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**Official Report  
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**Tuesday 18 June 2013**

**Journal  
des débats  
(Hansard)**

**Mardi 18 juin 2013**

**Standing Committee on  
Justice Policy**

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
JUSTICE POLICYCOMITÉ PERMANENT  
DE LA JUSTICE

Tuesday 18 June 2013

Mardi 18 juin 2013

*The committee met at 0901 in room 151.*

## MEMBERS' PRIVILEGES

**The Chair (Mr. Shafiq Qaadri):** Colleagues, ladies and gentlemen, at the outset I first of all commend you for doing the committee's business during the summer session when all of our other colleagues are likely elsewhere. In any case, I call the meeting of the Standing Committee on Justice Policy to order.

## MR. CHRIS MORLEY

**The Chair (Mr. Shafiq Qaadri):** I invite our first presenter to please (a) be seated and (b) be sworn in by the Clerk.

**The Clerk of the Committee (Ms. Tamara Poman-ski):** Do you solemnly swear that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

**Mr. Chris Morley:** I do.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Morley. I know you know the drill very well. You have five minutes to make your opening address, beginning now.

**Mr. Chris Morley:** Good morning, and thank you for the invitation to appear.

As you know, I served as Premier McGuinty's chief of staff from May 2010 to May 2011. Prior to that, I was the director of communications in the Office of the Premier.

On the matter of the decision to relocate the Mississauga and Oakville gas plants, let me say clearly that I was part of a broad consensus of people who believed those gas plants should be relocated. I supported the Premier's and the Minister of Energy's decision to move those plants out of a polluted airshed. In making that decision, elected officials listened to the people who elected them, which is a fundamental tenet of democracy and the reason this Parliament was established in the first place. I note that when I left government on June 1, 2012, the agreements to move those plants had not yet been reached.

With regard to my record-keeping practices, the facts are these: My practices were consistent with the Archives and Recordkeeping Act and the Premier's office records schedule.

When I departed the Office of the Premier, I left behind a box of documents to be stored at Queen's Park. Many of those files were active, even until very recently. Those documents can be divided into five general subject themes:

- (1) teacher negotiations;
- (2) the Samsung renewable energy agreement;
- (3) the 2012 budget, and negotiations with the NDP to pass that budget;
- (4) communications material related to the provincial budget, and in particular, changes made in 2010 to make Ontario's tax system more friendly to business investment; and
- (5) miscellaneous records, including some emails and letters.

On May 16, 2013, in anticipation of appearing before this committee the following week, I retrieved those documents, and yesterday, I met with the Archives of Ontario to hand over 300 pages of records. They are now in the hands of the independent, non-partisan Ontario public service.

I wish to address one further issue directly, and that relates to some of the inaccuracies that have emerged in the debate around Ontario's record-keeping rules. For obvious political reasons, some on this committee will have you believe you can never delete any email or any document. That's false and inaccurate, and I think they know that. But those inaccuracies must be confronted and confronted today in the strongest possible terms. The fact is, the rules require certain documents and emails be deleted or removed.

In preparation for today I have gone through—in painstaking detail—the Ontario public service's policy on records, and this is what I found: There are at least 99 different reasons why political and public service staff must delete a document. I note, for those in the media following along with binders, that list is found behind tab 2.

According to the Ontario Common Record Series for Transitory Records, the rules require staff to do the following: "Transitory records must be" deleted "using methods appropriate to their level of sensitivity."

Surplus duplicates: What do the rules say? "Destroy immediately when no longer actively used and referred to."

Records of short-term value: What do the rules say? "Destroy immediately when the material is no longer required."

Intermediate records: What do the rules say? “Destroy immediately upon successful replacement or incorporation into the subsequent or final record.”

Draft documents and working materials: What do the rules say? “Destroy immediately when the final master record has been completed and filed.”

I could go on and on and on, but time prohibits me from reading all 99 reasons why the rules require the destruction and deletion of records. I do hope we’ll be able to explore this further during the Q and A.

I will say this to conclude: I worked here a long time. I followed the Archives and Recordkeeping Act, and because of that, the archives now have more than 300 pages of my records. But I didn’t keep everything because the rules told me not to.

I’d be pleased to take your questions.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Morley.

I offer the floor to the NDP side. Mr. Tabuns: 20 minutes.

**Mr. Peter Tabuns:** Thank you, Mr. Chair. Thank you, Mr. Morley.

Jamison Steeve testified that he met with you and Dalton McGuinty prior to meeting with TransCanada in June 2010. Did you or the Premier instruct Jamison Steeve to offer to make TransCanada whole?

**Mr. Chris Morley:** No, and I’ll answer that question in three parts.

First, Mr. Steeve has been before this committee. Mr. Steeve has said clearly that it was TransCanada who used that language around their desire to be kept whole.

Second, Chris Breen, a representative of TransCanada, sat in this chair before this committee and said Mr. Steeve stopped short of using that language.

Third, following that October 2010 meeting with TransCanada, Mr. Steeve called me. Do you know what he said? He said, “TransCanada said they want us to keep them whole or close to whole,” and we had a conversation about that, because we could not figure out why TransCanada was already negotiating against themselves by opening up the door to being kept only close to whole.

The fact of the matter is that that language was used by TransCanada, as has been testified before this committee.

**Mr. Peter Tabuns:** When you went forward to cancel construction of the power plant in Oakville, did you know what it would cost?

**Mr. Chris Morley:** The former Premier has been before this committee and answered that question, and he indicated very clearly, as has been reported widely, that we were going to enter into discussions with TransCanada about the need to relocate that plant and there would be, likely, some financial costs associated with that.

We also knew that there was going to be a cost to those communities if we went ahead. We knew that that was a polluted airshed. We had come to realize that we had got the decision wrong and that putting up a gas-fired power plant in the location where you could not put a

single wind turbine was simply false and simply wrong. Those are the facts.

**Mr. Peter Tabuns:** Why didn’t you think about it before you sited the plant there in the first place?

**Mr. Chris Morley:** Well, with regard to the Oakville plant, the decision to site it there was actually made by the Ontario Power Authority, through a procurement process.

**Mr. Peter Tabuns:** Under a directive from the Minister of Energy.

**Mr. Chris Morley:** The Minister of Energy did not specify any specific location.

I agree with you, Mr. Tabuns, that that process is flawed. Picking up from some of the testimony from the Ontario Power Authority, one of the requirements that they had was, you had to have site control. Given the inability to be a good neighbour in that neighbourhood, TransCanada, I think, pointed out a problem with the OPA’s process, that “site control”—perhaps the definition of that needs to be a little bit broader. I think you and I would agree on that.

**Mr. Peter Tabuns:** Was Don Guy involved in the decision around the cancellation of the Oakville plant?

**Mr. Chris Morley:** I don’t recall talking to Don about this. I would have talked to Don periodically when I became chief of staff in 2010. Obviously, that would have become more frequent as the election campaign approached, as, to be frank, would be the case between your leaders’ offices and your campaign teams. That’s entirely appropriate, normal. He would have been advised of the decision. But ultimately, as the Premier has said, it was his decision, along with the Minister of Energy, which was later confirmed by the cabinet.

**0910**

**Mr. Peter Tabuns:** Did Don Guy give any advice on this decision?

**Mr. Chris Morley:** Don was always very respectful of the need for the government to make decisions. To be frank, he would live with the consequences regardless. And from a campaign perspective, I can remember on several occasions Don saying, “You folks do whatever you think is right.” That’s the way he operated as the head of the campaign. That’s the way I operated as chief of staff to the Premier.

**Mr. Peter Tabuns:** Did TransCanada reach out directly to you about meeting in 2010?

**Mr. Chris Morley:** No. I will answer this question thoroughly. As you know, and as Mr. Breen and Mr. Steeve and Mr. Mullin have testified, the main points of contact between TransCanada and the Office of the Premier were through Mr. Steeve. He was the most senior official they regularly dealt with. I have no recollection of meeting with TransCanada prior to the decision being made to relocate the plant. In fact, I’m quite sure that didn’t happen.

I had three conversations with TransCanada between 2010 and 2012. The first was in late fall, November or December, of 2010, as TransCanada was exploring the possibility of alternate locations. I attended a meeting

where we essentially discussed some possibilities of sites down in the Kitchener-Waterloo-Cambridge area.

My next conversation with TransCanada occurred by phone in August 2011. After some of my colleagues had been screened out of the file, I became more active in and around the time the government entered into an arbitration agreement. I had a phone call with TransCanada, somebody in Calgary—I don't recall who it was; it was on the communications side—where I essentially agreed that we—well, I proposed and drafted language, and you have those documents, around some holding language regarding the new development, that an arbitration agreement had been entered into.

My third and final discussion with TransCanada that I can recall was in May 2012 when I met with their president and CEO, Russ Girling. It was on a completely unrelated matter. In fact, he was updating me on some of the challenges that existed with flowing oil west to east, as opposed to east to west. He was essentially advising me of some of the issues that have now emerged into the public debate.

**Mr. Peter Tabuns:** That first phone call with TransCanada in the fall of 2010—

**Mr. Chris Morley:** It was a meeting, but yes.

**Mr. Peter Tabuns:** Who was it with?

**Mr. Chris Morley:** Chris Breen would have been there. Jamison Steeve would have been there. I suspect Sean Mullin would have been there. That meeting has been referred to in various forms in previous testimony.

**Mr. Peter Tabuns:** Do you have notes from that meeting?

**Mr. Chris Morley:** I do not.

**Mr. Peter Tabuns:** And could you give us an outline of what was discussed at that meeting, to your recollection?

**Mr. Chris Morley:** TransCanada brought in a couple of ideas. They were not proposals; they were simply ideas around potential sites in and around the Kitchener-Waterloo-Cambridge area. They had a map and—I mean, I think from a TransCanada perspective, what they were looking for, as we were talking about relocating the gas plant, was to ensure that there would be no daylight between the OPA and the government with regard to one side being okay with the site and another party not being okay with the site.

I think it was an entirely appropriate meeting. They were doing their due diligence, and it frankly was an appropriate conversation.

**Mr. Peter Tabuns:** Did you, in your discussions, indicate what sort of deal would be reachable or not reachable with TransCanada?

**Mr. Chris Morley:** No.

**Mr. Peter Tabuns:** Did Shelly Jamieson know that you were in contact with TransCanada?

**Mr. Chris Morley:** Yes.

**Mr. Peter Tabuns:** That's interesting, because she said to us that she became aware of staff involvement with TransCanada fairly late in the game—I think the

spring of 2011, as a matter of fact. But you were telling her in 2010 that you were meeting with TransCanada?

**Mr. Chris Morley:** That was not your question. Your question was, did she know, and at some point, she became aware.

**Mr. Peter Tabuns:** And at what point was that?

**Mr. Chris Morley:** I have no idea, but I can recall. I know for certain that she became aware—

**Mr. Peter Tabuns:** Oh, no; she became aware. That's when she screened people off.

**Mr. Chris Morley:** Correct, and I was not screened off.

**Mr. Peter Tabuns:** Yes. Why weren't you?

**Mr. Chris Morley:** That would have been in keeping with the advice of the Ontario public service.

**Mr. Peter Tabuns:** Did you ever, at any point, go to her and say, "I'm critical to this. I'm at the centre of this. You can't screen me off this"?

**Mr. Chris Morley:** No. My level of involvement prior to my colleagues being screened off was actually very limited. I obviously was part of the consensus around the decision to be made, as were, to be frank, elected officials from your parties.

**Mr. Peter Tabuns:** Pardon?

**Mr. Chris Morley:** Elected officials from all three parties were part of a consensus that said, "The Oakville gas plant does not belong there."

**Mr. Peter Tabuns:** Well—

**Mr. Chris Morley:** No, no—

**Mr. Peter Tabuns:** No, go ahead, because I'm looking forward to your comments.

**Mr. Chris Morley:** My involvement: I was certainly aware; I was certainly involved. I was not managing any file in any major way. As has been indicated, Mr. Steeve was the major contact and point person on the file. He had the conversations with the Premier.

I will say this: I tended to spend most of my time on files where the governing party and opposition parties disagreed, not on files where they agreed.

**Mr. Peter Tabuns:** I just want to point out that it was your party that sited this plant, but I personally warned your government that it was a mistake to site the plant there prior to your signing a contract. I won't speak for the opposition; they can speak for themselves. But a lot of people—

**Mr. Chris Morley:** I'd like to respond to that—

**Mr. Peter Tabuns:** No, no. Just one minute—

**Mr. Chris Morley:** I give you a ton of credit there—

**Mr. Peter Tabuns:** Mr. Morley?

**Mr. Chris Morley:** I give you a ton of credit. You guys got there first. You were right.

**Mr. Peter Tabuns:** Mr. Morley, this Liberal attempt to try to say that everyone was responsible when it was you guys who created the mess and then had to clean it up to save your own political hides—it just doesn't wash.

Were you surprised that Shelly Jamieson screened people off that file?

**Mr. Chris Morley:** In what is a very stimulating and very fast-paced job, I learned not to be surprised or unsurprised by anything.

**Mr. Peter Tabuns:** Were you involved in the campaign decision to cancel the Mississauga gas plant?

**Mr. Chris Morley:** Yes.

**Mr. Peter Tabuns:** Why was the decision made?

**Mr. Chris Morley:** Again, the decision was made because it was an entirely unacceptable place for a gas plant. You couldn't put a single wind turbine there.

My view is, the rules changed in 2009, when, with regard to the siting of wind turbines, there came to be a 550-metre setback. The government, when it came to gas plants, did not keep up with the proper regulatory framework. So you had this ridiculous situation of siting a gas plant in the shadow of a school where you couldn't put a single wind turbine.

I had conversations with the Premier regarding the Liberal Party commitment to relocate that plant. I personally had that conversation with him. I had it twice, and he made the decision.

0920

**Mr. Peter Tabuns:** I'm going to turn things over to my colleague. I'll come back to you later.

**The Chair (Mr. Shafiq Qadri):** Mr. Bisson?

**Mr. Gilles Bisson:** Merci, monsieur. Earlier, in your opening statement, you talked about documents that you've turned over to the archives. What's in those documents?

**Mr. Chris Morley:** I tried to anticipate that question in some ways. It is 300 pages—let me take a step back and tell you how I managed my documents when I was there.

**Mr. Gilles Bisson:** No, right now I'm asking what's in those documents. I'll get to the management after.

**Mr. Chris Morley:** The way I managed my documents was, from time to time, as I came across documents that I thought needed to be retained, in keeping with the Archives and Recordkeeping Act and the Premier's Office Records Schedule, I would set them aside.

There are essentially five categories of documents: teacher negotiations; the Samsung renewable energy agreement; budget documents related to the 2012 budget—in fact, a notebook that you would have sat there and watched me scribble notes in quite extensively; budget documents—not budget documents, mostly communications material related to budgets, starting back, I think, in 2008; and the fifth would be a miscellaneous grouping of—there are some letters, there are some emails.

To answer your next question, there are no documents related to the issue that this committee is exploring.

**Mr. Gilles Bisson:** I want to get back to your notebook, because I did note that you were a copious taker of notes as we sat and negotiated the budget last year. You must have taken notes at the time of this whole gas plant debacle, through the entire process. You must have had a notebook and taken notes.

**Mr. Chris Morley:** In fact, the discussion that we would have had regarding the potential passage of the 2012 budget would have been an exception in terms of when I was actually in a room taking notes.

**Mr. Gilles Bisson:** The only time you ever took notes is when you came and negotiated with me. You had no notebooks and took no notes any time—

**Mr. Chris Morley:** Actually, if I can, the reason I took those notes was to ensure that there was a handwritten record, should the NDP, at some later date, start to introduce amendments to a budget which they had never raised during discussions.

**Mr. Gilles Bisson:** First of all, we told you—

**Mr. Chris Morley:** And that would never happen. That would never, ever happen. I know that that would never happen.

**Mr. Gilles Bisson:** If you read your notes, you'll note that we told you we were going to amend that budget. The surprise is, they supported us.

But I'm back to the point: Did you or did you not have handwritten notes taken, while you worked in the Premier's office, related to this debacle? Did you take any notes? Did you write in a notebook?

**Mr. Chris Morley:** No.

**Mr. Gilles Bisson:** So I'm led to believe that the only time you ever had a notebook was when you negotiated with us. That's interesting.

In regard to the privacy commissioner, she's pretty darn clear that you guys deleted notes, deleted emails that in fact you should never have deleted. So how do you square what you're saying this morning with what the privacy commissioner has said in regard to deletion of notes? First of all, you guys deleted a bunch of notes and you deleted a bunch of emails, and now you're saying you never took notes on the most critical things related to the gas plants and the only notes you ever took were when you sat down and talked to the NDP. How am I going to believe that? How is the public going to believe that?

**Mr. Chris Morley:** The premise of your question is wrong on a couple of fronts. I will choose to discuss the Information and Privacy Commissioner's report. I actually have had a fairly strong relationship with her. She never discussed this report with me.

**Mr. Gilles Bisson:** Did you ever ask her the question? Did you ever say—

**Mr. Chris Morley:** No, no, no, no. She never discussed her report with me. She never approached me to ask how I manage my records. She has no idea. She's learning about it for the first time this morning because she didn't raise that. So as far as I'm concerned, that report has nothing to do with me.

**Mr. Gilles Bisson:** Are there documents that you have not released to this committee, that were in your possession, that are related to the gas plant files—either written notes, deleted notes, documents, any type of information about the gas plant debacle?

**Mr. Chris Morley:** No. I think it's critically important that we talk about what the actual rules are, because the rules must—

**Mr. Gilles Bisson:** No, no, I asked—

**Mr. Chris Morley:** No, no, no. The rules must be discussed in some detail because there are people before this committee who have suggested that it is never appropriate or okay for any member of the Ontario public service or any political staffer to delete a note, and that is simply false. Let me read to you from the Ministry of Government Services Recordkeeping Fact Sheet—The Fine Art of Destruction: Weeding Out Transitory Records.

**Mr. Gilles Bisson:** Stop ragging the puck and killing the time. I have a couple of other questions I'd like to get to. The following question is—

**Mr. Chris Morley:** What does it say? It says, "Ensure that you regularly scan for transitory records and delete as you go." That's the direction to staff.

**Mr. Gilles Bisson:** Listen, the public don't believe you guys when it comes to deleting notes or anything. The record stands for itself. On to the next question—

**Mr. Chris Morley:** I find it very difficult that you folks are not interested in a discussion about what the actual rules are.

**Mr. Gilles Bisson:** Well, listen: I'm to believe that the only time you ever had a notepad is when you negotiated with me—

**The Chair (Mr. Shafiq Qadri):** One minute.

**Mr. Gilles Bisson:** —and then you never took a note the entire time that you sat in the Premier's office. None of that stuff has surfaced. I don't buy anything that you're saying. Sorry, Morley.

**Mr. Chris Morley:** In fairness, I've talked about five different categories of documents, in keeping with the Archives and Recordkeeping Act, that I've turned over to the Archives of Ontario. They include—there actually are some handwritten notes that I used on the Samsung file, that I used on teachers' negotiations—

**Mr. Gilles Bisson:** That you used on gas plants?

**Mr. Chris Morley:** No, sir.

**Mr. Gilles Bisson:** You had notes for teachers, you had notes for other things, but not on the gas plants. How are we to believe that? How is anybody listening to this testimony going to believe that you took notes on everything but the gas plants? Doesn't that leave a huge hole you can drive a Mack truck through, or call into question your credibility?

