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BUILDING A SAFE AND RESILIENT CANADA



Foreign Interference and National Security Act

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Purpose of the *Foreign Interference and National Security Act*

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Introducing a *Foreign Interference and National Security Act* will:

1. Protect Canada and Canadians by equipping a broader range of national security partners; ensure CSIS can successfully operate in a digital world; and enable CSIS to respond to evolving threats;
2. Modernize the criminal law so that it better addresses the impact of foreign interference on our communities. It will also standardize the regime for the protection and use of sensitive information in federal administrative proceedings;
3. Bolster deterrence and defence against those foreign states that seek to interfere in Canada and in Canadian democracy in non-transparent ways; and enhance transparency over influence activities undertaken by foreign states and their proxies.



Elements of the Foreign Interference and National Security Act

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- The *Foreign Interference and National Security Act* is divided into four (4) parts.
 - Part 1 amends the *Canadian Security Intelligence Act*;
 - Part 2 amends the *Security of Information Act* and the *Criminal Code*;
 - Part 3 amends the *Canada Evidence Act* and the *Criminal Code* and makes consequential amendments to other Acts; and,
 - Part 4 enacts the *Foreign Influence Transparency and Accountability Act*.



CSIS Act Amendments

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- Foreign interference actors are targeting all aspects of Canadian society – provincial, territorial and Indigenous governments, communities, industry, institutions, academia, and media.
- Technology enables global threat actors and has radically changed the investigative landscape, creating gaps and vulnerabilities.

 <p>1 Equip National Security Partners</p>	 <p>2 Operate in a Digital World</p>	 <p>3 Respond to Evolving Threats</p>
<p>Gap: Hostile actors target partners outside the Government of Canada and CSIS lacks authority to disclose information to help build resiliency</p>	<p>Gap: absence of tailored warrants impedes and delays investigations</p> <p>Gap: CSIS's ability to retain and use datasets is limited</p> <p>Gap: foreign intelligence collection is restricted as information today is largely digital and borderless</p>	<p>Gap: lack of statutory requirement leaves CSIS authorities prone to falling out of date, leaving Canada & Canadians vulnerable</p>

- Amendments will create modern and transparent authorities, while maintaining robust Ministerial and judicial oversight, and parliamentary and independent review.

CSIS Act Amendments

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To protect Canada and Canadians, CSIS must be able to:

- 1** Equip National Security Partners 
- 2** Operate in a Digital World 
- 3** Respond to Evolving Threats 

Proposed Amendments

New Authorities		Adjustments to Existing Authorities			
<ul style="list-style-type: none"> Ability to provide information to non-federal partners to build resilience against threats. 	<ul style="list-style-type: none"> Requirement for Parliament to periodically review the CSIS Act. 	<ul style="list-style-type: none"> Range of warrant powers tailored to the requirements of an investigation. 	<ul style="list-style-type: none"> Ability to collect, from within Canada, foreign intelligence, that resides outside Canada. 	<ul style="list-style-type: none"> Targeted amendments to the dataset regime to better enable use of data and facilitate sharing. 	<ul style="list-style-type: none"> Clarify the justification framework for CSIS to direct another person to commit an act or omission in exigent circumstances.

 CSIS is accountable to the Government through oversight and review to ensure respect for the rights and freedoms of Canadians and people in Canada.

- Attorney General of Canada
- Federal Court
- Minister of Public Safety
- Canadian Public
- Auditor General
- Intelligence Commissioner
- Privacy Commissioner
- Information Commissioner
- Commissioner of Official Languages
- National Security and Intelligence Review Agency
- National Security and Intelligence Committee of Parliamentarians

Criminal Code and Security of Information Act Changes

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- Proposed changes to the *Security of Information Act* to counter the threats posed by foreign interference, including by:
 - Modernizing and enacting new offences to target activities done in connection with a foreign entity that are harmful to people in Canada or Canadian interests.
- Proposed changes to the *Criminal Code* would strengthen legal response to sabotage by:
 - Modernizing existing offence prohibiting sabotage;
 - Enacting new offences focused on conduct directed at essential infrastructure that endangers safety, security or defence, or that causes a serious risk to the health or safety of the public.

