



Security Intelligence Review Committee

Performance Report

For the period ending
March 31, 2000

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 the *Part III of the Estimates* document for each department or agency into two separate documents: a *Report on Plans and Priorities* tabled in the spring and a *Departmental Performance Report* tabled in the fall.

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.

The Fall Performance Package is comprised of 83 Departmental Performance Reports and the President's annual report, *Managing for Results 2000*.

This *Departmental Performance Report*, covering the period ending March 31, 2000 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 *Report on Plans and Priorities* for 1999-00 tabled in Parliament in the spring of 1999.

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 its management systems and performance framework. 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/rma/dpr/dpre.asp>

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

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Security Intelligence Review Committee

Departmental Performance Report

**For the
Period ending
March 31, 2000**

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 in the Government of Canada in that it reviews, monitors or investigates the activities of another government agency. As Members of the Review Committee, we are selected in a consultative, non-partisan manner and then given extraordinary powers of inquiry. Although the law prevents us from passing on to the general public much of the detail of what we learn through those inquiries, we strive to make public as much as possible of our findings in order to gain the trust and confidence of Canadians.

Parliament has given us the responsibility to watch over Canada's security intelligence service while it carries out its mandated tasks of protecting the national security of Canada and the safety of Canadians.

Parliament created SIRC at the same time that it established the Canadian Security Intelligence Service (CSIS), after the McDonald Commission of 1981 found that the Security Service of the RCMP was involved in illegal or improper activities. The constructive tension between SIRC and CSIS is, in our view, both necessary and of benefit to Canada.

To continue 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, Canada must have a well-functioning security intelligence organization. At the same time, in view of the extraordinarily intrusive powers of CSIS, that organization must be held accountable if the integrity of Canada's democratic processes is to be 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 new democracies as they establish review bodies/mechanisms for their own security intelligence services.

Canada's history is evidence of the need to balance the protection of our democratic institutions with the protection of individual rights, through effective external review of the country'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., Q.C.
Chair

Section II: Departmental Performance

Societal Context

Objectives

To provide external review of the Canadian Security Intelligence Service's performance of its duties and functions; and to examine complaints by individuals or reports by Ministers related to security clearances and the national security of Canada.

In support of these objectives, SIRC will strive to:

- (a) 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;
- (b) be the most trusted and authoritative independent source of information about CSIS activities;
- (c) provide timely resolution of complaints; and
- (d) ensure the confidence of all parties in the validity and fairness of the Committee's decisions or recommendations in complaints cases.

Strategic Priorities

The Committee's strategic 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 strategic 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. Further, the assignment of additional staff to this program should ensure that the Committee's strategic priority of dealing with complaints cases in a timely manner is realized.

Factors Influencing Operations

For fifteen years the Committee has managed its activities within the resource levels established in 1985, and had significantly reduced its expenditures over the last few years to live within its budget. However, several factors converged in 1999-2000 and required the Committee to obtain supplementary funding.

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 1999-2000, 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.

Other factors which have had an impact on the Committee during 1999-2000 were:

- ▶ For the first time since 1997, the Committee had a full complement of Researchers and Committee Members. While this is essential for the Committee to fulfill its mandate, it has also resulted in an increase in expenditures.
- ▶ The Committee hosted an International Review Agencies Conference, affording Canadian and foreign review bodies a unique opportunity to benefit from one another's experiences.
- ▶ Major expenditures were incurred when the computer infrastructure was upgraded and security-certified hardware was purchased for new staff.

**Performance Results Expectations
and Chart of Key Results Commitments**

Chart of Key Results Commitments

The Security Intelligence Review Committee (SIRC)

to provide Canadians with:	to be demonstrated by:	achievements reported in:
<p>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, and that Canada’s security is protected.</p>	<ul style="list-style-type: none"> ▶ level of satisfaction of Parliament and public ▶ audit results which ensure that CSIS operates effectively in protecting Canadians from terrorist or other threats to national security ▶ 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 ▶ prompt investigation of complaints and Ministers’ reports ▶ frequency with which complaints and report case decisions are overturned or changed on appeal to the Courts 	<p>SIRC’s Annual Report and DPR</p> <p>SIRC’s Annual Report and DPR</p> <p>SIRC’s Annual Report and DPR</p> <p>SIRC’s Annual Report and DPR</p> <p>SIRC’s Annual Report and DPR</p> <p>SIRC’s Annual Report and DPR</p>

Performance Results Expectations

The Committee expects that the plans and strategies outlined in this report will enable it to:

1. ensure that Parliament and the public have confidence in the rigour of SIRC's review process and are satisfied, therefore, 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;
2. be knowledgeable about CSIS' level of effectiveness in protecting Canadians from terrorist or other threats to national security;
3. provide a comprehensive, high quality Annual Report, and probative research reports; and
4. have confidence in the soundness of decisions rendered or recommendations made in reports following the investigation of complaints.

