

Security Intelligence
Review Committee



Comité de surveillance des activités
de renseignement de sécurité

Office of the Chairman

Bureau du président

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File no.: 2800-223

November 29, 2017

The Honourable Ralph Goodale, P.C.
Minister of Public Safety and Emergency Preparedness
269 Laurier Avenue West
Ottawa, Ontario K1A 0P8

Dear Mr. Goodale,

Re: Review of CSIS's

Program (SIRC Study 2017-04)

This report provides the results of the review of the Canadian Security Intelligence Service's (CSIS's) program carried out by the Security Intelligence Review Committee (SIRC).

SIRC last reviewed CSIS's use as part of its 2010 review of CSIS's operational use of the Internet. Since that time, CSIS's use has grown, while at the same time, technology has advanced at a pace that, at times, has surpassed jurisprudence on the expectation of privacy. **Annex A** provides background information.

Overall, SIRC found that CSIS activities conducted under the program between January 1, 2015, and January 31, 2017, complied with the CSIS Act and ministerial direction on operational activities. CSIS activities were also consistent with the authorities and limitations set out in its targeting policy.

SIRC found that CSIS sought legal opinions related to on an as-needed basis. SIRC found that the CSIS officers understood the legal boundaries related to and were proactive in requesting legal assistance and mitigating legal risks. However, SIRC still has some concerns

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around potential gaps and legal risks with CSIS's online activities.

SIRC recommends that CSIS request a comprehensive legal review of the program.

There is a lack of clear jurisprudence on aspects of
This uncertainty creates important legal risks for CSIS's online operations.

One concern raised by CSIS was how long it sometimes takes to get assistance (see SIRC Study 2017-02).

Overall, the program provides adequate support with numerous tools available for assistance
CSIS employees who received the five-day course considered it to be of high value; however, SIRC notes that not all have received this training due to resource limitations. **SIRC recommends that CSIS ensure those be given training as soon as possible.**

SIRC believes that use of is an efficient and effective means to further CSIS's investigations into threats to the security of Canada, particularly the threat posed by SIRC will continue to monitor the development of the program, particularly as a new policy suite is rolled out,

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We would be pleased to discuss the Committee's conclusions and recommendations with you.

Sincerely,

A handwritten signature in black ink that reads "Pierre Blais". The signature is written in a cursive, slightly slanted style.

Pierre Blais, P.C.
Chair

c.c.: David Vigneault, Director of CSIS

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Annex A

Background

The core review period under review for this study was from January 1, 2015, to January 31, 2017, but SIRC reviewed documentation that fell outside this period in order to examine relevant issues comprehensively.

In total, SIRC reviewed all corporate and operational documentation

briefings

program and the focus of this review),

SIRC received
(CSIS's policy centre for the

CSIS's program has expanded considerably,

Moreover, in intervening years, changes in the legal landscape and technology have had an impact on the program.

CSIS deploys
that

are particularly useful

and SIRC observed

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Some legal issues and risks relating to the program indicate that the program is in need of a comprehensive evaluation.

In May 2016, CSIS created a process and issued a directive intended to mitigate the risk of a violation of section 8 of the Canadian Charter of Rights and Freedoms

Another example supporting a comprehensive legal review is that legislation has changed since some of the policies and procedures were last examined. The passing of Bill C-51 in 2015 may now impact activities

and branch stated an updated legal opinion was not required.

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