

# PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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## Standing Committee on Public Accounts

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**DATE OF HEARING:** 15 FEBRUARY 2017

**MEETING STATUS:** PUBLIC

**LOCATION:** COMMITTEE ROOM, J. ANGUS MACLEAN BUILDING, CHARLOTTETOWN

**SUBJECT:** AUDITOR GENERAL'S REPORT ON EGAMING

**COMMITTEE:**

James Aylward, MLA Stratford-Kinlock [Chair]  
Jordan Brown, MLA Charlottetown-Brighton [Vice-chair]  
Dr. Peter Bevan-Baker, Leader of the Third Party, MLA Kellys Cross-Cumberland  
Kathleen Casey, MLA Charlottetown-Lewis Point (replaces Hal Perry, MLA Tignish-Palmer Road)  
Darlene Compton, MLA Belfast-Murray River  
Bush Dumville, MLA West Royalty-Springvale  
Sonny Gallant, MLA Evangeline-Miscouche  
Chris Palmer, MLA Summerside-Wilmot

**COMMITTEE MEMBERS ABSENT:**

Hal Perry, MLA Tignish-Palmer Road

**MEMBERS IN ATTENDANCE:**

Jamie Fox, Leader of the Opposition, MLA Borden-Kinkora  
Steven Myers, MLA Georgetown-St. Peters  
Bradley Trivers, MLA Rustico-Emerald

**GUESTS:**

Auditor General's Office (Jane MacAdam, Barbara Waite)

**STAFF:**

Ryan Reddin, Clerk Assistant (Research, Committees and Visitor Services)

The Committee met at 10:00 a.m.

**Chair (Aylward):** Ladies and gentlemen, I'd like to call the meeting to order. Just before I call for an adoption of the agenda, what I was thinking about today is, depending upon whether we need this much time or not as far as questions go, I would like to conclude around 11:30 a.m. and move onto any new business because I know there's a number of members around the table that would like to participate in the march today that's taking place for the PEI Family Violence Prevention Week. If that's agreeable with all, I'll keep an eye on the clock and see if we can get us there.

I would now like to call for an adoption of the agenda.

**Mr. Gallant:** (Indistinct)

**Chair:** Mr. Gallant, thank you.

My records from when we last left off – and again, Jane and Barb, welcome, it's great to have you here. We were just, I think, finishing up with 7.6 and I had four names on the list for questions. First was Darlene Compton followed by Jamie Fox, Brad Trivers and then Jordan Brown. That was way back on January the 25<sup>th</sup>, folks, so –

**Ms. Compton:** January 18<sup>th</sup> –

**Chair:** January 18<sup>th</sup>, sorry. Yeah.

**Ms. Casey:** Chair, does the speaking list normally carry over meeting to meeting? I'm just curious. I know it doesn't in others or it doesn't in the House, so I'm just curious.

**Chair:** I have, yeah.

**Ms. Casey:** Okay, just curious.

Thanks.

**Chair:** You're welcome.

I don't think we need to go through all of the rules or housekeeping items we normally talk about, so we'll just jump right in.

Darlene?

**Ms. Compton:** Thank you, Chair.

I'm trying to refresh my memory as to where we were and I've just got some notes here in my book. I've got two or three questions to ask around 7.6, I guess.

If someone leaves abruptly, what is the process in place now for records management?

**Jane MacAdam:** Right now?

**Ms. Compton:** Yeah.

**Jane MacAdam:** I'm not sure what the current process is. I know when we did our work the process is that the department would initiate any requests as far as any emails and things like that. The department would initiate the request with regards to whether or not those would be disabled or deleted.

**Ms. Casey:** Point of order, Mr. Chair.

I know there are records of our last meeting. I don't know if you were here at the last meeting, but we had the minister in and the team responsible for records management. They did quite an extensive and exhaustive and a really great report. I know I learned a lot about that, so those records are available if we want to look at those. I know we had an exhaustive discussion about it and it was a really good discussion. I know we learned a lot.

**Chair:** Ms. Compton.

**Ms. Compton:** Thank you for that. I was not here for records management, but I did listen –

**Ms. Casey:** Okay.

**Ms. Compton:** - and no one answered that question. There was no one who answered if someone leaves abruptly, what is the process in place now for records management? No one really answered that and that was where I left off and I went back to listen to ensure that I know what was said because it's really important, I think, that we know what the process is.

Again, thank you for that.

Forgive me if this was asked already. I can't really remember, but why was there no action taken by the people holding the proxy for both Rory Beck and Melissa MacEachern to ensure that all the records were retained? I'm not sure if that was asked before, or answered.

**Jane MacAdam:** We are concluding in here that records did exist at one time in those email accounts. In terms of why they did or did not retain those records, we don't really examine that in the report. We conclude that records weren't retained.

**Ms. Compton:** Just to refresh my memory, can you please read into the record all of the people you reference in this section whom you interviewed?

**Jane MacAdam:** In which section are you referring to?

**Ms. Compton:** 7.6.

It says: Due to difficulties encountered in obtaining government records.

**Mr. J. Brown:** She did do that already.

**Ms. Compton:** Did she?

**Mr. J. Brown:** Yes.

**Ms. Compton:** So maybe you can just refresh our memories.

**Jane MacAdam:** As far as the people that we interviewed in ITSS -

**Mr. J. Brown:** (Indistinct)

**Jane MacAdam:** Is that what you're -

**Chair:** Sorry. We have -

**Ms. Compton:** I can't really hear. Sorry.

**Jane MacAdam:** Are you referring to the people we interviewed in ITSS?

**Ms. Compton:** Well, it says: Due to difficulties encountered in obtaining government records. So I'm just wondering about the people that you reference, about the difficulties in obtaining them and who you did interview and didn't have the records for, I guess is the question.

**Mr. J. Brown:** Chair, again I'm happy to allow members to have as many questions as they want. This is ground we've already plowed though and we just indicated that we're trying to move out of here by 11:30 a.m.

**Mr. Myers:** We didn't say we were going to finish the report by 11:30 a.m.

**Chair:** I believe the member that has the floor has already stated that yes, although she wasn't here at the last meeting she did review the transcript and the questions that she had either were not asked or were not answered.

**Mr. J. Brown:** Okay, well I was here too and the question was answered and it was the deputy minister of finance, the deputy minister of justice and it was public archives.

**Mr. Myers:** Well, why is it so hard to let her answer it?

**Mr. J. Brown:** Because it was already asked and answered, you know?

**Mr. Myers:** You just answered it again.

**Mr. J. Brown:** Exactly, and so why do we need to keep asking -

**Mr. Myers:** (Indistinct)

**Mr. J. Brown:** - and answering the same question?

**Chair:** All right, ladies and gentlemen. Please, we have a question -

**Mr. J. Brown:** (Indistinct) a lot easier to see it through a lens -

**Chair:** The auditor -

**Mr. J. Brown:** - is that why you want to have the question (Indistinct) through again?

**Chair:** Jordan? Jordan, please.

**Mr. Myers:** Are you worried about whose (Indistinct) are?

**Chair:** Steven?

**Mr. J. Brown:** I might be if they're suing the government for \$25 million, yeah. I might be worried about that.

**Ms. Compton:** Chair?

**Chair:** Okay.

**Mr. Myers:** What does that have to do with me?

**Chair:** Steven Myers and Jordan Brown, order!

**Mr. J. Brown:** You have a bunch of emails that you were supposed to bring to this committee -

**Chair:** Be quiet right now.

**Mr. J. Brown:** - that you still haven't that -

**Mr. Myers:** What are you accusing me, take it outside the rail. Take it outside the rail.

**Mr. J. Brown:** Well, maybe I will. I think that's what you said last time when you were going to table those emails. Where are the emails?

**Mr. Myers:** Take it outside the rail.

**Chair:** Okay people, right now as far as I'm concerned you're embarrassing yourselves and burning up unnecessary time with this argument back and forth. The committee member asked a question and the Auditor General was in the process of answering the question.

Go ahead, Jane.

**Jane MacAdam:** With regards to who we interviewed, we interviewed a number of people in ITSS. We interviewed the former chief operating officer, the current chief operating officer. We interviewed the director of infrastructure -

**Barbara Waite:** Yes.

**Jane MacAdam:** It would have been Ed Malone. I'm not sure of his title. We interviewed him. We interviewed four records liaison officers in various departments.

**Ms. Compton:** So those names were forwarded to us? It wasn't just mentioned it was the deputy minister and who the liaison officers were?

**Jane MacAdam:** Well, the liaison officers - that wasn't forwarded to the committees but I can give you the name of those -

**Ms. Compton:** I think that's what I would like to know.

**Jane MacAdam:** Okay, so it was Sally Ferguson in the Department of Finance, Leah Eldershaw in economic development and tourism, Don Larter in transportation, infrastructure and energy and Shannon Burke. She's a senior records delegate in Economic Development and Tourism.

**Ms. Compton:** Thank you

Lastly, and moving on to 7.7, records retention schedules, they're enshrined in our law and they are a legal requirement. You found that the department of innovation and advanced learning, Innovation PEI and the department of tourism and culture all failed to have schedules as required by law?

**Jane MacAdam:** Yes, we did note these three entities did not have records retention and disposition schedules, complete schedules on file.

**Chair:** Next, I had Jamie Fox on the list.

**Leader of the Opposition:** Thank you, Chair.

Jane, I have a real problem with how three different public bodies can break the law and especially the *Archives and Records Act* and nothing was done. Can you please explain to me how that can happen; that three bodies can blatantly break the law and not be held accountable?

**Jane MacAdam:** Well, in this report we're pointing out the facts and the facts are that those records were not on file for those entities. In terms of why that happened, I think we discussed before records management has not been a priority in government. We talked about that.

