CERRID # 12183867

MINISTERIAL AUTHORIZATION

COMMUNICATIONS SECURITY ESTABLISHMENT
CYBER DEFENCE ACTIVITIES

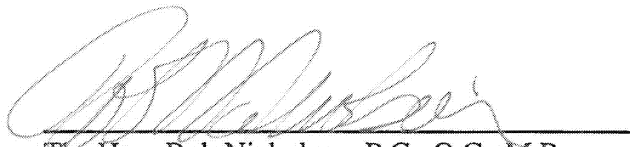**In the matter of subsection 273.65(3) of the *National Defence Act*:**

1. In the exercise of the power conferred on me by the *National Defence Act*, I have read the Memorandum of John Forster, Chief, Communications Security Establishment (CSE) dated November 18, 2014 (Chief's Memorandum), and have considered the information set out in that Memorandum. I am satisfied that that the conditions in subsection 273.65(4) of the *National Defence Act* have been met.

2. I therefore authorize CSE to engage in the activities described in the Chief's Memorandum as Cyber Defence activities for the sole purpose of protecting the computer systems or networks of the Government of Canada from mischief, unauthorized use or interference.

3. I authorize the interception of any private communication that occurs as an incident of the Cyber Defence activities described in the Chief's Memorandum provided these Cyber Defence activities are conducted in compliance with the conditions set out in this Ministerial Authorization.

4. I understand that these Cyber Defence activities may include:

    i) Copying to a ███████████████████████████████ ██████████ of those federal institutions who have requested assistance from CSE;

    ii) Copying to a ███████████████████████████████ ██████████ to Government of Canada computer systems or networks;

    iii) Selecting data held in these ███████████████ for the purpose of identifying, isolating or preventing harm to Government of Canada computer systems and networks.

5. I therefore authorize that any private communication contained in these ██████████ can be held for a period not exceeding ██████████ from the date the ██████████ was originally copied into the ██████████ Private communications copied and held in these ██████████ under the authority of the Ministerial Authorization signed November 27th, 2013, become subject to the conditions set out in this Ministerial Authorization.

6. I direct that:

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a. Cyber Defence activities carried out pursuant to this Ministerial Authorization shall be subject to the measures to protect the privacy of Canadians contained in the following operational policy and any other associated operational policies referred to therein:

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

7. I authorize CSE to use and retain those private communications intercepted as an incident of Cyber Defence activities authorized by this Ministerial Authorization only when such private communications are essential to identify, isolate or prevent harm to Government of Canada computer systems or networks.

8. For the purposes of paragraph 273.65(4)(d) of the *National Defence Act*, and this authorization, a private communication intercepted pursuant to this Ministerial Authorization shall be considered essential to identify, isolate or prevent harm to Government of Canada computer systems or networks when it is necessary to the understanding of malicious cyber activity including ███████████, capabilities or intentions, for the purpose of mitigating that activity.

9. CSE shall inform me when it accepts a request from a federal institution to conduct activities under the authority of this Ministerial Authorization.

10. After expiration of this Ministerial Authorization, or at any time upon request, CSE shall provide me with a report that specifies the number of private communications used or retained that, pursuant to this Ministerial Authorization, contained information that was essential to identify, isolate or prevent harm to Government of Canada computer systems or networks.

11. Pursuant to subsection 273.65(5) of the *National Defence Act*, I direct that the following additional measures to protect the privacy of Canadians 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 compliance with the current versions of the Ministerial Directives "Privacy of Canadians" and "Accountability Framework".

b) In the course of conducting activities pursuant to this Ministerial Authorization, if an analyst recognizes that a communication relating to the seeking, formulating or giving of legal advice between a client and a Canadian solicitor ("solicitor-client communication") has been intercepted:

i. Such communication shall be destroyed unless the Deputy Chief IT Security has reasonable grounds to believe the solicitor-client

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communication is essential to identify, isolate or prevent harm to the Government of Canada computer systems or networks;

ii. Before using or disclosing a solicitor-client communication, the Deputy Chief IT Security shall advise me of any such determination and seek directions from me regarding the use, retention and disclosure of the communication; and,

iii. If, in addition to meeting the condition set out in 11(b)(i), the Deputy Chief IT Security has reasonable grounds to believe that the failure to immediately use or disclose the solicitor-client communication will compromise the ability of the Government of Canada to mitigate an imminent threat to the computer systems and networks of the Government of Canada, the Deputy Chief IT Security may use, retain or disclose the communication to the extent strictly necessary to address that imminent danger. The Deputy Chief IT Security shall advise me, in writing, as soon as practicable but no later than 48 hours of such a determination so I can decide its further use, retention and disclosure.

12. 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 they are in compliance with the law and are authorized, and CSE shall support and assist the Commissioner in carrying out such reviews.

13. This Ministerial Authorization shall have effect for one year, from 1 December 2014 to 30 November 2015.

Dated at ___Ottawa___, this___18th___day of___November___2014.

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