

File: CSIS-2025-04



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**INTELLIGENCE COMMISSIONER
DECISION AND REASONS**

IN RELATION TO AN AUTHORIZATION FOR
THE CANADIAN SECURITY INTELLIGENCE SERVICE
TO RETAIN THE FOREIGN DATASET



PURSUANT TO SECTION 11.17 OF
THE *CANADIAN SECURITY INTELLIGENCE SERVICE ACT* AND
SECTION 17 OF THE *INTELLIGENCE COMMISSIONER ACT*

OCTOBER 7, 2025

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ANNEX A

I. OVERVIEW

1. This is a decision reviewing the conclusions of the Director of the Canadian Security Intelligence Service (CSIS) authorizing CSIS to retain the [redacted] (Foreign Dataset) pursuant to subsection 11.17(1) of the *Canadian Security Intelligence Service Act*, RSC 1985, c C-23 (*CSIS Act*) (Authorization).
2. The Authorization is a new request to retain the Foreign Dataset whose retention I previously approved on August 8, 2024 in Decision CSIS-2024-05. In that decision, I found the record incomplete and therefore approved the authorization with a condition: the Foreign Dataset could be retained for one year instead of the five years requested.
3. To retain a foreign dataset, CSIS must obtain authorization from the Minister of Public Safety and Emergency Preparedness (Minister), or his designate, as well as approval by the Intelligence Commissioner. The Director of CSIS was designated by the Minister in September 2019, to authorize the retention of foreign datasets. This designation was reconfirmed by the Minister on July 24, 2025.
4. In the absence of a request for retention by CSIS before the period of authorization expires, the dataset must be destroyed within 30 days after the expiry of that period (s 11.19(3), *CSIS Act*). Should CSIS make a new request for an authorization prior to the expiry of the authorization, CSIS may retain the dataset after expiration while a new request for authorization is considered by the Director and the Intelligence Commissioner (s 11.19(4), *CSIS Act*). During the ensuing authorization process, CSIS must neither query nor exploit the dataset until and unless the new authorization is approved by the Intelligence Commissioner (s 11.19(5), *CSIS Act*). If the Director's authorization is not approved by the Intelligence Commissioner, CSIS is obligated to destroy the dataset without delay (s 11.19(1), *CSIS Act*).
5. In his cover letter, the Director confirmed that after expiration of its validity period and during the authorization process, the Foreign Dataset would be segregated and the prohibition on its use respected. He further confirmed that the dataset would be destroyed should its retention not be approved.

6. I appreciate that my office was informed by CSIS that a new request for retention would be presented to the Director prior to the expiry of last year's authorization. In the event CSIS did not intend to seek a new authorization to retain a previously retained foreign dataset, I trust that CSIS would inform my office of its destruction, as this would strengthen public transparency. Indeed, in addition to my decisions – which would not capture the deletion of a foreign dataset – I make information concerning foreign datasets available in my annual report, which could include information on the destruction of a foreign dataset. In my view, the public has an interest in knowing how the dataset regime is, or is not, being used.
7. On September 19, 2025, the Office of the Intelligence Commissioner received the Authorization for my review and approval under the *Intelligence Commissioner Act*, SC 2019, c 13, s 50 (*IC Act*).
8. Having completed my review, I am satisfied that the Director's conclusions relating to the retention of the Foreign Dataset are reasonable. Consequently, I approve the Authorization to retain the Foreign Dataset for a period of 10 years pursuant to paragraph 20(2)(a) of the *IC Act*.

II. CONTEXT

9. The dataset regime set out in sections 11.01 to 11.25 of the *CSIS Act* provides CSIS with the authority to collect a foreign dataset if it is satisfied that the dataset – information stored as an electronic record, containing personal information as defined in section 3 of the *Privacy Act*, RSC, 1985, c P-21, and characterized by a common subject matter (s 11.01, *CSIS Act*) – is relevant to the performance of its duties and functions under sections 12 to 16, but cannot be collected or retained under any of those sections. Contrary to a Canadian dataset, a foreign dataset predominantly relates to individuals who are not Canadians and are outside Canada or to non-Canadian corporations who are outside Canada. “Canadian” in this context means a Canadian citizen, a permanent resident, or a corporation incorporated or continued under the laws of Canada or a province.

