

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

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**WRITTEN SUBMISSIONS OF THE GOVERNMENT OF CANADA  
(PARTS A/B HEARINGS)**

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## OVERVIEW

1. Like other democracies, Canada has experienced attempts by other countries to interfere in our federal elections. For years, the Government of Canada (“Government”) has been aware, engaged and fully committed to addressing foreign interference in federal elections (“FI”). It welcomes the insight of this Public Inquiry into Federal Electoral Processes and Democratic Institutions (“Commission”) on how to further adapt and improve.

2. Before the 2019 general election and after seeing high-profile incidents of FI in democracies around the world, the Government took action to detect, deter and counter FI, putting in place a suite of new institutional structures. These structures functioned as intended, alongside others already in place, to safeguard the 2019 and 2021 general elections (hereinafter referred to as the 2019 and 2021 “elections”). FI activities were identified, and appropriate action was taken to address them as necessary. None of the FI activities, either individually or when combined, threatened the integrity or impacted the outcome of the 2019 and 2021 elections, whether nationally or at the electoral district level. This remains true today.

3. Throughout the 2019 and 2021 elections, intelligence and information about FI activities was collected, considered, analyzed and provided to the appropriate decision-makers. National security and intelligence (“S&I”) officials exercised judgment in deciding what information required further consideration and/or dissemination. Consistent with the Caretaker convention, neither Ministers nor the Prime Minister were briefed on these activities during the relevant election periods.<sup>1</sup>

4. Countries such as the People’s Republic of China (“PRC”), India and Pakistan attempted to interfere with our federal elections and democratic institutions. They failed. Despite having observed several FI activities, Canada had free and fair elections in 2019 and 2021.<sup>2</sup>

5. The Government committed to, and delivered, an unprecedented level of transparency by making available to the Commission all relevant classified information, and by making available to the parties and the public summaries of relevant intelligence information. In inquiring into the

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<sup>1</sup> See also paragraph 25.

<sup>2</sup> Testimony of David Vigneault, April 4, 2024 Public Hearing Transcript, pp [183-184](#).

matters before it, the Commission should consider all the underlying classified information and evidence. These public submissions are necessarily limited to the public evidentiary record.

## **PART I – BACKGROUND**

6. FI is defined as activity that is deceptive, clandestine or involves threats to individuals. The Canadian Security Intelligence Service (“CSIS”), Communications Security Establishment (“CSE”), Royal Canadian Mounted Police (“RCMP”) and other government departments have been investigating FI activities generally and within democratic institutions for years.

7. FI is not foreign influence. Commonly referred to as the business of diplomacy, foreign influence is advocacy for policy positions in the interest of the foreign country. In some instances, it can be hard to distinguish between foreign influence and FI as there are areas of ambiguity. Those looking at potential FI activity must exercise caution not to make assumptions.<sup>3</sup>

8. The conclusion that FI did not affect the outcomes of the 2019 or 2021 elections is based on the complete and current body of intelligence collected by the Government to date. The detection of FI activity is based on intelligence. Intelligence represents an understanding, sometimes complete and sometimes incomplete, of a particular situation or threat at a certain point in time. It is not static. As more intelligence is collected, the understanding of the threat evolves. This includes intelligence collected long after the 2019 and 2021 elections. Officials have described pieces of intelligence as pieces of a puzzle. It is often not clear what each piece means until it can be fit into a larger picture, which often takes time to develop.<sup>4</sup> This approach to intelligence stands in stark contrast to the media articles on FI that began in November 2022, in which single pieces of alleged intelligence were presented in isolation, without context, and with factual errors, and which contributed to a misleading impression of the impact of FI and the Government’s response.

9. FI affects diaspora communities differently and disproportionately. The Government is committed to improving its processes to better serve diaspora communities, who are often most vulnerable to interference and may be suspicious of federal departments and agencies that have

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<sup>3</sup> Testimony of David Morrison, April 4, 2024 Public Hearing Transcript, pp [18-20](#).

<sup>4</sup> Testimony of David Morrison, April 8, 2024 Public Hearing Transcript, p [236](#); Testimony of Vincent Rigby, April 8, 2024 Public Hearing Transcript, p [260](#).

not always treated them fairly in the past.<sup>5</sup> Working closely with impacted communities will allow the Government to better understand their reality, share information, detect FI and implement further measures to counter FI within these communities.

## **PART II – Canada was alert to potential FI during the 2019 and 2021 elections**

### ***A. The Government took action to detect, deter and counter FI***

10. Through the national S&I community, the Government has engaged with the public and diaspora communities on FI. In 2018, the Director of CSIS made his first public speech on FI issues, with the dual goals of educating citizens about the significance of the threat posed by FI in Canada and encouraging citizens to share information they may have about the threat environment.<sup>6</sup> Through annual reports<sup>7</sup> and other publications,<sup>8</sup> CSIS engages specifically with diaspora communities and works with them to build resiliency to FI. CSE conducts outreach to political parties and provides guidance to election campaigns with respect to the security of information technology.<sup>9</sup> The Canadian Centre for Cyber Security, part of CSE, conducts threat assessments for the public and produces a bi-annual national cybersecurity threat assessment.<sup>10</sup>

### **1. The Plan to Protect Canada’s Democracy**

11. In the face of FI in elections in other democracies around the world, such as Russian disinformation in the 2016 United States (“US”) presidential election and the 2017 French election, the Government proactively developed measures to protect our democracy.<sup>11</sup>

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<sup>5</sup> Testimony of Prime Minister Justin Trudeau, April 10, 2024 Public Hearing Transcript, p [244](#); Testimony of Dr. Hamed Esmaeilion, March 27, 2024 Public Hearing Transcript, pp [64](#), [71-72](#), [173](#); Testimony of Mehmet Tohti, March 27, 2024 Public Hearing Transcript, pp [99-100](#); Testimony of Grace Dai Wollensak, March 27, 2024 Public Hearing Transcript, pp [123-124](#).

<sup>6</sup> Testimony of David Vigneault, April 4, 2024 Public Hearing Transcript, pp [148-149](#).

