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**ANNEX: EXAMPLES OF CONDUCT TARGETED BY NEW FI OFFENCES**

The following table provides high-level examples of conduct that, depending on the facts, may or may not be captured by the new FI offences. The examples are for illustrative purposes only. They should not be relied on as definitive statements regarding possible criminal liability given that they are hypothetical and present an incomplete set of facts and circumstances. This information does not constitute legal advice.

<b>Proposed Offence and Key Elements</b>	<b>Conduct that could be captured</b>	<b>Conduct that would unlikely be captured</b>
<i>Foreign Interference Offence – General</i>	Country X secretly pays a journalist to write a narrative containing disinformation that harms Canadian interests, and the relationship is never disclosed.	Country X takes out a full page advertisement promoting its industries, which are economic competitors to Canadian industries.
<i>Knowingly doing anything, or omitting to do anything that it is their duty to do</i>	✓	X
<i>At the direction of, for the benefit of, or in association with a foreign entity</i>	✓	✓
<i>To harm Canadian interests, or reckless to whether those interests could be harmed</i>	✓	X
<i>FI-related threats/violence, or conduct a person knows runs the risk of criminal liability</i>	✓	X
<i>Is engaging in covert and deceptive conduct.</i>	✓	X

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<b>Foreign Interference Offence – General</b>	Visitors from Country X enter Canada on tourist visas to gather information about Canadians and those living in Canada who regularly protest against Country X and its policies.	Visitors from Country X take part in a protest against Canadian government policies.
<i>Knowingly doing anything, or omitting to do anything that it is their duty to do</i>	✓	✓
<i>At the direction of, for the benefit of, or in association with a foreign entity</i>	✓	X
<i>To harm Canadian interests, or reckless to whether those interests could be harmed</i>	✓	X
<i>FI-related threats/violence, or conduct a person knows runs the risk of criminal liability</i>	✓	X
<i>Is engaging in covert and deceptive conduct</i>	✓	X
<b>Foreign Interference Offence – General</b>	The head of a cultural association that promotes strengthened ties between Canada and Country X secretly receives direction from Country X to facilitate activities to benefit Country X and harm Canadian interests.	The head of a cultural association that promotes strengthened ties between Canada and Country X writes an op-ed criticizing Canadian government policies. The government is of the view that the position outlined by the op-ed author, if adopted, would harm Canadian interests.
<i>Knowingly doing anything, or omitting to do anything that it is their duty to do</i>	✓	✓

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<i>At the direction of, for the benefit of, or in association with a foreign entity</i>	✓	X
<i>With intent to harm Canadian interests, or reckless to whether those interests could be harmed</i>	✓	X
<i>FI-related threats/violence, or conduct a person knows runs the risk of criminal liability</i>	✓	X
<i>Is engaging in covert and deceptive conduct.</i>	✓	X
<b>Foreign Interference – Intimidation (Harm Specific to the Person) or Inducement</b>	A is a student attending a Canadian university. They organized an on-campus protest against Country X, a foreign state that is known to violate the human rights of minorities, based on their religious beliefs and racial ethnicity. A (as the organizer) and participants begin to receive threatening and harassing emails, social media messages, and phone calls. Country X has been involved in the coordination of this harassment campaign.	A is a student attending a Canadian university. They organized an on-campus protest against Country X, a foreign state that is known to violate the human rights of minorities, based on their religious beliefs and racial ethnicity. B, another student at the university, organizes a counter protest in support of Country X. Participants of the counter protest challenge the views expressed by A’s protest group, but do not engage in threatening conduct or intimidation. Country X is not involved in the counter protest.
<i>Intimidating a person to do anything or to cause anything to be done</i>	✓	X
<i>At the direction of, for the benefit of or in association with a foreign entity</i>	✓	X

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<i>To harm Canadian interests, or that is reasonably likely to harm Canadian interests</i>	✓	X
<b>Foreign Interference – Democratic Process</b>	A community organization representing members from Country X uses social media to support the exchange of ideas and opinions amongst its members. During a municipal election, it makes a series of posts endorsing policies advanced by a political party and encourages its members to vote for that party. The community organization secretly receives pressure from Country X to post this information on social media upon the threat of losing funding from Country X, which supports community welfare and outreach activities.	A community organization representing members from Country X uses social media to support the exchange of ideas and opinions amongst its members. Advocating on behalf of its members, it endorses policy positions advanced by a political party during an election period. The community organization is expressing its views independently of Country X, who provides funding to the organization for community welfare and outreach activities.
<i>Is engaging in covert and deceptive conduct.</i>	✓	X
<i>At the direction of, for the benefit of, or in association with, a foreign entity</i>	✓	X
<i>With intent to influence a political or governmental process, or the exercise of a democratic right or duty, in connection with Canada.</i>	✓	✓
<i>Applies to democratic processes and elections at all levels of government</i>	✓	✓
<b>Unauthorized disclosure of</b>	A government official involved in cutting-edge, government research carried out in secure facilities, and its	A government official shares a high level summary of a shortlist of possible policy options with representatives of

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<b><i>sensitive information</i></b>	application for sectors of strategic Canadian interest, is persuaded by a foreign state representative to share certain documents regarding the research results and contemplated applications of strategic interest to Canada.	several states. The summary represents the outcome of public consultation based on a discussion paper of policy options. The summary was approved by the Minister for distribution.
<i>Possession of information that the government is taking means to safeguard</i>	✓	X
<i>With the intent to communicate the information without authorization</i>	✓	X
<i>Knowing of the lack of authorization</i>	✓	X
<i>Knowing of the likelihood of harm to the safety or interests of Canada</i>	✓	X

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