Katja Awender

From: John Mascarin <jmascarin@airdberlis.com>
Sent: September 10, 2025 12:23 PM
To: Jennifer Marshall
Subject: RE: FOI question

EXTERNAL EMAIL. Please check sender.

Jennifer,

I am not certain that a member forwarding a confidential legal opinion to a personal email address is necessarily inappropriate. It is confidential and so cannot be shared with external persons but there is no evidence that it actually was although it raises a suspicion.

Does the Township have a policy on the use of personal cell phones for township business? For example, is there somewhere a preclusion from a council member doing so. If so, it may constitute a potential breach that you should alert the CAO.

If the legal opinion was emailed to an external address that would constitute a breach of the code of conduct and a breach of fiduciary duty in which case it might be necessary to advise council.

The fact that the legal opinion is now disclosed does not mitigate the breach of confidentiality at the time.

John

John Mascarin
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From: Jennifer Marshall <jennifer.marshall@springwater.ca>
Sent: September 10, 2025 12:03 PM
To: John Mascarin <jmascarin@airdberlis.com>
Subject: FOI question

Good morning John!

This email is not about a Strong Mayor question which I'm sure comes as a surprise…however it is still related to the Barrie Boundary Adjustment matter. As I'm sure you're aware, a controversial topic generates FOI requests. One request we are working on is for Council members emails. As we are working through the responsive emails, we can see that a council member has forwarded a

confidential legal opinion to their personal email address. As we work through an FOI and come across something like this, are we obligated to do anything about this? Would it be different if we saw that they forwarded a legal opinion to another email address rather than their personal one? I would note that at this point, the said legal opinion has been made public by Council.

Thanks in advance for your assistance.

Regards,

Jennifer Marshall, AMP (She/Her)
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