

## HOW TO CONDUCT A RECORD SEARCH SPECIFIC TO A REQUEST FOR ACCESS TO INFORMATION under the *Freedom of Information & Protection of Privacy Act (FOIPP)*

### **Situation:**

An Access to Information & Privacy (ATIP) Consultant has sent you a request for records in order to respond to a FOIPP request, so now what do you do?

### **Response:**

First, some background: Health PEI is a Public Body under the FOIPP Act, so we have an obligation to comply with FOIPP legislation. This means we are required to respond to a request for information within the legislated timeframe (typically 30 days).

Conducting the search for records is only the beginning of the process for Health PEI to respond to a FOI request, so typically your records should be returned to the ATIP Consultant who requested them within 14 days of the request being sent to you (the date will be indicated in the request). This will allow the ATIP Consultant the necessary time to thoroughly review the records and finalize the additional steps involved in responding to the request.

When you receive a request for records, review the request carefully and ask yourself the following questions prior to beginning your search:



- Do I have records that are responsive to this request?
- What format are my records in (i.e. paper files, emails, electronic files, text messages, etc.)?
- If I don't have these records, do I know someone else who may have responsive records?
- What are some key words that I could use to do my record search?
- What timeline or date range applies to my search?
- Are there any concerns with these records or their release that I should flag for the ATIP Consultant?

So, what is a “reasonable” search?

A reasonable search means making efforts to identify and locate all records related to the request in all locations where they are likely to be stored. Your search doesn't have to be perfect, but you must be able to show that you took reasonable steps to identify and locate records that are within the scope of the request (responsive records), and you must document the efforts you made to search for, identify and retrieve these records.

Once you have determined the answers to the questions above, it is time to conduct your record search. Some helpful reminders are:

- Search both your Sent and Received emails.
- Try to provide the email thread that has all the previous responses (usually the most recent one) but be mindful to not miss the responses that did not include everyone.
- Copy/scan your records in their entirety, ensuring you have both sides of the page if needed and information is not “cut off”.
- Remember to search all your records (paper, handwritten, drafts, electronic, etc.)
- Convert email records to .pdf prior to sending.
- Record all the key words and locations that you have searched by filling out the Record Search Form and returning it to the ATIP Consultant with your records.
- Only include records that are within the timeline requested and that are responsive to the request.
- If you have concerns about the records being disclosed, **you still must provide them to the ATIP Consultant** BUT please also provide your concerns or additional information to be considered.
- If you have any questions about your search, reach out to the ATIP Consultant for support.

You can reach the Health PEI ATIP Consultants by email at [healthprivacy@ihis.org](mailto:healthprivacy@ihis.org) or by phone at 902-569-7734.