<sup>7</sup> CSIS Public Report 2019, [COM0000054](#).

<sup>8</sup> CSIS Report titled “Foreign Interference and You”, [RCD00000007](#). This publication is in seven languages with a goal to facilitate engagement with and educate those who may be the victims to transnational repression and FI activities (Testimony of David Vigneault, April 4, 2024 Public Hearing Transcript, pp [149-151](#)).

<sup>9</sup> Public Summary of the Classified Interview of Shelly Bruce, Alia Tayyeb and Dan Rogers, WIT000039, p [3](#).

<sup>10</sup> Public Summary of the Classified Interview of Shelly Bruce, Alia Tayyeb and Dan Rogers, WIT000039, p [3](#).

<sup>11</sup> Testimony of Allen Sutherland, April 5, 2024 Public Hearing Transcript, p [18](#); Testimony of Karina Gould, April 10, 2024 Public Hearing Transcript, p [5](#).

12. In early 2019, the Government announced the Plan to Protect Canada’s Democracy (the “Plan”), which was based on four pillars: Enhancing Citizen Resilience; Improving Organizational Readiness; Combatting Foreign Interference; and Supporting a Healthy Information Ecosystem.<sup>12</sup> Political parties were consulted in its development.<sup>13</sup>

## 2. The Panel

13. As part of the first pillar, the Government implemented the Critical Election Incident Public Protocol (“Protocol”). The Protocol established a panel of senior public servants to monitor the integrity of the elections during the Caretaker period (“Panel”).<sup>14</sup> During the Caretaker period, the Government acts with restraint and limits its activities to routine or urgent matters. The Protocol reflects this convention to ensure democratic continuity from one government to another.<sup>15</sup> The Panel was the first of its kind in the world.<sup>16</sup> Its role was important but carefully circumscribed to maintain the important balance between countering FI in elections and respecting the rights of Canadians to express their opinions during an election.<sup>17</sup>

14. The Panel was mandated by the Protocol to make a public announcement if “an incident or an accumulation of incidents [...] threatens Canada’s ability to have a free and fair election, and that do not fall within Election Canada’s areas of responsibility.”<sup>18</sup>

15. The Panel represents an unusually high level of scrutiny by senior public servants on a single issue.<sup>19</sup> The Panel is comprised of five senior public servant positions chosen for their significant and diverse experience in government, because they would be called on to make difficult decisions requiring nuanced judgments in high pressure situations.<sup>20</sup> The composition of the Panel also reflects a deliberate choice to ensure representation from multiple government

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<sup>12</sup> Testimony of Allen Sutherland, April 5, 2024 Public Hearing Transcript, pp [5-11](#); Testimony of Karina Gould, April 10, 2024 Public Hearing Transcript, pp [7-8](#).

<sup>13</sup> Testimony of Karina Gould, April 10, 2024 Public Hearing Transcript, pp [16-18](#), [35-36](#).

<sup>14</sup> Testimony of Allen Sutherland, April 5, 2024 Public Hearing Transcript, pp [5-7](#).

<sup>15</sup> Testimony of Allen Sutherland, April 5, 2024 Public Hearing Transcript, p [13](#).

<sup>16</sup> Testimony of Allen Sutherland, April 5, 2024 Public Hearing Transcript, p [13](#).

<sup>17</sup> Testimony of Nathalie Drouin, April 8, 2024 Public Hearing Transcript, p [24](#).

<sup>18</sup> Cabinet Directive on the Critical Election Incident Protocol, COM0000023, p [5](#).

<sup>19</sup> Testimony of Janice Charette, April 8, 2024 Public Hearing Transcript, p [94](#).

<sup>20</sup> Testimony of Allen Sutherland, April 5, 2024 Public Hearing Transcript, pp [14-15](#). The Panel members are: the Clerk of the Privy Council, the National Security and Intelligence Advisor to the Prime Minister, the Deputy Minister of Public Safety, the Deputy Minister of Foreign Affairs and the Deputy Minister of Justice and Deputy Attorney General of Canada.



departments relevant to the Panel’s mandate and whose institutional knowledge and capacity can be leveraged to support the Panel’s work.<sup>21</sup>

16. A public announcement by the Panel was a last resort; there are many other parts of the election ecosystem for safeguarding elections. For example, the RCMP retained its investigative and law enforcement powers. Global Affairs Canada (“GAC”) could demarche or take other steps in relation to officials from a country believed to be involved in FI, CSIS retained its authority to investigate and possibly conduct Threat Reduction Measures (“TRMs”) and the Office of the Commissioner of Canada Elections (“OCCE”) had investigative powers. Additionally, traditional media or other civil society groups could step in to correct misinformation or disinformation, and political parties could and did refute false stories or mischaracterizations of their election platforms.

17. Members of the Panel retained their existing authorities as Deputy Ministers and could act in those capacities where a situation fell short of a public announcement but still required action.<sup>22</sup> The elected officials who established the Panel had confidence in the non-partisan professional public service to detect, consider and counter FI activities as appropriate.<sup>23</sup> This is important because neither Ministers nor the Prime Minister would be briefed about FI activities during the relevant writ periods, unless there were exigent circumstances.<sup>24</sup>

18. The threshold for a public announcement needed to be high because of the implications of such an action during an election period. Vigorous debate is an essential part of the democratic process and freedom of expression is a protected right under the *Canadian Charter of Rights and Freedoms*.<sup>25</sup> The Protocol itself emphasized that the Panel was not intended to disrupt democratic discourse.<sup>26</sup> The Panel was also cognizant that a public announcement itself had the potential to

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<sup>21</sup> Testimony of Allen Sutherland, April 5, 2024 Public Hearing Transcript, pp [14-15](#); Testimony of Karina Gould, April 10, 2024 Public Hearing Transcript, pp [19-21](#).

<sup>22</sup> Testimony of Janice Charette, April 9, 2024 Public Hearing Transcript, p [26](#).

<sup>23</sup> Testimony of Karina Gould, April 10, 2024 Public Hearing Transcript, pp [19-22](#), [37-38](#); Testimony of Dominic LeBlanc, April 10, 2024 Public Hearing Transcript, pp [126-127](#).

