

Canadian Security Intelligence Service Act

R.S.C., 1985, c. C-23

An Act to establish the Canadian Security Intelligence Service

SHORT TITLE

Short title

This Act may be cited as the [Canadian Security Intelligence Service Act](#).

1984, c. 21, s. 1.

INTERPRETATION

Definitions

In this Act,

“*department*”, in relation to the government of Canada or of a province, includes

(a) any portion of a department of the Government of Canada or of the province,
and

(b) any Ministry of State, institution or other body of the Government of Canada
or of the province or any portion thereof;

“*Deputy Minister*” means the Deputy Minister of Public Safety and Emergency Preparedness and includes any person acting for or on behalf of the Deputy Minister of Public Safety and Emergency Preparedness;

“*Director*” means the Director of the Service;

“*employee*” means a person who is appointed as an employee of the Service pursuant to subsection 8(1) or has become an employee of the Service pursuant to subsection

66(1) of the [Canadian Security Intelligence Service Act](#), chapter 21 of the Statutes of Canada, 1984, and includes a person who is attached or seconded to the Service as an employee;

“*foreign state*” means any state other than Canada;

“*human source*” means an individual who, after having received a promise of confidentiality, has provided, provides or is likely to provide information to the Service;

“*Inspector General*” [Repealed, 2012, c. 19, s. 378]

“*intercept*” has the same meaning as in section 183 of the [Criminal Code](#);

“*judge*” means a judge of the Federal Court designated by the Chief Justice thereof for the purposes of this Act;

“*Minister*” means the Minister of Public Safety and Emergency Preparedness;

“*place*” includes any conveyance;

“*Review Committee*” means the Security Intelligence Review Committee established by subsection 34(1);

“*security assessment*” means an appraisal of the loyalty to Canada and, so far as it relates thereto, the reliability of an individual;

“*Service*” means the Canadian Security Intelligence Service established by subsection 3(1);

“*threats to the security of Canada*” means

- a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage,

- b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person,
- c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state, and
- d) activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada,

but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d).

PART I CANADIAN SECURITY INTELLIGENCE SERVICE

Establishment of Service

Establishment of Service

3.(1) The Canadian Security Intelligence Service is hereby established, consisting of the Director and employees of the Service.

Principal office

(2) The principal office of the Service shall be in the National Capital Region described in the schedule to the [National Capital Act](#).

Other offices

(3) The Director may, with the approval of the Minister, establish other offices of the Service elsewhere in Canada.

Director

Appointment

4. (1) The Governor in Council shall appoint the Director of the Service.

Term of office

(2) The Director shall be appointed to hold office during pleasure for a term not exceeding five years.

Re-appointment

(3) Subject to subsection (4), the Director is eligible, on the expiration of a first or any subsequent term of office, to be re-appointed for a further term not exceeding five years.

Limitation

(4) No person shall hold office as Director for terms exceeding ten years in the aggregate.

Absence or incapacity

(5) In the event of the absence or incapacity of the Director, or if the office of Director is vacant, the Governor in Council may appoint another person to hold office instead of the Director for a term not exceeding six months, and that person shall, while holding that office, have all of the powers, duties and functions of the Director under this Act or any other Act of Parliament and be paid such salary or other remuneration and expenses as may be fixed by the Governor in Council.

Salary and expenses

5. (1) The Director is entitled to be paid a salary to be fixed by the Governor in Council and shall be paid reasonable travel and living expenses incurred by the Director in the performance of duties and functions under this Act.

Pension benefits

(2) The provisions of the [Public Service Superannuation Act](#), other than those relating to tenure of office, apply to the Director, except that a person appointed as Director from outside the public service, as defined in the [Public Service Superannuation Act](#), may, by notice in writing given to the President of the Treasury Board not more than sixty days after the date of appointment, elect to participate in the pension plan provided by the [Diplomatic Service \(Special\) Superannuation Act](#), in which case the provisions of that Act, other than those relating to tenure of office, apply to the Director from the date of appointment and the provisions of the [Public Service Superannuation Act](#) do not apply.

Management of Service

Role of Director

6. (1) The Director, under the direction of the Minister, has the control and management of the Service and all matters connected therewith.

Minister may issue directions

(2) In providing the direction referred to in subsection (1), the Minister may issue to the Director written directions with respect to the Service and a copy of any such direction shall, forthwith after it is issued, be given to the Review Committee.

Directions deemed not to be statutory instruments

(3) Directions issued by the Minister under subsection (2) shall be deemed not to be statutory instruments for the purposes of the [Statutory Instruments Act](#).

Periodic reports by Director

(4) The Director shall, in relation to every 12-month period or any lesser period that is specified by the Minister, submit to the Minister, at any times that the Minister specifies, reports with respect to the Service's operational activities during that period, and shall cause the Review Committee to be given a copy of each such report.

Measures to reduce threats to the security of Canada

(5) The reports shall include, among other things, the following information in respect of the Service's operational activities, during the period for which the report is made, to reduce threats to the security of Canada:

- a) for each of the paragraphs of the definition "threats to the security of Canada" in section 2, a general description of the measures that were taken during the period in respect of the threat within the meaning of that paragraph and the number of those measures;
- b) the number of warrants issued under subsection 21.1(3) during the period and the number of applications for warrants made under subsection 21.1(1) that were refused during the period; and
- c) for each threat to the security of Canada for which warrants have been issued under subsection 21.1(3) before or during the period, a general description of the measures that were taken under the warrants during the period.

