

Appendix D

Complaint Case Histories

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This appendix summarizes complaint cases submitted to the Review Committee during the past year on which decisions have been reached. Not addressed here are complaints that were handled through administrative review, were misdirected or were deemed to be outside the Committee's jurisdiction.

Where appropriate, complaints are investigated through a quasi-judicial hearing presided over by a Member of the Committee. After the hearings are complete, the presiding member renders a decision that is provided to the Solicitor General and the Director of CSIS. After any information with national security implications is removed, the complainant also receives a copy of the decision.

The Committee reported on two decisions reached during the period under review: one was a section 42 (denial of security clearance) matter and the other concerned a complaint lodged in accordance with section 41—"any act or thing."

CASE #1

The complainant was a former employee of the Service whose security clearance was revoked in 1999. As a result, the complainant was dismissed from the Service at which time the individual filed a complaint contesting the Service's denial of security clearance.

The Service's justification for revoking the clearance was based on the contention that the employee had failed to prevent classified information from being disclosed to the news media and, thus, had violated the professional oath taken by all Service employees. Since a security clearance was a prerequisite to being employed by the Service, dismissal followed immediately.

The complainant asserted that there was no justification for the Service's position in respect to the public disclosure. The complainant had contacted the news media to discuss a discrimination complaint against the Service. The complainant cast doubt on how thoroughly the Service investigated the matter and suggested, moreover, that the dismissal was carried out to hide errors made by the Service.

The Committee's investigation failed to find any information that supported the complainant's claims. The CSIS operation, which was the subject of the disclosure, was a legitimate activity undertaken in accordance with policy and the law.

Although the Service did make errors in managing the operation, this fact did not, in the Committee's view, absolve the employee of responsibility to protect classified information.

With regard to the Service's investigation of the unauthorized disclosure, our own inquiries showed that the Director's decision to revoke the security clearance was based on incomplete information. Nevertheless, the Committee found that the Director did have information sufficient to revoke the complainant's security clearance.

As the complainant's employment with the Service required a Level III clearance, the dismissal of the complainant subsequent to the revocation of the complainant's security clearance was inevitable. However, the Committee recommended that the Service facilitate the complainant's reassignment to another department of government, consistent with Government Security Policy. In addition, the Committee recommended that the Service reassess certain of its information management methods and procedures.

CASE #2

The complaint, lodged under section 41 of the *CSIS Act*, alleged that a particular Service operation had exposed the complainant to dangerous individuals, that a Service officer had behaved in a threatening and intimidating manner towards the complainant causing undue stress and anxiety and that the Service had ignored requests by the complainant for assistance. The complainant also made a claim for damages suffered as a result of lost income.

The Committee found no grounds to support the complainant's allegations. There was no evidence that the complainant had been put at risk by the Service, nor was there any evidence of malice or intimidation by the Service towards the complainant. The complainant admitted to the Committee that the Service officer had not in fact acted in a threatening or intimidating manner. The Committee also concluded that there was no basis for recommending the reimbursement of lost income.

Although the Committee found the complaint itself to be unfounded, we did note serious problems with the Service's supervision of the operation at issue. The Committee made a number of recommendations to the Service aimed at improving management and operating procedures in similar types of operations in the future.