



OFFICE OF THE  
INTEGRITY  
COMMISSIONER  
TORONTO

# Report on the Unauthorized Release of Confidential Information from a 2023 Closed Toronto Transit Commission Board Meeting

July 7, 2025

Paul Muldoon

Integrity Commissioner

## Table of Contents

	About the Office of the Integrity Commissioner Toronto.....	3
A.	Summary.....	4
B.	Background and Initiation of the Investigation by resolution of the TTC Board.....	5
C.	The ICT's Mandate and the Issues to be Investigated .....	7
D.	Applicable Law and Policy .....	9
E.	Evidence, Analysis and Findings: Issues 1 & 2.....	13
F.	Evidence: Issue 3 .....	17
G.	Analysis and Findings: Issue 3 .....	24
H.	Commentary.....	33
I.	Summary and Conclusions .....	36
J.	Recommendations .....	38

## About the Office of the Integrity Commissioner Toronto

The Integrity Commissioner is a neutral, independent officer who oversees the conduct of City of Toronto's elected and appointed officials. The Commissioner is appointed by City Council for a five-year term and operates independent of Council and the Toronto Public Service.

The standards of conduct expected of elected and appointed officials is documented in the Codes of Conduct and the *Municipal Conflict of Interest Act* (MCIA). Members of Council and local boards must serve the public interest by upholding the letter and spirit of these standards.

### **The Integrity Commissioner has four core functions:**

**Advisory:** providing confidential advice to members of Council and members of local boards;

**Investigative:** investigating allegations that conduct standards have been breached;

**Policy:** providing policy advice to Council and local boards on ethics and integrity issues; and,

**Educational:** providing education on members' ethical obligations.

The Integrity Commissioner is one of the City of Toronto's four accountability officers, the duties of each being set out in Chapter 3 of the Toronto Municipal Code.

### **Code of Conduct Investigations**

The Commissioner can investigate after receiving a complaint from an individual or a request from Council or a Local Board (s. 160 (1) *City of Toronto Act, 2006*) if the matter is within his jurisdiction and raises sufficient grounds to investigate.

After investigating, the Commissioner can make findings on whether a member has violated the Code of Conduct. If the Commissioner finds a violation, he reports to Council or the local board and can recommend penalties and remedial action.

The penalties available to the Commissioner to recommend are a reprimand, and, for Members of Council and local boards who are paid for their work, suspension of pay for up to 90 days (s. 160 (5) *City of Toronto Act, 2006*).

Council or the board cannot alter the Commissioner's findings, but they choose whether to adopt, reject or alter recommendations (s. 160 (6) *City of Toronto Act, 2006*).

## A. Summary

1. This report describes the investigation of Office of the Integrity Commissioner of Toronto (ICT) with respect to a request by the Toronto Transit Commission (TTC) Board to investigate the release of confidential information to the media prior to and after a Special TTC Board meeting on October 27, 2023. My task has been to determine whether there has been a violation of the Code of Conduct for Members of Local Boards (Restricted Definition) (the “Code of Conduct”) by one or more members of the TTC Board or their staff.
2. My report outlines the process the ICT followed in carrying out the inquiry, describes the relevant City and Board policies, sets out the evidence I considered, and the principles I applied in making my findings and recommendations.
3. My investigation confirms confidential information was released prior to, and after the TTC Special Meeting held on October 27, 2023.
4. Despite the diligent efforts of my Office, I have not been able to identify the person(s) responsible for sharing confidential information with the media. Although I was not able to identify the sources, the evidence indicates that the release was deliberate and not the result of a single actor. In fact, some media reports cited up to four sources providing confidential information on the matter.
5. There is inadequate evidence to establish that a Board Member or their staff released confidential information to the media. However:
  - (a) I find that the TTC Chair provided confidential information to two unauthorized persons in an external political office. Although the Chair violated the Code of Conduct in this regard, I am not recommending any reprimand as the Chair was under the mistaken belief that he such authority to disclose the information to these persons.

- (b) Half of the Councillor Commissioners shared confidential information with their own staff. However, there is a lack of clarity as to the authority of a Councillor Commissioner to disclose confidential information to their own political staff. As a result, I do not find misconduct on the part of the three Councillor Commissioners who shared information with their own staff.
  - (c) There is no evidence that the disclosure by the Chair or the other Councillor Commissioners led to the disclosure to the media.
  - (d) Some members did not use best practices to protect confidential information, but I find this falls short of constituting a breach of the Code of Conduct.
6. I comment on some areas where I plan to provide clarity and where the Board may decide to take steps to improve the protection of confidential information.

## **B. Background and Initiation of the Investigation by resolution of the TTC Board**

7. On October 25, 2023, TTC Chair Myers called a Special Meeting of the TTC Board.
8. On October 26, 2023, the Director, Commission Services provided Board Members and the public notice of the meeting to be held October 27, 2023. It said the purpose of the meeting was: "To receive advice from external counsel on a confidential matter that is subject to solicitor-client privilege." We refer to this document throughout as the "legal opinion."
9. Later that day, the Director, Commission Services emailed each Board member, noting the document attached was subject to solicitor-client privilege. The document was titled "Confidential Attachment - Receipt of Advice from External Counsel".
10. The document was individually mailed to each Board member and was password protected, with passwords sent separately by text message. The document was

individually and uniquely watermarked, and the document properties were configured to prevent altering or printing.

11. On October 26, 2023 and again the morning of October 27, 2023, a member of the media with apparent knowledge of the meeting's purpose, wrote to the TTC Chief Executive Officer (CEO) asking for comments on the upcoming meeting.

12. At the October 27, 2023 Special Board meeting, the Board went into closed session to review the report. Two citizen members of the Board, Commissioner De Laurentiis and Commissioner LaLonde, were not present. Other than the eight Board Members, the only persons present were TTC General Counsel, TTC Director, Commission Services, the TTC Chief People Officer and the external counsel presenting the confidential legal opinion.

13. The only information publicly released was this minuted decision:

At its Special meeting on October 27, 2023, the TTC Board adopted the following:

It is recommended that the TTC Board:

Adopt the action taken in-camera, noting that the information is to remain confidential as it is subject to solicitor-client privilege.

14. Both the Toronto Sun and the Toronto Star published several articles on the alleged subject matter of the meeting, starting the day of the meeting, October 27, 2023 and continuing for months after. The media reports sometimes referred to the deliberations at the closed meeting and the confidential documents shared prior to the meeting. One article cited four sources, including one the author identified as a TTC Board Member.

