



Prince Edward Island Île-du-Prince-Édouard

Executive Council Office

95 Rochford Street
PO Box 2000, Charlottetown PE
Canada C1A 7N8

Bureau du Conseil exécutif

95, rue Rochford
C.P. 2000, Charlottetown, Î.-P.-É
Canada C1A 7N8

August 31, 2018

2018-150

Ms. Joanne L. MacKinnon
Office of the Third Party
Coles Building
PO Box 2000
Charlottetown, PE C1A 7N8

Dear Ms. MacKinnon:

Re: *Freedom of Information and Protection of Privacy Act* (the “Act”)

Your request for access to records under the Act was received by the Executive Council Office on July 10, 2018, and revised on July 19, 2018 as follows:

- **“Any paid advertisement, of any medium/format, that features the name, voice or image of any Minister, or the Premier, or any member of Executive Council. January 1, 2017 - June 30, 2018.”**

I am writing to inform you that we have decided to grant access in full, to 113 records located. The records were located by two employees of Creative Services following a search of a shared directory. The search required 16 hours in total.

We have had the opportunity to consider your written request of August 13, 2018 to waive fees citing public interest. The fees were calculated on July 23 and estimated to be \$260 and we have decided to deny your request.

In reaching our decision to reduce fees, we considered the following questions suggested by the OIPC when assessing whether a matter is of a public interest (see OIPC Order No. FI-15-012):

1. Will the records contribute to the public understanding of, or debate on, or resolution of a matter or issue that is of concern to the public or a sector of the public, or that would be if the public knew about it? The following factors may be relevant:
 - Have others besides the applicant sought or expressed an interest in the records?
 - Are there other indicators that the public has or would have an interest in the records?

2. If the records are about the process or functioning of government, will they contribute to open, transparent, and accountable government? The following factors may be relevant:
 - Do the records contain information that will show how the Government of PEI or a public body reached or will reach a decision?
 - Are the records desirable for the purpose of subjecting the activities of the Government of PEI or a public body to scrutiny?
 - Will the records shed light on an activity of the Government of PEI or a public body that has been called into question?

We have considered the above questions; that the records being disclosed are advertisements that have appeared in the public; and your submission that these records are in the public interest because the records may be used to determine whether the name, voice or image of elected officials in paid advertising is a common practice. We have concluded that the records may be related to a matter of public interest.

Despite being related to a matter of public interest, when assessing whether to waive fees, a public body has an obligation to exercise its discretion fairly and judiciously, taking into consideration the relevant facts and circumstances surrounding the issue, as well as the principles and objectives of the Act. The Act is intended to foster open, transparent and accountable government however it also contains the principle that the user seeking records should bear some of the burden of the cost to obtain those records. In this case, a full waiver shifts an unreasonable burden to the public body.

If you accept this decision, please advise the Access and Privacy Services Office, to discuss payment and they will provide you with the records. If you do not accept the decision, you may make a written request to the Information and Privacy Commissioner to review the decision to deny your request to waive fees.

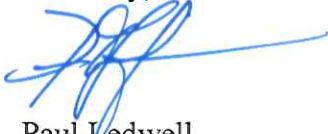
Pursuant to section 60 of the Act, you may make a written request to the Information and Privacy Commissioner to review this matter. You have 60 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at the J. Angus MacLean Building, P.O. Box 2000, Charlottetown, PE C1A 7N8. When requesting a review, please provide the Office of the Commissioner with the following information:

- The file number noted at the top of this letter.
- A copy of this letter.
- A copy of your original request form

If you proceed with a review, please advise the Access and Privacy Services Office, and they will provide you with the 113 records in advance of the Commissioner's ruling in this matter.

If you have any questions, please contact the Access and Privacy Services Office at 902-569-7590 or apso@gov.pe.ca.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Paul Vedwell', with a long horizontal line extending to the right.

Paul Vedwell
Clerk of Executive Council & Secretary to Cabinet
Deputy Minister, Policy & Priorities

c: APSO