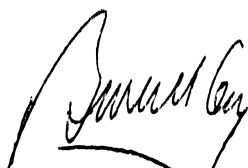


Office of the Communications Security Establishment Commissioner

2013-14

Report on Plans and Priorities

A handwritten signature in black ink, appearing to read "Peter MacKay", is positioned above a horizontal line.

**Honourable Peter MacKay, P.C., M.P.
Minister of National Defence**

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Commissioner's Message

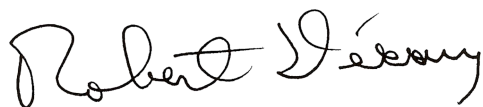
I am pleased to present the 2013-2014 *Report on Plans and Priorities* for the Office of the Communications Security Establishment Commissioner (the office), my third as Commissioner. This report details the plans and priorities of my office over the next three years.

My mandate, my responsibilities and my program of review supported by the office's internal services program, remain fundamentally constant from year to year. I am required to review the activities of the Communications Security Establishment Canada (CSEC), and, annually, to provide assurance to the Minister of National Defence, who is accountable for CSEC, and through him to Parliament and to all Canadians, that CSEC complies with the law in fulfilling its legislated mandate and in so doing protecting the privacy of Canadians. Should I find an instance where I believe CSEC may not have complied with the law, I am required by legislation to inform the Minister and the Attorney General. What is set out in the pages that follow is how the office intends to maintain the effectiveness of its review program in response to changes in its external environment - CSEC continues to grow and evolve in response to evolving threats to our free and democratic society, to changes in technology and its use in the fields of security and intelligence, and to changes in government and CSEC priorities.

My office will continue to engage, develop and train a small, dedicated group of review professionals and provide them with the tools and practices necessary to conduct professional, timely and comprehensive reviews and studies. My office will continue to refine its review criteria in order to be able to identify areas within CSEC activities that pose the greatest risk to compliance with the laws of Canada and to safeguarding the privacy of Canadians.

Economies can be achieved by sharing best practices among review agencies, both nationally and internationally, and my office will continue to promote and participate in these sharing opportunities.

In this period of restraint, my office will continue to look at innovative ways to improve on its management and administrative practices in order to meet the requirements of the central agencies while maintaining costs.



Honourable Robert Décarie, Q.C.
Commissioner
January 31, 2013

Section I: Organizational Overview

Raison d'être

The position of Communications Security Establishment Commissioner was created to review the activities of Communications Security Establishment Canada (CSEC) to determine whether it performs its duties and functions in accordance with the laws of Canada. This includes having due regard for the privacy of Canadians. The Commissioner's office exists to support the Commissioner in the effective discharge of his mandate.

Responsibilities

The duties of the Commissioner are set out under subsections 273.63(2) and (3) and 273.65(8) of the *National Defence Act (NDA)*:

NDA 273.63(2)

- a) to review the activities of the Establishment [CSEC] to ensure that they are in compliance with the law;
- b) in response to a complaint, to undertake any investigation that the Commissioner considers necessary;
- c) to inform the Minister of National Defence and the Attorney General of Canada of any activity of the Establishment that the Commissioner believes may not be in compliance with the law;

NDA 273.63(3)

... within 90 days after the end of each fiscal year, submit an annual report to the Minister on the Commissioner's activities and findings ...;

NDA 273.65(8)

... review activities carried out under an [ministerial] authorization to ensure that they are authorized and report annually to the Minister on the review;

Additionally, under Section 15 of the *Security of Information Act*, the Commissioner is mandated:

to receive information from persons who are permanently bound to secrecy and who seek to defend the release of classified information about Communications Security Establishment Canada on the grounds that it is in the public interest.

