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Office of
the Intelligence
Commissioner

Bureau du
commissaire
au renseignement

P.O. Box/C.P. 1474, Station/Succursale B
Ottawa, Ontario K1P 5P6
613-992-3044 • Fax 613-992-4096

**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*

DECEMBER 1, 2025

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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 was previously approved for 5 years by the former Intelligence Commissioner in Decision CSIS-2020-02 on December 16, 2022.
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 my approval as Intelligence Commissioner. The Director of CSIS has been designated by the Minister to authorize the retention of foreign datasets since September 2019. The Minister most recently reconfirmed this designation on July 24, 2025.
4. The previous authorization expires on December 15, 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*) on November 17, 2025.
5. In his cover letter, the Director confirmed that if the authorization expires before I have rendered my decision, the Foreign Dataset would be segregated. He further indicated that it would be destroyed should its continued retention not be approved (s 11.19(4) and (5), *CSIS Act*). Neither step will be necessary in this case, given this decision.
6. 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

7. 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, characterized by a common subject matter, and 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 – predominantly relates to non-Canadians 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.
8. 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*).
9. 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, or for the purposes of section 16 if required to assist the Minister of National Defence or the Minister of Foreign Affairs.
10. 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 November 14, 2025;
 - ii. Memorandum to the Director from CSIS, dated October 6, 2025, requesting that the Director issue an authorization to retain the Foreign Dataset (the Application);
 - iii. Appendices containing a description of the Foreign Dataset, content details and randomized data samples;
 - iv. Documentation on known potential non-compliance incident (five appendices);

- v. [REDACTED];
- vi. Intelligence Requirements Charts pursuant to the 2023-2025 Canadian Intelligence Priorities and Outcomes;
- 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; and
- viii. Decision and Reasons of the Intelligence Commissioner, December 16, 2020 (2020 Decision).

III. STANDARD OF REVIEW

11. 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.
12. 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.
13. 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.
14. 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

15. The record indicates that no new information has been added to the Foreign Dataset since its approval in December 2020, although some records related to persons in Canada were deleted from the dataset following query results, which will be discussed further. A description of the Foreign Dataset, including its origin and contents, 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.
16. The legislative requirements for the Director to authorize a foreign dataset’s continued 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 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.

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

A. Updated Record

i. Responding to remarks from the 2020 Decision

18. The 2020 Decision (CSIS-2020-02) was the first authorization to retain a foreign dataset submitted to the Intelligence Commissioner for review following the 2019 coming into force of the legislative provisions related to datasets. Since then, the Director and his predecessor have issued a number of authorizations to retain foreign datasets containing improved conclusions and accompanying records. It is useful to highlight how the remarks made by the Intelligence Commissioner in the 2020 Decision have been addressed in the context of this renewal.
19. In the 2020 Decision, the Intelligence Commissioner remarked that the Director at the time did not provide conclusions with respect to his interpretation of the definition of “dataset”, and more specifically, with respect to how the dataset – the Foreign Dataset – could be comprised of multiple separate “datasets”. Ultimately, the Intelligence Commissioner determined that he could infer that the Director concluded that a single dataset may consist of “a collection” of other datasets, and that this conclusion was reasonable. I similarly found the Director’s conclusions reasonable with respect to this principle in Decision CSIS-2024-05. Indeed, the definition of a foreign dataset set out in the *CSIS Act* – both the version in force in 2020 and the current version amended in 2024 – requires, among other criteria, that there is a “collection of information” without specifying the format of the collection. I note that in this Authorization, the record refers to the Foreign Dataset comprising a number of data “tables” rather than “datasets”.
20. The former Intelligence Commissioner also raised an issue relating to the age of the information contained in the Foreign Dataset, which contains information originating from

[...] to [...], mostly concentrated from [...]. I will address this when examining the Director's conclusions in relation to the likely to assist criterion.

