

## Please confirm they are not changing FOIPPA to sacrifice privacy for convenience?

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From : s.22  
To: CITZ.minister@gov.bc.ca, info@oipc.bc.ca, Shauna.Brouwer@gov.bc.ca, Jeannette.Cook@gov.bc.ca, John.Horgan.MLA@leg.bc.ca, Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>, Brouwer, Shauna CITZ:EX <Shauna.Brouwer@gov.bc.ca>, Horgan.MLA, John LASS:EX <John.Horgan.MLA@leg.bc.ca>, Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>  
Sent: October 19, 2021 12:26:46 PM PDT

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

<https://news.gov.bc.ca/releases/2021CITZ0048-001990>

As a s.22

s.22

I am extremely

concerned by this new information that seems to imply intent to open up and provide access to foreign countries and foreign workers to have access to BC government, BC Schools and BC Health care data?

Canada and BC should be implementing more privacy measures along the lines of the GDPR, not opening it up for foreign contractors to take over BC IT jobs and move our health care, school and government data to be hosted by, or accessed by and or managed by foreign humans, in foreign countries on foreign servers.

Currently FOIPPA has a very key law, 33.1 that should not be changed to allow anymore access than was implemented in Oct 2019.

Please confirm that this new recommended change is NOT going to modify anything protected under section 33.1?

Government Microsoft Azure cloud services should and can be hosted in the Canadian Data Centers, AND the data ONLY accessed and managed by Canadian IT Technicians. Same with Service Now or any other cloud based services. Canada has an abundant IT industry and we should continue to be requiring that all IT techs supporting Public Technology reside inside Canada.

We should not be sacrificing our privacy for convenience.

The second that our public bodies private information resides on foreign servers like Microsoft Azure it the US or overseas for example, it becomes fully accessible by all the tech administrators of that service world-wide that are not required to follow Canadian laws and where Canada has no recourse for stolen data. As an s.22 myself I know how much access techs have to cloud servers and that access has to remain within Canada, accessed ONLY by Canadians to keep Canadians and BC residents data safe and private.

<https://www2.gov.bc.ca/gov/content/governments/services-for-government/policies-procedures/foippa-manual/disclosure-inside-outside-canada>

Thank You

s.22

## New fee for Freedom of Information Request

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From : s.22  
To: OfficeofthePremier, Office PREM:EX <Premier@gov.bc.ca>  
Cc: CITZ.Minister@gov.bc.ca, CITZDeputyMinister@gov.bc.ca, CITZ Deputy Minister, CITZ:EX <CITZDeputyMinister@gov.bc.ca>, Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>  
Sent: October 19, 2021 2:30:02 PM PDT

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Good Afternoon Premier Horgan,

I'm writing to express my concern and dismay regarding the new fee for the above, that is set to be passed in the legislature.

It is unnecessary, flies in the face of a democratic government and provides no benefit to the public.

At best this is a money grab, at worst it is initiating a gag order so that the public can not even send in a request to access information (without paying for it) that rightfully belongs to them.

If you're looking to increase revenue, increase the taxes on alcohol, cigarettes, cigars, vaping products and marijuana products.

In a *Ministerial Mandate Letter*, sent by yourself to Lisa Beare, dated, November 26, 2020, among other things, it talks of commitment to the people of BC:

- Putting People First
- Lasting and Meaning Reconciliation
- Equity and Anti-Racism
- A Better Future
- A Strong Economy

This new tax flies in the face of every one of these above-noted goals, which were taken directly from the letter written by yourself.

In this letter to the newly appointed Minister of Citizens' Services it doesn't say we need to be less transparent, we need to make it harder for people to access public documents, we need to charge them for simply making a request for information.

I'm appalled that the Government has chosen to govern in a manner of secrecy and protectionism.

This new piece of legislation needs to be abolished.

I look forward to hearing your response

Regards

s.22

PS. I've also sent this letter by mail to Bill McEvoy, Information and Privacy Commissioner of BC. To express my dismay at this new piece of legislation, which appears that its only reason for being instituted is to protect the Government from the people.

October 20, 2021

Minister Lisa Beare  
Minister of Citizens' Services  
PO Box 9068 Stn Prov Govt  
Victoria BC V8W 9E2

Dear Minister Beare:

**RE: Bill 22 - Freedom of Information and Protection of Privacy Act amendments**

I write regarding the proposed amendments to the *Freedom of Information and Protection of Privacy Act* (FIPPA), several of which are of deep concern, while others are very welcome, and I would be happy to discuss my views with you before Third Reading of Bill 22.

Starting with positive aspects of the proposals, I welcome the new requirements relating to privacy impact assessments, the new privacy breach notification rules, and the duty for public bodies to have privacy management programs. The inclusion of snooping offences is also a positive step. These and other constructive changes to FIPPA, discussed below, represent the most extensive amendments since 2011. They will help ensure British Columbia keeps pace with other jurisdictions across Canada and globally.

As discussed below, however, other proposals would be a step backward for British Columbia.

***Absence of information about key regulations***

An overriding concern with Bill 22 is the unknown impact of key amendments because their substance will only be filled in through regulations, *about which we know nothing*. This is of greatest concern in relation to the proposed repeal of the data residency requirements in Part 3 of FIPPA, discussed below. It is crucial for government to disclose now what it intends to do to protect the personal privacy of British Columbians whose personal information may be exported outside Canada.

On this point, I note that it is quite routine for governments to disclose draft regulations for public consultation and legislative scrutiny. For example, the federal government published draft regulations under *Canada's Anti-Spam Law*, giving legislators, regulators, and stakeholders ample opportunity to comment on them. There is no legal or constitutional impediment to doing so here, and I urge you to publish any draft regulations, or details of regulations, for public comment. The issues at stake—particularly respecting the data residency amendments—are too important and meaningful debate depends on everyone knowing what is intended.

At the very least, it is imperative that my office be consulted on the draft regulations, as soon as they are available, as their content will provide the crucial legal substance on data residency protections and other important matters.

### ***Data linking***

I support the proposed improvements to the provisions dealing with data-linking initiatives, which had previously failed to capture many types of data-linking. The new definition of data-linking and related concepts would, in my view, capture the types of programs anticipated in 2011, when the data-linking provisions were enacted.

However, Bill 22 leaves the details of how data-linking activities are to be conducted to regulations, about which we have no details. These regulations must include rules and requirements for data-linking programs that bring transparency to these activities and include protections that are common in other provinces. I urge the government to publish draft regulations at the earliest opportunity, or to provide details of what is intended, and to consult meaningfully with my office about the regulations.

### ***Data residency***

I agree that a new approach to data residency that more closely aligns our privacy laws with other Canadian jurisdictions and the EU's GDPR is necessary. However, as you are aware, I am deeply concerned about how government proposes to do this. The proposed amendments remove the data residency requirement altogether, leaving any protections to regulations, about which we know nothing.

With respect, it is not enough for the government to say that guardrails will be put in place in regulations at a later date. As s. 33.1 currently reads, if the government chooses to not pass a regulation there will be **no** protections at all for personal information disclosed outside of Canada. Further, unlike the development of other regulations, such as those regarding data-linking (s. 76(2.1)), government is not required to consult me—or anyone else—on the development on data residency regulations (s. 76.1).

Without real assurances that meaningful protections will be put in place, this proposal represents a step backwards by British Columbia at a time when other jurisdictions are modernizing their data residency requirements, as Quebec did with its recently enacted Bill 64. Again, I am not opposed to a modernization of data residency, but our personal information needs to be protected with appropriate, and known, safeguards.

Among other things, the regulations should require public bodies to conduct privacy impact assessments before deciding whether to export personal information. These assessments should



include considerations such as the sensitivity of personal information, the purpose of the disclosure, the contractual or other measures in place to provide real protections, and the legal framework of the foreign jurisdiction involved. Another possible factor, which seems eminently reasonable and was recommended to the last Special Committee by major stakeholders, was to require public bodies to assess whether there is a reasonable alternative in Canada to a proposed export of personal information.

### ***Proposed privacy breach notification rules***

As noted earlier, I support the introduction of privacy breach notification requirements. These are important protections for British Columbians. I note, however, that proposed s. 36.3(3) would not enable a public body to hold off on notifying affected individuals where disclosure of the breach could compromise a criminal investigation. I believe that such an exception should be added to s. 36.3(3), which would be consistent with similar provisions elsewhere.

### ***Disclosure harmful to interests of an Indigenous people***

I welcome the addition of s. 18.1, which would require public bodies to refuse to disclose information that could affect a range of specific rights and interests of Indigenous peoples. I also welcome the addition of s. 18.1 to s. 23, which would require public bodies to consult Indigenous people about possible disclosure of information in appropriate cases.

### ***Subsidiary corporations***

I was encouraged to see changes enabling the addition of subsidiary corporations and other entities as public bodies. I am concerned, however, that this would be achieved by the Minister, using a discretionary order-making power to add an entity if the Minister concludes it is in the public interest. There are no criteria governing when this should be done. The recent concern about InBC investment corporation not being made subject to FIPPA—as it clearly ought to be—is an example of why this change does not go far enough.<sup>1</sup> At the very least, I call on the government to ensure that it consults with my office about entities that could be covered.

### ***Removal of the Office of the Premier as a public body***

I am very concerned that Bill 22 would remove the Office of the Premier as a public body under Schedule 2 of FIPPA. My understanding is that the government believes this designation is not necessary, on the basis that the Premier, a first minister, is a minister and therefore his office is a ministry, and is therefore covered by the Schedule 1 definition of “public body”.

This is not, with respect, clear in law or constitutional convention, and this change would introduce,

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<sup>1</sup> For more information see my May 19, 2021 letter on this issue: <https://www.oipc.bc.ca/public-comments/3540>

at the very least, uncertainty in the application of the law. Moreover, I am not aware of any harm flowing from retaining this designation, which obviously begs the question as to why the change is being made when the outcome is, again, not as clear as I am told government believes it is.

The Office of the Premier lies at the heart of provincial governance. I call on the government to delete this proposal from Bill 22, for greater certainty that FIPPA's transparency and accountability provisions will continue to apply, as they have for decades, to the Office of the Premier.

### ***Addition of a new public body***

By contrast, I support the amendment to designate the BC Association of Chiefs of Police and the BC Association of Municipal Chiefs of Police as public bodies under Schedule 2 of the Act. This is a longstanding recommendation from my office and is a welcome enhancement.

### ***Fines for destruction of records***

The Bill will make it an offence for a person to wilfully conceal, destroy or alter any record to avoid complying with a request for access. This is a step in the right direction, but it does not go far enough. The inappropriate destruction of records should be penalized anytime, not only when there is an access to records request in play. This should include oversight over destruction of records other than in accordance with approved disposal schedules, as is the case under Alberta's *Freedom of Information and Protection of Privacy Act*

### ***Snooping offences***

I welcome the creation, in a new s. 65.4, of several privacy-related offences, offences intended to deter the unauthorized collection, use or disclosure of personal information. Such offences—commonly known as “snooping offences”—do occur and must be deterred and punished appropriately. I am concerned, however, that the offences would not include the “viewing of”, or mere “access to”, personal information. The government may believe that this kind of intrusion is covered by the offence of collecting personal information, but I am concerned that this is not as clear as it should be, i.e., it is not entirely free from doubt that an individual's mere observation of personal information is a collection of that information.

On this point, Bill 22 would remove from s. 30 the duty of public bodies to implement reasonable security measures to guard against unauthorized “access” to personal information, perhaps for the reasons just outlined, and this is also of concern. I ask that this change to s. 30 not be made, and that s. 65.4 create the offence of “accessing” personal information contrary to Part 3.

### ***New exclusions of records from FIPPA***

Another significant concern is that the right of access under FIPPA would no longer apply to certain

electronic records, a change that would in turn limit public bodies' duty to create records from electronic records.

A new s. 3(3) would provide that Part 2 of the Act—FIPPA's access to information provisions—no longer applies to either of the following records:

- a record that does not relate to the business of the public body;
- a record of metadata that
  - (i) is generated by an electronic system, and
  - (ii) describes an individual's interaction with the electronic system;
- an electronic record that has been lawfully deleted by an employee of a public body and can no longer be accessed by the employee.

