

(PS/SP)

From: [REDACTED] (PS/SP)
Sent: Tuesday, April 04, 2017 9:00 AM
To: Binne, Christine (PS/SP); Merchant, Colleen (PS/SP); Waters, Michael (PS/SP)
Cc: Davies, John (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Subject: FW: IMSI s.15(1) - Subv
Attachments: ML - MDI post ISED authorization_FINAL.DOCX

Hi, not sure who is leading the QPN on your side, but sending you what we have – the RCMP note that was done in late February, and the few bits that came out of the consults.

That's all we have, I think. [REDACTED] and [REDACTED] are our points of contact if you need anything else.

From: Grenier, Julie (PS/SP)
Sent: Friday, February 24, 2017 1:32 PM
To: [REDACTED] (PS/SP); [REDACTED] (PS/SP); Beecher, Sophie (PS/SP)
Subject: IMSI

s.15(1) - Subv

Hi,

RCMP just shared their final updated Media Lines on IMSI catchers/cell-site stimulators. As noted in the background statement of the attached, RCMP want to publicly confirm their use in certain investigations and clarify how they are used in the interest of being transparent and improving the public's understanding of the RCMP's use of this technology.

I'm told a BN went up to MO from RCMP on this topic a few weeks ago. I don't have a copy of that memo.

There is no mention in the lines that this technology is/was being reviewed in the context of the national security consultation. Can you clarify if it is under review?

Best,
 Julie G
 Tel : 613-993-4415 | BB : 613-410-6059

s.15(1) - Subv

From: [REDACTED] (PS/SP)
Sent: Tuesday, January 31, 2017 11:33 AM
To: Grenier, Julie (PS/SP)
Cc: [REDACTED] (PS/SP); Beecher, Sophie (PS/SP)
Subject: RE: IMSI

Hi Julie,

We haven't really done much on IMSI except for providing principals with some background information on the controversies around this technology, in the context of briefing materials on metadata. On the policy side, we haven't been looped in to the RCMP/ISED review. That said, in our broader work on lawful access issues with partners, there has been cursory discussion of increasing the transparency around the use of this technology by investigators as part of a general initiative to enhance transparency in the NS sphere.

In terms of the consultations, some prominent stakeholders ([redacted] and the [redacted] did raise the issue of IMSI catchers and recommended the government to action [redacted] recommend a focused public consult and the [redacted] recommend a new warrant regime governing the use of the technology). Many stakeholders and engaged citizens also supported ensuring strong accountability and increasing transparency for investigatory powers across all aspects of the lawful access theme.

As far as I'm aware, we haven't prepared comms products on IMSI in the past. I'm not sure that we currently have a position as a department on this issue. Our contributions to the messaging from ISED and RCMP could be something along the lines of:

- We understand the use of IMSI catchers has been the subject of public concern,
- We recently concluded public consultations that included discussion of investigative capabilities
- Officials are currently analyzing the results of those consultations,
- Informed by the consultations, the Minister will deliver on his mandate commitment to introduce new legislation that strengthens accountability and better balances collective security with our fundamental rights and freedoms

If you would like to discuss further or need background information on this issue, please let me know.

[redacted]

s.15(1) - Subv

613 [redacted]

From: Beecher, Sophie (PS/SP)
Sent: Tuesday, January 31, 2017 10:23 AM
To: Grenier, Julie (PS/SP)
Cc: [redacted] (PS/SP); [redacted] (PS/SP)
Subject: RE: IMSI
s.15(1) - Subv

Hello Julie,

I think [redacted] would be the person who would know the most on this issue.

Sophie Beecher

Tel/tél.: (613) 949-3184

From: Grenier, Julie (PS/SP)
Sent: Monday, January 30, 2017 12:25 PM
To: Beecher, Sophie (PS/SP)
Subject: IMSI

Hi Sophie,

Who from your team is leading on IMSI? I ask because I got looped into an update from Industry & RCMP on Friday about authorization. I'd like to get the view from PS Policy on what this means for us and our messaging (particularly in context of NS consultation, and privacy aspects).

Thanks! Julie

From: Melanie Roush [<mailto:Melanie.Roush@rcmp-grc.gc.ca>]
Sent: Monday, January 30, 2017 11:08 AM
To: Lewis, James (IC); Grenier, Julie (PS/SP); Chris Lynam; Jeff Adam; Jeffrey Morris; John Robin; Michelle Rose
Subject: Re: IMSI comms products

Hi Julie - From a communications perspective, we are currently in the process of drafting new lines for post-authorization, but they are still being drafted at this point. We can share those with you once we've started the approval process.

In the meantime, our current holding lines, developed in consultation with ISED, are below. They are being used reactively if we get media calls on this issue.

Melanie

If pressed about this subject (for RCMP)

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The review is ongoing and additional information cannot be disclosed at this time.

For ISED (or something to this effect)

ISED continually works with partner agencies such as those in law enforcement, to ensure those agencies meet standards and requirements as set out in the *Radiocommunication Act*.

ISED recognizes the importance of the tools deployed by law enforcement.

>>> "Grenier, Julie (PS/SP)" <julie.grenier@canada.ca> 2017/01/30 10:58 AM >>>

Hi,

Thanks again for the updates on IMSI Friday. As a follow-up, I'm wondering if folks are in a position to share memos and comms products for information, even if they are draft. If you're sending anything by Dragon, please let me know by regular network email as I'm not always logged on to Dragon.

Thanks!

Julie, Public Safety Comms

Organizer: Melanie Roush

When: 1:30 PM - 2:30 PM January 27, 2017

Subject: IMSI Communications Coordination Meeting

Location: Leikin_MtgRoom_M8-2-805

Julie

Tel: 613-993-4415, BB: 613-410-6059

28/04/2017 11:06 AM

RCMP Media Lines

-APPROVED -

Date: February 20, 2017
Issue/Title: Use of cell-site simulators for law enforcement purposes

Background:

The RCMP's use of cell-site simulator (CSS) technology has been the subject of recent misperception and confusion by the Canadian public and the media. The RCMP wants to publicly confirm their use in certain investigations and clarify how they are used in the interest of being transparent and improving the public's understanding of the RCMP's use of this technology.

Media Lines - General:

- As Canada's national police force, the RCMP uses various technical investigative tools and methods to lawfully obtain evidence in order to protect Canadians and advance serious criminal investigations.
- The RCMP uses a tool called a cell-site simulator (CSS) to assist in criminal investigations relating to national security, serious and organized crime, and other serious *Criminal Code* offences that impact the safety and security of Canadians.
- CSS technology is an important law enforcement tool that works by collecting limited information from a suspect's cellular device, such as a mobile phone.
- The use of a CSS to identify a suspect's mobile device allows investigators to gather valuable evidence and further an investigation.
- If the particulars of a mobile device are known, the use of a CSS allows the RCMP to search for the device, such as when trying to locate missing persons.
- The RCMP's CSS technology is not capable of collecting the contents of any form of private communication. It cannot collect the content of voice and audio communications, email messages, text messages, contact lists, images, encryption keys, or any other content and basic subscriber information.

Authority to Use CSS

- The RCMP uses investigative tools and techniques in full compliance with the laws of Canada, including the Charter, and appropriate judicial processes.
- With the exception of exigent circumstances (e.g. to prevent imminent bodily harm), the RCMP seeks prior judicial authorization to use CSS technology, and only uses this technique when required to further an investigation.

The RCMP and Innovation, Science and Economic Development Canada:

- The RCMP is working closely with Innovation, Science and Economic Development Canada (ISED) to analyze the *Radiocommunication Act* and determine the appropriate legal framework for the use of CSS technology by the RCMP.

Office of the Privacy Commissioner of Canada Investigation

- CSS technology is sometimes referred to in public forums as “IMSI catchers” or incorrectly “Stingrays.”
- In April 2016, the RCMP received notification from the Office of the Privacy Commissioner of Canada that an investigation was being launched in response to a complaint that the RCMP was contravening the collection provision of the *Privacy Act* by collecting personal information using “StingRay” or similar devices known as International Mobile Subscriber Identity (IMSI) catchers.
- The RCMP has fully cooperated with the Office of the Privacy Commissioner of Canada in this matter, and has provided a detailed explanation of its CSS operations and policies.

Q&As

Q: How does a cell-site simulator work?

A: During complex national security or organized crime investigations, the RCMP may need to identify a cellular device used by criminals. Under judicial authority, CSS technology is used for a short duration to attract and collect limited information from cellular devices, such as mobile phones in close proximity, including International Mobile Subscriber Identity (IMSI) and International Mobile Equipment Identity (IMEI) data. This data can be used to help identify a cellular device used by a suspect under investigation.

In some circumstances, the RCMP may be required to locate a specific mobile device, such as in the case of missing persons. If the IMSI or IMEI numbers are known, the CSS can be utilized to locate a specific mobile device in a limited geographical area.

Q. Are these also referred to as “IMSI Catchers?”

A. Yes, CSS technology is sometimes referred to in public forums as “IMSI catchers” or incorrectly “Stingrays.”

Q: Will CSS technology use impact other cell phone users in the area?

A: CSS may cause limited cellular interference for devices within range of the tool. The RCMP makes every effort to deploy the technology in a way that causes the least disruptions to service. This includes deploying CSS technology for short duration periods and frequently changing cellular frequencies. In rare instances, the deployment of the tool may cause limited cellular interference to 911 calls for some mobile devices with older cellular technology. While evolving technology has significantly minimized this risk, the RCMP always identifies this potential impact of CSS technology when seeking judicial authorization, and ensures that CSS deployment either mitigates or minimizes any potential negative effects.

Q. If my information is collected through this technology, what happens to it?

A: The RCMP destroys any collected data from non-targets (third parties) immediately following court proceedings, including appeal periods, and any specific orders from a judge.

Q: How often does the RCMP use CSS technology?

A: In 2015, the RCMP used CSS technology in connection with 24 criminal investigations. Only one of these cases involved exigent circumstances, a kidnapping where the CSS was used to attempt to locate the hostage.

Q. What type of judicial authorization is required prior to the use of a CSS?

A. Prior to deploying CSS technology, unless there are exigent circumstances, (such as threat to life), the RCMP obtains a Transmission Data Recorder Warrant (Section 492.2 of the Criminal Code). The RCMP's use of CSS technology is always guided by legislation, court decisions, consultation with Crown and the National Wiretap Experts Committee (NVEC). The NVEC is comprised of criminal justice personnel, including Federal and Provincial Crown prosecutors and law enforcement from across Canada. The NVEC provides guidance to law enforcement and prosecutors on the application of legal tools (procedural powers) in the *Criminal Code*.

Q. Does the RCMP now have an authorization under the *Radiocommunication Act* to use a CSS?

The RCMP is working with ISED to review CSS technology and the applicable provisions under the *Radiocommunication Act*. The review is ongoing and additional information cannot be disclosed at this time.

Q. Why is the RCMP only now confirming use of this technology when it's been in the public domain for a while?

A. The RCMP wants to strike a balance between public transparency on CSS technology, and continuing to protect this important tool for public safety and law enforcement purposes.

IF PRESSED ONLY

Q Does the RCMP deploy CSS technology in aircraft?

A. To prevent criminals from learning of ways to defeat or avoid surveillance, the RCMP does not discuss specifics on how it deploys any type of surveillance technology. The RCMP only deploys surveillance technology when it is lawful to do so and with the appropriate judicial authorization.

Contact: Media Relations, National Communication Services NCS,
(613) 843-5999

Prepared by: Michelle Rose, National Communications Services (613) 843-5492

Reviewed by:

Melanie Roush, NCS
Jeffrey Morris, Strategic Policy and Integration, SPS
Kimberley Pearce, Legal Services

Approved by:

Chris Lynam, Strategic Policy and Integration, SPS
Kelly Bradshaw, Tactical Operations, Technical Investigation Services
John Robin, Technical Investigation Services
Jolene Bradley, Director Operations, NCS

(PS/SP)

From: Robert, Philippe (PS/SP)
Sent: Tuesday, April 04, 2017 9:00 AM
To: Taschereau, Rodrigue (PS/SP); [REDACTED] (PS/SP); Micholuk, Lindsey (PS/SP); [REDACTED] (PS/SP); Adamowski, Andrew (PS/SP); [REDACTED] (PS/SP); Emmett, Jamie (PS/SP); Sandford, Amanda (PS/SP); Chénier, Jean-Philippe (PS/SP)
Cc: PS.O.NCSB.SADMO Users / Utilisateurs BSMAP.SSCN.O.SP; PS.F NSPD Admin / DPSN Admin F.SP; Davies, John (PS/SP); Merchant, Colleen (PS/SP); Beecher, Sophie (PS/SP); [REDACTED] (PS/SP); Green, Adam (PS/SP); [REDACTED] (PS/SP); Wong, Suki (PS/SP); Ho, Fenton (PS/SP); Johnston, Shannon (PS/SP); Voghel-Pilon, Dominique (PS/SP); Scapillati, Dominique (PS/SP); Fauteux, Simon (PS/SP); Tremblay, Marie-Pierre (PS/SP); Robillard2, Connie (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Subject: RE: URGENT QP Tasking - April 4, 2017 - PLEASE SEE MODIFIED DEADLINES

Yes you are both right and I have sent a note to PA. However we still need to provide an answer.

Phil

From: Taschereau, Rodrigue (PS/SP)
Sent: Tuesday, April 04, 2017 8:52 AM
To: Robert, Philippe (PS/SP); [REDACTED] (PS/SP); Micholuk, Lindsey (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); Emmett, Jamie (PS/SP); Sandford, Amanda (PS/SP); Chénier, Jean-Philippe (PS/SP)
Cc: PS.O.NCSB.SADMO Users / Utilisateurs BSMAP.SSCN.O.SP; PS.F NSPD Admin / DPSN Admin F.SP; Davies, John (PS/SP); Merchant, Colleen (PS/SP); Beecher, Sophie (PS/SP); [REDACTED] (PS/SP); Green, Adam (PS/SP); [REDACTED] (PS/SP); Wong, Suki (PS/SP); Ho, Fenton (PS/SP); Johnston, Shannon (PS/SP); Voghel-Pilon, Dominique (PS/SP); Scapillati, Dominique (PS/SP); Fauteux, Simon (PS/SP); Tremblay, Marie-Pierre (PS/SP); Robillard2, Connie (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Subject: Re: URGENT QP Tasking - April 4, 2017 - PLEASE SEE MODIFIED DEADLINES

We are sending what we have to cyber on the second one but as per [REDACTED] point, the second one is almost all RCMP.

s.15(1) - Subv

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Robert, Philippe (PS/SP)
Sent: Tuesday, April 4, 2017 8:49 AM
To: [REDACTED] (PS/SP); Micholuk, Lindsey (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); Emmett, Jamie (PS/SP); Sandford, Amanda (PS/SP); Chénier, Jean-Philippe (PS/SP)
Cc: PS.O.NCSB.SADMO Users / Utilisateurs BSMAP.SSCN.O.SP; PS.F NSPD Admin / DPSN Admin F.SP; Davies, John (PS/SP); Merchant, Colleen (PS/SP); Beecher, Sophie (PS/SP); [REDACTED] (PS/SP); Green, Adam (PS/SP); [REDACTED] (PS/SP); Wong, Suki (PS/SP); Taschereau, Rodrigue (PS/SP); Ho, Fenton (PS/SP); Johnston, Shannon (PS/SP); Voghel-Pilon, Dominique (PS/SP); Scapillati, Dominique (PS/SP); Fauteux, Simon (PS/SP); Tremblay, Marie-Pierre (PS/SP); Robillard2, Connie (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Subject: RE: URGENT QP Tasking - April 4, 2017 - PLEASE SEE MODIFIED DEADLINES

RCMP is tasked with the first item we only need to concern ourselves with the highlighted item that belongs to NCSB.

Philippe

s.15(1) - Subv

From: [REDACTED] (PS/SP)
Sent: Tuesday, April 04, 2017 8:48 AM
To: Robert, Philippe (PS/SP); Micholuk, Lindsey (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); Emmett, Jamie (PS/SP); Sandford, Amanda (PS/SP); Chénier, Jean-Philippe (PS/SP)
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Subject: RE: URGENT QP Tasking - April 4, 2017 - PLEASE SEE MODIFIED DEADLINES

I believe RCMP should be tasked with the first QPN on IMSI as well, as they did media lines and Qs&As on IMSI in late February.

From: Robert, Philippe (PS/SP)
Sent: Tuesday, April 04, 2017 8:34 AM
To: Micholuk, Lindsey (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); Emmett, Jamie (PS/SP); Sandford, Amanda (PS/SP); Chénier, Jean-Philippe (PS/SP)
Cc: PS.O.NCSB.SADMO Users / Utilisateurs BSMAP.SSCN.O.SP; PS.F NSPD Admin / DPSN Admin F.SP; Davies, John (PS/SP); Merchant, Colleen (PS/SP); Beecher, Sophie (PS/SP); [REDACTED] (PS/SP); Green, Adam (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); Wong, Suki (PS/SP); Taschereau, Rodrigue (PS/SP); Ho, Fenton (PS/SP); Johnston, Shannon (PS/SP); Voghel-Pilon, Dominique (PS/SP); Scapillati, Dominique (PS/SP); Fauteux, Simon (PS/SP); Tremblay, Marie-Pierre (PS/SP); Robillard2, Connie (PS/SP)
Subject: URGENT QP Tasking - April 4, 2017 - PLEASE SEE MODIFIED DEADLINES
Importance: High

Good morning ,

Please see e-mail below, SADMO believes Cyber should take the lead and input may be needed from NSPD and/or NSOD. Please note tight deadline for this tasking, please note that we have been told that PCO is looking for this one and the timeline needs to be respected.
If you have any questions or concerns please call me.

Philippe

Subject: QP Tasking - April 4, 2017 - PLEASE SEE MODIFIED DEADLINES
Importance: High

Good morning,

**** Reminder:** If you determine that a QPN is tasked to the wrong organization, please advise Parliamentary Affairs immediately**.

Organizations tasked, please confirm receipt

Following further discussions, there are 2 QPNs requested for today. Please note that the English version of these notes are required for 9:45 am at the latest.

RCMP: QPN on post-employment rules for former RCMP members – please see relevant article at following link: <http://www.theglobeandmail.com/news/national/ex->

[mountie-pierre-perron-takes-job-with-controversial-chinese-firm-huawei/article34569299/](#)

NCSB: QPN on IMSI catchers (note should reflect media lines tasked yesterday pm. Please include information on the authorizing process, the penalty for illegal use and if possible information on legitimate reasons to authorize)

******FIRM DEADLINE FOR ADM/EQUIVALENT APPROVED QPN – 9:30 (English version) and 11:30 (French Version) ******

**** Please ensure that the proposed speaking points reflect any recent media lines or recent comments by the Minister on the issue. Please work with Communications as required ****

For ease of reference, the QPN template is attached. Please ensure to read it carefully as some elements have changed. QPNs sent in the wrong format will be returned to originating branch.

Philippe Robert

Senior Administrative Officer
Office of the Senior Assistant Deputy Minister
National Security Branch
Public Safety Canada, Government of Canada
philippe.robert@canada.ca / Tel: 613-991-7025

Agent administratif principal
Bureau de la Sous-ministre adjointe principale
Secteur de la Sécurité nationale
Sécurité publique Canada, Gouvernement du Canada
philippe.robert@canada.ca / Tél.: 613-991-7025



Public Safety
Canada

Sécurité publique
Canada

[REDACTED] (PS/SP)

From: Binne, Christine (PS/SP)
Sent: Tuesday, April 04, 2017 9:18 AM
To: [REDACTED] (PS/SP)
Cc: [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Subject: RE: IMSI

Actually, sorry I redirected it to NSOD, not you guys.

From: Binne, Christine (PS/SP)
Sent: Tuesday, April 04, 2017 9:12 AM
To: [REDACTED] (PS/SP)
Cc: [REDACTED] (PS/SP)
Subject: RE: IMSI

Thanks [REDACTED] We responded to SADMO that this isn't a Cyber issue and that we thought that you guys maybe following it. That was after I suggested that it should be the RCMP. We'll see where this lands – sorry about that.

From: [REDACTED] (PS/SP)
Sent: Tuesday, April 04, 2017 9:00 AM
To: Binne, Christine (PS/SP); Merchant, Colleen (PS/SP); Waters, Michael (PS/SP)
Cc: Davies, John (PS/SP); [REDACTED] (PS/SP)
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[REDACTED]

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To: Grenier, Julie (PS/SP)
Cc: [REDACTED] (PS/SP); Beecher, Sophie (PS/SP)
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s.20(1)(c)

s.20(1)(d)

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[REDACTED]

s.15(1) - Subv

[REDACTED]

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Sent: Tuesday, January 31, 2017 10:23 AM
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Cc: [REDACTED] (PS/SP); [REDACTED] (PS/SP)
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I think [REDACTED] would be the person who would know the most on this issue.

Sophie Beecher
Tel/tél.: (613) 949-3184

From: Grenier, Julie (PS/SP)
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Julie, Public Safety Comms

Organizer: Melanie Roush

When: 1:30 PM - 2:30 PM January 27, 2017

Subject: IMSI Communications Coordination Meeting

Location: Leikin_MtgRoom_M8-2-805

Julie

Tel: 613-993-4415, BB: 613-410-6059

(PS/SP)

From: Grenier, Julie (PS/SP)
Sent: Tuesday, April 04, 2017 9:31 AM
To: (PS/SP); (PS/SP)
Subject: For QPN -- IMSI

s.15(1) - Subv

Importance: High

We understand that there's a QP tasking on IMSI. Below are latest media lines.

Julie

Tel: 613-993-4415, BB: 613-410-6059

From: Magee, Heather (PS/SP) <heather.magee@canada.ca>
Sent: Tuesday, April 4, 2017 9:24 AM
To: Scott, Isabelle (PS/SP); Grenier, Julie (PS/SP)
Subject: IMSI catcher story/lines

Here are the lines we are working with.

Our government is committed to keeping Canadians safe while protecting rights and freedoms.

. Under Section 191 of the Criminal Code it is illegal to import, manufacture or possess an IMSI Catcher without a license granted from Public Safety Canada.

. Several such licenses have been granted to police forces.

. The use of all technical investigative tools by the RCMP is governed by the law and the Charter and subject to judicial control.

. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met.

. The RCMP must inform judges of the potential impact of investigative tools when seeking authorization, and use them in accordance with the limits set out by the court.

. The Privacy Commissioner has indicated that he has launched an investigation in relation to certain investigative tools reportedly used by the RCMP, and I welcome that. The RCMP is cooperating fully with the Privacy Commissioner in this matter.

(PS/SP)

From: McAteer, Julie (PS/SP)
Sent: Tuesday, April 04, 2017 9:39 AM
To: (PS/SP)
Cc: (PS/SP); Robert, Philippe (PS/SP)
Subject: RE: URGENT QP Tasking - April 4, 2017 - PLEASE SEE MODIFIED DEADLINES

Thank you

Have just re-confirmed with MO that they want the note to come from NSCB.

From: (PS/SP)
Sent: Tuesday, April 04, 2017 9:39 AM
To: McAteer, Julie (PS/SP)
Cc: (PS/SP)
Subject: RE: URGENT QP Tasking - April 4, 2017 - PLEASE SEE MODIFIED DEADLINES

No, as far as I know she doesn't approve IMSI. Am at a meeting until 10:00 am. CC'ing (PS/SP) who is our technical expert if you have any questions in the interim.

From: McAteer, Julie (PS/SP)
Sent: Tuesday, April 04, 2017 9:22 AM
To: (PS/SP)
Subject: FW: URGENT QP Tasking - April 4, 2017 - PLEASE SEE MODIFIED DEADLINES

Good morning,

Wondering if we could chat for two minutes – MO wanted a note from NS because they believed that Monik approved the use of IMSI catchers. After conversations with the RCMP, I am told that this is not the case – correct?

Monik approves the licensing regime for radio interference under section 191 of the Criminal Code – which is separate from the IMSI catchers?

If I understood properly, the first one is to intercept private communication (specify one or more devices) whereas the second one is a more broad type of interference – can you please confirm this? I am in communication with MO to see if they want it more on the 191 side or the IMSI side – Hoping to get clarity to confirm where the note should go.

From: Robert, Philippe (PS/SP)
Sent: Tuesday, April 04, 2017 8:57 AM
To: McAteer, Julie (PS/SP)
Cc: PS.O.NCSB.SADMO Users / Utilisateurs BSMAP.SSCN.O.SP; (PS/SP)
Subject: FW: URGENT QP Tasking - April 4, 2017 - PLEASE SEE MODIFIED DEADLINES

Julie,

Please see note from (PS/SP) as an fyi.

Philippe

From: [REDACTED] (PS/SP)
Sent: Tuesday, April 04, 2017 8:48 AM
To: Robert, Philippe (PS/SP); Micholuk, Lindsey (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); Emmett, Jamie (PS/SP); Sandford, Amanda (PS/SP); Chénier, Jean-Philippe (PS/SP)
Cc: PS.O.NCSB.SADMO Users / Utilisateurs BSMAP.SSCN.O.SP; PS.F NSPD Admin / DPSN Admin F.SP; Davies, John (PS/SP); Merchant, Colleen (PS/SP); Beecher, Sophie (PS/SP); [REDACTED] (PS/SP); Green, Adam (PS/SP); [REDACTED] (PS/SP); Wong, Suki (PS/SP); Taschereau, Rodrigue (PS/SP); Ho, Fenton (PS/SP); Johnston, Shannon (PS/SP); Voghel-Pilon, Dominique (PS/SP); Scapillati, Dominique (PS/SP); Fauteux, Simon (PS/SP); Tremblay, Marie-Pierre (PS/SP); Robillard2, Connie (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Subject: RE: URGENT QP Tasking - April 4, 2017 - PLEASE SEE MODIFIED DEADLINES

I believe RCMP should be tasked with the first QPN on IMSI as well, as they did media lines and Qs&As on IMSI in late February.

s.15(1) - Subv

From: Robert, Philippe (PS/SP)
Sent: Tuesday, April 04, 2017 8:34 AM
To: Micholuk, Lindsey (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); Emmett, Jamie (PS/SP); Sandford, Amanda (PS/SP); Chénier, Jean-Philippe (PS/SP)
Cc: PS.O.NCSB.SADMO Users / Utilisateurs BSMAP.SSCN.O.SP; PS.F NSPD Admin / DPSN Admin F.SP; Davies, John (PS/SP); Merchant, Colleen (PS/SP); Beecher, Sophie (PS/SP); [REDACTED] (PS/SP); Green, Adam (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); Wong, Suki (PS/SP); Taschereau, Rodrigue (PS/SP); Ho, Fenton (PS/SP); Johnston, Shannon (PS/SP); Voghel-Pilon, Dominique (PS/SP); Scapillati, Dominique (PS/SP); Fauteux, Simon (PS/SP); Tremblay, Marie-Pierre (PS/SP); Robillard2, Connie (PS/SP)
Subject: URGENT QP Tasking - April 4, 2017 - PLEASE SEE MODIFIED DEADLINES
Importance: High

Good morning ,

Please see e-mail below, SADMO believes Cyber should take the lead and input may be needed from NSPD and/or NSOD. Please note tight deadline for this tasking, please note that we have been told that PCO is looking for this one and the timeline needs to be respected.
If you have any questions or concerns please call me.

Philippe

Subject: QP Tasking - April 4, 2017 - PLEASE SEE MODIFIED DEADLINES
Importance: High

Good morning,

**** Reminder:** If you determine that a QPN is tasked to the wrong organization, please advise Parliamentary Affairs immediately**.

Organizations tasked, please confirm receipt

Following further discussions, there are 2 QPNs requested for today. Please note that the English version of these notes are required for 9:45 am at the latest.

RCMP: QPN on post-employment rules for former RCMP members – please see relevant article at following link: <http://www.theglobeandmail.com/news/national/ex-mountie-pierre-perron-takes-job-with-controversial-chinese-firm-huawei/article34569299/>

NCSB: QPN on IMSI catchers (note should reflect media lines tasked yesterday pm. Please include information on the authorizing process, the penalty for illegal use and if possible information on legitimate reasons to authorize)

******FIRM DEADLINE FOR ADM/EQUIVALENT APPROVED QPN – 9:30 (English version) and 11:30 (French Version) ******

**** Please ensure that the proposed speaking points reflect any recent media lines or recent comments by the Minister on the issue. Please work with Communications as required ****

For ease of reference, the QPN template is attached. Please ensure to read it carefully as some elements have changed. QPNs sent in the wrong format will be returned to originating branch.

Phillippe Robert

Senior Administrative Officer
Office of the Senior Assistant Deputy Minister
National Security Branch
Public Safety Canada, Government of Canada
philippe.robert@canada.ca / Tel: 613-991-7025

Agent administratif principal
Bureau de la Sous-ministre adjointe principale
Secteur de la Sécurité nationale
Sécurité publique Canada, Gouvernement du Canada
philippe.robert@canada.ca / Tél.: 613-991-7025



Public Safety
Canada

Sécurité publique
Canada

[REDACTED] (PS/SP)

From: [REDACTED] (PS/SP)
Sent: Tuesday, April 04, 2017 10:34 AM
To: Binne, Christine (PS/SP); [REDACTED] (PS/SP)
Cc: [REDACTED] (PS/SP)
Subject: RE: IMSI

Yes, that's what we heard too. Still think it should be with RCMP. ☺

[REDACTED]

From: Binne, Christine (PS/SP)
Sent: Tuesday, April 04, 2017 10:33 AM
To: [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Cc: [REDACTED] (PS/SP)
Subject: RE: IMSI

Thanks. We're still on standby as I haven't heard back from SADMO on who is doing this. I assume it went to NSOD.

From: [REDACTED] (PS/SP)
Sent: Tuesday, April 04, 2017 10:03 AM
To: Binne, Christine (PS/SP); [REDACTED] (PS/SP)
Cc: [REDACTED] (PS/SP)
Subject: RE: IMSI

Hi Christine,

Should just provide you with a later version of the RCMP lines/BG than [REDACTED] had (the attached is dated March 16).

613 [REDACTED]

s.15(1) - Subv

From: Binne, Christine (PS/SP)
Sent: Tuesday, April 04, 2017 9:18 AM
To: [REDACTED] (PS/SP)
Cc: [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Subject: RE: IMSI

Actually, sorry I redirected it to NSOD, not you guys.

From: Binne, Christine (PS/SP)
Sent: Tuesday, April 04, 2017 9:12 AM
To: [REDACTED] (PS/SP)
Cc: [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Subject: RE: IMSI

Thanks [REDACTED] We responded to SADMO that this isn't a Cyber issue and that we thought that you guys maybe following it. That was after I suggested that it should be the RCMP. We'll see where this lands – sorry about that.

From: [REDACTED] (PS/SP)
Sent: Tuesday, April 04, 2017 9:00 AM
To: Binne, Christine (PS/SP); Merchant, Colleen (PS/SP); Waters, Michael (PS/SP)
Cc: Davies, John (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Subject: FW: IMSI

Hi, not sure who is leading the QPN on your side, but sending you what we have – the RCMP note that was done in late February, and the few bits that came out of the consults.

That's all we have, I think. [REDACTED] and [REDACTED] are our points of contact if you need anything else.

[REDACTED]

From: Grenier, Julie (PS/SP)
Sent: Friday, February 24, 2017 1:32 PM
To: [REDACTED] (PS/SP); [REDACTED] (PS/SP); Beecher, Sophie (PS/SP)
Subject: IMSI

s.15(1) - Subv

Hi,

RCMP just shared their final updated Media Lines on IMSI catchers/cell-site stimulators. As noted in the background statement of the attached, RCMP want to publicly confirm their use in certain investigations and clarify how they are used in the interest of being transparent and improving the public's understanding of the RCMP's use of this technology.

I'm told a BN went up to MO from RCMP on this topic a few weeks ago. I don't have a copy of that memo.

There is no mention in the lines that this technology is/was being reviewed in the context of the national security consultation. Can you clarify if it is under review?

Best,
Julie G
Tel : 613-993-4415 | BB : 613-410-6059

From: [REDACTED] (PS/SP)
Sent: Tuesday, January 31, 2017 11:33 AM
To: Grenier, Julie (PS/SP)
Cc: [REDACTED] (PS/SP); Beecher, Sophie (PS/SP)
Subject: RE: IMSI

s.15(1) - Subv

s.20(1)(c)

Hi Julie, s.20(1)(d)

We haven't really done much on IMSI except for providing principals with some background information on the controversies around this technology, in the context of briefing materials on metadata. On the policy side, we haven't been looped in to the RCMP/ISED review. That said, in our broader work on lawful access issues with partners, there has been cursory discussion of increasing the transparency around the use of this technology by investigators as part of a general initiative to enhance transparency in the NS sphere.

In terms of the consultations, some prominent stakeholder [REDACTED] and the [REDACTED] did raise the issue of IMSI catchers and recommended the government to action [REDACTED] recommend a focused public consult and the [REDACTED] recommend a new warrant regime governing the use of the technology). Many stakeholders and engaged citizens also supported ensuring strong accountability and increasing transparency for investigatory powers across all aspects of the lawful access theme.

As far as I'm aware, we haven't prepared comms products on IMSI in the past. I'm not sure that we currently have a position as a department on this issue. Our contributions to the messaging from ISED and RCMP could be something along the lines of:

- We understand the use of IMSI catchers has been the subject of public concern,
- We recently concluded public consultations that included discussion of investigative capabilities
- Officials are currently analyzing the results of those consultations,
- Informed by the consultations, the Minister will deliver on his mandate commitment to introduce new legislation that strengthens accountability and better balances collective security with our fundamental rights and freedoms

If you would like to discuss further or need background information on this issue, please let me know.

[REDACTED]

[REDACTED]

From: Beecher, Sophie (PS/SP)
Sent: Tuesday, January 31, 2017 10:23 AM

To: Grenier, Julie (PS/SP)
Cc: [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Subject: RE: IMSI

s.15(1) - Subv

Hello Julie,

I think [REDACTED] would be the person who would know the most on this issue.

Sophie Beecher
Tel/tél.: (613) 949-3184

From: Grenier, Julie (PS/SP)
Sent: Monday, January 30, 2017 12:25 PM
To: Beecher, Sophie (PS/SP)
Subject: IMSI

Hi Sophie,

Who from your team is leading on IMSI? I ask because I got looped into an update from Industry & RCMP on Friday about authorization. I'd like to get the view from PS Policy on what this means for us and our messaging (particularly in context of NS consultation, and privacy aspects).

Thanks! Julie

From: Melanie Roush [<mailto:Melanie.Roush@rcmp-grc.gc.ca>]
Sent: Monday, January 30, 2017 11:08 AM
To: Lewis, James (IC); Grenier, Julie (PS/SP); Chris Lynam; Jeff Adam; Jeffrey Morris; John Robin; Michelle Rose
Subject: Re: IMSI comms products

Hi Julie - From a communications perspective, we are currently in the process of drafting new lines for post-authorization, but they are still being drafted at this point. We can share those with you once we've started the approval process.

In the meantime, our current holding lines, developed in consultation with ISED, are below. They are being used reactively if we get media calls on this issue.

Melanie

If pressed about this subject (for RCMP)

The RCMP is working with Industry, Science and Economic Development Canada to review certain investigative techniques and applicable provisions under the *Radiocommunication Act*.

The review is ongoing and additional information cannot be disclosed at this time.

For ISED (or something to this effect)

ISED continually works with partner agencies such as those in law enforcement, to ensure those agencies meet standards and requirements as set out in the *Radiocommunication Act*.

ISED recognizes the importance of the tools deployed by law enforcement.

>>> "Grenier, Julie (PS/SP)" <julie.grenier@canada.ca> 2017/01/30 10:58 AM >>>

Hi,

Thanks again for the updates on IMSI Friday. As a follow-up, I'm wondering if folks are in a position to share memos and comms products for information, even if they are draft. If you're sending anything by Dragon, please let me know by regular network email as I'm not always logged on to Dragon.

Thanks!

Julie, Public Safety Comms

Organizer: Melanie Roush

When: 1:30 PM - 2:30 PM January 27, 2017

Subject: IMSI Communications Coordination Meeting

Location: Leikin_MtgRoom_M8-2-805

Julie

Tel: 613-993-4415, BB: 613-410-6059

[REDACTED] (PS/SP)

From: [REDACTED] >
Sent: Wednesday, April 05, 2017 7:49 AM
To: [REDACTED] (PS/SP)
Subject: Fwd: Fw: Story
Attachments: RCMP Fact Sheet - draft1.docx

----- Forwarded message -----

From: [REDACTED] (PS/SP) <[REDACTED]@canada.ca>
Date: Wed, Apr 5, 2017 at 07:46
Subject: Fw: Story
To: [REDACTED] <[REDACTED]>

s.19(1)

Original Message

From: [REDACTED]
Sent: Wednesday, April 5, 2017 7:43 AM
To: [REDACTED] (PS/SP)
Subject: FW: Story

Hi [REDACTED] - in case you have not seen this. I'm thinking of the lawful access/ns consult angle.

A

-----Original Message-----

From: Taschereau, Rodrigue (PS/SP)
Sent: Tuesday, April 04, 2017 6:20 PM
To: [REDACTED] (PS/SP)
Subject: Fw: Story
Importance: High

Fyi

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

From: Taschereau, Rodrigue (PS/SP) <rodrigue.taschereau@canada.ca>
Sent: Tuesday, April 4, 2017 6:03 PM
To: Beauregard, Monik (PS/SP)
Subject: Fw: Story

Here is the Q and A that will be the basis of RCMP engagement with select reporters tomorrow

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

From: Rogers, Daniel <Daniel.Rogers@pco-bcp.gc.ca>
Sent: Tuesday, April 4, 2017 5:59 PM
To: Taschereau, Rodrigue (PS/SP)
Subject: Fw: Story

From: Rogers, Daniel <Daniel.Rogers@pco-bcp.gc.ca>
Sent: Tuesday, April 4, 2017 5:52 PM
To: Arajs, Chris
Subject: Fw: Story

s.15(1) - Subv

From: Peter Henschel <Peter.Henschel@rcmp-grc.gc.ca>
Sent: Tuesday, April 4, 2017 5:46 PM
To: [REDACTED] <[\[REDACTED\]@cse-cst.gc.ca](mailto:[REDACTED]@cse-cst.gc.ca)>; [REDACTED] <[\[REDACTED\]@cse-cst.gc.ca](mailto:[REDACTED]@cse-cst.gc.ca)>; Rogers, Daniel; Vigneault, David; [REDACTED] <[\[REDACTED\]@smtp.gc.ca](mailto:[REDACTED]@smtp.gc.ca)>
Cc: Jeff Adam; Taunya Goguen
Subject: Re: Story

Folks,

Further to our conversation, attached is our fact draft fact sheet. Please advise asap if you have any questions or concerns.

Thanks,
Peter

Peter Henschel, O.O.M.
Deputy Commissioner / Sous-commissaire
Specialized Policing Services / Services de police spécialisés Royal Canadian Mounted Police / Gendarmerie royale du Canada 73, promenade Leikin Drive Ottawa (Ontario), K1A 0R2
Tel/Tél: (613) 843-4631
Fax/Télé: (613) 825-2469
E-mail / Courriel: peter.henschel@rcmp-grc.gc.ca <<mailto:peter.henschel@rcmp-grc.gc.ca>>

>>> Joe Oliver 2017/04/04 5:36 PM >>>

<<http://freebeacon.com/national-security/hack-attack-cell-phone-data-dc/>>
<<http://www.ibtimes.co.uk/someone-could-be-secretly-spying-mobile-communications-white-house-pentagon-who-1612274>>
<<http://www.ibtimes.co.uk/someone-could-be-secretly-spying-mobile-communications-white-house-pentagon-who-1612274>>

>>> Vigneault, David 2017/04/04 5:02 PM >>>

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Sent from



s.19(1)

RCMP Fact Sheet

RCMP use of technology to identify cellular devices for law enforcement purposes

Technology used to identify and locate cellular devices, commonly referred to as Mobile Device Identifiers (MDI), has been the subject of recent media coverage.

In the interest of transparency, the RCMP confirms the use of MDI technology to identify and locate a suspect's mobile device. This capability can be used to further criminal investigations relating to national security, serious and organized crime, and other serious *Criminal Code* offences that impact the safety and security of Canadians.

The RCMP uses MDI technology in full compliance with Canadian laws, including the Charter of Rights, and proper judicial processes. Except in extremely urgent cases (i.e., to prevent death or imminent harm), the RCMP must get a judge's authorization before using the technology.

