



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 Hearing

Audience publique

**Commissioner / Commissaire
The Honourable / L'honorable
Marie-Josée Hogue**

VOLUME 4

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II Appearances / Comparutions

Commission Lead Counsel / Procureure en chef de la commission	Shantona Chaudhury
Commission Counsel / Avocat(e)s de la commission	Gordon Cameron Erin Dann Matthew Ferguson Hubert Forget Howard Krongold Hannah Lazare Jean-Philippe Mackay Kate McGrann Lynda Morgan Siobhan Morris Annie-Claude Poirier Gabriel Poliquin Natalia Rodriguez Guillaume Rondeau Nicolas Saint-Amour Daniel Sheppard Maia Tsurumi
Commission Research Council / Conseil de la recherche de la commission	Geneviève Cartier Nomi Claire Lazar Lori Turnbull Leah West
Commission Senior Policy Advisors / Conseillers principaux en politiques de la commission	Paul Cavalluzzo Danielle Côté
Commission Staff / Personnel de la commission	Annie Desgagné Casper Donovan Michael Tansey

III

Appearances / Comparutions

Ukrainian Canadian Congress

Donald Bayne

Jon Doody

Government of Canada

Gregory Tzemenakis

Barney Brucker

Office of the Commissioner of
Canada Elections

Christina Maheux

Luc Boucher

Human Rights Coalition

Hannah Taylor

Sarah Teich

Russian Canadian Democratic
Alliance

Mark Power

Guillaume Sirois

Michael Chan

John Chapman

Andy Chan

Han Dong

Mark Polley

Emily Young

Jeffrey Wang

Michael Chong

Gib van Ert

Fraser Harland

Jenny Kwan

Sujit Choudhry

Mani Kakkar

Media Coalition

Christian Leblanc

Patricia Hénault

Centre for Free Expression

John Mather

Michael Robson

IV Appearances / Comparutions

Churchill Society	Malliha Wilson
The Pillar Society	Daniel Stanton
Democracy Watch	Wade Poziomka Nick Papageorge
Canada's NDP	No one appearing
Conservative Party of Canada	Michael Wilson Nando de Luca
Chinese Canadian Concern Group on The Chinese Communist Party's Human Rights Violations	Neil Chantler
Erin O'Toole	Thomas W. Jarmyn Preston Lim
Senator Yuen Pau Woo	Yuen Pau Woo

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Ottawa, Ontario

1
2 --- Upon commencing on Thursday, February 1, 2024 at
3 10:00 a.m / L'audience débute le jeudi 1 février 2024 à
4 10 heures

5 **THE REGISTRAR:** Order, please. À l'ordre
6 s'il vous plaît.

7 This sitting of the Foreign Interference
8 Commission is now in session. Commissioner Hogue is
9 presiding.

10 Cette séance de la Commission sur l'ingérence
11 étrangère est maintenant en cours. La commissaire Hogue
12 préside. Time is 10:00 a.m.

13 **COMMISSIONER HOGUE:** Good morning, everybody.
14 Bonjour et bienvenue.

15 **MR. GORDON CAMERON:** Bonjour. Merci.

16 **COMMISSIONER HOGUE:** So Mr. Cameron, I
17 understand you're the counsel leading the examination this
18 morning. I have a cell with me but I have no intent of using
19 it, except to keep the time.

20 **MR. GORDON CAMERON:** Which reminds me....

21 Good morning, Madam Commissioner, my name's
22 Gordon Cameron. I am one of the Commission counsel. And
23 this morning I am joined by M. Jean-Philippe Mackay, who will
24 be one of the counsel also leading the witnesses in these
25 questions.

26 We have this morning a panel of witnesses.
27 In contrast to yesterday, where we had former national
28 security intelligence officials appearing as a panel, we have

1 today current or, you might say, incumbent national security
2 intelligence officials.

3 And the parties will have noted the
4 difference in today's proceeding, relative to what we've had
5 so far this week, is that these people before you are
6 appearing as witnesses giving evidence as opposed to just
7 having a panel discussion.

8 So let me introduce the panel to you,
9 Madam Commissioner. Sitting closest to you it's Mr. Daniel
10 Rogers, who is the Deputy National Security and Intelligence
11 Advisor at the Privy Council Office.

12 **COMMISSIONER HOGUE:** Good morning.

13 **MR. GORDON CAMERON:** In the middle of the
14 panel, and sitting beside Mr. Rogers, is Mr. David Vigneault,
15 the Director of the Canadian Security Intelligence Service.
16 And sitting beside him is Ms. Alia Tayyeb, the Deputy Chief
17 of Signals Intelligence at ---

18 **COMMISSIONER HOGUE:** Bonjour.

19 **MR. GORDON CAMERON:** --- Communications
20 Security Establishment.

21 I -- if I could ask the court operator to
22 please affirm the witnesses.

23 **THE REGISTRAR:** Please state your full name
24 for the record.

25 **MR. DANIEL ROGERS:** Daniel Rogers.

26 **THE REGISTRAR:** Please spell the last name.

27 **MR. DANIEL ROGERS:** R-O-G-E-R-S.

28 --- **MR. DANIEL ROGERS, Affirmed/Sous affirmation solennelle:**

1 **THE REGISTRAR:** Please state your full name
2 for the record.

3 **MR. DAVID VIGNEAULT:** David Vigneault.

4 **THE REGISTRAR:** Spell your last name.

5 **MR. DAVID VIGNEAULT:** V-I-G-N-E-A-U-L-T.

6 **--- MR. DAVID VIGNEAULT, Affirmed/Sous affirmation**
7 **solennelle:**

8 **THE REGISTRAR:** Bonjour.

9 **MS. ALIA TAYYEB:** Bonjour.

10 **THE REGISTRAR:** Pouvez-vous indiquer votre
11 nom, s'il vous plait?

12 **MS. ALIA TAYYEB:** It's Alia Tayyeb.

13 **THE REGISTRAR:** And can you spell your last
14 name.

15 **MS. ALIA TAYYEB:** T-A-Y-Y-E-B.

16 **--- ALIA TAYYEB, Affirmed/Sous affirmation solennelle:**

17 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR**

18 **MR. GORDON CAMERON:**

19 **MR. GORDON CAMERON:** Thank you, panel. Now,
20 just some formalities. For the record, you probably have
21 with you, but in all events, the reference I'm going to make
22 is to the document that is entitled Institutional Report on
23 the Protection of Information in the National or Public
24 Interest. And for the record, the parties will be able to
25 find this by reference to its number, CAN.DOC 3.

26 And I'll ask you, Mr. Rogers, as the panel's
27 representative from the Privy Council Office, can you confirm
28 this -- that this report was prepared by and represents the

1 evidence of the Government of Canada for the Commission?

2 **MR. DANIEL ROGERS:** Yes.

3 **MR. GORDON CAMERON:** Thank you.

4 And panel, you'll also have with you, or will
5 be familiar with a document entitled Witness Interview
6 Summary for an interview on January 16th, 2024. And again,
7 for the reference of parties, that has the document number
8 W-I-T, or WIT4.

9 And Witnesses, do you have any corrections to
10 make to this summary?

11 **MR. DANIEL ROGERS:** No.

12 **MR. DAVID VIGNEAULT:** I do not.

13 **MR. GORDON CAMERON:** Thank you. And thus,
14 can you agree that it is an accurate summary of your
15 interview with Commission counsel on January 16th, 2024?

16 **MR. DAVID VIGNEAULT:** Yes.

17 **MS. ALIA TAYYEB:** Yes.

18 **MR. GORDON CAMERON:** Thank you.

19 And finally, parties will by now be familiar
20 with the letter from the Attorney General of Canada, dated
21 December 15th, 2024, and that is at Tab, or an appendix to
22 the document that was first entered as CAN.DOC 3, the
23 Institutional Report. That letter had attached to it 13
24 redacted documents, but they were not included with the
25 Institutional Report, so I would like to enter them now. And
26 rather than run through all 13 document numbers, participants
27 will be familiar with the set of the documents I'm referring
28 to. It begins with CAN 900 and ends with CAN 5847.

1 And I'd ask the court operator to have those
2 entered as the next 13 exhibits.

3 **--- EXHIBIT No./PIÈCE No. CAN.DOC 3:**

4 Institutional Report on the
5 Protection of Information in the
6 National or Public Interest - Public
7 Inquiry into Foreign Interference in
8 Federal Electoral Processes

9 **--- EXHIBIT No./PIÈCE No. CAN.DOC 4:**

10 Rapport institutionnel sur la
11 protection de l'information dans
12 l'intérêt national ou public -
13 Enquête publique sur l'ingérence
14 étrangère dans les processus
15 électoraux et les institutions
16 démocratiques

17 **--- EXHIBIT No./PIÈCE No. WIT 3:**

18 Interview Summary: David Vigneault
19 (Canadian Security Intelligence
20 Service), Alia Tayyeb (Communications
21 Security Establishment), Daniel
22 Rogers (Privy Council Office)

23 **--- EXHIBIT No./PIÈCE No. WIT 4:**

24 Résumé d'entrevue : David Vigneault
25 (Service canadien du renseignement de
26 sécurité), Alia Tayyeb (Centre de la
27 sécurité des télécommunications),
28 Daniel Rogers (Bureau du Conseil

1 Democratic Institutions - 2021

2 --- EXHIBIT No./PIÈCE No. CAN 5836:

3 CSIS Intelligence Report

4 --- EXHIBIT No./PIÈCE No. CAN 5847:

5 CSIS Intelligence Report

6 --- EXHIBIT No./PIÈCE No. CAN.DOC 1:

7 Letter to Commission from Government
8 of Canada - National Security
9 Confidentiality Review

10 --- EXHIBIT No./PIÈCE No. CAN.DOC 2:

11 Lettre à la Commission de la part du
12 Gouvernement du Canada: Rapport
13 institutionnel sur la protection de
14 l'information dans l'intérêt national
15 ou public

16 **MR. GORDON CAMERON:** And, parties, when
17 you're referring to these documents, they're -- functionally,
18 their exhibit number is their CAN.DOC number. So you would
19 refer to it as CAN 3781, or whatever, and the court operator
20 will probably be able to get it up on the screen for you for
21 reference as you're conducting your examinations if you do
22 want to have reference to any of these documents.

23 And Madam Commissioner, through you, I will
24 make this observation for the benefit of the participants,
25 which is that about those 13 documents, this panel can and is
26 here to answer questions about the nature of the redactions
27 on these documents, but this week's hearing is not the place
28 for examination of these witnesses on the substance of the

1 content of the documents.

2 And on that point, again just an observation
3 to assist the parties in framing their questions: This panel
4 is before you, Madam Commissioner, to speak about national
5 security confidentiality. Though they are well qualified to
6 speak to other matters that are relevant to the Commission's
7 mandate, they are not here today for that purpose, and
8 questions about the substantive parts of the Commission's
9 mandate should be saved for the hearings on those topics.
10 Representatives of these departments or perhaps even these
11 witnesses will appear again and parties will have an
12 opportunity at that time to ask substantive questions about
13 the Commission's mandate, but today, they are here to speak
14 to national security confidentiality.

15 **COMMISSIONER HOGUE:** I do understand.

16 **MR. GORDON CAMERON:** With that said, I will
17 hand the mic over to M. Mackay to commence the conduct of the
18 examination.

19 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR Me**

20 **JEAN-PHILIPPE MacKAY :**

21 **Me JEAN-PHILIPPE MacKAY:** Bonjour, Madame la
22 Commissaire. Bonjour à nos témoins. Mon nom est Jean-
23 Philippe MacKay. Je vais commencer l'interrogatoire des
24 trois témoins ce matin. Peut-être un préambule avant de
25 commencer.

26 Depuis le début de la semaine, Madame la
27 Commissaire, nous avons eu l'occasion d'entendre différents
28 experts ou des témoins hier, d'anciens représentants de

1 certaines agences qui sont représentées ici aujourd'hui, mais
2 aujourd'hui on commence la preuve, donc il y aura évidemment
3 certaines répétitions de certaines notions que nous avons
4 entendues cette semaine, mais on va néanmoins demander aux
5 témoins d'expliquer, avec un certain degré de détails,
6 certaines choses dont nous avons déjà parlé cette semaine.

7 Donc, je vais commencer par un autre... un
8 avertissement à nos témoins.

9 Lorsque vous utilisez des acronymes, on
10 comprend que vous évoluez dans un univers où les acronymes
11 sont rois, donc on vous demanderait d'expliquer les acronymes
12 et de faire attention et de ne pas tenir pour acquis que je
13 connais, que Madame la commissaire connaît les acronymes, mai
14 surtout que les membres du public connaissent les acronymes
15 que vous utilisez.

16 **COMMISSAIRE HOGUE:** On va vous le rappeler si
17 vous commencez.

18 **Me JEAN-PHILIPPE MacKAY:** Donc, Monsieur
19 Vigneault, je vais commencer par vous.

20 Est-ce que vous pouvez nous décrire votre
21 rôle et vos responsabilités au sein de votre organisation.

22 **M. DAVID VIGNEAULT:** Oui, bien sûr.

23 En tant que directeur, la *Loi sur le service*
24 *canadien du renseignement de sécurité* est très clair sur les
25 rôles et fonctions. Les rôles sont bien définis dans la Loi.
26 Comme sommaire, je pourrais dire que j'ai la responsabilité
27 de l'administration des activités du Service de
28 renseignement, j'ai également la responsabilité envers le

1 ministre de la Sécurité publique et envers le gouvernement de
2 la gestion des opérations du Service de renseignement.

3 **Me JEAN-PHILIPPE MacKAY:** Et lorsque vous
4 parlez des activités du Service, est-ce que vous pouvez
5 développer davantage, s'il vous plait?

6 **M. DAVID VIGNEAULT:** Oui. Le mandat du Service
7 canadien du renseignement de sécurité, le SCRS, est d'amasser
8 de l'information, produire du renseignement, et donner des
9 conseils et avis au gouvernement canadien. Donc, c'est très
10 bien défini dans la Loi, cette fonction-là.

11 Donc, de façon pratique, ce que ça veut dire,
12 c'est que nous avons des agents de renseignement, nous avons
13 des professionnels du renseignement qui vont essayer de
14 trouver l'information nécessaire à informer le gouvernement
15 pour ses besoins en renseignements.

16 Les champs d'activité ou les domaines
17 d'intérêt couvrent l'espionnage, le contre-terrorisme,
18 couvrent l'interférence étrangère et le sabotage. Donc, c'est
19 un... tous les enjeux de sécurité nationale, de façon définie,
20 générale, sont couverts par le mandat du Service canadien du
21 renseignement de sécurité.

22 Donc, la façon dont on fait ces opérations-
23 là, dont on est capable de répondre aux besoins de
24 renseignements du gouvernement sont diverses. On utilise
25 différentes techniques pour aller amasser l'information. Un
26 facteur aussi très important, non seulement pour le SCRS
27 spécifiquement, mais également pour le renseignement en
28 général, c'est le partage d'informations avec des agences

1 étrangères.

2 Donc, la menace à laquelle le Canada fait
3 face n'est pas uniquement dirigée vers le Canada, n'est pas
4 unique au Canada, il y a des aspects évidemment qui le sont,
5 et dans les prochaines parties de la Commission, on va en
6 discuter, mais le fait est que le partage d'informations avec
7 les agences étrangères est un des piliers fondamentaux qui
8 permettent au Service de non seulement d'effectuer son
9 mandat, mais au gouvernement de continuer de protéger les
10 Canadiens.

11 **Me JEAN-PHILIPPE MacKAY:** Merci beaucoup.

12 Madame Tayyeb, la même question pour vous,
13 s'il vous plait :

14 **MS. ALIA TAYYEB:** Certainement.

15 **Me JEAN-PHILIPPE MacKAY:** ...quels sont votre
16 rôle et vos responsabilités au sein du CST.

17 **MS. ALIA TAYYEB:** OK. Merci beaucoup.

18 Juste pour apporter un peu plus de
19 précisions, je vais répondre en anglais à cette question.

20 So my role as you introduced me is Deputy
21 Chief of Signals Intelligence at CSE, so essentially, my role
22 within the organization is to -- is that I'm responsible for
23 our operations under that aspect of the CSE mandate.

24 I thought I might -- because of some of the
25 discussions about the mandate of CSE versus CSIS in some of
26 the earlier proceedings, maybe go into a bit more depth in
27 terms of the CSE mandate just to put us in a good place.

28 **MR. JEAN-PHILIPPE MacKAY:** And before you do

1 so, I should have warned all of you at the beginning that we
2 have simultaneous interpretation, various interpretations, so
3 if you can bear in mind that we have to keep our -- the
4 rhythm at a certain level so that the interpreters can do
5 their job.

6 **MS. ALIA TAYYEB:** Indeed. Thank you.

7 I thought it might be instructive to just
8 highlight the various aspects of the CSE mandate that I think
9 will be instructive.

10 So the first aspect, as I described, is our
11 foreign signals intelligence mandate. And the second big
12 pillar, I would say, is that we're the technical authority
13 for cyber security and information assurance. And so I'll
14 just break that down a little bit more simply by going
15 through the five aspects of our mandate.

16 So the first one being, like I said, foreign
17 signals intelligence and ---

18 **MR. JEAN-PHILIPPE MacKAY:** Excuse me, Ms.
19 Tayyeb. I know -- just keep in mind that the interpreters
20 have their job to do as to ---

21 **MS. ALIA TAYYEB:** I apologize very much.

22 **MR. JEAN-PHILIPPE MacKAY:** No problem.

23 **MS. ALIA TAYYEB:** I will -- I will slow down.

24 And so as it -- as it relates to foreign
25 signals intelligence, which we also call SigInt, to be more
26 clear about that in the context of this inquiry, it involves
27 the collection of foreign communications and other type of
28 electronic information that would be foreign in nature and we

1 would also refer to that as technical collection.

2 The second large pillar that I made reference
3 to relates to our cyber security mandate. The CSE houses the
4 Canadian Centre for Cyber Security, and so in that function
5 is responsible for cyber defence of Canadian government
6 institutions and also Canadian critical infrastructure and,
7 by extension, also providing advice to Canadians on how to
8 best protect themselves from cyber threats.

9 The third aspect of our mandate involves the
10 conduct of foreign cyber operations, which is the newest part
11 of our mandate that involves taking action to disrupt foreign
12 threats.

13 The fourth aspect involves defensive cyber
14 operations which involves disrupting attacks that might be
15 levied against Canadian infrastructure -- Canadian government
16 infrastructure.

17 And the fifth involves providing technical
18 and operational assistance to other departments of
19 government.

20 And so I think in recognition of the fact
21 that CSE has a large expertise in the technical domain, we
22 are often asked to provide that assistance to other agencies.
23 The Act provides for us to provide that assistance to CSIS,
24 to RCMP, to CBSA and to the Canadian Armed Forces, but in
25 that conduct thereof is exclusively under the authorities of
26 those departments at that time. This is not -- CSE is merely
27 acting as an extension of those agencies' authorities.

28 **MR. JEAN-PHILIPPE MacKAY:** And now to you,

1 Mr. Rogers.

2 **MR. DANIEL ROGERS:** Thank you, yes.

3 I can explain a little bit my role and the
4 role of Privy Council Office.

5 I've been in the national security community
6 here in the federal government for about 20 years. I was
7 previously the Associate Chief of the Communications Security
8 Establishment, an organization in which I spent most of my
9 career in the intelligence world. I'm now the, as you said,
10 Deputy National Security and Intelligence Advisor to the
11 Prime Minister.

12 The Privy Council Office is part of the
13 federal public service. It is a non-political department.
14 That is the Prime Minister's department. It's headed by the
15 Clerk of the Privy Council, who's also the head of the public
16 service and the Secretary to the Cabinet.

17 Our role is primarily to assist in
18 coordinating issues of policy and government operations to
19 support the functioning of government, and in that context,
20 the National Security and Intelligence Advisor, who is the
21 most senior national security official within the Privy
22 Council Office, helps to convene and coordinate across the
23 federal national security community here. That includes CSE
24 and CSIS as well as other departments.

25 Our role is to convene to assist and to
26 advise the Prime Minister and Cabinet. We do not direct the
27 activities of other agencies or departments who have their
28 own accountabilities and Ministerial responsibilities, but we

1 do seek to assist in the good functioning of the community by
2 bringing deputies, departments, agencies and others together
3 to form consensus and a coherent view on government policy
4 and significant operational issues.

5 A couple of other things I might note in the
6 context of this process for the National Security Advisor's
7 role and the role of PCO.

8 PCO has a separate secretariat which supports
9 the Minister of Democratic Institutions, and that is housed
10 within the Privy Council Office. Also, within the branch of
11 the National Security and Intelligence Advisor at PCO, we
12 have a secretariat called the Intelligence Assessment
13 Secretariat.

14 That secretariat does not collect
15 intelligence. It's not similar to CSIS or CSE in that
16 respect. But it does gather and consume the intelligence
17 from other departments and agencies across both Canada's
18 national security community and from international partners
19 and produces assessments which inform government around the
20 broader trends and issues that we see from an intelligence
21 perspective.

22 **Me JEAN-PHILIPPE MacKAY:** Donc, peut-être une
23 question de précision, et d'abord, j'ai moi-même commis la
24 faute d'utiliser un acronyme sans le mettre en contexte, donc
25 « CST », le Centre de la sécurité des télécommunications, et
26 « CSE », quel est le sens de cet acronyme, Madame Tayyeb?

27 **MS. ALIA TAYYEB:** CSE stands for the
28 Communications Security Establishment.

1 **MR. JEAN-PHILIPPE MacKAY:** Thank you.

2 Monsieur Vigneault, on vient d'entendre
3 monsieur Rogers parler d'une communauté du renseignement,
4 est-ce que vous pouvez nous expliquer, en fait, pour les
5 membres du public essentiellement, on parle d'une communauté,
6 mais de quoi il s'agit exactement?

7 **M. DAVID VIGNEAULT:** Oui. C'est, en fait, un
8 élément important de la façon dont on travaille. C'est qu'à
9 la base, toutes les agences du gouvernement canadien qui
10 travaillent dans le domaine de la sécurité nationale, on est
11 dictés par évidemment les lois qui s'appliquent, mais
12 également, de façon très importante, c'est les directives du
13 Cabinet en termes de priorités de renseignement. Donc, les
14 priorités du renseignement du gouvernement canadien nous sont
15 transmises à toutes les agences. Et donc, le SCRS, le CST, et
16 les autres agences du gouvernement canadien qui ont un rôle à
17 jouer dans le renseignement, on a tous les mêmes priorités de
18 renseignement.

19 Donc, à partir de là, c'est que chacun, dans
20 notre propre sphère d'activités, avec nos propres lois,
21 mandats, procédures, on exécute nos opérations dans le but de
22 pouvoir informer le gouvernement du Canada. Donc, ça veut
23 dire que le travail du SCRS se fait de concert; à tous les
24 jours, on travaille avec nos partenaires du CST, avec la
25 Gendarmerie royale du Canada, avec l'Agence des services
26 frontaliers du Canada, avec les Affaires mondiales du Canada,
27 avec évidemment le Bureau du Conseil privé, et plusieurs
28 autres ministères. Donc, à tous les jours, nos activités

1 s'entrecroisent avec celles de d'autres agences du
2 gouvernement fédéral.

3 Nos opérations, lorsqu'on fait la collecte du
4 renseignement, généralement on le fait uniquement nous, mais
5 on a souvent besoin de support, on a besoin de s'assurer que
6 l'information qu'on acquiert et le renseignement qu'on
7 produit est pertinent pour les autres agences du
8 gouvernement, donc on travaille, encore une fois, de façon
9 très étroite avec eux.

10 Donc, de façon très concrète, cette
11 communauté-là, les pratiques de la communauté, il y a
12 beaucoup de groupes de travail qui existent, formels et
13 informels, des gens... donc, les gens qui, à différents
14 niveaux, au niveau opérationnel jusqu'au niveau des sous-
15 ministres et des chefs d'agence, on se rencontre des fois de
16 façon journalière, hebdomadaire, mensuelle, pour permettre
17 l'échange d'informations, la coordination de nos activités.
18 Encore une fois, c'est pas quelqu'un d'un autre ministère qui
19 va s'ingérer dans nos... dans la façon dont on conduit nos
20 opérations, mais c'est de s'assurer de la pertinence et de la
21 collaboration entre les agences.

22 Un élément qui est très important, c'est
23 lorsqu'on réfléchit à tout ça aussi, c'est que la nature des
24 menaces que fait face le Canada a changé beaucoup. Donc, si
25 par le passé on pouvait... le SCRS pouvait faire des enquêtes
26 de contre-espionnage et de parler à très peu de personnes,
27 maintenant ce n'est plus le cas. On doit parler non seulement
28 à nos collègues du gouvernement fédéral, donc cette

1 communauté de renseignement-là qui existe, mais également
2 travailler avec beaucoup de gens à l'extérieur du
3 gouvernement fédéral, et je pourrai y revenir plus tard.

4 C'est également important de s'assurer que
5 cette communauté-là, c'est que pour pouvoir action, donc
6 différents partenaires prennent action selon leur mandat,
7 leurs responsabilités, avoir la bonne information au bon
8 moment, la bonne analyse, le bon contexte dans lequel cette
9 information-là se situe est absolument essentiel pour que les
10 autres agences puissent prendre action, que ça soit une
11 intervention de l'Agence des services frontaliers, que ça
12 soit le ministère de l'Immigration, que ça soit le ministère
13 de l'Innovation en termes d'investissements étrangers, et
14 ainsi de suite.

15 Donc, la communauté doit être très bien
16 coordonnée et pour être capables de faire notre travail de
17 façon la plus efficace possible, mais également pour
18 s'assurer que l'impact de l'information du renseignement qui
19 va être partagé soit utilisé de la façon la plus efficace et
20 efficiente possible.

21 **COMMISSAIRE HOGUE:** Monsieur Vigneault, est-ce
22 que j'ai compris... j'ai bien compris, vous avez dit les
23 agences ont toutes les mêmes priorités?

24 **M. DAVID VIGNEAULT:** Le...

25 **COMMISSAIRE HOGUE:** Et chacun ensuite doit
26 s'acquitter de ses tâches en fonction évidemment de son
27 mandat spécifique?

28 **M. DAVID VIGNEAULT:** Absolument. Donc, le

1 premier ministre préside une réunion du Cabinet, mon collègue
2 du Conseil privé pourra élaborer, mais le premier ministre
3 préside une réunion du Cabinet et le résultat c'est une
4 décision du Cabinet qui nous est transmise à chacun des
5 ministres.

