



NSIRA Expectations for Responsiveness in Reviews

CONTEXT

NSIRA is an integral part of the national security and intelligence accountability structure created by Parliament to increase public confidence that federal national security and intelligence activities are subject to rigorous scrutiny. NSIRA has a duty to deliver on its mandate and report to Parliament, and all Canadians, with resolute independence, transparency, and timeliness. The *NSIRA Act* gives NSIRA the authority to determine its processes and procedure. For reviews, the *NSIRA Act* also grants NSIRA rights of timely access to any information in the possession or under the control of a department (except for cabinet confidences) and to receive from the department any documents and explanations NSIRA deems necessary. When reviewed entities fail to facilitate the full implementation of these rights, they are responsible for shortcomings in their accountability and may be in breach of their legal obligations. NSIRA intends to publicly report on each department's cooperation with access requests, timeliness of disclosures, and overall responsiveness to review. The following principles highlight NSIRA's expectations.

ACCESS

Unimpeded access to information in a timely way is critical to review. NSIRA's statutory powers must be implemented to their full extent in practice.

NSIRA expects that reviewed entities:

- Provide NSIRA with complete and unfettered access to the information holdings NSIRA identifies as required to conduct its reviews, including access to any physical records, digital repositories, or information systems.
- Facilitate and implement the level of access required by NSIRA, up to and including full independent direct access to systems, documents and repositories, as determined solely by NSIRA.

DISCLOSURES

For efficiency, NSIRA sends tailored requests for information to the reviewed entities to obtain records to support reviews. Because only NSIRA is entitled to determine what is relevant to its reviews, the response process for the disclosure of information must be transparent and candid to ensure that NSIRA is not beholden to relevance determinations made by the reviewed entity. NSIRA must also be advised as to the existence of documents or repositories to support further requests.

NSIRA expects that reviewed entities:

- Ensure complete, accurate and candid disclosure of all information in response to any NSIRA request for information on a continued basis until the completion of the review in question.
- When unsure as to the specific connection of a record to an NSIRA request, shall either err on the side of inclusion or seek instructions from NSIRA by describing the nature of the uncertainty and the context of the record in question.
- Disclose records in their unaltered original form, unless agreed or requested otherwise by NSIRA.
- Disclose in a way that is organized, searchable, capable of identification, and in a format that enables analysis and reporting.
- Consult with the Privy Council Office before refusing to disclose any information on the ground that it is a confidence of the Queen's Privy Council and provide NSIRA with PCO's written confirmation of the status of that information.
- Disclose the information within NSIRA's requested timelines. When the reviewed entity is unable to meet a timeline, NSIRA expects to receive a written submission outlining the grounds on which a time extension is requested. NSIRA will then determine whether the extension is to be granted.

VERIFICATION

The verification of information integrity is a fundamental prerequisite of independent review. NSIRA must verify the completeness of information disclosed in the context of any review and will comment accordingly in a confidence statement to be published within the review.

NSIRA expects that reviewed entities:

- Provide on request a list of the search terms used and repositories searched in the collection of information provided in support of a review.
- Collaborate with NSIRA to implement processes that will enable NSIRA to independently verify the completeness and accuracy of information provided in support of a review, including the ability to test the completeness of searches for information, to NSIRA's satisfaction.