

INFORMATION NOTE

Advice to Minister Beare

Date: June 7, 2021

CLIFF#: 115179

ISSUE: govTogetherBC survey on information access and protection privacy

BACKGROUND:

As highlighted in the *Freedom of Information and Protection of Privacy Act* (FOIPPA) 2021 Amendments Engagement and Consultation Plan (eApprovals 13347), the Ministry of Citizens' Services (CITZ) plans to build on the productive 2017-2019 FOIPPA consultations and re-engage with stakeholder groups to confirm previous input and to socialize the proposed amendments to gain an understanding of potential impacts.

As part of this engagement, CITZ will host a public govTogetherBC survey to gain insight on how the public's perception of information access and protection of privacy may have changed since the last survey on the topic in 2018; especially in light of the pandemic shifting many of government's services online.

DISCUSSION:

The CITZ Corporate Information and Records Management Office (CIRMO) is working with the CITZ Government Digital Experience Division (GDX) to leverage the 2018 govTogetherBC online discussion and develop an updated online presence.

The survey (see Attachment 1) will be open to the public for 4 weeks (approximately June 15-July 15). Promotion of the survey will be completed through upcoming public body FOIPPA roundtables, stakeholder outreach through newsletter content, as well as social medial channels (see draft outreach plan below). The survey results will inform implementation of legislative change.

NEXT STEPS:

Pending finalization of the survey, CIRMO and GDX will confirm site contents (see Attachment 1 and 2), post the survey and implement a communication plan in partnership with GCPE to encourage participation.

Attachments:

1. govTogetherBC survey content – FOIPPA
2. govTogetherBC project page template – FOIPPA

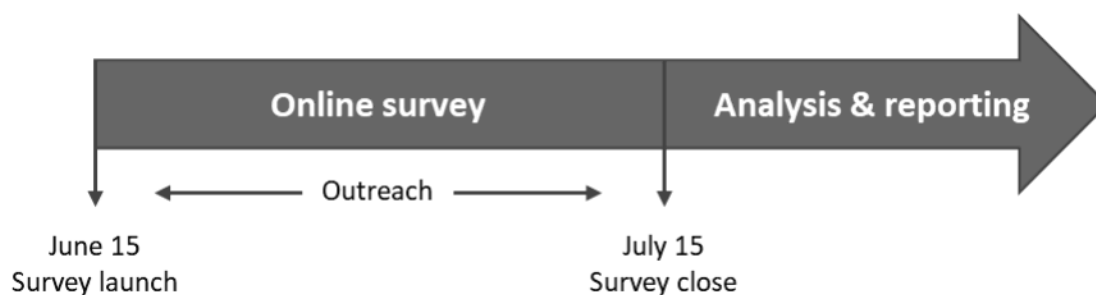
Contact: Matt Reed, Executive Director, CIRMO
778-698-5855

Outreach Plan – govTogetherBC survey on information access and privacy

Purpose

To increase participation in the Information and Data Management public engagement process through direct and indirect outreach.

Timeline



Outreach channels

- govTogetherBC site
- Social media
 - Twitter (@lisabeare, @govTogetherBC)

Outreach Tools

- govTogetherBC content
- GCPE MLA Kit – messaging and social media to encourage MLAs to raise awareness of the survey
- GCPE social media for Minister and govTogetherBC accounts
- GCPE key messages and a media plan for targeted media pitches
- Newsletter and website wording to send to stakeholders
- Speaking notes for any stakeholder meetings, roundtables

govTogetherBC website template

(sample: <https://engage.gov.bc.ca/govtogetherbc/consultation/french-immersion-programs-in-b-c/>)

Information and data management in B.C. during COVID-19

Get Involved [link to survey]

What is this engagement about?

The COVID-19 pandemic has shifted how government does business, with technology being used more than ever to provide safe and convenient services to people. The Ministry of Citizens' Services has created a short survey to better understand your thoughts on access to government information and the protection of privacy.

How can my contribution make a difference?

Responses from this [survey \[link\]](#) will be used to inform steps to improve information access and privacy.

The survey will be open until 4 pm PST on July 15 [\[TBC\]](#).

