The National Security and Intelligence Committee of Parliamentarians

2024 Annual Report

Canada

The National Security and Intelligence Committee of Parliamentarians

Annual Report 2024 (Revised version pursuant to subsection 21(5) of the NSICOP Act)

CP100E (Print)
ISSN 2562-5101 (Print)

CP100E-PDF (Online)
ISSN 2562-511X (Online)

Cette publication est également disponible en français :
Rapport annuel 2024 (Version révisée selon le paragraphe 21(5) de la Loi sur le CPSNR)

P.O. Box 8015, Station T, Ottawa ON K1G 5A6
www.nsicop-cpsnr.ca

© His Majesty the King in Right of Canada, 2025. All rights reserved

Annual Report 2024

The National Security and Intelligence Committee of Parliamentarians

Revisions

Consistent with subsection 21(1) of the *National Security and Intelligence Committee of Parliamentarians Act* (NSICOP Act), the Committee must submit an annual report to the Prime Minister. Consistent with subsection 21(5) of the NSICOP Act, the Prime Minister may, after consulting the Chair of the Committee, direct the Committee to submit to him or her a revised version of the annual report that does not contain information the Prime Minister believes the disclosure of which would be injurious to national security, national defence or international relations or is information that is protected by solicitor-client privilege.

This report was provided to the Prime Minister on March 4, 2025. As this report was written without reliance on classified information, no revisions were made to remove information the disclosure of which the Prime Minister believes would be injurious to national defence, national security or international relations, or which constitutes solicitor-client privilege.

However, the report's annexes of the Committee's previous recommendations and the government's responses do contain revisions that were included in previous reports. Each of these are marked with three asterixis (***). There are no changes to these revisions.

Message from the Committee

We are pleased to submit the seventh annual report of the National Security and Intelligence Committee of Parliamentarians to the Prime Minister.

In 2024, the Committee had a busy year. It finished one review, continued its work on an ongoing review, and launched another. In June 2024, the Committee's *Special Report on Foreign Interference in Canada's Democratic Processes and Institutions* was tabled in Parliament. The Committee also continued its work on the review of lawful access to communications by security and intelligence organizations, which had been launched in August 2022, but paused to allow the Committee to focus on its foreign interference review. In April 2024, the Committee launched its review on the role of the National Security and Intelligence Advisor to the Prime Minister.

During 2024, the Committee was pleased to welcome two members, one new member and one returning member, and benefitted greatly from their insights and considerable experience. We also note the retirement in October 2024 of the Honourable Frances Lankin and the departure in December 2024 of two members, Darren Fisher and the Honourable David McGuinty, following their respective appointments as Cabinet ministers. It is with gratitude that we offer our sincere thanks to them for their important contributions during their tenures.

We would also like to acknowledge the work of the Honourable David McGuinty as Chair of the Committee since its inception in 2017. We thank him for his dedication and service.

Now going into its eighth year, the Committee wishes to highlight that the comprehensive 5-year review of the NSICOP Act, as outlined in the *National Security and Intelligence Committee of Parliamentarians Act*, is overdue. It is our hope that this review will occur as soon as possible.

Finally, we wish to acknowledge the Secretariat staff for their continued assistance and service.

The National Security and Intelligence Committee of Parliamentarians

(Membership from the 44th Parliament)

The Honourable David J. McGuinty, P.C., M.P. (Ceased being a member and Chair on December 20, 2024)

Mr. Stéphane Bergeron, M.P.

Mr. Don Davies, M.P.

The Honourable Patricia Duncan, Senator

Mr. Darren Fisher, M.P. (Ceased being a member on December 20, 2024)

The Honourable Marty Klyne, Senator

The Honourable Frances Lankin, P.C., C.M., Senator
(Ceased being a member on October 21, 2024)

Ms. Patricia Lattanzio, M.P.

Mr. Rob Morrison, M.P.

Mr. Alex Ruff, M.S.C, C.D., M.P.

Ms. Brenda Shanahan, M.P.

Table of Contents

Introduction 1

The Committee's 2024 activities. 1

Reporting requirements for 2024 2

Special Report on Foreign Interference in Canada's Democratic Processes and Institutions. 4

Annex A: Findings and recommendations of the Special Report on Foreign Interference in Canada's Democratic Processes and Institutions 6

Annex B: Outstanding recommendations of prior reviews 9

Annex C: Abbreviations. 26

Introduction

1. The National Security and Intelligence Committee of Parliamentarians (NSICOP, or the Committee) is pleased to present the Prime Minister with its seventh annual report. The report provides an overview of the Committee's work over the past year. It also presents a summary of the Committee's 2024 review.