The first of these exclusions from Part 2 is of concern because it is both potentially very broad and ambiguous. While this might not exclude all third-party information from Part 2, I am concerned that this provision will be used to reject access requests where they touch on a record that contains third-party information. Setting aside the issue of what the phrase "relate to" means, I am concerned that the concept of the "business of" a public body" is both over broad and unclear, and how it is far from clear how that would be determined case by case. With respect, no persuasive case can be made for this exclusion for the public's right of access, which would be out of step with Canadian access to information laws.

I am also deeply concerned that excluding a record of metadata will hinder the interests of transparency and accountability. Metadata associated with a record can, for example, enable useful analysis of how particular records have evolved over time. This can significantly enhance public understanding of who is responsible for a record, and for its evolution. The proposed exclusion of such information from the right of access is worrisome.

### ***Application fees for access requests***

Bill 22 would authorize the government to impose application fees for access to information requests, fees that could be charged by all types of public bodies. This would be a significant step in the wrong direction. Application fees pose a real barrier for many who seek information that should be readily available to the public. I am unable to understand how this amendment improves accountability and transparency when it comes to public bodies that operate in a free and democratic society. Nor is it necessary, since FIPPA already authorizes public bodies to charge access fees, to help defray the costs of responding to requests.

We are living in a time when people are seeking more answers, and greater accountability, from public bodies and their governments, amplifying the significant role that freedom of information plays in allowing people to get information about what their governments are doing, and the decisions that affect them. To add another barrier of access at a time when transparency is deeply troubling.

Further, I am troubled that there would be no ability for my office to waive an application fee if it is in the public interest.

### ***Authorizing public bodies to disregard access requests***

The amendments expand the grounds on which public bodies can ask my office for permission to disregard access to information requests. Limiting or blocking a right provided by a statute is a serious matter, but there are occasions when it is necessary, as many of this office's decisions under s. 43 affirm.

Each year, my office receives approximately ten such requests and approximately half of those are partially or fully granted. The Bill proposes a troubling new criterion under which I could be asked to authorize a public body to disregard a request where responding to the request would unreasonably interfere with the operations of the public body because the request is "excessively broad." This criterion is only found in one other province.

The narrowing of a request can already be done through consultation with the applicant or through a fee estimate, and I believe that adding this new ground unnecessarily encroaches on the public's right of access.

### ***Error in s. 36 of Bill 22***

Section 36 of Bill 22 proposes a change to s. 61(2) of the Act to add "audit" and remove "review" for consistency. However, in this instance the powers and protections relate to an external adjudicator designated under s. 60 which do not include to conduct an audit. This may unintentionally remove protections for an external adjudicator making a determination under s. 60(b). Therefore, the term "review" should not be removed.

Finally, I believe there are a number of missed opportunities that deserve mention.

### ***Restoring the s. 13 protection for "advice or recommendations" to its original intent***

The exception to access provided for in s. 13(1) of the Act has been eroded by successive, overly broad, judicial interpretations. Despite the clear intention of the Legislature, in s.13(2)(a), that the protection for "advice or recommendations" does not extend to "factual material" underpinning policy advice or recommendations, the courts have effectively curtailed the public's right to access "factual information"—how this differs from "factual material" is not at all evident—that formed the basis for advice or recommendations.

For years, there have been repeated calls for reform by Special Committees of the Legislative Assembly to review FIPPA, by my office, and by many others, to return s. 13(1) to its original intent.

Doing so would in no way impair the ability of public servants to continue to formulate frank advice or recommendations in confidence, which is what the Legislature intended to enable, and no more. It is well past time to make this change and I call on the government to do so in Bill 22.

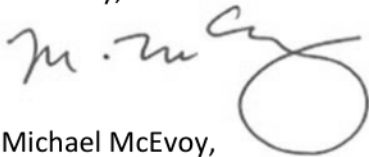
***Special Committee to Review the Freedom of Information and Protection of Privacy Act***

As just suggested, FIPPA provides for periodic review of the statute by an all-party Special Committee of the Legislative Assembly. Several of these have been concluded and many, many useful and important recommendations have been made by these Special Committees, the latest of which has been appointed. It is not at all clear why government has chosen to move forward with amendments ahead of the Special Committee's legislated work to review the Act. The work of the Special Committee is essential, as it is able to pull information and consultations from a variety of sources, encouraging fulsome public dialogue about proposed amendments. I have to question how meaningful the first substantive amendments to the Act in over a decade can be when there is no time for all stakeholders to provide dialogue. To move forward with these amendments, in a year that the Special Committee is tasked to do this work, is baffling.

As I conclude, I believe it is important to reinforce that the purpose of my office, which guides the work we do, is to protect and advance the access and privacy rights of British Columbians, and to serve the public and the public interest. I have reviewed this proposed Bill through that lens.

In the spirit of transparency, and because this letter relates to a Bill now before the Legislative Assembly, this letter will be made publicly available, consistent with my office's longstanding practice.

Sincerely,



Michael McEvoy,  
Information and Privacy Commissioner  
for British Columbia

pc: Honourable Bruce Banman, MLA  
Opposition Critic for Citizens' Services

Honourable Sonia Furstenau, MLA  
Leader of the Third Party

## FW: FW: BC Healthcare Information Protection Changes

From: Scott, Samantha CITZ:EX <Samantha.Scott@gov.bc.ca>  
To: Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>  
Sent: October 20, 2021 4:57:06 PM PDT  
Attachments: image001.jpg

Hi Shay,

Can you please action this as MinSig, it's slightly different then the other emails that are being added to the batch response, so let's keep this one on it's own.

Cheers,

**Samantha Scott** | Ministerial Advisor to the Honourable Minister Beare  
Ministry of Citizens' Services  
PO Box 9044 Stn Prov Gov, Victoria, BC, V8W 9E2 | 778-679-4889

**From:** Head, Heather <Heather.Head@leg.bc.ca>  
**Sent:** October 20, 2021 1:41 PM  
**To:** Scott, Samantha CITZ:EX <Samantha.Scott@gov.bc.ca>  
**Subject:** FW: FW: BC Healthcare Information Protection Changes

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Good Afternoon Samantha,

Heather Head here from MLA Norm Letnick's office Kelowna/Lake Country, I hope this email finds you well. Not sure if I have the right Ministry for this concern, if not if you could please point me in the right direction.

I am reaching out today on behalf of our constituent s.22 He has ask that we forward his concerns to you please see the email thread below. s.22 feels that this is a critical issue who's impact may not be fully understood by the general public.

s.22

Kind Regards,

*Heather Head*

Constituency Assistant



Norm Letnick, MLA  
Kelowna - Lake Country  
101-330 Highway 33 West  
Kelowna, BC V1X 1X9  
Office: 250.765.8516  
[www.normletnickmla.bc.ca](http://www.normletnickmla.bc.ca)

**From:** s.22  
**Date:** October 19, 2021 at 4:25:36 PM PDT  
**To:** "Letnick.MLA, Norm" <Norm.Letnick.MLA@leg.bc.ca>  
**Subject:** BC Healthcare Information Protection Changes

Good day, Mr Letnick

I am writing to voice my deep concerns about the proposed changes to Freedom of Information and Protection of Privacy Act (FIPPA) as detailed below:

<https://www.castanet.net/news/BC/348978/Victoria-unveils-changes-to-information-and-privacy-legislation>

As an s.22

I feel that any storage of private information outside of Canada is a terrible mistake that could have irreversible impact to our safety, privacy and security.

There have been numerous cases in recent years of serious data breaches of many US-based companies that are not subject to the same stringent levels of security and privacy protection as Canadian companies are. Furthermore, the US Patriot Act contains provisions for any data stored on US soil to be subject to search and seizure by US authorities at any time without notice or oversight.

This data then becomes the property of the US government to be disseminated as they see fit.

Reference: [https://www.tbs-sct.gc.ca/pubs\\_pol/gospubs/tbm\\_128/usapa/faq-eng.asp#:~:text=The%20Act%20permits%20U.S.%20law,person%20without%20that%20person's%20knowledge.](https://www.tbs-sct.gc.ca/pubs_pol/gospubs/tbm_128/usapa/faq-eng.asp#:~:text=The%20Act%20permits%20U.S.%20law,person%20without%20that%20person's%20knowledge.)

By ensuring that the private data of British Columbians stays safely in Canada, you will be also be protecting thousands of jobs of s.22 such as myself who work very hard to ensure our healthcare system remains strong, safe and ready to accomodate any challenges we may face.

I ask you to voice my objection to this proposal in the Legislature.

Thank you

s.22

## Fees for FOI requests

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From: s.22  
To: CITZ.Minister@gov.bc.ca, Minister, CITZ CITZ:EX  
<CITZ.Minister@gov.bc.ca>  
Sent: October 21, 2021 11:28:07 AM PDT  
Attachments: image001.png, 2021-16-PEN - Response Records.pdf

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Good morning,

I am writing with regard to recent news reports that you are considering implementing fees for FOI requests and to express my concern. Freedom of information is critical for transparency and accountability and in my opinion fees act as barriers to access to information. Again, in my opinion, there are already sufficient provisions for when fees are appropriate. Expanding those provisions would act as a barrier that I fear would result in reduced transparency and reduced accountability.

Recently, I made a request to the BCFSa for material that I submit should be available free of charge. Below is the thread of emails showing that the agency resisted my initial efforts to obtain the material. All I sought was the text of questions asked in a recently issued survey. Only when I asked for the request to be considered FOI was the agency forthcoming. Attached is the material so you can see that there is nothing in the content that should have been a concern to release. Although the 25 questions are spread over 14 pages, five of those pages have only 3-10 lines of text. My point is that a fee might have prevented me from accessing the material and I think that is contrary to the principle of FOI providing citizens with reasonable access to information.

Additionally, I believe that any information that must be provided by statute should be exempt from fees.

Sincerely,

s.22

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**From:** s.22  
**To:** "BCFSa Pensions" <pensions@bcfsa.ca>  
**Sent:** Wednesday, 29 September, 2021 15:27:53  
**Subject:** Re: ||EXT|| 2021 Survey on Defined Contribution Pension Plans - FOI Request  
Thank you,

Would you please re-consider this as a Freedom of Information request.

With thanks,

s.22

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**From:** "BCFSa Pensions" <pensions@bcfsa.ca>  
**To:** s.22  
**Sent:** Wednesday, 29 September, 2021 15:06:42  
**Subject:** RE: ||EXT|| 2021 Survey on Defined Contribution Pension Plans  
Hi s.22 ,

Thank you for your inquiry and interest in the captioned survey.

At this time, we are unable to share the questions as per individual request due to our stringent information sharing guidelines.

We appreciate your understanding in this regard.

Best regards,

Shazna

**Shazna Careem**

Program Administrator

BC Financial Services Authority

O (604) 660-3555

600-750 West Pender Street

Vancouver, B.C. | V6C 2T8

[www.bcfsa.ca](http://www.bcfsa.ca)





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Classification: Protected A

**From:** s.22

**Sent:** September 29, 2021 11:28 AM

**To:** BCFSA Pensions <pensions@bcfsa.ca>

**Subject:** Re: ||EXT|| 2021 Survey on Defined Contribution Pension Plans

You don't often get email from s.22 . [Learn why this is important](#)

Thank you  
for the

prompt reply and additional information on the survey process.

I am interested in learning what questions were asked and don't require the actual survey link. Presumably the questions were developed outside the survey tool and could be copy/pasted into the body of an email?

Many thanks,

s.22

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**From:** "BCFSA Pensions" <pensions@bcfsa.ca>

**To:** s.22

**Sent:** Wednesday, 29 September, 2021 09:55:42

**Subject:** RE: ||EXT|| 2021 Survey on Defined Contribution Pension Plans

Hi s.22 ,

Thank you for your inquiry. The survey link was distributed to all DC plan administrators via email; and the plan administrator is responsible for completing the survey using that link. We are unable to distribute a copy of the survey content to you (in order to avoid duplicating results for a single plan). However, the survey results (likely including the content) are expected to be made available to all DC pension plan administrators and pension stakeholders in the future.