6 Donc, dans mon cas précis, le ministre de la
7 Sécurité publique reçoit ces priorités-là et émet une
8 directive ministérielle. Donc, quand... étant donné notre
9 mandat, c'est sûr que si une priorité du renseignement qui
10 est sur l'interférence étrangère, évidemment la façon que ça
11 se traduit pour une agence comme le SCRS, elle va être
12 différente de celle... ça se traduirait par exemple pour le
13 ministère... le commandement des Forces armées canadiennes en
14 charge du renseignement, compte tenu de leur mandat.

15 Donc, il y a une précision qui se fait pour
16 chaque agence, mais il y a un lien commun qui remonte à la
17 directive émise par le Cabinet présidée par le premier
18 ministre.

19 **COMMISSAIRE HOGUE:** Merci.

20 **Me JEAN-PHILIPPE MacKAY:** Monsieur Vigneault,
21 vous avez parlé de collecte de renseignements ou
22 d'informations et je vais utiliser les deux termes, on peut
23 comprendre qu'entre « informations » et « renseignements »,
24 il y a peut-être des nuances sur le plan de la terminologie,
25 mais vous parlez d'une collecte d'informations ou de
26 renseignements, brièvement, est-ce que vous pouvez nous
27 expliquer dans quel domaine ou la collecte de renseignements
28 se fait en lien avec l'autorité légale dont le SCRS est doté.

1 **M. DAVID VIGNEAULT:** Oui. Donc, le SCRS va
2 faire la collecte d'informations techniques, donc on est... on
3 est habilités par la Loi et on a les capacités d'engager... de
4 s'engager dans des opérations techniques pour aller chercher
5 de l'information, donc ça peut être des interceptions de
6 communications. On a également l'autorité de faire la
7 collecte d'informations en utilisant des sources humaines,
8 donc c'est un élément très important de la façon dont on
9 travaille.

10 Donc, le Service, nos professionnels du
11 renseignement, nos agents de renseignement vont déterminer
12 s'il y a des individus selon leurs fonctions, leurs
13 connaissances, les endroits où ils travaillent, où ils
14 évoluent, s'ils ont accès à de l'information qui pourrait
15 être pertinente pour répondre à nos besoins en renseignement,
16 donc nos professionnels vont à ce moment-là établir des
17 relations avec ces individus-là, et établir, de par cette
18 relation-là, éventuellement formaliser une relation. C'est ce
19 qu'on appelle une source humaine.

20 Donc, il y a un processus qui doit être fait,
21 donc l'individu peut passer d'un contact, donc quelqu'un qui
22 va nous donner de l'information à une source humaine, donc
23 une source humaine est une personne qui va recevoir des
24 directives du Service et pouvoir mettre en œuvre ces
25 directives-là et nous rapporter de l'information.

26 **COMMISSAIRE HOGUE:** Et pour parler de sources
27 humaines, donc il faut vraiment qu'il y ait une relation
28 formalisée.

1 **M. DAVID VIGNEAULT:** Oui. Exactement, Madame
2 la Commissaire. Un contact pourrait être n'importe quelle
3 personne du public qui nous approche, on a des sites web, on
4 a des lignes téléphoniques, j'invite les gens à nous
5 contacter, par ailleurs. C'est donc de l'information
6 pertinente, mais également lorsque... donc ça, ce serait un
7 contact, mais pour être formalisé source humaine, donc pour...
8 on a plusieurs politiques, plusieurs directives qui
9 s'appliquent et la Loi également, la *Loi du SCRS* où il y a
10 des éléments précis sur les sources humaines, donc il y a un
11 processus de formalisation de la relation.

12 Et la grosse différence, c'est qu'un contact
13 va nous donner de l'information, tandis qu'une source humaine
14 peut être dirigée par un employé du Service à effectuer
15 certaines choses, aller à certains endroits, entrer en
16 contact avec certaines personnes, s'engager dans des
17 activités qui nous permettraient éventuellement de faire une
18 collecte technique. Donc, c'est un peu l'information... la
19 façon dont on fait.

20 Et, Maitre MacKay, peut-être la dernière
21 chose. Pour revenir au point que j'ai mentionné plus tôt, un
22 élément important, il y a la collaboration entre les agences,
23 donc beaucoup du travail qu'on fait vient de... va être... débute
24 avec de l'information qu'on reçoit, soit de nos partenaires
25 du gouvernement canadien, le CST, entre autres, et d'autres
26 partenaires également beaucoup d'agences étrangères.

27 Donc, le Service canadien du renseignement de
28 sécurité a des relations formelles, selon la *Loi du SCRS*, la

1 Section 17, avec plus de 300 agences à travers le monde.
2 Donc, c'est plus... c'est presque tous les pays, pas tous les
3 pays, mais c'est presque tous les pays, et plusieurs agences
4 par pays, selon le cas. Donc, c'est un élément de la façon
5 dont on travaille qui est absolument essentiel.

6 **Me JEAN-PHILIPPE MacKAY:** Et, M. Vigneault,
7 dans le contexte de vos activités, est-ce que vous avez des
8 contraintes légales quant à la divulgation d'information ou
9 de renseignement? Si oui, pouvez-vous les présenter
10 sommairement?

11 **M. DAVID VIGNEAULT:** Oui, effectivement.
12 Comme j'ai mentionné, le mandat du SCRS, tel que approuvé ou
13 dicté par le Parlement canadien, c'est de donner de
14 l'information au gouvernement canadien, donc au gouvernement
15 fédéral, et également pour revenir, également prendre des
16 mesures pour réduire la menace. Donc, notre mandat
17 d'atténuation de la menace.

18 Mais donc, très clairement, le mandat, il y a
19 la Section 19 de la *Loi sur le SCRS*, est précis sur le fait
20 qu'on... que l'information doit être partagée avec le
21 gouvernement fédéral. Donc, il y a des limites importantes à
22 pouvoir partager l'information classifiée au-delà du
23 gouvernement fédéral.

24 Il y a des façons de le faire. Si de
25 partager une partie de l'information classifiée nous permet
26 d'aller obtenir d'autres informations. Donc, il y a des
27 possibilités de faire, mais elles sont assez limitées. Donc,
28 je pourrai revenir de façon plus précise sur la Section 19.

1 Il y a également la Section 18 qui est très
2 claire. Il y a une prohibition sur la divulgation de
3 l'identité de... du personnel du SCRS. Les gens... surtout les
4 gens qui travaillent sous couverture. Et également, sur la
5 divulgation d'identités ou d'informations qui pourraient
6 permettre l'identification des sources humaines. Donc, la
7 Section 18 est très claire à ces deux niveaux.

8 J'ajouterais également que les employés du
9 Service Canada du renseignement de sécurité sont assujettis à
10 la *Loi sur la sécurité de l'information*, qui fait en sorte
11 que les individus, y compris moi-même, nous sommes assujettis
12 à une prohibition à vie sur la divulgation de certaines
13 informations. Donc, l'expression anglaise, c'est :
14 « permanently bound to secrecy ». Donc, la loi du... sur la
15 protection de l'information est très claire à ce niveau-là.

16 Et finalement, comme employés du gouvernement
17 du Canada, on est également assujettis à la politique du
18 Conseil du trésor du Canada sur la protection de
19 l'information, qui fait en sorte... qui donne des principes
20 très précis sur comment et avec qui on peut partager de
21 l'information.

22 **Me JEAN-PHILIPPE MacKAY:** Et on va y venir un
23 peu plus tard dans les questions.

24 Dernière question de suivi en lien avec ce
25 sujet, M. Vigneault. Vous avez parlé de la situation... on va
26 la qualifier domestique ou interne au Canada, mais qu'en est-
27 il des partenaires étrangers ou internationaux? Est-ce qu'il
28 y a des contraintes au niveau de la divulgation qui peuvent

1 découler de ces rapports que votre service entretient avec
2 des partenaires étrangers?

3 **M. DAVID VIGNEAULT:** Oui. C'est une question
4 très importante. Donc, il y a des contraintes ou il y a des
5 principes qui régissent le partage de l'information. Donc,
6 ce que nous comme organisation allons partager avec nos
7 partenaires et également des principes pour la façon dont on
8 traite l'information, dont on... que on reçoit de ces
9 partenaires.

10 Je pense qu'un élément important à mentionner
11 sur la façon dont, nous, on partage l'information de nos
12 partenaires, c'est qu'on s'attend à ce qu'ils protègent cette
13 information-là. Donc, qu'ils ne divulguent pas l'information
14 sans nous demander la permission. Donc, si on partage
15 l'information avec une agence spécifique, cette agence-là
16 doit... ne peut pas divulguer cette information-là de façon...
17 avec d'autres partenaires sans nous demander la permission.

18 Puis un élément également important, qui
19 découle de l'évolution de la façon dont les agences de
20 renseignement au Canada travaillent, c'est... on s'assure
21 également d'analyser le type d'information qu'on partage pour
22 s'assurer que cette information-là ne peut pas mener à des
23 violations des droits humains et potentiellement mener à la
24 détention ou torture des gens.

25 Donc, on a des éléments précis sur la façon
26 dont on partage l'information. Et ce partage d'information-
27 là, je pense que c'est important pour les Canadiens de savoir
28 que les agences de révision de... qui revoient toute

1 l'information du service et des agences de renseignement, ont
2 accès à l'information qu'on partage et revoient le partage
3 d'information pour s'assurer qu'on le fait de la bonne façon,
4 qu'on respecte les directives sur... pour empêcher, évidemment,
5 les violations de droits humains.

6 La façon dont on reçoit l'information, c'est
7 assez similaire. Donc, les agences étrangères partagent de
8 l'information avec nous spécifiquement, avec les autres
9 agences du gouvernement canadien, avec l'intention très
10 claire que cette information-là ne peut pas être partagée par
11 nous avec d'autres individus ou divulguée de façon publique
12 dans différents processus sans leur autorisation préalable.

13 Donc, c'est ce qu'on appelle la règle de la
14 tierce partie, the third party rule. Donc, on est limité
15 selon nos ententes.

16 Et, encore une fois, les Canadiens... la façon
17 dont on travaille, la façon dont on est capable de protéger
18 les Canadiens avec nos... de par nos activités découle très,
19 très étroitement de nos partenariats avec les agences
20 étrangères. Donc, de prendre des actions qui diminueraient
21 la confiance de ces agences étrangères-là aurait un impact
22 direct et potentiellement très négatif pour la sécurité des
23 Canadiens.

24 **MR. JEAN-PHILIPPE MacKAY:** Ms. Tayyeb,
25 concerning CSE, could you -- and it's the same question that
26 I asked to Mr. Vigneault earlier, could you describe briefly
27 the functions of your organization with reference to its
28 legal authority to collect information?

1 **MS. ALIA TAYYEB:** Indeed. So the Act is
2 really clear in this regard in terms of the authority to
3 collect. And David made the point a minute ago, when you
4 talk about the cabinet directive on foreign intelligence
5 priorities. So our Act specifies that as it relates to the
6 collective foreign signals intelligence which I alluded to
7 earlier, that that can only be collected in accordance with
8 government of Canada foreign intelligence priorities.

9 So that specification is in the Act and that
10 directs the specific kind of intelligence that we are able to
11 collect under that mandate. There's definitely prohibitions
12 on that. We may not direct our activities toward any
13 Canadian or anyone in Canada. So that is a very distinct
14 limitation as it relates to our foreign intelligence mandate.
15 And so, I think that's an important distinction as it relates
16 to CSE.

17 In conjunction with our cybersecurity
18 mandate, which I described earlier, we're also authorized to
19 collect information that is specific to that mandate, which
20 is the protection of Canadian government systems and systems
21 of importance in Canada. But again, not to direct activities
22 at Canadians or individuals in Canada.

23 **MR. JEAN-PHILIPPE MacKAY:** And we heard Mr.
24 Vigneault describing the general legal constraints that apply
25 to the disclosure of information, so the *Security of*
26 *Information Act*, for example, and the specific constraints in
27 the *CSIS Act*. Concerning CSE is there -- are there specific
28 legal constraints that apply to your activities?

1 **MS. ALIA TAYYEB:** Absolutely. So I should be
2 a little bit more precise that the collection of information
3 as it relates to our foreign intelligence mandate, I think
4 important to note, as David did, it's expressly for to share
5 with other government departments. So I should make that
6 clear. We would be considered an agency that collects
7 information for the purposes of providing that information to
8 other government departments who require it. So we have a
9 host of Canadian government clients who are appropriately
10 cleared, who can receive intelligence from CSE.

11 In terms of the *Act* and constraints, we do
12 have a notable specific mention in section 55 of the *CSE Act*,
13 which indicates that we may not disclose -- or information
14 may not be disclosed that would reveal or cause to reveal
15 anyone who would assist CSE with our mandate. So it's a bit
16 -- the compendium to section 18 of the *CSIS Act*, but slightly
17 different insofar as to prescribe that to people who have
18 been assured of their confidentiality in their efforts to
19 assist CSE with our mandate.

20 But as David described that all of the other
21 laws and government policies apply to CSE, so the policy on
22 government security which prescribes the handling of
23 classified information certainly applies to CSE employees.
24 The *Security of Information Act* that David mentioned as well
25 applies to CSE employees, the vast majority of which -- of
26 whom are designated persons permanently bound to secrecy
27 because of our access to what is designated under the -- that
28 *Act* as special operational information, which prohibits

1 disclosure of information which could reveal sensitive
2 techniques and information of interest and information that
3 requires protection.

4 So that would be the same legal regime that
5 applies to us as well.

6 **MR. JEAN-PHILIPPE MacKAY:** So would it be
7 correct to say that except for the specific provisions in the
8 *CSE Act* and the *CSIS Act* the other constraints and rules
9 apply equally to both CSIS, CSE and the other agencies within
10 the intelligence community in Canada?

11 **MS. ALIA TAYYEB:** Yes, I would say that's
12 correct.

13 **MR. JEAN-PHILIPPE MacKAY:** Now, Mr. Rogers,
14 you spoke briefly about the structure of PCO and its role in
15 the intelligence community, but could you please describe a
16 bit further details the role of PCO and its function and how
17 it is structured in terms of intelligence?

18 We heard collector of intelligence, consumer
19 of intelligence, so just to have a better idea of PCO's place
20 in this structure.

21 **MR. DANIEL ROGERS:** Yes, of course.

22 PCO, as I mentioned earlier, is not a
23 collector of intelligence in the way that my colleagues
24 represent agencies for. We are consumers of intelligence and
25 we do produce intelligence products, primarily through the
26 Intelligence Assessment Secretariat, but those products are
27 assessments of intelligence that comes to us and is not
28 collected by us.

1 Those products, you know, rely on information
2 provided by CSIS, CSE, other government agencies and
3 departments and foreign partners, typically through CSIS and
4 CSE or other government departments, and we respect the same
5 rules that the originators of that information apply,
6 including the classification and the handling procedures.

7 So because we have not originated that
8 information within PCO, according to the policies that we
9 have established within the government, we respect the rules
10 that CSIS, CSE or others would put on that information,
11 including with respect to further disclosure and handling.

12 Most of that is described under the policy on
13 government security that David mentioned earlier, which is
14 approved by the Treasury Board.

15 Like David and Alia have stated about their
16 employees, the employees in PCO who work with the most
17 sensitive intelligence are also permanently bound to secrecy
18 under the *Security of Information Act*. That's because they
19 handle maybe not the raw operational details or the sensitive
20 details of the ongoing operations that CSE and CSIS and
21 others will have, but they will benefit from very classified
22 documents that are the results of those operations. And
23 sometimes, when necessary, we will participate in the
24 coordination and discussion of those operations.

25 So very similar prohibitions on our staff
26 with respect to the disclosure of information and I think
27 that's mostly it for us.

28 I would maybe just reiterate that the volume

1 of information produced by the Intelligence Assessment
2 Secretariat is typically lower than that of CSE and CSIS. We
3 produce intelligence to a much smaller secretariat within the
4 Privy Council Office.

5 Thank you.

6 **MR. JEAN-PHILIPPE MacKAY:** And does the
7 National Security and Intelligence Advisor or any other PCO
8 office have any role in developing, coordinating the
9 government or any agency policies and procedures on the
10 protection of national security? Is it a function that PCO
11 plays?

12 **MR. DANIEL ROGERS:** Formally, policies like
13 the policy on government security that was referenced
14 earlier, these are policies that are approved by the Treasury
15 Board and apply to public servants broadly. That's not a PCO
16 role to create those policies and approve them.

17 Of course, we have input into those policies,
18 as other government departments have, as they're consulted
19 and developed. And we do coordinate sometimes the national
20 security community around the application of those policies
21 when necessary, but no, we don't a formal role in approving
22 those policies, including the National Security Advisor.

23 **MR. JEAN-PHILIPPE MacKAY:** And does PCO or
24 the NSIA have a role in decisions that, for example, CSIS is
25 making concerning disclosures of information?

26 **MR. DANIEL ROGERS:** I will answer. I should
27 say, as David mentioned earlier, PCO does have a role in
28 convening Cabinet business and preparing Cabinet, so things

1 like the intelligence priorities, for instance, which does
2 guide the work and prioritize the work of the whole
3 intelligence community, PCO does have a role in that. So
4 it's not formally a policy, but because this is something
5 that is approved by Cabinet, PCO has a role in preparing that
6 for Cabinet and for facilitating its discussion and approval
7 at Cabinet and conveying those results to other departments
8 and agencies.

9 To your question -- I'm sorry. Could you
10 repeat your question?

11 **MR. JEAN-PHILIPPE MacKAY:** Well, is there a
12 role for PCO or the NSIA in developing, coordinating or
13 administering within government or within any agency policies
14 and procedures on the protection of national security?

15 But you had -- you mentioned that the
16 Treasury Board policy applies to classification and access to
17 information, and I understand that PCO plays a role at
18 convening the community and conveying Cabinet orientations.

19 **MR. DANIEL ROGERS:** Yes. And I will say, you
20 know, those policies equally to PCO staff, so we implement
21 them just as well as other policies and departments and we
22 respect those policies within the Privy Council Office.

23 I think you had asked about whether we, you
24 know, direct other agencies in the application of those
25 policies, and the answer is no. Departments and agencies are
26 accountable to their own deputy heads and they see the --
27 oversee the application of those policies within their
28 departments and agencies.

1 PCO does, as mentioned, have a role in
2 convening. If there are, for instance, issues that affect
3 more than one department or agency that require a community
4 discussion, PCO can convene those departments and agencies.
5 We can challenge the various positions and try and help the
6 government community come to a consensus and a way forward
7 when there are complex issues, but at the end of the day, the
8 accountability rests with the appropriate deputy or agency
9 head.

10 **M. JEAN-PHILIPPE MacKAY:** Donc, Monsieur
11 Vigneault, on en a parlé un peu tout à l'heure, Madame Tayyeb
12 en a discuté, on en a parlé également hier lors de la journée
13 avec un ancien représentant du SCRS, mais les interactions
14 entre le SCRS et le CST, est-ce que vous pouvez nous...
15 simplement, brièvement, nous exposer la nature de cette
16 relation?

17 **M. DAVID VIGNEAULT:** Oui, bien sûr. Comme j'ai
18 mentionné plus tôt, c'est important de comprendre la nature
19 des besoins en renseignements, surtout la nature des menaces
20 auxquelles le Canada fait face, que ce soit ici au Canada ou
21 à l'étranger.

22 Donc, les mandats spécifiques des agences, on
23 les exécute de façon très précise, on est revus par des
24 spécialistes de surveillance pour s'assurer qu'on respecte
25 les règles et tout ça, puis donc, on apprend puis on devient
26 meilleur au fur et à mesure, mais de façon concrète, c'est
27 que le mandat du CST qui est la collecte du renseignement
28 électromagnétique, le Signals Intelligence, est essentiel

1 pour nous. Donc, ils ont des capacités, ils ont un mandat,
2 ils ont un accès, ils ont des partenariats qui leur
3 permettent de faire des choses, d'aller chercher du
4 renseignement qui est absolument essentiel pour nous.

5 On le fait de façon... donc, les interactions
6 sont au plus haut niveau entre moi-même et la cheffe du CST,
7 et à tous les niveaux, donc, nos chefs opérationnels, nos
8 équipes de travail sont soit sur des questions de... qu'ils
9 travaillent ensemble sur des enjeux techniques ou sur des
10 enjeux thématiques, comme, par exemple, le contre-espionnage,
11 l'antiterrorisme, l'interférence étrangère. Ces gens-là ont
12 des interactions de façon très régulière, encore une fois
13 pratiquement... des fois à tous les jours pour être capable de
14 bien comprendre qu'est-ce qui se passe, l'information dont on
15 a.

16 La nature du renseignement ou la nature de la
17 menace fait également en sorte qu'il y a des choses qu'on
18 peut comprendre qui ont... on apprend, donc ça peut être au fil
19 des semaines, des mois, des années, donc un dossier
20 d'interférence étrangère c'est pas qu'on... du jour au
21 lendemain on commence puis on se met à travailler. Le SCRS a
22 travaillé sur ces enjeux-là depuis sa création, donc il y a
23 des choses qu'on est capables de... on accumule de
24 l'information, on raffine notre analyse, on comprend la façon
25 dont les acteurs d'interférence font leur travail et tout ça,
26 mais il y a également des choses qui sont... qui nécessitent
27 une intervention très rapide. Donc, ce partenariat là, le
28 CST a pu avoir une information qui nécessite une attention

1 immédiate.

2 Donc, lorsqu'on dit 24 heures par jour, 7
3 jours par semaine, je peux vous dire que nos agences
4 travaillent ensemble 24 heures par jour, 7 jours par semaine.

5 Une chose que j'ai pas nécessairement
6 mentionnée également, le SCRS est présent au Canada dans
7 toutes les provinces, mais est également présent à travers le
8 monde. On a des représentants de liaison et opérationnels à
9 travers le monde.

10 Donc, il y a des choses qui se passent qui
11 font en sorte qu'on a besoin de partager de l'information
12 rapidement pour permettre au CST d'effectuer son mandat, et
13 vice versa. Donc, cette opportunité-là, cette relation-là
14 est absolument critique dans le contexte qui nous occupe.

15 **Me JEAN-PHILIPPE MacKAY:** Je vous remercie.
16 Depuis le début de mes questions, on est à un niveau assez
17 général. Et là, on va entrer dans les produits de
18 renseignement que vous générez.

19 Et, en lien avec la dernière question que je
20 viens de vous poser, est-ce que vous pouvez nous expliquer
21 les produits de renseignement que le SCRS génère dans le
22 cadre de ses activités? Et, en répondant à la question,
23 j'aimerais que vous expliquiez un peu plus précisément
24 l'impact de la relation que vous avez, par exemple, avec le
25 CST, qu'est-ce que ça peut avoir sur la teneur même de vos
26 produits?

27 **M. DAVID VIGNEAULT:** Oui. Le produit de base
28 du... qui est produit par le SCRS est ce qu'on appelle de

1 l'information brute. Donc, l'information qui... que nos... nos
2 agents vont pouvoir recueillir. Donc, généralement, on va
3 produire un rapport qui va être sur une pièce d'information
4 assez précise, qui... il y a pas d'analyse pour le
5 contextualiser de façon plus générale. Donc, c'est vraiment
6 l'information brute, raw intelligence.

7 Donc, c'est... cette information-là est
8 partagée à travers le gouvernement canadien. Donc, pour les
9 personnes qui ont des habilitations de sécurité et également
10 « besoin de savoir ». Donc, le « need to know » principe.
11 Donc, en anglais, on l'appelle le « CSIS Intelligence
12 Report », c'est un outil de base... produit de base du SCRS.

13 Pour être capable de produire un rapport
14 comme ça, évidemment, on a beaucoup, beaucoup d'information.
15 C'est d'autres informations qui sont essentielles pour notre
16 travail, mais qui ne sont pas de valeur... il y a pas de valeur
17 de renseignement.

18 Comme, par exemple, toute l'information qui
19 nous permettrait, par exemple, de bien comprendre comment un
20 sujet d'enquête se déplace ou ses modes d'opération et des
21 choses comme ça. Donc, c'est de l'information qu'on doit
22 recueillir, mais c'est pas de l'information qu'on mettrait
23 dans un produit de renseignement. Ça a pas de valeur pour
24 une autre personne qui est en dehors du SCRS.

25 Donc, le SCRS va produire le... un rapport avec
26 ce qui... il y a une valeur de renseignement. Donc, on informe
27 quelqu'un. Ce rapport-là, c'est la base de ce qu'on fait.

28 **COMMISSAIRE HOGUE:** Ça, il y a pas d'analyse

1 à ce moment-là, sauf, minime pour déterminer est-ce que c'est
2 utile ou non?

3 **M. DAVID VIGNEAULT:** Exactement. Puis... tout
4 à fait. Par contre, ce qui est la valeur, donc, là on parle
5 du mandat du Service est également d'informer le
6 gouvernement, et vous avez des avis, c'est là que l'analyse
7 entre en ligne de compte. Donc, on a des spécialistes dans
8 les différents sujets de... du renseignement, différentes
9 techniques du renseignement.

10 Et donc, un rapport d'analyse, généralement,
11 va comprendre de l'information qui a été recueillie par le
12 SCRS. Ça peut être quelques rapports ou plusieurs dizaines
13 de rapports. Ça peut être également pour parler du lien avec
14 nos partenaires, avoir du renseignement électromagnétique, du
15 signals intelligence, produit par le CST. Ça peut être
16 également du... de l'information produite par un de nos
17 partenaires à l'étranger. Donc, qui soit... qui vienne
18 directement au SCRS ou qui vienne... qui sont partagés avec...
19 par un partenaire du CST, qui nous est partagé par la suite
20 par le CST.

21 C'est également de l'information de source
22 ouverte. Donc, des... ça peut être de l'analyse qui est faite
23 sur l'information qui est dans... qui est accessible à tout le
24 monde, ou qui est... qui pourrait être accessible à tout le
25 monde, mais en utilisant des techniques spécialisées, on est
26 capable d'aller chercher l'information qui est pas
27 nécessairement référencée dans Google ou dans d'autres
28 moteurs de recherche en ligne ou autres places.

1 Donc, cette différente source d'information
2 là permet à une ou un expert, avec ses collègues, de pouvoir
3 faire une analyse.

4 Donc, si je prends un exemple d'interférence
5 étrangère, c'est pouvoir dire : « Voici notre analyse sur la...
6 les différents acteurs qui commettent de l'interférence
7 étrangère au Canada. »

8 Ça peut être une analyse qui est assez
9 courte, ça peut être une analyse qui est plus longue. Ça
10 peut être sur un point plus précis. Mais cette analyse-là
11 permet au lecteur... donc, encore une fois, une personne du
12 gouvernement fédéral avec une habilitation de sécurité qui a
13 besoin de savoir, répond à une question spécifique ou donne
14 une perspective sur un enjeu pour permettre à cette personne-
15 là de mieux comprendre la nature de la menace, mieux
16 comprendre la nature des enjeux. Et, permet à cette
17 personne-là de prendre des décisions selon leur propre sphère
18 de compétence.

