

Biggs, Jackie FIN:EX

From: Obee, Sarah F FIN:EX on behalf of Wenezenki-Yolland, Cheryl FIN:EX
Sent: Friday, June 9, 2017 3:30 PM
To: Mentzelopoulos, Athana FIN:EX; Halls, Lori D PSA:EX; Davison, John C PSA:EX; Curtis, David FIN:EX; Fischer, Carl M FIN:EX; Bailey, Ian D MTIC:EX; Kortum, Alex FIN:EX; Mclean, Kenneth FIN:EX; Prosser, Ken A MTIC:EX; Chrisgian, Ourania PSA:EX
Cc: MacLean, Shelley FIN:EX; Nicholson, Riley FIN:EX; Tupper, Linsey PSA:EX; Molyneux, Jennifer MTIC:EX; Bowman, Kimberley PSA:EX; Van El, Wendy M FIN:EX; Bacon, Tracey FIN:EX; Malpass, Allison MTIC:EX; Olson, Lianna FIN:EX; Mclean, Kenneth FIN:EX; Biggs, Jackie FIN:EX
Subject: From The Office of The Associate Deputy Minister of Finance - Materials for The Executive Briefing on Monday June 12
Attachments: June 12 DM Meeting WG Presentation.pptx; Ombudsperson Recommendations and Actions Taken (May 15)-WG.DOCX; Standard on Executive Accountabilities in the Investigative Process (May....docx; Standard on Investigation Tiers (May 29).docx; Investigation Protocol (May.10 2017) Revised.docx
Categories: Green Category

Good afternoon.

On behalf of Cheryl Wenezenki-Yolland please find attached the materials for the Internal Investigations Working Group Executive Briefing scheduled for Monday June 12, 2017 at 100pm.

With thanks,

Sarah Gotto
Senior Executive Assistant to
Cheryl Wenezenki-Yolland
Associate Deputy Minister & Chief Records Officer
Ministry of Finance
250 387 8499

Investigation Protocol

Purpose:

This protocol contains guidelines for coordinating investigations between the government investigations units (IU or “the parties”) identified below. The protocol’s objectives are to ensure in situations of overlapping mandates, that:

- investigations are complete, confidential, effective, efficient, fair, impartial, objective, reliable, repeatable, and timely;
- the mandate of each investigation unit is met; and
- investigations are co-ordinated in a manner that avoids duplication or interference with another unit’s investigation.

This protocol does not prevent additional efforts of collaboration and co-ordination between the parties.

Investigation Units:

The following investigation units (“IU”) are included in this protocol agreement:

- **BC Public Service Agency, Ministry of Finance (PSA)** – conducts investigations regarding employee conduct related to collective agreements, human rights legislation and other government policy/legislation for both included and excluded employees.
- **Corporate Information and Records Management Office, Ministry of Finance (CIRMO) Privacy, Compliance and Training Branch Investigations Unit** - coordinates, investigates and resolves any actual or suspected information incidents, including unauthorized collection, use, disclosure, access, disposal or storage of government information.
- **Office of the Chief Information Officer, Ministry of Technology, Innovation and Citizens’ Services Security Investigation and Forensics Unit** – coordinates, investigates and resolves any actual or suspected information technology security and cyber security incidents and provides evidentiary support and analysis of digital evidence and expert advice to other investigative units.
- **Office of the Comptroller General, Ministry of Finance (OCG) Investigation and Forensic Unit** - addresses allegations of fraud or financial improprieties reported to the Comptroller General.

Contacts for the Investigation Units:

- **PSA:** Director, Employee Relations, 604-788-9476

- **CIRMO Privacy, Compliance and Training Branch Investigations Unit:** Senior Director, Investigations and Audits, 604-807-4575
- **OCIO Security Investigations and Forensics Unit:** Director Cybersecurity Intelligence and Investigations, 250-744-0955
- **OCG Investigation and Forensics Unit:** Executive Director, Investigation and Forensic Unit, 250-216-5145

Contacts will also include a delegate or deputy of the named contact.

General:

1. The contact for an IU is to immediately notify another party of reported incidents and/or of information obtained that is relevant to the mandate of that specific unit. The contacts of each IU will discuss and co-ordinate efforts, as appropriate.
2. Any collection, use, storage or disclosure of personal information by an IU must comply with the *Freedom of Information and Protection of Privacy Act*.
3. The contact for each IU will ensure that their investigators are aware and understand this protocol.
4. The expectation is that each IU will fulfil its mandate while ensuring that their investigations do not impair the mandate or investigations of any other party.
5. Ministries, agencies and their IUs will work collaboratively and share information and records in a manner that is compliant with the FOIPPA.
6. All parties are to be cognizant and respectful of the other IUs' roles, mandates and professional standards.
7. All parties and investigators are expected to follow the principles of administrative fairness to respect the rights of individuals in the conduct of investigations.
8. Incidents requiring investigation may involve circumstances that require procedural timeliness and flexibility in regards to the process outlined in this protocol.
9. Each IU is responsible for determining the scope of electronic evidence or data required for an investigation. The IU is to consult and work collaboratively with the OCIO Security Investigations and Forensics Unit to procure only the relevant electronic evidence required to complete the investigation.

10. Parties will not disclose or share information/evidence if it is not necessary to the work performed by another IU.
11. During the course of an investigation, all parties will work collaboratively with the public body that has responsibility for an investigation by providing guidance, direction and recommendations as necessary.
12. All parties will collaborate to resolve issues involving an IU in circumstances where the relevant IU cannot or should not act (e.g. conflict of interest, investigating senior officials of the same Ministry or Agency). All parties will collaborate to resolve the issue.
13. The IUs agree to follow common standards intended to ensure internal government investigations are conducted in accordance with recognized best practices. Standards are to be developed collaboratively and agreed to by the parties.
14. The IUs agree to implement and maintain robust quality assurance mechanisms to ensure investigative practices are consistent with common standards as well as individual IU legislative, policy and procedural requirements.

Notification and Communications

1. An IU must immediately notify the contact for any other IU when an incident or information obtained during an investigation is relevant to the mandate of the other IU. An initial meeting will forthwith be scheduled between the IUs involved to:
 - i. Share information about the subject incident/information.
 - ii. Confirm the IUs that have a role in the event;
 - iii. Identify the IU that should lead the investigation;
 - iv. Develop a plan and timeline for the investigation;
 - v. Identify any roles for other IUs; and
 - vi. Identify information that needs to be gathered and questions to be asked.
2. The parties acknowledge that the commitment to share relevant information with other IUs is an ongoing obligation to be met in accordance with any applicable statutes, policies and professional standards, as well as the exercise of sound professional judgement.