There are a limited number of authorized and trained RCMP operators who can use MDI technology and its use is subject to very strict rules, senior management approval, and judicial authorization prior to deployment.

What does it do?

RCMP MDI technology is an important investigative tool used to identify a suspect's cellular device, such as a mobile phone. It helps the RCMP identify an unknown cellular device used by a target (suspect) under investigation by collecting limited signaling information, or for other policing matters, such as identifying the location of a known cellular device linked to a missing person.

In very simple terms, when a trained officer deploys MDI technology, it attracts and momentarily connects cell phones in the immediate proximity, before returning them to their own networks. The technology only collects International Mobile Subscriber Identity (IMSI) and International Mobile Equipment Identity (IMEI) data associated with the phones, allowing the operator to identify the phone used by the suspect. The IMSI and IMEI are internationally standardized unique numbers to identify a mobile subscriber and device, respectively.

What doesn't it do?

RCMP MDI technology does not collect private communication. In other words, it does not collect:

- voice and audio communications
- email messages
- text messages
- contact lists
- images
- encryption keys
- basic subscriber information

Information that is not relevant to the investigation is immediately destroyed after court proceedings, appeal periods, and any specific orders from a judge.

How does it help investigations?

MDI technology provides valuable assistance to criminal investigations and other policing duties. It may be used to help identify an unknown cellular device associated with an individual under investigation by collecting limited information from devices within range of the technology. It may also be used to locate cellular devices which are already known to police.

How is it deployed?

After getting authorization from a judge, the MDI is deployed for a short period of time to attract and collect limited information (IMSI and IMEI data) from cellular devices in close proximity. This data can be used to help identify a cellular device used by a suspect under investigation.

How often is this technology deployed?

There are a limited number of authorized and trained RCMP operators who can use this technology. Further, its use is limited to only the most serious cases, and only when there are grounds to believe that a suspect is using an unknown cell-phone to conduct criminal activities. Its use requires a judge's authorization, as well as authorization at very senior levels of the RCMP. There are also strict reporting requirements for each use.

In 2016, the RCMP used MDI technology in only 19 investigations.

Who makes the decision to deploy the technology and what oversight is there of their use?

Before this technology is deployed, senior officer approval and a valid judicial authorization are required. Prior judicial authorization is not required, in extremely urgent cases where the police reasonably believe there is a need to deploy the technology to prevent imminent harm or death.

Those authorized to use the technology have received specialized training and each use is reported and recorded by the operator.

What happens to the data the MDI technology collects?

The limited data collected by MDI technology (IMSI and IMEI data) is stored in an isolated system that is only accessible by those managing the technology.

To further a criminal investigation beyond this limited data, the RCMP must get a production order from a judge to obtain basic subscriber details associated with the IMSI or IMEI data from a Telecommunications Service Provider (e.g., the telephone number, name and address of the subscriber).

Information that is not relevant to the investigation is immediately sequestered by the operator and not shared with investigators. It is destroyed after court proceedings, appeal periods, and any specific orders from a judge.

Does this impact other cell phone users in the area?

MDI technology can cause limited cellular interference for devices within range of the tool. The RCMP makes every effort to deploy the technology in a way that causes the least disruptions to service and public safety.

(PS/SP)

From: [REDACTED] (PS/SP)
Sent: Thursday, April 06, 2017 8:06 AM
To: Davies, John (PS/SP); [REDACTED] (PS/SP); Hartley, William (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Subject: RE: IMSI

NSOD led the response to the media story Monday/Tuesday. But Rod's e-mail yesterday morning suggests that going forward it will be us. Not sure who made the call. But IMSI is an awkward fit across the Branch.

From: Davies, John (PS/SP)
Sent: Thursday, April 06, 2017 7:59 AM
To: [REDACTED] (PS/SP); Hartley, William (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Subject: RE: IMSI

Thanks. Can you guys clarify, is NSOD leading this for our branch or are we? Tks

From: [REDACTED] (PS/SP)
Sent: Wednesday, April 05, 2017 5:42 PM
To: Hartley, William (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Cc: Davies, John (PS/SP)
Subject: RE: IMSI

I suppose it would help if I actually attached the link: <http://www.cbc.ca/news/technology/rcmp-surveillance-imsi-catcher-mdi-stingray-cellphone-1.4056750>

s.15(1) - Subv

613-[REDACTED]

From: [REDACTED] (PS/SP)
Sent: Wednesday, April 05, 2017 5:40 PM
To: Hartley, William (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP); [REDACTED] (PS/SP)
Cc: Davies, John (PS/SP)
Subject: IMSI

FYI, the culmination of the IMSI developments over the last couple days is that the RCMP invited a bunch of journalists for a technical demonstration and briefing. Attached article also has a transcript of the back-and-forth between the journalists and Jeff Adam. The upshot is that the RCMP:

- Confirmed its use of the technology in 19 serious criminal investigations in 2016 and in 24 investigations in 2015;
- Disclosed that it seeks judicial authorization (i.e. a metadata warrant) before deploying the technology, except in exigent situations (there has been one such situation in the last year);
- Acknowledged that, until very recently, the RCMP did not have an explicit authorization under the *Radiocommunication Act* to operate the technology. RCMP previously believed that its existing authorization

under the RCA to use radio jammers applied. ISED did not agree with this position. Two months ago, ISED provided an IMSI catcher-specific authorization.

I have RCMP briefing/comms materials on this from last month if anyone wants or needs to read more. Jeff M. is also going to provide me with the finalized products coming out of the last couple days' developments.



Policy Analyst
National and Cyber Security Branch
Public Safety Canada
[\[redacted\]@canada.ca](mailto: [redacted]@canada.ca)

s.15(1) - Subv

(PS/SP)

From: St John, Adam (PS/SP)
Sent: Thursday, April 06, 2017 9:36 AM
To: (PS/SP)
Subject: RE: SIGINT: Canada's RCMP using hi-tech COMINT-technology to track cellphone data in criminal investigations (CP)

Interesting PS Minister saying these devices do not belong to a PS agency. If not, who does it belong to?

From: (PS/SP)
Sent: Thursday, April 06, 2017 9:35 AM
To: St John, Adam (PS/SP)
Subject: RE: SIGINT: Canada's RCMP using hi-tech COMINT-technology to track cellphone data in criminal investigations (CP)

Oh yes ☺

Though I don't know if I would characterize MDIs as "SIGINT" myself...

(PS/SP)

From: St John, Adam (PS/SP)
Sent: Thursday, April 06, 2017 9:33 AM
To: (PS/SP)
Subject: FW: SIGINT: Canada's RCMP using hi-tech COMINT-technology to track cellphone data in criminal investigations (CP)

ICYMI – Does this qualify as LA?

From: (PS/SP)
Sent: Wednesday, April 05, 2017 8:10 PM
To: ;
Subject: Fw: SIGINT: Canada's RCMP using hi-tech COMINT-technology to track cellphone data in criminal investigations (CP)

<http://news.nationalpost.com/news/canada/rcmp-admits-it-used-controversial-spy-tech-to-track-cellphone-data-in-19-criminal-investigations-in-2016>

Canadian Press, 5 April 2017

RCMP admits it used controversial spy tech to track cellphone data in 19 criminal investigations in 2016

OTTAWA — The RCMP has admitted it possesses a controversial high-tech spy device that allowed it to track cellphone data in 19 criminal investigations last year.

RCMP Chief Supt. Jeff Adams tells the CBC, the Toronto Star and the Globe and Mail that the force owns 10 of the so-called mobile device identifier tools, which can gather “high-level data” about a phone’s location.

It’s believed to be the first official public acknowledgment by the RCMP that the force uses surreptitious devices to collect such information, known as metadata.

Adams says the RCMP’s devices do not capture private communications, in keeping with department policy. He would not identify the model of the device in question.

He calls the technology a very important investigative tool, one the Mounties use to identify and locate suspects under investigation.

The briefing, a rarity for the RCMP, follows a CBC report that someone in downtown Ottawa has been using a device known as an “IMSI catcher,” which can intercept and identify cellphone metadata.

The CBC report found the device being used in recent months in close proximity to Parliament Hill and the U.S. and Israeli embassies, among other locations.

The devices mimic a cellphone tower to interact with nearby phones and read their unique IDs — the International Mobile Subscriber Identity, or IMSI — which can then be used to track the phone and identify the owner.

Asked Tuesday about the CBC report, Public Safety Minister Ralph Goodale said RCMP Commissioner Bob Paulson and CSIS director Michel Coulombe both confirmed that their agencies were not involved.

“The activity that was reported last evening does not, I repeat, does not involve a Canadian agency like the RCMP or CSIS,” Goodale said. “Secondly, those activities are now under active investigation by both the RCMP and CSIS.”

Goodale acknowledged the technology is possessed by police and security agencies both in Canada and around the world, but noted that in Canada, its use is governed by law.

“Both CSIS and the RCMP have the legal and privacy issues that are involved here under active ongoing assessment and reassessment, to ensure ... that our Canadian agencies like CSIS and the RCMP are always staying squarely within the four corners of the law.”

Taschereau, Rodrigue (PS/SP)

From: Grenier, Julie (PS/SP)
Sent: Wednesday, April 05, 2017 9:29 AM
To: [REDACTED] (PS/SP); Taschereau, Rodrigue (PS/SP)
Subject: RE: Story

Thank you! It's possible that they are calling their Fact Sheet a Statement, but it would be worth asking/clarifying if there is a separate statement.

Here's the run-down Liam Gerofsky provided to PCO:

"The RCMP will have a teleconference with reporters Cribb and Freeze (Toronto Star), and Seglins (CBC) tomorrow morning at 10 am. This will be done by A/Commr Joe Oliver and C/Supt Jeff Adam of our Technical Operations branch. The purpose of the call is to confirm the RCMP's use of MDI's, and more importantly, to clarify how we use them and what information we gather from mobile devices (and even more importantly, what information we do NOT gather, such as communications). This is important, as there has been a lot of misreporting lately suggesting law enforcement is using these devices to gather communications such as texts, emails, etc.

What will not be discussed on the teleconference call is the CBC story from yesterday, or the Minister's confirmation today that the issue exposed by the CBC report is under investigation.

Following this, in the early afternoon the RCMP will issue a statement on our public website.

We will share this statement once it is finalized. A draft copy has been shared on the program side by our Deputy Commissioner, Specialised Policing Services, with his counterparts at CSIS, PCO, CSE and PS for feedback." (From Liam)

-----Original Message-----

From: [REDACTED] (PS/SP)
Sent: Wednesday, April 05, 2017 9:22 AM
To: Grenier, Julie (PS/SP); Taschereau, Rodrigue (PS/SP)
Subject: RE: Story

s.15(1) - Subv

Julie - we will be on a call with them shortly and will find out what the status of products are.

-----Original Message-----

From: Grenier, Julie (PS/SP)
Sent: Wednesday, April 05, 2017 9:18 AM
To: Taschereau, Rodrigue (PS/SP)
Cc: [REDACTED] PS/SP
Subject: RE: Story

Thanks Rodrigue. The attachment was a Fact Sheet. Was there also a statement?

-----Original Message-----

From: Taschereau, Rodrigue (PS/SP)

Sent: Wednesday, April 05, 2017 9:14 AM
To: Grenier, Julie (PS/SP)
Cc: [REDACTED] (PS/SP)
Subject: FW: Story
Importance: High

Hi Julie, just noticed that [REDACTED] is not in his office so here is the file and the comment we sent back:

"Looks good, but the intro could be a bit misleading. It states that there has been recent media attention on the issue and then it states that in the interest of transparency, the RCMP acknowledges that it uses the tech. The way it structured could imply that the RCMP is linking what has happened in Ottawa to their use of the technology (i.e. It was RCMP using it downtown)"

-----Original Message-----

From: Taschereau, Rodrigue (PS/SP)
Sent: Tuesday, April 04, 2017 6:20 PM
To: [REDACTED] (PS/SP)
Subject: Fw: Story
Importance: High

Fyi

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

From: Taschereau, Rodrigue (PS/SP) <rodrigue.taschereau@canada.ca>
Sent: Tuesday, April 4, 2017 6:03 PM
To: Beauregard, Monik (PS/SP)
Subject: Fw: Story

Here is the Q and A that will be the basis of RCMP engagement with select reporters tomorrow

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

From: Rogers, Daniel <Daniel.Rogers@pco-bcp.gc.ca>
Sent: Tuesday, April 4, 2017 5:59 PM
To: Taschereau, Rodrigue (PS/SP)
Subject: Fw: Story

From: Rogers, Daniel <Daniel.Rogers@pco-bcp.gc.ca>
Sent: Tuesday, April 4, 2017 5:52 PM
To: Arajs, Chris
Subject: Fw: Story

s.15(1) - Subv

From: Peter Henschel <Peter.Henschel@rcmp-grc.gc.ca>
Sent: Tuesday, April 4, 2017 5:46 PM
To: '[REDACTED]@cse-cst.gc.ca'; [REDACTED]@cse-cst.gc.ca; Rogers, Daniel; Vigneault, David; Joe Oliver; [REDACTED]@smtp.gc.ca'

Cc: Jeff Adam; Taunya Goguen
Subject: Re: Story

Folks,

Further to our conversation, attached is our fact draft fact sheet. Please advise asap if you have any questions or concerns.

Thanks,
Peter

Peter Henschel, O.O.M.
Deputy Commissioner / Sous-commissaire
Specialized Policing Services / Services de police spécialisés Royal Canadian Mounted Police / Gendarmerie royale du Canada 73, promenade Leikin Drive Ottawa (Ontario), K1A 0R2
Tel/Tél: (613) 843-4631
Fax/Télé: (613) 825-2469
E-mail / Courriel: peter.henschel@rcmp-grc.gc.ca

>>> Joe Oliver 2017/04/04 5:36 PM >>>

<<http://freebeacon.com/national-security/hack-attack-cell-phone-data-dc/>><http://freebeacon.com/national-security/hack-attack-cell-phone-data-dc/>
<<http://www.ibtimes.co.uk/someone-could-be-secretly-spying-mobile-communications-white-house-pentagon-who-1612274>><http://www.ibtimes.co.uk/someone-could-be-secretly-spying-mobile-communications-white-house-pentagon-who-1612274>

>>> Vigneault, David 2017/04/04 5:02 PM >>>

Page 39
is not relevant
est non pertinente

DOC. GDL-010911
OP/BPR RCMP
D.D./D.E. 5/23/2017
ACTION Reply
FILE ## DOSSIER 7194-4

From: Prime Minister/Premier Ministre
To: [REDACTED]
Cc: Public Safety MCU / Sécurité publique UCM (PS/SP)
Subject: Office of the Prime Minister / Cabinet du Premier ministre
Date: Monday, April 24, 2017 10:26:28 AM

Dear [REDACTED]

On behalf of the Right Honourable Justin Trudeau, Prime Minister of Canada, I would like to acknowledge receipt of your correspondence.

Please be assured that your comments have been carefully reviewed. In your correspondence, you raise an issue that falls more directly under the portfolio of the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness. I have therefore taken the liberty of forwarding your email to Minister Goodale for his information and consideration.

Thank you for taking the time to write.

K. Black
Executive Correspondence Officer
Agent de correspondance
de la haute direction

>>> From : [REDACTED] Received : 05 Apr 2017 12:00:30 PM >>>

>>> Subject : PM Web Site Comments - Public Safety and Emergency Preparedness >>>>

Subject/Sujet : Public Safety and Emergency Preparedness

Date : 2017/04/05

Name/Nom : [REDACTED]

E-Mail/Adresse électronique : [REDACTED]

Address/Adresse : [REDACTED]

City/Adresse : [REDACTED]

Province : [REDACTED]

Postal Code/Code postal : [REDACTED]

Telephone/Téléphone [REDACTED]

Comments/Commentaires : A shocking investigation by CBC News shows spying devices, known as "Stingrays" (or "IMSI-catchers"), have been used by malicious actors to access the sensitive, personal information of people around Parliament Hill.1

Members of Parliament, business leaders, diplomats, and everyday citizens just like you may have had their sensitive information and most intimate moments compromised by simply walking through the streets using their phone.

s.19(1)

Why did this happen? Because the government refuses to acknowledge the growing Stingray surveillance problem. Sure, they've ordered an investigation to find the bad guys behind this2 - but we need more than that.

Can you chip in to fund large advertisements around Parliament Hill that will pressure the government to stop invasive Stingray spying dead in its tracks?

Stingrays can conduct indiscriminate, mass spying on every cell phone in a given area. They work by mimicking cell phone towers, forcing every nearby phone to connect to them.

It is critical that you enact strong legislation to protect our personal

information, and the high security information on Parliament Hill. PLEASE - DO IT NOW! Hackers are stealing personal and critical data and you aren't doing anything about it. This is irresponsible and reckless. You MUST TAKE ACTION NOW TO PROTECT OUR DATA! For all Canadians and for the safety of our country!

Malicious actors are then able to track who you called and when, read your emails, text messages, and other data being transmitted. And you'd never even know that you'd been a victim.³

So far, the government has refused to take action. But together we will send a signal they can't ignore by putting up high-impact advertisements around Parliament Hill.

Robinson, Dana (PS/SP)

From: Robinson, Dana (PS/SP)
Sent: Wednesday, April 12, 2017 8:34 AM
To: ES&ML-QPMI@rcmp-grc.gc.ca; Desnoyers, Christine; Brookes, Erin (Ext.)
Cc: McAteer, Julie (PS/SP)
Subject: PCO Update on IMSI Catchers
Attachments: QP Card - IMSI - Stingray.docx

Importance: High

Good morning,

PCO is requesting an update to their card on IMSI catchers as the local police forces have said they are using them as well <http://www.cbc.ca/news/technology/cellphone-surveillance-police-canada-imsi-catcher-privacy-1.4066527>)

I've attached the card – can we add the Criminal Code exemption for police forces to the existing lines about the devices being prohibited except for under certain exemptions? (MO believes this is Section 190 or 191).

Please provide EN by 9:45

Dana Robinson
Analyst/Analyste
Parliamentary Affairs | Affaires parlementaires
Public Safety Canada | Sécurité Publique Canada
T : (613) 990-2718
Government of Canada | Gouvernement du Canada

INTERCEPTION OF PRIVATE COMMUNICATIONS

- We recognize the concerns of potential illegal interception activities, and their potential implication on our democratic institutions, media freedoms and the privacy of Canadians.
- I can assure Canadians that our law enforcement and intelligence agencies only act in support of their legislative mandate to ensure the safety and security of Canada.
- Their activities must be in strict accordance with the Charter of Rights and Freedoms, the Criminal Code, and must recognize and respect the constitutional rights of all Canadians.
- We take these reports seriously, whether they are conducted by individuals or foreign actors and as indicated by the Minister of Public Safety, we are investigating them.

INTERCEPTION DE COMMUNICATIONS PRIVÉES

- Nous reconnaissons les préoccupations du risque d'interception illégale et par les répercussions éventuelles de telles activités sur nos institutions démocratiques, sur la liberté des médias et sur la protection de la vie privée des Canadiens.
- Je peux assurer les Canadiens que les organisations canadiennes de police et de renseignement n'agissent que dans le cadre de leur mandat législatif, pour assurer la sûreté et la sécurité du Canada.
- Leurs activités doivent être rigoureusement conformes à la Charte des droits et libertés, au Code criminel et doivent respecter les droits constitutionnels de tous les Canadiens.
- Nous prenons ce dossier au sérieux, qu'il provienne d'acteurs ou individus ou des acteurs étrangers et, tel qu'indiqué par le ministre de la Sécurité publique, ce dossier est sous enquête.

BACKGROUND

- On April 3, 2017, the CBC reported that technology was being used in downtown Ottawa to track cellular (mobile) devices. The media coverage alleges that the technology, commonly known as International Mobile Subscriber Identity (IMSI) catchers (preferred term is Mobile Device Identifier (MDI technology)), was used by an unknown party to track mobile devices.
- Follow-up media coverage occurred on April 4, which included comments from the Minister of Public Safety.
- The Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Services (CSIS) are investigating the alleged use of IMSI catchers in downtown Ottawa. The investigation is ongoing.
- Similar media coverage and investigations have recently taken place in the United States: <http://www.ibtimes.co.uk/someone-could-be-secretly-spying-mobile-communications-white-house-pentagon-who-1612274>.

Prohibiting unlawful use of IMSI Catchers

- There are federal statutes that prohibit the unlawful use of IMSI catchers and other technologies used to intercept or interfere with communications. For the unlawful use of IMSI catchers, the *Radiocommunication Act* includes prohibitions involving the unlawful interference or obstruction of radiocommunication, and the unlawful possession and operation of radio apparatus. Penalties under this Act include imprisonment (not exceeding one year) and fines.
- The *Criminal Code* includes prohibitions involving the unlawful possession or use of devices to intercept private communications. Penalties under the *Code* include imprisonment not exceeding two years (possession) and five years (use).

Federal use of IMSI Catchers

- The use of IMSI catchers by the RCMP and CSIS must be lawful, Charter compliant and subject to appropriate judicial oversight.
- In April 2017, the RCMP will engage Canadian media outlets to publicly confirm and provide general information on its use of IMSI catchers. This will be done to improve transparency and correct public misperceptions on the RCMP's use of this technology.
- The RCMP's use of technology to identify cellular devices is limited, only used with prior judicial authorization or in exigent circumstances to prevent imminent harm, and does not involve the collection of any private communications. The RCMP will continue to safeguard certain operational details on this technology to prevent criminals from evading law enforcement, and to prevent National Security Targets here and abroad from deploying countermeasures and detecting counter intelligence operations.

- IMSI catchers used by the RCMP do not involve the interception of private communications, and collect limited information only (non-content) from cellular devices. The *Radiocommunication Act* is therefore the most applicable federal statute to authorize and prohibit IMSI catchers with respect to RCMP general use. The *Criminal Code* is the most applicable legislative instrument with respect to obtaining prior judicial authorization (absent exigent circumstances) for the RCMP to deploy an IMSI catcher. Pursuant to the *Radiocommunication Act*, authorization is required to install, operate and possess radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain “transmission data” (as defined in the *Criminal Code*) associated with a mobile device or the mobile network. This authorization may apply to IMSI catchers depending on the capabilities of the technology. The RCMP has obtained the respective authorization from Innovation Science and Economic Development Canada (ISED). This authorization occurred recently in 2017 following ISED and RCMP analysis throughout 2016 and 2017 to determine the most appropriate legal framework for the use of IMST catchers, pursuant to the *Radiocommunication Act*.

OPC investigation

- On April 7, 2016, the RCMP received correspondence from the Office of the Privacy Commissioner (OPC) dated April 1, 2016, that indicated that the OPC had launched an investigation in response to a complaint the OPC had received that alleged that the RCMP “is contravening the collection provision of the *Privacy Act* by collecting personal information using ‘StingRay’ or similar devices known as IMSI catchers; and, has refused to either confirm or deny that it uses [IMSI] catchers as investigative tools.”
- The investigation is ongoing and the RCMP continues to fully cooperate with the OPC.

Name of PCO Policy Analysts: [REDACTED]

Secretariat: Security and Intelligence

Telephone number: [REDACTED]

s.15(1) - Subv

QUESTION PERIOD NOTE

Date: April 6, 2017

Classification: UNCLASSIFIED

Branch / Agency: RCMP

Question Period Note / Note pour la Période des questions**INTERCEPTION OF OR INTERFERENCE WITH COMMUNICATIONS**

ISSUE: CBC article regarding International Mobile Subscriber Identity catchers near Parliament Hill.

PROPOSED RESPONSE:

- **We recognize the concerns of potential illegal interception activities, and their potential implication on our democratic institutions, media freedoms and the privacy of Canadians.**
- **I can assure Canadians that our law enforcement and intelligence agencies can only act in support of their legislative mandates to ensure the safety and security of Canada.**
- **Their activities must be in strict accordance with federal laws including the Charter of Rights and Freedoms, the Criminal Code, and must recognize and respect the constitutional rights of all Canadians.**
- **We take these reports seriously, whether they are conducted by individuals or foreign actors and we are committed to detecting and pursuing such activities.**
- **While we do not generally comment on operational matters, the activity that was reported on April 3 does not involve a Canadian agency like the RCMP or CSIS.**
- **Yesterday, to enhance transparency around the use of investigative techniques, the RCMP confirmed its use of technology to identify mobile devices during serious and priority investigations.**
- **The RCMP's use of this technology is limited, only used with prior judicial authorization or in exigent circumstances to prevent imminent harm, and does not involve the collection of any private communications.**
- **The RCMP takes strong measures to protect public safety and privacy rights when using this technique, and complies fully with the Charter of Rights and Freedoms, criminal laws and regulations.**
- **Data collected from this technique is retained only until after the conclusion of court proceedings and is done so to ensure the RCMP adheres to the principles of fundamental justice. The Court has considered and supported this retention requirement.**

INTERCEPTION OF OR INTERFERENCE WITH COMMUNICATIONS

BACKGROUND:

On April 3, 2017, the CBC reported that technology was being used in downtown Ottawa to track cellular (mobile) devices. The media coverage alleges that the technology, commonly known as International Mobile Subscriber Identity (IMSI) catchers (preferred term is Mobile Device Identifier (MDI technology), was used by an unknown party to track mobile devices. Follow-up media coverage occurred on April 4, which included comments from the Minister of Public Safety. The Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Services (CSIS) are investigating the alleged use of IMSI catchers in downtown Ottawa. The investigation is ongoing.

Similar media coverage and investigations have recently taken place in the United States:

<http://www.ibtimes.co.uk/someone-could-be-secretly-spying-mobile-communications-white-house-pentagon-who-1612274>.

Prohibiting unlawful use of IMSI Catchers

There are federal statutes that prohibit the unlawful use of IMSI catchers and other technologies used to intercept or interfere with communications. For the unlawful use of IMSI catchers, the *Radiocommunication Act* includes prohibitions involving the unlawful interference or obstruction of radiocommunication, and the unlawful possession and operation of radio apparatus. Penalties under this Act include imprisonment (not exceeding one year) and fines.

The *Criminal Code* includes prohibitions involving the unlawful possession or use of devices to intercept private communications. Penalties under the *Code* include imprisonment not exceeding two years (possession) and five years (use).

Federal use of IMSI Catchers

The use of IMSI catchers by the RCMP and CSIS must be lawful, Charter compliant and subject to appropriate judicial oversight.

In April 2017, the RCMP will engage Canadian media outlets to publicly confirm and provide general information on its use of IMSI catchers. This will be done to improve transparency and correct public misperceptions on the RCMP's use of this technology.

The RCMP's use of technology to identify cellular devices is limited, only used with prior judicial authorization or in exigent circumstances to prevent imminent harm, and does not involve the collection of any private communications. The RCMP will continue to safeguard certain operational details on this technology to prevent criminals from evading law enforcement, and to prevent National Security Targets here and abroad from deploying countermeasures and detecting counter intelligence operations.

IMSI catchers used by the RCMP do not involve the interception of private communications, and collect limited information only (non-content) from cellular devices. The *Radiocommunication Act* is therefore the most applicable federal statute to authorize and prohibit IMSI catchers with respect to RCMP general use. The *Criminal Code* is the most applicable legislative instrument with respect to obtaining prior judicial authorization (absent exigent circumstances) for the RCMP to deploy an IMSI catcher. Pursuant to the *Radiocommunication Act*, authorization is required to install, operate and possess radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain "transmission data" (as defined in the *Criminal Code*) associated with a mobile device or the mobile network. This authorization may apply to IMSI catchers depending on the capabilities of the technology. The RCMP has obtained the respective authorization from Innovation Science and Economic Development Canada (ISED). This authorization occurred recently in 2017 following ISED and RCMP analysis throughout 2016 and 2017 to determine the most appropriate legal framework for the use of IMSI catchers, pursuant to the *Radiocommunication Act*.

Information (third party data) obtained through IMSI catchers is destroyed after court proceedings, appeal periods, and/or any specific orders from a judge. This retention policy is upheld by case law. On June 27, 2016, the Ontario Superior Court of Justice issued a decision in a Toronto Police Service case, in which RCMP provided technical support ("Project Battery"), which upheld the law enforcement use of IMSI catchers.

Specifically, the court found that an IMSI catcher "*undoubtedly interferes to some extent with the privacy interests of third parties...these are minor and temporary interferences with privacy when balanced against the strong public interest in facilitating the investigation of very serious crimes...*". The court also identified that the RCMP: "*were bound to withhold all innocent third parties' cell phone serial number data from the investigators.*" With respect to destroying third party data, the court stated: "*I agree that destruction of this data, while cases remain pending before the Court, would only invite s. 7 Charter issues. However, once all cases are complete, the RCMP should consider destroying this irrelevant data...*"

OPC investigation

On April 7, 2016, the RCMP received correspondence from the Office of the Privacy Commissioner (OPC) dated April 1, 2016, that indicated that the OPC had launched an investigation in response to a complaint the OPC had received that alleged that the RCMP "is contravening the collection provision of the *Privacy Act* by collecting personal information using 'StingRay' or similar devices known as IMSI catchers; and, has refused to either confirm or deny that it uses [IMSI] catchers as investigative tools."

The investigation is ongoing and the RCMP continues to fully cooperate with the OPC.

CONTACTS:

Prepared by
RCMP – Jeffrey Morris

Tel. no.
613-843-4494

Approved by
RCMP

Tel. no.
613-843-4494

Question Period Note / Note pour la Période des questions

INTERCEPTION OF OR INTERFERENCE WITH COMMUNICATIONS

ISSUE: CBC article regarding International Mobile Subscriber Identity catchers near Parliament Hill.

PROPOSED RESPONSE:

- We recognize the concerns of potential illegal interception activities, and their potential implication on our democratic institutions, media freedoms and the privacy of Canadians.
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- Their activities must be in strict accordance with federal laws including the Charter of Rights and Freedoms, the Criminal Code, and must recognize and respect the constitutional rights of all Canadians.
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The investigation is ongoing and the RCMP continues to fully cooperate with the OPC.

CONTACTS:

Prepared by
RCMP – Jeffrey Morris

Tel. no.
613-843-4494

Approved by
PETER HENSCHEL,
DEPUTY COMMISSIONER
SPECIALIZED POLICING
SERVICES, RCMP

Tel. no.
613-843-4494

INTERCEPTION DE COMMUNICATIONS PRIVÉES

SUJET : Article de la CBC concernant des intercepteurs d'IMSI près de la Colline du Parlement

RÉPONSE SUGGÉRÉE :

- **Nous comprenons l'inquiétude que suscitent les activités de possible interception clandestine et les conséquences qu'elles pourraient avoir sur nos institutions démocratiques, sur la liberté de presse et sur la vie privée des Canadiens.**
- **Je tiens à rassurer la population canadienne que nos organismes de renseignement et d'application de la loi ne peuvent agir qu'au soutien de leurs mandats légitimes pour assurer la sécurité des Canadiens.**
- **Leurs activités doivent respecter scrupuleusement les lois fédérales, notamment la *Charte des droits et libertés* et le *Code criminel*, et elles doivent tenir compte des droits constitutionnels de tous les Canadiens et les respecter.**
- **Nous prenons très au sérieux le signalement de telles activités, qu'elles soient tenues par des particuliers ou par des étrangers, et nous nous engageons à les détecter et à en amener les responsables devant les tribunaux.**
- **Bien que nous n'ayons pas l'habitude de commenter les dossiers opérationnels, sachez que l'activité qui a fait l'objet d'un reportage le 3 avril n'est pas le fait d'un organisme fédéral canadien, comme la GRC ou le SCRS.**

INTERCEPTION DE COMMUNICATIONS PRIVÉES

CONTEXTE :

Le 3 avril 2017, la CBC a diffusé un reportage faisant état de l'utilisation au centre-ville d'Ottawa de moyens technologiques pour suivre des appareils cellulaires (mobiles). Selon le journaliste, la technologie, appelée capteurs d'IMSI (données d'identité internationale d'abonné mobile – préférablement identificateurs d'appareils mobiles) a été utilisée par une partie inconnue pour suivre des appareils mobiles.

Le dossier a fait l'objet d'un suivi médiatique le 4 avril, qui présentait des commentaires du ministre de la Sécurité publique.

La Gendarmerie royale du Canada (GRC) et le Service canadien du renseignement de sécurité (SCRS) enquêtent sur l'utilisation alléguée de capteurs d'IMSI au centre-ville d'Ottawa. L'enquête se poursuit.

Il y a eu récemment aux États-Unis aussi des reportages et des enquêtes semblables :

<http://www.ibtimes.co.uk/someone-could-be-secretly-spying-mobile-communications-white-house-pentagon-who-1612274>.

Interdiction de l'utilisation clandestine de capteurs d'IMSI

Il existe des lois fédérales qui interdisent l'utilisation clandestine de capteurs d'IMSI et d'autres technologies servant à intercepter des communications. La *Loi sur la radiocommunication* comporte des interdictions concernant l'action clandestine de brouiller ou d'entraver la radiocommunication et la possession ou l'exploitation illégale d'appareils radio. Cette loi prévoit des peines d'emprisonnement (ne dépassant pas un an) et des amendes.

Le *Code criminel* comporte des interdictions concernant la possession et l'utilisation illégale de dispositifs conçus pour intercepter clandestinement des communications privées. Le Code prévoit des peines d'emprisonnement ne dépassant pas deux ans (possession) et cinq ans (utilisation).

Utilisation fédérale des capteurs d'IMSI

L'utilisation de capteurs d'IMSI par la GRC et le SCRS doit être légale, conforme à la Charte et assujettie à une surveillance judiciaire adéquate.

En avril 2017, la GRC confirmera aux bureaux de presse canadiens son utilisation de capteurs d'IMSI. À cette occasion, elle fournira des renseignements généraux à cet égard, afin d'accroître la transparence et de corriger les fausses impressions répandues dans la population sur l'utilisation que la GRC fait de cette technologie.

L'utilisation par la GRC de la technologie de détection d'appareils cellulaires est limitée, elle repose forcément sur une autorisation judiciaire préalable ou sur une situation d'urgence pour éviter un danger imminent, et ne comprend pas le prélèvement de communications privées. La GRC continuera de protéger certains détails opérationnels liés à cette technologie afin d'éviter que des criminels se soustraient à l'application de la loi et d'éviter que des cibles de la Sécurité nationale, ici et ailleurs, mettent en place des contre-mesures et détectent des opérations de contre-espionnage.

Les capteurs d'IMSI qu'utilise la GRC ne servent pas à intercepter des communications privées mais à tirer seulement des renseignements limités (non liés au contenu) des appareils cellulaires. C'est donc la *Loi sur la radiocommunication* qui, des lois fédérales, s'applique surtout pour autoriser et interdire les capteurs d'IMSI pour l'usage général qu'en fait la GRC. Le *Code criminel* est l'instrument législatif sur lequel repose l'obtention de l'autorisation judiciaire préalable (sauf en situation d'urgence) pour permettre à la GRC de déployer un capteur d'IMSI. Conformément à la *Loi sur la radiocommunication*, il faut une autorisation pour installer, faire fonctionner ou posséder un appareil radio conçu pour communiquer avec des appareils mobiles dans des réseaux mobiles commerciaux afin d'obtenir des « données de transmission » (suivant la définition du *Code criminel*) associées à un appareil mobile ou au réseau mobile. Cette autorisation peut s'appliquer à des capteurs d'IMSI selon la capacité de la technologie. La GRC a obtenu l'autorisation nécessaire d'Innovation, Sciences et Développement économique Canada (ISDE). Cette autorisation s'est concrétisée récemment en 2017 après qu'ISDE et la GRC ont fait en 2016 et 2017 l'analyse nécessaire pour déterminer le cadre légal qui conviendrait le mieux à l'utilisation de capteurs d'IMSI, conformément à la *Loi sur la radiocommunication*.

Enquête du Commissariat à la protection de la vie privée

Le 7 avril 2016, la GRC a reçu du Commissariat à la protection de la vie privée une missive datée du 1^{er} avril 2016 indiquant que le CPVP avait ouvert une enquête en réponse à une plainte reçue au CPVP dans laquelle il est allégué que la GRC contrevient aux dispositions de la *Loi sur la protection des renseignements personnels* en recueillant des renseignements personnels à l'aide de StingRay ou d'appareils semblables connus comme des capteurs d'IMSI et qu'elle refuse de confirmer ou d'infirmer son utilisation de capteurs d'IMSI comme outils d'enquête.

L'enquête se poursuit et la GRC continue de coopérer pleinement avec le CPVP.

CONTACTS :

Préparée par
GRC – Jeffrey Morris

N° de tél.

613-843-4494

Approuvée par
RCMP

N° de tél.

613-843-4494

QUESTION PERIOD NOTE

Date: April 4, 2017

Classification: UNCLASSIFIED

Branch / Agency: NCSB

Question Period Note / Note pour la Période des questions

INTERCEPTION OF PRIVATE COMMUNICATIONS

ISSUE: CBC article regarding IMSI catchers near Parliament Hill.

PROPOSED RESPONSE:

- **Our government is committed to keeping Canadians safe while protecting rights and freedoms.**
- **Under Section 191 of the Criminal Code, it is illegal to import, manufacture or possess interception devices unless specific exemptions apply.**
- **The use of all technical investigative tools by the RCMP is governed by the law and the Charter and subject to judicial control.**
- **Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met.**
- **The RCMP must inform judges of the potential impact of investigative tools when seeking authorization, and use them in accordance with the limits set out by the court.**
- **The Privacy Commissioner has indicated that he has launched an investigation in relation to certain investigative tools reportedly used by the RCMP, and I welcome that. The RCMP is cooperating with the Privacy Commissioner in this matter.**

consult NCSB

INTERCEPTION OF PRIVATE COMMUNICATIONS

BACKGROUND:

The use of technical investigative tools, such as interception devices (e.g.: IMSI Catchers), help safeguard Canadians and support priority criminal investigations.

Subsection 191(1) of the *Criminal Code* indicates that: "Everyone who possesses, sells or purchases any electro-magnetic, mechanical or other device or any component thereof knowing that the design thereof renders it primarily useful for surreptitious interception of private communication is guilty of an indictable offence and is liable to imprisonment for a term not exceeding two years".

Subsection 191(2) of the *Criminal Code* allows for specific exemptions to 191(1), namely to:

- (a) a police officer in the course of his employment;
- (b) a person using it in an interception made or to be made in accordance with an authorization;
- (b)(1) a person under the direction of a police officer in order to assist that officer in the course of his duties as a police officer;
- (c) an officer or servant of Her Majesty in right of Canada or a member of the Canadian forces in the course of his duties as such an officer, servant or member;
- (d) any other person under the authority of a licence issued by the Minister of Public Safety and Emergency Preparedness.

The use of interception devices by law enforcement or security agencies is limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met. The RCMP must inform judges of the potential impact of investigative tools when seeking authorization, and use them in accordance with the limits set out by the court.

The illegal use of interception devices could be pursued under the *Criminal Code*, including incarceration.

CONTACTS:

Prepared by

[Redacted]

Tel. no.

[Redacted]

Approved by
MONIK BEAUREGARD

Tel. no.
613-990-4976

INTERCEPTION DE COMMUNICATIONS PRIVÉES

SUJET : Article de la CBC concernant des intercepteurs d'IMSI près de la Colline du Parlement

RÉPONSE SUGGÉRÉE :

- **Notre gouvernement s'est engagé à assurer la sécurité des Canadiens tout en protégeant les droits et les libertés.**
- **En vertu de l'article 191 du *Code criminel*, il est illégal d'importer, de fabriquer ou d'avoir en sa possession des dispositifs d'interception, sauf si des exemptions précises s'appliquent.**
- **L'utilisation par la GRC de tous les outils d'enquête technique est régie par loi et la Charte et elle est assujettie à un contrôle judiciaire.**
- **Les ordonnances des tribunaux se limitent à la criminalité précise visée par l'enquête et elles ne peuvent être obtenues que s'il est satisfait aux exigences législatives.**
- **La GRC doit informer les juges de l'incidence potentielle des outils d'enquête lorsqu'elle demande l'autorisation de les utiliser, et elle doit utiliser ceux-ci dans les limites établies par le tribunal.**
- **Le commissaire à la protection de la vie privée a indiqué avoir ouvert une enquête sur l'utilisation présumée de certains outils d'enquête par la GRC, et j'en suis heureux. La GRC collabore avec le commissaire à la protection de la vie privée dans ce dossier.**

INTERCEPTION DE COMMUNICATIONS PRIVÉES

CONTEXTE :

L'utilisation d'outils d'enquête technique, comme les dispositifs d'interception (p. ex. intercepteurs d'IMSI), contribue à protéger les Canadiens et à soutenir les enquêtes criminelles prioritaires.

