


**IN THE MATTER OF THE PUBLIC INQUIRY INTO FOREIGN INTERFERENCE IN
FEDERAL ELECTORAL PROCESSES AND DEMOCRATIC INSTITUTIONS**

AFFIDAVIT OF MALA KHANNA

I, Mala Khanna, of the City of Ottawa, in the Province of Ontario, AFFIRM THAT:

1. On June 13, 2024, I was interviewed by Counsel to the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (“Commission Counsel”) in my capacity as the Deputy Secretary to the Cabinet, Governance, along with Allen Sutherland, Sarah Stinson and Manon Paquet.
2. In advance of the public hearings, Commission Counsel prepared a public summary of our interview, which was reviewed for National Security Confidentiality (“NSC”).
3. In the course of the NSC review, some of the information was removed or summarized in order to protect the disclosure of information that could be injurious to the critical interests of Canada or its allies, national defence or national security.
4. I have reviewed the public summary of our evidence, a copy of which is attached as **Exhibit “A”** to this affidavit (the “Unclassified Interview Summary”).
5. The Unclassified Interview Summary contains an accurate account of the publicly disclosable information that I provided to the Commission. I do not wish to make any changes, additions, or deletions to the Unclassified Interview Summary. Insofar as the Unclassified Interview Summary contains information provided by other interview participants, that information is accurate to the best of my knowledge and belief.
6. I adopt the contents of the Unclassified Interview Summary ascribed to me as part of my evidence before the Commission.

Affirmed before me in the city of Ottawa
in the Province of Ontario on October 24, 2024

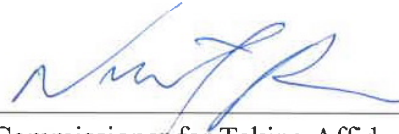


Commissioner for Taking Affidavits



MALA KHANNA

This is **Exhibit "A"** to the affidavit of
Mala Khanna, affirmed before me
on the 24th of October, 2024



Commissioner for Taking Affidavits

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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

Interview Summary: Privy Council Office – Democratic Institutions (Mala Khanna, Allen Sutherland, Sarah Stinson and Manon Paquet)

Mala Khanna, Allen Sutherland, Sarah Stinson and Manon Paquet were interviewed in a panel format by Commission Counsel on June 13, 2024. The interview was held in a secure environment and included references to classified information. This is the public version of the classified interview summary that was entered into evidence in the course of hearings held *in camera* in July and August 2024. It discloses the evidence 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.

Notes to Readers:

- Commission Counsel have provided explanatory notes in square brackets to assist the reader.

1. Witnesses

- Mala Khanna is the Deputy Secretary to the Cabinet (Governance). She has been in this role since 2024.
- Allen Sutherland is the Assistant Secretary to the Cabinet (Democratic Institutions and Machinery of Government). He has been in this role since 2016.
- Sarah Stinson is the Director of Operations, Democratic Institutions. She has been in this role since 2019.
- Manon Paquet is the Director, Protecting Democracy Unit. She has been in this role since 2022.

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2. Democratic Institutions Secretariat

2.1. Structure and Responsibilities

- [1] The Democratic Institutions Secretariat (“DI”) supports the Minister responsible for democratic institutions to fulfill his related responsibilities, including mandate commitments, cabinet and parliamentary affairs and corporate responsibilities.¹
- [2] To meet these responsibilities and bolster trust in Canadian democracy, DI develops legislative and policy initiatives aimed at strengthening and protecting Canada’s democratic institutions, such as leading: 1) the Government of Canada’s whole-of-government and whole-of-society approach to safeguard Canada’s elections and democratic institutions against cyber and other threats [The Plan to Protect Canada’s Democracy]; and 2) regular evaluations of and improvements to the *Canada Elections Act*.
- [3] The secretariat is composed of two units²:
 - a) The Protecting Democracy Unit (“PDU”)
 - b) The Electoral and Senate Policy Unit (“ESPU”)
- [4] The PDU was established through Budget 2022 to coordinate, develop, and implement government-wide measures designed to combat disinformation and protect Canada’s democracy.³ The interviewees opined that this reflected a recognition by the Government of Canada (“GOC”) of the need to bolster already existing measures designed to combat disinformation and protect democracy, and to increase GOC engagement and outreach.
- [5] The newly acquired funding allowed for an additional eight full time equivalent employees (“FTE”), who were evenly distributed into the PDU’s three branches: (1) Policy; (2) Research; and (3) Engagements & Operations. Before 2022, DI had one

