PHASE II SUBMISSION TO THE PUBLIC INQUIRY INTO FOREIGN INTERFERENCE IN FEDERAL ELECTORAL PROCESSES AND DEMOCRATIC INSTITUTIONS ON BEHALF OF THE HONOURABLE ERIN O'TOOLE, PC, CD

Introduction

During the second Phase of its hearings the Commission has heard extensive evidence regarding the ongoing problems of foreign interference and Canada's response to those problems. That evidence has been confined to interactions around and with the federal government. There are valuable lessons to be drawn from this evidence, but it is important to realize that foreign interference involving federal elections is just one type of foreign interference that takes place in Canada: foreign actors target municipal and provincial elections as well as other democratic processes besides elections.[1]

While the capacity to respond to foreign interference has improved from 2019 it is apparent there is still much work to be done. Parliament and the executive branch must ensure the effective flow of intelligence to the relevant decision makers. In turn, decision makers must be prepared to receive and respond efficiently to information and to take the steps necessary to respond to those challenges. Additionally, there must be further improvements to the capacity and authority of the government to respond to the challenges of foreign interference.

The Commission has heard from Roundtable members that attempts at foreign influence constitute a normal activity. While Canadians must be vigilant, it is also important not to overemphasize the threat of foreign interference. Efforts at foreign interference are a norm – what has changed is Canadian's awareness of these threats. Throughout the Cold War it was accepted that foreign interference efforts were occurring. We are not so far removed from the 1970's when license plate numbers of diplomatic vehicles from Communist Bloc countries were distributed to public servants with instructions to call in to the RCMP when they were spotted. It is not that foreign interference efforts are trivial: they are serious, but the point is that foreign interference has been a constant presence in past decades, even if the ways in which foreign actors conduct interference activities has changed over time.

With the fall of the Berlin Wall and the normalization of trade with China our awareness of these threats receded. The general belief that China and Russia were benign partners who desired to be just like the Western world flourished. Our experience over the past ten years is that, while we

[1] Roundtable: Canada's National Security Apparatus – October 23, 2024.

may not be in Samuel Huntington's "Clash of Civilizations," these and other countries seek to undermine our liberal democracy; regional heavyweights like India and Iran also use foreign interference techniques to advance their interests.

The clear takeaway from these hearings is that while the federal government has made initial steps in the right direction, federal authorities are not equipped to effectively combat foreign interference efforts. Additional, major reforms are required to ensure that Canadian legislative and executive branch tools are fit for purpose. In our closing submissions, we discuss several problems and threats upon which the Commissioner heard evidence, address the vulnerabilities of the existing mechanisms that are in place to counter those threats, and suggest practical policy reforms that the legislative or executive branches might consider as remedies.

Our comments focus on the following areas:

1. The widespread availability of mis- and dis-information on social media applications and news platforms. We will highlight the distinction between applications controlled by private actors and those that are linked to the Chinese Communist Party, such as WeChat and TikTok, or controlled by Russia.
2. The flow of information including requests for decisions. We will address:
    a. Information flow within the Privy Council Office and the Prime Minister's Office,
    b. Engagement with Ministers accountable for agencies and departments charged with responding to foreign interference.
    c. Handling of warrants within the office of the Minister of Public Safety; and,
    d. Resolution of ambiguity around the definition of foreign interference.
3. Statutory responses including threat reduction measures and the process around informing relevant parliamentarians of those measures.
4. Measures that political parties have in place to combat foreign interference, and
5. The anticipated operation of Bill C-70.

Our discussion of these five issues builds upon our Phase I closing submissions and the various statements that our client has made as a participant before the Commission.

1. <u>Availability of mis- and dis-information online</u>

Responding to mis- and dis- information online poses unique challenges based upon the nature of the platform used to disseminate the information. Broadly speaking, mis- and dis-information is spread on three categories of platform:

- Canadian online news platforms.
- Foreign online news platforms.
- Social media networks. Broadly speaking there are two categories of social media platforms:
    - Platforms that are prepared to voluntarily submit, and give effect to, measures to limit the spread of mis- and dis- information.
    - Platforms controlled outside of Canada that censor discourse and are unwilling to provide and implement measures limiting the spread of mis- and dis- information. Further, they may be active partners with foreign governments in pushing narratives that drive towards a particular outcome.

There is little appetite for the idea of regulation of Canadian online news platforms. Even in the circumstance where there is a reasonable belief that a small platform transmits the views of a particular country, we do not opt for regulation of those platforms. The Commission has heard reports of small community newspapers that rely upon advertising from and connection to foreign government sources. We have also seen analysis that suggests China dominates Chinese language community media either by implication or direction.[2]

Practically speaking there is little we can do about this activity unless it rises to the level of an expenditure for advertising or misleading information that violates the provisions of the *Elections Act (Canada)*. Even if the activity rose to that level, it would only be governed during the official pre-writ and writ periods. Similarly, there is little that can be done about foreign news platforms which are totally beyond the regulation and jurisdiction of the Canadian government.

As panelists pointed out during the first Roundtable, "Building Democratic Resilience amid Value Conflicts", the only thing that government can practically do is mitigate the impact of foreign message control through education. Additionally, there is some sense that contrary narratives will arise through the marketplace of ideas, but this is unlikely when the marketplace is itself

[2] CAN011293, 'CHINA: Domination of Chinese-Language Media in Canada Poses National Security Threats' IM 20/2023, Intelligence Memorandum prepared by PCO Intelligence Assess Secretariat and Canadian Security Intelligence Service (CSIS).

constrained and structured by foreign actors. Relying upon the system to 'cleanse' itself has not proven to be fruitful.

It is important to note that the protection of freedom of expression applies to expression by individual humans. When bots and artificial intelligence are used to amplify narratives of any sort, we submit that this is not a protected activity. In this respect the analogy of the use of technology to the expenditure of money is a useful construct. We choose as a matter of principle to limit and control the impact of money in political discourse and in the same way we could choose to limit and control the impact of technology,

If we can attribute the use of these techniques to a foreign actor (be it a state or other foreign entity) there should be a presumption of malevolent intent, and we should respond on that basis. Canada needs a legal and technical regime that makes these techniques illegal and employs technology to rebuff these efforts.

Social media networks are a different problem. Generally, they are private entities, free from governmental control, whose interests are driven by generating a profit. In 2021 the major private social media networks[3] endorsed the Canadian Declaration on Electoral Integrity Online[4]. The evidence from Mr. Sutherland and Minister Leblanc is that discussions are underway with respect to the adoption of a similar declaration in relation to the next election.

