

Privacy Annotations and the Accountability Marker A Tutorial

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What are Privacy Annotations?

A Privacy Annotation is a mark applied to a traffic item collected from a Part A source (see restrictions), when the traffic contains:

- a private communication
- a communication of a Canadian anywhere
- information about a Canadian entity
- a solicitor-client communication

What if two (or more) of these conditions apply?

Tables of Privacy Annotations for:

non-solicitor-client comms

solicitor-client comms

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Why do we apply annotations?

Privacy Annotations are applied because:

- the Minister of National Defence requires an annual report of all private communications intercepted, retained, and deleted, as well as all solicitor-client communications intercepted, retained, and deleted.
- Privacy Annotations determine the retention period of annotated traffic items.

Accountability Markers are applied because:

- the CSE Commissioner has directed CSE to provide the Minister of National Defence with statistics on the number of traffic items that required the Accountability Marker.

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Who applies annotations?

Analysts who

1. produce SIGINT reports AND
2. recognize a traffic item as requiring a **Privacy Annotation** or **Accountability Marker**

are obligated to apply the Annotation or Marker to that traffic item.

See What are Privacy Annotations or What is the Accountability Marker for a description of the conditions which require an annotation/marker.

Recognition occurs when a traffic item is opened and the content reveals

- (1) a possible Canadian privacy issue, and
- (2) the presence or absence of FI.

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When do we apply annotations?

Analysts apply a **Privacy Annotation** as soon as they open a traffic item and **recognize** that the content contains:

- (a) a private communication,
- (b) a communication of a Canadian outside Canada,
- (c) information about a Canadian, or
- (d) a solicitor-client communication.

Analysts apply an **Accountability Marker** when they open a [REDACTED] traffic item and **recognize** that the content contains:

- (1) an e-mail
- (2) a 1-end Canadian communication, and
- (3) foreign intelligence.

IMPORTANT: Upon recognition, apply an annotation or marker immediately; you can always change it later.
(See What if I make a mistake)

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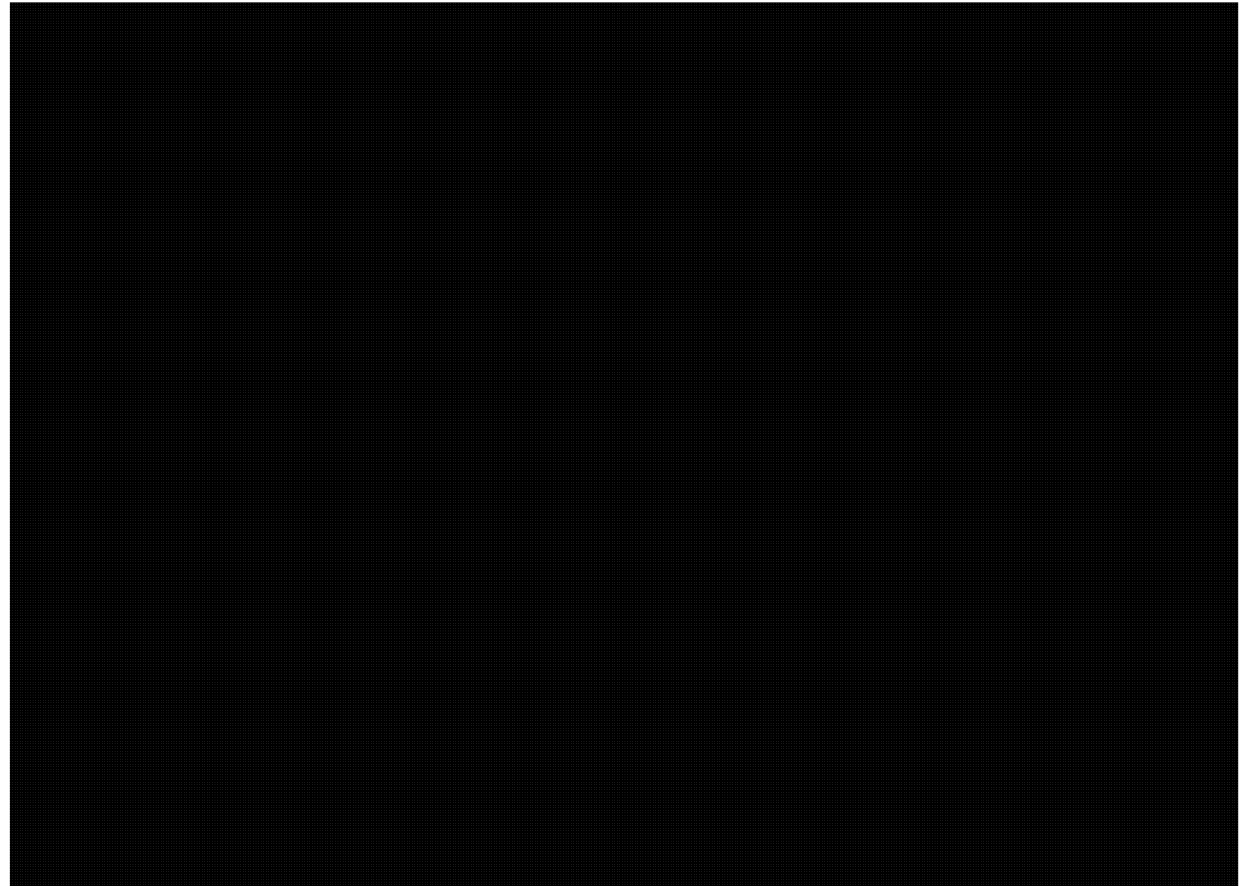
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How do we apply Privacy Annotations?

