



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**

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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

--- Upon commencing on Thursday, February 1, 2024 at
10:00 a.m.

THE REGISTRAR: Order, please.

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

Time is 10:00 a.m.

COMMISSIONER HOGUE: Good morning, everybody.

MR. GORDON CAMERON: Thank you.

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

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

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

We have this morning a panel of witnesses.
In contrast to yesterday, where we had former national
security intelligence officials appearing as a panel, we have
today current or, you might say, incumbent national security
intelligence officials.

And the parties will have noted the
difference in today's proceeding, relative to what we've had
so far this week, is that these people before you are

1 appearing as witnesses giving evidence as opposed to just
2 having a panel discussion.

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

7 **COMMISSIONER HOGUE:** Good morning.

8 **MR. GORDON CAMERON:** In the middle of the
9 panel, and sitting beside Mr. Rogers, is Mr. David Vigneault,
10 the Director of the Canadian Security Intelligence Service.
11 And sitting beside him is Ms. Alia Tayyeb, the Deputy Chief
12 of signals intelligence at Communications Security
13 Establishment.

14 I -- if I could ask the court operator to
15 please affirm the witnesses.

16 **THE REGISTRAR:** Please state your full name
17 for the record.

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

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

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

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

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

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

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

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

27 **--- MR. DAVID VIGNEAULT, Affirmed/Sous affirmation**
28 **solennelle:**

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

2 **THE REGISTRAR:** And can you spell your last
3 name?

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

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

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

7 **MR. GORDON CAMERON:**

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

15 And I'll ask you, Mr. Rogers, as the panel's
16 representative from the Privy Council Office, can you confirm
17 this -- that this report was prepared by and represents the
18 evidence of the Government of Canada for the Commission?

19 **MR. DANIEL ROGERS:** Yes.

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

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

26 And Witnesses, do you have any corrections to
27 make to this summary?

28 **MR. DANIEL ROGERS:** No.

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

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

5 **MR. DAVID VIGNEAULT:** Yes.

6 **MS. ALIA TAYYEB:** Yes.

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

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

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

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

21 Institutional Report on the
22 Protection of Information in the
23 National or Public Interest - Public
24 Inquiry into Foreign Interference in
25 Federal Electoral Processes

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

27 Rapport institutionnel sur la
28 protection de l'information dans

1 l'intérêt national ou public -
2 Enquête publique sur l'ingérence
3 étrangère dans les processus
4 électoraux et les institutions
5 démocratiques

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

7 Interview Summary: David Vigneault
8 (Canadian Security Intelligence
9 Service), Alia Tayyeb (Communications
10 Security Establishment), Daniel
11 Rogers (Privy Council Office)

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

13 Résumé d'entrevue: David Vigneault
14 (Service canadien du renseignement de
15 sécurité), Alia Tayyeb (Centre de la
16 sécurité des télécommunications),
17 Daniel Rogers (Bureau du Conseil
18 privé)

19 **--- EXHIBIT No./PIÈCE No. CAN 900:**

20 Report on the Assessment of the
21 Critical Election Incident Public
22 Protocol - May 2020

23 **--- EXHIBIT No./PIÈCE No. CAN 3781:**

24 Threats to Canadian Federal Election
25 2021

26 **--- EXHIBIT No./PIÈCE No. CAN 5780:**

27 CSIS National Security Brief

28 **--- EXHIBIT No./PIÈCE No. CAN 5781:**

1 PRC Interference

2 --- EXHIBIT No./PIÈCE No. CAN 5784:

3 The PRC Foreign Interference

4 --- EXHIBIT No./PIÈCE No. CAN 5787:

5 CSIS Intelligence Report

6 --- EXHIBIT No./PIÈCE No. CAN 5792:

7 CSIS National Security Brief

8 --- EXHIBIT No./PIÈCE No. CAN 5810:

9 CSIS Intelligence Report

10 --- EXHIBIT No./PIÈCE No. CAN 5811:

11 PRC Foreign Interference in Canada: A

12 Critical National Security Threat

13 --- EXHIBIT No./PIÈCE No. CAN 5816:

14 CSIS Intelligence Report

15 --- EXHIBIT No./PIÈCE No. CAN 5824:

16 SITE TF Update On Foreign

17 Interference Threats To Canadian

18 Democratic Institutions - 2021

19 --- EXHIBIT No./PIÈCE No. CAN 5836:

20 CSIS Intelligence Report

21 --- EXHIBIT No./PIÈCE No. CAN 5847:

22 CSIS Intelligence Report

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

24 Letter to Commission from Government

25 of Canada - National Security

26 Confidentiality Review

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

28 Lettre à la Commission de la part du

1 Gouvernement du Canada: Rapport
2 institutionnel sur la protection de
3 l'information dans l'intérêt national
4 ou public

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

12 And Madam Commissioner, through you, I will
13 make this observation for the benefit of the participants,
14 which is that about those 13 documents, this panel can and is
15 here to answer questions about the nature of the redactions
16 on these documents, but this week's hearing is not the place
17 for examination of these witnesses on the substance of the
18 content of the documents.

19 And on that point, again just an observation
20 to assist the parties in framing their questions: This panel
21 is before you, Madam Commissioner, to speak about national
22 security confidentiality. Though they are well qualified to
23 speak to other matters that are relevant to the Commission's
24 mandate, they are not here today for that purpose, and
25 questions about the substantive parts of the Commission's
26 mandate should be saved for the hearings on those topics.
27 Representatives of these departments or perhaps even these
28 witnesses will appear again and parties will have an

1 opportunity at that time to ask substantive questions about
2 the Commission's mandate, but today, they are here to speak
3 to national security confidentiality.

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

5 **MR. GORDON CAMERON:** With that said, I will
6 hand the mic over to M. Mackay to commence the conduct of the
7 examination.

8 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**

9 **JEAN-PHILIPPE MacKAY :**

10 **MR. JEAN-PHILIPPE MacKAY:** Good morning.
11 Good morning to the witnesses. My name is Jean-Philippe
12 MacKay and I will begin the questioning of the three
13 witnesses this morning.

14 Before starting, what I'd like to say is that
15 since the beginning of the week, we've had an opportunity to
16 hear various experts or witnesses yesterday, testimonies
17 yesterday from ex-Directors, ex-members of the national
18 security community. Today we will be starting with evidence,
19 so there will be repetition of certain notions that we heard
20 this week, but nonetheless, we will be asking the witnesses
21 to explain with a certain level of detail certain subjects
22 that we've already spoken about this week.

23 So to begin with, I would like to provide
24 this information to the witnesses.

25 When you're using acronyms, we understand
26 that you work in an environment where acronyms are king, but
27 we would to ask you to not take for granted that I know or
28 that the Commissioner is aware of what the acronyms are, nor

1 that the members of the public know what these acronyms stand
2 for.

3 Mr. Vigneault, I will begin with you.

4 Can you describe what your role and
5 responsibilities are within your organization?

6 **MR. DAVID VIGNEAULT:** Yes, of course.

7 As a Director, the *CSIS Act* is very clear on
8 the functions. As a summary, what I can say is that I'm
9 responsible for the administration and the activities of
10 CSIS. I'm also responsible to the Minister of Public Safety
11 and also with respect to the management of all facets
12 associated to national security.

13 **MR. JEAN-PHILIPPE MacKAY:** When you're
14 talking about the activities of the service, can you speak a
15 little more about that?

16 **MR. DAVID VIGNEAULT:** The mandate of CSIS is
17 to gather information, produce intelligence and provide
18 advice to the Canadian government, so this is very well
19 defined in the Act. From a practical level, what that means
20 is that we have intelligence officers, professionals who work
21 in this realm who will try to find information that's
22 required to provide information to the government and to meet
23 the government's needs in this area.

24 So our areas of work include spying, counter-
25 terrorism, foreign interference and sabotage. All of the
26 issues related to national security generally are included in
27 the mandate of my organization.

28 How do we undertake these operations and how

1 are we able to respond to the government's needs in this
2 field? We can use different techniques to go gather
3 information.

4 One of the factors, and this is very
5 important as well, not only for CSIS specifically, but also
6 for intelligence gathering generally, is the sharing of
7 information with foreign organizations. The threat that
8 Canada faces is not only directed towards our country and
9 it's not unique to Canada, either. Certain aspects are, and
10 I know that we will be talking about this later on in the
11 Commission, but the sharing of information with foreign
12 agencies is one of the fundamental pillars that allows our
13 service not only to carry out our mandate, but also allow the
14 government to continue to protect Canadians.

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

16 Madam Tayyeb, I have the same question for
17 you with respect to what your role and responsibilities are
18 within the Communication Security Establishment.

19 **MS. ALIA TAYYEB:** I will be answering my
20 question in English.

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

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

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

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

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

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

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

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

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

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

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

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

1 electronic information that would be foreign in nature and we
2 would also refer to that as technical collection.

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

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

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

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

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

1 **MR. JEAN-PHILIPPE MacKAY:** And now to you,
2 Mr. Rogers.

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

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

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

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

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

26 Our role is to convene to assist and to
27 advise the Prime Minister and Cabinet. We do not direct the
28 activities of other agencies or departments who have their

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

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

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

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

23 **MR. JEAN-PHILIPPE MacKAY:** Perhaps -- I would
24 like to ask a question. And personally, I used an acronym
25 and, therefore, I made a mistake because I used an acronym.

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

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

1 **MR. DAVID VIGNEAULT:** Canadian government
2 agencies that are working in the national security realm, we
3 must follow the applicable Acts, but also another important
4 point are the Cabinet directives with respect to
5 intelligence. This information is provided to all of the
6 agencies so CSIS and CSE and other agencies who have a role
7 to play in intelligence, we all have the same priorities.
8 From there, every agency working in our -- within our own
9 realms and within the applicable Acts, we carry out our
10 operations. The goal is to be able to provide information to
11 the Government of Canada.

12 What that means is that CSIS's work is being
13 carried out on a daily basis with our partners, with the
14 RCMP, with the CBSA, with Communications Security
15 Establishment, with Global Affairs Canada, and the Privy
16 Council Office and other departments and agencies.

17 Every day, our activities will connect with
18 work being done elsewhere within the government. When we
19 collect information, we do that ourselves, but oftentimes we
20 need support. We need to ensure that the information that
21 we're collecting is relevant to other government agencies, so
22 again, we work closely with those other departments and
23 agencies.

24 Concurrently, the practices of the community,
25 I want to say that there are a lot of group -- sorry, task
26 forces that work, informal and formal task forces, a number
27 of people who are working together, and this includes up into
28 the Deputy Minister level.

1 Sometimes we meet on a weekly or a daily or a
2 monthly basis to allow information to be exchanged,
3 coordination of our activities as well. Once again, this is
4 -- departments will not get -- interfere in how we conduct
5 our business, but we want to make sure that there's relevance
6 and that there's coordination between the agencies.

7 An important element is the nature of the
8 threats that Canada faces has changed greatly. In the past,
9 CSIS could do counterespionage efforts, but now that's no
10 longer the case. We have to inform our federal colleagues,
11 and so there's a community of intelligence community that
12 exists, but we also work with people outside of the federal
13 government. And I can speak to that later.

14 It's also important to ensure that this
15 community, so that they -- so they be able to take action,
16 the different partners will take action based on their
17 mandate. They need to have the right information at the
18 right time with the right analysis as to the context within
19 which this information exists, and that's absolutely
20 essential so that other agencies are able to act, whether it
21 be for the border services, whether it's for immigration,
22 whether it's for the Department of Innovation and Science
23 with respect to foreign investments.

24 So the community needs to be very well
25 coordinated to be able to do our work as efficiently as
26 possible, but also to be able to ensure that the impact of
27 the intelligence, of the information will be shared, will be
28 used as efficiently as possible.

1 **COMMISSIONER HOGUE:** Mr. Vigneault, you say
2 the agencies all have the same priorities, but then each of
3 them have to go ahead with their tasks based on their
4 specific mandates.

5 **MR. DAVID VIGNEAULT:** Yes, that's right. The
6 Prime Minister chairs the Cabinet meeting and so in that
7 meeting, the result will be decisions -- a Cabinet decision
8 that will be transmitted to each of the Ministers. And in my
9 case, Minister of Public Security will receive these
10 priorities and they will put out a departmental directive.

11 Given our mandate, we deal with foreign
12 interference, so how that works for CSIS, it will be
13 different than how it will work for the National Defence, for
14 the Canadian Armed Forces given their particular mandate. So
15 that is where each agency has specific specificities, but all
16 of that comes from the directive that comes from the Cabinet.

17 **MR. JEAN-PHILIPPE MacKAY:** You talked about
18 collecting information and used information -- between
19 information and intelligence, there may be a little bit
20 distinction, but you're talking about collecting intelligence
21 information. Can you tell us how this is done, with what
22 legal authority does CSIS have?

23 **MR. DAVID VIGNEAULT:** Well, CSIS will -- may
24 do technical collection of intelligence. We are given that
25 capacity through the Act and so that we can engage in
26 technical operations to get information, so this can be
27 interception of communications. And we also have the
28 authority to collect information through the use of human

1 sources, so this is a very important element in our work.

2 So the -- our professionals, our intelligence
3 officers, will determine with our individuals, and that's
4 based on the functions and based on their knowledge and based
5 on where they work whether or not they have access to
6 information that could be relevant to our intelligence needs.

7 So our professionals will have entered into
8 relationships with those individuals to establish through
9 that relationship -- there will be a formalization of a
10 relationship. And that's what we call a human source.