We understand that plan administrators may require assistance from service provider in answering certain questions. If you were asking for a specific DC plan you are providing service for, we have suggested that plan administrators share screenshot of the specific question(s) and share them with their service provider(s) rather than sharing the link. That's because the question number may change depending on the answers to the prior questions.

Hope this helps. Please let us know if you have any further questions.

Best regards,  
Shazna

Shazna Careem  
Program Administrator  
BC Financial Services Authority  
O (604) 660-3555  
600-750 West Pender Street  
Vancouver, B.C. | V6C 2T8  
[www.bcfssa.ca](http://www.bcfssa.ca)

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Classification: Protected A

-----Original Message-----

**From:** s.22

**Sent:** September 29, 2021 8:21 AM

**To:** BCFSA Pensions <pensions@bcfsa.ca>

**Subject:** ||EXT|| 2021 Survey on Defined Contribution Pension Plans

[You don't often get email from s.22  
<http://aka.ms/LearnAboutSenderIdentification.>]

Learn why this is important at

Good morning,

May I please have a copy of the questions asked in the 2021 Survey on Defined Contribution Pension Plans.

Thank you,

s.22

Page 015 of 107 to/à Page 028 of 107

Withheld pursuant to/removed as

NR

## RE: Proposed Privacy Change

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From: Beare.MLA, Lisa <Lisa.Beare.MLA@leg.bc.ca>  
To: s.22  
Cc: Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>  
Sent: October 21, 2021 11:56:06 AM PDT

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hello,

Thank you for getting in touch. As your email pertains to the Ministry of Citizen Services I have forwarded it to CITZ.Minister@gov.bc.ca . Please direct future correspondence relating to the Ministry of Citizen Services to that email. However, constituency related emails should still be sent to Lisa.Beare.MLA@leg.bc.ca .

Thank you,

Kate | Constituency Assistant | Lisa Beare, MLA Maple Ridge-Pitt Meadows  
P: 604-465-9299 | 104-20130 Lougheed Highway, Maple Ridge, BC V2X 2P7

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-----Original Message-----

From: s.22  
Sent: October 21, 2021 11:54 AM  
To: Beare.MLA, Lisa <Lisa.Beare.MLA@leg.bc.ca>  
Cc: info@oipc.bc.ca; Furstenau.MLA, Sonia <Sonia.Furstenau.MLA@leg.bc.ca>  
Subject: Proposed Privacy Change

Hello Ms. Beare,

I read with great interest the article in the Vancouver Sun on Tuesday October 19th regarding the proposed privacy changes.

I too am extremely troubled by the government's wish to:

1. Allow public bodies to send information outside Canada for storage in any way shape or form.
2. Charge \$25., to retrieve information.
3. Consider the wilful destruction of records.
4. Not present proposed information changes side by side so that comparison with changes and additions can be noted in a meaningful manner.

1. In your response you say that by not allowing information to be sent outside of Canada it can make it difficult for universities to deliver online education tools. Not true. s.22 We have addressed this issue fully. If and when we occasionally choose to use a server outside of Canada we fully inform students, staff and faculty of this. But educational tools are not like my personal health information which is much more personal and sensitive. I do not want my health information outside of Canada. Of course it is also not stated by you where these servers will reside. Ministerial orders should not be permanent, this is not appropriate. Once the pandemic is over BC should be looking at alternate ways in BC, or Canada to allow citizens of BC to access the same

information.

2. Charge citizens to retrieve information. I see this as blow back to your Liberal colleagues and the media for FOI requests. I agree with Mr. McEvoy this is a great way to reduce the requests by the media to access information the government would rather not have in the open. I believe this poses an obstacle to access and accountability. Why charge citizens for their infrequent requests unless considered vexatious? Again another low blow to democracy for the citizens of s.22

3. Wilful destruction of records because they might be of interest to someone? Didn't Christy Clark have staff that did this? Weren't we all outraged when it happened? Didn't the records that had gone missing actually turn out to be rather valuable? How can we tell in the moment what might be valuable in the future? This is a shameful play to destroy information which might prove to be harmful to one group but helpful to another. Again I agree with Mr. McEnvoy, this cannot be right and needs to change.

4. I am troubled by your lack of willingness to compare the new and old legislation. Why not? People should be able to see them side by side. Gaps and additions should be noted on new copies so that it changes are noted by the reader.

I am not in agreement with your changes. Your practices and proposed law changes need revision with the help of the provinces information and privacy commissioner. If we have this office, I would suggest we use it to its fullest effect. This office is non-partisan. Our government is clearly not.

Please convey my concerns to Premier Horgan.

s.22

## Bill 22: Please do NOT Repeal Section 30 of the FOIPPA Act

From : s.22  
To: CITZ.minister@gov.bc.ca, Info-oipc <info@oipc.bc.ca>, Shauna.Brouwer@gov.bc.ca, Jeannette.Cook@gov.bc.ca, Horgan.MLA, John <John.Horgan.MLA@leg.bc.ca>, Lisa.beare@gov.bc.ca, Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>, Beare, Lisa CITZ:EX <Lisa.Beare@gov.bc.ca>, Horgan.MLA, John LASS:EX <John.Horgan.MLA@leg.bc.ca>, Brouwer, Shauna CITZ:EX <Shauna.Brouwer@gov.bc.ca>, Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>  
Sent: October 21, 2021 6:46:12 PM PDT

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hi,

I read Michael McEvoy's response to Bill 22 and I agree with his concerns. I just read that Bill 22 is repealing section 30.1. As a BC resident and Canadian Citizen this is extremely scary and not something that I as a taxpayer and a voter approve of.

Please, please, please do not repeal this and allow our Health Care and government data, and medical data, and school data to be stored on servers outside of Canada and managed by people residing outside of Canada. The second that you do that, you have absolutely no control over who now owns and how they distribute that data because foreign countries do not have to abide by Canadian laws. In the world of data storage, where that data resides and is accessible by, is where that data is ultimately owned. If a contractor provides a service that now hosts BC residents' privacy data in India or the US or China that puts Canadian IT workers out of jobs and puts your entire IT job market at risk. Not to mention that many foreign countries do not have the same security requirements around data theft.

You are opening up the door to people's private medical, school, government data to be stored and fully accessible by IT people in India, China, the US and other countries and distributed without even your knowledge. Once it is in the cloud, outside of Canada, it is like a ghost and unable to ever control.

Therefore, by repealing section 30.1, you are making the rest of the act un-enforceable because if the Data is stored on foreign servers, it is fully accessible by foreign techs and therefore no longer in the control or purview of the Public Body.

<https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/2nd-session/bills/bills-with-hansard-debate>

<https://www.oipc.bc.ca/public-comments/3592>

Current Law

### Storage and access must be in Canada

**30.1 A public body must ensure that personal information in its custody or under its control is stored only in Canada and accessed only in Canada, unless one of the following applies:**

**(a) if the individual the information is about has identified the information and has consented, in the prescribed manner, to it being stored in or accessed from, as applicable, another jurisdiction;**

**(b) if it is stored in or accessed from another jurisdiction for the purpose of disclosure allowed under this Act;**

**(c) if it was disclosed under section 33.1 (1) (i.1).**

New Law

**SECTION 17: [Freedom of Information and Protection of Privacy Act, sections 30.1, 30.2, 30.4 and 30.5] repeals provisions respecting storage and access outside of Canada, foreign demands for disclosure, unauthorized disclosure and notification of unauthorized disclosure.**

**17 Sections 30.1, 30.2, 30.4 and 30.5 (1) are repealed.**

Thank You

s.22

---

**From:** s.22

**To:** "CITZ minister" <CITZ.minister@gov.bc.ca>, info@oipc.bc.ca, "Shauna Brouwer" <Shauna.Brouwer@gov.bc.ca>, "Jeannette Cook" <Jeannette.Cook@gov.bc.ca>, "John Horgan MLA" <John.Horgan.MLA@leg.bc.ca>

**Sent:** Tuesday, 19 October, 2021 12:26:46 PM

**Subject:** Please confirm they are not changing FOIPPA to sacrifice privacy for convenience?

<https://news.gov.bc.ca/releases/2021CITZ0048-001990>

As as.22

s.22 I am extremely concerned by this new information that seems to imply intent to open up and provide access to foreign countries and foreign workers to have access to BC government, BC Schools and BC Health care data?

Canada and BC should be implementing more privacy measures along the lines of the GDPR, not opening it up for foreign contractors to take over BC IT jobs and move our health care, school and government data to be hosted by, or accessed by and or managed by foreign humans, in foreign countries on foreign servers.

Currently FOIPPA has a very key law, 33.1 that should not be changed to allow anymore access than was implemented in Oct 2019.

Please confirm that this new recommended change is NOT going to modify anything protected under section 33.1?

Government Microsoft Azure cloud services should and can be hosted in the Canadian Data Centers, AND the data ONLY accessed and managed by Canadian IT Technicians. Same with Service Now or any other cloud based services. Canada has an abundant IT industry and we should continue to be requiring that all IT techs supporting Public Technology reside inside Canada.

We should not be sacrificing our privacy for convenience.

The second that our public bodies private information resides on foreign servers like Microsoft Azure it the US or overseas for example, it becomes fully accessible by all the tech administrators of that service world-wide that are not required to follow Canadian laws and where Canada has no recourse for stolen data. As an s.22 I know how much access techs have to cloud servers and that access has to remain within Canada, accessed ONLY by Canadians to keep Canadians and BC residents data safe and private.

<https://www2.gov.bc.ca/gov/content/governments/services-for-government/policies-procedures/foippa-manual/disclosure-inside-outside-canada>

Thank You

s.22

## RE: Please do not vote for Bill 22 removing FOIPPA section 30.1

From: Beare.MLA, Lisa <Lisa.Beare.MLA@leg.bc.ca>  
To: s.22  
Cc: Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>  
Sent: October 25, 2021 8:55:16 AM PDT

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Good day,

Thank you for your email.

As your email pertains to MLA Beare's role as the Minister of Citizen Services I have copied the Ministry at [CITZ.Minister@gov.bc.ca](mailto:CITZ.Minister@gov.bc.ca) for their information and follow up. Please direct future correspondence relating to the Ministry of Citizen Services to that email. However, constituency related emails should still be sent to [Lisa.Beare.MLA@leg.bc.ca](mailto:Lisa.Beare.MLA@leg.bc.ca).

Sincerely,

Thyra

**Thyra Gillese** | Constituency Assistant | Lisa Beare, MLA Maple Ridge-Pitt Meadows

104-20130 Lougheed Highway, Maple Ridge, BC V2X 2P7

P: 604-465-9299 | F: 604-465-9294

CONFIDENTIALITY NOTICE: The above message contains confidential information intended for a specified individual and purpose. The information is private and protected by law. Any copying or disclosure of this transmission by anyone other than the intended recipient is prohibited. If you are not the intended recipient, please notify the sender immediately and delete this message and any attachments from your system. Thank you.

**From:** s.22

**Sent:** October 23, 2021 4:47 PM

**To:** Beare.MLA, Lisa <Lisa.Beare.MLA@leg.bc.ca>

**Subject:** Please do not vote for Bill 22 removing FOIPPA section 30.1

To HON Lisa Beare,

I am writing as a concerned citizen and voter with having more than s.22

s.22

s.22

Please do **not vote in favour of Bill 22** and its repealing of 30.1 of the FOIPPA Act which currently protects BC residents by requiring storage of their personal information to be only in Canada, accessed only by Canadians. Why repealing section 30.1 of the FOIPPA act puts BC residents and their Personal Information at risk along with the BC Economy Sector:

1. Personal information (PI) stored on foreign servers is accessible and managed by foreign server admins, without knowledge or control from the BC Public Body.
2. Foreign servers distribute Personal Information to cloud servers worldwide without knowledge given to Public Bodies as to whom specifically has access or where specifically it is stored.
3. Personal Information stored on foreign internet cloud servers drastically increases the risk of cyber-attacks to steal PI. The July 2021 cyber-attack on the UVM Medical center in Vermont was preventable if the data had been stored and properly secured on local internal network servers by local technicians.
4. Once Personal Information (PI) is distributed to foreign cloud servers, there often can be no recourse to have data permanently removed, secured or access traced for FOI requests.
5. If Public Bodies are allowed to store PI on foreign servers and hire foreign workers to administer it, BC public sector jobs that do not have an on-site requirement have a high risk of being eliminated.
6. The NDP Government should be doing more to secure PI to remain in Canada and to ensure BC public sector jobs are protected, not opening the door to expose PI to foreign access, cyber-attacks and eliminating BC jobs by hiring foreign workers.

