



Public Safety / Sécurité publique  
Canada / Canada

Senior Assistant / Sous-ministre  
Deputy Minister / adjoint principal

Ottawa, Canada  
K1A 0P8

Seen by the DM  
Vu par le SM

DEC 28 2011

UNCLASSIFIED

DATE: DEC 28 2011

File No.: 384588  
RDIMS No.: 533143

MEMORANDUM FOR THE DEPUTY MINISTER

CANADIAN IMPACTS OF A RECENT  
UNITED STATES LED CYBER CRIME INVESTIGATION

*regarding  
investigation  
reference  
Bill*

(Information only)

ISSUE

In November 2011, the Federal Bureau of Investigation (FBI) dismantled a large, global cybercriminal network that had compromised 4.2 million computer systems, including approximately 100,000 in Canada.

BACKGROUND

Over the last five years, cyber criminals located primarily in Estonia infected millions of users' computers with a malicious code that allowed them to monitor or direct victim Internet traffic. By manipulating Internet advertising that pays by users clicking on it, the criminals were able to profit. The FBI had been investigating this activity since 2008 and on November 8, 2011, international law enforcement efforts culminated with six arrests in Estonia and the shutdown of this widespread criminal network.

Since the dismantling of the criminals' systems put basic Internet functionality at risk for 4.2 million infected systems due to the manner in which the malicious code worked to redirect data traffic, the United States (U.S.) took steps to establish temporary Internet service for infected computers. This temporary service, which will be in place until March 2012, is intended to provide sufficient time for authorities to notify infected users that their systems have been compromised, and for those users to purge their systems of malicious code.

To this end, on November 4, 2011, four days in advance of the take-down, the Royal Canadian Mounted Police (RCMP) requested that the Canadian Cyber Incident Response Centre (CCIRC) take the lead in working with the FBI to manage impacts on the approximately 100,000 infected systems in Canada. In response, CCIRC is undertaking three streams of activity.

.../2

**Canada**

First, it has worked closely with the FBI to ensure temporary Internet service for Canadian victims' computers was successfully implemented.

Second, it has notified 220 of the 230 affected Canadian organizations (e.g. banks, Internet Service Providers, and provincial and municipal governments) that were identified as having infected computers on their networks, representing over 95 per cent of reported infections. Only these organizations have the information necessary to identify the actual owners or operators of the infected systems, and they will decide whether and how to provide such notification; they are under no obligation to do so, and for a variety of reasons, including resource constraints, may not.

Third, CCIRC developed and released detection and mitigation information products, which were shared with their critical infrastructure partners and posted on Public Safety Canada's website.

### **CONSIDERATIONS**

There are three main Canadian considerations related to this incident.

First, there is a high probability that some of the remaining infected computers are being used in Canada's critical infrastructure sectors. CCIRC will continue to work with its partners to minimize impacts.

Second, as Canada steps up its efforts to strengthen cyber security and combat cyber crime, including by passing the legislation necessary to ratify the Budapest Convention, international partners and others are increasingly likely to pass personal information on Canadians to CCIRC (e.g. names, email addresses and banking information). For example, in this incident CCIRC received the Internet Protocol addresses of infected Canadian computers, which could be considered personal information in some circumstances. As such, CCIRC is urgently developing a Privacy Impact Assessment and working with the Office of the Privacy Commissioner to create a secure framework for handling this type of information.

Third, high profile take downs such as this can be a deterrent to cyber criminals, and form a key part of the cyber strategies of the U.S. and the United Kingdom, through the Metropolitan Police. Law enforcement in these countries is known to pursue criminals inside and outside of their borders which may also lead to their domestic companies being more forthcoming about reporting incidents affecting their systems. Because the RCMP does not have sufficient resources to investigate this type of cyber crime, Canada will continue to rely on other countries to share information about affected individuals and businesses here. Furthermore, there is an ever increasing risk that Canada will be perceived as lax on cyber crime by both allies and criminals.

NEXT STEPS

In collaboration with Canadian Internet Service Providers, CCIRC will continue to notify affected Canadian organizations. We will inform you of any significant developments.

Should you require additional information, please do not hesitate to contact me at 613-990-4976 or Mr. Robert Dick, Director General, National Cyber Security, at 613-990-2661.



*lc*  
Lynda Clairmont  
Senior Assistant Deputy Minister  
National Security

Prepared by: Nate Klassen

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**Information**

**MEMORANDUM FOR:** Secretary Janet Napolitano and Minister Vic Toews

**FROM:** David Heyman, Deputy Assistant Secretary, DHS  
Lynda Clairmont, Senior Assistant Deputy Minister, Public Safety  
Paul MacKinnon, Assistant Deputy Minister, Public Safety

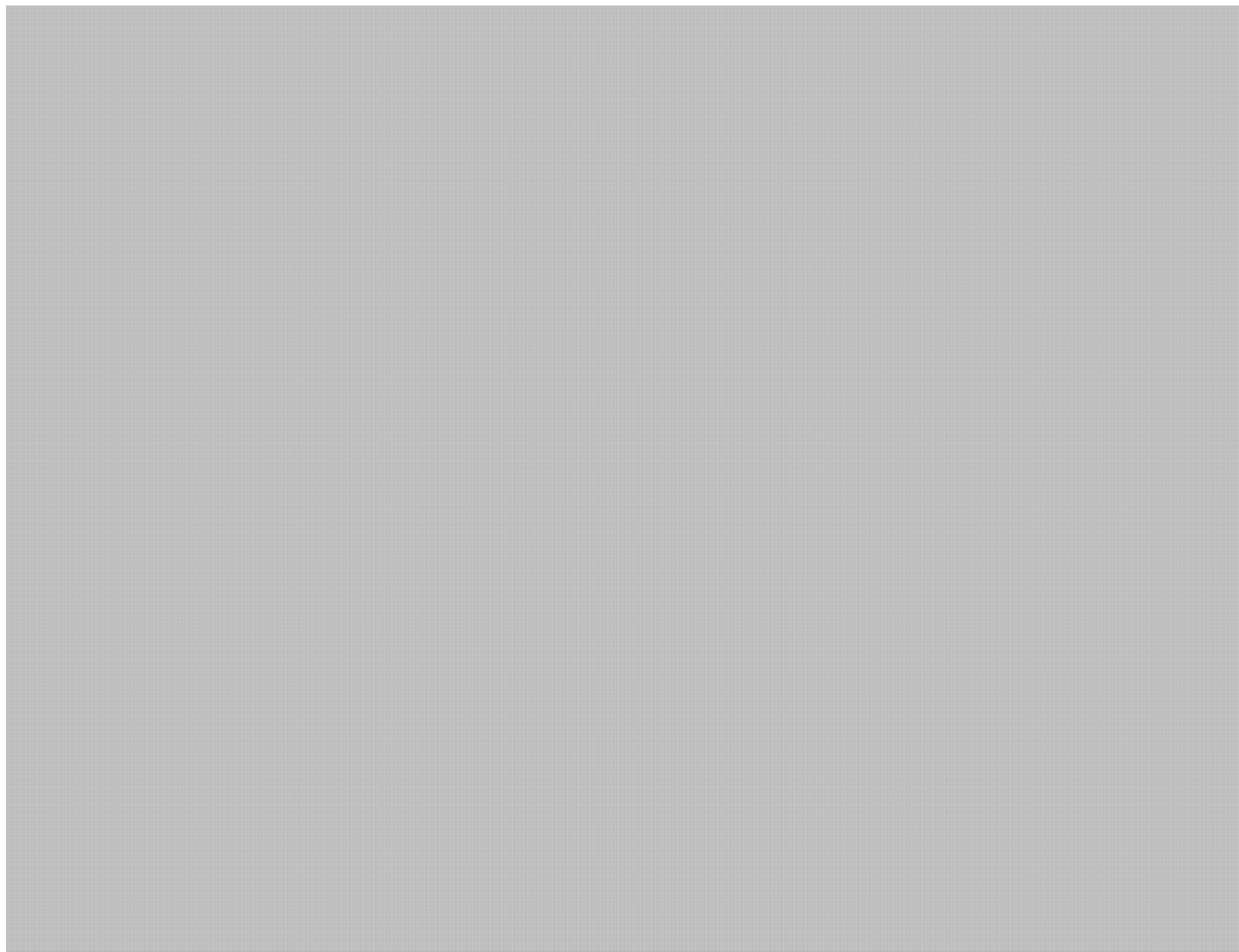
**SUBJECT:** Update on United States-Canada Information Sharing for National  
Security Purposes

**Purpose**

This memo updates you on the progress made in identifying, understanding, and addressing challenges in the area of information sharing for national security purposes between the United States and Canada. It is a follow up to your discussion in August, and mindful of the recent announcement by leaders of the Beyond the Border Action Plan.

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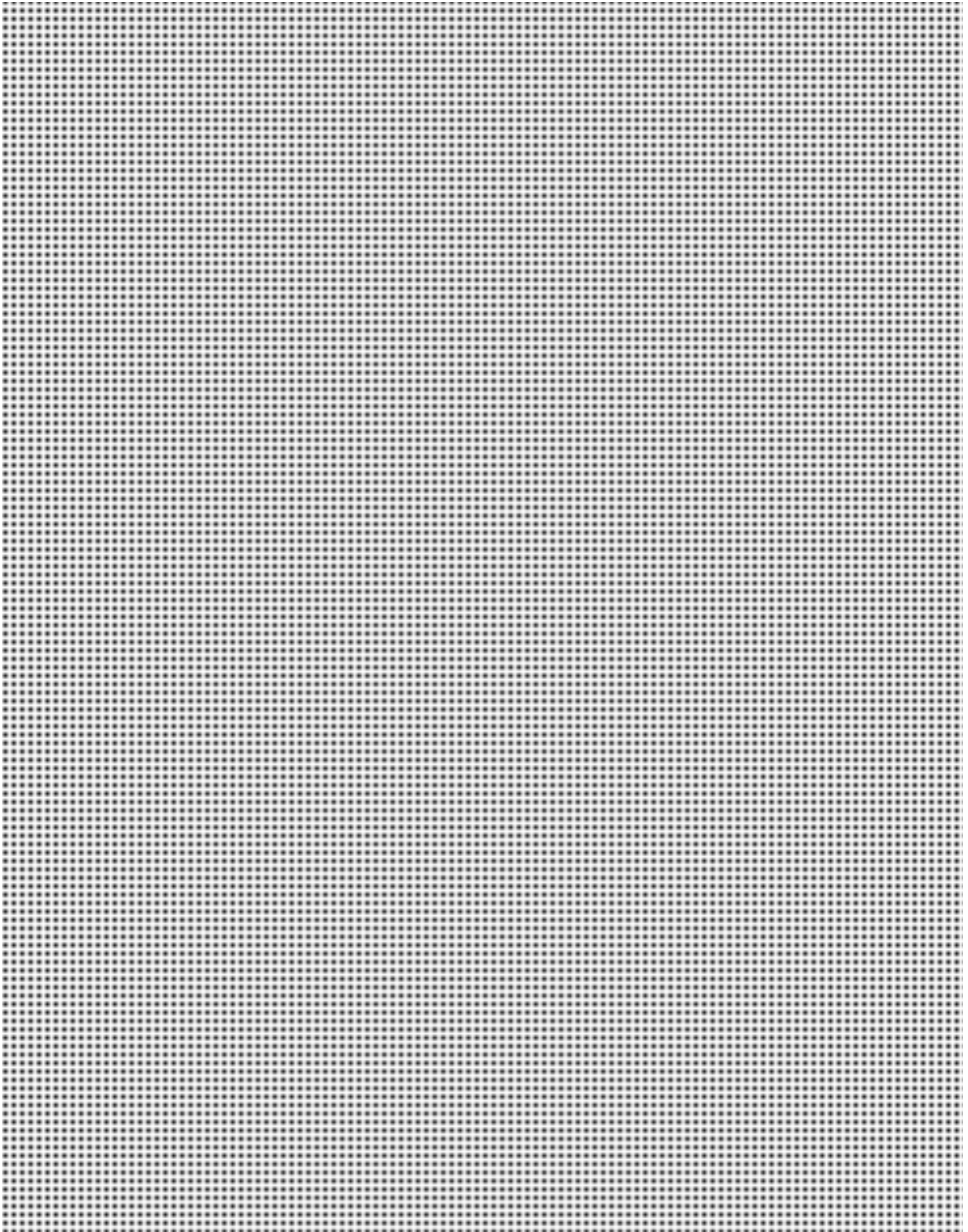
**Background**



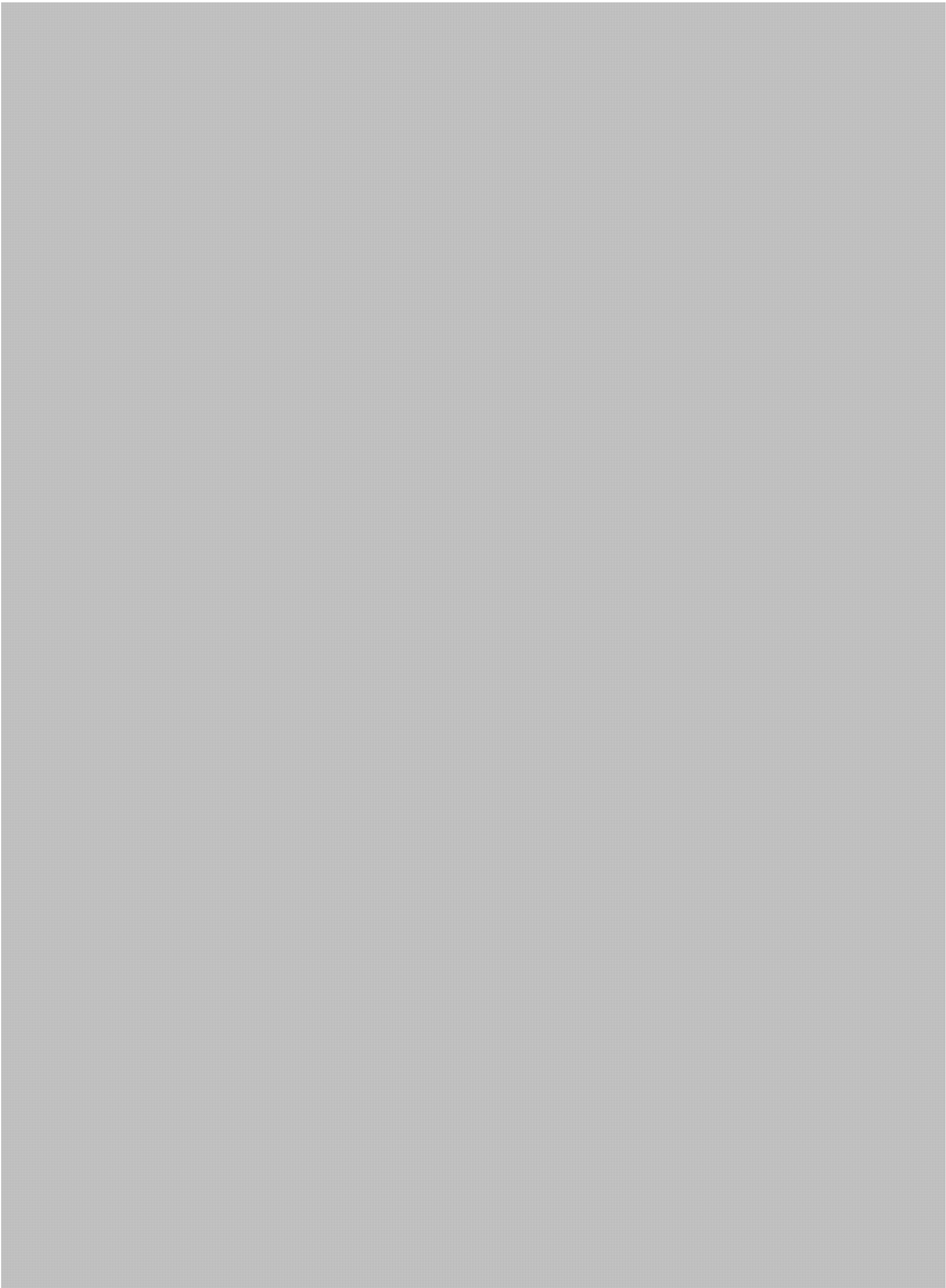
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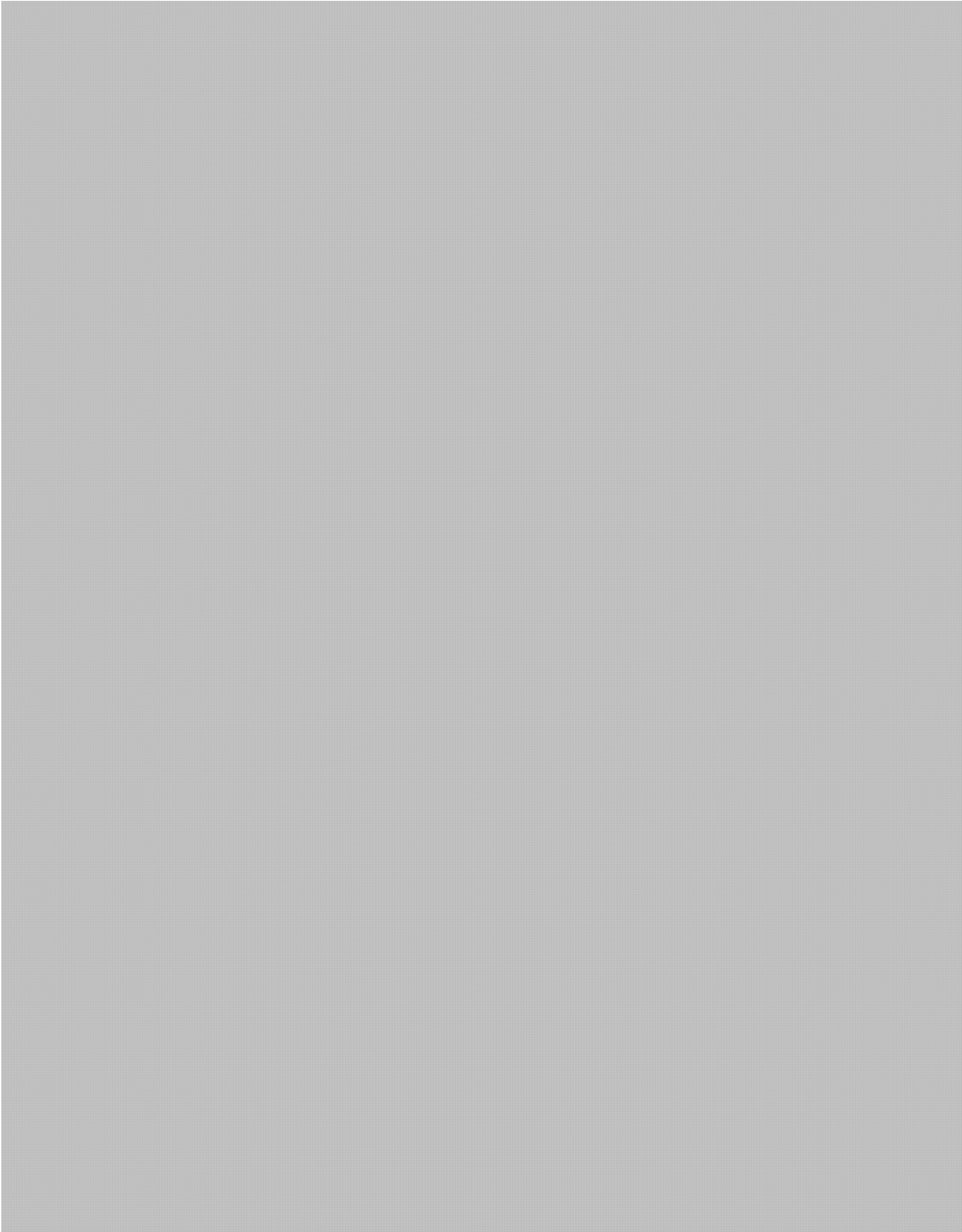
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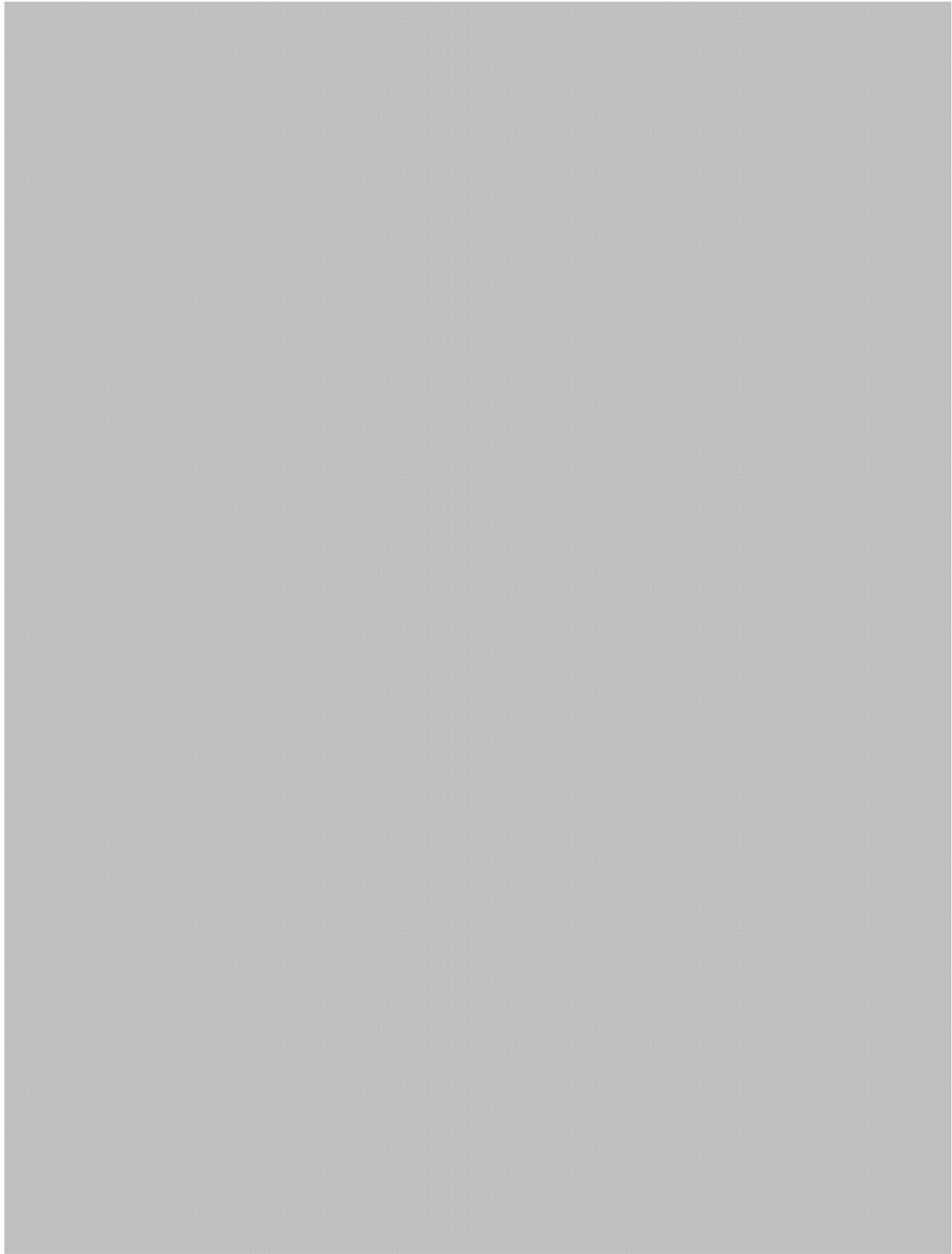
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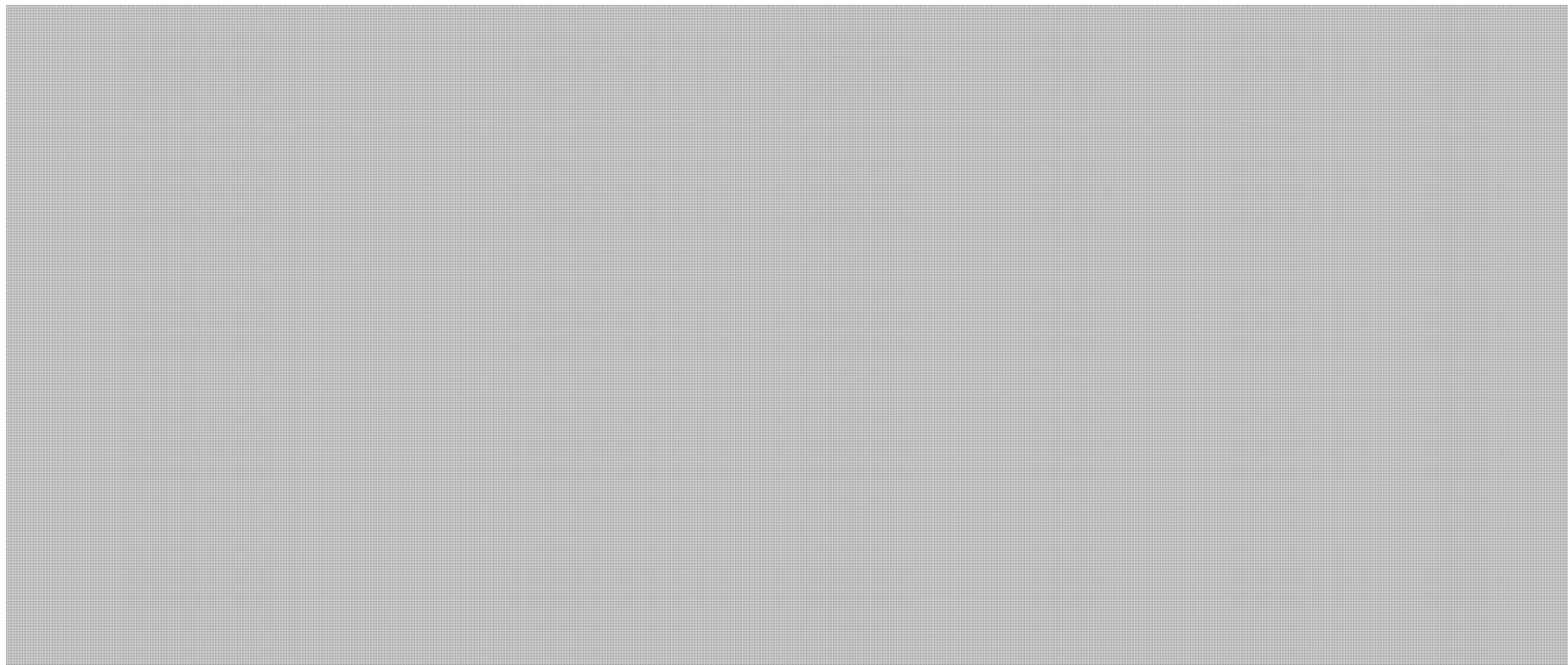
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**Analysis**

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While fully addressing these issues will require a continued focus, and in some cases a long-term approach, we are confident that the process you initiated will continue to yield important advances in our information sharing relationship.

In addition, the Beyond the Border Action Plan, announced by President Obama and Prime Minister Harper on December 7, 2011, includes a number of specific deliverables related to information sharing for national security purposes -- a strong theme in the Action Plan. Our discussions complement and will support the progress being made in various Beyond the Border initiatives that involve information sharing, such as those on joint threat assessments, best

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practices in national security information sharing, and any other purpose-specific fora that may be appropriate.

Your two departments have already been in discussion on how to coordinate the various information sharing-related tasks to ensure that progress is made and efforts are not duplicative.

**Next Steps**

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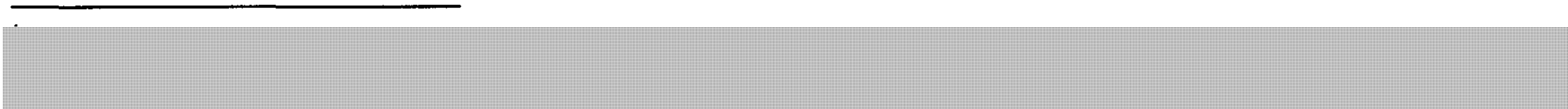
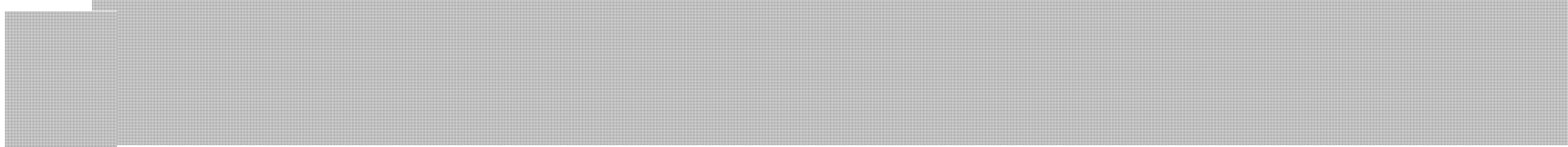
**BACKGROUND:**  
**CANADA – U.S. INTELLIGENCE AND INFORMATION SHARING FOR NATIONAL SECURITY AND LAW ENFORCEMENT PURPOSES**

**Purpose and Context**

Enhanced information sharing between U.S. and Canadian authorities is necessary to achieve the ambitious goals of the *Beyond the Border Action Plan (BTBAP)*. These include joint threat assessments, law enforcement and intelligence information sharing, and immigration information sharing. In the national security context, U.S. and Canadian authorities have undertaken a joint effort to identify and address long-standing information sharing challenges. This memo describes the significant progress to date and a sampling of proposed next steps for improving Canada-U.S. information sharing for national security and law enforcement purposes.

