

**EC2023-738****MISSING PERSONS ACT  
DECLARATION RE**

Under authority of section 16 of the *Missing Persons Act* Stats. P.E.I. 2021, c.13 Council ordered that a Proclamation do issue proclaiming the said "*Missing Persons Act*" to come into force effective September 9, 2023.

**EC2023-739****MISSING PERSONS ACT  
MISSING PERSONS REGULATIONS**


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Pursuant to section 15 of the *Missing Persons Act* R.S.P.E.I. 1988, Cap. M-9.1, Council made the following regulations:

**1. Act, defined**

- (1) In these regulations, "**Act**" means the *Missing Persons Act* R.S.P.E.I. 1988, Cap. M-9.1.

**"financial information"**

- (2) In the Act and these regulations, a reference to "**financial information**" in respect of a person includes information about any joint account the person holds with one or more other persons.

**2. Applications**

- (1) An application for a search order or a record access order under section 2 of the Act may be made by a member of a police service to a judicial justice of the peace in person or by telephone, e-mail or facsimile transmission.

**Original application and supporting documents**

- (2) Where an application referred to in subsection (1) is made, the member of the police service making the application shall deliver the original copy of the application and supporting documents to a court office specified by the judicial justice of the peace.

**Ex parte application**

- (3) An application for a search order or a record access order under this section may be made without notice.

**3. Form of application for search order**

- (1) An application for a search order shall be in Form 1 as set out in the Schedule.

**Form of application for record access order**

- (2) An application for a record access order shall be in Form 3 as set out in the Schedule.

**4. Form of search order**

- (1) A search order shall be in Form 2 as set out in the Schedule.

**Form of record access order**

- (2) A record access order shall be in Form 4 as set out in the Schedule.

**5. Form of emergency demand**

An emergency demand for records under section 5 of the Act shall be in Form 5 as set out in the Schedule.

**6. Application for order directing person to comply**

- (1) An application under subsection 6(1) of the Act for an order directing a person to comply with an emergency demand under section 5 of the Act shall be made on notice to the respondent.

**Application for order - Form 6**

- (2) An application for an order to comply with an emergency demand shall be in Form 6 as set out in the Schedule.

**Order to comply - Form 7**

- (3) An order to comply with an emergency demand shall be in Form 7 as set out in the Schedule.

**7. Service requirements**

- (1) A search order, record access order, an emergency demand, or an application made under subsection 6(1) of the Act, as the case may be, shall be served as follows:

- (a) in the case of an individual, by leaving a copy of it with the individual;
- (b) in the case of a corporation,
  - (i) by leaving a copy of it with a director or officer of the corporation,
  - (ii) by leaving a copy of it with an individual who appears to have management or control of any place of business or premises operated by or on behalf of the corporation, or
  - (iii) by sending a copy of it by facsimile transmission or email to the corporation's last known facsimile number or email address, with the sender receiving confirmation that the transmission was successfully completed;
- (c) in the case of a partnership,
  - (i) by leaving a copy of it with a partner,
  - (ii) by leaving a copy of it with an individual who appears to have management or control of any place of business or premises operated by or on behalf of the partnership, or
  - (iii) by sending a copy of it by facsimile transmission or email to the partnership's last known facsimile number or email address, with the sender receiving confirmation that the transmission was successfully completed;
- (d) in the case of any other entity,
  - (i) by leaving a copy of it with an individual who appears to have management or control of any place of business, facility or premises operated by or on behalf of the entity, or
  - (ii) by sending a copy of it by facsimile transmission or email to the entity's last known facsimile number or email address, with the sender receiving confirmation that the transmission was successfully completed.

**Judicial justice of the peace may authorize other method of service**

- (2) A judicial justice of the peace may, by order, authorize another method of service if satisfied that service cannot effectively be made in accordance with a method set out in subsection (1).

**8. Annual report requirements**

The annual report of a police service referred to in section 14 of the Act respecting its use of emergency demands under section 5 of the Act shall

- (a) contain a summary of the type of records sought in each demand; and
- (b) be made available to the public
  - (i) by posting a copy of the report on the police services’ website, or
  - (ii) by posting a copy of the report on the website of the municipality in question, in the case of a municipal police service.

