



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

Overview Report:

Federal government entities involved in foreign interference matters (updated)

Prepared by: Commission Counsel

Summary of Report

This Overview Report identifies the main entities within the federal government that have a role to play in relation to potential foreign interference in federal electoral processes and democratic institutions.

It provides a high-level description of the mandates, roles and relationship between these bodies. It does not purport to identify and summarize all the specific activities that could possibly be undertaken by any of the bodies discussed, nor does it purport to be a comprehensive review of all bodies that play some role with respect to responding to foreign interference.

This Report, previously published by the Commission in March 2024, has been updated with developments occurring up to 30 August 2024.

Note to Reader

Pursuant to Rules 42-44 of the Commission's *Rules of Practice and Procedure*, the following Overview Report contains a summary of background facts and documents relating to the Commission's mandate.

Overview Reports allow facts to be placed in evidence without requiring the facts and related documents to be presented orally by a witness during the public hearings. The Overview Report may be used to assist in identifying issues relevant to the Commission, make findings of fact and enable recommendations to be made by the Commission.

Parties have been provided an opportunity to comment on the accuracy of this Overview Report. Commission Counsel and the Parties may call evidence from witnesses at the Inquiry that casts doubt on the accuracy of the content of the documents underlying this Report. The Parties may also make submissions regarding what, if any, weight should be given to this Report and the cited documents.

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1. The Governor-in-Council

- [1] The Governor-in-Council refers to the Governor General acting by and with the advice of the King's Privy Council for Canada. By constitutional convention, powers held by the Governor in Council are exercised on the advice of members of the King's Privy Council for Canada and members of Cabinet. Decisions of the Governor-in-Council are often formally expressed by orders in council.

2. The Prime Minister, Cabinet and federal departments

- [2] The Prime Minister is the Head of Government and is the leader of the party that has the confidence of the House of Commons and who has been asked by the Governor General to form a government. In almost all cases, that is the party that elected the largest number of members of Parliament.
- [3] The Cabinet is currently composed of the ministers formally appointed by the Governor General on the recommendation of the Prime Minister. By convention, Cabinet ministers are usually elected members of the House of Commons. The powers, duties and functions of ministers are set out in various departmental statutes. These provide the mandates under which ministers and departments are empowered to carry out their designated functions. These Acts are supplemented by other legislation, as well as authorities derived from the royal prerogative. The Prime Minister also provides ministers with mandate letters outlining the objectives the Prime Minister wants each minister to accomplish, as well as the pressing challenges for each ministry.
- [4] In practice, federal departments are presided over by ministers, but day-to-day operations are carried out by officials who report to the deputy minister. Some agencies within the portfolio of a minister have varying degrees of operational independence. For example, the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs is responsible for the Canadian Security Intelligence Service (“**CSIS**”) and the Royal Canadian Mounted Police (“**RCMP**”) and certain powers, duties and functions

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related to these two agencies are generally exercised by the agencies or their deputy heads (the Director of CSIS and the Commissioner of the RCMP).

- [5] Deputy ministers are the most senior members of the professional, non-partisan public service. They are appointed by the Governor-in-Council on the recommendation of the Prime Minister. Deputy ministers serve “during pleasure.” This means deputy ministers may be removed (or moved to a different role) at the discretion of the Governor-in-Council, acting on the advice of the Prime Minister.
- [6] The Cabinet is a political decision-making body that is chaired by the Prime Minister. It is a forum for ministers to discuss which policies the government should pursue and how its priorities should be advanced. The Prime Minister sets the agenda of Cabinet. Decisions of Cabinet are not necessarily made by majority vote: the ultimate decision-maker is the Prime Minister.
- [7] In addition, there are several Cabinet committees that support the work of Cabinet. Their membership and mandates are established by the Prime Minister. For the most part, decisions are made at the committee level, although Cabinet must ultimately ratify these decisions and can adjust them before ratifying. However, certain parts of Cabinet decisions are subject to a subsequent decision by the Prime Minister, Minister of Finance or both. This is because the Prime Minister has prerogatives with respect to decisions about machinery of government and funding and the Minister of Finance has a role in funding decisions.
- [8] In the Canadian system of government, ministers are collectively and individually responsible for governing. While individual Cabinet ministers may express disagreement with one another during Cabinet meetings in private, once a collective decision has been made, ministers are expected to publicly support that decision if they wish to remain in the ministry. This is known as the convention of Cabinet solidarity.
- [9] All ministers swear an oath of secrecy upon joining the King’s Privy Council for Canada. Cabinet secrecy requires ministers, and any officials attending Cabinet meetings, not to disclose the substance of deliberations of Cabinet.

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- [10] Cabinet confidentiality is protected by the common law and also by federal legislation. The main statutory provision is section 39 of the *Canada Evidence Act*, RSC 1985, c C-5, though provisions of other statutes such as the *Access to Information Act*, RSC 1985, c. A-1, also operate to protect Cabinet confidences. Under section 39 of the *Canada Evidence Act*, a minister of the Crown or the Clerk of the Privy Council may object to the disclosure of information constituting a “confidence of the [King’s] Privy Council.” This phrase is defined as including various classes of documents such as Cabinet memoranda, discussion papers, agendas, or records containing discussions between ministers.
- [11] Section 39 does not actually bar disclosure of Cabinet confidences. Rather, it gives the Clerk of the Privy Council or a federal minister the power to object to their disclosure when faced with such a request. An objection may be made in the form of a certificate issued by the Clerk or a minister. The Clerk of the Privy Council or a minister issues a certificate on the basis that the public interest requires protecting certain Cabinet confidences. A certificate issued under section 39 is an absolute bar against the disclosure of information covered by it.

