

Office of the Intelligence Commissioner

2020–21

Departmental Plan

The Right Honourable Justin Trudeau
Prime Minister of Canada

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the Office of the Intelligence Commissioner, 2020.

Catalogue No.: D95-6E-PDF
ISSN 2563-0377

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From the Commissioner

I am pleased, as the first Intelligence Commissioner, to present the inaugural departmental plan for the Office of the Intelligence Commissioner (office). The office was created as a result of the *Intelligence Commissioner Act* which came into force on July 12, 2019. The creation of the office furthers the government's efforts to strengthen the national security framework, to keep Canadians safe, while at the same time, to safeguard their rights and freedoms. My office will contribute to enhancing accountability and transparency through a variety of means: effective performance of quasi-judicial reviews, my annual report, and briefings and consultations with stakeholders and international counterparts.

In 2020–21, the way forward is clear. The mandate is one of independent quasi-judicial review with respect to certain Canadian Security Intelligence Service (CSIS) and Communications Security Establishment (CSE) intelligence activities, approving or not ministerial authorizations, amendments or determinations for such activities prior to their conduct. In the first full year of operations, we must ensure that roles, responsibilities and authorities among the parties are clearly understood and acted upon. The office transitioned from the Office of the CSE Commissioner, maintaining its employees and acquiring its remaining financial authorities. The office must now ensure that its current human resources, both in number and skill sets, are sufficient to deliver effectively on the new mandate. The office must also re-examine its internal services. Being in a new portfolio requires that existing service level agreements with former portfolio partners must be expired and replaced with new service agreements with new service providers. In addition, technology, communication and security platforms will need to be reviewed, and if required, strengthened and improved to ensure their adequacy in line with the new oversight mandate. Should the existing human and financial resources not be sufficient, the office will take the steps necessary to increase these resources to the required level.

As a new agency, the office will complete a departmental results framework, including performance information profiles and departmental results indicators to be presented to the Treasury Board in 2020–21 for implementation in 2021–22.

It will be a busy and challenging year. By performing independent quasi-judicial reviews, the Office of the Intelligence Commissioner will be well positioned to deliver on its mandate and, in so doing, provide greater confidence to Canadians that CSIS and CSE will continue to exercise their authorities in a manner that keeps Canadians safe while safeguarding their rights and freedoms.

Plans at a glance

This is the first formal departmental plan for the Office of the Intelligence Commissioner (office), as the office commenced operations on July 12, 2019. The plan sets out the office’s intentions going forward – estimating workload complexities and volumes, ensuring the proper mix of legal and technical resources to address this workload in accordance with the deadlines set out in the legislation, and ensuring the effectiveness of internal services in support of program delivery.

In 2020, the Commissioner will submit to the Prime Minister a report of his activities during the previous calendar year including appropriate statistics relating to the ministerial authorizations, amendments and determinations that were reviewed. The Commissioner’s annual report is a public document provided to the Prime Minister, who by law must table a copy of the report before each House of Parliament.

The Office of the Intelligence Commissioner will examine its internal services to ensure the necessary tools and services are available to address the additional responsibilities required under the *Intelligence Commissioner Act*. The office will establish partnerships with other government departments and service providers to deliver best-value services.

For more information on the Office of the Intelligence Commissioner’s plans, priorities and planned results, see the “Core responsibilities: planned results and resources, and key risks” section of this report.

Core responsibilities: planned results and resources, and key risks

This section contains detailed information on the department’s planned results and resources for each of its core responsibilities. It also contains information on key risks related to achieving those results.

Quasi-judicial review of certain ministerial decisions

Description

The Intelligence Commissioner is responsible for performing independent quasi-judicial reviews of the conclusions reached by Ministers in issuing certain authorizations, amendments and determinations, under the *Communications Security Establishment Act* and the *Canadian Security Intelligence Service Act* and to approve those ministerial authorizations, amendments and determinations if those conclusions are reasonable.

Planning highlights

- Continue to enhance the recently developed independent quasi-judicial review program to further support the Intelligence Commissioner in his assessment of the reasonableness of the conclusions reached by Ministers in issuing certain authorizations, amendments and determinations.
- Continue to work closely with the Ministers and senior officials of the Communications Security Establishment and the Canadian Security Intelligence Service to ensure the mandate, role and responsibilities of the Intelligence Commissioner are known and understood and can be acted upon.
- Continue comprehensive financial and human resource planning to ensure the necessary resources are available to effectively discharge the core responsibility.

