

**Office of the Intelligence
Commissioner**

2022–23

Departmental Plan

The Right Honourable Justin Trudeau
Prime Minister of Canada

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the Office of the Intelligence Commissioner, 2022.

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Table of contents

From the Intelligence Commissioner	1
Plans at a glance.....	3
Core responsibilities: planned results and resources, and key risks	5
Internal services: planned results	9
Planned spending and human resources	11
Planned spending	11
Planned human resources	13
Estimates by vote.....	13
Future-oriented condensed statement of operations.....	13
Corporate information.....	15
Organizational profile	15
Raison d'être, mandate and role: who we are and what we do.....	15
Operating context.....	15
Reporting framework.....	15
Supporting information on the program inventory	16
Supplementary information tables	16
Federal tax expenditures	16
Organizational contact information	16
Appendix: definitions	17
Endnotes	21

From the Intelligence Commissioner

As Intelligence Commissioner (IC) and Deputy Head, I am pleased to submit the 2022–23 Departmental Plan for the Office of the Intelligence Commissioner (ICO).

The ICO is an independent oversight body. My mandate, as IC, is set-out in the *Intelligence Commissioner Act* (IC Act). The IC is an integral part of the decision-making process for certain national security and intelligence activities before they can be conducted. I am responsible for performing quasi-judicial reviews of the conclusions of either the Minister of National Defence or the Minister of Public Safety, and, where applicable, the Director of the Canadian Security Intelligence Service. These conclusions are the basis on which certain authorizations are issued or determinations are made in relation to some activities to be conducted by either the Communications Security Establishment or the Canadian Security Intelligence Service.

This plan addresses how the ICO will continue to ensure the effective delivery of my mandate, ongoing efforts to effectively manage human resources, particularly during a time of significant change brought on largely due to the COVID-19 pandemic, and the continued use of partnerships with other government departments to maintain robust informatics and security infrastructures.

With their hard work, dedication and professionalism, I have full confidence the ICO will meet any challenges ahead and will continue to serve all Canadians in an open and transparent manner, and in doing so, strengthening the national security framework.

The Honourable Jean-Pierre Plouffe, C.D.
Intelligence Commissioner

Plans at a glance

The following provides an overview of the ICO's priorities and key actions planned for 2022-23:

Timely, comprehensive quasi-judicial reviews

The ICO will continue to perform quasi-judicial reviews of the reasonableness of conclusions. All decisions rendered by the IC must be in accordance with the deadlines set out in the legislation.

Transparency

In accordance with the IC Act, the IC will submit an unclassified report to the Prime Minister (to be subsequently tabled by the Prime Minister before each House of Parliament). This unclassified report will address the IC's activities during the previous calendar year. The annual report will include statistics that the IC considers appropriate, relating to the authorizations, amendments and determinations that were reviewed.

Effective management of internal services

Internal services will continue to be strengthened to ensure the necessary services and tools are available to managers and employees. Plans include the review of the human resources and financial management frameworks with a view to strengthening control processes and identifying areas of greatest risk.

For more information on the Office of the Intelligence Commissioner's plans, see the "Core responsibilities: planned results and resources, and key risks" section of this plan.

Core responsibilities: planned results and resources, and key risks

This section contains 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 conclusions

Description

The ICO is an independent oversight body. Under the IC Act, the IC is responsible for performing quasi-judicial reviews of the conclusions on the basis of which certain authorizations are issued or amended, and certain determinations are made, under the *Communications Security Establishment Act* and the *Canadian Security Intelligence Service Act*. In each case, the IC, supported by the ICO, undertakes an in-depth analysis of the records. If the IC is satisfied that the conclusions reached by the decision-maker are reasonable, the IC must approve the authorization or determination in a written decision that sets out the reasons for doing so.

Consistent with the IC’s oversight role, an authorization or determination is valid only after it is approved by the IC. The activities described in the authorizations or determinations cannot be carried out by the intelligence agencies without the IC’s approval.

