

CCM # 20784  
TOP SECRET [REDACTED]  
For Information

**MEMORANDUM TO THE MINISTER**

**AGREEMENT BETWEEN CSIS AND THE SECURITY INTELLIGENCE REVIEW  
COMMITTEE: ACCESS TO CERTAIN DOCUMENTS**

**SUMMARY**

- [REDACTED]
- [REDACTED] the Service initially declined to provide a copy of a 2014 Memorandum regarding a SIRC study that examined CSIS' use of firearms in dangerous operating environments. Following several bilateral discussions, the Service subsequently provided a copy as an exception to this long-standing agreement.
- [REDACTED]

**BACKGROUND**

As codified in the *CSIS Act*, SIRC is entitled to access to all information held by the Service that relates to its functions and duties, including reviews of CSIS activities and investigations into complaints; such access does not, however, extend to information subject to Cabinet Confidences [REDACTED]

*Unofficial English version  
Accompagne officiel French Memorandum  
Signed by Director of CSIS*

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[REDACTED]

[REDACTED] a recent disagreement between SIRC and the Service regarding access to a specific Memorandum sent to you in May 2014 that provided a candid discussion relating to SIRC's study on the Service's use of firearms in dangerous operating environments (DOEs).

**DISCUSSION**

As you may recall, SIRC conducted a study in 2013-14 on *CSIS Operational Support and its Use Overseas*, which examined the Service's use of firearms in DOEs. Among the findings and recommendations, SIRC's draft study noted that it was unable to conclude whether CSIS had adequately informed your predecessor of its use of firearms in DOEs outside of Afghanistan, and recommended that CSIS comprehensively justify to you its operational posture in DOEs, including the use of firearms. These remained in the final report, notwithstanding the Service's comments in April 2014, whereby it provided documented and substantiated evidence of both verbal briefings to your predecessor and Memoranda sent in 2012 and 2013, respectively.

In May 2014, the Service sent you a Memorandum to advise of SIRC's draft study and the issues raised therein:

[REDACTED]

Formal responses were provided to SIRC in August 2014, with the exception of two recommendations that continued to be under review (e.g., comprehensively justify the use of firearms outside of Afghanistan and seek revised legal advice regarding this decision).

[REDACTED]

The Service initially declined to provide SIRC a copy of the May 2014 Memorandum, [REDACTED] agreement; however, in the interest of transparency, an overview of its content was provided. After much bilateral discussion, I subsequently shared a copy of the

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May 2014 Memorandum with SIRC on February 12, 2015

**CONSIDERATIONS**

The Service is mindful of SIRC's statutory access to all CSIS holdings and is committed to providing information required to support SIRC in fulfilling its mandate. In recognition of SIRC's role in reviewing the Service's adherence to Ministerial Direction, Memoranda to respective Ministers are often provided for information and context; in this particular instance, previous Memoranda were provided to illustrate that the Minister had been briefed on this important issue.

The recent Federal Court decisions, coupled with statements in SIRC's latest Annual Report, have led to considerable public debate on the Service's fulfillment of its duty of candour. Further, SIRC has also publicly noted challenges and delays in obtaining relevant information from CSIS.

As always, please do not hesitate to contact me should you require further information.

Michel Comtois

cc.: Deputy Minister, Public Safety Canada

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