

# **Security Intelligence Review Committee**

**2006-2007**

**Report on Plans and Priorities**

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The Right Honourable Stephen Harper  
Prime Minister of Canada

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## SECTION I - OVERVIEW

### Chair's Message

I am very pleased to submit SIRC's Report on Plans and Priorities (RPP). This is the first RPP which I have approved since my appointment as Chair in June, 2005.

Through its reviews and complaints programs, SIRC strives to maintain the traditional Canadian balance between public safety and individual rights, while always ensuring real accountability and respect for the rule of law. This has been SIRC's goal for 22 years, and it remains as important today as it was in 1984.

In looking ahead, it is clear that the Government has an ambitious agenda, which could result in significant changes in the national security area. Although SIRC itself reports to Parliament, we are closely following proposals related to the establishment of a new National Security Review Committee; a National Security Commissioner; and a judicial inquiry into Air India. SIRC is also looking forward to Mr. Justice O'Connor's long-awaited recommendations concerning an independent, arm's length review mechanism for the RCMP's national security functions.

I hope that our RPP will assist those who are interested in knowing more about the Committee's work. While the coming year may bring many exciting new developments, I have no doubt that the Committee and its staff are ready to rise to any challenge.



Gary Filmon, P.C., O.M.  
Chair

## Management Representation Statement

I submit for tabling in Parliament, the 2006-2007 Report on Plans and Priorities (RPP) for the Security Intelligence Review Committee.

This document has been prepared based on the reporting principles contained in the *Guide for the Preparation of Part III of the 2006-2007 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

1. It adheres to the specific reporting requirements outlined in the TBS guidance;
2. It is based on the department's approved Program Activity Architecture as reflected in its MRRS;
3. It presents consistent, comprehensive, balanced and reliable information;
4. It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
5. It reports finances based on approved planned spending numbers from the Treasury Board Secretariat in the RPP.



Name: Susan Pollak

Title: Executive Director

## Summary Information

**Mission** – *To protect Canadians' rights by ensuring that CSIS acts within the law.*

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

The Committee is chaired by the Honourable Gary Filmon, P.C., O.M., who was appointed Chair on June 24, 2005. The other Members are the Honourable Raymond Speaker, P.C., O.C., the Honourable Baljit S. Chadha, P.C., the Honourable Roy Romanow, P.C., O.C., Q.C. and the Honourable Aldéa Landry, P.C., C.M., Q.C. All Members of the Committee are Privy Councillors, who are appointed by the Governor-in-Council after consultation by the Prime Minister with the Leaders of the Opposition parties.

The Committee's *raison d'être* is to provide assurance to the Parliament of Canada and through it, to Canadians, that CSIS is complying with legislation, policy and Ministerial Direction in the performance of its duties and functions. In doing so, the Committee seeks to ensure that CSIS does not undermine the fundamental rights and freedoms of Canadians. The Committee is the only independent, external body equipped with the legal mandate and expertise to review the Service's activities, and is, therefore, a cornerstone for ensuring the democratic accountability of one of the Government's most powerful organisations.

To provide this assurance, SIRC has two key Program Activities. The first is to conduct in-depth reviews of CSIS activities to ensure that they comply with the *CSIS Act* and the various policy instruments that flow from it, and with direction from the Minister. The second is to receive and inquire into complaints by any person about any action of the Service.

The Service continues at all times to be accountable for current operations through the existing apparatus of government, specifically the Minister of Public Safety, the Inspector General of CSIS, central agencies and the Auditor General, Information Commissioner and Privacy Commissioner of Canada.

### Financial Resources (\$ millions)

2006-2007	2007-2008	2008-2009
\$2.9	\$2.9	\$2.9

## Human Resources (FTEs)

2006-2007	2007-2008	2008-2009
21	21	21

## Departmental Priorities

	Type	Planned Spending		
		2006-2007	2007-2008	2008-2009
<b>Annual Report</b>	Ongoing	\$90,000	\$90,000	\$90,000
<b>Outreach</b>	Ongoing	\$100,000	\$100,000	\$100,000
<b>Liaison</b>	Ongoing	\$20,000	\$20,000	\$20,000
<b>Modern Comptrollership</b>	Ongoing	\$75,000	\$75,000	\$75,000
<b>Best Practices</b>	Ongoing	\$50,000	--	--

## Planning Environment

SIRC's planning environment has been influenced by several factors. In some cases, their full effect has yet to be determined, but there is no question that they will impact on the Committee's work.

