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## *In Camera* Examination Summary: Prime Minister's Office Senior Officials

Commission Counsel examined senior officials from the Prime Minister's Office (“**PMO**”) during *in camera* hearings held in July and August 2024. Counsel for the Attorney General 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 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. Examination by Commission Counsel

### 1.1 Witnesses and Evidence

- [1] Katie Telford is the Prime Minister's Chief of Staff, and has held this position since 2015.
- [2] Brian Clow is the Prime Minister's Deputy Chief of Staff, and has held this position since the 2021 general election.
- [3] Patrick Travers is the Prime Minister's Senior Global Affairs Advisor, and has held this position since the fall of 2020.
- [4] The witnesses confirmed they had reviewed their Stage 2 interview summary, that it was accurate to the best of their knowledge, and that they were content that it form part of their evidence before the Commission. Ms. Telford also confirmed that she had reviewed the institutional report for the PMO, that it was accurate to the best of her

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knowledge, and that she was content that it be filed as part of the witnesses' evidence before the Commission.

## 1.2 Flow of Information

### 1.2.1 Current Practices for Sharing Intelligence with the PMO

- [5] Ms. Telford testified that she receives intelligence through a Client Relations Officer (“**CRO**”) [a Communications Security Establishment (“**CSE**”) employee typically in charge of delivering intelligence to ministers' offices]. The CRO brings her an organized and prioritized package of information and tracks exactly what Ms. Telford reads. The CRO also flags intelligence that the Prime Minister has already read or is about to read, as well as any comments the Prime Minister had on intelligence he has read, so Ms. Telford can track what he has read and follow-up with him as necessary. This has added new rigour to the system, which has evolved over the past year.
- [6] She explained that the new National Security and Intelligence Advisor (“**NSIA**”) to the Prime Minister, Ms. Nathalie Drouin, has emphasized strengthening information flow. Ms. Telford continues to have conversations with the Clerk of the Privy Council and the NSIA about how to improve this process since it could be more efficient and effective. Delivering intelligence via CRO means that it is not left with her, even though she has secure facilities to store the materials and her direct staff have Top Secret security clearances. A challenge arises when she cannot finish the reading package in one sitting and she has to then schedule another meeting with the CRO since she does not have access to the intelligence when the CRO is not there.

### 1.2.2 The Role of the NSIA and Deputy NSIA

- [7] Ms. Telford testified that the witnesses interact with both the Deputy NSIA and the NSIA. She interacts more with the NSIA, but may go to the Deputy NSIA if she has an immediate security concern (e.g., a physical security concern). Having an NSIA and Deputy NSIA allows the witnesses to reach one if the other is travelling. Mr. Clow added that it is helpful to have two senior, experienced people on the files because of the volume and pace of events in the national security and intelligence space. Ms. Telford

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explained that, although there is a division of responsibility between the NSIA and Deputy NSIA, the witnesses can go to whoever they can reach first, which is helpful. She added that she may choose to go to one or the other depending on the issue and whether she knows that one has been specifically implicated in work on a matter, but they have not been given specific instruction to do that. Often both are engaged on the issue.

- [8] Ms. Telford explained that the NSIA continues to serve as Deputy Clerk of the Privy Council on the Clerk's recommendation to the Prime Minister. This new title emphasizes the NSIA's seniority. She was not sure if it made much substantive difference, although she could not speak to the public service side.
- [9] When asked if the NSIA should receive a mandate letter to empower them, Ms. Telford said she would refer this to the Clerk because it is something that he and his predecessor, Ms. Janice Charette, have brought up. The public service senior leadership has been looking at what can be done to empower the role as global events have evolved and as the role has become critical for convening different parts of government. Her understanding is that a mandate letter could potentially provide clarity across the system on the NSIA role, but that would be more for the public service than the PMO. Mr. Travers added that it is important to understand these proposals in the context of the introduction of the National Security Council and how the government approaches national security issues more broadly, both in terms of Cabinet-level engagement and the structure of the Privy Council Office ("**PCO**"). He suggested that PCO would be better placed to discuss whether a mandate letter would be useful, but noted that the work they have done to formalize certain structures has yielded benefits in terms of the quality of advice and the rigour in which it is provided.

### 1.2.3 The "PCO Special Report"

- [10] Commission Counsel referred the witnesses to the "PCO Special Report" [a report prepared by the PCO Intelligence Assessment Secretariat ("**PCO IAS**") about the People's Republic of China's ("**PRC**") foreign interference ("**FI**") tactics]. The witnesses confirmed that the Report was not circulated to them in the normal course, but that they

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had reviewed it in preparation for either this Commission or another review body process.

