

A QUICK GUIDE TO THE CSE ACT

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MANDATE	ACTIVITIES MUST NOT BE DIRECTED AT CANADIANS OR PERSONS IN CANADA AND MUST NOT INFRINGE THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS				SUBJECT TO REQUESTS FROM federal law enforcement and security agencies, the Canadian Armed Forces (CAF), the Department of National Defence (DND) • CSE would have the same authority to carry out an activity as the agency requesting the assistance • CSE would also be subject to any restrictions or conditions placed on the agency requesting that assistance, such as a warrant or applicable law In addition, for assistance to DND and the CAF, CSE would: <ul style="list-style-type: none"> • receive a written request from DND or CAF authorized by an appropriate representative • comply with all instructions, parameters, and limits of the authorized CAF activity • comply with all relevant Ministerial Directives issued to CSE by the MND • adhere to agreements or arrangements with DND and CAF • comply with all CSE policies and procedures related to the provision of assistance
	ACTIVITIES REQUIRING MINISTERIAL AUTHORIZATION MAs protect CSE where our activities would contravene any other act of Parliament (<i>*or of any foreign state for FI, DCO and ACO only</i>); and/or would interfere with a reasonable expectation of privacy in relation to a Canadian or person in Canada				
CONDITIONS	<ul style="list-style-type: none"> • Activities must be reasonable, necessary and proportionate • Unselected information could not be reasonably acquired by other means • Measures are in place to protect the privacy of Canadians or persons in Canada 	<ul style="list-style-type: none"> • Activities must be reasonable, necessary and proportionate • Measures are in place to protect the privacy of Canadians or persons in Canada 	<ul style="list-style-type: none"> • Activities must be reasonable and proportionate • The objective of the ACO/DCO operation could not be reasonably achieved by other means • Any information used to plan/conduct an ACO/DCO operation must be acquired under an FI or cybersecurity MA 		
	Designation: MND may designate any electronic information, any information infrastructures or any class of either as being of importance to the GC		CSE IS STRICTLY PROHIBITED FROM: <ul style="list-style-type: none"> • Intentionally, or by criminal negligence, causing death or bodily harm; • Interfering with the course of justice or democracy 		
	Information identified as relating to a Canadian or a person in Canada will be used, analyzed or retained only if the information is essential...				
	... to international affairs, defence or security	... to identify, isolate, prevent or mitigate harm to systems of importance			
	MEASURES TO PROTECT PRIVACY <ul style="list-style-type: none"> • Policies, training, retention, suppression, management approvals, ACL, audit, review, DLS, D2 • Canadian Identifying Information (CII) is only disclosed to designated people/classes of people if the disclosure is essential to international affairs, defence, security, or cyber security • Information relating to Canadians or persons in Canada may be disclosed to designated people/classes of people if necessary to protect systems of importance 				
	<ul style="list-style-type: none"> • Using publicly available information that has been published or broadcast for public consumption, is accessible to the public on the GI or otherwise or is available to the public on request, by subscription or by purchase (<i>does not include information where a Canadian or person in Canada has a reasonable expectation of privacy.</i>) • Testing or evaluating products, software, and systems for vulnerabilities • Analysing information and providing advice regarding foreign investments in Canada to the Ministers of PS / ISED for the purposes of the <i>Investment Canada Act</i> • Acquiring, using, analysing, retaining or disclosing infrastructure information for the purpose of research and development, for the purpose of testing systems or conducting cybersecurity and information assurance activities on the infrastructure from which the information was acquired • For CYBER SECURITY AND INFORMATION ASSURANCE only: Carrying out activities on information infrastructures to identify, isolate, prevent and/or mitigate the activity and/or impact of malicious software on the infrastructure • For CYBER SECURITY AND INFORMATION ASSURANCE only: Doing research and development and analysing information in order to provide advice and guidance on the integrity of supply chains and on the trustworthiness of e-communications, equipment and services 				
EXCEPTIONS	AUTHORIZED BY MINISTER OF NATIONAL DEFENCE MND must have reasonable grounds to believe that the conditions set out in law are met, including that the FI and CS activities are reasonable, necessary and proportionate and that the ACO/DCO activities are reasonable and proportionate				
APPROVALS			... approved if Minister of Foreign Affairs is consulted	... approved if requested, or consented to, by Minister of Foreign Affairs	
OVERSIGHT	APPROVED BY INTELLIGENCE COMMISSIONER <ul style="list-style-type: none"> • The IC must be satisfied that the ministerial conclusions are reasonable • The IC approves CSE's MAs before CSE can conduct any operations 				
REVIEW	NSIRA: NATIONAL SECURITY AND INTELLIGENCE REVIEW AGENCY <ul style="list-style-type: none"> • Responsible for reviewing all activities of CSE, and all national security activities across the GC • NSIRA reviews CSE activities for compliance with the law and ministerial directions, and they review the reasonableness and necessity of CSE's exercise of its powers • Investigates any complaints against CSE 				
	NSICOP: NATIONAL SECURITY AND INTELLIGENCE COMMITTEE OF PARLIAMENTARIANS <ul style="list-style-type: none"> • Reviews CSE activities related to national security or intelligence, including the measures it has in place to protect the privacy of Canadians or persons in Canada 				