



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PUBLIC INTEREST DISCLOSURE AND WHISTLEBLOWER PROTECTION ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to October 2, 2021. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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PUBLIC INTEREST DISCLOSURE AND WHISTLEBLOWER PROTECTION ACT

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**PUBLIC INTEREST DISCLOSURE AND
WHISTLEBLOWER PROTECTION ACT**
CHAPTER P-31.01

INTERPRETATION

1. Definitions

In this Act

- (a) “**Commissioner**” means the Public Interest Disclosure Commissioner appointed pursuant to section 2;
- (b) “**complaint**” means a complaint respecting an alleged reprisal, made in accordance with section 19;
- (c) “**deputy head**” means the deputy minister or chief executive officer of a public entity;
- (d) “**disclosure**” means a disclosure of information respecting alleged wrongdoing made in accordance with section 9;
- (e) “**employee**” means an employee or officer of a public entity, unless otherwise indicated;
- (f) “**head**” means the minister or the head of the board of directors or other governing body of a public entity;
- (g) “**Office**” means the Office of the Public Interest Disclosure Commissioner established in subsection 3(1);
- (h) “**public entity**” means
 - (i) an entity to which the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, applies, including those entities listed in the schedules to that Act, except
 - (A) the Island Regulatory and Appeals Commission,
 - (B) the Legislative Assembly,
 - (C) the Office of the Auditor General, and
 - (D) the Prince Edward Island Human Rights Commission, and
 - (ii) any other entity prescribed as a public entity;
- (i) “**reprisal**” means any measure taken, directed or threatened against an employee because the employee has, in good faith, sought advice about making a disclosure, made a disclosure or participated in an investigation of a disclosure, or is suspected of doing any of those things, where the measure adversely affects or would adversely affect the employee’s employment, including a dismissal, layoff, suspension, demotion, transfer, reprimand, discontinuation or elimination of position, change of employment location or hours of work, or reduction in wages;

- (j) “**wrongdoing**” means any of the following conduct in or in relation to a public entity:
 - (i) the contravention of an enactment or an Act of the Parliament of Canada or any regulations made pursuant to it,
 - (ii) the gross mismanagement of public funds or government assets,
 - (iii) an act or omission that creates a substantial and specific danger to the life, health or safety of persons or the environment,
 - (iv) a direction or counsel to others to engage in conduct described in subclause (i), (ii) or (iii). *2017,c.11,s.1.*

ADMINISTRATION

Public Interest Disclosure Commissioner

2. Appointment of Commissioner

- (1) The Commissioner shall be appointed by the Legislative Assembly
 - (a) on the recommendation of the Standing Committee on Legislative Assembly Management; and
 - (b) following a resolution of the Legislative Assembly supported by at least two-thirds of the members present.

Commissioner not to be member of Legislative Assembly

- (2) The Commissioner shall not be a member of the Legislative Assembly.

Commissioner may be part-time

- (3) The Commissioner may be designated to hold office on a part-time basis or in combination with duties of another office.

Term of office

- (4) Except as provided in subsections (7), (8) and (9), the Commissioner holds office for a term not exceeding 5 years and a person holding the office shall not serve more than two consecutive terms.

Continuation

- (5) A person holding office as Commissioner continues to hold office after the expiry of that person’s term of office until that person is reappointed, a successor is appointed or a period of 6 months has expired, whichever occurs first.

Reappointment

- (6) Subject to subsection (4), a person is eligible for reappointment as Commissioner.

Resignation

- (7) The Commissioner may resign at any time by notifying the Speaker of the Legislative Assembly or, if there is no Speaker or the Speaker is absent from the province, by notifying the Clerk of the Legislative Assembly.

Removal

- (8) The Commissioner may be removed or suspended for cause or incapacity, before the expiry of his or her term of office, by a resolution of the Legislative Assembly supported by at least two-thirds of the members present.

Idem

- (9) If the Legislative Assembly is not sitting, the Lieutenant Governor in Council may suspend the Commissioner for cause or incapacity on the recommendation of the Standing Committee on Legislative Assembly Management.

Acting Commissioner appointed during sitting

- (10) Where the Commissioner is temporarily absent or unable to act or is suspended, or the office becomes vacant while the Legislative Assembly is sitting, an acting Commissioner may be appointed for a specified period of time or until the occurrence of a specified event, in the same manner provided in subsection (1).

