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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

In Camera Examination Summary: Deputy Clerk National Security and Intelligence Advisor and Deputy National Security and Intelligence Advisor

Commission Counsel examined Ms. Nathalie G. Drouin and Mr. Daniel Rogers during *in camera* hearings held in July and August 2024. Counsel for the Attorney General of Canada appeared on behalf of the Government of Canada and had the opportunity to examine the witnesses. The hearing was held in the absence of the public and other Participants. This summary discloses the evidence that, in the opinion of the Commissioner, would not be injurious to critical interests of Canada or its allies, national defence or national security.

Notes to Reader:

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

1. Witnesses

- [1] Nathalie G. Drouin is the Deputy Clerk of the Privy Council and National Security and Intelligence Advisor to the Prime Minister (“**NSIA**”); collectively, “**DC-NSIA**”). She is also the Associate Secretary to the Cabinet.
- [2] Daniel Rogers was appointed Deputy National Security and Intelligence Advisor to the Prime Minister (“**DNSIA**”) and Deputy Secretary to the Cabinet in June 2023. Before that, he was Associate Chief of the Communications Security Establishment (“**CSE**”) and Deputy Secretary to the Cabinet (Emergency Preparedness).

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2. Examination by Commission Counsel

- [3] Ms. Drouin and Mr. Rogers confirmed the accuracy of the summary of their interview and adopted its content as part of their evidence before the Commission.

2.1 Roles of the Witnesses

- [4] Ms. Drouin testified that the difference between her role and that of her predecessor is the Prime Minister (“**PM**”) elevated the NSIA position to the Deputy Clerk level. Appointing the same person as both NSIA and Deputy Clerk was not new and had happened in the past. The appointments depended on the circumstances. She said that her appointment as DC-NSIA emphasizes her leadership position in the national security community. For instance, she participates, with the Clerk and the other Deputy Clerk, in the appointments and performance reviews of deputy ministers (“**DMs**”).
- [5] Mr. Rogers said that, as DNSIA, his remit, broadly, is to support the NSIA in her functions and duties. He is at Ms. Drouin’s disposal for anything relating to her role. The Security and Intelligence Secretariat (“**PCO S&I**”) reports to him and he is formally accountable for it as well as the Emergency Preparedness Secretariat within the Privy Council Office (“**PCO**”). Mr. Rogers supports the NSIA primarily on issues related to security, intelligence and emergency preparedness. Because Mr. Rogers has a background in intelligence, he tends to work more heavily on intelligence and security issues in supporting Ms. Drouin in her functions. Ms. Drouin also receives support from the Foreign and Defense Policy Advisor to the Prime Minister on issues specific to foreign policy.
- [6] Commission Counsel asked Mr. Rogers about the PCO S&I “challenge function” on policy proposals, legislative plans and resource requests. Mr. Rogers noted that this function is exercised by him and others within PCO, for example those under the PCO S&I secretariat. The challenge function is often employed in the context of policy development for work going to Cabinet. For instance, the Secretariats are responsible for making sure the Cabinet items are appropriate when they are put on a Cabinet agenda. When a Memorandum to Cabinet is being drafted, PCO asks questions and provides guidance to ensure that the memorandum is drafted according to the

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appropriate standards and that reasonable questions have been answered as of part of the crafting of the documents. He noted that PCO also plays this challenge function with respect to community coordination around operational issues and issues management relating to security and intelligence. For instance, if the community is convening to deal with a particular operational incident, PCO will sit outside of the responsibility of any particular minister, and may have questions, advice or guidance that it would offer to the community as that issue is being navigated. He noted that this function is performed at all levels of the organization, from Ms. Drouin down to analysts, depending on the scope and nature of the issue in which PCO is involved.

2.2 Information Flow

2.2.1. Within Government

- [7] Mr. Rogers explained that, around late spring or summer 2023, he began working with colleagues within the national security community, particularly intelligence agencies, to try to modernize the way that intelligence is tracked and disseminated and to contemplate how intelligence is best crafted for recipients. They had identified some challenges in terms of going back in time to identify who received certain pieces of intelligence, including written reports and verbal briefings. They wanted to address those issues going forward.
- [8] Mr. Rogers explained that different agencies had different practices for disseminating intelligence. For instance, CSE used a centralized database and a more formalized system to disseminate intelligence, particularly to senior clients through Client Relations Officers (“**CROs**”). This practice was not in place for other agencies, including the Canadian Security Intelligence Service (“**CSIS**”), which had a different mechanism for tracking intelligence. Mr. Rogers explained that they looked across the community with the intention of adopting the best practices and standardizing practices so that they could, with confidence, look back and know when and how a piece of intelligence was shared with a particular senior official or minister. His role was to convene the relevant deputies and their teams to formalize a process to transition to a common tracking system.