10. An authorization sets out the Director's conclusions – effectively the reasons – supporting the retention of a foreign dataset, and includes its validity period, which must not be more than 10 years from the date of the Intelligence Commissioner's approval (s 11.17(3), *CSIS Act*).
11. Once the retention has been approved by the Intelligence Commissioner, designated CSIS employees can query or exploit the foreign dataset – and retain the results – for the purposes of sections 12, 12.1, and 15 to the extent that it is strictly necessary, and for the purposes of section 16 if required to assist the Minister of National Defence or the Minister of Foreign Affairs.
12. In accordance with section 23 of the *IC Act*, the Director confirmed in his cover letter that he provided me with all of the information that was before him when issuing the Authorization. The record is therefore composed of:
 - i. The Authorization, dated September 15, 2025;
 - ii. Memorandum to the Director from CSIS, dated July 29, 2025, requesting that the Director issue an authorization to retain the Foreign Dataset (the CSIS Application);
 - iii. A description of the dataset, content details and randomized data samples;
 - iv. Non-compliance documentation (six appendices);
 - v. [REDACTED];
 - vi. Intelligence Requirements Charts pursuant to the 2023-2025 Canadian Intelligence Priorities and Outcomes; and
 - vii. Designation of the Director by the Minister pursuant to section 11.16(1) of the *CSIS Act*, dated September 11, 2019; and re-confirmed on July 24, 2025.

III. STANDARD OF REVIEW

13. The *IC Act* requires the Intelligence Commissioner to review whether the Director's conclusions are reasonable. I will therefore apply the reasonableness standard, as applied in judicial reviews of administrative action.

14. As indicated by the Supreme Court of Canada, when conducting a reasonableness review, a reviewing court is to start its analysis by examining the reasons of the administrative decision maker. In *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65, at paragraph 99, the Court succinctly describes what constitutes a reasonable decision:

A reviewing court must develop an understanding of the decision maker's reasoning process in order to determine whether the decision as a whole is reasonable. To make this determination, the reviewing court asks whether the decision bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision.

15. Relevant factual and legal constraints can include the governing statutory scheme and the impact of the decision. The governing statutory scheme set out in the *IC* and *CSIS Acts* highlights the role of the Intelligence Commissioner as an independent mechanism to ensure that government action taken for the purpose of national security and intelligence is properly balanced with the respect of the rule of law and the rights and interests of Canadians.
16. With respect to an authorization to retain a foreign dataset, when the Intelligence Commissioner is satisfied (*convaincu* in French) that the Director's conclusions at issue are reasonable, he "must approve" the authorization (s 20(2)(a), *IC Act*). Conversely, where unreasonable, the Intelligence Commissioner "must not approve" the authorization (s 20(2)(c), *IC Act*). The Intelligence Commissioner can also approve the retention of a foreign dataset with conditions if satisfied that the conclusions would be reasonable once the conditions are attached (s 20(2)(b), *IC Act*).

IV. ANALYSIS

17. A description of the Foreign Dataset, including of its origin, contents, and the steps taken during its evaluation period can be found in the classified annex to this decision (Annex A). The annex renders the eventual public version of the decision easier to read and ensures that the decision contains the nature of the facts that were before me, which otherwise would only be available in the record.

18. This Authorization is the first ever “renewal” related to a foreign dataset under the dataset regime. The legislative requirements for the Director to authorize the renewal of a foreign dataset’s retention are not different than those that apply in the case of an initial authorization. Pursuant to subsection 11.17(1) of the *CSIS Act*, in order to authorize the retention of a foreign dataset, the Director, as the Minister’s designate, must conclude that three mandatory conditions have been met:
- i. that the dataset is a foreign dataset (as defined in s 11.07(1)(c));
 - ii. that its retention is “likely to assist” CSIS in the performance of its duties and functions under sections 12 (investigations of suspected threats to the security of Canada), 12.1 (measures to reduce threats to the security of Canada), 15 (investigations for security assessments or advice to ministers) or 16 (collection from within Canada of information concerning foreign states and persons in Canada); and
 - iii. that CSIS has complied with its obligations set out in section 11.1 of the *CSIS Act* to take reasonable measures to ensure the deletion of any information that relates to the physical or mental health of an individual that a person would reasonably expect to remain private, and the removal of any information that by its nature or attributes relates to a Canadian or a person in Canada.
19. In the context of a renewal, unless there is new information that could impact the analysis, there will already have been confirmation that the dataset is a foreign dataset. In this regard, there is no need for CSIS to conduct a new evaluation of the foreign dataset for those purposes.
20. With respect to the second condition, I remarked in Decision CSIS-2023-04 that, on renewal, the “likely to assist” threshold may take into account actual use and effectiveness of the dataset to date. To that end, CSIS has included information relating to the queries it conducted during the validity period of last year’s authorization, which I discuss further below.

