

Security Intelligence Review Committee

2011-12

Report on Plans and Priorities

The Right Honourable Stephen Harper
Prime Minister of Canada

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Chair's Message

I am pleased to submit the Security Intelligence Review Committee's (SIRC's) Report on Plans and Priorities (RPP) for 2011-2012.



For more than a quarter of a century, SIRC has been an integral component of the democratic accountability of the Canadian Security Intelligence Service (CSIS) by ensuring that it acts appropriately, effectively and lawfully in protecting Canada's national security. As Canada's national security intelligence service, CSIS has unique powers and responsibilities. It is with a great sense of pride and responsibility that SIRC conducts ongoing, independent reviews of CSIS's operations and activities.

Both SIRC's and CSIS's mandates has remained unchanged since their creation. Nonetheless, in its 2009-2010 Annual Report, SIRC has suggested that it is time for a public discussion on the future role of security intelligence and, as a corollary, the review function in support of that role. SIRC will continue to monitor any developments in Canada's security intelligence environment to ensure that it is ready to adapt to change and respond to any challenge, as required.

I trust that this year's RPP will provide readers with further insight into SIRC's mandate to ensure that CSIS investigates and reports on threats to national security in a manner that respects the rule of law and the rights of Canadians.

Honourable Arthur T. Porter, P.C., M.D.
Chair

Section I: Departmental Overview

Raison d’être and Responsibilities

The Canadian Security Intelligence Service (CSIS) performs its duties and functions in accordance with the law, policy and Ministerial direction.

The Security Intelligence Review Committee (SIRC or the Committee) is a small, independent review body that reports to Parliament on the operations of the Canadian Security Intelligence Service (CSIS or the Service). It was established at the same time that CSIS was created in 1984, and derives its powers from the same legislation, the *CSIS Act*.

Strategic Outcome and Program Activity Architecture (PAA)

The chart below illustrates SIRC’s framework of program activities, which roll up and contribute to progress toward the organization’s Strategic Outcome.



Planning Summary

Financial Resources (thousands of dollars)

2011–12	2012–13	2013–14
2,840	2,540	2,540

Human Resources (Full-time Equivalent – FTE)

2011–12	2012–13	2013–14
21	21	21

Planning Summary (continued)

Strategic Outcome: The Canadian Security Intelligence Service (CSIS) carries out its mandate to investigate and report on threats to national security in a manner that respects the rule of law and the rights of Canadians.	
Performance Indicators	Targets
Number of reviews/complaint investigations that assessed whether CSIS activities were appropriate, effective and in compliance with the <i>CSIS Act</i> , Ministerial Direction and operational policy	No major incidents of non-compliance by CSIS

(thousands of dollars)

Program Activity	Forecast Spending 2010–11	Planned Spending			Alignment to Government of Canada Outcomes
		2011–12	2012–13	2013–14	
Reviews	998	1,162	1,162	1,162	Strong and independent democratic institutions
Complaints	708	890	590	590	Strong and independent democratic institutions
Internal Services	1,081	788	788	788	
Total Planned Spending	2,787	2,840	2,540	2,540	

Contribution of Priorities to Strategic Outcome

Operational Priorities	Type	Links to Strategic Outcome(s)	Description
Continuous improvement for reviews and complaints	Ongoing	SO 1	<p>SIRC's research methodology is constantly evolving to reflect the increasing complexity of CSIS's operations.</p> <p>SIRC will continue to rely on thematic reviews in order to maximize its ability to assess a broader range of CSIS activities.</p> <p>SIRC will continue to encourage staff to attend seminars and conferences, as well as provide opportunities for training and professional development.</p> <p>SIRC will continue to strive to ensure that complaints result in a fair and timely resolution.</p> <p>SIRC Members will continue to be offered administrative legal training, to assist them in presiding over a fair hearing in a timely manner.</p>

Management Priorities	Type	Links to Strategic Outcome(s)	Description
Improved Corporate Management	Ongoing	SO 1	SIRC will continue to assess its internal processes and introduce additional internal policies and procedures consistent with its commitment to improving efficiency and implementing modern management practices.

