

Freedom of Information– Radio Television News Directors Foundation of Canada May 28, 2011

**[Minister will be introduced by Wendy Cox, Vancouver Bureau
Chief, Canadian Press]**

•Hello, I'm Stephanie Cadieux, Minister of Labour, Citizens' Services and Open Government and Minister responsible for B.C.'s Freedom of Information and Protection of Privacy Act.

•It's a pleasure to be here today.

•I have a great interest in the topic we're discussing.... I served on the Special Committee to Review the Freedom of Information and Protection of Privacy Act, and I chaired the Special Committee that recommended Elizabeth to be appointed B.C.'s Information and Privacy Commissioner.

•As many of you are aware, back in 1992 the province passed the Freedom of Information and Protection of Privacy Act that we have today.

•The Act is designed to make public bodies more accountable and to protect personal privacy.

•Requests are made by a wide range of people including journalists, and last year we processed nearly 8,000 FOI requests. Thankfully, not all were from reporters.

- Last year we processed over 5000 requests from BC citizens seeking personal information.
- We help B.C. families by providing citizens their adoption records, and other information about themselves or their children in care.
- We provide citizens in correctional centres information about their custody and help them put their lives back on track.
- We receive between 60 and 120 personal requests each week and we provide B.C. families critical answers about their past.

- The media often submit complex freedom of information requests that result in many hours of search time.

- For example, a single request for information about a government contract can involve records from several ministries as well as documents that have to be reviewed by parties outside of government before it can be released.

- We are always looking for ways to improve the current information request process and make it better. And as part of what my job title implies, we are taking action to open government to British Columbians.

- Government has significantly improved its overall performance and I'm very proud of this. Since streamlining the operations, we have improved our response times, reduced the average time it takes to process requests and significantly reduced the average amount of overdue days for FOI requests.
- To put our success in simple terms: we processed almost 8,000 FOI requests last year and the percentage of FOI requests completed on time is now 93 per cent.
- The average processing time for an FOI request in 2008 was 35 days. It is now 22 days.
- I'm also proud that we are moving forward with the proactive release of documents requested through FOI and the routine release of documents.

- There has been a lot of discussion in the media of the BC Ferries process, and I can tell you one thing we won't consider is simultaneous posting for information release as part of our policy.
- Right now, we're doing our due diligence so we get it right, and we actually improve the way we serve the public through technology and innovation. So, we're not ready for prime time yet but we're close.
- We have support for taking action on proactive and routine release. The Office of the Information and Privacy Commissioner has recommended we move in this direction and will help inform our policy, and this is also consistent with recommendations made by the Special Committee of the Legislature last year.

- The proactive and routine release of information is an integral and necessary part of our commitment to be an open and accountable government.
- This commitment is one that can strengthen our democracy and promote greater efficiency and effectiveness in Government.
- We want to work together to establish a system of transparency – and by taking action on proactive and routine release, we are doing just that.
- I've been working with ministry staff throughout the process and I'm looking forward to what we can accomplish together.
- Thank you.

FOI Fast Facts

- As of March 31, 2011 the percentage of FOI requests completed on time is now 93 percent. That's up from 71 percent in 2008.
- Response times have improved dramatically while, for the fourth consecutive year, the volume of FOI requests has increased.
- We processed almost 8,000 FOI requests last year. That's four or five FOI requests every hour, every working day of the year.
- The number of FOI requests received by government in 2010/11 increased by more than 16 percent from 2008/09.
- The overall processing time for FOI requests is decreasing. The average processing time in 2008 was 35 days. It is now 22 days.
- The overall average number of days overdue is decreasing. The average number of days overdue in 2008 was 37 days. It is now 17 days.
- 5,073 or 65% of requests are for personal information.
- 2,756 or 35% of requests are for general information.
- Of these, 28% are from individuals, 24% are from media, 23% are from political parties.
- From April 1, 2010, to March 31, 2011, general requests by media are 89 percent on time, compared to 88 percent on time in 2009/10.
- Government has improved its score on the processing of media requests from 82 to 88 according to the latest report from the Office of the Information and Privacy Commissioner.
- Fees have not increased since 1993.

