# PROCEDURES | OPERATIONAL

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GOVERNING POLICY: CONDUCT OF OPERATIONS	OPS-XXXX
S.12.1 THREAT REDUCTION MEASURES	OPS-XXXX-PX
EFFECTIVE DATE: 2019 06 21	VERSION 3
REPLACES: S.12.1 Threat Reduction Measures (Version 2, dated 2017 11 20)	Français

#### 1. INTRODUCTION

CSIS achieves its Mission to protect Canada's national security interests and the safety 1.1 of Canadians through its collection, analysis, reporting, advising and threat reduction functions, in accordance with section 12.1 of the CSIS Act.

# Objective

This procedure outlines the requirements associated with the planning, approval, 1.2 implementation, and reporting on the use of Threat Reduction Measures (TRMs) pursuant to s.12.1 of the CSIS Act.

#### Applicability

- 1.3 This procedure applies to an operational activity undertaken by the Service where the principal purpose is to reduce a threat to the security of Canada, as defined in s.2 of the CSIS Act.
- This procedure does not apply to:
- goal or expected outcome of the disclosures. (Refer to CSIS Policy: Security ET/OU DE LA LOI SUR L'ACCÈS À L'INFORMATION
  Page 1 of 13 REVISE EN VE Advice and Assessments and CSIS Procedure: Port of Entry Interdiction





b) collection activities that may have the incidental or secondary effect of reducing a threat to the security of Canada where the principal purpose of the activity is the collection of information or intelligence.

#### Compliance

1.5 Any instance of potential non-compliance must be reported and addressed in accordance with CSIS Procedure: Reporting of Operational Non-Compliance and Unlawful Activity.

## **Policy Centre**

1.6 tracking of all TRMs. related to TRMs.

is responsible for advising on and must maintain and update all policy documents

#### **Related Policy Documents**

This procedure should be read in conjunction with: 1.7

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- a) CSIS Policy: Conduct of Operations,
- b) CSIS Guidelines: \$12.1 Threat Reduction Measures Frequently Asked Questions (FAQ)
- c) CSIS Guideline How to Complete a RFA for S. 12.1 TRMO.
- e) CSIS Appendix Template RFA for S.12,1 Measure
- Any warranted TRMs must be requested in conjunction with OPS-209 Warrant 1.9 Acquisition - Section 12'.

#### 2. RESPONSIBILITIES

#### **Director General**

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#### **Employees**

2.3 All employees involved in the implementation of a TRM must read and familiarize themselves with the approved Request for Approval (RFA), any related legal opinions provided, and the Operational Risk Analysis (ORA).

#### THREAT REDUCTION MEASURES 3.

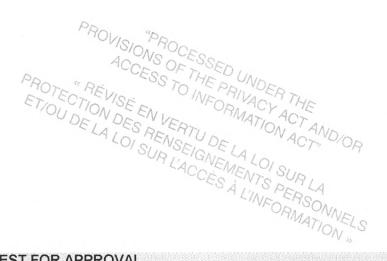
- A TRM may be implemented, within or outside of Canada, when: 3.1
  - a) the measure complies with the Canadian Charter of Rights and Freedoms;
  - b) there are reasonable grounds to believe a particular activity constitutes a threat to the security of Canada, the TRM is assessed as reasonable and proportional in the circumstances, and that the foreseeable effects of the measure on third parties, including their right to privacy, have been considered in accordance with s.12.1(1) and 12.1(2) of the CS/S Act;
  - c) the Service has consulted, as appropriate, with other federal departments or agencies as to whether they are in a position to reduce the threat.
- 3.2 When assessing the appropriate means of reducing a threat, the Service must consider the range of national security tools available to the broader Government of Canada.

#### **Prohibited Conduct**

- In accordance with s.12.2 (1) of the CSIS Act, when implementing a TRM, the Service 3.3 must not:
  - a) cause, intentionally or by criminal negligence, death or bodily harm to an individual;
  - b) wilfully attempt in any manner to obstruct, pervert or defeat the course of justice;
  - c) violate the sexual integrity of an individual;
  - Over d) subject an individual to torture or cruel, inhuman or degrading treatment or punishment, within the meaning of the Convention Against Torture;
    - e) detain an individual, or
- f) cause the loss of or any seminatividual. f) cause the loss of, or any serious damage to, any property if doing so would ACCES À L'INFORMATION



- Where a TRM is assessed by CSIS Departmental Legal Services (DLS) as limiting a 3.4 right or freedom guaranteed by the Canadian Charter of Rights and Freedoms or being contrary to Canadian law, a warrant pursuant to s.21.1 of the CSIS Act, is required to implement the measure.
- 3.5 The s. 20.1 Justification Framework outlined in the CS/S Act does not exempt employees from seeking a warrant under the TRM Framework when it is deemed SPERSONNELS necessary.
- The measures that may be taken as per s.21.1 (1.1) of the CSIS Act are as follows: 3.6



