

SECURITY OF PERSONNEL - NATIONAL INTEREST ACCESS
AN OPERATIONAL POLICY OUTLINE

PART I INTRODUCTION

1.1 Purpose and Scope

1.1.1 This operational policy document provides an outline of the requirements relating to security clearances for government and non-government personnel for access to assets classified in the national interest.

1.2 Application

1.2.1 This policy shall apply to all government institutions that administer assets classified in the national interest.

1.3 Authorities and Cancellations

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1.4 Definitions

applicant means a person who has applied to be employed in a particular position in a government institution;

asset means any information or material owned by or in the custody or control of the Government of Canada;

candidate means a person for whom a security clearance has been requested;

central records office means the central personnel security records office of the Canadian Security Intelligence Service (CSIS);

classified means classified in the national interest and assigned a designation of TOP SECRET, SECRET, or CONFIDENTIAL (for definition of security clearance levels see);

classified in the National Interest means matters affecting the fundamental safety and integrity of Canada, with respect to: defence against armed attack by another state, or against subversive or hostile activities; the conduct of international and federal-provincial affairs; management of the national economy; and, the confidentiality of Cabinet activities and ministerial advice relating to the above concerns. These general subject areas are specified in the following sections of the ATIA:

- (i) 13(1)(a), 14, 15; and,
- (ii) 13(1)(b), 13(1)(c), 13(1)(d), 18(a), 18(d), 21, 22, 24, and 69 where such information relates to the matters described in (i) above,

and in the exemption categories of the Privacy Act which are complementary to the above sections of the Access to Information Act.

consent form means the form, to be signed by a person who requires a security clearance which gives consent for personal information concerning that person to be obtained for the purposes of the security clearance;

departmental security officer means the senior official who is designated by the deputy head to be responsible for the development and implementation of the departmental security program;

deputy head means

- a) within a department named in Schedule A to the Financial Administration Act, the Deputy Minister of that department,
- b) within the Canadian Forces, the Chief of Defence Staff,
- c) within the Royal Canadian Mounted Police, the Commissioner,
- d) within the Canadian Security Intelligence Service, the Director, and
- e) within any other government institution, 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;

employee means an officer, employee or member of any government institution which administers assets classified in the national interest;

field investigation means inquiries, such as interviews of references, and others conducted by an investigator of an authorized agency to assist in determining the suitability of a person for a security clearance;

government means the Government of Canada;

personnel security means the development and implementation of policy and procedures related to the suitability of persons who will have access to classified assets;

position description means the written explanation of the functions, objectives, responsibilities, accountability and security clearance requirements of a position or class of positions;

security clearance means the certification in writing attesting to the suitability of a person to have access to classified assets designated as TOP SECRET, SECRET, or CONFIDENTIAL;

security assessment means an appraisal of the loyalty of an individual to Canada and in relation to his loyalty, the reliability of the individual.

security clearance questionnaire means the form for personal information which must be completed by a candidate for a security clearance;

security screening means the investigative and administrative action taken to determine the loyalty and the related aspects of reliability of a candidate who is to be employed in a position requiring a security clearance;

termination certificate is the form signed by a person who ceases to hold a security clearance, it contains a reminder of security responsibilities and information regarding the penalties for improper disclosure of classified matters.

PART II GENERAL

2.1 Policy Principles

2.1.1 The loyalty to Canada and the related aspects of reliability of all persons who have access to classified assets must be verified to the fullest extent possible to protect such assets from unauthorized disclosure.

2.1.2 A person whose loyalty to Canada that is in doubt should not have access to classified assets. Such persons are:

- a) those whose activities constitute, or are directed toward or in support of espionage or sabotage;
- b) those whose foreign influenced activities relating to Canada are detrimental to the interests of Canada or any state allied or associated with Canada and are clandestine or deceptive or involve a threat to any person;
- c) those whose activities relating to Canada directed toward or in support of the threat or use of acts of violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state; and
- d) those whose activities directed toward accomplishing within Canada a change

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in government or in government policy by the use of or the encouragement of the use of force, violence or any criminal or unconstitutional means.