Table of Contents: primary areas of discussion

How the FOIPP Act is used now
 How to use the Act efficiently & cheaply
 How the Act could change
 Journalists rights under the Act
 Successes
 Areas of improvement
 Open Government

Table of Contents: popular topics

Media FOI requests and fees
 BC Ferries approach
 Proactive/routine release
 Response times
 Special Committee Review of the FOIPP Act

Primary areas of discussion

How the FOIPP Act is used now:

- In 1992, the province passed the Freedom of Information and Protection of Privacy Act that we have today. The Act gives people the right of access to records in the custody of public bodies, while at the same time protecting the privacy of citizens' personal information.
- The purpose of the Freedom of Information and Protection of Privacy Act is to make public bodies more accountable and to protect personal privacy.
- BC's Freedom of Information and Protection of Privacy Act is widely recognized across Canada as having the broadest coverage and widest access provisions in Canada.
- The Act covers more than 2,800 public bodies, including provincial and local governments, crown corporations, school boards, universities and colleges, municipal police, hospitals, and health authorities, and governing bodies of professions.
- Requests are made by a wide range of people including individuals, businesses, journalists, academics and political parties.
- The BC provincial government processed almost 8,000 FOI requests last year. That's four or five FOI requests every hour, every working day of the year.
- Most requests are from people asking for records relating to their own personal information, and there is no fee for these requests.
- Generally, the head of the public body must respond within 30 business days after receiving a request for information. Longer periods may apply if more time is needed to consult with a third party or other public body before access to the requested record can be granted.
- We are tremendously proud of what we've accomplished over the past few years. The statistics clearly demonstrate this: from 2008 to 2010/11, the average processing time for an FOI request has dropped from 35 to 22 processing days, and the average number of business days overdue has dropped from 37 to 17.

How to use the Act efficiently & cheaply:

- Any member of the public can ask for records relating to their personal information, and there is no fee for these.
- Unlike most jurisdictions, B.C. doesn't charge a fee for submitting an application.
- For more complex requests, fees are set out in regulation and those fees have not gone up since 1993.
- We have staff available who can help narrow the scope of a request to really pinpoint what it is you're looking for. Making your request as specific as possible will reduce staff's search time and thereby reduce the fee.
- In addition to improving the access to information process, it's important to know we are committed to making government data more accessible to the public without a formal request for information.
- Formal requests should be used as a last resort and not the primary way for obtaining information.
- This is one of the reasons why **we are considering the** proactive and routine release of information such as Minister's expense reports.
- Before a person makes a request they should make sure they have tried other ways to obtain the information such as contacting the organization that has the information and asking for it directly. This informal route will often be faster for you and less expensive.

How the Act could change:

- Amendments to the FOIPP Act were last made in 2008.
- The Act is amended from time to time to ensure it remains a workable and relevant document for the public, the Information and Privacy Commissioner and public bodies.
- The BC Government is currently reviewing the 35 recommendations put forth by the Special Committee last year. Thirteen of the recommendations are included in the proposed amendments to the FOIPP Act which are currently under review.
- One of the recommendations was that we look at being more proactive, and we're acting on that.
- Right now, the Province has a ministerial order in place to permit the use of social media tools. Over the next couple of years we'll have to review the Act and find a long term solution for using social media.
- Existing legislation to protect personal privacy was not necessarily designed to accommodate social media. The Act restricts the storage of personal information outside of Canada and most of the popular social sites are hosted in the US, which would prohibit B.C.'s use of the tools.

Journalist's rights under the Act:

- Like anyone, a member of the media has a right to request and access information under the Act.
- From April 1, 2010, to March 31, 2011, general requests by media are 89 percent on time, compared to 88 percent on time in 2009/10.
- For information requests from media, the average number of days overdue during the reporting period is now just 9 days—that's down from 42.
- It's important to note that 75 per cent of the requests we processed were from individuals and law firms. Requests from the media and political parties represent a small amount of the overall number of requests.
- I am pleased with the significant progress we have made on requests from media, improving our score from 82 to 88, in the Information and Privacy Commissioner's latest timeliness report.
- The Freedom of Information Act was designed to give public access to information, not necessarily one group of the public.
- I respect the work of reporters and they have a right to a timely response.

Successes:

- BC's *Freedom of Information and Protection of Privacy Act* is widely recognized across Canada as having the broadest coverage and widest access provisions in Canada.
- Government has significantly improved its overall performance and I'm very proud of this. Since streamlining the operations, we have improved our response times, reduced the average time it takes to process requests and significantly reduced the average amount of overdue days for FOI requests.
- Even the Commissioner has noted that government has made "extraordinary efforts to meet its timeliness obligations."
- The Province has made remarkable progress in reducing the response time to requests. The average processing time for an FOI request in 2008 was 35 days. It is now 22 days.
- To put our success in simple terms: we processed almost 8,000 FOI requests last year and the percentage of FOI requests completed on time is now 93 per cent.

Areas of improvement:

- Despite all our accomplishments over the past few years, we want to continue to improve response times and make better use of resources.
- We are committed to working with the Commissioner to make the system even better.
- I would like to see a reverse in the trend we've seen of receiving an increasing amount of FOI requests each year. And we can do this through a number of ways: online posting of requests, proactive and routine release of documents and greater openness with data.
- The BC Government continues to review our legislation in accordance with mandatory timelines to ensure the legislation meets the evolving needs of British Columbians.
- Right now, we spend about \$7 million per year of taxpayers' money on a department of 92 people that process these requests. So we are constantly looking at ways we can be more efficient and streamline the process.

