

Ralph, Peter

From: Boland, Gail
Sent: Sunday, June 16, 2019 5:23 PM
To: Ralph, Peter; Power, Iris M.; Carter, Paul
Cc: Hanrahan, Denise
Subject: RE: The Notebooks of Donna Brewer

Solicitor-Client Privilege

In January 2018, following receipt of the summons from Commissioner LeBlanc and direction from Cabinet Secretariat regarding searching protocols, the Department of Finance began a comprehensive review to identify all documents related to the Muskrat Falls Project of every nature and kind within its custody, control or possession for the period January 1, 2006 to January 4, 2018. An immediate document preservation hold for related documents was implemented and all destruction/disposition activities were suspended.

A search team of approximately 10 employees from across the Department was formed. These employees were independent from the Muskrat Falls Project to ensure integrity of the process.

A list of past and current Finance employees with the potential of having documents related to the Muskrat Falls Project was then developed (approximately 170 individuals). Current employees were notified of the document discovery process and asked to provide the following information:

- Confirmation of whether they were in possession of documents related to the Muskrat Falls Project and identification of any additional employees (past and current) who may also be in possession of such documents.
- Identification of the physical location (e.g., filing cabinets, semi-active records, registries, etc.) of all hard copy documents.
- Identification of the location of all electronic documents, including but not limited to, network drives, microfilm/microfiche, external drives, CDs, USB drives, Blackberries, and program administration systems.
- Potential terms to be used by the search team to identify related documents (in addition to the search terms already provided by Cabinet Secretariat).

Each of these employees completed and signed a form to confirm the above information.

Based on the scope of the records identified by employees, the Department of Finance organized its search process according to how the documents are stored across its organizational structure. The following categories of documents were created to organize the searching process:

- Hard Copy Files (stored in filing cabinets/boxes/vaults)
- Records Management Systems (e.g., TRIM)
- Email accounts (further broken down by position within department)
- Personal Network folders (further broken down by position within department)
- Shared Network folders
- Electronic Devices (blackberries/iPads/tablets)

Given the anticipated technical complexities associated with the search of electronic records across 170 active and inactive email accounts, personal drives, shared drives, and various electronic document management systems (e.g., TRIM, FMS, etc.), the Department's immediate focus was a search of hard copy files.

Instructions for how to search all types and formats of documents was developed and distributed to members of the search team to ensure consistency in how documents were searched. The search included approximately:

- 1850 boxes of semi-active files stored in the vaults of the Confederation Building

- 520 boxes of records stored within offices and cubicles
- 800 files stored in a registry.
- 54 filing cabinets located throughout the Department

Using the search terms provided by Cabinet Secretariat and those identified specifically by the Department, the search team reviewed all hard copy files stored in the above locations. All documents containing one or more of the search terms were then scanned and saved as a PDF file type. A quality control process was used to ensure accurate electronic reproduction of the original hard copy record. The electronic copy was then reviewed again to confirm relevancy and completeness of the record. Separation of duties was used to ensure that those who searched the hard copy records did not also review the electronic copy. All responsive records were then transmitted to Commissioner LeBlanc on a weekly basis until all hard copy files were searched.

At the time this process was initiated, the former Deputy Minister, Donna Brewer, had retired from Government (October 2017). As such, the Secretary to the Deputy Minister (Yvonne Power) was asked to consider the above and identify any related records (both electronic and hard copy) within the Office of the Deputy Minister. All records were searched in the same fashion as described above.

A couple of weeks ago, the Department was asked if there were any notebooks within their custody and control belonging to the former Deputy Minister, Donna Brewer. Upon receipt of this request, the Department reviewed the files it kept to track its procedures and the results of its searching activities. A review of this information confirmed that no such notebooks existed.

Additionally, the former Secretary to the Deputy Minister (Yvonne Power) was consulted. She advised that in preparation of retirement, Donna Brewer reviewed all of her files, both electronic and hard copy. Those which were transient were securely shredded and originals were either stored in the Deputy's semi-active storage location or transferred to the responsible Assistant Deputy Minister. Mrs. Power commented that to the best of her memory, Ms. Brewer considered her notebooks as transient because anything of value contained within those notebooks would have been transferred to an official government record. As such, it is Mrs. Power's belief that these notebooks were securely destroyed.

The semi-active file storage area for the Office of the Deputy Minister was searched. No notebooks were identified. All records stored in the vaults are clearly itemized and a summary of their contents is contained with the Department's HPRM. A search of these listings also confirms no existence of said notebooks.

I trust this is satisfactory. If you require anything further, please contact me at your convenience.

Regards,
Gail.