**Mr. Chris Morley:** What leaves a huge hole for me is the fact that there are 99 reasons that are perfectly acceptable. In fact, staff are directed to delete and destroy documents.

**Le Président (M. Shafiq Qadri):** Merci, monsieur Bisson, pour vos questions. Au gouvernement : monsieur Delaney, 20 minutes.

**Mr. Bob Delaney:** Thank you very much, Chair. Good morning, Mr. Morley. I just want to thank you for being here.

A couple of things I want to start off asking you: Your appearance at the committee today—toward the end of

our committee meeting on June 6, my colleague Mr. Tabuns asked the Clerk about the possibility of getting a Speaker's warrant to get you to appear before the committee. My understanding is that you're not attending this morning on account of any Speaker's warrant. Would you clarify for the committee how your appearance this morning came about?

**Mr. Chris Morley:** I was approached about appearing before the committee, I think, for the week of May 6, and unfortunately I was in Edmonton for the bulk of that week for my sister-in-law's wedding. I responded to the Clerk by suggesting that we arrange a time for the week of May 20, so the committee could have some certainty about my appearance. I never heard back.

**Mr. Bob Delaney:** Fair enough.

**Mr. Chris Morley:** The committee eventually requested me—last Thursday, I think it was—and I'm here this morning.

**Mr. Bob Delaney:** Okay. You've just been questioned about the veracity of your testimony. Do you take your oath to tell the truth seriously?

**Mr. Chris Morley:** I take my oath seriously, and do you know what else I take seriously, Mr. Delaney? I take the rules seriously. I take the rules that require staff to, in many circumstances, delete and destroy documents. I don't think this committee, based on what I've seen in the last couple of weeks, to be frank, has given adequate attention to the rules.

Let me quote from them: Premier's Office Records Schedule—it's from 1999, still in effect today. "Duplicate copies belonging to other offices or branches within the government" must be deleted. For intermediate records, what do the rules say? Those records consist "of records that are used solely in the preparation of other records and are not needed once the preparation of other records is complete." Again, that is a document that must be deleted.

**Mr. Bob Delaney:** Okay. What are your thoughts on the recommendations by the Information and Privacy Commissioner and her report?

**Mr. Chris Morley:** As I said earlier, I have had a good relationship with the Information and Privacy Commissioner. I do have to take issue with one of her recommendations, which, to be frank, I find unworkable. One of her recommendations is, essentially, to make it an offence under the Freedom of Information and Protection of Privacy Act that the destruction of any records that "may reasonably be subject to" an access request—that that become an offence.

I know that people before this committee would not ever debate what is meant by what "reasonably may be subject to," but she's essentially saying that there will still only be a portion of information that's made available. She's essentially saying that there are 99 exemptions as to why you can delete a document right now; she's going to add a 100th. I disagree with that, and I think what she's actually saying is that you have to keep everything.

If that's going to be the law, then let this committee put forward a recommendation that says that's the law. It's actually a law that I'd support, that nothing could ever be deleted.

**0930**

Folks, I actually also think that that should extend to MPPs and caucuses. I know that's a level of transparency that I'm sure everyone could support, that if the rule is going to be to hold staff to account—that you can't ever delete anything—then let that be the law. Let it be clear. And let those documents be disclosed within 60 days in real time. Let's open up the windows and let the light shine in.

**Mr. Bob Delaney:** Okay, thank you. Having worked in government a number of years, do you think staff need any more training when it comes to record retention so that they're aware of what the rules are and what their responsibilities are?

**Mr. Chris Morley:** The former Premier has indicated that some additional staff training is warranted. That's something that I'd agree to. That's something I'd agree with. In fact, I have to say there's probably only a handful of people in the province who have as detailed an understanding of the Archives and Recordkeeping Act and the Premier's Office Records Schedule and the rules regarding transitory records as I do. There are 99—

**Mr. Gilles Bisson:** Let's adjourn the committee.

**Mr. Chris Morley:** There are 99 different reasons—

**The Chair (Mr. Shafiq Qadri):** Is that a motion, Mr. Bisson?

**Mr. Gilles Bisson:** No.

**Mr. Chris Morley:** Do I get a say?

There are 99 different reasons why staff are directed to delete documents. The debate that has emerged in Ontario, that suggests that no document can ever really be deleted, is simply false. It needs to be confronted.

**Mr. Bob Delaney:** Okay. That's perhaps a little beyond the scope of the committee, and we'll talk to the commissioner herself next week.

However, just to belabour the point a bit, I'd like to talk about the Archives and Recordkeeping Act and how some of it related to the work that you did. As the act lays out and as you've pointed out a number of times, transitory records are not required to be kept. In fact, you've said they're required to be destroyed.

The common records series defines these records as, and I'll quote from it, "records of temporary usefulness in any format or medium, created or received by a public body in carrying out its activities, having no ongoing value beyond an immediate and minor transaction or the preparation of a subsequent record."

When we asked Secretary Wallace about his personal experience with transitory records, he told us—and again, his words—"from the perspective of my office and our daily email practice, a fair amount of what is provided to us, a fair amount of my routine correspondence, is essentially trivial updates or momentary information exchanges that would not be of interest to anybody in the future trying to, for policy purposes, for historic research

purposes, understand the basis of current decision-making—it would be irrelevant."

Does that seem to be an accurate characterization of transitory records, from your time working in government?

**Mr. Chris Morley:** Yes, and I will simply quote from—much discussion has emerged around what happens to email accounts at the end of someone's employment, and I'm sure we're going to get into that.

**Mr. Bob Delaney:** Okay.

**Mr. Chris Morley:** But what has been missed in this discussion is that the direction to staff is as follows, and this is from a record-keeping fact sheet called the Fine Art of Destruction: Weeding Out Transitory Records, page 2. I found it on the Web: "When dealing with transitory records, practising 'read and delete,' and making good use of your recycling bin and secure document destruction services (i.e. confidential shredding bins) are the keys to managing information effectively."

**Mr. Bob Delaney:** Okay. Let's talk a little bit about the relocation of the two gas plants. In the Mississauga case, the committee has heard that there was enormous community opposition to the plant. Community leaders, including our Mayor McCallion, have testified that there were serious health and environmental risks for the southeast Mississauga and the western Etobicoke areas. Can you elaborate on some of the concerns expressed by the community and by local MPPs about the siting of that plant?

**Mr. Chris Morley:** A couple of different characteristics, I would say, shaped my thinking, one of which is that between the time the plant was sited and 2011, two new condo towers very close to that site were under construction and planned. That was a reason why it became further inappropriate for that plant to move forward.

I had concern, and there was some public debate, about how polluted that airshed was. It's obviously a heavily congested area with car traffic, and that is something that certainly played into the thinking around how much smog and pollution would be spewed into the air from those gas plants.

**Mr. Bob Delaney:** At a news conference on May 7, following his testimony before this committee, former Premier Dalton McGuinty talked about a conversation he had with you leading up to the decision to commit to relocating the plant if the government was re-elected. He said, "Chris knew I felt we had got it wrong." Could you elaborate a little bit more on that conversation?

**Mr. Chris Morley:** Yes. As I said earlier, I had had a couple of conversations with the former Premier during the 2011 campaign. It sticks with me: His first instinct when I spoke to him was, you know, that we—and it's collectively the energy planners and other folks—got it wrong. It's inappropriate to foist a gas plant on a neighbourhood, in the shadow of a school—

**Mr. Gilles Bisson:** Sorry; before the election?

**Mr. Chris Morley:** —where there would be a gas plant where you couldn't put a single wind turbine.

To answer Mr. Bisson's question, that was during the election.

**Mr. Bob Delaney:** In your role, I assume you paid pretty close attention to the policies and the commitments of both the PC and the NDP parties. You would have been fully aware, then, that during the 2011 election, both opposition parties had pledged to cancel the plant. Correct?

**Mr. Chris Morley:** Yes, and I think, with regard to Oakville, I give Mr. Chudleigh a lot of credit, that he recognized early on that this was not an appropriate place for a gas plant. When he said, "The people of Oakville have told you they don't want the proposed gas-fired power plant ... and I agree with them"—that was in June—he was right. It took the government some time to catch up with him. I give the opposition parties a fair bit of credit here.

**Mr. Bob Delaney:** Okay. In fact, just about every witness before the committee has confirmed that there were clear commitments made by all three parties to either cancel or relocate the plant. My own constituent, Mayor Hazel McCallion—and I'll use her words—said, "The impression that was certainly given beyond a doubt ... I think all parties would have cancelled it...."

We have election flyers; we've got transcripts of robo-calls that confirm these very clear commitments. Given all of that, what do you make of the other two parties essentially rewriting history and putting all the blame on the government for following through on the very same commitment that they made to the people of Mississauga?

**Mr. Chris Morley:** Well, I will say this: I can't remember working on a file, in my period in the office of the Premier, where there was consensus among all three parties about a decision or about a direction the government should take. There was consensus.

When it comes to the Mississauga gas plant, the NDP, very clear, September 26, 2011: "We wouldn't build it."

**Mr. Bob Delaney:** Okay. So it wasn't a question of the "if"; it was merely the "when" and the "how."

Talking about the renegotiations in Mississauga: With all three parties committed to cancelling the plant, and it was the Liberals who were re-elected, it was then our responsibility to implement a commitment to relocate the Mississauga plant.

As construction had started at the plant, it was important to reach a deal to halt construction as soon as possible. Were you concerned that the longer construction continued, the higher the sunk costs would be?

**Mr. Chris Morley:** Yes, that was a concern. It was also my belief and my concern that the decision and the discussions and the negotiations to end construction and move that plant elsewhere—they didn't get any easier as time went on. Had the government not proceeded with that for another couple of weeks, that would not have made those discussions any easier at all.

0940

**Mr. Bob Delaney:** The Leader of the Opposition staged a number of news conferences in front of the Mis-

sisauga site. There was, in fact, the often-quoted campaign announcement where he said that under his government, the plant would be, to use his words, "done, done, done." After the election, he was at the site again to show reporters that construction was still continuing. They also circulated photos.

Did this political pressure from the opposition add to the difficulty of the negotiations?

**Mr. Chris Morley:** I do need to say that on or about November 2, 2011, I left with my family for a vacation, post the election, so I was not as involved in the file, for a period of some two and a half weeks, as I otherwise would have been.

There was consensus that the plant didn't belong there and that the construction should stop and negotiations should be entered into. Ultimately, that's what happened.

**Mr. Bob Delaney:** Let's try it from another direction, then. While the PCs pledged to cancel the plant outright as the government, the Liberals advocated, from the very beginning, for trying to relocate the plant to an alternative site. A lot of experts have come before the committee testifying that, in fact, this was the best path, as opposed to ripping up the original contract and paying damages without any power being produced.

From your viewpoint, was the right approach taken with respect to these negotiations?

**Mr. Chris Morley:** Yes, and I have every confidence in the following statement: Had the government decided to simply follow the advice of the PC Party given during the 2011 election and cancel the plant, as opposed to relocating it, that would have brought on additional costs to either taxpayers or ratepayers.

**Mr. Bob Delaney:** Earlier, Mr. Tabuns had asked you why the government sited the plants in those locations. Just to put on the record a quote from Jim Hinds from the OPA in response to a question from Mr. Tabuns on this topic:

"Typically, we don't site a plant. Typically, what happens is that a need is identified and a directive is issued by the minister to procure power...."

"They set up a process where independent power developers or people who wanted to build the plants would submit proposals, and then the TransCanada"—referring to the Oakville plant—"proposal at the Oakville site was selected. But that was TransCanada's site selection."

One of the questions we've often asked some of the people who've come before us is whether they had any thoughts on the siting process. In light of that question and some of the comments made, is there a thought that you can throw in on siting?

**Mr. Chris Morley:** I would think that there needs to be more done in terms of community engagement. I think that communities, if given the opportunity to recognize the fact that they are growing and have power needs, will embrace the idea that they need to make sure that they play part of a solution, whether that's transmission or generation.

I also think that the procurement process needs to be one where there are broader interests at play than just

which proposal checks the most boxes and which site the engineers think works best. I think these discussions are more complicated than that. There needs to be more opportunity for community input.

**Mr. Bob Delaney:** Continuing with the Oakville decision: The decision to relocate Oakville was made well before the 2011 election, correct?

**Mr. Chris Morley:** Correct. Almost a year to the day, if I recall.

**Mr. Bob Delaney:** In terms of the rationale for that decision, testimony before the committee has shown that there were serious issues with the siting of the plant, which included something you've mentioned: the over-taxed airshed, the lack of a buffer zone to ensure the safety of residents, and the proximity to homes, businesses and schools. Perhaps you could elaborate on the concerns you heard and how they contributed to the decision to relocate the Oakville plant.

**Mr. Chris Morley:** It had been made very clear to us that that was not welcomed by the community and by the neighbourhood. It was extraordinarily close to a school.

**The Chair (Mr. Shafiq Qadri):** One minute.

**Mr. Chris Morley:** It was in a location where you could not site a single wind turbine. All those factors added up to the fact that the opposition were right in getting there earlier. The opposition were right in their support for relocation of that plant. The government needed to rethink its position, and the government, through its powers to direct the OPA, ultimately did that.

**Mr. Bob Delaney:** Okay. Thanks, Chair. We'll stop there.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Delaney.

To the PC side: Mr. Fedeli.

**Mr. Victor Fedeli:** Thank you very much, Chair.

Mr. Morley, I want to go back to the discussion based on something you had said earlier about your involvement in the gas plants. In a discussion where I had questioned Mr. Peter Wallace—I'll read my question and his answer: "But there is a specific document, and there's a cabinet minute, back on the 27th of July. Based on that, would you be able to supply a list of people who were either present or involved with or knew or ought to have known or were aware of Project Vapour, based on the fact that this—"

He interjected with: "At this particular point in time, the political involvement with Project Vapour from the Office of the Premier was a relatively small circle of individuals, likely including Chris Morley. I am not sure of the others who were involved at this point, in July 2011."

Is Mr. Wallace's statement accurate?

**Mr. Chris Morley:** That is a period after some of my colleagues on the political side were screened off the file: Mr. Steeve, Mullin and MacLennan. Ultimately, at that point, yes, I became more involved.

**Mr. Victor Fedeli:** So who else was involved, other than you, from the Premier's office?

**Mr. Chris Morley:** I can't recall bringing in anyone else. It may have been on a—I may have updated other people who were not screened off the file.

**Mr. Victor Fedeli:** Yeah, our records show pretty much the same thing. You ran the show. Your name is on pretty much every email that relates to Project Vapour, Project Vapour-lock. You're talking about—

**Mr. Chris Morley:** And just to be clear, you seem to be suggesting that there's something wrong with that.

**Mr. Victor Fedeli:** No, no. I'm just suggesting you're the guy. You're the guy with the answers. You're the guy who knows the answers, so I'm going to ask you a few questions.

**Mr. Chris Morley:** Great.

**Mr. Victor Fedeli:** And it's very clear that you're the guy—in your own words, there's nothing wrong with that—you are the guy in the Premier's office who has the answers.

So on July 29, now-Premier Wynne, former-Minister Wynne and chair of treasury board, signed a document on 29 July 2011, a cabinet minute that got this whole thing started. Are you familiar with that particular document? It's been given tremendous prominence by other people who have sat in that chair.

**Mr. Chris Morley:** The one thing I would say, the one thing I would disagree with you on is the fact that you suggested that's what got this whole thing started—

**Mr. Victor Fedeli:** Oh, it sure did.

**Mr. Chris Morley:** —which is, in fact, not true. The commitment by all three parties had been made many months before.

**Mr. Victor Fedeli:** No, no, no. We're talking about your government, the government that cancelled the gas plant.

Now let's get down to how much it cost. The whole thing started—the costing started—when that document was signed. So are you aware of the document that Kathleen Wynne signed on 29 July 2011—the cabinet minute? Do you know that document?

**Mr. Chris Morley:** It was at that point, in late July or early August—you have the date in front of you, so late July—

**Mr. Victor Fedeli:** Oh, I've seen the document many times.

**Mr. Chris Morley:** —when cabinet essentially approved the fact that we would enter into an arbitration agreement as the process through which any dispute with TransCanada would be resolved. That did not preclude negotiations but it did prevent litigation. And you've had government lawyers indicate before this committee that litigation is always a good thing to avoid.

**0950**

**Mr. Victor Fedeli:** Are you saying you know the document?

**Mr. Chris Morley:** Unless it's in my package, I am aware that a cabinet minute was signed—

**Mr. Victor Fedeli:** So you're aware that a cabinet minute was signed—

**Mr. Chris Morley:** —that entered into an arbitration agreement.

**Mr. Victor Fedeli:** —by Kathleen Wynne that started this whole process. It led to a letter seven days later from then-Minister Brad Duguid authorizing his then-deputy, David Lindsay, to proceed. It clearly outlines that there will be liability shared by both the crown—that's the taxpayer—and the OPA—that's the taxpayer as ratepayer. So you knew, Mr. Morley, that there were going to be two sets of costs as far back as July 2011 in the minister's letter.

**Mr. Chris Morley:** Not—

**Mr. Victor Fedeli:** Let me read you a part of the minister's letter. Before you answer, then, let me save you and answer it for you.

This is in the timeline that is supplied by William Bromm from the cabinet office: "Minister directs Deputy Minister Lindsay to sign arbitration agreement on August 5 and also to sign agreement with OPA re setting out how liability will be divided between OPA (ratepayers) and province (taxpayers)." Back in the end of July, early August, you then knew that there would be two sets of costs, one for the taxpayer and one for the ratepayer.

**Mr. Chris Morley:** I would say there was a possibility that there would be two sets of costs.

**Mr. Victor Fedeli:** Well, they set out how they were going to divide them. So you acknowledge there even was a possibility.

**Mr. Chris Morley:** I acknowledge that there was a possibility that there would be both costs to the ratepayer—

**Mr. Victor Fedeli:** You might be the first to actually acknowledge that, and I congratulate you on that.

**Mr. Chris Morley:** In fact, in fairness to me, I would argue that the letter that you have in your hand probably acknowledged that far before I did.

**Mr. Victor Fedeli:** You're the first who has sat and actually told us. You're the first from the government side; let's put it that way. We've had people from the OPA who sat here and said that everybody in the government knew, but we've not had anybody in the government actually say to us, "Yes, we knew the \$40 million was not the"—

**Mr. Chris Morley:** No, no, that's not what I said, sir. That's not what I said. In fact, the agreements—

**Mr. Victor Fedeli:** I heard you loud and clear that there were two sets of costs.

**Mr. Chris Morley:** No, no, no, no, no.

*Interjection.*

**Mr. Victor Fedeli:** Excuse me, I'm trying to have a conversation here, Mr. Del Duca.

We understand you acknowledged that liability would be divided between the OPA and the province.

**Mr. Chris Morley:** That is not what I said. In fact, the agreements that were struck, the final costs—I've never read them, because I had left the Premier's office many months before the agreements.

