

Memo

TO: DDO / DIRECTOR

FROM: DG FLV

SECRET

FILE #: 550-311

DATE: 2001.12.18

SUBJECT: CSIS SECTION 17 LIAISON ARRANGEMENTS WITH FOREIGN GOVERNMENTS / INSTITUTIONS

1) ISSUE :

This memo is a request for your review / approval of FLV's proposed guidelines for the managing of the Service's foreign liaison arrangements, following implementation of the new Ministerial Directive (MD) (See Attachment 1) pertaining to the Service's Section 17 Liaison Arrangements with Foreign Governments / Institutions.

2) BACKGROUND :

New Ministerial Directive (MD)

Prior to the implementation of the new Ministerial Directive (MD) guidelines, CSIS needed to consult with DFAIT and / or officially request Ministerial approval when seeking to enhance the level of cooperation and nature of exchanges with agencies with which CSIS has existing Section 17 Liaison Arrangements. Enhancements to allow for security intelligence liaison necessitated consultation with DFAIT prior to seeking Ministerial approval, while requests to enhance arrangements which already encompassed security intelligence liaison necessitated the approval of the Minister (without prior consultation with DFAIT).

Following the implementation of the new Ministerial Directive guidelines, the DIRECTOR now has the authority to manage and approve requests to enhance the level of cooperation between CSIS and foreign agencies with which we have established Section 17 Liaison Arrangements, subject to any conditions imposed by the Minister.

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Level of Exchanges / Cooperation

Between March - July 2001, CSIS' Foreign Liaison and Visits (FLV) Branch conducted a review of all existing 230 Section 17 Liaison Arrangements to identify and assess the current level of exchanges for each arrangement.

Each existing Section 17 Foreign Liaison Arrangement included one or more of the following "scopes" of exchanges:

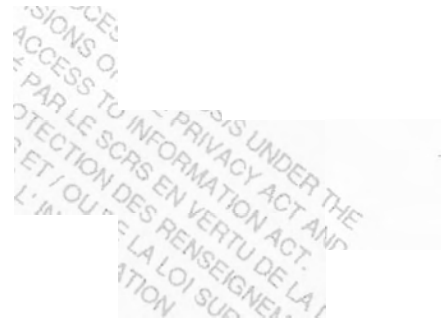
3) RECOMMENDATIONS :

a. *Revised Scopes of Exchanges*

A revised format for the various scopes of exchanges would replace the previous system of scopes (as noted above) used prior to the implementation of the new Ministerial Directive to manage new / enhanced Section 17 Liaison Arrangements. The revised format for the various scopes of exchanges would be as follows:

SCOPE 1

A *SCOPE 1* Section 17 liaison arrangement would allow for exchanges on the following:



SCOPE 2

A *SCOPE 2* Section 17 liaison arrangement would allow for exchanges on the following:



SCOPE 3

A *SCOPE 3* Section 17 liaison arrangement would allow for exchanges on the following:



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c. *Enhancements to Existing Section 17 Liaison Arrangements*

If a CSIS Branch requests an enhancement to the existing scope(s) of exchange(s) with a specific foreign agency / institution with which CSIS has a Section 17 liaison arrangement, FLV would require that the DG of the requesting Branch submit a formal written request to the DG FLV.

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If the responses are positive, FLV would then submit a formal written request to the DDO and DIRECTOR for review / approval of the enhancement. If the request originates from an SLO, FLV would consult [REDACTED] if feedback from consultations with Branches is positive and FLV concurs with the request, the latter would subsequently submit the request to the DDO and DIRECTOR.

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d. *Requests for New Section 17 Liaison Arrangements*

Any request for a new Section 17 Liaison Arrangement would be treated in the same fashion as it was prior to the new MD, that is FLV would consult with appropriate Branch FLAs and SLO to determine the desirability / feasibility of pursuing the new arrangement.

If the responses are positive, FLV would then request that the SLO submit the information pertaining to Annex D of the new MD (outlining the description of the agency, reasons for seeking the arrangement, human rights issues relating to the agency, etc.).