<sup>24</sup> Testimony of Karina Gould, April 10, 2024 Public Hearing Transcript, p [27](#); Prime Minister Justin Trudeau *In Camera* Examination Summary, WIT0000067, para [50](#).

<sup>25</sup> Testimony of François Daigle, April 8, 2024 Public Hearing Transcript, p [99](#).

<sup>26</sup> Cabinet Directive on the Critical Election Incident Protocol, COM0000023, p [5](#).

interfere in the election<sup>27</sup> or to erode Canadians’ confidence in the election process.<sup>28</sup>

### **3. The Security and Intelligence Threats to Elections Task Force**

19. As part of the third pillar, Combatting Foreign Interference, the Government created, for the first time, the Security and Intelligence Threats to Elections Task Force (“SITE TF”), which was an information sharing and coordination group.<sup>29</sup> It assembled key players of the national S&I community: CSIS, CSE, the RCMP and GAC, and asked them to work together within their mandates on the common issue of electoral interference.<sup>30</sup> The SITE TF established targeted focus and a single point of contact for various national S&I professionals investigating FI activities in elections.<sup>31</sup> In particular, expertise on the social media landscape and disinformation was brought to the table through GAC, which houses the G7 Rapid Response Mechanism (“RRM”).<sup>32</sup> SITE TF had no authorities separate from those of its members.<sup>33</sup>

20. The SITE TF and Panel complemented existing government measures to respond to FI activity, all of which functioned as intended to protect the 2019 and 2021 elections. This is illustrated by the evidence canvassing the Government’s knowledge of, and response to, FI activities that arose during those elections.

#### ***B. The protective measures implemented by the Government of Canada functioned as intended to protect the 2019 and 2021 elections from FI***

21. There was FI activity in the 2019 and 2021 elections. This FI activity did not affect the integrity or impact the outcome of those elections. There is a critical distinction “between efforts and outcomes because in many cases it [FI] was either seen and mitigated or was just ineffective.”<sup>34</sup> Various players in the electoral ecosystem acted where necessary to identify and counter FI activity, safeguarding the elections.

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<sup>27</sup> Testimony of Nathalie Drouin, April 8, 2024 Public Hearing Transcript, p [24](#).

<sup>28</sup> Testimony of Allen Sutherland, April 5, 2024 Public Hearing Transcript, pp [38-39](#).

<sup>29</sup> Testimony of Lyall King, April 5, 2024 Public Hearing Transcript, p [53](#).

<sup>30</sup> Testimony of Allen Sutherland, April 5, 2024 Public Hearing Transcript, p [10](#).

<sup>31</sup> Testimony of Lyall King, April 5, 2024 Public Hearing Transcript, pp [54](#) and [56](#).

<sup>32</sup> The RRM, developed by Canada in 2018 among G7 partners in response to interference in elections in the US, France and Germany, focuses on the open-source social media environment and disinformation: Testimony of Tara Denham, April 5, 2024 Public Hearing Transcript, pp [61-62](#).

<sup>33</sup> Testimony of Lyall King, April 5, 2024 Public Hearing Transcript, p [55](#).

<sup>34</sup> Testimony of Rob Stewart, April 9, 2024 Public Hearing Transcript, p [74](#).



## **1. Traditional and social media companies played a role in countering FI activity**

22. In the lead up to the 2019 election, the RRM noted that the Toronto Star and BuzzFeed indicated that articles on the US-based website Buffalo Chronicle contained disinformation regarding the Prime Minister. RRM also noted other indicators of potential FI, such as poor journalistic practices and a lack of financial gain for the website. There was no evidence of foreign state sponsored accounts amplifying the stories. RRM reported on the issue to the Panel through the SITE TF's daily reporting product (known as a SITREP) as well as in a "deep dive" report.<sup>35</sup> The Panel determined that no action on its part was necessary given that the disinformation had already been addressed publicly.<sup>36</sup>

23. The articles were shared thousands of times during the writ period.<sup>37</sup> Independently, and in accordance with the voluntary Canada Declaration on Electoral Integrity Online established by the Plan, Facebook enforced its community standards and removed disinformation with respect to elections.<sup>38</sup>

## **2. Political parties and politicians played a role in countering FI activity**

24. Political parties play an important role in detecting and countering FI activities. In recognition of that role, the SITE TF provided general briefings on FI to security-cleared representatives of political parties.<sup>39</sup> The purpose of these briefings was to educate, increase awareness, and open two-way communication between the SITE TF and the political parties.<sup>40</sup> These briefings identified the tactics used by countries that engage in FI, such as the PRC, India, Russia and Pakistan. Additionally, the SITE TF provided briefings on specific issues to individual security-cleared political party representatives during elections, including to the Liberal Party of Canada ("LPC")<sup>41</sup> and Conservative Party of Canada ("CPC"). It was not the role of SITE TF to interfere in the political process or to provide advice on what political parties should do. The

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<sup>35</sup> Testimony of Gallit Dobner, April 5, 2024 Public Hearing Transcript, pp [92-93](#).

<sup>36</sup> Testimony of Marta Morgan, April 8, 2024 Public Hearing Transcript, pp [59-60](#).

<sup>37</sup> Testimony of Brian Clow, April 9, 2024 Public Hearing Transcript, p [165](#).

<sup>38</sup> Testimony of Allen Sutherland, April 5, 2024 Public Hearing Transcript, p [11](#); Testimony of Nathalie Drouin, April 8, 2024 Public Hearing Transcript, pp [58-59](#).

<sup>39</sup> Testimony of Lyall King, April 5, 2024 Public Hearing Transcript, p [95](#).

<sup>40</sup> Testimony of Lyall King, April 5, 2024 Public Hearing Transcript, pp [95-96](#).

<sup>41</sup> Testimony of Lyall King, April 5, 2024 Public Hearing Transcript, p [98](#).

Government acknowledges that some concerns have been expressed about the lack of specificity of the political party briefings and that there is further room for improvement.

