

CERRID # 12183879

MINISTERIAL AUTHORIZATION

COMMUNICATIONS SECURITY ESTABLISHMENT

[REDACTED] COLLECTION ACTIVITIES

In the matter of subsection 273.65(1) of the *National Defence Act*:

1. In the exercise of the power conferred on me by the *National Defence Act*, I have read the associated Memorandum of John Forster, Chief, Communications Security Establishment (CSE), dated November 19, 2014 (Chief's Memorandum), and have considered the information set out in that Memorandum. I am satisfied that the conditions in subsection 273.65(2) of the *National Defence Act* have been met.
2. I therefore authorize CSE to engage in the activities described in the Chief's Memorandum as [REDACTED] Collection activities for the sole purpose of obtaining foreign intelligence in accordance with the Government of Canada intelligence priorities, as set out in the Ministerial Directive on the Intelligence Priorities, dated 3 July, 2014 ("Intelligence Priorities" Ministerial Directive).
3. I authorize the interception of any private communication that occurs as an incident of the [REDACTED] Collection activities described in the Chief's Memorandum provided these [REDACTED] Collection activities are conducted in compliance with the conditions set out in this Ministerial Authorization.
4. I authorize the use and retention of the private communications that may be intercepted by [REDACTED] Collection activities, when such private communications are essential to international affairs, defence and security.
5. For the purposes of paragraph 273.65(2)(d) of the *National Defence Act*, and this authorization, a private communication intercepted pursuant to this Ministerial Authorization shall be considered essential to international affairs, defence or security if it contains information that is necessary to the understanding of a target's identity, location, [REDACTED], capabilities or intentions, and is necessary for comprehension of that information in its proper context.
6. I direct that:
 - a) Activities carried out pursuant to this Ministerial Authorization shall be directed at information infrastructures reasonably suspected of being located outside Canada and used by foreign entities located outside Canada.
 - b) Activities carried out pursuant to this Ministerial Authorization shall be subject to the measures to protect the privacy of Canadians contained in the following

operational policy and any other associated operational policies referred to therein:

- (i) OPS 1 – “Protecting the Privacy of Canadians and Ensuring Legal Compliance in the Conduct of CSEC Activities”.

7. Pursuant to subsection 273.65(5) of the *National Defence Act*, I direct that the following additional measures to protect the privacy of Canadians apply to the conduct of [REDACTED] Collection activities carried out in accordance with this Ministerial Authorization:

- a) The activities carried out pursuant to this Ministerial Authorization shall be in compliance with the current versions of the Ministerial Directives “Privacy of Canadians”, “Accountability Framework”, [REDACTED] and “Collection and Use of Metadata”.
- b) In the course of conducting activities pursuant to this Ministerial Authorization, if an analyst recognizes that a communication relating to the seeking, formulating or giving of legal advice between a client and a Canadian solicitor (“solicitor-client communication”) has been intercepted or obtained:
 - i. Such communication shall be destroyed unless the Deputy Chief SIGINT has reasonable grounds to believe the communication relates to information or intelligence about the capabilities, intentions or activities of a foreign individual, state, organization or terrorist group, as they relate to defence or security;
 - ii. Before using or disclosing a solicitor-client communication, the Deputy Chief SIGINT shall advise me of any such determination and seek directions from me regarding the use and retention of the communication;
 - iii. If in addition to meeting the condition set out in 7(b)(i), the Deputy Chief SIGINT has reasonable grounds to believe that the information raises real concerns that an individual or group is in imminent danger of death or serious bodily harm, the Deputy Chief SIGINT may use, retain or disclose the information to the extent strictly necessary to address that imminent danger. The Deputy Chief SIGINT shall advise me, in writing, as soon as practicable but no later than 48 hours, or such a determination so I can decide its further use, retention and disclosure.
- d) CSE shall record the following information, and shall send the report to me within four (4) months following the expiration of this Ministerial Authorization, or at any time upon request:
 - i. the number of recognized private communications intercepted pursuant to this Ministerial Authorization that are used or retained on the basis that

- they are essential to international affairs, defence or security;
- ii. the number of recognized solicitor-client communications intercepted pursuant to this Ministerial Authorization, that are used or retained on the basis that they are essential to international affairs, defence or security and in conformity with the legal advice received;
 - iii. the number of intelligence reports produced from the information derived from private communications intercepted pursuant to this Ministerial Authorization; and,
 - iv. the foreign intelligence value of these reports, as they relate to international affairs, defence or security.
8. CSE shall report to me when any serious issue arises in the implementation of this Ministerial Authorization, such as a sustained substantial decrease in the value of [REDACTED] activities as a source of foreign intelligence, any marked increase in the risk that CSE's [REDACTED] Collection activities [REDACTED] or any sustained major increase in the number of recognized private communications or solicitor-client communications intercepted as an incident of the [REDACTED] Collection activities carried out pursuant to this Ministerial Authorization.
9. Pursuant to section 273.63 and subsection 273.65(8) of the *National Defence Act* the Commissioner of CSE is charged with the review of activities carried out under this Ministerial Authorization to ensure that they are in compliance with the law and are authorized. CSE shall support and assist the Commissioner in carrying out such reviews.
10. This Ministerial Authorization shall have effect for one year, from 1 December 2014 to 30 November 2015.

Dated at Ottawa this 18th day of November 2014.



The Hon. Rob Nicholson, P.C., M.P.
Minister of National Defence