

Guide to Responding to Information Requests from the Financial Accountability Officer of Ontario

Purpose of this Document

This guide has been developed to aid ministries and public entities in preparing responses to information requests made by the Financial Accountability Officer of Ontario (FAO). This guide is not a substitute for the *Financial Accountability Officer Act, 2013* (FAO Act) and the orders-in-council (OC 1412/2016 and OC 1002/2018) applicable to Cabinet records. Both the FAO Act and the orders-in-council should be reviewed before responding to requests from the FAO.

Questions and Answers

1. Under what authority is the FAO making this information request?

Under subsection 12(1) of the FAO Act, ministries and public entities have the duty to provide the FAO with information in their custody or under their control that the FAO believes to be necessary to perform his duties.

2. What information needs to be provided?

You must provide any financial, economic or other information that is in your ministry's or public entity's custody or control that the FAO believes to be necessary to perform his duties (subject to limited exceptions, see Question 5).

Please review the information request carefully to determine what information in your ministry's or public entity's custody or control is responsive to the information request.

3. In what form must the information be provided?

You must provide information in a form that ensures that the FAO can use it to perform his duties. To the extent possible, information should be provided in machine-readable format, such as Microsoft Word or Excel or another file type readable with this software. PDF is acceptable when machine readable formats are not available.

Depending on the nature of the requested information, you may need to clean, compile, reorganize or tabulate existing information so that it is usable for economic and financial analysis. If applicable, please use the spreadsheets provided by the FAO through the information request.

4. Do I need to perform new analysis?

You must provide any existing analysis to the FAO as well as any assumptions, data, models and other information supporting the existing analysis if requested. You are not required to perform new analysis on the FAO's behalf. However, in limited circumstances, the FAO may ask that your ministry or public entity undertake new analysis. The FAO will do so only if, in his view, the new analysis is necessary for the FAO to perform his duties and the effort required by your ministry or public entity to prepare the analysis is reasonable.

5. When can/must information be withheld from the FAO?

There are only three circumstances in which a ministry or public entity may withhold information that is responsive to an information request from the FAO:

- 1) The information is contained in a Cabinet record and the Cabinet to which the information applies has not provided pre-approval to release the information to the FAO through either OC 1412/2016 or OC 1002/2018 (see subsection 12(2) of the FAO Act, OC 1412/2016 and OC 1002/2018);
- 2) The information is personal information within the meaning of the *Freedom of Information and Protection of Privacy Act* (see subsection 12(3) of the FAO Act); or
- 3) The information is personal health information within the meaning of the *Personal Health Information Protection Act, 2004* (see subsection 12(3) of the FAO Act).

Subsection 12(4) of the FAO Act requires that ministries and public entities take reasonable steps to redact personal information and personal health information from their responses to FAO requests in order to maximize the information they can provide.

Both the current Executive Council, presided over by Premier Ford, and the previous Executive Council, presided over by former Premier Wynne, have consented to ministries and public entities providing the FAO with certain information contained in Cabinet records (OC 1412/2016 and OC 1002/2018). The orders-in-council have the effect of narrowing the application of the Cabinet records exception in subsection 12(2) of the FAO Act.

As a result, you must provide information contained in Cabinet records that is necessary for the performance of the FAO's duties, provided that:

- The FAO has requested the information;
- The information is not available from other sources;
- The decision to which the information relates has been made by Cabinet or one of its committees and publicly announced, even if Cabinet or one of its committees could engage in further deliberation about the decision; and
- The information was prepared either for the current Cabinet (which took office on June 29, 2018, when Premier Ford was sworn in) or for the previous Cabinet (which took office on February 11, 2013, when former Premier Wynne was sworn in, and left office on June 28, 2018). Information contained in Cabinet records prepared for any other Cabinet cannot be disclosed to the FAO, unless it is more than 20 years old.

