

Minister
of National Defence



Ministre
de la Défense nationale

Ottawa, Canada K1A 0K2

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The Honourable Robert Décary
Commissioner of the Communications Security Establishment
90 Sparks Street, Suite 730
P.O. Box 1984, Station B
Ottawa, Ontario
K1P 5B4

Dear Commissioner Décary:

I am writing to respond to your 15 February 2013 report entitled *Review of CSEC Activities Relating to an* [REDACTED]

Thank you for choosing to undertake this review. I understand that the historical nature of the activities of interest presented challenges for review. I appreciate the efforts to produce a thoughtful and balanced report on a complex issue, despite such constraints.

I was pleased to see that you had no concerns with the vast majority of CSEC activities that you reviewed. I understand that you identified some concerns with a small number of records containing ambiguous language, and that this, coupled with insufficient historical targeting documentation, left you unable to reach a definitive conclusion about compliance or non-compliance with the law for these limited activities. I also found it noteworthy that, [REDACTED] there was evidence of CSEC's deliberate efforts to avoid directing activities at Canadians.

I have been advised by the Chief, CSEC that CSEC is working to address the issues noted in your report. He has accepted your recommendations, and has noted that one of the items has already been addressed.

For your convenience, I have attached CSEC's management response to your recommendations. I trust you will find the response satisfactory.

Sincerely,

The Honourable Peter MacKay, P.C., M.P.
Minister of National Defence

Canada

**ANNEX to the Minister's Letter to the Commissioner
Response to the Recommendations in the CSE Commissioner's Report:
Review of CSEC Activities Relating to an [REDACTED]**

Review Recommendations

Recommendation No. 1:

"It is recommended that CSEC promulgate policy guidance respecting how to clearly and consistently identify in its communications with Government of Canada [REDACTED]
[REDACTED] whether an identifier or selector [REDACTED]
[REDACTED]

CSEC Management Response to Recommendation No. 1:

Accepted.

CSEC will address this issue through a policy instrument, supported by adjustments to analyst training. It is expected that this will be completed by end of fiscal year 2013/2014.

Recommendation No. 2:

"In light of the findings in this review, it is recommended that CSEC ensure that its foreign intelligence analysts are knowledgeable about and follow existing policy guidance, introduced since the period under review, respecting their responsibilities for determining and documenting the assessment of the foreign status of a targeted entity and the justifications for targeting that entity."

CSEC Management Response to Recommendation No. 2:

Accepted.

CSEC will continue to ensure that analysts are knowledgeable about and follow existing policies.

Since the period under review, SIGINT Programs Oversight and Compliance (SPOC) was created as a primary SIGINT point of contact for policy guidance, oversight and compliance issues. In addition:

- Specific targeting guidance (CSOI-4-4) was introduced in 2009 which provides clear instructions to foreign intelligence analysts:
 - CSOI-4-4 (2.1) indicates that all selectors and methods used in the collection and acquisition of information from the global information infrastructure (GII) shall be directed at foreign entities located outside Canada and associated with GC intelligence priorities;

- CSOI-4-4 (2.4) indicates that all targeted selectors must be managed and validated individually on an annual basis; and
 - CSOI-4-4 (2.8) indicates that analysts are responsible for conducting research and documenting that all conditions for targeting have been met, including the foreign assessment and documentation.
- A mandatory annual OPS-1 quiz, combined with the Foundational Learning Curriculum (FLC), SIGINT 101 and on-the-job training helps to ensure that all SIGINT employees are knowledgeable about policy guidance. It is also worth noting that SIGINT employees who are unsuccessful on the OPS-1 quiz are subject to remedial action, including revocation of access to SIGINT systems.
- In 2011 SIGINT stood up a Compliance Management Team (CMT) which provides another level of assurance to SIGINT management about the level of knowledge and compliance with policy guidance.