15. The initial request for an investigation concerning the unauthorized release of confidential information was made to my Office on October 31, 2023 by TTC General Counsel. Jonathan Batty, the former Integrity Commissioner, responded that a request to investigate a breach must be made by motion of the TTC Board.

16. Three months later, on January 23, 2024, Commissioner Batty wrote to TTC General Counsel, to ask if the Board planned to request he investigate the matter and warned of the negative investigative implications of delay.

17. Three months after that, on May 16, 2024, the TTC Board adopted a motion to:

1. *Request that the City of Toronto Integrity Commissioner investigate all TTC Board Members, and Political Staff (as applicable), relating to any unauthorized disclosure of:*
  - a. *Information contained in, or relating to, confidential information that was provided to TTC Board Members as part of October 27, 2023 TTC Board Meeting which confidential information was provided before, or during, the October 27, 2023 TTC Board Meeting; and*
  - b. *in-camera deliberations of the Board during the October 27, 2023 TTC Board Meeting.*<sup>1</sup>

18. After receiving the TTC Board's direction on May 16, 2024, this Office began its investigation.

19. My term as Toronto's Integrity Commissioner began on December 1, 2024. I continued the investigation commenced by Commissioner Batty.

## **C. The ICT's Mandate and the Issues to be Investigated**

20. The TTC Board has not publicly confirmed the subject matter of the October 27, 2023 meeting, the content of the legal opinion considered, or steps taken as a result of decisions at the meeting. In this report, it is necessary to disclose some general information about the subject matter of the meeting and the legal opinion. It is simply not possible to write this report without reference to the fact the media

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<sup>1</sup> A second part of the motion related to reimbursement of legal fees for Board Members and Political Staff:

2. Subject to 2. a, that the TTC Board agree to reimburse both TTC Board Members and Political Staff that are subject of the Integrity Commissioner's investigation, up to \$5000 each for any legal costs or expenses incurred arising from the investigation, which costs or expenses must be evidenced by appropriate invoices submitted to TTC General Counsel;

a. That the Code of Conduct Complaint Protocol for Members of Local Boards apply to Political Staff in the same manner as TTC Board Members and that costs and expenses shall only be reimbursed in accordance with the requirements of the Code of Conduct Complaint Protocol for Members of Local Boards; and

b. That the TTC pay for any reimbursements related to recommendation No. 2.

widely reported on this topic. However, this report should not be interpreted as confirmation that some or all information reported in the media was accurate.

21. For the purposes of this report, I am sharing only the key elements necessary to understand my investigation and findings. This includes the fact that the confidential document shared with the Board, and the subject matter of the Special Meeting, concerned complaints made under the TTC's Respect and Dignity Policy regarding the former CEO, and what steps, if any, were to be taken in response.
22. Most senior corporate leaders, including CEOs, will receive complaints and criticism at some point. The existence of complaints is not evidence that they are valid. The key is to have a fair system in place to address complaints when they inevitably arise.
23. The TTC motion requesting that my Office undertake an investigation into the release of confidential information arising from the October 27, 2023 Special Board meeting is circumscribed, the implications of which are noted in the text of this report. The investigation is limited to:
- the actions of TTC Board members and their staff and
  - Information contained in, or relating to, confidential information that was provided to TTC Board Members (that is, the legal opinion) and the deliberations at that meeting.
24. In my assessment, the issues to be determined were as follows:
- Issue 1: Was the document sent to the TTC Board Members as part of the October 27, 2023 Special Board Meeting, and the in-camera deliberations of that meeting, confidential?*
- Issue 2: Was there a release of confidential information?*
- Issue 3: Did any TTC Board member or their staff release to an unauthorized person, confidential information relating to the October 27, 2023 meeting contrary to Article 5 (Confidential Information) of the Code of Conduct for Members of Local Boards?*



## D. Applicable Law and Policy

### *Code of Conduct for Members of Local Boards (Restricted Definition)*

25. Under s. 157(1) of the *City of Toronto Act, 2006*, City Council is required to adopt a code of conduct for members of Council and Local Boards. Council has adopted a rule governing confidential information (Article 5 in each of the three Codes of Conduct).<sup>2</sup>

26. Article 5 of the Code of Conduct directs Board members not to  
... 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 the local board or Council to do so.”

27. Article 5 further states that no member  
“...shall disclose the content of any such matter or the substance of deliberations of the closed meeting until the local board, or if applicable, Council or one of its committees discusses the information at a meeting that is open to the public or releases the information to the public...”

28. Confidential information is referred to as information listed in the *City of Toronto Act, 2006*, noted above.<sup>3</sup>

### *Human Resources Management and Ethical Framework for Members' Staff*

29. Six of ten of the TTC Commissioners are Members of Council. As Councillors, they are responsible for the actions of their staff. Political staff must adhere to the [Human Resources Management and Ethical Framework for Members' Staff](#), (“HRMEF”). This is a consolidated Framework setting out the roles and responsibilities of Members of Council for managing the City employees under their

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<sup>2</sup> Municipalities must adopt a confidentiality rule to comply with provincial requirements found in s. 1 of Ontario Regulation 58/18 made under the *City of Toronto Act, 2006*.

<sup>3</sup> Section 190(2) of the *City of Toronto Act, 2006* refers to “confidential information that a Member must keep confidential, including “personal matters about an identifiable individual, including a city employee or a local board employee” and “information explicitly supplied in confidence to the City or local board by Canada, a province or territory or a Crown agency of any of them.”

authority, and affirms the applicable City Human Resources policy requirements for Members' staff. A copy of HRMEF is an appendix to the employment contracts for all Members' staff.

30. This framework also sets out the ethical framework for Members' staff and clarifies their responsibility under the *Code of Conduct for Members of Council*. As Members' staff are not members of the public service, the Toronto Public Service By-law<sup>4</sup> does not apply to them. The HRMEF policy provides clarity to the distinct roles that Members' and their staff play in the effective functioning of Toronto's government.
31. HRMEF states "Members have carriage and control of, and are fully responsible for, the conduct and management of staff working in their offices. Members are responsible for ensuring that individuals working in their offices understand the following Ethical Framework and the expectations it sets out for Members' staff and individuals working in their offices."
32. Section 3.1(a) states, "Members' staff often act on behalf of or in the name of the Member of Council..." and that they required to adhere to the principles and requirements with the Code of Conduct. Moreover, "Actions taken by staff on behalf of a Member may result in that Member of Council being found to have contravened the Code of Conduct and lead to sanction of the Member."
33. There are confidentiality requirements set out in the Framework. It specifically notes in s. 3.3(e) that:

Members' staff may not, during the term of their employment or any time thereafter, directly or indirectly use or disclose any confidential information obtained during their employment with the Member, unless they are required by law or authorized by the Member in writing and in advance. The obligation to maintain confidentiality continues after the ceasing of employment.