That was the message that we got when we interviewed people in the departments, the

records management liaison officers. They said it wasn't a priority of government. There weren't enough resources. There needed to be more training. There were a number of factors that could have contributed to the fact that these records were not on file, but these are the facts. Those three entities that were involved with this e-gaming and the financial services platform did not have records on file.

**Leader of the Opposition:** With that, that calls into question in my mind the credibility of the government. So what would be the consequences of breaking the law? Why would there not be any consequences put forward to them?

**Jane MacAdam:** I mean, as far as my work I don't bring forward consequences, we just point out the facts.

**Leader of the Opposition:** Do you think somebody should be in charge?

**Jane MacAdam:** There are people already in charge in terms of the act. There are requirements set out in the act.

**Leader of the Opposition:** Nobody has been charged. Why wasn't somebody charged? Why didn't government in the attorney general's department or the department of justice recommend charges against somebody?

**Jane MacAdam:** I can't answer that. I mean –

**Leader of the Opposition:** Who was the minister responsible for the department of innovation and advanced learning during this period?

**Jane MacAdam:** During this period? There were different ministers during our scope period. From 2009 to 2011 it was Allan Campbell and then it was Allen Roach and it is currently Heath MacDonald. But, during our scope period it would have been Allan Campbell and Allen Roach.

**Leader of the Opposition:** And who was the minister responsible for the department of innovation and advanced – or I mean, who is responsible for Innovation PEI?

**Jane MacAdam:** That would have been the same minister.

**Leader of the Opposition:** Same minister?

**Jane MacAdam:** Same ministers.

**Leader of the Opposition:** Thank you.

One more question, Chair. How did Allen Roach justify these missing schedules as required by law? Did he ever provide an explanation on that?

**Jane MacAdam:** We didn't talk to the minister about these things, we talked to management. When we conduct these audits we validate our findings with management and we cleared these facts and they did not dispute the fact that these schedules didn't – that they weren't on file.

**Leader of the Opposition:** Thank you.

**Chair:** Next I have Brad Trivers.

**Mr. Trivers:** Thank you, Chair.

We have heard many times that, really, it's the minister who is responsible for enforcing that policies and laws are followed, and legislation is followed, so I just want to clarify again: Did you question Allan Campbell or Allen Roach about why their department did not follow the policies and put the retention schedules in place?

**Jane MacAdam:** Those weren't specific questions that we asked those individuals. Like I had mentioned, we did clear all of these facts with senior management in the department.

**Mr. Trivers:** Okay. Thank you, Chair.

What we keep hearing is that senior management follows direction from ministers so I think it's really important we understand why the ministers felt the retention schedules didn't need to be in place.

My next question is: Who was the CEO of Innovation PEI during this period?

**Jane MacAdam:** Innovation PEI. It was Cheryl Paynter for part of the scope period.

**Barbara Waite:** She came in in 2011.

**Jane MacAdam:** She came in in 2011, but prior to that it would have been Neil Stewart.

**Barbara Waite:** Yes.

**Jane MacAdam:** It was Neil Stewart for a period of time and then Cheryl Paynter.

**Mr. Trivers:** Thank you.

Chair?

**Chair:** Mr. Trivers.

**Mr. Trivers:** Did you interview the CEO of Innovation PEI? In this case, I guess Cheryl Paynter and/or Neil Stewart. What was their explanation? I think you did interview them – what was their explanation for not putting a retention schedule in place?

**Jane MacAdam:** They acknowledged that it should have been in place and they were going to work to have a schedule completed as required.

**Mr. Trivers:** Chair?

**Chair:** Okay.

**Mr. Trivers:** Did they give an explanation as to why it wasn't done? Was there a lack of resources, not enough time? Was there a directive from the minister?

**Jane MacAdam:** It just didn't get done. They acknowledged that it should have been done; it just didn't get done on a timely basis.

**Mr. Trivers:** I mean looking at that, really this is what it all comes down to, is we've got these rules that are in place that are supposed to be followed and the rules are not being followed and we need to find out from the people responsible why they weren't so that this doesn't happen again. Because right now there is nothing stopping – pretty well, we ran out of time, ran out of resources and we didn't get it done. This is another case I want to submit to the committee of why we need to get some of these folks in to ask them what was going on at that time.

That's it for now, Chair.

**Chair:** Next on my list I had Jordan Brown.

**Mr. J. Brown:** Chair, I think most of my questions have been dealt with, actually. I just want to point out again, the minister of education and culture was in last week. He did explain that: Yes, there were issues and this was not a priority for the government of the day at the time. I think he explained that very clearly. The resources were not there to do what the legislation required. That was the explanation as to why it didn't happen. New policy and legislation has been developed and he expects it to be implemented, likely this spring – that actually has teeth, that if people don't comply with this, there will be recourse that will be taken.

I'm not sure whether you were here for that meeting or not, hon. member, but I was and those questions were answered. I thought great answers were given to them. If you thought the answers were less than what you wanted you could have been here to ask questions and make those points at that point in time. Again, I'm not sure why we're plowing that ground again. But, I think it's worthwhile pointing out that it has been plowed and that the responses to date have been, in my view, right in line with what we would expect.

**Chair:** Thank you, Mr. Brown.

Next I had Kathleen Casey on the list.

**Ms. Casey:** Thank you, Mr. Chair.

Just following along the same lines as the records management question that was asked and I do know the people who were in on February 1<sup>st</sup>, to this committee, the hon. Doug Currie, Minister of Education, Early Learning and Culture, Kathleen Eaton, the Director of Libraries and Archives and Jill MacMicken-Wilson, the Provincial Archivist.

They welcomed the Auditor General's Report and thanked them for that and they have followed up on recommendations and have released a recorded information management strategy and a three-year plan and it was prepared by Public Archives and Records. They presented that to this

committee and it's a pretty extensive report that probably will answer all of the questions following the recommendations of the Auditor General.

Their goal they stated in the report was the goal of the recorded information three-year strategy has increased the level of RIM compliance in government departments, agencies and commissions.

Their overall strategy is that the government will implement the following: existing legislation, policies and procedures will be reviewed to ensure they are relevant, practical and enforceable; full-time staff positions will be hired to facilitate departmental records management compliance; all government staff will be required to have records management training to ensure compliance; capacity will be added to provide safe and secure storage for government records, both paper and electronic; a compliance and monitoring system will be adopted to ensure departments gain and continue compliance with legislation, policies and procedures.

The legislation policies and procedures: the existing legislation policies and procedures will be reviewed so they ensure they're relevant and practical and they go through a list of what they're going to do. It's a very extensive report; they talk about records management, software applications and tools, education and training. They actually have set out a three-year development plan and highlighting what they are going to do in year one, year two and year three.

I think government has taken the recommendations of the auditor seriously and actually have gone on to develop a three-year development plan.

For instance, in year one: Review and revise the *Archives and Records Act*; hire a records analyst; employ and train full-time records management liaison officers; review and revise the records information management sections of the Treasury Board Policy and Procedures manual; identify any other RIM related policies and procedures that need to be updated; open a secondary provincial records centre facility to accommodate the semi-active records; continue to create, approve and adopt retention and disposition schedules for all government departments,

agencies and commissions; continue to build on existing training offerings and develop new courses for government staff; pilot the implementation of an electronic document management system to effectively manage electronic government records, including email, and establish and evaluate training for staff during EDMS pilot.

Year two: continue to employ and train full-time records management liaison officers; continue to create, approve and adopt retention and disposition schedules for all government public bodies; continue to build on existing training offerings and develop new courses for government staff; expand the implementation of electronic document management system to effectively manage electronic government records, including email; continue to apply retention schedules to all government records regardless of format and develop an audit process and monitoring strategies.

They also say into year three: continue to employ and train full-time records management; continue to create, approve and adopt retention and disposition schedules for all government and public bodies; continue to build on existing training; complete implementation of the EDM system; continue to apply retention schedules.

Mr. Chair, what I'm getting at with this is, as a result of the work done by the Auditor General, the people in government responsible for recorded information management have done extensive work and released a three-year plan so we can be fully comfortable with the fact that the Department of Education, Early Learning and Culture have heard and are fully aware of what had gone on. I'm quite comfortable with the strategy to move forward that we have a robust system so that this won't happen again.

**Chair:** Thank you, Ms. Casey.

Chris Palmer was next on the list.

**Mr. Palmer:** Thank you, Chair.

I think my question goes along with that. Jane, can you tell us – we know that records management is important to all of us and it was something that wasn't at the top of the

list in the past. Can you tell us based on kind of what Kathleen had just said: Did you make any recommendations for records management compliance?

**Jane MacAdam:** There were two recommendations in 7.14 and 7.15. We said that the Public Archives and Records Office in cooperation with public bodies should monitor compliance with records management policies and procedures and submit compliance reports to the minister; and the minister of education, as the minister responsible for the *Archives and Records Act*, should take necessary action to enforce compliance with the act.

Those were the two recommendations that we made.

**Mr. Palmer:** Based on review of the evidence, you feel comfortable that if those recommendations are implemented, that we will have a solid records management department or we will have a solid records management strategy?

**Jane MacAdam:** Those recommendations were made based on the findings during this examination.

**Mr. Palmer:** That was based on the evidence –

**Jane MacAdam:** So, if the recommendations are implemented, I mean that's what we strive for, right, is to implement the recommendations. We will be going back in a couple of years and examining whether or not, in fact, whether these recommendations have been implemented.

**Mr. Palmer:** Is that normal procedure for these types of reports to go back and check in a few years to make sure that the recommendations have been acted upon?

**Jane MacAdam:** In the last couple of years we've started doing more work in that area so we will be going back. We won't do a full – we won't do it to the same level of assurance that we're providing in this engagement, but we will be going back and we will be asking questions, interviewing people and doing some work to ascertain whether or not the recommendation was implemented.

**Mr. Palmer:** Okay, so this was – this, again just for clarity, these recommendations were based on evidence from this report?

