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

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

## Interview Summary: Privy Council Office – Democratic Institutions (Allen Sutherland)

Allen Sutherland was interviewed by Commission Counsel on February 7, 2024. The interview was held in a secure environment and included references to classified information. This is the public version of the classified interview summary that was entered into evidence in the course of the Commission's in camera hearings held in February and March 2024.

### 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. Any information provided during the interview 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 Institutional Report prepared by PCO ("**PCO IR**").

### Background

Allen Sutherland has been the Assistant Secretary to the Cabinet (Machinery of Government and Democratic Institutions) at the PCO since Fall 2016.

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The Democratic Institutions Secretariat (DI) is a small secretariat within PCO composed at different times of between 10-20 staff. It provides policy support to the Prime Minister and advice to the Minister of Democratic Institutions (Minister) on institutional issues that impact Canadian democratic institutions. For example, the DI advises the Minister on legislative changes to the *Canada Elections Act* (a process that is often undertaken every two elections or so) and on matters related to the Leaders Debates Commission. In the context of Foreign Interference (“FI”), DI primarily works with publicly available information and is not usually a recipient of intelligence. While not part of the national security community, DI has some ancillary interaction with members of the community. DI is primarily concerned with developing policies to promote effective governance. DI’s main involvement with FI stems from its leadership in the development of the policy framework to protect elections (e.g. Plan to Protect Canada’s Democracy) and its support of and involvement with the Panel of Five (the “Panel”) around both GE43 and GE44.

### Plan to Protect Canada’s Democracy

Mr. Sutherland described DI’s role in supporting the Honourable Karina Gould, then Minister of Democratic Institutions, as she advanced the “Plan to Protect Canada’s Democracy” (the “Plan”), which was initially enacted on January 30, 2019 and refreshed in 2021. He described the motivation for the creation of this plan in the context of the 2016 United States Presidential election and the allegations around Russian FI. The plan was intended to prevent a Canadian incidence of the “Obama dilemma”, a situation in which President Obama was aware of intelligence that Russia was interfering in the 2016 Presidential election but could not publicly address these allegations without creating the appearance of electoral interference. Mr. Sutherland described that the plan emerged in the context of leaks in France and Germany that demonstrated the increasing capabilities of adversaries to interfere in democracies. For that time period, he noted that Chinese interference was of relevance but Russian interference was of greater prominence.

Mr. Sutherland described the Plan as multi-faceted. Its four pillars each relate to the government- wide efforts at combatting FI, directly or indirectly. Mr. Sutherland explained that the objective of the plan was to “bring together unusual suspects” by bringing together agencies from within and beyond the National Security community that do not generally

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work together on national security matters to discuss issues of concern to Canadian democracy. This “whole-of-government” input approach was paired with mechanisms to receive input from civil society. Canadian Heritage played an instrumental role in driving the civil engagement aspect of the Plan. The Government also reached out to major social media platforms. Mr. Sutherland recalled that Minister Gould often repeated that the best protection in a democracy was an informed citizenry. This principle was foundational to the policies envisaged by the Plan.

The Plan also led to a Cabinet Directive on the Critical Election Incident Public Protocol (“CEIPP” or the “Protocol”) which was published on July 9, 2019.

Mr. Sutherland provided context to the creation of the Security and Intelligence Threats to Elections Task Force (SITE). SITE, which brings together the four main federal agencies responsible for ensuring security: the Royal Canadian Mounted Police, Canadian Security and Intelligence Service, Communications Security Establishment, and Global Affairs Canada, to promote the sharing of election threat related information across these agencies. These agencies are not granted any additional authority to share intelligence but rather share information within their existing mandates. SITE is designed to provide the Panel with unfiltered intelligence on electoral threats during the caretaker period. Mr. Sutherland emphasized that it is not within SITE’s mandate to filter the intelligence provided to the Panel. Panel of 5 members also had access to other sources of information, including through their respective departments.

According to Mr. Sutherland, the Electoral Security Coordination Committees (ESCC) operated as a mechanism to engage with Elections Canada to harden the digital systems in place to protect against potential cyber incidents during the election period.

Following the 2019 election, Mr. Sutherland noted that changes were made to the Protocol. First, the Protocol was expanded to apply to future general elections. Second, several changes were put in place, some of which simply formalized practices that had been adopted throughout the 2019 election period: (a) the Panel was explicitly authorized to consult the Chief Electoral Officer, (b) a path for political parties to contact the Panel with issues, (c) the Panel’s mandate was expanded from the writ period to the caretaker period, including as applicable from the election day up to the day a new government is

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formed. This last element was considered particularly important given the events in the United States on January 6, 2021, which occurred post-election but before Inauguration. Mr. Sutherland explained that should a similar event occur in Canada, the Panel required the ability to respond to this threat and ensure the continuity of government.

Mr. Sutherland explained that Canada has taken a leadership role within the G7 on foreign disinformation through the Rapid Response Mechanism (“RRM”). The RRM monitors social media to identify inauthentic activity and bring it to the attention of the relevant authorities. It is also a tool to facilitate the communication of best practices between allies.