21. With respect to the third condition, in approving the original authorization, the Intelligence Commissioner would have found reasonable the Director's conclusion that CSIS has complied with its obligations set out in section 11.1. However, given it is a continuing obligation, the record should include updates and other information that demonstrate how CSIS continues to meet its obligations. This could for example include describing new methods and techniques CSIS has developed to uphold its obligations based on the experience it has acquired since the enactment of the dataset regime in 2019.

22. The Director concluded that the conditions were met and issued the Authorization for a period of 10 years.

A. Updated Record

i. Information in response to the potential compliance incident

23. In last year's decision relating to this Foreign Dataset (CSIS-2024-05), I attached the condition that the authorization only be valid for one year because the record did not include any information about an earlier compliance incident which appeared to be related to the matter before me. The context and history of the compliance incident is set out in detail in that decision (paragraphs 48-53). I summarize the incident below and focus on developments since then to highlight how CSIS has responded to my concern.

24. In January 2024, I received a classified letter from the Director dated December 29, 2023 informing me of a compliance incident. The letter explained that in February 2022, CSIS had found working documents containing copies of information – including information relating to Canadians or persons in Canada – that had been created to evaluate the foreign dataset that had been approved by the former Intelligence Commissioner in Decision CSIS-2021-04 on December 21, 2021. The retention of the working documents was contrary to CSIS' obligations to treat the Canadian-related information as required by subsection 11.1(2).

25. While the December 2023 letter related to only to that foreign dataset, it included as an annex an April 2022 CSIS briefing note summarizing the results of the fact-finding performed by the responsible CSIS branch. The April 2022 briefing note describes that the compliance

incident was related to a number of foreign datasets. This incident is further described at paragraph 49 of last year's decision, and at paragraph 57 of the National Security and Intelligence Review Agency's (NSIRA) review of the dataset regime (NSIRA Review 21-15). Following some fact-finding analysis of their contents by a CSIS designated employee, these documents were destroyed in April 2022. A review by CSIS' External Review and Compliance branch ultimately determined, in December 2023, that these documents had been unlawfully retained.

26. The April 2022 briefing note included a list of the file names of the working documents. One of the file names was related to the Foreign Dataset, and included the term "Canadians" in its name. The briefing note also indicated that a high proportion of the files that included the term "Canadians" in their names had been confirmed to actually contain information relating to Canadians.
27. As noted in last year's decision, in a January 2024 response to the Director's December 2023 letter, I expressed concern at the lengthy delay in my being informed of the compliance incident. I also took note that the April 2022 briefing note indicated that where a pending foreign dataset authorization before the Director was related to the February 2022 compliance incident, a supplemental memorandum would be included in the record.
28. Last year's record did not include such a memorandum. I was therefore confronted with two facts: on the one hand the April 2022 briefing note indicating that a file bearing a name that referred to the Foreign Dataset and including the term "Canadians" in its name had been retained past its evaluation period, and on the other an absence of any discussion of this potential compliance incident in the record before me.
29. Consequently, I concluded that the record was incomplete and that I could only approve the authorization for one year, not five, with the expectation that CSIS would apply for a renewal addressing this issue.
30. In response to my decision, the Director sent me a classified letter on January 24, 2025, which has also been included in this record. I appreciate that the Director did not wait until

the renewal of the authorization to retain the Foreign Dataset to respond to my concerns. The letter explained that a verification of the specific file in question established that it was empty. As the file did not contain any information – and therefore no Canadian-related information – the Director explained that CSIS concluded in August 2023 that the incident did not constitute a case of non-compliance.