**Jane MacAdam:** Yes.

**Mr. Palmer:** Okay, thank you.

Thanks, Chair.

**Chair:** Next on the list is Steven Myers.

**Mr. Myers:** Thank you.

I just want to go back to a couple of things because I was trying to clarify the deletion of some of the emails and I know it was confirmed by you the last time you were here that Robert Ghiz ordered the deletion of Chris LeClair's email account. Can you give me the date that that order went?

**Jane MacAdam:** I don't know that I have that with me. I'm not sure when the actual records were deleted, if that's what you mean.

**Mr. Myers:** Yeah, no, when the order went.

**Jane MacAdam:** When the order went?

**Mr. Myers:** Yeah.

**Jane MacAdam:** So it was October 19<sup>th</sup>, 2011.

**Mr. Myers:** Okay, so that was for Chris?

**Jane MacAdam:** Right.

**Mr. Myers:** Okay, so can you give me the date that the order went for Rory Beck?

**Jane MacAdam:** Do you have that?

**Barbara Waite:** September 4<sup>th</sup>, 2012.

**Jane MacAdam:** September 4<sup>th</sup>, 2012.

**Mr. Myers:** Also, can you give me the date for the order that Neil Stewart sent for Melissa?

**Jane MacAdam:** That was October 21<sup>st</sup>, 2013.

**Mr. Myers:** Thank you.

**Chair:** That's it?

Okay, Brad Trivers is next on the list.

**Mr. Trivers:** Thank you, Chair.

I've been – I wanted to continue along the line of the questions that we're asking because I think it's important that we understand who was responsible for the retention schedules at that time, and we understand why it wasn't a priority of government. This is an important function and it was things that were required by policies and legislation.

So I wanted to find out who was the deputy of innovation – pardon me, yeah, the deputy of innovation and advanced learning at that time.

**Jane MacAdam:** Which time are you referring to?

**Mr. Trivers:** This was when you checked for the existence of a retention and disposition schedule in 7.7 and you found that: There were no approved retention disposition schedules for the following during our scope period. So it would be during that scope period, who was the deputy of innovation and advanced learning?

**Barbara Waite:** (Indistinct)

**Jane MacAdam:** The deputy of innovation and advanced learning – there were a number of deputies, actually. There was Michael Mayne from 2008 to 2011. There was Melissa MacEachern from 2011 to 2013 and then Neil Stewart was acting for a period in 2013, and then Neil Stewart was appointed in 2013 and continues.

**Mr. Trivers:** Chair?

**Chair:** Brad.

**Mr. Trivers:** Now – and we have heard that from the current minister responsible for records retention that it was not a priority at that time to actually make this – to put the schedules in place, retention schedules. Did you get an explanation from any of those deputy ministers, who I believe all of them you interviewed, as to why they didn't make

sure there was an approved retention disposition schedule in place?

**Jane MacAdam:** Like I said before, they acknowledged that those schedules were not done as required. It was just – it didn't happen. They acknowledged that it should have happened. I mean, it could have been a resourcing issue. They didn't specifically state, but they did agree that they should have had all of the schedules up to date and they did not.

**Chair:** Brad.

**Mr. Trivers:** I'll continue along these lines. Who was the minister for tourism and culture during that scope period?

**Jane MacAdam:** Tourism and culture? There was a period of time in 2009 to 2010 it would be Valerie Docherty, and then it was Robert Vessey and Robert Henderson.

**Mr. Trivers:** Okay, and once again just for the record, did Rob Vessey or Rob Henderson or Valerie Docherty explain why these schedules were missing even though they were required? Or did they just acknowledge they weren't done?

**Jane MacAdam:** I did not interview ministers. Typically, when we do an audit we do not interview ministers.

**Mr. Trivers:** Okay.

**Jane MacAdam:** We talk to senior management.

**Mr. Trivers:** Once again, Chair?

**Chair:** Yeah.

**Mr. Trivers:** For the record, why is it you did not interview the ministers? Because they are the ones who actually were responsible for the retention and disposition schedules that were missing during that time period? Just –

**Jane MacAdam:** Well, I guess with all programs in government their deputies are assigned responsibility for achieving – for their departments or for their entities, so we do not typically interview ministers when we do our work. In this case we did interview some ministers because it was a

different assignment, but typically we wouldn't interview ministers.

**Mr. Trivers:** Chair?

**Chair:** Brad.

**Mr. Trivers:** Once again, I think the reason that this is important is most of the people we're talking about here are still running our government. They're in positions of authority and who knows whether their priorities might slip in the future again and they decide something important might not be a priority? That's why it's important to understand from them what exactly was going on at that time and why this wasn't a priority and what was happening.

It's great for the current minister to say that, but we have the vast majority of these same people who are still in senior positions in government or ministers in our Cabinet and I think they deserve to have a chance to explain why they were not able to adhere to these regulations.

That's all, Chair.

**Chair:** Thank you, Brad.

Next on my list is Jamie Fox.

**Leader of the Opposition:** Thanks, Chair.

Back several minutes ago you outlined very vaguely some reasons why the law was broken or why they failed to obey the law. Can you explain them?

**Jane MacAdam:** Based on our interviews that we conducted, some of the individuals indicated that records management has not been a priority in government, so there hasn't been training dedicated to records management. There has been lack of resources. Some of these records management liaison officers are working part-time. In every department and entity there are not full-time people dedicated to records management. These were some of the contributing factors that were outlined to us when we did our work.

**Leader of the Opposition:** Did anybody that you interviewed in regards to that tell you that these concerns were raised to

government officials, or elected government officials, their bosses?

**Jane MacAdam:** I don't think they specifically – I mean, there is a process. The Public Archives and Records Office, they do RIM assessments periodically. They did do one in 2009, for example. They indicated that there were only 93% I think of – or, 93% of public bodies that they contacted or surveyed said that electronic records management issues hadn't been addressed. Then they tried to do another RIM assessment three years later, I believe, and a lot of public bodies did not cooperate and provide them with information.

That Archives and Records Office was having difficulty getting information to assess compliance.

**Leader of the Opposition:** Did you just say a minute ago that 93% of government bodies are not following what they're required to do?

**Jane MacAdam:** No, that's not what I said. In 2009, the Public Archives and Records Office did a RIM assessment and as part of that they surveyed public bodies; and 93% of the public bodies surveyed indicated that electronic records issues had not been addressed. In other words, they haven't been addressing electronic records management. It wasn't a priority, electronic records management. In other words, that tells me there is a lot of work to do.

That was in 2009. In 2012, they attempted to do another assessment to monitor compliance with the *Archives and Records Act* and not all public bodies responded. They were trying to get some information to monitor compliance, but clearly it wasn't a priority of a lot of public bodies.

**Leader of the Opposition:** You know that the tourism section of tourism and culture approved their records retention schedule May of 2011; was this directly related to your office's recommendations on the tourism research centre?

**Jane MacAdam:** I'm not sure.

**Leader of the Opposition:** When you were made aware why tourism approved their legislative required schedule in 2011, but the

culture half of the department did not bother complying with the law, was there any reason for that – why they didn't bother?

**Jane MacAdam:** It was just a separate section and they did the tourism part of it, but they just didn't get the culture part completed.

**Leader of the Opposition:** One more question, Chair.

Was minister Vessey aware of his responsibilities under the *Archives and Records Act*? Did he know what his actual responsibilities were?

**Jane MacAdam:** I did not talk to minister Vessey.

**Leader of the Opposition:** Thank you.

**Chair:** Next I have Darlene Compton on the list.

**Ms. Compton:** Thank you, Chair.

Continuing on that, we talk about innovation; we talk about innovation and advanced learning and tourism and culture. You just indicated that the minister wasn't – you didn't interview him so you're not aware of –

**Jane MacAdam:** No.

**Ms. Compton:** It would be the same with Minister Henderson?

**Jane MacAdam:** Yeah, I did not interview –

**Ms. Compton:** We can all sit around this table and maybe be frustrated but ministers weren't interviewed. Does anyone really know? To have a report is great – the Auditor General does a report every year and I'm sure she gets as frustrated as the rest of us do at some point because the recommendations are not always followed.

We can do another report saying that they're going to be, but until we know the process and who's involved and who's going to be responsible – we say the minister responsible is the responsible person – lots of times they're long gone or it's a different department, so this is why we're asking the

questions and why we feel it's important for all these people to be called forward and find out how we went through this mess.

Again, Hal Perry was a minister of education at the time – you don't know if he knew his obligations as far as being minister around –

**Jane MacAdam:** Like we said earlier, when we do these audits we do not typically involve ministers. When we do these audits we're assessing management practices and compliance with legislation and those types of things, economy, efficiency, and effectiveness of government programs so it's not normal to interview ministers.

**Ms. Compton:** Was there a records retention schedule in place for the Premier's office for the period of your audit?

**Jane MacAdam:** There was.

**Ms. Compton:** There was?

**Jane MacAdam:** Yes.

**Ms. Compton:** And can you elaborate on that as far as – was that part of the scope?

**Jane MacAdam:** We were advised for the Premier's office that they use similar – a same schedule as – the Premier's office's use same schedule as for minister's offices' records, so ministerial office records. That's a six year – six years is the retention period for semi-active records.

**Ms. Compton:** Who in the Premier's office would be responsible, I guess? The Premier?

**Jane MacAdam:** I'm not sure who signed off on the schedule, I don't know. We were advised that they use the same schedule as for minister's offices.

**Ms. Compton:** Thank you, Chair.

**Chair:** Kathleen Casey.

**Ms. Casey:** Thank you, Mr. Chair.

As the Auditor General stated, that during her investigation that record information management was not a priority in 2009 and I know as you had heard, the great work of Public Archives and Records Office and the

Information and Technology and Shared Services, through you Mr. Chair, I would like to pass this report to Mr. Fox so that he can see that, although it may not have been a priority during the investigation it is now a priority for government. Through you, I would like to pass this report to Mr. Fox.

