

Intelligence Legislation Model

Canada

Canadian Security Intelligence Services Act, 1984



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About DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security services such as police, judiciary, intelligence agencies, border security services and the military.

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Editorial Board

The Editorial Board for the series of booklets on intelligence oversight comprises:

- Hans Born, Geneva
- Arnold Luethold, Geneva

Series Editor

- Aidan Wills, Geneva

TABLE OF CONTENTS

Introduction to the toolkit	4
How to use this tool?	6
The Canadian Intelligence System	8
The Act, presented in the analytical grid	10
General provisions	10
Organisation and structure	11
Mandate and functions	11
Information collection powers	13
Management and use of personal data	16
Cooperation and information sharing with domestic and foreign bodies	16
Internal management and control	18
Executive control	19
Parliamentary and expert oversight	19
Complaints handling	25
Personnel	27
Other	28
The Act, presented in its original form	30
Part I: Canadian Security Intelligence Service	31
Part II: Judicial Control	36
Part III: Review	38
Part IV: Review by Parliament	44

Introduction to the Toolkit

Legislating for the security sector is a complex and difficult task. Many lawmakers thus find it tempting to copy legislation from other countries. This expedites the drafting process, especially when the texts are available in the language of the lawmaker, but more often than not, the result is poor legislation.

Even after being amended, the copied laws are often out of date before coming into effect. They may no longer be in line with international standards or they may not fully respond to the requirements of the local political and societal context. Copied laws are sometimes inconsistent with the national legislation in place.

In some cases, there is simply no model law available in the region for the type of legislation that is needed. This has been the case in the Arab region, where the security sector has only slowly begun to be publicly debated. It is thus difficult to find good model laws for democratic policing or for parliamentary oversight of intelligence services.

It is therefore not surprising that many Arab lawmakers have felt frustrated, confused, and overwhelmed by the task of drafting legislation for the security sector. They found it difficult to access international norms and standards because little or no resources were available in Arabic. Many of them did not know where to search for model laws and several were about to give up. Some eventually turned to DCAF for assistance.

The idea of a practical toolkit for legislators in the Arab region came when practitioners began looking for a selection of standards, norms and model laws in Arabic that would help them draft new legislation. Experts from the Arab region and DCAF thus decided to work together and develop some practical tools.

Who is this toolkit for?

This toolkit is primarily addressed to all those who intend to create new or develop existing security sector legislation. This includes parliamentarians, civil servants, legal experts and nongovernmental organisations. The

toolkit may also be helpful to security officials and, as a reference tool, to researchers and students interested in security sector legislation.

What is in the toolkit?

The bilingual toolkit contains a number of booklets in English and Arabic that provide norms and standards, guidebooks as well as practical examples of model laws in various areas of security sector legislation.

The following series have been published or are being processed:

- Police legislation
- Intelligence legislation
- Military Justice legislation
- Status of Forces Agreements

Additional series will be added as the needs arise. The existing series can easily be expanded through the addition of new booklets, based on demand from the Arab region.

For the latest status of publications please visit: www.dcaf.ch/publications

What is the purpose of this toolkit?

The toolkit seeks to assist lawmakers in the Arab region in responding to citizens' expectations. Arab citizens demand professional service from police and security forces, which should be effective, efficient and responsive to their needs. They want police and security organisations and their members to abide by the law and human right norms and to be accountable for their performance and conduct. The toolkit thus promotes international standards in security sector legislation, such as democratic oversight, good governance and transparency.

The toolkit offers easy access in Arabic and English to international norms as well as examples of legislation outside the Arab region. This allows to compare between different experiences and practices.

The scarcity of Arab literature on security sector legislation has been a big problem for Arab lawmakers. The toolkit seeks to address this deficiency. One of its aims is to reduce time lawmakers spend on searching for information, thus allowing them to concentrate on their main task. With more information becoming available in Arabic, many citizens and civil society groups may find it easier to articulate their vision of the type of police and security service they want and to contribute to the development of a modern and strong legal framework for the security sector.

Why is it important to have a strong legal framework for the security sector?

A sound legal framework is a precondition for effective, efficient and accountable security sector governance because it:

- Defines the role and mission of the different security organisations;
- Defines the prerogatives and limits the power of security organisations and their members;
- Defines the role and powers of institutions, which control and oversee security organisations;
- Provides a basis for accountability, as it draws a clear line between legal and illegal behaviour;
- Enhances public trust and strengthens legitimacy of government and its security forces.

For all these reasons, security sector reform often starts with a complete review and overhaul of the national security sector legislation. The point is to identify and address contradictions and the lack of clarity regarding roles and mandates of the different institutions.

How to use this tool?

Every state has specific needs and expectations regarding its intelligence services. These demands are influenced by factors such as history, legal tradition, and a state's security environment. Legislation on intelligence services will invariably reflect these factors. Notwithstanding these differences between states, lawmakers can benefit from studying other states' legislation and practice. Additionally, lawmakers should refer to international standards and best practice in the area of intelligence governance. It is important to note that international law imposes restrictions on what states can permit their intelligence services to do; lawmakers should take account of these standards when developing the legal framework for intelligence services.

The intelligence series of the "Legislating for the Security Sector" toolkit facilitates the drafting process and development of legislation for intelligence services by providing good examples of intelligence legislation, as well as an explanation of the relevant international standards in this area.

Although each state's legislation on intelligence services is unique, a number of common elements of a comprehensive legal framework for intelligence services can be identified. The Editorial Board of the toolkit "Legislating for the Security Sector" developed a grid that highlights these elements (see Table 1). This booklet contains the Canadian Security Intelligence Service Act in its original form, as well as the provisions of this legislation reorganised by topic,

Table 1 : The analytical grid for comparing intelligence legislation

Subject	Content
General provisions	<ul style="list-style-type: none"> • Definition of key terms used in the law • Description of institutions covered by the law
Organisation and structure	<ul style="list-style-type: none"> • Explanation of how the intelligence community is structured and which institutions are involved • Description of who is responsible for the intelligence services
Mandate and functions	<ul style="list-style-type: none"> • Description of the role of the intelligence services and the tasks that they are and are not permitted to perform
Information collection powers	<ul style="list-style-type: none"> • Description of what information intelligence services can and cannot collect • Explanation of the special powers available to the intelligence services to collect information, and when such measures may be used • Details of how and by whom special powers are authorised, implemented and reviewed
Management and use of personal data	<ul style="list-style-type: none"> • Rules on how personal data can be collected, retained, accessed, transferred, and deleted • Explanation of how individuals can apply to access their personal data held by the intelligence services
Cooperation and information sharing with domestic and foreign bodies	<ul style="list-style-type: none"> • Rules on which domestic and foreign entities the intelligence services may cooperate with • Details on controls that apply to information sharing with domestic and foreign entities • Details of how and by whom intelligence cooperation is authorised and reviewed
Internal management and control	<ul style="list-style-type: none"> • Explanation of the internal management system • Description of the roles and responsibilities of managers of the intelligence services

as shown in the grid. This allows lawmakers to easily identify the specific topics that should be covered by legislation on intelligence services, as well as to compare different laws according to particular topics.

Executive control	<ul style="list-style-type: none"> • Explanation of the role and responsibilities of the executive in controlling and overseeing the intelligence services
Parliamentary and expert oversight	<ul style="list-style-type: none"> • Description of parliamentary and expert oversight bodies outside the intelligence services and the executive • Description of the mandate and functions of external oversight bodies • Details of the powers available to external oversight bodies, including their access to information and officials
Complaints handling	<ul style="list-style-type: none"> • Details of how individuals may complain about the intelligence services • Explanation of which institution is competent to handle complaints about the intelligence services • Description of the powers available to the complaints-handling institution
Personnel	<ul style="list-style-type: none"> • Details of the rights and duties of members of the intelligence services • Information on possible sanctions for unlawful actions
Other	<ul style="list-style-type: none"> • Sections which do not fall into the other categories • Sections that have been removed

The Canadian Intelligence System

Overview

The Canadian Security Intelligence Service (CSIS) Act regulates Canada's civilian intelligence service. The Canadian parliament adopted the Act in 1984 in light of the conclusions of a Royal Commission of inquiry into the activities of Canada's previous intelligence service, the Royal Canadian Mounted Police Security Service. The CSIS Act followed the inquiry's recommendations by creating a new intelligence service that is separate from the police, as well as a new system for intelligence oversight.

CSIS investigates and reports to the government on threats to the security of Canada. It primarily operates domestically but can collect information about threats to the security of Canada abroad. CSIS is also responsible for carrying out security clearance assessments for government employees. CSIS has no law enforcement functions and is not permitted to arrest or detain anyone.

Canada also has a government agency – the Communications Security Establishment – responsible for collecting information from information and communications systems located outside of Canada. Additionally, the Canadian armed forces have an intelligence branch tasked with collecting and providing intelligence to support the armed forces' operations. These agencies are not regulated by the CSIS Act, and therefore are not addressed in this booklet.

Control and oversight of CSIS

Canada has a comprehensive system for the control and oversight of CSIS. This includes four main institutions:

1. The Minister of Public Safety is politically responsible for CSIS. The minister provides general direction to CSIS, issues regulations for CSIS's work, and approves certain operations and activities. For example, the minister must approve requests by CSIS to use special powers to collect information, before such

requests are submitted to the Federal Court for consideration.

2. The Inspector General (IG) of CSIS is responsible for monitoring CSIS's operational activities for compliance with the law, ministerial directions and its own operational policies. Each year, the Inspector General provides the minister with a "certificate" of his/her findings in these areas, as well as an evaluation of the annual report of the director of CSIS. The IG is appointed by and reports to the minister.
3. The Security Intelligence Review Committee is an independent oversight body made up of persons who are not members of government or parliament. The government appoints members of the committee in consultation with the main opposition parties. The SIRC reviews retrospectively all aspects of CSIS's performance to ensure that it is both effective and complies with the law. In common with the IG, the SIRC has access to all information held by CSIS and can summon members of CSIS and the executive to appear before it. SIRC reports to parliament through the minister.
4. The Federal Court also plays a role in controlling CSIS because its approval is required in order for CSIS to use special powers, such as secret surveillance and the monitoring of communications. The judiciary may also investigate and adjudicate upon civil and criminal matters relating to the activities of CSIS and its employees.

