

RED HILL VALLEY PARKWAY INQUIRY

AFFIDAVIT OF PETER MACNEIL (affirmed August 31, 2022)

I, **Peter MacNeil**, of the County of Haldimand, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I was the Chief Security & Technology Architect of the City of Hamilton (the “City”) from 2007 until my retirement on December 31, 2019. I began my employment with the City in 2001. I have knowledge of the matters set out below, except where this knowledge is based on information and belief, in which case I state the source of that information and verily believe it to be true.

City Network Drives and IT Systems

2. My work at the City was primarily focused on information security, although I did work related to technology architecture and infrastructure design as well. I was responsible for the City’s Security & Technology section, which was part of the Information Technology division in the City’s Finance and Corporate Services Department. Security & Technology had overall responsibility for information security across the City.

3. There were application administrators working within many of the City’s other departments, such as the Public Works department. Application administrators did not generally report to the Information Technology division. The application administrators in

Public Works did not report to the Information Technology division. They were responsible for their department's applications, while Information Technology focused on the City's servers, networks, City-wide applications, and security controls.

4. Within the City, network drives accessible only to one individual were called personal drives (M Drive). There were also network drives that were accessible to everyone in a given section, division, or even department (if the department was small). These were usually referred to as N drives. There was an S Drive, where people could share documents and information across the entire City. The IT Infrastructure & Operation section assigned access permissions for those network drives, but they did not know the content of what was stored on the drives.

5. Use of the S Drive was based on the individual user. In my experience, staff would use it as a temporary storage place for documents and information, although some sections asked the IT Infrastructure & Operations section to set up access controls for this drive. This would allow them to put things on the S Drive, but limit the access rights to a project team and/or other specified group of people.

6. N Drives were used to share information within Public Works (and other City departments), at the departmental or divisional level depending on the size of the organizational unit. City staff also used various drive letters (e.g. K, O, P and T) to refer to shared network drives for other purposes. Different sections or working groups would use these letter terms to refer to different drives in different locations. For example, a section within Public Works may have used "K Drive" to refer to share section-specific information that didn't belong on the division's N Drive.

7. Information Technology had a “File Services Management Policy”, which outlined how centralized network file services like the M and N Drives should be used (HAM0062641_0001).

ProjectWise

8. The Public Works Department had a number of document management systems, including the ProjectWise application and network drives. There were other applications, in addition to ProjectWise, utilized by the Public Works Department.

9. Information Technology helped Charlie Lauricella (Senior Project Manager, Technical Services, Public Works) and the City’s vendor, Bentley Systems, by setting up the server ProjectWise ran on. Infrastructure & Operations set up and monitored the server to make sure it was running properly. My section, Security & Technology, set up firewalls and other security controls as requested by Public Works and Bentley systems. However, my staff and I were not involved in setting access permissions within ProjectWise or otherwise involved in dealing with what was inside the ProjectWise application.

My knowledge of the Tradewind Report

10. I believe I learned of the Tradewind Report in advance of the City’s press release to the public and the subsequent emails to City staff on or around February 6, 2019.

11. I recall learning that Gord McGuire (Director, Engineering Services) had found a report with respect to the road surface on the RHVP that had not gone to Council. However, I do not recall if this information came from Audit Services, Dan McKinnon

(General Manager, Public Works), or Mike Zegarac (Interim City Manager). I was not asked to find the Tradewind Report, but I was advised of this context for the Tradewind Report when I was asked to locate and secure other information and documents in the possession of City employees.

12. I was never asked to secure the copy of the Tradewind Report opened by Mr. McGuire on September 26, 2018. I was not asked to determine and/or confirm whether Gord McGuire opened the Tradewind Report on September 26, 2018 (HAM0055560_0001). I do not know if Mr. McGuire accessed this document on ProjectWise or on the N Drive. My section, Security & Technology, had no way to determine who accessed a file on the N Drive or when that file was accessed. With respect to the N Drive in 2018-2019, my team could determine who created a file, when it was created, when it was last modified, and by whom, but we could not determine who read a file.

13. I do not know if the City ever asked anyone else to investigate this information and/or secure the copy of the Tradewind Report opened by Mr. McGuire on September 26, 2018.

Information Security Investigation Requested by Audit Services

14. As part of my role, I would occasionally receive requests from Audit Services and members of senior City management to perform information security investigations of information or employee activities.

15. On January 23, 2019, Brigitte Minard (Deputy City Auditor) asked me to search for emails between Gary Moore (Director, Engineering Services) and Ludomir Uzarowski (Principal, Pavement and Materials Engineering, Golder) from October 2013 to January 2014 (HAM0035843_0001).

16. The City's email logs recorded the metadata for emails sent between the City's internal email system, a Microsoft Exchange Server, and the outside world or the internet. These logs contained information about the email sender, recipient, time, date, subject line, and maybe even email size, but not the content of the email. Ms. Minard was familiar with these logs. I advised Ms. Minard that I searched for these logs in response to her request to perform email searches.

17. In 2015 or 2016, the City set up a central logging system to collect and store many logs, including the email logs between the City's internal server and the Internet. The City did not have a system in place to collect and store these email logs prior to this. As a result, I was unable to locate or search email logs for 2013 or 2014 to address Ms. Minard's request.

Archives of City staffs' mailboxes and M Drives

18. In an email to Ms. Minard on January 24, 2019, I noted that Mr. Moore's email mailbox was archived on June 1, 2018 and his M drive was archived on May 25, 2018 (HAM0035843_0001). I cannot confirm who created these archives and/or if either archive related to Mr. Moore's retirement and/or work on the LRT project.

