

Report on Councillor Brad Bradford's Use of Constituent Contact Information

**Jonathan Batty
Integrity Commissioner**

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OFFICE OF THE
**INTEGRITY
COMMISSIONER**
TORONTO

A. INTRODUCTION

1. This report describes my investigation of four complaints about Councillor Bradford's use of constituent contact information in the 2023 mayoral by-election and whether he contravened the Code of Conduct for Members of Council (the "Code of Conduct").
2. While the four complaints have been investigated separately, they raise the same issues and involve substantially the same facts. For this reason, I have joined these inquiries for purposes of reporting to Council.
3. My report outlines the process my inquiry followed, describes the relevant City policies, sets out the evidence I considered and the principles I applied in making my findings and recommendations.
4. As required, before finalizing my report to Council, I notified Councillor Bradford of my proposed findings and recommendations and provided him an opportunity to comment on them in accordance with Article 4.4 (F) of Chapter 3 of the Toronto Municipal Code and s. 35 of the Complaint and Application Procedures of the Office of the Integrity Commissioner.
5. Councillor Bradford's legal counsel advises that Councillor Bradford is prepared to accept the reprimand I am recommending to Council, to avoid my Office's "further expenditure of scarce taxpayer dollars, and time away from his constituents." His counsel further alleges my Office's investigation was unfair and I mischaracterized almost every single piece of evidence, despite the fact of Councillor Bradford's admissions described below and his apparent willingness to accept a reprimand.
6. I stand by my Office's investigation. I have reflected, where warranted, counsel's response on behalf of Councillor Bradford. For reference, I have also included a chronology of the investigation as counsel specifically requested (see Appendix A).

The Complaints

7. On March 29, 2023, Toronto City Council declared the Office of Mayor vacant and passed a bylaw requiring a by-election be held.

8. On April 3, 2023, nominations opened and Councillor Bradford registered as a candidate.
9. Voting Day was June 26, 2023, and Olivia Chow was elected Mayor.
10. On May 16, 2023, Councillor Bradford's campaign sent out a mass email (see attached). The email criticized Ms. Chow's platform. The message was that Councillor Bradford was the only candidate ready to "stand-up" to her and the only candidate who could "stop" her. The email asked people to donate to Councillor Bradford's campaign so he could do so.
11. My Office received four complainants from people who said they had received mayoral by-election campaign emails from Councillor Bradford's campaign team, which they had not signed up to receive. The details of their complaints, based on what they initially submitted and answers to our follow-up questions, are as follows.

Complainant #1

12. Complainant #1 is a Ward 19 constituent and wrote to Councillor Bradford about a constituency concern in February 2019. The next month, they were added to Councillor Bradford's e-newsletter e-blast list, and although Complainant #1 had not requested to be added to this, they did not complain.
13. On April 27, 2023 they received an email from info@votebradford.ca titled "You're Invited! Campaign Office Opening this Saturday." On May 2, 2023 they received another email from info@votebradford.ca titled "Campaign Update." After receiving these emails, Complainant #1 Tweeted at Councillor Bradford's Twitter account complaining about receiving these emails.
14. On May 13, 2023 Complainant #1 filed a complaint with my Office about receiving these emails. They alleged that using their contact email information, without their consent, to send these campaign emails violated Articles 5 and 7 of the Code of Conduct.

Complainant #2

15. Complainant #2 is a constituent of Councillor Bradford's and signed up for his Ward 19 e-newsletter. They received the May 16, 2023 email from Councillor Bradford's

campaign under the Campaign Manager's name. As Complainant #2 had not provided their email to Councillor Bradford's campaign, they emailed back "Can you please confirm how you got my email address?" They received no reply but received no further email communications from Councillor Bradford's campaign.

16. On May 17, 2023 Complainant #2 filed a complaint with my Office about receiving this email. They alleged that using their contact email information, without their consent, to send the May 16, 2023 campaign email violated Articles 6 and 7 of the Code of Conduct.

Complaint #3

17. Complainant #3 is a Ward 19 constituent. After sending e-mail petitions to Councillor Bradford, they were added to his constituency e-newsletter mailing list, although they had not given their prior consent.
18. Complaint #3 received the May 16, 2023 email from Councillor Bradford's campaign under the Campaign Manager's name. They wrote back to the campaign account that day stating they had not consented to being on the campaign mailing list, took exception to Councillor Bradford's criticisms of Ms. Chow and that his campaign was asking for a donation, and that they would be reporting it. They received no reply but received no further email communications from Councillor Bradford's campaign.
19. On May 18, 2023, Complainant #3 filed a complaint with my Office about receiving this email. They alleged that using their contact email information, without their consent, to send the May 16, 2023 campaign email violated Articles 5 and 7 of the Code of Conduct.

Complainant #4

20. Complainant #4 is a constituent of Councillor Bradford's and signed up for his Ward 19 e-newsletter. They received the May 16, 2023 email from Councillor Bradford's campaign under the Campaign Manager's name.
21. On June 22, 2023, Complainant #4 emailed Councillor Bradford's City Hall office, the media, and all members of Council complaining about receiving the May 16, 2023 email from Councillor Bradford's campaign when they had not signed up to receive these communications. They did not receive a response from Councillor Bradford's City Hall office or campaign office. They also received a text message from Councillor Bradford's

campaign on June 23, 2023 asking if they could count on Complainant #4's vote on Voting Day, three days later.

22. While my Office was copied on the email Complainant #4 sent on June 22, 2023, copied emails are not treated as a formally filed complaint. On July 21, 2023 Complainant #4 filed a complaint with my Office about receiving the May 16, 2023 email from Councillor Bradford's campaign. They alleged that using their contact email information, without their consent, to send the May 16, 2023 campaign email violated Articles 5 and 7 of the Code of Conduct.