3. An IU contact will advise any other IU contact involved when a joint investigation requires notification to, or interaction with, Law Enforcement and/or Government Communications and Public Engagement (GCPE).

Dispute Resolution

4. If a dispute arises in respect of this protocol, the issue(s) will be referred immediately for joint resolution to the Government Chief Information Officer, the Government Chief Records Officer, the Comptroller General, and the Assistant Deputy Minister of PSA.
5. The Deputy Ministers of the Ministry of Finance, the Ministry of Technology, Innovation and Citizens' Services and the BC Public Service Agency will be notified with a request for direction by a contact if the Comptroller General, the Government Chief Information Officer, the Government Chief Records Officer, or the Assistant Deputy Minister of the Employee Relations Division of the Public Service Agency, is the subject of an investigation.

Amendment

6. This agreement can be mutually amended from time to time in writing by the parties.

_____ Carl Fisher A/Comptroller General Ministry of Finance	_____ Date	_____ Ian Bailey A/Government Chief Information Officer Ministry of Technology, Innovation and Citizens' Services	_____ Date
_____ John Davison Assistant Deputy Minister Employee Relations & Workplace Health BC Public Service Agency	_____ Date	_____ Cheryl Wenezenki- Yolland Associate Deputy Minister and Government Chief Records Officer Ministry of Finance	_____ Date

Internal Investigations Working Group Executive Briefing

June 12, 2017



Representation:

- BC Public Service Agency
- Corporate Information and Records Management Office
- Office of the Comptroller General
- Office of the Chief Information Officer

Agenda

- Objective
- Approach
- Investigations Protocol
- Investigative Standards
 - Common Tiers
 - Executive Accountabilities
- Next steps



Objective

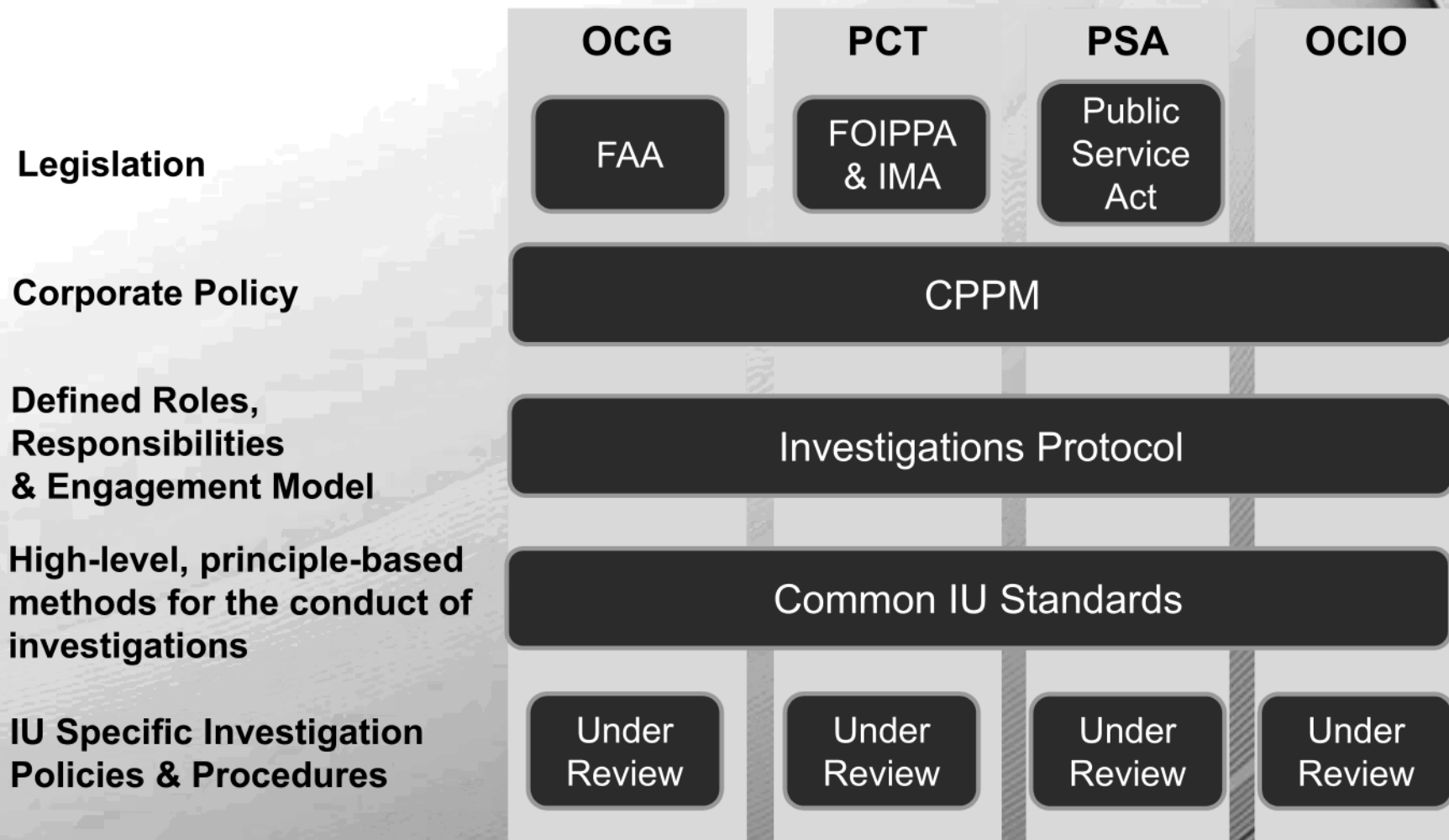
At last executive meeting, the Working Group was asked to:

- Review the recommendations and contents of the Ombuds Misfire report
- Identify working group actions to be taken in response
- Review of the Investigations Protocol in light of current considerations

Approach

- Have developed an Action Plan regarding the Ombuds Misfire Recommendations of common relevance
- Have revised the Investigations Protocol document
- Are developing common internal investigative standards
- Are each reviewing and updating policies and procedures
- In the interim, the units are taking a cautious approach and are consulting legal services where needed to ensure appropriate outcomes

Conceptual framework – how the pieces come together



Investigation Protocol

- Original Protocol Agreement signed December 2015
- Originally developed to ensure effective coordination and communication between units on incidents that fall under
- Revised to focus on how the Units work together
- Additional recent improvements to reflect:
 - Movement of CIRMO IU from OCIO to MFIN
 - Updated mandate language for Units
 - That units have in place robust QA mechanisms
 - That units agree to collaboratively develop common standards
- Seeking sign-off

Development of Standards

- Collaborative development and agreement
- Focus is on high-level principles and commonalities across units
- Having to navigate through instances where requirements across units are different
- Have prioritized which standards to develop

Standard: Investigative Tiers

- Purpose is to have a common hierarchy of incidents across units
- Tiers provide a framework to establish consistent processes for incidents of a certain level
- Will also promote a more consistent understanding of the seriousness of an incident
- Tiers are intended to build on one another (e.g. T2 builds on T1, T3 on T2, etc)
- An incident being investigated can be moved up or down as appropriate (e.g. as new information is discovered, etc)

Standard: Investigative Tiers

For a sense of magnitude, the units provide the following estimated % breakdown of incidents by tier.