Details of the Consultation:

Date: July 15 [\[TBC\]](#) (open 4 weeks)

Status: Open

Location: Province-wide

Category: Government

Type: Survey

Get Involved [link to survey]

Information Access and Privacy 2021 Survey

Get Involved

What is this engagement about?

The COVID-19 pandemic has shifted how government does business, with technology being used more than ever to provide safe and convenient services to people. The Ministry of Citizens' Services has created a short survey to better understand your thoughts on access to government information and the protection of privacy.

Previous engagement: In Spring 2018, we asked for your ideas to improve the rules that govern both access to information and the protection of your personal information. A summary of the results can be found [here](#).

How can my contribution make a difference?

Responses from this [survey \[link\]](#) will be used to inform steps to improve information access and privacy.

The online survey will be open until 4 pm PT on [July 15].

Details of the Engagement

Date: June 15th- July 15, 2021

Status: Open

Location: Province-wide

Category: Government

Type: Online Survey

Get Involved

Commented [WKC1]: insert survey link

Commented [WKC2]: This is where you briefly describe WHAT the project is and HOW people can get involved. Also please include something like: **Feedback will be accepted until 4 pm on DATE.**

Commented [WKC3]: This is where you let people know what they can expect the timelines to be and what will happen to their feedback. For example: will it inform a specific report or piece of legislation and when can they expect to see that by? Also please include here when and if people can expect to see a "What we Heard Report" following the engagement

Commented [WKC4]: Date: (please write: open to close date)
Status: Open
Location: (Province-wide or specific region – see list on [govTogetherBC](#) if you are unsure)
Category: (again see [govTogetherBC](#) to see categories)
Type: (how will people be engaged online, in person, mail etc.)

Commented [WKC5]: Insert survey link

Twitter Intake Form

Initial Questions	
Can this engagement be promoted on social media (@govTogether BC Twitter channel)?	Response: <i>yes</i>
Can this engagement be promoted on both; @govTogetherBC and your media channels? (is there an opportunity for cross promotion on your organization/group's media channels?)	Response: <i>yes – will be promoted on minister's social media</i>
Are there hashtags or partner handles that should be mentioned?	<i>#AccessToInformation, #PrivacyProtection, #OpenGov, #BC</i>
Follow up Questions	
<p>Thank you for completing the initial questionnaire. Please see below your drafted tweets for the engagement (<i>include name</i>) for the promotion between (<i>include the duration of the engagement</i>).</p> <p><i>Please note:</i></p> <ul style="list-style-type: none"> Text has been set to a max 280-character limit. We have <i>[insert # of tweets]</i> and recommend a frequency of <i>[# of time]</i> over the duration of the engagement. <p>Twitter options:</p> <p>#1 The pandemic has shifted the way government does business, and technology is being used more than ever to provide the services people depend on. What improvements would you like to see? [GovTogetherBC link] #OpenGov</p> <p>#2 We want people in #BC to provide their ideas about access to government information and protection of privacy so we can improve services in the future. Share your thoughts at: [GovTogetherBC link] #OpenGov</p>	
Please let us know any feedback or changes you propose to the tweets or any specific requests you have for the promotion, timing or frequency.	Response: <i>Please insert your response here.....</i>

Are there any pre-approved images for this engagement? If not, please let us know any preferred images here:	1) https://www.flickr.com/photos/bcgovphotos/albums 2) http://gdu.gcpe.gov.bc.ca/Content/Photos/index.html
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MINISTRY OF CITIZENS' SERVICES
FOIPPA 2021 AMENDMENTS
Stakeholder Engagement Approach

Background

British Columbia's *Freedom of Information and Protection of Privacy Act* (FOIPPA) balances government's accountability to the public through access to information with a person's right to privacy.