Why we need to keep section 30.1 of the FOIPPA Act

1. BC computer technicians working for public bodies are legally required to sign agreements and uphold the FOIPPA act and must participate in mandatory annual privacy and security training.



2. Access to Personal Information is currently managed directly by the Public Bodies. Domains like healthbc.org, idir.bcgov, and phsabc.ehcnet.ca allocate what PI BC employees or Canadian contractors have access to.
3. Personal Information is stored locally in BC on domain servers on internal networks with firewalls managed by BC Public Bodies employees and protected at multiple physical levels.
4. Microsoft has Canadian server data centers where public bodies can access Microsoft 365 services while still keeping PI within Canadian borders, accessed and managed by Canadians.
5. Google, Service Now, Airwatch and other services also have Canadian server data centers where public bodies like schools, hospitals and government can access online services while still keeping PI within Canadian borders accessed and managed by Canadians.
6. Other online services that wish to sell to BC Public Bodies have motivation to create data centers within Canada, creating jobs for Canadians and keeping the BC IT sector strong while securing PI away from foreign access and cyber-attacks.

Thank You

s.22

BC Voter and Resident

s.22

## **FW: Freedom of Information and Protection of Privacy Act - amendment/changes**

From: Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>  
To: Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>  
Sent: October 26, 2021 11:06:24 AM PDT

Shay sent s.22 batch FOIPPA response.

Please see s.22 response below.

-----Original Message-----

From: s.22

Sent: October 26, 2021 11:02 AM

To: Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>

Subject: Re: Freedom of Information and Protection of Privacy Act - amendment/changes

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good morning,

Thank you for the reply, though you seemed to forget/omit an answer to my biggest concern. That part was about the sending of information out of the country. What information and to which countries/locales is this pertaining to. I certainly don't want any of our citizens, including mine, going to other countries. Am I to assume correctly that this is bulk financial, employment or other non-personal information?

Thank you for your speedy reply

Have a good day.

s.22

On Oct 26, 2021, at 10:23, Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca> wrote:

Dear s.22 :

Thank you for your message regarding the government's recently announced Freedom of Information and Protection of Privacy Amendment Act.

B.C.'s Freedom of Information and Protection of Privacy legislation is outdated, last updated a decade ago, and is not working for people. The COVID-19 pandemic changed the way we live, work, connect with loved ones and access the services we need.

Our proposed changes will help B.C. keep pace with new technology, ensure timely access to information, strengthen privacy protections and improve services for people in B.C.

By updating data-residency provisions, public bodies will be able to use modern tools to provide services while continuing to protect the personal information people entrust to us. Data residency doesn't protect information – effective privacy controls do, and with these proposed amendments, we are making sure those are in place.

As a government, we are committed to open and transparent access to information. We also believe people are waiting too long under the old legislation for the information they deserve. Right now, B.C. receives more FOI requests annually than the three western provinces combined. The addition of a fee to non-personal FOI requests is in line with other jurisdictions in Canada. Those asking for personal information will continue to not pay a fee at all.

We are also demonstrating the Province's commitment to diversity, inclusion, reconciliation and equity by increasing information sharing with Indigenous peoples, adding Indigenous cultural protections and replacing non-inclusive language. FOIPPA is not working for people anymore, and we're making these changes based on what we've heard from extensive consultation with thousands of people, organizations and businesses.

Thank you for your interest in this important update to B.C.'s information and privacy protection legislation.

Sincerely,

Lisa Beare

Minister

-----Original Message-----

From: s.22

Sent: October 19, 2021 2:19 PM

To: OfficeofthePremier, Office PREM:EX <Premier@gov.bc.ca>; Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>; Horgan.MLA, John LASS:EX <John.Horgan.MLA@leg.bc.ca>

Subject: Freedom of Information and Protection of Privacy Act - amendment/changes

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Premier, to confirm my political loyalty, I have voted for the NDP for a few decades. I am pleased with your leadership since you obtained a majority.

I do have an issue with the above subject, an article about which was in the Province paper this morning. I will "bullet" these below in detail and am requesting an answer to my items.

1. Amendment allowing public bodies to send British Columbians personal information outside Canada. There must be a firm protection of privacy so that information cannot be accessed by unauthorized persons for illegal use.
2. Is my personal information going to include details of my identity, PHN, SIN, details of medical history, education history, driving history? Identity details are not going to become part of an online education tool. I need this info to be maintained where it is kept private, and this must be kept within British Columbia, Canada.
3. Minister Beare has stated that the privacy issue will be brought out in Regulations. These do not have the same strength as the Regulations do, nor do they come out for debate at the same time.
4. There is no country that I would accept to store private information, other than Canada.

I will state that her responses to the privacy commissioner were too politically phrased. We need and deserve an answer that will rest my mind, as well as that of other like thinkers. My mind is trying to think about the reasoning for allowing any foreign political or educational body that needs my personal information to be useful!

You are our Premier, and as far as I'm concerned will be as long as I can vote, so take my words to heart, and accept my belief if you as our provincial leader.

Thank you, sir.

s.22

## Bill 22 amendments to the Freedom of Information and Protection of Privacy Act (FIPPA).

---

From: Jason Woywada <jason@fipa.bc.ca>  
To: Premier@gov.bc.ca, CITZ.Minister@gov.bc.ca, OfficeofthePremier, Office PREM:EX <Premier@gov.bc.ca>, Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>  
Cc: Mike Larsen <s.22 >, BCLiberalCaucus@leg.bc.ca, greencaucus@leg.bc.ca  
Sent: October 26, 2021 3:20:26 PM PDT  
Attachments: Outlook-4rushshy.png, 20211026 Bill 22 Coalition Letter to Premier and Minister.pdf

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Please find the following correspondence attached and below.

We, the undersigned, believe **transparency matters** and, because of this, we write to you to express our grave concerns about the Bill 22 amendments to the *Freedom of Information and Protection of Privacy Act* (FIPPA).

Bill 22 would see substantive changes made to FIPPA for the first time in over a decade.

Unfortunately, if passed, this Bill will undermine access to information and make public bodies less transparent. It is a step backwards for openness and accountability, and a missed opportunity to protect the privacy and improve the information rights of British Columbians.

This legislation would extend the ability of current and future governments to keep people in the dark about vital matters of public interest. Its introduction at this time short-circuits the work of the special legislative committee responsible for reviewing FIPPA, preventing meaningful public consultation. If passed, it would immediately put up more barriers for people seeking access to information.

You have made prior commitments regarding the value you place on transparency and about the need to improve government accountability, but this legislation would make it harder for everyone - concerned citizens, experienced researchers, and you - to get facts rather than spin.

We recognize this majority government can readily pass this regressive Bill quickly. If that happens, it will impact the citizens of British Columbia now, haunt us into the future, and set a dangerous precedent across Canada.

Our message is simple: **Transparency matters to all of us. Stop Bill 22.**

We call on the government to:

- Withdraw this Bill
- Recognize the role of the all-party special committee and allow it to complete its work, including an open consultation process
- Commit, on record, to introduce comprehensive amendments to FIPPA that reflect the recommendations of past and current special committees

As interested individuals and members of organizations, we call on you to demonstrate your commitment to democratic values by taking action to im-prove—not reduce—the transparency of public bodies.

Signed by:

BC Freedom of Information and Privacy Association

With support from our partners as attached.

Cheers

Jason Woywada (he/him/his)

Executive Director, BC Freedom of Information and Privacy Association



PO Box 8308 Victoria Main, Victoria BC V8W 3R9

Phone: 604-739-9788

Website: <https://fipa.bc.ca>

Twitter: [@bcfipa](https://twitter.com/bcfipa)

I respect and acknowledge I am working and residing in the unceded Coast Salish Territory of the Lekwungen amongst the Songhees, Esquimalt and WSÁNEĆ peoples whose historic relationships with the land continue to this day.



By email: [Premier@gov.bc.ca](mailto:Premier@gov.bc.ca), [CITZ.Minister@gov.bc.ca](mailto:CITZ.Minister@gov.bc.ca)

October 26, 2021

The Honourable John Horgan M.L.A.  
Premier of British Columbia  
PO Box 9041 Stn Prov Govt  
PROV GOVT VICTORIA, BC V8W 9E1

The Honourable Lisa Beare M.L.A.  
Minister of Citizens' Services  
PO Box 9068 Stn Prov Govt  
Victoria BC V8W 9E2

Dear Premier and Minister,

**Subject: Bill 22 amendments to the *Freedom of Information and Protection of Privacy Act* (FIPPA).**

We, the undersigned, believe **transparency matters** and, because of this, we write to you to express our grave concerns about the Bill 22 amendments to the *Freedom of Information and Protection of Privacy Act* (FIPPA).

Bill 22 would see substantive changes made to FIPPA for the first time in over a decade. Unfortunately, if passed, this Bill will undermine access to information and make public bodies less transparent. It is a step backwards for openness and accountability, and a missed opportunity to protect the privacy and improve the information rights of British Columbians.

This legislation would extend the ability of current and future governments to keep people in the dark about vital matters of public interest. Its introduction at this time short-circuits the work of the special legislative committee responsible for reviewing FIPPA, preventing meaningful public consultation. If passed, it would immediately put up more barriers for people seeking access to information.

You have made prior commitments regarding the value you place on transparency and about the need to improve government accountability, but this legislation would make it harder for everyone - concerned citizens, experienced researchers, and you - to get facts rather than spin.

We recognize this majority government can readily pass this regressive Bill quickly. If that happens, it will impact the citizens of British Columbia now, haunt us into the future, and set a dangerous precedent across Canada.

Our message is simple: **Transparency matters to all of us. Stop Bill 22.**

We call on the government to:

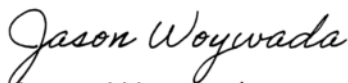
- Withdraw this Bill
- Recognize the role of the all-party special committee and allow it to complete its work, including an open consultation process
- Commit, on record, to introduce comprehensive amendments to FIPPA that reflect the recommendations of past and current special committees

As interested individuals and members of organizations, we call on you to demonstrate your commitment to democratic values by taking action to improve-not reduce-the transparency of public bodies.

Signed by:



Mike Larsen  
President



Jason Woywada  
Executive Director

BC Freedom of Information and Privacy Association  
With support from our partners as attached.

CC:

[BCLiberalCaucus@leg.bc.ca](mailto:BCLiberalCaucus@leg.bc.ca)  
[greencaucus@leg.bc.ca](mailto:greencaucus@leg.bc.ca)

An online version of this letter is [here](#) and is continuing to gain support.

