Office of the Information Commissioner of Canada
Commissariat à l'information du Canada

30 Victoria Street
Gatineau, Quebec K1A 1H3

Information Commissioner's final report

Institution: Canadian Security Intelligence Service
Date: 2026-04-15
OIC file number: 5820-01949
Access request number: 117-2020-201

Complaint

The complainant alleged that the Canadian Security Intelligence Service (CSIS) improperly withheld information under subsections 13(1) (confidential information from government bodies), 15(1) (international affairs, national security, defence), paragraphs 16(1)(a) (investigative bodies), 16(1)(b) (investigative techniques or investigation plans), 16(1)(c) (law enforcement, conduct of investigations), and subsections 19(1) (personal information) and 24(1)(disclosure restricted by another law) of the *Access to Information Act* for reports and briefing notes concerning blockchain or cryptocurrency.

This allegation falls within paragraph 30(1)(a) of the Act.

Investigation

When an institution withholds information under an exemption, it bears the burden of showing that refusing to grant access is justified.

The Office of the Information Commissioner (OIC) was not convinced that the exemptions had been properly applied in all instances. CSIS conceded this and on March 3, 2026, issued a supplementary response to the complainant disclosing information previously withheld when it responded to the access request.

An analysis of the remaining exemptions follows.

Subsection 13(1): confidential information from government bodies

Subsection 13(1) requires institutions to refuse to disclose information obtained in confidence from certain government bodies.

To claim this exemption, institutions must show the following:

- The information was obtained from one of the following government bodies;
    - a government of a foreign state or an institution of a foreign state;
    - an international organization of states or an institution of such an organization;
    - a provincial government or institution;
    - a municipal or regional government or institution; or
    - an aboriginal government or council listed in subsection 13(3).
- The information was obtained from the government body in confidence—that is, with the understanding that it would be treated as confidential.

When these requirements are met, institutions must then consider whether the following circumstances (listed in subsection 13(2)) exist:

- The government body from which the information was obtained consents to its disclosure.
- That body has already made the information public.

When one or both of these circumstances exist, subsection 13(2) requires institutions to reasonably exercise their discretion to decide whether to disclose the information.

Does the information meet the requirements of the exemption?

CSIS maintains the application of subsection 13(1) on the responsive records.

The OIC agrees that the information that remains withheld meets the requirements of subsection 13(1) in that the information was obtained in confidence from a foreign state and/or an international organization of states.

Did the institution reasonably exercise its discretion to decide whether to disclose the information?

Since the requirements of subsection 13(1) are met, CSIS was then required to consider whether the circumstances set out in subsection 13(2) exist. If so, CSIS is required to reasonably exercise their discretion to decide whether to disclose the information.

Upon review of the records, the OIC concludes that the circumstances set out in subsection 13(2) did not exist when CSIS responded to the access request.

Consequently, there is no need to examine the issue of discretion.

Subsection 15(1): international affairs, national security, defence

Subsection 15(1) allows institutions to refuse to disclose information that, if disclosed, could reasonably be expected to harm the conduct of international affairs, defence or national security (for example, information related to military tactics, weapons capabilities or diplomatic correspondence, as set out in paragraphs 15(1)(a) to (i)).

To claim this exemption, institutions must show the following:

- Disclosing the information could harm one of the following:
    - the conduct of international affairs;
    - the defence of Canada or any state with which Canada has an alliance or treaty, or any state with which Canada is linked, as defined in subsection 15(2); or
    - the detection, prevention or suppression of specific subversive or hostile activities, as defined in subsection 15(2).
- There is a reasonable expectation that this harm could occur—that is, the expectation is well beyond a mere possibility.

When these requirements are met, institutions must then reasonably exercise their discretion to decide whether to disclose the information.

Does the information meet the requirements of the exemption?

Subsection 15(1) was applied by CSIS to withhold information throughout the responsive records.

CSIS represented that that releasing the information would harm (1) the conduct of international affairs, (2) the defence of Canada or any state with which Canada has an alliance or treaty, or any state with which Canada is linked, as defined in subsection 15(2); and/or (3) the detection, prevention or suppression of specific subversive or hostile activities, as defined in subsection 15(2).

More specifically, CSIS indicated that the disclosure of the remaining withheld records could irreparably damage ongoing investigations as well as relations with foreign governments and agencies.

Did the institution reasonably exercise its discretion in deciding whether to disclose the information?

Since the information meets the requirements of subsection 15(1), CSIS was required to reasonably exercise its discretion to decide whether to disclose the information. In doing so, the institution had to consider all of the relevant factors for an against disclosure.

