

Canadian Security Intelligence Service Act

R.S. 1985, c. C-23

SHORT TITLE

1. This Act may be cited as the *Canadian Security Intelligence Service Act*.

INTERPRETATION

2. In this Act,

"department", in relation to the government of Canada or of a province, includes

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

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

"Deputy Minister" means the Deputy Solicitor General and includes any person acting for or on behalf of the Deputy Solicitor General;

"Director" means the Director of the Service;

"employee" means a person who is appointed as an employee of the Service pursuant to subsection 8(1) or has become an employee of the Service pursuant to subsection 66(1) of the *Canadian Security Intelligence Service Act*, chapter 21 of the Statutes of Canada, 1984, and includes a person who is attached or seconded to the Service as an employee;

"foreign state" means any state other than Canada;

"Inspector General" means the Inspector General appointed pursuant to subsection 30(1);

"intercept" has the same meaning as in section 183 of the *Criminal Code*;

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

Canadian Foreign Intelligence Agency Act

51-52 Elizabeth II, 2002-2003, Bill C-409 (1st reading)

SHORT TITLE

1. This Act may be cited as the *Canadian Foreign Intelligence Agency Act*.

INTERPRETATION

2. The definitions in this section apply in this Act.

"Agency" means the Canadian Foreign Intelligence Agency established by subsection 3(1).

"department", in relation to the Government of Canada or of a province, includes

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

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

"Director" means the Director of the Agency.

"employee" means a person who is appointed as an employee of the Agency pursuant to subsection 7(1) and includes a person who is attached or seconded to the Agency as an employee.

"foreign state" means any state other than Canada.

Canadian Security Intelligence Service Act

"Minister" means the Solicitor General of Canada;

"place" includes any conveyance;

"Review Committee" means the Security Intelligence Review Committee established by subsection 34(1);

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

"Service" means the Canadian Security Intelligence Service established by subsection 3(1);

"threats to the security of Canada" means

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

(b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person,

(c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state, and

(d) activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada,

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

PART I

CANADIAN SECURITY INTELLIGENCE SERVICE

Establishment of Service

Canadian Foreign Intelligence Agency Act

"Minister" means the Solicitor General of Canada.

"Review Committee" means the Foreign Intelligence Review Committee established by subsection 24(1).

PART I

CANADIAN FOREIGN INTELLIGENCE AGENCY

Establishment of Agency

Canadian Security Intelligence Service Act

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

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

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

Director

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

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

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

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

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

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

Canadian Foreign Intelligence Agency Act

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

(2) The principal office of the Agency shall be in the National Capital Region described in the schedule to the *National Capital Act*.

Director

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

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

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

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

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

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

Canadian Security Intelligence Service Act

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

Management of Service

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

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

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

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

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

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

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

Canadian Foreign Intelligence Agency Act

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

Management of Agency

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

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

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

Canadian Security Intelligence Service Act

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

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

(b) subject to the regulations,

(i) to exercise the powers and perform the duties and functions of the Treasury Board relating to personnel management under the *Financial Administration Act*, and

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

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

(3) When a grievance is referred to adjudication, the adjudication shall not be heard or determined by any person, other than a full-time member of the Public Service Staff Relations Board established under section 11 of the *Public Service Staff Relations Act*.

(4) The Governor in Council may make regulations

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

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

9. (1) Notwithstanding the *Public Service Staff Relations Act*,

Canadian Foreign Intelligence Agency Act

7. (1) Notwithstanding the *Financial Administration Act* and the *Public Service Employment Act*, the Director has exclusive authority to appoint employees and, in relation to the personnel management of employees, other than persons attached or seconded to the Agency as employees,

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

(b) subject to the regulations,

(i) to exercise the powers and perform the duties and functions of the Treasury Board relating to personnel management under the *Financial Administration Act*, and

(ii) to exercise the powers and perform the duties and functions assigned to the Public Service Commission by or pursuant to the *Public Agency Employment Act*.

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

(3) When a grievance is referred to adjudication, the adjudication shall not be heard or determined by any person, other than a full-time member of the Public Service Staff Relations Board established under section 11 of the *Public Service Staff Relations Act*.

(4) The Governor in Council may make regulations

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

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

8. (1) Notwithstanding the *Public Service Staff Relations Act*,

Canadian Security Intelligence Service Act

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

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

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

9.1 (1) Notwithstanding section 62 of the *Public Service Staff Relations Act* but subject to subsection (2), the operation of sections 64 to 75.1 of that Act is not suspended in respect of the resolution of any dispute applicable to employees of the Service.