31. The CSIS Application included in the current record indicates that following its August 2023 findings, CSIS did not specifically provide me with an update in last year's request seeking the Director's authorization to retain the Foreign Dataset. It is acknowledged that this information "should have been included". I agree. I add that its inclusion would have avoided the need to attach a condition to the authorization.
32. More generally, the February 2022 compliance incident and its aftermath highlights the importance of sharing all relevant and updated information with the Intelligence Commissioner with respect to reviews of potential compliance incidents. The incident discovered in February 2022 related to a number of datasets, but the December 2023 letter addressed only one dataset. As noted at paragraph 53 of last year's decision, the incident was also raised in the authorization that was the subject of Decision CSIS-2022-03 rendered on August 18, 2022 by the former Intelligence Commissioner – but, again, only with respect to that specific foreign dataset. I note that although it appears to have been available, the April 2022 briefing note was not included in the record related to that decision.
33. I additionally note that the April 2022 briefing note also included a file name related to another foreign dataset whose retention the previous Intelligence Commissioner approved on December 16, 2020 in Decision CSIS-2020-02. In my January 2024 letter in response to the Director's December 2023 letter, I enquired about whether the compliance incident impacted that foreign dataset. In a responding letter from the Director dated March 21, 2024, he explained that a subsequent review of the files related to that foreign dataset showed that they were empty, and that in August 2023, CSIS had determined that there was no impact on that particular authorization. The letter did not provide information about how the August 2023 findings related to other datasets mentioned in the April 2022 briefing note, but did state that the Director had advised me of all known compliance incidents related to foreign datasets.

34. I expect CSIS to inform me of potential compliance incidents without delay, not only of confirmed compliance incidents after the fact. Potential compliance incidents could be material to other authorizations that come before me for my review. I note that the Chief Justice of the Federal Court has set out a similar expectation with respect to information related to CSIS warrants (*Canadian Security Intelligence Service Act (CA) (Re)*, 2023 FC 1341 at para 9).
35. While the compilation of relevant documents, including the Director's January 2025 letter, in the record closes this matter, I wish to highlight one aspect that remains outstanding. The documents in the record indicate that in April 2024, the Minister provided to the Attorney General, as required, NSIRA's report on the dataset regime. The Minister had received the report in its entirety pursuant to section 35 of the *National Security and Intelligence Review Agency Act*, SC 2019, c 13, s 2 (*NSIRA Act*), as describing "activity that may not be in compliance with the law". The record indicates that as of July 25, 2024 a response had not been provided by the Attorney General, with no further update being provided. I expect CSIS to update me on the status of the Attorney General's review of this matter.

ii. The content of the Foreign Dataset has not changed

36. Aside from two Canadian-related data records that were deleted, which will be discussed below, the record indicates that no new information or updates have been added to the Foreign Dataset since its original evaluation prior to the 2024 authorization.
37. I note for the sake of completeness that a comparison of last year's documents providing samples of the data with the version of the documents included in this year's record reveals a few instances where the content in the sample column varies slightly – for example data table [...] and data table [...] column heading [...]. It appears that [explanation of how the content varies]. I understand this to be an accurate reflection of the sample and a correction of last year's version to reflect [...]. I request CSIS to inform me if my understanding is incorrect. I do not consider these few variations in the documents to be material in any way because I do not understand them to mean that the actual content in the Foreign Dataset has changed or

been updated. I nevertheless wish to stress that on renewal, even minor variations relating to the content of a dataset, including how it is presented in the record, should be explained.

38. Also, for the sake of completeness, I note that the Director states in this year's Authorization's terms and conditions that the Foreign Dataset will not be disclosed by CSIS (s 11.17(2.1), *CSIS Act*).

iii. Responding to past remarks

39. I am please to note the responsiveness of the Director and CSIS towards remarks I have made in past decisions.

40. In last year's decision (CSIS-2024-05), I emphasized that when a dataset is a collection of other datasets, as is the case with respect to this Foreign Dataset, the Director's conclusions must clearly delineate the common subject matter. While I suggested that the common subject matter set out in the Director's conclusions last year – [...] – could be broadly applied, I recognize that this year's conclusions describe a common subject matter that is clearer and more easily understood, namely [...].

41. In Decision CSIS-2025-03 rendered in July 2025 in relation to another foreign dataset, I also made two remarks that apply to this renewal and that have been addressed in the record. First, I highlighted the need for the Director to better explain his rationale for seeking the longest permissible retention period, namely 10 years. I recognize a marked improvement in the explanations provided in the record and by the Director for seeking the maximum 10-year retention period. In sum, the Director explains that the threat against which the Foreign Dataset is likely to be of assistance will likely continue to be a priority, and that the information contained in Foreign Dataset will maintain its value over time. I reiterate that seeking and obtaining approval to retain a dataset for the maximum allowable 10 years is not automatic and that there should be a clear rationale supporting the retention period.

