

2021–22
Departmental Results Report

**Office of the Intelligence
Commissioner**

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 Results Report (DRR) for the Office of the Intelligence Commissioner (ICO).

The 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 the Minister of National Defence and the Minister of Public Safety, and, where applicable, the Director of the Canadian Security Intelligence Service to determine whether they are reasonable. 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 or the Canadian Security Intelligence Service.

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 third annual report in March 2022. The annual report provides 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 2021–22, similarly to the previous fiscal year, continued to be a period of significant disruption, largely due to the COVID-19 pandemic. Despite the challenges faced during 2021–22, I am pleased to report that ICO successfully delivered and advanced my mandate. All quasi-judicial reviews were completed and decisions were rendered within the statutory time limits set out in legislation. The ICO conducted its operations effectively and efficiently in support of my mandate while keeping its workplace and people safe.

I wish to thank the ICO staff for their dedication, their resilience and the quality of their work. The ICO ensured the effective delivery of my mandate and is well positioned to continue to do so going forward.

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

Results at a glance

During fiscal year 2021–22, the ICO successfully navigated a disruptive environment and effectively delivered on the IC’s legislative mandate. In addition, the ICO prioritized the health and safety of its employees by adhering to public health guidelines.

Key results achieved:

- 100% of decisions rendered by the IC were rendered in accordance with the deadlines set out in the legislation; and
- The 2021 Annual Report on the IC’s activities was submitted to the Prime Minister by March 31, 2022.

The ICO’s total actual spending for 2021–22 was \$2,051,885.

The ICO’s total actual full-time equivalents for 2021–22 was seven (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 conclusions

Description

The Office of the Intelligence Commissioner is an independent oversight body. Under the *Intelligence Commissioner Act*, the Intelligence Commissioner 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 Intelligence Commissioner, supported by the Office of the Intelligence Commissioner, undertakes an in-depth analysis of the records. If the Intelligence Commissioner is satisfied that the conclusions reached by the decision-maker are reasonable, the Intelligence Commissioner must approve the authorization or determination in a written decision that sets out the reasons for doing so.

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

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

Results

This past year, the IC rendered all of his written decisions in accordance with the statutory time limits set out in the legislation. The IC's decisions were rendered following a quasi-judicial review of ministerial 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*. The in-depth analysis of the records conducted by the IC, supported by the ICO, was completed during a time of significant disruptions and challenges, while balancing public health restrictions and operational requirements.

The requirement for the IC to submit a report with respect to the IC's activities during the previous fiscal year, for tabling in each house of Parliament was met as the 2021 Annual Report on the IC's activities was submitted to the Prime Minister by March 31, 2022.

The decisions rendered by the IC and the annual report submitted to the Prime Minister help contribute to the strengthening of Canada's national security through enhanced accountability and greater transparency. Only when the conclusions of the Minister of National Defence or the

Minister of Public Safety, or where applicable, the Director of CSIS are found to be reasonable by the IC can the activities specified in the authorization or the determination proceed. The annual report enhances both transparency and accountability as it reports on the results of the quasi-judicial reviews performed by the IC, including case summaries, background information, where applicable, opportunities for improvement, and statistics. To further enhance transparency, the ICO is working towards having redacted decisions of the IC available online as soon as feasible.

Experimentation

There were no planned experiments in 2021–22 as the ICO commenced operations in 2019 and policies, systems and directives were still evolving.

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 was delivered by 5 FTEs. Despite its size, however, the ICO must ensure that sufficient resources are in place to meet the statutory time limits set out in legislation.

There are significant challenges addressed to effectively manage ICO's human resources. The unique mandate — determination of the reasonability of ministerial conclusions — and the specific area of review — security and intelligence — contribute to a limited resource pool. The review work requires strong legal/judicial knowledge, as well as specialized technical knowledge related to security and intelligence operations.