**9. Retention and disposal of records**

- (1) Subject to subsection (2), records obtained by a police service under the authority of the Act shall be disposed of within 90 days after a missing person is located.

**Retention of records by police service**

- (2) Records obtained by a police service under the authority of the Act
  - (a) may be retained by the police service
    - (i) if the missing person is not found, or if the missing person is found dead, or
    - (ii) if any further investigations arise or are likely to arise regarding the disappearance of the missing person until any and all investigations are concluded; and
  - (b) shall be securely stored so that access to the records is limited to only those members of the police service who require access to perform their job function in accordance with the Act, as determined by the chief officer of the police service.

**Disposal of records**

- (3) Records obtained by a police service under the authority of the Act shall be disposed of in accordance with the methods outlined in the police services’ approved records retention and disposition schedule for disposition of confidential records.

**10. Commencement**

These regulations come into force on September 9, 2023.

**SCHEDULE**

**FORM 1  
APPLICATION FOR SEARCH ORDER**

(Section 2 of the *Missing Persons Act*)

**Applicant**

I, ....., member of ..... (name of police service) (the “Police Service”) am applying for an Order authorizing a member of a police service to enter, by force if necessary, the dwelling or other premises at the location specified in my Affidavit below to search for and locate a missing person (the “Missing Person”).

**Identifying information about the Missing Person**

The Missing Person’s name is .....

The Missing Person is (select one)

- a minor; or
- a vulnerable person as defined in clause 1(m) of the *Missing Persons Act*.

**Affidavit**

**[Remove any portions of the proposed Affidavit that are not needed.]**

In support of my application, I make oath (or affirm) and say that:

- (a) the Police Service is conducting a non-criminal investigation into the whereabouts of the Missing Person;

(b) the investigative steps undertaken to date include the following  
 .....  
 .....;

(c) I have the following reasonable grounds to believe that the Missing Person may be in a dwelling or other premises identified in clause (d) of my Affidavit:  
 .....  
 .....;

(d) I believe that the Missing Person may be in a dwelling or other premises at the following location:  
 ..... ; and

(e) I request that the following additional information be considered in support of my application  
 .....

Sworn/affirmed before me at  
 ..... )  
 (city or town) )

in the Province of Prince Edward Island, )  
 ....., 20....

.....

Signature Applicant Signature

**FORM 2  
 SEARCH ORDER**

(Section 3 of the *Missing Persons Act*)

**[Remove any portions of the proposed Order that are not needed.]**

**Re:**  
 ..... (the “Missing Person”)  
 -and-  
 ..... (the “Applicant”)

This Order was made by a Judicial Justice of the Peace pursuant to the *Missing Persons Act* of Prince Edward Island regarding the Missing Person, who is (select one)  
 a minor; or  
 a vulnerable person as defined in clause 1(m) of the *Missing Persons Act*.

The Applicant, a member of ..... (name of police service), (the “Police Service”), has applied for an Order authorizing entry to a dwelling or other premises located at ..... (address), by force if necessary, to search for the Missing Person.

Having considered the information provided in the Applicant’s affidavit, I am satisfied that  
 (a) ..... is a Missing Person under the *Missing Persons Act* and that the Police Service is conducting a non-criminal investigation into the whereabouts of the Missing Person; and  
 (b) the Applicant has reasonable grounds to believe that the Missing Person is located at the address specified above.

I order that a member of a police service with the Police Service may enter a dwelling or other premises located at the address specified above, using force if necessary, in order to search for the Missing Person.

This Order is subject to the following restrictions or limitations  
 .....

This Order is effective immediately and remains in force until ....., 20 ....  
Dated at Prince Edward Island on ....., 20 ....

.....