ii. Responding to remarks from other decisions

21. With respect to remarks in more recent decisions, I have stressed the importance of ensuring that all information concerning potential compliance incidents relating to an authorization is included in the record for the Director. The record describes a potential incident already known to me and includes relevant documentation.
22. More specifically, in February 2022, CSIS discovered a potential compliance incident related to this and other foreign datasets. The same incident is discussed in Decisions CSIS-2024-05 and 2025-04. In essence, CSIS had found working documents containing copies of information – including information relating to Canadians or persons in Canada – that had been created during the evaluation period of the foreign datasets in question. The retention of this information beyond the evaluation period was contrary to CSIS' obligations to treat the Canadian-related information as required by subsection 11.1(2) of the *CSIS Act*.
23. In December 2023, the former Director informed me of the February 2022 compliance incident by letter, and of its impact on another foreign dataset approved in December 2021 by the former Intelligence Commissioner. In a January 2024 responding letter to the Director, I enquired whether the February 2022 compliance incident also impacted the Foreign Dataset. In a March 2024 response, the former Director explained that an analysis conducted by CSIS in August 2023 had concluded that the compliance incident relating to the working documents had no impact as those relating to the Foreign Dataset were in fact empty.
24. I am satisfied that the inclusion of documentation related to the February 2022 compliance incident found in this record closes this matter.
25. I note that the record before me does not include the Ministerial Direction to CSIS on Intelligence Priorities, the inclusion of which I previously raised in Decision CSIS-2025-04 –

which I understand CSIS may not have had the benefit of fully reviewing and addressing prior to the preparation of the current Application.

26. Finally, I note that the Director informs me, as he has done in recent decisions, that the revision of the operational policy suite for datasets 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

27. Relying on the Application, the Director confirms that the Foreign Dataset meets the definition of a “dataset” set out in section 11.02 of the *CSIS Act*. He explains that its common subject matter is [REDACTED], and that it continues to be relevant to CSIS duties and functions under section 12 to 16.
28. As remarked in Decision CSIS-2024-05 (paras 69-70), when a dataset is a collection of other datasets, as the case in this matter, the common subject matter must be clearly defined and have clear and understandable limits. Should the understanding of a common subject matter become too uncertain or malleable, the collection of datasets may no longer meet the statutory definition. While I find that the common subject matter of the Foreign Dataset is clearly delineated, I note that it could be impacted by the passage of time if information no longer corresponds with the common subject matter – I raise this issue in particular with respect to information relating to deceased individuals.
29. The Director relies on the evaluation of the dataset originally carried out in 2019 to confirm that the dataset is a foreign dataset. I expand on the description of the evaluation process in my remarks. The Director concluded that the dataset is a foreign dataset based on two grounds. First, CSIS' assessment revealed that almost all individual data tables in the dataset contain information that predominantly relates to non-Canadians [REDACTED]. Second, the types of information that could potentially be identified as Canadian-related (i.e., [REDACTED]) are foreign.

30. I find the Director's reliance on the results of the original evaluation to confirm the "foreignness" of the dataset reasonable. Given that the content of the dataset has not changed since the December 2020 authorization, except for the removal of some Canadian-related information following a query, I am satisfied that 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

31. The application of the likely to assist threshold is central to determining whether the Director's conclusions are reasonable. As remarked in Decision CSIS-2023-04, on renewal, the assessment of the likely to assist threshold may take into account the actual use and effectiveness of the dataset to date. Indeed, in the 2020 Decision, the former Intelligence Commissioner remarked that although the dataset had previously been queried and exploited prior to the establishment of the dataset regime in 2019, the record for the 2020 Decision provided no past examples of how CSIS had used the dataset in support of how it was likely to assist CSIS from 2020 onwards. As described below, the record before me addresses this issue by describing the queries that were conducted. I note that no exploitations occurred.

32. [...], 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." I am of the view that the Director reasonably 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.

33. 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. Importantly, in my view, the Director makes specific links between the Foreign Dataset and the Government of Canada's Intelligence Requirements.