19 **Me JEAN-PHILIPPE MacKAY :** Et...

20 **M. DAVID VIGNEAULT :** Donc, de façon
21 générale... oui... de façon générale, si... je vous dirais...
22 évidemment, il y a des produits qui... produire des notes de
23 renseignement au ministre, des produits multimédias qui
24 peuvent être utilisés pour un breffage spécifique, mais les
25 deux produits que j'ai mentionnés sont à la base des produits
26 du SCRS.

27 **Me JEAN-PHILIPPE MacKAY :** Et pour ces
28 produits, qui décide du niveau de classification?

1 **M. DAVID VIGNEAULT** : La façon dont on
2 fonctionne, c'est que les auteurs de ces rapports-là, donc
3 les analystes qui produisent les rapports... notre information,
4 la façon dont elle est colligée, l'information va déjà avoir,
5 selon la nature, déjà avoir un niveau de protection. Donc,
6 si c'est de l'information qu'on a... que nous-même on produit,
7 selon la nature et le... la sensibilité de la source,
8 l'information va être déjà préétablie, dire que ça, cette
9 information-là est de niveau secret ou de niveau très secret.
10 Donc, ça, c'est avec l'information que nous on produit.

11 L'information qu'on reçoit de nos
12 partenaires, comme je l'ai mentionné plus tôt, c'est
13 l'information que eux contrôlent. Donc, eux ils l'ont
14 produit, comprennent les risques et... si l'information
15 devenait publique. Donc, l'information peut être...
16 généralement va être au niveau secret, très secret, ou
17 également plus élevé lorsqu'il est temps de parler du
18 renseignement électromagnétique.

19 Donc, le renseignement comprend..
20 l'information comprend... qui a déjà été produit par une autre
21 agence, le... ce rapport-là est lu par notre... par l'auteur du
22 rapport d'analyse et, donc, le document va toujours être
23 classifié au plus haut niveau.

24 Donc, si l'information est à 90 pour cent
25 secrète, mais il y a deux ou trois parties d'information qui
26 provient d'un rapport très secret, donc le document va être à
27 ce moment-là classifié au niveau très secret. Et, donc,
28 c'est la... l'auteur... donc, l'expert ou l'experte qui va

1 déterminer, donc, selon les conditions que j'ai mentionnées...
2 que je viens de mentionner, le niveau de classification du
3 rapport.

4 **Me JEAN-PHILIPPE MacKAY:** Et vous avez parlé
5 de produits de renseignement que vous générez, mais est-ce
6 qu'il y a des produits de renseignement ou des produits tout
7 court que le SCRS génère qui sont destinés à un auditoire qui
8 n'est pas classifié, si je peux m'exprimer ainsi?

9 **M. DAVID VIGNEAULT:** Absolument. Comme je
10 l'ai mentionné, le mandat du Service est très clair dans la
11 loi, le mandat est d'informer le gouvernement canadien, donc
12 le gouvernement fédéral, et de prendre des mesures
13 d'atténuation de la menace. Le SCRS a pas de mandat formel
14 dans la loi de partager de l'information avec les... non-
15 classifiée avec les Canadiens.

16 Ceci dit, par la pratique, on... et depuis les
17 dernières années, depuis 2015, et de façon encore plus
18 intense dans les dernières années, on comprend de par la
19 nature de l'expertise qu'on a, on comprend que pour protéger
20 les Canadiens -- donc, le but ultime de ce qu'on fait à tous
21 les jours, protéger les Canadiens et les Canadiennes -- pour
22 être capable de bien effectuer ce mandat-là, il faut qu'on
23 soit capable de partager l'information. Il faut qu'on soit
24 capable de partager certaines de nos connaissances, de nos
25 observations avec les Canadiens.

26 Donc, ce besoin de partager l'information là
27 se traduit, entre autres, par des documents qu'on écrit. Il
28 y a un document très spécifique, par exemple, qui, je suis

1 certain, va intéresser la Commission, qui s'appelle
2 « L'interférence étrangère et vous ». Donc, c'est un
3 document non classifié qui est destiné aux Canadiens, qui est
4 écrit dans un langage très accessible pour permettre à des
5 Canadiens de toutes origines d'être capables de comprendre un
6 petit peu mieux qu'est-ce que l'interférence étrangère et
7 quelles seraient certaines des mesures à prendre pour pouvoir
8 se protéger.

9 Et ce document-là a été écrit en plusieurs
10 langues et distribué... est évidemment disponible en ligne,
11 mais également distribué dans les communautés, justement, en
12 sachant qu'il y a un besoin pour les gens de comprendre.

13 On fait... comme directeur, je fais des
14 allocutions publiques. J'essaie de parler également avec les
15 journalistes. Pas aussi souvent qu'ils l'aimeraient, mais on
16 essaie de le faire quand même. On participe à de nombreuses
17 commissions parlementaires.

18 Et, dans les deux-trois dernières années, on
19 a augmenté de façon très considérable nos engagements avec
20 les élus. Donc, des élus au... oui, au gouvernement fédéral,
21 et dans les provinces, les territoires, et également les
22 municipalités pour pouvoir parler d'interférence étrangère,
23 d'espionnage et de d'autres dossiers.

24 Donc, on travaille... les discours, les
25 comparutions, les publications sont vraiment... le focus, c'est
26 d'arriver pis de dire que pour augmenter la résilience des
27 Canadiens face à ces menaces, il y a un besoin de
28 transparence. Et donc, je pense que ça va directement en

1 lien avec le mandat, Madame la Commissaire, que vous avez
2 reçu, dont vous avez fait état lors de la première journée de
3 comparution.

4 **MR. JEAN-PHILIPPE MacKAY:** And a question now
5 for Ms. Tayyeb and Mr. Rogers. Briefly, could you please
6 explain for each of your agencies and for PCO, the
7 intelligence products that you create and the audience for
8 which product? And also, not just the intelligence product
9 per say, but also any other products that are generated for
10 the public or for a non-classified disclosure?

11 **MS. ALIA TAYYEB:** Absolutely. So I'll start
12 first with our foreign signals intelligence side of things.
13 So the main product that we produce is again, for
14 appropriately cleared members of the Canadian government and
15 different government department clients. And that would be
16 essentially a record of a particular communication or
17 anything else that we have collected.

18 So it would describe it I think in the -- the
19 interview summary, I might have described it as a summary. I
20 think a better word for it would be it's an accounting of
21 what we have collected. So it's not a transcript, and it's
22 not an analytical product, but it's a detailed accounting of
23 what the information that we received was.

24 And the reason that we -- that it's so
25 detailed is because we, unlike the service, we product that
26 intelligence for consumers to assess. So we do not do all
27 source assessment within CSE, we produce this intelligence.
28 We may add some context and analytical elements to help the

1 reader understand that product, but it's destined for
2 government clients who will then use that in conjunction with
3 their needs. So that's one important distinction.

4 We may also produce analytical summaries of
5 our signals intelligence, and that would be to assist
6 different clients. Some clients are not interested in a
7 significant amount of detail we might provide, and they might
8 want more of a summary, or more of something at a higher
9 level. So we would do that as well.

10 But in terms of the other part -- aspect of
11 our mandate in terms of cybersecurity and cyber defence, I
12 think it's really important to mention that we do have a host
13 of additional products that we would do on that side, and
14 those are to inform clients of cybersecurity threats. We
15 have a National Cyber Threat Assessment that is conducted on
16 an annual basis that is destined for the public.

17 As I explained, you know, part of what the
18 Canadian Centre for Cybersecurity takes very seriously is the
19 need to protect Canadians from cyber threats. And so
20 informing Canadians is an important part of that aspect. And
21 so, we have the National Cyber Threat Assessment. The other
22 main publication is what we produce on a biannual basis that
23 we have ever since 2017, which is our Cyber Threat Democratic
24 Processes report, one would have been released in December
25 most recently. Again, that is to specifically describe the
26 nature of the cyber threats as it relates to democratic
27 institutions. And that's also intended for the public as
28 well.

1 We do a host of, I would say in the Cyber
2 Centre, a host of advisories that they would either provide
3 to government agencies or to industry and including those for
4 Canadians that would speak about specific cyber threats and
5 ways to mitigate those threats. So those are important
6 products.

7 And I think I'll highlight there a little bit
8 the Cyber Centre's relationship with industry partners is
9 also an important one. So they will have products that will
10 be specifically intended for particular industry groups,
11 let's say around critical infrastructure. Maybe they would
12 be destined for the energy sector, or the transportation
13 sector. So they would produce tailored products for those
14 industry specific sectors.

15 And lastly, I'll say CSE, as part of our Act,
16 is mandated to provide an annual report, which we do. The
17 annual report describes all of the activities that are
18 undertaken by CSE under the five aspects of our mandate, with
19 you know, a fair amount of detail in terms of what we see are
20 the major trends and major threats affecting Canadians, and
21 also an accounting of our activities and what our major
22 activities were throughout that year. So I think that's also
23 an important publication that we undertake on an annual
24 basis.

25 **MR. DAVID VIGNEAULT:** Mr. MacKay, listening
26 to my colleague I realize that I forgot to mention two very
27 important documents, two important reports.

28 Le premier, c'est notre rapport annuel.

1 Comme Alia le mentionne pour le CST, le SCRS produit un
2 rapport annuel très détaillé sur nos activités qui donne
3 beaucoup d'information à un auditoire très large sur nos
4 activités. Donc, je vous invite à le consulter. C'est un
5 document où, vraiment, on parle de transparence, il y a
6 beaucoup d'information.

7 Puis, encore une fois, on continue d'essayer
8 de bien comprendre comment est-ce que... qu'est-ce qui serait
9 utile pour les Canadiens, puis on essaie d'évoluer dans
10 notre... non seulement la quantité et la qualité, mais le type
11 d'information qui est dans le rapport annuel disponible
12 public.

13 Et, dans la même veine que ma collègue a
14 mentionné, on a également commencé à publier un rapport sur
15 les... l'interférence étrangère dans les processus
16 démocratiques.

17 Donc, encore une fois, c'est de
18 l'information... je pense, peut-être, Madame la Commissaire, si
19 vous me permettez, ce qui est important de comprendre de ces
20 documents-là, je veux pas parler pour ma collègue, mais je
21 crois que ça s'applique également là, c'est que ce que une
22 agence comme le SCRS, lorsqu'on écrit sur l'interférence
23 étrangère, sur l'espionnage ou sur le terrorisme de façon
24 publique, c'est écrit par des gens qui ont accès à toute
25 l'information ultra-classifiée, qui ont toutes les
26 connaissances sur ces... sont des experts dans ces domaines-là,
27 donc sont capables d'arriver et de pouvoir produire quelque
28 chose d'intérêt public tout en protégeant l'information qui

1 doit être protégée par la loi et pour les raisons qu'on
2 viendra plus tard.

3 Donc, il y a des précédents qui existent. Et
4 c'est important... c'est la différence, comme je vous dirais,
5 dans un rapport d'un think tank sur un sujet très important,
6 ces rapports-là -- je veux pas les dénigrer, parce qu'ils
7 sont extrêmement utiles -- mais lorsqu'une agence comme une
8 des nôtres produit un rapport public, c'est en sachant que
9 les auteurs avaient accès à toute l'information classifiée
10 pour être capable de pouvoir donner certains jugements ou
11 certains commentaires. Donc, je voulais seulement rajouter...

12 **COMMISSAIRE HOGUE:** Ce sera pas le cas, par
13 exemple, d'un think tank, ou là on est peut-être à un niveau
14 plus... plus high level, pour employer l'expression en anglais,
15 un plus haut niveau...

16 **M. DAVID VIGNEAULT:** Absolument.

17 **COMMISSAIRE HOGUE:** ... où on n'a pas
18 nécessairement les données qui sont des données classifiées
19 ou des informations classifiées?

20 **M. DAVID VIGNEAULT:** Vous avez tout à fait
21 raison, Madame la Commissaire.

22 Une chose qui, par contre, qui évolue
23 beaucoup, c'est toute l'information de source ouverte. Donc,
24 le renseignement open source intelligence.

25 Dans les dernières années, l'information de
26 source ouverte a... non seulement par la capacité d'analyse, la
27 capacité de recouper des données, big data analysis, dans le...
28 pas seulement dans le futur, mais maintenant aussi avec

1 l'intelligence artificielle, des gens qui ont accès à non... à
2 aucune information classifiée, mais... donc, des experts dans
3 certains domaines qui sont capables d'aller chercher de
4 l'information de source ouverte à travers le monde sont
5 capables de produire des documents qui sont également de
6 très, très grande valeur.

7 Donc, c'est un élément important qui va
8 revenir un petit peu dans... plus tard, j'ai l'impression, dans
9 nos discussions sur le type d'information qui a besoin d'être
10 protégée. Mais, donc, c'est... donc, les think tank, plus haut
11 niveau parfois, mais également des fois des analyses très,
12 très fines sur... parce qu'ils ont accès aux sources ouvertes
13 que le commun des mortels n'aurait peut-être pas les
14 connaissances pour les mettre en contexte.

15 **COMMISSAIRE HOGUE:** Je veux juste être sûre de
16 comprendre une chose que vous avez dite parce que tantôt vous
17 avez dit « le document est toujours classifié au plus haut
18 niveau à la lumière de ce qu'il contient », donc s'il y a une
19 phrase qui, elle, est très secrète, le document va être
20 classifié « très secret ».

21 Est-ce que je dois comprendre que si, par
22 exemple, dans un document produit par le SCRS, il y a des
23 informations qui proviennent de sources ouvertes, mais
24 également des informations classifiées, à ce moment-là
25 l'entièreté du document va être classifiée au niveau le plus
26 élevé des informations classifiées des informations qu'il
27 contient?

28 **M. DAVID VIGNEAULT:** Tout à fait. C'est

1 exactement ça.

2 **COMMISSAIRE HOGUE:** D'accord. Alors, il n'y
3 aura pas de ségrégation entre ce qui provient de sources
4 ouvertes à moins qu'on ait un document qui ne provienne ou
5 qui ne contienne que des informations provenant de sources
6 ouvertes où, à ce moment-là, il ne sera pas classifié du
7 tout.

8 **M. DAVID VIGNEAULT:** Oui. Il n'y a pas de..
9 certains documents vont avoir chaque paragraphe... par exemple,
10 ils peuvent avoir le niveau de sécurité pour chaque
11 paragraphe, donc...

12 **COMMISSAIRE HOGUE:** Ah, ils sont...

13 **M. DAVID VIGNEAULT:** ...c'est pas tous les
14 documents, mais parfois vous allez le voir, je pense qu'un
15 des éléments, puis peut-être qu'on s'avance, Maitre MacKay,
16 sur d'autres questions, mais une chose qui est importante à
17 comprendre, c'est que dans un document classifié,
18 l'information de sources ouvertes peut parfois, si elle était
19 divulguée, être... causer un préjudice important. Donc, par
20 exemple, si un document est sur le sujet du... le document est
21 sur l'interférence étrangère d'un pays x, il y a de
22 l'information classifiée, de l'information claire de sources
23 ouvertes, si par exemple on donne... il y a un élément de
24 sources ouvertes qui est inclus là qui donne du contexte
25 important, qui a été rendu public, à ce moment-là ça donne à
26 la partie adverse une compréhension de ce qui nous intéresse,
27 de ce qu'on sait, de ce qui... si c'est sur un endroit
28 géographique, sur une façon de faire qui peut être de façon

1 ouverte. Dans le contexte d'un document classifié, cette
2 information de source ouverte là, sa divulgation pourrait
3 entraîner un préjudice et le précédent a été reconnu par les
4 cours sur cet élément-là.

5 Merci.

6 **MR. JEAN-PHILIPPE MacKAY:** Before we are
7 about to take the morning break, there's one question I'd
8 like to ask to all of our witnesses.

9 You mention here and there during your
10 previous answers the "need to know" principle, and there's --
11 there are controls to the access of information. So I'd like
12 to hear you about those controls and also the levels of harm
13 associated to the different levels of classification, so
14 secret, top secret, protected.

15 So there are a couple of topics in my
16 question, but if you could briefly in two, three minutes,
17 provide some guidance on those questions.

18 **MS. ALIA TAYYEB:** Sorry. That's for me?

19 **MR. JEAN-PHILIPPE MacKAY:** So for all of you.
20 Whoever wants to ---

21 **MS. ALIA TAYYEB:** I can -- did you want to
22 start off, Dan?

23 **MR. DANIEL ROGERS:** Sure. I can start off.

24 **MS. ALIA TAYYEB:** And then we can add the
25 additional ---

26 **MR. DANIEL ROGERS:** Yeah, that's fine.

27 So certainly, yes, all of us in government
28 who have access to classified information respect something,

1 as you referred to, as the "need to know" principle. And
2 this is really a principle that tries to ensure that the
3 information that is sensitive is kept to those who need that
4 information to be able to do their work to minimize the risk
5 of accidental or inadvertent disclosure of that information,
6 so the principle being if the information only goes where it
7 needs to go, the risks associated with the disclosure of that
8 information are lower.

9 That applies at all levels of protection and
10 of classification of information but, of course, as you
11 mentioned, there are different levels of classification
12 within the government. This was something described in, I
13 forget the number of the document which you referred to
14 earlier, but broadly speaking, the government policy speaks
15 to something called protected information.

16 Protected information has three categories,
17 Protected A, B and C, and those categories relate to
18 information that, if revealed, would be injurious to
19 something that's not a national interest. So this would be
20 something relating to an individual or an organization.

21 Protected A information, you'll forgive me if
22 the wording isn't exactly right, would reveal an injury -- or
23 would cause an injury if revealed. B information is -- would
24 cause a serious injury. And I think Protected C information
25 would cause an extremely grave injury to a person or
26 organization or entity at the non-national level.

27 Classified information, which we tend to
28 speak about more, is at the confidential, secret and top-

1 secret levels. Those levels, similar to the protected
2 levels, are about the possibility of an injury or would cause
3 an injury, a serious injury or an extremely grave injury,
4 respectively, to the national interest in that case.

5 And so that framework applies to all of us
6 and all other departments and agencies within the federal
7 government and the "need to know" principle is applied across
8 all of those.

9 As a small addendum, beyond the top secret
10 level and sometimes below, there are control systems applied
11 more formally than need to know to certain types of
12 information, for instance, that are control systems that
13 apply to signals intelligence, which my colleague could speak
14 to, and other forms of control systems beyond top secret that
15 formally limit the disclosure of information up to and
16 including named distribution lists on individual products.

17 **MS. ALIA TAYYEB:** So I could add onto that.

18 So from a signals intelligence perspective,
19 as designated in our Act and also in the policy on government
20 security, CSE is the national authority for signals
21 intelligence so, in so doing, we develop a classification
22 system and standards as it relates to signals intelligence.

23 The designation for us is SI, or Special
24 Intelligence, and so you may see classified information with
25 an "SI" control on it, which would mean that that is signals
26 intelligence. We administer a special indoctrination process
27 which would be applied to provide access to some -- for
28 somebody to information that's designated in addition to its

1 classification, that it's controlled by SI.

2 And so we administer Canadian SigInt security
3 standards at CSE and provide those to the rest of government
4 so that government can also ensure that they maintain those
5 standards.

6 I think beyond that, you alluded to a sub-
7 control system. There might be additional classification on
8 a document.

9 A sub-control in relation to the SI
10 designation, again administered by us, would include -- we
11 have two control systems or sub-control systems, which would
12 be Gamma material, which we might find on some of the
13 material that's been provided to the Commission. That
14 entails information that would be particularly sensitive,
15 techniques that might have been used for collection.

16 And also, we have another control system
17 called "Exceptionally compartmentalized information", which
18 would again speak to specific techniques.

19 As Dan alluded to, the basis of this is
20 really the "need to know" principle, so these are additional
21 controls that are used to limit the amount of people who may
22 receive this product or be privy to those collection
23 techniques or capabilities only to those who would need to
24 have that information. So the classification stands, as Dan
25 described. The control systems further limit the amount of
26 information that is received by people who have a need to
27 know.

28 And that is also really -- it's documented,

1 so we keep careful records of who has access to those
2 controls or sub-compartments and we maintain those within CSE
3 as well.

4 **Me JEAN-PHILIPPE MacKAY:** Très bien.

5 **M. DAVID VIGNEAULT:** Mes collègues ont très
6 bien décrit le système. Peut-être que je vais vous donner
7 peut-être une précision ou une figure de cas ici où le besoin
8 de savoir...

9 **Me JEAN-PHILIPPE MacKAY:** Excusez-moi, je ne
10 veux pas vous interrompre. Simplement, brièvement, parce
11 qu'on doit...

12 **M. DAVID VIGNEAULT:** Oui.

13 **Me JEAN-PHILIPPE MacKAY:** ...on devait prendre
14 la pause il y a trois minutes, donc...

15 **M. DAVID VIGNEAULT:** OK. Très brièvement.

16 Le besoin de savoir peut, dans certains cas,
17 lorsqu'on parle d'individus, lorsqu'on parle d'informations
18 extrêmement délicates, peut être des... dans le cas des
19 personnes désignées, donc ça voudrait dire, par exemple,
20 qu'il y aurait quatre, cinq, dix personnes au gouvernement
21 qui recevraient cette information-là. Donc, ça peut être... le
22 besoin de savoir peut être si précis qu'on parle vraiment de
23 très, très peu de personnes.

24 Merci.

25 **MR. JEAN-PHILIPPE MacKAY:** Je vous remercie.

26 Donc, Madame la Commissaire, on peut prendre
27 la pause. Je sais pas si...

28 **COMMISSAIRE HOGUE:** Bien, on va prendre la

1 pause, c'est ça. On sera de retour à... il est 11 heures,
2 presque 11 h 20, alors on sera de retour à 11 h 40.

3 **THE REGISTRAR:** Order, please. À l'ordre,
4 s'il vous plaît.

5 The hearing is now in recess until 11:40. La
6 séance est en pause jusqu'à 11 h 40.

7 --- Upon recessing at 11:19 a.m.

8 --- L'audience est suspendue à 11 h 19

9 --- Upon resuming at 11:43 a.m.

10 --- La séance est reprise à 11h43

11 --- **MR. DANIEL ROGERS, Resumed/Sous la même affirmation:**

12 --- **MR. DAVID VIGNEAULT, Resumed/Sous la même affirmation:**

13 --- **MS. ALIA TAYYEB, Resumed/Sous la même affirmation:**

14 **THE REGISTRAR:** Order, please. À l'ordre
15 s'il vous plaît.

16 This sitting of the Foreign Interference
17 Commission is back in session. Cette séance de la Commission
18 sur l'ingérence étrangère est reprise.

19 **COMMISSIONER HOGUE:** You can go on.

20 **MR. GORDON CAMERON:** Thank you.

21 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR**

22 **MR. GORDON CAMERON: (cont'd/suite)**

23 **MR. GORDON CAMERON:** Good morning, panel.
24 Gordon Cameron again for Commission counsel.

25 I want to pick up where M. Mackay left off,
26 and talk briefly because we have a fair bit to cover before
27 the lunchbreak. So if you could just explain, this is
28 probably most applicable to you, Mr. Vigneault, and you,

1 Ms. Tayyeb, about the legal disclosure branches or
2 departments within your respective agencies, roughly what
3 their job is, what type of a manpower commitment it is, and
4 how they work in just a few minutes. Thanks.

5 **MR. DAVID VIGNEAULT:** Yes. So at CSIS, we
6 have a director general who is in charge of the legal
7 disclosure branch that encompasses the people responsible to
8 administer the access to information and privacy legislation,
9 also the people who are the experts looking at the disclosure
10 of CSIS documents for any other proceedings. So if we are --
11 if we have court proceedings, if we have, you know, of the
12 course, the inquiry, and so on, whatever document that would
13 have to be disclosed to an entity where classified
14 information will have to be protected.

15 In the case of the -- when it's a judicial
16 proceeding, there is also -- it's not just to protect the
17 information, but it's also to understand the impact on the
18 court proceeding in terms of different accountability or a
19 Stinchcombe disclosure proceedings, and so on. So these are
20 the experts, and so we have centralised this unit --
21 centralised this work in this unit. And I don't have top of
22 my head a rough order of magnitude, but these are, again,
23 overseen by an executive of -- at CSIS who are looking at the
24 full gamut of the disclosure.

25 **MR. GORDON CAMERON:** And Ms. Tayyeb?

26 **MS. ALIA TAYYEB:** Yes, absolutely. We also
27 have a senior executive responsible for our program. In our
28 case, have a deputy chief colleague who is responsible for

1 what we call authorities, compliance, and transparency. And
2 so that deputy chief is responsible for a host of programs
3 that I think you're referring to, one of which, as David
4 mentioned, is administration of our access to information
5 privacy requirements.

6 Anytime that CSE information might be
7 involved in the legal proceedings, we have a legal
8 disclosures section as well. This same group of individuals
9 will also be responsible for working with our review bodies,
10 so in this case, a National Security Intelligence committee
11 of parliamentarians and our National Security Intelligence
12 Review Agency colleagues. So that -- they would work with
13 those agencies as well to make sure that they have the
14 information that they require to do their work.

15 They'll also -- they're also responsible for
16 internal compliance, and they're also responsible for any
17 requests that we might receive for what we would call
18 sanitisation or declassification requests which may come in
19 from various partners who may be requesting that particular
20 CSE information be either reduced in classification, we would
21 call it sanitisation, or declassified, to render any
22 particular information declassified. So those are the
23 responsibilities of that section.

24 They would administer all of those
25 requirements with the same general principles. Although some
26 of those requirements are slightly different, the principles
27 of protecting national security information, classified
28 information is part of each of their responsibilities.

1 Like David, I can't maybe comment on the
2 exact size of this group, but they -- their work is extremely
3 important. They're highly specialised and highly trained
4 individuals in their work, and -- so they are meeting all of
5 those requirements on behalf of the organisation.

6 **MR. GORDON CAMERON:** Thank you. And if I
7 could take you -- I'll ask the question, and if you want, we
8 can have reference to your Institutional Report, where it's
9 described in detail. And indeed we would invite the
10 participants to have reference to the institutional report
11 where the point I'm now going to ask some questions on is set
12 out in considerable detail. And that is your institutional
13 report addresses a section on how the agencies will respond
14 to requests from the Commission for further disclosure of
15 information in the classified documents. And it describes a
16 fairly detailed process beginning on page 17 of the document.

