

**MEMORANDUM OF UNDERSTANDING (“MOU”)
dated as of December 2, 2009.**

BETWEEN:

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
as represented by
THE MINISTER OF HEALTH AND LONG-TERM CARE
 (“MOHLTC”)**

- and -

**CANCER CARE ONTARIO
 (“CCO”)**

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1.0 INTRODUCTION

1.1 Cancer Care Ontario

- 1.1.1 Cancer Care Ontario (“**CCO**”) is the Ontario Government’s chief adviser on Cancer Control Services and the Cancer Control System.
- 1.1.2 CCO’s mission is to improve the performance of the cancer system by driving quality, accountability and innovation in all cancer-related services.

1.2 Purpose of this MOU

- 1.2.1 The purpose of this MOU is to:
 - a) clarify the roles, responsibilities, relationships and mutual expectations of the MOHLTC (including the Minister and the Deputy Minister) and CCO (including the Chair, the Board and the CEO);
 - b) consistent with good governance principles, confirm the accountability mechanisms of CCO and the MOHLTC as well as the framework for accountability between the Chair of the Board and the Minister;
 - c) specify the principles and administrative procedures that CCO should follow in support of its accountability requirements, within a framework that recognises the legislative responsibilities of CCO and facilitates the achievement of its mandate.
- 1.2.2 The MOHLTC and CCO shall act according to the responsibilities set out for each other in this MOU.
- 1.2.3 This MOU does not affect, limit or interfere with the responsibilities of either Party as established by law. In the event of a conflict between this MOU and a provision of any legislation, the legislation prevails.
- 1.2.4 This MOU replaces the Memorandum of Understanding between the Parties dated November 8, 1999.

1.3 Definitions

- 1.3.1 In this MOU, in addition to any other terms defined herein, the following terms shall have the respective meanings indicated below:

“**AEAD**” means the Agency Establishment & Accountability Directive dated February 2000.

“Annual Business Plan” means the annual business plan described in section 6.2 of this MOU.

“Annual Report” means the annual report described in section 6.3 of this MOU.

“Board” means the members of CCO appointed by the Lieutenant Governor in Council under the *Cancer Act* to govern CCO.

“Cancer Act” means the *Cancer Act*, as amended from time to time, or any legislation enacted in addition or in substitution for it, and any regulation made under it.

“Cancer Control Services” means those cancer control services relating to cancer prevention, screening, diagnosis, surveillance, evaluation, treatment and supportive care, including palliation, research, education and training.

“Cancer Control System” means the system in Ontario through which Cancer Control Services are provided.

“CCO” means Cancer Care Ontario.

“CEO” means the Chief Executive Officer of CCO.

“Chair” means the Chairperson of the CCO Board.

“CIB” means the Communications & Information Branch of the MOHLTC.

“Deputy Minister” means the Deputy Minister of Health and Long-Term Care.

“FIPPA” means the *Freedom of Information and Protection of Privacy Act*.

“Government” means the Government of Ontario.

“IPC” means the Information and Privacy Commissioner/Ontario.

“LHIN” means a Local Health Integration Network established pursuant to the *Local Health System Integration Act, 2006*.

“MBC” means Management Board of Cabinet.

“Minister” means the Minister of Health and Long-Term Care.

“MOHLTC” means the Ministry of Health and Long-Term Care.

“MOU” means this Memorandum of Understanding.

“**Party**” means either CCO or the MOHLTC; and “**Parties**” means both of them.

“**Personal Health Information**” means personal health information as defined in Section 4 of the *Personal Health Information Protection Act, 2004*, as amended from time to time (“**PHIPA**”).

“**PSOA**” means the *Public Service of Ontario Act, 2006*, as amended from time to time.

“**TB/MBC**” means Treasury Board and the Management Board of Cabinet.

1.4 CCO’s Legislative Authority

- 1.4.1 CCO’s legislative authority is set out in the *Cancer Act*.
- 1.4.2 The Ontario Cancer Care Treatment and Research Foundation was established in 1943 and was continued under the *Cancer Act*.
- 1.4.3 By Supplementary Letters Patent issued on May 28, 1997, the name of the Ontario Cancer Care Treatment and Research Foundation was changed to Cancer Care Ontario.
- 1.4.4 CCO’s status in respect of its collection, use and disclosure of Personal Health Information is prescribed in regulations under *PHIPA*.
- 1.4.5 Until such time as CCO is designated as an institution in the regulations to FIPPA, CCO shall handle all of its records in a manner that is consistent with FIPPA.
- 1.4.6 CCO is prescribed in O. Reg. 374/07 made under the PSOA as a “public body” for the purposes of the PSOA. As a public body, CCO’s board of directors and employees are public servants to which Parts IV (Ethical Conduct), V (Political Activity) and VI (Disclosing and Investigating Wrongdoing) of the PSOA apply. With respect to conflict of interest, CCO is subject to the conflict of interest rules in O. Reg. 381/07 made under the PSOA, unless the Conflict of Interest Commissioner has approved conflict of interest rules for CCO under section 59 of the PSOA.

1.5 CCO's Status and Agency Classification

- 1.5.1 CCO is a corporation without share capital.
- 1.5.2 CCO is classified as an "Operational Service Agency" under the AEAD, and is subject to and shall comply with TB/MBC directives required by Section 13.3 of this MOU, and any guidelines and policies related to those directives.
- 1.5.3 Where TB/MBC or any body with the authority to make directives that are binding on CCO specifically exempts CCO from a directive which applies to CCO, in order for the exemption to the directive to apply to CCO, the MOHLTC must communicate the exemption in writing to CCO.
- 1.5.4 Should MBC consult with MOHLTC on new directives applicable to an Operational Service Agency, or any other directive that may impact CCO, MOHLTC will notify CCO, if MOHLTC is able to do so, to obtain CCO's feedback.
- 1.5.5 In the event of an inconsistency between the TB/MBC directives and a provision of any legislation, the legislation prevails.
- 1.5.6 CCO shall comply with all applicable laws in carrying out its duties and responsibilities under the *Cancer Act* and this MOU.

1.6 CCO's Object and Mandate

- 1.6.1 CCO's object and main mandate are as contained in the Cancer Act.
- 1.6.2 As necessary to further its object and mandate, CCO has the authority in accordance with PHIPA to directly or indirectly collect Personal Health Information including non-cancer related Personal Health Information.
- 1.6.3 The MOHLTC acknowledges CCO's role as the provincial authority on Cancer Control Services information and reporting systems.

1.7 Duration of MOU

- 1.7.1 Subject to the requirement for approval of this MOU by MBC, this MOU shall be effective on the date of the signature of the last party to execute it, and shall be in effect for 5 years or until a new MOU is entered into by the Parties under section 1.8.