Note that the orders-in-council still prevent ministries and public entities from providing the FAO with certain types of information contained in Cabinet records from the current Executive Council, presided over by Premier Ford, and the previous Executive Council, presided over by former Premier Wynne, including:

- An agenda of Cabinet or one of its committees;
- A minute of Cabinet or one of its committees, unless the minute is the only source of the information requested by the FAO;
- Policy or costing options or recommendations, unless the option or recommendation was selected by Cabinet or one of its committees;
- The substance of deliberations of Cabinet or one of its committees concerning those options and recommendations, other than deliberations related to the option or recommendation selected by Cabinet or one of its committees that would be apparent

from the disclosure of other information;

- Information concerning the individual opinions of Cabinet ministers;
- A communications plan, stakeholder management plan, key messages or other communications materials;
- Draft legislation or regulations, unless approved by Cabinet or one of its committees.

Should one of these circumstances affect information that is responsive to an FAO information request, please identify which of the circumstances applies in your response and explain why you believe it applies.

6. What happens if our ministry or public entity is not able to provide some or all of the requested information because the applicable information falls under the Cabinet records, personal information or personal health information exceptions (subsections 12(2) and (3) of the FAO Act and orders-in-council OC 1412/2016 and OC 1002/2018)?

The FAO will assess the explanation you provide about why the exception applies to the requested information. If the FAO is satisfied with the explanation, you will not be required to do anything more.

If, however, the FAO is not satisfied with the explanation, he may seek further clarification and if the FAO determines that your ministry or public entity has failed to comply with the information request, he will initiate the dispute resolution process described in the answer to Question 17.

7. Do I have to provide to the FAO information that has not been publicly released?

Yes. The fact that information has not been released publicly is not a valid justification for withholding information from the FAO. The only valid justifications for refusing to provide information to the FAO are the Cabinet records, personal information and personal health information exceptions set out in subsections 12(2) and (3) of the FAO Act and orders-in-council OC 1412/2016 and OC 1002/2018 (see Question 5 for more details).

8. Can I withhold from the FAO commercially sensitive information?

No. Commercial sensitivity is not a valid justification for withholding information from the FAO. The only valid justifications for refusing to provide information to the FAO are the Cabinet records, personal information and personal health information exceptions set out in subsections 12(2) and (3) of the FAO Act and orders-in-council OC 1412/2016 and OC 1002/2018 (see Question 5 for more details).

However, please note that although ministries and public entities must provide the FAO with commercially sensitive information, paragraphs 2 or 3 of section 13 of the FAO Act may prevent the FAO from publicly disclosing the information (see Question 10 for more detail).

9. Do I have to provide information subject to solicitor-client privilege, litigation privilege and/or settlement privilege to the FAO?

Yes. The only valid justifications for refusing to provide information to the FAO are the Cabinet records, personal information and personal health information exceptions set out in subsections 12(2) and (3) of the FAO and orders-in-council OC 1412/2016 and OC 1002/2018 (see Question 5 for more details).

However, please note that the disclosure of information subject to solicitor-client privilege, litigation privilege and/or settlement privilege does not constitute a waiver of those privileges by virtue of subsection 12(6) of the FAO Act. Moreover, the FAO may not be able to publicly disclose the information by virtue of paragraph 4 of subsection 13 of the FAO Act (see Question 10 for more details).

10. Will the FAO publicly disclose the information that our ministry/public entity provides?

The FAO does not generally disclose information provided by a ministry or public entity in raw form. Instead, the FAO provides the Legislative Assembly of Ontario with economic and financial analysis based on that information.

Furthermore, the FAO cannot disclose information unless the disclosure is essential for the performance of the FAO's mandate and four conditions under paragraphs 2, 3 and 4 of section 13 of the FAO Act are fulfilled:

- The information is not third party information (section 17 of the *Freedom of Information and Protection of Privacy Act*);
- The information does not involve relations with other governments, unless the Executive Council consents to the disclosure (section 15 of the *Freedom of Information and Protection of Privacy Act*);
- The information would not affect the economic and other interests of Ontario, unless the Executive Council consents to the disclosure (subsection 18(1) of the *Freedom of Information and Protection of Privacy Act*); and
- The information is not subject to solicitor-client privilege, litigation privilege or settlement privilege, unless each holder of the privilege consents to the disclosure.