Selon le paragraphe 191(1) du *Code criminel* : « [e]st coupable d'un acte criminel et passible d'un emprisonnement maximal de deux ans quiconque possède, vend ou achète un dispositif électromagnétique, acoustique, mécanique ou autre ou un élément ou une pièce de celui-ci, sachant que leur conception les rend principalement utiles à l'interception clandestine de communications privées. »

Le paragraphe 191(2) du *Code criminel* prévoit des exemptions relatives au paragraphe 191(1) :

Le paragraphe (1) ne s'applique pas aux personnes suivantes :

- a) un policier en possession d'un dispositif, d'un élément ou d'une pièce visés au paragraphe (1) dans l'exercice de ses fonctions;
- b) une personne en possession d'un dispositif, d'un élément ou d'une pièce visés au paragraphe (1) qu'elle a l'intention d'utiliser lors d'une interception qui est faite ou doit être faite en conformité avec une autorisation;
- b.1) une personne en possession d'un dispositif, d'un élément ou d'une pièce d'un dispositif, sous la direction d'un policier, afin de l'aider dans l'exercice de ses fonctions;
- c) un fonctionnaire ou préposé de Sa Majesté du chef du Canada ou un membre des Forces canadiennes en possession d'un dispositif, d'un élément ou d'une pièce visés au paragraphe (1) dans l'exercice de ses fonctions en tant que fonctionnaire, préposé ou membre, selon le cas;
- d) toute autre personne en possession d'un dispositif, d'un élément ou d'une pièce visés au paragraphe (1) en vertu d'un permis délivré par le ministre de la Sécurité publique et de la Protection civile.

Les organismes de sécurité et d'exécution de la loi peuvent utiliser, de façon limitée, les dispositifs d'interception uniquement dans le cadre d'une enquête criminelle, et ce, dans la mesure où les exigences prévues par la loi sont respectées. La GRC doit informer les juges de l'incidence potentielle des outils d'enquête lorsqu'elle demande l'autorisation de les utiliser, et elle doit utiliser ceux-ci dans les limites établies par le tribunal.

L'utilisation illégale de dispositifs d'interception peut faire l'objet de poursuites en vertu du *Code criminel* et donner lieu à une peine d'emprisonnement.

CONTACTS :

Préparée par

N° de tél.

Approuvée par

MONIK BEAUREGARD

N° de tél.

613-990-4976

s.15(1) - Subv

INTERCEPTION OF OR INTERFERENCE WITH COMMUNICATIONS

- We recognize the concerns of potential illegal interception activities, and their potential implication on our democratic institutions, media freedoms and the privacy of Canadians.
- I can assure Canadians that our law enforcement and intelligence agencies only act in support of their legislative mandate to ensure the safety and security of Canada.
- Their activities must be in strict accordance with the Charter of Rights and Freedoms, the Criminal Code, and must recognize and respect the constitutional rights of all Canadians.
- We take these reports seriously, whether they are conducted by individuals or foreign actors and as indicated by the Minister of Public Safety, we are investigating them.
- Last week, to enhance transparency around the use of investigative techniques, the RCMP confirmed its use of technology to identify mobile devices during serious and priority investigations.
- The RCMP's use of this technology is limited, only used with prior judicial authorization or in exigent circumstances to prevent imminent harm, and does not involve the collection of any private communications.

- The RCMP takes strong measures to protect public safety and privacy rights when using this technique, and complies fully with the Charter of Rights and Freedoms, criminal laws and regulations.
- Data collected from this technique is only retained until the conclusion of court proceedings, as required by the courts, and is done to ensure the RCMP adheres to the principles of fundamental justice.
- I understand that other Canadian police services have also confirmed their use of technology to identify mobile devices during investigations.
- There are federal laws with appropriate oversight and conditions in place to ensure the lawful use of investigative techniques by police and security agencies.
- These measures help ensure the appropriate balance between privacy rights and the need to keep Canadians safe.

INTERCEPTION DE COMMUNICATIONS PRIVÉES

- Nous reconnaissons les préoccupations du risque d'interception illégale et par les répercussions éventuelles de telles activités sur nos institutions démocratiques, sur la liberté des médias et sur la protection de la vie privée des Canadiens.
- Je peux assurer les Canadiens que les organisations canadiennes de police et de renseignement n'agissent que dans le cadre de leur mandat législatif, pour assurer la sûreté et la sécurité du Canada.
- Leurs activités doivent être rigoureusement conformes à la Charte des droits et libertés, au Code criminel et doivent respecter les droits constitutionnels de tous les Canadiens.
- Nous prenons ce dossier au sérieux, qu'il provienne d'acteurs ou individus ou des acteurs étrangers et, tel qu'indiqué par le ministre de la Sécurité publique, ce dossier est sous enquête.

BACKGROUND

- On April 3, 2017, the CBC reported that technology was being used in downtown Ottawa to track cellular (mobile) devices. The media coverage alleges that the technology, commonly known as International Mobile Subscriber Identity (IMSI) catchers (preferred term is Mobile Device Identifier (MDI technology)), was used by an unknown party to track mobile devices.
- Follow-up media coverage occurred on April 4, which included comments from the Minister of Public Safety.
- The Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Services (CSIS) are investigating the alleged use of IMSI catchers in downtown Ottawa. The investigation is ongoing.
- Similar media coverage and investigations have recently taken place in the United States: <http://www.ibtimes.co.uk/someone-could-be-secretly-spying-mobile-communications-white-house-pentagon-who-1612274>.

Prohibiting unlawful use of IMSI Catchers

- There are federal statutes that prohibit the unlawful use of IMSI catchers and other technologies used to intercept or interfere with communications. For the unlawful use of IMSI catchers, the *Radiocommunication Act* includes prohibitions involving the unlawful interference or obstruction of radiocommunication, and the unlawful possession and operation of radio apparatus. Penalties under this Act include imprisonment (not exceeding one year) and fines.
- The *Criminal Code* includes prohibitions involving the unlawful possession or use of devices to intercept private communications. Penalties under the *Code* include imprisonment not exceeding two years (possession) and five years (use).

Federal use of IMSI Catchers

- The use of IMSI catchers by the RCMP and CSIS must be lawful, Charter compliant and subject to appropriate judicial oversight.
- In April 2017, the RCMP will engage Canadian media outlets to publicly confirm and provide general information on its use of IMSI catchers. This will be done to improve transparency and correct public misperceptions on the RCMP's use of this technology.
- The RCMP's use of technology to identify cellular devices is limited, only used with prior judicial authorization or in exigent circumstances to prevent imminent harm, and does not involve the collection of any private communications. The RCMP will continue to safeguard certain operational details on this technology to prevent criminals from evading law enforcement, and to prevent National Security Targets here and abroad from deploying countermeasures and detecting counter intelligence operations.

- IMSI catchers used by the RCMP do not involve the interception of private communications, and collect limited information only (non-content) from cellular devices. The *Radiocommunication Act* is therefore the most applicable federal statute to authorize and prohibit IMSI catchers with respect to RCMP general use. The *Criminal Code* is the most applicable legislative instrument with respect to obtaining prior judicial authorization (absent exigent circumstances) for the RCMP to deploy an IMSI catcher. Pursuant to the *Radiocommunication Act*, authorization is required to install, operate and possess radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain “transmission data” (as defined in the *Criminal Code*) associated with a mobile device or the mobile network. This authorization may apply to IMSI catchers depending on the capabilities of the technology. The RCMP has obtained the respective authorization from Innovation Science and Economic Development Canada (ISED). This authorization occurred recently in 2017 following ISED and RCMP analysis throughout 2016 and 2017 to determine the most appropriate legal framework for the use of IMST catchers, pursuant to the *Radiocommunication Act*.

Information (third party data)

Information (third party data) obtained through IMSI catchers is destroyed after court proceedings, appeal periods, and/or any specific orders from a judge. This retention policy is upheld by case law. On June 27, 2016, the Ontario Superior Court of Justice issued a decision in a Toronto Police Service case, in which RCMP provided technical support (“Project Battery”), which upheld the law enforcement use of IMSI catchers.

Specifically, the court found that an IMSI catcher “undoubtedly interferes to some extent with the privacy interests of third parties...these are minor and temporary interferences with privacy when balanced against the strong public interest in facilitating the investigation of very serious crimes...”. The court also identified that the RCMP: “were bound to withhold all innocent third parties’ cell phone serial number data from the investigators.” With respect to destroying third party data, the court stated: “I agree that destruction of this data, while cases remain pending before the Court, would only invite s. 7 Charter issues. However, once all cases are complete, the RCMP should consider destroying this irrelevant data...”

OPC investigation

- On April 7, 2016, the RCMP received correspondence from the Office of the Privacy Commissioner (OPC) dated April 1, 2016, that indicated that the OPC had launched an investigation in response to a complaint the OPC had received that alleged that the RCMP “is contravening the collection provision of the *Privacy Act* by collecting personal information using ‘StingRay’ or similar devices known as IMSI catchers; and, has refused to either confirm or deny that it uses [IMSI] catchers as investigative tools.”
- The investigation is ongoing and the RCMP continues to fully cooperate with the OPC.

Use of IMSI catchers by other Canadian police services

On April 12, 2017, the CBC confirmed that other Canadian police services, including Calgary Police Service, Winnipeg Police Service and the Ontario Provincial Police use IMSI catchers.

Lawful use of IMSI catchers

The lawful use of an IMSI catcher requires authorization from Innovation Science and Economic Development Canada (ISED), pursuant to the *Radiocommunications Act*. Absent exigent circumstances, the RCMP also obtains judicial authorization prior to using an IMSI catcher.

The provisions under the *Criminal Code* (section 191) apply to devices that are primarily use for and capable of intercepting "private communications", i.e. the actual content of electronic communications. The RCMP's IMSI catchers are incapable of collecting private communications, and therefore these provisions do not apply to the RCMP's use of this technology.

Pursuant to the *Criminal Code* (section 191 (2) (a)), police services are exempted from criminal prohibitions involving the possession of a device used to intercept private communications.

Name of PCO Policy Analysts: [REDACTED]

Secretariat: Security and Intelligence

Telephone number [REDACTED]

s.15(1) - Subv

INTERCEPTION OF PRIVATE COMMUNICATIONS

- We recognize the concerns of potential illegal interception activities, and their potential implication on our democratic institutions, media freedoms and the privacy of Canadians.
- I can assure Canadians that our law enforcement and intelligence agencies can only act in support of their legislative mandate to ensure the safety and security of Canada.
- Their activities must be in strict accordance with the Charter of Rights and Freedoms, the Criminal Code, and must recognize and respect the constitutional rights of all Canadians.
- We take these reports seriously, whether they are conducted by individuals or foreign actors and we have the tools to detect and pursue such activities.
- While we do not generally comment on operational matters, the activity that was reported on April 3 does not involve a Federal Canadian agency like the RCMP or CSIS

INTERCEPTION DE COMMUNICATIONS PRIVÉES

- Nous reconnaissons les préoccupations du risque d'interception illégale et par les répercussions éventuelles de telles activités sur nos institutions démocratiques, sur la liberté des médias et sur la protection de la vie privée des Canadiens.
- Je peux assurer les Canadiens que les organisations canadiennes de police et de renseignement ne peuvent agir que dans le cadre de leur mandat législatif, pour assurer la sûreté et la sécurité du Canada.
- Leurs activités doivent être rigoureusement conformes à la Charte des droits et libertés, au Code criminel et doivent respecter les droits constitutionnels de tous les Canadiens.
- Nous prenons ce dossier au sérieux, qu'il provienne d'acteurs ou individus ou des acteurs étrangers. Nous sommes équipés afin d'identifier et gérer ce genre d'activité.
- FR to be added

BACKGROUND

On April 3, 2017, the CBC reported that technology was being used in downtown Ottawa to track cellular (mobile) devices. The media coverage alleges that the technology, commonly known as International Mobile Subscriber Identity (IMSI) catchers (preferred term is Mobile Device Identifier (MDI technology)), was used by an unknown party to track mobile devices.

Follow-up media coverage occurred on April 4, which included comments from the Minister of Public Safety.

The Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Services (CSIS) are investigating the alleged use of IMSI catchers in downtown Ottawa. The investigation is ongoing.

Similar media coverage and investigations have recently taken place in the United States: <http://www.ibtimes.co.uk/someone-could-be-secretly-spying-mobile-communications-white-house-pentagon-who-1612274>.

Prohibiting unlawful use of IMSI Catchers

There are federal statutes that prohibit the unlawful use of IMSI catchers and other technologies used to intercept or interfere with communications. For the unlawful use of IMSI catchers, the *Radiocommunication Act* includes prohibitions involving the unlawful interference or obstruction of radiocommunication, and the unlawful possession and operation of radio apparatus. Penalties under this Act include imprisonment (not exceeding one year) and fines.

The *Criminal Code* includes prohibitions involving the unlawful possession or use of devices to intercept private communications. Penalties under the *Code* include imprisonment not exceeding two years (possession) and five years (use).

Federal use of IMSI Catchers

The use of IMSI catchers by the RCMP and CSIS must be lawful, Charter compliant and subject to appropriate judicial oversight.

In April 2017, the RCMP will engage Canadian media outlets to publicly confirm and provide general information on its use of IMSI catchers. This will be done to improve transparency and correct public misperceptions on the RCMP's use of this technology.

The RCMP's use of technology to identify cellular devices is limited, only used with prior judicial authorization or in exigent circumstances to prevent imminent harm, and does not involve the collection of any private communications. The RCMP will continue to safeguard certain operational details on this technology to prevent criminals from evading law enforcement, and to prevent National Security Targets here and abroad from deploying countermeasures and detecting counter intelligence operations.

IMSI catchers used by the RCMP do not involve the interception of private communications, and collect limited information only (non-content) from cellular devices. The *Radiocommunication Act* is therefore the most applicable federal statute to authorize and prohibit IMSI catchers with respect to RCMP general use. The *Criminal Code* is the most applicable legislative instrument with respect to obtaining prior judicial authorization (absent exigent circumstances) for the RCMP to deploy an IMSI catcher. Pursuant to the *Radiocommunication Act*, authorization is required to install, operate and possess radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain "transmission data" (as defined in the *Criminal Code*) associated with a mobile device or the mobile network. This authorization may apply to IMSI catchers depending on the capabilities of the technology. The RCMP has obtained the respective authorization from Innovation Science and Economic Development Canada (ISED). This authorization occurred recently in 2017 following ISED and RCMP analysis throughout 2016 and 2017 to determine the most appropriate legal framework for the use of IMST catchers, pursuant to the *Radiocommunication Act*.

OPC investigation

On April 7, 2016, the RCMP received correspondence from the Office of the Privacy Commissioner (OPC) dated April 1, 2016, that indicated that the OPC had launched an investigation in response to a complaint the OPC had received that alleged that the RCMP "is contravening the collection provision of the *Privacy Act* by collecting personal information using 'StingRay' or similar devices known as IMSI catchers; and, has refused to either confirm or deny that it uses [IMSI] catchers as investigative tools."

The investigation is ongoing and the RCMP continues to fully cooperate with the OPC.

Name of PCO Policy Analyst: [REDACTED]

s.15(1) - Subv

Secretariat: Security and Intelligence

Telephone number: [REDACTED]

Page 67
is not relevant
est non pertinente

Duval, Jean Paul (PS/SP)

From: Bardsley, Scott (PS/SP)
Sent: Thursday, April 06, 2017 11:01 AM
To: Levert, Jean-Philippe (PS/SP); Brien, Dan (PS/SP)
Cc: Martel, Karine (PS/SP); Gowing, Andrew (PS/SP); Duval, Jean Paul (PS/SP); Baker3, Ryan (PS/SP); Peirce, Hilary (PS/SP); Pike, Cory (PS/SP); Milech, Michael (PS/SP)
Subject: RE: Media request: Metro Ottawa - Advice to Parliament Hill staff regarding IMSI catchers

Thanks. He just called me and I have referred him to the Speaker's office.

Scott

From: Levert, Jean-Philippe (PS/SP)
Sent: Thursday, April 06, 2017 10:59 AM
To: Bardsley, Scott (PS/SP); Brien, Dan (PS/SP)
Cc: Martel, Karine (PS/SP); Gowing, Andrew (PS/SP); Duval, Jean Paul (PS/SP); Baker3, Ryan (PS/SP); Peirce, Hilary (PS/SP); Pike, Cory (PS/SP); Milech, Michael (PS/SP)
Subject: Media request: Metro Ottawa - Advice to Parliament Hill staff regarding IMSI catchers

Good morning Scott, Dan,

We received a media call from [REDACTED] (Metro Ottawa) asking if we have advice for Parliament Hill staff on how to secure their mobile devices regarding IMSI catchers.

Please advise if MO would like to address this request directly.

Thanks,

JP Levert

s.19(1)

Reporter	[REDACTED]
Media Outlet	Metro Ottawa
Telephone	[REDACTED]
E-mail Address	[REDACTED]
Call Date	06/04/2017 10:35 AM
Status	Consulting
Subject	Advice to Parliament Hill staff regarding IMSI devices
Questions	Do you have any advice for Parliament Hill staff on how to secure their mobile devices in regards to IMSI catchers.

Jean-Philippe Levert

Communications Officer | Agent de communications
Issues Management Team, Public Affairs Division | Gestion des enjeux, Affaires publiques
Public Safety Canada | Sécurité publique Canada
T (New) : 613-991-0657 | F : 613-954-4779

Bb: 613-220-5201



Public Safety
Canada

Sécurité publique
Canada

Gowing, Andrew (PS/SP)

From: Gowing, Andrew (PS/SP)
Sent: Thursday, April 06, 2017 10:57 AM
To: Levert, Jean-Philippe (PS/SP)
Cc: Martel, Karine (PS/SP)
Subject: RE: Media request: Metro Ottawa - Advice to Parliament Hill staff regarding IMSI catchers

Yes, please.

Thanks
-Andrew

From: Levert, Jean-Philippe (PS/SP)
Sent: Thursday, April 06, 2017 10:56 AM
To: Gowing, Andrew (PS/SP)
Cc: Martel, Karine (PS/SP)
Subject: Media request: Metro Ottawa - Advice to Parliament Hill staff regarding IMSI catchers

Hi Andrew,

We received a media call from [REDACTED] (Metro Ottawa) asking if we have advice for Parliament Hill staff regarding IMSI catchers.

Should I start by sending this to MO for their consideration?

I didn't find any lines or content (QP) consisting of tips for Parliament Hill staff.

Thanks,

JP Levert

Reporter	s.19(1)	[REDACTED]
Media Outlet		Metro Ottawa
Telephone		[REDACTED]
E-mail Address		[REDACTED]
Call Date		06/04/2017 10:35 AM
Status		Consulting
Subject		Advice to Parliament Hill staff regarding IMSI devices
Questions		Do you have any advice for Parliament Hill staff on how to secure their mobile devices in regards to IMSI catchers.

Jean-Philippe Levert

Communications Officer | Agent de communications
Issues Management Team, Public Affairs Division | Gestion des enjeux, Affaires publiques
Public Safety Canada | Sécurité publique Canada

T (New) : 613-991-0657 | F : 613-954-4779
Bb: 613-220-5201



Public Safety
Canada

Sécurité publique
Canada

Duval, Jean Paul (PS/SP)

From: Media Relations / Relations avec les médias (PS/SP)
Sent: Wednesday, April 05, 2017 5:51 PM
To: Duval, Jean Paul (PS/SP); Levert, Jean-Philippe (PS/SP); Martel, Karine (PS/SP); MacLean, Megan (PS/SP); Baker3, Ryan (PS/SP); Gowing, Andrew (PS/SP)
Subject: FW: FYI - Media Request: [REDACTED] / VICE / IMSI catchers / April 4 - 12:00 PM

From: Media Relations / Medias relations (IC)
Sent: April 5, 2017 5:50:43 PM (UTC-05:00) Eastern Time (US & Canada)
To: Media Relations / Relations avec les médias (PS/SP); mediarelationsHQDG@rcmp-grc.gc.ca
Cc: Media Relations / Medias relations (IC)
Subject: RE: FYI - Media Request: [REDACTED] / VICE / IMSI catchers / April 4 - 12:00 PM

Hi RCMP/PS friends,

As FYI: We have the following responses to VICE Canada's follow-up questions in approvals now. If our MINO makes any changes to these answers, we shall update you. Otherwise, these answers will stand and be sent to the reporter. For Q2, there is an attached PDF authorization form pasted below.

Q1. Is that a blanket authorization? As in, they don't need to follow up to re-authorize, or to authorize each individual usage of the device?

The authorization does not require the RCMP to obtain additional authorizations each time a device is used. The authorization permits the RCMP to use IMSI catchers for purposes contained in the Radiocommunication Regulations and listed in the authorization itself. Additionally, the authorization requires that the RCMP meet a number of conditions in order to install, use or possess these devices.

Q2. And can you provide a copy of that authorization form?



SEIT-STIT-#7725...

s.19(1)

Merci,

Hans Parmar
Media Relations | Relations avec les médias
Innovation, Science and Economic Development Canada
Innovation, Sciences et Développement économique Canada
343.291.1777

From: Media Relations / Medias relations (IC)
Sent: April-04-17 6:26 PM
To: Media Relations / Relations avec les médias (PS/SP); mediarelationsHQDG@rcmp-grc.gc.ca
Cc: Media Relations / Medias relations (IC)
Subject: RE: FYI - Media Request: [REDACTED] / VICE / IMSI catchers / April 4 - 12:00 PM

Hi PS/RCMP MR friends,

As FYI: We received a couple of follow-up questions from VICE's [REDACTED] that we are working on. As usual, we shall share our responses as FYI.

FOLLOW-UP QUESTIONS:

Q1. Is that a blanket authorization? As in, they don't need to follow up to re-authorize, or to authorize each individual usage of the device?

Q2. And can you provide a copy of that authorization form?

Hans Parmar
Media Relations | Relations avec les médias
Innovation, Science and Economic Development Canada
Innovation, Sciences et Développement économique Canada
343.291.1777

From: Media Relations / Medias relations (IC)

Sent: April-04-17 1:09 PM

To: Media Relations / Relations avec les médias (PS/SP); mediarelationsHQDG@rcmp-grc.gc.ca

Cc: Media Relations / Medias relations (IC)

Subject: RE: FYI - Media Request: [REDACTED] / VICE / IMSI catchers / April 4 - 12:00 PM

Hi again PS/RCMP MR friends,

As FYI: These are the proposed responses that are making their way through our approvals at the moment in regards to the questions from VICE Canada's [REDACTED]. If any changes are made during the approval process, we shall update you.

Q1. As of January of this year, ISED had not approved the use of any IMSI catchers in Canada. Has this changed since then?

A1. ISED has issued the RCMP a "radio authorization" under the *Radiocommunication Act* for the installation, possession and operation of IMSI catchers designed to capture device identifier data on commercial mobile networks. This authorization does not exempt the RCMP from the requirement to obtain judicial warrants when using these devices in criminal investigations.

Q2. Is the GoC considering any changes to the IMSI catcher regulatory process?

A2. The *Radiocommunication Act* currently provides the Government of Canada with regulatory oversight of the use of IMSI catchers.

Merci,

Hans Parmar
Media Relations | Relations avec les médias
Innovation, Science and Economic Development Canada
Innovation, Sciences et Développement économique Canada
343.291.1777

From: IC.F CMB Media Relations / Relations avec les medias DGCM F.IC

Sent: April-03-17 6:29 PM

To: Media Relations / Relations avec les médias (PS/SP); mediarelationsHQDG@rcmp-grc.gc.ca

Cc: Media Relations / Medias relations (IC)

Subject: FYI - Media Request: [REDACTED] / VICE / IMSI catchers / April 4 - 12:00 PM

Hi PS/RCMP MR friends,

As FYI: We received a media request that was put forth by VICE Canada's [REDACTED] who has questions on ISED's approval of usage on IMSI catchers in Canada. This likely stems from the article that the CBC put out today on the usage of IMSI catchers, as pasted below. Essentially, the journalist would like to know if ISED has approved the usage of any IMSI catchers in Canada (since Jan. 2017) and if the government has any plans to change the IMSI catcher regulatory process. We are working on the call now and we shall share our response as FYI whenever we do have something.

Hans Parmar
Media Relations | Relations avec les médias
Innovation, Science and Economic Development Canada
Innovation, Sciences et Développement économique Canada
343.291.1777

s.19(1)

REPORTER/MEDIA: [REDACTED] VICE / [REDACTED] @vice.com, [REDACTED]

SUBJECT: IMSI catchers

DEADLINE: Tues. April 4 – 12:00 PM

QUESTIONS:

Q1. As of January of this year, ISED had not approved the use of any IMSI catchers in Canada. Has this changed since then?

Q2. Is the GoC considering any changes to the IMSI catcher regulatory process?

CBC Investigates: Someone is spying on cellphones in the nation's capital

A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

CBC News

Catherine Cullen and Brigitte Bureau

Apr 03, 2017

<http://www.cbc.ca/news/politics/imsi-cellphones-spying-ottawa-1.4050049>

A months-long CBC News/Radio-Canada investigation has revealed that someone is using devices that track and spy on cellphones in the area around Parliament Hill.

The devices are known as IMSI catchers and have been used by Canadian police and security authorities, foreign intelligence and even organized crime.

The devices, sometimes known by the brand name of one model, StingRay, work by mimicking a cellphone tower to interact with nearby phones and read the unique ID associated with the phone — the International Mobile Subscriber Identity, or IMSI.

That number can then be used to track the phone and by extension the phone's user. In some instances, IMSI catchers can even be used to gain access to a phone's text messages and listen in on calls.

At the heart of Canadian government

To do the investigation, our journalists used a device that detects IMSI catchers created by the German company GSMK. While it looks like a regular cellphone, the CryptoPhone emits an alert when a fake cellphone antenna intercepts its signal.

Media in the United States, Norway and Australia have done similar tests, but this is the first time it's been used by a media outlet in Canada.

During tests in December and January, the CryptoPhone set off alerts at locations around Parliament Hill, including the nearby Byward Market, the Rideau Centre shopping mall and CBC offices in downtown Ottawa.

Because IMSI catchers have a radius of about half a kilometre in an urban setting, the IMSI catchers CBC detected could reach territory including Parliament Hill, the Prime Minister's Office in Langevin Block, National Defence headquarters, as well as the U.S. and Israeli embassies.

We then used even more sophisticated equipment called an Overwatch Sensor that confirmed the presence of an IMSI catcher close to Parliament Hill.

Who is behind it?

We wanted to know more about who might be using the IMSI catcher or catchers that we detected, so we asked the U.S. supplier of the CryptoPhone to analyze the alerts we were getting.

ESD America specializes in counterintelligence and its clients include U.S. Homeland Security.

"Consistently you've been seeing IMSI catcher activity, definitely," said CEO and co-founder Les Goldsmith, when we took our results to the company's Las Vegas office.

We described the part of the city in which we detected the IMSI catchers — full of politicians, political staffers and civil servants.

"Somebody could be listening to calls right now and [the phone owners] have no idea," he said.

As for who might be behind it, Goldsmith says IMSI catchers are used by law enforcement, federal agencies as well as organized crime and foreign intelligence.

Based on the configurations suggested by CBC's results, he believes the IMSI catchers detected in Ottawa could be foreign made.

"We're seeing more IMSI catchers with different configurations and we can build a signature. So we're seeing IMSI catchers that are more likely Chinese, Russian, Israeli and so forth," he said.

Foreign spies?

We also showed our results to an expert in Canadian security.

He knows a lot about IMSI catchers and comes from a Canadian security agency. We agreed to conceal his identity in order not to jeopardize that security work.

The expert found the results of our investigation disturbing.

"That an MP or a person who works on Parliament Hill could be exposed, that they could be a victim of this type of attack— it undermines our sovereignty," he said.

Based on his experience, he sees two very different potential explanations for the results. One domestic, the other foreign.

He said Russia has used IMSI catchers in Canada before.

"We learned that Russian intelligence was parked near CSIS with equipment on board to do IMSI catching. After X number of days or weeks, they're capable of identifying the IMSI numbers that belong to intelligence officers because the phones were spending eight hours a day in the same spot."

He said when the Russians would do their next clandestine operation, they would use an IMSI catcher to see if any of the numbers associated with Canadian intelligence were nearby. If there were, they would call off the operation.

The Russian embassy rejects any allegation that Russians have used IMSI catchers in Ottawa.

"Any suggestions as to that kind of activities are bogus and baseless," said an embassy spokesperson.

A representative from the Chinese embassy told us it was "not only unreasonable but even irresponsible" to suggest that country would be involved in the activity.

Israel said it had no knowledge of the issue, and the United States declined to comment.

Canadian spies?

Our security expert suggested the IMSI catchers we saw might be the work of a domestic agency, like Canada's electronic spy agency, the Communication Security Establishment.

"One possibility is that the Communications Security Establishment has been mandated to monitor the network for protection purposes, in a defensive way," he said.

CSE said it's not allowed to do that.

"To be clear, by law, CSE is not permitted to direct its activities at Canadians anywhere or at anyone in Canada," a spokesperson said in a statement, adding that CSE respects the law.

Police use of IMSI catchers

Last June it was revealed the RCMP uses IMSI catchers in its work. A Quebec Superior Court lifted a publication ban to reveal police were using the technology as part of an investigation into the 2011 death of Salvatore (Sal the Ironworker) Montagna, a high-ranking member of a New York crime family killed outside Montreal.

Court documents show the RCMP:

- Purchased its first IMSI catcher in 2005
- Has used IMSI catchers in numerous investigations
- Keeps information about the cellphones of ordinary Canadians detected in the course of some investigations

- Recognizes phones may be affected while an IMSI catcher is in use, including possible delays in reaching 911.

The documents also show the RCMP obtained court authorization to use the IMSI catcher, which the RCMP refer to as a mobile device interceptor, or MDI.

Recent court proceedings may also shed light on the degree to which police are reluctant to discuss their use of the devices. Last month, lawyers for the federal government issued stays of proceedings against three dozen suspects out of the nearly 50 people rounded up in an operation targeting the Montreal Mafia.

A Crown prosecutor told reporters one of the reasons was that evidence gathered by the RCMP raised "unprecedented legal questions," but declined to say more.

Some privacy experts believe the Crown is concerned about whether their use of IMSI catchers — including debates about how the data is collected — will hold up in court.

Municipal police forces use the technology as well. The Vancouver police have acknowledged they borrowed an RCMP IMSI catcher in 2007 and said they would use the technology again.

CBC News obtained documents showing that in 2016, Winnipeg police, Durham Regional Police, Ontario Provincial Police and the Canadian Security Intelligence Service had also gotten a license from federal public safety officials to purchase an IMSI catcher.

Who is using IMSI catchers in Ottawa?

We reached out to police, security agencies, embassies and the federal government to ask if they were involved in the IMSI catchers we detected.

The Department of National Defence said it had no knowledge of IMSI catchers being used on the dates we saw activity.

The Department of Public Safety, the Ottawa Police Service, the RCMP and CSIS all gave similar responses: They don't discuss specific investigative techniques but they do follow the law, respect the Charter of Rights and Freedoms and adhere to the appropriate judicial processes.

The detection of the devices is troubling to Teresa Scassa, Canada Research Chair in Information Law at the University of Ottawa.

Even if the technology is being used by public authorities, Scassa sees reason to be concerned.

She points to a lack of transparency if Canadians are only learning in 2017 that the RCMP has had an IMSI catcher since 2005.

She also said it's not clear whether the authorities always get a warrant. Even when they do, there are still questions about what happens to the information of other people caught up in the investigation, Scassa said.

"Is it destroyed? Is it retained? Is it used for other purposes? It's not always clear that warrants contain conditions that require something specific to be done with the information afterwards."

Given that many groups may have access to IMSI catchers, Scassa argues there is a lot more the government could be doing to protect Canadians' privacy.

She believes agencies who use IMSI catchers should be required to get a warrant whenever the devices are used, destroy information that is intercepted but not related to the investigation and to report to the privacy commissioner about some key pieces of information, like how often they are used and in what context.

We reached out to Public Safety, the Ottawa Police Service, the RCMP and CSIS. They all told us



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they do fo

**Pages 79 to / à 82
are not relevant
sont non pertinentes**

Levert, Jean-Philippe (PS/SP)

From: Media Relations / Relations avec les médias (PS/SP)
Sent: Wednesday, April 05, 2017 3:28 PM
To: Brien, Dan (PS/SP); Media Relations / Relations avec les médias (PS/SP)
Cc: Bardsley, Scott (PS/SP); Bachand, Stephane (PS/SP)
Subject: RE:

s.19(1)

Hi Dan,

The RCMP received the same question from [REDACTED] of Radio-Canada. They cannot comment on what may or may not be the subject/ location of an investigation.

Karine

From: Brien, Dan (PS/SP)
Sent: Wednesday, April 05, 2017 2:44 PM
To: Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Gowing, Andrew (PS/SP); Levert, Jean-Philippe (PS/SP); Martel, Karine (PS/SP); Duval, Jean Paul (PS/SP)
Cc: Bardsley, Scott (PS/SP)
Subject:

Can we or the rcmp confirm that the allegations of imsi catcher use at Trudeau airport will be included on the investigation the minister confirmed yesterday?

db mobile
[REDACTED]

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Cc: Bardsley, Scott (PS/SP)
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db mobile
[REDACTED]

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Wednesday, April 05, 2017 2:33 PM
To: O'Nions, Christine; Fox, Christiane; Nofle, Tracie; Lindblad, Anabel
Cc: Magee, Heather (PS/SP)
Subject: RE: RCMP Summary and Web Posting

RCMP confirms that 911 calls may be disturbed.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: O'Nions, Christine [mailto:Christine.O'Nions@pco-bcp.gc.ca] s.21(1)
Sent: Wednesday, April 05, 2017 2:22 PM
To: Baker3, Ryan (PS/SP); Fox, Christiane; Nofle, Tracie; Lindblad, Anabel
Cc: Magee, Heather (PS/SP)
Subject: RE: RCMP Summary and Web Posting

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The last bullet may be worth a double-check. There has apparently been some concern that these techniques could affect 911 calls. N



From: O'Nions, Christine
Sent: April 5, 2017 2:05 PM
To: 'Baker3, Ryan (PS/SP)'; Fox, Christiane; Nofle, Tracie; Lindblad, Anabel
Cc: Magee, Heather (PS/SP)
Subject: RE: RCMP Summary and Web Posting

Is CSIS comfortable with this?

From: Baker3, Ryan (PS/SP) [mailto:ryan.baker3@canada.ca]
Sent: April 5, 2017 1:51 PM
To: Fox, Christiane; Nofle, Tracie; Lindblad, Anabel; O'Nions, Christine
Cc: Magee, Heather (PS/SP)
Subject: RCMP Summary and Web Posting
Importance: High

Hi all,

Find attached, RCMP's proposed web posting on the ISMI device use. They planned to post at 3 p.m. I told them to hold off until I can confirm MO and PCO are comfortable. I've shared with CSIS and RCMP, and it's with our MO for review now.

Let me know if you have any major concerns.

In addition, see below the summary of the briefing this morning:

C/Supt. Jeff ADAM read his statement and officially confirmed the RCMP's use of MDIs. He provided information around our authority to use and possess the devices and explained for what purpose they are used by the RCMP. We've attached the fact sheet (statement) that will be posted online by 15:00hrs.

There were a lot of questions around the technology itself - ie the capability of MDIs to intercept communications. Jeff re-iterated that while MDIs are capable of this, the RCMP ones are not and are only used to collect International Mobile Subscriber Identity (IMSI) and International Mobile Equipment Identity (IMEI) data associated with the phones, allowing the operator to identify the phone used by the suspect. Jeff explained that while we have the capability for intercept, it would not be done with MDIs and that would require separate judicial authority that we may or may not receive.

Questions were asked around the RCMP's authority to use MDIs. Jeff explained the judicial authority, including warrants to use them as well as ISED authorization. Since we only received the authorization recently, questions were asked about whether we were in fact authorized to use the devices prior to ISED given us authorization. Jeff explained we had an exemption under jammers until it was realized that these were not jammers and that we still had to get a warrant for their use, regardless of how they are classified in the Radiocommunications Act.

Questions were also asked about how other agencies (ie CSIS) might use these. Jeff did not get comment on that. Questions were also asked about other police agencies' use of MDIs and whether they need to go through the RCMP first. The response was they do not and that other police agencies have used them.

Numbers were provided on how often the RCMP used MDIs in 2015 and 2016 and how many MDIs we possess and the number of operators trained to use them.

There was a question asked (hypothetically) on if they were being used around Parliament or government, would that be considered a national security threat. The response was "yes". Jeff reiterated that we are investigating the incidents from the CBC story.

In relation to that story, questions were asked around some of the counter surveillance measures available to detect MDIs, but Jeff declined to comment on this.

Finally, questions were raised around privacy issues, particularly when it involves information of Canadians who are not a suspect in a crime. Jeff explained how the information collected is stored and used in court and destroyed after court proceedings. The use of MDIs in the RCMP is also reported and tracked.

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Wednesday, April 05, 2017 2:29 PM
To: O'Nions, Christine; Fox, Christiane; Noftle, Tracie; Lindblad, Anabel
Cc: Magee, Heather (PS/SP)
Subject: RE: RCMP Summary and Web Posting

Haven't heard any objections yet. Will let you know.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

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Is CSIS comfortable with this?

From: Baker3, Ryan (PS/SP) [mailto:ryan.baker3@canada.ca]
Sent: April 5, 2017 1:51 PM
To: Fox, Christiane; Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
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MacLean, Megan (PS/SP)

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To: O'Nions, Christine; Fox, Christiane; Noftle, Tracie; Lindblad, Anabel
Cc: Magee, Héather (PS/SP)
Subject: RE: RCMP Summary and Web Posting

Will do.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

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MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Wednesday, April 05, 2017 1:55 PM
To: jolene bradley Ext-PCH; Liam Gerofsky
Cc: Magee, Heather (PS/SP); Duval, Jean Paul (PS/SP); Ext-PCH, mike cote (Ext.)
Subject: RE: Briefing and statement

Okay, that's good. MO and PCO approval should come quickly then.

Thanks,
Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Jolene Bradley [<mailto:Jolene.Bradley@rcmp-grc.gc.ca>]
Sent: Wednesday, April 05, 2017 1:43 PM
To: Baker3, Ryan (PS/SP); Liam Gerofsky
Cc: Magee, Heather (PS/SP); Duval, Jean Paul (PS/SP); Ext-PCH, mike cote (Ext.)
Subject: Re: Briefing and statement

PCO, CSIS and PS Policy already fed into this last night.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Baker3, Ryan (PS/SP)
Sent: Wednesday, April 5, 2017 1:37 PM
To: Liam Gerofsky
Cc: Jolene Bradley; Mike Cote; Heather (PS/SP) Magee; Jean Paul(PS/SP) Duval
Subject: RE: Briefing and statement

Thanks Jolene.

I'll share this with MO, PCO, CSIS and CSEC now. I recommend you hold on posting until I can confirm MO and PCO are comfortable with it.

Thanks,
Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Jolene Bradley [<mailto:Jolene.Bradley@rcmp-grc.gc.ca>]
Sent: Wednesday, April 05, 2017 1:20 PM
To: Baker3, Ryan (PS/SP); Liam Gerofsky
Cc: Magee, Heather (PS/SP); Duval, Jean Paul (PS/SP); jolene bradley Ext-PCH; Ext-PCH, mike cote (Ext.)
Subject: Re: Briefing and statement

Hi Ryan,

As requested, here is a synopsis.....

C/Supt. Jeff ADAM read his statement and officially confirmed the RCMP's use of MDIs. He provided information around our authority to use and possess the devices and explained for what purpose they are used by the RCMP. We've attached the fact sheet (statement) that will be posted online by 15:00hrs.

There were a lot of questions around the technology itself - ie the capability of MDIs to intercept communications. Jeff reiterated that while MDIs are capable of this, the RCMP ones are not and are only used to collect International Mobile Subscriber Identity (IMSI) and International Mobile Equipment Identity (IMEI) data associated with the phones, allowing the operator to identify the phone used by the suspect. Jeff explained that while we have the capability for intercept, it would not be done with MDIs and that would require separate judicial authority that we may or may not receive.