Canada does not have a dedicated parliamentary committee responsible for overseeing CSIS. Parliament adopts the annual budget for CSIS; this process normally includes the director of CSIS appearing before a parliamentary committee. However, parliament does not carry out a detailed analysis of CSIS's budget estimates.

Other relevant laws

The CSIS Act is primary instrument regulating the

activities and oversight of CSIS. However, there are numerous other laws which regulate the work of CSIS. These include: the Canadian Constitution, the Charter of Rights and Freedoms, the Access to Information Act, the Security of Information Act, the Privacy Act, the Immigration and Refugee Protection Act, and the Public Safety Act.

Sources:

- Canadian Security Intelligence Service website: <http://www.csis-scrs.gc.ca/index-eng.asp>
- Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police (MacDonald Commission), Second Report, (Ottawa: Privy Council Office, 1981), <http://epe.lac-bac.gc.ca/100/200/301/pco-bcp/commissions-ef/mcdonald1979-81-eng/mcdonald1979-81-eng.htm>
- Security Intelligence Review Committee website: www.sirc-csars.gc.ca
- Whitaker, Reg and Stuart Farson, "Accountability in and for National Security," IRPP Choices, vol. 15, no. 9, September 2009. <http://www.irpp.org/choices/archive/vol15no9.pdf>

The Act, presented in the analytical grid

(Extracts of Sections of the Canadian Security Intelligence Service Act. For the complete version of the law, please see pages 30-44.)

Subject	Sections of The Canadian Security Intelligence Service Act
<p>General provisions</p>	<p>Interpretation</p> <p>Section 2 In this Act</p> <p>“department”, in relation to the government of Canada or of a province, includes</p> <ol style="list-style-type: none"> a. any portion of a department of the Government of Canada or of the province, and b. any Ministry of State, institution or other body of the Government of Canada or of the province or any portion thereof; <p>“Deputy Minister” means the Deputy Minister of Public Safety and Emergency Preparedness and includes any person acting for or on behalf of the Deputy Minister of Public Safety and Emergency Preparedness;</p> <p>“Director” means the Director of the Service;</p> <p>“employee” means a person who is appointed as an employee of the Service pursuant to subsection 8(1) or has become an employee of the Service pursuant to subsection 66(1) of the Canadian Security Intelligence Service Act, chapter 21 of the Statutes of Canada, 1984, and includes a person who is attached or seconded to the Service as an employee;</p> <p>“foreign state” means any state other than Canada;</p> <p>“Inspector General” means the Inspector General appointed pursuant to subsection 30(1);</p> <p>“intercept” has the same meaning as in section 183 of the Criminal Code;</p> <p>“judge” means a judge of the Federal Court designated by the Chief Justice thereof for the purposes of this Act;</p> <p>“Minister” means the Minister of Public Safety and Emergency Preparedness;</p> <p>“place” includes any conveyance;</p> <p>“Review Committee” means the Security Intelligence Review Committee established by subsection 34(1);</p> <p>“security assessment” means an appraisal of the loyalty to Canada and, so far as it relates thereto, the reliability of an individual;</p> <p>“Service” means the Canadian Security Intelligence Service established by subsection 3(1);</p> <p>“threats to the security of Canada” means:</p> <ol style="list-style-type: none"> a. espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage, b. foreign influenced activities within or relating to Canada that are detrimental

	<p>to the interests of Canada and are clandestine or deceptive or involve a threat to any person,</p> <ul style="list-style-type: none"> c. activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state, and d. activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada, but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d). <p>Section 29</p> <p>Interpretation</p> <p>Definition of “deputy head”</p> <p>In this Part, “deputy head” means, in relation to</p> <ul style="list-style-type: none"> a. a department named in Schedule I to the Financial Administration Act, the deputy minister thereof, b. the Canadian Forces, the Chief of the Defence Staff, c. the Royal Canadian Mounted Police, the Commissioner, d. the Service, the Director, and e. any other portion of the federal public administration, the person designated by order in council pursuant to this paragraph and for the purposes of this Part to be the deputy head of that portion of the federal public administration.
<p>Organisation and structure</p>	<p>Section 3</p> <p>Establishment of Service</p> <ul style="list-style-type: none"> 1. The Canadian Security Intelligence Service is hereby established, consisting of the Director and employees of the Service. <p>Principal office</p> <ul style="list-style-type: none"> 2. The principal office of the Service shall be in the National Capital Region described in the schedule to the National Capital Act. <p>Other offices</p> <ul style="list-style-type: none"> 3. The Director may, with the approval of the Minister, establish other offices of the Service elsewhere in Canada.
<p>Mandate and functions</p>	<p>Section 12</p> <p>Collection, analysis and retention</p> <p>The Service shall collect, by investigation or otherwise, to the extent that it is strictly necessary, and analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and, in relation thereto, shall report to and advise the Government of Canada.</p>

Section 13

Security assessments

1. The Service may provide security assessments to departments of the Government of Canada.

Arrangements with provinces

2. The Service may, with the approval of the Minister, enter into an arrangement with:
 - a. the government of a province or any department thereof, or
 - b. any police force in a province, with the approval of the Minister responsible for policing in the province, authorizing the Service to provide security assessments.

Arrangements with foreign states

3. The Service may, with the approval of the Minister after consultation by the Minister with the Minister of Foreign Affairs, enter into an arrangement with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof authorizing the Service to provide the government, institution or organization with security assessments.

Section 14

Advice to Ministers

The Service may

- a. advise any minister of the Crown on matters relating to the security of Canada, or
- b. provide any minister of the Crown with information relating to security matters or criminal activities, that is relevant to the exercise of any power or the performance of any duty or function by that Minister under the Citizenship Act or the Immigration and Refugee Protection Act.

Section 15

Investigations

The Service may conduct such investigations as are required for the purpose of providing security assessments pursuant to section 13 or advice pursuant to section 14.

Section 16

Collection of information concerning foreign states and persons

1. Subject to this section, the Service may, in relation to the defence of Canada or the conduct of the international affairs of Canada, assist the Minister of National Defence or the Minister of Foreign Affairs, within Canada, in the collection of information or intelligence relating to the capabilities, intentions or activities of
 - a. any foreign state or group of foreign states; or
 - b. any person other than
 - i. a Canadian citizen,

	<ul style="list-style-type: none"> ii. a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act, or iii. a corporation incorporated by or under an Act of Parliament or of the legislature of a province. <p>Limitation</p> <p>2. The assistance provided pursuant to subsection (1) shall not be directed at any person referred to in subparagraph (1)(b)(i), (ii) or (iii).</p> <p>Personal consent of Ministers required</p> <p>3. The Service shall not perform its duties and functions under subsection (1) unless it does so</p> <ul style="list-style-type: none"> a. on the personal request in writing of the Minister of National Defence or the Minister of Foreign Affairs; and b. with the personal consent in writing of the Minister.
<p>Information collection powers</p>	<p>Section 12</p> <p>Collection, analysis and retention</p> <p>The Service shall collect, by investigation or otherwise, to the extent that it is strictly necessary, and analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and, in relation thereto, shall report to and advise the Government of Canada.</p> <p>Section 21</p> <p>Application for warrant</p> <p>1. Where the Director or any employee designated by the Minister for the purpose believes, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16, the Director or employee may, after having obtained the approval of the Minister, make an application in accordance with subsection (2) to a judge for a warrant under this section.</p> <p>Matters to be specified in application for warrant</p> <p>2. An application to a judge under subsection (1) shall be made in writing and be accompanied by an affidavit of the applicant deposing to the following matters, namely,</p> <ul style="list-style-type: none"> a. the facts relied on to justify the belief, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16; b. that other investigative procedures have been tried and have failed or why it appears that they are unlikely to succeed, that the urgency of the matter is such that it would be impractical to carry out the investigation using only other investigative procedures or that without a warrant under this section it is likely that information of importance with respect

to the threat to the security of Canada or the performance of the duties and functions under section 16 referred to in paragraph (a) would not be obtained;

- c. the type of communication proposed to be intercepted, the type of information, records, documents or things proposed to be obtained and the powers referred to in paragraphs (3)(a) to (c) proposed to be exercised for that purpose;
- d. the identity of the person, if known, whose communication is proposed to be intercepted or who has possession of the information, record, document or thing proposed to be obtained;
- e. the persons or classes of persons to whom the warrant is proposed to be directed;
- f. a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given;
- g. the period, not exceeding sixty days or one year, as the case may be, for which the warrant is requested to be in force that is applicable by virtue of subsection (5); and
- h. any previous application made in relation to a person identified in the affidavit pursuant to paragraph (d), the date on which the application was made, the name of the judge to whom each application was made and the decision of the judge thereon.

Issuance of warrant

- 3. Notwithstanding any other law but subject to the Statistics Act, where the judge to whom an application under subsection (1) is made is satisfied of the matters referred to in paragraphs (2)(a) and (b) set out in the affidavit accompanying the application, the judge may issue a warrant authorizing the persons to whom it is directed to intercept any communication or obtain any information, record, document or thing and, for that purpose,
 - a. to enter any place or open or obtain access to any thing;
 - b. to search for, remove or return, or examine, take extracts from or make copies of or record in any other manner the information, record, document or thing; or
 - c. to install, maintain or remove any thing.

