

# Controlled Goods and Controlled Technology

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**Effective Date:** October 2007

**Revision Date:** February 2014

## **Applicable Legislation:**

[Defense Production Act](#)

- [Controlled Goods Regulations](#)

[Export Control List](#)

- [A Guide to Canada's Export Controls](#)

## **Intent:**

The intent of this guideline is to:

- promote compliance with federally prescribed requirements for possession, transfer and disposal of controlled goods
- provide reference and information regarding requirements under the Defense Production Act and Controlled Goods Regulations
- publicize University requirements and resources for research involving controlled goods

Specific requirements with respect to physical security measures, reporting of security breaches, responsibilities, etc. are located in the University's Security Plan.

## Scope

This guideline applies to all University of Guelph researchers involved in research with controlled goods as defined in the Defense Production Act (DPA) and regulated under the Controlled Goods Regulations (CGR).

## Introduction

The Controlled Goods Directorate (CGD), administered by Public Works and Government Services Canada (PWGSC), oversees a domestic industrial security program to help meet Canada's obligations to safeguard trade and commerce in defense-related controlled goods and controlled technology. Examples of controlled goods include global navigation systems, satellite hardware, software and technology, munitions and chemical, biological and radiological detection equipment for military applications. Further information about the Controlled Goods Directorate and associated resources may be found at the [CGD web site](#).

## Definitions

### *Authorized individual -*

officer/ director of the entity who is identified as the signing authority for registration of the entity under the Controlled Goods program.

### *Controlled goods -*

as listed in the schedule to the Defence Production Act (DPA), are those military, strategic and military-related goods and technology, as well as dual-use goods and technology as identified in the Group(s) of the Export Control List below. Items such as military vehicles, certain firearms and related ammunition, military aircraft, military electronics, missiles, satellites and most related components are generally considered to be controlled goods and/or controlled technology.

- Group 2: goods listed in item 2001 that are prohibited firearms,

- Group 2: goods listed in item 2003 that are ammunition with a calibre > 12.7 mm;
- Group 2: goods listed in items 2002 and 2004 to 2022;
- Group 5: goods listed in item 5504; and
- Group 6: all goods listed.

*Designated official (DO) -*

an employee who consents to a security assessment, appointed by an entity registered under the Controlled Goods program, subject to approval by the CGD. The DO must be either a Canadian citizen ordinarily resident in Canada or a permanent resident ordinarily resident in Canada and meet specific criteria outlined in the Controlled Goods Regulations. The DO is the primary point of contact between the registered entity and the CGD and is responsible for conducting security assessments of other employees and students requiring access to controlled goods.

*Security assessment -*

an evaluation by the DO or the CGD, as applicable, of the information provided by the applicant to determine the honesty, reliability and trustworthiness of a person and the extent to which that person poses a risk of transferring a controlled good to a person who is not registered or exempt from registration.

*Security plan -*

a detailed document outlining the responsibilities of personnel within the registered entity, provisions in place to ensure the security of controlled goods at the site, record keeping requirements, as well as reporting requirements

*Temporary Worker -*

an officer, director, employee or student of an entity registered under the Controlled Goods program who is not

- a Canadian citizen ordinarily resident in Canada; or
- a permanent resident ordinarily resident in Canada.

### **Guidelines:**

1. No person shall possess, transfer or examine controlled goods, unless the University and the individual are authorized to do so in accordance with the Controlled Goods regulations.
2. The Vice President, Research is appointed as the Authorized Individual for the University of Guelph.
3. All research proposals involving controlled goods must be approved by the Vice President, Research or designate.
4. Upon approval by the CGD, the Manager, Research Risk is appointed as the Designated Official (DO) for the University of Guelph and the Director, Health Safety and Wellness is appointed as the alternate Designated Official.
5. The DO will:
  - a. Participate in any training required by the CGD
  - b. Act as the primary liaison between the University of Guelph and CGD
  - c. Ensure the University's registration is maintained, including ensuring that the registration is renewed, amended or terminated as required
  - d. Conduct security assessments of employees and students requiring access to controlled goods who are Canadian citizens or permanent residents of Canada
  - e. Authorize or decline access to controlled goods by individuals based on the results of their security assessment or refer to the CGD as appropriate

- f. Apply to the CGD for exemption from registration on behalf of temporary workers
  - g. Work cooperatively with the Office of Research and Colleges to identify research plans that may involve controlled goods
  - h. Develop, and maintain security plan(s), in consultation with necessary stakeholders
  - i. Maintain associated records including:
    - i. Security assessments and results of security assessments
    - ii. Security plans
    - iii. Certificates of exemption
    - iv. Certificates of registration
  - j. Conduct and/or facilitate training sessions on controlled goods.
- 6. Principal Investigators (PI) proposing to involve controlled goods within their research are advised to contact the DO at the proposal stage for assistance in developing appropriate security measures and to initiate registration/amendment to registration with CGD.
- 7. As well the PI is to:
  - a. Consent to and complete a security assessment as directed by the DO and submit to the DO for review and/or referral to the CGD
  - b. Participate in regular training and security briefings as required and ensure that all associated research personnel participate in the same