Signature of Judicial Justice of the Peace

**FORM 3  
APPLICATION FOR RECORD ACCESS ORDER**

(Section 2 of the *Missing Persons Act*)

**Applicant**

I, ....., member of ..... (name of police service) (the “Police Service”) am applying for an Order authorizing a member of a police service to obtain access to or copies of the records indicated below, in accordance with section 4 of the *Missing Persons Act*, which are required for the investigation being conducted by the Police Service into the whereabouts of a missing person (the “Missing Person”) (add the following if applicable) and into the whereabouts of a person who may be accompanying the Missing Person.

**Identifying information about the Missing Person**

The Missing Person’s name is .....

(Complete the following only if the Missing Person is a minor or is a vulnerable person as defined in the Act.)

The Missing Person is (select one)

- a minor; or
- a vulnerable person as defined in clause 1(m) of the *Missing Persons Act*.

(Complete the next item if seeking access to or copies of records for a person who may be accompanying the Missing Person.)

**Identifying information about person who may be accompanying the Missing Person**

The name of the person who may be accompanying the Missing Person is .....

**Records required**

The Police Service requires access to or copies of the records indicated in the following list: (select all that apply and provide details of any particular information required)

- records containing contact or identification information, and in particular .....
- telephone records, and in particular ....., from ..... (date) to ..... (date);
- other electronic communication records, including records related to signals from a wireless device, cell phone records, inbound and outbound text messaging records, internet browsing history records, and in particular ....., from ..... (date) to ..... (date);
- global position system tracking records, and in particular ..... from ..... (date) to ..... (date);
- video records, including closed circuit television footage, and in particular ..... from ..... (date) to ..... (date);

- records containing employment information, and in particular .....from..... (date) to ..... (date);
- records containing personal health information as defined in the *Health Information Act* R.S.P.E.I. 1988, Cap. H-1.41 and in particular .....
- records from a school, university or other educational institution containing attendance information, and in particular....., from ..... (date) to ..... (date);
- records containing travel and accommodation information, and in particular .....
- records containing financial information, and in particular ..... from ..... (date) to ..... (date);
- any records not listed above (specify):

.....  
 .....

**Affidavit**

**[Remove any portions of the proposed Affidavit that are not needed.]**

In support of my application, I make oath (or affirm) and say that:

- (a) the Police Service is conducting a non-criminal investigation into the whereabouts of ..... (name of Missing Person) (add the following if applicable) and into the whereabouts of a person who may be accompanying ..... (name of Missing Person);
- (b) the investigative steps undertaken to date include the following .....
- (c) I have reason to believe that ..... (name of Missing Person) is a “missing person” as defined in clause 1(f) of the *Missing Persons Act*;
- (d) based on the following findings from the investigation, I have determined that there are no reasonable grounds to believe that the Missing Person may not wish to be located:  
 .....
- (e) I have reason to believe that the requested copies of or access to records of or related to ..... (name of Missing Person) or the person who may be accompanying ..... (name of Missing Person) will assist the Police Service in locating ..... (name of Missing Person);
- (f) I have the following reasonable grounds to believe that records of the types that are the subject of this application may exist and may be in the possession or under the control of a person: .....
- .....; and
- (g) I believe that records of the types that are the subject of this application may exist and may contain information relevant to the investigation.

Sworn/affirmed before me at

.....)  
 (city or town) )  
 in the Province of Prince Edward Island, )  
 ....., 20....

Signature

Applicant Signature

**FORM 4  
RECORD ACCESS ORDER**

(Section 4 of the *Missing Persons Act*)

**[Remove any portions of the proposed Order that are not needed.]**

**Re:**

..... (the “Missing Person”)

-and-

..... (the “Applicant”)

This Order was made by a Judicial Justice of the Peace pursuant to the *Missing Persons Act* of Prince Edward Island regarding the Missing Person.

The Applicant, a member of ..... (name of police agency), (the “Police Service”), has applied for an Order authorizing access to or the release of copies of records that may assist the Police Service in locating the Missing Person.

Having considered the information provided in the Applicant’s affidavit, I am satisfied that

- (a) ..... is a Missing Person under the *Missing Persons Act* and that the Police is conducting a non-criminal investigation into the whereabouts of the Missing Person;
- (b) the Police Service has made reasonable efforts to locate the Missing Person;
- (c) the Applicant has a reasonable belief that the requested records will assist with the investigation;
- (d) there are no reasonable grounds to believe that the Missing Person may not wish to be located;
- (e) access to or copies of records requested in the application may assist the Police Service in locating the Missing Person; and
- (f) records of the types that are requested are in the possession or under the control of a person.

