

RE: CITY OF BARRIE CODE OF CONDUCT COMPLAINT INVESTIGATION REPORT #250923  
Under the City of Barrie Council and Committee Member Code of Conduct Concerning Councillor  
Clare Riepma

### Preliminary Issues

The City of Barrie sets out the rules for ethical decision-making through the adherence to the rules of the Council Member Code of Conduct (the “Code”).

The Code contains provisions that list the rules regarding Use of Municipal Property, Services and Other Resources, as well as, Election Campaign Work. In particular, the Complaint sets out that the Respondent’s actions contravened Rules 10.1, 10.3, 10.4, 11.1, 11.3, 12.1 and 12.2.<sup>1</sup>

### The Complaint

The Complainant made a number of allegations in respect of the Respondent’s use of constituent information obtained during his time as councillor for election purposes as well as various comments made at meetings.

I communicated with the Complainant and sought further information in respect of the Complaint. During the preliminary review, I spoke with the Complainant to seek clarification on the matters and documents brought forward. As part of the preliminary review, I made a determination on jurisdiction, timeliness, whether any part of the Complaint was frivolous or vexatious and if there were insufficient grounds to investigate. While conducting this review of significant information from the Complaint, I received additional information from a witness who the Complainant advised was able to provide evidence in support of the Complaint. This additional information was an email from a constituent dated May 20, 2023, sent from clare.riepma@barrie.ca. The email from the Respondent with the subject line, Announcement -Vote For Clare.

After my decision that some parts of the Complaint were time-barred, I determined that the parts of the Complaint within my jurisdiction raised 2 issues:

1. The Respondent’s use of email addresses of individuals who had provided their email addresses for City business, to the City of Barrie and to the Respondent in his official capacity of Councillor;
2. The Respondent’s use of his barrie.ca email address, for election purposes.

At issue in this Complaint is the allegation that the Respondent’s use of City of Barrie constituent’s e-mail address for municipal election purposes was not permitted by the

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<sup>1</sup> The Complainant also asserted violations of s. 5.12(f); however, as set out below, I concluded that those allegations were time-barred.

Code. The Complaint alleged that the e-mail address use constituted a breach of Code rules.

The specific incident that gave rise to the Complaint was the receipt by a constituent of an e-mail regarding the Respondent's run for re-election at the municipal Council of the City of Barrie. The following was provided by the Complainant:

The Complaint alleged that the Respondent use of the email address of a constituent (the "constituent") to communicate City of Barrie campaign matters and the use of City of Barrie email to disseminate election campaign information, were breaches of the Code.

Email 1 - is the email that the Complainant, who was helping the Ward One association. The email was from when the Complainant was campaigning and sent an introductory email about themselves to the group. One of the volunteers sent this introductory email to the Respondent, who responded from his Barrie.ca email. The Complainant stated that in the email, the Respondent commented negatively on the Complainant's (professional) "background".

Additionally, there are 3 screenshots from a conversation the Complainant had with another resident who had corresponded with the Respondent by email for City purposes received emails about campaign-related purposes, from his barrie.ca Councillor email.

In support of the allegations, the Complaint provided several emails, including:

From: Clare Riepma <clare@voteforclare.ca>  
Date: Fri, Sep 16, 2022 at 7:13 PM  
Subject: Are you on the voters' list?  
To:

Are you on the voters' list?

Thank you all for your support. I truly appreciate it. I am busy knocking on doors and meeting as many of you as I can. If you have any questions or comments please call me at 705-737-1080 or email me at clare@voteforclare.ca. If you would like a sign for your lawn, please let me know.

The voting period starts on October 14 and ends on October 24 at 8 pm. This time, voting is by telephone and internet. Voting assistance will be provided at Parkside on October 20, 21 and 22.

You can check to confirm that you are on the voter's list on the City's website or call 705-728-8683. You will receive a voter information letter in the mail early in October with further information.

Here is to living well in the East End.  
Clare

Clare Riepma  
clare@voteforclare.ca  
705-737-1080

The Complainant confirmed that these emails did not come through the Respondent's barrie.ca. The emails received by the constituents and the other two residents were from the Respondent's election account. The Complainant stated to me that:

"The issue is that they did not personally provide [the Respondent] with their email address. They submitted inquiries/comments to [the Respondent's] barrie.ca email the nature of their emails related to city issues/business only. They never provided the Respondent directly with their emails. So they believe he took their information (personal emails addresses) from his barrie.ca account and used it to send them emails from his election account. Which [when inquiring to City staff, they] confirmed to me [this] is a violation of the use of corporate resources policy."