Following the terms of the Declaration social media companies would sometimes bring inauthentic activity to Mr. Sutherland's attention. Generally, the system would 'cleanse itself' and there was no requirement for any action to be taken to deal with disinformation.[5] Mr. Sutherland testified that he was not briefed with particular intelligence related to specific events. It is submitted that, subject to comments below with respect to TikTok, relying upon social media networks as partners to monitor their system and report inauthentic activity is a sound one. The asymmetry of capacity (financial, personnel and technology) between the social media networks and governments is so dramatic that there is no other practical alternative to a self-monitoring model. However, when such activities become obvious to the government actors the protocol provides a channel for those activities to be investigated and addressed.

The widespread availability of mis- and dis-information on applications such as WeChat and TikTok poses a threat to Canadian democratic processes. Despite Tencent's expressed

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[3] Facebook, LinkedIn, Microsoft, TikTok, Twitter and YouTube.
[4] CAN.DOC.000036_H004.
[5] WIT000040 – Interview Summary Privy Council Office: Democratic Institutions (Allen Sutherland) at pg. 5.

willingness to communicate with the Government of Canada on trust and safety issues and its representation that it would support the Declaration,[6] the facts lead to a different conclusion. Both applications, among others, are, because of China's National Security Law, directly or indirectly subject to inordinate control by the Chinese Party-State. As a result, we cannot rely upon representations by either organization regarding their willingness to monitor their networks for inauthentic content or address such content.[7]

Many members of the Chinese-Canadian community receive their news directly from WeChat, rather than from English- or French-language mainstream media sources.[8] Consequently, the Chinese diaspora community is particularly vulnerable to the dissemination of disinformation on WeChat. This control:

> ...facilitates CPC surveillance, repression and influence over overseas Chinese as WeChat's operating environment is subject to domestic PRC laws and regulations. Violations of such rules can lead to account suspension, a threat that forces users to self-censor and obey CPC policies even when not in China. WeChat's platform design can also exacerbate the spread of REDACTED disinformation and misinformation that serves CPC interests. For instance, it impedes fact checking by preventing users from embedding hyperlinks in articles.

The memorandum then went on to conclude that "there was a coordinated disinformation campaign on WeChat" aimed at dissuading voters from supporting parliamentary candidates with anti-China views in 2021.

The lack of an ability to cite sources when preparing informational posts on WeChat, the fact that mainstream media outlets within Canada do not address or closely follow the narratives that users or bots promulgate on WeChat, and the overarching surveillance capabilities exercised by the Chinese Party-State in connection with these applications all contribute to a perfect storm. Clearly, the federal government is aware of the risks that WeChat can pose for Canadian democratic discourse. The problem that the government faces is a thorny one. WeChat is not a Canadian company and a bright-line solution like a WeChat ban would be inconceivable, given that many Chinese Canadians use the app for completely laudable or innocuous purposes, ranging from banking transactions to communication with relatives.

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[6] CAN032909_0001 – E-mail dated September 15, 2023, 'Re: GAC Introductory Meeting with Tencent on WeChat and Information Manipulation.'

[7] Both TikTok (effective February 28, 2023 according to a statement from Minister Fortier) and WeChat (effective October 28, 2023 according to a statement from Minister Anand) have been banned from government issued mobile devices.

[8] CAN011293 at pg. 3, right hand column.

Following the 2021 Election the Commissioner of Elections investigated the allegations[9] of interference in the Greater Vancouver Area. While she was not able to lay charges the Commissioner's interviews with members of the diaspora community portray a chilling picture of fears of intimidation, repression of ideas, and censorship. One subject reported that you can only post what the Chinese government allows you to post, see what the government allows you to see, and the posts are censored using AI.[10]

> In the end investigators were left with the clear understanding that Chinese Canadian WeChat users whom the investigators interviewed expect the PRC to be monitoring their conduct and content on We Chat.[11]

Others described a close pattern of control by the Chinese government over Chinese-Canadian community organizations[12] and that the Chinese government had effectively built a firewall against narratives that would counter its agenda.[13] "In the end investigators were left with the clear understanding that Chinese Canadian WeChat users whom the investigators interviewed expect the PRC to be monitoring their conduct and content on We Chat."

Thus far, the federal government, while cognizant of the threat posed by WeChat, has not done very much to counter that threat. In our view, officials from Public Safety Canada and the Department of Canadian Heritage were unable to point to concrete measures that their departments had taken to combat the spread of disinformation on WeChat. While there have been preliminary discussions with WeChat about bringing them into the Voluntary Declaration, Minister Leblanc testified there would have to be a fundamental change in the characteristics of the platform before it would be an appropriate party to the Voluntary Declaration.[14]

The exception to this trend is, of course, the Rapid Response Mechanism ("RRM"). The RRM, a body that is housed within Global Affairs Canada, monitors and responds to foreign threats to Canada's media and information environment. Robin Wettlaufer from Global Affairs confirmed, under cross-examination, that the "RRM does monitor WeChat on an ongoing basis, but not in Canada."[15] RRM does not "do baseline monitoring of the domestic online environment, except

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[9] CEF0000302_R dated August 19, 2024.
[10] *Ibid*, at pg. 41.
[11] *Ibid*, at pg.41.
[12] *Ibid*, at pgs. 48-52.
[13] *Ibid*, at pg. 57.
[14] October 16, 2024, Floor transcript, at pg. 177.
[15] October 3, 2024, Floor Transcript, at pg. 180.

during general elections and since 2023, by-elections."[16] The result of the current setup, as Commission Counsel suggested, is that "there is no sort of baseline knowledge or baseline assessment of the domestic online space, which can make it more difficult to detect abnormal or unusual activity in the periods" when monitoring does occur—i.e., during electoral periods.[17]

We propose that that Public Safety Canada take over the continuous monitoring of the domestic online space. At least one agency or department must be tasked with this monitoring. Foreign interference occurs continuously, and the monitoring of the domestic information ecosystem must accordingly be continuous. Under cross-examination, Mr. Shawn Tupper from Public Safety Canada confirmed that his department has the tools in place to take on the monitoring of the domestic information ecosystem, though he did not articulate a normative recommendation. We propose that the department take up that responsibility.[18]

Continuous monitoring of the domestic information ecosystem should be a Public Safety Canada responsibility for two reasons. First, Public Safety Canada is the department charged with the national security and safety of Canadians and has a primarily domestic scope of jurisdiction. The monitoring of the domestic information ecosystem aligns well with Public Safety's competencies and mandate. Public Safety Canada is already aware of the challenges associated with the transition of intelligence to evidence. Second, although Global Affairs Canada has done excellent work in perceiving foreign disinformation, the RRM does not currently have the resources to implement its own mandate while also providing comprehensive monitoring of the domestic information ecosystem.