3. The Privy Council Office (PCO)¹

- [12] There are two offices that play a direct role in supporting the Prime Minister, ministers and Cabinet: the Privy Council Office (“**PCO**”) and the Prime Minister’s Office (“**PMO**”). This section describes the Privy Council Office. Section 4 of this Report addresses the PMO.

3.1 Overview of the Privy Council Office

- [13] The PCO sits at the centre of government. Its principal role is the coordination of government administration and policy. It is often described as the Prime Minister’s Department. It also provides non-partisan advice to the Prime Minister, Cabinet and Cabinet Committees on matters of national and international importance, supports the

¹ This section of the Overview Report can be read alongside *Institutional Report on the Protection of Information in the National Public Interest*, **CAN.DOC.000003**, pp. 3-5.

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Cabinet decision-making process, and ensures the implementation of the government's policy and legislative agenda across all federal departments and agencies.

- [14] The PCO is headed by the Clerk of the Privy Council and Secretary to the Cabinet (“**Clerk**”) who is assisted in the discharge of their responsibilities by **one or more** deputy clerks. The Clerk has three principal roles.
- [15] First, the Clerk acts as the deputy minister to the Prime Minister. As the most senior public service advisor to the Prime Minister, the Clerk’s role is to advise the Prime Minister and ministers on how the executive functions of the government should be fulfilled.
- [16] Secondly, the Clerk is Secretary to the Cabinet and is responsible for the smooth running of all Cabinet business and for ensuring effective decision-making. The Clerk is the custodian of the Cabinet records and, as outlined above, plays an important role in protecting the confidences of the Cabinet.
- [17] Finally, the Clerk is the Head of the federal public service. In that role, the Clerk assumes overall responsibility for the entire public service. As the most senior member of the deputy minister community, the Clerk provides recommendations to the Prime Minister on the appointment of deputy ministers across the public service.
- [18] In addition to its primary role as the central coordinating agency in the federal government, the PCO provides support to the Deputy Prime Minister and several ministers, including the Ministers responsible for Democratic Institutions, Intergovernmental Affairs and Emergency Preparedness, the Government House Leader and the President of the King’s Privy Council for Canada.
- [19] The PCO includes a Democratic Institutions Secretariat which supports the Minister responsible for Democratic Institutions. The Prime Minister tasked the Minister with strengthening Canadian democratic institutions, including combatting disinformation and examining the link between technology and democracy. The Minister is also tasked with (1) continuing to lead an integrated government response to protect Canada’s democratic institutions, including the federal electoral process, against foreign

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interference and disinformation, working with domestic and international partners; (2) leading efforts to consider the interplay between technology and democracy; and (3) working to ensure that participating in Canadian elections continues to be safe, regardless of ongoing events.²

3.2 The National Security and Intelligence Advisor to the Prime Minister (NSIA), the Security and Intelligence Secretariat and the Intelligence Assessment Secretariat

- [20] The National Security and Intelligence Advisor to the Prime Minister (“**NSIA**”) provides policy and operational advice to the Prime Minister and to Cabinet. The NSIA ensures coordination of government responses to all types of threats and receives information from its Secretariats and from the security and intelligence community, including status updates regarding ongoing security incidents and threats to the security of Canada. The NSIA has the status of a deputy minister and is presently also concurrently Deputy Clerk of the Privy Council. The NSIA is housed in PCO and reports to the Clerk.
- [21] With respect to foreign interference, the NSIA is primarily supported by the Deputy National Security and Intelligence Advisor and three secretariats: the Security and Intelligence Secretariat (“**S&I Secretariat**”), the National Security Council Secretariat, which houses the Intelligence Assessment Staff (“**IAS**”) and the Foreign and Defence Policy Secretariat (“**FDP Secretariat**”).
- [22] The S&I Secretariat provides policy advice and support to the NSIA on national security and intelligence matters, including coordinating operational and policy development initiatives for senior-level interdepartmental committees. The S&I Secretariat supports the NSIA in briefing the Prime Minister and Cabinet on key national security issues and has a coordination role whenever national security or intelligence issues are before Cabinet. The S&I Secretariat works with Public Safety Canada and other government

² Mandate letter from Prime Minister Justin Trudeau to the Minister of Public Safety, Democratic Institutions, the Honourable Dominic LeBlanc, December 16, 2021, **COM0000135(FR)/COM0000143(EN)** .

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departments to convene and support regular senior governance meetings on foreign interference threats and responses.

- [23] The IAS is a strategic intelligence analysis and assessment unit. It does not collect intelligence but provides intelligence analysis and assessments to the Prime Minister, Cabinet, the Clerk and senior government officials and plays a key interdepartmental leadership and coordination role for Canadian intelligence community assessments.
- [24] The IAS also fosters relationships with allied intelligence assessment organizations through horizontal, community-wide initiatives, enterprise solutions and intelligence analysis training.
- [25] The IAS monitors and assesses trends, threats and emerging issues related to foreign interference and reports on these issues through its range of intelligence products to its core clients, as well as the broader Canadian S&I community.
- [26] The FDP Secretariat provides policy advice and support to the Prime Minister on foreign policy and national defence issues. It is engaged on foreign interference when a foreign interference issue has a foreign policy dimension.

