

Accountability Structure: Canadian National Security Community

Type of Accountability		CSIS	CSE	RCMP		Other Government bodies with national security functions
				General	National Security	
<i>Ex ante accountability</i>	Oversight	<ul style="list-style-type: none"> Ministerial (eg, ministerial directions; approval of warrant applications) Intelligence Commissioner (in relation to justification framework; dataset classes; foreign dataset retention) 	<ul style="list-style-type: none"> Ministerial (eg, ministerial authorizations) Intelligence Commissioner (in relation to assessing reasonableness of ministerial authorizations in foreign intelligence and cybersecurity activities) 	<ul style="list-style-type: none"> Ministerial (but subject to police independence) 		<ul style="list-style-type: none"> Ministerial
	Judicial scrutiny	<ul style="list-style-type: none"> Federal Court warrants for invasive investigative techniques and Cdn dataset retention (and threat reduction that would otherwise limit the Charter or violate Cdn law) 	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> Provincial superior and inferior court warrants/authorizations for, eg, invasive investigative techniques (eg, warrants for search and seizure or Part VI wiretap authorizations) 		<ul style="list-style-type: none"> Generally N/A
<i>Ex post facto accountability</i>	Subject-matter specific review	<ul style="list-style-type: none"> Officers of Parliament (eg, Privacy Commissioner) 				
	Specialized security or intelligence agency/activity review	<ul style="list-style-type: none"> NSIRA (generally, propriety review) (has expansive ability to access classified information); NSICOP (generally, efficacy review) (has more limited ability to access classified information) 		<ul style="list-style-type: none"> Civilian Review and Complaints Commission (review is a secondary focus of CRCC) 	<ul style="list-style-type: none"> NSIRA (generally, propriety review) (has expansive ability to access classified information); NSICOP (generally, efficacy review) (has more limited ability to access classified information) 	
	Subject-matter specific complaints jurisdiction	<ul style="list-style-type: none"> Specialized tribunals (eg, under the <i>Canadian Human Rights Act</i>) and some Officers of Parliament (eg, <i>Privacy Act</i> complaints to the Privacy Commissioner and <i>Access to Information Act</i> complaints to the Access to Information Commissioner) 				
	Specialized security or intelligence	<ul style="list-style-type: none"> NSIRA (complaints jurisdiction over any “activity”) (has expansive ability to access classified information) 		<ul style="list-style-type: none"> Civilian Review and 	<ul style="list-style-type: none"> NSIRA (RCMP) 	<ul style="list-style-type: none"> NSIRA (complaints jurisdiction over <i>security</i>)

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agency/activity complaints jurisdiction			Complaints Commission (non-national security RCMP activities)	activities closely related to national security) (has expansive ability to access classified information)	<i>clearance decisions</i> from any fed government department/agency) (has expansive ability to access classified information)
Judicial review/scrutiny (often acute issues around access to classified information)	<ul style="list-style-type: none"> Rarely, but can arise collaterally through, eg, statutory rights of appeal of security certificates; “no fly” listings, occasional disclosures in criminal trials etc. 	<ul style="list-style-type: none"> Rarely (if ever) 	<ul style="list-style-type: none"> Typically through criminal justice process 	<ul style="list-style-type: none"> Regular judicial review, typically before Federal Court; some statutory rights of appeal for, eg, “no fly” listings and passport denial/revocations 	