- [11] Commission counsel asked the witnesses whether, having now seen the PCO Special Report, it was a document they would have expected to have received at the time it was produced. Ms. Telford testified that part of the critical nature of the NSIA's role, which is to give the Prime Minister advice and keep him well-informed, is that they see a bigger picture of information. The NSIA knows what information the Prime Minister has already received, what information or events are coming his way, and is best positioned to determine what he needs to see. She expressed her confidence in the NSIA's decisions.
- [12] Mr. Clow explained that the public service produces a lot of material. As a result, senior public servants must decide what the Prime Minister and PMO should see. Mr. Clow stated they have a lot of confidence in that system and the individuals who have occupied senior public service roles over time. If they decided the PCO Special Report did not need to be elevated to the Prime Minister, he is confident in that judgement. He added that, while PMO may not have been aware of some of the specific details referred to in the PCO Special Report, they were aware of the picture of FI threats that the Report depicts.

#### 1.2.4 The CSIS "Targeting Paper"

- [13] Commission Counsel referred to the National Security and Intelligence Review Agency's ("**NSIRA**") analysis of the distribution of a report produced by a Canadian Security Intelligence Service ("**CSIS**") analyst about the PRC's targeting of Canadian members of Parliament (the "**Targeting Paper**"). The witnesses had seen a version of the Targeting Paper since the publication of NSIRA's report. They could not recall which version they were shown.
- [14] When asked whether he thought the Targeting Paper ought to have been forwarded to the Prime Minister when it was prepared, Mr. Clow expressed confidence in the NSIA's judgment in deciding what to give to the Prime Minister on this topic.

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### 1.3 The “Grey Zone” Between Diplomatic Activity and Interference

- [15] Ms. Telford explained that they often see debates play out between departments (such as Global Affairs Canada and CSIS) and other parts of government about the difference between diplomatic activity and FI. Often, the activity at issue sits in a “grey zone” between regular diplomatic activity and FI. These are healthy conversations that need to keep happening because everyone has different experiences depending on where they work in government.
- [16] Mr. Clow said that this debate arises when vetting members of Parliament (“**MPs**”) for roles, such as parliamentary secretary roles or Cabinet roles. CSIS will present the Prime Minister and PMO with information on an individual. While CSIS may flag interactions between the individual and a foreign diplomat, the interactions may not automatically look inappropriate to PMO. This has led to PMO discussing what is interference versus appropriate influence.
- [17] Ms. Telford testified that this debate is necessary for decision making. Without different perspectives, critical points can be missed. She gave the example of when they are presented with information in a security assessment that an individual is “vulnerable” to a country or High Commission. The individual being vulnerable does not mean they have erred. Rather, it raises questions about how to provide the individual with defences or educate them so they do not inadvertently do something wrong. This is different from when they are told that an individual is covertly doing something inappropriate with a foreign official. These conversations allow for a better understanding of the nuances that exist. Mr. Clow added that they are dealing with a spectrum of behaviour and imperfect information. Debate is necessary for interpreting the facts, which are often incomplete.
- [18] To illustrate how activities can be viewed differently depending on perspective, Ms. Telford gave the example of officials at Canadian and allied embassies knowing personal information about politicians in different countries (such as the name of their spouse, their chief of staff, whether they have children, or where they went to university). Knowing that type of open source information is normal diplomatic activity. However, if the embassy is collecting the information on the individual as leverage to

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blackmail or suppress the politician, then that is a concern. But it is still important to understand that the collection of the information itself is standard. This example of the spectrum has come up a number of times.

- [19] Ms. Telford explained that they receive information like that provided in her example directly from the NSIA, who is sometimes accompanied by the Director of CSIS. At these briefings, PMO asks questions about the information, such as what information the foreign state is collecting about these individuals, why it is a concern, and whether it is regular activity. It is not just PMO asking these questions; officials ask them as well. But PMO is usually the last stop in that conversation. There is a back and forth, and if there ends up being more intelligence, that can add to the story.
- [20] If concerns are raised about an individual undergoing a security assessment, PMO pauses any further action pertaining to that individual (e.g., an appointment to a new position) until they receive more information. Sometimes that means that person does not move on in their career. If the information concerns a broader question and information that a country may be doing something that is inappropriate, as opposed to intelligence about an individual case, they defer to senior officials' advice about the diplomatic responses available.