4. The Prime Minister's Office (PMO)

- [27] The PMO supports the Prime Minister in exercising his duties as head of government, leader of a political party recognized in the House of Commons and member of Parliament. Political staff at the PMO work with counterparts in the public service and ministerial offices, advising the Prime Minister on matters such as policy, communications and parliamentary affairs. The PMO also liaises on behalf of the Prime Minister with ministers, parliamentary secretaries and members of Parliament.
- [28] The PMO is headed by the Prime Minister's Chief of Staff, who oversees approximately 100 staff including communications staff, regional advisors and policy advisors. PMO personnel are not members of the public service and are referred to as "exempt staff." They are not subject to the strict neutrality and impartiality rules that apply to public

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servants. PMO operates as the link between the partisan interests of the Prime Minister and the operations of government.

- [29] Like the Prime Minister, all ministers are supported by exempt staff. One of the purposes of having a ministerial office separate from a minister's department is to provide ministers with advisors and assistants who share their political commitment and who can provide political advice. Exempt staff in ministerial offices do not have the authority to give directions to public servants. They can, however, ask for information or transmit their minister's instructions, which is usually done through the deputy minister.
- [30] The PMO maintains a close relationship with exempt staff in all ministers' offices to ensure the flow of information and coordination on policy and operational issues within and across the government. For instance, there are regular meetings of all ministerial chiefs of staff and senior officials at the PMO. Members of the PMO also have regular contact with PCO officials.

5. Public Safety Canada³

- [31] The Department of Public Safety and Emergency Preparedness ("PS") is responsible for matters of public safety, national security and emergency management.
- [32] PS develops and provides advice to the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs on national security matters in support of 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.
- [33] The PS portfolio includes CSIS and the RCMP, both of which are discussed below.
- [34] The Minister of Public Safety has the authority to provide direction to the heads of agencies, who are responsible for the control and management of their respective agencies. Direction is sometimes provided through formal instruments known as

³ This section of the Overview Report can be read alongside *Institutional Report on the Protection of Information in the National Public Interest*, **CAN.DOC.000003**, p. 5.

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ministerial directives. Most directions provide high-level direction and require the deputy minister or agency head to determine the ways and means of accomplishing objectives.

6. The Canadian Security Intelligence Service (CSIS)⁴

- [35] CSIS, or the Service, is a civilian security intelligence service. The head of CSIS is the director, who serves as Deputy Head for the organization and reports to the Minister of Public Safety. The director is supported by several deputy directors.
- [36] The Deputy Director Operations (“**DDO**”) is most directly involved in investigating the threat posed to Canada by foreign interference, including in federal elections and democratic processes. The DDO heads the directorate that is responsible for the operational activities of the Service, including intelligence collection, assessments and threat reduction measures.
- [37] The Deputy Director, Policy and Strategic Partnerships (“**DDP**”) is responsible for the overall strategic policy framework of the Service, including proposing legislative amendments to the *Canadian Security Intelligence Service Act*, RSC 1985, c C-23 (*CSIS Act*), so that CSIS can better address foreign interference threats.
- [38] The core mandate of CSIS is to investigate threats to the security of Canada and advise the Government of Canada on such threats. The *CSIS Act* identifies the specific threats that the Service may investigate as well as the threshold that must be met for CSIS to engage in investigative activities. Section 2 of the *CSIS Act* sets out threats to the security of Canada, including “espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage,” and “foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person.”

⁴ This section of the Overview Report can be read alongside *Institutional Report on the Protection of Information in the National Public Interest*, **CAN.DOC.000003**, pp. 5-6.

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- [39] The authority for CSIS to collect information and intelligence on threats to the security of Canada rests in section 12 of the *CSIS Act*. Subsection 12(2) clarifies that CSIS may investigate within or outside Canada. Further to its mandate to investigate threats to the security of Canada, CSIS also has the authority under section 12.1 of the *Act* to take measures to reduce these threats in certain circumstances.
- [40] In addition to investigating threats to the security of Canada, CSIS collects foreign information and intelligence within Canada pursuant to section 16 of the *CSIS Act*, i.e., intelligence relating to the intentions, capabilities or activities of a foreign state, a group of foreign states or any foreign person. CSIS may only provide section 16 assistance at the personal request of the Minister of Foreign Affairs or the Minister of National Defence and with the personal consent of the Minister of Public Safety. CSIS may not direct its section 16 assistance activities at Canadian citizens, permanent residents or Canadian corporations.
- [41] As Canada's civilian security intelligence service, CSIS collects and assesses intelligence and then provides advice to the Government of Canada, including in the form of intelligence assessments and reports. These are shared with relevant government departments and agencies to inform them of threat-related matters and to enable them to use intelligence in advancing their own respective mandates. In 2022, CSIS produced over 2,500 assessments and reports on threats it was investigating, including foreign interference. The *CSIS Act* was recently amended to allow broader disclosure of CSIS information to key partners outside the government to help partners build resiliency to threats.

7. The Communications Security Establishment (CSE)⁵

- [42] The CSE is Canada's national cryptologic agency, providing the Government of Canada with foreign signals intelligence (SIGINT), cyber security and information assurance. The head of the organization is the Chief of CSE. The Chief of CSE serves

⁵ This section of the Overview Report can be read alongside *Institutional Report on the Protection of Information in the National Public Interest*, **CAN.DOC.000003**, pp. 6-7.

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as Deputy Head for the organization and reports to the Minister of National Defence. The Chief, under the direction of the Minister of National Defence, has the management and control of CSE and all matters relating to it.