Consultation with Deputy Minister

7. (1) The Director shall consult the Deputy Minister on

- (a) the general operational policies of the Service; and
- (b) any matter with respect to which consultation is required by directions issued under subsection 6(2).

Consultation with Deputy Minister—warrant

(2) The Director or any employee who is designated by the Minister for the purpose of applying for a warrant under section 21, 21.1 or 23 shall consult the Deputy Minister before applying for the warrant or the renewal of the warrant.

Advice by Deputy Minister

(3) The Deputy Minister shall advise the Minister with respect to directions issued under subsection 6(2) or that should, in the opinion of the Deputy Minister, be issued under that subsection.

Powers and functions of Director

8. (1) Notwithstanding the [Financial Administration Act](#) and the [Public Service Employment Act](#), the Director has exclusive authority to appoint employees and, in relation to the human resources management of employees, other than persons attached or seconded to the Service as employees,

(a) to provide for the terms and conditions of their employment; and

(b) subject to the regulations,

(i) to exercise the powers and perform the functions of the Treasury Board relating to human resources management under the [Financial Administration Act](#), and

(ii) to exercise the powers and perform the functions assigned to the Public Service Commission by or pursuant to the [Public Service Employment Act](#).

Discipline and grievances of employees

(2) Notwithstanding the [Public Service Labour Relations Act](#) but subject to subsection (3) and the regulations, the Director may establish procedures respecting the conduct and discipline of, and the presentation, consideration and adjudication of grievances in relation to, employees, other than persons attached or seconded to the Service as employees.

Adjudication of employee grievances

(3) When a grievance is referred to adjudication, the adjudication shall not be heard or determined by any person, other than a full-time member of the Public Service Labour Relations and Employment Board that is established by subsection 4(1) of the [Public Service Labour Relations and Employment Board Act](#).

Regulations

(4) The Governor in Council may make regulations

(a) governing the exercise of the powers and the performance of the duties and functions of the Director referred to in subsection (1); and

(b) in relation to employees to whom subsection (2) applies, governing their conduct and discipline and the presentation, consideration and adjudication of grievances.

Process for resolution of disputes of support staff

9. (1) Notwithstanding the [*Public Service Labour Relations Act*](#),

(a) the process for resolution of a dispute applicable to employees of the Service in a bargaining unit determined for the purposes of that Act is by the referral of the dispute to arbitration; and

(b) the process for resolution of a dispute referred to in paragraph (a) shall not be altered pursuant to that Act.

Public Service Superannuation Act

(2) Employees of the Service shall be deemed to be employed in the public service for the purposes of the [*Public Service Superannuation Act*](#).

9.1 [Repealed, 2003, c. 22, s. 145]

Oaths

10. The Director and every employee shall, before commencing the duties of office, take an oath of allegiance and the oaths set out in the schedule.

Certificate

11. A certificate purporting to be issued by or under the authority of the Director and stating that the person to whom it is issued is an employee or is a person, or a person included in a class of persons, to whom a warrant issued under section 21 or 23 is directed is evidence of the statements contained therein and is admissible in evidence without proof of the signature or official character of the person purporting to have issued it.

Duties and Functions of Service

Collection, analysis and retention

12. The Service shall collect, by investigation or otherwise, to the extent that it is strictly necessary, and analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and, in relation thereto, shall report to and advise the Government of Canada.

No territorial limit

(2) For greater certainty, the Service may perform its duties and functions under subsection (1) within or outside Canada.

Measures to reduce threats to the security of Canada

12.1 (1) If there are reasonable grounds to believe that a particular activity constitutes a threat to the security of Canada, the Service may take measures, within or outside Canada, to reduce the threat.

Limits

(2) The measures shall be reasonable and proportional in the circumstances, having regard to the nature of the threat, the nature of the measures and the reasonable availability of other means to reduce the threat.

Warrant

(3) The Service shall not take measures to reduce a threat to the security of Canada if those measures will contravene a right or freedom guaranteed by the Canadian Charter of Rights and Freedoms or will be contrary to other Canadian law, unless the Service is authorized to take them by a warrant issued under section 21.1.

Prohibited Conduct

12.2 (1) In taking measures to reduce a threat to the security of Canada, the Service shall not

- (a) cause, intentionally or by criminal negligence, death or bodily harm to an individual;
- (b) wilfully attempt in any manner to obstruct, pervert or defeat the course of justice; or
- (c) violate the sexual integrity of an individual.

Definition of “bodily harm”

(2) In subsection (1), “bodily harm” has the same meaning as in section 2 of the Criminal Code.

[Ed note: in *Criminal Code*, “bodily harm” “means any hurt or injury to a person that interferes with the health or comfort of the person and that is more than merely transient or trifling in nature”]

Security assessments

13. (1) The Service may provide security assessments to departments of the Government of Canada.

Arrangements with provinces

(2) The Service may, with the approval of the Minister, enter into an arrangement with

- (a) the government of a province or any department thereof, or
- (b) any police force in a province, with the approval of the Minister responsible for policing in the province,

authorizing the Service to provide security assessments.

Arrangements with foreign states

(3) The Service may, with the approval of the Minister after consultation by the Minister with the Minister of Foreign Affairs, enter into an arrangement with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof authorizing the Service to provide the government, institution or organization with security assessments.