¹ Part C Institutional Report for the Privy Council Office, p. 8.

² CAN022859.

³ CAN007459, p. 4.

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senior analyst and one part time analyst working on implementing and enhancing the Plan to Protect Canada's Democracy. DI had to draw efforts from within the Secretariat. The additional resources did not change DI's mandate or responsibilities but rather increased the Secretariat's capacity to accomplish them. Annual funding of \$2 million was approved through the Budget in April 2022 but funds did not flow until January 2023.

- [6] In the past year and up until now, the PDU's work falls under different pillars, in particular:
- a) Refocusing research and analysis to better inform policy;
 - b) Developing a framework to combat mis and disinformation ("MIDI");
 - c) Better equipping the public service to mitigate threats; and
 - d) Engaging civil society and the private sector in a joint effort.⁴
- [7] Ms. Khanna explained that, at this stage, DI understands PDU's mandate [i.e. protecting democracy] does not extend to the provincial, territorial and municipal levels, but there is a recognition of the need to work with them. She noted that both CSE and CSIS maintain active engagement with the provinces.
- [8] The ESPU, among other responsibilities, supports the Minister of Democratic Institutions in his responsibilities for the *Canada Election Act* ("CEA") by developing possible amendments to the CEA in light of post elections recommendations from Elections Canada and the Commissioner of Canada Elections, and "ensuring that federal elections and related processes are responsive to the needs of Canadians, and resilient in light of changing circumstances and emerging threats."⁵

⁴ CAN034500.

⁵ CAN022859, p. 7.

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2.2. Interdepartmental Coordination

- [9] To advance elements of a broader engagement strategy related to protecting Canada's democracy and in an effort to better understand respective roles and priorities across the government in a continuously evolving environment, PDU has notably increased its engagements with internal stakeholders. PDU is leading two newly established (2023) interdepartmental groups: the Directors' Coordinating Group on Protecting Democracy and the Inter-departmental Research Working Group.⁶
- [10] The interviewees emphasized that these groups are aimed at enhancing information sharing, whether it be information sharing on lessons learned and current initiatives being undertaken on issues related to the protection of Canada's democracy [Directors' Coordinating Group on Protecting Democracy], or information sharing on research-related activities in areas such as disinformation, emerging technologies and election interference [Inter-departmental Research Working Group].
- [11] PCO-DI is also involved in other interdepartmental groups at senior levels. For instance, they sit on the ADM Election Security Coordinating Committee ("**ADM ESCC**") and the Deputy Minister Committee for Intelligence Response ("**DMCIR**"). Ms. Khanna also explained that DI participates in Panel meetings ["participates" in the sense of playing a secretarial function and assisting in the agenda-setting of Panel meetings⁷] and in *ad hoc* DM meetings on protecting Canada's democracy. The ADM Committee on Protecting Canada's Democracy was created to support the development of the Plan to Protect Canada's Democracy announced in 2019, and is being reconstituted to advance a whole-of-government approach to protecting democracy for Minister LeBlanc's (and ultimately Cabinet's) consideration. Topics related to the protection of democracy are also handled by other committees, including ESCC, DMCIR and the Panel of Five.

⁶ CAN033970.

⁷ Classified Interview Summary of Allen Sutherland, p. 3.