- [43] CSE intercepts and analyzes foreign electronic communications to provide the federal government with unique information about foreign threats to Canadian security and prosperity and important insights to support foreign policy and decision-making. CSE may engage in defensive or active cyber operations if authorized by the Minister of National Defence personally. The Minister must also either consult or obtain the personal consent of the Minister of Foreign Affairs before issuing such authorizations. CSE's Canadian Centre for Cyber Security helps defend Canadian federal infrastructure deemed of importance to the Government from malicious cyber activity. CSE helps federal law enforcement and security agencies, such as CSIS and the RCMP, as well as the Canadian Armed Forces ("**CAF**") and the Department of National Defence ("**DND**") in the performance of lawful duties.
- [44] CSE produces over 3,200 signals intelligence reports a year to help support government decision-making in international affairs, defence and security, including foreign interference. The work of CSE provides a better understanding of global events and crises, helping to further Canada's interests and security in the world. CSE reports may be shared with other relevant Government of Canada organizations (the DND/CAF, CSIS, the RCMP, Global Affairs Canada and PCO, among others) for information purposes and for use pursuant to their own mandates.
- [45] Besides providing cyber security and information assurance services to protect federal infrastructure, CSE gives technical and operational assistance to organizations such as CSIS, the RCMP and CAF. While providing this assistance, CSE operates under the authority of the requesting agency to carry out the activity, including requirements with respect to any applicable warrant.

8. Global Affairs Canada (GAC)⁶

- [46] Global Affairs Canada (“**GAC**”) is the federal department responsible for advancing Canada’s international relations. It supports three ministers, including the Minister of Foreign Affairs.
- [47] GAC is among the largest consumers of intelligence in the federal government. Intelligence on the capabilities, intentions and activities of foreign states collected by domestic and allied intelligence partners informs a wide range of GAC’s activities, from policy development to the security of Canada’s missions abroad. Pursuant to section 16 of the *CSIS Act*, CSIS may, in relation to the conduct of Canada’s international affairs, assist the Minister of Foreign Affairs in collecting intelligence about the capabilities, intentions or activities of any foreign state or of persons other than Canadian citizens, permanent residents or Canadian corporations.
- [48] GAC produces specialized diplomatic and open-source reporting on foreign interference issues, as well as strategic intelligence assessments.
- [49] The *Communications Security Establishment Act*, SC 2019, c 13, also allows CSE to engage in defensive or active cyber operations if authorized by the Minister of National Defence personally. The Minister must also either consult or obtain the personal consent of the Minister of Foreign Affairs before issuing such authorizations.
- [50] GAC engages in bilateral and multilateral forums to share information and best practices about countering foreign interference. This includes Canada’s participation in the G7 Rapid Response Mechanism (“**G7 RRM**”), an institution established by “Group of 7”⁷ leaders at the 2018 G7 Summit. The G7 RRM strengthens coordination between G7 countries to identify and respond to diverse and evolving foreign threats to democracy. These threats include hostile foreign state activity targeting democratic

⁶ This section of the Overview Report can be read alongside *Institutional Report on the Protection of Information in the National Public Interest*, **CAN.DOC.000003**, pp. 7-8 and *Institutional Report – Global Affairs Canada*, **CAN.DOC.000030**.

⁷ The Group of 7 is comprised of Canada, France, Germany, Italy, Japan, the United Kingdom and the United States, with additional representation from European Union institutions.

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institutions and processes. It also includes threats targeting the media and information environment, and the exercise of human rights and fundamental freedoms.

- [51] The Rapid Response Mechanism Canada (“**RRM Canada**”) in GAC is the permanent secretariat for the G7 RRM. In addition, RRM Canada monitors the digital information environment using open-source data analytics for indicators of foreign state-sponsored information manipulation and disinformation. RRM Canada represents GAC on the SITE Task Force and supports the Deputy Minister of Foreign Affairs’ participation in the Critical Election Incident Public Protocol Panel of Five (see section 14.2), both of which are discussed later in this report. In this capacity, RRM Canada acts as an early warning system for indicators of information manipulation and other threats to democracy.

9. Department of Canadian Heritage (PCH)⁸

- [52] PCH’s mandate is set out in the *Department of Canadian Heritage Act* and is centered on fostering and promoting Canadian identity and values, cultural development and heritage. PCH’s policies and programs promote an environment where Canadians can experience dynamic cultural expressions, can celebrate their history and heritage and build strong communities.
- [53] The Cultural Affairs Sector of PCH includes the *Digital and Creative Marketplace Frameworks* (“**DCMF**”) branch, which focuses on policy related to:
- a. broadcasting, including online streaming
 - b. online news media
 - c. online disinformation and online harms
 - d. copyright

⁸ This section of the Overview Report can be read alongside *Institutional Report – Canadian Heritage*, **CAN.DOC.000034**.

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- e. foreign investment review within the cultural sector (e.g., books, newspapers or periodicals, film & video, audio or video music recordings, and music).
- [54] DCMF includes the *Digital Citizen Initiative Directorate*, which manages the *Digital Citizen Contribution Program* (“**DCCP**”) and does policy work related to online harms and disinformation.
- [55] PCH fulfills its mandate under the leadership of five Cabinet ministers. The DCMF branch falls within the purview of the Minister of Canadian Heritage.
- [56] Through the work of the DCMF branch, PCH contributes funding to Canadian civil society stakeholders delivering projects aimed at strengthening citizens’ critical thinking about online disinformation and their ability to be more resilient against online disinformation, as well as their ability to get involved in democratic processes.
- [57] In 2019 to 2020, PCH contributed money to 23 projects delivered by Canadian civil society stakeholders working on civic, news, and digital media literacy, ranging from awareness sessions and workshops to the development of learning materials. This funding was delivered through the following programs:
- a. Canada History Fund
 - b. Collective Initiatives – Canada Periodical Fund
 - c. Youth Take Charge.
- [58] PCH established the Digital Citizen Initiative (“**DCI**”) in 2020, a multi-component strategy that aims to support democracy and social inclusion in Canada by building citizen resilience against online disinformation and by building partnerships to support a healthy information ecosystem. This includes the creation of the *Digital Citizen Contribution Program* (DCCP), which supports the priorities of the DCI by providing time-limited financial assistance for research and citizen-focused activities.
- [59] The DCCP enhances and/or supports efforts to counter online disinformation and other online harms and threats. Projects funded through the DCCP reach Canadians on a national and local scale, online and offline, in minority communities, in both official languages and in Indigenous communities.