There are a very large number of stakeholders who have an interest in FOIPPA including the over 2,900 public bodies covered by the act as well as Indigenous peoples, professional associations, special interest groups, the Office of the Information and Privacy Commissioner (OIPC), political parties and the media/public.

s.12

Discussion

The Ministry of Citizens' Services (CITZ) will build on the productive 2017-2019 consultations and re-engage with these stakeholder groups to confirm previous input and to socialize the proposed amendments to gain an understanding of potential impacts. Effort will be made to select a representative sample of participants from each sector to ensure feedback is heard from organizations of all sizes; s.13

s.13

Those unable to provide comments on draft amendments will be able to provide input through a public govTogetherBC survey. This survey will focus on topics not covered during the 2018 engagement, including hearing from the public their thoughts on government information and data management during COVID. The pandemic has shifted how government does business, with new technology being put in place very quickly to provide safe and convenient services to British Columbians. s.13

s.13

s.13, s.12; s.13

s.12; s.13

These engagements will provide opportunities for Minister Beare to liaise with key stakeholders including discussions with the Information and Privacy Commissioner, leadership of several roundtables (with the B.C. tech sector, post-secondary institutions, and health organizations) and a welcome message for the govTogetherBC public engagement.

A new FOIPPA Special Committee was struck in December 2020 and may be undertaking public consultation at the same time as the Ministry's planned consultation. This could lead to some consultation fatigue as the same stakeholders would be engaged by both CITZ and the Special Committee.

MINISTRY OF CITIZENS' SERVICES FOIPPA 2021 AMENDMENTS

Engagement and Consultation Plan

Engagement Objectives

- Re-engage with key stakeholders, including the public as well as health, education and technology sectors and select FOIPPA public bodies to:
 - re-affirm previous input;
 - proactively socialize potential impacts; and
 - discuss implementation planning to support a smooth transition to operations.
- Continue to keep the OIPC apprised of the details of the proposed amendments.
- Meaningfully engage with Indigenous groups.

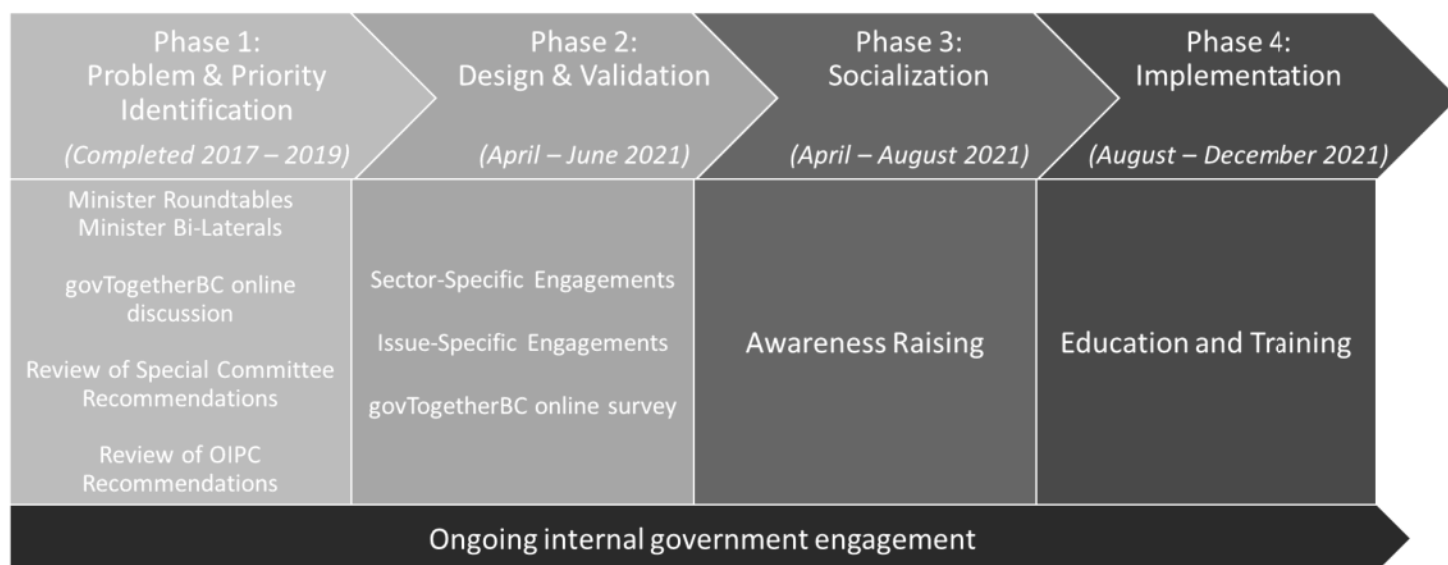
Overview

Below is a phased approach to engagement on the FOIPPA amendments. Phase 1 as outlined below has been completed s.12; s.13

s.12; s.13

Phase 2 will build on the problem and priorities identified in Phase 1 with a re-engagement of the general public through a survey on govTogetherBC as well as sector and issue specific engagements through small group roundtables and 1:1 sessions.