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2.3. Relationship with Security and Intelligence Agencies

- [12] DI's relationship with the national security and intelligence ("S&I") community has evolved since 2016. This evolution has responded to the recognition that, despite having distinct responsibilities, DI requires an understanding of intelligence trends and the threat landscape for its policy work.⁸
- [13] As an example of the evolving relationship, Mr. Sutherland explained that DI's work with the Panel draws DI more into the S&I space. As another example, Ms. Khanna explained that she accesses intelligence because she sits on DM CIR.
- [14] Ms. Stinson described having some level of access to intelligence, subject to the "need to know" principle, and noted that almost all of her team have top secret clearance. She and/or PCO-DI analysts meet monthly with the Security and Intelligence Threats to Elections Task Force ("SITE TF") and she opined that "the threat landscape is important to feed into policy work".
- [15] Ms. Paquet has no CTSN [Canada's Top Secret Network] account and cautioned against equating DI's increased partnership with the S&I agencies with increased access to raw intelligence. Ms. Stinson explained that DI does not have "regular or ongoing" access to intelligence because raw intelligence is not necessary for the policy work that they do.
- [16] Mr. Sutherland stated that DI's policy work also draws on comparative approaches from other countries and governments regarding both threats and responses.
- [17] DI keeps a "running inventory" of what they have seen internationally, in an attempt to identify various foreign actors' "tradecrafts". For example, Mr. Sutherland paid close attention to how Taiwan's "ecosystem" successfully combatted [or "cleansed itself" from, meaning how it successfully exposed disinformation to citizens, rendering it ineffective⁹]

⁸ An example of the enhanced collaboration between DI and the S&I community confirmed by Ms. Stinson is that a senior analyst of PDU participated in an IAS-hosted briefing at the Secret-level regarding IAS' assessment of AI.

⁹ Ms. Khanna provided further explanation on the meaning of the expression the ecosystem "cleansing itself", i.e. the ecosystem needs to be seen as performing an "act of cleaning" and, therefore, is not in a "passive state".

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Artificial Intelligence-generated foreign disinformation during its 2024 presidential election. Information that DI obtains on tradecraft is used to inform policy and is also reported upwards.

- [18] DI develops scenario exercises for the Panel of Five based on real situations, some of which integrate artificial intelligence as a variable.

3. Protecting Canada's Democratic Institutions

3.1. Plan to Protect Canada's Democracy – Where are we now?

- [19] The Government is continuing to work toward implementing outstanding recommendations contained in the reports from Mr. Judd, Mr. Rosenberg and the National Security and Intelligence Committee of Parliamentarians ("**NSICOP**"), as set out in the report *Countering an Evolving Threat: Update on Recommendations to Counter Foreign Interference in Canada's Democratic Institutions* [the LeBlanc-Charette report]. Mr. Sutherland stated that the Government is still actively reflecting on recommendations #9, #10, and #11 [to broaden the circumstances that permit a public announcement and to conduct further studies towards allowing for below the threshold announcements] of the *Report on the Assessment of the 2021 Critical Election Incident Public Protocol* [Rosenberg Report].
- [20] Ms. Khanna explained that the Government's work is "very live" and will certainly be influenced by recent reports from the NSICOP [*Special Report on Foreign Interference in Canada's Democratic Processes and Institutions*], the National Security and Intelligence Review Agency [*Review of the Dissemination of Intelligence on People's Republic of China Political Foreign Interference, 2018-2023*] and the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions [*Initial Report*].