11 This is a process that has to be done so the
12 individual may first have a contact, so there will be
13 somebody who will be able to give us information, and this
14 may be a human source -- would be a person who will be
15 receiving the directives from the service and will be able to
16 implement those directives and to bring us information.

17 **COMMISSIONER HOGUE:** So when you talk about
18 human sources, there has to be a formal relationship.

19 **MR. DAVID VIGNEAULT:** Yes, exactly, Madam
20 Commissioner.

21 This needs to be a contact for any person in
22 the public who would approach us. We have websites and we
23 have telephone lines, and so I do invite people to contact us
24 if they have any relevant information. So this would be a
25 contact, but to formalize the human source, we have several
26 policies and directives that do apply. And there's also the
27 *CSIS Act* that has the precise outline of the formalization of
28 the relationship there, of the human source.

1 So the contact will be giving us information
2 and a human source can be directed to do certain things to
3 enter into contact with certain persons, and so these are
4 activities that would allow us to be able to do technical
5 collection of information. And then that's how we worked.

6 And maybe one last thing to come back to the
7 point that I mentioned earlier, an important element is
8 collaboration of the agencies. A lot of that work that we
9 done -- do starts with information that we receive either
10 through our government partners, CSE, for example, and also
11 there are foreign agencies.

12 So we have -- CSIS have formal relationships
13 based on the Act with over 300 agencies around the world, and
14 so this is almost all countries. It's not all countries, but
15 almost all countries. And there are several agencies for
16 each country, often, so this is one of the essential ways in
17 which we do our work.

18 **MR. JEAN-PHILIPPE MacKAY:** And Mr. Vigneault,
19 in the context of your activities, do you have legal
20 constraints with respect to disclosure of information or
21 intelligence and, if so, could you please present this to us?

22 **MR. DAVID VIGNEAULT:** Yes. As I indicated,
23 the CSIS mandate, as it's been dictated by the Canadian
24 Parliament, is to give information to the Canadian
25 government, to the federal government and also to take
26 measures to reduce threats. That is a threat mitigation
27 mandate.

28 And so we have Article 19 of the *CSIS Act* --

1 section 19, sorry, gives us -- indicates which information
2 should be shared. So there are limitations for classified
3 information and the way we go about it, if it's a question of
4 sharing classified -- there's a way of sharing classified
5 information that will allow us to gain more information. So
6 there are different possibilities, but they are somewhat
7 limited.

8 So I could tell you more about section 19 and
9 there's also section 18 where there's a prohibition of the
10 disclosure of the identity of the people who are undercover
11 agents at CSIS and as well as the disclosure of identity or
12 information that would allow the identification of human
13 sources so that section 18 is very clear in that effect.

14 And so the employees of CSIS are subject to
15 the law on Canadian intelligence security individuals,
16 including myself. We are obliged to respect the questions of
17 disclosure, and this is permanently bounded to secrecy. And
18 so this is the Act with respect to protecting intelligence.

19 And as the Government of Canada, we are -- we
20 have to follow the Privy Council Office with respect to
21 protection of information and they have a very precise
22 indication of how and with whom we can share information.

23 **MR. JEAN-PHILIPPE MacKAY:** We'll come back to
24 that in the questions.

25 Last question in link with this subject, Mr.
26 Vigneault, you spoke about the situation, the national
27 internal situation in Canada, but what about the partners --
28 the foreign partners or international partners? Are there

1 constraints with respect to disclosure that follow through
2 from foreign partners and their constraints?

3 **MR. DAVID VIGNEAULT:** This is a very
4 important question.

5 There are constraints and there are
6 principles that cover the sharing of information when we as
7 an organization share with our partners and there are also
8 principles with respect to how we process information that we
9 receive from our partners.

10 It's important to mention how we share
11 information with our partners. They expect us to protect the
12 information and so there won't be disclosure of information
13 without asking permission.

14 So if we share information with a specific
15 agency, that agency is not allowed to disclose that
16 information with other partners without asking for our
17 permission.

18 And another important element that flows from
19 how the intelligence agencies in Canada work, well, we ensure
20 that we analyze the type of information that we share to
21 ensure that that information cannot lead to any human rights
22 violations where people might be tortured or there would be
23 such effects, so there are very precise rules as to how we
24 share information and this sharing of information, I think
25 it's important for Canadians to know that there are
26 examinations -- review agencies that review all of the
27 information of the service and they have a review of that
28 information that we share to ensure that we do it in the

1 correct fashion and that we respect all of the directives,
2 too, so that there's no violation of the human rights.

3 And the way that we receive information, the
4 foreign agencies share information with us specifically and
5 with other agencies of the Canadian government with a clear
6 intention that this information cannot be shared by us with
7 other individuals or disclosed in any public way through
8 different processes without their authorization ahead of
9 time.

10 So this is what we call a third-party rule
11 and this is -- these are the limits that follow from our
12 agreements. And Canadians, the way with which we work and
13 how we can protect our -- protect Canadians through our
14 activities, this follows through from our partnerships, so
15 the actions -- any action that would diminish their
16 confidence, that would have a direct negative, a negative
17 impact for security of Canadians.

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

23 **MS. ALIA TAYYEB:** Indeed. So the Act is
24 really clear in this regard in terms of the authority to
25 collect. And David made the point a minute ago, when you
26 talk about the cabinet directive on foreign intelligence
27 priorities. So our Act specifies that as it relates to the
28 collective foreign signals intelligence which I alluded to

1 earlier, that that can only be collected in accordance with
2 government of Canada foreign intelligence priorities.

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

11 In conjunction with our cybersecurity
12 mandate, which I described earlier, we're also authorized to
13 collect information that is specific to that mandate, which
14 is the protection of Canadian government systems and systems
15 of importance in Canada. But again, not to direct activities
16 at Canadians or individuals in Canada.

17 **MR. JEAN-PHILIPPE MacKAY:** And we heard Mr.
18 Vigneault describing the general legal constraints that apply
19 to the disclosure of information, so the *Security of*
20 *Information Act*, for example, and the specific constraints in
21 the *CSIS Act*. Concerning CSE is there -- are there specific
22 legal constraints that apply to your activities?

23 **MS. ALIA TAYYEB:** Absolutely. So I should be
24 a little bit more precise that the collection of information
25 as it relates to our foreign intelligence mandate, I think
26 important to note, as David did, it's expressly for to share
27 with other government departments. So I should make that
28 clear. We would be considered an agency that collects

1 information for the purposes of providing that information to
2 other government departments who require it. So we have a
3 host of Canadian government clients who are appropriately
4 cleared, who can receive intelligence from CSE.

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

14 But as David described that all of the other
15 laws and government policies apply to CSE, so the policy on
16 government security which prescribes the handling of
17 classified information certainly applies to CSE employees.
18 The *Security of Information Act* that David mentioned as well
19 applies to CSE employees, the vast majority of which -- of
20 whom are designated persons permanently bound to secrecy
21 because of our access to what is designated under the -- that
22 Act as special operational information, which prohibits
23 disclosure of information which could reveal sensitive
24 techniques and information of interest and information that
25 requires protection.

26 So that would be the same legal regime that
27 applies to us as well.

28 **MR. JEAN-PHILIPPE MacKAY:** So would it be

1 correct to say that except for the specific provisions in the
2 *CSE Act* and the *CSIS Act* the other constraints and rules
3 apply equally to both CSIS, CSE and the other agencies within
4 the intelligence community in Canada?

5 **MS. ALIA TAYYEB:** Yes, I would say that's
6 correct.

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

12 We heard collector of intelligence, consumer
13 of intelligence, so just to have a better idea of PCO's place
14 in this structure.

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

16 PCO, as I mentioned earlier, is not a
17 collector of intelligence in the way that my colleagues
18 represent agencies for. We are consumers of intelligence and
19 we do produce intelligence products, primarily through the
20 Intelligence Assessment Secretariat, but those products are
21 assessments of intelligence that comes to us and is not
22 collected by us.

23 Those products, you know, rely on information
24 provided by CSIS, CSE, other government agencies and
25 departments and foreign partners, typically through CSIS and
26 CSE or other government departments, and we respect the same
27 rules that the originators of that information apply,
28 including the classification and the handling procedures.

1 So because we have not originated that
2 information within PCO, according to the policies that we
3 have established within the government, we respect the rules
4 that CSIS, CSE or others would put on that information,
5 including with respect to further disclosure and handling.

6 Most of that is described under the policy on
7 government security that David mentioned earlier, which is
8 approved by the Treasury Board.

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

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

22 I would maybe just reiterate that the volume
23 of information produced by the Intelligence Assessment
24 Secretariat is typically lower than that of CSE and CSIS. We
25 produce intelligence to a much smaller secretariat within the
26 Privy Council Office.

27 Thank you.

28 **MR. JEAN-PHILIPPE MacKAY:** And does the

1 National Security and Intelligence Advisor or any other PCO
2 office have any role in developing, coordinating the
3 government or any agency policies and procedures on the
4 protection of national security? Is it a function that PCO
5 plays?

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

11 Of course, we have input into those policies,
12 as other government departments have, as they're consulted
13 and developed. And we do coordinate sometimes the national
14 security community around the application of those policies
15 when necessary, but no, we don't a formal role in approving
16 those policies, including the National Security Advisor.

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

20 **MR. DANIEL ROGERS:** I will answer. I should
21 say, as David mentioned earlier, PCO does have a role in
22 convening Cabinet business and preparing Cabinet, so things
23 like the intelligence priorities, for instance, which does
24 guide the work and prioritize the work of the whole
25 intelligence community, PCO does have a role in that. So
26 it's not formally a policy, but because this is something
27 that is approved by Cabinet, PCO has a role in preparing that
28 for Cabinet and for facilitating its discussion and approval

1 at Cabinet and conveying those results to other departments
2 and agencies.

3 To your question -- I'm sorry. Could you
4 repeat your question?

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

9 But you had -- you mentioned that the
10 Treasury Board policy applies to classification and access to
11 information, and I understand that PCO plays a role at
12 convening the community and conveying Cabinet orientations.

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

17 I think you had asked about whether we, you
18 know, direct other agencies in the application of those
19 policies, and the answer is no. Departments and agencies are
20 accountable to their own deputy heads and they see the --
21 oversee the application of those policies within their
22 departments and agencies.

23 PCO does, as mentioned, have a role in
24 convening. If there are, for instance, issues that affect
25 more than one department or agency that require a community
26 discussion, PCO can convene those departments and agencies.
27 We can challenge the various positions and try and help the
28 government community come to a consensus and a way forward

1 when there are complex issues, but at the end of the day, the
2 accountability rests with the appropriate deputy or agency
3 head.

4 **MR. JEAN-PHILIPPE MacKAY:** Mr. Vigneault,
5 earlier we talked a bit about this, and even yesterday we
6 talked -- we discussed yesterday with the former agency reps
7 the interactions between CSIS and CSE.

8 Could you explain to us the relationship
9 between these two agencies?

10 **MR. DAVID VIGNEAULT:** As I said before, it's
11 important to understand the nature of the intelligence needs,
12 particularly the nature of the threats in Canada, be it here
13 in Canada or abroad. The mandates, the specific mandates of
14 the agencies executed specifically, they are reviewed by the
15 review agencies. We make sure that we respect the rules, we
16 learn them and we improve every day, but concretely, the
17 mandate of CSE and that of signals intelligence is essential
18 for us. They have the capabilities, they have the mandate,
19 they have partnerships that enable them to go get information
20 that is essential.

21 And we -- the interactions at the highest
22 level between myself and the head of CSE, so at all levels,
23 our operational chiefs, our working teams work together on
24 technical issues or on thematic issues like counterespionage,
25 terrorism, foreign interference so they have interactions
26 regularly, sometimes every day, to be able to properly
27 understand what is happening and to look at the information
28 we have, looking at the nature of the intelligence and the

1 threat.

2 Well, there are things we can understand as
3 we learn. It could take weeks, months, years. Things like
4 foreign interference, these are not things that we can work
5 on overnight. CSIS has been working on these issues since it
6 was established, so there are things we are able to
7 accumulate information on, we perfect our analyses, we work
8 with others who do their on the matter, but for things that
9 require rapid intervention -- for things like that, there is
10 -- there are interactions. CSIS can have some information
11 that require quick action.

12 When we talk about 24 hours a day, seven days
13 a week, I can assure you that that's how our agencies work
14 together, 24 hours a day, seven days a week.

15 CSIS is present in all provinces in Canada
16 and throughout the world. We also have representatives,
17 liaison and operational agents throughout the world, so
18 sometimes we need to share information quickly to help CSE to
19 carry out its mandate, and vice versa. So this relationship
20 is very critical in the context we find ourselves in.

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

22 From the very beginning, we've been talking
23 generally, so now we'll be getting down to the intelligence
24 products that you generate.

25 And related to the last question I put to
26 you, could you explain to us the intelligence products that
27 CSIS generates during its activities?

28 And when you answer the question, please be

1 more specific when you explain the impacts of the
2 relationship you have, for example, with CSE. What impact
3 can it have on the contents of your products?

4 **MR. DAVID VIGNEAULT:** The basic products that
5 CSIS produces are what we refer to as raw intelligence, raw
6 information, the information that our agents will be able to
7 collect. So generally, we produce a report that is contained
8 in a specific piece of information. There is no specific
9 contextual analysis. It's general. So this is really the
10 raw intelligence.

11 So this information is shared throughout the
12 Canadian government with people who have the necessary
13 security clearances and who need to know, the "need to know"
14 principle. In English, it's called the CSIS intelligence
15 report. This is a basic tool that is produced at CSIS.

