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CONFIDENTIAL

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CABINET DIRECTIVE NO.

Personnel Security Clearance

Short Title

1. This directive may be cited as the Personnel Security Clearance Directive.

Interpretation

2. In this directive,

"classified information" means Government information or material classified "Top Secret", "Secret", or "Confidential" in accordance with the principles set out in Security of Information in the Public Service of Canada; and includes similar information or material which is the property of other jurisdictions and is in the custody of the Government;

"Confidential information" means information classified in accordance with the classification "Confidential" as defined in Security of Information in the Public Service of Canada;

"department" means a department, agency or portion of the Public Service of Canada to which this directive applies;

"departmental security officer" or "DSO" means the official appointed by the deputy head to assist him in carrying out his responsibility for the departmental security program, including personnel security;

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"deputy head" means

- (a) where the person concerned is employed in a department named in Schedule A to the Financial Administration Act, the deputy minister thereof;
- (b) where the person concerned is a member of the Canadian Forces, the Chief of the Defence Staff;
- (c) where the person concerned is a member of the R.C.M. Police, the Commissioner of the R.C.M. Police; and
- (d) where the person concerned is employed in any portion of the public service specified from time to time in Schedule I to the Public Service Staff Relations Act (other than departments named in Schedule A to the Financial Administration Act), the chief executive officer thereof or, if there is no chief executive officer, such person as the Governor in Council may designate as the deputy head for the purposes of this directive;

"field investigation" means inquiry by means of interviews with persons who have known the person concerned, to elicit information bearing on the loyalty and reliability of the person concerned;

"fingerprint record" means the consolidation of criminal charges and their dispositions as maintained by the national security agency;

"Government" means the Government of Canada;

"national security agency" means the R.C.M. Police;

"person concerned" means the individual who is being considered for personnel security clearance;

"personnel security clearance" means the authorization by the deputy head for a person to have access to classified information when the application of the policy and procedures set out in this directive is required to ensure the loyalty and reliability of the person;

"public service" means the several positions in or under any department or other portion of the public service of Canada specified from time to time in Schedule I to the Public Service Staff Relations Act, the Canadian Forces and the R.C.M. Police;

"records check" means inquiry into readily available records of subversive activity and fingerprint records of the national security agency, government personnel files, and immigration and citizenship files as appropriate, to elicit information bearing on the loyalty and reliability of the person concerned;

"Secret information" means information classified in accordance with the classification "Secret" as defined in Security of Information in the Public Service of Canada;

"security screening" means the implementation of inquiries to obtain information on the basis of which a judgement can be made as to the loyalty and reliability of the person concerned;

"subversive activity" means activity described in section (1) of Annex A to this directive;

"Top Secret information" means information classified in accordance with the classification "Top Secret" as defined in Security of Information in the Public Service of Canada.

Application

3. This directive applies to the following departments, agencies or portions of the Public Service of Canada:

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- (a) departments named in Schedule A to the Financial Administration Act;
- (b) the Canadian Forces;
- (c) the Royal Canadian Mounted Police; and
- (d) those portions of the Public Service of Canada specified from time to time in Schedule I to the Public Service Staff Relations Act (other than departments named in Schedule A to the Financial Administration Act).

Policy

4. The deputy head is responsible for the administration, within the department, of the personnel security clearance policy and procedures of the Government.

5. The deputy head will appoint a departmental security officer to assist him or her in carrying out these responsibilities. The departmental security officer will be a senior official of the department, and will have a personnel security clearance to the "Top Secret" level. The deputy head will notify the Secretary of the Interdepartmental Committee on Security and Intelligence of the appointment and clearance, and the Secretary will maintain a listing of departmental security officers.

6. The Government has a responsibility to ensure that persons in positions requiring access to classified information are loyal and reliable. To this end, personnel security clearance is required for such persons before access is given.

7. Those identified as persons described in Annex A must not be granted personnel security clearance and therefore must not

- (a) be recruited into the public service in positions for which such clearance is required;

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- (b) if discovered within the public service, be appointed to or retained in positions for which such clearance is required; or
- (c) be employed under contract in positions for which such clearance is required.

