



Clerk of the Privy Council and
Secretary to the Cabinet Greffier du Conseil privé et
Secrétaire du cabinet

PCo Registry

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CONFIDENTIAL

November 10, 1977

Dear Edgar,

Thank you for your letter of October 24, 1977, concerning complaints which are being received from public service employees and candidates for employment whose careers have been adversely affected because of security information. I am grateful to you for bringing these to my attention.

It appears that there are two main points of criticism - that the security information on the basis of which departments have made security clearance decisions has not always been adequately disclosed to the persons affected, and that in some cases, national security requirements have been improperly attached to positions.

As you point out, departments have a large responsibility for making decisions on these matters. This departmental responsibility has always been a basic aspect of the security policy of the federal government. However, as I know you are aware, departmental responsibility is exercised within the framework of policy and general procedures which have been clearly set out by the government.

I think the two most relevant instruments are Cabinet Directive No. 35, which sets out policy concerning security screening for access to classified information, and the document issued by the Clerk of the Privy Council in 1956, "Security of Information in the Public Service of Canada", which defines security classifications.

An important feature of Cabinet Directive No. 35 is the requirement that, in cases where security clearance is in question, effort must be made to make as much information as possible available to the employee concerned, and to try to resolve difficulties through discussion. Prime Minister Pearson emphasized this aspect of the security screening process when he outlined the policy in the House of Commons in 1963. In addition, the Public Service Security Inquiry Regulations provide an inquiry mechanism where cases of dismissal might be involved.

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Mr. Edgar Gallant,
Chairman,
Public Service Commission,
Ottawa, Ontario.

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"Security Information in the Public Service of Canada", provides examples of the kinds of information which merit classification at the various levels prescribed, and thus gives general guidance for departments in making decisions as to which positions should have a security clearance requirement. Having said that, I must add that it has become increasingly apparent that there is a need for more precision in the guidance supplied, in the light of changing conditions, and we are addressing ourselves to this problem on an urgent basis. As you know, the Public Service Alliance, in a recent brief to the government, also emphasized the need for ensuring that security requirements are not applied unnecessarily.

It is natural that application of the policy and procedures I have outlined will tend to vary to some extent among departments in view of the different conditions and responsibilities of each. In order to achieve and maintain, to the greatest degree possible, consistency in standards and requirements, the application must be kept under continuing review. This is done, I think, by the arrangement that advice is always available from the Privy Council Office, and from the advisory committees which operate in the security field under the direction of the Cabinet. I think that your letter is very important and useful in this context.

As you mentioned, security policy has been under review for some time, and I believe your officials have been assisting in this work, mainly in the context of the Security Advisory Committee. In the matter of security screening, I am hoping that a revised directive can be submitted to, and examined by, the Interdepartmental Committee on Security and Intelligence in the very near future. I look forward to your being present when that is done, so that the problems you have identified can be considered when the text is being finalized for submission to Ministers. I think the revision, if approved, should do much to solve some at least of the difficulties that have arisen. It will continue to be necessary, however, to exercise vigilance in the day to day application of the policy, to ensure that national security and the welfare of the individual are reconciled to the greatest degree possible.

In the meantime, I would suggest that you or your staff might find it helpful, in dealing with particular problems, to consult with the Assistant Secretary to the Cabinet, Security and Intelligence and Emergency Planning, who I know shares the concern you have expressed and will be glad to offer assistance.

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The difficulties concerning security clearance which you have outlined in your letter relate both to public servants and to applicants for employment in the public service. As you know, the procedures in Cabinet Directive No. 35 for consultation in cases when security is in doubt are less precise with respect to applicants for employment than those set out in relation to public servants. Application of the consultation procedures in the case of applicants would represent an important decision, with far reaching implications for the government as an employer. I understand that, in the re-examination of the policy which has been under way for some time, it has not been considered desirable to propose extension of these procedures (or of the inquiry arrangements set out in the Public Service Security Inquiry Regulations) to applicants. I think, however, that the Interdepartmental Committee would welcome your views on this matter when the revised directive is being examined.

*✓ sent,
M. L. L.*

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