Summary

23. While these four complaints were submitted by constituents of Councillor Bradford, this does not appear to have been a coordinated activity. However, they have a common complaint that Councillor Bradford improperly used the contact information they shared with his City Hall office for campaign purposes, which is contrary to the Code of Conduct. When they either asked for an explanation, or complained about this to Councillor Bradford, they received no reply.
24. Coincidentally, in the same week of May that I received three of these complaints, Councillor Bradford contacted my Office for advice on an unrelated matter concerning election period requirements. After advising Councillor Bradford, because I was being contacted with independent allegations about a possible privacy breach in his City Hall office, I alerted him of the fact of these complaints so he could investigate and, if he needed, address the issue. I also advised, as I did in my 2023 Mayoral By-election Requirements interpretation bulletin, that these complaints could not be assessed, investigated and reported on before Voting Day.¹ This provided him an opportunity to proactively resolve any issues before my Office considered this matter.

¹ Counsel has requested I note that my Office did not specifically advise Councillor Bradford to seek advice. I disagree. He was cautioned to address this matter. As noted, this conversation was taking place because Councillor Bradford was asking for advice about the application of another election-related rule found in my Office's 2023 Mayoral By-election interpretation bulletin. The subject matter of these complaints is specifically flagged in the same bulletin. Reasonably, he knew precisely why and where to come for advice.

Intake Review

25. When a complaint is received, it is assessed in the Intake Review process described by my Office's Complaint and Application Procedures. After Voting Day, I reviewed the four complaints and found sufficient grounds to investigate a Code of Conduct violation.
26. As the conduct described potentially involved the use of City resources, and Council has adopted several policies engaging this, both during and outside election periods, I decided to also investigate under Article 15 (Council Policies & Procedures).
27. After completing my intake review, I provided separate notices of investigation to the complainants and Councillor Bradford on August 1, 2023 for the first three complaints. I did the same for the fourth complaint on August 18, 2023. I invited Councillor Bradford to respond to the allegations in each, and he did so through his legal counsel.

Councillor Bradford's Response

28. Councillor Bradford admitted his 2023 mayoral by-election campaign used constituent contact information transferred from his City Hall office. He advised that a former employee of his office, who volunteered on his campaign and did not name, was responsible for the error. In a letter to me dated October 6, 2023 he said:

In May 2023, it appears that an exported list containing some data from my City Hall NationBuilder was inadvertently uploaded to my mayoral campaign NationBuilder on the assumption that it was data from a previous campaign that had been overlooked.

His letter also said:

Upon realization of the error, my Campaign staff immediately investigated and took steps to identify and remove the data to ensure recipients would not receive further messages. The volunteer in question apologized for their mistake and the campaign's internal procedures were reviewed and corrected so this error was not repeated.

My mayoral campaign maintained a separate database through the NationBuilder platform, and once the by-election concluded, NationBuilder permanently deleted the database as per its standard policy and practices.

29. Describing what steps he took after receiving the notices of investigation, Councillor Bradford wrote:

After meeting with my campaign counsel and being fulsomely briefed on your investigation and concerns raised, I had my Campaign Manager investigate the matter.

Based on his current understanding of the situation from this investigation, it appears that the complainants may have received the [May 16, 2023 campaign email under the Campaign Manager's name] due to the inadvertent uploading of a list by a former employee of my office volunteering on my campaign.

30. Along the same lines, Councillor Bradford's legal counsel submitted:

Campaign staff promptly investigated the issue and concluded that it was likely that some data had been uploaded erroneously. Best efforts were made to remove the erroneously uploaded data from the campaign NationBuilder account to ensure that Mr. Bradford's City Hall and campaign-related records were kept separate. Following numerous checks and verifications, Campaign staff concluded that the erroneously uploaded data had been successfully removed from the Campaign NationBuilder.

Counsel also explained this upload was from an external drive, and that the external drives used for such purposes by the campaign were USB drives.

31. Finally, Councillor Bradford's letter to me said:

I take full responsibility for the mistake. The recipients who complained [about the May 16, 2023 campaign email under the Campaign Manager's name] may have received one email as a result of this mistake.

To them, and any others who may come forward, I apologize for this administrative error.

B. LAW AND POLICY

The Law

32. Under s. 157(1) of the *City of Toronto Act, 2006*, City Council is required to adopt a code of conduct governing its members. In addition to the rules Council has adopted about election campaign work (Article 7) and adherence to Council policies (Article 15), Council has adopted separate rules governing confidential information (Article 5) and the use of City property, services and resources (Article 6). The latter two rules must be adopted in order to comply with provincial requirements found in s. 1 of Ontario Regulation 58/18 made under the *City of Toronto Act, 2006*.

33. The Code of Conduct's rules, noted above, are as follows (emphasis added):

Article 5 (Confidential Information)

5.0 A member must not:

a) disclose or release to any unauthorized person, including a member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so;

b) use confidential information for personal or private gain, or for the gain of relatives or any person or corporation;

c) disclose the content of any matter that has been discussed at a closed meeting under the Council Procedures By-law, or the substance of such deliberations, until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public; or,

d) access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.

Article 6 (Use of City Property, Services and & Other Resources)

6.0 A member must not:

a) use or permit the use of City resources for activities other than the business of the Corporation; or,

b) obtain personal financial gain from the use or sale of City-developed intellectual property since all such property remains exclusively that of the City.

Article 7 (Election Campaign Work)

7.0 A member must follow the provisions of the Municipal Elections Act, 1996.

7.1 A member must not:

a) use the facilities, equipment, supplies, services or other resources of the City, including member newsletters and websites linked through the City's website, for any election campaign or campaign-related activities;

b) undertake campaign-related activities on City property during regular working hours unless permitted by City policy; or,

c) use the services of persons for election-related purposes during hours in which those persons receive any compensation from the City.