Advice to Ministers

14. The Service may

- (a) advise any minister of the Crown on matters relating to the security of Canada, or
- (b) provide any minister of the Crown with information relating to security matters or criminal activities,

that is relevant to the exercise of any power or the performance of any duty or function by that Minister under the [Citizenship Act](#) or the [Immigration and Refugee Protection Act](#).

Investigations

15.(1) The Service may conduct such investigations as are required for the purpose of providing security assessments pursuant to section 13 or advice pursuant to section 14.

No Territorial Limit

(2) For greater certainty, the Service may conduct the investigations referred to in subsection (1) within or outside Canada.

Collection of information concerning foreign states and persons

16. (1) Subject to this section, the Service may, in relation to the defence of Canada or the conduct of the international affairs of Canada, assist the Minister of National Defence or the Minister of Foreign Affairs, within Canada, in the collection of information or intelligence relating to the capabilities, intentions or activities of

(a) any foreign state or group of foreign states; or

(b) any person other than

(i) a Canadian citizen,

(ii) a permanent resident within the meaning of subsection 2(1) of the [*Immigration and Refugee Protection Act*](#), or

(iii) a corporation incorporated by or under an Act of Parliament or of the legislature of a province.

Limitation

(2) The assistance provided pursuant to subsection (1) shall not be directed at any person referred to in subparagraph (1)(b)(i), (ii) or (iii).

Personal consent of Ministers required

(3) The Service shall not perform its duties and functions under subsection (1) unless it does so

(a) on the personal request in writing of the Minister of National Defence or the Minister of Foreign Affairs; and

(b) with the personal consent in writing of the Minister.

Cooperation

17. (1) For the purpose of performing its duties and functions under this Act, the Service may,

(a) with the approval of the Minister, enter into an arrangement or otherwise cooperate with

(i) any department of the Government of Canada or the government of a province or any department thereof, or

(ii) any police force in a province, with the approval of the Minister responsible for policing in the province; or

(b) with the approval of the Minister after consultation by the Minister with the Minister of Foreign Affairs, enter into an arrangement or otherwise cooperate with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof.

Copies of arrangements to Review Committee

(2) Where a written arrangement is entered into pursuant to subsection (1) or subsection 13(2) or (3), a copy thereof shall be given forthwith to the Review Committee.

Offence to disclose identity

18. (1) Subject to subsection (2), no person shall knowingly disclose any information that they obtained or to which they had access in the course of the performance of their duties and functions under this Act or their participation in the administration or enforcement of this Act and from which could be inferred the identity of an employee who was, is or is likely to become engaged in covert operational activities of the Service or the identity of a person who was an employee engaged in such activities.

Exceptions

(2) A person may disclose information referred to in subsection (1) for the purposes of the performance of duties and functions under this Act or any other Act of Parliament or the administration or enforcement of this Act or as required by any other law or in the circumstances described in any of paragraphs 19(2)(a) to (d).

Offence

(3) Every one who contravenes subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

Purpose of section — human sources

18.1 (1) The purpose of this section is to ensure that the identity of human sources is kept confidential in order to protect their life and security and to encourage individuals to provide information to the Service.

Prohibition on disclosure

(2) Subject to subsections (3) and (8), no person shall, in a proceeding before a court, person or body with jurisdiction to compel the production of information, disclose the identity of a human source or any information from which the identity of a human source could be inferred.

Exception — consent

(3) The identity of a human source or information from which the identity of a human source could be inferred may be disclosed in a proceeding referred to in subsection (2) if the human source and the Director consent to the disclosure of that information.

Application to judge

(4) A party to a proceeding referred to in subsection (2), an *amicus curiae* who is appointed in respect of the proceeding or a person who is appointed to act as a special advocate if the proceeding is under the *Immigration and Refugee Protection Act* may apply to a judge for one of the following orders if it is relevant to the proceeding:

(a) an order declaring that an individual is not a human source or that information is not information from which the identity of a human source could be inferred; or

(b) if the proceeding is a prosecution of an offence, an order declaring that the disclosure of the identity of a human source or information from which the identity of a human source could be inferred is essential to establish the accused's innocence and that it may be disclosed in the proceeding.

Contents and service of application

(5) The application and the applicant's affidavit deposing to the facts relied on in support of the application shall be filed in the Registry of the Federal Court. The applicant shall, without delay after the application and affidavit are filed, serve a copy of them on the Attorney General of Canada.

Attorney General of Canada

(6) Once served, the Attorney General of Canada is deemed to be a party to the application.

Hearing

(7) The hearing of the application shall be held in private and in the absence of the applicant and their counsel, unless the judge orders otherwise.

Order — disclosure to establish innocence

(8) If the judge grants an application made under paragraph (4)(b), the judge may order the disclosure that the judge considers appropriate subject to any conditions that the judge specifies.

Effective date of order

(9) If the judge grants an application made under subsection (4), any order made by the judge does not take effect until the time provided to appeal the order has expired or, if the order is appealed and is confirmed, until either the time provided to appeal the judgement confirming the order has expired or all rights of appeal have been exhausted.

Confidentiality

(10) The judge shall ensure the confidentiality of the following:

(a) the identity of any human source and any information from which the identity of a human source could be inferred; and

(b) information and other evidence provided in respect of the application if, in the judge's opinion, its disclosure would be injurious to national security or endanger the safety of any person.

Confidentiality on Appeal

(11) In the case of an appeal, subsection (10) applies, with any necessary modifications, to the court to which the appeal is taken.