16 To be able to produce such a report, of
17 course, we need a lot more information. We need more
18 information, that is essential, but there is no intelligence
19 value, for example, all information that may enable us to
20 properly understand how an investigation is going on and what
21 are the operational modes and things like that because the
22 information we collect is not what we'll place in an
23 intelligence product. It may have no value for someone
24 outside CSIS, so this -- so CSIS produces a report that has
25 an intelligence value. This report is the basis of what we
26 do.

27 **COMMISSIONER HOGUE:** So this is minimum
28 information to determine what is useful or not.

1 **MR. DAVID VIGNEAULT:** Yes. So we are talking
2 about the mandate to inform the government and to seek
3 advice, and that is where analysis comes into play.

4 We have specialists on various intelligence
5 topics, various intelligence techniques, so an analysis
6 report enables us to understand the information that was
7 collected by CSIS. There's a few reports or a dozen reports.
8 These may be talking about the relationship we have with some
9 partners.

10 We try to get signals intelligence produced
11 by CSE. This could also be reports on information produced
12 by our foreign partners that come directly to CSIS or shared
13 with a CSE partner and that is subsequently shared with us by
14 CSE.

15 So this is not open source information.
16 These are analyses of information that is accessible to
17 everyone, that could be accessible to everyone but we use
18 specific techniques that are not necessarily referenced in
19 Google or on other online platforms.

20 These various information sources allow
21 experts with their colleagues to be able to carry out an
22 analysis. Let's take the example of foreign interference.

23 We will see this is an analysis of the
24 different actors that are engaged in foreign interference in
25 Canada. This could be a shorter or longer analysis. It
26 could be a more specific analysis. But this analysis allows
27 the reader, someone from the federal government with the
28 right security clearance who needs to know, to respond to a

1 specific question. And this provides a perspective on an
2 issue to help the person understand the nature of the threats
3 and the nature of the stakes involved. And this enables the
4 person to take decisions according to their level of
5 expertise.

6 So generally speaking, there are products
7 that are intelligence memos that are sent to Ministers,
8 multimedia products that could be used for specific
9 briefings, but these products that I've mentioned are the
10 basic products that arise from CSIS.

11 **MR. JEAN-PHILIPPE MacKAY:** So for such
12 products, who decides on the level of classification?

13 **MR. DAVID VIGNEAULT:** The way we work is that
14 the authors of these reports, the analyst who produced the
15 reports -- well, as we collect -- the way we collect
16 information is that the information is such that it already
17 enjoys a certain level of protection. If it's information
18 that we produce ourselves, depending on the nature, depending
19 on the sensibility of the source, the information would have
20 already been pre-classified as secret or top secret and this
21 is with information that we produce.

22 Now, for information we receive from our
23 partners, as I said before, this is information that they
24 control. They produce the information. They understand the
25 risks involved if the information were to become public.

26 Generally, this information could be
27 classified secret, top secret or even a higher level of
28 secrecy if we are talking about signals intelligence, for

1 example. So the information may have been produced by
2 another agency. It is reviewed by the author so the document
3 should be -- should be classified at the highest level
4 always. If it's 90 percent secret -- there could be two or
5 three parts of the information that are produced secret and,
6 if that's the case, it's classified as secret.

7 So in that case, the author, the expert is
8 the one who determines the level of classification depending
9 on what I said who determines the level of classification.

10 **MR. JEAN-PHILIPPE MacKAY:** You talked about
11 intelligence products that you generated, but are there
12 intelligence products or products that CSIS generates that
13 are destined for a public that is not classified, if I were
14 to speak that way?

15 **MR. DAVID VIGNEAULT:** Absolutely. As I said
16 before, the service mandate is very clear according to the
17 law. The mandate is to inform the Canadian government, the
18 federal government, and take mitigation measures.

19 It's not necessarily a formal mandate in the
20 law to share information -- non-classified information with
21 Canadians. That being said, in practice -- and this is
22 something we've been doing for the past few years since 2015,
23 and we've been doing so even more intensely over the past few
24 years. We understand the nature of the expertise we have.
25 We understand that we need to protect Canadians, so our
26 ultimate goal is to protect Canadians.

27 To be able to properly carry out that
28 mandate, we must be able to share information. We must be

1 able to share some of our knowledge, some of our observations
2 with Canadians, so the need to share information is reflected
3 in the documents that we write.

4 There are specific documents, for example,
5 which would be of interest to the Commission. They are
6 called "Foreign Interference and You".

7 These are unclassified documents that are
8 destined for Canadians written in a language that is very
9 accessible and that allows Canadians of all backgrounds to be
10 able to better understand what foreign interference is all
11 about and to know the types of measures they need to take to
12 protect themselves.

13 So this document is written in many languages
14 and distributed -- of course, available online and
15 distributed to various communities. So we want to know that
16 people are able to understand the documents.

17 As a Director, I deliver public addresses. I
18 try to talk with journalists, not as often as they would
19 like, but we do that anyways.

20 We attend many parliamentary commissions and,
21 over the past two or three years, we've increased
22 significantly our commitments with elected officials, yes,
23 elected officials at the federal government, provinces,
24 territories and municipalities to be able to talk about
25 foreign interference, espionage and so on.

26 So the speeches, publications and other types
27 of public appearances, what we try to do is to help Canadians
28 understand and for us to understand that in order to increase

1 our resilience to foreign interference that there needs to be
2 a certain level of transparency, but I believe that you've
3 already discussed this issue.

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 Same as my colleague mentioned for the CSE,

1 so CSIS prepares a very detailed annual report on our
2 activities and in this report, there's a lot of information
3 and the audience is quite large, so I would invite you to
4 consult the annual report.

5 I know that we're talking about transparency
6 and there's a lot of information in that report. And once
7 again, we're trying to understand what would be useful for
8 Canadians and we're trying to evolve not only in terms of the
9 quality and quantity of information that's in our annual
10 report, but also we've also started to publish another
11 report. And this is a report on foreign interference in
12 democratic processes.

13 Once again, Madam the Commissioner, I think
14 what's important to remember about this -- and I don't want
15 to speak on behalf of my colleague, but I think it's
16 applicable in her case as well. But at CSIS, when we write
17 about espionage, terrorism or foreign interference and when
18 we write about that in a public forum, it's written by people
19 who have all of the security clearances required and have the
20 expertise in that area so they are able to produce a document
21 that would be of interest to the public while respecting all
22 portions of the Act.

23 There are precedents that exist in this area
24 and it's a difference, for example, of a think tank report.
25 And those reports are incredibly useful, but when an agency
26 like ours prepares a public report, we must make sure that
27 all of the classification information is removed.

28 **COMMISSIONER HOGUE:** But that wouldn't be the

1 situation with a think tank because it would be a higher
2 level -- higher level report and they may not -- they would
3 not necessarily have classified data.

4 **MR. DAVID VIGNEAULT:** Yes, you're quite
5 right, Madam Commissioner. However, one thing that's
6 evolving a lot is open-source intelligence. In recent years,
7 the open-source intelligence exists and allows certain
8 comparisons between different aspects of that intelligence.

9 So people who have access to no classified
10 information but who are experts in a specific area and are
11 able to piece together intelligence and they are able to
12 produce reports of great value, so that's quite important and
13 I want to speak about that, or we will be speaking about that
14 later when we talk about the type of information that is
15 classified.

16 So think tanks, yes, will have a higher level
17 discussion and they'll have a very, very specific analysis
18 because they have access to open-source data that perhaps the
19 general public would not have access to.

20 **COMMISSIONER HOGUE:** I want to understand one
21 thing that you mentioned earlier. You said that the document
22 is always classified at the highest level based on the
23 content of that document. So for example, if there is one
24 sentence that's considered to be top secret, then the whole
25 document will be classified top secret. But if there's a
26 document produced by CSIS, is it my -- am I right to
27 understand that there's information from open-source data but
28 also from other classified information and documents and, in

1 that case, the document will be classified at the highest
2 level of the classified information?

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

4 **COMMISSIONER HOGUE:** So when we're -- so if a
5 document only includes open-source data, it will not be
6 classified.

7 **MR. DAVID VIGNEAULT:** Yes. Each document
8 will have paragraphs and there might be a level of security
9 for each paragraph, so this would not take place in all of
10 the documents, however.

11 And maybe I'm skipping ahead here, but one of
12 the things that's important to remember is that in a
13 classified document, the open-source information sometimes
14 can be disclosed and that can be harmful. It can be
15 significantly harmful.

16 So for example, if a document deals with
17 foreign interference from X country, there would be open-
18 source information, classified information, but if there's
19 information that's open source that provides important
20 information and that is disclosed, in that case it provides
21 the other parties, the adverse parties of what we know.

22 So for example, if we're talking about a
23 specific geographical area, in the context of a classified
24 document the disclosure of the open-source data or
25 information could be harmful. And this precedent was
26 recognized by the courts.

27 **MR. JEAN-PHILIPPE MacKAY:** Before we are
28 about to take the morning break, there's one question I'd

1 like to ask to all of our witnesses.

2 You mention here and there during your
3 previous answers the "need to know" principle, and there's --
4 there are controls to the access of information. So I'd like
5 to hear you about those controls and also the levels of harm
6 associated to the different levels of classification, so
7 secret, top secret, protected.

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

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

12 **MR. JEAN-PHILIPPE MacKAY:** So for all of you.

13 Whoever wants to ---

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

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

17 **MS. ALIA TAYYEB:** And then we can add the
18 additional ---

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

20 So certainly, yes, all of us in government
21 who have access to classified information respect something,
22 as you referred to, as the "need to know" principle. And
23 this is really a principle that tries to ensure that the
24 information that is sensitive is kept to those who need that
25 information to be able to do their work to minimize the risk
26 of accidental or inadvertent disclosure of that information,
27 so the principle being if the information only goes where it
28 needs to go, the risks associated with the disclosure of that

1 information are lower.

2 That applies at all levels of protection and
3 of classification of information but, of course, as you
4 mentioned, there are different levels of classification
5 within the government. This was something described in, I
6 forget the number of the document which you referred to
7 earlier, but broadly speaking, the government policy speaks
8 to something called protected information.

9 Protected information has three categories,
10 Protected A, B and C, and those categories relate to
11 information that, if revealed, would be injurious to
12 something that's not a national interest. So this would be
13 something relating to an individual or an organization.

14 Protected A information, you'll forgive me if
15 the wording isn't exactly right, would reveal an injury -- or
16 would cause an injury if revealed. B information is -- would
17 cause a serious injury. And I think Protected C information
18 would cause an extremely grave injury to a person or
19 organization or entity at the non-national level.

20 Classified information, which we tend to
21 speak about more, is at the confidential, secret and top-
22 secret levels. Those levels, similar to the protected
23 levels, are about the possibility of an injury or would cause
24 an injury, a serious injury or an extremely grave injury,
25 respectively, to the national interest in that case.

26 And so that framework applies to all of us
27 and all other departments and agencies within the federal
28 government and the "need to know" principle is applied across

1 all of those.

2 As a small addendum, beyond the top secret
3 level and sometimes below, there are control systems applied
4 more formally than need to know to certain types of
5 information, for instance, that are control systems that
6 apply to signals intelligence, which my colleague could speak
7 to, and other forms of control systems beyond top secret that
8 formally limit the disclosure of information up to and
9 including named distribution lists on individual products.

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

11 So from a signals intelligence perspective,
12 as designated in our Act and also in the policy on government
13 security, CSE is the national authority for signals
14 intelligence so, in so doing, we develop a classification
15 system and standards as it relates to signals intelligence.

16 The designation for us is SI, or Special
17 Intelligence, and so you may see classified information with
18 an "SI" control on it, which would mean that that is signals
19 intelligence. We administer a special indoctrination process
20 which would be applied to provide access to some -- for
21 somebody to information that's designated in addition to its
22 classification, that it's controlled by SI.

23 And so we administer Canadian SigInt security
24 standards at CSE and provide those to the rest of government
25 so that government can also ensure that they maintain those
26 standards.

27 I think beyond that, you alluded to a sub-
28 control system. There might be additional classification on

1 a document.

2 A sub-control in relation to the SI
3 designation, again administered by us, would include -- we
4 have two control systems or sub-control systems, which would
5 be Gamma material, which we might find on some of the
6 material that's been provided to the Commission. That
7 entails information that would be particularly sensitive,
8 techniques that might have been used for collection.

9 And also, we have another control system
10 called "Exceptionally compartmentalized information", which
11 would again speak to specific techniques.

12 As Dan alluded to, the basis of this is
13 really the "need to know" principle, so these are additional
14 controls that are used to limit the amount of people who may
15 receive this product or be privy to those collection
16 techniques or capabilities only to those who would need to
17 have that information. So the classification stands, as Dan
18 described. The control systems further limit the amount of
19 information that is received by people who have a need to
20 know.

21 And that is also really -- it's documented,
22 so we keep careful records of who has access to those
23 controls or sub-compartments and we maintain those within CSE
24 as well.

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

26 **MR. DAVID VIGNEAULT:** My colleagues have done
27 a good job at describing the situation.

28 **MR. JEAN-PHILIPPE MacKAY:** Yes. Could you be

1 quick, please?

2 **MR. DAVID VIGNEAULT:** The "need to know"
3 principle in certain cases when we're talking about specific
4 individuals or extremely sensitive information -- we're
5 speaking here about specific people who have been designated,
6 and that would mean that there might be five, six or 10
7 people within the government who had access to that. So on
8 this "need to know" principle, it could be that we're
9 speaking about a very limited number of people.

