HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Public Safety and National Security

SECU • NUMBER 088 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Thursday, November 30, 2017

Chair

The Honourable John McKay

Standing Committee on Public Safety and National Security

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● (0845)

[*English*]

The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)): Good morning, everyone. I'd like to open the 88th meeting of the Standing Committee on Public Safety and National Security.

Our first witness is well known to the committee, the Honourable Ralph Goodale.

Mr. Goodale, I'm assuming that you're going to introduce all of those colleagues who are with you. The floor is yours.

Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness) I will, Mr. Chairman. Thank you very much to the members of the committee for their work as they are about to begin clause-by-clause study of Bill C-59, the national security act.

I am pleased today to be accompanied by a range of distinguished officials in the field of public safety and national security. David Vigneault, as you know, is the director of CSIS. Greta Bossenmaier, to my right, is the chief of the Communications Security Establishment, and the CSE is involved in Bill C-59 in a very major way.

To my left is Vincent Rigby, associate deputy minister at Public Safety. I think this is his first committee hearing in his new role as associate deputy minister. Kevin Brosseau is deputy commissioner of the RCMP, and Doug Breithaupt is from the Department of Justice.

[*Translation*]

Everything that our government does in terms of national security has two inseparable objectives: to protect Canadians and to defend our rights and freedoms. To do so, we have already taken a number of major steps, such as the new parliamentary committee established by Bill C-22 and the new ministerial direction on avoiding complicity in mistreatment. That said, Bill C-59 is certainly central to our efforts.

[*English*]

As I said last week in the House, this bill has three core themes: enhancing accountability and transparency, correcting certain problematic elements in the former Bill C-51, and ensuring that our national security and intelligence agencies can keep pace with the evolving nature of security threats.

Bill C-59 is the product of the most inclusive and extensive consultations Canada has ever undertaken on the subject of national security. We received more than 75,000 submissions from a variety of stakeholders and experts as well as the general public, and of course this committee also made a very significant contribution, which I hope members will see reflected in the content of Bill C-59.

All of that input guided our work and led to the legislation that's before us today, and we're only getting started. When it comes to matters as fundamental as our safety and our rights, the process must be as open and thorough as it can possibly be. That is why we chose to have this committee study the bill not after second reading but before second reading. As you know, once a bill has passed second reading in the House, its scope is locked in. With our reversal of the usual order, you will have the chance to analyze Bill C-59 in detail at an earlier stage in the process, which is beginning now, and to propose amendments that might otherwise be deemed to be beyond the scope of the legislation.

We have, however, already had several hours of debate, and I'd like to use the remainder of my time to address some of the points that were raised during that debate. To begin with, there were concerns raised about CSIS's threat reduction powers. I know there are some who would like to see these authorities eliminated entirely and others who think they should be limitless. We have taken the approach, for those measures that require a judicial warrant, of enumerating what they are in a specific list.

CSIS needs clear authorities, and Canadians need CSIS to have clear authorities without ambiguity so that they can do their job of keeping us safe. This legislation provides that clarity. Greater clarity benefits CSIS officers, because it enables them to go about their difficult work with the full confidence that they are operating within the parameters of the law and the Constitution.

Importantly, this bill will ensure that any measure CSIS takes is consistent with the Charter of Rights and Freedoms. Bill C-51 implied the contrary, but CSIS has been very clear that they have not used that particular option in Bill C-51, and Bill C-59 will end any ambiguity.

Mr. Paul-Hus, during his remarks in the debate in the House, discussed the changes we're proposing to the definition of “terrorist propaganda” and the criminal offence of promoting terrorism. Now, there can be absolutely no doubt of our conviction—I think this crosses all party lines—that spreading the odious ideologies of terrorist organizations is behaviour that cannot be tolerated. We know that terrorist groups use the Internet and social media to reach and radicalize people and to further their vile and murderous ends. We must do everything we can to stop that.

The problem with the way the law is written at the moment, as per Bill C-51 is that it is so broad and so vague that it is virtually unuseable, and it hasn't been used. Bill C-59 proposes terminology that is clear and familiar in Canadian law. It would prohibit counselling another person to commit a terrorism offence. This does not require that a particular person be counselled to commit a particular offence. Simply encouraging others to engage in non-specific acts of terrorism will qualify and will trigger that section of the Criminal Code.

● (0850)

Because the law will be more clearly drafted, it will be easier to enforce. Perhaps we will actually see a prosecution under this new provision. There has been no prosecution of this particular offence as currently drafted.

There were also questions raised during debate about whether the new accountability mechanisms will constitute too many hoops for security and intelligence agencies to jump through as they go about their work. The answer, in my view, is clearly, no. When the bill was introduced, two of the country's leading national security experts, Craig Forcese and Kent Roach, said the bill represents “solid gains—measured both from a rule of law and civil liberties perspective—and come at no credible cost to security.”

Accountability mechanisms for Canadian security and intelligence agencies have been insufficient for quite some time. Bill C-22 took one major step to remedy that weakness by creating the new National Security and Intelligence Committee of Parliamentarians. Bill C-59 will now add the new comprehensive national security and intelligence review agency, which some people, for shorthand, refer to as a super-SIRC, as well as the position of intelligence commissioner, which is another innovation in Bill C-59.

These steps have been broadly applauded. Some of the scrutiny that we are providing for in the new law will be after the fact, and where there is oversight in real time we've included provisions to deal with exigent circumstances when expedience and speed are necessary.

It is important to underscore that accountability is, of course, about ensuring that the rights and freedoms of Canadians are protected, but it is also about ensuring that our agencies are operating as effectively as they possibly can to keep Canadians safe. Both of these vital goals must be achieved simultaneously—safety and rights together, not one or the other.

Debate also included issues raised by the New Democratic Party about what is currently known as SCISA, the Security of Canada Information Sharing Act. There was a suggestion made that the act should be repealed entirely, but, with respect, that would jeopardize the security of Canadians. If one government agency or department has genuine information about a security threat, they have to be able to disclose it to the appropriate partner agencies within government in order to deal with that threat, and you may recall that this has been the subject of a number of judicial enquiries in the history of our country over the last number of years.

That disclosure must be governed by clear rules, which is why Bill C-59 establishes the following three requirements. First, the information being disclosed must contribute to the recipient organization's national security responsibilities. Second, the disclosure must not affect any person's privacy more than is reasonably necessary. Third, a statement must be provided to the recipient attesting to the information's accuracy. Furthermore, we make it clear that no new information collection powers are being created or implied, and records must be kept of what information is actually being shared.

Mr. Chair, I see you're giving me a rude gesture, which could be misinterpreted in another context.

Some hon. members: Oh, oh!

Hon. Ralph Goodale: There are a couple of points more, but I suspect they'll be raised during the course of the discussion. I'm happy to try to answer questions with the full support of the officials who are with me this morning.

Thank you.

● (0855)

The Chair: It was not as rude as it could have been. Thank you, Minister.

Our first questioner is Ms. Dabrusin.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you, Minister, for coming today.

The security framework is something that is very important to my constituents. As part of the consultations that took place, I held a meeting in my riding to which many people came. It was well attended. What came through were some very strong concerns about ensuring privacy rights and charter rights. That frames a bit of what I'm getting at with some of the questions I'm asking today.

The first is one you touched on briefly. Many people have come and asked me why do we not simply repeal the former Bill C-51 from the prior government, the prior Parliament. Why is any new legislation required? Why not just repeal it and leave it as it is?

Hon. Ralph Goodale: The short answer, of course, is that Bill C-51 as a single piece of legislation no longer exists. It is now embedded in other pieces of law and legislation that affect four or five different statutes and a number of different agencies and operations of the Government of Canada. It's now a little bit like trying to unscramble eggs rather than simply repealing what was there before.

Based on the consultation that you referred to, we meticulously went through the security laws of Canada, whether they were in Bill C-51 or not, and asked ourselves this key question. Is this the best provision, the right provision, in the public interest of Canadians to achieve two objectives—to keep Canadians safe and safeguard their rights and freedoms—and to accomplish those two objectives simultaneously?

We honoured our election commitment of dealing with five or six specific things in Bill C-51 that we found particularly problematic. Each one of those has been dealt with, as per our promise, but in this legislation we covered a lot of other ground that came forward not during the election campaign but as a part of our consultation.

Ms. Julie Dabrusin: Just for clarity, would you be able to list those five items?

Hon. Ralph Goodale: Yes. I can certainly get the list from our platform. They include making sure that civil protest was no in any way compromised; making sure that the Charter of Rights and Freedoms was paramount, particularly with respect to the threat reduction measures; making sure that there would be a review of the legislation after a certain period of time, with the legislation providing for a five-year review when all the security framework of Canada will be re-examined; and clarifying a number of definitions, like the one about terrorist propaganda that I referred to. There are also the no-fly corrections that we undertook.

We also said that we would create the committee of parliamentarians. That's done. We said that we would create the office for dealing with counter-radicalization. That's done. With the passage of Bill C-59, all of the specific elements that we referred to in the platform will be accomplished.

● (0900)

Ms. Julie Dabrusin: Thank you.

The other piece that's come up more recently—we heard it as a question raised in Parliament—is the breadth of this legislation. It is quite a read. Can you perhaps help us to understand how all the new legislative changes are linked? Why is it important to make all of these changes at the same time, in one piece of legislation?

Hon. Ralph Goodale: It's because they do come together as a comprehensive, coherent package. Again, that is a product of the consultation. Never before has a government gone out to Canadians to say, "Have your say about national security. Tell us what works. Tell us what doesn't work. Raise the issues you want to raise." We had a discussion paper to stimulate the conversation, but there was nothing off limits for Canadians to raise. The issues they raised, some more strenuously than others, and some in a larger volume than others, are the issues that are included in Bill C-59. They are all interconnected.