25. In 2019, the SITE TF informed the Panel of alleged irregularities in the Don Valley North (“DVN”) LPC nomination contest that may have included activities undertaken by individuals close to PRC officials.<sup>42</sup> The Panel considered the intelligence that was known at the time and determined that it was not sufficient to reach the threshold for a public announcement under the Protocol. The national S&I agencies briefed the LPC.<sup>43</sup> The LPC National Campaign Director received the intelligence. He testified that he contacted senior public servants who confirmed that there was no evidence available to confirm the allegations he had received.<sup>44</sup> He also confirmed with party officials that they had received no complaints or reports of irregularities about the nomination contest in DVN.<sup>45</sup> The LPC National Campaign Director further testified that the information did not establish that the plan as alleged had actually been executed; that even if it had, the PRC had been involved; or that anyone had actually voted improperly.<sup>46</sup> Consistent with this is the topical summary on the matter, which confirms that the intelligence reporting during the election period was not firmly substantiated,<sup>47</sup> and that further intelligence suggesting potential coercion was reported only after the election.<sup>48</sup> The National Campaign Director then briefed the Prime Minister, in his capacity as the leader of the LPC, and recommended that the intelligence received did not rise to a level that would justify overturning the nomination.<sup>49</sup> This FI activity did not affect the outcome of the 2019 election at the riding level and subsequent intelligence reporting does not change this assessment.

26. In 2021, the SITE TF informed the Panel of articles circulating on Chinese-language Canadian media websites, including WeChat,<sup>50</sup> containing inaccurate information regarding the

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<sup>42</sup> Don Valley North (DVN) Liberal Party Nomination Race in 2019, CAN.SUM.000001, p [2](#).

<sup>43</sup> Testimony of Jeremy Broadhurst, April 9, 2024 Public Hearing Transcript, p [117-118](#).

<sup>44</sup> Testimony of Jeremy Broadhurst, April 9, 2024 Public Hearing Transcript, p [122-123](#).

<sup>45</sup> Testimony of Jeremy Broadhurst, April 9, 2024 Public Hearing Transcript, p [124](#).

<sup>46</sup> Testimony of Jeremy Broadhurst, April 9, 2024 Public Hearing Transcript, p [174-175](#).

<sup>47</sup> Testimony of Jeremy Broadhurst, April 9, 2024 Public Hearing Transcript, pp [122-123](#).

<sup>48</sup> Don Valley North (DVN) Liberal Party Nomination Race in 2019, CAN.SUM.000001, paras [2-3](#).

<sup>49</sup> Testimony of Jeremy Broadhurst, April 9, 2024 Public Hearing Transcript, pp [119-120](#).

<sup>50</sup> WeChat has a publicly accessible component and an encrypted private messaging component: Testimony of David Morrison, April 8, 2024 Public Hearing Transcript, pp [100-101](#); The government did not execute an agreement with WeChat in advance of the 2021 election: Testimony of Gallit Dobner, April 5, 2024 Public Hearing Transcript, pp [175](#) and [214](#); SITE 2021 *In Camera* Examination Summary, WIT0000046, para [13\(d\)](#).

Foreign Agent Registry proposed by former Member of Parliament Kenny Chiu. RRM did not observe direct PRC state media participation in spreading the narratives about Mr. Chiu.<sup>51</sup> RRM monitored as Mr. Chiu spoke about the inaccurate information in the media.<sup>52</sup> Mr. Chiu was aware of the inaccurate information, that had been circulated for approximately one week, and had publicly challenged it and provided clarifications in the media in his riding.<sup>53</sup> The Panel noted these two factors and determined the threshold for a public announcement was not met.<sup>54</sup> This activity occurred in the context of, and built off of, mainstream media attention to and public discussion of the CPC's position regarding China.<sup>55</sup> This activity did not affect the outcome of the 2021 election at the riding level and subsequent intelligence reporting does not change this assessment.

27. Also in 2021, the SITE TF informed the Panel of possible misinformation circulating on WeChat regarding the election platform of the CPC and the intentions of its leader, the Honourable Erin O'Toole. This information derived from an article written in a Canadian newspaper, the Hill Times, and was circulated on Chinese language social media but without indications of inauthentic spread. The article focused on the CPC's electoral platform and contained erroneous information, including that Mr. O'Toole would ban WeChat if elected. Other media entities spread the same inaccurate claims within Canada's Chinese language media ecosystem.<sup>56</sup> The Panel considered this situation and decided that the information did not show with reasonable certainty that this was anything more than Canadians expressing their democratically protected opinions about the platform of the CPC or intentions of Mr. O'Toole. However, the Panel was ready to intervene if it had "thought that there was disinformation that was pushed forward by a foreign state or some domestic actor...but the possibility that a proxy may have done something is not enough...for the panel to intervene."<sup>57</sup>

28. In light of the importance of freedom of expression and vigorous democratic debate to the health of our democracy, the Panel did not pronounce on the possible misinformation. The Panel

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<sup>51</sup> Possible People's Republic of China Foreign Interference-Related Mis or Disinformation, CAN.SUM.000004 at [2](#).

<sup>52</sup> Testimony of Gallit Dobner, April 5, 2024 Public Hearing Transcript, p [200](#).

<sup>53</sup> Testimony of Marta Morgan and David Morrison, April 8, 2024 Public Hearing Transcript, pp [101-102](#) and [191](#).

<sup>54</sup> Testimony of David Morrison, April 8, 2024 Public Hearing Transcript, p [191](#).

<sup>55</sup> Testimony of Jeremy Broadhurst, April 9, 2024 Public Hearing Transcript, pp [128](#), [129](#) and [219](#).

<sup>56</sup> Possible People's Republic of China Foreign Interference-Related Mis or Disinformation, CAN.SUM.000004, p [2](#).

<sup>57</sup> Testimony of François Daigle, April 8, 2024 Public Hearing Transcript, p [99](#).

is not an arbiter of truth, but rather a measure of last resort to alert the public to FI that threatens Canadians' ability to have a free and fair election.<sup>58</sup> There is no subsequent intelligence suggesting that PRC officials took credit or that the potential misinformation could be attributed to the PRC government. This did not affect the integrity of, nor impact the outcome of, the 2021 election.