10 **COMMISSIONER HOGUE:** We will take a break,
11 and it's almost 11:20, so we will return at 11:40.

12 **THE REGISTRAR:** Order, please.

13 The hearing is now in recess until 11:40.

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

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

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

17 --- La séance est reprise à 11h43

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

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

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

21 **THE REGISTRAR:** Order, please.

22 This sitting of the Foreign Interference
23 Commission is back in session.

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

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

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

27 **MR. GORDON CAMERON (Cont'd/Suite):**

28 **MR. GORDON CAMERON:** Good morning, panel.

1 Gordon Cameron again for Commission counsel.

2 I want to pick up where M. Mackay left off
3 and talk briefly because we have a fair bit to cover before
4 the lunchbreak. So if you could just explain, this is
5 probably most applicable to you, Mr. Vigneault, and you,
6 Ms. Tayyeb, about the legal disclosure branches or
7 departments within your respective agencies, roughly what
8 their job is, what type of a manpower commitment it is, and
9 how they work in just a few minutes. Thanks.

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

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

1 full gamut of the disclosure.

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

3 **MS. ALIA TAYYEB:** Yes, absolutely. We also
4 have a senior executive responsible for our program. In our
5 case, have a deputy chief colleague who is responsible for
6 what we call authorities, compliance, and transparency. And
7 so that deputy chief is responsible for a host of programs
8 that I think you're referring to, one of which, as David
9 mentioned, is administration of our access to information
10 privacy requirements.

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

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

1 They would administer all of those
2 requirements with the same general principles. Although some
3 of those requirements are slightly different, the principles
4 of protecting national security information, classified
5 information is part of each of their responsibilities.

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

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

22 Perhaps I'll ask the Court Operator to bring
23 up the Institutional Report. I'll work with the English
24 version, which is DOC-3, and we can go to page 17 of that
25 document when we get it up on the screen. And if you can
26 scroll down a little further in the page? Your page 17 isn't
27 the same as -- there we go. Okay. It looks like it's PDF
28 page 18, the document is page 17 at the bottom, the heading

1 "Internal process when Commission questions/challenges a
2 redaction". And you've in this section of the Institutional
3 Report, set out quite a detailed set of stages that your
4 agencies will go through.

5 And I wonder if you could just, without --
6 because as I say, we have the document here, so you don't
7 need to repeat it. But if you can just describe generally
8 how your agencies will respond to requests from the
9 Commission when you've sent us a document with redactions and
10 we say, can you look again at such and such a redaction, can
11 you consider this potential summary of a redaction, or
12 perhaps a total lift? How would your agencies run it through
13 this process?

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

22 And so, I think it's important to remember
23 that this is the intent, that you know, we bring to the
24 Commission, is to be able to be as transparent as possible
25 within the limitations that exist.

26 And so, with the context, the way it would
27 work is that again, as we have described, we have specialized
28 units that are, you know, we have experts in understanding

1 what are the specific legislation, the specific requirements
2 to protect information. And so, they're the ones who are
3 able to the initial triage. These experts on how the
4 information needs to be processed, will then refer to experts
5 of the subject. So subject matter experts, for example, for
6 the work of the Commission.

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

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

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

1 So but like David, we will have subject
2 matter experts who will take a look at it. They will provide
3 an explanation of why the redactions were provided. It will
4 escalate. In here -- in the document it says it would
5 escalate because of the level of importance, so to the
6 Assistant Deputy Minister level, which in CSE's case would be
7 myself, for consideration as to what are the other
8 alternatives for achieving the purpose that the Commission is
9 seeking, which is a particular piece of information that
10 you've found important or relevant to communicate.

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

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

25 **MS. ALIA TAYYEB:** I think it's -- I think as
26 Dan described PCO, may serve as a convening function if there
27 are issues at dispute. Or where issues touch numerous
28 departments, it might be helpful in some cases if there's a

1 particular piece of information that we share, or that we
2 have both joint interest in, that we discuss together how
3 that could be achieved, or how the result could be achieved.
4 And PCO may in that case assist in convening, particularly
5 where there are multiple departments with interests. That's
6 one example where I could see that occurring.

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

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

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

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

28 **MR. GORDON CAMERON:** And probably

1 particularly when the PCO is involved, or perhaps even when
2 it's an agency matter, would there be a point at which there
3 could be political input from this, with respect to the
4 government's interest in transparency on a point that might
5 assist your department, or the PCO, or the agencies in coming
6 to a decision on a potential disclosure?

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

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

25 They came back with a letter from the
26 Department of Justice dated December 15th, which is -- you
27 will find both as a tab to the Institutional Report and as a
28 freestanding exhibit in these proceedings that explained --

1 the December 15th letter explained the rationale for the
2 redactions.

3 So with that context in mind, I note that the
4 -- the covering letter, the December 15th letter, in
5 returning the redacted versions of those documents, so the
6 Commission had the unredacted and asked that they be redacted
7 for public disclosure, the letter back observed that it had
8 taken 200 person-hours to get through those 13 documents.

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

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

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

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

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

5 **MR. DAVID VIGNEAULT:** So I think it's very
6 important in the context not just of those specific documents
7 but the Inquiry itself, so these documents are product -- you
8 know, a number of them -- not all of them, but a number of
9 them are CSIS intelligence products. So the Parliament of
10 Canada has created CSIS to be able to collect information,
11 produce intelligence so the purpose of CSIS is to have
12 secrets, which is different than transparency. And I think
13 we'll come to this.

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

20 This is why I think it's important that the -
21 - to contrast that with the -- what Alia and I mentioned
22 earlier, the types of documents which produced -- we have
23 produced for public consumption very highly relevant
24 documents on foreign interference, on espionage, on
25 terrorism, on geopolitical considerations, you know,
26 affecting national security. All of these documents have
27 been written for the public, again with the insight and the
28 knowledge of the classified information. And that's why

1 there is such a contrast in a public document that is meant
2 for public release and then those documents that, you know,
3 have been released with a -- produced with a completely
4 different purpose in mind and they were full of classified
5 information.

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

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

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

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

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

5 But I mentioned before, when we do -- we
6 really do have folks who are experts in not only the manner
7 in which we collect our information, but also in the
8 jurisprudence in and around what is acceptable redactions
9 based on the legal frameworks that we have at hand. So that
10 is what is applied for redactions and the folks who do that
11 are highly trained in that.

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

20 So some parts will be very evident because
21 it's a technique, it's a source, et cetera, but where we talk
22 about investigative interest or could it lend itself to
23 revealing a technique of collection or human source or a
24 technical source, in our case, then it does require, you
25 know, additional analysis, which is why I just wanted to
26 highlight that to explain why the -- when we talk about the
27 number of hours that it takes to do this, it's the analysts,
28 it's the subject matter experts they would engage, there's an

1 approval process that it would go through before being
2 released, so there are quite a few steps involved in the
3 redaction process.

4 **MR. GORDON CAMERON:** Okay. Well, on that
5 point, there's nothing like looking at the document itself so
6 that we can have something more concrete to talk about.

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

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

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

16 We note that it -- from the -- just pause
17 there, please. Right there.

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

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

1 **MR. DAVID VIGNEAULT:** So this is not a CSIS
2 document, but what I would say is that it is -- it speaks to
3 the exchange the Commissioner and I had earlier about some
4 documents, you know, will default to the highest
5 classification because there is -- there are a few pieces of
6 information even though, in this case, you know, the
7 overwhelming majority of the information would not be
8 classified. And so this would be a good example of a
9 document that could be -- that was redacted and that, you
10 know, is now available to the public even though there's a
11 classification.

12 I think where -- and a lot of this was meant
13 to explain, if you talk about the procedures that were in
14 place, you know, to look at the -- so they were -- they were
15 not pieces of intelligence, of classified information that
16 were the purpose of that document.

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

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

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

25 So that much was unredacted. We understand
26 what the intelligence product was, and yet other than its
27 classification and the page numbers, it appears to be pretty
28 much completely redacted.

1 And so I take it this would be one of those
2 documents in the category that was written for a different
3 audience?

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

1 public format that will essentially provide a level of
2 information, but, of course, that will be protecting the
3 information that we are mandated by law to protect.

4 **MR. GORDON CAMERON:** Well, let's do exactly
5 as you described. We've just looked at a CSIS intelligence
6 report, which is pretty much fully redacted, and let's look
7 at a CSIS intelligence assessment. If the operator could
8 pull up CAN-5784?

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

17 **MR. DAVID VIGNEAULT:** Yeah. So as I
18 mentioned, the distinction is when you are writing a report
19 with the intention of this report to be read by people with
20 security clearances and need to know, you try to be as
21 precise and as direct with the facts that are important. In
22 the case of an analyst, then you add your perspective, the
23 expert analyst will add his or her perspective to it. And so
24 some of these analysis might be, you know, other versions of
25 a CSIS intelligence analysis report. There might have been
26 more information released. In this case, there's very little
27 -- so the right -- this information, you know, is an example
28 where we have unclassified information, which releasing it

1 would not -- in public would not be injurious to the national
2 interest, and that's why this information is there. In other
3 context, it's possible that, you know, referencing something
4 that even may not be classified, the -- in this case, because
5 it's related to China, Chinese intelligence services would be
6 able to make a deduction and be able to make analysis of what
7 we know, what we're interested in, and that -- this is the
8 root of why we are protecting information.

9 **MR. GORDON CAMERON:** Okay. That's helpful
10 and you mention that there could be variability amongst the
11 amount of redaction in an intelligence assessment, and we
12 have an example of that. If the operator could pull up CAN-
13 5811?

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

26 **MR. DAVID VIGNEAULT:** I think this is a --
27 actually, a very, very useful exercise that the previous
28 intelligence assessment, which was almost completely

1 redacted, versus this one, which is the IS -- the document is
2 classified top secret because that's the IS classification of
3 the document. And if the operator can scroll up a little
4 bit, you will see that after that exercise that CSIS experts
5 did to review the specific document, you have -- if you could
6 scroll -- just, no, that's fine, that's fine, sorry -- you
7 have in this page you see that you have even a paragraph that
8 is marked "top secret" that has been released. And the
9 reason for that, and I think it's something that is very
10 important.

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

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

1 information there. So I think it is a good example of the
2 professionalism that the experts are applying to this. But,
3 again, as you mentioned, as the counsel mentioned, 13
4 documents required about 200 people hours to be able to
5 produce that, which is a very significant amount of
6 resources.

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

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

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

1 account the interest and the considerations that are
2 important to the government of Canada, and we would not want
3 to reveal that to another party.

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

5 **MR. GORDON CAMERON:** Okay. And for my last
6 question, panel, if I could ask the operator to pull up
7 CANDOCl again. That's the -- sorry; wrong. CANDO3, the
8 Institutional Report, and scroll to page 12. And towards the
9 bottom of the page, I guess just above "protecting
10 information", there's a sentence:

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

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

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

1 to Canadians?

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

3 **MR. DANIEL ROGERS:** Sure, I can start on
4 that.

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

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

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

27 **MS. ALIA TAYYEB:** I absolutely agree with
28 Dan's comment. If I might just add a couple of things in

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

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

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

26 **MR. DAVID VIGNEAULT:** If I can maybe just put
27 a stamp what my colleagues have said. You know, this is
28 clearly a different approach. It's a peaceful approach

1 tailored for the Commission with the mandate of making as
2 much information public. It's not business as usual.

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

13 **MR. GORDON CAMERON:** Thank you, that's been
14 very helpful.

15 Madam Commissioner, those are all of my
16 questions.

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

19 **THE REGISTRAR:** Order, please.

20 This hearing is in recess until 1:55.

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

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

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

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

25 **THE REGISTRAR:** Order, please.

26 This sitting of the Foreign Interference
27 Commission is back in session.

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:** [No interpretation]

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

15 **MR. CHRISTIAN LEBLANC:**

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

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

24 We're here this week to make sure to try to
25 find solutions which is the challenge of this Commission that
26 you, yourself, Mr. Vigneault, alluded to, but that everybody
27 here knows, which is inform Canadians on what happened here
28 while maintaining, and we have to recognise, that certain

1 documents and information that have to remain secret. But
2 practically and concretely, we saw documents that have been
3 redacted by your service and other services, some of which
4 are giving us a lot of information and others not a lot.

5 But still, would you agree that this is an
6 exercise that is important and is conducive to inform the
7 Canadian public and the Commission through what happened
8 here?

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

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

14 **MR. DAVID VIGNEAULT:** Yes.

15 **MR. CHRISTIAN LEBLANC:** --- with this
16 Commission.

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

20 **MR. DAVID VIGNEAULT:** Yes.

21 **MR. CHRISTIAN LEBLANC:** Do you agree with
22 that letter?

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

24 **MR. CHRISTIAN LEBLANC:** Part of that letter
25 says that that exercise is very time-consuming. We saw
26 200 hours. Also, part of that letter says that it would not
27 be sustainable.

28 To be clear, and practically speaking for the

1 Commission and the Canadian public, can you reassure us that
2 if your organisation is asked by the Commission to do that
3 type of exercise it will do it?

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

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

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

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

25 **MR. DAVID VIGNEAULT:** Absolutely.

26 **MR. CHRISTIAN LEBLANC:** Thank you. We saw,
27 also, that, and I think it's you, Mr. Rogers, who said that
28 there was other ways that could help the Commission and the

1 public to understand, amongst other summaries.

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

6 --- EXHIBIT No./PIÈCE No. CFE 2:

7 Report of the Events Relating to
8 Maher Arar - Analysis and
9 Recommendations

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

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

20 "The Government took a more
21 restrictive view..."