The Committee's 2024 activites

2. In 2024, NSICOP welcomed two new members from the House of Commons. On April 22, the Prime Minister announced the appointment of Mr. Darren Fisher, Member of Parliament for Dartmouth-Cole Harbour, and on July 26, the appointment of Ms. Brenda Shanahan, Member of Parliament for Châteauguay—Lacolle, who previously served on the Committee.
3. The Committee met 40 times in 2024. That work resulted in the completion of a special report, the launch of a new review, and the continuation of a review launched in 2022.
4. On June 3, a revised version of the Committee's Special Report on *Foreign Interference in Canada's Democratic Processes and Institutions* was tabled in both Houses of Parliament. The report was submitted to the Prime Minister on March 22 and is summarized below. Its findings and recommendations are presented in Annex A.
5. Throughout 2024, the Committee continued work on review related to the its lawful access to communications by security and intelligence organizations. This review examines the legislative, regulatory, policy and financial framework for the lawful interception of communications for security and intelligence activities, the challenges resulting from the impact of rapidly changing and emerging technology, including the use of end-to-end encryption, and the limitations of the current framework faced with these challenges. NSICOP is also examining potential risks to the privacy rights of Canadians associated with modernizing authorities in this area.
6. On October 10, the Committee announced a review of the role of the National Security and Intelligence Advisor (NSIA) to the Prime Minister. The NSIA is one of the most senior officials in the government and a key advisor to the Prime Minister on security and intelligence. While the role was created more than twenty years ago, its authorities and governance framework have not been the subject of a dedicated external review.

Review of Act after five years

7. According to section 34 of the *National Security and Intelligence Committee of Parliamentarians Act*,

> Five years after the day on which this Act comes into force, a comprehensive review of the provisions and operation of the Act is to be undertaken by the committee of the Senate, of the House of Commons or of both Houses of Parliament that is designated or established by the Senate or the House of Commons, or by both Houses of Parliament, as the case may be, for that purpose.

8. A comprehensive review as outlined in the NSICOP Act would allow the Committee and others to make specific recommendations about reforming and modernizing the NSICOP Act. First, amendments to the NSICOP Act could improve the Committee's access to information and its ability to exchange information with other review bodies. Since its inception in 2017, and as mentioned consistently in previous reports, the Committee has faced challenges in obtaining information. Second, reforms could enhance the independence and efficiency of the Committee. It is important to the Committee that the government initiate the statutory review of the Act, now nearly 3 years overdue.

Reporting requirements for 2024

Injury to national security and refusal to provide information

9. The NSICOP Act has several reporting requirements. The Committee must include in its annual report the number of instances in the preceding year that an appropriate minister determined that a review conducted under paragraph 8(1)(b) of the Act would be injurious to national security. It must also disclose the number of times a responsible minister refused to provide information to the Committee due to his or her opinion that the information constituted special operational information and would be injurious to national security, consistent with subsection 16(1) of the Act.

10. In 2024, no reviews proposed by the Committee were deemed injurious to national security by a minister and no information requested by the Committee was refused by a minister on these grounds.

Reviews deemed injurious to national security 0

Information requests refused 0

Avoiding Complicity in Mistreatment by Foreign Entities Act

11. Pursuant to the *Avoiding Complicity in Mistreatment by Foreign Entities Act* (the Act), twelve organizations within the federal government must submit to their Minister an annual report in respect of the implementation of the Act in the previous calendar year.[1] The annual reports must contain information regarding:

    a. The disclosure of information to a foreign entity that would result in a substantial risk of mistreatment to an individual;

    b. The making of requests to any foreign entity for information that would result in a substantial risk of mistreatment of an individual; and

    c. The use of information that is likely to have been obtained through the mistreatment of an individual by a foreign entity.

12. The Act requires the implicated Ministers to provide a copy of their organization's

[1] The federal organizations mandated to report are: Canada Border Services Agency; Canada Revenue Agency; Canadian Security Intelligence Service; Communications Security Establishment; Department of National Defence and the Canadian Armed Forces; Financial Transactions and Reports Analysis Centre of Canada; Fisheries and Oceans Canada; Global Affairs Canada; Immigration, Refugees and Citizenship Canada; Public Safety Canada; Royal Canadian Mounted Police; and Transport Canada.

annual mistreatment reports to NSICOP and the National Security and Intelligence Review Agency (NSIRA). The Committee received all twelve annual compliance reports.

Referrals

13. Pursuant to paragraph 8(1)(c) of the NSICOP Act, any minister of the Crown may refer any matter relating to national security or intelligence to the Committee for review. The Committee did not receive any referrals in 2024.

Special Report on Foreign Interference in Canada's Democratic Processes and Institutions

14. On June 3, 2024, a revised version of NSICOP's *Special Report on Foreign Interference in Canada's Democratic Processes and Institutions* was tabled in both Houses of Parliament. The report was concurrently made available to the public on the Committee's website. The report includes eight findings and six recommendations.

15. Representing the third time the Committee has reviewed the government's response to threats of foreign interference, this report builds on the Committee's more expansive 2019 review. To avoid duplication, it narrowly focuses on the specific threat to Canada's democratic processes and institutions as a subset of the larger foreign interference challenge.

16. It is clear to the Committee that foreign actors continue to carry out interference activities in Canada. The key threat actors, including their motivations, tactics, and techniques, largely remain the same, although this review describes what has evolved and provides examples of what intelligence agencies reported in the time period in question. Moreover, the mandates and legislative authorities of the departments and agencies responsible for responding to foreign interference are also largely unchanged.

17. This review examined information from September 1, 2018 to March 15, 2024, and included ten organizations. In support of the review, the Committee requested material from the Canadian Security Intelligence Service (CSIS), Communications Security Establishment Canada (CSE), the Royal Canadian Mounted Police (RCMP), Public Safety Canada (PS), Global Affairs Canada (GAC) and the Privy Council Office (PCO). It also relied on Secretariat briefings and departmental responses to written questions. Senior officials appeared before the Committee, sometimes more than once.

