

To / À: *Agnes / [unclear] / [unclear]*

- Information Management Practices / Pratiques de gestion de l'information
- Information Technology Management / Gestion de la technologie de l'information
- Other / Autre

<input type="checkbox"/> Prepare reply for / Préparer réponse pour	<input checked="" type="checkbox"/> Comments / Commentaires <i>(Verbal)</i>
<input checked="" type="checkbox"/> For Information / Pour renseignements	<input type="checkbox"/> Action / Donner suite

Remarks / Remarques

I find it hard to be critical of MSG - this whole thing was started by John Fair / Billeux.

Please return to Agnes
[Signature]
JUL 18 1990
17-07-90

Signature / Date

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Remarks / Remarques

Agnes / Rod / Kean
Seems to me the key might be ensuring that data is held only in CSIS, who would have central authority on judging who sex uel orientation is relevant to loyalty (and she prepared to defend it in Court) and provide info relating to sexual orientation to Dept's only when relevant to decision on granting / denying security clearance.

[Signature] **16-5**
Signature / Date

[ie not for making other decisions, such as posting AND not a problem!]

COPY

John
02:61B 16/5

OFFICE OF THE DEPUTY SECRETARY
ADMINISTRATIVE POLICY BRANCH

4:00

MAY 15 1990

MAY 11 1990

SECRET
BY HAND

CABINET DU SOUS-SECRETAIRES
POLITIQUE ADMINISTRATIVE

24 1990
Gerry B.
Have we thought
thru the implications
of such an amendment
We shd discuss

Mrs. Mary E. Dawson, Q.C.
Associate Deputy Minister
Public Law Sector
Department of Justice
Room 650, 239 Wellington Street
Ottawa, Ontario
K1A 0H8

Dear Mrs. *Mary* Dawson:

I am writing further to the draft Memorandum to Cabinet prepared by the Department of Justice dealing with proposed amendments to the Canadian Human Rights Act (CHRA).

The Ministry of the Solicitor General has expressed its concern over the impact the addition of "sexual orientation" as a prohibited ground of discrimination might have on the Government Security Policy (GSP) approved by Treasury Board. The essence of the problem is that although sexual orientation per se is not a criterion for denial of a security clearance under the terms of the GSP, security assessment investigators may nevertheless be required to ask questions touching on a person's sexual behaviour in order to determine whether the subject is vulnerable to blackmail. Because a security clearance is a condition of employment (under the GSP) for all positions requiring access to classified information, our concern is that a court or tribunal might find that investigators' questions constituted a discriminatory practice in relation to employment.

Responding to this concern, officials of your department have participated in two useful meetings with us.

At the first meeting (involving only this Secretariat) held on March 7, 1990, we were pleased that the team of Justice lawyers led by John Scratch [REDACTED]

.../2

Information Policy
-553-

MAY 25 1990

[Signature]
Politique de l'Information

Canada

As a result, on April 2, 1990, a second productive meeting took place between officials representing the Ministry's Secretariat along with their Justice counsel, CSIS, RCMP, and DND, and Jim Hendry of the Human Rights Law Section. Mr. Hendry asked detailed questions (and received answers) in order to familiarize himself with security assessment procedures under the GSP. [REDACTED]

While we appreciate the complexity of this issue, and, as Mr. Hendry indicated, there are relatively few precedents to guide your officials, we are anxious to have your department's formal opinion well in advance of the release of the next draft of the CHRA Memorandum to Cabinet. This is desirable in order that members of the security community including the Treasury Board Secretariat, and possibly SAC, will be able to fully assess the extent to which the proposed amendment to the CHRA (if Ministers were to support it) may require changes to the GSP.

We are grateful for the attention which the Department of Justice has given this matter.

Yours sincerely,



D. Ian Glen, Q.C.
Assistant Deputy Solicitor General
Police and Security Branch

c.c. Bruce MacFarlane, Q.C., ADAG - Criminal Law
→ D.J. McEachran, Deputy Secretary, T.B.
Erick Brick, D.G. - Security Screening, CSIS
C/Supt. John Religa, RCMP
Lt. Col. Jim Jones, DND