Authorized disclosure of information

19. (1) Information obtained in the performance of the duties and functions of the Service under this Act shall not be disclosed by the Service except in accordance with this section.

Idem

(2) The Service may disclose information referred to in subsection (1) for the purposes of the performance of its duties and functions under this Act or the administration or enforcement of this Act or as required by any other law and may also disclose such information,

(a) where the information may be used in the investigation or prosecution of an alleged contravention of any law of Canada or a province, to a peace officer having jurisdiction to investigate the alleged contravention and to the Attorney General of Canada and the Attorney General of the province in which proceedings in respect of the alleged contravention may be taken;

(b) where the information relates to the conduct of the international affairs of Canada, to the Minister of Foreign Affairs or a person designated by the Minister of Foreign Affairs for the purpose;

(c) where the information is relevant to the defence of Canada, to the Minister of National Defence or a person designated by the Minister of National Defence for the purpose; or

(d) where, in the opinion of the Minister, disclosure of the information to any minister of the Crown or person in the federal public administration is essential in the public interest and that interest clearly outweighs any invasion of privacy that could result from the disclosure, to that minister or person.

Report to Review Committee

(3) The Director shall, as soon as practicable after a disclosure referred to in paragraph (2)(d) is made, submit a report to the Review Committee with respect to the disclosure.

Protection of employees

20. (1) The Director and employees have, in performing the duties and functions of the Service under this Act, the same protection under the law as peace officers have in performing their duties and functions as peace officers.

Unlawful conduct

(2) If the Director is of the opinion that an employee may, on a particular occasion, have acted unlawfully in the purported performance of the duties and functions of the

Service under this Act, the Director shall cause to be submitted a report in respect thereof to the Minister.

Report and comments to Attorney General of Canada

(3) The Minister shall cause to be given to the Attorney General of Canada a copy of any report that he receives pursuant to subsection (2), together with any comment that he considers appropriate in the circumstances.

Copies to Review Committee

(4) A copy of anything given to the Attorney General of Canada pursuant to subsection (3) shall

PART II JUDICIAL CONTROL

Application for warrant

21. (1) If the Director or any employee designated by the Minister for the purpose believes, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate, within or outside Canada, a threat to the security of Canada or to perform its duties and functions under section 16, the Director or employee may, after having obtained the Minister's approval, make an application in accordance with subsection (2) to a judge for a warrant under this section.

Matters to be specified in application for warrant

(2) An application to a judge under subsection (1) shall be made in writing and be accompanied by an affidavit of the applicant deposing to the following matters, namely,

(a) the facts relied on to justify the belief, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16;

(b) that other investigative procedures have been tried and have failed or why it appears that they are unlikely to succeed, that the urgency of the matter is such that it would be impractical to carry out the investigation using only other investigative procedures or that without a warrant under this section it is likely that information of importance with respect to the threat to the security of Canada or the performance of the duties and functions under section 16 referred to in paragraph (a) would not be obtained;

(c) the type of communication proposed to be intercepted, the type of information, records, documents or things proposed to be obtained and the powers referred to in paragraphs (3)(a) to (c) proposed to be exercised for that purpose;

(d) the identity of the person, if known, whose communication is proposed to be intercepted or who has possession of the information, record, document or thing proposed to be obtained;

(e) the persons or classes of persons to whom the warrant is proposed to be directed;

(f) a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given;

(g) the period, not exceeding sixty days or one year, as the case may be, for which the warrant is requested to be in force that is applicable by virtue of subsection (5); and

(h) any previous application made under subsection (1) in relation to a person who is identified in the affidavit in accordance with paragraph (d), the date on which each such application was made, the name of the judge to whom it was made and the judge's decision on it.

Issuance of warrant

(3) Notwithstanding any other law but subject to the *Statistics Act*, where the judge to whom an application under subsection (1) is made is satisfied of the matters referred to in paragraphs (2)(a) and (b) set out in the affidavit accompanying the application, the

judge may issue a warrant authorizing the persons to whom it is directed to intercept any communication or obtain any information, record, document or thing and, for that purpose,

- (a) to enter any place or open or obtain access to any thing;
- (b) to search for, remove or return, or examine, take extracts from or make copies of or record in any other manner the information, record, document or thing; or
- (c) to install, maintain or remove any thing.

Activities outside Canada

(3.1) Without regard to any other law, including that of any foreign state, a judge may, in a warrant issued under subsection (3), authorize activities outside Canada to enable the Service to investigate a threat to the security of Canada.

Matters to be specified in warrant

- (4) There shall be specified in a warrant issued under subsection (3)
 - (a) the type of communication authorized to be intercepted, the type of information, records, documents or things authorized to be obtained and the powers referred to in paragraphs (3)(a) to (c) authorized to be exercised for that purpose;
 - (b) the identity of the person, if known, whose communication is to be intercepted or who has possession of the information, record, document or thing to be obtained;
 - (c) the persons or classes of persons to whom the warrant is directed;
 - (d) a general description of the place where the warrant may be executed, if a general description of that place can be given;
 - (e) the period for which the warrant is in force; and

(f) such terms and conditions as the judge considers advisable in the public interest.

Maximum duration of warrant

(5) A warrant shall not be issued under subsection (3) for a period exceeding

(a) sixty days where the warrant is issued to enable the Service to investigate a threat to the security of Canada within the meaning of paragraph (d) of the definition of that expression in section 2; or

(b) one year in any other case.

