

**REPRESENTATIONS OF THE OFFICE OF THE PREMIER OF ONTARIO**

**Under the *Freedom of Information and Protection of Privacy Act***

<b>Appeal No.:</b>	<b>PA13-84</b>
<b>Date of Notice of Inquiry:</b>	<b>May 22, 2013</b>
<b>Representations Due:</b>	<b>June 27, 2013</b>

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## I. NATURE OF THE APPEAL

1. On November 30, 2012, the Premier's Office received an access request under the *Freedom of Information and Protection of Privacy Act* ("FIPPA") for the following records located in the former Premier's Office:

"...all correspondence, minutes, presentations, emails, videos, audio recordings, other electronic communication, handwritten notes, reports, briefs, maps, photos, any other communication, and any other document, whether it appears or appeared on paper, microfilm, computer disk, or any other medium, produced, sent or received in period January 1, 2012 through October 1, 2012 by the Premier, the Premier's Office, consultants to the Premier's office, or advisors to the Premier's Office relating to the construction, contracting, relocation, or any other arrangements associated with of the gas-fired power plants once contracted for development in Oakville by the firm Eastern Power or related entities and also Mississauga by the firm TransCanada Energy or related entities. Where any of these materials are available as electronic text, .PPT, .PPTX, .ODTs, .EXE, .DOC, .DOCX, .EML, .MBX, .PST or any other kind of application file, please provide the search results in machine searchable format.
2. The requester subsequently notified Jamie Forrest, Coordinator, FOI and Issues, Cabinet Office, on December 5, 2012 to correct an error in his FOI request to exchange the names of the firms Eastern Power and TransCanada.
3. A search was conducted in the former Premier's Office and 88 pages of responsive records were located. In its decision letter dated February 11, 2013, the Cabinet Office advised the requester that it granted partial access to the records and claimed section 21 (personal privacy) of the Act to withhold portions of the records. Cabinet Office also indicated that in fulfilling the request "consultants and advisors to the Premier's Office" was interpreted to mean those individuals who are external to, and not employed in, the Premier's Office or public service.
4. In addition, Cabinet Office advised that it did not include records related to the gas plants that were tabled in the Legislative Assembly of Ontario in the fall of 2012 in accordance with an order of the Standing Committee on Estimates and that were subsequently made available to the public. Those records, produced by the Ministry of Energy and the Ontario Power Authority, were also sent to the former Premier's office in electronic form. These two points are not at issue in the appeal.

5. The requester, now the appellant, appealed Cabinet Office's decision on the basis that the search undertaken in the former Premier's office was not reasonable and that additional documents should have been produced.
6. During mediation, the current Premier's Office advised that it had undertaken a further search for records in response to another access request by another requester. In this search, the Premier's Office identified records that were prepared by the Government House Leader's Office relating to the conduct of matters in the Legislature. While these records are normally considered outside of the scope of the Act, in the interest of transparency, the government made a decision to voluntarily release these records on April 26, 2013. These records have been provided to the appellant.
7. The parties were unable to resolve the appeal through mediation and the file was transferred to adjudication.

## **II. OVERVIEW OF CABINET OFFICE POSITION**

8. Cabinet Office respectfully submits that the search for responsive records in the Premier's office was reasonable in the circumstances.
9. Experienced staff with knowledge of the operations of the former Premier's Office coordinated the search for responsive records. Nine staff members in the former Premier's Office were asked to search for responsive records. In addition, the Special Assistant to former Premier McGuinty searched Premier McGuinty's records. These individuals were selected because of their senior roles within the Premier's Office or their proximity to the Premier. Each staff member was asked by the search coordinator to ensure that they searched their electronic records (including all e-mail folders using search/find function in Outlook) and to manually search paper and other hard copy files. A search was also undertaken in the Premier's Correspondence Unit. At the conclusion of these searches, 88 pages of responsive records were located.

*Appendix A, Affidavit of Jamie Forrest, at paras. 5-13.*

### III. ISSUE

10. The issue to be determined is whether the former Premier's Office conducted a reasonable search for responsive records.

### IV. REPRESENTATIONS OF THE PREMIER'S OFFICE

#### **Part A: Did the Premier's Office conduct a reasonable search for records?**

11. In her Notice of Inquiry, the Adjudicator has asked a series of questions relating to the search conducted in the former Premier's Office for responsive records. The questions and answers are provided herein.

#### ***Q: Did the institution contact the requester for additional clarification of the request?***

12. The request made to the Office of the Premier by the appellant is both detailed and clear. Accordingly the FOI Coordinator in Cabinet Office did not need to clarify the request further with the appellant. In this regard the request:
- a. clearly specified the time period to be searched:

*January 1, 2012 through October 1, 2012;*
  - b. specified the subject matter of the search:

*records relating to the construction, contracting, relocation, or any other arrangements associated with of the gas-fired power plants once contracted for development in Oakville by the firm TransCanada or related entities and also Mississauga by the firm Eastern Power or related entities;*
  - c. and outlined the type of records to be searched:

*correspondence, minutes, presentations, emails, videos, audio recordings, other electronic communication, handwritten notes, reports, briefs, maps, photos, any other communication, and any other document, whether it appears or appeared on paper, microfilm, computer disk, or any other medium.*

13. Further, the appellant contacted the Cabinet Office FOI Coordinator shortly after having submitted the request to correct an error in his request. Namely, the correction was to exchange the names of the firms Eastern Power and TransCanada.