2.1.3 In addition to loyalty, reliability in relation thereto, is essential in any person who is to be given access to assets classified in the National Interest. A person may be unreliable for a number of reasons that may or may not relate to loyalty. These include features of character which may lead to indiscretion or dishonesty, or make him vulnerable to blackmail or coercion. Such features may be greed, debt, illicit sexual behaviour, drunkenness, drug addiction, mental imbalance or such other features of character as might seriously affect his reliability. Great care must be taken when considering reliability factors in relationship to a security clearance. Many character traits or behaviour patterns may be objectionable or appear undesirable to the reader or observer but may have no adverse affect on the loyalty of the individual. A reliability defect must have an obvious adverse affect on loyalty, or the clear potential for such, before it may be considered as an influencing factor in making an assessment of an individual's suitability to hold a clearance.

2.1.4 Access to classified assets should not be granted to a person who, through family or other close continuing relationship with persons as described in paragraph 2.1.2 above, is likely to be induced, either knowingly or unknowingly, to act in a manner prejudicial to the safety and interest of Canada or a state allied or associated with Canada, or, a person who, though in no sense disloyal or unreliable, is bound by close ties of blood or affection to persons living within the borders of such foreign nations as may cause him to be subjected to intolerable pressures.

2.1.5 A determination of whether a person is suitable to have access to classified information must be made by the concerned government institution based on information contained in the security assessment, and other available information. A formal acknowledgment of the suitability of a person to have access to classified information shall be in the form of a security clearance.

PART III ADMINISTRATION

3.1 General

3.1.1 The deputy head is responsible for

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personnel security within a government institution.

- 3.1.2 The requirement for a security clearance shall be explicitly stated as a bona fide occupational requirement where it is required by the Government of Canada or a government institution in respect of individuals employed by or performing services for the Government of Canada or a government institution, or individuals employed by or performing services for a person or body performing services for the Government of Canada or a government institution; or individuals seeking to be so employed or seeking to perform such services. The requirement shall be expressed in terms of TOP SECRET, SECRET or CONFIDENTIAL according to the level of access required.
- 3.1.3 In certain instances, subject to guidelines issued by the Treasury Board, requirements for security clearances may be specified for a class of positions or persons.
- 3.1.4 ~~The field investigation must at a minimum cover a period of 10 years. For certain classes of position or persons, or if otherwise deemed necessary this may be extended to a longer period in accordance with guidelines issued by Treasury Board.~~

3.2 Security Clearances - Government and Potential Government Employees

Departmental Action

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- 3.2.1 Deputy heads are responsible for ensuring that the personal data, professional and academic qualifications and references of an applicant for a position requiring a security clearance, are verified during the staffing process. The deputy head is also responsible for initiating the necessary security screening action in respect of the successful applicant in a competition.
- 3.2.2 All applicants for a position requiring a security clearance shall be advised during the staffing process of the purpose of the security clearance procedures; the type of checks and investigations to be conducted, and the consequences of concealing information pertinent to the granting of a clearance.
- 3.2.3 Candidates shall provide a completed security clearance questionnaire, and a statement of consent (copy of consent form at Annex B), and be fingerprinted. (Note: Fingerprints obtained solely for

the purposes of security clearances shall be returned to the candidate on request when he or she ceases to be employed in a position requiring a security clearance).

3.2.4 To initiate a request for security screening, a government institution shall forward to the Canadian Security Intelligence Service (CSIS) in respect of the candidate:

- a) statement of security clearance requirement;
- b) a completed security clearance questionnaire;
- c) a consent form;
- d) a completed fingerprint form; and
- e) a factual report of any irregularities revealed during the verification of personal data in 3.2.1 above.

3.2.5 When the security screening request is to support a TOP SECRET clearance, the government institution shall provide to CSIS a recent photograph of the candidate. The size of the photograph shall be passport size, approximately 5 X 7 cm, and shall be signed on the front by the candidate. The full names, in block capitals shall appear on the reverse side.

