

2020–21
Departmental Results Report

**Office of the Intelligence
Commissioner**

The Right Honourable Justin Trudeau
Prime Minister of Canada

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Commissioner's message

As Intelligence Commissioner (IC) and Deputy Head, I am pleased to submit the 2020–21 Departmental Results Report (DRR) for the Office of the Intelligence Commissioner (ICO).

ICO is an independent oversight body. My mandate, as IC, is set out in the *Intelligence Commissioner Act* (IC Act). The IC is an integral part of the decision-making process for certain national security and intelligence activities before they can be conducted. I am responsible for performing quasi-judicial reviews of 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 (CSIS). These conclusions are the basis on which certain authorizations are issued or determinations are made in relation to some activities to be conducted by either the Communications Security Establishment (CSE) or CSIS.

Pursuant to the provisions of subsection 22(1) of the IC Act, I must, each calendar year, submit to the Prime Minister a report with respect to my activities during the previous year, for tabling in each House of Parliament. I submitted to the Prime Minister my first annual report in November 2020 and my second annual report in March 2021. These annual reports provide insight into the operations of the ICO, and its ongoing efforts to strengthen Canada's national security through enhanced accountability and greater transparency.

Fiscal year 2020–21 was a period of significant disruption, due to the COVID-19 pandemic. 2020–21 presented many challenges, including balancing public health restrictions and operational requirements, as well as instituting best practices following our first full year of operation. I am pleased to report that the ICO successfully addressed these issues while ensuring the effective delivery of my mandate.

I am grateful for the dedication and professionalism of the ICO staff. I am appreciative of the foundation they helped establish and their steady advancement going forward.

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

Results at a glance

During fiscal year 2020–21, the ICO submitted and received approval of its Departmental Results Framework (DRF) from Treasury Board. The DRF was approved for implementation in 2021–22. As a result, contained within this DRR are the results corresponding to the expected results from the [2020–21 Departmental Plan](#),ⁱ which were based on the interim DRF. Footnotes will be included throughout the report to provide clarification.

Key results achieved:

- 100% of decisions rendered by the IC were in accordance with the deadlines set out in the legislation; and
- Obtained additional funding to increase the ICO reference levels to support the current and ongoing security, IT and technical expertise requirements.

The ICO’s total actual spending for 2020–21 was \$2,165,847.

The ICO’s total actual full-time equivalents for 2020–21 was 7.

For more information on the ICO’s plans, priorities and results achieved, see the “Results: what we achieved” section of this report.

Results: what we achieved

Quasi-judicial review of certain ministerial decisions

Description: The IC is responsible for performing independent quasi-judicial reviews of the conclusions reached by Ministers in issuing certain authorizations, amendments and determinations, under the [Communications Security Establishment Act](#)ⁱⁱ and the [Canadian Security Intelligence Service Act](#)ⁱⁱⁱ and to approve those ministerial authorizations, amendments and determinations if those conclusions are reasonable.

Results:

This past year, the IC rendered all of his written decisions in accordance with the deadlines set out in the legislation. He was able to do so, notwithstanding the significant disruptions, due to the COVID-19 pandemic, faced in 2020–21. Throughout 2020–21, the ICO addressed balancing public health restrictions with operational requirements, to ensure that the IC would meet legislative requirements.

Transparency was a key component in the creation of the ICO. As a result, one of the provisions of the IC Act is that the IC must submit an annual report on his activities, including statistics, for the previous calendar year to the Prime Minister for tabling in Parliament. In 2020–21, the IC submitted to the Prime Minister his first annual report, the [2019 Annual Report](#),^{iv} and the [2020 Annual Report](#).^v These two annual reports were submitted to the Prime Minister during the same fiscal year due to delays related to the COVID-19 pandemic.

As set out in the [2020–21 Departmental Plan](#),^{vi} the ICO assessed its ongoing funding requirements. Following this year's strategic resource planning exercise, the ICO increased its reference levels to acquire secure connectivity, meet mandatory security and information technology requirements and engage on a temporary basis persons having technical or specialized knowledge.

Experimentation

There were no planned experiments in 2020–21 as the ICO commenced operations in 2019 and policies, systems and directives were still evolving.

Results achieved

Departmental results	Performance indicators	Target	Date to achieve target	2018–19 Actual results ¹	2019–20 Actual results ²	2020–21 Actual results
Decisions of the Commissioner are timely	Decisions delivered in accordance with the deadlines set out in the legislation	100%	March 31, 2021	NA	100%	100%

Budgetary financial resources (dollars)

2020–21 Main Estimates	2020–21 Planned spending	2020–21 Total authorities available for use	2020–21 Actual spending (authorities used)	2020–21 Difference (Actual spending minus Planned spending)
1,600,000	1,600,000	1,985,613	1,519,442	(80,558)

The shortfall in actual spending from planned spending is 5%. Greater familiarity with the legislation, more experience in the performance of quasi-judicial reviews and improved processes and tools lowered the need for and the costs to engage on a temporary basis persons having technical or specialized knowledge.

