



BUILDING INTELLIGENCE REVIEW INTO NATIONAL SECURITY - THE CANADIAN EXPERIENCE

Date: November 17, 2023

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KEY EVENTS

On November 17, 2023, John Davies, Executive Director, National Security Intelligence Review Agency (NSIRA), presented *Building Intelligence Review into National Security: The Canadian Experience* for this year's West Coast Security Conference. The key points discussed were the structure and responsibilities of NSIRA, the challenges and experiences of NSIRA in the last four years, and NSIRA's plans for the future.

NATURE OF DISCUSSION

Mr. Davies addressed the creation of NSIRA, outlining its responsibility and internal structure as an intelligence review agency with a quasi-judicial process that investigates complaints against intelligence agencies. He clarified the process in which these reviews are completed and the specifics of the reports that are delivered by NSIRA. NSIRA continues to improve its communication through maintaining a standard for best practices and procedures as well as recruiting and retaining talent.

BACKGROUND

Mr. Davies provided an overview of NSIRA in which he explained that the agency was created by the National Security Act of 2019 as an independent and external review body ensuring that intelligence activities are lawful, reasonable and necessary. NSIRA will also evaluate compliance with ministerial direction and departments' and agencies' internal policies as appropriate. He explained that the agency also investigates complaints related to activity of the Canadian Security and Intelligence Service (CSIS) or Communications Security

Establishment (CSE), as well as the RCMP in relation to national security. These complaints can be related to security clearance denials/revocations.

Mr. Davies discussed the governance of NSIRA, explaining that the agency is led by a Chair and up to six other members who serve for a five-year term, appointed by the Governor in Council after consultation by the Prime Minister. NSIRA is composed of a Secretariat that will eventually total approximately a hundred

staff, primarily divided into the areas of reviews, investigations, and technology. Mr. Davies stated that although a large portion of the staff has a background in law, there has been a growing necessity for technology professionals as well.

Mr. Davies discussed the review work conducted by the agency, which includes three Annual Reviews. The first is related to CSIS's use of Threat Reduction Measures (TRM); the second focuses on the Avoiding complicity in Mistreatment by Foreign Entities Act (ACMFEA), in which they review how federal departments and agencies share information with foreign partners; and the third involves the Security of Canada Information Disclosure Act (SCIDA) which focuses on disclosures of information domestically. The agency also provides annual classified reports on the activities of CSE and CSIS to the Ministers of Defence and Public Safety, respectively.

Reviewing the experiences of the last four years, Mr. Davies explained that NSIRA has invested in building its internal structures and processes and has prioritized recruitment and retention. Mr. Davies also pointed to the importance of collaboration and interaction, and how NSIRA has actively engaged with its international counterparts such as Denmark and Norway and through the FiveEyes Intelligence Oversight and Review Council (FIORC). He concluded by emphasizing that NSIRA is creating a workplace environment of continuous learning in all aspects of its mandate.

KEY POINTS OF DISCUSSION

- NSIRA was created in 2019 as an independent body that is responsible for reviewing national security and intelligence activities and for conducting quasi-judicial investigation of complaints, including those related to security clearance denials/revocation.
- NSIRA reviews and investigates all Government of Canada national security and intelligence activities, including CSIS, CSE, and the RCMP (when they are related to national security).
- NSIRA has transformed its workforce, in part by adding more technology staff. NSIRA is committed to retaining and professionalizing its staff.
- NSIRA is focused on continual learning and improvement.
- NSIRA's plans for the future include enhancing its processes and deepening its relationships with its partners agencies domestically and internationally, as well as maintaining its place as a key component of the security and intelligence community.

FURTHER READING

NSIRA. (2022). *2022 Annual Report*. <https://nsira-ossnr.gc.ca/wp-content/uploads/NSIRA-Annual-Report-2022-EN.pdf>



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