8. Subject to section 26, personnel security clearance must not be granted to persons described in Annex A who are

- (a) employees or persons about to be employed in industrial firms and related establishments in positions requiring access to classified information;
- (b) employees or persons about to be employed in the public or private sectors who by the nature of their duties may have access to classified information even if they are not required to use such information in the performance of their duties.

9. The national security agency is responsible for conducting field investigations, records checks and checks of fingerprint records and providing such other assistance and advice as may be required for personnel security clearance. This does not limit the right of the Canadian Forces to conduct field investigations, through its own resources, of members of the Canadian Forces and of personnel employed with or on behalf of the Department of National Defence.

10. Where adequate security screening inquiries cannot be conducted, personnel security clearance shall not be granted unless in the opinion of the deputy head, after careful consideration of the circumstances,

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including the value of the person's services, the risk involved is justified.

11. To enable the Government to review and assess the policy and procedures set out in this directive, the national security agency and departments will submit quarterly reports to the Secretary of the Interdepartmental Committee on Security and Intelligence outlining action taken in cases where personnel security clearance has been withheld or withdrawn.

Procedure

12. To carry out their responsibility in granting personnel security clearances, departments must first obtain sufficient information about the person concerned to make a reasonable judgement as to his or her loyalty and reliability. In making this judgement, it must be borne in mind that, while the interests of national security must take precedence where there is a reasonable doubt, every effort must be made to safeguard the interests of the person concerned.

13. Information about persons concerned must be obtained

- (a) from the persons themselves, who must complete a copy of the Personnel Security Clearance Questionnaire (Annex B), and must be fingerprinted;
- (b) where appropriate, from others having knowledge of the persons concerned; and
- (c) from investigations conducted by and on behalf of the national security agency.

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Departments will inform persons concerned of the reasons such information is being sought.

14. Information obtained for purposes of personnel security clearance

- (a) will be classified at a level not less than Confidential;
- (b) will not be placed on the personnel file of the person concerned;
- (c) will, subject to the provisions of the Canadian Human Rights Act, be made available only to the deputy head, the departmental security officer or persons designated by them;
- (d) will be administered in such a way that its personal and private character is maintained;
- (e) if it raises doubt about the person's loyalty or reliability, will be returned to the national security agency for review in the case of a person concerned who is to be employed in another department, or for disposal in the case of termination of employment;
- (f) if it raises no doubt about the person's loyalty or reliability, will be provided to the department in which the person concerned is to be employed.

15. Each deputy head is responsible for ensuring that security screening is undertaken in accordance with the minimum standards set out in Annex C.

C

16. Security screening procedures will be initiated by

- (a) the responsible staffing officer when the person concerned is about to be employed or is already in the public service;
- (b) the departmental security officer, when the person concerned is about to be employed under Government contract, except persons referred to in paragraph (c); or
- (c) the Department of Supply and Services, when the person concerned is an employee or a person about to be employed in an industrial firm or related establishment who requires access to classified information.

17. The duration and level of a personnel security clearance will be determined by the granting department, but the clearance will

- (a) terminate with employment;
- (b) if an employee is transferred, be reviewed and assessed by the receiving department on the basis of existing or updated information provided by referral to the national security agency;
- (c) be reviewed and updated when
 - (i) a change occurs in an employee's marital status; and
 - (ii) at any time that the deputy head receives information indicating,

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or for other reasons considers, that there is a reasonable doubt concerning an employee's loyalty or reliability.

18. Where it appears that requests directed by a department to the national security agency for security screening exceed what seems to be a reasonable requirement, the national security agency may ask the Security Advisory Committee to determine needs and allot priorities.

19. The national security agency will inform departments of the results of its investigations. It will forward fingerprint records and reports, in which the sources and the information have been evaluated, and, where appropriate, it will also comment on the significance of the information relevant to granting or withholding a personnel security clearance.

20. On the basis of these fingerprint records and reports and other pertinent information obtained, the department will arrive at a judgement of the loyalty and reliability of the person concerned and of the degree of confidence that can be placed in him or her.

21. If a favourable determination is made, the department may grant a personnel security clearance to the level required for the performance of the duties of the position of the person concerned. On the other hand, if the deputy head concerned believes there is doubt as to the degree of confidence that can be placed in the person concerned, a personnel security clearance will be withheld until the doubt has been resolved to the satisfaction of the deputy head.