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[9] For most products, there is now a common tracking system used. Mr. Rogers explained that CSE previously used SLINGSHOT as a database for disseminating all classified intelligence reports, but was updating to a new system. Both systems broadly fulfill the same function: when produced, all of the community's classified intelligence reports are now put into the system. The system has mechanisms for liaison officers and others to track the dissemination of intelligence reports. There are accountability mechanisms built into the system: it registers when anyone views something electronically, if a CRO prints something, they are required to register who they are printing it for, printing by individuals are logged, it also adds a number of robust security and dissemination tracking controls.

[10] Mr. Rogers noted that, as of the date of his testimony, CSIS, CSE, and the PCO Intelligence Assessment Secretariat ("**IAS**") all use the new system. Other departments, such as the Department of National Defence ("**DND**"), still use a different system, which has similar accountability and tracking mechanisms, and which fulfills the same broad functions. It would be a significant change for DND to move systems, so it is an outstanding question whether they will migrate to the new system. Mr. Rogers stated that, broadly speaking, the community is converging towards a central solution.

2.2.2. To the Prime Minister ("**PM**") and the Prime Minister's Office ("**PMO**")

[11] The witnesses were asked about any changes to the process for providing intelligence to the PM and PMO since stage 1 of the Commission's inquiry. Ms. Drouin said that it is the NSIA's role to decide what intelligence should be brought to the PM. This determination is based on several factors, including the current context, whether the PM or PMO has already been briefed or received the information, and the PM's priorities.

[12] Ms. Drouin noted that, previously, there were several people who could flag information for the PM's attention. As a result, it was difficult to know what the PM had or had not read. She explained that a more rigorous and centralized process is now in place: only she and/or Mr. Rogers sign off on documents that are provided to the PM and PMO. This allows them to track not only what intelligence the security agencies send to the NSIA, but also the intelligence sent to the PMO and who specifically in the PMO receives it. This also ensures that the PM receives what he needs, without duplication.

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She indicated that CROs now note all of the PM's questions when he reads intelligence and then bring these questions to either her or Mr. Rogers' attention. To address these questions, she or Mr. Rogers will either brief the PM verbally or, if the answer is simpler, give a written response in the next reading package that is provided to him.

- [13] Ms. Drouin added that she and Mr. Rogers are constantly trying to refine their process to send intelligence to the PM. For instance, within the past two weeks, she and IAS have begun to include a brief summary of each piece of intelligence in the materials sent to the PM. These summaries help the PM prioritize the reports he needs to fully read since his time is often limited.
- [14] Ms. Drouin explained that the agency heads of CSIS or CSE will, at times, flag a document for the PM's attention. Sometimes the agency's recommendation to provide intelligence to the PM will have been overtaken by other events, or may not add to the PM's existing knowledge of intelligence if he has already been briefed on the issue. What is important is that the community communicate and if Ms. Drouin believes that reading a product that an agency flagged for the PM is not a good use of the PM's time, she usually discusses this with whoever flagged the document. She explains to them why the PM does not need to see this information or why it should not be sent immediately. If she believes that it should go to the PM but in a different format (for instance, as an assessment rather than intelligence), she will identify that as well. She provided an example where she stopped forwarding intelligence on an issue and instead requested that relevant assessment teams provide an overall assessment of the issue so the PM could fully understand the emerging trend.
- [15] Ms. Drouin stated that what should go to the PM is not a simple exercise of judgement. She and Mr. Rogers consider many factors to decide whether a product flagged by an agency should be provided to the PM, including what he is about to do and what needs to be done in response to the intelligence, if there is anything imminent he needs to know about, the reliability of the intelligence, whether it is corroborated, and the PM's previous awareness of intelligence.
- [16] Ms. Drouin testified that, when she disagrees with the heads of CSIS or CSE on whether something needs to go to the PM, the first step is for her to discuss the issue

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with the respective agency head. For instance, she typically does not want to raise an alarm with the PM about a situation without being able to provide a course of action to address it. In that situation she would try to work with the Director of CSIS or the Chief of CSE to come up with a response plan before alerting the PM. Hypothetically, if the head of either CSIS or CSE and the NSIA are unable to reach an agreement on whether to send intelligence to the PM, the heads of the agencies can go to their respective ministers or the Clerk and raise the issue, who can then decide whether to inform the PM. So there are checks and balances that exist.

[17] Mr. Rogers added that the NSIA and DNSIA are supported by a robust system and triage process. The agencies and CROs identify intelligence reports that they consider to be the most relevant based on general topics of interest that Ms. Drouin and Mr. Rogers have identified. Mr. Rogers and Ms. Drouin then further refine this selection to create a set of reports for the PM to read. In practice, it is certainly not the case that Mr. Rogers and Ms. Drouin read every piece of intelligence in order to select what goes to the PM. The witnesses explained that, in 2023, approximately 71,000 intelligence products were “published” in the new system, and in addition, there is also unreported intelligence that is not published. Mr. Rogers noted that intelligence is always written for a purpose; it is typically tagged to part of the intelligence requirements of the mandate of whoever is writing it, but it is not always intended or relevant for Mr. Rogers and Ms. Drouin, and certainly not for the Prime Minister.

