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Chair: The Honourable Bardish Chagger



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• (1830)
[English]

The Chair (Hon. Bardish Chagger (Waterloo, Lib.)): I call the meeting to order.

Welcome to meeting number 63 of the Standing Committee on Procedure and House Affairs. The committee is meeting today to continue its study on foreign election interference.

Before we begin, I'll remind you that all comments should be addressed through the chair. The clerk and I will maintain a consolidated speaking list of members wishing to speak.

We have with us this evening, Mr. Michael Wernick, chair in public sector management at the University of Ottawa.

Mr. Wernick, first of all, it's really good to see you again. It's been a while, so thank you for taking the time. Thank you for responding to our request to so quickly. It really means a lot to us.

I'm going to pass the floor to you for opening comments.

Mr. Michael Wernick (Jarislowsky Chair in Public Sector Management, University of Ottawa, As an Individual): Thank you, Madam Chair.

It's a privilege to be back here on the Hill after years of Zoom calls.

I have no submission. I have no opening statement. I'd be happy to get to your questions right away.

The Chair: Thank you so much.

I'm going to have to suspend for two minutes for some technical issues.

Please stand by.

• (1830) _____ (Pause) _____

• (1835)

The Chair: You have my apologies for that. We will proceed.

We will start with the first round of questions, a six-minute round, starting with Mr. Cooper.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you very much, Madam Chair.

Mr. Wernick, thank you for appearing.

In the response that you submitted to the committee, you indicated that you don't ever recall seeing a memo in or around June 2017

entitled "Memorandum to the Prime Minister" respecting, broadly, issues around Beijing's interference in our democracy.

Can you speak to why you don't recall that? Was it because you were receiving a lot of memos and briefings around interference by Beijing at that time?

Mr. Michael Wernick: Thank you for the question.

I left government four years ago today. I did not take any records or secret documents with me. I don't have access to document logs. I don't have access to my old calendars, and I don't have access to any records. I'm relying on media stories and Google searches.

As I indicated in responding to the clerk, I have no memory of seeing that note that is referred to in a media clipping. If I read it, and I probably did, it was six years ago.

Mr. Michael Cooper: Thank you.

In and around that time, did you have information that Beijing officials were actively pursuing a strategy to infiltrate or interfere in our democratic processes?

Mr. Michael Wernick: Not that I recall.

Mr. Michael Cooper: You have no information that agents of the Beijing regime were assisting candidates running for political office in Canada. You don't recall having any discussions around interference by Beijing whatsoever.

Mr. Michael Wernick: No. At the time, the main preoccupation was Russia. It was a month after the French presidential election. We were very concerned about the disruption of elections, but most of the attention was on Russia at the time.

Mr. Michael Cooper: Did the Prime Minister ever instruct you that there were certain topics that were not to be discussed with him?

Mr. Michael Wernick: Never.

Mr. Michael Cooper: Would that also apply to officials in the PMO? No one in the PMO ever told you that there were certain topics not to be discussed.

Mr. Michael Wernick: I didn't take direction from the political staff of the Prime Minister.

Mr. Michael Cooper: Did anyone ever instruct you to do that even if you didn't take direction?

Mr. Michael Wernick: No, never.

Mr. Michael Cooper: Okay. Thank you.

Are you aware of anyone in the PMO or in the public service ever intentionally withholding any national security information from the Prime Minister?

Mr. Michael Wernick: No.

Mr. Michael Cooper: Okay.

With respect to the daily intelligence brief prepared by the intelligence assessment secretariat in the PCO, aside from the Prime Minister, who receives that daily intelligence brief?

Mr. Michael Wernick: I don't know the answer to that.

You probably should ask Mr. Jean when he appears. There was a distribution list within the Privy Council Office and some other departments of people who had the appropriate security clearance.

Mr. Michael Cooper: In your response, you made reference to the document logging system at PCO and indicated that the committee could ask for extracts as a means to get more information or to track down this particular memo of June 2017.

Do you have any comments with respect to the parameters in which to undertake a search of that logging system? How would you go about that?

Mr. Michael Wernick: I think you'd have to ask the Privy Council Office that. I'm just aware that notes went from the Privy Council Office to the Prime Minister's Office. They were logged out from us and in from them.

Mr. Michael Cooper: Through you, Madam Chair, we had a fairly straightforward request of the PCO regarding dates on which the Prime Minister was briefed. It took a month for it to be produced. Do you have any comment about how long or what kind of turnaround time we could expect from a request of a search of that system?

Mr. Michael Wernick: I can't really speak to how they work now. I left four years ago. You would really have to ask the current Privy Council Office.

Mr. Michael Cooper: Who decides what information is assembled into the Prime Minister's daily reading package?

Mr. Michael Wernick: There are a variety of pipelines of paper and notes to the Prime Minister. It's the Prime Minister's Office that organizes that and decides what to send on and when.

• (1840)

Mr. Michael Cooper: What does the process of producing the daily reading package look like?

Mr. Michael Wernick: I think you'd have to ask Mr. Jean that.

Mr. Michael Cooper: Okay. I'll ask Mr. Jean that. You don't know.

You had alluded to, in your response to the committee, a political briefing note. Does the PMO typically include a political briefing note on top national security briefings?

Mr. Michael Wernick: You would have to ask Ms. Telford that. I don't know.

Mr. Michael Cooper: You don't know. Okay.

When you were the Clerk of the Privy Council and the Prime Minister was briefed on matters of national security, would it be

customary for the names of those present at the briefing to be recorded?

Mr. Michael Wernick: Again, you should ask Mr. Jean. When I was clerk—and I don't know how it works now—I ensured there was direct unfettered access from the national security adviser to the Prime Minister and the Prime Minister's team. If anybody kept minutes or logs or attendance or whatever, it would have been the national security adviser.

The Chair: Thank you.

Next is Mr. Fergus.

Hon. Greg Fergus (Hull—Aylmer, Lib.): Thank you very much.

Mr. Wernick, I appreciate your coming back here. Again, thank you for your long service to our country and, especially, the very important service to our country in the last role you played as Clerk of the Privy Council.

I'm not going to ask you specific questions that would put you in jeopardy of perhaps revealing content of a nature that might be national security. I'd like to talk to you a little more more about process, if I could.

You became clerk, if I recall, a couple of months into the new government's mandate in 2015. Around that time, the government of the day set up a number of processes to respond to concerns of foreign interference in elections as we saw in France, as you mentioned, the United States and Great Britain—or the United Kingdom, I guess I should say.

Could you describe to us what some of the processes were that you would have overseen or very recently inherited in the role as Clerk of the Privy Council?

Mr. Michael Wernick: I'll try my best to reconstruct a chronology using Google. I may get some of the order wrong or whatever.

Yes, I was deputy clerk in 2015. I was appointed deputy clerk by Prime Minister Harper and stayed for the transition and the early days of Mr. Trudeau's mandate. He appointed me clerk in January of 2016, and I took on that role for the next three years.

There were quite a few things in play at the time.

A very early priority of the government, you may recall, was to create the National Security and Intelligence Committee of Parliamentarians to give a group of parliamentarians with appropriate security clearances a window into national security and intelligence issues. Bill C-22 was an early initiative by the government.

Also, then, there were a number of initiatives under way, so by the time we got to 2017, which I know is the period of interest here, there were quite a few things in play. Bill C-59, which was the comprehensive overhaul of national security legislation, would have been in play in late 2016 and early 2017. We were very concerned about disinformation issues. It's a matter of public record that Putin's Russia tried to disrupt the French election in May of 2017 and that they tried to disrupt the German election in September of 2017.

At the time, cybersecurity was a huge issue. Members who have been here long enough will remember Chinese cyber-attacks on the National Research Council that were called out by the Harper government—by Minister Baird—in early 2014. A personal focus for me very much was on cybersecurity: secure communications for the Prime Minister and secure communications for the cabinet, and investments in cybersecurity, which came to fruition in the 2018 budget.

I could go on, but that gives you some sense of what was going on at that time.

Hon. Greg Fergus: That does give me a very good sense.

I'm not going to gainsay any previous government's actions because I'm certain they made the best decisions they could at the time, but it seems clear to me that the new government at the time, in 2015-16, felt that it was necessary to add these new tools and these new robust options to help prepare the security of the government.

Given your role as deputy clerk in the previous government... Again, I'm not gainsaying. I just want to get an understanding as to why it wasn't as big of an issue at that time. Did they feel that the tools they had at that time were adequate to protect Canadians from this emerging threat?

• (1845)

Mr. Michael Wernick: The context is always different. I was deputy clerk and helped the Harper government pass Bill C-51 late in its mandate. A little bit later, I helped the Trudeau government amend it through Bill C-59.

At the time, in 2015-16, there was still a great deal of focus on anti-terrorism. This is the time when Daesh had overrun most of northern Iraq. There were all kinds of issues in the Middle East at the time.

As Mr. Jean and others can explain to you, there are a range of threats that the Government of Canada worries about, from terrorism to domestic terrorism to cybersecurity to foreign interference and so on. That's why we have a national security adviser. That's why we have a cabinet committee on security and intelligence, and that's why the government wanted NSICOP created.

[*Translation*]

Hon. Greg Fergus: I'd like to know why the emphasis was placed on foreign, rather than domestic, security threats. Is it because of a failure to anticipate that there could be domestic threats?

Please give a brief answer, because I only have a minute of speaking time left.

Mr. Michael Wernick: It's important to be alert to both types of threats. All the MPs here today were probably present during the attack on Parliament Hill in the fall of 2014. There have also been attacks in Toronto and elsewhere. There are all kinds of threats to the safety of Canadians. These include terrorism, foreign interference and violence within the country.

Hon. Greg Fergus: Thank you very much.

The Chair: Ms. Normandin, you have the floor.

Ms. Christine Normandin (Saint-Jean, BQ): Thank you very much, Madam Chair.

Thank you for being here with us today, Mr. Wernick.

I'd like to ask a few questions about your interview with Ms. Esther Bégin, broadcast on Canada's parliamentary channel, CPAC, about a month ago. I'd like to go back to some of the questions that were asked and the answers you gave.

Among other things, you mentioned that ideally, it ought not to be a judge chairing a future public inquiry, but rather someone with a good knowledge of intelligence analysis.

Is that correct, and if so, why?

Mr. Michael Wernick: That's a good question.

Finding someone who is sufficiently independent and also knowledgeable about the subject at issue is always a challenge. It's not easy to find someone like that. In Canada, we tend to ask judges to chair inquiries. In my experience, that sometimes works very well, and at other times, not at all.