Thank you.

**Chair:** Thank you, Bush. Thank you, Ms. Casey. If you want to hand that down to – every hand can touch it –

**Ms. Casey:** (Indistinct)

**Chair:** - to Jamie Fox.

Thank you.

Brad Trivers is on my list.

**Leader of the Opposition:** Chair?

**Chair:** Sorry. Go ahead, Jamie.

**Leader of the Opposition:** I think we're forgetting what we're here for. We're here to find out what took place and who is responsible for the action they took. This is fine; laws and regulations were broke. We need to find out who is responsible and why they were not held responsible for their actions.

Thank you.

**Chair:** Ms. Casey.

**Ms. Casey:** Thank you, Mr. Chair.

We are here to find out and as a result of the Auditor General's findings, your questions related around record information and management – I just wanted to make it clear that we've heard the Auditor General loud and clear. The Public Archives and Records Office and the Information and Technology and Shared Services department have taken the recommendations and have implemented a three-year strategy. They are taking the recommendations and the good work of the Auditor General seriously and I just wanted you to have a copy of that.

Thank you.

**Chair:** Thank you, Ms. Casey.

Brad Trivers.

**Mr. Trivers:** Thank you, Chair.

I just wanted to, again, for the record just to understand – the records information management assessments, how often are they supposed to occur according to legislation and policies?

**Jane MacAdam:** I'm not sure that there is a timeframe outlined. It's not in the act and there is a Treasury Board policy as well and I'm not sure if the Treasury Board policy outlines the frequency of conducting those RIM assessments. I don't have that with me.

**Mr. Trivers:** Thank you.

The reason I'm asking about that is you say in 7.8: The last RIM assessment completed by PARO was in 2009 and PARO had not been preparing compliance reports to the minister and they indicated the attempt to complete another assessment – attempted to do that – and report the results, but various departments did not respond to requests for information.

Who was the minister responsible in 2009 when the last RIM assessment was conducted? Do you know who that was?

**Jane MacAdam:** The minister responsible for the *Archives and Records Act*?

**Mr. Trivers:** Responsible for making – for the group for PARO.

**Jane MacAdam:** It was tourism before it was education. I'm just seeing if I have the dates here.

The *Archives and Records Act* from January 2010 to February 2015, it was under tourism and culture. The minister of tourism and culture was the minister responsible. I think it would have been Robert Vessey and Robert Henderson.

**Mr. Trivers:** I can imagine it would be very frustrating for PARO when they're trying to take the directives that they received from Treasury Board because RIM assessments are Treasury Board requirements, but they're getting non-compliance from various government departments.

Once again, did you ask any questions to senior management? You said you didn't interview any ministers, as to their take as to why these various departments did not respond to requests for information as part of this record information assessment?

**Jane MacAdam:** Yes, we interviewed the provincial archivist. That was one person that we interviewed and she indicated that there were resourcing issues; there were training issues that records management just hasn't been a priority of government. I mean, it's obvious when the public bodies are not responding to requests for information. It's not a priority so that's what we indicate here in the report. Various departments were not responding to requests for information.

**Chair:** Brad.

**Mr. Trivers:** My question is: What did the minister at the time do to help enforce the Treasury Board requirements and get these various departments to respond to the requests for information? Is that something that you have any ideas with actions? That's what they're doing now, what did they do at the time? It's a blatant disregard for Treasury Board requirements, trying to do a RIM assessment. What action was taken? That's the job of the minister to make sure that the requirements are followed? Right?

**Jane MacAdam:** We point out in the report what we found and I mean, it's clear from the report that more work needs to be done and that's why we made the recommendation.

**Mr. Trivers:** So the minister didn't do anything, basically, at that time to make sure that the Treasury Board requirements were adhered to for the RIM assessments. They just ignored it and said: This isn't a priority, go ahead. That's somewhere down my list and it fell off the rails, it just fell off the table.

**Jane MacAdam:** We're just pointing out the facts here. These RIM assessments were not completed in accordance with Treasury Board policy. These compliance reports were not provided to the minister. These are the facts and those are the facts that we used to make our recommendation.

**Mr. Trivers:** Chair, I just want to make a comment. I mean this was happening in around the 2011 timeframe, as far as I can tell. Here we are in 2017, six years later and we're finally catching up and we're starting to put systems in place and policies in place to make sure that these RIM assessments can occur. The technology has been around and this problem has been around for six years. I just want to know why it wasn't a priority for government to make sure that the act was followed, the Treasury Board requirements were followed and RIM assessments were completed. That's all.

**Chair:** Chris Palmer is next on my list.

**Mr. Palmer:** Thank you, Chair.

Jane, could you provide us with a list of ministers you had requested to interview that refused?

**Jane MacAdam:** There was nobody that refused to be interviewed that was a minister.

**Mr. Palmer:** Okay. I'd like to go back to, which I've done before, but the January 11<sup>th</sup> record of the meetings and Jane, something that you had said which was: For us to complete our work and issue the report, the work that we did was sufficient in terms of who we interviewed and the questions we asked.

Is that correct, do you recall?

**Jane MacAdam:** Yes.

**Mr. Palmer:** Thank you, Jane.

Thanks, Chair.

**Chair:** Thank you.

Next on my list I have Sonny Gallant.

**Mr. Gallant:** Thank you, Chair.

Chair, in all due respect to the committee, we spent a tremendous amount of time on this file. We have not gotten through section 7 yet. There are recommendations there in 7.14 and 7.15; I can read them if you like.

“7.14 The Public Archives and Records Office in cooperation with public bodies,

should monitor compliance with records management policies and procedures and submit compliance reports to the Minister of Education.

“7.15 The Minister of Education, as the minister responsible for *Archives and Records Act*, should take necessary action to enforce compliance with the Act.”

Well, they were in here last time we met. They’ve explained both these recommendations that were identified. I suggest that we move on to section 8 at this time and continue with this report.

Mr. Chair, if you need a motion I’ll make a motion.

**Chair:** Thank you, Mr. Gallant.

As we’ve said before, any motions will come at the completion of a section. At that time, you’re more than welcome to make a motion at the end of the section, that we move on to section 8, which will be a moot issue because we’ll be moving on to section 8.

Sorry. Next we had Jordan Brown.

**Mr. Gallant:** May I continue, Mr. Chair?

**Chair:** Go ahead, Sonny.

**Mr. Gallant:** Then I suggest that we move on to section 8 and stay on track, paragraph by paragraph. A lot of questions have been asked and asked in different ways and I can appreciate that; but I think we need to move on in this report, so I suggest that we continue with section 7 and move on to section 8.

**Chair:** I still have people on the list here, so I presume that there are individuals or committee members that still have questions, Mr. Gallant.

Again, next on the list is Jordan Brown.

**Mr. J. Brown:** Thank you very much, Chair.

I’m wondering – and I don’t know whether this would be something that you look at or know anything about – but I’ll ask the question and you can tell me one way or the

other. In your eyes would it be more fitting for PARO to fall under the same minister as ITSS than it would be under a separate minister?

I’ll tell you too, in fairness, we asked this question last meeting that we had when they were in to give a presentation; but I’m kind of curious as to whether you know anything about what’s done in other jurisdictions or what would be normal, or if you ran into anything when you were doing your investigation to indicate that it likely would have made more sense if the two were under the same umbrella?

**Jane MacAdam:** We never considered what was the case in other jurisdictions for sure. We never really assessed whether or not it would be better. I guess with ITSS you’re talking about electronic records. The *Archives and Records Act* is bigger than that because it includes all records. I mean it’s something that could be considered but I really – I wouldn’t feel comfortable saying one way or the other whether they should be together or not.

**Mr. J. Brown:** Can I just follow (Indistinct)

-

**Chair:** Go ahead, Jordan.

**Mr. J. Brown:** I’ll tell you too, perhaps to give you more context and fairness. Part of the reason I ask that question was because when we ask the questions of the two different presenting groups here last time, they had indicated there are not currently but there will be – basically what I’m going to call it PARO officer, I think they were called something different – but a PARO officer that would be kind of installed or instilled in the various departments to ensure that the schedules were being put out and developed and retained and all that kind of stuff.

But beyond that, when these forms were executed, they’re really an ITSS form and the process goes down through ITSS, so if there was a case where the left hand and the right hand didn’t know what each other was doing – which frankly seems to be a big part of the reason why we’ve gotten to where we are today – and now I understand that they’re going to bridge that gap to a degree by creating a level of communication

between PARO and ITSS, or between those compliance officers and ITSS. I wonder whether to me – and I don't know the full scope of the duties of PARO or the group of people at ITSS that actually do a lot of the work to enable PARO; but it would seem to me to be a much more natural fit than having two separate entities that don't talk to each other, doing things.

I don't know. I just gave you that context to let you know where I was coming from. I don't know if that triggers anything or not.

**Jane MacAdam:** No, we really didn't assess that as part of our work.

**Mr. J. Brown:** Okay, thanks.

**Chair:** Thank you, Jordan.

Next, Darlene Compton.

**Ms. Compton:** Thank you, Chair.

Just back to Chris's question: He asked you what ministers refused, but you've already said you don't interview ministers, right?

**Jane MacAdam:** Not typically, no.

**Ms. Compton:** You said no one refused but you didn't ask for any ministers to be interviewed?

**Jane MacAdam:** I did interview Minister Roach.

**Ms. Compton:** You did?

**Jane MacAdam:** Yes I did, in this particular instance.

**Ms. Compton:** But normally you said you don't interview ministers.

**Jane MacAdam:** Normally not, no.

**Ms. Compton:** Just further to Jordan's question about the department that RIM should be in – I wonder can you shed any light on why it went from tourism to education.

**Jane MacAdam:** I'm not really sure why it did and we didn't really consider that. I mean it's just part of reorganizing and grouping different things differently. We

never really considered that as part of our work.