17 Perhaps I'll ask the Court Operator to bring
18 up the Institutional Report. I'll work with the English
19 version, which is DOC-3, and we can go to page 17 of that
20 document when we get it up on the screen. And if you can
21 scroll down a little further in the page? Your page 17 isn't
22 the same as -- there we go. Okay. It looks like it's PDF
23 page 18, the document is page 17 at the bottom, the heading
24 "Internal process when Commission questions/challenges a
25 redaction". And you've in this section of the Institutional
26 Report, set out quite a detailed set of stages that your
27 agencies will go through.

28 And I wonder if you could just, without --

1 because as I say, we have the document here, so you don't
2 need to repeat it. But if you can just describe generally
3 how your agencies will respond to requests from the
4 Commission when you've sent us a document with redactions and
5 we say, can you look again at such and such a redaction, can
6 you consider this potential summary of a redaction, or
7 perhaps a total lift? How would your agencies run it through
8 this process?

9 **MR. DAVID VIGNEAULT:** So if you allow me, Mr.
10 Cameron, I would say that it's important too that this
11 specific procedure that is described in this document is a
12 tailored procedure for the Commission. It is the
13 government's position, you know, to because of the nature and
14 the mandate of the inquiry, to be able to bring as much
15 information to the public. That's why these procedures have
16 been put in place.

17 And so, I think it's important to remember
18 that this is the intent, that you know, we bring to the
19 Commission, is to be able to be as transparent as possible
20 within the limitations that exist.

21 And so, with the context, the way it would
22 work is that again, as we have described, we have specialized
23 units that are, you know, we have experts in understanding
24 what are the specific legislation, the specific requirements
25 to protect information. And so, they're the ones who are
26 able to the initial triage. These experts on how the
27 information needs to be processed, will then refer to experts
28 of the subject. So subject matter experts, for example, for

1 the work of the Commission.

2 So the people who are at CSIS working on
3 foreign interference, so these are the ones who know
4 specifically how these documents have been produced, where is
5 the specific information coming from. So the people who do
6 the work of redaction will then talk to these experts, and
7 that will be the way that, you know, as much information as
8 possible is then made available.

9 If there is a conflict, or if there are
10 challenges, or issues, then there is an escalation process to
11 go to a more senior executive in the organization with more
12 experience, and they look at it from a strategic point of
13 view. And ultimately, it comes to the head of the agency, in
14 the case of CSIS it will be myself, to make a final
15 determination.

16 **MS. ALIA TAYYEB:** Likewise, similarly, just
17 to echo what David said, that this is not -- just to clarify,
18 this is not the normal procedure that we would adopt with our
19 normal practices. But given the importance of the inquiry,
20 this special mechanism was devised, and the terms of
21 reference allow for different methods of trying to achieve
22 the objectives. And so, this is what is described here is
23 these alternative methods.

24 So but like David, we will have subject
25 matter experts who will take a look at it. They will provide
26 an explanation of why the redactions were provided. It will
27 escalate. In here -- in the document it says it would
28 escalate because of the level of importance, so to the

1 Assistant Deputy Minister level, which in CSE's case would be
2 myself, for consideration as to what are the other
3 alternatives for achieving the purpose that the Commission is
4 seeking, which is a particular piece of information that
5 you've found important or relevant to communicate.

6 And so, what other options are there? So
7 what additional analysis can be done? Do we need to seek
8 additional permissions? Or do we -- could we avail ourselves
9 of the options to write a summary that could best describe
10 this information without revealing classified sources or
11 methods?

12 **MR. GORDON CAMERON:** Thank you. And I will
13 ask this of you, Mr. Vigneault, and you Ms. Tayyeb, but in
14 particular if -- and Mr. Rogers if you can give the PCO
15 perspective too? Because the question is, would there be
16 occasions when this process, which doesn't explicitly in the
17 Institutional Report, refer to consultation with the PCO, but
18 are there times when the process could involve consultation
19 by your departments with PCO about a potential disclosure?

20 **MS. ALIA TAYYEB:** I think it's -- I think as
21 Dan described PCO, may serve as a convening function if there
22 are issues at dispute. Or where issues touch numerous
23 departments, it might be helpful in some cases if there's a
24 particular piece of information that we share, or that we
25 have both joint interest in, that we discuss together how
26 that could be achieved, or how the result could be achieved.
27 And PCO may in that case assist in convening, particularly
28 where there are multiple departments with interests. That's

1 one example where I could see that occurring.

2 **MR. DAN VIGNEAULT:** Maybe just to add, I
3 would say that I'm sure my dear colleague here would never
4 hesitate to convene us. And based on experience, I would say
5 that I fully expect the practice for the next number of weeks
6 and months of this Commission will be that there will be very
7 regular discussions amongst agencies in the Privy Council
8 Office. I fully expect this to be the practice.

9 **MR. GORDON CAMERON:** And Mr. Rogers?

10 **MR. DANIEL ROGERS:** Well, I certainly agree
11 with my colleagues. I do expect PCO to be involved. I would
12 note a couple of points, one which I've mentioned earlier.
13 PCO, while we convene and during those times when we convene
14 departments and agencies, should there be disagreement about
15 the way forward, we will seek to challenge positions, refine
16 positions, and come to a consensus.

17 The ultimate decision still rests, as Mr.
18 Vigneault and Ms. Tayyeb said, with the agency heads and the
19 departmental heads who own the particular piece of
20 information. But it is definitely our role to convene and
21 discuss when there are strategic issues and when there are
22 multiple departments and agencies involved.

23 **MR. GORDON CAMERON:** And probably
24 particularly when the PCO is involved, or perhaps even when
25 it's an agency matter, would there be a point at which there
26 could be political input from this, with respect to the
27 government's interest in transparency on a point that might
28 assist your department, or the PCO, or the agencies in coming

1 to a decision on a potential disclosure?

2 **MR. DANIEL ROGERS:** In this context the
3 government has set out its expectations, I think fairly
4 clearly in the terms of reference for the inquiry, and we've
5 established the processes that we will be undertaking to
6 produce these documents and come to these results. So I
7 think that as described here, the deputy heads of the
8 agencies will come to decisions on redactions and the process
9 will really be a non-political one as we allow the expertise
10 to render these decisions.

11 **MR. GORDON CAMERON:** If we could move now,
12 I'm going to talk a bit about the -- what I think we've all
13 come to understand as the 13 documents. And for the benefit
14 of participants or members of the public who haven't followed
15 each of the stages by which we got here, these are the 13
16 documents that the Commission provided to the government on a
17 sort of, sample basis, to see what we could expect in terms
18 of disclosure of classified information in the documentation,
19 the first tranches of documentation that we'd received.

20 They came back with a letter from the
21 Department of Justice dated December 15th, which is -- you
22 will find both as a tab to the Institutional Report and as a
23 freestanding exhibit in these proceedings that explained --
24 the December 15th letter explained the rationale for the
25 redactions.

26 So with that context in mind, I note that the
27 -- the covering letter, the December 15th letter, in
28 returning the redacted versions of those documents, so the

1 Commission had the unredacted and asked that they be redacted
2 for public disclosure, the letter back observed that it had
3 taken 200 person-hours to get through those 13 documents.

4 Can you help put that -- what might be seen
5 as a quite exceptional amount of work, how that was required
6 for 13 documents, most of which were just a few pages long?

7 **MR. DANIEL ROGERS:** I can comment on that
8 briefly and then my colleagues may wish to add more.

9 Certainly it's true that the experts and
10 others will have to spend time analyzing the specific details
11 of documents like the 13 that you provided -- or that we have
12 provided in redacted form. That effort will scale up
13 proportionally with the number of documents we have to
14 redact, but also included in that letter was our suggestion
15 that other mechanisms may be used to achieve the transparency
16 goals of the Commission that we would be very interested to
17 undertake, and that includes summaries and hearings.

18 One of the challenges we have with redacted
19 documents is we are starting from something already written
20 that was intended to work in an ecosystem of cleared
21 individuals in the national security community and not
22 intended for public disclosure, so it includes a lot of
23 details that need to be redacted.

24 We may find better success with more
25 efficiency in producing things like summaries and other types
26 of documents which convey the same information but avoid the
27 pitfalls and the effort required to undertake redactions.

28 **MR. DAVID VIGNEAULT:** So I think it's very

1 important in the context not just of those specific documents
2 but the Inquiry itself, so these documents are product -- you
3 know, a number of them -- not all of them, but a number of
4 them are CSIS intelligence products. So the Parliament of
5 Canada has created CSIS to be able to collect information,
6 produce intelligence so the purpose of CSIS is to have
7 secrets, which is different than transparency. And I think
8 we'll come to this.

9 But these documents are meant -- and as Dan
10 mentioned, they were meant to be including classified
11 information to be read by people with security clearances
12 with a need to know, so these documents were -- the entire
13 essence was to be full of secrets and classified information.
14 And that's the intent, the basis of these documents.

15 This is why I think it's important that the -
16 - to contrast that with the -- what Alia and I mentioned
17 earlier, the types of documents which produced -- we have
18 produced for public consumption very highly relevant
19 documents on foreign interference, on espionage, on
20 terrorism, on geopolitical considerations, you know,
21 affecting national security. All of these documents have
22 been written for the public, again with the insight and the
23 knowledge of the classified information. And that's why
24 there is such a contrast in a public document that is meant
25 for public release and then those documents that, you know,
26 have been released with a -- produced with a completely
27 different purpose in mind and they were full of classified
28 information.

1 That's why then -- when -- if and when you
2 show these documents, people will see the amount of
3 information that has been blacked out for release. Some of
4 the documents are completely blacked out because they were
5 meant to be full of classified information for people with a
6 security clearance. They were not meant to be -- but the
7 same topics -- and I think this is what Dan mentioned.

8 And the government's position coming into
9 this Commission of Inquiry was to say there is a way to have
10 transparency and to engage the public with very specific
11 information and this is what has been laid out in terms of
12 how to produce redacted documents, possibly, how to produce
13 summaries of highly-classified documents, but in a way that
14 you protect those specific details but you can still inform
15 the public.

16 So I think this is important to have those
17 two paradigms in mind, if you want, something that was
18 written at the classified level for -- purely for the
19 government's consumption with people with clearances and need
20 to know versus something that, you know, is meant to be a
21 tool of transparency to engage in educating the public and
22 increase its resiliency.

23 **MR. GORDON CAMERON:** Okay. Go ahead.

24 **MS. ALIA TAYYEB:** Sure. I just thought I
25 would add a bit to your question about level of effort as
26 maybe just to specify a bit for those who aren't engaged in
27 the redaction process as part of their normal jobs.

28 But I mentioned before, when we do -- we

1 really do have folks who are experts in not only the manner
2 in which we collect our information, but also in the
3 jurisprudence in and around what is acceptable redactions
4 based on the legal frameworks that we have at hand. So that
5 is what is applied for redactions and the folks who do that
6 are highly trained in that.

7 Where it's laborious is that you're going
8 through every line and you're applying redactions, but then -
9 - and some will be obvious and then some will require
10 analysis, is this something that is known to the public or
11 not already. And then they'll have to consult with the
12 subject matter expert to say, "Can you help me understand
13 perhaps whether this particular element can be revealed or
14 not?"

15 So some parts will be very evident because
16 it's a technique, it's a source, et cetera, but where we talk
17 about investigative interest or could it lend itself to
18 revealing a technique of collection or human source or a
19 technical source, in our case, then it does require, you
20 know, additional analysis, which is why I just wanted to
21 highlight that to explain why the -- when we talk about the
22 number of hours that it takes to do this, it's the analysts,
23 it's the subject matter experts they would engage, there's an
24 approval process that it would go through before being
25 released, so there are quite a few steps involved in the
26 redaction process.

27 **MR. GORDON CAMERON:** Okay. Well, on that
28 point, there's nothing like looking at the document itself so

1 that we can have something more concrete to talk about.

2 If I could ask the court operator to call up
3 CAN-900 and -- there we go.

4 This is a report of the "Critical Election
5 Incident Public Protocol" dated May 2020.

6 And if I could just ask the court reporter to
7 scroll through this relatively quickly, and what we will
8 observe -- and I'll ask, panel, for you to observe is that
9 this document is either totally unredacted or, if there's a
10 redaction in it, it's -- must be very small.

11 We note that it -- from the -- just pause
12 there, please. Right there.

13 We note that it is classified secret, so it
14 started out its life as a document classified with the
15 classification we know means the disclosure of this
16 information or some of the information in this document could
17 cause serious harm to the national interest. It went through
18 the process we asked you to engage in and, as near as I can
19 tell, it's totally unredacted, so -- in its publishable form,
20 in its disclosable form.

21 So Mr. Vigneault, is this an example of a
22 document that was written for a broader audience and is thus
23 easier to lift and disclose more completely?

24 **MR. DAVID VIGNEAULT:** So this is not a CSIS
25 document, but what I would say is that it is -- it speaks to
26 the exchange the Commissioner and I had earlier about some
27 documents, you know, will default to the highest
28 classification because there is -- there are a few pieces of

1 information even though, in this case, you know, the
2 overwhelming majority of the information would not be
3 classified. And so this would be a good example of a
4 document that could be -- that was redacted and that, you
5 know, is now available to the public even though there's a
6 classification.

7 I think where -- and a lot of this was meant
8 to explain, if you talk about the procedures that were in
9 place, you know, to look at the -- so they were -- they were
10 not pieces of intelligence, of classified information that
11 were the purpose of that document.

12 When we look -- when we contrast this with
13 other documents, which I assume you, Mr. Cameron, will
14 produce or show, that we'll see the difference where, you
15 know, a document was meant for very, very different purpose.

16 **MR. GORDON CAMERON:** Let's to do that.

17 Perhaps the court operator for purposes of
18 exactly that contrast, Mr. Vigneault, could call up CAN-5847,
19 which is a CSIS intelligence report.

20 So that much was unredacted. We understand
21 what the intelligence product was, and yet other than its
22 classification and the page numbers, it appears to be pretty
23 much completely redacted.

24 And so I take it this would be one of those
25 documents in the category that was written for a different
26 audience?

27 **MR. DAVID VIGNEAULT:** Absolutely. So as I
28 mentioned this morning, CSIS intelligence report is

1 information that has been collected by CSIS that would be
2 just a little bit contextualized, but this is raw
3 intelligence, so it is something that contains all of the
4 classification -- the classified information and it is meant
5 to be sharing intelligence specifically, not the full
6 analysis, but the intelligence with some very specific people
7 inside the federal government as per the *CSIS Act*, you know,
8 is mandating us to do. And so that's why here is a good
9 example of a top-secret document that, you know, will be, in
10 this case, you know, fully redacted. The exercise what is of
11 interest is that, again, this is a raw intelligence product,
12 so it's the information produced and essentially shared with
13 people. This is something we know. If it contrasts with
14 other documents that I talked about this morning,
15 intelligence assessment where it takes CSIS information, CSE
16 information and other partner information, potentially open-
17 source information and tries to provide a picture, you might
18 see a different approach. But the biggest distinction is
19 that the same topic, so if you're talking foreign
20 interference by country X, you could have a CSIS intelligence
21 report that would be completely blacked out. And you could
22 also have a document that can be produced with the intent to
23 be released, and so you can talk about the same topic in a
24 public format that will essentially provide a level of
25 information, but, of course, that will be protecting the
26 information that we are mandated by law to protect.

27 **MR. GORDON CAMERON:** Well, let's do exactly
28 as you described. We've just looked at a CSIS intelligence

1 report, which is pretty much fully redacted, and let's look
2 at a CSIS intelligence assessment. If the operator could
3 pull up CAN-5784?

4 This is the type of document with which you
5 were contrasting a report. Now again, if the operator could
6 just scroll through, we will see that though this does
7 operate perhaps at a different level than the intelligence
8 report, it did -- not much got through other than the
9 description of the United Front Work Department. Can you, I
10 guess, make any observation other than that the information
11 that is redacted had to remain classified?

12 **MR. DAVID VIGNEAULT:** Yeah. So as I
13 mentioned, the distinction is when you are writing a report
14 with the intention of this report to be read by people with
15 security clearances and need to know, you try to be as
16 precise and as direct with the facts that are important. In
17 the case of an analyst, then you add your perspective, the
18 expert analyst will add his or her perspective to it. And so
19 some of these analysis might be, you know, other versions of
20 a CSIS intelligence analysis report. There might have been
21 more information released. In this case, there's very little
22 -- Madame la Commissaire, si vous regardez la boîte qui est à
23 la droite --, this information, you know, is an example where
24 we have unclassified information, which releasing it would
25 not -- in public would not be injurious to the national
26 interest, and that's why this information is there. In other
27 context, it's possible that, you know, referencing something
28 that even may not be classified, the -- in this case, because

1 it's related to China, Chinese intelligence services would be
2 able to make a deduction and be able to make analysis of what
3 we know, what we're interested in, and that -- this is the
4 root of why we are protecting information.

5 **MR. GORDON CAMERON:** Okay. That's helpful
6 and you mention that there could be variability amongst the
7 amount of redaction in an intelligence assessment, and we
8 have an example of that. If the operator could pull up CAN-
9 5811?

10 So here we have another intelligence
11 assessment, but as a reader will observe, a lot more of the
12 content of this intelligence assessment has made it into the
13 public realm. And again, if the operator could just scroll
14 through that then we'll get an overview. And I think, Mr.
15 Vigneault, you've already explained how it could be that
16 sometimes information could be disclosed and sometimes it
17 can't, but what we have here, we've seen now two intelligence
18 assessments produced by CSIS, one of which ended up having to
19 be highly redacted and the other of which is fairly lightly
20 or surgically redacted. And maybe you could put those two
21 reports in the context of the comments you've made.

22 **MR. DAVID VIGNEAULT:** I think this is a --
23 actually, a very, very useful exercise that the previous
24 intelligence assessment, which was almost completely
25 redacted, versus this one, which is the IS -- the document is
26 classified top secret because that's the IS classification of
27 the document. And if the operator can scroll up a little
28 bit, you will see that after that exercise that CSIS experts

1 did to review the specific document, you have -- if you could
2 scroll -- just, no, that's fine, that's fine, sorry -- you
3 have in this page you see that you have even a paragraph that
4 is marked "top secret" that has been released. And the
5 reason for that, and I think it's something that is very
6 important.

7 Madame la Commissaire, pour le travail de la
8 Commission, some of that was classified top secret at a
9 specific moment in time. This document was produced in 2021.
10 And with passage of time, the information has evolved, more
11 information has become public, and the injury is different in
12 2024 or 2023 December when this was produced, and so that's
13 why you see a paragraph that is marked top secret has been
14 released. And I think it's important for the rest of the
15 Commission -- the work of the Commission to see that
16 temporality has also an impact.

17 And your point earlier, Mr. Cameron, about
18 the amount of time it takes, so this is, I think, a good
19 example that is not just the institution just saying it's a
20 top-secret document. It's going to be completely blacked out
21 and nothing will be released. So experts have gone line by
22 line to review it and then say even something that was top
23 secret, with the passage of time, the understanding of where
24 we are and the injury to the national interest that would
25 occur if this was to be public, you can still have
26 information there. So I think it is a good example of the
27 professionalism that the experts are applying to this. But,
28 again, as you mentioned, as the counsel mentioned, 13

1 documents required about 200 people hours to be able to
2 produce that, which is a very significant amount of
3 resources.

4 And last thing I would say is that the
5 experts, the subject matter experts, so in this case it would
6 be experts on foreign interference and Chinese espionage
7 activities and so on, these are the same people who right now
8 are engaged in collecting information, producing intelligence
9 that is protecting Canadians today in 2024. So they are
10 being taken away from doing that work to be doing this
11 because it's extremely important, but I think it's a
12 consideration that I think is important for to be able to
13 share with the Commission.

14 **COMMISSIONER HOGUE:** Just a detail. I see
15 just beside top secret "Canadian eyes only". Can you just
16 explain a little bit on what it means in the context of
17 classification?

18 **MR. DAVID VIGNEAULT:** Yes, so "Canadian eyes
19 only" means that it is information that, in this case, would
20 be either produced by CSIS, so -- or let me rephrase. It's
21 either information that has been collected by a Canadian
22 agency that for reason of the national interest we would not
23 be sharing with others, or the analysis of that information,
24 which could come from information gleaned from other
25 international partners as well, but our analysis takes into
26 account the interest and the considerations that are
27 important to the government of Canada, and we would not want
28 to reveal that to another party.

1 **COMMISSIONER HOGUE:** I see. Thank you.

2 **MR. GORDON CAMERON:** Okay. And for my last
3 question, panel, if I could ask the operator to pull up
4 CANDOC1 again. That's the -- sorry; wrong. CANDOC3, the
5 Institutional Report, and scroll to page 12. And towards the
6 bottom of the page, I guess just above "protecting
7 information", there's a sentence:

8 "In determining whether to sanitise
9 or declassify information, the
10 originating agency has to weigh the
11 public interest in making the
12 information available against the
13 risk and costs associated with
14 disclosing the information." (As
15 read)

16 And just because we're running up to the end,
17 I won't ask the operator to bring it up, but in the witness
18 summary on page 13, I believe with particular reference to
19 CSE's contribution to that interview, there was a similar
20 reference to balancing the public interest.

21 And so in closing, the question for each or
22 all of you, is whether in considering the public interest in
23 disclosure, your agencies and the government would take into
24 consideration the fact that the disclosure would be for a
25 public commission of inquiry on a topic of great importance
26 to Canadians?

27 **MR. DAVID VIGNEAULT:** Do you want to go?

28 **MR. DANIEL ROGERS:** Sure, I can start on

1 that.

2 So I would say, of course we are interested
3 in ensuring we follow government direction as public servants
4 to maximise transparency in the context of this Inquiry, and
5 that includes using all of the available mechanisms, some of
6 which we have outlined in the letter, to make information
7 public where possible. What I would say is that also as
8 public servants, our goal, particularly in the mandate of
9 CSE, and CSIS, and us in the national security community, is
10 to keep Canadians safe, and so that balance is very
11 important. If information is withheld, it is withheld
12 because it is necessary to keep operations ongoing that
13 Canadians rely on for their safety and security.

14 So yes, I think the answer is yes, we do want
15 to look at this Commission and the processes differently. We
16 are looking to suggest methods, like summarisation, like
17 *in-camera* hearings and transcripts to maximise the amount of
18 transparency, and I think those are examples of how we see
19 this differently. But you know, at the end of the day, there
20 will still be information which is necessary to preserve as
21 secret to enable the ongoing operations of the national
22 security community.

23 **MR. GORDON CAMERON:** Thank you.

24 **MS. ALIA TAYYEB:** I absolutely agree with
25 Dan's comment. If I might just add a couple of things in
26 this context, and in the context of the interview, is I think
27 the public interest is clear through the intent and the
28 legislation that we enable. So for instance, access to

1 information. The clear public intent is that people have
2 ability to request information from government. Or in a
3 legal disclosure proceeding where there's a clear need to
4 protect safety, so there might be a public interest in that
5 regard to enable a prosecution. So the public interest is
6 really defined by those mechanisms that require disclosure to
7 my mind, and so the Commission of Inquiry is an extension of
8 that.

9 The public interest has been defined in the
10 terms of reference that there is a clear public interest that
11 Canadians understand the extent to which foreign interference
12 in elections takes place, and that they have confidence in
13 public institutions. So that is the public interest, and
14 indeed, that is -- that's what -- the standard that we apply
15 in each of those processes.

16 And I think, as Dan said, that's just --
17 that's weighed, and as is the reflection in the terms of
18 reference as well, that there's a public interest in
19 achieving this, and we will do this, and at the same time, we
20 need to protect those classified sources and methods because
21 we're legally bound to do so. So that's how I would maybe
22 make that inference as well.

23 **MR. DAVID VIGNEAULT:** If I can maybe just put
24 a stamp what my colleagues have said. You know, this is
25 clearly a different approach. It's a peaceful approach
26 tailored for the Commission with the mandate of making as
27 much information public. It's not business as usual.

28 The procedures that, you know, have been

1 proposed by the government in terms of providing redacted
2 versions and summaries to be able to provide that, I think is
3 -- it's a clear expression that this is, you know -- that the
4 intent of the Commission of Inquiry to provide as much
5 information to the public is clear, while we maintain the
6 need -- mandated, or legislated need for secrecy for the
7 different -- to protect, you know, our ability to continue to
8 work in the future, continue to protect Canadians, so I think
9 the intent is very clear.

10 **MR. GORDON CAMERON:** Thank you, that's been
11 very helpful.

12 Madam Commissioner, those are all of my
13 questions.

14 **COMMISSIONER HOGUE:** Okay. So we'll take the
15 lunch and we'll come back at 1:55. Bon appétit.

16 **THE REGISTRAR:** Order, please. À l'ordre
17 s'il vous plait. This hearing is in recess until 1:55. La
18 séance est maintenant en pause jusqu'à 1 h 55.

19 --- Upon recessing at 12:24 p.m.

20 --- La séance est suspendue à 12 h 24

21 --- Upon resuming at 1:55 p.m.

22 --- L'audience est reprise à 13 h 55

23 **THE REGISTRAR:** Order, please. À l'ordre,
24 s'il vous plait.

25 This sitting of the Foreign Interference
26 Commission is back in session. Cette séance de la Commission
27 sur l'ingérence étrangère a repris.

28 --- **MR. DANIEL ROGERS, Resumed/Sous la même affirmation:**

1 --- MR. DAVID VIGNEAULT, Resumed/Sous la même affirmation:

2 --- MS. ALIA TAYYEB, Resumed/Sous la même affirmation:

3 COMMISSIONER HOGUE: So good afternoon. We
4 will begin the cross-examination this afternoon.

5 I would like just to remind all the counsels
6 one rule that we have established, and it's not a complaint.
7 We are all learning and we are getting used to the rules.
8 But if you intend to use any documents in the cross-
9 examination, you are required to provide the documents to the
10 Commission three days in advance, and the idea is not to pose
11 any obstacle to the cross-examination or to make it
12 difficult. It's because we have a database that needs to be
13 uploaded and it takes time, especially when we are receiving
14 a lot of documents.

15 So the risk if you wait is that the documents
16 won't be in the database for your cross-examination.

17 We did our best for today, but by chance we
18 are at the beginning so there was not too many documents.
19 But try to -- not just try. Just make sure to take the habit
20 to send the documents three days in advance, please.

21 So the first -- I just want to make sure I
22 have the right -- the proper list. It was on my seat, but I
23 mixed up everything.

24 Thank you.

25 The first cross-examination will be conducted
26 by two lawyers, actually, John Mather and Michael Robson, for
27 the Centre for Free Expression.