I order that access to or copies of the records indicated below that contain information about

(select either or both, as applicable)

- the Missing Person;
- ..... (*name of individual*), who may be accompanying the Missing Person,

shall be provided to the Police Service by any person who has possession or control of the records.

Records or copies of records authorized to be accessed:

(select all that apply)

- records containing contact or identification information, and in particular .....
- telephone records, and in particular ....., from ..... (date) to ..... (date);
- other electronic communication records, including records related to signals from a wireless device, cell phone records, inbound and outbound text messaging records, internet browsing history records, and in particular ....., from ..... (date) to ..... (date);
- global position system tracking records, and in particular ....., from ..... (date) to ..... (date);

- video records, including closed circuit television footage, and in particular ..... from ..... (date) to ..... (date);
- records containing employment information, and in particular ....., from ..... (date) to ..... (date);
- records containing personal health information as defined in the *Health Information Act*, and in particular .....
- records from a school, university or other educational institution containing attendance information, and in particular ....., from ..... (date) to ..... (date);
- records containing travel and accommodation information, and in particular .....
- records containing financial information, and in particular ....., from ..... (date) to ..... (date);
- any records not listed above (specify):

.....

.....

This Order is subject to the following restrictions or limitations:

.....

.....

I further order that the person on whom this Order is served shall provide the Police Service with an accounting of the efforts taken by the person to locate any records that cannot be found.

This Order is effective immediately and remains in force until ....., 20....

Dated at Prince Edward Island on ....., 20 ....

.....

Signature of Judicial Justice of the Peace

**FORM 5  
EMERGENCY DEMAND FOR RECORDS**

(Section 5 of the *Missing Persons Act*)

TO: .....  
(Name of Subject of Emergency Demand)

..... has been reported as a Missing Person  
(Name of Missing Person)

to the ..... which is conducting a non-criminal investigation into the Missing  
(Police Service)  
Person's whereabouts.

It is believed that the Missing Person is at risk of imminent serious bodily harm or death. Accordingly, immediate access to the records listed below may assist the Police Service in locating the Missing Person before the person suffers any harm and it is not practicable to obtain a record access order, given the urgency of the circumstances. You have been identified as a holder of records that may be of assistance in locating the Missing Person.



Therefore, under the authority of section 5 of *The Missing Persons Act*, you are required to give copies of, or access to, the records specified below as soon as possible but no later than .....

(time) (day) (month) (year)

to ..... of.....

(Member of Police Service)

(Police Service)

who may be contacted at ..... Telephone No. ....

Email Address: .....

**RECORDS TO BE PROVIDED:**

**[Remove any listed records or information that are not needed.]**

- Records containing contact or identification information about the Missing Person
- Telephone records (cell phone and landline) for the period ..... to .....
- Records related to signals from a wireless device indicating the location of the device
- Inbound and outbound text messaging records for the period ..... to .....
- Internet browsing history records for the period ..... to .....
- Global position system tracking records for the period ..... to .....
- Video records or closed circuit television footage from .....  
(Location of camera)

for the period ..... to .....

- Records containing employment information indicating
  - when the Missing Person was last seen or heard from
  - when, from where and how the Missing Person is paid
- Records indicating whether the Missing Person has been admitted to a hospital, including which hospital and the date, time and reason for admission and the date and time of discharge
- School, university or other educational institutional attendance information
- Records containing travel and accommodation information
- Records containing financial information
  - that show credit card usage for the period ..... to .....
  - that show when, from where and for what purpose the credit card was used
- Recent access to bank accounts for the period ..... to .....  
that show when, from where and for what purpose the bank accounts were accessed  
Date ..... at ....., Prince Edward Island  
(day) (month) (year)

.....  
(Name of Member of Police Service)

.....  
Signature of Member of Police Service

**Subsection 5(3)** of the *Missing Persons Act* requires you to locate all records specified in this emergency demand that are in your possession or under your control and give members of the Police Service in question access to, and copies of, these records as soon as possible.