## Change of Government

Prime Minister Stephen Harper may implement several important initiatives in the national security area, based on his party's election platform *Stand up for Security*. That document pledged that if elected, his Government would:

- “Name a National Security Commissioner with the responsibility of providing recommendations to government as to how to coordinate the work of the Canadian Foreign Intelligence Agency, the RCMP, CSIS, a revitalized Coast Guard, the Canada

Border Services Agency, and a reinstated Ports Police, as well as the security aspects of the Departments of Immigration and Transport”;

- “Expand the Canadian Foreign Intelligence Agency to effectively gather intelligence overseas, independently counter threats before they reach Canada, and increase allied intelligence operations”; and
- “Create a National Security Review Committee to ensure effective oversight and a greater degree of accountability and transparency regarding Canada’s national security efforts.”

Another pledge – to establish an independent judicial inquiry into certain aspects of the 1985 Air India bombing – was realized with the appointment of Mr. Justice Major on May 1, 2006.

### **Proposed National Security Committee of Parliamentarians**

Proposed legislation to establish a National Security Committee of Parliamentarians died on the order paper when the previous government fell. The Bill was the result of extensive consultation and work undertaken by an Interim Committee of Parliamentarians which studied and made recommendations on this new body.

If the Government pursues this initiative, it remains unclear what impact the new Committee might have on the existing House and Senate sub-committees. SIRC also has questions about its own relationship with the proposed Committee. While SIRC wants to establish a positive and constructive relationship, it remains concerned about respective mandates and possible overlap and duplication. In addition, SIRC’s Members would have to address the legal conundrum of how to respond to Parliamentary requests for classified information, which could conflict with their Oaths of Secrecy and certain provisions of the *CSIS Act*.

### **O’Connor Commission**

The findings of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar could also have an impact on SIRC. Under his Policy Review, Mr. Justice O’Connor intends to make recommendations on “an independent, arm’s length review mechanism for the activities of the RCMP with respect to national security.” The Honourable Gary Filmon, SIRC’s Chair, appeared publicly before the O’Connor Commission in November, 2005, to discuss this subject. In addition, SIRC staff have held wide-ranging discussions with their Commission counterparts. Several of the options being considered by the Commission could impact on SIRC, i.e. by expanding or substantially altering its role. While it will be up to the Government to determine how to respond to Mr. Justice O’Connor’s recommendations, they

are likely to stimulate public and Parliamentary debate, and will focus considerable attention on the adequacy of Canada's review mechanisms.

### **Improvements to SIRC's Complaints Program**

During 2005-2006, SIRC successfully developed and implemented new processes regarding its investigation of complaints, in consultation with CSIS and Department of Justice counsel who are assigned to the Service. For example, a pre-hearing conference has been introduced, to allow for early discussion of issues such as the scope of the complaint, the number of witnesses, the schedule, the disclosure of documents and any other matters. Preliminary indications suggest that this will greatly improve the timeliness of investigations, since these pre-hearings can normally be conducted by telephone conferencing. SIRC and CSIS have also agreed to the principle of "continuous disclosure" throughout an investigation. Furthermore, to ensure the Committee's independence and impartiality, both parties have agreed that only their respective counsel will engage in "official" communications on substantive matters related to a complaint, although other CSIS and SIRC staff will remain involved in administrative matters.

### **Resources**

Following Parliament's approval of additional funding in December, 2004, SIRC has reorganized and consolidated its review program. However, it is conscious that it has an obligation to manage these additional resources with prudence and probity. In March, 2006, SIRC began discussions with Public Works and Government Services Canada to undertake an independent financial audit, to be completed in the new fiscal year.

### **Modern Comptrollership**

SIRC continues to make significant progress in this area. In fiscal year 2005-2006, SIRC completed competency profiles for all of its staff, followed by the development of generic position descriptions for its researchers and counsel. Work is also underway on the development of a financial management framework, which is intended to improve the allocation and monitoring of expenditures. The results of this work will be used in controlling SIRC's budget in this and future years.

### **Priorities**

Before discussing SIRC's priorities for 2006-2007, it is important to recognize that all of the Committee's resources are allocated to two Program Activities (which are described more fully in Section II). The first is to conduct in-depth reviews of CSIS activities to ensure that they comply with the *CSIS Act* and the various policy instruments that flow from it, and with direction from the Minister. The second is to receive and inquire into complaints by any person



about any action of the Service. Many of SIRC's priorities, such as the production of its Annual Report, are in effect an extension of SIRC's review and complaints programs.