In the Results pane in  select the traffic item requiring a Privacy Annotation.



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What if I make a mistake?

If you entered a wrong Privacy Annotation – for example, you entered OUCA and it should have been OUCAN, or you entered INCA but it isn't a private communication – you can simply delete the annotation or change it to the correct value.

Anyone can upgrade an annotation – for example, by changing INCAN to INCA. However, only the analyst who annotated the item as having FI can downgrade the annotation – for example, by changing INCA to INCAN or by deleting the annotation.

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Who do I contact for help or guidance?

First, read **OPS-1**, particularly *Annex 3 – SIGINT Privacy Annotations and Accountability Markings*.

If there are still questions, send an e-mail to

(for guidance on how to apply annotations and markings)

or

(for questions on CSE's privacy policy).

If you have technical questions or comments about this presentation, contact

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What are Privacy Annotations?

A Privacy Annotation is a mark applied to a traffic item collected from a Part A source (see restrictions), when the traffic contains:

- a private communication
- a communication where one person is geographically located in Canada, and there is an expectation of privacy.
- information about
- a solicitor-client

A **Private Communication (PC)** is a communication between two persons, where one person is geographically located in Canada, and there is an expectation of privacy.

INCA – contains FI
INCAN – does not contain FI

What if two (or more) of these conditions apply?

Tables of Privacy Annotations for:	
non-solicitor-client comms	solicitor-client comms

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What are Privacy Annotations?

A Privacy Annotation is a mark applied to a traffic item collected from a Part A source (see restrictions), when the traffic contains:

- a private communication
- a communication of a **Canadian**
- information about a Canadian
- a solicitor-client communication

A traffic item containing a **communication of a Canadian** anywhere outside of Canada requires one of the following Privacy Annotations:

OUCA – contains FI
OUCAN – does not contain FI

What if two (or more) of these conditions apply?

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What are Privacy Annotations?

A Privacy Annotation is a mark applied to a traffic item collected from a Part A source (see restrictions), when the traffic contains:

- a private communication
- a communication containing
- information about
- a solicitor-client communication

Information about a Canadian, including any personal information or any business information about a Canadian corporation, requires a Privacy Annotation only if it does NOT contain FI.

IACN – does not contain FI

What if two (or more) of these conditions apply?