*Appendix A, Affidavit of Jamie Forrest, at para 4.*

**Q: Please provide details of any searches carried out including: by whom were they conducted, what places were searched, who was contacted in the course of the search, what types of files were searched and finally, what were the results of the searches? Please include details of any searches carried out to respond to the request.**

14. The search for responsive records was coordinated by Ms. Jamie Forrest, the Freedom of Information and Issues Coordinator employed in Cabinet Office. Ms. Forrest was assisted by Beckie Codd-Downey and Lauren Ramey, both Special Assistants in the former Premier's Office. Both Ms. Codd-Downey and Ms. Ramey, because of their positions in the former Premier's office, had knowledge of the operations of the office.
15. Ms. Forrest met with Ms. Codd-Downey and Ms. Ramey to discuss the approach to the search. It was decided that Ms. Codd-Downey would search the Premier's records and Ms. Ramey would coordinate the search of records in the Premier's Office. Nine senior staff were identified as potentially having responsive records. These staff were selected because of their senior roles within the former Premier's Office or their proximity to the former Premier:

1. David Livingston (Chief of Staff)
2. Lauren Ramey (Special Assistant, Issues Management)
3. Wendy McCann (Executive Director of Communications)
4. Kevin Spafford (Manager, Legislative Affairs, Government House Leaders Office)
5. Laura Miller (Deputy Chief of Staff, Communications and Strategy)
6. Neala Barton (Director of Media Relations)
7. John Brodhead (Deputy Chief of Staff, Policy and Cabinet Affairs)
8. Karim Bardeesy (Director of Policy)
9. David Phillips (Chief of Staff, Government House Leader's Office)

*Appendix A, Affidavit of Jamie Forrest, at paras. 5-6.*

16. Staff were instructed to search:

- a. email accounts, including all email folders using the search/find function in Outlook;
- b. electronic records by searching all folders on the drives assigned to or accessible to the employee;
- c. paper and hard copy files accessible to the employee;
- d. a search of the electronic records of former staff was also indicated, if the records still existed on the government's servers.

*Appendix A, Affidavit of Jamie Forrest, at para. 7.*

17. Five staff members confirmed to Ms. Ramey, in writing, that no records resulted from their search. In addition, no records were located by Ms. Codd-Downey in the former Premier's files.

*Appendix A, Affidavit of Jamie Forrest, at paras. 10 and 12.*

18. During the time period of the request, one of the staff of the former Premier's Office selected to search for records (Kevin Spafford, Manager, Legislative Affairs, Government House Leaders Office) left the employ of the former Premier's Office. Mr. Spafford was subsequently contacted via telephone and he could not confirm whether he had responsive records and therefore Mr. Spafford's email account was re-activated and searched. No responsive records were located.

*Appendix A, Affidavit of Jamie Forrest, at paras. 8-9.*

19. Three staff members produced records that were responsive to the appellant's request (Lauren Ramey, Neala Barton and David Phillips). Responsive records were also located by the Premier's Correspondence Unit.

*Appendix A, Affidavit of Jamie Forrest, at paras. 11-12.*

20. In addition, a search of the email accounts of former staff members (who may have been involved in the gas plant files) was also considered. In this regard, it was determined that the email accounts of Chris Morley, the former Premier's Chief of Staff, Jamieson Steeve, the former Premier's Principal Secretary and the

former Premier's Deputy Director of Policy, Sean Mullin, no longer existed. The email accounts were deleted subsequent to their departure from the former Premier's office, but prior to the date of the appellant's access request. These email accounts could not be restored from existing back-up tapes because the back-up tapes for the former Premier's office, which are maintained for system and disaster recovery, are maintained for a two-week period.

*Appendix A, Affidavit of Jamie Forrest, at paras. 18-19.*

21. On February 11, 2013, Ms. Forrest issued a decision letter to the appellant advising that 88 pages of responsive records had been located in the Office of the Premier. The appellant subsequently appealed the access decision on the basis that a reasonable search for responsive records had not taken place. Mediation of the appeal commenced.

***Further inquiries made during the mediation of the appeal***

22. During mediation, the current Premier's Office identified records that had been produced in response to another access request by another requester. In this regard, the Premier's Office located records that were prepared by the Government House Leader's Office relating to the conduct of matters within the Legislature. While these records are normally considered outside the scope of FIPPA, in the interest of transparency, the government made a decision to voluntarily release these records to the appellant in the current appeal.

*Appendix A, Affidavit of Jamie Forrest, at para. 20.*

*Appendix B, Letter to Thomas Adams dated April 26<sup>th</sup>, 2013.*

***Records search in response to Committee motion***

23. In the time since the appellant made his access request to the former Premier's office, the current Premier's office has conducted further searches for records relating to the cancellation and relocation of the Oakville and Mississauga gas plants.
24. On May 7, 2013 the Standing Committee on Justice Policy (the "Committee") passed a motion requiring the current Premier's Office to produce:

*all documentation, electronic or otherwise between April 23, 2012 and May 7, 2013 related to the cancellation and relocation of the power plants*

*in Oakville and Mississauga, including but not limited to documents containing any and all proxy names or code names such as but not limited to SWGTA, Project Vapour, Project Vapour Lock, Project Apple, Project Banana and Project Fruit Salad.*

25. The search required by the Committee was co-ordinated by senior staff in the Premier's office with the assistance of staff in Cabinet office and the Ministry of Government Services. In this regard, detailed search instructions were provided to the Premier's office instructing staff as to how to search for electronic and paper records, together with suggested search terms. A copy of the search guidance is attached in Appendix C.

