

Management Board
of Cabinet

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December 1, 2004

Memorandum to: All Ministers and Deputy Ministers

Subject: Freedom of Information and Protection of Privacy Act

In his June 15th memo to all Ministers and Deputy Ministers (attached), the Premier has reinforced the importance of the *Freedom of Information and Protection of Privacy Act* and emphasized that we should make sure that requested information continues to be made public unless there is a clear and compelling reason not to do so.

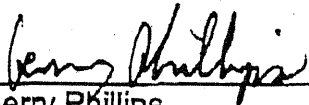
The Premier's remarks reflect the importance of freedom of information legislation in the democratic process. As Justice LaForest stated in the Supreme Court of Canada decision in *Dagg v. Canada (Minister of Finance)*, such legislation "helps to ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry."

The government's support for the principle of openness means that all ministries and other institutions subject to the Act need to review their disclosure practices under the Act to make sure that this principle is applied. There is also an opportunity to go beyond the formal, reactive, access to information process - to proactively consider what information the public might wish to access, and then take action to make that information available. MBS, under the direction and guidance of the Transformation Leadership Committee, is currently working on an access strategy to promote public access to more government information and so continue to increase the openness and transparency of government. In order to provide tools to help ministries make thoughtful and appropriate decisions on the release of information, MBS, in collaboration with ministry partners, is piloting a framework for assessing information to determine whether it could appropriately be shared with the public. Results of this pilot should be available in the near future.

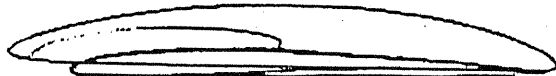
All Ministers and Deputy Ministers
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While we recognize that exemptions from disclosure will sometimes be necessary, and must be considered by decision-makers on the facts of each request, everyone involved in responding to access requests should keep in mind that discretionary exemptions should not be claimed solely on the basis that they are technically applicable; instead, in accordance with the Premier's statement, they should be claimed only where there is a clear and compelling reason to do so.

Thank you for giving this matter your attention.



Gerry Phillips
Chair
Management Board of Cabinet



Michael J. Bryant
Attorney General
Ministry of the Attorney General

Attachment

c: Tony Dean, Secretary of the Cabinet

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June 15, 2004

MEMORANDUM TO: All Ministers and Deputy Ministers
FROM: Premier Dalton McGuinty
SUBJECT: Information and Privacy Commissioner's Annual Report

I am proud of our government's commitment to openness and transparency.

One of our first acts was to increase access to information under the Freedom of Information and Protection of Privacy Act last Fall to ensure it applies to Hydro One and Ontario Power Generation.

We have also tabled legislation, which if passed, would guarantee an unprecedented level of transparency and accountability to the province's books prior to an election call.

Today the province's Information and Privacy Commissioner released her annual report. She has found that the government's compliance rating was at it's highest level in 15 years.

She reports that last year 77.2% of all FOI requests were completed in 30 days, up from just 57.8% the year before. Overall 91.6% of all provincial requests were answered within 60 days. This is an incredible accomplishment given that last year saw a record level of requests under the law.

While we should all be proud of these results, we must and will continue to strive to provide a more open and transparent government.

As Premier, I believe the importance of the Freedom of Information and Protection of Privacy Act cannot be overstated. Consistent with that Act, our government should ensure that information requested of it should continue to be made public unless there is a clear and compelling reason not to do so.

I thank you for your assistance in this regard.

c: Dr. Ann Cavoukian, Information and Privacy Commissioner
Tony Dean, Secretary of Cabinet