



Please note:

- In relation to its investigations, SIRC has powers to summon and enforce the appearance of witnesses and the production of documents.
- All complainants have the opportunity to be heard personally or through counsel (at their own expense), and to present evidence at a hearing, but complainants are not entitled to have access to information or comments provided to SIRC by any other person.
- Hearings are conducted in private, and are presided over by an impartial SIRC member, who is a Governor-in-Council appointee and a member of the Privy Council.

COMPLAINTS INVESTIGATIONS

Processes for the investigation
of complaints under sections
41 and 42 of the *CSIS Act*

*For further information, please visit our website at
www.sirc-csars.gc.ca or contact us:*

Security Intelligence Review Committee

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ACCOUNTABILITY
INDEPENDENCE
PROFESSIONALISM

AUTHORITY TO CONDUCT INVESTIGATIONS

Pursuant to the *Canadian Security Intelligence Service Act*, one of the Security Intelligence Review Committee (SIRC)'s core functions is to **investigate complaints** in the following instances:

- With respect to *any act or thing* done by the Canadian Security Intelligence Service (CSIS) (section 41 of the *CSIS Act*); and
- With respect to the denial or revocation of a security clearance necessary to obtain or keep federal government employment or contracts (section 42 of the *CSIS Act*).

SIRC also has the mandate to conduct investigations into reports made to it pursuant to section 19 of the *Citizenship Act*, and into matters referred pursuant to section 45 of the *Canadian Human Rights Act*.

Prior to initiating a file with SIRC, please ensure that you have all of the information about the circumstances of your complaint.

HOW TO COMPLAIN ABOUT ANY ACT OR THING DONE BY CSIS:

If you wish to complain about *any act or thing done by CSIS*, you must first write a letter of complaint to the Director of CSIS. If you do not receive a response within a reasonable period of time, or if you are dissatisfied with the response you received, **you may then file a complaint with SIRC under section 41 of the *CSIS Act*:**

- 1 Fill out **Form 41** (visit our website or contact us for a copy of the form) and send it to the SIRC Registrar along with:
 - A copy of your complaint letter to CSIS;
 - A copy of the CSIS Director's response to you and a statement explaining why you are dissatisfied with the response. **If you did not receive a response**, please let us know.
- 2 The SIRC Registrar will send you a letter acknowledging receipt of your complaint and a copy of your complaint will also be provided to CSIS. At that point, both you and CSIS will have the opportunity to provide written submissions on SIRC's jurisdiction to investigate the complaint.

- 3 SIRC will then conduct a preliminary review of the complaint to determine whether it has the jurisdiction (under the *CSIS Act*) to investigate.
- 4 If, according to the *CSIS Act*, SIRC determines that it has jurisdiction, the SIRC Registrar will notify both you and CSIS of this, and a SIRC member will be assigned to the case.
- 5 The assigned SIRC member will hold a pre-hearing conference to discuss preliminary and logistical matters with both you and CSIS, either in person or by telephone.
- 6 A hearing will be held in private with both you and CSIS present. At this hearing both you and CSIS may be called to present or appear as witnesses, or to be cross-examined.
- 7 In the event that CSIS needs to give evidence of a classified nature to SIRC, an *ex parte* hearing will be held in your absence during which SIRC counsel will cross-examine witnesses. You will be provided with a declassified summary of the *ex parte* evidence.
- 8 Afterwards, both you and CSIS will be invited to provide final submissions in writing. You will also be given the opportunity to respond to CSIS's final submissions.
- 9 The presiding committee member will outline the findings of the investigation and any recommendations in a report which will be submitted to the Director of CSIS as well as to the Minister of Public Safety and Emergency Preparedness. A declassified summary of this report will also be provided to you.

HOW TO COMPLAIN ABOUT A DENIAL OR REVOCATION OF YOUR SECURITY CLEARANCE:

If you have been denied a security clearance necessary to obtain or keep federal government employment or contracts, or if you have had your security clearance revoked, **you may complain to SIRC under section 42 of the *CSIS Act*:**

- 1 Fill out **Form 42** (visit our website or contact us for a copy of the form), and send it to the SIRC Registrar along with the letter you received indicating your security clearance has been denied or revoked. Please note that you have **30 calendar days from the date you received this letter** to file a complaint.
- 2 The SIRC Registrar will invite both you and a representative of the department concerned to provide written submissions on SIRC's jurisdiction to investigate the complaint. The Registrar will also advise CSIS of the complaint.

- 3 SIRC will then conduct a preliminary review of the complaint to determine whether it has jurisdiction under the *CSIS Act* to investigate.
- 4 If SIRC determines that it has jurisdiction, the SIRC Registrar will notify you, the department concerned and CSIS of the decision, and a SIRC member will be assigned to the case.
- 5 A pre-hearing conference to discuss preliminary and logistical matters will be held with you, the department concerned and CSIS, either in person or by telephone.
- 6 You will receive an unclassified statement of circumstances detailing why your security clearance was denied or revoked.
- 7 In the event that CSIS or the department concerned need to give evidence of a classified nature to SIRC, an *ex parte* hearing will be held in your absence, during which SIRC counsel will cross-examine witnesses. You will be provided with a declassified summary of the *ex parte* evidence.
- 8 A hearing will be held in private with you, the department concerned and CSIS present. At this hearing all of the parties may be called to present or appear as witnesses, or to be cross-examined.
- 9 After the hearing you, the department concerned and CSIS will be invited to provide final submissions in writing.
- 10 The presiding committee member will outline the findings of the investigation and any recommendations in a report which will be submitted to the Director of CSIS, the Minister of Public Safety and Emergency Preparedness, and the Deputy Head of the department concerned. A declassified version of this report will also be provided to you.