22 And this is about the summaries:

23 "...of what could be disclosed than
24 did Commission counsel. Mr. Atkey
25 was involved in this process in the
26 role of *amicus curiae* and agreed with
27 Commission counsel's position...."

28 This is on the -- the context is on the

1 summaries that could be published.

2 Jump to 3.12, Revised Process:

3 "The Government's challenge to my
4 ruling on the summary..."

5 Because they could never, this is me talking,
6 because they could never agree:

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

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

21 **MR. DANIEL ROGERS:** I am not familiar with
22 those specifics.

23 **MR. CHRISTIAN LEBLANC:** Okay. Page 301.
24 It's Concluding Observations by Justice O'Connor. Here's
25 what he says:

26 "As I look back at the Inquiry
27 process, I am satisfied that it
28 worked as well as [it] could be

1 expected, given the extent and nature
2 of the NSC claims asserted by the
3 Government."

4 For everybody here, NSC is National Security
5 Claims; correct?

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

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

9 **MR. CHRISTIAN LEBLANC:**

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

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

24 **MR. DANIEL ROGERS:** Broadly speaking, I'm
25 aware of the context, not the specifics.

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

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

16 So what I can say is that, you know, we on
17 the public service side are bound by those terms, and we will
18 diligently apply them. And I can't speak to what happened
19 20 years ago, but I am optimistic that we can find that path
20 this time.

21 **MR. CHRISTIAN LEBLANC:** Did you have any
22 discussions within government as to how these summaries could
23 be achieved?

24 **MR. DANIEL ROGERS:** The process of taking
25 classified information and writing documents for public
26 release is something that happens within the government
27 context. So the notion of summarising documents is not
28 necessarily new, and is one that, you know, as was mentioned

1 previously by Mr. Vigneault, we undertook in the -- for the
2 independent special rapporteur, we can, you know, continue to
3 build on that process in ways that are necessary as the
4 Commission decides.

5 **MR. CHRISTIAN LEBLANC:** Did you have any
6 specific discussions with respect to this Commission about
7 summaries with anybody in government?

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

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

15 **MR. DAVID VIGNEAULT:** Yes, I have been ---

16 **MR. CHRISTIAN LEBLANC:** Mr. Vigneault, just -
17 --

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

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

28 Did you -- did you get specific instructions

1 for -- from government, or anybody else, that you should and
2 your department should make sure that summaries and the most
3 public summaries could be achieved? Is that a discussion you
4 had?

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

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

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

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

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

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

28 At the same page, just a bit down the page,

1 middle of the page, Justice O'Connor says:

2 "However, in time, the implications
3 of that overclaiming..."

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

6 So:

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

23 Do you agree with that, Mr. Vigneault?

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

27 But I think it's, Madame la Commissaire, I
28 think it's also important to say that 20 years have elapsed

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

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

16 "It is very important that, at the
17 outset of proceedings of this kind,
18 every possible effort be made to
19 avoid overclaiming."

20 Do you agree with that sentence, that every
21 possible efforts at the outset should be made to avoid
22 overclaiming?

23 **MR. DAVID VIGNEAULT:** I agree with the
24 sentence, but I -- what I understand, you know, I'm not sure
25 how it applies in the proceeding here, the sense of the
26 Commission has received all the documentations with zero
27 redactions.

28 **MR. CHRISTIAN LEBLANC:** Do you understand

1 that at some point the Commission may decide that, as part of
2 -- and its part of its mandate, they would want to share as
3 much as possible public information, and that it would be
4 useful if the Commission know from the outset so that it can
5 divulge as soon as it can public information to the public?

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

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

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

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

15 Countering an Evolving Threat: Update
16 on Recommendations to Counter Foreign
17 Interference in Canada's Democratic
18 Institutions

19 **MR. CHRISTIAN LEBLANC:** [No interpretation]

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

22 **MR. CHRISTIAN LEBLANC:** I wouldn't know, but

23 ---

24 **MR. DAVID VIGNEAULT:** Okay.

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

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

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

4 If we take page 4 of that report. The best
5 defence to avoid interference is to keep -- to equip
6 Canadians with a better knowledge. So I'll read it in
7 French:

8 "The four reports put forward [note four
9 reports] -- put forward that the fact of
10 providing citizens with knowledge
11 constitutes the best defence against those
12 who are trying to interfere in our
13 democratic processes."

14 Are you in agreement with that?

15 **MR. DAVID VIGNEAULT:** Yes, I am in agreement,
16 but I have said so publicly several times.

17 It is absolutely essential that we have an
18 effective organization like the CSE and the RCMP and CSIS to
19 protect Canadians, do the necessary work, but that is not
20 sufficient to block the threat of foreign interference.
21 Canadians themselves have to be educated. They have to
22 understand, to have the information needed, and that is what
23 we have now been doing for some years now, make more
24 information available in the public domain. So fully in
25 agreement with the statement.

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

27 And what you're now saying, are you in
28 agreement with the present Commission is next to inform -- to

1 pursue the awareness of Canadians, so what you're saying is
2 make the most information available to the public and the
3 Commission is in a good possession to do so. Are you in
4 agreement?

5 **MR. DAVID VIGNEAULT:** Yes. Yes, they are
6 well so placed, while yet respecting the mandate of course.

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

8 **MR. DANIEL ROGERS:** I fully agree as well.

9 **MR. CHRISTIAN LEBLANC:** So for the two of you
10 or for the government, you do agree that the Commission is in
11 excellent form to pursue this best defence of giving -- or
12 providing information, the most information possible?

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

14 ...that you are consulting your notes, sir,
15 Madam Commissioner, allow me to say this.

16 One of the important things while the
17 procedures are such that the -- but there's some adversarial
18 coming and going in procedures such as this, but it's very
19 important for you and the Commission and Canadians know that
20 it's not only because we have a mandate to do so because,
21 fundamentally, we, the professionals of intelligence who do
22 so day by day in Canada, are in full agreement that the
23 Canadians need to be better informed better to protect
24 themselves.

25 So I understand that there's some going --
26 coming and going here, but there -- I want all Canadians to
27 understand that we need more dialogue, more commitment while
28 yet respecting and protecting information discovered by the

1 law.

2 **MR. CHRISTIAN LEBLANC:** I'm very happy to
3 hear you say that, Mr. Vigneault, and that everybody else
4 will here you say so. But just to explain, there is no
5 adversarial process here, but let me say this.

6 When this week is over, we all agree that the
7 right to the public to information is important and it's even
8 more important when we're talking about foreign interference
9 in our elections, okay. We're agreed on that.

10 We're also very aware of the fact that an
11 agency such as yours must sometimes act in secret.

12 My colleagues on the Commission and Madam
13 Commissioner, next week we'll have to have a very concrete
14 meeting and they will be stuck, so to speak, with things that
15 they have to do and things that might be secret, might not be
16 secret, et cetera. And it's in the -- this idea of trying to
17 inform the public.

18 And what I'm trying to do here, and I'm not
19 criticizing here, but over and above these general sentences,
20 the general wording, we're trying to find a concrete way of
21 going forward, so I'm trying to avail myself of your presence
22 and your great opportunity to learn more.

23 Everybody's on the same page here. No in-
24 fighting. So if we look at what happened in the past, I'm
25 trying to see what, according to you, we can avoid the same
26 problems, and that's for the benefit of all.

27 **MR. DAVID VIGNEAULT:** I think that that --
28 and I'm happy that you raise that.

1 If we look at has been done concrete these
2 last some years, public speeches, publications, the working
3 group on the security of elections, which publishes each
4 general election based on very highly-classified documents,
5 an unclassified report on the election, the panel created by
6 the government to be able to have senior public servants
7 supervise elections during the -- what's the red period,
8 documents written for Canadians to protect yourselves from
9 foreign interference published in several different
10 languages. I think it's important to have a look at that,
11 these very concrete things that were done to go along the
12 lines that you're suggesting and, therefore, we have to see
13 that in the context of what's being said today, the
14 commitment of the government and of we personally, the
15 intelligence agency, to support the Commission. I'm in full
16 agreement, therefore, with what you've just said.

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

18 Let's look at MDC 1, court reporter,
19 document, please.

20 MDC 1, Mr. Court Reporter. More precisely,
21 at page 6.

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

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

26 National Security Transparency
27 Commitment - Excerpt

28 **MR. DAVID VIGNEAULT:** I'm familiar with the

1 group. I'm not -- I have not had a chance to review the
2 document before, but I'm familiar the exercise.

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

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

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

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

13 Do you agree with that principle,
14 Mr. Vigneault?

15 **MR. DAVID VIGNEAULT:** Yes.

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

18 **MR. DANIEL ROGERS:** Yes.

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

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

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

28 **MR. DAVID VIGNEAULT:** Same answer, yes. Just

1 to be clear, I think the -- I agree with the statement. I'm
2 not sure exactly the -- your question -- where your question
3 was going?

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

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

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

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

1 versus here, which is, you know, to not use a classification
2 to essentially protect someone like myself, you know, from
3 embarrassment. So ---

4 **MR. CHRISTIAN LEBLANC:** Or a politician, an
5 elected official?

6 **MR. DAVID VIGNEAULT:** Yes.

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

9 **MR. DANIEL ROGERS:** I agree with
10 Mr. Vigneault.

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

14 **COMMISSIONER HOGUE:** Thank you.

15 **MR. CHRISTIAN LEBLANC:**

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

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

19 **MS. HANNAH TAYLOR:**

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

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

1 today.

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

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

10 **MS. HANNAH TAYLOR:** Okay.

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

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

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

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

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

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

16 **MS. HANNAH TAYLOR:** Okay.

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

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

1 located outside of the country?

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

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

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

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

16 Now turning to you, Mr. Vigneault, thank you
17 also for speaking with us today.

18 To get started, in the past have you been
19 involved in decisions to disclose information for the purpose
20 of taking measures to reduce a threat to the -- to security
21 involving foreign influence activities, so you make a
22 decision to disclose that information in order to respond to
23 a threat?

24 **MR. DAVID VIGNEAULT:** Yes, I have.

25 **MS. HANNAH TAYLOR:** Okay. And have you been
26 involved in decisions to disclose information when the
27 foreign influence activity at issue includes acts of
28 transnational repression against a targeted diaspora

1 community?

2 **MR. DAVID VIGNEAULT:** Yes, I have.

3 **MS. HANNAH TAYLOR:** Okay. And when this has
4 been the threat at issue, has the information been disclosed
5 every time, just some of the time?

6 **MR. DAVID VIGNEAULT:** So every time there is
7 a risk of bodily harm, our practice is to engage with the
8 police of local jurisdiction or often the RCMP, so we would
9 be -- you know, we are not a law enforcement agency, so if we
10 have information we do not have the means to be able to act
11 on it ourselves, so we would be, you know, working -- you
12 know, if there is that risk of bodily harm, we would be
13 sharing this with the police.

14 **MS. HANNAH TAYLOR:** Okay. And would
15 information be disclosed when acts of transnational
16 oppression take forms other than bodily harm or actions that
17 result in bodily harm, or is that really the focus?

18 **MR. DAVID VIGNEAULT:** There's been
19 information disclosed in relation to transnational repression
20 that runs from absolutely there is risk of bodily harm up to
21 and including, you know, for raising awareness and for
22 building resilience.

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

24 And you mentioned section 19 of the *CSIS Act*
25 this morning, Mr. Vigneault. I don't think I have to put it
26 to you, as I expect you're likely very familiar. If it's
27 helpful, I can ask the court operator to do so, but maybe
28 before I do, I'll ask the question.

1 My understanding is that the service may
2 disclose information obtained in the course of its work where
3 the information relates to the conduct of the international
4 affairs of Canada to the Minister of Foreign Affairs or a
5 person designated by the Minister of Foreign Affairs.

6 **MR. DAVID VIGNEAULT:** I think you -- in the
7 context of Minister of Foreign Affairs, I think you referred
8 to section 16 of the *CSIS Act* where when we conduct foreign
9 intelligence collection?

10 **MS. HANNAH TAYLOR:** I'm referring to section
11 19(2) (b).

12 Commissioner, would it be helpful if ---

13 **MR. DAVID VIGNEAULT:** Okay. So maybe --
14 yeah, it might be helpful.

15 **MS. HANNAH TAYLOR:** Okay. So if I could ask
16 the court operator to pull up the document submitted by Human
17 Rights Coalition with the document number HRC-2.

18 **--- EXHIBIT No./PIÈCE No. HRC 2:**

19 Canadian Security Intelligence
20 Service Act, RSC 1985, c C-23

21 **MS. HANNAH TAYLOR:** And then just at page 1.
22 And we can just scroll down to section 19(2).

23 There we go. Yeah, that's great. Thank you
24 so much.

25 So looking at this section, it states -- I
26 can begin at 19(1):

27 "Information obtained in the
28 performance of the duties and

1 functions of the service in this Act
2 shall not be disclosed except in
3 accordance with this section.”

4 And then 19(2) (b) states:

5 “...service may disclose information
6 referred to in subsection (1) for the
7 purposes of the performance of its
8 duties and functions under this Act
9 or the administration or enforcement
10 of this Act or is required by any
11 other law and may also disclose this
12 information under subsection (b)
13 where the information relates to the
14 conduct of the international affairs
15 of Canada to the Minister of Foreign
16 Affairs or a person designed by
17 them.”

18 That’s correct for your ---

19 **MR. DAVID VIGNEAULT:** Yes. It probably would
20 be easier if the entire section of the Act were there as
21 opposed to portions of it, but I trust that, you know, you
22 copied that.