SIRC has identified five (5) priorities for 2006-2007. Readers should note that the previous priority "Outreach and Liaison" has been divided into two initiatives, to reflect better the work underway in these areas. The former refers to public, external events, such as presentations to seminars and conferences by Committee Members and SIRC staff; while the latter refers to maintaining productive working relationships with organizations like the O'Connor Commission or the proposed National Security Committee of Parliamentarians. Another former priority which related to Parliament, has been subsumed into the new "Liaison" priority.

SIRC's five priorities in 2006-2007 are: 1) to produce an Annual Report and other high-quality communications material; 2) to pursue outreach activities; 3) to pursue liaison activities; 4) to undertake further modern comptrollership initiatives; and 5) to consult on best practices related to the complaints process.

### **Annual Report and Communications Material**

By reviewing past operations of the Service and investigating complaints, SIRC is able to make findings and recommendations designed to improve the Service's performance. The results of this work, edited to protect national security and privacy, are summarized in its Annual Report. In accordance with s. 53 of the *CSIS Act*, the Report must be submitted to the Minister of Public Safety "not later than September 30 in each fiscal year." The Minister then tables the Report in Parliament within fifteen days of its receipt.

While SIRC's Annual Report is the primary communications vehicle to the public, the Committee considered a comprehensive strategy in October, 2005 to increase public awareness about its work and to complement the Report. Several early initiatives have already been implemented, such as posting an Arabic translation of "How to Make A Complaint" on SIRC's website; creating a hyperlink from the home page of CSIS's website to SIRC's; and scheduling some media interviews for the Chair.

This is an ongoing activity which includes costs for writing, editing, translation, graphic design, printing services and work performed by professional consultants, as well as the electronic distribution of news releases and backgrounders to the media.

### **Outreach**

In May, 2005, SIRC co-hosted an International Symposium with the Canadian Centre of Intelligence and Security Studies (CCISS) of Carleton University, Ottawa, to mark SIRC's 20<sup>th</sup>

anniversary. While there are no immediate plans to replicate the Symposium, some of the more noteworthy presentations may be published in scholarly journals.

As part of the communications strategy discussed above, SIRC's Chair Gary Filmon will also be pursuing several speaking engagements. The first of these was given in April, 2006, to the Associates of the I.H. Asper School of Business at the University of Manitoba. This speech along with any others he will make, will be posted on SIRC's website. SIRC's Executive Director is also expected to make several presentations over the coming year.

In October, 2006, the Committee will be attending the International Intelligence Review Agencies Conference. This group, which meets every two years, brings together review and oversight bodies dealing with both security intelligence and law enforcement agencies. The upcoming Conference provides an opportunity to exchange best practices, while promoting Canadian approaches for dealing with the review of national security agencies.

This is an ongoing activity which covers the costs of travel and per diems incurred by Committee Members and SIRC staff, as well as some professional service contracts.

## **Liaison**

It has now been more than three years (February 18, 2003) since SIRC appeared before the Subcommittee on National Security of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness. However, SIRC staff have made presentations to special committees of the Senate and House reviewing the *Anti-Terrorism Act* (in April and June, 2005).

SIRC would anticipate more frequent contact with Parliamentarians, should the Government re-introduce legislation to establish a new National Security Committee. In addition, it may need to liaise with the judicial inquiry into Air India, as well as further liaison with the O'Connor Commission and subsequently the Government, once Mr. Justice O'Connor has tabled his report. SIRC staff will continue to play an active role in the Review Agencies Forum, which brings together representatives of the Commissioner for the Communications Security Establishment; the Inspector General, CSIS; and the Public Complaints Commission Against the RCMP. The Forum met in May, 2005 and January, 2006; the second of which was hosted by SIRC.

Resources associated with this ongoing priority are intended to cover the travel and per diem costs of Committee Members, plus the cost of preparing any briefing notes and other supporting material which may be prepared for liaison with these bodies.

## **Modern Comptrollership**

In 2005-2006, SIRC contracted for an independent audit of its policy framework, in order to establish that its policies and procedures are consistent with Treasury Board requirements, and to identify any gaps or omissions requiring attention. It also developed competency profiles for all of its staff, and completed position descriptions for its researchers and counsel.

