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April 5th, 1978.

MEMORANDUM TO: Mr. John Lawrence  
(c.c. T.D. Finn)

Security Screening Programme  
vs  
The Canadian Human Rights Act

As you may recall (having heard from David Paget) Ted Finn and I with R.C.M.P. Security Service participation held a meeting of departmental/ agency security officers (DSOs) at "N" Division, R.C.M.P., Rockcliffe, on 24 February 1978, to introduce and explain guidelines in relation to exemptions under Section 54 of the Canadian Human Rights Act. The guidelines in draft memo form were handed out and the participants were informed that they would receive a final approved version. This is only now going out. I won't go into the reasons for the delay at this time but I attach a copy for information.

As we concluded the discussion of the guidelines at the meeting referred to earlier, Supt. Friend who is the officer in charge of the security screening operations at R.C.M.P. headquarters, rose to announce that effective March 1st 1978 the R.C.M.P. (Security Service) would be unable to process any security screening request which did not involve national security or clearly covered by the provisions of Cabinet Directive 35.

Friend's announcement was later confirmed in a memo which he addressed to DSOs on March 2nd 1978 and in one addressed by the Commissioner to Deputy Ministers and Heads on 28 March 1978 (copies attached).

We have no quarrel with the R.C.M.P. reaction except that we find their interpretation of national security unreasonably narrow when measured against the exemptions recognized under Section 54 (a)(b) and (c) of the Act. Of course, they have narrowed to "national security" because we have chosen to seek exemption for all or part of certain security clearance investigation files under Section 54 (c)(i), "national security". Now, they are far more reasonable and willing to accommodate but it is now up to us to

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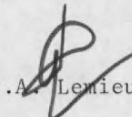
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CONFIDENTIAL

- 2 -

define for them what is a legitimate reason to seek (and for them to respond to) a request for security screening which, if it produces an adverse report, will be protected under Section 54 of the Act.

It is my view, and Ted agrees, (and the R.C.M.P. do not disagree) that the areas of government activity which can be identified within the scope of Section 54 (a)(b) and (c) are those which are most likely to produce genuinely classified information and need appropriately cleared personnel. Are we right in our interpretation? We need to know as quickly as possible in order to put an end to the prevailing state of uncertainty and confusion. If we are right, we will prepare appropriate guidelines and submit them to you for comments at an early date.

  
P.A. Lemieux

Attach.

Privy Council Office,  
O t t a w a, Ontario.

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