#### 1.4 The PMO's Role in Policy Making

- [21] Mr. Travers stated that PMO works closely with PCO on ministerial proposals to Cabinet, managing the Cabinet agenda and determining broader prioritization. PMO and PCO are well situated for this role since they have a view of the entire government's agenda and all issues in play. While the lead minister on a matter puts forward the proposal to Cabinet, PMO would normally be engaged on the proposal as it moves forward.
- [22] On issues outside the Cabinet process, PMO works with PCO to provide policy advice. PMO engage their colleagues in ministers' offices and departments to better understand the issues. However, ultimately, decision making advice flows from the PCO to the Prime Minister.

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- [23] Mr. Clow added that the PMO plays an “air traffic control” function since so much policy making occurs in government. For example, since the 2021 election, 700 policy commitments have been set out in mandate letters issued to ministers. There is a lot of work in managing the system. Mr. Travers added that this role is especially important since many issues involve multiple ministers and departments with their respective interests in an issue.
- [24] The witnesses were referred to an internal PMO email chain regarding consultations for a foreign agent registry. Mr. Clow explained that there was a lot of internal work that helped shape the initial consultations that began the following spring.
- [25] Mr. Clow added that in November 2022, very soon after media stories based on allegedly leaked information, the Ottawa media was seized with the FI issue. Staff felt it was appropriate to treat the issue seriously and consult the Prime Minister directly on the registry consultations. Those consultations were a very significant undertaking in themselves.
- [26] Commission Counsel referred the witnesses to a text message exchange dated November 11, 2022, between Mr. Clow and Marco Mendicino, then Minister of Public Safety.<sup>1</sup> Mr. Clow testified that this text message exchange happened a few days after the media stories that alleged that the PRC had funded 11 candidates. They were discussing how to handle the “firestorm” that the media stories had set off in Ottawa. Mr. Clow explained that the reason they were saying that it could not be CSIS alone responding to the leaks was because CSIS was not able to confirm or deny the leaked information, leaving the allegations hanging in the air. In the messages, they were discussing that they needed to get out there and talk about the good work the government had done on addressing FI, even though they too could not confirm nor deny the specifics of the allegations.
- [27] In the text message exchange, Mr. Mendicino asked for Mr. Clow’s help moving forward on policy elements to help combat FI. Mr. Clow understood Mr. Mendicino as saying that the government should be seen to be responding quickly to FI. At the time this

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<sup>1</sup> CAN018005.

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meant launching the consultations. Legislation would be developed following the consultations.

- [28] Mr. Travers added that before the 2015 election, Prime Minister Harper put forward a package of reforms on national security legislation that became a very significant point of public debate (Bill C-51). After the 2015 election, the Liberal Government put forward its own package of institutional reforms (Bill C-59). They learned from these experiences that any adjustments in the national security space cut to the heart of where to draw the line in terms of rights, and the roles and accountabilities of national security agencies. Canada also has a history of complicated relationships between certain communities and the national security architecture. This is therefore a sensitive area of policymaking or legislating, which requires care and work to understand all perspectives, including those affected by the reforms.

## 1.5 Suggested Vulnerabilities

### 1.5.1 Political Party Processes

- [29] Commission Counsel referred the witnesses to paragraph 154 of the National Security and Intelligence Committee of Parliamentarians' ("**NSICOP**") Special Report on Foreign Interference in Canada's Democratic Processes and Institutions ("**NSICOP Report**") [this paragraph reports that the loopholes and vulnerabilities in political party governance and administration are a critical gap and recommends legislative reform in this area]. Based on her personal experience, Ms. Telford believed that there were a number of challenges to regulating political parties. For good reasons, different parties have different perspectives on who should be engaged in nomination processes. For instance, the Liberal Party of Canada ("**LPC**"), as a grassroots organization, wanted to allow people younger than 18 to vote in nominations to draw them into the political system early, in the hopes that their engagement continues. She noted that participation in democratic processes is currently a challenge in Canada and a number of other countries, which is why drawing people into these processes through various channels is important. For this reason, the boundaries and rules are not the same for nominations



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and elections. Because each party may choose its approach, she did not see how the government could regulate in that area.

- [30] Ms. Telford noted that, for example, raising the minimum age to 18 across all parties would prevent younger people from participating. She was not convinced that 16- or 17-year-olds are more vulnerable. She indicated that the participation rates for 18-to-25-year-olds in elections were incredibly low and believed that encouraging engagement in high school was a way to keep teenagers engaged through adulthood.
- [31] Ms. Telford testified that the Government needs to keep learning how to share information better with parties. Having security-cleared political party representatives was one step. The Panel of Five and the Security and Intelligence Threats to Elections Task Force (“**SITE TF**”) were also good measures and new initiatives. But there is work to do regarding the actions that those within government and parties can take when they receive classified information about the actions of a Member of Parliament (“**MP**”). She noted that party representatives, particularly those who do not have government experience, may ask themselves what choices they have, whom can they call, how they can seek help, and whether they can do anything with the information. This issue has to be addressed, in part through education, in part by improving information sharing, and in part by building a toolkit on what can be done in response to such information in these cases.
- [32] Mr. Clow added that the lowest hanging fruit to strengthening nomination processes would be for CSIS and other agencies to be able to share information with all political parties when they know there is an ongoing situation. He noted that CSIS believes that it has its own limitations with respect to information sharing, but that engaging with impacted individuals about a threat would go much further to combat FI than some of the more generic policy issues that are discussed.