18. The Committee found that the government was aware in 2018 that the reforms implemented under the Plan to Protect Democracy were insufficient to address foreign interference in democratic processes and institutions. Indeed, the Prime Minister has acknowledged publicly that the government needed to do a better job of following up on the Committee's previous recommendations.[2] In the Committee's view, this delay contributed in part to the crisis in which several unauthorized leaks of intelligence raised significant concerns about the state of foreign interference in Canada and in our democratic processes and institutions.

19. The Committee noted that the government must ensure that legislation keeps pace with this evolving threat so that the security and intelligence community has the tools it needs to respond to the threat in a way that discourages future interference efforts. It must clearly define thresholds for response and clarify the roles and mandates of governance bodies to support a coherent and coordinated response to instances of

[2] CBC News, "Prime Minister admits he hasn't heeded intelligence watchdog's recommendations in the past," March 2023.

foreign interference, and the accountabilities of Ministers. The government must also address deficiencies in how intelligence is distributed, assessed and used internally, and in doing so build a culture where officials and Ministers alike are seized with and accountable for identifying challenges and taking decisions to address them.

20. Obstacles identified in the report include outdated legislation governing the sharing of classified information, the absence of mechanisms to engage other orders of government, and stalled initiatives to inform the Canadian public and other key stakeholders. The Committee underscored that briefing Parliamentarians on the threat is imperative. The report draws attention to the important role that Parliamentarians have to play. The Committee called on Parliamentarians to carefully consider all ethical and legal ramifications of their engagement with foreign officials or their proxies, and act to reduce their own vulnerabilities. A heightened awareness of the threat is necessary.

21. The Committee is encouraged by Bill C-70, which addressed some of the recommendations made by the Committee. However, work still needs to be done to address other challenges such as how the threat is interpreted, how intelligence reporting is disseminated and acted upon, and how threats are communicated to vulnerable stakeholders, particularly Parliamentarians.

22. The Committee recognizes the considerable amount of work being undertaken through other processes to understand foreign interference in Canada's democratic institutions and processes. As a committee of parliamentarians, the Committee appreciates having had the opportunity to bring its viewpoint to this important and timely issue.

Annex A: Findings and recommendations of the Special Report on Foreign Interference in Canada's Democratic Processes and Institutions

Findings

F1. Foreign states conduct sophisticated and pervasive foreign interference specifically targeting Canada's democratic processes and institutions, occurring before, during and after elections and in all orders of government. These activities continue to pose a significant threat to national security, and to the overall integrity of Canada's democracy. The PRC and India are the most active perpetrators.

F2. The government was aware in 2018 that the reforms implemented under the Plan to Protect Democracy were insufficient to address foreign interference in democratic processes and institutions. It has yet to implement an effective response to foreign interference in democratic processes and institutions. This is despite a significant body of intelligence reporting, the completion of foundational policy work, public consultations and having been called to do so by this Committee.

F3. Significant differences persist in how Ministers, departments and agencies interpret the gravity and prevalence of the threat, including the threshold for response.

- The intelligence community increased its reporting to the government on the threat of foreign interference in Canada's democratic processes and institutions in response to Canada's intelligence priorities.
- Policy departments (Privy Council Office, Global Affairs Canada, and Public Safety) did not adequately consider intelligence reporting or assessments, or develop policy advice to address specific cases of foreign interference.
- Ministers accountable for national security did not request policy advice in response to intelligence reporting and the government was slow to put in place governance structures to consider intelligence and take decisions.

F4. The roles, mandates and accountabilities of the National Security Council and supporting governance committees are unclear.

F5. Canada's current legal framework does not enable the security and intelligence community or law enforcement to respond effectively to foreign interference activities. This impedes the federal government's ability to engage other orders of government and law enforcement with respect to sharing and use of classified intelligence, respectively.

F6. While departments and agencies conducted operations to disrupt or deter foreign interference, tangible results with respect to the level of actual threat reduction were difficult to measure.

F7. The government continues to lack an effective approach to engage with the Canadian public and other orders of government. While it has increased engagement with some Parliamentarians, political parties and electoral candidates, its efforts have been time-bound (i.e., election-focused), narrowly targeted, often reactive and the information provided too general. It has also repeatedly failed to implement a comprehensive approach to engaging federal Parliamentarians.

F8. The government's ability to address vulnerabilities in political party administration is limited.

Recommendations

R1. The government table legislation before the next federal election to address gaps in Canada's legal framework with respect to foreign interference, specifically to:

   a. Create a foreign influence transparency registry;

   b. Amend the *Criminal Code* and the *Security of Information Act* to define foreign interference and introduce relevant offences;

   c. Modernize the *Canadian Security Intelligence Service Act*, including to facilitate wider sharing of classified information;

   d. Address the intelligence and evidence challenge; and,

   e. Reduce vulnerabilities in political nomination processes, including leadership conventions.

R2. The government engage political parties to determine whether party nomination processes and leadership conventions be included within the framework of the *Canada Elections Act*, and work with Parliament to determine whether the statute governing the Conflict of Interest and Ethics Commissioner and the Senate Ethics Officer be revised to include foreign interference.

R3. The government review and renew legislation, strategies and funding to ensure they keep pace with the evolution of foreign interference activities and other national security threats, and regularly include and respect legislative review provisions in national security legislation.

