

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, 2019 - March 31, 2020**

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Cette publication est également disponible en français :
Rapport annuel. Loi sur l'accès à l'information (Secrétariat du Comité des
parlementaires sur la sécurité nationale et le renseignement (Canada))

ISSN 2562-9085

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INTRODUCTION

This Annual Report for 2019-2020 is presented to Parliament, in accordance with section 94 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) received Royal Assent in June 2017. The Committee is presently composed of six 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.

Through its public reports, and its outreach activities to non-governmental organizations, academics and university students, the Committee aims to provide as much information to the public as possible, within the parameters of the NSICOP Act.

In 2019-20, the Committee submitted two reports to the Prime Minister: its 2019 Annual Report, and the Special report on the Collection, Use, Retention and Dissemination of Information on Canadians in the context of the Department of National Defence and Canadian Armed Forces Defence Intelligence Activities. Those reports were tabled in Parliament on March 12, 2020 and are available on the Committee's website at <https://www.nsicop-cpsnr.ca/reports-rapports-en.html>.

ORGANIZATIONAL STRUCTURE

The Secretariat of the NSICOP was established pursuant to s. 24(1) of the NSICOP Act. Its role is to assist the Committee in fulfilling its mandate.

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.

DELEGATION ORDER

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 LGHC 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.

PERFORMANCE 2019-2020

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

During the 2019-2020 fiscal year, the Secretariat received ten consultation requests from other government organizations; it also handled one request for information. In all cases, the records constituted information obtained or created by the Secretariat in support of the Committee’s work. The Secretariat therefore applied the exemption listed in section 16.6 of the ATI Act. This performance reflects the trend established since the creation of the NSICOP Secretariat in 2017.

There has been no significant impact of COVID-19 related measures on the Secretariat’s ability to fulfill its obligations under the ATIA. Any request or consultation request would be handled to the best of our ability within the set timelines.

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>. The Secretariat also publishes information concerning travel and hospitality expenses, reclassification of positions, and contracts over \$10,000 at <https://open.canada.ca/en>.

TRAINING AND AWARENESS

All Secretariat employees are aware that the Secretariat is subject to the Access to the Information Act and are aware of our obligations pursuant to s.16.6 of the ATIA.

POLICIES, GUIDELINES, PROCEDURES AND INITIATIVES

Pursuant to s. 20 of the NSICOP Act, the Secretariat developed comprehensive internal procedures for the Committee and the Secretariat as a guide to follow in the exercise of the Committee's powers or the performance of its duties and functions. Those procedures refer to the obligations of the Secretariat in processing ATIA requests.

SUMMARY OF KEY ISSUES AND ACTIONS TAKEN ON COMPLAINTS OR AUDITS

There have been no complaints, audits or investigations during the reporting period.

MONITORING COMPLIANCE

There is no requirement for specific monitoring of ATIA requests. The Executive Director and the Director of Operations are aware of all requests as soon as received and closely monitor their progress and treatment.

ANNEX A – DELEGATION ORDER

Access to Information Act

DELEGATION ORDER

The Leader of the Government in the House of Commons, as the Minister responsible for the Secretariat of the National Security and Intelligence Committee of Parliamentarians, and pursuant to section 73 of the Access to Information Act^a, hereby designates the officers holding the positions set out in the schedule hereto, and any persons acting in those positions, to exercise or perform the powers, duties and functions of the Leader of the Government in the House of Commons as the head of a government institution under the sections of the *Act* and the regulations opposite each position in the schedule.

This delegation order supercedes all previous delegation orders.

Loi sur l'accès à l'information

ARRÊTÉ DE DÉLÉGATION

La leader du gouvernement à la Chambre des communes, en sa qualité de ministre désignée pour le secrétariat du Comité des parlementaires sur la sécurité nationale et le renseignement, et conformément à l'article 73 de la Loi sur l'accès à l'information^a, délègue aux titulaires des postes énumérés en annexe, et à toutes autres personnes agissant dans ces postes de façon intérimaire, ses attributions à titre de responsable d'une institution fédérale aux termes des articles de la *Loi* et du règlement figurant en regard de chaque poste à l'annexe.

Le présent arrêté de délégation remplace et annule tout arrêté qui le précède.

