

Minister
of National Defence



TOP SECRET//COMINT//CEO
(with attachment)

Ministre
de la Défense nationale

Ottawa, Canada K1A 0K2

OCT 05 2006

The Honourable Charles D. Gonthier, Q.C.
Communications Security Establishment Commissioner
90 Sparks Street, Suite 730
P.O. Box 1984, Station "B"
Ottawa, ON K1P 5R5

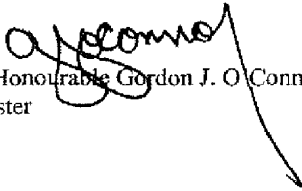
Dear Mr. Gonthier,

Review of CSE Support to Law Enforcement: RCMP (Phase II)

I am writing to respond to your predecessor's 16 June 2006 report on CSE's support to the RCMP provided under its foreign intelligence ("a") mandate during 2003. I am pleased that the report contains no indications of unlawful or inappropriate conduct during the period under review.

CSE's response to the four recommendations in the report is attached. I note that all have been accepted and appropriate actions identified.

Sincerely,


The Honourable Gordon J. O'Connor, P.C., M.P.
Minister

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Canada

**CSE Response: CSE Commissioner Review of
CSE Support to Law Enforcement (RCMP) Phase II**

- The purpose of this review was to assess the lawfulness of CSE's activities in support of federal law enforcement, specifically the RCMP, as they relate to signals intelligence gathered under the foreign intelligence portion of the CSE mandate (referred to as 'mandate (a)'). The time period under review was the 2003 calendar year. IRRELEVANT
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- § The present report notes no indications of unlawful or inappropriate conduct during the period under review. It does, however, make four recommendations; the following summarizes proposed CSE actions to address them.

Recommendation 1:

ACSE should take immediate steps to implement a *hard-copy* records management system, pending the development and implementation of a corporate *electronic* information and records management system. With both systems, particular attention should be paid to managing those records that are important to safeguarding the privacy of Canadians.@

CSE Response: *Accepted.*

This recommendation has already been implemented. A practice of hard-copy file retention for operations, as well as a system for tracking requests, are now in place within SIGINT. Internal policy direction requiring the maintenance of hard-copy records specific to operations under MA (ORG-2-2) is in circulation for management sign-off. Implementation of the enterprise-wide electronic information management system is currently in progress, and is slated for completion in FY 07/08.

Recommendation 2:

AWe believe that CSE must re-examine its interpretation and application of mandates (a) and (c) and ensure that all decisions and resulting activities are based upon criteria that have been consistently applied and are statutorily defensible.@

CSE Response: *Accepted.*

CSE operations, legal, and policy staffs conferred through the summer, which included a full-day workshop on this and related issues; the results will be validated during the fall. The aim is to formalize via the new policy package on CSE support to federal law enforcement and security agencies (OPS-4 and 4-1) slated for release in the context of the CSE-RCMP MOU revision. In the meantime any requests for specific 'reactive' intelligence support of the type referred to in the review recommendation will be dealt with on an ad hoc basis in consultation with legal staff.

Recommendation 3:

ACSE should re-examine the authorities governing the collection, use and disclosure of personal information as established in, and governed by, the *National Defence Act* and the *Privacy Act*, and in particular, re-examine its interpretation and application of those authorities that govern the disclosure of Canadian personal information to the RCMP and other clients.@

CSE Response: *Accepted (pending legal advice).*

CSE, through its legal advisors, is re-examining the authorities currently used. Advice is anticipated by early November, after which any necessary amendments to the internal policy guidance (OPS-1-1) will be identified and developed.

Recommendation 4:

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