Moreover, the FAO cannot disclose information obtained solely from a Cabinet record under orders-in-council OC 1412/2016 and OC 1002/2018, unless the relevant Executive Council consents to the disclosure of the information.

Should one of these circumstances affect information that is responsive to an information request, please clearly identify the information in the cover spreadsheet provided and identify which restriction applies, citing the specific provision in the *Freedom of Information and Protection of Privacy Act*, OC 1412/2016 or OC 1002/2018.

To facilitate compliance with the constitutional convention governing the protection of Cabinet records, please ensure that in the cover spreadsheet you distinguish Cabinet records concerning the current Executive Council provided under the authority of OC 1002/2018 from those concerning the previous Executive Council provided under the authority of OC 1412/2016.

11. What if the information being requested does not exist or is not within the custody or control of my ministry or public entity?

In the event that the information the FAO requests does not exist or is not within the custody or control of your ministry or public entity, please indicate in your response that:

- No information exists that is responsive to the request;
- That the requested information is not in the custody or control of the ministry or public entity; or
- That the requested information is not in the custody or control of the ministry or public entity but is or may be available through another ministry or public entity.

If possible, please provide information on which ministry or public entity has custody or control of the responsive information.

12. What is the deadline?

All information requests have a deadline included in the cover letter and on the attached information request itself.

Under subsection 12(1) of the FAO Act, ministries/public entities have a duty to provide information to the FAO in a timely manner.

Depending on the nature of the information request, you may wish to organize an initial meeting between your ministry or public entity and the FAO contact to discuss the information request, the availability of information and the timeline for responding to the request. The FAO will not unreasonably withhold extensions.

13. What if our ministry or public entity cannot meet the deadline?

Depending on the nature of the information request, you may wish to organize an initial meeting between your ministry or public entity and the FAO contact to discuss the information request, the availability of information and the timeline for responding to the request.

However, if your ministry or public entity cannot meet the deadline set out in the information request, please notify the FAO contact identified in the information request and request an extension. The FAO will not unreasonably withhold extensions.

14. How should the information be transmitted to the FAO?

Non-confidential information may be transmitted to the FAO by e-mail. The FAO contact identified in the information request should be copied.

Confidential information should be transmitted securely. Please speak to the FAO contact to arrange for secure delivery.

15. What if I do not understand what is being requested?

If you do not understand what information is being requested or require any clarification, please speak to the FAO contact identified in the information request. The FAO contact would be happy to provide clarification and explanation.

Depending on the nature of the information request, you may wish to organize an initial meeting between your ministry or public entity and the FAO contact to discuss the information request, the availability of information and the timeline for responding to the request.

16. What if the information requested requires my ministry or public entity to incur costs?

Under subsection 12(1) of the FAO Act, all information must be provided free of charge.

17. What happens if our ministry or public entity fails to comply with a request?

If your ministry or public entity fails to comply with an FAO information request, all efforts should be made to resolve the disagreement at the staff level. Your ministry or public entity's staff should work with FAO staff to resolve the dispute informally and cooperatively.

If the dispute cannot be resolved at the staff level, the FAO will notify the deputy minister or head of the public entity in writing, providing details of the non-compliance, in order to resolve the dispute.

If the matter is not resolved in a timely manner at the senior level, the FAO may notify the minister responsible and the head of the public entity (if applicable).

Finally, the FAO may notify the Speaker of the Legislative Assembly and the Chair of the Standing Committee on Finance and Economic Affairs that he is of the opinion that the ministry or public entity has failed to comply with the information request under subsection 12(5) of the FAO Act.

Additional Questions

If you have any additional questions or require clarification, please contact the FAO contact identified in the information request.