**Ms. Compton:** Further to that question, we look at what department it should be in, really. I think that's part of the question that we should have because what best suits ensuring that they're doing their work? Does it fall under education? Probably not. Does it fall under tourism? Probably not. Does it fall under innovation, any of those departments? If there's any recommendation from you as far as what department would be best suited to ensure that the recommendations or that report is carried out. Do you have any –

**Jane MacAdam:** No, I – that's not – I'm not comfortable saying what department it should be under.

**Ms. Compton:** Okay. Going back to the ministers at the time, we know you didn't interview them, but it is their legal obligation under Treasury Board policy to ensure that they have records management up to date and efficient in the department. It is their legal obligation, those ministers.

**Jane MacAdam:** Right.

**Ms. Compton:** And is there a penalty or a consequence for breaking that? In place, or was there?

**Jane MacAdam:** No, not that I'm aware of. There were no penalties in the act, and that was something that was raised with us when we were validating our findings, is that perhaps the legislation should be enhanced to put more teeth in it in terms of penalties or repercussions if things are not done as required.

**Ms. Compton:** One more?

**Chair:** You can go one more.

**Ms. Compton:** So just back to that, these are why we're asking these questions. You know, are ministers aware of their legal obligation, do they understand what the consequences are? This is part of what we're doing here.

It's not about we're moving forward, this is what we're doing. Why did this happen in the past? Well, we still have to look at why it happened, and we have to understand what

the ministers of the time thought their obligations were. That's part of this decision, and moving forward, and for that report and the people that are going to supposedly adhere to that report, this is all important information for the people that will carry that on, too.

Thank you.

**Chair:** Peter Bevan-Baker is next on the list.

**Dr. Bevan-Baker:** Thank you, Chair.

I think it's important that we recognize that the scope of the audit is a different mandate from the scope, the mandate of this committee of public accounts, and that while Chris has brought up now on three or four occasions the quote from Jane in the past that she feels she had the information required to carry out her work, there are also parts in her report where she says, and I quote, in section 7.12: "...we cannot be certain that all relevant records were provided to us." So there is some question as to whether you got all the information you require.

But again, more importantly for me, is that our mandate – the audit here was done, this is an accounting audit of what happened; but our mandate is to oversee the appropriate and careful spending of public funds. That's what this committee is here for.

From Jane's report, all that we know is, to a certain extent, who was involved; but we do not know who made those decisions, we do not know how those decisions were made, we do not know why those decisions were made, and that is part of the mandate of this committee. I think we have failed to see that distinction.

For government to say – and the phrase that has come up repeatedly here in accounts this morning, is that record keeping was not a priority of government, and I accept that, it was obviously not a priority of government – but that's different from knowingly and actively removing records that should have been kept according to legislation. That's very different. That's not a lack of priority. That's an active act, and I think that's also something we need to distinguish here. And –

**Mr. J. Brown:** So are you saying somebody did that?

**Dr. Bevan-Baker:** Excuse me. I am saying that deputy ministers and – Jane did not have an opportunity, or chose not to interview some of the deputy ministers and ministers involved for this file – but I think that is the mandate –

**Mr. J. Brown:** Chair –

**Dr. Bevan-Baker:** –and the requirement –

**Chair:** Jordan.

**Mr. J. Brown:** – let's keep the (Indistinct) –

**Dr. Bevan-Baker:** Okay, the ministers.

**Mr. J. Brown:** He said –

**Chair:** Jordan.

**Dr. Bevan-Baker:** The ministers.

**Mr. J. Brown:** He just threw deputies in there to –

**Chair:** Jordan!

**Mr. J. Brown:** – to conflate (Indistinct) –

**Chair:** Excuse me.

Jane, I believe, does want to respond to what you just mentioned there, Peter, because I think there is a little bit of clarification –

**Dr. Bevan-Baker:** Yep.

**Chair:** – that needs to be made, and then pull it back to you.

**Jane MacAdam:** Just the deputies, I guess, that was –

**Dr. Bevan-Baker:** Yep.

**Jane MacAdam:** I did interview the deputies, but –

**Dr. Bevan-Baker:** Yeah.

**Jane MacAdam:** – not necessarily the –

**Dr. Bevan-Baker:** I apologize.

**Chair:** Okay.

**Dr. Bevan-Baker:** I apologize. But I think it's also worth noting that while deputy ministers obviously have an advisory role, they also have an executive function and that has to be carried out in compliance with the laws of this province. They swear to uphold the laws of this province, and if a deputy minister does not agree with a direction that he or she is receiving from her minister, they have an obligation to go to their boss, to the person who hired them, to the person where the buck stops.

And again, we do not know what discussions were had, who made decisions, how those decisions were made, and that's why I feel that we have to have other witnesses in here if we are to dig down properly and find out what went on with this file.

Thank you, Chair.

**Chair:** Thank you, Peter.

Steven Myers is next on the list.

**Mr. Myers:** Thank you.

Just back to – we made reference back to the first question I asked about the dates of deletion. Can you confirm when the actual deletion of the accounts happened? Not the emails themselves, just when the accounts were gone, do you have the dates for those three people?

**Jane MacAdam:** No, I don't have those.

**Mr. Myers:** Okay, so –

**Jane MacAdam:** I don't know when ITSS actually deleted the information.

**Mr. Myers:** You have said on several occasions here today that you normally don't interview ministers when you're doing an audit. What was so special about Al Roach that you had to interview him?

**Leader of the Opposition:** (Indistinct)

**Jane MacAdam:** Well, it was connected with the appearance of a conflict with his deputy, Melissa MacEachern.

**Mr. Myers:** Okay, so the only thing you interviewed Al Roach about was Melissa's –

**Jane MacAdam:** That was the main reason. We did ask some questions about the loan to the Confederacy because he was the minister at the time, but certainly the appearance of a conflict for a deputy is not something that we would typically come across in our audits as well, so that's one of the reasons why we interviewed him.

**Mr. Myers:** Something that we've found over this school closure issue is that the deputy actually answers to the Premier directly. They don't really answer to the minister. Did you speak to Robert Ghiz about this same conflict?

**Jane MacAdam:** Which? You mean Melissa MacEachern?

**Mr. Myers:** Yeah.

**Jane MacAdam:** I can't recall if that was a specific question or not.

**Mr. Myers:** So what made Robert Ghiz so special that you needed to interview him when you don't normally interview ministers or premiers?

**Jane MacAdam:** It was to gain an understanding of how the egaming initiative started.

**Mr. Myers:** Okay. So, same question then for Wes Sheridan. What was so special about Wes that you interviewed him?

**Jane MacAdam:** Well, he was the lead on the egaming initiative.

**Mr. Myers:** Right. So is it fair to say that you had to go to the top level to get the answers to your question?

**Jane MacAdam:** Well, it wasn't necessarily the only – you know, we would have corroborated all this information with other interviews that we conducted. It wouldn't be the only source of information.

**Mr. Myers:** On the – when it came to this file of deleting emails, why was it that you didn't interview Robbie Henderson who was the minister responsible for it at the time?

**Jane MacAdam:** I didn't feel the need to interview the minister because we talked to the deputies, we talked to ITSS, and we had a lot of information.

**Mr. Myers:** Okay, so could I read into it that the other three were involved and interviewed by you because they had a serious involvement directly with the file and Robbie Henderson didn't?

**Jane MacAdam:** In the situation where a senior executive is – we're putting in a report that they're in an appearance of a conflict.

**Mr. Myers:** Yep.

**Jane MacAdam:** That is a very serious matter and it's not something that we took lightly, so I had to interview the minister to ensure that I had all the information.

**Mr. Myers:** That's not what you talked to Robert Ghiz about or Wes Sheridan about.

**Jane MacAdam:** Well, no, not in that case, but with Wes Sheridan being the lead on the egaming file and the fact that there were a lot of records that we could not access because they were with the law firm, it was necessary to talk to Mr. Sheridan and Mr. Ghiz.

Part of that was prompted by the fact that McInnes Cooper had a lot of information on the minutes, the meetings that were conducted of the working group, so in that particular case we were trying to deal with the fact that we had limited access to that information from normal sources.

**Mr. Myers:** Right, so back to my question then. Is it fair to say that those three were interviewed because they were extremely involved with the file?

**Jane MacAdam:** Like we said before, Mr. Sheridan was the lead on the egaming file.

**Mr. Myers:** Okay, and the reason you interviewed Robert Ghiz?

**Jane MacAdam:** Again it was to get some information on the egaming file and how it was initiated because there was limited information at the Department of Finance and in government because of the

involvement with the law firm. We could not get that information. The law firm would not agree to be interviewed.

**Mr. Myers:** Okay.

**Jane MacAdam:** So we interviewed Wes Sheridan and we interviewed Robert Ghiz.

**Mr. Myers:** So again my question on Robert Ghiz is, is it safe to say you interviewed him because he was extremely involved with the file?

**Jane MacAdam:** Like I said before, the lead on the file was Wes Sheridan, and he indicated that in the interview. We interviewed him to get an understanding of how egaming was initiated, how it started.

**Mr. Myers:** I'm just confused where Robert Ghiz fits, then, if that's the case. I'm trying to clarify where Robert Ghiz fits into it. So Wes Sheridan led the file, I got that. Robert Ghiz was interviewed because? He had to know something that he could provide you that nobody else could, right?

**Jane MacAdam:** Well, he did provide information to me on how the egaming initiative started.

**Mr. Myers:** So it's –

**Jane MacAdam:** I used my professional judgment based on the assignment that was given to me and I interviewed Robert Ghiz and I got information from him that I used to prepare this report.

**Mr. Myers:** So again, my question is: You interviewed him because he had information, he was extremely involved and had information that others did not have?