28 I'm also taking this opportunity to remind

1 you to identify yourself and to repeat -- I know that you did
2 that on the first day, but to repeat who you do represent,
3 please, for the benefit of everyone in the room, including
4 the witnesses.

5 Thank you.

6 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

7 **MR. JOHN MATHER:**

8 **MR. JOHN MATHER:** Good afternoon,
9 Commissioner. Good afternoon, members of the panel.

10 My name is John Mather. I represent the
11 Centre for Free Expression. The CFE is a non-profit advocacy
12 and education organization based out of the Toronto
13 Metropolitan University.

14 In the interests of time and efficiency this
15 afternoon, my questions will primarily be for Mr. Vigneault.
16 I trust that Ms. Tayyeb and Mr. Roger won't take any offence
17 to that.

18 I have about 10 minutes of questions,
19 following which I'm going to cede the podium to my colleague,
20 Michael Robson, who will then have some questions about the
21 13 documents that have been produced through this process so
22 far.

23 So Mr. Vigneault, I'm not sure if you've been
24 able to follow the proceedings so far this week, but the
25 Commission has had the benefit from hearing from experts on
26 issues of national security confidentiality and public
27 disclosure. The experts included individuals such as Richard
28 Fadden and Alan Jones.

1 I assume you're familiar with those two
2 gentlemen.

3 **MR. DAVID VIGNEAULT:** I am.

4 **MR. JOHN MATHER:** And one of the reasons the
5 Commission has convened these hearings is because one of its
6 mandates is to maximize transparency, and I take it from your
7 answers this morning you're well aware that that's one of the
8 Commission's mandates.

9 **MR. DAVID VIGNEAULT:** I am.

10 **MR. JOHN MATHER:** And hearing from the
11 experts this week, I would say there's been consensus on
12 several points, and I'm not going to put them all to you, but
13 I have a few of the points of consensus that I want to see if
14 you agree with.

15 First, I take it that you would agree that
16 foreign interference is a real and serious threat to Canadian
17 society?

18 **MR. DAVID VIGNEAULT:** I do agree and, as a
19 matter of fact, I've been speaking publicly about these
20 issues since 2018 to address the need for what I refer to as
21 a sunlight policy on the notion of foreign interference
22 because as much as in a democratic society you need to have
23 an organization like CSIS or CSE to be providing classified
24 intelligence and ability for the government to intervene, you
25 cannot deal with foreign interference without having a
26 society that is more resilient. And so that's why we've been
27 engaging in dialogue and transparency with Canadians on this
28 issue.

1 **MR. JOHN MATHER:** Thank you, Mr. Vigneault.

2 And at this point, I'm just asking to see if
3 you agree with them, and I want to give you the opportunity
4 to provide any qualification -- qualifying comments, but I
5 will say I have limited time, so if you're able to say "yes"
6 or "no", I'd appreciate it. But I'm not trying to limit what
7 you say.

8 The second proposition is -- or the second
9 point of consensus is that -- and I think you already touched
10 on this this morning, is that foreign interference in
11 elections is a matter of utmost public interest. Do you
12 agree with that?

13 **MR. DAVID VIGNEAULT:** I do agree with that.

14 **MR. JOHN MATHER:** Yeah.

15 And the third and next point of consensus is
16 that this Commission faces serious challenges in fulfilling
17 its mandate to maximize transparency because much of the
18 relevant information is classified. Again, I think that's
19 obvious.

20 **MR. DAVID VIGNEAULT:** I agree with that
21 statement, yes.

22 **MR. JOHN MATHER:** And then, again, a fourth
23 point of consensus would be that the Commission's timelines
24 are short and the process for reviewing of classified
25 documents for public disclosure is going to have to be
26 condensed. Do you agree with that?

27 **MR. DAVID VIGNEAULT:** I would agree with the
28 fact that the timelines are short. I'm not sure I have an

1 opinion, necessarily, on the latter part of your point.

2 **MR. JOHN MATHER:** That's fine.

3 And then the last point I wanted to see if
4 you agreed with is that we've heard from multiple of the
5 experts that when the various departments within the federal
6 government review documents for classification, they have a
7 tendency to overclaim for national security privilege. Would
8 you agree with that?

9 **MR. DAVID VIGNEAULT:** I will have a different
10 experience than that, and I -- this is one of the areas,
11 counsel, I cannot just answer "yes" or "no" because it is
12 more nuanced.

13 My experience has been that there's been an
14 evolution over time. What we were saying publicly, we were
15 engaging in these discussions in 2015, 2018, is not what it
16 is in 2024, and it speaks to the way -- the amount of
17 information we make public, the specificity of that
18 information and the regularity at which we are engaging with
19 the public on these issues.

20 **MR. JOHN MATHER:** So let me put it to you
21 this way. When Richard Fadden, the former CSIS Director,
22 says that there's room for the Commissioner to push back on
23 national security confidentiality claims, do you agree there
24 is that room?

25 **MR. DAVID VIGNEAULT:** I would agree with the
26 fact that the Commissioner has agreed to the rule -- the
27 Terms of Reference and these are the Terms of Reference that
28 we all are abiding by and are going to be doing our utmost to

1 support the Commission with this very important goal of
2 engaging the public on this issue.

3 **MR. JOHN MATHER:** I think Mr. Fadden's point
4 was really that when you look at some of the documents we saw
5 this morning with the boxes of redactions that it may very
6 well be the case that there are things that have been
7 redacted that, on second thought, ought not to be redacted.
8 Do you agree that's at least possible?

9 **MR. DAVID VIGNEAULT:** I have not had the
10 opportunity to listen to Mr. Fadden's testimony.

11 I can tell you, and I'll repeat what I said
12 this morning, experts reviewed each and every line of these
13 documents, people with expertise on redactions, and they
14 consulted with people who have expertise on the subject
15 matter. And I think we have -- we had good example this
16 morning of yes, some documents that were totally blacked out,
17 again, documents that were intelligence reports was the sole
18 purpose was to inform people with clearances. And when you
19 contrast that with documents that were meant to inform the
20 public, these documents were, of course, you know, all in the
21 open.

22 So I think it is a -- my experience is the
23 way I just described.

24 **MR. JOHN MATHER:** With Commission counsel,
25 you discussed this morning, that really there's a fundamental
26 issue here, which is the tension between the protection of
27 national security interests and the public interests and the
28 information about election interference. That's really

1 what's come to a head when we talk about these issues. Do
2 you think that's fair?

3 **MR. DAVID VIGNEAULT:** It is fair, but I think
4 it's also important to note that there is not a inherent
5 dichotomy between the public interest and the need to protect
6 information. So you can have -- the public interest also
7 includes the ability for the agencies, like CSIS and CSE and
8 others, whose mandate by parliament is to collect that
9 information in order to protect Canadians, so it is
10 definitely in the public interest that we're effective in
11 doing our work.

12 But the public interest also calls for, you
13 know, information to be especially to this Commission, and
14 that's why those specific rules have been put in place. As I
15 said, this is not business as usual. These are the rules
16 that have been specifically put forward for the Commission to
17 make as much information public as possible.

18 **MR. JOHN MATHER:** And we've heard what you've
19 said about the public interest and sort of at times keeping
20 information confidential to protect Canadians. What I want
21 to do now is bring some context to the public interest in
22 Canadians having the ability to understand about election
23 interference. And you understand that is a -- its own form
24 of public interest. Canadians have a right to know, and
25 we'll talk about the limitations, but Canadians have a right
26 to know when and what form of election interference occurred?

27 **MR. DAVID VIGNEAULT:** Yes.

28 **MR. JOHN MATHER:** Okay. And as I'm sure

1 you're aware, the origins of this Inquiry can be traced back
2 to news reports from Global News and the Globe and Mail about
3 allegations of foreign interference in Canadian elections. I
4 take it you're familiar with those news reports?

5 **MR. DAVID VIGNEAULT:** I am.

6 **MR. JOHN MATHER:** And those reports described
7 classified intelligence that had been leaked; that's correct?

8 **MR. DAVID VIGNEAULT:** Amongst other things,
9 yes, but they were including many other parts. But yes ---

10 **MR. JOHN MATHER:** Yes.

11 **MR. DAVID VIGNEAULT:** --- including ---

12 **MR. JOHN MATHER:** It wasn't the only thing in
13 those reports ---

14 **MR. DAVID VIGNEAULT:** Yeah.

15 **MR. JOHN MATHER:** --- but there was reports
16 of classified intelligence that had been leaked.

17 **MR. DAVID VIGNEAULT:** That were released --
18 were -- in an unauthorised way, yes, absolutely.

19 **MR. JOHN MATHER:** And some of that
20 intelligence was attributed to CSIS?

21 **MR. DAVID VIGNEAULT:** Yes.

22 **MR. JOHN MATHER:** Okay. And I understand
23 that when media reports leaked CSIS, sorry, if the media
24 reports leaked CSIS intelligence, the service can often not
25 validate that intelligence when it's leaked. Is that
26 correct.

27 **MR. DAVID VIGNEAULT:** That is correct.

28 **MR. JOHN MATHER:** Because doing so may reveal

1 or tend to reveal classified information.

2 **MR. DAVID VIGNEAULT:** Absolutely.

3 **MR. JOHN MATHER:** Okay. And I take it, then,
4 that one of the effects of that is that you can have
5 instances where incorrect or incomplete allegations are put
6 into the public record without clarification or correction?

7 **MR. DAVID VIGNEAULT:** I would say that what
8 has happened and what we have seen and what is absolutely a
9 danger when there are information of that nature that is put
10 in the public domain without the proper context or proper
11 explanation, there is the possibility of interpretation that
12 may be factually incorrect, yes.

13 **MR. JOHN MATHER:** Yes. And I'm not going to
14 review every allegation that was in those media reports, and
15 Commissioner, my intent is not to go into the substance of
16 these allegations, but rather, to talk about what is in the
17 public consciousness as we debate the public interest when
18 weighing against national security.

19 So to identify some of the allegations in
20 those reports, include that CSIS has a dossier, had a dossier
21 on Michael Chan's activities in the 2019 and 2020 elections,
22 and that referred to him having meetings with Chinese
23 intelligence operatives. That was something that was
24 reported in those news articles; is that correct?

25 **MR. DAVID VIGNEAULT:** Commissioner, again, my
26 understanding is that the purpose of the hearing today is to
27 discuss the -- Part D of the Inquiry, and I think, you know,
28 I'm concerned that we're going down the path here that is to

1 get the substance of the issues? So ---

2 **COMMISSIONER HOGUE:** We won't.

3 **MR. DAVID VIGNEAULT:** Okay.

4 **COMMISSIONER HOGUE:** We won't.

5 **MR. JOHN MATHER:** And thank you,
6 Commissioner.

7 **COMMISSIONER HOGUE:** I understand it's an
8 introductory question just to put it in context.

9 **MR. JOHN MATHER:** I -- to put in context the
10 public interests we're dealing with. I'm not going to ask
11 you about the substance of that allegation.

12 **MR. DAVID VIGNEAULT:** Okay.

13 **MR. JOHN MATHER:** That's not my intention at
14 least.

15 And that another -- again, this is just
16 whether this allegation was reported. It was reported that
17 certain -- in certain instances, Chinese diplomats encouraged
18 sympathetic political donors to provide campaign
19 contributions to candidates preferred by China, and then
20 those -- a portion of those donations would then be returned
21 to the donor. Again, do you understand that to be one of the
22 allegations that was in the media?

23 **MR. DAVID VIGNEAULT:** Yes. The -- exactly
24 the way you framed it. That's one of the allegations that
25 was in the media, yes.

26 **MR. JOHN MATHER:** And if I don't say that in
27 my question, that's the question ---

28 **MR. DAVID VIGNEAULT:** Yes.

1 **MR. JOHN MATHER:** --- I am asking you.

2 **MR. DAVID VIGNEAULT:** Thank you.

3 **MR. JOHN MATHER:** And that -- and another
4 allegation was that Liberal MP Han Dong secretly advised a
5 PRC official to delay the release of two Canadians being held
6 by China? Again, that was an allegation?

7 **MR. DAVID VIGNEAULT:** Yes.

8 **MR. JOHN MATHER:** Okay. And that
9 Conservative MP, Michael Chong, and his family in China had
10 been targeted by China. Again, that was one of the
11 allegations?

12 **MR. DAVID VIGNEAULT:** Yes, I'm familiar with
13 that.

14 **MR. JOHN MATHER:** And again, I'm not asking
15 you to endorse or validate any of those allegations, but I
16 take it you would agree with me that the public has a
17 legitimate interest in knowing whether or not those
18 allegations are true?

19 **MR. DAVID VIGNEAULT:** I think there is --
20 this is the crux of the entire Commission, Madame la
21 Commissaire, of how to be able to take information that is in
22 the public domain that has not been validated, information
23 that has been made -- all of the classified intelligence that
24 has been made available to the Commission, and along the
25 terms of reference, find a right way of being able to inform
26 Canadians.

27 **MR. JOHN MATHER:** My question was a little
28 bit simpler. That Canadians have a legitimate and pressing

1 public interest in knowing whether or not those serious
2 allegations, and they are just allegations, but those --
3 whether or not those serious allegations are true or can be
4 substantiated?

5 **MR. DAVID VIGNEAULT:** Madame la Commissaire,
6 my previous answer will stand for this answer -- this
7 question.

8 **MR. JOHN MATHER:** Yeah. And you're aware
9 that former Governor General, the Honourable David Johnston,
10 conducted his own review of the allegations that were stated
11 in those media articles?

12 **MR. DAVID VIGNEAULT:** Yes, I'm aware.

13 **MR. JOHN MATHER:** And through a different
14 system he was able to have access to the leaked classified
15 intelligence relating to those topics; is that correct?

16 **MR. DAVID VIGNEAULT:** Mr. -- the Commission,
17 the independent special rapporteur was provided all
18 classified information from all different government parties
19 that were relevant to his mandate.

20 **MR. JOHN MATHER:** And after reviewing that
21 information, Mr. Johnston came to the conclusion that when
22 the individual pieces of intelligence that were reported in
23 the media, when those were considered in the context of all
24 the relevant intelligence, that the issues raised were either
25 less concerning than the media had reported, or in some
26 cases, told a different story. That was Mr. Johnston's
27 conclusion; correct?

28 **MR. DAVID VIGNEAULT:** Yes, the -- I believe

1 it was his conclusion, but again, I'm not here to testify
2 about the -- what Mr. Johnston's findings were or not.

3 **MR. JOHN MATHER:** Well, I'm going to ask you
4 about one more of them and see if you at least are aware that
5 this was his finding. That's my question, really, is whether
6 you know it.

7 Mr. Johnston also stated that in order to
8 understand the serious allegations that have been raised in
9 the media, it was, quote,

10 "Necessary to review the leaked
11 materials, together with the non
12 leaked materials, carefully and in
13 context." (As read)

14 Are you aware that he made that conclusion?

15 **MR. DAVID VIGNEAULT:** I believe that that was
16 one of his conclusions. And also, it will be important, you
17 know, if there are further questions about how the Right
18 Honourable David Johnston came to his conclusion, eventually,
19 if that's relevant for the Commission, there should be no
20 more evidence to say how it came about, you know, to be able
21 to speak to that issue. And that is, normally having access
22 to all classified information, but also being able to have
23 some of that information written for release, which is one of
24 the proposals that has been put forward by the government.

25 **MR. JOHN MATHER:** And so, Mr. Vigneault, when
26 Mr. Johnston was talking about the necessary information he
27 needed to do a review...

28 That was my -- half of my time,

1 Madam Commissioner. I am sorry for the alarm, and I'm going
2 to go a little bit longer. So my apologies to Mr. Robson.
3 We'll try to get through this as quickly as we can so we
4 don't deprive him of his opportunity.

5 But when Mr. Johnston -- the information that
6 Mr. Johnston said was necessary to review, which was the non
7 leaked classified information, that is still secret. He
8 wasn't able to share that with the public.

9 **MR. DAVID VIGNEAULT:** Mr. Johnston -- just to
10 be very clear, Mr. Johnston had available, you know, all of
11 the classified intelligence that was at the disposal of the
12 Government of Canada ---

13 **MR. JOHN MATHER:** So Mr. ---

14 **MR. DAVID VIGNEAULT:** --- that was relevant
15 to his mandate ---

16 **MR. JOHN MATHER:** Mr. Vigneault.

17 **MR. DAVID VIGNEAULT:** --- so ---

18 **MR. JOHN MATHER:** Mr. Vigneault, no one wants
19 to interrupt the CSIS Director, trust me, but my question was
20 really that the -- and maybe it's -- it may seem obvious to
21 you, but the classified information that Mr. Johnston said
22 was necessary for him to arrive at his conclusion, that
23 information remains classified; correct?

24 **MR. DAVID VIGNEAULT:** All of -- there has
25 been no declassification of information to that process. It
26 was a -- the only -- all of the information that was released
27 publicly by Mr. Johnston was unclassified information. Some
28 that includes right for release reports that originate from

1 very highly classified reports, reports that if they were to
2 have been released publicly would have caused extreme injury
3 to the Government of Canada and to the Canadian national
4 interest. And that is the process that he has undertaken.

5 **MR. JOHN MATHER:** Okay. So Mr. Vigneault,
6 would you agree that when it comes to a member of the public
7 who was not in Mr. Johnston's position and was not in
8 Commission counsel's position or the Commissioner's position,
9 if they want to draw conclusions on the serious allegations
10 that have been reported in the media, they do not have access
11 to the information that the former Governor General said was
12 necessary in order to come to the right conclusions.

13 Do you agree with that?

14 **MR. DAVID VIGNEAULT:** What I would say about
15 this is that there is a distinction between the public
16 interest to know and the ability of the government's agencies
17 to continue to perform their work every day to protect
18 Canadians. That is at the core of the issue.

19 **MR. JOHN MATHER:** That's really not an answer
20 to my question, Mr. Vigneault. I understand why you gave
21 that explanation, but my question was, do you agree that
22 Canadians who do not have top secret security clearance and
23 aren't on the need-to-know basis do not have access to the
24 information that former Governor General David Johnston said
25 was necessary to understand the complete picture of those
26 serious media allegations?

27 **MR. DAVID VIGNEAULT:** This is a true
28 statement, but it is also important to say that the ability

1 that the -- Mr. Johnston had was to provide information to
2 Canadians to provide them with an account of what he was able
3 to draw from these classified documents and the Commission of
4 Inquiry exists to be able to provide further information to
5 Canadians, to provide further context as required to
6 Canadians. And it is important to not always reduce these
7 issues on a binary way. It is more complex and this is why
8 there is a very serious Commission of Inquiry under way about
9 these issues.

10 **MR. JOHN MATHER:** Do you agree, Mr. Johnston,
11 that Canadians do not -- and let me preface this.

12 We hear you and we understand the reasons
13 that the government and CSIS is putting forward about why
14 it's not being disclosed. It's not that that's not being
15 heard. But do you agree that because of those reasons that
16 Canadians do not have all the details they would need to have
17 to have an informed discussion and debate on the serious
18 issues that have been reported in the media?

19 **MR. DAVID VIGNEAULT:** My answer to that is
20 that you can have an informed discussion, you can have a
21 relevant discussion, you can have an important discussion
22 with Canadians by Canadians not necessarily having, you know,
23 all of the secrets in the public domain. There is a way to
24 do that and this is the challenge that we face in our
25 community.

26 This is why we are more -- much more
27 transparent. It's why we gave examples of documents we have
28 been producing for public release and for public discussion

1 and this is why the Commission of Inquiry exists, is to be
2 able to provide as much information, but this -- there is a
3 notion here that is very important, is that the very notion
4 of Canadians who want to be able to protect themselves by
5 having information also rely on having agencies who can do
6 their work effectively today and tomorrow, and this is why
7 there is, in our system, democratic system -- there are rules
8 and laws in place to protect classified information. And
9 this is the -- this balance that the Commission is going to
10 have to address in the next number of months.

11 **MR. JOHN MATHER:** Do you disagree with Mr.
12 Johnston that the information necessary to come to the
13 conclusions about those allegations is classified information
14 that cannot be disclosed?

15 **MR. DAVID VIGNEAULT:** Can you ---

16 **MR. JOHN MATHER:** So Mr. Johnston's
17 conclusion ---

18 **MR. DAVID VIGNEAULT:** Yes.

19 **MR. JOHN MATHER:** --- was you need to look at
20 the classified information to come to a full picture and make
21 an informed conclusion, or at least that's what he needed to
22 do.

23 Do you disagree with him that that
24 information is necessary to come to those conclusions?

25 **MR. DAVID VIGNEAULT:** Mr. Johnston had a very
26 specific mandate, and his mandate required him to look at the
27 classified information, and that's why, I believe, he came to
28 the conclusion that he needed to look at the classified

1 information to be able to execute his mandate.

2 **MR. JOHN MATHER:** So Madam Commissioner,
3 those are my questions.

4 If I may ask an indulgence for Mr. Robson, I
5 did occupy a lot of our time and he has been preparing to
6 conduct these examinations.

7 **COMMISSIONER HOGUE:** Thank you.

8 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

9 **MR. MICHAEL ROBSON:**

10 **MR. MICHAEL ROBSON:** Good afternoon, Madam
11 Commissioner and the panel. I will try to be brief, as I'm
12 aware that we have limited time today and limited time for
13 cross-examination.

14 I'd like to jump in immediately to the --
15 some of the documents that were produced as part of the
16 Commission's process and in response to the request the
17 government produce 13 redacted documents, but before I do,
18 one of the things that I would just -- I'd just like to ask
19 some general questions to sort of get us back into that
20 mindset.

21 So we heard this morning and you would agree
22 with me that CSIS produces these reports that they produce to
23 parliamentarians and Cabinet Ministers containing advice,
24 intelligence and summaries of what that intelligence
25 contains. Is that correct?

26 **MR. DAVID VIGNEAULT:** No, that's not my
27 testimony. I said that those CSIS documents containing
28 classified intelligence are exclusively the purpose of the

1 federal government, not parliamentarians. There's a very
2 significant distinction. So people with the right security
3 clearance and a need to know.

4 **MR. MICHAEL ROBSON:** And I appreciate that
5 clarification, but the reports themselves contain, in some
6 cases, raw intelligence and also the summaries and analysis
7 that have been performed by CSIS agents.

8 **MR. DAVID VIGNEAULT:** That is correct. But
9 it's the audience that I think is important that we clarify.

10 **MR. MICHAEL ROBSON:** Absolutely.

11 And those documents are often classified, and
12 we heard this morning they can be classified at a certain
13 level due to a single piece of information or maybe two
14 pieces of information within that document.

15 **MR. DAVID VIGNEAULT:** That's correct.

16 **MR. MICHAEL ROBSON:** And it's possible that
17 if those pieces of information are redacted or sanitized that
18 that document can be declassified or sanitized to a lower
19 level of classification.

20 **MR. DAVID VIGNEAULT:** That's correct.

21 **MR. MICHAEL ROBSON:** Court operator, I'd like
22 to pull up document CAN 5780, please.

23 And so this is a CSIS national security brief
24 dated November 29th, 2019. And if we scroll down just a
25 little bit, one of the things that is immediately apparent is
26 that most of the information in this brief is redacted.

27 And you can see that on the screen; correct?

28 **MR. DAVID VIGNEAULT:** Yes.

1 **MR. MICHAEL ROBSON:** And this morning, I know
2 we spoke about the reasons why it might be redacted, but I
3 just want to clarify when we're looking at these documents,
4 the panel was speaking generally about the reasons why it
5 might be redacted, not specifically for these documents in
6 question.

7 **MR. DAVID VIGNEAULT:** That's correct.

8 **MR. MICHAEL ROBSON:** And that's not why we're
9 here today; correct?

10 **MR. DAVID VIGNEAULT:** Yes.

11 **MR. MICHAEL ROBSON:** But the only way to know
12 what's in this document and to understand the reasons for the
13 redactions would be to see an unredacted -- a fully
14 unredacted version of the document and to have somebody
15 explain the reasons for why the redactions had been made?

16 **MR. DAVID VIGNEAULT:** Well, we are here to
17 explain part of that process, not those specific documents,
18 but yes.

19 Did you want to ---

20 **MR. DANIEL ROGERS:** Maybe just if I
21 understood your question correctly. You said the only way to
22 understand the contents of the document. I would argue that
23 summarization and other forms of text describing what's under
24 there are also possible in a way that doesn't reveal the
25 injurious information.

26 **MR. MICHAEL ROBSON:** But to ensure that those
27 summaries were accurate to the information that's within the
28 document, there would need to be somebody who had seen the

1 fully unredacted document to confirm the accuracy of the
2 summary.

3 **MR. DAVID VIGNEAULT:** Yes.

4 **MR. MICHAEL ROBSON:** And this document
5 itself, the one that's on the screen, if the court operator
6 could scroll up just a little bit, it's marked as "Top
7 secret" and for "Canadian eyes only". That's correct?

8 And even then, on this page specifically, it
9 says that, "The following details some of the irregularities
10 and possible PRC linked FI activity".

11 And for the purposes of the Commission here
12 today, PRC would be People's Republic of China?

13 **MR. DAVID VIGNEAULT:** Yes.

14 **MR. MICHAEL ROBSON:** And FI would be foreign
15 interference.

16 **MR. DAVID VIGNEAULT:** Yes.

17 **COMMISSIONER HOGUE:** You have one minute
18 left.

19 **MR. MICHAEL ROBSON:** Thank you, Madam
20 Commissioner.

21 And very briefly, although it isn't
22 disclosed, Mr. Vigneault, you've talked about how you've
23 spoken extensively about foreign interference in the public
24 sphere since then -- or sorry, over the -- since 2018.

25 **MR. DAVID VIGNEAULT:** Yeah. Since -- yeah.

26 **MR. MICHAEL ROBSON:** And this report is dated
27 November 29th, 2019.

28 **MR. DAVID VIGNEAULT:** That's correct.

1 **MR. MICHAEL ROBSON:** And it's possible due to
2 either the temporal effect or release that there is some
3 information in this report that may have been reported on
4 publicly since then.

5 **MR. DAVID VIGNEAULT:** Yes, but just to be
6 clear, being reported on publicly doesn't mean that it's been
7 declassified.

8 **MR. MICHAEL ROBSON:** Understood. But there
9 is certain information in this report where, if somebody else
10 were to look at it in an unredacted form, they could
11 recognize that it had been released to the public and was in
12 the public domain.

13 **MR. DAVID VIGNEAULT:** It's possible. I don't
14 know -- don't remember, though, the specific details
15 underneath this report. But again, as was mentioned by your
16 colleague, previous counsel, it's not because information,
17 classified information has been made in the public domain,
18 that is something that could -- is not injurious anymore, and
19 therefore, can be talked about publicly.

