



# **Security Intelligence Review Committee**

## **Performance Report**

For the period ending  
March 31, 1998

Canada

## **Improved Reporting to Parliament Pilot Document**

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*.

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## Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis what was known as the annual *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*.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

This year, the Fall Performance Package is comprised of 80 Departmental Performance Reports and the government's "*Managing For Results*" report.

This ***Departmental Performance Report***, covering the period ending March 31, 1998, provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's *Part III of the Main Estimates* or pilot *Report on Plans and Priorities* for 1997-98. The key result commitments for all departments and agencies are also included in *Managing for Results*.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government

The government continues to refine and develop both managing for and reporting of results. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

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

Comments or questions can be directed to the TBS Internet site or to:

Planning, Performance and Reporting Sector  
Treasury Board Secretariat  
L'Esplanade Laurier  
Ottawa, Ontario, Canada  
K1A 0R5  
Tel: (613) 957-7042  
Fax (613) 957-7044

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Prime Minister of Canada

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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 a great deal 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 unusual 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. Though SIRC and CSIS do not, in fact, work at cross-purposes, there is a constructive tension between the two organizations that the Committee believes 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. However, 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 effective external review will not obtain or keep the confidence of the public. The Chair and Members of the Committee are confident of SIRC's ability to carry out this vital work in the years to come.

---

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

## KEY RESULTS COMMITMENT

### The Security Intelligence Review Committee (SIRC)

has a budget of \$ 1,389,000

to provide Canadians with:	to be demonstrated by:	achievements reported in:
confidence that the Canadian Security Intelligence Service (CSIS) uses its extraordinary powers within the law and in a way that protects the civil rights of Canadians to the greatest extent possible	<ul style="list-style-type: none"> <li>▶ level of satisfaction of Parliament and public</li> <li>▶ audit results to ensure that CSIS operates effectively in protecting Canadians from terrorist or other threats to national security</li> <li>▶ response of the Minister and where national security permits, the public to annual and research reports</li> <li>▶ being the most trusted and widely used independent source of information about CSIS activities</li> <li>▶ prompt investigation of complaints and Ministers' reports</li> <li>▶ frequency with which complaints and report case decisions are overturned or changed on appeal to the Courts</li> </ul>	<p>SIRC's annual report</p> <p>SIRC's Performance Report</p>

## 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, Mission & Vision**

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.



## **Operating Environment**

### **Objectives**

SIRC's 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

### **Strategic Priorities**

The Committee's strategic priority 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 more effectively audit CSIS activities, the Committee's primary strategic objective.

### **Challenges**

The major challenge facing the Committee this year and next is the recruitment and training of research staff. Six staff members, nearly half of the Committee's total staff and two-thirds of its research staff, either retired or moved to other positions over the winter 1997-98. Federal government employees are often reluctant to accept positions with the Committee because they lose their status as public servants.

The Committee has found that it takes between one and two years of training and experience for new employees to reach their full potential as research officers. Staff turnover, therefore, is a distinct burden.

## **Departmental Organization**

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

### Key Results Commitments

Key results Commitments can be found at page 2, of which the following is an excerpt.

Commitments	As demonstrated by:
Ensure that Parliament and the Public have confidence in the rigour of SIRC's review process and, therefore, are satisfied that CSIS uses its extraordinary powers within the law and in a way that protects the civil rights of Canadians to the greatest extent possible.	Level of satisfaction of Parliament and Public.
Ensure that CSIS operates effectively in protecting Canadians from terrorist or other threats to national security.	Audit of CSIS Activities.
Provide high quality annual and research reports.	Response of the Minister and where national security permits, the Public.
Be the most trusted and widely used independent source of information about CSIS' activities.	Public demand for reports frequency of visits to the Web site.
Investigate promptly complaints and ministers' reports.	Response time.
Sound decision making in Complaints and Reports cases.	Frequency with which decisions are overturned or changed on appeal to the Courts.

The Committee has been in existence now for nearly fourteen years. It is difficult to see how measures of effectiveness will ever be other than subjective with regard to the review function. There are many subjective indicators such as remarks by Parliamentarians, academics, editorial writers, and two foreign professors who have studied the Canadian system, which testify to the fact

that many independent observers believe that the Committee is reviewing CSIS effectively. Informed observers will be canvassed whenever possible to ensure that the Committee is aware of outside opinions.

Another 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 included in reports following audits or complaints investigations. The Committee has a program to measure the degree to which CSIS responds to its recommendations.

A significant indicator of SIRC's efficacy in conducting its investigations of complaints is the number of decisions that are overturned or changed on appeal to the Courts.

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 Website. An older, but no less useful, indicator is the demand for copies of the printed version of SIRC's Annual and other Reports.