**Jane MacAdam:** I wouldn't say others did not have. Part of what we do when we do these assignments is we corroborate. We corroborate our information. So we get information from one source, we compare that to information from another source. I'm not saying that Robert Ghiz had the only information that was available, but because we interviewed Wes Sheridan and he said something –

**Mr. J. Brown:** Could the members of the audience that are –

**Jane MacAdam:** Then I interviewed Robert Ghiz and he said –

**Mr. J. Brown:** – shouting and motioning –

**Jane MacAdam:** – the same thing, so I was able to –

**Mr. J. Brown:** (Indistinct)

**Jane MacAdam:** – corroborate that information.

**Mr. Myers:** No, that's good. Thank you.

**Chair:** Are you referring to the gentleman sitting behind Mr. Gallant that is –

**Mr. J. Brown:** No –

**Chair:** – passing notes back and forth?

**Mr. J. Brown:** No, the gentleman here with the beard and the long hair.

**Chair:** Okay.

**Mr. J. Brown:** Yeah.

**Chair:** I'm sorry, I didn't see that.

But I –

**An Hon. Member:** Is he distracting you?

**Chair:** I would –

**Mr. J. Brown:** It is distracting, actually, yeah.

**Chair:** I would remind –

**An Hon. Member:** (Indistinct)

**Chair:** I would remind all members of the gallery that you're here only as observers. You're not active members of this committee. You're just here as observers, so I'd ask you to refrain from communicating with or passing notes back and forth to committee members. Thank you.

Continue.

**Mr. Myers:** Oh no, I'm done. Thank you.

**Chair:** Okay. Next on my list I have Jamie Fox.

**Leader of the Opposition:** Thank you, Chair.

I'm interested in PARO. You indicated that various departments didn't supply information. Can you give us a list of what departments failed to provide information as indicated by PARO?

**Jane MacAdam:** I don't have a list of those. You're referring to in paragraph 7.8?

**Leader of the Opposition:** Yeah.

**Jane MacAdam:** Various departments did not respond. I don't have a list of the departments with me.

**Leader of the Opposition:** Do you have access to it?

**Jane MacAdam:** I mean, it's something I could bring back if that's what the committee wants, but I don't have with me right now –

**Leader of the Opposition:** If somebody on the committee was to make that sometime at the end of the section, that'd be fine.

And with that, I'm also interested in the dates that these requests come out and any correspondence back in regards to their non-action or failure to comply or provide information.

**Chair:** That was already requested, Mr. Fox.

**Leader of the Opposition:** Okay. Thank you.

**Chair:** We're still waiting for that information to come back.

**Leader of the Opposition:** Chair.

Jane, was the minister responsible or the Premier aware that numerous cabinet colleagues failed, their departments failed to provide information?

**Jane MacAdam:** I'm not sure if the minister was aware or not.

**Leader of the Opposition:** And to your knowledge, did the minister ever address this serious breach of Treasury Board rules

and archives with the Premier or Premier MacLauchlan?

**Jane MacAdam:** I'm not aware.

**Leader of the Opposition:** You're not aware of that.

**Jane MacAdam:** There may have been discussions after our report was sent out.

**Leader of the Opposition:** Are you aware of any conversations between, in regards to these breached Treasury Board rules with the Premier MacLauchlan?

**Jane MacAdam:** No, I'm not aware of any.

**Leader of the Opposition:** One more, Chair.

Why did you fail to interview the three ministers responsible for record management during the period of your audit investigation? I find that – you said you talked to the management (Indistinct), but I fail, I can't understand why you wouldn't actually talk to the ministers responsible too, that the management was responsible to. Why wouldn't you feel that would be important?

**Jane MacAdam:** Like I said, we typically do not interview ministers when we do our audit work.

**Leader of the Opposition:** Thank you.

**Chair:** That it, Mr. Fox?

**Leader of the Opposition:** Yeah.

**Chair:** Okay. Jordan Brown's on the list next.

**Mr. J. Brown:** Thank you very much, Chair.

Chair, when Jill MacMicken-Wilson and the rest of the crew were in here, they gave some evidence in relation to a jurisdictional scan that they had done on penalties in the new legislation or legislated amendments that they intend to introduce.

I'm wondering, Jane, whether your office had scanned other jurisdictions to see whether there were penalties in the

equivalent of the PARO legislation in other jurisdictions in terms of what might happen? There have been a lot of questions here today as to what recourse was taken or whatever. Do you have any idea of whether it's typical that there wouldn't be any penalties in the legislation or typical that there would be or (Indistinct) –

**Jane MacAdam:** We didn't do any specific work in that area, but when we were discussing the draft report with the department of education officials they did indicate to us that these kinds of penalties or repercussions are sometimes built into legislation in other jurisdictions, and that is something that they were going to look into.

**Mr. J. Brown:** Thank you.

**Chair:** Okay, Brad Trivers.

**Mr. Trivers:** Thank you, Chair.

I'm looking at section 7.10, and one of the statements you make is: "Certain e-mail messages can be considered government records." Just for the record, what email messages can be considered government records? What's the criteria used to determine whether an email is a government record or not?

**Jane MacAdam:** Well, it's really the content that determines whether or not it's a record. For instance, policies and directives documents that initiate, authorize or complete a business transaction, those are some examples. Any correspondence related to official business would be a government record. So it wouldn't include transitory emails where they could be personal emails or emails where people are just arranging to have lunch, things like that. So, not all emails are government records.

**Chair:** Brad, we have more or less gone down this road, so I'm just going to ask you – unless you have some questions that are pertinent to a specific subject or topic that we haven't already covered off?

**Mr. Trivers:** Well, and stop me if we've covered this, but looking at section 7.10, you say that there were some government employees that weren't managing their email records in accordance with government policy. I don't know if we've

requested that or not or if you can provide that information? We need a motion for that.

**Chair:** I think that would probably fall under a request for information at the end of the section.

**Mr. Trivers:** Okay. Chair?

**Chair:** Go ahead, Brad.

**Mr. Trivers:** So if there is a member of the committee that's going to make a motion to get that information, that is, what employees failed to manage their email records in accordance with government policy, any (Indistinct) you found of that. I wanted to as well also know if any of those employees are actually still working for government.

The other thing I wanted to find out about managing email messages as government records: Really, was it an issue primarily with executive-level officials and elected officials, or was it across the board, all the way down the chain? I don't know if you want to include that as part of this potential motion that comes forward or if that's something that you could answer now.

**Jane MacAdam:** I think if you're talking about 7.10 here?

**Mr. Trivers:** Yeah.

**Jane MacAdam:** Is that what you're referring to? We say: "Consequently, if the employee does not manage his/her e-mail records in accordance with policy, government records can easily be destroyed." So there we're just pointing to the need to manage email messages so that you don't inadvertently destroy a government record.

**Mr. Trivers:** So –

**Jane MacAdam:** It's just – this paragraph is –

**Mr. Trivers:** All right. So –

**Jane MacAdam:** – sort of the importance of managing your records so that you don't destroy any records.

**Mr. Trivers:** So just to clarify: When I read that, it seemed to imply that there were

email messages that should have been managed as government records that weren't.

**Jane MacAdam:** Right, and (Indistinct) –

**Mr. Trivers:** And I was wondering if you had had a – that's why I'm asking if you identified specific people who weren't doing that –

**Jane MacAdam:** Well, (Indistinct) –

**Mr. Trivers:** – and whether they still work for government and whether they were executive level (Indistinct) –

**Chair:** Brad, if you'd let her answer the question?

**Jane MacAdam:** So in 7.11 we talk about the specific instances of three – we say there are emails of senior government officials who are key participants in the egaming initiative, so those were the three instances that we talked about before.

**Mr. Trivers:** Chair?

**Chair:** Brad.

**Mr. Trivers:** Were those the only ones that you identified where, again, the employees were not managing their email records in accordance with government policy?

**Jane MacAdam:** Well, there could be many that weren't managing their records in accordance with policy, but we single out these three because we know because we received information from other public bodies and sources outside government that records actually did exist in these accounts at one time but they were not retained by the public body. We expected that there would be records because of our knowledge of the file.

**Mr. Trivers:** Thanks, just wanted to clarify that. Thank you.

**Chair:** Darlene Compton.

**Ms. Compton:** Thank you, Chair.

We talk about the key participants and how they didn't manage their records properly.

We know that already. Again, can you name them for us?

**Jane MacAdam:** The individuals that we're referring to in 7.11 are: Chris LeClair and Melissa MacEachern and Rory Beck.

**Ms. Compton:** Were you able to determine on what date the last record or reference from these particular email accounts were removed? Did you determine that?

**Jane MacAdam:** No, we didn't. We didn't look for that.

**Ms. Compton:** Fair enough; it was already asked.

**Mr. J. Brown:** A lot of times.

**Ms. Compton:** A lot of times. Does government have any records of any kind for Chris LeClair or Melissa MacEachern? Emails, carb copy, text, any kind of record? Or is it just totally vanished?

**Jane MacAdam:** As we indicate in that paragraph, we didn't get the records from the relevant public body, but we did receive other records from other public bodies and sources outside government. We did examine some emails that were to or from or cc'd to Chris LeClair, for example, because we got them from another public body or we got them from sources outside government, or we got them as part of these securities investigation records that we had access to. We know that they existed at one point because we got them from other sources. That's the point we're making in that paragraph.

**Chair:** Darlene.

**Ms. Compton:** I just want to clarify that there are no records of any kind, emails, paper copy, texts, anything, for Melissa or Chris?

**Jane MacAdam:** We did get them from other – we have emails.

**Ms. Compton:** But through someone else's email.

**Jane MacAdam:** Through another public body, but they were in government, but we didn't get them from the entity that should

have been retaining them in accordance with the act.

**Ms. Compton:** For all intents and purposes there are no records of any kind for those two people, or three people?

**Jane MacAdam:** Yeah, related to egaming. I mean there could be other records, but we were just looking for relevant records; relevant in terms of egaming or the loyalty card program or the financial services platform.

