

Section 10
As the Public Body has confirmed that it is not relying on section 10 of the FOIP Act, I will not be considering this section.

Delay
The Public Body has acknowledged that its decision letter to you was 12 days beyond the initial 30 day response period set out at subsection 9(1) of the FOIP Act. While subsection 12(1) of the FOIP Act permits the Public Body to extend its response time for up to 30 days, the Public Body states that they should have exercised their discretion under subsection 12(1).
If you wish to pursue the issue of delay further, please advise.

While I did not ask the Public Body for formal submissions in our initial letter to them, I did ask for information which could potentially narrow the scope of this review. I ask you to respond to the Public Body's letter, as set out below. Following our receipt of your input, we will determine the specific issue(s) for review, and seek formal submissions from the Public Body.
Please find enclosed a copy of a letter from the Public Body in this review, dated February 21, 2019, responding to questions posed in a letter from our office dated January 7, 2019. This letter was received in our office by email on February 22, 2019. Please note that, also in response to our letter, the Public Body provided us with a copy of their processing file relating to your access request, on January 10, 2019.

Re: Request for Review under the Freedom of Information and Protection of Privacy Act
Public Body: Economic Development and Tourism
PB File No.: 2018-287
Our File No.: FI-19-271

Dear Dr. Arsenault:

Kevin J. Arsenault
32 Father Brady Lane
Fort Augustus, PE
C1B 0X8

PRIVATE AND CONFIDENTIAL

February 25, 2019



Information and
Privacy Commissioner
PO Box 2000, Charlottetown PE
Canada C1A 7N8

Commissionnaire à l'information et
à la protection de la vie privée
C.P. 2000, Charlottetown PE
Canada C1A 7N8

Reasonable Search

It is our understanding that your primary concern is whether the Public Body conducted an adequate search for responsive records. In its letter, the Public Body has responded to the five questions posed in our letter of January 7, 2019. Upon my review of the Public Body's responses to these questions, combined with my review of the processing documents, I confirm that the Public Body's responses are consistent with the processing documents. I do note, however, that I did not see a reference to a hard copy binder in the processing documents. For this reason, I am seeking clarification from the Public Body regarding the nature of this binder, and why it was determined that it should be searched.

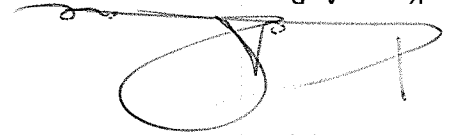
At the bottom of page 2 of the Public Body's letter, and the top of page 3, the Public Body states its position regarding the appendices provided with your request for review. The Public Body provides three reasons why these appendices are not responsive, as follows:

1. Appendices 112, A, B, C and D are not records of Brad Mix;
2. Appendices F, G and J do not appear to be records of Brad Mix, although they relate to pages 1, 2 and 4 of the responsive records provided to you by the Public Body; and
3. Appendix K is not in the date range of your request for access.

I note that the Public Body did not comment upon appendices E, H, or I, provided by you. When I seek formal submissions, I will ask the Public Body to advise whether it believes these records to be responsive to your access request, and if so, provide an explanation as to why these records were not found in response to their search.

I ask you to review the enclosed letter of the Public Body, and advise whether you are satisfied with, or agree with, any part of the Public Body's responses to my queries. Once we receive your response, I will confirm the issue(s) of this review, and seek formal submissions from the Public Body in support of its position. We will provide a copy of the Public Body's submissions to you, and seek your response. The Public Body will be given an opportunity to reply to any new issues raised by you. I expect this process will take us into May, 2019. At that time, I will advise both parties as to when they may expect an Order in this review.

Sincerely yours,



Karen A. Rose

Information and Privacy Commissioner

c: FOI/P Coordinator, AFSO

Enclosure – Letter of Public Body dated February 21, 2019 (3 pages)