**Mr. Victor Fedeli:** No, no, I understand that. I appreciate that. I appreciate very much the fact that you acknowledge that you knew there were two sets of costs.

**Mr. Chris Morley:** No, no, no.

**Mr. Victor Fedeli:** Oh, yeah, yeah, yeah.

**The Chair (Mr. Shafiq Qadri):** Gentlemen, simultaneous conversations drive us all crazy.

**Mr. Victor Fedeli:** I heard you; yeah, yeah, yeah.

Mr. Tabuns was questioning Mr. Lindsay, and he said, "Tiffany Turnbull in her testimony said that you met regularly with Chris Morley regarding the gas plant cancellations. Did you brief him on the costs and risks that you were being informed of by the OPA?" Mr. Lindsay asked, "Rough orders of magnitude?" and Mr. Tabuns responded, "Yes." Mr. Lindsay said, "Yes. It would have been a normal course of our briefings."

Mr. Lindsay said that he told you the rough order of magnitude of these costs. Are you agreeing with him or do you take exception to this?

**Mr. Chris Morley:** Let me speak specifically—

**Mr. Victor Fedeli:** It's a simple question. Is he telling the truth?

**Mr. Chris Morley:** Let me speak—

**Mr. Victor Fedeli:** Is Mr. Lindsay telling the truth? Did he tell you the rough order of magnitude of these costs? Take your time. Take the time to think about your answer. I can realize that you need to think this one through.

**Mr. Chris Morley:** Mr. Fedeli—

**Mr. Victor Fedeli:** Is Mr. Lindsay telling the truth?

**Mr. Chris Morley:** Mr. Fedeli—

**Mr. Victor Fedeli:** I'm asking you a question.

**Mr. Chris Morley:** Mr. Fedeli, I actually am fairly disinterested in whether you show me respect in this chair or not. As an Ontarian, just let me say that I was appalled at the behaviour that you showed last week towards the secretary of cabinet.

**Mr. Victor Fedeli:** The public is not disinterested in this. They are very interested in your deletion, your destruction, your destruction of backup tapes, the fact that you spent \$585 million plus plus plus. We're going to find out just how disinterested the public is in what you have to say.

I am asking you a question right now: Was Mr. Lindsay telling the truth when he told us that you knew the rough order of magnitude of the costs? Yes or no?

**Mr. Chris Morley:** Let me speak about Oakville.

**Mr. Victor Fedeli:** I'm asking you about the order of magnitude. Did you know how much this was going to cost, roughly?

**Mr. Chris Morley:** Can I speak about Oakville?

**Mr. Victor Fedeli:** I have asked you a question. I'm hoping you're going to answer it. Take some time and think about your answer.

**Mr. Chris Morley:** So let me speak about Oakville. In the summer of 2011, I would have known the following. It would have been fairly understood and known—and I would have been one of those to know—that there would have been sunk costs into the Oakville site in the

magnitude of \$40 million. That has been testified to before this committee.

I would have also been aware at that point, and well on the public record, that there would have been some rather expensive turbines for a gas plant that would have been ordered and were under construction.

But until the final agreements were reached, which were reached after I left the Office of the Premier, nobody would have known—or, at least, I wouldn't have known—what the actual structure of those agreements would have been, the length of time that they were, and what the costs were. I also understand from media reports that some of the costs to government actually reduced, in terms of the payment. The cost can only be calculated after an agreement is struck—

**Mr. Victor Fedeli:** Look, I appreciate that. I'm asking you: Did you know there were two sets of costs? You've already acknowledged now that you have. In fact, earlier, you denied the \$40 million, and now you've brought up the sentence that said you're one of those who knew about the \$40 million. You've contradicted yourself within two minutes. Did you know about the \$40 million or not?

**Mr. Chris Morley:** It would have been understood that the sunk costs were \$40 million. That does not—

**Mr. Victor Fedeli:** When I asked you about the cost earlier—

**Mr. Chris Morley:** No, no, that doesn't necessarily mean—

**Mr. Victor Fedeli:** —you said you didn't know. When I brought up \$40 million, you said you didn't know anything about that.

**Mr. Chris Morley:** No, no, no. It doesn't necessarily mean that the structure of the agreement would deal with the \$40 million in the same way.

**Mr. Victor Fedeli:** Oh, I hear you loud and clear. You identify, then, that there are two sets of costs, and you would have known, back as early as July or August, that there are indeed costs to the taxpayer—\$40 million—and costs to the ratepayer—unknown yet, but large, in the hundreds of millions.

**Mr. Chris Morley:** No, sir. It is impossible to calculate the costs of a final agreement until an actual agreement is struck. The agreement to relocate, for example, the Oakville gas plant was not struck for at least another 12 months. That's actually when you can start calculating costs.

**Mr. Victor Fedeli:** I'm not asking about the actual costs; I'm asking about when you knew. You're as reluctant to tell us you knew as everybody else is. We know why you don't want to tell us when you knew: because your cabinet colleagues—the cabinet and the Liberal caucus have stood up and said, early in the game, “You have all the documents.” They've said it's \$40 million.

Minister Bentley sat here and said, “You're going to hear a lot of numbers. Forget about everything else. All you have to remember is \$40 million.”

Meanwhile, there are several hundred million, off on the other side, that are being foisted onto the ratepayer through the OPA—forced onto the ratepayer—to be paid.

We found that in Mississauga. We found that, very clear, when the Auditor General sat where you're sitting and said, “Yep, there were sunk costs but, boy, there were hundreds of millions, as it turned out, in other costs, and they knew it back in July.” That's what the auditor told us: You knew it back in July.

**Mr. Chris Morley:** I'm not sure, Chair. Can you clarify if there was a question there?

**Mr. Victor Fedeli:** I'll get to one.

**Mr. Gilles Bisson:** While you're waiting, I can—

**Mr. Victor Fedeli:** No, I can take it from there.

Do they have our set of documents, Chair?

**Mr. Chris Morley:** I do, yes.

**Mr. Victor Fedeli:** Okay. I want to go back to the point of when you would have briefed the Premier's office about those extra costs: the sunk cost versus cost to the ratepayer. When would that discussion have been held in the Premier's office?

**Mr. Chris Morley:** Well, I was in the Premier's office.

**Mr. Victor Fedeli:** With the Premier, perhaps.

**Mr. Chris Morley:** I had a discussion with the Premier, prior to the government entering into the arbitration agreement, and indicated that we had an opportunity to avoid litigation; that it was essentially a process issue around how we would resolve the dispute if it could not be resolved through negotiation. The Premier agreed that that was a prudent path forward, and ultimately, that decision was eventually approved by the government.

**Mr. Victor Fedeli:** So would you have informed him that the cost would be in the hundreds of millions for Oakville?

1000

**Mr. Chris Morley:** No. In fact, you folks have a document which describes the briefings that I would have given to members who signed—

**Mr. Victor Fedeli:** Is that the one that says—

**Mr. Chris Morley:** —the cabinet document.

**Mr. Victor Fedeli:** —they offered them \$712 million? We have that document, where they offered \$712 million, and TransCanada rejected that one.

What about Mississauga? Can you tell us what number you briefed the Premier on the cancellation cost of Mississauga?

**Mr. Chris Morley:** I'm going to refer to an email, July 28, 2011—

**Mr. Victor Fedeli:** I've asked you about Mississauga.

**Mr. Chris Morley:** —from myself about Oakville.

**Mr. Victor Fedeli:** I've asked you about Mississauga.

**Mr. Chris Morley:** Well, the last bit of this email says—

**Mr. Victor Fedeli:** If you don't want to answer the question about Mississauga, I can understand why—

**The Chair (Mr. Shafiq Qaadri):** Gentlemen.

**Mr. Victor Fedeli:** —so let me ask you, on Mississauga—

**Mr. Chris Morley:** I'm answering your previous question.

**Mr. Victor Fedeli:** I asked you about Mississauga. Who decided to use the \$40 million in Oakville and the \$190-million number in Mississauga? Who decided to use those numbers? Was it you?

**Mr. Chris Morley:** An email—

**Mr. Victor Fedeli:** Did you decide to use those numbers? Were those your numbers to the Premier: \$40 million and \$190 million?

**Mr. Chris Morley:** So you're talking about decisions made by cabinet, and in an email of July 28, 2011, at 8:44 p.m.—

**Mr. Victor Fedeli:** You're three questions ago here.

**Mr. Chris Morley:** I indicated that I had spoken—

**Mr. Victor Fedeli:** We're moving along here.

**Mr. Chris Morley:**—with four ministers. And on the issue of costs, I said, "I have promised this is agreement on arbitration process only, and any negotiated settlement would have another touch point with cabinet." That would have been consistent with the conversations that I had with the Premier.

Now, to your next question, those agreements—

**Mr. Victor Fedeli:** So did you tell them back then that there are two sets of costs, one for the ratepayers and one for the taxpayers?

**Mr. Chris Morley:** Now, with regard to your next question, I had left the Office of the Premier. I left the Office of the Premier on June 1, 2012. Four weeks later, I had a son born. To be frank, when the discussions and agreements regarding relocation of the Mississauga and Oakville gas plants were surfaced, I read about them in the media. I have not read the Auditor General's report; I have not read any detailed calculations by the Ontario Power Authority. To be frank, I was more interested in family responsibilities at that point. I was no longer in the employ of the government.

**Mr. Victor Fedeli:** So let's go back to when you were. On July 28, the day before the cabinet memo was signed by Kathleen Wynne, there's an email from you. It's doc 1, 4 of 5, and it's from you to Shelly Jamieson and other people.

**Mr. Chris Morley:** Yes. I just read from it.

**Mr. Victor Fedeli:** It says, "I've now spoken with four who have been briefed and are willing to sign necessary docs...." It says how they are going to sign—long pens—and "Wynne, who is down at Queen's Park for an event ... tomorrow." So you briefed them. Did you also brief them that there would be two sets of costs: one for the ratepayer and one for the taxpayer? Was that part of the briefing?

**Mr. Chris Morley:** The arbitration agreement that was entered into at that point was essentially around what process would be used to resolve a dispute between the government, the OPA and TransCanada. It was essentially, in keeping with—you've had testimony from government lawyers who have said that avoiding litigation is usually the best practice.

**Mr. Victor Fedeli:** I understand that. Yes, I hear you loud and clear. So I'm asking you—

**Mr. Chris Morley:** And I'm actually very pleased that this document has been released.

**Mr. Victor Fedeli:** Would you have known—

**Mr. Chris Morley:** It says, "I have promised this is agreement on arbitration process only, and any negotiated settlement"—i.e., cost—"would have another touch point with cabinet." It was a process approval.

**Mr. Victor Fedeli:** So only a couple of days later, then, the document that states that there is going to be a division of costs between ratepayers and taxpayers—that came out of the blue? There was no knowledge then that there would be additional costs? This is only August 5. This is only six days later: The minister directs Deputy Minister Lindsay to sign the arbitration agreement and also to sign agreement with OPA setting out how the liability is divided.

So was that document not part of the initial discussion? They were blindly signing an arbitration agreement that was going to add hundreds of millions of costs to ratepayers and taxpayers, and nobody knew the magnitude? We were told here earlier you knew the magnitude of costs. So you kept that information to yourself?

**Mr. Chris Morley:** The arbitration agreement was essentially a process through which disputes would be resolved. And, to be frank, you're talking about costs associated with an agreement that had not yet been reached. In fact, it was some 12 months later.

**Mr. Victor Fedeli:** Oh, I understand the magnitude you were aware of—you may not have known the precise number. It's very clear. We still don't know the precise number. That's why the Auditor General has been called in to get us that precise number. We'll be learning about those extra hundreds of millions, I'm sure, in a couple of months.

**The Chair (Mr. Shafiq Qadri):** One minute.

**Mr. Victor Fedeli:** At the time of that signing, it says that you briefed Kathleen Wynne and the others. Did you brief her and the others on the fact that there would be a division between the ratepayer and the taxpayer?

**Mr. Chris Morley:** I would have briefed her on the fact that this was a process to resolve a dispute with TransCanada, and I would have briefed her on the fact—as the email indicates, "I have promised this is agreement on the arbitration process only, and any negotiated settlement would have another touch point with cabinet."

**Mr. Victor Fedeli:** A couple of days later, the minister directed the deputy minister to sign the agreement with OPA, setting up the two costs. Would you have briefed anybody on the fact that there were going to be these extra costs, and would you have briefed them on the magnitude of those costs?

**Mr. Chris Morley:** We were 12 months before any agreement—

**Mr. Victor Fedeli:** I understand we don't know the number, and I can see why you don't want to answer. I can see—

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Fedeli.

To Mr. Tabuns: 10 minutes.

**Mr. Peter Tabuns:** We'll start with my colleague.

**The Chair (Mr. Shafiq Qadri):** Monsieur Bisson.

**Mr. Gilles Bisson:** In regard to the role of Ms. Wynne in regard to this cabinet meeting, in which you dealt with arbitration: She was aware of what was being discussed and all of the details related to the arbitration?

**Mr. Chris Morley:** She would have been aware that the process was—essentially, it was a process change. Up to that point, there had been the possibility of litigation through discussions with TransCanada and the OPA. There would have been an acknowledgement and an agreement that the government and its partners would enter into a process which is, if there's going to be a dispute, it would be resolved through arbitration, as opposed to litigation.

**Mr. Gilles Bisson:** My point is, though, she would have been aware of the details of the arbitration.

**Mr. Chris Morley:** I can—

**Mr. Gilles Bisson:** Your email of July 28 says that you had actually spoken to Bentley, Duncan, Duguid, Wynne—

**Mr. Chris Morley:** And I frequently did that. That is completely in keeping with my practice. What that email very clearly says is that it should be—

**Mr. Gilles Bisson:** It's about the arbitration.

**Mr. Chris Morley:**—arbitration. It's a process, and should there be a negotiated settlement, there would be another touch point with cabinet.

**Mr. Gilles Bisson:** That's not in dispute. My point is, the details of what the arbitration is all about, the costs and all that kind of stuff, would have been known because that was just the nature of what you were doing: briefing those ministers in regard to the arbitration.

**Mr. Chris Morley:** I would have had a conversation with all four ministers who signed, and I would have laid out that this was the process that the government would—

**Mr. Gilles Bisson:**—in the details of the arbitration. Let me get to the point, because you're asking, in this July 28 document, to get these particular individuals—Ministers Bentley, Duncan, Duguid and Wynne—to sign. Obviously, they had to have signed something to allow the arbitration to go forward.

**Mr. Chris Morley:** They would have signed a cabinet minute, which I believe you have.

**Mr. Gilles Bisson:** Who chaired that meeting the next day?

**Mr. Chris Morley:** To be fair, I don't know.

**Mr. Gilles Bisson:** I'll just remind you. An email from Scott-Vickers, James to Chris Giannekos, that essentially says, "For further confirmation, the walk-around was completed at 2:45"—this is on July 29. Minister Wynne chaired that meeting. As chair of the meeting, she would have had some level of briefing as to what the heck was going to be discussed at that particular meeting, right?

**Mr. Chris Morley:** I would have had a phone call with her and all ministers who were signing it. I would have talked them through the fact that this was a decision by the government—

**Mr. Gilles Bisson:** Did you talk about cost in that arbitration discussion?

**Mr. Chris Morley:** I don't believe I did.

**Mr. Gilles Bisson:** So you talk about arbitration and don't raise cost; just like you don't keep notes about gas plants. Okay.

She was part of the decision-making process and signed off on this, correct?

**Mr. Chris Morley:** There is a cabinet minute with four signatures on it.

**Mr. Gilles Bisson:** Including hers, right?

**Mr. Chris Morley:** I don't have the minute in front of me, but I accept your characterization.

**Mr. Gilles Bisson:** Okay, very good.

Let me ask you a different question before I hand it over to my friend Mr. Tabuns. The estimates committee had required documents in regard to this particular issue. Were you in any way involved in that process of the release of documents to the original request?

**1010**

**Mr. Chris Morley:** No.

**Mr. Gilles Bisson:** Did you or anybody in the Premier's office have any role in withholding the documents that were requested by the estimates committee?

**Mr. Chris Morley:** So, I may be off by a day or two in my dates, and I'm sure you'll forgive me. My departure from the Office of the Premier was announced on May 2, 2012.

**Mr. Gilles Bisson:** Yes.

**Mr. Chris Morley:** The estimates committee, I believe, made its first request for information—I think it was May 16. Is that right, Mr. Leone? Thank you. The last week that I was there, we essentially did a transition period. Between May 2 and my last day, June 1, I had no role in—

**Mr. Gilles Bisson:** Well, you were there, because I was negotiating with you at the time. The budget happened in the month of May last year.

**Mr. Chris Morley:** No, sir. That was done in April.

**Mr. Gilles Bisson:** I thought it was May. Okay, I stand corrected. To your knowledge, would it have been appropriate at the time, or would the Premier's office have been informed of such a request, knowing the operations of the Premier?

**Mr. Chris Morley:** It would have been entirely appropriate for them to be aware of any issue before the Legislature.

**Mr. Gilles Bisson:** Okay. And would they have been involved at some times in these kinds of decisions?

**Mr. Chris Morley:** I wouldn't speculate on what people were or were not involved with after my departure.

**Mr. Gilles Bisson:** Okay. My friend, Mr. Tabuns.

**Mr. Peter Tabuns:** Thanks, Mr. Bisson. What was the role of Dave Gene in the cancellation of the Mississauga power plant?

**Mr. Chris Morley:** I don't recall talking to Dave. He certainly would have been part of the consensus that that be a commitment to be made by the Ontario Liberal Party. Essentially, part of our platform—in other parts of the world they would call it a manifesto, and he would have been aware of that. He would have, I suspect, been comfortable with that. It's possible I talked to him about it; I don't recall.

**Mr. Peter Tabuns:** You don't have a recollection. Did you contact Bob Prichard about the Mississauga plant?

**Mr. Chris Morley:** I don't have any—so I knew that Mr. Prichard was being retained. I supported that. In fact, I thought it was a good idea. Obviously, by the time I think he was retained or shortly before, we were—whether it was the government or the OPA—involved in litigation in Ontario and New York. I think extraordinarily highly of Mr. Prichard. I think he is a very seasoned lawyer, and to be frank—

**Mr. Peter Tabuns:** Can I just ask you, though—

**Mr. Chris Morley:** —but the recommendation to retain him—

**Mr. Peter Tabuns:** Was by—

**Mr. Chris Morley:** —was through the Ontario public service. In fact, I can remember being informed, I believe—I can remember being informed from the public service that he'd be retained.

**Mr. Peter Tabuns:** That would be fine. I listened to your comments at the very beginning about transitory records and deletion and destruction of records. Are you saying that the Information and Privacy Commissioner got it wrong in her report?

**Mr. Chris Morley:** No, I'm saying that, as far as I know, I'm the only one, at least in this room today, that has assembled a list of all the reasons why I believe—having gone through the records, having gone through the rules—why it is appropriate, when it is appropriate and when it is required for staff on the political side and in the Ontario public service to delete records.

I'd like to explore this a little bit, because there are different headings, there are different examples—

**Mr. Peter Tabuns:** I would appreciate it if you didn't use my time up on that. The Information and Privacy Commissioner felt that there was a lack of proper record-keeping in the Premier's office. Do you think she was wrong?

