

UNCLASSIFIED



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

Enquête publique sur l'ingérence étrangère
dans les processus électoraux et les
institutions démocratiques fédéraux

In Camera Examination Summary: Ms. Janice Charette

Ms. Janice Charette was examined by Commission counsel on March 4, 2024 in an *in camera* hearing. Counsel for the Attorney General of Canada appeared on behalf of the Government of Canada and had the opportunity to examine the witness. After ruling on an application from the Government of Canada, the hearing was held in the absence of the public and other Participants.

Notes to Reader:

- Commission Counsel's explanatory notes are contained in square brackets to assist the reader.
- This summary has been produced in reliance on subclause (a)(iii)(C)(II) of the Commission's Terms of Reference. It discloses the evidence pertinent to clauses (a)(i)(A) and (B) of the Commission's Terms of Reference that, in the opinion of the Commissioner, would not be injurious to the critical interests of Canada or its allies, national defence or national security.
- This summary contains information that relates to the Commission's mandate under clauses (a)(i)(A) and (B) of its Terms of Reference. Information provided during the examination that relates to other aspects of the Commission's Terms of Reference has been omitted from this summary, but may be adduced by the Commission at a later stage of its proceedings.
- This summary should be read in conjunction with the Institutional Report prepared by the Government of Canada and the unclassified interview summary prepared by Commission Counsel.

UNCLASSIFIED

Examination by Commission Counsel

- [1] Ms. Charette confirmed the accuracy of the classified summary of the interview conducted by Commission counsel with her, Ms. Nathalie Drouin and Ms. Jody Thomas on February 15, 2024. She adopted it as part of her evidence before the Commission.

Structure of PCO

- [2] Ms. Charette was appointed interim clerk of the Privy Council Office ("**Clerk**") in March 2021. She was named permanently to the position in May 2022 [she served as Clerk until June 24, 2023, before retiring from public service]. She had previously served as Clerk from October 2014-January 2016. As Clerk, Ms. Charette was the head of PCO, which supports the **Prime Minister ("PM")**, Cabinet decision-making, and several other ministerial portfolios, including Democratic Institutions and Intergovernmental Affairs. PCO monitors and coordinates government response on issues across all ministries and departments, and can be conceptualized as a microcosm of government.
- [3] Ms. Charette identified the following three PCO secretariats as relevant to the Commission's mandate:
- a) PCO houses the **National Security and Intelligence Advisor to the Prime Minister ("NSIA")**. The NSIA provides advice and support to the Prime Minister on all internationally related responsibilities and national security matters. The NSIA oversees the security and intelligence coordination function within PCO. Following a reorganization in 2021, the Foreign and Defence Policy Advisor reports up through the NSIA;
 - b) PCO houses the Democratic Institutions Secretariat, which supports the Minister of Democratic institutions; and
 - c) PCO also houses a communications team, which provides advice on government communications, and issues management and supports the work of the Panel of Five.
- [4] PCO is responsible for operating the system of Cabinet and Cabinet Committees that the Prime Minister has put in place to support decision making by his ministers and by himself.

UNCLASSIFIED

PCO has a unit dedicated to supporting each Cabinet committee, which involves briefing the Chair, establishing agendas, circulating documents, and recording committee decisions.

- [5] Ms. Charette then described the relationship between the Clerk and the Deputy Clerk. While these two senior officials have their own responsibilities, they try to follow what the other is doing so that they can support each other and replace, as necessary, given the import of the issues with which they are dealing.

Interdepartmental Committees

- [6] Ms. Charette testified that the NSIA oversaw the following committees. Nonetheless, Ms. Charette provided the following information on select DM level committees, with the caveat that Ms. Thomas' explanation is more definitive.

- a) **DM Committee on National Security ("DMNS")** focused on policy issues relating to national security;
- b) **The DM Committee on Operational Coordination ("DMOC")** is primarily concerned with the coordination of the operational response to national security issues;
- c) **The DM Quick Response Committee**, which is a newer creation and may have since been renamed, seeks to ensure that individual and cumulative pieces of intelligence are dealt with adequately and in a timely and coordinated way;

- [7] The **Incident Response Group ("IRG")** is a forum convened by the PM to bring together a group of ministers, depending on the issue or event, to coordinate responses to specific events. Sometimes, the Prime Minister might convene an IRG in advance of an issue, to get ready and work on the state of preparedness. Ms. Charette explained that such a response might arise in cases that go to a level beyond the responsibility of an individual minister, such as the Minister of Emergency Preparedness. An IRG's composition and dates of sitting are determined *ad hoc* depending on the nature of the issue. No IRG was convened in relation to foreign interference, but a group of ministers may have met

UNCLASSIFIED

informally following the media leaks of 2022 and 2023, the difference being that, given the topic, there was no public read-out.