Ms. Christine Normandin: One reason that is frequently given for not holding an independent public inquiry is the risk of revealing information that could pose a threat to national security.

If the person chairing the commission has a good understanding of the information received, would this ensure that they are able to properly analyze the information and sort out what can and cannot be disclosed?

Mr. Michael Wernick: Yes, but finding someone everybody can agree upon in a highly partisan political context is always a challenge. How many Canadians could be involved in the selection process and be accepted as reliable individuals? I believe that it would be more innovative to seek someone from outside. It could perhaps be an Australian or someone from Great Britain, and not part of the Canadian political scene.

Ms. Christine Normandin: So am I to understand that what's preventing an independent public inquiry has nothing to do with the leaking of information, but rather finding the right person? Is that what you're saying?

Mr. Michael Wernick: It's up to you, as legislators, to determine whether a public inquiry is necessary. There are always limits on how useful such an inquiry can be, the crux of the matter being that some information ought not to be disclosed because it would undermine our ability to collect such information in future. The other problematic area is determining who the witnesses will be.

• (1850)

Ms. Christine Normandin: Okay, I understand that all of that could involve the chair convening people.

I'm going to continue in the same vein. You mentioned the National Security and Intelligence Committee of Parliamentarians, the NSICP. It is often suggested as a better way of analyzing what may have happened in instances of interference than an independent public inquiry.

Do you feel that it would be better for the two approaches to be complementary?

Mr. Michael Wernick: In principle, they could be. The other thing that could be done at the same time is legislating. A public inquiry will inevitably lead to a recommendation that applicable Canadian statutes be strengthened and enhanced. This could be done in parallel with an inquiry. Whether it's a parliamentary committee, a third party or an inquiry, it will recommend legislation.

Ms. Christine Normandin: With respect to legislation, we've been asking in Parliament for the creation of a registry of foreign agents since November 2020. That could have been done. Even if we had such a registry, it would not prevent us from holding an independent public inquiry on the remaining issues.

Is that right?

Mr. Michael Wernick: Two different approaches can indeed be pursued concurrently. The next election is only two years away. The real challenge is to protect the upcoming election.

Ms. Christine Normandin: As it happens, you mentioned in an interview the possible appointment of a special rapporteur, whose identity was not yet known.

Given everything that is expected from the person who was appointed and the possibility that this person had ties to the Pierre Elliott Trudeau Foundation, are we not unduly delaying a public inquiry whose purpose would be to regain the people's trust in their democratic institutions and to do some housecleaning before the coming election? This particular person would not necessarily be able to do that.

Mr. Michael Wernick: That's a question you should be asking the government rather than me.

Ms. Christine Normandin: I'd like to return to the credentials for a potential chair. Wouldn't someone from outside with a good knowledge of data analysis be in the best position to determine whether the government, given the information it had at the time, was making appropriate decisions and doing the right things?

Would it be a good idea to have this work redone by someone who could look at it from the outside, with due regard to analyzing the information received at the time?

Mr. Michael Wernick: You, as parliamentarians, are in a position to determine how useful it would be to review the past. What I

recommend is moving forward and enacting legislation to protect future elections.

Ms. Christine Normandin: Insofar as we would like to learn from our mistakes, wouldn't holding an independent public inquiry demonstrate that we do not want to repeat what may have already been done, and wouldn't it make us better prepared for the future?

Mr. Michael Wernick: Yes, but an inquiry won't lead to a recommendation on the wording or content of an act. It will inevitably lead to a recommendation for Canada's Parliament to enact stronger legislation along the lines of the British or Australian model. It's up to parliamentarians to do that.

Ms. Christine Normandin: Thank you very much.

The Chair: Thank you.

[English]

Ms. Blaney, go ahead, please.

Ms. Rachel Blaney (North Island—Powell River, NDP): Thank you very much, Chair.

As always, all of my questions are through the chair.

I want to thank the witness for being here today. I really appreciate some of the testimony.

I think it's challenging. This is a challenging discussion. I think, at the end of the day, the focus I have is that Canadians are increasingly having a sense of distrust in our systems. That worries me. Trying to figure out how to navigate this very tenuous situation is challenging.

I want to, first of all, thank the witness for his service to Canada.

One of the questions I have is just what your thoughts on this are. I think process and moving forward in the future is the best way to move forward.

I know that the President of the United States has the ability to declassify information if needed, such as, for example, when the government has classified information that could be shared that would clear the air and allow people to feel a little bit more assured about what's happening. That's without, of course, discussing sources or releasing information about methods of collection. I understand that there would have to be some careful thought about that.

I'm just wondering if you have any thoughts about whether this is something we should be exploring in Canada. You talked a lot about looking at legislation and moving forward. I think about some of these situations. If there is information that could be released that would not risk harming anybody and that would definitely not impede our relationships with other countries around the information we gather with national security, then is there a pathway so that information can be shared at a time that would bring tensions down?

I'm just wondering if you have any thoughts about that process in the U.S. and what we could have here in Canada.

• (1855)

Mr. Michael Wernick: That's a very good question.

I think that is one of the motivations for having a committee of parliamentarians that can be briefed on classified information. It creates a dilemma, as we found, because what do those parliamentarians then do with that information? I think it's useful to have the leaders of the opposition parties briefed in and accept security briefings when it's recommended to them.

I'm not a lawyer, but I do know that there are provisions in Canadian law for declassifying and releasing information. The guardian of that is actually the Clerk of the Privy Council, which is the secretary of cabinet papers.

I signed off on releasing papers for the trial of Vice-Admiral Norman. I signed off on releasing papers for other reasons. With regard to the Rouleau commission that looked into the events in Ottawa last year, I believe my successor as clerk released classified documents to Justice Rouleau. There are mechanisms in Canada for that. It's always possible to amend those in the future.

I'd be careful where you go because one of the conventions is that you do not release the documents of a previous government. I was the guardian of the documents of previous governments when I was clerk, and there were requests for documents from the Harper government to be divulged for that trial. I had to go and communicate with Mr. Harper and get his consent to do that.

Ms. Rachel Blaney: Thank you. That's extremely helpful.

With regard to the questions my previous friend was asking you in reference to public inquiries and having, perhaps, someone outside of our country be the lead of that, I think that's an innovative and interesting idea.

We've heard a lot of testimony that foreign interference is changing. There are multiple countries—you alluded to that earlier in your testimony—so I think it's unfair to focus on just one country in particular. We know that it is quickly changing and that we have to be very robust in our response and have to work closely with countries that we have partnerships with.

As we look at this ever-changing face, is it something that we should be discussing—processes where we partner with other countries that we have close relationships with to oversee some of these things if it becomes a problem within our own country?

Mr. Michael Wernick: We do have partnerships. We have the Five Eyes security partnership with particular countries on the sharing of information and threats. We do share information with other countries. This is more Mr. Jean's wheelhouse. You can ask him about that specifically.

I believe there was a G7 initiative specifically on foreign interference after the Russian attacks on the French and German elections.

There is a collaboration among allied countries and democracies to try to protect democratic processes.

Ms. Rachel Blaney: It might be an idea for our countries to come together to talk about how we might address these issues internally because, of course, the concern that I think Canadians have is that there is a feeling of mistrust. You talked about how NSICOP is there. That is an avenue for discussion, but that information isn't public.

I'm just trying to figure out how we release information that gives people enough assurance to know that there is a response without creating this sense of alienation. I think it's interesting that you talked earlier about having systems where, of course, all opposition leaders learn more so that perhaps they can provide indirect leadership in their own caucuses.

Do you have any thoughts about how these systems can work together and if these processes that the Liberals keep talking about are actually transparent enough for Canadians to have assurance in the system?

Mr. Michael Wernick: You will have to decide what the right balance is between protecting secure information and our ability to defend ourselves, and having transparency to reassure Canadians. That's a set point where laws have moved around over the years, and you can take another look at them and adjust where that set point is.

I'll take the opportunity to say that one of the things that would probably reassure Canadians about the health of their democracy is to see the political parties working together to bring in foreign interference legislation. There's no reason in a minority Parliament that legislation couldn't be tabled, studied, debated, amended and passed before Christmas.

● (1900)

The Chair: Thank you.

We will go to Mr. Calkins, followed by Madam Romanado.

Mr. Calkins.

Mr. Blaine Calkins (Red Deer—Lacombe, CPC): Thank you, Madam Chair, and through you to our witness.

Thank you, Mr. Wernick, for proving that once you retire from this business, you never fully retire. I'm glad to have an opportunity to ask you questions.

You were the Clerk of the Privy Council in January of 2019. Is that correct?

Mr. Michael Wernick: Yes.

Mr. Blaine Calkins: In your email that you submitted to the committee, you said, “for a production of documents what might be more illuminating is to ask for the extracts from the document logging system” and so on. In this paragraph, you say:

The Clerk's office has always kept a log of all documents sent to the PM by PCO—which fall into two types—notes for decision and notes for information that don't seek a decision. PCO constantly chases to get a “return” from the Prime Minister's Office. Most notes are acknowledged or returned by PMO but certainly not 100 percent of them.

I have in my hand a document issued by the Privy Council Office dated the 17th of January, 2019, the time frame for which you were the Clerk of the Privy Council. It states:

Espionage and Foreign Interference Activities

China is still the most active and sophisticated perpetrator of espionage² and foreign interference³ activities in Canada.

²Espionage is the state-sponsored collection of sensitive political, economic, or security information by clandestine means.

³Foreign interference activities refer to actions by state actors, proxies or co-optees that are covert, deceptive, or coercive and go beyond normal or acceptable diplomatic activity and are meant to mislead or actively undermine the host state.

This is a document that is by and large redacted, but I've read just the parts that I as a parliamentarian am able to see. In your earlier answers to questions by Mr. Cooper, you led this committee to believe that you in no way remember having any discussions at all about Chinese foreign interference. However, I have a document right here from your office, for which you were the clerk at the time, that says, "China is still the most active and sophisticated perpetrator of espionage and foreign interference activities in Canada", which the document then went and defined.

Can you circle that square for me, Mr. Wernick? How would you not know about Chinese foreign interference, given that you were the Clerk of the Privy Council at the time?

Mr. Michael Wernick: I may have read it. It was four years ago. I have no recollection now, in April 2023, of having seen that note. Maybe I did; maybe I didn't. I just don't remember.

Mr. Blaine Calkins: Okay.

In several responses to my colleague, you said that we should be asking the national security adviser specific questions, but your role, as Clerk of the Privy Council, would be to carry out or to execute any instructions or prosecute any instructions that were given to you by the Prime Minister in cabinet decisions. Is that not true?