### 1.5.2 Political Staff

- [33] When asked about the perception that political staff are vulnerable to FI, Ms. Telford testified that anyone at PMO or in a minister’s office must receive a Secret clearance at minimum to work in the office. There are also select people in those offices, such as Ms.

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Telford, Mr. Clow, and Mr. Travers, whose jobs require that they obtain Top Secret clearances. The public service processes all these clearances through the same systems.

- [34] By contrast, staff in the offices of MPs who are not ministers, and constituency staff, to the best of her knowledge, do not have security clearances. Ms. Telford testified that MPs staff their offices very differently. She noted that MPs do not have access to any classified information unless it is relevant to a position that they are appointed to and receive the requisite clearance—for example, MPs appointed as parliamentary secretaries or as members of NSICOP. MPs who are appointed to these positions go through a rigorous vetting process and receive significant education, which are complemented by control mechanisms. Their staff members would not have access to anything that could possibly put them in a position to do something improper from a national security standpoint. If MPs' staff members adopted behaviour (such as adjusting an MP's calendar) that, depending on a number of factors, including the covertness of the activity, could be situated along the spectrum of foreign influence to FI, it needs to be followed up on.

## 1.6 Tools and Responses to FI

### 1.6.1 Briefings to Parliamentarians

- [35] The witnesses were asked to comment on paragraph 126 the NSICOP Report, which reads in part:

126. In its 2018 report on the Prime Minister's visit to India, the Committee recommended that "Members of the House of Commons and Senate should be briefed upon being sworn-in and regularly thereafter on the risks of foreign interference and extremism in Canada." [footnote omitted] The Committee repeated this recommendation in its 2019 report on foreign interference. [footnote omitted] In December 2019, the Clerk of the Privy Council sought the Prime Minister's authorization to implement the Committee's recommendations by having CSIS brief parliamentarians in the early weeks of the 43<sup>rd</sup> Parliament.[footnote omitted]

- [36] Commission counsel also referred the witnesses to a memorandum for the Prime Minister dated December 16, 2019 and titled "Briefing to Parliamentarians on Foreign

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Interference and Extremism in Canada”.<sup>2</sup> Mr. Clow testified that the note was received by PMO, but was interrupted by the COVID-19 pandemic before it could be conveyed to the Prime Minister. He indicated that the December 2019 memorandum, as well as the subsequent memorandum in December 2020, were received by PMO more than three and a half years ago. He said that MPs are briefed on security threats, including FI threats, through various means. When MPs are sworn in, they receive a security briefing that covers foreign threats. In 2020, Minister Bill Blair also sent a very detailed letter to all MPs explaining all FI threats that they should be aware of. In Mr. Clow’s view, MPs were thus receiving general briefings about the threat in the timeframe during which these memorandums were sent to PMO. Mr. Clow indicated that a significant number of MPs had also received individual briefings, when CSIS had specific concerns, as has happened ahead of the 2021 election for Kenny Chiu, Jenny Kwan, Michael Chong, and others.

[37] Mr. Clow explained that the December 2019 memorandum was received “for decision”. When a memorandum is received for decision, the PMO policy staff typically consider it, provide their own additional advice, and then send it to the Prime Minister (unlike notes for information, which typically go directly to the Prime Minister through PMO staff, without a cover note providing additional advice). Mr. Clow noted that the December 2019 note had been sent shortly before the COVID-19 pandemic broke out. The note, as well as others, was interrupted because the business of government was dominated by the response to COVID-19. Mr. Clow observed that Parliament also stopped sitting for several months.

[38] Commission counsel referred the witnesses to paragraph 126 of the NSICOP Report, which reads in part:

The Prime Minister’s Office never replied formally to the recommendation [of the December 2019 memorandum]. In December 2020, the NSIA returned to the Prime Minister to seek authorization for CSIS to brief parliamentarians, including unclassified briefings to all members of Parliament and Senators, and classified briefings to opposition party leaders. [footnote omitted]

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<sup>2</sup> CAN019825.