% breakdown by Tier				
Tier	PSA	OCG	PCT	OCIO
1	54%	60%	42%	5%
2		<1%	35%	55%
3	20%	28%	20%	35%
4	26%	10%	2%	26%
5	<1%	<1%	<1%	<1%
Typical Annual Volume	300	30	1,350	600

Notes:

- These figures are estimates only. Typical annual volumes have been rounded.
- A single-incident could be counted by multiple units where the incident is jointly investigated.

Standard: Investigative Tiers

Discussion of document



Standard: Executive Accountabilities

- For Tier 4 and 5 incidents only.
- Executive representation for T4 and T5 incidents includes:
 - An executive or delegate for each unit that has jurisdiction (e.g. PSA for conduct investigations, etc)
 - A representative of the ministry responsible for the incident (ADM or higher)
- Key decision points for executive will occur at waypoints between the major stages of an investigation.
- T4 and T5 investigations may also be supported by an external fairness observer.

Standard: Executive Accountabilities

Discussion of document



Working Group priorities for 2017

To meet monthly going forward and focus on:

- Actions to support response to Ombuds Misfire recommendations
- Finalization of standards:
 - Tiers
 - Executive Accountabilities
- Developing additional priority standards:
 - Administrative fairness
 - Investigator training requirements
 - Quality assurance
- Each unit also reviewing, developing its own policies and procedures
 - Inclusion of items to address recommendations and contents of Ombuds Misfire report

Ombudsperson's Recommendations and Actions Taken

This document describes the strategies and actions to be taken collectively by the Internal Investigations Working Group (WG) in response to the Ombudsperson's Misfire report recommendations. The WG includes the investigative units (IUs) of the BC Public Service Agency, the Office of the Comptroller General, the Privacy, Compliance and Training Branch, and the Office of the Chief Information Officer.

This document does not describe additional responses/actions to be taken by an individual IU that has sole responsibility for an Ombuds recommendation.

#	Recommendation	Related Strategies/Actions	Status
17	<p>By March 31, 2018 the PSA develop and implement a policy framework for assessing situations to determine whether a real or perceived conflict of interest exists. The framework should:</p> <ol style="list-style-type: none"> Require employees to disclose circumstances that may give rise to a real or perceived conflict of interest, including any outside remunerative work. Specifically require issues of conflict of interest to be addressed at the outset of employment and on an ongoing basis where the employee's job function or less than full-time employment necessarily contemplates external remunerative work or external affiliation. Where a disclosure is made by an employee under paragraph (a), the employer shall identify the specific work duties of the employee and the underlying government interests that are relevant to the circumstances. <ol style="list-style-type: none"> Identify the specific personal interests of the employee that are relevant to the circumstances. Analyze whether those interests conflict, or could be perceived to conflict, in a way that impairs the employee's ability to act in the public interest, undermines the public's confidence in the employee's ability to discharge work responsibilities, or undermines the public's trust in the public service. Decide whether the circumstances give rise to a perceived or actual conflict of interest, and, if they do, consider whether there are steps that government or the employee must take to address or mitigate 	<ul style="list-style-type: none"> WG to participate, as a group of stakeholders, in the development of this policy. 	<ul style="list-style-type: none"> PSA leading the development of policy framework in response to this recommendation.

	<p>the conflict such that it does not pose an unacceptable risk to government or the public interest.</p> <p>iv. Document, on the employee's personnel file, and elsewhere as is required in the circumstances, the reasons for the conclusion reached and the directions, if any, to be followed. A copy of the reasons should be provided to the employee.</p> <p>v. To the extent reasonable and necessary, be transparent within the organization about how the conflict of interest has been addressed so that misunderstandings are minimized.</p>		
19	<p>By March 31, 2018, the PSA revise its existing Accountability Framework for Human Resource Management to ensure a clear allocation of responsibility among senior executives of PSA and of line ministries responsible for ensuring that any internal human resource investigations occurring under their leadership:</p> <ol style="list-style-type: none"> Are conducted in accordance with the principles of administrative fairness, Have a clearly articulated scope and focus, both of which are reassessed on a regular basis, and Have appropriate lines of reporting. 	<ul style="list-style-type: none"> WG to participate, as a group of stakeholders, in the development of this policy. Developing common standards for administrative fairness and executive accountabilities in internal investigative processes. 	<ul style="list-style-type: none"> PSA leading the revision process. WG has prepared a draft standard on executive accountabilities. WG to develop standard on administrative fairness.
20	<p>By March 31, 2018, the Public Service Agency undertake, and publish the results of, an independent compliance review of its investigatory policies established in response to the McNeil review.</p>	<ul style="list-style-type: none"> Each IU to consider results of independent compliance review of PSA investigatory policies. 	<ul style="list-style-type: none"> PSA leading the compliance review process.
21	<p>By September 30, 2017, to ensure that the principles of administrative fairness are appropriately exercised by the (OCG) Investigation and Forensic Unit (IU):</p> <ol style="list-style-type: none"> The IU implement a program of ongoing professional development on administrative and procedural fairness for its investigators and any employees leading an investigation. The IU revise its draft policies and procedures manual to adequately integrate the principles of administrative fairness into its investigative approach. The Comptroller General review each investigation plan developed by the IU to ensure that the plan's scope is appropriate, and within jurisdiction, and the office can adequately resource the investigation as set out in the plan. The Comptroller General reassess the investigative plan on a regular basis, in 	<ul style="list-style-type: none"> Develop common standards for administrative fairness and executive accountabilities in internal investigative processes. 	<ul style="list-style-type: none"> WG has prepared a draft standard on executive accountabilities WG to prepare a draft standard on administrative fairness.

