Security Intelligence Review Committee

2004 - 2005 Estimates

Report on Plans and Priorities

The Right Honourable Paul Martin Prime Minister of Canada

Table of Contents

Section I:	Chair's Message	1
	Management Representation Statement	2
Section II:	Raison d'être	3
Section III:	Planning Overview	4
Section IV:	Plans and Priorities by Strategic Outcome	8
Section V:	Organisation	5
	Planned Spending Table	6
Section VI:	Annex 1	7
	Table 1 Net Cost of the Program for 2004-2005	7

Section I: Chair's Message

The coming year marks a significant milestone for the Security Intelligence Review Committee (SIRC or the Committee). In July, 2004 we will celebrate two decades as the only independent, external review body reporting to Parliament on the activities of the Canadian Security Intelligence Service (CSIS or the Service). This date also marks the twentieth anniversary of the proclamation of the *CSIS Act*, the founding legislation of both organisations.

Many of the issues which surrounded the creation of CSIS continue to be publicly debated today. Fundamental questions such as how to respect human and civil liberties in the collection and sharing of security intelligence; the relationships between domestic agencies and their foreign counterparts; and the public's right to know versus the need to protect national security and privacy, are as topical now as they were then. In fact, the events of 9/11 and the war against terrorism have brought into sharp relief the profound importance of striking the right balance in dealing with these issues.

As SIRC's longest-serving member, it has been my privilege to be a Member of the Committee since 1984, and its Chair for the past eight years. Over this period, I have witnessed first hand the vital importance of our work. We are a window for Parliament and ultimately for all Canadians, into an invisible and complex world where interests often clash. But this vantage point, and the unrestricted access it affords, are our greatest strength, because it enables the Committee to safeguard some of Canada's most cherished principles and democratic values.

As this Report will show, the environment in which SIRC operates is changing, and the Committee must adjust its plans accordingly. But I have no doubt that our work remains as relevant now, as when the Committee was first established twenty years ago.

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

Chair

Management Representation Statement

I submit, for tabling in Parliament, the 2004-2005 Report on Plans and Priorities (RPP) for the Security Intelligence Review Committee.

This document has been prepared based on the reporting principles and disclosure requirements contained in the *Guide to the preparation of the 2004-2005 Report on Plans and Priorities*:

- It accurately portrays the Committee's plans and priorities.
- The planned spending information in this document is consistent with the directions provided in the Minister of Finance's budget and by TBS.
- It is comprehensive and accurate.
- It is based on sound underlying information and management systems.

The reporting structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Name: _

Susan Pollak

Title: Executive Director

Date:

Section II: Raison d'être

To provide assurance to the Parliament of Canada and through it, to Canadians, that CSIS is complying with law, policy and Ministerial Direction in the performance of its duties and functions

The Security Intelligence Review Committee (SIRC or the Committee) is a small, independent review body which reports to Parliament on the operations of the Canadian Security Intelligence Service (CSIS or the Service). It was established at the same time that CSIS was created in 1984, and derives its powers from the same legislation, the *CSIS Act*.

The Committee is chaired by the Honourable Paule Gauthier, P.C., O.C., O.Q., Q.C., who was appointed Chair on September 30, 1996. The other Members are the Honourable Raymond Speaker, P.C., O.C., the Honourable Gary Filmon, P.C., O.M., the Honourable Baljit S. Chadha, P.C. and the Honourable Roy Romanow, P.C., O.C., Q.C. All Members of the Committee are Privy Councillors, who are appointed by the Governor-in-Council after consultation by the Prime Minister with the Leaders of the Opposition parties.

The Committee's raison d'être is to provide assurance to the Parliament of Canada and through it, to Canadians, that CSIS is complying with legislation, policy and Ministerial Direction in the performance of its duties and functions. In doing so, the Committee seeks to ensure that CSIS does not undermine the fundamental rights and freedoms of Canadians. The Committee is the only independent, external body equipped with the legal mandate and expertise to review the Service's activities, and is, therefore, a cornerstone for ensuring the democratic accountability of one of the Government's most powerful organisations.

To provide this assurance, SIRC performs two functions. The first is to conduct in-depth reviews of CSIS activities to ensure that they comply with the *CSIS Act* and the various policy instruments that flow from it, and with direction from the Minister. The second is to receive and inquire into complaints by any person about any action of the Service.