The Committee has been in existence now for nearly 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 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, following audits or complaints investigations. The Committee has a program to measure the degree to which CSIS responds to its recommendations.

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.

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.

Presentation of Financial Information

Security Intelligence Review Committee	
Planned Spending	\$1,409,000
<i>Total Authorities</i>	<i>\$1,936,000</i>
1999-2000 Actuals	\$1,809,493

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 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.

The Committee has a program in place to ensure that as much as possible published material of interest is provided to its Members in full or summary form. A network of academics and experts in Britain, the U.S., 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 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.

Efficiency in the Research and Review Process -- 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 results.

In another innovation, the Committee 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.

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 Committee has all the powers, rights and privileges of a superior court. Committee staff investigate complaints thoroughly, which can lead to 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. Complaints can be complex with a consequent flow of documents, transcripts, and Committee reports requiring significant administrative support activity.

Performance Accomplishments

Research and Review Process

The Committee has tried in the past to complete all reports on a schedule designed to give its Members sufficient time to consider them. In 1999-2000, notwithstanding the fact that several factors, the most noteworthy being staff departures, combined to make this exercise difficult, we were more successful in this area than previously.

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

The Committee's last Annual Report was sent to 1,514 recipients, and its website was visited 260,039 times, a marginal increase from last year's reported 257,326 visits.

In order to bring information about the Committee's activities to a wider audience, the redesigned SIRC website (<http://www.sirc-csars.gc.ca>) will go on-line in early September 2000. The changes to the website will make it easier to obtain information about the complaints and review programs.

Complaints and Ministerial Reports

The Committee has found pre-hearing meetings, chaired by Committee 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.

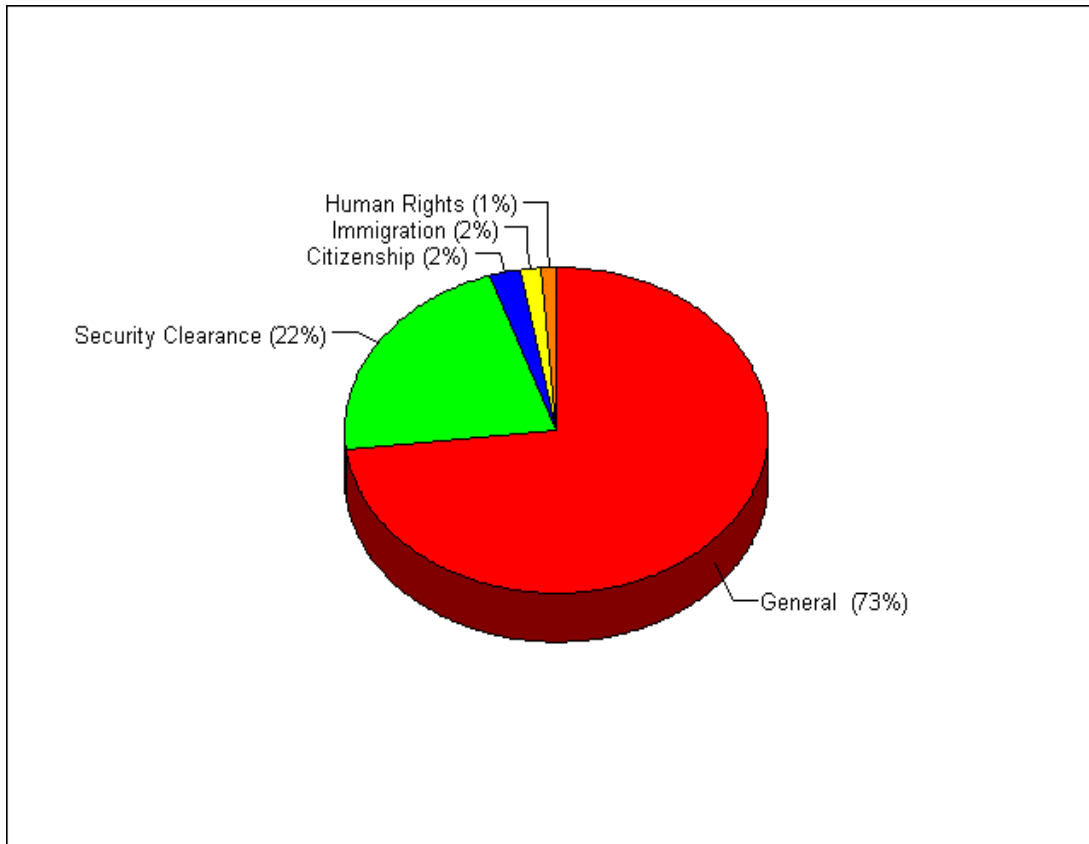
Statistics and Indicators of Performance -- The volume of complaints, referrals and Ministerial reports dealt with by the Committee from its inception in November 1984 until March 2000 is shown below.

