

September 12, 2018

Nancy Kennedy
Deputy Minister, Treasury Board Secretariat
Secretary of the Treasury Board and Management Board of Cabinet
Whitney Block Rm 5320
99 Wellesley St W
Toronto, ON M7A 1A1

RE: FAO Information Request FA1803-01: Ontario Spending and the Role of the Legislature

Dear Deputy Minister Kennedy:

Further to my letter dated August 14, 2018, I would like to thank you for identifying a staff level contact from your ministry to assist with the FAO's project "Ontario Spending and the Role of the Legislature" (see Attachment 3 for more background information).

As the next step in the FAO's project, and in accordance with subsection 12(1) of the *Financial Accountability Officer Act, 2013* (FAO Act), I request that your ministry provide me with the following information, which I consider necessary to perform my duties under the FAO Act:

- Please complete the enclosed Excel spreadsheet "Cover spreadsheet" in Attachment 1. Please provide the information requested in Attachment 4.
- 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 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 September 26 or as otherwise noted in Attachment 4.

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 Matthew Stephenson, who can be reached directly at mstephenson@fao-on.org or by phone at 416-550-9430.

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 supporting all MPPs.

Sincerely,

Original signed by



Peter Weltman
Financial Accountability Officer

Enclosures: 4

Attachment 1: FA1803 Cover Spreadsheet

Attachment 2: FA1803 Guide to Responding to FAO Requests; OC 1412/2016; OC 1002/2018

Attachment 3: FA1803 Backgrounder

Attachment 4: FA1803 Information Request

CC:

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