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Finally, questions were raised around privacy issues, particularly when it involves information of Canadians who are not a suspect in a crime. Jeff explained how the information collected is stored and used in court and destroyed after court proceedings. The use of MDIs in the RCMP is also reported and tracked.

Jolene

>>> "Baker3, Ryan (PS/SP)" <ryan.baker3@canada.ca> 2017/04/05 12:34 PM >>>
Hi Jolene and Liam,

Will the summary be ready soon? MO and PCO are very interested.

Also, are you still planning to post a statement on the subject? If so, can you please send me a draft? MO and PCO will like to see it before it's posted.

Thanks,
Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Wednesday, April 05, 2017 1:54 PM
To: De Santis, Heather (PS/SP)
Cc: Champoux, Elizabeth (PS/SP); Wherrett, Jill (PS/SP); Nguyen, Linda (PS/SP); Magee, Heather (PS/SP)
Subject: FYI - RCMP Summary and Web Posting
Attachments: MDI Fact Sheet FINAL.docx
Importance: High

Hi Heather,

Find attached, RCMP's proposed web posting on the ISMI device use. They planned to post at 3 p.m. I told them to hold off until MO and PCO are comfortable. I've shared with CSIS and RCMP, as well as MO and PCO. I'll share the final when I have it.

In addition, see below the summary of the briefing this morning, which I've also shared with groups above:

C/Supt. Jeff ADAM read his statement and officially confirmed the RCMP's use of MDIs. He provided information around our authority to use and possess the devices and explained for what purpose they are used by the RCMP. We've attached the fact sheet (statement) that will be posted online by 15:00hrs.

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Numbers were provided on how often the RCMP used MDIs in 2015 and 2016 and how many MDIs we possess and the number of operators trained to use them.

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In relation to that story, questions were asked around some of the counter-surveillance measures available to detect MDIs, but Jeff declined to comment on this.

Finally, questions were raised around privacy issues, particularly when it involves information of Canadians who are not a suspect in a crime. Jeff explained how the information collected is stored and used in court and destroyed after court proceedings. The use of MDIs in the RCMP is also reported and tracked.

RCMP Fact Sheet

RCMP use of technology to identify cellular devices for law enforcement purposes

Technology used to identify and locate cellular devices, commonly referred to as Mobile Device Identifiers (MDI), has been the subject of recent media coverage.

In the interest of transparency, the RCMP confirms the use of MDI technology to identify and locate a suspect's mobile device. This capability can be used to further criminal investigations relating to national security, serious and organized crime, and other serious *Criminal Code* offences that impact the safety and security of Canadians.

The RCMP uses MDI technology in full compliance with Canadian laws, including the Charter of Rights, and proper judicial processes. Except in extremely urgent cases (i.e., to prevent death or imminent harm), the RCMP must get a judge's authorization before using the technology.

There are a limited number of authorized and trained RCMP operators who can use MDI technology and its use is subject to very strict rules, senior management approval, and judicial authorization prior to deployment.

What does it do?

RCMP MDI technology is an important investigative tool used to identify a suspect's cellular device, such as a mobile phone. It helps the RCMP identify an unknown cellular device used by a target (suspect) under investigation by collecting limited signaling information, or for other policing matters, such as identifying the location of a known cellular device linked to a missing person.

In very simple terms, when a trained officer deploys MDI technology, it attracts and momentarily connects cell phones in the immediate proximity, before returning them to their own networks. The technology collects International Mobile Subscriber Identity (IMSI) and International Mobile Equipment Identity (IMEI) data associated with the phones, allowing the operator to identify the phone used by the suspect. The IMSI and IMEI are internationally standardized unique numbers to identify a mobile subscriber and device, respectively.

What doesn't it do?

RCMP MDI technology does not collect private communication. In other words, it does not collect:

- voice and audio communications
- email messages
- text messages
- contact lists
- images
- encryption keys
- basic subscriber information

Information that is not relevant to the investigation is immediately destroyed after court proceedings, appeal periods, and any specific orders from a judge.

How does it help investigations?

MDI technology provides valuable assistance to criminal investigations and other policing duties. It may be used to help identify an unknown cellular device associated with an individual under investigation by collecting limited information from devices within range of the technology. It may also be used to locate cellular devices which are already known to police.

How is it deployed?

After getting authorization from a judge, the MDI is deployed for a short period of time to attract and collect limited information (IMSI and IMEI data) from cellular devices in close proximity. This data can be used to help identify a cellular device used by a suspect under investigation.

How often is this technology deployed?

There are a limited number of authorized and trained RCMP operators who can use this technology. Further, its use is limited to only the most serious cases, and only when there are grounds to believe that a suspect is using an unknown cell-phone to conduct criminal activities. Its use requires a judge's authorization, as well as authorization at very senior levels of the RCMP. There are also strict reporting requirements for each use.

In 2016, the RCMP used MDI technology in only 19 investigations.

Who makes the decision to deploy the technology and what oversight is there of their use?

Before this technology is deployed, senior officer approval and a valid judicial authorization are required. Prior judicial authorization is not required, in extremely urgent cases where the police reasonably believe there is a need to deploy the technology to prevent imminent harm or death.

Those authorized to use the technology have received specialized training and each use is reported and recorded by the operator.

What happens to the data the MDI technology collects?

The limited data collected by MDI technology (IMSI and IMEI data) is stored in an isolated system that is only accessible by those managing the technology.

To further a criminal investigation beyond this limited data, the RCMP must get a production order from a judge to obtain basic subscriber details associated with the IMSI or IMEI data from a Telecommunications Service Provider (e.g., the telephone number, name and address of the subscriber).

Information that is not relevant to the investigation is immediately sequestered by the operator and not shared with investigators. It is destroyed after court proceedings, appeal periods, and any specific orders from a judge.

Does this impact other cell phone users in the area?

MDI technology can cause limited cellular interference for devices within range of the tool. The RCMP makes every effort to deploy the technology in a way that causes the least disruptions to service and public safety.

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Wednesday, April 05, 2017 1:51 PM
To: 'Christiane.Fox@pco-bcp.gc.ca'; Noftle, Tracie (Tracie.Noftle@pco-bcp.gc.ca); Lindblad, Anabel (Anabel.Lindblad@pco-bcp.gc.ca); O'Nions, Christine (Christine.O'Nions@pco-bcp.gc.ca)
Cc: Magee, Heather (PS/SP)
Subject: RCMP Summary and Web Posting
Attachments: MDI Fact Sheet FINAL.docx

Importance: High

Hi all,

Find attached, RCMP's proposed web posting on the ISMI device use. They planned to post at 3 p.m. I told them to hold off until I can confirm MO and PCO are comfortable. I've shared with CSIS and RCMP, and it's with our MO for review now.

Let me know if you have any major concerns.

In addition, see below the summary of the briefing this morning:

C/Supt. Jeff ADAM read his statement and officially confirmed the RCMP's use of MDIs. He provided information around our authority to use and possess the devices and explained for what purpose they are used by the RCMP. We've attached the fact sheet (statement) that will be posted online by 15:00hrs.

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**Pages 101 to / à 103
are duplicates
sont des duplicatas**

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Wednesday, April 05, 2017 1:49 PM
To: Brien, Dan (PS/SP); Bardsley, Scott (PS/SP)
Cc: Magee, Heather (PS/SP); Duval, Jean Paul (PS/SP); Wilson, Ashleigh (PS/SP); Bruneau, Véronique (PS/SP)
Subject: RCMP Summary and Web Posting
Attachments: MDI Fact Sheet FINAL.docx

Importance: High

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**Pages 105 to / à 107
are duplicates
sont des duplicatas**

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Wednesday, April 05, 2017 1:47 PM
To: s.15(1) - Subv [REDACTED] Christopher.Williams@CSE-CST.GC.CA
Cc: Magee, Heather (PS/SP); Bruneau, Véronique (PS/SP); Duval, Jean Paul (PS/SP); Wilson, Ashleigh (PS/SP)
Subject: RCMP Summary and Web Posting
Attachments: MDI Fact Sheet FINAL.docx
Importance: High

Hi all,

Find below the RCMP's synopsis from today's media teleconference, and attached is their proposed web posting.

On the latter, they planned to post at 3 p.m. I told them to hold off until I can confirm MO and PCO are comfortable. Let me know if you have any concerns.

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**Pages 110 to / à 112
are duplicates
sont des duplicatas**

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Wednesday, April 05, 2017 1:37 PM
To: jolene bradley Ext-PCH; Liam Gerofsky
Cc: Magee, Heather (PS/SP); Duval, Jean Paul (PS/SP); jolene bradley Ext-PCH; Ext-PCH, mike cote (Ext.)
Subject: RE: Briefing and statement

Thanks Jolene.

I'll share this with MO, PCO, CSIS and CSEC now. I recommend you hold on posting until I can confirm MO and PCO are comfortable with it.

Thanks,
Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Jolene Bradley [<mailto:Jolene.Bradley@rcmp-grc.gc.ca>]
Sent: Wednesday, April 05, 2017 1:20 PM
To: Baker3, Ryan (PS/SP); Liam Gerofsky
Cc: Magee, Heather (PS/SP); Duval, Jean Paul (PS/SP); jolene bradley Ext-PCH; Ext-PCH, mike cote (Ext.)
Subject: Re: Briefing and statement

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Jolene

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Ryan

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Ryan.Baker3@canada.ca

Levert, Jean-Philippe (PS/SP)

From: Levert, Jean-Philippe (PS/SP)
Sent: Wednesday, April 05, 2017 1:32 PM
To: Scouten, Julia (PS/SP)
Subject: RE: MO request: CBC - IMSI
Attachments: QPN RCMP APR 5 2017 Surveillance at Parliament Hill.docx

IMSI: International Mobile Subscriber Identity
Please see the attached QPN for your information.
I hope this helps.
JP Levert

From: Scouten, Julia (PS/SP)
Sent: Wednesday, April 05, 2017 1:30 PM
To: Levert, Jean-Philippe (PS/SP)
Subject: RE: MO request: CBC - IMSI

Ok, what was it though?

From: Levert, Jean-Philippe (PS/SP)
Sent: Wednesday, April 05, 2017 1:29 PM
To: Scouten, Julia (PS/SP)
Subject: RE: MO request: CBC - IMSI

Please disregard.
This has been solved.
Thanks,
JP Levert

From: Scouten, Julia (PS/SP)
Sent: Wednesday, April 05, 2017 1:29 PM
To: Levert, Jean-Philippe (PS/SP)
Subject: RE: MO request: CBC - IMSI

Hi Jean-Philippe,

I'm not sure what ISMI is or what the subject is here. Could you provide more context please?

Thanks,

Julia

From: Levert, Jean-Philippe (PS/SP)
Sent: Wednesday, April 05, 2017 12:53 PM
To: Bendelier, Kenneth (PS/SP); Scouten, Julia (PS/SP)
Cc: Grenier, Julie (PS/SP); Berzel, Ruth (PS/SP); Beahen, Megan (PS/SP); Martel, Karine (PS/SP); Gowing, Andrew (PS/SP)
Subject: MO request: CBC - IMSI

Hi Julia,

s.19(1)

Please see the question below from [REDACTED] (CBC). It was received by MO.

MO is asking if we can provide an answer.

Please advise.

Thanks,

JP Levert

Request:

As for the other forces, if I am on air talking about the possibilities of who this might be, should I suggest police forces at other level are still one of those possibilities? Does your office know?

Jean-Philippe Levert

Communications Officer | Agent de communications

Issues Management Team, Public Affairs Division | Gestion des enjeux, Affaires publiques

Public Safety Canada | Sécurité publique Canada

T (New) : 613-991-0657 | F : 613-954-4779

Bb: 613-220-5201



Public Safety
Canada

Sécurité publique
Canada

QUESTION PERIOD NOTE

Date: April 5, 2017

Classification: UNCLASSIFIED

Branch / Agency: RCMP

Question Period Note / Note pour la Période des questions**INTERCEPTION OF OR INTERFERENCE WITH COMMUNICATIONS****ISSUE:** CBC article regarding International Mobile Subscriber Identity catchers near Parliament Hill.**PROPOSED RESPONSE:**

- We recognize the concerns of potential illegal interception activities, and their potential implication on our democratic institutions, media freedoms and the privacy of Canadians.
- I can assure Canadians that our law enforcement and intelligence agencies can only act in support of their legislative mandates to ensure the safety and security of Canada.
- Their activities must be in strict accordance with federal laws including the Charter of Rights and Freedoms, the Criminal Code, and must recognize and respect the constitutional rights of all Canadians.
- We take these reports seriously, whether they are conducted by individuals or foreign actors and we are committed to detecting and pursuing such activities.
- While we do not generally comment on operational matters, the activity that was reported on April 3 does not involve a federal Canadian agency like the RCMP or CSIS.

INTERCEPTION OF OR INTERFERENCE WITH COMMUNICATIONS

BACKGROUND:

On April 3, 2017, the CBC reported that technology was being used in downtown Ottawa to track cellular (mobile) devices. The media coverage alleges that the technology, commonly known as International Mobile Subscriber Identity (IMSI) catchers (preferred term is Mobile Device Identifier (MDI technology)), was used by an unknown party to track mobile devices.

Follow-up media coverage occurred on April 4, which included comments from the Minister of Public Safety.

The Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Services (CSIS) are investigating the alleged use of IMSI catchers in downtown Ottawa. The investigation is ongoing.

Similar media coverage and investigations have recently taken place in the United States:

<http://www.ibtimes.co.uk/someone-could-be-secretly-spying-mobile-communications-white-house-pentagon-who-1612274>.

Prohibiting unlawful use of IMSI Catchers

There are federal statutes that prohibit the unlawful use of IMSI catchers and other technologies used to intercept or interfere with communications. For the unlawful use of IMSI catchers, the *Radiocommunication Act* includes prohibitions involving the unlawful interference or obstruction of radiocommunication, and the unlawful possession and operation of radio apparatus. Penalties under this Act include imprisonment (not exceeding one year) and fines.

The *Criminal Code* includes prohibitions involving the unlawful possession or use of devices to intercept private communications. Penalties under the *Code* include imprisonment not exceeding two years (possession) and five years (use).

Federal use of IMSI Catchers

The use of IMSI catchers by the RCMP and CSIS must be lawful, Charter compliant and subject to appropriate judicial oversight.

In April 2017, the RCMP will engage Canadian media outlets to publicly confirm and provide general information on its use of IMSI catchers. This will be done to improve transparency and correct public misperceptions on the RCMP's use of this technology.

The RCMP's use of technology to identify cellular devices is limited, only used with prior judicial authorization or in exigent circumstances to prevent imminent harm, and does not involve the collection of any private communications. The RCMP will continue to safeguard certain operational details on this technology to prevent criminals from evading law enforcement, and to prevent National Security Targets here and abroad from deploying countermeasures and detecting counter intelligence operations.

IMSI catchers used by the RCMP do not involve the interception of private communications, and collect limited information only (non-content) from cellular devices. The *Radiocommunication Act* is therefore the most applicable federal statute to authorize and prohibit IMSI catchers with respect to RCMP general use. The *Criminal Code* is the most applicable legislative instrument with respect to obtaining prior judicial authorization (absent exigent circumstances) for the RCMP to deploy an IMSI catcher. Pursuant to the *Radiocommunication Act*, authorization is required to install, operate and possess radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain "transmission data" (as defined in the *Criminal Code*) associated with a mobile device or the mobile network. This authorization may apply to IMSI catchers depending on the capabilities of the technology. The RCMP has obtained the respective authorization from Innovation Science and Economic Development Canada (ISED). This authorization occurred recently in 2017 following ISED and RCMP analysis throughout 2016 and 2017 to determine the most appropriate legal framework for the use of IMST catchers, pursuant to the *Radiocommunication Act*.

OPC investigation

On April 7, 2016, the RCMP received correspondence from the Office of the Privacy Commissioner (OPC) dated April 1, 2016, that indicated that the OPC had launched an investigation in response to a complaint the OPC had received that alleged that the RCMP "is contravening the collection provision of the *Privacy Act* by collecting personal information using 'StingRay' or similar devices known as IMSI catchers; and, has refused to either confirm or deny that it uses [IMSI] catchers as investigative tools."

The investigation is ongoing and the RCMP continues to fully cooperate with the OPC.

CONTACTS:

Prepared by
RCMP – Jeffrey Morris

Tel. no.
613-843-4494

Approved by
PETER HENSCHER,
DEPUTY COMMISSIONER
SPECIALIZED POLICING
SERVICES, RCMP

Tel. no.
613-843-4494

INTERCEPTION DE COMMUNICATIONS PRIVÉES

SUJET : Article de la CBC concernant des intercepteurs d'IMSI près de la Colline du Parlement

RÉPONSE SUGGÉRÉE :

- **Nous comprenons l'inquiétude que suscitent les activités de possible interception clandestine et les conséquences qu'elles pourraient avoir sur nos institutions démocratiques, sur la liberté de presse et sur la vie privée des Canadiens.**
- **Je tiens à rassurer la population canadienne que nos organismes de renseignement et d'application de la loi ne peuvent agir qu'au soutien de leurs mandats légitimes pour assurer la sécurité des Canadiens.**
- **Leurs activités doivent respecter scrupuleusement les lois fédérales, notamment la *Charte des droits et libertés* et le *Code criminel*, et elles doivent tenir compte des droits constitutionnels de tous les Canadiens et les respecter.**
- **Nous prenons très au sérieux le signalement de telles activités, qu'elles soient tenues par des particuliers ou par des étrangers, et nous nous engageons à les détecter et à en amener les responsables devant les tribunaux.**
- **Bien que nous n'ayons pas l'habitude de commenter les dossiers opérationnels, sachez que l'activité qui a fait l'objet d'un reportage le 3 avril n'est pas le fait d'un organisme fédéral canadien, comme la GRC ou le SCRS.**

INTERCEPTION DE COMMUNICATIONS PRIVÉES

CONTEXTE :

Le 3 avril 2017, la CBC a diffusé un reportage faisant état de l'utilisation au centre-ville d'Ottawa de moyens technologiques pour suivre des appareils cellulaires (mobiles). Selon le journaliste, la technologie, appelée capteurs d'IMSI (données d'identité internationale d'abonné mobile – préférablement identificateurs d'appareils mobiles) a été utilisée par une partie inconnue pour suivre des appareils mobiles.

Le dossier a fait l'objet d'un suivi médiatique le 4 avril, qui présentait des commentaires du ministre de la Sécurité publique.

La Gendarmerie royale du Canada (GRC) et le Service canadien du renseignement de sécurité (SCRS) enquêtent sur l'utilisation alléguée de capteurs d'IMSI au centre-ville d'Ottawa. L'enquête se poursuit.

Il y a eu récemment aux États-Unis aussi des reportages et des enquêtes semblables :

<http://www.ibtimes.co.uk/someone-could-be-secretly-spying-mobile-communications-white-house-pentagon-who-1612274>.

Interdiction de l'utilisation clandestine de capteurs d'IMSI

Il existe des lois fédérales qui interdisent l'utilisation clandestine de capteurs d'IMSI et d'autres technologies servant à intercepter des communications. La *Loi sur la radiocommunication* comporte des interdictions concernant l'action clandestine de brouiller ou d'entraver la radiocommunication et la possession ou l'exploitation illégale d'appareils radio. Cette loi prévoit des peines d'emprisonnement (ne dépassant pas un an) et des amendes.

Le *Code criminel* comporte des interdictions concernant la possession et l'utilisation illégale de dispositifs conçus pour intercepter clandestinement des communications privées. Le Code prévoit des peines d'emprisonnement ne dépassant pas deux ans (possession) et cinq ans (utilisation).

Utilisation fédérale des capteurs d'IMSI

L'utilisation de capteurs d'IMSI par la GRC et le SCRS doit être légale, conforme à la Charte et assujettie à une surveillance judiciaire adéquate.

En avril 2017, la GRC confirmera aux bureaux de presse canadiens son utilisation de capteurs d'IMSI. À cette occasion, elle fournira des renseignements généraux à cet égard, afin d'accroître la transparence et de corriger les fausses impressions répandues dans la population sur l'utilisation que la GRC fait de cette technologie.

L'utilisation par la GRC de la technologie de détection d'appareils cellulaires est limitée, elle repose forcément sur une autorisation judiciaire préalable ou sur une situation d'urgence pour éviter un danger imminent, et ne comprend pas le prélèvement de communications privées. La GRC continuera de protéger certains détails opérationnels liés à cette technologie afin d'éviter que des criminels se soustraient à l'application de la loi et d'éviter que des cibles de la Sécurité nationale, ici et ailleurs, mettent en place des contre-mesures et détectent des opérations de contre-espionnage.

Les capteurs d'IMSI qu'utilise la GRC ne servent pas à intercepter des communications privées mais à tirer seulement des renseignements limités (non liés au contenu) des appareils cellulaires. C'est donc la *Loi sur la radiocommunication* qui, des lois fédérales, s'applique surtout pour autoriser et interdire les capteurs d'IMSI pour l'usage général qu'en fait la GRC. Le *Code criminel* est l'instrument législatif sur lequel repose l'obtention de l'autorisation judiciaire préalable (sauf en situation d'urgence) pour permettre à la GRC de déployer un capteur d'IMSI. Conformément à la *Loi sur la radiocommunication*, il faut une autorisation pour installer, faire fonctionner ou posséder un appareil radio conçu pour communiquer avec des appareils mobiles dans des réseaux mobiles commerciaux afin d'obtenir des « données de transmission » (suivant la définition du *Code criminel*) associées à un appareil mobile ou au réseau mobile. Cette autorisation peut s'appliquer à des capteurs d'IMSI selon la capacité de la technologie. La GRC a obtenu l'autorisation nécessaire d'Innovation, Sciences et Développement économique Canada (ISDE). Cette autorisation s'est concrétisée récemment en 2017 après qu'ISDE et la GRC ont fait en 2016 et 2017 l'analyse nécessaire pour déterminer le cadre légal qui conviendrait le mieux à l'utilisation de capteurs d'IMSI, conformément à la *Loi sur la radiocommunication*.

Enquête du Commissariat à la protection de la vie privée

Le 7 avril 2016, la GRC a reçu du Commissariat à la protection de la vie privée une missive datée du 1^{er} avril 2016 indiquant que le CPVP avait ouvert une enquête en réponse à une plainte reçue au CPVP dans laquelle il est allégué que la GRC contrevient aux dispositions de la *Loi sur la protection des renseignements personnels* en recueillant des renseignements personnels à l'aide de StingRay ou d'appareils semblables connus comme des capteurs d'IMSI et qu'elle refuse de confirmer ou d'infirmer son utilisation de capteurs d'IMSI comme outils d'enquête.

L'enquête se poursuit et la GRC continue de coopérer pleinement avec le CPVP.

CONTACTS :

Préparée par
GRC – Jeffrey Morris

N° de tél.

613-843-4494

Approuvée par
RCMP

N° de tél.

613-843-4494

**Pages 121 to / à 122
are duplicates
sont des duplicatas**

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP) s.15(1) - Subv
Sent: Wednesday, April 05, 2017 1:16 PM
To: [REDACTED]
Subject: Radio-Canada: Aéroport Trudeau à Montréal : des téléphones espionnés

Hi [REDACTED]

PCO is asking if CSIS aware of this? Happy to chat.

Thanks,
Ryan

Aéroport Trudeau à Montréal : des téléphones espionnés Radio-Canada<<http://ici.radio-canada.ca/nouvelle/1026185/aeroport-trudeau-telephones-espionnes-imsi-espionnage>>

Brigitte Bureau et Sylvie Robillard
2017-04-05, 12 h 00 HE

Si vous êtes allés récemment à l'aéroport international Pierre-Elliott-Trudeau, à Montréal, votre téléphone mobile a peut-être été espionné.

Plus tôt cette semaine, une enquête de Radio-Canada a révélé la présence d'intercepteurs d'IMSI à Ottawa. Or, ces appareils de surveillance électronique ont aussi été dépistés à l'aéroport de Montréal.

C'est en attendant un vol pour les États-Unis, le 21 février, à l'aéroport de Montréal, que nous avons détecté la présence d'un intercepteur d'IMSI.

Cet appareil agit comme une antenne de téléphonie cellulaire. Il force tous les téléphones mobiles dans les parages à s'y brancher et intercepte leurs données.

Nous avons décelé la présence de l'intercepteur d'IMSI à l'aide d'un CryptoPhone. Il s'agit d'un téléphone spécial qui émet des alertes rouges quand une fausse antenne tente de s'emparer de son signal.

Nous avons obtenu plusieurs alertes dans la section des départs en direction des États-Unis, en fin d'après-midi et en début de soirée.

Des conversations écoutées en temps réel?

Le fournisseur du CryptoPhone, ESD America, une entreprise américaine spécialisée dans les équipements technologiques pour la défense et les forces de l'ordre, a analysé nos données plus en profondeur.

Selon son président, Les Goldsmith, le modèle d'intercepteur d'IMSI que nous avons repéré à l'aéroport pouvait probablement écouter les conversations téléphoniques en temps réel.

Les alertes enregistrées par le CryptoPhone indiquent, entre autres, que le système qui permet au téléphone de crypter les conversations avait été désactivé.

Qui pourrait détenir ce genre d'équipement? « Votre gouvernement ou tout autre gouvernement », répond M.Goldsmith.

L'expert en contre-espionnage ajoute que si les données de notre téléphone ont été interceptées ce jour-là par un intercepteur d'IMSI à l'aéroport, il en va de même pour tous les autres téléphones mobiles à proximité.

Les intercepteurs d'IMSI peuvent couvrir un rayon d'un demi-kilomètre en milieu urbain et de deux kilomètres dans les grands espaces.

Un autre expert en sécurité, qui provient d'une agence fédérale et qui doit garder l'anonymat, estime que différentes organisations pourraient avoir déployé cet intercepteur d'IMSI.

« La police de Montréal fait la couverture de l'aéroport Trudeau. La GRC et le SCRS [Service canadien du renseignement de sécurité] y sont également », explique-t-il.

« Si on cherche à identifier la présence d'un individu ciblé, c'est plausible de le faire à l'aide de cet équipement-là dans un endroit spécifique comme l'aéroport de Montréal. » — Un expert en sécurité, sous le couvert de l'anonymat

« Les douaniers américains ont aussi une présence assez importante à l'aéroport », ajoute-t-il. « Ça ne me surprendrait pas du tout qu'eux aussi aient déployé quelque chose du genre. »

Qui espionne à l'aéroport Trudeau?

Nous ignorons qui a déployé l'intercepteur d'IMSI à l'aéroport Trudeau, à Montréal, le 21 février dernier.

Les corps policiers et les agences de renseignement refusent de parler de leurs techniques d'enquête.

À une seule exception : la Sûreté du Québec. La SQ affirme en effet ne pas posséder d'intercepteur d'IMSI, mais elle refuse de dire si elle utilise celui d'autres corps policiers.

L'ambassade des États-Unis, quant à elle, ne veut pas du tout commenter le dossier.

De son côté, Aéroports de Montréal indique ne pas utiliser d'intercepteur d'IMSI.

Même réponse de la part de Transports Canada, qui ajoute : « Nous ne savons pas quelle organisation, le cas échéant, aurait utilisé un intercepteur d'IMSI ».

Envoyés à : !INTERNAL; !INTERNAL 2; CSIS Breaking News; RCMP Breaking News

Levert, Jean-Philippe (PS/SP)

From: Gowing, Andrew (PS/SP)
Sent: Wednesday, April 05, 2017 1:03 PM
To: Brien, Dan (PS/SP); Levert, Jean-Philippe (PS/SP); Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Martel, Karine (PS/SP)
Cc: Bardsley, Scott (PS/SP)
Subject: RE:
Attachments: Re: An IMSI question

Hi Dan

The recommendation from RCMP last night was that journalists should be referred directly to other law enforcement agencies if they have questions about whether or not they use IMSI devices (see attached).

Thanks
-Andrew

From: Brien, Dan (PS/SP)
Sent: Wednesday, April 05, 2017 12:55 PM
To: Levert, Jean-Philippe (PS/SP); Brien, Dan (PS/SP); Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP)
Cc: Bardsley, Scott (PS/SP)
Subject: Re:

Thanks.

db mobile
[REDACTED]

From: Levert, Jean-Philippe (PS/SP)
Sent: Wednesday, April 5, 2017 12:48 PM
To: Brien, Dan (PS/SP); Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP)
Cc: Bardsley, Scott (PS/SP)
Subject: RE:

On it.
JP Levert

From: Brien, Dan (PS/SP)
Sent: Wednesday, April 05, 2017 12:47 PM
To: Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Levert, Jean-Philippe (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP)
Cc: Bardsley, Scott (PS/SP)
Subject:

See question below from [REDACTED] (CBC) s.19(1)

Not sure if I sent the question about OPP and other police services earlier. Can we see if we can get an answer?

Thanks.

As for the other forces, if I am on air talking about the possibilities of who this might be, should I suggest police forces at other level are still one of those possibilities? Does your office know?

db mobile

613. [REDACTED]

s.19(1)



CommsCentrale > Media Relations: [REDACTED]

s.19(1)

Fiscal Year: 2017-2018
 Lead MR Officer: Levert, Jean-Phillippe
 Reporter: [REDACTED]
 Media Outlet: CBC
 Telephone: [REDACTED]
 E-mail Address: [REDACTED]@cbc.ca
 Call Date: 05/04/2017 12:50 PM
 Deadline:
 Status: Completed
 Subject: MO request
 Tag:
 Branch / Directorate:
 Region: National / NCR
 Questions: As for the other forces, if I am on air talking about the possibilities of who this might be, should I suggest police forces at other level are still one of those possibilities? Does your office know?
 Interview requested: No
 Interview granted: No
 Actions Taken: Levert, Jean-Phillippe (05/04/2017 3:41 PM): Referred to MO.
 Approvals:
 Response:
 (Follow-up) Questions:
 (Follow-up) Call Date:
 (Follow-up) Deadline:
 (Follow-up) Approvals:
 (Follow-up) Response:
 Notes: Provided to MO:
 The recommendation from RCMP last night was that journalists should be referred directly to other law enforcement agencies if they have questions about whether or not they use IMSI devices.
 Related Media Coverage:

Version: 4.0
Created at 05/04/2017 12:57 PM by Levert, Jean-Phillippe
Last modified at 05/04/2017 1:07 PM by Gowing, Andrew

Close

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Wednesday, April 05, 2017 9:56 AM
To: Liam Gerofsky
Cc: jolene bradley Ext-PCH; Serge Therriault; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Call at 10 am

Okay. Can you provide a brief afterwards regarding nature of questions, info provided, etc.?

Anabel, Christine, dialing in isn't possible.

s.19(1)

On another matter, MO just received an angry email from [REDACTED] which i'll forward to you.

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

From: Liam Gerofsky
Sent: Wednesday, April 5, 2017 9:53 AM
To: Baker3, Ryan (PS/SP)
Cc: jolene bradley Ext-PCH; Serge Therriault
Subject: Re: Fw: Call at 10 am

We are dialing reporters directly into the call.

>>> "Baker3, Ryan (PS/SP)" <ryan.baker3@canada.ca> 2017/04/05 9:50 AM >>>

PCO would like to dial in? Can you share the number?

Thanks,

Ryan

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

Original Message

From: O'Nions, Christine <Christine.O'Nions@pco-bcp.gc.ca>
Sent: Wednesday, April 5, 2017 9:42 AM
To: Baker3, Ryan (PS/SP); Lindblad, Anabel
Subject: RE: Call at 10 am

The RCMP tech briefing

-----Original Message-----

From: Baker3, Ryan (PS/SP) [<mailto:ryan.baker3@canada.ca>]
Sent: April 5, 2017 9:25 AM
To: Lindblad, Anabel
Cc: O'Nions, Christine
Subject: RE: Call at 10 am

What's the topic? IMSI catchers?

Ryan Baker

Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada

Tel: (613) 991-3549

Mobile: (613) 796-9750

Ryan.Baker3@canada.ca

-----Original Message-----

From: Lindblad, Anabel [<mailto:Anabel.Lindblad@pco-bcp.gc.ca>]

Sent: Wednesday, April 05, 2017 9:24 AM

To: Baker3, Ryan (PS/SP)

Cc: O'Nions, Christine

Subject: Call at 10 am

Ryan,

Any chance someone can listen in on this one?

Thanks.

Anabel

Sent from my iPhone

Wilson, Ashleigh (PS/SP)

From: ES&ML-QPMI ES&ML-QPMI <ES_ML-QPMI@rcmp-grc.gc.ca>
Sent: Wednesday, April 05, 2017 9:53 AM
To: Martel, Alexandre (PS/SP); Girard, Chantal (PS/SP); Pike, Cory (PS/SP); Oldham, Craig (PS/SP); Brien, Dan (PS/SP); Besner, David (PS/SP); Conabree, David (PS/SP); Hurl, David (PS/SP); [REDACTED] (PS/SP); Champoux, Elizabeth (PS/SP); Butera, Eloge (PS/SP); De Santis, Heather (PS/SP); Brender, James (PS/SP); Leveille, Jamie (PS/SP); Richer, Jean-Marc (PS/SP); Cintrat, Jean (PS/SP); McAteer, Julie (PS/SP); Miller, Kevin (PS/SP); Boily, Mario (PS/SP); Beahen, Megan (PS/SP); Milech, Michael (PS/SP); Robert, Philippe (PS/SP); PS.O CMB ADMO / SGM BSMA O.SP; Communications Issues Management / Communications Gestion des Enjeux (PS/SP); PS.O.EMPB.ADMO Users / Utilisateurs BSMA.SGUP.O.SP; PS.F Media Monitoring / surveillance des médias F.SP; PS.O.PACB.ADMO Users / Utilisateurs BSMA.SAPC.O.SP; PS.O Parliamentary Affairs Division / Unité des Affaires parlementaires O.SP; Gobeil, Renée (PS/SP); Baker3, Ryan (PS/SP); Bardsley, Scott (PS/SP); Bedor, Tia Leigh (PS/SP); Colin.Boyd@cbsa-asfc.gc.ca; MacKenzie, Joel (Ext.); Nicole.Greenough@cbsa-asfc.gc.ca; PAU-UAP@cbsa-asfc.gc.ca; Ruth Marier(Ruth.Marier@cbsa-asfc.gc.ca); Suzanne; Tim Cogan; Marcel.Gaudet@crcc-ccetp.gc.ca; Anne.Murayama@CSC-SCC.GC.CA; Showell, David (Ext.); McCarthy CSC, Leanne (Ext.); Archambault-Chapleau, Nadine; PS.O GOC Support / Soutien COG O.SP; McNaughtan, Jennifer (Ext.); Mark.Prieur@PBC-CLCC.GC.CA; Luce Normandin; Nicholas Robinson; Pauline Arella [REDACTED]
s.15(1) - Subv
Cc: Robinson, Dana (PS/SP); Desnoyers, Christine; ES_ML-QPMI
Subject: Re: QP Tasking - April 5, 2017 - PLEASE SEE MODIFIED DEADLINES
Attachments: 17-04-073QPN-IMSI_Catcher.docx

Julie,

QPN attached, french to follow.

Erin

>>> "McAteer, Julie (PS/SP)" <julie.mcateer@canada.ca> 2017/04/05 8:11 AM >>>

Good morning,

**** Reminder:** If you determine that a QPN is tasked to the wrong organization, please advise Parliamentary Affairs immediately**.

Organizations tasked, please confirm receipt

Following further discussions, there is 1 QPN requested for today. Please note that the English version of these notes are required for 9:45 am at the latest.

RCMP: QPN on IMSI catchers (as agreed to earlier this morning)

******FIRM DEADLINE FOR ADM/EQUIVALENT APPROVED QPN – 9:45 (English version) and 12:30 (French Version) ******

**** Please ensure that the proposed speaking points reflect any recent media lines or recent comments by the Minister on the issue. Please work with Communications as required ****

Please send all QP Notes to Dana Robinson and myself.

For ease of reference, the QPN template is attached. Please ensure to read it carefully as some elements have changed. QPNs sent in the wrong format will be returned to originating branch.

Thank you
Julie

Julie McAteer

Senior Manager, Parliamentary Affairs / Gestionnaire principale, affaires parlementaires

Public Safety Canada / Sécurité publique Canada

Tel/Tél: (613) 949-9737

Fax:(613) 948-8870

Email/Courriel: julie.mcateer@canada.ca (new/nouveau)

QUESTION PERIOD NOTE

Date: April 5, 2017

Classification: UNCLASSIFIED

Branch / Agency: RCMP / CSIS (TBD)

Question Period Note / Note pour la Période des questions

INTERCEPTION OF OR INTERFERENCE WITH COMMUNICATIONS

ISSUE: CBC article regarding International Mobile Subscriber Identity catchers near Parliament Hill.

PROPOSED RESPONSE:

- We recognize the concerns of potential illegal interception activities, and their potential implication on our democratic institutions, media freedoms and the privacy of Canadians.
- I can assure Canadians that our law enforcement and intelligence agencies can only act in support of their legislative mandates to ensure the safety and security of Canada.
- Their activities must be in strict accordance with federal laws including the Charter of Rights and Freedoms, the Criminal Code, and must recognize and respect the constitutional rights of all Canadians.
- We take these reports seriously, whether they are conducted by individuals or foreign actors and we are committed to detecting and pursuing such activities.

Consult RCMP

INTERCEPTION OF OR INTERFERENCE WITH COMMUNICATIONS

BACKGROUND:

On April 3, 2017, the CBC reported that technology was being used in downtown Ottawa to track cellular (mobile) devices. The media coverage alleges that the technology, commonly known as International Mobile Subscriber Identity (IMSI) catchers (preferred term is Mobile Device Identifier (MDI technology), was used by an unknown party to track mobile devices.

Follow-up media coverage occurred on April 4, which included comments from the Minister of Public Safety.

The Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Services (CSIS) are investigating the alleged use of IMSI catchers in downtown Ottawa. The investigation is ongoing.

Similar media coverage and investigations have recently taken place in the United States:

<http://www.ibtimes.co.uk/someone-could-be-secretly-spying-mobile-communications-white-house-pentagon-who-1612274>.

Prohibiting unlawful use of IMSI Catchers

There are federal statutes that prohibit the unlawful use of IMSI catchers and other technologies used to intercept or interfere with communications. For the unlawful use of IMSI catchers, the *Radiocommunication Act* includes prohibitions involving the unlawful interference or obstruction of radiocommunication, and the unlawful possession and operation of radio apparatus. Penalties under this Act include imprisonment (not exceeding one year) and fines.

The *Criminal Code* includes prohibitions involving the unlawful possession or use of devices to intercept private communications. Penalties under the *Code* include imprisonment not exceeding two years (possession) and five years (use).

Federal use of IMSI Catchers

The use of IMSI catchers by the RCMP and CSIS must be lawful, Charter compliant and subject to appropriate judicial oversight.

In April 2017, the RCMP will engage Canadian media outlets to publicly confirm and provide general information on its use of IMSI catchers. This will be done to improve transparency and correct public misperceptions on the RCMP's use of this technology.

The RCMP's use of technology to identify cellular devices is limited, only used with prior judicial authorization or in exigent circumstances to prevent imminent harm, and does not involve the collection of any private communications. The RCMP will continue to safeguard certain operational details on this technology to prevent criminals from evading law enforcement, and to prevent National Security Targets here and abroad from deploying countermeasures and detecting counter intelligence operations.

IMSI catchers used by the RCMP do not involve the interception of private communications, and collect limited information only (non-content) from cellular devices. The *Radiocommunication Act* is therefore the most applicable federal statute to authorize and prohibit IMSI catchers with respect to RCMP general use. The *Criminal Code* is the most applicable legislative instrument with respect to obtaining prior judicial authorization (absent exigent circumstances) for the RCMP to deploy an IMSI catcher. Pursuant to the *Radiocommunication Act*, authorization is required to install, operate and possess radio apparatus designed to communicate with mobile devices on commercial mobile networks to obtain "transmission data" (as defined in the *Criminal Code*) associated with a mobile device or the mobile network. This authorization may apply to IMSI catchers depending on the capabilities of the technology. The RCMP has obtained the respective authorization from Innovation Science and Economic Development Canada (ISED). This authorization occurred recently in 2017 following ISED and RCMP analysis throughout 2016 and 2017 to determine the most appropriate legal framework for the use of IMST catchers, pursuant to the *Radiocommunication Act*.