1.8 Process for Review and Amendment

- 1.8.1 If a new Minister or Chair takes office before this MOU expires, the Minister and Chair may both affirm, by letter, that the MOU will continue in force without a full review.
- 1.8.2 Either Party may initiate a full review of this MOU by a written request to the other.
- 1.8.3 Either Party may initiate an amendment to this MOU by sending a written request to the other.
- 1.8.4 No amendment to this MOU shall be effective unless it is in writing and signed by both Parties and approved by TB/MBC.
- 1.8.5 A full review of this MOU will be initiated 6 months prior to its expiry or immediately in the event of a significant change to the *Cancer Act* or a significant change to *PHIPA* which impacts upon CCO's ability to carry out its mandate and objectives.

1.9 Review of CCO

- 1.9.1 CCO is subject to a review initiated at the discretion and direction of the Minister or TB/MBC. CCO shall co-operate with a review directed by the Minister or TB/MBC if any.
- 1.9.2 In requiring a review under section 1.9.1, the Minister or TB/MBC, as the case may be, shall determine the timing and responsibility for conducting the review, the roles of the Chair and the Deputy Minister, and how any other parties shall be involved. The results of the review may include options for changes to the mandate, consolidation or termination of CCO.
- 1.9.3 In the event of a review initiated at the direction of the Minister, the Minister shall submit any recommendations regarding CCO to TB/MBC for approval.

2.0 GUIDING PRINCIPLES

- 2.0.1 The principles outlined below have guided the identification of the respective roles and responsibilities of the MOHLTC and CCO under the accountability relationship between them.

2.1 Policy Directions and Implementation

- 2.1.1 The Minister represents the interests of the people of Ontario and may set out public interest expectations for CCO's operations.
- 2.1.2 The MOHLTC applies the principles of stewardship to guide and direct the health system. Working with the Minister, it establishes overall strategic priorities which are supported by outcome-focused performance monitoring and sustainable investment.
- 2.1.3 The Board is responsible for the overall governance of the affairs of CCO and for ensuring that CCO's strategic, business and operational plans, policies and activities are consistent with the MOHLTC's overall policy directions and are communicated to the MOHLTC as set out in this MOU.

2.2 Operational Autonomy of CCO

- 2.2.1 The Minister recognizes that CCO is a statutory entity that exercises powers and performs duties in accordance with its legislative mandate and all applicable law.
- 2.2.2 The Board directs the affairs of CCO so as to ensure its fulfillment of its mandate. CCO shall be responsible for its day-to-day operations.

2.2.3 The Board acknowledges that accountability is a fundamental principle to be observed in the management, administration and operations of CCO. The Board acknowledges that accountability to the Government means direct accountability to the Minister. The Board shall report to and communicate with the Minister through the Chair.

2.3 Management Principles

2.3.1 CCO will conduct itself according to the management principles of the Government. These principles include ethical behaviour, accountability, and excellence in management; prudent, efficient and lawful use of public resources; equitable access to high-quality service; and openness and transparency to the extent allowed under the applicable legislation.

2.3.2 The Parties commit to a coordinated approach to the health care system in Ontario and shall work with the LHINs and other governmental agencies to avoid duplication of services. The services provided by CCO shall be consistent with the Government's policy directions given by the Minister to CCO.

2.3.3 Effective management of CCO and maintenance of its operational capacity requires a consistent, predictable, stable and uninterrupted flow of resources, as set out in the approved budget allocation for CCO.

2.3.4 Ongoing consultation and timely exchange of information between the Minister and MOHLTC, on the one hand, and the Board and CCO, on the other, is essential to carry out the purposes of this MOU.

2.4 Privacy and Confidentiality of Personal Health Information

2.4.1 CCO will put in place practices and procedures to protect the privacy of the individuals whose Personal Health Information it collects and to maintain the confidentiality of such information, and will consult with the IPC as necessary, in doing so. All such practices and procedures shall comply with applicable law regarding collecting, using, disclosing, retaining, and disposing of Personal Health Information.

3.0 ACCOUNTABILITY RELATIONSHIP

3.0.1 The governance model for CCO incorporates an accountability relationship designed to assure Government policy control and oversight of CCO, while providing CCO with the flexibility required to manage its business and operations.

3.1 Minister

3.1.1 The Minister is accountable to the Legislative Assembly for CCO's fulfillment of its mandate, its compliance with applicable laws and its compliance with applicable Government policies and for reporting to the Legislative Assembly on the affairs, activities, and operations of CCO.

3.1.2 The Minister is accountable to the Cabinet for the performance of CCO and its compliance with the Government's operational policies and Minister's policy directions.

3.2 Deputy Minister

3.2.1 The Deputy Minister is accountable to the Minister for the performance of the MOHLTC in respect of this MOU; and for carrying out the roles and responsibilities assigned to him/her by the Minister and by TB/MBC Directives, and this MOU.

3.3 Chair

3.3.1 The Chair is accountable to the Minister for the performance of CCO in fulfilling its mandate and for carrying out the roles and responsibilities assigned to CCO by the *Cancer Act* and other applicable legislation, this MOU and applicable TB/MBC directives.

3.4 Board of Directors

3.4.1 The Board, through its Chair, is accountable to the Minister for CCO's use of public funds and results in terms of goals, objectives, performance and strategic direction for CCO within its mandate as set out in the *Cancer Act* and this MOU.

3.5 CEO

3.5.1 The CEO is accountable to the Board through the Chair for the strategic leadership of CCO, for the management of CCO's business, resources and business processes, for the management of its staff and consultants where such are engaged, and for the effective implementation of CCO's mandate within the parameters set by the *Cancer Act*, this MOU and CCO's business plan as approved by the Board and the Minister.

3.5.2 The CEO has a performance contract with the Board that includes the CEO's responsibilities, reporting obligations and standards to be met in performing responsibilities and obligations.