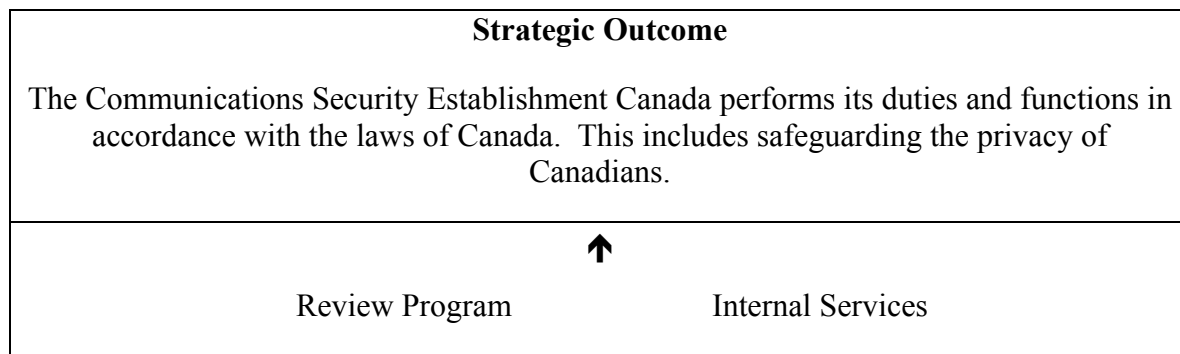
Strategic Outcome(s) and Program Alignment Architecture (PAA)

The strategic outcome of the Office of the Communications Security Establishment Commissioner is that the CSEC performs its duties and functions in accordance with the laws of Canada. This includes safeguarding the privacy of Canadians.

The office has two programs – its review program and internal services.

Program Activity Architecture

Concerning the relationship between the two activities, the internal services program activity provides all of the administrative and operational support required by the review program. The review program activity works towards the achievement of the strategic outcome.



Organizational Priorities

The major priority of the office remains unchanged from the previous year - improve the effectiveness and efficiency of the review program.

Priority	Type ¹	Strategic Outcome
Improve the effectiveness and efficiency of the review program	Ongoing	The Communications Security Establishment Canada performs its duties and functions in accordance with the laws of Canada. This includes safeguarding the privacy of Canadians.
Description		
<p>Why is this a priority?</p> <p>Improving the effectiveness and efficiency of the review program will always be a priority of the office. In response to its ever-changing environment, the technology, tools and techniques employed by CSEC change and evolve. And so too must the review program of the office change and evolve. The review program does not have the resources to review all CSEC activities each year. Instead, the review program must be designed in such a way as to identify which CSEC activities and operations pose the greatest risk to non-compliance with the laws of Canada and to the invasion of privacy of Canadians. With limited review resources, reviews must be scheduled to ensure the availability of the appropriate skill sets within the office. Once scheduled, reviews must be performed and completed in a timely manner and on a professional basis and the results and recommendations based on rigorous, balanced and comprehensive review that encourages acceptance and implementation.</p> <p>The review program also has to be efficient and credible – the review process must use its scarce resources in a cost-effective manner; review tools and techniques must contribute to the delivery of accurate and timely reports; and internal services within the office must support the review program throughout the process. With an effective and efficient review program, the office can address the areas of greatest risk on a timely basis and allow the Commissioner to provide the necessary assurance to the Minister of National Defence, Parliamentarians and ultimately to all Canadians that the Communications Security Establishment Canada performs its duties and functions in accordance with the laws of Canada, including safeguarding the privacy of Canadians.</p> <p>Plans for meeting the priority</p> <ul style="list-style-type: none"> • Continue receiving briefings from CSEC to gain further appreciation of its management monitoring and operational environments, and significant changes to them; • Review and refine the criteria used to assess risk and develop the work plan; • Increase the number of review resources; 		

¹. Type is defined as follows: **previously committed to**—committed to in the first or second fiscal year prior to the subject year of the report; **ongoing**—committed to at least three fiscal years prior to the subject year of the report; and **new**—newly committed to in the reporting year of the RPP or DPR.

- Train and develop review resources and provide them with the necessary tools and techniques to complete their reviews in a comprehensive and efficient manner;
- Create an organization that provides review professionals with a career path and opportunities for promotion and advancement; and
- Perform joint reviews of certain activities, where possible.

Risk Analysis

The office has the same strategic outcome and program as the previous year. The plans and priorities have remained relatively unchanged. Despite this relative constancy, the office must address a number of issues.

