



## Order under Section 41

Issued under the [Conflict of Interest Act](#)

*Statutory requirement(s):*

41 (1) If the Commissioner determines that a former reporting public office holder is not complying with his or her obligations under [Part 3], the Commissioner may order any current public office holder not to have official dealings with that former reporting public office holder .

(2) All current public office holders shall comply with an order of the Commissioner made under subsection (1).

Paragraph 51(1)(e) of the Conflict of Interest Act states that the Commissioner shall maintain a registry for examination by the public, which includes public declarations and any other documents that the Commissioner considers appropriate.

## ORDER

WHEREAS Mr. David MacNaughton was appointed by the Governor in Council to the position of Ambassador Extraordinary and Plenipotentiary of Canada to the United States on January 15, 2016, thereby making him a public office holder for the purposes of the *Conflict of Interest Act* [Act];

AND WHEREAS Mr. MacNaughton had direct and significant official dealings with numerous public office holders during his last year in public office;

AND WHEREAS following Mr. MacNaughton's last day in public office on August 22, 2019, he became a former reporting public office holder and subject to the Act's post-employment rules;

AND WHEREAS Mr. MacNaughton, following consultations with the Office of the Conflict of Interest and Ethics Commissioner, was named President of Palantir Technologies Canada [Palantir] effective September 4, 2019;

AND WHEREAS, pursuant to section 37 of the Act, a former reporting public office holder who, in the year following their last day in office, has any communication referred to in paragraph 5(1)(a) of the *Lobbying Act* or arranges a meeting referred to in paragraph 5(1)(b) of that Act shall report that communication or meeting to the Commissioner;

AND WHEREAS Mr. MacNaughton reported, in accordance with section 37 of the Act, that between March 2 and May 1, 2020, he had communicated with or arranged multiple meetings with several public office holders for the purpose of offering *pro bono* assistance on behalf of Palantir in respect of the Government of Canada's response to the COVID-19 pandemic, as described in Annex A attached hereto;

AND WHEREAS section 33 of the Act prohibits former public office holders from acting in such a manner as to take improper advantage of their previous public office;

AND WHEREAS Mr. MacNaughton has acknowledged, with the benefit of hindsight, that these communications and meetings, to the extent they could have furthered the interests of Palantir, were contrary to section 33 of the Act;

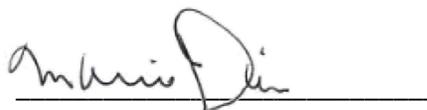
AND WHEREAS the offers of *pro bono* assistance did not result in any contract being awarded to Palantir;

AND WHEREAS, in light of the foregoing, I have determined that Mr. MacNaughton has contravened section 33 of the Act;

AND WHEREAS Mr. MacNaughton has consented to this order;

I THEREFORE ORDER, pursuant to subsection 41(1) of the Act, all current public office holders who are listed in Annex A attached hereto not to have official dealings with Mr. MacNaughton for a period of **ONE YEAR** following the date on which this order is issued.

September 16, 2020

A handwritten signature in black ink, appearing to read "Mario Dion", is written over a solid horizontal line.

Mario Dion  
Conflict of Interest and Ethics Commissioner

**ANNEX A**

Communications and meetings between Mr. David MacNaughton (on behalf of Palantir) and public office holders relating to the Government of Canada's response to the COVID-19 pandemic

(March-May 2020)

<b>DATE</b>	<b>PUBLIC OFFICE HOLDER</b>	<b>SUBJECT-MATTER</b>
March 2, 2020	Rick Theis, Director of Policy and Cabinet Affairs, Prime Minister's Office	Mentioned what Palantir was doing with the Centers for Disease Control.
March 5, 2020 March 6, 2020 March 12, 2020	Hon. Chrystia Freeland, Deputy Prime Minister and Minister of Intergovernmental Affairs*	General discussions on coronavirus; mentioned what Palantir was doing to help other governments on a <i>pro bono</i> basis.
March 14, 2020 March 30, 2020	General Jonathan Vance, Chief of Defence Staff, Canadian Armed Forces	Offered Palantir's help if needed on a <i>pro bono</i> basis.
March 22, 2020	Hon. Navdeep Bains, Minister of Innovation, Science and Industry	Arranged a meeting between individuals at Palantir and Public Service and Procurement Canada in connection with Palantir's offer of <i>pro bono</i> services.
March 27, 2020	Ryan Dunn, Chief of Staff to the Minister of Innovation, Science and Industry	Explained what Palantir was doing in other jurisdictions to track COVID-19.
March 29, 2020 March 30, 2020	Leslie Church, Chief of Staff to the Minister of Public Services and Procurement Canada	Discussion on coronavirus and arranged a meeting between Palantir and the Deputy Minister for Public Services and Procurement Canada in connection with Palantir's offer of <i>pro bono</i> services.
April 1, 2020 April 5, 2020 May 1, 2020	Jody Thomas, Deputy Minister, Department of National Defence	Communicated to see what Palantir could do to help.  Follow-up discussion in relation to Palantir's offer of <i>pro bono</i> services.
March 31, 2020 April 3, 2020 April 9, 2020	Bill Matthews, Deputy Minister, Public Services and Procurement Canada	Communicated regarding modelling in light of coronavirus requirements. Palantir would follow up with additional information.  Met to discuss making Palantir software available to the government on a <i>pro bono</i> basis and assisting with COVID-related supply chain issues.  Follow-up discussion to the April 3, 2020 meeting.
April 3, 2020	Simon Kennedy, Deputy Minister, Innovation, Science and Economic Development Canada	Met to discuss making Palantir software available to the government on a <i>pro bono</i> basis and assisting with COVID-related supply chain issues.

\*As she then was.