Application for warrant— measures to reduce threats to the security of Canada

21.1 (1) If the Director or any employee who is designated by the Minister for the purpose believes on reasonable grounds that a warrant under this section is required to enable the Service to take measures, within or outside Canada, to reduce a threat to the security of Canada, the Director or employee may, after having obtained the Minister's approval, make an application in accordance with subsection (2) to a judge for a warrant under this section.

Matters to be specified in application

(2) An application to a judge under subsection (1) shall be made in writing and be accompanied by the applicant's affidavit deposing to the following matters:

(a) the facts relied on to justify the belief on reasonable grounds that a warrant under this section is required to enable the Service to take measures to reduce a threat to the security of Canada;

(b) the measures proposed to be taken;

(c) the reasonableness and proportionality, in the circumstances, of the proposed measures, having regard to the nature of the threat, the nature of the measures and the reasonable availability of other means to reduce the threat;

(d) the identity of the persons, if known, who are directly affected by the proposed measures;

(e) the persons or classes of persons to whom the warrant is proposed to be directed;

(e) a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given;

(g) the period, not exceeding 60 days or 120 days, as the case may be, for which the warrant is requested to be in force that is applicable by virtue of subsection (6); and

(h) any previous application made under subsection (1) in relation to a person who is identified in the affidavit in accordance with paragraph (d), the date on which each such application was made, the name of the judge to whom it was made and the judge's decision on it.

Issuance of warrant

(3) Despite any other law but subject to the *Statistics Act*, if the judge to whom an application under subsection (1) is made is satisfied of the matters referred to in paragraphs (2)(a) and (c) that are set out in the affidavit accompanying the application, the judge may issue a warrant authorizing the persons to whom it is directed to take the measures specified in it and, for that purpose,

(a) to enter any place or open or obtain access to any thing;

(b) to search for, remove or return, or examine, take extracts from or make copies of or record in any other manner the information, record, document or thing;

(b) to install, maintain or remove any thing; or

(d) to do any other thing that is reasonably necessary to take those measures.

Measures taken outside Canada

(4) Without regard to any other law, including that of any foreign state, a judge may, in a warrant issued under subsection (3), authorize the measures specified in it to be taken outside Canada.

Matters to be specified in warrant

(5) There shall be specified in a warrant issued under subsection (3)

(a) the measures authorized to be taken;

(b) the identity of the persons, if known, who are directly affected by the measures;

(c) the persons or classes of persons to whom the warrant is directed;

(d) a general description of the place where the warrant may be executed, if a general description of that place can be given;

(e) the period for which the warrant is in force; and

(f) any terms and conditions that the judge considers advisable in the public interest.

Maximum duration of warrant

(6) A warrant shall not be issued under subsection (3) for a period exceeding

(a) 60 days if the warrant is issued to enable the Service to take measures to reduce a threat to the security of Canada within the meaning of paragraph (d) of the definition “threats to the security of Canada” in section 2; or

(b) 120 days in any other case.

Renewal of warrant

22. On application in writing to a judge for the renewal of a warrant issued under subsection 21(3) made by a person entitled to apply for such a warrant after having obtained the approval of the Minister, the judge may, from time to time, renew the warrant for a period not exceeding the period for which the warrant may be issued pursuant to subsection 21(5) if satisfied by evidence on oath that

(a) the warrant continues to be required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16; and

(b) any of the matters referred to in paragraph 21(2)(b) are applicable in the circumstances.

Renewal of warrant—measures to reduce threats to the security of Canada

22.1 (1) On application in writing to a judge for the renewal of a warrant issued under subsection 21.1(3) made by a person who is entitled, after having obtained the Minister's approval, to apply for such a warrant and who believes on reasonable grounds that the warrant continues to be required to enable the Service to take the measures specified in it to reduce a threat to the security of Canada, the judge may renew the warrant if the judge is satisfied by evidence on oath of the following matters:

(a) the facts relied on to justify the belief on reasonable grounds that the warrant continues to be required to enable the Service to take the measures specified in it to reduce a threat to the security of Canada; and

(b) the continued reasonableness and proportionality, in the circumstances, of the measures specified in the warrant, having regard to the nature of the threat, the nature of the measures and the reasonable availability of other means to reduce the threat.

Limits on renewal

(2) A warrant issued under subsection 21.1(3) may be renewed only twice, with each renewal being for a period not exceeding the period for which it may be issued under subsection 21.1(6).

Limits on execution of warrant

22.2 A person to whom — or a person who is included in a class of persons to whom — a warrant issued under section 21.1 is directed may take the measures specified in it only if, at the time that they take them, they believe on reasonable grounds that the measures are reasonable and proportional in the circumstances, having regard to the nature of the threat to the security of Canada, the nature of the measures and the reasonable availability of other means to reduce the threat.

Assistance order

22.3 (1) A judge may order any person to provide assistance if the person's assistance may reasonably be considered to be required to give effect to a warrant issued under section 21 or 21.1.

Confidentiality

(2) The judge may include in the order any measure that the judge considers necessary in the public interest to ensure the confidentiality of the order, including the identity of any person who is required to provide assistance under the order and any other information concerning the provision of the assistance.

Warrant authorizing removal

23. (1) On application in writing by the Director or any employee who is designated by the Minister for the purpose, a judge may, if the judge thinks fit, issue a warrant authorizing the persons to whom the warrant is directed to remove from any place any thing installed in accordance with a warrant issued under subsection 21(3) or 21.1(3) and, for that purpose, to enter any place or open or obtain access to any thing.