Risk Analysis

The magnitude of change that has taken place in the security and intelligence community over the past ten years, and the pace of those changes, have given rise to many challenges. These have been most visible in the O'Connor, Major and Iacobucci Commissions of Inquiry and the engagement of the courts in national security issues, as expressed in a number of landmark judicial decisions.

Questions regarding the mandate and performance of Canada's national security apparatus have been raised in public and parliamentary debates, driven partly by the high-profile judicial inquiries cited above. Calls for taking stock have come from a range of sources, including CSIS itself. SIRC continues to monitor discussion and debate about potential and ongoing Government initiatives that may impact upon the nature and scope of SIRC's reviews and complaints investigations.

SIRC will also continue to adjust its focus to account for CSIS's involvement in new operating environments. SIRC's review function has been adapting to these changes to ensure regular examination of all CSIS operations and activities.

The Federal Court is seized of two judicial review applications, one of which raises SIRC's jurisdiction to consider the Charter in the course of its investigations. The result of the Federal Court ruling will have a direct impact on the future of complaints investigations by SIRC.

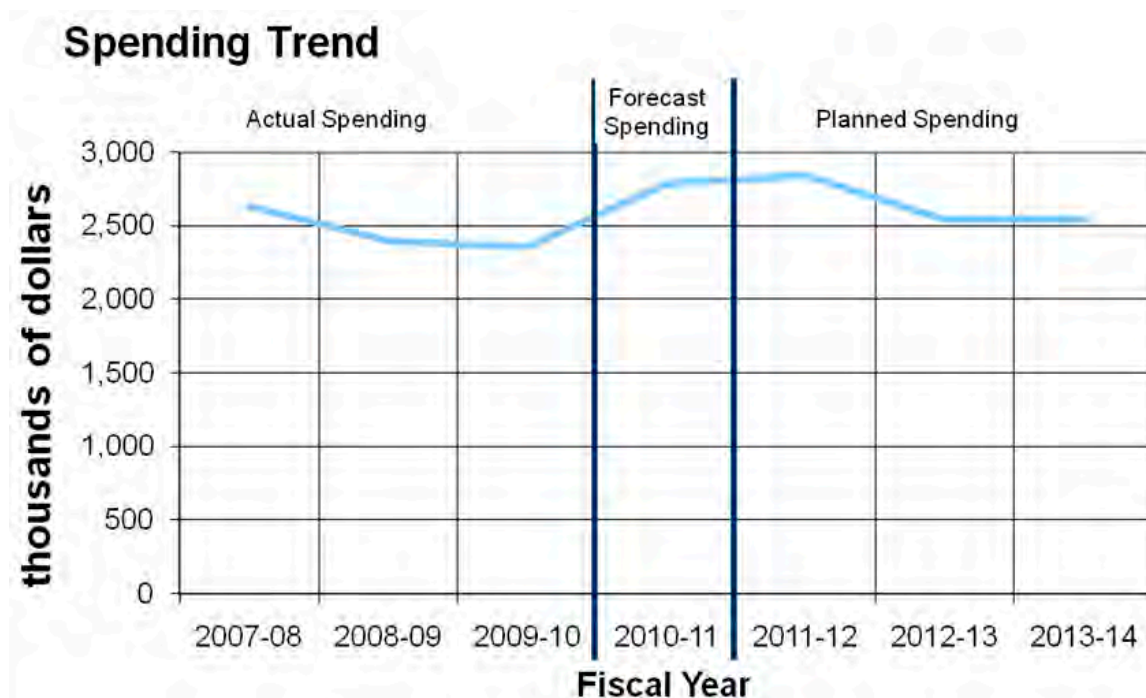
Given its very small staff complement, SIRC remains vulnerable to the loss of corporate memory which could result from even a minor staff turnover. As such, staff retention and cross-training remains a priority. In addition, meeting central agency reporting requirements provides constant challenges to micro-agencies such as SIRC.