*Appendix C, Letter from Tom Teahen dated May 21, 2013.*

26. Searches were undertaken by all members of the current Premier's staff. In addition, email accounts of 52 former Premier's staff members were also reactivated and searched.

*Appendix A, Affidavit of Jamie Forrest, at para. 21.*

*Appendix C, Letter from Tom Teahen dated May 21, 2013.*

27. In total, nearly 30,000 pages of records were produced by the current Premier's Office to the Clerk of the Committee on May 21, 2013. Staff in the current Premier's office have reviewed the records produced to the Committee with a view to providing the appellant any records that were created within the time frame of his initial request. A letter transmitting the records to the appellant, without charge, will be issued shortly.

**Q: Is it possible that such records existed but no longer exist? If so, please provide details of when such records were destroyed including information about record maintenance policies and practices such as evidence of retention schedules.**

28. On June 5, 2013 the Commissioner released a Special Investigation Report into the records management practices of political staff: *Deleting Accountability: Records Management Practices of Political Staff*. In her report, the Commissioner found that, as a general policy, staff of the former Premier's office were not complying with their obligations under the *Premier's Office Records*



*Retention Schedule*, established under the *Archives and Recordkeeping Act*, 2006.

29. On June 25<sup>th</sup>, 2013, former Premier McGuinty testified at the Standing Committee on Justice Policy, in respect of recordkeeping by political staff, stating:

*"I welcome the report from the Information and Privacy Commissioner. In 2006, my government demonstrated leadership by passing the Archives and Recordkeeping Act, but as the commissioner pointed out, my government did not do enough to ensure staff were fully trained in the responsibilities created under that new law. I am pleased that Premier Wynne is committed to ensuring that staff receive the necessary training..."*

In response to the Commissioner's report, the current Premier has instructed that all staff in Ministers' offices and the Premier's office receive training on records management, and to put in place measures to ensure appropriate recordkeeping by political staff, including improved orientation for political staff.

## **Part B: Conclusion**

30. Where a requestor claims that additional records exist beyond those the Institution identifies, the Information and Privacy Commissioner may make inquiries to determine whether the Institution conducted a reasonable search for records as required by section 24 of FIPPA [Orders P-85, P-221, PO-1954-I].
31. If the IPC is satisfied that the Institution carried out a search that was reasonable in the circumstances, the IPC will uphold the Institution's decision. If the IPC is not satisfied that the search was reasonable, it may order the Institution to conduct a further search.
32. A reasonable search is one in which an experienced employee knowledgeable in the subject matter of the request expends reasonable effort to locate records which are reasonably related to the request [Orders MO-909, PO-2469, PO-2592].

33. It is respectfully submitted that the Premier's Office conducted a reasonable search in the circumstances for the following reasons:

- i. Experienced employees knowledgeable in access requests and records management in the Premier's Office coordinated the search for the responsive records.
- ii. In addition to the Premier's records and those records in the correspondence unit, nine staff members of the Premier's Office were identified as potentially having responsive records. This assessment was based on their seniority and proximity to the former Premier, and consequently their involvement in the gas plant files.
- iii. Each staff member conducted a search for responsive records. Staff were asked to search their electronic records, email accounts and folders, paper and hard copy files and then confirm the results of the search. Five of those staff confirmed in writing that no records resulted from their search. It was confirmed that no records were located for the one staff that had departed during the processing of the request. Three individuals produced records that were responsive to the appellant's request (in addition to records produced by the Correspondence Unit). A total of eighty-eight pages of responsive records were located as a result of these searches.
- iv. Consideration was given as to whether e-mail accounts of former staff members could be restored from back-up tapes. The e-mail accounts of these individuals were deleted in the normal course after departure from employment and this was done before the Premier's Office received the appellant's request.

34. In addition to conducting a reasonable search, Cabinet Office also provided records to the appellant prepared by the Government House Leader's Office relating to the conduct of matters within the Legislature. Despite these records normally being considered outside of the Act, in the interest of transparency, there was a decision to voluntarily disclose the additional records.

35. Finally, the current Premier's Office has recently reviewed records produced to the Standing Committee on Justice Policy with a view to providing the appellant any records that were created within the time frame of his initial request. A letter transmitting records to the appellant, without charge, will be issued shortly.

All of which is respectfully submitted.

Counsel to Cabinet Office

# **APPENDIX A**

## AFFIDAVIT OF JAMIE FORREST

IN THE MATTER OF Appeal Number PA13-84 under the *Freedom of Information and Protection of Privacy Act*.