Mr. Michael Wernick: It would depend. A lot of them could be communicated directly to whoever was briefing the Prime Minister at the time. I ensured—

Mr. Blaine Calkins: Does the national security adviser execute any decisions, or...?

Mr. Michael Wernick: As I said, when I was there—I don't know how it works now—there was a direct conduit from the national security adviser to the Prime Minister.

Mr. Blaine Calkins: I would interpret that, and correct me if I'm wrong, as a source of information, but the national security adviser would not necessarily execute decisions of the government. Is the national security adviser in charge of a department and in charge of several other employees who actually prosecute decisions made by the government, or is it simply the culmination of information gathering to provide information and intelligence to the Prime Minister?

Mr. Michael Wernick: No. The national security adviser is also essentially the chair and the dean of the heads of the various agencies and has the ability to contact the head of CSIS, the head of CSE, the head of RCMP and so on. It would depend on what you mean by instructions. It may well be "I want to know more about this" or "I agree with that".

I did not get in the way of the traffic on the way up or on the way back.

Mr. Blaine Calkins: In your role as the Clerk of the Privy Council, the Privy Council Office being non-partisan, you were the most senior public servant in the Government of Canada in a non-political office. Would you agree with my definition of the Clerk of the Privy Council?

Mr. Michael Wernick: Yes. That's certainly one of them.

Mr. Blaine Calkins: Could you describe to me, then, what the role of the Privy Council Office would be in any national security scenario? It sounds to me like the Privy Council Office, from what you've told me, has absolutely no role in either advising or executing instructions when it comes to national security from the Prime Minister's Office. Is that true?

Mr. Michael Wernick: No. That's not the way to read it. I can commend to you my book from 2021, *Governing Canada*, which sets this out in some detail.

The Privy Council Office is the Prime Minister's department. The Prime Minister has seven distinct hats and roles in government. Chair of cabinet is one, first minister in the federation is another, international leader for the purposes of dealing with other countries is another, and so on. The Privy Council Office is a set of secretariats and teams that support those seven roles. One of them is the security and intelligence branch.

● (1905)

The Chair: Thank you.

Mr. Blaine Calkins: Thank you, Mr. Wernick.

The Chair: Do you want to finish that thought?

Mr. Blaine Calkins: No, I'm sure I'll have more time.

The Chair: Okay.

Madam Romanado, you have the floor.

Mrs. Sherry Romanado (Longueuil—Charles-LeMoine, Lib.): Thank you very much, Madam Chair.

I'd like to, through you, thank the witness for being with us this evening. My first question through you, Madam Chair, is to Mr. Wernick.

In your former role, you were involved in the development of the first iteration of the protecting democracy plan. Can you tell us a little bit more about that process? What was the impetus of the thinking behind it?

Mr. Michael Wernick: I can reconstruct it.

We had seen Russian interference in the French election in 2017. We had seen Russian interference in the German election in 2017. We learned a bit later that there had been Russian interference in the American election of November 2016. There had been, in Australia, a considerable amount of attention to potential Chinese interference in Australian politics. I'm sure some of you have read the book that came out in 2018 in Australia on that topic. Australia legislated on foreign interference around December or January of 2017-18.

The question that was posed was, if the security and intelligence community became aware of attempts to disrupt the election...and it might be very subtle through disinformation. That was how the French election was attacked. It was disinformation through cyber-attacks and social media. It could also be denial of service attacks on Elections Canada, or it could be any number of pathways to interfere in the electoral process. Who was going to call it out?

If it was the minister of the day or the Prime Minister of the day, they were involved in the election campaign under way. They would be open to accusations that they were either blowing alarm bells for political reasons or withholding information for political reasons, so it was important to come up with somebody who could be the whistle-blower on foreign interference during an election campaign, during the caretaker period.

The alternatives that I remember kicking around would have been an independent commissioner or the panel that we came up in January 2019. It was my recommendation to the Prime Minister that we go with the panel that was created in 2019 and has been in place ever since.

Mrs. Sherry Romanado: Thank you very much.

With that, I want to focus a little bit on NSICOP. We've had a couple of colleagues talk about NSICOP. Often we hear that this is a secret committee that does secret work. You were there for the creation.

I was watching the SECU committee earlier today, at which the chair of NSICOP was presenting and answering questions with respect to NSICOP. I believe that you were also clerk at the time and received some of their earliest reports. When we hear the words "secret committee", the connotation is that they're doing some clandestine work that they don't want people to know about.

Can you elaborate a little bit for those watching the difference between some clandestine secret committee and the importance of understanding classified information with respect to national security and our Five Eyes partners and what this could do to the intelligence community if we are kind of playing loosey-goosey with intelligence information?

Mr. Michael Wernick: The secret part of the information of the committee is the information that it sometimes deals with. It's classified information, sometimes highly classified information. There's a window for that group of parliamentarians to have access to it.

There is a similar committee in the United States of United States senators. There's a similar committee in the United Kingdom of members of Parliament. I believe there is a similar one in France as well, although I'll stop there, but it's a common practice in other countries to have some sort of window for legislators into the world of security and intelligence.

I'm not sure if I answered your question. I'm sorry; go ahead.

● (1910)

Mrs. Sherry Romanado: You mentioned a little bit about *aller devant*, looking forward. We put in place the panel. We put in place SITE. We put in NSICOP and NSIRA. We've seen evolving threats. At the time we put this in place, we were looking at Russian state actors. We are now seeing there are other state actors who are looking to interfere with our democratic institutions.

I'm not quite sure you follow our committee much, but based on what you've been hearing, what would you recommend to this committee in terms of anything that we could be doing to improve?

You mentioned legislation, strengthening the legislation. Is there anything else that you would recommend to us in terms of detecting, detecting and countering foreign interference?

Mr. Michael Wernick: The problem with revealing secret information, and there's always a desire for more transparency, is that doing that can reveal the collection methods. It can out your collection methods, whatever they were: human intelligence, signal intelligence, interceptions and so on. Revealing sources compromises them. Any journalist watching would understand the importance of off-the-record confidential sources and the risks of revealing sources, which means the information would dry up. If we want to be part of the club of Five Eyes, we have to present that we have secure systems in which information collected by our partners is not going to end up in the public domain.

What I would recommend to you is to go to Google, get the U.K. national security bill—which is before the U.K. Parliament right now—copy and paste, and bring it to Canada.

The Chair: Thank you.

[*Translation*]

Ms. Gaudreau, you have the floor.

Ms. Marie-Hélène Gaudreau (Laurentides—Labelle, BQ): Thank you, Madam Chair.

Mr. Wernick, I must admit that I'm very concerned about Canadians' loss of trust. According to one survey, 72% of Canadians are no longer confident that our democratic system is secure.

I'd like to read you an excerpt from the March 9 edition of the daily newspaper *La Presse*:

In a briefing note to Justin Trudeau, Privy Council clerk Janice Charette said that the registry had proved its worth in those countries that had adopted it. She maintained that, beyond a shadow of a doubt, a registry exposes activities being conducted by individuals or entities on behalf of authoritarian countries.

You mentioned earlier that the registry was essential, important and even urgent. You've provided good advice over the years. Did you recommend to the Prime Minister that such a registry be established?

Mr. Michael Wernick: No, I don't recall having done so. However, I highly recommend that a registry like this be adopted. We could follow either the Australian or the British model.

Ms. Marie-Hélène Gaudreau: Thank you.

You said earlier that it was important to have robust laws. Have you previously put forward any such proposals?

There have been a few steps forward, particularly with respect to elections. I'm thinking of the Security and Intelligence Threats to Elections Task Force and the NSICP, the National Security and Intelligence Committee of Parliamentarians.

Apart from that, on the basis everything you know, what would you recommend for the future?

Mr. Michael Wernick: When I was the clerk, I contributed to three bills, C-22, C-59 and C-76. The investments provided in the 2018 budget are among the priorities I advocated. This is the budget that made it possible to establish the Canadian Centre for Cyber Security, the CCCS. It also provided for significant investments in the Communications Security Establishment, the CSE.

I worked on the elections protocol announced in January 2019. Interference was still a concern. And yet the government had tabled Bill C-59 in June 2017.

• (1915)

The Chair: Thank you.

[*English*]

Ms. Blaney.

Ms. Rachel Blaney: Thank you, Chair.

I really appreciated the earlier comments about the need to protect future elections. We know that in past elections there were concerns, but we know that they didn't have an impact on the outcomes. All parties have agreed this is the case.

I hear very clearly about improving our laws. You talked about the U.K., and just kind of pasting that piece of legislation and getting to work on that as quickly as possible in Canada. I don't expect you're an expert on the U.K. legislation, but are there particular parts you feel are important for us to address in your recommendation?

Mr. Michael Wernick: That's a very good question. I do recommend that people go and download it and have a look at it.

Basically, any Canadian law would follow more or less the same model. First of all, you have to create a new offence and set of penalties. This leads you to definitions. What is "foreign interference"? It's different from espionage, treason, sabotage, deception or disinformation. The British law and the Australian law actually create definitions for foreign interference.

This committee could recommend the definition of foreign interference to the government. You have to define what a foreign actor is. Is it always a government? What about foreign activities that are laundered through law firms, companies, think tanks and so on? Is the Confucius Institute or the Alliance Française interference or just cultural diplomacy?

It's not going to be easy to find the right definitions. The Australian bill had knock-on effects to amend something like 20 other Australian statutes. You create all kinds of knock-on effects in the rest of legislation. You have to define whether somebody knowingly did something or recklessly did something.

I don't want to get into drafting—that's not my thing—but you can follow the Australian model and the British model and you will see the kinds of issues that you, as parliamentarians, get to work through. There are 39 million Canadians and there are only 338 of you who get to write laws. I think that, if you work together, you could use the British law as a first draft and you would be able to resolve these issues in a made-in-Canada model in a matter of months.

Ms. Rachel Blaney: I believe that's my time.

The Chair: It is. Thank you.

Mr. Berthold.

[*Translation*]

Mr. Luc Berthold (Mégantic—L'Érable, CPC): Thank you very much, Madam Chair.

Thank you to Mr. Wernick for being here.

Mr. Wernick, you spoke at length about preparing for the future, but I think the best way to do that is by relying on the experience and wisdom of those who were there before us.

I have a question for you. I don't want to talk about any particular memos or any specific information, but can you recall when you were informed about the extent of interference by the Chinese communist regime in Canada's democratic system?

