



# Security Intelligence Review Committee



For the  
period ending  
March 31, 1997



Improved Reporting to Parliament —  
Pilot Document

Canada

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## Foreword

On April 24, 1997, the House of Commons passed a motion dividing what was known as the *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*. It also required 78 departments and agencies to table these reports on a pilot basis.

This decision grew out of work by Treasury Board Secretariat and 16 pilot departments to fulfil the government's commitments to improve the expenditure management information provided to Parliament and to modernize the preparation of this information. These undertakings, aimed at sharpening the focus on results and increasing the transparency of information provided to Parliament, are part of a broader initiative known as "Getting Government Right".

This *Departmental Performance Report* responds to the government's commitments and reflects the goals set by Parliament to improve accountability for results. It covers the period ending March 31, 1997 and reports performance against the plans presented in the department's *Part III of the Main Estimates* for 1996-97.

Accounting and managing for results will involve sustained work across government. Fulfilling the various requirements of results-based management – specifying expected program outcomes, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and report on achievements – is a building block process. Government programs operate in continually changing environments. With the increase in partnering, third party delivery of services and other alliances, challenges of attribution in reporting results will have to be addressed. The performance reports and their preparation must be monitored to make sure that they remain credible and useful.

This report represents one more step in this continuing process. The government intends to refine and develop both managing for results and the reporting of the results. The refinement will come from the experience acquired over the next few years and as users make their information needs more precisely known. For example, the capacity to report results against costs is limited at this time; but doing this remains a goal.

This report is accessible electronically from the Treasury Board Secretariat Internet site:  
<http://www.tbs-sct.gc.ca/tb/key.html>

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# **Security Intelligence Review Committee**

## **Performance Report**

**For the  
period ending  
March 31, 1997**

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Prime Minister

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## **Section I: The Message**

Within the Government of Canada, the Security Intelligence Review Committee is unique in a number of ways. Its work consists almost entirely of reviewing and monitoring the endeavours of others in the government system. Members of the Review Committee are selected in a consultative, non-partisan manner and then given extraordinary powers of inquiry. The law prevents them from passing on to the general public most of what they learn through those inquiries, yet public trust and confidence in their efforts is the prime objective of the Committee's work.

All of these somewhat peculiar characteristics stem directly from the responsibility Parliament has given the Committee: to watch over Canada's security service while it carries out its mandated tasks of protecting the national security of Canada and the safety of Canadians.

The history of the establishment of SIRC in the same Act of Parliament that created the Canadian Security Intelligence Service (CSIS) would seem to indicate that SIRC's ultimate purpose is somehow at odds with that of CSIS. After all, SIRC arose directly from the McDonald Commission of 1981 and the revelation that the Security Service of the RCMP was involved in illegal or improper activities. However, the Committee believes that the constructive tension that exists between SIRC and CSIS benefits Canada and all Canadians.

In the world as it is, a security and intelligence organization is essential to maintaining Canadians' well being and to protecting the nation from very real and dangerous threats. And by the same token, organizations like CSIS in possession of extraordinary intrusive powers must be held accountable if the integrity of Canada's democratic process is to be maintained, and is to be seen to be maintained.

Recent Canadian history shows that a security service without the confidence of the public will not be effective nor will it survive close scrutiny. The Chair and Members of the Committee are confident of SIRC's capabilities in carrying out this vital work in the years to come.

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

## Section II: Departmental Overview

### *THE REVIEW COMMITTEE'S MISSION*

The Security Intelligence Review Committee fulfills two different and distinct functions in carrying out its mandate: to provide external review of the Canadian Security Intelligence Service; 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 CSIS' activities -- with the exception of Cabinet confidences -- no matter how highly classified that information may be.

***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.

## Mandate, Roles, and Responsibilities

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 report annually 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 provide the Committee with a report of the review.

## Strategic Objectives

SIRC's strategic objectives are to:

- (a) audit the widest possible range of CSIS activities within allocated resources, and to do so in such a way as to increase the public's confidence in the validity of its conclusions;
- (b) keep abreast of the evolving international security environment;

- (c) be the most trusted and widely used independent source of information about CSIS activities;
- (d) provide speedy resolution of complaints; and
- (e) improve the confidence of all parties in the validity and fairness of the Committee's decisions or recommendations in complaint cases.