29. Finally, in the 2019 and 2021 elections, there was intelligence reporting that a small number of PRC officials in Canada expressed preferences for certain specific electoral outcomes. Specifically, in 2021, the intelligence suggested that some individual PRC officials in Canada made comments expressing a preference for a LPC minority government.<sup>59</sup> On learning of this intelligence after the media reporting in 2022, the Prime Minister's Office ("PMO") felt that this was incongruent with the reality of the Canada-China relationship at the time, given the tensions between the two countries and Canada's global campaign to end the PRC's detention of Canadians Michael Spavor and Michael Kovrig.<sup>60</sup> Further, such statements from diplomats of a foreign country do not constitute FI, nor would they, without more, indicate an intention to engage in FI.<sup>61</sup> Such expressions would not have affected the outcome of the 2019 and 2021 elections at the riding level and subsequent intelligence reporting does not change this assessment.

### **3. National S&I agencies and other federal organizations played a role in countering FI**

30. The Protocol specifies that the national S&I agencies retain their existing authorities, under which they can take steps to mitigate any threats.<sup>62</sup> The national S&I community was vigilant, monitoring FI activity not only during elections but also between them.<sup>63</sup>

31. The 2019 election provided an example of the preventative effect of such actions. Information about the alleged irregularities in the DVN nomination process was also shared with Elections Canada and the OCCE, both of which have authority over the conduct of elections.<sup>64</sup>

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<sup>58</sup> Testimony of François Daigle, April 8, 2024 Public Hearing Transcript, pp [99-100](#) and [192-193](#).

<sup>59</sup> Comments by Individual People's Republic of China Officials on Expressed Partisan Preferences in the 2019 and 2021 General Election, CAN.SUM.000013, p [2](#).

<sup>60</sup> Prime Minister's Office *In Camera* Examination Summary, WIT0000068, para [41](#).

<sup>61</sup> Comments by Individual People's Republic of China Officials on Expressed Partisan Preferences in the 2019 and 2021 General Election, CAN.SUM.000013, p [2](#).

<sup>62</sup> Cabinet Directive on the Critical Election Incident Protocol, COM0000023, p [6](#).

<sup>63</sup> Testimony of Lyall King, April 5, 2024 Public Hearing Transcript, pp [69](#) and [119-120](#).

<sup>64</sup> Don Valley North (DVN) Liberal Party Nomination Race in 2019 Summary, CAN.SUM.000001, p [2](#).

32. CSIS could and did conduct TRMs under its own authorities. During the 2019 election, national S&I agencies observed FI activity with the aim of furthering the Government of Pakistan's interests in Canada.<sup>65</sup> CSIS conducted TRMs to mitigate the threat.<sup>66</sup> The fact of the FI activity and the effective response was shared with the SITE TF and the Panel.<sup>67</sup> This is another example of the ecosystem working as intended, mitigating FI activity.

33. CSE also worked closely with Elections Canada to provide tailored cyber security advice to help defend Elections Canada's infrastructure up to and during the elections.<sup>68</sup>

#### **4. The last resort of a public announcement was not required in either election**

34. The Protocol only applied during the Caretaker period. Intelligence and information that arrived outside the Caretaker period was handled through the usual channels, including through the national S&I agencies operating under Ministerial accountability. This was the case for certain intelligence concerning information about financial transfers, which arrived after the 2021 election and was therefore the responsibility of the national S&I agencies, not the Panel.<sup>69</sup>

35. The SITE TF was intended to coordinate and share information and intelligence on FI activity. During the 2019 and 2021 elections, this is precisely what the SITE TF did. The Panel was ready to make an announcement pursuant to the Protocol if that was required to respond to FI activity or activities.<sup>70</sup> By not making a public announcement during the 2019 and 2021 elections, the Panel also functioned as intended. The Panel had all pertinent information and intelligence about FI activities in both elections and concluded that none rose to the intentionally high threshold justifying a public announcement.<sup>71</sup> Accordingly, there was no need to brief Ministers or the Prime Minister on FI activities during the election periods.

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<sup>65</sup> Threat Reduction Measure Conducted in 2019 Summary, CAN.SUM.000011, p [2](#).

<sup>66</sup> Threat Reduction Measure Conducted in 2019 Summary, CAN.SUM.000011, p [2](#).

<sup>67</sup> Testimony of Lyall King, April 5, 2024 Public Hearing Transcript, p [94](#).

<sup>68</sup> Testimony of Daniel Rogers, April 4, 2024 Public Hearing Transcript, p [84](#).

<sup>69</sup> Testimony of Dan Rogers, April 4, 2024 Public Hearing Transcript, p [97](#).

<sup>70</sup> Testimony of François Daigle, April 8, 2024 Public Hearing Transcript, p [198](#).

<sup>71</sup> Testimony of Marta Morgan, Nathalie Drouin, Monik Beauregard, and Janice Charette, April 8, 2024 Public Hearing Transcript, pp [40](#), [44-45](#), [52](#), and [89](#).

## 5. The 2019 and 2021 elections were protected

36. The suite of new institutional structures to safeguard Canada's elections from FI functioned as intended. Actions were calibrated to the intelligence and information available at the time. This included the decisions of the Panel that the threshold had not been met by any FI activities. Although FI activities were observed, those activities were mitigated or ineffective.<sup>72</sup>

### PART III – Flow of information was responsive to FI activities

#### *A. Information flow was sufficient to ensure that issues were raised to the appropriate level of decision-maker both during and outside the election periods*

37. Intelligence and information on FI activities during the 2019 and 2021 elections was collected, considered and assessed by the Government. It was provided to the relevant officials at a level of detail appropriate to their involvement and the sensitivity of the intelligence.

38. Intelligence is collected based on the Government's priorities, within each agency's respective mandate.<sup>73</sup> As FI activity is a key priority, CSIS and others in the national S&I community had been investigating it under their mandates for some time.<sup>74</sup> This allowed the Government to have a good understanding of the baseline level of FI activity and the threat actors involved. That intelligence is disseminated in a timely manner to consumers within the Government who have appropriate clearance and the need to know through written products and/or oral briefings. Due in part to the sensitive nature of how it is collected, the circulation of intelligence touching on national security matters is inherently complex. Need-to-know limitations mean that not all intelligence is briefed to all government officials or the Ministers.