4.0 ROLES AND RESPONSIBILITIES

4.1 Roles and Responsibilities of the Minister

4.1.1 The Minister is responsible for:

a) Accountability:

- (i) Reporting and responding to the Legislative Assembly on the affairs of CCO;
- (ii) Taking or directing corrective action, when appropriate or necessary, in respect of CCO's mandate or operation;
- (iii) Reporting and responding to Cabinet on CCO's performance and compliance with applicable Government's operational policies and Minister's policy directions; and
- (iv) Receiving the Annual Report from CCO and tabling it in the Legislative Assembly;
- (v) Recommending to TB/MBC the approval of CCO's MOU.

b) Policy Direction

- (i) Developing Government priorities and broad policies relating to the Cancer Control System.
- (ii) Ensuring that CCO has in place processes and criteria for gathering the views and strategic priorities of the key stakeholders in the Cancer Control System and for bringing these forward to the Board for consideration along with the Government's priorities.

c) Business Planning/General Management:

- (i) Consulting, wherever possible, with the Chair, the CEO and other third parties on significant new policy directions and when the Government is considering regulatory or legislative changes which would have a direct impact on CCO including, without limitation, the *Cancer Act*;
- (ii) Reviewing any proposed changes to the existing mandate of CCO and recommending to TB/MBC the powers to be given to CCO;
- (iii) Reviewing and recommending to TB/MBC any change to CCO's mandate that requires a corresponding change to the *Cancer Act*;
- (iv) Reviewing and recommending to TB/MBC the provincial funding to be given to CCO consistent with its objectives and mandate as set forth

in this MOU and consistent with the principle set forth in Section 2.3.3 of this MOU;

- (v) Directing a review of CCO if required under Section 1.9 hereof and making subsequent recommendations to TB/MBC;
- (vi) Taking into consideration the advice and direction of CCO's Corporate Governance/Nominating Committee, as communicated through the Chair, prior to recommending any appointments or re-appointments to CCO's Board, while retaining the ultimate authority to make recommendations to the Lieutenant Governor-in-Council in this regard; and
- (vii) Reviewing and approving CCO's Annual Business Plan.

4.2 Roles and Responsibilities of Deputy Minister

4.2.1 The Deputy Minister is responsible for:

a) Accountability:

- (i) Providing the Minister with advice and assistance in meeting his/her assigned responsibilities with respect to CCO;
- (ii) Reviewing whether CCO's performance, accountability and reporting requirements, as provided for in this MOU, have been met, and identifying and recommending to the Minister any required corrective action(s);
- (iii) Analysing reports, and other sources of information to identify performance issues of concern to the MOHLTC;
- (iv) Ensuring the MOHLTC remains informed of current and planned activities of CCO;
- (v) Initiating processes for resolving issues or disputes, as directed by the Minister, and taking actions necessary so that CCO cooperates with these processes and complies with the resulting decisions;
- (vi) Undertaking assessments of CCO on behalf of the Minister and recommending corrective action if necessary.
- (vii) Negotiating with the Chair of CCO a draft MOU as directed by the Minister.

- (viii) Ensuring that CCO complies with all applicable TB/MBC directives as referred to in Schedule A along with all related guidelines and policies.

b) Policy Direction

- (i) Providing a framework for assessing whether CCO's mandate, business planning and goals are developed in concert with approved MOHLTC policies.

c) Business Planning/General Management

- (i) Monitoring CCO on behalf of the Minister while respecting CCO's operational independence and, where warranted, identifying needs for corrective action and recommending to the Minister ways of resolving issues;
- (ii) Establishing a framework for reviewing and assessing CCO's business plans and any other reports, and advising the Minister on documents submitted to the Minister for review or approval;
- (iii) Maintaining an open and cooperative working relationship with CCO through regular meetings with the CEO as required or directed;
- (iv) Facilitating regular briefings and consultations between MOHLTC officials and CCO management and staff;
- (v) Advising the Minister on the operations and performance of CCO;
- (vi) Advising and assisting the Minister in meeting assigned ministerial responsibility with respect to CCO, including ensuring that the Minister is advised of the requirements of TB/MBC directives on the operation of agencies;
- (vii) Consulting with CCO's CEO or Chair, as needed, on matters of mutual importance, TB/MBC directives, and MOHLTC policies;
- (viii) Undertaking a review of CCO and its operations as directed by the Minister; and
- (ix) Co-operating with any review of CCO directed by the Minister or TB/MBC.

4.3 Roles and Responsibilities of Chair:

4.3.1 The Chair is responsible for:

a) Accountability

- (i) In consultation with the CEO, keeping the Minister or his or her delegate informed of issues or events relating to CCO or its mandate that may concern the Minister in the exercise of ministerial responsibilities and advising the Minister of these issues or events within the timeframes set out in Schedule B, and for urgent and/or emerging issues within 24 hours of such urgent and/or emerging issue(s) taking place (which is in addition to the obligations in Schedule B) ;
- (ii) Undertaking, on behalf of the Board, that public funds are used with integrity and honesty and ensuring value for money;
- (iii) Providing leadership to CCO and to the CEO in the development and implementation of a long-term vision for CCO and communicating that vision to stakeholders;
- (iv) With advice and direction from CCO's Corporate Governance/Nominating Committee, establishing a performance contract for the CEO;
- (v) Requiring all members of the Board to file a declaration of potential conflict of interest with the Chair; and
- (vi) Arranging for all Board members to be informed of all relevant conflict of interest policies and guidelines, and handling conflict of interest matters in accordance with Government guidelines, and the PSOA and regulations made under that Act. The Chair shall provide leadership in relation to the issue of conflict of interest, and shall hold Board members accountable for the proper performance of their obligations in relation to conflict of interest.

b) Policy Direction

- (i) Providing leadership to the Board and to the CEO, particularly with respect to the translation of Government policy and strategic objectives into CCO's business plans and activities;
- (ii) Ensuring, through the CEO, the implementation of the goals and long-term vision of CCO;
- (iii) In consultation with the CEO, providing the Minister with an assessment of potential policy implications arising from issues related to the mandate of CCO; and

- (iv) In consultation with the CEO, advising the Minister of the impact of Government policies on CCO's plans or activities.

c) Business Planning/General Management

- (i) Presiding over meetings of the Board and determining the agenda for Board meetings in consultation with other Board members and the CEO;
- (ii) Ensuring that committees and subcommittees of the Board are established as appropriate to fulfill the mandate of CCO;
- (iii) Assisting Board members in understanding their roles, responsibilities and obligations, and ensuring that all CCO Board members receive appropriate orientation or training in a timely manner;
- (iv) Providing the Minister with all formal documents and reports on the affairs of CCO following Board approval;
- (v) In consultation with the CEO and the Board, ensuring CCO's compliance with applicable TB/MBC directives as set forth in Section 13.3 hereof and any other directives that CCO may be subject to in the future;
- (vi) Reviewing CCO's business plans, budget and financial reports;
- (vii) Submitting to the Minister CCO's Annual Report, Annual Business Plan, board agendas and minutes, as directed by the Board in accordance with submission dates established by the MOHLTC;
- (viii) Monitoring the performance of the Board in discharging its responsibilities;
- (ix) Communicating policy and strategic direction for CCO to the CEO; and
- (x) Co-operating with any review of CCO directed by the Minister or TB/MBC.