Article 15 (Council Policies & Procedures)

15.0 A member must observe the terms of all policies and procedures established by City Council unless they have first requested and been granted an exemption by Council.

34. My Office is mandated by s. 160 (1)(a) of the *City of Toronto Act, 2006* to investigate complaints that the Code of Conduct has been contravened. The City is obligated to disclose to me, on request, the information I believe necessary in such an inquiry, which includes “free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the City or a local board (s. 160 (3) and (4)). Where the City does not have that information, I have the power to issue summonses to compel people to testify and produce the information I require (s. 160 (2)).

Policies and Guidance

35. As set out below, Council has adopted policies governing the use of constituent information and members of Council have been provided comprehensive guidance on how to comply with these requirements.

Human Resources Management and Ethical Framework for Members’ Staff

36. The [Human Resources Management and Ethical Framework for Members’ Staff](#) (the “Ethical Framework”) is a policy approved by Council which is applicable to all Members of Council’s staff. It outlines the obligations for political staff and for members of Council as managers of their staff. Staff are provided a copy at the start of their employment, and it is attached to and forms part of their employment contract.
37. Section Three – Ethical Framework for Members’ Staff lists the obligations people employed in members’ offices must follow. It includes rules governing how records in members’ offices must be managed (emphasis added):

6. Information Management

- a. Members’ staff should be aware of the following types of records that are created or managed in a Member’s Office, and must take care to manage this information accordingly:

Constituency Records

- Records that document a Member's relationship with their constituents as an elected representative are considered personal records (e.g. constituent complaints about City service or other property matters). records belong to the Member, regardless of whether it's the Member or their staff that collected or created the information. Often these records contain personal or sensitive information about constituents.

Political Records

- Records containing political information are likewise the personal records of the Member and generally not subject to the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). Political information is found in communications with persons and organizations, including other Members of Council, about matters not specifically related to ward issues.

City Records

- City business records are records considered under MFIPPA as being in the custody or control of the City. If a Member's staff emails City staff about an issue or forwards a constituent's email to City staff for follow-up, then that email becomes a City record. Items on a Committee agenda are also City records.
- b. Members' staff should keep constituency, political and City records separate from each other.
 - c. **Members' staff should ensure that contact information obtained from constituents is not stored and reused to communicate further with the constituent without their express written consent.**
 - d. Members' staff should restrict access to confidential and sensitive personal information received in the Member of Council's Office to only those who need to see it in order to protect personal information.
38. This policy notes that communications with a constituent, although not City records, should be treated confidentially, and not shared or used for other purposes without express consent of that constituent, as it may include sensitive and personal information.

Guide to Access and Privacy for Councillors

39. Information that constituents share with a member of Council, including their emails for purposes of being added to an e-newsletter, must be treated as confidential information. This is explained in the City's guide for members of Council entitled a "[Guide to Access and Privacy for Councillors.](#)"

40. Section 2 of the guide, “Protecting confidential information,” provides that a constituent’s information should not be shared or used for any other purpose beyond the reason they have contacted the member without the express consent of that constituent:

2.3 PERSONAL INFORMATION

Personal information supplied by a constituent to deal with a specific matter should not be used for other unrelated purposes. For example, if an individual asks to be included on a distribution list about a particular issue, that individual should not be identified with the issue in a newsletter without their permission. Councillors should not disclose the constituent’s personal information to others without the constituent’s consent either. Access and privacy training for Councillors and their staff is available on request by contacting the Executive Director, Corporate Information Management Services.

41. Section 2 of the guide, “Managing information in a Councillor’s office,” clarifies that while MFIPPA may not apply to a member’s office records, that information (including the information shared in emails) must be secured in the member’s office and not inadvertently disclosed to others:

3.3 MANAGING CONSTITUENCY INFORMATION

Documents and records received or created interacting with constituents are considered personal. Constituency records generally relate to issues the Councillor is dealing with involving one or more members of the public who either live or own a business within the Councillor’s ward. Constituency records may include letters, emails, faxes, telephone messages, and mailing lists.

Constituency information is not subject to *MFIPPA*. The IPC has confirmed that, except in unusual circumstances, a Councillor is not an officer or employee of the City. Councillors’ constituency liaison records are considered “personal” and are not subject to *MFIPPA*. Accordingly, under *MFIPPA*, a person generally does not have a right to access a Councillor’s constituency records.

3.4 PROTECTING PERSONAL AND CONFIDENTIAL INFORMATION

Documents containing confidential or personal information should be stored in locked cabinets except when in active use. Data stored on laptop computers, USB drives or similar devices should be encrypted or otherwise password protected. Documents and devices should not be left unattended in vehicles or in other offices.

Care should be taken to ensure that personal information is not disclosed during public meetings without prior, written consent of the affected individual(s).

Council Member Knowledge Base

42. The policy and guidance about the confidentiality protections given to constituent information is also explained in the Council Member Knowledge Base (the “Knowledge Base”), an online intranet resource made available by the Clerk’s Office.

43. When managing constituency records, the Knowledge Base states:

Constituency records document the relationship with constituents as an elected representative and include information in programs such as email and constituency management systems.

Examples include: constituent discussions about property matters; complaints about City service; a survey sent out by a Councillor; a newsletter mailing list.

The information collected can only be used for its original intended purpose.

