



RCMP 2025 Annual Report

Directions for Avoiding Complicity in Mistreatment by Foreign Entities

January 1, 2025 – December 31, 2025



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Introduction

The *Avoiding Complicity in Mistreatment by Foreign Entities Act* (the Act) came into force on July 13, 2019. The Act authorizes, and in some cases requires, the Governor in Council to issue written directions to deputy heads of government institutions related to:

- disclosing information to any foreign entity that would result in a substantial risk of mistreatment of an individual;
- making requests for information to any foreign entity that would result in a substantial risk of mistreatment to an individual; and,
- using information that is likely to have been obtained through the mistreatment of an individual by a foreign entity.

On September 4, 2019, pursuant to subsection 3(1) of the Act, the Governor in Council, on the recommendation of the Minister of Public Safety, issued the *Order in Council Directions for Avoiding Complicity in Mistreatment by Foreign Entities* (the Directions) to the Commissioner of the RCMP. In accordance with subsection 7(1) of the Act, the Commissioner must provide an annual report on the implementation of the Directions during the previous calendar year to the Minister before March 1.

This report details the RCMP's implementation of the 2019 Directions from January 1, 2025, to December 31, 2025. Included is an overview of the RCMP's information-sharing practices, efforts to update entity risk assessment reports, and internal training with respect to the 2019 Directions and the Foreign Information Risk Advisory Committee (FIRAC) process.

Background

Sharing information with domestic and foreign entities is essential for the successful implementation of the RCMP's broad mandate. Information exchanges can range from straightforward requests (e.g., to confirm whether an individual has a criminal record) to urgent notifications (e.g., that a suspect may be posing a threat to themselves or others). Successful information sharing can also support criminal prosecution and/or disruption.

The RCMP is committed to ensuring that the information it exchanges with foreign entities does not involve or result in mistreatment. This is of the utmost importance to the RCMP since avoiding complicity in mistreatment is a core Canadian value, and any information tainted by mistreatment (or allegations thereof) cannot be used as evidence in Canadian courts. For information to be used in criminal prosecutions, it must be handled and obtained in accordance

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with Canadian law, including the *Canadian Charter of Rights and Freedoms* and the *Privacy Act*. Information obtained through mistreatment is contrary to these principles and using it as evidence would be damaging not only to the investigation, but to the reputation of the RCMP and the Government of Canada as a whole.

Information Sharing Practices

In accordance with the 2019 Directions, the RCMP is required to consider the risk of mistreatment before requesting, disclosing or using information from a foreign entity. In cases where a substantial risk of mistreatment exists, the exchange must be referred to FIRAC.

Through FIRAC, the RCMP has established a systematic approach to the review of information exchanges where there is a substantial risk of mistreatment. In line with the Act and Directions, FIRAC examines the operational context of each request, the application of risk-mitigation strategies, and the strength of assurances. Subsequently, it provides a recommendation to the appropriate Assistant Commissioner or Executive Director, on whether the risk can be sufficiently mitigated.

When a case is presented to FIRAC, the committee focuses on the following key issues:

- Is there a substantial risk of mistreatment if information is exchanged (i.e., for information requests or disclosures), or is it likely information received was derived from mistreatment (i.e., for subsequent use)?
- What are the proposed measures to mitigate the risk, and their likelihood of success (e.g., diplomatic assurances, caveats, limited information)?
- Will moving forward (or not) with the exchange of information pose a threat to Canada's national security or other interests? If so, how real are the threats?

FIRAC's recommendations are made by one of the co-chairs, upon advice from the committee, with dissenting opinions captured in the record of decision (ROD). The ROD is provided to the designated official (either the appropriate Assistant Commissioner or Executive Director for the business line) for decision, at which point it can be added to the investigative file. There are two situations that may arise where the responsible official will provide the ROD to the appropriate Deputy Commissioner for furtherance to the Commissioner to seek a decision: where the official is unable to determine whether a substantial risk can be sufficiently mitigated; or where the use of information likely obtained from mistreatment is necessary to prevent the loss of life or significant personal injury.

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Per the Directions, when matters are referred to the Commissioner for decision, the Commissioner must document the basis for the decision and appropriate measures taken to mitigate the risk (e.g., caveats, assurances, measures). If the Commissioner approves the information exchange, it must be accompanied by the RCMP's characterization of the information's accuracy and reliability. This is standard practice when information is disclosed to a foreign entity under the RCMP's FIRAC process regardless of the authority level sought for approval of the exchange.