#### 4. REQUEST FOR APPROVAL



S.12.1 THREAT REDUCTION MEASURES-OPS-XXXX-PX

PROVISIONS OF THE PRIVACY ACT AND/OR PROTECTION DE EN VERTU DE LA LOI SUR LA LOI SUR LA LOI SUR L'ACCÈS À L'INFORMATION » ET/OU DE LA LOI SUR L'ACCÈS À L'INFORMATION »

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# **External Stakeholder Consultations**

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# Standing Authorities

Standing authorities for the multiple use of a TRM may be approved for a period of ACCESS TO INFORMATION ACT OF THE PRIVACY ACT AND/OR 5.7 PROTECTION DE EN VERTU DE LA LOI SUR LA LOI SUR LA L'INFORMATION, »

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# Exigent Circumstances

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S.12.1 THREAT REDUCTION MEASURES-OPS-XXXX-PX

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PROVISIONS OF THE PRIVACY ACT AND/OR PROTECTION DE EN VERTU DE LA LOI SUR LA LOI SUR LA L'INFORMATION » ET/OU DE LA LOI SUR L'ACCÈS À L'INFORMATION »

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### Reporting and Tracking

7.9

will ensure that the National Security and Intelligence Review Agency is notified of the number of approved TRMs and identify which have been implemented.

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PROVISIONS OF THE PRIVACY ACT AND/OR PROTECTION DE EN VERTU DE LA LOI SUR LA LOI SUR LA LOI SUR L'ACCÈS À I'INFORMATION 3 ET/OU DE LA LOI SUR L'ACCÈS À L'INFORMATION »

#### ADDITIONAL INFORMATION 9.

Notification/Consultation Requirements

- After implementing a TRM, the services permit, and the circumstances permit.

  RMATION ACT AND/OR 9.1 After implementing a TRM, the Service must notify the Review Committee of the SÓON TION DES RENSEIGNEMENTS PERSONNE OU DE LA LOI SUR L'ACCÈS À L'INFORMATION 'hm' Sthe SE EN VERTU DE LA LUI SUR LA
- 9.2

#### Controls and Review

To ensure accuracy and consistency, all TRMs that are submitted for approval are 9.3 reviewed

#### **Information Management**

- TRM related documentation, including approved RFAs and consultations, must be 9.4 PROdocumented doc. ISIONS OF THE PR
- PROTE " RELIEVATION & REVIEW THE
  - This procedure 2023 fiscal year I EMENTS PERSONNELS 10.1 This procedure and its related appendices and guidelines must be reviewed in the 2022-CES À L'INFORMATION Page 12 of 13

#### REFERENCES 11.

#### 11.1 Legislation

- PROTECTION DE EN VERTU DE LA LOI SUR LA LOI SUR LA LOI SUR LA CCÈS À L'INFORMATION » a) <u>CSIS Act</u>
  b) <u>Ministerial Direction for Operations and Accountability</u> (2015) SALINFORMATION.

#### 11.2

#### **VERSION & REVIEW HISTORY** 12.

**Version History** 

12.1 This table summarizes previous iterations of the procedure.

Version #	Change(s) Reason for (Editorial, Minor, Substantive) Change	Effective Dates
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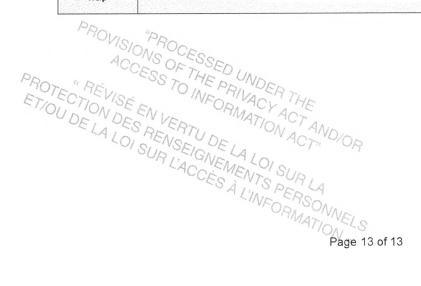
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For further information or assistance on Threat Reduction Measures, please contact



# GUIDELINES OPERATIONAL

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GOVERNING PROCEDURES: S.12.1 THREAT REDUCTION MEASURES	OPS-XXXX-PX
S.12.1 THREAT REDUCTION MEASURES - FREQUENTLY ASKED QUESTIONS	OPS-XXXX-PX-GX
EFFECTIVE DATE: 2019 06 21	VERSION 3
REPLACES: S.12.1 THREAT REDUCTION MEASURES – FREQUENTLY ASKED QUESTIONS (2017 11 20)	Français

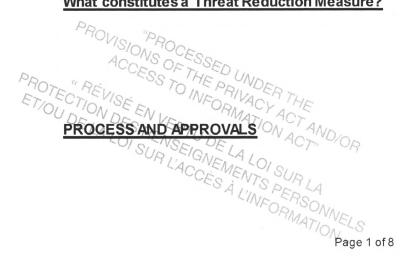
#### 1. TABLE OF CONTENTS

# THREAT REDUCTION MEASURES - GENERAL INFORMATION

How are Threat Reduction Measure.