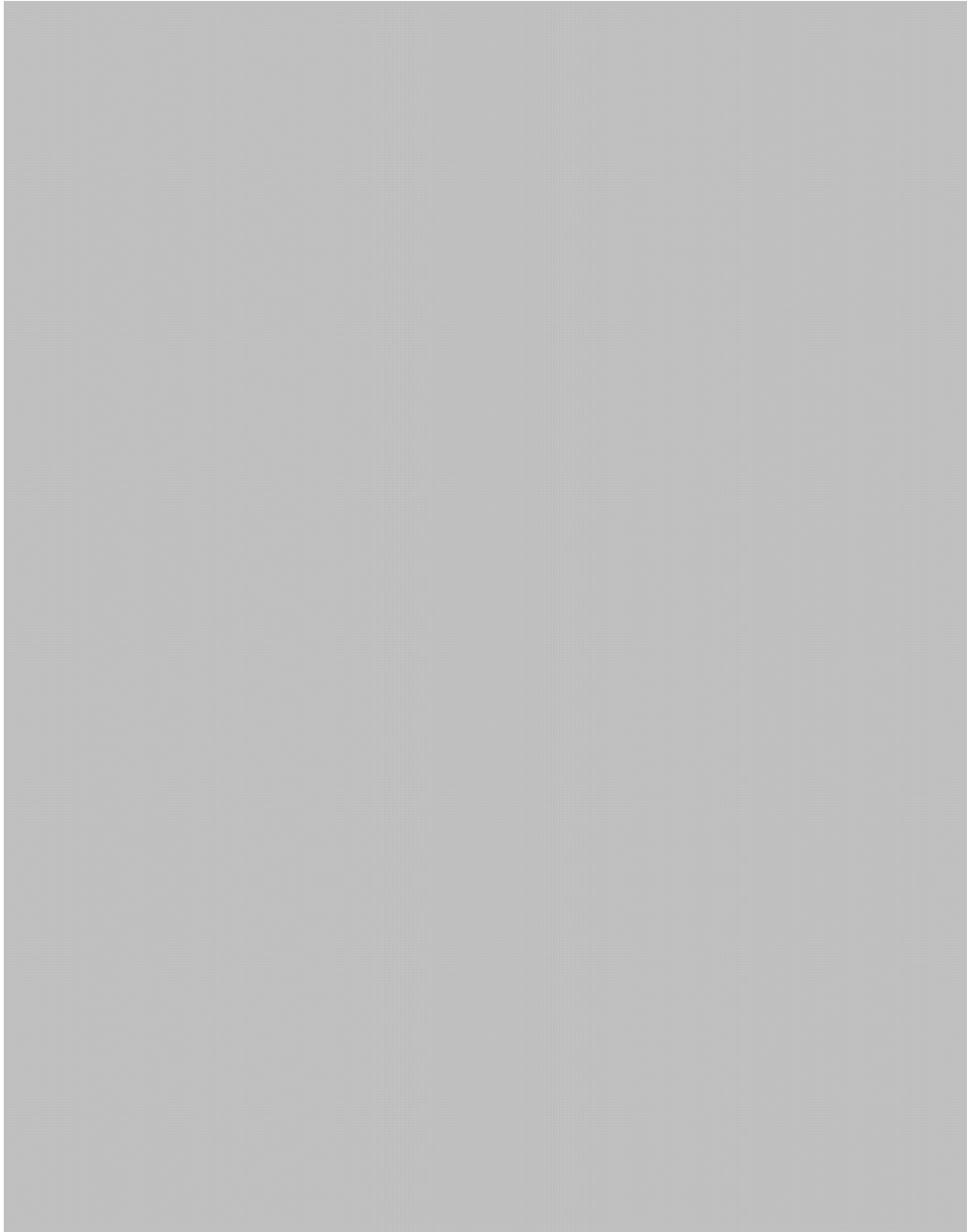
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In addressing information sharing for national security purposes, specifically, Public Safety and Department of Homeland Security officials led a wide range of interagency national security and intelligence partners in both countries in a series of four meetings between September 2011 and January 2012.



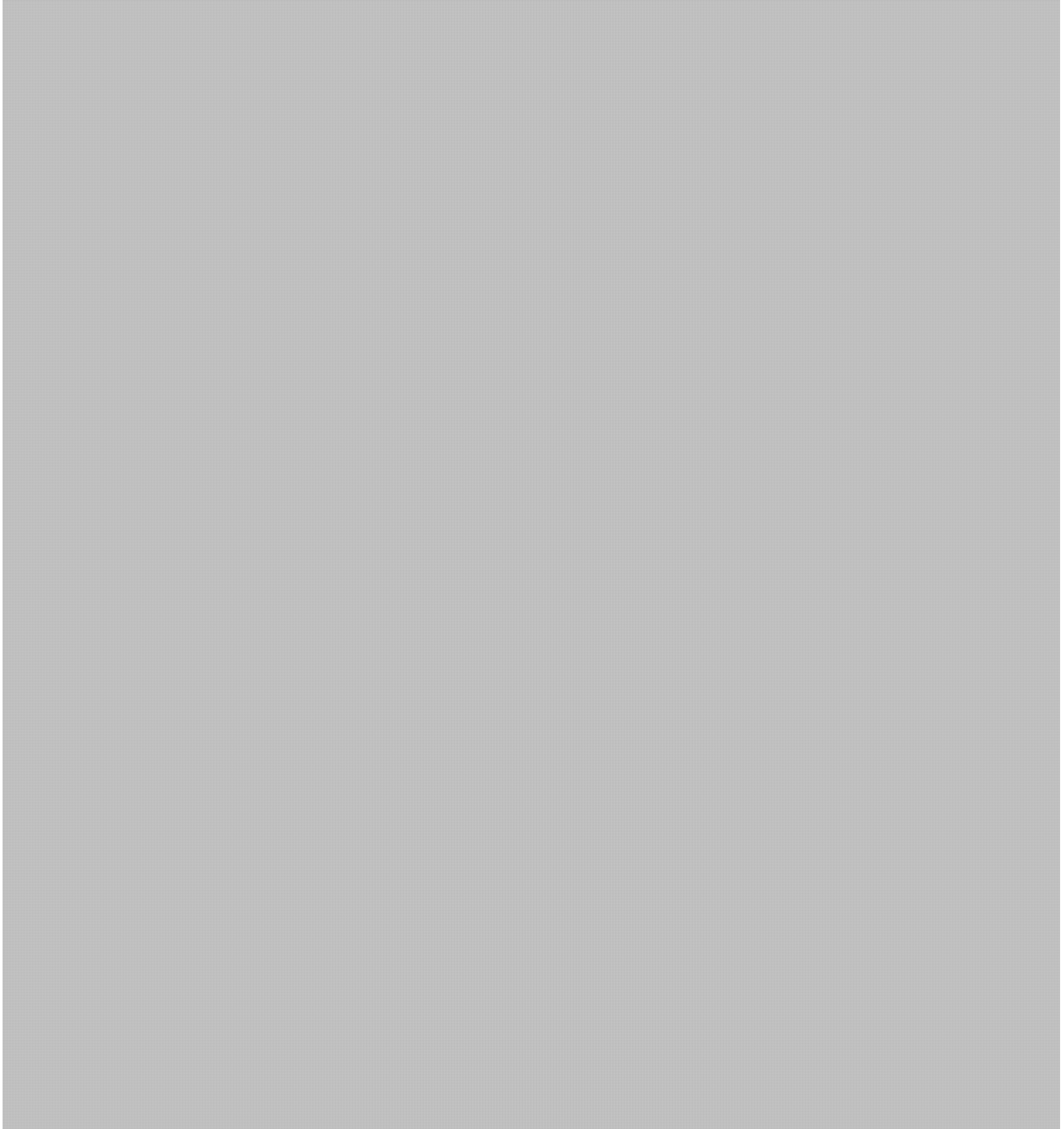
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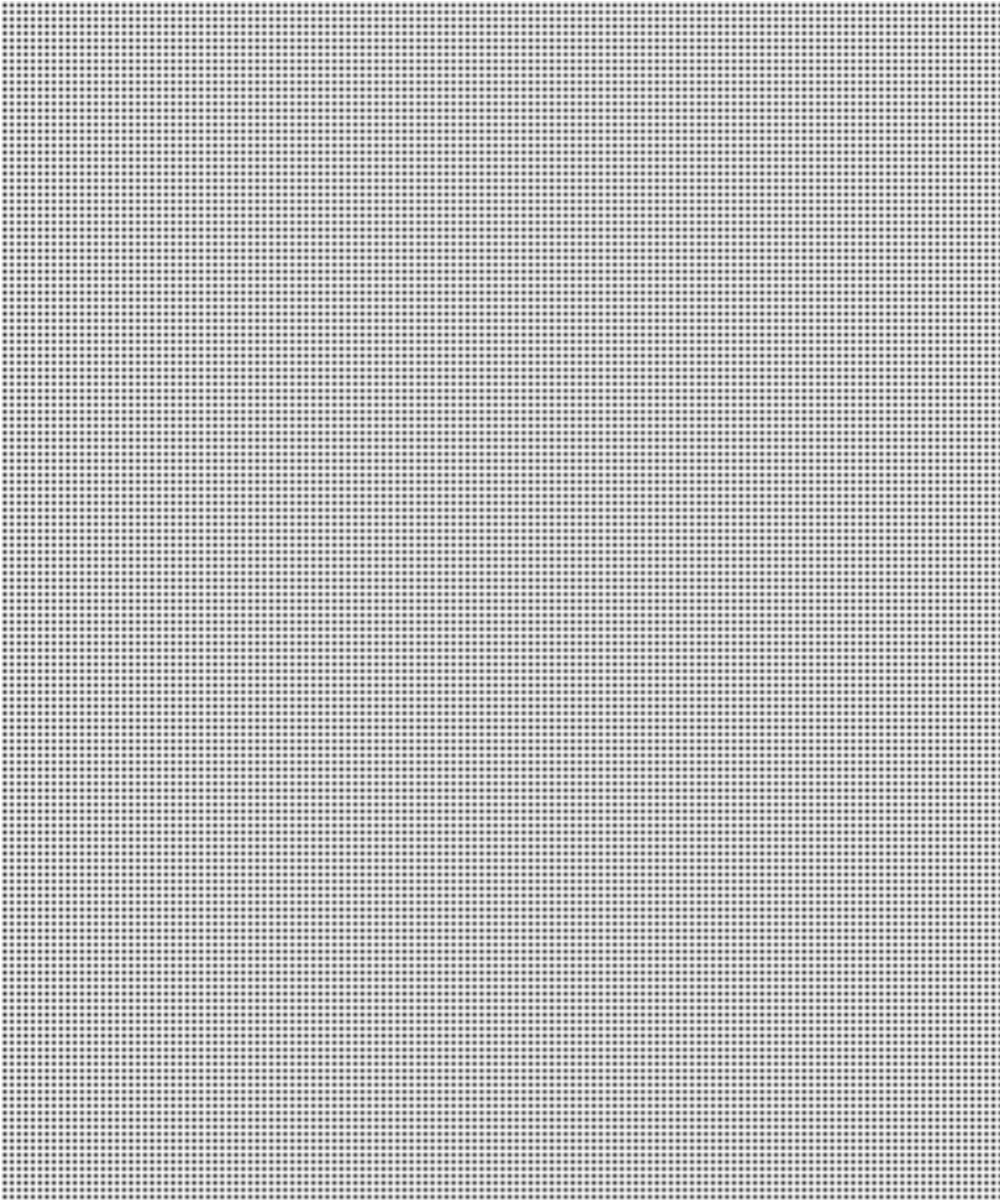
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March 2012

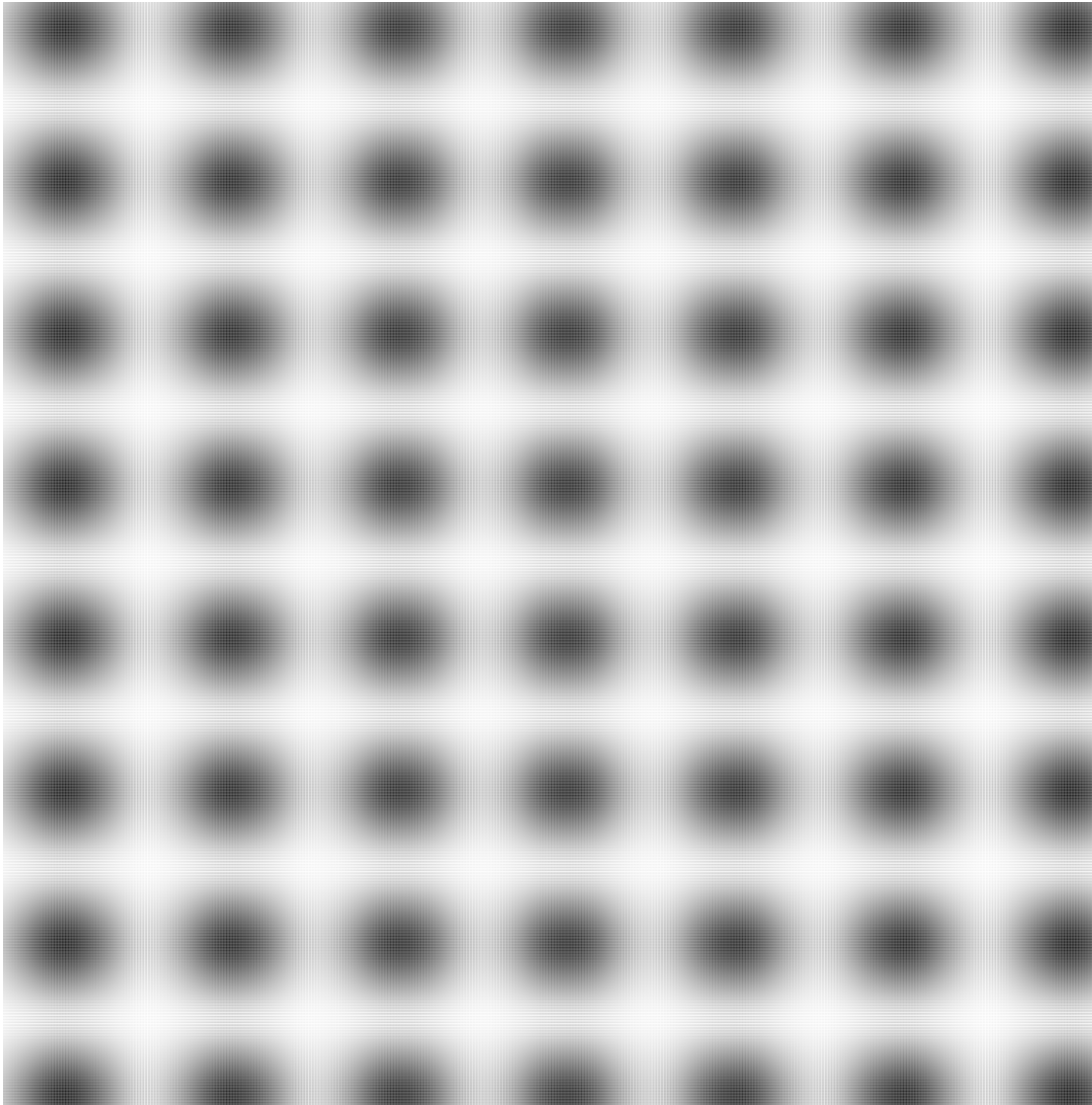
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**Canada-U.S. Information Sharing for National Security Purposes**  
**Time: 10:50 – 11:00**

Presenter(s): [Redacted]

Desired Canadian Outcomes: [Redacted] s.15(1) - Int'l  
s.21(1)(a)

Summary: [Redacted]

[Redacted]

Considerations

- [Redacted]
- [Redacted]
- [Redacted]

Decision Points

- [Redacted]

Next Steps

- [Redacted]

Key Messages for Minister

[Redacted]



# PUBLIC SAFETY CANADA

## Transition 2012: Hot Files

### VOLUME 1: PUBLIC SAFETY POLICY AGENDA

#### Canada-United States (U.S.) Collaboration on National Security

##### CONTEXT

The *Canada-U.S. Perimeter Security and Economic Competitiveness Action Plan* (the Perimeter Action Plan) calls for joint efforts to strengthen national security, recognizing the need to address threats at the earliest possible point in order to facilitate the free flow of legitimate goods and people across the border. Canada and the U.S. are also connected by digital and physical infrastructure (e.g. bridges, electricity grids, communications systems), and the Perimeter Action Plan commits Public Safety Canada (PS) to working with the U.S. Department of Homeland Security (DHS) to enhance the resilience of these interconnected assets and systems.

Recognizing that the success of the economic initiatives identified under the Perimeter Action Plan depend on swift and effective progress on national security measures, PS is under the spotlight to deliver early results (e.g. joint threat assessments, improved coordination on cyber security). In this context, PS is responsible for exercising leadership among the PS Portfolio and other government departments/agencies to produce concrete results that enable both countries to mitigate national security threats and strengthen readiness to respond to attacks and disruptions when they occur.

##### CURRENT SITUATION

To advance a comprehensive, cross border approach to strengthening shared national security, the National Security (NS) Branch has established a number of bilateral governance mechanisms, including the Canada-U.S. Emergency Management Consultative Group (EMCG). The EMCG provides a forum for senior officials to provide guidance and direction on the full range of emergency management and national security activities (e.g. mutual assistance, exercises, critical infrastructure, cyber security). In addition, the NS Branch is responsible for six of the eleven initiatives led by PS under the Perimeter Action Plan. Specifically, cross border collaboration on national security is underway in the following areas:

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- **National Security Information Sharing:** PS and DHS have established a bilateral working group on information sharing, bringing together national security and intelligence partners to address irritants and barriers to bilateral information sharing.

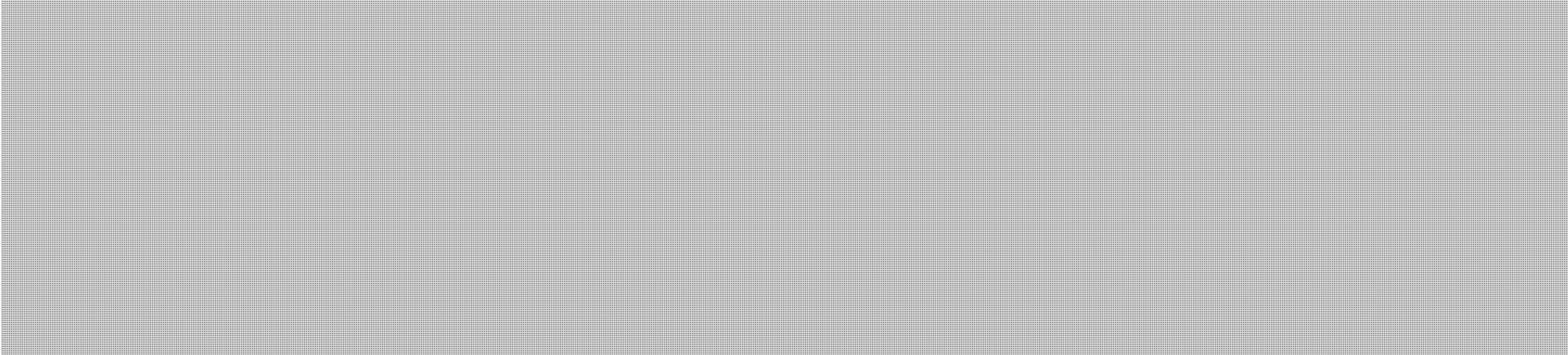
- **Joint Threat Assessments:** Canada and the U.S. have agreed to conduct joint assessments on threats at and away from the border. These assessments are guided and reviewed by the Joint Threat Assessment Steering Group, which is co- led by PS and the U.S. Office of the Director of National Intelligence, and consists of departments and agencies involved in producing intelligence assessments. The overall objective of this initiative is to enhance the number and quality of our joint threat assessments, as well as foster long term collaboration between the Canadian and U.S. security and intelligence communities.

[REDACTED]

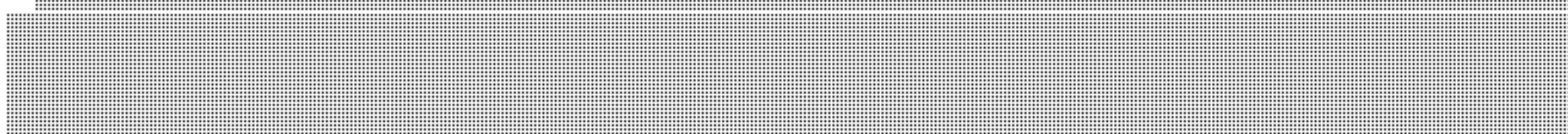
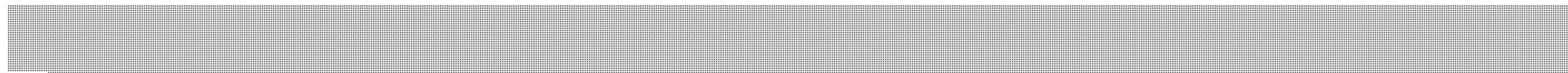
- [REDACTED]
- [REDACTED]

- **Border Traffic Management:** PS and DHS have announced a guide that outlines best practices for border traffic management in the event of an emergency to support planning at individual border crossings. Officials will engage regional partners to support the development of regional plans tailored for individual border crossings.
- **Protect Digital Infrastructure:** PS and DHS are working together to improve cooperation between cyber incident response centres, including enhanced real-time information sharing. In addition, efforts are underway to strengthen coordination of cyber assistance to the private sector.
- **Joint Leadership on International Cyber Security:** PS is working with U.S. counterparts to strengthen cooperation on global cyber security challenges and Internet governance issues. For example, efforts are underway to ratify the Council of Europe Convention on Cybercrime, and both countries are committed to promoting the Convention through multilateral forums.

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s.16(2)(c)

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- **World Conference on International Telecommunications (WCIT):**   


 At the WCIT, member states of the United Nations will discuss amendments to the International Telecommunications Regulations. 



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**Ministerial Direction to the Canadian Security Intelligence Service:  
Information Sharing With Foreign Entities<sup>1</sup>**

In the current threat environment, terrorism is the top national security priority of the Government of Canada. In this context, it is essential that the Canadian Security Intelligence Service (CSIS) is able to maintain strong relationships with foreign entities, and can share information with them on both a routine and an urgent basis. CSIS must also be able to quickly share information with other key domestic stakeholders, including federal departments and agencies that have the mandate and responsibility to respond to serious threats before they materialize.

The following Ministerial Direction provides guidance to the Director of CSIS, pursuant to section 6(2) of the *CSIS Act*, on information sharing with foreign entities.

**1. Canada's Legal Obligations**

Sharing information with foreign entities is an integral part of CSIS' mandate. It is also a formal obligation pursuant to Canada's adoption of various international resolutions and agreements.

The Government of Canada opposes in the strongest possible terms the mistreatment of any individual by any foreign entity for any purpose. The Government also has a duty to its own citizens and to its allies to prevent individuals engaging in threat related activities from causing harm, whether in Canada or in a foreign country.

The Government of Canada does not condone the use of torture or other unlawful methods in responding to terrorism and other threats to national security. The Government is committed to pursuing a principled and proportionate response to these threats, while promoting and upholding the values Canada seeks to protect.

Canada is a party to a number of international agreements that prohibit torture and other forms of cruel, inhuman, or degrading treatment or punishment. These include the *International Covenant on Civil and Political Rights* and the *Convention Against Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment (CAT)*. The *CAT* requires state parties to criminalize all instances of torture, and to take effective measures to prevent torture and other cruel, inhuman, or degrading treatment or punishment in any territory under their jurisdiction.

Torture is a criminal offence in Canada that has extraterritorial application. The *Criminal Code*'s provisions governing secondary liability also prohibit aiding and abetting the commission of torture, counselling the commission of torture whether or not the torture is committed, conspiracy to commit torture, attempting to commit torture, and being an accessory after the fact to torture.

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<sup>1</sup> This Direction would not change existing legal authorities for sharing information with foreign entities. Although the term, foreign entity, has not been formally defined, it primarily refers to foreign government agencies and militaries. The term may also refer to military coalitions, alliances, and international organizations.

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More broadly, section 7 of the *Canadian Charter of Rights and Freedoms* guarantees that “everyone has the right to life, liberty, and security of the person.” Section 12 of the *Charter* prohibits “any cruel and unusual treatment or punishment,” which Canadian courts have described as behaviour “so excessive as to outrage the standards of decency.” This behaviour includes torture and other cruel, inhuman, or degrading treatment or punishment.

## **2. Definitions**

“Mistreatment” means torture or other cruel, inhuman, or degrading treatment or punishment.

“Substantial risk” is a personal, present, and foreseeable risk of mistreatment.

- In order to be “substantial,” the risk must be real and must be based on something more than mere theory or speculation.
- In most cases, the test of a substantial risk of mistreatment will be satisfied when it is more likely than not that there will be mistreatment. However, the “more likely than not” test should not be applied rigidly because in some cases, particularly where the risk is of severe harm, the “substantial risk” standard may be satisfied at a lower level of probability.

## **3. Information Sharing Principles**

Sharing information with foreign entities is an integral part of CSIS’ mandate. It is also a formal obligation pursuant to Canada’s adoption of various international resolutions and agreements.

In sharing information, CSIS must act in a manner that complies with Canada’s laws and legal obligations. It is to avoid any complicity in mistreatment by foreign entities.

CSIS must assess and mitigate potential risks of sharing information in ways that are consistent with its unique role and responsibilities.

CSIS must also assess the accuracy and reliability of information received, and properly characterize this information in any further dissemination. It must have in place reasonable and appropriate measures to identify information that is likely to have been derived from mistreatment.

The approval level that CSIS requires in order to share information must be proportionate to the risk of mistreatment that may result: the greater the risk, the more senior the level of approval required.

CSIS also has a responsibility to keep the Minister of Public Safety generally informed about its information sharing practices.

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#### **4. Decision Making Process When There Is A Substantial Risk of Mistreatment In Sharing Information**

Except when there is a substantial risk, CSIS is responsible for establishing approval levels that are proportionate to the risks in sharing information with foreign entities. The following decision making process applies when there is a substantial risk of mistreatment of an individual.

When there is a substantial risk that sending information to, or soliciting information from, a foreign entity would result in the mistreatment of an individual, and it is unclear whether that risk can be mitigated through the use of caveats or assurances, the matter will be referred to the Director for decision.

In making his or her decision, the Director will normally consider the following information, all of which must be properly characterized in terms of its accuracy and reliability:

- the threat to Canada's national security or other interests, and the nature and imminence of that threat;
- the importance of sharing the information, having regard to Canada's national security or other interests;
- the status of the relationship with the foreign entity with which the information is to be shared, and an assessment of the human rights record of the foreign entity;
- the rationale for believing that there is a substantial risk that sharing the information would lead to the mistreatment of an individual;
- the proposed measures to mitigate the risk, and the likelihood that these measures will be successful (including, for example, the foreign entity's record in complying with past assurances, and the capacity of those government officials to fulfil the proposed assurance);
- the views of the Department of Foreign Affairs and International Trade (DFAIT); and
- the views of other departments and agencies, as appropriate, as well as any other relevant facts that may arise in the circumstances.

The Director may refer the decision whether or not to share information with the foreign entity to the Minister of Public Safety, in which case the Minister will be provided with the information described above.

The Director or Minister of Public Safety shall authorize the sharing of information with the foreign entity only in accordance with this Direction and with Canada's legal obligations.

#### **5. Use Of Information That May Have Been Derived Through Mistreatment By Foreign Entities**

As a general rule, CSIS is directed to not knowingly rely upon information derived through mistreatment by foreign entities.

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In exceptional circumstances, CSIS may need to share the most complete information in its possession, including information from foreign entities that was likely derived through mistreatment, in order to mitigate a serious threat of loss of life, injury, or substantial damage or destruction of property before it materializes. In such rare circumstances, ignoring such information solely because of its source would represent an unacceptable risk to public safety.

When there is a serious risk of loss of life, injury, or substantial damage or destruction of property, CSIS will make the protection of life and property its priority. If CSIS needs to share information that was likely derived through mistreatment with appropriate authorities in order to mitigate a serious threat, the matter will be referred to the Director. All decisions shall be made only in accordance with this Direction and with Canada's legal obligations.

CSIS will take all reasonable measures to reduce the risk that any action on its part might promote or condone the use of mistreatment. Measures will also be taken to ensure that the information which may have been derived through mistreatment is accurately described, and that its reliability is properly characterized. Caveats will be imposed on information shared with both domestic and foreign recipients to restrict their use of information, as appropriate.

## **6. Support**

To help ensure a consistent understanding of the risks of sharing information with foreign entities, DFAIT will continue to make its country human rights reports available to the intelligence and law enforcement community.



Public Safety    Sécurité publique  
Canada            Canada

Deputy Minister    Sous-ministre

Ottawa, Canada  
K1A 0P8

**UNCLASSIFIED**

DATE:            **MAY 24 2012**

File No. : 1302-411 / 387033

**MEMORANDUM FOR THE MINISTER**

**RESPONSE TO WRITTEN QUESTION Q-591**

(Signature required)

**ISSUE**

On April 4, 2012, written question Q-591 was tabled in the House of Commons by Mr. Irwin Cotler, M.P. (Mount Royal) regarding information sharing with foreign agencies.

The Department has prepared the responses to parts (a) through (e), (g), (i) and (p) in consultation with the Canada Border Services Agency (CBSA), the Canadian Security Intelligence Service (CSIS), the Royal Canadian Mounted Police (RCMP), the Communications Security Establishment Canada (CSEC), the Department of Foreign Affairs and International Trade (DFAIT), the Department of National Defence (DND), the Department of Justice and the Privy Council Office (PCO).

The CBSA, CSIS and the RCMP have drafted responses to parts (h), (i) and (k). CSIS has also drafted the response for parts (l) through (o). DFAIT is responding to part (f) and CSEC and DND are responding to parts (h) to (k) independently.