23 So I’m not sure ---

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

25 **MR. DAVID VIGNEAULT:** --- what the question
26 is, however. Sorry.

27 **MS. HANNAH TAYLOR:** No, that’s okay.

28 Really, I was -- I was asking if this was the

1 case, just confirming you're familiar with this.

2 The question is, to clarify, you would not
3 get involved in a decision involving this section, right,
4 since it's the Minister's decision to make when it comes to
5 designation of a person?

6 **MR. DAVID VIGNEAULT:** No. This is -- this is
7 -- the Minister, you know -- it is -- the information that
8 CSIS has in its possession, you know, is responsibility of
9 CSIS to manage some information. That's why I thought you
10 were referring to section 16 of the Act because we are
11 conducting some collection operations on behalf of the
12 Minister of Foreign Affairs and there is a responsibility
13 then from the Minister of Foreign Affairs under section 16 to
14 determine the distribution of this information.

15 But that's why I was a little bit confused by
16 the question.

17 **MS. HANNAH TAYLOR:** No, that's fair. And I
18 could have likely been more clear.

19 But I guess just to confirm, who -- the
20 person is designated -- the person that the information is
21 disclosed to under this section will be designated by the
22 Minister as opposed to you would not be involved in the
23 decision.

24 **MR. DAVID VIGNEAULT:** Give me one second,
25 please.

26 **COMMISSIONER HOGUE:** Do you need to read the
27 entire section?

28 **MR. DAVID VIGNEAULT:** I think, honestly, you

1 know what, I'm not sure that -- yeah, I would probably need
2 to read the entire section. I'm sorry.

3 **MS. HANNAH TAYLOR:** That's okay.

4 **MR. DAVID VIGNEAULT:** But I also know you are
5 on a timeline, so.

6 **MS. HANNAH TAYLOR:** Yeah. Let's move on.

7 **MR. DAVID VIGNEAULT:** Okay.

8 **MS. HANNAH TAYLOR:** So I guess perhaps one
9 more question about this section. Maybe it will answer it.

10 Do you know -- and if you don't, that's also
11 okay. But when it comes to -- I guess the question would be,
12 who decides whether a piece of information is related to
13 international affairs? Would that be CSIS or would that be
14 Foreign Affairs?

15 **MR. DAVID VIGNEAULT:** This is not a -- the
16 way this is operated, you know, CSIS determines the -- we
17 work with Department of Global Affairs on these issues, but
18 it's also -- this is one of the areas where there's also the
19 fact that the Act is showing its age. This is one of the
20 sections of the Act that is currently being in consultation
21 with Canadians to determine, you know, how to modernize it.

22 **MS. HANNAH TAYLOR:** Okay.

23 **MR. DAVID VIGNEAULT:** So I think this might
24 be one of these -- the areas that are a bit unclear in the
25 context of 2024.

26 **COMMISSIONER HOGUE:** You have one minute
27 left.

28 **MS. HANNAH TAYLOR:** Thank you, Commissioner.

1 Actually, I have one more question.

2 You would agree that transnational repression
3 relates to international affairs; correct?

4 **MR. DAVID VIGNEAULT:** Absolutely. It relates
5 to international affairs, but not exclusively. But yes.

6 **MS. HANNAH TAYLOR:** Okay. Thank you very
7 much, Mr. Vigneault, and thank you, Commissioner.

8 **COMMISSIONER HOGUE:** Thank you.

9 So the next one is -- will be Mr. Doody. I
10 think you're -- you're in the room. Okay.

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

12 **MR. JON DOODY:**

13 **MR. JON DOODY:** Good afternoon, Commissioner
14 Hogue and panel.

15 **MS. ALIA TAYYEB:** Good afternoon.

16 **MR. JON DOODY:** I'm Jon Doody. I represent
17 the Ukrainian Canadian Congress. I have a few questions,
18 just merely a follow-up on things that were said this
19 morning.

20 There was discussion that CSE and CSIS, among
21 other agencies, received directions from Cabinet with
22 priorities for national security. Is that correct?

23 **MS. ALIA TAYYEB:** Yes.

24 **MR. JON DOODY:** And is this like a memo of
25 Cabinet?

26 **MR. DANIEL ROGERS:** I think what you're
27 referring to is the intelligence priorities that Mr.
28 Vigneault referred to this morning, and this is a Cabinet

1 decision, yes.

2 **MR. JON DOODY:** Okay. So that would not be
3 disclosed. That would be covered by Cabinet privilege?

4 **MR. DANIEL ROGERS:** The advice that leads to
5 a Cabinet discussion may be Cabinet confidence. The
6 intelligence priorities themselves, while classified, would
7 be available to the Commission.

8 **MR. JON DOODY:** But not to the public.

9 **MR. DANIEL ROGERS:** Not to the public.

10 **MR. JON DOODY:** And if Cabinet privilege is
11 claimed, there's no equivalent 38 routine that you can apply
12 for. Thirty-nine (39) claimed there's no exemptions.

13 **MR. DANIEL ROGERS:** I would like to clarify.
14 Once established, the intelligence priorities themselves are
15 not -- are things that are disclosed and that the Commission
16 has or would have. I would have to confirm, but available.

17 **MR. JON DOODY:** Do you know if the
18 Commission's been provided with those intelligence
19 priorities?

20 **MR. DANIEL ROGERS:** I'm not sure specifically
21 right now.

22 **MR. JON DOODY:** Following up on a question
23 asked by the MR.dia Coalition in relation to the December
24 15th letter from the government -- do you know the letter I'm
25 referring to?

26 So in there on page 6, the government wrote,
27 "The letter notes" -- sorry:

28 "...this level of NSE review is not

1 sustainable if replicated over a
2 longer term. It is clear that
3 redactions of documents on a large
4 scale will not be a productive way
5 forward within the timeframe
6 allotted." (As read)

7 So do you agree with the government's opinion
8 on that, that it would not be possible within the timeframe
9 allotted?

10 **MR. DANIEL ROGERS:** I think that depends on
11 the volume of documents selected for release and a number of
12 other factors, but I could imagine such a possibility, which
13 is why we are, on the government side, also mentioning in
14 that letter the ability to use other processes to achieve the
15 same ends.

16 **MR. JON DOODY:** Right. But if the Commission
17 insisted on that level of review, would the government
18 comply?

19 **MR. DANIEL ROGERS:** I think I would have to
20 refer back to the same answer Mr. Vigneault gave earlier that
21 we are absolutely bound to support the Commission.

22 **MR. JON DOODY:** And is that one of the
23 rationales for the tailored process that you said has been
24 created for the Commission?

25 **MR. DANIEL ROGERS:** I think that we've
26 touched on this a bit earlier today, and please jump in,
27 colleagues, if you like, but intelligence documents which
28 were written for a specific set of readers who have an

1 intelligence -- who have a security classification in a
2 certain context, those -- redacting those documents does not
3 provide the complete picture and is a very challenging thing
4 to do while also not necessarily achieving the optimal
5 results. So I wouldn't want to say that it is solely a
6 question of effort as to why we suggest doing other things.
7 Producing summaries and right to release documents may be the
8 more effective tool for transparency and likely are.

9 **MR. JON DOODY:** Okay. And can you explain
10 what about this process is tailored that separates it from
11 the traditional process?

12 **MR. DANIEL ROGERS:** Well, when we say
13 "tailored" I think we are speaking about the fact that we are
14 -- you know, there's a very specific process in the letter
15 that Alia and David spoke about earlier around the challenge
16 function, where if the Commission were to challenge a
17 redaction, there's a process within the public service that
18 would respond to that. That is bespoke to the Commission.
19 As David said earlier, Mr. Vigneault said earlier, we're also
20 not operating business as usual because business as usual
21 might be receiving a request and redacting documents. We are
22 hoping for a more engaged process where we seek to prioritize
23 and maximize the use of the time that the Commission has.

24 **MR. DAVID VIGNEAULT:** If that's useful, I can
25 give you an example.

26 **MR. JON DOODY:** Sure.

27 **MR. DAVID VIGNEAULT:** So if the Commission in
28 its work, there's a specific issue, there's a body of

1 intelligence that, you know, speaks to an issue, and they say
2 -- the Commissioner was to say I want to be able to say
3 something publicly about that, or I need to be able to say
4 something publicly about this issue, there's two approach.
5 One is you can ask the government can you write summaries of
6 these different reports, or alternatively, what we call right
7 for release, so the Commission can write a summary itself and
8 work with government to be able to say what are the portion
9 here that if they were to be released would be injurious to
10 national security and therefore contrary to the Terms of
11 Reference. And so that way, that's the kind of, if you want,
12 a back and forth so that the Commissioner's intent can be
13 achieved and the specific, you know, words can be adjusted to
14 obfuscate, you know, the specific human source, a technical
15 source, or third-party information.

16 **MR. JON DOODY:** And but providing summaries
17 for redacted information is not new and novel. That's a
18 traditional response with 38 claims.

19 **MR. DAVID VIGNEAULT:** Yes, but what is
20 happening, you know, you know, as I mentioned, with the
21 Federal Court, with the two review bodies NSIRA and NSICOP,
22 so to -- NSIRA is the National Security and Intelligence
23 Review Agency, NSICOP, the National Security and Intelligence
24 Community of Parliamentarians, they write understanding that
25 they want their report to be released. And then so they
26 provide the government with that report, and then there is an
27 exchange to say, no, that specific information, if it were to
28 be released this specific way would be injurious. If you

1 were to be, you know, phrased this way would be releasable.
2 And so it is -- that's why I said there is a -- this is not
3 the normal practice to be able to do summaries on an ongoing
4 basis. Same thing with ATIP, for example. ATIP, you know,
5 the document will be taken, and all of the information that,
6 you know, meets one of the legislative category would be
7 removed, so that that's when you get those documents with
8 lots of black information.

9 **MS. ALIA TAYYEB:** If I can add just one thing
10 to that because your question was what's novel about this. I
11 think the aspect that is different is some of the -- what we
12 put as the amended process for this, which is that as soon as
13 something is detected to be problematic will immediately be
14 raised up to a certain level within the organization to seek
15 the correct solution to remedy the issue. So, correct, the
16 writing of summaries is not -- never been used before, but
17 the process that's been outlined in being more proactive is
18 what is new here.

19 **MR. JON DOODY:** So it's essentially the
20 expediency at which the government will process a request
21 that's novel?

22 **MS. ALIA TAYYEB:** And the proactive nature of
23 seeking the solution ahead of time.

24 **MR. JON DOODY:** And it's been mentioned a
25 number of times today that despite any redactions claimed,
26 the Commission or Commission counsel have access to the
27 unredacted documents. Does that fact factor into the
28 decision on redactions, knowing that the Commission has

1 everything, does that impact how much you believe should be
2 released to the public?

3 **MS. ALIA TAYYEB:** Not from a CSE perspective,
4 no.

5 **MR. DANIEL ROGERS:** I would say writ large,
6 as was outlined earlier, the government has to go through
7 line by line with subject matter experts and understand the
8 specific reasons that information has to be redacted. The --
9 it doesn't change anything, but it does exemplify that we
10 have to go through that process in good faith because there
11 are others who will see the unredacted documents, including
12 the Commission, potentially the Federal Court and others. So
13 we know that we have to operate in good faith, which, of
14 course, we would do.

15 **MR. DAVID VIGNEAULT:** If I can -- sorry, if I
16 can also add just one point. Terms of Reference also provide
17 the opportunity for the Commissioner to hold some of the
18 hearings ex parte, which provides the Commissioner and
19 counsel the opportunity to ask very specific questions about
20 very highly classified information and really dig into the
21 issue, you know, with all of the information available. And
22 so that is the opportunity that the Commissioner and
23 Commission counsel will have to determine how they want to
24 use that to be able to press on an issue and then determine
25 what and how some of that should be made public after.

26 **MR. JON DOODY:** And just for my final
27 question, I'm curious all three of you, if those in-camera
28 sessions occur, parties and participants will not have

1 standing to make submissions there. Do you have any
2 suggestions how the public or the participants can
3 effectively participate in an in-camera hearing, amicus or
4 other things? Do you have any recommendations on how the
5 public can actively participate in in-camera hearings?

6 **MR. DAVID VIGNEAULT:** I would defer to the
7 Commission on how to achieve that.

8 **MR. DANIEL ROGERS:** Yeah, as would I.

9 **MR. JON DOODY:** So no suggestions, no
10 assistance, just whatever the Commission comes up with?

11 **MR. DANIEL ROGERS:** Well, I can imagine a
12 variety of things. The Commission could ask questions on
13 behalf of others. We can produce summaries, which are
14 written for release as part of those ex parte hearings. We
15 could talk about an amicus. That would be up to the
16 Commission, but all of those are opportunities we'd be
17 willing to explore with the Commission.

18 **MR. JON DOODY:** Thank you. Those are my
19 questions.

20 **COMMISSIONER HOGUE:** Thank you.

21 **MS. NATALIA RODRIGUEZ:** Madam Commissioner,
22 Natalia Rodriguez, Commission counsel. This might be an
23 opportune time for the afternoon break.

24 **COMMISSIONER HOGUE:** Yes, it is.

25 **MS. NATALIA RODRIGUEZ:** Thank you.

26 **THE REGISTRAR:** Order, please.

27 This hearing is now in recess for 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 **THE REGISTRAR:** Order, please.