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<sup>4</sup> Chapter 192 of the Toronto Municipal Code.

Confidential information includes, but is not limited to, privileged information, draft by-laws or staff reports, third party information, personal information, technical, financial or scientific information and any other information collected, obtained or derived for or from any records that a Members' staff may come into contact with while employed in the office of the Member."

#### *TTC Respect & Dignity Policy*

34. The TTC's Respect and Dignity Policy was called the "Anti-Harassment and Anti-Discrimination Policy and Program" as of October 2023. That former version set out a process to file complaints about various staff at the TTC. At that time, complaints about the CEO were to be directed to the TTC Chair. Section 8.1.1 stated:

If the Respondent includes the CEO, the employee is encouraged to immediately report to the office of the Chair of the TTC, which will make arrangements to have the complaint investigated, as appropriate.

#### *TTC CEO Misconduct Policy*

35. In January 2025, the Respect and Dignity Policy was updated. Complaints about the TTC CEO are now handled under the CEO Misconduct Policy, introduced at the same time. It provides more detail than had been set out in section 8.1.1 of the old Respect and Dignity Policy and no longer directs complaints about the CEO to the Chair. It states:

A report containing allegations of misconduct against the CEO may be made in many different forms to the TTC. Employees or witnesses are encouraged to report allegations of misconduct against the CEO to, (i) the TTC Human Rights and Investigations Department (HRID) by completing TTC Form 2604 and directing it to the HRID via email or mail or (ii) through the TTC's Integrity Line (Whistleblower) Program (see Whistle Blower Reporting and Protection Policy).

A complaint alleging misconduct against the CEO, however made, shall be immediately provided to TTC's General Counsel and/or Chief People and Culture Officer.

36. In the new model under the CEO Misconduct Policy, the TTC Chair sits on the Human Resources Committee, which reviews complaints sent to them by General

Council or the Chief People and Culture Officer, determines next steps and engages external assistance as needed.

37. Section 10 of that Policy addresses confidentiality and records and states in part, “strict confidentiality will be maintained at all stages of the investigation. Information related to the investigation, including the identities of the parties involved, will only be disclosed as necessary for the investigation.”

*City Practice with respect to Members sharing confidential information with staff*

38. My Office made inquiries with the City Clerk’s Office on what instructions, if any, were provided to Council members on whether they could share confidential information with their own staff. They provided me with the on-boarding documents provided to new members of Council. This describes their duty to keep confidential information in confidence and only share with authorized people. There is no City or TTC Policy on this topic.
39. The Deputy City Clerk, Secretariat explained how access to confidential documents is handled in practice. She said that while members are advised of their confidentiality obligations during orientation, they have discretion as to how they uphold those responsibilities.
40. The Deputy Clerk explained that confidential documents provided to Council members at Council and Committee do not include explicit instructions on permitted sharing with staff. Members are advised not to share personal email passwords with staff, although this practice still occurs.
41. The City Clerk has a process by which Members may request a formal delegation of permission for staff to view confidential material on the Clerk’s Meeting Portal. The onboarding materials note “Members can request to have one member of their staff assigned as a proxy in CMP to view confidential material. Members can

request staff proxy in writing ....” The Deputy Clerk estimated about half of Council Members have established such a delegation.

42. The Deputy Clerk advised political staff generally leave during in-camera portions of a meeting, unless authorized by Council or Committee. She explained it is the will of the legislative body that determines who may stay and have access to the confidential deliberations, not a particular policy or rule.

## **E. Evidence, Analysis and Findings: Issues 1 & 2**

*Issue 1: Was the document sent to the TTC Board Members as part of the October 27, 2023 Special Board Meeting, and the deliberations of that meeting, confidential?*

43. The TTC’s request for an investigation by the ICT focused its request on “information that was provided to the TTC Board Members of part of the October 27, 2023 TTC Board Meeting” or the October 27, 2023 Board deliberations considering that document.
44. The TTC Board Director, Commission Services provided formal public notice of the meeting on October 26, 2023 at 2:00pm with the stated purpose: “To receive advice from external counsel on a confidential matter that is subject to solicitor-client privilege.”
45. At 5:05 p.m. that day, the TTC Chair provided the legal opinion in a report with an appendix to the Board Director, Commission Services for distribution. He explained both should be password protected. The Board Director, Commission Services sent the confidential materials to each Board member by email marked:

*The documents attached contain information that is subject to solicitor-client privilege. As set out in the Council Code of Conduct, kindly do not disclose the attached or discuss its contents.*

46. TTC General Counsel also provided information on security measures placed on the confidential attachment (the legal opinion). The measures included:

- Sending the document individually to each Board member;
- Each Board member was assigned a different 12-character passcode;
- Each document had unique watermarks with the member's name but were "inconsistent in application so they could not be replicated" and if shared, would be easily identifiable;
- Noting in the email the document was confidential, the information was subject to solicitor-client privilege and not to be disclosed as required by the Code of Conduct;
- Document properties were configured so they could not be printed, changed or otherwise altered; and,
- Passwords were sent by text message to each member's cellular device.

*Findings with respect to Issue 1*

47. I find that the legal opinion distributed to the TTC Board Members and the in-camera deliberations of the October 27, 2023 meeting were confidential.

48. First, the Director, Commission Services clearly indicated the documents forwarded to TTC Board members were confidential. As noted above, there were a series of precautions including explicit language on the documents to that effect.

49. Further, the Special Board meeting on October 27, 2023 was a "closed" meeting, giving the clear indication that the meeting was to discuss confidential information.

50. There were sufficient indications that the document in question was confidential, most particularly that it was a legal opinion subject to solicitor-client privilege. It was labelled as confidential with measures in place to ensure that the document would not be disclosed inappropriately.

51. Finally, viewing the totality of the evidence, I find that TTC Board members knew or ought to have known that matters relating to complaints under the Respect & Dignity Policy should be confidential.

*Issue 2: Was there a release of confidential information?*

52. There is clear evidence that information contained in the confidential document distributed to the TTC Board members prior to the October 27, 2023 Board meeting and the deliberations of that meeting, were disclosed to the media.

53. On October 27, 2023, after the TTC Meeting, the Toronto Sun published an article referring to the issues discussed, and how Board Members voted.