CSIS Action

3.2.6 On receipt of the request for an initial security clearance, the CSIS shall:

- 1) If the request is for a TOP SECRET clearance:
 - a) search security intelligence records;
 - b) review the information provided in respect of irregularities revealed during the staffing inquiries;
 - c) conduct a credit check;
 - d) conduct an interview of the candidate;
 - e) conduct a field investigation; and
 - f) request the RCMP to conduct a criminal records check and provide an assessment where required.
- 2) If the request is for a SECRET clearance:

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- a) search security intelligence records;
 - b) review information provided in respect of irregularities revealed during staffing inquiries;
 - c) conduct a credit check;
 - d) conduct an interview of the candidate;
 - e) conduct a field investigation for cause only; and
 - f) request the RCMP to conduct a criminal records check and provide an assessment where required.
- 3) If the request is for a CONFIDENTIAL clearance:
- a) search appropriate security intelligence records;
 - b) review information provided in respect of irregularities revealed during staffing inquiries;
 - c) conduct a credit check;
 - d) conduct an interview for cause only;
 - e) conduct a field investigation for cause only; and
 - f) request the RCMP to conduct a criminal records check and provide an assessment where required.

3.2.7 Nothing in paragraph 3.2.6 precludes additional investigation, checks or interviews by the CSIS for cause when requested by a deputy head.

Assessment - CSIS Action

3.2.8 On completion of the security screening the CSIS shall:

- a) if adverse information is revealed provide the government institution with a security assessment including conclusions and recommendations; or
- b) if no adverse information is revealed provide the government institution with a security assessment showing investigative action taken and period covered together with any conclusions or recommendations considered necessary.

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Suitability Determination - Departmental Action

- 3.2.9 On receipt of a security assessment and other related information, the deputy head shall decide whether to grant or deny a clearance.
- 3.2.10 To assist him in reaching a decision the deputy head may:
- a) interview or have the candidate interviewed; and
 - b) consult with the Interdepartmental Committee for Security and Intelligence (ICSI).
- 3.2.11 ~~In certain cases where all avenues of investigation have been followed and doubts remain which preclude the granting of a security clearance, the candidate shall be informed that he may request a polygraph test. The polygraph test may only be administered where it has first been established that successful completion of the test in favour of the candidate would result in the required level of security clearance being granted. The test questions shall be limited to those required for the resolution of the doubt. The test shall be administered by the CSIS.~~

Action Where Clearance to be Granted

- 3.2.12 In the event that the decision reached by the deputy head is contrary to the conclusions and recommendations given in the security clearance assessment, the deputy head shall notify the Director of the CSIS in writing. The Director of the CSIS may then consult with ICSI.
- 3.2.13 When a deputy head has decided to grant a security clearance, the candidate shall first sign the security indoctrination form (copy at Annex D). The deputy head shall then issue a security clearance certificate (copy at Annex) with an information copy to the CSIS central records office.

Action Where Clearance to be Denied to Applicant for Employment

- 3.2.14 When a security clearance is to be denied to an applicant for employment in a government institution, and where solely by reason of such security clearance action employment is denied, the deputy head shall:
- a) take the action as described in Part III of the Canadian Security Intelligence Service Act as it relates to security clearances;

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- b) reconsider the decision, if necessary, in light of any recommendation arising out of a complaint made to the Review Committee as provided for in the CSIS Act;
- c) advise the applicant of his final decision;
- d) advise the CSIS of his decision.

Action When Denying, Revoking or Downgrading the Security Clearance of an Employee

3.2.15 When a security clearance is to be denied, revoked or downgraded for an employee of a government institution, and where solely by reason of such security clearance action the incumbent is to be dismissed, demoted, denied a promotion or transfer or transferred, the deputy head shall:

- a) take the action as described in Part III of the Canadian Security Intelligence Service Act as it relates to security clearances;
- b) take such action as is necessary to preserve security;
- c) reconsider the decision, if necessary, in light of any recommendations arising out of a complaint made to the Review Committee as provided for in the CSIS Act;
- d) where no appeal to the Review Committee was made or after appeal, where the decision is to deny, revoke or downgrade a security clearance:
 - (i) attempt to place the incumbent in a position consistent with his security clearance level within the government institution;
 - (ii) in the event that no position can be found within the government institution, request the PSC to find a position in some other government institution consistent with the incumbent's security clearance level; and
 - (iii) in the event that no position can be found:
 - a) ask the incumbent to resign, and

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- b) in the event that he refuses to resign, recommend to the Minister that he be dismissed from the public service.