I, Jamie Forrest, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I AM EMPLOYED IN Cabinet Office as the Freedom of Information and Issues Coordinator. I have been employed by Cabinet Office since January 2010. I have held the position of Freedom of Information and Issues Coordinator in various Ministries of the Government of Ontario for the past ten years. My current role includes processing access to information requests on behalf of Cabinet Office and the Premier's Office. As such, I have knowledge of the matters herein deposed to, except where I have been informed of facts by other people. Where information is stated to be received by others, I verily believe it to be true.
2. I have been asked to provide information about the search conducted in the Premier's Office in response to the access request at issue in the current appeal, PA13-84, before the Information and Privacy Commissioner.
3. On November 30, 2012, I received an access request from the requester, now the appellant, for the following records from the Office of the Premier of Ontario:

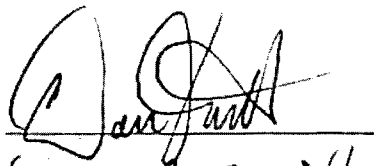
"...all correspondence, minutes, presentations, emails, videos, audio recordings, other electronic communication, handwritten notes, reports, briefs, maps, photos, any other communication, and any other document, whether it appears or appeared on paper, microfilm, computer disk, or any other medium, produced, sent or received in period January 1, 2012 through October 1, 2012 by the Premier, the Premier's Office, consultants to the Premier's office, or advisors to the Premier's Office relating to the construction, contracting, relocation, or any other arrangements associated with of the gas-fired power plants once contracted for development in Oakville by the firm Eastern Power or related entities and also Mississauga by the firm TransCanada Energy or related entities. Where any of these materials are available as electronic text, .PPT, .PPTX, .ODTs, .EXE, .DOC, .DOCX, .EML, .MBX, .PST or any other kind of application file, please provide the search results in machine searchable format".

- d. A search of the electronic records of former staff was also indicated, if the records still existed on the government's servers.
8. During the processing of this request, I discovered that Kevin Spafford, Manager, Legislative Affairs, Government House Leader's Office, had left the employment of the Premier's Office. I was advised by Ms. Ramey, and verily believe to be true, that Mr. Spafford was contacted via telephone and Mr. Spafford advised that he did not believe he had responsive records but could not confirm this fact.
  9. Accordingly, I contacted Mr. Thom Stenson, Manager, Field Services in Infrastructure Technology Services, Ministry of Government Services, to have Mr. Spafford's email account re-activated. I was advised, and verily believe to be true, that a search of Mr. Spafford's re-activated email account was undertaken by a current Premier's Office staff member, Drew Davidson, Assistant, Issues and Media & Associate Press Secretary. Ms. Davidson advised me that no responsive records were located.
  10. I was advised by Ms. Codd-Downey that Premier McGuinty's records were reviewed and no responsive records were located.
  11. I contacted the Premier's Correspondence Unit and was subsequently provided with responsive records from the Correspondence Unit.
  12. Three individuals confirmed that they had responsive records (Lauren Ramey, Neala Barton and David Phillips) and five individuals confirmed in writing that they had no responsive records.
  13. A total of 88 pages of records were produced to me by the former Premier's office.
  14. On February 11, 2013 I issued a letter to the appellant advising that 88 responsive pages had been located in the Office of the Premier.
  15. On March 7, 2013, I was advised by the IPC that the requester had filed an appeal. I subsequently received a Notice of Mediation in the appeal on or about March 21, 2013.
  16. Mediation discussions between the appellant and my office commenced through Ms. McIntyre, a mediator with the Office of the Information and Privacy Commissioner.

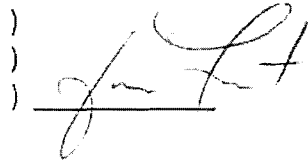
could be performed on these accounts. Fifty-two accounts were identified and subsequently searched by staff in the current Premier's office.

22. This affidavit is made for the purpose of the reasonable search appeal herein and for no other purpose.

Affirmed before me in the City of Toronto, in the  
Province of Ontario, on June 27, 2013

A handwritten signature in black ink, appearing to read "Donald B. Faircliff", written over a horizontal line.

Donald B. Faircliff  
Commissioner for Taking Affidavits

A handwritten signature in black ink, written over a horizontal line, with three closing parentheses to its left.

# **APPENDIX B**



The Cabinet Office

Bureau du Conseil des ministres

Communications Services

Services des Communications

99 Wellesley Street West  
Whitney Block, Room 4520  
Toronto, Ontario  
M7A 1A1

Telephone 416-326-2672

99 rue Wellesley Ouest  
Edifice Whitney, Bureau 4520  
Toronto (Ontario)  
M7A 1A1

Téléphone 416-326-2672



April 26, 2013

Mr. Thomas Adams  
12 Sidford Court  
Toronto, Ontario  
M6S 2J4

Dear Mr. Adams:

**Subject:      FOI Request 12/53  
                 Appeal 13-84**

This is further to your request under the *Freedom of Information and Protection of Privacy Act* for records sent or received in the period January 1, 2012 through October 1, 2012 by the Premier, the Premier's Office, consultants to the Premier's Office, or advisors to the Premier's Office relating to the construction, contracting, relocation, or any other arrangements associated with the gas-fired power plants once contracted for development in Oakville by the firm TransCanada Energy or related entities and also Mississauga by the firm Eastern Power or related entities. This is also further to my decision letter of February 11, 2013 and discussions with the IPC in the mediation of appeal 13-84.