54. On October 29, 2023, the Toronto Sun published another article with similar reference to the confidential subject matter of the meeting.

55. My Office reviewed an email from the Toronto Star to the CEO asking him for comment on the October 27, 2023 TTC Special Board Meeting, including details of what was allegedly discussed at the Special Board meeting. It stated that the Toronto Star had spoken to sources on the confidential subject matter of the meeting.

56. On October 31, 2023, the Toronto Star published an article concerning the Special Board meeting including the issue voted on, how Board Members voted and the steps taken in the outcome of the vote. It cited three sources who claimed to have knowledge of the in-camera session.

57. A November 13, 2023 Toronto Star article referred to the special Board meeting and to documents and discussions at the in-camera session, although the author noted the Star had not seen the documents.

58. Another Toronto Star article dated April 11, 2024 referred to the steps taken after the Special Meeting, including ongoing actions. This article cited a TTC Board member as a source, who criticized the handling of the matter and spoke to the deliberations in the October 27, 2023 meeting. It described this Board member source as one who “spoke on the condition of anonymity to discuss confidential matters.”

*Findings with respect to Issue 2*

59. A review of the media articles shortly after and following the October 27, 2023 TTC meeting provides sufficient evidence that confidential information was released pertaining to the October 27, 2023 Special Board meeting and that more than one person released confidential information to one or more media persons. At least one media source asked the CEO questions that would only have been known by someone that was briefed as to the purpose of the meeting and the contents of the legal opinion.

60. Further, later media reports provided sufficient evidence of the release of confidential information from the Special Meeting itself. This included aspects of the deliberations and discussions about the legal opinion, voting outcomes and possible courses of action.

61. It is simply not possible to know how many persons disclosed the information, but the media sources suggest it was more than one person, and up to four sources. From the media reports, at least one of these people was a TTC Board Member.



## F. Evidence: Issue 3

*Issue 3: Did any TTC Board member or their staff release to an unauthorized person, confidential information relating to the October 27, 2023 meeting contrary to Article 5 (Confidential Information) of the Code of Conduct for Members of Local Boards?*

62. The ICT undertook considerable effort to identify the source(s) of the disclosure of the confidential information including a review of various documents sent to Board Members, a forensic analysis of emails, the distribution of interrogatories (questionnaires) to Board Members and Commissioner Councillors' staff, and interviews with the Chair and former TTC CEO.

### *Decision not to pursue media sources*

63. Although the alleged release of confidential information involved media contacts, I chose not to attempt to obtain information on the journalists' sources. While I have the authority to issue summonses, the ICT has previously weighed the public interest in addressing leaks against the common law protection of journalist-source confidentiality.<sup>5</sup>

64. In that report, the Commissioner opted not to pursue journalists' source disclosure, recognizing the potential for prolonged legal proceedings and uncertain outcomes. In this context, I must balance the cost and resources of my Office with the likelihood of success.

65. Similarly, I decided against using summons powers to obtain or forensically analyze telephone records. I made this decision because, first, all persons with access to the confidential information denied wrongdoing. Even if I found evidence of calls or texts to the media around this time, that would constitute circumstantial evidence only, with no way to confirm the content of those conversations. Given

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<sup>5</sup> Integrity Commissioner for Toronto, "Report to Council: Leak of Confidential Information Concerning Appointments to Build Toronto" August 1, 2014, at p. 5.

the high cost and limited probative value, I determined it was not a justifiable use of resources. However, I remain open to using these powers when warranted.

#### *Forensic analysis of emails*

66. On October 11, 2024 my Office contacted the Chief Information and Security Officer (CISO) to request investigative assistance. My Office has authority to obtain information from City records, including electronic records, if I believe the evidence will be relevant.<sup>6</sup>

67. We requested CISO assist in obtaining a review of 63 City of Toronto email addresses, constituting the email addresses for all TTC Board Members who were Council Members, and those members' staff.

68. From that body of 63 email addresses, the ICT requested any emails received, forwarded, copied or sent between October 26, 2023 and October 31, 2023 (inclusive) which either had an attachment (in any format) that included a key word or emails with any one of ten words or phrases.

69. On November 12, 2024 my Office received the results of the forensic review. The searches yielded over 30,000 results, with frequent duplication and emails flagged across multiple search terms.

70. My Office found no evidence of a breach of confidentiality through these City of Toronto email addresses. That is, there was no record of a member of Council or their political staff sending an email that included the legal opinion, nor any describing the confidential purpose of the meeting or the content of deliberations.

71. However, it did reveal:

- A member of Council emailing themselves at their personal and another official email to transmit the password to open the legal opinion;

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<sup>6</sup> *City of Toronto Act, 2006*, ss. 160(3) and (4).

- That same member of Council emailing the confidential legal opinion and other confidential materials to two TTC staff at their personal email addresses, in addition to those TTC staff's business email addresses;
- A different member of Council requesting permission to print the legal opinion which was not allowed as one of the security measures in place to prevent document sharing; and
- In one case, TTC staff sent the legal opinion to a third separate Council member on the Board, not only at the Member's City of Toronto email address, but also to an external email address the member uses for community engagement (and election campaign purposes, during elections).

72. CISO is an excellent investigative resource at no cost to my Office, but it has a limited scope of review. Our forensic email search was not exhaustive, as it did not include a review of the emails of the TTC Board members who are not City Councillors. It also did not search the email addresses of TTC staff.

73. While my Office does have summons powers to obtain records from external sources, including personal email addresses like Gmail, this would require significant resources and time. In addition, the scope of this inquiry is limited to members of the TTC as a local board, and the staff of the Councillors who sit on that board.

74. Additionally, my Office assessed that issuing summonses for private emails from external providers was unlikely to produce meaningful results. As none of the media articles contained information from the confidential legal opinion and some explicitly stated they had not seen it, I also reasoned breaches had likely occurred through oral communication.

#### *Interview with former TTC CEO*

75. On October 17, 2024, my Office interviewed the former CEO. His cooperation allowed my Office to understand details of the timing and content of media requests concerning confidential information about the October 27, 2023 meeting.

76. The former CEO gave evidence that he did not know the purpose of the Special Meeting, and only received information about that from the media, which he was asked to comment on. He said he provided no comment to the media other than to refer them to the TTC Communications staff.
77. He said on October 25, 2023 he received a call from the TTC Chair while the CEO was on his way to the airport for a planned trip. The Chair said there would be a Special Board Meeting on October 27, 2023. The CEO said he offered to cancel his plans and stay in Toronto to attend the meeting but the Chair said the CEO need not attend, and only said it was to deal with a legal matter.
78. The former CEO said he did not leak information and he could not have, as he was not privy to the legal opinion and did not attend the October 27, 2023 Board meeting. He did not know who was the source of the disclosure.