34. Second, the Director provides an explanation for the use of the dataset for sections 12, 12.1 15 or 16 of the *CSIS Act*, namely to [...].
35. The Director's conclusions should demonstrate that the information is likely to assist CSIS over the course of the requested retention period, which in this case is 10 years. In the 2020 Decision, the former Intelligence Commissioner made a remark stating that the information in the Foreign Dataset was arguably outdated, thereby suggesting, as I also indicated in Decision CSIS-2023-05, that older foreign datasets may eventually no longer meet the likely to assist threshold required for their retention.
36. In response to this concern, the Application explains that despite the dated information, the Foreign Dataset remains valuable. Some types of information remain constant over time. CSIS also explains that even for information that may change, its historical nature can be useful for making links to past activities or current information.
37. The Director relies on this rationale, adding that the threat to which the Foreign Dataset is relevant will likely continue for years to come, and that even negative query results can be valuable. Although I find it reasonable for the Director to rely on this rationale – which is the same rationale that has been put forward in other foreign dataset authorizations – I nevertheless emphasize the importance for CSIS and the Director to engage with the nature of the information in a foreign dataset when justifying the retention period. The rationale that some types of information remain constant over time and that the threat will likely continue “for years to come” is strengthened when the link is made clear how CSIS will likely use

those types of information. With respect to the Foreign Dataset, this is clear for some of the types of information but not for others. For example, I understand how CSIS would leverage the dataset to [...], but it is less clear to me in what context CSIS would obtain [a particular type of information] to leverage the dataset.

38. The third ground provided by the Director to support his conclusions that the retention of the Foreign Dataset is likely to assist CSIS consists of its past use. The Director outlines the [...] queries that were conducted by CSIS during the five-year validity period. CSIS has kept the results of one query for the purposes of an investigation, although the record does not provide any information regarding in what way the results are likely to assist CSIS. Indeed, the record states that the query was conducted to [achieve a particular objective], but it is unclear if [the particular objective was achieved]. In contrast, in Decision CSIS-2025-04 (para 51), I noted that the record described results that have supported CSIS investigations. Indeed, as specified in that decision, it is important that not only the number and outcome of the queries be reported, but also for the record to set out the link between information that is retained and any impacts on the performance of CSIS' duties and functions.
39. To justify the small number of queries, the record indicates that at the time of the initial approval of the Foreign Dataset's retention, various factors led to the limited awareness and use of the dataset, including a lack of resources. More recently, CSIS indicates that it has launched a number of initiatives to promote greater awareness and use of foreign datasets within the organization.
40. While I can appreciate the explanation for the small number of queries, it highlights that the likely to assist threshold does not only rest on the potential for the content of the dataset to assist CSIS, but also depends on the operational capability and willingness to use the dataset. It will be more difficult for the Director to satisfy the likely to assist threshold if CSIS does not have or dedicate resources to actually use a foreign dataset. Indeed, for a dataset related to [...], I find that the small number of queries – and even smaller number of retained

results whose usefulness is unknown – over a five-year period weakens the Director’s conclusions that the Foreign Dataset is likely to assist CSIS in the performance of its duties and functions. The Director’s conclusions do not engage with the issue of the Foreign Dataset’s limited use during the prior authorization.

41. I do not wish to suggest that a greater number of queries would necessarily better demonstrate that a foreign dataset is likely to assist CSIS in its duties and functions in the future, or that there is a specific number of queries that CSIS has to conduct to demonstrate its future usefulness. However, the likely to assist threshold (i.e., used to retain a dataset) is higher than a simple relevance threshold (i.e., used to collect the dataset) and, in the Director’s own words, requires more than “mere possibility”.
42. CSIS’ past use of the Foreign Dataset is of course not determinative of the reasonableness of the Director’s conclusions with respect to the likely to assist threshold. As I noted in Decision CSIS-2025-03, the Director may rely on a single or numerous factors to determine that a foreign dataset is likely to assist CSIS in the performance of its duties.
43. Taking into account all of the above, I am satisfied that the Director’s conclusions relating to the likely to assist criterion are reasonable. I note that my own conclusion largely rests on the connection made by the Director between the nature of the information in the dataset and CSIS’ duties and functions, including how the information relates to threats to the security of Canada. I add that the reasonableness of the Director’s conclusions also rests on the initiatives CSIS intends to carry out to ensure that the Foreign Dataset will be used operationally. Ultimately, I find reasonable the explanations provided by the Director for seeking the maximum 10-year retention period. Nonetheless, I make a remark below with respect to the potential impact of the passage of time on the likely to assist threshold.