The Service continues at all times to be accountable for current operations through the existing apparatus of government, specifically the Minister of Public Safety and Emergency Preparedness, the Inspector General of CSIS, central agencies and the Auditor General, Information Commissioner and Privacy Commissioner of Canada.

Section III: Planning Overview

The Security Intelligence Review Committee is largely funded through operating expenditures and has the authority to spend revenue received during the year.

SIRC's planning environment has been influenced by several factors. In some cases, their full effect has yet to be determined, but there is no question that they will impact on the Committee's work.

A New Government

On December 12, 2003, Prime Minister Paul Martin identified "Securing Canada's Public Health and Safety" as a key theme of his government's new agenda. He also announced significant changes to the machinery of government. The Prime Minister gave his Deputy Prime Minister responsibility over a new portfolio of Public Safety and Emergency Preparedness. This will significantly expand the former portfolio of the Solicitor General, adding several existing federal organisations and creating new ones, such as the Canada Border Services Agency. The Prime Minister also created a high-level position of National Security Advisor, responsible for intelligence and threat assessment and inter-agency coordination. In addition, a new Cabinet Committee on Security, Public Health and Emergencies has been established.

The Prime Minister further proposed that Parliament establish a new Standing Committee on National Security. Significantly, he also proposed that "its members would be sworn in as Privy Councillors so that they can be briefed on national security issues." The commitment to establish such a body was confirmed by the Deputy Prime Minister on January 28, 2004, when she announced her intention to engage Parliamentarians in a discussion of the mechanism and mandate of this proposed new Committee.

Most current Members of Parliament are not authorized to receive classified intelligence. As a result, the proposed new Parliamentary Committee could significantly impact on Canada's review mechanisms, because its members would have the right to receive highly sensitive, classified information, the same right now enjoyed by SIRC Committee Members. It will therefore be important to clearly define the mandate of this new Parliamentary Committee vis-à-vis SIRC, since SIRC's raison d'être is to report to Parliament on CSIS's compliance with law and policy. SIRC intends to develop a constructive and positive working relationship with this new Parliamentary Committee, but it will be important to clarify roles in order to reduce overlap and duplication.

Public Confidence

Public confidence in domestic security organisations as well as their review mechanisms has been tested in 2003-2004. The case of Maher Arar, a Canadian detained and deported to Syria by American authorities, has prompted widespread concern. The Arar case raises issues related to Canada/U.S. relations; Canadians' expectations about the rights and protection conferred by citizenship; the nature and extent of information-sharing agreements with foreign powers; and the controls governing exchanges of information between CSIS and the RCMP. Irrespective of the dual inquiries launched by SIRC and by Mr. Justice O'Connor, the continuing media and political attention has raised troubling questions for many Canadians. At time of writing, SIRC had not yet completed its S. 54 review under the *CSIS Act* into the Arar case, but public reaction to the findings of these inquiries will have a significant impact on the credibility of Canada's review mechanisms.

A Full Committee

In November, 2003, the appointment of the Honourable Roy Romanow, P.C., O.C., Q.C., brought the Committee's membership up to the legally mandated five. (The last appointment to the Committee had been made in February, 2003, which meant that the Committee had operated for a full year prior to this with only three Members). Mr. Romanow brings a wealth of experience to the Committee, and as a former Premier and Attorney General, was responsible for the introduction of a Saskatchewan Human Rights Commission, Human Rights Code and Provincial Ombudsman's Office. With a full complement of five members, there is greater flexibility to schedule complaints hearings and Mr. Romanow's judgement and experience will be an asset in the review of CSIS activities.

Resources

Two years ago, in the Committee's Annual Report of 2001–2002, we noted that CSIS had received a 30 percent increase in its budget. As a result, the Service raised the level of investigative activities that SIRC has a legal responsibility to review.

SIRC undertook a comprehensive review of its own activities and the resources required to fulfill its obligations to Parliament. In July, 2002 the Committee made a formal submission to Treasury Board for an increase in resources of 16 percent. In December, 2003, SIRC finally received authority to include an amount of \$343 520 in 2004 - 2005 Supplementary Estimates, and if approved, to increase its reference levels in future years. This decision was welcomed by SIRC, because the long-awaited funding is critical to maintaining SIRC's ability to conduct an effective review program. Most new funds will be allocated to hiring more staff, in order to stay abreast of CSIS's increasing level of activity.