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- [60] The DCCP partners with the Social Sciences and Humanities Research Council (“**SSHRC**”) to provide funding support through the Initiative for Digital Citizen Research (“**IDCR**”). The purpose of this funding is to:
- a. Promote Canadian research that will develop better understanding — based on empirical evidence — of the impacts of online disinformation in Canada to better inform programs and policies.
 - b. Build Canada's capacity to conduct research on and related to countering online disinformation and other related online harms.
 - c. Help foster a community of research in the digital citizenship and online disinformation space in Canada.
- [61] The DCCP supports the work of the *Canadian Digital Media Research Network* (“**CDMRN**”) based out of McGill University and the University of Toronto. Launched in 2023, the CDMRN focuses on protecting and building resilience within the Canadian information ecosystem by leveraging best practices in quantitative and qualitative data analysis. The CDMRN seeks to protect the Canadian information ecosystem through:
- a. Producing and supporting the production of world class research into the dynamics of Canada's information ecosystem and how this information affects Canadians' attitudes and behaviours.
 - b. Informing Canadians about the quality of information in the information ecosystem, including the identification of foreign interference and mis- and disinformation, and developing signals of reliable information.
 - c. Developing and supporting the implementation of strategies to build Canadian information resilience and digital literacy.
- [62] The Minister of Canadian Heritage is responsible for the *Broadcasting Act*, which provides the *Canadian Radio-television and Telecommunications Commission* (“**CRTC**”) with the powers and tools to regulate and supervise the broadcasting system. The CRTC is the independent public authority responsible for regulating and supervising Canada's broadcasting system. If the Government of Canada has concerns

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about broadcasting undertakings and potential foreign interference via broadcasting means, it has a specific power under the *Broadcasting Act* to request the CRTC to hold a hearing or report on a particular topic. Citizens may also make complaints to the CRTC.

- [63] Canadian Heritage officials have periodically engaged with representatives of foreign governments, such as the European Commission (EU), European Union member states, the United Kingdom and Australia, to discuss policy developments and best practices related to online harms, including online disinformation. While these discussions were not focused on foreign interference specifically, they sometimes may have touched on the intersection between disinformation more broadly and disinformation sponsored by foreign states.

10. The Royal Canadian Mounted Police (RCMP)⁹

- [64] The RCMP is Canada's national police force and is led by the Commissioner. Its mandate is to:
- a. prevent and investigate crime
 - b. maintain peace and order
 - c. enforce laws
 - d. contribute to national security
 - e. ensure the safety of designated government officials and foreign dignitaries and the diplomatic community and
 - f. provide operational support to other police and law enforcement agencies within Canada and abroad.

⁹ This section of the Overview Report can be read alongside *Institutional Report on the Protection of Information in the National Public Interest*, **CAN.DOC.000003**, p. 8 and *Institutional Report – Royal Canadian Mounted Police*, **CAN.DOC.000042**.

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- [65] The RCMP has the primary responsibility for preventing, detecting, deterring and responding to national security-related criminal threats in Canada. This includes investigating illegal activities targeting Canada’s democratic institutions and safeguarding electoral processes.
- [66] As discussed further below, the RCMP is represented on the SITE Task Force (section 14.1) and collaborates with the RRM (section 8). It has bilateral relationships with other agencies including CSIS and the Commissioner of Canada Elections.

11. Electoral Officials

- [67] Federal elections are governed by the provisions of the *Canada Elections Act*, SC 2000, c 9 (“**CEA**”). The *CEA* contains provisions that could be relevant to foreign interference, including financing rules, prohibitions relating to some limited aspects of disinformation¹⁰ and the prohibition against undue influence by foreigners.¹¹
- [68] The Chief Electoral Officer (“**CEO**”) heads Elections Canada (“**EC**”), which administers federal elections. The Commissioner of Canada Elections (“**CCE**”) ensures compliance with, and enforcement of, the *CEA*. Although part of the same agency (Office of the Chief Electoral Officer), the CEO and CCE have distinct mandates and carry out their work independently from each other.

11.1 Office of the Chief Electoral Officer (OCEO)¹²

- [69] The Office of the Chief Electoral Officer (“**OCEO**”) is an independent agency of Parliament. Elections Canada and the Commissioner of Canada Elections are part of the OCEO. As noted above, Elections Canada administers federal elections and is

¹⁰ *Canada Elections Act*, ss. 91-92, 282.6, 282.8(b), 480.1 and 481.

¹¹ See *Canada Elections Act*, s. 282.4.

¹² This section of the Overview Report can be read alongside *Elections Canada Institutional Report*, **ELC.DOC.000001**.

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headed by the Chief Electoral Officer – an Officer of Parliament directly responsible to Parliament.