This call to action is supported by the following organizations:

- [The British Columbia Civil Liberties Association \(BCCLA\)](#)
- [The British Columbia General Employees' Union \(BCGEU\)](#)
- [The Canadian Association of Journalists](#)
- [Canadian Centre for Policy Alternatives BC Office \(CCPA-BC\)](#)
- [Canadian Institute for Information and Privacy Studies \(CIIPS\)](#)
- [Centre for Access to Information and Justice \(CAIJ\)](#)
- [The Centre for Law and Democracy \(CLD\)](#)
- [Democracy Watch](#)
- [Fairley Strategies](#)
- [Forest Protection Allies FORPA](#)
- [Independent Contractors and Businesses Association](#)
- [Lawyers Rights Watch Canada](#)
- [Open Media](#)
- [Privacy & Access Council of Canada \(PACC - CCAP\)](#)
- [Public Interest Advocacy Centre \(PIAC\)](#)
- [Student Press Freedom Act Campaign \(SPFA Campaign\)](#)
- [The Union of British Columbia Indian Chiefs \(UBCIC\)](#)
- [West Coast Legal Education and Action Fund \(West Coast LEAF\)](#)
- [The Wilderness Committee](#)



This call to action is supported by the following individuals:

- Jason Austin
- John Brady
- Lynn Copeland
- Carla Graebner, Librarian for Research Data Services and Government Information, W.A.C. Bennett Library, Simon Fraser University
- Sean Holman, Wayne Crookes Professor in Environmental and Climate Journalism, University of Victoria
- Patrick Jardine
- Victoria Lemieux, Associate Professor, Archival Science, School of Information, Co-Lead, Blockchain@UBC research cluster, Distinguished Scholar, Sauder School of Business, Faculty Associate, Institute for Computing, Information and Cognitive Systems, The University of British Columbia
- Lisa P. Nathan, Associate Professor, School of Information, University of British Columbia
- Marcus Ooms
- Dawe Pope
- [Ken Rubin, Investigative researcher and transparency advocate](#)
- Dan Schubart
- Chad Skelton, Chair, Department of Journalism and Communication Studies, Kwantlen Polytechnic University
- [Stanley Tromp, FOI journalist, researcher](#)
- [Maureen Webb, FOI Author](#)

## Re: Incoming: Concern about BC Changes to FOIPPA act

From : s.22  
To: Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>, Minister, JERI JERI:EX <JERI.Minister@gov.bc.ca>, Ross.MLA, Ellis LASS:EX <Ellis.Ross.MLA@leg.bc.ca>, Shaylene.McEwen@gov.bc.ca, McEwen, Shaylene CITZ:EX <Shaylene.McEwen@gov.bc.ca>  
Sent: October 27, 2021 6:32:31 PM PDT

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

On 27/10/2021 3:42 p.m., Minister, CITZ CITZ:EX wrote:

Dear s.22 :

Thank you for your message regarding the government's recently announced Freedom of Information and Protection of Privacy Amendment Act.

B.C.'s Freedom of Information and Protection of Privacy legislation is outdated, last updated a decade ago, and is not working for people. The COVID-19 pandemic changed the way we live, work, connect with loved ones and access the services we need.

If anything the BC Freedom of Information and Protection Privacy legislation should be updated to be more restrictive not less. Covid-19 did change the way we work and it forced companies like Zoom, Microsoft, and Google to open Data centers here in Canada in order to support Canadians. Covid-19 also increased Cyber attacks by 256% and as we saw in multiple attacks that used foreign servers in the US that were exposed to hackers by being stored outside the country.

Our proposed changes will help B.C. keep pace with new technology, ensure timely access to information, strengthen privacy protections and improve services for people in B.C.

Please explain how eliminating Canadian Jobs and moving them to foreign countries, eliminating privacy protections by handing BC privacy data over to foreign countries in the care of foreign technicians where BC has absolutely no control will improve services?

By updating data-residency provisions, public bodies will be able to use modern tools to provide services while continuing to protect the personal information people entrust to us. Data residency doesn't protect information – effective privacy controls do, and with these proposed amendments, we are making sure those are in place.

Data residency is literally the only protection you have to protect Personal information in BC.

Consider a real life scenario: Imagine you have a filing cabinet in your home containing the paper copies of all the private data (this is BC as it is now).

You take a copy of all those papers and you give them to your neighbour to store in his home (United States – 200 non Canadians now have access to your private data), US makes a copy and sends them to the next house (India – 500 more non Canadians have access) who makes copies and sends them to the next house (China, 1000 more non Canadians have access) who makes copies and sends them to multiple other houses (Ireland, Brazil etc).

Imagine if China's house has a disgruntled tenant who left the house and took a copy of your files with them as they were accessing them and sells them on the dark web. The person whose personal data you are storing has comes to you and say “Freedom of Information Request – How many people have access to my data. Please provide their names and their signed confidentiality forms and please fire the person who has stolen

my identity and recover the data? You have no idea and the Cloud vendor's Service Level Agreements protects them, not you.

As a government, we are committed to open and transparent access to information. We also believe people are waiting too long under the old legislation for the information they deserve. Right now, B.C. receives more FOI requests annually than the three western provinces combined. The addition of a fee to non-personal FOI requests is in line with other jurisdictions in Canada. Those asking for personal information will continue to not pay a fee at all.

You can't possibly find the data of all the people that have access once all the privacy data has left the country and is no longer under the control of the BC Government Bodies.

Further reading for you:

<https://www.mondaq.com/canada/privacy-protection/191964/cloud-computing-and-the-usa-patriot-act-canadian-implications--update>

<https://www.kinstellar.com/insights/detail/121/cloud-computing-in-the-context-of-the-usa-patriot-act>

Copyright

We are also demonstrating the Province's commitment to diversity, inclusion, reconciliation and equity by increasing information sharing with Indigenous peoples, adding Indigenous cultural protections and replacing non-inclusive language FOIPPA is not working for people anymore, and we're making these changes based on what we've heard from extensive consultation with thousands of people, organizations and businesses.

You consulted with everyone but the IT workers whose jobs will be outsourced, some of whom are indigenous workers.

Thank you for your interest in this important update to B.C.'s information and privacy protection legislation.

Sincerely,  
Lisa Beare  
Minister

---

**From:**s.22

**Sent:** October 19, 2021 9:26 AM

**To:** Minister, JERI JERI:EX <JERI.Minister@gov.bc.ca>; Ross.MLA, Ellis LASS:EX  
<Ellis.Ross.MLA@leg.bc.ca>

**Subject:** Incoming: Concern about BC Changes to FOIPPA act

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hi there,

I am contacting you as British Columbia's Minister of Jobs, Economic Recovery and Innovation. I am also cc'ing Ellis Ross s.22

I am very concerned with BC's amendments to the Freedom of Information and Protection of Privacy (FOIPPA) act which appears largely driven by the BC Tech Association as per <https://news.gov.bc.ca/releases/2021CITZ0048-001990>

In this news release, "Data-residency requirement changes will bring B.C. in line with other jurisdictions by removing restrictions that prevent access to digital tools and technologies." and "For example,

greater access to cloud-based services will improve B.C.'s post-secondary institutions' ability to attract students by allowing them to use cloud-based education tools offered outside of B.C."

These changes amount to outsourcing BC IT jobs to multinational technology companies outside of Canada's borders and does not seem congruent with NDP's commitment to Energize BC Technology (attached). These amendments will mean an end to many IT jobs in BC and will allow our confidential data to be stored outside of the country, including the United States where it will be subject to the US Patriot Act.

Please look at who belongs to the BC Tech Association.

<https://wearebctech.com/members/member-directory/>

It's 19 pages of many multinational companies including Amazon, Electronic Arts, Microsoft and among BC companies. Would you care to guess which members are behind this push to allow data outside of Canada? Technology Cloud services is an oligopoly of Amazon, Microsoft and Google. How is giving them our IT infrastructure helping grow BC tech????

--

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--

**Disclaimer: This email and any attachments are sent in strictest confidence for the sole use of the addressee and may contain legally privileged, confidential, and proprietary data. If you are not the intended recipient, please advise the sender by replying promptly to this email and then delete and destroy this email and any attachments without any further use, copying or forwarding.**

## FW: CAJ denounces B.C.'s proposed FOI amendments

---

From: Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>  
To: Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>  
Sent: October 28, 2021 10:58:37 AM PDT

---

**From:** Stromp <stromp@telus.net>

**Sent:** October 28, 2021 10:40 AM

**To:** Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>

**Cc:** GCIO Chief Information Officer CITZ:EX <LCTZ.ChiefInformationOfficer@gov.bc.ca>; Thomas, Krista CITZ:EX <Krista.Thomas@gov.bc.ca>; Shauna.Brouer@gov.bc.ca; Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>; stromp <stromp@telus.net>

**Subject:** CAJ denounces B.C.'s proposed FOI amendments

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Canadian Association of Journalists - CAJ

<https://www.newswire.ca/news-releases/-a-thumb-in-the-eye-of-transparency-caj-denounces-b-c-s-proposed-foi-amendments-869827283.html>

Copyright

In one fell swoop, we have gone from the 21st century back to the stone age with this bill. It is a thumb in the eye of transparency efforts to ensure governments are transparent in their day-to-day operations.

Coalition on Bill 22 - <https://fipa.bc.ca/transparency-matters/our-bill-22-coalition/>

## FW: Father of B.C.'s FOI law says NDP can't be proud of Bill 22

From: Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>  
To: Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>  
Sent: October 28, 2021 11:00:47 AM PDT

From: Stromp <stromp@telus.net>

Sent: October 27, 2021 5:29 PM

To: Beare.MLA, Lisa LASS:EX <Lisa.Beare.MLA@leg.bc.ca>

Cc: stromp <stromp@telus.net>; GCIO Chief Information Officer CITZ:EX <LCTZ.ChiefInformationOfficer@gov.bc.ca>; Thomas, Krista CITZ:EX <Krista.Thomas@gov.bc.ca>; Shauna.Brouer@gov.bc.ca; Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>

Subject: Father of B.C.'s FOI law says NDP can't be proud of Bill 22

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

<https://thebreaker.news/news/gabelmann-on-foi-bill/>

BUSINESS, NEWS

OCTOBER 27, 2021

AUTHOR: THEBREAKER

## *Father of B.C.'s freedom of information law says NDP can't be proud of Bill 22*

**Bob Mackin**

Copyright

COLIN GABELMANN IN 2015 (@JEANNECBC/TWITTER)

Copyright

On 10/27/2021 2:16 PM, Stromp wrote:

To members of the FOIPP legislative review committee.

Page 048 of 107

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***For further information, please contact:***

Toby Mendel  
Executive Director  
Centre for Law and Democracy  
Email: [toby@law-democracy.org](mailto:toby@law-democracy.org)  
+1 902 431-3688  
[www.law-democracy.org](http://www.law-democracy.org)  
twitter: @law\_democracy





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Centre for Law and Democracy · 5553 Bloomfield Street · Halifax, NS B3K 1S7 · Canada



## **FW: Citizens' fine usages of the B.C. FOIPP Act**

---

From: Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>  
To: Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>  
Sent: October 28, 2021 11:00:58 AM PDT  
Attachments: Community usage of B.C. FOIPP Act.docx

---

**From:** Stromp <stromp@telus.net>

**Sent:** October 25, 2021 6:39 PM

**To:** Beare.MLA, Lisa LASS:EX <Lisa.Beare.MLA@leg.bc.ca>

**Cc:** GCIO Chief Information Officer CITZ:EX <LCTZ.ChiefInformationOfficer@gov.bc.ca>; Thomas, Krista CITZ:EX <Krista.Thomas@gov.bc.ca>; Shauna.Brouer@gov.bc.ca; Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>; stromp <stromp@telus.net>

**Subject:** Citizens' fine usages of the B.C. FOIPP Act

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

### Citizens' fine usages of the B.C. FOIPP Act

Notes by Stanley Tromp, in response to Bill 22, Oct. 2021

[www.canadafoi.ca](http://www.canadafoi.ca)

Copyright

## Citizens' fine usages of the B.C. FOIPP Act

Notes by Stanley Tromp, in response to Bill 22, Oct. 2021

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Page 053 of 107 to/à Page 062 of 107

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## FW: BC FIPA analysis of Bill 22

---

From: Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>  
To: Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>  
Sent: October 28, 2021 11:01:05 AM PDT

-----Original Message-----

From: Stromp <stromp@telus.net>  
Sent: October 22, 2021 12:02 AM  
To: Beare.MLA, Lisa LASS:EX <Lisa.Beare.MLA@leg.bc.ca>  
Cc: GCIO Chief Information Officer CITZ:EX <LCTZ.ChiefInformationOfficer@gov.bc.ca>; Thomas, Krista CITZ:EX <Krista.Thomas@gov.bc.ca>; Shauna.Brouer@gov.bc.ca; Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>; stromp <stromp@telus.net>  
Subject: BC FIPA analysis of Bill 22