PCO has requested a response by May 25, 2012.

The Statements of Completeness are enclosed.

**RECOMMENDATION**

It is recommended that you sign the attached response provided in both official languages by May 25, 2012.



Graham Flack  
Acting Deputy Minister

Enclosure: (1)

Prepared by: Natalie Leclair

**Canada**



SPB / CPES

DEPUTY MINISTER'S OFFICE  
PUBLIC SAFETY CANADA

**Routing Slip / Bordereau d'acheminement**

File No / No de dossier : DEP- 387033

2012 MAY 23 P 12:39

Deadline for DM's signature / Échéancier pour la signature du S-M : \_\_\_\_\_

<b>Title / Titre :</b>		<b>ACTION REQUIRED / MESURES À PRENDRE</b>		
Q-591 Mr. Cotler (Mount Royal) Providing information to foreign agencies April 4, 2012				
<b>Name / Nom</b>	<b>Date</b>	<b>Initials / Initiales</b>	<b>Approval or signature / Approbation ou signature</b>	<b>Information</b>
Originator / Auteur Natalie Leclair / Julie McAteer	May 16	JPL	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director / Directeur Jean Cintrat	MAY 22 2012	JR	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director General / Directeur général Randall Koops	22-5-12	RK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chief Audit Executive / Dirigeante principale de la vérification Rosemary Stephenson			<input type="checkbox"/>	<input type="checkbox"/>
Director General Communications / Directrice générale des communications Stéphanie Durand			<input type="checkbox"/>	<input type="checkbox"/>
Executive Director & Senior General Counsel LS / Directeur exécutif et Avocat général principal SJ Paul Shuttle			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister SP / Sous-ministre adjointe PS Paul MacKinnon	22-5-12		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister LP / Sous-ministre adjoint SPL Richard Wex			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister CM / Sous-ministre adjointe GM Gary Robertson			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister CSP / Sous-ministre adjoint SPP Shawn Tupper			<input type="checkbox"/>	<input type="checkbox"/>
Associate Assistant Deputy Minister EMNS / Sous-ministre adjoint délégué GMUSN Gina Wilson			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister EMNS / Sous-ministre adjointe GMUSN Lynda Clairmont			<input type="checkbox"/>	<input type="checkbox"/>
Associate Deputy Minister / Sous-ministre délégué Graham Flack			<input type="checkbox"/>	<input type="checkbox"/>
Deputy Minister / Sous-ministre William V. Baker			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minister / Ministre The Honourable / L'honorable Vic Toews			<input checked="" type="checkbox"/>	<input type="checkbox"/>



# INQUIRY OF MINISTRY DEMANDE DE RENSEIGNEMENT AU GOUVERNEMENT

PREPARE IN ENGLISH AND FRENCH MARKING "ORIGINAL TEXT" OR "TRANSLATION"  
PRÉPARER EN ANGLAIS ET EN FRANÇAIS EN INDIQUANT "TEXTE ORIGINAL" OU "TRADUCTION"

QUESTION NO./N° DE LA QUESTION Q-591	BY / DE Mr. Cotler (Mount Royal)	DATE April 4, 2012
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REPLY BY THE MINISTER OF PUBLIC SAFETY  
RÉPONSE DU MINISTRE DE LA SÉCURITÉ PUBLIQUE

Signed by the Honourable Vic Toews

PRINT NAME OF SIGNATORY  
INSCRIRE LE NOM DU SIGNATAIRE

SIGNATURE  
MINISTER OR PARLIAMENTARY SECRETARY  
MINISTRE OU SECRÉTAIRE PARLEMENTAIRE

### QUESTION

With regard to the current Canadian policy on providing information to foreign agencies and using information from foreign agencies for the combating of terrorism and the protection of public safety: (a) what is the current policy on providing information to foreign agencies when there is a substantial risk this may lead to acts of torture and other cruel, inhuman or degrading treatment or punishment; (b) which departments contributed to the formation of the policy referred to in (a); (c) how long has the policy referred to in (a) been in place; (d) which external experts, including academics, representatives of non-governmental organizations (NGO), private sector representatives, were consulted in the formation of the policy referred to in (a); (e) what was the role of the Minister of Public Safety in the formation of the policy referred to in (a); (f) what was the role of the Minister of Foreign Affairs in the formation of the policy referred to in (a); (g) which official is ultimately responsible for determining whether "substantial risk" exists, in reference to (a); (h) who is responsible for deciding to which foreign agencies Canada will provide information, and what are the substantive criteria behind such a decision; (i) when deliberating the decision referred to in (h), are the "concluding observations" of United Nations Committee Against Torture reports consulted; (j) what sources are used by the Canadian Security Intelligence Service (CSIS), the RCMP or government officials in considering the human rights records of foreign agencies concerning domestic and international activities, including the treatment and interrogation of detainees; (k) what follow-up procedures are used to verify that information transferred from Canada to foreign agencies does not lead to the commission of acts of torture and other cruel, inhuman or degrading treatment or punishment; (l) what is the current policy on the use of information obtained by CSIS from foreign agencies when there are suspicions such information was obtained using acts of torture and other cruel, inhuman or degrading treatment or punishment; (m) which departments contributed to the formation of the current policy referred to in (l); (n) how long has the policy referred to in (l) been in place; (o) which external experts, including academics, NGO representatives, private sector representatives, were consulted in the formation of the policy referred to in (l); and (p) what was the role of the Minister of Public Safety in the formation of the policy referred to in (l)?

REPLY / RÉPONSE

ORIGINAL TEXT  
TEXTE ORIGINAL

TRANSLATION  
TRADUCTION

### Public Safety Canada (PS)

- (a) Departments and agencies have a suite of directives and policies that govern their information sharing practices. They have reviewed and revised these policies over the years, most recently after the release of Commissioner O'Connor's and Commissioner Iacobucci's reports.

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In 2011, the Government of Canada established a coherent and consistent policy for decisions about whether or not to share information with a foreign entity when there may be a substantial risk of mistreatment.

In all situations, departments and agencies must comply with Canada's laws and legal obligations in sharing information with foreign entities.

- (b) The Canada Border Services Agency (CBSA), the Communications Security Establishment Canada, the Canadian Security Intelligence Service (CSIS), the Department of Foreign Affairs and International Trade (DFAIT), the Department of National Defence/Canadian Forces, the Department of Justice (DoJ), the Privy Council Office, PS and the Royal Canadian Mounted Police (RCMP) contributed to the formation of the policy.
- (c) The Government introduced the policy in 2011.
- (d) A wide range of documents informed the development of the policy. The documents included findings and recommendations from independent inquiries such as: Commissioner O'Connor's *Report of the Events Relating to Maher Arar*, Commissioner Iacobucci's *Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati, and Muayyed Nureddin*; the full, classified version of the Security Intelligence Review Committee's report on *CSIS' Role in the Matter of Omar Khadr*, as well as the United Kingdom's (U.K.) Intelligence and National Security Committee's reports on *Torture and Intelligence in the Global War on Terror and Rendition*.  
  
Reports by non-governmental organizations such as Amnesty International, Human Rights Watch, the International Committee of the Red Cross, and Physicians for Human Rights on the treatment of detainees were examined.
- (e) The Minister of Public Safety approved the policy for CBSA, CSIS, and RCMP.
- (g) If it is determined that a substantial risk exists that sending information to, or soliciting information from, a foreign entity would result in the mistreatment of an individual, and it is unclear whether that risk can be mitigated through the use of caveats or assurances, the matter is to be referred to the responsible Deputy Head or equivalent for decision. He or she may in turn decide to refer the decision to his or her Minister.
- (i) Departments and agencies routinely consult a variety of documents and sources that may assist them in determining whether or not to share information with foreign entities. Where applicable, this includes the "concluding observations" of United Nations Committee Against Torture reports.
- (j) To ensure consistency across the Government, and as recommended by Commissioner O'Connor, DFAIT makes its country human rights reports available to the intelligence and law enforcement community. Departments and agencies supplement these reports with a broad range of information, as described separately by the CBSA, CSIS and the RCMP.
- (p) The Minister of Public Safety approved a Direction to CSIS in July 2011.

.../3

### **Canada Border Services Agency**

- (h) The vast majority of the CBSA's information sharing is conducted under formalized information sharing treaties and arrangements with other countries. The human rights record of such countries are considered prior to entering into a formal agreement with that country.
- (j) The vast majority of the CBSA's information sharing is conducted under formalized information sharing treaties and arrangements with other countries. The human rights records of such countries are considered prior to entering into a formal agreement with that country. To help ensure a consistent understanding of the risks of sharing information with foreign entities, DFAIT makes its country human rights reports available to CBSA. All other sources are considered insofar as they are credible and relevant.
- (k) Information sharing treaties and arrangements contain provisions for redress should terms and conditions set out not be followed. Where appropriate, diplomatic or other enquiries may be pursued.

### **Canadian Security Intelligence Service**

- (h) CSIS, with the approval of the Minister of Public Safety after consultation with the Minister of Foreign Affairs, may enter into an arrangement or otherwise cooperate with, including the sharing of information, the government of a foreign state or an institution thereof or an international organization of states or an institution thereof.
- (j) CSIS uses a wide variety of open and classified source materials in considering the human rights records of foreign agencies. These sources include, but are not limited to: CSIS databases; CSIS foreign agency assessments conducted under authority of section 17(1)(b) of the *CSIS Act*; relevant and reliable reporting from CSIS stations abroad and foreign agencies; DFAIT country human rights reports; reporting from organizations such as the United States (U.S.) Department of State, the United Nations, Human Rights Watch, Amnesty International, and others on a case by case basis; and other relevant open source information.
- (k) CSIS employees are obliged to report potential mistreatment to their appropriate supervisors. Relationships with foreign agencies and their human rights records are constantly updated and evaluated based on the most up to date intelligence and open source reporting.
- (l) In this respect, CSIS is guided by a Ministerial Direction (MD) approved by the Minister of Public Safety in July 2011. The Government does not condone or engage in torture. CSIS will only share information in accordance with Canada's legal obligations.
- (m) CSIS, DoJ, PS, and the RCMP contributed to the formation of the policy.
- (n) While policies have been in place and increasingly formalized for a number of years, the current MD on "Information Sharing with Foreign Entities" was approved in July 2011 and the current Deputy Director of Operations Directive on Information Sharing with Foreign Entities was approved in August 2011.

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- (o) The findings and recommendations from Commissioner O'Connor's *Report of the Events Relating to Maher Arar*, Commissioner Iacobucci's *Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati, and Muayyed Nureddin*, Justice Blanchard's security certificate decision in *R v. Mahjoud*, the *Criminal Code*, the *United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, and other relevant documents and organizations were consulted. Reports from Amnesty International, Human Rights Watch, and other relevant documents and organizations were also consulted.

### **Royal Canadian Mounted Police**

- (h) The mandate of the RCMP is to perform all duties that are assigned to peace officers in relation to the preservation of the peace, as well as the prevention of crime and offences against the laws of Canada. In performing those duties, the RCMP will provide information to a foreign entity on a case by case basis, when appropriate, during the course of a criminal investigation. The RCMP will only share information in accordance with Canada's legal obligations.
- (i) The findings and recommendations from Commissioner O'Connor's *Report of the Events Relating to Maher Arar*, Commissioner Iacobucci's *Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati, and Muayyed Nureddin* are consulted, and the RCMP routinely consults a number of sources such as: U.S. Department of State, Amnesty International, Human Rights Watch, Freedom House, Transparency International (Corruption Perception Index), DFAIT (country human rights reports), U.K. Foreign and Commonwealth Office (country profiles), Office of the United Nations High Commissioner on Human Rights (Treaty Database), Office of the United Nations High Commissioner for Human Rights (Country visits), the United Nations Committee Against Torture (Concluding observations of the Committee Against Torture), RCMP Liaison Officers, and domestic and foreign partners as appropriate.
- (k) The RCMP shares information with foreign agencies in a manner that complies with Canada's laws and legal obligations. Human rights records of foreign agencies are assessed regularly, both before and after sharing, and as indicated in response to j). Reports of allegations or indications of such misbehaviour are carefully assessed by the RCMP in order to determine an appropriate course of action.



# INQUIRY OF MINISTRY DEMANDE DE RENSEIGNEMENT AU GOUVERNEMENT

PREPARE IN ENGLISH AND FRENCH MARKING "ORIGINAL TEXT" OR "TRANSLATION"  
PRÉPARER EN ANGLAIS ET EN FRANÇAIS EN INDIQUANT "TEXTE ORIGINAL" OU "TRADUCTION"

QUESTION NO./N° DE LA QUESTION Q-591	BY / DE M. Cotler (Mont-Royal)	DATE 4 avril 2012
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REPLY BY THE MINISTER OF PUBLIC SAFETY  
RÉPONSE DU MINISTRE DE LA SÉCURITÉ PUBLIQUE

Signé par l'honorable Vic Toews

PRINT NAME OF SIGNATORY  
INSCRIRE LE NOM DU SIGNATAIRE

SIGNATURE  
MINISTER OR PARLIAMENTARY SECRETARY  
MINISTRE OU SECRÉTAIRE PARLEMENTAIRE

### QUESTION

En ce qui concerne la politique canadienne qui s'applique actuellement à la communication de renseignements à des agences étrangères et à l'utilisation des renseignements fournis par des agences étrangères afin de combattre le terrorisme et d'assurer la sécurité publique :

a) quelle politique s'applique actuellement à la communication de renseignements à des agences étrangères dans les cas où cette pratique pose un risque sérieux de torture ou d'autres peines ou traitements cruels, inhumains ou dégradants; b) quels ministères ont contribué à l'élaboration de la politique mentionnée au point a); c) depuis combien de temps la politique mentionnée au point a) est-elle en place; d) quels experts externes, y compris les représentants du milieu universitaire, d'organisations non gouvernementales (ONG) et du secteur privé, ont été consultés dans l'élaboration de la politique mentionnée au point a); e) quel rôle le ministre de la Sécurité publique a-t-il joué dans l'élaboration de la politique mentionnée au point a); f) quel rôle le ministre des Affaires étrangères a-t-il joué dans l'élaboration de la politique mentionnée au point a); g) qui est responsable en dernier ressort de déterminer l'existence d'un « risque sérieux », tel qu'il est indiqué au point a); h) qui est responsable de décider à quelles agences étrangères le Canada accepte de fournir des renseignements, et quels sont les critères principaux sur lesquels s'appuient les décisions prises à cet égard; i) lors de la prise d'une décision du type indiqué au point h), les « observations finales » des rapports du Comité des Nations Unies contre la torture sont-elles consultées; j) quelles sources le Service canadien du renseignement de sécurité (SCRS), la GRC ou d'autres responsables gouvernementaux utilisent-ils pour connaître le bilan des agences étrangères en matière de respect des droits de la personne, que ce soit dans le cadre de leurs activités intérieures et internationales, y compris en ce qui a trait au traitement et à l'interrogation des détenus; k) quelles procédures de suivi utilise-t-on pour vérifier que les renseignements communiqués par le Canada aux agences étrangères ne donnent pas lieu à des actes de torture ou à d'autres peines ou traitements cruels, inhumains ou dégradants; l) quelle politique s'applique actuellement à l'utilisation des renseignements communiqués au SCRS par des agences étrangères lorsqu'on soupçonne que ces renseignements ont été obtenus au moyen de la torture ou d'autres peines ou traitements cruels, inhumains ou dégradants; m) quels ministères ont contribué à l'élaboration de la politique actuelle mentionnée au point l); n) depuis combien de temps la politique mentionnée au point l) est elle en place; o) quels experts externes, y compris les représentants du milieu universitaire, d'ONG et du secteur privé, ont été consultés dans l'élaboration de la politique mentionnée au point l); p) quel rôle le ministre de la Sécurité publique a-t-il joué dans l'élaboration de la politique mentionnée au point l)?

REPLY / RÉPONSE

ORIGINAL TEXT  
TEXTE ORIGINAL

TRANSLATION  
TRADUCTION

### Sécurité publique Canada (SP)

- a) Les ministères et organismes ont une série de directives et de politiques qui régissent leurs pratiques en matière d'échange d'information. Ils ont examiné et modifié ces politiques au fil des ans, plus récemment à la suite de la publication des rapports du commissaire O'Connor et du commissaire Iacobucci.

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En 2011, le gouvernement du Canada a établi une politique cohérente et uniforme relativement aux décisions d'échanger de l'information ou non avec un organisme étranger lorsqu'il y a un risque substantiel de mauvais traitements. Dans toutes les situations, lorsqu'ils échangent de l'information avec des organismes étrangers, les ministères et organismes doivent respecter les lois et les obligations juridiques du Canada.

- b) L'Agence des services frontaliers du Canada (ASFC), le Centre de la sécurité des télécommunications Canada, le Service canadien du renseignement de sécurité (SCRS), le ministère des Affaires étrangères et du Commerce international (MAECI), la Défense nationale et les Forces canadiennes, le ministère de la Justice Canada (JUS), le Bureau du Conseil privé, SP et la Gendarmerie royale du Canada (GRC) ont contribué à l'élaboration de cette politique.
- c) Le gouvernement a adopté cette politique en 2011.
- d) Un grand nombre de documents ont servi à l'élaboration de la politique. Parmi les documents consultés figurent des constatations et des recommandations tirées d'enquêtes indépendantes, comme le *Rapport sur les événements concernant Maher Arar* du commissaire O'Connor, l'*Enquête interne sur les actions des responsables canadiens relativement à Abdullah Almalki, Ahmad Abou-Elmaati et Muayyed Nureddin* du commissaire Iacobucci, la version intégrale classifiée du rapport du Comité de surveillance des activités de renseignement de sécurité *Le rôle du SCRS dans l'affaire Omar Khadr* ainsi que les rapports du Intelligence and National Security Committee du Royaume-Unis intitulés *Torture, and Intelligence in the Global War on Terror and Rendition*.

Des rapports publiés par des organisations non gouvernementales, comme Amnistie Internationale, Human Rights Watch, le Comité international de la Croix-Rouge et Médecins pour les droits de l'homme sur le traitement des détenus, ont également été examinés.

- e) Le ministre de la Sécurité publique a approuvé la politique pour l'ASFC, le SCRS et la GRC.
- g) Si le fait de communiquer de l'information avec des organismes étrangers, ou de leur demander de l'information, pose un risque substantiel que de mauvais traitements soient infligés à une personne et s'il n'est pas certain que le risque peut être atténué en utilisant des restrictions ou en obtenant des garanties, la décision d'échanger de l'information doit être rendue par l'administrateur général responsable ou son équivalent. Ils peuvent également décider de renvoyer la décision à leur ministre.
- i) Les ministères et organismes consultent couramment un grand nombre de documents et de sources qui pourraient les aider à décider d'échanger de l'information ou non avec des organismes étrangers. Cela comprend, au besoin, les « observations finales » des rapports du Comité des Nations Unies contre la torture.
- j) Pour assurer l'uniformité au sein du gouvernement, et tel qu'il a été recommandé par le commissaire O'Connor, le MAECI met à la disposition des organismes du renseignement et de l'application de la loi ses rapports sur le respect des droits de la personne par les pays. Les ministères et organismes complètent ce type de rapports à l'aide d'un grand nombre de renseignements, tel qu'il est décrit par l'ASFC, le SCRS et la GRC.

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- p) Le ministre de la Sécurité publique a approuvé l'instruction au SCRS en juillet 2011.

#### **Agence des services frontaliers du Canada**

- h) La grande majorité des échanges d'information de l'ASFC sont effectués conformément à des traités et à des accords d'échange d'information officiels avec d'autres pays. Les antécédents de ces pays en matière de respect des droits de la personne doivent être examinés avant que l'ASFC ne conclue une entente formelle avec ceux-ci.
- j) La grande majorité des échanges d'information de l'ASFC sont effectués conformément à des traités et à des accords d'échange d'information officiels avec d'autres pays. Les antécédents de ces pays en matière de respect des droits de la personne doivent être examinés avant que l'ASFC ne conclue une entente formelle avec ceux-ci. Afin d'assurer une compréhension uniforme des risques d'échanger de l'information avec des organismes étrangers, le MAECI permet à l'ASFC de consulter ses rapports sur les droits de la personne des pays. Toutes les autres sources sont prises en considération, dans la mesure où elles sont crédibles et pertinentes.
- k) Les traités et les accords d'échange d'information contiennent des dispositions de recours dans les cas où les modalités établies ne sont pas respectées. Des demandes de renseignements diplomatiques et d'autres renseignements peuvent être envoyées, au besoin.

#### **Service canadien du renseignement de sécurité**

- h) Le SCRS, avec l'approbation du ministre de la Sécurité publique et après avoir consulté le ministre des Affaires étrangères, peut conclure une entente ou collaborer, y compris échanger de l'information, avec le gouvernement d'un État étranger ou l'un de ses organismes, ou avec une organisation internationale d'État ou l'un de ses organismes.
- j) Le SCRS utilise un grand nombre de documents classifiés et ouverts dans le cadre de l'évaluation des antécédents des organismes étrangers en matière de respect des droits de la personne. Parmi ces sources, mentionnons, entre autres, les bases de données du SCRS, les évaluations des organismes étrangers effectuées par le SCRS en vertu de l'alinéa 17(1)b) de la *Loi sur le SCRS*, les rapports pertinents et fiables des bureaux du SCRS à l'étranger et des organismes étrangers, les rapports du MAECI sur le respect des droits de la personne par les pays, des rapports publiés par des organisations comme le département d'État des É-U, les Nations Unies, Human Rights Watch, Amnistie Internationale et d'autres organisations (au cas par cas), ainsi que d'autres renseignements pertinents de source ouverte.
- k) Les employés du SCRS doivent signaler toute possibilité de mauvais traitements à leur superviseur respectif. Les relations avec les organismes étrangers et leurs antécédents en matière de respect des droits de la personne sont constamment mis à jour et évalués en fonction du renseignement et des sources d'information ouvertes les plus à jour.
- l) À ce sujet, le SCRS est orienté par une instruction ministérielle (IM) qui a été approuvée par le ministre de la Sécurité publique en juillet 2011. Notre gouvernement ne tolère pas la torture et ne la pratique pas. Le SCRS n'échange de l'information que dans les limites des obligations légales du Canada.

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- m) **Le SCRS, JUS, SP, et la GRC ont contribué à l'élaboration de la politique.**
- n) **Même si des politiques sont en place et sont de plus en plus officielles depuis un certain nombre d'années, l'IM actuelle sur l'échange d'information avec des organismes étrangers a été approuvée en juillet 2011, et la directive du directeur adjoint des opérations sur l'échange d'information avec des organismes étrangers a été approuvée en août 2011.**
- o) **Les constatations et les recommandations tirées du *Rapport sur les événements concernant Maher Arar* du commissaire O'Connor, l'*Enquête interne sur les actions des responsables canadiens relativement à Abdullah Almalki, Ahmad Abou-Elmaati et Muayyed Nureddin* du commissaire Iacobucci, la décision du juge Blanchard sur les certificats de sécurité dans l'arrêt *R v. Mahjoud*, le *Code criminel*, la *Convention des Nations Unies contre la torture et les autres traitements cruels, inhumains ou dégradants*, ou la *punition* et d'autres documents et organisations pertinents ont été consultés. Des rapports d'Amnistie Internationale et de Human Rights Watch, ainsi que d'autres documents et organisations pertinents ont également été examinés.**

#### **Gendarmerie royale du Canada**

- h) **Le mandat de la GRC est d'exécuter toutes les tâches qui sont attribuées aux agents de la paix concernant le maintien de la paix ainsi que la prévention du crime et des infractions aux lois fédérales. Dans le cadre de ses fonctions, la GRC fournit, au besoin, des renseignements à des organismes étrangers au cas par cas au cours d'une enquête criminelle. La GRC n'échange de l'information que dans les limites des obligations légales du Canada.**
- j) **On consulte les constatations et les recommandations du *Rapport sur les événements concernant Maher Arar* du commissaire O'Connor et de l'*Enquête interne sur les actions des responsables canadiens relativement à Abdullah Almalki, Ahmad Abou-Elmaati et Muayyed Nureddin* du commissaire Iacobucci, et la GRC consulte couramment un nombre de sources, comme le département d'État des É.-U., Amnistie Internationale, Human Rights Watch, Freedom House, Transparency International (Indice de perception de la corruption), le MAECI (rapports sur le respect des droits de la personne par les pays), le Foreign and Commonwealth Office de la Grande-Bretagne (profils des pays), le Haut-Commissariat des Nations Unies aux droits de l'homme (base de données sur les traités), le Haut-Commissariat des Nations Unies aux droits de l'homme (visites des pays), le Comité des Nations Unies contre la torture (observations finales du Comité contre la torture), les agents de liaison de la GRC ainsi que les partenaires au pays et à l'étranger, au besoin.**
- k) **Lorsqu'elle échange de l'information avec des organismes étrangers, la GRC doit respecter les lois et les obligations juridiques du Canada. Les antécédents des organismes étrangers en matière de respect des droits de la personne sont évalués régulièrement, avant et après l'échange d'information, tel qu'il est mentionné dans la réponse du point j). Les rapports sur des allégations ou les indications de mauvais traitements sont soigneusement évalués par la GRC afin de déterminer la bonne marche à suivre.**

<b>Name of organization</b>
<b>Public Safety Canada</b>

## **STATEMENT OF COMPLETENESS**

### **RESPONSE TO WRITTEN QUESTION, Q- 591**

**Name of Parliamentarian : Mr. Irwin Cotler**  
**Date of Inquiry: April 4, 2012**

**Constituency : Mount Royal**

**A) 1. Briefly describe records, analysis and consultations on which the proposed response is based:**

**The response is based on policy work that Public Safety Canada (PS) led between 2009-2011, culminating in Ministerial Directions issued to Canada Border Services Agency (CBSA), the Canadian Security Intelligence Service (CSIS), and the Royal Canadian Mounted Police (RCMP).**

**In preparing the response, the department consulted with the portfolio agencies, as well as the Communications Security Establishment Canada (CSEC), the Department of Foreign Affairs and International Trade (DFAIT), the Department of National Defence (DND), and the Department of Justice, the Privy Council Office.**

**Given the inter-departmental nature of this question, PS has assumed responsibility and has drafted proposed responses for questions A, B, C, D, E and G. PS has drafted the proposed response for question I based on input from other departments and agencies. PS and CSIS are jointly responsible for question P.**

**PS has consulted with all departments and agencies named above regarding these questions.**

**DFAIT has assumed responsibility and has drafted a response for question F.**

**CBSA, CSEC, CSIS, DND, and RCMP have assumed responsibility and have drafted responses for questions H, J and K.**

**CSIS has assumed responsibility and has drafted responses for questions L, M, N, O.**

**Lead official: National Security Branch (A to E, G, I and P)**

2. Were publicly available documents used to draft the response?  
If yes, please list titles and dates below:

Yes  No

The Ministerial Direction to CSIS on "Information-sharing with Foreign Entities" was issued on July 28, 2011 and is available publicly.

B) Describe any limitations, considerations and/ or data quality statements that apply to this response:

Yes  No

The policy to which most questions refer was developed through a Cabinet Committee process. The information in the draft responses does not refer explicitly to this.

C) Have information or documents relevant to this response been disclosed publicly, in any manner (e.g. access to information request or request from the Library of Parliament)? If yes, please identify relevant documents and explain any differences in the proposed response.

Yes  N/A

The Ministerial Direction to CSIS on "Information Sharing with Foreign Entities" was released in response to an access to information request.  
  
The Ministerial Directions to CBSA and RCMP have not yet been released, but they are subject to access to information requests as well and are expected to be released.

Attestation:

As the Designated Senior Official for ~~National Security Branch~~  
I attest that the information contained in the proposed response Q-591, based on the records and limitations described in this Statement of Completeness, is accurate and as complete as possible.

  
\_\_\_\_\_  
Signature

20120507.  
\_\_\_\_\_  
Date

 Lynda Clairmont Senior Assistant Deputy Minister  
National Security Branch  
Name of Designated Senior Official Title

<b>Name of organization</b>
<b>Public Safety Canada</b>

<b>COST OF MINISTERIAL RESPONSE TO WRITTEN QUESTION, Q- 591</b>	
<b>Name of Parliamentarian : Mr. Irwin Cotler</b>	<b>Constituency : Mount Royal</b>
<b>Date of Inquiry: April 4, 2012</b>	
<b>TOTAL COST: \$ 1,000.00</b>	

.....