Comprehensive monitoring of the domestic information ecosystem is not a silver bullet. Such monitoring will not on its own "cure" the widespread dissemination of mis- and dis-information on WeChat. The provision, however, of a more complete picture to Canadian executive branch officials and to the relevant federal Ministers will abet effective federal action. If the Canadian government can track, in real time, disinformation narratives that are coursing through WeChat, it may be able to publish correctives or engage in effective outreach to affected diaspora members. In short, it is doubtful that the Canadian government will be able to directly or indirectly equip Canadians with accurate information if it is not exactly aware of the quantity and nature of the disinformation to which Canadians are exposed.

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[16] *Ibid*, at pg. 108.
[17] *Ibid*, at pg. 126).
[18] October 8, 2024, Floor Transcript, at pg. 186.

We must also consider the possibility that X (formerly Twitter) will not be a good faith partner in enforcing applying the Voluntary Declaration. We have already seen in the 2024 US election that Elon Musk is spreading disinformation regarding election integrity in 2020 and 2024.[19] Efforts to monitor WeChat would apply equally to X if it were unwilling to address disinformation on its platform.

2. Information flow regarding Foreign Interference

The national security agencies of the Government of Canada produce a volume of information and documents that vastly exceeds any one person's capacity to consume it. Each decision-maker in government has a wide-range of responsibilities, including financial and administrative accountability for reporting agencies, beyond their national security responsibilities. Decision-makers must rely upon a system that ensures decisions are presented to them in a timely manner and that the presentation is accompanied by the information needed to evaluate the matter. At the same time, we must ensure that information is only distributed to those with a need to know.

However, for decisions to be appropriately considered it is necessary to ensure that decision-makers have the appropriate context. It is submitted that this is the first failure in addressing foreign interference. While the Prime Minister testified that the government was responding to foreign interference it is apparent this information was not getting to the appropriate Ministers. The summary of briefings by CSIS[20] shows that briefings to Ministers about foreign interference were infrequent. This, combined with the evidence from Minister Blair and his Chief of Staff, Zita Astravas, that the flow to them of intelligence information largely stopped[21] after the COVID shutdown, is worrying. It is also worrying that Minister Bill Blair testified before SECU on June 2, 2022, that:

> I think we've all heard anecdotes and various opinions laid, but I have not directly received any information from our intelligence services that provided evidence of that foreign interference.[22]

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[19] 'Election officials, concerned about misinformation, confront Elon Musk on his own turf' by Laura Romero and Lucien Bruggeman, ABC News, October 24, 2024 accessed October 27, 2024.
[20] CAN.DOC.000017.002
[21] This evidence was directly contradicted by Deputy Minister Stewart (TRN 0000030.EN at pg. 11). Classified documents are positively tracked and therefore it is possible to determine with certainty which documents were delivered to the Minister's Office. We submit that the appropriate conclusion is that the intelligence information was delivered to the Minister's Office but was not provided to the Minister. This is a failure of the administrative procedures of the Minister's Office.
[22] Evidence of Minister Bill Blair before Standing Committee on Public Safety and National Security (SECU), 44th Parliament, June 2, 2022 at mark 1110.

This comment alone demonstrates the failure to get information to the Minister responsible for the actions of CSIS.

The failure to appropriately manage security information is also illustrated by the evidence the Commission heard regarding the handling of a specific warrant. During the first phase of the Commission's hearings, Minister Blair confirmed the target of the warrant was Michael Chan although the Attorney General now asserts the information cannot be disclosed as a matter of national security. The timeline regarding this warrant is:

- Day 0 – CSIS sends warrant to the DM of Public Safety and Minister Blair requesting authorization of the warrant.
- Day 4 – Package transmitted by DM of Public Safety to the Minister's Office for Minister Blair.
- Day 13 – Ms. Astravas, Chief of Staff, receives briefing regarding warrant.
- Day 54 – Minister Blair signs warrant.

Minister Blair testified during his evidence that the typical timeline was for a warrant to be reviewed by him between four and eight days after it was sent by CSIS.[23] Neither Minister Blair nor Ms. Astravas had any explanation why this warrant took 54 days to be placed before the Minister. Ms. Astravas testified that the reason she required the Day 13 briefing was that, despite having worked as Chief of Staff to the Minister of Public Safety for eighteen months she required "…an explanation of what a Vanweenen list is…"[24] Minister Blair also testified that his staff were not providing him with advice with respect to the warrants placed before him.[25] No explanation has ever been given with respect to the handling of this warrant and all parties are adamant the contents of the warrant were not discussed. In a curious display of lack of concern no one in government has attempted to obtain an explanation for the 54-day delay in handling this warrant.

While we do not have evidence of malfeasance on the part of Ms. Astravas it is obvious she was not qualified for the task of reviewing warrants. She:

- Had no prior experience in national security matters or warrants.
- Was not a lawyer.
- Was not aware of basic elements of a surveillance warrant.[26]

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[23] Minister Blair, Public Hearings – Vol 33 – October 11, 2024, English Interpretation at p. 22.
[24] Zita Astravas, Public Hearings – Vol 31 – October 9, 2024, English Interpretation at p. 220, line 20-22.
[25] Minister Blair, Public Hearings – Vol 33 – October 11, 2024, English Interpretation at p. 70, line 12-21.
[26] Vanweenen lists flow from the decision of the Supreme Court of Canada in *R v Chesson*, [1988] 2 S.C.R. 148.

It is also unclear why she was reviewing a warrant as no recommendations were provided to the Minister by her. During the 54-day period Ms. Astravas was able to place two other warrants before the Minister but, for some unexplained reason, was unable to place this warrant before the Minister for his consideration.

The Commission also heard evidence of instances where matters were sent forward to either the Prime Minister or Minister for decisions that were either not actioned or only approved after great delay. The response of the political staff was that the matter, despite meetings to discuss other subjects, was never raised again so it must not have been urgent. This attitude is problematic because the government cannot operate on the basis that a decision will not be made unless it is asked for twice. In fact, the practise in most matters is that decisions are made in a timely manner. Therefore, if the norm is the decision will be rendered, it is reasonable for the requestor to conclude that the choice not to issue a decision is intentional.