44. To protect confidentiality, the Knowledge Base reiterates a constituent’s information should only be used for the purpose it was provided because that is what the public expects (emphasis added):

Confidentiality and privacy responsibilities for Members fall under the Councillor's Code of Conduct. **Care should be taken to ensure that the expectations of members of the public are taken into account.**

A Councillor may collect information in verbal or written forms such as emails, surveys, telephone calls or at a meeting. **The information collected can only be used for the purpose for which it was intended.**

45. The Knowledge Base also notes that during elections, a member and their staff must be diligent in keeping their official and campaign activities separate:

An election year is a time of heightened public scrutiny. Accordingly, Members and their staff need to establish a clear separation between their election-related activities and their official duties.

46. Lastly, the Knowledge Base advises that during an election the Office of the Integrity Commissioner provides guidance to members and their staff about the rules during an election for particular activities like “communicating with the public.”

Municipal Election Requirements Interpretation Bulletins

47. My Office issued an Interpretation Bulletin titled [2022 Municipal Election Requirements](#) to members of Council on March 4, 2022 (updated August 2022) with guidance about use of constituency mailing lists. It reiterated that using constituent contact information for campaign purposes was contrary to Article 5. Reminder #3 (Communicating with the Public) stated (emphasis added):

The requirements in Article 5 (Confidential Information) apply to a member's election activities. Members must not use the contact information they have obtained in their official role dealing with constituents for election-related activities. **Constituent contact list information obtained in their official capacity should not be provided to a member's reelection campaign team. Members who maintain contact lists from their previous election campaigns, or from other private activities outside their office, must keep the collection and storage systems separate from City resources.**

48. I provided the same guidance in my 2023 Interpretation bulletin on [Mayoral By-Election Requirements](#) with respect to the application of Article 5.

C. EVIDENCE FROM THE INVESTIGATION

Procedural Matters

49. My Office's investigation was assisted by Councillor Bradford's admission that his office had transferred constituent contact information from his City Hall Office to his mayoral by-election, which he acknowledged was a mistake.
50. When my Office investigates a matter, we want to obtain a full picture of what occurred as that information typically also provides exculpatory facts which are important to consider. My reports to Council include relevant evidence to show that the findings have objectively and reasonably considered both inculpatory and exculpatory facts. This ensures that Council and the public have confidence that the investigation was fair and thorough. My reports to Council consider the relevant evidence in an even-handed manner and clearly explain whether or not contraventions of the Code of Conduct have occurred. This is helpful for both Council and the individual Member of Council who is subject to investigation.

51. Pursuant to section 162(2) of the *City of Toronto Act, 2006*, my reports to Council only disclose such evidence that in my opinion is necessary for the purposes of the report. I exercise this discretion judiciously.
52. Councillor Bradford's initial response to my Office's notices of investigation lacked relevant details, including the name of the person who transferred the constituent contact information from City Hall to his campaign. I needed that information to understand and confirm the details of what had happened, so we followed up with an information request.
53. My Office asked for the name of the person who transferred the constituent contact information from City Hall to Councillor Bradford's campaign as well as relevant background documents and other information.
54. The name of the person who transferred the constituent contact information from City Hall to Councillor Bradford's campaign was not voluntarily provided. Other information we requested was provided, as well as some redacted documents.
55. Councillor Bradford's legal counsel questioned my Office's authority to obtain answers and information. He asserted that the federal *Personal Information Protection and Electronic Documents Act*, which has no application in these matters, barred him from providing some information. He was not satisfied with my explanation that the federal statute did not apply. As he put it: "a summons may prove to be the most efficient solution to resolve the privacy issue because neither your office nor I were able to confirm an exception to privacy requirements."
56. Councillor Bradford's legal counsel was also retained by other witnesses whom I needed to interview.
57. Thus, despite the fact Councillor Bradford admitted that his office had made a mistake, I had to issue summonses to obtain basic answers. Once we issued a summons, my Office was advised the former Chief of Staff was the person who transferred the constituent contact information from City Hall to Councillor Bradford's campaign.
58. Also, rather than continuing to debate if my Office had authority to obtain some unredacted documents from Councillor Bradford's campaign, we simply reviewed

Councillor Bradford's mayoral campaign financial statements and the supporting documentation that he filed after the mayoral by-election with the Clerk's Office. These unredacted documents are open for public inspection.

59. We issued summonses and interviewed the following people under oath:
- 1) Councillor Bradford.
 - 2) Councillor Bradford's mayoral by-election campaign's Campaign Manager.
 - 3) Councillor Bradford's current Chief of Staff (his mayoral by-election campaign's Deputy Campaign Manager).
 - 4) Councillor Bradford's former Chief of Staff (his mayoral by-election campaign's Campaign Chair).

NationBuilder

60. NationBuilder is a web-based content management software application that is used by political and not for profit organizations to help them target, manage, and track communications with potential and confirmed donors and supporters. It can be used, for example, to send out mass e-newsletters and emails.
61. Councillor Bradford's City Hall office has used NationBuilder for many years as its constituency management system. It is used as the database for constituent contact information for Ward 19. The office used the application to send out the e-newsletters the complainants regularly received prior to the by-election. Our investigation showed from documents obtained from the Clerk's Office that it was first purchased, and paid for using Councillor Bradford's office budget, in July 2021.
62. Councillor Bradford's mayoral by-election campaign also purchased a NationBuilder account. Our investigation showed, from the supporting documentation filed with Councillor Bradford's mayoral by-election campaign financial statements, that the Campaign Manager signed the contract with NationBuilder. A third party supplier providing campaign advertising services to the campaign, Mobilize Media Group, paid for the account for the few months it existed in 2023².

² Counsel submitted paragraph 61 and 62 contained too much detail. I disagree. These are important exculpatory facts that show City of Toronto resources were not used to purchase or support the campaign's NationBuilder account.

