



TOP SECRET//SI//CEO  
CERRID #1049875  
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## MEMORANDUM FOR THE MINISTER

### 2012-2013 Ministerial Authorizations Request Package

(For Approval)

#### Summary

- The enclosed package contains CSEC's 2012-2013 Ministerial Authorization requests, for your approval and signature.
- Pursuant to subsections 273.65(1) and (3) of the *National Defence Act*, Ministerial Authorizations permit CSEC to intercept private communications for the sole purpose of obtaining foreign intelligence or protecting the computer systems and networks of the Government of Canada, provided certain conditions are met. These Ministerial Authorizations, which are valid for a period of one year, are essential to the successful implementation of CSEC's mandate.
- There are currently eight Ministerial Authorizations in effect, all of which expire on 30 November 2012. CSEC is seeking four new Ministerial Authorizations for 2012-2013: [REDACTED] Collection, [REDACTED] Collection, [REDACTED] and Cyber Defence Activities. The enclosed Ministerial Authorizations must be signed by 30 November 2012 in order to ensure continuity in CSEC's operations.
- The reduced number of Ministerial Authorizations is a consequence of CSEC efforts to rationalize the Ministerial Authorizations by reducing the number of signals intelligence (SIGINT) Ministerial Authorizations from six to three, for the same scope of CSEC's SIGINT activities previously covered in six Ministerial Authorizations.
- While the [REDACTED] MA Request Memorandum contains an Annex outlining the current programs operated under the authority of the MA, the MA Request Memorandums will no longer be used to seek approval for new programs. Any new activities or the establishment of any [REDACTED] collection [REDACTED] will be authorized in accordance with existing authorities and an updated Annex to the MA Request Memorandum will be submitted to the Minister.
- CSEC has discontinued the Active Network Security Testing (ANST) program, which was conducted under a Ministerial Authorization last year, and is only requesting a single Information Technology Security (ITS) Ministerial Authorization for Cyber Defence Activities. A temporary supplemental reporting requirement to you has been removed from the enclosed Cyber Defence Activities MA.

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## **Background**

- CSEC has introduced a new format for the Ministerial Authorization Request Memorandums in order to improve the description of how the risk of intercepting private communications during mandated activities is created and mitigated. As per the reporting requirements outlined in the Ministerial Authorizations, CSEC will continue to report all private communications that are used or retained under each Ministerial Authorization.

## **SIGINT Ministerial Authorizations**

- The key change to the SIGINT MA suite is the adoption of a "class of activities" [REDACTED] [REDACTED] This approach enables CSEC to focus more clearly on how CSEC collection activities risk the interception of private communications and highlights measures taken to mitigate those risks. The class of activities approach has also enabled CSEC to aggregate the previous [REDACTED] Ministerial Authorizations into a single new [REDACTED] Ministerial Authorization.

### ***Collection***

- The new [REDACTED] Collection Activities Ministerial Authorization incorporates activities that were previously authorized under three separate Ministerial Authorizations: [REDACTED]  
[REDACTED] Because these activities all rely on collecting communications [REDACTED] the risk of inadvertently intercepting private communications is [REDACTED] across these activities. As a result, a single Ministerial Authorization for the class of activities is being requested.
- ANNEX A to the Memorandum provides detailed information on each of the programs that CSEC will operate under the auspices of the Ministerial Authorization. The establishment of any new collection programs [REDACTED] will be done in accordance with existing authorities. In the event that CSEC implements [REDACTED] collection programs or establishes [REDACTED] for existing programs, you will be provided with an updated copy of the Annex.

### ***Collection***

- The [REDACTED] Collection Ministerial Authorization enables activities that were previously authorized by [REDACTED] Interception, and Interception Activities Conducted in Support of the Government of Canada Mission in Afghanistan Ministerial Authorizations.
- CSEC's [REDACTED] Collection Activities target foreign communications [REDACTED] CSEC's [REDACTED] activities are conducted in [REDACTED]

- In support of the Canadian Mission in Afghanistan, CSEC [REDACTED]

- The scope of CSEC's [REDACTED] activities under this Ministerial Authorization is unchanged. [REDACTED] activities target [REDACTED] in order to gather foreign intelligence of value to the Government of Canada.

#### ITS Ministerial Authorizations

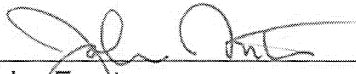
- CSEC is requesting one ITS Ministerial Authorization for this year: CSE Cyber Defence Activities. The scope of CSEC's proposed Cyber Defence Activities is unchanged and CSEC will continue to conduct activities on the computer systems and networks of the following four federal institutions:
  - CSEC;
  - The Department of National Defence;
  - The Department of Foreign Affairs and International Trade, and
  - Shared Services Canada, the administrator of the Secure Channel Network (SC Net).
- CSEC has discontinued the Active Network Security Testing (ANST) program, which was conducted under a Ministerial Authorization last year. As a result, the number of ITS Ministerial Authorizations being requested has reduced from two to one.
- Of note, a requirement to provide a supplementary mid-year report to the Minister on the number of private communications intercepted under the CDA MA has been removed. This requirement was added in 2007 as a temporary measure to reflect changes to the CDA program, and Department of Justice General Council concur the cyber defence program has matured to the point where this additional measure is no longer necessary.

**Recommendation**

- It is recommended that you approve the enclosed Ministerial Authorizations for CSEC's SIGINT and ITS activities in 2012-2013.

**Next Steps**

- CSEC will provide copies of the revised Ministerial Authorizations to the CSE Commissioner as soon as your support is confirmed.

  
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John Forster  
Chief