The other justification, raised by Ms. Telford initially, for failing to decide on the CSIS request for briefings to parliamentarians was that the Prime Minister was not required to sign off. The matter could be approved through the Sergeant at Arms. [27] Even if one takes this assertion as true CSIS *believed they needed the authority*. They asked for approval three times. Without approval from the Prime Minister, or, without CSIS being told that approval was not necessary, these briefings were not going to occur.

The evidence before the Commission reveals a consistent lack of engagement by Ministers with the issue of foreign interference. While there are frequent briefings between agencies and PCO and occasionally with PMO it is only once there are media leaks regarding foreign interference that Ministers are engaged. For example, Minister Joly was appointed as Minister in October of 2021. In her witness statement she testified that no incidents of foreign interference were brought to her attention before spring of 2023. When given the opportunity to clarify this statement during her evidence she confirmed that statement.[28]

This lack of engagement by Ministers is further demonstrated by the ongoing debate between CSIS and Global Affairs Canada about what constitutes foreign interference. While the Prime Minister characterized the disagreement between the two entities as evidence of healthy debate, the fact is that it took until July of 2024, with further factual clarification in September of

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[27] Floor Transcript, October 15th, 2024, at pg. 35

[28] Minister Joly – Public Hearings – Vol 32 – October 10, 2024, English Interpretation at pg. 167, line 10 to pg. 168, line 17.

2024, for Deputy Ministers to come to a resolution about what constitutes foreign interference. The practical reality is that despite the Prime Minister's evidence that the government was engaged on the issue of foreign interference before the 2019 election, there was no common understanding of the activity being responded to. It appears that CSIS was briefing about one sort of activity that it considered to be foreign interference but was receiving constant pushback from the Privy Council Office based upon a different conception of what constituted foreign interference.[29]

For some reason, for approximately four years, agencies and departments did not surface this disagreement to Ministers. Rather than asking for Ministers to consider and discuss this disagreement, senior officials did not include Ministers in the conversation and instead arrived at their own understanding. The Ministers should have had a direct say in crafting the government's working definition of foreign interference; if given the opportunity to respond, the relevant Ministers may well have signed off on CSIS' definition of foreign interference. Ultimately, the setting of policy is the responsibility of Ministers, and it is the responsibility of the public service to advise with respect to policy development and then to execute the chosen policy. In the case of defining foreign interference, our submission is that senior governmental officials to some extent usurped the decision-making role of the relevant Ministers.

There are two failures here: 1 – the failure of Ministers, including their political staff, to decide matters placed before them in a timely manner if they decide them at all; leading to, 2 – public servants not briefing Ministers or making policy choices without input from Ministers.

Ministers, including the Prime Minister, must set out clear expectations of their staff that matters meant for decision will be placed before the appropriate Minister in a timely manner. Staff must be qualified to deal with the matters they are reviewing and must clearly communicate to their Minister any qualifications or reservations with respect to matters upon which a decision is being sought.

The Public Safety portfolio is one of the largest in government with more than 72,000 public servants and a more than $10 billion budget across five major agencies. It is reasonable to conclude this may be too much to be assigned to one minister. Consideration should be given to hiving off the intelligence functions, future domestic information monitoring responsibilities, foreign interference response coordination responsibilities and leadership on national security

[29] See WIT0000138 at para 20 and the evidence of David Morrison, Deputy Minister Global Affairs Canada and Acting NSIA, Privy Council Office, Public Hearings – Volume 28 – October 4, 2024, at pg. 113 line 7 to pg. 117 at line 18.

functions to a separate Minister. Assigning these latter two responsibilities to a single minister would allow PCO to continue with its intelligence advisory functions for the Prime Minister but provide ministerial accountability with respect to national security.

3. Official response to Foreign Interference

Both former CSIS Director Richard Fadden and former RCMP Commissioner Robert Paulson participated in roundtables before the Commission. They were both of the opinion that foreign interference was not limited to electoral periods and that existing legal authorities were sufficient to counter those activities. As Mr. Fadden said:

> CSIS has a lot of powers that its risk aversion doesn't allow it to use all of the time. I think that is also true of the Mounties. So, I would argue that it would be helpful if your recommendations included strong injunction to institutions that currently have authority: 'use it', don't be so risk averse, but use it in conjunction with the Panel of these…goods that I am recommending you consider.[30]

Both officials noted that while the authorities were sufficient it was a matter of ensuring the institutions had the necessary resources.

The Commission has heard evidence about three types of response by the Government of Canada to foreign interference:

1. The use of threat reduction measures.
2. Active enforcement in response to the 'Chinese Police Stations.'
3. Diplomatic measures in response to foreign interference.

Each of these will be discussed in order.

Parliament equipped CSIS with the authority to undertake threat reduction measures ('TRMs') through the *Anti-Terrorism Act, 2015*.[31] TRMs are operational measures whose principal purpose is to reduce a threat to the security of Canada. CSIS can only execute a TRM if certain conditions are met[32]:

1. There must be reasonable grounds to believe that a particular activity constitutes a threat to the security of Canada.

2. The proposed measure must be reasonable and proportional in the circumstances. CSIS must consult with federal entities, as appropriate, to determine whether those bodies are able to reduce the threat, prior to CSIS implementing a specific TRM.

3. The TRM must be conducted pursuant to a warrant issued by the Federal Court where the Service's activity would limit a *Charter* right or would otherwise by contrary to Canadian law.

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[30] Richard Fadden, Public Hearings – Day 38 – October 23, 2024 – minute11:15.
[31] This amendment to the *CSIS Act* added s. 12.1 to the *Act*.
[32] CAN.SUM.000028.

4. The *CSIS Act* forbids TRMs that incorporate prohibited conduct. The Service cannot, for example, cause bodily harm or death to an individual through the TRM.

The Commission has heard evidence about the decision whether to brief Parliamentarians regarding potential threats against them. The Commission has also heard that on three occasions the Service asked the Prime Minister for authority to carry out such briefings. The evidence of PMO staff was that they did not believe such authority was necessary[33]. According to s. 12.1 of the *CSIS Act* they were correct in that conclusion. That section authorizes CSIS to carry out threat reduction measures subject to a requirement that it consult with other federal departments and agencies to determine whether those bodies are in a better position to reduce the threat. It would have been prudent to advise the Minister of Public Safety that threat reduction measures were being taken as it is reasonable to believe the Minister might speak with a Parliamentarian who had received a defensive briefing.