63. Councillor Bradford's City Hall office's NationBuilder account and his campaign NationBuilder account were separately purchased and administered. The former Chief of Staff had access to both accounts as she was working in the City Hall office at the same time as she worked after hours on the campaign. She used NationBuilder in both places. The current Chief of Staff had access to the campaign account, but was on a leave of absence from Councillor Bradford's City Hall office so he could work on the campaign; he used NationBuilder solely on the campaign. The Campaign Manager had access to the campaign account and was not certain he ever used it. He did not personally send out the May 16, 2023 mass email. He knew it was being sent and had help from others on the campaign in drafting and sending it. Neither the current Chief of Staff nor the former Chief of Staff provided that help. They said they learned of the email after it was sent.

Constituent contact information in Councillor Bradford's City Hall office

64. Councillor Bradford's response said that the reason constituent contact information was transferred from his City Hall office to his campaign was because the former Chief of Staff believed the contact information on the USB drive was from a previous campaign.
65. The former Chief of Staff worked in Councillor Bradford's office from June 2020 to July 2023. From December 2021 onwards she managed the office and staff and reported directly to Councillor Bradford. The staff would add constituent information to NationBuilder on a rolling basis, as people contacted their office for help or they enrolled themselves through the Councillor's website. The former Chief of Staff said that she was responsible for managing the office's NationBuilder account and it was her standard practice to backup its data. She did so by periodically saving it to a USB drive. She does not specifically recall encrypting the data but assumed it would be as the USB drive was purchased at an office supply chain store. She said she would sometimes save the account's full dataset and sometimes just a subset of data.
66. The former Chief of Staff estimated that in May 2023 there would have been approximately 10,000 constituents listed in the office's NationBuilder account. Each entry would include the constituent's name and could include mailing address, email address and phone number.

How constituent contact information was transferred from Councillor Bradford's City Hall office

67. When notified of my Office's investigation, Councillor Bradford's response said that in May 2023 it appeared the former Chief of Staff had transferred constituent contact information from City Hall to his campaign.
68. Councillor Bradford's response said that his campaign team investigated this matter in May 2023 and when notified of my Office's investigation in August 2023 he asked the Campaign Manager to investigate this matter and through this learned the former Chief of Staff exported constituent information from his City Hall office to his campaign.
69. When interviewed, the Campaign Manager said he did not investigate this matter. He said he had no idea how constituent contact information was transferred from City Hall to the campaign as he was not employed in Councillor Bradford's City Hall office.
70. When interviewed, the current Chief of Staff said that he and the former Chief of Staff looked into the matter and deduced that the former Chief of Staff must have transferred the constituent information from the USB drive containing the backup of the City Hall office's NationBuilder account to the campaign's NationBuilder account. The former Chief of Staff's testimony was similar. She did not specifically remember uploading this contact information from this USB drive but this is the only way she said it could have happened.
71. Given this evidence, for purposes of this investigation I cannot conclude with absolute certainty that the constituent contact information was transferred in the manner described. That certainty could only be obtained by conducting a full forensic IT investigation, which would be challenging in the circumstances. However, given Councillor Bradford's admission and the testimony of the current Chief of Staff and the former Chief of Staff, I am willing to accept this is the most likely explanation of what occurred.
72. In summary, I find that constituent contact information was transferred by the former Chief of Staff from Councillor Bradford's City Hall office to his campaign. While the upload has been described as an inadvertent error by Councillor Bradford, it is evident that his office did not exercise due care in managing constituent contact information. Simply put, that USB drive should never have been inserted into one of his campaign's

computers and the constituent contact information it contained should never have been uploaded into his campaign NationBuilder account³. Had due care been exercised, this mistake would not have happened.

How this mistake was addressed

73. When asked in our interview about how he first learned of the complaints about the transfer of the constituent contact information from City Hall to his campaign, Councillor Bradford said it was in the telephone conversation he had with me in May 2023. Councillor Bradford said this was not something he recalled anyone in the campaign raising with him before then.
74. When interviewed, the current Chief of Staff said he remembered Councillor Bradford raising this with him because of the May 2023 telephone call I had with Councillor Bradford alerting him to these complaints. He was aware of the issue already due to complaints which had come into the campaign.
75. When interviewed, both the current Chief of Staff and the former Chief of Staff said they were concerned about the complaints being received from some constituents of Ward 19. Complaints were made to both the campaign and Councillor Bradford's City Hall office. In addition to the four formal complaints I received, Councillor Bradford disclosed in the course of the investigation that his City Hall office had received angry emails from three other constituents complaining about receiving the May 16, 2023 campaign email when they had only emailed his City Hall office or signed up to receive the e-newsletters from his office.
76. When interviewed, the Campaign Manager said he was not concerned about these complaints and would not have raised them with Councillor Bradford. In his view, the May 16, 2023 campaign email was akin to unsolicited flyers that are dropped in people's mailboxes. He said he was aware of these complaints and that the only remedial measure taken by the campaign was that, if they were alerted to a complaint, they would remove that person's contact information from the campaign's distribution list.

³ Counsel has submitted that as NationBuilder is a web-based platform there is no evidence regarding the use of campaign computers. However, as the campaign team deduced constituent contact information had to have been uploaded to the campaign's NationBuilder account from a USB drive, that drive had to have been inserted into a computer being used for campaign purposes as his submissions note.