<b>Nom de l'organisation</b>
<b>Sécurité publique Canada</b>

<b>COÛT DE PRODUCTION POUR LA QUESTION ÉCRITE, Q-591</b>	
<b>Nom du parlementaire: M. Irwin Cotler</b>	<b>Circonscription : Mount Royal</b>
<b>Date de la demande: 4 avril 2012</b>	
<b>COÛT TOTAL: \$ 1,000.00</b>	

CBSA

<b>Name of organization</b>
Canada Border Services Agency

**STATEMENT OF COMPLETENESS**

**RESPONSE TO WRITTEN QUESTION, Q- 591**

**Name of Parliamentarian :** Irwin Cotler

**Constituency :** Mount Royal

**Date of Inquiry:** April 4, 2012

**A) 1. Briefly describe records, analysis and consultations on which the proposed response is based:**

<p>Consultation with program areas within the CBSA including Risk Assessment Programs—Programs Branch, Intelligence and Targeting Directorate—Operations Branch, and Information Sharing Unit, Programs Branch</p> <p>References made to Ministerial Directive on Information Sharing With Foreign Entities issued on September 9, 2011 to the CBSA, which prescribes requirements for information sharing where human rights abuses may be associated.</p> <p>CBSA Interim Policy on Information Sharing with Foreign Entities issued late October, 2011 prescribes compliance with the Ministerial Directive.</p> <p><b>Lead official: Cathy Munroe, Vice President: Programs Branch</b></p>
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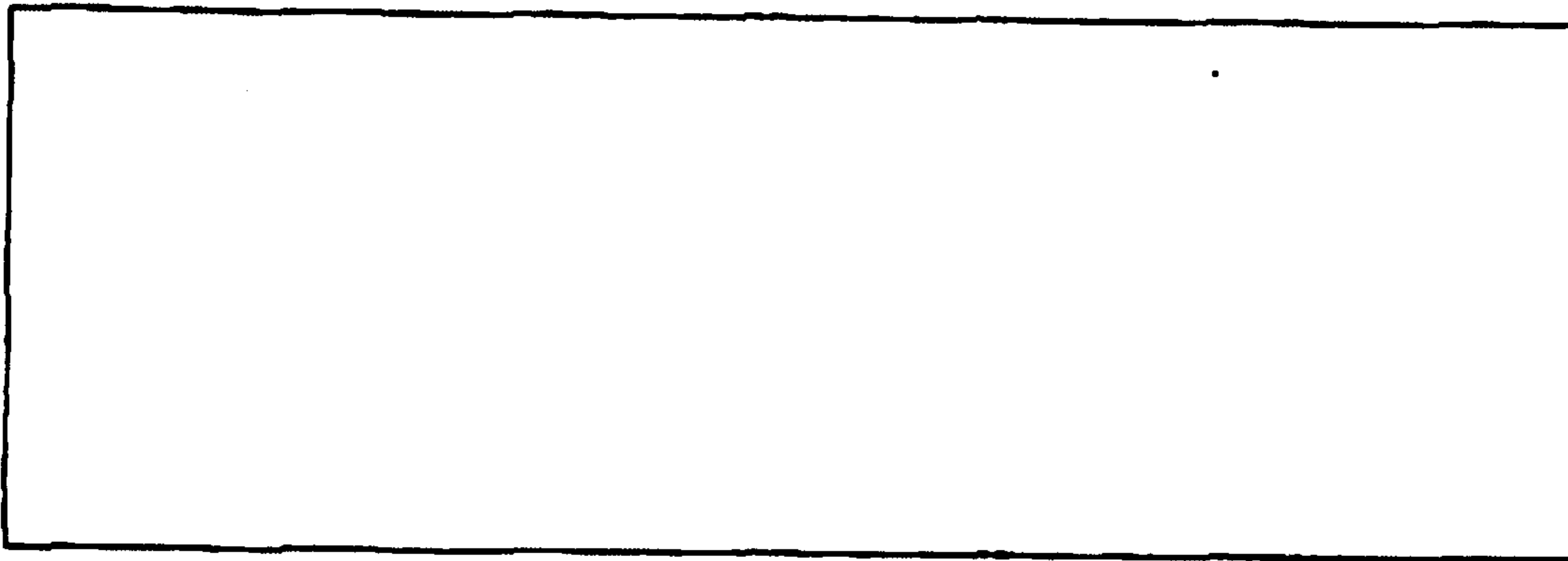
**2. Were publicly available documents used to draft the response?**  
If yes, please list titles and dates below:

<b>Yes</b>	<b>No</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**B) Describe any limitations, considerations and/ or data quality statements that apply to this response:**

<b>Yes</b>	<b>No</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>



C) Have information or documents relevant to this response been disclosed publicly, in any manner (e.g. access to information request or request from the Library of Parliament)? If yes, please identify relevant documents and explain any differences in the proposed response. **Yes**  **N/A**

The Ministerial Directive was the subject of an ATIP request. It will be released shortly in its entirety. Communications Directorate will work with Public Safety Communications on any media response.

**Attestation:**

As the Designated Senior Official for **The Canada Border Services Agency** I attest that the information contained in the proposed response Q-591, based on the records and limitations described in this Statement of Completeness, is accurate and as complete as possible.

  
Signature

MAY 03 2012

\_\_\_\_\_  
Date

Cathy Munroe	Vice-President, Programs
Name of Designated Senior Official	Title

**Canada**

<b>Name of organization</b>
Canada Border Services Agency

<b>COST OF MINISTERIAL RESPONSE TO WRITTEN QUESTION, Q- 591</b>	
<b>Name of Parliamentarian : Irwin Cotler</b>	<b>Constituency : Mount Royal</b>
<b>Date of Inquiry: April 4, 2012</b>	
<b>TOTAL COST: \$ 240</b>	

MAY-02-2012 09:34 From:

To: PSEPC

P.1/3

CSIS

<b>Name of organization</b>
Canadian Security Intelligence Service

**STATEMENT OF COMPLETENESS**

**RESPONSE TO WRITTEN QUESTION, Q- 591**

Name of Parliamentarian : Mr. Cotler

Constituency : Mount Royal

Date of Inquiry: 4 April 2012

A) 1. Briefly describe records, analysis and consultations on which the proposed response is based:

<ul style="list-style-type: none"> <li>Consultations with CSIS office of the Deputy Director of Operations, CSIS Communications Branch, Public Safety Canada, Justice Canada, Foreign Affairs Canada, National Defence, Canadian Security Establishment, Canada Border Services Agency, and the RCMP.</li> </ul>
Lead official: - n/a

2. Were publicly available documents used to draft the response?  
If yes, please list titles and dates below:

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

<ul style="list-style-type: none"> <li>Ministerial Direction on Information Sharing with Foreign Entities, 28 July 2011</li> </ul>
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B) Describe any limitations, considerations and/ or data quality statements that apply to this response:

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

<ul style="list-style-type: none"> <li>For reasons of national security, and to protect operational integrity and employee safety, CSIS does not disclose some detailed information concerning internal policies and procedures.</li> </ul>
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PHI-02-0012 03:34 From:

10:15:57

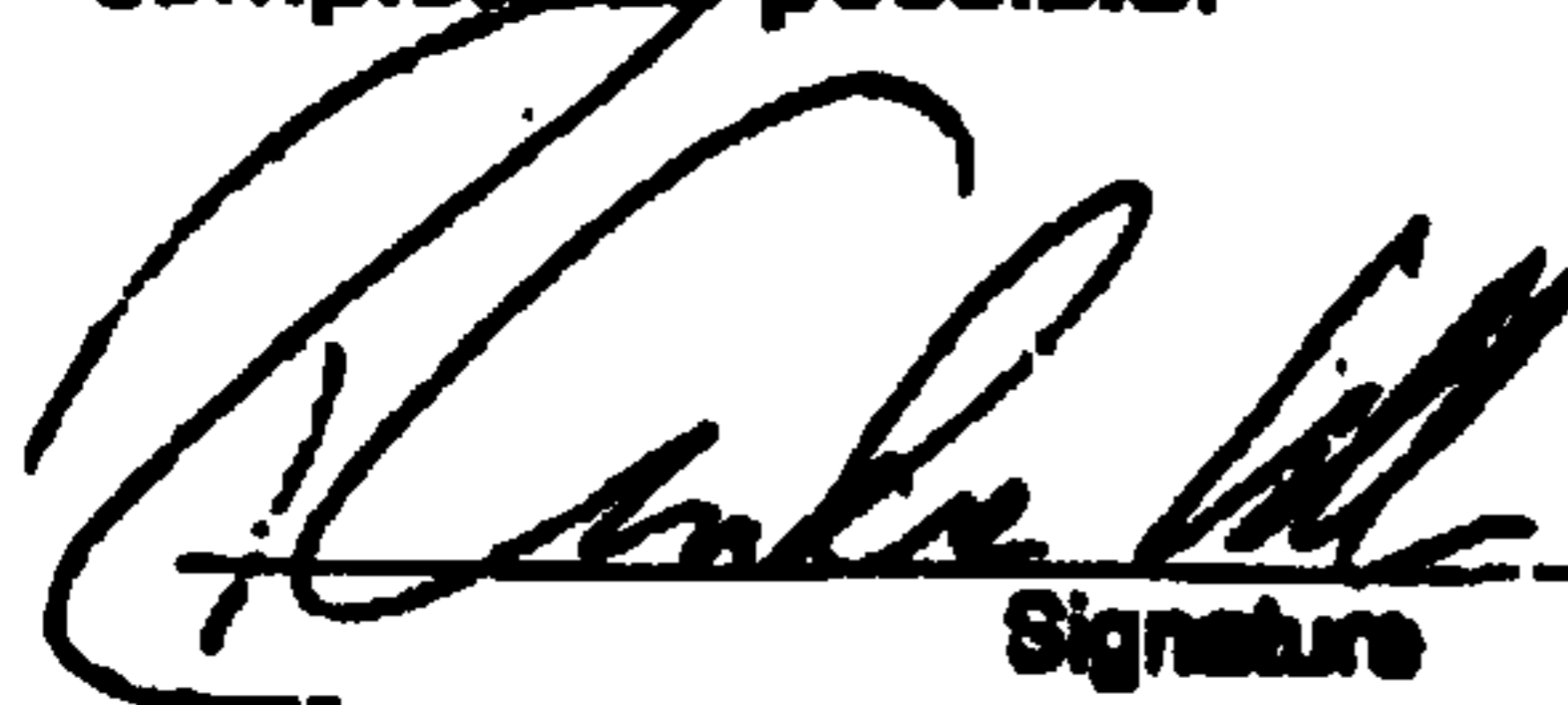
P.C.'s

C) Have information or documents relevant to this response been disclosed publicly, in any manner (e.g. access to information request or request from the Library of Parliament)? If yes, please identify relevant documents and explain any differences in the proposed response. Yes  N/A

- ATIP release of redacted DDO Directive on Information Sharing with Foreign Entities
- The language is consistent with the redacted copy

**Attestation:**

As the Designated Senior Official for [REDACTED] I attest that the information contained in the proposed response Q-521, based on the records and limitations described in this Statement of Completeness, is accurate and as complete as possible.

  
Signature

2012 05 02  
Date

R. Andrew Ellis	ADP (Policy, Strategic Partnerships)
Name of Designated Senior Official	Title

Canada

181-00-0010 03:34 FROM:

10:35PM

P.373

<b>Name of organization</b>
Canadian Security Intelligence Service

<b>COST OF MINISTERIAL RESPONSE TO WRITTEN QUESTION, Q-591</b>	
<b>Name of Parliamentarian : Mr. Cotler</b>	<b>Constituency : Mount Royal</b>
<b>Date of Inquiry: 4 April 2012</b>	
<b>TOTAL COST: \$ 900.00</b>	

.....

<b>Nom de l'organisation</b>
Service canadien du renseignement de sécurité

<b>COÛT DE PRODUCTION POUR LA QUESTION ÉCRITE, Q-591</b>	
<b>Nom du parlementaire: Mr. Cotler</b>	<b>Circonscription : Mount Royal</b>
<b>Date de la demande: 4 Avril 2012</b>	
<b>COÛT TOTAL: \$ 900,00</b>	

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Canada

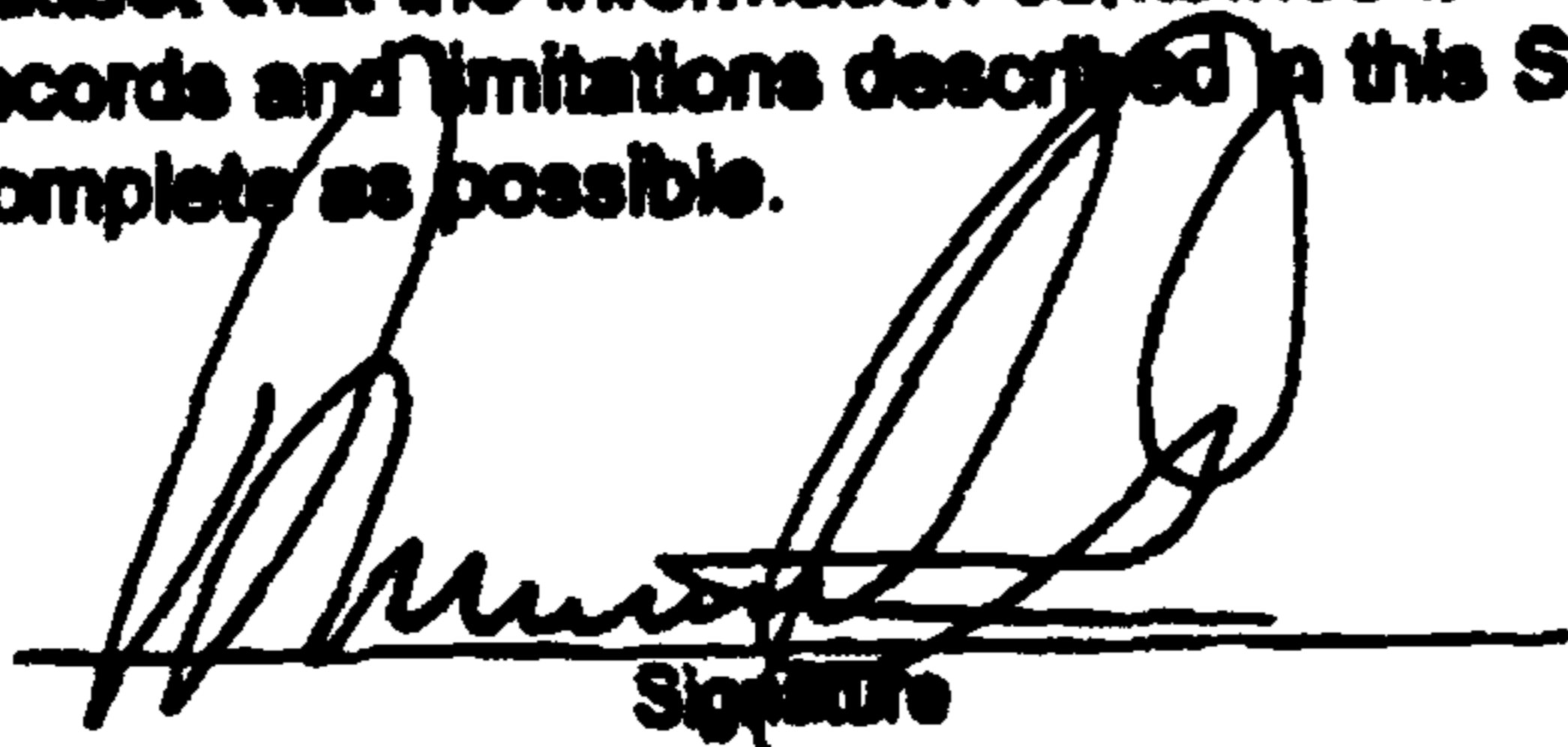


C) Have information or documents relevant to this response been disclosed publicly, in any manner (e.g. access to information request or request from the Library of Parliament)? If yes, please identify relevant documents and explain any differences in the proposed response.  Yes  N/A

The Ministerial Direction to the RCMP: Information Sharing with Foreign Entities has not been publicly released; however, the document is unclassified.

**Attestation:**

As the Designated Senior Official for [REDACTED] I attest that the information contained in the proposed response Q-591, based on the records and limitations described in this Statement of Completeness, is accurate and as complete as possible.

  
Signature

2013-05-01  
Date

Deputy Commissioner Mike Cabana	Deputy Commissioner Federal Policing
Name of Designated Senior Official	Title

Canada

<b>Name of organization</b>
Royal Canadian Mounted Police

<b>COST OF MINISTERIAL RESPONSE TO WRITTEN QUESTION, Q- 591</b>	
<b>Name of Parliamentarian : Mr. Cotler</b>	<b>Constituency : Mount Royal</b>
<b>Date of Inquiry: April 4, 2012</b>	
<b>TOTAL COST: \$ 1740.00</b>	

.....

<b>Nom de l'organisation</b>
Gendarmerie royale du Canada

<b>COÛT DE PRODUCTION POUR LA QUESTION ÉCRITE, Q-591</b>	
<b>Nom du parlementaire: M. Cotler</b>	<b>Circonscription : Mount Royal</b>
<b>Date de la demande: 24 avril 2012</b>	
<b>COÛT TOTAL: 1740,00 \$</b>	

**Canada**



Public Safety    Sécurité publique  
Canada            Canada

Deputy Minister    Sous-ministre

Ottawa, Canada  
K1A 0P8

**UNCLASSIFIED**

DATE: *Aug 20, 2012*

File No. : 1302-411 / 388743

**MEMORANDUM FOR THE MINISTER**

**RESPONSE TO WRITTEN QUESTION Q-771**

(Signature required)

**ISSUE**

On June 19, 2012, written question Q-771 was tabled in the House of Commons by Mr. Craig Scott, M.P. (Toronto—Danforth) regarding the Building Resilience against Terrorism: Canada's Counter-Terrorism Strategy.

Public Safety has responded to parts (a) to (j) and (l) to (p). The Royal Canadian Mounted Police has responded to part (k). The Department of National Defense will respond to part (q) separately.

The Privy Council Office had requested a response by July 30, 2012.

The Statements of Completeness are enclosed.

**RECOMMENDATION**

It is recommended that you sign the attached response provided in both official languages at your earliest convenience.

  
Graham Flack  
Acting Deputy Minister

Enclosure: (1)

Prepared by: Natalie Leclair

**Canada**



# INQUIRY OF MINISTRY DEMANDE DE RENSEIGNEMENT AU GOUVERNEMENT

PREPARE IN ENGLISH AND FRENCH MARKING "ORIGINAL TEXT" OR "TRANSLATION"  
PRÉPARER EN ANGLAIS ET EN FRANÇAIS EN INDIQUANT "TEXTE ORIGINAL" OU "TRADUCTION"

QUESTION NO./N <sup>o</sup> DE LA QUESTION Q-771	BY / DE Mr. Scott (Toronto—Danforth)	DATE June 19, 2012
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REPLY BY THE MINISTER OF PUBLIC SAFETY  
RÉPONSE DU MINISTRE DE LA SÉCURITÉ PUBLIQUE

Signed by the Honourable Vic Toews

PRINT NAME OF SIGNATORY  
INSCRIRE LE NOM DU SIGNATAIRE

SIGNATURE  
MINISTER OR PARLIAMENTARY SECRETARY  
MINISTRE OU SECRÉTAIRE PARLEMENTAIRE

### QUESTION

With respect to the recently published document *Building Resilience against Terrorism: Canada's Counter-Terrorism Strategy* ("the Strategy") and the testimony on June 2, 2012, of the Minister of Public Safety and two of his officials before the Public Safety Committee on the Strategy: (a) what was the process by which the Strategy was planned and generated, from date of conception (i.e. when it was decided to produce a strategy document) to the date of release, including (i) - **See full text of question attached**

### REPLY / RÉPONSE

ORIGINAL TEXT  
TEXTE ORIGINAL

TRANSLATION  
TRADUCTION

### Public Safety Canada (PS)

The Minister of Public Safety appeared before the Standing Committee on Public Safety and National Security on June 5, 2012, to discuss the Government of Canada's Counter-Terrorism Strategy.

- (a) In January 2010, PS and the Privy Council Office, in consultation with the Canadian security and intelligence community, led the development of Canada's Counter-Terrorism Strategy (the Strategy). It involved research, analysis, and consultation within the federal government over the course of 2010-2011, building on the existing experience of the Government and its key allies in countering terrorism.
- i) The Intelligence Policy division of the National Security Policy Directorate, within the National Security Branch of PS, led the development of the Strategy. Other areas within National Security Branch as well as the Emergency Management Branch supported the Strategy's development.
  - ii) A wide variety of other government departments and agencies were involved in the Strategy's development. Annex A of the Strategy provides a detailed list of the roles and responsibilities of these departments and agencies.

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- (b) The Strategy's development involved a review of the 'lessons learned' by international partners in the development and implementation of their counter-terrorism strategies. With respect to Afghanistan, the Strategy reflects the considerable operational experience gained by Canadian departments and agencies in the conduct of their counter-terrorism activities. As the Strategy is designed to articulate Canada's approach to countering terrorism, the strategy is heavily informed by Canada's experience around the world.
- (c) There were no specific formal studies or reviews published by the Government that directly supported the development of the Strategy. Policy development of the Strategy was informed by Auditor General reports related to national security, the *Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182*, the *Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar*, the *Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin*, as well as other allied strategies (e.g. strategies from the United Nations, the North Atlantic Treaty Organization, the United States, the United Kingdom, Australia and the Netherlands) over the past decade.
- i) Not applicable.
  - ii) Not applicable.
  - iii) Not applicable.
- (d) Canada's experience in Afghanistan is reflected in the Strategy. It highlights the ongoing and multifaceted activities of government departments and agencies that are involved in countering terrorism.
- (e) Please see (d).
- (f) The Security Intelligence Review Committee (SIRC) conducted a review of Canadian Security Intelligence Service (CSIS) activities entitled *CSIS's Role in Interviewing Afghan Detainees* (SIRC Study 2010-01) dated July 4, 2011. It considered and reviewed the relationship between Canadian security and intelligence agencies with respect to the handling of Afghan detainees. This report is available at: [www.sirc-csars.gc.ca](http://www.sirc-csars.gc.ca).
- (g) SIRC has a mandate to review the activities of CSIS as outlined in *CSIS Act*. The time period of this specific SIRC review covers the majority of the last 10 years, beginning with Canada's original involvement in Afghanistan in 2002 and examining CSIS documentation and policy up to the completion of CSIS's internal report in the summer of 2010.
- (h) Successful counter terrorism requires cooperation between government and an array of domestic and international partners, including increased interaction with non-traditional partners. Domestically, for example, the government has expanded its cooperation with academia through the Kanishka Project. Internationally, the Department of Foreign Affairs plays a leading role in Canadian counter-terrorism efforts and continues to improve our ability to cooperate with diverse countries around the world that share our commitment to countering the global terrorist threat.



- 3 -

- (i) On June 20, 2012, the Government introduced Bill C-42, *An Act to Amend the Royal Canadian Mounted Police (RCMP) Act and to Make Related and Consequential Amendments to Other Acts (Enhancing the Royal Canadian Mounted Police Accountability Act)*, which responds to recommendations made by Commissioner O'Connor. The Bill proposes to establish a new Commission to replace the existing Commission for Public Complaints against the RCMP. The new Commission will have broad access to RCMP information, with appropriate safeguards, and will have enhanced investigative powers. Among other things, the Commission will have the ability to conduct policy reviews, conduct joint investigations with other police review bodies, share information with review bodies (subject to safeguards), and provide reports to provinces and territories that contract policing services from the RCMP.
- (j) According to the 2009-2010 CSIS Annual Public Report, "CSIS assesses that violence motivated by various ideologies from domestic-based groups remains a reality in Canada. Eco-extremists, Aboriginal extremists and other issue-motivated groups in Canada, though very small in number, can encourage, threaten and support serious acts of violence." Several cases of environmental extremism have been identified by Canadian law enforcement authorities, including six bombings of natural gas pipelines in Western Canada in recent years.
- (l) A broad range of Canadian departments and agencies, including the Department of Justice, were consulted during the development of the Strategy. These agencies contributed to the Strategy based on their understanding and experience working with the full range of laws relevant to countering terrorism, a selection of which are noted in Annex B for the benefit of informing public audiences of the existing Canadian legal framework.
- (m) Please see (l).
- (n) Please see (l).
- (o) Details of the Government's legislative agenda are not available at this time.
- (p) The reference to the May 2010 conviction of Mr. Praphaharan Thambithurai in Canada's Strategy was included as a publicly available example of the type of support Canada would want to prevent from re-emerging. Even though the conflict in Sri Lanka has ended, it remains a crime in Canada to provide financial support to any listed terrorist entity, including the Liberation Tigers of Tamil Eelam. More specifically, the Financial Transactions and Reports Analysis of Canada organization continues to facilitate the detection, prevention and deterrence of money laundering, terrorist activity financing, and other threats to the security of Canada.
- i) Please see (p).

- ii) According to the 2009-2010 CSIS Annual Public Report, "[t]he effects of other conflicts outside Canada also continue to resonate with diaspora communities in this country. The 2009 conflict in Sri Lanka between government forces and Tamils led to mass demonstrations – and disruptions to certain local services – in Ottawa and Toronto". As articulated in the Strategy, Canada continues to monitor any changes at home or abroad that may impact Canada's security, and the Government has committed to report annually to Canadians on the terrorist threat.

**Royal Canadian Mounted Police (RCMP)**

- (k) There are 10 critical infrastructure sectors under the National Strategy and Action Plan for the Protection of Critical Infrastructure; one of those critical infrastructure sectors is *Energy*, which includes the oil and gas industry. Section 83.01 of the *Criminal Code* lists terrorist acts in relation to critical infrastructure, and signals the importance of protecting these sectors from terrorist activity. The RCMP's mandate includes the protection of critical infrastructure from all criminal acts that could result in damage to property, death, serious bodily harm, risks to health and safety, and interference with or serious disruption of an essential service, facility or system. Environmental extremism targeting critical infrastructure would trigger a response by an Integrated National Security Enforcement team or National Security Enforcement Section to investigate such an act and take whatever security measures are required to protect personnel and property.

**Q-771<sup>2</sup> — June 19, 2012 — Mr. Scott (Toronto—Danforth) —** With respect to the recently published document *Building Resilience against Terrorism: Canada's Counter-Terrorism Strategy* ("the Strategy") and the testimony on June 2, 2012, of the Minister of Public Safety and two of his officials before the Public Safety Committee on the Strategy: (a) what was the process by which the Strategy was planned and generated, from date of conception (i.e. when it was decided to produce a strategy document) to the date of release, including (i) which unit, branch or agency within the Department of Public Safety took the lead, and what other units, branches or agencies of the Department were closely involved, (ii) were other departments consulted and, if so, which units, branches or agencies within those departments were involved; (b) did the planning process for the Strategy include conducting 'lessons learned' or similar reviews or studies of counter-terrorism policy and operations since September 11, 2001, including with respect to intelligence policy and operations in Afghanistan, and/or were reviews or studies that were done outside the Strategy's own planning process drawn upon in formulating the Strategy, including with respect to Afghanistan; (c) with respect to studies and reviews mentioned in (b), (i) what are their names or titles, (ii) on which dates were they conducted, (iii) what were the authoring governmental units, branches or agencies responsible for the said studies and reviews; (d) have there been reviews or studies of lessons learned from the Afghanistan experience that will be used for future counter-terrorism policy, notably with respect to how counter-terrorist intelligence interacts with military operations and imperatives; (e) did the reviews and studies referred to in (d) include a review or a study of the lessons learned with respect to the interaction of CSIS operatives who were in theatre with Defence Intelligence, Communications Security Establishment Canada (CSEC) and other intelligence operatives who were also working in theatre; (f) has the Security and Intelligence Review Committee conducted reviews and studies on the role of CSIS in Afghanistan including, but not limited to, reviews and studies relevant to CSIS relations to the National Directorate of Security concerning transfer and interrogation of detainees; (g) what was the nature, timing and process of each review or study identified in (f), and what are the details regarding the relevant documents or summaries; (h) has the government conducted a review to identify what can be learned concerning what the Strategy identifies as the challenge of "increasing interaction with non-traditional partners" (p. 17) as a result of the interactions of CSIS, Defence Intelligence and CSEC with Afghanistan's National Directorate of Security (NDS), and, if so, what are the lessons learned or conclusions of any such review; (i) with regard to the recommendations in the recent Concluding Observations of the UN Committee against Torture, will the government implement any aspects of Justice O'Connor's Arar Inquiry report with respect to oversight of intelligence agencies, including RCMP intelligence, in addition to measures already taken, and (ii) if so, which aspects, (iii) if not, why not; (j) given that on page 9 of the Strategy "environmentalism" is listed as one advocacy area that can generate "extremism" leading to terrorism, has the government concluded that any environmental group currently present in Canada is "extremist" in this sense; (k) does the mandate of the integrated national security enforcement team include the protection of the Canadian oil and gas industry and its employees from environmental "extremism" that turns into terrorism, as described in the Strategy; (l) in its planning process for the Strategy, did the government study how Bill C-304, An Act to amend the Canadian Human Rights Act (protecting freedom), and specifically its clause to repeal section 13 of the Canada Human Rights Act, could affect the Strategy's goal of establishing "stronger laws against ... hate propaganda" (p. 32), and, if so, what were the government's conclusions; (m) is Bill C-30, An Act to enact the Investigating and Preventing Criminal Electronic Communications Act and to amend the Criminal Code and other Acts, an important part of Canada's counter-terrorism strategy, and, if so, why was it not included in the Strategy; (n) is Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act, an important part of Canada's counter-terrorism strategy, and, if so, why was it not included in the Strategy; (o) will further legislation be put forward to implement the Strategy and, if so, on what matters and with what purposes; (p) with respect to the the Strategy's statement concerning the Liberation Tigers of Tamil Eelam (LTTE) and the importance that the group is "not allowed to rebuild in Canada in order to engage in terrorist activities," (p.8) , (i) why does the Strategy refer to conduct that predated the end of the civil war in 2009 (i.e. the 2008 conduct of an LTTE fundraiser, for which he was convicted after the war in 2010) to illustrate the concern about the LTTE rebuilding, (ii) does the government possess information that suggests that the LTTE is in the process of rebuilding in Canada for purpose of terrorist activities; and (q) has Canada ever accepted communications intelligence from one of the traditional "Five Eyes" allies mentioned in Minister Toews' testimony from June 5, 2012, where that intelligence consisted of communications that took place between persons both or all of whom were within Canada at the time the communications occurred?