*Written Interrogatories (Questionnaires)*

79. While the forensic IT search addressed whether confidential information and/or the legal opinion had been sent by or to a City of Toronto email account, it could not address whether a leak had occurred by phone, text or through an in-person conversation. To address that, my Office needed to ask people direct questions.
80. The scope of my authority, set out in the Code of Conduct is to determine if a member has breached their Code of Conduct. In the case of Members of Council who sit on the TTC Board, I also may review their political staff's actions, as members of Council are responsible for the actions of their staff.
81. It would take substantial time and resources and ultimately would not be feasible for my Office to locate, schedule and interview in real time the 61 individuals my Office identified as TTC Board Members (10) and political staff to the Council Member Commissioners (51) as of October 2023. There is a high turnover in

members' offices, and in this case 20 staff were no longer working for the member of Council they reported to in October 2023.

82. As a result, the ICT developed a comprehensive set of written questions in the style of written interrogatories ("questionnaires") which also asked for relevant documents. The questionnaires for Commissioners were different from the questionnaires for staff, and the questions for the TTC Chair were also unique.

83. When designing the questionnaire, the issue arose as to whether each person should have to make a sworn statement in front of a commissioner to confirm their answers were true. Instead, our Office decided it was sufficient for each person to sign and date a declaration at the start of the questionnaire, confirming their answers were truthful. My Office did not believe there would be a meaningful difference in the truthfulness of the responses. However, I reserved my right to summons any witness to provide sworn evidence if needed.

84. All ten TTC Board Members provided me with their evidence in the questionnaires, and most provided supporting documents. Each Board Member denied releasing confidential information to the media.

85. Three (of six) Councillor Commissioners acknowledged they shared some information with their staff, particularly their Chiefs of Staff. Almost all had talked with another TTC Board Member about the Special Board Meeting and its purpose before the official notice was sent out. One asked City staff about the general issue engaged by the confidential legal opinion, without disclosing specifics.

86. None of the non-Councillor Board Members admitted sharing information with any other person prior to, or after, the October 27, 2023 meeting.

87. Out of the 51 political staff for members of Council the City Clerk's office had identified for me, all who continued to be employed for that member of Council, provided their responses (31). Of those who had left the employ of their member of Council (20) I received 8 responses.

88. While I could have used my summons power to require the outstanding former staff to attend and answer my questions, I did not. Most were students and I found that it would have been a poor use of my Office's resources to track down these individuals and require them to comply.
89. No political staff admitted to leaking confidential information. Seven staff, however, reported having full or partial knowledge of the confidential information and two mentioned that others in the office could have accessed TTC Board documents on a shared network, although staff would not have the password to the secure document.
90. As I discuss below, I find that the Councillor Commissioners sharing confidential information with staff, raise issues with respect to interpretation of the applicable Code of Conduct as it raises the question as to whether Councillor's staff are "authorized persons." While the disclosure of the confidential information to staff is a possible pathway to disclosure to media, all staff responded that they did not disclose the information to the media. I will further discuss this issue below.

#### *Interrogatory Responses from TTC Chair Myers*

91. Chair Myers was in a unique position, as he had personally been sent allegations made under the TTC's Respect & Dignity Policy, under which he was expected to take appropriate action. In a meeting with TTC General Counsel on August 28, 2023 he obtained a list of the TTC's roster of law firms. He then selected a firm, asked them to evaluate the complaints and provide recommendations as to what steps, if any, the TTC should take.
92. Chair Myers reported that after receiving the draft legal opinion on October 18, 2023, he forwarded it to a member of the Mayor's staff on October 19, 2023. He provided my Office with the email and attachment.

93. Chair Myers explained that he and two of his own staff met with this staff and another staff member from the Mayor's office between October 19, 2023 and the time the legal opinion was finalized and shared with the TTC Board on October 26, 2023. I note that both staff have since left their employment in that office.
94. Chair Myers explained the purpose of the meeting was that "...we had to plan out the various communication responses to each scenario...."
95. Chair Myers told my Office he communicated with all members of the Board before the special meeting (although for two of them, just before the meeting).
96. The Chair decided to call a Special Board Meeting. Chair Myers and the Board Director, Commission Services reached out to Board Members to determine a date when the Board could achieve quorum. On October 25, 2023, the Board Director, Commission Services sent the meeting notice, and the following day, October 26, 2023, shared the legal opinion with the confidentiality protections noted above. The meeting was held the following day.
97. Chair Myers told my Office that the day after the Special Meeting he spoke to the first member of the Mayor's staff for about ten minutes to go over "what had happened during the meeting."
98. Chair Myers said in this meeting he did not share details about the legal opinion the TTC Board considered at the meeting and did not share details about the discussion the TTC Board Members had about the legal opinion they were provided for the meeting but he did confirm "the reports in the newspaper regarding the vote split were accurate."
99. In receiving this information, I had to consider the issue of whether disclosing confidential information to political staff outside a Councillor's own office could violate the Code of Conduct.

## G. Analysis and Findings: Issue 3

100. In assessing whether members of the Board breached any provisions of the Code of Conduct, I applied the standard of proof known as a “balance of probabilities.” This requires determining whether something is more likely than not to have occurred. In doing so, I evaluated the evidence from the standpoint of a reasonable and objective observer, fully informed of the relevant circumstances and the conclusions such a person would reasonably draw.

101. While the “balance of probabilities” standard is less stringent than the criminal standard of “beyond a reasonable doubt,” it nonetheless requires more than mere speculation. Findings must be supported by evidence that is “clear, convincing and cogent.”<sup>7</sup>

102. Without evidence to establish on a balance of probability as to whether any TTC Board Member or their staff disclosed the confidential information, I cannot find a violation of the Code of Conduct.

*Finding: There is insufficient evidence to establish a particular Board Member or their staff sharing confidential information directly to the media.*

103. While I could not identify the sources who shared information with the media, the evidence shows the disclosure was deliberate and involved multiple individuals. Several media outlets received detailed confidential information, and most referred to “sources,” with one article citing four separate sources. It is unclear whether the same individuals disclosed information before and after the meeting or if different outlets had different sources. Of particular concern, one article cited a Board Member source, although in this investigation each Board Member denied sharing confidential information to the media.

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<sup>7</sup> 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/bgrrd/backgroundfile-134432.pdf> at 20.