**AFFIDAVIT OF SERVICE**

I, ....., do hereby make oath and say that I did on the ..... day of ....., at ..... (... M.), deliver the Emergency Demand for Records personally to the person to whom it is directed:

.....  
(Name of Subject of Emergency Demand)

EXECUTIVE COUNCIL \_\_\_\_\_ 5 SEPTEMBER 2023

Sworn/Affirmed this ..... day of ..... )  
(month) (year) )  
at ....., Prince Edward Island )

.....  
A Commissioner in and for the Province of Prince Edward Island.

My Commission expires: .....

**Form 6**

**APPLICATION FOR AN ORDER TO COMPLY WITH EMERGENCY DEMAND**

(Section 6 of the *Missing Persons Act*)

Docket #.....

In the Provincial Court of Prince Edward Island

In the matter of an application under section 6 of the *Missing Persons Act*

**Regarding the Missing Person**

.....  
(Name of Missing Person)

**Application**

**[Remove any portions of the proposed application that are not needed.]**

**1** My name is ..... (name of applicant) and I am a member of  
..... (name of police service) that is conducting a non-criminal  
investigation into the whereabouts of the named missing person.

**2** The named missing person has not been in contact with those persons who would likely  
be in contact with that person.

**3** The named missing person’s whereabouts are unknown despite reasonable efforts to  
locate the person.

**4** The named missing person’s safety and welfare are feared for given the person’s  
physical or mental capabilities or the circumstances surrounding the person’s absence.

**5** I am applying for an order

- compelling ..... (name of person) to comply with the emergency demand made under section 5 of the *Missing Persons Act* to provide the records specified in that demand, a copy of which is attached.
- for costs of this application.

**Affidavit**

**[Remove any portions of the proposed Affidavit that are not needed.]**

**6** In support of my application, I make oath (or affirm) and say that:

- I believe the records demanded are in the possession or under the control of ..... named in the emergency demand,

- the investigative steps undertaken to date include the following:

.....  
 .....  
 .....

- I request that the following additional information be considered in support of my application:

.....  
 .....  
 .....

- I require the Order in aid of investigating the whereabouts of the missing person.
- the emergency demand under section 5 of the *Missing Persons Act* was effected by ..... (method) on ..... (date)

SWORN/AFFIRMED BEFORE ME at ..... (city or town)

in the Province of Prince Edward Island on ..... (yyyy/mm/dd)

.....  
(Applicant's signature)

.....  
(Judicial Justice of the Peace or Commissioner in and for the Province of Prince Edward Island)

**Form 7**

**ORDER TO COMPLY WITH EMERGENCY DEMAND**

(Section 6 of the *Missing Persons Act*)

Docket #.....

In the Provincial Court of Prince Edward Island

In the matter of an application under subsection 6(1) of the *Missing Persons Act*

**Regarding** the Missing Person

.....  
(Name of Missing Person)

**Order regarding records**

Heard by ..... (name of Judicial Justice of the Peace), a Judicial Justice of the Peace on ....., 20..... (date) ..... (name of applicant), a member of ..... (name of police service), has applied for an order to comply with an emergency demand

requiring production of copies of records that may be of assistance in investigating the whereabouts of the missing person.

On being satisfied that

- ..... is a missing person under the *Missing Persons Act*,
- the police service is conducting a non-criminal investigation into the whereabouts of the missing person,
- the applicant made an emergency demand under section 5 of the *Missing Persons Act* that was not fulfilled, and
- the applicant has a reasonable belief that the requested records will assist with the investigation,

**IT IS ORDERED THAT:**

**[Remove any portions of the proposed Order that are not needed.]**

Copies of the following records containing information related to

- the missing person,
- ..... (name of individual) in whose company the missing person may be or may have been,

in whoever’s possession the records may be, shall be produced to .....  
(police service):

- records containing contact information or identification, and in particular,
  - .....
- information contained in your client or employee file, and in particular, (optional) .....
- telephone, internet and other electronic communication records, including
  - .....
  - wireless signals indicating the location of the device, and in particular, (optional) .....
  - cellular telephone records from ..... (date) to ..... (date), and in particular, (optional) .....
  - incoming and outgoing text messaging or other instant messaging records from .....(date) to ..... (date), and in particular, (optional) .....
  - browsing history records from .....(date) to ..... (date), and in particular, (optional) .....
  - online account activity information from .....(date) to ..... (date), and in particular, (optional) .....
  - global position system tracking records, and in particular, .....
  - from .....(date) to ..... (date), and in particular, (optional) .....