Leader of the Government in the House of Commons / Leader du gouvernement à la
Chambre des communes

10 July 2018 / 10 juillet 2018

^a R.S. 1985, c. A-1 / L.R. 1985, ch. A-1

SCHEDULE / ANNEXE

Position / Poste	Sections of the Access to Information Act^a / <i>Articles de la Loi sur l'accès à l'information^a</i>	Sections of the Access to Information Regulations^b / <i>Articles du Règlement sur l'accès à l'information^b</i>
1. Executive Director, Secretariat / Directrice générale, Secrétariat	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>
2. Director of Operations, Secretariat / <i>Directeur des opérations, Secrétariat</i>	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>

ANNEX B – STATISTICAL REPORT



Statistical Report on the *Access to Information Act*

Name of institution: Secretariat of the National Security & Intelligence Committee of Parliamentarians

Reporting period: 2019-04-01 to 2020-03-31

Section 1: Requests Under the *Access to Information Act*

1.1 Number of requests

	Number of Requests
Received during reporting period	1
Outstanding from previous reporting period	0
Total	1
Closed during reporting period	1
Carried over to next reporting period	0

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	0
Business (private sector)	1
Organization	0
Public	0
Decline to Identify	0
Total	1

1.3 Informal requests

Completion Time							Total
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
0	0	0	0	0	0	0	0

Note: All requests previously recorded as “treated informally” will now be accounted for in this section only.

Section 2: Decline to act vexatious, made in bad faith or abuse of right requests

	Number of Requests
Outstanding from previous reporting period	0
Sent during reporting period	0
Total	0
Approved by the Information Commissioner during reporting period	0
Declined by the Information Commissioner during reporting period	0
Carried over to next reporting period	0

Section 3: Requests Closed During the Reporting Period

3.1 Disposition and completion time

Disposition of Requests	Completion Time							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	1	0	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	1	0	0	0	0	0	0	1

3.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	0
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	0	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	0
15(1) - Def.*	0	16.3	0	20(1)(b)	0	23.1	0
15(1) - S.A.*	0	16.31	0	20(1)(b.1)	0	24(1)	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	0	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	0		
16(1)(a)(iii)	0	16.5	0				
16(1)(b)	0	16.6	1				
16(1)(c)	0	17	0				
16(1)(d)	0						

* I.A.: International Affairs

Def.: Defence of Canada

S.A.: Subversive Activities

3.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	0	69(1)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(a)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	0
68.1	0	69(1)(c)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(d)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	0
		69(1)(f)	0	69.1(1)	0

3.4 Format of information released

Paper	Electronic	Other
1	0	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
0	0	1

3.5.2 Relevant pages processed and disclosed by size of requests

[illegible]

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor	0	0	0	0	0
Total	0	0	0	0	0

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

Number of requests closed within legislated timelines	1
Percentage of requests closed within legislated timelines (%)	100

3.7 Deemed refusals

3.7.1 Reasons for not meeting legislated timelines

Number of requests closed past the legislated timelines	Principal Reason			
	Interference with operations/ Workload	External Consultation	Internal Consultation	Other
0	0	0	0	0

3.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of days past legislated timelines	Number of requests past legislated timeline where no extension was taken	Number of requests past legislated timeline where an extension was taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

3.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Section 4: Extensions

4.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	0	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	0	0	0	0

4.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	0	0	0	0
31 to 60 days	0	0	0	0
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	0	0	0	0

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	0	\$0	0	\$0
Other fees	0	\$0	0	\$0
Total	0	\$0	0	\$0

Section 6: Consultations Received From Other Institutions and Organizations

6.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	10	150	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	10	150	0	0
Closed during the reporting period	10	150	0	0
Carried over to next reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	9	1	0	0	0	0	0	10
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	9	1	0	0	0	0	0	10

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of Days Required to Complete Consultation Requests							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	Than 365 Days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Section 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

[illegible]

7.2 Requests with Privy Council Office

[illegible]

Section 8: Complaints and Investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal representations	Section 37 Reports of finding received	Section 37 Reports of finding containing recommendations issued by the Information Commissioner	Section 37 Reports of finding containing orders issued by the Information Commissioner
0	0	0	0	0	0

Section 9: Court Action

9.1 Court actions on complaints received before June 21, 2019 and on-going

Section 41 (before June 21, 2019)	Section 42	Section 44
0	0	0

9.2 Court actions on complaints received after June 21, 2019

Section 41 (after June 21, 2019)				
Complainant (1)	Institution (2)	Third Party (3)	Privacy Commissioner (4)	Total
0	0	0	0	0

Section 10: Resources Related to the Access to Information Act

10.1 Costs

Expenditures		Amount
Salaries		\$0
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$0

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.00
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.00

Note: Enter values to two decimal places.