77. When interviewed, the current Chief of Staff explained that, if someone complained about receiving emails from the campaign, he was the person who was removing people from the campaign's NationBuilder contact database. The current Chief of Staff estimates that he removed the contact information of between 20 to 30 people over the course of the by-election campaign.
78. Most, but not all, of the complaints were received after the May 16, 2023 campaign email was sent out. For example, Complainant #1 did not receive this email; they received earlier emails and complained about it. It is possible they did not receive this email because their contact information was removed by the current Chief of Staff from the campaign's NationBuilder contact database⁴.
79. When interviewed, the former Chief of Staff's evidence was largely consistent with what the current Chief of Staff said. She said that if the City Hall office received a complaint from a constituent about receiving an email from Councillor Bradford's campaign, she would coordinate with the current Chief of Staff to have it removed from the campaign's distribution list. The former Chief of Staff estimates that the contact information of between 10 to 20 people were removed over the course of the by-election campaign.
80. The submission I received in response to these complaints advised that not only was the contact information of constituents who complained removed from the campaign's NationBuilder account, but best efforts were made to remove all the constituent contact information transferred by the former Chief of Staff from City Hall to the campaign. I was further advised that after "numerous checks and verifications" the campaign staff concluded that all this information had been removed.
81. When the former Chief of Staff was interviewed, she advised that she did not remove all constituent contact information from the campaign's NationBuilder account.
82. When the current Chief of Staff was interviewed, he advised that while he was the person who would remove a complainant from the campaign's NationBuilder account, it was beyond his expertise to identify and remove all constituent contact information the

⁴ As counsel noted, for these reasons it appears that Complainant #1's contact information was not transferred from the City Hall NationBuilder account and could have been legitimately obtained from another source. I agree this is possible. For this reason, a finding of misconduct in relation to the unauthorized transfer of Complainant #1's constituent contact information cannot stand. However, this complaint is still referenced in this report as they complained they were added to the City Hall NationBuilder account, to receive newsletters, when they had not consented.

former Chief of Staff had uploaded from the USB drive. The current Chief of Staff said he was told that the campaign's "data team," which reported to the Campaign Manager, completed this task. However, the current Chief of Staff said he received this information orally; this information was not documented.

83. When the Campaign Manager was interviewed, as noted above, he said the only remedial action that was taken was that the complainant's name was deleted from the campaign's distribution list.
84. Given this evidence, it does not appear to me that the constituent contact information that was uploaded from Councillor Bradford's City Hall office was wholly removed from his campaign's NationBuilder account. There is definitive evidence that best efforts were made to remove the information when someone complained, but I have been provided no evidence explaining how all constituent contact information was systematically identified and removed.
85. This is a fair assessment of the evidence given that to systematically remove this constituent contact information from the campaign NationBuilder account, it would first have to be known precisely when and whose information was uploaded. Neither the former Chief of Staff nor any other witness could identify when this occurred or how much information was uploaded.
86. In our interview, we asked Councillor Bradford why he did not come to my Office for advice about how to address this matter once his campaign was alerted to the complaints coming from his constituents. He said he was focused on being a candidate and delegated this matter to his campaign manager, but in retrospect realizes he should have come to my Office for advice. Councillor Bradford said he tried to provide the delegation and direction to his campaign to correct it.
87. Finally, in our interview we asked Councillor Bradford why, after the election, he did not apologize to his constituents who had complained about having their contact information shared, without their consent, with his campaign. Councillor Bradford said he believed they did not want to hear from him and believed that, once my Office's investigation began, he should not reach out to the complainants to apologize.

D. ANALYSIS

88. In determining whether Councillor Bradford has breached any of the provisions of the Code of Conduct, I have applied the standard of proof of a “balance of probabilities.” Proving something on a balance of probabilities means proving that something is more likely than not to have occurred. In applying this standard, I have also considered the evidence from the perspective of an objective observer, apprised of the circumstances, and the reasonable conclusions that they would make.
89. Although the “balance of probabilities” standard is lower than the criminal standard of proof (“beyond a reasonable doubt”), it requires more than mere speculation to be met. It requires that findings must be made on evidence that is “clear, convincing and cogent.”⁵
90. Counsel has disputed most of my evidentiary findings and the reasonable conclusions I have drawn. My Office interviewed the people most directly involved, but witnesses understandably did not always recall things.
91. To make a finding where the facts cannot be proven by direct evidence, I may make an inference from the circumstances. In such cases, inferring that something did or did not take place is a finding based on circumstantial evidence. If inferences are drawn, they must be reasonable and in light of all of the evidence, including the absence of evidence, and assessed logically in light of human experience and common sense.
92. The four complaints I received alleged constituent contact information was inappropriately shared from Councillor Bradford’s office with his election campaign and, when considered together, complained this was prohibited by Article 5 (Confidential Information), Article 6 (Use of City Property, Services and & Other Resources), and Article 7 (Election Campaign Work) of the Code of Conduct.
93. As noted previously, I advised Councillor Bradford at the outset of my investigation that Article 15 (Council Policies & Procedures) would be considered.

⁵ Report Responding to City Council’s Request for an Investigation into the Conduct of the Board Members of the Toronto Parking Authority and the Emery Village Business Improvement Area, (June 10, 2019) see: <https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-134432.pdf> at 20.

94. My analysis in this matter focuses on Article 5 (Confidential Information) and Article 7 (Election Campaign Work) as they deal most directly with the issues. As I note below, the analysis about the application of Article 15 is subsumed within the analysis of Article 5. Similarly, the analysis about the application of Article 6 is subsumed within the analysis of Article 7.

Article 5 (Confidential Information)

95. When someone shares their contact information with their member of Council's City Hall office, they are entitled to have it used by the member and their staff, solely for the purpose it was provided. To respect their privacy, the information must be treated as confidential.
96. Article 5, as noted at paragraph 33, prohibits the unauthorized disclosure of confidential information and the use of such information by a member for their own personal purposes.
97. As described above at paragraphs 35 to 46, the policies that Council has adopted, and the guidance that members and their offices have been provided are clear on these principles.
98. As described above at paragraph 44, the Clerk's Office has advised members of Council and their offices that confidentiality and privacy responsibilities fall under the Code of Conduct.
99. As described above at paragraphs 47 to 48, my Office provided specific guidance for the 2023 mayoral by-election that Article 5 prohibits constituent contact list information members obtain in their official capacity from being shared with their election campaign team.
100. The former Chief of Staff's uploading of constituent contact information from Councillor Bradford's City Hall office to his mayoral election campaign ignored these requirements. Even if the complainants' contact information had been obtained through some other means, that cannot excuse the fact that the former Chief of Staff transferred their contact information, and possibly the contact information of thousands of other people, from Councillor Bradford's City Hall office without their consent.

