

Government
of CanadaGouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

TO
A

DDG (Ops.)

FROM
DE

O/c "A" Ops.

SUBJECT
OBJETPolicy on Homosexuality

SECURITY - CLASSIFICATION - DE SÉCURITÉ

S E C R E T

OUR FILE/NOTRE RÉFÉRENCE

IP 371-19

YOUR FILE/VOTRE RÉFÉRENCE

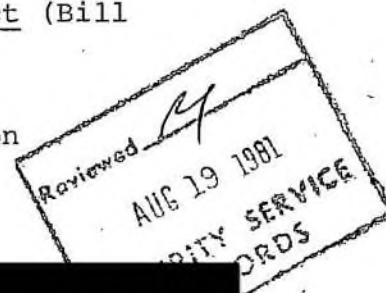
DATE

81-08-07

Reference Mr. Shoemaker's letter attached and your request to review the legal opinion in this regard (tabbed).

2. As you know, Sec. 4 of the Privacy Act (Bill C-43) states:

"No personal information shall be collected by a government institution unless it relates directly to an operating program or activity of the institution."



5. I agree with Mr. Shoemaker, although I do not agree with the argumentation he offers in support of his opinion.

6. The question which must be answered is this: Can personal information which calls into question the loyalty or reliability of an individual not being screened be collected? I say it can because it can be related to the security clearance program of the Force. For example, if information is offered to an investigator which indicates that a person:

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- [REDACTED]
- may be under cultivation by an IO,
- travels frequently to Communist countries,
- attends Communist - sponsored public affairs,
- suffers from greed, indebtedness, alcoholism,
drug addiction, mental imbalance, dishonesty,
sexual behaviour which could render him subject
to blackmail or coercion, *
- associates with the criminal element, *
- engages in extreme, fanatical or indiscreet
behaviour,
- is guilty of minor breaches of departmental
security, *
- maintains a life style inconsistent with
his status, *

then the information should be accepted by the investigator and reported to "HQ". To ignore such information would be unthinkable.

7. The use which is made of the information is, of course, an entirely different matter. Having been collected for security clearance purposes, it could only be used if it was determined that the person concerned is employed by or on behalf of the federal government in a security classified position. Once that fact has been established, the information would be reported to the security officer of the employing department or agency.

* Negative?

8. The question remains as to what should be done with the information when it is found the person concerned

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does not occupy a security classified position or is not in fact employed by the federal government? In the latter instance, the information could be destroyed unless it is of interest to one of the other operational branches. If, however, the person is found to be an employee of the federal government in a non-classified position, the information should be retained for the person will almost certainly eventually require security clearance, particularly if he progresses within the Public Service.

 He has indicated he would like to discuss this matter with us before referring it to the Minister.

There are two questions;
one of law -
and one of policy -

(J.F. FRIEND) Supt.,
Officer i/c "A" Operations.

what we have to settle
is the policy question
and in that respect
you must be very cautious
not to impinge on individual
rights -

to meet with Mr. F. Lewis x
O.E. A. (no)