Matters to be specified in warrant

- 4. There shall be specified in a warrant issued under subsection (3)
 - a. the type of communication authorized to be intercepted, the type of information, records, documents or things authorized to be obtained and the powers referred to in paragraphs (3)(a) to (c) authorized to be exercised for that purpose;
 - b. the identity of the person, if known, whose communication is to be intercepted or who has possession of the information, record, document or thing to be obtained;
 - c. the persons or classes of persons to whom the warrant is directed;
 - d. a general description of the place where the warrant may be executed, if a general description of that place can be given;
 - e. the period for which the warrant is in force; and
 - f. such terms and conditions as the judge considers advisable in the public interest.

Maximum duration of warrant

5. A warrant shall not be issued under subsection (3) for a period exceeding
 - a. sixty days where the warrant is issued to enable the Service to investigate a threat to the security of Canada within the meaning of paragraph (d) of the definition of that expression in section 2; or
 - b. one year in any other case.

Section 22

Renewal of warrant

On application in writing to a judge for the renewal of a warrant issued under subsection 21(3) made by a person entitled to apply for such a warrant after having obtained the approval of the Minister, the judge may, from time to time, renew the warrant for a period not exceeding the period for which the warrant may be issued pursuant to subsection 21(5) if satisfied by evidence on oath that

- a. the warrant continues to be required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16; and
- b. any of the matters referred to in paragraph 21(2)(b) are applicable in the circumstances.

Section 23

Warrant authorizing removal

1. On application in writing by the Director or any employee designated by the Minister for the purpose, a judge may, if the judge thinks fit, issue a warrant authorizing the persons to whom the warrant is directed to remove from any place any thing installed pursuant to a warrant issued under subsection 21(3) and, for that purpose, to enter any place or open or obtain access to any thing.

Matters to be specified in warrants

2. There shall be specified in a warrant issued under subsection (1) the matters referred to in paragraphs 21(4)(c) to (f).

Section 24

Warrant to have effect notwithstanding other laws

Notwithstanding any other law, a warrant issued under section 21 or 23

- a. authorizes every person or person included in a class of persons to whom the warrant is directed,
 - i. in the case of a warrant issued under section 21, to exercise the powers specified in the warrant for the purpose of intercepting communications of the type specified therein or obtaining information, records, documents or things of the type specified therein, or
 - ii. in the case of a warrant issued under section 23, to execute the warrant; and
- b. authorizes any other person to assist a person who that other person believes on reasonable grounds is acting in accordance with such a warrant.

	<p>Section 25</p> <p>Crown Liability and Proceedings Act not to apply No action lies under section 18 of the Crown Liability and Proceedings Act in respect of</p> <ol style="list-style-type: none"> a. the use or disclosure pursuant to this Act of any communication intercepted under the authority of a warrant issued under section 21; or b. the disclosure pursuant to this Act of the existence of any such communication. <p>Section 26</p> <p>Exclusion of Part VI of Criminal Code Part VI of the Criminal Code does not apply in relation to any interception of a communication under the authority of a warrant issued under section 21 or in relation to any communication so intercepted.</p> <p>Section 27</p> <p>Hearing of applications An application under section 21, 22 or 23 to a judge for a warrant or the renewal of a warrant shall be heard in private in accordance with regulations made under section 28.</p> <p>Section 28</p> <p>Regulations The Governor in Council may make regulations</p> <ol style="list-style-type: none"> a. prescribing the forms of warrants that may be issued under section 21 or 23; b. governing the practice and procedure of, and security requirements applicable to, hearings of applications for those warrants and for renewals of those warrants; and c. notwithstanding the Federal Courts Act and any rules made thereunder, specifying the places where those hearings may be held and the places where, and the manner in which, records or documents concerning those hearings shall be kept.
<p>Management and use of personal data</p>	
<p>Cooperation and information sharing with domestic and foreign bodies</p>	<p>Section 17</p> <p>Cooperation</p> <ol style="list-style-type: none"> 1. For the purpose of performing its duties and functions under this Act, the Service may, <ol style="list-style-type: none"> a. with the approval of the Minister, enter into an arrangement or otherwise cooperate with <ol style="list-style-type: none"> i. any department of the Government of Canada or the government of a province or any department thereof, or

- ii. any police force in a province, with the approval of the Minister responsible for policing in the province; or
- b. with the approval of the Minister after consultation by the Minister with the Minister of Foreign Affairs, enter into an arrangement or otherwise cooperate with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof.

Copies of arrangements to Review Committee

- 2. Where a written arrangement is entered into pursuant to subsection (1) or subsection 13(2) or (3), a copy thereof shall be given forthwith to the Review Committee.

Section 19

Authorized disclosure of information

- 1. Information obtained in the performance of the duties and functions of the Service under this Act shall not be disclosed by the Service except in accordance with this section.

Idem

- 2. The Service may disclose information referred to in subsection (1) for the purposes of the performance of its duties and functions under this Act or the administration or enforcement of this Act or as required by any other law and may also disclose such information,
 - a. where the information may be used in the investigation or prosecution of an alleged contravention of any law of Canada or a province, to a peace officer having jurisdiction to investigate the alleged contravention and to the Attorney General of Canada and the Attorney General of the province in which proceedings in respect of the alleged contravention may be taken;
 - b. where the information relates to the conduct of the international affairs of Canada, to the Minister of Foreign Affairs or a person designated by the Minister of Foreign Affairs for the purpose;
 - c. where the information is relevant to the defence of Canada, to the Minister of National Defence or a person designated by the Minister of National Defence for the purpose; or
 - d. where, in the opinion of the Minister, disclosure of the information to any minister of the Crown or person in the federal public administration is essential in the public interest and that interest clearly outweighs any invasion of privacy that could result from the disclosure, to that minister or person.

Report to Review Committee

- 3. The Director shall, as soon as practicable after a disclosure referred to in paragraph (2)(d) is made, submit a report to the Review Committee with respect to the disclosure.

<p>Internal management and control</p>	<p>Section 4</p> <p>Appointment</p> <p>1. The Governor in Council shall appoint the Director of the Service.</p> <p>Term of office</p> <p>2. The Director shall be appointed to hold office during pleasure for a term not exceeding five years.</p> <p>Re-appointment</p> <p>3. Subject to subsection (4), the Director is eligible, on the expiration of a first or any subsequent term of office, to be re-appointed for a further term not exceeding five years.</p> <p>Limitation</p> <p>4. No person shall hold office as Director for terms exceeding ten years in the aggregate.</p> <p>Absence or incapacity</p> <p>5. In the event of the absence or incapacity of the Director, or if the office of Director is vacant, the Governor in Council may appoint another person to hold office instead of the Director for a term not exceeding six months, and that person shall, while holding that office, have all of the powers, duties and functions of the Director under this Act or any other Act of Parliament and be paid such salary or other remuneration and expenses as may be fixed by the Governor in Council.</p> <p>Section 5</p> <p>Salary and expenses</p> <p>1. The Director is entitled to be paid a salary to be fixed by the Governor in Council and shall be paid reasonable travel and living expenses incurred by the Director in the performance of duties and functions under this Act.</p> <p>Section 6</p> <p>Role of Director</p> <p>1. The Director, under the direction of the Minister, has the control and management of the Service and all matters connected therewith.</p> <p>Section 7</p> <p>Consultation with Deputy Minister</p> <p>1. The Director shall consult the Deputy Minister on</p> <ul style="list-style-type: none">a. the general operational policies of the Service; andb. any matter with respect to which consultation is required by directions issued under subsection 6(2).
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	<p>Idem</p> <p>2. The Director or any employee designated by the Minister for the purpose of applying for a warrant under section 21 or 23 shall consult the Deputy Minister before applying for the warrant or the renewal of the warrant.</p> <p>Advice by Deputy Minister</p> <p>3. The Deputy Minister shall advise the Minister with respect to directions issued under subsection 6(2) or that should, in the opinion of the Deputy Minister, be issued under that subsection.</p> <p>Section 8</p> <p>Powers and functions of Director</p> <p>1. Notwithstanding the Financial Administration Act and the Public Service Employment Act, the Director has exclusive authority to appoint employees and, in relation to the human resources management of employees, other than persons attached or seconded to the Service as employees,</p> <ol style="list-style-type: none"> a. to provide for the terms and conditions of their employment; and b. subject to the regulations, <ol style="list-style-type: none"> i. to exercise the powers and perform the functions of the Treasury Board relating to human resources management under the Financial Administration Act, and ii. to exercise the powers and perform the functions assigned to the Public Service Commission by or pursuant to the Public Service Employment Act.
<p>Executive control</p>	<p>Section 6</p> <p>Minister may issue directions</p> <p>2. In providing the direction referred to in subsection (1), the Minister may issue to the Director written directions with respect to the Service and a copy of any such direction shall, forthwith after it is issued, be given to the Review Committee.</p> <p>Directions deemed not to be statutory instruments</p> <p>3. Directions issued by the Minister under subsection (2) shall be deemed not to be statutory instruments for the purposes of the Statutory Instruments Act.</p>
<p>Parliamentary and expert oversight</p>	<p>Section 30</p> <p>Inspector General</p> <p>1. The Governor in Council shall appoint an officer to be known as the Inspector General, who is responsible to the Deputy Minister.</p> <p>Functions</p> <p>2. The functions of the Inspector General are</p> <ol style="list-style-type: none"> a. to monitor the compliance by the Service with its operational policies; b. to review the operational activities of the Service; and c. to submit certificates pursuant to subsection 33(2).

Section 31

Access to information

1. Notwithstanding any other Act of Parliament but subject to subsection (2), the Inspector General is entitled to have access to any information under the control of the Service that relates to the performance of the duties and functions of the Inspector General and is also entitled to receive from the Director and employees such information, reports and explanations as the Inspector General deems necessary for the performance of those duties and functions.

Compelling production of information

2. No information described in subsection (1), other than a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the Canada Evidence Act applies, may be withheld from the Inspector General on any grounds.

