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Government of Canada
Privy Council Office
Ottawa, Canada
K1A 0A3

Gouvernement du Canada
Bureau du Conseil privé

CONFIDENTIALMEMORANDUM FOR THE CLERKRESUMPTION OF PANEL MEMBER BRIEFINGS IN SUMMER 2023

(For Decision)

SUMMARY

- o This note provides an approach to resume Panel meetings under the Critical Election Incident Public Protocol (the Protocol), even though the Panel does not have designated responsibilities outside of the caretaker period.
- o In his independent assessment of the Protocol following the 2021 election, Mr. Morris Rosenberg recommended that the Panel be well prepared in advance and that briefings should begin much earlier in the mandate.
- o In response, the Government committed, in the April 6, 2023 report *Countering an Evolving Threat: Updated Recommendations to Counter Foreign Interference in Canada's Democratic Institutions*, to both brief new Panel members within three months of appointment to the position, and to hold regular Panel meetings starting in Spring 2023.
- o Over the summer months, Democratic Institutions and Security and Intelligence will offer individual briefings to new Panel members (**TAB A**); a proposed agenda is also enclosed (**TAB B**). A Panel meeting would follow in early September 2023, including a threat briefing, as well as to discuss direction on forward planning, operations, support and the threshold for intervention (tentative agenda in **TAB C**). **Do you agree?**
- o After these two initial briefings, Panel briefings would occur on a regular basis, approximately every two to three months, to update members on the threat environment and undertake scenario exercises.

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TAB D is a timeline of Panel meetings until March 2024. **Do you agree?**

Background*Critical Election Incident Public Protocol*

- o In advance of the 2019 General Election, the Government of Canada introduced the Critical Election Incident Public Protocol (the Protocol), as part of the broader Plan to Protect Canada's Democracy. The Protocol is laid out in a Cabinet Directive and provides for a simple, clear and non-partisan process for informing Canadians if serious incidents were threatening their ability to have a free and fair election. The Protocol is administered by a panel composed of the Clerk of the Privy Council, the National Security and Intelligence Advisor to the Prime Minister (NSIA), and the Deputy Ministers of Justice, Public Safety and Foreign Affairs (the Panel).
- o The Cabinet Directive was updated in 2021 to include recommendations from the independent evaluation completed by Mr. James Judd following the 2019 General Election. Mr. Morris Rosenberg completed the independent evaluation of the Protocol after the 2021 General Election, and his report was released in February 2023. Work is ongoing to implement his 16 recommendations.

Government Commitment to Resume Panel Briefings

- o In the April 6, 2023 report *Countering an evolving threat: Update on recommendations to counter foreign interference in Canada's democratic institutions* (the LeBlanc-Charette Report), the Government committed to work to ensure that Panel members are in a continued state of readiness to assume their Panel-related responsibilities. As part of upcoming measures to achieve this objective, the LeBlanc-Charette Report noted that new Panel members would be briefed within three months of being appointed to their new position to explain Panel roles and responsibilities; and that Panel meetings for all members would be held regularly starting in Spring 2023.
- o As of mid-July 2023, in its current form, the Panel has not yet exercised its responsibilities during an election. While some members may already be familiar with the Panel (e.g., members of the Deputy

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Ministers Committee on Intelligence Response) and may have been briefed on related topics, not all have been briefed to the same extent on their role.

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CONFIDENTIAL**Recommended Approach**

- o A two-tiered approach for the initial Panel members' briefings is recommended.
 - **Individual briefing:** Over the summer months, an initial individual briefing will be offered to each Panel member to explain the Protocol and their roles and responsibilities. Experience and knowledge of Panel-related duties among Panel members varies; a suggested tentative agenda for briefing new Panel members is in **TAB B**. This briefing could also be offered to returning Panel members.
 - **Initial Panel meeting:** Following individual briefings, it is recommended that a first Panel meeting be called in early September 2023. This meeting would begin with a threat overview, followed by a discussion of SITE operations and observations in the recent by-elections. This discussion could also provide an opportunity to set direction, forward planning, operational considerations, how best to provide secretarial support to the Panel, and the threshold for Panel intervention, in case of a critical incident during an electoral period. A proposed agenda is enclosed at **TAB C**.
- o Thereafter, it is recommended that Panel members meet on a regular basis, approximately every two or three months unless an election is called, to do scenario exercises and to receive up-to-date information on the threat environment, including from non-government actors with expertise on interference and disinformation. **TAB D** offers a proposed timeline of Panel meetings for the next year. Panel meetings would provide an opportunity to discuss possible approaches to fulfill government commitments made in the LeBlanc-Charette Report, notably with regards to the enhanced communications strategy on the Protocol.

PCO Comment*Panel members in by-election context*

- o Four by-elections were held across the country on June 19, 2023, and a fifth one was held on July 24, 2023. The Security and Intelligence Threats to Election (SITE) Task Force was tasked by the Prime Minister to monitor and assess any attempts at foreign interference in the by-elections.

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- o The process during by-elections differs from a general election in that the Panel was not established since there is no caretaker period in place. Instead, SITE provides written reports and verbal briefings to the Deputy Minister Committee on Intelligence Response (DMCIR). Members are expected to make recommendations to relevant Ministers whether, based on SITE's reporting and briefings, a public announcement is warranted during the by-elections. SITE has confirmed that, for the first four by-elections held in June, it did not observe, at the time of the monitoring, any indication of foreign interference in the by-elections.
- o A Panel meeting in early September will provide an opportunity for SITE to debrief the Panel on its experience in the by-elections. It would also be an opportunity to draw from the recent experience of DMCIR members during by-elections, further investigate the threshold for announcement and whether it could be clarified, as well as provide a means to include the Deputy Minister of Justice and yourself, as the Clerk, in the conversation.

Update to the Cabinet Directive on the Protocol

- o Minister LeBlanc has publicly indicated his support for implementing all of the Rosenberg recommendations. s. 39 - Cabinet Confidence

s. 39 - Cabinet

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o [redacted] s. 39 - Cabinet Confidence [redacted] concerns raised through the recent significant media and Parliamentary attention on foreign electoral interference. Such attention has highlighted the need to proactively inform Canadians of the threat of foreign interference and of all the measures taken by the Government to address it.

Paul MacKinnon

Attachments (3)

[redacted] /Stinson/Sutherland/MacKinnon/ [redacted]

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