Throughout the fiscal year, the ICO focused on human resource management to help in hiring and retaining employees, and succession planning to achieve effective program delivery. The three main areas of concern for the ICO were as follows:

- streamlining the hiring process by the refinement of work descriptions and professional profiles related to the delivery of quasi-judicial reviews to help focus and accelerate recruitment activities;
- providing learning opportunities for employee growth, which fostered improvement and innovation but also increased the employees' commitment to the organization; and
- Maintaining a professional, healthy, safe and inclusive work environment.

Risk 2: Policies, procedures and practices

To structure and guide the development of the program and help to ensure its overall effectiveness, the ICO, since its creation in July 2019, has been building a foundation of policies, procedures and practices. During the past fiscal year, in response to the diverse nature, complexity and volume of applications received, the ICO has strengthened the information management governance and accountability structures within the

organization and refined policies and procedures for the effective and secure management of information over its life cycle. These improvements have led to clearer roles and responsibilities, optimized internal processes and greater overall efficiency.

Results achieved

The following table shows, for the quasi-judicial review of certain ministerial conclusions, the results achieved, the performance indicators, the targets and the target dates for 2021–22, and the actual results for the three most recent fiscal years for which actual results are available.

Departmental results	Performance indicators	Target	Date to achieve target	2019–20 actual results	2020–21 actual results	2021–22 actual results
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	100%	100%	100%
	Annual report on Commissioner's activities delivered to the Prime Minister by March 31st	100%	March 31, 2022	100%	100%	100%

Financial, human resources and performance information for the ICO's Program Inventory is available in [GC InfoBase](#).¹

Budgetary financial resources (dollars)

The following table shows, for the quasi-judicial review of certain ministerial conclusions, budgetary spending for 2021–22, as well as actual spending for that year.

2021–22 Main Estimates	2021–22 planned spending	2021–22 total authorities available for use	2021–22 actual spending (authorities used)	2021–22 difference (actual spending minus planned spending)
1,938,000	1,938,000	2,011,794	1,547,470	(390,530)

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

Human resources (full-time equivalents)

The following table shows, in full-time equivalents, the human resources the department needed to fulfill this core responsibility for 2021–22.

2021–22 planned full-time equivalents	2021–22 actual full-time equivalents	2021–22 difference (actual full-time equivalents minus planned full-time equivalents)
6.5	5	(1.5)

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

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

Internal Services provides the necessary support to the ICO for the successful delivery of its core responsibility. In 2021–22, Internal Services solidified the agreements with new portfolio partners, which had began in the last quarter of 2020–21. Internal Services helped to mitigate the effects of COVID-19 within the office by providing a safe and healthy work environment. Internal Services continued to promote and encourage learning opportunities in support of improvement and innovation. Through its procurement of goods and services, Internal Services continued to support the Greening Government Strategy to take action on climate change.

Budgetary financial resources (dollars)

The following table shows, for internal services, budgetary spending for 2021–22, as well as spending for that year.

2021–22 Main Estimates	2021–22 planned spending	2021–22 total authorities available for use	2021–22 actual spending (authorities used)	2021–22 difference (actual spending minus planned spending)
595,375	595,375	595,375	504,415	(90,960)

Human resources (full-time equivalents)

The following table shows, in full-time equivalents, the human resources the department needed to carry out its internal services for 2021–22.