42. Second, I reminded CSIS of the importance of providing a complete record. I note that the Government of Canada's 2023-2025 Intelligence Priorities have been included in this record but that the Ministerial Direction to CSIS on Intelligence Priorities has not. As noted in my remark on this point in CSIS-2025-03, references to both the Ministerial Direction and Intelligence Priorities have in the past strengthened the Director's conclusions. The Ministerial Direction guides CSIS' efforts to collect, assess and coordinate intelligence in support of broader Government of Canada objectives. While it may appear superfluous to include documents in cases where they have not yet changed from a previous authorization, their inclusion serves useful functions. First, the very fact they have not yet changed may be relevant to the Director and I. Second, every authorization is distinct and reviewed on its own record.
43. Finally, I note that the Director informs me that the revision of the operational policy suite is in its final stages and will be provided to me when completed.

B. Are the Director's conclusions reasonable?

i. The dataset is a foreign dataset

44. The Director relies on the same two grounds as last year to conclude that the dataset is a foreign dataset. First, he references CSIS' assessment which reveals that almost all individual data tables in the dataset contain information that predominantly relates to non-Canadians [..]. Second, CSIS assesses that types of information that could potentially be identified as Canadian-related (i.e., [..]) are foreign.
45. The reasonableness of the Director's conclusion with respect to the "foreignness" of the dataset rests on the evaluation conducted by a designated employee prior to last year's authorization. In last year's decision, based on the description of that process, which is described in more detail in Annex A, I found the Director's reliance on the results of the evaluation justified. Given that the content of the dataset has not changed, my conclusion also remains unchanged: the Director's conclusion that the dataset meets the definition of a foreign dataset is reasonable.

ii. *The retention of the dataset is likely to assist CSIS in the performance of its duties*

46. A clear articulation of the definition and application of a threshold when determining if a statutory condition has been met is useful for transparency, consistency and effective decision-making. [...], this year the Director provides his interpretation and understanding of the “likely to assist” threshold, namely that the threshold “plainly require[s] that there be a reasonable probability that the retention of a foreign dataset will assist the Service in the performance of its duties and functions under sections 12, 12.1, 15 or 16 of the *CSIS Act*. I understand this threshold to require more than mere possibility, but need not be more likely than not. To be reasonable, this conclusion must be demonstrably justified by the facts before me.”
47. The application of the “likely to assist” threshold, which is particular to the *CSIS Act*, is central to determining whether the Director’s conclusions are reasonable. In conducting my reasonableness review, I need to understand the Director’s rationale, including which factors justify his conclusion.
48. The Director clearly defines the parameters of the threshold and I find that the context and detail found in his conclusions show how he understands and applies it. To support his conclusion that the retention of the Foreign Dataset is likely to assist CSIS, the Director first explains how certain activities of [...] constitute a threat to the security of Canada.
49. I note that there appears to be an oversight in the Director’s conclusions where he indicates that [...], whereas the CSIS Application correctly states that [...]. I also note that although the threat overview has been updated since last year’s record, there is no mention of [...].
50. Second, the Director provides an explanation for the use of the dataset for sections 12, 12.1 and 15 of the *CSIS Act*, [...]. No explanation for the use of the dataset for purposes of section 16 is given [...].
51. Although not directly addressed in the Director’s conclusions, the CSIS Application explains that during the one-year validity period of the previous authorization, CSIS conducted [...]

queries of the Foreign Dataset and describes results that have supported CSIS investigations. As this is the first renewal of a foreign dataset, it is the first instance where query results are described in the record. I find it useful that both the number and outcome of the queries are reported. I emphasize the importance of clearly setting out the link between information that is retained and any impact on the performance of CSIS' duties and functions. I recognize that the "likely to assist" threshold is low and am of the view that the results show that the Foreign Dataset did assist CSIS in the performance of its duties and functions.