- c. Identify personnel requiring access to the controlled goods to the DO and restrict access to the controlled goods until such time as the security assessment is complete and authorization provided by the DO
  - d. Restrict access to the controlled goods by unauthorized individuals
  - e. Identify personnel no longer requiring access to the controlled goods to the DO in a timely manner and remove any means of access (e.g. collect keys, cancel electronic access, etc.)
  - f. Maintain records of the receipt, transfer and disposition of controlled goods
  - g. Develop, in consultation with the DO, project specific security measures to safeguard the applicable controlled goods
  - h. Comply with the requirements of the Security Plan including implementation and enforcement of project specific security measures
  - i. Participate in regulatory inspections by the CGD as required
8. All personnel involved in projects in which they will access controlled goods are to:
- a. Consent to and complete a security assessment as directed by the DO and submit to the DO for review and/or referral to the CGD
  - b. Participate in regular training and security briefings as required
  - c. Comply with the requirements of the Security Plan including specific security measures.
  - d. Participate in regulatory inspections by the CGD as required.
  - e. Notify the DO immediately of any changes from the information provided within their security assessment (i.e. criminal charges)

## **Additional Guidelines**

### **Registration**

Prior to engaging in a project involving controlled goods or technology at the University of Guelph, the University must ensure it is appropriately registered. While it is the University that maintains the registration rather than individual researchers, details of the specific goods must be included within the registration, hence new projects are likely to require amendment to existing registration. Any registration or amendment must be adequately justified (i.e. through submission of the associated research grant or contract) and approved by the Vice President, Research.

### **Security Assessments**

Security assessments are designed to establish the reliability, trustworthiness and honesty of an individual as well as assess the risk of the individual transferring or allowing access to controlled goods by an unauthorized person.

Security assessments of employees and students who are Canadian citizens or permanent residents normally residing in Canada are completed by the DO, however may be referred to the CGD based on specific criteria set by the CGD. Security assessments of employees or students who are not Canadian citizens or permanent residents are submitted by the DO to the CGD for completion as are security assessments of personnel requiring access who are not University of Guelph students or employees and are not otherwise exempted.

Requests for security assessments must be made by the PI to the DO who will provide specific direction regarding the information required. For reference purposes the following information is provided.

### **Canadian citizens and Permanent Residents Ordinarily Residing in Canada – Employees and Students**

- [Security assessment applications](#) are available on the CGD website.

- Completed security assessment applications must be accompanied with a criminal records name check and copies of 2 pieces of government issued photo identification.

The government issued identification must:

- provide proof of citizenship (i.e. birth certificate, passport, permanent resident card, etc.)
- provide proof of residence (i.e. driver's license, government issued document with address, etc.)

Note that in some cases additional information (i.e. more than 2 pieces of identification) may be necessary in order to meet the minimum requirements.

### **Temporary Workers – Employees and students not Canadian Citizens or Permanent Residents Normally Residing in Canada**

- [Security assessment applications for temporary workers](#) (employees and/or students not Canadian citizens or permanent residents) are available on the CGD website.
- Completed security assessment applications must be accompanied by:
  - copy of passport (pages with photograph and citizenship information only);
  - copy of work permit issued by Citizenship and Immigration Canada;
  - "Certificate of good conduct" (criminal record check for the last five years, available at country embassy or consulates in Canada).

For further information regarding security assessment of employees and students who are not Canadian citizens or permanent residents please refer to the [Policy on Temporary Worker Exemption and Security Assessment](#).

### **Exempted Persons**

Under Controlled Goods legislation there are additional classifications of people that are exempted from undergoing further security assessment:

- ITAR registered individuals– employees, directors and officers of entities registered under ITAR



- Canadian Public Officers (e.g. police officers)
- Elected or appointed officials of the Canadian federal government or a provincial or territorial government
- Members of a visiting military force, present in Canada in connection with official duties
- Any officer, employee or elected or appointed official of the United States federal, state or territorial government who are acting in good faith in the course of their duties and employment.

Evidence supporting the status of the person as exempted is required prior to access to any controlled good being provided.

Further information can be found in the [Policy on Temporary Worker Exemption and Security Assessment](#).

## Inspections

As a registered entity under the Controlled Goods Program, the University is subject to periodic inspections from the CGD and should anticipate inspections within 6 months of registration renewals. CGD inspectors have the authority to enter and inspect at any reasonable time and should be expected to review/inspect:

- Any changes to the registration application (e.g. identity and information regarding the directors, DO or specific controlled goods)
- Security plan
- Physical security measures
- Records (e.g. inventory records indicating receipt, transfer, and disposal of controlled goods, security assessments, applications for exemptions for temporary workers or visitors)

Prior to granting access to any such documentation and/or facilities the inspector should be asked to verify his/her identity as an Inspector with the Controlled Goods Directorate.

### **International Trade in Arms Regulations (ITAR)**

ITAR are American regulations governing the import and export of defense-related materials. Within these regulations export includes the physical transfer of materials/information across borders as well as transfer of materials /information to non-U.S. citizens (deemed export). ITAR maintains its jurisdiction outside of the United States for applicable goods/information of U.S. origin.

The Controlled Goods Program was initially established in 2001, in part, to maintain an exemption for Canada within the ITAR. Currently, registration with the Controlled Goods program allows for this exemption thus facilitating related research endeavours with American entities.