- Continued maintenance of an arm's length professional and cooperative relationship with CSEC - the success of the review program depends to a great extent on the cooperation of CSEC. The office will continue to work with CSEC, including holding annual roundtable meetings, to optimize the review process while minimizing adverse impacts on CSEC's operations. Discussions on plans, findings and recommendations of individual reviews will also continue with CSEC to ensure that reviews proceed as efficiently as possible and are completed in a timely manner.
- “staying current” - CSEC must continuously evolve foreign intelligence collection, products and services as the communication technologies and those who use them continue to evolve. The challenge for the Commissioner's office is to ensure its review methodologies remain relevant and continue to identify areas that pose the greatest risk to compliance and privacy.
- Capacity and capability - The office must have and maintain the capacity and capability to complete rigorous, comprehensive, reliable and timely reviews of CSEC's activities. As a micro-agency, that is also a separate employer, it can be a challenge to attract individuals who possess the required knowledge and experience of the security and intelligence community, with requisite security clearances, and the willingness to be employed outside the Public Service proper. Improving the review methodology and the tools employed by the review officers can enhance existing capabilities. Training will continue to be used to update review skill sets in order to improve the effectiveness and efficiency of the review program. The office is exploring a restructuring of the review program that would allow for the creation of junior and intermediate review officers. This would allow the office to recruit at the junior level and “grow” its own intermediate and senior review officers. This approach could facilitate the recruitment and retention of review officers.
- Ambiguities in the legislation – the office continues to wait for amendments to clarify ambiguities in the *National Defence Act*.
- Accountability - The requirements of the central agencies continue to grow. As a result, efforts must continue to ensure that the financial, administrative, information, security and human resource systems meet the needs of management as well as the requirements of the central agencies.

Planning Summary

Financial Resources (Planned Spending — \$ thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16
2,113	2,113	2,113	2,113

The planned spending is lower than the Main Estimates as a result of reprofiling in 2012-13 resulting in a reduction of \$100 thousand in both 13-14 and 14-15 and \$90 thousand in 15-16.

Human Resources (Full-Time Equivalents—FTE)

2013-14	2014-15	2015-16
11.5	11.5	11.5

The human resources table above provides a summary of the total planned human resources for the office; it includes the Commissioner, part-time, and 11 staff in each of the next three fiscal years.

Planning Summary Table (\$ thousands)

Strategic Outcome	Program	Actual Spending 2010–11	Actual Spending 2011–12	Forecast Spending 2012–13 ²	Planned Spending			Alignment to Government of Canada Outcomes ³
					2013–14	2014–15	2015–16	
The Communications Security Establishment Canada performs its duties and functions in accordance with the laws of Canada. This includes safeguarding the privacy of Canadians.	Review Program	1,100	1,052	1748	1540	1540	1540	Safe and secure Canada
Sub – Total		1,100	1,052	1748	1540	1540	1540	

² The amount should reflect the department's best estimates of its cash expenditures—in other words, what the department would expect to see published in the upcoming Public Accounts.

³ Information on [departmental alignment to Government of Canada outcomes](#) is available on the Secretariat's website.

Planning Summary Table for Internal Services (\$ thousands)

Program	Actual Spending 2010–11	Actual Spending 2011–12	Forecast Spending 2012–13 ⁴	Planned Spending		
				2013–14	2014–15	2015–16
Internal Services	505	890	646	573	573	573
Sub –Total	505	890	646	573	573	573

Planning Summary Total (\$ thousands)

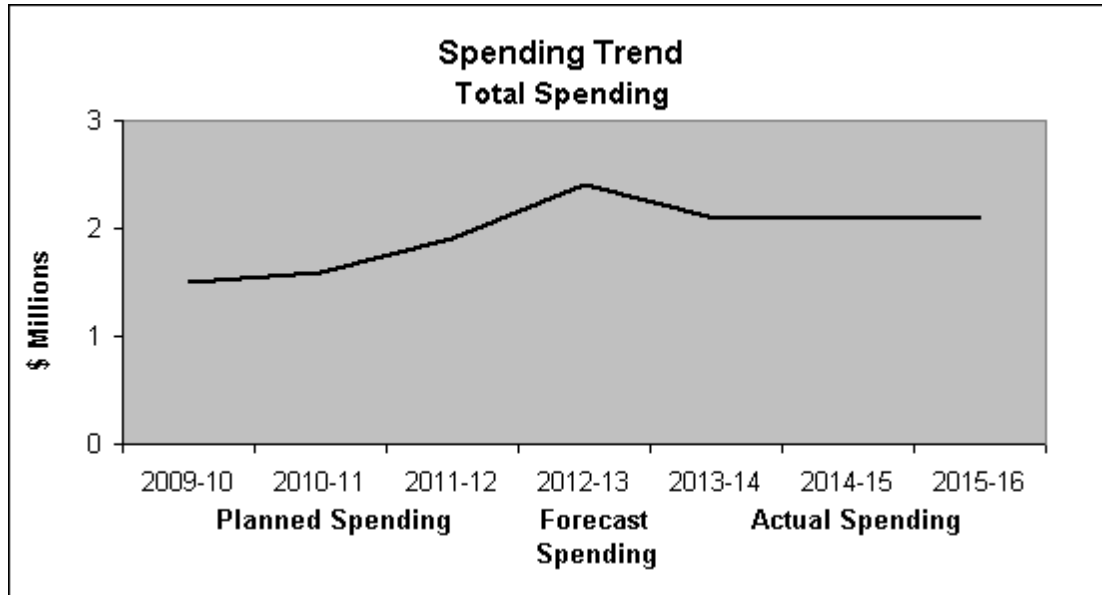
Strategic Outcome(s) Program(s), and Internal Services	Actual Spending 2010–11	Actual Spending 2011–12	Forecast Spending 2012–13 ⁵	Planned Spending		
				2013–14	2014–15	2015–16
Total	1,605	1,942	2394	2113	2113	2113