52. The Director's conclusions establish a logical nexus between the information in the dataset and CSIS' duties and functions, including how it relates to threats to the security of Canada. The nature of the information found in the dataset and the fact that at least some past queries have produced results that have helped CSIS demonstrate that the foreign dataset will likely assist CSIS' duties and functions under sections 12, 12.1 or 15. I am satisfied that the Director is justified in claiming that the Foreign Dataset will likely assist CSIS in this manner, and am satisfied that his conclusions are reasonable.

iii. CSIS has complied with its continuing obligations - section 11.1 of the CSIS Act

53. With respect to a foreign dataset, CSIS must take reasonable measures to ensure:

- a) the deletion of any information in respect of which there is a reasonable expectation of privacy that relates to the physical or mental health of an individual; and
- b) the removal of any information that by its nature or attributes relates to a Canadian or a person in Canada. In addition, when the Canadian-related information is removed from the foreign dataset, CSIS shall pursuant to subsection 11.1(2) of the *CSIS Act* (a) destroy it without delay; (b) collect it as a Canadian dataset; or (c) add it as an update to an existing dataset.

a) Deletion of any information related to the physical or mental health of an individual (s 11.1(1)(a))

54. The Director explains that no information related to physical or mental health was found when CSIS conducted its queries.

55. In his conclusion, the Director explained that CSIS considered whether any new techniques or methodologies have been used by designated CSIS employees to identify physical or mental health information since the evaluation in 2019. The Director confirms that there has been no change to the current methodology and is satisfied with the steps taken by CSIS to identify health-related information. The Director acknowledges the continuing nature of CSIS' obligations to delete any information related to the mental or physical health of an individual from the Foreign Dataset.

56. Based on the steps originally taken to identify this information, described in Annex A, I continue to be satisfied that the Director's conclusion that CSIS has met its obligations under paragraph 11.1(1)(a), and will continue to do so, is reasonable.

b) Removal of any information that by its nature relates to a Canadian or a person in Canada (s 11.1(1)(c))

57. As explained in last year's decision, Canadian data records were identified and removed during the original evaluation of the Foreign Dataset.

58. The record explains that one of the queries of the Foreign Dataset conducted by CSIS identified two data records that contained Canadian-related data. I expand on the context of this query in my remarks. The two records have since been removed from the dataset and destroyed. As statutorily required, the Service also notified NSIRA of the removal and destruction of this information.

59. In his conclusion, the Director again acknowledges that CSIS considered whether new techniques or methodologies could be used to identify Canadian-related information and confirms that he is currently satisfied that CSIS complied with its obligations under paragraph 11.1(1)(c) of the *CSIS Act*. He continues to acknowledge CSIS' obligations to remove information related to a Canadian or a person in Canada should any be identified in the future.

60. Based on the nature of the information contained in the Foreign Dataset and the original evaluation conducted by CSIS described in the record and summarized in Annex A, I am of the view that the Director's conclusion that CSIS has met its statutory obligations is reasonable.

61. I note, for CSIS' consideration, that the record does not include any information [description of a type of information and that it would be useful to include it in the record].

iv. The update provisions are reasonable

62. As stated in the Intelligence Commissioner's jurisprudence, CSIS cannot have carte blanche to modify and update a dataset after its authorization has been approved. Reviewing the reasonableness of the conclusions related to proposed update provisions ensures that any updates will not change the nature of the authorized dataset and that the updates will satisfy the threshold of likely to assist CSIS in the performance of its duties and functions.

63. The way the Foreign Dataset can be updated has changed. In last year's authorization, the Director only approved a single type of update. It only permitted the removal of a certain type of information and, as a result, did not allow CSIS to add any records to the dataset. This year, the Director authorizes the two types of updates that are commonly requested in authorizations relating to the retention of foreign datasets.

64. CSIS describes type 1 updates as administrative in nature that allow CSIS to add, delete or replace data that was erroneous or missing from the original dataset. The Director explains that these updates would correct typographical errors or add supplementary data that is currently missing and would ensure data integrity or completeness of the dataset without changing the nature of the dataset.

65. CSIS also incorporates last year's update provisions in type 1 updates. Although I do not think that the update provisions authorized last year are administrative in nature because they are not meant to ensure data integrity or completeness of the dataset, I remain satisfied that

the Director's conclusions supporting them are reasonable. In the future, I would suggest that this type of update be classified as its own type.

66. Type 2 updates are related to new information. They will allow CSIS to update the Foreign Dataset with new data records that are captured by the dataset's common subject matter, should updates become available from its original source. The last updates were made in [...]. The updates would allow new data records relating to existing data in the dataset to be added.
67. In his conclusions, the Director describes the nature of the update provisions and is satisfied that they will likely assist CSIS in its duties and functions based on the same rationale for the retention of the Foreign Dataset. In addition, the Director confirms that CSIS will keep records about each update over the course of the retention period for future authorizations, compliance or potential review. Prior to updating the dataset, CSIS will comply with its obligations under sections 11.1 and 11.07(6)(a) of the *CSIS Act*.
68. In my view, the Director's conclusions show his understanding of the update provisions and the fact that they will not alter the nature of the dataset. Further, the Director acknowledges that updates are subject the criteria outlined above. Should that dataset not meet the update criteria, a new authorization for retention of the information would be required. As a result, I find the Director's conclusions with respect to the update provisions reasonable.