[18] Commission counsel asked Ms. Drouin about IAS’s role in sending intelligence to the PM. Ms. Drouin explained that IAS does not collect intelligence. It compiles and assesses information from various sources (CSIS, CSE, or the Canadian Armed Forces (“CAF”)) which complements the work done by others. Ms. Drouin may ask IAS to take intelligence she has seen on a particular issue and prepare an assessment, which can be useful for the PM.

[19] Ms. Drouin stated that IAS also produces a daily and weekly brief, although she is working with them to change that practice. One issue with the IAS daily and weekly briefs is that, because they are based on assessment, they sometimes repeat information that she has already sent to the PM several days earlier. When the daily or

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weekly brief contains information the PM has already seen, she may not share it with him. When IAS brings something novel, she includes it in the package. At one point, IAS sent things directly to the PMO. Ms. Drouin is trying to avoid a system with different channels of intelligence flowing to the PM.

- [20] Ms. Drouin explained that, when she travels with the PM, he can be provided with access to classified intelligence if necessary. Ms. Drouin speaks to the CRO daily to identify information that will be useful to brief the PM on during their morning operational update. This is usually a verbal briefing, during which the PM might also read documents on the CRO's computer. Ms. Drouin may also provide oral briefings to the Prime Minister while in transit.

2.2.3 The Targeting Paper

- [21] Commission counsel asked about the "Targeting Paper" referred to in the **National Security and Intelligence Review Agency ("NSIRA")** and **National Security and Intelligence Committee of Parliamentarians ("NSICOP")** reports [the Targeting Paper is an intelligence report produced by a CSIS analyst about FI by the People's Republic of China]. Neither Ms. Drouin nor Mr. Rogers saw the Targeting Paper when it was first developed. They have seen it more recently. Ms. Drouin has since shown it to staff at the PMO, but not the PM. Ms. Drouin did not share it with the PM since she did not want to influence his memory before he testified before the Commission. He knows the document exists, as he has seen the NSICOP Report.

2.3 National Security Governance

2.3.1 Committee Structure

- [22] Commission counsel referred the witnesses to a PCO document that outlines options to reform the national security governance structure.¹ Mr. Rogers noted that his part in the governance review started when he became DNSIA and there may be a history that pre-dates him. For his part, Mr. Rogers explained that when they took on this project to review national security governance, the community was facing an increasing volume of

¹ CAN037056.

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work across a number of issues: they were dealing with foreign interference (“FI”) in a way that they had never seen before and with multiple geopolitical and security issues. Given this evolving context, there was a growing sense within the community that it would be worthwhile to look at how often and with whom they were meeting to ensure that the structure was as efficient and as effective as possible.

[23] Mr. Rogers asked PCO S&I to prepare this document to assist with consulting departments and agencies in the national security community on whether and how the governance structure should evolve. The document is meant to be a thought provoking piece with a few notional options to generate a discussion on when DMs meet and how they are supported in their governance. Mr. Rogers said that these discussions have been taking place over the last number of months and that no final decisions have been made, noting that the substantive work and meetings are still taking place. Initial conversations across departments and agencies indicate a few favored options, such as the proposal to organize around four committees, supported by a centralized secretariat structure within PCO. Mr. Rogers noted though that there continues to be some debate around how much of the foreign policy and foreign affairs space gets looped into the national security governance structure.

[24] In parallel to this work, Mr. Rogers explained that they have started to put some of the restructuring ideas into practice even though they have not formalized the full restructuring. For instance, the Deputy Ministers’ Committee on Intelligence Response (“DMCIR”) was created last summer before the governance renewal work began, to discuss issues that might previously have gone to various other committees, and they have adjusted the frequency of its meetings. Ms. Drouin also chairs a weekly ad hoc operational committee once a week with deputy ministers on current issues.

[25] Mr. Rogers confirmed that there are pros and cons to the idea of creating one centralized secretariat within PCO to support the various DM committees. He explained that one of the things he hoped this document [CAN037056] would elicit was a discussion on whether there would be value in having a centralized secretariat at PCO, to formally convene departments and agencies, to take responsibility for more than one committee, and to make sure that the government’s broader agendas are being

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prioritized well across the community. Mr. Rogers believes that one centralized secretariat might be more efficient at defining an alignment across the various committees, moving things between committees to make sure that work is not duplicated, and ensuring a measure of oversight across the full community's committee work. However, there could be drawbacks. For instance, Public Safety does more policy work in the national security space and may be better positioned to understand the depth of thinking that goes into policy questions at certain levels of policy development. He indicated that most of the community seems to favour a centralized structure, but that no decision has been made.