R4. The government ensure that the roles, mandates and accountabilities of the National Security Council and supporting governance committees are clear and publicly communicated to improve transparency and performance.

R5. The security and intelligence community develop consistent definitions and thresholds for action with respect to foreign interference, and organizations responsible for intelligence collection and those responsible for providing policy advice, respectively, regularly collaborate to provide the government timely and comprehensive assessments of threats and advice for action.

R6. The government immediately implement and report annually on the briefings for Parliamentarians on the threat of foreign interference.

Status

For the 2024 Annual Report, the government provided a response to recommendations 4 and 6.

Additionally, on June 3, 2024, the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs issued a statement in which he agreed that all parliamentarians must be part of the solution. He highlighted the government's Bill C-70, *An Act respecting countering foreign interference*, and Bill C-65, *An Act to amend the Canada Elections Act*, as positive steps in combatting foreign interference and protecting Canada's democracy and institutions.

Response to R4:

The Government has made the mandate and membership of the National Security Council available to all Canadians online.

A national security governance review was initiated in the fall of 2023, and the new governance structure was launched in late 2024.

Response to R6:

In 2024, CSIS conducted joint briefings on foreign interference to all parliamentary caucuses in the House of Commons in conjunction with CSE/CCCS, PS, and the RCMP.

Also in 2024, the NSIA sent a letter to opposition leaders notifying them of her intent to offer regular intelligence-informed briefings to support their role in helping define party positions; this work is ongoing.

Annex B: Outstanding recommendations of prior reviews

Special report into the allegations associated with Prime Minister Trudeau's official visit to India in February 2018

Description

A special report on the allegations raised in the context of the Prime Minister's trip to India in February 2018 relating to foreign interference in Canadian political affairs, risks to the security of the Prime Minister, and the inappropriate use of intelligence.

Recommendations

Foreign interference

R1. In the interest of national security, members of the House of Commons and the Senate should be briefed upon being sworn-in and regularly thereafter on the risks of foreign interference and extremism in Canada. In addition, Cabinet Ministers should be reminded of the expectations described in the Government's *Open and Accountable Government*, including that Ministers exercise discretion with whom they meet or associate, and clearly distinguish between official and private media messaging, and be reminded that, consistent with the *Conflict of Interest Act*, public office holders must always place the public interest before private interests.

R2. The Minister of Public Safety and Emergency Preparedness should consider revising the *** to include a formal role for the National Security and Intelligence Advisor. The information provided to the Committee demonstrates that the NSIA played a significant role ***. The Committee believes that the NSIA has a legitimate role to provide advice as coordinator of the security and intelligence community and advisor to the Prime Minister. ***

Security

R3. Drawing on the Committee's findings, an interdepartmental review should be undertaken to identify key lessons learned following these events.

R4. The Government should develop and implement a consistent method of conducting background checks by all organizations involved in the development of proposed guest lists for foreign events with the Prime Minister.

The use of intelligence

R5. The Prime Minister should review the role of the NSIA in the area of countering threats to the security of Canada. The Committee already made one recommendation with respect to the role of the NSIA in the area of ***. The Committee notes that a number of other government departments and agencies have statutory authority to take measures to protect Canada from threats to its security. The role of the NSIA should be clarified for those organizations, as well.

Status

For the 2024 Annual Report, the government provided a response and status update on the implementation of these recommendations.

Response to R1:

CSIS has conducted joint briefings on foreign interference to all parliamentary caucuses in the House of Commons in conjunction with CSE/CCCS, PS, and the RCMP.

In 2024, the NSIA sent a letter to opposition leaders notifying them of her intent to offer regular intelligence-informed briefings to support their role in helping define party positions; this work will remain ongoing.

Response to R2:

As noted in the Leblanc-Charette report (2023), “steps have been taken to further strengthen the national security governance framework to ensure that the NSIA maintains awareness of ongoing threats and mitigation measures, including those related to foreign interference.” These steps included the creation of the Deputy Ministers Committee on Intelligence Response, recently renamed the Deputy Ministers Committee on Intelligence Action.

Response to R3:

A list of key lessons learned and action items stemming from the discussion was developed and disseminated for awareness and follow-up as required.

Response to R4:

PCO has committed to screening foreign guest lists should PMO share these lists, including relevant, reliable information in advance of foreign events with the Prime Minister.

Response to R5:

On November 25, 2024, the Prime Minister issued and published a mandate letter to the NSIA. The mandate letter makes the Prime Minister’s expectations for the NSIA more transparent and establishes specific priorities and areas of responsibility.

Review of the Process for Setting Intelligence Priorities

Description

A review of the Government of Canada's process for establishing the national intelligence priorities, focusing on the governance of the process, the participation of the organizations involved, and performance measurement and resource expenditures.

Recommendations

R1. The National Security and Intelligence Advisor, supported by the Privy Council Office, invest in and take a stronger managerial and leadership role in the process for setting intelligence priorities to ensure organizational responses to the intelligence priorities are timely and consistently implemented.

R2. The security and intelligence community develop a strategic overview of the Standing Intelligence Requirements to ensure Cabinet is receiving the best information it needs to make decisions.

R3. Under the leadership of the National Security and Intelligence Advisor and supported by the Privy Council Office, the security and intelligence community develop tools to address the coordination and prioritization challenges it faces in relation to the Standing Intelligence Requirements.