20 **MR. MICHAEL ROBSON:** And Madam Commissioner,
21 I just have one final question.

22 **COMMISSIONER HOGUE:** Yeah, that's -- that is
23 the last one.

24 **MR. MICHAEL ROBSON:** Yes.

25 And for the Commission to confirm that that's
26 the case, they would need to be able to see the unredacted
27 version of the document and test those claims themselves?

28 **MR. DAVID VIGNEAULT:** The Commission has not

1 only the full explanation of each of the reasons why this
2 specific document, the specific portions of these documents
3 has been redacted, but they have all of the information from
4 all agencies of the government relevant to the terms of
5 reference, unredacted, to be -- with clear counsel to be able
6 to read everything.

7 **MR. MICHAEL ROBSON:** Those are my questions.

8 **COMMISSIONER HOGUE:** Thank you.

9 **MR. MICHAEL ROBSON:** Thank you,
10 Madam Commissioner.

11 Thank you.

12 **MR. DAVID VIGNEAULT:** Thank you.

13 **COMMISSIONER HOGUE:** Me Leblanc. Je
14 comprends que c'est vous, exclusivement, qui interrogez?

15 **MR. LEBLANC:** Ce sera le cas, Madame la
16 Commissaire.

17 **COMMISSIONER HOGUE:** O.k. Merci.

18 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

19 **MR. CHRISTIAN LEBLANC:**

20 **MR. CHRISTIAN LEBLANC:** Good afternoon. My
21 name is Christian Leblanc from Fasken. I represent the Media
22 Coalition that is comprised of la Société Radio-Canada/CBC,
23 le journal La Presse, CTV, Global, Torstar, Médias QMI and
24 Groupe TVA.

25 Sorry to say that, but most of my questions
26 will also be aimed at yourself, Mr. Vigneault, but I have a -
27 - I will have other questions relating to you, Mr. Rogers.

28 We're here this week to make sure to try to

1 find solutions which is the challenge of this Commission that
2 you, yourself, Mr. Vigneault, alluded to, but that everybody
3 here knows, which is inform Canadians on what happened here
4 while maintaining, and we have to recognise, that certain
5 documents and information that have to remain secret. But
6 practically and concretely, we saw documents that have been
7 redacted by your service and other services, some of which
8 are giving us a lot of information and others not a lot.

9 But still, would you agree that this is an
10 exercise that is important and is conducive to inform the
11 Canadian public and the Commission through what happened
12 here?

13 **MR. DAVID VIGNEAULT:** I'm sorry, when you
14 said this exercise, you mean ---

15 **MR. CHRISTIAN LEBLANC:** The redaction
16 exercise, the exercise that's been done with the 13 documents
17 that is now filed ---

18 **MR. DAVID VIGNEAULT:** Yes.

19 **MR. CHRISTIAN LEBLANC:** --- with this
20 Commission.

21 And -- so just to be clear, there is also a
22 letter from the government that is accompanying this -- these
23 documents. I'm sure you saw it before?

24 **MR. DAVID VIGNEAULT:** Yes.

25 **MR. CHRISTIAN LEBLANC:** Do you agree with
26 that letter?

27 **MR. DAVID VIGNEAULT:** Yes, I do.

28 **MR. CHRISTIAN LEBLANC:** Part of that letter

1 says that that exercise is very time-consuming. We saw
2 200 hours. Also, part of that letter says that it would not
3 be sustainable.

4 To be clear, and practically speaking for the
5 Commission and the Canadian public, can you reassure us that
6 if your organisation is asked by the Commission to do that
7 type of exercise it will do it?

8 **MR. DAVID VIGNEAULT:** I can reassure the
9 Commission, the Commissioner that, you know, we will abide by
10 the terms of the reference and we will -- you have my
11 personal commitment that we'll do everything we can to
12 support the Commission. It is important for Canadians, it's
13 important for the Commission, and we need to build resilience
14 in Canadian society, that's what we need to be able to do.

15 **MR. CHRISTIAN LEBLANC:** I appreciate the
16 answer, and thank you for that. But my question was, because
17 once this is over the Commission will need to proceed. What
18 will happen, concretely, if you're being asked to redact
19 documents or to look at documents and asked if any of those
20 documents can be publicly released, will your department do
21 the job?

22 **MR. DAVID VIGNEAULT:** The Commission has my
23 commitment that, you know, CSIS will respect the terms of
24 reference and the engagement with the Commission.

25 **MR. CHRISTIAN LEBLANC:** Are in your mind, the
26 terms of reference including any requests by the Commission
27 to look at documents and see if part of classified documents
28 could be released publicly?

1 **MR. DAVID VIGNEAULT:** Absolutely.

2 **MR. CHRISTIAN LEBLANC:** Thank you. We saw,
3 also, that, and I think it's you, Mr. Rogers, who said that
4 there was other ways that could help the Commission and the
5 public to understand, amongst other summaries.

6 Mr. Court Reporter, could you put on the
7 screen Document CFE 2? It's the Arar Report, and more
8 specifically, the report with respect to the analysis and
9 recommendations.

10 --- EXHIBIT No./PIÈCE No. CFE 2:

11 Report of the Events Relating to
12 Maher Arar - Analysis and
13 Recommendations

14 **MR. CHRISTIAN LEBLANC:** So I'm sure you're
15 familiar with this. You have been 20 years indeed, but -- so
16 this is the Commission on Mr. Arar by Justice O'Connor. I
17 just want to read a few extracts to you from that report, and
18 it's page 295. It's under title, CSIS Summary. And in that
19 part of the Arar Report, Justice O'Connor explains what
20 happened with summaries.

21 And so I don't want to read everything
22 because I'm -- you know, time is of the essence, but at the
23 middle of the page he says:

24 "The Government took a more
25 restrictive view..."

26 And this is about the summaries:

27 "...of what could be disclosed than
28 did Commission counsel. Mr. Atkey

1 was involved in this process in the
2 role of *amicus curiae* and agreed with
3 Commission counsel's position...."

4 This is on the -- the context is on the
5 summaries that could be published.

6 Jump to 3.12, Revised Process:

7 "The Government's challenge to my
8 ruling on the summary..."

9 Because they could never, this is me talking,
10 because they could never agree:

11 "...of *in camera* evidence from CSIS
12 caused me to re-think parts of the
13 process I had established for the
14 Factual Inquiry. The nature of the
15 disagreements over what could be
16 disclosed was such that I believed
17 that trying to resolve them, most
18 likely through litigation, would
19 result in considerable delay and
20 might seriously impair the [Inquiry]
21 work..."

22 In effect, I don't know if it's to your
23 knowledge, but I can tell you that the summary process was
24 abandoned. Is that to your knowledge?

25 **MR. DANIEL ROGERS:** I am not familiar with
26 those specifics.

27 **MR. CHRISTIAN LEBLANC:** Okay. Page 301.
28 It's Concluding Observations by Justice O'Connor. Here's

1 what he says:

2 "As I look back at the Inquiry
3 process, I am satisfied that it
4 worked as well as [it] could be
5 expected, given the extent and nature
6 of the NSC claims asserted by the
7 Government."

8 For everybody here, NSC is National Security
9 Claims; correct?

10 **MR. DAVID VIGNEAULT:** Confident, yeah.

11 **MR. DANIEL ROGERS:** I'm not sure. In the
12 context of this document, that sounds plausible.

13 **MR. CHRISTIAN LEBLANC:**

14 "However, the public hearing part of
15 the Inquiry could have been more
16 comprehensive than it turned out to
17 be, if the Government had not, for
18 over a year, asserted NSC claims over
19 a good deal of information that
20 eventually was made public, either as
21 a result of the Government's decision
22 to redact certain documents beginning
23 in June 2005, or through this
24 report."

25 Were you aware of, I want to take the most
26 neutral word, those complications that arised (sic) in the
27 Arar Inquiry over summaries?

28 **MR. DANIEL ROGERS:** Broadly speaking, I'm

1 aware of the context, not the specifics.

2 **MR. CHRISTIAN LEBLANC:** And how can you
3 reassure the Canadian public and the Commission that anything
4 will be different this time around?

5 **MR. DANIEL ROGERS:** I -- what I can say is
6 that I would hesitate to draw any conclusions between the --
7 this particular process and the one that we're undergoing
8 right now. As we heard this morning, and what my colleagues
9 have reiterated, the government has steadily increased in its
10 desire and application of transparency principles, my
11 colleagues have been saying, much more publicly than ever
12 before. We've seen the government commit to terms of
13 reference, which does just include summaries, but includes
14 the option of summaries, you know, I think what we speak to
15 is a proportionate number of redacted documents, *in-camera*
16 hearings, and a commitment from us and the government to
17 undergo some combination of those processes to help ensure
18 that the commitment's mandate can be fulfilled and
19 transparency can be achieved for Canadians.

20 So what I can say is that, you know, we on
21 the public service side are bound by those terms, and we will
22 diligently apply them. And I can't speak to what happened
23 20 years ago, but I am optimistic that we can find that path
24 this time.

25 **MR. CHRISTIAN LEBLANC:** Did you have any
26 discussions within government as to how these summaries could
27 be achieved?

28 **MR. DANIEL ROGERS:** The process of taking

1 classified information and writing documents for public
2 release is something that happens within the government
3 context. So the notion of summarising documents is not
4 necessarily new, and is one that, you know, as was mentioned
5 previously by Mr. Vigneault, we undertook in the -- for the
6 independent special rapporteur, we can, you know, continue to
7 build on that process in ways that are necessary as the
8 Commission decides.

9 **MR. CHRISTIAN LEBLANC:** Did you have any
10 specific discussions with respect to this Commission about
11 summaries with anybody in government?

12 **MR. DANIEL ROGERS:** Within government,
13 certainly in the deliberations into leading how we could
14 facilitate the Commission with the fulfillment of the -- of
15 its mandate. As represented in the letter, we agreed that
16 summaries would be one tool that we could use.

17 **MR. DANIEL ROGERS:** I don't recall a specific
18 time that we had that discussion, but I'm sure we have.

19 **MR. DAVID VIGNEAULT:** Madame la Commissaire,
20 si je peux me permettre. Yes, I have been ---

21 **MR. CHRISTIAN LEBLANC:** Mr. Vigneault, just -
22 --

23 **MR. DAVID VIGNEAULT:** I have been involved in
24 those discussions, and I have said on the record, you know, I
25 am -- I'm perfectly comfortable with the way the
26 December 15th letter from the government has been written.
27 And so I can reassure the Commission and Canadians that, you
28 know, we are absolutely driven to fulfil the terms of

1 reference, including to the summaries.

2 **MR. CHRISTIAN LEBLANC:** So Mr. Vigneault, now
3 that you're bringing it up, and I share the same concern that
4 my friend in interrupting the CSIS Director, but anyway....

5 Did you -- did you get specific instructions
6 for -- from government, or anybody else, that you should and
7 your department should make sure that summaries and the most
8 public summaries could be achieved? Is that a discussion you
9 had?

10 **MR. DAVID VIGNEAULT:** There has been numerous
11 discussions in the government leading up the terms of
12 reference, the issuance of terms of reference, and the letter
13 -- the December 15 letter, that there was a need to be able
14 to support Commission and a need to inform Canadians about
15 foreign interference in order to build the resilience and
16 reassure Canadians, especially about the electoral processes,
17 that there would be a need to have more information in the
18 public domain. And that is exactly the commitment that we
19 have provided today to the Commission.

20 **MR. CHRISTIAN LEBLANC:** Good. And as we
21 explored before, you know that time is of the essence. And
22 I'm guessing that this undertaking is also -- you also take
23 into account that this can be achievable in this timeframe,
24 this being Commission's timeframe. Correct, Mr. Vigneault?

25 **MR. CHRISTIAN LEBLANC:** I am sure that it's
26 going to be complicated, and I'm sure that everybody will be
27 absolutely driven towards meeting the terms of reference of
28 this Commission.

1 **MR. CHRISTIAN LEBLANC:** And that would be the
2 same answer for you, Mr. Rogers?

3 **MR. DANIEL ROGERS:** Yes, I agree.

4 **MR. CHRISTIAN LEBLANC:** Thank you.

5 At the same page, just a bit down the page,
6 middle of the page, Justice O'Connor says:

7 "However, in time, the implications
8 of that overclaiming..."

9 Because he also did conclude, as we heard
10 yesterday, that there is overclaiming for classification.

11 So:

12 However, in time, the implications of
13 that overclaiming for...Inquiry
14 became clear. I raise this issue to
15 highlight the fact that overclaiming
16 exacerbates the transparency and
17 procedural fairness problems that
18 inevitably accompany any proceeding
19 that can not be fully open because of
20 NSC concerns. It also promotes
21 public suspicion and cynicism about
22 legitimate claims by the Government
23 of national security confidentiality.
24 It is very important that, at the
25 outset of proceedings of this kind,
26 every possible effort be made to
27 avoid overclaiming."

28 Do you agree with that, Mr. Vigneault?

1 **MR. DAVID VIGNEAULT:** It's first in a very
2 long time that I have -- I have seen this statement, so I
3 agree with the principle that -- or the... la teneur du propos.

4 But I think it's, Madame la Commissaire, I
5 think it's also important to say that 20 years have elapsed
6 since then. The Federal Court of Canada, the National
7 Security and Intelligence Review Agency, the National
8 Security Intelligence Committee of Parliamentarians all have
9 access to very highly classified information, unredacted
10 through their work, and they are able to produce documents,
11 public documents, public decisions, public reports, derived
12 from very highly classified information, and it's happening,
13 you know, every month, every week sometimes, you know. And
14 so the process is working, it is challenging, but you know,
15 this is why national security is so important. The notion of
16 transparency, which is very critical, and the notions of
17 being able to protect our ability to do our work, which is
18 also very critical for Canadians.

19 **MR. CHRISTIAN LEBLANC:** Let me be more
20 precise. The last sentence of Justice O'Connor:

21 "It is very important that, at the
22 outset of proceedings of this kind,
23 every possible effort be made to
24 avoid overclaiming."

25 Do you agree with that sentence, that every
26 possible efforts at the outset should be made to avoid
27 overclaiming?

28 **MR. DAVID VIGNEAULT:** I agree with the

1 sentence, but I -- what I understand, you know, I'm not sure
2 how it applies in the proceeding here, the sense of the
3 Commission has received all the documentations with zero
4 redactions.

5 **MR. CHRISTIAN LEBLANC:** Do you understand
6 that at some point the Commission may decide that, as part of
7 -- and its part of its mandate, they would want to share as
8 much as possible public information, and that it would be
9 useful if the Commission know from the outset so that it can
10 divulge as soon as it can public information to the public?

11 **MR. DAVID VIGNEAULT:** The Commission has the
12 same terms of reference that we are -- we all have here, and
13 I think, you know, we have a commitment from all of us that
14 we will be supporting those terms of reference. And so from
15 that point of view, absolutely.

16 **MR. CHRISTIAN LEBLANC:** Thank you.

17 I would now like to refer the panel to a
18 document that was, Mr. Court Reporter, filed under MDC 2.

19 **--- EXHIBIT No./PIÈCE No. MDC 2:**

20 Countering an Evolving Threat: Update
21 on Recommendations to Counter Foreign
22 Interference in Canada's Democratic
23 Institutions

24 **Me CHRISTIAN LEBLANC:** M. Vigneault, le
25 rapport s'appelle « Contrer une menace en évolution : Mise à
26 jour sur les recommandations visant à prévenir l'ingérence
27 étrangère dans les institutions démocratiques canadiennes ».
28 On a la version anglaise. Êtes-vous familier avec ce

1 rapport?

2 **MR. DAVID VIGNEAULT:** Is this the one that we
3 call the Charette-Leblanc Report? Okay, yes.

4 **MR. CHRISTIAN LEBLANC:** I wouldn't know, but
5 ---

6 **MR. DAVID VIGNEAULT:** Okay.

7 **MR. CHRISTIAN LEBLANC:** If there's a Leblanc
8 involved, yes, it would be ---

9 **MR. DAVID VIGNEAULT:** No, Mr. Dominic LeBlanc
10 and the former Clerk of the Privy Council, Janice Charette.

11 **MR. CHRISTIAN LEBLANC:** And I have no
12 relation, family relations with Mr. LeBlanc, who we'll hear
13 tomorrow, just for the record.

14 If we take page 4 of that report:

15 **MR. CHRISTIAN LEBLANC:** ... Le rapport est
16 assez catégorique que la meilleure défense pour éviter
17 l'ingérence, c'est doter les citoyens canadiens d'une
18 meilleure connaissance. Je vais le lire en français :

19 « Les quatre rapports font valoir
20 (donc, il y a quatre rapports qui
21 fait valoir) que le fait de doter les
22 citoyennes et les citoyens de
23 connaissances constituent la
24 meilleure défense contre ceux qui
25 tentent de s'immiscer dans les
26 processus démocratiques canadiens. »

27 Êtes-vous d'accord avec cette phrase?

28 **M. DAVID VIGNEAULT:** Je suis non seulement

1 d'accord, mais j'ai moi-même exprimé publiquement à plusieurs
2 reprises cette idée. C'est absolument essentiel qu'on ait
3 des organisations efficaces comme le CST, le SCRS, la
4 Gendarmerie royale et d'autres, pour protéger les Canadiens.
5 Donc, de faire le travail nécessaire.

6 Mais ce n'est pas suffisant pour contrer la
7 menace de l'ingérence étrangère. Il faut que les Canadiens
8 soient éduqués, comprennent, aient de l'information. Et
9 c'est ce qu'on a fait depuis plusieurs années d'essayer de
10 mettre plus d'information possible dans le domaine public.
11 Donc, je suis tout à fait d'accord avec cette recommandation.

12 **Me CHRISTIAN LEBLANC:** Merci. Et ce que vous
13 venez de dire, maintenant, est-ce que vous êtes d'accord que
14 cette Commission est un excellent forum pour continuer de
15 sensibiliser les Canadiens?

16 **M. DAVID VIGNEAULT:** Absolument.

17 **Me CHRISTIAN LEBLANC:** Et ce que vous venez
18 de dire, c'est-à-dire, mettre le plus d'information dans le
19 public, la Commission est bien placée pour le faire
20 également? Vous êtes d'accord avec ça?

21 **M. DAVID VIGNEAULT:** La Commission est très
22 bien placée pour mettre le plus d'information possible dans
23 le domaine public en respectant les termes de référence qui
24 ont été indiqués.

25 **MR. CHRISTIAN LEBLANC:** Mr. Rogers?

26 **MR. DANIEL ROGERS:** Oui, je suis d'accord
27 aussi.

28 **Me CHRISTIAN LEBLANC:** Donc, du côté... de

1 votre côté, du côté du gouvernement, vous êtes d'accord que
2 cette Commission est un excellent forum pour poursuivre cette
3 meilleure défense? C'est-à-dire doter les Canadiens du plus
4 d'information possible?

5 **MR. DANIEL ROGERS:** Oui.

6 **M. CHRISTIAN LEBLANC:** Pendant que l'avocat
7 regarde ses notes. Si je peux dire, Madame la Commissaire,
8 c'est... une des choses importantes... évidemment, les procédures
9 font en sorte que ces procédures où on... un peu adverse... qui
10 se produit, mais je pense que c'est vraiment important que
11 pour vous, la Commission, que les Canadiens sachent que c'est
12 pas non seulement parce qu'on a des termes de référence qu'on
13 fait ça, mais parce que, fondamentalement, les professionnels
14 du renseignement qui font ça au jour le jour au Canada, sont
15 tout à fait d'accord de dire que les Canadiens doivent être
16 mieux renseignés pour mieux se protéger.

17 Donc, c'est... je comprends qu'il y a une
18 dynamique ici, mais je pense que c'est vraiment important que
19 tout le monde le comprenne. Il faut qu'il y ait plus de
20 discussion, plus d'engagement, plus de dialogue. Évidemment,
21 tout en respectant... en protégeant ce qui doit être protégé
22 par la loi.

23 **Me CHRISTIAN LEBLANC:** Je suis heureux de
24 vous l'entendre dire, M. Vigneault, et que tout le monde vous
25 l'entendre dire. Juste pour expliquer, il y a pas de
26 processus adversarial (sic), mais je vais vous dire, quand la
27 semaine sera terminée, on est tous d'accord que le droit du
28 public à l'information est important. Que ce droit-là est

1 encore plus important quand on parle d'ingérence étrangère
2 dans leurs élections, complètement.

3 On est aussi très conscient qu'une agence
4 comme la vôtre doit parfois opérer avec un certain niveau de
5 secret. Mes collègues de la Commission et Madame la
6 Commissaire, la semaine prochaine, vont devoir avoir une
7 commission très concrète..

8 **M. DAVID VIGNEAULT:** Oui.

9 **Me CHRISTIAN LEBLANC:** ... et vont être pris
10 avec des façons de faire et des choses secrètes qui ne le
11 sont peut-être pas, ou qui le sont peut-être, et cet esprit
12 de renseigner le public.

13 Et ce qu'on essaie de savoir, et je vous
14 reproche rien, mais au-delà des phrases générales, on essaie
15 de savoir comment concrètement on peut arriver à ce terme.
16 Et je profite de votre présence et de votre grande expérience
17 pour essayer d'en connaître un peu plus. Alors..

18 **M. DAVID VIGNEAULT:** Oui.

19 **Me CHRISTIAN LEBLANC:** ... tout le monde est
20 sur la même page ici. Et je regarde dans le passé ce qui
21 s'est fait, et j'essaie de voir, selon vous, comment on peut
22 éviter les mêmes embuches. Au bénéfice de tous.

23 **M. DAVID VIGNEAULT:** Oui. Je pense que la
24 question est... je suis content que vous ayez... de votre dernier
25 énoncé. Mais si on regarde ce qui s'est fait concrètement
26 dans les dernières années, les discours publics, les
27 publications, le groupe de travail sur la sécurité des
28 élections, qui a publié à chaque élection générale, basé sur

1 des documents très, très hautement classifiés, a été capable
2 de publier un rapport non classifié sur la tenue des
3 élections.

4 Le panel qui a été créé par le gouvernement
5 pour être capable... de hauts fonctionnaires, pour superviser
6 la tenue des élections durant la période... en anglais, le
7 writ... dans la période électorale. Les documents qui ont été
8 écrits pour les Canadiens, « Comment se protéger de
9 l'interférence étrangère », en plusieurs langues.

10 Je pense que c'est important aussi de
11 regarder qu'il y a eu des choses très, très concrètes qui ont
12 été faites pour aller dans le même sens que vous dites. Et,
13 donc, quand on met ça en contexte de ce qu'on a dit
14 aujourd'hui, que l'engagement du gouvernement et de, nous,
15 personnellement, des agences, de supporter la Commission, je
16 suis tout à fait d'accord avec votre énoncé.

17 **Me CHRISTIAN LEBLANC:** Merci. Si maintenant
18 on regarde le document MDC 1, Mr. Court Reporter. More
19 precisely, at page 6.

20 So this is an extract of the National
21 Security Transparency document. I don't know if you're
22 familiar with that, Mr. Vigneault.

23 **--- EXHIBIT No./PIÈCE No. MDC 1:**

24 National Security Transparency
25 Commitment - Excerpt

26 **M. DAVID VIGNEAULT:** I'm familiar with the
27 group. I'm not -- I have not had a chance to review the
28 document before, but I'm familiar the exercise.

1 **MR. CHRISTIAN LEBLANC:** And Mr. Rogers, I saw
2 you nodding. You're familiar with that document?

3 **MR. DANIEL ROGERS:** Familiar. It has been
4 sometime since I've read this, but yes.

5 **MR. CHRISTIAN LEBLANC:** Okay. So I'll read
6 you an extract of Principle Number 2 that says:

7 "Information is not to be protected
8 to prevent embarrassment or to
9 conceal inefficiency, errors, or
10 problems." (As read)

11 Do you agree with that principle,
12 Mr. Vigneault?

13 **MR. DAVID VIGNEAULT:** Absolument. Yes.

14 **MR. CHRISTIAN LEBLANC:** Mr. Rogers, do you
15 agree with that principle?

16 **MR. DANIEL ROGERS:** Yes.

17 **MR. CHRISTIAN LEBLANC:** And we agree, I can
18 tell you, but we can -- I don't think it would be worthwhile
19 to take the time, but we agree that in these principles, and
20 certainly under Principle 2, time, effort, the fact that it
21 may be complicated does not come into play. Do we agree with
22 that, Mr. Rogers?

23 **MR. DANIEL ROGERS:** I agree that that's not
24 represented here, yes.

25 **MR. CHRISTIAN LEBLANC:** Mr. Vigneault?

26 **MR. DAVID VIGNEAULT:** Same answer, yes. Just
27 to be clear, I think the -- I agree with the statement. I'm
28 not sure exactly the -- your question -- where your question

1 was going?

2 **MR. CHRISTIAN LEBLANC:** I just wanted to make
3 sure that your organisation, under your leadership and your
4 testimony today, would not redact information because it
5 would protect embarrassment, conceal inefficiency, errors, or
6 problems. And I think you answered that.

7 **MR. DAVID VIGNEAULT:** I answered, and I can
8 tell you that, again, we have through the Federal Court, the
9 National Security Committee or Intelligence of
10 Parliamentarians, and National Security Intelligence Review
11 Agency, they have access to everything, and part of their
12 work is if there were to be something that is embarrassing
13 they would be revealing it. So I can tell you that not only
14 do I agree with it but this is how the system works.0

15 **MR. CHRISTIAN LEBLANC:** And do you agree that
16 it would be the same answer if it would be to protect the
17 reputation of somebody? That you would not redact something
18 simply to protect the reputation of somebody?

19 **MR. DAVID VIGNEAULT:** Just to be clear, we
20 would -- not the reputation of an individual like myself, but
21 we would not be releasing public information in order to
22 protect the reputation potentially of an individual that is
23 in the public or has other privacy considerations. So I
24 think it's a very important nuance here, that, you know, we
25 have privacy rules that we have to respect that if there were
26 to be intelligence about an individual in the public domain,
27 versus here, which is, you know, to not use a classification
28 to essentially protect someone like myself, you know, from

1 embarrassment. So ---

2 **MR. CHRISTIAN LEBLANC:** Or a politician, an
3 elected official?

4 **MR. DAVID VIGNEAULT:** Yes.

5 **MR. CHRISTIAN LEBLANC:** Mr. Rogers, do you
6 agree with that answer?

7 **MR. DANIEL ROGERS:** I agree with
8 Mr. Vigneault.