In a further search for records, we identified records that were prepared by the Government House Leader's Office relating to the conduct of matters within the Legislature. While these records are normally considered outside of the scope of the *Freedom of Information and Protection of Privacy Act*, in the interest of transparency, the government made a decision to voluntarily release these records.

The records are enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie Forrest".

Jamie Forrest  
Coordinator  
Freedom of Information and Issues

Encl.

cc. Leslie McIntyre, Mediator, IPC

# **APPENDIX C**

I have enclosed with this letter a copy of the search parameters including the list of the search terms provided to staff. If the Committee identifies a search term that has been inadvertently left off of this list, I would be pleased to undertake a secondary search using that particular term. I do wish to advise the Committee, however, that we did request that staff *not* restrict their searches to only documents containing the search terms.

Our office has interpreted the Committee's request very broadly. Premier's Office staff was instructed to include any documents that relate to the cancellation and relocation of the two power plants, as well as any materials they may have retained related to the work of this Committee. Staff were also instructed to make no redactions from relevant materials and to provide all responsive attachments to emails and correspondence.

Although the Government House Leader's Office is not formally part of the Office of the Premier, records from all staff within that office have also been included in the documents provided. In addition, on May 9<sup>th</sup>, we were advised by Cabinet Office IT that the email accounts of 52 individuals formerly employed in the Premier's Office could be accessed. A search of those accounts was conducted by my office and any available records, applicable to the Committee's motion, have been included. I have enclosed with this letter a list of the 52 individuals.

In an effort to avoid the production of material that would be of no value to the Committee, and which would greatly increase the volume of the materials produced, we have not included publicly available media reports, transcripts, media summaries, and Hansard. However, staff were instructed to provide any such documents if they were attached to another record that mentions the Oakville or Mississauga gas plant transactions in some way (for example, a news article forwarded to an individual with or without comments).

We have also excluded copies of the 56,000 gas plant documents provided to the Estimates Committee in 2012. In addition, we have made efforts to avoid the duplication of material amongst staff, although some duplication exists.

A small number of records are correspondence files that contain the personal and/or private information of several individuals who wrote to the Premier's office regarding this issue. We respectfully request that the committee protect this personal information by keeping it confidential to Committee members and reviewing these files in-camera. These items are clearly identified in both the paper and electronic files.

Office of the  
Premier  
Legislative Building  
Queen's Park  
Toronto, Ontario  
M7A 1A1

Cabinet du  
Premier ministre  
Édifice de l'Assemblée législative  
Queen's Park  
Toronto (Ontario)  
M7A 1A1



May 21, 2013

Dr. Shafiq Qaadri  
Chair, Standing Committee on Justice Policy  
Legislative Assembly of Ontario  
Toronto, ON, M7A 1A2

Dear Dr. Qaadri:

**Re: Committee Request of May 7, 2013**

I am writing on behalf of the Office of the Premier in response to the motion passed by the Standing Committee on Justice Policy on May 7, 2013, which provided as follows:

***That the standing committee on Justice Policy requests the following documents from the Premier's Office within two calendar weeks of the motion passing: All documentation and correspondence, electronic or otherwise, between January 1, 2010 and May 07, 2013, related to the cancellation and relocation of the power plants in Oakville and Mississauga, including but not limited to documents containing any and all proxy names or code names such as but not limited to SWGTA, Project Vapour, Project Vapour Lock, Project Apple, Project Banana and Project Fruit Salad and that the documents be provided in a searchable, electronic PDF.***

In response to this request, 15 boxes of responsive documents accompany this correspondence. The Ministry of Government Services is completing the scanning of each document, and will provide searchable, electronic files by tomorrow, May 22<sup>nd</sup>.

Upon becoming aware of this motion, our office put forward best efforts to ensure the committee was provided with a timely and comprehensive response. On May 8<sup>th</sup>, prior to receiving formal notice of the motion from the Committee Clerk, Premier's Office staff received a detailed e-mail advising them of the request including detailed instructions to conduct a complete search of their records. In addition, a mandatory staff meeting was held on May 9<sup>th</sup> to aid staff and answer questions about the search.



Best efforts have been made to fully comply with the Committee's request. However, should the Committee be of the view that an error has been made, I would be pleased to have our office conduct a secondary search, or to undertake any further review of records that the Committee deems appropriate.

I will gladly assist the Committee with any questions about this information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Teahen', with a long horizontal flourish extending to the right.

Tom Teahen  
Chief of Staff, Office of the Premier

cc: Ms. Tamara Pomanski, Clerk of the Committee

## **Davidson, Drew (OPO)**

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**From:** Hanson, Belinda (OPO)  
**Sent:** May-08-13 5:31 PM  
**To:** @OPO-All Office of the Premier; Smith, Monique (OPO); Ashimi, Eddie (GHLO); MacKenzie, Rebecca (GHLO); Francis, Melanie (GHLO); Grant, Samantha (GHLO); Oakes, Alexandra (GHLO); Yoannidis, Fran (GHLO); @GHLO-All GHLO Staff  
**Subject:** RE: COMMITTEE REQUEST - Reply by May 10th  
**Attachments:** Justice Committee Request - Search Parameters, May 7.docx

Apologizes, please use this attached document for search parameter information.