### Flow of Information Generally

In terms of the election incident response architecture<sup>1</sup> and the relationship as between SITE and the ESCC referred to in the Plan, Mr. Sutherland emphasized that information generally went directly from SITE to the Panel and cautioned against over-systematizing the architecture for information sharing in this area. SITE was not created to filter information but rather to forward information directly to the Panel for consideration.

Mr. Sutherland noted that Minister Gould took a persistent interest in FI and other national security matters that sometimes went beyond the express mandate of the DI portfolio. Minister Gould’s interest in the election-related intelligence led to a relatively consistent flow of information to her office from the agencies. Mr. Sutherland was generally not involved in this stream of intelligence.

After Minister Gould’s departure from the role as Minister of Democratic Institutions at the end of 2019, Mr. Sutherland explained that DI reported to the Honourable Dominic LeBlanc. Minister LeBlanc was responsible for elections-related matters even though there was no formal reference to “Minister of Democratic Institutions” in his title from 2019 to 2023. According to Mr. Sutherland, this change in leadership did not tangibly impact Mr. Sutherland’s reporting relationship with the Minister.

Further, Mr. Sutherland explained that during the writ period, the caretaker convention requires that the government have a more restrained role. Ministers remain in a ministerial

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<sup>1</sup> [Reference to a classified document] / [Relevant content is included in CAN002356, at p. 7].

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role during the caretaker period and could still receive intelligence in exceptional circumstances, but they generally delegated the routine business to their Deputy Ministers. Mr. Sutherland noted a theoretical risk that the Ministers could obtain information that would inadvertently assist them in their campaigns rather than in their Ministerial duties.

### Panel of 5 – General

Mr. Sutherland was an observer on the Panel throughout both election periods. As an observer, he played a secretarial function and assisted in the agenda-setting of Panel meetings. His role was to support the Panel, and not to attempt to identify cases of FI.

Mr. Sutherland described hypothetical scenarios that were presented to the Panel to facilitate discussions about the scope of their remit, resources, and decision-making power. The goal of hypothetical scenarios was to assist the Panel in developing effective decision-making through consensus building.

In his role at DI, Mr. Sutherland developed relationships with the Canadian directors of social media companies such as Facebook, Twitter, and Microsoft. Following the terms of the voluntary Canada Declaration on Electoral Integrity Online, these social media companies would sometimes identify inauthentic activity on their platforms and bring them to his attention. Mr. Sutherland could then bring this information to the Clerk and to the Panel. For instance, Facebook brought an article from the Buffalo Chronicle to Mr. Sutherland's attention, which contained misinformation about Prime Minister Trudeau. The content might have gained significant attention were it amplified, and therefore risked threatening the integrity of the election. At the direction of then Clerk of the Privy Council Ian Shugart, Mr. Sutherland asked Facebook to remove the article. Facebook complied.

Mr. Sutherland remembered the Panel discussing the Buffalo Chronicle article to determine whether it reached the threshold for a public announcement. Because the system had debunked the false news, the Panel did not have to make an announcement. The information ecosystem had cleansed itself. When calculating whether a public announcement by the Panel is merited, the Panel recognized that an intervention by the Panel can also have an effect other than what was intended. For instance, a public

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announcement might amplify, rather than reduce the impact of misinformation and disinformation.

Twitter informed Mr. Sutherland that they did not identify any specific inauthentic activity of concern but did identify the potential for misinformation and disinformation increased in volume around election debates. Microsoft hosted Minister Gould in Seattle to discuss the types of FI they were observing around the world. Mr. Sutherland explained that this meeting helped Minister Gould advance her thinking on the policy related to addressing FI.

Briefings to political parties were important because, particularly during elections, political parties are large volunteer organizations that cannot thoroughly vet all of their staff. This reality makes them vulnerable to FI. Briefings were held with all interested political parties together. He noted that there was sometimes a reluctance to ask questions because the parties were in the presence of their rivals, but ultimately they led to fruitful discussions on the margins of (or after) formal meetings. The Chair of the Conservative Party of Canada and Anne McGrath from the New Democratic Party participated. Mr. Sutherland confirmed that he believed that these briefings to political parties were well received at the time, which was reflected in feedback.

### Panel of 5 – Threshold

Mr. Sutherland explained that the Panel is the master of the threshold. Panel members are intended to exercise their judgement, as senior government officials, to determine whether a threat rises to the level of impacting the integrity of the election such that a public announcement may be warranted. The Panel members continually discussed the question of what could meet the threshold. Mr. Sutherland explained that there was a sense within the Panel that the threshold could be met if only one or two ridings were affected by FI. Mr. Sutherland opined that the Panel had to be cautious in setting the threshold too low because doing so could play into the objectives of adversaries attempting to sow doubt about Canadian democracy. If the Panel intervened too often, the public would stop listening and might also think that their democracy is not working, undermining public confidence in the election and in democratic institutions.

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A public announcement was the Panel's last resort. It was hoped that other actors might step forward to debunk or discredit misinformation or disinformation. The Panel might also encourage other means, such as threat reduction measures, to address FI.

