdings for any 'exigent' intelligence for timely dissemination to designated recipients.

Weekly: NSOD compiles routine and relevant intelligence received and/or retrieved throughout the week and provides packages to recipients.

Ad hoc: NSOD will provide specific intelligence reports to senior officials, upon request, in support of classified briefings to the Minister on specific topics or threats

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QUESTIONS #6 - For each occasion on which there was an oral or written briefing relating to the matters covered by the Commission's Terms of Reference (a)(i)(A) and (a)(i)(B) to the SITE Task Force, the CEIPP panel, a Deputy Minister (or equivalent), the National Security Intelligence Advisor, the Clerk of the Privy Council, PMO or the Prime Minister since September 2018, a listing of the dates, briefing entity and person, including where possible the content of the briefing, and specific cases raised where applicable.

PS is not an intelligence producer and, therefore, does not provide briefings on these matters. Typically, the CSIS Director would be providing these briefings.

QUESTION #7 - A listing of the dates and subjects covered for each occasion where a department provided advice and/or a recommendation to a Minister or a Minister's office in response to specific intelligence on foreign interference in democratic processes and institutions, including interference in parliamentary business, since September 2018.

The Director of CSIS has the mandate to bring specific intelligence to the Minister of Public Safety's attention. The briefings are conducted in a classified space, sometimes as part of a regular TS conversation with the Minister or depending on the Minister's availability, with senior PS officials. Typically, the Deputy Minister of PS or a senior PS official from the National and Cyber Security Branch would be present during the ministerial briefings, and provide context and policy advice. For a list of formal scheduled briefings between the Minister of Public Safety and the Director of CSIS, please refer to the confidential Annex of the CSIS Institutional Report.

QUESTION 8 - A description of the national security and intelligence governance inter-departmental architecture, including Deputy Minister, Assistant Deputy Minister and Director General level committees (e.g.: the Deputy Ministers' Committee on National Security).

Public Safety Canada participates in the following national security and intelligence governance committees:

Deputy Ministers Committee on National Security - DM NS
 Deputy Ministers Committee on Operational Coordination - DMOC
 Deputy Ministers Intelligence Assessment Committee - DM IA
 Deputy Ministers Intelligence Coordination Committee – DMIC; Replaced by DM CIR
 Deputy Ministers Committee for Intelligence Response - DM CIR
 Deputy Ministers Committee on Cyber Security – DM CS
 Deputy Ministers Committee on Foreign Interference - DM FI
 Deputy Ministers Elections Security Coordinating Committee - DM ESCC

Assistant Deputy Minister Committee on National Security Operations - ADM NSOPS
 Assistant Deputy Ministers Committee on National Security Policy - ADM NS Pol
 Assistant Deputy Ministers Committee on Cyber Security - ADM Cyber
 Assistant Deputy Ministers Committee on Intelligence Assessments - ADM IAC
 Assistant Deputy Ministers Committee on Foreign Interference - ADM FI
 Assistant Deputy Ministers Elections Security Coordinating Committee - ADM ESCC

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Director General Elections Security Coordinating Committee

OTHER QUESTIONS

- Questions #5, #9 and #10 are not applicable to Public Safety Canada.