

February 1, 2022

DELIVERED BY HAND – COPY TO comm-publicaccounts@ola.org

Christopher Tyrell
Clerk, Standing Committee on Public Accounts
99 Wellesley Street West
Room 1405, Whitney Block, Queen's Park
Toronto, ON M7A 1A2

Dear Mr Tyrrell:

Re: Laurentian University of Sudbury – Standing Committee on Public Accounts

I am writing on behalf of Laurentian University of Sudbury (“**Laurentian**”) in the above-noted matter in relation to the letter of Taras Natyshak, MPP, the Chair of the Standing Committee on Public Accounts (the “**Standing Committee**”) dated January 30, 2022.

Further to my letter to the Speaker of the Legislative Assembly dated January 28, 2022, this letter encloses two external hard drives created by Laurentian University staff. The first, labelled “Drive 1”, contains the information requested by the Committee created or last modified **on or before** the Separation Dates in the chart attached to my January 28 letter.¹ The Separation Dates are based on Chief Justice Morawetz’s decision of January 26, 2022 relating to information or documents subject to the Sealing Order of February 1, 2021 and the Confidential Mediation Order of February 5, 2021.

The second, labelled “Drive 2”, contains the information requested by the Committee created or last modified **after** the Separation Dates. The drives do not include information that has already been produced to the Standing Committee by way of the Sharefiles, to which you have access and to which information has been uploaded on a rolling basis since November 2021. Further to the Chair’s letter, Drive 2 is password-protected.

¹ This is only the case where the chart contains a Separation Date. Where the chart states that all information will be provided, Drive 1 contains all the requested information.

I confirm that Laurentian has been, and is, producing this information on the following basis:

1. Laurentian acknowledges and relies on the Standing Committee's commitment not to publicly disclose the information produced.
2. Laurentian is producing the information under the authority of the Assembly and within its legal power and under and by virtue of a warrant issued under such authority, such that it receives the protection in s. 36 of the *Legislative Assembly Act*, RSO 1990, c L.10.
3. Laurentian is also producing the information in good faith in accordance with the decision of Chief Justice Morawetz of January 26, 2022 on Laurentian's motion for an interlocutory stay of the enforcement of the Speaker's warrants dated December 9, 2021, such that it receives the protection of s. 142 of the *Courts of Justice Act*, RSO 1990 c C.43.
4. Laurentian is producing this information pursuant to legal compulsion. Laurentian producing information that is subject to a legal privilege is not a waiver of that privilege.
5. Specifically, Laurentian is producing this information because of the Assembly's assertion of parliamentary privilege. Accordingly, the information cannot be used against Laurentian or its privies in any legal proceeding.
6. Laurentian understands that the Committee's request of October 15, 2021 was for documents created or modified on or before that date.
7. Laurentian understands that, if the Standing Committee discloses the produced information to the Auditor General of Ontario, the Auditor General will be subject to the confidentiality obligations in s. 27.1 of the *Auditor General Act*, RSO 1990, c A.35, including the obligation in respect of privileged information in s. 27.1(3).

Finally, of course, please let me know if you have any difficulty accessing the information on Drive 1. Laurentian staff believe that they have disclosed all information in Laurentian's possession that is responsive to the Committee's requests. Therefore, if there are documents that the Committee believes should exist but that it cannot locate in the productions, I would happy to try to assist or clarify. My contact information is above.

Yours truly,



Fredrick Schumann

Enclosures: Two external hard drives

- c. D. J. Miller, *Thornton Grout Finnigan LLP* (Insolvency counsel to the University)
Sharon Hamilton, *Ernst & Young Inc.* (Court-Appointed Monitor of the University)
Ashley Taylor, *Stikeman Elliott LLP* (Counsel to the Court-Appointed Monitor)
Brian Gover, *Stockwoods LLP*