39. Individuals responsible for decisions on whether and how to respond to FI activities during the 2019 and 2021 elections received the information they needed to make their assessments. They did not, and could not, review every piece of intelligence on FI activity, but rather received the

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<sup>72</sup> Testimony of Rob Stewart, April 9, 2024 Public Hearing Transcript, p [74](#).

<sup>73</sup> Testimony of Daniel Rogers, April 4, 2024 Public Hearing Transcript, p [81](#); Testimony of David Vigneault, April 4, 2024 Public Hearing Transcript, p [125](#). Testimony of Cherie Henderson, April 4, 2024 Public Hearing Transcript, p [142](#).

<sup>74</sup> Testimony of David Vigneault, April 4, 2024 Public Hearing Transcript, p [173](#); Public Summary of the Classified Interview of Shelly Bruce, Alia Tayyeb and Dan Rogers, WIT000039, p [3](#).



assessment of the experts within the Government and had access to those experts as required to follow up or ask for additional information.<sup>75</sup>

40. Single pieces of intelligence, by their nature, contain information of varying degrees of reliability and corroboration. In many cases, it is only over an arc of time that the significance of a specific piece of intelligence can emerge from the collected information, and as such, be properly assessed.<sup>76</sup> For this reason, it is often not possible or appropriate to act based on a single piece of intelligence. For example, in order for the Panel to determine whether the information on FI activities met the Protocol's threshold, members considered the breadth and diversity of intelligence reporting in deciding that the threshold for a public announcement had not been met.<sup>77</sup> As set out in the Protocol, considerations also included the degree to which the incident(s) undermined Canadians' ability to have a free and fair election; and the potential of the incident(s) to undermine the credibility of the election.<sup>78</sup>

### **1. Flow of information between the SITE TF and Panel was appropriate**

41. Under the Protocol, the SITE TF provided a regular stream of information and intelligence regarding FI activity. Prior to each election, it developed an understanding of the general FI threat environment and conveyed this information in briefings to the Panel members.<sup>79</sup> Those briefings identified the tactics used by countries that were known to engage in FI activities, such as the PRC, India, Russia and Pakistan.<sup>80</sup>

42. During the 2019 and 2021 elections, the SITE TF daily SITREP brought together intelligence and information on observed potential FI activities as a written snapshot of the threat landscape over the previous 24 hours. The SITREPs were distributed to the Panel as well as to the SITE TF member organizations' senior leadership during the election period.<sup>81</sup> The SITREPs

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<sup>75</sup> Testimony of Janice Charette and Nathalie Drouin, April 9, 2024 Public Hearing Transcript, pp [11-14](#); Testimony of Nathalie Drouin, April 8, 2024 Public Hearing Transcript, pp [140-142](#).

<sup>76</sup> Testimony of Lyall King, April 5, 2024 Public Hearing Transcript, p [119](#).

<sup>77</sup> Testimony of François Daigle, April 8, 2024 Public Hearing Transcript, p [196](#).

<sup>78</sup> Cabinet Directive on the Critical Election Incident Protocol, COM0000023, p [5](#).

<sup>79</sup> Testimony of Lyall King, April 5, 2024 Public Hearing Transcript, pp [70](#), [86-87](#) and [182-183](#).

<sup>80</sup> Country Summary: People's Republic of China, [CAN.SUM.000005](#); Country Summary: Russia, [CAN.SUM000006](#); Country Summary: India, [CAN.SUM000007](#); Country Summary: Pakistan, [CAN.SUM000008](#); Country Summary: Kingdom of Saudi Arabia, [CAN.SUM.000009](#).

<sup>81</sup> SITREPs were only produced on business days during the election period. See for example SITE TF SITREP: 07 September 2021, [CAN001075](#).

included a threat trend indicator to flag if there had been a significant shift in the baseline of FI activity.<sup>82</sup> The Panel considered that threat trend to be advice from the national S&I experts,<sup>83</sup> but also understood that they were ultimately responsible to assess whether the threshold to make a public announcement had been met.<sup>84</sup>

43. The SITE TF member organizations applied a “low bar” when passing information and intelligence to the SITE TF and then on to the Panel, erring on the side of being overinclusive.<sup>85</sup> This allowed the Panel to have a comprehensive view of the threat landscape.

44. The Panel met weekly to discuss potential instances of FI activity and received briefings from the Director of CSIS and Chief of CSE in 2019,<sup>86</sup> which were augmented in 2021 by the presence of SITE TF representatives from GAC and the RCMP.<sup>87</sup> The Panel could ask the SITE TF for further information or request further follow up as needed.<sup>88</sup>

## **2. Flow of information beyond the Panel was appropriate**

### *a. Flow of information within the Government*

45. In addition to information flowing into the Panel during the election period, information continued to flow between the national S&I agencies as it would outside the election period.<sup>89</sup> For example, although both were members of the SITE TF, the RCMP and CSIS continued to rely on the “One Vision” framework which enhances collaboration, facilitates deconfliction and clearly defines processes to govern information and intelligence sharing between the organizations as a means to safeguard public safety against national security threats.<sup>90</sup>

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<sup>82</sup> Testimony of Lyall King, April 5, 2024 Public Hearing Transcript, p [80](#).

<sup>83</sup> Testimony of Marta Morgan, April 8, 2024 Public Hearing Transcript, pp [37-38](#).

<sup>84</sup> Testimony of Janice Charette, April 8, 2024 Public Hearing Transcript, pp [94-95](#).

<sup>85</sup> Testimony of CSIS Representative, April 5, 2024 Public Hearing Transcript, p [145](#); Testimony of Gallit Dobner, April 5, 2024 Public Hearing Transcript, p [121](#).

<sup>86</sup> Testimony of Nathalie Drouin, April 8, 2024 Public Hearing Transcript, pp [39-40](#).