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- [39] Commission counsel also referred the witnesses to a memorandum to the Prime Minister, dated December 22, 2020, titled “National Security Briefings to Parliamentarians.” The memorandum included a proposed letter to other party leaders.<sup>3</sup> Mr. Clow confirmed that this was the memorandum referred to in the NSICOP Report.
- [40] Mr. Clow noted that there are some parallels between this memorandum and the 2019 memorandum. The 2020 memorandum was received by, and discussed amongst, PMO policy staff, and the note was also brought to Mr. Clow and Mr. Travers’ attention. They were all of the view this was a positive initiative. There was some feedback on the language of the letters to that would be sent to Opposition leaders, which is normal practice. Whenever the Prime Minister writes to another party leader, PMO carefully reviews the letters because they may sometimes be turned to unexpected political uses. In this case, PMO’s review, including that of the letter, was interrupted by the call of the 2021 election.
- [41] The witnesses were referred to an email chain dated April 28, 2021, with the subject line “For Katie’s Review – REVISED National Security Briefings to Parliamentarians” [an email in this chain from Ms. Telford’s executive assistant, describes Ms. Telford as having reviewed a proposal about briefing to parliamentarians and making some notes regarding (i) the consultation of Anita Vandenberg or Minister Monsef at WAGE and (ii) an express mention that the proposal was responsive to an NSICOP recommendation]. Ms. Telford said she did not have a direct recollection and had to use the email to refresh her memory. She stated that it was not unusual for her to ask whether a diverse group of people had looked at a document like this before moving forward, given the sensitivities at play and the lived experiences of MPs with security agencies. Ms. Telford indicated that Shelly Bruce [then Chief of CSE] appeared to be the only woman involved in the proposal, which is why Ms. Telford would have suggested to consult the Minister for Women and Gender Equality, as well as Anita Vandenberg, who held a relevant parliamentary secretary position at the time. Ms. Telford indicated that she wanted the proposal to note that it was responsive to an NSICOP recommendation. She suggested working with Mr. David McGuinty [the Chair of NSICOP] on this issue. Ms. Telford

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<sup>3</sup> CAN019435.

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indicated that those were her only comments; otherwise, she wanted to proceed with the proposal.

- [42] Mr. Clow added that the Prime Minister receives about 1000 notes similar to these from PCO each year. On any given day, PMO might receive five to seven. Some are only for information, but most are for decision and require consideration. It is not atypical that it takes months to consider and consult on a note. He reiterated that, when the PMO staff were considering the two memorandums, PMO's primary focus was on COVID-19.
- [43] Mr. Clow stated that briefing MPs is an important tool, and such briefings took place in June of 2024. He noted that the briefings were set up because NSICOP resurfaced the issue and found that they had not occurred yet. PMO saw no reason for these briefings not to be delivered and recommended that they happen. However, he noted that these briefings are very basic and do not involve classified information or advice. In his view, the absence of such briefings should not be taken to mean that the ability of the Government, or individual MPs, to combat and be aware of foreign interference was negatively affected. Further, MPs were being briefed in different ways, including the letter from Minister Blair to all MPs, as well as the specific briefings to MPs around whom CSIS had particular concerns.
- [44] Mr. Clow said that CSIS has the requisite authority to brief MPs individually or as a group. He indicated that CSIS, working with the Sergeant-at-Arms, was able to exercise that authority, regardless of the fact that PMO did not formally respond to the 2019 and 2020 notes. As Parliament is its own institution, Mr. Clow believed that it was an error to have required the Prime Minister's approval, since CSIS and the Sergeant-at-Arms could have organized and conducted these briefings without the Prime Minister's approval.
- [45] Ms. Telford said it was neither common nor uncommon for PMO to receive a note that it considers unnecessary. PMO has worked with Clerks over time to reduce the volume of notes sent to PMO. To manage the high volume of notes that PMO receives, she regularly meets with the Clerk to discuss the progress of certain issues and to flag problems. If something is urgent, the Clerk, NSIA and CSIS Director also have face-to-face discussions with the Prime Minister, during which they can identify issues that they

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feel should proceed more expeditiously. Ms. Telford said that she could not imagine the Prime Minister refusing to speed up FI-related initiatives. To the contrary, every time he has received briefings on this issue, he has enquired on ways to open up and improve the system. However, to her knowledge, the public service did not follow up directly with the Prime Minister on this decision. Ms. Telford takes from this that the public service did not see them as urgent, relative to all the other issues he faced at the time.

[46] Mr. Clow indicated that he had no knowledge of other notes on general briefings to parliamentarians since December 2020. He also did not know whether any feedback was received in relation to the June 2024 briefings. Ms. Telford said that there was very little discussion about the June 2024 briefings after they were delivered.