As part of its Treasury Board submission, SIRC has committed to undertake an external, independent audit of how any new resources were utilized, the year after the funds are received. In addition, the Committee will respect any special reporting requirements associated with the Public Safety and Anti-Terrorism (PSAT) reserve.

Modern Comptrollership

In 2003-2004, SIRC undertook a capacity assessment. This is the first step in implementing a framework for the modernization of comptrollership (management practices) in the Committee. The assessment was conducted by an independent consultant, employing a diagnostic tool endorsed by the Treasury Board Secretariat. This wide-ranging review looked at a variety of areas, including strategic leadership, accountability, risk management, performance measurement and human and financial resource management.

At time of writing, an Action Plan is being developed based on the results of the assessment, which will establish milestones and deliverables for future years. SIRC has identified the implementation of modern comptrollership as one of its strategic priorities in 2004-2005, and refers to it in the next section.

Outreach and Liaison

SIRC is constantly challenged to strike a balance between the public's right to know, and the need to protect national security and privacy. The case of Maher Arar is a good example of this dilemma. National security is not a shield that SIRC chooses to hide behind, but rather an operational and legislative reality attached to the sensitive information we are privy to. In many cases, SIRC is constrained by law and the Government Security Policy from reporting certain details. Nevertheless, to the best of SIRC's ability, and within these legal constraints, every study conducted, every query pursued and every complaint acted upon is reflected in the Committee's Annual Report to Parliament.

The Committee recognizes that public confidence has been tested by the Arar case. To address this challenge, Committee Members will intensify their efforts to inform Canadians about the review function. This will require a more active role on the part of Members in meeting and talking to key audiences with an interest in security intelligence, as well as speaking at public fora to help demystify what is often an invisible part of government. Domestic and international liaison will also remain a priority, both to explain SIRC's role and its preoccupations to colleagues within the security and intelligence community, and to share best practices with counterparts responsible for oversight or review in other jurisdictions.

Internet

SIRC's launched its new website www.sirc-csars.gc.ca in January, 2004. It is intended to become another vehicle for raising awareness about the Committee's mandate and its activities. The website conforms to Treasury Board guidelines concerning "common look and feel" (CLF) while providing a user-friendly resource for visitors. All of the Committee's Annual Reports dating back to 1984-1985 are available in PDF or HTML format, and visitors can access the websites of Canada's security and intelligence community and its review mechanisms, as well as those of our closest allies. In particular, individuals or groups seeking information about the complaints process can find all of the steps described on-line. SIRC intends to exploit this technology further in 2004-2005 as part of its outreach efforts.

Section IV: Plans and Priorities by Strategic Outcome

Strategic Outcome:

To provide assurance to the Parliament of Canada and through it, to Canadians, that CSIS is complying with law, policy and Ministerial Direction in the performance of its duties and functions

Priorities	Associated Resources	Туре
Conduct reviews of CSIS activities to ensure compliance	\$1 227 414	2
Receive and inquire into complaints about CSIS brought by individuals or groups	\$ 559 785	2
Produce an Annual Report and other high-quality communications material, to inform Parliament and Canadians about SIRC's activities	\$ 100 000	2
Pursue outreach and liaison activities domestically and internationally to raise awareness and exchange best practices	\$ 155 000	2
Establish constructive, working relationship with proposed Parliamentary Committee on National Security	\$ 30 000	3
Undertake modern management initiatives based on capacity assessment and action plan developed in 2003-2004	\$ 525 640	3
Purchase and replacement of office equipment for anticipated staffing	\$ 50 000	3
Refine and populate CLF-compliant website	\$ 25 000	2

Note: Type of Priority can be (1) previous; (2) ongoing; or (3) new

Strategic Outcome:

To provide assurance to the Parliament of Canada and through it, to Canadians, that CSIS is complying with law, policy and Ministerial Direction in the performance of its duties and functions

Priorities (Cont.)	Associated Resources	Туре
Contingency relocation fund in the event SIRC is moved to another location	\$ 100 000	3
Other	\$ 41 814	2

Note: Type of Priority can be (1) previous; (2) ongoing; or (3) new

Introduction

Before discussing SIRC's priorities for 2004-2005, it is important to recognize that virtually all of the Committee's energy and resources are allocated to two ongoing functions. The first is to conduct in-depth reviews of CSIS activities to ensure that they comply with the *CSIS Act* and the various policy instruments that flow from it, and with direction from the Minister. The second is to receive and inquire into complaints by any person about any action of the Service. Together, these two activities account for 75 percent of SIRC's planned budget of \$2.8 million. This is because many other priorities, such as the production of the Annual Report and various liaison activities, are in effect an extension of SIRC's review and complaints functions. As a result, the Organization Chart on p. 15 rolls up several of these sub-priorities under Reviews and Complaints.

