

Information and Privacy Commissioner,
Ontario, Canada



Commissaire à l'information et à la protection de la vie privée,
Ontario, Canada

ORDER PO-4702-F

Appeal PA24-00203

Cabinet Office

August 19, 2025

Summary: This final order follows Interim Order PO-4652-I. The appellant made a request under the *Freedom of Information and Protection of Privacy Act* for the calendar of the former Executive Director of Stakeholder Relations in the Premier's Office for the period from June 1 to December 31, 2022. Cabinet Office located responsive records in the individual's government Outlook calendar and granted the appellant partial access to them. The appellant claimed additional responsive records ought to exist.

In Interim Order PO-4652-I, the adjudicator found Cabinet Office's search of the individual's government Outlook calendar was not reasonable because it did not provide sufficient evidence to support its claim that the entries marked "Private" were, in fact, personal in nature. The adjudicator ordered Cabinet Office to obtain an affidavit from the individual confirming the nature of the calendar entries marked "Private" in their government Outlook Calendar. The adjudicator also ordered Cabinet Office to require the affected party to search their personal calendar for any corresponding entries and provide any such records to Cabinet Office.

Cabinet Office obtained the affidavit from the individual confirming the nature of the entries marked "Private" in their government Outlook calendar. The individual also provided Cabinet Office with an additional record, which was disclosed to the appellant, in part. In this final order, the adjudicator finds Cabinet Office has now conducted a reasonable search for responsive records and dismisses the appeal.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, section 24.

Orders Considered: Order PO-4652-I.

Other Publications Considered: Information and Privacy Commissioner of Ontario, *From Vision to Impact: Five Years of Privacy and Transparency in a Digital Ontario*, published June 12, 2025.

OVERVIEW:

[1] This final order disposes of the sole issue outstanding from Interim Order PO-4652-I, specifically whether Cabinet Office has conducted a reasonable search for records responsive to the appellant's request, as required by section 24 of the *Freedom of Information and Protection of Privacy Act* (the *Act*).

[2] The appellant submitted a request under the *Act* to Cabinet Office for "the calendar of [named individual] from the period of June 1, 2022 to December 31, 2022. Please include any calendars for positions the [individual] held within those periods."

[3] While the appellant's request did not identify the Greenbelt matter, it appears the appellant seeks access to records relating to the Ontario government's decision to remove and develop lands from the Greenbelt. The government announced this plan on November 4, 2022 and subsequently reversed it. The decision-making process regarding this matter has been the subject of two reports by independent officers of the Legislative Assembly of Ontario: a report of the Auditor General of Ontario¹ and a report of the Office of the Integrity Commissioner of Ontario.² In addition, the manner in which the government created and maintained records relating to the Greenbelt matter has been the subject of numerous IPC appeals and decisions, which culminated in a special report by the Commissioner.³

[4] Cabinet Office conducted a search and located calendar entries from the named individual's government Outlook account. Cabinet Office granted the appellant partial access to the records.

[5] I conducted an inquiry and notified the individual (the affected party) of the request and appeal. They did not respond to my notice.

[6] In Interim Order PO-4652-I, I found Cabinet Office had not conducted a reasonable search for records responsive to the appellant's request. Specifically, I found Cabinet Office did not properly confirm certain information in the calendar entries. Each page of the record is a printout of the scheduled appointments for each day during the period specified in the request. There were 34 entries or appointments marked in the

¹ *Special Report on Changes to the Greenbelt*, published in August 2023 following an audit pursuant to the Auditor General Act, R.S.O. 1990, c. A.35. (the Auditor General's Report)

² *Report of the Integrity Commissioner re: Ministry of Municipal Affairs and Housing*, published in August 2023 following an investigation pursuant to the Members' Integrity Act, 1994, S.O. 1994, c. 38. (the Integrity Commissioner's Report)

³ "Ontario's Greenbelt: Access to Information and Government Transparency", IPC's *2024 Annual Report*, published on June 12, 2025. Online available [here](#).

calendar as "Private." The appellant took the position that the entries marked "Private" could relate to official government business. To support her claim, the appellant provided the IPC with a copy of a Microsoft Teams meeting invitation that was forwarded to the affected party's personal email account from the personal account of the Ministry of Municipal Affairs and Housing's former Chief of Staff that corresponds to the same date and time as one of the entries marked "Private" in the affected party's government calendar.

[7] During the inquiry, Cabinet Office advised it contacted the affected party and they confirmed the entries marked "Private" in their calendar were personal in nature. However, given the evidence provided by the appellant as well as general concerns raised in the investigations of the Auditor General and the Integrity Commissioner regarding political staff use of personal accounts to conduct government business, I found sufficient grounds to require Cabinet Office to provide more formal confirmation of the nature of the 34 "Private" entries in the affected party's government calendar in the form of an affidavit from the affected party.

[8] In response to Interim Order PO-4652-I, Cabinet Office contacted the affected party and obtained an affidavit confirming the nature of each of the 34 entries marked "Private" in their Outlook calendar. The affected party located one additional record in their personal accounts and Cabinet Office disclosed the record to the appellant, in part.

[9] I shared the affected party's affidavit with the appellant. The appellant advised she is now satisfied with Cabinet Office's search.

[10] In this final order, I find Cabinet Office has now conducted a reasonable search for responsive records and dismiss the appeal.

DISCUSSION:

[11] The only issue before me in this final order is whether Cabinet Office has now conducted a reasonable search for responsive records.