As the proposed amendments are confidential, any engagement with audiences will require a non-disclosure agreement to be signed. This means engagement with the public will need to be focused on confirming previous input and gauging agreement with the principles we are aiming to achieve with the FOIPPA amendments.



Target Audiences

The audiences will include those previously engaged in 2017-2019 consultations supplemented by additional organizations where needed (e.g. additional Crown corporations, municipalities, and the tech sector).

The below table outlines the target audiences and topics of discussion. Please see Appendix 2 for further detail.

Sector/Organization	Key Discussion Topic(s)
General public	s.13
Office of the Information and Privacy Commissioner	
BC Government	
Ministries	
Central Government Agencies	
Public Bodies	
School Districts	
Post-secondary Institutions	
Health Authorities & Groups	
Local governments	
Crown corporations	
FOIPPA schedule 2 & 3 public bodies	
Indigenous Partners	
Union of BC Indian Chiefs	
First Nations Summit	
BC Assembly of First Nations	
First Nations Leadership Council	
Indigenous communities	
Special Interest & Advocacy Groups	
BC Civil Liberties Association	
Freedom of Information and Privacy Association	
Professional Associations & Unions	
Tech Industry Associations	
InnovateBC	

Proposed Approach

Office of the Information and Privacy Commissioner

Purpose:

CITZ wants to understand OIPC concerns regarding the overall package as well as the proposed drafting to inform content development (e.g. Minister's Q/As; House and Section notes, etc.) where appropriate.

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General Public

Purpose:

s.12; s.13

s.13

Public Bodies, Special Interest & Advocacy Groups

Purpose:

CITZ wants to understand the potential impacts and implementation requirements for public bodies, special interest groups and the tech sector to prepare support materials for implementing the proposed 2021 FOIPPA amendments.

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Indigenous Groups

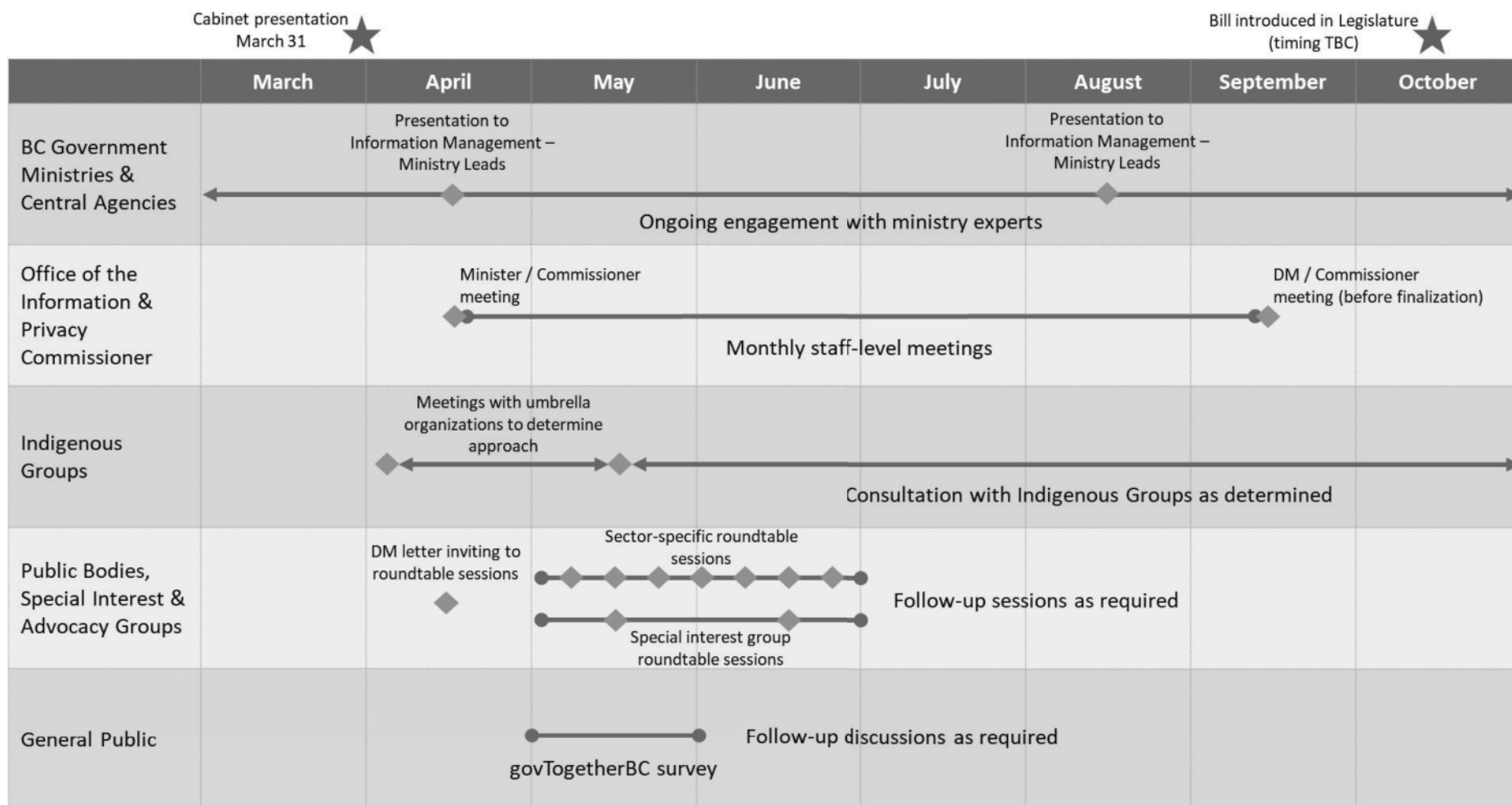
Purpose:

CITZ wants to receive input from Indigenous groups regarding the proposed FOIPPA amendments related to Indigenous interests as well as the broader package to inform implementation of the proposed 2021 FOIPPA amendments.

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Engagement Rollout



Appendix 1 - 2018/19 FOIPPA Package Consultation Summary

General

- Minister Sims hosted 6 roundtables with 35 stakeholder groups between November 2017 and April 2018 to discuss access to information & privacy.
 - Participants included representatives from a range of organizations including Health Authorities, Ministries, K-12 and Post-Secondary Institutions, the BC Civil Liberties Association and the BC Freedom of Information and Privacy Association.
- In spring 2018, CITZ conducted a 6-week public engagement on the govTogetherBC online forum focused on access to information and privacy.
 - As part of this engagement, stakeholder organizations, subject matter experts, and individuals were invited to provide a formal, written submission, or participate in public dialogue on a series of topics related to access and privacy including:
 1. General thoughts on how to improve the roles governing FOI and the protection of personal information
 2. The FOI process - Tell us how you think we can improve FOI service?
 3. Protecting privacy - Have you ever had to correct personal information or contacted the privacy commissioner? What was your impression of the process? Would you contact the privacy commissioner now that you know more?
 4. Proactive disclosure - What kinds of information should ministries make available regularly?
 5. Fees for FOI requests - What do you think of the fees charged in B.C. – are they fair? Are there other jurisdiction fee models that may work for British Columbia?
 6. Reporting privacy breaches - Some other provinces have laws that say privacy breach notifications and reporting are mandatory. What do you think?
 7. Offences and penalties in FOIPPA - Do you think the current penalties in FOIPPA are an effective deterrent? Should B.C. consider changes to these offences and penalties?
 - Responses included:
 - 29 written submissions
 - 38 individuals commented on related blog posts
 - 1 individual wrote a letter to the Minister
 - A summary of the results can be found at <https://engage.gov.bc.ca/govtogetherbc/impact/information-access-and-privacy-results/>.
- The Minister and the Strategic Policy & Legislation Branch (SPL) staff met with the Information and Privacy Commissioner and his staff numerous times.

Indigenous Engagement

- The Union of British Columbia Indian Chiefs (UBCIC) provided a written submission to the govTogetherBC engagement asking government to consider the unique impacts that access to information has on Indigenous peoples.
- Following the Minister's formal response to UBCIC's submission in September 2018, SPL reached out to contacts within UBCIC, the First Nations Summit (FNS) and the BC Assembly of First Nations to set up a staff-level discussion.
 - UBCIC and FNS participated in a teleconference with SPL on October 31, 2018.