Mr. Michael Wernick: I remember what it was like then. It was four, five or six years ago that we began to feel China as more of a cyber threat. There were attacks on networks, industrial espionage, and attacks on the National Research Council of Canada. Some Chinese companies had also invested in the Canada's natural resources, a very controversial issue at the time. I believe there were discussions at Canadian universities about partnerships with China. There were also threats in the summer of 2017 or 2018, when a Chinese icebreaker travelled in northern Canada.

Mr. Luc Berthold: So you had some general information. But can you remember having received anything specifically about the electoral process?

I'm asking because the information disseminated by the media is pretty clear and accurate. Interference is said to have intensified in the years you were there and that it was becoming increasingly worrisome.

At what point did you personally feel it was really a problem and that the Canadian government should do something about Beijing's interference in our elections.

Mr. Michael Wernick: That's one of the reasons I pursued this matter. As a result, there was more investment in the 2018 budget, because we could see that...

• (1920)

Mr. Luc Berthold: So you helped prepare the memos to try to convince the Prime Minister to invest in that area. You were directly involved in the whole process.

Mr. Michael Wernick: It was more ongoing discussions than memos.

When you're preparing a budget, you have to decide on priorities. In the 2018 budget, we committed major investments for cybersecurity. I recall another priority, which was to get Canadians truly involved. That's why the Canadian Centre for Cyber Security was established.

Mr. Luc Berthold: So you had several informal discussions, but not an exchange of memoranda with the office of the Prime Minister, on...

Mr. Michael Wernick: That's possible, but...

Mr. Luc Berthold: That's what you just said, Mr. Wernick.

My understanding then is that there were informal discussions about election interference.

Mr. Michael Wernick: There may well be some memoranda or briefing notes, but I'm not aware of them.

Mr. Luc Berthold: That's not what I am asking you.

[English]

I would ask just what you remember.

[Translation]

I have another question.

Were you involved in developing the Critical Election Incident Public Protocol which was established specifically for elections?

Mr. Michael Wernick: Yes, I am one of the architects of that protocol.

Mr. Luc Berthold: No public announcements were ever made under this protocol.

You were one of the architects of the system. In your view, what precisely should be a triggering factor for the group administering the protocol to warn the public, or a political party, that there has been interference, or significant foreign activity?

Mr. Michael Wernick: We set up a panel of five experts to be able to draw upon the insight of a group rather than assign responsibility to a single person, like a chair, to reduce the likelihood of a poor decision.

Some members of the panel are heads of intelligence agencies. They have the experience and judgment required to interpret the intelligence, determine whether it is sound and to know when certain decisions are required.

The group also includes the clerk and some deputy ministers. I believe the Deputy Minister of Foreign Affairs was one of them, but can't remember for sure. These people could also state their point of view when the time comes to determine whether would be a public intervention during an election that would create an electoral issue.

Mr. Luc Berthold: And yet failing to intervene can also cause an electoral issue in certain circumstances. So it's a fine line. The protocol has never led to a decision to intervene and announce that there was interference.

Mr. Michael Wernick: Exactly. That means that the panel exercised its professional judgment and decided not to intervene in the election campaign. You can ask my successors, but they've received reports from intelligence organizations, discussed them, exercised their professional judgment and decided not to intervene.

Mr. Luc Berthold: Was the decision...

The Chair: Thank you...

Mr. Luc Berthold: It's really a very easy question, Madam Chair.

The Chair: All right, go ahead and ask it.

Mr. Luc Berthold: Who has the final say, Mr. Wernick? Does the panel of experts make a recommendation to the Prime Minis-

ter's office, after which the Prime Minister makes the final decision?

Mr. Michael Wernick: No, it's a role performed by the Clerk of the Privy Council, independently of any orders or instructions from the Prime Minister of the day. The clerk is responsible for continuity of government during elections. There's a caretaker convention under which the government continues to operate during an election, and the government transition is administered by the clerk.

So it's a role that is appropriately assigned to the clerk.

The Chair: Thank you very much.

Ms. Sahota has the floor.

[English]

Ms. Ruby Sahota (Brampton North, Lib.): Thank you, Madam Chair. [Technical difficulties—Editor] some good recommendations that I believe this committee could make and that the government can take from this meeting as well.

I also want to thank the witness for the input that he provided to create the cybersecurity centre. Brampton, the city I'm from, has been able to benefit from some of the funding that was in that budget, as well, by having a cybersecurity training centre, which I think we need more of.

Some of the issues that keep me up at night are these very issues. Having been on this committee for many years now, I know that how we protect our democratic institutions and our democratic process, and how misinformation, disinformation and all of these things are affecting the way we act and react in our country, has really changed and affected things.

I was also very touched by comments that you had made at the justice committee in 2019. You said:

I'm deeply concerned about my country right now, its politics and where it's headed. I worry about foreign interference in the upcoming election, and we're working hard on that. I worry about the rising tide of incitements to violence when people use terms like "treason" and "traitor" in open discourse. Those are the words that lead to assassination. I'm worried that somebody is going to be shot in this country this year during the political campaign.

It's been over four years since you made those comments. Do you feel things have improved, or have they actually gotten worse?

● (1925)

Mr. Michael Wernick: Thank you for the flashback.

No, they've evidently not improved. The political climate has deteriorated, the power of disinformation has only increased, and it's something that we should all be worried about. It's not easy to stop. If there were easy solutions to disinformation on social media, people would have put them in place in other countries. There aren't, and you're going to have to continue to wrestle with that for many years to come.

What you can do something about is the tenor of political discourse among yourselves. With the greatest of respect, I think Canadians need to see their elected politicians—you're the ones they chose—working collaboratively and respectfully. Of course, they should hold the government to account, but there are times when the national interest is to come together and write the laws that affect other Canadians.

Ms. Ruby Sahota: I couldn't agree with you more. Through the last little while, even just currently, we've seen members of Parliament having to step down from their roles, with many of those types of similar words being used.

You've been through a lot as well. When you were Clerk of the Privy Council, you were immediately accused of being partisan, although you've served for two different parties in your role. We've seen Morris Rosenberg also called a "Liberal crony". The Leader of the Opposition also flippantly described the Right Honourable David Johnston as the PM's "ski buddy" and "neighbour".

A lot of these types of partisan attacks against credible individuals and the smear attacks on long-serving public servants.... It seems like there's no bar anymore as to where people will stop if it politically serves their purpose, even smearing the media, as we're seeing now. It hasn't been helpful that Twitter has created its own policies that allow people to come up with other conspiracy theories to attack the media.

Where does that leave us now? How would you advise that we can move away from that and really make sure our independent journalists are trusted, our public servants are respected and our institutions are upheld?

Mr. Michael Wernick: That's quite a question.

I'm not sure that's something for which you can just write laws and write rules. That really is about people's conduct and behaviour and how they choose to practise politics. The attacks go in both directions, and there has been a deterioration of civility and decorum in this place since I came here in the 1990s. I don't know what you can do about that other than police your own behaviours, your own conduct and your own practice of politics.

Ms. Ruby Sahota: Thank you, Mr. Wernick.

The Chair: With that, we all thank you, Mr. Wernick, for taking the time to be here with us today, for your service and for making yourself available. We wish you a good rest of the day. We hope you keep well and safe. If you think of something else you would like the committee to consider, please don't hesitate to send it to the clerk and she will share it with all members.

I'm going to keep the meeting live, meaning I'm just going to pause and we're going to switch to the next panel, rather than suspending and taking the time to start back up again.

Have yourself a great day, Mr. Wernick.

Monsieur Jean, please approach us so that we can continue.

• (1925) _____ (Pause) _____

• (1930)

[*Translation*]

The Chair: We are now continuing the meeting.

We would now like to welcome Mr. Daniel Jean, former national security and intelligence advisor to the Prime Minister.

Welcome Mr. Jean. Thank you for being here this evening.

I'm giving you the floor to give your opening address, after which we will move on to questions from the committee members.

Mr. Daniel Jean (Former National Security and Intelligence Advisor to the Prime Minister, As an Individual): Thank you, Madam Chair.

Thank you for the invitation.

I'd like to congratulate the committee on this study. It's essential for Canadians to be able to rely on a democracy that is free of foreign interference, during elections as well as its everyday activities.

I'm pleased to meet everyone, but I can't disclose any classified information, as you know. I, like others, am bound to secrecy. Accordingly, I've decided to discuss a number of incidents of foreign interference that are known to the public and that might be useful to you in your work.

Although I've been retired for five years now, I'm still involved in these issues as a senior fellow at the University of Ottawa's Graduate School of Public and International Affairs, and am also on the board of directors of the Conference of Defence Associations Institute.

[*English*]

Let's look at a few public domain episodes.

On July 15, 2015, two weeks before the beginning of the election campaign, when I was deputy minister of foreign affairs, the office of protocol of the Department of Foreign Affairs released a reminder to foreign diplomatic missions of the Vienna convention's obligation not to interfere in the host country's affairs. At a time when the public was not as sensitized to foreign interference in Canada, we were criticized for having done that—putting people on notice.

In September 2016, one of the first important cyber foreign interference actions targeted an international institution, which was the World Anti-Doping Agency in Montreal, as well as several of its international partners including the Canadian Centre for Ethics in Sport, as part of a major disinformation campaign in retaliation for the sanctions imposed on Russia by WADA and the Olympic movement. While many international media reported on the incident, there was no domestic media attention until October 2018, when Canada and other countries attributed the action to the Russian military intelligence agency, the GRU.

Shortly after, the same GRU actors were back in action in the 2016 U.S. election with similar methods and tactics. In January 2017—days before transition—President Obama declassified part of the intelligence collected by the U.S. national security agencies. His action had limited impact, which raises important questions for your work, such as the independence of the person who's going to make the intervention to release information; the reliability of the intelligence, because it was really fresh; and the timing of it in doing it just a few days before a president from a different party is coming in.

In July 2018, following a thorough investigation, special counsel Robert Mueller laid charges against 12 Russian military intelligence officers of the same GRU.

In October 2018, the U.S. and several countries including Canada condemned the actions of Russian actors in the poisoning of the Skripal family in the United Kingdom; their efforts to interfere in the investigation by the Organisation for the Prohibition of Chemical Weapons in the Netherlands; and the attack on WADA in Montreal and its partners, including the Canadian Centre for Ethics in Sport. U.S. authorities laid new indictment charges against seven Russian GRU officers. Three of them had also been indicted in the context of the U.S. election.

- (1935)

[Translation]

Let's spend some time on the measures.

