

[ < Previous ] [ [Table of Contents](#) ] [ [Noteup](#) ] [ Next > ]

## Security of Information Act INTERPRETATION

Definitions	2. (1) In this Act,
“Attorney General” « <i>procureur général</i> »	“Attorney General” means the Attorney General of Canada and includes his or her lawful deputy;
“communicate” « <i>communiquer</i> »	“communicate” includes to make available;
“document” « <i>document</i> »	“document” includes part of a document;
“foreign economic entity” « <i>entité économique étrangère</i> »	“foreign economic entity” means (a) a foreign state or a group of foreign states, or (b) an entity that is controlled, in law or in fact, or is substantially owned, by a foreign state or a group of foreign states;
“foreign entity” « <i>entité étrangère</i> »	“foreign entity” means (a) a foreign power, (b) a group or association of foreign powers, or of one or more foreign powers and one or more terrorist groups, or (c) a person acting at the direction of, for the benefit of or in association with a foreign power or a group or association referred to in paragraph (b);
“foreign power” « <i>puissance étrangère</i> »	“foreign power” means (a) the government of a foreign state, (b) an entity exercising or purporting to exercise the functions of a government in relation to a territory outside Canada regardless of whether Canada recognizes the territory as a state or the authority of that entity over the territory, or (c) a political faction or party operating within a foreign state whose stated purpose is to assume the role of government of a foreign state;
“foreign state” « <i>État étranger</i> »	“foreign state” means (a) a state other than Canada, (b) a province, state or other political subdivision of a state other than Canada, or (c) a colony, dependency, possession, protectorate, condominium, trust territory or any territory falling under the jurisdiction of a state other than Canada;
“model” « <i>modèle</i> »	“model” includes design, pattern and specimen;
“munitions of war” « <i>munitions de guerre</i> »	“munitions of war” means arms, ammunition, implements or munitions of war, military stores or any articles deemed capable of being converted therein or made useful in the production thereof;
“offence under this Act” « <i>infraction à la présente loi</i> »	“offence under this Act” includes any act, omission or other thing that is punishable under this Act;
“office under Her	“office under Her Majesty” includes any office or employment in or under any department or branch of the

Majesty” « fonction relevant de Sa Majesté »	government of Canada or of any province, and any office or employment in, on or under any board, commission, corporation or other body that is an agent of Her Majesty in right of Canada or any province;
“prohibited place” « endroit prohibé »	<p>“prohibited place” means</p> <p>(a) any work of defence belonging to or occupied or used by or on behalf of Her Majesty, including arsenals, armed forces establishments or stations, factories, dockyards, mines, minefields, camps, ships, aircraft, telegraph, telephone, wireless or signal stations or offices, and places used for the purpose of building, repairing, making or storing any munitions of war or any sketches, plans, models or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war,</p> <p>(b) any place not belonging to Her Majesty where any munitions of war or any sketches, plans, models or documents relating thereto are being made, repaired, obtained or stored under contract with, or with any person on behalf of, Her Majesty or otherwise on behalf of Her Majesty, and</p> <p>(c) any place that is for the time being declared by order of the Governor in Council to be a prohibited place on the ground that information with respect thereto or damage thereto would be useful to a foreign power;</p>
	“senior police officer”[Repealed, 2001, c. 41, s. 26]
“sketch” « croquis »	“sketch” includes any mode of representing any place or thing;
“terrorist activity” « activité terroriste »	“terrorist activity” has the same meaning as in subsection 83.01(1) of the <i>Criminal Code</i> ;
“terrorist group” « groupe terroriste »	“terrorist group” has the same meaning as in subsection 83.01(1) of the <i>Criminal Code</i> .
Her Majesty	(2) In this Act, any reference to Her Majesty means Her Majesty in right of Canada or any province.
Communicating or receiving	<p>(3) In this Act,</p> <p>(a) expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document or information itself or the substance, effect or description thereof only is communicated or received;</p> <p>(b) expressions referring to obtaining or retaining any sketch, plan, model, article, note or document include the copying of, or causing to be copied, the whole or any part of any sketch, plan, model, article, note or document; and</p> <p>(c) expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document.</p>
Facilitation	<p>(4) For greater certainty, subsection 83.01(2) of the <i>Criminal Code</i> applies for the purposes of the definitions “terrorist activity” and “terrorist group” in subsection (1).</p> <p>R.S., 1985, c. O-5, s. 2; 2001, c. 41, s. 26.</p>

[ < Previous ] [ [Table of Contents](#) ] [ [Noteup](#) ] [ Next > ]