4.4 Roles and Responsibilities of the Board

4.4.1 The Board is responsible for:

a) Accountability

- (i) Providing oversight of the affairs of CCO so as to fulfill its mandate and objects in accordance with its approved business plan and within the parameters established by the Cancer Act and this MOU;
- (ii) Appointing, establishing the remuneration of, and evaluating the CEO and ensuring that the CEO is responsible and accountable for the leadership and effective management of CCO and implementation of CCO's business plans;
- (iii) Ensuring performance measures and targets are developed for CCO, and monitoring and measuring the performance of CCO against those targets;
- (iv) Ensuring that a performance review system is in place for staff of CCO;
- (v) Directing the preparation of CCO's Annual Business Plan, Annual Report and other reports to the MOHLTC in keeping with the requirements of TB/MBC and this MOU;
- (vi) Ensuring that CCO operates within its approved budget allocation in fulfilling its mandate;
- (vii) Upholding the interests of CCO and the Crown through their conduct as directors in accordance with the requirements specified in the PSOA; and
- (viii) Ensuring that CCO complies with all applicable TB/MBC directives as referred to in Schedule A along with all related guidelines and policies.

b) Policy Direction

- (i) Providing overall direction to CCO, through the Chair;
- (ii) Ensuring that CCO provides policy advice to the Government concerning issues within the mandate of CCO;
- (iii) Reviewing and approving the goals, objectives, and strategic directions for CCO within its mandate as defined by the *Cancer Act* and this MOU;
- (iv) Approving operational policies, such as conflict of interest policies, to ensure that CCO uses public funds with integrity and honesty and ensuring value for money, fairness, transparency and effective controllership; and

- (v) Ensuring that CCO operates in accordance with the policy direction issued by the Minister and communicated to CCO.

c) Business Planning/General Management

- (i) Directing, through the CEO, the affairs of CCO so as to fulfill its mandate including the adoption of by-laws providing for the internal governance and operation of CCO, including conflict of interest requirements for the Board and Committee members;
- (ii) Ensuring, through the CEO, the establishment of a system of performance measurement and reporting, including commitments to attaining specific performance goals and reporting on performance against business plan or other objectives;
- (iii) Ensuring, through the CEO, the preparation of an Annual Report submitted to MOHLTC on performance measures, including achievements against targets, explanations for variances as well as targets for the next fiscal year;
- (iv) On the advice of the Board's Corporate Governance/Nominating Committee, selecting and appointing non-Board members to Committees of the Board;
- (v) On the advice of the Board's Corporate Governance/Nominating Committee, making recommendations to the Minister with respect to appointments and re-appointments to the CCO Board;
- (vi) Making decisions consistent with CCO's approved Annual Business Plan;
- (vii) Approving the MOU for CCO in a timely manner and authorizing the Chair to sign on the Board's behalf;
- (viii) Approving, for submission to the Minister, CCO's plans, reports, and reviews within the timelines set out in this MOU or otherwise set by the MOHLTC (provided such timelines are communicated to CCO in writing within 30 days prior to taking effect);
- (ix) Approving, for submission to the Minister, the Annual Report within the timelines in the *AEAD*;
- (x) Appointing the CEO and ensuring that a performance evaluation for the CEO is in place that includes the performance indicators and responsibilities of the CEO in meeting his/her obligations to support

the Chair and the Board effectively and communicate effectively with the Minister and MOHLTC;

- (xi) Ensuring, through the CEO, that job classifications, job descriptions, personnel qualifications, salary ranges and other benefits as well as a performance review system are established for all employees of CCO;
- (xii) In consultation with the CEO, proposing changes to CCO's mandate to the Minister as required;
- (xiii) Arranging for audits of CCO as needed;
- (xiv) Directing that corrective action be taken by CCO if needed;
- (xv) Appointing advisory committees as required to provide technical, professional or other advice or stakeholder input;
- (xvi) Co-operating with any review of CCO as directed by the Minister or TB/MBC;
- (xvii) Consulting, as appropriate, with stakeholders on CCO's goals, objectives, and strategic directions; and
- (xviii) Ensuring that a system is in place for the creation, collection, maintenance and disposition of records.

4.5 Roles and Responsibilities of the CEO

4.5.1 The CEO is responsible for:

a) Accountability

- (i) Managing the business, resources and business processes of CCO;
- (ii) Reporting to the Chair on performance results of CCO;
- (iii) Meeting performance objectives approved by CCO;
- (iv) Reporting annually on the performance results of his/her performance contract to the Board;
- (v) Managing the operations of CCO within the approved business plan and establishing and applying a financial management framework to support decision-making;

- (vi) Preparing, for approval by the Board, a performance review system for staff, and implementing the system;
- (vii) Ensuring CCO abides by all applicable federal, provincial and municipal laws, rules, orders, regulations and by-laws that apply to it; and;
- (viii) Continuous monitoring of CCO's operations and reporting performance to the Chair and to the Board.

b) Policy Direction

- (i) Providing strategic leadership to CCO;
- (ii) Leading the development of CCO's strategic plan and business plans for approval by the Board;
- (iii) Advising the Chair and the Board on applicable TB/MBC Directives and MOHLTC policies and procedures;
- (iv) Providing advice for setting the goals, objectives, and strategic directions for CCO within its mandate as defined by the *Cancer Act* and this MOU, for approval by the Board;
- (v) Developing and applying policies to ensure that public funds are used with honesty and integrity and ensuring value for money, fairness, transparency and effective controllership; and
- (vi) Ensuring that CCO operates in accordance with the policy direction issued by the Minister as communicated to CCO.

c) Business Planning/General Management

- (i) Recruiting, training and supervising senior staff in support of CCO's functions;
- (ii) Establishing appropriate systems and processes including establishing and applying a financial management framework to support decision making for the effective administration of CCO;
- (iii) Implementing policy decisions of the Board, establishing systems and managing activities of CCO in accordance with the Annual Business Plan and approved budget allocation and with CCO's By-laws;

- (iv) Developing an operational risk management plan for Board approval and on approval, implementing it for CCO;
- (v) Preparing formal documents relating to the fulfillment of CCO's mandate (including budgets, Annual Business Plans, reports and other documentation) for approval by the Board in accordance with required timetables;
- (vi) Managing the implementation of a conflict of interest policy for staff and consultants;
- (vii) Carrying out in-year monitoring of CCO's operational performance and reporting on it to the Chair and the Board;
- (viii) Managing the day-to-day operations and financial affairs of CCO and securing the fulfillment of its mandate in accordance with the *Cancer Act*, this MOU and with accepted business and financial practices and standards and within applicable TB/MBC Directives and Guidelines;
- (ix) Supporting the Chair and the Board in meeting their responsibilities;
- (x) Seeking advice and support from the MOHLTC, as appropriate, on day-to-day management issues;
- (xi) Ensuring that CCO has an emergency response plan including a business continuity plan;
- (xii) Acting as the ethics executive as required under the PSOA;
- (xiii) Consulting with the Deputy Minister of the MOHLTC and the Deputy Minister of other applicable Ontario Government Ministries, as required, on matters of mutual importance including on applicable TB/MBC Directives and MOHLTC policies;
- (xiv) Co-operating in any review of CCO directed by the Minister or TB/MBC, and with any identified corrective action;
- (xv) Communicating and requiring CCO staff to adhere to a communications and issues management protocol described in section 5.1.1 and Schedule B;
- (xvi) Keeping the Chair and Board informed and up-to-date on operational matters; and

- (xvii) Establishing a system for the retention and disposition of formal CCO documents and for appropriately making such documents publicly available.

