

July 3, 1987

Security Clearances

Issue

How should an individual's features of character, which could include homosexuality and criminal convictions, be handled in the granting of security clearances?

Background

The Government Security Policy, issued by the Treasury Board on June 18, 1986, governs the granting of security clearances. The relevant elements are:

- clearances are required for individuals whose duties or tasks require access to classified information or other assets classified in the national interest or, whose access to persons or installations affords regular and consistent access to such information or assets;
- government institutions are responsible for arranging for the security clearance of these individuals;
- deputy heads are responsible for granting/denying a security clearance; this responsibility cannot be delegated;
- a clearance should be denied if there are reasonable grounds to believe that an individual:
 - ° is engaged in or may engage in activities constituting a defined threat to the security of Canada;

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- may act or be induced to act in the above manner, or may disclose or be induced to disclose classified information, because of personal beliefs, features of character, association with persons or groups considered a security threat, or family etc. living in oppressive or hostile countries; and,
- individuals denied a security clearance have recourse to the Security Intelligence Review Committee and are to be informed of this right by the deputy head.

Considerations

The government has considered for many years that an individual's features of character are relevant to an assessment of the person's loyalty and reliability and thus to the deputy head's decision to grant him/her a security clearance. The phrase "features of character" is, quite properly, very general in nature in order to capture all relevant elements. These could include sexual orientation, drunkenness, heavy indebtedness, previous criminal convictions, etc.

Three points can be made in considering the Government Security Policy in relation to these features of character. First, since no specific factor is mentioned in the Policy, there is no explicit bar to a homosexual or an individual with a criminal record receiving a security clearance. Second, since the granting of a security clearance is to be decided on a case-by-case basis, only those features of character specific to the individual in question are to be assessed against the two rejection tests noted above.

Third, there must be a causal link between the character feature and the two grounds for rejection, i.e., engaging in activities constituting a threat to the security of Canada or leading to the disclosure of classified information. This is relevant because the features of character in question must be

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ones that, if exploited, could lead to the two offending results noted above, which then justifies the denial of the clearance. As the use of the word "induced" in the Policy indicates, this link is usually forged through the pressure that could be brought to bear on the individual through exploitation of this feature of character.

These points are now reviewed in relation to four features of character, homosexuality, criminal record, drunkenness, and heavy indebtedness.

It is strongly believed, based on past cases and the practices of hostile intelligence organizations, that unavowed homosexuality is too great an exploitable danger to risk the granting of a security clearance. Government departments and agencies, therefore, generally discount homosexuality as a possible rejection factor if it is open and avowed to family and employers. Not to do so, or not wanting this information to reach these persons, would indicate a point of vulnerability. And, by extension, the avowal of a previously hidden orientation would mean that it would no longer be an exploitable factor and thus a ground for denying a security clearance.

A criminal record can be somewhat different from sexual orientation. Like it, it may be a point of vulnerability if it is hidden by the individual. It may also, in certain circumstances, speak to the reliability of the individual, although it must also relate to the potential loyalty of the person. For example, an individual with a criminal record for theft or fraud might not be considered reliable for a position having access to classified information which could be disclosed for financial gain. (For a financial position in a department, a fraud conviction would be more relevant to the candidate's suitability, not his reliability/loyalty.)

Drunkenness presents a similar situation. It could be an exploitable weakness, either because it is hidden or because it renders the individual less able to preserve the security of classified information in his/her possession. It could also, however, be

relevant to the person's suitability to the job in the sense of making him/her less capable of performing its tasks.

Heavy indebtedness is also a feature of character, which, in certain circumstances, could be an exploitable weakness. It tends to be a frequently occurring factor in security screening cases. Like drunkenness, it is also relevant to suitability,, particularly in financial positions.