Human resources (full-time equivalents)

2020–21 Planned full-time equivalents	2020–21 Actual full-time equivalents	2020–21 Difference (Actual full-time equivalents minus Planned full-time equivalents)
6.5	5	(1.5)

Financial, human resources and performance information for the Office of the Intelligence Commissioner's Program Inventory is available in [GC InfoBase](#).^{vii}

¹ The ICO commenced operations on July 12, 2019.

² Treasury Board, in late 2020 approved ICO's Departmental Results Framework for implementation in 2021-22. As a result, there is no approved framework against which to measure results for either 2019-20 or 2020-21. However, for both 2019-20 and 2020-21, the interim departmental results framework was used to report financial, human resources and performance information.

Internal Services

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 service categories that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. The 10 service categories are:

- ▶ Acquisition Management Services
- ▶ Communication Services
- ▶ Financial Management Services
- ▶ Human Resources Management Services
- ▶ Information Management Services
- ▶ Information Technology Services
- ▶ Legal Services
- ▶ Material Management Services
- ▶ Management and Oversight Services
- ▶ Real Property Management Services

Results:

Planned replacements of agreements for the provisions of internal services were completed. A new portfolio partnership for the provision of information technology services and support was established and the new service provider commenced work during the fourth quarter of 2020–21.

The ICO continues to invest in knowledge transfer strategies and tools to ensure pertinent program and procedural knowledge can be retained and passed on.

Workforce and workplace strategies were successfully implemented to address staff turnover in the last quarter of the fiscal year and resulted in no interruptions to the delivery of the program.

The planned review of the existing internal services' policy and procedural framework for the office was launched in 2020–21 and was carried forward into the 2021–22.

Budgetary financial resources (dollars)

2020–21 Main Estimates	2020–21 Planned spending	2020–21 Total authorities available for use	2020–21 Actual spending (authorities used)	2020–21 Difference (Actual spending minus Planned spending)
539,375	539,375	887,528	646,405	107,030

The difference in actual spending from planned spending was mainly attributable to two factors. The cost of required security enhancements was greater than planned. The office accelerated the planned upgrades to its technology platform resulting in higher costs than planned in 2020–21.

Human resources (full-time equivalents)

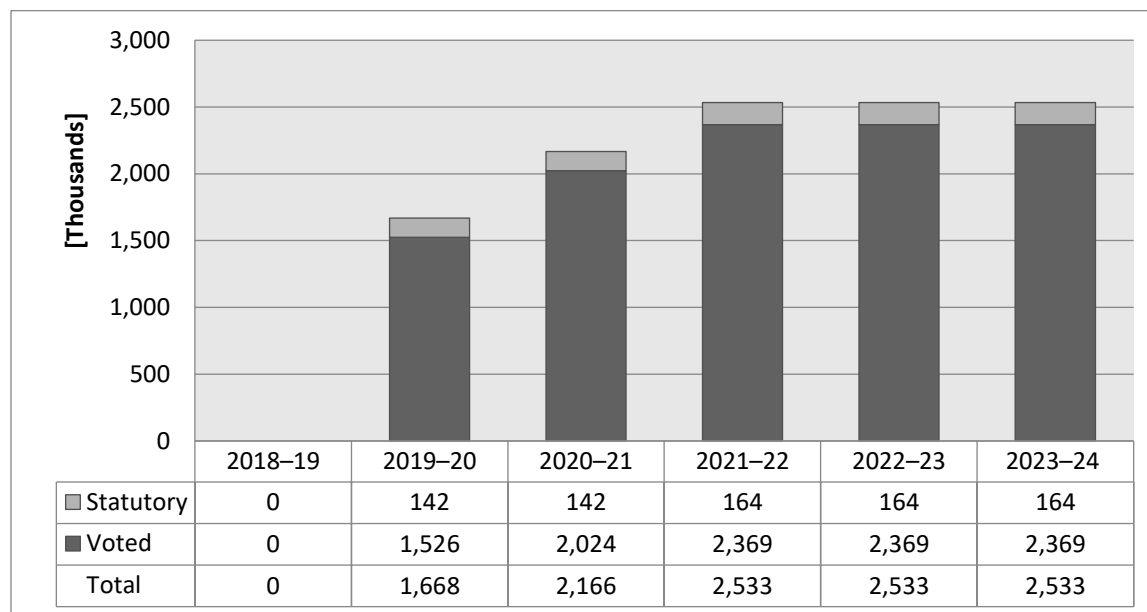
2020–21 Planned full-time equivalents	2020–21 Actual full-time equivalents	2020–21 Difference (Actual full-time equivalents minus Planned full-time equivalents)
4	2	(2)