## *Non-Media Disclosure*

104. As I noted above, the applicable Code of Conduct only allows the disclosure of confidential information to “authorized persons.” Any disclosure to unauthorized persons provides possible pathways for the eventual release of confidential information to the media.

105. However, the evidence I reviewed raised two possible Code of Conduct violations outside of direct disclosure to the media and required analysis:
- Does the Code of Conduct allow the Chair to disclose confidential information to political staff in another Member’s Office?
  - Does the Code of Conduct allow Councillors Commissioners to disclose confidential information to their staff?

### *Does the Code of Conduct allow the Chair to disclose confidential information to political staff in another Member’s Office?*

106. Chair Myers’ evidence that he shared information with political staff outside his office is one possible pathway for some information to make its way to the media sources. I want to make clear that I am making no allegation as to whether anyone in the Mayor’s office disclosed any confidential information. I have no evidence of this and no mandate to investigate whether that occurred. I note that in terms of the disclosure of information from the in-camera session, an article was published the day of the meeting, October 27, 2023 with information allegedly from the meeting’s deliberations. Chair Myers said he did not share this information with the external political staff until October 28, 2023.

107. As noted above, the scope of this investigation is limited to identifying any Code of Conduct violation by TTC Board Members or political staff of Board Members in relation to unauthorized release of the confidential information from the October 27, 2023 in-camera meeting.

108. The fact that Chair Myers disclosed confidential information to political staff outside his office requires me to ask whether this is a violation of the applicable Code of Conduct, although there is no evidence that the disclosure led to disclosure to the media.

#### *Chair Myer's submissions*

109. Because I had to consider a potential breach of the Code of Conduct by Chair Myers, I gave him notice of this and provided him an opportunity to make submissions. He did so with the assistance of counsel on May 20, 2025. I then interviewed Chair Myers, with his counsel present, on May 29, 2025.

110. Chair Myers relies upon the investigative authority provided to him as TTC Chair pursuant to the October 2023 version of the TTC's Respect and Dignity Policy. He understood it was his duty to address any complaints that came to him under Section 8.1.1 of the Policy and for him as Chair to "make arrangements to have the complaint investigated, as appropriate."

111. He told my Office his authority extended to seeking communications assistance "because that would be related to the investigation in terms of the communication plan that would have to come after."

112. Chair Myers re-iterated this in his May 29, 2025 interview:

There would be crisis communications or just communications involved generally, if not to the media for the public, then to employees, this would have to be coordinated or at least relied upon for the Mayor's advice. My office doesn't have that type of capacity in terms of the communications operations, so we would definitely have to rely on that expertise and I wouldn't want to catch the Mayor's office by surprise.

113. His counsel wrote:

It is the view of Councillor Myers that as TTC Chair he was properly and fully investigating the complaints against the TTC CEO and that it was appropriate for him, as TTC Chair, to advise the Mayor's Office by taking the actions that he did to communicate with her former staff members.

114. Counsel submitted that because the TTC is an agency of the City of Toronto, accountable to City Council, it was necessary for Chair Myers to advise the Mayor's Office so that that office would not be "blindsided" following the Special Meeting.
115. Counsel argued Chair Myers did not require the authorization of the TTC Board to share this information with outside political staff, as the Board had delegated authority to the TTC Chair to handle such allegations. He said Chair Myers took adequate precautions by password protecting the document he sent to those staff and sending the password separately.
116. Chair Myers said the Respect & Dignity Policy updates in January 2025 were a direct result of the confusion and lack of clarity around his role and obligations when he received complaints of that type in fall 2023 and the changes were:
- So that this situation does not arise again and that the Chair is not put in this position. No matter what I did, whether I investigated the complaints or ignored them, it would be considered political.
117. He suggested that this policy change effectively addressed the concerns my Office was raising, and that this situation would not arise again.
118. In his interview, Chair Myers told our Office he relied on a request by TTC General Counsel to share the legal opinion with two senior TTC staff, interpreting this as an indirect endorsement for sharing this confidential information with others.
119. Chair Myers explained he was a new Councillor, new to the role as TTC Chair and was not sure to whom he should appropriately turn for support in the matter. He stated after the October 27, 2023 Board Meeting that he came to understand he could seek assistance and advice from the City Manager and City Solicitor.
120. Chair Myers provided my Office with the law firm's retainer agreement. He said he believed he was the client as TTC Chair, not the TTC Board.

121. The retainer said:

**Client:** You are engaging us to provide independent legal advice to you, on behalf of the Board of Commissioners of the Toronto Transit Commission (the “**Board**”), in your role as the Chair of the Toronto Transit Commission (the “**Chair**”). We are engaged to act on behalf of the Board in this matter.

*Finding: Chair Myers’ disclosure breached Article 5 of the Code of Conduct*

122. From Chair Myers’ evidence, the following is not contested:

- Chair Myers received the confidential information on October 18, 2023;
- In or around that time, Chair Myers forwarded a copy of the legal opinion to a staff person in an external political office and then met that staff and one additional staff to discuss its contents;
- Chair Myers updated the first staffer after the October 27, 2023 Special Board meeting;
- Chair Myers took precautions to ensure the continued confidentiality of the information; and
- He did not authorize expressly or implicitly the further disclosure of the information as he assumed it would be kept confidential.

123. To assess whether there has been a breach of Article 5 of the Code of Conduct, I must ask if the Chair disclosed confidential information to an unauthorized person, and in this instance, to one or more persons in an external office. For the reasons below, I find that Chair Myer’s disclosure of confidential information before and after the October 27, 2023 meeting was a breach of the Code of Conduct.

124. Sharing confidential and privileged documents and information with an external office is on its face a breach Article 5 (Confidential Information) of the Code of Conduct. Section 5.0 prohibits disclosure to “unauthorized persons,” and external communications advisors in another political office would fall under that category unless the Board provided authorization.

125. I recognize that Chair Myer's core submission is that the TTC's Respect & Dignity policy gave him broad authority to investigate complaints about the CEO, and this authority extended to communicating with the Mayor's office for advice on communications as the confidential information would be a "bombshell" for that Office. Chair Myers also noted that he was new in the position of Chair of the TTC. I recognize that Chair Myers communication with the external office was under the context of his sincere understanding that he had authority to do so.

126. I agree that the scope of the authority to "investigate as appropriate" under section 8.1.1 of the Respect and Dignity Policy (as it was in October 2023) provided the Chair broad discretion to determine the appropriate nature, extent, and manner of an investigation. This would include determining investigative procedures and retaining an external investigator. The language "as appropriate" suggests a contextual and flexible approach, providing the Chair discretion in terms of the form the investigation would take, based on the complexity or sensitivity of the complaint.

