



Economic  
Development  
and Tourism

Développement  
économique  
et Tourisme



Office of the Deputy Minister  
PO Box 2000, Charlottetown  
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Canada C1A 7N8

February 21, 2019

Bureau du sous-ministre  
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Karen A. Rose,  
Information and Privacy Commissioner  
Office of the Information and Privacy Commissioner  
P. O. Box 2000  
Charlottetown, PE C1A 7N8

Dear Commissioner Rose:

**Re: Review under the *Freedom of Information and Protection of Privacy Act (the "Act")***  
**Public Body: Economic Development and Tourism**  
**Ref. No.: 2018-287 EDT**  
**Your File No.: FI-19-271**

The following is the Public Body's response to your letter dated January 7, 2019.

**Time to Respond to the Access to Information Request**

With regard to the Applicant's position that the response to the access request was beyond the 30-day response period, the Public Body confirms that the request was submitted on Wednesday, October 31, 2018. Receipt of the application was acknowledged by the Public Body by letter to the Applicant dated November 13, 2018, wherein the Applicant was advised a response would be received by December 13, 2018. The Public Body acknowledges that the delay between when the application was submitted and when it was acknowledged as having been received by the Public Body meant that the response to the Applicant was 12 days late. The Public Body should have exercised its discretion to extend the response time pursuant to subsection 12(1) of the *Act*.

**Section 10 of the Act**

With respect to the Applicant's reference to section 10 of the *Act*, the Public Body confirms that it is not relying on section 10 of the *Act*, having previously provided the Applicant access to all records located.

**Search for Records**

The completed search form provided to you on January 10, 2019, contains background information on the search that was conducted by the Public Body.

The access request is for "***All records, in any and all formats, electronic or otherwise, of Brad Mix either sent to - or received from - Paul Jenkins, or make mention of Paul Jenkins, from January 1, 2011 to July 31, 2011.***" The request specifies that the Applicant seeks copies of all records of Brad Mix for a specified time frame. A copy of the records of Mr. Mix located for this time frame were provided to the Applicant;

however, the Applicant suggests that there should be more records to disclose. In turn, you have posed five questions in your letter.

In response to the five questions you posed in your letter, the Public Body submits the following:

1. *Who conducted the search:* Brad Mix, Senior Director of Innovation PEI, Business Attraction and Emerging Sectors, participated in carrying out the search of responsive records; however, we are advised that the search was primarily conducted by Pam Gorveatt. Ms. Gorveatt is the Administrative Assistant for Mr. Mix.
2. *Steps taken by the Public Body to identify and locate records responsive to the Applicant's access request:* The Applicant's access request was limited to records of one individual (Mr. Mix). As such, Mr. Mix met with his Administrative Assistant to identify and locate all possible places where the responsive records could be found.

With reference to the search form provided to you with the processing documents, the Public Body identified the following as being locations where responsive records may be found, namely:

- Mr. Mix's calendar, email inbox, email sent box and archived emails;
- Mr. Mix's administrative assistant's email inbox, email sent box and archived emails;
- Mr. Mix's directory for his computer;
- The shared directory used by Mr. Mix and his administrative assistant; and,
- A binder identified as the only physical location where responsive records may be found.

The first four of the above locations were electronically searched using key word searches, as outlined in the search form. The binder was reviewed.

Four records were located in response to the access request and subsequently provided to the Applicant. They consisted of four appointment postings.

3. *Scope of the Search (areas searched):* Please see the Public Body's response to question 2, which also responds to question 3.

4. *Steps taken to identify and locate all possible locations of records responsive to the access request:* Please see the Public Body's response to question 2, which also responds to question 4.

5. *Reasons the Public Body believes that no more responsive records exist than the ones that have been identified:* The Applicant has submitted documentation the Applicant suggests should have been part of the responsive record disclosed to the Applicant. With respect, the Public Body does not agree.

First, appendices 112, A, B, C and D are not records of Brad Mix.

Second, appendices F, G and J do not appear to be records of Brad Mix; but, they do appear to relate to the appointment requests that were provided to the Applicant in response to his access request. We believe that appendix F relates to page 1 of the records disclosed; appendix G relates to page 2 of the records disclosed; and, appendix J relates to page 4 of the records disclosed because the dates of these appointment postings disclosed share similar dates and the same subject lines as the said three appendices provided by the Applicant.


Third, appendix K is an email dated outside of the time frame of the Applicant's request.

Following receipt of the Applicant's access request, the Public Body undertook a reasonable effort to identify, locate and search Mr. Mix's records that are in its custody and control. At the time of the search, four pages of responsive records were found.

**Closing Remarks**

Respectfully, the Public Body submits that a reasonable search was conducted and that responsive records have been disclosed to the Applicant.

Sincerely,



David Keedwell  
Deputy Minister

c: APSO