Section 32

Compliance with security requirements

The Inspector General shall comply with all security requirements applicable by or under this Act to an employee and shall take the oath of secrecy set out in the schedule.

Section 33

Periodic reports by Director

1. The Director shall, in relation to every period of twelve months or such lesser period as is specified by the Minister, submit to the Minister, at such times as the Minister specifies, reports with respect to the operational activities of the Service during that period, and shall cause the Inspector General to be given a copy of each such report.

Certificates of Inspector General

2. As soon as practicable after receiving a copy of a report referred to in subsection (1), the Inspector General shall submit to the Minister a certificate stating the extent to which the Inspector General is satisfied with the report and whether any act or thing done by the Service in the course of its operational activities during the period to which the report relates is, in the opinion of the Inspector General,
 - a. not authorized by or under this Act or contravenes any directions issued by the Minister under subsection 6(2); or
 - b. involves an unreasonable or unnecessary exercise by the Service of any of its powers.

Transmission to Review Committee

3. As soon as practicable after receiving a report referred to in subsection (1) and a certificate of the Inspector General referred to in subsection (2), the Minister shall cause the report and certificate to be transmitted to the Review Committee.

Section 34

Security Intelligence Review Committee

1. There is hereby established a committee, to be known as the Security Intelligence Review Committee, consisting of a Chairman and not less than two and not more than four other members, all of whom shall be appointed by the Governor in Council from among members of the Queen’s Privy Council for Canada who are not members of the Senate or the House of Commons, after consultation by the Prime Minister of Canada with the Leader of the Opposition in the House of Commons and the leader in the House of Commons of each party having at least twelve members in that House.

Term of office

2. Each member of the Review Committee shall be appointed to hold office during good behaviour for a term not exceeding five years.

Re-appointment

3. A member of the Review Committee is eligible to be re-appointed for a term not exceeding five years.

Expenses

4. Each member of the Review Committee is entitled to be paid, for each day that the member performs duties and functions under this Act, such remuneration as is fixed by the Governor in Council and shall be paid reasonable travel and living expenses incurred by the member in the performance of those duties and functions.

Section 35

Chairman of the Review Committee

1. The Chairman of the Review Committee is the chief executive officer of the Committee.

Acting Chairman of the Review Committee

2. The Chairman of the Review Committee may designate another member of the Committee to act as the Chairman in the event of the absence or incapacity of the Chairman and, if no such designation is in force or the office of Chairman is vacant, the Minister may designate a member of the Committee to act as the Chairman.

Section 36

Staff of Review Committee

The Review Committee may, with the approval of the Treasury Board,

- a. engage a secretary and such other staff as it requires; and
- b. fix and pay the remuneration and expenses of persons engaged pursuant to paragraph (a).

Section 37

Compliance with security requirements

Every member of the Review Committee and every person engaged by it shall comply with all security requirements applicable by or under this Act to an employee and shall take the oath of secrecy set out in the schedule.

Section 38

Functions of Review Committee

The functions of the Review Committee are

- a. to review generally the performance by the Service of its duties and functions and, in connection therewith,
 - i. to review the reports of the Director and certificates of the Inspector General transmitted to it pursuant to subsection 33(3),
 - ii. to review directions issued by the Minister under subsection 6(2),
 - iii. to review arrangements entered into by the Service pursuant to subsections 13(2) and (3) and 17(1) and to monitor the provision of information and intelligence pursuant to those arrangements,
 - iv. to review any report or comment given to it pursuant to subsection 20(4),
 - v. to monitor any request referred to in paragraph 16(3)(a) made to the Service,
 - vi. to review the regulations, and
 - vii. to compile and analyse statistics on the operational activities of the Service;
- b. to arrange for reviews to be conducted, or to conduct reviews, pursuant to section 40; and
- c. to conduct investigations in relation to
 - i. complaints made to the Committee under sections 41 and 42,
 - ii. reports made to the Committee pursuant to section 19 of the Citizenship Act, and
 - iii. matters referred to the Committee pursuant to section 45 of the Canadian Human Rights Act.

Section 39

Committee procedures

1. Subject to this Act, the Review Committee may determine the procedure to be followed in the performance of any of its duties or functions.

Access to information

2. Notwithstanding any other Act of Parliament or any privilege under the law of evidence, but subject to subsection (3), the Review Committee is entitled
 - a. to have access to any information under the control of the Service or of the Inspector General that relates to the performance of the duties and functions of the Committee and to receive from the Inspector General, Director and employees such information, reports and explanations as the Committee deems necessary for the performance of its duties and functions; and

- b. during any investigation referred to in paragraph 38(c), to have access to any information under the control of the deputy head concerned that is relevant to the investigation.

Idem

3. No information described in subsection (2), other than a confidence of the Queen’s Privy Council for Canada in respect of which subsection 39(1) of the Canada Evidence Act applies, may be withheld from the Committee on any grounds.

Section 40

Review

For the purpose of ensuring that the activities of the Service are carried out in accordance with this Act, the regulations and directions issued by the Minister under subsection 6(2) and that the activities do not involve any unreasonable or unnecessary exercise by the Service of any of its powers, the Review Committee may

- a. direct the Service or Inspector General to conduct a review of specific activities of the Service and provide the Committee with a report of the review; or
- b. where it considers that a review by the Service or the Inspector General would be inappropriate, conduct such a review itself.

Section 47

Notice of intention to investigate

Before commencing an investigation of a complaint referred to in paragraph 38(c) other than an investigation under section 41, the Review Committee shall notify the Director and, where applicable, the deputy head concerned of its intention to carry out the investigation and shall inform the Director and the deputy head of the substance of the complaint.

Section 48

Investigations in private

1. Every investigation of a complaint under this Part by the Review Committee shall be conducted in private.

Right to make representations

2. In the course of an investigation of a complaint under this Part by the Review Committee, the complainant, deputy head concerned and the Director shall be given an opportunity to make representations to the Review Committee, to present evidence and to be heard personally or by counsel, but no one is entitled as of right to be present during, to have access to or to comment on representations made to the Review Committee by any other person.

Section 49

Canadian Human Rights Commission may comment

In the course of an investigation of a complaint under this Part, the Review Committee shall, where appropriate, ask the Canadian Human Rights Commission for its opinion or comments with respect to the complaint.

Section 50

Powers of Review Committee

The Review Committee has, in relation to the investigation of any complaint under this Part, power

- a. to summon and enforce the appearance of persons before the Committee and to compel them to give oral or written evidence on oath and to produce such documents and things as the Committee deems requisite to the full investigation and consideration of the complaint in the same manner and to the same extent as a superior court of record;
- b. to administer oaths; and
- c. to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the Committee sees fit, whether or not that evidence or information is or would be admissible in a court of law.

Section 51

Evidence in other proceedings

Except in a prosecution of a person for an offence under section 133 of the Criminal Code (false statements in extra-judicial proceedings) in respect of a statement made under this Act, evidence given by a person in proceedings under this Part and evidence of the existence of the proceedings are inadmissible against that person in a court or in any other proceedings.

Section 52

Report of findings

1. The Review Committee shall,
 - a. on completion of an investigation in relation to a complaint under section 41, provide the Minister and the Director with a report containing the findings of the investigation and any recommendations that the Committee considers appropriate; and
 - b. at the same time as or after a report is provided pursuant to paragraph (a), report the findings of the investigation to the complainant and may, if it thinks fit, report to the complainant any recommendations referred to in that paragraph.

Idem

2. On completion of an investigation in relation to a complaint under section 42, the Review Committee shall provide the Minister, the Director, the deputy head concerned and the complainant with a report containing any recommendations that the Committee considers appropriate, and those

	<p>findings of the investigation that the Committee considers it fit to report to the complainant.</p> <p>Section 53</p> <p>Annual reports</p> <p>The Review Committee shall, not later than September 30 in each fiscal year, submit to the Minister a report of the activities of the Committee during the preceding fiscal year and the Minister shall cause the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the day the Minister receives it.</p> <p>Section 54</p> <p>Special reports</p> <p>The Review Committee may, on request by the Minister or at any other time, furnish the Minister with a special report concerning any matter that relates to the performance of its duties and functions.</p> <p>Section 55</p> <p>Protection of confidential information</p> <p>The Review Committee shall consult with the Director in order to ensure compliance with section 37 in preparing</p> <ol style="list-style-type: none"> a. a statement under section 46 of this Act, subsection 45(6) of the Canadian Human Rights Act or subsection 19(5) of the Citizenship Act; or b. a report under paragraph 52(1)(b), subsection 52(2) or section 53 of this Act, subsection 46(1) of the Canadian Human Rights Act or subsection 19(6) of the Citizenship Act.
<p>Complaints handling</p>	<p>Section 41</p> <p>Complaints</p> <ol style="list-style-type: none"> 1. Any person may make a complaint to the Review Committee with respect to any act or thing done by the Service and the Committee shall, subject to subsection (2), investigate the complaint if <ol style="list-style-type: none"> a. the complainant has made a complaint to the Director with respect to that act or thing and the complainant has not received a response within such period of time as the Committee considers reasonable or is dissatisfied with the response given; and b. the Committee is satisfied that the complaint is not trivial, frivolous, vexatious or made in bad faith. <p>Other redress available</p> <ol style="list-style-type: none"> 2. The Review Committee shall not investigate a complaint in respect of which the complainant is entitled to seek redress by means of a grievance procedure established pursuant to this Act or the Public Service Labour Relations Act.

Section 42

Denial of security clearance

1. Where, by reason only of the denial of a security clearance required by the Government of Canada, a decision is made by a deputy head to deny employment to an individual or to dismiss, demote or transfer an individual or to deny a promotion or transfer to an individual, the deputy head shall send, within ten days after the decision is made, a notice informing the individual of the denial of the security clearance.