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22. Where an applicant for employment in the public service is being considered for a position requiring a personnel security clearance and doubt has arisen as to his or her loyalty or reliability, the following courses of action may be taken to help 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 to make available assistance to provide appraisal and analysis of information in the light of relevant precedents;
and
 - (ii) seek the advice of the Interdepartmental Committee on Security and Intelligence or its secretary.

If the doubt cannot be resolved, the person concerned shall not be accepted for a position requiring a personnel security clearance.

23. Where a doubt has arisen as to the loyalty or reliability of a person already employed in the public service 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. In such circumstances, a personnel security clearance may be withheld or suspended, and the courses of action referred

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to in section 22 may be taken to resolve the doubt. Should these actions fail, or appear to the deputy head to be inexpedient, the assistance of the person concerned shall be sought in an attempt to resolve the doubt. The departmental security officer shall, after appropriate consultation with the national security agency or other source of the information which raised the doubt, interview the person concerned and inform him or her, to the fullest extent possible, without jeopardizing sensitive sources of security information, of the reasons for doubt, and shall give the person concerned an opportunity to resolve it.

24. Should none of the courses set out in section 23 be successful in resolving a doubt about the person concerned, the deputy head or a senior official acting on his or her behalf will make a complete review of the case, and will interview the person concerned in a further attempt to resolve the doubt. The deputy head will decide

- (a) whether the person concerned might safely and usefully be appointed to a less sensitive position in the department or elsewhere in the public service, the reasons for the change having been explained to the person concerned to the degree possible;
- (b) if appointment elsewhere is not possible, whether the person concerned should be provided the opportunity to resign from the public service; or

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(c) if the person concerned does not resign, whether a proposal should be made that the person concerned be dismissed from the public service.

25. In arriving at a decision whether to propose dismissal on grounds of security, the deputy head will take into account all the relevant information and advice that has been provided.

26. If the deputy head decides that dismissal should be proposed, he or she will so recommend to the Minister responsible, who, if he or she agrees, will recommend to the Governor in Council that an inquiry be conducted in accordance with the Public Service Security Inquiry Regulations made pursuant to subsection 7(7) of the Financial Administration Act.

27. (1) A department entering into an agreement with an individual or firm outside the public service which involves access to classified information will require, by such agreement, that

- (a) the security of classified information is protected;
- (b) security clearance is obtained for persons in the employ of the individual or firm who will have access to classified information;
- (c) there must be no access to classified information before such security clearance has been granted;
- (d) arrangements are made, satisfactory to the department, for the secure storage and use of classified information;

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- (e) in cases where security clearance has been granted and loyalty or reliability of a person is subsequently placed in doubt, action shall be taken to preserve security including, if necessary, the suspension of security clearance and denial of access to classified information by the person pending resolution of the doubt; and
- (f) in cases where the loyalty or reliability of a person are in doubt, the employer will co-operate with the department and deputy head concerned to ensure that the procedures mentioned in subsections (2) to (4) are complied with.

(2) Where the loyalty or reliability of a person referred to in subsection (1) is in doubt, the deputy or his designate, in consultation with the employer where appropriate, will attempt to resolve the doubt by discussion with the person concerned, and to this end after consultation with the national security agency will provide to him or her all information relating to the doubt which can be made available without jeopardizing sensitive sources of information.

(3) If, after such discussion, and after consultation between the deputy head or his designate and the employer, where appropriate, security clearance must be denied, the deputy head and the employer, where appropriate, will take steps to ensure, if possible, that there is no adverse effect on the person concerned.

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(4) In the application of this section, the department and deputy head concerned will ensure that the procedures set out in section 21 to 25 are followed as nearly as may be, recognizing that the employer has the sole jurisdiction and responsibility for the engagement and termination of the services of his employee and for the determination of need for access to classified information by his or her employees.