[26] Ms. Drouin added that governance review exercises are important to clarify committee roles and responsibilities. However, committee structures are also fluid and flexible; she has convened some committees frequently during her tenure, whereas others have not met. This does not prevent the Government from doing necessary work. Indeed, the committee structure is complemented by ad hoc meetings of DMs that the NSIA convenes, depending on immediate concerns and who has a role in the particular situation. She noted that during the COVID-19 pandemic, there were changes in the governance structure, and many decisions were being made at the DM level since things were moving so quickly and the Government was responding to a new situation. Since then, work has been done to distribute responsibilities and empower Assistant DMs (“**ADMs**”) and Directors General (“**DGs**”). She added the national security community had never really worked remotely, even during the COVID-19 pandemic. She testified most members of the national security community need to access a Sensitive Compartmented Information Facility (“**SCIF**”) so are in the office five days a week.

2.3.2. National Counter-Foreign Interference Coordinator

[27] Commission counsel referred the witnesses to minutes of the October 12, 2023 DMCIR meeting, during which participants discussed national security governance, including the role of the Counter-Foreign Interference Coordinator (“**FI Coordinator**”).² Mr.

² CAN044228.

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Rogers was asked to speak to a specific comment he made about the role of the FI Coordinator, operational coordination tables and the National Security Council. Mr. Rogers noted that it can be difficult to recall the richness of a conversation from the sentences that it has been distilled down to in the minutes. From his recollection, the comments reflect the ongoing conversations on national security governance, which was evolving relatively quickly. He explained that as issues arose, the community would convene tables of DMs, some of which lasted a long time. The same group of people might also meet on operational issues as they arose. This could lead to some inefficiencies (e.g. the same group meeting twice to achieve the same outcome). This led to efforts to de-duplicate and find efficiencies. He explained that as the situation evolves, the community is called on to do slightly different things and the accountabilities shift over time. In this situation, it is useful to take stock of and clearly define accountabilities and make sure the right amount of effort is being spent to achieve desired results. The comment ascribed to him in the minutes makes the point that it may be possible to streamline operational tables (a committee or group of people meeting to try and address a particular situation).

[28] Around that time they would have also been talking about restructuring the national security governance framework, at least informally, although some changes (such as the creation of DMCIR) had already been made by that point. He noted that conversations like the one that occurred during the October 12th DMCIR meeting would have led to him formally tasking PCO S&I with outlining governance reform options and consulting with departments and agencies to come up with a more comprehensive view of the governance structure.

[29] Mr. Rogers was asked whether there were ongoing discussions about the idea of an “amplified FI Coordinator”, referred to in the Minutes. The FI Coordinator entered a space that was already occupied by departments, agencies and governance structures. Furthermore, the community’s work was rapidly evolving and changes were being made to its governance, for instance through the creation of DMCIR as a place that determines how to respond to intelligence as a community. In this context, there were continuing discussions around the specifics of the role of the FI coordinator, and the

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most efficient and effective ways for that role to interact with the community and these governance mechanisms Mr. Rogers noted that every country does this differently, and can still be effective no matter how it is set up.

[30] Ms. Drouin added that whenever there is a change to the machinery of government (for example, when the government merges or splits departments), even where there is something explaining the role of the new departments, questions will always arise during implementation. For example, questions will arise regarding the division of responsibilities. This is normal. When the FI Coordinator function was created, the same questions arose within the system. She noted that while these discussions were taking place, the FI Coordinator was busy carrying out his mandate, which included leading the policy work on Bill C-70. Currently, the FI Coordinator is working on the implementation of Bill C-70 [which became An Act Respecting Countering Foreign Interference].

[31] Commission counsel referred Mr. Rogers to a comment he made during the October 12, 2023 DMCIR meeting regarding “the need for a strategy to break down the broad category of FI into manageable chunks.” Mr. Rogers testified that depending where you are in the public service, both in terms of department and seniority, your focus as it relates to FI will differ. For example, an analyst working full-time on Russian transnational repression will have a different focus than an analyst working on Russian leadership’s intentions with respect to democracy. It is the public service’s role to take broad concepts – such as FI – and translate them into work for the departments and agencies. A necessary part of this process is to break large concepts down into manageable issues for which teams feel accountable. At the level of the DC-NSIA, the DNSIA and the DM community, discussions may focus on Russia, China and specific cases when appropriate. Meanwhile, the public service itself has to make sure it is structured such that the work is broken up and there is no particular type of FI activity that is not being addressed somewhere. For instance, Mr. Rogers said that he had not had any substantial conversations on Russian transnational repression in the past weeks, but he is comforted to know that there are teams in the various agencies that continues to look at this issue even when the NSIA and DNSIA may not be talking about it.