101. I find that Councillor Bradford violated Article 5 (Confidential Information). Councillor Bradford is responsible for what his staff do on his behalf. Members of Council are busy and, by necessity, may have to rely on the IT expertise of their staff and may need to delegate administrative tasks to adhere to the details of Council policy. Administrative delegation does not, however, exempt responsibility for serious mistakes that occur because of a lack of due care.

Article 7 (Election Campaign Work)

102. Article 7 (Election Campaign Work) prohibits members of Council, and their staff, from using the resources of their City Hall offices for any election campaign or campaign-related activities.

103. I also find that Councillor Bradford violated Article 7 (Election Campaign Work). As noted above, Councillor Bradford is responsible for what his staff do on his behalf. While the by-election was a demanding time for members of Council seeking to be elected mayor, if their staff worked in the member's City Hall office and worked after business hours on their campaign, the member needed to review their staff's activities to ensure their office resources were not being used for their campaigns. In the case of a chief of staff, this is not a task that a member of Council can delegate to someone else in the office. The misuse of the USB drive demonstrates that proper oversight and due care was not exercised.

E. FINDINGS AND RECOMMENDED PENALTY

104. In addition to finding that Councillor Bradford violated Articles 5 and 7 of the Code of Conduct, I recommend to Council that they vote to reprimand Councillor Bradford. In recommending this, I have taken the following considerations into account.

105. Councillor Bradford was first elected in 2018, was re-elected in 2022, and this is the first time there has been an investigation and report to Council that his office transferred constituent contact information to a campaign. Had there been a previous complaint, investigation and report to Council about such conduct, I would have considered recommending a suspension of remuneration.

106. While the transfer of constituent contact information was described as being inadvertent, my Office received four complaints. Councillor Bradford's office and campaign received

many more and offered no explanation or apology to those people who contacted them. It is possible the information of literally thousands of people was used without their consent.

107. This is not the first time this type of matter has come to Council. Former Councillor Justin Di Ciano was first elected to Council in 2014. In 2018, he initially registered and ran for re-election but, when Council was downsized, did not re-register as a candidate for one of the new Wards. Following that election, this Office received a complaint that he had transferred constituent contact information from his City Hall office to a separate account where he emailed in support of another member's campaign. The complaint was investigated and Commissioner Jepson reported to Council that Article 7 had been contravened and, but for the fact Mr. Di Ciano was no longer a member of Council, the conduct warranted a reprimand. Council received the report for information.
108. Finally, in interpreting and applying Articles 5 and 7 to this matter, I note the first and fundamental principle in the Preamble to the Code of Conduct is that members should serve their constituents in a conscientious and diligent manner. Repurposing a constituent's contact information, without their prior consent, is not conscientious or diligent. When that mistake is discovered, failing to apologize to the people affected – especially if you know they are angry or upset – is not respectful.
109. In this case, it is possible the personal contact information his office had for an entire Ward was transferred from the protected confines of the City of Toronto's servers to an external IT system. The adequacy of the privacy and security controls where this information was housed, and may potentially be archived, is not known.

F. CONCLUSION

110. When constituents share their personal information with their member of Council, they expect it will be used only for the purpose it was provided. If due care is not exercised, it erodes public trust.
111. The unauthorized use or disclosure of personal information by governments, businesses or other organizations is an important public concern. This matter was important to investigate. My Office did so without retaining resources outside the City administration.

112. At the outset of my inquiry into this matter, Councillor Bradford wrote to me that he takes full responsibility and apologizes for what occurred. I believe the constituents who have entrusted him with their personal information, the people who complained to his office, and the people who complained to my Office will welcome hearing this directly from him.
113. As it is evident due care was not exercised by Councillor Bradford and his office, I encourage him (as I do all members) to review the policies and guidance governing the management of constituent contact information with his staff and avail themselves of the training made available.

Respectfully submitted,

Jonathan Batty
Integrity Commissioner

APPENDIX A

Investigation Chronology

1. The investigation into these complaints began on **August 1, 2023** and ended on **June 19, 2024**.
2. On **August 1, 2023**, my Office sent Councillor Bradford Notices of Investigation for the complaints received from Complainants #1 to #3. We invited a response to the allegations, asked 6 background questions, and requested a response by **August 22, 2023**. This began the investigation.
3. On **August 18, 2023**, my Office sent Councillor Bradford a Notice of Investigation for the complaint received from Complainant #4. We invited a response to the allegations, asked the same 6 background questions, and requested a response to this (and the three previous notices) by **September 1, 2023**.
4. On **August 21, 2023**, I received a letter from a lawyer acting for Councilor Bradford advising he had been retained to provide advice to Councillor Bradford, act for him on this matter, and that all communications should be directed to him. Counsel requested an extension of time to respond to my Office. On **September 13, 2023**, I wrote to counsel and granted an extension until **September 22, 2023**.
5. On **September 15, 2023**, counsel wrote to my Office questioning my authority to impose deadlines for responses and wanting to informally discuss the complaints. In a reply that same day, I advised him that communications regarding the investigation should be in writing, to ensure matters were documented, scheduling was at my discretion and reasonable extensions would be granted. In reply, on **September 19, 2023**, counsel requested an extension to respond until **October 6, 2023**. We replied on **September 21, 2023** and granted that extension.
6. On **October 6, 2023**, we received Councillor Bradford's response to the complaints and answers to the questions we had asked for just over two months earlier. Requiring such time to respond at the outset of an investigation is not unusual as preparing a response and gathering information takes time.
7. It also takes time for my Office to review the response, the information provided, and determine what additional information is required. This planning is important because it focusses the investigation. If written questions and answers can be efficiently exchanged, particularly where the respondent acknowledges they are in error and fully volunteers information, this can reduce the need to interview witnesses and obtain formal productions. Almost four months after we received Councillor Bradford's response, on **January 29, 2024**, my Office sent counsel 13 additional numbered questions and requested a response by **February 12, 2024**.
8. On **February 8, 2024**, counsel requested until the end of February to provide this information. On **February 9, 2024**, I granted an extension until **February 23, 2024** to answer 8 questions (numbers 1 to 7, and 10). These were basic requests for easily provided information. Accepting that for 5 questions (numbers 8,9,11 to 13) it might take