The IC Act requires that the IC’s decision be rendered within 30 days after the day on which the IC received notice of the authorization or determination, or within any other period that may be agreed on by the IC and the decision-maker. In the case of an authorization issued by the Director of Canadian Security Intelligence Service for a query of a dataset in exigent circumstances, the IC must render his or her decision and the reasons for it as soon as feasible.

Planning highlights

The role of the IC and that of the ICO is to provide greater transparency, better accountability and, ultimately to bolster public confidence in Canada’s national security framework and it remains unchanged. In addition, the core responsibility to perform quasi-judicial reviews of certain ministerial conclusions remains the same.

In support of its ability to perform quasi-judicial reviews in accordance with the deadlines established by the legislation, in 2022–23, the following activities will be undertaken:

- Continue to refine existing processes and procedures to better align resources to conduct quasi-judicial reviews in accordance with the deadlines set out in the legislation;
- Review organizational structure with a focus on maintaining a highly skilled workforce and increasing diversity;
- Continue to utilize the departmental results framework and performance measurement

regime in accordance with the Treasury Board Secretariat’s Policy on Results.

Experimentation

Given the mandate, role and responsibilities of the IC, the ICO is limited in its experimentation activities. In 2022–23, the ICO will continue to experiment with technology, with a particular focus on leveraging technology for both remote and on-site work.

Key risk(s)

Risk 1: Human resources management

The ICO must ensure that it has sufficient resources in place to meet the review and reporting requirements set out in the legislation. Regardless of the number and complexity of the quasi-judicial reviews conducted, the requirements of the legislation must be met.

The mandate of the IC is unique – determination of the reasonability of ministerial conclusions as they relate to certain national security and intelligence activities. The ICO supports the IC in the effective delivery of this mandate. The quasi-judicial review program, delivered by 6.5 FTEs, requires specialized technical knowledge including strong legal/judicial knowledge, as well as specialized knowledge related to security and intelligence operations. The ICO will continue to apply successfully human resource management strategies in order to recruit, retain and manage its resources so that the office has the capacity and capability to support the IC in the effective delivery of his mandate.

Risk 2: Policies, procedures and practices

The ICO will continue to review and amend, as may be required, policies, procedures and practices to enhance further the quality, consistency and timeliness of quasi-judicial reviews.

The ICO has established a solid foundation and to ensure that the ICO will continue to evolve in a positive manner, policies, procedures and practices will be reviewed to identify areas of highest risk to effective performance and resource management as well as to the principles of equity, diversity and inclusion.

Planned results for the quasi-judicial review of certain ministerial conclusions

The following table shows, for the quasi-judicial review of certain ministerial conclusions, the planned results, the result indicators, the targets and the target dates for 2022–23, and the actual results for the three most recent fiscal years for which actual results are available.

Departmental result	Departmental result indicator	Target	Date to achieve target	2018–19 actual result ¹	2019–20 actual result	2020–21 actual result
Enhancing transparency and accountability of the national security framework	% of decisions and the reasons for them delivered in accordance with the deadlines set out in the legislation	100%	March 31, 2023	NA	100%	100%
	Annual report on Commissioner's activities delivered to the Prime Minister by March 31st	100%	March 31, 2023	NA	NA ²	100%

The financial, human resources and performance information for the Office of the Intelligence Commissioner's program inventory is available on [GC InfoBase](#).ⁱ

Planned budgetary spending for the quasi-judicial review of certain ministerial conclusions

The following table shows, for the quasi-judicial review of certain ministerial conclusions, budgetary spending for 2022–23, as well as planned spending for that year and for each of the next two fiscal years.

2022–23 budgetary spending (as indicated in Main Estimates)	2022–23 planned spending	2023–24 planned spending	2024–25 planned spending
1,982,000	1,982,000	1,982,000	1,982,000

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

¹ The Office of the Intelligence Commissioner commenced operations on July 12, 2019.

