

Office of the Intelligence Commissioner

2021–22

Departmental Plan

The Right Honourable Justin Trudeau
Prime Minister of Canada

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From the Intelligence Commissioner

As Intelligence Commissioner (IC) and Deputy Head, I am pleased to submit the 2021–22 Departmental Plan for the Office of the Intelligence Commissioner (ICO). ICO is an independent oversight body. My mandate, as IC is set out under the *Intelligence Commissioner Act* (IC Act). I review the conclusions of either the Minister of National Defence or the Minister of Public Safety and Emergency Preparedness, and where applicable, the Director of the Canadian Security Intelligence Service. These conclusions are the basis on which certain authorizations are issued or determinations are made in relation to some activities conducted by either the Communications Security Establishment or Canadian Security Intelligence Service.

The 2021–22 plan continues to build on ICO initiatives and achievements. Existing operational policies and procedures will be expanded and strengthened. Working aids will continue to be developed to further support the existing technical and legal expertise within ICO. Increased funding, now available to ICO as a result of last year’s strategic resource planning exercise, will enable ICO to acquire modern, effective and secure connectivity, to better meet mandatory security and information technology requirements and adapt to the changes brought forward by the COVID-19 pandemic. Work with other government departments and agencies will be continued to further strengthen ICO’s technical, security and internal services infrastructure in a manner that is effective, efficient and sustainable.

I have full confidence that the ICO will continue to serve all Canadians in an open and transparent manner, and in doing so, strengthening the national security framework through greater transparency and enhanced accountability.

The Honourable Jean-Pierre Plouffe, C.D.
Intelligence Commissioner

Plans at a glance

The following provides an overview of the ICO’s priorities and key actions planned for 2021–22:

Timely, comprehensive quasi-judicial reviews

The ICO will continue to perform quasi-judicial reviews of the reasonableness of conclusions. All decisions rendered by the IC must be in accordance with the time frames set out in the legislation and this is reflected in the recently approved Departmental Results Framework

Transparency

In accordance with the IC Act, the IC will submit an unclassified report to the Prime Minister (to be subsequently tabled by the Prime Minister before each House of Parliament). This unclassified report will address the IC’s activities during the previous calendar year. The annual report will include statistics that the IC considers appropriate, relating to the authorizations, amendments and determinations that were reviewed.

Internal services

Efficient and economical internal service delivery systems will continue to be strengthened to ensure the necessary services, tools and technology platforms are available to managers and employees.

For more information on the Office of the Intelligence Commissioner’s plans, priorities and planned results, see the “Core responsibilities: planned results and resources, and key risks” section of this report.

Core responsibilities: planned results and resources, and key risks

This section contains detailed information on the department's planned results and resources for each of its core responsibilities. It also contains information on key risks related to achieving those results.

Quasi-judicial review of certain ministerial conclusions

Description

The ICO is an independent oversight body. Under the IC Act, the IC is responsible for performing quasi-judicial reviews of the conclusions on the basis of which certain authorizations are issued or amended, and certain determinations are made, under the *Communications Security Establishment Act* and the *Canadian Security Intelligence Service Act*. In each case, the IC, supported by the ICO, undertakes an in-depth analysis of the records. If the IC is satisfied that the conclusions reached by the decision-maker are reasonable, the IC must approve the authorization or determination in a written decision that sets out the reasons for doing so.

Consistent with the IC's oversight role, an authorization or determination is valid only after it is approved by the IC. The activities described in the authorizations or determinations cannot be carried out by the intelligence agencies without the IC's approval.

The IC Act requires that the IC's decision be rendered within 30 days after the day on which the IC received notice of the authorization or determination, or within any other period that may be agreed on by the IC and the decision-maker. In the case of an authorization issued by the Director of Canadian Security Intelligence Service for a query of a dataset in exigent circumstances, the IC must render his or her decision and the reasons for it as soon as feasible.