In the coming year, SIRC will be implementing a financial management framework, which will introduce further rigor to the allocation of resources and the monitoring of expenditures. The RPP will become, as it should be, the foundation upon which budgets for SIRC's two program activities and all of its priorities will be established. SIRC will also undertake an independent financial audit, to be completed by June, 2006, to examine how additional resources approved by Parliament were utilized by the Committee.

This is an ongoing activity. Resources identified under this priority will be allocated to contractors developing or implementing comptrollership initiatives.

## **Best Practices**

During the past year, SIRC consulted with other agencies on ways to improve its complaints program. For example, SIRC had several exchanges with the Canadian Human Rights Commission and the Department of Justice, concerning complaints referred under the *Canadian Human Rights Act*. SIRC also met with representatives of the Immigration and Refugee Protection Board to discuss SIRC's *in camera ex parte* procedures, which strive to balance national security concerns with the rules of natural justice. SIRC also had discussions with several foreign counterparts at the International Symposium previously mentioned. These included the United Kingdom Intelligence and Security Committee and the Police Ombudsman for Northern Ireland, as well as members of the private bar. SIRC counsel also exchanged views with their counterparts at the O'Connor Commission on the complaints process.

It is possible that some of the findings and recommendations of Mr. Justice O'Connor may have an impact on the Committee's process and procedures for investigating complaints. SIRC is also considering further consultations with other similar quasi-judicial administrative tribunals (e.g. the Commission for Public Complaints Against the RCMP and the Military Police Complaints Commission). The purpose would be to identify and implement best practices to improve the efficiency of SIRC's complaints program.

Resources identified under this priority will be allocated to travel costs; obtaining legal advice or opinions; and the organization of meetings, roundtables and other consultation events.

## SECTION II – ANALYSIS OF PROGRAM ACTIVITIES

SIRC has only one strategic outcome, described below. In realizing this outcome, the Committee is seeking to ensure that at all times, CSIS acts within the law.

This outcome is important to Canadians, because it helps to protect their fundamental rights and freedoms. In effect, SIRC is a cornerstone for ensuring the democratic accountability of one of the Government's most powerful organizations.

This outcome also contributes to one of the Government of Canada's outcomes: specifically, a strong and mutually beneficial North American partnership. It is clear that Canada's prosperity and security are closely linked to its relationship with its continental partners, all of whom are committed to the social well-being, economic success and the safety and security of their citizens. Security intelligence helps to safeguard this relationship, and the review function contributes to the effectiveness of these agencies.

### Strategic Outcome:

To provide assurance to the Parliament of Canada and through it, to Canadians, that CSIS is complying with law, policy and Ministerial Direction in the performance of its duties and functions

### Program Activity # 1: Reviews of CSIS Activities

#### Financial Resources (\$ millions)

2006-2007	2007-2008	2008-2009
\$1.77	\$1.77	\$1.77

#### Human Resources (FTEs)

2006-2007	2007-2008	2008-2009
14	14	14

The purpose of the Review Program is to conduct reviews of CSIS activities to ensure compliance. The expected result is changes or improvements to CSIS operational policies and procedures, where appropriate, based on the findings and recommendations which SIRC makes in its reviews.

SIRC has virtually unlimited power to review CSIS's performance of its duties and functions. With the sole exception of Cabinet confidences, SIRC has the absolute authority to examine all information concerning CSIS's activities, no matter how highly classified that information may be.

It is important to note that the Committee examines CSIS's performance on a retrospective basis, that is to say, it examines the past activities of the Service. Its work is not intended to provide oversight of current CSIS operations. However, by preparing "snapshots" of highly sensitive CSIS activities over two decades, SIRC helps Parliament to determine whether CSIS is acting appropriately and within the law.

SIRC's research program is designed to address a broad range of subjects. This approach allows the Committee to manage the inherent risk of being able to review only a small percentage of CSIS activities in any given year. However, the Committee must also be prepared to adjust planned activities to respond to unforeseen events.

In planning reviews for 2006-2007 and future years, SIRC has increased the number it will undertake, to keep pace with CSIS's increased level of activity. Decisions on review topics continue to be undertaken based on domestic and world events; issues, priorities and concerns identified by Canadians and Parliament; past reviews; and existing and emerging CSIS activities.