Idem

2. Where, by reason only of the denial of a security clearance required by the Government of Canada to be given in respect of an individual, a decision is made to deny the individual or any other person a contract to provide goods or services to the Government of Canada, the deputy head concerned shall send, within ten days after the decision is made, a notice informing the individual and, where applicable, the other person of the denial of the security clearance.

Receipt and investigation of complaints

3. The Review Committee shall receive and investigate a complaint from
 - a. any individual referred to in subsection (1) who has been denied a security clearance; or
 - b. any person who has been denied a contract to provide goods or services to the Government of Canada by reason only of the denial of a security clearance in respect of that person or any individual.

Time within which complaint is to be made

4. A complaint under subsection (3) shall be made within thirty days after receipt of the notice referred to in subsection (1) or (2) or within such longer period as the Review Committee allows.

Section 43

Member of the Committee authorized to act alone

A member of the Review Committee may exercise any of the powers or perform any of the duties or functions of the Committee under this Part in relation to complaints.

Section 44

Complaints submitted on behalf of complainants

Nothing in this Act precludes the Review Committee from receiving and investigating complaints described in sections 41 and 42 that are submitted by a person authorized by the complainant to act on behalf of the complainant, and a reference to a complainant in any other section includes a reference to a person so authorized.

	<p>Section 45</p> <p>Written complaint</p> <p>A complaint under this Part shall be made to the Review Committee in writing unless the Committee authorizes otherwise.</p> <p>Section 46</p> <p>Statement and notice of hearing to be sent to the complainant</p> <p>The Review Committee shall, as soon as practicable after receiving a complaint made under section 42, send to the complainant a statement summarizing such information available to the Committee as will enable the complainant to be as fully informed as possible of the circumstances giving rise to the denial of the security clearance and shall send a copy of the statement to the Director and the deputy head concerned.</p>
<p>Personnel</p>	<p>Section 8</p> <p>Discipline and grievances of employees</p> <p>2. Notwithstanding the Public Service Labour Relations Act but subject to subsection (3) and the regulations, the Director may establish procedures respecting the conduct and discipline of, and the presentation, consideration and adjudication of grievances in relation to, employees, other than persons attached or seconded to the Service as employees.</p> <p>Adjudication of employee grievances</p> <p>3. When a grievance is referred to adjudication, the adjudication shall not be heard or determined by any person, other than a full-time member of the Public Service Labour Relations Board established under section 12 of the Public Service Labour Relations Act.</p> <p>Regulations</p> <p>4. The Governor in Council may make regulations</p> <ol style="list-style-type: none"> a. governing the exercise of the powers and the performance of the duties and functions of the Director referred to in subsection (1); and b. in relation to employees to whom subsection (2) applies, governing their conduct and discipline and the presentation, consideration and adjudication of grievances. <p>Section 9</p> <p>Process for resolution of disputes of support staff</p> <p>1. Notwithstanding the Public Service Labour Relations Act,</p> <ol style="list-style-type: none"> a. the process for resolution of a dispute applicable to employees of the Service in a bargaining unit determined for the purposes of that Act is by the referral of the dispute to arbitration; and b. the process for resolution of a dispute referred to in paragraph (a) shall not be altered pursuant to that Act.

	<p>Public Service Superannuation Act</p> <p>2. Employees of the Service shall be deemed to be employed in the public service for the purposes of the Public Service Superannuation Act.</p> <p>Report and comments to Attorney General of Canada</p> <p>3. The Minister shall cause to be given to the Attorney General of Canada a copy of any report that he receives pursuant to subsection (2), together with any comment that he considers appropriate in the circumstances.</p> <p>Copies to Review Committee</p> <p>4. A copy of anything given to the Attorney General of Canada pursuant to subsection (3) shall be given forthwith to the Review Committee.</p> <p>Section 10</p> <p>Oaths</p> <p>The Director and every employee shall, before commencing the duties of office, take an oath of allegiance and the oaths set out in the schedule.</p> <p>Section 20</p> <p>Protection of employees</p> <p>1. The Director and employees have, in performing the duties and functions of the Service under this Act, the same protection under the law as peace officers have in performing their duties and functions as peace officers.</p> <p>Unlawful conduct</p> <p>2. If the Director is of the opinion that an employee may, on a particular occasion, have acted unlawfully in the purported performance of the duties and functions of the Service under this Act, the Director shall cause to be submitted a report in respect thereof to the Minister.</p>
<p>Other</p>	<p>Section 18</p> <p>Offence to disclose identity</p> <p>1. Subject to subsection (2), no person shall disclose any information that the person obtained or to which the person had access in the course of the performance by that person of duties and functions under this Act or the participation by that person in the administration or enforcement of this Act and from which the identity of</p> <ol style="list-style-type: none"> a. any other person who is or was a confidential source of information or assistance to the Service, or b. any person who is or was an employee engaged in covert operational activities of the Service can be inferred. <p>Exceptions</p> <p>2. A person may disclose information referred to in subsection (1) for the purposes of the performance of duties and functions under this Act or any</p>

other Act of Parliament or the administration or enforcement of this Act or as required by any other law or in the circumstances described in any of paragraphs 19(2)(a) to (d).

Offence

3. Every one who contravenes subsection (1)
 - a. is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
 - b. is guilty of an offence punishable on summary conviction.

Section 56

Review of Act after five years

1. After July 16, 1989, a comprehensive review of the provisions and operation of this Act shall be undertaken by such committee of the House of Commons or of both Houses of Parliament as may be designated or established by Parliament for that purpose.

Report to Parliament

2. The committee referred to in subsection (1) shall, within a year after a review is undertaken pursuant to that subsection or within such further time as Parliament may authorize, submit a report on the review to Parliament including a statement of any changes the committee recommends.

Schedule

Oath of Office

I,, swear that I will faithfully and impartially to the best of my abilities perform the duties required of me as (the Director, an employee) of the Canadian Security Intelligence Service. So help me God.

Oath of Secrecy

I,, swear that I will not, without due authority, disclose or make known to any person any information acquired by me by reason of the duties performed by me on behalf of or under the direction of the Canadian Security Intelligence Service or by reason of any office or employment held by me pursuant to the Canadian Security Intelligence Service Act. So help me God.

The Act, presented in its original form

An Act to establish the Canadian Security Intelligence Service

Short title

Section 1

This Act may be cited as the Canadian Security Intelligence Service Act.

Interpretation

Section 2

In this Act,

“department”, in relation to the government of Canada or of a province, includes

- a. any portion of a department of the Government of Canada or of the province, and
- b. any Ministry of State, institution or other body of the Government of Canada or of the province or any portion thereof;

“Deputy Minister” means the Deputy Minister of Public Safety and Emergency Preparedness and includes any person acting for or on behalf of the Deputy Minister of Public Safety and Emergency Preparedness;

“Director” means the Director of the Service;

“employee” means a person who is appointed as an employee of the Service pursuant to subsection 8(1) or has become an employee of the Service pursuant to subsection 66(1) of the Canadian Security Intelligence Service Act, chapter 21 of the Statutes of Canada, 1984, and includes a person who is attached or seconded to the Service as an employee;

“foreign state” means any state other than Canada;

“Inspector General” means the Inspector General

appointed pursuant to subsection 30(1);

“intercept” has the same meaning as in section 183 of the Criminal Code;

“judge” means a judge of the Federal Court designated by the Chief Justice thereof for the purposes of this Act;

“Minister” means the Minister of Public Safety and Emergency Preparedness;

“place” includes any conveyance;

“Review Committee” means the Security Intelligence Review Committee established by subsection 34(1);

“security assessment” means an appraisal of the loyalty to Canada and, so far as it relates thereto, the reliability of an individual;

“Service” means the Canadian Security Intelligence Service established by subsection 3(1);

“threats to the security of Canada” means

- a. espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage,
- b. foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person,
- c. activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state, and

- d. activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada, but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d).

PART I

CANADIAN SECURITY INTELLIGENCE SERVICE

Establishment of Service

Section 3

Establishment of Service

1. The Canadian Security Intelligence Service is hereby established, consisting of the Director and employees of the Service.

Principal office

2. The principal office of the Service shall be in the National Capital Region described in the schedule to the National Capital Act.

Other offices

3. The Director may, with the approval of the Minister, establish other offices of the Service elsewhere in Canada.

Director

Section 4

Appointment

1. The Governor in Council shall appoint the Director of the Service.

Term of office

2. The Director shall be appointed to hold office during pleasure for a term not exceeding five years.

Re-appointment

3. Subject to subsection (4), the Director is eligible, on the expiration of a first or any subsequent term of office, to be re-

appointed for a further term not exceeding five years.

Limitation

4. No person shall hold office as Director for terms exceeding ten years in the aggregate.

Absence or incapacity

5. In the event of the absence or incapacity of the Director, or if the office of Director is vacant, the Governor in Council may appoint an other person to hold office instead of the Director for a term not exceeding six months, and that person shall, while holding that office, have all of the powers, duties and functions of the Director under this Act or any other Act of Parliament and be paid such salary or other remuneration and expenses as may be fixed by the Governor in Council.

Section 5

Salary and expenses

1. The Director is entitled to be paid a salary to be fixed by the Governor in Council and shall be paid reasonable travel and living expenses incurred by the Director in the performance of duties and functions under this Act.

Pension benefits

2. The provisions of the Public Service Superannuation Act, other than those relating to tenure of office, apply to the Director, except that a person appointed as Director from outside the public service, as defined in the Public Service Superannuation Act, may, by notice in writing given to the President of the Treasury Board not more than sixty days after the date of appointment, elect to participate in the pension plan provided by the Diplomatic Service (Special) Superannuation Act, in which case the provisions of that Act, other than those relating to tenure of office, apply to the Director from the date of appointment and the provisions of the Public Service Superannuation Act do not apply.

Management of Service

Section 6

Role of Director

1. The Director, under the direction of the Minister, has the control and management of the Service and all matters connected therewith.

