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CONFIDENTIALMEMORANDUM FOR JOHN HANNAFORD

c.c.: Jody Thomas

RESUMPTION OF PANEL MEMBER BRIEFINGS IN SUMMER 2023

(For Decision)

SUMMARY

- o This note provides a recommended approach to resume meetings of the Panel 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 to Canada on Recommendations to Counter Foreign Interference in Canada's Democratic Institutions*, to both brief new Panel members within three months of them being appointed to their new position, and to hold regular Panel meetings starting in Spring 2023.
- o It is recommended that over the summer months, individual briefings be offered to those Panel members who have not yet exercised these functions (tentative agenda in **TAB A**). A Panel meeting would follow in early September 2023 and enable members to receive a first threat briefing and to discuss the directions of the Panel with regards to forward planning, operations, support and the threshold for intervention (tentative agenda in **TAB B**). **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

2022-DEM-REF-00031

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members on the threat environment and undertake scenario exercises. **TAB C** 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 constant 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, three of the five current Panel members, including yourself, have not yet exercised their Panel-related responsibilities during an election and have not been briefed on their roles.

2022-DEM-REF-00031

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Recommended Approach

- o A two-tiered approach for the initial Panel members' briefings is recommended:
 - **Individual briefing**: Over the 2023 summer months, a first individual briefing would be offered to each Panel member to explain the Protocol and their roles and responsibilities with respect to it. Experience and knowledge of Panel-related duties among Panel members varies; a suggested tentative agenda for briefing new Panel members is in **TAB A**. This briefing would be optional for returning Panel members.
 - **Initial Panel meeting**: Following individual briefings, you could call a first meeting with all current Panel members in early September 2023. It is proposed this meeting would begin with a threat overview, followed by a discussion of SITE operations and observations in the recent by-elections. The meeting would then provide an opportunity for direction setting, including as it relates to 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. **TAB B** is a tentative agenda for a Panel meeting.
- 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. 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.
- o **TAB C** offers a proposed timeline of Panel meetings for the next year. Whenever a change in the senior ranks of the public service alters the composition the Panel, new members would be offered an individual briefing within three months of assuming their new position and prior to their first Panel meeting.

2022-DEM-REF-00031

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- o Four by-elections were held across the country on June 19, 2023, and a fifth one is ongoing with polling day 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.
- 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 of DMCIR 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 DMCIR includes three out of five members of the Panel – the Deputy Ministers of Foreign Affairs and Public Safety, and the NSIA. The Deputy Minister of Justice and you, as the Clerk, are not part of DMCIR.
- 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 the Deputy Ministers of Foreign Affairs and Public Safety and the NSIA, as part of DMCIR during by-elections, to 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 s. 39 - Cabinet Confidence

2022-DEM-REF-00031

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s. 39 - Cabinet Confidence

- o s. 39 - Cabinet Confidence 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]

2022-DEM-REF-00031

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CONFIDENTIAL**TAB A – Tentative Agenda: Individual Panel Member Briefing****Critical Election Incident Public Protocol Panel**

August XX, 2023 (TBC)
TIME TBC
Secure number: XXXX
Conference ID: XXXX

AGENDA

- 1) Introductory Remarks (PCO-Democratic Institutions (DI) and PCO-Security and Intelligence (S&I) - 5 minutes)
- 2) Discussion of Operations (PCO-DI and PCO-S&I - 25 minutes)
 - Overview of the Critical Election Incident Public Protocol
 - Panel Roles and Responsibilities
 - Security and Intelligence Community
- 3) Question and Answer Period (All - 25 minutes)
- 4) Wrap-up (PCO-DI and PCO-S&I - 5 minutes)

Groupe d'experts sur le Protocole public en cas d'incident électoral majeur

XX août 2023 (À CONFIRMER)
HEURE À CONFIRMER
Numéro sécurisé : XXXX
Code de conférence : XXXX