Planning highlights

The role of the IC and that of the ICO is to provide greater transparency, better accountability and, ultimately to bolster public confidence in Canada's national security framework remains unchanged. In addition, the core responsibility to perform quasi-judicial reviews of certain ministerial conclusions remains the same. The departmental results framework was approved late last year and it will be used, going forward, to measure performance and facilitate, where required, strategic and operational adjustments to enhance performance.

In support of its ability to perform quasi-judicial reviews in accordance with the time frames established by the legislation, in 2021–22, the following activities will be undertaken:

- Continue reviewing and renewing existing guidance and tools (operational policies and procedures, review guides, environmental scans, quality control and disclosure and reporting practices) to help ensure the performance of quality reviews in a timely fashion;

- Continue capacity assessment monitoring to ensure that the workforce and the skills they possess (legal and/or technical) are sufficient to ensure that workload demands can continue to be met; and
- In collaboration with stakeholders in Canada and abroad, continue to explore and develop opportunities for greater openness and transparency.

Gender-based analysis plus

GBA+ will continue to be a factor in human resource management and contracting by ensuring that strong staffing and procurement strategies are implemented within ICO to encourage diversity in the workplace and contracting.

Information on the ICO's plans regarding gender-based analysis plus is available in the supplementary information tables.

United Nations' 2030 Agenda for Sustainable Development and the UN Sustainable Development Goals (SDGs)

The ICO's sustainable development strategy and actions support the United Nations' sustainable development goal of sustainable consumption and production patterns. More specifically and although the impact will be small scale, ICO will continue to promote public procurement practices that are sustainable by applying the policy on green procurement of the Government of Canada.

Information on the ICO's sustainable development strategy is available in the supplementary information tables.

Experimentation

Having only commenced operations in July 2019, policies, systems and activities are still in the process of being finalized. Although adjustments are being made to arrive at what works best, these adjustments are based on refining the delivery system and not on a rigorous comparison of results. Formal testing of policies, systems and activities and the comparison of their respective effects and impacts are not likely to occur until the office has been in operation for at least two or three years.

Key Risks

Risk 1: Workforce Management

The ICO's workload is influenced by the number and complexity of conclusions that are submitted for review, neither of which can be effectively predicted. The ICO is a micro-agency (10.5 FTEs) and the review program is delivered by 6 FTEs. Despite its size, however, the ICO must ensure that sufficient resources are in place to meet the deadlines set out in the legislation.

There are significant challenges that must be overcome to effectively manage its human resources. The unique mandate — determination of the reasonability of ministerial conclusions — and the specific area of review — security and intelligence — contribute to limiting the resource pool. The review work requires strong legal/judicial knowledge, as well as specialized technical knowledge related to security and intelligence operations.

The ICO will stress the following human resource management strategies to help ensure that it can attract and retain, and replace as required the employees necessary to achieve effective program delivery:

- Further streamlining the hiring process by: building a potential resource pool ahead of the actual demand; taking advantage of networking opportunities to help find talent; continuing to refine work descriptions and professional profiles related to the delivery of quasi-judicial reviews to help focus and accelerate recruitment activities;
- Continuing to provide learning and other opportunities for employee growth, that not only foster improvement and innovation but also increase the employee's commitment to the organization; and
- Maintaining a professional, healthy, safe and inclusive work environment.

Risk 2: Policies, procedures and practices

The ICO has been operating for less than two years. Since its creation in July 2019, the ICO has developed policies, procedures and practices including new technologies and capabilities to support the independent role of the IC and the performance of an effective and efficient quasi-judicial review program.

However, standards and practices are not static; they need to be updated and revised as decisions are reached. The ICO continues to ensure that procedures and practices applied in the conduct of the quasi-judicial reviews are current, complete, comprehensive and accurate.

The ICO will further enhance and strengthen its information management practices through the following activities:

- Strengthen the information management governance and accountability structures within the ICO; and
- Further refine policies and procedures for the effective and secure management of information over its life cycle.