127. Although the Policy did provide broad authority for Chair, the authority had boundaries. The authority relates directly to the Chair's investigative powers. By contrast, communications planning, which was the Chair's stated reason for the disclosure, addresses different goals: reputational or crisis management. Communications plans address and shape public perception and should be separate from fact-finding. Bringing communications plans into the scope of an investigation could detract from the legitimacy and neutrality of an investigation. While it may be necessary, it should be a separate process. I find that the Chair's communication with the external political staff was not part of investigating complaints, but communication planning.

128. Chair Myers points to the revised Respect & Dignity Policy as proof this issue has been resolved. The updated Policy does address the issue of the Chair being tasked with investigation of allegations about the CEO without sufficient direction.

However, there is no mention in the new Policy about whether and to whom confidential investigative information can be shared by a Board member.

129. While the new (January 2025) CEO Misconduct Policy requires confidentiality throughout the investigation, with disclosure only “as necessary for the investigation” it does not define what is “as necessary” or how to obtain approval to share confidential information. The Chair and other committee members need to know when they can disclose confidential information, and through what approval process.
130. Chair Myers explained he did not have communications capacity in his office and knew the external office did. However, a capacity gap cannot justify disclosing confidential information. To share confidential information in compliance with Article 5, one must obtain authorization from the Board. I fully understand, and respect, that Chair Myers may have considered notification and discussion with the external office to be politically appropriate, if not necessary in the circumstances considering the seriousness of information. However, this does not mean that the disclosure was legally permissible.
131. The Chair’s submission that General Counsel directed him to share the report with senior staff at the TTC is not adequate for him to rely upon as permission to disclose information to the external office.
132. I disagree with the Chair’s position that the retainer with the law firm was with him, and not the TTC Board. Although the Chair had the authority to retain the law firm, the clear wording of the retainer is that the firm was “engaged to act on behalf of the Board in this matter.” Chair Myers had both the opportunity and the legal obligation to seek permission of the TTC Board in order to disclose either the legal opinion or any contents of it to the external office. The courts have made it clear that only the client can waive privilege.<sup>8</sup>

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<sup>8</sup> *R. v. McClure*, 2001 SCC 14 (CanLII)

133. Although I have found that Chair Myers has violated the Code, I regard this Code violation to be technical in nature. As noted, the Chair was under the mistaken belief that he had the authority to do so. He took precautions to avoid the further disclosure of this information. While this does not negate the breach, I consider it when it comes to penalty, below.

*Does the Code of Conduct allow Councillor Commissioners to disclose confidential information to their staff?*

134. In reviewing the questionnaires, it is apparent some Councillor Commissioners disclosed confidential information to their staff. There is no City or Board policy or set of instructions as to whether or how much confidential information a Councillor can share with staff.

135. On one hand, the Courts have given a narrow interpretation to the extent to which some can disclose confidential information. They have noted only the client can give permission to disclose confidential information, and in one case, the Court agreed a municipal councillor could not disclose confidential information to their own personal lawyer.<sup>9</sup>

136. This strict interpretation is supported by reports from my Office. Former Commissioner Sossin noted that the only possible justification for a member to disclose confidential information other than the circumstances recognized in the Article, may be on the basis of “necessity.”<sup>10</sup> He defined this as “where the nature of the circumstances necessitates disclosure, and where there are not practical alternatives to disclosure.”<sup>11</sup>

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<sup>9</sup> *Fallis v. Orillia (City)*, 2022 ONSC 5737

<sup>10</sup> *Walker (Re)*, 2009 ONMIC 2 (CanLII)

<sup>11</sup> *Ibid.*, Former Commissioner Sossin gives this example:

By the same token, where a Councillor is in a position where the need for an external professional or expert opinion can be objectively demonstrated, and where that external professional or expert is subject to the equivalent or greater confidentiality obligations as the Councillor, disclosure may be permitted as an implied exception to the prohibition on the disclosure of confidential information under Article V of the *Code*.

137. Although confidentiality provisions of the Code should be interpreted narrowly, there is another side to the coin. I understand there is a long-standing practice that Members of Council's staff sit in a different, unique position. In effect, the Member of Council and their staff act as one. In part, this relationship is defined by the obligations and relationships as outlined in the Human Resource Management and Ethical Framework for Members' Staff (HRMEF).

138. Under HRMEF, members' staff are not members of the public service and are required to uphold high standards of ethical behaviour consistent with those applicable to elected officials. They are to act on behalf of the Member of Council and adhere to the requirements of the Code of Conduct. A Member of Council may be held accountable for actions their staff have taken. I have outlined these provisions more fully under Section D, above.

139. Further, there are strict confidentiality requirements in the Framework stating they cannot disclose confidential information gained during their work for the Member, unless required by law or authorized by the Member in writing and in advance. The obligation continues after employment.

140. Councillors have to deal with a huge range of issues varying in complexity and urgency. Prohibiting them from discussing vital issues with key staff would undermine not only the efficiency and effectiveness of their office operations.

141. I note that the obligations within HRMEF define the relationship between a Councillor and their staff. In the facts and circumstances of this investigation, this relationship is different when confidential information is relayed to a different office. By disclosing the information to a different political office, a councillor loses control over that information as the recipients have a different relationship.



142. The information provided by the City Clerk's Office suggests there is a lack of clarity to the extent to which Council members can share confidential information with their staff. This is outlined in section D above.

143. Due to the lack of clarity, I will not be making contravention findings with respect to reports by the Councillor Commissioners that stated they may have disclosed some of the confidential information to their staff. First, I find that this area of interpretation of the Code of Conduct is sufficiently vague, to require further guidance. In this context, I will consult further with the City Clerk, the City Solicitor and the TTC General Counsel to evolve an Interpretation Bulletin to provide more clarity on this issue. Further, as outlined above, all staff of the Councillor Commissioners gave a signed declaration that they did not disclose confidential information in this matter.

## H. Commentary

144. Although not a violation of the Code of Conduct, some members of the Board did not use best practices in protecting confidential information.

### *A lack of best practice protection of confidential information*

145. There were other examples of less than ideal practices which did not reach the level of a breach of confidentiality, as it did not constitute disclosing or releasing confidential information to an unauthorized person. The forensic search revealed a concerning use of personal email addresses for several communications and at least one attempt to circumvent the security features built into the confidential document.