² This departmental result indicator was approved in November 2020.

Planned human resources for the quasi-judicial review of certain ministerial conclusions

The following table shows, in full-time equivalents, the human resources the department will need to fulfill this core responsibility for 2022–23 and for each of the next two fiscal years.

2022–23 planned full-time equivalents	2023–24 planned full-time equivalents	2024–25 planned full-time equivalents
6.5	6.5	6.5

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

Internal services: planned results

Description

Internal services are the services that are provided within a department so that it can meet its corporate obligations and deliver its programs. There are 10 categories of internal services:

- ▶ 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

To strengthen internal services, the ICO will examine its existing service agreements with other government departments to ensure the planned collaboration is continuing to provide the services requested in an effective and efficient manner. In addition, with a focus on improved productivity and increased efficiency, opportunities to acquire additional services from other government departments will be explored.

In order to provide the IC with assurance that the internal controls are in place and to increase awareness of the areas of higher risk within the ICO, the ICO will conduct a comprehensive compliance self-assessment based on the tools provided by the Office of the Comptroller General.

Planned budgetary spending for internal services

The following table shows, for internal services, budgetary spending for 2022–23, as well as planned spending for that year and for each of the next two fiscal years.

2022–23 budgetary spending (as indicated in Main Estimates)	2022–23 planned spending	2023–24 planned spending	2024–25 planned spending
553,599	553,599	553,599	553,599

Planned human resources for internal services

The following table shows, in full-time equivalents, the human resources the department will need to carry out its internal services for 2022–23 and for each of the next two fiscal years.

2022–23 planned full-time equivalents	2023–24 planned full-time equivalents	2024–25 planned full-time equivalents
4	4	4

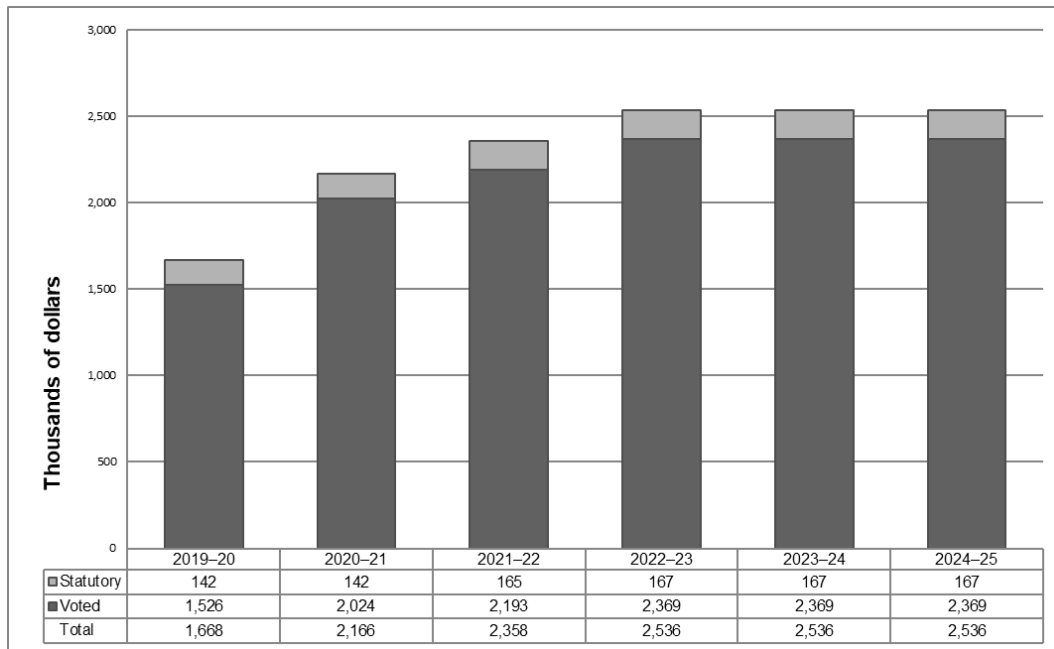
Planned spending and human resources

This section provides an overview of the department’s planned spending and human resources for the next three fiscal years and compares planned spending for 2022–23 with actual spending for the current year and the previous year.