[12] Where a requester claims additional records exist beyond those found by the institution, the issue is whether the institution conducted a reasonable search for records as required by section 24 of the *Act*.⁴ If the IPC is satisfied the search carried out was reasonable in the circumstances, it will uphold the institution's decision. Otherwise, it may order the institution to conduct another search for records.

[13] Although a requester will rarely be able to indicate precisely which records the institution has not identified, they must still provide a reasonable basis for concluding

⁴ Orders P-85, P-221 and PO-1954-I.

that such records exist.⁵

[14] The *Act* does not require the institution to prove with certainty that further records do not exist. However, the institution must provide sufficient evidence to show it made a reasonable effort to identify and locate responsive records.⁶ Responsive records are records that are “reasonably related” to the request.⁷

[15] A reasonable search is one in which an experienced employee knowledgeable in the subject matter of the request makes a reasonable effort to locate records that are reasonably related to the request.⁸ The IPC will order a further search if the institution does not provide enough evidence to show it made a reasonable effort to identify and locate all of the responsive records within its custody or control.⁹

The affected party’s affidavit

[16] In response to Interim Order PO-4652-I, Cabinet Office contacted the affected party and obtained an affidavit regarding the entries marked “Private” in their government Outlook calendar.

[17] The affected party provided an affidavit, summarizing their search efforts and providing additional details regarding each entry marked “Private” in their government Outlook calendar.

[18] The affected party submits they conducted a “diligent search” of their personal records and made “appropriate inquiries of others” to ensure the information contained in the affidavit is accurate. The affected party attached an exhibit which contains the particulars for each of the 34 “Private” entries in their Outlook calendar.

[19] Of the 34 entries, there are ten entries for which the affected party states, “I am unable to confirm the particulars of the entry, despite my best efforts to do so.” There are 22 entries the affected party confirms relate to either a personal or political matter unrelated to their official role with the Premier’s Office. One calendar entry corresponds to the Teams Meeting invitation the appellant provided during the inquiry. The affected party confirmed the “Private” entry on the corresponding date was related to the Teams Meeting. The affected party provided Cabinet Office with a copy of the Teams Meeting invitation and provided it to Cabinet Office, which then issued an access decision to the appellant, granting her partial access to the record. Finally, there is one entry which the affected party describes as follows:

⁵ Order MO-2246.

⁶ Orders P-624 and PO-2559.

⁷ Order PO-2554.

⁸ Orders M-909, PO-2469 and PO-2592.

⁹ Order MO-2185.

This entry reflects a meeting with [an external party] regarding capacity building for vaccinations across Ontario, which I attended with the Premier. To the best of my knowledge, this was an invitation I received from the Premier's scheduler.

[20] As stated above, I provided the appellant with a copy of the non-confidential portions of the affected party's affidavit. The appellant submits Cabinet Office has now conducted a reasonable search for records. Given the appellant's position, I decided it was not necessary to request further submissions from Cabinet Office on its search.

Analysis and Findings

[21] In Interim Order PO-4652-I, I found Cabinet Office had not conducted a reasonable search in so far as it had not provided sufficient evidence to confirm the entries marked "Private" in the affected party's government Outlook calendar were in fact private. I confirm this is the only aspect of the search that remains at issue. I found Cabinet Office had otherwise conducted a reasonable search for the affected party's calendar entries for the requested period.

[22] Based on my review of the affected party's affidavit, I am now satisfied Cabinet Office has conducted a reasonable search for records responsive to the appellant's request. Specifically, Cabinet Office has obtained formal confirmation regarding the entries marked "Private" in the affected party's government Outlook calendar. I reviewed the affected party's affidavit and am satisfied Cabinet Office has provided the IPC and the appellant with sufficient evidence to verify the nature of each "Private" entry in the affected party's government Outlook calendar. I am also satisfied with the affected party's additional search of their personal account for records responsive to the appellant's request.

[23] I note there are two instances in the affidavit that confirm the affected party and other government employees, including the Premier's scheduler and the Ministry of Affairs and Housing's former Chief of Staff, used their personal accounts to conduct official government business.

[24] The government-issued email accounts were provided to create and log all government-related emails, meetings, and appointments. They also provide a clear separation between government employees' personal matters, political matters, and official or government-related matters. Accordingly, it is incumbent upon government employees to use their government accounts and devices to conduct government business to effectively separate government business from personal matters. This is necessary to protect the public's right of access under the *Act* and to comply with the institution's obligations under the *Archives and Recordkeeping Act, 2006*.¹⁰

[25] The affected party's affidavit makes it clear that government staff used personal

¹⁰ S.O. 2006, c. 34, Sched. A.

and official accounts to conduct government business. The IPC addressed the issue of political staff using personal accounts and devices for government business in relation to the Greenbelt matter in its 2024 Annual Report. The IPC's Special Report relating to the Greenbelt addressed a need to ensure transparency in government decision-making and included several recommendations, including prohibiting the use of personal accounts or devices for official business. The IPC's Special Report also acknowledged the steps that Cabinet Office and the Premier's Office have taken to direct political staff to comply with the IPC's recommendations and the orders issued with respect to the Greenbelt matter.¹¹

[26] Overall, I am now satisfied Cabinet Office's search for records responsive to the appellant's request was reasonable. Accordingly, I find Cabinet Office has fulfilled its obligations under section 24 of the *Act* and dismiss the appeal.

ORDER:

I uphold Cabinet Office's search as reasonable and dismiss the appeal.

Original Signed by: _____

Justine Wai
Adjudicator

August 19, 2025 _____

¹¹ Information and Privacy Commissioner of Ontario, *From Vision to Impact: Five Years of Privacy And Transparency in a Digital Ontario*, published June 12, 2025, pages 73 to 75. Available [online](#).