An institution's decision not to disclose information must be transparent, intelligible and justified. An institution's explanation is sufficient when the institution provides details of how it made the decision and when the documents related to the decision-making process shed light on why the institution proceeded as it did.

In their exercise of discretion, CSIS considered: the spirit of the legislation; likelihood and impact of the resulting harm; and, the weight of public interest in disclosure against the resulting injury to national security, the conduct of Canada's international affairs, and defence.

In light of the above, the OIC concludes that CSIS considered all relevant factors when it decided not to disclose the information. The exercise of discretion by CSIS was reasonable.

Paragraph 16(1)(a): investigative bodies

Paragraph 16(1)(a) allows institutions to refuse to disclose information obtained or prepared by specific investigative bodies in the course of investigations.

To qualify for exemption under paragraph 16(1)(a), the records that contain the information must have been created less than 20 years before the access request was made.

To claim the exemption, institutions must then show the following:

- The information was obtained or prepared by one of the investigative bodies listed in Schedule I of the *Access to Information Regulations*.
- The information was obtained or prepared during a lawful investigation that is within the authority of the investigative body.
- The information concerns an investigation related to one of the following:
    - the detection, prevention or suppression of crime;
    - the enforcement of any law of Canada or a province (including municipal laws); or

- activities suspected of constituting threats to the security of Canada, as defined in the *Canadian Security Intelligence Service Act.*

When these requirements are met, institutions must then reasonably exercise their discretion to decide whether to disclose the information.

Does the information meet the requirements of the exemption?

Paragraph 16(1)(a) was applied concurrently with subsections 13(1), 15(1), 19(1) and 24(1).

Since the information meets the requirements of subsections 13(1) and/or 15(1), the OIC did not examine the applicability of paragraph 16(1)(a) to the same information.

Paragraph 16(1)(b): investigative techniques, investigation plans

Paragraph 16(1)(b) allows institutions to refuse to disclose information about investigative techniques or plans for specific lawful investigations.

To claim this exemption with regard to investigative techniques, institutions must show that the information relates to investigative techniques.

To claim this exemption with regard to plans for specific lawful investigations, institutions must show that the information relates to plans for specific lawful investigations that are within the authority of an institution and are one of the following:

- being conducted to administer or enforce an Act of Parliament or authorized under such an Act; or
- of the types described in Schedule II of the *Access to Information Regulations.*

When these requirements are met, institutions must then reasonably exercise their discretion to decide whether to disclose the information.

Does the information meet the requirements of the exemption?

CSIS relied on paragraph 16(1)(b) to withhold information contained in the responsive records, the disclosure of which could reveal investigative techniques, tradecraft and plans. Further, any disclosure of this information could reasonably be expected to harm ongoing investigations.

Did the institution reasonably exercise its discretion in deciding whether to disclose the information?

Since the information meets the requirements of paragraph 16(1)(b), CSIS was required to reasonably exercise its discretion to decide whether to disclose the information. In doing so, the institution had to consider all of the relevant factors for an against disclosure.

An institution’s decision not to disclose information must be transparent, intelligible and justified. An institution’s explanation is sufficient when the institution provides details of how it made the decision and when the documents related to the decision-making process shed light on why the institution proceeded as it did.

In their exercise of discretion, CSIS considered: the spirit of the legislation; likelihood and impact of the resulting harm; and, the weight of public interest in disclosure against the resulting injury to national security, the conduct of Canada’s international affairs, and defence.

In light of the above, the OIC concludes that CSIS considered all relevant factors when it decided not to disclose the information. The exercise of discretion by CSIS was reasonable.

Paragraph 16(1)(c): law enforcement, conduct of investigations

Paragraph 16(1)(c) allows institutions to refuse to disclose information that, if disclosed, could reasonably be expected to harm federal or provincial law enforcement or the conduct of investigations (for example, information about the existence of an investigation that would reveal the identity of a confidential source or that was obtained during an investigation, as set out in subparagraphs 16(1)(c)(i) to (iii)).

To claim this exemption with regard to the enforcement of federal or provincial laws, institutions must show the following:

- Disclosing the information could harm the enforcement of any law of Canada or a province.
- There is a reasonable expectation that this harm could occur—that is, the expectation is well beyond a mere possibility.

To claim this exemption with regard to the conduct of investigations, institutions must show the following:

- disclosing the information could harm the conduct of lawful investigations—that is, investigations that are within the authority of an institution and are one of the following:
    - being conducted to administer or enforce an Act of Parliament or authorized under such an Act; or
    - of the types described in Schedule II of the *Access to Information Regulations.*

When these requirements are met, institutions must then reasonably exercise their discretion to decide whether to disclose the information.