" Also, [the constituent is]- a former planner, [who] has the utmost integrity. The Respondent tells me he knows [the constituent]. The fact that he slipped up and sent it to [the constituent] shows how careless he was in pulling emails from his barrie.ca account and that he probably did it on a massive scale."

"I'm sure you realize that this additional name recognition in emailing, who knows how many, people from his election account is a significant advantage and barrier to free and fair elections. [An individual said that they] personally will not run again this behavior is extremely discouraging to new candidates. Imagine entering an election to find out days before election day that your competitor is using such underhanded tactics. [...] He shouldn't be taking people's personal information and using it from his personal campaign account!"

The email set out above, was sent October 12, 2022, within 1 year of the Complaint.

### The Relevant Provisions of the Code of Conduct

The relevant Code provisions are:

10.1 No member shall disclose or release by any means to any member of the public, or in any way divulge any confidential information, including personal information or any aspect of deliberations acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council resolution to do so.

10.3 Nor shall members use confidential information including information that they have knowledge of by virtue of their position that is not in the public domain, including e-mails and correspondence from other members, or third parties, for personal or private gain, or for the gain of relatives or any person or corporation or cause detriment to the City, Council, Local Board, or others. As one example, no member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.

10.4 Confidential information includes information in the possession of the City that the City is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), or other legislation. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege. Members shall not disclose, use or release information in contravention of applicable privacy law.

11.1 No member of Council shall use, or permit the use of City Property, including land, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, computers, networks, websites, Corporate transportation) for activities other than the business of the Corporation. Nor should any member obtain personal benefit [...]

11.3 Members shall conduct themselves in accordance with the City of Barrie's Use of Corporate Resources for Election Purposes Policy.

12.1 Members are required to follow the provisions of the *Municipal Elections Act, 1996* and Council's Policy with respect to the Use of Corporate Resources for Election Purposes.

12.2 No member shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and Councillor websites linked through the City's website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on City property. No member shall use the services of persons during hours in which those persons receive any compensation from the City.

The purpose of the above-noted Code rules is to ensure that the Councillors do not use any resources of or information, including confidential and personal information, obtained by virtue of being an elected official of the City of Barrie in a way that is not consistent with their duties as a Councillor, including for personal campaign related activity. The section of the Code entitled Election Campaign Work, is in place to establish a clear prohibition for the use of City resources by a Member of Council during election campaigns.

The purpose of the cited Code rules is to underscore that as leaders of the City, Members of Council are held to a higher standard of behavior and conduct that should be exemplary and in fulfilment of their duties of elected office. In particular, section 12.2 of the Code requires that Members of Council will not use the City's email/voice mail system to record, distribute or disseminate election activity messages or correspondence and that Members of Council will not use any distribution lists developed by the City or the Member while in office for election activity purposes without ensuring that all recipients are provided with the option to unsubscribe from the Member of Council's election distribution list.

## The Respondent's Reply to the Complaint

I provided the Respondent with sufficient information to understand the Complaint against him. The Complainant asked that I not disclose their name and provided sufficient supporting reasons for this request. I relied on my residual discretion as Integrity Commissioner to remove the name of the Complainant. In addition, I spoke with the Respondent to obtain any further information upon which I may rely to make my final determination. In the Respondent's reply, he states names of individuals who he believes either filed the Complaint or provided witness statements to me during the course of my investigation. I confirm at this time that I have not provided the Respondent with the name of the Complainant or the names of any witnesses.

In reply, the Respondent states:

The complainant, [named individual], ran against me in the 2022 election campaign for councillor in Ward 1. Her accomplice, [...] worked for the other candidate by spreading information of questionable validity. This complaint is politically motivated.

During my campaigns I had a website [www.voteforclare.ca](http://www.voteforclare.ca) and an email address [clare@voteforclare.ca](mailto:clare@voteforclare.ca). Exhibit 1 is an email that I received from the complainant addressed to me at [clare@voteforclare.ca](mailto:clare@voteforclare.ca) in which she suggests that I should step aside and put my support behind her. I did not respond to this invitation. Clearly she provided me with her email address and I believe that I am entitled to use it in my communications.

As a result of my community involvement and my previous campaigns, I have an assortment of email addresses that I have retained over time. [...] did email me several times at the City address and I responded to him via that address. In May of 2020 he sent me an email with a picture attached. The City computer could not accommodate the picture and I transferred it to my personal computer. This may be how his address ended up in my system. Did his email address get added to a list incorrectly? It is possible. I have reviewed this matter with the person that handled my communications during the election but she does not recall.

The Code of Conduct in section 12.2 when it deals with Election Campaigns states:

[....]

Exhibit 2 is the email that went out to those on my email list. Note that it is clearly labeled as "Re-Elect" and the [clare@voteforclare.ca](mailto:clare@voteforclare.ca) email address and my personal telephone number and address are used. There is no reference to the City. This is in contrast to the circulation that goes out as part of my councillor role, an example of which is shown in Exhibit 3.

In no case were the requirements of section 12.2 which covers election matters offended. There is no prohibition on the use of email lists however they were acquired. Even if they were a product of communications received during the course of a councillor's work or from his City email address, they are not resources owned by the City within the context of Section 12.2. The resources that are

referred to in Section 12.2 are clearly physical things that are owned by the City or staff that work for the City.

Similarly the City does not own the followers that may be accumulated as part of a councillor's social media presence. The purpose of the Code is to ensure that City resources are not used to imply endorsement of a person's candidacy by the City. On this basis the complaint should be dismissed.

Further the Complaint does not fall under the provisions of Section 11.1 which states:

"No member of Council shall use, or permit the use of City Property, including land, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, computers, networks, websites, Corporate transportation) for activities other than the business of the Corporation. Nor should any member obtain personal benefit or financial gain from the use or sale of City Property, including City-developed intellectual property (for example, inventions, creative writings, computer programs and drawings), technical innovations, City owned images, logos, coat of arms, or other items capable of being patented, since all such property remains exclusively that of the City."

None of the items listed were part of the election campaign, no City-developed intellectual property was used nor were any items capable of being patented utilized. If intellectual property includes email addresses, it is clear that the City did not do any development of my email lists. In addition the branding used in my campaigns is very different from that of the City.

It should also be noted that the two emails that I sent out during the election period dealt with early voting and how to get onto the voter's list. The messages were about how to vote not who to vote for. Out of an abundance of caution, they were sent using the voteforclare account. After the election I do communicate with constituents using the account that identifies me as a City councillor.

Section 10.1 of the Code states:

"No member shall disclose or release by any means to any member of the public, or in any way divulge any confidential information, including personal information or any aspect of deliberations acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council resolution to do so."

And further Section 10.3 says:

"Nor shall members use confidential information including information that they have knowledge of by virtue of their position that is not in the public domain, including e-mails and correspondence from other members, or third parties, for personal or private gain, or for the gain of relatives or any person or corporation or cause detriment to the City, Council, Local Board, or others."

Section 10 deals specifically with confidential information. None of the matters complained of were dealt with in camera. However, the City of Barrie email was

used by the Respondent to send election campaign literature, which was a use not intended or allowed by the for the gain of anyone.

The Complainant complains that I spoke ill of her using my barrie.ca account during the election. I believe that Exhibit 4 to the complaint. is concerned with. It was sent from my barrie.ca email because I did not consider my reply election related and it would have seemed awkward to reply from my election address. In hindsight perhaps I should have done that to avoid this concern. My response was factual and policy focused without ill intent.

The Complainant also complains that the comments by people that were used on my campaign literature (Exhibit 5) were used without permission, were taken out of context and were illegal. I asked each of the people quoted to provide their comments to me in writing and told them that their comments might be used in the campaign. Each of them gave me their comments freely and what they wrote was used unedited in the literature. I understand that one of them later indicated that he wasn't taking sides in the campaign but I was never asked to remove his endorsement. In fact, none of the comments were labeled as endorsements. They were simply comments that people made with respect to their experience with me as a councillor.

I have no knowledge of the two meetings or the online postings referred to. I believe that I have at all times adhered to the City's Code of Conduct to the best of my ability. Her assertions of my unethical behaviour and my blatant disregard of the truth borders on libel for which she offers not a shred of evidence. This confirms to me that all of this complaint is politically driven and designed to discredit.

#### Summary

1. The use of an email list sourced from the barrie.ca system is not prohibited by the Code.
2. While one of the email addresses may have been mistakenly added to the wrong list, the emails that were sent out during the election period were about how to vote, not who to vote for.
3. The comments used in my election materials were provided to me freely by the people involved.
4. I have always tried to treat everyone with respect and dignity

#### Analysis

I conclude that the Respondent used email addresses of constituents which were provided to him during his official duties for the purpose of seeking re-election.

The Respondent puts forward the position that individuals have the choice to unsubscribe themselves from his mailing list and that his use of email lists sourced from the barrie.ca systems is not prohibited by the Code.

The Code sets out that “[n]o member shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and Councillor websites linked through the City’s website) for any election campaign or campaign-related activities”. There is a prohibition against Members of Council using any distribution lists developed by the City or by the Member with information received in their official capacity while in office for election activity purposes.

Under Policy C07 – Use of Corporate Resources for Election Purposes, states that:

Distribution lists or contact lists developed utilizing Corporate resources or through a contact in a Member of Council’s role shall not be utilized for election purposes.

With respect to use of distribution lists”, the general rule that underscores the use of emails is that Members of Council should not use contact information gathered for responding to constituent inquiries for any purpose related to an election campaign, nor for any other purpose than the one for which it was provided to the Councillor. Best practices dictate that if a Member of Council has obtained an individual’s email for the purpose of responding to constituent inquiries, providing the option to unsubscribe from the Member’s distribution list should occur, prior to any other use. This would involve the Member advising the constituent on the existing distribution list that she or he has the option to unsubscribe and the Member should set out the details about how the constituent’s e-mail will be used should they decide to not unsubscribe. These details must be provided to the constituent prior to using the e-mail address for another purpose.

Privacy legislation underscores the need to refrain from the Use of Corporate Resources for Election Purposes. In a 2011 Privacy Report<sup>2</sup> of the Information and Privacy Commissioner of Ontario (the “IPC”), the Commissioner reported on a privacy complaint from an individual who advised that he had received an e-mail from the outgoing Chair of the TTC. The TTC Chair stated in his email that he would no longer be serving on City Council or as Chair of the TTC. The complainant was of the view that it was inappropriate for the former member to use his e-mail address for his own personal purposes.

The TTC Chair’s e-mail to the Complainant read:

It has been a great pleasure and honour to serve as a City Councillor for the past seven years and as the chair of the TTC for the past four years. Effective December 1st, you may reach me at [e-mail address].

The IPC determined that the City had authority to regulate the use of the constituent’s email by elected officials through the rules of the Code of Conduct governing the conduct of members of local boards, such as the TTC. The Code, reasoned the IPC, makes boards responsible for the protection of confidential information, including personal information. Finally, the IPC concluded that the e-mail subject of the privacy complaint, was under the

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<sup>2</sup> 1 MC10-75 and MC11-18, City of Toronto and the Toronto Transit Commission, Information and Privacy Commissioner of Ontario,



control of the TTC and therefore, subject to the privacy protection provisions of the *Municipal Freedom of Information and Protection of Privacy Act*

Section 31 of the Act states that:

An institution shall not use personal information in its custody or under its control except,

- (a) If the person to whom the information relates has identified that information in particular and consented to its use;
- (b) For the purpose for which it was obtained or compiled or for a consistent purpose; or
- (c) For a purpose for which the information may be disclosed to the institution under section 32...

In this case, the IPC found that the e-mail address of the constituent was obtained by the City when it received the complainant's e-mail to raise a customer service issue with the former TTC Chair. As a result, the IPC concluded that the purpose for receipt of the constituent's email (customer service issue) was not the same as the use of the e-mail address subject of the privacy complaint.

It might be possible to provide adequate notice to a constituent that their email address might be used for another purpose subject to a right to unsubscribe. The importance of providing notice of the option to unsubscribe prior to using a constituent's e-mail address for secondary purposes is underscored in the following passage from IPC Report MC10-75:

In the foregoing, I have concluded that the use of the complainant's e-mail address for a purpose unrelated to the original purpose for which it was obtained and without consent constituted a contravention of the Act.

[...]

Where such information is received, it is important that the Council member receiving the information respects the privacy of the individual to whom it relates, which includes ensuring that the information is only used for a purpose related to the purpose for which it was received. Where the record in question is correspondence containing a complaint about a municipal matter, the correspondence should only be used for the purpose of addressing and responding to the subject-matter of that correspondence.

In this present Code Complaint, the Complainant's email address was originally obtained by the Respondent and compiled as part of his records of elected office. The reasons for which constituents provided their email addresses to the Respondent and therefore the City of Barrie, were for matters that in no way related to the Respondent's election campaign. While it is a function of a Councillor's office, to receive and respond to constituent's queries and while the Complainant submitted that certain constituents admit having contacted the Respondent via email in relation to the City's core function and mandate, the evidence that I have received during this investigation demonstrated that the constituents did not provide their consent to the Respondent to use their email address for any purpose other than City of Barrie business.

Given the existence of Policy C07, I agree with the Complainant's assertion that it is not reasonable for a constituent sending an email communication to a Councillor in respect of the City of Barrie business, to expect to receive an email from a Member of Council for the purpose unrelated to the subject of the original email.

Section 10.1 and 10.3 of the Code set out the rules relating to a Member's confidentiality obligations.

10.1 No member shall disclose or release by any means to any member of the public, or in any way divulge any confidential information, including personal information or any aspect of deliberations acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council resolution to do so.

10.3 Nor shall members use confidential information including information that they have knowledge of by virtue of their position that is not in the public domain, including e-mails and correspondence from other members, or third parties, for personal or private gain, or for the gain of relatives or any person or corporation or cause detriment to the City, Council, Local Board, or others. As one example, no member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.

By using emails from City databases obtained in his official capacity, the Respondent disclosed personal information of the email address of individual constituents who contacted the City of Members for City purposes, and used this personal confidential information for personal election campaign activities.

As confirmed by Investigator Mark Rater of the Office of the Information and Privacy Commissioner of Ontario<sup>3</sup> :

When a government institution receives correspondence from a member of the public, it is reasonable for the individual to expect that the personal information contained in that correspondence will only be used in order to address the issues raised in the correspondence in question. Other uses of personal information that are unrelated to the purpose of the correspondence would not be reasonably expected, and would therefore not qualify as a "consistent purpose" under section 31.

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It is important to recognize the value of e-mail address information to business and individuals in this era of electronic communication. In addition, with the proliferation of electronic advertising, promotion and unsolicited email, (also known as 'spam'), the privacy of personal email addresses is of great importance.

When a public official...acquires access to address or other contact information in

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<sup>3</sup> MC11-18

the course of carrying out their duties, it is not appropriate to use that information for a purpose unrelated to the original purpose for which the information was provided.

The issue that has been raised in this Complaint is that the Respondent had sent out email communications to the public in contravention of Policy C07 and thus the Code, from candidate Clare Riepma with information (email address) obtained as Councillor Riepma, without having obtained consent from the constituents to have their emails used for receiving election related emails from candidate Riepma.

The constituents whose emails are subject of this Complaint advised that they did not give their consent to receive any materials, including emails, from candidate Riepma. They advised that they had contacted the City on local issues but had had no other dealings with the Respondent and thus believe that the source of their email being part of an election campaign email blast, was that their email was part of City business related emails relating to communication to the Ward councillor.

The Respondent has provided no alternative explanation about how he obtained the resident's email address. I asked the Respondent if he had engaged a third-party consultant to provide him with email lists and he said he had not. Accordingly, on a balance of probabilities, I conclude that the Respondent received the email address during the course of his duties as councillor.

Given the number of resources related to acceptable use of City resources during an election year, I find that the Respondent reasonably ought to have known that his use of the constituent's emails for election campaign related purposes was prohibited under Policy C07 and the relevant rules of the Code. The Respondent's stated understanding that emails distribution list acquired during his work as an elected official doing constituency work, belongs to him, is incorrect. It is contrary to Policy C07 and to decisions of the Information and Privacy Commissioner of Ontario.

The Respondent asserted that if he has developed a distribution email list while in office as a Councillor, simply sending out election related emails and including an option to unsubscribe from receiving further "election updates" is not contrary to the City Policy C07 or the Code. I disagree.

In deciding whether the Respondent breached rules 10.1, 10.3, 11.3, 12.1 and 12.2 of the Code, I interpreted Policy C07 with a view to understanding the City's rules relating to privacy protection and acceptable use of City resources. I found that the IPC decisions MC10-75 and MC11-18 provide clear guidance on the use of email lists by election officials. In Appendix "B" of Use of Corporate Resources for Election Purposes Policy , Frequently Asked Questions<sup>4</sup>, on page 11, Members are advised that:

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City of Barrie, **USE OF CORPORATE RESOURCES DURING AN ELECTION YEAR, 2018, updated March 11, 2022.**

**Can I use the City voice mail system, computer network or equipment to distribute election related correspondence or record election related messages?**

No. Use of the City's voice mail system, computer network (including the City's e-mail system (including website, social media, etc) and/or equipment to distribute election related correspondence or record election related messages is prohibited. Distribution lists or contact lists developed utilizing Corporate resources or through contact in an Elected Official's role cannot be utilized for election purposes.

I found that the constituents did not consent to receive election related materials from the Respondent and that on a balance of probabilities based on the information received during this investigation, the Respondent used emails received in his official capacity for a purpose other than his official duties.

It has been found that an opt-in regime, where the recipient openly expresses consent, has its advantages, notably in the area of privacy or by transferring the evidentiary burden to the sender<sup>5</sup>.

In the course of my investigation, it became apparent that the Respondent may know the identity of the Complainant. Hence, his statement in the reply to the Complaint that the Complaint is politically motivated. Upon my review of the Complaint, discussions with the Complainant and review of the Respondent's reply, I determined that the Complaint was not made in bad faith. In general, in the administrative law context a complaint is frivolous or vexatious when it is a waste of time or when it aims to harass the subject of the complaint. For example, in the context of the *Ontario Human Rights Code*, the Human Rights Tribunal has determined<sup>6</sup>:

...[F]or the complaint to be trivial or frivolous, the issues must be unimportant, petty, silly, or insignificant enough to be a waste of the tribunal's time. In addition, a complaint completely without factual or legal basis might be considered trivial or frivolous. A vexatious complaint is one that aims to harass, annoy or drain the resources of the person complained against. A complaint made in bad faith is one pursued for improper reasons – a vexatious complaint is an example of one made in bad faith.

So long as a complaint is properly addressed to matters within the Code of Conduct, (in this case improper use of corporate resources), merely having a collateral purpose for making a complaint, such as political motivations, does not mean the complaint is made in 'bad faith'. Ethics and integrity are at the heart of public confidence in government and in the political process. A valid complaint that addresses conduct caught by the Code will generally not be in bad faith, in the absence of actual design to mislead or deceive or a dishonest purpose.

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<sup>5</sup> OECD, Join ICCP-CCP Task Force on Spam, Anti-Spam Toolkit of Recommended Policies and Measures, Doc. No. DSTI/CP/ICCP/SPAM (2005)3 (2006 at 17).

<sup>6</sup> *Modi v. Paradise Fine Foods Ltd.*, 2007 HRTO 30 at para. 18

## Findings

I find that the Respondent used the constituents' email information which was part of a distribution list developed by the Respondent while in office as a Member of Council, for election activity purposes. Even if the Respondent had sent out a generic email to all individuals with whom he had been in contact in his capacity as Councillor, giving them the option to change their email preference or completely unsubscribe from future emails, I find that such communication would likely violate Policy C07; in any event, I have not received any evidence that this happened. Rather, I find that the constituents were not on an "unsubscribe" list in respect of election activity communication and that they did not consent to receive emails for any other purpose than those for which they had originally contacted the Respondent.

Based on the information received during this investigation, I find that the Respondent did breach sections 10.1, 10.3, 11.3, 12.1 and 12.2 of the Code through his use of City email lists and contact information of the constituents for activities other than the business of the City and for election campaign and campaign-related activities. The above-noted Code rules read together, strictly prohibit against using City resources, including email addresses obtained as a result of the member's performance of his or her duties as a Member for any election campaign or campaign-related activities.

With respect to issue #1, I find that the Respondent used for election-related matters, email addresses of individuals who had provided their email addresses for City business, to the City of Barrie and to the Respondent in his official capacity of Councillor. I find that such action is a contravention of sections 10.1 and 10.3 of the Code.

With respect to issue #2, I find that the Respondent's used his barrie.ca email address, for election purposes in contravention of sections 11.3, 12.1 and 12.2 of the Code.

## Integrity Commissioner Recommendations

Pursuant to section 27.3 of the Code, I make the following recommendation:

1. The imposition of the penalty of a reprimand to the Respondent; and
2. The imposition of the remedial action that the Respondent:  
acknowledge and recognize that in accordance with Policy C:07, Use of the City's voice mail system, computer network (including the City's e-mail system (including website, social media, etc.) and/or equipment to distribute election related correspondence or record election related messages **is prohibited** and that Distribution Lists or contact lists developed utilizing City of Barrie Corporate resources or through contact in an Elected Official's role **cannot be utilized for election purposes.**

I submit this Report for Council's receipt of my findings and consideration of my recommendations.

Respectfully submitted by:



Suzanne Craig  
Integrity Commissioner

September 20, 2024