

CSIS Policies and Procedures

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SECRET

OPS-221 PROCESSING OF INFORMATION AND COMMUNICATIONS COLLECTED UNDER WARRANT - SECTION 16

1. INTRODUCTION

Objective

1.1 To provide direction for the management of information and communications collected under the authority of section 16 pursuant to section 21 of the CSIS Act and a Federal Court warrant.

Scope

1.2 This policy deals with the processing of information and communications normally collected by the Service and processed by the Communications Security Establishment (CSE). The information and communications are collected pursuant to a Letter of Request from the Minister (Foreign Affairs and International Trade or National Defence) and is approved by the Minister of Public Safety and Emergency Preparedness Canada (PSEPC) through a Letter of Consent.

1.2.1 Section 12 processing of information and communications is covered under OPS-211, "Processing of Materials or Communication Intercepts Collected Under Warrant - Section 12".

1.2.2 Section 16 human intelligence collection is covered under OPS-222, "HUMINT Collection - Section 16".

Authorities and References

1.3 Canadian Security Intelligence Service Act

1.4 Security Offences Act

1.5 Memoranda of Understanding:

Tripartite Agreement, Foreign Affairs, National Defence and Solicitor General (1987-08-21)

CSIS and Communications Security Establishment (CSE) - Section 16 (1990-11-01)

1.6 OPS-211, "Processing of Materials or Communication Intercepts Collected Under Warrant - Section 12"

1.7 OPS-219, "Warrant Acquisition - Section 16"

1.8 OPS-220, "Execution of Warrant Powers - Section 16"

1.9 OPS-222, "HUMINT Collection - Section 16"

Definitions

1.10 **Canadian Citizen:** A person within the meaning of the *Citizenship Act*.

1.13 **Disclosure:** The provision of Service information or intelligence to persons or organizations outside the Service (OPS-601, "Appendix 1 - Definitions").

1.14 **Foreign Intelligence:** Information or intelligence relating to the capabilities, intentions or activities of a foreign state or group of foreign states, a foreign person or a foreign corporation.

1.15 **Information:** Data from any source which has not been evaluated but when processed, assessed and analysed, may produce intelligence.

1.16 **Letter of Consent:** Personal written letter of consent provided to the Director by the Minister of PSEPC in support of a Letter of Request.

1.17 **Letter of Request:** Personal written letter of request of the Minister (Foreign Affairs and International Trade or National Defence) requesting the assistance of the Service in collecting section 16 information.

1.19 **Need-to-know:** is the principle whereby employees/consultants/contractors are provided with access to classified or designated information to properly carry out their current duties or responsibilities. Before seeking or providing another person with access to classified or designated information, employees/consultants/contractors must be satisfied of that person's legitimate need to know, SEC-402, "Physical Safeguarding of Information".

1.20 **Permanent Resident:** A person within the meaning of the *Immigration and Refugee Protection Act*.

1.21 **Processing (Section 16):** For the purposes of this policy, processing has occurred when the resulting report has been reviewed and approved by the Service.

1.22 **Requesting Minister:** The Minister (Foreign Affairs and International Trade or National Defence) requesting collection of section 16 information by the Service.

2. PRINCIPALES

2.1 The collection of information under section 16 has the potential for serious repercussions for the Government of Canada and the Service. The sensitive nature of this type of operation requires that the "need-to-know" principle be rigidly applied.

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2.2 Employees involved in processing information collected under the authority of section 16 pursuant to section 21 of the CSIS Act, must comply with the terms and conditions of the Federal Court warrant, Service policy and procedures, and the Letter of Request, as well as any other restrictions imposed by the Minister of PSEPC.

2.3 Information collected under a Federal Court warrant is to be processed as soon as possible.

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3. RESPONSIBILITIES

Deputy Director Operations

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