(2) During the period referred to in paragraph 62(1)(b) of the *Public Service Staff Relations Act*, an arbitration board, as defined in subsection 2(1) of that Act, shall, in rendering an arbitral award, limit the aggregate amount of any increase in pay and other benefits in respect of any dispute applicable to employees of the Service to that concluded through collective bargaining or otherwise by a comparable bargaining unit in the Public Service, within the meaning of that Act, after the compensation plan applicable to that bargaining unit ceased to be continued by virtue of the *Public Sector Compensation Act*.

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

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

Duties and Functions of Service

Canadian Foreign Intelligence Agency Act

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

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

(2) Employees of the Agency shall be deemed to be employed in the Public Service for the purposes of the *Public Service Superannuation Act*.

9. (1) Notwithstanding section 62 of the *Public Service Staff Relations Act* but subject to subsection (2), the operation of sections 64 to 75.1 of that Act is not suspended in respect of the resolution of any dispute applicable to employees of the Agency.

(2) During the period referred to in paragraph 62(1)(b) of the *Public Service Staff Relations Act*, an arbitration board, as defined in subsection 2(1) of that Act, shall, in rendering an arbitral award, limit the aggregate amount of any increase in pay and other benefits in respect of any dispute applicable to employees of the Agency to that concluded through collective bargaining or otherwise by a comparable bargaining unit in the Public Service, within the meaning of that Act, after the compensation plan applicable to that bargaining unit ceased to be continued by virtue of the *Public Sector Compensation Act*.

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

11. A certificate purporting to be issued by or under the authority of the Director and stating that the person to whom it is issued is an employee is evidence of that fact and is admissible in evidence without proof of the signature or official character of the person purporting to have issued it.

Duties and Functions of Agency

Canadian Security Intelligence Service Act

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

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

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

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

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

authorizing the Service to provide security assessments.

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

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12. (1) Subject to subsection (2), the Agency shall carry out the following functions:

(a) those functions assigned to the Agency by the Governor in Council pursuant to subsection (3);

(b) to obtain and analyze, in accordance with any functions assigned under subsection (3), intelligence about the capabilities, intentions or activities of people or organizations outside Canada;

(c) to communicate, in accordance with section 17 and any functions assigned under subsection (3), the intelligence referred to in paragraph (b);

(d) to conduct counter-intelligence activities;

(e) to liaise with the security or intelligence services, or other authorities, of other countries; and

(f) to undertake such other activities as the Minister directs relating to the capabilities, intentions or activities of people or organizations outside Canada.

(2) The functions of the Agency are to be performed only to safeguard the interest of Canada's sovereignty, security, democratic integrity, international relations or economic well-being and only to the extent that those matters are affected by the capabilities, intentions or activities of people or organizations outside Canada. They do not include policing or law enforcement responsibilities but this does not prevent the Agency from obtaining intelligence under paragraph (1)(b) and communicating any such intelligence relating to serious crime to the appropriate law enforcement authorities. The Agency shall not be involved, directly or indirectly, in the assassination of any person or in the replacement, by violent means, of any government.

Canadian Security Intelligence Service Act

14. The Service may

(a) advise any minister of the Crown on matters relating to the security of Canada, or

(b) provide any minister of the Crown with information relating to security matters or criminal activities,

that is relevant to the exercise of any power or the performance of any duty or function by that Minister under the *Citizenship Act* or the *Immigration and Refugee Protection Act*.

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

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

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

(b) any person other than

(i) a Canadian citizen,

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

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

Canadian Foreign Intelligence Agency Act

(3) The Governor in Council may assign to the Agency whatever functions it determines to be necessary in order to further the interest of Canada's sovereignty, security, democratic integrity international relations or economic well-being.

13. The Agency may

(a) advise any minister of the Crown on matters relating to any matter assigned to the Agency pursuant to subsection 12(3), or

(b) provide any minister of the Crown with information relating to security or foreign intelligence matters or criminal activities,

that is relevant to the exercise of any power or the performance of any duty or function by that Minister under the *Citizenship Act* or the *Immigration and Refugee Protection Act*.

14. The Agency may conduct such investigations as are required for the purpose of providing advice pursuant to section 13.

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

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

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

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

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

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

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

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

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

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

18. (1) Subject to subsection (2), no person shall disclose any information that the person obtained or to which the person had access in the course of the performance by that person of duties and functions under this Act or the participation by that person in the administration or enforcement of this Act and from which the identity of

(a) any other person who is or was a confidential source of information or assistance to the Service, or

(b) any person who is or was an employee engaged in covert operational activities of the Service

can be inferred.