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3.1.1. SITE Task Force

- [21] Mr. Sutherland stated that the activation of the SITE TF for the 2023 by-elections and subsequent production of post by-election SITE public reports¹⁰ addressed a need to demonstrate to Canadians that efforts were underway to ensure the integrity of elections. These steps also formed part of the Government's approach to be more communicative with the Canadian public in an effort to "normalize communications" in the elections space and bolster trust in federal electoral democratic processes.¹¹ In this vein, Mr. Sutherland also noted that, going forward, consideration is being given as to whether it is advisable to empower the Panel to adopt a more pro-active communications approach before, during and after an election.
- [22] Ms. Khanna agreed that the Government recognizes the need for increased communications with Canadians. She pointed to, as an example, the RRM Canada publicly releasing information about two recent PRC MIDI operations, the first targeting a Canadian Parliamentarian, Michael Chong, and the second targeting over 40 Canadian parliamentarians and a dissident of Chinese descent (Spamouflage).
- [23] With a view to normalizing communications with Canadians, the interviewees were presented with "the concept of a permanent SITE secretariat housed at PCO, which could have a mandate to report on sub-threshold threats regularly and publicly."¹² Ms. Khanna noted she was not aware that a SITE Secretariat housed at PCO (or the idea that PCO would chair the SITE TF) is being considered at this time.
- [24] Ms. Khanna confirmed that the SITE TF is now operating on an ongoing basis but additional steps need to be taken to authorize it as a permanent body. This has not yet

¹⁰ Security and Intelligence Threats to Elections Task Force – Threats to the Canadian Federal By-elections – June 2023; Security and Intelligence Threats to Elections Task Force – Threats to the Canadian Federal By-elections – Calgary Heritage July 2023; Security and Intelligence Threats to Elections Task Force – Threats to the Canadian Federal By-elections – Durham March 2024.

¹¹ In contrast to the Panel only communicating with the public via public announcement if an extraordinary event occurred during an election as per the current Cabinet Directive on the Critical Election Incident Public Protocol. Ms. Khanna explained that no communication can also undermine Canadians' trust in federal electoral democratic processes.

¹² The sentence quoted comes from an unsigned, draft version of the Leblanc-Charette Report cover letter (CAN030782). The final, signed version does not include the sentence quoted (CAN023048).

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been formalized "on paper". SITE TF's pace of operations increases during a by-election but not to the tempo of a general election given a by-election is only one riding. She added that it is important to have the ability to take action in response to events that fall short of the threshold during an election period. Although the Panel convenes outside of the caretaker period, the key difference is that they do not take action as action appropriately falls under ministerial responsibility. Accordingly, outside the caretaker period, SITE forwards reports to DMCIR rather than to the Panel. Mr. Sutherland noted that 3 of the 5 Panel members also sit on DMCIR. Given the responsible Secretariat is S&I at PCO, DI was unable to respond to a question about whether sensitive partisan issues would then flow from DMCIR to the responsible Minister or directly to the implicated political party without ministerial involvement.

(Subsequent to the interview, PCO S&I provided the following response to the undertaking:

DMCIR was created to examine intelligence, determine and coordinate an appropriate response and develop related advice for the government. The committee is a forum for discussing particularly sensitive operational and tactical reporting requiring a timely response which may be identified by the DCNSIA, Deputy NSIA, or deputy heads of intelligence agencies who are members of the committee. During a meeting, members of DMCIR typically come to a consensus on actions to take to address a particular issue. Each member of DMCIR takes on any follow-up action under the mandate of their respective organization. If DMCIR agreed that a step, such as briefing a political party, or a member of a political party was a reasonable course of action, they would take action consistent with their authorities. This may include seeking respective ministerial authorization should that be required, and/or informing their minister (or in the case of PCO, the Prime Minister).

While members of political parties have been briefed as per the advice of DMCIR, those briefings were conducted under relevant authorities and, where appropriate, seeking Ministerial authorization before proceeding.

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Deputy Heads may also brief political parties independently from DMCIR. For example, the DCNSIA can decide if a briefing to political parties should occur based on security/intelligence topics that may be relevant to that party. In such instances, the DCNSIA would work with the deputy NSIA and relevant security agencies (e.g., CSIS, CSE, etc.) to determine the appropriate form of words to convey and/or products to support the briefing.)