Once a decision is rendered by the Commissioner, regardless of the outcome, written notification must be provided to the Minister of Public Safety, the National Security and Intelligence Review Agency, the National Security and Intelligence Committee of Parliamentarians, and the Civilian Review and Complaints Commission for the RCMP. Details of the case and information considered as part of the decision must also be provided, except for when it is related to an ongoing investigation. In the case of an ongoing investigation, only the notification of the referral to the Commissioner and the outcome of the decision are provided.

Implementation of the Directions

FIRAC Coordination Unit: Strategic Guidance, Awareness, and Training

The FIRAC Coordination Unit is the policy centre responsible for the following functions: (1) providing guidance and support on the application of the legislation to operational personnel and the Committee; (2) overseeing record-keeping of FIRAC meetings; (3) identifying strategic-level issues related to processes; (4) sharing outcomes with the Law Enforcement Assessment Group (LEAG), which is responsible for the development of foreign entity profiles; and, (5) engaging with external federal partners to share and incorporate best practices.

The FIRAC Coordination Unit also provides awareness sessions upon request to analysts and Liaison Officers (LOs) deployed abroad, and to various law enforcement personnel at the Canadian Police College. In addition to training sessions, the unit updates and creates supporting material to help personnel interpret and apply obligations imposed by the Act. For example, the RCMP developed a foundational course titled *Avoiding Complicity in Mistreatment by Foreign Entities*, which is accessible to all personnel via the online training platform AGORA. As this training is not mandatory, enrolment and completion of the course is on a voluntary basis. For the 2025 reporting period, 223 RCMP personnel successfully completed the course.

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The RCMP also participated in Public Safety-led Information Sharing Coordination Group meetings between Government of Canada federal departments/agencies to discuss best practices with the implementation of the Directions.

Law Enforcement Assessments

The LEAG, part of the RCMP's International Special Services section, analyzes foreign countries and their law enforcement entities against the criteria set out in the Act to identify issues or conditions that may lead to the mistreatment of an individual. This evaluation of risk of mistreatment is intended to inform the level of risk posed within the context of information sharing with specific foreign entities.

The foreign entity profiles provide RCMP personnel with information related to the risk levels associated with specific foreign entities and contribute to the assessment of substantial risk of mistreatment related to a particular case. The foreign entity profiles for the top five countries featured in FIRAC requests annually are updated regularly. Other profiles are updated as required. LEAG will also meet should a FIRAC decision trigger the need for a profile to be reassessed or updated in the event of a change in the political or diplomatic landscape.

Activity Report – January 1, 2025, to December 31, 2025

During the 2025 reporting period, the RCMP did not experience any significant operational impacts as a result of the Directions. It should be noted that a significant impact is defined as an instance where the substantial risk could not be mitigated, and the RCMP was unable to disclose information that could have prevented injury or loss of life, or where a domestic operation failed because the RCMP was unable to proceed with an information exchange or use.

Between January 1, 2025, and December 31, 2025, 69 information exchanges were presented to FIRAC. This is the same number of exchanges as the previous 2024 reporting period. The majority of cases in 2025 are related to national security (49%), followed closely by crimes against a person (41%; e.g., sexual offences, threats, murder, fraud). The remaining cases (10%) are related to financial or drug offences and administrative requests (e.g., criminal records checks, passport validation).

In one instance, FIRAC officials were unable to determine if the risks of mistreatment could be sufficiently mitigated. This case was referred to the Deputy Commissioner of Federal Policing for furtherance to the Commissioner for determination and authorization, in accordance with the Directions.

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RCMP Areas of Focus in 2026

The RCMP will revise internal FIRAC procedures by updating the terms of reference and Committee membership criteria, as well as by streamlining the information exchange request forms and record of decision document. The RCMP will also conduct targeted information and training sessions (e.g. for internationally deployed personnel, specialized investigative units) to enhance awareness of the RCMP's obligations under the Act. Additionally, the RCMP will continue to examine how to best monitor the outcome of information exchanges and engage with other federal partners through consultations on best practices.

Internal RCMP meetings between FIRAC and LEAG will continue to be held to advance strategic-level issues, enhance processes and procedures, and prioritize effective communication.

Conclusion

The RCMP will continue to leverage existing mechanisms, such as the Public Safety-led Information Sharing Coordination Group and pursue bilateral engagements with other government departments to reinforce policies and procedures with respect to the implementation of the Directions. The RCMP will continue to raise awareness and deliver training to personnel across the organization to ensure compliance with the Act and adherence to Canadian values.