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2.3.3. Rapid Response Mechanism and OSINT

- [32] Commission counsel referred the witnesses to part of the October 12, 2023 DMCIR meeting minutes where it notes that Global Affairs Canada (“**GAC**”) stated that “each federal department and agency should house an OSINT [open source intelligence] capability like GAC’s Rapid Response Mechanism (“**RRM**”) and that “the chair noted that she and the NSIA had previously discuss (sic) a project on OSINT.” Mr. Rogers stated that they have had a number of conversations about open source intelligence and how to evolve their work in this area. As he could not recall specifically what this comment referred to, he suggested that this specific comment may be referencing a project led by IAS looking at open source intelligence and how it could be incorporated into analytical assessments. He noted that it could also relate to a number of other discussions, including recommendations around OSINT coming out of the convoy events, as well as OSINT in the context of elections and how the Panel can deal with mis- and disinformation. He later clarified that, having read the text more closely, this comment likely referred to the need for an RRM type project focused on the domestic sphere that is housed outside of GAC.
- [33] Ms. Drouin added that the role of the RRM has been a topic of discussion in preparing the Panel of 5 for the next election. RRM has been highly effective and its capacities have proven very useful. However, its mandate is oriented towards a foreign angle, which is why it is housed at GAC. The DC-NSIA, Clerk, and DM of Foreign Affairs acknowledged that they need to replicate the RRM’s work for domestic purposes elsewhere, outside of GAC. Ms. Drouin noted that RRM could help with that process. The government is still considering where it would be best placed.
- [34] The witnesses were asked to expand upon the IAS OSINT project that Mr. Rogers raised. Mr. Rogers added that the IAS OSINT project involved an IAS analyst looking at the way that the assessment community could use open source intelligence in IAS assessment products. This project involved comparing notes with other departments and agencies, and was a feature of conversations IAS was having with Five Eyes partners and international counterparts.

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2.3.4. Panel of 5 (the “Panel”)

- [35] Commission counsel asked about a document titled “The Changed Context, Critical Election Incident Public Protocol January 24, 2024 Panel Meeting” and discussions around the Panel’s role for the next election. Ms. Drouin explained that the Panel of 5 was put in place for the 2019 election and there were adjustments for the 2021 elections. They are currently preparing for the election in 2025. It is a unique structure that they are continuously trying to improve, including by adjusting to take into account the work of the Commission.
- [36] The Government is in the process of considering potential changes to the Critical Election Incident Public Protocol, taking into account the Panel’s past experiences and the current context (including growing polarization, the global rise of left- and right-wing extremism, mis- and disinformation, artificial intelligence and violence against elected figures, which is on the rise). She noted that protection of elected officials and candidates was nearly more important than FI, in terms of threats, in recent discussions with her UK counterpart. She added that in discussions regarding these recommendations they are considering how the Panel could be more present publicly, in light of what they have seen and the work of the Commission. How to achieve this has not yet been determined. The risk that the Panel could be seen as engaging in interference if it makes too many public announcements remains. Ms. Drouin underscored the active and thoughtful leadership of the Clerk on this issue.

2.3.5 Security and Intelligence Threats to Elections Task Force (“SITE TF”)

- [37] Mr. Rogers stated that, an option that has been raised, both in the review of the national security governance structure and earlier, is making the SITE TF a permanent body, housed at PCO. There had been no final determination made, and there are pros and cons to that approach. In his view, the fact that SITE TF is not housed at PCO has not negatively impacted its ability to operate well and maintain its own governance. He also observed that the SITE TF is an operational body, whereas PCO is not an operational agency and so may not be best placed to be a central secretariat. On the other hand, PCO could provide continuity and a challenge function in convening SITE TF

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discussions. It is an open question whether or not that would be useful. Mr. Rogers indicated that he did not have a strong view on this issue. He did not see calls from SITE themselves for that kind of change but he thinks PCO would be open to it.

[38] Ms. Drouin indicated that she was agnostic about the appropriate home for the SITE TF. It was her view that activating the SITE TF during the many recent by-elections was very useful. Representatives of the SITE TF regularly attended DMCIR meetings during this period. Ms. Drouin found their work extremely valuable. Mr. Rogers added that the process put in place during the by-elections whereby the SITE TF reported to DMCIR and the level of interaction between them was helpful because it allowed the SITE TF's work to leave the operational and tactical coordination space and be brought to PCO's attention. For Mr. Rogers, it is more important that the SITE TF integrate into decision-making bodies, whether that is through a committee or another body, than where it is housed.

[39] Ms. Drouin said that she had not heard that activating the SITE TF during the by-elections had put a strain on the resources of the relevant agencies. Ms. Drouin found their role to be extremely useful and reassuring during the by-elections, and she noted that they cannot dismiss SITE TF's utility during the by-election based on the fact that they saw no signs of FI. If nothing is seen for two or three years, the issue could be re-evaluated, but they are not at that stage yet. Mr. Rogers noted that a theme arising from a number of the topics covered is that the approach of the public service is, when there is an issue that needs to be addressed, to do something, and then find ways to make the response more efficient over time. He added that the most important thing is to keep Canadians safe. The government is looking at the elections with all the resources it has available to make sure that Canadians are not subject to FI. At first, new initiatives of this kind are always harder because it is a new task and the bias is towards making sure outcomes are met. Over time, the operations can be reviewed to develop more efficient ways of achieving the same results.