### 1.6.2 Declaring Zhao Wei *Persona Non Grata*

[47] [On May 1, 2023, media reporting identified MP Chong as being targeted by the PRC and Mr. Zhao. Canada expelled Mr. Zhao and declared him *persona non grata* (“PNG”) on May 8, 2023]. None of the witnesses recalled hearing about Mr. Zhao Wei or any threats to Mr. Michael Chong before media leaks occurred.

[48] The witnesses were referred to Mr. Clow’s notes from a May 2, 2023 briefing.<sup>4</sup> Mr. Clow said that this was an in-person briefing with the Prime Minister, the CSIS Director, the NSIA, and relevant PMO staff. Mr. Clow noted that, in a section of the briefing, PMO staff and the Prime Minister were informed about the contents of the media reporting and its degree of accuracy. During the briefing, the Prime Minister was also informed that Mr. Chong had received some defensive briefings from CSIS, which did not communicate the details included in the media reporting, but did provide general security advice.

[49] Mr. Clow noted that, as indicated by the notes, the Prime Minister met with Mr. Chong and then told his staff about the meeting during the May 2, 2023 meeting. As per Mr. Clow’s notes, the Prime Minister told his staff that Mr. Chong had questions. He also told them that security agencies would deliver a more detailed briefing to Mr. Chong.

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<sup>4</sup> CAN019500 [the notes are erroneously dated May 7, 2023].

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This briefing from security agencies happened on May 2, 2023. The bottom half of Mr. Clow's notes recount the information that security officials provided about their meeting with Mr. Chong.

- [50] Mr. Clow testified that, as of May 2, 2023, he understood that PRC officials were interested in finding out more about Mr. Chong and his family members in China, and were possibly also contemplating action directed at them. Mr. Clow and Ms. Telford said the intelligence that they received did not indicate a threat to anyone's physical safety.
- [51] Mr. Clow said that, during the May 2, 2023 meeting, there was also discussion about the information that was publicly available regarding Mr. Chong. Mr. Clow explained that the excerpt of the notes that reads "what did Marta [Morgan, deputy minister for GAC from May 2019 to October 2022] do" referred to Mr. Chong seeking information about his case and the dissemination of information, and expressing his opinion that Mr. Zhao should be expelled. Mr. Chong also expressed his opinion that the Minister [of Public Safety] should be informed anytime intelligence reports a threat to an MP. Mr. Clow said that the attendees of the meeting agreed with this view and indicated that this situation was the impetus for the Minister of Public Safety to issue the *Ministerial Directive on Threats to the Security of Canada Directed at Parliament or Parliamentarians* (the "**Ministerial Directive**") a few days later.
- [52] With reference to an excerpt of the notes that reads "Jody [Thomas, then-NSIA] said: I frankly believe it was bureaucratic, in response to Chong keep asking was it political breakdown or bureaucratic", Mr. Clow said that Mr. Chong wanted to know whether political staff, or public servants, had refrained from acting on the information that concerned him. Ms. Thomas told him, as well as attendees of the May 2, 2023 briefing, that it was her belief that this information never reached the PMO. Mr. Clow confirmed that the information did not reach the PMO.
- [53] The witnesses were referred to notes from a May 6, 2023, meeting.<sup>5</sup> The meeting involved officials and PMO staff; the Prime Minister was not present. The briefing was to provide an update about the status of the potential expulsion of Mr. Zhao. The

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<sup>5</sup> CAN018000.

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witnesses testified that there was a discussion about different diplomatic options to impose accountability on the PRC.

[54] Commission counsel next referred the witnesses to notes from a May 7, 2023 briefing.<sup>6</sup> Mr. Clow testified that this was a virtual meeting to update the Prime Minister on the discussion of May 6, 2023. Commission counsel asked Ms. Telford about one entry in the notes referring to “the next shoe to drop”. Ms. Telford explained that she meant they should keep in mind that whatever course of action would be taken with respect to this incident would apply elsewhere.

[55] Canada declared Mr. Zhao PNG on Monday, May 8, 2023.

[56] Mr. Travers testified that the process and circumstances for declaring a diplomat PNG will be case-specific. Since it is a significant and very public measure, it is not taken frequently and, when it is being considered, it is normal to have a broader conversation, beyond GAC. These decisions are taken very carefully, by weighing all the relevant considerations and potential consequences. It is not unusual for PMO to be involved in PNG declarations, because, on foreign affairs issues, there are generally multiple layers of engagement with a country, from officials, to senior officials, and all the way up to the Prime Minister. Because of this engagement at all levels, it is normal to have close consultations on all measures taken to ensure coordination.

