



Security Intelligence Review Committee

Performance Report

For the period ending
March 31, 2001

Canada

Improved Reporting to Parliament Pilot Document

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament.

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of funds.

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Foreword

In the spring of 2000 the President of the Treasury Board tabled in Parliament the document “Results for Canadians: A Management Framework for the Government of Canada”. This document sets a clear agenda for improving and modernising management practices in federal departments and agencies.

Four key management commitments form the basis for this vision of how the Government will deliver their services and benefits to Canadians in the new millennium. In this vision, departments and agencies recognise that they exist to serve Canadians and that a “citizen focus” shapes all activities, programs and services. This vision commits the government of Canada to manage its business by the highest public service values. Responsible spending means spending wisely on the things that matter to Canadians. And finally, this vision sets a clear focus on results – the impact and effects of programs.

Departmental performance reports play a key role in the cycle of planning, monitoring, evaluating, and reporting of results through ministers to Parliament and citizens. Earlier this year, departments and agencies were encouraged to prepare their reports following certain principles. Based on these principles, an effective report provides a coherent and balanced picture of performance that is brief and to the point. It focuses on results – benefits to Canadians – not on activities. It sets the department’s performance in context and associates performance with earlier commitments, explaining any changes. Supporting the need for responsible spending, it clearly links resources to results. Finally the report is credible because it substantiates the performance information with appropriate methodologies and relevant data.

In performance reports, departments strive to respond to the ongoing and evolving information needs of parliamentarians and Canadians. The input of parliamentarians and other readers can do much to improve these reports over time. The reader is encouraged to assess the performance of the organization according to the principles outlined above, and provide comments to the department or agency that will help it in the next cycle of planning and reporting.

This report is accessible electronically from the Treasury Board of Canada Secretariat Internet site:

<http://www.tbs-sct.gc.ca/rma/dpr/dpre.asp>

Comments or questions can be directed to this Internet site or to:

Results Management and Reporting Directorate

Treasury Board Secretariat

L’Esplanade Laurier

Ottawa, Ontario, Canada

K1A 0R5

Tel.: (613) 957-7167 – Fax: (613) 957-7044

Security Intelligence Review Committee

Departmental Performance Report

**For the
Period ending
March 31, 2001**

**The Right Honourable Jean Chrétien
Prime Minister of Canada**

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Section I: Message from the Chair

The Security Intelligence Review Committee has a unique role to review, monitor and investigate the activities of Canada's security intelligence service on behalf of Parliament and the Canadian public. Members of the Review Committee are given extraordinary powers of inquiry and, although the law prevents us from disclosing much of what we learn through those inquiries, we strive to make public as much as possible in order to maintain the trust and confidence of Canadians.

Parliament has given us the responsibility to watch over the Canadian Security Intelligence Service (CSIS), while the Service carries out its mandated tasks of protecting the national security of Canada and the safety of Canadians. The constructive tension that exists between SIRC and CSIS is, in our view, both necessary and of benefit to Canada.

A well-functioning security intelligence organization allows Canada to fulfill its obligations as a responsible member in the community of nations, to preserve the well-being of Canadians, and to protect this country and its citizens from very real and dangerous threats.

At the same time, given the extraordinarily intrusive powers of CSIS, that organization must be held accountable so that the integrity of Canada's democratic processes is maintained, and is seen to be maintained. SIRC's activities are key to ensuring that CSIS does not overstep the limits that Parliament set for it.

The world we live in is constantly changing, often in unpredictable ways. The Committee strives to contribute to global peace and security by serving as a model and providing advice to both established and emerging democracies, as they consider review mechanisms for their own security intelligence services.

One of our key concerns in recent years has been the growth in both the number and the complexity of the complaints that we receive. Even though we can neither predict nor control the numbers, SIRC still must deal with these cases in a fair and expeditious manner. I am pleased to report that, during fiscal year 2000-2001, SIRC took effective action to deal with the increase in complaints cases, and that the volume has returned to more manageable levels.