## Performance Expectations

The expected outcome is the confidence of Parliament and the Public that CSIS uses its extraordinary powers within the law and in a way that protects the civil rights of Canadians to the greatest extent possible.

<b>Security Intelligence Review Committee</b>	
Planned Spending	\$1,406,000
<i>Total authorities</i>	<i>\$1,406,000</i>
<b>1997-98 Actuals</b>	<b>\$1,314,000</b>

### *SIRC ACTIVITY 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*** -- Over a year ago, 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 was designed to 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 ACTIVITY REGARDING 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.

## **Performance Accomplishments**

### **Research and Review Process**

The Committee tried to complete all reports on a schedule designed to give Members more time to consider both them and the draft text to be included in the Annual Report. However, several factors, the most noteworthy being staff departures, combined to make this exercise less than successful. Members were still confronted with too many complex reports to consider at the end of the Annual Report year. In fact, a special extra meeting was convened in July to deal with the backlog. Though the Committee still has two research positions vacant, it hopes to do better this year.

On the other hand, the change to a single research team implemented last year, has significantly increased the flexibility of the research program and augurs well for the future.

Public demand for information provided by the Committee indicates that SIRC may be achieving its objective of becoming the most trusted and widely used independent source of information about CSIS' activities.

The Committee's last Annual Report was sent to approximately 1,250 recipients, and its web site was visited 159,244 times.

## Complaints and Ministerial Reports

There were no occasions where SIRC decisions were overturned or changed on appeal to the Courts.

The introduction of more, and more focused, pre-hearing meetings chaired by the Committee's counsel has noticeably improved the efficiency of the hearings process, and reduced the resources required. The committee will attempt to improve the process further, but it may be that the very nature of quasi-judicial proceedings makes further efficiencies either very difficult or impossible.

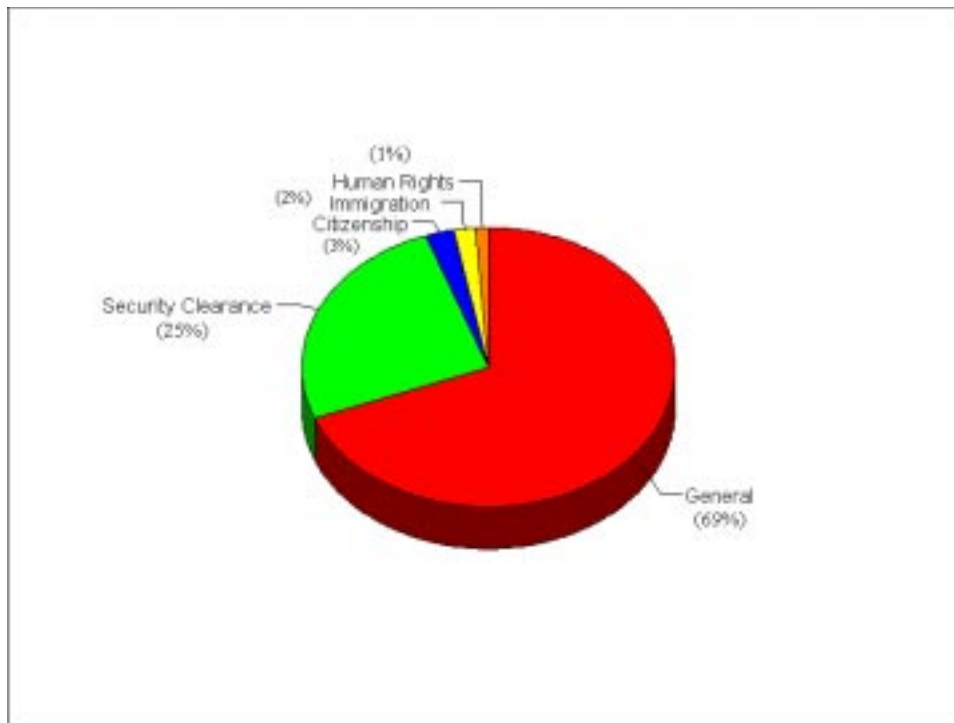
Anecdotal evidence from complainants and their lawyers indicates that SIRC's clients do not believe that there is any undue delay in the disposition of their cases.

**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 March 1998 is shown below.

### SIRC Complaint Cases to 31 March 1998

Year	General Complaints	Security Clearance	Citizenship	Immigration	Human Rights	Totals
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
<b>Total</b>	<b>442</b>	<b>163</b>	<b>16</b>	<b>12</b>	<b>7</b>	<b>640</b>

### SIRC Complaint Cases to 31 March 1998



### Year 2000

The Committee has had all computer hardware checked for Y2K compliance. Some software will need to be changed during 1999 but the costs are expected to be quite small. Once this is done, the Committee will be year 2000 compliant.