# INQUIRY OF MINISTRY DEMANDE DE RENSEIGNEMENT AU GOUVERNEMENT

PREPARE IN ENGLISH AND FRENCH MARKING "ORIGINAL TEXT" OR "TRANSLATION"  
PRÉPARER EN ANGLAIS ET EN FRANÇAIS EN INDIQUANT "TEXTE ORIGINAL" OU "TRADUCTION"

QUESTION NO./N° DE LA QUESTION Q-771	BY / DE M. Scott (Toronto—Danforth)	DATE 19 juin 2012
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REPLY BY THE MINISTER OF PUBLIC SAFETY  
RÉPONSE DU MINISTRE DE LA SÉCURITÉ PUBLIQUE

Signé par l'honorable Vic Toews

PRINT NAME OF SIGNATORY  
INSCRIRE LE NOM DU SIGNATAIRE

SIGNATURE  
MINISTER OR PARLIAMENTARY SECRETARY  
MINISTRE OU SECRÉTAIRE PARLEMENTAIRE

**QUESTION**

En ce qui concerne le document publié récemment et intitulé Renforcer la résilience face au terrorisme : Stratégie antiterroriste du Canada (« la Stratégie ») et les témoignages du ministre de la Sécurité publique et de deux de ses fonctionnaires devant le Comité de la sécurité publique, le 2 juin 2012, à propos de la Stratégie : a) quel processus a-t-on suivi pour planifier, puis élaborer la Stratégie, depuis sa conception (le moment où on a décidé de produire un document stratégique) jusqu'à la date de sa publication, en indiquant (i) – Voir ci-joint le texte complet de la question.

**REPLY / RÉPONSE**

ORIGINAL TEXT  
TEXTE ORIGINAL

TRANSLATION  
TRADUCTION

### Sécurité publique Canada (SP)

Le ministre de la sécurité publique a comparu devant le Comité permanent de la sécurité publique et nationale, le 5 juin 2012, pour discuter de la Stratégie antiterroriste du gouvernement du Canada.

- a) En janvier 2012, SP et le Bureau du Conseil privé, en consultation avec le milieu canadien de la sécurité et du renseignement, ont dirigé l'élaboration de la Stratégie antiterroriste du Canada (la Stratégie). Ce processus a nécessité de mener des recherches, des analyses et des consultations au sein du gouvernement fédéral tout au long de 2010-2011, en s'appuyant sur l'expérience du gouvernement canadien et de ses principaux alliés dans la lutte contre le terrorisme.
  - i) La Division des politiques du renseignement de la Direction générale des politiques de la sécurité nationale, au sein du Secteur de la sécurité nationale de SP, a dirigé l'élaboration de la Stratégie. D'autres unités du Secteur de la sécurité nationale et du Secteur de la gestion des mesures d'urgence ont appuyé son élaboration.
  - ii) Un large éventail de ministères et d'organismes ont participé à l'élaboration de la Stratégie. L'annexe A de cette dernière présente une liste détaillée des rôles et des responsabilités de ces organisations.

- b) **L'élaboration de la Stratégie a tenu compte des leçons apprises par les partenaires internationaux du Canada au moment de concevoir et de mettre en œuvre leurs stratégies de lutte contre le terrorisme. En ce qui concerne l'Afghanistan, la Stratégie reflète l'expérience opérationnelle considérable acquise par les ministères et les organismes canadiens au cours des activités de lutte contre le terrorisme qu'ils ont menées. Comme la Stratégie est conçue pour articuler l'approche du Canada en matière de lutte contre le terrorisme, l'approche est fortement influencée par l'expérience du pays à travers le monde.**
- c) **La conception de la Stratégie ne se fonde pas directement sur des études ou des examens officiels publiés par le gouvernement du Canada. L'élaboration des politiques de la Stratégie découle de rapports du vérificateur général liés à la sécurité nationale, de la Commission d'enquête relative aux mesures d'investigation prises à la suite de l'attentat à la bombe commis contre le vol 182 d'Air India, de la Commission d'enquête sur les actions des responsables canadiens relativement à Maher Arar, de l'Enquête interne sur les actions des responsables canadiens relativement à Abdullah Almalki, Ahmad Abou Elmaati et Muayyed Nureddin, ainsi que d'autres stratégies alliées de la dernière décennie. Par exemple, le Canada a tiré profit de l'expérience de l'Organisation des Nations Unies, de l'Organisation du traité de l'Atlantique nord, des États-Unis, du Royaume-Uni, de l'Australie et des Pays-Bas.**
- i) **Sans objet.**
- ii) **Sans objet.**
- iii) **Sans objet.**
- d) **L'expérience du Canada en Afghanistan se reflète dans la Stratégie. Cette dernière témoigne des activités à multiples facettes en cours dans les ministères et les organismes du gouvernement qui visent à combattre le terrorisme.**
- e) **Voir d).**
- f) **Le Comité de surveillance des activités de renseignement de sécurité (CSARS) a mené un examen des activités du Service canadien du renseignement de sécurité (SCRS) intitulé « Étude du rôle joué par le SCRS dans les entrevues des détenus afghans » (CSARS 2010-1) et publié le 4 juillet 2011. L'étude a examiné la relation entre les organismes canadiens de sécurité et du renseignement en ce qui a trait au traitement des détenus afghans. Le rapport est disponible sur Internet : [www.sirc-csars.gc.ca](http://www.sirc-csars.gc.ca).**
- g) **Le CSARS a le mandat d'examiner les activités du SCRS dans le cadre de la Loi sur le SCRS. Cet examen précis du CSARS portait sur une grande partie des dix dernières années, remontant à 2002, année où le Canada est initialement allé en Afghanistan, et examinant la documentation et la politique du SCRS jusqu'à l'été 2010, moment où le SCRS a produit son rapport interne.**

- h) **La lutte efficace contre le terrorisme nécessite la coopération entre le gouvernement et un éventail de partenaires nationaux et internationaux, ainsi qu'une plus grande interaction avec les partenaires non traditionnels du Canada. À l'échelle nationale, le gouvernement a notamment accru sa coopération avec le secteur universitaire grâce au projet Kanishka. Sur la scène internationale, le ministère des Affaires étrangères joue un rôle de premier plan dans les efforts canadiens de lutte contre le terrorisme et continue à accroître notre capacité à coopérer avec divers pays qui partagent notre volonté de combattre la menace terroriste mondiale.**
- i) **Le 20 juin 2012, le gouvernement a présenté le projet de loi C-42, *Loi modifiant la Loi sur la Gendarmerie royale du Canada et apportant des modifications connexes et corrélatives à d'autres lois (Loi visant à accroître la responsabilité de la Gendarmerie royale du Canada)*, qui répond aux recommandations faites par le commissaire O'Connor. Le projet de loi propose de mettre sur pied une nouvelle commission pour remplacer l'actuelle Commission des plaintes du public contre la GRC. La nouvelle commission aura un accès élargi à l'information de la GRC, tout en respectant des mesures de protection appropriée, et aura davantage de pouvoirs d'enquête. Elle pourra aussi mener des examens stratégiques, mener des enquêtes conjointes avec d'autres organismes d'examen d'actes policiers, échanger des renseignements avec d'autres organismes d'examen, à condition de respecter certaines mesures de sécurité, et fournir des rapports aux provinces et aux territoires qui ont signé un contrat avec la GRC pour obtenir des services de police.**
- j) **Selon le rapport public annuel de 2009-2010 du SCRS, « Au Canada, le SCRS estime que la perpétration, par des groupes établis au pays, d'actes violents motivés par diverses idéologies demeure une réalité. [...] Bien qu'ils soient peu nombreux, les extrémistes écologistes, les extrémistes autochtones et les groupes motivés par d'autres causes au Canada peuvent encourager ou soutenir la perpétration d'actes de violence grave, ou menacer d'en commettre. » Plusieurs cas d'extrémisme environnementaliste ont été relevés par les autorités canadiennes, dont six attentats à la bombe contre des gazoducs dans l'Ouest du Canada au cours des dernières années.**
- l) **De nombreux ministères et organismes canadiens, y compris le ministère de la Justice, ont été consultés lors de l'élaboration de la Stratégie. Ces organisations ont contribué en offrant leur compréhension et leur expérience du travail dans le cadre de toutes les lois liées à la lutte au terrorisme. Certaines d'entre elles figurent d'ailleurs à l'annexe B afin d'informer le public du cadre législatif canadien existant.**
- m) **Voir l).**
- n) **Voir l).**
- o) **Les détails de l'agenda législatif du gouvernement ne sont pas disponibles en ce moment.**
- p) **L'allusion à la condamnation, en mai 2010, de M. Praphaharan Thambithurai dans la Stratégie a été incluse comme exemple diffusé publiquement du type d'appui que le Canada cherche à empêcher de refaire surface. Même si le conflit au Sri Lanka est terminé, le fait d'appuyer financièrement une entité terroriste inscrite, comme les Tigres libérateurs de l'Eelam tamoul, constitue toujours un crime au Canada. Plus précisément, le Centre d'analyse des opérations**

**et déclarations financières du Canada continue de faciliter la détection, la prévention et la dissuasion du blanchiment d'argent, du financement du terrorisme ainsi que d'autres menaces à la sécurité du Canada.**

**i) Voir p).**

**ii) Selon le rapport public annuel de 2009-2010 du SCRS, « Les effets d'autres conflits à l'étranger continuent d'aiguiser la sensibilité des diasporas au pays. Le conflit au Sri Lanka en 2009 entre les forces gouvernementales et les Tamouls a donné lieu à de vastes manifestations – ainsi qu'à la perturbation de certains services locaux – à Ottawa et à Toronto. » Comme l'indique la Stratégie, le Canada continue de surveiller les changements, au pays ou à l'étranger, qui pourraient avoir des répercussions sur sa sécurité, et le gouvernement s'est engagé à présenter aux Canadiens un rapport annuel sur la menace terroriste.**

### **Gendarmerie royale du Canada (GRC)**

**k) La Stratégie nationale et le Plan d'action sur les infrastructures essentielles visent 10 secteurs d'infrastructures essentielles; dont le secteur de l'énergie, qui comprend l'industrie pétrolière et gazifère. La disposition 83.01 du *Code Criminel* énumère les actes terroristes concernant les infrastructures essentielles et souligne l'importance de protéger ces secteurs contre les activités terroristes. Conformément à son mandat, la GRC est chargée de protéger les infrastructures essentielles contre tous les actes criminels qui pourraient causer des dommages matériels, des pertes de vie et des blessures graves, compromettre la santé et la sécurité, et perturber gravement ou paralyser des services, des installations ou des systèmes essentiels. Les actes de terrorisme environnemental ciblant les infrastructures essentielles d'une telle ampleur provoqueraient une intervention par une équipe intégrée de la sécurité nationale ou par la section de la sécurité nationale, qui ferait enquête et prendrait toutes les mesures nécessaires pour protéger le personnel et les biens.**

**Q-771<sup>2</sup> — 19 juin 2012 — M. Scott (Toronto—Danforth) —** En ce qui concerne le document publié récemment et intitulé *Renforcer la résilience face au terrorisme : Stratégie antiterroriste du Canada* (« la Stratégie ») et les témoignages du ministre de la Sécurité publique et de deux de ses fonctionnaires devant le Comité de la sécurité publique, le 2 juin 2012, à propos de la Stratégie : a) quel processus a-t-on suivi pour planifier, puis élaborer la Stratégie, depuis sa conception (le moment où on a décidé de produire un document stratégique) jusqu'à la date de sa publication, en indiquant (i) quel service, quelle direction ou quel organisme relevant du ministère de la Sécurité publique a pris la direction des choses, et quels autres services, directions ou organismes relevant du Ministère ont collaboré étroitement; (ii) si on a consulté d'autres ministères et, dans l'affirmative, quels services, directions ou organismes relevant de ces ministères ont collaboré étroitement; b) si le processus de planification de la Stratégie se fondait notamment sur des leçons apprises ou d'autres études ou examens semblables de politiques et d'activités d'antiterrorisme en vigueur depuis le 11 septembre 2001, y compris, pour ce qui concerne les politiques et activités de renseignement en Afghanistan, si des études ou des examens ne faisant pas partie du processus de planification de la Stratégie, relativement à l'Afghanistan, entre autres, ont servi à formuler la Stratégie; c) en ce qui a trait aux études et examens mentionnés dans b), (i) comment sont-ils intitulés, (ii) quand ont-ils été réalisés, (iii) de quels services, directions ou organismes gouvernementaux relevaient-ils; d) les enseignements tirés de l'expérience en Afghanistan serviront-ils à l'élaboration d'une éventuelle politique d'antiterrorisme, notamment sur la façon dont le renseignement antiterroriste interagit avec les opérations militaires et leurs impératifs; e) les études et examens dont il est question au point d) englobent-ils une étude ou un examen des enseignements tirés de l'interaction des agents du SCRS avec la Defense Intelligence Agency, le Centre de la sécurité des télécommunications Canada (CSTC) et d'autres agents du renseignement également sur le terrain; f) le Comité de surveillance des activités du renseignement de sécurité a-t-il mené des études ou examens sur le rôle du SCRS en Afghanistan, y compris, sans s'y limiter, des études et examens sur les rapports du SCRS avec le National Directorate of Security relativement au transfert et à l'interrogatoire de détenus; g) quelle était la nature de chaque étude ou examen mentionné au point f), quand ont-ils été réalisés et selon quel processus, et quels sont les détails relatifs aux documents ou résumés pertinents; h) le gouvernement a-t-il effectué une étude pour déterminer quelles leçons pouvaient être tirées du défi qui, selon la Stratégie, consiste à « favoriser des échanges avec des partenaires non traditionnels » (p. 20) par suite des interactions entre le SCRS, la Defense Intelligence Agency et le CSTC, et le National Directorate of Security (NDS) afghan et, dans l'affirmative, quelles sont ces leçons ou les conclusions d'une telle étude; i) à propos des recommandations formulées dans les observations finales du Comité contre la torture des Nations Unies, le gouvernement mettra-t-il en application un ou plusieurs des aspects du rapport de la commission d'enquête O'Connor dans l'affaire Arar relativement à la surveillance des organismes de renseignement, dont le service de renseignement de la GRC, en plus des mesures qui ont déjà été prises, et (i) dans l'affirmative, quels sont ces aspects, (ii) dans la négative, pourquoi; j) puisqu'il est question, à la page 10 de la Stratégie, de l'« environnementalisme » comme un secteur dont la défense des intérêts est susceptible d'attiser l'extrémisme et d'engendrer le terrorisme, le gouvernement en serait-il arrivé à la conclusion qu'un groupe environnementaliste particulier présent au Canada est « extrémiste »; k) le mandat de l'équipe de sécurité nationale intégrée inclut-il la protection de l'industrie pétrolière et gazière canadienne et de ses employés contre l'« extrémisme » environnemental susceptible d'engendrer le terrorisme, tel qu'il est décrit dans la Stratégie; l) au moment de planifier la Stratégie, le gouvernement a-t-il examiné l'incidence que le projet de loi C-304, Loi modifiant la Loi canadienne sur les droits de la personne (protection des libertés), et plus particulièrement sa disposition qui vise à abroger l'article 13 de la Loi canadienne sur les droits de la personne, pourraient avoir sur l'objectif de la Stratégie qui consiste à adopter des « lois plus sévères contre la propagande et les crimes haineux » (p. 32) et, dans l'affirmative, à quelles conclusions en est-il arrivé; m) le projet de loi C-30, Loi édictant la Loi sur les enquêtes visant les communications électroniques criminelles et leur prévention et modifiant le Code criminel et d'autres lois, est-il un élément important de la Stratégie antiterroriste du Canada et, dans l'affirmative, pourquoi n'a-t-il pas été inclus dans la Stratégie; n) le projet de loi C-31, Loi modifiant la Loi sur l'immigration et la protection des réfugiés, la Loi sur des mesures de réforme équitables concernant les réfugiés, la Loi sur la sûreté du transport maritime et la Loi sur le ministère de la Citoyenneté et de l'Immigration, est-il un élément important de la Stratégie antiterroriste du Canada et, dans l'affirmative, pourquoi n'a-t-il pas été inclus dans la Stratégie; o) d'autres mesures législatives seront-elles présentées aux fins de la mise en œuvre de la Stratégie et, dans l'affirmative, de quoi traiteront-elles et quelle en sera la finalité; p) en ce qui a trait au passage de la Stratégie concernant les Tigres de libération de l'Eelam tamoul (TLET) et le fait qu'il soit « important d'empêcher les membres des TLET de se réfugier au Canada en vue de participer à des activités terroristes » (p. 10), (i) pourquoi la Stratégie fait-elle référence à des gestes datant d'avant la fin de la guerre civile, en 2009, (soit ceux d'un collecteur de fonds des TLET, pour lesquels il a été condamné après la guerre, en 2010) pour illustrer les craintes concernant la reformation des TLET, (ii) le gouvernement a-t-il en sa possession des informations portant à croire que les TLET sont en voie de se reformer au Canada pour y mener des activités terroristes; q) le Canada a-t-il déjà accepté du renseignement sur les communications de l'un de ses alliés traditionnels, les « Cinq-Yeux », dont il est question dans le témoignage du ministre Toews du 5 juin 2012, ce renseignement provenant d'échanges entre personnes qui se trouvaient au Canada au moment des échanges en question?



<b>Name of organization</b>
<b>Public Safety Canada</b>

**STATEMENT OF COMPLETENESS**

**RESPONSE TO WRITTEN QUESTION, Q- 771**

**Name of Parliamentarian : Mr. Scott                      Constituency : Toronto-Danforth**  
**Date of Inquiry:                      June 19, 2012**

**A) 1. Briefly describe records, analysis and consultations on which the proposed response is based:**

**This response is based on the policy work that Public Safety Canada led from 2010-2012 culminating in the publication of Canada's Counter-Terrorism Strategy in February 2012. It involved review of internal records and consultations with involved staff.**

**In preparing the response, Public Safety coordinated an interdepartmental response to this question working in consultation with several other government departments and agencies. This included the Canadian Security Intelligence Service (CSIS), the Department of Foreign Affairs (DFAIT), the Communications Security Establishment Canada (CSEC), the Department of National Defence (DND) and the Royal Canadian Mounted Police (RCMP).**

**PS has assumed responsibility and drafted proposed responses for all sub-questions except K and Q.**

**RCMP has assumed responsibility and drafted the response for sub-question K.**

**CSEC has assumed responsibility and drafted the response for sub-question Q.**

**Lead official: National Security Branch**

**2. Were publicly available documents used to draft the response?                      Yes      No**  
**If yes, please list titles and dates below:**

**The Canadian Security Intelligence Service (CSIS) "CSIS Annual Public Report" (2011), the Security Intelligence Review Committee (SIRC) "CSIS's Role in Interviewing Afghan Detainees" (SIRC Study 2010-01, July 4, 2011) and Public Safety Canada "Building Resilience Against Terrorism: Canada's Counter-Terrorism Strategy" (February 2012).**

SPB / CPES

**Routing Slip / Bordereau d'acheminement**

File No / No de dossier : DEP- 388743

Deadline for DM's signature / Échéancier pour la signature du S-M : \_\_\_\_\_

*[Handwritten initials and stamps]*  
 RECEIVED  
 DEPARTMENT OF PUBLIC SAFETY  
 2012 AUG 09 P 12:12  
 2012 AUG 11 P 4:09

<b>Title /</b> <b>Titre :</b>		<b>ACTION REQUIRED /</b> <b>MESURES A PRENDRE</b>				
Q-771 Mr. Scott (Toronto-Danforth) Info on <i>Building Resilience against Terrorism</i> June 19, 2012		<b>Name / Nom</b>	<b>Date</b>	<b>Initials /</b> <b>Initiales</b>	<b>Approval or</b> <b>signature /</b> <b>Approbation</b> <b>ou signature</b>	<b>Information</b>
Originator / Auteur Natalie Leclair / Julie McAteer <i>for</i>			AUG 09 2012	CS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director / Directeur Jean Cintrat			AUG 09 2012	<i>JC</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director General / Directeur général Randall Koops <i>for</i>			Aug 10 2012	DK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chief Audit Executive / Dirigeante principale de la vérification Rosemary Stephenson					<input type="checkbox"/>	<input type="checkbox"/>
Director General Communications / Directrice générale des communications Stéphanie Durand					<input type="checkbox"/>	<input type="checkbox"/>
Executive Director & Senior General Counsel LS / Directeur exécutif et Avocat général principal SJ Paul Shuttle					<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister SP / Sous-ministre adjointe PS Paul MacKinnon			Aug 16 2012	PM	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister LP / Sous-ministre adjoint SPL Richard Wex					<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister CM / Sous-ministre adjointe GM Gary Robertson					<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister CSP / Sous-ministre adjoint SPP Shawn Tupper					<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister EMRO / Sous-ministre adjoint délégué SGMUOR Gina Wilson					<input type="checkbox"/>	<input type="checkbox"/>
Senior Assistant Deputy Minister NS/ Sous-ministre adjointe principale SN Lynda Clairmont					<input type="checkbox"/>	<input type="checkbox"/>
Acting Deputy Minister / Sous-ministre par intérim Graham Flack <i>G. Flack</i>					<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minister / Ministre The Honourable / L'honorable Vic Toews					<input checked="" type="checkbox"/>	<input type="checkbox"/>

B) Describe any limitations, considerations and/ or data quality statements that apply to this response:

Yes  No

[Empty rectangular box for response B]

C) Have information or documents relevant to this response been disclosed publicly, in any manner (e.g. access to information request or request from the Library of Parliament)? If yes, please identify relevant documents and explain any differences in the proposed response.

Yes  N/A

[Empty rectangular box for response C]

**Attestation:**

As the Designated Senior Official for ~~National Security Branch~~ I attest that the information contained in the proposed response Q-771, based on the records and limitations described in this Statement of Completeness, is accurate and as complete as possible.

[Handwritten Signature]  
Signature

Aug 7/12  
Date

Lynda Clairmont	Senior Assistant Deputy Minister National Security Branch
Name of Designated Senior Official	Title

Canada

<b>Name of organization</b>
<b>Public Safety Canada</b>

<b>COST OF MINISTERIAL RESPONSE TO WRITTEN QUESTION, Q- 771</b>	
<b>Name of Parliamentarian : Mr. Scott</b>	<b>Constituency : Toronto-Danforth</b>
<b>Date of Inquiry: June 19, 2012</b>	
<b>TOTAL COST: \$ 1,349.63</b>	

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Nom de l'organisation
Sécurité publique Canada

**ATTESTATION DE CONFORMITÉ  
RÉPONSE PROPOSÉE À LA QUESTION ÉCRITE Q- 771**

Nom du parlementaire : M. Scott  
Date de la demande : June 19, 2012

Circonscription : Toronto-Danforth

- A) 1. Décrivez succinctement les documents, les analyses et les consultations sur lesquels se fonde la réponse.

La réponse se fonde sur le travail d'élaboration de politiques dirigé par Sécurité publique Canada (SP) de 2010 à 2012 pour en arriver à la publication de la Stratégie antiterroriste du Canada en février 2012. La réponse a nécessité l'examen de documents internes et la consultation du personnel concerné.

Pour coordonner une réponse interministérielle, Sécurité publique Canada a collaboré avec plusieurs autres ministères et organismes. Parmi ceux-ci, le Service canadien du renseignement de sécurité (SCRS), le ministère des Affaires étrangères et du Commerce international, le Centre de la sécurité des télécommunications Canada (CSTC), le ministère de la Défense nationale (DN) et la Gendarmerie royale du Canada (GRC).

SP a assumé la responsabilité de rédiger une réponse proposée à toutes les sous-questions, à l'exception des sous-questions K et Q.

La GRC a assumé la responsabilité de rédiger une réponse proposée à la sous-question K.

Le CSTC a assumé la responsabilité de rédiger une réponse proposée à la sous-question Q.

Personne-ressource : Secteur de la sécurité nationale

2. A-t-on utilisé des documents publics pour élaborer la réponse?  
Dans l'affirmative, inscrivez ci-après les titres et les dates.

Oui

Non

*Rapport public annuel (2011) du SCRS, Étude du rôle joué par le SCRS dans les entrevues des détenus afghans (étude 2010-01 du Comité de surveillance des activités de renseignement de sécurité, 4 juillet 2011) et Renforcer la résilience face au terrorisme : Stratégie antiterroriste du Canada de Sécurité publique Canada (février 2012).*

B) Décrivez les restrictions, considérations ou énoncés sur la qualité qui s'appliquent à la présente réponse.

Oui  Non

[Empty rectangular box for describing restrictions]

C) Des éléments d'information ou des documents en rapport avec la présente réponse ont-ils été divulgués de quelque manière que ce soit (p. ex. en réponse à une demande présentée en vertu de la Loi sur l'accès à l'information ou provenant de la Bibliothèque du Parlement)? Dans l'affirmative, énumérez les documents pertinents et expliquez les différences par rapport aux renseignements qui figurent dans la présente réponse.

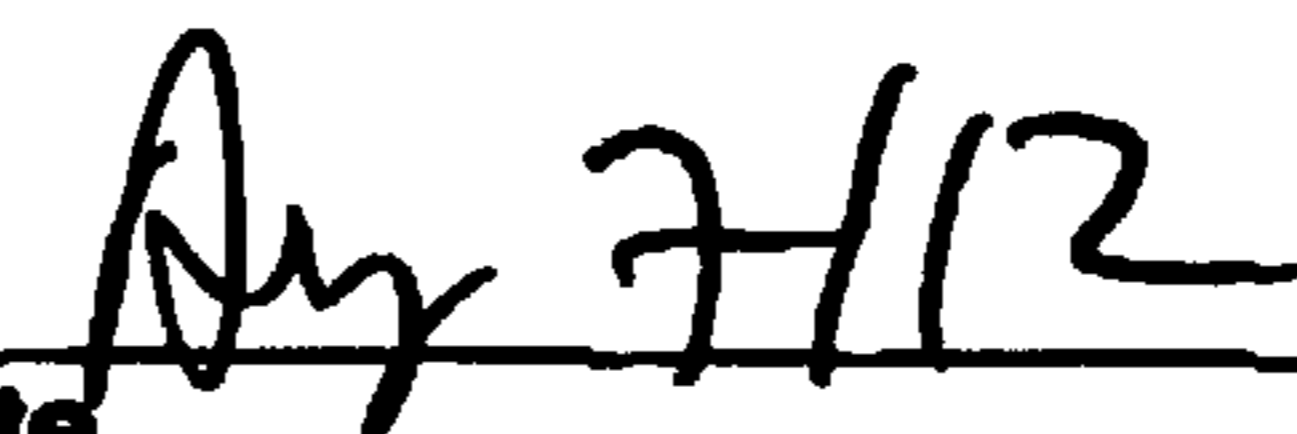
Oui  S.O.

[Empty rectangular box for listing documents]

Attestation

En tant que haut fonctionnaire désigné pour le ~~Ministère de la Sécurité nationale~~ je certifie, après examen des documents et des restrictions mentionnées dans la présente attestation de conformité, que les renseignements contenus dans la réponse proposée Q-771 sont exacts et aussi complets que possible.

  
Signature

  
Date

Lynda Clairmont	Sous-ministre adjointe principale Secteur de la sécurité nationale
Nom du haut fonctionnaire désigné	Titre

Nom de l'organisation

Canada

Sécurité publique Canada

**COÛT DE PRODUCTION POUR LA QUESTION ÉCRITE, Q-771**

Nom du parlementaire : M. Scott

Circonscription : Toronto-Danforth

Date de la demande : 19 juin 2012

**COÛT TOTAL : 1,349.63 \$**

Canada

<b>Name of organization</b>
Royal Canadian Mounted Police

**STATEMENT OF COMPLETENESS**

**RESPONSE TO WRITTEN QUESTION, Q-771**

Name of Parliamentarian : Mr. Scott  
Date of Inquiry: June 19, 2012

Constituency : Toronto—Danforth

A) 1. Briefly describe records, analysis and consultations on which the proposed response is based:

<ul style="list-style-type: none"><li>• Criminal Code of Canada</li><li>• RCMP's Critical Infrastructure and Criminal Intelligence unit, part of National Security Criminal Investigations.</li><li>• RCMP's Strategic Integration and Program Support unit, part of National Security Criminal Investigations.</li></ul>
Lead official: C/Supt. Larry Tremblay, National Security Criminal Investigations

2. Were publicly available documents used to draft the response?  
If yes, please list titles and dates below:

Yes  No

Criminal Code of Canada (2012)
--------------------------------

B) Describe any limitations, considerations and/ or data quality statements that apply to this response:

Yes  No

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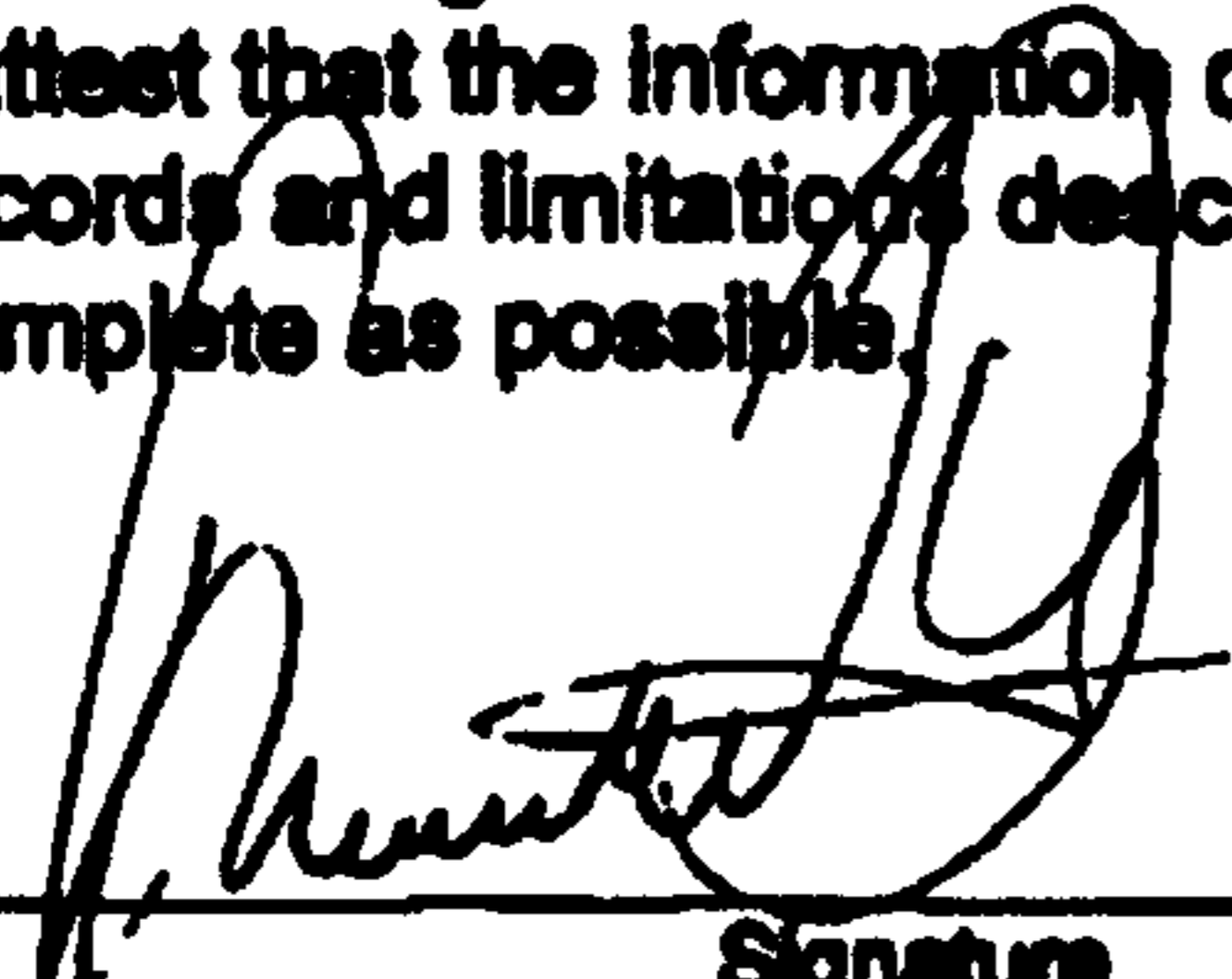
**Canada**



C) Have information or documents relevant to this response been disclosed publicly, in any manner (e.g. access to information request or request from the Library of Parliament)? If yes, please identify relevant documents and explain any differences in the proposed response. Yes  N/A

**Attestation:**

As the Designated Senior Official for **Royal Canadian Mounted Police**, I attest that the information contained in the proposed response Q-771, based on the records and limitations described in this Statement of Completeness, is accurate and as complete as possible.

