

## PROCEDURES | OPERATIONAL



GOVERNING POLICY: CONDUCT OF OPERATIONS	OPS-XXXX
<b>S.12.1 THREAT REDUCTION MEASURES</b>	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**

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

**Objective**

- 1.2 This procedure outlines the requirements associated with the planning, approval, 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.

- 1.4 This procedure does not apply to:

- a) disclosures to Government of Canada (GC) partners, law enforcement or foreign partners, pursuant to ss.13, 14 or 19 of the CSIS Act regardless of the goal or expected outcome of the disclosures. (Refer to CSIS Policy: Security Advice and Assessments and CSIS Procedure: Port of Entry Interdiction Program for further direction); and

- 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 [redacted] is responsible for advising on and tracking of all TRMs. [redacted] must maintain and update all policy documents related to TRMs.

### Related Policy Documents

- 1.7 This procedure should be read in conjunction with:
- a) CSIS Policy: Conduct of Operations,
  - b) CSIS Guidelines: S.12.1 Threat Reduction Measures - Frequently Asked Questions (FAQ)
  - c) CSIS Guideline – How to Complete a RFA for S.12.1 TRM  
[redacted]
  - e) CSIS Appendix – Template – RFA for S.12.1 Measure
- 1.9 Any warranted TRMs must be requested in conjunction with OPS-209 'Warrant Acquisition – Section 12'.

## 2. RESPONSIBILITIES

### Director General

2.1

Chief

2.2

## 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).

## 3. THREAT REDUCTION MEASURES

- 3.1 A TRM may be implemented, within or outside of Canada, when:

- 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 CSIS 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

- 3.3 In accordance with s.12.2 (1) of the CSIS Act, when implementing a TRM, the Service 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;
- 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 serious damage to, any property if doing so would endanger the safety of an individual.



Important

- 3.4 Where a TRM is assessed by CSIS Departmental Legal Services (DLS) as limiting a 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 CSIS Act does not exempt employees from seeking a warrant under the TRM Framework when it is deemed necessary.
- 3.6 The measures that may be taken as per s.21.1 (1.1) of the CSIS Act are as follows:

#### 4. REQUEST FOR APPROVAL

##### Development of a Request for Approval



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4.5.1

4.6

#### External Stakeholder Consultations

4.7

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d)

4.8

4.9

**Risk Assessment**

4.10 The operational, political, foreign policy and legal risks must be assessed for each proposed measure. Risk is to be assessed both in terms of likelihood and impact should the risk materialize. The measure will be classed as having the highest level of risk among the four categories.

4.11 Risk assessments will normally be conducted as follows:

- a) Operational Risk -
- b) Political Risk -
- c) Foreign Policy Risk -

d) Legal Risk:

4.12

assessment.

will coordinate with DLS to obtain the legal risk

4.13

## 5. APPROVALS

5.1

### Warranted Threat Reduction Measures

5.2

### Non-warranted Threat Reduction Measures

5.3

5.3.1

5.3.2

5.4

5.4.1

5.4.2

5.4.3

### Validity Period

5.5

5.6

**Standing Authorities**

5.7 Standing authorities for the multiple use of a TRM may be approved for a period of 1

5.8



Checklist

5.8.1

**Exigent Circumstances**

5.9 Verbal approval to implement a non-warranted TRM may be sought in the event of exigent circumstances (e.g., imminent threat or time-sensitive operation)

5.9.1

5.10

5.11

5.11.1

5.12

5.13

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## 6. IMPLEMENTATION OF A THREAT REDUCTION MEASURE

6.1

6.2

Change in Circumstances

6.3

6.3.1

6.3.2

7. REPORTING REQUIREMENTS

Completed Request for Approval

7.1

7.2

a)

7.3



7.4

7.5

### Report on the Intended Outcome of Threat Reduction and Strategic Impact Report

### Reporting and Tracking

7.9

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

### 8. RENEWALS

## 9. ADDITIONAL INFORMATION

### Notification/Consultation Requirements

- 9.1 After implementing a TRM, the Service must notify the Review Committee of the measures as soon as the circumstances permit.

9.2

### Controls and Review

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

### Information Management

- 9.4 TRM related documentation, including approved RFAs and consultations, must be documented

## 10. EVALUATION & REVIEW

- 10.1 This procedure and its related appendices and guidelines must be reviewed in the 2022-2023 fiscal year.

