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

Public Summary of the Classified *In Camera* Examination of: Ms. Alia Tayyeb, Mr. Dan Rogers

Senior officials from the **Communications Security Establishment (CSE)** were examined by Commission Counsel on March 5, 2024 in an *in camera* hearing. The witnesses were Alia Tayyeb and Dan Rogers, who were examined in panel format. The Attorney General of Canada attended and had the opportunity to examine the witnesses. The hearing was held in the absence of the public and of the other Participants.

Notes to Reader:

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

1. Examination by Commission Counsel

[1] Each witness confirmed the accuracy of the classified version of the classified CSE Interview Summary and adopted it as their evidence. The Summary was entered as an exhibit.

1.1 Roles and Responsibilities

[2] Each witness described the roles they held at CSE from 2018 onwards.

[3] Ms. Tayyeb began work at CSE in 2020. In 2022, she was appointed Deputy Chief of **Signals Intelligence ("SIGINT").**

[4] Mr. Rogers started at CSE as a student in the early 2000s. He was appointed Deputy Chief of SIGINT in 2018 and was appointed Associate Chief of CSE in 2022. He held this position until 2023.

1.2 Signals Intelligence ("SIGINT")

[5] Mr. Rogers described signals intelligence as the collection of intelligence from the global information infrastructure (more colloquially known as the Internet) through electronic means on behalf of the Government of Canada. Mr. Rogers and Ms. Tayyeb added that CSE is not permitted to direct its collection efforts at Canadians or within Canada.

1.3 Mandate and Aspects of Mandate

[6] Mr. Rogers and Ms. Tayyeb explained that cyber security is an aspect of CSE's mandate. CSE aims to defend Government of Canada systems or other systems of importance from cyber threats, regardless of whether those threats are of domestic or foreign origin. Mr. Rogers confirmed that if there is an attack, regardless of the source, CSE will be defending to counter that attack.

[7] Mr. Rogers and Ms. Tayyeb confirmed that CSE accepts the definition of **foreign interference ("FI")** laid out in the *Canadian Security Intelligence Service Act*,[1] though

[1] RSC 1985, c c-23

CSE's intelligence collection is broader than that of the **Canadian Security Intelligence Service ("CSIS")**. This is because CSE looks at foreign influence, which is broader than FI, as well as other malign activities.

[8] Mr. Rogers confirmed that transnational repression would be captured by CSE's collection mandate.

[9] Mr. Rogers and Ms. Tayyeb explained that, in response to the Cabinet Directive on Intelligence Priorities, CSE collects intelligence in a manner consistent with its mandate to support the government's objectives. There is a broader community effort to refine the Cabinet Directive into specific priorities that CSE can operationalize. Ms. Tayyeb explained that these priorities change over time and are modified through a process directed by the Privy Council Office ("PCO"). This process attaches tiers to intelligence priorities. The witnesses confirmed that FI was an intelligence priority at the time of both the 2019 and the 2021 federal elections.

[10] Ms. Tayyeb explained that CSE's mandate has five aspects:

a) **Foreign Signals Intelligence.** CSE collects signals intelligence to determine motivations, intentions, and capabilities of foreign entities.

b) **Cyber Security and Information Assurance.** This involves defending Canada's governmental systems and other systems of importance. Mr. Rogers noted that CSE works closely with Elections Canada to put preventative measures in place to protect cyber election infrastructure.

c) **Active Cyber Operations.** CSE can take actions to disrupt or degrade foreign threat activity in matters of international affairs, defence and security. These efforts generally target potential threats in the international arena.

d) **Defensive Cyber Operations.** CSE can directly intervene when there is a cyber attack against a Government of Canada network or system of importance. Mr. Rogers and Ms. Tayyeb explained that there were defensive cyber operations planned in preparation for both the 2019 and the 2021 elections. They did not have to be conducted in either instance. Mr. Rogers explained that **the Canadian Centre for Cyber Security (the "Cyber Center")** was vigilant in monitoring Elections

Canada's systems and other related networks during both election periods. Ms. Tayyeb noted that foreign adversarial actors are constantly trying to compromise Canadian government networks. Both confirmed that there were no successful cyber attacks targeting electoral networks during either the 2019 or the 2021 elections.

e) **Assistance Mandate.** CSE provides operational and technical assistance to other agencies. CSE is bound to operate within the mandate and authorities of the agency it assists, rather than its own mandate. Where CSE assists another agency, such as CSIS, the intelligence collected by CSE belongs to CSIS, not to CSE. CSE will sometimes use sensitive techniques to collect intelligence in support of its assistance mandate. These sensitive techniques might be subject to additional controls or conditions imposed by intelligence partners.

