

07-00829

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Minister  
of National Defence



Ministre  
de la Défense nationale

Ottawa, Canada K1A 0K2

**MAY 7 2007**

The Honourable Charles D. Gonthier, Q.C.  
Communications Security Establishment Commissioner  
P.O. Box 1984, Station "B"  
Ottawa, Ontario  
K1P 5R5

Dear Mr. Gonthier:

I am writing to you in response to your March 30, 2007 report on the activities of CSE's Client Relations Officers (CROs) and the Operational Policy Section (D2) as they relate to the release of Canadian identity information suppressed in CSE foreign intelligence reports. I understand that you find the activities reviewed to have been in compliance with the law, and generally with CSE's policies, although some inconsistencies were observed.

I trust you will be pleased to note that CSE has accepted, and is actioning, the five recommendations included in your report, which have been noted in the attachment to this letter.

Sincerely,

  
The Honourable Gordon J. O'Connor, P.C., M.P.  
Minister of National Defence

c.c. Mr. John Adams, Chief, CSE

Attachment

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**Canada**

**Review of the Role of CSE's Client Relations Officers and the  
Operational Policy Section in the Release of Canadian Identities**

On 30 March, 2007, the CSE Commissioner reported, to the Minister of National Defence, his findings arising from a review of the roles of CSE's Client Relations Officers (CROs) and the Operational Policy Section (D2) in the requesting and releasing of Canadian identity information which has been suppressed in foreign intelligence reports. In the report, the Commissioner confirmed the lawfulness of the activities reviewed, while noting some inconsistencies in application of the release process. The Commissioner made five recommendations aimed at addressing these inconsistencies.

CSE's Executive Committee has reviewed the recommendations and has agreed upon the responses and actions outlined below:

**OCSEC Recommendation 1:**

**"If the Memorandum of Understanding (MOU) between DFAIT and CSE cannot be located, it is recommended that a replacement MOU be prepared"**

**CSE Response:**

***Accepted:*** CSE has conducted an extensive search for this MOU, as has DFAIT. Regrettably, neither organization has been able to produce a copy of the agreement. Accordingly, CSE has already commenced the internal development of a new MOU with DFAIT.

**OCSEC Recommendation 2:**

**"That, where practical, more comprehensive and frequent training for clients be conducted, referring to the model of what is done for CSIS and PCO analysts."**

**CSE Response:**

***Accepted:*** The recommendation refers to the D2-sponsored half-day training program currently established for CSIS and PCO clients. This half-day training, or a longer session if required, will be offered to DFAIT and other Government of Canada (GC) [REDACTED] clients, where appropriate and feasible.

**OCSEC Recommendation 3:**

**"That, where feasible for other clients, CSE follow the model it has established for direct, secure electronic communication between CSIS analysts and CSE/D2 to make requests."**

**CSE Response:**

***Accepted:*** In expanding CSE's [REDACTED] (self-serve) program there are a number of considerations related to technology, finances, and client preference. Whereas there have been some relatively recent additions, such as CBSA, RCMP/SIHU (Special Information Handling Unit), and Public Safety Canada's Emergency Management and National Security Branch, in other cases, such as DFAIT, departments or sub-elements of departments opt instead for CRO service in order to maintain a high level of personal service to their middle- and higher-level managers. Should DFAIT or other GC clients at any time request expansion of [REDACTED] service among their analyst communities, CSE will incorporate considerations for requesting identity information. This, in combination with the training discussed above, should serve to improve the overall level of consistency in identity requests.

**OCSEC Recommendation 4:**

**"That CSE re-examine its processes with respect to the release of the same ident to individual clients within the same department or agency, with the objectives of i) ensuring consistency of application; and ii) of accounting for each release, including multiple releases of the same ident, within a client department or agency and thus ensuring more accurate statistics."**

**CSE Response:**

***Accepted with modification:*** With respect to the first aspect (i) of the recommendation, CSE will re-examine its existing procedures, as recommended, to ensure consistency of application when receiving multiple requests from a given organization for Canadian identity information suppressed from a given report, and CSE/D2 will review, process and file each request individually.

Satisfying the second aspect (ii) of the recommendation would require imposing additional process on SIGINT clients requiring them to return to CSE for permission to share identity information with their indoctrinated departmental colleagues. We assess that this would be

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cumbersome from the client's perspective, and unenforceable from CSE's, and prefer instead to rely upon each department's Privacy Act obligations to ensure proper handling of the information. Current CSE policy (OPS-1-1, section 4.3) allows that, once a Canadian identity has been released to an indoctrinated individual within a client department, the same identity may subsequently be further released to other indoctrinated officials within the same department without the need for additional formal applications to CSE/D2. Once initially released to a given client, the information is thereafter deemed to be under the control of the client organization.

That said, CSE will address the statistical consistency issue by tabulating, for metrics purposes, only the release of identity information to a given organization, and not to individuals within the organization.

**OCSEC Recommendation 5:**

**"That CSE examine the disclosure of identis under the *Privacy Act* with a view to amending the Request for Release of Suppressed Information form to include the section of the *Privacy Act* that is the appropriate authority."**

**CSE Response:**

***Accepted:*** CSE will undertake to re-examine the disclosure of identis under the *Privacy Act*. Legal counsel at CSE are currently working closely with the Department of Justice, Information Law and Privacy Section to finalize an opinion in this regard, stemming from a previous OCSEC review.