Planned results for the quasi-judicial review of certain ministerial conclusions

Departmental result	Departmental result indicator	Target	Date to achieve target	2017–18 actual result ¹	2018–19 actual result ²	2019–20 actual result
Enhancing transparency and accountability of the national security framework	% of decisions and the reasons for them delivered in accordance with the deadlines set out in the legislation	100%	March 31, 2022	NA	NA	100%
	Annual report on Commissioner's activities delivered to the Prime Minister by March 31 st	100%	March 31, 2022	NA	NA	NA ³

Financial, human resources and performance information for the Office of the Intelligence Commissioner's program inventory is available in the [GC InfoBase](#).ⁱ

¹ The Office of the Intelligence Commissioner commenced operations on July 12, 2019.

² The Office of the Intelligence Commissioner commenced operations on July 12, 2019.

³ This departmental result indicator was approved in November 2020.

Planned budgetary financial resources for the quasi-judicial review of certain ministerial conclusions

2021–22 budgetary spending (as indicated in Main Estimates)	2021–22 planned spending	2022–23 planned spending	2023–24 planned spending
1,938,000	1,938,000	1,938,000	1,938,000

The total resources for the review program have increased \$0.3 million from the 2020–21 fiscal year. This increase in funding is primarily attributable to supporting the ongoing security, information technology and technical expertise requirements of the review program.

Financial, human resources and performance information for the Office of the Intelligence Commissioner’s program inventory is available in the [GC InfoBase](#).ⁱⁱ

Planned human resources for the quasi-judicial review of certain ministerial conclusions

2021–22 planned full-time equivalents	2022–23 planned full-time equivalents	2023–24 planned full-time equivalents
6.5	6.5	6.5

Financial, human resources and performance information for the Office of the Intelligence Commissioner’s program inventory is available in the [GC InfoBase](#).ⁱⁱⁱ

Internal Services: planned results

Description

Internal Services are those groups of related activities and resources that the federal government considers to be services in support of Programs and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the 10 distinct services that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. These services are:

- ▶ Management and Oversight Services
- ▶ Communications Services
- ▶ Legal Services
- ▶ Human Resources Management Services
- ▶ Financial Management Services
- ▶ Information Management Services
- ▶ Information Technology Services
- ▶ Real Property Management Services
- ▶ Materiel Management Services
- ▶ Acquisition Management Services

Internal Services, with additional funding secured for 2021–22 and beyond, will terminate service agreements with former portfolio partners and conclude negotiations for the provision of these services with new service providers. Other service agreements will be adjusted to reflect the realities of the ICO. Replacements and upgrades to the technology, security and communication platforms, now affordable because of the additional funding available, will be completed.

Planned budgetary financial resources for Internal Services

2021–22 budgetary spending (as indicated in Main Estimates)	2021–22 planned spending	2022–23 planned spending	2023–24 planned spending
595,375	595,375	595,375	595,375

Planned human resources for Internal Services

2021–22 planned full-time equivalents	2022–23 planned full-time equivalents	2023–24 planned full-time equivalents
4	4	4

