

SECRET / ROUTINE

TO: ALL PILLARS
CC: HQ Branch
HQ Executive Assistants

FM: PILLAR OTT (FLV)

DATE: 2002.04.09

RE: CSIS Arrangements with Foreign Governments / Institutions (550-311)

As you may be aware, FLV has been revising the process for the implementation and management of the Service's Section 17 Arrangements with Foreign Governments / Institutions, since the March 2001 implementation of the new Ministerial Directive (MD) governing these arrangements.

Following several consultations with the DIRECTOR and DDO, the following is to advise you of the revised guidelines governing the management of these arrangements. Please note that the DIRECTOR has officially signed off on the following guidelines and they are now being implemented accordingly:

1) **BACKGROUND:**

New Ministerial Directive (MD)

Prior to the implementation of the new Ministerial Directive (MD) guidelines in 2001.03, 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 Foreign 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 in 2001.03, 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 already established Section 17 Foreign Arrangements, subject to any conditions imposed by the Minister.

2) **LEVEL OF EXCHANGES / COOPERATION:**

Between 2001.03 and 2001.11, FLV conducted a review of all existing Section 17 Foreign Arrangements to identify and assess the current level of exchanges for each arrangement,

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

***** Revised Scopes of Exchanges *****

A revised format for the various scopes of exchanges has now replaced the a/n previous system of scopes used prior to the 2001.03 implementation of the new Ministerial Directive. All existing and future CSIS Section 17 Foreign Arrangements will now be managed under the following system of scopes of exchanges:

SCOPE 1

A *SCOPE 1* Section 17 foreign arrangement allows for exchanges on the following:

SCOPE 2

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SCOPE 3

PROCESSED / PROCÉDÉ
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You will note that the collapsing of the former [redacted] into the three new categories (*SCOPE 1, 2 & 3*) has resulted in a number of enhancements to the level of cooperation with several foreign agencies / institutions with which CSIS has Section 17 Foreign Arrangements under your respective purviews.

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3) ENHANCEMENTS TO EXISTING SECTION 17 FOREIGN ARRANGEMENTS:

If a CSIS Branch requests an enhancement to add a scope (or scopes) of exchange to an existing Section 17 arrangement with a specific foreign agency / institution, FLV requires that the DG of the requesting Branch submit a formal written request to the DG FLV.
will then consult

If the responses are positive, FLV will then submit a formal written request to the DIRECTOR (via the DDO) for review / approval of the enhancement in question. If the request originates from an SLO, FLV will consult

If feedback from consultations with affected Branches is positive and DG FLV concurs with the request, the latter will subsequently submit the request to the DIRECTOR (via the DDO) seeking approval of the enhancement.

4) **REQUESTS FOR NEW SECTION 17 FOREIGN ARRANGEMENTS:**

Any request for a new Section 17 Foreign Arrangement will be treated in the same fashion as it was prior to the 2001.03 implementation of the new MD, that is FLV will still consult with appropriate Branch and affected SLO to determine the desirability / feasibility of pursuing the new arrangement.

If the responses are positive, FLV will request that the SLO submit the information pertaining to Annex D - "Standard & Guidelines for Establishing a Foreign Arrangement"(see attachment 1) of the new MD.

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

6) **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 Foreign 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.

7) **JOINT OPERATIONS:**

As stated in Annex F (see attachment 2) 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.

8) **CSIS ARRANGEMENTS WITH FOREIGN GOVERNMENTS / INSTITUTIONS BOOK:**

FLV Branch has finalized the updated book listing all of the Service's existing Arrangements with Foreign Governments / Institutions.

You will note that the new version of the book will contain the revised version of the scope(s) of exchanges with each foreign agency, as well as columns entitled "Country & Agency"; "Responsible Post"; "Status"; "Scope(s) of Exchanges"; "Type"; and "File Number". The definition for all of these categories are as follows

"COUNTRY & AGENCY"

Listing of the agency names (including acronyms) in each country where CSIS has Ministerially-sanctioned Section 17 Foreign Arrangements

"RESPONSIBLE POST"

Location of CSIS SLO Post responsible for liaison with the HQ of foreign agency listed

"STATUS"

- 'Active' - Liaison / cooperation with agency / institution is currently being maintained.
- 'Dormant' - No liaison contact between SLO and agency / institution for the past one (1) or more year(s).
- 'Restricted' - CSIS may impose restrictions or suspend exchanges with the foreign agency / institution listed due to concerns regarding reliability of agency / institution, human rights issues, third-party rule sensitivities, or violations of Canada's foreign policy. Consultation with FLV Branch is required prior to any exchange being considered with agency in question.

"SCOPES OF EXCHANGES"

The type(s) of exchanges allowed with foreign agency under existing foreign arrangement

"TYPE"

- 'Formal'

- 'Informal'

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"FILE NUMBER"

File number under which non-operational information pertaining to information / cooperation / exchanges on the agency listed should be filed.

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The external version of the book outlining CSIS Arrangements with Foreign Governments / Institutions, is also being prepared and will be distributed to the Ministry, DFAIT and SIRC as per usual process. Both versions (internal and external) of the books will be updated regularly and new versions will be distributed

10) **OPERATIONAL POLICIES:**

Operational Policies relating to the Service's Foreign Arrangements (Ops 403 & Ops 403.1) have been amended accordingly to reflect the a/n changes.

11) **AGENCY ASSESSMENTS**

As per usual, SLOs will be required to submit the yearly Agency Assessments (a.k.a. Agency Arrangements) for the respective agencies within the Post purview, as well as the yearly Post Profiles, to: **The format of the document should remain unchanged, with one exception:**

Once SLOs receive the updated book outlining the Service's Foreign Arrangements, SLOs are asked to update each Agency Assessment by adding in the information reflecting the revised scopes of exchanges for each respective agency

It is also requested that the previous portion of the Agency Assessments listing the scopes along with the dates identifying when those scopes were approved, remain in current and future versions of the Agency Assessments. This will allow FLV and Branch FLAs to continue to have a date of reference as to when those types of exchanges were approved and implemented. This information should be under a header entitled "**Scopes Under Previous Ministerial Directive (MD) (Pre-2001.03)**", and should immediately follow the portion of the document listing the new scopes of exchanges (Scope 1, 2, and / or 3).

FLV wishes to stress the importance of ensuring that Agency Assessments and Post Profiles are carefully reviewed and updated by SLOs on a yearly basis prior to forwarding them to the FLV

Therefore, information in the Agency Assessments must be updated and accurate, and contain the views of current SLOs at Post of the agency in question.

12) **COMMENTS:**

FLV understands that the lengthy process regarding the revision of the policies and management of our Section 17 Foreign Arrangements, and the resulting changes as noted above, may entail further questions from your Posts. Should you require any clarifications regarding the above-noted information, please contact for further information.

Your cooperation is much appreciated.

Best regards,

DG FLV

Att.

ATTACHMENT 1

**ANNEX D
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.

ATTACHMENT 2

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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