
FINANCIAL ACCOUNTABILITY OFFICER OF ONTARIO FACING UNEXPECTED BARRIERS TO ACCESSING GOVERNMENT INFORMATION

(TORONTO, May 31, 2016) - Stephen LeClair, Ontario's Financial Accountability Officer (FAO) is expressing growing concerns about the Ontario government's responses to his requests for information.

Today, Mr. LeClair held a press conference at Queen's Park in which he explained that, although the MPPs who voted in favour of the bill creating his office believed that he would have access to all information necessary to perform his mandate, he has faced unexpected challenges in accessing information since his appointment as FAO last February.

"In their responses to my information requests, ministries have taken a different and – I believe, incorrect – view. The ministries argue that virtually *any* projection concerning future provincial revenue and spending is a Cabinet record because it is subject to future Cabinet deliberation. Even where a projection has been made public in the budget papers or elsewhere, ministries consider the information and models they used to develop the projection to be Cabinet records and prevent me from accessing them," says LeClair.

LeClair states that "since the FAO's work is forward-looking and often focuses on examining the financial impact of new measures, such as the partial privatization of Hydro One and the cap-and-trade program, the FAO needs access to detailed information about the projected costs of those measures in order to provide an independent assessment of those projections to MPPs."

These projections tend not to be made public for months or years after the new measures are announced, so the FAO exercises his power to request the information directly from ministries. Ministries have found many reasons to prevent the FAO from accessing information, especially the notion that releasing the information would reveal the substance of Cabinet deliberations and that the information is therefore exempt from disclosure.

"I am of the opinion that the government is invoking the Cabinet records exception in relation to too wide a range of information," says LeClair. "Although the protection of Cabinet deliberations upholds an important constitutional principle, once Cabinet has decided on and announced new measures, the detailed projections concerning those decisions no longer need as much protection."

Mr. LeClair will be releasing his statutorily-mandated annual report in late July, which will focus on the need for financial transparency and suggest changes that MPPs may wish to consider to ensure that they and the FAO, an officer of the Assembly, have access to the information they need to hold the government to account.

Read Mr. LeClair's full statement here:

http://www.fao-on.org/en/Blog/Publications/Access_to_Information

About the FAO

Established by the *Financial Accountability Officer Act, 2013* (the Act), the Financial Accountability Officer (FAO) provides independent analysis on the state of the Province's finances, trends in the provincial economy and related matters in support of the Legislative Assembly of Ontario. Visit our website at www.fao-on.org and follow us on Twitter at <https://twitter.com/InfoFAO>.

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For further information, or to arrange interviews, CONTACT:

Kismet Baun | 416-254-9232 | kbaun@fao-on.org | fao-on.org
Financial Accountability Office of Ontario (FAO)
2 Bloor Street West, Suite 900,
Toronto, ON M4W 3E2