

② COMMISSIONER

For info please return.

M. P. LADE

SECURITY CLASSIFICATION - DE SÉCURITÉ
<u>CONFIDENTIAL</u>
OUR FILE - N/ RÉFÉRENCE
IP 371-1
YOUR FILE - V/ RÉFÉRENCE
DATE
79-02-23

TO A DG DDG (Ops.)

FROM DE O i/c "A" Operations

Noted - A-5
if Mich FEB 23 1979
24-12-78

SUBJECT OBJET Security Screening - Review Procedures

On 79-02-23 I attended a meeting chaired by Ken Sinclair in his office at the Public Service Commission. Others present included Ted Finn, Andre Lemieux and a lawyer from PCO; a Justice lawyer; two other PSC people and Insp. Campbell, DPSA.

2. Ken Sinclair had called the meeting at the request of Edgar Gallant who earlier this week had had a meeting with Michael Pitfield and others to discuss the need of a redress or review procedure which would require that all Public Servants who are denied security clearance be told to the extent possible of the reason(s) for denial. Mr. Pitfield had agreed with the need of such a procedure, and it was left with Sinclair to seek the views of all interested parties.

3. As you know, this philosophy is outlined in the "Pearson guidelines" and has been supported by the PM on several occasions. While it has been agreed in principle, it has never been put into general practice; however as a result of the decisions of Public Service Appeal Boards in three recent cases, one of which is going to the Federal Court, it was felt that a procedure should be formalized.

4. After lengthy discussion, it was agreed by all present that:

a) there is need of a review procedure in cases involving denial of clearance to a Public Servant employee which would require that the employee be told, to the extent possible, the reason(s) for denial;

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b) the same rules governing disclosure of information to the employee as now apply under the Human Rights Act will apply in review cases, and that information which requires protection will be made exempt from disclosure by the Minister concerned;

c) before the decision is made to deny clearance, the Deputy Head must seek the views of a Review Board comprised of three Deputy Ministers;

d) if the employee seeks further redress, action will proceed in accordance with Section 7(7) of the Financial Administration Act relative to the Public Service Security Enquiry Regulations which provides for the appointment of a Commissioner to enquire into the case and report to Cabinet;

e) to formalize this procedure, minor amendments would be required to CD 35 and the P.S. Security Enquiry Regulations.

5. Ted Finn suggested that the proposed procedure be reviewed by Justice before a report goes back to Michael Pitfield.

6. I do not foresee any real problems with this procedure provided we can be assured that information contained in our reports to departments will be protected from disclosure as and when required. As our reports will be more closely scrutinized than ever before, there will be an even greater requirement on our part to upgrade the quality of our reports and to ensure they are accurate, factual and objective.

7. I expect to receive the minutes of this meeting and a draft proposal, and will forward them to you as they are received.

O/c 'A' (ops)

Thank you.

I presume the next step is Justice's view; followed by a review by above people - than to Mr. Pitfield. Let me know what to require

JF 21.02.26

*(J.F. FRIEND) Supt.,
O/c "A" Operations.*