Ontario

**Executive Council of Ontario
Order in Council**

**Conseil exécutif de l'Ontario
Décret**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

Sur la recommandation de la personne soussignée, la lieutenant-gouverneure de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

Whereas the Financial Accountability Officer, an Officer of the Legislative Assembly, was appointed to provide independent analysis to the Assembly about the state of the Province's finances, including the budget, and trends in the provincial and national economies;

And whereas the Financial Accountability Officer requires access to information in the custody and control of ministries and public entities in order to fulfill his statutory mandate;

And whereas certain information in the custody and control of ministries and public entities is protected by the mandatory Cabinet Records exemption of section 12 of the *Freedom of Information and Protection of Privacy Act*;

And whereas the Lieutenant Governor in Council considers it advisable to provide the Financial Accountability Officer access to this information;

Now therefore pursuant to subsection 12(2) of the *Financial Accountability Officer Act, 2013* (the "Act") and paragraph 12(2)(b) of the *Freedom of Information and Protection of Privacy Act*:

1. Subject to sections 2 and 3 below, every ministry of the Government of Ontario and every public entity is authorized to provide to the Financial Accountability Officer any financial, economic or other information protected by subsection 12(1) of the *Freedom of Information and Protection of Privacy Act* that relates to:

- (a) the Province's finances, including the budget, and trends in the provincial and national economies;
- (b) the estimates and supplementary estimates submitted to the Legislature;

- (c) the financial costs or financial benefits to the Province of any public bill before the Assembly;
or
- (d) the financial costs or financial benefits to the Province of any proposal that relates to a matter over which the Legislature has jurisdiction, including any proposal made by the Government or by any member of the Assembly.

2. Information described in section 1 shall be provided to the Financial Accountability Officer in accordance with subsection 12(1) of the Act, provided that:

- (a) the information has been requested by the Financial Accountability Officer;
- (b) the information is not available through other sources;
- (c) the policy or financial decision to which the requested information relates has been made by the Executive Council or one of its Committees and announced to the public or tabled with or disclosed to the Legislative Assembly, even if the Executive Council or one of its Committees will or could engage in future deliberations with respect to the decision;
- (d) the requested information is provided in a format that does not reveal other information protected by subsection 12(1) of the *Freedom of Information and Protection of Privacy Act*, including:
 - i. an agenda;
 - ii. a Minute, unless the Minute is the only source of the requested information;
 - iii. policy or costing options or recommendations prepared for or submitted to the Executive Council or one of its Committees other than the policy or costing option selected for implementation;
 - iv. the substance of the deliberations of the Executive Council or one of its Committees regarding options or recommendations prepared for or submitted to the Executive Council or one of its Committees, other than deliberations related to the policy option selected for implementation that would be apparent through the disclosure of the requested information;
 - v. information reflecting the individual opinions of members of the Executive Council;
 - vi. a communications plan, stakeholder management plan, key messages, or other communications materials;
 - vii. draft legislation or regulations other than the particular draft approved by the Executive Council;

- (e) the requested information is provided in a format that does not reveal personal information or personal health information protected from disclosure to the Financial Accountability Officer by subsection 12(3) of the Act; and
- (f) the Financial Accountability Officer agrees not to disclose the information without the consent of the Executive Council.

3. The provision of the information to the Financial Accountability Officer does not waive or limit the authority of the Head of an institution to apply the mandatory exemption of subsection 12(1) of the *Freedom of Information and Protection of Privacy Act* should the information be requested by any parties other than the Financial Accountability Officer.

Attendu que le directeur de la responsabilité financière, qui est un fonctionnaire de l'Assemblée, a été nommé pour fournir à l'Assemblée une analyse indépendante de la situation financière de la province, notamment du budget, et des tendances de l'économie provinciale et nationale;

Et attendu que le directeur de la responsabilité financière a besoin de consulter des renseignements dont les ministères et les entités publiques ont la garde et le contrôle afin de s'acquitter de la mission que lui confère la loi;

Et attendu que certains renseignements dont les ministères et entités publiques ont la garde et le contrôle sont protégés par l'exception obligatoire relative aux documents du Conseil exécutif prévue à l'article 12 de la *Loi sur l'accès à l'information et la protection de la vie privée*;

Et attendu que la lieutenant-gouverneure en conseil considère qu'il est judicieux de permettre au directeur de la responsabilité financière de consulter ces renseignements;