  
\_\_\_\_\_  
Signature

2012-07-19  
\_\_\_\_\_  
Date

D/Commr. Mike Cabana	Deputy Commissioner Federal Policing
Name of Designated Senior Official	Title

<b>Name of organization</b>
Royal Canadian Mounted Police

<b>COST OF MINISTERIAL RESPONSE TO WRITTEN QUESTION, Q-771</b>	
<b>Name of Parliamentarian : Mr. Scott</b>	<b>Constituency : Toronto—Danforth</b>
<b>Date of Inquiry: June 19, 2012</b>	
<b>TOTAL COST: \$ 115.38</b>	

.....

<b>Nom de l'organisation</b>
Gendarmerie royale du Canada

<b>COÛT DE PRODUCTION POUR LA QUESTION ÉCRITE, Q-771</b>	
<b>Nom du parlementaire: M. Scott</b>	<b>Circonscription : Toronto—Danforth</b>
<b>Date de la demande: 19 juin 2012</b>	
<b>COÛT TOTAL: \$115.38</b>	



Public Safety    Sécurité publique  
Canada            Canada

Deputy Minister    Sous-ministre

Ottawa, Canada  
K1A 0P8

**UNCLASSIFIED**

DATE:        **AUG 23 2012**

File No. : 1302-411 / 388780

**MEMORANDUM FOR THE MINISTER**

**RESPONSE TO WRITTEN QUESTION Q-783**

(Signature required)

**ISSUE**

On June 19, 2012, written question Q-783 was tabled in the House of Commons by Mr. Wayne Marston, M.P. (Hamilton East—Stoney Creek) regarding intelligence-gathering policies and practices.

The Canadian Security Intelligence Service has prepared a response to parts (b), (f), (g) and (i). The Department of Foreign Affairs has also been assigned with part (b). The Department of National Defence has been assigned with responding to parts (a), (c) to (e) and (h).

The Privy Council Office has requested a response as soon as possible.

The Statement of Completeness is enclosed.

**RECOMMENDATION**

It is recommended that you sign the attached response provided in both official languages at your earliest convenience.

  
Graham Flack

Acting Deputy Minister

Enclosure: (1)

Prepared by: Natalie Leclair

**Canada**

**SPB / CPES**

**Routing Slip / Bordereau d'acheminement**

**File No / No de dossier : 1302-411 DEP-388780**

**Deadline for DM's signature / Échéancier pour la signature du S-M : \_\_\_\_\_**

<b>Title / Titre : Q-783 Mr. Marston (Hamilton—Stoney Creek) Intelligence-gathering policies and practices (Afghan detainees) June 19, 2012</b>		<b><u>ACTION REQUIRED / MESURES À PRENDRE</u></b>		
<b>Name / Nom</b>	<b>Date</b>	<b>Initials / Initiales</b>	<b>Approval or signature / Approbation ou signature</b>	<b>Information</b>
Originator / Auteur Julie McAteer Natalie Leclair	<i>Aug 20</i>	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director / Directeur Jean Cintrat	AUG 21 2012	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director General / Directeur général Randall Koops <i>for</i>	AUG 22 2012	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chief Audit Executive / Dirigeante principale de la vérification Rosemary Stephenson			<input type="checkbox"/>	<input type="checkbox"/>
Director General Communications / Directrice générale des communications Stéphanie Durand			<input type="checkbox"/>	<input type="checkbox"/>
Executive Director & Senior General Counsel LS / Directeur exécutif et Avocat général principal SJ Paul Shuttle			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister SP / Sous-ministre adjointe PS Paul MacKinnon	<i>Aug 22</i>	<i>PM</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister LP / Sous-ministre adjoint SPL Richard Wex			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister CM / Sous-ministre adjointe GM Gary Robertson			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister CSP / Sous-ministre adjoint SPP Shawn Tupper			<input type="checkbox"/>	<input type="checkbox"/>
Associate Assistant Deputy Minister EMNS / Sous-ministre adjoint délégué GMUSN Gina Wilson			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister EMNS / Sous-ministre adjointe GMUSN Lynda Clairmont			<input type="checkbox"/>	<input type="checkbox"/>
Acting Deputy Minister / Sous-ministre par interim William V. Baker			<input type="checkbox"/>	<input type="checkbox"/>
Minister / Ministre The Honourable / L'honorable Vic Toews			<input checked="" type="checkbox"/>	<input type="checkbox"/>



# INQUIRY OF MINISTRY DEMANDE DE RENSEIGNEMENT AU GOUVERNEMENT

PREPARE IN ENGLISH AND FRENCH MARKING "ORIGINAL TEXT" OR "TRANSLATION"  
PRÉPARER EN ANGLAIS ET EN FRANÇAIS EN INDIQUANT "TEXTE ORIGINAL" OU "TRADUCTION"

QUESTION NO./N° DE LA QUESTION Q-783	BY / DE Mr. Marston (Hamilton East—Stoney Creek)	DATE June 19, 2012
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REPLY BY THE MINISTER OF PUBLIC SAFETY  
RÉPONSE DU MINISTRE DE LA SÉCURITÉ PUBLIQUE

Signed by the Honourable Vic Toews

PRINT NAME OF SIGNATORY  
INSCRIRE LE NOM DU SIGNATAIRE

SIGNATURE  
MINISTER OR PARLIAMENTARY SECRETARY  
MINISTRE OU SECRÉTAIRE PARLEMENTAIRE

**QUESTION**

With regard to intelligence-gathering policies and practices, and Canada's past policy and practice of transferring Afghan detainees to the government of Afghanistan, especially the National Security Directorate (NDS): (a) was interest, by the Afghan authorities in an Afghan individual, one of the Canadian Forces' (CF) criteria for detaining that person, and, if so, what was meant by "interest in the individual"; (b) did Canadian Security Intelligence Service (CSIS) officials, Department of Foreign Affairs and International (DFAIT) officials, or other non-Canadian Forces officials ever take part in, or provide information with respect to, Canadian Forces determinations as to whether the Afghan authorities had an "interest in the individual"; (c) if CF, with or without CSIS or DFAIT assistance, engaged in tactical questioning and collection of evidence related to a detainee, and no useful information was acquired, would such detainee still be subject to transfer to NDS and, if so, for what purposes; (d) did CF ever transfer someone to NDS without CF or CSIS having first engaged in its own questioning and collective of evidence, in order that NDS would be able to engage in the first questioning of the person; (e) when Canada received intelligence from NDS, (i) did it ask or require NDS to indicate whether that intelligence came from interrogation of any Afghans who had been transferred to NDS by Canada, (ii) did its intelligence services operate standard procedures for assessing whether such intelligence received from NDS was, or may have, been secured as a result of mistreatment, notably torture, and, if so, what consequences did such assessment have for use of the provided intelligence; (f) if Canada continues to receive intelligence from NDS, do its intelligence services operate standard procedures for assessing whether such intelligence received from NDS was or may have been secured as a result of mistreatment, notably torture, and, if so, what consequences do such assessments have as concerns the use of the provided intelligence; (g) since 2001, have NDS officials ever visited Canadian government officials in Canada, and, if so, when and with what government departments and departmental units or branches; (h) considering that the Communications Security Establishment Canada (CSEC) operated in Afghanistan, did Canada ever provide CSEC signals intelligence to NDS and, if so, does it continue to do so; and (i) was a review of CSIS' activities ordered after it was revealed that CSIS officials had taken part in the interrogation of Afghan prisoners, and, if so, (i) who or what entity conducted this review, (ii) what were the results of this review?

REPLY / RÉPONSE

ORIGINAL TEXT  
TEXTE ORIGINAL

TRANSLATION  
TRADUCTION

**Canadian Security Intelligence Service (CSIS)**

- (b) For reasons of national security, and to protect operational integrity and employee safety, CSIS does not disclose detailed information concerning interviews of persons, intelligence sharing, or relationships with foreign governments and agencies. CSIS can only confirm that it

- 2 -

supported the Canadian Forces in the interviewing of Afghan detainees from 2002 to 2007 and ceased thereafter. At no time were detainees in the custody of CSIS officers.

- (f) CSIS operates under clear Ministerial Direction on information sharing with foreign entities, approved on July 28, 2011. CSIS respects all of Canada's domestic and international legal obligations.
- (g) For reasons of national security, CSIS does not disclose details of its relationships with foreign entities, including the possible travel of foreign officials.
- (i) In 2009, CSIS reviewed its policies and actions related to the interview of Afghan detainees in support of the Canadian Forces. The review concluded that Afghan detainees were the custodial responsibility of the Canadian Forces and that CSIS officers acted appropriately and responsibly. As CSIS is not a law enforcement agency or military force, it has no powers to arrest or detain persons, including Afghan detainees.



# INQUIRY OF MINISTRY DEMANDE DE RENSEIGNEMENT AU GOUVERNEMENT

PREPARE IN ENGLISH AND FRENCH MARKING "ORIGINAL TEXT" OR "TRANSLATION"  
PRÉPARER EN ANGLAIS ET EN FRANÇAIS EN INDIQUANT "TEXTE ORIGINAL" OU "TRADUCTION"

QUESTION NO./N° DE LA QUESTION Q-783	BY / DE M. Marston (Hamilton-Est—Stoney Creek)	DATE 19 juin 2012
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REPLY BY THE MINISTER OF PUBLIC SAFETY  
RÉPONSE DU MINISTRE DE LA SÉCURITÉ PUBLIQUE

Signé par l'honorable Vic Toews

PRINT NAME OF SIGNATORY  
INSCRIRE LE NOM DU SIGNATAIRE

SIGNATURE  
MINISTER OR PARLIAMENTARY SECRETARY  
MINISTRE OU SECRÉTAIRE PARLEMENTAIRE

### QUESTION

En ce qui concerne les politiques et les pratiques de collecte du renseignement et les politiques et les pratiques anciennement applicables au transfert de détenus afghans au gouvernement de l'Afghanistan, notamment à la Direction de la sécurité nationale (DSN) : a) l'intérêt que les autorités afghanes avaient pour un détenu constituait-il une raison pour les Forces canadiennes (FC) de le détenir et, si oui, qu'entendait-on par « l'intérêt pour un détenu »; b) est-il arrivé que des agents du Service canadien du renseignement de sécurité (SCRS), du ministère des Affaires étrangères et du Commerce international (MAECI) ou de Forces non-canadiennes participent ou contribuent par de l'information aux décisions des FC quant à savoir si les autorités afghanes avaient de « l'intérêt pour un détenu »; c) si les FC, avec ou sans l'aide du SCRS ou du MAECI, procédaient à un interrogatoire du détenu ou à la collecte d'éléments de preuve à son sujet sans obtenir d'information utile, celui-ci restait-il susceptible d'être transféré à la DSN et, si oui, à quelles fins; d) est-il arrivé que les FC transfèrent un détenu à la DSN sans que d'abord elles ou le SCRS l'interrogent et recueillent des éléments de preuve à son sujet afin que la DSN puisse l'interroger en premier; e) lorsque le Canada recevait des renseignements de la DSN, (i) lui demandait-il ou l'enjoignait-il d'indiquer si les renseignements provenaient de l'interrogatoire de détenus afghans qu'il avait transférés à la DSN, (ii) ses services de renseignement suivaient-ils les consignes habituelles pour évaluer si les renseignements reçus avaient ou pouvaient avoir été obtenus sous des sévices et notamment la torture et, si oui, quelles conséquences cette évaluation avait-elle pour l'utilisation des renseignements reçus; f) si le Canada reçoit toujours des renseignements de la DSN, ses services de renseignement suivent-ils les consignes habituelles pour évaluer si les renseignements reçus ont ou peuvent avoir été obtenus sous des sévices et notamment la torture et, si oui, quelles conséquences cette évaluation a-t-elle pour l'utilisation des renseignements reçus; g) depuis 2001, est-il arrivé que des agents de la DSN rendent visite à des agents du gouvernement canadien au Canada et, si oui, quand et avec les agents de quels ministères ou services de ministères; h) vu que le Centre de la sécurité des télécommunications Canada (CSTC) a opéré en Afghanistan, est-il arrivé que le Canada communique des renseignements électromagnétiques du CSTC à la DSN et, si oui, continue-t-il de le faire; i) est-ce qu'un examen des activités du SCRS a été commandé après qu'on a appris que des agents du SCRS avaient participé à l'interrogatoire de détenus afghans et, si oui, (i) qui ou quelle entité a mené l'examen, (ii) quels en ont été les résultats?

REPLY / RÉPONSE

ORIGINAL TEXT  
TEXTE ORIGINAL

TRANSLATION  
TRADUCTION

### Service canadien du renseignement de sécurité (SCRS)

- b) Pour des raisons de sécurité nationale et afin de protéger l'intégrité opérationnelle de l'organisation et la sécurité des employés, le SCRS ne divulgue aucune information détaillée sur les entrevues, l'échange de renseignements ou les relations avec des gouvernements et des services étrangers. Le SCRS peut seulement confirmer qu'il a appuyé les

- 2 -

**Forces canadiennes lors de l'interrogation des détenus afghans de 2002 à 2007 et qu'il a cessé après cette date. Les prisonniers n'ont jamais été détenus par des agents du SCRS.**

- f) Le SCRS mène ses activités conformément aux instructions du ministre approuvées le 28 juillet 2011 et qui établissent clairement les paramètres de partage d'informations avec des organisations étrangères. Le SCRS respecte toutes les obligations juridiques du Canada tant au niveau national qu'international.**
- g) Pour des raisons de sécurité nationale, le SCRS ne divulgue pas les détails de ses relations avec des organismes étrangers ni les plans de voyage de représentants étrangers.**
- i) En 2009, le SCRS a examiné ses politiques et ses actions relatives à l'interrogation des détenus afghans à l'appui des Forces canadiennes. À la suite de cet examen, il a été conclu que la responsabilité de la détention des détenus afghans incombait aux Forces canadiennes et que les agents du SCRS avaient agi de façon appropriée et responsable. Le SCRS n'est ni un organisme chargé de l'application de la loi ni une force militaire et n'a pas le pouvoir d'arrêter ni de détenir des personnes, y compris des détenus afghans.**



<b>Name of organization</b>
Canadian Security Intelligence Service

**STATEMENT OF COMPLETENESS**

**RESPONSE TO WRITTEN QUESTION, Q- 783**

Name of Parliamentarian : Mr. Marston  
Date of Inquiry: June 19, 2012

Constituency : Hamilton East-Stoney Creek

A) 1. Briefly describe records, analysis and consultations on which the proposed response is based:

- Consultations with CSIS DDO, Communications Branch, and ATIP
Lead official: - n/a

2. Were publicly available documents used to draft the response?  
If yes, please list titles and dates below:

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

- CSIS officials testimony at House of Commons Afghanistan Committee on 5 May 2010
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B) Describe any limitations, considerations and/ or data quality statements that apply to this response:

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

- For reasons of national security, and to protect operational integrity and employee safety, CSIS does not disclose detailed information concerning interviews of persons of interest, intelligence sharing, or relationships with foreign governments and agencies.
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Canada

C) Have information or documents relevant to this response been disclosed publicly, in any manner (e.g. access to information request or request from the Library of Parliament)? If yes, please identify relevant documents and explain any differences in the proposed response. Yes  N/A

- ATIP request from August 3, 2010 (file # 117-2010-98)
- Information is consistent

Attestation:

As the Designated Senior Official for [REDACTED] I attest that the information contained in the proposed response Q-783, based on the records and limitations described in this Statement of Completeness, is accurate and as complete as possible.

  
\_\_\_\_\_  
Signature

*July 9, 2012*  
\_\_\_\_\_  
Date

David McClelland	A/ADP (Policy, Strategic Partnerships)
Name of Designated Senior Official	Title

Canada

<b>Name of organization</b>
Canadian Security Intelligence Service

<b>COST OF MINISTERIAL RESPONSE TO WRITTEN QUESTION, Q- 763</b>	
<b>Name of Parliamentarian : Mr. Marston</b>	<b>Constituency : Hamilton East-Stoney Creek</b>
<b>Date of Inquiry: June 19, 2012</b>	
<b>TOTAL APPROXIMATE COST: \$ 303.18</b>	

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**Canada**

**2011-2012 Supplementary Estimates (C) / 2012-2013 Main Estimates**

**MINISTERIAL DIRECTION ON "INFORMATION SHARING WITH FOREIGN ENTITIES"**

**PROPOSED RESPONSE:**

- **Sharing information with foreign agencies is an integral part of the mandates of intelligence and law enforcement agencies.**
- **The Government opposes in the strongest possible terms the mistreatment of any individual by any foreign state or agency for any purpose.**
- **At the same time, the Government also has a duty to its own citizens and to its allies to prevent individuals from causing harm, whether in Canada or in a foreign country.**
- **A Ministerial Direction on "Information Sharing with Foreign Entities" was issued to CSIS in July 2011.**
- **This Ministerial Direction ensures that the Government pursues a principled and proportionate response to terrorism and other threats to national security, while promoting and upholding the values Canada seeks to protect.**
- **All decisions to share CSIS information with a foreign agency must be "in accordance with this Direction and with Canada's legal obligations."**

**QUESTIONS AND ANSWERS:**

**Q1 With which foreign agencies does the Canadian Security Intelligence Service (CSIS) share information?**

**A1** As CSIS reported in its most recent (2009-2010) annual report, it has 280 foreign arrangements in 148 countries. While CSIS does not disclose the names of the foreign agencies with which it shares information, some of its foreign arrangements are with agencies generally recognized as having poor human rights records.

**Q2 What guidance does the Government provide to CSIS in establishing foreign arrangements and sharing information with foreign agencies?**

**A2** Section 17 of the *CSIS Act* establishes the process by which CSIS can enter into an arrangement with a foreign agency. The Minister of Public Safety approves all foreign arrangements in consultation with the Minister of Foreign Affairs.

Further, the 2008 Ministerial Direction (MD) on "Operations" contains an annex providing CSIS with more detailed guidelines on the establishment and maintenance of foreign arrangements (note: details are classified).

In 2011, the Minister of Public Safety issued a comprehensive MD on "Information Sharing with Foreign Entities." It replaces guidance provided by the previous and the current Minister in 2009 and 2010, respectively. The 2011 MD describes Canada's legal obligations with respect to sharing information. It identifies the principles that CSIS must follow in sharing information with foreign agencies. The MD requires the involvement of senior officials in making decisions about whether to share information as the risk of mistreatment increases. It emphasizes that all decisions to share CSIS information with a foreign agency must be "in accordance with this MD and with Canada's legal obligations."

**Q3 Apart from Ministerial guidance on information sharing with foreign agencies, has the present or any former Minister of Public Safety issued other MD to CSIS?**

**A3** Yes. The MD on "Operations" is the principal means by which the Minister of Public Safety communicates guidelines on the conduct and management of CSIS operations. The Minister of Public Safety issues this MD on a periodic basis. The most recent MD on "Operations" came into effect in 2008, and establishes the following fundamental principles for CSIS: the rule of law must be observed; the investigative means must be proportional to the gravity and imminence of the threat; and the greater the risk associated with a particular activity, the higher the authority required for approval. Each year, the Minister of Public Safety also issues a MD to CSIS on "Intelligence Priorities." This MD is not made public.

**Q4 Did CSIS revise any of its policies following the release of Commissioner O'Connor's report?**

**A4** Yes. CSIS amended operational policy governing information-sharing and cooperation to formally take the human rights record of a country into account. It also introduced a new caveat with respect to information shared with foreign agencies, seeking assurances that any Canadian citizen detained by a foreign government will be treated in accordance with international conventions.

CSIS also concluded a memorandum of understanding (MOU) with the Department of Foreign Affairs and International Trade (DFAIT) on consular issues. Pursuant to this MOU, if CSIS learns that a Canadian citizen or permanent resident has been detained by a foreign agency as part of a national security case, it will inform DFAIT which will coordinate the Government of Canada's response.

**Q5 Does the new MD to CSIS on "Information Sharing with Foreign Entities" violate any of Canada's international obligations?**

**A5** No. Canada is a party to a number of international agreements proscribing torture and other cruel, inhuman, or degrading treatment, including the *Convention Against Torture* and the *International Covenant on Civil and Political Rights*. If there is a substantial risk that CSIS' sharing information with a foreign agency would result in the mistreatment of an individual, and it is unclear whether that risk can be mitigated, the matter will be referred to the Director or the Minister for decision. This is a principled and proportionate response to terrorism and other threats to national security, while at the same time promoting and upholding the values Canada seeks to protect.

**CONTACTS:**

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**Budget supplémentaire des dépenses © 2011-2012 /  
Budget principal des dépenses 2012-2013**

**DIRECTIVE MINISTÉRIELLE SUR L'« ÉCHANGE D'INFORMATION AVEC  
DES ENTITÉS ÉTRANGÈRES »**

**RÉPONSE PROPOSÉE :**

- **L'échange de renseignements avec des organismes étrangers fait partie intégrante du mandat des organismes de renseignement et d'application de la loi.**
- **Le gouvernement du Canada s'oppose catégoriquement à ce que de mauvais traitements soient infligés à quiconque par un gouvernement ou un organisme étranger, quel que soit le but visé.**
- **Par ailleurs, le gouvernement a également le devoir envers ses citoyens et ses alliés d'empêcher les individus de causer du tort que ce soit au Canada ou à l'étranger.**
- **Une directive ministérielle sur l'« échange d'information avec des entités étrangères » a été communiquée au Service canadien du renseignement de sécurité (SCRS) en juillet 2011.**
- **Cette directive ministérielle veille à ce que le gouvernement utilise des interventions proportionnelles et fondées sur des principes pour faire face au terrorisme et aux autres menaces pour la sécurité nationale, tout en défendant les valeurs que le Canada cherche à protéger.**
- **Toutes les décisions visant l'échange de renseignements du SCRS avec des organismes étrangers doivent respecter cette directive et les obligations juridiques du Canada.**

## **2012-2013 Main Estimates / Supplementary Estimates (A)**

### **MINISTERIAL DIRECTION ON “INFORMATION SHARING WITH FOREIGN ENTITIES”**

#### **PROPOSED RESPONSE:**

- **Sharing information with foreign agencies is an integral part of the mandates of intelligence and law enforcement agencies.**
- **At the same time, in sharing information CSIS officials must and do comply with all of Canada’s legal obligations. They must not promote or condone, or be seen to condone, torture or other unlawful mistreatment.**
- **A Ministerial Direction (MD) on “Information-Sharing With Foreign Entities” was issued in July 2011 to ensure that CSIS continues to comply with all of Canada’s legal obligations.**
- **The MD requires the involvement of senior officials in making decisions about whether to share information with foreign entities as the risk of mistreatment increases. While a broad range of factors will be considered, decisions will be made “only in accordance with Canada’s legal obligations.”**
- **The MD ensures that Canada pursues a principled and proportionate response to terrorism and other threats to national security.**

## MINISTERIAL DIRECTION ON "INFORMATION SHARING WITH FOREIGN ENTITIES"

### QUESTIONS AND ANSWERS:

**Q1 With which foreign agencies does the Canadian Security Intelligence Service (CSIS) share information?**

**A1** As CSIS reported in its most recent (2009-2010) annual report, it has 280 foreign arrangements in 148 countries. While CSIS does not disclose the names of the foreign agencies with which it shares information, some of these agencies are generally recognized as having poor human rights records.

**Q2 What guidance does the Government provide to CSIS in establishing foreign arrangements and sharing information with foreign agencies?**

**A2** Section 17 of the *CSIS Act* establishes the process by which CSIS can enter into an arrangement with a foreign agency. The Minister of Public Safety approves all foreign arrangements in consultation with the Minister of Foreign Affairs. Further, the 2008 Ministerial Direction (MD) on "Operations" contains an annex providing CSIS with more detailed guidelines on the establishment and maintenance of foreign arrangements (details are classified).

In July 2011, the Minister of Public Safety also issued a comprehensive Direction to CSIS on "Information Sharing With Foreign Entities." It replaces the Direction that the previous and current Ministers had issued to CSIS in 2010 and 2011, respectively. When there is a substantial risk of mistreatment and it is uncertain whether this risk can be mitigated, the matter must be referred to the Director of CSIS; and at his or her discretion, to the Minister of Public Safety. As well, in exceptional circumstances in which there is a need to use the most complete information available, including foreign entity information likely derived through mistreatment, to prevent loss of life, injury, or substantial damage or destruction of property, the matter must be referred to the Director. All decisions must be "in accordance...with Canada's legal obligations." The MD also stipulates important procedural safeguards for the sharing and use of information. For example, it requires CSIS to take all reasonable measures to reduce the risk that any action might promote or condone the use of mistreatment.

**Q3 Apart from Ministerial guidance on information sharing with foreign agencies, has the present or any former Minister of Public Safety issued other Direction to CSIS?**

**A3** Yes. The MD on "Operations" is the principal means by which the Minister of Public Safety communicates guidelines on the conduct and management of CSIS operations. The Minister issues this Direction on a periodic basis. The most recent MD on "Operations" came into effect in 2008, and establishes the following fundamental principles for CSIS: the rule of law must be observed; the investigative means must be proportional to the gravity and imminence of the threat; and the greater the risk associated with a particular activity, the higher the authority required for approval. Each year, the Minister of Public Safety also issues a Direction to CSIS on "Intelligence Priorities." It is not made public.

**Q4 Has CSIS made other changes to its policies in response to, e.g., the release of Commissioner O'Connor's report?**

**A4** Yes. CSIS has introduced a new caveat with respect to information shared with foreign agencies, seeking assurances that any Canadian citizen detained by a foreign government will be treated in accordance with international conventions. CSIS also concluded a memorandum of understanding (MOU) with the Department of Foreign Affairs and International Trade (DFAIT) on consular issues. Pursuant to this MOU, if CSIS learns that a Canadian citizen or permanent resident has been detained by a foreign agency as part of a national security case, it will inform DFAIT which will coordinate the Government of Canada's response.

**Q5 Does the new MD to CSIS on "Information Sharing with Foreign Entities" violate any of Canada's legal obligations?**

**A5** No. The MD specifically references Canada's legal obligations under the *Convention Against Torture*, the *Criminal Code* and the *Canadian Charter of Rights and Freedoms*. It requires all decisions to be made "only in accordance with this Direction and with Canada's legal obligations."

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## 2012-2013 Main Estimates / Supplementary Estimates (A)

### MINISTERIAL DIRECTION ON “INFORMATION SHARING WITH FOREIGN ENTITIES”

#### PROPOSED RESPONSE:

- **L'échange de renseignements avec des organismes étrangers fait partie intégrante du mandat des organismes de renseignements et d'application de la loi.**
- **Parallèlement, lorsqu'ils échangent de l'information, les agents du SCRS doivent se conformer à toutes les obligations légales du Canada, et ils le font. Ils ne doivent pas promouvoir ou tolérer la torture ou tout autre mauvais traitement illicite, ou sembler les tolérer.**
- **Une directive ministérielle sur l'« échange d'information avec des entités étrangères » a été communiquée en juillet 2011 pour veiller à ce que le SCRS continue de se conformer à toutes les obligations légales du Canada.**
- **La directive ministérielle exige la participation des hauts fonctionnaires dans la prise de décisions concernant l'échange d'information avec des entités étrangères lorsque le risque de mauvais traitement augmente. Bien qu'un large éventail de facteurs soit pris en considération, les décisions seront prises seulement en conformité avec les obligations légales du Canada.**
- **La directive ministérielle veille à ce que le Canada utilise des interventions proportionnelles et fondées sur des principes pour faire face au terrorisme et aux autres menaces pour la sécurité nationale.**

## 2012-2013 Main Estimates / Supplementary Estimates (A)

### QUESTIONS AND ANSWERS:

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Public Safety / Sécurité publique  
Canada / Canada

Assistant Deputy Minister / Sous-ministre adjoint

Ottawa, Canada / K1A 0P8

DEPUTY MINISTER'S OFFICE  
PUBLIC SAFETY CANADA

2012 OCT - 9 A 9:16

For your meeting with:  
Ange Mancini  
On: Tuesday, October 9, 2012, at  
3:00 p.m.