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

BC FIPA analysis of Bill 22

<https://can01.safelinks.protection.s.22.com/?url=https%3A%2F%2Ffipa.bc.ca%2Ftransparency-matters%2F&data=04%7C01%7CJeannette.Cook%40gov.bc.ca%7C69b9435acf0349a720a508d99529df84%7C6fdb52003d0d4a8ab036d3685e359adc%7C0%7C0%7C637704829340222525%7CUnknown%7CTWFpbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=ws3BeKY9ruFUSapSk4VvjRiF0fkdQ5546sPfnxTUOtI%3D&reserved=0>

<https://can01.safelinks.protection.s.22.com/?url=https%3A%2F%2Ffipa.bc.ca%2Ftransparency-matters%2Fbill-22-pluses-minuses%2F&data=04%7C01%7CJeannette.Cook%40gov.bc.ca%7C69b9435acf0349a720a508d99529df84%7C6fdb52003d0d4a8ab036d3685e359adc%7C0%7C0%7C637704829340222525%7CUnknown%7CTWFpbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=zLfYDFnyUkoAVtz8YIFo2hjgNo%2Brb08eD3vEAOrNYCg%3D&reserved=0>

## FW: Best case against the \$25 FOI fee - the citizen applicants

From: Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>  
To: Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>  
Sent: October 28, 2021 11:01:12 AM PDT

**From:** Stromp <stromp@telus.net>

**Sent:** October 20, 2021 1:42 AM

**To:** Beare.MLA, Lisa LASS:EX <Lisa.Beare.MLA@leg.bc.ca>

**Cc:** GCIO Chief Information Officer CITZ:EX <LCTZ.ChiefInformationOfficer@gov.bc.ca>; stromp <stromp@telus.net>; Thomas, Krista CITZ:EX <Krista.Thomas@gov.bc.ca>; Shauna.Brouer@gov.bc.ca; Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>

**Subject:** Best case against the \$25 FOI fee - the citizen applicants

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Dear Minister Beare, and Chief Information Officer:

Beyond the FOI usage by opposition parties or the (non-Mackin) investigative news media, we need to instead focus on poor, average folk, who can least afford \$25 fees, and would be most harmed, the innocents caught in the political crossfire, the “collateral damage.”

The government assures us that no application fees will be charged for personal requests, just non-personal “general” ones; one problem we have is that the NDP implies that “normal, average” folk usually do not file general requests, and so wouldn’t be harmed by fees. This assumption is mistaken.

Note what B.C. Commissioner McEvoy said in the Sun on the fee — Copyright

Copyright

he said. Copyright

Copyright

David Cuillier, PhD, president, U.S. National Freedom of Information Coalition - Copyright

Copyright

Best of all, my Excel database of 2,000 BC news stories produced by FOI requests can help.

<https://canadafoi.ca/british-columbia-foi/> I created a new category, not of subject matter, but of a key, overlooked *applicant type* - the average citizen. I wrote:

Copyright

Some of those were from personal requests (with no planned fees), but some also from “general” FOI ones. Importantly, some of these citizens made general requests for their whole community’s benefit, as local activists (many too poor to pay \$25 fees), beyond their own personal interests. And anyways, their personal cases at times reveal a hidden problem shared by hundreds/thousands of others too. See samples below.

-Sincerely yours, Stanley Tromp. [www.canadafoi.ca](http://www.canadafoi.ca)

SAMPLES – Fine usage of “general information” BC FOI requests by average citizens, aiding a larger community purpose.

[1]

Copyright

Victoria Times Colonist. Apr. 8, 2003

Nobody knows for sure just how 109-year-old South Park elementary would fare if Greater Victoria experienced a major earthquake. But two engineering reports 12 years apart raising concerns about the

Page 065 of 107 to/à Page 069 of 107

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Copyright

## **For Attention/handling MOTI 306241 Stromp / On the harms of Bill 22**

---

From: Writing Services, Transportation TRAN:EX  
<Transportation.WritingServices@gov.bc.ca>  
To: Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>  
Cc: Molyneux, Jennifer CITZ:EX <Jennifer.Molyneux@gov.bc.ca>, Writing  
Services, Transportation TRAN:EX  
<Transportation.WritingServices@gov.bc.ca>  
Sent: November 1, 2021 11:33:53 AM PDT  
Attachments: For the Minister, on the harms of Bill 22

Hello,

MOTI received the attached but this matter falls outside our ministry's jurisdiction. Re-routing to your ministry for attention/handling.

Thanks,

***Maija Liinamaa***

*Correspondence Coordinator / Corporate Writing Services*

*Ministry of Transportation and Infrastructure*

*5B-940 Blanshard Street / Victoria, BC V8W 9T5*

*Phone: 778 974-5318*



## For the Minister, on the harms of Bill 22

---

From: Stromp <stromp@telus.net>  
To: Minister.Transportation@gov.bc.ca, Transportation, Minister TRAN:EX  
<Minister.Transportation@gov.bc.ca>  
Cc: stromp <stromp@telus.net>, DeputyMinister.Transportation@gov.bc.ca,  
Transportation, Deputy Minister TRAN:EX  
<DeputyMinister.Transportation@gov.bc.ca>  
Sent: November 1, 2021 12:26:45 AM PDT

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

For the Honourable Rob Fleming; and deputy minister:

I write here to plead that your government withdraw Bill 22, and to defer all FOI and privacy law reform until after the Legislative FOIPP Special Review Committee reports. Pressing ahead with this Bill's passage now would cause major harm to FOI journalism, and impair the public interest. (Indeed, do you know of any members of the public who support Bill 22?)

To demonstrate the public value of the access law to governments, I created an Excel database of 2,000 B.C. news stories produced by FOI requests since 1993. See <https://canadafoi.ca/bcstoryindex.xlsx> (*Introduction at <https://canadafoi.ca/wp-content/uploads/2021/09/bcintro2020.pdf>*) You can scroll down to Category [21] at line 1635, where one can read FOI stories on your issues.

If a \$25 application fee had been in place since 1993, I am certain that more than half of these stories could never have been produced. This would have resulted in a serious loss for the public interest (while some of the finest FOI stories may be the ones yet to be told).

Many FOI stories were done by smaller student, ethnic, and alternative media who can least afford fees, while it is well known that even the largest newsrooms are now severely cash-strapped. Other parts of Bill 22 are just as deleterious, such as expanding the powers to ignore requests deemed to be frivolous or repetitive, and limiting the obligation of government entities to create or disclose some electronic records.

The only course to prevent such harms and keep the flow of such valuable stories moving is to eliminate Bill 22, and to defer all FOI and privacy law reform until after the Legislative FOIPP Special Review Committee reports, and then consider its expert guidance. These decisions would be most welcomed by a grateful public.

Respectfully yours,

Stanley L. Tromp, journalist, Vancouver,<sup>s.22</sup>

B.C. FOI website - <https://canadafoi.ca/british-columbia-foi/>

Citizens' fine usages of the B.C. FOIPP Act (a counter to Bill 22) - <https://canadafoi.ca/wp-content/uploads/2021/10/bccitizenfoi.pdf>

My FOI-COVID-19 webpage - <https://canadafoi.ca/covid-19-foi/>

The 24 groups (and growing) in FIPA's Stop Bill 22 Coalition - <https://fipa.bc.ca/transparency-matters/our-bill-22-coalition/>

---

P.S. On costs, the government has blamed a backlog on the Opposition BC Liberals, as well as journalist Bob Mackin, whom the NDP says made 397 applications that year (which he denies). If the fee was intended to constrain Mackin, it is grossly unjust to penalize everyone else. Moreover, the Liberal caucus would simply pay FOI fees with public money, and so this would not stop it from applying. (It would also likely cost the B.C. government more than \$25 to process a \$25 cheque, much as the Ottawa FOI system costs \$55 to process its \$5 application fee.)

FOI costs could be greatly reduced by releasing records routinely. “Why does this government constantly tell me to file an FOI request for simple things, like names of contractors and values of contracts?” asks Mackin. “Why aren’t they proactively publishing contracts, reports, briefing notes and polling data?” If it did, Mackin estimates that he could make fewer FOI requests - “maybe as much as three-quarters fewer.” He adds: “I make no apologies for filing so many applications; the lion’s share are about the health and economic impacts of the COVID pandemic.” (From my Bill 22 editorial at <https://canadafoi.ca/bill-22-is-a-betrayal-of-the-public-interest/> )

## Bill 22 - My new posting today

---

From: Stromp <stromp@telus.net>  
To: Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>  
Cc: stromp <stromp@telus.net>, CITZDeputyMinister@gov.bc.ca, CITZ Deputy Minister, CITZ:EX <CITZDeputyMinister@gov.bc.ca>  
Sent: November 2, 2021 12:36:00 PM PDT

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

My new posting today - <https://canadafoi.ca/citizens-fine-usages-of-the-b-c-foipp-act/>

# Citizens' fine usages of the B.C. FOIPP Act

November 2, 2021 by Stan Tromp

Copyright

=====

## Redirect re Bill 22 and FOI (156108)

---

From: Correspondence Services JERI:EX <JERI.Correspondence@gov.bc.ca>  
To: Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>  
Cc: Correspondence Services JERI:EX <JERI.Correspondence@gov.bc.ca>  
Sent: November 2, 2021 12:43:02 PM PDT  
Attachments: 156108 incoming for the minister on the harms of bill 22.msg

Hi,

Is this something CITZ can respond to obo Min Kahlon?

Sincerely,

Lindsay Chauvin

Correspondence Analyst  
Ministry of Jobs, Economic Recovery and Innovation  
and Minister of State for Trade  
Ministry of Labour  
Ministry of Tourism, Arts, Culture and Sport  
T: 250 356-5171

## For the Minister, on the harms of Bill 22

From: Stromp <stromp@telus.net>  
To: JERI.Minister@gov.bc.ca, Minister, JERI JERI:EX <JERI.Minister@gov.bc.ca>  
Cc: stromp <stromp@telus.net>, ravi.kahlon.MLA@leg.bc.ca, Kahlon.MLA, Ravi LASS:EX <Ravi.Kahlon.MLA@leg.bc.ca>  
Sent: November 1, 2021 12:08:58 AM PDT

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

For the Honourable Ravi Kahlon:

I write here to plead that your government withdraw Bill 22, and to defer all FOI and privacy law reform until after the Legislative FOIPP Special Review Committee reports. Pressing ahead with this Bill's passage now would cause major harm to FOI journalism, and impair the public interest. (Indeed, do you know of any members of the public who support Bill 22?)

To demonstrate the public value of the access law to governments, I created an Excel database of 2,000 B.C. news stories produced by FOI requests since 1993. See <https://canadafoi.ca/bcstoryindex.xlsx> (Introduction at <https://canadafoi.ca/wp-content/uploads/2021/09/bcintro2020.pdf>) You can scroll down to Category [15] at line 1323, where one can read FOI stories on your issues.

If a \$25 application fee had been in place since 1993, I am certain that more than half of these stories could never have been produced. This would have resulted in a serious loss for the public interest (while some of the finest FOI stories may be the ones yet to be told).

Many FOI stories were done by smaller student, ethnic, and alternative media who can least afford fees, while it is well known that even the largest newsrooms are now severely cash-strapped. Other parts of Bill 22 are just as deleterious, such as expanding the powers to ignore requests deemed to be frivolous or repetitive, and limiting the obligation of government entities to create or disclose some electronic records. The only course to prevent such harms and keep the flow of such valuable stories moving is to eliminate Bill 22, and to defer all FOI and privacy law reform until after the Legislative FOIPP Special Review Committee reports, and then consider its expert guidance. These decisions would be most welcomed by a grateful public.

