

National Security and Intelligence
Committee of Parliamentarians



Comité des parlementaires sur la
sécurité nationale et le renseignement

ANNUAL REPORT

ACCESS TO INFORMATION ACT

**Secretariat of the National Security and Intelligence
Committee of Parliamentarians
April 1, 2018 - March 31, 2019**

TABLE OF CONTENTS

	<u>PAGE</u>
1 INTRODUCTION	1
2 ORGANIZATION	1
3 DELEGATION OF POWERS	2
4 ACCESS TO INFORMATION	2
5 PROACTIVE DISCLOSURE	2
6 REQUESTS, COMPLAINTS AND INVESTIGATIONS	2

I INTRODUCTION

This Annual Report for 2018-2019 is presented to Parliament, in accordance with section 72 of the Access to Information Act (ATI), which purpose is to provide the right of access to records under the control of government institutions.

The legislation to establish the National Security and Intelligence Committee of Parliamentarians (NSICOP) was a joint mandate-letter commitment of the Leader of the Government in the House of Commons and the Minister of Public Safety and Emergency Preparedness. The Committee is composed of eight Members of the House of Commons and three Senators, each of whom holds a Top Secret security clearance.

The mandate of the Committee is to review:

- (a) the legislative, regulatory, policy, administrative, and financial framework for national security and intelligence;
- (b) any activity carried out by a department or agency that relates to national security or intelligence, unless the activity is an ongoing operation and the appropriate Minister determines that the review would be injurious to national security; and
- (c) any matter relating to national security or intelligence referred to it by a minister of the Crown.

In order to fulfill its mandate, the Committee is entitled to have access to any information, with few exceptions, that is under the control of a department.

The Committee is required to submit an annual report of the reviews it conducted during the preceding year to the Prime Minister. It may also issue a special report at any time on any matter related to its mandate. A declassified version of those reports must be laid before both Houses of Parliament. There are two categories of information that may be redacted from the report on the direction of the Prime Minister: information the disclosure of which would be injurious to national security, national defence or international relations; or information that is subject to solicitor-client privilege.

The Committee aims to provide as much information to the public as possible, within the parameters of the NSICOP Act.

In 2018-19, the Committee submitted two reports to the Prime Minister: the Special report into the allegations associated with Prime Minister Trudeau's official visit to India in February 2018; and the Committee's Annual Report for 2018. Those reports were tabled in Parliament on December 3, 2018, and April 9, 2019 respectively, and are available on the Committee's website at <http://www.nsicop-cpsnr.ca/index-en.html>.

2 ORGANIZATION

The Executive Director of the Secretariat is appointed by the Governor in Council. According to section 28 of the NSICOP Act, the Executive Director is the chief executive officer of the Secretariat and has the control and management of the Secretariat and all matters connected with it. The Secretariat applies the policies and guidelines of the Treasury Board on access to information and privacy.

3 DELEGATION OF POWERS

The Minister heading each government institution is responsible for the implementation of the ATI Act within his or her institution. The Leader of the Government in the House of Commons (LGHC) is the Minister responsible for the Secretariat.

A Delegation Order was signed by the LGCH in 2018. The persons holding the position or acting in the position of Executive Director and the Director of Operations have full delegation to exercise or perform any of the powers, duties and functions under the ATI Act.

4 ACCESS TO INFORMATION

Section 16.6 of the ATI Act provides that the Secretariat of the NSICOP shall refuse to disclose any record requested under the ATI Act that contains information obtained or created by it or on its behalf in the course of assisting the Committee in fulfilling its mandate.

5 PROACTIVE DISCLOSURE

In compliance with mandatory proactive disclosure requirements for government organizations, the Secretariat's website includes its latest Departmental Results Report, Departmental Plan and Quarterly Financial Reports at <https://www.canada.ca/en/secretariat-national-security-intelligence-committee-parliamentarians.html>. It will eventually include information concerning travel and hospitality expenses, reclassification of positions, and contracts over \$10,000.

6 REQUESTS, COMPLAINTS AND INVESTIGATIONS

During the 2018-2019 fiscal year, the Secretariat received four consultation requests from other government organizations; it also handled one informal request for information. In all cases, the Secretariat applied the exemption listed in section 16.6 of the ATI Act. There have been no complaints nor investigations.