A number of incidents have led to several of the measures recently discussed at your meetings, including amendments to the Canada Elections Act, an annual assessment by the Communications Security Establishment, the CSE, of foreign cyber interference. In addition to information sessions available to all the political parties. After that, because these risks are equally present in the analog world, similar measures were taken by the Canadian Security Intelligence Service. These measures gradually evolved into observation mechanisms, and the directive on the Critical Election Incident Public Protocol, which you discussed at recent sessions and just discussed with Mr. Wernick at the end of his appearance.

That leads me to some of the questions raised in stories published by the *Globe and Mail* and Global News. On the one hand, I can't discuss allegations concerning information about certain June 2017 incidents that were mentioned in one of Sam Cooper's articles in February 2023. However, as I retired in May 2018, before the dates involving the other alleged information, I am able to comment, but strictly on the basis of my professional experience and on my ongoing personal interest in these issues.

[English]

On the one hand, it is essential to reassure Canadians that any serious allegation of foreign interference, whether during an election or in another aspect of our democracy, will be subject to a rigorous examination. I hope that the various reviews launched will bring light to the alleged information and also, as importantly, inform the public policy on the required measures to equip the relevant institutional actors in prevention, deterrence and the application of consequences.

The proposal to consider a registry for foreign influence deserves consideration, but it can be only one element of a broader strategy, as has been suggested by past reports of organizations such as the task force on national security of the GSPIA at the University of Ottawa, or the National Security and Intelligence Committee of Parliamentarians.

However, the reading of the various articles raises the risk of interpreting intelligence as evidence. I encourage you to carefully read the op-ed by Professor Stephanie Carvin on what intelligence is and is not.

I have held a top secret clearance for more than 25 years. While intelligence is essential to better appreciate a threat, very little of what we could see supports action by competent authorities. Even

when it does, there are often constraints on its use that may come from the need to protect the methods and the sources or the continued legislative shortcoming of not being able to bring intelligence as evidence while allowing a fair defence.

In this context, your review and all the other examinations not only are critical to bring light to the alleged information, but are in the interests of Canada and Canadians to develop the appropriate tool kit to counter foreign interference in all aspects of our democratic life.

[Translation]

Thank you.

The Chair: Thank you.

We'll begin our first round of questions with Mr. Cooper.

[English]

Mr. Michael Cooper: Thank you very much, Madam Chair.

Thank you, Mr. Jean, for appearing.

In or around June 2017, did you prepare a memorandum to the Prime Minister regarding foreign interference by the Beijing Communist regime?

Mr. Daniel Jean: I have a few points. First of all, I've been outside the government for five years. I've been out of the PCO for five years. I don't have any access to my records. Having said that, even if I had, I wouldn't be able to discuss a classified memo.

I don't want to be seen as trying to evade the question, so I will be clear that, during my period as national security adviser, yes, we briefed the Prime Minister on foreign interference by China and others, because, of course, it's not only China. We briefed in the context of larger conversations on China. We briefed in the context of notes that we sent on the growing concerns we had, but also some of our allies.

Mr. Michael Cooper: Mr. Jean, through you, Madam Chair, I want to be clear. I'm not asking you to confirm or elaborate upon the contents of any memo. I'm asking very broadly whether a memo had been prepared in June 2017, or perhaps, taking your point, whether you could more broadly elaborate on how regularly, for example, you would brief the Prime Minister regarding interference activities by the Beijing regime in or around June 2017, or at that time.

- (1940)

Mr. Daniel Jean: I was in the position for two years, from the spring of 2016 to 2018. We had numerous conversations on China. Some of these did refer to the subject of foreign interference. We had notes that we sent to the Prime Minister at that time that spoke about this concern, yes. We also had other intelligence tools, as you know.

Mr. Michael Cooper: Among the concerns you had at that time, it would have included, for example, Beijing officials pursuing a strategy to infiltrate or interfere with our democratic processes. Would that have been a live issue in 2017?

Mr. Daniel Jean: It's very important not to see the threat of foreign interference by a country like China as something that is binary. It's not like it's off one day, and it's on the next day. They are things that come over time.

During the period when I was in the position, our concerns were a lot more on issues like the acquisition of sensitive technology, what we like to refer to as economic security. We took a number of measures that have actually provided more scrutiny on this.

We had other concerns with China. Foreign interference was one of them, but it was not a period when there was.... There were signals. There's a reason why in 2015 the Department of Foreign Affairs decided to be more direct by putting countries on notice that they should not interfere. However, there was no smoking gun. There were just activities that we wanted to make sure would not result in any kind of interference.

Mr. Michael Cooper: In 2017, the Beijing regime was the most sophisticated perpetrator of foreign interference activities in Canada. Would you agree with that?

Mr. Daniel Jean: At that time, we were concerned a lot about Russia as well. I've just given you a couple of examples.

Mr. Michael Cooper: I realize that, Mr. Jean, but I asked a specific question.

Mr. Daniel Jean: Definitely, we were more and more concerned about Beijing. On the subject of foreign interference, we were particularly watching what was happening in other countries. You just need to go to an open source to see what was happening in Australia in 2017 and what led it to take a lot of aggressive actions.

Mr. Michael Cooper: I asked a question, but I want to build up on it in terms of the frequency of briefings with the Prime Minister. I know some were oral. There were memos and so on. I'm trying to get a better understanding of how often this would happen.

Mr. Daniel Jean: There are several memos that go from the national security adviser to the Prime Minister in a week, but there are not going to be several on the subject of foreign interference, and certainly not just foreign interference on elections.

I want to be very clear. If you've heard my remarks, foreign interference concerns in Canada are much broader than elections. In fact, intimidation and surveillance of the diaspora have been, for some time, a major concern.

Mr. Michael Cooper: Okay.

Did the Prime Minister ever instruct you that there are certain topics that are not to be discussed with him?

Mr. Daniel Jean: Absolutely not. The Prime Minister and his office have always been open to any kinds of threats I wanted to bring.

Mr. Michael Cooper: Thank you for that, Mr. Jean.

Mr. Wernick, in his testimony, spoke about mechanisms by which to declassify information. Would you agree with Mr. Wernick?

Mr. Daniel Jean: I was on my way here during that part of his testimony.

The only thing I would say is that I gave you one example—two examples actually—in my presentation. President Obama decided to do it. We can determine whether the timing and the fact that it was him doing this made sense following the U.S. election.

When Canada decided to attribute to Russia—

Mr. Michael Cooper: Mr. Jean, I want to be clear. Mr. Wernick said there were existing mechanisms to declassify. Would you agree with him—yes or no?

Mr. Daniel Jean: Yes, there are mechanisms. In fact, when we decide to attribute, it means that we are declassifying some information.

• (1945)

The Chair: Thank you.

Mr. Fergus.

[*Translation*]

Hon. Greg Fergus: Thank you very much, Madam Chair.

Mr. Jean, thank you for your wk on behalf of our country, and your key role in protecting the security of Canadians. I am very grateful to you as, no doubt, are all my colleagues on this committee.

After 2015, the government established the National Security and Intelligence Committee of Parliamentarians and the National Security and Intelligence Review Agency, the NSICP and the NSIRA, to examine issues related to Canada's national security.

Would you say that these are the best forums for discussing foreign interference and government measures, given the sensitive nature of the situation? Could you tell us why?

Mr. Daniel Jean: Those people are in the best position not only because they have the required security clearances, but also because the act gives them access to information. The reports of the National Security and Intelligence Committee of Parliamentarians also contain interesting recommendations on matters of foreign interference.

Hon. Greg Fergus: Indeed.

In fact, this morning, the members of the Standing Committee on Public Safety and National Security held an interesting discussion on this specific topic with the chair of the NSICP, who was appearing as a witness.

Mr. Jean, I'd like to ask you the same question I put to Mr. Wernick earlier. You didn't hear it because you were not yet in the room. I'm not asking you to reveal any national secrets, but simply to talk about the process.

The current government established a non-partisan group consisting of deputy ministers and experts, whose mandate was to look into major election incidents within the purview of the Cabinet Directive on the Critical Election Incident Public Protocol. The government also established the NSICP and the NSIRA.

If it was so essential in 2015 to introduce these tools, how come the need was not felt earlier? Why weren't these institutions created before the arrival of the current government? Had the context changed?

Mr. Daniel Jean: The context had indeed changed, and evolved. As I was saying earlier, it's not a black-and-white situation. It's not as if foreign interference suddenly appeared overnight, because it has been going on for a long time. The difference is that now, it is being practised more systematically and strategically to advance certain interests. Russia did in fact interfere in cyberspace. China did so by exerting influence or through proxies. Foreign interference has developed enormously in recent years. That's why it's important to fine-tune the tools and keep tweaking them.

Hon. Greg Fergus: So these shortcomings were not obvious prior to 2015. It's a situation that evolved. That's why, by 2016, it had to be dealt with.

Mr. Daniel Jean: As I was saying earlier, in the past, Global Affairs Canada didn't publish a public notice on its site reminding Canadian diplomatic missions that they must not interfere in the host country's affairs. Previously, that was done, generally speaking. The notice published by the office of protocol in 2015 was very pointed. The Canadian public was not aware of that, so we were criticized for that. People wondered why the department did it. They thought it was not polite to foreign missions.

Hon. Greg Fergus: Would I be correct in saying that foreign interference is not something new and it has gone on for a long time?

Mr. Daniel Jean: Yes, it is not new. It has gone on for a long time. However, the practices and methods used have certainly evolved.

Hon. Greg Fergus: You said it was necessary to adapt to this situation, which is evolving. I know you are now an ordinary person and you no longer have access to the documents or information you had access to in your work. As an informed and experienced member of the public, though, can you suggest any avenues you would like us to explore for adapting our institutions to what the future will bring?

I think you have answered that question, but I would like to offer you a chance to expand on your answer.

● (1950)

Mr. Daniel Jean: Yes, absolutely.

As I told you earlier, there obviously needs to be a strategy, that should include certain factors. I am going to talk about some of them. The foreign agent registry is one, but it is not a panacea in itself. It is very important that I point out that foreign interference is much broader than just the issue of elections. In fact, there may be interference in political parties between elections. We must not just focus on elections. There has to be a strategy and certain tools have to be honed.

For example, since the Commission of Inquiry into the Air India case, the legislative tools needed to get and protect information that is strong enough to be used as evidence, and thus to mount a fair defence concerning individuals against whom we want to lay charges, have still not been adopted. What we have at present is a crutch. So it has to be revised.

As Mr. Wernick said, cybersecurity agencies were strengthened considerably with the National Security Act, 2017, but there has been no revision of the act since it was written in 1984. During that time, we have seen a very extensive digital evolution, so there is a vast number of tools that need to be revised.