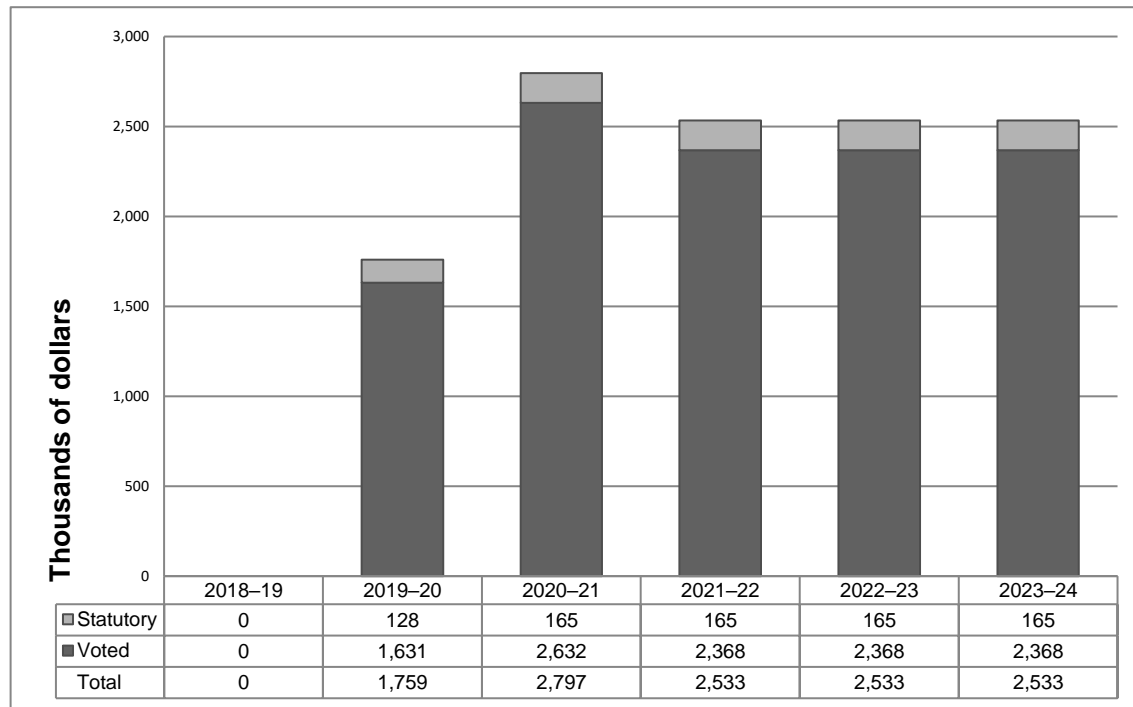
Spending and human resources

This section provides an overview of the department’s planned spending and human resources for the next three consecutive fiscal years and compares planned spending for the upcoming year with the current and previous years’ actual spending.

Planned spending

Departmental spending 2018–19 to 2023–24

The following graph presents planned (voted and statutory) spending over time.



The spending variances from 2018–19 to 2021–22 result from the following:

- The ICO began operations on July 12, 2019. As a result, no expenditures in 2018–19 and only 8½ months in 2019–20;
- The planned expenditures in 2020–21 reflect the requirements of the ICO and have increased to provide for one-time as well as ongoing security, information technology and technical expertise requirements necessary for the successful delivery of the legislative mandate of the IC; and
- In 2021–22 and 2022–23, the planned expenditures have declined and reflect the ongoing security, information technology and technical expertise requirements.

Budgetary planning summary for core responsibilities and Internal Services (dollars)

The following table shows actual, forecast and planned spending for each of the Office of the Intelligence Commissioner's core responsibilities and to Internal Services for the years relevant to the current planning year.

Core responsibilities and Internal Services	2018–19 expenditures ⁴	2019–20 expenditures	2020–21 forecast spending	2021–22 budgetary spending (as indicated in Main Estimates)	2021–22 planned spending	2022–23 planned spending	2023–24 planned spending
Quasi-judicial review of certain ministerial conclusions	NA	1,308,693	1,982,000	1,938,000	1,938,000	1,938,000	1,938,000
Internal Services	NA	359,223	815,375	595,375	595,375	595,375	595,375
Total	NA	1,667,916	2,797,375	2,533,375	2,533,375	2,533,375	2,533,375

The forecast spending for 2020–21 is based on the meeting the specific financial requirements of the ICO for a full year. The forecast spending has increased to enable the ICO to acquire secure connectivity, to meet mandatory security and information technology requirements and to engage on a temporary basis persons having technical or specialized knowledge, all to support the IC in the successful delivery of the mandate. The decrease in budgetary spending and planned spending in 2021–22 and in planned spending going forward results from some security and information technology being one-time only costs of 2020–21. In addition, the ICO anticipates a reduction in the need to engage persons having technical or specialized knowledge going forward.

⁴ The Office of the Intelligence Commissioner commenced operations on July 12, 2019.

Planned human resources

The following table shows actual, forecast and planned full-time equivalents (FTEs) for each core responsibility in the Office of the Intelligence Commissioner's departmental results framework and to Internal Services for the years relevant to the current planning year.

