

February 23, 2016

Dr. Bob Bell
Deputy Minister, Ministry of Health and Long-Term Care
Hepburn Block, 10th Floor
80 Grosvenor St.,
Toronto ON M7A1R3

Mr. Greg Orencsak
Deputy Minister, Treasury Board Secretariat
Whitney Block, 5th Floor
99 Wellesley Street West,
Toronto ON M7A1A1

Dear Deputy Ministers:

Thank you for your joint memorandum, received February 16, 2016, in response to the January 12, 2016 *FAO Health Information Request* relating to analysis being undertaken by my office concerning health sector expense trends and the medium-term health sector expense outlook included in the 2015 Ontario Budget.

My mandate as Financial Accountability Officer is to provide the Legislative Assembly of Ontario with independent analysis of the state of the Province's finances, including the budget, estimates, and the financial impact of public bills and policy proposals.

To support this mandate, section 12(1) of the *Financial Accountability Officer Act, 2013* (the Act) requires that,

every ministry of the Government of Ontario and every public entity shall, on request, give the Financial Accountability Officer, free of charge and in a timely manner, any financial, economic or other information that is in the custody or under the control of the ministry or the public entity and that the Financial Accountability Officer believes to be necessary to perform his or her duties under this Act.

As such, your ministries are required to provide me with information in your custody that I believe to be necessary to perform my duties. There were a number of deficiencies in your joint memorandum response which I have detailed in attachment 1, but I would like to highlight the following:

1. **Information not provided:** relevant information in the custody of your ministries was not provided for a number of information requests.
2. **Inadequate information provided:** the information provided in response to four information requests was not sufficient to allow me to perform my duties under the Act.
3. **Reliance on Cabinet record exception without justification:** an exception to ministries' legal duty to provide information exists under section 12(2) of the Act if the record would "reveal the substance of deliberations of the Executive Council or its committees..." This exception was relied upon to withhold information in connection with two requests. Where records in connection with an information request are considered to be a Cabinet record for the purposes of the Act, please provide a description of the document and the reason why you are of the opinion that section 12(2) of the Act applies.
4. **Reference to publicly available information:** finally, a number of your ministries' responses relied entirely, or in part, on references to publicly available information. I would like to remind you that the Act requires that your ministries provide all information that is in their custody or under their control and not simply publicly available information. In order for me to perform my duties under the Act, and in connection with the analysis being undertaken by my office concerning the medium-term health sector expense outlook included in the 2015 Ontario Budget, all information in the custody of your ministries should be provided as per the *FAO Health Information Request*.

At this time, I would ask that staff from your ministries undertake a second review of the *FAO Health Information Request*, dated January 12, 2016, with a view to meeting the legal duty under the Act for your ministries to give information as requested.

Please provide updated information by March 4, 2016 (in a machine readable format where available). Within this timeframe, I, or members of my staff, would be pleased to meet with staff from your ministries if further clarification, or assistance in any other form, is required. Please also be advised that I reserve my right to notify the Speaker and the Chair of the Standing Committee on Finance and Economic Affairs under subsection 12(5) of the Act, if I am of the opinion that your ministries have failed to comply with the *FAO Health Information Request*.

Sincerely,

Original signed by

Stephen LeClair
Financial Accountability Officer

Enclosures: (2)

1. Compliance with FAO Health Information Request
2. FAO Health Information Request

Cc:

Mr. Scott Thompson
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