I was involved in writing the report done by the University of Ottawa last year...

The Chair: I'm sorry, Mr. Jean, but I have to interrupt you.

Mr. Daniel Jean: No problem.

Hon. Greg Fergus: Thank you, Mr. Jean.

The Chair: It is always better to stop quickly after the beep indicating that speaking time is up. That way, I don't need to intervene.

Mr. Normandin, you have the floor for six minutes.

Ms. Christine Normandin: Thank you, Madam Chair.

Thank you for being here, Mr. Jean.

You said that foreign interference, particularly Chinese, was never all black or all white and lies on a continuum. You talked about violations of economic security, for example.

When you were there, from 2016 to 2018, were there cases of coercion against members of the Chinese diaspora in Canada, to your knowledge? Was that one of the problems you had already started to see?

Mr. Daniel Jean: Yes, it was one of the concerns we were looking into, in relation to both the Chinese and other diasporas.

Ms. Christine Normandin: So it was already a problem, and now we are talking about threats to the security of people who may be citizens with dual Canadian and Chinese nationality.

At the time, were you more engaged in analyzing the situation or had you already determined that we had to start taking measures to combat it? Where were you on that continuum?

Mr. Daniel Jean: At that point, we were more at the start of the continuum. We were starting to see more and more acts of this nature. I have to say that in the past, there had already been problems, involving certain countries like Iran and others, that were not necessarily made public, and measures had been taken. More recently, when we were in the early stages, we did try to combat it, but it wasn't easy.

Ms. Christine Normandin: I would like to know more about the recommendations you may have made to the Prime Minister about how to combat it. Did you get the impression that it was taken seriously? Were the information you gave and the recommendations you made well received, or were they still a bit naive when it came to China?

Mr. Daniel Jean: No, I don't think anyone was still naive from 2015 or thereabouts onward. We have to remember that in 2014, the Chinese carried out a cyber attack that was attributed to them. The information was declassified, that is, we publicly recognized that our experts said the cyber attack was attributable to China. So naivety when it comes to China had already started to wear thin, even if it may not have been said publicly. You will note that China was not named in the reports at the beginning, but started to be named as time went on. Increasingly, there were concerns.

On the subject of economic security, measures were taken. We need only look at the annual statistics to see that there has actually been a lot of progress made.

Regarding election issues, measures have been taken.

On the issue of the diaspora, that is probably the greatest challenge. However, when a Canadian is intimidated or surveilled by a foreign country in their own land, there is no doubt that the situation is unacceptable.

• (1955)

Ms. Christine Normandin: So that was a concern that was already known. You had that concern yourself. As well, recommendations in this regard were made. So why is it that in 2023, we are still waiting for a foreign agent registry to be set up, for example, even though it was requested in a motion passed by the House in November 2020, almost three years ago? In 2020, it had already been five years since this form of coercion against the Chinese diaspora had started to be known.

What explanation is there for the fact that the government has still not done the work?

Mr. Daniel Jean: I haven't been doing this job since 2018, so I certainly can't comment on that. All I can tell you is what I said earlier. It is important that we not focus only on the registry. We really have to determine where the gaps are and what measures should be taken, and that is exactly what Australia has done. Let's be clear: its problems were much more serious than Canada's, largely because of its proximity to China, which is its biggest market and represents major investments. In 2017, internally, the Australian government looked at what its biggest challenges were. It then secured public engagement and announced a whole series of measures. The registry was one such measure, but there were others.

Ms. Christine Normandin: In your opening statement, you said that up to a certain time, the issue of interference may not have caught the media's attention. However, things are different today. About 72% of Canadians are calling for a public inquiry.

We have talked about the role of the National Security and Intelligence Committee of Parliamentarians. However, we know that that committee has trouble getting certain information from the government. Its chair, David McGuinty, has said this himself.

Do these two factors not prove the need to create an independent public inquiry into election interference? For one thing, it would shore up public trust in our democratic institutions. For another, the person appointed as commissioner or chair of the commission would have more powers when it comes to obtaining documents.

Don't you think we have got to this point?

Mr. Daniel Jean: There are two points to clarify.

First, on the subject of society and the media, which are growing gradually more aware of this, I want to be very clear. For example, *The New York Times*, *The Guardian* and numerous other networks worldwide have talked about what was going on at the World Anti-Doping Agency, when the Canadian media had not seen it. I think this was a sign that at that point, the public was not aware of it. This is no different from what happened in the United States during the election. Among the foreign news agencies, a *Washington Post* journalist explained at one point that the journalists felt like they had fallen into the candy jar. All this information about the election was being disclosed to them and they were writing articles about it, until one day they started wondering who was sending them the information and whether someone was manipulating them. That is, in fact, what the investigation showed later.

On the second point you raised, I don't want to state an opinion about the forum to be chosen. The concern I have about commissions of inquiry is the time that takes, when, in my opinion, it is urgent that the right measures be taken.

The Chair: Very good, thank you.

Ms. Blaney, you have the floor.

[*English*]

Ms. Rachel Blaney: Thank you, Chair.

Of course, everything I say goes through the chair, and I want to thank the witness for testifying here today.

I'm really happy you're here, because I'm hoping you'll be able to clarify something.

I've been asking about the ability of the President of the United States to declassify information as needed. When there's a situation in which classified information could be provided that would clear the air on an issue that is important to the country, they have the ability to declassify it without disclosing any sources or any methods of gathering that information.

I did ask that question of Ms. Telford, and she said that she has been asking herself about that. I am paraphrasing. When I asked a similar question to Mr. Wernick, he said that it can happen. In your testimony, you gave some specific examples of how that happened.

Could you outline maybe not the details but the process of how that would happen, and maybe give me a little bit of clarity about what rules we already have in Canada? Is there, in your opinion, anything we need to change or explore around this issue?

I would hate to have information declassified, rightly so, but if that information was somewhat revealed, it could lessen the temperature in this country and provide Canadians with a little assurance. Because we don't have the right tools...although I'm now confused about that. Do we have the right tools, and could you enlighten us as to whether there is anything we need to add to those tools to make them stronger in the future?

• (2000)

Mr. Daniel Jean: Just to be clear, in the positions that I have been in I have never been in intelligence collection or in the custodial role. I've always been a consumer. I'm not necessarily the best authority on this. It's a question that would be much better addressed to David Vigneault or Caroline Xavier at CSE.

Having said that, in general terms, what happens is that if we somehow see that it is in the public's interest to... When we say "declassify", that doesn't mean we're going to go and give you the document. That just means that we're going to make a decision that, for some of that information that is classified, we're going to render that public, because we think it's in the public's interest to do so. It's like what was done in 2014 in the context of the attack on the National Research Council and in the context of the attribution that I spoke about in my remarks.

Our system is very different. Those decisions don't usually come from the political side. There usually will be conversations where the officials will provide advice on what would be in the public's interest and what the pros and cons would be. They have their own process to do this.

As I said, it's been done. It's never "here's the piece of intelligence; read it," but in that piece of intelligence, for that element, we render that public, because we want the public to know. That's why we're taking these actions.

An example is in the context of the Skripal... In March 2018, we joined many other countries in attributing this to Russia. We PNG'd four Russians. In the press communication, the Prime Minister explained that these people had been involved in foreign interference activities on Canadian soil.

Ms. Rachel Blaney: Thank you. That provides a little bit of guidance for me.

I heard your comments earlier on concerns that you have about a public inquiry. I personally think that it's still needed, because we're at a point now where Canadians are feeling so much concern that I don't know how else we can do this. It's too bad that we got to this point, quite frankly, but here we are. I think that a public inquiry is important.

However, I also heard very clearly from Mr. Wernick that legislation is another component. It's something that could be public and shared with Canadians. His recommendation, of course, was to cut and paste what the U.K. is providing.

I'm just wondering if you have any thoughts on what kinds of steps we need to take in this country, especially on the specific issue that we are in today. I know you don't have any classified or very important information, because you're not doing the same work that you used to. From that perspective—when you were in these roles prior—what kinds of things do you think would be important for us to look at in terms of legislation? Do you think the U.K. is the best place to start? Are there any other countries that are doing innovative things that would be important for Canada to do to deal with this issue?

Mr. Daniel Jean: As a start, I would say to draw on the work of the GSPIA task force on national security last year and the letter

that was issued yesterday by the Canada Conference of Defence Associations.

Canadians need to recognize that we're living in a different world. As much as we want that world to remain free and safe and our privacy to be protected, we need to find ways to give better tools to our national security intelligence and others, like Elections Canada, and all of that.

I actually like it when we do legislation and we take the best of all, not just look at one country. Look at the best in one and the best in others. Definitely we should have a foreign registry. In most countries they review national security every three years. We haven't reviewed the CSIS Act since 1984. We should have regular review. The review should not be about just looking mechanically at the legislation, but bringing forward new measures.

The Chair: Thank you.

We will now go to Mr. Berthold.

[*Translation*]

Mr. Luc Berthold: Thank you, Madam Chair.

Good evening, Mr. Jean.

Earlier, you opened a door when you said we should not focus only on election periods, we should also focus on what goes on between those periods for political parties. I would like to give you an opportunity to clarify your thinking.

Do you have something specific to tell us on this subject?

Mr. Daniel Jean: Democracy is more than the few weeks that an election campaign lasts. As someone who believes fundamentally in democracy, I hope democracy doesn't come into play only during elections. In this context...

• (2005)

Mr. Luc Berthold: Have you been made aware of things that we should know? Are you issuing us a warning?

Mr. Daniel Jean: I am thinking of intimidation of the diaspora, for example. People are trying to contact individuals about politics or other things. They are...

Mr. Luc Berthold: That may also be connected with financing issues.

Mr. Daniel Jean: It may also be connected with financing issues, yes.

I have read various people's testimony. If I recall correctly, Mr. Perrault, the Chief Electoral Officer, and Ms. Simard, from the Office of the Commissioner of Canada Elections, talked about the fact that the mechanisms are limited to elections at present.

Mr. Luc Berthold: As national security advisor, you received information from all the security intelligence agencies. So you were the one who collected the information, and you reported to the Prime Minister's office. Is that correct?

Mr. Daniel Jean: Under our governance model, the Privy Council Office is the advisor to the Prime Minister. In that role, I used the information I received to give advice in that field. I also played a coordinating role with those agencies.

Mr. Luc Berthold: Right.

Mr. Wernick said very clearly, and said it was not his job.

Mr. Daniel Jean: Exactly.

Mr. Luc Berthold: He said you were the one who did that.