Canadian Foreign Intelligence Agency Act

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

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

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

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

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

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

16. (1) Subject to subsection (2), no person shall disclose any information that the person obtained or to which the person had access in the course of the performance by that person of duties and functions under this Act or the participation by that person in the administration or enforcement of this Act and from which the identity of

(a) any other person who is or was a confidential source of information or assistance to the Agency, or

(b) any person who is or was an employee engaged in covert operational activities of the Agency

can be inferred.

Canadian Security Intelligence Service Act

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

(3) Every one who contravenes subsection (1)

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

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

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

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

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

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

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

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(2) A person may disclose information referred to in subsection (1) for the purposes of the performance of duties and functions under this Act or any other Act of Parliament or the administration or enforcement of this Act or as required by any other law or in the circumstances described in any of paragraphs 17(2)(a) to (d).

(3) Every one who contravenes subsection (1)

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

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

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

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

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

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

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

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

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

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

(2) If the Director is of the opinion that an employee may, on a particular occasion, have acted unlawfully in the purported performance of the duties and functions of the Service under this Act, the Director shall cause to be submitted a report in respect thereof to the Minister.

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

(4) A copy of anything given to the Attorney General of Canada pursuant to subsection (3) shall be given forthwith to the Review Committee.

**PART II
JUDICIAL CONTROL**

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

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

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

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

(2) If the Director is of the opinion that an employee may, on a particular occasion, have acted unlawfully in Canada in the purported performance of the duties and functions of the Agency under this Act, the Director shall cause to be submitted a report in respect thereof to the Minister.

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

(4) A copy of anything given to the Attorney General of Canada pursuant to subsection (3) shall be given forthwith to the Review Committee.

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

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

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

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

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

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

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

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

(h) any previous application made in relation to a person identified in the affidavit pursuant to paragraph (d), the date on which the application was made, the name of the judge to whom each application was made and the decision of the judge thereon.

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(3) Notwithstanding any other law but subject to the *Statistics Act*, where the judge to whom an application under subsection (1) is made is satisfied of the matters referred to in paragraphs (2)(a) and (b) set out in the affidavit accompanying the application, the judge may issue a warrant authorizing the persons to whom it is directed to intercept any communication or obtain any information, record, document or thing and, for that purpose,

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

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

(c) to install, maintain or remove any thing.

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

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

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

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

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

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

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

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

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

(b) one year in any other case.

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

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

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

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

(2) There shall be specified in a warrant issued under subsection (1) the matters referred to in paragraphs 21(4)(c) to (f).

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

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

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

Canadian Foreign Intelligence Agency Act

Canadian Security Intelligence Service Act

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

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

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

(a) the use or disclosure pursuant to this Act of any communication intercepted under the authority of a warrant issued under section 21; or

(b) the disclosure pursuant to this Act of the existence of any such communication.

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

27. An application under section 21, 22 or 23 to a judge for a warrant or the renewal of a warrant shall be heard in private in accordance with regulations made under section 28.

28. The Governor in Council may make regulations

(a) prescribing the forms of warrants that may be issued under section 21 or 23;

(b) governing the practice and procedure of, and security requirements applicable to, hearings of applications for those warrants and for renewals of those warrants; and

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

PART III
REVIEW

Canadian Foreign Intelligence Agency Act

PART III
REVIEW

Interpretation

19. The definitions in this section apply in this Part.

Canadian Security Intelligence Service Act

Interpretation

29. In this Part, "deputy head" means, in relation to

- (a) a department named in Schedule I to the *Financial Administration Act*, the deputy minister thereof,
- (b) the Canadian Forces, the Chief of the Defence Staff,
- (c) the Royal Canadian Mounted Police, the Commissioner,
- (d) the Service, the Director, and
- (e) any other portion of the public service of Canada, the person designated by order in council pursuant to this paragraph and for the purposes of this Part to be the deputy head of that portion of the public service of Canada.

Inspector General

30. (1) The Governor in Council shall appoint an officer to be known as the Inspector General, who is responsible to the Deputy Minister.

(2) The functions of the Inspector General are

- (a) to monitor the compliance by the Service with its operational policies;
- (b) to review the operational activities of the Service; and
- (c) to submit certificates pursuant to subsection 33(2).

31. (1) Notwithstanding any other Act of Parliament but subject to subsection (2), the Inspector General is entitled to have access to any information under the control of the Service that relates to the performance of the duties and functions of the Inspector General and is also entitled to receive from the Director and employees such information, reports and explanations as the Inspector General deems necessary for the performance of those duties and functions.