To give you one example, some people have asked about the CSE provisions here and about whether it's directly relevant. Well, CSE was one of our campaign commitments. CSE is a topic that was raised during the consultation. One of the new innovations that we're bringing in the legislation is the creation of the intelligence commissioner. The intelligence commissioner deals with CSE issues, with CSIS issues, and with other issues, so it makes sense to do them all together as a package.

A great many cross-cutting issues like that lead one to conclude that you need to debate this package as a comprehensive package rather than in bits and pieces, where the continuity would not be obvious.

Ms. Julie Dabrusin: I only have one minute, so perhaps this becomes a very short answer.

Another issue is CBSA oversight, which is a question that comes up in my community. People ask about it.

There isn't any independent oversight under our current regime. Under the Bill C-59 regime, is there CBSA oversight?

Hon. Ralph Goodale: Yes.

Insofar as CBSA deals with national security and intelligence matters, it is covered by Bill C-59, just as is CSIS or CSE or the RCMP, or any other security intelligence or police organization at the federal level. Their activities in relation to national security and intelligence are covered by Bill C-59 and the new national security and intelligence review agency.

What's still missing with respect to CBSA is an individual complaints mechanism for officer conduct unrelated to national security. We will be bringing forward a proposal to deal with that. That is one gap that remains in the architecture, and it will be subject to separate legislation.

The Chair: Thank you, Ms. Dabrusin.

Mr. Motz.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you, Mr. Chair.

Thank you, Minister Goodale, for being here this morning, and to your team.

I want to compliment you and the ministry on bringing this to committee before second reading. I suppose I'm naive in my newness about the intent behind that, and I hope to understand that better, appreciating the fact that it will give us, as a committee, an opportunity to look at the bill in its entirety without being locked into the scope, as you mentioned before.

One of the things I find encouraging is that the bill looks at a number of factors that I guess were not considered fully in Bill C-51. This is a complement to that, which is very good. When you decided to bring this back to committee before second reading, it made me feel as if there were some things you recognized as a ministry that we can make better. We can maybe do some tweaks to it that hadn't been done when it was first drafted.

Is there anything that comes to mind that you would ask us, as a committee, to pay particular attention to that hasn't already been dealt with?

● (0905)

Hon. Ralph Goodale: Mr. Motz, we listened very carefully to the public reaction and the parliamentary reaction when we tabled the bill in June. By and large, it was favourable.

However, with a piece of legislation this large, there will be differing perspectives and points of view. Over the course of the summer, there's been some elaboration on that. Some academic papers have been written, and various people who were involved in the consultations have come back to raise a question about this or a concern about that.

There are two areas that I would mention in particular. One is the provisions around SCISA, the Security of Canada Information Sharing Act, and whether those provisions can be improved or upgraded. Some of the experts, for example, Professors Forcese and Roach, have made some suggestions in that regard, which we're prepared to take a very careful look at. That is a critical mechanism here for agencies to be able to share information, but to do so on the proper legal basis, properly protecting privacy. The Privacy Commissioner made some observations as well. That's one area.

With regard to another area, you may have noticed that, earlier in the fall, I issued new ministerial directives to the security agencies about how they deal with information sharing with foreign entities. People have noted that a ministerial directive, by custom, has the force of law. It may be valuable to take that concept and find a way to put it in legislation so that there is a legislative anchor or hook for the ministerial directives.

Those are just two possibilities that we could consider, and I hope by the end of this conversation, you will agree that your optimism is not misplaced.

Mr. Glen Motz: We'll see. I remain optimistic.

One of the things that did strike comments from many people who studied this was the appreciation that the protection of national security and the whole idea of national security is a non-partisan team sport and that we all need to be on the same page with how that plays out.

What's also unique about Bill C-59 is that it's more prescriptive than what our allies have. We have a lot of the regulations that could be regulations inside this bill.

You mentioned before, sir, that one of the things you want to see is the ability to ensure national security is kept nimble and able to keep pace with changing threats. If everything is prescribed in a bill and we only have a five-year review cycle, we all know that sometimes bills take a long time to change. I wonder if we would be in a better spot to take some of the good things we see in Bill C-59 and move them into the regulation scheme, so if we have to change things and be nimble to changing threats, we can make those adjustments in a more efficient fashion.

Hon. Ralph Goodale: I would be interested to look at any specific suggestion you might have to make, where something is better done by regulation than actually in legislation. That's completely possible, because we're doing the legislation in the way we're doing it by having this discussion in committee before second reading. If there's a suggestion or an idea about it that you'd like to bring forward, we'll take a look at it.

Your comment is the opposite of what we usually hear, which is to not leave it to regulation but to put it in the bill. I think it would depend on the specific proposal.

● (0910)

Mr. Glen Motz: The only reason I say that is that the face of terrorism is changing and sometimes we get locked into things from a bill perspective, and they're not easily adjusted. That's all I'm getting at.

Hon. Ralph Goodale: There are a number of places where approval procedures are put in place where we have made arrangements for emergency situations and exigent circumstances so that the necessary approvals can be obtained, but that doesn't stand in the way of agencies taking the action they need to take in an emergency.

Mr. Glen Motz: You indicated that Bill C-59 was an attempt to clear up some ambiguity in language. In some of our preliminary conversations as a committee, we've already identified some ambiguity and how the language might have been used. We definitely want to make sure we're consistent in that, and we may be proposing some adjustments to, for example, “sharing” as opposed to “disclosing”, “reasonable and probable grounds” as opposed to “is likely to”, and those sorts of things. We want to be consistent with how we apply it.

The Chair: I'll have to reserve that answer for some other occasion.

Mr. Dubé, you have seven minutes, please.

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Thank you, Mr. Chair.

Minister, thank you for being here.

I want to point out a couple of things for the record before we get going.

A lot has been made about our ability to study the bill more thoroughly by doing this before second reading, but at the end of the day, we still only get you for one hour on a 138-page bill. Certainly, I want to express some disappointment about that. At the end of the day, beyond the question of scope of amendments, it doesn't necessarily allow us more space to study quite an extensive bill, as you can see from the size of our binders.

The other thing I want to mention in this notion of unscrambling eggs is that certainly I have no doubt of the ability of the justice department to do what my colleague Randall Garrison did in his Bill C-303, which is on the order paper right now and which repeals in its entirety all of the provisions that were brought in by former Bill C-51. I would argue the notion that it is unfeasible is incorrect, because we have been able to develop such a bill.

Those things being said, I do have questions.

The first one I want to get to is the changes to CSE in part 3 of the bill, in proposed subsection 24(1), in paragraphs (a) and (b) specifically, where we talk about “acquiring, using, analysing, retaining or disclosing publicly available information”. That section specifically mentions “Despite subsections 23(1) and (2)”, which are the subsections that are specifically protecting those actions from being done to Canadians and in Canada. Therefore, my understanding is that it obviously means that, for any of this data being acquired in this way, these actions can be done to Canadians and in Canada.

I just want to understand here, because certainly the argument can be made that it's publicly available information and that's too bad for people who maybe don't manage their social media very well. However, a few things are of concern, specifically language like "disclosing...information", and who that—

Hon. Ralph Goodale: Can you refer once again to the exact section you're looking at?

Mr. Matthew Dubé: It's in part 3 at proposed subsection 24(1).

Hon. Ralph Goodale: Thank you.

Mr. Matthew Dubé: It goes on in proposed paragraphs 24(1)(a) and (b), with (a) "acquiring" the information and (b) talking about "infrastructure information for the purpose of research and development...testing", and so on. Then, in 24(1)(c), it has "testing or evaluating products, software and systems, including testing or evaluating them for vulnerabilities."

Is there not a concern that we can get a web of inference here and that, despite the publicly available nature of this, we can start going through someone's social media information that might be public, creating profiles of people who might not necessarily be national security threats, and having this data stored? That's my first question.

Second, what is meant by "disclosing"? Who exactly is that information being disclosed to?

Hon. Ralph Goodale: Mr. Dubé, could I ask Greta, the chief of the Communications Security Establishment, to start?

Mr. Matthew Dubé: Yes, certainly.

Ms. Greta Bossenmaier (Chief, Communications Security Establishment): Thank you very much, Minister.

Thank you for the question.

With respect to this section, proposed subsection 24(1) does talk about how CSE may acquire, use, and analyze "publicly available information". I think there are two things to perhaps first frame this conversation. Number one, it has to be in relation to our mandate. We are a foreign signals intelligence organization. We focus on foreign targets and foreign threats to Canada, so we don't have a mandate to focus on Canadians. We're definitely an organization that's focused on foreign threats to Canada.

In terms of the intent of this provision, it very much allows us to be able to conduct perhaps a basic research, I would say, with respect to our mandate. I will give you an example. For example, we might issue a foreign intelligence report or a cybersecurity report, and there might be publicly available information that would help complement that. For example, if we were talking about a security breach or a cybersecurity breach that happened, we might want to reference publicly available information that may talk about the nature of that breach and how it was reported elsewhere.

We don't have an investigative mandate. We don't have a mandate to focus on Canadians. Again, it's very much in association with our mandate: foreign signals intelligence and cybersecurity protection.

● (0915)

Mr. Matthew Dubé: Fair enough, but if we look at proposed subsection 23(1), we see that it specifically mentions that the activities done by the centre "must not be directed at a Canadian or any person in Canada", while proposed section 24 says, "Despite subsections 23(1) and (2), the Establishment may carry out", and it goes on to what was already read. Essentially, we're saying that normally it wouldn't be against Canadians or any person in Canada, but now that's no longer the case, because it's specifically saying that it's "despite" proposed section 23.