Much has been made over the names of parliamentarians referred to in the NSICOP Report on foreign interference.[34] The individual parliamentarians (names unknown) referred to in this report may or may not be the same as the individuals referred to by the Prime Minister in his evidence on October 16, 2024. These names have been disclosed to the leaders of political parties who have received their top-secret security clearance. With respect, the decision-making process surrounding the treatment of the names of parliamentarians has disclosed important issues.

The only reason to disclose this information was to take steps to reduce the threat to the security of Canada posed by individuals (parliamentarians and former parliamentarians) with special access to Canada's decision-makers and decision-making apparatus. Once CSIS determined that such briefings were necessary then it was incumbent upon them to consult with other agencies and departments. Once they had done this the next question is whether such disclosure would affect the *Charter* rights of third parties or be contrary to Canadian law. In this case the answer to that question is unauthorized disclosure of personal information is a contravention of the *Privacy Act*, which has been held to have quasi-constitutional status, and the rights to due process of the individuals whose information would be disclosed. As a result, it would be necessary for CSIS to apply for Federal Court for a warrant in accordance with s. 12.1(3.4) of the

[33] As previously discussed, the error of PMO staff was in not responding to the Service's request for authority and advising that authorization was not necessary.
[34] COM0000363 – NSCIOP – Special Report on Foreign Interference in Canada's Democratic Processes and Institutions. Submitted to the Prime Minister on March 22, 2024.

Act. At that time CSIS could seek authorization to disclose information to party leaders subject to appropriate conditions and caveats as directed by the Federal Court.

Canada's response to the Chinese Overseas Police Stations is an example of a response that uses existing authorities but that did not require court authorization. After the Safeguard Defenders report was released in September of 2022 various agencies of the Government of Canada consulted as to what the response should be. CSIS assessed that the stations were created to:

> ...collect intelligence and monitor former PRC residents living in Canada as part of the PRC's broader transnational anti-corruption, repression and registration campaign.[35]

There were a series of diplomatic communications which led to the PRC Embassy, in November 2022, notifying Global Affairs Canada that the stations were closed. The stations continued to operate, however, providing various consular services normally associated with diplomatic premises in addition to the activities identified by CSIS.

It was only after RCMP uniformed officers visited the stations in March of 2023 that they were closed. Deputy Commissioner Flynn testified that this involved deploying uniformed resources to the locations, conducting inquiries and interviewing individuals in the neighbourhood.[36] Mr. Flynn testified there was an ongoing investigation in relation to these stations and did not provide much detail. However, these tactics are consistent with tactics used in other circumstances where it is desired to bring activities to an end. Deployment of a visible, engaged, law enforcement presence to deter individuals engaged in activities of questionable legality can effectively bring that behaviour to an end and is lighter in touch than the organization of mass arrests.

Diplomatic tools have been used with mixed success to bring an end to foreign interference activities. The Commission has heard evidence of these tools being used on three occasions:

1. Communications to PRC Embassy staff in response to Chinese Overseas Police Stations in October of 2022.
2. The declaration that Mr. Zhao Wei was persona non grata on May 8, 2023.

[35] CAN.SUM.0000015 at para 5.
[36] RCMP Witnesses – Public Hearings – Volume 27 – October 3, 2024, at pg. 26, line 24 to pg. 28, line 20.

3. The announcement on October 14, 2024, that six Indian diplomats and consular officials had been expelled in relation to a targeted campaign against Canadian citizens by agents linked to the Government of India.

There is no evidence before the Commission that bilateral representations to Chine have any impact upon its foreign interference activities in Canada. It was only after engagement by the RCMP that activities at the Overseas Police Stations ended.

Mr. Zhao's expulsion appears to have been in response to media reports in the Globe and Mail.[37] The evidence of David Morrison makes clear that the declaration that Mr. Zhao was *persona non grata* was done to symbolize general displeasure with China's activities rather in response to actions taken by him as, according to Mr. Morrison, the media reports of his actions were incorrect.[38] Further, Mr. Morrison disagreed with CSIS' 2021 characterization of Mr. Zhao's actions as foreign interference, and submitted that the activities carried out by Mr. Zhao were not foreign interference but instead constituted foreign influence or normal diplomatic activity.[39]

What is clear is that there is no evidence that the democratic interventions with China had had any impact on its behaviour other than to lead to China's expulsion of Canadian diplomats.

Canada's October 2024 expulsion of Indian diplomats appears to have had a more significant impact. In a news story published on October 27, 2024, Commissioner Duheme is quoted extensively:

> "I can confirm, from different techniques that we use in normal investigation and reach out from the community, I can confirm that there has been a significant reduction in the threats," Duheme told CTV's Question Period host Vassy Kapelos, in an interview airing Sunday.
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> "You look at some of the key players — and I said it in my in my statement on Thanksgiving Day — you had diplomats, as well as consular officials, that were involved, working on behalf of the Government of India, on top of agents as well," Duheme said. "So, you look at the Government of Canada expelling these six people, had an impact on what we're seeing in South Asian communities."[40]

The difference between Canada's diplomatic action in respect of China and India is that the steps taken toward India were targeted at the individual diplomats thought to be threat actors. Further,

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[37] Global Affairs Witnesses – Public Hearings- Volume 28 – October 4, 2024, at pg. 51 lines 15 – 21.
[38] *Ibid.,* at pg. 60 lines 4 to 9.
[39] *Ibid.,* at pg. 116, line 5 to pg. 119, line 26 concluding with "And the consensus view is that Mr. Zhao Wei did not engage in foreign interference activities with respect to Michael Chong."
[40] CTV News. 'With Indian Diplomats expelled, RCMP Commissioner says 'significant reduction' in public safety threat'. Spencer Van Dyk, October 27, 2024, at 0600, updated 0730. Accessed October 28, 2024, at 1405.

the expulsions were aimed at individuals considered persons of interest in the murder of Hardeep Singh Nijjar.[41] The debate over whether Mr. Zhao's actions constituted foreign interference aside, Canada's declaration of his *persona non grata* status occurred almost two years after the actions occurred and therefore had no impact on ongoing activities. It is not possible to assess whether China's interference activities have been curtailed, but there is no evidence before the Commission that would support this conclusion.