<sup>87</sup> Testimony of Nathalie Drouin, April 8, 2024 Public Hearing Transcript, pp [66-67](#).

<sup>88</sup> Testimony of Greta Bossenmaier, April 8, 2024 Public Hearing Transcript, p [39](#).

<sup>89</sup> Testimony of David Morrison, April 8 2024 Public Hearing Transcript, p [237](#).

<sup>90</sup> Testimony of Mark Flynn, April 4, 2024 Public Hearing Transcript, pp [43-44](#); Deputy Commissioner Mark Flynn Interview Summary, WIT000038, p [4](#); SITE 2019 *In Camera* Examination Summary, WIT0000044, paras [72-73](#).

46. Several committees at the Deputy Minister, Assistant Deputy Minister, and Director General level convened to discuss different aspects of FI during the election period.<sup>91</sup> For example, the Deputy Minister’s Operations Committee convened weekly to talk about matters of high priority in national security.<sup>92</sup> The Deputy Ministers’ Elections Security Coordination Committee was set up in the lead-up to the 2019 election to ensure that elections officials were brought together with intelligence agencies to convene on elections security and it had regular engagements during the election period.<sup>93</sup>

47. CSIS, and other national S&I agencies, developed a feedback process for departments and consumers of intelligence. The various intelligence agencies strive to improve in order to ensure that the reporting meets the needs of consumers and the intelligence priorities of the Government.<sup>94</sup>

*b. The Privy Council Office’s Role in Intelligence Flow*

48. The Privy Council Office (“PCO”) played a key role in facilitating the flow of information related to FI activity. As between the national S&I community and senior government officials, intelligence products or other FI-related information can be, and were, shared with the Clerk and Deputy Clerk of the Privy Council, the National Security and Intelligence Advisor to the Prime Minister (“NSIA”), Deputy NSIA, or other senior officials in PCO.<sup>95</sup>

*c. Flow of Intelligence to the PMO, Ministers and Prime Minister*

49. Intelligence into the PMO flows through PCO and not from government departments or agencies directly.<sup>96</sup> PCO has the primary responsibility to triage incoming intelligence and inform the Prime Minister and his office of the most critical pieces. PCO works with various national S&I agencies to determine whether intelligence on a matter is complete enough to be presented to the Prime Minister. If so, PCO may solicit input from PMO about when and how to present it. The

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<sup>91</sup> Governance Structure – Committees Pertaining to Foreign Interference, [CAN005547](#).

<sup>92</sup> Testimony of Vincent Rigby, April 8, 2024 Public Hearing Transcript, p [240](#).

<sup>93</sup> Former NSIAs *In Camera* Examination Summary, WIT0000057, paras [12](#); Testimony of Lyall King, April 5, 2024 Public Hearing Transcript, pp [194-195](#).

<sup>94</sup> Testimony of Cherie Henderson, April 4, 2024 Public Hearing Transcript, p [143](#).

<sup>95</sup> PCO Institutional Report [Unclassified], CAN.DOC.000011, p [7](#).

<sup>96</sup> Prime Minister’s Office Interview Summary, WIT0000069, para [10](#).

Government recognizes that the flow of intelligence from the different departments and agencies can always improve.<sup>97</sup>

50. During the Caretaker period, elected officials, including the Prime Minister, refrain from making decisions that would bind the incoming government. As Minister LeBlanc shared, “it would be exceedingly rare that a Minister would be briefed during the writ period” and that “he had almost no contact with his DMs during writ periods”.<sup>98</sup> Consistent with this, the Prime Minister testified that he is “very limited” in the intelligence he receives during the writ period; other than in a “serious and momentous international event”, he has not been, in any real way, informed of intelligence issues by officials during an election campaign.<sup>99</sup> Appropriately, elected officials, including the Prime Minister, were not briefed on FI activities during the 2019 and 2021 elections.<sup>100</sup>

51. Officials in the national S&I community decide what information to elevate further. Not everything can or should be briefed to senior decision-makers, including to elected officials. That is not a deficiency in the system or a failure in information flow; it is a necessary feature.<sup>101</sup>

52. Officials keep the Prime Minister apprised of intelligence information as and when needed. When officials have intelligence that they believe the Prime Minister should know, they either cause a briefing to happen,<sup>102</sup> or, in the case of important or time-sensitive paper intelligence, send a Client Relations Officer (“CRO”) who will watch the recipient read the document, then take it away.<sup>103</sup> The Prime Minister may also be informally briefed on the margins of other events, for instance, before meetings with foreign leaders, or in response to unfolding events.<sup>104</sup>

53. With respect to the allegations of PRC FI activities in the nomination contest for the LPC candidate in the riding of DVN during the 2019 election period, information flowed appropriately through political channels only following the briefing provided to security-cleared LPC

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<sup>97</sup> Testimony of Prime Minister Justin Trudeau, April 10, 2024 Public Hearing Transcript, p [201](#).

<sup>98</sup> Minister Dominic LeBlanc Public Interview Summary, WIT0000065, para [11](#).

<sup>99</sup> Prime Minister Justin Trudeau *In Camera* Examination Summary, WIT0000067, para [50](#).

<sup>100</sup> Prime Minister Justin Trudeau *In Camera* Examination Summary, WIT0000067, para [50](#).

<sup>101</sup> Testimony of Nathalie Drouin, April 8, 2024 Public Hearing Transcript, pp [140-141](#).

<sup>102</sup> Prime Minister’s Office *In Camera* Examination Summary, WIT0000068, para [13](#).

<sup>103</sup> Prime Minister’s Office Public Interview Summary, WIT0000069, para [14](#).

