

Minister
of National Defence



Ministre
de la Défense nationale

Ottawa, Canada K1A 0K2

AVR 30 2014
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CERRID #10424620

The Honourable Jean-Pierre Plouffe
Communications Security Establishment Commissioner
90 Sparks Street, Suite 730
P.O. Box 1984, Station B
Ottawa, Ontario
K1P 5B4

Dear Commissioner Plouffe:

I am writing to respond to your 3 April 2014 report entitled *Annual Combined Review of Foreign Signals Intelligence Ministerial Authorizations and Intercepted Private Communications for 2012-2013*.

I was pleased to note that you found CSE had acted appropriately when applying for the Ministerial Authorizations. It is also positive that, for the first time, you were able to view all of the retained private communications that were reported to me.

I have been advised by the Chief that CSE has accepted all of the report's recommendations. CSE's ongoing revisions to their operational policies are expected to address the first, third and fourth recommendations while new guidance is being developed that will address the fifth.

In response to your second recommendation, I have been advised that CSE, starting this year, will be providing greater context to me in the annual Ministerial Authorizations report regarding the fluctuation of the retention of private communications throughout the year.

For your convenience, I have attached CSE's management response to the report's recommendations. I trust you will find the response satisfactory.

Sincerely,

Hon. Rob Nicholson, PC, QC, MP

Canada

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ANNEX A:
Proposed CSE Action in Response to Recommendations in the
Commissioner's Annual Combined Review of Foreign Signals Intelligence
Ministerial Authorizations and Intercepted Private Communications for
2012-2013

Review Recommendations

Recommendation no. 1: Policies and Procedures

To ensure proper accountability for sensitive activities, CSE should promulgate detailed guidance, as soon as possible, regarding the additional approvals required for certain activities to the [REDACTED] program and to CSE operations [REDACTED]
[REDACTED]

Accepted. CSE will reissue guidance relating to the approval process for [REDACTED]. In addition, policy guidance relating to the approval process for [REDACTED] will be developed.

Recommendation no. 2: Metrics Relating to Interception and to the Privacy of Canadians

CSE should make available to the Minister more comprehensive information regarding the number of intercepted communications and intercepted private communications that it acquires and retains throughout an MA period, in order to enhance accountability to the Minister.

Accepted. CSE will include more information in the 2013-2014 Ministerial Authorizations annual report, regarding the fluctuations in numbers of retained PCs throughout the reporting year.

Recommendation no. 3: Essentiality of Used or Retained Private Communications

CSE analysts should immediately annotate recognized private communications for essentiality to international affairs, defence or security, or for destruction, as required by the *National Defence Act*.

Accepted. CSE will enforce the roles and responsibilities of analysts as identified in existing policy documentation and operational instructions.

Recommendation no. 4: Essentiality of Used or Retained Private Communications (2)

CSE analysts should regularly assess, at a minimum quarterly, whether the ongoing retention of a recognized private communication not yet used in an End Product Report is strictly necessary and remains essential to international affairs, defence or security or whether the private communication should be deleted.

Accepted. CSE to ensure that all analysts review their retained private communications quarterly, commencing at the end of the next quarter.

Recommendation no. 5: [REDACTED] as Private Communications

CSE should promulgate guidance regarding the protection of privacy and the handling of intercepted communications of a targeted foreign entity located outside Canada that include [REDACTED] of a Canadian or person in Canada as part of those intercepted communications

Accepted. CSE will develop and promulgate policy guidance relating to the above scenario.