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What are Privacy Annotations?

A Privacy Annotation is a mark applied to a traffic item collected from a Part A source (see restrictions), when the traffic contains:

- a private communication
- a communication of a solicitor
- information about a person
- a solicitor-client communication

A **solicitor-client communication** requires a Privacy Annotation if the solicitor is licensed to practice law in Canada AND the communication concerns the practice of law.

INCAS – contains FI
INCASN – does not contain FI

What if two (or more) of these conditions apply?

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What is the Accountability Marker?

The Accountability Marker (AM) is a mark applied to certain [REDACTED] traffic which has all of the following properties:

- [REDACTED]
- The content is an e-mail, [REDACTED]
- The content contains FI.
- The content is recognized as containing a 1-end Canadian communication.

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Why do we apply annotations?

Privacy Annotations are applied because:

- the Minister of National Defence requires an annual report of all private communications intercepted, retained, and deleted, as well as all solicitor-client communications intercepted, retained, and deleted.
- Privacy Annotations determine the retention period of annotated traffic items.

Accountability Marker

- the CSE Commission reports to the Minister of National Defence the number of traffic items annotated with an Accountability Marker.

Annotated traffic items that do NOT contain FI are deleted from the traffic database after [REDACTED]

Annotated traffic items that contain FI are retained according to OPS-1-11 Retention Schedules for SIGINT Data.

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What are Privacy Annotations?

A Privacy Annotation is a mark applied to a traffic item collected from a Part A source (see restrictions), when the traffic contains:

- a private
- a comm
- informa
- a solicit

NO PRIVACY ANNOTATIONS

IACN only

IACN only

All other [redacted] take Privacy Annotations (including [redacted])

What if two (or more) of these conditions apply?

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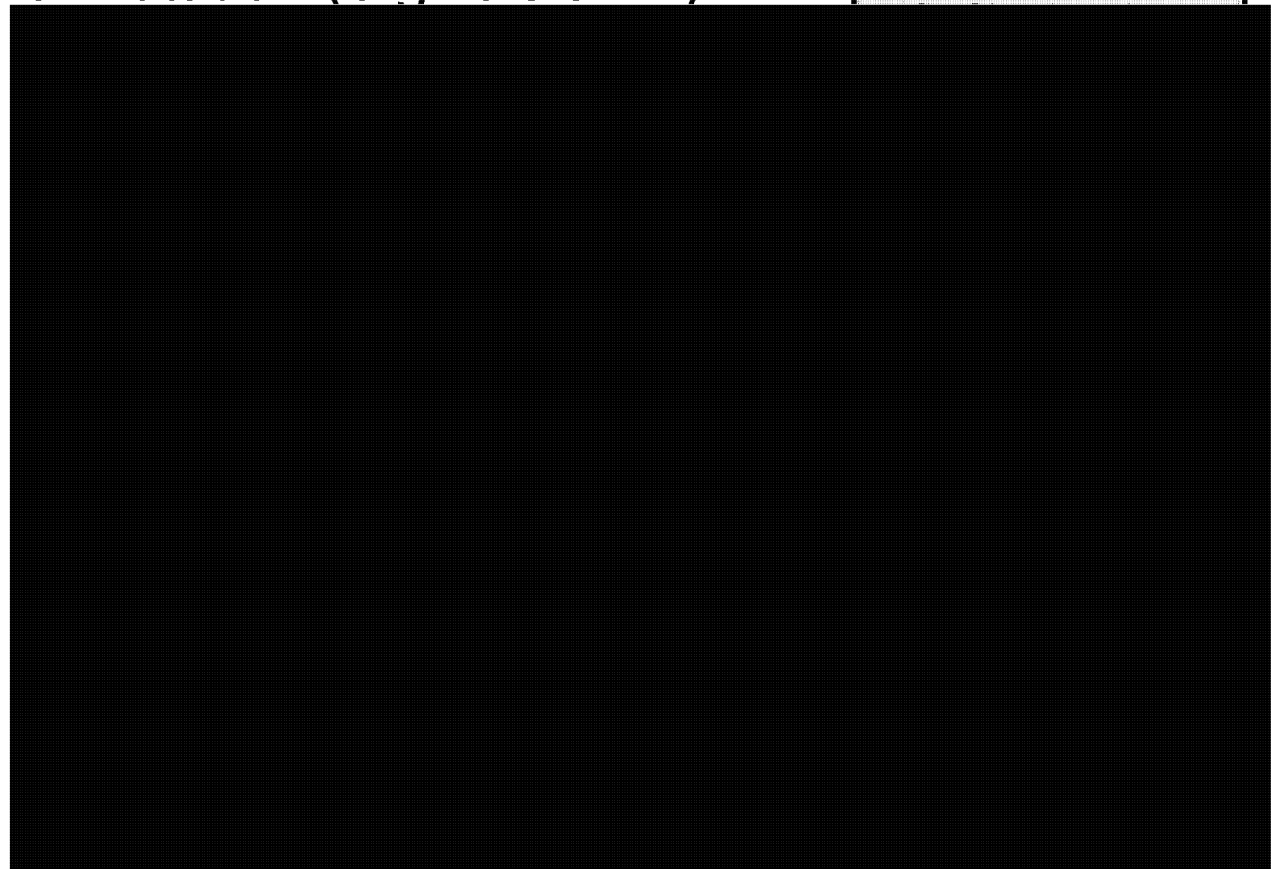
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How do we apply Privacy Annotations?

