

August 15, 2018

Mr. Greg Orencsak  
Deputy Minister, Ministry of Finance  
Frost Bldg, 7<sup>th</sup> Flr  
7 Queens Park Cres,  
Toronto, ON M7A 1Y7

**RE: FAO Information Request FA1801-01: Gasoline and Fuel Tax Revenues**

Dear DM Orencsak:

My mandate as Financial Accountability Officer is to provide the Legislative Assembly of Ontario with the economic and financial analysis it needs to perform its constitutional functions.

I am currently undertaking scoping work for a potential project pursuant to section 10(1)(a) of the *Financial Accountability Officer Act, 2013* (the FAO Act), which mandates the Officer, “on his or her own initiative, to prepare an independent analysis to the Assembly about the state of the Province’s finances, including the budget...”

More specifically, this potential project would focus on provincial revenues from gasoline and fuel taxes.

I request that your ministry provide me with the following information, which I consider necessary to perform my duties under the FAO Act, as required by subsection 12(1) of the FAO Act:

- Please complete the enclosed Excel spreadsheet “Cover spreadsheet” in Attachment 1. Please provide the information requested in Attachment 3.
- If you believe that some or all of the requested information falls under the Cabinet records exception under subsection 12(2) of the FAO Act and that either the current or previous Executive Council has not consented to provide that information to the FAO in the Cabinet records orders-in-council (OC 1412/2016 or OC 1002/2018, Attachment 2), please describe the information in the Cover spreadsheet (Attachment 1) and explain why you believe the Cabinet records exception prevents you from providing me with the information.
- If you believe that some or all of the requested information falls under the personal information and/or personal health information exceptions under subsection 12(3) of the FAO Act, please describe the information in the Cover spreadsheet (Attachment 1). Please

explain why you believe that exception applies and why you have been unable to redact the information in accordance with subsection 12(4) of the FAO Act.

Regarding the information that your ministry provides to the FAO, I would ask that you assist me in fulfilling my duties under section 13 of the FAO Act, OC 1412/2016 and OC 1002/2018. Under section 13 of the FAO Act, the FAO cannot disclose the information he obtains from a ministry or public entity under section 12 of the FAO Act unless the disclosure is essential for the performance of his mandate and the information does not fall under certain categories of sensitive records. Under OC 1412/2016 and OC 1002/2018, the FAO agrees not to disclose any information obtained from a ministry or public entity protected by section 12(1) of the *Freedom of Information and Protection of Privacy Act* (Attachment 2).

In order to assist me with my disclosure obligations, please answer the following questions in the Cover spreadsheet (Attachment 1):

- If you believe that some or all of the information that you are providing in response to this request is subject to the disclosure restrictions under the Cabinet records orders-in-council (OC 1412/2016 and OC 1002/2018, Attachment 2), please clearly identify the information in question.
- If you believe that some or all of the information that you are providing in response to this request is subject to the disclosure restrictions in paragraphs 2, 3 and/or 4 of section 13 of the FAO Act, please clearly identify the information in question and identify which condition applies, citing the specific provision of the *Freedom of Information and Protection of Privacy Act*.

If the restriction is intended to protect the interests of other public institutions, governments, third parties and/or legal privilege holders, please specifically identify any institutions, governments, third parties and/or legal privilege holders whose interests would be affected by the disclosure of the information.

I would appreciate if you could provide me with access to this information on or before August 31, 2018.

I have enclosed the *Guide to Responding to Information Requests from the FAO*, including the orders-in-council concerning Cabinet records (Attachment 2) to assist you with responding to this information request.

If you fail to comply with this information request, whether by failing to respond in a timely manner or by refusing to provide information without explaining which exception applies, I may inform the minister responsible for your ministry. If the minister is unable to resolve the matter, I may exercise my power under subsection 12(5) of the FAO Act to notify the Speaker of the Legislative Assembly and the chair

of the Standing Committee on Finance and Economic Affairs of your failure to comply with this information request.

Please note that the cover letter accompanying your response to this request may be posted on the FAO website, but any attachments will not.

Should you or your staff have any questions about this information request, I would ask that you contact Matt Gurnham, who can be reached directly at [mgurnham@fao-on.org](mailto:mgurnham@fao-on.org) or by phone at 416-433-5670.

In pursuing this work, I ask to be directed to an appropriate contact who will be able to provide the data and information necessary to our analysis, as per section 12(1) of the FAO Act.

I would like to thank you for your assistance in this matter. My primary objective is to provide timely and relevant economic and financial analysis to the Legislative Assembly. My ability to do so depends on your providing me with free and timely access to the information held by your ministry that is necessary for me to perform my duties. By providing me with this information, you are assisting me in better serving the needs of all MPPs.

Sincerely,



Peter Weltman  
Financial Accountability Officer

Enclosures: 3

Attachment 1: FA1801-01 Cover Spreadsheet

Attachment 2: FA1801-01 Guide to Responding to FAO Requests

Attachment 3: FA1801-01 Information Request

CC:

Mr. Tim Schuurman

Assistant Deputy Minister, Office of the Budget

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7 Queen's Park Crescent East

Toronto ON M7A1Y7

Mr. Jeffrey Novak  
Chief Financial Analyst and Project Director  
Financial Accountability Office of Ontario