En conséquence, en vertu du paragraphe 12 (2) de la *Loi de 2013 sur le directeur de la responsabilité financière* (la « Loi ») et de l'alinéa 12 (2) b) de la *Loi sur l'accès à l'information et la protection de la vie privée* :

1. Sous réserve des articles 2 et 3 ci-dessous, chaque ministère du gouvernement de l'Ontario et chaque entité publique sont autorisés à fournir au directeur de la responsabilité financière tout renseignement de nature financière, économique ou autre protégé par le paragraphe 12 (1) de la *Loi sur l'accès à l'information et la protection de la vie privée* qui porte sur, selon le cas :

- a) les finances de la province, notamment le budget, et les tendances de l'économie provinciale et nationale;
- b) le budget des dépenses et le budget supplémentaire des dépenses présentés à la Législature;
- c) les coûts et avantages financiers pour la province de tout projet de loi d'intérêt public déposé à l'Assemblée;
- d) les coûts ou avantages financiers pour la province de toute proposition qui se rapporte à une question relevant de la Législature, y compris une proposition du gouvernement ou d'un député.

2. Les renseignements décrits à l'article 1 seront remis au directeur de la responsabilité financière conformément au paragraphe 12 (1) de la Loi, pourvu que :

- a) ces renseignements aient été demandés par le directeur de la responsabilité financière;
- b) ces renseignements ne puissent pas être obtenus d'autres sources;
- c) la décision relative aux politiques ou aux finances sur laquelle portent les renseignements demandés ait été prise par le Conseil exécutif ou un de ses comités et annoncée au public ou présentée ou divulguée à l'Assemblée législative, même si le Conseil exécutif ou un de ses comités tenait ou pouvait tenir des délibérations sur cette décision;
- d) les renseignements demandés soient fournis sous une forme ne révélant pas d'autres renseignements protégés par le paragraphe 12 (1) de la *Loi sur l'accès à l'information et la protection de la vie privée*, comme :
 - i. un ordre du jour;
 - ii. un procès-verbal, sauf s'il s'agit de la seule source des renseignements demandés;
 - iii. un document qui relate un choix de politiques ou de coûts ou des recommandations qui ont été présentés au Conseil exécutif ou à l'un de ses comités, autre que le choix de politiques ou de coûts retenu pour être mis en œuvre;
 - iv. le relevé des délibérations du Conseil exécutif ou de l'un de ses comités relatives au choix ou des recommandations qui a été préparé à l'intention du Conseil exécutif ou de l'un de ses comités ou qui lui a été présenté, autre que le relevé des délibérations

relatives au choix de politiques retenu pour être mis en œuvre qui serait apparent en cas de divulgation des renseignements demandés;

- v. des renseignements révélant les opinions individuelles de membres du Conseil exécutif;
- vi. un plan de communication, un plan de gestion des intervenants, des messages clés ou d'autres documents de communication;
- vii. des projets de loi ou de règlement autres que le projet considéré qui a été approuvé par le Conseil exécutif;

- e) les renseignements demandés soient remis sous une forme qui ne révèle pas de renseignements personnels ou de renseignements personnels sur la santé qu'il est interdit de remettre au directeur de la responsabilité financière en vertu du paragraphe 12 (3) de la Loi;
- f) le directeur de la responsabilité financière accepte de ne pas divulguer les renseignements sans le consentement du Conseil exécutif.

3. La fourniture des renseignements au directeur de la responsabilité financière n'annule pas ni ne limite le pouvoir du haut responsable d'une institution d'appliquer l'exception obligatoire prévue par le paragraphe 12 (1) de la *Loi sur l'accès à l'information et la protection de la vie privée* si les renseignements sont demandés par une personne autre que le directeur de la responsabilité financière.