**Mr. Chris Morley:** What I know is that the Information and Privacy Commissioner never spoke to me about her report. As far as I'm concerned, that report has nothing to do with me. She never discussed with me how I would have complied with the Archives and Record-keeping Act and the Premier's Office Records Schedule. Had she done that, I would have provided her with a draft of all the reasons—based on some thorough work, some thorough research—that require staff to delete records.

**Mr. Peter Tabuns:** So are you saying that she got it wrong in her assessment of the way the Premier's office operated with regard to record-keeping?

**Mr. Chris Morley:** I'm saying that she never spoke to me about her report. She has no idea how I dealt with my records, and as far as I'm concerned—to be frank, you folks have far more resources and staff than I do and I would not be surprised if you folks had a list, perhaps even a slightly different list.

**The Chair (Mr. Shafiq Qaadri):** One minute.

**Mr. Chris Morley:** I actually encourage you folks, if you have one, to pull it out. Let's see it. Let's see the reasons why you folks think it's entirely in keeping with the rules to delete and destroy a record, because I came up with 99. You folks can go through the same thing and come up with 103 rules.

**Mr. Peter Tabuns:** I appreciate your ability to count, but if I could go on to another question in my last moment. You were facing a lawsuit in the spring of 2011. TransCanada had given notice. Did you take extra measures to ensure that records were preserved in the face of a potential lawsuit?

**Mr. Chris Morley:** My colleagues who had had interaction with TransCanada at that point, Mr. Steeve and Mr. Mullin, were screened off the file and were interviewed by government lawyers. They had kept notes, appropriately so, of those meetings. At the request of counsel, they turned those records over to government lawyers, and those are now in the public record.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Tabuns. To the government side: Mr. Delaney.

**Mr. Bob Delaney:** Okay. I'm actually going to give you a chance to clarify some of the things that you were trying to say before some of the questioners seemed to want to put words in your mouth. What did you mean when you said it's possible that costs could go on either the tax or the rate base?

**Mr. Chris Morley:** At that point there was no structure of what an agreement to settle the Oakville relocation might be. Essentially what there was was the process, and that process could—as I think paper records indicate—involve a sharing of costs between both the Ontario Power Authority and the government. I would say it is entirely reasonable that the possibility be recognized. But what the structure of the deal actually came to be 12 months later, to be frank, I have no idea. I have not read it.

**Mr. Bob Delaney:** In other words, all of this discussion around what happened in the summer of 2011, this was about an arbitration process, not an arbitration outcome, correct?

**Mr. Chris Morley:** Correct.

**Mr. Bob Delaney:** Thank you. On the issue of note-taking that some of our colleagues have come back to, you said earlier that Mr. Steeve was the lead on the Oakville relocation. As it turns out, the committee does have copies of his handwritten notes, which seems to make sense that the person who was the lead on the file

took the notes and turned them over to this committee. Is that consistent with your recollection?

**Mr. Chris Morley:** Yes. Mr. Steeve was the lead on the file until the spring of 2011. He was removed. He turned over his documents to government lawyers in keeping with the rules.

**Mr. Bob Delaney:** Okay, that's all we needed—

**Mr. Chris Morley:** And I recognize that I have before me a stack of documents from the PC Party which have also been released in keeping with the rules.

One interesting thing that I found in preparing for today's testimony—I believe that this is probably the most transparent and investigated government decision in Ontario history. More than a million documents have been reviewed. More than 100,000 documents have been released. You folks, through your directives, have blown through four industrial printers. There is a very thorough paper record that illustrates the decisions that were made.

**Mr. Bob Delaney:** Okay. Let's come back, then, to Oakville. We've heard from numerous witnesses that the best path forward after the decision was made not to move ahead with the Oakville plant was to renegotiate an alternative site with TransCanada. Witnesses have testified that this was the better path as opposed to ripping up the original contract and paying damages with no new power being produced. Former Deputy Minister of Energy David Lindsay said to the committee, "Paying costs and getting no electricity would not be a very good business decision."

First of all, do you agree with that? Anything you want to expand on?

1020

**Mr. Chris Morley:** There was consensus between the government and the OPA that it would be prudent to actually get electricity as a result of the deal to relocate. I agreed with that. I think everyone agreed with that. I will note that the commitment made by the PC Party with regard to Mississauga was not to relocate the plant, but instead to have a more costly option, which was to cancel the contract. They'd cancel it.

**Mr. Bob Delaney:** Which is a point that I think is well worth making.

**Mr. Chris Morley:** I'm shocked to hear that.

**Mr. Bob Delaney:** Again, former Deputy Minister of Energy David Lindsay also said that "if you have a contract and you don't honour the contract, the party on the other side can sue you for breach of contract and the damages would be all the benefits they were hoping to procure." Continuing on, from the Attorney General's office, John Kelly said, "I'm fairly satisfied there would have been litigation." He was referring to if the government and the OPA had not negotiated with TCE on an alternative plant. He also said, as a lawyer, "In my experience, after 40 years of litigating, if you can avoid litigation, you should. It's a process that's fraught with risk."

Under these circumstances, do you feel that the optimum way for the government to avoid what appears to have been a direct collision course with litigation was

to renegotiate a new plant with TCE or to find a new project?

**Mr. Chris Morley:** Yes, and my view is that the government would not have avoided litigation had Mr. Steeve and Mr. Mullin not acted and had the appropriate conversations with TransCanada at the appropriate time. In fact, prior to them meeting with TransCanada to indicate that we would be looking for another site, they met with officials in the Ministry of Energy on the public service side and were given advice. One of the things that they were advised to say and which they did relay to TransCanada was, "Don't commence litigation now. Let's have a conversation. You folks can have a conversation with the appropriate people about our power plant needs and how we might be able to relocate this facility."

**Mr. Bob Delaney:** Okay. The July 27, 2011, cabinet meeting again: That was the minute that was to propose the creation of an arbitration process, not to dictate the arbitration outcome. One of the four ministers who signed that walk-around was then-Minister of Transportation Kathleen Wynne, who was not responsible for energy infrastructure projects. When she appeared at the committee, she said, "[T]hat happened to me fairly frequently ... because I was a Toronto member, and if it were a Friday or it was a day when the House wasn't sitting, I would often be in my constituency office or I would be available." Would that also be your recollection of why she would have signed this particular cabinet minute in July 2011?

**Mr. Chris Morley:** Yes. Cabinet minutes are the way that governments officially recognize some decisions that have to be ratified or approved by cabinet. She always liked to do fewer approvals by cabinet in that manner than more, but she was amongst the closest members to the Queen's Park precinct, and from time to time she was called to sign those documents.

**Mr. Bob Delaney:** When she was briefed before signing the minute, the Premier told us—and I'll use her words—"I would always ask for an understanding of what it was I was signing, especially if it wasn't something on a file that I was familiar with. The briefing would have been very high level and, again, there would not have been specific numbers attached to it." In your recollection, would you agree with that?

**Mr. Chris Morley:** Not only do I agree with it, but there is a record which is in keeping with that. This was not a discussion about a negotiated settlement; this was an approval around the process.

**Mr. Bob Delaney:** At this stage, then, cabinet would have just been signing off on the beginning stages of an arbitration process and affirming the commitment to renegotiate with the company, TransCanada Energy, and that negotiations were ongoing. So it wouldn't have been unusual that financial parameters that had not then been negotiated weren't clear at this time. Correct?

**Mr. Chris Morley:** Correct. It was some 14 months later that an agreement was actually struck between the government, the OPA and TransCanada.

**Mr. Bob Delaney:** We've got a few minutes remaining. Are there some points that you had wanted to make that you hadn't had time to make?

**The Chair (Mr. Shafiq Qaadri):** One minute.

**Mr. Bob Delaney:** A quick comment, then.

**Mr. Chris Morley:** Again, I strongly urge members, when it comes to the issues around document disclosure, to take a very transparent approach on a go-forward basis with very clear laws, so there is not a list of 99 different reasons why staff are directed to delete an email. I have to say that I think opening that up to all government records—make it a very clear standard, expect that they be released in some sort of real time, with 60 or 90 days, and that that also extend to MPPs. I think that, in some respects, is in keeping with the fact that it's a minority Parliament and in some respects power is shared between the parties.

**Mr. Bob Delaney:** Okay. Thanks very much.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Delaney. To the Conservative side: Mr. Leone.

**Mr. Rob Leone:** Thank you, Mr. Chair, and Mr. Morley, for being here. You stated earlier in your testimony that this has been the most transparent investigation of a government deal in Ontario's history. I believe you said that.

This all started, again, last year in estimates, where we asked a very simple question: How much did the Oakville cancellation cost and how much did the Mississauga cancellation cost? We didn't get answers to those simple questions. That's what led to the motion on May 16, that's what led to a point of privilege in the Legislature, that's what's led to this. And now we have an OPP investigation involved; the privacy commissioner has weighed in. It seems that the government is only transparent when we demand transparency.

My question for you is: Given the magnitude that we've had to go to just to get those simple answers—you've said, "We released hundreds of thousands of pages and went through four industrial printers"—why don't we have a simple answer to the question: How much did the Mississauga plant cancellation cost and how much did the Oakville plant cancellation cost?

**Mr. Chris Morley:** What you have is agreements, which I believe you folks have, which were struck and agreed to after I left the Office of the Premier. I have not read them. I understand and acknowledge that the Auditor General has done some calculation of, I think, one of them and I forget which one of them—

**Mr. Rob Leone:** Mississauga.

**Mr. Chris Morley:** —Mississauga first, and then Oakville is to come. Those are rightly questions for people who have at least read the documents. Again, I was not a government official at that time; I was a private citizen.

**Mr. Rob Leone:** You announced your resignation on May 22, I think you said.

**Mr. Chris Morley:** May 2, I believe.

**Mr. Rob Leone:** May 2 for June 1.

**Mr. Chris Morley:** Yes, correct.

**Mr. Rob Leone:** Our motion was May 16 for documents to be produced for May 30. You still would have been the chief of staff at the time even though you were transitioning.

**Mr. Chris Morley:** Yes, the last week of May I essentially had said, "I'm no longer the chief of staff. I'm around in kind of an advisory"—

**Mr. Rob Leone:** But you'd take phone calls if someone had a question of a serious nature like, "Hey, they want us to release all these documents from the Ministry of Energy and the Ontario Power Authority. I'm going to produce a letter that says, 'No, we're not going to release those documents.'" You probably would have been aware of that on May 30.

**Mr. Chris Morley:** No. No, I would not—

**Mr. Rob Leone:** You wouldn't have been aware of that?

**Mr. Chris Morley:** No. I have no recollection of that.

**Mr. Rob Leone:** All right. While you were Premier McGuinty's chief of staff, did you ever order the deletion or destruction of emails or documents?

**Mr. Chris Morley:** No, but I will say that—and I have done some very thorough research—the rules do require that staff in the Ontario public service and on the political side destroy some emails and documents. It's not—

**Mr. Rob Leone:** I understand that. You've gone to some length and I've read your table here—

**Mr. Chris Morley:** Yes. It's not—

**Mr. Rob Leone:** And I thank you for producing that. But the question I have for you is that we're dealing with the mass deletion of all files, of all emails, of all documents on computers, and you were the chief of staff. Did you ever order the mass deletion of emails—I actually say mass destruction of emails—

**Mr. Chris Morley:** Right.

**Mr. Rob Leone:** —to be done by departing members of the Premier's office and so on?

**1030**

**Mr. Chris Morley:** No. But let me quote from what the rules say. According to the Ministry of Government Services rules recordkeeping fact sheet The Fine Art of Destruction, the direction to staff is, "Ensure that you regularly scan for transitory records and delete as you go." That is the direction to people. This isn't a question of what happens when you leave.

**Mr. Rob Leone:** The protocol of the Premier's office when they wiped hard drives and email accounts clean was that they would put it on portable electronic devices. That was the protocol that was established. When you were chief of staff, did you ever order those to happen for departing members of your office?

**Mr. Chris Morley:** I will quote the Information and Privacy Commissioner on this. I did not do that. And her office's quote with regard to downloading of information onto USB keys or other things is, "It doesn't say in the report anything about files downloaded onto USB keys." The quote continues, "She doesn't believe that happened, and if she did she would have put it" on the record.

**Mr. Rob Leone:** She can't prove it, though, because—

**Mr. Chris Morley:** I know this doesn't jive with your narrative that you've chosen to pursue, but the fact of the matter is—

**Mr. Rob Leone:** It's not a narrative that I have chosen to pursue. You—

**Mr. Chris Morley:** The fact of the matter is—

**Mr. Rob Leone:** —answered simple questions. That's why we're here.

**Mr. Chris Morley:** The fact of the matter is, the direction to staff, going back as far as 1999, was that some documents—duplicate records, for example, transitory records, records of short-term value, records of no on-going value—

**Mr. Rob Leone:** We understand that.

**Mr. Chris Morley:** Those records must be deleted.

**Mr. Rob Leone:** That's fine. It says here, on PC doc 7, page 8 of 14—and it's scratched out, redacted, if you will—"It is the practice of departing"—

**Mr. Chris Morley:** Sorry, can I find it?

**Mr. Rob Leone:** Document 7, page 8 of 14, bottom paragraph, scratched out: "It is the practice of departing PO staff"—which I'm assuming is Premier's office—"to ensure that business records are passed on to their successors." That's what it says there.

**Mr. Chris Morley:** Yes.

**Mr. Rob Leone:** Right, okay? Now when I asked—David Livingston assumed the position of chief of staff upon Mr. Morley's departure—Mr. Livingston confirmed that he conducted a search and located no records responsive to an FOI request, which is what this is about.

So there is a practice of passing on information to successors; I mean, everyone changes jobs every now and then—you did yourself—

**Mr. Chris Morley:** Yes.

**Mr. Rob Leone:** —to pursue a different outlook. Congratulations on your baby, by the way. But the point here is that records are passed on, and when we have a pertinent file like we have on this one, which is costing taxpayers hundreds of millions of dollars, it doesn't pass the sniff test when we don't have any responsive records from the Premier's top guy.

**Mr. Chris Morley:** You actually do have some records from me. You have records from me that were appropriately, and in keeping with the rules, filed in Cabinet Office and the Ministry of Energy. We've actually discussed some of them. I quoted from them.

**Mr. Rob Leone:** Sure.

**Mr. Chris Morley:** You've quoted from them. So I have to disagree with the premise of the question. It is entirely appropriate and in keeping with the rules, and in fact good practice, for duplicate records essentially not to be kept in all places over time. That's essentially what the directive is.

**Mr. Rob Leone:** But David Livingston, upon taking office, says he didn't find any. That in fact didn't happen when he searched.

**Mr. Chris Morley:** So there were—

**Mr. Rob Leone:** So he searched and magically there were no records. We search and magically the records appear. That's exactly your testimony.

**Mr. Chris Morley:** So there were no records on this file that were transferred to Mr. Livingston.

**Mr. Rob Leone:** So do you have currently in the Archives of Ontario records pertaining to Mississauga and Oakville power plants at all?

**Mr. Chris Morley:** No.

**Mr. Rob Leone:** None at all?

**Mr. Chris Morley:** No.

**Mr. Rob Leone:** Okay. So you just answered previously that you said that you had documents and you've turned them over.

**Mr. Chris Morley:** No. I had documents. They related to—as I said in my opening statement—Samsung renewable energy agreement, teachers' negotiations and the budget discussions with the NDP. I followed the law. I set, from time to time, records aside, knowing that they had some ongoing value, knowing that the Premier's Office Records Schedule or otherwise required that. And that's the way I managed them.

**Mr. Rob Leone:** So if you turn to page 12, PC doc number 7, page 12 of the same response—

**Mr. Chris Morley:** Page 12 of 14, is that right?

**Mr. Rob Leone:** Page 12 of 14.

**Mr. Chris Morley:** Thank you.

**Mr. Rob Leone:** It talks about how backup drives, backup tapes of servers, including email servers, "in the PO are made at the end of each business day and held for 10 ... days." We have a lot of questions about this, by the way. We could actually access the backup documents. "[T]here is no backup tape in existence that could provide access to deleted emails or the emails of Mr. Morley." That's what it states in here.

**Mr. Chris Morley:** So I will quote the secretary of cabinet in saying, "The wrapping up of email accounts would be a perfectly routine business. It's done in all businesses. There's no expectation in the archives act or anyplace else that records be kept forever in digital form...." That's actually what the rules state.

I hope that I have advanced the discussion a little bit this morning. I hope that I've actually begun to enter into the public conversation what the actual rules were, because I think that's important.

**Mr. Rob Leone:** You know, Mr. Morley, what I hope is that people who are employed by the government of Ontario actually work to protect the taxpayer. That's what I hope. The fact is that every stage that we've seen here investigating this is the fact that—

**The Chair (Mr. Shafiq Qadri):** Gentlemen, time for the hopes has now expired. We'll take a 10-minute recess.

Thank you, Mr. Morley, for your testimony. You're officially dismissed.

*The committee recessed from 1036 to 1104.*

## MS. EMILY MARANGONI

**The Chair (Mr. Shafiq Qaadri):** Thank you, colleagues. The Standing Committee on Justice Policy is back in session. I invite Ms. Marangoni to please come forward in her capacity as deputy director of human resources, Office of the Premier.

Welcome. I invite you to please be sworn in by our Clerk.

**The Clerk of the Committee (Ms. Tamara Poman-ski):** Do you solemnly swear that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

**Ms. Emily Marangoni:** I do.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Marangoni. You have five minutes for an opening address, beginning now.

**Ms. Emily Marangoni:** Thank you and good morning. As earlier stated, my name is Emily Marangoni. I'm the deputy director of human resources in the Office of the Premier. I have been with the Premier's office since November 2006 and have worked in different capacities for the past six and a half years. I understand that I have been called before this committee because I was named as the person responsible for staff exiting or transferring from the Premier's office and that I'm the one who gives direction when it's time to purge their email account.

I think it's important to explain the process I use when a staff member leaves the Premier's office. I have been following this procedure since I arrived at Queen's Park, and I believe this process was also followed before I arrived.

Upon notification of a staff member's termination or transfer, I use what is called the government property recovery checklist, or, in short, the GPRF. I am providing this committee with a copy of the form. This is a form that is generated from Cabinet Office to help me retrieve all government property from the staff member leaving or transferring. This form consists of six sections: accommodations, telecommunications, financial management, information technology, other, and additional comments and/or special requests. Under the information technology section are the following five categories: BlackBerry and accessories, laptop and accessories, portable printer and accessories, computer network access disabled, and purge employee email accounts and H:\ drive files.

My job is to ensure that all government equipment is left behind when a staff member leaves our office. It is also my responsibility to ensure that all email accounts are purged so that no one can accidentally email the wrong account.

This procedure isn't perfect. One particular problem that seems to occur is that, despite my requests that an email be purged, every so often we have a staff member return from another ministry, who hasn't been with us for a number of years log into their email account and find

hundreds of emails from people who have been emailing them on the OPO account while they were gone. When I realize something like this has occurred, I call Cabinet Office IT to find out who else should have been purged but is still on the active employee list.

I would like to be clear: I do not call IT on a regular basis to discuss purging accounts. I would only call when an issue arose. Only then would we go through the list, and I would tell them who was no longer in our office and should be purged. IT would identify if there was an FOI request, but never asked me if emails had been archived. If IT advised me that there was an FOI, I did not ask that they delete the email accounts. I have always waited for confirmation that the email accounts could be purged.