OPC investigation

On April 7, 2016, the RCMP received correspondence from the Office of the Privacy Commissioner (OPC) dated April 1, 2016, that indicated that the OPC had launched an investigation in response to a complaint the OPC had received that alleged that the RCMP "is contravening the collection provision of the *Privacy Act* by collecting personal information using 'StingRay' or similar devices known as IMSI catchers; and, has refused to either confirm or deny that it uses [IMSI] catchers as investigative tools."

The investigation is ongoing and the RCMP continues to fully cooperate with the OPC.

CONTACTS:

Prepared by
RCMP – Jeffrey Morris

Tel. no.

613-843-4494

Approved by
RCMP

Tel. no.

613-843-4494

INTERCEPTION DE COMMUNICATIONS PRIVÉES

SUJET : Article de la CBC concernant des intercepteurs d'IMSI près de la Colline du Parlement

RÉPONSE SUGGÉRÉE :

- **Notre gouvernement s'est engagé à assurer la sécurité des Canadiens tout en protégeant les droits et les libertés.**
- **En vertu de l'article 191 du *Code criminel*, il est illégal d'importer, de fabriquer ou d'avoir en sa possession des dispositifs d'interception, sauf si des exemptions précises s'appliquent.**
- **L'utilisation par la GRC de tous les outils d'enquête technique est régie par loi et la Charte et elle est assujettie à un contrôle judiciaire.**
- **Les ordonnances des tribunaux se limitent à la criminalité précise visée par l'enquête et elles ne peuvent être obtenues que s'il est satisfait aux exigences législatives.**
- **La GRC doit informer les juges de l'incidence potentielle des outils d'enquête lorsqu'elle demande l'autorisation de les utiliser, et elle doit utiliser ceux-ci dans les limites établies par le tribunal.**
- **Le commissaire à la protection de la vie privée a indiqué avoir ouvert une enquête sur l'utilisation présumée de certains outils d'enquête par la GRC, et j'en suis heureux. La GRC collabore avec le commissaire à la protection de la vie privée dans ce dossier.**

INTERCEPTION DE COMMUNICATIONS PRIVÉES

CONTEXTE :

L'utilisation d'outils d'enquête technique, comme les dispositifs d'interception, contribue à protéger les Canadiens et à soutenir les enquêtes criminelles prioritaires.

Selon le paragraphe 191(1) du *Code criminel* : « [e]st coupable d'un acte criminel et passible d'un emprisonnement maximal de deux ans quiconque possède, vend ou achète un dispositif électromagnétique, acoustique, mécanique ou autre ou un élément ou une pièce de celui-ci, sachant que leur conception les rend principalement utiles à l'interception clandestine de communications privées. »

Le paragraphe 191(2) du *Code criminel* prévoit des exemptions relatives au paragraphe 191(1) :

Le paragraphe (1) ne s'applique pas aux personnes suivantes :

- a) un policier en possession d'un dispositif, d'un élément ou d'une pièce visés au paragraphe (1) dans l'exercice de ses fonctions;
- b) une personne en possession d'un dispositif, d'un élément ou d'une pièce visés au paragraphe (1) qu'elle a l'intention d'utiliser lors d'une interception qui est faite ou doit être faite en conformité avec une autorisation;
- b.1) une personne en possession d'un dispositif, d'un élément ou d'une pièce d'un dispositif, sous la direction d'un policier, afin de l'aider dans l'exercice de ses fonctions;
- c) un fonctionnaire ou préposé de Sa Majesté du chef du Canada ou un membre des Forces canadiennes en possession d'un dispositif, d'un élément ou d'une pièce visés au paragraphe (1) dans l'exercice de ses fonctions en tant que fonctionnaire, préposé ou membre, selon le cas;
- d) toute autre personne en possession d'un dispositif, d'un élément ou d'une pièce visés au paragraphe (1) en vertu d'un permis délivré par le ministre de la Sécurité publique et de la Protection civile.

Les organismes de sécurité et d'exécution de la loi peuvent utiliser, de façon limitée, les dispositifs d'interception uniquement dans le cadre d'une enquête criminelle, et ce, dans la mesure où les exigences prévues par la loi sont respectées. La GRC doit informer les juges de l'incidence potentielle des outils d'enquête lorsqu'elle demande l'autorisation de les utiliser, et elle doit utiliser ceux-ci dans les limites établies par le tribunal.

L'utilisation illégale de dispositifs d'interception peut faire l'objet de poursuites en vertu du *Code criminel* et donner lieu à une peine d'emprisonnement.

CONTACTS :

Préparée par
RCMP – Jeffrey Morris

N° de tél.

613-843-4494

Approuvée par
RCMP

N° de tél.

613-843-4494

Wilson, Ashleigh (PS/SP)

From: Liam Gerofsky <Liam.Gerofsky@rcmp-grc.gc.ca>
Sent: Tuesday, April 04, 2017 2:47 PM
To: Gowing, Andrew (PS/SP); Baker3, Ryan (PS/SP); Harold Pfeleiderer
Cc: Wilson, Ashleigh (PS/SP); Tomlinson, Jamie (PS/SP); Levert, Jean-Philippe (PS/SP); Duval, Jean Paul (PS/SP); MacLean, Megan (PS/SP); Annie Delisle; David Gilbert; jolene bradley Ext-PCH; Serge Therriault; Tania Vaughan
Subject: Re: For your awareness: [REDACTED] CBC, IMSI catchers

thx for the heads-up.

>>> "Gowing, Andrew (PS/SP)" <andrew.gowing@canada.ca> 2017/04/04 2:27 PM >>>
Hi Harold

FYI, Minister Goodale confirmed in a scrum that the RCMP is investigating the incident, as the Commissioner confirmed to him.

Thanks
-Andrew

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Harold Pfeleiderer
Sent: Tuesday, April 4, 2017 1:55 PM
To: Baker3, Ryan (PS/SP)
Cc: Gowing, Andrew (PS/SP); Wilson, Ashleigh (PS/SP); Tomlinson, Jamie (PS/SP); Levert, Jean-Philippe (PS/SP); Duval, Jean Paul (PS/SP); MacLean, Megan (PS/SP); Annie Delisle; David Gilbert; jolene bradley Ext-PCH; Liam Gerofsky; Serge Therriault; Tania Vaughan
Subject: For your awareness: [REDACTED] CBC, IMSI catchers

Good afternoon,

s.19(1)

we had received a request from CBC, following their story on IMSI catchers, asking:

I'd like to know whether the RCMP has launched any kind of formal investigation or even informal inquiry in light of our reporting on IMSI catcher use in Ottawa.

Do you have any reason to believe that organized crime or foreign intelligence is using these devices in the national capital?

here is what we are responding with:

Generally, only in the event that an investigation results in the laying of criminal charges, would the RCMP confirm its investigation, the nature of any charges laid and the identity of the individual (s) involved.

Rgds
Harold

Wilson, Ashleigh (PS/SP)

From: Gowing, Andrew (PS/SP)
Sent: Tuesday, April 04, 2017 1:57 PM
To: Baker3, Ryan (PS/SP); Bardsley, Scott (PS/SP); Berzel, Ruth (PS/SP); Brien, Dan (PS/SP); Duval, Jean Paul (PS/SP); Hurl, David (PS/SP); Milech, Michael (PS/SP); Peirce, Hilary (PS/SP); Pike, Cory (PS/SP); Tomlinson, Jamie (PS/SP)
Subject: s.19(1) FYI - RCMP: [REDACTED] CBC, IMSI catchers

Good Afternoon

Please see below, a note from the RCMP related to a media call on IMSI catchers, and their response.

Thanks

-Andrew

From: Harold Pfeiderer [<mailto:harold.pfeiderer@rcmp-grc.gc.ca>]
Sent: Tuesday, April 04, 2017 1:55 PM
To: Baker3, Ryan (PS/SP)
Cc: Gowing, Andrew (PS/SP); Wilson, Ashleigh (PS/SP); Tomlinson, Jamie (PS/SP); Levert, Jean-Philippe (PS/SP); Duval, Jean Paul (PS/SP); MacLean, Megan (PS/SP); Annie Delisle; David Gilbert; jolene bradley Ext-PCH; Liam Gerofsky; Serge Therriault; Tania Vaughan
Subject: For your awareness: [REDACTED] CBC, IMSI catchers

Good afternoon,

we had received a request from CBC, following their story on IMSI catchers, asking:

I'd like to know whether the RCMP has launched any kind of formal investigation or even informal inquiry in light of our reporting on IMSI catcher use in Ottawa.

Do you have any reason to believe that organized crime or foreign intelligence is using these devices in the national capital?

here is what we are responding with:

Generally, only in the event that an investigation results in the laying of criminal charges, would the RCMP confirm its investigation, the nature of any charges laid and the identity of the individual (s) involved.

Rgds
Harold

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Wednesday, April 05, 2017 9:52 AM
To: O'Nions, Christine; Lindblad, Anabel
Subject: Re: Call at 10 am

I've asked for the dial in.

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

Original Message

From: O'Nions, Christine
Sent: Wednesday, April 5, 2017 9:42 AM
To: Baker3, Ryan (PS/SP); Lindblad, Anabel
Subject: RE: Call at 10 am

The RCMP tech briefing

-----Original Message-----

From: Baker3, Ryan (PS/SP) [<mailto:ryan.baker3@canada.ca>]
Sent: April 5, 2017 9:25 AM
To: Lindblad, Anabel
Cc: O'Nions, Christine
Subject: RE: Call at 10 am

What's the topic? IMSI catchers?

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

-----Original Message-----

From: Lindblad, Anabel [<mailto:Anabel.Lindblad@pco-bcp.gc.ca>]
Sent: Wednesday, April 05, 2017 9:24 AM
To: Baker3, Ryan (PS/SP)
Cc: O'Nions, Christine
Subject: Call at 10 am

Ryan,

Any chance someone can listen in on this one?

Thanks.

Anabel

Sent from my iPhone

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Wednesday, April 05, 2017 9:51 AM
To: Liam Gerofsky
Cc: Serge Therriault
Subject: Fw: Call at 10 am

PCO would like to dial in? Can you share the number?
Thanks,
Ryan

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

Original Message

From: O'Nions, Christine <Christine.O'Nions@pco-bcp.gc.ca>
Sent: Wednesday, April 5, 2017 9:42 AM
To: Baker3, Ryan (PS/SP); Lindblad, Anabel
Subject: RE: Call at 10 am

The RCMP tech briefing

-----Original Message-----

From: Baker3, Ryan (PS/SP) [<mailto:ryan.baker3@canada.ca>]
Sent: April 5, 2017 9:25 AM
To: Lindblad, Anabel
Cc: O'Nions, Christine
Subject: RE: Call at 10 am

What's the topic? IMSI catchers?

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

-----Original Message-----

From: Lindblad, Anabel [<mailto:Anabel.Lindblad@pco-bcp.gc.ca>]
Sent: Wednesday, April 05, 2017 9:24 AM
To: Baker3, Ryan (PS/SP)
Cc: O'Nions, Christine
Subject: Call at 10 am

Ryan,

Any chance someone can listen in on this one?

Thanks.

Anabel

Sent from my iPhone

Levert, Jean-Philippe (PS/SP)

From: Brien, Dan (PS/SP)
Sent: Monday, April 03, 2017 6:42 PM
To: Baker3, Ryan (PS/SP); Media Relations / Relations avec les médias (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
Cc: Bardsley, Scott (PS/SP); Hurl, David (PS/SP)
Subject: RE: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

Thanks.

From: Baker3, Ryan (PS/SP)
Sent: Monday, April 03, 2017 6:32 PM
To: Brien, Dan (PS/SP); Media Relations / Relations avec les médias (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
Cc: Bardsley, Scott (PS/SP); Hurl, David (PS/SP)
Subject: Re: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

Hi Dan,

We'll see what we have, and coordinate with RCMP, CSIS and CSEC first thing.

Ryan

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

From: Brien, Dan (PS/SP)
Sent: Monday, April 3, 2017 5:33 PM
To: Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
Cc: Bardsley, Scott (PS/SP); Hurl, David (PS/SP)
Subject: FW: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

Do we have lines on this?

Many possible questions about rules on approval and use, or possible use by others.

I have no calls yet, but based on the recent ATIP, could we include this in the call for lines? From either a regulatory, policing, or national security perspective.

Thanks

d

From: PSPMediaCentre / CentredesmediasPSP (PS/SP)

Sent: Monday, April 03, 2017 5:20 PM

To: Today's News / Actualités (PS/SP)

Subject: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

CBC Investigates - Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

CBC News

Catherine Cullen, Brigitte Bureau

2017-04-03, 17:00 ET

A months-long CBC News/Radio-Canada investigation has revealed that someone is using devices that track and spy on cellphones in the area around Parliament Hill.

The devices are known as IMSI catchers and have been used by Canadian police and security authorities, foreign intelligence and even organized crime.

The devices, sometimes known by the brand name of one model, StingRay, work by mimicking a cellphone tower to interact with nearby phones and read the unique ID associated with the phone — the International Mobile Subscriber Identity, or IMSI.

That number can then be used to track the phone and by extension the phone's user. In some instances, IMSI catchers can even be used to gain access to a phone's text messages and listen in on calls.

At the heart of Canadian government

To do the investigation, our journalists used a device that detects IMSI catchers created by the German company GSMK. While it looks like a regular cellphone, the CryptoPhone emits an alert when a fake cellphone antenna intercepts its signal.

Media in the United States, Norway and Australia have done similar tests, but this is the first time it's been used by a media outlet in Canada.

During tests in December and January, the CryptoPhone set off alerts at locations around Parliament Hill, including the nearby Byward Market, the Rideau Centre shopping mall and CBC offices in downtown Ottawa.

Because IMSI catchers have a radius of about half a kilometre in an urban setting, the IMSI catchers CBC detected could reach territory including Parliament Hill, the Prime Minister's Office in Langevin Block, National Defence headquarters, as well as the U.S. and Israeli embassies.

We then used even more sophisticated equipment called an Overwatch Sensor that confirmed the presence of an IMSI catcher close to Parliament Hill.

Who is behind it?

We wanted to know more about who might be using the IMSI catcher or catchers that we detected, so we asked the U.S. supplier of the CryptoPhone to analyze the alerts we were getting.

ESD America specializes in counterintelligence and its clients include U.S. Homeland Security.

"Consistently you've been seeing IMSI catcher activity, definitely," said CEO and co-founder Les Goldsmith, when we took our results to the company's Las Vegas office.

We described the part of the city in which we detected the IMSI catchers — full of politicians, political staffers and civil servants.

"Somebody could be listening to calls right now and [the phone owners] have no idea," he said.

As for who might be behind it, Goldsmith says IMSI catchers are used by law enforcement, federal agencies as well as organized crime and foreign intelligence.

Based on the configurations suggested by CBC's results, he believes the IMSI catchers detected in Ottawa could be foreign made.

"We're seeing more IMSI catchers with different configurations and we can build a signature. So we're seeing IMSI catchers that are more likely Chinese, Russian, Israeli and so forth," he said.

Foreign spies?

We also showed our results to an expert in Canadian security.

He knows a lot about IMSI catchers and comes from a Canadian security agency. We agreed to conceal his identity in order not to jeopardize that security work.

The expert found the results of our investigation disturbing.

"That an MP or a person who works on Parliament Hill could be exposed, that they could be a victim of this type of attack— it undermines our sovereignty," he said.

Based on his experience, he sees two very different potential explanations for the results. One domestic, the other foreign.

He said Russia has used IMSI catchers in Canada before.

"We learned that Russian intelligence was parked near CSIS with equipment on board to do IMSI catching. After X number of days or weeks, they're capable of identifying the IMSI numbers that belong to intelligence officers because the phones were spending eight hours a day in the same spot."

He said when the Russians would do their next clandestine operation, they would use an IMSI catcher to see if any of the numbers associated with Canadian intelligence were nearby. If there were, they would call off the operation.

The Russian embassy rejects any allegation that Russians have used IMSI catchers in Ottawa.

"Any suggestions as to that kind of activities are bogus and baseless," said an embassy spokesperson.

A representative from the Chinese embassy told us it was "not only unreasonable but even irresponsible" to suggest that country would be involved in the activity.

Israel said it had no knowledge of the issue, and the United States declined to comment.

Canadian spies?

Our security expert suggested the IMSI catchers we saw might be the work of a domestic agency, like Canada's electronic spy agency, the Communication Security Establishment.

"One possibility is that the Communications Security Establishment has been mandated to monitor the network for protection purposes, in a defensive way," he said.

CSE said it's not allowed to do that.

"To be clear, by law, CSE is not permitted to direct its activities at Canadians anywhere or at anyone in Canada," a spokesperson said in a statement, adding that CSE respects the law.

Police use of IMSI catchers

Last June it was revealed the RCMP uses IMSI catchers in its work. A Quebec Superior Court lifted a publication ban to reveal police were using the technology as part of an investigation into the 2011 death of Salvatore (Sal the Ironworker) Montagna, a high-ranking member of a New York crime family killed outside Montreal.

Court documents show the RCMP:

- Purchased its first IMSI catcher in 2005
- Has used IMSI catchers in numerous investigations
- Keeps information about the cellphones of ordinary Canadians detected in the course of some investigations
- Recognizes phones may be affected while an IMSI catcher is in use, including possible delays in reaching 911.

The documents also show the RCMP obtained court authorization to use the IMSI catcher, which the RCMP refer to as a mobile device interceptor, or MDI.

Recent court proceedings may also shed light on the degree to which police are reluctant to discuss their use of the devices. Last month, lawyers for the federal government issued stays of proceedings against three dozen suspects out of the nearly 50 people rounded up in an operation targeting the Montreal Mafia.

A Crown prosecutor told reporters one of the reasons was that evidence gathered by the RCMP raised "unprecedented legal questions," but declined to say more.

Some privacy experts believe the Crown is concerned about whether their use of IMSI catchers — including debates about how the data is collected — will hold up in court.

Municipal police forces use the technology as well. The Vancouver police have acknowledged they borrowed an RCMP IMSI catcher in 2007 and said they would use the technology again.

CBC News obtained documents showing that in 2016, Winnipeg police, Durham Regional Police, Ontario Provincial Police and the Canadian Security Intelligence Service had also gotten a license from federal public safety officials to purchase an IMSI catcher.

Who is using IMSI catchers in Ottawa?

We reached out to police, security agencies, embassies and the federal government to ask if they were involved in the IMSI catchers we detected.

The Department of National Defence said it had no knowledge of IMSI catchers being used on the dates we saw activity.

The Department of Public Safety, the Ottawa Police Service, the RCMP and CSIS all gave similar responses: They don't discuss specific investigative techniques but they do follow the law, respect the Charter of Rights and Freedoms and adhere to the appropriate judicial processes.

The detection of the devices is troubling to Teresa Scassa, Canada Research Chair in Information Law at the University of Ottawa.

Even if the technology is being used by public authorities, Scassa sees reason to be concerned.

She points to a lack of transparency if Canadians are only learning in 2017 that the RCMP has had an IMSI catcher since 2005.

She also said it's not clear whether the authorities always get a warrant. Even when they do, there are still questions about what happens to the information of other people caught up in the investigation, Scassa said.

"Is it destroyed? Is it retained? Is it used for other purposes? It's not always clear that warrants contain conditions that require something specific to be done with the information afterwards."

Given that many groups may have access to IMSI catchers, Scassa argues there is a lot more the government could be doing to protect Canadians' privacy.

She believes agencies who use IMSI catchers should be required to get a warrant whenever the devices are used, destroy information that is intercepted but not related to the investigation and to report to the privacy commissioner about some key pieces of information, like how often they are used and in what context.

We reached out to Public Safety, the Ottawa Police Service, the RCMP and CSIS. They all told us they do follow the law and adhere to the appropriate judicial processes.

Sent to: !INTERNAL; !INTERNAL 2; RCMP Breaking News

Levert, Jean-Philippe (PS/SP)

From: Brien, Dan (PS/SP)
Sent: Tuesday, April 04, 2017 6:48 PM
To: Serge Therriault; Gowing, Andrew (PS/SP); Magee, Heather (PS/SP); Levert, Jean-Philippe (PS/SP); Duval, Jean Paul (PS/SP); Martel, Karine (PS/SP); Nichols, Megan (PS/SP); Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Harold Pfeiderer
Cc: jolene bradley Ext-PCH
Subject: RE: An IMSI question

That's what I said.

Thanks

Dan

From: Serge Therriault [<mailto:Serge.Therriault@rcmp-grc.gc.ca>]
Sent: Tuesday, April 04, 2017 6:39 PM
To: Gowing, Andrew (PS/SP); Brien, Dan (PS/SP); Magee, Heather (PS/SP); Levert, Jean-Philippe (PS/SP); Duval, Jean Paul (PS/SP); Martel, Karine (PS/SP); Nichols, Megan (PS/SP); Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Harold Pfeiderer
Cc: jolene bradley Ext-PCH
Subject: Re: An IMSI question

We would not know.

They would have to respond.

Serge

Envoyé de mon smartphone BlackBerry 10 sur le réseau Rogers.

De: Brien, Dan (PS/SP)
Envoyé: Tuesday, April 4, 2017 6:26 PM
À: Serge Therriault; Harold Pfeiderer; Andrew (PS/SP) Gowing; Heather (PS/SP) Magee; Jean-Philippe (PS/SP) Levert; Jean Paul (PS/SP) Duval; Karine (PS/SP) Martel; Megan (PS/SP) Nichols; ps.mediarelations-relationsaveclesmedias.sp@canada.ca; Ryan(PS/SP) Baker3
Objet: FW: An IMSI question

See question below. This didn't come up specifically in the conversations I was privy to. Do we have an answer, or do I simply refer to OPP and OPS?

(although I guess it would be useful to know.)

Thanks

D

From: [REDACTED] [[mailto:\[REDACTED\]@cbc.ca](mailto:[REDACTED]@cbc.ca)]
Sent: Tuesday, April 04, 2017 5:57 PM

s.19(1)

To: Brien, Dan (PS/SP)
Subject: An IMSI question

Hey Dan,

Thanks once again for your help today.

Did you folks also check with Ottawa Police and the OPP to make sure it wasn't them? As well as the CSE? Because the Minister said today it was not a Canadian agency, which suggests he has crossed all those options off the list.

Thank you,

s.19(1)

[Redacted]

--

[Redacted]

CBC News, Parliament Hill Bureau

[Redacted]

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 6:36 PM
To: Acton, Kelly (IC)
Subject: RE: Urgent - Media Enquiry

Follow Up Flag: Follow up
Flag Status: Completed

Thanks.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Acton, Kelly (IC)
Sent: Tuesday, April 04, 2017 6:35 PM
To: Baker3, Ryan (PS/SP)
Subject: RE: Urgent - Media Enquiry

Yes, response was sent. Cheers,

Kelly Acton
Office / Bureau (343) 291-1652

From: Baker3, Ryan (PS/SP)
Sent: April-04-17 6:10 PM
To: Acton, Kelly (IC)
Subject: Urgent - Media Enquiry consult IC

Hi Kelly,

Can you please call me about a media inquiry your team managed today? I'd like to confirm if you sent this response out today or not.

Thanks,
Ryan

Q1. As of January of this year, ISED had not approved the use of any IMSI catchers in Canada. Has this changed since then?

ISED has issued the RCMP a "radio authorization" under the *Radiocommunication Act* for the installation, possession and operation of IMSI catchers designed to capture device identifier data on commercial mobile networks. This authorization does not exempt the RCMP from the requirement to obtain judicial warrants when using these devices in criminal investigations.

Q2. Is the GoC considering any changes to the IMSI catcher regulatory process?

The *Radiocommunication Act* currently provides the Government of Canada with regulatory oversight of the use of IMSI catchers

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP) s.15(1) - Subv
Sent: Tuesday, April 04, 2017 6:11 PM
To: Fox, Christiane; 'Williams, Christopher R.'; Noftle, Tracie
Cc: [REDACTED] Lindblad, Anabel; O'Nions, Christine
Subject: RE: RCMP IMSI media briefing

The D-Comm and Chief of Staff didn't know anything about it. They're looking into it. Neither were supportive. I'll let you know what I hear.

Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Fox, Christiane [<mailto:Christiane.Fox@pco-bcp.gc.ca>]
Sent: Tuesday, April 04, 2017 6:10 PM
To: 'Williams, Christopher R.'; Baker3, Ryan (PS/SP); Noftle, Tracie
Cc: [REDACTED] Lindblad, Anabel; O'Nions, Christine
Subject: RE: RCMP IMSI media briefing

OK, [REDACTED] you as well? Also, Ryan, can you loop back with your MinO and see who they feel?

From: Williams, Christopher R. [<mailto:Christopher.Williams@CSE-CST.GC.CA>]
Sent: April 4, 2017 6:03 PM
To: Fox, Christiane; 'Baker3, Ryan (PS/SP)'; Noftle, Tracie
Cc: [REDACTED] Lindblad, Anabel; O'Nions, Christine
Subject: Re: RCMP IMSI media briefing

We're ok with the interviews as we understand this is very much a RCMP lane, and from their perspective. Interesting timing, however :-)

From: Fox, Christiane
Sent: Tuesday, April 4, 2017 5:46 PM
To: 'Baker3, Ryan (PS/SP)'; Noftle, Tracie
Cc: Williams, Christopher R.; [REDACTED] Lindblad, Anabel; O'Nions, Christine
Subject: RE: RCMP IMSI media briefing

Hi Ryan,

I am now told that CSIS, CSEC and RCMP are all comfortable with select interviews with media tomorrow by the RCMP. [REDACTED] I think you aware on the line, can you confirm? I also heard that the Minister is comfortable – getting a bit of mixed messages so would like to get details asap. Thanks.

From: Baker3, Ryan (PS/SP) [<mailto:ryan.baker3@canada.ca>]
Sent: April 4, 2017 3:44 PM
To: Fox, Christiane; Noftle, Tracie
Cc: Christopher.Williams@CSE-CST.GC.CA; [REDACTED] Lindblad, Anabel; O'Nions, Christine s.15(1) - Subv
Subject: RCMP IMSI media briefing
Importance: High

Hi Chris and Tracie,

RCMP just advised me that they're planning a technical briefing for selected media on how the RCMP uses the ISMI catchers. It's not clear why they want to do it tomorrow. (!!!) This came as a surprise and I wanted to make sure you're aware. I'm heading to 4Cs and we can discuss there afterwards.

Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 5:25 PM
To: Beauchamp2, Geneviève (PS/SP)
Cc: Coates, Liza-Ann (PS/SP); Nguyen, Linda (PS/SP)
Subject: RE: Imsi lines

Back from 4C. Saw this and following up.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Beauchamp2, Geneviève (PS/SP)
Sent: Tuesday, April 04, 2017 4:14 PM
To: Baker3, Ryan (PS/SP)
Cc: Coates, Liza-Ann (PS/SP); Nguyen, Linda (PS/SP)
Subject: FW: Imsi lines
Importance: High

Ryan, would you please confirm that you have seen this?

Thanks!

Geneviève Beauchamp
Tel/ Tél : 613-949-2505



Canada

From: De Santis, Heather (PS/SP)
Sent: Tuesday, April 04, 2017 4:09 PM
To: Wherrett, Jill (PS/SP); Baker3, Ryan (PS/SP)
Subject: Imsi lines
Importance: High

DM needs an update ASAP pls. Wants to see the lines being used in the article that just came out. Tx

Sent from my BlackBerry 10 smartphone on the Rogers network.

s.15(1) - Subv

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 3:44 PM
To: 'Christiane.Fox@pco-bcp.gc.ca'; Noftle, Tracie (Tracie.Noftle@pco-bcp.gc.ca)
Cc: Christopher.Williams@CSE-CST.GC.CA; [REDACTED] Lindblad, Anabel
(Anabel.Lindblad@pco-bcp.gc.ca); O'Nions, Christine (Christine.O'Nions@pco-bcp.gc.ca)
Subject: RCMP IMSI media briefing
Importance: High

Hi Chris and Tracie,

RCMP just advised me that they're planning a technical briefing for selected media on how the RCMP uses the ISMI catchers. It's not clear why they want to do it tomorrow. (!!!) This came as a surprise and I wanted to make sure you're aware. I'm heading to 4Cs and we can discuss there afterwards.

Ryan

Ryan Baker .
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

Duval, Jean Paul (PS/SP)

From: Liam Gerofsky <Liam.Gerofsky@rcmp-grc.gc.ca>
Sent: Tuesday, April 04, 2017 2:47 PM
To: Gowing, Andrew (PS/SP); Baker3, Ryan (PS/SP); Harold Pfeiderer
Cc: Wilson, Ashleigh (PS/SP); Tomlinson, Jamie (PS/SP); Levert, Jean-Philippe (PS/SP); Duval, Jean Paul (PS/SP); MacLean, Megan (PS/SP); Annie Delisle; David Gilbert; jolene bradley Ext-PCH; Serge Therriault; Tania Vaughan
Subject: Re: For your awareness: [REDACTED] CBC, IMSI catchers

s.19(1)

thx for the heads-up.

>>> "Gowing, Andrew (PS/SP)" <andrew.gowing@canada.ca> 2017/04/04 2:27 PM >>>
Hi Harold

FYI, Minister Goodale confirmed in a scrum that the RCMP is investigating the incident, as the Commissioner confirmed to him.

Thanks
-Andrew

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Harold Pfeiderer
Sent: Tuesday, April 4, 2017 1:55 PM
To: Baker3, Ryan (PS/SP)
Cc: Gowing, Andrew (PS/SP); Wilson, Ashleigh (PS/SP); Tomlinson, Jamie (PS/SP); Levert, Jean-Philippe (PS/SP); Duval, Jean Paul (PS/SP); MacLean, Megan (PS/SP); Annie Delisle; David Gilbert; jolene bradley Ext-PCH; Liam Gerofsky; Serge Therriault; Tania Vaughan
Subject: For your awareness: [REDACTED] CBC, IMSI catchers

Good afternoon,

we had received a request from CBC, following their story on IMSI catchers, asking:

I'd like to know whether the RCMP has launched any kind of formal investigation or even informal inquiry in light of our reporting on IMSI catcher use in Ottawa.

Do you have any reason to believe that organized crime or foreign intelligence is using these devices in the national capital?

here is what we are responding with:

Generally, only in the event that an investigation results in the laying of criminal charges, would the RCMP confirm its investigation, the nature of any charges laid and the identity of the individual (s) involved.

Rgds
Harold

Duval, Jean Paul (PS/SP)

From: Bardsley, Scott (PS/SP)
Sent: Tuesday, April 04, 2017 2:23 PM
To: Gowing, Andrew (PS/SP); Baker3, Ryan (PS/SP); Berzel, Ruth (PS/SP); Brien, Dan (PS/SP); Duval, Jean Paul (PS/SP); Hurl, David (PS/SP); Milech, Michael (PS/SP); Peirce, Hilary (PS/SP); Pike, Cory (PS/SP); Tomlinson, Jamie (PS/SP)
Subject: Re: FYI - RCMP: [REDACTED] CBC, IMSI catchers
Importance: High

Please advise the RCMP that Minister Goodale confirmed in a scrum that the RCMP is investigating the incident, as the Commissioner confirmed to him.

Scott

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Gowing, Andrew (PS/SP)
Sent: Tuesday, April 4, 2017 1:56 PM
To: Baker3, Ryan (PS/SP); Bardsley, Scott (PS/SP); Berzel, Ruth (PS/SP); Brien, Dan (PS/SP); Duval, Jean Paul (PS/SP); Hurl, David (PS/SP); Milech, Michael (PS/SP); Peirce, Hilary (PS/SP); Pike, Cory (PS/SP); Tomlinson, Jamie (PS/SP)
Subject: FYI - RCMP: [REDACTED] CBC, IMSI catchers

s.19(1)

Good Afternoon

Please see below, a note from the RCMP related to a media call on IMSI catchers, and their response.

Thanks

-Andrew

From: Harold Pfeiderer [<mailto:harold.pfeiderer@rcmp-grc.gc.ca>]
Sent: Tuesday, April 04, 2017 1:55 PM
To: Baker3, Ryan (PS/SP)
Cc: Gowing, Andrew (PS/SP); Wilson, Ashleigh (PS/SP); Tomlinson, Jamie (PS/SP); Levert, Jean-Philippe (PS/SP); Duval, Jean Paul (PS/SP); MacLean, Megan (PS/SP); Annie Delisle; David Gilbert; jolene bradley Ext-PCH; Liam Gerofsky; Serge Therriault; Tania Vaughan
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Rgds
Harold

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MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 2:19 PM
To: Wherrett, Jill (PS/SP)
Cc: Nguyen, Linda (PS/SP)
Subject: RE: MLs

Still awaiting direction and lines from PCO. We were told they were going to provide them. I'll share as soon as I have them.

No new media calls so far.

Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Wherrett, Jill (PS/SP)
Sent: Tuesday, April 04, 2017 2:10 PM
To: Baker3, Ryan (PS/SP)
Cc: Nguyen, Linda (PS/SP)
Subject: Re: MLs

Hi - I am seeing the DM at 2:15. Any updates/lines? Thanks

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 4, 2017 11:24 AM
To: Wherrett, Jill (PS/SP)
Subject: RE: MLs

Hi Jill,

The call was cancelled, but Dan told me PCO has prepared lines on the issue that we should be receiving soon. I'll share them with RCMP, CSIS and CSE when I have them, as well as you for sharing with the DM.

Thanks,
Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750

Ryan.Baker3@canada.ca

From: Wherrett, Jill (PS/SP)
Sent: Tuesday, April 04, 2017 10:35 AM
To: Baker3, Ryan (PS/SP)
Subject: Re: MLs

Thanks. DM would like to see CSIS lines too (I showed him RCMP lines). Can you send them after the call, along with a debrief.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 4, 2017 10:13 AM
To: Wherrett, Jill (PS/SP)
Subject: RE: MLs

Hi Jill,

RCMP lines. Our call is happening at 10:30 a.m. Will brief you afterwards.

Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Wherrett, Jill (PS/SP)
Sent: Tuesday, April 04, 2017 10:09 AM
To: Baker3, Ryan (PS/SP)
Subject: RE: MLs

Thanks. Are these the RCMP lines, or our lines? Or are they one and the same?

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 10:01 AM
To: Wherrett, Jill (PS/SP)
Subject: MLs

Hi Jill,

These are these

Our government is committed to keeping Canadians safe while protecting rights and freedoms.

Under Section 191 of the Criminal Code it is illegal to import, manufacture or possess an IMSI Catcher without a license granted from Public Safety Canada.

Several such licenses have been granted to police forces.

The use of all technical investigative tools by the RCMP is governed by the law and the Charter and subject to judicial control.

Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met.

The RCMP must inform judges of the potential impact of investigative tools when seeking authorization, and use them in accordance with the limits set out by the court.

The Privacy Commissioner has indicated that he has launched an investigation in relation to certain investigative tools reportedly used by the RCMP, and I welcome that. The RCMP is cooperating fully with the Privacy Commissioner in this matter.

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Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 12:53 PM
To: Williams, Christopher R.; Fox, Christiane
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Follow Up Flag: Follow up
Flag Status: Completed

CSIS has come back with this recommendation, if it's not too late.

- The Government of Canada takes these allegations very seriously, whether the purported actions are conducted by individuals or foreign actors, and we will continue to investigate.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

-----Original Message-----

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 12:50 PM
To: 'Williams, Christopher R.'; Fox, Christiane
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

How about replacing "these actions" with "the illegal use of these devices"?

The Government of Canada takes the illegal use of these devices very seriously, whether they are conducted by individuals or foreign actors, and we have the tools to detect and pursue such activities.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

-----Original Message-----

From: Williams, Christopher R. [mailto:Christopher.Williams@CSE-CST.GC.CA]
Sent: Tuesday, April 04, 2017 12:46 PM
To: Baker3, Ryan (PS/SP); Fox, Christiane
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

I would just note that, hypothetically, there are scenarios where an IMSI catcher could be used legally by other non-federal law enforcement.....

Original Message

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 4, 2017 12:38 PM
To: Fox, Christiane; Williams, Christopher R.
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

RCMP and CSIS are fine with that message.

Ryan Baker

Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

-----Original Message-----

From: Fox, Christiane [mailto:Christiane.Fox@pco-bcp.gc.ca]
Sent: Tuesday, April 04, 2017 12:12 PM
To: Baker3, Ryan (PS/SP); 'Williams, Christopher R.'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

This is what we will go with unless there are objections:

The Government of Canada take these actions very seriously, whether they are conducted by individuals or foreign actors and we have the tools to detect and pursue such activities.

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 4, 2017 11:46 AM
To: Fox, Christiane; 'Williams, Christopher R.'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

CSIS is fine with it.

Will this morning's call be rescheduled. Would you like us to schedule one?

Ryan Baker

Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549

Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

-----Original Message-----

From: Fox, Christiane [mailto:Christiane.Fox@pco-bcp.gc.ca]
Sent: Tuesday, April 04, 2017 11:38 AM
To: Baker3, Ryan (PS/SP); 'Williams, Christopher R.'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

To address my Q below, could we say:

- The Government of Canada take these actions very seriously, whether they are conducted by individuals or foreign actions and we have systems in place to detect and pursue such activities.

Need a line on this before noon, can you confirm asap what we can say? Thanks.

-----Original Message-----

From: Fox, Christiane
Sent: April 4, 2017 10:27 AM
To: Baker3, Ryan (PS/SP); 'Williams, Christopher R.'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

Thanks. I will take a look. If not already included, can we include an "if pressed" on what we do to deter such activities by other actors, whether foreign actors or even Canadians engaged in this type of criminal activity?

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 4, 2017 8:57 AM
To: Fox, Christiane; 'Williams, Christopher R.'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

More extensive lines from RCMP.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

-----Original Message-----

From: Fox, Christiane [mailto:Christiane.Fox@pco-bcp.gc.ca]
Sent: Tuesday, April 04, 2017 7:28 AM
To: 'Williams, Christopher R.'; Baker3, Ryan (PS/SP)

Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Yes, we got this from PS MinO. Will set up a call for this morning:

- . Our government is committed to keeping Canadians safe while protecting rights and freedoms.
- . Under Section 191 of the Criminal Code it is illegal to import, manufacture or possess an IMSI Catcher without a license granted from Public Safety Canada.
- . Several such licenses have been granted to police forces.
- . The use of all technical investigative tools by the RCMP is governed by the law and the Charter and subject to judicial control.
- . Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met.
- . The RCMP must inform judges of the potential impact of investigative tools when seeking authorization, and use them in accordance with the limits set out by the court.
- . The Privacy Commissioner has indicated that he has launched an investigation in relation to certain investigative tools reportedly used by the RCMP, and I welcome that. The RCMP is cooperating fully with the Privacy Commissioner in this matter.

-----Original Message-----

From: Williams, Christopher R. [mailto:Christopher.Williams@CSE-CST.GC.CA]
Sent: April-04-17 07:15
To: Fox, Christiane; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

I should note that the other could of the NSA/Greta discussion is that we'd have to arm ministers (likely PS), to say something like:

- aware of the reports, and share concern.
- confirm the Canadian law enforcement and security agencies respect Canadian laws
- underscore the importance of appropriate methods of communication.

Original Message

From: Fox, Christiane
Sent: Tuesday, April 4, 2017 7:02 AM
To: Williams, Christopher R.; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Thanks. Good to know.

PCO policy weighed in last night and feel that our lines are very empty of content or any denial. The worry is that it leaves doubt that it may be us when the essence of the media report (the experts advice) indicates that it is likely foreign agents.

We were able to be quite clear on the surveillance of journalists last year, not sure how this is different.

Preference would be to explain that activities of our organizations require legal authorities and are compliant with charter and that we are not behind activities reported.

We may be asked what we have done to prevent foreign actors from doing this and to that we could draft a line on countering spying efforts and efforts we make to sensitize govt institutions on vulnerability of exchanging sensitive information in a non-encrypted way.

Chris, I believe NSA was in touch with Greta on this point. Can you check in with her and see?

-----Original Message-----

From: Williams, Christopher R. [mailto:Christopher.Williams@CSE-CST.GC.CA]
Sent: April-03-17 22:31
To: Fox, Christiane; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

PS - I forgot to note earlier, Scott Jones our ADM for IT security will be in front of the Senate Transportation committee tomorrow AM on the issue of driver-less cars of all things (RCMP will be there too). I'll be with him and will make sure he sticks to our message if asked (although the whole subject is really outside his lane).

