



National Defence Headquarters
Ottawa, Ontario
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Quartier général de la Défense nationale
Ottawa (Ontario)
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To: Chief, Communications Security Establishment

**MINISTERIAL DIRECTIVE
COMMUNICATIONS SECURITY ESTABLISHMENT
COLLECTION AND USE OF METADATA**

1. This Directive is issued under my authority pursuant to subsection 273.62 (3) of the *National Defence Act*.
2. For the purpose of the CSE's foreign intelligence acquisition programs pursuant to paragraph 273.64 (1) (a) of the *National Defence Act*:
 - a) **"metadata"** means information associated with a telecommunication to identify, describe, manage or route that telecommunication or any part of it as well as the means by which it was transmitted, but excludes any information or part of information which could reveal the purport of a telecommunication, or the whole or any part of its content.
 - b) **"Network Analysis and Prioritization"** means the method developed to understand the global information infrastructure, from information derived from metadata, in order to identify and determine telecommunication links of interest to achieve the Government of Canada foreign intelligence priorities. This method involves the acquisition of metadata, the identification of [REDACTED] the determination of the [REDACTED] the determination of the [REDACTED]
[REDACTED]
 - c) **"Contact Chaining"** means the method developed to enable the analysis, from information derived from metadata, of communications activities or patterns to build a profile of communications contacts of various foreign entities of interest in relation to the foreign intelligence priorities of the Government of Canada, including the number of contacts to or from these entities, the frequency of these contacts, the number of times contacts were attempted or made, the time period over which these contacts were attempted or made as well as other activities aimed at mapping the communications of foreign entities and their networks.
3. This Ministerial Directive relates to the activities carried out pursuant to paragraph 273.64 (1) (a) of the *National Defence Act* (CSE's foreign intelligence acquisition programs). CSE will collect and use metadata under foreign intelligence acquisition programs according to principles enunciated in this Ministerial Directive. Any amendment to this Ministerial Directive will require my personal approval.

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4. Metadata acquired pursuant to its foreign intelligence acquisition programs will be subject to CSE's existing procedures to protect the privacy of Canadians.
5. In the fulfillment of its mandate as set out in paragraph 273.64 (1) (a) of the *National Defence Act*, CSE may search any metadata acquired in the execution of its foreign intelligence acquisition programs for the purpose of providing any information or intelligence about the capabilities, intentions or activities of a foreign individual, state, organization, terrorist group or other such entities, as they relate to international affairs, defence or security, including any information relevant to the protection of electronic information or information infrastructures of importance to the Government of Canada.
6. CSE will share metadata, acquired through its foreign intelligence acquisition programs with international allies to maximize its mandate activities as set out in the *National Defence Act*, and strengthen Canada's partnerships abroad. Such sharing will be subject to strict conditions to protect the privacy of Canadians, consistent with these standards governing CSE's other programs.
7. CSE must take the following steps to protect the privacy of Canadians:
 - (1) Metadata that is known to be associated with Canadians anywhere or any person in Canada, and that is incidentally obtained as a result of the acquisition of metadata, must, when such metadata is reported in CSE reports, be altered in such a way as to render impossible the identification of the persons to whom the metadata relates.
 - (2) Disclosure of the unaltered version of metadata shall be subject to specific requests to the Operational Policy division, and such requests shall be granted strictly in accordance with criteria outlined in CSE's Operational Procedures.
 - (3) Access to unaltered metadata in the CSE metadata repositories (bulk metadata) shall be limited to SIGINT operational staff and their supervisors, Operational Policy staff, system administration staff of CSE and ITS cyber defence personnel as set out in paragraph (4) below.
 - (4) To the extent that metadata containing Canadian identifying information is relevant to the protection of electronic information or information infrastructures of importance to the Government of Canada, this unaltered metadata may be disclosed to ITS cyber defence personnel for the purpose of helping to protect information infrastructures of importance to the Government of Canada. Any use or retention of this metadata by ITS cyber defence personnel for the purposes set out in paragraph 273.64 (1) (b) will continue to be handled in accordance with existing policy and procedures related to the protection of the privacy of Canadians.
 - (5) For greater certainty, Canada's allies shall not be granted access to metadata known to be associated with Canadians located anywhere or persons located in Canada (bulk metadata) unless it is altered prior to granting access in such a way as to render impossible the identification of the persons to whom the metadata relates.
8. The metadata acquired in the execution of the CSE's foreign intelligence acquisition programs shall be used strictly for:
 - a) Network Analysis and Prioritization, and for Contact Chaining purposes;

- b) Identifying new targets and target associated selectors, which can be used:
 - i) at any time to intercept foreign telecommunications (both-end foreign); or
 - ii) to intercept private communications strictly where a duly issued Ministerial Authorization is in effect, and in strict compliance with that Ministerial Authorization.
 - c) Monitoring or identifying patterns of foreign malicious cyber activities to provide indications and warnings of actual or potential cyber intrusions directed against infrastructures of importance to the Government of Canada.
9. The metadata acquired in the execution of CSE foreign intelligence acquisition programs shall be destroyed after [REDACTED] unless CSE requests, and the Minister of National Defence decides on reasonable grounds, that a longer retention period is warranted to fulfill operational requirements.
 10. Activities undertaken pursuant to this Ministerial Directive are subject to review by the CSE Commissioner to ensure they are in compliance with the law.
 11. This Ministerial Directive replaces the Ministerial Directive Communications Security Establishment Collection and Use of Metadata, signed by the Minister of National Defence on March 9, 2005.
 12. This Ministerial Directive comes into force on the date it is signed.

Dated at Ottawa, Ont this 21st day of November, 2011.



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

cc. National Security Advisor, Privy Council Office
Deputy Minister of National Defence