<sup>104</sup> Prime Minister Justin Trudeau *In Camera* Examination Summary, WIT0000067, para [16](#).

representatives. This is discussed above at paragraph 25. On the basis of the intelligence, it was appropriate not to take further action at that time. The Prime Minister testified that he resolved to pursue the matter with officials going forward.<sup>105</sup> Long after the election period, the DVN reporting was used as an example in a formal briefing to the Prime Minister on the general topic of FI on February 9, 2021.<sup>106</sup>

54. In relation to the 2019 election, intelligence reporting indicated that known threat actors were working to establish contacts with certain campaigns. There was also intelligence reporting suggesting a covert transfer of funds. These activities did not rise to the level to be briefed to senior decision-makers. In addition, the intelligence regarding the covert transfer of funds was never tied to the campaigns or candidates.<sup>107</sup> Accordingly, neither PMO nor the Prime Minister were briefed on this intelligence reporting until media inquiries began in November 2022.<sup>108</sup>

55. Illustrative of the fact that departments and agencies have tools and authorities to proactively counter attempts at FI, CSIS undertook a TRM in advance of the 2019 election. The PMO learned about the TRM conducted by CSIS in advance of the 2019 election to combat FI activity by the Government of Pakistan following media reporting in November 2022.<sup>109</sup>

56. The Prime Minister and PMO were not made aware of allegations of disinformation about the CPC, Mr. O’Toole, and Mr. Chiu until after the 2021 election. The Prime Minister recalled first learning about this through media statements by Mr. Chiu in the days following the election.<sup>110</sup>

57. Neither in the lead up to, or during the 2021 election, were PMO and the Prime Minister advised of intelligence suggesting that certain individual PRC officials in Canada had expressed a preference for a LPC minority government.<sup>111</sup> Additionally, PMO was not briefed on any

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<sup>105</sup> Testimony of Prime Minister Justin Trudeau, April 10, 2024 Public Hearing Transcript, pp [172-174](#).

<sup>106</sup> Testimony of Prime Minister Justin Trudeau, April 10, 2024 Public Hearing Transcript, pp [183](#) and [188-189](#).

<sup>107</sup> Testimony of Monik Beauregard, April 8, 2024 Public Hearing Transcript, pp [51-52](#).

<sup>108</sup> Prime Minister Justin Trudeau *In Camera* Examination Summary, WIT0000067, para [37](#); Prime Minister’s Office *In Camera* Examination Summary, WIT0000068, para [36](#).

<sup>109</sup> Prime Minister’s Office *In Camera* Examination Summary, WIT0000068, para [35-36](#).

<sup>110</sup> Prime Minister Justin Trudeau *In Camera* Examination Summary, WIT0000067, para [42](#).

<sup>111</sup> Prime Minister Justin Trudeau *In Camera* Examination Summary, WIT0000067, para [49](#); Testimony of Katherine Telford, April 9, 2024 Public Hearing Transcript, pp [130-131](#).

allegations concerning covert financial support by a foreign county leading up to the 2021 election.<sup>112</sup>

58. On the subject matter of the briefing given to security-cleared LPC representatives on September 12, 2021, a senior PMO advisor on leave to work for the campaign decided to brief the Prime Minister after the election as he did not believe there was any action to be taken during the campaign.<sup>113</sup>

### **3. Flow of information outside the federal government**

59. The member organizations of the SITE TF also exercised their individual authorities to mitigate FI activities, both generally and in specific instances. CSIS conducted defensive briefings to elected officials in the lead up to the 2019 election<sup>114</sup> and CSE provided tailored briefings to political parties around cyber security measures.<sup>115</sup> While there may be more to be done to ensure that these briefings are responsive to the needs of the political parties,<sup>116</sup> this must still be done in a manner that does no harm to national security.

60. As the nature of the FI threat landscape has evolved, the RCMP has evolved in their understanding and approach to responding to these threats, with a focus on minimizing the impacts on Canada's diaspora communities. Federal policing is dedicated to developing and delivering targeted, multilingual awareness and engagement resources to enhance public safety within communities that may be at risk stemming from threats, intimidation, transnational repression, or FI-related activities. For example, the "See Something, Say Something" campaign, available in multiple languages, specifically seeks to engage those communities that may be at risk of threats, intimidation, transnational repression, or FI activities.<sup>117</sup>

61. Relationships with academia, civil society and industry partners provide further opportunities for building awareness and making use of their knowledge and capabilities. In the

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<sup>112</sup> Prime Minister's Office *In Camera* Examination Summary, WIT0000068, para [44](#).

<sup>113</sup> Prime Minister's Office *In Camera* Examination Summary, WIT0000068, para [40](#).

<sup>114</sup> Testimony of Michelle Tessier, April 4, 2024 Public Hearing Transcript, p [178](#).

<sup>115</sup> Testimony of Daniel Rogers, April 4, 2024 Public Hearing Transcript, p [85](#).

<sup>116</sup> Testimony of Azam Ishmael, April 2, 2024 Public Hearing Transcript, p [24](#); Testimony of Walied Soliman, April 2, 2024 Public Hearing Transcript, pp [27-29](#); Testimony of Anne McGrath, April 2, 2024 Public Hearing Transcript, pp [29-30](#).

<sup>117</sup> Testimony of Mark Flynn and Michael Duheme, April 4, 2024 Public Hearing Transcript, pp [65-67](#).



lead up to the 2021 election, RRM organized a series of workshops, one of which brought together government officials with civil society and academia partners to discuss lessons learned from the 2019 election as it relates to the online environment.<sup>118</sup> During the 2021 election, RRM Canada leveraged their connections with these partners in the course of monitoring the social media environment.

#### **PART IV - Conclusion**

62. Canada was well-positioned to detect FI activities in both the 2019 and 2021 elections and to act as needed. None of the FI activities observed during the 2019 and 2021 elections threatened the integrity or impacted the outcome of those elections, whether nationally or at the riding level. This remains true today.

63. FI intelligence and information flowed through a variety of channels, ensuring that those with a need to know were informed in a timely manner. Awareness of the risk posed by threat actors was and continues to be built through communications between government officials and elected officials, political parties, diaspora community members, and the broader public. It is also important that governments continue to evolve as they respond to these threats, and to constantly seek to strengthen how it addresses them. In this spirit, the Government continues to adjust its response to electoral FI, and to strengthen its mechanisms and responses. There is always room for further improvement. The Government welcomes the Commission's recommendations in that regard.



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<sup>118</sup> Testimony of Gallit Dobner, April 5, 2024 Public Hearing Transcript, pp [172-173](#).