



**THE DEPUTY MINISTER OF FOREIGN AFFAIRS
INTRODUCTORY MEETING WITH THE NATIONAL SECURITY AND INTELLIGENCE REVIEW
AGENCY (NSIRA)**

October 1, 2019, 14:00, location to be determined

MEETING CONTEXT

- This is an introductory meeting with Murray Rankin, Chair of the National Security and Intelligence Review Agency (NSIRA), and John Davies, Executive Director of the NSIRA Secretariat.
- NSIRA is a newly established independent body at arm's length from Government that is mandated to review national security and intelligence activities across the Government of Canada, including at Global Affairs Canada.
- Global Affairs Canada is involved in three active NSIRA reviews, all of which require significant engagement throughout fall 2019-winter 2020, and possibly beyond:
 1. Review of security and intelligence activities at [REDACTED] Status: Ongoing
[REDACTED]
 2. Review of the implementation of the *Avoiding Complicity in Mistreatment by Foreign Entities Act*, which NSIRA is required by law to conduct on an annual basis. Status: Ongoing (to be completed in winter 2020). This review involves at least seven departments and agencies.
 3. Review of disclosures made under the *Security of Canada Information Disclosure Act (SCIDA)*, which NSIRA is also required by law to conduct on an annual basis. Status: not yet initiated (to be completed by winter-spring 2020). For Global Affairs Canada, this will likely involve records produced by the consular operations team.
- Mr. Davies and Rankin are expected to provide you with an overview of NSIRA's mandate, research plan for 2019 and implications for Global Affairs Canada. They have already held introductory meetings with deputy heads from CBSA and CSIS.
- Global Affairs Canada provided an introductory briefing to members of the NSIRA Secretariat on September 19 in the context of its review of security and intelligence activities [REDACTED]. Martin Benjamin, Director General, Counter-Terrorism, Crime and Intelligence, chaired this meeting.
- Global Affairs Canada had been slow in providing documents requested by NSIRA, but following your recent delegation of authority to Director General Benjamin, we have now addressed our backlog with the Agency.
- As Global Affairs Canada moves ahead with its planning to address future intelligence review and oversight requirements, a new unit, the Review Liaison Unit, will be created in the Intelligence Policy and Programs Division in January 2020 and will be responsible for coordinating Global Affairs Canada's response to NSIRA and NSICOP reviews. It is expected that this dedicated unit will further assist the Department in managing high-volume requests and in developing a positive long-term relationship with NSIRA.

TALKING POINTS

- Review plays a vital role in Canada's national security and intelligence system, both in ensuring that activities are undertaken according to law and policy, and also in ensuring that the proper frameworks are in place to govern work in this space.



- With the establishment of the National Security and Intelligence Committee of Parliamentarians (NSICOP), and now NSIRA, Global Affairs Canada is continuing to adapt to ensure that we can meet the demands of review.
- We recognize that document provision has been slow at the outset of this new relationship, and we are committed to ensuring that you receive timely support as you undertake your reviews.
- I have recently delegated authority to the Director General, Counter-Terrorism, Crime and Intelligence for the release of future documents for NSIRA reviews, in order to ensure that future disclosures are undertaken in a timely manner.
- Global Affairs Canada is also working to establish a dedicated Review Liaison Unit that will be responsible for managing the day-to-day relationship and coordinating departmental responses to document and briefing requests.
- Global Affairs Canada recently provided an initial document disclosure and an introductory briefing to members to your staff (NSIRA Secretariat) for your review of security and intelligence activities at [REDACTED] which I am told went well.
- We will continue to support NSIRA to provide you with the information and briefings that you need to meet your objectives.

Questions

- What role do you envision NSIRA playing in the national security and intelligence community over the long term?
- How do you see the relationship between NSIRA and NSICOP evolving over the next few years?
- Other than the reviews that are currently underway, what else should Global Affairs Canada expect from NSIRA in 2020?
- What opportunities will there be for departments and agencies to inform NSIRA's longer term review plans?

John DAVIES

Photo not available

Executive Director of the National Security and Intelligence Review Agency (NSIRA) Secretariat

John Davies was appointed by the Prime Minister to serve as the first Executive Director of NSIRA on August 12, 2019. Prior to that, he served as Director General, National Security Policy Directorate, Public Safety Canada, since 2011.

Professional Experience

2008 – 2011, Director, International Finance and Development Division, Finance Canada

2005 – 2008, Chief, International Finance and Development Division, Finance Canada

2001 – 2005, Senior Economist, International Finance and Development Division, Finance Canada

Education

Master of Science, Politics of the world economy, London School of Economics

Bachelor of Social Science with Honours, University of Ottawa

Murray RANKIN, Q.C.

Photo not available

Chair of NSIRA

He was announced Chair of NSIRA by the Prime Minister on July 24, 2019. Prior to that, he served as MP for Victoria (since 2012), and the New Democratic Party's Critic for Justice and for the Attorney General. He also served as Vice-Chair of the Standing Committee on Justice and Human Rights. Previously, he was critic for various portfolios, including National Revenue, Pensions, and Health. In 2017, Mr. Rankin was appointed by the Governor General, on the advice of the Prime Minister, to the new National Security and Intelligence Committee of Parliamentarians.

Prior to serving in Parliament, Mr. Rankin was a Professor of Law at the University of Victoria, where he taught administrative and environmental law. In 1990, he co-founded the law firm of Arvay Finlay, where his practice focused on public law matters. In 2006, he joined a national law firm.