1.4 CSE's Election Posture

1.4.1 Threat Coverage

[11] Mr. Rogers and Ms. Tayyeb testified that during 2019 and 2021 elections, CSE was able to collect and obtain intelligence that malign influence activities were being undertaken by state actors against Canada.

[12] Both witnesses explained that CSE's focus differed slightly between the 2019 and 2021 elections. For example, Mr. Rogers recalled that the main area of concern in 2019 was disinformation.

[13] Mr. Rogers described the posture of the Cyber Center ahead of the both the 2019 and 2021 elections as being highly vigilant and with a heightened rhythm of coordination.

[14] Ms. Tayyeb testified that while there was no formal timelines for reporting and disseminating incoming intelligence during the writ period, there was an internal group established within CSE to coordinate the key areas of attention. Mr. Rogers noted that during both writ periods, the operational coordination center within CSE had stood up coordination events to draw upon the expertise of all the branches and make sure that intelligence was disseminated in a timely manner. This facilitated the creation of channels for internal communication on any incoming intelligence related to FI.

1.4.2 GE 44 – 2021 Election

[15] Ms. Tayyeb testified that while CSE observes a consistent or baseline amount of foreign interference and malign influence activities during elections, the most significant piece of intelligence CSE collected in relation to the 2019 and 2021 elections was obtained shortly after the 2021 election. That intelligence was shared with the **Security and Intelligence Threats to Elections Task Force ("SITE TF")** soon after it was collected.

[16] Ms. Tayyeb explained the method by which this intelligence was collected, when it was reported, and the complex steps involved in producing intelligence of this kind. Ms. Tayyeb testified that the significance of the intelligence was apparent. The intelligence was promptly shared with the Minister of National Defence, SITE TF, the RCMP and CSIS. A separate version of the product was released to Five Eyes partners. Ms. Tayyeb noted that the information was shared with the **Royal Canadian Mounted Police ("RCMP")** and CSIS because of the agencies' respective mandates. CSE was unable to confirm whether either agency took any actions in response to the report and whether the distribution of funds described in the intelligence report actually took place.

[17] Ms. Tayyeb noted that CSE does everything it needs to do to expedite the review of information obtained in urgent circumstances. She explained that CSE can call in for overtime work and additional resources. Mr. Rogers noted that there will always be more threats than resources. He suggested that the main challenge to CSE is finding specialized resources for a specific problem. While some priorities are consistent over time, if there is a pivot in countries or regions of interest, CSE may have to recruit specialists in new languages. Ms. Tayyeb added that is it sometimes challenging to prioritize resources internally. For example, if CSE decides to prioritize obtaining intelligence on a specific country, they may have to reduce their efforts against other countries.

[18] The witnesses explained that CSE's internal system can track who has requested and received intelligence products either digitally or in paper form. Ms. Tayyeb emphasized that when intelligence is shared internally or externally, the author will supress the names of any Canadians mentioned therein. Specific requests must be made and authorized for the release of the identities of any Canadians mentioned in an intelligence report. In the case

of the intelligence report described above at paragraph [15], both CSIS and the RCMP received the names of the Canadians mentioned in the report.

1.5 Mis / Disinformation and Difficulties with Attribution

[19] Mr. Rogers testified that CSE has a role in detecting FI through online and social media. CSE looks at the intentions and activities undertaken by foreign states more broadly such that FI is necessarily captured by the mandate. Where CSE is able to identify an orchestrated campaign by a foreign government, carried out outside of Canada, this falls within the CSE mandate.

[20] The witnesses testified about the role of CSE in assessing or evaluating data provided by **Global Affairs Canada ("GAC")** through the **Rapid Response Mechanism ("RRM")** in respect of potential disinformation or misinformation campaigns in 2019 and 2021. They confirmed that shortly before the election in 2019, CSE was asked to evaluate data collected by the RRM in relation to potential social media interference in Canadian democratic processes by a foreign state. The witnesses explained that CSE is sometimes unable to evaluate the open-source investigations of the RRM. Mr. Rogers noted that where CSE is unable to obtain certain technical details that are often unavailable through open-sources, it is not possible for CSE to conclusively attribute an online campaign to a foreign state.

[21] When asked about whether CSE had investigated the allegations that there was a PRC driven social media campaign against the Conservative Party of Canada (CPC) – specifically Erin O'Toole and Kenny Chiu – during the 2021 election period, Mr. Rogers said that CSE was aware of these allegations through their involvement with the SITE TF. Mr. Rogers emphasized that CSE does not have the authority to collect signals intelligence on Canadians or individuals within Canada posting on social media even when the posts are on foreign owned platforms such as WeChat. Ms. Tayyeb added that if GAC were able to provide CSE with IP addresses that suggested that the activity on one of these platforms was foreign, CSE would have the authority to investigate.