Right-click the traffic, select **Set Privacy Annotation**, then select the correct annotation (e.g. OUCAN):



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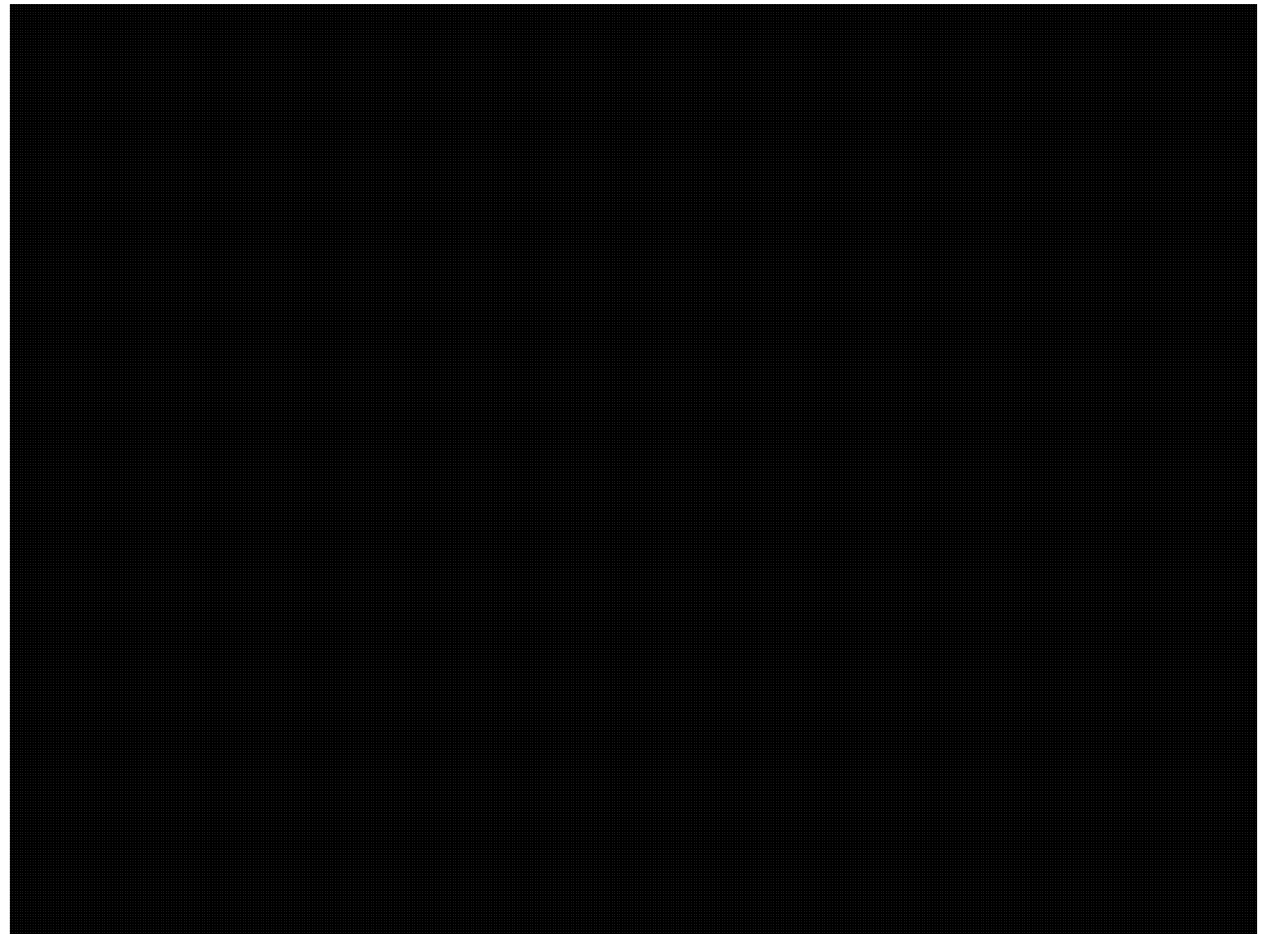
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How do we apply Privacy Annotations?

