



January 31, 2014

The Honourable Daniel Lang
Chair
Senate Committee on National Security and Defence

BY E MAIL: daniel.lang@sen.parl.gc.ca

Dear Senator Lang,

RE: Testimony of Intelligence officials on Monday February 3, 2014

I am writing to you on behalf of our association, as well as Open Media and the Samuelson-Glushko Canadian Internet and Public Interest Clinic (CIPPIC) to request that you take the testimony of the three senior intelligence officials testifying before your Committee on Monday under oath.

It has recently been revealed that CSEC has undertaken mass surveillance of Canadians within this country's borders, something which is clearly outside the legal mandate of this organization.

<http://www.cbc.ca/news/politics/csec-used-airport-wi-fi-to-track-canadian-travellers-edward-snowden-documents-1.2517881>

The official response from CSEC is that they are doing nothing illegal, which is contrary to the facts and contrary to the views of at least two experts on surveillance, Professors Ron Deibert and Wesley Wark.

<http://www.cse-cst.gc.ca/home-accueil/media/media-2014-01-30-eng.html>

CSIS has also been criticized by a Federal Court judge for failing to make full and frank disclosure to the court in describing the scope of surveillance assistance offered to it by CSEC. The court held that: "This was a breach of the duty of candour owed by the service and their legal advisers to the court."

<http://cas-ncr-nter03.cas-satj.gc.ca/rss/CSIS-30-08%20redacted%20reasons%20ENG%20dec-20-2013>

It is vital to get to the bottom of what our intelligence agencies are doing in terms of mass surveillance of Canadians contrary to the law.

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Your committee has the first opportunity to ask these questions, and we believe the gravity of this fact finding exercise must be impressed on your witnesses. As such, we ask that testimony from these officials scheduled for Monday, February 3, 2014, occur under oath.

If you have any questions, comments or suggestions, we would be pleased to assist.

Sincerely yours,

Vincent Gogolek
Executive Director
B.C. Freedom of Information
and Privacy Association (FIPA)

cc Senator Romeo Dallaire, Vice Chair