3.3 Security Clearances - Non-Government Employees

- 3.3.1 General Procedures for obtaining and processing security clearances for non-government persons who are to have access to classified assets during a pre-contractual process, or under contract or agreement to provide goods or services to the government, or under an agreement for access shall be the same as those for government employees. Responsibility for initiating all screening requirements rests with the contracting institution or in the case of agreements for access with the government institution providing access.
- 3.3.2 Departmental Action The contracting government institution shall ensure that staffing inquiries respecting a candidate's personal data, qualifications and references are carried out to the same standard as for government employees.
- 3.3.3 Assessment On receipt of a security assessment, the deputy head shall follow the procedures outlined in paragraphs 3.2.9 - 3.2.15 above, as applicable.
- 3.3.4 Provincial and Municipal Employees In any arrangements made with provincial or municipal authorities, or those sponsored by provincial or municipal authorities, that involve the provision of information classified in the National Interest the requirement for security screening of provincial and municipal officials and those sponsored by provinces or municipal authorities who are to have access to such information shall be discussed during the preliminary negotiations. Where there are no objections raised, the federal government institution concerned shall be responsible for initiating the security screening request in accordance with paragraphs 3.2.4 and 3.2.5 above. Should the provincial or municipal authority object to screening being carried out, the matter should be referred to the Chairman of the Interdepartmental Committee on Security and Intelligence before classified information is passed.
- 3.3.5 In the event that a security clearance requested in accordance with paragraph 3.3.4 is denied, the provisions of paragraph 3.2.15 shall apply.

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Information, other than referred to in 3.2.15, shall not be passed to a provincial or municipal authority or those sponsored by provincial or municipal authorities without permission of the Director of the CSIS.

3.4 Periodic Review - Government and Non-Government Employees

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3.4.1 General It is the responsibility of the CSIS to initiate the review of security clearances every five years by advising government institutions when updating action is required.

3.4.2 Departmental Action On receipt of notification that a security clearance should be updated, the deputy head shall determine whether the requirement for a security clearance still exists. If it does he shall provide to the CSIS a request showing the level of the security clearance requirement and, in respect of the incumbent, forward to the CSIS:

- a) a completed updated, short form, security clearance questionnaire (copy at Annex);
- b) a signed consent form;
- c) a report giving details of any adverse information contained in department records;
- d) resubmit the fingerprint form; and
- e) where the review is to support a TOP SECRET clearance, a photograph is required as provided for in paragraph 3.2.5.

3.4.3 On receipt of the updated documentation from a department the CSIS shall:

- 1) If the clearance held is TOP SECRET:
 - a) search appropriate security intelligence records;
 - b) conduct a credit check;
 - c) conduct an interview of the subject;
 - d) request the RCMP to conduct a criminal records check and provide an assessment where required; and
 - e) conduct a field investigation on the 10th, 20th and 30th year anniversary, or sooner for cause.
- 2) If the clearance held is SECRET:

- a) Search appropriate security intelligence records;
 - b) conduct a credit check;
 - c) request the RCMP to conduct a criminal records check and provide an assessment where required;
 - d) conduct an interview for cause only; and
 - e) conduct a field investigation for cause only.
- 3) If the clearance held is CONFIDENTIAL:
- a) search appropriate security intelligence records;
 - b) request the RCMP to conduct a criminal records check and provide an assessment where required;
 - c) conduct a credit check;
 - d) conduct an interview for cause only; and
 - e) conduct a field investigation for cause only.

3.4.4 On completion of the updating screening, the action described in paragraphs 3.2.8 to 3.2.16 shall be followed.

3.5 Reissuance of Security Clearances

3.5.1 When an employee is transferred from a government institution his security clearance shall be cancelled by the deputy head, who will so notify the central records office of the CSIS. If the individual requires a clearance in his new position with the receiving government institution, the deputy head shall request a file transfer from the losing institution. The receiving deputy head will then review the information and:

- a) reissue or deny the clearance; or
- b) request the CSIS to clarify or update the information; and then
- c) reissue or deny the clearance; and
- d) notify the central records office of the CSIS of the decision taken.

Any denial of a clearance shall be dealt with in accordance with paragraph 3.2.16.