It is clear there is a broad range of authorities and tools through which Canada can respond to foreign interference. These authorities range from official responses through court processes, including charges and investigations, informal law enforcement/intelligence responses, to representations to foreign governments and the expulsion of diplomats. As Mr. Paulson and Mr. Fadden testified, there certainly does not appear to be any lack of legal authority to respond. The only possible deficiency is in the will to use that authority.

4. Political Party Processes

Any consideration of changing the rules regarding election or nomination rules must first deal with the great canard that such changes can only happen by consensus. Mr. Sears was the most vocal on this point, but others made the same point less forcefully. This belief and their argument are not accurate. Since 2003 there have been five major amendments of the *Canada Elections Act*. Each one of those amendments, including major reforms of political financing, have been adopted over the objection of at least one political party and some have been opposed by all three opposition parties.[42]

As a general statement it is fair to say there are few concerns with the overall integrity of past federal general elections. The only serious concern expressed has been a report from Leona Alleslev that agents of the Chinese Communist Party were working in the local Elections Canada office and in polling stations to monitor who voted.[43] Similar concerns were expressed more

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[41] *Ibid.,* at paragraph 7 with attribution to Minister Melanie Joly.

[42] SC 2018, c 31 Elections Modernization Act (Bill C-76, assented to 2018-12-13) Yeas 196 Nays 95.
SC 2018, c 20 An Act to amend the Canada Elections Act (political financing) (Bill C-50, assented to 2018-06-21) Yeas 215 Nays 96.
SC 2014, c 12 Fair Elections Act (Bill C-23, assented to 2014-06-19) yeas 146 Nays 123
SC 2011, c 26 Fair Representation Act (Bill C-20, assented to 2011-12-16) Yeas 154 Nays 131
SC 2003, c 19 An Act to amend the Canada Elections Act and the Income Tax Act (political financing) (Bill C-24, assented to 2003-06-19) Yeas 162 Nays 62.

[43] WIT0000015.EN at para.3

vaguely in relation to the 2021 Election in the Greater Vancouver Area. When the issue was put to the Chief Electoral Officer, Stephane Perrault, he noted that while permanent employees are security vetted, on election day Elections Canada employees number between 230,000 and 250,000 people and that it is not possible to security check all the employees. He also noted that there are other ways to vote which do not involve attendance at a voting location.[44] Other than expending greater efforts to ensure voters are aware of other methods of voting there does not seem to be much that can be done to manage this risk. There is also nothing that can be done to address the issue of the distribution of lists of electors who have voted to political parties and the possibility that voting information might fall into the hands of agents of a foreign government.

As previously noted, foreign interference in our elections is a constant. These activities are not limited to writ periods. It is not only government that needs to deal with foreign interference. Political parties must act too. The Commission has heard about the lack of capacity of political parties to adequately defend themselves in cyber-space. Additionally, parties do not have the ability to receive classified information. It is submitted that the Commission should recommend a fixed level of financial support (the same amount for all parties) to allow them to employ a security cleared representative and purchase, with receipts, services to prepare an adequate level of cyber-defence. It is important these funds do not fall into general party operations. Such support could be conditional upon parties adopting reasonable practices to protect their nomination and leadership races. This model would allow for the parties to be active partners in responding to foreign interference.

The corollary of this is that the Security and intelligence Threats to Elections Task Force, or whatever body performs its function, should be a permanent group. It should not only operate during elections, because foreign interference occurs on a 24/7, 365 days-a-year basis. Our enemy's direct disinformation to damage the public's confidence in our democracy on an everyday basis. Our reaction must proceed on an everyday basis too.

Elections Canada and the Commissioner of Elections are, particularly between elections, relatively small organizations that operate on a complaint basis. They only act when a matter is brought to their attention. The *Elections Act* should be amended to place a specific obligation upon Official Agents and Candidates of due diligence with respect to obligations under the *Elections Act*

[44] Stephane Perrault, Public Hearings – Volume 21 – September 24, 2024, at pg. 212, line 10 to pg. 213, line 15.

and mandatory reporting where there is a reasonable basis to believe there has been a violation of the *Act*.

This likely would have caught the activities in Don Valley North in 2019. Mr. Dong's evidence was that he did not know about the foreign interference activities in his district. Yet both he and his campaign manager knew that buses were being used to bring voters in and that there was a bus other than the two they had rented that was used.[45] Official Agents and most Candidates are aware of the resources that have been committed to their campaign. When they observed unattributed expenditures a positive obligation to report would have allowed the Commissioner of Elections to investigate the matter immediately, before paperwork had been disposed of and when the matter was still fresh in the minds of the campaign team. The bus did not simply materialize out of thin air to pick up students: there would have been organizational emails, invitations to the students, and financial records such as invoices. However, given that the matter was not investigated in a timely manner, it is no surprise that all these records have since disappeared.

Modest reforms with respect to third party financing rules are appropriate as well. The Commission has heard evidence about the difficulty of ensuring that third parties are only spending funds from authorized sources in support of their electoral efforts. Amending the *Elections Act* to require third parties to track funds expended during the pre-writ and writ period and to segregate those funds to ensure they come from lawful sources would be beneficial.

Finally, Elections Canada should be authorized to share donor and expenditure information with the Financial Transactions and Reports Analysis Centre of Canada ('FINTRAC'). This will allow FINTRAC to correlate donor information (including how funds were paid and the instrument used) and expenditures with its much larger database of financial transactions to determine whether there are signs of foreign interference. There have been multiple reports of straw-man donations to the electoral district associations of leaders as well as to leadership and nomination campaigns. This reform would allow for proactive review of these transactions and for the investigation of transactions of concern.

The arguments about political parties governing themselves and each having a unique way of organizing their affairs in a manner that reflects their values has merit. However, political parties

[45] Han Dong, Public Hearings – Volume 8 – April 2, 2024, at pg. 107 line 16 to pg. 111 at line 16. Mr. Dong responded to the question about the bus that he was told by his campaign staff after the nomination meeting.

and candidates are the beneficiaries of exceptionally generous tax credits that are given to donors in relation to funds donated. Donors receive a tax credit of 75% of the first $400 donated. If a donor makes a maximum donation, they will get $650 of that back as a tax credit. This is effectively a subsidy to political parties. It is not unreasonable that this generous subsidy be accompanied by a requirement that parties follow practices which protect the integrity of our democratic system.[46]

The exact nature of the best practices should be considered by practitioners with experience of leadership, nomination and electoral contests. However, the minimum features should be:

- Restriction of eligibility to vote in nomination and leadership contests to those eligible to vote in national federal elections.
- Appointment of a security cleared representative to deal with governmental authorities.
- Elimination of cash donations and introduction of a requirement that all financial transactions with political parties, candidates, leadership and nomination candidates to be completed via trackable financial instruments.

