

Ottawa, K1A 0P8  
September 18, 1984

CONFIDENTIAL

Mr. N. d'Ombra  
Assistant Secretary to the Cabinet  
for Security and Intelligence  
Privy Council Office  
Room 500  
85 Sparks Street  
Blackburn Building  
Ottawa, Ontario  
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Dear Mr. d'Ombra:

It has recently been brought to the attention of the Security Advisory Committee that the procedures and practices adopted by some government departments with respect to security screening may have to be changed as a consequence of the proclamation of Bill C-9.

As you are aware, the new Security legislation requires that 'security assessments' be provided by the new Service. Since the CSIS Act defines a security assessment as an appraisal of loyalty and reliability factors, it will be necessary from this time forward, for the Service to evaluate the security screening information provided to a government institution. In the past, it has been the common practice for the Service to recite factual findings based upon an investigation but not to provide an evaluation or appraisal of the findings to assist departments in determining whether an individual is likely to pose a security risk. In addition, it is our view that the Service should provide departments with a recommendation as to the course of action to follow, based upon its experience and the weight of the investigated information.

The definition of security assessment also clearly creates a causal connection between the reliability of an individual and loyalty. There has developed a tendency in security screening processes to judge reliability factors independent of loyalty considerations. For example, sexual preference, assuming it is avowed, may create difficult personnel management issues for a hiring government department but without more, it is difficult to argue that such preferences can be considered reasonable grounds for concluding that an individual is likely to pose a security risk. In some departments, homosexuality has been used as an absolute bar to obtaining a security clearance.

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Several cases of this kind have been brought to the Security Advisory Committee Executive Committee's attention. I have been asked to advise you of these circumstances and request that you seriously consider publishing an explanatory note of instruction to government departments on the CSIS legislation and CD 35.

It is our judgement that this note while re-confirming CD 35 procedures might highlight that:

1. the Service should provide and the requesting department should receive, an appraisal of the loyalty and reliability of the individual subject to screening;
2. the Service should provide a recommendation to the requesting department, on courses of action for further resolving contentious situations if adverse information has been obtained including an in-depth interview by the Service as CD 35 recommends;
3. that there is a causal connection between reliability and loyalty in order to emphasize that reliability factors, standing alone, may be grounds for determining that a person is not suitable in personnel management terms, for hiring or promotion, but are not necessarily grounds for a declaration that an individual poses a security risk; and
4. a Deputy Head having denied a security clearance, must send within ten days after the decision is made, a notice informing the individual of the security clearance denial in conformity with C-9. It is open for consideration, in light of the spirit and intendment of CD 35, that that notice should include as much information as possible outlining the grounds which served as the basis for the denial of the clearance.

These matters are of importance at this stage, because in the absence of a fully developed new CD 35, it is altogether possible that the Review Committee, having been seized of a complaint of a denial of security clearance, will develop its own standards and guidelines governing CD 35 requirements. Your views on this issue would be appreciated.

Yours sincerely,



J. Michael Shoemaker, Q.C.  
Chairman, Security Advisory Committee  
and  
Senior Assistant Deputy Solicitor General,  
Police & Security Branch

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