5.0 INFORMATION EXCHANGE AND COMMUNICATIONS

5.1 General

- 5.1.1 The MOHLTC and CCO shall follow the information exchange and communication and issues management protocol attached as Schedule B.

6.0 REPORTING REQUIREMENTS

6.1 Performance Measurement

- 6.1.1 The Board, through the Chair, shall require CCO to implement a system of performance measurement and reporting including, but not limited to, performance measures and standards, annual baseline reporting and monitoring systems to be mutually agreed to by the MOHLTC and CCO. The system shall include commitments to attaining specific performance goals within specified time frames. The system of performance measurement and reporting is to be included in the Annual Business Plan.
- 6.1.2 The Minister will table CCO's Annual Report in the Legislative Assembly according to timelines specified in the *AEAD* and in accordance with the *Standing Orders of the Legislative Assembly*.
- 6.1.3 CCO, through the Chair, shall ensure that the reports and documents are prepared, approved and submitted to the Minister for review and approval, in accordance with the timelines set out in this MOU. CCO, through the Chair, shall ensure that the submission and approval to the Minister of the Annual Report shall be in accordance with timelines in the *AEAD*.
- 6.1.4 CCO will develop a formal process for responding to complaints about the quality of services received by its customers consistent with the Government's service quality standards. CCO's Annual Business Plan will include performance measures and targets for client service and CCO's response to complaints.

6.2 Annual Business Plan

- 6.2.1 On or before October 31 in each year, or another date specified by the Minister and communicated to CCO in writing, the Board shall submit through the Chair a copy of CCO's Annual Business Plan for the next ensuing fiscal year to the Minister for approval.
- 6.2.2 The Annual Business Plan requires the approval of the Board and the Minister.

- 6.2.3 The Annual Business Plan shall include a three-year rolling budget (one year allocation and two-year planning allocations), the strategic objectives for CCO, and a statement of any performance measures CCO will meet.
- 6.2.4 The Annual Business Plan shall be prepared in accordance with the requirements specified in the AEAD (as set out in clauses (a) through (m) below), and shall also include or deal with the other matters set out in clauses (n) through (u) below:
- a) Confirmation of CCO's object and mandate;
 - b) CCO's strategic directions;
 - c) An overview of CCO's current and forthcoming programs/activities;
 - d) Resources needed to meet goals and objectives;
 - e) Assessment of issues facing CCO;
 - f) Performance measures and targets;
 - g) Proposed operating expenditures, projected revenues and funding requirements;
 - h) Summary of staff numbers; impact of business plan on human resources; and a staff and management compensation strategy;
 - i) Proposed capital expenditures;
 - j) Risk assessment and management strategy;
 - k) Initiatives involving third parties;
 - l) An implementation plan;
 - m) A communication plan;
 - n) CCO's Vision and Mission Statements;
 - o) A description of CCO's corporate governance structure;
 - p) Projected revenues including research funding, and their sources and capital and operating expenditures;
 - q) Yearly reporting requirements consistent with the multi-year reporting framework;
 - r) A detailed listing of any written directives issued by the Minister to CCO under this MOU; and
 - s) Any other requirements imposed under applicable MBC directives.

- 6.2.5 The Minister will review CCO's Annual Business Plan and will advise the Chair promptly, and will make his best efforts to advise CCO no later than March 31 in each year whether or not the Minister concurs with the directions proposed by CCO. The Minister will advise the Chair where and in what manner plans vary from government or ministry policy or priorities, and CCO will revise its plans accordingly.
- 6.2.6 Once every three years on a rotational basis and by the end of the government's fiscal year, the Ministry will provide to MBC a copy of the business plan for CCO. MBC, in its controllership role, will review and approve the plan as needed.

6.3 Annual Report

- 6.3.1 CCO's Annual Report shall be prepared in accordance with applicable TB/MBC directives; shall be approved by the Board and submitted to the Minister within 120 days after the fiscal year end. The Annual Report shall include, at a minimum:
- a) A discussion of performance targets achieved/not achieved and of action to be taken;
 - b) An analysis of CCO's operational performance;
 - c) An analysis of CCO's financial performance;
 - d) An explanation to the satisfaction of the Minister with respect to any major variance from the approved business and financial plan;
 - e) Audited financial statements;
 - f) Any other requirements imposed by future applicable TB/MBC directives;
 - g) A detailed listing of any directives issued by the Minister to CCO; and
 - h) Names of appointees including when each was first appointed, and when the current term of appointment expires;
- 6.3.2 The Minister shall table CCO's Annual Report with the Clerk of the Legislative Assembly within 60 days of receipt, after which time, the Annual Report becomes a public document except where the Minister notifies CCO in writing within thirty (30) days after having received the Annual Report of the Minister's intention to change and/or extend the date on which the Annual Report will be tabled with the Clerk.

6.4 Financial Reports

- 6.4.1 CCO shall submit to the Minister an audited annual financial report within 120 days after the fiscal year end, of every year during which this MOU is in effect.
- 6.4.2 The audited annual financial report required shall clearly describe CCO's expenditures and revenues and shall categorize them in accordance with

accounting principles generally accepted in Canada as recommended by the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants. The audited annual financial report shall also include sources and amounts of external funding and the interest earned on funding for each fiscal year.

- 6.4.3 CCO shall also prepare and submit quarterly financial statements detailing revenue and actual expenditures to the MOHLTC. These statements should be signed by the designated financial officer of CCO and be delivered within 30 days of the end of the second, third and fourth quarters.

6.5 Other Reports

- 6.5.1 CCO shall submit to the Minister any other reports as may be requested by the Minister from time to time, within the timeframes established by the MOHLTC and communicated to CCO.