It should be noted that these proposals do not affect membership in a political party and only target eligibility to vote in party electoral contests. Participation in party governance and policy development would be left entirely to the discretion of the political party. Parties fulfilling these requirements would receive financial assistance to hire their security cleared representative and incur cyber-security costs to a specified limit.

5. Bill C-70 – An Act Respecting Countering Foreign Interference

C-70 received Royal Assent on June 20, 2024. The most important aspects of the legislation were:

- Creation of new offences, including surreptitiously influencing the outcomes of political processes, within the framework of the "Foreign Interference and Security of Information Act."

[46] In 2023 the Conservative Party of Canada raised more than $35 million. If that amount was raised in maximum donations only the total value of the associated tax credits exceeds $13.4 million. The Liberal Party of Canda raised $15.6 million in 2023. If that amount was raised in maximum donations only the total value of the associated tax credits exceeds $5.9 million. Tax credits associated with the NDP 2023 fundraising of $6.2 million in maximum amounts exceeds $2.3 million. These are minimum amounts as average donation amounts for each party are much lower and attract far more generous tax credits.

- Updating CSIS's powers by, for example, allowing it to share intelligence more widely with other Canadian authorities.
- Creating the office of the Foreign Influence Transparency Commissioner who would oversee a foreign agent registry of individuals who advocate on behalf of a foreign state or state-owned business.
- Increasing the transparency of Canada's electoral process by prohibiting political parties' acceptance of contributions from foreign entities with respect to certain electoral activities.

Until the implementing regulations are published, it will be difficult to predict or comment upon the efficacy of the Bill C-70 regime,

> Section 20.4(1) makes it an offence to:
>
> …at the direction of, or in association with, a foreign entity, [engage] in surreptitious or deceptive conduct with the intent to influence a political or governmental process, educational governance, the performance of a duty in relation to such a process or such governance or the exercise of a democratic right in Canada.

The *Act* defines a "political or governmental process" as including:

(a) any proceeding of a legislative body;
(b) the development of a legislative proposal;
(c) the development or amendment of any policy or program;
(d) the making of a decision by a public office holder or government body, including the awarding of a contract;
(e) the holding of an election or referendum; and
(f) the nomination of a candidate or the development of an electoral platform by a political party. (*processus politique ou gouvernemental*)

Moreover, section 20.4 applies to "any of the following political or governmental processes in Canada:

(a) federal political or governmental processes;
(b) provincial or territorial political or governmental processes;
(c) municipal political or governmental processes;
(d) the political or governmental processes of
  (i) a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*, or
  (ii) any other entity that represents the interests of First Nations, the Inuit or the Métis.

The offence provision is very broad and even seems to include surreptitious or deceptive conduct at the direction of a foreign actor with intent to influence an educational institution. However, the definitions make clear that authorities will be looking at all aspects of the operation of government,

including nomination contests, and at all levels of government without regard to whether there is an election underway or not. To put it in the most concrete terms – if a foreign state paid for buses to transport voters to a nomination meeting without openly declaring their action there is a reasonable argument that it has violated both the *Elections Act* and the *Foreign Influence Transparency and Accountability Act* (‘*FITAA*’).

There are reports that in 2010 CSIS suspected that then Ontario cabinet Minister Michael Chan was under the undue influence of China.[47] A briefing was provided to the Ontario government, which in turn deemed the allegations to be baseless. The offence provisions under Bill C-70 provide a basis for further RCMP/OPP investigation that was not present at the time of the Michael Chan incident; after all, in 2010, influencing a political or government process was not yet an offence.

The broad definition of “political or governmental process” means that the concerns like those held by CSIS with respect to Mr. Chan could apply at any level of government. There are reports of China targeting First Nations communities[48], interfering in municipal elections[49], and operating in the university context through the funding of Confucius Institutes.[50] These examples illustrate the breadth of activity across multiple levels of government that authorities will have to monitor because of Bill C-70.

This expansion of responsibility is clearly beyond the capacity of the Panel of Five to administer. In fairness, the government has not proposed that the Panel of Five would have authority outside of the caretaker period. However, the same considerations of political neutrality that led to the development of the Panel of Five apply in this broader context. The federal government and law enforcement authorities will be seeking cooperation from other levels of government in areas where there are conflicting interests and possibly outright conflict between the levels of government. There is a possibility that judgements will have to be made regarding the integrity of electoral processes at other levels of government and in nomination processes of other political parties. This calls for a coordinating process that is neutrally governed. A body with the

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[47] EOT0000014. ‘CSIS warned this cabinet minister could be a threat. Ontario disagreed.’ *Globe and Mail*. Originally published June 16, 2015, and updated May 18, 2023.
[48] Cooper, Sam. ‘China clandestinely targeting First Nations leaders to procure Canada’s natural resources: NSICOP’, The Bureau, August 1, 2024 accessed October 29, 2024.
[49] Fife, Robert et al. ‘China’s Vancouver consulate interfered in 2022 municipal election, according to CSIS’, Globe and Mail, March 16, 2023, accessed October 29, 2024.
[50] Blackwell, Tom. ‘Chinese government’s Confucius Institute holds sway on Canadian campuses, contracts indicate’, National Post, March 11, 2020, accessed October 29, 2024.

functions of the Panel of Five composed of people who are independent of the political party in power will be necessary for this function.

Until the implementing regulations are published it will be difficult to comment upon the efficacy of Bill C-70. We suggest that the amendments to paragraph 19(2)(d) of the *CSIS Act*. That paragraph permits disclosure of information where, in the opinion of the Minister, that disclosure is "essential" to the public interest and that interest clearly outweighs any resulting invasion of privacy that could result. The current wording of the provision sets too high a threshold for disclosure. Disclosure of information is either in the public interest or it is not. Adding the modifier 'essential' adds little value other than to suggest that disclosure should presumptively not happen.

Section 15(e) of *FITAA* permits the Commissioner to disclose information provided in the performance of their duties or functions as authorized by regulations. We suggest that the regulations should permit the Commissioner to disclose all information provided to FINTRAC.

Oversight and Coordination

The evidence is clear that foreign interference is a persistent problem that is not limited to the general election writ period. Relying upon the Panel of Five for writ oversight and coordination during the writ and then upon Ministerial responsibility, no matter how well fulfilled, leaves for an awkward transition when the problem is a persistent one. Relying upon Ministerial responsibility alone between elections leaves the current process open to the allegation that the response to the foreign interference problem is coloured by partisan interests.