Reviews of CSIS Activities

SIRC has virtually unlimited power to review CSIS's performance of its duties and functions. With the sole exception of Cabinet confidences, SIRC has the absolute authority to examine all information concerning CSIS's activities, no matter how highly classified that information may be.

It is important to note that the Committee examines CSIS's performance on a retrospective basis, that is to say, it examines the past activities of the Service. Its work is not intended to provide oversight of current CSIS operations. However, by preparing "snapshots" of highly sensitive CSIS activities over almost two decades, SIRC helps Parliament to determine whether CSIS is acting appropriately and within the law. In planning reviews for 2004-2005 and future years, SIRC will expand its research program, as a result of the new resources it expects to receive through Supplementary Estimates. Projects will be identified based on increased resources; domestic and

world events; issues, priorities and concerns identified by Canadians and Parliament, and through past reviews; and existing and emerging CSIS activities.

SIRC's research program is designed to address a broad range of subjects. This approach allows the Committee to manage the inherent risk of being able to review only a small percentage of CSIS activities in any given year. However, the Committee must also be prepared to adjust planned activities to respond to unforeseen events.

This is an ongoing activity which has been allocated \$1 227 414 in 2004-2005 and future years. It includes salary costs and training for staff, monthly meetings attended by Committee Members, their travel expenses and per diems. It also includes ground transportation on a daily basis between SIRC's offices in the Jackson Building and CSIS headquarters. Two performance measurements are used to assess its effectiveness. One measure is whether the research plan approved by the Committee is completed in its entirety. Another measure concerns whether CSIS acts on the recommendations contained in SIRC's reviews. While it should be noted that specific recommendations are classified and cannot be discussed in a public document, SIRC does track the status of each recommendation to determine whether and how the Service acted upon it.

Complaints about CSIS

SIRC's second function is to investigate complaints and conduct investigations in relation to:

- complaints "with respect to any act or thing done by the Service" as described in the CSIS Act;
- complaints about denials of security clearances to federal government employees and contractors;
- referrals from the Canadian Human Rights Commission in cases where the complaint relates to the security of Canada; and
- Minister's reports in respect of the Citizenship Act.

The Committee has no control over the number of complaints it receives in any given year. It also has a statutory responsibility to respond promptly to every complaint. Their volume and complexity can have a significant impact on SIRC's capacity to fulfill its mandate. Because complaints are very time consuming, small changes in their numbers can significantly affect the Committee's budget and operations.

In 2004-2005, SIRC intends to make several efficiency improvements. It will be implementing an automated case management system currently used by the Public Service Staff Relations Board, in order to track complaints through various stages in the complaints process. The Senior Counsel will be updating the Committee's Rules of Procedure in relation to S. 38 (c) of the CSIS Act. Finally, SIRC will explore whether it can create an electronic database of relevant legal opinions.

This is an ongoing activity which has been allocated \$559 785 in 2004-2005 and future years. It includes salary costs and training for staff, complaint hearings presided over by Committee Members, their travel expenses and per diems, as well as costs for simultaneous translation, court reporters, plus funding to obtain outside legal advice. One measure of its effectiveness is whether or not the Committee's decisions are subsequently challenged in Federal Court. SIRC has also adopted a standard that all written complaints are formally acknowledged within seven days of their receipt and that within 60 days, all formal complaints should either be resolved to the complainant's satisfaction, determined to be without foundation and closed, or elevated to the status of an in-depth Committee investigation.

Annual Report and Communications Material

By reviewing past operations of the Service and investigating complaints, SIRC is able to make findings and recommendations designed to improve the Service's performance. The results of this work, edited to protect national security and privacy, are summarized in its Annual Report. In accordance with S. 53 of the CSIS Act, the Report must be submitted to the Minister of Public Safety and Emergency Preparedness "not later than September 30 in each fiscal year." The Minister then tables the Report in Parliament within fifteen days of its receipt.