R4. The security and intelligence community, in consultation with the Treasury Board Secretariat, develop a consistent performance measurement framework that examines how effectively and efficiently the community is responding to the intelligence priorities, including a robust and consistent resource expenditure review.

Status

For the 2024 Annual Report, the government provided a response and status update on the implementation of these recommendations.

Response to R1:

Measures have been developed to strengthen the leadership role of the NSIA; and the NSIA is now the responsible Deputy Minister for the Intelligence Priorities.

Response to R2:

Results and delivery information has been enhanced, including a new 'End Cycle Update' that provides Ministers with clear indications of successes and gaps within identified Intelligence Priorities.

Response to R3:

Criteria have been developed to rank intelligence requirements. These criteria are used to prioritize collection and assessment activities.

In addition, prioritization methodologies for Intelligence Requirements have been reviewed and refined periodically.

Response to R4:

Steps were taken in 2020 and 2021 to update and clarify the National Intelligence Expenditure Report (NIER), and TBS assisted PCO in developing an updated NIER methodology.

Review of the Department of National Defence and the Canadian Armed Forces' Intelligence Activities

Description

A review of the intelligence activities of the Department of National Defence and the Canadian Armed Forces. The Committee examined the scope of these activities, their legal authorities and the existing oversight mechanisms for their control and accountability.

Recommendations

R1. The Department of National Defence/Canadian Armed Forces (DND/CAF) review and strengthen its administrative framework governing defence intelligence activities, particularly with respect to the Ministerial Directive on Defence Intelligence, to ensure that it meets its own obligations on governance and reporting to the Minister of National Defence, and is properly tracking the implementation of those obligations. In particular:

- devise a standard process, or principles, for determining a nexus between a defence intelligence activity and a legally authorized mission;
- document its compliance with obligations in the Directive, including in areas of risk specified in the Directive not currently included in annual reports to the Minister; and
- implement a standardized process for interdepartmental consultations on the deployment of defence intelligence capabilities, including minimum standards of documentation.

R2. The Government amend Bill C-59, *National Security Act, 2017*, to ensure that the mandate of the proposed National Security and Intelligence Review Agency includes an explicit requirement for an annual report of DND/CAF activities related to national security or intelligence.

R3. Drawing from the Committee's assessment and findings, the Government give serious consideration to providing explicit legislative authority for the conduct of defence intelligence activities.

Status

For the 2024 Annual Report, the government provided a response and status update on the implementation of these recommendations.

The Committee recognizes that recommendation R2 was overtaken by events when Bill C-59, the *National Security Act, 2017* received Royal Assent on June 21, 2019, and did not include a requirement for NSIRA to produce an annual report of DND/CAF activities related to national security or intelligence.

Response to R1:

DND/CAF has reviewed and strengthened its administrative framework governing defence intelligence activities, including the Ministerial Directive on Defence Intelligence, to ensure that it meets its obligations on governance and reporting to the Minister of National Defence, and is tracking implementation of those obligations as appropriate.

Response to R3:

Taking into account the Committee's assessment and findings, DND/CAF undertook a study of its authorities for its defence intelligence activities. The department will continue to update policies and internal practices as required.

Diversity and Inclusion in the Security and Intelligence Community

Description

A review that provides a baseline assessment of the degree of representation of women, Aboriginal peoples, members of visible minorities and persons with disabilities within the security and intelligence community, and examines the goals, initiatives, programs and measures that departments and agencies have taken to promote diversity and inclusion.

Recommendations

R2. The security and intelligence community adopt a consistent and transparent approach to planning and monitoring of employment equity and diversity goals, and conduct regular reviews of their employment policies and practices (that is, employment systems reviews) to identify possible employment barriers for women, Aboriginal peoples, members of visible minorities and persons with disabilities.

R3. The security and intelligence community improve the robustness of its data collection and analysis, including GBA+ assessments of internal staffing and promotion policies and lustering analyses of the workforce. In this light, the Committee also highlights the future obligation for organizations to investigate, record and report on all occurrences of harassment and violence in the workplace.

R4. The security and intelligence community develop a common performance measurement framework, and strengthen accountability for diversity and inclusion through meaningful and measurable performance indicators for executives and managers across all organizations.

Status

For the 2024 Annual Report, the government provided a response and status update on the implementation of these recommendations.

Response to R2:

All departments now reconcile self-identification data annually with Treasury Board, and each is required to develop Employment Equity Plans.

Where the workforce analysis reveals under-representation, departments are required to conduct an Employment Systems Review, as listed under the Employment Equity Regulations, to determine whether there are barriers to the representation of designated group members.

Departments and agencies continue to supplement this governmental approach to equity and diversity goals with individual initiatives linked to their own particular circumstances. Most recently, in April 2024 the Clerk of the Privy Council asked deputy heads to summarize their progress in implementing the “Call to Action on Anti-Racism, Equity, and Inclusion in the Federal Public Service.” The results were published on the PCO website in August.

Response to R3:

The security and intelligence community participates fully in all government efforts at data collection on diversity and inclusion. They also abide by TBS guidance to investigate, record and report on all occurrences of harassment and violence in the workplace.

A diversity and inclusion lens tool was developed and presented as a party of the Joint Labour/Management Task Force on Diversity and Inclusion. Departments and agencies have adopted the use of this tool.