Canadian Foreign Intelligence Agency Act

"Commissioner" means the Commissioner of Foreign Intelligence Review.

"deputy head" means, in relation to

- (a) a department named in Schedule I to the *Financial Administration Act*, the deputy minister thereof;
- (b) the Canadian Forces, the Chief of the Defence Staff;
- (c) the Royal Canadian Mounted Police, the Commissioner;
- (d) the Agency, the Director; and
- (e) any other portion of the public service of Canada, the person designated by order in council pursuant to this paragraph and for the purposes of this Part to be the deputy head of that portion of the public service of Canada.

Commissioner of Foreign Intelligence Review

20. (1) The Governor in Council shall appoint an officer to be known as the Commissioner of Foreign Intelligence Review, who is responsible to the Minister.

(2) The functions of the Commissioner are

- (a) to monitor the compliance by the Agency with its operational policies;
- (b) to review the operational activities of the Agency; and
- (c) to submit certificates pursuant to subsection 23(2).

21. (1) Notwithstanding any other Act of Parliament but subject to subsection (2), the Commissioner is entitled to have access to any information under the control of the Agency that relates to the performance of the duties and functions of the Commissioner and is also entitled to receive from the Director and employees such information, reports and explanations as the Commissioner deems necessary for the performance of those duties and functions.

Canadian Security Intelligence Service Act

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

32. The Inspector General shall comply with all security requirements applicable by or under this Act to an employee and shall take the oath of secrecy set out in the schedule.

33. (1) The Director shall, in relation to every period of twelve months or such lesser period as is specified by the Minister, submit to the Minister, at such times as the Minister specifies, reports with respect to the operational activities of the Service during that period, and shall cause the Inspector General to be given a copy of each such report.

(2) As soon as practicable after receiving a copy of a report referred to in subsection (1), the Inspector General shall submit to the Minister a certificate stating the extent to which the Inspector General is satisfied with the report and whether any act or thing done by the Service in the course of its operational activities during the period to which the report relates is, in the opinion of the Inspector General,

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

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

(3) As soon as practicable after receiving a report referred to in subsection (1) and a certificate of the Inspector General referred to in subsection (2), the Minister shall cause the report and certificate to be transmitted to the Review Committee.

Security Intelligence Review Committee

Canadian Foreign Intelligence Agency Act

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

22. The Commissioner shall comply with all security requirements applicable by or under this Act to an employee and shall take the oath of secrecy set out in the schedule.

23. (1) The Director shall, in relation to every period of twelve months or such lesser period as is specified by the Minister, submit to the Minister, at such times as the Minister specifies, reports with respect to the operational activities of the Agency during that period, and shall cause the Commissioner to be given a copy of each such report.

(2) As soon as practicable after receiving a copy of a report referred to in subsection (1), the Commissioner shall submit to the Minister a certificate stating the extent to which the Commissioner is satisfied with the report and whether any act or thing done by the Agency in the course of its operational activities during the period to which the report relates is, in the opinion of the Commissioner,

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

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

(3) As soon as practicable after receiving a report referred to in subsection (1) and a certificate referred to in subsection (2), the Minister shall cause the report and certificate to be transmitted to the Review Committee.

Foreign Intelligence Review Committee

Canadian Security Intelligence Service Act

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

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

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

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

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

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

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

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

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

Canadian Foreign Intelligence Agency Act

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

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

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

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

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

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

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

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

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

Canadian Security Intelligence Service Act

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

38. The functions of the Review Committee are

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

(i) to review the reports of the Director and certificates of the Inspector General transmitted to it pursuant to subsection 33(3),

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

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

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

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

(vi) to review the regulations, and

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

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

(c) to conduct investigations in relation to

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

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

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

Canadian Foreign Intelligence Agency Act

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

28. The functions of the Review Committee are

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

(i) to review the reports of the Director and certificates of the Commissioner transmitted to it pursuant to subsection 23(3),

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

(iii) to review arrangements entered into by the Agency pursuant to subsection 15(1) and to monitor the provision of information and intelligence pursuant to those arrangements,

(iv) to review any report or comment given to it pursuant to subsection 18(4), and

(v) to compile and analyse statistics on the operational activities of the Agency;

(b) to arrange for reviews to be conducted, or to conduct reviews, pursuant to section 30; and

(c) to conduct investigations in relation to complaints made to the Review Committee under section 31.