Does the information meet the requirements of the exemption?

CSIS maintains the application of paragraph 16(1)(c) on portions of the responsive records.

Disclosure of this information could reasonably be expected to reveal the identities of CSIS covert employees and harm the conduct of ongoing investigations and intelligence operations.

Did the institution reasonably exercise its discretion in deciding whether to disclose the information?

Since the information meets the requirements of paragraph 16(1)(c), CSIS was required to reasonably exercise its discretion to decide whether to disclose the information. In doing so, the institution had to consider all of the relevant factors for an against disclosure.

An institution's decision not to disclose information must be transparent, intelligible and justified. An institution's explanation is sufficient when the institution provides details of how it made the decision and when the documents related to the decision-making process shed light on why the institution proceeded as it did.

In their exercise of discretion, CSIS considered: the spirit of the legislation; likelihood and impact of the resulting harm; and, the weight of public interest in disclosure against the resulting injury to national security, the conduct of Canada's international affairs, and defence.

In light of the above, the OIC concludes that CSIS considered all relevant factors when it decided not to disclose the information. The exercise of discretion by CSIS was reasonable.

Subsection 19(1): personal information

Subsection 19(1) requires institutions to refuse to disclose personal information.

To claim this exemption, institutions must show the following:

- The information is about an individual—that is, a human being, not a corporation.
- There is a serious possibility that disclosing the information would identify that individual.
- The information does not fall under one of the exceptions to the definition of "personal information" set out in paragraphs 3(j) to 3(m) of the *Privacy Act* (for example, business contact information for public servants).

When these requirements are met, institutions must then consider whether the following circumstances (listed in subsection 19(2)) exist:

- The person to whom the information relates consents to its disclosure.
- The information is publicly available.
- Disclosure of the information would be consistent with section 8 of the *Privacy Act.*

When one or more of these circumstances exist, subsection 19(2) of the *Access to Information Act* requires institutions to reasonably exercise their discretion to decide whether to disclose the information.

Does the information meet the requirements of the exemption?

CSIS maintains the application of subsection 19(1) on portions of the responsive records.

The OIC is satisfied that the information in the responsive records meets the requirements of subsection 19(1) - that is, that the information is about individuals other than the complainant, that disclosing it could result in these individuals being identified and that it does not fall under any of the exceptions set out in the Privacy Act.

The OIC concludes that the information meets the requirements of subsection 19(1).

Did the institution reasonably exercise its discretion to decide whether to disclose the information?

Since the information meets the requirements of subsection 19(1), CSIS was required to reasonably exercise its discretion under subsection 19(2) to decide whether to disclose the information when one or more of the circumstances described in subsection 19(2) existed when it responded to the access request.

An institution’s decision to not to disclose information must be transparent, intelligible and justified. An institution’s explanation is sufficient when the institution provides details of how it made the decision and when the documents related to the decision-making process shed light on why the institution proceeded as it did.

The OIC is satisfied that none of these circumstances existed:

- The individuals did not provide consent to release.
- The information is not publicly available in the same context as this information.
- Disclosure of the information would not be consistent with section 8 of the *Privacy Act*.

The OIC concludes that the circumstances set out in subsection 19(2) did not exist when CSIS responded to the access request. Consequently, there is no need to examine the issue of discretion.

Subsection 24(1): disclosure restricted by another law

Subsection 24(1) requires institutions to refuse to disclose information the disclosure of which is restricted by a provision set out in Schedule II of the *Access to Information Act.*

Does the information meet the requirements of the exemption?

Subsection 24(1) was applied concurrently with subsection 15(1) and paragraph 16(1)(c).

Since the information meets the requirements of subsection 15(1) and paragraph 16(1)(c), the OIC did not examine the applicability of subsection 24(1) to the same information.

Outcome

The complaint is well founded because CSIS improperly withheld information on page 1 of the responsive records when it responded to the access request.

An order is not necessary, however, since CSIS subsequently disclosed this information, and the remaining withheld information meets the requirements of subsections 13(1) and 15(1), paragraphs 16(1)(a), 16(1)(b), and 16(1)(c), and subsections 19(1) and 24(1).

Review by Federal Court

When an allegation in a complaint falls under paragraph 30(1)(a), (b), (c), (d), (d.1) or (e) of the Act, the complainant has the right to apply to the Federal Court for a review. The complainant must apply for this review within 35 business days after the date of this report and must serve a copy of the application for review to the relevant parties, as per section 43.

Knight, Allison

Digitally signed by Knight, Allison
Date: 2026.04.16 12:47:59 -04'00'

Allison Knight
Senior Director of Investigations
Priority Cases, Historical and Intelligence