Analysis of trends in spending and human resources

Actual expenditures

Departmental spending trend graph

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



The ICO commenced operations on July 12, 2019. The increase in spending from 2019–20 to 2020–21 (\$498,000) results from the 2019–20 expenditures being for 8 ½ months as opposed to a complete fiscal year of 12 months.

The increase between 2020–21 actual spending and planned spending over the next three fiscal years (\$367,000) is because of new funding associated with ensuring that the IC would have sufficient resources to effectively deliver on his legislative mandate. The increase is related to the acquisition of secure connectivity, meeting mandatory security and information technology requirements and the engagement on a temporary basis of persons having technical or specialized knowledge.

Budgetary performance summary for Core Responsibilities and Internal Services (dollars)

Core responsibilities and Internal Services	2020–21 Main Estimates	2020–21 Planned spending	2021–22 Planned spending	2022–23 Planned spending	2020–21 Total authorities available for use	2018–19 Actual spending (authorities used) ³	2019–20 Actual spending (authorities used) ⁴	2020–21 Actual spending (authorities used)
Quasi-judicial review of certain ministerial decisions	1,600,000	1,600,000	1,938,000	1,938,000	1,985,613	N/A	1,308,693	1,519,442
Internal Services	539,375	539,375	595,375	595,375	887,528	NA	359,223	646,405
Total	2,139,375	2,139,375	2,533,375	2,533,375	2,873,141	NA	1,667,916	2,165,847

The increase in planned spending in 2021–22 and 2022–23 and in total authorities available for use in 2020–21 is caused by an increase in authorities sought and received by the ICO to support the IC in successfully delivering his legislative mandate.

The difference between actual spending and total authorities available was caused by several factors: operational requirements and upgrades to the technology platform not completed until early in the new fiscal year.

³ The ICO commenced operations on July 12, 2019.

⁴ The ICO commenced operations on July 12, 2019.

Actual human resources

Human resources 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 Planned full-time equivalents	2020–21 Actual full-time equivalents	2021–22 Planned full-time equivalents	2022–23 Planned full-time equivalents
Quasi-judicial review of certain ministerial decisions	NA	6	6.5	5	6.5	6.5
Internal Services	NA	2	4	2	4	4
Total	NA	8	10.5	7	10.5	10.5

Expenditures by vote

For information on the ICO's organizational voted and statutory expenditures, consult the [Public Accounts of Canada 2020–2021](#).^{viii}

Government of Canada spending and activities

Information on the alignment of the ICO's spending with the Government of Canada's spending and activities is available in [GC InfoBase](#).^{ix}

Financial statements and financial statements highlights

Financial statements

The ICO's financial statements (unaudited) for the year ended March 31, 2021, are available on the [departmental website](#).^x

⁵ The ICO commenced operations on July 12, 2019.

Financial statement highlights

Condensed Statement of Operations (unaudited) for the year ended March 31, 2021 (dollars)

Financial information	2020–21 Planned results	2020–21 Actual results	2019–20 Actual results	Difference (2020–21 Actual results minus 2020–21 Planned results)	Difference (2020–21 Actual results minus 2019–20 Actual results)
Total expenses	2,383,758	2,207,212	1,835,174	(176,546)	372,038
Net cost of operations before government funding and transfers	2,383,758	2,207,212	1,835,174	(176,546)	372,038

The difference between the planned and actual total expenses for 2020–21 results from a deferral of staffing actions until early 2021–22 to ensure existing authorities would not be exceeded.

The difference between the actual expenses in 2020–21 and 2019–20 is for the most part caused by 2019–20 expenses being for only 8½ months as the ICO commenced operations on July 12, 2019.

Condensed Statement of Financial Position (unaudited) as of March 31, 2021 (dollars)

Financial information	2020–21	2019–20	Difference (2020–21 minus 2019–20)
Total net liabilities	(385,308)	(448,258)	62,950
Total net financial assets	361,067	460,043	(98,976)
Departmental net debt	(24,241)	11,785	(36,026)
Total non-financial assets	248,007	290,833	(42,846)
Departmental net financial position	223,766	302,618	(78,852)

Owing to the outbreak of COVID-19, procurement slowed considerably in March and there were fewer payables at the end of the fiscal year.