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2.3.6. National Security Council (“NSC”)

- [40] Ms. Drouin confirmed that as DC-NSIA, she is the Secretary of the NSC. She noted that many countries have created similar bodies and that the NSC is a Cabinet committee chaired by the PM.
- [41] Ms. Drouin explained that, as opposed to Cabinet, the NSC does not take “transactional” decisions (i.e. choosing from a range of options presented formally in a Memorandum to Cabinet, and associated costs). Rather, the NSC’s decisions are “orientation decisions”, as they provide a strategic perspective to direct government policy on broad national security issues that are brought to their attention.
- [42] The NSC illustrates how intelligence informs decision-making. The ministers are briefed on the relevant intelligence ahead of NSC meetings. In parallel, Ms. Drouin and the NSC Secretariat will coordinate the preparation of a policy paper with options. The policy paper is usually penned by a single department, in coordination with other departments, and is much more high level than a Memorandum to Cabinet. The discussion at NSC meetings is informed by the relevant intelligence that was briefed to the ministers and focuses around the policy paper. Based on the orientations provided by the NSC, government departments may prepare a Memorandum to Cabinet, to eventually return to the full Cabinet with a proposal that implements the NSC’s orientations. Ms. Drouin noted that the suggested options in the policy paper prepared for the NSC may be broader. This is why Ms. Drouin sees this Committee as being strategic, as it can question established positions.
- [43] The permanent members of the NSC are the PM (as Chair), the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs, the Minister of National Defence, the Deputy Prime Minister and Minister of Finance, the Minister of Innovation, Science and Industry, the Minister of Foreign Affairs, the Minister of Justice, and the Minister of Emergency Preparedness. The NSC also invites other ministers on an ad hoc basis depending on the issues on the agenda.
- [44] Ms. Drouin explained that another distinctive feature of the NSC is the active participation of senior public servants: they are not only present in the room, they sit at

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the table with the ministers and participate actively in discussions. The PM typically sets the stage and then turns to the DC-NSIA or DNSIA to begin the discussion, followed by the DM responsible for the policy paper, who makes a presentation on the available options. Ministers then discuss what they have heard. She also noted that the purpose of the NSC is not to respond to national security emergencies; at Cabinet level, such issues are addressed by the Incident Response Group (“**IRG**”), which is a more tactical and operational forum, in which senior public servants are also actively involved.

2.4 Responses to FI

2.4.1 Engagement with Provinces and Territories

- [45] Commission counsel referred the witnesses to a memorandum to the Prime Minister concerning a letter addressed to him by Mr. Ranj Pillai, Prime Minister of Yukon, regarding Canada’s relationship with India and sharing secure intelligence with Premiers.³ Ms. Drouin noted that *An Act Respecting Countering Foreign Interference* now allows the federal government to share classified information with provinces, territories and municipalities. The government is in the midst of establishing initiatives to ensure that this information is accessible to provinces and territories. The FI Coordinator and Public Safety Canada will play an important role in this process. She noted that the Clerk had recently sent a letter to all provinces and territories to invite officials to get security clearances. In a recent meeting with provinces and territories, PCO provided a briefing on foreign interference and indicated that it would launch a process that will require provinces and territories to have security cleared representatives in place as well as appropriate infrastructure to store any physical intelligence that is shared. For oral briefings, she noted that there are SCIFs across Canada that can be used, so that is less of an issue. She also noted that a federal, provincial and territorial meeting was happening on the day of her examination - Deputy Clerk Christiane Fox and the Heritage Canada DM, Isabelle Mondou, were meeting

³ CAN044456.

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provincial and territorial representatives to exchange on the topic of mis- and disinformation.

- [46] Mr. Rogers indicated that work in this area was ongoing and that the *Act Respecting Countering Foreign Interference* was a great first step. He stated that we all have a common interest in working with the provinces and territories. He noted that an alignment on the right level of information to share and what the provinces and territories will do with the information has to be complemented by conversations about infrastructure, including what the federal government can provide, as well as the investments provinces and territories need to make and why. The work ahead includes trying to prioritize the highest return on investment.
- [47] Commission counsel referred the witnesses to a memorandum for the Clerk dated January 29, 2024, which indicates that “PCO will re-establish a dedicated Assistant Deputy Minister (ADM)-level working group comprised of federal security and intelligence organizations, and provincial and territorial counterparts.” The memorandum also states that “[t]his working group will develop tangible cooperation proposals for consideration and endorsement by Federal-Provincial-Territorial (FPT) Clerks and Cabinet Secretaries.”
- [48] Ms. Drouin explained that PS led work with Nabih Eldebs of S&I in this area at the ADM level. She noted that the first challenge for this working group was that, at the provincial level, there were no clear parallel structures, nor identified counterparts, for national security issues or intelligence collection. This made it difficult for the federal government to identify appropriate contacts as the provinces must first identify their chosen interlocutors. Some provinces have chosen a senior provincial public safety official; others have chosen a cyber security team. The working group referenced in the memorandum will enable the different levels of government to build the capacities and infrastructure necessary for provinces to receive and store classified intelligence. She noted that provinces also wanted to control how the federal governments interacts with large municipalities. She indicated that the first couple of meetings have already taken place.

