

CSIS Policies and Procedures

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MEMORANDUM

TO: HQ and Regional
Director Generals

CLASSIFICATION : SECRET

FROM: DDO

DATE: 2008 11 19

SUBJECT: DDO DIRECTIVE ON INFORMATION SHARING WITH AGENCIES WITH POOR HUMAN RIGHTS RECORDS

- 1) There has been much attention of late placed on the Service's international information sharing practices.
- 2) The international exchange of information and intelligence is vital to safeguarding Canada's national security and public safety. In that context, however, the Service may be required to deal with foreign governments and agencies having poor human rights records. This Directive sets out the principles that will guide our actions in the sharing, seeking and use of information from such agencies or governments.
- 3) The objective of this Directive is not to curtail information exchange, but rather to ensure that decisions to proceed with an exchange are made at a level commensurate with the potential risks that the exchange may result, directly or indirectly, in the mistreatment of individuals.

INFORMATION EXCHANGE WITH FOREIGN AGENCIES - GENERAL

- 5) The Service respects human rights and due process. The Service does not countenance the mistreatment of individuals and our interactions with foreign agencies must accord with this principle. In the context of this Directive mistreatment includes: torture; cruel, inhumane or degrading treatment; extra-judicial rendition, arbitrary arrest or unlawful killing.
- 6) Employees should inform their line manager of instances where they know or suspect an agency to have engaged in mistreatment, as well as instances where our information may have been misused or our caveats not respected.
- 7) All information exchanges with foreign agencies must

be in keeping with s. 19 of the *CSIS Act*,

- provide accurate and balanced information;
- describe threats and individuals in a manner that is properly qualified (proper use of terms such as suspected/believed/confirmed/extremists/terrorists);
- bear the appropriate caveat; and,
- be documented.

8) When sharing, seeking or accepting information from a foreign agency, employees must consider the record of that agency or the country, in regard to its use of mistreatment to collect information. In this respect, employees will be expected to be familiar with human rights (HR) agency and country profiles

9) When, having apprised him/herself of the HR profile of the agency or country, the employee, in consultation with line management, concludes there is no credible possibility that the exchange may result in, contribute to or originate from the mistreatment of an individual, the exchange can proceed without further consultation.

SHARING/SEEKING INFORMATION WITH AGENCIES WITH POOR HUMAN RIGHTS RECORD

11) When an employee, having regard to the HR profile of the agency or country and any other circumstance, believes there is a credible possibility that the sharing or seeking of information may result in, or contribute to the mistreatment of an individual, there must be consultation

14) At any time, the Branch _____ may consult upward for direction on the advisability of a particular information exchange.

SUBSTANTIAL RISK OF MISTREATMENT

15) If the Branch _____ concludes that, having regard to the HR record of the agency or country, there is a substantial risk that mistreatment may occur which cannot be eliminated or significantly mitigated by the imposition of a caveat, but that the information exchange should nevertheless be considered, he must refer the matter

16) All deliberations and decisions in this respect must be documented. Work is underway to develop an automated approval template to assist in that documentation process. Until such time as this template is available for use, employees will ensure that decisions made in this respect are fully documented on the appropriate file.

RECEIPT AND USE OF INFORMATION FROM AGENCY WITH POOR HR RECORD

17) When receiving or accepting information from a foreign agency, the employee should consider the following:

- ◆ assess the record of the foreign agency in regard to its respect for human rights;
- ◆ assess the origin of the information;

