

Minister
of National Defence



Ministre
de la Défense nationale

Ottawa, Canada K1A 0K2

TOP SECRET//SI//CEO
CERRID # 21190459

JUL 29 2015

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 report dated 31 March 2015, entitled *Review of CSE's use of Metadata in a Signals Intelligence Context*.

I read with interest your findings on the evolution of the use of metadata by CSE, and the critical importance of metadata to all aspects of CSE's Signals Intelligence operations. I also noted your positive comments on the level of assistance that CSE has provided to your Office for this review, and I have been assured by CSE that this level of support will continue.

I was pleased to see your finding that CSE's Internet Protocol (IP) Profiling activities – which were the subject of an unauthorized disclosure by a former NSA contractor and subsequent misleading media reporting in early 2014 – were authorized under the *National Defence Act*, meaning that the activities were not directed at Canadians and included measures to protect the privacy of Canadians.

I noted the anomalies discovered by CSE with respect to privacy protection measures applied to metadata being shared with CSE's Second Party partners, which led to CSE being non-compliant with conditions of the *2011 Ministerial Directive on CSE's Collection and Use of Metadata*. It is reassuring that, once these problems were identified by CSE, the agency proactively suspended the sharing of certain types of metadata with Five Eyes partners in order to protect the privacy of Canadians while developing a solution to the problems it encountered in this area. I understand that discussions are ongoing between CSE and your Office concerning legal questions on this subject. I trust that such discussions will involve full transparency and meaningful dialogue concerning legal arguments by both parties.

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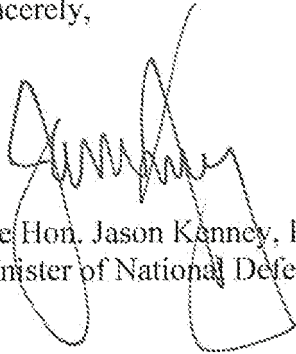
Canada

I was interested in the information provided in your transmittal letter concerning your visit to the Inspector General of the National Security Agency (NSA), where assurances were received regarding the treatment by the NSA of information about Canadians. The fact that CSE and its Second Party partners have arrangements in place to respect the privacy of each other's nationals is a strong mitigating factor in the event of deficiencies in other active privacy protection measures by individual agencies. I am glad that you were able to obtain this information to reinforce similar assurances that you have received consistently from CSE.

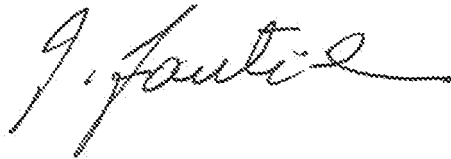
I have been advised by the Chief, CSE that both of your report's recommendations have been accepted. The CSE management response is attached as Annex A to this letter.

Thank you for your report. I look forward to seeing the results of the remaining portions of your review.

Sincerely,



The Hon. Jason Kenney, P.C., M.P.
Minister of National Defence



The Hon. Julian Fantino, P.C., M.P.
Associate Minister of National Defence

cc: Greta Bossenmaier, Chief, CSE

ANNEX A:
Management Response to Recommendations in the Commissioner's
Review of CSE's use of Metadata in a Signals Intelligence Context

Review Recommendations

Recommendation no. 1:

"CSE should seek an updated Ministerial Directive that provides clear guidance related to the collection, use and disclosure of metadata." (p.30)

Management Response to Recommendation no. 1:

Recommendation accepted. CSE will support the Minister in the development of an updated ministerial directive to provide guidance related to the collection, use and disclosure of metadata.

CSE expects to have a Ministerial Directive proposal package ready for the Minister's consideration by the end of fiscal year 2015-2016.

Recommendation no. 2:

"CSE should use its existing centralized records system to record decisions and actions taken regarding new and updated collection systems, as well as decisions and actions taken regarding minimization." (p.42)

Management Response to Recommendation no. 2:

Recommendation accepted. Improved record-keeping relating to changes to collection systems and minimization protocols will be included in the corrective actions being undertaken by SIGINT to address the problems identified with the automated sharing of metadata with the Second Parties.

CSE expects to complete this process by the end of fiscal year 2015-2016.
