



UNCLASSIFIED

## BY EMAIL

April 16, 2026

The Honourable Jean-Yves Duclos, P.C., M.P.  
Chair  
Standing Committee on Public Safety and National Security  
House of Commons

Dear Mr. Chair:

Bill C-22, *An Act Respecting Lawful Access*, introduces significant new powers through the proposed *Supporting Authorized Access to Information Act* (SAAIA). To support NSIRA's ability to conduct timely and effective independent review of these powers, we recommend targeted amendments to ensure it receives prompt and sufficient access to information, particularly in relation to Ministerial and compliance orders. Our key observations and proposed amendments are set out below.

On March 12, 2026, the government introduced Bill C-22. The Bill has not yet gone through second reading. However, it is likely to eventually be referred to the Standing Committee on Public Safety and National Security (the "Committee") for further study. As Chair of the National Security and Intelligence Review Agency (NSIRA), I am pleased to present the following submission and trust it will assist the Committee in its consideration.

NSIRA welcomes the opportunity to contribute to Parliament's consideration of legislation that engages Canada's national security framework. I, along with Vice-Chair Craig Forcese, remain available to appear before the Committee should it be helpful.

### **Novel Legislation must Include Robust Mechanisms for Accountability**

NSIRA is Canada's independent and external review body, mandated to review and investigate Government of Canada national security and intelligence activities to assess whether they are lawful, reasonable and necessary. NSIRA's mandate is essential to ensuring accountability, transparency, and effectiveness within the national security and intelligence community.

### **Expanded Powers Demand Effective Review**

Part II of Bill C-22 proposes the SAAIA, which fundamentally alters the reach of government by extending the exercise of its powers to Electronic Service Providers (ESPs). The SAAIA will oblige ESPs to facilitate the implementation of lawful access capabilities. This will be

done through public regulations but also through classified Ministerial orders. Given the breadth of these powers, NSIRA anticipated a commensurate role within the Act to ensure ongoing visibility over such activities, as required to fulfill its mandate.

### **Limitations in the Current Framework**

In its current form, the SAAIA provides NSIRA only with an unredacted copy of the Ministerial Public Annual Report, which includes various actions taken under the Act. This report is to be written within 90 days of the end of each calendar year and provided to NSIRA within the first 15 days on which either House of Parliament is sitting.

This timeline creates significant delays. An activity occurring in January may not be reported to NSIRA until mid-April of the following year, leaving insufficient time for timely and meaningful review.

### **Inconsistency with Existing Legislative Frameworks**

The absence of sufficient provisions within the SAAIA mandating that information be provided to NSIRA is anomalous to requirements in other national security and intelligence legislation, such as the *Canadian Security Intelligence Service Act* and *Communications Security Establishment Act*. Both Acts have activities that are governed by Ministerial Authorizations, analogous to the system of Ministerial Orders in the SAAIA. However, both Acts mandate that information pertaining to several categories of activities (including those conducted pursuant to Ministerial Authorizations) is periodically provided to NSIRA. This ensures that NSIRA has visibility over those activities and may initiate reviews where it identifies information requiring greater scrutiny.

Similarly, the *Investment Canada Act*, despite governing investments writ large, recognizes the importance of NSIRA'S role by including requirements that NSIRA receives detailed notifications of national security reviews of investments.

### **Comparison: International Partners**

The absence of a defined role for NSIRA within the SAAIA is also inconsistent with comparable legislation among Canada's Five Eyes partners. For example, the Australian *Telecommunication and Other Legislation Amendment (Assistance and Access) Act, 2018* (TOLA) governs the requirements for telecommunications providers vis-a-vis lawful access by the intelligence agencies and law enforcement. It is Australia's equivalent legislation to the SAAIA. Section 317MAB of the TOLA requires that the Office of the Inspector-General of Intelligence and Security (NSIRA's counterpart) be given notice of an issued technical assistance order within seven days.

By contrast, NSIRA would receive delayed and limited visibility under the SAAIA.

## **Proposed Amendments**

To address these gaps and enable NSIRA to fulfill its mandate, the following amendments are proposed:

### **I. Ministerial orders:**

One of the most central elements of the SAAIA is the authority for the Minister to issue classified orders to the ESPs including non-core providers. These orders must then be approved by the Office of the Intelligence Commissioner (IC).

The addition of approval of the IC is a welcomed oversight mechanism that did not exist in the previous tabled version of this legislation under Bill C-12. However, there are no provisions to provide the visibility needed to conduct review once the order has taken effect. Accordingly, the SAAIA creates a mechanism for oversight at the onset of the order but none for the review of the activities conducted thereafter.

Pursuant to the proposed SAAIA, the IC would receive the Minister's order and would determine if the conclusions at issue are reasonable. The Minister would have to demonstrate that the order considers a number of factors stipulated under subsection 7(3) of the SAAIA. While NSIRA would receive the written decision from the IC pursuant to section 21 of the IC Act, NSIRA would not be privy to the documentation provided by the Minister in support of the order. Accordingly, NSIRA proposes the following amendment to section 9 of the proposed SAAIA:

**9(3) The Minister shall, within 30 days of receiving a decision pursuant to section 20(1)(a) of the Intelligence Commissioner Act, provide the National Security and Intelligence Review Agency with a copy of the order and all information that was submitted to the Intelligence Commissioner in seeking approval of the order under subsection 9(1).**

The addition of this subparagraph ensures that NSIRA has, in a timely manner, the information necessary to understand the parameters and implications of the approved Ministerial order.

### **II. Compliance orders:**

The SAAIA enables a person designated by the Minister to issue a compliance order to an ESP where there are reasonable grounds to believe that there is or is likely to be a contravention of any provision of the Act or regulations. It is integral that NSIRA has visibility of these orders to be able to assess the possible areas of non-compliance and any contributing factors leading to the non-compliance. This would also assist NSIRA in distinguishing incidents of non-compliance with the regulations versus those arising from Ministerial Orders and assistance requests.

Accordingly, NSIRA proposes the following amendment to section 27 of the Act:

**27(3) Within 30 days after the expiry of the period within which the electronic service provider may request a review under subsection 26(1), the Minister shall notify the National Security and Intelligence Review Agency of:**

- (a) the fact that an order was sent under subsection 24(1) and the identity of the electronic service provider;**
- (b) the provisions of non-compliance referenced within the order made under subsection 24(1);**
- (c) the electronic service provider's notice of compliance under subsection 25 (2), if submitted; and**
- (d) whether the electronic service provider has requested a review by the Minister under subsection 26(1) and the stated grounds for review.**

**27(4) Where the electronic service provider has requested a review under subsection 26(1), the Minister shall within 30 days of completing their review under subsection 27(1) notify the National Security and Intelligence Review Agency of the decision and reasons for the decision.**

### **Conclusion**

The SAAIA introduces significant new powers. Parliament has consistently recognized that such powers must be accompanied by timely and effective independent review.

The proposed amendments are practical, consistent with domestic legislation and international best practices, and will ensure NSIRA can fulfill its mandate. Implementing these changes will enhance accountability and reinforce public trust in Canada's national security framework.

NSIRA looks forward to continuing to support Parliament in this role and thanks the Committee for its consideration of these observations.

Sincerely,



The Honourable Marie Deschamps, C.C.  
Chair, National Security and Intelligence Review Agency

cc Andrew Wilson, Clerk, Standing Committee on Public Safety and National Security