9 **MR. CHRISTIAN LEBLANC:** On that,
10 Madam Commissioner, it would be my last question. Merci
11 beaucoup. Thank you very much for your time in appearing
12 here today. Merci.

13 **COMMISSIONER HOGUE:** Thank you.

14 **MR. CHRISTIAN LEBLANC:** Merci.

15 **COMMISSIONER HOGUE:** So the next one is Human
16 Rights Coalition. Mrs. Taylor.

17 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE BY**

18 **MS. HANNAH TAYLOR:**

19 **MS. HANNAH TAYLOR:** Good afternoon,
20 Commissioner Hogue, and members of the panel. My name is
21 Hannah Taylor, counsel for the Human Rights Coalition. And
22 the Coalition is comprised of community groups engaged in
23 work for the rights of diaspora communities particularly
24 vulnerable to transnational oppression or the effects of
25 foreign interference.

26 My questions will be for Ms. Tayyeb and
27 Mr. Vigneault. Thank you also, Mr. Rogers, for your time
28 today.

1 Turning to you first Ms. Tayyeb. We heard
2 this morning that there are specific teams at CSE and CSIS
3 that handle these classification issues and specialise in
4 ensuring that the agency adheres to its legal obligations
5 when it comes to disclosure. But to confirm, have you been
6 involved in decisions relating to disclosure of information
7 gathered by CSE or agencies you've worked with in the past?

8 **MS. ALIA TAYYEB:** Yes, absolutely...

9 **MS. HANNAH TAYLOR:** Okay.

10 **MS. ALIA TAYYEB:** ...in the various
11 positions, including this one, where on occasion I am -- I'm
12 asked to review at my level certain disclosures of
13 information.

14 **MS. HANNAH TAYLOR:** Okay, thank you. And in
15 the decision that you have experience with, has the risk of
16 serious bodily harm or death ever been a factor weighing in
17 favour of disclosure of information gathered by the agencies
18 that you've worked with?

19 **MS. ALIA TAYYEB:** I think the way of
20 answering that is absolutely in the context of when we
21 receive or when we gather information where there is a threat
22 of serious harm, and for us it could be a wide variety of
23 public safety issues to include a threat of death or bodily
24 harm. The disclosure for us, though, and the manner in which
25 we would do that, is often through, as I described earlier,
26 would be another government department would be responsible
27 for them handling that information.

28 So absolutely, we would work in these

1 circumstances, and we do it regularly, where we will work
2 quickly to, you know, sanitise, or declassify the information
3 so it could be used by the responsible agency. I just
4 specify that because it's to mean that it's not necessarily
5 CSE that would be responsible for taking that action, but we
6 would make it available to the agency who would be
7 responsible for taking that action.

8 **MS. HANNAH TAYLOR:** Okay, thank you. And
9 when it comes to decisions like that, has information been
10 disclosed in some capacity in every case for a serious bodily
11 harm or the threat of death is involved, or only some of the
12 time?

13 **MS. ALIA TAYYEB:** It -- that's a difficult
14 question for me.

15 **MS. HANNAH TAYLOR:** Okay.

16 **MS. ALIA TAYYEB:** On -- in my experience, I
17 can't imagine where we wouldn't act to do that, but I
18 couldn't answer that answer question conclusively. There
19 might be other circumstances that I'm unaware of, but
20 generally speaking, that would be the case.

21 **MS. HANNAH TAYLOR:** In your experience, has
22 the risk of death or serious bodily harm been taken into
23 consideration with regard to the -- a disclosure decision
24 only when it applied to a Canadian or a person in Canada? Or
25 maybe another way of phrasing the question, has it also been
26 taken into consideration when the person at risk is someone
27 associated with a person in Canada, even though it may be
28 located outside of the country?

1 **MS. ALIA TAYYEB:** Yes, absolutely, and I can
2 offer that, beyond that, we have relationships with other
3 foreign agencies for whom we would offer the same
4 consideration.

5 **MS. HANNAH TAYLOR:** And my last question for
6 you, Ms. Tayyeb, to your knowledge, when the issue of
7 personal security has been taken into account in disclosure
8 decisions, has serious bodily harm been understood to include
9 serious mental harm for the purposes of decision-making
10 regarding disclosure?

11 **MS. ALIA TAYYEB:** I'm -- I can't think of
12 anything that would fall into that category, though I can say
13 it would certainly come into consideration.

14 **MS. HANNAH TAYLOR:** Okay. Thank you.

15 Now turning to you, Mr. Vigneault, thank you
16 also for speaking with us today.

17 To get started, in the past have you been
18 involved in decisions to disclose information for the purpose
19 of taking measures to reduce a threat to the -- to security
20 involving foreign influence activities, so you make a
21 decision to disclose that information in order to respond to
22 a threat?

23 **MR. DAVID VIGNEAULT:** Yes, I have.

24 **MS. HANNAH TAYLOR:** Okay. And have you been
25 involved in decisions to disclose information when the
26 foreign influence activity at issue includes acts of
27 transnational repression against a targeted diaspora
28 community?

1 **MR. DAVID VIGNEAULT:** Yes, I have.

2 **MS. HANNAH TAYLOR:** Okay. And when this has
3 been the threat at issue, has the information been disclosed
4 every time, just some of the time?

5 **MR. DAVID VIGNEAULT:** So every time there is
6 a risk of bodily harm, our practice is to engage with the
7 police of local jurisdiction or often the RCMP, so we would
8 be -- you know, we are not a law enforcement agency, so if we
9 have information we do not have the means to be able to act
10 on it ourselves, so we would be, you know, working -- you
11 know, if there is that risk of bodily harm, we would be
12 sharing this with the police.

13 **MS. HANNAH TAYLOR:** Okay. And would
14 information be disclosed when acts of transnational
15 oppression take forms other than bodily harm or actions that
16 result in bodily harm, or is that really the focus?

17 **MR. DAVID VIGNEAULT:** There's been
18 information disclosed in relation to transnational repression
19 that runs from absolutely there is risk of bodily harm up to
20 and including, you know, for raising awareness and for
21 building resilience.

22 **MS. HANNAH TAYLOR:** Okay. Thank you.

23 And you mentioned section 19 of the *CSIS Act*
24 this morning, Mr. Vigneault. I don't think I have to put it
25 to you, as I expect you're likely very familiar. If it's
26 helpful, I can ask the court operator to do so, but maybe
27 before I do, I'll ask the question.

28 My understanding is that the service may

1 disclose information obtained in the course of its work where
2 the information relates to the conduct of the international
3 affairs of Canada to the Minister of Foreign Affairs or a
4 person designated by the Minister of Foreign Affairs.

5 **MR. DAVID VIGNEAULT:** I think you -- in the
6 context of Minister of Foreign Affairs, I think you referred
7 to section 16 of the *CSIS Act* where when we conduct foreign
8 intelligence collection?

9 **MS. HANNAH TAYLOR:** I'm referring to section
10 19(2) (b).

11 Commissioner, would it be helpful if ---

12 **MR. DAVID VIGNEAULT:** Okay. So maybe --
13 yeah, it might be helpful.

14 **MS. HANNAH TAYLOR:** Okay. So if I could ask
15 the court operator to pull up the document submitted by Human
16 Rights Coalition with the document number HRC-2.

17 --- EXHIBIT No./PIÈCE No. HRC 2:

18 Canadian Security Intelligence
19 Service Act, RSC 1985, c C-23

20 **MS. HANNAH TAYLOR:** And then just at page 1.
21 And we can just scroll down to section 19(2).

22 There we go. Yeah, that's great. Thank you
23 so much.

24 So looking at this section, it states -- I
25 can begin at 19(1):

26 "Information obtained in the
27 performance of the duties and
28 functions of the service in this Act

1 shall not be disclosed except in
2 accordance with this section."

3 And then 19(2)(b) states:

4 "...service may disclose information
5 referred to in subsection (1) for the
6 purposes of the performance of its
7 duties and functions under this Act
8 or the administration or enforcement
9 of this Act or is required by any
10 other law and may also disclose this
11 information under subsection (b)
12 where the information relates to the
13 conduct of the international affairs
14 of Canada to the Minister of Foreign
15 Affairs or a person designed by
16 them."

17 That's correct for your ---

18 **MR. DAVID VIGNEAULT:** Yes. It probably would
19 be easier if the entire section of the Act were there as
20 opposed to portions of it, but I trust that, you know, you
21 copied that.

22 So I'm not sure ---

23 **MS. HANNAH TAYLOR:** Okay. Thank you.

24 **MR. DAVID VIGNEAULT:** --- what the question
25 is, however. Sorry.

26 **MS. HANNAH TAYLOR:** No, that's okay.

27 Really, I was -- I was asking if this was the
28 case, just confirming you're familiar with this.

1 The question is, to clarify, you would not
2 get involved in a decision involving this section, right,
3 since it's the Minister's decision to make when it comes to
4 designation of a person?

5 **MR. DAVID VIGNEAULT:** No. This is -- this is
6 -- the Minister, you know -- it is -- the information that
7 CSIS has in its possession, you know, is responsibility of
8 CSIS to manage some information. That's why I thought you
9 were referring to section 16 of the Act because we are
10 conducting some collection operations on behalf of the
11 Minister of Foreign Affairs and there is a responsibility
12 then from the Minister of Foreign Affairs under section 16 to
13 determine the distribution of this information.

14 But that's why I was a little bit confused by
15 the question.

16 **MS. HANNAH TAYLOR:** No, that's fair. And I
17 could have likely been more clear.

18 But I guess just to confirm, who -- the
19 person is designated -- the person that the information is
20 disclosed to under this section will be designated by the
21 Minister as opposed to you would not be involved in the
22 decision.

23 **MR. DAVID VIGNEAULT:** Give me one second,
24 please.

25 **COMMISSIONER HOGUE:** Do you need to read the
26 entire section?

27 **MR. DAVID VIGNEAULT:** I think, honestly, you
28 know what, I'm not sure that -- yeah, I would probably need

1 to read the entire section. I'm sorry.

2 **MS. HANNAH TAYLOR:** That's okay.

3 **MR. DAVID VIGNEAULT:** But I also know you are
4 on a timeline, so.

5 **MS. HANNAH TAYLOR:** Yeah. Let's move on.

6 **MR. DAVID VIGNEAULT:** Okay.

7 **MS. HANNAH TAYLOR:** So I guess perhaps one
8 more question about this section. Maybe it will answer it.

9 Do you know -- and if you don't, that's also
10 okay. But when it comes to -- I guess the question would be,
11 who decides whether a piece of information is related to
12 international affairs? Would that be CSIS or would that be
13 Foreign Affairs?

14 **MR. DAVID VIGNEAULT:** This is not a -- the
15 way this is operated, you know, CSIS determines the -- we
16 work with Department of Global Affairs on these issues, but
17 it's also -- this is one of the areas where there's also the
18 fact that the Act is showing its age. This is one of the
19 sections of the Act that is currently being in consultation
20 with Canadians to determine, you know, how to modernize it.

21 **MS. HANNAH TAYLOR:** Okay.

22 **MR. DAVID VIGNEAULT:** So I think this might
23 be one of these -- the areas that are a bit unclear in the
24 context of 2024.

25 **COMMISSIONER HOGUE:** You have one minute
26 left.

27 **MS. HANNAH TAYLOR:** Thank you, Commissioner.
28 Actually, I have one more question.

1 You would agree that transnational repression
2 relates to international affairs; correct?

3 **MR. DAVID VIGNEAULT:** Absolutely. It relates
4 to international affairs, but not exclusively. But yes.

5 **MS. HANNAH TAYLOR:** Okay. Thank you very
6 much, Mr. Vigneault, and thank you, Commissioner.

7 **COMMISSIONER HOGUE:** Thank you.

8 So the next one is -- will be Mr. Doody. I
9 think you're -- you're in the room. Okay.

10 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

11 **MR. JON DOODY:**

12 **MR. JON DOODY:** Good afternoon, Commissioner
13 Hogue and panel.

14 **MS. ALIA TAYYEB:** Good afternoon.

15 **MR. JON DOODY:** I'm Jon Doody. I represent
16 the Ukrainian Canadian Congress. I have a few questions,
17 just merely a follow-up on things that were said this
18 morning.

19 There was discussion that CSE and CSIS, among
20 other agencies, received directions from Cabinet with
21 priorities for national security. Is that correct?

22 **MS. ALIA TAYYEB:** Yes.

23 **MR. JON DOODY:** And is this like a memo of
24 Cabinet?

25 **MR. DANIEL ROGERS:** I think what you're
26 referring to is the intelligence priorities that Mr.
27 Vigneault referred to this morning, and this is a Cabinet
28 decision, yes.

1 **MR. JON DOODY:** Okay. So that would not be
2 disclosed. That would be covered by Cabinet privilege?

3 **MR. DANIEL ROGERS:** The advice that leads to
4 a Cabinet discussion may be Cabinet confidence. The
5 intelligence priorities themselves, while classified, would
6 be available to the Commission.

7 **MR. JON DOODY:** But not to the public.

8 **MR. DANIEL ROGERS:** Not to the public.

9 **MR. JON DOODY:** And if Cabinet privilege is
10 claimed, there's no equivalent 38 routine that you can apply
11 for. Thirty-nine (39) claimed there's no exemptions.

12 **MR. DANIEL ROGERS:** I would like to clarify.
13 Once established, the intelligence priorities themselves are
14 not -- are things that are disclosed and that the Commission
15 has or would have. I would have to confirm, but available.

16 **MR. JON DOODY:** Do you know if the
17 Commission's been provided with those intelligence
18 priorities?

19 **MR. DANIEL ROGERS:** I'm not sure specifically
20 right now.

21 **MR. JON DOODY:** Following up on a question
22 asked by the Media Coalition in relation to the December 15th
23 letter from the government -- do you know the letter I'm
24 referring to?

25 So in there on page 6, the government wrote,
26 "The letter notes" -- sorry:

27 "...this level of NSE review is not
28 sustainable if replicated over a

1 longer term. It is clear that
2 redactions of documents on a large
3 scale will not be a productive way
4 forward within the timeframe
5 allotted." (As read)

6 So do you agree with the government's opinion
7 on that, that it would not be possible within the timeframe
8 allotted?

9 **MR. DANIEL ROGERS:** I think that depends on
10 the volume of documents selected for release and a number of
11 other factors, but I could imagine such a possibility, which
12 is why we are, on the government side, also mentioning in
13 that letter the ability to use other processes to achieve the
14 same ends.

15 **MR. JON DOODY:** Right. But if the Commission
16 insisted on that level of review, would the government
17 comply?

18 **MR. DANIEL ROGERS:** I think I would have to
19 refer back to the same answer Mr. Vigneault gave earlier that
20 we are absolutely bound to support the Commission.

21 **MR. JON DOODY:** And is that one of the
22 rationales for the tailored process that you said has been
23 created for the Commission?

24 **MR. DANIEL ROGERS:** I think that we've
25 touched on this a bit earlier today, and please jump in,
26 colleagues, if you like, but intelligence documents which
27 were written for a specific set of readers who have an
28 intelligence -- who have a security classification in a

1 certain context, those -- redacting those documents does not
2 provide the complete picture and is a very challenging thing
3 to do while also not necessarily achieving the optimal
4 results. So I wouldn't want to say that it is solely a
5 question of effort as to why we suggest doing other things.
6 Producing summaries and right to release documents may be the
7 more effective tool for transparency and likely are.

8 **MR. JON DOODY:** Okay. And can you explain
9 what about this process is tailored that separates it from
10 the traditional process?

11 **MR. DANIEL ROGERS:** Well, when we say
12 "tailored" I think we are speaking about the fact that we are
13 -- you know, there's a very specific process in the letter
14 that Alia and David spoke about earlier around the challenge
15 function, where if the Commission were to challenge a
16 redaction, there's a process within the public service that
17 would respond to that. That is bespoke to the Commission.
18 As David said earlier, Mr. Vigneault said earlier, we're also
19 not operating business as usual because business as usual
20 might be receiving a request and redacting documents. We are
21 hoping for a more engaged process where we seek to prioritize
22 and maximize the use of the time that the Commission has.

23 **MR. DAVID VIGNEAULT:** If that's useful, I can
24 give you an example.

25 **MR. JON DOODY:** Sure.

26 **MR. DAVID VIGNEAULT:** So if the Commission in
27 its work, there's a specific issue, there's a body of
28 intelligence that, you know, speaks to an issue, and they say

1 -- the Commissioner was to say I want to be able to say
2 something publicly about that, or I need to be able to say
3 something publicly about this issue, there's two approach.
4 One is you can ask the government can you write summaries of
5 these different reports, or alternatively, what we call right
6 for release, so the Commission can write a summary itself and
7 work with government to be able to say what are the portion
8 here that if they were to be released would be injurious to
9 national security and therefore contrary to the Terms of
10 Reference. And so that way, that's the kind of, if you want,
11 a back and forth so that the Commissioner's intent can be
12 achieved and the specific, you know, words can be adjusted to
13 obfuscate, you know, the specific human source, a technical
14 source, or third-party information.

15 **MR. JON DOODY:** And but providing summaries
16 for redacted information is not new and novel. That's a
17 traditional response with 38 claims.

18 **MR. DAVID VIGNEAULT:** Yes, but what is
19 happening, you know, you know, as I mentioned, with the
20 Federal Court, with the two review bodies NSIRA and NSICOP,
21 so to -- NSIRA is the National Security and Intelligence
22 Review Agency, NSICOP, the National Security and Intelligence
23 Community of Parliamentarians, they write understanding that
24 they want their report to be released. And then so they
25 provide the government with that report, and then there is an
26 exchange to say, no, that specific information, if it were to
27 be released this specific way would be injurious. If you
28 were to be, you know, phrased this way would be releasable.

1 And so it is -- that's why I said there is a -- this is not
2 the normal practice to be able to do summaries on an ongoing
3 basis. Same thing with ATIP, for example. ATIP, you know,
4 the document will be taken, and all of the information that,
5 you know, meets one of the legislative category would be
6 removed, so that that's when you get those documents with
7 lots of black information.

8 **MS. ALIA TAYYEB:** If I can add just one thing
9 to that because your question was what's novel about this. I
10 think the aspect that is different is some of the -- what we
11 put as the amended process for this, which is that as soon as
12 something is detected to be problematic will immediately be
13 raised up to a certain level within the organization to seek
14 the correct solution to remedy the issue. So, correct, the
15 writing of summaries is not -- never been used before, but
16 the process that's been outlined in being more proactive is
17 what is new here.

18 **MR. JON DOODY:** So it's essentially the
19 expediency at which the government will process a request
20 that's novel?

21 **MS. ALIA TAYYEB:** And the proactive nature of
22 seeking the solution ahead of time.

23 **MR. JON DOODY:** And it's been mentioned a
24 number of times today that despite any redactions claimed,
25 the Commission or Commission counsel have access to the
26 unredacted documents. Does that fact factor into the
27 decision on redactions, knowing that the Commission has
28 everything, does that impact how much you believe should be

1 released to the public?

2 **MS. ALIA TAYYEB:** Not from a CSE perspective,
3 no.

4 **MR. DANIEL ROGERS:** I would say writ large,
5 as was outlined earlier, the government has to go through
6 line by line with subject matter experts and understand the
7 specific reasons that information has to be redacted. The --
8 it doesn't change anything, but it does exemplify that we
9 have to go through that process in good faith because there
10 are others who will see the unredacted documents, including
11 the Commission, potentially the Federal Court and others. So
12 we know that we have to operate in good faith, which, of
13 course, we would do.

14 **MR. DAVID VIGNEAULT:** If I can -- sorry, if I
15 can also add just one point. Terms of Reference also provide
16 the opportunity for the Commissioner to hold some of the
17 hearings ex parte, which provides the Commissioner and
18 counsel the opportunity to ask very specific questions about
19 very highly classified information and really dig into the
20 issue, you know, with all of the information available. And
21 so that is the opportunity that the Commissioner and
22 Commission counsel will have to determine how they want to
23 use that to be able to press on an issue and then determine
24 what and how some of that should be made public after.

25 **MR. JON DOODY:** And just for my final
26 question, I'm curious all three of you, if those in-camera
27 sessions occur, parties and participants will not have
28 standing to make submissions there. Do you have any

1 suggestions how the public or the participants can
2 effectively participate in an in-camera hearing, amicus or
3 other things? Do you have any recommendations on how the
4 public can actively participate in in-camera hearings?

5 **MR. DAVID VIGNEAULT:** I would defer to the
6 Commission on how to achieve that.

7 **MR. DANIEL ROGERS:** Yeah, as would I.

8 **MR. JON DOODY:** So no suggestions, no
9 assistance, just whatever the Commission comes up with?

10 **MR. DANIEL ROGERS:** Well, I can imagine a
11 variety of things. The Commission could ask questions on
12 behalf of others. We can produce summaries, which are
13 written for release as part of those ex parte hearings. We
14 could talk about an amicus. That would be up to the
15 Commission, but all of those are opportunities we'd be
16 willing to explore with the Commission.

17 **MR. JON DOODY:** Thank you. Those are my
18 questions.

19 **COMMISSIONER HOGUE:** Thank you.

20 **MS. NATALIA RODRIGUEZ:** Madam Commissioner,
21 Natalia Rodriguez, Commission counsel. This might be an
22 opportune time for the afternoon break.

23 **COMMISSIONER HOGUE:** Yes, it is.

24 **MS. NATALIA RODRIGUEZ:** Thank you.

25 **THE REGISTRAR:** Order, please. À l'ordre,
26 s'il vous plaît. This hearing is now in recess for 20
27 minutes. La séance est en pause pour 20 minutes.

28 --- Upon recessing at 3:11 p.m.

1 --- L'audience est suspendue à 15h11

2 --- Upon resuming at 3:33 p.m.

3 --- L'audience est reprise à 15 h 33

4 **LE GREFFIER:** Order, please. À l'ordre, s'il
5 vous plait.

6 **THE REGISTRAR:** Order, please. À l'ordre,
7 s'il vous plait.

8 This sitting of the Foreign Interference
9 Commission is back in session. Cette séance de la Commission
10 sur l'ingérence étrangère a repris.

11 --- **MR. DANIEL ROGERS, Resumed/Sous la même affirmation:**

12 --- **MR. DAVID VIGNEAULT, Resumed/Sous la même affirmation:**

13 --- **MS. ALIA TAYYEB, Resumed/Sous la même affirmation:**

14 **COMMISSAIRE HOGUE:** Alors, maintenant c'est
15 Me Sirois pour the Russian Canadian Democratic Alliance.

16 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

17 **MR. GUILLAUME SIROIS:**

18 **Me GUILLAUME SIROIS:** Merci, Madame la
19 Commissaire.

20 Merci aussi aux panélistes d'être ici
21 aujourd'hui pour ces enjeux très importants auxquels nous
22 faisons face.

23 My name is Guillaume Sirois from Power Law,
24 Juristes Power, and I represent the Russian Canadian
25 Democratic Alliance. The RCDA is a national nonprofit
26 organisation supporting the development of the Russian
27 Canadian community around the ideals of democracy, human
28 rights, civil liberties, and the rule of law.

1 I will be asking some questions concerning
2 foreign interference by Russia and the disproportionate
3 impact of this interference on members of the Russian
4 community -- Russian Canadian community.

5 Premièrement, Directeur Vigneault, j'aimerais
6 revenir sur une réponse que vous avez donnée à mon collègue,
7 à mon confrère John Mather, plutôt, cet après-midi. Vous avez
8 dit, et je paraphrase à partir de mes notes :

9 « Members of the public want to have
10 move information to protect
11 themselves, but they also rely on the
12 security agencies to work effectively
13 to be protected." (As read)

14 Vous êtes toujours d'accord avec cette
15 affirmation?

16 **M. DAVID VIGNEAULT:** Oui, la teneur, oui, en
17 général. Oui, absolument.

18 **Me GUILLAUME SIROIS:** Êtes-vous d'accord aussi
19 que pour qu'une agence gouvernementale comme le SCRS
20 fonctionne efficacement, il est important que cette agence
21 rende des comptes au public?

22 **M. DAVID VIGNEAULT:** Absolument. C'est la
23 différence entre une agence de renseignement dans un pays
24 démocratique comme le Canada et de plusieurs autres pays.

25 **Me GUILLAUME SIROIS:** Oui, je suis sûr que le
26 RCDA est conscient de cette situation-là, particulièrement.
27 Et cette reddition de compte dont on fait mention passe
28 notamment par la divulgation de documents. Vous êtes

1 d'accord?

2 **M. DAVID VIGNEAULT:** Pardon? J'ai mal compris
3 la question.

4 **Me GUILLAUME SIROIS:** La reddition qui est
5 importante pour que le SCRS fonctionne efficacement passe
6 notamment par la divulgation de documents au public et dans
7 le cadre d'une commission d'enquête comme celle-ci.

8 **M. DAVID VIGNEAULT:** En partie, oui.

9 **Me GUILLAUME SIROIS:** Parfait. Merci.
10 Donc, ça, c'était pour les questions de
11 suivi.

12 Maintenant, j'aimerais qu'on apporte CAN-5824
13 à l'écran, s'il vous plait.

14 Pendant que c'est en train de se... ah, le
15 voilà.

16 This is a security and intelligence threats
17 to election taskforce update on foreign interference, threats
18 to Canadian democratic institutions. It's dated
19 September 13, 2021.

20 Puis j'imagine que vous reconnaissez tous ce
21 document, les trois?

22 **M. DAVID VIGNEAULT:** Oui.

23 **Me GUILLAUME SIROIS:** Savez-vous à qui était
24 destiné ce rapport? Est-ce que c'est quelque chose qu'on peut
25 savoir du document?

26 **M. DAVID VIGNEAULT:** Le groupe de travail, le
27 Task Force, ç'a été mis en place pour regroupe des agences de
28 renseignement et d'application de la Loi, donc le CST, le

1 SCRS, la Gendarmerie royale du Canada et Affaires mondiale
2 Canada pour pouvoir combiner tout le renseignement en temps
3 réel, qui potentiellement pouvait affecter, causer de
4 l'interférence étrangère lors d'une élection, et donc, le
5 document a été colligé par ce groupe de travail et remis à
6 plusieurs personnes au sein du gouvernement canadien.

7 **Me GUILLAUME SIROIS:** OK. Mais on ne sait pas
8 spécifiquement à quelles personnes que ce document a été
9 remis. À quelles personnes ce document a été remis?

10 **M. DAVID VIGNEAULT:** Il y a plusieurs
11 personnes. Moi-même, je recevais ce document-là, j'imagine
12 mes collègues aussi dans plusieurs ministères, donc c'était
13 un document d'information sur ce qui se passait lors des
14 élections.

15 **Me GUILLAUME SIROIS:** Can we go to page 4 of
16 this document, please.