Human resources planning summary for core responsibilities and Internal Services

Core responsibilities and Internal Services	2018–19 actual full-time equivalents ⁵	2019–20 actual full-time equivalents	2020–21 forecast full-time equivalents	2021–22 planned full-time equivalents	2022–23 planned full-time equivalents	2023–24 planned full-time equivalents
Quasi-judicial review of certain ministerial conclusions	NA	6	6	6.5	6.5	6.5
Internal Services	NA	2	2	4	4	4
Total	NA	8	8	10.5	10.5	10.5

The ICO, for the effective and efficient discharge of its core responsibilities and internal services, has determined, after operating for almost 19 months, that 10.5 FTEs (6.5 FTEs allocated to the program and 4 FTEs allocated to internal services) is appropriate. Staffing activities will commence early in the 2021–22 fiscal year to reach the desired levels.

Estimates by vote

Information on the Office of the Intelligence Commissioner's organizational appropriations is available in the [2021–22 Main Estimates](#).^{iv}

⁵ The Office of the Intelligence Commissioner commenced operations on July 12, 2019.

Future-oriented Condensed statement of operations

The future-oriented condensed statement of operations provides an overview of the Office of the Intelligence Commissioner's operations for 2020–21 to 2021–22.

The amounts for forecast and planned results in this statement of operations were prepared on an accrual basis. The amounts for forecast and planned spending presented in other sections of the Departmental Plan were prepared on an expenditure basis. Amounts may therefore differ.

A more detailed future-oriented statement of operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, are available on the Office of the Intelligence Commissioner's [website](#).^v

Future-oriented Condensed statement of operations for the year ending
March 31, 2022 (dollars)

Financial information	2020–21 forecast results	2021–22 planned results	Difference (2021–22 planned results minus 2020–21 forecast results)
Total expenses	2,780,100	2,780,754	654
Net cost of operations before government funding and transfers	2,780,100	2,780,754	654

Corporate information

Organizational profile

Appropriate minister: The Right Honourable Justin Trudeau, P.C., M.P. – Prime Minister of Canada

Institutional head: The Honourable Jean-Pierre Plouffe, C.D. – Intelligence Commissioner

Ministerial portfolio: Prime Minister

Enabling instrument: *Intelligence Commissioner Act*^{vi}

Year of incorporation / commencement: 2019

Raison d’être, mandate and role: who we are and what we do

“Raison d’être, mandate and role: who we are and what we do” is available on the Office of the Intelligence Commissioner’s [website](#).^{vii}

Operating context

Information on the operating context is available on the Office of the Intelligence Commissioner’s [website](#).^{viii}

Reporting framework

The Office of the Intelligence Commissioner’s departmental results framework and program inventory was approved in late 2020–21 for implementation 2021–22 are as follows.

Departmental Results Framework	Core Responsibility: Quasi-judicial review of certain ministerial conclusions		Internal Services
	Departmental Result: Enhancing transparency and accountability of the national security framework	% of decisions and the reasons for them delivered in accordance with the deadlines set out in the legislation	
		Annual report on Commissioner’s activities delivered to the Prime Minister by March 31st	
Program Inventory	Quasi-judicial review program		

Supporting information on the program inventory

Supporting information on planned expenditures, human resources, and results related to the Office of the Intelligence Commissioner's program inventory is available in the [GC InfoBase](#).^{ix}

Supplementary information tables

The following supplementary information tables are available on the Office of the Intelligence Commissioner's [website](#)^x:

- ▶ Departmental Sustainable Development Strategy; and
- ▶ Gender-based analysis plus.

Federal tax expenditures

Office of the Intelligence Commissioner's Departmental Plan does not include information on tax expenditures that relate to its planned results for 2021–22.

Tax expenditures are the responsibility of the Minister of Finance, and the Department of Finance Canada publishes cost estimates and projections for government-wide tax expenditures each year in the [Report on Federal Tax Expenditures](#).^{xi} This report provides detailed information on tax expenditures, including objectives, historical background and references to related federal spending programs, as well as evaluations, research papers and gender-based analysis. The tax measures presented in this report are solely the responsibility of the Minister of Finance.