Based on all information obtained, the FLV would draft a consultation letter to DFAIT under the signature of the DG FLV. If DFAIT response is positive, the next step would be for FLV to prepare a letter for the DIRECTOR's review / signature to the Minister officially requesting the implementation of the new arrangement.

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e. *Emergency Exchanges / Cooperation*

Emergency circumstances may dictate that cooperation / exchanges with a foreign security or intelligence organization or organization of states for a specific security intelligence purpose where no arrangement exists be conducted. In the event the Minister is unavailable to approve such cooperation, the DIRECTOR, as provided for in Annex D of the Ministerial Directive, is authorized to undertake whatever exchanges or cooperation are necessary to address the urgent requirement. The DIRECTOR will advise the Deputy Solicitor General of his decision and seek the Minister's approval, as soon as possible, to confirm the temporary arrangement.

Also, emergency circumstances may arise requiring urgent cooperation or exchanges of perishable information on a specific security intelligence issue between a CSIS SLO Post and a foreign security or intelligence organization where no Section 17 Liaison Arrangement exists. Under such circumstances, the SLO may effect the necessary arrangements if time does not permit seeking prior approval from CSIS HQ. Upon notification from the SLO that an urgent exchange or cooperation has taken place, the DG FLV will initiate the advisory process to the Deputy Solicitor General.

f. *Joint Operations*

As stated in Annex F (attached) of the new Ministerial Directive, the DIRECTOR will approve joint operations, investigative activity outside Canada and will establish the appropriate approval levels for differing forms of operational assistance.

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g. CSIS Arrangements with Foreign Governments / Institutions Book

FLV Branch is currently preparing a draft which lists all of the Service's 230 Liaison Arrangements and the current scope(s) of exchanges under each arrangement. once approved by the DIRECTOR, will be distributed

FLV proposes that the revised "CSIS Arrangements with Foreign Governments / Institutions" book also have a new column entitled "STATUS" which would list one of the three following indicators:

"ACTIVE"

Liaison / cooperation with the specific foreign agency / institution is currently being maintained

"DORMANT"

There has been no liaison contact between SLO and the specific agency / institution for the past one (1) or more year(s)

"RESTRICTED - UNDER REVIEW"

This notation would explain that CSIS has temporarily imposed additional restrictions or suspended exchanges with the foreign agency / institution due to concerns regarding third-party rule sensitivities, or human rights issues. Consultation with FLV Branch would be required prior to any exchange being considered.

A draft

for distribution to the Ministry and DFAIT is also being prepared by FLV for the DIRECTOR's approval. FLV will forward the drafts to the DDO & DIRECTOR for review / approval. Once the final versions of the documents are approved, they will be distributed accordingly (Executive, FLV, FLAs).

Once the final version of the the procedures regarding the managing of the Section 17 Liaison Arrangements have been reviewed and approved by the DDO and DIRECTOR, FLV would coordinate

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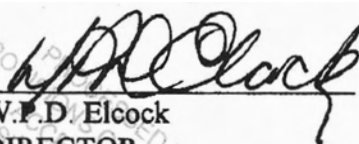
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W.F.D. Elcock
DIRECTOR
Att.
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ATTACHMENT 1

ANNEX D

ARRANGEMENTS AND COOPERATION

For the purpose of performing its duties and functions the Service may, with Ministerial approval, enter into an arrangement or otherwise cooperate with certain domestic and foreign organizations.

Domestic Arrangements and Cooperation

An arrangement, whether in writing or otherwise, will clearly establish its purpose and obligations, including the application of privacy and access to information legislation. Arrangements will also indicate the means of periodic evaluation or audit, and the provisions for cancellation. The Director will manage each arrangement including the extent of operational cooperation by the Service with organizations, governments or their agencies.

The Service will inform the Minister of any situation concerning an arrangement which could result in controversy, the cancellation of the arrangement, or which might adversely affect interdepartmental or intergovernmental relations.

The Director's Annual Report will include the status of CSIS domestic arrangements.

Foreign Arrangements and Cooperation

On matters relating to security assessments and threats to the security of Canada as defined in the CSIS Act, CSIS is the lead agency for liaison and cooperation with foreign security or intelligence organizations and international organizations of states. Subject to the Minister's approval, CSIS may have with each such organization an arrangement for cooperation. The Director will manage these arrangements subject to any conditions imposed by the Minister.

