

May 12, 2017

Steen Hume
Assistant Deputy Minister, Energy Supply Policy Division
Ministry of Energy
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Tim Schuurman,
Assistant Deputy Minister, Office of the Budget
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Toronto, ON M7A 1Y7

CONFIDENTIAL

RE: Government review of FAO draft report "An Assessment of the Fiscal Impact of the Province's Fair Hydro Plan" (FA1710)

Dear ADMs Hume and Schuurman:

Please find enclosed the FAO draft report "An Assessment of the Fiscal Impact of the Province's Fair Hydro Plan."

This draft report is being provided to you on a confidential basis and may contain information subject to disclosure restrictions under the *Financial Accountability Officer Act, 2013* (FAO Act). I would ask that you not share outside the Ministries of Energy and Finance. Should you feel that a ministry, public entity or other organization not copied on this letter should have an opportunity to review this draft report, please contact me.

We would welcome any comments you might have on this version of the draft report. Specifically, we ask that you help us by identifying any aspect of the draft report that you feel might be incomplete, inaccurate or misleading. I have enclosed the FAO's comment tracking form, which you might find helpful in gathering comments.

We also ask that you assist us in fulfilling the duties of the FAO under section 13 of the FAO Act. 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.

The FAO considers the disclosure of information to be essential for the performance of his mandate where the disclosure is required to support the findings he presents to the Legislative Assembly.

In order to help the FAO fulfill his duties under section 13 of the FAO Act, please answer the following questions:

1. If published in its current form, would the draft report disclose information the Ministry of Energy or Finance gave the FAO in response to an information request made under section 12 of the FAO Act?

If the report only contains publicly-available information and/or analysis based on non-public information that does not allow a person to reconstruct the original information, then no disclosure is occurring and the disclosure restrictions therefore do not apply.

If, however, the report contains raw, non-public information and/or analysis based on non-public information, then a disclosure is occurring and you should determine whether the information falls under one or more sensitive categories under paragraphs 2, 3 and 4 of section 13 of the FAO Act.

2. Does any of the information presented in the report fall under one of the following categories for the purposes of paragraphs 2, 3 or 4 of section 13 the FAO Act?
 - a. Was the information obtained solely from a record described in section 17 of the *Freedom of Information and Protection of Privacy Act* (FIPPA)? If so, please specifically identify that information and the third party whose interests would be affected by the disclosure of the information.
 - b. Was the information obtained solely from a record described in section 15 of FIPPA? If so, please specifically identify that information and the other government which would be affected by the disclosure of the information.
 - c. Was the information obtained solely from a record described in subsection 18(1) of FIPPA? If so, please specifically identify that information. If applicable, please identify the other public institution whose interests would be affected by the disclosure of the information.
 - d. Is the information subject to solicitor-client privilege, litigation privilege or settlement privilege? If so, who are the holders of that privilege with respect to the information?

3. If the information falls under one of the categories listed in paragraphs 2, 3 or 4 of section 13 of the FAO Act, please identify the relevant subsection or paragraph of FIPPA and specifically explain why the information falls under the category.

It is not sufficient simply to refer to sections 15, 17 or 18(1) of FIPPA without providing justification about why the provision applies to the information that would be disclosed.

Where the Information and Privacy Commissioner has established a legal test for determining whether a record falls under sections 15, 17 or 18(1) of FIPPA or a particular subsection or paragraph thereof, please use the test and demonstrate how each element of the test has been met.

Please note: if you do not provide enough information for the FAO to determine whether the information is subject to a disclosure restriction, the FAO may make a formal information request, asking for additional details.

Should you have any questions about the above, or the draft report or FAO processes in general, please do not hesitate to contact me at jnovak@fao-on.org or 416-528-3954.

In order to maintain the schedule for this project, we would ask that you please provide a response to this review request by **2:00 pm on May 16, 2017**.

I want to thank you for your assistance in this matter. Providing timely and relevant analysis to the Legislature is the primary objective of the FAO. The degree to which this is possible depends, to a large extent, on the collaboration of ministries and public entities. In assisting us with this work, you are helping us to better serve Members of the Provincial Parliament.

Sincerely,

Jeffrey Novak
Project Director

Enclosures:

- Draft Report
- Comment Tracking Form
- Guide to Reviewing Draft Reports