Traffic item is now annotated.



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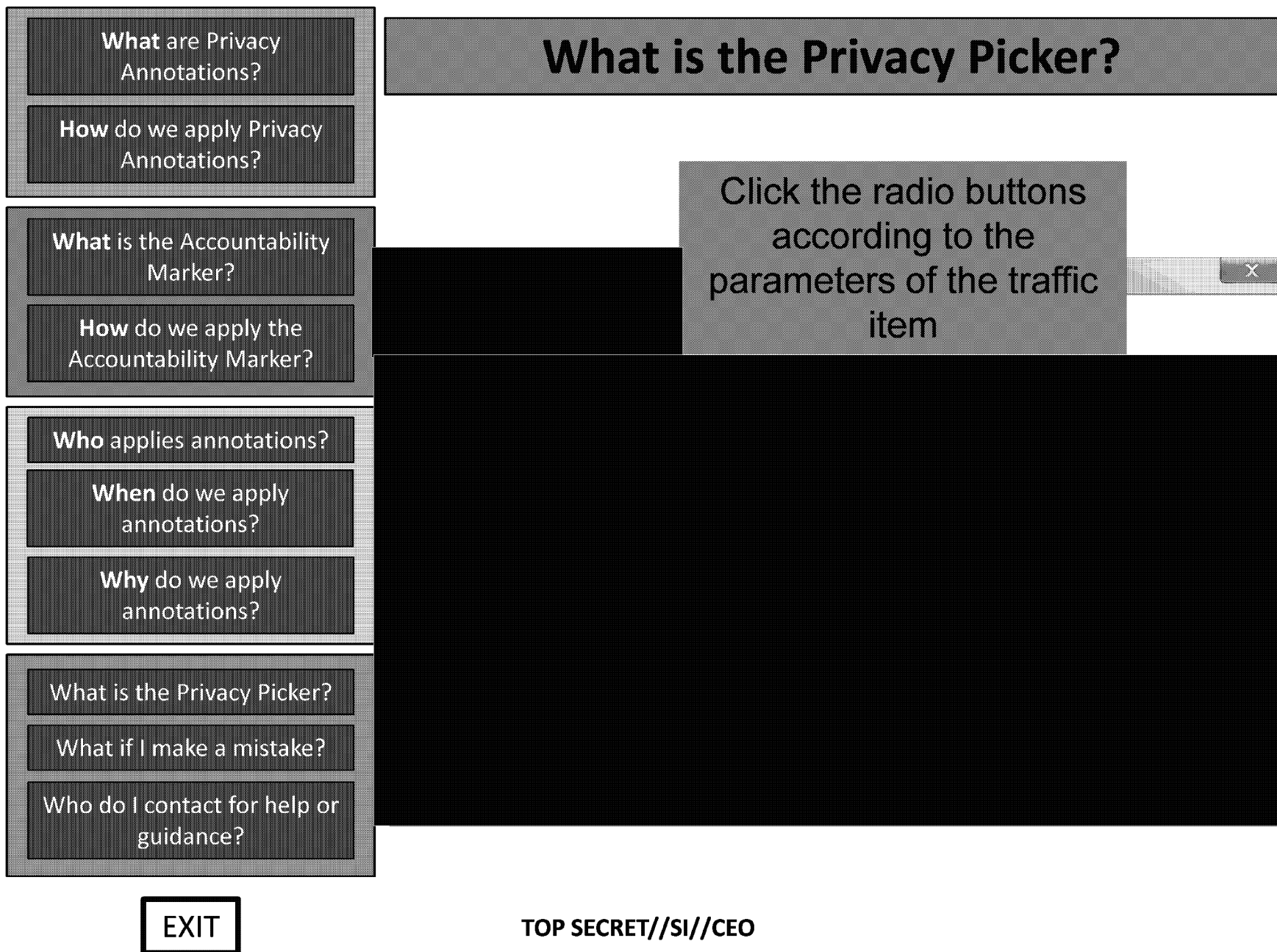