The history of this country is evidence of the need to balance the protection of our democratic institutions with the protection of individual rights, through effective independent review of Canada's security intelligence service. The other Members of the Committee and I are confident of SIRC's ability to continue to carry out this vital work.

Paule Gauthier, P.C., O.C., O.Q., Q.C.
Chair

Section II: Agency Context

Overview of the Security Intelligence Review Committee

The Committee derives its powers from the *Canadian Security Intelligence Service Act* promulgated on July 16, 1984. The Committee is empowered to set its own Rules of Procedure, and to employ an Executive Director and adequate staff to support its activities. The *Act* requires the Committee to submit its Annual Report to the Solicitor General of Canada who must, in turn, table the report in each House of Parliament on any of the first fifteen days on which that House is sitting after the day the Minister receives it. The Committee may also require CSIS or the Inspector General appointed under the *CSIS Act* to conduct a review of specific activities of the Service and to provide the Committee with a report of the review.

Two Roles

The Security Intelligence Review Committee (SIRC) fulfills two different and distinct functions in carrying out its mandate: to provide external review of the Canadian Security Intelligence Service (CSIS); and to examine complaints by individuals or reports from Ministers concerning security clearances, immigration, citizenship, and other matters involving CSIS investigations.

External Review of CSIS -- To protect the rights and freedoms of Canadians, SIRC has been given the power to investigate CSIS' activities so as to ensure that the Service's powers are used legally and appropriately. In this role, SIRC has the absolute authority to examine all information concerning the Service's activities -- with the exception of Cabinet confidences -- no matter how highly classified that information may be.

- ▶ The Committee reviews CSIS activities, and reports to the Solicitor General and Parliament on whether the Service is acting within the limits of the law and is effectively protecting the security of Canadians.
- ▶ As part of its regular review functions, each year the Committee examines special areas of interest. These major special reviews allow the Committee to provide in-depth findings on potential areas of concern.
- ▶ To carry out its review function, the Committee relies on a staff of six, under the direction of the Deputy Executive Director.

Investigation of Complaints -- The Committee investigates complaints concerning denials of security clearances to government employees or contractors. It also investigates reports from Ministers involving immigration, citizenship, certain human rights matters, and organized crime. Finally, the Committee investigates complaints from the general public concerning any act or thing done by CSIS.

- ▶ The complaints function is conducted by a staff of three, under the direction of the Committee's Senior Counsel.

- ▶ SIRC also retains the services of outside counsel, as needed, to deal with the large complaints caseload.

Section III: Performance Accomplishments

Strategic Outcome

The Security Intelligence Review Committee (SIRC) strives to assure Canadians that the Canadian Security Intelligence Service (CSIS) uses its extraordinary powers within the law and in a way that recognizes the civil rights of Canadians, and that Canada's security is protected.

The achievement of this outcome is demonstrated by:

- ▶ The level of satisfaction of Parliament and the public.
- ▶ Audit results which ensure that CSIS operates effectively in protecting Canadians from terrorist or other threats to national security.
- ▶ The response of the Minister and, where national security permits, the public to annual and research reports.
- ▶ Being the most trusted and authoritative independent source of information about CSIS activities.
- ▶ The prompt investigation of complaints and Ministers' reports.
- ▶ The frequency with which complaints and report case decisions are overturned or changed on appeal to the Courts.

Level of Satisfaction of Parliament and the Public

Context. The Committee has been in existence now for sixteen years. Measures of effectiveness with regard to the review function are, by their nature, subjective. Various subjective indicators, such as remarks by Parliamentarians, academics, editorial writers, and foreign professors who have studied the Canadian system, testify to the fact that many independent observers believe that the Committee is reviewing CSIS effectively. Informed observers are canvassed whenever possible to ensure that the Committee is aware of outside opinions.