⁴ The amount should reflect the department’s best estimates of its cash expenditures—in other words, what the department would expect to see published in the upcoming Public Accounts.

⁵ The amount should reflect the department’s best estimates of its cash expenditures—in other words, what the department would expect to see published in the upcoming Public Accounts.

Expenditure Profile

Departmental Spending Trend



In 2009-10, the level of funding was \$2.1 million. The additional funding was to provide the office with sufficient funding to operate as a separate agency and at the same time expand the review program, acquire additional office space, and increase the administrative support necessary to support the expanded review program and the additional requirements resulting from full, independent status. The total spending during 2009-10 was \$1.5 million.

In 2010-11, the expenditures were \$1.6 million. However, delays not imputable to the office in the acquisition and set-up of additional office space, and the consequent delays to the expansion of the review program, may result in expenditures at a lower level.

The spending for fiscal year 2011-12 was 1.9 million. The estimated cost of construction related to the set-up of additional office space, which started in the last quarter of 2011-12 was \$300 thousand in 2011-12 and is the primary cause for the expenditure increase from the previous year.

The forecast spending for fiscal years 2012-13 is 2.4 million. The increase over 2011-12 is almost entirely attributable to the costs of the additional office space and the security fit-up for this space.

The planned spending 2013-14, 2014-15 and 2015-16 is largely constant at \$2.1 million. These expenditures will include additional rental costs for office space due to the expansion of the office and the increase in personnel expense due to additional staff in both the review and internal services programs.

Estimates by Vote

Changes to the presentation of the Main Estimates publication will begin in 2013-14 and may extend to 2014–15. In order to address this issue, departments must replace the Estimates by Vote table with the following note:

For information on our organizational appropriations, please see the [2013–14 Main Estimates](#) publication.

Section II: Analysis of Program by Strategic Outcome

Strategic Outcome

The strategic outcome of the Office is that the Communications Security Establishment Canada performs its duties and functions in accordance with the laws of Canada. This includes safeguarding the privacy of Canadians.

The following section describes the office's review program and internal services and identifies the expected results, performance indicators and targets for each of them. This section also explains how the office plans on meeting the expected results and presents the financial and non-financial resources that will be dedicated to each.

This section will contain a discussion of the office's review program and internal services. Additional information on the office's operations, methodology and results can be found on the Commissioner's website (www.ocsec-bccst.gc.ca).

Program

The Communications Security Establishment Review Program

Program Descriptions

The review program includes research, monitoring, planning, the conduct of reviews and the reporting of results. In addition, it also includes consultations and communications with CSEC officials, with other review bodies and other government officials, as required.