Acting Commissioner otherwise appointed

- (11) Where an acting Commissioner is not appointed under subsection (10) before the end of the sitting or the Commissioner is temporarily absent or unable to act or is suspended, or the office becomes vacant while the Legislative Assembly is not sitting, the Lieutenant Governor in Council may, on the recommendation of the Standing Committee on Legislative Assembly Management, appoint an acting Commissioner, which appointment shall terminate when the Commissioner returns to act or on the appointment of a new Commissioner, as the case may be, unless the appointment is sooner rescinded.

Oath

- (12) Before beginning the duties of office, the Commissioner shall take an oath, administered by the Speaker of the Legislative Assembly or the Clerk of the Legislative Assembly, to faithfully and impartially perform the duties of the office and not to disclose any information acquired by or available to him or her in the course of performing those duties, except as provided in this Act.

Remuneration

- (13) The Commissioner shall be remunerated as determined by the Standing Committee on Legislative Assembly Management. *2017, c.11, s.2; 2020, c.89, s.63(2)-(5); 2021, c.26, s.1.*

3. Office of the Public Interest Disclosure Commissioner

- (1) There is hereby established, as an office of the Legislative Assembly, the Office of the Public Interest Disclosure Commissioner, consisting of the Commissioner and any other officers and employees that may be required to assist the Commissioner in carrying out his or her functions.

Counsel, experts

- (2) The Commissioner may engage counsel, experts and other persons to assist in carrying out the functions of the Commissioner.

Remuneration

- (3) The officers and employees of the Office, other than the Commissioner, and any persons engaged under subsection (2) shall be remunerated as determined by the Commissioner, with the approval of the Standing Committee on Legislative Assembly Management.

Superannuation benefits

- (4) The Commissioner and any other officers and employees of the Office are employees for the purposes of the *Civil Service Superannuation Act* R.S.P.E.I. 1988, Cap. C-9, and are entitled to all benefits under that Act.

Oath

- (5) Before beginning to perform duties under this Act, a person employed or engaged by the Commissioner shall take an oath, administered by the Commissioner, not to disclose any information acquired by or available to the person in the course of performing his or her duties, except as provided in this Act. *2017,c.11,s.3; 2020,c.89,s.63(6)*.

4. Operating expenses

All expenditures required for the operations of the Commissioner and the Office shall be paid out of moneys appropriated for that purpose. *2017,c.11,s.4*.

5. Annual report

- (1) The Commissioner shall prepare an annual report respecting the activities of the Commissioner and the Office during the preceding year and submit it to the Speaker of the Legislative Assembly, who shall table the report before the Legislative Assembly on receipt, if received during a sitting, or otherwise during the sitting immediately following its submission.

Contents of annual report

- (2) The annual report shall include the following information:
- (a) the number of disclosures to and investigations by a deputy head reported to the Commissioner under subsection 11(2) and section 12, respectively;
 - (b) the number of disclosures and complaints received, acted on and not acted on by the Commissioner;
 - (c) the number of investigations commenced by the Commissioner as a result of disclosures or complaints;
 - (d) in the case of an investigation by the Commissioner of a disclosure that results in a finding of wrongdoing,
 - (i) a description of the wrongdoing,
 - (ii) recommendations respecting a resolution or response to the wrongdoing, and
 - (iii) the actions taken respecting the wrongdoing or an explanation of why actions were not taken, as the case may be. *2017,c.11,s.5*.

Investigation Powers

6. Principles of natural justice

- (1) When conducting an investigation under this Act, a deputy head or the Commissioner shall conduct the investigation in accordance with the principles of natural justice.

Investigation powers

- (2) When conducting an investigation under this Act, a deputy head or the Commissioner may
- (a) make oral or written inquiries of any person who may have information relevant to the investigation;

- (b) require an employee to be interviewed for the purpose of the investigation;
- (c) require an employee to produce for examination any records and other materials that are in the employee's possession or under the employee's control that may be relevant to the investigation;
- (d) copy and keep copies of any records and other materials produced under clause (c); and
- (e) in the case of a disclosure,
 - (i) investigate any other matter that arises in the course of the investigation that could be the subject of a disclosure, and
 - (ii) investigate multiple disclosures concerning the same person severally or in combination.