The *Intelligence Commissioner Act* came into force on July 12, 2019 and as such, the quasi-judicial review program of the Office of the Intelligence Commissioner, at the start of the 2020–21 fiscal year, will have been operating for less than 9 months. The overall plan for 2020–21 is to continue to respond to applications for review in an efficient and effective manner. However, given the recent establishment of the program, the office will continue to assess the overall program design and delivery, examining not only the quality of the review but the efficiency of its performance.

Experimentation

Having only commenced operations in July 2019, policies, systems and activities are still in the process of being finalized. Although adjustments are being made to arrive at what works best, these adjustments are based on refining the delivery system and not on a rigorous comparison of results. Formal testing of policies, systems and activities and the comparison of their respective effects and impacts are not likely to occur until the office has been in operation for at least two or three years.

Key risk(s)

Funding

The office's ability to effectively discharge its mandate is dependent on having available sufficient financial and human resources. The annual reference levels for the Office of the Intelligence Commissioner are those of the Office of the Communications Security Establishment Commissioner. In accordance with the *Intelligence Commissioner Act*, which created the Office of the Intelligence Commissioner, the unexpended appropriation of the office of the former Commissioner is deemed to be an amount appropriated to defray any expenditure of the office of the new Commissioner. The Office of the Intelligence Commissioner will assess its own funding requirements early in 2020–21 and take the necessary steps to ensure it has the necessary resources in place to deliver the mandated services required by the legislation.

Workload and capacity

The office's workload is, for the most part, unpredictable. The number of applications, timing, and complexity cannot be predicted effectively at this time. Regardless, the office must plan and manage its resources to meet the legislative deadlines for issuing decisions in response to applications. This uncertainty poses certain significant challenges with respect to the planning and management of office resources that in turn can affect the ability of the office to effectively deliver on its mandate.

The office's ability to deliver on its mandate depends on the strength of its workforce. The vast majority of the work requires specialized skills and strong legal/judicial knowledge, as well as technical knowledge related to security and intelligence operations. The office must often compete with other federal departments and agencies to attract and retain skilled employees. With such a small workforce (10 employees), the loss of a single employee may prevent the office from always having the right workforce in place with the right skills to meet the demands of the program. Over the next year, the office will further develop its human resource management practices with regard to staffing and retention.

In addition, there is a requirement that employees have access to current technology – tools, systems, and applications – to assist in the efficient and effective performance of their work.

The office needs to have the appropriate IT infrastructure and applications in place to support effective program delivery. Previous partnerships that provided these tools and services are no longer available and need to be replaced. The office is obligated to obtain certain IT related services from specific government common service providers and as new partnerships and service agreements are established, issues of affordability may impact on the level of technology support that can be provided to the program.

Relationships

As a newly created organization working with a new mandate, it is incumbent on the office to develop effective working relationships with the Ministers and their respective departments directly impacted by the *Intelligence Commissioner Act*: the Minister of Public Safety and Emergency Preparedness, the Minister of National Defence, the Canadian Security Intelligence Service, the Communications Security Establishment and Public Safety Canada. Respective roles, responsibilities and authorities will have to be carefully administered as the requirements of the legislation are applied to the applications being reviewed by the Intelligence Commissioner.

Positive working relationships must also be developed with National Security and Intelligence Committee of Parliamentarians (NSICOP) and the National Security and Intelligence Review Agency (NSIRA) to ensure that the Intelligence Commissioner’s mandate, duties and functions are known and understood. Also, the Intelligence Commissioner must provide a copy of his decisions to NSIRA. Furthermore, NSICOP and NSIRA must share any review reports related to the mandate of the Intelligence Commissioner.

Planned results for quasi-judicial review of certain ministerial decisions

Departmental result	Departmental result indicator	Target	Date to achieve target	2016–17 actual result	2017–18 actual result	2018–19 actual result
Decisions of the Commissioner are timely	Decisions delivered in accordance with the deadlines set out in the legislation	100%	March 31, 2021	Not available. The Office of the Intelligence Commissioner commenced operations on July 12, 2019	Not available. The Office of the Intelligence Commissioner commenced operations on July 12, 2019	Not available. The Office of the Intelligence Commissioner commenced operations on July 12, 2019

The core responsibility and program inventory identified for the office are interim. The office will be preparing a complete departmental results framework including departmental results and results indicators for presentation to Treasury Board in 2020–21, for implementation in 2021–22.

