



Information and Privacy
Commissioner of Ontario
Commissaire à l'information et à la
protection de la vie privée de l'Ontario

VIA ELECTRONIC MAIL

June 25, 2025

Ted Hsu
M.P.P., Kingston and the Islands
The Legislative Assembly of Ontario
Room 421
Main Legislative Building, Queen's Park
Toronto, ON, M7A 1A5

Dear Mr. Hsu:

RE: Request for record preservation guidance and proactive oversight regarding special economic zones under Bill 5

Thank you for your letter dated June 20, 2025, requesting my office's consideration of proactive measures to preserve records and reinforce access to information obligations in relation to the Special Economic Zones (SEZ's) authorized under Schedule 9 of the [Protect Ontario by Unleashing our Economy Act, 2025](#), (Bill 5).

You ask that I take action to preserve the public record given my office's mandate under the *Freedom of Information and Protection of Privacy Act* (FIPPA), the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), and the *Archives and Record Keeping Act, 2006* (ARA). Among other things, you ask that I pre-emptively order all ministries, agencies, and public bodies within Government of Ontario to immediately and comprehensively preserve all records relating to the SEZ.

As you are aware my office oversees access to government records under the province's access to information laws to safeguard the public's right to know and ensure transparency of government action.

The considerations that my office undertakes when issuing an exceptional order for the preservation of records are addressed in my office's Interim Order [PO-4449-I](#). In this preservation order, the IPC required the Ministry of Municipal Affairs and Housing to take all reasonable measures to preserve any responsive records relating to the withdrawal of lands from the Greenbelt in accordance with its obligations under FIPPA and the ARA. The order also required that where records had been destroyed or deleted, the ministry undertake steps to recover these records. This exceptional order was made in light of several access to information requests that were already before the IPC at the time and the Auditor General's contemporaneous observations "that emails were regularly being deleted by political staff" in the context of her *Special Report on Changes to the Greenbelt*.



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In the appendix of our recently released [annual report](#), I included a [report](#) on the Greenbelt matter in which I discuss this preservation order, along with several other related orders, to serve as strong reminders of the existing retention and record keeping obligations of government and political staff. In the report, I make several recommendations to the government, including that it review and modernize its record-keeping and retention policies; prohibit the use of personal email and personal devices for government-related business; train staff early and often on their record-keeping and retention obligations; monitor staff for compliance on a regular basis and take immediate steps to act on instances of non-compliance; and codify a duty to document government decisions, communications, and actions.

At this time, my office will continue to monitor the implementation of these key recommendations, both generally, and in the context of specific appeals. We regularly remind government, including political staff, of their record-keeping obligations, as we did most recently on June 24, 2025, in the context of training for political staff from ministers' offices and the premier's office.

Regarding Bill 5, we will carefully review the bill, together with several other bills on the legislative agenda, and consider making a submission on the implications of this proposed framework as it relates to recordkeeping and access to information obligations.

Lastly, as regards the use of the public interest override, we apply it in applicable cases, as permitted by our enabling statute, taking into consideration the specific facts and circumstances of each case. Please be assured that my office will continue to use its mandated powers in appropriate cases to ensure transparency in government action and decision-making.

I appreciate your letter and thank you for your engagement on these important issues. My office takes these matters seriously and is committed to doing all that we can within our legislative mandate to uphold Ontarians' right to know. In the interests of transparency and given that you have published your letter to me, this response will likewise be posted publicly on my office's website.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kosseim', with a stylized flourish underneath.

Patricia Kosseim
Information and Privacy Commissioner of Ontario