Certainly, I understand the hypotheticals that are being offered, but does that section not allow for the retention and use of technology that can create these large webs that will inevitably catch people in Canada? We think of StingRay technology and things like that which can be used. Is that not going to be a potential...? The way this section is drafted, certainly it could, when we're looking at this:

> acquiring, using, analysing, retaining or disclosing infrastructure information for the purpose of research and development, for the purpose of testing systems or conducting cybersecurity and information assurance activities on the infrastructure from which the information was acquired

To me, that seems to create a situation whereby you could be collecting information from infrastructure here in Canada, which obviously Canadians are using, without necessarily the same accountability that's created by omitting Canadians in proposed section 23.

Ms. Greta Bossenmaier: Maybe I might add two additional points. I would refer to proposed subsection 24(1). In the actual first text there, it talks about "the following activities in furtherance of its mandate". Again, our mandate is foreign signals intelligence and cybersecurity protection. That really is the overarching piece that would be associated with the rest of the subsections.

Also, just in terms of ensuring appropriate use, all of CSE's activities, including anything that would happen under proposed subsection 24(1), would be addressed and covered under the review mechanisms that the minister already spoke about in terms of the national security and intelligence review agency, and of course, the new National Security and Intelligence Committee of Parliamentarians.

Mr. Matthew Dubé: Thank you.

My time is fleeing. I think that shows how an hour with the minister is perhaps not sufficient, considering that I've just spent nearly seven minutes on one section of the bill.

Hon. Ralph Goodale: But an hour with Greta is more useful.

Voices: Oh, oh!

Mr. Matthew Dubé: Certainly.

Minister, I want to go back to the information sharing section. I want to understand, because this is what you said in the House: that there's a difference between the language of disclosure that's now there, versus the language of sharing that was there. I want to understand what legal grounds that has to create any sort of difference.

Hon. Ralph Goodale: In the presentation of this section we wanted to make it clear that no new power of collection is being created here. This is all in reference to information that already exists.

Mr. Matthew Dubé: Minister, if I may, just in that context—

The Chair: I'm sorry, Mr. Dubé. I was giving you a bit of a run there as it is.

Mr. Picard, you have seven minutes, please.

[*Translation*]

Mr. Michel Picard (Montarville, Lib.): Thank you, Mr. Chair.

Mr. Minister, my thanks to you and your team for making yourselves available.

My question is about the Canadian Security Intelligence Service, or CSIS, and about the fallout from Justice Noël's decision.

That decision found problems with the types of information that can be investigated and kept, and with the extent to which it is possible to investigate. I would like to know how those obstacles have been overcome. As the judge said, it is impossible to keep information, even though it could be useful for investigations that are under way.

[*English*]

Hon. Ralph Goodale: Justice Noël's judgment is very interesting. Obviously he was concerned about certain procedures and practices and he laid out his instruction as to how those practices were to be adjusted. Bill C-59 captures Justice Noël's advice and judgment for a procedure going forward dealing with the management of data and datasets. That is all articulated in a very elaborate set of rules that will apply.

However, Justice Noël also said this. I don't have the exact quote in front of me, but he said to bear in mind that the CSIS Act was written in 1984. Think back to 1984. If you had a cellphone, it was as big as a breadbox. The fax machine was cutting-edge technology. A lot has changed, and as you mentioned, Monsieur Picard, he said explicitly that maybe all of this needs to be revisited in light of all the technological change that has taken place since 1984.

There have been recommendations from the Security Intelligence Review Committee. There have been judgements of the courts. There have been findings by judicial inquiries into a whole variety of circumstances in terms of the collection, the analysis, and the utilization of certain datasets, and what should be permitted and what shouldn't be permitted. We've taken all of that on board and it is now embodied in the rules laid out in Bill C-59.

There was another dimension of Justice Noël's judgment where he suggested in some pretty blunt language that there needed to be greater communication and candour between the agency and the court.

David Vigneault is the director of CSIS. I would just ask him to comment on that issue with respect to candour.

● (0920)

[*Translation*]

Mr. David Vigneault (Director, Canadian Security Intelligence Service): Thank you, Mr. Minister.

Mr. Picard, let me give you an idea of the way in which we interpret Justice Noël's decision.

The service has a list of issues that can be raised when we go to court to get warrants. That means that the court has a number of issues about which it raises questions. We keep a list of all those issues. We go back to court to provide detailed explanations and we provide technical briefings. That is the openness that led to Justice Noël's decision in 2016. We have a kind of transparency and, in a way, partnership. Perhaps that is not the proper word, given that we are talking about a court, but the fact remains that we understand the obligations placed on the service and we work very closely with the court to try to address its concerns as best we can.

Recently, I have had the opportunity to sit down with the designated Federal Court judges and with other members of the judicial system. I gave them my view about how the service is going to behave in the future. To a large extent, I feel that a sense of trust has been rebuilt. The responsibility of keeping the trust of the court by being open and transparent towards it rests on my shoulders.

Mr. Michel Picard: Transparency is often welcome.

That said, this gives you greater flexibility in gathering information and, as a result, in being able to have more and better quality information. The downside of that is the possibility of having information about third parties.

As of now, what steps are you taking to protect information about third parties?

Mr. David Vigneault: All information that the service gathers must be absolutely linked to our mandate, which is to monitor threats to the security of Canada. From the outset, the information we collect must be related to a threat to the security of Canada.

Bill C-59 sets out categories of information that are determined by the Minister. He tells me, as director, which categories of information we have the right to use. The men and women of the service will go and gather that information in an organized fashion. If the information is part of a Canadian dataset, the Intelligence Commissioner will have to assess the minister's decision.

With Canadian information, the Federal Court will have to determine whether we can use it and keep it. The way in which we use that information will be reviewed by the new National Security and Intelligence Review Agency and the National Security and Intelligence Committee of Parliamentarians.

The way in which the categories are determined by the Minister, the way in which we will use Canadian information, the role that the Federal Court and the Intelligence Commissioner will play, and the fact that any subsequent use of the information will be reviewed by oversight committees, all this will allow us to use information that is absolutely essential in confronting 21st century threats. Having been written 30 years ago, the law was showing its age, as Justice Noël said.

These measures will allow us, in 2017, to confront the threats appropriately, while being accountable for the protection of information on third parties, as you mentioned.

● (0925)

[*English*]

The Chair: Mr. MacKenzie, you have five minutes, please.

Mr. Dave MacKenzie (Oxford, CPC): Thank you, Chair.

Thanks to the panel for being here.

With all due respect, Minister, Bill C-51 was passed a few years ago, and I think that it received widespread support in the House. I believe you voted in favour of it. I think that it did make some changes that at the time were appropriate. Now in review three years later, we're looking at essentially a review. This is not a total rewrite, I think you would agree, of the original bill, but it does add some ingredients that are probably important.

When you mention the law expressly prohibiting protest and advocacy and so on, will the changes in the new bill result in charges that were not allowed for in Bill C-51? Have we enhanced the probabilities of prosecution in Bill C-59 over Bill C-51?

Hon. Ralph Goodale: That's always difficult to predict, Mr. MacKenzie, as you know.

In the example I used in my remarks, I think my answer to your question would be, yes, in the tools that are available to deal with terrorist propaganda. The problem with the language in Bill C-51 was that it was very broad, and in the language of lawyers in court, it was so broad that it was vague and unenforceable.

If you recall, there was some discussion during the election campaign in 2015 that the language in that particular section might have been used to capture certain election campaign ads, which obviously wasn't the intention of the legislation.

We've made it more precise without affecting its efficacy, and I think we made it more likely that charges can be laid and successfully prosecuted, because we have paralleled an existing legal structure that courts, lawyers, and prosecutors are familiar with, and that is the offence of counselling. Clearly, it doesn't have to be a specific individual counselling another specific individual to do a specific thing. If they are generally advising people to go out and commit terror, that's an offence of counselling under the the act they way we've written it.

Mr. Dave MacKenzie: I hope we would all agree that's an appropriate change. I think we do see changes in here that we agree with, and I think that for good reason you have a five-year review. I'm not sure if we need to go to five years. Maybe some of these things need to be reviewed more often than five years.

I look at many of these things that we talk about, and we talk about the collecting of information. For the people on the street who are enforcing these things and trying to keep Canadians safe, I would question why we get so involved in worrying about information we may collect from the public domain, such as social media. I think that Canadians would know that from the national media, we have been the beneficiaries of information obtained in other countries from social media where people were active, and I would use the example of the incident that occurred in southwestern Ontario, where the information came from another country, from information they had obtained through social media.

It would just seem to me that we are only fooling ourselves if we think we shouldn't be watching social media in our country for the benefit of Canadians, particularly.

● (0930)

Hon. Ralph Goodale: Mr. MacKenzie, on that point, I might ask Kevin Brosseau to comment. I think you're referring to the Driver case at Strathroy. That critical piece of information that came to us from the FBI was actually an intelligence operation they were conducting. It wasn't via social media. It was another method that they were using.

But your point about the ability for them to share with us and us to share with them was absolutely crucial. The relationship between CSIS and their counterparts, the RCMP and their counterparts, is extraordinary. In that particular case, in the space of about eight hours, they were able to identify very precisely what was going on and stop a very significant tragedy from happening.

The Chair: Thank you, Mr. MacKenzie.

Mr. Spengemann.

Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.): Thank you very much, Mr. Chair. I'd like to welcome Minister Goodale to the committee with his team and extend my congratulations to Mr. Rigby and welcome him in his new role.

I'd like to also echo Mr. Motz's appreciation for bringing this bill to us before second reading.

Minister Goodale, my question falls squarely into the overarching framework that we need both good security and to protect our charter rights. It's about Canadian youth and their vulnerability to terrorism. In particular, we have terrorist networks around the world like Abu Sayyaf, in the Philippines; al Shabaab in Somalia; ISIS in Syria, and the Levant; and future terrorist networks, potentially or likely, that will prey on youth in various countries. These are children, really, according to my reading, who range between the ages of 14 and 19 or who are into their early twenties.

Clause 159 of the bill brings the Youth Criminal Justice Act into connection with Bill C-59, applies it to Bill C-59, including the principle that detention is not a substitute for social measures and also that preventative detention, as provided for in section 83.3 of the Criminal Code, falls into that same framework. It's not a substitute.

I wonder if you could comment on your vision of how the bill relates to young offenders, vulnerable youth, essentially the pre-commission of any terrorist offences or recruitment by networks, and then also your broader vision about how we can do better in terms of preventing terrorism in the first place by making sure these networks do not prey on Canadian youth and children.

Hon. Ralph Goodale: It's a very serious issue, Mr. Spengemann. You really have touched on the two elements we're working on. Through the collection of new provisions that are here in Bill C-59 we will give CSIS and the RCMP and our other agencies the ability and the tools to be as well informed as humanly possible about these activities and to be able to function with clarity within the law and within the Constitution to do what they need to do to counter those threats. Specifically where offences arise in relation to young people, the Youth Criminal Justice Act applies, so that is the process by which young offenders will be managed under this law.

The other side of it is prevention, and all of the countries in the G20, and probably many others around the world, are turning their attention more and more to this question. It has been discussed among the Five Eyes allies. It's been discussed among the G7 countries as well as the G20.

How can we find the ways and share our expertise internationally with all countries that share this concern? How can we find the ways to identify vulnerable people early enough to have a decent opportunity to intervene effectively in that downward spiral of terrorist influence to get them out of that pattern?

Obviously intervention and counter-radicalization techniques will not work in every circumstance. That's why we need a broad range of tools to deal with terrorist threats, but where prevention is possible, we need to develop the expertise to actually do it. That is the reason we created the new Canada centre for community engagement and prevention of violence, so we would have a national office that could coordinate the activities that are going along at the local and municipal and academic levels across the country, put some more resources behind those, and make sure we are sharing the very best ideas and information so that if we can prevent a tragedy, we actually have the tools to do it.

● (0935)

Mr. Sven Spengemann: Minister, thank you.

Very briefly, would it be fair to say that disrupting recruitment efforts of international or domestic terrorist organizations is as significant as disrupting terrorist finance is?

Hon. Ralph Goodale: Yes. It's all important. It's hard to put them in a hierarchical order. It's all important activity, and we're doing our best to have a coordinated, full effort with everybody on board.

The Chair: Thank you, Mr. Spengemann.

Ms. Gallant, go ahead for five minutes.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Thank you, Mr. Chairman.

Through you to the minister, Canadians from coast to coast are asking why the government appears to be more concerned about the rights of terrorists than about the safety and security of Canadians with the returning ISIL fighters.

Do you believe that the returning ISIL fighters can be rehabilitated?

Hon. Ralph Goodale: I think Madam Gallant, the way you put that, it's a complete misstatement of the government's position.

We believe we need a robust set of measures to deal with the terrorist threat. That includes our participation in the global coalition against Daesh. Canada's role there, especially our intelligence-collecting capacity, has been a very large asset. We need the surveillance, the intelligence gathering, and the monitoring capacity of our security agencies. We need the ability of our police forces to collect evidence to prepare cases that can be sustained in court. We need the ability to use no-fly lists, the ability to list people and entities under the Criminal Code, to apply for peace bonds, and to use the threat-reduction powers of CSIS.

Mrs. Cheryl Gallant: Thank you, Minister.

Hon. Ralph Goodale: You need all those things together, including a prevention effort.

Mrs. Cheryl Gallant: I do recall from defence that your government withdrew the CF-18 fighters that were cover for our soldiers fighting ISIL as well.

Why does this bill lack the legislation that includes measures to criminalize travel to regions under the control of terrorist organizations?

Hon. Ralph Goodale: It's already an offence under the Criminal Code.

Mrs. Cheryl Gallant: Is it an offence to go into the regions?

Hon. Ralph Goodale: If you are travelling for a terrorist purpose, if you leave Canada to travel for a terrorist purpose, that is an offence under the Criminal Code.

Mrs. Cheryl Gallant: Then why are the people returning not being charged under that offence?

Hon. Ralph Goodale: There are about 60 of those returnees back in Canada. Bear in mind, these are people who have gone to a whole variety of theatres of terrorist activity around the world. Some would have been directly involved, others less so. The security and intelligence efforts of Canadians and all our allies around the world are watching these people intently to know exactly what they're up to.

When they come back, if evidence is available that can stand up in court, they are charged. In the last two years, there have been two charges laid because we believe we have the evidence that can be prosecuted in court. Up until that time, no charges had been laid.

● (0940)

Mrs. Cheryl Gallant: Minister, you say the number is 60, when in reality we don't have a finite figure. In fact, with the mass migration of people seeking asylum across the U.S.-Canadian border, those are the people who wanted to be caught. The border enforcement agencies have been overwhelmed with those. What about the people who crossed into Canada who didn't want to be seen? We don't know that there are only 60 people who were fighting with ISIL.

In light of the recent terrorist attack domestically that Mr. MacKenzie referred to, there are terrorist attacks in the U.K. and the EU in addition to Canada that included the acquisition and use of objects available to citizens, such as vehicles, chemicals, and so on. Has the government reviewed the provisions of Bill C-59 to ensure that it permits appropriate emergency disruptive activities, including without warrant, where required?

Hon. Ralph Goodale: We believe the measures that have been put together here, based upon the most extensive consultation with Canadian experts, parliamentarians, and the general public, are indeed appropriate to accomplish two objectives—one, to keep Canadians safe, and two, to safeguard their rights and freedoms—and to do those things together.

Mrs. Cheryl Gallant: I have one last question. Part of the deradicalization centre's job, or what they say is one of their methods, is to read poetry to the returning ISIL fighters. Because we have people from other allied countries listening in, can you specifically give us the title of a poem that might help deradicalize returning ISIL fighters?

Hon. Ralph Goodale: You're obviously trying to—

The Chair: Mr. Minister, unfortunately Ms. Gallant has not provided you with sufficient time to provide your opinions on poetry.

I have five minutes left for Mr. Fragiskatos, and then we'll suspend.

Mr. Peter Fragiskatos (London North Centre, Lib.): Thank you very much, Chair, and thank you, Minister and officials, for being here today.

Minister, at the outset you said that the Charter of Rights is paramount here. I wonder if you could speak to the place of the charter in all of this, in Bill C-59 and where the charter factors in.

Hon. Ralph Goodale: The most prominent issue that emerged from Bill C-51 was the original wording of what became section 12.1 of the CSIS Act, which implied, by the way the section was structured, that CSIS could go to a court and get the authority of the court to violate the charter. Every legal scholar I've ever heard opine on this topic has said that is a legal nullity. An ordinary piece of legislation such as the CSIS Act cannot override the charter. The charter is paramount. However, the language in the way section 12.1 was structured left the impression that you could go to the court and get authority to violate the charter.

In the language change that we have put into Bill C-59, first of all, we have specified a list of disruption activities that CSIS may undertake with the proper court authorization, but when they go to the court to ask for authority, the ruling they're asking for from the court is not that it violate the charter, but that it fits within the charter, that in fact it is consistent with the Canadian Charter of Rights and Freedoms, including clause 1 of the charter.

That's the difference between the structure of the old section and how we've tried to make it clear that the charter prevails.

Mr. Peter Fragiskatos: Thank you very much.

On one hand, I wanted to ask about rights, but on the other hand, I also want to ask about security, specifically, a question about cybersecurity.

We could have a situation, as a result of even one attack, where our banking and electricity systems are undermined. I've given you maybe one minute to answer this, but in what ways does Bill C-59 provide a more robust framework to prevent against such attacks and protect Canadians?

Hon. Ralph Goodale: You can expect to see a whole range of proposals dealing with enhanced cybersecurity from the government in the next number of months. The existing cyber-policy goes back to 2010. It was thought at that time to be cutting edge, but technology has marched on.

We will be introducing an entirely new set of measures to strengthen Canada's cyber-capacity. One piece of that is the new authority that we are giving to the CSE. Maybe I can ask Greta, in the interest of time here, to comment specifically on cyber-powers in the section on CSE.

● (0945)

Ms. Greta Bossenmaier: Thank you very much, Mr. Goodale.

I'll just highlight one in particular, given the reference to critical infrastructure. CSE currently deploys a number of very sophisticated tools to protect the Government of Canada's systems. With this legislation that's being proposed, one piece of it would allow CSE, upon request from a piece of infrastructure that's been designated as important to the Government of Canada, upon the request of the infrastructure owner, to deploy our sophisticated tools to help defend a piece of critical infrastructure that's, for example, being attacked from outside of Canada.

That's a concrete example of a particular measure that's included in here that would help Canadians and Canadian infrastructure be better protected from cyber-attacks.

Mr. Peter Fragiskatos: Thank you very much.

Hon. Ralph Goodale: The real difference there is that, without this authority, you have to sit back and wait to be attacked, even though you know it's going to happen. You're not in a position to be proactive. With the new authorities, CSE would be able to identify a very likely attack and be more proactive in preventing it from happening, rather than to try to clean up the mess after it has happened.