19. There were several ways a PST archive of an employee's email mailbox and/or M Drive could be created:

- (a) First, City employees could choose to create a PST archive themselves. They could specify what documents they wanted to include in the archive, although I do not recall if they could archive deleted items. For example, I would regularly archive my emails to reduce the size of my live email inbox.
- (b) Second, as of 2015 or so, the City had a policy where the IT Infrastructure & Operations section would automatically archive an employee's email mailbox and M Drive when they left their employment with the City for any reason. The trigger for this was a weekly HR termination report. The PST file was then stored on a special archive server.
- (c) Finally, my direct reports and I would create a PST archive whenever we were asked to do investigative work. Any PST file created by Security & Technology would include items that had been deleted in the 30-90 days leading up to the creation of the archive.

20. The City did not have a policy requiring employees to archive their PST files on their M Drive. However, it was standard practice for employees working at the IT Service Desk to advise City employees that their M Drive was the best place to create and store a backup or PST archive file. As a result, many City employees regularly stored back up PST archive files on their M Drives. These employee-created PST files would store emails from the folders specified by the employee (e.g. sent items, calendar appointments).

21. There were no background, automatic email archiving processes in place at the City.

22. There was no automatic archiving process for network drives while I was employed with the City. However, there were traditional, short-term back-up processes in place for the M Drive, N Drive, and other network drives. These backup processes were intended for short-term recovery of files, such as files lost due to user error or equipment failure. These processes would back-up any changes to network drives each night (referred to as incremental back-ups). Incremental back-ups were stored for a week or two at most. On weekends, there was a process in place to run full back-ups of all network drive files, which would then be saved for four or five weeks.

Senior Management's Involvement in the Information Security Investigation

23. As set out above, I initially took direction from Audit Services to collect documents related to the discovery of the Tradewind Report. On or around February 2019, City Senior Management asked me to secure email mailboxes and M Drives for certain individuals as the City's investigation into the discovery of the Tradewind Report progressed. I was not asked to secure the N Drive.

24. Once Senior Management became involved, they asked for many of the same things as Audit Services. I did not know if Senior Management and Audit Services were talking to one another or aware of one another's actions. I do not recall which group asked for what.

25. By the time I was done collecting the requested information, I believe I had collected, archived, and set aside the email mailboxes and M Drives of 20-30 people, as identified by Audit Services, Senior Management or both. I do not recall if I collected information from any elected officials, as opposed to City staff, as part of this process. I collected information from employees in the Public Works department, as well as Finance, and Risk Management (HAM0028698_0001). I recorded the name of the person, whether there was an email archive, where that archive came from, and whether their inbox was live or archived in an excel spreadsheet (HAM0064358_0001).

26. During my employment with the City, the City did not have a system in place to automatically retain all emails sent or received by City staff.

27. I was not asked to retain any documents or information from ProjectWise by Audit Services or anyone in Senior Management. I did not have the information necessary to review any access permissions for ProjectWise.

28. I prepared a timeline of my investigative efforts, titled "Red Hill Valley investigation timeline" (HAM0036946_0001).

29. As described in my timeline, I ran key word searches in Mr. Moore's email mailbox on February 11, 2019 using a list of key words provided by Audit Services (HAM0036946_0001). I provided the results of these searches to Audit Services. I did not provide this information to anyone outside of Audit Services. Mr. McKinnon and Mr. Zegarac told me to secure documents and information and set them aside. Mr. McGuire

never gave me any feedback or direction on my investigation. Only Audit Services asked me to provide them with details about the information and documents that were available.

Mr. Moore's access to the N Drive after his retirement

30. On February 13, 2019, I learned that Mr. Moore's access permissions to the City's N Drive were not limited or terminated when he retired as Director of Engineering Services and began work at the LRT Office (HAM0036946_0001).

31. As Director of Engineering Services, Mr. Moore had elevated access to the N Drive and the S Drive. He had the ability to delete documents and information and to access restricted folders that were not accessible to other Public Works employees. Mr. Moore still had these access permissions on February 13, 2019. I had no way to determine whether Mr. Moore used these access permissions or deleted any documents or information from the N Drive or S Drive after his retirement. The City did not keep a log recording when people with access permissions to the N Drive or S Drive exercised that access.

Request to restore missing, signed RHVPI reports

32. On February 15, 2019, Rachel Chinchilla (IT Network Analyst, City) informed me that Diana Cameron (Administrative Assistant to the Director of Engineering) had asked Ms. Chinchilla to restore missing, signed RHVP and LINC reports to the S Drive (HAM0036946_0001). Ms. Chinchilla did not report to me, but it was common for employees in Information Technology to approach me to report anything they considered odd or out of the ordinary. Ms. Chinchilla thought the request to restore a number of

documents about the RHVP and LINC sounded fishy. I agreed with this assessment at the time.

33. I directed Ms. Chinchilla to save a copy of the files she restored to the S Drive and restrict access to me. Ms. Chinchilla restored the files from the S Drive using the most recent back-up of the drive. Ms. Chinchilla and I had no way of knowing what was originally in those restored folders or if all of the files were restored using the back-up. I do not know if the reports were deleted or moved, or how that might have occurred. I confirmed that the restored reports were in a folder of signed reports. I believe they were reports that had already been reviewed by the General Manager of Public Works, and were either in the queue for Council or had already been presented to Council.

34. I make this affidavit for use in the Red Hill Parkway Inquiry.

Affirmed remotely by Peter MacNeil the
County of Haldimand before me in the City
of Toronto in the Province of Ontario, this
31st day of August, 2022, in accordance
with O. Reg. 431/20, Administering Oath
or Declaration Remotely



A Commissioner for Taking Affidavits



Peter MacNeil