Financial, human resources and performance information for the Office of the Intelligence Commissioner’s program inventory is available in the [GC InfoBase](#).ⁱ

Planned budgetary financial resources for quasi-judicial review of certain ministerial decisions

2020–21 budgetary spending (as indicated in Main Estimates)	2020–21 planned spending	2021–22 planned spending	2022–23 planned spending
1,600,000	1,600,000	1,600,000	1,600,000

Financial, human resources and performance information for the Office of the Intelligence Commissioner’s program inventory is available in the [GC InfoBase](#).ⁱⁱ

Planned human resources for quasi-judicial review of certain ministerial decisions

2020–21 planned full-time equivalents	2021–22 planned full-time equivalents	2022–23 planned full-time equivalents
6.5	6.5	6.5

Financial, human resources and performance information for the Office of the Intelligence Commissioner’s program inventory is available in the [GC InfoBase](#).ⁱⁱⁱ

Internal Services: planned results

Description

Internal Services are those groups of related activities and resources that the federal government considers to be services in support of Programs and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the 10 distinct services that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. These services are:

- ▶ Management and Oversight Services
- ▶ Communications Services
- ▶ Legal Services
- ▶ Human Resources Management Services
- ▶ Financial Management Services
- ▶ Information Management Services
- ▶ Information Technology Services
- ▶ Real Property Management Services
- ▶ Materiel Management Services
- ▶ Acquisition Management Services

Planning highlights

- Continue to develop and implement workforce and workplace strategies to ensure that the skilled human resources can be attracted, retained and replaced, as required, without negatively impacting program delivery
- Continue to replace agreements for the provision of internal services that are no longer available
- Review and upgrade where necessary the existing technology, security and communication platforms for the office
- Review and upgrade where necessary the existing internal services' policy and procedural framework for the office

The Intelligence Commissioner is supported by 10 FTEs. The loss of a single employee can impact on the delivery of the program and/or the related internal service activities in support of the program. The office will examine ways to attract and retain employees in this new work environment. The organization will also address succession planning in order to minimize the impact of employee departures.

The transitional provisions of the *Intelligence Commissioner Act* state that “a contract respecting the provision of materiel or services to the office of the former Commissioner that was entered

into by that Commissioner is deemed to have been entered into by the new Commissioner.” Several of those contracts and/or service level agreements that carried over from the Office of the Communications Security Establishment Commissioner were with former portfolio partners. Other government service providers for both goods and services will have to be found and costs renegotiated for 2020–21. The office must also address additional requirements under the IC Act (*Access to Information Act* and *Privacy Act*, for example) and how best to resource and deliver these services.

The Office of the Intelligence Commissioner in 2020–21 will examine its policy and procedural framework to ensure that it reflects adequately the mandate of the Intelligence Commissioner granted by the *Intelligence Commissioner Act*, while at the same time respects the policy requirements of the central agencies.

Planned budgetary financial resources for Internal Services

2020–21 budgetary spending (as indicated in Main Estimates)	2020–21 planned spending	2021–22 planned spending	2022–23 planned spending
539,375	539,375	539,375	539,375

Planned human resources for Internal Services

2020–21 planned full-time equivalents	2021–22 planned full-time equivalents	2022–23 planned full-time equivalents
4	4	4