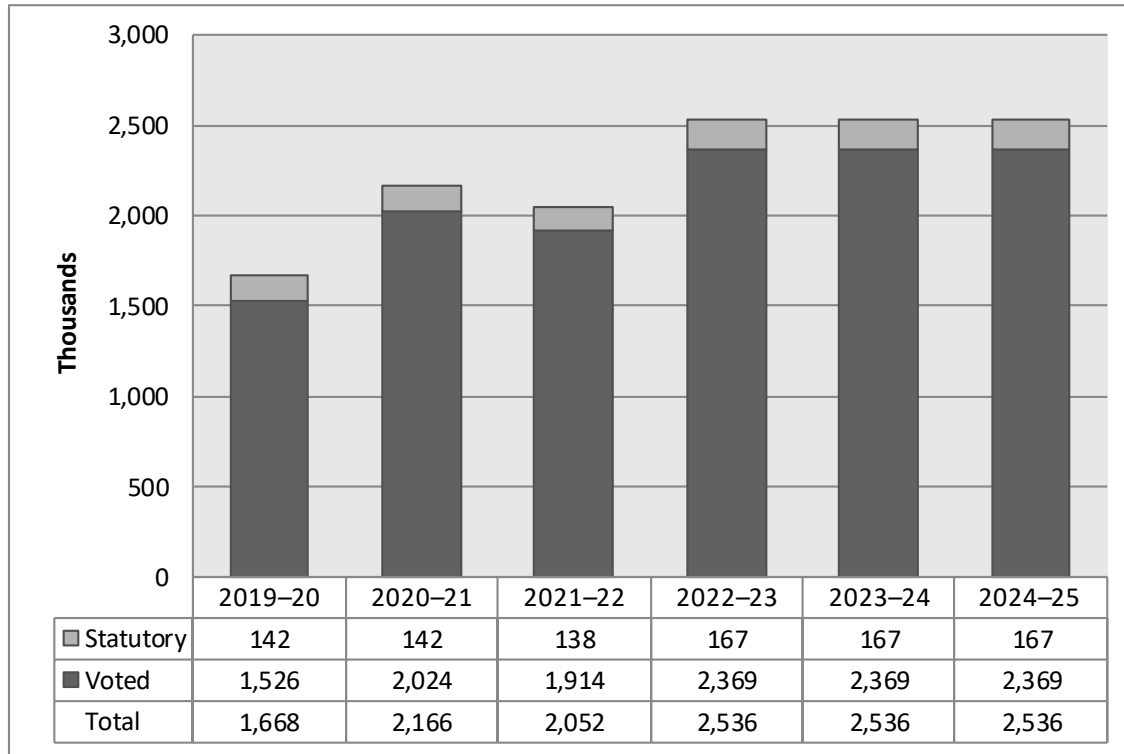
2021–22 planned full-time equivalents	2021–22 actual full-time equivalents	2021–22 difference (actual full-time equivalents minus planned full-time equivalents)
4	2	(2)

Spending and human resources

Spending

Spending 2019–20 to 2024–25

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



The ICO commenced operations on July 12, 2019. The increase in spending in both 2020–21 (\$498 thousand) and 2021–22 (\$384 thousand) results from the 2019–20 expenditures being for 8½ months only as opposed to a complete fiscal year of 12 months.

The decrease in expenditures from 2020–21 to 2021–22 (\$114 thousand) was as a result of set-up costs associated with significant enhancements to the information technology and security infrastructures in 2020–21.

Budgetary performance summary for core responsibilities and internal services (dollars)

The “Budgetary performance summary for core responsibilities and internal services” table presents the budgetary financial resources allocated for the ICO’s core responsibilities and for internal services.

Core responsibilities and internal services	2021–22 Main Estimates	2021–22 planned spending	2022–23 planned spending	2023–24 planned spending	2021–22 total authorities available for use	2019–20 actual spending (authorities used)	2020–21 actual spending (authorities used)	2021–22 actual spending (authorities used)
Quasi-judicial review of certain ministerial conclusions	1,938,000	1,938,000	1,982,000	1,982,000	2,011,794	1,308,693	1,519,442	1,547,470
Internal services	595,375	595,375	553,599	553,599	595,375	359,223	646,405	504,415
Total	2,533,375	2,533,375	2,535,599	2,535,599	2,607,169	1,667,916	2,165,847	2,051,885

Expenditures since its inception were lowest in 2019–20 as these were the expenditures for only 8½ months. Expenditures were highest in 2020–21 as the ICO completed significant upgrades to its information technology and security platforms. In 2021–22, resource consumption was efficiently managed in order to align with the level of program activity.

Human resources

The “Human resources summary for core responsibilities and internal services” table presents the full-time equivalents (FTEs) allocated to the ICO’s core responsibility and to internal services.