As the Secretary of Cabinet, Peter Wallace, said last week when he was here before you, "You know, just to be really clear, this is just ordinary practice. Accounts are deleted."

Regarding the emails this committee is most interested in, which are Chris Morley, Jamison Steeve and Sean Mullin, I followed normal procedures, as I do for all staff leaving the Premier's office. I collected all the equipment and returned it, along with the completed forms, to Cabinet Office. When their email accounts were purged, there were no FOI requests at that time for the Premier's office. If there had been, their accounts would not have been purged. Their email accounts would be, with the other Premier's office staff, currently disabled because there now is an FOI request. Also, they were not the only staff emails purged at that time. There was a number of staff who had left who still had active email accounts.

Over the past few months, and through Premier Wynne's direction, we have made a few changes to our offer letter when hiring new staff for the Premier's office or ministers' offices. Our offer letter has always stated the following: "You are bound by the ethical framework governing ministers' staff, Premier's office, and, as such, are responsible for ensuring that you satisfy the requirements of the conflict of interest regulation. Please contact Lynn Morrison, the Integrity Commissioner, to discuss any actual or potential conflicts of interest." In the last few months, we have included the following: "You are also bound by the requirements of the Archives and Recordkeeping Act, 2006, to properly maintain records created or received in your office that relate to your official duties. Information about these obligations will be made available to you, so please familiarize yourself with these requirements."

After our initial offer letter, Cabinet Office HR then follows up with orientation, and also provides new staff with a copy of the Premier's office record schedule. I'm providing this committee with a draft copy of the offer letter.

I'm happy to answer any questions. Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Marangoni, for your introductory remarks and your precision timing.

To the PC side: Mr. Fedeli.

**Mr. Victor Fedeli:** Thank you very much, and thank you, Ms. Marangoni, for being here.

**Ms. Emily Marangoni:** It's my pleasure.

**Mr. Victor Fedeli:** Peter Wallace, the secretary of cabinet, testified that you personally ordered the deletion of at least two email accounts. Whose email accounts were those?

**Ms. Emily Marangoni:** I would have gone through an entire list of email accounts, and I would have directed IT in Cabinet Office to make sure that they removed any of the ones—that staff no longer here would not be active.

**Mr. Victor Fedeli:** So who are the names of the accounts that you ordered?

**Ms. Emily Marangoni:** There were a number of them at the time. Three of the ones that would have been at that time are the three that I said in my statement, which were Chris Morley, Jamison Steeve and Sean Mullin.

1110

**Mr. Victor Fedeli:** And do you know the dates that you ordered those emails to be destroyed?

**Ms. Emily Marangoni:** Off the top of my head, I don't remember the exact date.

**Mr. Victor Fedeli:** If I suggested August 17 for Jamison Steeve and Sean Mullin, would that help?

**Ms. Emily Marangoni:** August 17?

**Mr. Victor Fedeli:** If I suggested June 21 for Chris Morley, would that help?

**Ms. Emily Marangoni:** It's very possible. That would have been at a time that I would have requested it, yes.

**Mr. Victor Fedeli:** Those are in Jamie Forrest's affidavit. She says June 21, 2012, for Chris Morley.

So you were the one, then, according to Mr. Wallace, who ordered that?

**Ms. Emily Marangoni:** As I said in my opening statement, it's a process that I would follow whenever I would find out that there were some issues around active accounts.

**Mr. Victor Fedeli:** You used the word "purged."

**Ms. Emily Marangoni:** Yes.

**Mr. Victor Fedeli:** That's the first time we've heard that here. We generally hear "deletion" and then "destruction." Those are words used by the privacy commissioner. Does purging also include the destruction of the backup tapes?

**Ms. Emily Marangoni:** I don't know about backup tapes. The way I've always understood it, the way it was explained to me—and I'm no IT expert; as a matter of fact, I'm still trying to understand sometimes what they're saying—I was always told that any emails we had were on a backup tape. How long they stay there, I couldn't tell you. But I was always under the impression that if something happened to our email accounts, they could be retrieved through this other system. It was the first I heard, and it was only through here that I heard, that they don't exist, which I find oddly confusing because I've always worked under that assumption: that if anyone were to lose their emails—and that could happen when you're dealing with computers—there was

a place where I could go and get help to retrieve those emails.

**Mr. Victor Fedeli:** So when you ordered the purging of Morley, Steeve and Mullin emails, you asked that they be deleted and destroyed. Did you ask for the backup—

**Ms. Emily Marangoni:** No. I did not ask that they be deleted or destroyed. I asked that they be purged.

**Mr. Victor Fedeli:** Did you order the backup tapes be destroyed?

**Ms. Emily Marangoni:** No. I have no access to back-up tapes.

**Mr. Victor Fedeli:** Do you know who did?

**Ms. Emily Marangoni:** I have no idea.

**Mr. Victor Fedeli:** Okay. Let me just read the transcript—the discussion between our member John Yakabuski and Mr. Peter Wallace. He had said that Morley, Mullin and Steeve have their accounts disabled, and he said, "Those accounts were deleted."

Yakabuski: "Deleted?"

Wallace: "At the instruction of the Office of the Premier in August or thereabouts of 2012. The accounts of those—"

Interrupted by Yakabuski: "So by David Livingston? Who gave the order?"

Wallace: "In those particular instances, in at least two of those instances—I'm not sure about all of them—the orders were provided by Mr. Livingston's administrative assistant."

Yakabuski: "And who was that?"

Wallace: "Emily Marangoni."

So is that an accurate reflection of what occurred?

**Ms. Emily Marangoni:** What would have occurred is at the time that they would have left, I would have filled out what I said in my opening statement, which is the GPRF, the government retrieval form. On that form, it says to give a date when they can purge those accounts. I normally will put the date that the person has left. Then, every so often, we would go through the lists of active accounts and I would ask that they be purged. I have never asked that any accounts be deleted or destroyed. I've only ever asked that they be purged.

**Mr. Victor Fedeli:** So in reading the letter from the cabinet office—Jamie Forrest, coordinator, freedom of information and issues—it says here, "Emily Marangoni formerly held the position of EA to Chris Morley"—the man we just heard from before you. "Since she is now the director of human resources in the PO, she was inadvertently overlooked in the initial search request. Emily has now completed a search for records, in the manner described above, and found no records that respond to the request."

So this was for Project Vapour freedom of information. You have no emails of your own?

**Ms. Emily Marangoni:** I would not have been privy to any of those emails. But if I may explain—

**Mr. Victor Fedeli:** None whatsoever? You have no Project Vapour emails?

**Ms. Emily Marangoni:** I don't have any emails regarding Project Vapour. It wouldn't have been something that I would have been privy to.

**Mr. Victor Fedeli:** Okay. A little later it says, "Records of former PO staff and deleted emails." We're trying to get to the reason, of course, why there were—I guess the words are no responses on Project Vapour from the Premier's office. It says here, "Mr. Morley no longer works in the PO. His email account was deleted on June 21, 2012. Mr. Morley's email account cannot be restored from a backup tape."

So you have no idea how the backup tape has been destroyed.

**Ms. Emily Marangoni:** I would only have asked that they purge his active email. I have no control over what happens to the backup tapes. As I said before, I was under the impression that those backup tapes would always be available if something happened and we needed to go and restore emails.

**Mr. Victor Fedeli:** Are you suggesting, then, that it would take an extraordinary effort to have deleted that backup tape in addition to—

**Ms. Emily Marangoni:** Honestly, I can't answer that question. That's way over what I know about IT.

**Mr. Victor Fedeli:** But you would have always thought you can retrieve the backup tape.

**Ms. Emily Marangoni:** I was always under the impression, from my discussions with our IT folks, that there is backup happening, and that even if we delete an email, there is somewhere you can retrieve that email as long as it wasn't deleted within 24 hours of receiving it.

**Mr. Victor Fedeli:** Ms. Forrest further advised that the email account of Christopher Morley, the Premier's chief of staff, was deleted on or about June 21, which was prior to the date of the appellant's request. Mr. David Livingston assumed the position of chief of staff upon Mr. Morley's departure. Mr. Livingston confirmed that he conducted a search and located no records responsive to the appellant's access request.

Would it be normal practice for one chief of staff to leave and not transfer any records at all to the incoming chief of staff?

**Ms. Emily Marangoni:** When it came to emails, I did transition three chiefs, even the one before Chris Morley, and it wasn't customary to—they would be talking to each other, and any physical documents, perhaps, would have been forwarded, but I don't recall emails being transferred.

**Mr. Victor Fedeli:** I asked you about those three, and you said there were other emails. How many deleted or disabled accounts are you aware of?

**Ms. Emily Marangoni:** Any of the staff of the Premier's office who have left in the last six and a half years would have been purged. Off the top of my head, I couldn't tell you what the numbers were, but there would have been more than just those three when we would go through the list.

**Mr. Victor Fedeli:** Who asked you to purge those files?

**Ms. Emily Marangoni:** Nobody asked me. It's part of the process I've been following for the past six and a half years. I follow the checklist that I'm provided from Cabinet Office, and that's how I go through and take care of when a staff member leaves. My primary job is to collect all the government property they have—and one of the things on the list is the purging of email accounts.

**Mr. Victor Fedeli:** So you did this based on a cabinet directive from six and a half years ago, or a standard—

**Ms. Emily Marangoni:** I do have copies. It's a form that I understand Cabinet Office also uses. Basically, it's a checklist. I believe ministries also use a GPRF. They've got their own version of how they collect the equipment. But that's the one I've had, and that's the one I've been using since I came.

**Mr. Victor Fedeli:** When the call for Project Vapour FOI documents—you're saying you have no documents with Project Vapour on them whatsoever?

**Ms. Emily Marangoni:** I don't recall ever receiving anything with that name in an email or any other document. I would not have been privy to those types of discussions. I did not do policy, as EA to the chief. I was more like the air traffic control, where somebody would send me or call or—whether it was correspondence or whatever, I would make sure to send it off where it needed to be, and then, in my view, my job was done.

**Mr. Victor Fedeli:** Do you know what Project Vapour is?

**Ms. Emily Marangoni:** I do now, from the media. It was a code word, but I couldn't say I would have known at the time. That was not a part of what I did.

**Mr. Victor Fedeli:** When do you think you first acknowledged or understood what Project Vapour is?

**Ms. Emily Marangoni:** For one, it was one of the FOI requests—that was one of the times I heard about it. It was only in the last little while that I've heard about it. I've been reading about it in the media.

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**Mr. Victor Fedeli:** Like when?

**Ms. Emily Marangoni:** The last few months—

**Mr. Victor Fedeli:** In 2013?

**Ms. Emily Marangoni:** Yes, I would say in the last few months.

**Mr. Victor Fedeli:** Did you ever receive any specific instructions from David Livingston on the purging or deletion of emails?

**Ms. Emily Marangoni:** No, that was not a discussion David and I ever had. If I may, also, when David came on board, I transitioned him and then I moved down to the second floor. What I did when staff exited was just an ongoing process that I followed, and it wasn't discussions we had. The only time I would have gone to the chief of staff about an issue was if there was an issue that I could not deal with myself, and then I would bring the chief of staff in—but this was part of an administrative process.

**Mr. Victor Fedeli:** So they never asked you, a couple of years ago, to delete anything to do with Project Vapour?

**Ms. Emily Marangoni:** No.

**Mr. Victor Fedeli:** You don't know anything about Project Vapour?

**Ms. Emily Marangoni:** I honestly do not know anything about Project Vapour.

**Mr. Victor Fedeli:** Go to document 5 in the handout that we gave you. It's the second-last page. You'll see that it's August 4, 2011. It's a couple of years old now. Do you see that email?

**Ms. Emily Marangoni:** Is this—

**Mr. Victor Fedeli:** From Murray Segal. The second-last document; PC doc 5; the second-last sheet of paper. Do you have that one? It's the second-last sheet of paper in all of the documents. Do you see it there?

**Ms. Emily Marangoni:** Yes.

**Mr. Victor Fedeli:** Can you just read me the subject line, please?

**Ms. Emily Marangoni:** Is it the email to Chris Morley? Is that the one—

**Mr. Victor Fedeli:** Yes.

**Ms. Emily Marangoni:** Daniel Cayley—the email?

**Mr. Victor Fedeli:** It's from Murray Segal.

**Ms. Emily Marangoni:** From Murray Segal.

**Mr. Victor Fedeli:** Can you read me the subject line?

**Ms. Emily Marangoni:** It's "8:30 a.m. call on Vapour."

**Mr. Victor Fedeli:** You're copied on that?

**Ms. Emily Marangoni:** I was cc'd.

**Mr. Victor Fedeli:** Okay. Go to the next page, then, and it talks about a teleconference on Vapour, I believe, back on August 5, 2011.

**Ms. Emily Marangoni:** Yes.

**Mr. Victor Fedeli:** Optional attendees: Your name is there.

**Ms. Emily Marangoni:** Yes.

**Mr. Victor Fedeli:** So—

**Ms. Emily Marangoni:** But these—I mean, I—

**Mr. Victor Fedeli:** Were you not involved in Project Vapour?

**Ms. Emily Marangoni:** I was not involved. I mean, I would have been—

**Mr. Victor Fedeli:** But you do have Project Vapour email here now.

**Ms. Emily Marangoni:** Yes, and I apologize. I don't remember this.

**Mr. Victor Fedeli:** Are these the only emails that would have your name attached to Project Vapour?

**Ms. Emily Marangoni:** I would believe so. Honestly, you know what? I don't know. If there were meetings going on, I was the EA to the chief, and I would have been included in the invites.

**Mr. Victor Fedeli:** So you did have email with Project Vapour on it, then. Did you wonder, when you got an email on an 8:30 call on Project Vapour, what "Project Vapour" meant? Would you have—

**Ms. Emily Marangoni:** Well, I mean—

**Mr. Victor Fedeli:** Go ahead.

**Ms. Emily Marangoni:** Honestly, I don't remember. I mean—

**Mr. Victor Fedeli:** So, two years ago, there's an email inviting you to a conference call on Project Vapour, and you did not ask anybody, "What does 'Project Vapour' mean?"

**Ms. Emily Marangoni:** Inviting me? Are we talking about these two emails?

**Mr. Victor Fedeli:** Yes, teleconference, optional attendees—

**Ms. Emily Marangoni:** I was not invited to attend. I was an optional—

**Mr. Victor Fedeli:** Yes, I understand. You were invited as an optional.

**Ms. Emily Marangoni:** It wasn't me who was invited to attend.

**Mr. Victor Fedeli:** Did you get the email?

**Ms. Emily Marangoni:** No.

**Mr. Victor Fedeli:** You didn't receive this email?

**Ms. Emily Marangoni:** No, no. Obviously, I did; I'm on it. But I don't—

**Mr. Victor Fedeli:** Yes, so you did receive this email.

**Ms. Emily Marangoni:** It's possible—it would have been one of the ones that I knew Chris was invited, and that would have been the end of my part with it.

**Mr. Victor Fedeli:** So you knew Chris was invited to a meeting to discuss Project Vapour. Can you tell me, at the time, then, did you actually know what Project Vapour was two years ago—

**Ms. Emily Marangoni:** No, I—

**Mr. Victor Fedeli:** —or are you sticking with your story that you just learned of Project Vapour in the media in the last few months?

**Ms. Emily Marangoni:** I didn't know. My apologies; I mean, I don't remember seeing these emails back then.

**Mr. Victor Fedeli:** When you saw an email two years ago that said "Project Vapour," you would have just deleted it? You would have asked somebody, "What does 'Project Vapour' mean? Why am I included on this list? What does that mean?" You didn't do anything about it?

**Ms. Emily Marangoni:** Well, it wasn't unusual to be cc'd on emails that were going to my chief of staff. But I wasn't—

**Mr. Victor Fedeli:** Yes, but it would be unusual not to ask about this unusual word "Vapour."

**Ms. Emily Marangoni:** Well, not necessarily. I mean, honestly, I don't remember. It's a long time ago.

**Mr. Victor Fedeli:** So when you were asked to turn over all emails that had to do with Project Vapour, were these emails turned over to the FOI request?

**Ms. Emily Marangoni:** I didn't have them at the time that the request came.

**Mr. Victor Fedeli:** You didn't have them?

**Ms. Emily Marangoni:** I did not. If I may explain, when I moved from the sixth floor to the second floor, I was no longer under the same IT service, and I—

**Mr. Victor Fedeli:** Explain that a little bit further. This is interesting.

**Ms. Emily Marangoni:** About my emails?

**Mr. Victor Fedeli:** Yes.

**Ms. Emily Marangoni:** I moved from the sixth floor—I was under cabinet office IT; I am now under MGS IT. For some reason, when I moved from the sixth floor to the second, I lost a lot of my emails. It also happened again yesterday—

**Mr. Victor Fedeli:** Hang on. You lost a lot of your emails. Do you know when that occurred?

**Ms. Emily Marangoni:** When I moved down in August, last year.

**Mr. Victor Fedeli:** What was the date of that, please?

**Ms. Emily Marangoni:** The transfer would have been August 28. It happened again yesterday. I lost more emails yesterday, and I've got proof. I'm asking them to come and look into it for me.

**Mr. Victor Fedeli:** So you lost your emails yesterday as well.

**Ms. Emily Marangoni:** There are a number of days that are missing from my inbox. I'm trying to find out what has happened.

**Mr. Victor Fedeli:** Did you move again yesterday? Nothing happened yesterday—

**Ms. Emily Marangoni:** No, it was a normal day. I was looking through some emails, and something funny happened. I got an email that I had sent out in August, and then I went down to see the rest of my emails, and those emails are missing. I've got IT coming this afternoon to look and see whether I can retrieve them.

**Mr. Victor Fedeli:** This gets curiouser and curiouser.

You had mentioned that Premier Wynne has new rules put in place for emails. Does one of the new rules include staff using Gmail accounts to get around freedom of information?

**Ms. Emily Marangoni:** That wouldn't be one of the things I'm talking about.

**Mr. Victor Fedeli:** Is that a new policy within the government: to revert to Gmail accounts so we can't have access through freedom of information?

**Ms. Emily Marangoni:** I believe, sir, that you're talking about some Gmail accounts that were used, prominently, probably, through transition.

**Mr. Victor Fedeli:** No, I'm talking about ones that we have that were used quite recently.

**Ms. Emily Marangoni:** Quite frankly, we can't control who emails us on what email account. Inadvertently, sometimes we might respond from a Gmail account, but—

**Mr. Victor Fedeli:** You think those Gmails are inadvertent? So if I brought 200 documents that were staff to staff, using Gmail, that would be inadvertent?

**Ms. Emily Marangoni:** Well, I don't use mine, so I'm not sure who you're talking about. I know that, through transition, I have—I was asked for an FOI request yesterday, and I pulled one document that was on a Gmail account, and it was during transition.

**Mr. Victor Fedeli:** I'm not talking about that. I'm talking about as recently as only a couple of weeks ago. I think transition has long been over.