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3.6 Revocation of Security Clearance

3.6.1 When a security clearance is revoked the termination certificate (copy at Annex E) must be signed and witnessed as soon as possible thereafter. The certificate reminds the person of his or her security responsibilities and outlines the penalties for the improper disclosure of classified matter.

3.7 Special Cases

Members of Parliament and Senators

3.7.1 Members of Parliament and Senators who are not Privy Councillors, who are to be appointed to Committees or positions (including positions as Parliamentary Secretaries) where they will require access to classified material, will be informed by the responsible Minister that a security screening will be carried out. The Deputy Head, PCO will be responsible for instituting a security intelligence records check with the CSIS based upon the biographical data available.

3.7.2 The records checks will be conducted on a priority basis and when nothing of relevance is identified, the Deputy Head, Privy Council Office shall immediately be informed, followed by confirmation in writing.

3.7.3 When information which may be relevant is identified, the Deputy Head, PCO will be immediately informed with confirmation in writing to follow. If the Director of the CSIS feels the information is inconclusive or requires further investigation, this fact will be clearly stated by the CSIS. No further action will be taken by the CSIS pending instruction of the Deputy Head, PCO.

Order-in-Council Candidates

3.7.4 All persons being considered for Order-in-Council appointments shall be the subject of a security intelligence records check.* The nominator will supply the Deputy Head, PCO, with as much of the following information on such persons as possible:

- a) candidate's name;
- b) present address;

* If it is determined that a police records check is feasible, it should be included here.

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- c) present employment;
- d) date and place of birth; and,
- e) all names under which the person has been known.

The Deputy Head, PCO, will request the CSIS to conduct the check.

3.7.5 The check will be conducted on a priority basis and when nothing of a relative concern is identified, the Deputy Head, PCO will be immediately informed, with confirmation in writing to follow.

3.7.6 When information which may be relevant is identified, the Deputy Head, PCO, will be immediately informed. In cases where positive identification is doubtful, the CSIS will be permitted to withhold the information until such time as the Director of the CSIS is confident a positive identification has been made. Once made, the Deputy Head, PCO, will be immediately informed of the details.

Order-in-Council Appointments

3.7.7 Order-in-Council Appointees who, during their term of office, require access to classified information shall be screened for a security clearance appropriate to the level of access in accordance with Section 3.2 above. The Deputy Head of the appropriate government institution, or where no such institution is named, the Deputy Head, PCO, shall be responsible for initiating the screening request with CSIS. The screening shall be conducted on a priority basis and the requesting Deputy Head advised of the results. In the event that information is revealed that may be relevant, CSIS shall also advise the Deputy Head, PCO. The responsible Deputy Head will, in turn, advise the CSIS when a clearance has been granted or denied.

3.7.8 Order-in-Council Appointees who will require access to classified information in the course of their duties shall be screened for a security clearance appropriate to the level of access. The appropriate department or agency or, where no such department or agency is named, the Privy Council Office, shall be responsible for initiating the screening request which shall be submitted and actioned in accordance with paragraph 3.2.4 above. In the event that adverse information is revealed, the Commissioner of the CSIS shall advise the Secretary to the Cabinet or such other authority as he deems appropriate.

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4.1 A complaint may be lodged under Section 39 of the CSIS Act where by reason only of a denial of a security clearance, one of the following actions has been taken against an individual in relation to his employment, namely the individual has been:

- a) dismissed or demoted;
- b) denied a promotion or a transfer; or
- c) transferred.

PART V ROLES AND RESPONSIBILITIES

5.1 General

5.1.1 This part identifies the specific roles and responsibilities of officials, and institutions of government concerned with personnel security.

5.1.2 Departmental Security Officers designated by and under the direction of deputy heads shall be responsible for the development and implementation of the departmental security program which shall include a determination and enforcement of security clearance requirements, and the conduct of the personnel security education program. Departmental Security Officers shall be responsible for advising deputy heads on all aspects of this personnel security policy.

5.1.3 Deputy heads shall be responsible for all aspects of security in their respective departments and agencies, and for ensuring compliance with this personnel security policy.