SIRC Complaint Cases to 31 March 2000

Year	General Complaints	Security Clearance	Citizenshi P	Immigration	Human Rights	Totals
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	562	168	18	12	9	769

<p>Additional Information about Complaints Cases can be found in the SIRC Annual Report for 1999-2000 which will be tabled in Parliament by the Solicitor General in October 2000.</p>
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SIRC Complaint Cases to 31 March 2000



Section III: Consolidated Reporting

Year 2000 Compliance

In the area of information technology, the Committee was successful in ensuring that its information systems are "year 2000" compliant, with the assistance of outside specialists.

Major expenditures were required in 1999-2000 to upgrade the computer infrastructure and to purchase security-certified hardware for new staff. This costly technology is necessary to support the Committee's functions and to meet the stringent security requirements for handling highly classified information.

The Committee will continue to stay abreast of innovations in information technology so as to continue the steady increase in productivity seen over the last five years.

Statutory Annual Report

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 1999-2000 can be found in the Committee's Annual Report, to be tabled in Parliament in October 2000.

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.

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.

In fiscal year 1999-2000, the level of Committee expenditures rose significantly and the Committee received an additional \$524 thousand to meet its expenses due to:

- ▶ an increase in the number and complexity of complaint cases,
- ▶ initiatives to forge bonds with review/oversight agencies from other countries, and
- ▶ higher costs to maintain its secure information management systems.

Financial Summary Tables

The following tables are applicable to SIRC:

Table 1. Summary of Voted Appropriations

Table 2. Comparison of Total Planned Spending to Actual Spending

Table 3. Historical Comparison of Departmental Planned versus Planned Actuals

Table 1. Summary of Voted Appropriations

A. Authority for 1999-2000 - Part II of the Estimates				
Financial Requirements by Authority (thousands of dollars)				
Vote		1999-2000 Planned Spending	1999-2000 Total Authorities	1999-2000 Actual
Security Intelligence Review Committee				
40	Operating expenditures	1263	1790	1663
	Capital expenditures	--	--	--
(S)	Contributions to employee benefit plan	146	146	146
Total Department		1409	1936	1809

Table 2. Comparison of Total Planned Spending to Actual Spending

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: Responsible revenues	Total Net Expenditures
Business Line	15	1936	--	--	1936	--	1936	--	1936
<i>(Total authorities)</i>	15	1936	--	--	1936	--	1936	--	1936
(Actuals)	15	1809	--	--	1809	--	1809	--	1809
Cost of services provided by other departments									234
<i>(Total authorities)</i>									234
(Actuals)									234
Net Cost of the Program									2043
<i>(Total authorities)</i>									1936
(Actuals)									2043

Table 3. Historical Comparison of Departmental Planned versus Actual Spending (\$ thousands)

Departmental Planned versus Actual Spending by Business Line (thousands of dollars)					
Business Lines	Actual 1997-98	Actual 1998-99	Planned Spending 1999-2000	Total Authorities 1999-2000	Actual 1999-2000
Security Intelligence Review Committee	1314	1389	1409	1936	1809
Total	1314	1389	1409	1936	1809

Section V: Departmental Overview

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 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 provide the Committee with a report of the review.