Planned spending

Departmental spending 2019–20 to 2024–25

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



The spending variances from 2019–20 to 2024–25 result from the following:

- The ICO began operations on July 12, 2019. The actual expenditures for 2019–20 were only for 8½ months.
- The actual expenditures in 2020–21 have increased to provide for additional security, information technology and technical expertise necessary for the successful delivery of the legislative mandate of the IC.
- In 2021–22, the actual expenditures increased as the ICO sought to further address security and technology requirements.
- The budgetary and planned expenditures for 2022–23 and beyond have increased slightly, reflecting final costs of implementing the 2020–21 planned technology and security investments.

Budgetary planning summary for core responsibilities and internal services (dollars)

The following table shows information on spending for each of the Office of the Intelligence Commissioner's core responsibilities and for its internal services for 2022–23 and other relevant fiscal years.

Core responsibilities and internal services	2019–20 actual expenditures	2020–21 actual expenditures	2021–22 forecast spending	2022–23 budgetary spending (as indicated in Main Estimates)	2022–23 planned spending	2023–24 planned spending	2024–25 planned spending
Quasi-judicial review of certain ministerial conclusions	1,308,693	1,519,442	1,833,080	1,982,000	1,982,000	1,982,000	1,982,000
Internal services	359,223	646,405	525,076	553,599	553,599	553,599	553,599
Total	1,667,916	2,165,847	2,358,156	2,535,599	2,535,599	2,535,599	2,535,599

As mentioned above, the ICO began operations on July 12, 2019. The actual expenditures for 2019–20 were only for 8½ months.

The increase in expenditures for both the quasi-judicial review program and internal services from the actual expenditures of 2020–21 to the planned spending for 2024–25 resulted from necessary investments in information technology and security. These investments will enable the IC to effectively discharge his legislative mandate and for the ICO to have a robust, secure, modern and sustainable infrastructure going forward.

Planned human resources

The following table shows information on human resources, in full-time equivalents (FTEs), for each of the Office of the Intelligence Commissioner’s core responsibilities and for its internal services for 2022–23 and the other relevant years.

Human resources planning summary for core responsibilities and internal services

Core responsibilities and internal services	2019–20 actual full-time equivalents	2020–21 actual full-time equivalents	2021–22 forecast full-time equivalents	2022–23 planned full-time equivalents	2023–24 planned full-time equivalents	2024–25 planned full-time equivalents
Quasi-judicial review of certain ministerial conclusions	6	5	6.5	6.5	6.5	6.5
Internal services	2	2	4	4	4	4
Total	8	7	10.5	10.5	10.5	10.5

Estimates by vote

Information on the Office of the Intelligence Commissioner’s organizational appropriations is available in the [2022–23 Main Estimates](#).^{iv}

Future-oriented condensed statement of operations

The future-oriented condensed statement of operations provides an overview of the Office of the Intelligence Commissioner’s operations for 2021–22 to 2022–23.

The forecast and planned amounts in this statement of operations were prepared on an accrual basis. The forecast and planned amounts 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 with the requested authorities, are available on the Office of the Intelligence Commissioner’s [website](#).^v

Future-oriented condensed statement of operations for the year ending
 March 31, 2023 (dollars)

Financial information	2021–22 forecast results	2022–23 planned results	Difference (2022–23 planned results minus 2021–22 forecast results)
Total expenses	2,625,920	2,743,876	117,956
Net cost of operations before government funding and transfers	2,625,920	2,743,876	117,956

Corporate information

Organizational profile

Appropriate minister: The Right Honourable Justin Trudeau, P.C., M.P. – Prime Minister of Canada

Institutional head: The Honourable Jean-Pierre Plouffe, C.D. – Intelligence Commissioner

Ministerial portfolio: Prime Minister

Enabling instrument: *Intelligence Commissioner Act*^{vi}

Year of incorporation / commencement: 2019

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

Information on the Office of the Intelligence Commissioner's raison d'être, mandate and role is available on the Office of the Intelligence Commissioner's [website](#).^{vii}

Operating context

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

Reporting framework

The Office of the Intelligence Commissioner's approved departmental results framework and program inventory for 2022–23 are as follows.