Mr. Peter Fragiskatos: If I've understood you correctly, Minister, on the definition of “terrorist propaganda”, in Bill C-51 it was so particular that it made it restrictive. Is it fair to say that it was ineffective and relatively unusable? Is that a fair criticism?

Hon. Ralph Goodale: It wasn't used in the two or three years between then and now. Our view was that it was written in such broad language, it was largely unusable.

We've tried to use language that is more familiar. In the history of our criminal law, the offence of counselling is very well understood. Using that language covers the problem, and does so in a way that's enforceable.

The Chair: Thank you, Mr. Fragiskatos.

On behalf of the committee, Minister, I want to thank you. You know that you're always welcome to come to this committee.

With that, I will suspend. I ask just, in the interest of time and efficiency, for those who might wish to ask the minister a question or two, that they ask it outside the room so that we can continue on with officials.

With that, we'll suspend for two minutes.

● (0945)

(Pause)

● (0950)

The Chair: We have now resumed for the second hour of these hearings.

Since there's no presentation, I think we'll go directly to questions.

Mr. Spengemann is leading off for seven minutes, please.

Mr. Sven Spengemann: Mr. Chair, thank you very much. Thank you, officials, for remaining with us for the second hour.

My first set of questions is about the Secure Air Travel Act. Many colleagues, me included, will have heard, from constituents, concerns about this, not the legislation but the current circumstances under which particularly young people and children find themselves not being on but flagged by a no-fly list. It's difficult to get around it because we don't have a redress system.

In light of the minister's comments that this bill was introduced before second reading, I wanted to ask you for your views on the legislation as it stands in developing a redress system. Are there particular areas that we can pay attention to as a committee?

We are being pushed hard also on the question of timeliness, of having this part of the legislation completed. Some constituents feel that there is room for an interim quick fix. I'd like to have your views on whether that's possible and feasible.

Once we have the legislation in place and the budget appropriation that's required to fix this problem, what would have to be done operationally to actually build this system? I think there are still some misperceptions of the magnitude, the complexity that's involved in building an effective redress system.

The Chair: Just as a matter of procedure, can I ask colleagues to —we have quite an array of witnesses—direct their questions to specific individuals.

Mr. Sven Spengemann: Perhaps Mr. Rigby, can lead off, but if there are other colleagues who want to comment, I would welcome that as well.

Mr. Vincent Rigby (Associate Deputy Minister, Department of Public Safety and Emergency Preparedness): Thank you very much, Mr. Chair. Thank you very much for the question.

I'll pass it on to Monik, who has actually been working on this file to provide some of the details.

But absolutely, I think the minister has made it clear that establishing a redress system is a priority for the government. I think that within the legislation we've already started down that track. In terms of a quick fix, I don't think that there's necessarily one that is readily available. As you say, over time we are going to look at a more comprehensive solution.

In terms of redress, I think it's starting off with a centralized screening system so that the government actually does the screening. Right now that is the responsibility of the airline. We'll bring it back to the government so that we can actually provide more rigorous and consistent screening across the board. In the legislation itself there are also references to the notion of an identification number that will allow those who request the identification number to be screened ahead of time. If there's any misunderstanding with respect to being on the list, that can be addressed before they actually show up at the airport.

We've also made it clear that in cases where a child, for example, is not on the list, the government will inform the parents of that. We feel that is an important provision in that there's a great deal of apprehension when there is a false positive match from parents who ask if their child is on the list. Whether it's through accident or through some other provision, I think it removes a lot of that apprehension if we can actually say to a parent that the child is not on the list.

Over time, yes, this is going to be a very comprehensive approach. By having the centralized screening process, we are actually going to have to build the system up from the ground. It will require a big information technology fix that will require significant funding over time to make that happen.

We feel that the legislation is definitely moving us in the right direction.

Monik, did you want to add anything?

● (0955)

Ms. Monik Beauregard (Senior Assistant Deputy Minister, National and Cyber Security Branch, Department of Public Safety and Emergency Preparedness): The only thing I'd add is that instituting a redress program is quite complex. It requires legislative amendments, regulatory work, consultations with airlines, and some fairly significant IT fixes. I think in Bill C-59 you have the essential first steps to lead us down the path of a centralized program.

We have the proposed amendments here that will enable public safety to gather the information into establishing a program. These are really the first steps that we need down the path to a redress program.

Mr. Sven Spengemann: Okay.

Is it your testimony then that you would not recommend any additional areas of examination within the bill, that the bill really captures what's needed to build the system?

Ms. Monik Beauregard: I would say we're always open to creative suggestions. I think we always believe that we've thought of everything, but we welcome new suggestions on that, especially in terms of working airlines and IT fixes.

Mr. Vincent Rigby: I would absolutely concur with that. We're open to any suggestions, of course. We feel that this is moving in the right direction, but we would welcome any suggestions from the committee.

Mr. Sven Spengemann: Are you able to comment on how we ended up here? We have a lot of constituents who travel to the U.S. who are saying that, as stigmatizing as it may be to have a redress number, that system seems to be working. Why are we in the current situation?

Ms. Monik Beauregard: I can't really say why we're in the current situation. We are working with the U.S. We have established a Canada–U.S. redress working group to also facilitate the troubles that some air passengers may experience. We are looking to the American experience in establishing their redress program and learning lessons from the way they have done it.

Mr. Sven Spengemann: I may ask you to venture outside the box here, but would you have a rough estimate of how long it would take to build the IT parameters you've described, once we have budgetary approval and Bill C-59 is enacted?

Mr. Vincent Rigby: We are in very extensive consultations interdepartmentally within government on exactly this issue right now. As to the actual dollar figure or how long it's going to take, I wouldn't be in a position right now to give you a firm estimate on either count.

Mr. Sven Spengemann: Would even a loose estimate be premature?

Mr. Vincent Rigby: It would be premature at this time.

Mr. Sven Spengemann: Very briefly in the remaining 20 seconds, how many departments and agencies would be involved in constructing this redress system?

Mr. Vincent Rigby: There are a number of other departments that we're working very closely with. Obviously CBSA would be one of them, one of the agencies within our portfolio. Then there's Transport Canada, Shared Services.... Those are only three or four, but there are others as well. We would be consulting Treasury Board, etc.

Mr. Sven Spengemann: Thank you both very much.

The Chair: Mr. Motz.

Mr. Glen Motz: Thank you, Mr. Chair. Thank you to the panel for being here today.

In keeping to the theme of costs, I'm wondering whether an approximate budget to implement this bill has been costed.

I guess the answer would be from the Public Safety officials.

Mr. Vincent Rigby: Are you talking about the entire bill right now?

Mr. Glen Motz: Yes. Has any thought been put into the approximate cost of the full implementation of this bill?

Mr. Vincent Rigby: Of the total costs, I don't think there has been.... I could turn to my colleagues, but these are still early days. We'll want to have the legislation actually passed and become law.

We certainly looked at some preliminary cost estimates for specific measures, but I couldn't give you a *grosso modo* figure for the entire bill and its implementation at this point.

Mr. Glen Motz: Can you provide those figures you have to the committee at your convenience, please?

Mr. Vincent Rigby: I can certainly look at getting you some answers, absolutely, sir.

Mr. Glen Motz: Thank you.

Specific to CSIS, clause 99 of the bill includes new language that prohibits CSIS from detaining an individual. Could you help us understand the justification behind that reduction in power?

● (1000)

Mr. David Vigneault: Thank you for the question.

Actually, we do not have the power and we never had the power of detention. This is a power that is reserved only to the police. The way we deal with threats, essentially, is that we investigate, we collect intelligence, and we inform our partners. With the legislation that previously allowed us to undertake threat reduction, we can take some measures to reduce a threat, but those measures prohibit any detention. We thus do not have and we never had any power of detention.

Mr. Glen Motz: Okay. Thank you.

This question is for Justice and Public Safety. The other day at the committee we discussed changing terminologies. Can you help us to understand the necessity to change the terminology in section 83.3 of the Criminal Code, from “is likely to prevent” a terrorist activity to “is necessary to prevent” a terrorist activity, and how that change is anticipated to impact or affect our ability to make preventative arrests?

The Chair: Is that to Mr. Breithaupt?

Mr. Glen Motz: I don't have the list of who is from Public Safety or Justice.

The Chair: We'll go with Mr. Breithaupt.

Mr. Douglas Breithaupt (Director and General Counsel, Criminal Law Policy Section, Department of Justice): Thank you very much for the question.

Yes, Bill C-59 would propose to revert one of the thresholds to what it was before former Bill C-51. There are two thresholds: that the peace officer have, first, reasonable grounds to believe that a terrorist activity may be carried out, and second, reasonable grounds to suspect that the imposition of a recognizance with conditions or the arrest of the person is, as it currently reads, “likely to prevent the carrying out of the terrorist activity”.

This bill proposes to change that phrasing to “be necessary to prevent the carrying out of the terrorist activity”. This would restore that particular branch of the test to what it was originally, with the Anti-terrorism Act of 2001, and that's attached to the branch of the test that's “reasonable grounds” to suspect. It would require the police to present evidence of a greater link between the conditions to be imposed on the person or the arrest of the person and the prevention of terrorist activity.

Mr. Glen Motz: What we've done has in effect made it more difficult to have an impact on national security by going back to even before Bill C-51. Is that what you're saying?

Mr. Douglas Breithaupt: It is an increase in the threshold. This tool is available for use. It hasn't been used to date, but it may very well be used in imminent circumstances, in which case there may be a closer link between the necessity of using the tool to prevent the terrorist activity from being carried out.

