



Economic Growth,
Tourism and
Culture

Croissance économique,
Tourisme et
Culture



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July 10, 2019

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 Growth, Tourism and Culture (formerly: Economic Development and Tourism)
Ref. No.: 2018-287
Your File No.: FI-19-271

The following is the Public Body's written response to the questions posed in your letter dated June 4, 2019.

Please be advised that the Public Body is still finalizing its response to the second question. A supplementary letter will follow as soon as possible.

With the exception of the answer to the sixth question, the answers provided in this response were prepared with the assistance of and/or in consultation with the Acting Director, Business Infrastructure Services, IT Shared Services (ITSS).

It should be confirmed that this matter was also discussed with Brad Mix who participated in the initial search to respond to this access request. As noted in previous correspondence, the search was primarily conducted by Mr. Mix's assistant. The Public Body has learned, as will be explained below, that Mr. Mix's assistant searched one archive as Mr. Mix does not have access to the other archive.

Following the request for review, the former Deputy Minister arranged for Mr. Mix's two archives to be made available to the Deputy Minister's administrative assistant who conducted a second search. The second search by the Deputy Minister's administrative assistant was made possible with the assistance of 2 technicians from ITSS. We wish to clarify that these particular technicians did not search. They only made the two archives accessible to the administrative assistant.

Brad Mix's Archives and the Responsive Records

In your letter, you indicated you wish to receive a response to the following questions:

1. How were the archives created? By whom? When?
2. At the times the archives were created, what policies/procedures were in place relating to retention of email records?
3. If the missing emails were deleted, would this have occurred before or after the creation of the archive?
4. Why are there two archives?
5. In the first archive, please provide possible reasons for finding no emails in the inbox for the time periods June 13, 2010, to March 19, 2012, and in the sent box for the time periods June 12, 2010 to April 11, 2012.
6. Did you interview Brad Mix relating to these missing records? If so, did he provide an explanation for the missing emails? E.g. Did these time periods correspond with a change of position for Mr. Mix, or a period of absence from work?
7. Is it common to find time periods of missing emails in searching archives?

Responses to Questions

With the exception of the second question, the responses to the above listed questions are found below.

- **How were the archives created? By whom? When?**

This question has been discussed with the Acting Director, Business Infrastructure Services, ITSS.

Prior to answering the question, the Acting Director, Business Infrastructure Services provided background concerning the creation of Government's centralized IT support system and archiving for individual government employees. A brief overview of this is set out below.

The current centralized IT support system known as ITSS was formed in 2007. Prior to that time, IT support services were not centralized in government.

Commencing in 2014, a project was undertaken to standardize archiving such that archiving of GroupWise records (including emails) for government employees would be standardized for all departments.

Prior to completion of this project in 2015, government employees could have multiple archives within the network and on the hard drives of their laptops and/or office computers.

Since 2015, government employee archives have become standardized. This means that government employees are not able to copy, create or direct their archives to any particular location. Since 2015, all archived GroupWise activity is directed to one centralized location where archives of government employees are electronically stored.

The Acting Director, Business Infrastructure Services reports that when the archiving project was carried out, only one archive was identified and located for Mr. Mix. This archive was brought into the centralized location that resulted from standardization.

The Acting Director, Business Infrastructure Services also advised the Public Body that:

- On March 17, 2015, Brad Mix reported a problem by way of incident report to ITSS because he discovered time periods of missing emails from his archive.
- ITSS's electronic incident report confirms the above occurrence.
- On the same day, ITSS sent help to Mr. Mix.
- In order to determine if there might be a technical issue with Mr. Mix's archive, a copy of the archive was made with the assistance of an end user support technician resulting in there being two archives for Mr. Mix.
- All of Mr. Mix's archived GroupWise records from that point forward were directed to the copy of the original archive or the other archive.

As such, the original archive was created prior to the standardization of archiving in 2014-2015. The Acting Director, Business Infrastructure Services reports that ITSS is unable to confirm who created this archive or when exactly it was created. The Public Body does not know who or when it was created.

And, as previously discussed, the other archive was created on March 27, 2015 with the assistance of an end user technician. Mr. Mix has had use of this other archive since the incident report to ITSS in 2015.

- **If the missing emails were deleted, would this have occurred before or after the creation of the archive?**

This question has been discussed with the Acting Director, Business Infrastructure Services. He advises that each day Government makes a back-up copy of all Government records on the network, including email accounts and archives. As a result of storage requirements and budgetary constraints, this copy is retained for a period of 365 days. In turn, ITSS is able to review, analyze and/or consider an employee's network activity, such as inconsistencies, deletions and changes going back 365 days.

The two archives in issue were created in or prior to 2015. ITSS is unable to assist the Public Body to answer to this question.

- **Why are there two archives?**

Please see the response to the first question for the history behind the two archives.

- **In the first archive, please provide possible reasons for finding no emails in the inbox for the time periods June 13, 2010, to March 19, 2012, and in the sent box for the time periods June 12, 2010 to April 11, 2012.**

Generally speaking, the Public Body understands that email loss can occur as a result of a variety of things, including following a software upgrade or device change (such as upgrading of a mobile phone); corruption in files; and, deletion. There are also instances when it is not possible to determine the reason for losses.

The Public Body sought assistance from the Acting Director, Business Infrastructure Services, in relation to the time period of missing emails for Brad Mix and this question. As previously noted, each day Government makes a back-up copy of all Government records on the network.

This copy is retained for 365 days. As a result, the Public Body understands from the Acting Director, Business Infrastructure Services that:

- there are limits imposed on ITSS that result in its inability to provide reasons for all questions related to emails accounts and archives; and,
 - given this limitation one cannot speculate about the reasons for the findings referenced in your question.
- **Did you interview Brad Mix relating to these missing records if so, did he provide an explanation for the missing emails? E.g. Did these time periods correspond with a change of position for Mr. Mix, or period of absence from work?**

This matter was with discussed with Mr. Mix at length. He is not able to nor is he technically qualified to provide a technical explanation for the apparent loss of emails. The time periods in question do not correspond with a change of position, or a period of absence from work.

Mr. Mix reports that in 2015 he was looking through his archive for emails. It was at this time that he discovered that emails in his archive for periods of time appeared to be missing. Mr. Mix states that he did not understand what had happened as he could not locate emails for many files and contacts throughout 2011 and 2012. Although Mr. Mix advises that he does delete some transitory emails that he won't use again (as is permitted), he unequivocally states that he has not and does not intentionally delete other emails. He states that he was distressed by the discovery of missing emails.

He reports that following his discovery he immediately reached out to ITSS to report the problem.

Mr. Mix also reports that in early 2015 he had a mobile phone upgrade, a few months prior to his discovery, and he believes that this upgrade is related to the apparent loss of emails.

Mr. Mix noted that despite the existence of this issue he has participated in and arranged for searches for each and every access request related to his records, when asked to do so. In fact, he has had ITSS assistance with searches earlier this year to help him ensure that searches were carried out appropriately within the limitations of the GroupWise program.

- **Is it common to find time periods of missing emails in searching archives?**

This question has been discussed with the Acting Director, Business Infrastructure Services. He advises that while not an issue arising every day, it does happen. He confirmed that it is possible for an individual government employee to have a time period or time periods of missing emails.

Closing Remarks

Thank you for providing the public body with this opportunity to respond to the questions set out in your June 4, 2019 letter. We anticipate that it will provide you with the clarity you require to complete your review.

Should that not be the case or should you wish to discuss this matter for further, please contact the undersigned or the Access and Privacy Services Office.

Sincerely,



Erin McGrath-Gaudet
Deputy Minister

c: APSO