146. While not a breach of the Code, the accumulation of these practices means it is more likely that the information will not stay within the intended group of recipients. There are more chances for accidental breaches or for bad actors to receive the

information and leak it. It also demonstrates an attitude of not being overly concerned about protecting confidentiality. This is not acceptable.

*Timeliness of the Request for an Investigation*

147. I note that the official request to investigate the release of confidential information was made on May 16, 2024, almost six months after the fact. In this context, the motion was not provided to my Office for almost six months. My office contacted the TTC General Counsel on January 23, 2024 noting that it had yet to receive the formal motion to initiate the complaint. It explained the concern that the longer the Board waited to request an investigation, the more problems would arise from an evidentiary perspective. Commissioner Batty requested he pass this concern to the Chair. General Counsel did so by email to the Chair and Vice-Chair, the next day.

148. General Counsel for the TTC explained the Board Chair and Vice Chair were concerned about requesting an investigation into unauthorized release of confidential information because the TTC had not publicly confirmed any investigation of complaints about the CEO.

149. I make no finding as to whether the delay in formally requesting an investigation materially hampered my ability to identify who released the confidential information. However, the delay may have had an impact. Many witnesses could not remember the details of their state of knowledge about the matter at the time of the October 27, 2023 meeting, asked one year after the events. Had we asked sooner, they would have been more likely to recall this. I strongly urge those that request my Office investigate a matter, that the complaint be forwarded as soon as possible.

*Comments on the duty of confidentiality in the context of the Code of Conduct*

150. Although I have been unable to identify the source of the release of information to the media, I am compelled to make a number of further comments.

151. The release of confidential information by multiple persons is of the utmost concern to me as this indicates that there may have been multiple violations of the Code of Conduct and/or unethical practices by Board Members or others. The information released dealt with highly sensitive information that may have had a profound effect on the reputations of persons involved. In this matter, there were complaints related to the former CEO, a person was not privy to the report and had no opportunity at that time to respond to the allegations. The information release may also have had a profound impact on the persons that either made complaints or otherwise were a source of information in the report. I find that unproven allegations released to the public could have profound implications for the persons involved and the integrity of the process itself.

152. In my review of previous reports from my Office, the release of confidential information from members of Council and members of local boards is not new. However, such conduct is extremely serious.<sup>12</sup> One of the reports summarized the importance as follows:

Councillors and their staff are reminded that the confidentiality provisions in the Code of Conduct include matters discussed in camera, communications from constituents and personal information obtained as a result of their work. Part of the role of a Councillor is being familiar with these responsibilities... The significance of the obligation to keep confidences is multi-faceted. Breaches affect the public confidence, the City's ability to do business, the reputations of others and commercial interests. Councillors are entrusted by the public with confidential and sensitive information. This trust is strengthened whenever Council demonstrates its intention to ensure that confidential material remain confidential.<sup>13</sup>

153. In a 2019 Report, my Office noted that:

Disclosure of confidential information is a clear and serious contravention of the Code of Conduct. I encourage City Council as a whole, individual members of Council and their staff and staff in the Toronto Public Service to be vigilant about confidential information.<sup>14</sup>

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<sup>12</sup> In *Fallis v. City of Orillia*, 2022 ONSC 5737, the court outlines the importance of the obligation of not disclosing confidential information. In that case, the councillor disclosed the city's legal position on a certain issue, and the Court noted that, once released, the risk is the loss of control of that information.

<sup>13</sup> <https://www.toronto.ca/legdocs/mmis/2012/cc/bgrd/backgroundfile-50529.pdf>

<sup>14</sup> Report on the Circumstances of a Breach of Confidentiality Regarding Item 39.10, Commissioner Valerie Jepson, June 10, 2019

154. Other municipalities have struggled with similar issues. One Integrity Commissioner has noted the importance of confidentiality provisions in the Codes of Conduct but estimated that only perhaps only one in twenty instances the person releasing the information is identified and recommended a harsh penalty if the sources are found.<sup>15</sup> I would agree with that Integrity Commissioner's recommendation in that matter that a serious reprimand is appropriate if the person who released the information is established. A harsh reprimand is necessary in order to act as a deterrent to such actions and as a means of preserving the integrity of the process and public confidence in public officials.

155. I urge the TTC Board to undertake further measures to address confidentiality, including explicitly prohibiting the use of personal email for TTC Board business and clarifying the Board's expectations on the sharing of confidential information with Councillor Commissioners' staff unless the member obtains advance permission from the Board. I recognize that no level of security measures will be ultimately successful if persons deliberately release information for whatever reason. At the core of the problem is the need for all concerned to respect the obligations and duties under the applicable Code of Conduct.

## **I. Summary and Conclusions**

156. All local board members should review the applicable Code of Conduct to remind themselves of the obligations concerning confidential information. Even though I was unable to determine the source of the disclosures to the media, I emphasize the importance of complying with confidentiality requirements.

157. Although I found that there was a violation of the Code of Conduct by Chair Myers, there is insufficient evidence to find that this violation led to the disclosure of confidential information to the media.

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<sup>15</sup> Hamilton Police Services Board Selection Committee Confidentiality Breach (Re), 2024 ONMIC 6 (CanLII); Selection Committee Confidentiality Breach (Re), 2024 ONMIC 7

158. I am not recommending a reprimand for the following reasons. He self-reported the disclosure and remained cooperative and candid throughout the entire investigative process. He was also, in whole or in part, responsible for requesting that my Office investigate the unauthorized disclosures to the media. He acted under an honest, though mistaken, belief that he had the authority to communicate with external political staff, and the policies governing his actions at the time have since been clarified. Finally, he took precautions and had an expectation that his communication with the staff would remain confidential.

159. I found there is insufficient clarity in the directions provided to Councillor Commissioners for me to make a finding that the Councillor Commissioners breached the Code of Conduct by sharing information with their own staff.

160. I found that the lack of best practices by some Board Members does not constitute a violation of Article 5 of the Code of Conduct. As noted above, I plan to provide further guidance on this issue through the issuance of an Interpretation Bulletin on Confidential Information.

161. It may be beneficial for the TTC Board to provide explicit directions as to confidentiality including whether confidential information can be shared with staff, and best practices to be followed. They may also want to clarify under the CEO Misconduct policy, in which circumstances and through what approval mechanism, Human Resource Committee members may disclose confidential information.

## J. Recommendations

162. I recommend the TTC Board not issue any penalty to Chair Myers.

163. I recommend the TTC Board adopt this Report.

Respectfully submitted,

*"Paul Muldoon"*

Paul Muldoon  
Integrity Commissioner