The extent of this problem increases by magnitudes with Bill C-70's scope set to include foreign interference in political or governmental processes at all levels of government and education in Canada. The flow of information and coordination of the response to foreign interference must not only be neutral but it must be seen to be neutral. Even federal public servants of no partisan affiliation will be seen as having the institutional interests of the federal government at the fore when making recommendations to other levels of government regarding the response to foreign interference.

It is suggested that this oversight and coordination function should be assigned to a standing body composed of a retired member of the judiciary, a retired senior intelligence official and a recently retired provincial politician[51]. With a modest staff it would be responsible for receiving information from SITE, RRM, intelligence and law enforcement with respect to foreign

[51] There is precedent for these types of appointments. Gary Doer was appointed as Canada's ambassador to the United States a few months after he retired from provincial politics.

interference activities. Where it determined there was a risk of foreign interference it would have the authority to determine what information should be disclosed to other organizations or actors in the political or governmental process to allow them to reduce or mitigate that risk. This would remove the influence, actual and perceived, of partisan politics upon the choice to disclose information.

In determining when disclosure would be made, the body would be charged with considering issues like the certainty of attribution, the risk to the integrity of the political or governmental process and the impact that disclosure would have on public confidence in the integrity of the political or governmental process. It would also be tasked with an annual review of foreign interference in Canada and with producing both a classified and unclassified report. In preparing this report it would have powers, like a Commission of Inquiry, to compel evidence and send for documents from other organizations and actors.[52]

Conclusion

As historian Timothy Snyder writes in *The Road to Unfreedom*, "Democracies die when people cease to believe that voting matters. The question is not whether elections are held, but whether they are free and fair."[53] The federal elections in 2019 and 2021 were the subject of foreign interference and there were, as the Commission has found, Canadians who did not vote. The Commission has heard evidence of members of the Chinese community who felt their opinions were censored on social media during those elections.[54]

In addition to acts of foreign interference during the 43rd and 44th general elections, the Commission has heard evidence of persistent long-term interference in our democratic process by China, India, Russia, Pakistan and Iran. Documents before the Commission indicate that these activities began to increase in 2010. Despite all this, in June of 2022, Minister Blair, then Minister of Public Safety, testified before the House of Commons Standing Committee on Public Safety and National Security (SECU) that:

> I think we've all heard anecdotes and various opinions laid, but I have not directly received any information from our intelligence services that provided evidence of that foreign interference.

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[52] This body would have to be created by statute. Given the likelihood of an election before an enabling statute could be adopted consideration should be given to assigning these responsibilities to an actual Commission of Inquiry pending enactment. Commissions of Inquiry need not be limited to the inquisitorial fact-finding model. The Royal Commission on Bilingualism and Biculturalism in the 1960's carried out broad policy analysis at both the federal and provincial levels.

[53] Snyder, Timothy. The Road to Unfreedom: Russia, Europe, American (New York: Tim Duggan Books, 2018) at p. 47.

[54] CEF0000302_R.

As a result of leaked information which led to the work of this Commission, no Minister of Public Safety would make a similar statement today.

There have been significant advances in Canada's response to foreign interference since the 2021 election. Bill C-70 has the potential to provide the Canadian government with a sophisticated toolkit, if law enforcement and security agencies exercise the authorities given to them and Ministers, supported by qualified staff, execute the responsibilities, including supervision of agencies within their portfolio, assigned to them. These improvements must be paired with a body that can coordinate a pan-Canadian response to foreign interference that involves all levels of government and that is not tainted by partisan interest. By taking these steps, we can ensure the continued resilience of the Canadian state in the face of evolving threats.

All of which is submitted this 3rd day of November, 2024.

Tom Jarmyn, CD

Preston Jordan Lim

Preston Lim

APPENDIX TO THE SUBMISSION ON BEHALF OF THE

HONOURABLE ERIN O'TOOLE, PC, CD

RECOMMENDATIONS

1. Mitigate the impact of mis-/dis-information regarding elections through public education campaigns.
2. Make it an offence under the *Elections Act* to use bots or AI to amplify mis-/dis-information campaigns. Establish a presumption that an offence has been committed where usage of bots and AI can be attributed to a foreign actor (i.e.: a state or other foreign entity).
3. Assign responsibility for monitoring the domestic online information ecosystem to Public Safety Canada; Public Safety Canada would operate in a manner similar to how Global Affairs Canada monitors the foreign online information ecosystem through the Rapid Response Mechanism.
4. Ensure ministerial staff:
    a. Have the necessary training and experience to perform assigned functions.
    b. Compile and maintain a detailed record of recommendations and advice with respect to national security matters.
    c. Have clear performance standards for the handling of matters requiring decisions in the national security space.
5. Assign responsibility for the handling of intelligence, national security, domestic information responses and coordination of responses to foreign interference to a single Minister solely responsible for these functions.
6. Ensure that CSIS continue to use threat reduction powers under the *CSIS Act*. CSIS must continue to obtain warrants to disclose information where privacy rights of third parties would be affected.
7. Amend *Elections Act* so that:
    a. Voting in nomination and leadership races is limited to individuals eligible to vote in a general election.
    b. Official Agents and candidates have an obligation of due diligence under the *Elections Act* and an obligation to report to *Elections Canada* where there is a reasonable basis to believe there has been a violation of the *Elections Act*.
    c. Third parties have an obligation to track fund-raising and segregate funds so that funds expended during the pre-writ and writ period come from lawful sources.
8. Provide political parties with a presence in the House of Commons with financial support, based upon receipted expenditures, for:
    a. Paying the salary of a staff member who is security cleared and whose sole function is to act as a liaison with security agencies.
    b. Maintaining an adequate level of cyber-defence.
9. Assign the functions of the SITE Task Force to a permanent body.
10. Authorize Elections Canada and the Commissioner of Elections to share information with FINTRAC.
11. Amend Bill C-70 to remove the word 'essential' from paragraph 18(2)(d) of the *CSIS Act*.
12. Enact regulations under s. 15 (e) of the *FITAA* to allow the Commissioner to disclose all information in its possession to FINTRAC.

13. Establish a standing body, either under the *Inquiries Act* or by enactment of Parliament, that will have the ability to receive information with respect to foreign interference and coordinate the response to foreign interference across the federal government, with other levels of government, with civil society and with affected organizations.