**GE 43 – Review of the Protocol**

Mr. Sutherland mentioned that Jim Judd, who was responsible for accessing the Protocol's success after the 2019 election felt that the Protocol was successful. Mr. Sutherland viewed the development of the Canada Declaration on Electoral Integrity Online as a success, despite being only a voluntary initiative. Following the Judd report, the Panel of 5's mandate was expanded to explicitly consider threats from domestic sources as well as from foreign adversaries.

**GE 44 – Review of the Protocol**

Though the Minister changed in the inter-election period, Mr. Sutherland believed there was continuity with respect to the Plan and ongoing DI initiatives. Minister LeBlanc announced a revised Protocol. Mr. Sutherland expressed the view that a built-in strength of the Protocol was that it had an evaluation mechanism that allowed them to learn from GE43 ahead of GE44.

Mr. Sutherland indicated that there were changes in the global perspective on FI between the elections. For instance, the public had developed a greater awareness of the domestic threats posed by **ideologically motivated violent extremists ("IMVE")**. The Government's perspective on adversaries also changed during this period. Historically, Russia was perceived as the main electoral threat actor. Russia was understood to be interested in determining the outcome of an election and putting certain people in power. In 2021, the Government better understood that there were adversaries who wanted to sow chaos and target democratic institutions more generally. In 2021, Mr. Sutherland understood that China engaged in "traditional," person to person FI on a small scale.

GE 43 was a "fixed date" election whereas GE44 was initiated by the Prime Minister in the summer of 2021. This made a difference to the public's awareness of the Panel, because the Panel could not publicly announce its existence ahead of the election. Part

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of the Panel's purpose is to assure the public of the non-partisan measures in place to protect election integrity during the election period. This assurance was more difficult to provide without a fixed dated election.

### Specific Incidents of FI

Mr. Sutherland was asked about the following:

#### **1) PRC Foreign Interference Network in the Greater Toronto Area**

Mr. Sutherland confirmed that he did not see intelligence on the alleged PRC foreign interference network. He recalls some discussion of PRC FI in Toronto at Panel meetings. Allegations about a range of electoral ridings and the existence of a network would have been concerning to him at the time had he been aware of it.

Mr. Sutherland did not recall Minister Gould being briefed on the alleged network. If such a briefing took place, it could have been initiated by either the Minister or by the Director of the Canadian Security and Intelligence Service (CSIS).

#### **2) Allegations of Foreign Interference in the Nomination Campaign of Han Dong**

Mr. Sutherland did not have direct knowledge of an Intelligence Assessment related to Han Dong's nomination. He remembered a discussion about the Don Valley North riding during a SITE briefing to the Panel, which would have implicitly identified Han Dong. Mr. Sutherland was generally aware of allegations that bus loads of students had been driven to nomination polls.

Mr. Sutherland described the nomination process as related though somewhat distinct from the electoral process. The nomination process therefore presents challenges to the existing threat reduction infrastructure. These limitations may be particularly problematic in ridings where the nomination process is more competitive than the election. Public announcements under the Protocol do not necessarily apply to the nomination process



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because political parties are private entities who are responsible for managing their own nomination processes and rules. The Government's ability to intervene in these processes is somewhat limited, as there is reluctance to create legislation that would govern political party operations. While the government can create awareness of the FI threats in the nomination processes, it is also important to foster trust in political parties.

**3) Chinese State Media and Other Online Activity During the 2021 ElectionGE44**

Mr. Sutherland confirmed intelligence related to Chinese State media and other online activity during GE44 came to the attention of the Panel and to the political parties in 2021. The political parties received RRM briefings. It was difficult to conclusively attribute the misinformation to the PRC. Though similar misinformation was circulating on WeChat and in the Global Times about both Erin O'Toole and Kenny Chiu, the Panel had to grapple with the question of whether there was sufficient evidence to attribute these efforts to the PRC. In considering whether this type of activity would threaten the integrity of the election, the Panel looked at various factors such as: the extent of the viewership of the misinformation and the plausibility of the content. This is an exercise in judgement.

Mr. Sutherland attended one meeting with Walied Soliman, the Chair of the Conservative Party after the 2021 election. Mr. Soliman raised concerns about the PRC disinformation campaign, but did not provide any evidence.

In response to a question, Mr. Sutherland explained that the WeChat misinformation issue could be seen as different than the Buffalo Chronicle issue because of (1) the nature of the misinformation; and (2) the fact that it was written in Mandarin meant that the content would likely only reach Chinese diaspora readers. In addition, the Buffalo Chronicle article presented false and inflammatory information directly targeting the Prime Minister's character, whereas the WeChat postings discussed substantive policy issues, albeit also in an inflammatory manner. The Buffalo Chronicle article was more apt to go viral because of its inflammatory content. These factors did not mean that the latter situation was less important, only that they had different features.

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## Conclusion

Mr. Sutherland indicated that the Panel's remit is the caretaker period. Much of the intelligence discussed during the interview was collected outside the election periods, during which time the responsibility to act on intelligence falls to Ministers.