

02 Apr 2008

ADVICE FOR THE MINISTER

CSE – TARGETING COMMUNICATIONS

ISSUE: The Conservative Government is copying once again the U.S. Government. Can the Minister of National Defence explain why is he authorizing CSE to transgress national laws protecting the private life of Canadians by tapping their phones?

- The Communication Security Establishment is prohibited by law from targeting the communications of Canadians or any person in Canada.
- CSE directs its intelligence activities at foreign targets located outside of Canada.
- Under a Ministerial Authorization, CSE can intercept the communications of foreign targets located outside Canada, even if those communications originate or terminate in Canada.
- The CSE Commissioner has confirmed the lawfulness of CSE activities that were reviewed.
- The CSE Commissioner has asked for clarification of CSE's legislation, which the Government has committed to address and has been working to bring forward legislative amendments.

IF PRESSED ON CSE PROCEDURES

- The Minister may only issue an authorization if he is satisfied that strict conditions have been met, including that measures exist to protect the privacy of Canadians.
- CSE adheres to all Canadian laws concerning the use, retention, sharing and disclosure of information about Canadians.
- CSE has implemented rigorous policies and procedures, reviewed by the Department of Justice, to abide by the law and protect the privacy of Canadians.

BACKGROUND: CSE – TARGETING COMMUNICATIONS

– On 1 Apr 2008, media reported that CSE had vast powers to conduct surveillance of Canadians and that calls for clarification of CSE's authorities have been ignored.

Responsible Principal(s): CSE

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Anne Therrien (D Parl A 2-3) 996-5181

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ISSUE: The Conservative Government is copying once again the U.S. Government. Can the Minister of National Defence explain why is he authorizing CSE to transgress national laws protecting the private life of Canadians by tapping their phones?

- Protecting the security of Canadians is paramount for this government and the Communications Security Establishment is a key Government of Canada agency that safeguards Canadian interests.
- CSE directs its intelligence activities at foreign targets located outside of Canada and is prohibited by law (*National Defence Act*) from targeting the communications of Canadians or any person in Canada.
- CSE requires the authorization of the Minister of National Defence to intercept the communications of foreign targets located outside Canada as some of these communications may originate or terminate in Canada.
- The Minister of National Defence may only issue an authorization if he is satisfied that strict conditions have been met, such as measures to protect the privacy of Canadians.

IF PRESSED ON CSE PROCEDURES

- CSE adheres to all Canadian laws concerning the use, retention, sharing and disclosure of information about Canadians.
- CSE has implemented rigorous policies and procedures, reviewed by the Department of Justice, to abide by the law and protect the privacy of Canadians.
- The CSE Commissioner, a former Supreme Court justice, has confirmed the lawfulness of CSE activities reviewed.
- The CSE Commissioner has asked for clarification of CSE's legislation, which the Government has committed to address and has been working to bring forward legislative amendments.

BACKGROUND: CSE – TARGETING COMMUNICATIONS

- On 2 Apr 2008, Serge Ménard (B.Q.) questioned the Parliamentary Secretary to the MND on CSE and DND's authority in terms of communications surveillance.
- On 1 Apr 2008, media reported that CSE had vast powers to conduct surveillance of Canadians and that calls for clarification of CSE's authorities have been ignored.

Responsible Principal(s): CSE

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