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

44. With respect to the third condition, in approving the original authorization, the former Intelligence Commissioner found reasonable the Director’s conclusion that CSIS has complied with its obligations set out in section 11.1 of the *CSIS Act*. As this is a continuing

obligation, the record should include updates and other information that demonstrate how CSIS continues to meet its obligations.

45. 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))

46. The Director explains that no information related to physical or mental health was found when the designated employee originally conducted their evaluation. He 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 and is satisfied with the steps taken by CSIS to identify health-related information.

47. As for the record, it indicates 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. CSIS confirms that there has been no change to their current methodology.

48. Based on the steps originally taken to identify this information, I am 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))

49. As explained by the Director, a certain number of Canadian data records were identified and removed during the original evaluation of the Foreign Dataset in 2019.
50. During the five-year authorization period, one of the queries of the Foreign Dataset conducted by CSIS identified [...] data records that related to persons in Canada. I expand on the context of this query in my remarks. The records were removed from the dataset and destroyed, though not before the results were duplicated and retained for the purposes of an investigation. As statutorily required, the Service also notified National Security and Intelligence Review Agency (NSIRA) of the removal and destruction of this information.
51. In his conclusion, the Director determines that the steps outlined by CSIS to identify this information were reasonable. He also acknowledges CSIS' obligations to remove information related to a Canadian or a person in Canada should any be identified in the future.
52. The Application also indicates that CSIS considered whether any new techniques or methodologies could be used to identify Canadian records that may not have been originally identified in 2019. I add that consideration should also be given to whether some information not originally identified as Canadian-related could, with the passage of time, be identified as such at the time of renewal. The consideration should include whether reasonable measures exist for CSIS to make such a verification. The clearest example would be the possibility that individuals whose information may be in a foreign dataset have been granted Canadian permanent resident or citizenship status since the evaluation of the foreign dataset.
53. Based on the nature of the information contained in the Foreign Dataset and the original evaluation conducted by CSIS, I am of the view that the Director's conclusion that CSIS has met its statutory obligations is reasonable.

54. While it does not alter my finding of the reasonableness of the Director's conclusions, I note that the record before me contains inaccurate information in relation to the original evaluation process used by the designated CSIS employee in 2019 in accordance with the obligations set out in section 11.1 of *CSIS Act*. I address this issue in a remark.

iv. The update provisions are reasonable

55. 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 such updates will not change the nature of the authorized dataset and that the updates will satisfy the threshold of being likely to assist CSIS in the performance of its duties and functions.

56. The Authorization introduces new update provisions. Previously, CSIS was only authorized to remove a certain type of information and could not add any records to the dataset. The Authorization now authorizes the two types of updates that are commonly requested in authorizations relating to the retention of foreign datasets.

57. CSIS describes type 1 updates as administrative in nature. These 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 therefore ensuring data integrity or completeness of the dataset without changing the nature of the dataset.

58. As part of the administrative updates, CSIS would also be able to remove a type of information consistent with a similar provision under the previous authorization of the Foreign Dataset. As indicated in Decision 2025-04, I do not think that this type of information qualifies as being administrative in nature because it is not meant to ensure data integrity or completeness of the dataset. In the future, I would suggest that this type of update be classified as its own type. I recognize that when submitting the Authorization to the Director, CSIS may not have had the benefit of my comment made in decision CSIS-2025-

04, para 65, and I remain satisfied that the Director's conclusions supporting them are reasonable.