Matters to be specified in warrant

(2) There shall be specified in a warrant issued under subsection (1) the matters referred to in paragraphs 21(4)(c) to (f) or 21.1(5)(c) to (f), as the case may be.

Warrant to have effect notwithstanding other laws

24. Notwithstanding any other law, a warrant issued under section 21 or 23

(a) authorizes every person or person included in a class of persons to whom the warrant is directed,

(i) in the case of a warrant issued under section 21, to exercise the powers specified in the warrant for the purpose of intercepting communications of the type specified therein or obtaining information, records, documents or things of the type specified therein, or

(ii) in the case of a warrant issued under section 23, to execute the warrant; and

(b) authorizes any other person to assist a person who that other person believes on reasonable grounds is acting in accordance with such a warrant.

Authorization to request assistance

24.1 (1) A person to whom — or a person who is included in a class of persons to whom — a warrant issued under section 21.1 is directed may request that another person assist them in taking any measure that the requester is authorized to take under the warrant if the requester believes on reasonable grounds that the measure is reasonable and proportional in the circumstances, having regard to the nature of the threat to the security of Canada, the nature of the measure and the reasonable availability of other means to reduce the threat.

(2) A person to whom a request is made under subsection (1) is justified in assisting the requester in taking the measure if the person believes on reasonable grounds that the requester has the authority to take the measure.

Crown Liability and Proceedings Act not to apply

25. No action lies under section 18 of the Crown Liability and Proceedings Act in respect of

- (a) the use or disclosure **in accordance with** this Act of any communication intercepted under the authority of a warrant issued under section 21 **or 21.1**; or
- (b) the disclosure pursuant to this Act of the existence of any such communication.

Exclusion of Part VI of Criminal Code

26. Part VI of the Criminal Code does not apply in relation to any interception of a communication under the authority of a warrant issued under section 21 **or 21.1** or in relation to any communication so intercepted.

Hearing of applications

27. An application under section 21, **21.1** or 23 for a warrant, **an application under section 22 or 22.1 for the renewal of a warrant or an application for an order under section 22.3** shall be heard in private in accordance with regulations made under section 28

Regulations

28. The Governor in Council may make regulations

- (a) prescribing the forms of warrants that may be issued under section 21, **21.1** or 23;
- (b) governing the practice and procedure of, and security requirements applicable to, **hearings of applications for those warrants, for renewals of those warrants and for orders that may be made under section 22.3**; and

(c) notwithstanding the *Federal Courts Act* and any rules made thereunder, specifying the places where those hearings may be held and the places where, and the manner in which, records or documents concerning those hearings shall be kept.

PART III REVIEW

Interpretation

Definition of “*deputy head*”

29. In this Part, “*deputy head*” means, in relation to

(a) a department named in Schedule I to the *Financial Administration Act*, the deputy minister thereof,

(b) the Canadian Forces, the Chief of the Defence Staff,

(c) the Royal Canadian Mounted Police, the Commissioner,

(d) the Service, the Director, and

(e) any other portion of the federal public administration, the person designated by order in council pursuant to this paragraph and for the purposes of this Part to be the deputy head of that portion of the federal public administration.

30. [Repealed, 2012, c. 19, s. 380]

31. [Repealed, 2012, c. 19, s. 380]

32. [Repealed, 2012, c. 19, s. 380]

33. [Repealed, 2012, c. 19, s. 380]

Security Intelligence Review Committee

Security Intelligence Review Committee

34. (1) There is hereby established a committee, to be known as the Security Intelligence Review Committee, consisting of a Chairman and not less than two and not more than four other members, all of whom shall be appointed by the Governor in Council from among members of the Queen's Privy Council for Canada who are not members of the Senate or the House of Commons, after consultation by the Prime Minister of Canada with the Leader of the Opposition in the House of Commons and the leader in the House of Commons of each party having at least twelve members in that House.

Term of office

(2) Each member of the Review Committee shall be appointed to hold office during good behaviour for a term not exceeding five years.

Re-appointment

(3) A member of the Review Committee is eligible to be re-appointed for a term not exceeding five years.

Expenses

(4) Each member of the Review Committee is entitled to be paid, for each day that the member performs duties and functions under this Act, such remuneration as is fixed by the Governor in Council and shall be paid reasonable travel and living expenses incurred by the member in the performance of those duties and functions.

Chairman of the Review Committee

35. (1) The Chairman of the Review Committee is the chief executive officer of the Committee.

Acting Chairman of the Review Committee

(2) The Chairman of the Review Committee may designate another member of the Committee to act as the Chairman in the event of the absence or incapacity of the Chairman and, if no such designation is in force or the office of Chairman is vacant, the Minister may designate a member of the Committee to act as the Chairman.

Staff of Review Committee

36. The Review Committee may, with the approval of the Treasury Board,

(a) engage a secretary and such other staff as it requires; and

(b) fix and pay the remuneration and expenses of persons engaged pursuant to paragraph (a).

Compliance with security requirements

37. Every member of the Review Committee and every person engaged by it shall comply with all security requirements applicable by or under this Act to an employee and shall take the oath of secrecy set out in the schedule.