Financial Resources (\$ thousands)

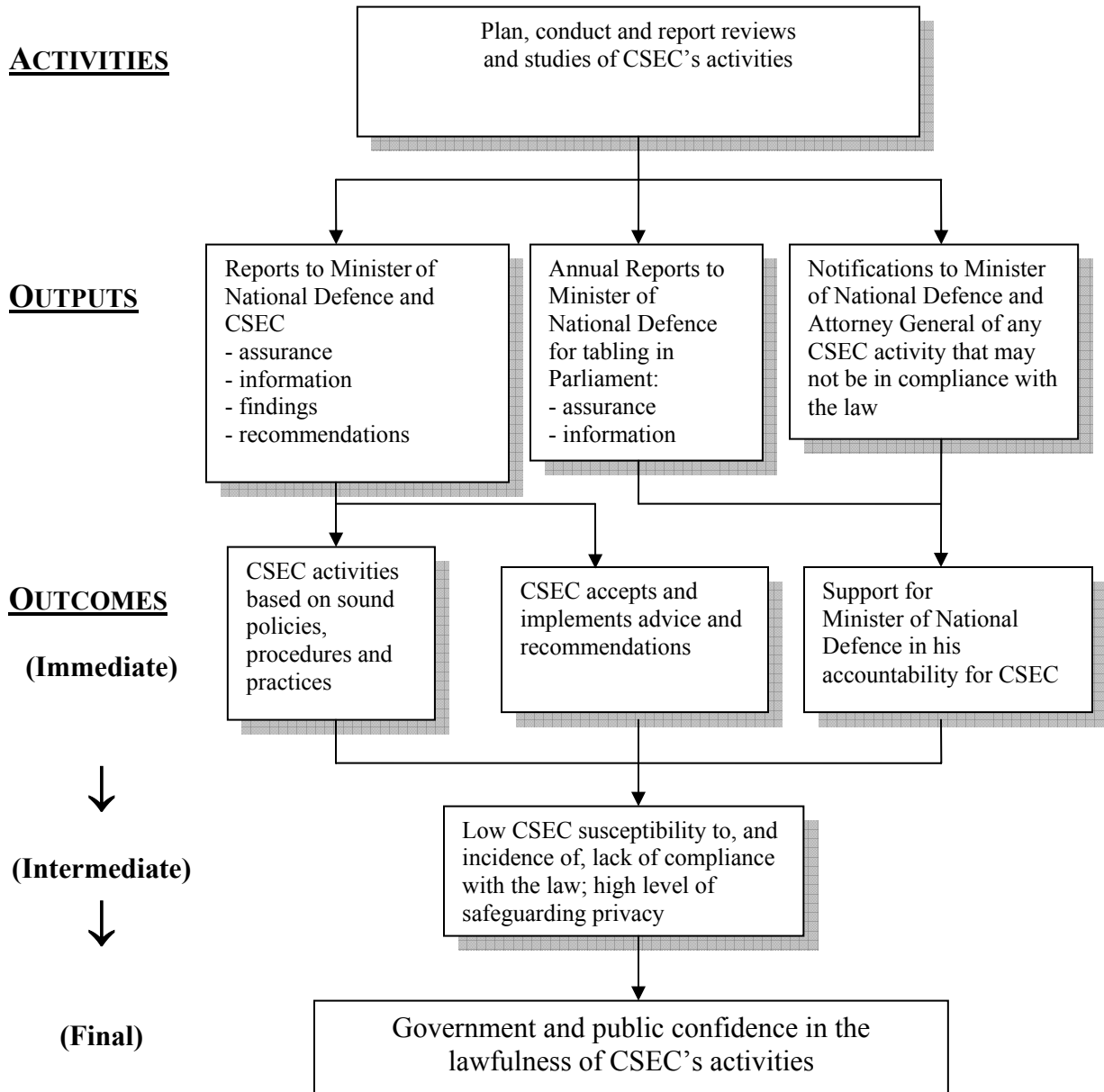
Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16
1540	1540	1540	1540

Human Resources (Full-Time Equivalent—FTE)

2013–14	2014–15	2015–16
8.5	8.5	8.5
Program Expected Results	Performance Indicators	Targets
Reviews are completed within targeted time frames as established by the Commissioner	% of reviews completed within targeted time frames	80%
Recommendations resulting from the reviews conducted are accepted and implemented	% of recommendations implemented	80%
Negative findings addressed	% of negative findings addressed	80%

Commissioner’s Office Review Program – Logic Model

The following logic model provides a graphic description of how the review program functions.