Minister may issue directions

2. In providing the direction referred to in subsection (1), the Minister may issue to the Director written directions with respect to the Service and a copy of any such direction shall, forthwith after it is issued, be given to the Review Committee.

Directions deemed not to be statutory instruments

3. Directions issued by the Minister under subsection (2) shall be deemed not to be statutory instruments for the purposes of the Statutory Instruments Act.

Section 7

Consultation with Deputy Minister

1. The Director shall consult the Deputy Minister on
 - a. the general operational policies of the Service; and
 - b. any matter with respect to which consultation is required by directions issued under subsection 6(2).

Idem

2. The Director or any employee designated by the Minister for the purpose of applying for a warrant under section 21 or 23 shall consult the Deputy Minister before applying for the warrant or the renewal of the warrant.

Advice by Deputy Minister

3. The Deputy Minister shall advise the Minister with respect to directions issued under subsection 6(2) or that should, in the opinion of the Deputy Minister, be issued under that subsection.

Section 8

Powers and functions of Director

1. Notwithstanding the Financial Administration Act and the Public Service Employment Act, the Director has exclusive authority to appoint employees and, in relation to the human resources management of employees, other than persons attached or seconded to the Service as employees,
 - a. to provide for the terms and conditions of their employment; and
 - b. subject to the regulations,
 - i. to exercise the powers and perform the functions of the Treasury Board relating to human resources management under the Financial Administration Act, and
 - ii. to exercise the powers and perform the functions assigned to the Public Service Commission by or pursuant to the Public Service Employment Act.

Discipline and grievances of employees

2. Notwithstanding the Public Service Labour Relations Act but subject to subsection (3) and the regulations, the Director may establish procedures respecting the conduct and discipline of, and the presentation, consideration and adjudication of grievances in relation to, employees, other than persons attached or seconded to the Service as employees.

Adjudication of employee grievances

3. When a grievance is referred to adjudication, the adjudication shall not be heard or determined by any person, other than a full-time member of the Public Service Labour Relations Board established under section 12 of the Public Service Labour Relations Act.

Regulations

4. The Governor in Council may make regulations
 - a. governing the exercise of the powers and the performance of the duties and functions of the Director referred to in subsection (1); and

- b. in relation to employees to whom subsection (2) applies, governing their conduct and discipline and the presentation, consideration and adjudication of grievances.

Section 9

Process for resolution of disputes of support staff

1. Notwithstanding the Public Service Labour Relations Act,
 - a. the process for resolution of a dispute applicable to employees of the Service in a bargaining unit determined for the purposes of that Act is by the referral of the dispute to arbitration; and
 - b. the process for resolution of a dispute referred to in paragraph (a) shall not be altered pursuant to that Act.

Public Service Superannuation Act

2. Employees of the Service shall be deemed to be employed in the public service for the purposes of the Public Service Superannuation Act.

Section 10

Oaths

The Director and every employee shall, before commencing the duties of office, take an oath of allegiance and the oaths set out in the schedule.

Section 11

Certificate

A certificate purporting to be issued by or under the authority of the Director and stating that the person to whom it is issued is an employee or is a person, or a person included in a class of persons, to whom a warrant issued under section 21 or 23 is directed is evidence of the statements contained therein and is admissible in evidence without proof of the signature or official character of the person purporting to have issued it.

Duties and Functions of Service

Section 12

Collection, analysis and retention

The Service shall collect, by investigation or otherwise, to the extent that it is strictly necessary, and analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and, in relation thereto, shall report to and advise the Government of Canada.

Section 13

Security assessments

1. The Service may provide security assessments to departments of the Government of Canada.

Arrangements with provinces

2. The Service may, with the approval of the Minister, enter into an arrangement with
 - a. the government of a province or any department thereof, or
 - b. any police force in a province, with the approval of the Minister responsible for policing in the province, authorizing the Service to provide security assessments.
3. The Service may, with the approval of the Minister after consultation by the Minister with the Minister of Foreign Affairs, enter into an arrangement with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof authorizing the Service to provide the government, institution or organization with security assessments.

Section 14

Advice to Ministers

The Service may

- a. advise any minister of the Crown on matters relating to the security of Canada, or
- b. provide any minister of the Crown with information relating to security matters or

criminal activities, that is relevant to the exercise of any power or the performance of any duty or function by that Minister under the Citizenship Act or the Immigration and Refugee Protection Act.

Section 15

Investigations

The Service may conduct such investigations as are required for the purpose of providing security assessments pursuant to section 13 or advice pursuant to section 14.

Section 16

Collection of information concerning foreign states and persons

1. Subject to this section, the Service may, in relation to the defence of Canada or the conduct of the international affairs of Canada, assist the Minister of National Defence or the Minister of Foreign Affairs, within Canada, in the collection of information or intelligence relating to the capabilities, intentions or activities of
 - a. any foreign state or group of foreign states; or
 - b. any person other than
 - i. a Canadian citizen,
 - ii. a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act, or
 - iii. a corporation incorporated by or under an Act of Parliament or of the legislature of a province.

Limitation

2. The assistance provided pursuant to subsection (1) shall not be directed at any person referred to in subparagraph (1)(b)(i), (ii) or (iii).

Personal consent of Ministers required

3. The Service shall not perform its duties and functions under subsection (1) unless it does so
 - a. on the personal request in writing of the Minister of National Defence or the Minister of Foreign Affairs; and

- b. with the personal consent in writing of the Minister.

Section 17

Cooperation

1. For the purpose of performing its duties and functions under this Act, the Service may,
 - a. with the approval of the Minister, enter into an arrangement or otherwise cooperate with
 - i. any department of the Government of Canada or the government of a province or any department thereof, or
 - ii. any police force in a province, with the approval of the Minister responsible for policing in the province; or
 - b. with the approval of the Minister after consultation by the Minister with the Minister of Foreign Affairs, enter into an arrangement or otherwise cooperate with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof.
2. Where a written arrangement is entered into pursuant to subsection (1) or subsection 13(2) or (3), a copy thereof shall be given forthwith to the Review Committee.

Section 18

Offence to disclose identity

1. Subject to subsection (2), no person shall disclose any information that the person obtained or to which the person had access in the course of the performance by that person of duties and functions under this Act or the participation by that person in the administration or enforcement of this Act and from which the identity of
 - a. any other person who is or was a confidential source of information or assistance to the Service, or
 - b. any person who is or was an employee engaged in covert operational activities of the Service can be inferred.

Exceptions

2. A person may disclose information referred to in subsection (1) for the purposes of the performance of duties and functions under this Act or any other Act of Parliament or the administration or enforcement of this Act or as required by any other law or in the circumstances described in any of paragraphs 19(2)(a) to (d).

Offence

3. Every one who contravenes subsection (1)
 - a. is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
 - b. is guilty of an offence punishable on summary conviction.

Section 19

Authorized disclosure of information

1. Information obtained in the performance of the duties and functions of the Service under this Act shall not be disclosed by the Service except in accordance with this section.

Idem

2. The Service may disclose information referred to in subsection (1) for the purposes of the performance of its duties and functions under this Act or the administration or enforcement of this Act or as required by any other law and may also disclose such information,
 - a. where the information may be used in the investigation or prosecution of an alleged contravention of any law of Canada or a province, to a peace officer having jurisdiction to investigate the alleged contravention and to the Attorney General of Canada and the Attorney General of the province in which proceedings in respect of the alleged contravention may be taken;
 - b. where the information relates to the conduct of the international affairs of Canada, to the Minister of Foreign Affairs or a person designated by the Minister of Foreign Affairs for the purpose;

- c. where the information is relevant to the defence of Canada, to the Minister of National Defence or a person designated by the Minister of National Defence for the purpose; or
- d. where, in the opinion of the Minister, disclosure of the information to any minister of the Crown or person in the federal public administration is essential in the public interest and that interest clearly outweighs any invasion of privacy that could result from the disclosure, to that minister or person.

Report to Review Committee

3. The Director shall, as soon as practicable after a disclosure referred to in paragraph (2)(d) is made, submit a report to the Review Committee with respect to the disclosure.

Section 20

Protection of employees

1. The Director and employees have, in performing the duties and functions of the Service under this Act, the same protection under the law as peace officers have in performing their duties and functions as peace officers.

Unlawful conduct

2. If the Director is of the opinion that an employee may, on a particular occasion, have acted unlawfully in the purported performance of the duties and functions of the Service under this Act, the Director shall cause to be submitted a report in respect thereof to the Minister.

Report and comments to Attorney General of Canada

3. The Minister shall cause to be given to the Attorney General of Canada a copy of any report that he receives pursuant to subsection (2), together with any comment that he considers appropriate in the circumstances.

Copies to Review Committee

4. A copy of anything given to the Attorney General of Canada pursuant to subsection (3) shall be given forthwith to the Review Committee.

PART II

JUDICIAL CONTROL

Section 21

Application for warrant

1. Where the Director or any employee designated by the Minister for the purpose believes, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16, the Director or employee may, after having obtained the approval of the Minister, make an application in accordance with subsection (2) to a judge for a warrant under this section.

Matters to be specified in application for warrant

2. An application to a judge under subsection (1) shall be made in writing and be accompanied by an affidavit of the applicant deposing to the following matters, namely,
 - a. the facts relied on to justify the belief, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16;
 - b. that other investigative procedures have been tried and have failed or why it appears that they are unlikely to succeed, that the urgency of the matter is such that it would be impractical to carry out the investigation using only other investigative procedures or that without a warrant under this section it is likely that information of importance with respect to the threat to the security of Canada or the performance of the duties and functions under section 16 referred to in paragraph (a) would not be obtained;
 - c. the type of communication proposed to be intercepted, the type of information, records, documents or

things proposed to be obtained and the powers referred to in paragraphs (3)(a) to (c) proposed to be exercised for that purpose;

- d. the identity of the person, if known, whose communication is proposed to be intercepted or who has possession of the information, record, document or thing proposed to be obtained;
- e. the persons or classes of persons to whom the warrant is proposed to be directed;
- f. a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given;
- g. the period, not exceeding sixty days or one year, as the case may be, for which the warrant is requested to be in force that is applicable by virtue of subsection (5); and
- h. any previous application made in relation to a person identified in the affidavit pursuant to paragraph (d), the date on which the application was made, the name of the judge to whom each application was made and the decision of the judge thereon.