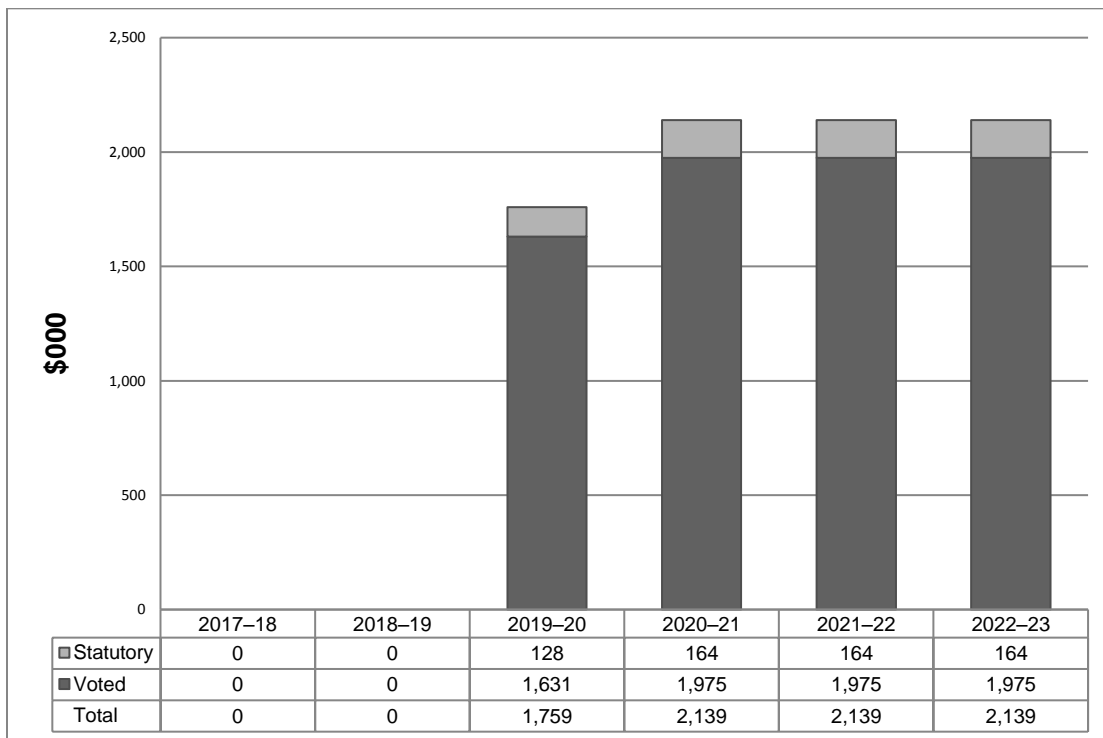
Spending and human resources

This section provides an overview of the department’s planned spending and human resources for the next three consecutive fiscal years, and compares planned spending for the upcoming year with the current and previous years’ actual spending.

Planned spending

Departmental spending 2017–18 to 2022–23

The following graph presents planned (voted and statutory) spending over time.



The Office of the Intelligence Commissioner commenced operations on July 12, 2019. As a result there is no spending for years 2017–18 and 2018–19 and the estimated expenditures for 2019–20 are for only 8 1/2 months. The budgetary spending for 2020–21 and the planned spending for 2021–22 and 2022–23 are based on the plans previously set for the Office of the Communications Security Establishment Commissioner. The Office of the Intelligence Commissioner will assess its own funding requirements and take the necessary steps to ensure it has the necessary resources in place to deliver the mandated services required by the legislation.

Budgetary planning summary for core responsibility and Internal Services (dollars)

The following table shows actual, forecast and planned spending for the Office of the Intelligence Commissioner’s core responsibility and Internal Services for the years relevant to the current planning year.

Core responsibilities and Internal Services	2017–18 expenditures	2018–19 expenditures	2019–20 forecast spending	2020–21 budgetary spending (as indicated in Main Estimates)	2020–21 planned spending	2021–22 planned spending	2022–23 planned spending
Quasi-judicial review of certain ministerial decisions	Not applicable; the Office of the Intelligence Commissioner commenced operations on July 12, 2019	Not applicable; the Office of the Intelligence Commissioner commenced operations on July 12, 2019	1,260,186	1,600,000	1,600,000	1,600,000	1,600,000
Internal Services	As above	As above	498,755	539,375	539,375	539,375	539,375
Total	As above	As above	1,758,941	2,139,375	2,139,375	2,139,375	2,139,375

The Office of the Intelligence Commissioner commenced operations on July 12, 2019. The total forecast spending for 2019–20 is for a little less than 9 months. The budgetary spending for 2020–21 and the planned spending for 2021–22 and 2022–23 are based on the plans previously set for the Office of the Communications Security Establishment Commissioner. Following completion of fiscal year 2020–21, expenditures, forecast spending and planned spending and any analysis thereof will be based on full year activities and operations of the Office of the Intelligence Commissioner.

Planned human resources

The following table shows actual, forecast and planned full-time equivalents (FTEs) for each core responsibility in the Office of the Intelligence Commissioner’s interim departmental results framework and to Internal Services for the years relevant to the current planning year.