5.1.4 The Security Advisory Committee shall be responsible for:

- a) providing assistance and advise to Departmental Security Officers, including the review of individual cases or incidents;
- b) advising Treasury Board on the implementation of this policy; and
- c) issuing a consolidated annual report to the CCSI through ICSI on the extent and effectiveness of the security clearance program.

5.1.5 The Department of National Defence is responsible for conducting the security clearance process as described hereunder respecting members and prospective members of the Canadian Forces and employees and prospective employees of

DND excluding the Communications Security Establishment and Defence Construction (LTD):

- a) investigating the suitability of persons for a security clearance by following the procedures assigned to the CSIS in paragraphs 3.2.6 and 3.2.7 with the exception that the CSIS shall be requested to search appropriate security intelligence records;
- b) conducting periodic reviews of security clearances in accordance with the provision of paragraphs 3.4.1 to 3.4.4 inclusive with the exception that the CSIS shall be requested to search appropriate security intelligence records;
- c) on completion of the security clearance process make a security clearance decision by applying the provisions and procedures of paragraphs 3.2.8 to 3.2.16 inclusive;
- d) issue security clearance certificates with an information copy to the CSIS central records office;
- e) issue an annual report to the SAC on the extent and effectiveness of the Department's security clearance program.

5.1.6 The Department of Supply and Services (Supply Administration) is responsible where appropriate, for initiating security screening procedures in respect of non-government personnel whose contractual or other arrangements with the government require that they have a security clearance.

5.1.7 The Department of External Affairs is responsible for:

- a) the periodic review activities described in 3.4.3 1) c), 2) d) and 3) d) in respect of employees serving outside Canada;
- b) conducting review activities described in 3.4.3 1) e), 2) e) and 3) e) outside Canada in respect of employees who have served or are serving outside Canada, in which case the investigation shall be restricted to the interviewing of Canadian citizens; and
- c) issuing an annual report to SAC on the extent and effectiveness of the security clearance action taken in accordance with a) and b) above.

5.1.8 The Royal Canadian Mounted Police (RCMP) except as otherwise provided, is responsible for:

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- 1) a) assisting in determining the suitability of persons for security clearance requirements by checking criminal records and, where appropriate, criminal intelligence records, and providing details of any adverse information to the CSIS.
- b) providing advice on the significance of criminal information provided under this program.
- 2) In respect of members of the RCMP, special constables, civilian members and public servants employed by the RCMP, and persons employed under contracts administered by the RCMP, the RCMP shall be responsible for:
 - a) investigating the suitability of persons for a security clearance by following the procedures assigned to the CSIS in paragraphs 3.2.6 and 3.2.7 with the exception that the CSIS shall be requested to search appropriate security intelligence records;
 - b) conducting periodic reviews of security clearances in accordance with the provision of paragraphs 3.4.1 to 3.4.4 inclusive with the exception that the CSIS shall be requested to search appropriate security intelligence records;
 - c) on completion of the security clearance process make a security clearance decision by applying the provisions and procedures of paragraphs 3.2.8 to 3.2.16 inclusive;
 - d) issue security clearance certificates with an information copy to the CSIS central records office; and
 - e) issue an annual report to the SAC on the extent and effectiveness of the agencies security clearance program.

5.1.9 The Canadian Security Intelligence Service (CSIS) except as otherwise provided, is responsible for:

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- (a) investigating the suitability of persons for a security clearance by, where required,
 - (i) checking security intelligence records;
 - (ii) conducting field investigations;
 - (iii) conducting security clearance interviews.
- (b) providing a security clearance assessment;
- (c) maintaining a central automated record of security clearances that is responsive to this policy;
- (d) ensuring to the extent possible that the personnel security responsibilities of the Security Intelligence Service are kept separate and distinct from the primary security intelligence role and that security clearance investigations and interviews are conducted by personnel with no other intelligence gathering responsibilities;
- (e) issuing an annual report to the CCSI through the SAC and ICSI on the extent and effectiveness of the security clearance program.

5.1.10 The Treasury Board is responsible for approving and issuing the personnel security directives and guidelines, and monitoring their implementation and effectiveness.

5.1.11 The Public Service Commission of Canada is responsible for:

- (a) providing direction regarding appointments made under the Public Service Employment Act to positions requiring security clearances, and
- (b) assisting, where required, in the provision of security training programs for employees.

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