



National Defence

Defense nationale

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1380-16 (CIS Adm)

26 April 1988

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CIS ADMINISTRATIVE INSTRUCTION NUMBER 303

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D.M. Robison
D.M. Robison
Commander

Chief Intelligence and Security Administration
for Chief of the Defence Staff

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1380-16 (CIS)

CIS ADMINISTRATIVE INSTRUCTION NO. 303

SECURITY CLEARANCE REVIEW BOARD (SCRB)

- References:
- A. Security Policy for the Government of Canada 18 Jun 86
 - B. The Canadian Security Intelligence Service Act, 1984

1. The security clearance is a fundamental element of the programme established to protect national interests. Because it is so critical to the maintenance of national security, the need to establish trustworthiness must be accorded priority whenever reasonable doubts cannot be eliminated from the assessment of an individual's suitability for clearance. Nevertheless, security analysts must remain cognizant of the extent to which the careers of personnel within DND can be disrupted by the denial of a clearance. Any decision to deny or grant a security clearance must reflect a sensitivity to the sometimes competing interests of the state and the individual.

2. The decision to deny a security clearance of any level is, in the case of civilian employees of DND, the exclusive responsibility of the Deputy Minister. For members of the CF it rests entirely with the Chief of the Defence Staff. To ensure that these authorities are provided with sound, objective, impartial and informed advice on the essential aspects of each case, the Security Clearance Review Board (SCRB) has been established. The Board will hear all cases in which DSC does not feel confident in granting security access to the level requested. SCRBA action will be deemed necessary when security concerns cannot be resolved through the investigative processes available to DSC.

3. The aim of this instruction is to detail the terms of reference, composition, responsibilities and administration of the Security Clearance Review Board.

OFFICE OF PRIMARY INTEREST

4. DSC is the OPI for SCRBA administration and co-ordination and is responsible for collecting all information required or requested by the Board for its deliberations.

CONVENING AUTHORITY

5. SCRBA are convened under the authority of the CIS who, in the capacity of Departmental Security Officer, is responsible to the DM and CDS for the conduct of the security clearance programme within the Department and for the provision of advice on clearance issues. SCRBA are convened on an ad hoc basis as required.

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SCRB COMPOSITION

6. The SCRB is composed of selected NDHQ officers representing security, personnel and legal staffs. The CIS is the Chairman of this Board but may delegate this responsibility to DGSecur or, in the latter's absence, DSC. The minimum composition of the Board will include a representative each from CPCS, (military or civilian as appropriate) DPLS, DSC and an additional security officer who will normally be DGSecur when not serving as Chairman. For cases relating to civilian employees, the Associate ADM(Per) shall be offered the opportunity to sit as Co-Chairman. The minimum rank of any member shall be major or civilian section head. When cases concern senior officers, or civilian equivalent, or are designated by CIS as having particular significance, this minimum shall be increased to lieutenant colonel or civilian director.

7. Members whose objectivity in a particular case may be influenced by any circumstance, shall be replaced by a suitable substitute at the discretion of the Chairman.

8. The Chairman may request the attendance of any specialist whose advice could be expected to contribute to the case under review. Such advisors respond to questions from board members but play no further role in the proceedings. In addition, the Chairman may approve the attendance of observers who are directly involved in the security clearance process or who are potential SCRB members. The decision to approve the attendance of any observer must reflect appropriate consideration of the need to respect the privacy of the subject of the hearing and the confidentiality of the informants who provided information. Neither advisors nor observers shall vote at a hearing and both may be required by the Chairman to withdraw during portions of the discussion of factors affecting the case.

TERMS OF REFERENCE

9. The function of the SCRB is to reduce to a minimum the study time which the DM or CDS is obliged to devote to security clearance decisions and to furnish a considered recommendation which encompasses all relevant factors when clearance denial must be considered. The SCRB hearing provides a forum in which members can synthesize concerns and opinions formulated from their individual experience and area of expertise.

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10. Para 6 establishes the principle that the minimum rank of members sitting at any Board hearing will reflect the seniority of the subject. Because all recommendations are approved by the CIS, Board decisions are of equal weight and will not be appealed to Boards of different composition. Nevertheless, when any Chairman encounters a case which is considered to be of special significance the Chairman retains the prerogative of adjourning the case to consult with the CIS or appropriate specialist.