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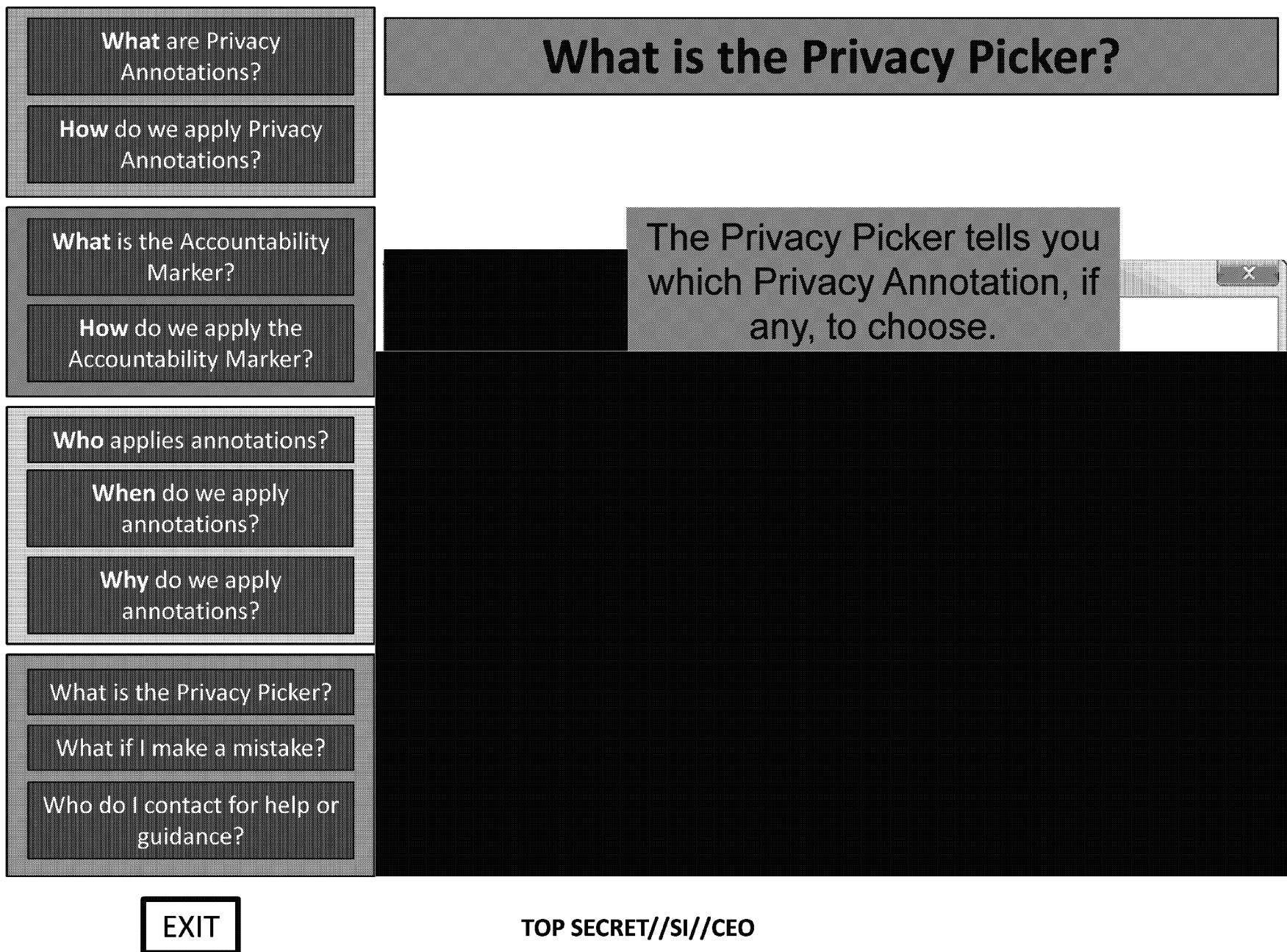
What is the Privacy Picker?