[57] Mr. Clow said it would be hard to imagine a situation where the Prime Minister would not be consulted on this action because the other country’s reaction can be quite severe. Mr. Travers did not recall that, prior to this discussion in May, the Prime Minister had been consulted about a possible decision to declare a PRC diplomat PNG.

## 1.7 Specific Incidents of FI

[58] Ms. Telford testified that, following the 2019 election, she and the Prime Minister were briefed on the intelligence about MP Han Dong. In the Prime Minister’s case, the Clerk delivered the briefing during the transition period.

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<sup>6</sup> CAN018001\_R01.



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- [59] In the discussion following the 2019 election, it was determined that that Mr. Dong would not be promoted to any parliamentary secretary or ministerial-type role. The PMO's expectation after the initial post-election briefing was that the Prime Minister would receive updates on any new information, as he would with on any other case that he would be briefed on. In terms of any specific follow-ups, Ms. Telford testified that there were back-and-forth discussions with intelligence services at the time, including about the fact that it was not uncommon to have buses of supporters in nomination meetings. Ms. Telford and the Clerk sought to understand what were the concerns and the intelligence that they were based on.
- [60] Commission counsel asked the witnesses whether they had a specific recollection of a February 9, 2021 briefing to the Prime Minister, also attended by Mr. Travers, during which Don Valley North was mentioned. Mr. Travers said that this briefing was a write-large overview of FI and the methods, tools, and techniques used by other states. Several examples were raised, including Don Valley North, but there was no particular focus on this case nor additional information.
- [61] The witnesses were referred to Mr. Clow's notes from a briefing with CSIS, the NSIA, and other individuals on March 19, 2023.<sup>7</sup> Mr. Clow testified that the Prime Minister requested this briefing after the media leaks.
- [62] The witnesses were referred to Mr. Clow's notes from a briefing on June 29, 2023.<sup>8</sup> Mr. Clow testified that this was an intelligence briefing ahead of a major Cabinet shuffle that ultimately occurred a month later. The objective of the briefing was for security officials to provide updates about their concerns with respect to other individuals.
- [63] Commission counsel asked the witnesses about references in Mr. Clow's June 29, 2023 notes referencing certain documents and a series of notes that indicate that "KT/BC read", "KT/Brian read" and "PM read these docs on June 30<sup>th</sup>". He recalled that officials brought packages of documents. Some present in the room read the documents during the briefing. Mr. Clow read one in particular either during the briefing or immediately

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<sup>7</sup> CAN018009.

<sup>8</sup> CAN017997.

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after, and he believed that Ms. Telford did so as well. Mr. Clow indicated that, while the Prime Minister had attended the verbal briefing, PMO also provided him with all documents on June 30.

- [64] The witnesses were asked about and provided further evidence about an issue related to foreign interference that resulted in a briefing to the secret-cleared representatives of the Liberal Party of Canada shortly before the 2021 election and to the Prime Minister shortly after. The evidence included a discussion of steps taken in response to this intelligence reporting.
- [65] Commission counsel referred the witnesses to Mr. Clow's notes from the June 29, 2023 briefing. Mr. Clow said that, based on his notes, he believed that an intelligence product was a key item for discussion. He noted that, during the briefing, he was informed that some information had been shared with the Commissioner of Canada Elections.

#### 1.7.1 Incidents of Suspected FI

- [66] The witnesses were asked about the seven significant instances of suspected FI identified in the CSIS Stage 2 Institutional Report ("**CSIS IR**")<sup>9</sup> [in order to create a list of

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<sup>9</sup> [The Classified CSIS Stage 2 Institutional Report delivered to the Commission on July 8, 2024, contained a list of significant instances of suspected foreign interference created at the request of the Commission. In early September 2024, CSIS informed the Commission that it had reassessed one instance which related to a specific parliamentarian, in light of additional information. On September 5, 2024, CSIS undertook a review of public records related to the instance. In the course of this review, CSIS learned information that directly contradicted a significant element of the instance as described in the Classified CSIS IR and the CSIS reporting on which it was based. Since the parliamentarian was not a subject or focus of any investigation, CSIS had not tracked the publicly available information regarding the instance.