**11. REFERENCES****11.1 Legislation**

- a) CS/S Act
- b) Ministerial Direction for Operations and Accountability (2015)

**11.2 Supporting Tools****12. VERSION & REVIEW HISTORY****Version History**


12.1 This table summarizes previous iterations of the procedure.

Version #	Change(s) (Editorial, Minor, Substantive)	Reason for Change	Effective Dates
2	Minor	Internal Audit	2017 11 20
1		C-51	2015 10 20

**Review History**

12.2 This table identifies the results of scheduled reviews.

Version #	Scheduled Review	Effective Dates

 Help	<b>For further information or assistance on Threat Reduction Measures, please contact</b>
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## GUIDELINES | OPERATIONAL

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 Measures different from activities the Service conducted prior to the amendment of the CSIS Act in 2015?

**What constitutes a Threat Reduction Measure?****PROCESS AND APPROVALS**

## **CONSULTATION AND ASSISTANCE**

## **IMPLEMENTATION**

### **2. FREQUENTLY ASKED QUESTIONS**

#### **THREAT REDUCTION MEASURES**

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 CSIS Act, explicitly allowing the Service to take direct action to reduce threats to the security of Canada.

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**WHAT CONSTITUTES A THREAT REDUCTION MEASURE?**



## **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.12.1 Threat 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) 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 been considered;
- c) necessary consultations and de-confliction have taken place; and
- d) the risk has been assessed.

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### **CONSULTATION AND ASSISTANCE**

What are the types / categories of consultations?

There are two categories of consultations and different requirements for each:

a) **Consultation for risk assessment** - all consultations for risk are mandatory and carried 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?

Yes, the Communications Security Establishment (CSE) may assist the Service in undertaking a Threat Reduction Measure (TRM)

## IMPLEMENTATION

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### 3. EVALUATION & REVIEW

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

### 4. VERSION HISTORY

#### Version History


4.1 This table summarizes previous iterations of the guidelines.

Version #	Change(s) (Editorial, Minor, Substantive)	Reason for Change	Effective Dates
2	Minor	Internal Audit	2017 11 20
1		C-51	2015 10 20

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## APPENDIX | OPERATIONAL

GOVERNING PROCEDURES: S.12.1 THREAT REDUCTION MEASURES	OPS-XXXX-PX
<b>S.12.1 THREAT REDUCTION MEASURES - REQUEST FOR APPROVAL - TEMPLATE</b>	OPS-XXXX-PX-AX
EFFECTIVE DATE: 2019 06 21	VERSION 3
REPLACES: CSIS Annex 1: Request for Approval for S.12.1 Measure (2017 11 20)	Français

### 1. SUBJECT OF THREAT REDUCTION MEASURE

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### 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 Canada:

### 3. MEASURE

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4. **REASONABLENESS AND PROPORTIONALITY**

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5. **OTHER**

L) CONSULTATION:

M) RISK: Overall risk:

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## 1. EVALUATION & REVIEW

- 1.1 This appendix will be reviewed in the 2022-2023 fiscal year

## 2. VERSION HISTORY

### Version History


- 2.1 This table summarizes previous iterations of the appendix.

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### Review History

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# GUIDELINES | OPERATIONAL

GOVERNING PROCEDURES: S.12.1 THREAT REDUCTION MEASURES	OPS-XXXX-PX
<b>S.12.1 THREAT REDUCTION MEASURES - HOW TO COMPLETE A REQUEST FOR APPROVAL</b>	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:

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### **K) Other Means To Reduce the Threat**

The CSIS Act and the Ministerial Direction for Operations and Accountability (2015) require that, in undertaking TRMs, the Service will consider other available means to reduce the threat.

## **5. OTHER**

Further to the Ministerial Direction for Operations and Accountability (2015), the Service has a requirement to consult with

other GC partners (as appropriate) on its use of TRMs. Further, the Service must conduct a Risk Assessment for each proposed TRM.

### **L) External Stakeholder Consultations**

### **ANNEX A: STATEMENT OF THREAT**

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 compelling information.

### **ANNEX B – RISK ASSESSMENT**

### **ANNEX C – LEGAL OPINION**

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.

## 1. EVALUATION & REVIEW

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