- [70] The mandate of Elections Canada covers both electoral operations (i.e., running elections) and regulatory compliance (i.e., ensuring others comply with electoral rules, such as third-party financing provisions).
- [71] Elections Canada works to ensure the integrity of federal elections, including by working to identify and respond to misinformation or disinformation about federal elections. As part of its mandate to provide accurate information about the federal electoral process, Elections Canada monitors publicly available social media and digital content for information about the federal electoral process. As part of this monitoring, Elections Canada does not look into whether sources of information are domestic or foreign.
- [72] Elections Canada uses its understanding of the information environment to develop and update its communications products and to react to inaccurate narratives about its mandate or the federal electoral process. It also engages in high-level analysis of the information environment with security partners including PCO, PS, CSIS, CSE, GAC, the RCMP and the Office of the Commissioner of Canada Elections (OCCE).

11.2 The Office of the Commissioner of Canada Elections (OCCE)¹³

- [73] The Commissioner of Canada Elections (CCE) is the head of the Office of the Commissioner of Canada Elections (“**OCCE**”). The CCE is the independent officer responsible for ensuring the *CEA* and *Referendum Act* are complied with and enforced.
- [74] The CCE is appointed by the Chief Electoral Officer after consulting with the Director of Public Prosecutions of Canada. Although the OCCE is within the Office of the Chief Electoral Officer, it carries out its compliance and enforcement work independently from Elections Canada and the Chief Electoral Officer.

¹³ This section of the Overview Report can be read alongside *Institutional Report – Office of the Commissioner of Canada Elections*, **CEF.DOC.000001**.

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- [75] The CCE may launch an investigation of their own initiative or following a complaint from the public or a referral made by Elections Canada or from another Government department or agency.
- [76] In carrying out compliance and enforcement work, the CCE may, depending on the breach of the *CEA* involved, make use of criminal or administrative tools in the *CEA*. The CCE may lay criminal charges for offences, which are then prosecuted by the Public Prosecution Service of Canada. The CCE may also take administrative steps to respond to administrative violations of the *CEA*, such as issuing administrative monetary penalties.
- [77] The OCCE maintains information sharing relationships with a range of security and intelligence partners, including CSIS and the RCMP. The OCCE may work with the RCMP or the police of local jurisdiction when allegations could constitute contraventions of both the *Criminal Code* and the *CEA*. Cooperation with the RCMP may involve the RCMP providing specialized services during one of the OCCE's reviews or investigations.

12. The National Security and Intelligence Committee of Parliamentarians (NSICOP)

- [78] NSICOP is a statutory, not parliamentary, committee governed by the *NSICOP Act*.¹⁴ It reviews the legislative, regulatory, policy, administrative and financial framework for national security and intelligence. It reviews any activity of a government department relating to national security or intelligence (unless it is an ongoing operation and the appropriate minister determines a review would be injurious to national security). It also reviews any matter a minister refers to it about national security or intelligence.¹⁵

¹⁴ *National Security and Intelligence Committee of Parliamentarians Act*, S.C. 2017, c. 15. Section 4(3) says NSICOP is not a parliamentary committee.

¹⁵ *NSICOP Act*, s 8.

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- [79] The Committee has not more than eight members from the House of Commons and three from the Senate.¹⁶ Ministers of the Crown, ministers of state and parliamentary secretaries cannot sit on NSICOP, and the governing party can have no more than five members who are members of Parliament.¹⁷ Members are appointed by the Governor in Council on the recommendation of the Prime Minister and hold office until Parliament is dissolved.¹⁸
- [80] Committee members can review classified materials. All NSICOP members have Top Secret security clearances and are permanently bound to secrecy under the *Security of Information Act*. Members swear an oath or solemn affirmation that they will obey and uphold the laws of Canada and not communicate or inappropriately use information obtained in confidence because of their membership on NSICOP.
- [81] The *NSICOP Act* gives the Committee entitlement to access any information under the control of a federal department related to the fulfilment of the Committee's mandate, including information protected by litigation and solicitor-client privilege.¹⁹ However, NSICOP's entitlement to information does not include the following:
- a. Cabinet confidences defined in the *Canada Evidence Act*, RSC 1985, c C-5, s 39(2).
 - b. Information protected under the *Witness Protection Program Act*, SC 1996, c 15.
 - c. The identity, or any information allowing an inference of identity, of a confidential source of information, intelligence or assistance to the Government, a province or any state allied with Canada.

¹⁶ *NSICOP Act*, s 4(1), (2).

¹⁷ *NSICOP Act*, s 4(2).

¹⁸ *NSICOP Act*, s 5.

¹⁹ *NSICOP Act*, ss 13(1), (2).

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d. Information about an ongoing investigation by a law enforcement agency that may lead to prosecution.²⁰

- [82] A minister may refuse to disclose special operational information²¹ to NSICOP only if they are of the opinion doing so would be injurious to national security.²² If they are of this opinion, their decision, with reasons, must be provided to National Security and Intelligence Review Agency. Special operational information includes sensitive intelligence information, such as sources, targets and covert intelligence collection techniques.
- [83] The National Security and Intelligence Review Agency (see below) can give information to NSICOP related to the Committee's mandate if it does not fall outside the scope of information the Committee is authorized to receive. NSICOP can also provide information to NSIRA in certain circumstances.²³
- [84] NSICOP has studied aspects of foreign interference since shortly after its formation in 2017. In March 2023, the Prime Minister asked NSICOP to review foreign interference in Canada's federal democratic processes, with a focus on elections.²⁴ On 3 June 2024, a redacted version of NSICOP's report was tabled in Parliament.²⁵

²⁰ *NSICOP Act*, s14.

²¹ Defined in section 8(1) of the *Security of Information Act*.