Authority to collect, use and disclose information

- (3) Notwithstanding the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01, or the *Health Information Act* R.S.P.E.I. 1988, Cap. H-1.41, a deputy head or the Commissioner may collect, directly or indirectly, use and disclose personal information, personal health information and any other information that is considered necessary to manage and investigate a disclosure or complaint, as the case may be, under this Act.

Delegation by deputy head

- (4) A deputy head may delegate, in writing, one or more of his or her powers under this section to an employee of the public entity for which the deputy head is responsible and impose any terms or conditions that the deputy head considers appropriate on the delegation.

Delegation by Commissioner

- (5) The Commissioner may delegate, in writing, one or more of his or her powers under this section to an officer or employee of the Office or a person engaged to assist the Commissioner pursuant to subsection 3(2) and impose any terms or conditions that the Commissioner considers appropriate on the delegation. *2017,c.11,s.6.*

7. Powers under Public Inquiries Act

For the purpose of carrying out an investigation under this Act, the Commissioner has the powers of a commissioner under the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31. *2017,c.11,s.7.*

WRONGDOING

Disclosure

8. Request for advice

An employee who is considering making a disclosure may request confidential advice from the Commissioner. *2017,c.11,s.8.*

9. Making a disclosure

- (1) An employee who reasonably believes that he or she has information indicating that a person has committed wrongdoing or is about to commit wrongdoing may make a disclosure in

writing, in the form required by the Commissioner, to the employee's deputy head or the Commissioner.

Content of disclosure

- (2) A disclosure shall include the following information:
- (a) the name of the person or persons alleged to have committed or be about to commit wrongdoing;
 - (b) a description of the alleged wrongdoing, including the date on which it is alleged to have occurred or is expected to occur;
 - (c) whether the employee has made a previous disclosure about the same matter and, if so, a copy of the disclosure and any documents related to it;
 - (d) the contact information and signature of the employee making the disclosure;
 - (e) any other information required by the regulations.

Additional information

- (3) A deputy head or the Commissioner may request, and the employee who made the disclosure shall provide, any additional information available to the employee that may reasonably be required to investigate the disclosure.

Disclosure despite other enactments

- (4) Subject to subsection (5), an employee may disclose information in accordance with this section even if a provision in another Act or regulation prohibits or restricts disclosure of the information.

Limitations on disclosure

- (5) Nothing in this section authorizes the disclosure of
- (a) information or documents that would disclose the deliberations or proceedings of the Executive Council or a committee of the Executive Council;
 - (b) information that is protected by solicitor-client privilege; or
 - (c) information that relates to the deliberations or decisions of a Crown prosecutor.

Disclosure of personal or confidential information

- (6) Where a disclosure includes personal or confidential information, the employee making the disclosure shall take reasonable precautions to ensure that no more information is disclosed than is necessary for that purpose.

Confidentiality

- (7) The identities of the following persons shall be kept confidential, subject to the principles of natural justice and the proper conduct of an investigation respecting a disclosure:
- (a) an employee who makes a disclosure;
 - (b) a person alleged to have committed or be about to commit wrongdoing;
 - (c) a witness or any other person involved in the investigation of a disclosure.
- 2017, c.11, s.9.*

Disclosure or Referral to Deputy Head

10. Duty to establish procedures

- (1) The Clerk of the Executive Council shall, with the advice of the Commissioner, establish procedures to manage disclosures made by employees to a deputy head or referred to a deputy head by the Commissioner for investigation.

Procedures to be established

- (2) The procedures established pursuant to subsection (1) shall include procedures
 - (a) for receiving and reviewing a disclosure, including setting time periods for action;
 - (b) for investigating a disclosure in accordance with the principles of natural justice;
 - (c) to protect the confidentiality of information collected in relation to a disclosure;
 - (d) for reporting the outcome of an investigation of a disclosure;
 - (e) respecting the management and disposition of records created or received in the course of managing or investigating a disclosure; and
 - (f) respecting any other matter specified in the regulations.

Employees to be informed

- (3) Every deputy head shall ensure that employees of the public entity for which the deputy head is responsible are informed about the procedures established in accordance with this section. *2017,c.11,s.10.*

11. Referral to Commissioner

- (1) Where a disclosure is made to a deputy head, the deputy head may refer the disclosure to the Commissioner if, in the opinion of the deputy head, it would be inappropriate for the deputy head to manage or investigate the disclosure.