V. REMARKS

69. I would like to make the following remark which does not alter my findings regarding the reasonableness of the Director's conclusions. I nevertheless expect CSIS to address the remark in a timely manner.

A. Interplay between the authority to query a foreign dataset and the obligation to remove Canadian-related information

70. The record includes a summary of queries carried out in the dataset since its authorization in 2024. One of these queries requires further attention, as the information provided in the record is insufficient to fully understand and assess the circumstances surrounding it.

71. As referred to at paragraph 58 above, the CSIS Application describes that the query used a lead provided [...] to “successfully find [a type of] information about [an individual believed to be linked to a terrorist organization] who had Canadian permanent resident status.” The two data records have since been removed from the dataset and destroyed, and as statutorily required, CSIS notified the NSIRA of the removal and destruction of this information.
72. This description does not make clear whether CSIS had information suggesting that the individual in question was a Canadian permanent resident *before* the designated employee carried out the query, or whether CSIS discovered this fact *after* the query. This raises the potential issue of the interplay between the querying of a foreign dataset and CSIS’ obligation to take reasonable measures to ensure that Canadian-related information is removed from a foreign dataset.
73. The *CSIS Act* defines a query as a specific search (or series of specific searches) with respect to a person (or entity) that is performed on one or more collections of information for the purpose of obtaining intelligence. As set out in my reasons, the *CSIS Act* imposes on CSIS a continuing obligation to take reasonable measures to ensure that information that by its nature or attributes relates to a Canadian or person in Canada is removed from a foreign dataset (s 11.1(1)). The Canadian-related information that is removed must either be destroyed without delay, collected as its own Canadian dataset, or added as an update to an existing Canadian dataset (s 11.1(2)).
74. Ensuring the lawful interplay between CSIS’ authority to conduct a query and its continuing obligation to remove Canadian-related information is crucial because CSIS can retain the results of a query of a foreign dataset even if those results include previously unidentified Canadian-related information. Indeed, CSIS’ obligation relating to Canadian-related information that is identified and removed from a foreign dataset – namely to destroy or separately collect the information in a Canadian dataset – does not apply if the results of the query meet the requirements for retention pursuant to sections 12, 12.1, 15 or 16 of the *CSIS Act* (s 11.1(2.1)).

75. In other words, although the Canadian-related information must be removed from the actual foreign dataset, in certain circumstances CSIS may nevertheless lawfully retain previously unidentified Canadian-related results of a query.

76. While I do not wish to duplicate any review of the query in question NSIRA may itself conduct, given there are gaps in my understanding of the full circumstances of the query, CSIS should provide the Director and myself with additional information about the query, in particular addressing what information was known regarding either the subject of the query's permanent resident status or presence in Canada prior to the query, and whether any information resulting from the query was retained. I also trust that CSIS will inform me if it becomes aware that the query or associated removal of information is under closer review by NSIRA.

77. In sum, I consider it necessary for CSIS to provide the Director and myself with additional information on the details of the specific query. I also expect that in future applications, CSIS will ensure that descriptions of queries or exploitations of foreign datasets that produced results related to previously unidentified Canadian-related information are detailed and clear.

VI. CONCLUSIONS

78. Pursuant to section 17 of the *IC Act*, I am satisfied that the Director's conclusions made pursuant to subsection 11.17(1) of the *CSIS Act* and on the basis of which the retention of the Foreign Dataset was authorized are reasonable.

79. Therefore, pursuant to paragraph 20(2)(a) of the *IC Act*, I approve the Director's authorization to retain the Foreign Dataset.

80. As indicated in the Authorization, and pursuant to subsection 11.17(3) of the *CSIS Act*, this authorization expires 10 years from the day of my approval.

81. As prescribed in section 21 of the *IC Act*, a copy of this decision will be provided to NSIRA for the purpose of assisting the Agency in fulfilling its mandate under paragraphs 8(1)(a) to (c) of the *NSIRA Act*.

October 7, 2025

(Original signed)

The Honourable Simon Noël, K.C.
Intelligence Commissioner