Functions of Review Committee

38. (1) The functions of the Review Committee are

(a) to review generally the performance by the Service of its duties and functions and, in connection therewith,

(i) [Repealed, 2012, c. 19, s. 381]

(ii) to review directions issued by the Minister under subsection 6(2),

(iii) to review arrangements entered into by the Service pursuant to subsections 13(2) and (3) and 17(1) and to monitor the provision of information and intelligence pursuant to those arrangements,

(iv) to review any report or comment given to it pursuant to subsection 20(4),

(v) to monitor any request referred to in paragraph 16(3)(a) made to the Service,

(vi) to review the regulations, and

(vii) to compile and analyse statistics on the operational activities of the Service;

(b) to arrange for reviews to be conducted, or to conduct reviews, pursuant to section 40; and

(c) to conduct investigations in relation to

(i) complaints made to the Committee under sections 41 and 42,

(ii) reports made to the Committee pursuant to section 19 of the [Citizenship Act](#), and

(iii) matters referred to the Committee pursuant to section 45 of the [Canadian Human Rights Act](#).

Review of measures

(1.1) In reviewing the performance by the Service of its duties and functions the Review Committee shall, each fiscal year, review at least one aspect of the Service's performance in taking measures to reduce threats to the security of Canada

Review Committee's other functions

(2) As soon as the circumstances permit after receiving a copy of a report referred to in subsection 6(4), the Review Committee shall submit to the Minister a certificate stating the extent to which it is satisfied with the report and whether any of the Service's operational activities described in the report, in its opinion,

(a) is not authorized by or under this Act or contravenes any directions issued by the Minister under subsection 6(2); or

(b) involves an unreasonable or unnecessary exercise by the Service of any of its powers.

Committee procedures

39. (1) Subject to this Act, the Review Committee may determine the procedure to be followed in the performance of any of its duties or functions.

Additional information

(2) Despite subsection 18.1(2), any other Act of Parliament or any privilege under the law of evidence, but subject to subsection (3), the Review Committee is entitled

(a) to have access to any information under the control of the Service that relates to the performance of the duties and functions of the Committee and to receive from the Director and employees such information, reports and explanations as the Committee deems necessary for the performance of its duties and functions; and

(b) during any investigation referred to in paragraph 38(c), to have access to any information under the control of the deputy head concerned that is relevant to the investigation.

Idem

(3) No information described in subsection (2), other than a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the [Canada Evidence Act](#) applies, may be withheld from the Committee on any grounds.

Review

40. (1) For the purpose of ensuring that the activities of the Service are carried out in accordance with this Act, the regulations and directions issued by the Minister under

subsection 6(2) and that the activities do not involve any unreasonable or unnecessary exercise by the Service of any of its powers, the Review Committee may

(a) direct the Service to conduct a review of the Service's specific activities and provide the Committee with a report on the review; or

(b) if it considers that a review by the Service would be inappropriate, conduct such a review itself.

Report of findings

(2) On completion of a review conducted under subsection (1), the Review Committee shall provide the Minister and the Director with the following:

(a) in the case of a review conducted by the Service, the Service's report to the Committee along with any recommendations that the Committee considers appropriate; and

(b) in the case of a review conducted by the Committee, its own report, which is to contain the findings of the review and any recommendations that the Committee considers appropriate.

Complaints

Complaints

41. (1) Any person may make a complaint to the Review Committee with respect to any act or thing done by the Service and the Committee shall, subject to subsection (2), investigate the complaint if

(a) the complainant has made a complaint to the Director with respect to that act or thing and the complainant has not received a response within such period of time as the Committee considers reasonable or is dissatisfied with the response given; and

(b) the Committee is satisfied that the complaint is not trivial, frivolous, vexatious or made in bad faith.

Other redress available

(2) The Review Committee shall not investigate a complaint in respect of which the complainant is entitled to seek redress by means of a grievance procedure established pursuant to this Act or the [*Public Service Labour Relations Act*](#).

Denial of security clearance

42. (1) Where, by reason only of the denial of a security clearance required by the Government of Canada, a decision is made by a deputy head to deny employment to an individual or to dismiss, demote or transfer an individual or to deny a promotion or transfer to an individual, the deputy head shall send, within ten days after the decision is made, a notice informing the individual of the denial of the security clearance.

Idem

(2) Where, by reason only of the denial of a security clearance required by the Government of Canada to be given in respect of an individual, a decision is made to deny the individual or any other person a contract to provide goods or services to the Government of Canada, the deputy head concerned shall send, within ten days after the decision is made, a notice informing the individual and, where applicable, the other person of the denial of the security clearance.

Receipt and investigation of complaints

(3) The Review Committee shall receive and investigate a complaint from

(a) any individual referred to in subsection (1) who has been denied a security clearance; or

(b) any person who has been denied a contract to provide goods or services to the Government of Canada by reason only of the denial of a security clearance in respect of that person or any individual.

Time within which complaint is to be made

(4) A complaint under subsection (3) shall be made within thirty days after receipt of the notice referred to in subsection (1) or (2) or within such longer period as the Review Committee allows.

Member of the Committee authorized to act alone

43. A member of the Review Committee may exercise any of the powers or perform any of the duties or functions of the Committee under this Part in relation to complaints.

Complaints submitted on behalf of complainants

44. Nothing in this Act precludes the Review Committee from receiving and investigating complaints described in sections 41 and 42 that are submitted by a person authorized by the complainant to act on behalf of the complainant, and a reference to a complainant in any other section includes a reference to a person so authorized.