## Security of Information Act OFFENCES

Prejudice to the safety or interest of the State

3. (1) For the purposes of this Act, a purpose is prejudicial to the safety or interests of the State if a person
- (a) commits, in Canada, an offence against the laws of Canada or a province that is punishable by a maximum term of imprisonment of two years or more in order to advance a political, religious or ideological purpose, objective or cause or to benefit a foreign entity or terrorist group;
  - (b) commits, inside or outside Canada, a terrorist activity;
  - (c) causes or aggravates an urgent and critical situation in Canada that
    - (i) endangers the lives, health or safety of Canadians, or
    - (ii) threatens the ability of the Government of Canada to preserve the sovereignty, security or territorial integrity of Canada;
  - (d) interferes with a service, facility, system or computer program, whether public or private, or its operation, in a manner that has significant adverse impact on the health, safety, security or economic or financial well-being of the people of Canada or the functioning of any government in Canada;
  - (e) endangers, outside Canada, any person by reason of that person's relationship with Canada or a province or the fact that the person is doing business with or on behalf of the Government of Canada or of a province;
  - (f) damages property outside Canada because a person or entity with an interest in the property or occupying the property has a relationship with Canada or a province or is doing business with or on behalf of the Government of Canada or of a province;
  - (g) impairs or threatens the military capability of the Canadian Forces, or any part of the Canadian Forces;
  - (h) interferes with the design, development or production of any weapon or defence equipment of, or intended for, the Canadian Forces, including any hardware, software or system that is part of or associated with any such weapon or defence equipment;
  - (i) impairs or threatens the capabilities of the Government of Canada in relation to security and intelligence;
  - (j) adversely affects the stability of the Canadian economy, the financial system or any financial market in Canada without reasonable economic or financial justification;
  - (k) impairs or threatens the capability of a government in Canada, or of the Bank of Canada, to protect against, or respond to, economic or financial threats or instability;
  - (l) impairs or threatens the capability of the Government of Canada to conduct diplomatic or consular relations, or conduct and manage international negotiations;
  - (m) contrary to a treaty to which Canada is a party, develops or uses anything that is intended or has the capability to cause death or serious bodily injury to a significant number of people by means of
    - (i) toxic or poisonous chemicals or their precursors,
    - (ii) a microbial or other biological agent, or a toxin, including a disease organism,
    - (iii) radiation or radioactivity, or
    - (iv) an explosion; or
  - (n) does or omits to do anything that is directed towards or in preparation of the undertaking of an activity mentioned in any of paragraphs (a) to (m).

Harm to Canadian interests

- (2) For the purposes of this Act, harm is caused to Canadian interests if a foreign entity or terrorist group does anything referred to in any of paragraphs (1)(a) to (n).

R.S., 1985, c. O-5, s. 3; 2001, c. 41, s. 27.

by  for the  Federation of Law Societies of Canada

[< [Previous](#)] [[Table of Contents](#)] [[Noteup](#)] [[Next](#) >]

**Security of Information Act**  
**OFFENCES**  
**Miscellaneous Offences**

Approaching, entering, etc., a prohibited place      **6.** Every person commits an offence who, for any purpose prejudicial to the safety or interests of the State, approaches, inspects, passes over, is in the neighbourhood of or enters a prohibited place at the direction of, for the benefit of or in association with a foreign entity or a terrorist group.

R.S., 1985, c. O-5, s. 6; 2001, c. 41, s. 29.

[Scope of Databases](#) | [RSS Feeds](#) | [Terms of Use](#) | [Privacy](#) | [Help](#) | [Contact Us](#) | [About](#)

by  for the  Federation of Law Societies of Canada

[ < Previous ] [ Table of Contents ] [ Noteup ] [ Next > ]

