

Question No. 1,849 - Mr. Nielsen - April 3, 1973

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Preamble to Reply -

In replying to this question, the Government has had to take into account that disclosure of information requested in some parts of the question could have an adverse effect on the efforts being made by the Government to ensure the security of Canada and our system of Parliamentary democracy.

To disclose the details of the ongoing work and structure of Government security authorities and the cooperative interdepartmental security mechanism which has been in existence in various forms for many years and throughout the tenure of office of numerous governments would only serve to enlighten those who would threaten our national security and our political system. At the same time such a disclosure could also strain the trust and confidence of our friends and allies.

Where specific replies have been given, however, it is considered that it is in the public interest to provide the appropriate information so as to clarify misunderstandings and to dispel misapprehensions that may have arisen as a result of the other questions about the interdepartmental security structure and the role of the Police and Security Planning and Analysis Group.

The government deeply regrets that the question raises doubts about the competence and integrity of certain officials and reaffirms its confidence in the competence, reliability and loyalty of those and all officials charged with security responsibilities.

005833

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1. What public, classified or secret Regulations, Orders in Council, Cabinet Directives or other documents of any kind whatsoever deal with the matter of personnel security clearance in the Public Service of Canada?

Answer:

- (i) Financial Administration Act, Section 7, sub-sections 7 and 8
- (ii) The Regulations of the Public Service Employment Act, Section 26
- (iii) The Public Service Staff Relations Act, Section 112, sub-sections 1 and 2
- (iv) Some collective agreements, Article 4
- (v) Cabinet Directive No. 35

005834

2(a) What criteria are applied in determining whether a group, a member of a group or an individual constitutes a security risk?

Answer:

Security screening procedures are based on the principle laid down in October 1963 by the then Prime Minister, the Right Honourable L. B. Pearson, when he tabled a statement on security policy in the House that "the government also has an obligation to provide itself with every reasonable assurance that those of its employees who require access to the government's, the nation's, secrets are loyal and trustworthy and not vulnerable to persuasion, coercion or blackmail".

2(b) are decisions designating as a security risk a group, a member of a group or an individual usually made by individual departmental security officers, usually junior officials, on delegation by the deputy minister?

Answer:

Such decisions are normally made by deputy heads who may delegate such authority to his senior officers.

3(a) What appeal procedure is available to a group, a member of a group or an individual designated a security risk?

Answers to 3(a), (b) and (c) underleaf

3(b) is such group, member of a group or the individual so designated fully informed of the decision that he, she, they or it constitute a security risk?

3(c) is an opportunity afforded to refute any charges, assertions or accusations made against such group, member of a group or individual?

3(d) what variations exist in standards and procedures as between departments and/or agencies of the government?

Answer:

There are no variants in standards and procedures as between departments and/or agencies of the government.

Answer to

3(a), (b) and (c)

There is no "appeal" procedure as such but rather a review procedure which applies only to employees and which was described in Mr. Pearson's statement to the House on October 25, 1963. The procedure is unchanged. When an employee's loyalty or reliability is in doubt and dismissal may be involved, the employee must be informed. He is told everything that is possible of the reasons for the doubt and he is given an opportunity to resolve the doubt. The department may accept the employee's case and resolve the doubt and accept the employee as reliable. On the other hand, the doubt may be confirmed and a decision may be made to deny the employee access to classified information or to transfer him to less sensitive employment where access to classified information would not be required. If, however, dismissal is recommended, he is given a second hearing, this time by the deputy head. If that interview does not resolve the doubt, and the deputy head agrees that dismissal is necessary, the whole case and relevant information including anything that the employee may have submitted, is considered by a panel of three members of the Interdepartmental Committee on Security and Intelligence, who are not in any way related to the case. The panel then provides its views with respect to the case following which, and using all relevant information, the responsible Minister decides whether or not to recommend dismissal to the Governor in Council.

005837

- 4 -

4(a) Are suspected or alleged homosexuality, sexual abnormality or emotional instability considered sufficient grounds to categorize an individual as a security risk?

Answer to 4(a) and (b)

Suspected or alleged homosexuality, sexual abnormality, emotional instability and financial difficulties are all factors which are taken into account in determining that employees requiring access to the nation's secrets are loyal and trustworthy and not vulnerable to persuasion, coercion or blackmail.

4(b) is suspected or alleged financial difficulties considered sufficient grounds to categorize an individual as a security risk?

(See 4(a))

4(c) who makes such decisions in the case of each department and agency of government?

Answer:

See answer to part 2(b)

4(d) at or in what forum, if any, are such decisions made?

Answer:

See answer to part 2(b)

005838

4(e) on what or whose evidence are such decisions made?

Answer:

Such decisions are made as a result of information provided by the employee and the results of RCMP records, fingerprints and/or field inquiries.

4(f) who or what agency gathers, compiles, investigates, controls and/or releases information that a group, member of a group or an individual is designated a security risk and, in each case, on whose authority?

Answer:

The Royal Canadian Mounted Police, except that the designation as a security risk is made by the employing department or agency.

4(g) does the Police and Security Planning and Analysis Group through its role on the security advisory committee maintain a system or a policy of "blackballing" public servants and, if so, on what grounds?

Answer:

No.

4(h) does the Police and Security Planning and Analysis Group maintain dossiers or files of information on public servants?

Answer:

No.

005839

5(a) What is Cabinet Directive 35 and when was it passed and/or authorized and by whom?

Answer:

Cabinet Directive No. 35 was the instrument which gave effect to the Cabinet decision on security policy announced in the House by the then Prime Minister on October 25, 1963.

5(b) is Cabinet Directive 35 still in force in its original form and, if not, in what manner and to what extent has it been altered, revised or extended?

Answer:

Yes.

005840