PRE-REVIEW ACTION

11. When the routine elements of the security clearance process fail to satisfy analysts that a clearance can be granted without a further risk assessment, DSC will ensure that the subject is interviewed by a SIU investigator and thereby has the opportunity to provide further information and to clarify or refute information which has been provided by other sources. If this Fact-Finding Interview fails to resolve all doubts DSC shall initiate a Security Clearance Interview conducted by a senior authority who has responsibility for the subject's employment but is external to the normal security clearance investigation/analysis/adjudication process. This final interview will permit the SCRB to obtain an objective view of the circumstances while further ensuring that the subject understands the security concerns, has had full opportunity to respond to them, and is being provided with informed advice.

12. Prior to each SCRB hearing the Secretary shall prepare, for approval by the Chairman, a Case Summary in the format shown at Annex A. This Summary will include a synopsis of the security, personnel, and career information relevant to each case and will be circulated under appropriate cover to each member of the Board.

13. The subject's security file will be made available for review by each Board member and will be available at the hearing. For security reasons this file must be read within the CIS Restricted Area.

14. At the direction of the Chairman, the Secretary will establish a convenient date and time, ensure that members receive the Case Summary and a copy of this instruction, and will co-ordinate members' access to the security files for pre-hearing review.

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CONDUCT OF THE MEETING

15. Preliminaries. The Chairman will open the meeting by briefly reviewing the purpose of the Board and the clearance rejection criteria provided by Reference A. Each case will be introduced by DSC who will provide a short summary of the situation and highlight the security concerns. The Chairman will poll members to determine that they are satisfied that they have had sufficient opportunity to prepare for the hearing and that they are content that all reasonable efforts have been made to ensure that all necessary information has been collected and made available to them. The CPCSA representative will then apprise other members of any relevant information which is available from the subject's personnel files.

16. Discussion. The Chairman shall request each member in turn to state his/her views and concerns on the case. Advisors may be called upon to address the meeting and answer any questions posed by the members. The Board will continue to discuss the case until the Chairman is satisfied that each member has had the opportunity to develop an opinion and to seek clarification from other members or advisors. On rare occasions, the Board can request that the subject appear personally to answer queries and, should members decide that such action is merited, the case will be adjourned until the appearance can be arranged.

17. Formulation of the Recommendation. Once discussion is complete the Chairman shall poll each member as to whether he/she believes that the subject is fit to hold the requested clearance. If a simple majority believes that the clearance should be denied, the process will be repeated for descending clearance levels until a simple majority agree that a specific level can be recommended or that the denial of all access to classified material should be advised.

18. Where any form of clearance denial is to be recommended the Board must also decide and record its recommendations for:

- a. the reasons for which the clearance should be denied;
- b. when, if ever, security inquiries are to be re-initiated for a re-assessment of the application;
- c. specific changes in the subject's suitability which the Board would hope to see at the conclusion of such an observation period; and
- d. if the imposed observation time differs from a probationary period set by CPCSA staff for performance deficiencies arising from the same faults, why the two periods cannot be identical.

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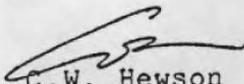
The process described above is repeated for each case to be reviewed.

19. Adjournment. The Chairman shall adjourn the meeting once each file has been addressed and a recommendation or requirement for further information or action has been agreed upon.

REPORTING

20. A record of each decision taken by the SCRB shall be prepared by the Secretary in the form illustrated at Annex B. Where the SCRB believes that a requested clearance should be denied, this recommendation will be prepared for the DM or CDS in the format provided at Annex C. When any member strongly disagrees with a Board decision, whether to approve a clearance or recommend denial, he/she may request that the Summary Sheet record this fact. It then becomes the responsibility of that member to provide the CIS with detailed arguments.

21. The Secretary will submit the Summary Sheet and Recommendations to the Chairman for signature. An information copy of the Summary Sheet and Recommendations will be provided to CIS when CIS did not serve as Chairman. All recommendations for denial will require CIS approval before they are forwarded to the appropriate deputy head.


C.W. Hewson
Major General
Chief Intelligence and Security

Attachments: 3

Annex A - SCRB Board Members Worksheet
Annex B - SCRB Board Action Sheet
Annex C - SCRB Case Summary and Recommendations

OPI - DSC

Review Date - Nov 89

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