²² *NSICOP Act*, s 16.

²³ *NSICOP Act*, ss 22(1), (2).

²⁴ Prime Minister of Canada Justin Trudeau, "Taking further action on foreign interference and strengthening confidence in our democracy" (Ottawa: March 6, 2023), **COM0000176(EN)/COM0000178(FR)**.

²⁵ NSICOP, *Special Report on Foreign Interference in Canada's Democratic Processes and Institutions* (Ottawa: June 3, 2021), **COM0000363(EN)/COM0000362(FR)**.

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13. The National Security and Intelligence Review Agency (NSIRA)

- [85] The *National Security and Intelligence Review Act* (“NSIRA Act”) created NSIRA in July 2019.²⁶ NSIRA is an independent and external review body reporting to Parliament, not to the government. It reviews and investigates government national security and intelligence activity to ensure it is lawful, reasonable and necessary. It also investigates public complaints about key national security agencies and activities.²⁷
- [86] The *NSIRA Act* gives NSIRA an entitlement to access “in a timely manner” any information held by or under the control of any government department for its reviews, including information protected by litigation or solicitor-client privilege.²⁸ NSIRA is also entitled to receive from the deputy head or employees of a department any documents and explanations NSIRA deems necessary to exercise its powers and perform its duties and functions.²⁹ Like NSICOP, it is not entitled to access Cabinet confidences as defined in section 39 of the *Canada Evidence Act*.³⁰
- [87] NSIRA can give information to NSICOP related to NSICOP’s mandate if NSICOP is authorized to receive the information. NSICOP can also provide information to NSIRA in certain circumstances.³¹
- [88] On 9 March 2023, NSIRA initiated a review of foreign interference. On 28 May 2024, a redacted version of its *Review of the dissemination of intelligence on People’s Republic of China political foreign interference, 2018-2023* (“NSIRA 2024 Review”) was tabled in Parliament. The Prime Minister received a classified version of the NSIRA 2024 Review

²⁶ *National Security and Intelligence Review Agency Act*, S.C. 2019, c. 13.

²⁷ *NSIRA Act*, s 8.

²⁸ *NSIRA Act*, s 9.

²⁹ *NSIRA Act*, s 11.

³⁰ *NSIRA Act*, s 12.

³¹ *NSIRA Act*, s 14, 15; *NSICOP Act*, s 22(1), (2).

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on 5 March 2024.³² Government bodies reviewed in the Report included CSIS, CSE, the RCMP, GAC, Public Safety and the PCO.³³

14. Interdepartmental and multi-institutional bodies

- [89] Several bodies promote collaboration and cooperation in responding to foreign interference and promoting the integrity of electoral processes and democratic institutions. Multiple departments, agencies and institutions take part in these bodies.

14.1 The Security and Intelligence Threats to Elections Task Force (SITE TF)

- [90] In January 2019, the Ministers of Democratic Institutions, Public Safety and Emergency Preparedness and National Defence announced the Government’s “Plan to Protect Canada’s Democracy.” The Plan has four pillars:
- a. Enhancing citizen preparedness.
 - b. Improving organizational readiness.
 - c. Combatting foreign interference.
 - d. Building a healthy information ecosystem.
- [91] The Plan included measures such as establishing the SITE TF.³⁴ The SITE TF has representatives from CSE, the RCMP, GAC and CSIS. Its role is to help safeguard Canadian federal elections from foreign interference by:
- a. Providing a clear point of engagement with the security and intelligence community for Government partners engaged in related work.

³² NSIRA, *Review of the dissemination of intelligence on People’s Republic of China political foreign interference, 2018-2023* (Ottawa: May 28, 2024), **COM0000364(EN)/COM0000365(FR)**.

³³ *Review of the dissemination of intelligence on People’s Republic of China political foreign interference, 2018-2023* (Ottawa: May 28, 2024), **COM0000364(EN)/COM0000365(FR)** at 1.

³⁴ Government of Canada, Democratic Institutions, “Strengthening Canada’s electoral system” (December 7, 2023), **COM0000192(FR)/COM0000209(EN)**.

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- b. Reviewing and focusing intelligence collection, assessment and open-source analysis related to foreign interference in Canada’s democratic process in a coordinated manner.
- c. Providing situational awareness for Government partners, senior public servants and other relevant partners.
- d. Promoting the use of intelligence, assessment and open-source information analysis in the protection of electoral processes through sharing with partners or, when respective mandates permit, take action to mitigate the threat.

[92] The SITE TF ensures the regular briefings of the Panel of Five during the writ period as required by the Critical Election Incident Public Protocol.³⁵

14.2 The Critical Election Incident Public Protocol (CEIPP)

[93] Another measure flowing from the Plan’s four pillars of action is the CEIPP. The CEIPP is a Cabinet directive first established in 2019, which provides a mechanism for senior public servants to communicate clearly, transparently and impartially with Canadians during an election if there is an incident that threatens the integrity of a federal election.³⁶ The purview of the CEIPP is not limited to foreign interference, but rather is

³⁵ Institutional Report for PCO, Stage 1, p. 3, **CAN.DOC.000011**.

³⁶ Government of Canada, Democratic Institutions, “Strengthening Canada’s electoral system” (December 7, 2023), **COM0000192(FR)/COM0000209(EN)**.