## Section IV: Financial Performance

### Financial Performance Overview

The Review Committee's budget includes very little discretionary spending since its greatest expense is personnel salaries and benefits. However, in the area of Professional Services and Travel, the Committee has significantly reduced its expenditures over the last few years. It is these reductions that have enabled it to live within steadily reduced main estimates. It does not seem likely that the Committee could reduce its budget any further without reducing its output in either the Review or Complaints roles.

Actual spending variations in either direction in any given year are quite likely because of the varying number and complexity of complaints cases or Ministerial Reports concerning deportation or citizenship.

### Summary of Voted Appropriations

**Table 1. Summary of Voted Appropriations**

<b>A. Authority for 1997-98 - Part II of the Estimates</b>				
<b>Financial Requirements by Authority (thousands of dollars)</b>				
<b>Vote</b>		<b>1997-98 Planned Spending</b>	<b>1997-98 Total Authorities</b>	<b>1997-98 Actual</b>
	<b>Security Intelligence Review Committee</b>			
<b>40</b>	Operating expenditures	1,285	1,285	1,212
	Capital expenditures	--	--	--
<b>(S)</b>	Contributions to employee benefit plan	121	121	102
	<b>Total Department</b>	<b>1,406</b>	<b>1,406</b>	<b>1,314</b>

## Comparison of Total Planned Spending to Actual Spending

**Table 2. Comparison of Total Planned Spending to Actual Spending 1997-98**

Departmental Planned versus Actual Spending by Business Line (thousands of dollars)									
Business Lines	FTEs	Operating	Capital	Voted Grants & Contributions	Subtotal: Gross Voted Expenditures	Statutory Grants and Contributions	Total Gross Expenditures	Less: Revenue Credited to the Vote	Total Net Expenditures
Business Line	14	1,406	--	--	1,406	--	1,406	--	1,406
<i>(Total authorities)</i>	<i>14</i>	<i>1,406</i>	<i>--</i>	<i>--</i>	<i>1,406</i>	<i>--</i>	<i>1,406</i>	<i>--</i>	<i>1,406</i>
(Actuals)	14	1,314	--	--	1,314	--	1,314	--	1,314
Cost of services provided by other departments									234
<i>(Total authorities)</i>									<i>234</i>
(Actuals)									234
Net Cost of the Program									1,640
<i>( Total authorities)</i>									<i>1,640</i>
(Actuals)									1,548

## Historical Comparison of Total Planned Spending to Actual Spending

**Table 3. Historical Comparison of Total Planned Spending to Actual Spending**

Departmental Planned versus Actual Spending by Business Line (thousands of dollars)					
Business Lines	Actual 1995-96	Actual 1996-97	Planned Spending 1997-98	Total Authorities 1997-98	Actual 1997-98
Business Line	1,211	1,313	1,406	1,406	1,314
<b>Total</b>	<b>1,211</b>	<b>1,313</b>	<b>1,406</b>	<b>1,406</b>	<b>1,314</b>