According to CSIS, this additional information revealed that this instance had a lesser impact on Canada's democratic processes than CSIS previously understood. CSIS continues to view this as a suspected instance of foreign interference as it demonstrated a foreign government attempting to build, maintain or leverage relationships with parliamentarians using clandestine, deceptive or threatening tactics as defined in the *CSIS Act*. However, CSIS now assesses that this instance is not of the same order of magnitude as other instances listed in the Classified CSIS IR, as the activity did not have the outcome intended by the foreign government. CSIS relayed this reassessment to PCO, including the National Security and Intelligence Advisor ("NSIA"). The NSIA agreed that, in light of this information, the instance should no longer be included in this list. Further consultation across senior government officials

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significant instances of suspected FI, PCO led a series of consultations with CSIS, GAC, the Communications Security Establishment and Public Safety Canada, to arrive at a consensus list of “major instances” specifically for the Stage 2 Institutional Reports. Each department/agency contributed to the discussion and agreed to the final list. The following list is the unclassified, publicly releasable version of the classified list provided to the Commission that is found in the topical summary “Suspected Instances of Foreign Interference”]:

1. Reporting indicates that Government of Pakistan (GoP) officials attempted to clandestinely influence Canadian federal politics with the aim of furthering the GoP’s interests in Canada.
2. Reporting indicates a foreign government undertook several actions, including interference, to reduce the likelihood of a specific Liberal candidate from being elected federally. It is suspected that the foreign government sought to thwart the candidate’s bid given their support for issues perceived to be contrary to the foreign government’s interests.
3. A foreign government official is suspected of foreign interference that resulted in a briefing to the secret-cleared representatives of the Liberal Party of Canada shortly before the 2021 election and the Prime Minister shortly after.
4. Reporting indicates that a foreign government actively supported an individual’s 2019 federal nomination race in Don Valley North, including through the use of a proxy agent.
5. The Government of India is suspected of leveraging proxy agents to clandestinely provide financial support to specific candidates from three political parties in a federal election. The receipt of funds cannot be confirmed, nor the candidates’ potential awareness of the origins.

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resulted in affirmation of this decision. Given the reassessment, CSIS has amended the Classified CSIS IR to remove this item from the list of significant instances.]

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6. A former parliamentarian is suspected of having worked to influence parliamentary business on behalf of a foreign government. ]

[67] The PMO had no awareness of incident 2 until they saw the CSIS IR.

[68] Commission counsel referred the witnesses to a memorandum to the CSIS Director related to incident 6. The witnesses were not aware of this incident before seeing the CSIS IR.

[69] The witnesses were asked about a briefing they received related to incident 5. Mr. Clow indicated that no names of candidates or MPs were communicated during the briefing.

[70] Ms. Telford said that, before the Ministerial Directive was in place, PMO would as a general practice receive intelligence with the names sanitized. She would sometimes ask for the name and the CRO or the NSIA (depending on who briefed her) whether one or more names could be unmasked, and they would take that back to consider. In some cases, after going through approval processes, they were able to clarify certain individuals and sometimes not.

[71] In general, PMO would not receive intelligence about other parties or unmasked names of their representatives. Typically, names would be unmasked where there was an interaction with a member of the Liberal caucus or a business leader. This changed with the Ministerial Directive, and this has become a source of ongoing debate, in which the possibility of providing the information to cleared party representatives is discussed.

[72] Ms. Telford noted that, now that the leader of the New Democratic Party of Canada has a security clearance, he can be briefed on a number of issues directly or indirectly related to his party. She noted that it was challenging when a party leader was not cleared. PMO has asked whether it is nonetheless possible to inform the party of some of the trends, because shedding a light on FI is one of the best means to counter it. Ms. Telford believed that this is an issue that the system was still trying to determine how to handle. She referred to ongoing discussions to bring specific intelligence reporting about FI and disinformation to the attention of a party and indicated that, currently, there is no way to speak to party officials who do not have the required clearances. Ms.

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Telford believed that how to share and act on classified information was probably the greatest challenge.

- [73] In the past, the system appears to have partly operated under the approach that providing intelligence to parties was a solution, questioned how helpful it ultimately is to provide cleared representatives with information they cannot do anything with. She agreed it was ultimately better to share information than not, but that this remained a core question. The Liberal government has put in place different mechanisms to push action within the system, but these can still be improved. She noted that the creation of NSICOP had also started to address this issue, since it involves representatives from all other parties.
- [74] Mr. Clow referred to certain intelligence reporting. The allegation's significance was such that an opposition party needed to be informed. An individual in the other party obtained the required security clearance and the information was shared by the NSIA. Mr. Clow indicated that this was a unique example in that the other party was informed of the reporting. Mr. Clow believed that exploring how information can be shared with other parties is a core question to address FI.
- [75] The witnesses did not recall being informed of the incident removed from the list found in the Classified CSIS IR referred to in footnote 9 until being questioned about the CSIS IR.