The Privacy Picker helps you determine the correct Privacy Annotation. In  right-click the traffic item, select **Set Privacy Annotation**, select **Privacy Picker**.

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How do we apply the Accountability Marker?

In the Results pane in  right-click the traffic item, select **Set Accountability Marking**, then select **Set AM**.

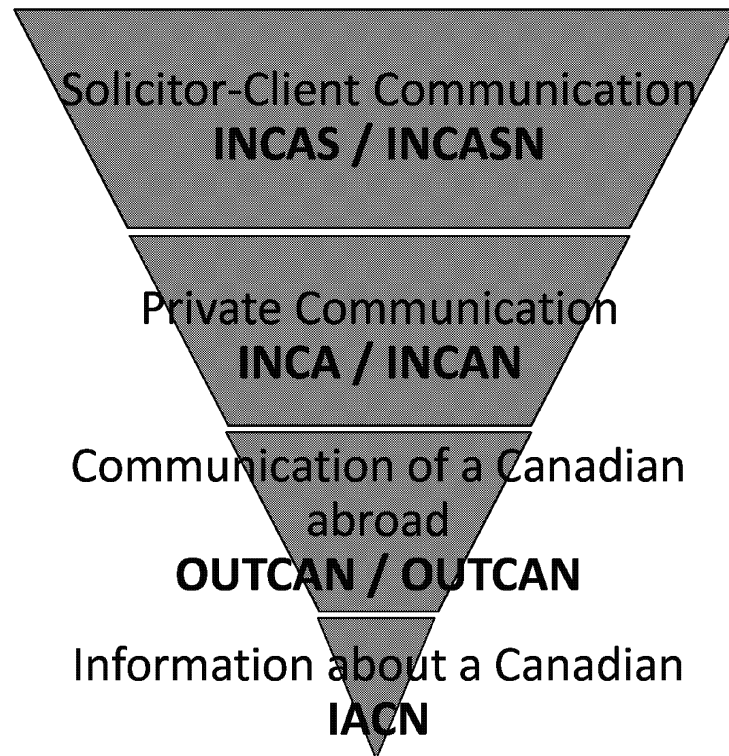
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Privacy Annotation Hierarchy

If more than one potential Privacy Annotation applies, the highest one in the hierarchy below takes precedence.



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