As part of its review program, the Committee visits CSIS regional offices on a rotating basis to examine how Ministerial direction and CSIS policy affect the day-to-day work of investigators in the field. These trips afford Committee Members with an opportunity to meet with senior CSIS staff, receive briefings on regional issues and communicate the Committee's focus and concerns. Regional visits also permit the Committee to meet with experts on a broad range of subjects. The Committee intends to visit at least two CSIS regional offices in 2006-2007.

CSIS also maintains a number of posts outside Canada. In order to monitor effectively the application of the Service's information-sharing arrangements with foreign agencies, SIRC conducts regular reviews of these Security Liaison Officer (SLO) posts abroad. At least one SLO post will be included in the 2006-2007 research plan.

This is an ongoing activity which includes salary costs and training for staff, monthly meetings attended by Committee Members, their travel expenses and per diems. It also includes ground transportation on a daily basis between SIRC's office and CSIS headquarters.

Several performance measurements are used to assess its effectiveness. One measure is whether the research plan approved by the Committee is completed in its entirety. Another measure concerns whether CSIS acts on the recommendations contained in SIRC's reviews. Other measures include the number and scope of reviews relative to resources; how frequently different aspects of CSIS's operations are reviewed, given that SIRC cannot review each on an annual basis; and feedback on the quality of reviews from those privy to them.

## Program Activity # 2: Complaints

### Financial Resources (\$ millions)

2006-2007	2007-2008	2008-2009
\$1.13	\$1.13	\$1.13

### Human Resources (FTEs)

2006-2007	2007-2008	2008-2009
7	7	7

The purpose of the Complaints Program is to investigate complaints and conduct investigations in relation to:

- complaints "with respect to any act or thing done by the Service" as described in the *CSIS Act*;
- complaints about denials of security clearances to federal government employees and contractors;
- referrals from the Canadian Human Rights Commission in cases where the complaint relates to the security of Canada; and
- Minister's reports in respect of the *Citizenship Act*.

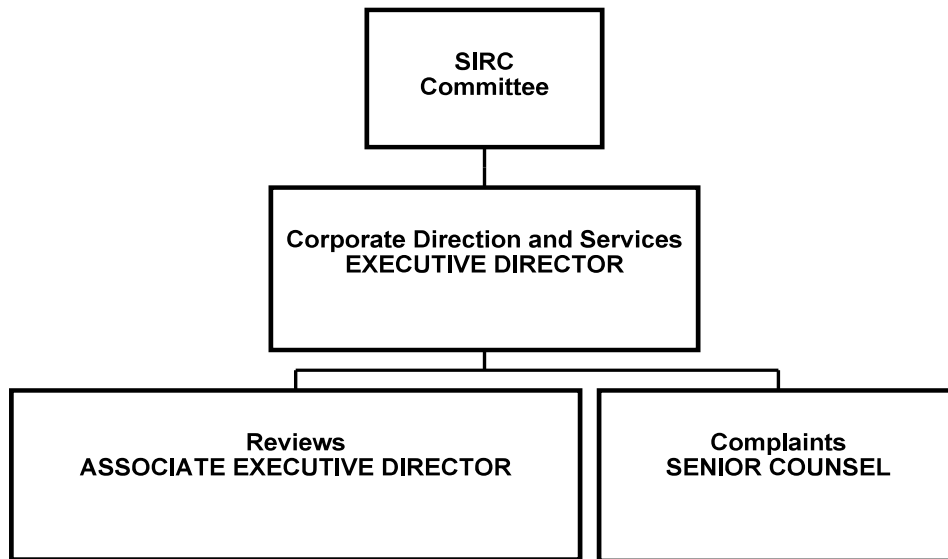
The Committee has no control over the number of complaints it receives in any given year. Their volume and complexity can have a significant impact on SIRC's capacity to fulfill its mandate. Because complaints are very time consuming, small changes in their numbers can significantly affect the Committee's budget and operations.

This is an ongoing activity. It includes salary costs and training for staff, complaint hearings presided over by Committee Members, their travel expenses and per diems, as well as costs for simultaneous translation, court reporters, plus funding to obtain outside legal advice.

One measure of its effectiveness is whether or not the Committee's decisions are subsequently challenged in Federal Court. SIRC has also adopted a standard that all written complaints are formally acknowledged within seven days of their receipt and that within 60 days, all complaints should either be resolved to the complainant's satisfaction, determined to be without foundation and closed, or elevated to the status of an in-depth Committee investigation.