Organizational contact information

Mailing address

Office of the Intelligence Commissioner
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Ottawa, ON K1P 5P6

Telephone: 613-992-3044

Website: <https://www.canada.ca/en/intelligence-commissioner.html>

Appendix: definitions

appropriation (crédit)

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures (dépenses budgétaires)

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

core responsibility (responsabilité essentielle)

An enduring function or role performed by a department. The intentions of the department with respect to a core responsibility are reflected in one or more related departmental results that the department seeks to contribute to or influence.

Departmental Plan (plan ministériel)

A report on the plans and expected performance of a department over a 3-year period. Departmental Plans are tabled in Parliament each spring.

departmental priority (priorité ministérielle)

A plan or project that a department has chosen to focus and report on during the planning period. Departmental priorities represent the things that are most important or what must be done first to support the achievement of the desired departmental results.

departmental result (résultat ministériel)

A consequence or outcome that a department seeks to achieve. A departmental result is often outside departments' immediate control, but it should be influenced by program-level outcomes.

departmental result indicator (indicateur de résultat ministériel)

A factor or variable that provides a valid and reliable means to measure or describe progress on a departmental result.

departmental results framework (cadre ministériel des résultats)

A framework that consists of the department's core responsibilities, departmental results and departmental result indicators.

Departmental Results Report (rapport sur les résultats ministériels)

A report on a department's actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

experimentation (expérimentation)

The conducting of activities that seek to first explore, then test and compare, the effects and impacts of policies and interventions in order to inform evidence-based decision-making, and improve outcomes for Canadians, by learning what works and what doesn't. Experimentation is related to, but distinct from innovation (the trying of new things), because it involves a rigorous comparison of results. For example, using a new website to communicate with Canadians can be an innovation; systematically testing the new website against existing outreach tools or an old website to see which one leads to more engagement, is experimentation.

full-time equivalent (équivalent temps plein)

A measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

gender-based analysis plus (GBA+) (analyse comparative entre les sexes plus [ACS+])

An analytical process used to assess how diverse groups of women, men and gender-diverse people experience policies, programs and services based on multiple factors including race, ethnicity, religion, age, and mental or physical disability.

government-wide priorities (priorités pangouvernementales)

For the purpose of the 2021–22 Departmental Plan, government-wide priorities refers to those high-level themes outlining the government's agenda in the 2020 Speech from the Throne, namely: Protecting Canadians from COVID-19; Helping Canadians through the pandemic; Building back better – a resiliency agenda for the middle class; The Canada we're fighting for.

horizontal initiative (initiative horizontale)

An initiative in which two or more federal organizations are given funding to pursue a shared outcome, often linked to a government priority.

non-budgetary expenditures (dépenses non budgétaires)

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance (rendement)

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

performance indicator (indicateur de rendement)

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting (production de rapports sur le rendement)

The process of communicating evidence-based performance information. Performance reporting supports decision-making, accountability and transparency.

plan (plan)

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

planned spending (dépenses prévues)

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their Departmental Plans and Departmental Results Reports.

program (programme)

Individual or groups of services, activities or combinations thereof that are managed together within the department and focus on a specific set of outputs, outcomes or service levels.

program inventory (répertoire des programmes)

Identifies all of the department's programs and describes how resources are organized to contribute to the department's core responsibilities and results.

result (résultat)

An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

statutory expenditures (dépenses législatives)

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

strategic outcome (résultat stratégique)

A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

target (cible)

A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures (dépenses votées)

Expenditures that Parliament approves annually through an Appropriation Act. The vote wording becomes the governing conditions under which these expenditures may be made.

Endnotes

- i. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- ii. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- iii. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- iv. 2019–20 Main Estimates, <https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/government-expenditure-plan-main-estimates.html>
- v. Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner.html>
- vi. *Intelligence Commissioner Act*, <https://laws-lois.justice.gc.ca/eng/acts/I-14.85/>
- vii. Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner.html>
- viii. Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner.html>
- ix. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- x. Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner.html>
- xi. Report on Federal Tax Expenditures, <https://www.canada.ca/en/department-finance/services/publications/federal-tax-expenditures.html>