Departments and agencies continue to supplement this governmental approach to data collection with individual initiatives linked to their own particular circumstances, such as evergreen dashboards. Most recently, in April 2024 the Clerk of the Privy Council asked deputy heads to summarize their progress in implementing the “Call to Action on Anti-Racism, Equity, and Inclusion in the Federal Public Service.” The results were published on the PCO website in August 2024.

The Canada Border Services Agency's National Security and Intelligence Activities

Description

A review of the national security and intelligence activities of the Canada Border Services Agency, focusing on CBSA's governance over national security and intelligence activities in CBSA's Enforcement and Intelligence Program; CBSA's conduct of sensitive national security and intelligence activities; and CBSA's relations with its key partners in the areas of national security and intelligence.

Recommendations

R1. The Minister of Public Safety and Emergency Preparedness provide written direction to the Canada Border Services Agency on the conduct of sensitive national security and intelligence activities. That direction should include clear accountability expectations and annual reporting obligations.

R2. The Canada Border Services Agency establish a consistent process for assessing and reporting on the risks and outcomes of its sensitive national security and intelligence activities.

Status

For the 2024 Annual Report, the government provided a response and status update on the implementation of these recommendations.

Response to R1:

The Minister of Public Safety approved and issued a Ministerial Direction to CBSA in February 2022.

Response to R2:

The Confidential Human Source and Surveillance policies have been updated to include formal risk assessments as part of the approval processes.

Special Report on the Collection, Use, Retention and Dissemination of Information on Canadians in the context of the Department of National Defence and Canadian Armed Forces Defence Intelligence Activities

Description

A special report on the collection, use, retention and dissemination of information on Canadian citizens by the Department of National Defence and the Canadian Armed Forces in the conduct of defence intelligence activities, focusing on the operational context, legal framework, the CANCIT Function Directive, and the treatment of this information before the Directive.

Recommendations

R1. The Department of National Defence / Canadian Armed Forces (DND/CAF) rescind the Chief of Defence Intelligence Functional Directive: Guidance on the Collection of Canadian Citizen Information and, in consultation with the Privacy Commissioner, review all of its functional directives and other DND/CAF policy instruments that are relevant to the collection, use, retention and dissemination of information about Canadians to ensure consistent governance of these activities.

R2. To resolve the issue of the extraterritorial application of the *Privacy Act,* the Minister of National Defence should ensure DND/CAF complies with the letter and spirit of the *Privacy Act* in all of its defence intelligence activities, whether they are conducted in Canada or abroad.

R3. The Minister of National Defence introduce legislation governing DND/CAF defence intelligence activities, including the extent to which DND/CAF should be authorized to collect, use, retain and disseminate information about Canadians in the execution of its authorized missions.

Status

For the 2024 Annual Report, the government provided a response and status update on the implementation of these recommendations.

Response to R1:

DND/CAF completed a review of all functional direction and other relevant policy instruments; and based on this review, it issued a revised Functional Directive, *Guidance on the Handling and Protection of Canadian Citizen Information*.

Response to R2:

To ensure compliance with the *Privacy Act*, DND/CAF continues to implement Functional Directives, performs privacy impact assessments, and consults with its legal services prior to conducting activities.

Response to R3:

Taking into account the Committee's assessment and findings, DND/CAF undertook a study of its authorities for its defence intelligence activities. The department will continue to update policies and internal practices as required.

Special Report on the National Security and Intelligence Activities of Global Affairs Canada

Description

The report provides an overview of the nature and scope of the national security and intelligence activities at Global Affairs Canada. It examines the authorities under which the Department conducts those activities and how it governs them to support the accountability of the Minister of Foreign Affairs. It describes the structures the Department has in place to try to ensure that the activities and policies of other organizations with security and intelligence responsibilities align with Canada's foreign policy objectives. Finally, the report highlights areas where the Department plays a leadership role in the government, including two recent case studies of terrorist hostage takings abroad.

Recommendations

R1. The Minister of Foreign Affairs work with the Minister of National Defence to put in place proactive, regular and comprehensive consultation mechanisms to ensure that Canada's defence policies and military operations are aligned with its foreign policy objectives.

R2. The Minister of Foreign Affairs provide written direction to the Department on its national security and intelligence activities. That direction should include clear accountability expectations and regular reporting requirements.

R3. The Minister of Foreign Affairs put in place comprehensive governance mechanisms for the Department's security and intelligence activities and for those that it supports or contributes to at partner organizations. Those mechanisms should better document processes and decision points to strengthen accountability and institutional memory.

R4. The Government of Canada establish a clear framework to respond to terrorist hostage takings, including to establish principles to guide the Government's response, identify triggers for Ministerial direction and engagement, establish leadership for whole of government responses to specific incidents, and provide sufficient resources to support operational requirements during critical incidents.

Status

For the 2024 Annual Report, the government provided a response and status update on the implementation of these recommendations.

Response to R1:

GAC's Defence and Security Relations Division works with DND to ensure foreign and defence policy coherence. This collaboration ranges from monthly ADM-level meetings through the Joint Consultative Mechanism to weekly meetings between relevant divisions.

GAC and DND/CAF are developing a Memorandum of Understanding that will govern this type of collaboration and are finalizing an interdepartmental consultation framework on CAF-led cyber operations.