59. 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 updates would allow new data records relating to existing data in the dataset to be added.
60. 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 ensure that any information being added to the dataset meets its obligations under sections 11.1 and 11.07(6)(a) of the *CSIS Act*.
61. 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 to 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

62. I would like to make the following three remarks which do not alter my findings regarding the reasonableness of the Director's conclusions. I nevertheless expect CSIS to address them in a timely manner.

A. Correcting inaccurate information regarding the evaluation process

63. Some information in the Application describing the evaluation of the Foreign Dataset conducted in 2019 is inaccurate. This remark seeks to correct the record and to raise this issue to the Director's attention.

64. The Application explains that the evaluation was conducted by a designated CSIS employee who first identified columns of data that belong to certain identified categories that could assist in the identification of Canadian-related records, in order to then perform automated searches of the identified columns for Canadian-related information. The Application lists four categories of searches that were conducted, two of which are searching [type A], and [type B].
65. A comparison between this Application and the original 2020 record shows that despite what is indicated in the Application, no [type A] or [type B] searches were carried out during the initial evaluation process in 2019.
66. I come to this conclusion on the basis that the original 2020 record describes certain searches using similar wording to the 2025 Application, but is clear that these are “possible categories of search criteria” that a designated employee *could* use.
67. In addition, the original record in 2020 included a briefing note, dated July 23, 2020, describing the evaluation process which was prepared by the responsible CSIS unit at the request of the former CSIS Director. The briefing note describes the general steps that could be used by a designated CSIS employee to identify and remove information in compliance with its statutory obligations. It also indicates the steps that were actually taken by the designated employee, as well as the reasons certain steps were not taken. Notably, the briefing note clearly indicates that [search type B] “was *not* deployed against the [Dataset] since no [...] were identified” (emphasis added). Further, there were zero [...] columns and zero [...] identified.
68. I conclude from my review of the documents that wording originally intended to describe potential steps that could be taken to conduct the evaluation seems to have been inserted in the 2025 Application and edited to describe the steps as actually having been carried out. The end result is that the current record on which the Director based his conclusions contains

inaccurate information in relation to the searches. I am of the opinion that the Director would have had no reason to doubt the accuracy of the description in the current record of the specific steps taken during the evaluation process.

69. Nothing suggests to me that the inclusion of the inaccurate information was anything other than inadvertent and unintentional. Nevertheless, applications to the Director and the Intelligence Commissioner's review of authorizations take place in an *ex parte* context and we both rely on the information presented by CSIS to reach our respective conclusions. As in other *ex parte* national security proceedings, it is therefore imperative that the information found in applications for authorizations to be approved by the Intelligence Commissioner is full, fair and frank, as well as the product of diligence (*Canadian Security Intelligence Service Act (CA) (RE)*, 2021 FCA 92 at paras 120, 126; *R v Morelli*, 2010 SCC 8 at para 102).
70. In Decision CSIS-2024-05, I attached a condition limiting the duration of the authorization to one year instead of five because information relating to a potential compliance incident that took place during the evaluation process of that dataset was missing from the record. In that case, I could not find with sufficient certainty that the information would have had no bearing on the Director's conclusions.
71. In the file before me, I do not consider that such a condition is necessary. While the inaccurate information was certainly relevant to the Director's review, it related to the specific modalities of how the designated employee complied with the obligations under section 11.1 of the *CSIS Act*. In the 2020 Decision, which was based on a complete record that included the briefing note, the former Intelligence Commissioner was satisfied that the former Director's conclusions relating to evaluation process and CSIS' obligations under section 11.1 were reasonable. I see no grounds for concern relating to the evaluation process carried out in 2019 itself. More importantly, I am not of the view that the Director's overall conclusions as regards CSIS' compliance would have changed had the description of the entire evaluation process been accurate. In my view, his conclusions remain reasonable despite the inaccurate information. I trust that future authorizations will accurately represent

this evaluation process. Therefore, I am satisfied that this remark, along with any other information the Director may wish to seek from his staff once this is brought to his attention, is sufficient to correct the record in this case.