Issuance of warrant

3. Notwithstanding any other law but subject to the Statistics Act, where the judge to whom an application under subsection (1) is made is satisfied of the matters referred to in paragraphs (2)(a) and (b) set out in the affidavit accompanying the application, the judge may issue a warrant authorizing the persons to whom it is directed to intercept any communication or obtain any information, record, document or thing and, for that purpose,
 - a. to enter any place or open or obtain access to any thing;
 - b. to search for, remove or return, or examine, take extracts from or make copies of or record in any other manner the information, record, document or thing; or
 - c. to install, maintain or remove any thing.

Matters to be specified in warrant

4. There shall be specified in a warrant issued under subsection (3)
 - a. the type of communication authorized to be intercepted, the type of information, records, documents or things authorized to be obtained and the powers referred to in paragraphs (3)(a) to (c) authorized to be exercised for that purpose;
 - b. the identity of the person, if known, whose communication is to be intercepted or who has possession of the information, record, document or thing to be obtained;
 - c. the persons or classes of persons to whom the warrant is directed;
 - d. a general description of the place where the warrant may be executed, if a general description of that place can be given;
 - e. the period for which the warrant is in force; and
 - f. such terms and conditions as the judge considers advisable in the public interest.

Maximum duration of warrant

5. A warrant shall not be issued under subsection (3) for a period exceeding
 - a. sixty days where the warrant is issued to enable the Service to investigate a threat to the security of Canada within the meaning of paragraph (d) of the definition of that expression in section 2; or
 - b. one year in any other case.

Section 22

Renewal of warrant

On application in writing to a judge for the renewal of a warrant issued under subsection 21(3) made by a person entitled to apply for such a warrant after having obtained the approval of the Minister, the judge may, from time to time, renew the warrant for a period not exceeding the period for which the warrant may be issued pursuant to subsection 21(5) if satisfied by evidence on oath that

- a. the warrant continues to be required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16; and
- b. any of the matters referred to in paragraph 21(2)(b) are applicable in the circumstances.

Section 23

Warrant authorizing removal

1. On application in writing by the Director or any employee designated by the Minister for the purpose, a judge may, if the judge thinks fit, issue a warrant authorizing the persons to whom the warrant is directed to remove from any place any thing installed pursuant to a warrant issued under subsection 21(3) and, for that purpose, to enter any place or open or obtain access to any thing.

Matters to be specified in warrants

2. There shall be specified in a warrant issued under subsection (1) the matters referred to in paragraphs 21(4)(c) to (f).

Section 24

Warrant to have effect notwithstanding other laws

Notwithstanding any other law, a warrant issued under section 21 or 23

- a. authorizes every person or person included in a class of persons to whom the warrant is directed,
 - i. in the case of a warrant issued under section 21, to exercise the powers specified in the warrant for the purpose of intercepting communications of the type specified therein or obtaining information, records, documents or things of the type specified therein, or
 - ii. in the case of a warrant issued under section 23, to execute the warrant; and
- b. authorizes any other person to assist a person who that other person believes on reasonable grounds is acting in accordance with such a warrant.

Section 25

Crown Liability and Proceedings Act not to apply

No action lies under section 18 of the Crown Liability and Proceedings Act in respect of

- a. the use or disclosure pursuant to this Act of any communication intercepted under the authority of a warrant issued under section 21; or
- b. the disclosure pursuant to this Act of the existence of any such communication.

Section 26

Exclusion of Part VI of Criminal Code

Part VI of the Criminal Code does not apply in relation to any interception of a communication under the authority of a warrant issued under section 21 or in relation to any communication so intercepted.

Section 27

Hearing of applications

An application under section 21, 22 or 23 to a judge for a warrant or the renewal of a warrant shall be heard in private in accordance with regulations made under section 28.

Section 28

Regulations

The Governor in Council may make regulations

- a. prescribing the forms of warrants that may be issued under section 21 or 23;
- b. governing the practice and procedure of, and security requirements applicable to, hearings of applications for those warrants and for renewals of those warrants; and
- c. notwithstanding the Federal Courts Act and any rules made thereunder, specifying the places where those hearings may be held and the places where, and the manner in which, records or documents concerning those hearings shall be kept.

PART III

REVIEW

Interpretation

Section 29

Definition of “deputy head”

In this Part, “deputy head” means, in relation to

- a. a department named in Schedule I to the Financial Administration Act, the deputy minister thereof,
- b. the Canadian Forces, the Chief of the Defence Staff,
- c. the Royal Canadian Mounted Police, the Commissioner,
- d. the Service, the Director, and
- e. any other portion of the federal public administration, the person designated by order in council pursuant to this paragraph and for the purposes of this Part to be the deputy head of that portion of the federal public administration.

Inspector General

Section 30

Inspector General

1. The Governor in Council shall appoint an officer to be known as the Inspector General, who is responsible to the Deputy Minister.

Functions

2. The functions of the Inspector General are
 - a. to monitor the compliance by the Service with its operational policies;
 - b. to review the operational activities of the Service; and
 - c. to submit certificates pursuant to subsection 33(2).

Section 31

Access to information

1. Notwithstanding any other Act of Parliament but subject to subsection (2), the Inspector General is entitled to have access to any information under

the control of the Service that relates to the performance of the duties and functions of the Inspector General and is also entitled to receive from the Director and employees such information, reports and explanations as the Inspector General deems necessary for the performance of those duties and functions.

Compelling production of information

2. No information described in subsection (1), other than a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the Canada Evidence Act applies, may be withheld from the Inspector General on any grounds.

Section 32

Compliance with security requirements

The Inspector General shall comply with all security requirements applicable by or under this Act to an employee and shall take the oath of secrecy set out in the schedule.

Section 33

Periodic reports by Director

1. The Director shall, in relation to every period of twelve months or such lesser period as is specified by the Minister, submit to the Minister, at such times as the Minister specifies, reports with respect to the operational activities of the Service during that period, and shall cause the Inspector General to be given a copy of each such report.

Certificates of Inspector General

2. As soon as practicable after receiving a copy of a report referred to in subsection (1), the Inspector General shall submit to the Minister a certificate stating the extent to which the Inspector General is satisfied with the report and whether any act or thing done by the Service in the course of its operational activities during the period to which the report relates is, in the opinion of the Inspector General,
 - a. not authorized by or under this Act or contravenes any directions issued by the Minister under subsection 6(2); or

- b. involves an unreasonable or unnecessary exercise by the Service of any of its powers.

Transmission to Review Committee

3. As soon as practicable after receiving a report referred to in subsection (1) and a certificate of the Inspector General referred to in subsection (2), the Minister shall cause the report and certificate to be transmitted to the Review Committee.

Security Intelligence Review Committee

Section 34

Security Intelligence Review Committee

1. There is hereby established a committee, to be known as the Security Intelligence Review Committee, consisting of a Chairman and not less than two and not more than four other members, all of whom shall be appointed by the Governor in Council from among members of the Queen's Privy Council for Canada who are not members of the Senate or the House of Commons, after consultation by the Prime Minister of Canada with the Leader of the Opposition in the House of Commons and the leader in the House of Commons of each party having at least twelve members in that House.

Term of office

2. Each member of the Review Committee shall be appointed to hold office during good behaviour for a term not exceeding five years.

Re-appointment

3. A member of the Review Committee is eligible to be re-appointed for a term not exceeding five years.

Expenses

4. Each member of the Review Committee is entitled to be paid, for each day that the member performs duties and functions under this Act, such remuneration as is fixed by the Governor in Council and shall be paid reasonable travel and living expenses incurred by the member in the performance of those duties and functions.

Section 35

Chairman of the Review Committee

1. The Chairman of the Review Committee is the chief executive officer of the Committee.

Acting Chairman of the Review Committee

2. The Chairman of the Review Committee may designate another member of the Committee to act as the Chairman in the event of the absence or incapacity of the Chairman and, if no such designation is in force or the office of Chairman is vacant, the Minister may designate a member of the Committee to act as the Chairman.

Section 36

Staff of Review Committee

The Review Committee may, with the approval of the Treasury Board,

- a. engage a secretary and such other staff as it requires; and
- b. fix and pay the remuneration and expenses of persons engaged pursuant to paragraph (a).

Section 37

Compliance with security requirements

Every member of the Review Committee and every person engaged by it shall comply with all security requirements applicable by or under this Act to an employee and shall take the oath of secrecy set out in the schedule.

Section 38

Functions of Review Committee

- a. to review generally the performance by the Service of its duties and functions and, in connection therewith,
 - i. to review the reports of the Director and certificates of the Inspector General transmitted to it pursuant to subsection 33(3),
 - ii. to review directions issued by the Minister under subsection 6(2),
 - iii. to review arrangements entered into by the Service pursuant to subsections

- 13(2) and (3) and 17(1) and to monitor the provision of information and intelligence pursuant to those arrangements,
 - iv. to review any report or comment given to it pursuant to subsection 20(4),
 - v. to monitor any request referred to in paragraph 16(3)(a) made to the Service,
 - vi. to review the regulations, and
 - vii. to compile and analyse statistics on the operational activities of the Service;
 - b. to arrange for reviews to be conducted, or to conduct reviews, pursuant to section 40; and
 - c. to conduct investigations in relation to
 - i. complaints made to the Committee under sections 41 and 42,
 - ii. reports made to the Committee pursuant to section 19 of the Citizenship Act, and
 - iii. matters referred to the Committee pursuant to section 45 of the Canadian Human Rights Act.