Mr. Glen Motz: Okay. Thank you.

I just have to comment that it is problematic to me that as our threat to national security increases, we would actually go backwards on our ability to protect ourselves from it.

Again, maybe the same individual can respond to the significance of changing the word “sharing” to “disclosing”?

In discussing this previously, we were having some conversations on sharing information, what it means to disclose information, and whether that's just a cosmetic change in language. Do you see a substantive shift in how that can be carried out?

As we know, the sharing of information is absolutely critical between departments and agencies for national security, as well as with our allied partners, but in-house, in Canada, it's absolutely critical. Do you see this as being a substantive change that's going to make it more difficult or easier to share information?

Mr. Vincent Rigby: Perhaps I can tackle that one, Mr. Chairman.

I don't think it's just cosmetic. I think it's actually quite important. As the minister suggested, moving from “sharing” to “disclosing” is also making it clear that this is not about collection. This is about disclosing information, and sometimes I think within the definition of “sharing”, it can be implicit that there's a collection dimension as well, so we wanted absolute clarity in that regard.

Also, disclosing makes it very clear that it's from one body, one organization, to another organization, so there are certain requirements on the disclosing organization or agency now in terms of the information they give to another agency or organization.

Absolutely, I hear you in terms of the sharing of information being extremely important. Indeed, I think the amendments that are being suggested now within the act are still aimed—while protecting privacy, protecting rights, and so on—at making sure that those organizations have the information they need to respond to threats.

● (1005)

The Chair: Thank you, Mr. Motz.

Mr. Dubé, you have seven minutes.

[*Translation*]

Mr. Matthew Dubé: Thank you, Mr. Chair.

I want to quickly go back to Mr. Rigby and Ms. Beauregard on the subject of the no-fly list. I have two questions for them.

First, why is it so difficult to determine the costs of setting up the system?

Second, if the bill is passed, the legislation will be in place, but the money will not always be available. From what you are saying, I get the impression that we will not be seeing the money in the next budget. Does that mean that we will have to wait for the next budget cycle before the technical system can be implemented?

Mr. Vincent Rigby: Thank you for your question.

[*English*]

At this point, I wouldn't want to disclose the costs, just because we're still having those discussions. For me to provide an estimate right now, which would subsequently have to be revisited, I don't think would be in anyone's best interest.

As I said before, it's a very ambitious, highly technical fix in terms of the IT, so we're having to cross a lot of *t*'s, dot a lot of *i*'s, and work with a lot of other agencies and departments in terms of bringing those costs together. We do have an estimate right now. We put that with the government, and we are waiting for a response in that regard.

[*Translation*]

Mr. Matthew Dubé: So, essentially, we are waiting for a reply from the Department of Finance in order to find out what will be possible in the budget. Is that what you are saying?

[*English*]

Mr. Vincent Rigby: We're certainly in discussions with the Department of Finance right now with respect to the ultimate cost, yes.

[*Translation*]

Mr. Matthew Dubé: Thank you.

Mr. Vigneault, I would like to ask you about the unselected datasets. It is about the kind of net that can affect a number of people while you are conducting your activities. One of the justifications in the bill is that the Minister and the new commissioner are going to determine whether or not it is appropriate to gather and keep that data.

How do you go about distinguishing between the datasets? For example, the Minister or the commissioner could decide that one dataset is appropriate, because it relates to someone who poses no threat but who may have had a conversation with a suspect you are targeting. How do you distinguish that dataset from the other information about legitimate associates of the person who may be a threat too?

Put in a better way, how do you go about distinguishing between the other data and the unselected datasets that affect people who have nothing to do with the suspect?

Mr. David Vigneault: Thank you for your question, Mr. Dubé.

My answer comes in two parts.

First, as I briefly mentioned just now, a number of measures already allow us to collect, use and keep information. It starts with the Minister, who will determine the category of information we can use. That category is reviewed by the commissioner. So a quasi-judicial review is conducted by the Intelligence Commissioner. If the information affects Canadians, the Federal Court will decide whether it is absolutely necessary for CSIS to keep and use the information. The Federal Court will apply the privacy test to determine whether to let us use the information. The system to be put in place by Bill C-59 includes criteria that allow us to use the information.

Second, I understand that people are very interested in our use of the information, but, for an intelligence organization like CSIS, it is absolutely critical to have information. Let me give you a specific example. Having a bigger dataset allows us to characterize threats and to say with whom such and such an individual is in contact, and whether or not that constitutes a threat. Often, it allows us to establish that there is no threat. Having that dataset means that CSIS does not investigate innocent people.

● (1010)

Mr. Matthew Dubé: When you accumulate datasets, one of civil society's great concerns is that the data can deal with all kinds of information that is not essential to your work and that can interfere with privacy. In that sense, it may also include what the bill calls unselected data.

Technically, how do you proceed? If the court determines that you have the right to collect that information because the target is legitimate, how do you go about distinguishing the legitimate target from the unselected data that will inevitably be collected? Has a system been put in place? Perhaps my level of understanding is not as high as yours, but, when you are collecting datasets, the net is clearly cast very wide and the information is not automatically relevant to the investigations.

Mr. David Vigneault: Absolutely. If the bill is passed, the unselected data will be separated out. Only the designated people will be able to have access to that information. There will be no question of taking a dataset and mixing it in with our threat-related data. Unselected data will be segregated. Designated people will be able to make requests to use it. Each time that is done, the activities will be reviewed to make sure that our procedures and our implementation comply with the spirit of the law.

Mr. Matthew Dubé: In a situation where a dataset comes from a widely cast net, how do you go about telling relevant information from the rest?

You set it aside, and that is fine; the intention is good. But how do you go about deciding which information, which data, will be set aside?

Mr. David Vigneault: Here is what we do.

We do not start our investigations from selected data. We start them from factors that are related to threats.

If an identified target is implicated in potential terrorism or espionage, and if we see that that person is in contact with someone —certain information can be useful to us, like a telephone number— we can then check in the unselected data we have been authorized to keep. That is part of the process I explained to you earlier.

What people are afraid of is that we will be going on fishing expeditions.

[*English*]

There's no fishing expedition.

[*Translation*]

We cannot start conducting investigations based on unselected data. It is quite the opposite. We start with the data from our investigations and we then use the unselected data to ensure that the individuals we are investigating are actually associated with the threat. That information will often help us to establish that they are not associated with the threat.

[*English*]

The Chair: Mr. Vigneault, I'm sorry to cut off this fishing expedition question.

Ms. Damoff, you have seven minutes, please.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you very much.

Thank you for being with us for our second hour.

I want to go back to the no-fly list or passenger protect program. I too have met with the no-fly list kids. I have a young man in my riding, and I've been working with his mom almost since I got elected on the fact that his name is shared on the list.

I want to go through a little that's in the bill and some that isn't.

You mentioned the U.S. has a redress system, and that's what we're moving toward. My understanding is that it's more difficult and more costly for us to create one today than it would have been if it had just been done at the beginning or even several years ago. Because of the fact that this list has been out there for so long, to create it now is more difficult and more costly than it would have been if we had done it the way the U.S. had done it and done it much earlier. Is that correct?

Mr. Vincent Rigby: I think in retrospect we certainly would have liked to have had the redress system in place at the outset. To create the fix now is certainly more challenging, without a doubt. I can't speak with authority that it is going to be more expensive, but I suspect that might well be the case. I'd have to confirm that.

Ms. Pam Damoff: That's fine.

When I read the legislation this is still not 100% clear to me, so if you could clear it up.... Who creates and who maintains the list? Is it the airlines or the government?

● (1015)

Mr. Vincent Rigby: This is where I am going to turn to Monik, because she is very essential to the whole process, but I will say one thing. The screening has been done by the airlines up to this point, so the screening will now move back to the government. We will do the screening, not the airlines, and there are a number of advantages to that.

I'll let Monik, who is in the trenches on this, go through the process for you.

Ms. Monik Beauregard: The government creates the Secure Air Travel Act list based on a dual threshold of identifying individuals who are suspected of posing a threat to airlines but also individuals who are suspected of travelling abroad to participate in terrorist activities. That is not to say that airlines don't have their own lists, but they're not terrorism-related. Airlines will have their own list based on people who've had rage fits on airlines and things like that.

There's quite a complex process in place when somebody is flagged at registration. They may be on the SATA list. There's a whole process going back to the government, to Transport Canada, and to Public Safety to vet whether or not that person is a close name match or an actual person on the list.

Ms. Pam Damoff: Thank you for that.

The legislation will change two things. One is that parents or guardians can now contact the government to find out if their child is a match on the list. Is that correct?

Ms. Monik Beauregard: Exactly, yes.

Mr. Vincent Rigby: That is correct.

Ms. Pam Damoff: The other change has to do with people who have applied to have their names removed from the list. Can you go through the change that we made for that?

Ms. Monik Beauregard: That is the recourse process. When the Liberal government came to power that was a mandate: to make changes to the recourse process. Essentially there was a deemed decision previously that if after 90 days the minister had not rendered a decision, the individual would remain on the list. We have now reversed the process. If the minister has not provided a response within 120 days, then the person is automatically removed from the list. The recourse process has now been made fairer.

Ms. Pam Damoff: That was a change that this committee recommended as well, when we did our study on the national security framework.

Ms. Monik Beauregard: Exactly.

Ms. Pam Damoff: We maintain a Canadian list. Other countries maintain their own lists. Is that correct?

Ms. Monik Beauregard: That's correct.

