



## FAQ – Tobacco Litigation Hold

In support of the Province’s legal action against tobacco companies, the following provincial government departments, agencies, and commissions are required to preserve and collect all potentially relevant paper and electronic documents and records:

Agriculture	PEI Marketing Council
Agriculture Insurance Corporation	PEI Lending Agency
Agriculture Insurance Appeal	Public Archives & Records Office
Community Services & Seniors	Premier’s Office
Education and Early Childhood Development	Tourism & Culture
Environment, Labour & Justice	Advisory Council on the Status of Women
Executive Council Office & Intergovernmental Affairs	Innovation PEI
Farm Practices Review Board	Environmental Advisory Council
Finance & Municipal Affairs	English Language School Board
Health PEI	French Language School Board
Health & Wellness	Workers Compensation Board
Innovation & Advanced Learning	Workers Compensation Appeal Board Tribunal

What is a legal/litigation hold?

A legal, or litigation hold, is a communication issued as a result of current or anticipated litigation that suspends the normal disposition or processing of records. It requires that all forms of records or information relevant to the lawsuit be preserved and produced for examination by legal counsel.

What is the Tobacco Litigation Hold?

The Province has commenced a legal claim against tobacco companies whose products have been sold in Prince Edward Island. The Province will be seeking damages for the recovery of health care costs borne by the Province from 1953 to present. As part of this action, it is essential that the Province preserve and produce all documentation in its possession which relates to tobacco. Therefore, all records set for destruction must be reviewed for relevancy by the Tobacco Litigation lawyers before destruction orders can be carried out.

What documents relate to this claim?

Any and all documents that relate in any way to tobacco are considered relevant to this claim. This includes, but is not limited to, documents that relate to public education around tobacco, health records for tobacco-related illnesses, taxation records, and documentation around the production of tobacco. The Tobacco Litigation lawyers will determine whether or not records are related to the claim. Therefore, if your department is under the Litigation Hold, you must not destroy any records without the permission of the Tobacco Litigation lawyers.

Do we need to keep electronic copies, working copies, or duplicates?

Documentation for the purpose of this litigation includes all potentially relevant records regardless of format – paper, electronic, or e-mail. All versions of a record must be retained (i.e. both the electronic and paper version of a record must be saved).

The legal hold does not include duplicated and non-record material placed in blue bins. Transitory materials (such as working copies or drafts of the original, etc.) can also be destroyed, provided the original document is available.

What about regular record destruction schedules?

All records destruction is suspended until the records are reviewed and approved for destruction by the Tobacco Litigation lawyers. Destruction of records deemed to be not relevant to this case will go forward once the appropriate approvals have been obtained from the Tobacco Litigation lawyers.

Who is responsible to oversee this process?

Each department, agency, board, commission, and council that has been identified as potentially having relevant records has or will need to appoint a Tobacco Representative. The Tobacco Reps and the departmental Records Management Liaison Officers (RMLOs) have been advised of the new destruction process.

Thank you for your patience and understanding during this process.