5 This sitting of the Foreign Interference
6 Commission is back in session.

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

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

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

10 **COMMISSIONER HOGUE:** [No interpretation]

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

12 **MR. GUILLAUME SIROIS:**

13 **MR. GUILLAUME SIROIS:** My name is Guillaume
14 Sirois from Power Law, Juristes Power, and I represent the
15 Russian Canadian Democratic Alliance. The RCDA is a national
16 nonprofit organisation supporting the development of the
17 Russian Canadian community around the ideals of democracy,
18 human rights, civil liberties, and the rule of law.

19 I will be asking some questions concerning
20 foreign interference by Russia and the disproportionate
21 impact of this interference on members of the Russian
22 community -- Russian Canadian community.

23 I'd like to come back to an answer you
24 provided earlier to my colleague, John Mather, earlier this
25 afternoon. You said, and this is from my notes:

26 "Members of the public want to have
27 more information to protect
28 themselves, but they also rely on the

1 security agencies to work effectively
2 to be protected." (As read)

3 Are you in agreement with that statement?

4 **MR. DAVID VIGNEAULT:** Yes, of course I am.

5 **MR. GUILLAUME SIROIS:** Do you also agree that
6 for a government agency like CSIS to function effectively,
7 they have to be accountable to the public?

8 **MR. DAVID VIGNEAULT:** Absolutely. It's the
9 difference between a security agency in a democratic country
10 like Canada and in other countries.

11 **MR. GUILLAUME SIROIS:** Yes, indeed.

12 **MR. DAVID VIGNEAULT:** And we're very aware of
13 that situation, particularly us.

14 **MR. GUILLAUME SIROIS:** And this would start
15 by the disclosure of -- so accountability, which is important
16 for the proper working of CSIS, goes through the disclosure
17 of documents to the public and to inquiries such as this?

18 **MR. DAVID VIGNEAULT:** In part, yes.

19 **MR. GUILLAUME SIROIS:** Thank you.

20 That's my questions that follow up from this
21 morning.

22 Now, I'd like now to put up the document CAN
23 528. Thank you.

24 And while that is being put there -- fine.

25 This is a security and intelligence threats
26 to election task force update on foreign interference,
27 threats to Canadian democratic institutions. It's dated
28 September 13, 2021.

1 We're all familiar with this document.

2 **MR. DAVID VIGNEAULT:** Yes, indeed.

3 **MR. GUILLAUME SIROIS:** Do you know who this
4 report was made for?

5 **MR. DAVID VIGNEAULT:** The task force had been
6 implemented to pull together the security agencies and the
7 law enforcement agencies like the RCMP and also with the
8 world affairs in order to pull together all of the
9 information or intelligence in real time that could affect or
10 result in foreign interference during an election. And the
11 document was put together by this working group and to hand
12 it over to several different bodies within the Canadian
13 government.

14 **MR. GUILLAUME SIROIS:** So we don't know
15 specifically what persons received it.

16 **MR. DAVID VIGNEAULT:** Several persons or
17 bodies received it. I received a copy. I imagine both my
18 colleagues here with me also, and others in various
19 departments.

20 So it was an information document on what was
21 going on during the election period.

22 **MR. GUILLAUME SIROIS:** Can we go to page 4 of
23 this document, please?

24 From page 4, we see information, very limited
25 information about Russian interference.

26 Can you scroll down, please, a little bit.
27 When we arrive at the -- yes, exactly. Can you scroll down
28 again? We'll go all the way to page 6.

1 You see that most of the information is
2 redacted from the Russian interference section, and the
3 information that's there is -- like, I've read it and it's
4 very general in nature. Would you agree with that?

5 **MR. DAVID VIGNEAULT:** I have not reread the
6 uncut -- the unredacted version, but by experience, yeah,
7 that would be the case, yes, that -- and that explains the
8 information that is, you know, protected is classified
9 information and the information that has been released here,
10 specifically, is information that, you know, was not
11 injurious. So sometimes it does create that perception,
12 absolutely.

13 **MR. GUILLAUME SIROIS:** So we don't get any
14 specific information on what the specific threats might have
15 been for any specific group like the Russian diaspora, for
16 example.

17 **MR. DAVID VIGNEAULT:** The purpose, once again
18 -- well, today I'm talking about the process Part D of the
19 Commission's mandate, so a document like this is, once again
20 -- is -- wasn't absolutely written to be made public, but to
21 inform certain people with high security clearance who had a
22 need to have that information and it was written to be useful
23 and precise, so when we remove the classified information
24 from it, it gives the impression that there's nothing much
25 left.

26 Now, obviously I can't talk specifically
27 about the specific information that has been redacted.

28 **MR. GUILLAUME SIROIS:** Can we now go to RCD 7

1 document, please? RCD 7

2 And as it comes up, it's called "Foreign
3 Interference and You".

4 --- EXHIBIT No./PIÈCE No. RCD 7:

5 Foreign Interference and You

6 **MR. GUILLAUME SIROIS:** It's there to explain
7 to communities like the Russian diaspora and other diasporas
8 and members of the public and to make them aware about
9 foreign interference and the measures they could take in
10 response to threats of -- arising from foreign interference.

11 We await the document.

12 I assume you're familiar with the document.

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

14 **MR. GUILLAUME SIROIS:** If we can go to page 3
15 at the bottom.

16 We see a quote that says, the last paragraph
17 says:

18 "Hostile foreign actors also target
19 the fabric of Canada's multicultural
20 society seeking to influence Canadian
21 communities, including through
22 threats, manipulation, and coercion.
23 Some of these communities are
24 vulnerable targets of foreign
25 interference from states seeking to
26 exploit them in various ways to
27 advance the foreign state's interest,
28 sometimes to the detriment of

1 Canadian values and freedom." (As
2 read)

3 I guess you know it's the members of the
4 diaspora or members of their family that are in their country
5 of origin are particularly targeted by this foreign
6 interference.

7 **MR. DAVID VIGNEAULT:** Yes, they are often
8 collateral victims of foreign interference because the
9 foreign interference is exercised here in Canada and the
10 families of the victims in the country of origin are
11 sometimes victims of coercion and such, and it's the local
12 government that does that, of course, acting against the
13 family.

14 **MR. GUILLAUME SIROIS:** And this coercion
15 could be related to members of the diaspora in Canada.

16 **MR. DAVID VIGNEAULT:** Yes, indeed. Yes, it's
17 one of the perverse effects of foreign interference and one
18 of the reasons -- of the important reasons for which we want
19 to talk about and that we actually publish this document
20 here.

21 **MR. GUILLAUME SIROIS:** Could this bring us to
22 say that the diaspora of Canadian -- in Canada are
23 particularly affected by foreign interference compared to the
24 general population?

25 **MR. DAVID VIGNEAULT:** Indeed. Absolutely.

26 One of the things that is important to note,
27 Madam Commissioner, is that the public debate or public
28 discussion on foreign interference put a lot of accents on

1 what happened around the elections and, of course,
2 justifiably so. It's a fundamental issue in a democracy.

3 But when we talk about foreign interference,
4 and this document is a good example of it, it details how the
5 communities are also targeted. They're being made victims by
6 foreign interference actors, and that's what we call -- the
7 previous lawyer talked about transnational repression. Well,
8 that's exactly what's happening here.

9 These are people that are victims of coercion
10 and retribution on their -- here in Canada and, as you said,
11 about their families in the country of origin and considering
12 that they're more affected than the general population, we
13 heard a lot about the interests of the general population
14 about having access to information,

15 **MR. GUILLAUME SIROIS:** But since the diaspora
16 itself is more affected than the general population by
17 foreign interference, can we say that the diaspora has an
18 even greater interest in having access to the information
19 than the general population?

20 **MR. DAVID VIGNEAULT:** Well, I would agree
21 with the statement that the diaspora groups here in Canada,
22 donc Canadians of foreign origin, are more often victims and
23 we need to find a way of giving them the information they
24 need to protect them.

25 So two specific points here. We translated
26 this document into several languages, including in Russian,
27 to ensure that the communities who have not yet learned
28 French or English can have access to the information. And

1 also, in the case of CSIS, we implemented in 2019 internal
2 resources to -- in consultation with the Canadian
3 communities, and these people engage the communities directly
4 in order to create links or bridges with CSIS and other
5 organizations.

6 **MR. GUILLAUME SIROIS:** So I think we'll be
7 asking some questions of Minister LeBlanc tomorrow on that.

8 **COMMISSIONER HOGUE:** One minute, sir.

9 **MR. GUILLAUME SIROIS:** And I only have one
10 question, so that's great. Thank you, Madam Commissioner.

11 So if we understand it, the diasporas have
12 particular interest in having access to this information on
13 foreign interference. Can we say the diaspora needs the
14 information on foreign interference, including information
15 that might not be -- but is related to the work of the
16 Commission in order better to protect themselves against
17 foreign interference on important issues like security,
18 freedom and their other fundamental rights?

19 **MR. DAVID VIGNEAULT:** Absolutely. And I
20 think that's exactly the heart of the issue here, how, with
21 the information and the knowledge that the government has,
22 can we help these population groups. There's not only the
23 government, but there are other entities that can do so. And
24 if you want to continue to do this and be able to intervene
25 specifically, including when there's threats to the physical
26 integrity or the life of a person, we can also be able to
27 protect them. So these two elements might come into
28 contradiction. We have to have transparency, but we also

1 have to be able to conserve our ability of operating as we do
2 and that requires some secrecy.

3 **MR. GUILLAUME SIROIS:** Thank you very much.

4 **COMMISSIONER HOGUE:** The next one is Maître
5 Choudhry.

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

7 **Me SUJIT CHOUDHRY:**

8 **MR. SUJIT CHOUDHRY:** Thank you, Commissioner,
9 Panel. Good afternoon. My name is Sujit Choudhry. I'm
10 counsel to Jenny Kwan, Member of Parliament for Vancouver
11 East.

12 So the focus of my questions will be a bit
13 narrower and a bit different than what some of my colleagues
14 have put to you, and it actually arises from two sentences in
15 the interview summary. So it might be helpful to give the
16 document ID and perhaps put it up. It's WIT-3, and it's page
17 19, the middle of the page. And this was actually -- I think
18 it was Mr. Rogers who was addressing this issue. So if we
19 could go to page 19, please -- pardon me, page 18. If you
20 could just scroll down a bit? Here -- scroll back up.
21 Super, great. So there's a -- the paragraph that begins "if
22 an individual". So let me just read this out. There's two
23 sentences here that I want to drill down on. So the first
24 sentence says:

25 "If an individual does not have the
26 appropriate clearance and/or
27 indoctrination but PCO needs to
28 communicate certain classified materials

1 to them, PCO will sometimes initiate a
2 process to get that individual the
3 appropriate clearance or indoctrinations."

4 (As read)

5 And then the second sentence says,
6 "As an alternative, we can sanitize the information to reduce
7 the level of classification." (As read)

8 So I just want to drill down on that a little
9 bit, if I might. And I think -- so the questions are to the
10 whole panel, but I'm sorry, Ms. Tayyeb, I think it's mostly
11 Mr. Vigneault and Mr. ---

12 **COMMISSIONER HOGUE:** Mr. Choudhry?

13 **MR. SUJIT CHOUDHRY:** Yes.

14 **COMMISSIONER HOGUE:** Can you just speak a bit
15 more slowly?

16 **MR. SUJIT CHOUDHRY:** Of course. I'm sorry
17 about that, Madam Commissioner.

18 And so I think the questions will be directed
19 mostly to Mr. Rogers and Mr. Vigneault. And what I'm trying
20 to understand is how this works from a machinery of
21 government perspective. And so I want to drill in first to a
22 couple of examples regarding security clearances for
23 parliamentarians. And so the first example arises from a
24 recommendation made by the Special Rapporteur, Mr. David
25 Johnston. And as you'll know, he recommended in his report
26 that the government begin the process immediately of working
27 with leaders of opposition parties to grant them the
28 requisite clearances, so that they could review the

1 classified version of this report. And so I want to ask you
2 a couple of questions, if I may, about how that process
3 worked, without, of course, getting into the substance of
4 what was reviewed by the opposition leaders who got that
5 invitation.

6 And so is it the case that then after this
7 report was issued, and this was in May of 2023, where CSIS or
8 the -- and the PCO directed to work with the opposition
9 leaders to see if they were interested in obtaining the
10 requisite security clearances?

11 **MR. DAN ROGERS:** My understanding is that the
12 opposition leaders were invited to apply for security
13 clearances, which the Privy Council Office would
14 administratively process. So, you know, the security
15 clearances for all of us under -- involve a consistent
16 process, which we all undergo of interviews and information.
17 That's something which we initiated on behalf of that
18 direction. And for the leaders of the opposition who chose
19 to avail themselves of that, we processed those clearances.

20 **MR. SUJIT CHOUDHRY:** Sure. And it's a matter
21 of public record that Mr. Singh, the leader of the NDP, did
22 choose to avail himself of that option?

23 **MR. DAN ROGERS:** That's correct.

24 **MR. SUJIT CHOUDHRY:** And it's my
25 understanding that Mr. Singh requested as well that clearance
26 be granted to a couple of aides or members of his party as
27 well?

28 **MR. DAN ROGERS:** That's correct.

1 **MR. SUJIT CHOUDHRY:** Right. And so how many
2 aides did he ask clearances be granted to; do you recall?

3 **MR. DAN ROGERS:** At least one as I recall, I
4 believe.

5 **MR. SUJIT CHOUDHRY:** And is it -- and it's my
6 understanding that Mr. Singh was granted a security
7 clearance?

8 **MR. DAN ROGERS:** Yes, that's correct.

9 **MR. SUJIT CHOUDHRY:** Yes, and were his aides
10 granted a security clearance as well to assist him?

11 **MR. DAN ROGERS:** Yes.