**SECRET**

DATE: OCT 09 2012

**Seen by the DM  
Vu par le SM**

FILE No.: 390536  
RDIMS (Dragon) No.: 3591

OCT 09 2012

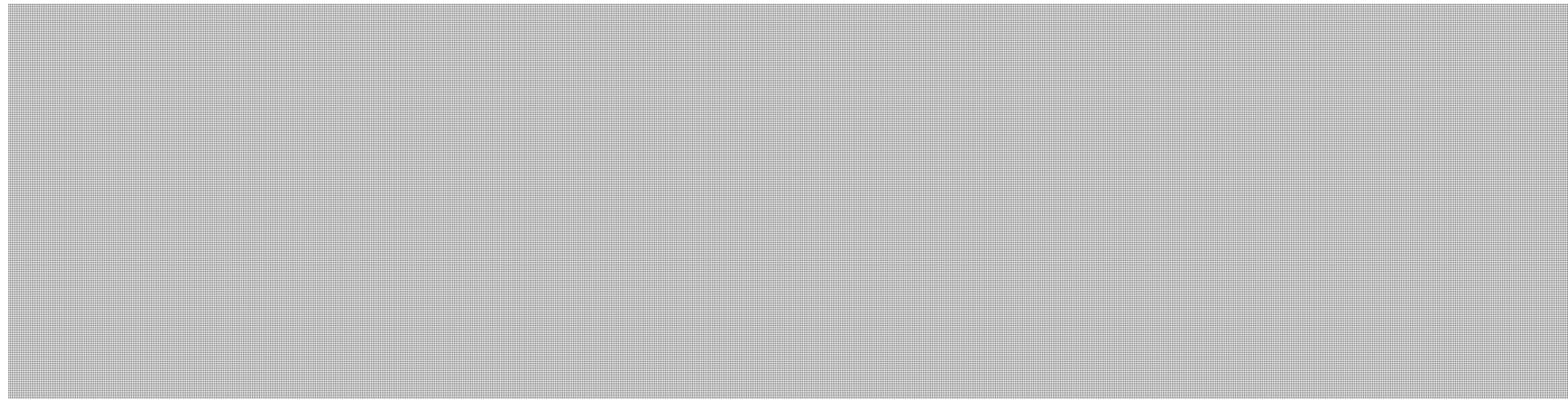
**MEMORANDUM FOR THE ACTING DEPUTY MINISTER**

**MEETING WITH ANGE MANCINI,  
FRENCH NATIONAL INTELLIGENCE COORDINATOR**

(Information only)

**SUMMARY**

You will be meeting with Ange Mancini, the French *Coordonnateur national du renseignement* on Tuesday October 9, 2012, from 3:00 to 3:30, in Boardroom 19C-3100. Mr. Mancini will be accompanied by:



John Davies, Director General, National Security Policy Directorate, will support you at the meeting.

Mr. Mancini's biography is enclosed (**TAB A**). Proposed key messages, in both English and French, are also attached (**TAB B**). Information on Canada-France bilateral relations, provided by the Department of Foreign Affairs and International Trade, is enclosed (**TAB C**).

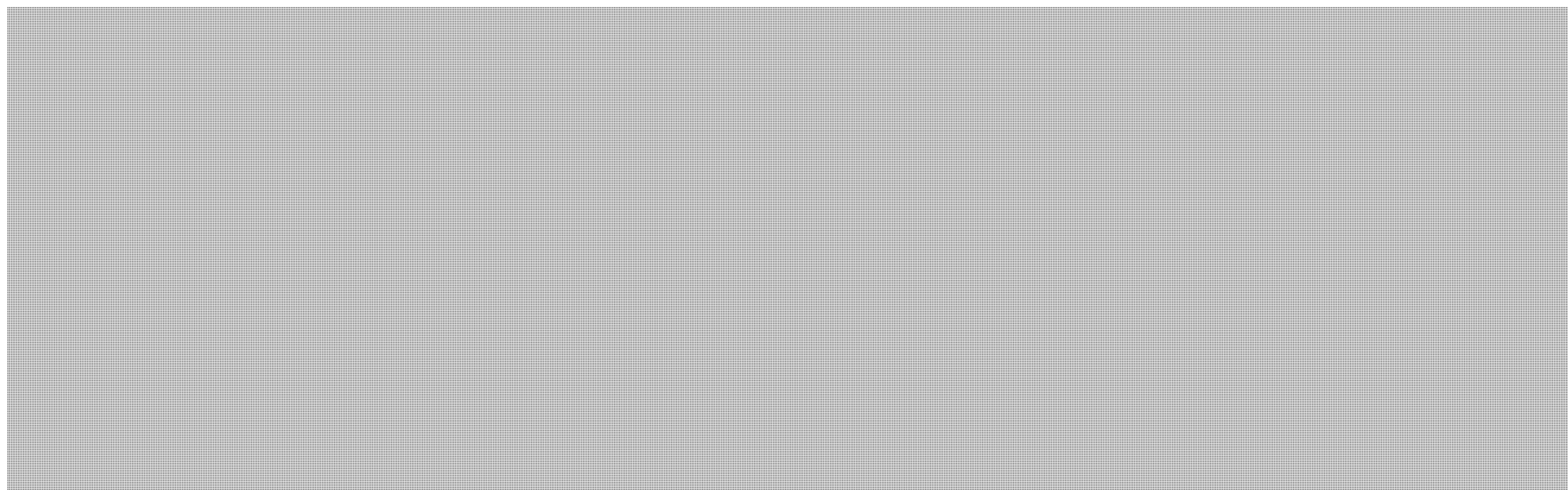
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s.15(1) - Int'l  
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## STRATEGIC OBJECTIVES



## BACKGROUND

s.15(1) - Int'l


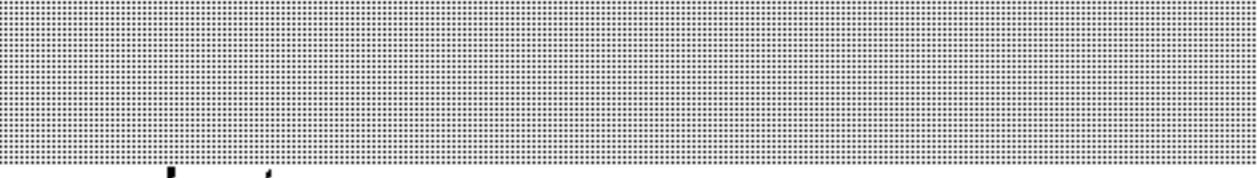
s.21(1)(a)

### France

On May 6, 2012, François Hollande, leader of the Socialist Party, was elected President of France. On May 15, 2012, Mr. Hollande named Jean-Marc Ayrault Prime Minister. Prime Minister Ayrault announced the composition of his Cabinet on May 16, 2012. The Minister's counterpart, Manuel Valls, was appointed Minister of the Interior.

On September 28, 2012, the Government released its first budget. The Government's main objective is to bring down the deficit to 3 per cent of the French GDP in 2013 from the current 4.5 per cent. Cuts include €2.2 B from defence programs and €2.8 B from administrative costs across all ministries. Also announced in the budget is the creation of 480 new police jobs that will be deployed to "priority security areas" – 15 areas identified by Minister Valls where more concerted and sustained efforts will be made to curb youth criminality.

### Public Safety Relations

  
 Canada and France have a history of cooperation on various public safety issues.

Law enforcement cooperation between Canada and France is excellent. The Royal Canadian Mounted Police (RCMP) and the *Police nationale* cooperate on a wide range of policing issues, but especially on criminal investigations. Canada and France are both members of the Financial Action Task Force and also contribute to the Caribbean

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- 3 -

Financial Task Force forum, which aims to curtail money laundering and the traffic of drugs in the region. The RCMP works closely with the French domestic security agency, the *Direction centrale du renseignement intérieur* (DCRI), the *Sous-direction de la lutte anti-terroriste* and the *Unité centrale de lutte anti-terroriste* on counter-terrorism investigations. Both Canada and France are contributing civilian police to MINUSTAH. There are Extradition and Mutual Legal Assistance Treaties between Canada and France.

Canada (National Crime Prevention Centre) and France (*Secrétariat général du Comité interministériel des villes*) are both members of the International Centre for Crime Prevention (CIPC)'s Advisory and Policy Committee. The CIPC is located in Montreal, Quebec.

#### Conseil national du renseignement

As National Intelligence Coordinator to the President, Mr. Mancini heads the *Conseil national du renseignement* (CNR) and oversees its day-to-day activities. Reporting directly to the President, Mr. Mancini is the intelligence agencies' point of entry to President Hollande. Mr. Mancini was appointed in February 2011, replacing Bernard Bajolet, who met with then Deputy Minister Bill Baker in January 2010.

The CNR was born out of the 2008 French *White Paper on Defence and National Security*. The CNR's role is to coordinate intelligence analysis, eliminate redundancies, and fill the gaps in the current intelligence system. The President chairs CNR meetings, which is attended by the Prime Minister and the Ministers of Defence, Interior, Foreign Affairs and Finance, and other ministers as required.

#### A New White Paper on Defence and National Security for 2013

On July 13, 2012, Jean-Marie Guéhenno, former United Nations' Under-Secretary-General for Peacekeeping Operations, was appointed by President Hollande to head the White Paper Commission, responsible for drafting the document. The *White Paper on Defence and National Security* should be released in early 2013. The objective of the White Paper is to define France's national security priorities and capabilities over the next 15-20 years. Following its release, resources for the defence and national security portfolios for the period of 2014-2019 will be allocated through a military programme bill of law.

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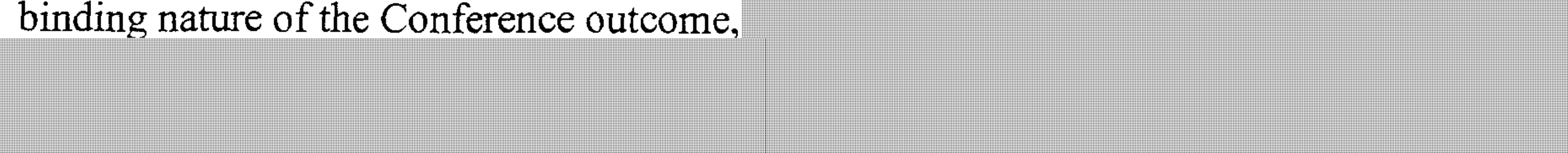
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## Approaches to Cyber Security

### **Canada-France Cooperation on Cyber Security**

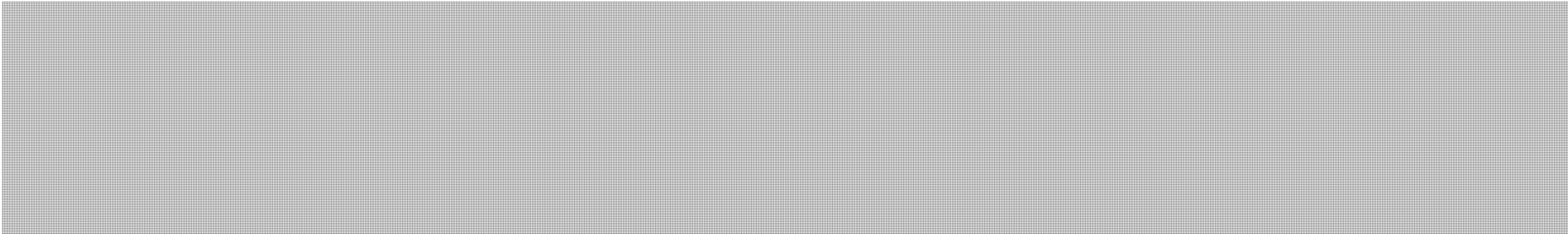
Canada, France and over 100 countries will attend the upcoming World Conference on International Telecommunications (WCIT) in Dubai in December 2012 to revise the International Telecommunication Regulations, a treaty binding instrument. Given the binding nature of the Conference outcome,



### **France's Approach to Cyber Security**

France's domestic cyber security efforts are coordinated through the *Agence nationale de la sécurité des systèmes d'information* (ANSSI), created in 2009. ANSSI is responsible for: detecting and responding to cyber attacks against government systems; supporting the development of trusted products and services to protect networks in government and certain economic sectors (i.e. what is known as the supply chain in Canada); providing advice and support to critical infrastructure operators; and public awareness efforts.

Much like PS, ANSSI coordinates cyber security policy with line departments, such as Foreign Affairs, Finance, and Defence. ANSSI reports to the General Secretary for Defence and National Security, who in turn reports to the Prime Minister. Both the General Secretary and Prime Minister sit on the CNR. ANSSI's role is defensive. Charged with protecting and defending both government systems and overseeing the cyber security of critical infrastructure sectors, it has the power to set minimum cyber security requirements for all government departments and order telecommunications providers to undertake actions to strengthen their cyber security, either during a specific cyber incident or as part of routine mitigation measures.



### **Cyber Threats**



.../5

s.13(1)(a)  
s.15(1) - Int'l

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- 5 -

[REDACTED] Trial efforts are currently underway in the United States (U.S.) and the United Kingdom's MI5 already shares information with certain UK companies. Further, senior U.S. officials have begun denouncing China's economic cyber espionage publicly in Congressional hearings [REDACTED]

International Threat Environment

s.15(1) - Int'l

**Terrorism**

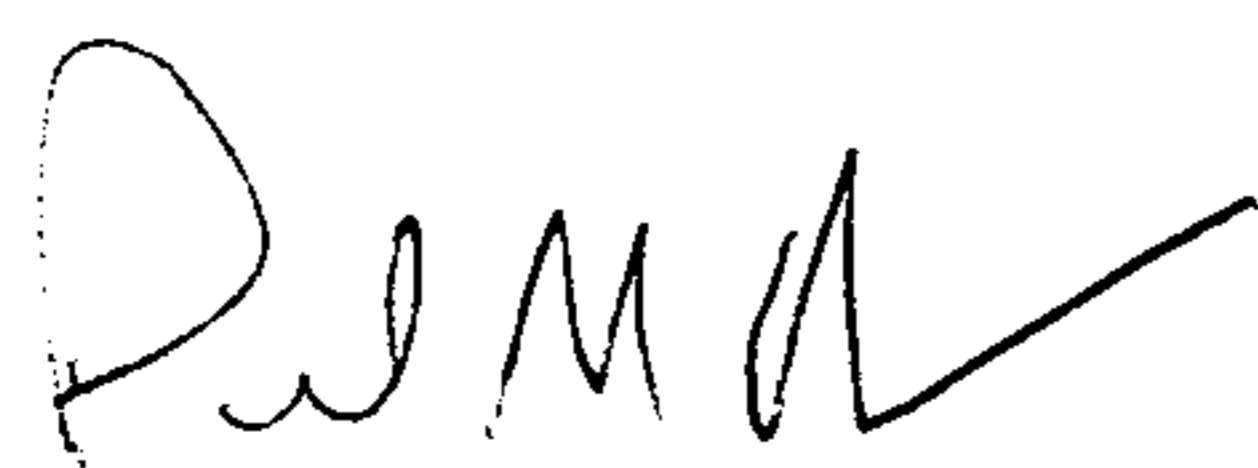
[REDACTED]

It is also worth noting that the French Minister of the Interior announced on October 3, 2012 the tabling of a *Bill regarding security and combating terrorism*. The bill will permit local arrests of individuals who have visited foreign combat training camps, as well as extend measures that were due to expire this year that allow French police access to the electronic or Internet communications of suspected terrorists.

[REDACTED]

**(TAB B).**

Should you require additional information, please do not hesitate to contact me at 613-949-6435 or Megan Nichols, Acting Director General, Border Policy and International Affairs Directorate, Strategic Policy Branch, at 613-998-2936.



Paul MacKinnon

Enclosures: (3)

Prepared by: Joey Cloutier



**Ange Mancini, National Intelligence Coordinator.**

Ange Mancini was born on June 15, 1944, in Beausoleil, Alpes-Maritimes. He is the French intelligence national coordinator since February 23, 2011.

His father was a bricklayer from Italy. In 1963, he started a career in the National Police. In 1983, he served as the head of the *Service Régional de Police Judiciaire* of Ajaccio. In 1985, he created the *Recherche Assistance Intervention Dissuasion*. He served as its first Head from 1985 to 1990. In 1987, he helped arrest members of *Action directe* in the Loiret. From 1990 to 1995, he served as the head of the SRPJ of Versailles. He then served as the Deputy Head of the *Direction Centrale de la Police Judiciaire* until 1996.

From 1999 to 2002, he served as deputy prefect for security of Corse-du-Sud and Haute-Corse. He served as the prefect of French Guiana from 2002 to 2006, then of Landes, and later of Martinique.

He enjoys golf, cross-country cycling, and hunting



**SECRET**

**MEETING WITH ANGE MANCINI,  
FRENCH NATIONAL INTELLIGENCE COORDINATOR**

**Key Messages**

**Upcoming White Paper and Defence Program Bill of Law**

- I am noting with interest that a new White Paper on Defence and National Security is currently being developed.
  - Do you foresee significant changes in national security priorities?
  - Given the €2.2 B cuts in Defence spending already announced in this year's budget and the Government deficit reduction objective, do you anticipate budget cuts in the Defence Program Bill of Law (*Loi de programmation militaire*), to be released in 2013?

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**Cyber Security**



- If you agree, I would appreciate it if your officials could provide a cyber security contact at the working level to my office. I will ensure that our officials get in touch.

**International Threat Environment**

- I would be interested in learning more about the newly tabled bill on security and combating terrorism (*Projet de loi relative a la sécurité et a la lutte contre le terrorisme*), tabled on October 3, 2012.
- How does France communicate and engage with the public on new and emerging threats?

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## Impact of the Beyond the Border Agreement on National Security and Information-Sharing

- Through the Beyond the Border Action Plan, Canada and the United States continue to build upon an already strong foundation of bilateral information-sharing for national security purposes.

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- 

- Our intelligence agencies are also working on joint integrated threat assessments in order that we have a common understanding of threats, within, at, and away from our borders.

**SECRET**

**RENCONTRE AVEC ANGE MANCINI,**  
**COORDONNATEUR NATIONAL DU RENSEIGNEMENT DE LA FRANCE**

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**Messages clés**

**Livre blanc et projet de loi relatif à la programmation militaire**

- Je note avec intérêt que l'on est en train de préparer un nouveau Livre blanc sur la défense et la sécurité nationale.
  - Prévoyez-vous des changements importants aux priorités en matière de sécurité nationale?
  - Étant donné les réductions de 2,2 milliards d'euros dans le secteur de la défense qui ont été annoncées dans le cadre du budget de cette année et les objectifs de réduction du déficit du gouvernement, vous attendez-vous à ce que la *Loi de programmation militaire*, prévue en 2013, soit touchée par des compressions budgétaires?

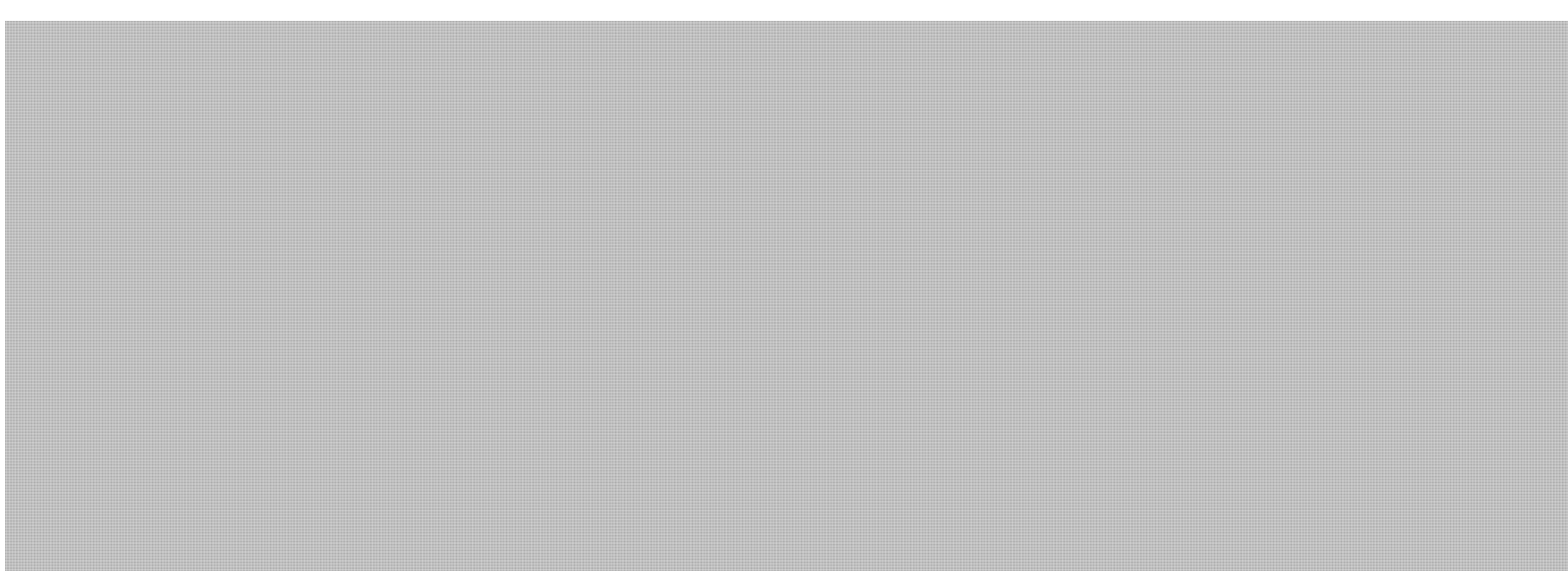
**Cybersécurité**

- 
- 
- 
- 
- 
- 

**Environnement de la menace à l'échelon international**

- J'aimerais en savoir plus sur le nouveau projet de loi relatif à la sécurité et à la lutte contre le terrorisme, qui a été présenté le 3 octobre 2012.
- Comment la France communique-t-elle au public les menaces nouvelles et émergentes et comment mobilise-t-elle la population?

**Incidence du Plan d'action Par-delà la frontière sur la sécurité nationale et l'échange d'informations**

- 
- 
-

# France

**Official Title** French Republic



## General Information:

**Capital** Paris

**Total Area** 547,030 km2 **Population (million)** 63.09

**Currency** 1 CAN\$= 0.73 EURO (EUR)(2011)

**National Holiday** July 14, Bastille Day

**Language(s)** French

## Political Information:

**Type of State** Presidential republic

### Type of Government

Semi-presidential democracy. Bicameral parliament with a 348-seat Senate (Sénat) (312 for metropolitan France, 21 for overseas departments and territories, and 12 for French nationals abroad) and a 577-seat National Assembly (Assemblée nationale). Prime Minister nominated by the National Assembly majority and appointed by the President. Council of Ministers (cabinet) appointed by the President on the suggestion of the Prime Minister. Administrative divisions: 26 regions and 100 departments. Governing party: Union for a Popular Movement (UMP).

**Head of State** President François Hollande

**Head of Government**  
Prime Minister Jean-Marc Ayrault

**Ministers** Foreign Affairs: Laurent Fabius  
Economy and Finance: Pierre Moscovici  
Foreign Trade: Nicole Bricq

### Main Political Parties

Socialist Party (PS), Union for a Popular Movement (UMP), Democratic Movement (MoDem), French Communist Party (PCF), Diverse Right (DD), Radical Left Party (PRG), Diverse Left (DVG), The Greens, Union of the Center (UDC), Democratic and European Social Rally (RDES), National Front (FN), Centrist Union (UC), Communist, Republican and Citizenship (CRC), Democratic Republican Left (GDR), New Centre (NC). Senate: UMP (132), PS (140), UC (31), CRC (21), RDSE (17), Indep. (7) Nationale Assembly: UMP (317), PS (204), GDR (25), NC (23), Indep. (8).

**Elections** President: 5 year term; next elections, April 2017. Senate members: 6 year terms; next election, September, 2014.

## Economic Information: (2011)

IMF/Statistics Canada

	France	Canada
<b>GDP: (billion)</b>	\$2,745.98	\$1,720.70
<b>GDP per capita:</b>	\$43,527.13	\$49,900.00
<b>GDP Growth rate: (%)</b>	1.715	2.4
<b>Inflation: (%)</b>	2.293	2.9
<b>Unemployment: (%)</b>	9.675	7.4

## Trade and investment: (2011)

Statistics Canada

<b>Canadian Exports:</b>	\$3,080,793,524
<b>Canadian Imports:</b>	\$5,551,688,769
<b>Foreign Direct Investment in Canada</b>	\$15,319 (million)
<b>Canadian Direct Investment to France</b>	\$4,963 (million)