Original Message

From: Fox, Christiane
Sent: Monday, April 3, 2017 9:40 PM
To: Williams, Christopher R.; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Ok, thanks Chris and thanks Ryan for CSIS info....

-----Original Message-----

From: Williams, Christopher R. [mailto:Christopher.Williams@CSE-CST.GC.CA]
Sent: April-03-17 21:40
To: Fox, Christiane; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

I know we've provided some context to S+I on the ops side, so I think/hope they have what they need.

Original Message

From: Fox, Christiane
Sent: Monday, April 3, 2017 9:36 PM
To: 'Baker3, Ryan (PS/SP)'; Williams, Christopher R.
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

OK, thanks. NSA asked me look into it and how much we can or want to say....keep me posted if things change...Chris

-----Original Message-----

From: Baker3, Ryan (PS/SP) [mailto:ryan.baker3@canada.ca]
Sent: April-03-17 21:34
To: Fox, Christiane; Williams, Christopher R.
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

Hi Chris,

I don't know that we can say that categorically. I've asked the question and will confirm an answer in the morning.

I agree with Chris W on sticking to our current lines as the safest approach.

Thanks,
Ryan

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750
Original Message
From: Fox, Christiane
Sent: Monday, April 3, 2017 9:17 PM
To: Williams, Christopher R.; Baker3, Ryan (PS/SP)
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Someone is spying on cellphones in the nation's capital

Hi Ryan and Chris.

I'm sure you have seen this report as it has been out for a few hours, not sure if my team was in touch but I'd like to know what we can say from a whole of Government perspective. I think CSE is clear in the article indicating that by law, they cannot conduct these activities but Ryan, have you had conversations on your end on how we respond to this tomorrow, will likely come up in QP. Can we be categorical on security agencies NOT being involved? This also has some implications on Min Gould's mandate letter, etc.
Please advise and thank you.

Chris

<http://www.cbc.ca/beta/news/politics/imsi-cellphones-spying-ottawa-1.4050049>

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 11:54 AM
To: Fox, Christiane; 'Williams, Christopher R.'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Follow Up Flag: Follow up
Flag Status: Completed

RCMP is fine with the line too.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
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Sent: April-03-17 21:40
To: Fox, Christiane; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

I know we've provided some context to S+I on the ops side, so I think/hope they have what they need.

Original Message

From: Fox, Christiane
Sent: Monday, April 3, 2017 9:36 PM
To: 'Baker3, Ryan (PS/SP)'; Williams, Christopher R.
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

OK, thanks. NSA asked me look into it and how much we can or want to say....keep me posted if things change...Chris

-----Original Message-----

From: Baker3, Ryan (PS/SP) [mailto:ryan.baker3@canada.ca]
Sent: April-03-17 21:34
To: Fox, Christiane; Williams, Christopher R.
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

Hi Chris,

I don't know that we can say that categorically. I've asked the question and will confirm an answer in the morning.

I agree with Chris W on sticking to our current lines as the safest approach.

Thanks,
Ryan

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750
Original Message
From: Fox, Christiane
Sent: Monday, April 3, 2017 9:17 PM
To: Williams, Christopher R.; Baker3, Ryan (PS/SP)
Cc: Nofle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Someone is spying on cellphones in the nation's capital

Hi Ryan and Chris.

I'm sure you have seen this report as it has been out for a few hours, not sure if my team was in touch but I'd like to know what we can say from a whole of Government perspective. I think CSE is clear in the article indicating that by law, they cannot conduct these activities but Ryan, have you had conversations on your end on how we respond to this tomorrow, will likely come up in QP. Can we be categorical on security agencies NOT being involved?

This also has some implications on Min Gould's mandate letter, etc.

Please advise and thank you.

Chris

<http://www.cbc.ca/beta/news/politics/imsi-cellphones-spying-ottawa-1.4050049>

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 11:53 AM
To: Liam Gerofsky
Cc: jolene bradley Ext-PCH; Melanie Roush; Nancy Sample; Serge Therriault
Subject: RE: Urgent - IMSI catcher story/lines

Follow Up Flag: Follow up
Flag Status: Completed

Thanks. Will keep you posted.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Liam Gerofsky [<mailto:Liam.Gerofsky@rcmp-grc.gc.ca>]
Sent: Tuesday, April 04, 2017 11:53 AM
To: Baker3, Ryan (PS/SP)
Cc: jolene bradley Ext-PCH; Melanie Roush; Nancy Sample; Serge Therriault
Subject: RE: Urgent - IMSI catcher story/lines

No concerns.

>>> "Baker3, Ryan (PS/SP)" <ryan.baker3@canada.ca> 2017/04/04 11:48 AM >>>

Hi Liam,

Is RCMP comfortable with this line? I assume so but want to confirm. PCO needs to know by noon. Sorry for the short notice.

- The Government of Canada takes these actions very seriously, whether they are conducted by individuals or foreign actors, and we have systems in place to detect and pursue such activities.

Thanks,

Ryan

Ryan Baker

Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Liam Gerofsky [<mailto:Liam.Gerofsky@rcmp-grc.gc.ca>]
Sent: Tuesday, April 04, 2017 10:33 AM
To: Baker3, Ryan (PS/SP)
Cc: Magee, Heather (PS/SP); Duval, Jean Paul (PS/SP); jolene bradley Ext-PCH; Melanie Roush; Nancy Sample; Serge Therriault
Subject: Re: Urgent - IMSI catcher story/lines

Our policy centre has reviewed the lines you shared below and indicated that they are not accurate.

As stated earlier, our media lines to date have been:

- As Canada's national police force, the RCMP uses various technical investigative methods to lawfully obtain evidence in order to safeguard Canadians and conduct priority criminal investigations. The use of any investigative tools by the RCMP is governed by the Charter and subject to appropriate judicial processes. We generally do not comment on operations or, techniques used to gather evidence during investigations.

Discussions still happening around this issue. We will advise if our messaging/approach changes.

Liam

>>> "Baker3, Ryan (PS/SP)" <ryan.baker3@canada.ca> 2017/04/04 8:17 AM >>>

As discussed Jolene, here are the lines I received from PCO this morning. They originally came from Dan Brien.

Can you confirm these are the most current lines? They look it. Also, can you or someone on your team join us on a call with PCO at 9:30 this morning? I'll share the details when I get in shortly.

Our government is committed to keeping Canadians safe while protecting rights and freedoms.

. Under Section 191 of the Criminal Code it is illegal to import, manufacture or possess an IMSI Catcher without a license granted from Public Safety Canada.

. Several such licenses have been granted to police forces.

. The use of all technical investigative tools by the RCMP is governed by the law and the Charter and subject to judicial control.

. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met.

. The RCMP must inform judges of the potential impact of investigative tools when seeking authorization, and use them in accordance with the limits set out by the court.

. The Privacy Commissioner has indicated that he has launched an investigation in relation to certain investigative tools reportedly used by the RCMP, and I welcome that. The RCMP is cooperating fully with the Privacy Commissioner in this matter.

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 11:46 AM
To: Fox, Christiane; 'Williams, Christopher R.'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Follow Up Flag: Follow up
Flag Status: Completed

CSIS is fine with it.

Will this morning's call be rescheduled. Would you like us to schedule one?

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

-----Original Message-----

From: Fox, Christiane [mailto:Christiane.Fox@pco-bcp.gc.ca]
Sent: Tuesday, April 04, 2017 11:38 AM
To: Baker3, Ryan (PS/SP); 'Williams, Christopher R.'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

To address my Q below, could we say:

- The Government of Canada take these actions very seriously, whether they are conducted by individuals or foreign actions and we have systems in place to detect and pursue such activities.

Need a line on this before noon, can you confirm asap what we can say? Thanks.

-----Original Message-----

From: Fox, Christiane
Sent: April 4, 2017 10:27 AM
To: Baker3, Ryan (PS/SP); 'Williams, Christopher R.'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

Thanks. I will take a look. If not already included, can we include an "if pressed" on what we do to deter such activities by other actors, whether foreign actors or even Canadians engaged in this type of criminal activity?

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message
From: Baker3, Ryan (PS/SP)

Sent: Tuesday, April 4, 2017 8:57 AM
To: Fox, Christiane; 'Williams, Christopher R.'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

More extensive lines from RCMP.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

-----Original Message-----

From: Fox, Christiane [mailto:Christiane.Fox@pco-bcp.gc.ca]
Sent: Tuesday, April 04, 2017 7:28 AM
To: 'Williams, Christopher R.'; Baker3, Ryan (PS/SP)
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Yes, we got this from PS MinO. Will set up a call for this morning:

- . Our government is committed to keeping Canadians safe while protecting rights and freedoms.
- . Under Section 191 of the Criminal Code it is illegal to import, manufacture or possess an IMSI Catcher without a license granted from Public Safety Canada.
- . Several such licenses have been granted to police forces.
- . The use of all technical investigative tools by the RCMP is governed by the law and the Charter and subject to judicial control.
- . Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met.
- . The RCMP must inform judges of the potential impact of investigative tools when seeking authorization, and use them in accordance with the limits set out by the court.
- . The Privacy Commissioner has indicated that he has launched an investigation in relation to certain investigative tools reportedly used by the RCMP, and I welcome that. The RCMP is cooperating fully with the Privacy Commissioner in this matter.

-----Original Message-----

From: Williams, Christopher R. [mailto:Christopher.Williams@CSE-CST.GC.CA]
Sent: April-04-17 07:15
To: Fox, Christiane; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

I should note that the other could of the NSA/Greta discussion is that we'd have to arm ministers (likely PS), to say something like:

- aware of the reports, and share concern.
- confirm the Canadian law enforcement and security agencies respect Canadian laws
- underscore the importance of appropriate methods of communication.

Original Message

From: Fox, Christiane
Sent: Tuesday, April 4, 2017 7:02 AM
To: Williams, Christopher R.; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Thanks. Good to know.

PCO policy weighed in last night and feel that our lines are very empty of content or any denial. The worry is that it leaves doubt that it may be us when the essence of the media report (the experts advice) indicates that it is likely foreign agents.

We were able to be quite clear on the surveillance of journalists last year, not sure how this is different.

Preference would be to explain that activities of our organizations require legal authorities and are compliant with charter and that we are not behind activities reported.

We may be asked what we have done to prevent foreign actors from doing this and to that we could draft a line on countering spying efforts and efforts we make to sensitize govt institutions on vulnerability of exchanging sensitive information in a non-encrypted way.

Chris, I believe NSA was in touch with Greta on this point. Can you check in with her and see?

-----Original Message-----

From: Williams, Christopher R. [mailto:Christopher.Williams@CSE-CST.GC.CA]
Sent: April-03-17 22:31
To: Fox, Christiane; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

PS - I forgot to note earlier, Scott Jones our ADM for IT security will be in front of the Senate Transportation committee tomorrow AM on the issue of driver-less cars of all things (RCMP will be there too). I'll be with him and will make sure he sticks to our message if asked (although the whole subject is really outside his lane).

Original Message

From: Fox, Christiane
Sent: Monday, April 3, 2017 9:40 PM
To: Williams, Christopher R.; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Ok, thanks Chris and thanks Ryan for CSIS info....

-----Original Message-----

From: Williams, Christopher R. [mailto:Christopher.Williams@CSE-CST.GC.CA]
Sent: April-03-17 21:40
To: Fox, Christiane; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

I know we've provided some context to S+I on the ops side, so I think/hope they have what they need.

Original Message

From: Fox, Christiane
Sent: Monday, April 3, 2017 9:36 PM
To: 'Baker3, Ryan (PS/SP)'; Williams, Christopher R.
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

OK, thanks. NSA asked me look into it and how much we can or want to say....keep me posted if things change...Chris

-----Original Message-----

From: Baker3, Ryan (PS/SP) [mailto:ryan.baker3@canada.ca]
Sent: April-03-17 21:34
To: Fox, Christiane; Williams, Christopher R.
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

Hi Chris,

I don't know that we can say that categorically. I've asked the question and will confirm an answer in the morning.

I agree with Chris W on sticking to our current lines as the safest approach.

Thanks,
Ryan

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

Original Message

From: Fox, Christiane
Sent: Monday, April 3, 2017 9:17 PM
To: Williams, Christopher R.; Baker3, Ryan (PS/SP)
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Someone is spying on cellphones in the nation's capital

Hi Ryan and Chris.

I'm sure you have seen this report as it has been out for a few hours, not sure if my team was in touch but I'd like to know what we can say from a whole of Government perspective. I think CSE is clear in the article indicating that by law,

they cannot conduct these activities but Ryan, have you had conversations on your end on how we respond to this tomorrow, will likely come up in QP. Can we be categorical on security agencies NOT being involved?

This also has some implications on Min Gould's mandate letter, etc.

Please advise and thank you.

Chris

<http://www.cbc.ca/beta/news/politics/imsi-cellphones-spying-ottawa-1.4050049>

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 11:25 AM
To: Wherrett, Jill (PS/SP)
Subject: RE: MLs

Follow Up Flag: Follow up
Flag Status: Completed

Hi Jill,

The call was cancelled, but Dan told me PCO has prepared lines on the issue that we should be receiving soon. I'll share them with RCMP, CSIS and CSE when I have them, as well as you for sharing with the DM.

Thanks,
Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Wherrett, Jill (PS/SP)
Sent: Tuesday, April 04, 2017 10:35 AM
To: Baker3, Ryan (PS/SP)
Subject: Re: MLs

Thanks. DM would like to see CSIS lines too (I showed him RCMP lines). Can you send them after the call, along with a debrief.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 4, 2017 10:13 AM
To: Wherrett, Jill (PS/SP)
Subject: RE: MLs

Hi Jill,

RCMP lines. Our call is happening at 10:30 a.m. Will brief you afterwards.

Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549

Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Wherrett, Jill (PS/SP)
Sent: Tuesday, April 04, 2017 10:09 AM
To: Baker3, Ryan (PS/SP)
Subject: RE: MLs

Thanks. Are these the RCMP lines, or our lines? Or are they one and the same?

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 10:01 AM
To: Wherrett, Jill (PS/SP)
Subject: MLs

Hi Jill,

These are these

- . Our government is committed to keeping Canadians safe while protecting rights and freedoms.
- . Under Section 191 of the Criminal Code it is illegal to import, manufacture or possess an IMSI Catcher without a license granted from Public Safety Canada.
- . Several such licenses have been granted to police forces.
- . The use of all technical investigative tools by the RCMP is governed by the law and the Charter and subject to judicial control.
- . Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met.
- . The RCMP must inform judges of the potential impact of investigative tools when seeking authorization, and use them in accordance with the limits set out by the court.
- . The Privacy Commissioner has indicated that he has launched an investigation in relation to certain investigative tools reportedly used by the RCMP, and I welcome that. The RCMP is cooperating fully with the Privacy Commissioner in this matter.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

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MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 11:08 AM
To: Wherrett, Jill (PS/SP)
Subject: RE: MLs

Follow Up Flag: Follow up
Flag Status: Completed

Will do.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Wherrett, Jill (PS/SP)
Sent: Tuesday, April 04, 2017 10:35 AM
To: Baker3, Ryan (PS/SP)
Subject: Re: MLs

Thanks. DM would like to see CSIS lines too (I showed him RCMP lines). Can you send them after the call, along with a debrief.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 4, 2017 10:13 AM
To: Wherrett, Jill (PS/SP)
Subject: RE: MLs

Hi Jill,

RCMP lines. Our call is happening at 10:30 a.m. Will brief you afterwards.

Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

From: Wherrett, Jill (PS/SP)
Sent: Tuesday, April 04, 2017 10:09 AM

To: Baker3, Ryan (PS/SP)
Subject: RE: MLs

Thanks. Are these the RCMP lines, or our lines? Or are they one and the same?

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 10:01 AM
To: Wherrett, Jill (PS/SP)
Subject: MLs

Hi Jill,

These are these

- . Our government is committed to keeping Canadians safe while protecting rights and freedoms.
- . Under Section 191 of the Criminal Code it is illegal to import, manufacture or possess an IMSI Catcher without a license granted from Public Safety Canada.
- . Several such licenses have been granted to police forces.
- . The use of all technical investigative tools by the RCMP is governed by the law and the Charter and subject to judicial control.
- . Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met.
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Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

Duval, Jean Paul (PS/SP)

From: Duval, Jean Paul (PS/SP)
Sent: Tuesday, April 04, 2017 10:05 AM
To: Gowing, Andrew (PS/SP)
Cc: Baker3, Ryan (PS/SP)
Subject: RE: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

We will be discussing this topic with a few partners this morning. I'll be sure to update you on the latest lines/developments.

JP Duval
613-949-9741
Cell: 613-301-4280
JeanPaul.Duval@Canada.ca

From: Gowing, Andrew (PS/SP)
Sent: Tuesday, April 04, 2017 10:03 AM
To: Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP)
Subject: Fw: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

Good Morning

Is Strategic Comms engaged on this request? We shared high-level holding lines with MO last week and again yesterday related to IMSI devices, but they don't address what Dan is looking for below.

Thanks
-Andrew

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Baker3, Ryan (PS/SP) <ryan.baker3@canada.ca>
Sent: Monday, April 3, 2017 6:32 PM
To: Brien, Dan (PS/SP); Media Relations / Relations avec les médias (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
Cc: Bardsley, Scott (PS/SP); Hurl, David (PS/SP)
Subject: Re: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

Hi Dan,

We'll see what we have, and coordinate with RCMP, CSIS and CSEC first thing.

Ryan

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

From: Brien, Dan (PS/SP)
Sent: Monday, April 3, 2017 5:33 PM
To: Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
Cc: Bardsley, Scott (PS/SP); Hurl, David (PS/SP)
Subject: FW: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

Do we have lines on this?

Many possible questions about rules on approval and use, or possible use by others.

I have no calls yet, but based on the recent ATIP, could we include this in the call for lines? From either a regulatory, policing, or national security perspective.

Thanks

d

From: PSPMediaCentre / CentredesmediasPSP (PS/SP)
Sent: Monday, April 03, 2017 5:20 PM
To: Today's News / Actualités (PS/SP)
Subject: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

CBC Investigates - Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

CBC News

Catherine Cullen, Brigitte Bureau
2017-04-03, 17:00 ET

A months-long CBC News/Radio-Canada investigation has revealed that someone is using devices that track and spy on cellphones in the area around Parliament Hill.

The devices are known as IMSI catchers and have been used by Canadian police and security authorities, foreign intelligence and even organized crime.

The devices, sometimes known by the brand name of one model, StingRay, work by mimicking a cellphone tower to interact with nearby phones and read the unique ID associated with the phone — the International Mobile Subscriber Identity, or IMSI.

That number can then be used to track the phone and by extension the phone's user. In some instances, IMSI catchers can even be used to gain access to a phone's text messages and listen in on calls.

At the heart of Canadian government

To do the investigation, our journalists used a device that detects IMSI catchers created by the German company GSMK. While it looks like a regular cellphone, the CryptoPhone emits an alert when a fake cellphone antenna intercepts its signal.

Media in the United States, Norway and Australia have done similar tests, but this is the first time it's been used by a media outlet in Canada.

During tests in December and January, the CryptoPhone set off alerts at locations around Parliament Hill, including the nearby Byward Market, the Rideau Centre shopping mall and CBC offices in downtown Ottawa.

Because IMSI catchers have a radius of about half a kilometre in an urban setting, the IMSI catchers CBC detected could reach territory including Parliament Hill, the Prime Minister's Office in Langevin Block, National Defence headquarters, as well as the U.S. and Israeli embassies.

We then used even more sophisticated equipment called an Overwatch Sensor that confirmed the presence of an IMSI catcher close to Parliament Hill.

Who is behind it?

We wanted to know more about who might be using the IMSI catcher or catchers that we detected, so we asked the U.S. supplier of the CryptoPhone to analyze the alerts we were getting.

ESD America specializes in counterintelligence and its clients include U.S. Homeland Security.

"Consistently you've been seeing IMSI catcher activity, definitely," said CEO and co-founder Les Goldsmith, when we took our results to the company's Las Vegas office.

We described the part of the city in which we detected the IMSI catchers — full of politicians, political staffers and civil servants.

"Somebody could be listening to calls right now and [the phone owners] have no idea," he said.

As for who might be behind it, Goldsmith says IMSI catchers are used by law enforcement, federal agencies as well as organized crime and foreign intelligence.

Based on the configurations suggested by CBC's results, he believes the IMSI catchers detected in Ottawa could be foreign made.

"We're seeing more IMSI catchers with different configurations and we can build a signature. So we're seeing IMSI catchers that are more likely Chinese, Russian, Israeli and so forth," he said.

Foreign spies?

We also showed our results to an expert in Canadian security.

He knows a lot about IMSI catchers and comes from a Canadian security agency. We agreed to conceal his identity in order not to jeopardize that security work.

The expert found the results of our investigation disturbing.

"That an MP or a person who works on Parliament Hill could be exposed, that they could be a victim of this type of attack— it undermines our sovereignty," he said.

Based on his experience, he sees two very different potential explanations for the results. One domestic, the other foreign.

He said Russia has used IMSI catchers in Canada before.

"We learned that Russian intelligence was parked near CSIS with equipment on board to do IMSI catching. After X number of days or weeks, they're capable of identifying the IMSI numbers that belong to intelligence officers because the phones were spending eight hours a day in the same spot."

He said when the Russians would do their next clandestine operation, they would use an IMSI catcher to see if any of the numbers associated with Canadian intelligence were nearby. If there were, they would call off the operation.

The Russian embassy rejects any allegation that Russians have used IMSI catchers in Ottawa.

"Any suggestions as to that kind of activities are bogus and baseless," said an embassy spokesperson.

A representative from the Chinese embassy told us it was "not only unreasonable but even irresponsible" to suggest that country would be involved in the activity.

Israel said it had no knowledge of the issue, and the United States declined to comment.

Canadian spies?

Our security expert suggested the IMSI catchers we saw might be the work of a domestic agency, like Canada's electronic spy agency, the Communication Security Establishment.

"One possibility is that the Communications Security Establishment has been mandated to monitor the network for protection purposes, in a defensive way," he said.

CSE said it's not allowed to do that.

"To be clear, by law, CSE is not permitted to direct its activities at Canadians anywhere or at anyone in Canada," a spokesperson said in a statement, adding that CSE respects the law.

Police use of IMSI catchers

Last June it was revealed the RCMP uses IMSI catchers in its work. A Quebec Superior Court lifted a publication ban to reveal police were using the technology as part of an investigation into the 2011 death of Salvatore (Sal the Ironworker) Montagna, a high-ranking member of a New York crime family killed outside Montreal.

Court documents show the RCMP:

- Purchased its first IMSI catcher in 2005
- Has used IMSI catchers in numerous investigations
- Keeps information about the cellphones of ordinary Canadians detected in the course of some investigations
- Recognizes phones may be affected while an IMSI catcher is in use, including possible delays in reaching 911.

The documents also show the RCMP obtained court authorization to use the IMSI catcher, which the RCMP refer to as a mobile device interceptor, or MDI.

Recent court proceedings may also shed light on the degree to which police are reluctant to discuss their use of the devices. Last month, lawyers for the federal government issued stays of proceedings against three dozen suspects out of the nearly 50 people rounded up in an operation targeting the Montreal Mafia.

A Crown prosecutor told reporters one of the reasons was that evidence gathered by the RCMP raised "unprecedented legal questions," but declined to say more.

Some privacy experts believe the Crown is concerned about whether their use of IMSI catchers — including debates about how the data is collected — will hold up in court.

Municipal police forces use the technology as well. The Vancouver police have acknowledged they borrowed an RCMP IMSI catcher in 2007 and said they would use the technology again.

CBC News obtained documents showing that in 2016, Winnipeg police, Durham Regional Police, Ontario Provincial Police and the Canadian Security Intelligence Service had also gotten a license from federal public safety officials to purchase an IMSI catcher.

Who is using IMSI catchers in Ottawa?

We reached out to police, security agencies, embassies and the federal government to ask if they were involved in the IMSI catchers we detected.

The Department of National Defence said it had no knowledge of IMSI catchers being used on the dates we saw activity.

The Department of Public Safety, the Ottawa Police Service, the RCMP and CSIS all gave similar responses: They don't discuss specific investigative techniques but they do follow the law, respect the Charter of Rights and Freedoms and adhere to the appropriate judicial processes.

The detection of the devices is troubling to Teresa Scassa, Canada Research Chair in Information Law at the University of Ottawa.

Even if the technology is being used by public authorities, Scassa sees reason to be concerned.

She points to a lack of transparency if Canadians are only learning in 2017 that the RCMP has had an IMSI catcher since 2005.

She also said it's not clear whether the authorities always get a warrant. Even when they do, there are still questions about what happens to the information of other people caught up in the investigation, Scassa said.

"Is it destroyed? Is it retained? Is it used for other purposes? It's not always clear that warrants contain conditions that require something specific to be done with the information afterwards."

Given that many groups may have access to IMSI catchers, Scassa argues there is a lot more the government could be doing to protect Canadians' privacy.

She believes agencies who use IMSI catchers should be required to get a warrant whenever the devices are used, destroy information that is intercepted but not related to the investigation and to report to the privacy commissioner about some key pieces of information, like how often they are used and in what context.

We reached out to Public Safety, the Ottawa Police Service, the RCMP and CSIS. They all told us they do follow the law and adhere to the appropriate judicial processes.

Sent to: !!INTERNAL; !!INTERNAL 2; RCMP Breaking News

**Pages 191 to / à 196
are duplicates
sont des duplicatas**

Gowing, Andrew (PS/SP)

From: Gowing, Andrew (PS/SP)
Sent: Tuesday, April 04, 2017 2:27 PM
To: Harold Pfeleiderer; Baker3, Ryan (PS/SP)
Cc: Wilson, Ashleigh (PS/SP); Tomlinson, Jamie (PS/SP); Levert, Jean-Philippe (PS/SP); Duval, Jean Paul (PS/SP); MacLean, Megan (PS/SP); Annie Delisle; David Gilbert; jolene bradley Ext-PCH; Liam Gerofsky; Serge Therriault; Tania Vaughan
Subject: Re: For your awareness: [REDACTED] CBC, IMSI catchers

Hi Harold

FYI, Minister Goodale confirmed in a scrum that the RCMP is investigating the incident, as the Commissioner confirmed to him.

Thanks
-Andrew

s.19(1)

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Harold Pfeleiderer
Sent: Tuesday, April 4, 2017 1:55 PM
To: Baker3, Ryan (PS/SP)
Cc: Gowing, Andrew (PS/SP); Wilson, Ashleigh (PS/SP); Tomlinson, Jamie (PS/SP); Levert, Jean-Philippe (PS/SP); Duval, Jean Paul (PS/SP); MacLean, Megan (PS/SP); Annie Delisle; David Gilbert; jolene bradley Ext-PCH; Liam Gerofsky; Serge Therriault; Tania Vaughan
Subject: For your awareness: [REDACTED] CBC, IMSI catchers

Good afternoon,

we had received a request from CBC, following their story on IMSI catchers, asking:

I'd like to know whether the RCMP has launched any kind of formal investigation or even informal inquiry in light of our reporting on IMSI catcher use in Ottawa.

Do you have any reason to believe that organized crime or foreign intelligence is using these devices in the national capital?

here is what we are responding with:

Generally, only in the event that an investigation results in the laying of criminal charges, would the RCMP confirm its investigation, the nature of any charges laid and the identity of the individual (s) involved.

Rgds
Harold

Gowing, Andrew (PS/SP)

From: Gowing, Andrew (PS/SP)
Sent: Wednesday, April 05, 2017 1:03 PM
To: Brien, Dan (PS/SP); Levert, Jean-Philippe (PS/SP); Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Martel, Karine (PS/SP)
Cc: Bardsley, Scott (PS/SP)
Subject: RE:
Attachments: Re: An IMSI question

s.21(1)(a)

Hi Dan

Thanks
-Andrew

From: Brien, Dan (PS/SP)
Sent: Wednesday, April 05, 2017 12:55 PM
To: Levert, Jean-Philippe (PS/SP); Brien, Dan (PS/SP); Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP)
Cc: Bardsley, Scott (PS/SP)
Subject: Re:

s.19(1)

Thanks.

dh mobile

From: Levert, Jean-Philippe (PS/SP)
Sent: Wednesday, April 5, 2017 12:48 PM
To: Brien, Dan (PS/SP); Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP)
Cc: Bardsley, Scott (PS/SP)
Subject: RE:

On it.
JP Levert

From: Brien, Dan (PS/SP)
Sent: Wednesday, April 05, 2017 12:47 PM
To: Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Levert, Jean-Philippe (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP)
Cc: Bardsley, Scott (PS/SP)
Subject:

s.19(1)

See question below from [REDACTED] (CBC)

Not sure if I sent the question about OPP and other police services earlier. Can we see if we can get an answer?

Thanks.

As for the other forces, if I am on air talking about the possibilities of who this might be, should I suggest police forces at other level are still one of those possibilities? Does your office know?

db mobile



**Pages 200 to / à 205
are duplicates
sont des duplicatas**

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 8:50 AM
To: Williams, Christopher R.; Fox, Christiane
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Follow Up Flag: Follow up
Flag Status: Completed

CSIS and RCMP comms will join us on the call.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

-----Original Message-----

From: Williams, Christopher R. [mailto:Christopher.Williams@CSE-CST.GC.CA]
Sent: Tuesday, April 04, 2017 8:25 AM
To: Baker3, Ryan (PS/SP); Fox, Christiane
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Classification: UNCLASSIFIED

For the call, I'll have to leave after 10 mins to run to the Senate (look at me ;-)). I'll stay on as long as I can.

-----Original Message-----

From: Baker3, Ryan (PS/SP) [mailto:ryan.baker3@canada.ca]
Sent: April-04-17 8:09 AM
To: Fox, Christiane; Williams, Christopher R.
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

I'll consult RCMP and CSIS to see if there's anything more we can say, but not sure we can or should.

Ryan

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

Original Message
From: Fox, Christiane
Sent: Tuesday, April 4, 2017 7:27 AM
To: 'Williams, Christopher R.'; Baker3, Ryan (PS/SP)

Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Yes, we got this from PS MinO. Will set up a call for this morning:

- . Our government is committed to keeping Canadians safe while protecting rights and freedoms.
- . Under Section 191 of the Criminal Code it is illegal to import, manufacture or possess an IMSI Catcher without a license granted from Public Safety Canada.
- . Several such licenses have been granted to police forces.
- . The use of all technical investigative tools by the RCMP is governed by the law and the Charter and subject to judicial control.
- . Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met.
- . The RCMP must inform judges of the potential impact of investigative tools when seeking authorization, and use them in accordance with the limits set out by the court.
- . The Privacy Commissioner has indicated that he has launched an investigation in relation to certain investigative tools reportedly used by the RCMP, and I welcome that. The RCMP is cooperating fully with the Privacy Commissioner in this matter.

-----Original Message-----

From: Williams, Christopher R. [mailto:Christopher.Williams@CSE-CST.GC.CA]
Sent: April-04-17 07:15
To: Fox, Christiane; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

I should note that the other could of the NSA/Greta discussion is that we'd have to arm ministers (likely PS), to say something like:

- aware of the reports, and share concern.
- confirm the Canadian law enforcement and security agencies respect Canadian laws
- underscore the importance of appropriate methods of communication.

Original Message

From: Fox, Christiane
Sent: Tuesday, April 4, 2017 7:02 AM
To: Williams, Christopher R.; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Thanks. Good to know.

PCO policy weighed in last night and feel that our lines are very empty of content or any denial. The worry is that it leaves doubt that it may be us when the essence of the media report (the experts advice) indicates that it is likely foreign agents.

We were able to be quite clear on the surveillance of journalists last year, not sure how this is different.

Preference would be to explain that activities of our organizations require legal authorities and are compliant with charter and that we are not behind activities reported.

We may be asked what we have done to prevent foreign actors from doing this and to that we could draft a line on countering spying efforts and efforts we make to sensitize govt institutions on vulnerability of exchanging sensitive information in a non-encrypted way.

Chris, I believe NSA was in touch with Greta on this point. Can you check in with her and see?

-----Original Message-----

From: Williams, Christopher R. [mailto:Christopher.Williams@CSE-CST.GC.CA]
Sent: April-03-17 22:31
To: Fox, Christiane; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

PS - I forgot to note earlier, Scott Jones our ADM for IT security will be in front of the Senate Transportation committee tomorrow AM on the issue of driver-less cars of all things (RCMP will be there too). I'll be with him and will make sure he sticks to our message if asked (although the whole subject is really outside his lane).

Original Message

From: Fox, Christiane
Sent: Monday, April 3, 2017 9:40 PM
To: Williams, Christopher R.; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

Ok, thanks Chris and thanks Ryan for CSIS info....

-----Original Message-----

From: Williams, Christopher R. [mailto:Christopher.Williams@CSE-CST.GC.CA]
Sent: April-03-17 21:40
To: Fox, Christiane; 'Baker3, Ryan (PS/SP)'
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

I know we've provided some context to S+I on the ops side, so I think/hope they have what they need.

Original Message

From: Fox, Christiane
Sent: Monday, April 3, 2017 9:36 PM
To: 'Baker3, Ryan (PS/SP)'; Williams, Christopher R.

Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

OK, thanks. NSA asked me look into it and how much we can or want to say....keep me posted if things change...Chris

-----Original Message-----

From: Baker3, Ryan (PS/SP) [mailto:ryan.baker3@canada.ca]
Sent: April-03-17 21:34
To: Fox, Christiane; Williams, Christopher R.
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

Hi Chris,

I don't know that we can say that categorically. I've asked the question and will confirm an answer in the morning.

I agree with Chris W on sticking to our current lines as the safest approach.

Thanks,
Ryan

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

Original Message

From: Fox, Christiane
Sent: Monday, April 3, 2017 9:17 PM
To: Williams, Christopher R.; Baker3, Ryan (PS/SP)
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Someone is spying on cellphones in the nation's capital

Hi Ryan and Chris.

I'm sure you have seen this report as it has been out for a few hours, not sure if my team was in touch but I'd like to know what we can say from a whole of Government perspective. I think CSE is clear in the article indicating that by law, they cannot conduct these activities but Ryan, have you had conversations on your end on how we respond to this tomorrow, will likely come up in QP. Can we be categorical on security agencies NOT being involved?

This also has some implications on Min Gould's mandate letter, etc.

Please advise and thank you.

Chris

<http://www.cbc.ca/beta/news/politics/imsi-cellphones-spying-ottawa-1.4050049>

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 8:36 AM
To: jolene bradley Ext-PCH; Liam Gerofsky
Subject: Dial in for PCO call

Follow Up Flag: Follow up
Flag Status: Completed

Hi Jolene and Liam,

Here are the numbers for the 9:30 call on IMSI catchers.

[redacted] passcode: [redacted]

s.19(1)

Thanks,
Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

s.15(1) - Subv

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 8:24 AM
To: [REDACTED]
Cc: Magee, Heather (PS/SP); Duval, Jean Paul (PS/SP)
Subject: IMSI lines

Follow Up Flag: Follow up
Flag Status: Completed

Hi [REDACTED],

Further to my BBM, here are the draft lines from MO that I'm validating with RCMP.

Our government is committed to keeping Canadians safe while protecting rights and freedoms.

. Under Section 191 of the Criminal Code it is illegal to import, manufacture or possess an IMSI Catcher without a license granted from Public Safety Canada.

. Several such licenses have been granted to police forces.

. The use of all technical investigative tools by the RCMP is governed by the law and the Charter and subject to judicial control.

. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met.

. The RCMP must inform judges of the potential impact of investigative tools when seeking authorization, and use them in accordance with the limits set out by the court.

. The Privacy Commissioner has indicated that he has launched an investigation in relation to certain investigative tools reportedly used by the RCMP, and I welcome that. The RCMP is cooperating fully with the Privacy Commissioner in this matter.

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

Sayarh, Omar (PS/SP)

From: Comms ATIP / AIPRP (PS/SP) s.15(1) - Subv
Subject: BBM for ATIP s.21(1)(a)
s.21(1)(b)

4/3/17 8:25 PM - [REDACTED] Hey, I'm not receiving any emails from outside the Service it appears. I sent you and others a note tonight - did you respond? I'm not getting anything, including media monitoring.

4/3/17 9:08 PM - Ryan Baker: Yeah, sent you the story.

4/3/17 9:09 PM - [REDACTED]: Weird, must be on my end. Thanks.

4/3/17 9:10 PM - Ryan Baker: Let's connect our teams tomorrow to coordinate lines on the cell catcher things. Did you work anything out with Serge at RCMP?

4/3/17 9:10 PM - Ryan Baker: Dan's asking for lines on rules for use for criminal and NS contexts.

4/3/17 9:11 PM - Ryan Baker: I know we don't normally communicate that stuff beyond referencing the code and charter. That might be okay, but Dan might push for more depending how the story goes.

4/3/17 9:11 PM - Ryan Baker: You saw this one coming.

4/3/17 9:12 PM - [REDACTED]: I think it status quo at the moment in terms of each agency's response. [REDACTED]

4/3/17 9:14 PM - Ryan Baker: Okay, let's trade lines in the morning. CSE has a response too. I can pass the lot to Dan with context.

4/3/17 9:29 PM - Ryan Baker: Hey, sorry to bother you again, Chris Fox is asking if we can be categorical [REDACTED]

4/3/17 9:34 PM - Ryan Baker: I assume you can't be categorical and we should stick to existing lines, but please confirm.

4/3/17 9:35 PM - [REDACTED] We can not be categorical.

4/3/17 9:36 PM - [REDACTED]

4/3/17 9:37 PM - Ryan Baker: Okay, thanks.

4/4/17 8:21 AM - Ryan Baker: Hey [REDACTED] can you join me, RCMP, CSEC and PCO on a call at 9:30 about this? Chris Fox has convened it. I'll share the details in a few minutes.

4/4/17 8:31 AM - [REDACTED] Sure, no problem.

4/4/17 11:22 AM - Ryan Baker: PMO has prepared messages, apparently. They don't go into any detail. I'll share as soon as I have them.

4/4/17 11:23 AM - [REDACTED]: OK, thx. Just spoke w/ [REDACTED]

4/4/17 11:24 AM - Ryan Baker: Yes, we spoke and she sent the concerns.

4/4/17 11:24 AM - [REDACTED]

4/4/17 11:27 AM - [REDACTED] Do we get to see these PMO lines before they are delivered? Is the PM somewhere public aside from QP today?

4/4/17 11:31 AM - Ryan Baker: Don't know. Trying to get Tracie on the phone.

4/4/17 12:58 PM [REDACTED] Sorry, there were strong feelings about changing that one line. I've sent recommended changes.

Thanks,
Ryan

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, April 04, 2017 8:17 AM
To: jolene bradley Ext-PCH; Liam Gerofsky
Cc: Magee, Heather (PS/SP); Duval, Jean Paul (PS/SP); Serge Therriault
Subject: Urgent - IMSI catcher story/lines

Follow Up Flag: Follow up
Flag Status: Completed

As discussed Jolene, here are the lines I received from PCO this morning. They originally came from Dan Brien.

Can you confirm these are the most current lines? They look it. Also, can you or someone on your team join us on a call with PCO at 9:30 this morning? I'll share the details when I get in shortly.

Our government is committed to keeping Canadians safe while protecting rights and freedoms.

. Under Section 191 of the Criminal Code it is illegal to import, manufacture or possess an IMSI Catcher without a license granted from Public Safety Canada.

. Several such licenses have been granted to police forces.

. The use of all technical investigative tools by the RCMP is governed by the law and the Charter and subject to judicial control.

. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met.

. The RCMP must inform judges of the potential impact of investigative tools when seeking authorization, and use them in accordance with the limits set out by the court.

. The Privacy Commissioner has indicated that he has launched an investigation in relation to certain investigative tools reportedly used by the RCMP, and I welcome that. The RCMP is cooperating fully with the Privacy Commissioner in this matter.

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

Duval, Jean Paul (PS/SP)

From: Brien, Dan (PS/SP)
Sent: Monday, April 03, 2017 6:42 PM
To: Baker3, Ryan (PS/SP); Media Relations / Relations avec les médias (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
Cc: Bardsley, Scott (PS/SP); Hurl, David (PS/SP)
Subject: RE: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

Thanks.

From: Baker3, Ryan (PS/SP)
Sent: Monday, April 03, 2017 6:32 PM
To: Brien, Dan (PS/SP); Media Relations / Relations avec les médias (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
Cc: Bardsley, Scott (PS/SP); Hurl, David (PS/SP)
Subject: Re: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

Hi Dan,

We'll see what we have, and coordinate with RCMP, CSIS and CSEC first thing.