Section 39

Committee procedures

1. Subject to this Act, the Review Committee may determine the procedure to be followed in the performance of any of its duties or functions.

Access to information

2. Notwithstanding any other Act of Parliament or any privilege under the law of evidence, but subject to subsection (3), the Review Committee is entitled
 - a. to have access to any information under the control of the Service or of the Inspector General that relates to the performance of the duties and functions of the Committee and to receive from the Inspector General, Director and employees such information, reports and explanations as the Committee deems necessary for the performance of its duties and functions; and
 - b. during any investigation referred to in paragraph 38(c), to have access to any

information under the control of the deputy head concerned that is relevant to the investigation.

Idem

3. No information described in subsection (2), other than a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the Canada Evidence Act applies, may be withheld from the Committee on any grounds.

Section 40

Review

1. For the purpose of ensuring that the activities of the Service are carried out in accordance with this Act, the regulations and directions issued by the Minister under subsection 6(2) and that the activities do not involve any unreasonable or unnecessary exercise by the Service of any of its powers, the Review Committee may
 - a. direct the Service or Inspector General to conduct a review of specific activities of the Service and provide the Committee with a report of the review; or
 - b. where it considers that a review by the Service or the Inspector General would be inappropriate, conduct such a review itself.

Complaints

Section 41

Complaints

1. Any person may make a complaint to the Review Committee with respect to any act or thing done by the Service and the Committee shall, subject to subsection (2), investigate the complaint if
 - a. the complainant has made a complaint to the Director with respect to that act or thing and the complainant has not received a response within such period of time as the Committee considers reasonable or is dissatisfied with the response given; and
 - b. the Committee is satisfied that the

complaint is not trivial, frivolous, vexatious or made in bad faith.

Other redress available

2. The Review Committee shall not investigate a complaint in respect of which the complainant is entitled to seek redress by means of a grievance procedure established pursuant to this Act or the Public Service Labour Relations Act.

Section 42

Denial of security clearance

1. Where, by reason only of the denial of a security clearance required by the Government of Canada, a decision is made by a deputy head to deny employment to an individual or to dismiss, demote or transfer an individual or to deny a promotion or transfer to an individual, the deputy head shall send, within ten days after the decision is made, a notice informing the individual of the denial of the security clearance.

Idem

2. Where, by reason only of the denial of a security clearance required by the Government of Canada to be given in respect of an individual, a decision is made to deny the individual or any other person a contract to provide goods or services to the Government of Canada, the deputy head concerned shall send, within ten days after the decision is made, a notice informing the individual and, where applicable, the other person of the denial of the security clearance.

Receipt and investigation of complaints

3. The Review Committee shall receive and investigate a complaint from
 - a. any individual referred to in subsection (1) who has been denied a security clearance; or
 - b. any person who has been denied a contract to provide goods or services to the Government of Canada by reason only of the denial of a security clearance in respect of that person or any individual.

Time within which complaint is to be made

4. A complaint under subsection (3) shall be made within thirty days after receipt of the notice referred to in subsection (1) or (2) or within such longer period as the Review Committee allows.

Section 43

Member of the Committee authorized to act alone

A member of the Review Committee may exercise any of the powers or perform any of the duties or functions of the Committee under this Part in relation to complaints.

Section 44

Complaints submitted on behalf of complainants

Nothing in this Act precludes the Review Committee from receiving and investigating complaints described in sections 41 and 42 that are submitted by a person authorized by the complainant to act on behalf of the complainant, and a reference to a complainant in any other section includes a reference to a person so authorized.

Section 45

Written complaint

A complaint under this Part shall be made to the Review Committee in writing unless the Committee authorizes otherwise.

Section 46

Statement and notice of hearing to be sent to the complainant

The Review Committee shall, as soon as practicable after receiving a complaint made under section 42, send to the complainant a statement summarizing such information available to the Committee as will enable the complainant to be as fully informed as possible of the circumstances giving rise to the denial of the security clearance and shall send a copy of the statement to the Director and the deputy head concerned.

Investigations

Section 47

Notice of intention to investigate

Before commencing an investigation of a complaint referred to in paragraph 38(c) other than an investigation under section 41, the Review Committee shall notify the Director and, where applicable, the deputy head concerned of its intention to carry out the investigation and shall inform the Director and the deputy head of the substance of the complaint.

Section 48

Investigations in private

1. Every investigation of a complaint under this Part by the Review Committee shall be conducted in private.

Right to make representations

2. In the course of an investigation of a complaint under this Part by the Review Committee, the complainant, deputy head concerned and the Director shall be given an opportunity to make representations to the Review Committee, to present evidence and to be heard personally or by counsel, but no one is entitled as of right to be present during, to have access to or to comment on representations made to the Review Committee by any other person.

Section 49

Canadian Human Rights Commission may comment

In the course of an investigation of a complaint under this Part, the Review Committee shall, where appropriate, ask the Canadian Human Rights Commission for its opinion or comments with respect to the complaint.

Section 50

Powers of Review Committee

The Review Committee has, in relation to the investigation of any complaint under this Part, power

- a. to summon and enforce the appearance of persons before the Committee and to compel them to give oral or written evidence on oath and to produce such documents and things as the Committee deems requisite to the full investigation and consideration of the complaint in the same manner and to the same extent as a superior court of record;
- b. to administer oaths; and
- c. to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the Committee sees fit, whether or not that evidence or information is or would be admissible in a court of law.

Section 51

Evidence in other proceedings

Except in a prosecution of a person for an offence under section 133 of the Criminal Code (false statements in extra-judicial proceedings) in respect of a statement made under this Act, evidence given by a person in proceedings under this Part and evidence of the existence of the proceedings are inadmissible against that person in a court or in any other proceedings.

Section 52

Report of findings

1. The Review Committee shall,
 - a. on completion of an investigation in relation to a complaint under section 41, provide the Minister and the Director with a report containing the findings of the investigation and any recommendations that the Committee considers appropriate; and
 - b. at the same time as or after a report is provided pursuant to paragraph (a), report the findings of the investigation to the complainant and may, if it thinks fit, report to the complainant any recommendations referred to in that paragraph.

Idem

2. On completion of an investigation in relation to a complaint under section 42, the Review Committee shall provide the Minister, the Director, the deputy head concerned and the complainant with a report containing any recommendations that the Committee considers appropriate, and those findings of the investigation that the Committee considers it fit to report to the complainant.

Reports

Section 53

Annual reports

The Review Committee shall, not later than September 30 in each fiscal year, submit to the Minister a report of the activities of the Committee during the preceding fiscal year and the Minister shall cause the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the day the Minister receives it.

Section 54

Special reports

The Review Committee may, on request by the Minister or at any other time, furnish the Minister with a special report concerning any matter that relates to the performance of its duties and functions.

Section 55

Protection of confidential information

The Review Committee shall consult with the Director in order to ensure compliance with section 37 in preparing

- a. a statement under section 46 of this Act, subsection 45(6) of the Canadian Human Rights Act or subsection 19(5) of the Citizenship Act; or
- b. a report under paragraph 52(1)(b), subsection 52(2) or section 53 of this Act, subsection 46(1) of the Canadian Human Rights Act or subsection 19(6) of the Citizenship Act.

PART IV

REVIEW BY PARLIAMENT

Section 56

Review of Act after five years

1. After July 16, 1989, a comprehensive review of the provisions and operation of this Act shall be undertaken by such committee of the House of Commons or of both Houses of Parliament as may be designated or established by Parliament for that purpose.

Report to Parliament

2. The committee referred to in subsection (1) shall, within a year after a review is undertaken pursuant to that subsection or within such further time as Parliament may authorize, submit a report on the review to Parliament including a statement of any changes the committee recommends.

Schedule

(Section 10)

Oath Of Office

I,, swear that I will faithfully and impartially to the best of my abilities perform the duties required of me as (the Director, an employee) of the Canadian Security Intelligence Service. So help me God.

Oath Of Secrecy

I,, swear that I will not, without due authority, disclose or make known to any person any information acquired by me by reason of the duties performed by me on behalf of or under the direction of the Canadian Security Intelligence Service or by reason of any office or employment held by me pursuant to the Canadian Security Intelligence Service Act. So help me God.

مركز جنيف للرقابة الديمقراطية على القوات المسلحة
شارع المعارف ٣٤
رام الله / البيرة
الضفة الغربية
فلسطين

هاتف: +٩٧٢ (٢) ٢٩٥ ٦٢٩٧
فاكس: +٩٧٢ (٢) ٢٩٥ ٦٢٩٥

مركز جنيف للرقابة الديمقراطية على القوات المسلحة
مركز جيفنور - بلوك C - الطابق السادس
شارع كليمنسو
بيروت
لبنان

هاتف: +٩٦١ (٠) ١ ٧٣٨ ٤٠١
فاكس: +٩٦١ (٠) ١ ٧٣٨ ٤٠٢

DCAF Head Office, Geneva

By Post:

Geneva Centre for the Democratic Control of Armed Forces (DCAF)
P.O.Box 1360
CH-1211 Geneva 1
Switzerland

For Visitors:

Geneva Centre for the Democratic Control of Armed Forces (DCAF)
Rue de Chantepoulet 11
CH-1201 Geneva 1
Switzerland

Tel: +41 (0) 22 741 77 00
Fax: +41 (0) 22 741 77 05

DCAF Ramallah

Al-Maaref Street 34
Ramallah / Al-Bireh
West Bank
Palestine

Tel: +972 (2) 295 6297
Fax: +972 (2) 295 6295

DCAF Beirut

Gefinor Center - Block C - 6th Floor
Clemenceau Street
Beirut
Lebanon

Tel: +961 (0) 1 738 401
Fax: +961 (0) 1 738 402

www.dcaf.ch