

MEMORANDUM OF UNDERSTANDING

**Between the Parliamentary Budget Officer and Employment and Social Development
Canada**

MAR 04 2019
Directeur parlementaire
du budget

**In relation to requests for departmental assistance in costing election campaign proposals during
the 2019 general election period**

IN CONSIDERATION OF THE FOLLOWING:

THAT the Parliamentary Budget Officer (PBO) is mandated by section 79.21 of the *Parliament of Canada Act* (the "Act") to estimate the financial cost of election campaign proposals at the request of certain persons defined in the Act during the period before a federal election defined in subsection 79.21(2) of the Act (the "defined period");

THAT, in accordance with subsection 79.21(5) of the Act, the PBO may make a request to the Minister of Employment and Social Development Canada (the "Minister") for the assistance of the Department of Employment and Social Development Canada (the "Department") in preparing these estimates;

THAT if the PBO makes a request for assistance and the Minister agrees, the Deputy Minister of Employment and Social Development Canada (the "Deputy Minister") may, pursuant to subsection 79.21(7) of the Act, make such arrangements as the Deputy Minister considers necessary respecting the terms under which the Department's assistance will be provided;

THAT, by virtue of subsection 79.4(1) of the Act, the PBO is entitled, by request made to the head of the Department, to free and timely access to any information under the control of the Department that is required for performance of the PBO's mandate;

THAT the PBO may, in carrying out the work of the office of the PBO, enter into contracts, memoranda of understanding or other arrangements under subsection 79.11(2) of the Act;

AND THAT it is expedient to set out in a Memorandum of Understanding the arrangements and terms under which the assistance of the Department, if requested by the PBO and agreed by the Minister, will be provided to the PBO during the 2019 general election period;

THEREFORE the Deputy Minister and the PBO agree as follows:

Application

1. This Memorandum of Understanding applies only to requests for the Department's assistance made by the PBO under section 79.21 of the Act and requests for information made under subsection 79.4 of the Act during the defined period preceding the 43rd federal general election, which is required to take place on or before October 21, 2019.

- 1.1 This Memorandum of Understanding takes effect on the first day of the defined period provided that the Minister has agreed to a PBO request for the Department's assistance under subsection 79.21(5) of the Act.

Requests for Assistance and Information

2. The PBO will submit a request by e-mail to the Deputy Minister for the specific assistance required from the Department as described in clause 4.
3. The PBO will not submit a request for assistance under clause 2 less than 10 business days before the date of the general election.
4. The PBO may request the following assistance under clause 2:
 - (a) **Preparation of an estimate:** The PBO may ask the Department to use its own methods and models to prepare an estimate of the financial cost of a campaign proposal (or some part thereof) on the PBO's behalf, even if doing so requires the use of information that the PBO is not entitled to access under section 79.4 of the Act. Where information that the PBO is not entitled to access under section 79.4 of the Act is used in the preparation of a cost estimate, the Department will ensure that such information is not disclosed to, or discoverable by, the PBO.

Further, if the Department requires information held by another department in order to prepare an estimate on behalf of the PBO, the Department will obtain the information under subsection 79.21(10) of the Act if the PBO has confirmed that the minister who presides over the other department has also agreed to provide assistance under subsection 79.21(5); and
 - (b) **Advice or review:** The PBO may ask the Department to provide advice regarding the specification of a model developed by the PBO, including assumptions, or to review an estimate prepared by the PBO.
5. If the PBO requires information under the control of the Department in order to prepare a cost estimate of a campaign proposal, the PBO will request access to the information in accordance with subsection 79.4 of the Act.
 - 5.1 The PBO will address a request under clause 5 to the Deputy Minister if informed by the Department that the Minister has delegated his function under subsection 79.4(1) of the Act to the Deputy Minister for the defined period.
 - 5.2 The Deputy Minister, in relation to a request under clause 5, will not inform the Minister that a request was made, the nature of the information requested by the PBO, the nature of the information provided by the Department in response to the request, or any written justification for refusing to provide access to information under section 79.41 of the Act.
 - 5.3 The timelines set out in clauses 3 and 7 to 7.3 apply to information requests under clause 5.