## Security of Information Act

### OFFENCES

#### Special Operational Information and Persons Permanently Bound to Secrecy

Definitions	8. (1) The following definitions apply in this section and sections 9 to 15.
“department” « <i>ministère</i> »	“department” means a department named in Schedule I to the <i>Financial Administration Act</i> , a division or branch of the federal public administration set out in column I of Schedule I.1 to that Act and a corporation named in Schedule II to that Act.
“government contractor” « <i>partie à un contrat administratif</i> »	“government contractor” means a person who has entered into a contract or arrangement with Her Majesty in right of Canada, a department, board or agency of the Government of Canada or a Crown corporation as defined in subsection 83(1) of the <i>Financial Administration Act</i> , and includes an employee of the person, a subcontractor of the person and an employee of the subcontractor.
“person permanently bound to secrecy” « <i>personne astreinte au secret à perpétuité</i> »	“person permanently bound to secrecy” means (a) a current or former member or employee of a department, division, branch or office of the federal public administration, or any of its parts, set out in the schedule; or (b) a person who has been personally served with a notice issued under subsection 10(1) in respect of the person or who has been informed, in accordance with regulations made under subsection 11(2), of the issuance of such a notice in respect of the person.
“special operational information” « <i>renseignements opérationnels spéciaux</i> »	“special operational information” means information that the Government of Canada is taking measures to safeguard that reveals, or from which may be inferred, (a) the identity of a person, agency, group, body or entity that was or is intended to be, has been approached to be, or has offered or agreed to be, a confidential source of information, intelligence or assistance to the Government of Canada; (b) the nature or content of plans of the Government of Canada for military operations in respect of a potential, imminent or present armed conflict; (c) the means that the Government of Canada used, uses or intends to use, or is capable of using, to covertly collect or obtain, or to decipher, assess, analyse, process, handle, report, communicate or otherwise deal with information or intelligence, including any vulnerabilities or limitations of those means; (d) whether a place, person, agency, group, body or entity was, is or is intended to be the object of a covert investigation, or a covert collection of information or intelligence, by the Government of Canada; (e) the identity of any person who is, has been or is intended to be covertly engaged in an information- or intelligence-collection activity or program of the Government of Canada that is covert in nature; (f) the means that the Government of Canada used, uses or intends to use, or is capable of using, to protect or exploit any information or intelligence referred to in any of paragraphs (a) to (e), including, but not limited to, encryption and cryptographic systems, and any vulnerabilities or limitations of those means; or (g) information or intelligence similar in nature to information or intelligence referred to in any of paragraphs (a) to (f) that is in relation to, or received from, a foreign entity or terrorist group.
Deputy head	(2) For the purposes of subsections 10(1) and 15(5), the deputy head is (a) for an individual employed in or attached or seconded to a department, the deputy head of the department; (b) for an officer or a non-commissioned member of the Canadian Forces, the Chief of the Defence Staff; (c) for a person who is a member of the exempt staff of a Minister responsible for a department, the deputy head of the department; (d) for a government contractor in relation to a contract with (i) the Department of Public Works and Government Services, the deputy head of that department or

any other deputy head authorized for the purpose by the Minister of Public Works and Government Services,

(ii) any other department, the deputy head of that department, and

(iii) a Crown Corporation within the meaning of subsection 83(1) of the *Financial Administration Act*, the deputy head of the department of the minister responsible for the Crown Corporation; and

(e) for any other person, the Clerk of the Privy Council or a person authorized for the purpose by the Clerk of the Privy Council.

R.S., 1985, c. O-5, s. 8; 2001, c. 41, s. 29; 2003, c. 22, s. 224(E); 2004, c. 12, s. 21(E).

---

[Scope of Databases](#) | [RSS Feeds](#) | [Terms of Use](#) | [Privacy](#) | [Help](#) | [Contact Us](#) | [About](#)

by  for the  Federation of Law Societies of Canada

[< [Previous](#)] [[Table of Contents](#)] [[Noteup](#)] [[Next](#) >]

## Security of Information Act

### OFFENCES

#### Communications with Foreign Entities or Terrorist Groups

- Communicating safeguarded information      **16.** (1) Every person commits an offence who, without lawful authority, communicates to a foreign entity or to a terrorist group information that the Government of Canada or of a province is taking measures to safeguard if
- (a) the person believes, or is reckless as to whether, the information is information that the Government of Canada or of a province is taking measures to safeguard; and
  - (b) the person intends, by communicating the information, to increase the capacity of a foreign entity or a terrorist group to harm Canadian interests or is reckless as to whether the communication of the information is likely to increase the capacity of a foreign entity or a terrorist group to harm Canadian interests.
- Communicating safeguarded information      (2) Every person commits an offence who, intentionally and without lawful authority, communicates to a foreign entity or to a terrorist group information that the Government of Canada or of a province is taking measures to safeguard if
- (a) the person believes, or is reckless as to whether, the information is information that the Government of Canada or of a province is taking measures to safeguard; and
  - (b) harm to Canadian interests results.
- Punishment      (3) Every person who commits an offence under subsection (1) or (2) is guilty of an indictable offence and is liable to imprisonment for life.
- 2001, c. 41, s. 29.