Ryan

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

From: Brien, Dan (PS/SP)
Sent: Monday, April 3, 2017 5:33 PM
To: Media Relations / Relations avec les médias (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
Cc: Bardsley, Scott (PS/SP); Hurl, David (PS/SP)
Subject: FW: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

Do we have lines on this?

Many possible questions about rules on approval and use, or possible use by others.

I have no calls yet, but based on the recent ATIP, could we include this in the call for lines? From either a regulatory, policing, or national security perspective.

Thanks

d

From: PSPMediaCentre / CentredesmediasPSP (PS/SP)

Sent: Monday, April 03, 2017 5:20 PM

To: Today's News / Actualités (PS/SP)

Subject: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

CBC Investigates - Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

CBC News

Catherine Cullen, Brigitte Bureau

2017-04-03, 17:00 ET

A months-long CBC News/Radio-Canada investigation has revealed that someone is using devices that track and spy on cellphones in the area around Parliament Hill.

The devices are known as IMSI catchers and have been used by Canadian police and security authorities, foreign intelligence and even organized crime.

The devices, sometimes known by the brand name of one model, StingRay, work by mimicking a cellphone tower to interact with nearby phones and read the unique ID associated with the phone — the International Mobile Subscriber Identity, or IMSI.

That number can then be used to track the phone and by extension the phone's user. In some instances, IMSI catchers can even be used to gain access to a phone's text messages and listen in on calls.

At the heart of Canadian government

To do the investigation, our journalists used a device that detects IMSI catchers created by the German company GSMK. While it looks like a regular cellphone, the CryptoPhone emits an alert when a fake cellphone antenna intercepts its signal.

Media in the United States, Norway and Australia have done similar tests, but this is the first time it's been used by a media outlet in Canada.

During tests in December and January, the CryptoPhone set off alerts at locations around Parliament Hill, including the nearby Byward Market, the Rideau Centre shopping mall and CBC offices in downtown Ottawa.

Because IMSI catchers have a radius of about half a kilometre in an urban setting, the IMSI catchers CBC detected could reach territory including Parliament Hill, the Prime Minister's Office in Langevin Block, National Defence headquarters, as well as the U.S. and Israeli embassies.

We then used even more sophisticated equipment called an Overwatch Sensor that confirmed the presence of an IMSI catcher close to Parliament Hill.

Who is behind it?

We wanted to know more about who might be using the IMSI catcher or catchers that we detected, so we asked the U.S. supplier of the CryptoPhone to analyze the alerts we were getting.

ESD America specializes in counterintelligence and its clients include U.S. Homeland Security.

"Consistently you've been seeing IMSI catcher activity, definitely," said CEO and co-founder Les Goldsmith, when we took our results to the company's Las Vegas office.

We described the part of the city in which we detected the IMSI catchers — full of politicians, political staffers and civil servants.

"Somebody could be listening to calls right now and [the phone owners] have no idea," he said.

As for who might be behind it, Goldsmith says IMSI catchers are used by law enforcement, federal agencies as well as organized crime and foreign intelligence.

Based on the configurations suggested by CBC's results, he believes the IMSI catchers detected in Ottawa could be foreign made.

"We're seeing more IMSI catchers with different configurations and we can build a signature. So we're seeing IMSI catchers that are more likely Chinese, Russian, Israeli and so forth," he said.

Foreign spies?

We also showed our results to an expert in Canadian security.

He knows a lot about IMSI catchers and comes from a Canadian security agency. We agreed to conceal his identity in order not to jeopardize that security work.

The expert found the results of our investigation disturbing.

"That an MP or a person who works on Parliament Hill could be exposed, that they could be a victim of this type of attack— it undermines our sovereignty," he said.

Based on his experience, he sees two very different potential explanations for the results. One domestic, the other foreign.

He said Russia has used IMSI catchers in Canada before.

"We learned that Russian intelligence was parked near CSIS with equipment on board to do IMSI catching. After X number of days or weeks, they're capable of identifying the IMSI numbers that belong to intelligence officers because the phones were spending eight hours a day in the same spot."

He said when the Russians would do their next clandestine operation, they would use an IMSI catcher to see if any of the numbers associated with Canadian intelligence were nearby. If there were, they would call off the operation.

The Russian embassy rejects any allegation that Russians have used IMSI catchers in Ottawa.

"Any suggestions as to that kind of activities are bogus and baseless," said an embassy spokesperson.

A representative from the Chinese embassy told us it was "not only unreasonable but even irresponsible" to suggest that country would be involved in the activity.

Israel said it had no knowledge of the issue, and the United States declined to comment.

Canadian spies?

Our security expert suggested the IMSI catchers we saw might be the work of a domestic agency, like Canada's electronic spy agency, the Communication Security Establishment.

"One possibility is that the Communications Security Establishment has been mandated to monitor the network for protection purposes, in a defensive way," he said.

CSE said it's not allowed to do that.

"To be clear, by law, CSE is not permitted to direct its activities at Canadians anywhere or at anyone in Canada," a spokesperson said in a statement, adding that CSE respects the law.

Police use of IMSI catchers

Last June it was revealed the RCMP uses IMSI catchers in its work. A Quebec Superior Court lifted a publication ban to reveal police were using the technology as part of an investigation into the 2011 death of Salvatore (Sal the Ironworker) Montagna, a high-ranking member of a New York crime family killed outside Montreal.

Court documents show the RCMP:

- Purchased its first IMSI catcher in 2005
- Has used IMSI catchers in numerous investigations
- Keeps information about the cellphones of ordinary Canadians detected in the course of some investigations
- Recognizes phones may be affected while an IMSI catcher is in use, including possible delays in reaching 911.

The documents also show the RCMP obtained court authorization to use the IMSI catcher, which the RCMP refer to as a mobile device interceptor, or MDI.

Recent court proceedings may also shed light on the degree to which police are reluctant to discuss their use of the devices. Last month, lawyers for the federal government issued stays of proceedings against three dozen suspects out of the nearly 50 people rounded up in an operation targeting the Montreal Mafia.

A Crown prosecutor told reporters one of the reasons was that evidence gathered by the RCMP raised "unprecedented legal questions," but declined to say more.

Some privacy experts believe the Crown is concerned about whether their use of IMSI catchers — including debates about how the data is collected — will hold up in court.

Municipal police forces use the technology as well. The Vancouver police have acknowledged they borrowed an RCMP IMSI catcher in 2007 and said they would use the technology again.

CBC News obtained documents showing that in 2016, Winnipeg police, Durham Regional Police, Ontario Provincial Police and the Canadian Security Intelligence Service had also gotten a license from federal public safety officials to purchase an IMSI catcher.

Who is using IMSI catchers in Ottawa?

We reached out to police, security agencies, embassies and the federal government to ask if they were involved in the IMSI catchers we detected.

The Department of National Defence said it had no knowledge of IMSI catchers being used on the dates we saw activity.

The Department of Public Safety, the Ottawa Police Service, the RCMP and CSIS all gave similar responses: They don't discuss specific investigative techniques but they do follow the law, respect the Charter of Rights and Freedoms and adhere to the appropriate judicial processes.

The detection of the devices is troubling to Teresa Scassa, Canada Research Chair in Information Law at the University of Ottawa.

Even if the technology is being used by public authorities, Scassa sees reason to be concerned.

She points to a lack of transparency if Canadians are only learning in 2017 that the RCMP has had an IMSI catcher since 2005.

She also said it's not clear whether the authorities always get a warrant. Even when they do, there are still questions about what happens to the information of other people caught up in the investigation, Scassa said.

"Is it destroyed? Is it retained? Is it used for other purposes? It's not always clear that warrants contain conditions that require something specific to be done with the information afterwards."

Given that many groups may have access to IMSI catchers, Scassa argues there is a lot more the government could be doing to protect Canadians' privacy.

She believes agencies who use IMSI catchers should be required to get a warrant whenever the devices are used, destroy information that is intercepted but not related to the investigation and to report to the privacy commissioner about some key pieces of information, like how often they are used and in what context.

We reached out to Public Safety, the Ottawa Police Service, the RCMP and CSIS. They all told us they do follow the law and adhere to the appropriate judicial processes.

Sent to: !INTERNAL; !INTERNAL 2; RCMP Breaking News

Gowing, Andrew (PS/SP)

From: Gowing, Andrew (PS/SP)
Sent: Monday, April 03, 2017 11:07 AM
To: Sayarh, Omar (PS/SP)
Cc: Duval, Jean Paul (PS/SP); Bruneau, Véronique (PS/SP)
Subject: RE: Heads-UP - Media Call - Use of IMSI catchers

Those are the latest. Here they are "en français" as well.

Réponse proposée

Les organismes d'application de la loi et du renseignement utilisent une gamme de solutions dans le cadre de leur mandat afin d'assurer la sécurité du Canada.

La divulgation de renseignements comme la nature précise de l'équipement utilisé pour mener des enquêtes peut entraver l'efficacité de ces organismes et leur capacité à exécuter leurs mandats.

Toutes les enquêtes sont menées conformément à la Charte des droits et libertés, au Code criminel du Canada, à la *Loi sur le Service canadien du renseignement de sécurité* et aux autres lois pertinentes, et dans le cadre de ces enquêtes, les droits constitutionnels de tous les Canadiens sont reconnus et respectés. L'utilisation de tous les outils d'enquête par les forces policières et les organismes du renseignement est également assujettie aux processus judiciaires appropriés. Les ordonnances de la cour sont limitées et propres aux actes criminels faisant l'objet de l'enquête et elles peuvent être obtenues seulement si les obligations légales sont respectées.

From: Sayarh, Omar (PS/SP)
Sent: Monday, April 03, 2017 11:04 AM
To: Gowing, Andrew (PS/SP)
Cc: Duval, Jean Paul (PS/SP); Bruneau, Véronique (PS/SP)
Subject: RE: Heads-UP - Media Call - Use of IMSI catchers

Hi Andrew,
MO are asking for the latest Media Lines regarding IMSI catchers?
Do we have an update or the version below is the latest?
Please advise.
Omar

From: Gowing, Andrew (PS/SP)
Sent: Monday, March 27, 2017 5:26 PM
To: Sayarh, Omar (PS/SP)
Subject: FW: Heads-UP - Media Call - Use of IMSI catchers

Hi Omar

FYI, here is the latest response related to the IMSI catchers covered in the ATIP we discussed this morning.

Thanks
-Andrew

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 5:02 PM
To: michelle.rose@rcmp-grc.gc.ca; eric.chouinard@rcmp-grc.gc.ca; [REDACTED]; [REDACTED]
Cc: Baker3, Ryan (PS/SP); Gowing, Andrew (PS/SP); Duval, Jean Paul (PS/SP); 'julie gagnon'
Subject: Heads-UP - Media Call - Use of IMSI catchers

Good afternoon colleagues,

As requested, we are sharing our response regarding a call from Radio-Canada on the use of IMSI catchers used by police force in the National Capital region. The proposed response below has been used in the past and is approved by our Director General of Communications. Once the response will be translated, it will be send to our Minister Office for final approval.

Reporter : [REDACTED], Radio-Canada

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes:

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Proposed response:

Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.

Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.

All investigations are carried out in accordance with the *Charter of Rights and Freedoms*, the *Criminal Code of Canada*, the *Canadian Security Intelligence Service Act*, and other relevant statutes, and recognize and respect the constitutional rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met

Thank you,

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

Gowing, Andrew (PS/SP)

From: Gowing, Andrew (PS/SP)
Sent: Monday, March 27, 2017 3:36 PM
To: Martel, Karine (PS/SP)
Subject: RE: Media Call For Andrew's Approval- Use of IMSI catchers

s.19(1)

Approved (with a couple very minor changes in your intro).

Thanks
-Andrew

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 3:29 PM
To: Gowing, Andrew (PS/SP)
Subject: Media Call For Andrew's Approval- Use of IMSI catchers

Good afternoon Andrew,

MO asked us to draft a response on the use of IMSI catchers used by police force in the National Capital region. The proposed response below are lines that we used in the past. The reporter's deadline is Wednesday but I recommend that we answer the reporter sooner rather than later. Of note, the response will be translated into French after Ryan's approval.

Reporter : [REDACTED] Radio-Canada

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

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Proposed response:

Approval: Suki Wong, Rodrigue Taschereau

Proposed response:

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Thank you,

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

Gowing, Andrew (PS/SP)

From: Gowing, Andrew (PS/SP)
Sent: Monday, March 27, 2017 10:23 AM
To: Martel, Karine (PS/SP)
Subject: FW: IMSI Catchers - contact for media lines/inquiries

Once we have Policy approval on our draft response, please share it with the folks below as a heads-up.

Thanks

-Andrew

From: Baker3, Ryan (PS/SP)
Sent: Thursday, February 09, 2017 1:16 PM
To: Miller, Kevin (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
Subject: FW: IMSI Catchers - contact for media lines/inquiries

FYI

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

s.15(1) - Subv

From: [REDACTED]
Sent: Thursday, February 09, 2017 1:05 PM
To: Baker3, Ryan (PS/SP)
Cc: [REDACTED]
Subject: FW: IMSI Catchers - contact for media lines/inquiries

Ryan,

FYI, received this proactively through RCMP Legal. For your awareness/use if necessary.

[REDACTED]

From: Kimberley Pearce [<mailto:Kimberley.Pearce@rcmp-grc.gc.ca>]
Sent: 9-Feb-17 9:19 AM
To: Eric Chouinard; Michelle Rose; [REDACTED]
Cc: ilana.bleichert@justice.gc.ca; Jeffrey Morris; John Robin
Subject: IMSI Catchers - contact for media lines/inquiries

Good morning,

In the event of future media attention or inquiries surrounding the use of cell-site simulators (IMSI-catchers/mobile device identifiers), I wanted to connect the communication branches of both the RCMP and CSIS for coordination and consultation purposes.

For the RCMP:

Michelle Rose, Communication Strategist, 613-843-5492, michelle.rose@rcmp-grc.gc.ca
Eric Chouinard, Communication Strategist, 613-998-1044, eric.chouinard@rcmp-grc.gc.ca

For CSIS:

s.15(1) - Subv

[REDACTED]

Thank you,

Kim Pearce
Counsel / Avocate
Legal Services - RCMP / Services Juridiques - GRC
73 Leikin Drive, Mail Stop #69
Building M8, 2nd Floor, Room 831
Ottawa, ON K1A 0R2
Tel: 613-843-4478
Fax: 613-825-1241
Kimberley.Pearce@rcmp-grc.gc.ca

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Monday, April 03, 2017 9:38 PM
To: Fox, Christiane; Williams, Christopher R.
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

Follow Up Flag: Follow up
Flag Status: Completed

CSIS confirmed they can't be categorical. .

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

Original Message

From: Fox, Christiane
Sent: Monday, April 3, 2017 9:36 PM
To: Baker3, Ryan (PS/SP); Williams, Christopher R.
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: RE: Someone is spying on cellphones in the nation's capital

OK, thanks. NSA asked me look into it and how much we can or want to say....keep me posted if things change...Chris

-----Original Message-----

From: Baker3, Ryan (PS/SP) [<mailto:ryan.baker3@canada.ca>]
Sent: April-03-17 21:34
To: Fox, Christiane; Williams, Christopher R.
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine
Subject: Re: Someone is spying on cellphones in the nation's capital

Hi Chris,

I don't know that we can say that categorically. I've asked the question and will confirm an answer in the morning.

I agree with Chris W on sticking to our current lines as the safest approach.

Thanks,
Ryan

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

Original Message

From: Fox, Christiane
Sent: Monday, April 3, 2017 9:17 PM
To: Williams, Christopher R.; Baker3, Ryan (PS/SP)
Cc: Noftle, Tracie; Lindblad, Anabel; O'Nions, Christine

Subject: Someone is spying on cellphones in the nation's capital

Hi Ryan and Chris.

I'm sure you have seen this report as it has been out for a few hours, not sure if my team was in touch but I'd like to know what we can say from a whole of Government perspective. I think CSE is clear in the article indicating that by law, they cannot conduct these activities but Ryan, have you had conversations on your end on how we respond to this tomorrow, will likely come up in QP. Can we be categorical on security agencies NOT being involved?

This also has some implications on Min Gould's mandate letter, etc.

Please advise and thank you.

Chris

<http://www.cbc.ca/beta/news/politics/imsi-cellphones-spying-ottawa-1.4050049>

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MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Monday, April 03, 2017 7:04 PM
To: [REDACTED]
Cc: De Curtis, Laura (PS/SP)
Subject: Fw: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

Follow Up Flag: Follow up
Flag Status: Completed

Hi [REDACTED]

Here it is. We'll double check and make sure you're on our dist lists.

We'll coordinate lines with RCMP, you guys and CSEC tomorrow.

Ryan

Ryan Baker
Public Safety Canada/ Sécurité publique Canada
613-796-9750

From: PSPMediaCentre / CentredesmediasPSP (PS/SP) <ps.pspmediacentre-centredesmediaspsp.sp@canada.ca>
Sent: Monday, April 3, 2017 5:20 PM
To: Today's News / Actualités (PS/SP)
Subject: CBC News: Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

CBC Investigates - Someone is spying on cellphones in the nation's capital - A CBC/Radio-Canada investigation has found cellphone trackers at work near Parliament Hill and embassies

CBC News

Catherine Cullen, Brigitte Bureau
2017-04-03, 17:00 ET

A months-long CBC News/Radio-Canada investigation has revealed that someone is using devices that track and spy on cellphones in the area around Parliament Hill.

The devices are known as IMSI catchers and have been used by Canadian police and security authorities, foreign intelligence and even organized crime.

The devices, sometimes known by the brand name of one model, StingRay, work by mimicking a cellphone tower to interact with nearby phones and read the unique ID associated with the phone — the International Mobile Subscriber Identity, or IMSI.

That number can then be used to track the phone and by extension the phone's user. In some instances, IMSI catchers can even be used to gain access to a phone's text messages and listen in on calls.

At the heart of Canadian government

To do the investigation, our journalists used a device that detects IMSI catchers created by the German company GSMK. While it looks like a regular cellphone, the CryptoPhone emits an alert when a fake cellphone antenna intercepts its signal.

Media in the United States, Norway and Australia have done similar tests, but this is the first time it's been used by a media outlet in Canada.

During tests in December and January, the CryptoPhone set off alerts at locations around Parliament Hill, including the nearby Byward Market, the Rideau Centre shopping mall and CBC offices in downtown Ottawa.

Because IMSI catchers have a radius of about half a kilometre in an urban setting, the IMSI catchers CBC detected could reach territory including Parliament Hill, the Prime Minister's Office in Langevin Block, National Defence headquarters, as well as the U.S. and Israeli embassies.

We then used even more sophisticated equipment called an Overwatch Sensor that confirmed the presence of an IMSI catcher close to Parliament Hill.

Who is behind it?

We wanted to know more about who might be using the IMSI catcher or catchers that we detected, so we asked the U.S. supplier of the CryptoPhone to analyze the alerts we were getting.

ESD America specializes in counterintelligence and its clients include U.S. Homeland Security.

"Consistently you've been seeing IMSI catcher activity, definitely," said CEO and co-founder Les Goldsmith, when we took our results to the company's Las Vegas office.

We described the part of the city in which we detected the IMSI catchers — full of politicians, political staffers and civil servants.

"Somebody could be listening to calls right now and [the phone owners] have no idea," he said.

As for who might be behind it, Goldsmith says IMSI catchers are used by law enforcement, federal agencies as well as organized crime and foreign intelligence.

Based on the configurations suggested by CBC's results, he believes the IMSI catchers detected in Ottawa could be foreign made.

"We're seeing more IMSI catchers with different configurations and we can build a signature. So we're seeing IMSI catchers that are more likely Chinese, Russian, Israeli and so forth," he said.

Foreign spies?

We also showed our results to an expert in Canadian security.

He knows a lot about IMSI catchers and comes from a Canadian security agency. We agreed to conceal his identity in order not to jeopardize that security work.

The expert found the results of our investigation disturbing.

"That an MP or a person who works on Parliament Hill could be exposed, that they could be a victim of this type of attack— it undermines our sovereignty," he said.

Based on his experience, he sees two very different potential explanations for the results. One domestic, the other foreign.

He said Russia has used IMSI catchers in Canada before.

"We learned that Russian intelligence was parked near CSIS with equipment on board to do IMSI catching. After X number of days or weeks, they're capable of identifying the IMSI numbers that belong to intelligence officers because the phones were spending eight hours a day in the same spot."

He said when the Russians would do their next clandestine operation, they would use an IMSI catcher to see if any of the numbers associated with Canadian intelligence were nearby. If there were, they would call off the operation.

The Russian embassy rejects any allegation that Russians have used IMSI catchers in Ottawa.

"Any suggestions as to that kind of activities are bogus and baseless," said an embassy spokesperson.

A representative from the Chinese embassy told us it was "not only unreasonable but even irresponsible" to suggest that country would be involved in the activity.

Israel said it had no knowledge of the issue, and the United States declined to comment.

Canadian spies?

Our security expert suggested the IMSI catchers we saw might be the work of a domestic agency, like Canada's electronic spy agency, the Communication Security Establishment.

"One possibility is that the Communications Security Establishment has been mandated to monitor the network for protection purposes, in a defensive way," he said.

CSE said it's not allowed to do that.

"To be clear, by law, CSE is not permitted to direct its activities at Canadians anywhere or at anyone in Canada," a spokesperson said in a statement, adding that CSE respects the law.

Police use of IMSI catchers

Last June it was revealed the RCMP uses IMSI catchers in its work. A Quebec Superior Court lifted a publication ban to reveal police were using the technology as part of an investigation into the 2011 death of Salvatore (Sal the Ironworker) Montagna, a high-ranking member of a New York crime family killed outside Montreal.

Court documents show the RCMP:

- Purchased its first IMSI catcher in 2005
- Has used IMSI catchers in numerous investigations
- Keeps information about the cellphones of ordinary Canadians detected in the course of some investigations
- Recognizes phones may be affected while an IMSI catcher is in use, including possible delays in reaching 911.

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The Department of National Defence said it had no knowledge of IMSI catchers being used on the dates we saw activity.

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The detection of the devices is troubling to Teresa Scassa, Canada Research Chair in Information Law at the University of Ottawa.

Even if the technology is being used by public authorities, Scassa sees reason to be concerned.

She points to a lack of transparency if Canadians are only learning in 2017 that the RCMP has had an IMSI catcher since 2005.

She also said it's not clear whether the authorities always get a warrant. Even when they do, there are still questions about what happens to the information of other people caught up in the investigation, Scassa said.

"Is it destroyed? Is it retained? Is it used for other purposes? It's not always clear that warrants contain conditions that require something specific to be done with the information afterwards."

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Sent to: !!INTERNAL; !!INTERNAL 2; RCMP Breaking News

**Pages 232 to / à 235
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Martel, Karine (PS/SP)

From: Martel, Karine (PS/SP)
Sent: Tuesday, March 28, 2017 4:51 PM
To: Gowing, Andrew (PS/SP); Slack, Jessica (PS/SP); Berzel, Ruth (PS/SP); Bruneau, Lise (PS/SP); Bruneau, Véronique (PS/SP); 'CBSA Media Relations'; Communications Issues Management / Communications Gestion des Enjeux (PS/SP); 'CSC Media Relations'; 'Daoust, Normand (PS/SP)'; 'Derek Cefaloni'; Howe2, Susan (PS/SP); Jackson, Elyse (PS/SP); 'julie gagnon'; Larrivee, Lesley (PS/SP); Leclair, Natalie (PS/SP); MacNeil, Shauna (PS/SP); Magee, Heather (PS/SP); 'Mark Prieur'; McAteer, Julie (PS/SP); McCammon, Cindy (PS/SP); 'Nadine.Archambault@PBC-CLCC.GC.CA'; PS.F Media Monitoring / surveillance des médias F.SP; Scott, Isabelle (PS/SP); Taillefer, Lucie (PS/SP); Tomlinson, Jamie (PS/SP); Murdock, Lyndon (PS/SP); Miller, Kevin (PS/SP); Morais, Josee (PS/SP); Grenier, Julie (PS/SP); Paulin, Martine (PS/SP); Nichols, Megan (PS/SP); McNaughtan, Jennifer (Ext.); Badger, Gillian (PS/SP); Baker3, Ryan (PS/SP); Danielle Nasrallah; Simplicie, Amanda (PS/SP); Gobeil, Renée (PS/SP); [REDACTED] Lachance, Nathaly (PS/SP); Cibula, Colette (PS/SP); 'christine.o'nions@pco-bcp.gc.ca'; Sayarh, Omar (PS/SP)
Subject: Daily Media Report / Rapport média quotidien (28/03/17)

s.15(1) - Subv

For your information, we have received four new media request on Tuesday, March 28, 2017. / Pour votre information, nous avons reçu quatre nouvelles demandes média en ce mardi, 28 mars 2017.

NEW:

Reporter	[REDACTED] s.19(1)
Media Outlet	CBC News Manitoba
Telephone	[REDACTED]
E-mail Address	[REDACTED]@cbc.ca
Call Date	27/03/2017 4:40 PM
Deadline	29/03/2017 4:00 PM
Status	Consulting
Subject	Manitoba-Canada DFAA
Branch / Directorate	EMPB – Programs
Region	Prairies
Questions	It has come to our attention that there are several files where the Province of Manitoba is awaiting compensation under agreements with the federal government.

According to information we've received locally, some portions of money under the Disaster Financial Assistance Availability program have been forwarded over the years. The total remaining receivable is estimated by the Province of Manitoba at just over \$600 million. These funds are for applications under the program dating back to 2009 for the events listed below and it is our understanding the appropriate applications and supporting documentation were forwarded to the federal government, in some cases, as much as seven years ago.

- 2009 Spring flood,
- 2010 May rainstorm,
- 2010 June rainstorm,
- 2010 wildfires,
- 2010 October storm,
- 2011 spring flood,
- 2013 spring flood,
- 2013 June rainstorm,

s.19(1)

2014 June rainstorm,
2014 spring flood,
a 2014 summer rain event

In some cases, as with the serious flood event in 2011, half of the \$700 million applied for by the Province of Manitoba has not been forwarded to date. Further we also understand that a decision on half of the \$70 million applied for under the DFAA process for the 2009 event has yet to be concluded.

We would ask for answers to the following;

What is the current federal government's tally of all outstanding claims made by Manitoba under the DFAA program to date?

What has been paid out so far?

Why would in some cases these claims take up to seven years to be concluded?

What schedule is in place to pay the claims that have been determined?

Reporter [REDACTED]
Media Outlet CBC Saskatoon
Telephone [REDACTED]
E-mail Address [REDACTED]@cbc.ca
Call Date 28/03/2017 11:00 AM
Deadline 28/03/2017 4:00 PM
Status Consulting
Subject Request for results of driver drug-screening pilot project in North Battleford
Branch / Directorate CSCCB – Crime Prevention, Corrections and Criminal Justice
Region Prairies
Questions I've been in contact with the RCMP who referred me to your office about tracking down the results of the drug-impaired driving pilot project in North Battleford:
<http://www.cbc.ca/news/canada/saskatchewan/north-battleford-rcmp-test-drug-screening-drivers-1.3898832>

I'm hoping to access the results. Has a report been compiled? It looks like Manitoba already has some results:
<http://www.cbc.ca/news/canada/manitoba/drug-use-mpi-1.4026160>

Reporter [REDACTED]
Media Outlet CBC National News - Ottawa
Telephone [REDACTED]
E-mail Address [REDACTED]@cbc.ca
Call Date 28/03/2017 11:45 AM
Deadline 28/03/2017 12:15 PM
Status Daily Report (Completed)
Subject CBSA IT Issues
Region National / NCR
Questions Can you please let me know if either of your departments can confirm what is going on with the CBSA border clearance machines and whether this is SSC issue? We've been notified of problems at Pearson and that CBSA folks are saying off the record to passengers that it's nation-wide.
Actions Taken No existing entries.
Response CBSA to respond.

s.19(1)

Reporter [REDACTED]
Media Outlet Globe and Mail
Telephone [REDACTED]
E-mail Address [REDACTED]@globeandmail.com
Call Date 28/03/2017 1:50 PM
Status Daily Report (Completed)
Subject Asylum Seeker Statistics
Region Pacific / North
Questions This Canadian Press story from last week cites figures that were apparently released by the federal government on illegal border crossings: <http://www.theglobeandmail.com/news/national/illegal-border-crossers-arrested-this-year-nearly-half-of-all-caught-in-2016/article34362204/>. Can you please provide me with the same data/information? Or anything more recent?
Actions Taken No existing entries.
Response The latest statistics can be found at the link below. Updates will be provided on a monthly basis.
<http://www.cic.gc.ca/english/refugees/asylum-claims-made-in-canada.asp>

Consulting:

Media Outlet [REDACTED]
E-mail Address [REDACTED]
Call Date 24/03/2017 8:30 AM
Deadline 31/03/2017 10:00 AM
Status Consulting
Subject Canada Approach on Counter-Terrorism
Region International
Questions Looking at the Canadian government's "Building Resilience Against Terrorism: Canada's Counter-terrorism Strategy," I realized that Canada takes an all-Canada approach against terrorism. It seems to me that Japan ought to be the same. In that connection, I would like to ask a few questions.

1. In Canada, with regard to counter-terrorism there is a functional division of duties between organization(s) dealing with intelligence(CSIS) and operational organization(s) i.e. the police (RCMP). What is the reason for that?

2. Ratification of the United Nations Convention against Transnational Organized Crime (UNTOC) requires adjustments to Japanese domestic laws, which has become an issue in this country. UNTOC dates back to the year 2000 and was aimed mainly at stamping out money laundering by drug cartels and other groups. Lawmakers in Japan's National Diet point out that UNTOC is not necessarily an counter-terrorism convention.

- The international cooperation measures in Canada's above-mentioned Counter-terrorism Strategy do not mention UNTOC. Why is that?

- Canada's measures do mention the UN Security Council's Counter-terrorism Committee, but that Committee has nothing to do with UNTOC. In Canada's view, what is useful or important about "cooperating against terrorism via the United Nations"?

And I would like to ask some more questions about Canada's system regarding balancing between intelligence activities and civilian liberty, namely oversight, which does not exist in Japan.

3. Is it right to think that Security Intelligence Review Committee perform this function? If so, what kind of background do members have?(such as lawyer etc.) And how many of them?

4. Are there parliamentarian members in SIRC? If not, and it consists only of civilians, why does

it so?

5. Would you elaborate concrete examples, if there are, when SIRC or any other oversight organization(s) correct intelligence abusive activities so that civil right would be protected?

I would be grateful to have your answers **by Friday, March 31** and ask for your kind cooperation.

s.19(1)

Reporter [REDACTED]
Media Outlet iPolitics
Telephone [REDACTED]
E-mail Address [REDACTED]
Call Date 27/03/2017 10:30 AM
Status Consulting
Subject Cannabis Reports
Region National / NCR
Questions I'm looking to get a hold of two research reports done for the department over the past year.

The first is titled: "The price of Cannabis in Canada," Research Report No. 2017-R005, (completed February 3, 2017).

I'm also looking for: "Ways to Consider Non-Medical Cannabis: Reasoning from Conceptual Analogues," Research Report No. 2016-R011 (completed July 13, 2016)

I can't find them on the department's website.
Will I need to ATIP these, or can someone just send them?

Completed:

Reporter [REDACTED]
Media Outlet Radio-Canada
Telephone [REDACTED]
E-mail Address [REDACTED]@radio-canada.ca
Call Date 27/03/2017 8:20 AM
Deadline 29/03/2017 5:00 PM
Status Daily Report (Completed)
Subject Utilisation des capteurs IMSI catchers
Branch / Directorate NCSB - National Security Operations
Region Quebec
Questions La journaliste a contacté directement le bureau du Ministre:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes: :

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Response

Les organismes d'application de la loi et du renseignement utilisent une gamme de solutions dans le cadre de leur mandat afin d'assurer la sécurité du Canada.

La divulgation de renseignements comme la nature précise de l'équipement utilisé pour mener des enquêtes peut entraver l'efficacité de ces organismes et leur capacité à exécuter leurs mandats.

Toutes les enquêtes sont menées conformément à la Charte des droits et libertés, au Code criminel du Canada, à la *Loi sur le Service canadien du renseignement de sécurité* et aux autres lois pertinentes, et dans le cadre de ces enquêtes, les droits constitutionnels de tous les Canadiens sont reconnus et respectés. L'utilisation de tous les outils d'enquête par les forces policières et les organismes du renseignement est également assujettie aux processus judiciaires appropriés. Les ordonnances de la cour sont limitées et propres aux actes criminels faisant l'objet de l'enquête et elles peuvent être obtenues seulement si les obligations légales sont respectées.

Karine Martel

Communications Advisor | Conseillère en communications

Portfolio Affairs and Communications Branch | Le Secteur des affaires du portefeuille et des communications

Public Safety Canada | Sécurité publique Canada

Ottawa, Canada K1A 0P8

Tel 613 990-4358 |

Duval, Jean Paul (PS/SP)

From: O'Nions, Christine <Christine.O'Nions@pco-bcp.gc.ca>
Sent: Tuesday, March 28, 2017 3:57 PM
To: [redacted]; Baker3, Ryan (PS/SP); 'julie gagnon'
Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
Subject: RE: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

Thank you all!

From: [redacted]
Sent: March 28, 2017 3:54 PM
To: O'Nions, Christine; [redacted]; 'Baker3, Ryan (PS/SP)'; 'julie gagnon'
Cc: 'Duval, Jean Paul (PS/SP)'; 'Gowing, Andrew (PS/SP)'; 'Martel, Karine (PS/SP)'; 'Levert, Jean-Philippe (PS/SP)'
Subject: RE: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

Christine,

Here's our approved response:

CSIS does not comment on questions regarding operational interests, methodologies or activities. All our investigations are conducted in accordance with the *CSIS Act*, Ministerial Directives and robust internal policies.

Best,

[redacted signature block]

Communications Branch | Bureau des communications
Canadian Security Intelligence Service (CSIS) | Service canadien du renseignement de sécurité (SCRS)

[redacted contact information]

-----Original Message-----

From: O'Nions, Christine [mailto:Christine.O'Nions@pco-bcp.gc.ca]
Sent: 28-Mar-17 3:36 PM
To: [redacted]; Baker3, Ryan (PS/SP); 'julie gagnon'
Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP); [redacted]
Subject: RE: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

Could I pls have your responses sds^today to share further.

-----Original Message-----

From: [redacted]
Sent: March 28, 2017 9:49 AM
To: Baker3, Ryan (PS/SP); O'Nions, Christine; 'julie gagnon'
Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP); [redacted]

Subject: Re: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

CSIS also received the same enquiry.

Our standard response on not disclosing our methods is circulating for approval.

We will share with PS and PCO once approved.

s.15(1) - Subv
s.19(1)

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

From: Baker3, Ryan (PS/SP)

Sent: Tuesday, March 28, 2017 9:42 AM

To: O'Nions, Christine; 'julie gagnon'; [REDACTED]

Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)

Subject: RE: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

Hi Christine,

Yes, it came in yesterday from Radio-Canada. We're proposing the same response we provided in the past on the subject. This is going to our MO for approval now. We've shared it with RCMP and CSIS. We'll share it with CSEC for info as well.

Thanks,
Ryan

Reporter : [REDACTED], Radio-Canada

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes:

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Proposed response:

Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.

Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.

All investigations are carried out in accordance with the Charter of Rights and Freedoms, the Criminal Code of Canada, the Canadian Security Intelligence Service Act, and other relevant statutes, and recognize and respect the constitutional rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

s.15(1) - Subv

-----Original Message-----

From: O'Nions, Christine [mailto:Christine.O'Nions@pco-bcp.gc.ca]
Sent: Monday, March 27, 2017 5:39 PM
To: Baker3, Ryan (PS/SP); 'julie gagnon'; [REDACTED]
Subject: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

Have any of you received calls on this?

Christine
613 853-1042.
From: Williams, Christopher R. <Christopher.Williams@CSE-CST.GC.CA>
Sent: Monday, March 27, 2017 5:20 PM
To: O'Nions, Christine; Lindblad, Anabel
Subject: FYI - CBC/Radio-Canada query - ISMI catchers

Good afternoon,

Below is our response to the CBC/Radio Canada questions about IMSI catchers. Similar to our last response on the subject from 2014, but with a little more detail about our SIGINT and ITS roles to help explain what we actually do.

This appears to be a joint CBC/Radio Canada investigative report, so we will be providing our response in both French and English. The request indicated a tight production schedule and advised that information received after 5:00 pm Wednesday March 29 may not be included in their reporting.

Let me know if you have any questions. Thanks.

CBC/Radio Canada Questions

A CBC/Radio-Canada investigation conducted in Ottawa over the course of several months detected the presence of machines which can intercept information from cell phones, known as IMSI catchers.

We are seeking answers to the following questions:

- 1) Has your organization used an IMSI catcher in the past?
- 2) Are you currently conducting operations, investigations or other work which involve the use of an IMSI catcher?
- 3) Was any in your organization using an IMSI catcher at any time between Dec 2016- Feb 2017 in or around the following areas: The Rideau Centre, the Byward Market, Parliament Hill, the CBC offices on Queen Street? Were you using one at Pierre Elliot Trudeau Airport during February 2017?

Proposed CSE Response

CSE is a foreign intelligence and cyber defence agency that works to protect Canada and Canadians against serious threats, such as terrorism and foreign cyber threats. CSE's activities are critical in keeping Canadians' safe at home and abroad.

To be clear, by law, CSE is not permitted to direct its activities at Canadians anywhere or at anyone in Canada. CSE follows and respects all Canadian laws when carrying out its lawfully mandated responsibilities.

CSE collects foreign signals intelligence in support of the Government of Canada's intelligence priorities in order to increase the Government's awareness of foreign threats to Canada and its citizens so it can take proper steps to protect Canadians against those threats. These activities are directed at foreign entities, outside of Canada.

CSE also helps protect and secure the Government of Canada's electronic networks and other important Canadian computer and information networks which are targeted millions of times every day by foreign states, hackers, and criminals.

Martel, Karine (PS/SP)

From: Martel, Karine (PS/SP)
Sent: Tuesday, March 28, 2017 3:40 PM
To: 'O'Nions, Christine'; [REDACTED] Baker3, Ryan (PS/SP); 'julie gagnon'
Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Levert, Jean-Philippe (PS/SP); [REDACTED]
Subject: RE: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

Hi Christine,

Here is our response in both English and French:

Les organismes d'application de la loi et du renseignement utilisent une gamme de solutions dans le cadre de leur mandat afin d'assurer la sécurité du Canada.

La divulgation de renseignements comme la nature précise de l'équipement utilisé pour mener des enquêtes peut entraver l'efficacité de ces organismes et leur capacité à exécuter leurs mandats.

Toutes les enquêtes sont menées conformément à la Charte des droits et libertés, au Code criminel du Canada, à la Loi sur le Service canadien du renseignement de sécurité et aux autres lois pertinentes, et dans le cadre de ces enquêtes, les droits constitutionnels de tous les Canadiens sont reconnus et respectés. L'utilisation de tous les outils d'enquête par les forces policières et les organismes du renseignement est également assujettie aux processus judiciaires appropriés. Les ordonnances de la cour sont limitées et propres aux actes criminels faisant l'objet de l'enquête et elles peuvent être obtenues seulement si les obligations légales sont respectées.

English:

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All investigations are carried out in accordance with the Charter of Rights and Freedoms, the Criminal Code of Canada, the Canadian Security Intelligence Service Act, and other relevant statutes, and recognize and respect the constitutional rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met.

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Sent: Tuesday, March 28, 2017 3:36 PM

To: [REDACTED] Baker3, Ryan (PS/SP); 'julie gagnon'

Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP); [REDACTED]

Subject: RE: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

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From: [REDACTED]
Sent: March 28, 2017 9:49 AM
To: Baker3, Ryan (PS/SP); O'Nions, Christine; 'julie gagnon'
Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP); [REDACTED]
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Sent from my BlackBerry 10 smartphone on the Rogers network.

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Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
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Thanks,
Ryan

Reporter : [REDACTED] Radio-Canada

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

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Proposed response:

Proposed response:

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Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

-----Original Message-----

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Sent: Monday, March 27, 2017 5:39 PM
To: Baker3, Ryan (PS/SP); 'julie gagnon'; [REDACTED]
Subject: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

s.15(1) - Subv

Have any of you received calls on this?