Written complaint

45. A complaint under this Part shall be made to the Review Committee in writing unless the Committee authorizes otherwise.

Statement and notice of hearing to be sent to the complainant

46. The Review Committee shall, as soon as practicable after receiving a complaint made under section 42, send to the complainant a statement summarizing such information available to the Committee as will enable the complainant to be as fully informed as possible of the circumstances giving rise to the denial of the security clearance and shall send a copy of the statement to the Director and the deputy head concerned.

Investigations

Notice of intention to investigate

47. Before commencing an investigation of a complaint referred to in paragraph 38(c) other than an investigation under section 41, the Review Committee shall notify the Director and, where applicable, the deputy head concerned of its intention to carry out the investigation and shall inform the Director and the deputy head of the substance of the complaint.

Investigations in private

48. (1) Every investigation of a complaint under this Part by the Review Committee shall be conducted in private.

Right to make representations

(2) In the course of an investigation of a complaint under this Part by the Review Committee, the complainant, deputy head concerned and the Director shall be given an opportunity to make representations to the Review Committee, to present evidence and to be heard personally or by counsel, but no one is entitled as of right to be present during, to have access to or to comment on representations made to the Review Committee by any other person.

Canadian Human Rights Commission may comment

49. In the course of an investigation of a complaint under this Part, the Review Committee shall, where appropriate, ask the Canadian Human Rights Commission for its opinion or comments with respect to the complaint.

Powers of Review Committee

50. The Review Committee has, in relation to the investigation of any complaint under this Part, power

(a) to summon and enforce the appearance of persons before the Committee and to compel them to give oral or written evidence on oath and to produce such documents and things as the Committee deems requisite to the full investigation

and consideration of the complaint in the same manner and to the same extent as a superior court of record;

(b) to administer oaths; and

(c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the Committee sees fit, whether or not that evidence or information is or would be admissible in a court of law.

Evidence in other proceedings

51. Except in a prosecution of a person for an offence under section 133 of the [Criminal Code](#) (false statements in extra-judicial proceedings) in respect of a statement made under this Act, evidence given by a person in proceedings under this Part and evidence of the existence of the proceedings are inadmissible against that person in a court or in any other proceedings.

Report of findings

52. (1) The Review Committee shall,

(a) on completion of an investigation in relation to a complaint under section 41, provide the Minister and the Director with a report containing the findings of the investigation and any recommendations that the Committee considers appropriate; and

(b) at the same time as or after a report is provided pursuant to paragraph (a), report the findings of the investigation to the complainant and may, if it thinks fit, report to the complainant any recommendations referred to in that paragraph.

Idem

(2) On completion of an investigation in relation to a complaint under section 42, the Review Committee shall provide the Minister, the Director, the deputy head concerned and the complainant with a report containing any recommendations that the

Committee considers appropriate, and those findings of the investigation that the Committee considers it fit to report to the complainant.

1984, c. 21, s. 52.

Reports

Annual reports

53. (1) The Review Committee shall, not later than September 30 in each fiscal year, submit to the Minister a report of the activities of the Committee during the preceding fiscal year and the Minister shall cause the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the day the Minister receives it.

Additional information

(2) In addition, the report shall specify the number of warrants issued under section 21.1 in the fiscal year and the number of applications for warrants made under that section that were refused in that year.

Minister's briefings

54. (1) At least once a year, and at any other time at the Minister's request, the Review Committee, or a person engaged by it and designated by it for the purposes of this section, shall meet the Minister and brief him or her on any matter that relates to the performance by the Service of its duties and functions.

Special reports

(2) The Review Committee may, on request by the Minister or at any other time, furnish the Minister with a special report concerning any matter that relates to the performance of its duties and functions.

Protection of confidential information

55. The Review Committee shall consult with the Director in order to ensure compliance with section 37 in preparing

(a) a statement under section 46 of this Act, subsection 45(6) of the Canadian Human Rights Act or subsection 19(5) of the Citizenship Act; or

(b) a report under paragraph 52(1)(b), subsection 52(2) or section 53 of this Act, subsection 46(1) of the Canadian Human Rights Act or subsection 19(6) of the Citizenship Act.

PART IV REVIEW BY PARLIAMENT

Review of Act after five years

56. (1) After July 16, 1989, a comprehensive review of the provisions and operation of this Act shall be undertaken by such committee of the House of Commons or of both Houses of Parliament as may be designated or established by Parliament for that purpose.

Report to Parliament

(2) The committee referred to in subsection (1) shall, within a year after a review is undertaken pursuant to that subsection or within such further time as Parliament may authorize, submit a report on the review to Parliament including a statement of any changes the committee recommends.

SCHEDULE (Section 10)

OATH OF OFFICE

I, _____, swear that I will faithfully and impartially to the best of my abilities perform the duties required of me as (the Director, an employee) of the Canadian Security Intelligence Service. So help me God.

OATH OF SECRECY

Consolidation of CSIS Act to Reflect Changes proposed in Bill C-44 (in gray, as approved by House of Commons) and Bill C-51 (in yellow, as at 1st Reading in the House of Commons)
Craig Forcese (Feb 7 2015)

I, _____, swear that I will not, without due authority, disclose or make known to any person any information acquired by me by reason of the duties performed by me on behalf of or under the direction of the Canadian Security Intelligence Service or by reason of any office or employment held by me pursuant to the [Canadian Security Intelligence Service Act](#). So help me God.