Canadian Security Intelligence Service Act

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

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

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

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

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

40. For the purpose of ensuring that the activities of the Service are carried out in accordance with this Act, the regulations and directions issued by the Minister under subsection 6(2) and that the activities do not involve any unreasonable or unnecessary exercise by the Service of any of its powers, the Review Committee may

(a) direct the Service or Inspector General to conduct a review of specific activities of the Service and provide the Committee with a report of the review; or

(b) where it considers that a review by the Service or the Inspector General would be inappropriate, conduct such a review itself.

Complaints

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

Canadian Foreign Intelligence Agency Act

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

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

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

(b) during any investigation referred to in paragraph 28(c), to have access to any information under the control of the deputy head concerned that is relevant to the investigation.

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

30. For the purpose of ensuring that the activities of the Agency are carried out in accordance with this Act, the regulations and directions issued by the Minister under subsection 6(2) and that the activities do not involve any unreasonable or unnecessary exercise by the Agency of any of its powers, the Review Committee may

(a) direct the Agency or Commissioner to conduct a review of specific activities of the Agency and provide the Committee with a report of the review; or

(b) where it considers that a review by the Agency or the Commissioner would be inappropriate, conduct such a review itself.

Complaints

31. (1) Any Canadian citizen or permanent resident may make a complaint to the Review Committee with respect to any act or thing done by the Agency and the Committee shall, subject to subsection (2), investigate the complaint if

Canadian Security Intelligence Service Act

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

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

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

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

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

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

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

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

Canadian Foreign Intelligence Agency Act

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

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

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

Canadian Security Intelligence Service Act

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

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

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

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

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

Investigations

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

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

Canadian Foreign Intelligence Agency Act

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

33. Nothing in this Act precludes the Review Committee from receiving and investigating complaints described in section 31 that are submitted by a person authorized by the complainant to act on behalf of the complainant, and a reference to a complainant in any other section includes a reference to a person so authorized.

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

Investigations

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

Canadian Security Intelligence Service Act

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

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

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

(a) to summon and enforce the appearance of persons before the Committee and to compel them to give oral or written evidence on oath and to produce such documents and things as the Committee deems requisite to the full investigation and consideration of the complaint in the same manner and to the same extent as a superior court of record;

(b) to administer oaths; and

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

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

52. (1) The Review Committee shall,

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

Canadian Foreign Intelligence Agency Act

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

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

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

(a) to summon and enforce the appearance of persons before the Committee and to compel them to give oral or written evidence on oath and to produce such documents and things as the Committee deems requisite to the full investigation and consideration of the complaint in the same manner and to the same extent as a superior court of record;

(b) to administer oaths; and

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

38. Except in a prosecution of a person for an offence under section 132 of the *Criminal Code* (perjury) in respect of a statement made under this Act, evidence given by a person in proceedings under this Part and evidence of the existence of the proceedings are inadmissible against that person in a court or in any other proceedings.

39. The Review Committee shall,

(a) on completion of an investigation in relation to a complaint under section 31, provide the Minister and the Director with a report containing the findings of the investigation and any recommendations that the Committee considers appropriate; and

Canadian Security Intelligence Service Act

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

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

Reports

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

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

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

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

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

PART IV
REVIEW BY PARLIAMENT

Canadian Foreign Intelligence Agency Act

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

Reports

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

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

42. The Review Committee shall consult with the Director in order to ensure compliance with section 27 in preparing a report under paragraph 39(b) or section 40.

PART III
REVIEW BY PARLIAMENT

Canadian Security Intelligence Service Act

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

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

SCHEDULE
(Section 10)

OATH OF OFFICE

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

OATH OF SECRECY

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

AMENDMENT NOT IN FORCE

-- 2002, c. 8, para. 182(1)(i):

182. (1) The following provisions are amended by replacing the expression "*Federal Court Act*" with the expression "*Federal Courts Act*":

...

(i) paragraph 28(c) of the Canadian Security Intelligence Service Act;

...

Canadian Foreign Intelligence Agency Act

43. (1) Five years after this Act comes into force, a comprehensive review of the provisions and operation of the Act shall be undertaken by such committee of the House of Commons or of both Houses of Parliament as may be designated or established by Parliament for that purpose.

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

SCHEDULE
(Section 10)

OATH OF OFFICE

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

OATH OF SECRECY

I,, swear that I will not, without due authority, disclose or make known to any person any information acquired by me by reason of the duties performed by me on behalf of or under the direction of the Canadian Foreign Intelligence Agency or by reason of any office or employment held by me pursuant to the *Canadian Foreign Intelligence Agency Act*. So help me God.