**Chair:** Darlene.

**Ms. Compton:** Just one more.

You're saying any records relevant to egaming, but there could be other records for them?

**Jane MacAdam:** We didn't look for all records –

**Ms. Compton:** You don't know.

**Jane MacAdam:** – we just asked for all documentation related to egaming, loyalty card program or the financial services platform. That's all we were asking for as part of this assignment.

**Chair:** Thank you.

I just want to follow up quickly on that because we keep coming around to that we did receive relevant information from another party. I'm taking that to mean it was an email from someone that Chris or Melissa would have been in the loop on, but you never received their information. When you requested all pertinent information to the egaming file, am I to understand then that if there was a written letter on government letterhead or a memo sent or minutes from a meeting that perhaps one of those individuals chaired in their office, you received absolutely nothing pertaining to egaming for Melissa MacEachern or Chris LeClair?

**Jane MacAdam:** From the relevant public body.

**Chair:** Right. So –

**Jane MacAdam:** We did get some emails of Chris LeClair's and Melissa MacEachern's, but we got them from sources outside the relevant public body that should have retained them in accordance with the legislation.

**Chair:** I understand what you're saying there with regards to emails, because we've talked about that with the experts that were here last week as well. Does it trouble you, as the Auditor General who was tasked to do a thorough audit of this egaming file that you didn't even receive a letter or a memo or anything from these individuals that were obviously involved in this file that – everything, I'm not just talking about emails or pins or texts or anything like that, written letters, memos, minutes that may have been conducted in their office. Am I to understand that you received absolutely nothing?

**Jane MacAdam:** Right, in 7.11, at the bottom of the page here on page 41, we say: We requested information and were not provided with any email or other records for these individuals. So, we got nothing. We got no hard copies, we got no emails, we got no electronic records, or any records whatsoever, from these three individuals.

**Chair:** I guess again my question to you as the Auditor General: Do you find that troubling that you did not receive anything?

**Jane MacAdam:** That's why it's in the report; it's an issue.

**Chair:** Right. I guess I just fail to understand why someone is not being taken to task because all correspondence from these individuals was essentially expunged, it disappeared, whether it was deleted as an email or it was taken out to a shredding machine, that none of these records were available to be given to the Auditor General who is directed by the Premier of Prince Edward Island to do a thorough audit of this file.

**Jane MacAdam:** Yeah, it was concerning for sure, and that's why it's in the report. We did not get any records for these individuals from the relevant public body. Like I said before, we got the other end of some emails that were given to us from

other sources, from other public bodies or sources outside government.

**Chair:** Have you and your staff had a chance yet to examine the material that was finally turned over from McInnes Cooper?

**Jane MacAdam:** No, we have not.

**Chair:** What do you think your timeframe is to unseal that box and start going through it?

**Jane MacAdam:** It will be after my annual report for 2017 is tabled, which is March; next month I'll be finishing that. All my staff are working right now on completing the annual report. That has to be to the Speaker by March 15<sup>th</sup>.

**Chair:** You say in 7.13: Management of government records has not been a priority of Government; we've heard that over and over again. What consequences would you expect to be taken against responsible ministers for clear and flagrant violations of this law? I know you have recommendations in there, but as the Auditor General you must find it not frustrating, but infuriating that report after report – not only this special audit, but report after report – we see where Treasury Board rules were not adhered to. The *Financial Administration Act* was just basically tossed out the door and business is conducted as people see fit while continually breaking these important policies and rules that are put in place.

**Jane MacAdam:** I mean, all we can do is make recommendations. The legislation that's in place at the time is what we used as a standard in determining whether or not there are findings, and in formulating our recommendations.

It's troubling that the legislation's not being followed, and that's why we have the finding and we have the recommendation; but I can't go any further than that. The legislation is what's approved by the Members of the Legislative Assembly. I can only prepare the findings and conclusions and recommendations based on the legislation in effect at the time.

**Chair:** Kathleen Casey.

**Ms. Casey:** Thank you.

Chair, do you have any other members on your speaking list?

**Chair:** Not currently, but I do have some of my own questions.

**Ms. Casey:** If there aren't any – sorry –

**Dr. Bevan-Baker:** (Indistinct)

**Chair:** Peter, as well.

**Mr. Trivers:** Chair, I have one more as well.

**Ms. Casey:** I'm good; I just wanted to know who was on your speaking order.

**Chair:** Right now I have some more questions. Peter Bevan-Baker and Brad, but I'll defer to the list for now.

**Ms. Compton:** I have one.

**Chair:** And Darlene.

Okay, Peter Bevan-Baker.

**Dr. Bevan-Baker:** Thank you, Chair.

I mentioned the last time I spoke that the mandate of this committee is different from the mandate of the auditor. We just heard from Jane that – and I quote: All I can do is make recommendations.

This committee could – and I believe should – do much more than that. We're not doing our due diligence if we do not find out what happened here. If some of these records are not available to us, which they clearly are not, then the only way to find out what happened is to speak directly with the people involved, or else we are not doing our job. It just brings me back to the mandate of this committee and our obligation to see, I believe, to see witnesses beyond the Auditor General. That's all I wanted to say.

**An Hon. Member:** Hear, hear.

**Dr. Bevan-Baker:** Thank you, Chair.

**Chair:** Thank you, Peter.

Brad Trivers.

**Mr. Trivers:** Thank you, Chair.

Mr. Myers had asked the date that the deletion of Chris LeClair's email account was requested. I wanted just to clarify who made the request and do you know when the date –

**Mr. J. Brown:** (Indistinct) answered.

**Mr. Trivers:** – it was actually carried out.

Has it been answered?

**Mr. J. Brown:** Yes.

**Mr. Trivers:** Do you know when the deletion was actually carried out?

**Jane MacAdam:** No.

**Mr. Trivers:** The same thing for Melissa MacEachern's email account. Do you know when the actual deletion occurred?

**Jane MacAdam:** No.

**Mr. J. Brown:** The year after they were batched.

**Mr. Trivers:** Well, we don't know that for sure. We don't know that, Mr. Brown.

**Mr. J. Brown:** That's all –

**Mr. Trivers:** Are you on the speaking list?

**Mr. J. Brown:** The ITSS guy told us that's all he could tell us.

**Mr. Trivers:** I wanted to ask the auditor if they knew.

Thank you. That's all.

**Mr. J. Brown:** (Indistinct)

**Chair:** Anything else?

Okay, Darlene Compton.

**Ms. Compton:** Thank you, Chair.

I'm just back to Chris LeClair and Melissa MacEachern and their emails and their records. You normally do not interview the ministers, but we know that you interviewed both Robert Ghiz and Al Roach. Did you

ask them what happened to their deputy's records? You had the opportunity. You obviously knew it was a concern. Did you ask them?

**Jane MacAdam:** I can't recall whether or not I asked that question, but I do know that when we started this assignment we did not intend to look at records management. So it wasn't a big part of the planning for this audit. It only became an issue when we didn't get records that we expected to get, so – you know, like I did say earlier in the report that, at the outset, we didn't plan to look at records management.

**Ms. Compton:** But did you ask –

**Jane MacAdam:** I can't recall if I did or not, and I may have interviewed them early in the process and at that point did not know that we weren't going to get any records.

**Ms. Compton:** I just ask –

**Jane MacAdam:** Yeah, I'm not sure.

**Ms. Compton:** I ask that because they would be responsible and you did interview both of them and would have had the opportunity to ask them that question. We know that there are no records at all for either of those people, so I just, I'm asking the question to you if you did ask the Premier or Robert Ghiz or Al Roach if they knew what happened to the records.

**Jane MacAdam:** I can't recall if that was asked.

**Chair:** Anything else, Darlene?

I have no other names on my list right now. Kathleen, I do have some of my own questions to follow up, though.

**Ms. Casey:** Mr. Chair, I know we've had an exhaustive – we've had people come in to present on records management. I'm just wondering – I know statutorily the Auditor General has to give her, I know this committee has not looked at the AG report for 2016, ALC, and I know she has to make a report to the Speaker by March 15. I'm just wondering.

I know we've had people in to report on records management. There's been a

recommendation to the minister of education to take the necessary action to enforce compliance with the act as recommendation 7.15, and we had the department of education to come in and report, to say what they're doing to comply with the act.

I'm wondering if it would be prudent for us to move on, to carry this section and move on to section 8, knowing that the Auditor General has other work that she has to do. Not saying we haven't given due diligence to section 7. I think we have. Questions are starting to be repeated, and I'm just wondering if the committee agrees to move on to section 8.

**Chair:** I think my list speaks for itself, where I don't have any other names –

**Ms. Casey:** (Indistinct)

**Chair:** – currently on my list. At the onset of the meeting I said that we'll probably try to get to new business around 11:30 so that we can adjourn by 11:45 at the latest so that members can participate in the march today if, hopefully, they so choose.

**Ms. Casey:** But do we move –

**Chair:** But –

**Ms. Casey:** So do I have to make a motion that we move onto section 8?

**Chair:** Not necessarily.

**Ms. Casey:** Or do we just by consent – normally, committees that I participate in, it's been consensus that we move on. Is everybody in agreement that we've asked prudent questions or exhausted the questions? Since you have nobody left on your speaking list for section 7?

**Chair:** Nobody on the speaking list with the exception of myself.

**Ms. Casey:** Oh. Sorry, Mr. Chair.

**Chair:** Normally, as chair –

**Ms. Casey:** I thought you said you didn't have anybody –

**Chair:** No.

**Ms. Casey:** – on the speaking list.

**Chair:** Normally, as Chair, I allow all the other members to ask questions and then, towards the conclusion of that section, I ask questions.

**Ms. Casey:** Ah, my apologies.

**Chair:** Not a problem, Ms. Casey.

Jane, you originally asked for all records in September of 2015. You were given records in various batches by government. On what specific dates did government deliver records to you, and what was delivered in each batch?