Planning Highlights

In order to achieve the expected result, the office plans to undertake the following activities:

- The office will strengthen its review process by:
 - continuing to review and strengthen the risk assessment process for selecting and prioritizing areas and activities for review;
 - updating its operational policies and practices to improve the quality of its review process in order to ensure that its findings and recommendations are accurate, fair, complete and supportable;
 - providing training and mentoring opportunities for the review staff to upgrade their skill sets related to the effective performance of reviews;
 - expanding the capacity of the review process by adding additional full-time review officers at a junior and intermediate level, easing both the recruitment process, by being able to draw from a larger pool of resources, and the retention process, by providing opportunities for promotion from within the organization.
- A pre-requisite to the effectiveness of the office's review process and the successful discharge of its mandate is a professional, tough but fair working relationship with CSEC. Briefings, presentations, training, information sessions, roundtables will be continued between the two organizations.

The office's review program supports the Commissioner in his ability to provide assurance to the Minister and through him to Parliament and to all Canadians that the activities undertaken by CSEC are in compliance with the law and that the privacy of Canadians has been safeguarded. If the Commissioner determines that CSEC may not have complied with the law, he is required by legislation to inform the Minister and the Attorney General.

Program Activity: Internal Services

Internal Services are those operations and resources that support the needs of the office's review program and respond to the requirements of the central agencies. These operations include administration, human resources, finance, security, information management, and information technology.

Financial Resources (\$ Thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16
650	573	573	573

Human Resources (Full-Time Equivalent—FTE)

2013-14	2014-15	2015-16
3	3	3

Planning Highlights

The office is a micro agency with 3 planned resources devoted to internal services. Several of the internal services that are not required on a full-time basis are provided through contractual arrangements with specialized service providers – security, informatics and technical services, human resources and finance.

It is important that the office maintains a management and operational framework that ensures that all the internal services are effectively provided to the Commissioner and to the review program while at the same time is capable of responding to the ever growing demands of the central agencies for increased transparency and accountability.

In order to effectively meet both the internal and external demands on internal services, the office plans to undertake the following activities:

- define more clearly roles and responsibilities for all internal services;
- Redesign, where necessary, the delivery processes in relation to roles and responsibilities;
- provide for training programs for staff to ensure that all internal services can be delivered effectively, efficiently and in compliance with the requirements of the central agencies;
- provide opportunities for cross training so that backups are available in the event of absences (holidays, sick leave, retirement, etc.)
- create and/or update administrative policies and procedures; and
- establish a performance measurement framework to adequately address the delivery of internal services.

Section III: Supplementary Information

Financial Highlights

Future-Oriented Condensed Statement of Operations and Departmental Net Financial Position

For the Year (ended March 31)

(\$ millions)

	\$ Change	Forecast 2013-14	Estimated Results 2012-13
Total expenses	.590	2.372	1.782
Total revenues			
Net cost of operations before government funding and transfers	.590	2.372	1.782
Departmental net financial position	(.174)	1.094	1.268

Future-Oriented Condensed Statement of Financial Position

For the Year (ended March 31)

(\$ millions)

	\$ Change	Forecast 2013-14	Estimated Results 2012-13
Total net liabilities	.060	.197	.137
Total net financial assets	.010	.341	.331
Departmental net debt	.050	(.144)	(.194)
Total non-financial assets	(.124)	.950	.1074
Departmental net financial position	(.174)	1.094	1.268

The Future Oriented Financial Statements can be found on the web site of the Office of the Communications Security Establishment Commissionerⁱ

Tax Expenditures and Evaluations Report

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance publishes cost estimates and projections for these measures annually in the *Tax Expenditures and Evaluations*ⁱⁱ publication. The tax measures presented in the Tax Expenditures and Evaluations publication are the sole responsibility of the Minister of Finance.

Section IV: Other Items of Interest

Organizational Contact Information

The Office of the Communications Security Establishment Commissioner can be reached at the following address:

Office of the Communications Security Establishment Commissioner
P.O. Box 1984, Station “B”
Ottawa, ON K1P 5R5

The Office may also be reached:

Telephone: 613-992-3044
Facsimile: 613-992-4096
Email: info@ocsec-bccst.gc.ca

For further information on the Office of the Communications Security Establishment Commissioner, its mandate and function, please visit our website: www.ocsec-bccst.gc.ca

ⁱ Link to the Future Oriented Financial Statements

http://www.ocsec-bccst.gc.ca/finance/fofs-epof_e.php

ⁱⁱ Link to the Department of Finance Tax Expenditures and Evaluations publication

<http://www.fin.gc.ca/purl/taxexp-eng.asp>