Expenditure Profile

Departmental Spending Trend 2007-08 to 2013-14 (thousands of dollars)

Actual Spending			Forecast Spending	Planned Spending		
2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
2,626	2,399	2,355	2,787	2,840	2,540	2,540

For the 2011-12 fiscal year, SIRC plans to spend \$2.84 million to meet the expected results of its program activities and contribute to its strategic outcome. The figure below illustrates SIRC's spending trend from 2006-07 to 2012-13.



Two distinct pressures will result in increased spending for SIRC in 2011-12. In addition to commencing the fiscal year with a full complement of staff, SIRC will be engaged with two judicial reviews during the year which will require the organization to retain expert outside counsel.

Estimates by Vote

For information on our organizational votes and/or statutory expenditures, please see the 2011-12 Main Estimates publication. An electronic version of the Main Estimates is available at <http://www.tbs-sct.gc.ca/est-pre/2011-2012/me-bpd/info/info-eng.asp>.

Section II: Analysis of Program Activities by Strategic Outcome

Strategic Outcome

SIRC has only one strategic outcome: that CSIS performs its duties and functions in accordance with the law, policy and Ministerial direction.

SIRC is uniquely situated to provide context to the broader public debates about the nature and scope of the threat environment, and how these are addressed. Although SIRC does not promote any particular viewpoint or policy perspective, the reviews and complaint reports provide important snapshots of CSIS's work. They offer a careful assessment as to whether CSIS addresses these threats appropriately and effectively, and in a manner that respects its powers and authorities.

This outcome is important to Canadians, because it helps to protect their fundamental rights and freedoms. SIRC serves as a cornerstone in assuring the democratic accountability of one of the Government's most powerful security organizations.

The following section describes SIRC's program activities, including how they contributed to SIRC's performance at the strategic outcome level.

SIRC has three Program Activities. The first is to conduct in-depth reviews of CSIS activities in order to ensure that CSIS carries out its duties and functions appropriately, effectively and in accordance with legislation, policy and Ministerial Direction. The second is to conduct investigations pursuant to S.38(c) of the *CSIS Act*. The third Program Activity encompasses the internal services required to support the functioning of the organization.

Program Activity by Strategic Outcome

Program Activity 1.1: Reviews

The purpose of the Review Program is to conduct reviews of CSIS activities to ensure that CSIS performs its duties and functions appropriately and effectively, and in accordance with legislation, policy and Ministerial Direction. Through a comprehensive and multifaceted program of research, SIRC staff examine various aspects of CSIS's operations and activities to prepare a retrospective analysis for the Committee's approval.

Program Activity : Reviews					
Human Resources (FTEs) and Planned Spending (thousands of dollars)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
10	1,162	10	1,162	10	1,162

Program Activity Expected Results	Performance Indicators	Targets
The improvement of CSIS's performance based on the findings and recommendations that SIRC makes in its reviews.	Number of reviews completed as per SIRC's annual Research Plan.	100% of reviews completed per SIRC's annual Research Plan.
	Percentage of SIRC's review recommendations accepted by CSIS.	70% of SIRC's review recommendations accepted by CSIS.
	Frequency that key elements of CSIS activities and operations are reviewed.	100% of the statutory requirements, as per <i>CSIS Act</i> , are met.
	Production of SIRC Annual Report.	Submission of SIRC Annual Report to the Minister of Public Safety Canada as per statutory requirements.

Planning Highlights

SIRC's reviews assess CSIS's performance and may include findings and non-binding recommendations. These reviews are submitted to the Director of CSIS, the Inspector General CSIS and, in special circumstances, to the Minister of Public Safety. A declassified summary of each review is included in SIRC's Annual Report. The objective is to provide Parliament and Canadians with "snapshots" of past CSIS operations that, over time, provide a comprehensive picture of CSIS's performance.

SIRC's Annual Report to Parliament is the primary method for informing Canadians about its work. To the best of its ability and within the legal constraints governing national security and privacy, every review undertaken and every complaint acted upon, is summarized in SIRC's Annual Report. In accordance with Section 53 of the CSIS Act, SIRC submits this report to the Minister of Public Safety "not later than September 30" of each fiscal year, for tabling in Parliament within 15 days in which the House is sitting.