[Scope of Databases](#) | [RSS Feeds](#) | [Terms of Use](#) | [Privacy](#) | [Help](#) | [Contact Us](#) | [About](#)

by  for the  [Federation of Law Societies of Canada](#)



[< [Previous](#)] [[Table of Contents](#)] [[Noteup](#)] [[Next](#) >]

## Security of Information Act

### OFFENCES

#### Communications with Foreign Entities or Terrorist Groups

Communicating  
special  
operational  
information

**17.** (1) Every person commits an offence who, intentionally and without lawful authority, communicates special operational information to a foreign entity or to a terrorist group if the person believes, or is reckless as to whether, the information is special operational information.

Punishment

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for life.

2001, c. 41, s. 29.

[Scope of Databases](#) | [RSS Feeds](#) | [Terms of Use](#) | [Privacy](#) | [Help](#) | [Contact Us](#) | [About](#)

by  for the  Federation of Law Societies of Canada

[ < Previous ] [ [Table of Contents](#) ] [ [Noteup](#) ] [ Next > ]

## Security of Information Act

### OFFENCES

#### Communications with Foreign Entities or Terrorist Groups

Breach of trust in respect of safeguarded information      **18.** (1) Every person with a security clearance given by the Government of Canada commits an offence who, intentionally and without lawful authority, communicates, or agrees to communicate, to a foreign entity or to a terrorist group any information that is of a type that the Government of Canada is taking measures to safeguard.

Punishment      (2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for a term of not more than two years.

2001, c. 41, s. 29.

[Scope of Databases](#) | [RSS Feeds](#) | [Terms of Use](#) | [Privacy](#) | [Help](#) | [Contact Us](#) | [About](#)

by  for the  Federation of Law Societies of Canada

[< [Previous](#)] [[Table of Contents](#)] [[Noteup](#)] [[Next](#) >]

## Security of Information Act

### OFFENCES

#### Foreign-influenced or Terrorist-influenced Threats or Violence

- Threats or violence      **20.** (1) Every person commits an offence who, at the direction of, for the benefit of or in association with a foreign entity or a terrorist group, induces or attempts to induce, by threat, accusation, menace or violence, any person to do anything or to cause anything to be done
- (a) that is for the purpose of increasing the capacity of a foreign entity or a terrorist group to harm Canadian interests; or
- (b) that is reasonably likely to harm Canadian interests.
- Application            (2) A person commits an offence under subsection (1) whether or not the threat, accusation, menace or violence occurred in Canada.
- Punishment            (3) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for life.
- 2001, c. 41, s. 29.

[Scope of Databases](#) | [RSS Feeds](#) | [Terms of Use](#) | [Privacy](#) | [Help](#) | [Contact Us](#) | [About](#)

by  for the  Federation of Law Societies of Canada

[< [Previous](#)] [[Table of Contents](#)] [[Noteup](#)] [[Next](#) >]

**Security of Information Act**  
**OFFENCES**  
**Harbouring or Concealing**

Harbouring or concealing **21.** (1) Every person commits an offence who, for the purpose of enabling or facilitating an offence under this Act, knowingly harbours or conceals a person whom he or she knows to be a person who has committed or is likely to commit an offence under this Act.

Punishment (2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 10 years.

2001, c. 41, s. 29.

[Scope of Databases](#) | [RSS Feeds](#) | [Terms of Use](#) | [Privacy](#) | [Help](#) | [Contact Us](#) | [About](#)

by  for the  Federation of Law Societies of Canada

[ < Previous ] [ [Table of Contents](#) ] [ [Noteup](#) ] [ Next > ]

**Security of Information Act**  
**OFFENCES**  
**Preparatory Acts**

Preparatory acts **22.** (1) Every person commits an offence who, for the purpose of committing an offence under subsection 16(1) or (2), 17(1), 19(1) or 20(1), does anything that is specifically directed towards or specifically done in preparation of the commission of the offence, including

(a) entering Canada at the direction of or for the benefit of a foreign entity, a terrorist group or a foreign economic entity;

(b) obtaining, retaining or gaining access to any information;

(c) knowingly communicating to a foreign entity, a terrorist group or a foreign economic entity the person's willingness to commit the offence;

(d) at the direction of, for the benefit of or in association with a foreign entity, a terrorist group or a foreign economic entity, asking a person to commit the offence; and

(e) possessing any device, apparatus or software useful for concealing the content of information or for surreptitiously communicating, obtaining or retaining information.

Punishment (2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for a term of not more than two years.

2001, c. 41, s. 29.

[Scope of Databases](#) | [RSS Feeds](#) | [Terms of Use](#) | [Privacy](#) | [Help](#) | [Contact Us](#) | [About](#)

by  for the  Federation of Law Societies of Canada