The Review Committee's ability to respond to questions raised by elected representatives is a key element in the public's confidence in the security intelligence system as a whole. While the Committee does its best to keep Members of Parliament informed, SIRC does not have the authority to give parliamentarians classified information. Section 37 of the *CSIS Act* directs that Members of the Committee comply with the security regulations of the Government of Canada and that they take an oath of secrecy. Nevertheless, the Review Committee continually seeks ways to convey information to parliamentarians and the public so that they can be confident of the quality of the Committee's research and findings, and judge whether the *CSIS Act* is working as it should.

Current Activities. Each fall, pursuant to section 53 of the *CSIS Act*, the Committee sends a report of its activities during the preceding fiscal year to the Solicitor General for tabling in Parliament. This Annual Report provides Parliament and the public with summaries of the Review Committee's most important work from the review program and complaints cases. Details about the Review Committee's activities for 2000-01 can be found in the Committee's Annual Report, to be tabled in Parliament in October 2001.

Audit Results and CSIS Effectiveness

Context. SIRC strives to audit the widest possible range of CSIS activities within allocated resources, and to do so in such a way as to maintain the public's confidence in the validity of its conclusions.

The Committee expects that its plans and strategies will enable it to be knowledgeable about CSIS' level of effectiveness in protecting Canadians from terrorist or other threats to national security.

Current Activities. SIRC's research reports are prepared so that Committee Members can examine the drafts of research studies every other month, rather than receiving the bulk of them at the end of the year. This modification was designed to give staff enough time to prepare the many reports, yet allow Members more time to deliberate on the research.

In another innovation, the Committee has integrated all research resources to mirror more closely the current deployment of resources within CSIS. The Committee's aim is to manage the intensive research program more effectively, as well as to maintain the capacity to take on special projects which typically arise during the year. Success will be measured by the quality and comprehensiveness of the research reports completed during the fiscal year, and by whether all planned reports and projects are in fact completed during the year in question.

One indicator of the Committee's effectiveness is the degree to which CSIS modifies its operational procedures or initiates new policy guidelines as a direct or indirect consequence of SIRC's recommendations, following audits or complaints investigations. The Committee has a program to measure the degree to which CSIS responds to its recommendations.

Response of the Minister and the Public to SIRC Reports

Context and Resources. The research, analysis, audit, and consultation that comprise the review function are continuous processes that provide the basis for the Committee's ability to report with confidence to Parliament in the SIRC Annual Report each September. Occasionally, a particular research project or study may fall wholly within a fiscal year, making it possible to establish discrete costs. More often, the Committee's research and monitoring activities will require assigned resources spanning more than one fiscal year, with reports, conclusions or recommendations flowing from the Committee on an extended timetable. Thus, the Annual Report in any given year, or special Committee reports to the Solicitor General when appropriate, will usually reflect the use of resources covering more than one year.

Authoritative Independent Source of Information about CSIS

Context. A recent but revealing indicator of the usefulness of SIRC's Annual and other published reports, and of SIRC's work in general, is the interest displayed (the number of visits) to SIRC's web site. An older indicator is the demand for copies of the printed version of SIRC's Annual and other reports.

Current Activities. Public demand for information provided by the Committee indicates that SIRC has become a trusted and authoritative independent source of information about CSIS' activities.

During fiscal 2000-2001, the SIRC web site was visited 543,137 times, more than *double* the previous year's reported 260,039 visits. For the same period, however, the Committee's last Annual Report was sent in hardcopy form to 1,250 recipients, a 17% decrease from the preceding year's requests. If these developments continue, the trend would point to an increased reliance by Canadians on SIRC's web site for news about the Committee's activities.

SIRC's redesigned web site (<http://www.sirc-csars.gc.ca>) went on-line in September 2000, and may have contributed to the major increase in visits. The web site was changed in order to bring information about the Committee's activities to a wider audience, and to make it easier to obtain information about the complaints and review programs.