**Table 4 - Crosswalk between Old Resource Allocation and New Allocation**

Table 4 is not applicable to the Security Intelligence Review Committee

**Table 5 - Resource requirements by Organization and Business Line**

Table 5 is not applicable to the Security Intelligence Review Committee

**Table 6 - Revenues to the Vote**

Table 6 is not applicable to the Security Intelligence Review Committee

**Table 7 - Revenues to the Consolidated Revenue Fund**

Table 7 is not applicable to the Security Intelligence Review Committee

**Table 8 - Statutory Payments**

Table 8 is not applicable to the Security Intelligence Review Committee

**Table 9 - Transfer Payments**

Table 9 is not applicable to the Security Intelligence Review Committee

**Table 10 - Capital Spending by Business Line**

Table 10 is not applicable to the Security Intelligence Review Committee

**Table 11 - Capital Projects by Business Line**

Table 11 is not applicable to the Security Intelligence Review Committee

**Table 12 - Status of Major Crown Projects**

Table 12 is not applicable to the Security Intelligence Review Committee

**Table 13 - Loans, Investments and Advances**

Table 13 is not applicable to the Security Intelligence Review Committee

**Table 14 - Revolving Fund Financial Statements**

Table 14 is not applicable to the Security Intelligence Review Committee

**Table 15 - Contingent Liabilities**

Table 15 is not applicable to the Security Intelligence Review Committee

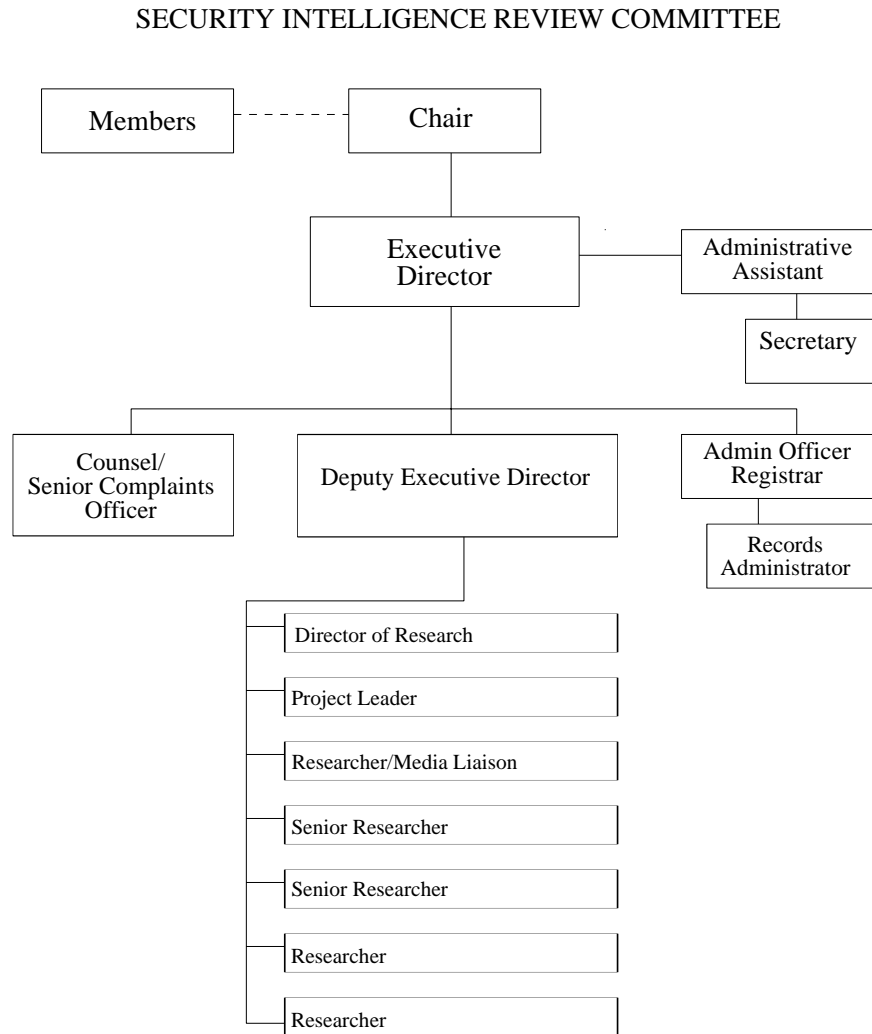
## **Section V: Consolidated Reporting**

### **Statutory Annual Report**

Information about the Review Committee's work can be found in much greater detail in the Committee's Annual Report, to be tabled in Parliament in October 1998.

## Section VI: Supplementary Information

### A. SIRC Organization Chart



## **B. Listing of Statutory and Departmental Reports Produced in 1997-98**

*Economic Espionage II*, (TOP SECRET) (CI 96-02)

*Audit of Section 16 Investigations and Foreign Intelligence Reports 1996-97*, (TOP SECRET) (CI 96-04)

*Urban Political Violence*, (SECRET) (SIRC 1997-01)

*Domestic Exchanges of Information*, (SECRET) (SIRC 1997-02)

*Foreign Conflict*, (SECRET) (SIRC 1997-03)

*Regional Audit*, (TOP SECRET) (SIRC 1997-04)

*CSIS Liaison with Foreign Agencies*, (TOP SECRET) (SIRC 1997-05)

*Spy Case*, (TOP SECRET) (SIRC 1998-02)

*Domestic Investigations (3)*, (TOP SECRET) (SIRC 1998-03)

*CSIS Cooperation with the RCMP, Part 1*, (SECRET) (SIRC 1998-04)

*Source Review*, (TOP SECRET) (SIRC 1998-05)

*Interagency Cooperation Case*, (TOP SECRET) (SIRC 1998-06)

*A Case of Historical Interest*, (TOP SECRET) (SIRC 1998-08)

*CSIS' Role in Immigration Security Screening*, (SECRET) (CT 95-06)

## **Contacts for Further Information & Web Site**

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: [sirc-csars@smtp.gc.ca](mailto:sirc-csars@smtp.gc.ca)

## **Legislation Administered by the Security Intelligence Review Committee**

*The Canadian Security Intelligence Service Act*