## **Business, Organization Composition, and Resource Plans**

The Security Intelligence Review Committee (SIRC) has one Business Line representing two distinct Service Lines: 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.

### **a) External Review of CSIS**

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 eight, under the direction of the Deputy Executive Director.

### **b) 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.



## Section III: Departmental Performance

### A. Performance Expectations

#### *SIRC PERFORMANCE IN ITS ONGOING REVIEW OF CANADA'S SECURITY AND INTELLIGENCE SERVICE*

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 a sporadic timetable. Thus, the annual report in any given year, or special Committee reports to the Solicitor General when appropriate, will usually reflect the application of resources provided for more than one year.

The Committee has a staff program in place to ensure that as much as possible of all published material of interest is provided to Members in full or summary form. A network of academics and experts in Britain, the US, and Australia as well as in Canada is now in place, and the Committee receives a steady flow of relevant material.

***Disclosure to Parliament and the Public*** -- The manner in which the Review Committee is able 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 inform Members of Parliament, the *CSIS Act* does not give SIRC the authority to brief parliamentarians on the details of 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 to find ways to convey information to parliamentarians and the public so that they can assess the quality of the Committee's research, and judge whether the *CSIS Act* is working as it should.

***Efficiency in the Research and Review Process*** -- During the past year, SIRC reorganized the preparation of research reports so that Committee Members could examine the drafts of research studies each month, rather than receiving the bulk of them at the end of the year. This modification should provide Members with more time to deliberate on the research results.

Until recently, the Committee allotted its research resources between two teams; one reviewed counter intelligence operations while the other was devoted to examining the counter terrorism side of CSIS' work. The Committee has now integrated all research resources to more closely mirror the current deployment of resources within CSIS.

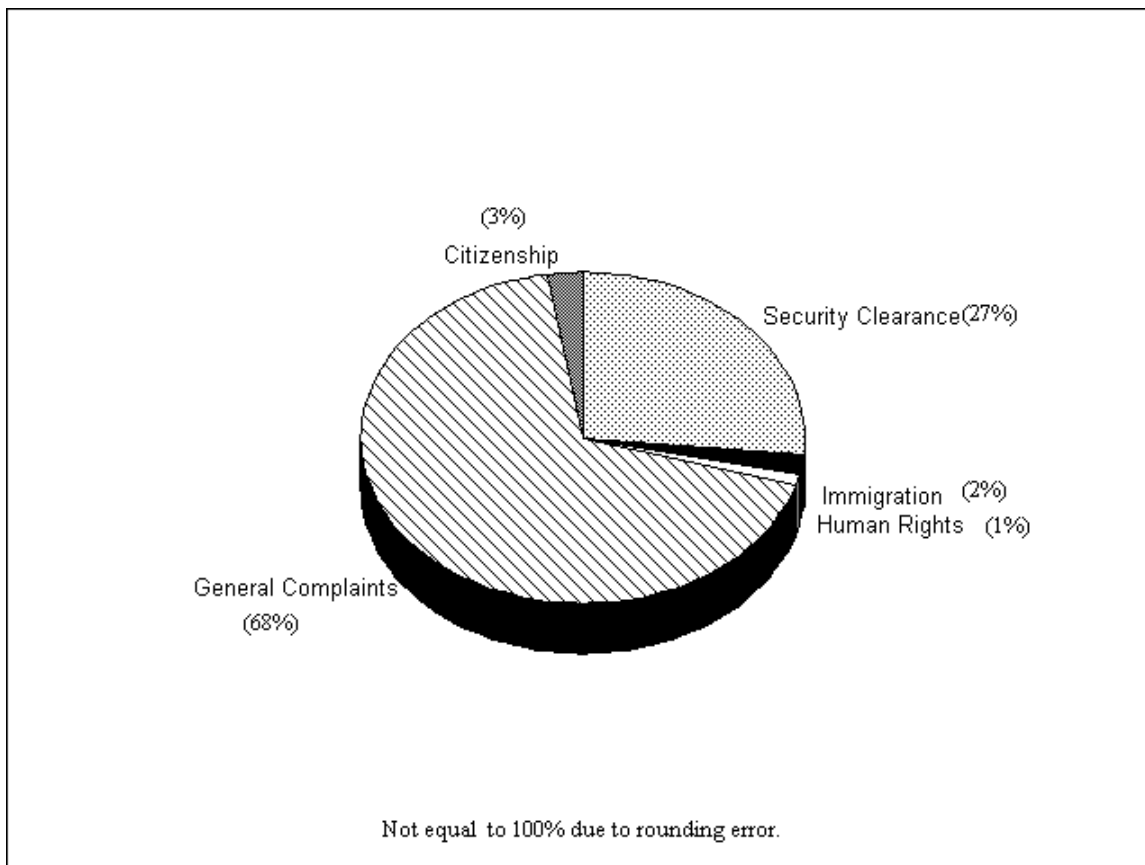
This year, there will also be some redeployment of resources to the research function. The Committee's aim is to manage the intensive research program more effectively, as well as to maintain the capacity to take on special projects which typically arise during the year. Success will be measured by the 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.

