

CONFIDENTIAL *off*

January 2nd, 1958.

*F-16*MEMORANDUM TO MR. BRYCERe: Preliminary Security Review

We have examined the Security Sub-Panel's earlier recommendations about a preliminary security review system and find that the following arguments were advanced against it:

- (a) a mandatory review procedure would appear to be an infringement of departmental responsibility for security control;
- (b) adequate review procedures had already been established in the Department of National Defence;
- (c) those departments and agencies who wished to do so could always refer difficult cases to the Security Panel for review, as many had done in the past; and
- (d) the proposed appeal system could operate effectively without a mandatory system of review.

2. Our present recommendations are for a system of review which the deputy minister would use only if he wished to do so, and therefore we do not think that these objections any longer apply.

3. We think that the philosophy of a preliminary review system should be that in effect the government is prepared to take administrative steps to protect the deputy minister against a possible reversal of his decision to dismiss a person on grounds of disloyalty by providing him with an opportunity to have a case reviewed by members of the public service before he risks the matter going before the Security Review Board.

4. We therefore recommend the following procedure to be put into effect by a redraft of the Cabinet Directive on security:

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- (i) When a deputy minister has taken a tentative decision to dismiss an employee on grounds of disloyalty, he may, without informing the employee, have the case considered by a Review Committee of the Security Panel;
- (ii) The Review Committee of the Security Panel will consist of the Chairman, the Deputy Minister of Justice, the Chairman of the Civil Service Commission, and the Deputy Minister of Labour (when relations with unions may be involved), any one of whom will absent himself when a member of his own staff is involved;
- (iii) Where a tentative decision to dismiss an employee on grounds of disloyalty has been taken by a department, the deputy minister will provide the Secretary of the Security Panel with information about the employee, together with an assessment of the security risk involved within the department;
- (iv) The Secretary will call together the Review Committee of the Security Panel and present them with the documentation provided by the department;
- (v) The Secretary will then convey in writing to the deputy minister the recommendation of the Review Committee of the Security Panel;
- (vi) The deputy minister will then decide in the light of the Review Committee's recommendation whether or not to proceed with the dismissal;
- (vii) Should he decide to proceed, then the provisions of the Security Review Order will become operative.

5. We should like to make a number of comments about this proposal. We do not think that the Security Review Board as established by the Order in Council should be the body to make the preliminary review. If it were to do so, it would in effect be

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asked to make a preliminary examination of the matter without the benefit of hearing the employee concerned. Thus it might result that the Security Review Board would find itself forced to reverse its own preliminary recommendation in the light of the additional evidence which might be presented by the employee. In addition it would be difficult to justify publicly what will be considered as a board of appeal which could in effect be "sounded out" by a department before a decision to dismiss had been taken.

6. On the whole we feel that the separate functions of review and appeal should be fulfilled by two separate bodies, one within the public service and one outside it. Concerning a system of review, we think that this function falls properly within the jurisdiction of the Security Panel and we think that its present terms of reference should be maintained. If the Panel's responsibility for advising on security problems is handed to some other body it may tend to lose its effectiveness in setting procedures and maintaining standards of security throughout the public service.

7. You will note that the proposal, which is quite simple, is limited strictly to cases of dismissal on grounds of disloyalty. This means that all other security cases would still be dealt with wherever possible by administrative means. We have made no mention of dismissal on grounds of unreliability, which seemed to be more or less accepted at the last meeting of the Security Panel. It is our view that persons who are unreliable as a result of various human weaknesses should not be dismissed from the public service on security grounds but should in every case be transferred to a non-sensitive post, or where advisable permitted to resign.

8. May we discuss this with you at greater length?



P.M.D.