7.0 FINANCIAL ARRANGEMENTS

- 7.1 CCO will be funded out of the Consolidated Revenue Fund pursuant to an appropriation authorized by the Legislature, unless otherwise provided.
- 7.2 The revenues and investments of CCO will not form part of the Consolidated Revenue Fund and will be applied solely to carry out CCO's object.
- 7.3 CCO's budget is allocated based on its agreed upon Annual Business Plan. Projects that are requested by the MOHLTC to be carried out by CCO outside of the Annual Business Plan must have dedicated funding attached to them.
- 7.4 Financial arrangements are subject to amendment by such revenue policy directives as TB/MBC or the Ministry of Finance may issue.
- 7.5 Financial procedures of CCO must be in accordance with applicable TB/MBC directives and guidelines as set out in Section 13.3 hereof, Ministry of Finance directives and other relevant directives as communicated to CCO.
- 7.6 CCO is responsible for the maintenance of documentation and information to support expenditures, including books of account and related records, and financial management control and information systems and management practices.
- 7.7 CCO shall acknowledge the financial support of the Government through the MOHLTC in all its financial, educational and promotional materials in accordance with guidelines established by the MOHLTC.

- 7.8 CCO will provide or arrange for insurance coverage to protect itself against all claims that might arise from anything done or omitted to be done by CCO or its directors, officers, employees, independent contractors or agents, and from anything done or omitted to be done where bodily or personal injury, death, or property damage, including loss of use thereof, is caused.
- 7.9 CCO is exempt from the requirement to pay, collect and remit GST to the federal government.

8.0 ACQUISITION OF GOODS AND SERVICES

- 8.1 CCO falls within the definition of “Other Included Entities” as contained in the MBC Procurement Directive listed in Schedule A and as such, CCO shall perform its object and mandate in compliance with the requirements contained therein.
- 8.2 For greater clarity, CCO shall have access to the Government’s vendors of record.
- 8.3 CCO shall establish and follow an information and information technology (I&IT) gating policy and related processes and procedures which defines the gateway review processes for CCO’s internal review of I&IT projects and incorporates, among other things, review and decision points at critical project lifecycle transitions.

9.0 RECOVERY OF UNSPENT MOHLTC FUNDS

- 9.1. When ordered to do so by the MOHLTC, CCO shall pay into the Consolidated Revenue Fund any money that the Minister of Finance determines is surplus to its requirements.
- 9.2 The Parties acknowledge that funds provided to CCO from sources other than Government are funds of CCO and CCO may use these funds solely for the purpose of carrying out its objects.

10.0 AUDIT ARRANGEMENTS

10.1 Audit

- 10.1.1 As stated in section 12 of the *Cancer Act*, the affairs of CCO are to be audited annually by the Office of the Auditor General of Ontario or such auditor as the Lieutenant Governor in Council designates.
- 10.1.2 Regardless of any annual external audit, the Minister may direct that CCO be audited.
- 10.1.3 CCO will promptly provide a copy of every report from an audit to the Minister. CCO will also provide a copy of its response to the audit report and any

recommendations therein. CCO will advise the Minister annually on any outstanding audit recommendations.

10.1.4 The Minister will provide a copy of all financial audits to the Minister of Finance.

11.0 AGREEMENTS WITH OTHERS

- 11.1 CCO, through its CEO, shall ensure that any agreements that it enters into with other ministries of the Government, other governments, universities, hospitals, research, planning bodies, other health and social service agencies or any other person are consistent with CCO's object and mandate and serve the public good.
- 11.2 On request, CCO shall provide the Minister with copies of any written agreements entered into by CCO, within the timelines set by the Minister, subject to any confidentiality provisions imposed by such agreements or at law.
- 11.3 The MOHLTC and CCO will work toward the establishment of an accountability agreement that will contain terms and conditions which are in addition to the terms and conditions contained in this MOU. This accountability agreement will include provisions in respect of the funding that the MOHLTC provides to CCO as well as system outcomes to be achieved over the term of the accountability agreement. The goal of this accountability agreement is to bring the multiple existing program agreements between the MOHLTC and CCO together under an umbrella agreement.

12.0 CREATION, COLLECTION, MAINTENANCE AND DISPOSITION OF RECORDS

- 12.1 CCO will comply with all applicable legislation, including *PHIPA*, in collecting, using, disclosing, retaining and disposing of Personal Health Information.
- 12.2 Until such time as CCO is designated as a public body within the meaning of the *Archives and Recordkeeping Act, 2006*, CCO shall handle all of its records in a manner that is consistent with the *Archives and Recordkeeping Act, 2006*. In the absence of CCO receiving an approval of a records schedule pursuant to s. 12 of the *Archives and Recordkeeping Act, 2006*, CCO shall retain and preserve and shall not dispose of its public records until such a time as the Archivist of Ontario approves its records schedule.
- 12.3 CCO shall keep and maintain all financial records, invoices and other financially related documents relating to funding provided by the MOHLTC or otherwise to the activities of CCO in a manner consistent with generally accepted business practices. CCO shall maintain such records and keep them available for review by the MOHLTC for at least 7 years or in accordance with Government of Ontario Common Series for Administrative records.

- 12.4 CCO shall maintain and manage all non-financial documents and records relating to funding received from the MOHLTC or otherwise related to the activities of CCO, including any records it receives or creates relating to report subjects, in a confidential manner consistent with the *Archives and Recordkeeping Act, 2006* and all other applicable laws and in accordance with the Management of Recorded Information Directive and any other applicable directives.
- 12.5 CCO shall permit the MOHLTC, upon reasonable notice, to inspect and copy any financial records, invoices and other financially related documents, or any non-financial documents and records in the possession or under the control of CCO which relate to MOHLTC funding or otherwise to the activities of CCO. This does not include personal information or Personal Health Information.
- 12.6 No provision in this MOU shall be construed so as to give the MOHLTC any custody or control whatsoever over CCO's records.

13.0 ADMINISTRATIVE ARRANGEMENTS

13.1 Management and Accounting Principles

- 13.1.1 CCO shall employ its own administrative support services and is responsible for conducting all of its business and operations in accordance with applicable Government policy and generally accepted management and accounting principles.

13.2 Sharing Data and Information Systems

- 13.2.1 CCO, through the CEO will, at the request of the Minister or the Deputy Minister, and subject to *PHIPA* and other applicable legislation and laws, supply specific data and other information that may be required from time to time for the purposes of MOHLTC administration or such other purpose as the Minister or Deputy Minister requires, in as timely a manner as possible.
- 13.2.2 The MOHLTC acknowledges that CCO requires access to data and other information, including Personal Health Information, that is in the custody or control of the MOHLTC in order to fulfil its mandate and objects as set out in this MOU and the *Cancer Act*. Accordingly, the MOHLTC shall support all such data requests from CCO, and shall ensure that all such data requests are filled in a timely basis, subject to the entering into of an appropriate data sharing agreement and compliance with the requirements of *PHIPA*.
- 13.2.3 In developing its information systems, CCO will ensure alignment with the provincial e-health strategy as available and feasible.