Human resources planning summary for core responsibilities and Internal Services

Core responsibilities and Internal Services	2017–18 actual full-time equivalents	2018–19 actual full-time equivalents	2019–20 forecast full-time equivalents	2020–21 planned full-time equivalents	2021–22 planned full-time equivalents	2022–23 planned full-time equivalents
Quasi-judicial review of certain ministerial decisions	Not applicable; the Office of the Intelligence Commissioner commenced operations on July 12, 2019	Not applicable; the Office of the Intelligence Commissioner commenced operations on July 12, 2019	Not applicable; the Office of the Intelligence Commissioner commenced operations on July 12, 2019	6.5	6.5	6.5
Internal Services	As above	As above	As above	4	4	4
Total	As above	As above	As above	10.5	10.5	10.5

Estimates by vote

Information on the Office of the Intelligence Commissioner’s organizational appropriations is available in the [2020–21 Main Estimates](#).^{iv}

Condensed future-oriented statement of operations

The condensed future-oriented statement of operations provides an overview of the Office of the Intelligence Commissioner’s operations for 2019–20 to 2020–21.

The amounts for forecast and planned results in this statement of operations were prepared on an accrual basis. The amounts for forecast and planned spending presented in other sections of the Departmental Plan were prepared on an expenditure basis. Amounts may therefore differ.

A more detailed future-oriented statement of operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, are available on the Office of the Intelligence Commissioner’s [website](#).^v

Condensed future-oriented statement of operations for the year ending
March 31, 2021 (dollars)

Financial information	2019–20 forecast results	2020–21 planned results	Difference (2020–21 planned results minus 2019–20 forecast results)
Total expenses	2,000,036	2,383,758	383,722
Net cost of operations before government funding and transfers	2,000,036	2,383,758	383,722

The difference between the planned results and the forecast results is due to the fact that the forecast total expenses are not for a complete year as the Office of the Intelligence Commissioner commenced operations on July 12, 2019.

Corporate information

Organizational profile

Appropriate minister: The Right Honourable Justin Trudeau – Prime Minister of Canada

Institutional head: The Honourable Jean-Pierre Plouffe, CD – Commissioner

Ministerial portfolio: Prime Minister

Enabling instrument: *Intelligence Commissioner Act*

Year of incorporation / commencement: July 12, 2019

Raison d’être, mandate and role: who we are and what we do

“Raison d’être, mandate and role: who we are and what we do” is available on the Office of the Intelligence Commissioner’s [website](#).^{vi}

Operating context

Information on the operating context is available on the Office of the Intelligence Commissioner’s [website](#).^{vii}

Reporting framework

The Office of the Intelligence Commissioner’s interim departmental results framework and program inventory for 2020–21 are as follows:

Departmental Results Framework	Core Responsibility: Quasi-judicial review of certain ministerial decisions		Internal Services
	Departmental Result: Decisions of the Commissioner are timely	% of decisions delivered in accordance with the deadlines set out in the legislation	
Program Inventory	The Intelligence Commissioner’s Quasi-judicial Review Program		

Changes to the approved reporting framework since 2019–20

There was no approved reporting framework in 2019–20. This is the interim reporting framework approved for the Office of the Intelligence Commissioner. A complete departmental results framework including departmental results and departmental results indicators will be presented to the Treasury Board in 2020–21 for implementation in 2021–22.

Supporting information on the program inventory

Supporting information on planned expenditures, human resources, and results related to the Office of the Intelligence Commissioner's program inventory is available in the [GC InfoBase](#).^{viii}

Supplementary information tables

The following supplementary information tables are available on the Office of the Intelligence Commissioner's [website](#)^{ix}:

- ▶ [Departmental Sustainable Development Strategy](#)
- ▶ [Gender-based analysis plus](#)

Federal tax expenditures

The Office of the Intelligence Commissioner's Departmental Plan does not include information on tax expenditures that relate to its planned results for 2020–21.

Tax expenditures are the responsibility of the Minister of Finance, and the Department of Finance Canada publishes cost estimates and projections for government-wide tax expenditures each year in the [Report on Federal Tax Expenditures](#).^x This report provides detailed information on tax expenditures, including objectives, historical background and references to related federal spending programs, as well as evaluations, research papers and gender-based analysis. The tax measures presented in this report are solely the responsibility of the Minister of Finance.

