

*Memorandum of Understanding (MOU) between the  
Canada Border Services Agency (CBSA) and  
the Canadian Security Intelligence Service (CSIS) Regarding:  
the provision of Security Assessments under the  
Free And Secure Trade (FAST) Commercial Driver Registration Program*

**Memorandum of Understanding**

Regarding Security Assessments to be provided to the

**CANADA BORDER SERVICES AGENCY (CBSA)  
[hereinafter referred to as "CBSA"]**

-by the-

**CANADIAN SECURITY INTELLIGENCE SERVICE  
[hereinafter referred to as "CSIS"]**

**IN FURTHERANCE** of effective border management as mandated by the Canada/United States  
*Accord on our Shared Border* announced in 1995 and confirmed by the *Smart Border  
Declaration* of December 12, 2001;

**WHEREAS** CBSA operates a program known as the FAST Commercial Registration Program  
that facilitates the flow of pre-screened commercial drivers between Canada and the  
United States;

**WHEREAS** to ensure that participants in the joint alternative presentation and inspection  
programs continue it is necessary that security assessments be carried  
out by CSIS;

**WHEREAS** pursuant to the *Canadian Security Intelligence Service Act*, R.S.C. 1985 c. C-23 as  
amended [hereinafter referred to as the *CSIS Act*], CSIS has the legal mandate to conduct  
security assessments and to provide security assessments to departments of the Government of  
Canada, and to conduct such investigations as are required for the purpose of providing security  
assessments.

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**THE PARTIES AGREE AS FOLLOWS:**

**1. Definitions**

In this MOU, the following definitions apply:

**“Applicants”** refers to persons applying to the FAST program.

**“Government Security Policy” (“GSP”)** means the Government Security Policy as administered by the Treasury Board of Canada.

**“FAST program”** means the Free And Secure Trade (FAST) Commercial Registration Program.

**“MOU”** means this Memorandum of Understanding, the appendices attached to it, and any instruments amending it.

**“Participants”** means the agencies participating in this MOU, CBSA and CSIS.

**“Security Assessment”** means, as defined in s. 2 of the *CSIS Act*, an appraisal of the loyalty to Canada, and so far as it relates thereto, the reliability of any applicant.

**2. Purpose**

The purpose of this MOU is to:

- 2.1 establish a formal mechanism for the provision by CSIS to the CBSA, of security assessments concerning applicants under the FAST Program: and
- 2.2 establish the responsibilities of both Participants with respect to the provision of these security assessments.

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**3. Responsibilities of the CBSA**

3.1 It is understood that to become a member of the FAST program applicants must meet specified eligibility criteria and consent to the disclosure of personal information to other government agencies for the purposes of assessing their application

3.2

PROCESSED BY CSIS UNDER THE  
PROVISIONS OF THE PRIVACY ACT AND/OR  
ACCESS TO INFORMATION ACT.  
RÉVISÉ PAR LE SCRS EN VERTUE DE LA LOI  
SUR LA PROTECTION DES RENSEIGNEMENTS  
PERSONNELS ET/OU DE LA LOI SUR L'ACCÈS  
À L'INFORMATION.

3.3 The CBSA shall send to CSIS any request for security assessments of applicants (along with information set out in 3.2) through

3.4 The CBSA agrees to provide annually by the end of October, an estimate of the number of security assessment applications which will be submitted under the FAST program for the next calendar year.

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**4. Responsibilities of CSIS**

4.1 At the request of the CBSA, CSIS agrees to provide security assessments on any applicant.

4.2

4.3

4.4

4.5

**5. Privacy, Confidentiality and Disclosure**

5.1 Unless authorized by law, the participants are not to further disseminate any information obtained under this MOU for any purposes not related to the FAST program, with the exception of CSIS classified information which may only be disseminated outside the CBSA with the express written consent of CSIS.

5.2 In the event of the loss or unauthorized disclosure or dissemination by the CBSA of CSIS classified information, the CBSA shall advise CSIS immediately upon discovery of the unauthorized disclosure or dissemination by the CBSA of CSIS classified information, and assist CSIS in the preparation of a damage assessment on the impact of the loss, unauthorised disclosure or dissemination of the information.

5.3 All disclosures of information pursuant to this MOU are to be between or among officials of the Participants.



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- 5.4 The Participants are to maintain audit trails to record the transfer, use and /or disclosure of any information under this MOU and, on request of the Participant from whom the information was obtained, is to make those audit trail records available for inspection by that Participant.
- 5.5 To prevent the unauthorized disclosure, copying, use or modification of information provided to a Participant under this MOU, the receiving Participant is to restrict access to such information on a need to know basis, and use recognized security mechanisms such as passwords, encryption or other reasonable safeguards.
- 5.6 A Participant may cease the further disclosure of information to a Participant if that Participant has improperly shared the information provided to it by the disclosing Participant.
- 5.7 The CBSA agrees to maintain any and all classified information received from CSIS in accordance with the GSP standards as it relates to the distribution, maintenance and storage of such information.
- 5.8 The CBSA agrees that required access to CSIS classified information should be restricted to those employees who possess a Level II (Secret) security clearance.
- 5.9 CSIS security assessments provided to the CBSA under this MOU are not security clearances as defined by the GSP. Therefore, CBSA's successful FAST applicants are not entitled to have access to any classified information (including CSIS) or to sensitive government-related sites or facilities.
- 6. Provision of Computer Hardware, Software and Training by CSIS to the CBSA**
- 6.1 For the provision of security assessments, CSIS will provide CBSA, at no cost, with security screening software, associated training and related support to ensure the of information between CSIS and CBSA.

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(b) In the case of:

Canadian Security Intelligence Service  
the Director General Security Screening

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Signed in Ottawa, this 27 day of  
June, 2005.

President, Canada Border Services Agency

By: 

Signed in Ottawa this 24 day of  
May, 2005.

Director, Canadian Security Intelligence  
Service

By: 