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Canada Evidence Act Changes

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- The *Canada Evidence Act* includes provisions that govern the protection and disclosure of sensitive information in proceedings.
- This bill would build on this framework by creating a new general scheme that would apply to federal administrative proceedings. It would allow judges to base their decisions on the sensitive information, while ensuring the continued protection of the information from public disclosure.
- Changes would permit the appointment of special counsel to represent the interests of the non-government party throughout the proceedings.
- Changes would also restrict, in the criminal context, interlocutory appeals of a s. 37 or s. 38 CEA disclosure order by an accused until after the person has been convicted of the offence, unless there are exceptional circumstances justifying an earlier appeal.

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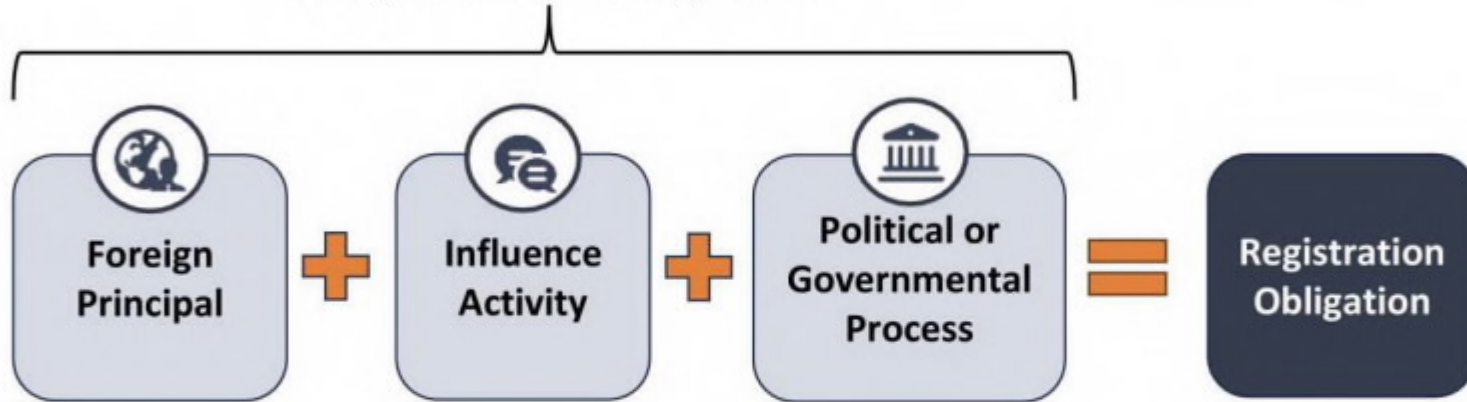
Foreign Influence Transparency and Accountability Act (FITAA)

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Foreign Influence Arrangement



Foreign principals include:

- ✓ Foreign Power;
- ✓ Foreign Entity;
- ✓ Foreign Economic Entity; or
- ✓ Foreign State

An influence activity undertaken at the direction of, or in association with a foreign principal:

- ✓ Communication with a public office holder;
- ✓ Communication of information to the public; or,
- ✓ Disbursement of money or items of value

The influence activity must be related to one of the following:

- ✓ Development of policy, program or legislative proposal;
- ✓ Proceeding of a legislative body;
- ✓ Decision-making by public office holder;
- ✓ Nomination of a political candidate; or
- ✓ Holding of an election or referendum

Registration Obligation

If all conditions are met, registration is required unless an exemption applies.



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FITAA - Administration and Enforcement

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Governance



A new Foreign Influence Transparency Commissioner will administer the Act.

- Develop guidance and interpretation bulletins;
- Engage with stakeholders; and,
- Strategic engagement to enhance public awareness.

Enforcement Tools



Notices; information notices and transparency notices



Monetary Penalties; fines for those who avoid registration obligations.



Criminal Penalties; failing to fulfill responsibilities under the law, or providing false information, among others.



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Questions?

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