Response to R2:

The Minister of Foreign Affairs approved and issued a Ministerial Direction to GAC on its national security and intelligence activities in May 2022.

Response to R3:

GAC has established a unit within the Intelligence Bureau that includes the responsibilities for developing and updating operational policy on GAC's intelligence activities. Through this unit, GAC is continuing to put in place new and updated governance mechanisms for the Department's security and intelligence activities, including with partners.

Special Report on the Federal Policing Mandate of the Royal Canadian Mounted Police

Description

An overview of the RCMP's national security and intelligence activities found in its Federal Policing mandate. It examines the Federal Policing mandate's programs, activities, structures, authorities and accountabilities. The report also examines the capabilities and results of the mandate's programs and activities and how the RCMP prioritizes and conducts federal criminal investigations in areas of national security, complex crimes and major organized crime. Finally, the report highlights the role played by key domestic and international partnerships.

Recommendations

R1. The Minister of Public Safety provide clear and regular direction to the RCMP to strengthen Federal Policing, including in areas of governance; financial controls; human resources, recruiting and training; and information management. In each of these areas, this direction should include the Minister's expectations, clear interim and final objectives, and clear performance measures.

R2. The Government recognize that Federal Policing resources are insufficient to fulfil its various mandates and put in place measures to ensure Federal resources are appropriated fully to Federal priorities.

R3. The Government ensure that Federal Policing has the sufficient level of autonomy to fulfill its mandates and implement any organizational changes necessary to do so.

R4. As part of its deliberations, the Government consider amendments to the RCMP Act, including to define police independence and provide reporting obligations for the Federal Policing mandate (similar to the CSIS Act).

R5. Federal Policing develop appropriate performance measures that better reflect the complexity of its operations and outcomes. These measures should be fully supported internally by data collection, analysis and reporting.

Status:

The government provided a response to this report in May 2024. The response, submitted by the Minister of Public Safety, is reproduced below.

Response to R1:

The Government of Canada supports this recommendation.

The Government recognizes the critical role of the Minister of Public Safety in supporting democratic accountability and transparency with respect to the RCMP, including by providing clear direction to the Commissioner of the RCMP as provided for in the *Royal Canadian Mounted Police Act*. Any ministerial direction provided, either via Ministerial Directives or as part of the RCMP Commissioner's mandate commitments, must respect the operational independence of the police in performing their law enforcement functions of investigation, arrest, laying charges, etc. Ministerial Direction must also respect the Commissioner's powers and responsibilities as a Deputy Head, as conferred by the

Financial Administration Act and various Treasury Board policies.

This recommendation aligns with recommendations made by the Mass Casualty Commission specifically that, "the Minister of Public Safety establish clear priorities for the RCMP, retaining the tasks that are suitable to a federal policing agency, and identifying what responsibilities are better reassigned to new or other policing agencies (including, potentially to new policing agencies). This may entail a reconfiguration of policing in Canada and a new approach to federal financial support for provincial and municipal policing services." The Government of Canada acknowledges the need to provide clear and ongoing direction to the RCMP and establish national priorities, expectations, objectives and performance measures, particularly in areas where federal policing faces challenges in fulfilling its mandate. As such, consideration will be given to this matter as the Government of Canada explores options to enhance the oversight and governance of the RCMP, and build a more sustainable and accountable policing model that better meets the needs of Canadians and the communities it serves.

Response to R2:

The Government of Canada supports this recommendation.

The Government agrees that having a well-resourced national police service is a priority. The Committee noted a decline in the RCMP's capacity to effectively execute its federal policing mandate and responsibilities, including its ability to keep pace with the evolving threat environment in recent years. The Committee also noted that federal policing resources are often used to support provincial and territorial policing priorities through the contract policing program. Contract policing partners, within the context of the assessment of contract policing, have also noted similar concerns regarding diminishing RCMP federal policing capacity, and RCMP human resource management challenges, more broadly. Some jurisdictions have noted that these capacity challenges have impacted the RCMP's ability to undertake organized crime and money laundering investigations as identified in British Columbia's Cullen Commission report.

The RCMP has taken steps to manage federal policing capacity challenges, including work to ensure that federal policing resources are deployed to the highest priority investigations and to better align the footprint of federal resources with the criminal threat environment. The RCMP is also piloting a new approach to recruiting investigators, the Federal Policing Recruit Development Program, designed to stream new recruits directly into federal policing. However, more work is needed. This includes providing clarity around the RCMP's federal and contract mandates, prioritization of resources, and establishing appropriate operational and governance structures, along with recruitment and training strategies to attract and develop the specialized skills needed to support federal policing operations and investigations.

The Government of Canada recognizes that, in addition to diminished capacity, demands on the RCMP to support increasingly complex and intersecting federal policing priorities has resulted in resourcing constraints across all investigative streams, creating workload pressures, and leading ultimately to fewer complex federal policing investigations. Currently, the RCMP must reallocate resources to be able to respond to new threats and priorities.

The RCMP will continue to consider how best to prioritize its available federal resources

(i.e., financial and human) to areas of responsibility that are uniquely entrusted to the federal government, such as national security, the most serious and complex transnational organized crime threats and protective policing, in order to ensure the safety and security of Canadians, our democracy, critical infrastructure, and economy.

Response to R3:

The Government of Canada supports this recommendation.