Duty to report to Commissioner

- (2) Where a deputy head does not refer a disclosure to the Commissioner under subsection (1), the deputy head shall report to the Commissioner, within the time period required by the Commissioner, the nature of the disclosure and whether the deputy head intends to conduct an investigation. *2017,c.11,s.11.*

12. Duties on completing investigation

Where a deputy head investigates a disclosure made to the deputy head or referred to the deputy head for investigation by the Commissioner pursuant to clause 13(2)(a), the deputy head shall report to the Commissioner, within the time period required by the Commissioner,

- (a) the results of the investigation and any recommendations that the deputy head considers appropriate respecting the disclosure and any wrongdoing committed or about to be committed; and
- (b) any steps that have been taken or will be taken within the public entity in response to recommendations of the deputy head. *2017,c.11,s.12.*

Disclosure or Referral to Commissioner

13. Duty to notify deputy head

- (1) Where a disclosure is made to the Commissioner, the Commissioner shall notify the deputy head of the public entity to which the disclosure relates of the nature of the disclosure.

Duties and powers of Commissioner on disclosure or referral

- (2) Where a disclosure is made to the Commissioner or referred to the Commissioner by a deputy head pursuant to subsection 11(1), the Commissioner
- (a) subject to section 14, shall investigate the disclosure or refer it to the deputy head of the public entity to which the disclosure relates for investigation; and
 - (b) may take any steps the Commissioner considers appropriate to help resolve the matter within the public entity to which the disclosure relates. *2017,c.11,s.13.*

14. Investigation not required

- (1) The Commissioner is not required to investigate a disclosure or refer it to the deputy head of the public entity to which the disclosure relates for investigation, or continue to investigate a disclosure, if
- (a) more than one year has passed since the employee who made the disclosure discovered the information respecting the alleged wrongdoing; or
 - (b) in the opinion of the Commissioner,
 - (i) the disclosure does not contain adequate particulars about the alleged wrongdoing to enable the conduct of a fair and effective investigation,
 - (ii) the disclosure relates to a matter that could be dealt with more appropriately according to the procedures under a collective agreement or employment contract, or another Act, regulation or policy,
 - (iii) the disclosure is frivolous or vexatious, has not been made in good faith, concerns a trivial matter or is not about wrongdoing,
 - (iv) the disclosure relates to conduct resulting from a balanced and informed decision-making process on a public policy or operational issue, or
 - (v) the circumstances of the matter do not warrant investigation.

Referral and suspension of investigation

- (2) Where, during an investigation of a disclosure, the Commissioner determines that there are reasonable grounds to believe there has been a contravention of any other Act, including the Criminal Code, the Commissioner shall immediately refer the matter to the appropriate authorities and may suspend the investigation until any resulting investigation or charge has been finally disposed of.

Notice of decision not to investigate

- (3) Where the Commissioner makes a decision or takes an action under subsection (1) or (2), the Commissioner shall notify the employee who made the disclosure and the deputy head of the public entity to which the disclosure relates and give reasons for the decision or action, in writing. *2017,c.11,s.14.*

15. Duties on completing investigation

- (1) On completing an investigation respecting a disclosure, the Commissioner shall

- (a) prepare a report in writing that sets out the Commissioner's findings and reasons for those findings, and any recommendations that the Commissioner considers appropriate respecting the disclosure and any wrongdoing committed or about to be committed;
- (b) provide a copy of the report to the deputy head of the public entity to which the report relates; and
- (c) notify the employee who made the disclosure that a report has been prepared and provided in accordance with clauses (a) and (b) and provide the employee with any information respecting the report that the Commissioner considers appropriate in the circumstances.

Report to Commissioner

- (2) Where the Commissioner has made recommendations in an investigation report respecting a disclosure, the deputy head of the public entity to which the report relates shall report to the Commissioner, within the time period required by the Commissioner, the steps that have been or will be taken within the public entity to give effect to the Commissioner's recommendations.

Report to head or clerk

- (3) Where the Commissioner believes that the deputy head or employees of a public entity did not cooperate in an investigation respecting a disclosure conducted by the Commissioner or have not followed up on the recommendations of the Commissioner respecting a disclosure, the Commissioner may make a report on the matter to the head of the public entity or the Clerk of the Executive Council.