Departmental Results Framework	Core Responsibility: Quasi-judicial review of certain ministerial decisions		Internal Services
	Departmental Result: Enhancing transparency and accountability of the national security framework	% of decisions and the reasons for them delivered in accordance with the deadlines set out in the legislation	
		Annual report on Commissioner's activities delivered to the Prime Minister by March 31 st	
Program Inventory	Quasi-judicial Review Program		

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 on [GC InfoBase](#).^{ix}

Supplementary information tables

The following supplementary information tables are available on the Office of the Intelligence Commissioner’s [website](#)^x:

- ▶ Departmental Sustainable Development Strategy/Reporting on Green Procurement
- ▶ Gender-based analysis plus

Federal tax expenditures

The Office of the Intelligence Commissioner’s Departmental Plan does not include information on tax expenditures.

Tax expenditures are the responsibility of the Minister of Finance. The Department of Finance Canada publishes cost estimates and projections for government-wide tax expenditures each year in the [Report on Federal Tax Expenditures](#).^{xi} 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 plus.

Organizational contact information

Office of the Intelligence Commissioner

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Telephone: 613-992-3044

Email: info@ico-bcr.gc.ca

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 document that sets out a department's priorities, programs, expected results and associated resource requirements, covering a three-year period beginning with the year indicated in the title of the report. Departmental Plans are tabled in Parliament each spring.

departmental result (résultat ministériel)

A change that a department seeks to influence. 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 performance in a fiscal year against its plans, priorities and expected results set out in its Departmental Plan for that year. Departmental Results Reports are usually tabled in Parliament each fall.

experimentation (expérimentation)

The conducting of activities that explore, test and compare the effects and impacts of policies and interventions in order to inform decision-making and improve outcomes for Canadians. Experimentation is related to, but distinct from, innovation. Innovation is the trying of something new; experimentation involves a rigorous comparison of results. For example, introducing a new

mobile application to communicate with Canadians can be an innovation; systematically testing the new application and comparing it against an existing website or other tools to see which one reaches more people, 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 Plus) (analyse comparative entre les sexes plus [ACS Plus])

An analytical tool used to support the development of responsive and inclusive policies, programs and other initiatives; and understand how factors such as sex, race, national and ethnic origin, Indigenous origin or identity, age, sexual orientation, socio-economic conditions, geography, culture and disability, impact experiences and outcomes, and can affect access to and experience of government programs.

government-wide priorities (priorités pangouvernementales)

For the purpose of the 2022-23 Departmental Plan, government-wide priorities are the high-level themes outlining the Government’s agenda in the 2021 Speech from the Throne: **protecting Canadians from COVID-19; helping Canadians through the pandemic; building back better – a resiliency agenda for the middle class; and the Canada we’re fighting for.**

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.

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 a department and that focus on a specific set of outputs, outcomes or service levels.

program inventory (répertoire des programmes)

An inventory of a department's programs that describes how resources are organized to carry out the department's core responsibilities and achieve its planned 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.

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. 2022–23 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, <https://www.canada.ca/en/intelligence-commissioner.html>
- vi. *Intelligence Commissioner Act*, <https://laws-lois.justice.gc.ca/eng/acts/I-14.85/>
- vii. Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner.html>
- viii. Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner.html>
- ix. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- x. Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner.html>
- xi. Report on Federal Tax Expenditures, <https://www.canada.ca/en/department-finance/services/publications/federal-tax-expenditures.html>