The RCMP's Federal Policing Program does what no other police of jurisdiction in Canada is mandated to do: target the highest-level criminal threats to Canada, Canadians and Canadian interests both at home and abroad. Informed by extensive reviews, the program has advanced a number of changes to fulfill its mandate to maximum effect. Progress has been made in scoping the federal policing mandate and associated activities, and defining roles and responsibilities between the federal and contract mandates. Further changes to enhance accountability are in progress, including realigning federal resources under the Deputy Commissioner of Federal Policing rather than under the Divisional Commanding Officers, as well as taking steps to implement a regional model of federal policing wherein resources are located where the highest threats are present. Implementation of these proposed changes would require further work and engagement to be successful. When fully implemented, these measures will move the program in the right direction. However, work remains to address the challenges it faces within the current organizational and threat environment.

The Government of Canada recognizes the importance of ensuring that federal policing is strongly positioned to respond to the challenges it faces in an evolving criminal landscape and that changes are needed to ensure the program is able to fulfill its mandate to protect Canada and Canadians. The federal government directly contributes to policing in Canada largely through the provision and delivery of RCMP federal, contract and national policing services. While efficiencies exist with this model (e.g., economies of scale, sharing of specialized resources, agility to redeploy resources for emergencies or special events), the delivery of front-line contract policing services through provincial, territorial and municipal Police Service Agreements also creates challenges for the RCMP.

The Police Service Agreements are complex to administer and present unique challenges in areas including funding and governance. In particular, the current contracts do not reflect the full and true cost of service delivery and, as noted by the NSICOP report, meeting contract obligations can constrain the organization's ability to deliver other mandates including federal policing. Further, given contractual obligations, resources to address local policing demands often must be prioritized over federal policing and other activities, including in the context of budget restraint and reduction exercises. This has resulted in diminished capacity for federal policing and critical enabling national police services. The Government of Canada recognizes that a better balance is required to ensure the RCMP is resourced to deliver on its important mandates.

Response to R4:

The Government of Canada acknowledges this recommendation and is committed to considering it in concert with related recommendations made in the final reports of the Mass Casualty Commission and the Public Order Emergency Commission.

The Committee noted that there is no federal statutory definition of police independence, but that the concept – and indeed the relationship between the Minister and police – has thus far been defined through case law and informed by commissions of inquiry. Both the Mass Casualty Commission's Final Report and the Public Order Emergency Commission Final Report contained related recommendations.

While not a statutory requirement, the RCMP has taken steps to support increased transparency and accountability, developing its first annual report on its federal policing activities in 2021. The RCMP Federal Policing Annual Report provides a comprehensive account of federal policing's unique mandate within the RCMP and key achievements from 2021. The 2022 Federal Policing Annual Report is forthcoming.

The accountability and transparency of the police is of critical importance for our democratic institutions and for community safety. Consideration will be given to the various mechanisms and models, including those similar to the CSIS Act, that could be used to increase these elements of RCMP governance and reporting, especially as the Government continues to advance its mandate to enhance the oversight mechanisms for the RCMP.

Response to R5:

The Government of Canada supports this recommendation.

Federal policing continually seeks to develop and improve its performance measures and the data on which they rely. Today, data must be viewed as a strategic asset and managed accordingly to support effective and informed decision making including at the operational level. The complex investigations and the rapidly shifting operational environment that characterize the federal mandate can be difficult to quantify. The RCMP requires a comprehensive solution to its growing data management requirements that will allow it to measure performance, and assess return on investment for complicated investigative and enforcement work across the wide range of federal priorities and responsibilities.

The RCMP recognizes the need for accurate, reliable operational data as a crucial and foundational component of effective performance measurement, and is seeking opportunities to invest in modern data management systems that meet the needs of the federal policing mandate, and the RCMP more broadly, in a 21st century context. Modern policing is data-driven, and the federal mandate requires dedicated enterprise solutions for information management that can capture critical operational data in a cohesive, consistent, and accessible manner across federal policing, as well as facilitate information and intelligence sharing with domestic and international partners. Performance measurement for federal policing has improved substantially in recent years, with multiple initiatives under way to connect performance indicators with outcomes, improve data integrity, and enhance analysis and reporting. For example, federal policing has developed a Major Project Prioritization Dashboard based on detailed analysis of operational plans, allowing for constant real time assessment of the highest priority files to inform operational resource allocation decisions. Moving forward, investments in data systems, data integrity and data analytics will increasingly represent investments in the future of policing.

Annex C: Abbreviations

ADM	Assistant Deputy Minister
CAF	Canadian Armed Forces
CANCIT	Canadian Citizen
CBSA	Canada Border Services Agency
CCCS	Canadian Centre for Cyber Security
CSIS	Canadian Security Intelligence Service
CSE	Communications Security Establishment
DND	Department of National Defence
GAC	Global Affairs Canada
GBA+	Gender-based Analysis Plus
NIER	National Intelligence Expenditure Review
NSIA	National Security and Intelligence Advisor
NSICOP	National Security and Intelligence Committee of Parliamentarians
NSIRA	National Security and Intelligence Review Agency
MD	Ministerial Direction
PCO	Privy Council Office
PMO	Office of the Prime Minister
PRC	People's Republic of China
PS	Public Safety Canada
RCMP	Royal Canadian Mounted Police
TBS	Treasury Board of Canada Secretariat