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 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.

Departmental Organization

Business Line Description

The Security Intelligence Review Committee (SIRC) has only 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 seven, under the direction of the Deputy Executive Director.

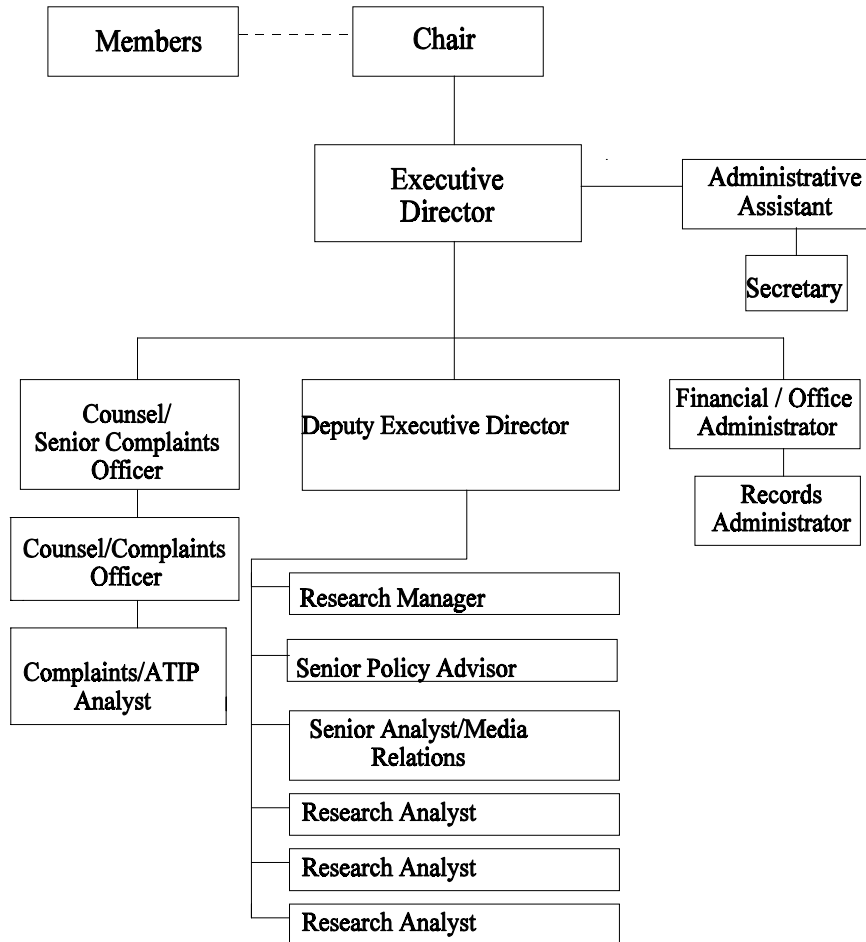
b) Complaints

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.

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

SIRC Organization Chart

SECURITY INTELLIGENCE REVIEW COMMITTEE



Section VI: 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: sirc-csars@smtp.gc.ca

Legislation Administered

The Canadian Security Intelligence Service Act

List of Statutory Annual Reports and Other Departmental Reports

Un conflit étranger - deuxième partie (TOP SECRET) (SIRC 1997-03)

Review of Transnational Crime, (SECRET) (SIRC 1998-01)

Audit of Section 16 Investigations & Foreign Intelligence Reports 1997-98, (TOP SECRET)
(SIRC 1998-07)

Review of Intelligence Production, (SECRET) (SIRC 1998-09)

Regional Audit, (TOP SECRET) (SIRC 1998-10)

CSIS Liaison with Foreign Agencies, (SECRET) (SIRC 1998-11)

Allegations by a Former CSIS Employee, (TOP SECRET) (SIRC 1998-12)

CSIS Investigations on University Campuses, (TOP SECRET) (SIRC 1998-14)

Review of Foreign Intelligence Activities in Canada, (TOP SECRET) (SIRC 1998-15)

Files, (TOP SECRET) (SIRC 1998-16)

Domestic Exchanges of Information (1998), (TOP SECRET) (SIRC 1999-03)

Proliferation - Weapons of Mass Destruction, (TOP SECRET) (SIRC 1999-04)