

NUNAVUT INFORMATION AND PRIVACY COMMISSIONER

Review Recommendation 12-057
March 25, 2012

Review File: 12-115-5

BACKGROUND

The Applicant in this case made a Request for Information from the Department of Education. He requested “any email between [A.B.] and [C.D.] , [E.F.], [G.H.], [I.J.], [K.L], [M.N.], [O.P.], [Q.R.], [S.T.] between February 1st and July 31st, 2010.” It appears that all of the named individuals are employees either of Nunavut Arctic College, Qvilliq Energy or of the GN. All three of these are “public bodies” as defined in the *Access to Information and Protection of Privacy Act*.

The Department of Education responded to the Applicant indicating that they were unable to locate any e-mail correspondence that was responsive to the Applicant’s request. The Applicant was not satisfied with the response received and asked me to review the matter.

Upon receiving the Request for Review, I wrote to the public body and asked them to provide me with a full explanation of the steps taken to respond to the request, including any keywords used in the search for responsive records.

THE PUBLIC BODY’S RESPONSE

The public body determined that only one of the individuals named in the request was their employee. They therefore limited their search to that individual’s email records. The search was then done by keyword searches, using each of the other names in the list individually. Although they did find some email correspondence between the individuals noted in the Request for Information, all such email was outside of the time period noted in the Request for Information. As a result, they responded to the Applicant by advising that there were no responsive records.

DISCUSSION

I am satisfied that the public body did an adequate search of the records within their possession and control. The Applicant was specific about both the names of the correspondents that he wanted as well as the dates. He was not asking for records in which these individuals were mentioned, but rather for records where A.B. and any of the other individuals were both in the distribution list for the email - in other words, where two or more of these people were either the sender or in the recipient list. Because all of these individuals are GN employees or employees of public bodies, and their email addresses will include their names, the scope of the search was adequate for this Request for Information. In this case, a keyword search using only the names of the individuals would be sufficient to catch any and all email exchanges, provided those exchanges have not been deleted.

In other circumstance, when doing keyword searches, particularly for names, one has to be careful that the keywords used are wide enough to capture all the possible spellings and versions of a name, nicknames and partial names, initials and other possible references to an individual. Most times a keyword search would have to include far more variables in the search parameters. With an electronic search of records, the output is only as good as the input. In this case, however, in the circumstances, I am satisfied that the input was sufficient to identify the individuals named within the distribution lists.

This may, however, also raise an issue about when and how much email can be properly deleted from an employee's work computer. This is a much larger question, and not one I'm prepared to comment on in any detail here. Suffice it to say that the ability to delete any email without leaving any kind of a record is an issue that at some point is likely to come before me for review. If there are no specific policies in place with respect to these issues, or if the policies differ by department or division, at some point it will come squarely before me for consideration.

For the purposes of this review, however, I am satisfied that the public body's search was adequate and that there simply were no records which were within the parameters of the Applicant's Request for Information. I therefore recommend that no further action be taken with respect to this request.

Elaine Keenan Bengts
Nunavut Information and Privacy Commissioner