12 **MR. SUJIT CHOUDHRY:** And do you roughly know
13 how long that process took?

14 **MR. DAN ROGERS:** I do not recall the specific
15 timeframe.

16 **MR. SUJIT CHOUDHRY:** Okay. And so the -- I'd
17 like to ask the same sets of questions about NSICOP that
18 we've heard about as well. And so as you know, under the
19 *NSICOP Act* and under the Regulations it's required that
20 members of NSICOP obtain a top secret security clearance;
21 correct?

22 **COMMISSIONER HOGUE:** Can you just say what
23 NSICOP stands for ---

24 **MR. SUJIT CHOUDHRY:** Of course.

25 **COMMISSIONER HOGUE:** --- for the public?

26 **MR. SUJIT CHOUDHRY:** Yes, the National
27 Security and Intelligence Committee of Parliamentarians. And
28 Mr. Vigneault had referred to NSICOP previously in some of

1 his testimony, but thank you, Madam Commissioner. And so --
2 and the -- and so the members of NSICOP are members of
3 parliament and they're also senators; correct?

4 **MR. DAN ROGERS:** That's correct.

5 **MR. SUJIT CHOUDHRY:** Right. And so it's
6 required then for a member of NSICOP to go through some type
7 of a security clearance process as well?

8 **MR. DAN ROGERS:** Yes, that's correct.

9 **MR. SUJIT CHOUDHRY:** Right. And again, in
10 your experience, how long a process is that? How long does
11 it take?

12 **MR. DAN ROGERS:** You know, those processes
13 range depending on the complexity of the cases involved. I
14 can't tell you specifically how long any of those offhand
15 would have taken. It can range from weeks to months.

16 **MR. SUJIT CHOUDHRY:** Okay. All right. And
17 so I'd like to pivot a bit to the second sentence here from
18 page 18 of your interview. And I'd like to ask a couple of
19 questions about the disclosure of classified information to
20 parliamentarians, if I could. And so if I could -- if Mr.
21 Registrar, if you could put up on the screen please the
22 following document, it's JKW many zeros 21.

23 **--- EXHIBIT No./PIÈCE No. JKW 21:**

24 Ministerial Direction on Threats to
25 the Security of Canada Directed at
26 Parliament and Parliamentarians

27 **MR. DAN ROGERS:** While that document is
28 coming up, can I take the opportunity to just clarify my

1 statement there, which is accurate?

2 **MR. SUJIT CHOUDHRY:** Of course, sir.

3 **MR. DAN ROGERS:** Just to be clear, you know,
4 when I was referring to those couple of sentences that you
5 quoted, my intention was more to convey that not everyone
6 within the federal public service enjoys the same level of
7 clearance. And so there may be an intelligence report which
8 is necessary for a public servant or other member of the
9 national security community to see. And, for instance, it
10 may be top secret while the individual needing to see it
11 would have a secret clearance. And I understand your line of
12 questioning is not about that, but that was the intention of
13 my sentence.

14 **MR. SUJIT CHOUDHRY:** Thank you for the
15 clarification, sir.

16 So members of the panel, as you'll see, what
17 we've put up on the screen here is the ministerial direction
18 on threats to the security of Canada directed at parliament
19 and parliamentarians. You're familiar -- you're all familiar
20 with this document?

21 **MS. ALIA TAYYEB:** Yes.

22 **MR. SUJIT CHOUDHRY:** And as you know, this
23 was issued on May 16th, 2023? Issued pursuant to
24 section 6(2) of the *CSIS Act* by the Minister of Public
25 Safety. Is that right?

26 **MR. DAVID VIGNEAULT:** Yes.

27 **MR. SUJIT CHOUDHRY:** Yeah.

28 Can we scroll down to Clause 3, please?

1 So I'd like to read out Clause 3 for members
2 of the public who might be watching, and it says:

3 "CSIS will seek, wherever possible
4 within the law and while protecting
5 the security and integrity of
6 national security and intelligence
7 operations and investigations, to
8 ensure that parliamentarians are
9 informed of threats to the security
10 of Canada directed at them. This may
11 involve direct disclosures, or by
12 working with other bodies, such as
13 [the] Government of Canada
14 departments, the [RCMP]...law
15 enforcement..."

16 Et cetera, "as...law permits".

17 And -- so I have a question about how this
18 clause would work in practice. Would this clause authorise
19 CSIS to disclose classified information to a parliamentarian?

20 **MR. DAVID VIGNEAULT:** So this is not -- this
21 direction does not supersede the law, so the Act is still
22 applying. In order to accomplish this -- the intent of this
23 clause there is two different ways. One is that CSIS, if it
24 were to be us, CSIS will be able to engage with the member of
25 parliament and disclose information that is not classified,
26 but is also provided by a -- those -- this information is
27 provided by an expert intelligence professional who
28 understands the classified information and provide the

1 information to the member of parliament in an unclassified
2 way, but with the benefit of understanding the -- what is
3 classified. So there is one process.

4 If for the purpose of achieving this
5 classified information were to be necessary to be used, at
6 that point the -- CSIS would engage and will use
7 section 12(1) of the *CSIS Act* in engaging a threat reduction
8 measure, which then allows the disclosure of classified
9 information with the specific intent of that action would be
10 reducing the threat. So it's very clear that these are the -
11 - this is what the law stipulates.

12 **MR. SUJIT CHOUDHRY:** And just to pick up on
13 what you've just said, Mr. Vigneault. So when CSIS acts,
14 pursuant to section 12(1) of the *CSIS Act*, is it true, then,
15 that the recipient of that classified information need not
16 yet have or might never go through a security clearance
17 process?

18 **MR. DAVID VIGNEAULT:** That is accurate. The
19 person is informed of the nature of the information, informed
20 of injury that could happen if this information was to be
21 released publicly, and counselled to not make that
22 information public.

23 **MR. SUJIT CHOUDHRY:** So then this leads to my
24 last question, Madam Commissioner, which is about the
25 May 2023 briefings that CSIS offered and provided to Members
26 of Parliament Kwan, Chong, and at that time, Member of
27 Parliament O'Toole to inform them that they were the targets
28 of foreign interference.

1 And so my -- I know we can't ask you about
2 the content of those briefings, but I want to understand the
3 policy framework within which, and the legal framework within
4 which those briefings took place. Were those briefings, did
5 they take place pursuant to section 12(1) of the *CSIS Act*?

6 **MR. DAVID VIGNEAULT:** Madame la Commissaire,
7 I think this is going into a territory that is not covered by
8 section D of this Inquiry. I'd be happy to answer that
9 question in due course during the work of the Commission.

10 **MR. BARNEY BRUCKER:** Sorry, Commissioner, I
11 was going to raise this, but the Director beat me to it.

12 **COMMISSIONER HOGUE:** And I think it's right.
13 You are going beyond what is contemplated by this -- these
14 hearings this week.

15 **MR. SUJIT CHOUDHRY:** Yeah. Well, fair
16 enough, Madam Commissioner.

17 Thank you for your time, panel.

18 **COMMISSIONER HOGUE:** Thank you.

19 M. van Ert for Mr. Chong.

20 **MR. GIB van ERT:** Madam Commissioner, Gib van
21 Ert for The Honourable Michael Chong, MP.

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

23 **MR. GIB van ERT:**

24 **MR. GIB van ERT:** Director, this morning you
25 gave evidence about certain intelligence products that the
26 service produces. You talked about raw intelligence,
27 intelligence assessments and briefing notes. I want to ask a
28 question about something that I think is covered under the

1 category of briefing note, but you'll tell me, and that is
2 the issues management note. Could you explain to the
3 Commissioner what an issues management note is?

4 **MR. DAVID VIGNEAULT:** I'll give a ---

5 **MR. BARNEY BRUCKER:** Sorry.

6 **MR. DAVID VIGNEAULT:** --- general answer to
7 this.

8 **MR. BARNEY BRUCKER:** Sorry, sorry. Having
9 real trouble seeing where this is in Term of Reference D. It
10 may be in A, may be in D, certainly, but we're going to get
11 there. Not today.

12 **MR. GIB van ERT:** Well, this witness has
13 given evidence about the sorts of intelligence products the
14 service prepares. I believe that an IMU is one of those
15 products, and I wanted the Commission to understand what that
16 product is.

17 **COMMISSIONER HOGUE:** For the time being, I'll
18 permit the question, but I won't permit that you go very long
19 with this line of questioning.

20 **MR. GIB van ERT:** All right. Well, I will --

21 -

22 **COMMISSIONER HOGUE:** Do you know what it's
23 all about? It's something?

24 **MR. DAVID VIGNEAULT:** Absolument.

25 So an IMU note -- an IM note is a issues
26 management product. So essentially, it's when the service
27 wants to convey information to different individuals, senior
28 individuals in the government, to alert them of a -- of an

1 issue that may -- an operational issue, a media issue, a --
2 an intelligence issue, it is one tool that we have to be able
3 to inform specific individuals, provide some context and some
4 information about what we will do about this information.

5 So it is a -- indeed a document that we use
6 for -- to inform some specific individuals, but contrary to
7 intelligence products, it would be always what we call a
8 named distribution. So the specific individuals who should
9 receive this information would be specified, you know, in the
10 process.

11 **MR. GIB van ERT:** Thank you, Director, that's
12 very helpful.

13 And Commissioner, I want to follow up on
14 that, but just to put everyone's minds at ease, I'm not going
15 to be asking about any particular IMU, I'm not going to be
16 asking about the contents of any IMU. I want to understand
17 the instrument.

18 And so Director, what you've just said, among
19 other things, is that it is directed to specific senior
20 officials. Do I understand that correctly to be, for
21 instance, deputy ministers, ministers of the Crown, their
22 chiefs of staff?

23 **MR. DAVID VIGNEAULT:** That will be accurate,
24 yes.

25 **MR. GIB van ERT:** Thank you. And you talked
26 about specific issues that the service wants to bring to
27 those people's attention; is that right?

28 **MR. DAVID VIGNEAULT:** Yes, that's accurate.

1 **MR. GIB van ERT:** Thank you. It's addressed
2 to someone in particular. In contrast, if -- tell me if I
3 have this right. I think I understood from earlier today
4 that some intelligence assessments, other products, are
5 addressed to departments more generally and left to the
6 departments to determine, in their discretion, whether they
7 should be briefed up to more senior people or not. Is that
8 right?

9 **MR. DAVID VIGNEAULT:** This is where, I think,
10 you know, where we're getting into very -- getting into more
11 the specificity. You know, it's hard for me for to answer --
12 to continue to answer this line of questions and be too
13 generic given the context.

14 **MR. GIB van ERT:** Let me try again. I'm
15 talking about intelligence assessments now, rather than IMUs.

16 **MR. DAVID VIGNEAULT:** Yeah.

17 **MR. GIB van ERT:** Am I right in my
18 understanding that an intelligence assessment prepared by the
19 service will, at least sometimes, be directed, not to any
20 specifically, but to a department or maybe a unit within the
21 department generally?

22 **MR. DAVID VIGNEAULT:** Yes. I think both are
23 true. Like we can have -- you know, our assessments might be
24 more -- going to a more general distribution. Sometimes if
25 it's on a very sensitive topic it might be more specifically
26 issued to specific individuals. But just to -- I'm just
27 adding this nuance, but I agree with the statement.

28 **MR. GIB van ERT:** Thank you, Director.

1 Turning back to IMUs. You mentioned that they're documents.
2 They're, of course, sensitive documents. You're not sending
3 them by email. Right?

4 **MR. BARNEY BRUCKER:** Well, Commissioner, are
5 we going to get to -- I guess the question is whether you
6 redact IMUs. Because I -- that, I think, would be the only
7 thing that would -- might fall into Part D.

8 **COMMISSIONER HOGUE:** Yes, I am -- I must say
9 that I have difficulties understanding where you are going in
10 terms of what we are doing this week in the context of ---

11 **MR. GIB van ERT:** So you're suggesting that I
12 should leave these questions for March, Commissioner. Is
13 that....

14 **COMMISSIONER HOGUE:** It's -- yes, it's a
15 suggestion.

16 **MR. GIB van ERT:** All right.

17 **COMMISSIONER HOGUE:** A very strong one.

18 **MR. GIB van ERT:** All right. Thank you.
19 I'll -- very good. Well, in that case, à la prochaine,
20 monsieur le directeur. J'espère vous revoir dans un mois.

21 **MR. DAVID VIGNEAULT:** Je vous remercie.

22 **COMMISSIONER HOGUE:** So I think it's your
23 turn, M. Brucker.

24 **MR. BARNEY BRUCKER:** And I have some welcome
25 news I think. The government has no questions.

26 **COMMISSIONER HOGUE:** No questions?

27 **MR. GORDON CAMERON:** No re-examination,
28 thanks.

1 **COMMISSIONER HOGUE:** No re-examination?

2 So it means our day is over. So we'll
3 reconvene tomorrow at -- it's at 10:00 tomorrow morning.
4 Yes. So tomorrow morning, 10 o'clock. Thank you. Thank you
5 very much.

6 **THE REGISTRAR:** Order, please.

7 This sitting of the Foreign Interference
8 Commission has adjourned until tomorrow at 10:00 a.m.
9 --- Upon adjourning at 4:04 p.m.
10 --- L'audience est suspendue à 16 h 04

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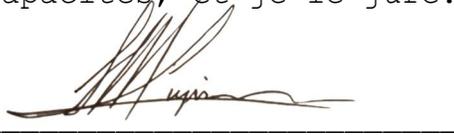
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C E R T I F I C A T I O N

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