	consultation with the IU, and authorize adjustments to investigative scope or resources as necessary.		
22	By September 30, 2017, the Ministry of Finance provide a report to the Auditor General on the progress of implementing each recommendation of the KPMG report. Such reporting is to continue quarterly or on such other schedule and for as long as specified by the Auditor General.	<ul style="list-style-type: none"> Each IU to consider KPMG recommendations 	<ul style="list-style-type: none"> In progress.
23	By March 31, 2018, the Ministry of Justice Develop: <ol style="list-style-type: none"> For approval by the Head of the Public Service, a new procedure regarding reporting employee misconduct in non-emergency situations to the police, And implement training for public service investigators who, as part of their duties, report potential crimes to the police. This training should focus on: <ol style="list-style-type: none"> The factors to consider in determining whether to report a potential crime to the policy, and What information is appropriately shared with the police, particularly in the absence of a legal requirement to do so. 	<ul style="list-style-type: none"> WG to participate, as a group of stakeholders, in the development of this policy. WG to also ensure individual IU training plans deal with potential referrals that arise in the course of investigative processes. 	<ul style="list-style-type: none"> JAG leading the procedural development process. WG has engaged with JAG on this item.
24	By December 31, 2017, following consultation with the Information and Privacy Commissioner, the Ministry of Health create new guidelines for making decisions about suspending access to administrative health data. The guidelines should address the flaws in ministry practice that we identified in this report including better defining the threshold for data suspensions in cases where there is only an unconfirmed suspicion of a data breach.	<ul style="list-style-type: none"> WG to participate, as a group of stakeholders, in the development of these guidelines. WG to consider the development of corporate focused procedures regarding suspension of access to government data, as appropriate. PCT to support HLTH on this given the branch's role as liaison to the OIPC. 	<ul style="list-style-type: none"> Initial meeting with HLTH scheduled to discuss approach.
31	By March 31, 2018, the Head of the Public Service establish written protocols that address: <ol style="list-style-type: none"> Who has the authority to decide that government will not follow risk-based legal advice; The process to be used when ministries decide to act contrary to legal advice, 	<ul style="list-style-type: none"> WG to participate, as a group of stakeholders, in the development of these protocols. WG to clarify the role of counsel and the circumstances when 	<ul style="list-style-type: none"> WG has engaged in initial discussions with LSB regarding this item LSB will be meeting individually with each

	<p>including how decisions in such situations are to be escalated, disputes resolved and outcomes documented; and</p> <p>c. The process to be followed when limited legal advice is obtained, including who needs to be advised that the scope of the advice is limited.</p>	counsel is to be consulted throughout the investigatory process.	IU within the next two weeks.
32	By March 31, 2018, government introduce, for consideration by the Legislative Assembly, public interest disclosure legislation that provides for the reporting, assessment, fair investigation, resolution and independent oversight of allegations about wrongful conduct within the government of British Columbia.	<ul style="list-style-type: none"> WG to provide input into the development of this legislation. 	<ul style="list-style-type: none"> WG has advised LSB of its interest in providing input LSB has not yet assigned this item.

Executive Accountabilities in Tier 4 and 5 Investigations

Date: May 15, 2017

Purpose

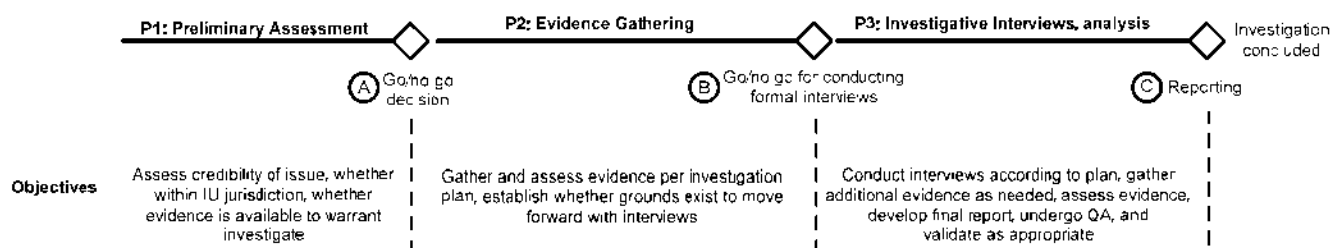
The purpose of this standard is to outline the accountabilities of executive in Tier 4 and 5 investigations¹.

Scope

This standard applies to the investigative units (IUs) of the BC Public Service Agency (BC PSA), the Office of the Comptroller General (OCG), the Privacy, Compliance and Training Branch (PCT), and the Office of the Chief Information Officer (OCIO).

Investigative process

The investigative process has been broken down into phases, which are separated by a waypoint or milestone.



Executive accountabilities

For Tier 4 and 5 investigations, executive members are to be consulted at each waypoint, or milestone, and have the following accountabilities:

Waypoint	A	B	C
Executive or delegate accountabilities	<p>Key decision: go/no go for full investigation.</p> <ol style="list-style-type: none"> 1. Review ToR, Investigative Plan 2. Receive briefing and ask questions of IU/co-investigators to understand 	<p>Key decision: go/no go for investigative interviews.</p> <ol style="list-style-type: none"> 1. Receive briefing and ask questions of IU/co-investigators to understand 	<p>Key decision: accept/not findings of investigation and report.</p> <ol style="list-style-type: none"> 1. Review final report (in case of PCT and OCG) 2. Receive briefing and ask questions of IU/co-investigators to understand items listed

¹ See *Standard on Investigative Tiers* for information on what constitutes a Tier 4 or 5 investigation.

Waypoint	A	B	C
	situation, plan, and how fairness will be incorporated into process 3. Review specialist advice (e.g. from LSB) as appropriate 4. Determine whether an external fairness observer is needed 5. Approve go/no go for investigation, including sign off on ToR	interview plan, and how fairness will be incorporated into process 2. Review specialist advice (e.g. from LSB) as appropriate 3. Approve go/no go for investigative interviews	below and whether fairness satisfactorily addressed 3. Review specialist advice (e.g. from LSB) as appropriate 4. Accept report or provide additional direction to IU/co-investigators as appropriate
IU activities to support executive	1. Prepare materials for executive review, including ToR, Investigative Plan, and specialist advice 2. Hold executive briefing	1. Prepare interview plan, fairness checklist, and specialist advice as appropriate 2. Hold executive briefing	1. Establish findings 2. Key messages for executive 3. Ancillary issues 4. Recommendations (in case of PCT and OCG, as appropriate – PSA recommendations are delivered at a later phase that does not apply to OCG and PCT) 5. Brief executive

Considerations:

1. “Executive” includes:
 - a. An executive member (ADM or higher) or delegate for the IU(s) which have jurisdiction over the incident; and
 - b. A ministry representative (ADM or higher).
2. Where an investigation encounters an ancillary issue (an issue – e.g. of misconduct, a breach, etc – not contemplated within the original ToR), an executive briefing will be held to determine whether:
 - a. The issue should be investigated separately; or
 - b. The scope/ToR should be amended to incorporate the ancillary issue into the investigation.
3. To ensure appropriate outcomes, each IU is to develop and maintain robust procedures, including quality assurance mechanisms, and IU Executive Directors/Directors are accountable for ensuring investigations conducted appropriately.