The decrease in net financial assets is mainly as a result of a decrease in the Due from the Consolidated Revenue Fund, resulting from the decrease in liabilities.

The decrease in total non-financial assets is primarily due to amortization during the year, offset in part by the acquisition of tangible capital assets late in the fiscal year.

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*](#)^{xi}

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 [ICO's website](#).^{xii}

Operating context

The ICO is a separate agency, with a financial resource base of \$2.5 million and a planned human resource base of 10.5 FTEs for 2021–22 and ongoing. The operating environment for the ICO is directly impacted by the unpredictability of the volume and nature of the application records received for review. There is a risk that surges in demand for review or other unexpected operational demands will impact on the IC's ability to discharge his quasi-judicial mandate in accordance with the deadlines set out in the legislation.

Reporting framework

ICO's Departmental Results Framework and Program Inventory of record for 2020–21 are shown below.

Departmental Results Framework	Core Responsibility: Quasi-judicial review of certain ministerial decisions		Internal Services
	Departmental Result: Decisions of the Commissioner are timely	% of decisions delivered in accordance with the deadlines set out in the legislation	
Program Inventory	The Intelligence Commissioner's Quasi-judicial Review Program		

Supporting information on the program inventory

Financial, human resources and performance information for ICO's Program Inventory is available in [GC InfoBase](#).^{xiii}

Supplementary information tables

The following supplementary information tables are available on [ICO's website](#):^{xiv}

- ▶ Reporting on Green Procurement
- ▶ Gender-based analysis plus

Federal tax expenditures

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the [Report on Federal Tax Expenditures](#).^{xv} This report also provides detailed background information on tax expenditures, including descriptions, objectives, historical information and references to related federal spending programs as well as evaluations and GBA Plus of tax expenditures.

Organizational contact information

Mailing address:

Office of the Intelligence Commissioner
P.O. Box 1474, Station B
Ottawa, ON K1P 5P6

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info@ico-bcr.gc.ca

Website: 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 an appropriated department over a 3-year period. Departmental Plans are usually tabled in Parliament each spring.

departmental priority (*priorité*)

A plan or project that a department has chosen to focus and report on during the planning period. 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 quantitative measure of progress on a departmental result.

departmental results framework (*cadre ministériel des résultats*)

A framework that connects the department's core responsibilities to its 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, for whom and in what circumstances.

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. For a particular position, the full-time equivalent figure is the ratio of number of hours the person actually works divided by the standard number of hours set out in the person's collective agreement.

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

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 2019–20 Departmental Results Report, those high-level themes outlining the government's agenda in the 2019 Speech from the Throne, namely: Fighting climate change; Strengthening the Middle Class; Walking the road of reconciliation; Keeping Canadians safe and healthy; and Positioning Canada for success in an uncertain world.

horizontal initiative (*initiative horizontale*)

An initiative where 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 to the expected result.

planned spending (*dépenses prévues*)

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts presented in 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 the department's programs and describes how resources are organized to contribute to the department's core responsibilities and results.

result (*résultat*)

A 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.

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 2020–21 Departmental Plan, Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner/corporate-management-reporting/departmental-plans/2020-2021-departmental-plan.html>
- ⁱⁱ *Communications Security Establishment Act*, S.C. 2019, c.13, s.76, <https://laws-lois.justice.gc.ca/eng/acts/C-35.3/page-1.html>
- ⁱⁱⁱ *Canadian Security Intelligence Service Act*, R.S.C., 1985, c. C-23, <https://laws-lois.justice.gc.ca/eng/acts/c-23/>
- ^{iv} 2019 Annual Report, Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner/annualreport.html>
- ^v 2020 Annual Report, Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner/annualreport.html>
- ^{vi} 2020–21 Departmental Plan, Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner/corporate-management-reporting/departmental-plans/2020-2021-departmental-plan.html>
- ^{vii} GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- ^{viii} Public Accounts of Canada, <http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html>
- ^{ix} GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- ^x 2020–21 Financial Statements, Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner/corporate-management-reporting/financial-statements.html>
- ^{xi} Intelligence Commissioner Act, S.C. 2019, c. 13, s. 50, <https://laws-lois.justice.gc.ca/eng/acts/I-14.85/>
- ^{xii} Raison d'être, mandate and role: who we are and what we do, Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner/raisondetre-mandate-and-role.html>
- ^{xiii} GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- ^{xiv} Supplementary Information Tables, Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner/corporate-management-reporting/supplementaryinformationtables.html>
- ^{xv} Report on Federal Tax Expenditures, <https://www.canada.ca/en/department-finance/services/publications/federal-tax-expenditures.html>