Open Government:

- Open government is about a new approach to governing. It's about engaging directly with people, families and businesses, and giving them a stronger say.
- We believe citizens can and should influence the policies that impact them.
- We are using social networks and online tools to engage citizens, and to help improve government's responsiveness and productivity.
- That's why we are already taking action to open government to British Columbians.
- We are using social networks and online tools to engage citizens, and to help improve government's responsiveness and productivity.
- In fact B.C. already has a track record in open data:
 - The province already makes thousands of datasets available for free through GeoBC and has a long history of sharing data and information with people and businesses, particularly in the natural resources sector.
 - Another recent example includes our challenge to Canadian software developers to use government data to design climate action applications for the web and mobile devices that would raise awareness and inspire action to reduce carbon pollution.
 - The award-winning contest, called Apps4Climate Action was one of the first of its kind in Canada, setting a great example of how government can empower people to use its data sets and social media in creative ways.
- Led by Premier Clark, we are holding monthly town halls to talk directly with British Columbians all around the province on issues that impact them.
- As well, over 50,000 British Columbians have already participated in our "Talking Tax" tele-town halls on the HST.

Popular Topics

Media FOI requests and fees

- While we are fully committed to an open and accessible government, it is important to recognize that complex freedom of information requests can result in many hours of search time.
- This is time that public servants would otherwise be spending delivering programs and services to British Columbians.
- For more complex requests, fees are set out in regulation and those fees have not gone up since 1993.
- In reality, fees were only paid for 125 requests out of nearly 8,000 requests government received last year.
- During 2010, the average fee charged was \$377.11.
- One of the reasons **we're looking at** proactive and routine release is because it will be a great benefit to people. Information that was once only accessible via lengthy access to information requests **could be** released such as expense reports, ministry plans, etc.

BC Ferries approach

- BC Ferries took an interesting approach and we've been watching them with great interest.
- What we're doing is looking at how we can serve the public more efficiently through technology and innovation.
- It's a fact that technology has changed the way we communicate, so government has to change the way it delivers services to keep up with changing times, technologies and changing expectations.
- There has been a lot of discussion in the media of the BC Ferries process, and I can tell you one thing **we won't do** is consider simultaneous posting as part of our policy.
- The Commissioner's special report on the BC Ferries is tremendously helpful and will help inform our policy. I'd like to personally thank the Commissioner for the report.

Proactive/routine release

- I'm proud that **we are moving forward with the** proactive release of documents requested through FOI and the routine release of documents such as Ministers' expense reports.
- We have support for moving in this direction. The Office of the Information and Privacy Commissioner recommended that we move in this direction and **will help inform** our policy.

- Proactive and routine release is also consistent with recommendations made by the Special Committee of the Legislature last year.
- **We're not there yet, but we're working towards** proactively and routinely publishing information online that was once only accessible via lengthy access to information requests.
- There has been a lot of discussion in the media of the BC Ferries process, and I can tell you one thing **we won't do** is consider simultaneous posting as part of our policy.
- The proactive and routine release of information is an integral and necessary part of our commitment to be an open and accountable government.

Response times

- I am pleased with the significant progress we have made. We processed almost 8,000 FOI requests last year and the percentage of FOI requests completed on time is now 93 per cent.
- As of March 31, 2011, FOI response times have increased to 93 per cent responded to on time, up from 90 percent in 2009/10 and 71 percent in 2008.
- From April 1, 2010, to March 31, 2011, general requests by media are 89 percent on time, compared to 88 percent on time in 2009/10.
- The Commissioner has noted that government has made "extraordinary efforts to meet its timeliness obligations."
- Although the number of FOI requests has increased and continues to increase, government's on-time response has improved significantly.

Special Committee Review of FOIPPA

- Government is currently reviewing the 35 recommendations put forth by the Special Committee. Thirteen of the recommendations are included in the proposed amendments to the FOIPP Act which are currently under review by Cabinet Committees.
- The recommendations include:
 - Appointing a Government Chief Privacy Officer;
 - The call for public bodies to practice proactive routine disclosure;
 - Amending section 4 to guarantee the applicant's right to anonymity;
 - Amending section 11 to reduce the time allowed for file transfers to 10 business days; and,
 - Allowing for individual consent to the collection, use, and disclosure of personal information.

- One of the recommendations was that we look at being more proactive, and **we're looking at that.**
- I'd like to note that, of the 28 recommendations the 2004 Special Committee made, 20 have been implemented. The remaining 8 recommendations remain under consideration.