

REGULATIONS RESPECTING SAFETY AND SECURITY IN
THE PUBLIC SERVICE

1. These Regulations may be cited as the Public Service Security Regulations.

2. In these Regulations,

(a) "Act" means the Financial Administration Act;

(b) "Commissioner" means a person appointed under section 3;

(c) "employer" means Her Majesty in right of Canada as represented by

(i) in the case of a department named in Schedule A of the Act, the deputy minister thereof, and

(ii) in the case of any other portion of the public service, the chief executive officer thereof or, if there is no chief executive officer, such person as the Governor in Council may designate;

(d) "hearing" means a hearing referred to in section 4;

(e) "inquiry" means an inquiry conducted by a Commissioner in accordance with these Regulations; and

(f) "person concerned" means a person in respect of whom an inquiry is to be made.

3. The Governor in Council may from time to time appoint a person as Commissioner for the purpose of conducting an inquiry under subsection 7(7) of the Act.

4. Where a Commissioner has been appointed to conduct an inquiry he shall forthwith give a notice in writing

(a) to the person concerned advising him that a proposal to dismiss him under subsection 7(7) of the Act has been made, and that an opportunity to be heard in respect of the proposal will be given to him at a hearing to be held in camera at the time and place specified in the notice, which time

shall be not later than twenty-one days from the day upon which the notice is given; and

- (b) to the employer of the person concerned advising him of the time and place at which the person concerned is to appear and requesting him to authorize and facilitate the presence of the person concerned at that time and place.

5. The Commissioner in conducting an inquiry shall take all reasonable precautions to protect

- (a) the national interest of Canada or of any state allied or associated with Canada in preventing the disclosure of classified material or information; and
- (b) the secrecy of sources of security information.

6. Prior to a hearing, the Commissioner shall

- (a) examine all files and information relating to the proposal to dismiss the person concerned;
- (b) consult with the employer of the person concerned; and
- (c) where he deems it necessary, consult with any person or agency that has conducted on behalf of the employer of the person concerned an investigation relating to any matter being considered in the inquiry.

7. At a hearing the employer of the person concerned shall

- (a) state the nature of the circumstances that resulted in the proposal to dismiss the person concerned; and
- (b) reveal such information in relation to those circumstances as may be revealed without jeopardizing any

source of security information that should, in the interest of the safety or security of Canada or any state allied or associated with Canada, be concealed.

8. Where any person or agency has conducted on behalf of the employer of a person concerned an investigation relating to any matter being considered in an inquiry, the Commissioner may require that person or a representative of that agency to appear at a hearing and to reveal such information relating to that matter as may be revealed without jeopardizing any source of security information that should, in the interest of the safety or security of Canada or any state allied or associated with Canada, be concealed.

9. At a hearing the person concerned
- (a) may be accompanied or represented by counsel; and
 - (b) may introduce information orally or by letter or affidavit in relation to his character and such other matters as the Commissioner deems relevant.

10. The Commissioner shall allow the person concerned to examine any information revealed pursuant to section 7 or 8, subject to such terms and conditions as the Commissioner may prescribe.

11. No person, other than the Commissioner, may question any person who appears and gives information at a hearing.

12. For the purpose of determining whether any information should be revealed to a person concerned in an inquiry, the Commissioner may, in the absence of the person concerned and his counsel, if any, consult with the employer of the person concerned and with the authorities of the Government of Canada that are concerned with security.

13. Upon the conclusion of an inquiry, the Commissioner shall submit to the Governor in Council a report

in writing setting forth his findings made as a result of the inquiry including a finding based on what was said, if anything, by the person concerned.

14. When the report referred to in section 13 has been submitted to the Governor in Council, the Commissioner shall forthwith give a notice in writing to the person concerned and to the employer of that person advising them of the nature of his findings made as a result of the inquiry.

15. All notices required to be given to the person concerned shall be sent by registered mail addressed to that person at his last known address as given to his employer or to the Commissioner.