



ARCS: 292-30  
File: FIN-2016-65126

January 25, 2017

Sent via email:

Dear

**Re: Request for Access to Records**  
***Freedom of Information and Protection of Privacy Act (FOIPPA)***

I am writing further to your request received by the Ministry of Finance. Your request is for:

*Records related to an email audit program referenced by Cheryl Wenezenki-Yolland at the Public Accounts Committee on November 23, 2016, where she said the province has a way of detecting if employees are using their personal emails rather than their government emails and that there is an aspect of this program that includes compliance reviews and audits, specifically: Any compliance reviews and/or audits completed by the province relating to this program; If any employees were found to be improperly using their personal emails for government business, a summary of what was detected and what actions were taken. (Date Range for Record Search: From 12/09/2015 To 12/09/2016)*

The program area has provided records related to your request, noting that the wording of the request—"detecting if employees are using personal emails"—does not directly reflect the discussion in the Public Accounts Committee. The program area has provided the following information to assist with your request, in compliance with the public body's duty to assist an applicant in response to an FOI request.

Government staff testifying to the committee was asked about the hypothetical use of personal email servers to conduct government business rather than government servers, and whether it could be possible to establish and use a personal server system to conduct B.C. government business. Staff replied that government has its own servers, and that using a personal server system for government business would be against government policy.

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Ms. Wenezenki-Yolland underscored this statement about personal email servers by elaborating on the mandatory training requirement for all public service staff which was also recently provided to all Cabinet members, their staff, Deputy Minister's offices and senior executives across government on good information management practices and the management of records, which includes email and government policies. She also said that government has the means to determine whether government policies are being followed, and that compliance reviews and audits are part of government's approach to determining whether an individual has breached policy.

This Information Management Compliance and Audit Framework is an important part of government's commitment to the security and protection of government records. The framework provides a mechanism to assess ministries' compliance with current legislative, training and policy requirements, such as the policy prohibiting the use of personal email servers to conduct government business. This framework provides important corporate insights into organizational performance and engagement with staff focused upon a drive for improved compliance. And, consistent with the current approach respecting the privacy of employees, the framework does not impose any general or individual-based email surveillance functionality.

The Province has the capacity to review individual suspected instances of non-compliance with policy, including inappropriate use of email. This is initiated by ministries and conducted in collaboration with central agency technical and information security staff in response to specific and individualized concerns respecting compliance with policy. While the Information Management Compliance and Audit Framework may inform these assessments, based on potential organizational non-compliance found by central government (e.g. inadequate training), the responsibility for identifying and initiating non-compliance reviews resides with ministries. Finally, it should be noted that the Information Management Compliance and Audit Framework is a new program. As the program matures, government will explore opportunities to enhance issues identification, assessments and reporting across all information management domains – inclusive of email management policies and practices.

The program area has indicated that [Chapter 12: Information Management and Information Technology Management of Core Policy](#) and the [Appropriate Use Policy](#) (enclosed) address what they understand as the intent of the request. These policies govern employee use of their government email and government email servers. The policies require that employees store records that relate to government business in protected government systems and limit the use of personal email for government business to exceptional circumstances only. Notably, the Appropriate Use Policy also provides additional information management conditions that an employee must adhere to, in order to protect and retain personal and confidential information in those exceptional circumstances.

I trust that the above information and associated policy documents provided by the program areas will be of assistance.

You have the right to ask the Information and Privacy Commissioner to review this response. I have enclosed information on the review and complaint process.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Elbahir". The signature is fluid and cursive, with the first name "Cindy" being more prominent than the last name "Elbahir".

Cindy Elbahir, Manager  
Central Agency Team, Information Access Operations

Enclosures

<p>How to Request a Review with the Office of the Information and Privacy Commissioner</p>
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If you have any questions regarding your request please contact the analyst assigned to your file. The analyst's name and telephone number are listed in the attached letter.

Pursuant to section 52 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), you may ask the Office of the Information and Privacy Commissioner to review any decision, act, or failure to act with regard to your request under FOIPPA.

**Please note that you have 30 business days to file your review with the Office of the Information and Privacy Commissioner. In order to request a review please write to:**

Information and Privacy Commissioner  
PO Box 9038 Stn Prov Govt  
4th Floor, 947 Fort Street  
Victoria BC V8W 9A4  
Telephone 250 387-5629      Fax 250 387-1696

If you request a review, please provide the Commissioner's Office with:

1. A copy of your original request;
2. A copy of our response; and
3. The reasons or grounds upon which you are requesting the review.