SIRC has already taken steps to make its news releases more media-friendly and this year, it developed a simple, one-page handout on its role and responsibilities as well as an explanation of the S. 54 process. Highlights of the reviews conducted in 2002-2003 were also condensed and appended to the news release which accompanied the release of that year's Annual Report.

In 2004-2005, SIRC will be celebrating its 20th anniversary, since its creation under the *CSIS Act* of 1984. This milestone provides an opportunity to highlight to Canadians that as the only independent, external body equipped with the legal mandate and expertise to review the Service's activities, SIRC is a cornerstone for ensuring the democratic accountability of one of the Government's most powerful organizations.

To mark this anniversary SIRC will be preparing a booklet, in both hard-copy and HTML format, which will be mailed in response to public enquiries; distributed in public fora which Committee Members are attending; and, posted on its website. It is intended to explain, in layman's language, the Committee's role and responsibilities and to support Committee Members outreach and liaison activities. In addition, the Committee will use its Annual Report to Parliament both as a vehicle to summarize its activities, and also to raise awareness about SIRC.

This is an ongoing activity which has been allocated \$100 000 in 2004-2005 and future years. This includes costs for writing, editing, translation, graphic design and printing services, as well as the electronic distribution of news releases and backgrounders to the media. Feedback from Parliamentarians and other audiences will be used to measure the effectiveness of both the Annual Report and other communications material.

Outreach and Liaison

The Committee's schedule includes both domestic and foreign travel. As part of its review program, the Committee visits CSIS regional offices on a rotating basis to examine how Ministerial direction and CSIS policy affect the day-to-day work of investigators in the field. These trips afford Committee Members with an opportunity to meet with senior CSIS staff, receive briefings on regional issues and communicate the Committee's focus and concerns. Regional visits also permit the Committee to meet with local stakeholders and experts on a broad range of subjects. If feasible, select meetings and public speaking engagements will be scheduled to coincide with these visits. The Committee intends to visit at least three CSIS regional offices in 2004-2005.

CSIS also maintains a number of posts outside Canada. In order to monitor effectively the application of the Service's information-sharing arrangements with foreign agencies, SIRC conducts reviews of these Security Liaison Officer (SLO) posts abroad. At least two SLO posts will be included in the 2004-2005 research plan.

SIRC is also considering organizing a seminar in 2004-2005. Its purpose would be to mark SIRC's 20th anniversary while providing an opportunity for Committee Members and outside experts to discuss strategic questions related to Canada's review mechanisms for security intelligence.

This is an ongoing activity which has been allocated \$155 000 in 2004-2005 and future years. Essentially, these resources will be used to cover the costs of travel and per diems incurred by Committee Members and SIRC staff, as well as the costs of organizing a seminar or workshop.

New Parliamentary Committee on National Security

This year, the Committee's November, 2003 appearance before the Sub-Committee on National Security of the Standing Committee on Justice and Human Rights was cancelled when Parliament was prorogued. It is unclear at time of writing whether the Sub-Committee will continue, given the Prime Minister's proposal to establish a new Parliamentary Committee on National Security.

SIRC recognizes the importance of establishing constructive working relationships with this Parliamentary Committee. Given the scarce resources that are allocated to Canada's review mechanisms, it will be important to establish how best SIRC can support the new Committee, and to avoid any overlap and duplication. In addition, because these Parliamentarians will become Privy Councillors and will therefore have access to highly sensitive information, SIRC will need to re-think how it will brief the Committee and the information that it will make available to its members.

This is a new activity which has been allocated \$30 000 in 2004-2005 and future years. Essentially, these resources will cover the travel and per diem costs of Committee Members attending at least two annual Parliamentary hearings in Ottawa, plus the cost of preparing any briefing notes and other material which may be prepared for the new Parliamentary Committee.

Modern Management Initiatives

Now that a capacity assessment and action plan have been developed, SIRC has a clearer idea of the management areas requiring attention in 2004-2005 and future years. In particular, given the intention to hire new staff and expand the review program, SIRC will need to refine and improve its human resource management practices. This has always proven challenging for the Committee, because it is very difficult to identify and recruit employees with previous experience in the review of security intelligence agencies. And since all employees must have a Level III security clearance prior to their arrival, it can take months before prospective employees have been vetted.