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ANNEX A

- 1 -

Criteria for determining personnel security clearance

A personnel security clearance shall not be granted to the following:

- (1) a person whose loyalty is in doubt because in the opinion of the deputy head the person
 - (a) is or has engaged in or is planning to engage in, or
 - (b) is or has been a member of an organization or, by his or her words or actions, supports or supported an organization engaged in or planning to engage in any of the following activities:
 - (i) acts of espionage or sabotage;
 - (ii) activities directed toward gathering intelligence contrary to the best interests of Canada;
 - (iii) activities directed toward accomplishing governmental change within Canada or elsewhere by force or violence or any criminal means;
 - (iv) activities directed toward actual or potential attack or other hostile acts against Canada;
 - (v) activities directed toward the commission of terrorist acts in or against Canada;

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- (vi) activities evidencing a commitment to an ideology, a cause, a movement, or a foreign interest detrimental to or directed toward the subversion of democratic government, institutions or processes as they are understood in Canada
 - (vii) activities directed toward the creation of civil disorder in relation to any of the activities referred to in subparagraphs (i) to (vi) above; and
- (2) a person whose reliability is in doubt because the person may be indiscreet or vulnerable to blackmail or coercion, as a result of
- (a) features of character such as those relating to avarice, indebtedness, sexual behaviour, alcohol or drug abuse, mental instability or criminal activity, or
 - (b) family or other close relationship with
 - (i) a person who is a person as described in subsection (1), or
 - (ii) a person who is living in a country whose government may use such relationship for purposes prejudicial to the safety or security of Canada,

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unless, after careful consideration of the circumstances, including the value of the person's services, the risk involved seems justified in the opinion of the deputy head.

(3) a person whose loyalty or reliability is in doubt, because the person

(a) is or has engaged in or is planning to engage in, or

(b) is or has been a member of an organization or, by his or her words or actions, supports or has supported an organization engaged in or planning to engage in

activities directed towards the break up of Canada as a political entity, unless, after careful consideration of the circumstances, including the nature of the responsibilities of the position concerned, the risk involved seems justified in the opinion of the deputy head.

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ANNEX BD R A F TPERSONNEL SECURITY CLEARANCE QUESTIONNAIRE**PLEASE READ THESE INSTRUCTIONS CAREFULLY
BEFORE COMPLETING QUESTIONNAIRE**

1. THE SECURITY CLEARANCE QUESTIONNAIRE IS TO BE COMPLETED ONLY BY APPLICANTS OR EMPLOYEES WHO ARE BEING CONSIDERED FOR DUTIES WHICH REQUIRE ACCESS TO CLASSIFIED INFORMATION. IT IS NOT AN EMPLOYMENT RECORD AND IS ADMINISTERED EXCLUSIVELY BY SECURITY OFFICIALS. IT WILL BE DESTROYED WHEN IT NO LONGER SERVES THE PURPOSE FOR WHICH IT WAS COMPLETED.

THE PERSONAL INFORMATION REQUESTED IN THIS FORM IS USED TO INITIATE AND FACILITATE SECURITY CLEARANCE INVESTIGATIONS WITH A MINIMUM OF EMBARRASSMENT TO THE APPLICANT OR EMPLOYEE, A MINIMUM OF DELAY, A MAXIMUM OF OBJECTIVITY THROUGHOUT THE INVESTIGATIVE PROCESS; AND TO ENSURE THE CORRECT IDENTIFICATION OF ALL PERSONS LISTED WHEN COMPARED AGAINST CENTRAL RECORDS.

2. COMPLETE FORM BY TYPEWRITER OR IN BLOCK LETTERS (USING A PEN)
3. ILLEGIBLE OR INCOMPLETE FORMS WILL NOT BE ACCEPTED.
4. IF ADDITIONAL SPACE IS REQUIRED, ATTACH AN ADDITIONAL COPY OF THIS FORM, COMPLETING THE APPROPRIATE QUESTIONS, AS WELL AS YOUR NAME, SOCIAL INSURANCE NUMBER AND SIGNATURE.
5. FALSE STATEMENTS OR OMISSIONS MAY BE CONSIDERED AN OFFENCE UNDER SECTION 5 OF THE OFFICIAL SECRETS ACT.
6. ALL QUESTIONS MUST BE ANSWERED - QUESTIONS WHICH DO NOT APPLY SHOULD BE MARKED "N/A". WHEN YOU DO NOT KNOW THE ANSWER AND CANNOT OBTAIN THE INFORMATION, WRITE "UNKNOWN". WHEN EXACT DATES ARE UNKNOWN INDICATE APPROXIMATE YEAR.

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