

Office of the Intelligence
Commissioner
2022–23
Departmental Results Report

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 present the 2022–23 Departmental Results Report for the Office of the Intelligence Commissioner (ICO).

On October 1, 2022, I was privileged to be appointed Intelligence Commissioner. It is a significant responsibility to be asked to play a key role in maintaining the proper balance between national security interests, respect for the rule of law, and the rights and freedoms of Canadians.

The ICO is an independent oversight body. My mandate, as IC, is set out in the *Intelligence Commissioner Act (IC Act)*. My role is to approve, or not, certain national security and intelligence activities that the Communications Security Establishment (CSE) or the Canadian Security Intelligence Service (CSIS) wish to conduct. These activities may breach Canadian law or infringe on privacy interests of Canadians or persons in Canada. To conduct these activities, CSE and CSIS must first obtain the written authorization of their respective minister. The IC then reviews the respective minister’s authorization to determine whether the conclusions it contains are reasonable. Only with approval from the IC can the activities take place.

This means that the IC acts as a gatekeeper – of the rule of law, of rights and of privacy interests. Practically, this means that my work and that of the ICO is quasi-judicial in nature – the work involves reviewing and analyzing authorizations, applying legal concepts, and writing decisions.

In March 2023, in accordance with the *IC Act*, I submitted to the Prime Minister an annual report on the activities of the ICO for the 2022 calendar year. The annual report provides insight into the ICO’s operations and its role in strengthening Canada’s national security through enhanced accountability and greater transparency.

Fiscal year 2022–23 was a period of change for the ICO. Since its establishment in 2019, the ICO had been led by the Honourable Jean-Pierre Plouffe. The decisions rendered during his tenure from July 12, 2019, to September 30, 2022, set the foundation in applying the new legislation’s quasi-judicial oversight mandate. This solid foundation facilitated the transition to a new IC. Despite the changes faced during 2022–23, I am pleased to report the ICO successfully delivered and advanced the mandate of the IC. All quasi-judicial reviews were completed, and decisions were rendered within the statutory time limits set out in legislation.

I want to thank the staff of the ICO for their dedication, their resilience, and the quality of their work. I look forward to continuing to work together to successfully deliver on my legislative mandate.

The Honourable Simon Noël, K.C.
Intelligence Commissioner

Results at a glance

During fiscal year 2022–23, the ICO successfully navigated a changing environment and effectively delivered on the IC’s legislative mandate.

Key results achieved:

- 100% of decisions rendered by the IC were rendered in accordance with the deadlines set out in the legislation;
- preparing and completing the 2022 Annual Report on the IC’s activities and providing it to the Prime Minister by March 31, 2023; and
- publishing redacted versions of some of the IC’s decisions.

The ICO’s total actual spending for 2022–23 was \$2,484,837.

The ICO’s total actual full-time equivalents for 2022–23 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

Core responsibilities

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 CSIS 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.

Results

This past year, the ICO supported two ICs to effectively deliver on their mandate – the Honourable Jean-Pierre Plouffe from April 1, 2022, to September 30, 2022, and the Honourable Simon Noël commencing October 1, 2022.

During the fiscal year 2022–23, the ICO completed the following activities:

- rendered all of its decisions in accordance with the statutory time limits;
- published redacted versions of certain IC decisions with respect to activities conducted by CSE, enhancing transparency for the benefit of the Canadian public;
- provided the Prime Minister with the 2022 Annual Report, contributing to the strengthening of Canada's national security framework by reporting on the work and results of the ICO;
- refined existing processes and procedures to better align resources to conduct quasi-judicial reviews in accordance with the deadlines set out in legislation; and
- reviewed its organizational structure, focusing on maintaining a highly skilled workforce.

Innovation

In 2022–23, the ICO leveraged technology to facilitate remote work where possible, considering the classified nature of some of the work. The ICO also continues to leverage technology in its internal processes to carry out its quasi-judicial program more efficiently.