6. Where the PBO makes a request for assistance under clause 2, the PBO will provide the Department with the original wording of the description of the election campaign proposal for which an estimate has been requested, including relevant details and objectives, as well as any additional information subsequently provided by the person who requested the estimate.
 - 6.1 The Department may request that the PBO obtain additional information from the person who requested the estimate if such information is necessary for the provision of the estimate, in which case the PBO will seek to obtain the additional information and provide it to the Department in the shortest time possible.
7. Within 2 business days of receiving a request for assistance under clause 2, the Department will advise the PBO in writing as to whether, and within what timeframe, the Department can provide the requested assistance unless the assistance relates to a complex campaign proposal and the PBO has agreed to a longer period.
 - 7.1 If the requested assistance cannot reasonably be provided, the Department will provide the PBO with a written statement of the reasons why the request cannot be completed.
 - 7.2 If the Department is not the appropriate federal department to provide the specific assistance requested, it will so inform the PBO. The PBO will be responsible for identifying the appropriate alternative department from which to request the assistance.
 - 7.3 The Department shall provide the requested assistance within 10 business days unless the assistance relates to a complex campaign proposal and the PBO has agreed to a longer period.
8. If the PBO makes a request to the Department for the assistance described in clause 4(a), the PBO will not request the same assistance in respect of the same campaign proposal (or part thereof) from any other department unless the proposal would require the oversight of another department.
9. If the PBO requests the assistance described in clause 4(b) from the Department as well as from one or more other departments in respect of the same campaign proposal (or part thereof), the PBO will be responsible for compiling the assistance obtained from departments.
10. In providing its response to a request for assistance made under clause 2, the Department will inform the PBO of any knock-on effects and implementation considerations involved in the estimate.

11. The Department will provide the PBO with assistance requested under clause 2 without charge, unless the PBO consents in advance to the Department incurring third-party costs in the provision of the assistance and the Department incurs such costs, in which case the third-party costs will be recovered from the PBO.
12. The PBO will inform the Department on a timely basis if a request is withdrawn by the person who requested the estimate or if the PBO discontinues work on an estimate.

Dispute Resolution

13. Officials of the PBO and the Department will attempt to resolve any disputes collaboratively and promptly. If they are unable to do so, the dispute will be referred to the PBO and the Deputy Minister for resolution.

Disclosure

14. Where the PBO requests and receives assistance from the Department under clause 2, the PBO will not, during the defined period, disclose to any person the fact that assistance was requested from the Department or the nature of the assistance requested and provided.
 - 14.1. Nothing in clause 14 shall be construed as preventing the PBO from making a notification under subsection 79.21(15) or a statement under subsection 79.21(16) of the Act.
15. Where the PBO makes a request under clause 2 and the Department provides the requested assistance, the Deputy Minister will for the purposes of section 79.5 of the Act, inform the PBO in writing if he or she does not consent to disclosure of any information provided by the Department in its response to the request for assistance.
16. The Department will not, whether within or after the defined period, disclose any information referred to in subsection 79.21(9) to any member of the Queen's Privy Council for Canada or their staff.

Responsibility for Estimates:

17. Any estimates of campaign proposals prepared by the Department at the request of the PBO or prepared by the PBO with the assistance of the Department under this Memorandum of Understanding that are included in a report provided to a person by the PBO under subsection 79.21(12) of the Act or made public under subsection 79.21(14) of the Act are the sole responsibility of the PBO and will be presented as the PBO's estimates.


Amendment and Revocation

18. This Memorandum of Understanding may be amended or revoked only by written agreement of the Deputy Minister and the PBO.

On behalf of the Office of the Parliamentary Budget Officer




Yves Giroux
Parliamentary Budget Officer
Office of the Parliamentary Budget Officer




Date

On behalf of Employment and Social Development Canada



Graham Flack
Deputy Minister of Employment and Social Development Canada



Date