**Ms. Emily Marangoni:** Normally, when I deal with staff, I do tell them that they should be using their gov-

ernment account for government business and personal accounts for personal business. I can't answer on what other staff—

**Mr. Victor Fedeli:** You mentioned in your opening statement that equipment is turned back over to the government. Where is that equipment, then, from Morley, Steeve, Mullin?

**Ms. Emily Marangoni:** It gets sent back with the government retrieval form. It gets sent back to Cabinet Office HR. It goes through the different processes, where they tick off that it has been received—

**The Chair (Mr. Shafiq Qaadri):** One minute.

**Ms. Emily Marangoni:** —and then I would refurbish it and give it to a new staff member.

**Mr. Victor Fedeli:** Who, then, transferred the data from those electronic devices?

**Ms. Emily Marangoni:** That would be done through IT. I just hand it over, and I don't see it again until I request a certain number.

**Mr. Victor Fedeli:** And the devices are returned to you, ready for use—

**Ms. Emily Marangoni:** No. It's returned to the system.

**Mr. Victor Fedeli:** And you feel perfectly comfortable with ordering the purging, or as we call it, the deletion and destruction? You're comfortable with that—

**Ms. Emily Marangoni:** I am. It was part of the process I was following—

**Mr. Victor Fedeli:** —but not comfortable hearing that the backup tapes are destroyed.

**Ms. Emily Marangoni:** I'm not comfortable about that. I honestly thought that there were backup tapes.

If I may, what I have—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Fedeli.

Monsieur Bisson.

**Mr. Gilles Bisson:** Just following up on that very quickly: This is, I take it, an Outlook request for meeting dated May 8, 2011, and it's clear that you were part of a group of people who were required—not required, but in your case, an optional attendee to this particular meeting about Vapour. Let me ask you this: At least in one document, we know that in fact you were invited to a meeting to talk about Vapour. If you showed up or not—you're saying you didn't. Were there any other such occasions where you were invited to meetings about Vapour, or is this the only one?

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**Ms. Emily Marangoni:** Well, Mr. Bisson, as the EA to the chief of staff, normally I was also doing his schedule, so I would have been cc'd, just so that I knew he needed to be at a certain meeting.

**Mr. Gilles Bisson:** But here you're an optional attendee. Did you ever—

**Ms. Emily Marangoni:** Well, the "optional attendee" would be basically just to make me aware that my chief had to be at a meeting.

**Mr. Gilles Bisson:** I didn't finish the question.

**Ms. Emily Marangoni:** Sorry, sir.

**Mr. Gilles Bisson:** Were you ever invited? First of all, were you invited to other meetings around Vapour?

**Ms. Emily Marangoni:** No.

**Mr. Gilles Bisson:** Did you ever—

**Ms. Emily Marangoni:** I did not attend meetings—

**Mr. Gilles Bisson:** Well, that was the second question.

**Ms. Emily Marangoni:** Sorry.

**Mr. Gilles Bisson:** Did you ever attend any meetings in regard to Vapour or any of the gas plants?

**Ms. Emily Marangoni:** No.

**Mr. Gilles Bisson:** And did you have any documentation in your possession in regard to any of the gas plant issues?

**Ms. Emily Marangoni:** No.

**Mr. Gilles Bisson:** You realize you're under oath.

**Ms. Emily Marangoni:** I am. I understand.

**Mr. Gilles Bisson:** And you realize, if it's opposite, you can be found perjuring yourself, if that's not the case.

**Ms. Emily Marangoni:** Yes. Honestly, I don't have any records.

**Mr. Gilles Bisson:** Okay, fair enough, as long as you know what the rules are.

Peter Wallace, the secretary of cabinet, discussed how the OPS was given instruction to destroy the email accounts of Jamison Steeve, Sean Mullin and Chris Morley. This is what Mr. Peter Wallace said: "In those particular instances, in at least two of those instances—I'm not sure about all of them—the orders were provided by Mr. Livingston's ... assistant." Is that true?

**Ms. Emily Marangoni:** I would have asked that they purge the accounts, as would have been stated in our government recovery—

**Mr. Gilles Bisson:** Did Mr. Livingston specifically instruct you to do so?

**Ms. Emily Marangoni:** No, sir, he did not.

**Mr. Gilles Bisson:** Did not. So you just did that as part of your regular job?

**Ms. Emily Marangoni:** It was part of my regular duties.

**Mr. Gilles Bisson:** Why did you think that David Livingston thought email should be destroyed rather than archived?

**Ms. Emily Marangoni:** You would need to ask him. I don't know why he would think that.

**Mr. Gilles Bisson:** Did it ever occur to you that some of this should have been archived and not deleted?

**Ms. Emily Marangoni:** Now I know. I mean, when you first start—I mean, I was never told about the archiving of files. I just took a common-sense—if it was something I created, I would hang on to it. Most of what I did, as I said, was more like—I was basically your traffic control, where I would send things to the appropriate people, always under the impression that any of the documents that I did print would go to the chief of staff, and then the original that I had been emailed would have been with the person who sent it to me, and they were in charge of archiving it.

**Mr. Gilles Bisson:** Did people keep records other than emails, in regard to gas plants or other issues, in the Premier's office?

**Ms. Emily Marangoni:** I would imagine so. I don't track people's emails.

**Mr. Gilles Bisson:** Okay, but clear that staff such as Chris Morley and others would have had emails and/or documents and/or notes about these particular files.

**Ms. Emily Marangoni:** Well, you would need to ask them. I didn't keep track of what they kept or didn't keep. My job—and what I'm trying to explain here today—is basically the process I followed when a person left.

**Mr. Gilles Bisson:** Okay, let me try the question again: Did people in the Premier's office keep documents related to the files they were working on?

**Ms. Emily Marangoni:** As far as I understand it, they did, yes.

**Mr. Gilles Bisson:** Okay, good. And when these people left the office, did you purge all of those documents as well?

**Ms. Emily Marangoni:** I'm sorry?

**Mr. Gilles Bisson:** Documents other than emails: Were they purged when people left? Was that the practice of the Premier's office?

**Ms. Emily Marangoni:** The practice is what it says in the GPRF: that when a staff member leaves, their email accounts get purged.

**Mr. Gilles Bisson:** I'm not talking about emails. I'm talking about notes; I'm talking about documents or daybooks. Is it the practice of the Premier's office—

**Ms. Emily Marangoni:** I would not be privy to that. I mean, I wouldn't know. I only took care of the stuff that I needed to retrieve.

**Mr. Gilles Bisson:** So if you were leaving the Premier's office tomorrow morning, would you leave some documents in the Premier's office for the person taking over your job?

**Ms. Emily Marangoni:** I've got a lot of stuff, but what I do now is very different.

**Mr. Gilles Bisson:** But, it's fair to presume, so would other people. They have documents; they have notes.

**Ms. Emily Marangoni:** Well, yes, I would presume that they would have left, whether it was another person that was coming in to take—they would have forwarded any documents they were working with.

**Mr. Gilles Bisson:** You worked for Chris Morley and you knew that he had correspondence on the gas plants; that we've established. Did you think it was strange that shortly after the estimates committee started asking for gas plant documents, Chris's emails were destroyed? Did you think it was kind of strange?

**Ms. Emily Marangoni:** Well, Mr. Morley's emails were not destroyed.

**Mr. Gilles Bisson:** They were purged.

**Ms. Emily Marangoni:** They were purged using a process. If there had been any kind of request from the Premier's office, they would not have been purged.

**Mr. Gilles Bisson:** Say that again?

**Ms. Emily Marangoni:** At the time that the emails were purged, there were no requests from the Premier's office to present documents from their emails. They would not have been purged if there had been.

**Mr. Gilles Bisson:** So you purged those documents in July sometime.

**Ms. Emily Marangoni:** Yes.

**Mr. Gilles Bisson:** That request was in May, was it not, Chair, from the estimates committee? Can somebody give me that answer?

**Mr. Peter Sibenik:** It is May—May 16.

**Mr. Gilles Bisson:** So in the month of May, there was a request by estimates committee to get documents—

**Mr. Bob Delaney:** I don't mean to interrupt Mr. Bisson, but just on a point of privilege: The original request by the estimates committee, sir, was for documents from the Minister of Energy, the Ministry of Energy—

**Mr. Gilles Bisson:** I know what they were. Let me—

**Mr. Bob Delaney:** —and the OPA, but not the Premier's office.

**The Chair (Mr. Shafiq Qaadri):** Continue your questioning, Mr. Bisson.

**Mr. Gilles Bisson:** All right. So back to the questioning: You would have known that there was a request by the estimates committee to request from the Ministry of Energy, as Mr. Delaney pointed out, documents related to the gas plants. Did you think it was strange that you were deleting documents that could have been related to that when you did the deletion in July?

**Ms. Emily Marangoni:** Mr. Bisson, I don't recall having a request of the Premier's office, and that would have been the only reason—

**Mr. Gilles Bisson:** I'm not saying there was a request of the Premier's office; that's not my point. My point was, there was a request by the estimates committee to the Ministry of Energy in order to get documents, and those documents were refused. Hence, after the May 16 request, you deleted the documents for Mr. Morley in the month of July. Did you think that was kind of odd, that there might have been something there that would have been relevant to the request by the committee? Because the chief of staff and the Premier must have been involved, knowing everything that goes on in government, that those requests were made by the estimates committee.

**Ms. Emily Marangoni:** Well, I wouldn't have known that the estimates committee had made that request, so I would have continued with the process that I had in place for staff exiting.

**Mr. Gilles Bisson:** Well, we just heard testimony from Mr. Morley that the Premier's office is obviously aware of everything that goes on in this building, including what goes on in committee, so I find it passing strange that Mr. Morley or others wouldn't have known there was a request. My question is this: At any time, were you party to or did you overhear a conversation or see documents flying across your desk or whatever that would have been related to the request for those documents?

**Ms. Emily Marangoni:** Not that I recall, no.

**Mr. Gilles Bisson:** Do you think—

**Ms. Emily Marangoni:** Listen, it's a long time ago. Something might have been handed to me to give to the chief, but I don't recall—

**Mr. Gilles Bisson:** Because somebody said no. Somebody refused to give those documents. Somebody made the decision not to release those documents to the estimates committee.

**Ms. Emily Marangoni:** Well, that wasn't me.

**Mr. Gilles Bisson:** Well, I'm not saying it was you. I think it's above your pay grade, so I'll give you that.

**Ms. Emily Marangoni:** Okay.

**Mr. Gilles Bisson:** My point is, there was a request by the estimates committee to get documents, and somebody within the government said no. I find it passing strange that the Premier's office would not have been aware of that. So my question is: Do you know if the Premier's office was aware of any decision around the release of those documents?

**Ms. Emily Marangoni:** Well, I wouldn't know. I mean, that's not something I would have known, or I can't honestly answer that I did or didn't, so I honestly don't know.

**Mr. Gilles Bisson:** How many emails did you instruct the OPS to destroy? How many do you think there were?

**Ms. Emily Marangoni:** I didn't ask the OPS to destroy anything.

**Mr. Gilles Bisson:** Well, you purged—

**Ms. Emily Marangoni:** I asked that the process be followed that's on the government form that's given to me.

**Mr. Gilles Bisson:** You ask that the documents be purged. What is the net result of purging?

**Ms. Emily Marangoni:** The account gets deleted.

**Mr. Gilles Bisson:** Which means to say, what happens to the data in that account?

**Ms. Emily Marangoni:** But I was also under the impression that that data was being stored somewhere else. I was following a process, Mr. Bisson, that has been followed for a long time.

**Mr. Gilles Bisson:** Back to the question: When you purged the documents—which, essentially, is getting rid of the documents from those particular accounts—do you have any idea how many emails were in each of those accounts?

**Ms. Emily Marangoni:** I don't know. I don't go and look through emails. I would just put the date of the person's departure.

**Mr. Gilles Bisson:** When people leave the Premier's office, are they asked to archive important information before they walk out the door?

**Ms. Emily Marangoni:** That was not a question I was ever asked to bring forward, so I never did ask staff, but, as I said in my opening statement, now we are making staff aware at the very beginning, when they come on board, what we need to do on a day-to-day basis.

**Mr. Gilles Bisson:** But at the time, when people left the Premier's office, were you asking them to make sure to preserve important documents so that—

**Ms. Emily Marangoni:** I was not, sir. I was just following the standard procedures that I had been—

**Mr. Gilles Bisson:** So let me see if I get this right. I could be a key staffer in the Premier's office at the time, be involved in some very important file, whatever it might be, and nobody would ask me to preserve the documents?

**Ms. Emily Marangoni:** Well, that wouldn't have been part—my duty was to collect government property, and that's what I was doing.

**Mr. Gilles Bisson:** But you would know what the process is within the Premier's office when it comes to documents. So other than emails—I'm not even talking emails here; I'm talking about documents that are in their possession—isn't there some policy at the time to deal with how you preserve those documents in the event that somebody leaves?

**Ms. Emily Marangoni:** That wouldn't have been something I would have taken care of.

**Mr. Gilles Bisson:** You've seen plenty of people come and go in the Premier's office. There must be a mechanism by which to protect some of those documents, no?

**Ms. Emily Marangoni:** But, as I said, I was only responsible for making sure they left their government property behind, which was their BlackBerrys and cell-phones and whatever else they had that was government property. That was all I was responsible for doing.

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**Mr. Gilles Bisson:** Did anybody have a policy about documents in the Premier's office—when they left? Was there a policy to preserve documents? Yes or no?

**Ms. Emily Marangoni:** I would imagine there was. I would imagine that if somebody was working on something, they would be passing it on to whoever came in.

**Mr. Gilles Bisson:** Did people use daybooks in their day-to-day work there, as far as going into meetings, taking notes and all that kind of stuff?

**Ms. Emily Marangoni:** I used one because of the job I'm doing; I'm writing stuff down.

**Mr. Gilles Bisson:** And most people would do the same, I would think.

**Ms. Emily Marangoni:** I would think that some people would do that.

**Mr. Gilles Bisson:** What happens to those when people leave?

**Ms. Emily Marangoni:** I couldn't tell you that. I know where mine are. They're in my office.

**Mr. Gilles Bisson:** If you were to leave, where would they go?

**Ms. Emily Marangoni:** I would make sure to hand them over.

**Mr. Gilles Bisson:** Normally, they would be handed over. Okay.

How could the government maintain a record of its decisions if email accounts were simply destroyed? I guess it goes to the crux of this. If you're purging email records, which is a large part of the way we communicate these days, considering that we use emails more now

than we ever did before, how can you just purge something without thinking, "Well, maybe some of this stuff has got to be saved in some way"?

**Ms. Emily Marangoni:** The way I looked at it, any decision-making would have been done—it would have been going back and forth. If it was in a ministry, the ministry would have the document. I always looked at it that way. Wherever it originated is where the document would be archived, would be my take on it. For any decisions that were being made, it would be the revised document that would have that new decision on it.

**Mr. Gilles Bisson:** It's pretty clear from what you're saying that there was a culture of purging. Essentially, the process was to purge emails when people left the Premier's office.

**Ms. Emily Marangoni:** It wasn't a culture; it was a process that was put in place—

**Mr. Gilles Bisson:** I change my word from "culture" to "process," all right?

**Ms. Emily Marangoni:** I was given a form, and I was following this form. It was a checklist. It wasn't something I put together. It was something that I got from Cabinet Office to help me get equipment back.

**Mr. Gilles Bisson:** Did people on the way out export the emails and say, "Here's a USB" or some storage device by which their emails were saved for future reference?

**Ms. Emily Marangoni:** No.

**Mr. Gilles Bisson:** Nobody ever did that?

**Ms. Emily Marangoni:** No. If I may elaborate, the only time a USB would be used is if a staff member wanted to take their contacts, but that would be done through IT. They would download the contacts that they would have had in their BlackBerrys, of people they had been dealing with. That's the only time I ever recall a USB stick being used.

**Mr. Gilles Bisson:** Did you wipe out hard drives when people left?

**Ms. Emily Marangoni:** No. I don't touch the computers when people leave.

**Mr. Gilles Bisson:** Did somebody go in and wipe out the hard drives?

**Ms. Emily Marangoni:** No, not that I'm aware of. That's not something I would have instructed people to do.

**Mr. Gilles Bisson:** So person X works in the Premier's office and they're leaving, and the process is you purge the emails. What do they do with all of the data that's on the hard drive? Certainly, there are documents that were saved and—

**Ms. Emily Marangoni:** The only thing that gets left on the desk of the staff member who's leaving would be their desktop. At that time, IT will go and do what their specialty is to get the computer ready for the next person. I don't touch that desktop.

**Mr. Gilles Bisson:** What happens to the content on the hard drive?

**Ms. Emily Marangoni:** I don't know. I honestly have never followed up on what happens with that.

**Mr. Gilles Bisson:** When you guys save documents within the Premier's office, is it strictly to the hard drive, or is it also to the network storage device?

**Ms. Emily Marangoni:** We had what was called the G:\ drive, and stuff would go into the G:\ drive.

**Mr. Gilles Bisson:** And that stuff would still be there.

**Ms. Emily Marangoni:** It should be there, yes.

**Mr. Gilles Bisson:** Have we requested the stuff from the G:\ drive? I'm just asking—

*Interjection.*

**Mr. Gilles Bisson:** No? Okay. So we're going to want a motion within about 15 minutes, Ramiro.

How much time do I have?

**The Chair (Mr. Shafiq Qaadri):** Under five minutes.

**Mr. Gilles Bisson:** Okay. I find it passing strange that an office as important as the Premier's office—because it is the highest office in this province. Decisions are made there every day that could cost billions of dollars or could affect people's lives. I just have a hard time believing that, essentially, information that a staffer would have obtained as a result of doing his or her job—that we just sort of delete all that stuff. Don't you think that's kind of strange?

**Ms. Emily Marangoni:** Well, sir, my job was basically to make sure that those email accounts weren't still active, and I was following a process of—

**Mr. Gilles Bisson:** I'm just a little ol' MPP from northern Ontario, all right? So I don't pretend to be very cultured and understand this stuff greatly. But I've had different staff work for me over the years. Everything is saved to a system that's central, so that I can look at or my staff can look at anybody's file that we're working on, and that stuff is saved for posterity. It's saved in the system. I can go back 23 years and say, "Mr. So-and-so called on such-and-such a date, and that's who talked to them and that's what the conversation was about." All emails and documents are saved centrally.

So if a little ol' MPP in northern Ontario is doing that, why would the Premier of Ontario delete documents and delete emails that are probably more important than the documents and emails I've got? I'm having a hard time understanding that. What's the reason for that? Why would you have to purge the information?

**Ms. Emily Marangoni:** Well, as I said in my opening statement, it would only arise at a time when, if a staff member had left for a couple of years, they had come back. I mean—

**Mr. Gilles Bisson:** I understand that people come and go.

**Ms. Emily Marangoni:** I was following a process, Mr. Bisson.

**Mr. Gilles Bisson:** No, but my point is, I understand that people come and go. I get that. But it's the issue of the documents and information they had in their possession at the time that they worked in the office. If in MPPs' offices all of our information is stored centrally in one place so that we can always go back and look at it no matter what, why wouldn't you have a similar process for

the Premier's office, in which the issues they deal with are far weightier than the ones I do?

Didn't you think it's kind of strange that you're deleting documents and deleting emails that are related to files that people are working on? Just because somebody quits doesn't mean to say that the file dies as far as whatever they're working on.

