

2. The powers and immunities of the CSIS and its employees

a) *Intrusive investigation techniques and judicial control of their use*

56 The phrase "intrusive investigative techniques" has reference to a group of extraordinary powers which would be given to CSIS employees, by warrant, pursuant to s. 22 of Bill C-157. Section 22(1) refers to warrants allowing persons "to intercept any communication or obtain any information, record, document or thing".⁷ Employees in possession of such warrants would also be empowered to enter any place or open or obtain access to any thing; to search for and remove or copy any record or thing; and to install, maintain or remove any thing. Thus, the CSIS would be able to engage in such things as electronic surveillance, wiretapping, surreptitious entry and mail-opening, and would be able to obtain a warrant allowing them access to personal information in the possession of the government.

57 Section 22 would give the CSIS very significant powers. Some witnesses who have appeared before the Committee have contended that there is no need for the agency to have such a broad expanse of extraordinary powers. We do not agree. A security intelligence agency does need to have access to a wide variety of investigative techniques. While the utility of any given technique varies with circumstances, to absolutely deny one or other to the agency would be to unreasonably restrict its operations. The Committee is quite aware of the dangers inherent in allowing such powers to be given to anyone. But we take the approach that the proper way to avoid abuse is to restrict the availability of a warrant to specific and exigent circumstances, rather than deny the use of a particular power outright. Thus mail-opening, for example, will be available, but only in a

⁷ Section 22(1) of the Bill:

22. (1) Notwithstanding any other law, on application in writing to a judge for a warrant made by the Director or any employee designated by the Minister for the purpose, the judge may, if satisfied by evidence on oath that a warrant is required to enable the Service to perform its duties and functions under this Act, other than sections 15, 16 and 17, issue a warrant authorizing the persons to whom the warrant is directed to intercept any communication or obtain any information, record, document or thing and, for that purpose, authorizing those persons:

- (a) to enter any place or open to obtain access to any thing;
- (b) to search for, remove or return, or examine, take extracts from or make copies of or record in any other manner the information, record, document or thing; or
- (c) to install, maintain or remove any thing.