

MEMORANDUM

1605-19-20 TD 9283(DLaw/LRO)

6 Nov 79

D Secur

PROPOSED AMENDMENT  
CFAO 19-20

1. Although the Publication Production Sheet (CF 565) indicates that approval has been given by yourself and by DPLS to proposed amendment to para 4(b) of CFAO 19-20, I have some reservations about the amendment in its present form.
2. I would suggest that there are instances where SIU investigation reports would be given to civilian psychiatrists when military psychiatrists are not readily available to assess the individual. I would assume, in many instances, that these civilian psychiatrists would not be security cleared and, as the SIU report would normally be classified "confidential", the release of the SIU report to the civilian psychiatrist by the MO would be a violation of security orders. There is, further, a danger in view of the proposed amendments to the Canadian Human Rights Act and the Freedom of Information Act, that the individual about whom the SIU report was prepared, could request that the MO release the information. Although it would probably be legal to deny the request for release in such circumstances, there would probably be the inclination on the part of the psychiatrist (in view of the publicity that will be given to the Freedom of Information legislation) to release all or part of the SIU report, or at least permit the patient to view its contents. This, in itself, would probably be a disclosure of information given in confidence to the SIU investigators by others.
3. In view of the above, I would suggest that it might be preferable to provide the psychiatrist with a precis of or extracts from the SIU report rather than the report itself. In this way, names could be deleted. I realize that the psychiatrist needs this background information to properly assess the suspected homosexual tendencies of the patient, but would suggest that a preferable amendment to para 4(b) would state:  

"4. (b) when the MO so recommends, refer the subject  
for psychiatric examination, ensuring that

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a summary of the SIU investigation report  
is included with the medical records provided  
to the examining psychiatrist."

4. After your review of the above, I would ask that you return the  
file to me, with such comments as you consider appropriate, through DPLS.

S.H. Forster  
LCol  
DLaw/LRO  
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