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**From:** Hanson, Belinda (OPO)  
**Sent:** May-08-13 5:16 PM  
**To:** @OPO-All Office of the Premier; Smith, Monique (OPO) (Monique.Smith@ontario.ca); Ashimi, Eddie (GHLO); MacKenzie, Rebecca (GHLO); Francis, Melanie (GHLO); Grant, Samantha (GHLO); Oakes, Alexandra (GHLO); Yoannidis, Fran (GHLO); @GHLO-All GHLO Staff  
**Subject:** COMMITTEE REQUEST - Reply by May 10th

You have been identified as a staff member possibly having access to, or knowledge of, records that respond to a motion passed by the Standing Committee on Justice Policy.

The motion requires the Premier's Office to produce all documentation relating to the cancellation and relocation of the gas power plants in Oakville and Mississauga.

You are required to undertake a search for records as soon as possible, and provide your records to Belinda Hanson, by no later than Friday, May 10<sup>th</sup> at 4pm.

### **Timeframe:**

- You should search for all records sent, received or created in the timeframe of January 1, 2010 to May 7, 2013 inclusive.

### **Area of Search:**

- When planning your search, you should consider all of the places where responsive records may reasonably exist. A search for responsive records must include a search in the following areas:
- e-mail including:
  - Outlook e-mail accounts, (all folders including inbox, sent mail, deleted items, personal folders and calendar entries) and e-mail and other messages on blackberries or other mobile devices.
- electronic records including:
  - records maintained on the local hard drive (c:) of your laptop or computer workstation,
  - records maintained on any network drives accessible to you through your laptop or workstation,
  - records saved on any external media or mobile storage device including CDs, DVDs, USB memory sticks or external hard drives,

- voice-mail messages saved to phones, network drives, workstation laptops and hand-held devices,
- video recordings and digital photographs.
- Paper records, including hand-written notes and photographs.

### **Search Terms:**

The attached search terms (key words) have been prepared to assist you in conducting your search. However, you must not restrict your search to only documents containing the search terms. **All** records that relate to the cancellation and relocation of the gas plants must be located and produced whether or not the records contain the search terms.

Please refer to the attached "STEP-BY-STEP GUIDE TO SEARCHING FOR RECORDS" for instructions on how to use keywords to search Outlook and other electronic records.

**Tip:** When searching your electronic records, you may wish to use multiple key words in the same search. To search using one phrase, enter the phrase in quotes: e.g. "Project Vapour". To search using one or more phrases or words, insert words and phrases with the word OR (in capital letters) between the search terms. For example, "Project Vapour" OR "vapour" OR "vapor" OR "gas plant". **Searches should be limited to 5 words or phrases at a time.**

### **Non Responsive Information:**

The search terms may produce documents that are clearly unrelated to the Committee's request for information related to the Oakville and Mississauga gas plants. For example, the term "Oakville" can produce documents about other issues in Oakville and the term "banana" may produce an unresponsive document. Please do not provide those documents even though they contain the search term.

Some records or attachments you find in your search may contain information about the gas plants as well as other unrelated information. For example, a meeting agenda could have five items, only one of which references a search term. Where a record may have both information that has been requested by the committee, and other information, you must provide the whole record, including attachments.

### **Redacting Records:**

You should not redact, alter or amend any record you have located as part of your search.

### **Records Referenced in Other Documents or as Attachments:**

If a record (i.e. an email) references an attachment, you should take all necessary steps to locate and provide the related attachment.

### **Media Clippings, etc.:**

Media clippings, transcripts, and harsard do not have to be produced unless they are attached to another record that makes mention of the Oakville or Mississauga gas plant transactions in some way (e.g. forwarded to an individual with or without comments), or where notations have been made on an article.

### **Organizing the Records:**

Please print ONE-SIDED paper copies of all electronic records you have identified as being responsive to the request, and photocopy (ONE-SIDED) any records located that exist in paper form (e.g. in filing cabinets, personal notebooks, etc.) and return original copies to the file.

Please do not staple records together or bind them in any way.

✓  
**Belinda Hanson | Special Assistant to the Premier**  
Office of the Honourable Kathleen Wynne, MPP  
Premier of Ontario | Minister of Agriculture and Food  
T: 416-325-7713 | C: 647-289-2514