Key risks

Risk 1: Human resources management

The ICO must ensure that it has sufficient resources in place to meet the review and reporting requirements set out in the legislation. Regardless of the number and complexity of the quasi-judicial reviews conducted, the requirements of the legislation must be met.

The ICO is a micro-agency and is comprised of 10.5 FTEs. The quasi-judicial review program, delivered by 6.5 FTEs, requires its resources have a strong legal/judicial knowledge, as well as specialized knowledge related to security and intelligence operations. Throughout the fiscal year, the ICO focused on human resources management and successfully applied strategies to recruit, retain and manage its resources to achieve effective program delivery.

Risk 2: Policies, procedures, and practices

Since its creation July 2019, the ICO has built a solid foundation of policies, procedures, and practices to ensure the delivery of its statutory mandate. The ICO continues to refine these to adapt to the changing work environment post-COVID, while ensuring the respect of Government of Canada standards on handling classified material. In fiscal year 2022-23, the ICO studied its procedures and practices relating to quasi-judicial program to make improvements and enhance the quality and consistency of quasi-judicial reviews.

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 2022–23, 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	2020–21 actual results	2021–22 actual results	2022–23 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, 2023	100%	100%	100%
	Annual report on Commissioner's activities delivered to the Prime Minister by March 31st	100%	March 31, 2023	100%	100%	100%

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

Budgetary financial resources (dollars)

The following table shows, for the quasi-judicial review of certain ministerial conclusions, budgetary spending for 2022–23, as well as actual spending for that year.

2022–23 Main Estimates	2022–23 planned spending	2022–23 total authorities available for use	2022–23 actual spending (authorities used)	2022–23 difference (actual spending minus planned spending)
1,982,000	1,982,000	2,074,280	1,887,757	(94,243)

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 2022–23.

2022–23 planned full-time equivalents	2022–23 actual full-time equivalents	2022–23 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 2022-23, in an effort to strengthen internal services, the ICO examined existing service agreements with other government departments to ensure the planned collaboration continued to provide the services required in an effective and efficient manner.

The ICO also conducted a self-assessment of internal controls using the tools provided by the Office of the Comptroller General. This self-assessment increased awareness of areas of higher risk within the ICO and led to improvements in certain procedures and practices.

Contracts awarded to Indigenous businesses

ICO is a Phase 3 organization and is aiming to achieve the minimum 5% target by the end of 2024–25.

The ICO is committed to meet the mandatory minimum target of 5% of the total value of contracts is awarded to Indigenous businesses annually. The ICO will continue to leverage tools established by Public Services and Procurement Canada, such as standing offers and supply arrangements, to assist in awarding contracts to Indigenous Business.

Budgetary financial resources (dollars)

The following table shows, for internal services, budgetary spending for 2022–23, as well as spending for that year.

2022–23 Main Estimates	2022–23 planned spending	2022–23 total authorities available for use	2022–23 actual spending (authorities used)	2022–23 difference (actual spending minus planned spending)
553,599	553,599	644,237	597,080	43,481

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 2022–23.