longer to obtain the information, I granted an extension until **March 11, 2024** (longer than requested) for counsel to provide the information requested.

9. On **February 27, 2024**, counsel emailed my Office to advise he could not yet provide all the information that was requested. On that same day, we requested that he provide what information he had as of that date rather than delay producing information until it was all gathered.
10. On **February 28, 2024**, counsel provided full answers to 6 questions (numbers 1,4,5,9,10,13). Redacted information was provided to question 2 and 3. Questions 8,11 and 12 were not addressed. Counsel refused to provide the information in response to questions 6 and 7.
11. On **March 15, 2024**, my Office explained our need to obtain the information and cautioned that if full and unredacted information was not supplied, we would issue summonses for production of documents and witness interviews as information was not being voluntarily provided because of a misapplication of a federal statute.
12. On **March 19, 2024**, counsel provided redacted information to answer questions 8,11 and 12. Counsel refused to provide the information in response to questions 6 and 7; which was significant. The information requested in question 6 was the name of the campaign volunteer Councillor Bradford told us had inadvertently uploaded constituent contact information to his campaign, and confirmation this was the same person referred to in Councillor Bradford's letter as "a former employee of my office volunteering on my campaign". Question 7 asked for the name and contact information for the person who provided the volunteer with the USB drive containing constituency data.
13. On **May 13, 2024**, my Office explained my authority and again requested an answer to questions 6 and 7, and unredacted versions of documents requested in questions 2 and 8 by **May 22, 2024** and issued a summons for a hoped interview on **May 27, 2024** with Councillor Bradford (subject to his availability).
14. On the deadline of **May 22, 2024**, counsel requested an extension to **May 29, 2024** and said he would only provide the remaining documents if he received a summons.
15. The same day, **May 22, 2024**, I responded flagging it was highly unusual for a member to refuse to voluntarily provide the basic information I was requesting. I issued a summons for documents, returnable **May 24, 2024** and a revised summons for attendance for Councillor Bradford, at the agreed date of **June 3, 2024**.
16. On **May, 24, 2024**, counsel provided full answers to questions 6 to 8,11 and 12. This basic information was provided just under 4 months after it was requested. It is unusual for a respondent to take so long to reply to such request.

17. The witnesses we wished to interview retained Councillor Bradford's counsel to represent them. He consented to receive service of all summonses and advised they would waive the \$53 attendance fee. Consulting counsel about his availability and the schedules of the witnesses, we conducted the following interviews on the following dates:
 - 1) **June 3, 2024** – Councillor Bradford
 - 2) **June 5, 2023** – the Campaign Manager
 - 3) **June 6, 2024** – the current Chief of Staff
 - 4) **June 19, 2024** – the former Chief of Staff
18. Counsel was present in all the interviews and was provided copies of all the documents in this report, which were put to the witnesses at the time of their interviews.
19. Counsel was provided my Office's Statement of Proposed Findings and Recommendations on **July 4, 2024** and given the opportunity to respond on behalf of Councillor Bradford by **July 12, 2024**. Counsel did so.

From [REDACTED]

Sent: May 16, 2023 8:17 PM

To [REDACTED]

Subject: Olivia Chow is "Ready to Tax"



Hi [REDACTED],

"I'm ready to tax."

These were the words proudly declared by Olivia Chow at last night's televised mayoral debate.

But you already knew this.

Olivia Chow's 30-plus year career in politics has been all about reckless tax and spend policies.

Today, forcing the people of Toronto to pay even more when pocketbooks are being squeezed like never before isn't just unfair, it's dangerous.

And if Olivia Chow becomes mayor, there's no telling how far she will go.

As your next mayor, Brad Bradford is going to respect the hardworking taxpayers of Toronto.

He has a plan to take the real actions necessary to make life more affordable, restore

safety to our streets and the TTC, and get people moving again.

Unlike Chow, he's not going to just throw money at problems and hope they go away.

Brad is the only candidate in this race ready to stand up to Olivia Chow and the NDP activist agenda and fight for the people of Toronto.

Brad is the only candidate that can stop Olivia Chow.

But we need your support so we can win this election and bring less talk and more action to city hall.

Here's how you can help:

1) [Donate RIGHT NOW to Brad Bradford's campaign so that we can stop Olivia Chow and respect Toronto's taxpayers.](#)

2) [Share this email with your friends and family so that they know that Brad Bradford is the only candidate who can defeat Olivia Chow.](#)

Thank you,

[REDACTED]

Campaign Manager | Brad Bradford for Mayor

Brad Bradford for Toronto Mayor • Canada

This email was sent to [REDACTED] by the Brad Bradford Campaign 365 Bloor St E, Toronto, ON, M4W 3L4, 416-972 6368. If you do not wish to receive future electronic messages from this e-mail account, [please click here](#).

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