



democracy Watch
émocratie en surveillance

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Office of the Auditor General of Ontario
ATTN: Auditor General Bonnie Lysyk
20 Dundas Street West, Suite 1530,
Toronto, Ontario
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Email: comments@auditor.on.ca

September 25, 2018

RE: Request that you issue ruling on Government of Ontario's "Ontario News Now" Facebook page, Twitter account and Instagram account (and any other digital promotions)

Dear Auditor General Lysyk:

I am writing because it is Democracy Watch's opinion that it is a violation of the *Government Advertising Act* (the "Act") if any public money has been spent promoting any post on Ontario News Now's Facebook page, Twitter account, Instagram account or any other of its digital accounts.

You can see Ontario News Now's Facebook page at:

<https://www.facebook.com/OntarioNewsNow/>

and the Twitter account at:

<https://twitter.com/ontarionewsnow>

By promotion I mean when Ontario News Now pays for a post it has uploaded to one of its digital accounts to be distributed to the newsfeeds of other users' accounts. Paying for that distribution turns a post into an advertisement, which raises the question of whether the advertisement complies with the *Act*.

It is not possible to determine from looking at Ontario News Now's Facebook or Twitter accounts whether any of its posts have been promoted. As a result, an investigation by your office is necessary to determine this.

As you know, the *Act* requires government offices to submit a copy of any item (sections 3-4) that a government office proposes to pay to have run as an advertisement in print, billboard, digital or broadcast form (subsection 2(1)), and empowers the Auditor General (section 7-8) to stop any ad that: includes the name, voice or image of a member of the Executive Council or of the Assembly; includes the name or logo of a recognized party; directly identifies and criticizes a member of the Assembly or; includes, to a significant degree, a colour associated with the governing party (subsections 6(2) to (4)). As well, each ad must include a statement that the item is paid for by the Government of Ontario.

“Government office” is defined in the *Act* as “a ministry, Cabinet Office, the Office of the Premier or such other entity as may be designated by regulation” (subsection 1(1)).

For the following reasons, Democracy Watch’s opinion is that if Ontario News Now has promoted any of its digital posts, then each promoted post is an advertisement as defined by the *Act*, and the head of the responsible government office featured in the post was (and is) required to submit the post to you for preliminary review.

Further, Democracy Watch’s opinion is that the results of a preliminary review by you of many of the posts would have resulted in a finding that the post violated the *Act* and that the government office was (and is) prohibited from promoting the post as an advertisement.

First, the “About” page on the Facebook page says: “Timely exclusive content on the PC government’s priorities for the people of Ontario” and that line was, until sometime recently, included right on its Facebook homepage, as you can see in the 2nd graphic in this media article:

<https://www.cbc.ca/news/canada/toronto/ontario-news-now-undermines-democracy-1.4769639>

The tagline on the Twitter page says” “Find out what the Ontario PC Caucus and our leadership is doing to help the people of Ontario. Produced by PC Caucus Services.”

The fact that the posts are “exclusive content on the PC government” means that government offices must be involved in producing each post (otherwise, how could the content of each post be “exclusive” to Ontario News Now). Many of the posts were clearly produced in cooperation with a Cabinet office and/or the Office of the Premier, as they contain video interviews with the Premier or a Cabinet minister that are not taken from clips in the media but are, instead, exclusive interviews with Ontario News Now.

As a result, though Ontario News Now claims it is “Produced by PC Caucus Services” you should conclude that the Premier and other Cabinet ministers are also directly involved in the production of the posts.

Secondly, PC Caucus Services is funded by public money, and is directly connected functionally to the Cabinet office and the Office of the Premier. For this reason as well, you should consider the Cabinet office and the Office of the Premier to be directly involved in the production of the posts.

Finally, because many of the posts (which are essentially the same videos posted to both the Facebook and Twitter accounts) feature the Premier and/or a Cabinet minister or a member of the PC Caucus, and because Ontario News Now's pages predominantly use the colour blue associated with the PC Party, Democracy Watch's position is that many of the posts (if payment has been made to promote them) qualify as advertisements that are prohibited by the *Act*.

Please contact Democracy Watch at the address above if you need any more information to initiate this inquiry. Given that all of the evidence is on the public record already, except concerning the one question about whether payment has been made to promote the posts, we hope that you will be able to conclude an investigation and issue a public ruling very soon.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Duff Conacher', written in a cursive style.

Duff Conacher, Board member of Democracy Watch
On behalf of the Board of Directors of Democracy Watch