- [25] In discussing events that were “sub-threshold”, Mr. Sutherland provided examples such as (1) incidents of foreign interference where the underlying intelligence is corroborated but the impact is minimal (and therefore the Panel’s threshold is not met) or (2) incidents where the impact is significant but the level of confidence in the reporting is low.
- [26] The government is still considering whether to develop a new communication protocol by examining possible changes to already existing authorities or mechanisms. Questions that still need to be considered include: who would be best placed to make an announcement in relation to a sub-threshold threat: a member of the SITE TF? Should such a threat be announced in the form of a technical briefing to journalists?
- [27] Mr. Sutherland emphasized the need to distinguish between Panel communications and GOC communications. During election periods, the Panel will continue to maintain the same high threshold to guide public announcements under the Protocol. The Government is reviewing whether the Protocol should be amended to provide for the possibility of Government of Canada announcements *below* the threshold set out in section 6.0.
- [28] The interviewees were asked about the resource implications of SITE TF monitoring by-elections. Mr. Sutherland described that, at a minimum, it involved the reallocation of resources. The interviewees asserted cabinet confidence over whether monitoring of by-elections might change in the future.

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3.1.2. Panel of Five

[29] The Panel of Five is actively preparing for the next federal general election: so far there have been three Panel meetings and a Panel retreat, as well as individual Panel member briefings. Panel meetings are taking place every 6-8 weeks and include a briefing from the SITE TF. Going forward, in order to maintain confidence in electoral integrity, it is considered important that the Panel of Five's profile (visibility) be raised amongst Canadians.

3.1.3. Political Party Briefings

[30] Mr. Sutherland was asked about certain statements in the NSICOP Report. Mr. Sutherland indicated the recent public testimony of the political party representatives in relation to the classified threat briefings during the 43rd and 44th general elections represented a change from the positive feedback they had initially received from the political party representatives. This subsequent public testimony included concerns that the political party representatives received very little threat information from the government, and what they did receive was "vague" and "lacked specificity".¹³ Ms. Khanna clarified that DI had no involvement in determining the substance of the intelligence briefed to political parties during the classified threat briefings.

[31] Mr. Sutherland emphasized the importance of government engagement with political parties and indicated that the government will take the parties' concerns into account when planning for future briefings. He noted that security clearance levels, the principle of need-to-know and the *Security of Information Act* all limit what information can be shared.

¹³ National Security and Intelligence Committee of Parliamentarians, *Special Report on Foreign Interference in Canada's Democratic Processes and Institutions*, par. 94.

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3.1.4. Engagement with Social Media Platforms

- [32] The 2021 updated Canada Declaration on Electoral Integrity Online remains in force. Minister LeBlanc will consider whether to further update the Declaration prior to the next federal general election.
- [33] Mr. Sutherland offered insight into the thinking that is currently being done in that regard. Noting the rapidly changing environment for social media platforms, he suggested that DI is exploring the possibility of Canada trying to engage with social media companies as part of a group of democracies rather than as an individual country.
- [34] On the possibility of engagement with other social media platforms, including Tencent [developer of WeChat], Mr. Sutherland explained that PCO-DI has not yet "actioned this"¹⁴ because work remains underway on the strategy and it would be premature to engage before a best approach is determined. However, he confirmed such engagements are being examined as part of their "go forward plan" and must be approached methodically.

3.2. Combating Disinformation – Building a strong and resilient Canada

- [35] Countering disinformation requires both a whole-of-government and whole-of-society approach formed by strong partnerships with civil society organizations, academia, media organizations and industry. It is important to build a healthy information ecosystem. Some of these initiatives or partnerships were discussed during the interview and are set out below.

3.2.1. Government of Canada

- [36] Toolkits to resist disinformation and foreign interference for a) community leaders, b) elected officials and public office holders, and c) public servants have been developed to create awareness on this issue and reinforce information integrity. Ms. Stinson

¹⁴ CAN032909.

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explained that these toolkits were shared broadly, including with provinces and territories, parliamentarians, and Elections Canada, as well as Chief Electoral Officers in provinces and territories. The toolkit for community leaders is being translated into nine languages.

