



Office of the
Conflict of Interest and
Ethics Commissioner

Commissariat aux
conflits d'intérêts et
à l'éthique

CONFIDENTIAL

June 11, 2020

Sent by email to: Charlie.Angus.P9@parl.gc.ca

Mr. Charlie Angus
Member of Parliament for Timmins–James Bay
House of Commons
Wellington Building, Room 265
Ottawa, Ontario K1A 0A6

Subject: Request for an examination under the *Conflict of Interest Act*

Dear Mr. Angus:

I have reviewed your second letter of May 13, 2020, in which you request that I undertake an examination under the *Conflict of Interest Act* (Act) of the conduct of Mr. David MacNaughton, Canada's former Ambassador to the United States, relating to his appointment to the Board of TC Energy and his ongoing role as Canadian President of Palantir Technologies.

In your letter, you allege that given the importance of the Keystone XL pipeline to the Canadian and US governments, Mr. MacNaughton may have contravened section 35(1) of the Act. This provision prohibits public office holders from accepting appointments from companies with which they had direct and significant dealings during their last year in office. Your letter did not include any supporting information.

After looking into the matter, the Office found no evidence to support the allegation that Mr. MacNaughton had direct and significant official dealings with TC Energy during his last year in public office. As a result, I will not be looking further into this matter.

You also wrote that during Mr. MacNaughton's tenure as Canadian President of Palantir Technologies, he has spoken regularly to ministers and public office holders in the Prime Minister's Office. You cite an article from *Politico* which states that Mr. MacNaughton

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claimed that he has not discussed Palantir Technologies' business with them, but that he regularly speaks to people about public policy issues.

You believe that as a past co-chair on a major federal election campaign, Mr. MacNaughton has extensive partisan ties with the governing party and that he provides credibility to companies looking to do business with the Trudeau government. You are of the view that the Act was created in part to prevent former public office holders with close partisan ties to an incumbent government from taking advantage of their political connections to help advance private interests.

As a result, you allege that Mr. MacNaughton is in contravention of section 33 of the Act, which prohibits former public office holders from taking improper advantage of their previous public office and subsection 35(2) of the Act, which prohibits former public office holders from making representations to anyone with whom they had direct and significant official dealings during their last year in office.

Although you admit not knowing whether the direct commercial interests of Palantir Technologies have been discussed in his meetings, you believe Mr. MacNaughton is well placed to make the Liberal government more amenable to the business interests of Palantir Technologies in receiving government contracts or a favourable regulatory environment.

Subsection 44(2) of the Act requires the Member requesting an examination to set out the reasonable grounds for the belief that the contravention has occurred. Your letter does not provide me with any information to support your allegation other than your assertion that Mr. MacNaughton's partisan ties with the governing party is, in and of itself, a conflict of interest. As a result, your request does not satisfy the requirements under subsection 44(2) of the Act.

Nonetheless, given the information in the public domain relating to Mr. MacNaughton's communications with the Government of Canada on behalf of Palantir Technologies, and additional information the Office has obtained on the matter, I have reason to believe that a contravention of sections 33 and 35(2) may have occurred. As a result, I have initiated an examination under subsection 45(1), and have so informed Mr. MacNaughton.

Thank you for bringing this matter to my attention.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mario Dion', with a stylized, cursive script.

Mario Dion
Conflict of Interest and Ethics Commissioner