



Report on the Investigation into the Disclosure of Confidential Information from Audit Committee Item AU11.3

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Integrity Commissioner**

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A. Executive Summary

1. This report summarizes the investigation conducted by the Integrity Commissioner Toronto (ICT) into the disclosure of confidential information contained in an attachment to the February 12, 2026 Audit Committee agenda (referred to as the “confidential document”). Some information from the confidential document that had not been made public appeared in a Toronto Star article published on February 23, 2026.
2. In March 2026, City Council directed my Office to determine whether a Member of Council or a member of political staff breached the [Code of Conduct for Members of Council](#) (Code of Conduct) by disclosing the confidential information.
3. The confidential document was accessible through the Clerk’s Meeting Portal (CMP) to 94 authorized users, including all 26 Members of Council and 37 political staff. Of those individuals, 21 accessed the document before publication of the Toronto Star article.
4. My Office required the relevant Members of Council and political staff to answer questions under solemn declaration before a commissioner for affidavits.
5. The disclosure was the result of deliberate human action despite the City’s safeguards. However, there was insufficient evidence to conclude, on a balance of probabilities, that a Member of Council or their staff breached the Code of Conduct.
6. The investigation identified concerns including the number of individuals granted access to the document and the circumstances in which confidential information may be shared within Members’ offices. My Office does not have jurisdiction to investigate City staff that were sent the confidential document, and there is no evidence to suggest that they were responsible for the unauthorized disclosure.
7. This investigation raises issues that warrant further consideration to better protect confidential information and maintain public confidence. My Office proposes to work with the City Clerk and City Solicitor on an Interpretation Bulletin clarifying some of these issues.

B. Background and Initiation of the Investigation by motion of City Council

8. On February 5, 2026 at 9:30 a.m., the City Clerk's Office circulated an email notice that the agenda had been posted on Toronto Meeting Management Information System (TMMIS) for the February 12, 2026 Audit Committee meeting.¹
9. One of the items for consideration was [AU11.3 - Update on Auditor General's Office 2026 Work Plan Related to City Council Request for SmartTrack Investigation](#). SmartTrack was a plan to provide frequent rapid-transit service using existing GO rail corridors across Toronto. Over time, the project was scaled back to a smaller plan focused on the construction of new stations as part of GO Expansion.
10. Attached to AU11.3 was a confidential document that could only be accessed through CMP. Access was granted to 94 user accounts, including 31 City staff, 26 Members of Council, and 37 political staff.
11. Of those 94 users, 21 opened the document at least once. Those 21 individuals included 10 City staff, 3 Members of Council, and 8 political staff.
12. On February 12, 2026, the Audit Committee considered item AU11.3 - Update on Auditor General's Office 2026 Work Plan Related to City Council Request for SmartTrack Investigation.
13. Although there was debate at the meeting about whether information in the confidential attachment should be made public, City staff advised the City could not disclose the information due to a confidentiality agreement with Metrolinx, a provincial agency. Audit Committee recommended to Council the document:

remain confidential in its entirety as it contains commercial information supplied in confidence to the City of Toronto, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person,

¹ The City Clerk's Office hand-delivered one paper copy in a sealed envelope at the same time. The printed confidential attachment was watermarked with the Member's name as part of a standing accommodation for that Member.

group of persons, or organization, and contains information explicitly supplied in confidence to the City of Toronto by the Province of Ontario.

14. On February 23, 2026, the Toronto Star published an article² which discussed the costs of the SmartTrack plan and the reduction in the number of stations constructed compared with the original proposal.
15. On March 26, 2026, Council confirmed the confidential document should remain confidential in its entirety and requested my Office investigate the apparent release of confidential information to the media from item 2026 AU11.3.³

C. Applicable Law and Policy

Code of Conduct for Members of Council

16. *The City of Toronto Act, 2006* requires Council to adopt a Code of Conduct. Article 5 (Confidential Information) of the Code of Conduct prohibits Members from disclosing confidential information acquired through their office or information discussed in closed meetings unless authorized or required by law.
17. For the purposes of the Code of Conduct, confidential information includes information protected under the *City of Toronto Act, 2006*.

Human Resources Management and Ethical Framework for Members' Staff

18. Members of Council are responsible for the conduct of staff in their offices. Political staff are governed by the [Human Resources Management and Ethical Framework for Members' Staff](#) ("the Ethical Framework"), which forms part of their terms of employment and sets out the ethical obligations of political staff.
19. The Ethical Framework requires political staff to act in accordance with the Code of Conduct that applies to their Member. Members are responsible for the actions of their political staff, and in some circumstances, the actions of political staff could constitute a violation of the Code of Conduct for the Member.