Recommended: Premier and President of the Council

Recommandé par : Premier ministre et président du Conseil



Concurred: Chair of Cabinet

Appuyé par : Le président/la présidente du Conseil des ministres

Approved and Ordered:
Approuvé et décrété le :

JUL 05 2018



Lieutenant Governor
La lieutenante-gouverneure



Ontario

**Order in Council
Décret**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

Sur la recommandation de la personne soussignée, la lieutenant-gouverneure de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

WHEREAS the Financial Accountability Officer, an Officer of the Legislative Assembly, was appointed to provide independent analysis to the Assembly about the state of the Province's finances, including the budget, and trends in the provincial and national economies;

AND WHEREAS the Financial Accountability Officer requires access to information in the custody and control of Ministries and public entities in order to fulfill his statutory mandate;

AND WHEREAS certain information in the custody and control of Ministries and public entities is protected by the mandatory Cabinet Records exemption of section 12 of the *Freedom of Information and Protection of Privacy Act*;

AND WHEREAS the Lieutenant Governor in Council considers it advisable to provide the Financial Accountability Officer access to this information;

NOW THEREFORE Pursuant to subsection 12(2) of the *Financial Accountability Officer Act* (the "Act") and subsection 12(2) paragraph (b) of the *Freedom of Information and Protection of Privacy Act*:

1. Every Ministry of the Government of Ontario and every public entity is authorized to provide to the Financial Accountability Officer any financial, economic or other information protected by section 12(1) of the *Freedom of Information and Protection of Privacy Act* that relates to:
 - The Province's finances, including the budget, and trends in the provincial and national economies
 - The estimates and supplementary estimates submitted to the Legislature
 - The financial costs or financial benefits to the Province of any public bill before the Assembly, or
 - The financial costs or financial benefits to the Province of any proposal that relates to a matter over which the Legislature has jurisdiction, including any proposal made by the Government or by any member of the Assembly

subject to paragraphs 2 and 3 below.

2. Information outlined in paragraph 1 above shall be provided to the Financial Accountability Officer in accordance with subsection 12(1) of the Act provided that:
 - The information has been requested by the Financial Accountability Officer
 - The information is not available through other sources
 - The policy or financial decision to which the requested information relates has been made by the Executive Council and announced to the public or tabled with or disclosed to the Legislative Assembly, even if the Executive Council or one of its Committees will or could engage in future deliberations with respect to the decision
 - The requested information is provided in a format that does not reveal other information protected by subsection 12(1) of the *Freedom of Information and Protection of Privacy Act*, including
 - an agenda
 - a Minute, unless the Minute is the only source of the requested information
 - policy or costing options or recommendations prepared for or submitted to the Executive Council or its committees other than the policy or costing option selected for implementation
 - the substance of the deliberations of the Executive Council or its committees regarding options or recommendations prepared for or submitted to the Executive Council or its committees, other than deliberations related to the policy option selected for implementation that would be apparent through the disclosure of the requested information
 - information reflecting the individual opinions of members of the Executive Council
 - a communications plan, stakeholder management plan, key messages, or other communications materials
 - draft legislation or regulations other than the particular draft approved by the Executive Council
 - The information would not reveal personal information or personal health information protected from disclosure by subsection 12(3) of the *Financial Accountability Officer Act*
 - The Financial Accountability Officer agrees not to disclose the information without the consent of the Executive Council

3. The provision of the information to the Financial Accountability Officer does not waive or limit the authority of the Head of an institution to apply the mandatory exemption of section 12(1) of the *Freedom of Information and Protection of Privacy Act* should the information be requested by any parties other than the Financial Accountability Officer.

ÉTANT DONNÉ que le directeur de la responsabilité financière, qui est un fonctionnaire de l'Assemblée, a reçu pour mission de fournir à l'Assemblée une analyse indépendante de la situation financière de la province, notamment du budget, et des tendances de l'économie provinciale et nationale;

ÉTANT DONNÉ que le directeur de la responsabilité financière a besoin de consulter des renseignements dont les ministères et les organismes publics ont la garde ou le contrôle afin de s'acquitter de la mission que lui confère la loi;

ÉTANT DONNÉ que certains renseignements dont les ministères et organismes publics ont la garde et le contrôle sont protégés par l'exception obligatoire relative aux documents du Conseil exécutif prévue à l'article 12 de la *Loi sur l'accès à l'information et la protection de la vie privée*;