ORDRE DU JOUR

- 1) Introduction (BCP-Institutions démocratiques (ID) et BCP-Sécurité et renseignement (S&R) - 5 minutes)
- 2) Discussion des opérations (BCP-ID et BCP-S&R - 25 minutes)
 - Aperçu du Protocole public en cas d'incident électoral majeur
 - Rôle et responsabilités du Groupe d'experts
 - Communauté de la sécurité et du renseignement
- 3) Période de questions (Tous - 25 minutes)
- 4) Conclusion (BCP-ID et BCP-S&R - 5 minutes)

2022-DEM-REF-00031

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CONFIDENTIAL**TAB B – Tentative Agenda: Panel Briefing****Critical Election Incident
Public Protocol Panel**

September XX, 2023 (TBC)

TIME TBC

Secure number: XXXX

Conference ID: XXXX

AGENDA

- 1) Introductory Remarks (PCO-Democratic Institutions (DI) and PCO-Security and Intelligence (S&I) - 5 minutes)
- 2) Threat Landscape General Overview (PCO-S&I and SITE Task Force members - 20 minutes):
 - Overview by SITE Task Force
 - Debrief of recent by-elections experience and overview of after-election report
- 3) Direction Setting (PCO-DI and PCO-S&I - 30 minutes):
 - Operational considerations (consensus rule and quorum, etc.)
 - Forward calendar
 - Secretarial support
 - Threshold Discussion
- 4) Wrap-Up (PCO-DI and PCO-S&I - 5 minutes)

**Groupe d'experts sur le Protocole
public en cas d'incident électoral
majeur**

XX septembre 2023 (À CONFIRMER)

HEURE À CONFIRMER

Numéro sécurisé : XXXX

Code de conférence : XXXX

ORDRE DU JOUR

- 1) Introduction (BCP-Institutions démocratiques (ID) et BCP-Sécurité et renseignement (S&R) - 5 minutes)
- 2) Aperçu général des menaces (BCP-S&R et membres du Groupe de travail sur les menaces en matière de sécurité et de renseignement visant les élections - 20 minutes) :
 - Aperçu de la part du Groupe de travail sur les menaces en matière de sécurité et de renseignement visant les élections
 - Bilan de l'expérience des élections partielles et aperçu du rapport post-électoral
- 3) Orientations à suivre (BCP-ID et BCP-S&R - 30 minutes) :
 - Considérations opérationnelles (règle de consensus et quorum, etc.)
 - Calendrier prévisionnel
 - Appui des secrétariats
 - Discussion du seuil critique d'intervention
- 4) Conclusion (BCP-ID et BCP-S&R – 5 minutes)

2022-DEM-REF-00031

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CONFIDENTIAL**TAB C – Tentative Timeline of Panel Meetings 2023-2024***

DATE (TBC)	MEETING SUMMARY	DOCUMENTS
July/August 2023 (Individual briefings)	<ul style="list-style-type: none"> - Overview of the CEIPP (including discussion reports' recommendations, etc.) - Panel Operations (roles and responsibilities) - Overview of the Security and Intelligence Community - Questions and Answers 	<ul style="list-style-type: none"> - CEIPP - Decks TBC
September 2023 (Initial Panel meeting)	<ul style="list-style-type: none"> - Overview of threat landscape - Overview of SITE's and DM Foreign Affairs and Public Safety and NSIA's experience during the Summer 2023 by-elections - Discussion of direction settings (operations, forward planning, support, threshold) 	<ul style="list-style-type: none"> - Proposed workplan - Deck on threshold TBC
November 2023	<ul style="list-style-type: none"> - Overview of proposed updates Cabinet Directive on the CEIPP - Discussion of the updated public communications approach - Overview of the threat environment by NSAs 	<ul style="list-style-type: none"> - CEIPP - Deck on communications approach
January 2024	<ul style="list-style-type: none"> - Briefings by Chief Electoral Officer of Canada and the Commissioner of Canada Elections (TBC) 	<ul style="list-style-type: none"> - TBC
March 2024	<ul style="list-style-type: none"> - Overview of the threat environment by stakeholders with expertise on disinformation and foreign interference - Scenario exercises 	<ul style="list-style-type: none"> - Deck with exercises

2022-DEM-REF-00031

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**Excludes ad hoc individual briefings of new Panel members. Subject to change should other elections be called.*

2022-DEM-REF-00031