Investigation of Complaints and Ministers' Reports

Context. The Committee conducts investigations in relation to complaints made by any person with respect to any act or thing done by the Service (section 41 of the *CSIS Act*), complaints made by individuals who are denied a security clearance and are adversely affected in their employment with the Government of Canada (section 42 of the *CSIS Act*), reports made to the Committee pursuant to the *Citizenship Act* or the *Immigration Act* (Ministerial reports), as well as matters referred to the Committee pursuant to the *Canadian Human Rights Act*.

In the exercise of its statutory jurisdiction regarding complaints, the Committee has all the powers, rights and privileges of a superior court. Committee staff investigate complaints thoroughly, which can include hearings. Committee counsel, sometimes assisted by security-cleared outside counsel, may conduct pre-hearing meetings aimed at promoting an expeditious hearing confined to the issues; examine and cross-examine witnesses as required; and meet counsel for complainants to establish and agree on procedures. Committee counsel also provide legal advice to Committee Members on procedural and substantive matters throughout the decision-making process and prepare summaries of evidence for the Committee's consideration. Many complaints are complex, with a consequent flow of documents, transcripts, and Committee reports requiring significant administrative support activity.

Resources. The Review Committee's budget includes very little discretionary spending since its greatest expense is personnel salaries and benefits.

Though discretionary spending is a relatively small proportion of the budget, significant variations from year to year are quite likely because of the varying number and complexity of complaints cases or Ministerial reports concerning deportation or citizenship.

Complaints from the general public, or reports from Ministers must be investigated thoroughly. The inquiry process is expensive but it is very difficult to forecast costs because the number of cases can change significantly from year to year. Furthermore, one complex case can be as expensive as several more straightforward cases combined.

Current Activities. The Committee has found pre-hearing meetings, chaired by the Committee's Senior Counsel, to be a useful tool in increasing the efficiency of its hearings. This use of pre-hearing meetings parallels the increased emphasis on pre-trial procedures in the civil courts to streamline the litigation process. The Committee will continue to encourage the parties who come before it to participate in pre-hearing meetings, where appropriate.

The Committee has no control over the number of complaints it receives in any given year, and the investigation of these complaints is the most expensive area of discretionary spending for SIRC. During 2000-2001, the Committee experienced a significant and non-discretionary increase in its quasi-judicial (complaints) proceedings. Notwithstanding the measures employed by the Committee to deal with budget cuts in recent years, the number of hearing days has increased threefold from previous years, and, more importantly, the cases have become more complex. We have assigned additional resources to this program to ensure that the complaints received by SIRC will be handled in a timely manner. We are pleased to report that many of the cases in the backlog have been concluded.

The volume of complaints, referrals and Ministerial reports dealt with by the Committee from its inception in November 1984 until March 2001 is shown below.

SIRC Complaint Cases to March 31, 2001

Year	General Complaints	Security Clearance	Citizenship	Immigration	Human Rights	Totals
2000-01	60	6	1	1	1	69
1999-00	67	5	2	0	1	75
1998-99	53	0	0	0	1	54
1997-98	30	1	-	-	-	31
1996-97	29	1	1	1	1	33
1995-96	37	1	1	-	-	39
1994-95	53	1	-	1	3	58
1993-94	45	2	-	-	-	47
1992-93	44	3	-	1	-	48
1991-92	40	4	-	-	-	44
1990-91	37	23	-	-	-	60
1989-90	46	21	-	-	2	69
1988-89	16	12	-	3	-	31
1987-88	33	2	1	3	-	39
1986-87	12	6	-	2	-	20
1985-86	17	85	12	1	1	116
1984-85	3	1	1	-	-	5
Total	622	174	19	13	10	838

Frequency with which Complaints and Report Case Decisions are Overturned or Changed

Context. The Committee strives to ensure the confidence of all parties in the validity and fairness of the Committee's decisions or recommendations in complaints cases.

In the last year, no SIRC reports have been challenged in Federal Court. In the Zündel case, the Federal Court of Appeal upheld a SIRC interim decision.

Additional Information about Complaints Cases can be found in the SIRC Annual Report for 2000-2001 which will be tabled in Parliament by the Solicitor General in October 2001.

