Minister of National Defence		**Ministre** de la Défense nationale	

Ottawa, Canada K1A 0K2

CERRID # 1327984

MINISTERIAL AUTHORIZATION

COMMUNICATIONS SECURITY ESTABLISHMENT
███████████ COLLECTION ACTIVITIES

1. In the exercise of the power conferred on me by the *National Defence Act*, I have read the submission of John Forster, Chief, Communications Security Establishment (CSE), and I am satisfied that the conditions enunciated in subsection 273.65(2) of the *National Defence Act* have been met.

2. I therefore authorize CSE to intercept private communications acquired through the activity described as ████████ Collection Activities, which is part of ██████████████████████████ for the sole purpose of obtaining foreign intelligence in accordance with the Government of Canada intelligence priorities.

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4. As required by the *National Defence Act*:

   a) Activities carried out pursuant to this Ministerial Authorization shall be directed at foreign entities located outside Canada.

   b) Activities carried out pursuant to this Ministerial Authorization shall be subject, as a minimum, to measures to protect the privacy of Canadians, contained in the following operational policies and other operational policies referred to therein:

      (i) OPS 1 – "Protecting the Privacy of Canadians and Ensuring Legal Compliance in the Conduct of CSEC Activities"; and

      (ii) OPS 1-13 – "Operational Procedures Related to Canadian ██████ Collection."

   c) For the purposes of paragraph 273.65(2)(d) of the *National Defence Act*, a private communication intercepted pursuant to this Ministerial Authorization shall be considered essential to international affairs, defence or security, and

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used or retained only if it contains information that is clearly related to the intelligence priorities of the Government of Canada.

5. Pursuant to subsection 273.65(5) of the *National Defence Act*, I consider it advisable, for the protection of the privacy of Canadians, that the following additional measures apply to the interception of private communications carried out in accordance with this Ministerial Authorization:

a) The activities carried out pursuant to this Ministerial Authorization shall be in strict compliance with the current versions of the Ministerial Directives "Privacy of Canadians", "Accountability Framework", "Collection and Use of Metadata", and ███████████ Program".

b) In cases where an analyst recognizes a communication directly related to the seeking, formulating or giving of legal advice between a client and a person authorized to practice as a lawyer or a notary in the province of Quebec or as a barrister or solicitor in any territory or other province of Canada, or any person employed in the office of such a lawyer, notary, barrister or solicitor ("solicitor-client communication"):

   (i) the analyst shall annotate that communication for destruction unless the analyst believes it may contain foreign intelligence;

   (ii) if the analyst believes that a solicitor-client communication may contain foreign intelligence, then the analyst shall annotate that communication for retention and forthwith bring the communication to the attention of his/her director or supervisor (via the reporting chain);

   (iii) the director or supervisor shall forthwith obtain legal advice from the Department of Justice, CSE Directorate of Legal Services, on whether the continued retention or use of the solicitor-client communication would be in conformity with the laws of Canada, and not bring the administration of justice into disrepute; and

   (iv) where legal advice has been obtained that the retention or use of a solicitor-client communication containing foreign intelligence would be in conformity with the laws of Canada, and not bring the administration of justice into disrepute, CSE may only use or retain the information derived from the solicitor-client communication in conformity with the legal advice received.

c) To facilitate the review by the Commissioner of CSE of the statutory requirement that interceptions of private communications must be directed at foreign entities located outside Canada, CSE shall maintain an automated directory of selectors which it is satisfied relates to foreign entities located outside Canada.

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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.

6. 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 this source of foreign intelligence, or any sustained major increase in the number of recognized private communications or solicitor-client communications intercepted pursuant to this Ministerial Authorization.

7. 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 authorized, and CSE shall support and assist the Commissioner in carrying out such reviews.

8. This Ministerial Authorization shall have effect for one year, from 1 December 2013 to 30 November 2014.

Dated at   Ottawa   this 27th day of November 2013.

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

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