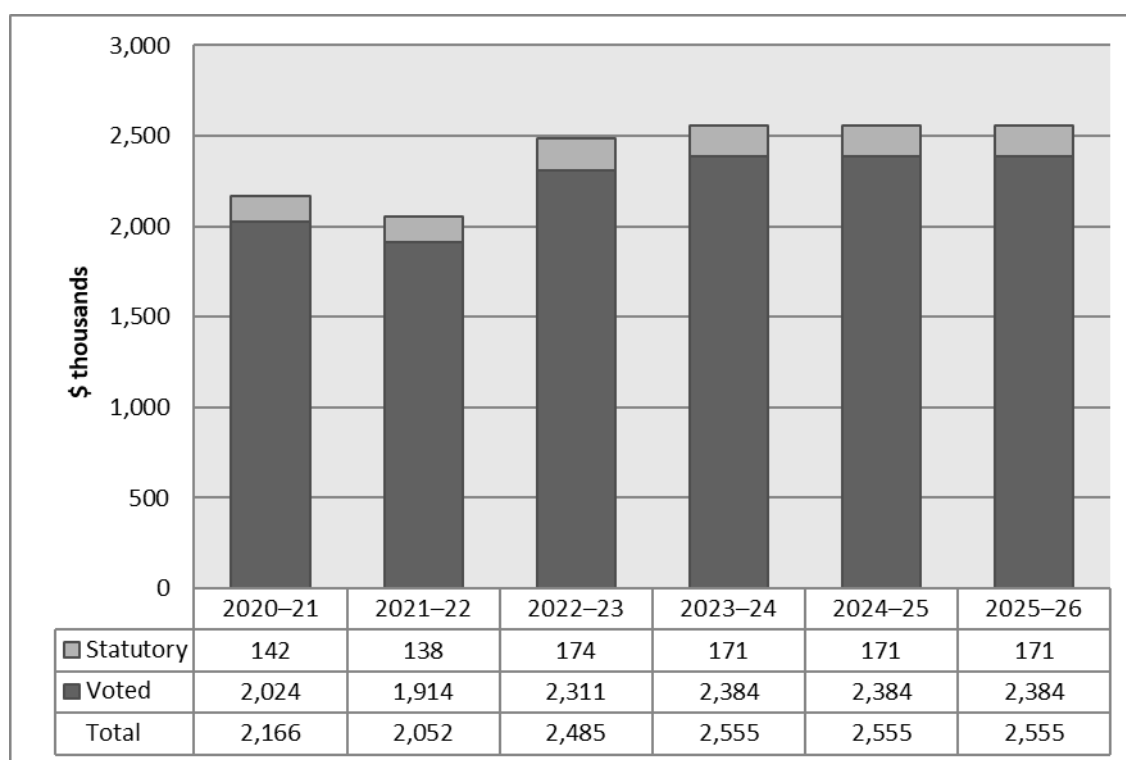
2022–23 planned full-time equivalents	2022–23 actual full-time equivalents	2022–23 difference (actual full-time equivalents minus planned full-time equivalents)
4	2	(2)

Spending and human resources

Spending

Spending 2020–21 to 2025–26

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



The decrease in actual expenditures from 2020–21 to 2021–22 (\$114,000) was a result of set-up costs associated with significant enhancements to the information technology and security infrastructures in 2020–21, as the ICO had commenced operations in July 2019.

The increase in actual expenditures from 2021–22 to 2022–23 (\$433,000) resulted mainly from: increased salary costs and related employee benefits; required enhancements to security infrastructure; increased professional services costs, primarily related to translation of decisions; and a slight increase in all other related expenditures of about 2%.

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	2022–23 Main Estimates	2022–23 planned spending	2023–24 planned spending	2024–25 planned spending	2022–23 total authorities available for use	2020–21 actual spending (authorities used)	2021–22 actual spending (authorities used)	2022–23 actual spending (authorities used)
Quasi-judicial review of certain ministerial conclusions	1,982,000	1,982,000	1,920,922	1,920,922	2,074,280	1,519,442	1,547,470	1,887,757
Internal services	553,599	553,599	634,465	634,465	644,237	646,405	504,415	597,080
Total	2,535,599	2,535,599	2,555,387	2,555,387	2,718,517	2,165,847	2,051,885	2,484,837

The increase in planned spending from 2022–23 to 2023–24 and beyond (\$20,000) is related to additional salary and Employee Benefit Plan adjustments reflecting collective agreements signed in the core public administration early in 2023–24.

Details regarding the decrease in actual expenditures from 2020–21 to 2021–22 and the increase in actual expenditures from 2021–22 to 2022–23 are set out above in the Spending 2020–21 to 2025–26 section.