#### *SIRC PERFORMANCE IN THE ACTIVITY OF COMPLAINTS AND MINISTERIAL REPORTS*

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 Review Committee has all the powers, rights and privileges of a superior court. Committee staff and security-qualified outside counsel conduct pre-hearing conferences aimed at promoting an expeditious hearing confined to the issues; examine and cross-examine witnesses as required; meet counsel for complainants to establish and agree on procedures; 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. Because of the complexity of complaints and the consequent flow of documents, transcripts, and Committee reports, the general administrative support activity is very much oriented towards the complaints function.

**Table 1.**



## B. Performance Accomplishments

### Comparison of Total Planned Spending to Actual Expenditures, 1996-97 by Service Line (\$ millions)

Service Lines	Human Resources	1996-97
Research	8 8	1.053 0.985
Complaints	6 6	0.350 0.328
<b>Totals</b>	<b>14</b> <b>14</b>	<b>1.403*</b> <b>1.313</b>
<b>Other Expenditures</b>		
Estimated Cost of Services Provided by Other Departments		0.234
Net Cost of the Program		1.547

Note: Shaded numbers denote actual expenditures in 1996-97.

\* Contributions to Employee Benefit Plan included.

### Departmental Planned versus Actual Spending By Business Lines (\$ millions)

Business Line	Actuals 1995-96	Total Planned 1996-97	Actuals 1996-97	Total Planned 1997-98
Security Intelligence Review Committee	1.211	1.403	1.313	1.406
<b>Total</b>	<b>1.211</b>	<b>1.403</b>	<b>1.313</b>	<b>1.406</b>

*Statistics and Indicators of Performance* -- The volume of complaints, referrals and ministerial reports dealt with by the Committee from its inception in November 1984 until December 1996 is shown in Table 2.

**Table 2. SIRC Complaint Cases from 1984-85 to 31 December 1996**

<b>Year</b>	<b>General Complaints</b>	<b>Security Clearance</b>	<b>Citizenship</b>	<b>Immigration</b>	<b>Human Rights</b>	<b>Totals</b>
1996-97	29	1	1	1	1	33
1995-96	37	1	1	0	0	39
1994-95	53	1	0	1	3	58
1993-94	45	2	0	0	0	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
<b>Total</b>	<b>412</b>	<b>162</b>	<b>16</b>	<b>12</b>	<b>7</b>	<b>609</b>

## C. Key Reviews

The Auditor General completed an evaluation of the Review Committee's activities. Some of the evaluation's comments follow.

“Most observers agree that through an active program of review and monitoring, as well as through public reporting, SIRC has played an important role in strengthening the control and accountability of CSIS. Although we did not assess the quality of the review work carried out by SIRC, we did examine its nature and range. We found that in addition to responding to issues as they arise, SIRC has followed a systematic approach to reviewing, and reporting on, as appropriate, those activities and operations of CSIS that give rise to the greatest risk of compromising individual rights and freedoms. These include, for example, authorizing targets for investigation, preparing warrant affidavits, executing warrants, using intrusive powers of investigation and managing information -- including its dissemination and retention.