72. To ensure a complete record and to highlight its value, I attach the July 23, 2020 briefing note prepared in response to the previous Director's request for more information as Annex B to these reasons. Were it not for this briefing note, this issue may not have come to my attention. This underscores that decision makers should proactively request clarification or additional information when they feel it would be helpful (*R v Araujo*, 2000 SCC 65 at para 29; *R v Lising* 2005 SCC 66 at para 22). I found the information set out in the 2020 briefing note helpful given its clear identification of how many records, if any at all, were identified for removal by each specific step of the evaluation.

B. Impact of the passage of time on the likely to assist threshold

73. I make the following remark based on the facts of this record, but note that the principle may be applicable to other datasets.
74. In the event that the retention of the Foreign Dataset is renewed in 10 years, I note that the bulk of the information it contains will be approximately [...] years old. While I recognize that the likely to assist threshold is relatively low, there may be certain tables included in the Foreign Dataset that – at least based on the Director's conclusions in this Authorization – would no longer meet the threshold. One example may be [...], found at data table [...]. Given that a dataset can be comprised of a number of other datasets or tables, it is unclear how an analysis of the likely to assist criterion would apply in that situation, namely when only some tables would meet the threshold. Further, on the face the record, it is not clear whether there exists a mechanism to allow CSIS to remove a table from the Foreign Dataset whose information is no longer relevant to its duties, or otherwise similarly update the dataset, prior to a renewal. Although these may be legal issues for the future, I encourage CSIS to think about them at this point in time.

C. Queries of the foreign dataset

75. In my recent Decision CSIS-2025-04, I made a remark regarding the interplay between the authority to query a foreign dataset and the continuing obligation to remove Canadian-related information. The remark was prompted by a query that returned data records relating to a person of interest who was a Canadian permanent resident, without making clear whether CSIS knew that the person had Canadian permanent resident status before it performed the query. I noted that this could potentially raise the issue described below, and requested CSIS to provide the Director and myself with additional information on the query in question.
76. In the decision before me, one of the queries is described in greater detail. It is made clear that CSIS knew that the subjects of the query “were located in Canada” before it performed the query. I note that the description in the record of another query suffers from the same lack of clarity as the one that prompted my original remark. It indicates that the target the query related to [...]. This suggests, again, that the subject of the query was “a person within Canada”.
77. This seems to confirm that CSIS is of the view that its continuing obligation to remove from a dataset information that by its nature or attributes relates to a Canadian or a person in Canada does not prevent it from performing a query knowing that the subject of that query is a Canadian, or a person in Canada.
78. It is important for the Director and myself to be satisfied that the activities that are authorized – or in this case, the activities that will be facilitated through the Authorization – will be lawfully conducted. I would therefore benefit from a detailed rationale from CSIS as to its interpretation of the interplay of the applicable provisions of the *CSIS Act*. Such information should also be shared with NSIRA.
79. Without taking a position on this issue at this time, I wish to stress that my request does not stem from a conclusion that CSIS’ interpretation is unreasonable, but rather from the fact that the legal issue is not addressed in the record. The dataset regime should serve as a useful tool

that assists CSIS in the performance of its duties and part of my role is to ensure that the tools are used lawfully. If current legislative provisions unduly hamper CSIS' ability to use foreign datasets, the Director should be aware of any limits. I note also the importance of keeping CSIS operational policies up to date and anticipate that the updated operational policies will provide guidance to the designated employees on this topic as well.

80. Finally, I have reviewed authorizations relating to datasets for over three years now. The fact that I continue to raise a number of issues in decisions related to the implementation of the legislative regime related to datasets suggests to me that it may need to be reviewed to allow CSIS to more effectively make use of datasets while still ensuring there is appropriate oversight.

VI. CONCLUSIONS

81. 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.

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

83. 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.

84. 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*.

December 1, 2025

(Original signed)

The Honourable Simon Noël, K.C.
Intelligence Commissioner