## SECTION III – SUPPLEMENTARY INFORMATION

### Organizational Information



**Table 1: Agency Planned Spending and Full Time Equivalents**

(\$ millions)	Forecast Spending 2005-2006	Planned Spending 2006-2007	Planned Spending 2007-2008	Planned Spending 2008-2009
Reviews	1.5	1.5	1.5	1.5
Complaints	1	1	1	1
<b>Budgetary Main Estimates (gross)</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>
<b>Non-Budgetary Main Estimates (gross)</b>				
<b>Less: Re-spendable revenue</b>				
<b>Total Main Estimates</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>
<i>Adjustments:</i>				
<b>Supplementary Estimates:</b>				
Supps "A"	0.1	0.1	0.1	0.1
Treasury Board Vote 15 Employee Benefit Plan (EB)	0.3	0.3	0.3	0.3
<i>Total Adjustments</i>				
<b>Total Planned Spending</b>	<b>2.9</b>	<b>2.9</b>	<b>2.9</b>	<b>2.9</b>
<b>Total Planned Spending</b>				
<b>Less: Non-Respendable revenue</b>				
<b>Plus: Cost of services received without charge</b>	<b>0.4</b>	<b>0.4</b>	<b>0.4</b>	<b>0.4</b>
<b>Net cost of Program</b>	<b>3.3</b>	<b>3.3</b>	<b>3.3</b>	<b>3.3</b>
<b>Full Time Equivalents</b>				
	<b>20</b>	<b>21</b>	<b>21</b>	<b>21</b>



**Table 2: Program by Activity**

2006-2007					
Program Activity	Budgetary			Total Main Estimates	Total Planned Spending
	Operating	Gross	Net		
Reviews	1.77	1.77	1.77	1.77	1.77
Complaints	1.13	1.13	1.13	1.13	1.13
<b>Total</b>	<b>2.9</b>	<b>2.9</b>	<b>2.9</b>	<b>2.9</b>	<b>2.9</b>

**Table 3: Voted and Statutory Items listed in Main Estimates**

2006-2007			
Vote or Statutory Item	Truncated Vote or Statutory Wording	Current Main Estimates	Previous Main Estimates
30	Program expenditures	2.6	2.6
(S)	Contributions to employee benefit plans	0.3	0.3
	<b>Total Agency</b>	<b>2.9</b>	<b>2.9</b>

**Table 4: Services Received Without Charge**

<b>2005-2006</b>			
<b>(\$ millions)</b>	<b>Reviews</b>	<b>Complaints</b>	<b>Total</b>
<b>Accommodation provided by Public Works and Government Services Canada (PWGSC)</b>			<b>0.3</b>
<b>Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds)</b>			<b>0.1</b>
<b>Worker's compensation coverage provided by Social Development Canada</b>			
<b>Salary and associated expenditures of legal services provided by Justice Canada</b>			
<b>Total 2006-2007 Services received without charge</b>			<b>0.4</b>

**Table 5: Internal Audits and Evaluations**

Financial Audit to take place between April and June, 2006.

## SECTION IV – OTHER ITEMS OF INTEREST

### Corporate Direction and Services

Because “Corporate Direction and Services” is not displayed in the Main Estimates as a separate program activity, it was not discussed in Section II. Resources are simply included as part of the overall allocation for those activities. However, because Corporate Direction and Services consumes roughly 32 percent of the organization’s total resources and covers a number of activities and services which are essential to the smooth functioning of the organization, SIRC is providing the following breakdown.

#### Financial Resources (\$ millions)

2006-2007	2007-2008	2008-2009
\$0.9	\$0.9	\$0.9

#### Human Resources (FTEs)

2006-2007	2007-2008	2008-2009
3	3	3

All of the costs associated with monthly meetings attended by Committee members, their per diems, plus travel and accommodation costs, are captured under this activity. So are the initiatives related to the Modern Comptrollership priority discussed in Section I . Corporate Direction and Services also includes ongoing refinements to SIRC’s website, as well as the general informatics support required to maintain internal computing systems. In addition, financial and human resource management services which are not provided to SIRC by the Privy Council Office, are funded through this activity. Finally, the salaries of two executives providing corporate direction and one administrative head who supports them, are also included.

## **Contact Information**

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Legislation Administered:

*The Canadian Security Intelligence Service Act*