Publication of summary

- (4) The Commissioner may publish a summary respecting the investigation and outcome of a disclosure, provided that
 - (a) the summary does not contain identifying information about any person involved in the disclosure or any investigation of the disclosure;
 - (b) there are no significant privacy interests of any person involved in the disclosure or any investigation of the disclosure that would be negatively affected by publication of the summary; and
 - (c) there is a public interest served by publication of the summary. *2017,c.11,s.15.*

16. Deputy head subject of disclosure

Notwithstanding sections 11 to 15, where the deputy head of the public entity to which a disclosure relates is the subject of an allegation of wrongdoing in the disclosure,

- (a) the disclosure shall be made or referred to the Commissioner;
- (b) subject to section 14, the Commissioner shall investigate the disclosure; and
- (c) any notice or report that is required to be given to or by a deputy head under subsection 13(1), 14(3) or 15(2) shall be given to or by the head of the public entity. *2017,c.11,s.16.*

REPRISAL

17. Reprisal prohibited

No person shall take or direct, or counsel another person to take or direct, a reprisal against an employee. *2017,c.11,s.17.*

18. Request for advice

An employee or former employee who is considering making a complaint may request confidential advice from the Commissioner. *2017,c.11,s.18.*

19. Complaint

- (1) An employee or former employee who reasonably believes that he or she is or has been within the past year, while an employee, the subject of a reprisal may make a complaint in writing, in the form required by the Commissioner, to the Commissioner.

Content of complaint

- (2) A complaint shall include the following information:
- (a) the name of the person or persons alleged to have taken or directed, or counselled another person to take or direct, a reprisal against the employee or former employee;
 - (b) a description of the alleged reprisal, including the date on which it is alleged to have occurred;
 - (c) whether the employee or former employee has taken any other steps or actions in relation to the alleged reprisal and, if so, information respecting the outcome and any related documents;
 - (d) the contact information and signature of the employee or former employee making the complaint;
 - (e) any other information required by the regulations.

Additional information

- (3) The Commissioner may request, and the employee or former employee who made the complaint shall provide, any additional information available to the employee or former employee that may reasonably be required to investigate the complaint.

Confidentiality

- (4) The identities of the following persons shall be kept confidential, subject to the principles of natural justice and the proper conduct of an investigation respecting a complaint:
- (a) an employee or former employee who makes a complaint;
 - (b) a person alleged to have taken or directed, or counselled another person to take or direct, a reprisal against the employee or former employee;
 - (c) a witness or any other person involved in the investigation of a complaint.

Notice to deputy head or head

- (5) Where a complaint is made to the Commissioner, the Commissioner shall give notice in writing of the nature of the complaint to
- (a) the deputy head of any employee who is the subject of an allegation of reprisal in the report; or

- (b) where a deputy head is the subject of an allegation of reprisal in the report, the head responsible for the deputy head. *2017,c.11,s.19.*

20. Investigation and report

- (1) The Commissioner shall investigate a complaint and on completing the investigation shall
 - (a) prepare a written report that sets out the Commissioner's findings and reasons for those findings, and any recommendations that the Commissioner considers appropriate respecting the complaint and any reprisal taken, directed or counselled against the employee or former employee; and
 - (b) serve a copy of the written report on
 - (i) the employee or former employee who made the complaint,
 - (ii) each person who is the subject of an allegation of reprisal in the complaint,
 - (iii) where a person who is the subject of an allegation of reprisal in the complaint is an employee, the employee's deputy head or, where the deputy head is the subject of an allegation of reprisal in the complaint, the head responsible for the deputy head, and
 - (iv) any other person the Commissioner considers appropriate.

Action where reprisal substantiated

- (2) Where the Commissioner finds that an employee or a former employee is or has been within the year preceding the complaint, while an employee, subject to a reprisal, the deputy head or the head, as the case may be,
 - (a) shall take appropriate disciplinary action against any employee responsible for the reprisal; and
 - (b) may take any other action recommended by the Commissioner, including action to stop, reverse or remedy the effects of the reprisal.