**Ms. Emily Marangoni:** I would have imagined that the staff member would have brought the staff person working on it to date with what was going on. I don't know what would have been in those emails.

**Mr. Gilles Bisson:** Okay, so you're working on issue X in the Premier's office, whatever that issue is.

**Ms. Emily Marangoni:** Right.

**Mr. Gilles Bisson:** You're going to have documents that you're going to get in your possession, you're going to have handwritten notes and you're going to have emails. I find it hard to believe that all of that stuff is purged the minute the person walks out of the office, because the file is still active; issue X is still active. Just because you quit doesn't mean to say the issue dies. Somebody else is going to take over. They need access to that information to do their jobs. So I have a hard time believing that the Premier's office just deletes all that stuff. That would mean to say that the new person coming in would have to start from scratch. It's a pretty inefficient way of doing business, wouldn't you admit?

**Ms. Emily Marangoni:** I mean, you're talking about more than just emails. I was only responsible for making sure that the account of the person that's leaving—

**Mr. Gilles Bisson:** Well, certainly to God, if I saved every email to and from my staff related to files in my office, it's hard to believe that the Premier wasn't doing the same. I don't purge the emails from my staff when they leave; everything is saved centrally. Why wouldn't the Premier do the same?

**Ms. Emily Marangoni:** I—

**Mr. Gilles Bisson:** Anyway, off to the other guys.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Bisson.

To the government side: Madam Albanese.

**Mrs. Laura Albanese:** Well, thank you, Mr. Chair.

Thank you very much for being here today.

**Ms. Emily Marangoni:** Thank you.

**Mrs. Laura Albanese:** I don't have many questions for you this morning, but I just wanted to take this opportunity to clarify your role and responsibility.

As I understand it, you served as executive assistant to the chief of staff in the Premier's office from November 2006 to September 2012, and since then you have served as deputy director of human resources.

**Ms. Emily Marangoni:** Yes.

**Mrs. Laura Albanese:** Can you briefly explain your responsibilities in both roles?

**Ms. Emily Marangoni:** As EA to the chief of staff, my prime responsibility was basically, as I've said before, that I was sort of that air traffic control, where if somebody sent me communications or correspondence or something that belonged to someone in the Office of the

Premier, then I would just make sure to send it off to where it needed to go.

**Mrs. Laura Albanese:** And was that also a role that's a support to—I'm thinking of my staff, right?—a support of your boss, reminding him where he had to be at what time and what calls he had and—

**Ms. Emily Marangoni:** Yes. That would be part of my job. I would just make sure that whoever it was was on time for their meetings; I would keep them on track. But the primary job for me was basically taking care of reviewing expenses for the Premier's office staff. If there were issues with computers or—they would call me in and I would initiate—

**Mrs. Laura Albanese:** The process.

**Ms. Emily Marangoni:**—so it was basically the day-to-day operations of the office when it came to IT equipment.

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**Mrs. Laura Albanese:** I asked for both roles.

**Ms. Emily Marangoni:** The role now, which I started—actually my first day on the job was August 28, 2012—is basically now I take care of ordering all the contracts for any of the ministers' staff and Premier's office staff. So I start from the hiring. Basically, they come and sign their contract with me. That's one part that I do.

When I left the chief of staff's office, the GPRF form that we were taking care of upstairs—it never made sense to me to be handling it in the chief of staff's office. I always felt it should be in the HR department, where I would know that this person—I would be the first point of contact that a person is leaving, so I would know, "Here's what needs to be done." Upstairs, I was basically in control of just making sure I collect government recovery forms. That's basically, in a nutshell, what I do now, just help ministers' offices and the Premier's office hire staff.

**Mrs. Laura Albanese:** What about during the transition period? What were your responsibilities then?

**Ms. Emily Marangoni:** I did help set up the transition space during that time. I was in HR, so I was obviously getting ready to do the mass—once the swearing-in comes in, one of the processes would have been to do up paperwork putting all the previous Premier's office staff on notice. I was basically responsible for getting all that paperwork ready and, as well, helping Cabinet Office get the transition space that the new leader, soon to be Premier, would be using while they were here. That was up on the sixth floor. We made some space available to them.

If I may also say, at that time, after the 2011 election, there was a transition space put together, and when people walked in, there were BlackBerrys, laptops—everything was there. Then I was responsible for collecting all that equipment after the transition left. I had an awful time trying to collect from people who weren't staff to get our stuff back, who had been here to advise. So this time around, I made the request that any portable equipment be put in lockdown and only be given when

the transition team showed up that following Monday or whenever they came in after the leadership. That was basically what I was doing during that time. I've spent the last number of months staffing ministers' offices and the Premier's office again.

**Mrs. Laura Albanese:** I guess you could say that in both positions you held in government, you would have been responsible for overseeing the departure of former Premier's office staff, correct?

**Ms. Emily Marangoni:** Yes.

**Mrs. Laura Albanese:** Just so that we're all clear about what that entails, what happens when an employee of the Premier's office leaves government? What are the steps that you take?

**Ms. Emily Marangoni:** When I was upstairs, it could very easily happen where I would find out after the fact that a staff member had left. Somebody would show up with the equipment from the staff member and then I would quickly do up the GPRF form, so I was kind of backtracking in some instances. That was one of the reasons I brought it down with me, because I'm the one who would be doing the paperwork when a staff member leaves now, so I would know to get this process started at the same time.

We have made a few changes on how we get our equipment back. It's not a perfect process—we're still working on it—but I've been following the process that was given to me. Basically, now what happens is, the staff member is leaving, they come to sign their exit papers, and then we go through the list and they provide me with the keys to their office, their BlackBerry, cell-phones, whatever they have that belongs to the government. They sign the form at the back and then I take the form, everything that they've provided me with, and I send the whole package upstairs to Cabinet Office HR, and then they distribute it.

**Mrs. Laura Albanese:** I believe you mentioned that you have tabled that form?

**Ms. Emily Marangoni:** I've got them here.

**Mrs. Laura Albanese:** Could we ask that those forms be distributed to the committee members, please?

**The Chair (Mr. Shafiq Qadri):** You can certainly ask.

**Mrs. Laura Albanese:** Thank you. That concludes my questions.

**The Chair (Mr. Shafiq Qadri):** Mr. Delaney?

**Mr. Bob Delaney:** Thank you. I just have a few questions, Emily, while you're here. You talked about a lot of your job as air traffic control. Just to sort of pick up on your analogy, you didn't pilot the plane, you're not a passenger, you're not part of the baggage, you just route the traffic. Right?

**Ms. Emily Marangoni:** Exactly.

**Mr. Bob Delaney:** Thank you. Mr. Bisson's earlier question regarding either shared or network drives—when the committee requested the Premier's office records, and there were more than 30,000 produced, that request would have covered all such shared or network drives. Correct?

**Ms. Emily Marangoni:** I believe so, yes.

**Mr. Bob Delaney:** That's fine.

**Ms. Emily Marangoni:** At least, that's what we were asked to check.

**Mr. Bob Delaney:** Okay; that's fine. If they want to request it all over again, I just wanted to make sure that we got on the record that the odds are that you've already got the things that you had asked for.

You mentioned in your opening statement this process when staff leave government has changed. Could you remind us what those changes are?

**Ms. Emily Marangoni:** The change has been that I've taken the exit package now—that used to be controlled through the chief of staff's office—downstairs to HR with me, only because I felt that it was more of an HR issue as opposed to something that the chief of staff's office should do. That is something I've done.

The other thing is that once the request for information came out of the Premier's office, I have not asked for any emails to be purged. Any people who have exited since this FOI request came to us—they are sitting there waiting to be looked at if there are any more requests, until this matter is put to rest.

**Mr. Bob Delaney:** The process that you're discussing and the form that you've just provided to the committee: Do you know if it was used under the previous PC and NDP governments?

**Ms. Emily Marangoni:** My understanding is that there was a form used. I don't know if it was this exact form because, if you'll notice, this was revised in 2005. But my understanding is that there was a form used. It's been used throughout the years to recover government equipment.

**Mr. Bob Delaney:** Is the form used by our government stronger than the forms used in the past, to your knowledge?

**Ms. Emily Marangoni:** That I don't know.

**Mr. Bob Delaney:** Okay. When Secretary Wallace was here last week, he talked about the practice of purging accounts when a staff person leaves the government. I think we've been over this once or twice before, so let's just go over it one more time.

**Ms. Emily Marangoni:** Sure.

**Mr. Bob Delaney:** To use his words: "The wrapping up of email accounts would be a perfectly routine business. It's done in all businesses. There's no expectation in the archives act or anyplace else that records be kept forever in digital form, backed up in that approach. So it is routine that as individuals leave the Office of the Premier or any place ... within the government of Ontario, but in this case the Office of the Premier, their accounts would be wound down."

This purging of email accounts is standard practice government-wide—

**Ms. Emily Marangoni:** It's been standard practice since I arrived and, in my understanding, even before.

**Mr. Bob Delaney:** You said earlier that the actual act of performing operations on the recording media is done by IT staff; correct?

**Ms. Emily Marangoni:** Yes.

**Mr. Bob Delaney:** Are you ever asked to verify that records have either been retained or transformed or—

**Ms. Emily Marangoni:** No, I have never been asked.

**Mr. Bob Delaney:** All right. On the form it says, "Purge employee email account in H:\ drive files." Did you design the form?

**Ms. Emily Marangoni:** No. This is provided to me through Cabinet Office. What they do is they go through the form and they'll put Xs—there are some examples on this form of where they would say, "This is the property we need you to retrieve," and then on that portion there where it says upon—the purged employee, I would normally use the date the employee left. It doesn't necessarily happen that day, but that would be the date I would use.

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**Mr. Bob Delaney:** So the OPS asks you when records should be purged, not if.

**Ms. Emily Marangoni:** Yes.

**Mr. Bob Delaney:** All right. You were asked to attend here. You're not a decision-maker.

**Ms. Emily Marangoni:** No, I'm not.

**Mr. Bob Delaney:** You're someone who's an assistant. So in much the same way as with any of us, where our time is divided up into little slices, we depend on our staff to make sure we are where we're supposed to be, that we've got what we need. But our staff seldom, if ever, attend those meetings. When you worked with the chief of staff, your job was to make sure the chief of staff was where he needed to be, had the things that he needed and would be in the meeting, but you yourself weren't involved in the business of the meeting, correct?

**Ms. Emily Marangoni:** That is correct. I would just make sure he was on time and where he needed to be, and that was the end of my job when it came to his schedule.

**Mr. Bob Delaney:** If not for you and people like you, government would be in complete chaos.

**Ms. Emily Marangoni:** Thank you.

**Mr. Bob Delaney:** That's a roundabout way of saying thank you.

Following up on my question earlier about the practices of previous governments, would it be possible for you to undertake to get back to us on what their past practices were?

**Ms. Emily Marangoni:** I will do my best to do that for you.

**Mr. Bob Delaney:** Okay; I would like that. And if you could just follow up and just file—

**Ms. Emily Marangoni:** Just so I'm clear, you're looking for what other GPRF forms were in place before? Just so I know what I'm asking for.

**Mr. Bob Delaney:** Yes, and the process for recovering property—

**Ms. Emily Marangoni:** And process, okay.

**Mr. Bob Delaney:** And I accept the fact that in the early 1990s, the state of the art in IT was not what it is now.

**Ms. Emily Marangoni:** Exactly.

**Mr. Bob Delaney:** But I would like to find out just to keep the things that have been said in the committee in a little bit of perspective.

**Ms. Emily Marangoni:** Okay.

**Mr. Bob Delaney:** A few questions about record retention. The Archives and Recordkeeping Act as well as FIPPA are very clear that not all records are required to be kept. Among those that are not required to be kept and, as Mr. Morley said, can and must be destroyed are these transitory records. I would imagine that the bulk of the emails that are received on a daily basis would, in fact, be transitory.

**Ms. Emily Marangoni:** I would agree with that comment. A lot of what I was doing in my previous job, to me, was transitory because I was not the creator of the email. It was basically just advising me or asking to do something. Once I got the job done, I would delete that email.

In my current job, however, I have over 16,000 emails because I'm the initiator when I ask for a new contract. I'm the one who has all the information of what I'm asking for, so I can go back to those emails.

**Mr. Bob Delaney:** Transitory records, then, would include duplicates, records of short-term value—for example, somebody says, "Are you available for something or other next Tuesday," but by next Wednesday, that's redundant—intermediate records, draft documents. It's very clear that neither you nor staff are required to keep all records.

**Ms. Emily Marangoni:** That is correct.

**Mr. Bob Delaney:** It sort of suggests to me that if you were required to keep all records, the entire IT system would probably—

**Ms. Emily Marangoni:** Would have crashed by now.

**Mr. Bob Delaney:** —collapse under its own weight. Exactly. As well, there is, in fact, the cost of storage of all of this transitory information and outright effluvia that really has no ongoing historical or archival value.

**Ms. Emily Marangoni:** That would be correct.

**Mr. Bob Delaney:** Okay. How am I doing on time, Chair?

**The Chair (Mr. Shafiq Qadri):** About four minutes.

**Mr. Bob Delaney:** Okay. Were you ever asked to delete specific records beyond your regular duties?

**Ms. Emily Marangoni:** No.

**Mr. Bob Delaney:** Did you ever feel you were asked to do something inappropriate in terms of deleting accounts?

**Ms. Emily Marangoni:** No.

**Mr. Bob Delaney:** One of the Information and Privacy Commissioner's key recommendations is that staff be provided with more training on records retention. Was there recently a mandatory all-staff meeting to outline all of these responsibilities?

**Ms. Emily Marangoni:** Yes, there was. If I may, it was also followed up with an email from the current chief of staff, sending a copy of the record retention of the forms for us to look at.

**Mr. Bob Delaney:** Okay. Would you have any other suggestions to offer us this morning?

**Ms. Emily Marangoni:** Well, there's always room for improvement on our government recovery list, and that's something that—any suggestions on how to improve this would be most welcome. We have started to make sure the staff are aware of record retention, so we do make sure to put it into their offer letter when we offer them a job within a ministry or the Premier's office. We are doing what we can to make sure that staff are made aware of it.

Previously, I took instruction from whatever sheet—I'm talking about the process of government retrieval. I basically used whatever the sheet told me to do. Any suggestions on how to make this better I will gladly take on and see if we can't have the form changed.

**Mr. Bob Delaney:** Chair, unless this witness has any further suggestions on the siting of gas plants, I think we're done.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Delaney. To the PC side: Mr. Fedeli.

**Mr. Victor Fedeli:** Thank you, Chair. I appreciate that.

On the recovery checklist, is there anywhere on there that talks about purging backup tapes?

**Ms. Emily Marangoni:** No.

**Mr. Victor Fedeli:** Is that why you're surprised that the backup tapes have been destroyed?

**Ms. Emily Marangoni:** Yes.

**Mr. Victor Fedeli:** And you have no information about the destruction of those backup tapes?

**Ms. Emily Marangoni:** Mr. Fedeli, I honestly—I don't know anything about the—I mean, I knew that there were backup tapes, that that's where stuff was being kept if something happened to our system and we needed help to retrieve what we had lost, and I was always under the assumption that that was there.

**Mr. Victor Fedeli:** I think you and everybody else was as well before they were destroyed.

**Ms. Emily Marangoni:** I wish I had known, but I didn't.

**Mr. Victor Fedeli:** I want to go back to those two documents about Project Vapour again, the second-last and the last page. You received an email that clearly has the word "Vapour" in it. You were asked, in the freedom of information, to turn over all of your records on Project Vapour.

**Ms. Emily Marangoni:** Yes.

**Mr. Victor Fedeli:** And the answer from you was, basically, "I don't have any documents." Yet from the Ministry of Energy, Mr. Daniel Cayley turned over his with your name on it, and from finance, Mr. Greg Orenszak turned over his email with your name on it. Where's your copy of these two emails?

**Ms. Emily Marangoni:** Well, it must have been deleted. I was not at these meetings.

**Mr. Victor Fedeli:** No, no, I understand.

**Ms. Emily Marangoni:** This would have been—I would have deleted them, obviously.

**Mr. Victor Fedeli:** You're still employed by the Liberal Party?

**Ms. Emily Marangoni:** I'm in the Premier's office, yes.

**Mr. Victor Fedeli:** And you're saying that you have deleted emails?

**Ms. Emily Marangoni:** I do not delete—in my current job, as I said previously, I've got over 16,000 emails. I don't delete, but that's because in the job I do now, I feel that I'm the one that's got the initial record, so I've been keeping them.

**Mr. Victor Fedeli:** In the discussion from the freedom-of-information request, it says to search your Outlook folder, including your inbox, your sent box, personal folders and deleted emails. Use the keyword—in this case it was "Project Vapour;" "Vapour" would have shown up. Why did these two emails that we received from the Ministry of Finance and the Ministry of Energy—why do we not have one from you?

**Ms. Emily Marangoni:** Because they must have been deleted at that time because this wouldn't have been something to do with me. It was a reminder for Chris Morley to be at the meeting, and I would have deleted this email.

**Mr. Victor Fedeli:** Do you remember this email now?

**Ms. Emily Marangoni:** You know what? I still honestly don't remember seeing it, but obviously my name is on it, so I did receive it.

**Mr. Victor Fedeli:** Okay. When it asks you to search your deleted box, why didn't you turn over the Project Vapour files that were in your deleted box?

**Ms. Emily Marangoni:** Because I was trying to explain before, when I moved downstairs, I did lose a lot of my emails at that time. The first email I had was at the end of August. Those have now disappeared from my computer yesterday.

**Mr. Victor Fedeli:** Which emails again?

**Ms. Emily Marangoni:** I only had emails—not necessarily pertaining to the gas plants, but I did have emails from August 27, 28, 29, 30 and 31. They're now all gone. I do have them in my "sent" file, so I know I had them there, but they're no longer in my inbox.

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**Mr. Victor Fedeli:** So this is August 4, 2011. They would have been in your "deleted" files. Why would the search—

**Ms. Emily Marangoni:** They would have been in my "deleted," but when I—

**Mr. Victor Fedeli:** Why would the search have not found these—

**Ms. Emily Marangoni:** Because when I moved from upstairs to downstairs, all my emails from when I was in the Premier's office, under Cabinet Office IT, disappeared from my inbox. I only had a certain number of emails, and it wasn't any pertaining to the FOI request.

**Mr. Victor Fedeli:** So if it wasn't for the people at finance and the people at energy that turned over your Project Vapour files, we would not have known that you were aware of Project Vapour.

**Ms. Emily Marangoni:** Yes.

**Mr. Victor Fedeli:** Okay.

So everybody knew that we're in the middle of a search for documents. September 24: we received 36,000 documents. September 25: Many of us, myself included, stood in the Legislature and said, "Hang on a second. There's not one email between the Premier's office and the Ministry of Energy," who were supposed to turn files over. In fact, there were no emails at the time, we found, even from the Minister of Energy's office. I mean, we have declared, right from the absolute first possible date, that we are missing emails, that there are holes in the emails that were turned over.

Everybody knew we're searching for missing documents, missing emails. It was in the news. It's a big deal. It has been a big deal for not only the nine months for this committee, but many months before—the estimates committee was looking for these missing emails.

