

FW: response from Auditor General re FOI request 2017-033

From: "Schlaepfer, Martin (ENERGY)" <martin.schlaepfer@ontario.ca>
To: "Imbrogno, Serge (ENERGY)" <serge.imbrogno@ontario.ca>
Cc: "Armstrong, Hillary (ENERGY)" <hillary.armstrong@ontario.ca>, "Berg, Denna (ENERGY)" <denna.berg@ontario.ca>
Date: Thu, 14 Dec 2017 17:09:17 -0500

Hi Deputy,

Please see below. The SOC's office is going to call together a meeting between TBS, MOF and ourselves related to the response to this request. It would be for DMO's, legal and FOI coordinators. It's not clear when this would happen.

We received this request (ENERGY-17-79) on November 7.

Pasted below is the most recent update from the FOI office.

Basically, each ministry is now drafting a fee estimate. The FOI office is working with LSB to determine page count, potential exemptions, and prep time for the 74,000 responsive records.

Let us know if you have any questions.

Thanks,
Martin

ENERGY-17-79	1. Searchable PDF copies of all emails, memos and/or briefing materials responsive to the request(s) made by the Auditor-General of Ontario and/or her office, in connection to her special report on the government's Fair Hydro Plan and that were released to the Auditor General; and	Dec 18	LSB	§ Dec 13-Third party reps rec'd; awaiting further discussion with other ministries
Government	2. Searchable PDF copies of all emails, memos and/or briefing materials responsive to the request(s) made by the Auditor-General of Ontario and/ or her office, in	Dec 7 (Nov 7)		§ Dec 12-conference call, updates provided, MGCS to call requester re: volume of records § Nov 28-Conference call, updates provided; next telecon on Dec 12 § Nov 17-Third party notice issued; reps by Dec 7 § Nov 14-Conference call with IPA, CO, MOF

	connection to her special report on the government's Fair Hydro Plan, and that have not been released to the Auditor-General.			and TBS; next steps determined
	3. A summary of outside consultant and/ or legal fees paid and/or payable by the government in relation to the preparation and/or roll-out of the government's Fair Hydro Plan.			§ Nov 10 – IPA advised to put request on hold until further notice
				§ Nov 9 – Conference call with IPA
				§ CO, MOF and OFA, TBS, IESO, OPG and OEB received same request (Common Request)

From: Bromm, William (CAB)
Sent: December 14, 2017 4:47 PM
To: MacIntyre, Kyle (TBS) <Kyle.MacIntyre@ontario.ca>; McLean, David (MOF) <David.McLean@ontario.ca>; Schlaepfer, Martin (ENERGY) <Martin.Schlaepfer@ontario.ca>
Cc: Kwamena, Boafoa (CAB) <Boafoa.Kwamena@ontario.ca>
Subject: Re: response from Auditor General re FOI request 2017-033

Yes. Coordination would be good. Do you want me to pull this together?

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: MacIntyre, Kyle (TBS)
Sent: Thursday, December 14, 2017 4:45 PM
To: Bromm, William (CAB); McLean, David (MOF); Schlaepfer, Martin (ENERGY)
Cc: Kwamena, Boafoa (CAB)
Subject: RE: response from Auditor General re FOI request 2017-033

Thanks, William. Would it be worthwhile for the ministries to come together (via the document production committee?) to discuss, so we can be consistent in the approach should this request proceed?

K.

From: Bromm, William (CAB)
Sent: December 14, 2017 3:17 PM
To: MacIntyre, Kyle (TBS); McLean, David (MOF); Schlaepfer, Martin (ENERGY)
Cc: Kwamena, Boafoa (CAB)
Subject: Re: response from Auditor General re FOI request 2017-033

I think it will depend on the content of the emails, but subject to the same general approach. Generally my view is;

Emails about the audit: no disclosure

Emails about Fair Hydro in general that are not about the audit or that do not reveal questions/comments or issues the AG is raising, particularly emails that predate the audit, are subject to disclosure even if disclosed to the AG.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: MacIntyre, Kyle (TBS)
Sent: Thursday, December 14, 2017 3:04 PM
To: Bromm, William (CAB); McLean, David (MOF); Schlaepfer, Martin (ENERGY)
Cc: Kwamena, Bofoa (CAB)
Subject: FW: response from Auditor General re FOI request 2017-033

FYI.

From the below, it's not clear to me if the emails are captured or not?

From: DiMuzio, Sofie (TBS)
Sent: December 14, 2017 2:53 PM
To: MacIntyre, Kyle (TBS)
Subject: FW: response from Auditor General re FOI request 2017-033

FYI

From: Ledwell, Mary (TBS)
Sent: Thursday, December 14, 2017 1:44 PM
To: Sullivan, Bryant (TBS); Vrancart, Kate (TBS)
Cc: Pavlic, Maja (TBS); Moyer, Jenna (TBS)
Subject: response from Auditor General re FOI request 2017-033

Hi Bryant and Kate,

I wanted to let you know that we received a response from the Auditor regarding disclosure of records responsive to the Fair Hydro request. As expected, the Auditor has claimed the confidentiality privilege contained in sec. 27.1(1) of the Auditor General Act only for those records that were created for, or were in response to her audit of the Fair Hydro Plan. The Auditor has indicated that she has no issue with disclosure of records that were in existence prior to her audit, or the summary of consultant's fees (part 3 of the request). Regardless of the Auditor's views, all records are subject to FOI review and may be withheld under eligible FIPPA exemptions.

As a next step, each ministry that received the request (TBS, Finance and Energy) was advised to prepare a fee estimate for the requester based on their current volume of responsive records. Following our standard practice, the requester will be notified in the fee estimate letter that they can work with the FOI office to narrow the scope of the request in order to reduce fees.

Let me know if you have any questions about the request or the approach that is being taken. I will keep you informed of any further developments.

Thanks

Mary

Mary Ledwell
Manager, Information Management, Access & Privacy
Corporate Services Division
Treasury Board Secretariat

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