

SECURITY OF PERSONNEL AND THE PROTECTION OF THE
NATIONAL INTEREST ASSETS OF THE GOVERNMENT OF CANADA (SPUR)
MINISTERIAL BACKGROUND: QUESTIONS AND ANSWERS

1.Q. What are the procedural innovations or policy changes which ensure that there will be fewer security clearances?

A. There are five:

- (i) improve basic personnel screening for suitability;
- (ii) that a security clearance be a condition of employment in every job description;
- (iii) "access" to be defined as being continuous and regular;
- (iv) Security classified information to be limited to six areas (Foreign, Defence, National Security, Economics, Federal-Provincial and Cabinet Confidences);
- (v) the overall system to be managed (and audited) by Treasury Board.

2.Q. How do (a) the screening and (b) the classification proposals in this MC compare with those in the USA and the UK?

A. Both our allies have similar screening and classification programs because we all subscribe to common NATO standards, and the SPUR proposals are fully compatible with NATO requirements. The modernization of the Canadian classification and screening systems will be seen by our allies as a positive development.

(a) Screening

UK -- in particular uses "positive vetting," an integral part of which is the use of the direct interview with the person being screened - now being proposed in SPUR;

USA -- also has begun to use "direct interviews" as a part of screening

(b) Classification

UK -- wide use of security classification for non-security information but the UK has no access legislation;

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USA -- security classification is basically limited to Defence and Foreign Affairs (including intelligence and security). Other information is administratively protected. Officials with "original" (as opposed to derivative) classification authority are designated, and must approve all classification decisions.

3.Q. Should we advise the Brits and the Americans?

A. We intend to formally advise our two major allies when approval is obtained. They actually are aware of what we are doing now, particularly the U.S. TBS personnel have been in Washington and U.S. officials in Ottawa within the last few weeks.

4.Q. Why do you want to abolish the category of RESTRICTED?

A. "RESTRICTED" never related to security classification, and became impossible to justify under an injury exemption for Access legislation (except where it has been received in confidence from a foreign Government of an international organization like NATO.)

5.Q. How will the definition of "access" proposed in the MC permit (the cook on a DND base, the waiter in the External Affairs dining room,) the Gardener at 22 Sussex Dr to be security screened?

A. Because "access" does not mean having a Government record in a person's possession, but rather being in sufficiently close proximity to overhear or observe what can be considered classified information.

6.Q. Are the MC's rejection criteria compatible with the Charter, and the Boyer Committee's recommendations?

A. Yes, they do not discriminate.

- a security clearance is a bona fide occupational requirement.
- and an individual's consent must be obtained.

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7.Q. What is the process you envisage for implementing the policy decisions taken today?

A. A Ministerial statement of the Government's policy intent (and the fact of a new SG directive to CSIS) be made to the House. I understand that detailed guidelines and standards will be prepared by TBS officials for publication three to six months after the policy statement is made public.

8.Q. How will the Government be able to protect non-security information from disclosure, when Departments can no longer use Confidential, Secret and Top Secret for that purpose?

A. Treasury Board officials are to recommend alternative information classification standards and designators to Ministers of the Treasury Board.

9.Q. How will Departments find the extra PY Resources to implement SPUR?

A. Any increases in PY resources are expected to be balanced by the anticipated savings in reducing the total numbers of security clearances in any given Department. Treasury Board's first biennial review should focus on, and make recommendations for, any necessary re-allocation of resources within the screening program, to cover such PY adjustments.

10.Q. How many persons are currently the holders of (a valid) security clearance?

A. The simple answer is no one really knows. This is why, as a basic management tool, a central computerized index of all security clearances in CSIS is recommended. At present CSIS is requested to carry out somewhere around 50 and 70,000 security clearances a year, and since each clearance is meant to be updated every five years, an estimated total of between 250 and 350,000 is theoretically possible.

11.Q. Do the proposals deal with the classification of physical assets?

A. Yes

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12.Q. Will the proposals affect the present operations of the SIRC?

A. In the future, yes. All SIRC deliberations on security clearances will reflect the new policy. SIRC's present workload of about 100+ cases will be heard under the "old" rules (CD 35).

13.Q. If an individual is determined by CSIS in his "security assessment" to be disloyal, is that grounds for an automatic refusal of a clearance and does a Deputy Minister have any discretion in such a case?

A. No. It is not automatic; the Deputy Head has both the discretion, and the final decision.

14.Q. Do the Liberals and the NDP have a position on this issue?

A. - Liberals instructed development of policy along the basic lines suggested; a possible line of criticism - "does not go far enough, and too little, too late."

- NDP's position on the requirement for a security clearance program is not known. What is known, and may precipitate the following criticisms are:

- it restricts the political and civil rights of P.S.
- contrary to the Spirit and intent of the Charter and Boyer
- privacy concerns - sexual orientation

15.Q. Is this not the time to establish one single agency to deal with the preparation of security clearances for the Government?

A. It is an idea worth exploring, particularly because SIRC may well decide to recommend it. After the first biennial review, Ministers may want to examine the feasibility of such a proposal in light of possible costs and benefits.

16.Q. What impact will this policy have on the provinces?

A. It impacts the provinces insofar as their employees have access to Federal Government information/assets classified in the national interest. The CSIS Act under s.13(2) permits CSIS to negotiate agreements to provide security assessments to the provinces.

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17.Q. Do we not need to enter into consultation with the unions on this?

A. No consultation is recommended on policy. Condition of employment. Meets union complaints of too many clearances. Informal interaction may be possible on the implementation of policy, if TB so directs.

18.Q. What about the Boyer Committee proposals, particularly ensuring that permanent residents as well as citizens can work for the Government. Will the 10 year checks be invariable for TS?

A. Must maintain minimum standards. Five years is minimum residency in Canada (or a country with whom there is security liaison) to establish bona fides for Secret, 10 years for Top Secret. Not possible to assess loyalty and related reliability without access to trustworthy information over specified periods.

19.Q. Will implementation of the policy require the establishment of a security officer classification group for departmental security officers?

A. Policy does not require it but it might be worthwhile to examine the idea of such a group. SIRC's decisions can already be seen to require a new standard of professionalism in advising Deputy Heads.

20.Q. Will the PCO retain responsibility for its present advisory functions to DSOs?

A. No. TBS will provide detailed policy, guidelines and standards. PCO's role as a central agency may require advice to DSO's on an occasional basis, as the PM may direct.

21.Q. Why not just "security clear" every employee?

A. Not necessary. Probably inconsistent with the Charter. Too expensive; and what does a Deputy head do with the adverse information if the incumbent does not require a security clearance - he cannot fire the individual - problems with Canadian Human Rights Act.

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- 22.Q. What use of Polygraphs are envisaged in these proposals, given the recent US (Presidential) Executive Order to require a polygraph examination for all "special access" type clearances?
- A. The polygraph technique is not specifically authorized under the SPUR proposal, (nor is it prohibited). Ontario and New Brunswick have legislation banning the use of polygraphs for employment screening purposes. CSIS currently requires a polygraph for all new employees.