- [8] Looking at a chart of committees, Ms. Charette explained that in the foreign interference space, there are ADM and DM level committees looking at election security, as well as the Critical Election Incident Response Protocol and the Panel of Five. The Panel of Five should not be viewed as a substitute for the decision-making power of Cabinet, which can operate on an exceptional basis during the caretaker period.

FI Concerns of the Conservative Party of Canada (“CPC”)

- [9] Ms. Charette noted that the term ‘grey zone’ in common parlance refers to an area that is neither black nor white. Ms. Charette described the conversations that occurred amongst the Panel of Five members and in the policy-making space around the evolving approach to dealing with foreign interference and the increasing sophistication of the tools and techniques being used by hostile actors. The ongoing challenge for Canada and all of the countries that believe in democracy and the rule of law is making sure that our tools and techniques and processes are keeping up with the sophistication of our adversaries in this space. There is an ongoing discussion about the ‘grey zone’, what our overall approach is, how we are detecting interference, what we can do to deter it. She noted that the toolkit that had been put in place for the 2019 election was amended for 2021, and following the 2021 election, these same conversations took place. Ms. Charette noted as in the context of the Protocol, political parties were allowed to raise issues.
- [10] Ms. Charette testified about the FI concerns raised by the CPC after the 2021 election. She explained that the CPC shared with PCO a number of concerns and things they thought looked suspicious, which were not all within the scope of the Protocol. SITE TF assessed the CPC’s concerns and that was communicated to the CPC, but the CPC was not satisfied with the answer. For example, where you see a story that gets picked up in one place and repeated in another, some people might think that it’s obvious that they’re being directed or encouraged by a foreign actor, but it could also just be Canadians acting with agency on their own behalf during an election campaign, talking about a set of issues. Ms. Charette emphasized that she was not suggesting that the CPC wasn’t serious in their concerns,

UNCLASSIFIED

only that there was a difference between how they interpreted the situation with the information they had available and the way the intelligence agencies and the Panel of 5 viewed it.

FI in the 2021 Election

[11] Ms. Charette discussed an FI concern that occurred during the 2021 election. While the Panel was monitoring this concern closely. They did not find that it met the threshold for a public announcement, but the Panel believed that some mitigation was necessary. In her capacity as Clerk of the Privy Council, Ms. Charette asked the CSIS Director to come back to her with options and advice about what, if anything, could be done. Ms. Charette and the CSIS Director agreed upon a way forward to address the concern. The FI concern was not raised directly with the PM at the time.

Specific Briefings

September 28, 2022 Briefing

[12] Ms. Charette reviewed notes taken by the deputy chief of staff of the PMO at a CSIS briefing to PMO staff on September 28, 2022.¹ Ms. Charette did not attend. She had, however, been briefed earlier that month by CSIS Director Vigneault on foreign interference and continuing to strengthen the toolkit and policy response. The briefing that she attended included references to specific examples of potential FI.

[13] After the September briefings, Ms. Charette considered it necessary to brief the PM on FI for his situational awareness.

[14] With reference to the notes taken by the PM's deputy chief of staff during the PM's briefing on October 28, 2022 (which Ms. Charette attended), Ms. Charette recalled that the topics on which she had been briefed in September 2022 were also discussed.

March 20, 2023 Briefing

[15] Ms. Charette was shown notes prepared by the deputy chief of staff of the PM during a March 20, 2023 briefing following the media leaks. The briefing included discussion of

¹ CAN017998, [Handwritten Notes of B. Clow & Meeting Invitation], September 28, 2022.

UNCLASSIFIED

intelligence reports regarding Han Dong. Ms. Charette noted that intelligence may be reported even when it is inaccurate, but was unaware whether an intelligence product containing allegations regarding the Don Valley North nomination race was recalled or modified..'

UNCLASSIFIED

Examination by Counsel for the Government of Canada

[16] Ms. Charette believes the Panel of Five in 2021 did good, solid work, and that she is confident that the 2021 election was free and fair. She reflected that foreign interference is a challenge for all liberal democracies. We are better at seeing it than we used to be, but it is growing, and foreign states are getting better at it, which means that our toolkits must continue to evolve.