Standard on Investigative Tiers

Date: May 29, 2017

Purpose

The purpose of this standard is to outline a hierarchy, or tiers, of incidents that are common across government's internally focused investigative units (IUs).

Scope

This standard applies to the IUs of the BC Public Service Agency (BC PSA), the Office of the Comptroller General (OCG), the Privacy, Compliance and Training Branch (PCT), and the Office of the Chief Information Officer (OCIO).

Investigative Tiers

Tiers are intended to build upon each other, such that a 2 includes those considerations described for Tier1 incidents, plus the content listed in Tier 2, etc. As such, 1 is the lowest tier and involves the most minor incidents, whereas Tier 5 is at the highest end of the spectrum.

Common Investigative Tiers are as follows:

Tier	Description	PCT	PSA	OCG	OCIO
1	Minor incidents which require follow up.	Common considerations: <ul style="list-style-type: none"> Responsible IU not conducting a formal investigation IUs engaged to provide advice/support and oversight to ministry as necessary to ensure appropriate outcome Minimal/negligible potential for harm to government <ul style="list-style-type: none"> Regarding privacy, low potential for notification to impacted party(s) Minor incidents, typically closed quickly 			
2	Response to incidents involving a low potential for harm, financial loss or penalties to involved individuals or the Province.	Common considerations: <ul style="list-style-type: none"> Responsible IU not conducting a formal investigation IUs engaged to provide advice/support and oversight as necessary to ensure appropriate outcome Some legal interpretation may be required Singular focus (e.g. conduct or financial or privacy/informational) Single-ministry/program area 			
		PCT investigator assigned to provide incident response guidance to ministry responsible. Considerations: <ul style="list-style-type: none"> Moderately complex administrative incidents Notification may be warranted 	Ministry Investigation in consultation with PSA HR Advisor. Considerations: <ul style="list-style-type: none"> Breaches of policies or procedures (i.e. repeated tardiness, offensive language, insubordination, misuse of govt property) 	OCG investigator assigned to provide incident response guidance to ministry responsible. Considerations: <ul style="list-style-type: none"> Minor, non-wilful breaches of financial policies or procedures or financial loss 	OCIO investigator assigned to provide incident response guidance to ministry or organization responsible.
3	IU led investigations into incidents involving a	Common considerations: <ul style="list-style-type: none"> Potential jeopardy to involved individuals (e.g. criminal, regulatory and/or administrative) Situation calls for formal actions/outcomes for individuals and/or ministries 			

	moderate potential for harm, financial loss or penalties to involved individuals or the Province.	<ul style="list-style-type: none"> Multi-faceted (e.g. conduct and/or financial and/or privacy/informational) investigations Multi-ministry/agency investigations Investigations likely involving formal investigative interviews 			
		Investigation led by PCT with ministry/other co-investigator as appropriate	Investigation led by BC PSA with ministry/other co-investigator as appropriate	Investigation led by OCG with ministry/other co-investigator as appropriate	Investigations led by OCIO with ministry/other co-investigator as appropriate
		Considerations: <ul style="list-style-type: none"> Files involving the exposure of sensitive confidential or personal information Concerns regarding wilful inappropriate access/disclosure Complaints 	Considerations: <ul style="list-style-type: none"> Possible breaches of policies or procedures (i.e. bullying, harassment, misuse of supervisory authority, significant misuse of govt property, privacy breaches, serious allegations of theft, criminal investigations) 	Considerations: <ul style="list-style-type: none"> Minor instances of financial impropriety, financial loss, or fraud Risk of financial loss isolated 	Considerations: <ul style="list-style-type: none"> Situations where an employee may be intentionally engaging in the inappropriate use of a government system or computer (separate from an information incident)
4	IU led investigations into incidents involving major, complex, and/or high profile incidents.	Common considerations: <ul style="list-style-type: none"> Significant potential jeopardy to involved individuals (e.g. criminal, regulatory and/or administrative) May impact public confidence in ministry/ government 			
		PCT led investigation Considerations: <ul style="list-style-type: none"> Major, complex, and/or high-profile information incidents Involve extremely confidential government information or potential for serious harm Impact a large number of individuals or involve significant systemic issues 	BC PSA led investigation Considerations: <ul style="list-style-type: none"> Major, complex and/or high profile breaches of policies or procedures Outcome may be termination 	OCG led investigation Considerations: <ul style="list-style-type: none"> Major, complex, and/or high-profile financial impropriety, financial loss, or fraud instances Significant risk of systematic financial loss 	OCIO Considerations: <ul style="list-style-type: none"> Major, complex and/or high profile incidents that affect critical IT infrastructure (e.g. cyberattack, malicious IT security breach). Supports T4 investigations led by OCG, PSA, and/or PCT.
5	Situations to be investigated or led by an external party due to potential conflict of interest, IU capacity, or other reasons.	Responsible central agency and/or appropriate decision-maker selects an external party to investigate or lead an investigation. An appropriate accountability/ governance structure needs to be established. Considerations: <ul style="list-style-type: none"> Situations where an IU or IU executive is conflicted. Situations where public could perceive a conflict of interest if government investigates itself. Instances where the scale and/or complexity of the incident is beyond the capacity of the IU. Reviews of an investigation, including reviews of IU practices (i.e. there is a complaint about how an investigation was handled). 			

		<ul style="list-style-type: none">• Situations of such sensitivity where involved persons may not be willing to speak to a government investigator.
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Biggs, Jackie FIN:EX

From: Obee, Sarah F FIN:EX
Sent: Friday, June 9, 2017 9:28 AM
To: Curtis, David FIN:EX; Mclean, Kenneth FIN:EX
Cc: Olson, Lianna FIN:EX; Van El, Wendy M FIN:EX
Subject: Internal Investigations working group - June 12

Categories: Green Category

Good morning to you all.

Please note below Lori Halls is not able to attend the meeting on Monday.

I have advised Cheryl and she is aware and confirmed the meeting will proceed.

Any concerns please do let me know.