To achieve the expected result, SIRC plans to undertake the following activities:

- SIRC will continue to select topics for review that reflect the increasing complexity of CSIS's operations;
- SIRC plans to complete six to eight reviews, while retaining the flexibility to respond to unforeseen events;
- SIRC and staff will visit CSIS regional offices and meet with senior staff and communicate the Committee's focus and concerns; and
- SIRC will review one CSIS Station abroad.

Benefits for Canadians

Canadians derive a direct benefit from SIRC's Review Program as it is designed to address a broad range of CSIS's duties and functions. In selecting reviews, SIRC takes into consideration domestic and world events; issues, priorities and concerns identified by Canadians and Parliament; past reviews; matters of interest identified in complaints investigations; and existing and emerging CSIS activities. Over the course of several years, SIRC is able to examine a significant number of CSIS's investigations and functions. The Committee must always be prepared to adjust the review program to address unforeseen events.

Ensuring that security intelligence in Canada is conducted appropriately, effectively and lawfully in protecting Canada and its citizens—these are responsibilities that SIRC has effectively carried out for over a quarter of a century in Canada. SIRC is a core component in a system of checks and balances defined under the *CSIS Act* to keep CSIS accountable to Parliament and to all Canadians.

Program Activity 1.2: Complaints

The purpose of the Complaints Program is to receive and investigate complaints about CSIS brought forward by individuals or groups. When doing so, SIRC acts as an independent, quasi-judicial administrative tribunal pursuant to the *CSIS Act*. SIRC conducts investigations in relation to:

- complaints “with respect to any act or thing done by the Service” as described in the *CSIS Act*;
- complaints about denials of security clearances to federal government employees and contractors;
- referrals from the Canadian Human Rights Commission in cases where the complaint relates to the security of Canada; and,
- Reports made pursuant to S.19 of the *Citizenship Act*.

Once a written complaint is received, SIRC conducts a preliminary review, which may include any information in the possession of CSIS, except for Cabinet confidences. Where a complaint does not meet certain statutory requirements, SIRC declines jurisdiction and the complaint is not investigated.

If jurisdiction is established, complaints are investigated through a quasi-judicial hearing presided over by one or more Committee members, assisted by staff. A party has the right to be represented by counsel and to make representations at the hearing. Pre-hearings may be conducted to establish and agree on procedures with the Complainant and/or the Complainant’s counsel, and with the respondent (CSIS) and the respondent’s counsel.

SIRC’s legal team provides advice on procedural and substantive matters, and will also cross-examine Service and other witnesses when, for national security reasons, evidence must be heard without the Complainant being present.

Once SIRC has established jurisdiction, the time to resolve a complaint can vary in length depending on a number of factors, including the complexity of the file, the quantity of documents to be reviewed, the number of hearings, and the availability of the participants.

When SIRC’s investigation of a complaint made under Section 41 is concluded, the Committee provides a report to the Director of CSIS, the Minister of Public Safety and the Complainant. Summaries of these reports, edited to protect national security and the privacy of Complainants, are also included in SIRC’s Annual Report to Parliament.

Pursuant to Section 42 of the *CSIS Act*, individuals who have been denied a security clearance must be informed of this action by the Deputy Head of the organization. These individuals have the right to make a complaint to SIRC and, where appropriate, SIRC will investigate and report its findings and any recommendations to the Minister, the Director of CSIS, the Deputy Head concerned and the Complainant.

Program Activity : Complaints					
Human Resources (FTEs) and Planned Spending (thousands of dollars)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
5	890	5	590	5	590

Program Activity Expected Results	Performance Indicators	Targets
Parties before SIRC receive a fair and timely resolution of their complaint.	SIRC will publish service standards for those elements in the complaints process which it controls.	85% of published service standards are met.
	As a percentage of all SIRC complaint decisions rendered, any which are reviewed by the Federal Court, are upheld on judicial review.	90% of complaint decisions upheld (as a percentage of all complaint decisions rendered).