- records containing employment information indicating
  - when the missing person was last seen or heard from, and in particular, (optional) .....
  - when, where and how the missing person was paid, and in particular, (optional) .....
- records containing health information indicating
  - hospital admission or interaction with health services from (date) to ..... (date), and in particular, (optional) .....
  - date, time and reason for hospital admission or interaction with health services during the stated period, and in particular, (optional) .....
- records containing school attendance information from .....(date) to ..... (date), and in particular, (optional) .....
- records containing financial information indicating
  - credit card usage from ..... (date) to ..... (date),  
.....  
(where, when and for what purpose used),  
and in particular, (optional) .....
  - recent access to bank accounts  
.....  
(where, when and for what purpose the account was accessed),  
and in particular, (optional) .....
  - .....(records prescribed by regulation)
  - ..... (address costs)

Compliance with this Order is required within 48 hours of service, or before ..... (date and time).

This Order expires on .....

Dated this ..... day of ....., 20.....

Signed .....

Printed Name of Police Officer .....

Rank .....

Name of Police Service .....

Address .....

Pursuant to the *Missing Persons Act*, any information or records collected under the Act by a police service are confidential and may not be disclosed except in accordance with section 8 of the Act and the regulations.

Pursuant to the Missing Persons Regulations, where this Order requires a person to provide records or copies of records, the records or copies of the records shall either

- (a) be provided to the police service; or
- (b) if it is not possible for all requested records to be provided, the available records shall be provided together with a time estimate for the provision of the remaining records.

Pursuant to the Missing Persons Regulations, information or records collected under the authority of the Act

- (a) are, when the missing person has been safely located, to be disposed of within 90 days after the missing person is located;
- (b) may be retained if the missing person is not found or if the missing person is found dead; or
- (c) may be retained if any further investigations arise or are likely to arise regarding the disappearance of the missing person until any and all investigations are concluded.

### **EXPLANATORY NOTES**

**SECTION 1** establishes definitions to be used for the purposes of the regulations. The section clarifies that any reference to “financial information” in respect of a person includes information about any joint account the person holds with one or more other persons.

**SECTION 2** establishes the requirements in respect of an application for a search order or a record access order, as the case may be. An application may be made, without notice, by a member of a police service to a judicial justice of the peace in person or by telephone, email or fax. Once an application is made, the member of the police service is required to deliver the original copy of the application and supporting documents to a court office specified by the judicial justice of the peace.

**SECTION 3** specifies an application for a search order and a record access order is to be in Form 1 and Form 3, respectively, as set out in the Schedule.

**SECTION 4** specifies a search order and a record access order is to be in Form 2 and Form 4, respectively, as set out in the Schedule.

**SECTION 5** specifies an emergency demand for records is to be in Form 5, as set out in the Schedule. The section specifies an application for an order to comply with an emergency demand is to be in Form 6, as set out in the Schedule. An order to comply with an emergency demand is to be in Form 7, as set out in the Schedule.

**SECTION 6** requires an application for an order directing a person to comply with an emergency demand is to be made on notice to the respondent.

**SECTION 7** sets out the requirements for service in respect of a search order, record access order, an emergency demand, or an application made under subsection 6(1) of the Act, as the case may be.

**SECTION 8** specifies the requirements for the contents of an annual report of a police service respecting its use of emergency demands.

**SECTION 9** specifies the requirements for the retention and disposal of records obtained by a police service under the authority of the Act.

**SECTION 10** provides for the commencement of the regulations.