The major management challenge is the recruitment and retention of staff. SIRC intends to improve its orientation program; invest more time in the training and development of staff; refine its performance review and appraisal system; formalize an exit interview process; and implement a modest employee recognition program. In addition, SIRC intends to simplify and strengthen its financial control system, in anticipation of new reporting requirements associated with the PSAT reserve. This is a new activity which has been allocated \$525 640 in 2004-2005 and future years. Essentially, this will allow for both in-house and contracted resources to develop appropriate policies and practices designed to improve comptrollership.

Purchase & Replacement of Office Equipment

SIRC received authority in December, 2003 to include an amount of \$343 520 in 2004 - 2005 Supplementary Estimates, and if approved, to increase its reference levels in future years. Most new funds will be allocated to hiring more staff, in order to stay abreast of CSIS's increasing level of activity. As a result of this anticipated staffing, it will be necessary to purchase and replace computers and other office equipment required by staff to fulfill their duties. This is a new activity which has been allocated \$50 000 in 2004-2005.

SIRC Website

In 2004-2005, SIRC will continue to refine and populate its new website. This will entail posting the Committee's Annual Report and other documents in both HTML and PDF formats, consistent with Treasury Board policy, and making modifications and additions to the site. SIRC will also be adding new links to its website to reflect the evolving nature of Canada's security and intelligence community. This is an ongoing activity which has been allocated \$25 000 in 2004-2005 and future years.

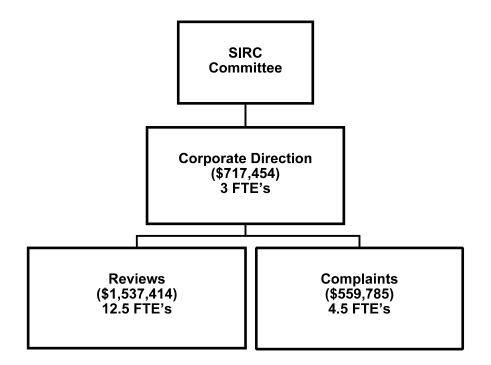
Relocation Contingency

SIRC currently maintains two offices: its main office in the Jackson Building in Ottawa; and a second office located on-site in CSIS headquarters, to permit staff to review highly classified material. In 2004-2005, it may be necessary as a result of a decision by Public Works and Government Services, to vacate the Jackson Building and move to another location in Ottawa. If this occurs, SIRC will be responsible for all moving and relocation costs. This is a new, one-time activity which has been allocated \$100 000 in 2004-2005.

Other

The remaining resource expenditures, estimated at \$41 814 in 2004-2005, cover the costs of operating expenses, performance pay and the cash-out of leave entitlements by SIRC staff.

Section V: Organisation



Departmental Planned Spending Table

The Security Intelligence Review Committee operates with a maximum of twenty full time equivalents (FTE's) and up to five appointed part-time Privy Councillors. With a program net cost of \$2.8 million, SIRC's largest budgetary expenditures are salaries for staff and, to a lesser extent, expenses associated with the Committee's Privy Councillors.

(\$ millions)	Forecast Spending 2003-2004	Planned Spending 2004-2005	Planned Spending 2005-2006	Planned Spending 2006-2007
Security Intelligence				
Budgetary Main Estimates (gross)	2.34	2.47	2.81	2.81
Less: Respendable Revenue	0	0	0	0
Total Main Estimates	2.34	2.47	2.81	2.81
Adjustments	0	.34	0	0
Net Planned Spending	2.34	2.81	2.81	2.81
Less: Non- respendable revenue	0	0	0	0
Plus: Cost of services received without charge	0	0	0	0
Net Cost of Program	2.34	2.81	2.81	2.81

Full Time Equivalents 14	20	20	20
--------------------------	----	----	----

Section VI: Annex

Table 1 Net Cost of the Program for the Estimates Year: 2004-2005

(\$ millions)	Total
Net Planned Spending	2.81
Plus Services Received without Charge	
Accommodation Provided by Public Works and Government Services Canada (PWGSC) (\$ thousands)	0
Contributions covering employer's share of employees' insurance premiums and expenditures paid by TBS (\$ thousands)	0
Workman's Compensation coverage provided by Human Resources Canada	0
Salary and associated expenditures of legal services provided by Justice Canada	0
Less: Non-respendable Revenue (\$ millions)	0
2004-2005 Net Cost of Program	2.81