ÉTANT DONNÉ EN OUTRE que le lieutenant-gouverneur en conseil considère qu'il est judicieux de permettre au directeur de la responsabilité financière de consulter ces renseignements;

EN CONSÉQUENCE, en vertu du paragraphe 12(2) de la *Loi sur le directeur de la responsabilité financière* (la « Loi ») et de l'alinéa 12(2)b) de la *Loi sur l'accès à l'information et la protection de la vie privée* :

1. Chaque ministère du gouvernement de l'Ontario et chaque organisme public est autorisé à transmettre au directeur de la responsabilité financière tout renseignement de nature financière, économique ou autre protégé par le paragraphe 12(1) de la *Loi sur l'accès à l'information et la protection de la vie privée* qui porte sur :
 - la situation financière de la province, notamment le budget, et les tendances de l'économie provinciale et nationale,
 - le budget des dépenses et le budget supplémentaire des dépenses présentés à la Législature,
 - les coûts ou avantages financiers pour la province de tout projet de loi d'intérêt public déposé à l'Assemblée,
 - les coûts ou avantages financiers pour la province de toute proposition qui se rapporte à une question relevant de la Législature, y compris une proposition du gouvernement ou d'un député,

sous réserve des paragraphes 2 et 3 ci-dessous.

2. Les renseignements visés au paragraphe 1 ci-dessus seront transmis au directeur de la responsabilité financière conformément au paragraphe 12(1) de la Loi, pourvu que :
 - ces renseignements aient été demandés par le directeur de la responsabilité financière;
 - ces renseignements ne puissent pas être obtenus d'autres sources;
 - la décision relative aux politiques ou aux finances sur laquelle portent les renseignements ait été prise par le Conseil exécutif et annoncée au public ou présentée ou divulguée à l'Assemblée législative, même si le Conseil exécutif ou un de ses comités tiendra ou peut tenir des délibérations sur cette décision;
 - les renseignements demandés soient transmis sous une forme ne révélant pas d'autres renseignements protégés par le paragraphe 12(1) de la *Loi sur l'accès à l'information et la protection de la vie privée* comme :

- un ordre du jour,
- un procès-verbal, sauf s'il s'agit de la seule source des renseignements demandés,
- des choix ou des recommandations de politiques ou de calcul des coûts présentés au Conseil exécutif ou à ses comités ou formulés à leur intention, autres que le choix retenu aux fins de mise en œuvre,
- l'objet des délibérations du Conseil exécutif ou de ses comités relatives aux choix ou recommandations présentés à eux ou formulés à leur intention, autres que les délibérations relatives au choix retenu aux fins de mise en œuvre, qui ressortiraient de la divulgation des renseignements demandés,
- des renseignements révélant les opinions personnelles des membres du Conseil exécutif,
- un plan de communication, un plan de gestion relatif aux intervenants, des messages clés ou d'autres documents de communication,
- des projets de loi ou de règlement autres que le projet de loi ou de règlement approuvé par le Conseil exécutif;
- ces renseignements ne révèlent pas de renseignements personnels, notamment sur la santé, protégés par le paragraphe 12(3) de la *Loi sur le directeur de la responsabilité financière*;
- le directeur de la responsabilité financière accepte de ne pas divulguer les renseignements sans le consentement du Conseil exécutif.

3. La transmission de ces renseignements au directeur de la responsabilité financière ne supprime ni ne limite le pouvoir du haut responsable d'une institution d'appliquer l'exception obligatoire prévue au paragraphe 12(1) de la *Loi sur l'accès à l'information et la protection de la vie privée* si la demande est présentée par toute partie autre que le directeur de la responsabilité financière.



Recommended: Premier and President of the Council

Recommandé par: Première ministre et Présidente du Conseil



Concurred: Chair of Cabinet

Appuyé par: Le président/la présidente du Conseil des ministres,

Approved and Ordered: OCT 0.5 2016
Approuvé et décrété le:



Administrator of the Government

L'administratrice du gouvernement