Human resources summary for core responsibilities and internal services

Core responsibilities and internal services	2019–20 actual full-time equivalents	2020–21 actual full-time equivalents	2021–22 planned full-time equivalents	2021–22 actual full-time equivalents	2022–23 planned full-time equivalents	2023–24 planned full-time equivalents
Quasi-judicial review of certain ministerial conclusions	6	5	6.5	5	6.5	6.5
Internal services	2	2	4	2	4	4
Total	8	7	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 2021](#).^{iv}

Government of Canada spending and activities

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

Financial statements and financial statements highlights

Financial statements

The ICO's financial statements (unaudited) for the year ended March 31, 2022, are available on the [departmental website](#).^{vi}

Financial statement highlights

Condensed Statement of Operations (unaudited) for the year ended March 31, 2022 (dollars)

Financial information	2021–22 planned results	2021–22 actual results	2020–21 actual results	Difference (2021–22 actual results minus 2021–22 planned results)	Difference (2021–22 actual results minus 2020–21 actual results)
Total expenses	2,780,754	2,248,658	2,207,212	(532,096)	41,446
Net cost of operations before government funding and transfers	2,780,754	2,248,658	2,207,212	(532,096)	41,446

Condensed Statement of Financial Position (unaudited) as of March 31, 2022 (dollars)

Financial information	2021–22	2020–21	Difference (2021–22 minus 2020–21)
Total net liabilities	(304,551)	(385,308)	80,757
Total net financial assets	278,199	361,067	(82,688)
Departmental net debt	(26,352)	(24,241)	(2,111)
Total non-financial assets	134,483	248,007	(113,524)
Departmental net financial position	108,131	223,766	(115,635)

The principal cause of the decrease in total net liabilities is the reduction of payables to other government departments of almost \$70 thousand. The decline in net financial assets is mainly as a result of a decrease in the Due from the Consolidated Revenue Fund offset by an increase on accounts receivable from other government departments. The reduction in total non-financial assets is a result of amortization.

The 2021–22 planned results information is provided in the ICO’s [Future-Oriented Statement of Operations and Notes 2021–22](#).^{vii}

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](#)^{viii}

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 [ICO’s website](#).^{ix}

Operating context

Information on the operating context is available on the [ICO’s website](#).^x

Reporting framework

The ICO’s Departmental Results Framework and Program Inventory of record for 2021–22 are shown below.

Departmental Results Framework	Core Responsibility: Quasi-judicial review of certain ministerial decisions		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 31 st			
Program Inventory	Quasi-judicial Review Program		

Supporting information on the program inventory

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

Supplementary information tables

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

- ▶ Departmental Sustainable Development Strategy/Reporting on Green Procurement
- ▶ Gender-based analysis plus
- ▶ United Nations 2030 Agenda for Sustainable Development and the Sustainable Development Goals

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](#).^{xiii} 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
PO Box 1474 STN B
Ottawa ON K1P 5P6

Telephone: 613-992-3044

Email: info@ico-bcr.gc.ca

Website: [Office of the Intelligence Commissioner website](#)^{xiv}

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 tool used to support the development of responsive and inclusive policies, programs and other initiatives; and understand how factors such as sex, race, national and ethnic origin, Indigenous origin or identity, age, sexual orientation, socio-economic conditions, geography, culture and disability, impact experiences and outcomes, and can affect access to and experience of government programs.

government-wide priorities (*priorités pangouvernementales*)

For the purpose of the 2021–22 Departmental Results Report, 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 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. 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. Public Accounts of Canada, <http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html>
- v. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- vi. 2021–22 Financial Statements, Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner/corporate-management-reporting/financial-statements.html>
- vii. Future-Oriented Statement of Operations and Notes 2021–22, Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner/corporate-management-reporting/future-oriented-statement-of-operations.html>
- viii. *Intelligence Commissioner Act*, S.C. 2019, c. 13, s.50, <https://laws-lois.justice.gc.ca/eng/acts/I-14.85/>
- ix. 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/raison-detre-mandate-and-role.html>
- x. Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner.html>
- xi. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- xii. Supplementary Information Tables, Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner/corporate-management-reporting/supplementary-informationtables.html>
- xiii. Report on Federal Tax Expenditures, <https://www.canada.ca/en/department-finance/services/publications/federal-tax-expenditures.html>
- xiv. Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner.html>