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#### What constitutes a Threat Reduction Measure?



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#### CONSULTATION AND ASSISTANCE

# **IMPLEMENTATION**

# PROVISIONS OF THE PRIVACY ACT AND OR PROTECTION FREQUENTLY ASKED QUESTIONS

#### THREAT REDUCTION MEASURES

DE LA LOI SUR LA NSEIGNEMENTS PE How are Threat Reduction Measures different from activities the Service conducted prior to the amendment of the CSIS Act in 2015?

While the Service undertook activities now considered to be Threat Reduction Measures (TRMs) prior to the introduction of the TRM authority, a 2009 Security Intelligence Review Committee (SIRC) report highlighted that the CSIS Act did not specifically address the Service's authority to conduct threat diminishment activities. SIRC recommended the Service seek authorization from the Government of Canada to pursue such activities. In 2015, the Anti-Terrorism Act amended the <u>CSIS Act</u>, explicitly allowing the Service to take direct action to PROTECTION DE EN VERTU DE LA LOI SUR LA IOI ET/OU DE LA LOI SUR L'ACCÈS À L'INFORMATION Page 2 of 8

ROVISIONS OF THE PRIVACY ACT AND/OR PROTECTION DE EN VERTU DE LA LOI SUR LA LOI SUR LA LOI SUR L'ACCÈS À L'INFORMATION » ET/OU DE LA LOI SUR L'ACCÈS À L'INFORMATION »

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# PROCESS AND APPROVALS

What do I need to consider before undertaking a Threat Reduction Measure?

Before conducting a Threat Reduction Measure (TRM), you must meet the requirements outlined in the CSIS Procedures: S.12.17Threat/Reduction Measures, which reflect the requirements set out in section 12.1 and 12.2 of the CSIS Act, as well as Annex E "Threat Reduction" and Appendix 1 "Risk" of the Ministerial Direction for Operations and Accountability (2015).

For each proposed measure, you must demonstrate:

- a) there are reasonable grounds to believe the particular activity (or activities) poses a threat to the security of Canada;
- b) true

  been considered;

  been considered;

  necessary consultations and

  c) necessary consultations and

  et al. (a) the risk has been assessed.

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  Page 4 of 8 b) the measure proposed is reasonable and proportional in the circumstances, and that the foreseeable effects of the measure on third parties, including their right to privacy, have
  - c) necessary consultations and de-confliction have taken place; and

S.12.1 THREAT REDUCTION MEASURES - FREQUENTLY ASKED QUESTIONS- OPS-XXXX-PX-GX **SECRET** 

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CONSULTATION AND ASSISTANCE

ET/OUWhat are the types / categories of consultations? S RENSE, DE

LA LOIS There are two categories of consultations and different requirements for each: MENTS PERSONNELS ACCÉS À L'INFORMATIONELS
Page 5 of 8

POVISI a) Consultation for risk assessment - all consultations for risk are mandatory and carried STOL CESS TO INFORMATION ACT THE PRIVACY ACT AND/OR PROTECTION DES RENSEIGNEMENT "REVISE EN VERTU DE LA LOI SUE out concurrently. (

b) External Stakeholder Consultation - all external stakeholder consultations can be carried out concurrently and should be initiated early -

Consultations with other government departments and foreign partners are carried out on an as needed basis and should be initiated as early as possible.

Can the Communications

Security Establishment provide assistance?

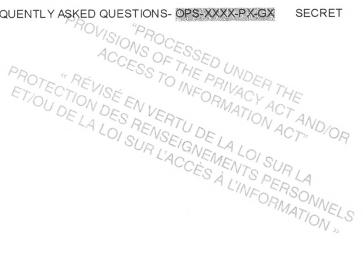
SIONS OF THE TOCESSED UND ACCESS Yes, the Communications Security EN VERTUDE LA LOI SUR LA L'INFORMATION " Yes, the Communications Security Establishment (CSE) may assist the Service in undertaking a A LOI SUR L'ACCÈS À L'INFORMATION »

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#### **EVALUATION & REVIEW** 3.