Murray Rankin earned a Master of Laws from Harvard University (LL.M.), after graduating from the University of Toronto with a Bachelor of Laws (LL.B.). Mr. Rankin's graduate research at Harvard Law School focused on freedom of information and national security. He later served as legal counsel to the Security Intelligence Review Committee and as a special advocate under the Immigration and Refugee Protection Act, conducting hearings on issues of national security.

BACKGROUND

The National Security and Intelligence Review Agency Overview

The National Security and Intelligence Review Agency Act, which formed part of Bill C-59, came into force on July 12, 2019. As a result of this legislation, the Security and Intelligence Review Committee (SIRC), which previously had a mandate to review CSIS activities (including for lawfulness and adherence to ministerial direction), has become the National Security and Intelligence Review Agency (NSIRA). This new agency has a broad mandate to review the national security and intelligence activities of all federal departments and agencies, including Global Affairs Canada.

NSIRA is entitled to have access in a timely manner to any information that is in the possession or under the control of any department, in relation to its reviews (with the sole exception of Cabinet confidence). NSIRA's primary focus will be on verifying compliance with the law and Ministerial direction, but it will also assess the reasonableness and necessity of government activities. NSIRA will submit classified reports, including findings and recommendations, to the relevant Ministers, as well as an annual report to the Prime Minister. An unclassified version of its annual report will be tabled in Parliament each year.

NSIRA is led by a Chair (Murray Rankin) and up to six members who serve for a five-year term. Members are supported by a Secretariat, which is led by an Executive Director (John Davies).

It also has the obligation to conduct mandatory annual reviews, including:

- The implementation of all directions issued to deputy heads under the *Avoiding Complicity in Mistreatment by Foreign Entities Act*; and,
- The disclosure of information under the *Security of Canada Information Disclosure Act (SCIDA)*.

Many of NSIRA's reviews will be department specific, while others will be "interagency", or will follow the thread across departments as required to obtain a complete picture of events.

NSIRA reviews can be classed as:

- **Statutory reviews:** Mandatory reviews as per the *NSIRA Act* and other legislation
- **Core reviews:** Frequent scrutiny of important and/or intrusive departmental mandates and activities
- **Question-driven reviews:** Exploratory reviews based on risk of new activities, new technologies, bilateral/multilateral relationships, etc.

There is some partial overlap between the mandates of the National Security and Intelligence Committee of Parliamentarians (NSICOP) and NSIRA, in that both organizations can conduct compliance-focused reviews.

[REDACTED]

NSIRA Reviews and Global Affairs Canada

NSIRA review of security and intelligence activities [REDACTED] Since its establishment, the Security Intelligence Review Committee (SIRC), now NSIRA, has travelled to foreign stations every year to undertake in-depth examinations of CSIS's activities abroad. For 2019, NSIRA is reviewing the national security and intelligence activities [REDACTED]

[REDACTED]

Within this context, Global Affairs Canada provided a preliminary briefing to NSIRA (September 19, 2019). This briefing situated Global Affairs Canada's role in the Government's security and intelligence

community, and provided an overview of the operational activities of employees involved in a security function in [REDACTED] and the value those employees bring in a security and intelligence context. Officials from the NSIRA secretariat were particularly interested [REDACTED] and it is expected that [REDACTED] will serve as an area of focus for the review. As a next step, Global Affairs Canada will offer to brief NSIRA in additional areas as they shape the Terms of Reference.

As part of this review, NSIRA staff will be visiting [REDACTED] to [REDACTED] staff who have a role in security and intelligence context at those missions.

NSIRA review of Global Affairs Canada's policy and operational framework in the implementation of Global Affairs Canada's Ministerial Direction on Avoiding Complicity in Mistreatment by Foreign Entities: NSIRA is required by law to review the implementation of the *Avoiding Complicity in Mistreatment by Foreign Entities Act* on an annual basis, and this initial review is expected to be completed this winter. It implicates several departments and agencies who were subject to similar Ministerial Directions on information sharing in 2011 and 2017. NSIRA's focus for Global Affairs Canada is the policy and operational framework implemented further to the *Ministerial Direction on Avoiding Complicity in Mistreatment by Foreign Entities* which was issued by the Minister of Foreign Affairs in December 2017.

NSIRA review of Global Affairs Canada's disclosures made under the Security of Canada Information Disclosure Act (SCIDA): NSIRA will soon begin a review of disclosures made at Global Affairs Canada under the *Security of Canada Information Disclosure Act (SCIDA)*. It implicates all departments and agencies who disclose information under *SCIDA*. Global Affairs Canada is required to provide NSIRA with all SCIDA records created in the past calendar year by January 30, 2020.

Outcomes/Next Steps

Based on Global Affairs Canada's experience with NSICOP reviews, we expect that NSIRA reviews will constitute a major resource burden for the department. As Global Affairs Canada moves ahead with planning to address future intelligence review and oversight requirements, Director General Benjamin is developing a business case for the establishment of a new unit, the Review Liaison Unit. This unit would be created in January 2020 and will be responsible for coordinating Global Affairs Canada's response to NSIRA and NSICOP reviews.

Name and symbol of drafter/tel.: [REDACTED]

Symbols/acronyms of consulted divisions/departments:

Name and symbol of approving DG/ADM: IDD/Benjamin, IFM/Costello

Name and symbol of departmental officer attending/tel.:

Attachments: