

## Financial Declaration Advice

### Where does the commissioner's authority to review the financial declarations of public servants come from?

Under O. Reg. 381/07 of the *Public Service of Ontario Act, 2006*, identified public servants must disclose their own financial interest, and those of specified family members, to the commissioner. In addition, public servants may be required to make a revised declaration where there is a change in any of the relevant information [O. Reg. 381/07, ss. 10, 11].

### Which public servants must make a financial declaration?

Identified public servants are required to make a financial declaration to the commissioner of their own financial interests, and those of specified family members, if all of the following circumstances apply to them:

- They work in a ministry or public body [O. Reg. 381/07, s.10(1)]
- They routinely work on one or more matters that might involve the private sector [O. Reg. 381/07, s.10], and
- They have access to confidential information [O. Reg. 381/07, s.10(1)]

### How is the process initiated?

Public servants in ministries who are required to make a financial declaration are notified of this obligation by the Public Service Commission on a yearly basis. Ethics executives in public bodies are encouraged to identify and notify public servants who work in their public body of their duty to make a financial declaration to the commissioner. Public servants who believe they have a duty to make a financial declaration, but have not been so notified, should contact their ethics executive for advice on how to proceed.

The financial declaration form available on the commissioner's website should be used by all public servants who are required to make a declaration. Financial, banking or investment statements should not be provided at this stage. The form should only be submitted directly to the commissioner via email at [coicommissioner@ontario.ca](mailto:coicommissioner@ontario.ca) or mail at the address below.

## **The Declaration is submitted, now what?**

The financial declaration form is first checked for completeness by the commissioner's office. If the form is incomplete, the public servant will be requested to provide the missing or incorrect information. If the form is complete, the commissioner's office will conduct an initial review to determine if there are any declarable financial assets. If there are no declarable assets, the commissioner's office will inform the public servant, and his/her ethics executive, that the public servant has met the compliance requirement of the regulation. At any time during the process, the commissioner may contact other individuals to confirm or supplement the information provided.

If the public servant discloses financial assets, the commissioner's office will conduct a more detailed assessment of whether the disclosed assets pose risks of conflicts of interest. If no risks are identified, the public servant and his/her ethics executive, are notified accordingly.

If there are potential risks of conflict of interests, a further review may be conducted, in which case, additional information may be requested from the public servant as part of this further review. Once the commissioner has all necessary information (including any additional information that may be sought), the commissioner will provide the public servant and the public servant's ethics executive with an assessment of the potential risks of conflicts of interest and advice about possible measures to ensure compliance with the conflict of interest rules. The letter will reference those financial interests that could create potential risks of conflicts of interest.

## **What if the Commissioner is my ethics executive?**

If the Commissioner is the public servant's ethics executive, then the commissioner will make a determination as to whether the public servant's financial interests raise issues under the conflict of interest rules and give directions about steps to be taken to address the conflicts of interest including transferring of ownership or control of an asset to a neutral third party.

## **Is financial information treated confidentially?**

The commissioner treats the financial information of public servants as confidential. The information is held in a secure manner with controlled access only by authorized staff, and it is not disclosed without the public servant's consent unless it is necessary to do so to carry out the purposes of the *Act* or unless it is required by law.

For further information:

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