Human resources

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

Human resources summary for core responsibilities and internal services

Core responsibilities and internal services	2020–21 actual full-time equivalents	2021–22 actual full-time equivalents	2022–23 planned full-time equivalents	2022–23 actual full-time equivalents	2023–24 planned full-time equivalents	2024–25 planned full-time equivalents
Quasi-judicial review of certain ministerial conclusions	5	5	6.5	5	6.5	6.5
Internal services	2	2	4	2	4	4
Total	7	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](#).^{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, 2023, are available on the [department’s website](#).^{vi}

Financial statement highlights

Condensed Statement of Operations (unaudited) for the year ended March 31, 2023 (dollars)

Financial information	2022–23 planned results	2022–23 actual results	2021–22 actual results	Difference (2022–23 actual results minus 2022–23 planned results)	Difference (2022–23 actual results minus 2021–22 actual results)
Total expenses	2,743,876	2,735,349	2,248,658	(8,527)	486,691
Net cost of operations before government funding and transfers	2,743,876	2,735,349	2,248,658	(8,527)	486,691

The 2022–23 planned results information is provided in the ICO’s [Future-Oriented Statement of Operations and Notes 2022–23](#).^{vii}

Condensed Statement of Financial Position (unaudited) as of March 31, 2023 (dollars)

Financial information	2022–23	2021–22	Difference (2022–23 minus 2021–22)
Total net liabilities	(428,384)	(304,551)	(123,833)
Total net financial assets	312,414	278,199	34,215
Departmental net debt	(115,970)	(26,352)	(89,618)
Total non-financial assets	50,493	134,483	(83,990)
Departmental net financial position	(65,477)	108,131	(173,608)

The increase in total net liabilities is primarily due to increases in payables to other government departments and external suppliers, and in vacation pay and compensatory leave payable resulting from an understatement in the prior year. The increase in net financial assets is mainly as a result of an increase in the Due from the Consolidated Revenue Fund, which is offset in part by a decrease in accounts receivable from other government departments. The reduction in total non-financial assets is a result of amortization.

The 2022–23 planned results information is provided in the ICO’s [Future-Oriented Statement of Operations and Notes 2022–23](#).^{viii}

Corporate information

Organizational profile

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

Institutional head: The Honourable Simon Noël, K.C. – Intelligence Commissioner

Ministerial portfolio: Prime Minister

Enabling instrument: [Intelligence Commissioner Act](#)^{ix}

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](#).^x

Operating context

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

Reporting framework

The ICO’s departmental results framework and program inventory of record for 2022–23 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](#).^{xii}

Supplementary information tables

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

- ▶ 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](#).^{xiv} 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 STN B
Ottawa ON K1P 5P6

Telephone: 613-992-3044

Email: info@ico-bcr.gc.ca

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

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.

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 2022–23 Departmental Results Report, government-wide priorities are the high-level themes outlining the government's agenda in the [November 23, 2021, Speech from the Throne](#): building a healthier today and tomorrow; growing a more resilient economy; bolder climate action; fighter harder for safer communities; standing up for diversity and inclusion; moving faster on the path to reconciliation; and fighting for a secure, just and equitable 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.

Indigenous business (*enterprise autochtones*)

For the purpose of the *Directive on the Management of Procurement Appendix E: Mandatory Procedures for Contracts Awarded to Indigenous Businesses* and the Government of Canada's commitment that a mandatory minimum target of 5% of the total value of contracts is awarded to Indigenous businesses, an organization that meets the definition and requirements as defined by the [Indigenous Business Directory](#).

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. 2022–23 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 2022–23, Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner/corporate-management-reporting/future-oriented-statement-of-operations.html>
- viii. Future-Oriented Statement of Operations and Notes 2022–23, Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner/corporate-management-reporting/future-oriented-statement-of-operations.html>
- ix. *Intelligence Commissioner Act*, S.C. 2019, c. 13, s.50, <https://laws-lois.justice.gc.ca/eng/acts/I-14.85/>
- x. 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>
- xi. Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner.html>
- xii. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- xiii. Supplementary Information Tables, Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner/corporate-management-reporting/supplementaryinformationtables.html>
- xiv. Report on Federal Tax Expenditures, <https://www.canada.ca/en/department-finance/services/publications/federal-tax-expenditures.html>
- xv. Office of the Intelligence Commissioner, <https://www.canada.ca/en/intelligence-commissioner.html>