Christine
613 853-1042.
From: Williams, Christopher R. <Christopher.Williams@CSE-CST.GC.CA>
Sent: Monday, March 27, 2017 5:20 PM
To: O'Nions, Christine; Lindblad, Anabel
Subject: FYI - CBC/Radio-Canada query - ISMI catchers

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CSE also helps protect and secure the Government of Canada's electronic networks and other important Canadian computer and information networks which are targeted millions of times every day by foreign states, hackers, and criminals.

Martel, Karine (PS/SP)

From: Martel, Karine (PS/SP)
Sent: Tuesday, March 28, 2017 1:52 PM
To: 'Michelle Rose'
Subject: RE: Heads-UP - Media Call - Use of IMSI catchers

s.15(1) - Subv

Merci Michelle.

Karine

From: Michelle Rose [<mailto:Michelle.Rose@rcmp-grc.gc.ca>]
Sent: Tuesday, March 28, 2017 1:25 PM
To: Martel, Karine (PS/SP); [REDACTED]
Cc: Gowing, Andrew (PS/SP); Duval, Jean Paul (PS/SP); Baker3, Ryan (PS/SP); Julie Gagnon; Liam Gerofsky; Melanie Roush
Subject: Re: Heads-UP - Media Call - Use of IMSI catchers

Thank you Karine!

This is what the RCMP will be responding:

As Canada's national police force, the RCMP uses various technical investigative methods to lawfully obtain evidence in order to safeguard Canadians and conduct priority criminal investigations. The use of any investigative tools by the RCMP is governed by the Charter and subject to appropriate judicial processes. We generally do not comment on operations or, techniques used to gather evidence during investigations.

>>> "Martel, Karine (PS/SP)" <karine.martel@canada.ca> 2017/03/27 5:02 PM >>>
Good afternoon colleagues,

As requested, we are sharing our response regarding a call from Radio-Canada on the use of IMSI catchers used by police force in the National Capital region. The proposed response below has been used in the past and is approved by our Director General of Communications. Once the response will be translated, it will be send to our Minister Office for final approval.

Reporter : [REDACTED] Radio-Canada

s.19(1)

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

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Proposed response:

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Thank you,

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

Duval, Jean Paul (PS/SP)

From: Michelle Rose <Michelle.Rose@rcmp-grc.gc.ca>
Sent: Tuesday, March 28, 2017 1:25 PM
To: Martel, Karine (PS/SP); [REDACTED]
Cc: Gowing, Andrew (PS/SP); Duval, Jean Paul (PS/SP); Baker3, Ryan (PS/SP); Julie Gagnon; Liam Gerofsky; Melanie Roush
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s.19(1)

Questions:

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- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Proposed response:

Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.

Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.

All investigations are carried out in accordance with the *Charter of Rights and Freedoms*, the *Criminal Code of Canada*, the *Canadian Security Intelligence Service Act*, and other relevant statutes, and recognize and respect the constitutional

rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met

Thank you,

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

Duval, Jean Paul (PS/SP)

From: Media Relations / Relations avec les médias (PS/SP)
Sent: Tuesday, March 28, 2017 11:04 AM
To: Duval, Jean Paul (PS/SP); Malik, Zarah (PS/SP); Levert, Jean-Philippe (PS/SP); Martel, Karine (PS/SP); MacLean, Megan (PS/SP); Baker3, Ryan (PS/SP); Gowing, Andrew (PS/SP)
Subject: FW: FW: questions

From: [REDACTED]
Sent: March 28, 2017 11:03:12 AM (UTC-05:00) Eastern Time (US & Canada)
To: Media Relations / Relations avec les médias (PS/SP)
Subject: Re: FW: questions

Merci Karine.
Bonne journée,

[REDACTED]

2017-03-28 10:48 GMT-04:00 Media Relations / Relations avec les médias (PS/SP) <ps.mediarelations-relationsaveclesmedias.sp@canada.ca>:

Bonjour [REDACTED]

En réponse à vos questions, les organismes d'application de la loi et du renseignement utilisent une gamme de solutions dans le cadre de leur mandat afin d'assurer la sécurité du Canada.

La divulgation de renseignements comme la nature précise de l'équipement utilisé pour mener des enquêtes peut entraver l'efficacité de ces organismes et leur capacité à exécuter leurs mandats.

Toutes les enquêtes sont menées conformément à la Charte des droits et libertés, au Code criminel du Canada, à la *Loi sur le Service canadien du renseignement de sécurité* et aux autres lois pertinentes, et dans le cadre de ces enquêtes, les droits constitutionnels de tous les Canadiens sont reconnus et respectés. L'utilisation de tous les outils d'enquête par les forces policières et les organismes du renseignement est également assujettie aux processus judiciaires appropriés. Les ordonnances de la cour sont limitées et propres aux actes criminels faisant l'objet de l'enquête et elles peuvent être obtenues seulement si les obligations légales sont respectées.

Bonne journée,

Karine Martel

Spokesperson / Porte-parole

Media Relations / Relations avec les médias

Public Safety Canada / Sécurité publique Canada

613-991-0657

media@ps-sp.gc.ca

s.19(1)

From: [REDACTED] <radio-canada.ca>

Sent: Monday, March 27, 2017 8:26 AM

To: Bardsley, Scott (PS/SP)

Cc: [REDACTED]

Subject: questions

Bonjour Scott,

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes :

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Nous avons besoin de vos réponses avant mercredi, le 29 mars à 17h.

En raison d'un calendrier de production très serré, nous ne pouvons garantir que des réponses au-delà de cette date d'échéance seront intégrées à nos reportages.

s.19(1)

Merci et bonne journée,

[REDACTED]

Journaliste

Enquêtes et Affaires publiques

Radio-Canada

[REDACTED]

Web: www.radio-canada.ca/ [REDACTED]

Twitter: @ [REDACTED]

Facebook: [REDACTED] Radio-Canada

Clé PGP

A CBC/Radio-Canada investigation conducted in Ottawa over the course of several months detected the presence machines which can intercept information from cell phones, known as IMSI catchers.

We would like answers from the Minister's office to the following questions:

- 1) Which federal agencies have used an IMSI catcher in the past?
- 2) Which agencies are currently involved in operations, investigations or other work which involve the use of an IMSI catcher?
- 3) Do you know if any federal agencies was using an IMSI catcher at any time between Dec 2016- Feb 2017 in or around the following areas: The Rideau Centre, the Byward Market, Parliament Hill, the CBC offices on Queen Street? What about at Pierre-Elliot -Trudeau airport during Feb 2017?

We would like answers to these questions before Wednesday, March 29th at 5 P.M.

We are dealing with a demanding production schedule on this story and therefore we cannot guarantee responses received after that deadline can be incorporated into all of our reporting.

Thank you and have a good day,

[Redacted]

CBC News, Parliament Hill Bureau

[Redacted]

s.19(1)

--

[Redacted]

Journaliste
Enquêtes et Affaires publiques
Radio-Canada

[Redacted]

Web: www.radio-canada.ca/ [Redacted]

Twitter: @ [Redacted]

Facebook: [Redacted] Radio-Canada

Clé PGP

**Pages 257 to / à 260
are duplicates
sont des duplicatas**

Martel, Karine (PS/SP)

From: Martel, Karine (PS/SP)
Sent: Tuesday, March 28, 2017 10:44 AM
To: Bardsley, Scott (PS/SP); Brien, Dan (PS/SP)
Cc: Tomlinson, Jamie (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP)
Subject: RE: Media Call For MO's Approval- Use of IMSI catchers

Yes will do.

Karine

From: Bardsley, Scott (PS/SP)
Sent: Tuesday, March 28, 2017 10:37 AM
To: Martel, Karine (PS/SP); Brien, Dan (PS/SP)
Cc: Tomlinson, Jamie (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP)
Subject: Re: Media Call For MO's Approval- Use of IMSI catchers

Looks good, thanks. Can the department please send that to [REDACTED]?

Scott

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Martel, Karine (PS/SP)
Sent: Tuesday, March 28, 2017 9:35 AM
To: Bardsley, Scott (PS/SP); Brien, Dan (PS/SP)
Cc: Tomlinson, Jamie (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP)
Subject: Media Call For MO's Approval- Use of IMSI catchers

Good morning Scott, Dan,

Here is our proposed response to Radio-Canada's call in both English and French. We're proposing the same response we provided in the past on the subject.

Of note, CSEC received the same call. We will share our response with them.

Reporter : [REDACTED] Radio-Canada

s.19(1)

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

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- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Proposed response:

Les organismes d'application de la loi et du renseignement utilisent une gamme de solutions dans le cadre de leur mandat afin d'assurer la sécurité du Canada.

La divulgation de renseignements comme la nature précise de l'équipement utilisé pour mener des enquêtes peut entraver l'efficacité de ces organismes et leur capacité à exécuter leurs mandats.

Toutes les enquêtes sont menées conformément à la Charte des droits et libertés, au Code criminel du Canada, à la *Loi sur le Service canadien du renseignement de sécurité* et aux autres lois pertinentes, et dans le cadre de ces enquêtes, les droits constitutionnels de tous les Canadiens sont reconnus et respectés. L'utilisation de tous les outils d'enquête par les forces policières et les organismes du renseignement est également assujettie aux processus judiciaires appropriés. Les ordonnances de la cour sont limitées et propres aux actes criminels faisant l'objet de l'enquête et elles peuvent être obtenues seulement si les obligations légales sont respectées.

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Thank you,

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

s.15(1) - Subv

s.19(1)

Duval, Jean Paul (PS/SP)

From: [REDACTED]
Sent: Tuesday, March 28, 2017 9:49 AM
To: Baker3, Ryan (PS/SP); O'Nions, Christine; 'julie gagnon'
Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP); [REDACTED]
Subject: Re: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

CSIS also received the same enquiry.

Our standard response on not disclosing our methods is circulating for approval.

We will share with PS and PCO once approved.

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, March 28, 2017 9:42 AM
To: O'Nions, Christine; 'julie gagnon'; [REDACTED]
Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
Subject: RE: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

Hi Christine,

Yes, it came in yesterday from Radio-Canada. We're proposing the same response we provided in the past on the subject. This is going to our MO for approval now. We've shared it with RCMP and CSIS. We'll share it with CSEC for info as well.

Thanks,
Ryan

Reporter : [REDACTED] Radio-Canada

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes:

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- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Proposed response:

Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.

Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.

All investigations are carried out in accordance with the Charter of Rights and Freedoms, the Criminal Code of Canada, the Canadian Security Intelligence Service Act, and other relevant statutes, and recognize and respect the constitutional rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

-----Original Message-----

From: O'Nions, Christine [mailto:Christine.O'Nions@pco-bcp.gc.ca]
Sent: Monday, March 27, 2017 5:39 PM
To: Baker3, Ryan (PS/SP); 'julie gagnon'; [REDACTED]
Subject: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

Have any of you received calls on this?

Christine
613 853-1042.
From: Williams, Christopher R. <Christopher.Williams@CSE-CST.GC.CA>
Sent: Monday, March 27, 2017 5:20 PM
To: O'Nions, Christine; Lindblad, Anabel
Subject: FYI - CBC/Radio-Canada query - ISMI catchers

Good afternoon,

Below is our response to the CBC/Radio Canada questions about IMSI catchers. Similar to our last response on the subject from 2014, but with a little more detail about our SIGINT and ITS roles to help explain what we actually do.

This appears to be a joint CBC/Radio Canada investigative report, so we will be providing our response in both French and English. The request indicated a tight production schedule and advised that information received after 5:00 pm Wednesday March 29 may not be included in their reporting.

Let me know if you have any questions. Thanks.

CBC/Radio Canada Questions

A CBC/Radio-Canada investigation conducted in Ottawa over the course of several months detected the presence of machines which can intercept information from cell phones, known as IMSI catchers.

We are seeking answers to the following questions:

- 1) Has your organization used an IMSI catcher in the past?
- 2) Are you currently conducting operations, investigations or other work which involve the use of an IMSI catcher?
- 3) Was any in your organization using an IMSI catcher at any time between Dec 2016- Feb 2017 in or around the following areas: The Rideau Centre, the Byward Market, Parliament Hill, the CBC offices on Queen Street? Were you using one at Pierre Elliot Trudeau Airport during February 2017?

Proposed CSE Response

CSE is a foreign intelligence and cyber defence agency that works to protect Canada and Canadians against serious threats, such as terrorism and foreign cyber threats. CSE's activities are critical in keeping Canadians' safe at home and abroad.

To be clear, by law, CSE is not permitted to direct its activities at Canadians anywhere or at anyone in Canada. CSE follows and respects all Canadian laws when carrying out its lawfully mandated responsibilities.

CSE collects foreign signals intelligence in support of the Government of Canada's intelligence priorities in order to increase the Government's awareness of foreign threats to Canada and its citizens so it can take proper steps to protect Canadians against those threats. These activities are directed at foreign entities, outside of Canada.

CSE also helps protect and secure the Government of Canada's electronic networks and other important Canadian computer and information networks which are targeted millions of times every day by foreign states, hackers, and criminals.

Martel, Karine (PS/SP)

s.19(1)

From: Martel, Karine (PS/SP)
Sent: Tuesday, March 28, 2017 9:35 AM
To: Bardsley, Scott (PS/SP); Brien, Dan (PS/SP)
Cc: Tomlinson, Jamie (PS/SP); Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP)
Subject: Media Call For MO's Approval- Use of IMSI catchers

Good morning Scott, Dan,

Here is our proposed response to Radio-Canada's call in both English and French. We're proposing the same response we provided in the past on the subject.

Of note, CSEC received the same call. We will share our response with them.

Reporter : [REDACTED] Radio-Canada

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes:

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Proposed response:

Les organismes d'application de la loi et du renseignement utilisent une gamme de solutions dans le cadre de leur mandat afin d'assurer la sécurité du Canada.

La divulgation de renseignements comme la nature précise de l'équipement utilisé pour mener des enquêtes peut entraver l'efficacité de ces organismes et leur capacité à exécuter leurs mandats.

Toutes les enquêtes sont menées conformément à la Charte des droits et libertés, au Code criminel du Canada, à la *Loi sur le Service canadien du renseignement de sécurité* et aux autres lois pertinentes, et dans le cadre de ces enquêtes, les droits constitutionnels de tous les Canadiens sont reconnus et respectés. L'utilisation de tous les outils d'enquête par les forces policières et les organismes du renseignement est également assujettie aux processus judiciaires appropriés. Les ordonnances de la cour sont limitées et propres aux actes criminels faisant l'objet de l'enquête et elles peuvent être obtenues seulement si les obligations légales sont respectées.

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Thank you,

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

s.19(1)

Levert, Jean-Philippe (PS/SP)

From: Media Relations / Relations avec les médias (PS/SP)
Sent: Monday, March 27, 2017 9:30 AM
To: Bardsley, Scott (PS/SP); Media Relations / Relations avec les médias (PS/SP)
Cc: Brien, Dan (PS/SP); Peirce, Hilary (PS/SP); Baker3, Ryan (PS/SP); Tomlinson, Jamie (PS/SP)
Subject: RE: questions

Hi Scott,

We are on it.

From: Bardsley, Scott (PS/SP)
Sent: Monday, March 27, 2017 9:17 AM
To: Media Relations / Relations avec les médias (PS/SP)
Cc: Brien, Dan (PS/SP); Peirce, Hilary (PS/SP); Baker3, Ryan (PS/SP); Tomlinson, Jamie (PS/SP)
Subject: Fw: questions

Dear Media Relations,

Can you please take a crack at drafting a response to the questions below?

Scott

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: [REDACTED] <[REDACTED]@radio-canada.ca>
Sent: Monday, March 27, 2017 8:26 AM
To: Bardsley, Scott (PS/SP)
Cc: [REDACTED]
Subject: questions

Bonjour Scott,

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

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Nous avons besoin de vos réponses avant mercredi, le 29 mars à 17h.

En raison d'un calendrier de production très serré, nous ne pouvons garantir que des réponses au-delà de cette date d'échéance seront intégrées à nos reportages.

Merci et bonne journée,

[REDACTED]
Journaliste

Enquêtes et Affaires publiques
Radio-Canada

s.19(1)

Web: www.radio-canada.ca/

Twitter: @

Facebook: Radio-Canada

Clé PGP

A CBC/Radio-Canada investigation conducted in Ottawa over the course of several months detected the presence machines which can intercept information from cell phones, known as IMSI catchers.

We would like answers from the Minister's office to the following questions:

- 1) Which federal agencies have used an IMSI catcher in the past?
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We would like answers to these questions before Wednesday, March 29th at 5 P.M.

We are dealing with a demanding production schedule on this story and therefore we cannot guarantee responses received after that deadline can be incorporated into all of our reporting.

Thank you and have a good day,

CBC News, Parliament Hill Bureau

s.19(1)



CommsCentrale ▶ Media Relations: Brigitte Bureau

Fiscal Year 2016-2017
 Lead MR Officer Martel, Karine
 Reporter [REDACTED]
 Media Outlet Radio-Canada
 Telephone [REDACTED]
 E-mail Address [REDACTED]@radio-canada.ca
 Call Date 27/03/2017 8:20 AM
 Deadline 29/03/2017 5:00 PM
 Status Completed
 Subject Utilisation des capteurs IMSI catchers
 Tag
 Branch / Directorate NCSB - National Security Operations
 Region Quebec
 Questions

La journaliste a contacté directement le bureau du Ministre:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

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Interview requested No
 Interview granted No
 Actions Taken Martel, Karine (27/03/2017 4:19 PM):
 In approval with Ryan. Response in translation.

Approvals
 PCO
 MO
 Comms: Jamie, Ryan, JPD, Andrew
 NCSC: Acting ADM Patrick Boucher, Suki Wong, Rodrigue Taschereau

Response
 Français:
 Les organismes d'application de la loi et du renseignement utilisent une gamme de solutions dans le cadre de leur mandat afin d'assurer la sécurité du Canada.
 La divulgation de renseignements comme la nature précise de l'équipement utilisé pour mener des enquêtes peut entraver l'efficacité de ces organismes et leur capacité à exécuter leurs mandats.
 Toutes les enquêtes sont menées conformément à la Charte des droits et libertés, au Code criminel du Canada, à la *Loi sur le Service canadien du renseignement de sécurité* et aux autres lois pertinentes, et dans le cadre de ces enquêtes, les droits constitutionnels de tous les Canadiens sont reconnus et respectés. L'utilisation de tous les outils d'enquête par les forces policières et les organismes du renseignement est également assujettie aux processus judiciaires appropriés. Les ordonnances de la cour sont limitées et propres aux actes criminels faisant l'objet de l'enquête et elles peuvent être obtenues seulement si les obligations légales sont respectées.
 English:
 Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.
 Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.
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(Follow-up) Questions

(Follow-up) Call Date

(Follow-up) Deadline

(Follow-up) Approvals

(Follow-up) Response

Notes

Related Media Coverage

Version: 5.0
 Created at 27/03/2017 10:25 AM by Martel, Karine
 Last modified at 29/03/2017 9:51 AM by Martel, Karine

Close

Duval, Jean Paul (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, March 28, 2017 9:29 AM
To: O'Nions, Christine; 'julie gagnon'; [REDACTED]
Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
Subject: RE: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

Hi Christine,

Yes, it came in yesterday from Radio-Canada. We're proposing the same response we provided in the past on the subject. This is going to our MO for approval now. We've shared it with RCMP and CSIS. We'll share it with CSEC for info as well.

Thanks,
Ryan

Reporter : [REDACTED] Radio-Canada

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes:

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Proposed response:

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Ryan Baker

Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada

Tel: (613) 991-3549

Mobile: (613) 796-9750

Ryan.Baker3@canada.ca

-----Original Message-----

From: O'Nions, Christine [mailto:Christine.O'Nions@pco-bcp.gc.ca]
Sent: Monday, March 27, 2017 5:39 PM
To: Baker3, Ryan (PS/SP); 'julie gagnon'; [REDACTED]
Subject: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

s.15(1) - Subv

Have any of you received calls on this?

Christine
613 853-1042.

From: Williams, Christopher R. <Christopher.Williams@CSE-CST.GC.CA>
Sent: Monday, March 27, 2017 5:20 PM
To: O'Nions, Christine; Lindblad, Anabel
Subject: FYI - CBC/Radio-Canada query - ISMI catchers

Good afternoon,

Below is our response to the CBC/Radio Canada questions about IMSI catchers. Similar to our last response on the subject from 2014, but with a little more detail about our SIGINT and ITS roles to help explain what we actually do.

This appears to be a joint CBC/Radio Canada investigative report, so we will be providing our response in both French and English. The request indicated a tight production schedule and advised that information received after 5:00 pm Wednesday March 29 may not be included in their reporting.

Let me know if you have any questions. Thanks.

CBC/Radio Canada Questions

A CBC/Radio-Canada investigation conducted in Ottawa over the course of several months detected the presence of machines which can intercept information from cell phones, known as IMSI catchers.

We are seeking answers to the following questions:

- 1) Has your organization used an IMSI catcher in the past?
- 2) Are you currently conducting operations, investigations or other work which involve the use of an IMSI catcher?
- 3) Was any in your organization using an IMSI catcher at any time between Dec 2016- Feb 2017 in or around the following areas: The Rideau Centre, the Byward Market, Parliament Hill, the CBC offices on Queen Street? Were you using one at Pierre Elliot Trudeau Airport during February 2017?

Proposed CSE Response

CSE is a foreign intelligence and cyber defence agency that works to protect Canada and Canadians against serious threats, such as terrorism and foreign cyber threats. CSE's activities are critical in keeping Canadians' safe at home and abroad.

To be clear, by law, CSE is not permitted to direct its activities at Canadians anywhere or at anyone in Canada. CSE follows and respects all Canadian laws when carrying out its lawfully mandated responsibilities.

CSE collects foreign signals intelligence in support of the Government of Canada's intelligence priorities in order to increase the Government's awareness of foreign threats to Canada and its citizens so it can take proper steps to protect Canadians against those threats. These activities are directed at foreign entities, outside of Canada.

CSE also helps protect and secure the Government of Canada's electronic networks and other important Canadian computer and information networks which are targeted millions of times every day by foreign states, hackers, and criminals.

MacLean, Megan (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Tuesday, March 28, 2017 9:28 AM s.15(1) - Subv
To: O'Nions, Christine; 'julie gagnon'; [REDACTED] s.19(1)
Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP); Martel, Karine (PS/SP); Levert, Jean-Philippe (PS/SP)
Subject: RE: Q that can wait until Tuesday - CBC/Radio-Canada query - ISMI catchers

Follow Up Flag: Follow up
Flag Status: Completed

Hi Christine,

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Ryan

Reporter : [REDACTED] Radio-Canada
Questions:

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Proposed response:

Proposed response:

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Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549

s.15(1) - Subv

Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

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Christine
613 853-1042.
From: Williams, Christopher R. <Christopher.Williams@CSE-CST.GC.CA>
Sent: Monday, March 27, 2017 5:20 PM
To: O'Nions, Christine; Lindblad, Anabel
Subject: FYI - CBC/Radio-Canada query - ISMI catchers

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CSE also helps protect and secure the Government of Canada's electronic networks and other important Canadian computer and information networks which are targeted millions of times every day by foreign states, hackers, and criminals.

Martel, Karine (PS/SP)

From: Martel, Karine (PS/SP)
Sent: Tuesday, March 28, 2017 9:15 AM
To: Michaud, Marie-Elaine (PS/SP)
Subject: RE: TRANSLATION - Media Call DL: Tuesday March 28th (2017-0066)

Merci Marie-Élaine!

Karine

From: Michaud, Marie-Elaine (PS/SP)
Sent: Tuesday, March 28, 2017 8:50 AM
To: Martel, Karine (PS/SP); PS.F TranslationComms-TraductionComms F.SP
Cc: Gowing, Andrew (PS/SP)
Subject: TRANSLATION - Media Call DL: Tuesday March 28th (2017-0066)

Bonjour,

Please find attached the translation requested.

Thank you!

Marie-Elaine Michaud

marie-elaine.michaud@canada.ca
418-856-1636

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 3:32 PM
To: PS.F TranslationComms-TraductionComms F.SP
Cc: Gowing, Andrew (PS/SP)
Subject: Request for Translation - Media Call DL: Tuesday March 28th (2017-0066)

Good afternoon,

Could you translate in French the response to this media call for tomorrow morning? I have include the questions for your reference.

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes:

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Proposed response:

Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.

Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.

All investigations are carried out in accordance with the *Charter of Rights and Freedoms*, the *Criminal Code of Canada*, the *Canadian Security Intelligence Service Act*, and other relevant statutes, and recognize and respect the constitutional rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met

Merci!

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

Martel, Karine (PS/SP)

From: s.15(1) - Subv Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 5:02 PM
To: s.19(1) 'michelle.rose@rcmp-grc.gc.ca'; 'eric.chouinard@rcmp-grc.gc.ca'; [REDACTED]
Cc: Baker3, Ryan (PS/SP); Gowing, Andrew (PS/SP); Duval, Jean Paul (PS/SP); 'julie.gagnon'
Subject: Heads-UP - Media Call - Use of IMSI catchers

Good afternoon colleagues,

As requested, we are sharing our response regarding a call from Radio-Canada on the use of IMSI catchers used by police force in the National Capital region. The proposed response below has been used in the past and is approved by our Director General of Communications. Once the response will be translated, it will be send to our Minister Office for final approval.

Reporter : [REDACTED], Radio-Canada

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

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Proposed response:

Proposed response:

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Thank you,

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Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

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Duval, Jean Paul (PS/SP)

From: Tomlinson, Jamie (PS/SP)
Sent: Monday, March 27, 2017 4:51 PM
To: Martel, Karine (PS/SP)
Cc: Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP)
Subject: Re: Media Call For DG Tomlinson's Approval- Use of IMSI catchers

Ok, thanks

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 4:43 PM
To: Tomlinson, Jamie (PS/SP)
Cc: Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP)
Subject: Media Call For DG Tomlinson's Approval- Use of IMSI catchers

Hi Jamie,

MO asked us to draft a response on the use of IMSI catchers used by police force in the National Capital region. The proposed response below are lines that we used in the past. The reporter's deadline is Wednesday but I recommend that we answer the reporter sooner rather than later. Of note, the response is in translation.

Reporter : [REDACTED] Radio-Canada s.19(1)

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

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Proposed response:

Approval: Ryan, Jean-Paul, Andrew, acting ADM Patrick Boucher, Suki Wong, Rodrigue Taschereau

Proposed response:

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Thank you,

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

Martel, Karine (PS/SP)

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 4:44 PM
To: Tomlinson, Jamie (PS/SP)
Cc: Baker3, Ryan (PS/SP); Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP)
Subject: s.19(1) Media Call For DG Tomlinson's Approval- Use of IMSI catchers

Hi Jamie,

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Reporter : [REDACTED] Radio-Canada

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

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Proposed response:

Approval: Ryan, Jean-Paul, Andrew, acting ADM Patrick Boucher, Suki Wong, Rodrigue Taschereau

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613-991-0657
media@ps-sp.gc.ca

Duval, Jean Paul (PS/SP)

From: Baker3, Ryan (PS/SP)
Sent: Monday, March 27, 2017 4:28 PM
To: Martel, Karine (PS/SP)
Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP)
Subject: RE: Media Call For Ryan's Approval- Use of IMSI catchers

Approved.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
Tel: (613) 991-3549
Mobile: (613) 796-9750
Ryan.Baker3@canada.ca

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Sent: Monday, March 27, 2017 4:15 PM
To: Baker3, Ryan (PS/SP)
Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP)
Subject: Media Call For Ryan's Approval- Use of IMSI catchers

s.19(1)

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From: Baker3, Ryan (PS/SP)
Sent: Monday, March 27, 2017 4:28 PM
To: Martel, Karine (PS/SP)
Cc: Duval, Jean Paul (PS/SP); Gowing, Andrew (PS/SP)
Subject: RE: Media Call For Ryan's Approval- Use of IMSI catchers

Follow Up Flag: Follow up
Flag Status: Completed

Approved.

Ryan Baker
Director, Public Affairs / Directeur, Affaires publiques
Public Safety Canada / Sécurité publique Canada
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Reporter : [REDACTED] Radio-Canada s.19(1)

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes:

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Approval: Jean-Paul, Andrew, acting ADM Patrick Boucher, Suki Wong, Rodrigue Taschereau

Proposed response:

Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.

Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.

All investigations are carried out in accordance with the *Charter of Rights and Freedoms*, the *Criminal Code of Canada*, the *Canadian Security Intelligence Service Act*, and other relevant statutes, and recognize and respect the constitutional rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met

Thank you,

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

Martel, Karine (PS/SP)

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 3:38 PM
To: Michaud, Marie-Elaine (PS/SP)
Subject: RE: Request for Translation - Media Call DL: Tuesday March 28th (2017-0066)

Merci!

From: Michaud, Marie-Elaine (PS/SP)
Sent: Monday, March 27, 2017 3:34 PM
To: Martel, Karine (PS/SP); PS.F TranslationComms-TraductionComms F.SP
Cc: Gowing, Andrew (PS/SP)
Subject: RE: Request for Translation - Media Call DL: Tuesday March 28th (2017-0066)

Sure, I will try to send it to you by 9 am.

Thank you!

Marie-Elaine Michaud
marie-elaine.michaud@canada.ca
418-856-1636

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 3:32 PM
To: PS.F TranslationComms-TraductionComms F.SP
Cc: Gowing, Andrew (PS/SP)
Subject: Request for Translation - Media Call DL: Tuesday March 28th

Good afternoon,

Could you translate in French the response to this media call for tomorrow morning? I have include the questions for your reference.

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes:

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Proposed response:

Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.

Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.

All investigations are carried out in accordance with the *Charter of Rights and Freedoms*, the *Criminal Code of Canada*, the *Canadian Security Intelligence Service Act*, and other relevant statutes, and recognize and respect the constitutional rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met

Merci!

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

Martel, Karine (PS/SP)

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 3:37 PM
To: Duval, Jean Paul (PS/SP)
Cc: Gowing, Andrew (PS/SP)
Subject: Media Call For Jean-Paul's Approval- Use of IMSI catchers
s.19(1)

Hi Jean-Paul,

MO asked us to draft a response on the use of IMSI catchers used by police force in the National Capital region. The proposed response below are lines that we used in the past. The reporter's deadline is Wednesday but I recommend that we answer the reporter sooner rather than later. Of note, the response will be translated into French after Ryan's approval.

Reporter : [REDACTED], Radio-Canada

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes:

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Approval: Andrew, acting ADM Patrick Boucher, Suki Wong, Rodrigue Taschereau

Proposed response:

Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.

Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.

All investigations are carried out in accordance with the *Charter of Rights and Freedoms*, the *Criminal Code of Canada*, the *Canadian Security Intelligence Service Act*, and other relevant statutes, and recognize and respect the constitutional rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met

Thank you,

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657

Martel, Karine (PS/SP)

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 3:32 PM
To: PS.F TranslationComms-TraductionComms F.SP
Cc: Gowing, Andrew (PS/SP)
Subject: Request for Translation - Media Call DL: Tuesday March 28th

Good afternoon,

Could you translate in French the response to this media call for tomorrow morning? I have include the questions for your reference.

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes:

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Proposed response:

Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.

Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.

All investigations are carried out in accordance with the *Charter of Rights and Freedoms*, the *Criminal Code of Canada*, the *Canadian Security Intelligence Service Act*, and other relevant statutes, and recognize and respect the constitutional rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met

Merci!

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

Martel, Karine (PS/SP)

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 3:29 PM
To: Gowing, Andrew (PS/SP)
Subject: s.19(1) Media Call For Andrew's Approval- Use of IMSI catchers

Good afternoon Andrew,

MO asked us to draft a response on the use of IMSI catchers used by police force in the National Capital region. The proposed response below are lines that we used in the past The reporter's deadline is Wednesday but I recommend that we answer the reporter sooner than later. Of note, the response will be translate in French after Ryan's approval.

Reporter : [REDACTED] Radio-Canada

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes:

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Approval: Suki Wong, Rodrigue Taschereau

Proposed response:

Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.

Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.

All investigations are carried out in accordance with the *Charter of Rights and Freedoms*, the *Criminal Code of Canada*, the *Canadian Security Intelligence Service Act*, and other relevant statutes, and recognize and respect the constitutional rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met

Thank you,

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

Martel, Karine (PS/SP)

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 2:22 PM
To: Boucher, Patrick (PS/SP)
Subject: RE: Media Call For ADM Beaugard's Approval- Use of IMSI catchers

Hi Patrick, I assume you are acting ADM today?

From: Boucher, Patrick (PS/SP)
Sent: Monday, March 27, 2017 2:17 PM
To: Richer, Jean-Marc (PS/SP)
Cc: Prudhomme, Christine (PS/SP); Digiacomo, Daniela (PS/SP); Lagasse, Trish (PS/SP); Martel, Karine (PS/SP)
Subject: RE: Media Call For ADM Beaugard's Approval- Use of IMSI catchers

Looks good...approved.

From: Richer, Jean-Marc (PS/SP)
Sent: Monday, March 27, 2017 2:14 PM
To: Boucher, Patrick (PS/SP)
Cc: Prudhomme, Christine (PS/SP); Digiacomo, Daniela (PS/SP); Lagasse, Trish (PS/SP)
Subject: FW: Media Call For ADM Beaugard's Approval- Use of IMSI catchers

See email below, for approval.

JM

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 2:13 PM
To: Beaugard, Monik (PS/SP)
Cc: Gowing, Andrew (PS/SP); Wong, Suki (PS/SP); Taschereau, Rodrigue (PS/SP); Richer, Jean-Marc (PS/SP)
Subject: Media Call For ADM Beaugard's Approval- Use of IMSI catchers

Good afternoon Monik,

We received a French media call on the use of IMSI catchers used by police force in the National Capital region. The proposed response below are lines that we used in the past. In order to meet the reporter's deadline, I need your approval end of day today. Of note, the response will be translate in French.

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes:

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Approval: Suki Wong, Rodrigue Taschereau

Proposed response:

Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.

Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.

All investigations are carried out in accordance with the *Charter of Rights and Freedoms*, the *Criminal Code of Canada*, the *Canadian Security Intelligence Service Act*, and other relevant statutes, and recognize and respect the constitutional rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met

Thank you,

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

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Martel, Karine (PS/SP)

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 12:04 PM
To: Wong, Suki (PS/SP)
Cc: Taschereau, Rodrigue (PS/SP); Gowing, Andrew (PS/SP); Voghel-Pilon, Dominique (PS/SP)
Subject: Media Call For DG Wong's Approval- Use of IMSI catchers

Good afternoon Suki,

We received a French media call on the use of IMSI catchers used by police force in the National Capital region. The proposed response below are lines that we used in the past. In order to meet the reporter's deadline, I need your approval by mid-afternoon if possible. Of note, the response will be translate in French.

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes :

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Approval: Rodrigue Taschereau

Proposed response:

Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.

Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.

All investigations are carried out in accordance with the *Charter of Rights and Freedoms*, the *Criminal Code of Canada*, the *Canadian Security Intelligence Service Act*, and other relevant statutes, and recognize and respect the constitutional rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met

Thank you,

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

Martel, Karine (PS/SP)

From: Martel, Karine (PS/SP)
Sent: Monday, March 27, 2017 10:46 AM
To: Taschereau, Rodrigue (PS/SP)
Cc: Gowing, Andrew (PS/SP); Johnston, Shannon (PS/SP)
Subject: Media Call - Use of IMSI catchers

Good morning Rodrigue,

We received a French media call on the use of IMSI catchers used by police force in the National Capital region. The proposed response below are lines that we used in the past. In order to meet the reporter's deadline, I need your approval early this afternoon if possible. Of note, the response will be translate in French.

Questions:

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes :

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Proposed response:

Proposed response:

Law enforcement and intelligence agencies use a variety of solutions in support of their mandate to ensure the safety and security of Canada.

Disclosing details such as the specific types of equipment used to conduct investigations may hinder these agencies' effectiveness and their ability to carry out their mandates.

All investigations are carried out in strict accordance with the *Charter of Rights and Freedoms*, the *Criminal Code of Canada*, the *Canadian Security Intelligence Service Act*, and other relevant statutes, and recognize and respect the constitutional rights of all Canadians. The use of all investigative tools by police forces and intelligence agencies is also subject to appropriate judicial processes. Court orders are limited and specific to the criminality under investigation, and can only be obtained if statutory requirements are met

Thank you,

Karine Martel
Spokesperson / Porte-parole
Media Relations / Relations avec les médias
Public Safety Canada / Sécurité publique Canada
613-991-0657
media@ps-sp.gc.ca

Duval, Jean Paul (PS/SP)

From: Media Relations / Relations avec les médias (PS/SP)
Sent: Monday, March 27, 2017 9:30 AM
To: Duval, Jean Paul (PS/SP); Malik, Zarah (PS/SP); Levert, Jean-Philippe (PS/SP); Martel, Karine (PS/SP); MacLean, Megan (PS/SP); Baker3, Ryan (PS/SP); Gowing, Andrew (PS/SP)
Subject: FW: questions

From: Media Relations / Relations avec les médias (PS/SP)
Sent: March 27, 2017 9:29:34 AM (UTC-05:00) Eastern Time (US & Canada)
To: Bardsley, Scott (PS/SP); Media Relations / Relations avec les médias (PS/SP)
Cc: Brien, Dan (PS/SP); Peirce, Hilary (PS/SP); Baker3, Ryan (PS/SP); Tomlinson, Jamie (PS/SP)
Subject: RE: questions

Hi Scott,

We are on it.

From: Bardsley, Scott (PS/SP)
Sent: Monday, March 27, 2017 9:17 AM
To: Media Relations / Relations avec les médias (PS/SP)
Cc: Brien, Dan (PS/SP); Peirce, Hilary (PS/SP); Baker3, Ryan (PS/SP); Tomlinson, Jamie (PS/SP)
Subject: Fw: questions

Dear Media Relations,

Can you please take a crack at drafting a response to the questions below?

s.19(1)

Scott

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: [REDACTED]@radio-canada.ca>
Sent: Monday, March 27, 2017 8:26 AM
To: Bardsley, Scott (PS/SP)
Cc: Catherine Cullen
Subject: questions

Bonjour Scott,

Une enquête de Radio-Canada/CBC échelonnée sur plusieurs mois a permis de détecter, à Ottawa, la présence de capteurs d'IMSI (IMSI catchers), des machines capables d'intercepter les données des téléphones mobiles.

Nous aimerions obtenir des réponses du ministre de la Sécurité publique aux questions suivantes :

- 1) Quelles agences fédérales ont déjà utilisé un capteur d'IMSI par le passé?
- 2) Quelles agences fédérales mènent présentement des enquêtes ou tout autre projet qui impliquent l'utilisation de capteur d'IMSI?
- 3) Savez-vous si des agences fédérales ont utilisé un capteur d'IMSI à proximité des endroits suivants : le Centre Rideau, le marché Byward, la colline du Parlement et les bureaux de Radio-Canada, sur la rue Queen, en décembre 2016, janvier 2017 ou février 2017; et à l'aéroport international Pierre-Elliott-Trudeau à Montréal en février 2017?

Nous avons besoin de vos réponses avant mercredi, le 29 mars à 17h.

En raison d'un calendrier de production très serré, nous ne pouvons garantir que des réponses au-delà de cette date d'échéance seront intégrées à nos reportages.

Merci et bonne journée,

[REDACTED]
Journaliste
Enquêtes et Affaires publiques
Radio-Canada

Web: www.radio-canada.ca [REDACTED]
Twitter: [REDACTED]
Facebook: [REDACTED] Radio-Canada
Clé PGP

A CBC/Radio-Canada investigation conducted in Ottawa over the course of several months detected the presence machines which can intercept information from cell phones, known as IMSI catchers.

We would like answers from the Minister's office to the following questions:

- 1) Which federal agencies have used an IMSI catcher in the past?
- 2) Which agencies are currently involved in operations, investigations or other work which involve the use of an IMSI catcher?
- 3) Do you know if any federal agencies was using an IMSI catcher at any time between Dec 2016- Feb 2017 in or around the following areas: The Rideau Centre, the Byward Market, Parliament Hill, the CBC offices on Queen Street? What about at Pierre-Elliot -Trudeau airport during Feb 2017?

We would like answers to these questions before Wednesday, March 29th at 5 P.M.

We are dealing with a demanding production schedule on this story and therefore we cannot guarantee responses received after that deadline can be incorporated into all of our reporting.

Thank you and have a good day,

[REDACTED]
CBC News, Parliament Hill Bureau

s.19(1)