17 From page 4, we see information, very limited
18 information about Russian interference.

19 Can you scroll down, please, a little bit.
20 When we arrive at the -- yes, exactly. Can you scroll down
21 again? We'll go all the way to page 6.

22 You see that most of the information is
23 redacted from the Russian interference section, and the
24 information that's there is -- like, I've read it and it's
25 very general in nature. Would you agree with that?

26 **MR. DAVID VIGNEAULT:** I have not reread the
27 uncut -- the unredacted version, but by experience, yeah,
28 that would be the case, yes, that -- and that explains the

1 information that is, you know, protected is classified
2 information and the information that has been released here,
3 specifically, is information that, you know, was not
4 injurious. So sometimes it does create that perception,
5 absolutely.

6 **Me GUILLAUME SIROIS:** Donc, on ne va pas
7 trouver d'informations spécifiques sur quel genre de menaces
8 plus directes qu'il pourrait y avoir pour un groupe
9 spécifique, comme la diaspora russe par exemple.

10 **M. DAVID VIGNEAULT:** Le but, encore une fois,
11 aujourd'hui, je parle du processus, donc la partie (d) de la
12 Commission d'enquête, donc un document comme ça, qui encore
13 une fois est un document qui n'est pas écrit pour être rendu
14 public, est écrit pour informer les gens qui ont une cote de
15 sécurité avec un besoin de savoir spécifiquement cette
16 information-là, est écrit pour être le plus utile et précis.
17 Donc, lorsqu'on enlève l'information classifiée, oui, ça peut
18 laisser l'impression ou une certaine impression, mais
19 évidemment je ne suis pas en mesure de parler spécifiquement
20 de la nature de l'information qui n'est pas là, qui a été
21 protégée.

22 **Me GUILLAUME SIROIS:** Parfait. J'aimerais
23 qu'on aille au document RCD-7, s'il vous plait. RCD-7.

24 Avant que ça vient à l'écran, c'est le
25 document « Foreign Interference and You », to which you
26 referred this morning.

27 **--- EXHIBIT No./PIÈCE No. RCD 7:**

28 Foreign Interference and You

1 **Me GUILLAUME SIROIS:** C'est un document qui
2 explique un peu... qui vise à aider les communautés comme la
3 diaspora russe, mais aussi toutes les autres diasporas et les
4 membres du public, à les sensibiliser à l'interférence
5 étrangère, l'ingérence étrangère, et quelles mesures ils
6 peuvent prendre en réponse à ces menaces.

7 J'imagine que vous êtes familier avec ce
8 document?

9 **M. DAVID VIGNEAULT:** Oui.

10 **MR. GUILLAUME SIROIS:** If we can go to page 3
11 at the bottom.

12 On voit... we see a quote that says, the last
13 paragraph says:

14 "Hostile foreign actors also target
15 the fabric of Canada's multicultural
16 society seeking to influence Canadian
17 communities, including through
18 threats, manipulation, and coercion.
19 Some of these communities are
20 vulnerable targets of foreign
21 interference from states seeking to
22 exploit them in various ways to
23 advance the foreign state's interest,
24 sometimes to the detriment of
25 Canadian values and freedom." (As
26 read)

27 Vous avez, j'imagine, que la diaspora et les
28 membres de leurs familles qui vivent encore dans leur pays

1 d'origine et les membres de la diaspora qui habitent au
2 Canada sont particulièrement ciblés par l'ingérence
3 étrangère.

4 **M. DAVID VIGNEAULT:** Ils sont souvent des
5 victimes collatérales de l'interférence étrangère, puis
6 l'interférence étrangère va avoir lieu ici au Canada et les
7 familles des victimes dans le pays d'origine vont souvent
8 être mis à mal, vont être victimes, oui, d'interférence
9 étrangère, mais en fait, dans ce cas-là, c'est le
10 gouvernement local qui exerce sa coercition contre ces
11 individus-là.

12 **Me GUILLAUME SIROIS:** Donc, cette coercition
13 peut avoir un lien avec des actions avec des membres de la
14 diaspora qui sont au Canada en ce moment.

15 **M. DAVID VIGNEAULT:** Absolument.

16 **Me GUILLAUME SIROIS:** Des risques sur leur
17 vie.

18 **M. DAVID VIGNEAULT:** Absolument. C'est un des
19 effets pervers des ingérences étrangères et une des raisons
20 importantes pour lesquelles on en a parlé et on a publié ce
21 document-là.

22 **Me GUILLAUME SIROIS:** Est-ce que ça peut nous
23 amener à dire que la diaspora, les communautés canadiennes de
24 diasporas sont particulièrement affectés par l'ingérence
25 étrangère par rapport au reste de la population?

26 **M. DAVID VIGNEAULT:** Absolument. Une des
27 choses qui est peut-être importante, Madame la Commissaire,
28 c'est que le débat public ou les discussions publiques sur

1 l'interférence étrangère a beaucoup mis l'accent sur les
2 élections, l'intégrité des élections, avec raison, c'est une
3 question fondamentale dans une démocratie, mais lorsqu'on
4 parle d'interférence étrangère, et ce document-là est un bon
5 exemple, il détaille comment les communautés sont
6 vulnérables, les communautés sont victimisées par
7 l'interférence étrangère, et donc, c'est ce qu'on appelle... la
8 conseillère précédente sur les droits humains parlait plus
9 tôt de la répression transnationale, c'est exactement ce
10 genre de choses-là, ce sont les individus qui sont victimes
11 de coercition, de rétribution de la part... ici, au Canada, et,
12 comme vous le mentionniez, leurs familles à l'étranger.

13 Considérant qu'ils sont plus affectés que la
14 population en général, on a entendu l'intérêt de la
15 population en général d'avoir accès à ce type d'informations
16 là sur l'ingérence étrangère, mais considérant que la
17 diaspora est plus affectée que la population en général par
18 l'ingérence étrangère, est-ce qu'on peut dire que la diaspora
19 a encore un plus grand intérêt à avoir accès à cette
20 information-là sur l'ingérence étrangère que la population en
21 général?

22 **M. DAVID VIGNEAULT:** Je suis d'accord avec
23 l'énoncé de dire que la diaspora qui est ici au Canada, donc
24 les Canadiens d'origine... de différentes origines qui sont ici
25 sont plus souvent victimes, absolument. Il faudrait trouver
26 une façon de leur donner de l'information, de les aider à se
27 protéger.

28 Deux choses spécifiques. Un document comme

1 celui-ci, on l'a traduit dans plusieurs langues, et, si je ne
2 me trompe pas, en russe spécifiquement, pour être capable que
3 les communautés qui n'ont pas nécessairement aussi autant
4 d'affinités avec le français ou l'anglais puissent pouvoir
5 avoir accès à l'information. Également, dans le cas du SCRS
6 on a mis en place... en 2019, on a réalloué des ressources à
7 l'interne pour mettre en place un groupe de consultation avec
8 les communautés canadiennes qui engagent directement les
9 communautés pour pouvoir créer des ponts et des liens entre
10 le SCRS et ces communautés-là.

11 **Me GUILLAUME SIROIS:** Super. Merci.

12 Je pense qu'on va demander justement des
13 questions au ministre Leblanc demain sur ce processus-là.
14 C'est très intéressant.

15 **COMMISSAIRE HOGUE:** Il vous reste une minute,
16 Maitre Sirois.

17 **Me GUILLAUME SIROIS:** Oui. Une question.
18 Merci, Madame la Commissaire.

19 Donc, on comprend que la diaspora a un
20 intérêt particulier à avoir accès à ce type d'informations
21 là. Est-ce qu'on peut dire que la diaspora a besoin de
22 l'information sur l'ingérence étrangère, incluant de
23 l'information qui va être divulguée qui concerne le travail
24 de cette commission-là, pour mieux se protéger contre
25 l'ingérence étrangère pour les questions importantes comme la
26 sécurité, leur liberté, leurs droits fondamentaux, et cetera?

27 **M. DAVID VIGNEAULT:** Absolument, et je pense
28 que c'est exactement le nœud de la question ici : comment

1 est-ce que, avec l'information, les connaissances que le
2 gouvernement a, comment est-ce qu'on est capable d'aider les
3 populations. Il y a non seulement le gouvernement, mais il y
4 a d'autres entités qui peuvent le faire, mais si on veut être
5 capable de continuer à faire ce travail-là, être capable
6 d'intervenir spécifiquement comme, y compris quand il y a des
7 menaces à l'intégrité physique ou à la vie des gens, qu'on
8 soit capable également de pouvoir protéger notre façon
9 d'opérer. Et donc, ces deux éléments-là ne doivent pas être
10 mis en contradiction, on doit avoir la transparence et on
11 doit garder et conserver l'habileté de travailler et de faire
12 le travail de renseignement qui est nécessaire.

13 **Me GUILLAUME SIROIS:** OK. Merci beaucoup.

14 **COMMISSAIRE HOGUE:** Merci.

15 **COMMISSIONER HOGUE:** Alors, the next one is
16 Maître Choudhry.

17 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

18 **MR. SUJIT CHOUDHRY:**

19 **MR. SUJIT CHOUDHRY:** Thank you, Commissioner,
20 Panel. Good afternoon. My name is Sujit Choudhry. I'm
21 council to Jenny Kwan, Member of Parliament for Vancouver
22 East.

23 So the focus of my questions will be a bit
24 narrower and a bit different than what some of my colleagues
25 have put to you, and it actually arises from two sentences in
26 the interview summary. So it might be helpful to give the
27 document ID and perhaps put it up. It's WIT-3, and it's page
28 19, the middle of the page. And this was actually -- I think

1 it was Mr. Rogers who was addressing this issue. So if we
2 could go to page 19, please -- pardon me, page 18. If you
3 could just scroll down a bit? Here -- scroll back up.
4 Super, great. So there's a -- the paragraph that begins "if
5 an individual". So let me just read this out. There's two
6 sentences here that I want to drill down on. So the first
7 sentence says,
8 "If an individual does not have the appropriate clearance
9 and/or indoctrination but PCO needs to communicate certain
10 classified materials to them, PCO will sometimes initiate a
11 process to get that individual the appropriate clearance or
12 indoctrinations." (As read)

13 And then the second sentence says,
14 "As an alternative, we can sanitize the information to reduce
15 the level of classification." (As read)

16 So I just want to drill down on that a little
17 bit, if I might. And I think -- so the questions are to the
18 whole panel, but I'm sorry, Ms. Tayyeb, I think it's mostly
19 Mr. Vigneault and Mr. ---

20 **COMMISSIONER HOGUE:** Mr. Choudhry?

21 **MR. SUJIT CHOUDHRY:** Yes.

22 **COMMISSIONER HOGUE:** Can you just speak a bit
23 more slowly?

24 **MR. SUJIT CHOUDHRY:** Of course. I'm sorry
25 about that, Madam Commissioner.

26 And so I think the questions will be directed
27 mostly to Mr. Rogers and Mr. Vigneault. And what I'm trying
28 to understand is how this works from a machinery of

1 government perspective. And so I want to drill in first to a
2 couple of examples regarding security clearances for
3 parliamentarians. And so the first example arises from a
4 recommendation made by the Special Rapporteur, Mr. David
5 Johnston. And as you'll know, he recommended in his report
6 that the government begin the process immediately of working
7 with leaders of opposition parties to grant them the
8 requisite clearances, so that they could review the
9 classified version of this report. And so I want to ask you
10 a couple of questions, if I may, about how that process
11 worked, without, of course, getting into the substance of
12 what was reviewed by the opposition leaders who got that
13 invitation.

14 And so is it the case that then after this
15 report was issued, and this was in May of 2023, where CSIS or
16 the -- and the PCO directed to work with the opposition
17 leaders to see if they were interested in obtaining the
18 requisite security clearances?

19 **MR. DAN ROGERS:** My understanding is that the
20 opposition leaders were invited to apply for security
21 clearances, which the Privy Council Office would
22 administratively process. So, you know, the security
23 clearances for all of us under -- involve a consistent
24 process, which we all undergo of interviews and information.
25 That's something which we initiated on behalf of that
26 direction. And for the leaders of the opposition who chose
27 to avail themselves of that, we processed those clearances.

28 **MR. SUJIT CHOUDHRY:** Sure. And it's a matter

1 of public record that Mr. Singh, the leader of the NDP, did
2 choose to avail himself of that option?

3 **MR. DAN ROGERS:** That's correct.

4 **MR. SUJIT CHOUDHRY:** And it's my
5 understanding that Mr. Singh requested as well that clearance
6 be granted to a couple of aides or members of his party as
7 well?

8 **MR. DAN ROGERS:** That's correct.

9 **MR. SUJIT CHOUDHRY:** Right. And so how many
10 aides did he ask clearances be granted to; do you recall?

11 **MR. DAN ROGERS:** At least one as I recall, I
12 believe.

13 **MR. SUJIT CHOUDHRY:** And is it -- and it's my
14 understanding that Mr. Singh was granted a security
15 clearance?

16 **MR. DAN ROGERS:** Yes, that's correct.

17 **MR. SUJIT CHOUDHRY:** Yes, and were his aides
18 granted a security clearance as well to assist him?

19 **MR. DAN ROGERS:** Yes.

20 **MR. SUJIT CHOUDHRY:** And do you roughly know
21 how long that process took?

22 **MR. DAN ROGERS:** I do not recall the specific
23 timeframe.

24 **MR. SUJIT CHOUDHRY:** Okay. And so the -- I'd
25 like to ask the same sets of questions about NSICOP that
26 we've heard about as well. And so as you know, under the
27 *NSICOP Act* and under the Regulations it's required that
28 members of NSICOP obtain a top secret security clearance;

1 correct?

2 **COMMISSIONER HOGUE:** Can you just say what
3 NSICOP stands for ---

4 **MR. SUJIT CHOUDHRY:** Of course.

5 **COMMISSIONER HOGUE:** --- for the public?

6 **MR. SUJIT CHOUDHRY:** Yes, the National
7 Security and Intelligence Committee of Parliamentarians. And
8 Mr. Vigneault had referred to NSICOP previously in some of
9 his testimony, but thank you, Madam Commissioner. And so --
10 and the -- and so the members of NSICOP are members of
11 parliament and they're also senators; correct?

12 **MR. DAN ROGERS:** That's correct.

13 **MR. SUJIT CHOUDHRY:** Right. And so it's
14 required then for a member of NSICOP to go through some type
15 of a security clearance process as well?

16 **MR. DAN ROGERS:** Yes, that's correct.

17 **MR. SUJIT CHOUDHRY:** Right. And again, in
18 your experience, how long a process is that? How long does
19 it take?

20 **MR. DAN ROGERS:** You know, those processes
21 range depending on the complexity of the cases involved. I
22 can't tell you specifically how long any of those offhand
23 would have taken. It can range from weeks to months.

24 **MR. SUJIT CHOUDHRY:** Okay. All right. And
25 so I'd like to pivot a bit to the second sentence here from
26 page 18 of your interview. And I'd like to ask a couple of
27 questions about the disclosure of classified information to
28 parliamentarians, if I could. And so if I could -- if Mr.

1 Registrar, if you could put up on the screen please the
2 following document, it's JKW many zeros 21.

3 --- EXHIBIT No./PIÈCE No. JKW 21:

4 Ministerial Direction on Threats to
5 the Security of Canada Directed at
6 Parliament and Parliamentarians

7 **MR. DAN ROGERS:** While that document is
8 coming up, can I take the opportunity to just clarify my
9 statement there, which is accurate?

10 **MR. SUJIT CHOUDHRY:** Of course, sir.

11 **MR. DAN ROGERS:** Just to be clear, you know,
12 when I was referring to those couple of sentences that you
13 quoted, my intention was more to convey that not everyone
14 within the federal public service enjoys the same level of
15 clearance. And so there may be an intelligence report which
16 is necessary for a public servant or other member of the
17 national security community to see. And, for instance, it
18 may be top secret while the individual needing to see it
19 would have a secret clearance. And I understand your line of
20 questioning is not about that, but that was the intention of
21 my sentence.

22 **MR. SUJIT CHOUDHRY:** Thank you for the
23 clarification, sir.

24 So members of the panel, as you'll see, what
25 we've put up on the screen here is the ministerial direction
26 on threats to the security of Canada directed at parliament
27 and parliamentarians. You're familiar -- you're all familiar
28 with this document?

1 **MS. ALIA TAYYEB:** Yes.

2 **MR. SUJIT CHOUDHRY:** And as you know, this
3 was issued on May 16th, 2023? Issued pursuant to
4 section 6(2) of the *CSIS Act* by the Minister of Public
5 Safety. Is that right?

6 **MR. DAVID VIGNEAULT:** Yes.

7 **MR. SUJIT CHOUDHRY:** Yeah.

8 Can we scroll down to Clause 3, please?

9 So I'd like to read out Clause 3 for members
10 of the public who might be watching, and it says:

11 "CSIS will seek, wherever possible
12 within the law and while protecting
13 the security and integrity of
14 national security and intelligence
15 operations and investigations, to
16 ensure that parliamentarians are
17 informed of threats to the security
18 of Canada directed at them. This may
19 involve direct disclosures, or by
20 working with other bodies, such as
21 [the] Government of Canada
22 departments, the [RCMP]...law
23 enforcement..."

24 Et cetera, "as...law permits".

25 And -- so I have a question about how this
26 clause would work in practice. Would this clause authorise
27 CSIS to disclose classified information to a parliamentarian?

28 **MR. DAVID VIGNEAULT:** So this is not -- this

1 direction does not supersede the law, so the Act is still
2 applying. In order to accomplish this -- the intent of this
3 clause there is two different ways. One is that CSIS, if it
4 were to be us, CSIS will be able to engage with the member of
5 parliament and disclose information that is not classified,
6 but is also provided by a -- those -- this information is
7 provided by an expert intelligence professional who
8 understands the classified information and provide the
9 information to the member of parliament in an unclassified
10 way, but with the benefit of understanding the -- what is
11 classified. So there is one process.

12 If for the purpose of achieving this
13 classified information were to be necessary to be used, at
14 that point the -- CSIS would engage and will use
15 section 12(1) of the *CSIS Act* in engaging a threat reduction
16 measure, which then allows the disclosure of classified
17 information with the specific intent of that action would be
18 reducing the threat. So it's very clear that these are the -
19 - this is what the law stipulates.

20 **MR. SUJIT CHOUDHRY:** And just to pick up on
21 what you've just said, Mr. Vigneault. So when CSIS acts,
22 pursuant to section 12(1) of the *CSIS Act*, is it true, then,
23 that the recipient of that classified information need not
24 yet have or might never go through a security clearance
25 process?

26 **MR. DAVID VIGNEAULT:** That is accurate. The
27 person is informed of the nature of the information, informed
28 of injury that could happen if this information was to be

1 released publicly, and counselled to not make that
2 information public.

3 **MR. SUJIT CHOUDHRY:** So then this leads to my
4 last question, Madam Commissioner, which is about the
5 May 2023 briefings that CSIS offered and provided to Members
6 of Parliament Kwan, Chong, and at that time, Member of
7 Parliament O'Toole to inform them that they were the targets
8 of foreign interference.

9 And so my -- I know we can't ask you about
10 the content of those briefings, but I want to understand the
11 policy framework within which, and the legal framework within
12 which those briefings took place. Were those briefings, did
13 they take place pursuant to section 12(1) of the *CSIS Act*?

14 **MR. DAVID VIGNEAULT:** Madame la Commissaire,
15 I think this is going into a territory that is not covered by
16 section D of this Inquiry. I'd be happy to answer that
17 question in due course during the work of the Commission.

18 **MR. BARNEY BRUCKER:** Sorry, Commissioner, I
19 was going to raise this, but the Director beat me to it.

20 **COMMISSIONER HOGUE:** And I think it's right.
21 You are going beyond what is contemplated by this -- these
22 hearings this week.

23 **MR. SUJIT CHOUDHRY:** Yeah. Well, fair
24 enough, Madam Commissioner.

25 Thank you for your time, panel.

26 **COMMISSIONER HOGUE:** Thank you.

27 M. van Ert for Mr. Chong.

28 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

1 **MR. GIB van ERT:**

2 **MR. GIB van ERT:** Madam Commissioner, Gib van
3 Ert for The Honourable Michael Chong, MP.

4 Director, this morning you gave evidence
5 about certain intelligence products that the service
6 produces. You talked about raw intelligence, intelligence
7 assessments and briefing notes. I want to ask a question
8 about something that I think is covered under the category of
9 briefing note, but you'll tell me, and that is the issues
10 management note. Could you explain to the Commissioner what
11 an issues management note is?

12 **MR. DAVID VIGNEAULT:** I'll give a ---

13 **MR. BARNEY BRUCKER:** Sorry.

14 **MR. DAVID VIGNEAULT:** --- general answer to
15 this.

16 **MR. BARNEY BRUCKER:** Sorry, sorry. Having
17 real trouble seeing where this is in Term of Reference D. It
18 may be in A, may be in D, certainly, but we're going to get
19 there. Not today.

20 **MR. GIB van ERT:** Well, this witness has
21 given evidence about the sorts of intelligence products the
22 service prepares. I believe that an IMU is one of those
23 products, and I wanted the Commission to understand what that
24 product is.

25 **COMMISSIONER HOGUE:** For the time being, I'll
26 permit the question, but I won't permit that you go very long
27 with this line of questioning.

28 **MR. GIB van ERT:** All right. Well, I will --

1 -

2 **COMMISSIONER HOGUE:** Do you know what it's
3 all about? It's something?

4 **MR. DAVID VIGNEAULT:** Absolument.

5 So an IMU note -- an IM note is a issues
6 management product. So essentially, it's when the service
7 wants to convey information to different individuals, senior
8 individuals in the government, to alert them of a -- of an
9 issue that may -- an operational issue, a media issue, a --
10 an intelligence issue, it is one tool that we have to be able
11 to inform specific individuals, provide some context and some
12 information about what we will do about this information.

13 So it is a -- indeed a document that we use
14 for -- to inform some specific individuals, but contrary to
15 intelligence products, it would be always what we call a
16 named distribution. So the specific individuals who should
17 receive this information would be specified, you know, in the
18 process.

19 **MR. GIB van ERT:** Thank you, Director, that's
20 very helpful.

21 And Commissioner, I want to follow up on
22 that, but just to put everyone's minds at ease, I'm not going
23 to be asking about any particular IMU, I'm not going to be
24 asking about the contents of any IMU. I want to understand
25 the instrument.

26 And so Director, what you've just said, among
27 other things, is that it is directed to specific senior
28 officials. Do I understand that correctly to be, for

1 instance, deputy ministers, ministers of the Crown, their
2 chiefs of staff?

3 **MR. DAVID VIGNEAULT:** That will be accurate,
4 yes.

5 **MR. GIB van ERT:** Thank you. And you talked
6 about specific issues that the service wants to bring to
7 those people's attention; is that right?

8 **MR. DAVID VIGNEAULT:** Yes, that's accurate.

9 **MR. GIB van ERT:** Thank you. It's addressed
10 to someone in particular. In contrast, if -- tell me if I
11 have this right. I think I understood from earlier today
12 that some intelligence assessments, other products, are
13 addressed to departments more generally and left to the
14 departments to determine, in their discretion, whether they
15 should be briefed up to more senior people or not. Is that
16 right?

17 **MR. DAVID VIGNEAULT:** This is where, I think,
18 you know, where we're getting into very -- getting into more
19 the specificity. You know, it's hard for me for to answer --
20 to continue to answer this line of questions and be too
21 generic given the context.

22 **MR. GIB van ERT:** Let me try again. I'm
23 talking about intelligence assessments now, rather than IMUs.

24 **MR. DAVID VIGNEAULT:** Yeah.

25 **MR. GIB van ERT:** Am I right in my
26 understanding that an intelligence assessment prepared by the
27 service will, at least sometimes, be directed, not to any
28 specifically, but to a department or maybe a unit within the

1 department generally?

2 **MR. DAVID VIGNEAULT:** Yes. I think both are
3 true. Like we can have -- you know, our assessments might be
4 more -- going to a more general distribution. Sometimes if
5 it's on a very sensitive topic it might be more specifically
6 issued to specific individuals. But just to -- I'm just
7 adding this nuance, but I agree with the statement.

8 **MR. GIB van ERT:** Thank you, Director.
9 Turning back to IMUs. You mentioned that they're documents.
10 They're, of course, sensitive documents. You're not sending
11 them by email. Right?

12 **MR. BARNEY BRUCKER:** Well, Commissioner, are
13 we going to get to -- I guess the question is whether you
14 redact IMUs. Because I -- that, I think, would be the only
15 thing that would -- might fall into Part D.

16 **COMMISSIONER HOGUE:** Yes, I am -- I must say
17 that I have difficulties understanding where you are going in
18 terms of what we are doing this week in the context of ---

19 **MR. GIB van ERT:** So you're suggesting that I
20 should leave these questions for March, Commissioner. Is
21 that....

22 **COMMISSIONER HOGUE:** It's -- yes, it's a
23 suggestion.

24 **MR. GIB van ERT:** All right.

25 **COMMISSIONER HOGUE:** A very strong one.

26 **MR. GIB van ERT:** All right. Thank you.
27 I'll -- very good. Well, in that case, à la prochaine,
28 monsieur le directeur. J'espère vous revoir dans un mois.

1 **MR. DAVID VIGNEAULT:** Je vous remercie.

2 **COMMISSIONER HOGUE:** So I think it's your
3 turn, M. Brucker.

4 **MR. BARNEY BRUCKER:** And I have some welcome
5 news I think. The government has no questions.

6 **COMMISSIONER HOGUE:** No questions?

7 **MR. GORDON CAMERON:** No re-examination,
8 thanks.

9 **COMMISSIONER HOGUE:** No re-examination?
10 So it means our day is over. So we'll
11 reconvene tomorrow at -- it's at 10:00 tomorrow morning.
12 Yes. So tomorrow morning, 10 o'clock. Thank you. Thank you
13 very much. Merci.

14 **MR. DAVID VIGNEAULT:** Merci beaucoup.

15 **THE REGISTRAR:** Order, please. À l'ordre,
16 s'il vous plait.

17 This sitting of the Foreign Interference
18 Commission has adjourned until tomorrow at 10:00 a.m. Cette
19 séance de la Commission sur l'ingérence étrangère est levée
20 jusqu'à demain à 10 h.

21 --- Upon adjourning at 4:04 p.m.

22 --- L'audience est suspendue à 16 h 04

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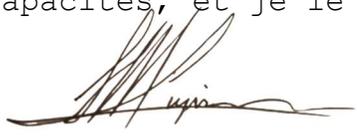
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C E R T I F I C A T I O N

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