3.2.2. Civil Society Organizations

[37] Mr. Sutherland explained that the creation of the Canadian Digital Media Research Network ("**CDMRN**") [funded through the PCH's Digital Citizen Initiative and coordinated by McGill University and the University of Toronto] is consistent with the government's goal to create "a network within civil society" that could help identify and combat mis- and disinformation by providing information integrity in different communities across Canada, fact-checking and calling out false narratives. He noted that because the government cannot be all-seeing on this issue, an enhanced civil society makes the system more resilient as a whole. The CDMRN published its first comprehensive report in 2023 capturing a snapshot of the Canadian information ecosystem. The CDMRN also produces monthly situation reports and monitors certain provincial elections.

[38] Ms. Khanna does not believe the CDMRN's work overlaps with RRM Canada's responsibilities. RRM Canada is a small unit designed for a specific purpose, i.e. monitoring the digital information environment using open source data analytics for indicators of foreign state-sponsored information manipulation and disinformation. While CDMRN monitors the vast Canadian information ecosystem, RRM is looking specifically for signs of interference from abroad. She noted that the digital space is huge and that multiple viewpoints are important. The broader question as to who is responsible for domestic online monitoring is currently being examined by the government. Mr. Sutherland stands behind the past use of RRM Canada to monitor the digital information ecosystem during the 43rd and 44th general elections.

3.2.3. International

[39] Canada is part of the Organization for Economic Co-operation and Development ("**OECD**"). The OECD is a policy organization for democratic countries and selects

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policy issues of concern to its members. An emerging priority for the OECD is “reinforcing democracy”. To further this priority, member states share best practices and assessments of how to address the evolving threat. This speaks to the global nature of the threat. DI also leverages GAC’s network from within this international forum to learn and share best practices to address various policy challenges, including the tackling of misinformation and disinformation [PDU is closely involved with the OECD DIS/MIS Resource Hub]. DI shares the information within PCO and more broadly with the public service, including by producing reports for the Clerk and the Deputy Clerk.

4. Looking forward

4.1. National Security Council

- [40] In July 2023, the Prime Minister announced the creation of a Cabinet-level National Security Council (“NSC”).
- [41] Mr. Sutherland described the NSC’s mandate as managing security issues (domestic or global) that have broad and potentially medium to long-lasting impacts on Canada’s interests. The NSC is intended to take a longer term strategic view of the issues, usually international, that Canada faces. By contrast, the Incident Response Group (“IRG”) is intended to deal quickly with emergency issues.

4.2. Nomination races

- [42] Ms. Khanna indicated DI acknowledges the nomination process vulnerabilities that have been identified in recent review body reports. She opined that provisions of Bill C-70 will address to some degree foreign interference in nomination processes. However, as nomination processes are inherently political and partisan, it is not a space the government has been involved in. Public servants must be careful about how they might approach work in this area because they don’t have a “clear line of sight” into how political parties run their internal nomination processes.

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4.3. Proposed amendments to the *Canada Elections Act*

[43] The Panel provided a high-level overview of Bill C-65: *An Act to Amend the Canada Elections Act (Electoral Participation Act)* as it relates to countering foreign influence in the electoral process. They expressed that all foreign interference related recommendations in the June 7, 2022 *Recommendations Reports 2019 and 2021 General Elections* of the Commissioner of Canada Elections are reflected in the Bill. The second reading of Bill C-65 is currently in progress in the House of Commons.

4.4. Concluding Remarks

[44] Ms. Khanna expressed that foreign interference is a complex and evolving threat that "does not fit into checkboxes". We need to allow space for discretion and judgment in the way we respond to foreign interference.

[45] Mr. Sutherland noted that it is important to consider the "global context" when reflecting on recommendations to counter foreign interference, because this challenge is faced by many democracies. He believes that Minister Gould was correct in 2018 when she designed a Plan centered on what she considered to be the best protection in a democracy, *i.e.* an informed citizenry. Mr. Sutherland believes that Canada has a system that can deal with the challenges it faces, and that it can further benefit from improvements on how to stay ahead of the curve.