Respectfully yours,

Stanley L. Tromp, journalist, Vancouver, s.22

B.C. FOI website - <https://canadafoi.ca/british-columbia-foi/>

Citizens' fine usages of the B.C. FOIPP Act (a counter to Bill 22) - <https://canadafoi.ca/wp-content/uploads/2021/10/bccitizenfoi.pdf>

My FOI-COVID-19 webpage - <https://canadafoi.ca/covid-19-foi/>

The 24 groups (and growing) in FIPA's Stop Bill 22 Coalition - <https://fipa.bc.ca/transparency-matters/our-bill-22-coalition/>

P.S. On costs, the government has blamed a backlog on the Opposition BC Liberals, as well as journalist Bob Mackin, whom the NDP says made 397 applications that year (which he denies). If the fee was intended to constrain Mackin, it is grossly unjust to penalize everyone else. Moreover, the Liberal caucus would simply pay FOI fees with public money, and so this would not stop it from applying. (It would also likely cost the B.C. government more than \$25 to process a \$25 cheque, much as the Ottawa FOI system costs \$55 to process its \$5 application fee.)

FOI costs could be greatly reduced by releasing records routinely. <sup>Copyright</sup>

Copyright

Mackin. <sup>Copyright</sup>

did, Mackin estimates that he could make fewer FOI requests - <sup>Copyright</sup>

He adds: <sup>Copyright</sup>

asks

If it

[betrayal-of-the-public-interest/](https://canadafoi.ca/bill-22-is-a-betrayal-of-the-public-interest/) )

## FW: For the Minister, on the harms of Bill 22

---

From: Correspondence Services MUNI:EX  
<MUNI.ExecutiveCorrespondence@gov.bc.ca>  
To: Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>  
Cc: Correspondence Services MUNI:EX  
<MUNI.ExecutiveCorrespondence@gov.bc.ca>  
Sent: November 3, 2021 9:40:10 AM PDT  
Attachments: For the Minister, on the harms of Bill 22

Hi Lindsay,

Sharing the attached for CITZ's review and action as appropriate. If a response is sent, please cc Minister Osborne.  
MUNI will be filing our incoming.

Thank you.

*Tammy Tubman*

Correspondence Coordinator  
Executive Correspondence Services  
Ministry of Municipal Affairs  
 778-698-3573

## For the Minister, on the harms of Bill 22

---

From: Stromp <stromp@telus.net>  
To: MAH.Minister@gov.bc.ca, Minister, MUNI MUNI:EX <MUNI.Minister@gov.bc.ca>  
Cc: stromp <stromp@telus.net>, Okenge.YumaMorisho@gov.bc.ca, Yuma Morisho, Okenge MUNI:EX <Okenge.YumaMorisho@gov.bc.ca>  
Sent: November 1, 2021 12:17:47 AM PDT

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

For the Honourable Josie Osborne; and deputy minister:

I write here to plead that your government withdraw Bill 22, and to defer all FOI and privacy law reform until after the Legislative FOIPP Special Review Committee reports. Pressing ahead with this Bill's passage now would cause major harm to FOI journalism, and impair the public interest. (Indeed, do you know of any members of the public who support Bill 22?)

To demonstrate the public value of the access law to governments, I created an Excel database of 2,000 B.C. news stories produced by FOI requests since 1993. See <https://canadafoi.ca/bcstoryindex.xlsx> (*Introduction at https://canadafoi.ca/wp-content/uploads/2021/09/bcintro2020.pdf*) You can scroll down to Category [23] at line 1731, where one can read FOI stories on your issues.

If a \$25 application fee had been in place since 1993, I am certain that more than half of these stories could never have been produced. This would have resulted in a serious loss for the public interest (while some of the finest FOI stories may be the ones yet to be told).

Many FOI stories were done by smaller student, ethnic, and alternative media who can least afford fees, while it is well known that even the largest newsrooms are now severely cash-strapped. Other parts of Bill 22 are just as deleterious, such as expanding the powers to ignore requests deemed to be frivolous or repetitive, and limiting the obligation of government entities to create or disclose some electronic records.

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Respectfully yours,

Stanley L. Tromp, journalist, Vancouver, <sup>s.22</sup>

B.C. FOI website - <https://canadafoi.ca/british-columbia-foi/>

Citizens' fine usages of the B.C. FOIPP Act (a counter to Bill 22) - <https://canadafoi.ca/wp-content/uploads/2021/10/bccitizenfoi.pdf>

My FOI-COVID-19 webpage - <https://canadafoi.ca/covid-19-foi/>

The 24 groups (and growing) in FIPA's Stop Bill 22 Coalition - <https://fipa.bc.ca/transparency-matters/our-bill-22-coalition/>



P.S. On costs, the government has blamed a backlog on the Opposition BC Liberals, as well as journalist Bob Mackin, whom the NDP says made 397 applications that year (which he denies). If the fee was intended to constrain Mackin, it is grossly unjust to penalize everyone else. Moreover, the Liberal caucus would simply pay FOI fees with public money, and so this would not stop it from applying. (It would also likely cost the B.C. government more than \$25 to process a \$25 cheque, much as the Ottawa FOI system costs \$55 to process its \$5 application fee.)

FOI costs could be greatly reduced by releasing records routinely.

Copyright

Mackin.

Copyright

did, Mackin estimates that he could make fewer FOI requests -

adds:

Copyright

Copyright

betrayal-of-the-public-interest/ )

(From my Bill 22 editorial at [https://canadafoi.ca/bill-22-is-a-](https://canadafoi.ca/bill-22-is-a-betrayal-of-the-public-interest/)

' asks

' If it

He

## **PSSG (625308) redirect to CITZ - For the Minister, on the harms of Bill 22**

From: PSSG Correspondence PSSG:EX <PSSG.Correspondence@gov.bc.ca>  
To: Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>  
Cc: Molyneux, Jennifer CITZ:EX <Jennifer.Molyneux@gov.bc.ca>  
Sent: November 4, 2021 9:19:33 AM PDT  
Attachments: image001.png

Good morning,

We are redirecting the following correspondence as we believe it falls under your ministry's jurisdiction to either respond or otherwise handle as appropriate. Can you please confirm if you can respond?

Thank you,

**Lauren Milne**

Correspondence Coordinator, Corporate Correspondence Unit

---

Business Planning and Priorities  
Corporate Management Services Branch  
Ministries of Attorney General and Public Safety and Solicitor General  
Phone: 236-478-2697  
Email: [Lauren.Milne@gov.bc.ca](mailto:Lauren.Milne@gov.bc.ca)



Empowered Partners and Leaders  
Providing Outstanding Service

Corporate Management  
Services Branch

---

**From:** Stromp <[stromp@telus.net](mailto:stromp@telus.net)>  
**Sent:** November 1, 2021 12:21 AM  
**To:** Minister, PSSG PSSG:EX <PSSG.Minister@gov.bc.ca>  
**Cc:** stromp <[stromp@telus.net](mailto:stromp@telus.net)>; Emergency Management, Deputy Minister EMBC:EX <[Emergency.Management.Deputy.Minister@gov.bc.ca](mailto:Emergency.Management.Deputy.Minister@gov.bc.ca)>; PSSG Correspondence PSSG:EX <[PSSG.Correspondence@gov.bc.ca](mailto:PSSG.Correspondence@gov.bc.ca)>  
**Subject:** For the Minister, on the harms of Bill 22

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

For the Honourable Mike Farnworth; and deputy minister:

I write here to plead that your government withdraw Bill 22, and to defer all FOI and privacy law reform until after the Legislative FOIPP Special Review Committee reports. Pressing ahead with this Bill's passage now would cause major harm to FOI journalism, and impair the public interest. (Indeed, do you know of any members of the public who support Bill 22?)

To demonstrate the public value of the access law to governments, I created an Excel database of 2,000 B.C. news stories produced by FOI requests since 1993. See <https://canadafoi.ca/bcstoryindex.xlsx> (Introduction at <https://canadafoi.ca/wp-content/uploads/2021/09/bcintro2020.pdf>) You can scroll down to Categories [10, 11, 12] at line 882, where one can read FOI stories on your issues.

If a \$25 application fee had been in place since 1993, I am certain that more than half of these stories could never have been produced. This would have resulted in a serious loss for the public interest (while some of the finest FOI stories may be the ones yet to be told).

Many FOI stories were done by smaller student, ethnic, and alternative media who can least afford fees, while it is well known that even the largest newsrooms are now severely cash-strapped. Other parts of Bill 22 are just as deleterious, such as expanding the powers to ignore requests deemed to be frivolous or repetitive, and limiting the obligation of government entities to create or disclose some electronic records. The only course to prevent such harms and keep the flow of such valuable stories moving is to eliminate Bill 22, and to defer all FOI and privacy law reform until after the Legislative FOIPP Special Review

Committee reports, and then consider its expert guidance. These decisions would be most welcomed by a grateful public.

Respectfully yours,

Stanley L. Tromp, journalist, Vancouver, s.22

B.C. FOI website - <https://canadafoi.ca/british-columbia-foi/>

Citizens' fine usages of the B.C. FOIPP Act (a counter to Bill 22) - <https://canadafoi.ca/wp-content/uploads/2021/10/bccitizenfoi.pdf>

My FOI-COVID-19 webpage - <https://canadafoi.ca/covid-19-foi/>

The 24 groups (and growing) in FIPA's Stop Bill 22 Coalition - <https://fipa.bc.ca/transparency-matters/our-bill-22-coalition/>

P.S. On costs, the government has blamed a backlog on the Opposition BC Liberals, as well as journalist Bob Mackin, whom the NDP says made 397 applications that year (which he denies). If the fee was intended to constrain Mackin, it is grossly unjust to penalize everyone else. Moreover, the Liberal caucus would simply pay FOI fees with public money, and so this would not stop it from applying. (It would also likely cost the B.C. government more than \$25 to process a \$25 cheque, much as the Ottawa FOI system costs \$55 to process its \$5 application fee.)

FOI costs could be greatly reduced by releasing records routinely. <sup>Copyright</sup>

Copyright

Mackin. <sup>Copyright</sup>

asks

If it

did, Mackin estimates that he could make fewer FOI requests - <sup>Copyright</sup>

He adds: <sup>Copyright</sup>

(From my Bill 22 editorial at [https://canadafoi.ca/bill-22-is-a-](https://canadafoi.ca/bill-22-is-a-betrayal-of-the-public-interest/)

[betrayal-of-the-public-interest/](https://canadafoi.ca/bill-22-is-a-betrayal-of-the-public-interest/) )

Copyright

## Redirect: LBR CLIFF ID 62493 - Bill 22 and FOI

---

From: Correspondence Services LBR:EX <LBR.Correspondence@gov.bc.ca>  
To: Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>  
Cc: Correspondence Services LBR:EX <LBR.Correspondence@gov.bc.ca>  
Sent: November 5, 2021 9:46:45 AM PDT  
Attachments: 62493 incoming - for the minister\_ on the harms of bill 22.msg

Good morning Lindsay,

Is the attached something CITZ can respond to obo Minister Bains? I see we've also sent this to you from our JERI CU inbox on Nov 2.

Please advise.

Thank you,

*Cathy Gao*

A/Correspondence Analyst | Correspondence Unit  
Ministry of Labour | Ministry of Tourism, Arts, Culture and Sport  
Ministry of Jobs, Economic Recovery and Innovation  
and Minister of State for Trade  
Phone: 778.698.5466 | Email: [Cathy.Gao@gov.bc.ca](mailto:Cathy.Gao@gov.bc.ca)

## For the Minister, on the harms of Bill 22

---

From: Stromp <stromp@telus.net>  
To: LBR.Minister@gov.bc.ca, Minister, LBR LBR:EX <LBR.Minister@gov.bc.ca>  
Cc: stromp <stromp@telus.net>, LBR.Deputy@gov.bc.ca, LBR Deputy Ministers Office LBR:EX <LBR.Deputy@gov.bc.ca>  
Sent: November 1, 2021 12:11:04 AM PDT

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

For the Honourable Harry Bains; and deputy finance minister:

I write here to plead that your government withdraw Bill 22, and to defer all FOI and privacy law reform until after the Legislative FOIPP Special Review Committee reports. Pressing ahead with this Bill's passage now would cause major harm to FOI journalism, and impair the public interest. (Indeed, do you know of any members of the public who support Bill 22?)