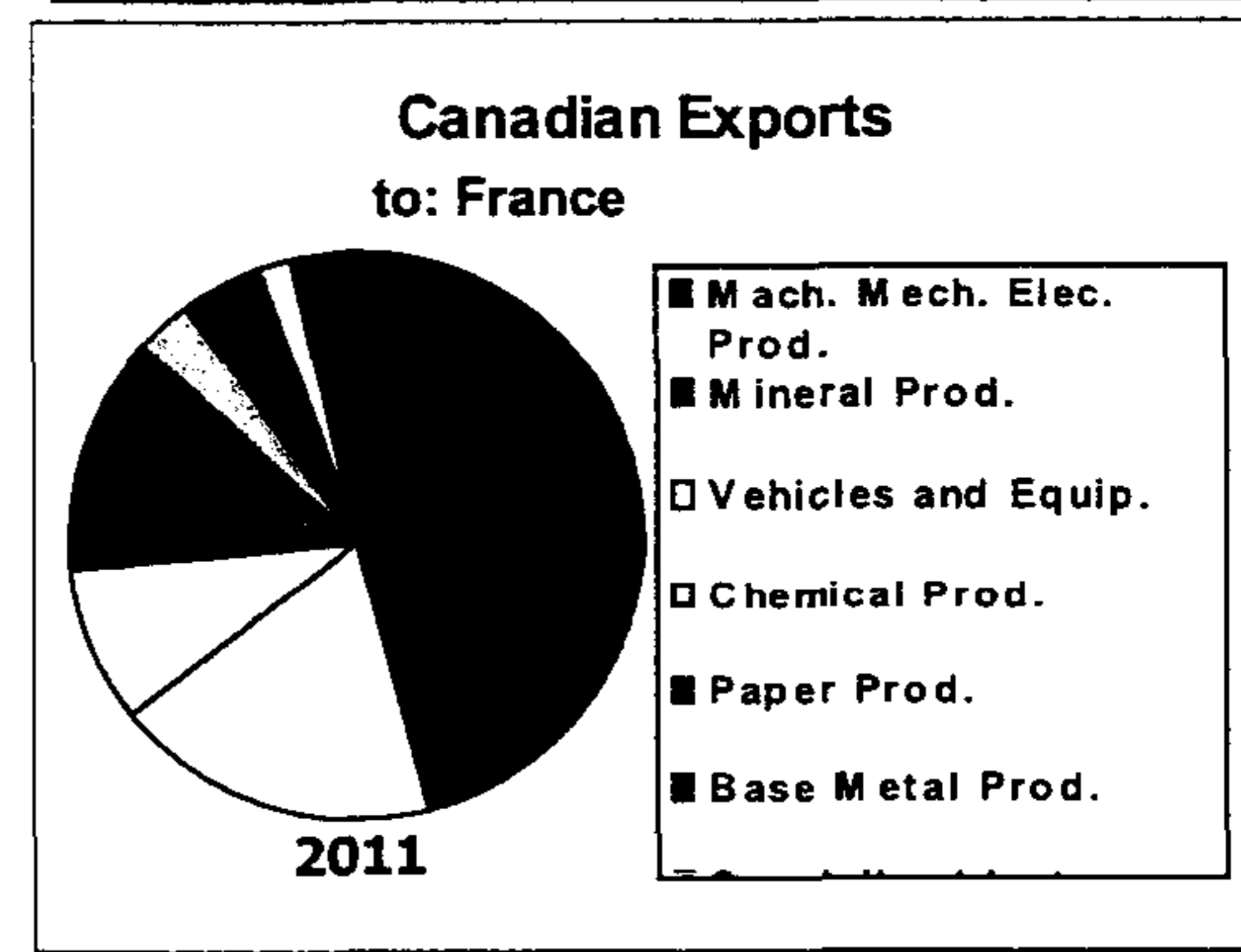
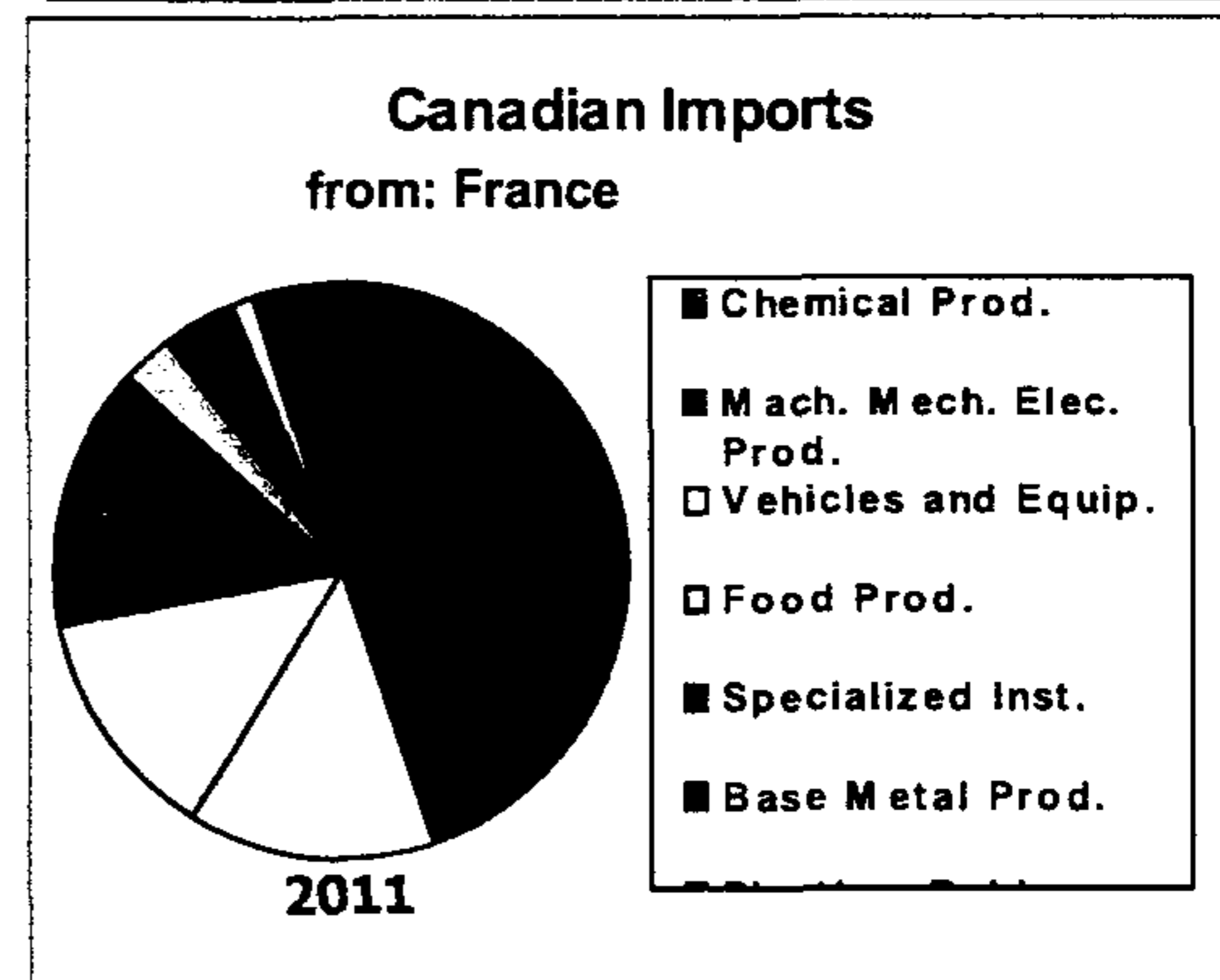
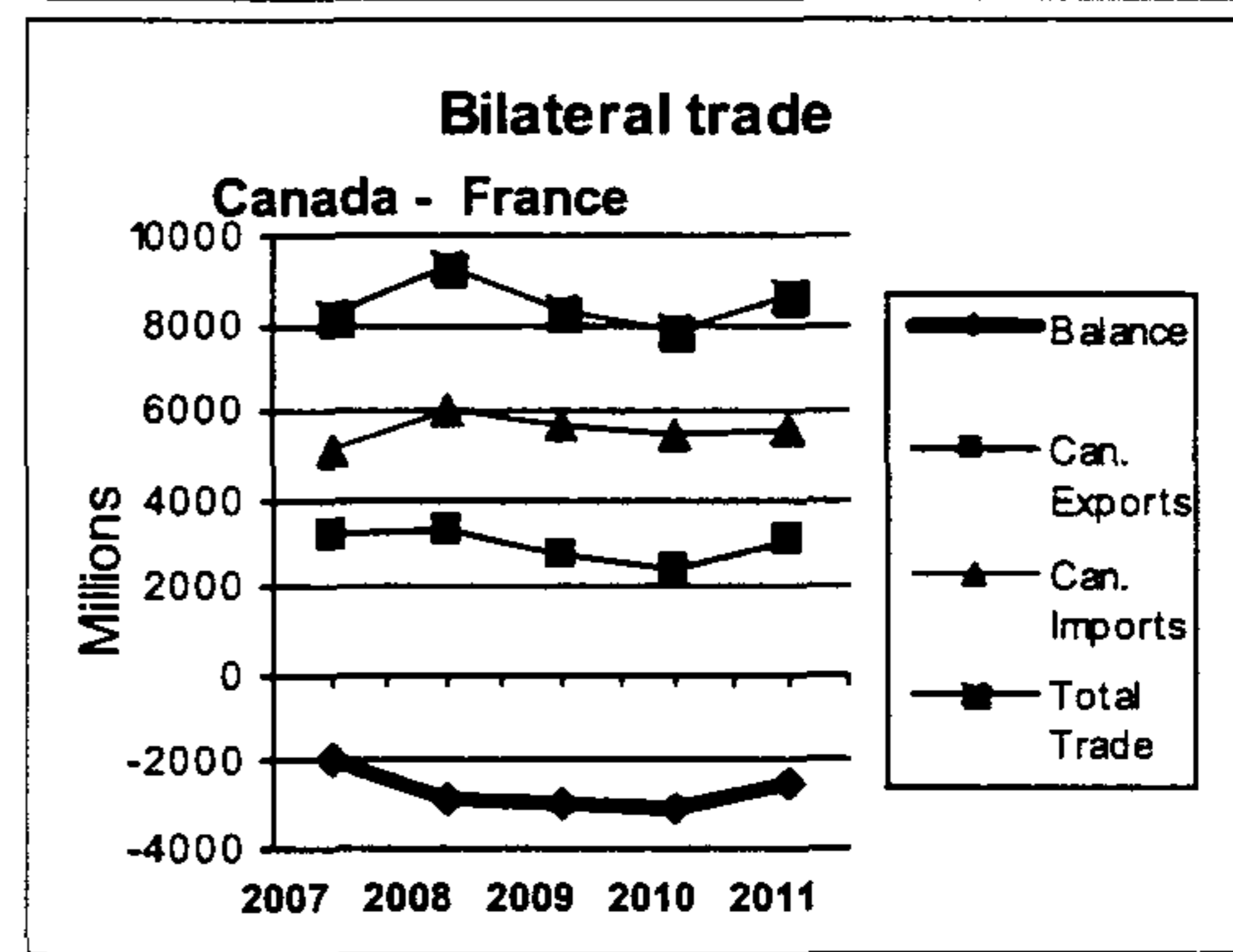
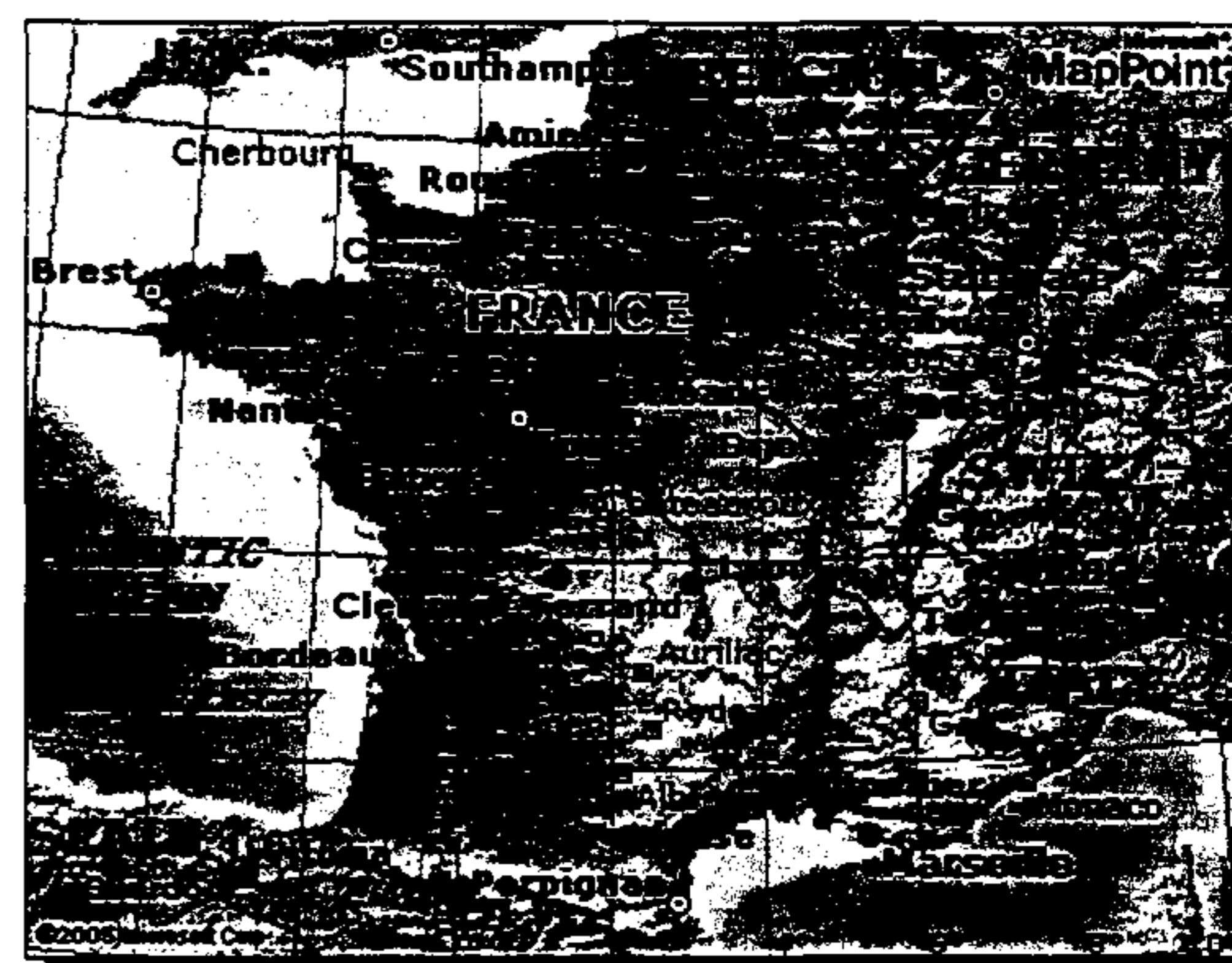
## Representation:

### Foreign Representation in Canada

Ambassador Philippe Zeller

### Canadian Representation Abroad

Ambassador Lawrence Cannon



Sources:  
Statistics/Industry Canada  
<http://www.ic.gc.ca/eic/site/tdo-dcd.nsf/eng/Home>  
IMF  
<http://www.imf.org/external/data.htm>

**UNCLASSIFIED**

## **POLITICAL CONTEXT AND CANADA–FRANCE RELATIONS**

### **ISSUE**

France has a new government and is dealing with a difficult economic climate.

### **BACKGROUND**

#### **Political context in France**

France is a unitary constitutional republic whose President, François Hollande, was elected in May 2012. President Hollande and his prime minister, Jean-Marc Ayrault, are both from the Socialist Party (SP). Furthermore, given the outcome of the legislative elections in June 2012, the Socialist Party holds the majority of institutional powers for the first time in history.

Four months into his mandate, President Hollande is confronted with a harsh reality: France must streamline its public accounts while contending with a difficult economic climate. Unemployment, which has risen for 16 straight months and is now around 10%, continues to climb. According to a significant segment of public opinion, the government is not doing enough to address the crisis and unemployment. Polls in August and September revealed that Hollande's approval rating has dropped by approximately 10 points to around 45–47%.

On September 28, 2012, Hollande, who was elected on a pro-growth platform, presented a budget that would produce the biggest cut to the public purse in 30 years. The budget, which will be presented to parliament next month, is intended to bring France's annual deficit to 3% of GDP in 2013, down from 4.5% this year. It places heavy emphasis on austerity measures, raising new revenues through corporate and personal taxes, and freezing total government spending. After raising about \$9 billion in new taxes and modest cuts this year, with no GDP growth, Hollande had to find an additional \$39 billion in this year's budget to hit the 3% goal. About \$13 billion will come from new taxes on corporations and an additional \$13 billion from new income taxes, including a new higher rate of 45% on incomes over \$193,000, and a controversial, largely symbolic and supposedly temporary wealth tax of 75% on earnings over \$1.3 million.

In the face of the Europe-wide economic crisis, Hollande has decided on a 3%-target budget: a clear message that France is in line with promises to Brussels. Yet while seeking to open a dialogue on growth revival by aligning himself with Italy and Spain, the President has made more vulnerable the fruitful and strategic Franco-German trust built by his predecessors over the past 5 decades. Now Germany has taken the lead for greater federal integration in Europe while the French government, whose majority on European issues remains divided and fragile, is staying behind.

#### **Foreign policy**

Given the scale of the crisis in France and across Europe, economic recovery has become one of the government's priorities. On August 27, 2012, during the traditional President's speech to French ambassadors, Hollande announced the launch of an action plan on "economic diplomacy," aimed in particular at supporting French companies abroad.

On the world stage, as a permanent member of the United Nations Security Council, NATO, the G8 and the G20, a nuclear power, a founding nation of the European Union and a key member of La Francophonie, France plays a leading role on major issues of international concern and is a key ally for Canada.

With respect to Syria, which is currently a major foreign policy priority for France, President Hollande recently encouraged the Syrian opposition to form an inclusive and representative provisional government that can become the legitimate representative of Syria. Hollande also announced that France would recognize such a government once formed. On September 25th, 2012, President Hollande made his first UN speech, in which he called upon the UN to immediately provide protection to areas liberated by rebels in Syria.

**UNCLASSIFIED**

### **Bilateral relations between Canada and France**

Canada and France enjoy mature bilateral relations based on significant historic, economic and cultural ties. Our relations are characterized by frequent high-level meetings. Prime Minister Harper met with President Hollande a few days after the latter's inauguration, at the G8 and NATO summits, as well as in Paris during a working visit on June 7, 2012. Foreign Minister Baird has crossed paths with his French counterpart, Laurent Fabius, on a few occasions at multilateral meetings, including Paris in July and New York in late September at meetings of the Friends of Syria, but has never had a bilateral meeting with him. Minister Baird and Foreign Minister Fabius are scheduled to have a bilateral meeting in Paris on October 11, 2012.

Canada and France have traditionally worked closely together on international security issues, as well as democracy promotion, human rights, good governance and development. We work together in the context of NATO operations, notably in Afghanistan and Libya, as well as in peacekeeping operations.

We are also working together on Arab Spring issues, the situations in Darfur and the Congo, and reconstruction in Haiti, where France and Canada are co-ordinating their efforts at the UN mission (MINUSTAH). It should be noted that France played a key role in Ivory Coast during the 2011 presidential transition, helping to secure Abidjan and offering shelter at its military base to foreign nationals, including some Canadians. In addition, France has been especially active and supportive of the UN resolution on human rights in Iran submitted each year by Canada.

La Francophonie continues to be another important forum for exchange between our two countries. France and Canada are the two most influential countries in La Francophonie, and together we represent nearly 75% of its resources. Prime Minister Harper and President Hollande are scheduled to meet on the margins of the Francophonie Summit on October 13, in Kinshasa.


Since 2004, a Youth Mobility Agreement has been making it easier for Canadian and French youth to move between our two countries. Programs run under this agreement allow youth aged 18 to 35 years to work and undertake internships for a period of up to 12 months. The annual quotas were increased from 7,000 to 9,500 in 2008, to 12,000 in 2009 and to 14,000 in 2010. In 2011, 14,000 French youth and 2,780 Canadian youth took part in the program. In 2009, the Department obtained Cabinet authority to establish a new youth mobility agreement with France. There have been a number of rounds of negotiation since 2010. The goal of this renegotiation is to eliminate the administrative obstacles that Canadian youth currently face under the existing framework.

Lastly, France regularly demonstrates a real interest in Canadian policies on fiscal consolidation, immigration and integration management, and crime prevention.

**Author's name/division/phone no.:** Claudia Hinzer/GUB/996-2619

**Approval bureau:** GUD

**Divisions/departments consulted:** PARIS. BSI

 <p>Royal Canadian Mounted Police</p>	<p>Gendarmerie royale du Canada</p>	<p>ES&amp;ML No: No. des SE&amp;LM: 2 12-08-051 Pages: 2</p>	<p>Security Classification: Classification sécuritaire</p> <p><b>SECRET</b></p> <p>s.15(1) - Int'l s.16(1)(a)(i) s.19(1)</p>
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**BRIEFING NOTE  
TO THE MINISTER OF  
PUBLIC SAFETY**

**NOTE D'INFORMATION  
AU MINISTRE DE LA  
SÉCURITÉ PUBLIQUE**

**ACCESS TO DEROGATORY INFORMATION**

**PURPOSE:**

To provide the Minister of Public Safety with information in preparation for his meeting with Secretary Napolitano on September 12, 2012.

**ISSUE:**

Canada-US Intelligence and Information Sharing for National Security and Law Enforcement Purposes – Access to Derogatory Information

**BACKGROUND:**

- As part of the Beyond the Border Action Plan (BTBAP), there have been five (5) bilateral meetings between Canadian and US officials in the past two (2) years to achieve effective and responsible information sharing for national security purposes to address threats as early as possible. An important goal of these meetings has been to address irritants before they become more significant.



**CURRENT CASE SCENARIO:**

- On July 29, 2012, Manitoba IBET arrested two (2) Somali males, [redacted] who crossed the US/Canadian border without reporting.



Royal Canadian Mounted Police

Gendarmerie royale du Canada

ES&ML No:  
No. des SB&LM:  
Pages : 2

Security Classification :  
Classification sécuritaire

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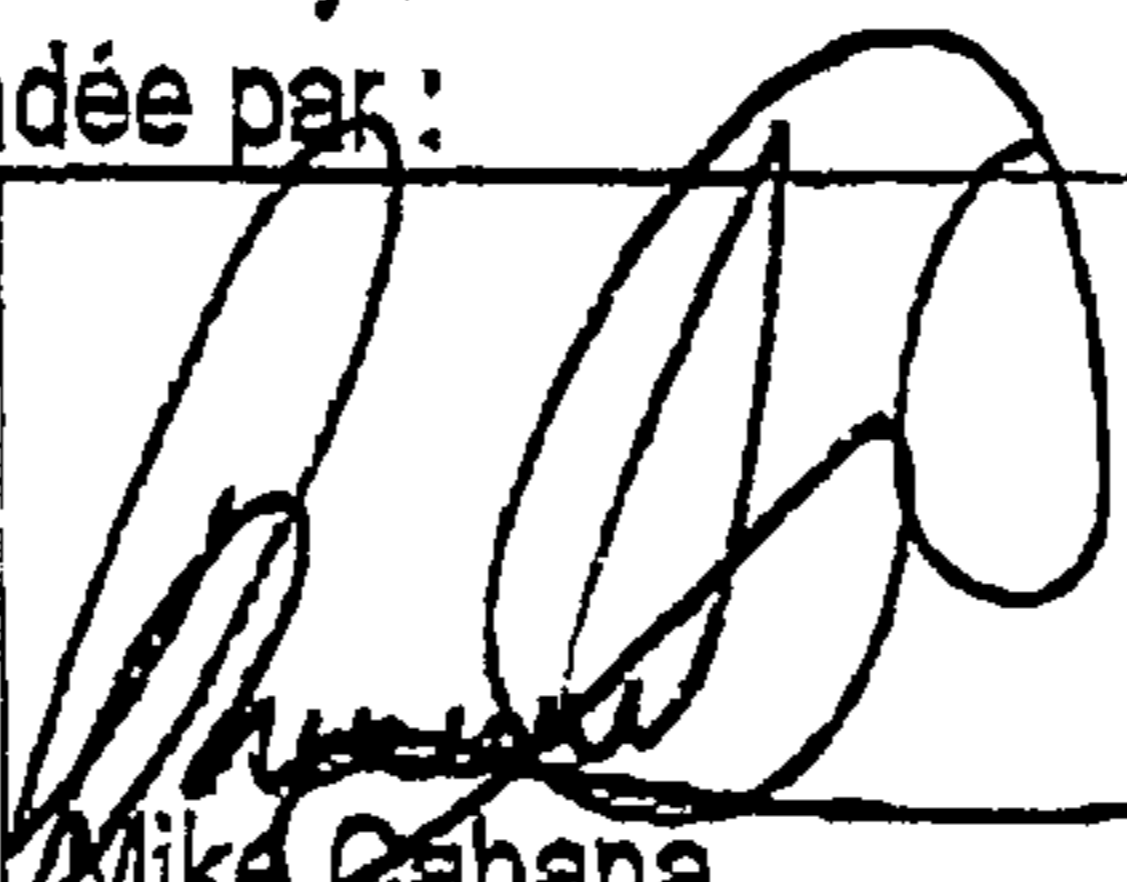
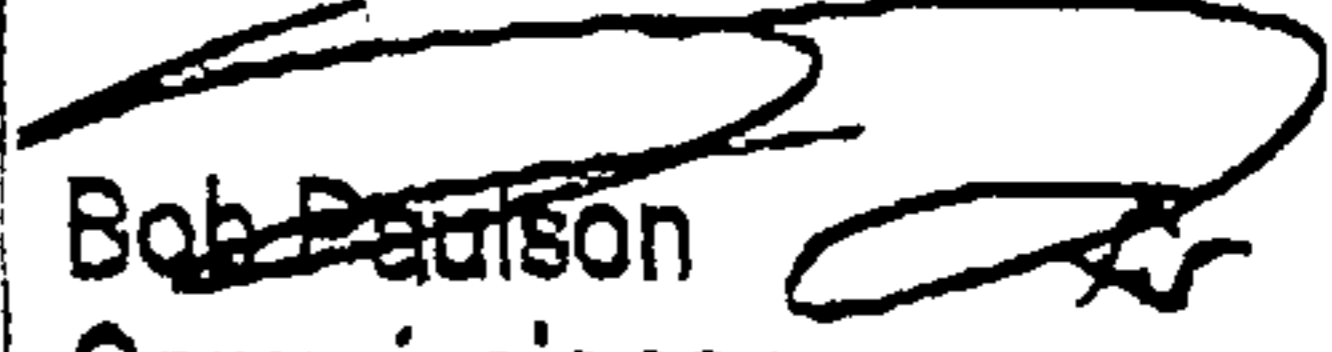
- National Security was not able to obtain any additional details from the FBI as to the reason [REDACTED]

- [REDACTED]

**STRATEGIC CONSIDERATIONS:**

- [REDACTED]

s.15(1) - Subv  
s.16(1)(a)(i)

Prepared by : Rédigée par :	Recommended by : Recommandée par :	Approved by : Approuvée par :
<b>eApproved</b> <b>2012-08-24</b> Supt. Larry Tremblay Director General National Security Criminal Operations	<b>eApproved</b> <b>2012-08-28</b> Gilles Michaud Assistant Commissioner National Security Criminal Investigations	 Mike Cabana Deputy Commissioner Federal Policing
		 Bob Paterson Commissioner



**Pages 97 to / à 98  
are not relevant  
sont non pertinentes**



## Public Outreach Proposal

<b>Date:</b> January 23 <sup>rd</sup> , 2011	<b>Media Market:</b> No media
<b>Location:</b> Carleton University Norman Paterson School for International Affairs 1125 Colonel By Drive 5306 River Building	<b>English Spokesperson:</b> Paul MacKinnon, Public Safety Canada ADM, Strategic Policy and David Heyman, Assistant Secretary for Policy at the U.S. Department of Homeland Security
	<b>French Spokesperson</b>
	<b>Multicultural Media Spokesperson</b>

### PROACTIVE EVENT OR INVITATION

- Proactive event

### EVENT

- To provide an overview of the Beyond the Border Action Plan: Perimeter Vision and Economic Competitiveness. The event will likely have two parts: an overview presentation by the interlocutors on the Beyond the Border Action Plan (BTBAP) and the initiative generally, followed by an interactive component that will be moderated by Professor Michael Hart, a NPSIA faculty member. Attendees will be able to ask questions at any points during the discussion.

### GOVERNMENT OF CANADA FUNDING / PARTNER FUNDING (IF APPLICABLE):

- N/A

### VENUE DESCRIPTION

- Lecture hall will seat approximately 50-80 people.

### MEDIA INVITED?

- No, as this is an event by government officials. Other opportunities are being considered to profile the Beyond the Border initiative to the media. While this event will not be marketed to the media specifically, given that it is being hosted by the University, it will also not be possible to control attendance, and it is possible that members of the media might be in the audience.

### MINISTER'S REGIONAL OFFICE CONTACTED (MO to complete)?

N/A

### OTHER PARTICIPANTS (MPs, PROVINCIAL REPS, STAKEHOLDERS, ETC)

- Students, teachers, and interested faculty members
- Think tank officials
- U.S. Embassy and their invitees

### AUDIENCE SIZE AND DESCRIPTION / TARGET AUDIENCES

- These types of sessions can attract anywhere between 30 and 100 people.

### STRATEGIC OBJECTIVES

- To provide an overview on what the BTBAP means, and expand on the changing nature of the Canada – U.S. relationship that will stem from the implementation of this initiative.

### VISUAL MESSAGE(S)

#### DESIRED PICTURE (STILL)

N/A

#### DESIRED PICTURE (VIDEO)

- TBD

**ACTUAL SPEAKING BACKDROP**

- N/A

**LENGTH OF SPEECH**

- N/A

**TO NE**

- Positive, upbeat

**ATTIRE**

- Casual

**WRITTEN MESSAGE(S)**

**NEWS RELEASE HEADLINE**

N/A

**DESIRED HEADLINE**

N/A

**DESIRED SOUNDBITE / KEY NEWS RELEASE SOUNDBITE**

N/A

**KEY MESSAGES**

- This Action Plan is a win-win proposition for Canada and the U.S. on both security and the flow of people, goods and services across our shared border.
- The Action Plan sets ambitious, but achievable, goals that will advance economic opportunity and lead to greater security.
- The privacy of Canadians will be protected, as always, by our own laws and constitution, as well as by a set of privacy principles that will be part and parcel of the Action Plan.
- It is in our national interest to ensure our shared border with the U.S. is as open, efficient and secure as possible.

**KEY QUESTIONS AND ANSWERS**

Q1. There's a commitment in the Action Plan to develop a set of privacy principles. Will those principles be enforceable, especially as they relate to sharing information about individual Canadians with the U.S. Government?

A1. In the declaration by the Prime Minister and the President and the Action Plan, we have made two principles crystal clear:

- First, both countries respect each other's sovereign right to act independently in their own national interest; and
- Both countries will work together to promote the principles of human rights, privacy and civil liberties as essential to the rule of law and effective management of our perimeter.

One of the first things that will be delivered under the Action Plan will be a set of privacy principles that will guide and inform the implementation of all initiatives in the Action Plan.

**RESEARCH NEEDS**

- N/A

**ROLLOUT**

**COMMUNICATIONS PRODUCTS**

- Media Advisory
- Speech (only if media opportunities are identified)

- News Release
- Backgrounder(s)
- Fact Sheet
- Biographies
- Talking Points
- Q&A
- M.P. Kit
- Props (describe)
- Post-Event Media (Twitter, Facebook)
- Web Content
- Photo Release (TBC)
- Media Lines
- Other (describe)
- For Information
- Comment

**OTHER BACKGROUND INFORMATION:**

- For over 40 years, the Norman Paterson School of International Affairs has been offering an interdisciplinary program, reflecting the philosophy that exposure to a wide range of disciplines such as political science, economics, law, sociology, public health and history is necessary to develop an understanding of our complex global environment.

**MEDIA PLAN**

**PLANNING**

- Live Coverage (check if yes)
- Photographer
- Readout

**STRATEGY**

**PROMOTING THE EVENT**

- N/A

**FOLLOW-UP MEDIA (ONE-ON-ONES)**

*English Media Interviews*

- Assessed reactively

*French Media Interviews*

- Assessed reactively

*Multicultural Media Interviews*

- Assessed reactively

**MEP APPROVED BY:**

**CTPL**

Centre for Trade Policy and Law / Centre de Droit et de Politique Commercial  
Carleton University, Dunton Tower, 21st Floor  
1125 Colonel by Drive, Ottawa, ON  
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www.ctpl.ca



CARLETON UNIVERSITY  
**CANADA-US  
PROJECT**

**“What Does the Canada-U.S. Beyond  
the Border Action Plan Mean for  
Security and Economic Prosperity?  
The Canadian and U.S. Perspectives”**

Monday, January 23, 2012

1:30-3:00pm

Senate Room, 608 Robertson Hall  
Carleton University

Chair: **Michael Hart**, Simon Reisman Chair in Trade Policy, Carleton University;  
Senior Distinguished Fellow, CTPL

Presenters: **David Heyman**, Assistant Secretary for Policy, U.S. Department of Homeland Security  
**Paul MacKinnon**, Assistant Deputy Minister, Strategic Policy, Public Safety Canada

Prime Minister Harper and President Obama agreed last February on a new initiative aimed at developing a shared vision for perimeter security and economic competitiveness. Following several months of consultations and preparation by groups of officials in both capitals, the two leaders announced a detailed action plan on December 7 setting out specific goals and objectives to be met over the next five years. David Heyman and Paul MacKinnon are two of the principals engaged in bringing the “Beyond the Border” action plan to fruition. They will use this opportunity to explain their current priorities and work program. Discussion, based on Chatham House rules, will follow their presentation.

This event is in partnership with the U.S. Embassy and Fulbright Canada and as well as the U.S. Department of Homeland Security and Public Safety Canada.

To register, please click [here](#). Limited Seating.

For further information, please contact Teale Irwin via [email](#) or at 613-520-2600 x 8313.