The following points provide more detailed guidelines in this regard:

- h. Arrangements may be established and maintained as long as they remain compatible with Canada's foreign policy towards the country or international organization in question as determined in ongoing consultations with the Department of Foreign Affairs and International Trade (DFAIT).
- i. Arrangements may be established and maintained when such contacts are in the interests of the security of Canada.
- j.
- k. Arrangements will respect the applicable laws relating to the disclosure of personal information.

In emergency circumstances, cooperation may be required for a specific security intelligence purpose where no arrangement exists with a foreign security or intelligence organization or organization of states. In the event the Minister is unavailable to approve an arrangement, the Director is authorized to undertake whatever exchanges or cooperation are necessary to address such an urgent requirement. The Director will advise the Deputy Solicitor General of his decision and seek the Minister's approval, as soon as possible, to confirm the temporary arrangement.

Unsolicited information offered by foreign organizations to CSIS will be dealt with in accordance with the CSIS Act.

An arrangement, _____ will clearly establish its purpose and obligations, including the application of privacy and access to information legislation.

Records relating to foreign arrangements will be maintained, The Service will indicate its means of periodic evaluation or audit of the arrangement, and the provisions for its cancellation. The Director's Annual Report will include the status of the Service's foreign arrangements.

The Director will inform the Minister immediately of circumstances which impact on foreign arrangements where there is a reasonable potential:

- to affect adversely the security of Canada; or
- to affect adversely Canadian relations with any country or international organization of states; or
- to give rise to public controversy; or
- to contravene any of the guidelines set out herein with respect to the management of CSIS foreign arrangements.

Proposals for ministerial approval of a foreign arrangement will conform to the standards and guidelines set out in Appendix 1.

APPENDIX 1

STANDARDS AND GUIDELINES FOR ESTABLISHING A FOREIGN ARRANGEMENT

1. CANADIAN SECURITY REQUIREMENTS:

Describe the rationale for the proposed arrangement, highlighting current security intelligence requirements, and the extent to which the proposed arrangement is anticipated to assist the Service in meeting those requirements. Provide supporting data where possible.

2. INTERNAL POLITICAL SITUATION AND RESPECT FOR HUMAN RIGHTS:

Assess the internal political situation of the country and highlight the presence of democratic institutions noting their role, history and place in society. The assessment will address the human rights record of the country including any possible abuses by the security or intelligence organizations.

5. IMPACT:

Comment on the extent to which the proposed arrangement might affect existing arrangements and necessitate the establishment of similar arrangements with other countries.

6. FOREIGN POLICY CONCERNS:

Comment on any foreign policy concerns determined in consultation with DFAIT.

ANNEX F

JOINT OPERATIONS, OPERATIONAL ASSISTANCE AND INVESTIGATIVE ACTIVITY OUTSIDE CANADA

Joint Operations in Canada

There will be occasions when the Service and foreign security or intelligence organizations will want to undertake joint operational cooperation.

The following conditions will apply to joint operations in Canada undertaken by CSIS with a foreign security or intelligence organization:

- The Service will oversee and maintain control of the operational activity.
- The operational activity will respect Canadian sovereignty.

Operational Assistance

Operational assistance occurs when activities are undertaken by the Service on behalf of a requesting organization or vice versa.

These activities, if undertaken in Canada, shall conform with the CSIS Act, Ministerial direction and CSIS policies.

Under an approved arrangement with a foreign security or intelligence organization or an institution of an organization of states, the Director will determine the extent of operational assistance involving the Service.

Investigative Activity Outside Canada

CSIS investigative activity outside Canada will:

- conform to the requirements of the CSIS Act;
- hold potential benefit for Canada and its national interests;
- be considered for its impact on Canadian foreign policy interests and objectives;

Consultation and Approval

The Director will approve joint operations, investigative activity outside Canada and will establish the appropriate approval levels for differing forms of operational assistance.

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Reporting

The Director will provide a summary of the activities approved under this Annex in the Annual Report.

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