- Feedback included the suggestion that government needs to make an effort to connect with Indigenous communities throughout B.C. to adequately ensure that Indigenous people are provided with an opportunity to provide meaningful input.
- On December 27, 2019, a 2-page engagement document was mailed out to ~200 Indigenous communities requesting their feedback on potential improvements to access to information rules and how the Freedom of Information (FOI) system can be changed to better support the needs of Indigenous people.
 - One submission was received from the Samahquam First Nation.

BC Government Ministry Engagement

- SPL met with subject matter experts and decision makers from the following ministries:

Education	Finance	Health	Advanced Education
FLNRO	Municipal Affairs and Housing	CITZ	Attorney General

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List of Stakeholder Groups and Interests

	Organization sub-group (if applicable)	s.13
BC Government		
Ministries	Advanced Education & Skills Training	
	Agriculture, Food and Fisheries	
	Attorney General	
	Children & Family Development	
	Citizens' Services	
	Education	
	Energy, Mines and Low Carbon Innovation	
	Environment & Climate Change Strategy	
	Finance	
	Forests, Lands, Natural Resource Operations & Rural Development	
	Health	
	Indigenous Relations & Reconciliation	
	Jobs, Economic Recovery and Innovation	
	Labour	
	Mental Health & Addictions	
	Municipal Affairs	
	Public Safety & Solicitor General & Emergency B.C.	
	Social Development & Poverty Reduction	
	Tourism, Arts, Culture and Sport	
	Transportation & Infrastructure	
Central Government Agencies	BC Public Service Agency	
	Crown Agencies and Board Resourcing Office	
	Government Communications and Public Engagement	
Public Bodies		
School Districts	British Columbia School Trustees Association	
	BC School Superintendents	

Engaged in 2018?
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Yes

	Organization sub-group (if applicable)	s.13	Engaged in 2018?
	Selection of Small/Medium/Large school districts		No
Post-secondary Institutions	University of British Columbia		Yes
	Simon Fraser University		Yes
	University of Victoria		Yes
	University of Northern British Columbia		Yes
	Thompson Rivers University		Yes
	Royal Roads University		Yes
	Research Universities' Council of British Columbia		Yes
	BC Colleges		No
	BC Association of Institutes and Universities		No
Health Authorities & Groups	Fraser Health Authority		Yes
	Northern Health Authority		Yes
	Vancouver Island Health Authority		Yes
	Vancouver Coastal Health Authority		Yes
	Interior Health Authority		Yes
	Provincial Health Services Authority		Yes
	Doctors of BC		No
	British Columbia College of Nurses and Midwives		No
Local Governments	Local Government Management Association		Yes
	Union of British Columbia Municipalities		Yes
	Selection of small/medium/large municipalities		No
Crown corporations	TransLink		Yes
	BC Transit		No
	ICBC		No
	BC Hydro		No
	BCLC		No
	BC Assessment		No
	BC Ferries		No
FOIPPA schedule 2 & 3 public bodies	Selection of small/medium/large organizations		No

	Organization sub-group (if applicable)	s.13
Indigenous Groups		
Union of BC Indian Chiefs		
First Nations Summit		
BC Assembly of First Nations		
First Nations Leadership Council		
Modern Treaty Alliance		
Metis Nation BC		
Indigenous Health Authority		
Indigenous communities	List to be informed by Ministry engagement / results from umbrella Indigenous group discussions	
Special Interest Groups		
BC Civil Liberties Association		
Freedom of Information & Privacy Association		
Professional Associations & Unions	Canadian Bar Association	
	BC Government Employees Union	
	Professional Employees Association	
	Canadian Union of Public Employees	
	BC Teachers Federation	
	BC Law Society	
OIPC		
Information and Privacy Commissioner		
OIPC Staff		

Engaged in 2018?
Yes
Yes
Yes
No
No
Yes
No
Yes (letter)
Yes
Yes
Yes
No
No
No
No
Yes
Yes

	Organization sub-group (if applicable)	s.13	Engaged in 2018?
BC Tech Sector			
Industry Associations	BC Tech Association		No
	VIATEC		No
Crown Agency	Innovate BC		No
Other			
BC Human Rights Commissioner	(in partnership with Digital Platforms and Data Division)		No

Appendix 3 – govTogetherBC survey proposal - Information management during COVID

Background

In spring 2018, CITZ conducted a 6-week public engagement on the govTogetherBC online forum focussed on access to information and privacy.