13.3 Management Board Directives

- 13.3.1 CCO is subject to the TB/MBC directives listed in Schedule A to this MOU along with all related guidelines and policies. Schedule A will be revised from time to time to reflect any additional directives that are approved by TB and/or MBC as applying to CCO and any directives from which TB and/or MBC may exempt CCO. Unless otherwise agreed to by the Parties in writing, any revisions to Schedule A require an amendment to this MOU in accordance with the process set forth in Article 1.8 herein.
- 13.3.2 If CCO is exempted by TB/MBC from TB/MBC directives, CCO will develop its own policies and procedures as directed by TB/MBC.

13.4 Legal Services

- 13.4.1 CCO requires legal services in order to carry out its operations. Legal services to CCO shall be provided by independent counsel retained by CCO.

14.0 STAFFING, REMUNERATION AND APPOINTMENTS

- 14.1 CCO employees are appointed and hired by CCO and are not employees under Part III of the *PSOA*.
- 14.2 CCO may engage persons other than those appointed under 14.1 of this MOU to provide professional, technical or other assistance on behalf of CCO and CCO may prescribe their duties and other terms of engagement and provide for payment of their remuneration and expenses in accordance with all applicable directives, guidelines and policies.
- 14.3 In developing its own human resources policies and practices, CCO shall reflect the following principles:
- a) Key principles to guide policy direction on compensation;
 - b) A requirement for merit-based competitive processes and fair treatment; and
 - c) A requirement to put in place a Workplace Discrimination and Harassment Prevention policy and related resolution processes.
- 14.4 The Parties acknowledge and agree that, in the interests of good governance, appointments and re-appointments to the Board will be assessed against an agreed upon set of skills and competencies. The Parties further agree that the Minister shall consult with CCO, through its Chair, to receive the advice of CCO's Corporate Governance/Nominating Committee, prior to making appointments and re-appointments to the CCO Board, while retaining the ultimate authority to make recommendations to the Lieutenant Governor-in-Council in this regard.

The authorized signatories for the Parties have signed this MOU as of the dates indicated.

CANCER CARE ONTARIO

December 2, 2009
Date

Chair – Mr. Richard Ling

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
as represented by the MINISTER OF HEALTH AND
LONG-TERM CARE**

Date

**The Honourable Deborah Matthews
Minister
Ministry of Health and Long-Term Care**

Approved by Management Board of Cabinet on:

October 22, 2009

Schedule A

Applicable TB/MBC Directives (effective as of December 2, 2009)

This Schedule will be consolidated from time to time to reflect any additional directives that are approved by TB and/or MBC as applying to CCO and any directives from which TB and/or MBC may exempt CCO. Unless otherwise agreed to by the Parties in writing, any revisions to Schedule A require an amendment to this MOU in accordance with the process set forth in Article 1.8 herein.

The following directives apply to CCO:

	Directive	Cancer Care Ontario
1	Accountability Directive dated September 30, 1997	Applies
2	Agency Establishment and Accountability Directive dated February 2000	Applies
3	Advertising Content Directive dated June 2006	Applies
4	Business Planning and Allocations Directive dated April 2000	Applies
5	Cash Management Directive dated August 2004	Applies
6	Disclosure of Wrongdoing Directive (appointees and agencies) dated June 2008;	Applies
7	Expenditure Management Directive dated April 2000	Applies
8	Corporate Financial Policies (Ministry of Finance)	All relevant Corporate Financial Policies will apply.
9	Government Appointees Directive <i>Addendum to Appointees, effective September 1, 2006</i>	Applies
10	Internal Audit Directive dated November 28, 2002	Applies
11	Procurement Directive on Advertising, Public and Media Relations, and Creative Communications Services dated June 17, 2006	Applies (including any amendments or restatements from TB/MBC in

	Directive	Cancer Care Ontario
		Summer/Fall 2009)
12	Transfer Payment Accountability Directive dated August 31, 2007 and 2008 Qs and As (NEW – Released August 2007)	Applies
13	Visual Identity Directive dated February 2006	Applies
14	Procurement Directive (NEW – Released July, 2009)	Applies in part to CCO as CCO is an Other Included Entity
15	Travel, Meal and Hospitality Expenses Directive dated December 20, 2006	Applies (including any amendments or restatements from TB/MBC in Summer/Fall 2009)
16	Ministry of the Attorney General, Corporate Operating Policy on Acquiring and Using Legal Services, approved by Management Board of Cabinet January 23, 2003	Does not apply
17	Management of Recorded Information Directive June 1992	Applies
18	Managing, Distributing and Pricing Government Information (Intellectual Property), 1998	Applies

Schedule B

INFORMATION EXCHANGE, COMMUNICATION AND ISSUES MANAGEMENT PROTOCOL

General Agreement. The Parties recognise that the timely exchange of information and consultation is essential to success in discharging their respective roles, responsibilities and accountabilities.

Duty to Advise Minister. The Board, through its Chair, shall keep the Minister advised of issues or events that concern or can be reasonably expected to concern the Minister in the exercise of his or her responsibilities. These issues or events will be communicated by the Chair to the Minister within the time-frame(s) required in this MOU.

Communications. Communication between the Ministry's Communications and Information Branch (CIB) and CCO will be through the VP, Public Affairs or designate at CCO to the Executive Director of CIB or designate, when required.

Advertising, Marketing Communications, Public Relations and Positioning

Guiding Principles

- 1 The Parties acknowledge that a professional and effective communications program is critical to the success of CCO. CCO and the CIB will work collaboratively to develop a single communications strategy, which encompasses both public and provider communications initiatives so that there is alignment in timing of activities, where applicable.
2. All joint communications activities will be conducted in a systematic manner, according to a communications plan that involves an approval process by each Party.
3. Government of Ontario protocols, including: Advertising Review Board criteria, the *Government Advertising Act*, visual identity standards and the requirement of sourcing to Ministry vendors of record, will apply in all cases.