Recommended action not taken

- (3) Where the deputy head or the head, as the case may be, decides not to take an action recommended by the Commissioner, the deputy head or head shall report to the Commissioner in writing, within the time period required by the Commissioner,
 - (a) explaining why a recommended action will not be taken; and
 - (b) describing what action, if any, will be taken in response to the recommendations. *2017,c.11,s.20.*

GENERAL

21. Limitation of liability

No action or proceeding lies or shall be instituted for anything done or omitted to be done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the regulations, against the Government, the Commissioner, a head, a deputy head or a person acting on behalf of or under the direction of any of those persons. *2017,c.11,s.21.*

22. Competence and compellability

The Commissioner, a head, a deputy head or any person acting on behalf of or under the direction of any of those persons is neither competent nor compellable to

- (a) give evidence in a civil proceeding concerning any information that comes to his or her knowledge in the exercise of a power or the performance of a duty under this Act; or
- (b) produce in a civil proceeding any records created or received in the course of activities under this Act. *2017,c.11,s.22.*

23. Manner of service

- (1) Any notice or other document required to be served on a person under this Act or the regulations is deemed to be sufficiently served
 - (a) upon a copy being personally served on the person to whom it is directed;
 - (b) upon a copy being sent by facsimile or other electronic means to the person to whom it is directed and an acknowledgement of receipt being received; or
 - (c) five days after a copy is sent by registered mail addressed to the person to whom it is directed at the last known address for that person.

Service on corporation

- (2) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (1) is deemed to be service on the corporation for the purposes of this Act. *2017,c.11,s.23.*

24. Regulations

The Lieutenant Governor in Council may make regulations

- (a) designating an entity as a public entity;
- (b) requiring other information to be included in a disclosure or a complaint;
- (c) specifying other matters about which procedures shall be made under section 10;
- (d) respecting the collection, use and disclosure of information, including personal information and personal health information, for the purposes of this Act;
- (e) defining a word or phrase used but not defined in this Act;
- (f) generally to give effect to this Act. *2017,c.11,s.24.*

25. False or misleading statement

- (1) No person shall knowingly make a false or misleading statement, orally or in writing, to a deputy head, a head, the Commissioner or a person acting on behalf of or under the direction of any of those persons in relation to a disclosure, an investigation of a disclosure, a complaint or an investigation of a complaint.

Obstruction or interference

- (2) No person shall obstruct or interfere with a deputy head, a head, the Commissioner or a person acting on behalf of or under the direction of any of those persons in the performance of a duty or the exercise of a power under this Act.

Destruction of evidence

- (3) No person shall, knowing that a document or thing is likely to be relevant to an investigation under this Act,
- (a) destroy, damage or alter the document or thing;
 - (b) falsify the document or create a false document;
 - (c) conceal the document or thing; or
 - (d) counsel or direct another person do anything described in clause (a), (b) or (c).
- 2017,c.11,s.25.*

26. Offence and penalty

- (1) A person who contravenes section 17 or subsection 25(1), (2) or (3) is guilty of an offence and is liable on summary conviction to a fine of not more than \$10,000.

Limitation on prosecution

- (2) A prosecution of an offence under this Act shall not be commenced more than two years after the day the alleged offence occurred. *2017,c.11,s.26.*

27. Discipline, termination

In addition to and apart from any other sanction provided for by law, an employee who

- (a) commits or is about to commit wrongdoing;
- (b) makes a disclosure or complaint that is frivolous, vexatious or made in bad faith; or
- (c) contravenes section 17 or subsection 25(1), (2) or (3),

is subject to disciplinary action, up to and including termination from employment. *2017,c.11,s.27.*

28. Review

Within five years after this Act comes into force and every five years after that, a committee of the Legislative Assembly designated or established for the purpose of this section by the Legislative Assembly shall

- (a) undertake a comprehensive review of this Act; and
- (b) within one year after beginning the review, submit a report on the review, including any recommendations for amendments, to the Legislative Assembly. *2017,c.11,s.28.*

CONSEQUENTIAL AMENDMENTS**29. Freedom of Information and Protection of Privacy Act**

- (1) **The *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01, is amended as provided in this section.**
- (2) **Subsection 4(1) of the Act is amended by the addition of the following after clause (d):**
- (d.1) a record that is created by or for or is in the custody or under the control of the Public Interest Disclosure Commissioner or the Office of the Public Interest Disclosure Commissioner or a record related to a disclosure or complaint, and any investigation,

findings or recommendations made in relation to a disclosure or complaint, made under the *Public Interest Disclosure and Whistleblower Protection Act* R.S.P.E.I. 1988, Cap. P-31.01;

30. Health Information Act

(1) The *Health Information Act* R.S.P.E.I. 1988, Cap. H-1.41, is amended as provided in this section.

(2) Subsection 4(2) of the Act is amended by the addition of the following after clause (e):

(e.1) the *Public Interest Disclosure and Whistleblower Protection Act* R.S.P.E.I. 1988, Cap. P-31.01;