² [Toronto Star article](#) (Ben Spurr), February 23, 2026

³ Council Decision on [2026.AU11.3](#)

20. The Ethical Framework imposes confidentiality obligations. Political staff may not use or disclose confidential information obtained through their employment unless authorized by law or by the Member.⁴

D. Evidence, Analysis and Findings

Technical Background on the City's Distribution of Confidential Documents to Members

21. Members of Council access confidential documents through the Clerk's Meeting Portal (CMP), a secure online system managed by the City Clerk's Office. CMP was launched during the COVID-19 pandemic to replace the former practice of distributing confidential documents in hard copy to Members of Council. The portal is closely linked to the Toronto Meeting Management Information System (TMMIS), which provides public access to Council and committee agendas, reports, and other meeting materials. CMP contains the same meeting information as TMMIS, but also includes confidential attachments and other materials that are not available on TMMIS. In addition to providing access to meeting materials, CMP supports Council meetings through electronic voting and speakers' list functions.
22. When a meeting agenda is posted, Members of Council receive an email notification to their office City email account advising that the agenda is available and providing a link to the public Toronto Meeting Management Information System (TMMIS) website. Anyone who has subscribed to receive agenda notifications, including members of the public, receives the same notice.
23. A Member who opens the agenda in TMMIS can view the public meeting materials and can see when an item includes confidential materials. To access any confidential documents, however, the Member must use CMP. CMP contains the same meeting materials available through TMMIS, but additionally provides

⁴ s. 3.3 (e) Conflict of Interest, Use or disclosure of confidential information.

access to any confidential documents that the user is authorized to access. In TMMIS, users can see that a confidential attachment exists, but cannot open it.

24. Access to confidential materials within CMP is controlled through permissions. Each decision-making body, such as a committee or board, has an access list that determines which Members and staff may view confidential documents associated with that body. Access may also be granted on a report-specific basis when appropriate. Senior City officials have access rights that allow them to view materials for all decision-making bodies.
25. Members and authorized staff access confidential documents directly through CMP. Someone seeking to view a confidential document must log into CMP using an account with the appropriate permissions before the document can be opened.
26. Each Member is responsible for ensuring that these documents are handled securely within their office and for protecting the confidentiality of the information.
27. Confidential documents are provided to support Members in carrying out their duties. Members must maintain the confidentiality of these materials and of matters discussed in closed meetings, and may disclose confidential information only when authorized. Authorized disclosure is recorded on the Clerk's Release of Confidential Information page. It states, "When City Council makes a decision involving confidential information, it also makes a decision about the release of the confidential information. When confidential information is made public, the City Clerk adds it to the history of the item."
28. The City Clerk's Office uses several security measures to protect confidential documents. Access is limited to authorized users with City of Toronto accounts who are registered in CMP, and permissions are managed through the system and corporate security controls. The City Clerk's Office provided the ICT with a detailed briefing on CMP's security features. This report refers only to those features necessary to understand the circumstances of this investigation.
29. Although documents may be printed or downloaded, the applicable security protections remain in place. For example, if a protected document is forwarded as an email attachment, only the authorized recipient can open it.

30. In this case, the confidential attachment was subject to all standard protections applied through CMP. There are additional safeguards that can be included at the discretion of the City Clerk's Office.
31. Actions taken outside CMP, such as printing documents, screenshot captures or forwarding documents cannot be tracked by the system.
32. In the course of a 2025 ICT investigation into the unauthorized disclosure of confidential information from the TTC Board,⁵ my Office reviewed the City Clerk's practices for distributing confidential documents and providing guidance to Members of Council. The Clerk confirmed that the same processes remain in place. Members are advised of their confidentiality obligations during orientation, but no City policy specifically addresses whether confidential information may be shared with staff. Confidential documents do not contain specific instructions regarding the sharing of information with political staff.

Delegated Access to CMP for Political Staff

33. Proxy access to CMP can be delegated to political staff by their Member of Council through a written request to the City Clerk. This allows designated staff to open confidential attachments. The Clerk's Office encourages Members to delegate proxy access to no more than two staff, but if Members request access for more than two, the Clerk's Office will accommodate this request.
34. Both the Member of Council and their staff must acknowledge the Clerk's terms and conditions for proxy access to confidential documents. The terms authorize political staff to access confidential materials and require them to acknowledge that:
- their office has policies regarding the access, storage, and destruction of confidential documents;
 - their access is logged and subject to review;
 - all access must comply with the Code of Conduct; and

⁵ July 5, 2025, [Report on the Unauthorized Release of Confidential Information from a 2023 Closed Toronto Transit Commission Board Meeting](#).

- they are responsible for notifying the Clerk when access is no longer required, such as when a staff member leaves the office.