Planning Highlights

To achieve the expected result, SIRC plans to undertake the following activities:

- SIRC will continue to study best practices of other tribunals and adopt measures to improve its timely and efficient completion of investigations.
- SIRC will develop service standards for those elements of the complaints process under its control and publish these on its website; and
- SIRC will provide ongoing legal training to assist Members in presiding over a fair hearing.

Benefits for Canadians

SIRC has taken great care in how it conducts independent investigations into complaints related to the activities of CSIS. We report our results in the fullest manner possible through the Annual Report to Parliament, as well as individual complaint reports. Canadians are thus reassured that CSIS is being held accountable for its actions through a forum for hearing complaints by citizens.

Program Activity 1.3: Internal Services

This activity captures all of the corporate costs associated with the day to day operations of the organization (e.g. informatics, asset management, accommodations, security, corporate reporting, information management, etc.). Also, the administration of meetings attended by Committee Members, are captured within this Program Activity.

Although the Privy Council Office provides some administrative and financial services to SIRC through a Memorandum of Understanding (MOU), the cost of that MOU is accounted for within this Activity. In addition, financial and human resource management services not provided by the Privy Council Office are funded through this activity.

Program Activity: Internal Services					
Human Resources (FTEs) and Planned Spending (thousands of dollars)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
6	788	6	788	6	788

Program Activity Expected Results	Performance Indicators	Targets
Achieve greater efficiency and effectiveness within SIRC.	SIRC will develop and implement a HR Plan addressing key areas such as succession planning and staff development and retention.	Completion and approval of HR Plan. Development of strategy for implementation of long term recommendations.
	Finalize internal policies and applicable procedures in the areas of security and asset management.	Approval and dissemination of internal policies.
	Development of a strategy for information management.	Development and approval of a Plan for addressing long term information management strategy.

Planning Highlights

As a micro-agency, SIRC relies heavily on experienced staff to ensure that the quality of its work is maintained. The development of a HR Plan will allow the organization to address such issues as succession planning and staff retention.

A micro-agency such as SIRC cannot afford to be inefficient or miss opportunities to leverage existing technologies in its day to day work. Therefore, SIRC continues to develop its IT infrastructure and its policy framework. SIRC will continue to assess its internal processes and introduce additional internal policies and procedures consistent with its commitment to improving efficiency and implementing modern management practices.

Benefits for Canadians

In strengthening its internal services, SIRC demonstrates its support for well-managed and accountable government. This facilitates the effective and efficient delivery of SIRC's mandate which provides a direct benefit to Canadians.

Section III: Supplementary Information

Financial Highlights

SIRC's future-oriented financial statements can be found on its website at the following link: <http://www.sirc.gc.ca/opbapb/fstefi/2011-2012/index-eng.html>.

Future-oriented Condensed Statement of Operations

For the years ending March 31 2011 and 2012

(Thousands of dollars)

	% Change	Future-oriented 2011-12	Future-oriented 2010-11
EXPENSES	8%	3,356	3,097
NET COST OF OPERATIONS	8%	3,356	3,097

The estimated total expenses for the Security Intelligence Review Committee for fiscal year 2011-12 is \$3,356 thousand. The increase of \$259 thousand in the net cost of operations for fiscal year 2011-12 is mainly due to an increase in the expected need for outside professional services to support SIRC during two judicial review processes before the Federal Court as well as SIRC's plans to operate with a full complement of staff. Over the past few fiscal years SIRC has expended fewer salary dollars due to extended authorized leaves and vacancies. The need for Top Secret security clearances, for all positions, creates delays of several months from the time a potential candidate is selected to the actual starting date of a new employee.

Supplementary Information Tables

All electronic supplementary information tables found in the 2011–12 Report on Plans and Priorities can be found on the Treasury Board of Canada Secretariat's web site at: <http://www.tbs-sct.gc.ca/rpp/2011-2012/info/info-eng.asp>.

- Summary of Capital Spending by Program Activity