**Jane MacAdam:** I don't have all those details with me.

**Chair:** I guess my question would be: Was everything turned over to you at once or did it come in in dribs and drabs?

**Jane MacAdam:** It –

**Chair:** If it came at all.

**Jane MacAdam:** It did not come all at once. It came in batches.

**Chair:** Okay. Could you provide back to me the dates of the delivery of documents from the various departments you requested?

**Jane MacAdam:** Some of it was continuous. Some of it was continuous through interviews and – I can –

**Chair:** So it was unfolding and ongoing.

**Jane MacAdam:** It was unfolding, ongoing, but then there were specific batches of information provided as well. It was continuous, really.

**Chair:** On what date did you realize that you were missing and/or didn't receive any pertinent information with regards to this file from either Melissa MacEachern or Chris LeClair?

**Jane MacAdam:** I'd have to check the file. I don't know what the specific date was.

**Chair:** Could you bring that back to me?

**Jane MacAdam:** If that's a request from the committee.

**Chair:** Okay, thank you.

What action did you take to determine why you were missing them? Was there a period of time where you thought you were still going to get them and then just they weren't appearing, they weren't appearing, and – when did you come to the realization that those records just were not going to come?

**Barbara Waite:** (Indistinct)

**Jane MacAdam:** We received statutory declarations from – there were statutory declarations from ten different individuals that we received, so I'll have to check the dates of those statutory declarations. That would have been the final date that I would have realized I'm not getting anything.

**Chair:** Okay. You talk about the statutory declarations. So who would have signed off to your office that no records remain for Chris LeClair, on what date was this done?

**Jane MacAdam:** For Chris LeClair it was Brian Douglas.

**Chair:** And would you have that date with you?

**Jane MacAdam:** I don't believe I have the date. Do we have (Indistinct)? That was July 4<sup>th</sup>, 2016.

**Chair:** (Indistinct) 2016, okay.

**Jane MacAdam:** So that was sort of the official date, but there were discussions before that.

**Chair:** All right.

So again, who signed off to your office that no records remained for Melissa MacEachern, and then what date was this done?

**Jane MacAdam:** That was Neil Stewart, and that was June 27<sup>th</sup>, 2016.

**Chair:** Okay.

I guess I'm just curious: Why did you choose not to use your powers under the

*Public Inquiries Act* to find out what happened to these missing records?

**Jane MacAdam:** As I indicate in the report – I think it’s in the introductory section – we gave it careful consideration, and based on the fact that there was a high probability that it could result in court proceedings. I mean, we consulted with our legal counsel as well in terms of the ramifications of using the powers under the *Public Inquiries Act*. It could have been costly. It could have dragged out for another year. And –

**Chair:** I might remind you it was already costly to the taxpayers of PEI too, though, right?

**Jane MacAdam:** Right. So it could have taken another year for me to be able to report, so given all the information that I had, I felt that it was important to report the results that we had and outline the scope limitations.

**Chair:** Who’s your legal counsel that you would have conferred with?

**Jane MacAdam:** It would have been Bernard Richard; he was a lawyer from New Brunswick.

**Chair:** Bernard Richard?

**Jane MacAdam:** Richard.

**Chair:** I guess my last question would be: Did you alert any justice officials, the Information and Privacy Commissioner or the RCMP that government records were missing and presumably destroyed in violation of the law?

**Jane MacAdam:** Would you read those names off again?

**Chair:** The Information and Privacy Commissioner or the RCMP or any justice officials here on PEI.

**Jane MacAdam:** Not the RCMP and not the privacy commissioner, but we did send a copy of our draft report to department of justice.

**Chair:** You didn’t send up any red flags that records were destroyed and the law was broken?

**Jane MacAdam:** The section of the report on records retention was shared with the department of justice.

**Chair:** What was the department of justice’s response?

**Jane MacAdam:** The points had been cleared with various senior people in government. They didn’t argue the facts. I’ll be presented the facts and they did not argue with the facts. They were aware.

**Chair:** I don’t have any other questions at this time.

Moving on to –

**Ms. Casey:** Move to section 8? There are no questions.

**An Hon. Member:** (Indistinct) we have to do motions for the (Indistinct)

**Chair:** We have, yeah, a request for information at the conclusion of the section.

**Ms. Casey:** Are we at the conclusion of the section –

**Leader of the Opposition:** Chair.

**Ms. Casey:** – Mr. Chair?

**Chair:** I’m assuming that we are.

Mr. Fox –

**Mr. J. Brown:** Chair, do we got a phone going there?

**Leader of the Opposition:** Can I ask one question of something he was asked?

**Chair:** I think it was Mr. Dumville’s. Do you want me to have him sanctioned for you?

**Mr. J. Brown:** I don’t think it was, actually. But anyway.

**Chair:** I thought it was your phone that was vibrating here.

**Leader of the Opposition:** Can I ask one question (Indistinct) –

**Chair:** One question, Mr. Fox, then we're moving on.

**Leader of the Opposition:** You said that you brought that up to the department of justice. Who did you bring it up to in the department of justice and when was that?

**Jane MacAdam:** As with all our draft reports we send them to senior management in the department of justice, so it would have been sent to the deputy minister and – I can't remember who else in the department of justice.

**Leader of the Opposition:** When was it?

**Jane MacAdam:** Steven Dowling was there as well. He would have got a copy. That would have been when we were almost completed. It would have been in the fall of 2016, September, October, that time frame.

**Leader of the Opposition:** Thank you.

**Chair:** Again, at the conclusion of the section, our normal practice has been – and we had a vote on this on the early onset of the review of this report – we're going to ask now if there is any formal request for information to be brought back to this committee.

Ms. Compton.

**Ms. Compton:** To Mr. Trivers' inquiry from 7.10: What employees failed to manage their records as per government policy; if we could have that list.

**Mr. J. Brown:** I think she already gave that, didn't she?

**Some Hon. Members:** (Indistinct)

**Mr. Trivers:** You said it was only the three you identified that had their email accounts deleted.

**Jane MacAdam:** Right, those are the ones that we talk about in the report. In 7.10 we say: If employees are not managing their emails they could easily destroy government records. But we don't have specific lists of employees.

**Some Hon. Members:** (Indistinct)

**Chair:** Excuse me. We have a meeting taking place here.

**Mr. Trivers:** That's not information –

**Mr. J. Brown:** Breaking the rules.

**Jane MacAdam:** No, I don't really have that.

**Chair:** Any other requests for information?

**Mr. Myers:** Can I ask a question?

**Chair:** One.

**Mr. Myers:** Well, it's not – it's to you.

**Chair:** Okay.

**Mr. Myers:** It's with regards to what's going on, and I know I can't request information. I'm just wondering: Do we have a running list of what this committee has asked for and what they received back?

**Chair:** Yeah, the clerk is keeping a record of that and he and I review it periodically.

**Mr. Myers:** Okay, thank you.

**Chair:** Ms. Compton?

**Ms. Compton:** That's it.

**Chair:** Okay.

Jamie.

**Leader of the Opposition:** I'd like to know if somebody can request a list of these departments that failed to provide information and the dates that they requested it.

**Ms. Compton:** We'll ask that question.

**Leader of the Opposition:** The departments that failed to provide information, who were they and when were these requests put into them?

**Mr. J. Brown:** What information?

**Jane MacAdam:** Are you taking about in paragraph 7.8?

**Leader of the Opposition:** Yeah.

**An Hon. Member:** I think I mentioned that back a little while ago.

**Mr. Myers:** Yeah, you did.

**Chair:** Okay.

**Ms. Compton:** Chair, I do have one more.

**Chair:** Go ahead, Darlene.

**Ms. Casey:** Who is asking that question on his behalf?

**Chair:** Darlene.

**Ms. Compton:** I am. I'm the only one (Indistinct)

**Ms. Casey:** Sorry, (Indistinct) didn't mention it.

**Ms. Compton:** Chair, also the destruction orders for both Chris LeClair and Melissa MacEachern; if we can have copies of those destruction orders.

**Mr. J. Brown:** (Indistinct) already asked for them.

**Ms. Compton:** You did?

**Chair:** Yes, we did.

**Ms. Compton:** Thank you. Again, that list.

**Chair:** Then as Mr. Fox had requested, if we could get a list back pertaining to 7.8 for the various departments that did not respond for requests for information.

**Ms. Casey:** And who's asking that question?

**Chair:** I just asked that question.

**Ms. Casey:** You just said that as –

**Chair:** Yeah.

**Ms. Casey:** Sorry. (Indistinct)

**Chair:** Yeah. Okay, thank you.

Any other requests for information?

Any motions pertaining to –

**Mr. J. Brown:** Chair.

**Chair:** Jordan Brown.

**Mr. J. Brown:** Mr. Myers here, we never got those emails that you were going to table, are we going to get those sometime soon?

**Chair:** I'll let Mr. Myers respond to that.

**Mr. Myers:** I'm not (Indistinct), thank you.

**Chair:** Thank you.

Moving on, is there any motions pertaining specifically to section 7 of this report from committee members?

No motions, thank you. That concludes section 7.

Scheduling of additional meetings. We do have a list of dates that the Auditor General had stated she's available. I just want to verify that these are still accurate because I know with storm days and various other things that have been happening this list may no longer be up-to-date.

Our records indicate that you would be available on February 22<sup>nd</sup>, is that still –

**Jane MacAdam:** To continue with egaming?

**Chair:** Yes.

**Jane MacAdam:** Yes, I'm available.

**Chair:** I would like to propose then that our next meeting with the Auditor General to review this report will be held on Wednesday, the 22<sup>nd</sup> of February, same time, 10:00 a.m.

Is there any new business arising?

No new business, then I would like to call for motion for an adjournment.

**Mr. Dumville:** (Indistinct)

**Chair:** Thank you, Mr. Dumville.

Meeting adjourned.

The Committee adjourned