

Legislative
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Bill 10

**An Act to amend the Executive Council Act and the
Freedom of Information and Protection of Privacy Act
with respect to the publication and treatment of mandate letters**

Mr. A. Shamji

Private Member's Bill

1st Reading August 22, 2022

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Executive Council Act* and the *Freedom of Information and Protection of Privacy Act*.

The *Executive Council Act* is amended to include a new section 2.1, which requires that the Premier publish mandate letters, as defined in subsection (1) of the new section.

Section 12 of the *Freedom of Information and Protection of Privacy Act*, which provides an exemption to the disclosure of records under that Act where the disclosure would reveal the substance of deliberations of the Executive Council or its committees, is amended to provide that a head may not refuse to disclose a mandate letter under that section, even where its disclosure would reveal such deliberations.

**An Act to amend the Executive Council Act and the
Freedom of Information and Protection of Privacy Act
with respect to the publication and treatment of mandate letters**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 The *Executive Council Act* is amended by adding the following section:

Mandate letters

Definition

2.1 (1) In this section,

“mandate letter” means a written communication, in any form, that meets the following criteria:

1. It is issued by the Premier to another member of the Executive Council or to a Parliamentary Assistant after any of the following:
 - i. A general election or a throne speech.
 - ii. In the case of a communication issued to a member of the Executive Council, a change to the composition of the Executive Council that affects the member.
 - iii. In the case of a communication issued to a Parliamentary Assistant, the Parliamentary Assistant’s appointment.
2. It sets out expectations of the work the member or Parliamentary Assistant is to carry out to advance the government’s agenda, such as the key policy objectives with which the member or Parliamentary Assistant is tasked and the anticipated challenges or barriers to achieving those objectives.

Publication

(2) The Premier shall ensure that the content of each mandate letter is published on a website of the Government of Ontario as soon as possible and, in any event, no later than one week after the letter is issued.

Previous mandate letters

(3) The Premier shall ensure that any mandate letters that were issued on or after June 7, 2018 are published on a website of the Government of Ontario within 60 days after the day on which section 1 of the *Publication of Mandate Letters Act, 2022* comes into force.

2 Section 12 of the *Freedom of Information and Protection of Privacy Act* is amended by adding the following subsection:

Same, mandate letters

(3) Despite subsection (1), a head shall not refuse under subsection (1) to disclose a mandate letter within the meaning of subsection 2.1 (1) of the *Executive Council Act*, even where its disclosure would reveal the substance of deliberations of Cabinet or its committees.

Commencement

3 This Act comes into force on the day it receives Royal Assent.

Short title

4 The short title of this Act is the *Publication of Mandate Letters Act, 2022*.