Ms. Pam Damoff: We're not using a U.S. list then, in Canada? That's a question that I'm often asked.

Ms. Monik Beauregard: No. Again, as I explained, we have our own list. The list that is shared with airlines is the Canadian list, as Vincent indicated.

Ms. Pam Damoff: Thank you.

There seems to be confusion, certainly among the parents, that there is this list somewhere that every country has access to.

In terms of a short-term fix, I just want to get this on the record because my colleague, Mr. Spengemann, brought it up. As crazy as it sounds, I've been told that if people apply for a loyalty number from an airline, it actually acts in a similar way to a redress number to allow them to fly more easily with the airlines. That is what my constituent was told and I actually went back to Public Safety because I thought it was crazy, but it was explained to me that it provides a unique identifier. Can you just confirm that it actually does assist the passengers who are flying?

Ms. Monik Beauregard: Yes, it does. Some of the unique identifiers are based on date of birth, the sex of the individual, etc. By using an Aeroplan number, for example, there is an automatic deconfliction in the system confirming certain identifiers. Using an Aeroplan number or a WestJet number would actually help those who have close name matches.

Ms. Pam Damoff: Okay. Thank you.

With this legislation, this will now allow you to put the regulations you mentioned in place. The steps would be the legislation, the regulations, and then funding in order to be able to put it in place. Will this allow you to start to put some of the other pieces in place?

● (1020)

Mr. Vincent Rigby: It certainly starts us down that track, but funding will be critical.

Ms. Pam Damoff: Thank you.

The Chair: Thank you, Ms. Damoff.

Before I turn it over to Ms. Gallant, most of the witnesses here are frequent flyers, shall we say, while some are not. For those who wish to reflect on whatever it is they said or may have read in *Hansard* that requires clarification, you're more than welcome to write to the clerk for any clarification you wish.

Ms. Gallant, you have five minutes, please.

Mrs. Cheryl Gallant: Thank you, Mr. Chairman.

This is for our chief of CSE. Under proposed sections 30 and 31, can you explain the necessity of including the Minister of Foreign Affairs in the decision-making when authorizing cyber-operations? Why is it necessary to include the Minister of Foreign Affairs in this decision-making process?

Ms. Greta Bossenmaier: Thank you for the question.

Ms. Gallant, I believe that you're referring to the cyber-operations that are in the proposed bill and there are two different types of cyber-operations. The first are called defensive cyber-operations. For those, the Minister of Foreign Affairs would need to be informed of this initiative. She wouldn't actually be approving it, but she would be informed of it.

For an active cyber-operation, the Minister of Foreign Affairs, as you said, would actually also have to be approving it, which would be a two-key approval, if I can say that.

I think the important thing to underline here is that these operations, whether they be defensive or active cyber-operations, are focused on foreign targets or focused outside of Canada. Of course, the Minister of Foreign Affairs would have an interest in and responsibility for Canada's international and foreign affairs, as these activities would be implicating foreign targets or threats to Canada, which would be part of the rationale for that.

Mrs. Cheryl Gallant: Okay. The approval is required for the second part.

For Mr. Rigby, what is the justification for Bill C-59 changing the definition of “terrorist propaganda” in the Criminal Code? It raises the evidentiary standard beyond what is the factual reality of current practices in radicalization, recruitment, and facilitation, and actually duplicates what is already the crime of counselling a criminal offence in section 22 of the Criminal Code.

In light of this, will the government consider removing the proposed amendment in Bill C-59 relating to terrorist propaganda?

Mr. Vincent Rigby: I'll defer to my colleague from Justice on this issue, although the minister addressed a bit of your question with respect to the definition and use of the word “counselling” in greater precision. Perhaps my colleague can provide a more fulsome answer.

Mr. Douglas Breithaupt: Indeed there is a link to the counselling offence that's proposed in Bill C-59. The “terrorist propaganda” definition is proposed to be amended to mean “any writing, sign, visible representation or audio recording that counsels the commission of a terrorism offence”. It's very closely linked to the new counselling offence.

There were concerns with the current wording of the terrorist propaganda definition, which is “advocates or promotes the commission of terrorism offences in general”, suggesting that this wasn't so easy to apply. That has been deleted, fulfilling a commitment the government made to narrow overly broad definitions, including “terrorist propaganda”.

Mrs. Cheryl Gallant: That means that if somebody receives a message or sees something on social media and simply shares it with another person for, quite possibly, the purpose of information, the sender will not be prosecuted for simply sending or receiving this kind of information.

Mr. Douglas Breithaupt: It's important to realize that the counselling offence, as proposed in Bill C-59, is an offence that would be subject to prosecution. The “terrorist propaganda” definition applies to a system within the Criminal Code.

Former Bill C-51 created two new warrants in the Criminal Code, one allowing for the seizure and forfeiture of terrorist propaganda in a tangible form, according to the definition, and the other allowing a peace officer to come before a judge to seek a warrant for the deletion of terrorist propaganda from a website that's available to the public through a Canadian Internet service provider. The terrorist propaganda definition applies to these warrants, as well as under the Customs Act, because it allows terrorist propaganda or prohibited goods under the Customs Act.

● (1025)

Mrs. Cheryl Gallant: Mr. Rigby, the importance of cybersecurity with respect to our infrastructure is your purview, and it's very important to protect against cyber-attacks. We know that the electrical grid is one source of exposure.

It's my understanding that all the provinces—and the United States for that matter—have a framework in place to protect their grids, with the exception of Ontario. Is there some federal provision or something that Parliament could do, even with Bill C-59, requiring all the provinces and territories to ensure that protection is in place, because we're all connected?

The Chair: Regrettably, Mr. Rigby, there's no time to answer that question.

Ms. Dabrusin.

Ms. Julie Dabrusin: Thank you.

In the first round I mentioned that one of the issues that was very important to people in my riding was the issue of charter protections, so I have a couple of questions for the Department of Justice.

I was reviewing your charter statement on Bill C-59, and the first question I have is, when was the last date this was modified? It's just to make sure I have the last update on this.

Mr. Douglas Breithaupt: The charter statement was tabled on the date the bill was introduced, which was June 20, and there are no updates to the statement.

Ms. Julie Dabrusin: There have been no updates as far as charter analysis is concerned.

Something that came up quite a bit was threat reduction measures, and I was wondering if you could outline what you found in your charter statement in respect to the threat reduction measures.

Mr. David Vigneault: I will provide some comments, if the committee is comfortable with that.

First and foremost, it's important to say that all CSIS activities must comply with the charter. The minister explained the way the previous bill—Bill C-51, which became law—was constructed. There may have been an issue with the way it was constructed.

Bill C-59 essentially confirms that the law cannot create an opportunity to deviate from the charter. What it does in terms of threat reduction is to ensure that if ever we were to contemplate a threat reduction measure that would limit the freedom of someone protected by the charter, we would have to go to the Federal Court to apply for such an authorization. The Federal Court would then determine if the limit on that freedom is reasonable and proportionate, which the charter itself allows for. That is how the proposed Bill C-59 addresses the charter issue for the threat reduction mandate.

Also, the law will specify the types of activities that are contemplated, so that will be transparent in the law. I would then be able to interpret that, as the director of CSIS, to determine.... If it limits people's freedom, I have to go to the Federal Court for a test. If it's something that does not limit people's freedom, it's an activity I can do. The committee supervises our activities. The new agency would be informed and able to review the activity to make sure we have complied with the act.

Ms. Julie Dabrusin: I'm not sure who is the right person to answer this question. I think it's the Department of Public Safety, Mr. Rigby.

Has there been a gender analysis on this legislation?

Mr. Vincent Rigby: Yes, there was.

Ms. Julie Dabrusin: Is that available?

Mr. Vincent Rigby: I can take that back and respond. I believe it's a cabinet confidence, but I wasn't present at the creation. We can certainly go back and look into that.

Ms. Julie Dabrusin: All right.

The Chair: If it's not subject to cabinet confidence, I'd appreciate it if you would forward it to the committee, please.

Ms. Julie Dabrusin: Thank you.

On the Youth Criminal Justice Act, part 8, this would probably go to the Department of Justice. We're now creating a system whereby information about young offenders will be available to people issuing passports. Is that consistent with the objectives of the Youth Criminal Justice Act?

● (1030)

Mr. Douglas Breithaupt: You may see under the provision, I believe it's section 119 of the act, that there are a number of paragraphs dealing with authorities to share information under the act. There is an additional paragraph to be added that allows for the sharing of access to youth records for the purposes of administering the Canadian passport order, subject to the privacy protections of the act, so it is consistent with the approach taken under the act with respect to sharing information.

It indicates with whom it should be shared and the reasons. It can be made available to the Minister of Public Safety, for example, in deciding whether to grant or revoke a passport. For example, the fact that a youth has been subject to a terrorism peace bond could be made available for consideration in making those decisions.

Ms. Julie Dabrusin: Thank you.

The Chair: Mr. MacKenzie.

Mr. Dave MacKenzie: Thank you, Chair.

Thank you to the panel for being here.

I'm pleased that we're updating the existing Bill C-51, and I think there are some updates in here. I'm sure we all agree that in three or five years from now we'll be looking for more updates.

One of the things that has always been of interest to me and I think to Canadians is that, if we can disrupt and prevent things, it's always better to do that than it is to deal with the fallout afterwards. I wonder if Bill C-59 has changed the scope of the non-warrant disruption activities that could be designed to reduce threats and if so, how and why?

Does Bill C-59 require a CSIS officer to obtain a warrant to go to speak to a suspected person's parents about their child's radicalization or terrorist intent? I recognize that, when you go to a judge to get a warrant, there's a lot of work, a lot of time involved, and sometimes time is of essence. Would this then enter into that whole process?