Is it reasonable to think that since 2018, when you left, the Prime Minister has been briefed only six times about foreign election interference?

Mr. Daniel Jean: I don't think I can comment on that subject.

Mr. Luc Berthold: We are talking about six official briefings on foreign interference, in three years, by the national security advisor.

Mr. Daniel Jean: You know, the important thing is not so much the frequency as ensuring that the right information is transmitted. There is limited time for briefing the Prime Minister on a number of subjects.

Mr. Luc Berthold: I understand, but it seems to me that you are still hesitating. I heard it in your answer. Six briefings seems like not much.

Mr. Daniel Jean: What you have to understand is that if there is a briefing on China, for example, it is going to talk about foreign interference, but the title of the briefing won't be "Chinese interference."

Mr. Luc Berthold: Okay. The fact that it was talked about six times seems like not much.

Mr. Daniel Jean: I'm not going to comment on that.

Mr. Luc Berthold: I'm going to ask you a series of hypothetical questions.

Imagine, for example, that the Canadian Security Intelligence Service has prepared some documents that report information about a diplomat who is acting on behalf of a foreign country in supporting a political party or candidate in an election. Would the national security advisor have transmitted that information to the Prime Minister's Office?

Mr. Daniel Jean: That is a very hypothetical question.

As my former colleague Mr. Vigneault always said, when it comes to intelligence, you first have to verify the information before transmitting it. If you think the information is reliable... As I said, I really do invite you to read the...

Mr. Luc Berthold: What about if it is reliable?

Mr. Daniel Jean: If it is reliable and it is important that the Prime Minister receive it, because it would enable him to take measures, the answer is yes. However...

Mr. Luc Berthold: Mr. Wernick also said that it was not up to him or to the Privy Council Office to take measures. He said it was the national security advisor who had the authority to act. Is that correct?

Mr. Daniel Jean: The national security advisor does not take measures; the agencies do that. The national security advisor will

persuade the agencies to hold discussions and decide whether there are grounds for acting, within their jurisdiction.

The national security advisor determines whether it is important to inform the Prime Minister, so he is at least aware of the situation, but it is not the national security advisor who takes measures.

Mr. Luc Berthold: I am a bit surprised, because Mr. Wernick said something a little different earlier. He said that information also went from the top down, through the national security advisor.

Mr. Daniel Jean: For information, that is absolutely the case. However, you were talking about measures, which is different.

Mr. Luc Berthold: The question we asked Mr. Wernick related to the measures that have to be taken.

Mr. Daniel Jean: Let's be clear. When it comes to transmitting information to the Prime Minister, where it is credible and reliable and the Prime Minister should know it, it is certainly the role of the national security advisor. It's different when we are talking about taking measures.

Mr. Luc Berthold: I have one last hypothetical question, Mr. Jean.

If something is learned about a foreign state through an agent who decides to make their dissatisfaction public because it isn't moving fast enough, as we saw in an operation, how is the national security advisor going to react to it being made public?

• (2010)

Mr. Daniel Jean: I read the letter that this gentleman wrote to the *Globe and Mail*. In fact, when you read his letter, you see that he says he is disappointed at what is happening, because it is not what he wanted.

I can't support doing this kind of thing. When there are internal discussions about intelligence, even if you are in a senior position, you accept that you will face opposition. There are ways to have these discussions.

One thing makes me very afraid when it comes to our need to refine our measures. When we get to the bottom of the matter, if we see, as a lot of people have said so far, that there were really no grounds for taking measures, is it going to tarnish the reputation of the Canadian Security Intelligence Service or the agency where the leak is coming from—we don't actually know where it is coming from—or of the security and intelligence community generally? Is it going to make it even harder to give them access to the tools they need?

We have to recall how the Canadian Security Intelligence Service was created, in 1984, and everything that came with it. That created constraints.

I will be able to talk more about it later.

The Chair: Thank you.

That is the second time Mr. Berthold has gone past the time allotted to him. The next Conservative speaker will not be able to have all their scheduled speaking time.

Ms. Sahota, you have the floor.

[English]

Ms. Ruby Sahota: Thank you, Madam Chair.

Mr. Jean, we heard from you in your remarks earlier today that foreign interference is not just prevalent at election time, but it occurs between elections and that many are affected by this. Many aspects of our society such as our businesses, our charities, our post-secondary institutions, research institutions, members of Parliament and diaspora groups, particularly, are communities that are often targeted by foreign interference. Often those who have escaped regimes can then find themselves targeted here at home in Canada, so the threat is far-reaching.

You mentioned some countries such as China and Russia that we should be aware of. Are there other countries, other foreign state actors, that we could be conscious of? Do you have any advice to the diaspora groups and these different aspects that are affected?

Mr. Daniel Jean: The countries that CSIS has identified publicly are these two countries. As much as they do recognize there are others, I'm going to stick to what they've said publicly.

I think it's very important that, when members of the diaspora... As you can see, it seems that it's happening in other countries as well, if you've read what happened in New York this week. I think it's very important, when members of the diaspora feel that they are under threat or intimidation by foreign agents, that they be able to come in confidence and trust to our national security community agencies.

Ms. Ruby Sahota: Should we create a mechanism—is that your advice?—where they can come and privately, confidentially, be able to share that information? Should there be some kind of mechanism?

Mr. Daniel Jean: In theory right now they can do this, and some of them do. I know I've had conversations with some of the diaspora groups saying that they do. Some of them feel that it's not always taken as seriously as it should be. The challenge is always, as I've said before, that you may have information, but is that going to be solid enough, sufficient enough, that it can support an action? This is where some of our current legislative tools need to be refined.

Ms. Ruby Sahota: You also mentioned in your answers to questions here today that misinformation can be coordinated as it's related to stories that come out in the media as well, that sometimes pieces of intelligence can be misconstrued or there could be an active coordinated misinformation campaign. Can you talk to us about ways that misinformation can be mixed or pushed out to distort the facts that drive the narrative of the day?

Mr. Daniel Jean: The WADA example was a good example because of the medical exemption registry of WADA. Athletes who have a medical exemption to take a certain medication... Let's take an example, because it's public. Simone Biles, the gymnast who's won so many gold medals, was diagnosed with attention deficit disorder when she was a child, and she takes medication for that. Because it's justified, she has an exemption.

The Russians released that information. They released some information about some other athletes, including Canadian athletes like Christine Sinclair, and then their narrative was, "If you're a gymnast, taking that kind of medication can really focus your atten-

tion". That's a disinformation campaign. It's very similar to the tactic that they used in showing the conflicts between the Bernie Sanders and the Clinton camps in the U.S.

• (2015)

Ms. Ruby Sahota: Thank you.

Is there any other information that you think this committee should be aware of? Many experts have come before us and said that, because the issue of classified information is so tricky to deal with in a public forum, a public inquiry—although the public may be feeling the need for one and politicians may be pushing for one—may not get the answers to the public that they wish to have.

What are other things that you think we should explore? Legislation has been mentioned and the registry. Is there anything other than these that we should be looking at?

Mr. Daniel Jean: You need awareness. You need some of the tools that I described before but on awareness. I give a lot of conferences to universities and conferences on national security, and I always say that the crown jewels used to be in government, so our security agencies were all trying to protect them. Nowadays, the targets are outside of government, so the national security agencies need to adapt to that.

The Chair: Thank you.

Madam Gaudreau.

[Translation]

Ms. Marie-Hélène Gaudreau: Thank you, Madam Chair.

Hello, Mr. Jean.

I would like to know your opinion about what the former Chief Electoral Officer of Canada, Jean-Pierre Kingsley, told Radio-Canada in response to the various leaks about interference. I quote him:

Canadians have to know everything about what has happened. As long as there is no public inquiry, we will be going one drop at a time and people are going to pay a high price.

I would like to know your opinion about those comments. Is that the only way to really deal with it?

Mr. Daniel Jean: I think Canadians need to be reassured.

Was there really a sound basis for the allegations of foreign interference and should they have had to rise to the established threshold? A lot of people have told us that this was not the case. You are undoubtedly wondering whether the threshold is too high. The threshold is high for good reason.

However, Canadians are entitled to know whether or not action should have been taken, given the information available. That is what I would call very short-term measures. What concerns me is that the toolbox that enables us to take those measures is not up to date.

In general, a commission of inquiry takes several years. Sometimes it even takes several decades, as in the Air India case. That is what worries me about commissions of inquiry.

I think there are other credible ways of shedding light on events. I understand that people want credible ways and want to know that the right measures were taken, but do we not have a faster way of finding solutions? The legislative process itself is not a fast one.

Ms. Marie-Hélène Gaudreau: We have talked about parallel measures. Now, what can we do in terms of simultaneous measures?

You said earlier that a commission of inquiry was a long process. On March 15, a special rapporteur was appointed who is to submit his report on May 23. The committee has been told that the rapporteur could propose a public inquiry commission. If those measures are taken simultaneously, given that the legislative process can take up to 18 months and that we have already been given advice, I would hope that the right things are being done.

Briefly, what is the winning solution?

Mr. Daniel Jean: Personally, I would establish a strategy that would consist only of administrative measures, such as briefing the political parties and raising awareness about interference among the communities. No legislative process is necessary when measures like that are taken. Let's start with them.

Next, let's identify the legislative tools we need. We have discussed some of them today. Most of those items appear in the existing reports.

Ms. Marie-Hélène Gaudreau: A commission of inquiry would at least contribute to reassuring people, because it would be held in the open. Is that correct?

Mr. Daniel Jean: As I said earlier, I prefer not to get involved in that debate.

The Chair: Thank you.

[*English*]

Ms. Blaney, the floor is yours.

• (2020)

Ms. Rachel Blaney: Thank you, Madam Chair.

I'll just comment that I agree that 1984 was a long time ago, and with the changes that we're seeing around the planet, we really need to update that piece of legislation.

One of the things that I do want to come back to is the fact that what foreign interference means as it comes out is that it has a huge impact on those people who are in our country already who may have been here for generations and who come from those ethnic backgrounds. I know that there's a long history in Canada of Chinese Canadians coming forward for a very long time, speaking about concerns that they have and really advocating at all levels to draw the attention of Canada to these concerns. It concerns me greatly that a lot of these communities are facing really profound discrimination.

I'm just wondering if you could speak about that reality and the work that you did do. How was that considered in terms of creating safety within our country as we're dealing with issues outside of our country?

Mr. Daniel Jean: First of all, I have to tell you that, personally, it's an issue that's very dear to my heart, because of my three chil-

dren two of them have Asian partners and one of them is Chinese. I just had a new granddaughter who is half Chinese and half Caucasian.

