

Office of the Communications
Security Establishment Commissioner

SEP 10 2008

Bureau du Commissaire du Centre
de la sécurité des télécommunications

Minister
of National Defence



Ministre
de la Défense nationale

Ottawa, Canada K1A 0K2

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The Honourable Charles D. Gonthier, C.C., Q.C.
Communications Security Establishment Commissioner
90 Sparks Street, Suite 730
Ottawa, Ontario
K1P 5R5

OCSEC-	BCCST- ✓
Original:	2200-47
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Date:	10 Sept 08

Dear Mr. Gonthier:

I am writing in response to your 11 June 2008 report entitled *Review of CSEC's Acquisition and Implementation of Technology per Subsection 273.64(2) of the National Defence Act (NDA)*.

I have noted that, during the course of the review, your office found that CSEC complied with the law in the areas that were examined.

The report offered a recommendation, to which CSEC's response is attached as an Annex. I have also addressed below the issues raised in your letter.

IT Security Policy Instruments

Your review noted that priority should be given to developing IT Security policy instruments, specifically for the management of identity information.

As you noted in your letter, the required policy instruments had been developed between the completion of the review and the finalization of the report.

Accounting for Personal Information

Your review observed that CSEC's SIGINT and IT Security business practices differ with respect to accounting for personal information, such as Canadian IP addresses.

There are key legal distinctions with respect to the obligations that apply to the tracking of personal information about Canadians for SIGINT, and for IT security activities. These legal distinctions have informed the respective approaches adopted

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for SIGINT and IT security activities. I have asked CSEC Officials to continue to discuss this matter with your Officials.

Sincerely,



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

Enclosure: 1

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ANNEX to Minister's Letter to CSE Commissioner
Response to the Recommendation in the OCSEC Report
CSEC's Acquisition and Implementation of Technology per Subsection 273.64(2) of
the National Defence Act (NDA)
Dated June 11, 2008

RECOMMENDATION:

That CSEC re-evaluate how it describes the [REDACTED] activities in its request for a Ministerial Authorization (MA) so as to clearly identify which activity the Minister of National Defence is authorizing when signing a [REDACTED] MA.

CSEC'S RESPONSE:

Accepted: CSEC will revise how it describes the [REDACTED] activities in its request for an MA, as follows:

The Request Letter will more clearly state that CSEC is authorized to engage in [REDACTED] activities under paragraph 273.64(1)(a) of the *National Defence Act*. Similarly, it will indicate that, in light of the inherent risk that private communications may be intercepted as a result of foreign intelligence collection activities, the Minister is authorizing the interception of any private communications that may occur while CSEC is engaged in [REDACTED] activities.

Lastly, the Request Letter will more clearly identify those aspects of the [REDACTED] activities that are subject to conditions imposed by other legal instruments, such as the *Ministerial Directive on the Collection and Use of Metadata*.