

Office of the
Communications Security
Establishment Commissioner



Bureau du
Commissaire du Centre de la
sécurité des télécommunications

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CONFIDENTIAL
February 21, 2011

The Honourable Peter G. MacKay, PC, MP
Minister of National Defence
101 Colonel By Drive
Ottawa, Ontario
K1A 0K2

Dear Mr. MacKay:

The purpose of this letter is to provide you with the results of a review of Communications Security Establishment Canada's (CSEC) Disclosure of Information about Canadians to Government of Canada Clients. This review was undertaken under my general authority as articulated in Part V.1, paragraph 273.63(2)(a) of the *National Defence Act (NDA)*.

Information about Canadians may be included in CSEC's reports only if it is suppressed (i.e., replaced by a generic reference such as "a named Canadian"). When receiving a subsequent request for disclosure of the details of the suppressed information, CSEC must verify that its clients have the authority to obtain, and an operational justification for, such information.

This review follows two detailed reviews of CSEC's disclosure of Information about Canadians, the results of which were reported to you in November 2008 and February 2010. This review fulfills a commitment in the CSE Commissioner's 2009-2010 public Annual Report that, notwithstanding the positive findings of the two detailed reviews, given the privacy implications of this activity, the Commissioner will conduct an annual review of a sample of disclosures to verify that CSEC continues to comply with the law and maintains measures that protect the privacy of Canadians in the conduct of these activities.

This review encompassed a sample of 85 requests for disclosure of suppressed information about Canadians, contained in foreign intelligence reports, received by CSEC during the period of April to September 2010. The sample included disclosures made to all of the 12 Government of Canada entities that requested and were provided with information about Canadians during the period under review and represents approximately 20 per cent of the total of 446 disclosure requests from clients to CSEC during that time. My officials examined the request forms that CSEC used to

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document the clients' authority and justification of their need for the information about Canadians, as well as examining the associated CSEC foreign intelligence reports.

Based upon the information reviewed and the interviews conducted, CSEC's disclosure of suppressed information about Canadians to Government of Canada clients was conducted in compliance with the law. Operational policies and procedures are in place and provide sufficient direction to CSEC employees respecting the protection of the privacy of Canadians. CSEC employees were knowledgeable about, and acted in accordance with, the policies and procedures. CSEC managers monitored the activities to make certain they complied with governing authorities.

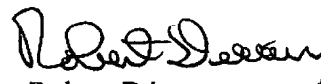
In addition, I examined CSEC's activities in response to the two recommendations contained in the February 2010 review report on this subject. The recommendations related to: i) providing tools to support the tracking of clients' requests for, and any associated disclosures of, suppressed information about Canadians; and, ii) improving the consistency and accuracy of CSEC reports to you about these activities. I am satisfied that CSEC's use of a detailed working aid as well as the planned implementation of an automated system will address these recommendations and permit CSEC to better track and produce accurate and consistent metrics respecting these activities. I understand that the automated system is developed and will be in use following the resolution of administrative matters relating to licensing and interconnectivity with clients' systems. I will monitor CSEC efforts to implement the system.

This activity involves the sharing of personal information about Canadians. The potential impact to the privacy of Canadians is significant, should there be an instance of non-compliance while CSEC conducts these activities. Therefore, I plan to continue to conduct an annual review of these activities to verify that CSEC continues to comply with the law and maintains measures that protect the privacy of Canadians.

CSEC was informed of the results of this review prior to forwarding this letter to you.

If you have any questions or comments, I will be pleased to discuss them with you at your convenience.

Yours sincerely,


Robert Décary

c.c. Mr. John Adams, Chief, CSEC
Mr. Stephen Rigby, National Security Advisor to the Prime Minister,
Privy Council Office
Mr. Robert Fonberg, Deputy Minister, National Defence