Standard of Proof

35. In assessing whether there was a breach of the Code of Conduct, I applied the civil standard of proof on a balance of probabilities. Findings must be based on clear, convincing, and cogent evidence.

Issue 1: Was the document confidential?

36. My Office obtained information from the City Clerk's Office regarding the distribution of the confidential document and the security measures applied to it. The confidential document was distributed through the CMP to a limited group of authorized users and was protected by multiple security safeguards, as detailed above.

Finding

37. The document was clearly identified as confidential and was subject to a range of safeguards designed to prevent unauthorized disclosure.
38. Anyone who received access to the document knew or ought to have known, that it was confidential and was not to be disclosed without authorization.

Issue 2: Was confidential information disclosed?

39. On February 23, 2026, the Toronto Star published details taken directly from the confidential document. The article⁶ stated (emphasis added): "The document, **which has not been made public but a copy of which was viewed by the Star**, shows that ..." and then disclosed information that had not been shared publicly.
40. The article reported information that had not been made public, including financial data contained in the attachment. The article also stated that the journalist had viewed a copy of the document.

⁶ [Toronto Star article](#) (Ben Spurr), February 23, 2026

Finding

- 41. Confidential information contained in the attachment was disclosed to the media.
- 42. While the article indicates that the source had access to the document, it does not indicate how the information was communicated to the media.

Issue 3: Did a Member of Council or their staff disclose confidential information contrary to Article 5 of the Code of Conduct?

- 43. My Office undertook a significant investigation to identify the source of the disclosure. The primary investigative tool was a series of questionnaires sent to Members of Council and political staff with access to the document.

Decision not to pursue media sources forensic analysis of phone and email records

- 44. My Office decided not to seek information from media sources. In exercising this discretion, the public interest, protections for journalist-source confidentiality, and the likelihood that such efforts would produce reliable evidence was considered.
- 45. My Office also chose not to undertake forensic reviews of emails or telephone records. Such evidence would have been of limited value and unlikely to establish who disclosed the information, given that the article reported the journalist was shown a copy of the document.
- 46. The investigation focused on Members of Council and political staff within my jurisdiction. Although others, including City staff and Auditor General staff, had access to the document, my authority is exercised in the context of investigating potential Code of Conduct breaches by Members. My Office was not able to conduct a general inquiry to find any possible source of the disclosure. Moreover, City staff are expected to provide impartial and professional advice and, in my experience, overwhelmingly do so.

Written Interrogatories (Questionnaires)

Round One of Questionnaires

- 47. My Office conducted two rounds of questionnaires. The first was sent on April 28, 2026 to 13 Members of Council and political staff who had opened the

confidential document on CMP before the Toronto Star article was published on February 23, 2026. I required that responses be made under solemn declaration, signed before a commissioner for affidavits.

48. The questionnaires asked whether respondents had shared the document, disclosed its contents, or knew who may have been responsible for the disclosure.

Results

49. All respondents stated that they had not shared the document or its contents with unauthorized persons and did not know who disclosed the information to the media.
50. A few respondents reported discussing the document within their offices, including briefing their Member of Council. In one instance, the document was printed for use within the office.
51. In one case, a political staff summarized the agenda item and contents of the confidential document in an email to their Member of Council.
52. In another instance, a political staff attempted to forward the document to their Member of Council, who was in transit. Because the member could not open the forwarded document due to encryption protections, the staff member took screenshots and sent them to the Member instead.
53. The staff provided this information or access to their Members in order to brief them and facilitate in-office discussions. In each case, they explained the information was shared only with the Member of Council or authorized office staff for work-related purposes.

Round Two of Questionnaires

54. On June 9, 2026, my Office issued a second round of questionnaires to seven Members of Council and political staff who either had access to the document but had not opened it themselves, or whose staff had accessed it on their behalf. The purpose was to clarify apparent inconsistencies and understand how certain individuals had become informed about the matter.

55. All responses were again made under solemn declaration, signed by a commissioner for affidavits.
56. The questionnaires asked whether the respondents had received or reviewed the document, shared it with others, disclosed its contents, or knew who may have been responsible for the disclosure.
57. In one case, a member of the Audit Committee had neither opened the document nor had it been accessed by their staff. Given that the member would be expected to speak to the item, my Office sought to confirm whether this was accurate. It was.
58. In another case, a Member of Council had taken a public position on the item despite not having opened the document. Their staff initially reported that they had not shared the document. However, the political staff later clarified that they had provided screenshots of the document to their Member of Council, as noted above. They believed this was authorized and therefore did not consider it to be sharing the document with another person. They submitted a revised questionnaire explaining how the screenshots had been provided to their Member.

Results

59. As with the first round of questionnaires, the responses did not provide sufficient evidence to conclude that a Member of Council or political staff disclosed the confidential information.