# Justice Committee Request – May 7<sup>th</sup>, 2013

## Search Parameters

### **Request:**

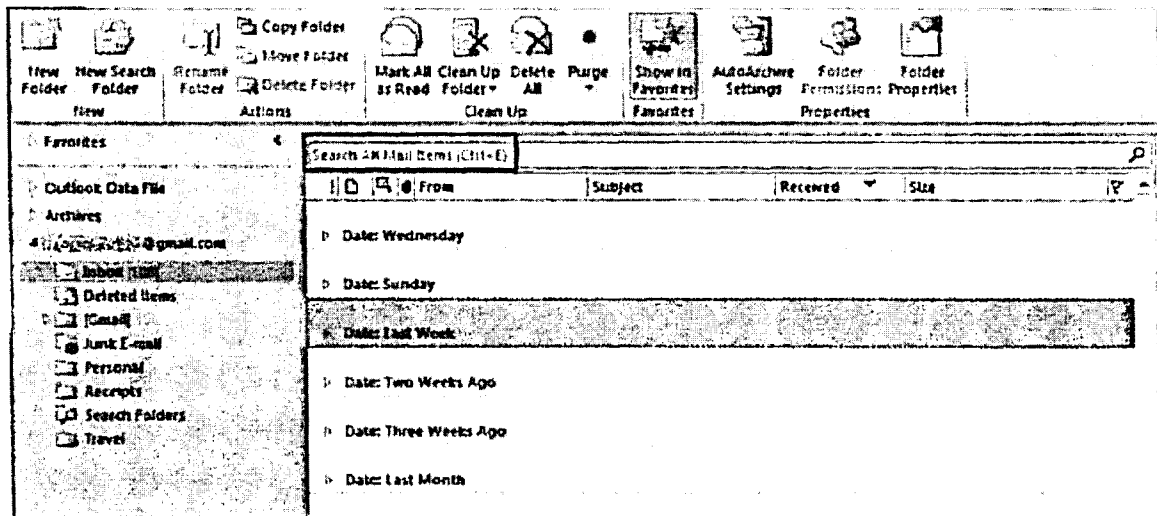
*"That the standing committee on Justice Policy requests the following documents from the Premier's Office within two calendar weeks of the motion passing: All documentation and correspondence, electronic or otherwise, between January 1, 2010 and May 07, 2013, related to the cancellation and relocation of the power plants in Oakville and Mississauga, including but not limited to documents containing any and all proxy names or code names such as but not limited to SWGTA, Project Vapour, Project Vapour Lock, Project Apple, Project Banana and Project Fruit Salad"*

## Step 1: Outlook (e-mail) Searches

(includes calendar, email accounts, personal folders, etc.)

1. In the "inbox" screen click in the search window.
2. A search tab will appear in the upper left corner of the screen. Select "all outlook items".
3. Enter the search word or phrase. A phrase should be entered with quotes (e.g. "Project Green")
4. The search results will then be displayed by each folder searched.

**TIP:** if you wish to search several words and phrases at the same time you may enter them as follows: "project apple" **OR** recycling **OR** landfill **OR** "Green Box Program".



**Note:** The e-mails retrieved will also include attachments (if any). It is possible that the keyword will not appear in the e-mail. In these instances the keyword will be found in the attachment.

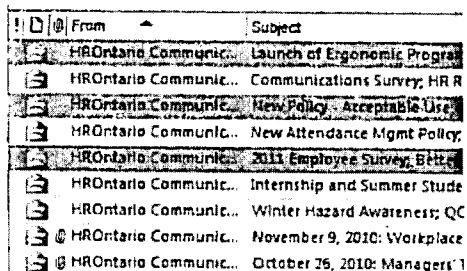
## Step 2 - Saving Outlook Records

The results of the Outlook search may be printed off, or the search results may be saved in electronic form in a new folder.

There are three ways to save Outlook items into a new folder. In each case, the Outlook search results will be saved in an .msg format.

### **Option 1     Drag and Drop**

Create a new folder on your desktop and simply select multiple e-mails from Outlook (ctrl+left mouse click)



...and drag those e-mails to that folder. This will create discrete .msg files for each e-mail selected.

Name	Date modified	Type
2011 Employee Survey Better Access to HR Info.msg	11/19/2012 3:39 PM	Outlook Item
Launch of Ergonomic Program.msg	11/19/2012 3:39 PM	Outlook Item
New Policy - Acceptable Use of IS/IT Resources.msg	11/19/2012 3:39 PM	Outlook Item

### **Option 2:     Select and Copy**

Again, select multiple e-mails from Outlook (ctrl+left mouse click), then right mouse click and select **Copy** from the menu. Then open the folder and right mouse click and select **Paste**.

### Step 3 - Searching and Saving Electronic Records

- This search will capture non-outlook files.
- Search all folders on the drives accessible to you.

#### **For Office 2010**

Step 1: Using the key words, use *search programs and files* in the start button menu. This will return results from both Outlook and the local hard drive of the computer. To search other drives accessible to you, left click on the start button. Click "computer" and select and search each of the network folders that appear on your screen. Enter the word or phrase into the search box in the upper right corner of your screen. When entering a phrase, insert the phrase in quotes (e.g. "Project Apple").

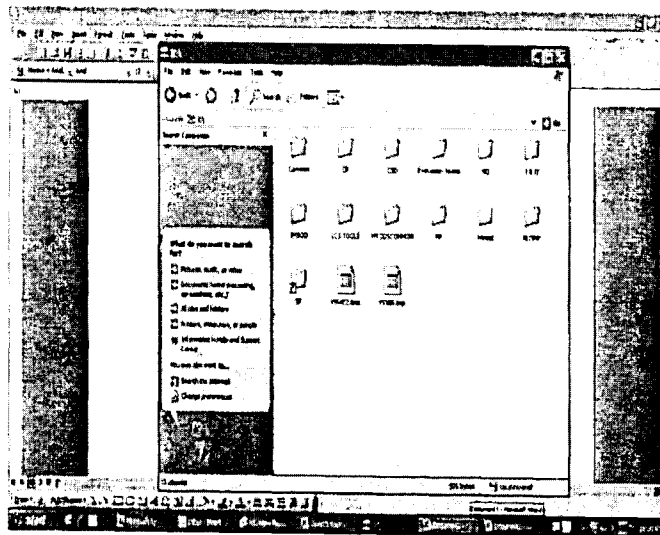
Step 2: The computer will then prompt you to 'search again in'. Select 'File Contents'

- Save all Electronic Records, in their original format, to the desktop folder.

