

For Public Release

DM FI  
April 20, 2023**DM FI (Justice, RCMP, GAC, CSE, PS, CSIS, PCO NSIA)**

- PS (Shawn Tupper) opened the meeting and stated that the objective was to discuss s. 39 - Cabinet Confidence the timelines through the summer, and realistic expectations on what could be accomplished. s. 39 - Cabinet Confidence  
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- NSIA reminded the group of the 30-Day Report and that the government needs to deliver on the commitments that were outlined in the report, which includes modernization of the *CSIS Act*.
- NSIA mentioned that the day before, herself, PS, the Clerk and Deputy Clerk had a discussion on FI. During this meeting the Clerk mentioned that with the ISR, it seems as though they're quite comfortable with the Panel and SITE, but what is becoming more obvious is the gaps on how FI is handled in between elections. Specifically, what is the role of Deputies, staff working on FI, and where is the ministerial accountability on FI more broadly?
- As a result, NSIA has asked PCO to begin work on mapping this process. Essentially, how is intelligence on FI circulated, how are minister's informed, and how do they exercise ministerial accountability. From what currently exists, the governance around FI seems to work well at the Deputy level and even between PM/PMO. However, that gap at the ministerial level is a concern, and hopefully this work can provide insight into how this accountability could be outlined.

*Legislative Amendments:*

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- RCMP indicated that while they are supportive of broader legislation and have no concerns, for their purposes the changes to SOIA and the CC are critical in order to create offences that they can use to counter FI.
- Referencing the foreign police stations operating in Canada, NSIA flagged that in addition to developing legislative change, more work needs to be done to develop public messaging that can explain the gap that exists in current authorities and why we can't do more. CSE indicated that they have recently declassified some information concerning the foreign policy stations that could be helpful in developing this messaging.
- CSE indicated that they are comfortable with the broader legislative approach and were especially supportive of changes to the *CSIS Act* that enabled further info sharing. CSE also asked whether proposed amendments would link to review bodies enacted through C-59, and whether authorities enabled through C-59 would also be considered. As well, CSE asked whether the amendments would address challenges that might not be specific to FI but are related and cause challenges within the realm of national security. PS

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acknowledged that there does need to be consideration on the full spectrum of activity when undertaking analysis on proposed legislation.

- In reference to the mapping of authorities on FI, GAC raised the issue of governance particularly where the accountabilities are split between ministers. As well, when discussing INT more broadly, how are INT packages handled/distributed and how are we bringing policy into the discussion? NSIA acknowledged that in an ideal world, DMIC could be used for this but the concern remains at the ministerial level. Each department handles INT differently, and the question of how to better link policy needs to be considered.
- GAC was supportive of the broader legislative piece, but stressed that it needs to be a coherent package that is brought forward.
- CSIS provided a broad overview of the legislative amendments that they are considering and that they are currently working to link these proposed amendments more explicitly to FI. The amendments themselves have been classified into buckets, varying between simple to more complex amendments. Most important for CSIS are the info sharing and data set regime fixes, and they're hopeful that they will have political support for what's proposed soon.

*Timing:*

- On the question of timing, Justice flagged that consultations need to occur prior to considering any legislative amendments. Further, any option that would consider tabling legislation before the end of the session likely would not happen given timing constraints.

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- PS cautioned that pursuing broad legislative change over a piecemeal approach could result in the entire package failing and as such, we need to be concerted in our design. NSIA offered that whatever is pursued, it needs to be in place ahead of the next election and that this might help with momentum.
- Finally, GAC mentioned that internal communications to staff need to be considered. With recent news concerning FI, they have heard informally from some staff that they are feeling both targeted and concerned about future security clearances. This is especially true for instances where they have been posted abroad to certain countries which resulted in staff developing networks or relationships as part of their regular work.
- NSIA agreed, along with CSIS and the RCMP, that serious considerations needs to be taken on the evaluation criteria that the government is using to process security clearances. The world has

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changed in terms of mobility, and individuals seeking clearance should not be indirectly punished for living or studying abroad.

- As a result of this discussion, the group agreed to add communications plans as an action item in future agendas, both public and internal communications, and that this will also be a useful educational tool for both Canadians and government on what is needed not just for FI, but for the national security community more broadly.

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