Sarah

From: Tupper, Linsey PSA:EX
Sent: Friday, June 9, 2017 9:05 AM
To: Obee, Sarah F FIN:EX
Subject: Internal Investigations working group - June 12

Hi Sarah,

Lori is unable to attend the Internal Investigations working group meeting on June 12. She indicated that the meeting could proceed without her, our ADM John Davison is also an attendee. Please let me know if you have any questions.

Thanks,
Linsey

Linsey Tupper, Senior Executive Assistant
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Where ideas work

Biggs, Jackie FIN:EX

From: Obee, Sarah F FIN:EX
Sent: Monday, June 12, 2017 10:06 AM
To: Curtis, David FIN:EX; Wenezenki-Yolland, Cheryl FIN:EX
Cc: Mclean, Kenneth FIN:EX; Olson, Lianna FIN:EX
Subject: Internal Investigations Working Group meeting

Categories: Green Category

Fyi.

From: Malpass, Allison MTIC:EX
Sent: Monday, June 12, 2017 8:45 AM
To: Obee, Sarah F FIN:EX
Cc: Molyneux, Jennifer MTIC:EX
Subject: Internal Investigations Working Group meeting

Hi Sarah – Ian Donaldson will be attending this meeting today (I have forwarded him the meeting invite) on behalf of Ian Bailey. s.22

Thank-you,

Alli Malpass

Executive Administrative Assistant to Ian Donaldson as A/ADM
Technology Solutions, Office of the Chief Information Officer
PO Box 9412, Stn Prov Gov, Victoria BC V8W 9V1
Phone: 250-387-4779; Email: Allison.malpass@gov.bc.ca

Biggs, Jackie FIN:EX

From: Mclean, Kenneth FIN:EX
Sent: Friday, June 9, 2017 11:20 AM
To: Chrisgian, Ourania PSA:EX; Prosser, Ken A MTIC:EX; Kortum, Alex FIN:EX; Avery, Ainslie FIN:EX
Subject: Itinerary for Internal Investigations Working Group Meeting June 12
Attachments: Itinerary for Internal Investigations Working Group Meeting June 12.docx
Categories: Green Category

Draft agenda for Monday, also thinking we just do a brown bag/BYO lunch. Happy to adjust itinerary if anyone wants to cover other items. See you Monday.

Agenda for Monday June 12, 2017 Working Group Meeting

Quick discussion/prep regarding exec meeting

Any feedback or discussion in relation to Standards on Tiers and/or Exec Accountabilities?

Discussion of final reports

- Inclusion of names?
- Credibility
- Preparation of joint reports
- Report structure

Jointly continue to work on next standards

- Where to start – Admin Fairness, Investigator training, or QA?
- Progress from there

Breaks for lunch and exec meeting

Next steps – Can we arrange a July meeting?

Biggs, Jackie FIN:EX

From: Mclean, Kenneth FIN:EX
Sent: Thursday, June 8, 2017 5:29 PM
To: Obee, Sarah F FIN:EX
Subject: RE: June 12th

Categories: Green Category

Hi Sarah,

I managed to bump into Carl and he indicated he's ok for the meeting to go forward s.22 , so we're good to leave the meeting be.

Thanks again Sarah, I appreciate the difficult time you've had bringing this together.

Ken McLean
604-807-4575

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From: Obee, Sarah F FIN:EX
Sent: Thursday, June 8, 2017 2:35 PM
To: Mclean, Kenneth FIN:EX
Subject: RE: June 12th

Hi.

s.22

s.22

Everyone else has confirmed and we have moved the meeting three times already. Really difficult to get the DM's together in one room at the same time as well as the ADM's.

Let me know if there are any concerns.

From: Mclean, Kenneth FIN:EX
Sent: Thursday, June 8, 2017 2:28 PM
To: Obee, Sarah F FIN:EX
Subject: RE: June 12th

Hi Sarah, thanks very much. I'm doing quite well thanks, s.22
Hope you're good too😊

With regard to the meeting, did you get any indication as to whether s.22
s.22

.2

Carl's presence at the meeting is important so if he's unavailable I expect we'll need to adjust so he can attend. I'll mention to David.

Ken McLean
604-807-4575

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From: Obee, Sarah F FIN:EX
Sent: Thursday, June 8, 2017 11:01 AM
To: Mclean, Kenneth FIN:EX
Subject: June 12th

Hi Ken. Hope you are well.

I wanted to confirm that all participants have confirmed for the IIWG Meeting on June 12th s.22
s.22

Any concerns please do let me know.

Sarah

Biggs, Jackie FIN:EX

From: Mclean, Kenneth FIN:EX
Sent: Tuesday, June 13, 2017 1:36 PM
To: Kortum, Alex FIN:EX; Chrisgian, Ourania PSA:EX; Avery, Ainslie FIN:EX; Prosser, Ken A MTIC:EX
Subject: Working Group - follow up to yesterday

Hello,

I understand that yesterday's briefing was well received. For instance, I understand that Athana was seeing the meeting as her briefing. At this point I don't expect any feedback on the standards. I'll share if I do receive any, otherwise my view is that we are clear to proceed as planned.

As mentioned, Ainslie and I will work on the training stuff, and we'll look forward to getting together with everyone for our July meeting.

The only item we didn't fully resolve yesterday was the signatures on the investigations protocol. My office is fine with us reframing for signature at our level. Let me know if you think yours are as well and we can simply just sign off on it.

Cheers.

Ken McLean

Senior Director, Investigations and Audits
Privacy, Compliance, and Training Branch
Corporate Information and Records Management Office
Ministry of Finance
kenn.mclean@gov.bc.ca
604-807-4575

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Agenda for Monday June 12, 2017 Working Group Meeting

Quick discussion/prep regarding exec meeting

Any feedback or discussion in relation to Standards on Tiers and/or Exec Accountabilities?

Discussion of final reports

- Inclusion of names?
- Credibility
- Preparation of joint reports
- Report structure

Jointly continue to work on next standards

- Where to start – Admin Fairness, Investigator training, or QA?
- Progress from there

Breaks for lunch and exec meeting

Next steps – Can we arrange a July meeting?