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[49] Mr. Rogers added that there are well-established existing forums between the federal and provincial-territorial governments. For example, there are operational relationships with provinces and territories to coordinate emergency preparedness and policing. The project referenced in the memorandum would complement these structures and cover the whole range of national security issues, without taking anything away from existing mechanisms.

2.4.2 Unclassified Briefings to Parliamentarians

[50] The witnesses were asked about discussions around briefings to parliamentarians in 2023 and the briefings that occurred in June 2024. Ms. Drouin noted that there had been a lot of focus on the unclassified briefings that were, or could have been, delivered to parliamentarians. She said that they were one of the many sources of information about FI available to parliamentarians: CSIS implements defensive briefings and threat reduction measures, CSE has given a lot of information on cyber security, and Minister Blair has tabled a letter to inform MPs of the FI threat.

[51] In addition to that, each caucus received a briefing in June 2024. The FI Coordinator undertook this work, in coordination with the Sergeant-at-Arms and the Usher of the Black Rod of the Senate. She noted that these two entities preferred to have some control over the organization of the briefings. She noted that the PM had been very clear with her that it is not his decision and his approval is not required for these briefings to occur, regardless of whether they are provided to a specific Member of Parliament (“MP”) or to a broader group of MPs. Ms. Drouin indicated that it is her responsibility to assess the need and to discuss with security agencies to determine how the briefings will be delivered and what information can be shared, since the agencies (such as CSIS) are the owners of this information and she cannot decide what can be made public. The agencies will be responsible for drafting the speaking points used to brief the MPs.

[52] Ms. Drouin added that she can decide that there is a need to brief a specific MP on the basis of intelligence of which she is made aware, but it can also be the result of a conversation at DMCIR. If CSIS wants to conduct a threat reduction measure (“TRM”) or a defensive briefing, they have the authorities to do so and they do not need to check

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with her. Ms. Drouin noted that she would not direct CSIS to implement a TRM or a defensive briefing. She can, however, determine whether the government should deliver general briefings to MPs.

- [53] Mr. Drouin noted that the House of Commons and the Senate typically prefer acting as intermediaries before the government contacts all MPs or Senators directly. Mr. Rogers confirmed that, with respect to the June 2024 briefings, while CSIS had a significant role in developing the wording of the briefing, Public Safety and the FI Coordinator were responsible for the overall coordination with the Sergeant-at-Arms.

2.5 Information Flow issue – Hardeep Singh Nijjar

- [54] Commission counsel referred the witnesses to an email exchange in which Mr. Rogers notes that a draft IAS assessment product prepared about the murder of Mr. Hardeep Singh Nijjar “does not include details about [certain intelligence]”. In response, the IAS Director of Operations states that “[i]nitially, IAS was not on the distribution for the product so we were unable to incorporate that intelligence into our assessment. This is a broader dissemination issue that we hope to resolve in the future.”
- [55] Mr. Rogers explained that he had not requested the intelligence assessment to which his comments pertain. Rather, IAS had decided to prepare this assessment of its own initiative. He explained that PCO was in possession of an assessment of the event prepared by a CSIS analyst on this event, and IAS decided independently to do an assessment of the same issue. Mr. Rogers was informed that IAS was preparing this assessment when it was already substantially developed. He indicated that it was within IAS’s mandate to draft assessments on the issues that it deems relevant.
- [56] With respect to the specific intelligence product that IAS had not received prior to drafting its assessment, Mr. Rogers explained that given the allegations and the sensitivity, it was extremely compartmented within PCO in early days. The intelligence was briefed to the NSIA and the PM. However, most of PCO, including IAS and a number of people at PCO S&I, was not privy to the full set of intelligence about the murder of Mr. Nijjar. Mr. Rogers noted that the purpose of this exchange was to ensure

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that, before IAS finalized its assessment, it was able to take the other piece of intelligence into account.

2.6 Review Bodies

[57] Commission counsel referred the witnesses to a memorandum to the DC-NSIA dated January 26, 2024, which states that:

Both NSICOP and NSIRA periodically inquire about what departments are doing in response to their recommendations. To date, departments have been reluctant to respond [to inquiries from NSICOP and the National Security Review Agency (“NSIRA”) about what the departments are doing in response to their recommendations]. In their view, monitoring the implementation of recommendations comes close to ‘oversight’ of their day-to-day work, which is outside the review bodies’ mandate. Workload has also been a consideration.