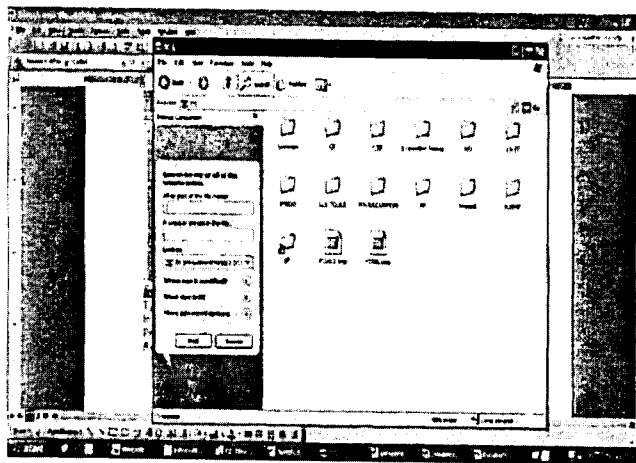
**TIP:** if you wish to search several words and phrases at the same time you may enter them as follows: "project apple" **OR** recycling **OR** landfill **OR** "Green Box Program".

#### **For Office 2003**

- Right click on start
- Choose Explore
- Click on search tab from top bar
- Select All files and folders



- Type in key words or phrase



- In "look in" drop down menu, select the drive you wish to search
- Press search
- Repeat steps for each drive that is accessible to you.
- Save all Electronic Records, in their original format, to the desktop folder.

#### **Step 4 – Printing Records**

- Once the search results of Outlook items and other Electronic Records are saved, please print all records one-sided.

#### **Step 5 – Searching and Preparing Paper and other Hard Copy Records**

- Manually search paper and other hard copy files including hand-written notes maintained in notebooks.
- Supply one-sided photocopies of paper and hard copy records.

## Key Words

The following search terms (key words) have been prepared to assist you in conducting your search. However, you must not restrict your search to only documents containing the search terms. **All** records that relate to the cancellation and relocation of the gas plants must be located and produced whether or not the records contain the search terms.

Project Fruit Salad	Power Plant
Fruit Salad	Power Plants
Project Apple	Generating Station
Apple	Oakville Plant
Project Banana	OGS
Banana	Mississauga Plant
Project Vapour	Ontario Power Authority
Project Vapor	OPA
Project Vapour Lock	Greenfield South
Project Vapor Lock	Greenfield
Vapour	GS
Vapor	GFS
Vapour Lock	Eastern Power
Vapor Lock	EP
Vapourlock	Keele Valley
Vaporlock	EIG
SWGTA	Transcanada
Southwest GTA	TCE
Gas Plant	Oakville
Gas Plants	Mississauga

### Former Premier's Office Email Accounts

Name
Agbasi, Chike (OPO)
Allenby, Christine (OPO)
Annis, Kristyn (OPO)
Bala, Asma (OPO)
Barrette, Richelle (OPO)
Barton, Neala (OPO)
Beckermann, Jennifer (OPO)
Brodhead, John (OPO)
Charlebois, Tyler (OPO)
Clarkson, Beth (OPO)
Codd-Downey, Beckie (OPO)
Cousins, Julie (OPO)
DeCarolis, Pierina (OPO)
Espie, Jonathan (OPO)
Favre, Patricia (OPO)
Fowler, Samantha (OPO)
Fraser, John (OPO)
Gair, Alexandra (OPO)
Gene, Dave (OPO)
Hazelden, Mark (OPO)
Ikura, Sophia (OPO)
Jamieson, Kate (OPO)
Jephcott, Emily (OPO)
Kamalavasan, Keerthana (OPO)
Kerr, Shawn (OPO)
Khan, Nauman (OPO)
Korbee, Leon (OPO)
Lagerquist, Jason (OPO)
Lake, Kristen (OPO)
Latif, Ruby (OPO)
Lewis, Kayla (OPO)
Livingston, David (OPO)
MacDonald, Rod (OPO)
Maskell, Lindsay (OPO)
McCann, Wendy (OPO)
McGrath, John (OPO)
McLaughlin, David (OPO)
Miller, Laura (OPO)
O'Connor, Sean (OPO)



O'Neill, Paulina (OPO)
Oraziotti, David (OPO)
Pasternak, Cortney (OPO)
Phillips, David (GHLO)
Ramey, Lauren (OPO)
Roiron, Elise (OPO)
Rose, Jonathan (OPO)
Simpson, Michael (OPO)
Sobers, Tracey (OPO)
Spafford, Kevin (GHLO)
<i>Spindler, Jessica (OPO)</i>
<i>Suagh, Priya (OPO)</i>
Tye, Paul (GHLO)