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aimed at election interference more broadly.³⁷ It is only operational during the caretaker period,³⁸ and does not cover incidents within Election Canada's responsibility.³⁹

[94] The CEIPP also establishes the Panel of Five, a group of five senior civil servants consisting of the Clerk of the Privy Council, the National Security and Intelligence Advisor to the Prime Minister, the Deputy Minister of Justice and Deputy Attorney General, the Deputy Minister of Public Safety and the Deputy Minister of Foreign Affairs. The Panel of Five is tasked with administering the CEIPP and is responsible for determining whether the threshold has been met to inform Canadians that an incident (or an accumulation of incidents) has occurred that threatens Canada's ability to have a free and fair federal election. If the threshold were met, Canadians would be informed by way of a public announcement.⁴⁰

[95] The CEIPP lays out a notification process for Canadians in the event of an incident that threatens Canada's ability to have a free and fair election. The protocol is as follows:

- a. National security agencies provide regular briefings to the Panel on emerging national security developments and potential threats to the integrity of the election and the Panel can receive information and advice from other sources.

³⁷ Morris Rosenberg, *Report on the Assessment of the 2021 Critical Election Incident Public Protocol*, Privy Council Office (2023), **COM0000194(FR)/COM0000195(EN)** at 7-13.

³⁸ The caretaker period begins when the Government loses a vote of non-confidence or Parliament has been dissolved and ends when a new government is sworn-in or when an election result returning and incumbent government is clear: Privy Council Office, "Guidelines on the conduct of Ministers, Ministers of State, exempt staff and public servants during an election" (August 2021), **COM0000098(EN)/COM0000138(FR)**.

³⁹ Government of Canada, Democratic Institutions, "Cabinet Directive on the Critical Election Incident Public Protocol," (August 12, 2021), **COM0000023(EN)/COM0000082(FR)**; Morris Rosenberg, *Report on the Assessment of the 2021 Critical Election Incident Public Protocol*, Privy Council Office (2023), **COM0000194(FR)/COM0000195(EN)** at 23-24.

⁴⁰: Government of Canada, Democratic Institutions, "Cabinet Directive on the Critical Election Incident Public Protocol," (August 12, 2021), **COM0000023(EN)/COM0000082(FR)**; Institutional Report for PCO, Stage 1, p. 2, CAN.DOC.000011

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- b. Political parties are told how to report any electoral interference they may experience.
- c. If the head of CSIS, CSE, the RCMP or GAC becomes aware of interference in a general election, they inform the Panel, which will consider all options to address the incident(s).⁴¹
- d. The Panel evaluates incidents to determine if the threshold (discussed in more detail below) for informing the public is met.
- e. If a public announcement is deemed necessary, the Panel will inform the Prime Minister, the other major party leaders and Elections Canada that it intends to make a public announcement. These leaders would all receive the same briefing information.
- f. Immediately after “e” above, the Clerk of the Privy Council, on behalf of the Panel, may either issue a statement or ask the relevant agency head(s) to issue a statement to Canadians, notifying them of the incident(s).⁴²

[96] The threshold for informing the public is met if an incident, or an accumulation of incidents, threaten Canada’s ability to have a free and fair election. This is a qualitative assessment which considers:

- a. The degree to which the incident(s) undermine(s) Canadians’ ability to have a free and fair election.
- b. The potential of the incident(s) to undermine the credibility of the election.
- c. The degree of confidence officials have in the intelligence or information.⁴³

⁴¹ As part of their respective responsibilities, CSIS, CSE, the RCMP and GAC, in consultation with each other, also otherwise consider all options to effectively address the interference.

⁴² Government of Canada, Democratic Institutions, “Cabinet Directive on the Critical Election Incident Public Protocol,” (August 12, 2021), **COM0000023(EN)/COM0000082(FR)**.

⁴³ Government of Canada, Democratic Institutions, “Cabinet Directive on the Critical Election Incident Public Protocol,” (August 12, 2021), **COM0000023(EN)/COM0000082(FR)**.

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- [97] This threshold in place before a statement may be made to inform the public of any threat to a free and fair election is purposely high.⁴⁴
- [98] After each general election, the CEIPP requires an independent assessment of its implementation.⁴⁵
- [99] The SITE TF has been in place for federal by-elections since the summer of 2023.

14.3 Elections Security Coordinating Committees (ESCCs)

- [100] To address potential threats of foreign interference during elections, an Elections Security Architecture is established around election periods. This brings together multiple departments and agencies to ensure that intelligence and information indicating possible threats to election security are gathered, assessed and shared as rapidly as possible across government stakeholders.
- [101] A primary component of this architecture is the ESCCs. These can meet at the deputy minister, assistant deputy minister, or director general levels. The ESCCs are co-chaired by PCO and by Elections Canada and ensure a coordinated approach and common understanding among the S&I community, Elections Canada and the Commissioner of Canada Elections.
- [102] Operational coordination between ESCCs and the SITE TF allows key players to coordinate, assess and verify threat-related information regarding potential interference activities. Other national security governance committees may also be leveraged as appropriate to share information and coordinate decision-making during elections. The ESCCs can also meet outside of election periods to maintain connections and momentum and to review preparedness for emerging threats.

⁴⁴ Morris Rosenberg, *Report on the Assessment of the 2021 Critical Election Incident Public Protocol*, Privy Council Office (2023), **COM0000194(FR)/COM0000195(EN)** at 12, 27.

⁴⁵ Government of Canada, Democratic Institutions, “Cabinet Directive on the Critical Election Incident Public Protocol,” (August 12, 2021), **COM0000023(EN)/COM0000082(FR)**.

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14.4 Standing committees of senior public servants

[103] A number of inter-departmental standing committees of senior public servants are involved in coordinating responses to foreign interference. These are comprised of national security operational and policy committees that exist at the deputy minister, assistant deputy minister and director-general levels.