As part of this engagement, stakeholder organizations, subject matter experts, and individuals were invited to provide a formal, written submission, or participate in public dialogue on a series of topics related to access and privacy including:

1. General thoughts on how to improve the roles governing FOI and the protection of personal information
2. The FOI process - Tell us how you think we can improve FOI service?
3. Protecting privacy - Have you ever had to correct personal information or contacted the privacy commissioner? What was your impression of the process? Would you contact the privacy commissioner now that you know more?
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Discussion

s.12; s.13

s.12; s.13

SPL recognizes public engagement

should be included as part of the engagement plan; however, there is limited opportunity to revise the current amendment content.

Data and information management in the context of the pandemic is an area that has yet to be explored in public engagement. COVID significantly shifted most government services online with very little consultation on information management during this shift. s.12; s.13

s.12; s.13

The target audience is the general public; however, we recognize that most respondents will likely have a special interest in FOIPPA. We will work with public bodies and ministries to encourage responses from a broad range of individuals and organizations.

Minister's Message

To be developed – merge with background content

Background

In Spring 2018 we reached out for ideas on potential improvements to the rules that govern both access to information and the protection of your personal information. A summary of the results can be found [here](#).

We recognize things have changed since those discussions took place. The pandemic has shifted how government does business, with technology being used more than ever before to provide safe and convenient services to British Columbians. We also recognize the pandemic has highlighted the need to improve our collection and use of demographic and race-based data to support social equality.

Thanks for participating! We look forward to hearing from you so we can improve our services in the future.

Section 1 – Information access and privacy during COVID response

The pandemic has changed the way government serves British Columbians. In a very short timeframe, we have had to find new digital communication tools to make sure government business can carry on without the standard, in-person interactions we previously relied upon.

1. How has the pandemic changed the way you try to get information and services in your community?
(Please select all that apply)
 - ☐ I am using gov.bc.ca to access government information/services
 - ☐ I am using apps on my mobile phone (BC Services Card) to get government information/services
 - ☐ I am requesting information/services by phone
 - ☐ I am requesting information/services by email
 - ☐ I am waiting for the pandemic to be over before I access information/services in my community
2. In the past year, which of the following online tools to access government services in B.C.? (Please select all that apply.)
 - ☐ Virtual doctor's appointment (e.g. Telus Babylon Health)
 - ☐ Online file sharing
 - ☐ Video conferencing (Zoom, Skype, GoToMeeting, etc.)
 - ☐ BC Services Card app (mobile card)
 - ☐ Virtual Schools (K-12 or post-secondary)
 - ☐ Booking an appointment (ICBC, Government Agency)
 - ☐ Online health services (Health Gateway)
 - ☐ Laboratory test results (MyHealth - Island Health)
 - ☐ BC Billing & Payment Services
 - ☐ Applying for COVID-19 benefits or supports
 - ☐ Other [text entry]
3. Once it is safer to access government services in person, will you continue to use the online services?
 - ☐ I want to access all government services online
 - ☐ I want to be able to choose between online and in-person services
 - ☐ I don't want to access government services online

4. Do you have any concerns about your privacy or personal information when accessing government services online?
 - ☐ Yes
 - ☐ No
 - ☐ Sometimes [please describe]
5. How confident are you that government is effectively safeguarding your privacy?
 - ☐ Rate from 1-5

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Indigenous communities	
Special Interest & Advocacy Groups	
BC Civil Liberties Association	
Freedom of Information and Privacy Association	
Professional Associations & Unions	
Industry Associations	
InnovateBC	

Proposed Approach

Office of the Information and Privacy Commissioner

Purpose:

CITZ wants to understand OIPC concerns regarding the overall package as well as the proposed drafting to inform content development (e.g. Minister's Q/As; House and Section notes, etc.) where appropriate.

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General Public

Purpose:

s.12; s.13

s.13

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