Internal Investigations Working Group Executive Briefing

May 31, 2017



Representation:

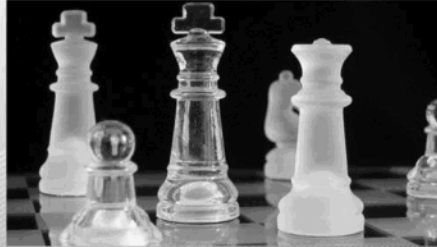
- BC Public Service Agency
- Corporate Information and Records Management Office
- Office of the Comptroller General
- Office of the Chief Information Officer

KP

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Agenda

- Objective
- Approach
- Investigations Protocol
- Investigative Standards
 - Common Tiers
 - Executive Accountabilities
- Next steps



Objective

At last executive meeting, the Working Group was asked to:

- Review the recommendations and contents of the Ombuds Misfire report
- Identify working group actions to be taken in response
- Review of the Investigations Protocol in light of current considerations

Approach

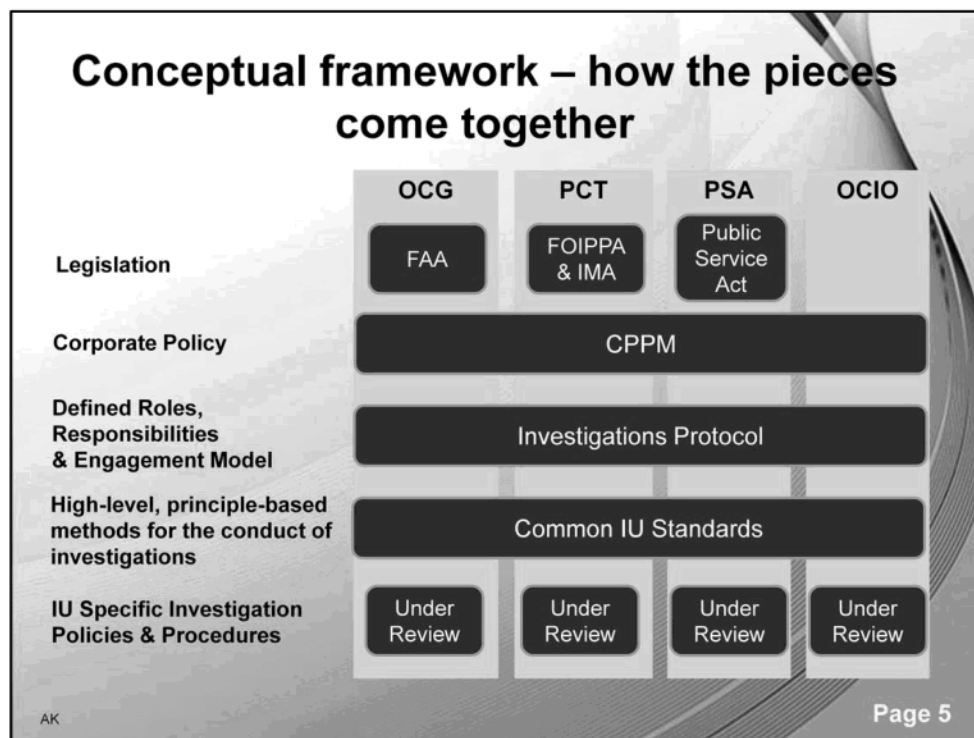
- Have developed an Action Plan regarding the Ombuds Misfire Recommendations of common relevance
- Have revised the Investigations Protocol document
- Are developing common internal investigative standards
- Are each reviewing and updating policies and procedures
- In the interim, the units are taking a cautious approach and are consulting legal services where needed to ensure appropriate outcomes

KP

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- We have held a number of meetings since our last executive meeting, which have been very productive, engaging and collaborative
- We reviewed both recommendations and contents of the Ombuds Misfire report and have had open discussions about the gaps and issues identified within the Misfire report
- Our action plan focuses on actions to be taken collectively by the Working Group to respond to Ombuds recommendations
- We have not included those recommendations that OCG or PSA are individually responsible for
- We have also been developing common standards and will be focusing quite a bit of today's meeting discussing two of the standards, which we'll turn to shortly
- Each of us has also begun to review, and where appropriate, update our own policies and procedures to incorporate guidance from the Ombuds misfire report
- Items of individual relevance will be worked into our policies and procedures,
- An example in PCT's context was where the Ombuds report suggested government should develop guidelines regarding the threshold for government employees to report "potential" or "suspected" information incidents
- While all of the units have traditionally taken a cautious approach to our work, we are being extra vigilant right now with regard to aspects where, as a result of the

Ombudsperson's report, the goalposts may have moved so to speak



- With the approach we've taken, there are a number of pieces that come together
- This graph represents our effort to describe those relationships
- Talk through graphic, reinforcing that the Investigations Protocol and Standards will inform We each have our own policies and procedures, which will be informed by the common standards we're in the process of developing
- This framework is underpinned by our core authorities established by legislation and/or government core policy
- This framework is also supported by protocols we may establish collectively, such as the Investigations Protocol, or that our units may establish individually
- We have been working to establish this framework, and identify which pieces get resolved where
- As an example, one of the standards we'll be discussing today is the standard on executive accountabilities, this standard focused on the high-level and common items of interest to us all
- Each our own policies and procedures would further flush out executive accountabilities in our own individual contexts

Investigation Protocol

- Original Protocol Agreement signed December 2015
- Originally developed to ensure effective coordination and communication between units on incidents that fall under
- Revised to focus on how the Units work together
- Additional recent improvements to reflect:
 - Movement of CIRMO IU from OCIO to MFIN
 - Updated mandate language for Units
 - That units have in place robust QA mechanisms
 - That units agree to collaboratively develop common standards
- Seeking sign-off

AK

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- We'll now begin to work through individual materials that were supplied in advance of today's meeting, the first of which is the updated Investigations Protocol
- This protocol is largely as it was presented to you in our previous executive meeting, however per the approach we've taken we have removed the Quality Assurance Framework, which we will later develop into a standard
- The protocol now simply focuses on how we work together and communications between the units,
- The main adjustments since the December 2015 version are listed on the slide, and bullets 13 and 14 have been revised since the version we presented to you when we met in early April
- These bullets now reinforce that we have existing robust quality assurance mechanisms, and that we agree to work together to develop common standards
- We are ultimately hoping that the document can be signed off today, but we're also happy to discuss if anyone has any questions or concerns