We've tried, and I think that the agencies have made a good effort to try to reach out to the communities. The Public Safety department has contacts with these groups, the transparency advisory committee, the deputy of public safety. There's a lot of outreach to these communities to try to create the trust relationship so that they feel they can come to the agencies. That's very important, to report that.

There are actions that we cannot talk about in a forum like this that CSIS or other organizations will take at times to try to disrupt actions on things like intimidation of the diaspora, but to me, that's something that is very important. Given the constant dynamic changes of Canada, it's even more important.

Ms. Rachel Blaney: Thank you for that.

I have five seconds, so I'll give that back to the table.

The Chair: Thanks a lot, Ms. Blaney.

Mr. Jean, will you pretend like I have a coupon and give me five extra minutes of your time tonight?

Mr. Daniel Jean: Of course.

The Chair: That would be excellent. Then I will not have to take some time away from Mr. Calkins.

We'll give five minutes to you, and then five minutes to Mr. Turnbull.

Mr. Daniel Jean: As Mr. Fergus knows, the only thing you're keeping me from is knowing whether our local team, which is right now ranked number one in Canada, the Gatineau Olympiques, are doing well, but...

Some hon. members: Oh, oh!

Mr. Blaine Calkins: Thank you, Madam Chair.

Far be it from me to interfere with the operations of the Quebec Major Junior Hockey League, but, Mr. Jean, I have a question for you. I know you can't speak to the specifics of the June 2017 memo, and I'm sure you know which memo I'm referring to, but can you help this committee understand how often it would be that the Prime Minister's chief of staff would personally ask you to prepare a memorandum for the Prime Minister?

Mr. Daniel Jean: First of all, during my term as NSIA, the staff of the Prime Minister's Office, including senior staff, regularly attended weekly sessions with the head of the intelligence assessment secretariat.

When they saw things that could be of interest, they certainly expressed an interest in having more information. That could happen in exchanges, or that could happen in the context of a briefing that I was giving, let's say, on China. I would say, "We are seeing more and more challenges in terms of foreign interference, would it be possible to get more information on that? But at the end of the day, you decide what information you are going to bring to the Prime Minister and what advice you're going to give the Prime Minister."

Mr. Blaine Calkins: If that's the case, then what you're telling this committee is that you pushed information to the Prime Minister's Office, and the only time they requested information was in follow-up to information that you pushed up the chain.

Mr. Daniel Jean: No, that's not what I said.

As I said, through the daily intelligence brief, through the regular general intelligence briefing that they would attend, sometimes they would say, "That is very interesting, would it be possible...?"

Mr. Blaine Calkins: Okay, so other than the daily intelligence brief, they wouldn't ask for follow-ups. There were no special requests other than that type of scenario. Is that correct?

• (2025)

Mr. Daniel Jean: I'm sure there are a number of files, not just this file, where we would have a conversation and they would say, "We think it's important that the Prime Minister is briefed on this," and we would say, "Yes, sure."

Mr. Blaine Calkins: Can you give us any indication of how often you were asked by anybody senior in the PMO to brief the PM on foreign interference?

Mr. Daniel Jean: To brief the PM alone...?

Mr. Blaine Calkins: To brief the Prime Minister on foreign interference.

Mr. Daniel Jean: I wouldn't recall. I wouldn't know.

Mr. Blaine Calkins: Was foreign interference a frequent topic of discussion when you were briefing on national security, or was it an infrequent topic? How frequent was it, as a topic?

Mr. Daniel Jean: National security is a big business—

Mr. Blaine Calkins: I understand.

Mr. Daniel Jean: There are a lot of things at play, so foreign interference came up in the context of conversations regularly, but specific briefings on foreign interference were a lot fewer.

Mr. Blaine Calkins: Okay, but did they happen?

Mr. Daniel Jean: They did happen.

Mr. Blaine Calkins: The spring of 2017 was when Ms. Telford's close friend, Ms. Ng, was elected to Parliament replacing John McCallum, the previous MP, who departed, actually, to become the ambassador to China.

In your role as the national security adviser, was there anything about that particular by-election, that you can recall, that provoked any foreign interference concerns, because there are some discussions in public media about the involvement of Michael Chan, who was Mary Ng's campaign chair during that by-election?

Mr. Daniel Jean: It wouldn't be appropriate for me to speak about this one way or the other, even if there was.

Mr. Blaine Calkins: You can't even tell us if a conversation happened. I'm not asking for intimate details, but were there any concerns, because we have information—

Mr. Daniel Jean: No, because you're entering into real specifics, and I don't think it would be appropriate for me to talk about this in an open forum.

Mr. Blaine Calkins: In your opening statement, you said that there were complaints about the 2015 warning given to embassies

not to interfere in that year's federal election. Was it a foreign government or was it more of a domestic consideration? Do you remember who complained?

Mr. Daniel Jean: I used that example just to show how society evolved.

In 2015, when we issued that notice, we had a few criticisms. They were in the media, and they were primarily from retired former diplomats here who felt that it was insensitive to go that directly about putting foreign missions on notice.

Mr. Blaine Calkins: In your earlier testimony today, you talked about the importance of foreign actors or foreign states being able to surveil, do surveillance on or conduct intimidation operations on diaspora within Canada. I am assuming that also means the Chinese Canadian diaspora. Is that correct?

Mr. Daniel Jean: It means China. Any diaspora should not be subject to undue surveillance or intimidation by a foreign state.

Mr. Blaine Calkins: Is it true that the law in China is that they will never extradite a national?

Mr. Daniel Jean: I am not sure.

Mr. Blaine Calkins: Do I have more time, Madam Chair, or not? It was about to get interesting, Madam Chair.

The Chair: Go ahead, Mr. Turnbull.

Mr. Ryan Turnbull (Whitby, Lib.): Thanks, Madam Chair.

Mr. Jean, thank you for being here. I appreciate your testimony.

You mentioned several times, in response to various questions about the CSIS Act, the fact that CSIS was introduced in 1984. I know that our government added some threat reduction measures in Bill C-59, which was first tabled in the House in 2017. I know those are subject to legal authorization, so there was some enhancement of powers of CSIS and CSE, if I am not mistaken, with regard to threat reduction measures.

I am wondering, in terms of your deep knowledge in this space, and a review of the CSIS Act—which you seem to think is necessary and on which I agree with you—what specific changes should be made to the CSIS Act, in your view?

Mr. Daniel Jean: The CSIS Act was written in a non-digital world. What happens now is, very often, you will see the Federal Court saying to CSIS, "We understand you want to do that because business is done that way now, but we don't think your act, as it reads right now, authorizes you to do this." The headlines in the media will say, "CSIS blamed by the Federal Court."

I think it's time to really look at it and update it.

You're right that with the last national security situation, they already had the threat reduction that codified which ones require warrants and which ones don't require warrants. There were some minor refinements. The major improvements were on the cyber side.

• (2030)

Mr. Ryan Turnbull: Are there specific cyber-related threats and/or strategies, powers or tools that are really needed for CSIS to be able to act? Can you identify anything really specific for me?

I'm looking, because I'm interested in what you would recommend.

Mr. Daniel Jean: We definitely need to work on some of the major digital access tools and providing better tools that, at the same time, stay true to our values and our regard for privacy. I would encourage government agencies, civil liberties groups and privacy groups to work together on that.

I spoke about intelligence to evidence before. It's a major issue. We are very fond of the International Criminal Court, but we would not have the tools to be able to prosecute somebody in Canada, so that's another example.

We spoke about the foreign registry. Mr. Perrault has come up with a list of demands on the election site. To me, there is a lot of the information in various reports. We just need to come up with the right strategy.

Mr. Ryan Turnbull: Thank you.

You also talked about public awareness being key, and I know that in the four-pillar strategy, that was one of the pillars. The digital citizen initiative and Get Cyber Safe were a couple of things that, maybe, contributed to greater public awareness. You also mentioned that the crown jewels are not in the government anymore. They're out in society and, therefore, agencies need to adapt.

Are there specific strategies around raising public awareness that need to be expanded as well?

Mr. Daniel Jean: You've given me an opportunity to say more about this. What I usually tell people is that the crown jewels now are intellectual property on the economic security side. The crown jewels are data, which has become a real asset. Data sovereignty is a key issue in many countries. We've not started to focus as much as we should on that in Canada. The crown jewels are the threat of manipulating information or manipulating elections, and going into research in universities.

If suddenly the threat that used to be primarily on your governmental crown jewels are on all these outside crown jewels, the security intelligence agencies need to retool their approach. They need to be able to "sensitize", which means that some of their information they'll need to declassify, not declassify to the extent of giving the full kimono but giving just enough for people to know what the threat is.

Mr. Ryan Turnbull: Is there a more collaborative approach with the external stakeholders as well? You seemed to imply that in

some of your previous remarks. Could you describe that a bit for the committee?

Mr. Daniel Jean: Absolutely. If you take, for example, the cyber strategy and the measures that were brought, we worked very closely with the Governor of the Bank of Canada and the major banks in Canada, because it was so critical to protect our financial sectors. Right now, you see that a lot of the cyber-attacks are coming through the supply chain, such as the one that happened to BRP in Quebec this summer.

You need to have good measures in place and you need to work with them.

Mr. Ryan Turnbull: Thank you very much.

The Chair: Thank you very much.

Mr. Luc Berthold: On a point of order, Madam Chair, I'd just like to inform the witness.

[*Translation*]

At the moment, Gatineau has a 5 to 2 lead over Rouyn-Noranda.

The Chair: We are listening, Mr. Fergus.

Hon. Greg Fergus: I wanted to raise exactly the same point of order, Madam Chair.

It's the second period.

[*English*]

The Chair: I don't want to put a damper on it, but just so you know, that would actually not be a point of order.

Voices: Oh, oh!

Mr. Blaine Calkins: Do you know why Gatineau does not have an NHL team? It's because then Montreal would want one too.

Voices: Oh, oh!

The Chair: Monsieur Jean, you might be called back for something else next time, it sounds like.

On behalf of PROC committee members, I do want to thank you for making yourself available, especially as we are meeting in the evening. I do believe your comments were quite insightful, at least for me.

I also want to commend members for the exchange and the level of questions that were brought forward. It really does speak to the seriousness of it.

Mr. Jean, if something else comes to mind that you would like to share with the committee, please just send it to the clerk. We'll have it distributed to the members.

With that, we wish you the best. Congratulations on becoming a grandfather again. She's a lucky girl.

Please keep well and safe. The meeting is adjourned.

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