

CONFIDENTIAL

DRAFT ANNEX D TO REVISED CD 35

1. Where doubt has arisen as to the suitability of an employee who is being considered for or has been granted a personnel security clearance, the department must take such action as is necessary to preserve security, including withholding or suspension of personnel security clearance if necessary, and may take the following courses of action to resolve that doubt:

- (a) further specific investigation may be requested of the national security agency; and
- (b) the deputy head may
 - (i) request the Chairman of the Interdepartmental Committee on Security and Intelligence (ICSI) to make available assistance to provide appraisal and analysis of information in the light of relevant precedents; and
 - (ii) seek the advice of the ICSI.

2. Should these actions fail or be inexpedient the departmental security officer:

- (a) will obtain from the national security agency such information that may be discussed with the individual should an interview be considered necessary, and
- (b) will determine whether alternate arrangements can be made (eg, permit controlled access to sites, delete personnel security clearance requirement) in which case the employer will be so informed and requested to withdraw the request for personnel security clearance.

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3. Should a personnel security clearance still be required, the employer will be told that confidential information is at hand which affects the granting of a personnel security clearance and that access to classified information is not to be permitted pending the outcome of the interview under paragraph 4 below. It is stressed that no action is to be taken unilaterally if access has been authorized previously.

4. An interview of the employee by the departmental security officer or person designated by him will be arranged through the employer's security officer. The employee will be informed to the fullest extent that is possible without jeopardizing sensitive sources of security information of the reasons for doubt, and shall be given an opportunity to resolve it.

5. Should the foregoing interview fail to resolve the doubt, the departmental security officer will discuss the report with the national security agency, and if applicable, the security officer of the department originating the work or services requirement to review the investigative report and security requirements of employment in the light of information revealed during the interview. Should these consultations fail to resolve the doubt or permit alternate arrangements, the deputy head having personnel security clearance responsibility will consult the ICSI.

6. Should consultation with the ICSI fail to resolve the doubt, the employer's security officer will be requested to arrange an interview of the employee with the deputy head or senior official of the department acting on his/her behalf and in the presence of a senior official of the employer. Any additional information that is releasable to the employee and to the senior official of the employer will be made known to the

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employee at this time. The senior official of the employer will advise whether or not the services of the employee may continue in another position. In the event that any of these arrangements are not acceptable to the employee, the senior official of the employer may take such action as he/she deems appropriate in the circumstances.

7. All participants in interviews will respect the sensitivity of the information so revealed and will restrict dissemination to the absolute minimum. In the event that the employee may consider that he/she has been misjudged or aggrieved, he/she may take such action as is permitted under the Labour Act or other federal legislation that may from time to time be enacted.

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