Development of Standards

- Collaborative development and agreement
- Focus is on high-level principles and commonalities across units
- Having to navigate through instances where requirements across units are different
- Have prioritized which standards to develop

oc

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- As part of our meetings we have spent considerable effort on the development of common standards
- Again these are to be focused on high-level principles of common interest
- The goal is for each of us to be able to say that our own practices adhere to robust standards, which should help promote maturity and consistency across the units
- As we developed the standards we had to be mindful of instances where there truly are differences in our requirements or processes
- While our goal has been to establish standards that each of us is able to fully adhere to, we have also had to navigate some differences that have impacted our

drafting of the standards

- Do validate, but validate differently in a different part of the process
- PCT and OCG's validation happens prior to finalization of report, in PSA context the only time an investigator hears from a
- The most notable example of this relates to validation
- Validation is an emerging call for us to provide all or a portion of our investigative reports to involved individuals in certain cases
- This is simply a means to an end, with the end being to ensure administrative fairness in the process
- The difference has arisen because the PSA has a two-stage process because of its responsibility for making decisions that impact the employment status of individuals
- The 2nd stage – which involves a separate decision-maker who was not involved in the investigation receiving and reviewing the report, which in the vast majority of cases will not have been validated with the involved employees
- The PSA is then providing advice and recommendations

regarding appropriate sanctions and works with the decision-maker to reach an outcome

- Thus, there are
- each unit has an investigative phase, PSA has a separate “decision-making” stage where the PSA’s investigation report goes to a separate decision-maker who receives advice from a separate LR specialist and receives and decisions are made regarding sanctions to individuals
- This phase doesn’t exist for the other units,
- Once we complete our investigation, we need to have fully addressed all matters, such as validation of our findings with impacted individuals, whereas the PSA has this later stage which plays into how it addresses administrative fairness
- We highlighted this not to focus on that item specifically, but rather to call your attention to the fact there are in certain cases differences between the units that need to be incorporated into our approach
- Lastly on this slide, I’ll mention that we have prioritized the development of standards, we’re about to review the first two with you, and at the end will touch on other standards that have been identified as priorities for us to focus on this year

Standard: Investigative Tiers

- Purpose is to have a common hierarchy of incidents across units
- Tiers provide a framework to establish consistent processes for incidents of a certain level
- Will also promote a more consistent understanding of the seriousness of an incident
- Tiers are intended to build on one another (e.g. T2 builds on T1, T3 on T2, etc)
- An incident being investigated can be moved up or down as appropriate (e.g. as new information is discovered, etc)

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- We now turn to our standard on investigative tiers...
- The investigative tiers are a risk-based framework starting with 1, which is the lowest level, and building to a 5 which involves the greatest amount of risk
- Having a common tier system will allow us to ensure we have the right level of process for a given amount of risk
- The specific process pieces are yet to be worked out, but the idea is that a T4 and T5 would involve the greatest amount of process and rigour due to the risk
- T1 and T2 would still involve a certain amount of process to ensure there is an adequate response to the incident, but it would be proportionally less due to the lesser amount of risk involved for government and/or individuals involved
- Having the tiers allows a common framework for describing the potential seriousness of an incident so that there is an appropriate response by us, as well as the ministries involved

- It should be recognized that the tiers standard is a work in-progress as we have worked to develop a model that applies to several lines of business
- While this framework will likely evolve over time, the concept is robust and will help us when describing statistics and processes
- An incident could be escalated or de-escalated between Tiers as the unit or units involved gather information and progress through the file
- Also, you could have a situation where the assigned Tier is different for different units – there could be a relatively serious, say T4, human resources investigation that the PSA is leading that also involves a minor, say T2, informational exposure
- Thus the tiers will also very likely be used to establish the level of participation of a given unit in a file and who has the lead in what circumstance

Standard: Investigative Tiers

For a sense of magnitude, the units provide the following estimated % breakdown of incidents by tier.

% breakdown by Tier				
Tier	PSA	OCG	PCT	OCIO
1	54%	60%	42%	5%
2		<1%	35%	55%
3	20%	28%	20%	35%
4	26%	10%	2%	5%
5	<1%	<1%	<1%	<1%
Typical Annual Volume	300	30	1,350	600

Notes:

- These figures are estimates only. Typical annual volumes have been rounded.
- A single-incident could be counted by multiple units where the incident is jointly investigated.

OC

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- Provide an overview of the figures
- ***Clarify that OCIO T4 value is actually 5%, not 26% which was a typo

Standard: Investigative Tiers

Discussion of document



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- Introduce the standard and inquire if exec has any comments or questions they'd like to raise with the group

Standard: Executive Accountabilities

- For Tier 4 and 5 incidents only.
- Executive representation for T4 and T5 incidents includes:
 - An executive or delegate for each unit that has jurisdiction (e.g. PSA for conduct investigations, etc)
 - A representative of the ministry responsible for the incident (ADM or higher)
- Key decision points for executive will occur at waypoints between the major stages of an investigation.
- T4 and T5 investigations may also be supported by an external fairness observer.

KM

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- For ministry exec representative, we have flagged here ADM or higher, this was to allow the DM to use their discretion to decide who the ministry rep should be – either themselves or a delegate at the ADM or Associate DM level
- With regard to the last bullet, Tier 5 incidents will be conducted or led by an external investigator, however, there may be situations where government may wish to retain a 2nd counsel or other outside party to monitor the investigation
- Tier 4 incidents will be led by a government investigative unit, and given the seriousness of the incidents that fall within this Tier, it is expected that there will be situations where there is interest in retaining an external fairness observer to monitor government's investigation, as is already part of our collective practices
- The decision to retain an external fairness observer will be made by the participating executive members at the first waypoint, which follows the completion of a preliminary assessment

Standard: Executive Accountabilities

Discussion of document



KM

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Working Group priorities for 2017

To meet monthly going forward and focus on:

- Actions to support response to Ombuds Misfire recommendations
- Finalization of standards:
 - Tiers
 - Executive Accountabilities
- Developing additional priority standards:
 - Administrative fairness
 - Investigator training requirements
 - Quality assurance
- Each unit also reviewing, developing its own policies and procedures
 - Inclusion of items to address recommendations and contents of Ombuds Misfire report

KM

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Ken McLean Notes

June 12

1pm exec meeting - John D, CWY, Athana M, David C, Ian D, Ken P, me, Ourania, Alex:

AM - How would we feel if we were the subject of an investigation - ie if there were allegations about us

CWY - want to ensure we give people Info about process, fair, thorough, thoughtful

AM - shared interest on investigations protocol with DMs

Notes from all day meeting with Working Group members

- Reporting - units should prepare individual reports until legal considerations clarified
- New name for evidence gathering phase - preparatory phase?

Takeaways:

- Less materials
- Pre-brief
- Await any executive feedback
- Work on training standard
- Review mirror method for training

Future actions:

September joint session

- Jointly roll out the tiers and other topics in the fall - in person
- Someone from LSB - presentation that'd be good for all staff
- Presentations by each unit - who we are, what we do
- Tiers - examples of how tiers

When do get together next