Program Priorities

The Committee's program priority again this year is to increase the effectiveness of the review process by improving research methods and personnel training. This, in turn, should allow the Committee to audit more effectively CSIS activities, the Committee's primary objective.

In the complaints program, more pre-hearing meetings are being conducted by Committee staff to provide a forum to identify the central issues which will arise in hearings. In addition, greater emphasis will be placed on written submissions from parties to the SIRC proceedings. As well, last year's assignment of additional staff to this program should ensure that the Committee's priority of dealing with complaints cases in a timely manner is realized.

Section IV: Other Information

Contact List

Security Intelligence Review Committee
P.O. Box 2430 Station "D"
Ottawa, Ontario
K1P 5W5
Telephone: (613) 990-8052
Facsimile: (613) 990-5230
Internet: <http://www.sirc-csars.gc.ca>
E-Mail: info1@sirc-csars.gc.ca

Legislation Administered

The Canadian Security Intelligence Service Act

List of Statutory Annual Reports and Other Committee Reports

Audit of Section 16 Investigations & Foreign Intelligence (TOP SECRET) (SIRC 1999-01)

A Long-Running Counter Intelligence Investigation, (TOP SECRET) (SIRC 1999-02)

Domestic Targets, (TOP SECRET) (SIRC 1999-06)

Terrorist Fundraising, (TOP SECRET) (SIRC 1999-07)

Regional Audit, (TOP SECRET) (SIRC 1999-08)

Foreign State Activities, (TOP SECRET) (SIRC 1999-09)

Project Sidewinder, (TOP SECRET) (SIRC 1999-10)

Security Breach, (TOP SECRET) (SIRC 1999-11)

Domestic Exchanges of Information 1999-2000, (TOP SECRET) (SIRC 2000-01)

Audit of Section 16 Investigations and Foreign Intelligence Reports 1999-2000,
(TOP SECRET) (SIRC 2000-02)

CSIS Liaison with Foreign Agencies, (TOP SECRET) (SIRC 2000-03)

Regional Audit, (TOP SECRET) (SIRC 2000-04)

Warrant Review, (TOP SECRET) (SIRC 2000-05)

Review of CSIS Briefs to Citizenship and Immigration Canada 1999-2000, (TOP
SECRET) (SIRC 2001-02)

Table 1 – Summary of Voted Appropriations

Financial Requirements by Authority (\$ millions) 2000-2001				
Vote		Planned Spending	Total Authorities	Actual
	Security Intelligence Review			
50	Operating expenditures	\$2,123	\$2,085	\$1,801
	Capital Expenditures	-		-
	Grants and Contributions	-		-
	Minister of SIRC – Salary and motor car allowance	-		-
	Employee Benefits contributions	\$142		\$142
	Total Department	\$2,265	\$2,085	\$1,943

Table 2 – Comparison of Total Planned Spending to Actual Spending

Departmental Planned versus Actual Spending 2000-2001			
	Planned Spending	Total Authorities	Actual
Security Intelligence Review Committee			
FTEs	\$1,301	\$1,123	\$988
Operating	\$964	\$962	\$955
Capital	-		-
Grants and Contributions	-		-
Total Gross Expenditures	\$2,265	\$2,085	\$1,943
Less: Respendable Revenues	-		-
Total Net Expenditures			
Other Revenues and Expenditures	-		-
Non-Respendable Revenues	-		-
Cost of services provided by other departments	-		-
Net Cost of the Program	\$2,265	\$2,085	\$1,943

Table 3 – Historical Comparison of Total Planned Spending to Actual Spending

Historical Comparison of Departmental Planned versus Actual Spending (\$ millions)					
	Actual 1998-1999	Actual 1999-2000	2000-2001		
			Planned Spending	Total Authorities	Actual
Security Intelligence Review					
	\$1,522	\$1,809	\$2,265	\$2,085	\$1,943
Total	\$1,522	\$1,809	\$2,265	\$2,085	\$1,943