Finding

60. In the absence of evidence establishing, on a balance of probabilities, that a Member of Council or political staff disclosed the confidential information, I cannot find a breach of the Code of Conduct.

E. Commentary

61. Although my Office was unable to determine the source of the disclosure, this investigation highlights the importance of maintaining confidentiality and following the requirements of the Code of Conduct.

Confidentiality Obligations under the Code of Conduct

62. The unauthorized disclosure of confidential information is a serious matter. It can undermine public confidence and work against the City of Toronto's best interests. It is a privilege to be entrusted with confidential information and Members and their staff are expected to protect it. There are established procedures for the release of confidential information, and Members should not unilaterally decide to disclose it. In this case, City staff explained at the Audit Committee meeting why the information could not be disclosed. The agenda item also stated that the information in the confidential attachment had been supplied to the City in confidence and that its disclosure could reasonably be expected to harm negotiations or competitive interests. Whoever disclosed the information to the media did so despite those confidentiality restrictions.

63. My Office has previously emphasized that disclosure of confidential information is a significant breach of the Code of Conduct. Where a Member or their staff are responsible for a disclosure and can be identified, I will I will impose significant sanctions to deter similar conduct and preserve public confidence in the City's ability to confidentially consider sensitive issues such as human resources matters, contract negotiation and litigation.

Commentary on Best Practices

64. None of the individuals who responded to the questionnaires admitted disclosing the confidential document outside their offices. However, the responses highlight areas where practices for handling confidential information could be improved.

Distribution of confidential information

65. The Clerk's Office provided access to the document to 94 individuals, including Members of Council, the Mayor, political staff, and Toronto Public Service employees. While broad access may be operationally necessary, greater distribution increases the risk of accidental or deliberate disclosure.

66. There may be a need for greater clarity about who should receive confidential documents and stronger accountability for those granted access. Although the

Clerk's protocol contemplates a designated staff proxy, my Office observed that many Members had delegated access to multiple staff members.

67. It is important to review access permissions regularly. During this investigation, I noted that proxy access remained assigned to a political staff member who had left a Member's office approximately 18 months earlier. While this did not create a security risk because access to CMP requires an active City user account, and the former staff member no longer had one, it highlights the need for Members to notify the City Clerk promptly of proxy access changes and for more routine oversight of user access lists.

Sharing Confidential Information within Members' Offices

68. Some Members reviewed the document directly, while others relied on staff briefings. Their staff briefed them orally, by email, and, in some cases, through sharing screenshots of the document.
69. Oral briefings conducted in a secure setting may be the most secure way to convey confidential information. My Office is more concerned about the use of email summaries and screenshots, which increase the risk of accidental disclosure, unauthorized access, or insecure storage. Screenshots are particularly problematic because they bypass many of the safeguards built into the Clerk's CMP system.

Guidance on Sharing Confidential Information with Political Staff

70. This investigation again highlights an unresolved issue: how Members can receive support from staff while protecting confidential information.
71. As noted in my TTC report, there is currently no City policy providing clear direction on the extent to which Members may share confidential information with staff. Courts have generally interpreted confidentiality obligations narrowly. Former Toronto Integrity Commissioner Sossin similarly suggested that

confidential information should be shared only where necessary and where no practical alternative exists⁷.

72. The information obtained during this investigation suggests there remains uncertainty about how the Code of Conduct applies to sharing confidential information with Members' political staff. Further guidance is needed. My Office therefore intends to continue consulting with the City Clerk and City Solicitor on an Interpretation Bulletin to clarify expectations.

73. I deferred this work pending the outcome of provincial Bill 9. With the enactment of the *Municipal Accountability Act, 2026*, which introduces a new provincial Code of Conduct for municipal councils, it is prudent to consider the new legislative framework before recommending significant policy changes. The new Code of Conduct is expected to come into force following the 2026 municipal election.

F. Summary and Conclusions

74. This investigation confirms that confidential information from the February 12, 2026 Audit Committee agenda was disclosed and later reported in the media.

75. There is insufficient evidence to determine who made the disclosure or to establish that a Member of Council breached the Code of Conduct.

76. The inability to identify the source does not diminish the seriousness of the incident. Unauthorized disclosure of confidential information undermines public confidence and the integrity of Council's decision-making processes.

77. This investigation also highlights the need for clearer guidance regarding access to confidential documents and the circumstances in which confidential information can be shared within Members' offices.

⁷ Re Walker, 2009, [Report on Release of Confidential Information by Councillor Michael Walker](#)

78. Ultimately, protecting confidential information depends not only on technical safeguards but also on Members of Council and their staff respecting the obligations that accompany access to it.

Respectfully submitted,

“Paul Muldoon”

Paul Muldoon
Integrity Commissioner