Mr. David Vigneault: Specifically in terms of the non-warranted threat reduction measures, the new bill does not impose any new measures. The service has used threat reduction measures about 30 or so times.

In your specific example, if we were aware of an individual who wanted to travel abroad for the purpose of joining a terrorist organization, we would not need a warrant to intervene with a parent or with people in close proximity to this individual to inform them of what we know in order for them maybe to have an influence on that. Bill C-59 does not make any changes to that provision.

As I've said, we've used this measure about 30 or so times.

Mr. Dave MacKenzie: Would it be correct to say that Bill C-59 does not change with respect to some people being allowed to use disruptive practices with suspected terrorists?

Mr. David Vigneault: The way it changes the approach, as I was mentioning earlier, is that, if some of these measures were to limit the freedom of the individual, then the service needs to apply for a warrant to the Federal Court. There is a list in the bill that prescribes the types of activities we can do.

This can be done fairly quickly. The court is responsive to the urgency of threats to national security, but we have not had to use that provision yet. Bill C-59 clarifies the way it would be done, and that would be a tool.

One of the things that I would like to add is, when we use these tools, we must consult with partners, and specifically, with regard to threats of terrorism, we would consult with the RCMP. The law makes it an obligation on our part.

Mr. Dave MacKenzie: For the RCMP officers, the minister has already identified the situation I spoke of. Would changes in Bill C-59 have allowed intervention in that whole process with the RCMP and the local police agency dealing with an outside agency?

Deputy Commissioner Kevin Brosseau (Deputy Commissioner, Contract and Aboriginal Policing, Royal Canadian Mounted Police): I'll take the first stab at it and turn it to my colleague James to clarify or to correct things or to say if I'm wrong.

I think it goes back to some of the minister's initial comments, Mr. MacKenzie, around the sharing of information and the nature of the sharing of information being really the lifeblood of effectively responding to the terrorist threat and ensuring the safety and security of Canadians. We know that absolutely, and it's particularly amplified by what I would call the contraction between contemplation and action. We know that period of time can actually be quite short. Being able to share that information is critical.

While the bill may not enhance that necessarily, it certainly solidifies the relationship we have with partners, the existing relationship that we have through the national security joint operation centre. We work closely with our colleagues, CSIS, and other departments to ensure that information is shared on a timely basis, that it's verified, that the fidelity or veracity of that information is clearly understood, and that whatever tool is necessary can be used given the circumstances, recognizing that every incident will be fact-specific, so that intervention can happen in a timely way.

James, can I turn it over to you to fix?

● (1035)

The Chair: You're giving him four seconds in which to respond. Maybe at some other point you can work it back in.

Mr. Fragiskatos, go ahead for five minutes, please.

Mr. Peter Fragiskatos: Thank you very much, Mr. Chair, and thank you again to the officials for being here today.

Mr. Rigby, I want to ask you about a preventative approach. We heard the minister take a question on that, but I'd like to understand the department's perspective further, the public policy rationale, if you could go into that.

Mr. Spengemann talked about the importance of a preventative approach. Indeed a preventative approach could be more important than dealing with the financing of terrorism. Could you get into that?

Mr. Vincent Rigby: I think, as the minister said, there is a range of options and a range of tools that can be used. There are responsive actions, and he laid out what some of those were, and then there's a preventative side, which I think is just as important at the end of the day, and I think the minister made that quite clear.

He made a specific reference to the Canada centre for community engagement and the prevention of violence. We're very excited about this new tool. It was just created back in June, but it affords us an opportunity for the centre to reach out at the grassroots level, at the community level, to work with Canadians, to work with Canadian groups to do research on counter-radicalization, to reach out to youth, to try to nip radicalization in the bud, and to really try to have a holistic approach to preventing radicalization before it starts.

It is already up and running as I've indicated. In addition to actually launching programming and launching grants and contributions, it's also been consulting with Canadians over the course of the fall with a view to actually providing a strategy for countering radicalization to violence, which the government would like to present at some point.

It will be a very comprehensive approach, and I think it will be an important tool in what is already a pretty wide-ranging tool box.

Mr. Peter Fragiskatos: Thank you.

I have a quote here from Phil Gurski, security expert and former CSIS officer, who says, “the previous government had an abysmal record when it came to countering violent extremism and early detection.”

To what extent have we learned from the cases of other states? Denmark, for example, has long put into place a preventative policy. There are around a dozen or so suspected former fighters who returned to Denmark who have been put into programming of the nature that we want to see here in Canada. To what extent have we learned from cases like Denmark and other situations?

Mr. Vincent Rigby: We're in very close consultation with our allies and with others around the world as the minister mentioned, whether it's in the G7, in the G20, or working with other national security ministers within a Five Eyes context.

The minister was recently in Italy as part of a G7 meeting of national security ministers. One of the topics that they focused on was extremist travellers and countering radicalization to violence. Definitely, we're looking at lessons learned, exchanging best practices, and really across the spectrum, whether it's being preventative or responsive, learning how we can work together and how we can strengthen those tools.

Mr. Peter Fragiskatos: I cited the case of Denmark because they've had great success, as I think you know. There hasn't been, for example, a terrorist act perpetrated by a suspected former fighter. A result that, it is said by experts, in large part at least, is due to the programming.

Ms. Bossenmaier, I want to ask you a question about CSE's ability to prevent cyber-attacks. In other democracies, we've seen security agencies come under threat and attack where vital information is made public and this undermines the security of the state. Could you go into that, please?

● (1040)

Ms. Greta Bossenmaier: It's a key priority for the Communications Security Establishment to focus on cybersecurity. I mentioned in a number of appearances recently that we've been in the business of protecting Canada's most sensitive information for over the last 70 years. If anything, that job has become more challenging and more complex given the nature of the current threats out there but also the overall reliance by Canadians, Canadian businesses, and the Canadian government on information technology; hence, the importance of cybersecurity.

A great deal of our emphasis is on providing advice, guidance, and services not only to the Government of Canada but to broader systems of importance to the government to help them best protect their systems. There is a lot of emphasis on protecting government systems but also broader critical infrastructure.

Some of the proposals in the legislation that's in front of this committee would allow us to further use our cyber-capabilities to better protect Canadians' information. I mentioned one already, in terms of being able to protect and deploy our systems on non-government systems upon the request of a critical infrastructure owner, for example. The minister referenced another one where we would be able to actually go out and try to prevent an attack against Canada or Canadians or Canadian infrastructure before it happened. These are two examples of how this act would help us better protect Canadians.

The Chair: We're going to have to leave it there at two examples.

Thank you.

Mr. Dubé, you have the final three minutes.

[*Translation*]

Mr. Matthew Dubé: Thank you.

The last part of your answer is perhaps germane to the question I am going to ask.

Let me go back to proposed section 24 that we discussed earlier, and to the issue of information on infrastructure. Proposed paragraph 24(1)(b) reads as follows:

> 24(1)(b) acquiring, using, analysing, retaining or disclosing infrastructure information for the purpose of research and development…

I will let my colleagues read it in its entirety.

Further down, in the definitions, it says:

> 24(5) … Information relating to
>
> (a) any functional component, physical or logical, of the global information infrastructure; or
>
> (b) events that occur during the interaction between two or more devices that provide services on a network…

I would like to be sure I understand correctly. In light of the power you are being granted under the bill, what sort of infrastructure exercise would be conducted to help you do that kind of study or analysis on the sustainability and security of the network? I understand that your mandate deals with foreign threats, as you told me earlier, but you will inevitably be working on the Canadian network.

Can you give me an example of what would be done under the power granted in proposed section 24?

Ms. Greta Bossenmaier: Thank you for the question. I will answer in English.

[*English*]

To go back to your earlier question with respect to publicly available information, it's important to highlight that while proposed subsection 24(1) deals with publicly available information, proposed paragraph 25(b) does as well. It says that we must have measures "in place to protect the privacy of Canadians and of persons in Canada" with respect to the use of publicly available information.

Mr. Dubé, that goes back a bit to your question as to what kinds of privacy protections would be in place even if we were to use publicly available information.

On the infrastructure issue, I'm going to turn to my colleague Dominic Rochon—

Mr. Matthew Dubé: Can I just quickly ask a question on that point, though? My time is very limited.

Those measures protect privacy but they don't prevent you from collecting the data to begin with. Is that correct?

Ms. Greta Bossenmaier: It says, "to protect the privacy of Canadians…in the use, analysis, retention, and disclosure of… publicly available information".

Mr. Matthew Dubé: It would protect the privacy but the centre can still collect the information based on—

Mr. Dominic Rochon (Deputy Chief, Policy and Communications, Communications Security Establishment): Perhaps I could just jump in there and answer very quickly, Mr. Dubé, on the essence of why we need this information.

As you can appreciate, the global information infrastructure of the Internet is incredibly complex. We are prohibited from targeting Canadians when we're conducting our activities, particularly when it comes to collecting foreign signals intelligence, so we need to understand exactly how the global information infrastructure is actually set up. There is a lot of public information available that explains the infrastructure. What this provision allows us to do is to study that and understand advances in technology. There are studies out there that are public in nature that allow us then to ensure that we're actually protecting the privacy of Canadians because we're ensuring that we're targeting foreigners outside Canada when we conduct our activities.

● (1045)

The Chair: Unfortunately we're going to have to leave it there.

On behalf of the committee, I wanted to thank each and every one of you. As we launch into this study, I'm sure there will be other questions. I have some confidence that you might be available for further questions the members may wish to ask.

The meeting is adjourned.