Organizational contact information

Mailing address

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Fax: 613-992-4096

Website: www.canada.ca/en/intelligence-commissioner.html

Appendix: definitions

appropriation (crédit)

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures (dépenses budgétaires)

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

core responsibility (responsabilité essentielle)

An enduring function or role performed by a department. The intentions of the department with respect to a core responsibility are reflected in one or more related departmental results that the department seeks to contribute to or influence.

Departmental Plan (plan ministériel)

A report on the plans and expected performance of a department over a 3-year period. Departmental Plans are tabled in Parliament each spring.

departmental priority (priorité ministérielle)

A plan or project that a department has chosen to focus and report on during the planning period. Departmental priorities represent the things that are most important or what must be done first to support the achievement of the desired departmental results.

departmental result (résultat ministériel)

A consequence or outcome that a department seeks to achieve. A departmental result is often outside departments' immediate control, but it should be influenced by program-level outcomes.

departmental result indicator (indicateur de résultat ministériel)

A factor or variable that provides a valid and reliable means to measure or describe progress on a departmental result.

departmental results framework (cadre ministériel des résultats)

A framework that consists of the department's core responsibilities, departmental results and departmental result indicators.

Departmental Results Report (rapport sur les résultats ministériels)

A report on a department's actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

experimentation (expérimentation)

The conducting of activities that seek to first explore, then test and compare, the effects and impacts of policies and interventions in order to inform evidence-based decision-making, and improve outcomes for Canadians, by learning what works and what doesn't. Experimentation is related to, but distinct from innovation (the trying of new things), because it involves a rigorous comparison of results. For example, using a new website to communicate with Canadians can be an innovation; systematically testing the new website against existing outreach tools or an old website to see which one leads to more engagement, is experimentation.

full-time equivalent (équivalent temps plein)

A measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

gender-based analysis plus (GBA+) (analyse comparative entre les sexes plus [ACS+])

An analytical process used to assess how diverse groups of women, men and gender-diverse people experience policies, programs and services based on multiple factors including race, ethnicity, religion, age, and mental or physical disability.

government-wide priorities (priorités pangouvernementales)

For the purpose of the 2020–21 Departmental Plan, government-wide priorities refers to those high-level themes outlining the government's agenda in the 2015 Speech from the Throne, namely: Growth for the Middle Class; Open and Transparent Government; A Clean Environment and a Strong Economy; Diversity is Canada's Strength; and Security and Opportunity.

horizontal initiative (initiative horizontale)

An initiative in which two or more federal organizations are given funding to pursue a shared outcome, often linked to a government priority.

non-budgetary expenditures (dépenses non budgétaires)

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance (rendement)

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

performance indicator (indicateur de rendement)

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting (production de rapports sur le rendement)

The process of communicating evidence-based performance information. Performance reporting supports decision-making, accountability and transparency.

plan (plan)

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

planned spending (dépenses prévues)

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their Departmental Plans and Departmental Results Reports.

program (programme)

Individual or groups of services, activities or combinations thereof that are managed together within the department and focus on a specific set of outputs, outcomes or service levels.

program inventory (répertoire des programmes)

Identifies all of the department's programs and describes how resources are organized to contribute to the department's core responsibilities and results.

result (résultat)

An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

statutory expenditures (dépenses législatives)

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

strategic outcome (résultat stratégique)

A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

target (cible)

A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures (dépenses votées)

Expenditures that Parliament approves annually through an Appropriation Act. The vote wording becomes the governing conditions under which these expenditures may be made.

Endnotes

- i. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- ii. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- iii. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- iv. 2018–19 Main Estimates, <https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/government-expenditure-plan-main-estimates.html>
- v. Office of the Intelligence Commissioner, www.canada.ca/en/intelligence-commissioner.html
- vi. Office of the Intelligence Commissioner, www.canada.ca/en/intelligence-commissioner.html
- vii. Office of the Intelligence Commissioner, www.canada.ca/en/intelligence-commissioner.html
- viii. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- ix. Office of the Intelligence Commissioner, www.canada.ca/en/intelligence-commissioner.html
- x. Report on Federal Tax Expenditures, <http://www.fin.gc.ca/purl/taxexp-eng.asp>