

Minister
of National Defence



Ministre
de la Défense nationale

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Ottawa, Canada K1A 0K2

CERRID # 997249

To: Chief, Communications Security Establishment

**Ministerial Directive
Communications Security Establishment
Privacy of Canadians**

This Directive is issued under my authority and replaces the Ministerial Directive on *Privacy of Canadians* issued on 19 June 2001. The purpose of this Ministerial Directive is to set out my expectations for how the Communications Security Establishment (CSE) is to protect the privacy of Canadians in the conduct of its activities. This directive supplements the Ministerial Directive on the *CSE Accountability Framework*.¹

In accordance with CSE legislation, in pursuing its statutory mandate, CSE's activities should not be directed at Canadians or any person in Canada. CSE's activities should be subject to measures to protect the privacy of Canadians in the use and retention of intercepted communications, in accordance with all relevant legislative and policy instruments, including the *Canadian Charter of Rights and Freedoms* and the *Privacy Act*.

CSE may retain and report information on or about Canadians or Canadian organizations, as defined in CSE legislation, acquired in the course of its foreign signals intelligence activities only when it:

- is essential to protect the lives or safety of individuals;
- contains evidence of serious criminal activity; or
- is required to understand or exploit foreign, security or defence intelligence.

In such cases, you are to ensure that the appropriate policies and procedures are in place for the handling, retention, use and destruction of this material.

¹ In all cases, references to Ministerial Directives within the document refer to the most recently issued Ministerial Directives.

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In its activities undertaken to help protect electronic information and information infrastructures of importance to the Government of Canada, information obtained by CSE will be handled in a manner consistent with the *Privacy Act*, and in accordance with relevant policy instruments.

When providing technical or operational assistance under its mandate, CSE will take appropriate measures to obtain assurance that assistance requests are lawful and that any information provided to CSE has been lawfully obtained, and that the information is managed in a manner consistent with the *Canadian Charter of Rights and Freedoms* and the *Privacy Act*, and in accordance with relevant legal and policy instruments.

Additional privacy concerns may arise as technology changes and CSE expertise evolves to maintain the capability to fulfill its mandate. CSE will ensure that its policies also evolve in order to provide the required protection for the privacy of Canadians.

Finally, I expect you to cooperate fully with the CSE Commissioner, the Privacy Commissioner and other relevant authorities in the exercise of their respective review and/or statutory functions.

Dated at Ottawa, Ont this 20th day of November, 2012.


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