- 3.1 This guidelines will be reviewed in the 2022-2023 fiscal year.
- 4.
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  Version History

  This table summarizes previous iterations of the guidelines. 4.1

Version#	Change(s) (Editorial, Minor, Substantive)	Reason for Change	Effective Dates
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#### **Review History**

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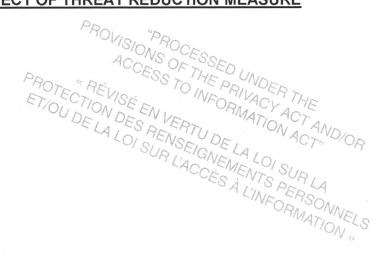
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# APPENDIX | OPERATIONAL

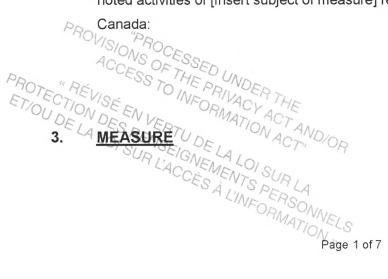
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EFFECTIVE DATE: 2019 06 21	VERSION 3
REPLACES: CSIS Annex 1: Request for Approval for S.12 (2017 11 20)	2.1 Measure Français

# 1. SUBJECT OF THREAT REDUCTION MEASURE



# 2. THREAT

C) Statement of Belief: The Service has reasonable grounds to believe that the below noted activities of [Insert subject of measure] represent a threat to the security of



Canadä<sup>†</sup>

PROVISIONS OF THE PRIVACY ACT AND/OR REQUEST FOR APPROVAL - TEMPLATE-OPS-XXXX-PX-AX PROTECTION DES RENSEIGNEMENTS PERSONNELS ET/OU DE LA LOI SUR L'ACCÈS À L'INFORMATION »

REASONABLENESS AND PROPORTIONALITY 4.

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#### 5. OTHER

L) CONSULTATION:

S.12.1 THREAT REDUCTION MEASURES -

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#### 1.

PROVISIONS OF THE PRIVACY ACT AND/OR This appendix will be reviewed in the 2022-2023 fiscal year and support of the su S RENSEIGNEMENTS PERSONNELS 1.1

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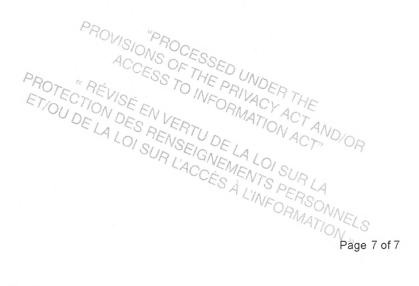
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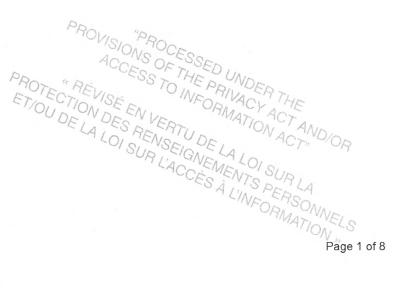
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GOVERNING PROCEDURES: S.12.1 THREAT REDUCTION MEASURES	OPS-XXXX-PX
S.12.1 THREAT REDUCTION MEASURES - HOW TO COMPLETE A REQUEST FOR APPROVAL	OPS-XXXX-PX-GX
EFFECTIVE DATE: 2019 06 21	VERSION 3
REPLACES: How to Complete a Request for Approval for s.12.1 Threat Reduction Measure (2017 11 20)	Français

The following is intended to assist employees in the completion of the CSIS Annex 1: Request for Approval for s.12.1 Measure.

# 1. SUBJECT OF THE THREAT REDUCTION MEASURE

A) Subject of the Threat Reduction Measure

Threat Reduction Measures (TRMs) are directed against particular activities posing a threat to the security of Canada: S RENSEIGNEMENTS PERSONNELS LA LOI SUR L'ACCÈS À L'INFORMATION »



ACCESS TO INFORMATION ACT

K) Other Means To Reduce the Threat

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5. OTHER

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other GC partners (as appropried Consultations other GC partners (as appropried TRM NTS PERSONNELS other GC partners (as appropriate) on its use of TRMs. Further, the Service must S À L'INFORMATION »

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HOW TO COMPLETE A REQUEST FOR APPROVAL-OPS-XXXXXIPX.GX "PROCESSED UNDER THE PRIVACY THE PRIVACY THE SIONS OF THE PRIVACY I'ME

OF THE PRIVACY ACT AND/OR ACCESS TO INFORMATION ACT

# PROTECTION DES

PROVISIONS OF THE PRIVACY ACT AND/OR ANNEX A: STATEMENT OF THREAT PROVIDE LA Provides a more detailed explanation of the threat activities discussed above (see section C) and how the threat meets the threshold of reasonable grounds to believe based on credible and ORMATION " compelling information.

#### ANNEX B - RISK ASSESSMENT

# PROTEANNEX C - LEGAL OPINION

ONDEENVE

The Legal Risk Assessment is prepared by DLS and addresses whether the threshold has been achieved, whether the measure is reasonable and proportional and whether a warrant is recommended or if the measure is prohibited by s. 12.2 of the CSIS Act. LINFORMATION
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- **Version History**
- 2.1 This table summarizes previous iterations of the guidelines.

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