Did it not concern you that you were hitting the delete button on emails that had to do with the Premier's office and gas plants when you deleted or purged Sean Mullin's, Jamison Steeve's and Chris Morley's emails? Did that not concern you?

**Ms. Emily Marangoni:** If I may explain, I did not personally delete the emails.

**Mr. Victor Fedeli:** You ordered the deletion.

**Ms. Emily Marangoni:** It was a form that I submitted with the date of when to purge. If there had been an FOI request on any of those emails, they would not have been purged.

**Mr. Victor Fedeli:** Okay, hang on a second. FOI requests—but we've got a request from this committee. You have, through a form, ordered the purging of files of Morley, Steeve and Mullin, three people obviously intimately involved not only in the negotiations with TransCanada, the Premier's office, the ministry office, but during the campaign. These are central people to the gas plants scandal. Yet you went ahead and decided, I understand, in Mullin's case, almost a year after he'd left, to delete his on the same day as Steeve's, and, a month later, Morley's. You had decided on your own to just tidy up and get rid of those emails?

**Ms. Emily Marangoni:** Well, as I said, I was following the process. We were going through emails that were still active, of people who had left. I was asking if they had been purged, as it said in the form.

**Mr. Victor Fedeli:** So why that day? When Mullin left in October 2011, he didn't get his email purged by you until August 17, 2012—

**Ms. Emily Marangoni:** His was a perfect example. He went back to school, and I didn't even know he had left until after he left. We quickly did the form and I sent it in.

I don't follow up with IT on a regular basis. I would only follow up if something happened that—

**Mr. Victor Fedeli:** So you decided, right in the middle of one of the biggest scandals in Ontario's history, to order the deletion—for three principal players in the

scandal, you just innocently ordered the destruction of their emails, right in the middle of this whole thing.

**Ms. Emily Marangoni:** It was the process I was following, yes.

**Mr. Victor Fedeli:** Were you ever asked by anybody in the Liberal Party about those deleted emails, ever?

**Ms. Emily Marangoni:** No.

**Mr. Victor Fedeli:** Nobody in your party cares whatsoever that you purged emails of three central witnesses? Nobody cares about that?

**Ms. Emily Marangoni:** I mean, Mr. Fedeli, I was following a process that, maybe in hindsight, if I had known that it was going to come to this, I wouldn't have asked them to. But at the time, I was doing what I was instructed to do on this form. If it had been an issue, they would not have been purged.

**Mr. Victor Fedeli:** Had it been an issue—it was in the papers almost non-stop.

**Mr. Steven Del Duca:** It wasn't at the time.

**Ms. Emily Marangoni:** No, not at the time that I asked for this to happen.

**Mr. Victor Fedeli:** I'll ask Mr. Leone: When was the date that the estimates committee first asked for records?

**Mr. Rob Leone:** May 16 was a motion, but we asked before that.

**Mr. Victor Fedeli:** May 16 of what year?

**Mr. Rob Leone:** Of 2012.

**Mr. Victor Fedeli:** May 16, 2012, was the first time records were asked for, and we have records destroyed August 17, 2012, and June 21, 2012. You've got an energy minister defying a committee. This is in the thick of it all. These are central people in the thick of this. All of a sudden, three central people's emails are purged, and you're telling us, "Oh, that was the day to purge emails. It was just a routine thing."

**The Chair (Mr. Shafiq Qaadri):** One minute.

**Ms. Emily Marangoni:** It was a routine thing on this form. There had not been any requests made of the Premier's office that I needed to make sure I did not ask for deletion of those email accounts.

**Mr. Victor Fedeli:** Let me just switch, then, to the transition from Dalton McGuinty to Kathleen Wynne. What records were transferred from Dalton McGuinty to Kathleen Wynne?

**Ms. Emily Marangoni:** I don't know. I was downstairs. All I took care of was making sure the transition space was ready for the new transition team, and I was taking care of the HR part by this time. I don't—

**Mr. Victor Fedeli:** These deleted and destroyed emails of Morley, Mullin and Steeve—did no one you worked for ever express concern that somebody likely broke the law?

**Ms. Emily Marangoni:** I was following a process, Mr. Fedeli.

**Mr. Victor Fedeli:** And the process included destroying the backup tapes?

**Ms. Emily Marangoni:** I did not destroy; I purged.

**Le Président (M. Shafiq Qaadri):** Merci, monsieur Fedeli. Je passe la parole à notre collègue monsieur Bisson.

**Mr. Gilles Bisson:** God help us in regard to your record-keeping, because I find it really odd that we're in a situation where the Premier's office has information in regard to particular files that are relevant, and just because somebody leaves, we delete them. I don't know. It just seems kind of silly.

You were saying earlier that if there was an FOI request, you would have never deleted those.

**Ms. Emily Marangoni:** What I meant was that if there had been an FOI request, usually when I'm having the conversation with the IT department in Cabinet Office, they make me aware of it—because I'm not always aware of what FOI requests are asked for. But if there was, they would tell me, and then we would leave it alone. I would not ask them to purge at that time. I would wait—

**Mr. Gilles Bisson:** But knowing that this was an issue of contention within the Legislature and with the media of Ontario, and documents were being sought by—not directly from the Premier's office at this point, but from the Minister of Energy, which the Premier's office was in communication with, isn't it passing strange that all of those things are deleted, that maybe later somebody is going to request them? It doesn't make any sense to me—other than trying to get rid of the evidence, essentially.

**Ms. Emily Marangoni:** I always thought that there was a backup system. I was just making sure that the email account of the person who left was not still active. That's what I thought this was doing.

**Mr. Gilles Bisson:** I'm not going to flog this horse anymore, other than to say that in most places, we keep records for a reason, and that is, if a staffer leaves, the person taking over the file has the information so they can read through it, understand what the issue is and carry on from wherever they're at. The fact that the Premier's office purges records as people are leaving the office—purges emails and God knows what else off the G drive—is troubling.

In regard to Mr. Morley, when you were Morley's EA, do you recall how often Morley spoke with representatives of TransCanada? Did he do that a lot?

**Ms. Emily Marangoni:** Not a lot. I believe that there might have been two instances, if I recall correctly.

**Mr. Gilles Bisson:** And do you know what that was?

**Ms. Emily Marangoni:** Honestly, I don't. I would only have taken that somebody would have called from there and—

**Mr. Gilles Bisson:** Were you a party to any discussions with either the Mississauga gas plant stuff or the Oakville one at any time?

**Ms. Emily Marangoni:** No.

**Mr. Gilles Bisson:** Did you and Chris Morley ever talk about TransCanada?

**Ms. Emily Marangoni:** No. I would have only told him that they had called for him, but I would never have—

**Mr. Gilles Bisson:** And in those calling for him, would they have said, “I’m calling because I want my money”?

**Ms. Emily Marangoni:** No. They would just say it was a phone call for Chris Morley.

**Mr. Gilles Bisson:** It just seems—

**Ms. Emily Marangoni:** “I want my money.”

**Mr. Gilles Bisson:** I’m sorry. They called up and said, “Hi. How are you doing today? I want to talk to Chris. What about—oh, never mind. Just tell him I want to talk to him.” It seems to me they must have told you something.

**Ms. Emily Marangoni:** I honestly don’t remember now, off the top of my head. I do remember that they would have called and would have asked for a phone call. I would have taken the message and the phone number, basically that they had called, and then I would ask Chris if he wanted to speak to them.

**Mr. Gilles Bisson:** I always remember Vander Zalm, when the woman kept on calling and saying, “Where’s my money? Where’s my money?” That’s what I was referring to. I always remember that one.

What was Chris Morley’s role in the settlement of the TransCanada issue?

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**Ms. Emily Marangoni:** He was chief of staff. As I said, I only made sure he was where he needed to be.

**Mr. Gilles Bisson:** He was in the thick of it, I take it?

**Ms. Emily Marangoni:** Well, he was a chief of staff, and I would imagine he would be invited to meetings.

**Mr. Gilles Bisson:** And he would talk to the Premier about these things, right?

**Ms. Emily Marangoni:** He did meet with the Premier on a weekly basis, but I don’t know if that was—I wasn’t privy to those conversations.

**Mr. Gilles Bisson:** But it’s fair to say, on things that Mr. Morley dealt with, he would have briefed the Premier in regard to what he was doing.

**Ms. Emily Marangoni:** I would have assumed so.

**Mr. Gilles Bisson:** Okay.

**Ms. Emily Marangoni:** But as I said, I was not there, so I can’t say, “Yes, that’s exactly what happened.”

**Mr. Gilles Bisson:** Did you ever have any conversation with the former Premier or the current Premier in regard to these issues?

**Ms. Emily Marangoni:** No.

**Mr. Gilles Bisson:** Never?

**Ms. Emily Marangoni:** No.

**Mr. Gilles Bisson:** I just remind you, you’re under oath.

Do you believe Dalton McGuinty was aware of everything that was going on with the gas plants?

**Ms. Emily Marangoni:** I don’t think that’s a fair question. I don’t know. I would imagine so.

**Mr. Gilles Bisson:** I would hope so.

**Ms. Emily Marangoni:** It’s not something he and I ever spoke about.

**Mr. Gilles Bisson:** But you don’t have a sense that the Premier was in the dark about this stuff.

**Ms. Emily Marangoni:** I would imagine he would have been briefed.

**Mr. Gilles Bisson:** He would have been briefed? Okay.

What was the role of Mr. Morley in the cancellation of the Oakville plant? Was it any different than that of the Mississauga plant?

**Ms. Emily Marangoni:** As I said, I was not privy to his meetings. I would only make sure that he went to the meetings he was supposed to be at. I don’t know how involved he would have been. That would have been a question you needed to ask him.

**Mr. Gilles Bisson:** You were saying you know of at least twice that TransCanada called—I take it other people called about the gas plants—that they would have been asking to speak to Mr. Morley?

**Ms. Emily Marangoni:** I wouldn’t have known exactly that was what they were calling about, but there were a lot of calls that would come through from various companies and people wanting to meet with him and speak to him.

**Mr. Gilles Bisson:** Did he return those calls?

**Ms. Emily Marangoni:** We did our best to try and return the calls, yes.

**Mr. Gilles Bisson:** Did people call back and say, “I’ve been trying to get my call and he’s not getting back to me”?

**Ms. Emily Marangoni:** No.

**Mr. Gilles Bisson:** None of that stuff?

**Ms. Emily Marangoni:** No.

**Mr. Gilles Bisson:** Okay. Were there any follow-up meetings that you’re aware of, in the Premier’s office, with Chris Morley and any of these individuals?

**Ms. Emily Marangoni:** As I said, I only recall two, but that doesn’t mean that there weren’t other meetings. The meetings might have been set up by someone else, not by me, so I wouldn’t have known. I only know for sure of those two; I don’t recall any others.

**Mr. Gilles Bisson:** Was it within the norm for the chief of staff to return these type of phone calls or normally was that bumped down to somebody else?

**Ms. Emily Marangoni:** There were times where, depending on what the issue might have been, I would have gone to a policy person to return the phone call. I didn’t always give Chris the messages that came through. I would always make sure somebody returned the phone call.

**Mr. Gilles Bisson:** So there had been some sort of protocol about—

**Ms. Emily Marangoni:** There would have been some, yes.

**Mr. Gilles Bisson:** “File X, this is Joe Schmo, or Jane Schmo, working the policy”—

**Ms. Emily Marangoni:** We got a lot of calls for various things, and I—

**Mr. Gilles Bisson:** You never returned mine.

**Ms. Emily Marangoni:** That's not true.

**Mr. Gilles Bisson:** I'm just joking. I was having fun. Normally, I just go and talk to them in the Legislature. It's a lot easier.

But the point is, is it normal for the chief of staff to deal with these type of issues? Did he deal with the more political ones, kind of thing?

**Ms. Emily Marangoni:** He would only get involved if it came to a point where he needed to be.

**Mr. Gilles Bisson:** Who else would have dealt with this particular issue?

**Ms. Emily Marangoni:** In most cases, I would imagine it would've been Jamison—the policy folks. A lot of the stuff that had to do with policy would've gone back to the policy folks. But I can only speak for what we did in our office.

You asked me if he got a lot of calls and I do recall, definitely, two calls from TransCanada that I did pass on to him. From what I know, he did deal with those two, himself.

**Mr. Gilles Bisson:** Okay, no further questions.

**Ms. Emily Marangoni:** Thank you.

**The Chair (Mr. Shafiq Qadri):** Merci, Monsieur Bisson.

To the government side, Mr. Delaney: 10 minutes.

**Mr. Bob Delaney:** Well, thank you, Chair. There are a couple of points that I just want to make before I ask Ms. Marangoni my first question.

I'm just looking at the Information and Privacy Commissioner's special report dated June 5, and on page 18 it says, "With respect to the Premier's office, backup tapes are made each weekday evening and are maintained for only 10 days. At the end of the 10 days, the tapes are put into a pool of tapes to be overwritten."

And later on, it says that Ministry of Government Services "IT staff were able to confirm that there were no backup tapes containing emails ... during the relevant ... period—any tapes would have been overwritten as part of the usual backup system."

As well, when the original request was made by the estimates committee, a point that I brought out earlier, the estimates committee asked for relevant correspondence—not documents; relevant correspondence—and it asked for them from the Minister of Energy, the Ministry of Energy and the Ontario Power Authority. At that time, in May 2012, there was no request at all for anything from the Office of the Premier.

Emily, you've talked a little bit about being cc'd on documents, one of which, I think, was referred to by the PCs in their document package. This seems to me to be a nearly perfect illustration of what a transitory record may be, which is something that talks about a meeting that you weren't a part of, as basically a reminder to your boss that there was to be a meeting at a certain time on a certain day. After that, it's a transitory record. Would I be correct?

**Ms. Emily Marangoni:** That would be my understanding.

**Mr. Bob Delaney:** Okay. So that may well be why it was deleted, then. Just for Mr. Leone's reference, that would be PC doc number 5.

On a day-to-day basis, you work for the Office of the Premier of Ontario, correct?

**Ms. Emily Marangoni:** Yes.

**Mr. Bob Delaney:** You don't work for the Ontario Liberal Party.

**Ms. Emily Marangoni:** That's correct.

**Mr. Bob Delaney:** So the questions that were earlier asked of you—"What direction did you get from the Ontario Liberal Party?"—you didn't get any direction from the Ontario Liberal Party.

**Ms. Emily Marangoni:** No.

**Mr. Bob Delaney:** Good. Excellent. Just for the committee, one more time, quickly encapsulate some of the changes in the processes that you follow in the Premier's office.

**Ms. Emily Marangoni:** I'm going to talk on the HR side now. When I deal with a new hire, a new staff member, we have the offer letter, which I've given everyone a copy of, and part of the Integrity Commissioner quote. We also now advise new staff of the Archives and Recordkeeping Act, and then it's followed up by the orientation that Cabinet Office HR does with the new staff, basically explaining what our duties are as Office of the Premier staff.

When it comes to the GPRF, the form is still the way it is. I don't make the changes on this form. I try to follow it as best I can, and there have been meetings with the current chief of staff. He has had meetings with all staff, basically to go over this recordkeeping process that's in place. Those are just a few of the things that we are now putting in place.

**Mr. Bob Delaney:** Emily, thank you for being a good and faithful administrative air traffic controller, and for coming in to see us today.

**Ms. Emily Marangoni:** Thank you.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Delaney, and thanks to you, Ms. Marangoni, for your testimony and your presence here.

I believe we have some motions before the floor. Monsieur Bisson?

**Mr. Gilles Bisson:** Okay. I've got three motions, and I'm going to give copies to the Clerk, one at a time.

**The Chair (Mr. Shafiq Qadri):** Mr. Bisson, we've received, I think, one motion that has to do with the—  
*Interjection.*

**The Chair (Mr. Shafiq Qadri):** Oh, sorry.

**Mr. Victor Fedeli:** That's mine.

**The Chair (Mr. Shafiq Qadri):** Mr. Fedeli. Why don't we go ahead with his motion first?

**Mr. Gilles Bisson:** Yes. Can I give the Clerk these here?

**The Chair (Mr. Shafiq Qadri):** We need to (a) receive them in writing and (b) approve them in order.

**Mr. Gilles Bisson:** Well, we're going to approve them as we go through this.

**Mr. Victor Fedeli:** Thank you, Chair. I move that the Standing Committee on Justice Policy request from the Premier's office, Ministry of Energy, Ministry of Finance, government House leader's office, Cabinet Office, Archives of Ontario and Secretary of Cabinet the production of all documents and correspondence from the email account "DJPM@liberal.ola.org" related to the cancellation and relocation of the power plants in Oakville and Mississauga from January 1, 2010, to June 18, 2013, 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, Project Fruit Salad, and that the documents be provided in a searchable electronic PDF within two calendar weeks of the motion passing.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Fedeli. The motion is in order, as I understand it. Comments before we move to the vote? Mr. Delaney?

**Mr. Bob Delaney:** Chair, whose email account is this?

**The Chair (Mr. Shafiq Qaadri):** Mr. Fedeli, would you care to answer that?

**Mr. Victor Fedeli:** It is the email account of Mr. Dalton McGuinty at liberal.ola.org.

**Mr. Bob Delaney:** Chair, are Citrix accounts within the purview of this committee to request?

**The Chair (Mr. Shafiq Qaadri):** An exceptionally interesting question. What do you mean by Citrix, for the Clerk and for legal counsel?

**Mr. Bob Delaney:** Your MPP accounts.

**The Chair (Mr. Shafiq Qaadri):** Peter, do you want to comment on that, on the record?

**Mr. Peter Sibenik:** Yes. The request is from the Premier's office, the Ministry of Energy, the Ministry of Finance, the government House leader's office etc., so it's documents within the production of those ministries

and organizations. Under standing order 110(b), the committee is able to request a wide variety of documents—a person's papers and things—and there is no obvious limit to the kinds of production that the committee can order. As long as the documents exist in the jurisdiction, in the province of Ontario, and they conform to the terms of reference that are before the committee, the committee can request the documents.

**The Chair (Mr. Shafiq Qaadri):** Thank you. Is that satisfactory to all concerned?

**Mr. Bob Delaney:** That's fine. That's all we wanted to know.

**The Chair (Mr. Shafiq Qaadri):** Seeing that, we'll move to the vote. Those in favour of the PC motion by Mr. Fedeli? All opposed? The motion carries.

Monsieur Bisson.

**Mr. Gilles Bisson:** I've just given the Clerk three.

*Interjection.*

**Mr. Gilles Bisson:** Let me walk through it. It's very simple. I'll just move the first one, and then we can have a discussion.

**The Chair (Mr. Shafiq Qaadri):** Mr. Bisson, I sense that my Clerk will require a recess to process this, so we're looking at a five- or 10-minute recess—preferably sharp, please.

*The committee recessed from 1231 to 1257.*

**The Chair (Mr. Shafiq Qaadri):** The committee is back in session, colleagues.

Monsieur Bisson, you have the floor.

**Mr. Gilles Bisson:** Just to be helpful, see you next week.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Monsieur Bisson. We appreciate the expeditious way in which you've dealt with the NDP motions.

The committee is adjourned, unless there's any further business. Thank you.

*The committee adjourned at 1258.*

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