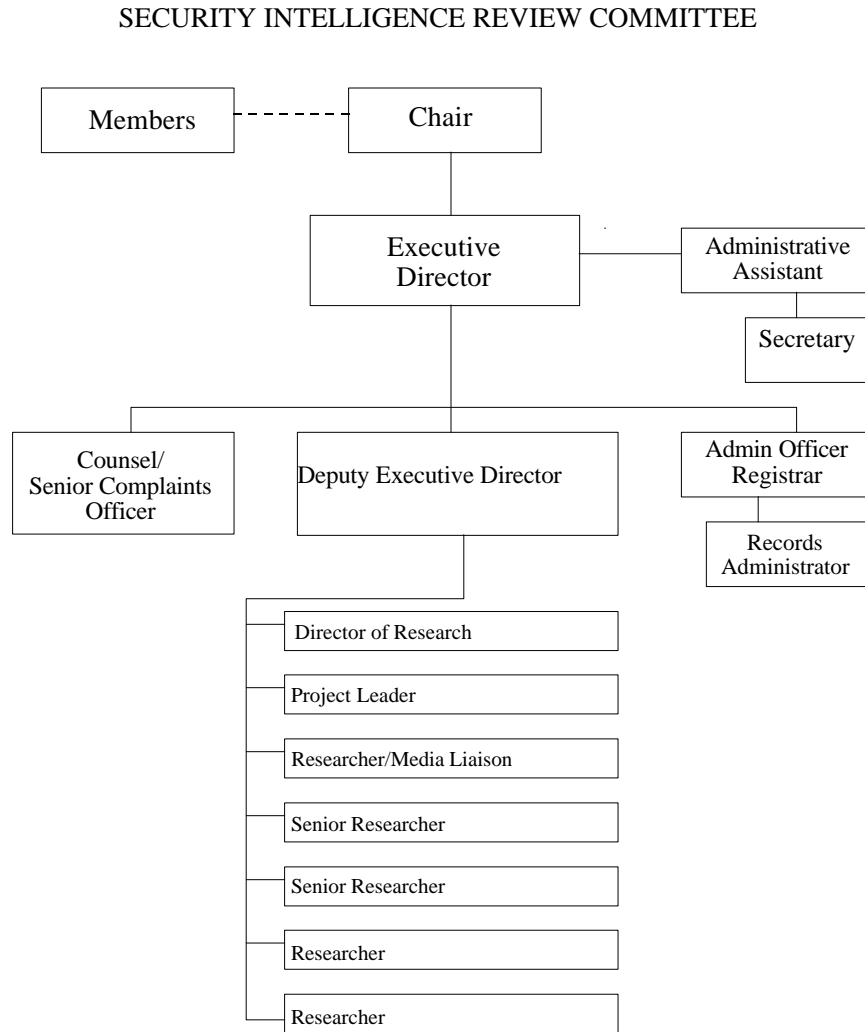
The creation of SIRC was an innovative and unique response to the need to provide independent external review and a measure of public accountability for CSIS while avoiding the difficulties involved in making classified information regularly available to parliamentarians. The *CSIS Act* provides SIRC with full access to the information it requires to carry out its duties and functions, with the exception of Cabinet confidences. It is worth noting that SIRC has never been responsible for a known “leak” of classified information.

In passing the *CSIS Act*, Parliament chose to create SIRC as an external review body rather than to establish a joint parliamentary committee on security and intelligence, as had been recommended by the McDonald Commission. We therefore believe that SIRC's continuing effectiveness hinges critically on having Parliament's confidence.”

The Review Committee is in complete agreement with the Auditor General's comments.

## Section IV: Supplementary Information

### A. SIRC Organization Chart



## **B. Listing of Statutory and Departmental Reports Produced in 1996-97**

*Review of Certain Foreign Intelligence Services*, January 1996 (TOP SECRET)  
(CI 94-02)

*The Audit of Section 16 Investigations and Foreign Intelligence Reports*, February 1996  
(TOP SECRET)(CI 94-01)

*Alleged Interference in a Trial*, 27 February 1996 (SECRET) (CT 95-04)

*CSIS and a "Walk-In"*, March 1996 (TOP SECRET) (CI 95-04)

*Investigation of a Foreign State's Intelligence Services*, 28 October 1996 (TOP  
SECRET) (CI 95-02)

*The Audit of Section 16 Investigations and Foreign Intelligence Reports*, 7 February 1997  
(TOP SECRET) (CI 95-05)

*Regional Audit*, 16 May 1997, (TOP SECRET) (CT 95-02)

*A Review of Investigations of Emerging Threats*, 20 June 1997 (TOP SECRET)  
(CI 95-03)

*Homeland Conflict*, 13 August 1997 (TOP SECRET) (CT 96-01)

## **C. Contacts for Further Information**

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K1P 5W5  
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## **D. Legislation Administered by the Security Intelligence Review Committee**

The Canadian Security Intelligence Service Act