[58] The witnesses were asked to speak to the appropriate scope of a review body’s work. Mr. Rogers indicated that there is an evolving relationship between the government and these two review bodies, which have now been in place for a few years. He noted that, while review bodies were created to review the work of agencies retrospectively and come to recommendations, they are not meant to exercise oversight over every operational response or provide input on those operations on a continuous basis. In the memorandum, the government is considering the appropriate level of engagement with review bodies in respect of the implementation of a recommendation, which may involve day-to-day operational work. But for reasons related to appropriateness and workload, the government may want to consider what the correct limits are on those types of interactions. This is an ongoing conversation. Mr. Rogers could not recall off-hand whether there are any formalized mechanisms in the review bodies’ statutes themselves indicating how that interaction is supposed to take place, but he does not believe there is.

[59] Mr. Rogers added that there is a willingness to be transparent, and it would be an appropriate exercise for the review bodies to conduct a follow-up review on the same topics to draw conclusions about how their recommendations have been implemented.

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The issue covered in the memorandum deals more with the issue of regular interactions in between formal reviews.

[60] Ms. Drouin added that, she is not sure that when the government created NSIRA and NSICOP, it had fully appreciated that how the implementation of their many recommendations would increase the workload of national security agencies. She noted that within PCO S&I, there is now a team that is fully devoted to responding to the recommendations of these review bodies. She indicated that the creation of this team followed the review bodies' inquiries to the Prime Minister about the implementation of their recommendations and was meant to give a structure and better tools to respond, not only through letters, but also through actions. She noted that the government issued a report entitled *Countering an Evolving Threat: Update on Recommendations to Counter Foreign Interference to Canada's Democratic Institutions* (i.e. the LeBlanc-Charette Report), which identifies the work done to implement recommendations and identifies those that are outstanding. In addition, the DM National Security Review Committee's mandate is exclusively to determine whether and how to implement the recommendations of NSICOP and NSIRA.

2.7 Foreign Influence and Foreign Interference

[61] In response to a question about the tensions that can happen within government when there are different agencies and departments coming at similar sets of facts from different perspectives, Ms. Drouin explained that, in her view, the tension between departments and agencies on what constitutes foreign influence and FI is a positive feature of the national security community. In all areas, a critical role of the government is to mediate diverging and competing points of view of different departments (for example, different perspectives also play a role in the development of environmental policy). The same dynamic is at play in national security – security agencies may not have the same perspective as GAC. This healthy tension helps provide a more nuanced assessment. Ms. Drouin added that all the work that is currently being done on FI will help build a common understanding of certain specific situations; however, new tactics and threats will certainly lead to further debates to determine whether a given behaviour

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is FI, legitimate diplomacy, or clumsy diplomacy that inadvertently crosses the line into FI.

- [62] Ms. Drouin said that, to settle on a common conclusion on a particular set of facts, relevant departments and individuals will always need to engage in conversation. Enabling those conversations is a key part of PCO's role as a central agency: it receives inputs from different departments, integrates it, attempts to foster consensus, and then uses all perspectives to advise the PM. She noted that individual ministers also have access to the PM and can provide him with advice based on their perspectives.
- [63] Mr. Rogers' view was that different perspectives, and having debates and discussions, are an enriching feature of the work of the public service and that he could not see how it could be otherwise. In something as complex as foreign interference and national security, reducing the issue to a simple decision tree would remove important nuances, which would not serve Canadians. There is a role for definitions and thresholds: after several repetitions, trends may emerge that are useful to define and some of the work can be institutionalized. Using the SITE TF as an example, if conversations are leading to the same result, it could eliminate the need to repeat full conversations on some issues, and build efficiency. It will be the government's task to ensure that as definitions evolve and the government seeks to apply them, the richness of the current conversation is not lost.
- [64] The witnesses were asked whether there is a lack of understanding with respect to the concept of political foreign interference or simply a disagreement as to its application in specific instances. Ms. Drouin explained that it is the latter – that there is sometimes disagreement on the assessment of a specific set of facts, as opposed to a disagreement about the definition of FI. For instance, in some cases, CSIS will consider that some facts are indicative of FI, whereas GAC will consider the same facts as regular diplomatic practice. She noted that the construct and composition of the Panel of Five reflected these differing positions and the need to ensure all perspectives will be brought to the table.

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3. Examination by Counsel for the Government of Canada

- [65] With respect to the DC-NSIA's decision whether or not to brief parliamentarians, Ms. Drouin confirmed that she relies on not only her judgement but also the DM committee structure that is in place. She explained that she considered a broad variety of factors to determine whether it was opportune to brief parliamentarians, such as the discussions with the Clerk and the CSIS Director, whether a piece of intelligence will be useful to an MP or a party leader. This determination is multi-factoral and DMCIR is an appropriate forum for this type of discussion. The decision-making process in this respect is similar to the one that is followed for other decisions that she makes.
- [66] Mr. Rogers was asked whether the 'healthy tension' resulting from the different perspectives within the system has impacted the ability of the government to take steps that it determined were appropriate or required to address incidents of FI. Mr. Rogers confirmed that it had not. In his view, this tension enriches the government's output. Looking through DMCIR minutes where FI is raised, the Committee comes to a set of actions that are informed by all of the various perspectives.