Relevant Directives on Procurement and Content

The acquisition of communications services shall be conducted according to the Directives. This includes agencies providing advertising, creative, public relations, market research or media buying services. Any communication agencies retained by CCO will be engaged through established Advertising Review Board processes and guidelines. Unless otherwise agreed, CCO will be subject to the following Ministry of Government Services Directives governing communications:

- (i) Procurement Directive on Advertising, Public and Media Relations, and Creative Communications Services;
- (ii) Advertising Content Directive;

- (iii) Visual Identity Directive; and
- (iv) Section 7.7 of the Procurement Directive dated July 2009 (Public Opinion Polls and Market Research Studies)

Visual Identity Compliance Transition. From the effective date of this MOU, CCO shall undertake a gradual and phased-in approach of the official visual identity for an Operational Service Agency (Agency/Program Logo) to ensure cost control and to follow a strict “no waste” policy. The Agency/Program Logo visual identity will be introduced by substituting, on an as-needed basis, whenever an item carrying the former logo is reordered or needs to be replaced. CCO is required to use up existing stocks of materials (carrying the former logo) before ordering new material with the new logo and to not replace signage and other semi-permanent items unless worn out or needing replacement (e.g. change of name, change in use of the building, etc.)

Communications Planning.

CCO shall develop and implement a communications plan each year. This communications plan shall be approved by CCO’s Board and the CEO and will subsequently form part of CCO’s Annual Business Plan and shall be submitted annually by CCO to the Ministry through CIB...

Consistent with Annual Business Plan. CCO will use best efforts to ensure that all products arising from the communication plan will be in keeping with the plan in the Annual Business Plan.

Coordination of Communications Plan. The CEO and the Ministry’s Executive Director of CIB will work co-operatively to implement a comprehensive, multifaceted communications plan that is coordinated with the Ministry’s efforts to support and facilitate all aspects of CCO’s mandate described in Section 1.6 of the MOU and may include CIB involvement in working groups on major initiatives.

Market Research. CCO will provide, in a timely manner, any public, provider, or other market research involving the development of communications plans or strategies to CIB for review. This research will be undertaken by an approved vendor of record following the government procurement rules. CCO agrees to follow an approved vendor of record research proposal and implementation process as agreed to by both parties in advance of any research expenditures and based on the approval of a business case.

Evaluation. CCO will provide communications program activities performance data, evaluation reports, and budgeting, semi-annually.

Implementation Operations

Notification of CIB. CCO’s communications staff will:

- (a) keep the Executive Director of CIB or designate fully apprised of developments and issues in a timely way to ensure appropriate government review and response,

- (b) Issues Management and Media Relations: keep the Executive Director of CIB or designate fully apprised of any news release or other planned media communication in a timely way and consistent with timelines for “Communications Products” as set out in clause(a) under “Content and Timing of Communications”, below; and
- (c) Be accountable for notifying CIB of issues as soon as these come to the attention of CCO.

Notification of CCO. CIB will be accountable to CCO for:

- (a) ensuring that issues raised by CCO are brought to the attention of the Minister’s Office through established issue management protocols and procedures,
- (b) keeping it fully apprised of developments and issues in a timely way to ensure appropriate CCO review and response; and
- (c) providing any required feedback to CCO in a timely fashion.

Issue Management Protocols. CCO and the Ministry shall establish and follow issue management protocols and procedures for responding to media issues or other issues or events relating to CCO that may be reasonably expected to concern the Government.

Publication and Web Designs. CCO’s communication activities and branding shall be managed in accordance with this protocol and the Directives. Print and web communications will be developed and produced according to Directives on design, content and procurement of production services and will adhere to communications approval protocol by CIB and utilize appropriate visual identity standards.

Consultation with/reporting to the Ministry. CCO shall ensure that it consults with the Ministry on planned public communication strategies and publications as set out in this MOU and will report on project status and development on a semi-annual basis.

Reasonable Advance Notice. CCO and CIB shall provide each other with reasonable advance notice on the content and timing of any public announcement, news release or media communication:

Urgent or Emerging Issues. Despite the timelines set out below for specific types of communications, all public announcements and media communications related to urgent and/or emerging issues shall require either CIB or CCO , as the case may be, to provide the other party with notice of such announcement or communication as soon as possible prior to release.

Content and Timing of Communications. CCO and CIB shall provide each other with reasonable advance notice on the content and timing of the following communications. Where possible, the parties will use the timelines below as a guideline for such notice:

(a) Communications Products

- (i) News Releases – identify 7 days before release and share materials 48 hours before release;
- (ii) Reports and other publications – 30 days prior to public release;
- (iii) Web designs – 14 working days before launching;
- (iv) Marketing communications materials (print collateral such as pamphlets, posters), - two weeks prior to production and 30 days prior to public release;
- (v) Recommended advertising creative – 21 working days prior to voluntary submission to Office of the Auditor General (OAG); or in the case of web, internet or social media prior to final production;
- (vi) Final advertising creative – 14 working days prior to submission to OAG; or in the case of web, internet or social media prior to final production;
- (vii) Recommended media buying plan – 14 working days prior to submission to OAG and any media expenditures have been undertaken;

(b) Implementation Strategies (supplementary to Annual Business Plan and communications plan)

- (i) Public relations plan – 21 working days prior to launch;
- (ii) Market research business case – 30 working days prior to CCO briefing; or awarding of any market research studies.
- (iii) Digital marketing strategy (including websites) – 14 working days prior to CCO briefing
- (iv) Paid advertising plans – 21 working days prior to production.

Notice of Public Consultations. CCO and CIB shall each ensure that it notifies the other party when either CCO or the Ministry, as the case may be, undertakes public consultations that in the case of Ministry, are relevant to CCO's business.

Results of Public Consultations. CCO and CIB shall each inform the other Party of the results of stakeholder and other public consultations and discussions and will seek input into plans to implement same.

Review of Paid advertising and Public Notices. All plans for proposed paid advertising, including public notices or regulatory advertising, must be reviewed in advance by CIB prior to creative development and/or the purchase of media, for compliance with the *Government Advertising Act, 2004* and its regulations, as amended (the “GAA”) along with any applicable communications-related directive.

Review under GAA. If an item is deemed reviewable under the GAA, the CIB will manage the submission with the Office of the Auditor General using the protocols established for submission, on behalf of CCO. The Office of the Auditor General requires seven business days from receipt to review submissions. CIB requires 3 business days to review the submission.

Acknowledgement of Ministry. CCO shall acknowledge the financial support of the Government through the Ministry in all its financial, educational and promotional and communications materials and reports in accordance with the Directives, considering established visual identity standards of the Government of Ontario.

Principal Media Focus. CCO will act as the principal media focus for all aspects of its mandate described in Section 1.6 of the MOU.

Duty to Respond. CCO will respond to public inquiries, complaints and concerns with respect to the activities and operations of CCO and will report any potential or foreseeable issues, as relevant, to CIB.