To demonstrate the public value of the access law to governments, I created an Excel database of 2,000 B.C. news stories produced by FOI requests since 1993. See <https://canadafoi.ca/bcstoryindex.xlsx> (*Introduction at <https://canadafoi.ca/wp-content/uploads/2021/09/bcintro2020.pdf>*) You can scroll down to Category [15] at line 1323, where one can read FOI stories on your issues.

If a \$25 application fee had been in place since 1993, I am certain that more than half of these stories could never have been produced. This would have resulted in a serious loss for the public interest (while some of the finest FOI stories may be the ones yet to be told).

Many FOI stories were done by smaller student, ethnic, and alternative media who can least afford fees, while it is well known that even the largest newsrooms are now severely cash-strapped. Other parts of Bill 22 are just as deleterious, such as expanding the powers to ignore requests deemed to be frivolous or repetitive, and limiting the obligation of government entities to create or disclose some electronic records.

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Respectfully yours,

Stanley L. Tromp, journalist, Vancouver, s.22

B.C. FOI website - <https://canadafoi.ca/british-columbia-foi/>

Citizens' fine usages of the B.C. FOIPP Act (a counter to Bill 22) - <https://canadafoi.ca/wp-content/uploads/2021/10/bccitizenfoi.pdf>

My FOI-COVID-19 webpage - <https://canadafoi.ca/covid-19-foi/>

The 24 groups (and growing) in FIPA's Stop Bill 22 Coalition - <https://fipa.bc.ca/transparency-matters/our-bill-22-coalition/>

P.S. On costs, the government has blamed a backlog on the Opposition BC Liberals, as well as journalist Bob Mackin, whom the NDP says made 397 applications that year (which he denies). If the fee was intended to constrain Mackin, it is grossly unjust to penalize everyone else. Moreover, the Liberal caucus would simply pay FOI fees with public money, and so this would not stop it from applying. (It would also likely cost the B.C. government more than \$25 to process a \$25 cheque, much as the Ottawa FOI system costs \$55 to process its \$5 application fee.)

FOI costs could be greatly reduced by releasing records routinely.

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Mackin.

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did, Mackin estimates that he could make fewer FOI requests -

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adds:

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(From my Bill 22 editorial at [https://canadafoi.ca/bill-22-is-a-](https://canadafoi.ca/bill-22-is-a-betrayal-of-the-public-interest/)

betrayal-of-the-public-interest/ )

asks

If it

He

## Poll on Bill 22: Out of step with public opinion

---

From: Stromp <stromp@telus.net>  
To: Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>  
Cc: LCTZ.ChiefInformationOfficer@gov.bc.ca, Krista.Thomas@gov.bc.ca, Matt.Reed@gov.bc.ca, Kerry.Pridmore@gov.bc.ca, Shauna.Brouwer@gov.bc.ca, CJ.Ritchie@gov.bc.ca, stromp <stromp@telus.net>, CITZDeputyMinister@gov.bc.ca, Reed, Matt CITZ:EX <Matt.Reed@gov.bc.ca>, Brouwer, Shauna CITZ:EX <Shauna.Brouwer@gov.bc.ca>, CITZ Deputy Minister, CITZ:EX <CITZDeputyMinister@gov.bc.ca>, Ritchie, CJ CITZ:EX <CJ.Ritchie@gov.bc.ca>, Pridmore, Kerry CITZ:EX <Kerry.Pridmore@gov.bc.ca>, GCIO Chief Information Officer CITZ:EX <LCTZ.ChiefInformationOfficer@gov.bc.ca>, Thomas, Krista CITZ:EX <Krista.Thomas@gov.bc.ca>  
Sent: November 16, 2021 7:37:40 AM PST

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

## News Release

**Victoria, November 16, 2021** – Polling results released today indicate that several proposed changes introduced in Bill 22 are not supported by British Columbians.

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Page 086 of 107 to/à Page 088 of 107

Withheld pursuant to/removed as

Copyright



## **FW: FYI - OPEN LETTER: Call for the Immediate Withdrawal of Bill 22**

---

**From:** Pridmore, Kerry CITZ:EX <Kerry.Pridmore@gov.bc.ca>  
**To:** Ritchie, CJ CITZ:EX <CJ.Ritchie@gov.bc.ca>, Brouwer, Shauna CITZ:EX <Shauna.Brouwer@gov.bc.ca>  
**Sent:** November 23, 2021 5:33:16 PM PST  
**Attachments:** 2021-11-23 OPEN LETTER Call for the Immediate Withdrawal of Bill 22 FOIPPA.pdf

FYI

---

**From:** Bowness, Lianne GCPE:EX <Lianne.Bowness@gov.bc.ca>

**Sent:** November 23, 2021 5:32 PM

**To:** Pridmore, Kerry CITZ:EX <Kerry.Pridmore@gov.bc.ca>; Reed, Matt CITZ:EX <Matt.Reed@gov.bc.ca>

**Cc:** Williams, Susan GCPE:EX <Susan.Williams@gov.bc.ca>; Uppenborn, Jeremy GCPE:EX <Jeremy.Uppenborn@gov.bc.ca>

**Subject:** FYI - OPEN LETTER: Call for the Immediate Withdrawal of Bill 22

**Importance:** High

Good evening Kerry & Matt –

You are probably already aware of this but just in case not – here is an open letter from the Union of BC Indian Chiefs on Bill 22.

s.13

Please let us know if you have further input on what can be said in response.

Many thanks

\*And we will let you know if we get any media inquiries on this too

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

November 23, 2021

The Honourable John Horgan  
Premier of British Columbia  
Via email only: [premier@gov.bc.ca](mailto:premier@gov.bc.ca)

The Honourable Lisa Beare  
Minister of Citizens' Services  
Via email only: [CITZ.Minister@gov.bc.ca](mailto:CITZ.Minister@gov.bc.ca)

**OPEN LETTER: Call for the Immediate Withdrawal of Bill 22, *Freedom of Information and Protection of Privacy Amendment Act, 2021***

Dear Premier Horgan and Minister Beare,

On October 18, 2021, your government introduced amendments to British Columbia's *Freedom of Information and Protection of Privacy Act* (FIPPA) through Bill 22. We have learned that Bill 22 is quickly proceeding through the legislature and is anticipated to receive Royal Assent before the end of the current legislative session on November 25<sup>th</sup>. However, the bill in its current form fails to uphold First Nations' unique rights of access to information as many of the proposed amendments will create new barriers for First Nations requiring access to provincial government records to substantiate their historical grievances against the Crown. Further, several proposed amendments disregard significant concerns we identified in formal submissions to the public engagement process, and introduce measures about which we were never informed, contravening Article 19 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), and your government's legal obligations under the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA).

We call on your government now to withdraw Bill 22 and establish a process of substantive engagement with Indigenous governing bodies affected by the FIPPA to ensure that transparency, openness, and fairness are enhanced and First Nations' rights under the UN Declaration are upheld.

The right to access information is a fundamental component of First Nations' efforts to resolve historical land-related grievances, such as specific claims. Because First Nations are required to produce a wide range of records to substantiate their land claims and historical land-related grievances against the Crown, Freedom of Information has direct impacts on the ability of First

Nations to achieve justice through government mechanisms of redress, a right articulated in Article 28 of the UN Declaration.

In April 2018, the Union of BC Indian Chiefs made a formal submission to the Ministry of Citizens' Services' engagement process in which we identified key barriers First Nations routinely experience when attempting to obtain provincial government records through Freedom of Information, including prohibitive fees and the denial of requests for fee waivers, prolonged delays, overly broad applications of exceptions to disclosure, widespread failures to create, retain, and transfer records, and the exclusion of subsidiaries from duties of disclosure. We emphasized that the barriers faced by First Nations seeking information access must be specifically and systematically targeted, such that rights to redress are advanced and protected.

The provisions in Bill 22 ignore our concerns and further entrench barriers to access. The introduction of an application fee for all Freedom of Information requests will disproportionately harm First Nations requesters since they experience higher levels of poverty and often lack resource capacity. Your characterization of the new fee as "modest" displays astounding ignorance and insensitivity since legal processes of redress for historical losses require First Nations to make multiple formal requests for records from various public bodies in order to obtain evidence. It is nonsensical that a government publicly committed to reconciliation, transparency, and accountability would impose further financial hardships on First Nations who require access to provincial government records to substantiate claims of government wrongdoing. The bill also prevents the Information and Privacy Commissioner from waiving the application fee if the request is in the public interest.

It is especially egregious that the introduction of an application fee was never discussed with First Nations or their representative organizations, and as such contravenes Article 19 of the UN Declaration which requires governments to consult and cooperate in good faith with Indigenous peoples to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them. The provincial government's selective application of Article 19 violates the DRIPA and betrays a colonial attitude toward its implementation.

Bill 22 introduces no penalties for public bodies who exceed legislated timelines for providing requested information, which will do nothing to address delays and the under-resourcing of the information management system which accounts for it. The bill continues to exclude subsidiaries from mandatory disclosure, compromising First Nations' abilities to obtain complete historical records required for their claims to succeed.

Alarmingly, the bill removes the Office of the Premier and Executive Council Operations from the list of public bodies covered by the FIPPA, and fails to create, enforce, or oversee a 'duty to document'. This amounts to willful obstruction and hampers First Nations seeking access to information. While specific claims are historical grievances that occurred at least fifteen years prior to the filing of a claim, this bill effectively absolves your office of any legal responsibility to disclose records related to the actions or decisions which may be subject to future claims. The same can be said about the bill's failure to make it mandatory for public bodies to create records of all actions and decisions, something the provincial NDP championed when it was in

opposition and about which it now, holding a majority in the legislature, seems to regard with disdain.

Advocates for government accountability and transparency, organizations committed to human rights, and the provincial Information and Privacy Commissioner are condemning this bill, calling it a highly unethical step backward. The amendments introduced through Bill 22 as discussed above will have concrete, negative impacts on First Nations' access to justice. This is a fundamental concern for the communities we represent.

We reiterate our call for you to withdraw Bill 22 and take immediate steps to make meaningful, direct dialogue with First Nations a priority. This work must be guided by transparency, due process, and full enactment of the government-to-government approaches articulated within the UN Declaration and outlined in DRIPA.

**On behalf of the UNION OF BC INDIAN CHIEFS**



Grand Chief Stewart Phillip  
President



Chief Don Tom  
Vice-President



Kukpi7 Judy Wilson  
Secretary-Treasurer

CC: UBCIC Chiefs Council  
BC Assembly of First Nations  
First Nations Summit  
Special Committee to Review the Freedom of Information and Protection of Privacy Act

## RE: Data storage outside of Canada

---

From: Starkl-Moser, Miriam MUNI:EX <Miriam.Starklmoser@gov.bc.ca>  
To: Pridmore, Kerry CITZ:EX <Kerry.Pridmore@gov.bc.ca>  
Cc: Ritchie, CJ CITZ:EX <CJ.Ritchie@gov.bc.ca>, Faganello, Tara MUNI:EX <Tara.Faganello@gov.bc.ca>, Wilkins, Christina MUNI:EX <Christina.Wilkins@gov.bc.ca>, Brubacher, Kelly MUNI:EX <Kelly.Brubacher@gov.bc.ca>, Nelson, Shirley D MUNI:EX <Shirley.Nelson@gov.bc.ca>, Yuma Morisho, Okenge MUNI:EX <Okenge.YumaMorisho@gov.bc.ca>, Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>, Brouwer, Shauna CITZ:EX <Shauna.Brouwer@gov.bc.ca>  
Sent: November 24, 2021 10:51:25 AM PST

Hi Kerry,

Thank you so much for your quick response. This information is very helpful and it is very much appreciated. I apologize that I wasn't able to connect with you by phone, I have been in meetings all morning.

Thank you again, kind regards,

Miriam

*Miriam Starkl-Moser*

*Phone 250 387-4017*

---

**From:** Pridmore, Kerry CITZ:EX <Kerry.Pridmore@gov.bc.ca>

**Sent:** November 24, 2021 10:41 AM

**To:** Starkl-Moser, Miriam MUNI:EX <Miriam.Starklmoser@gov.bc.ca>

**Cc:** Ritchie, CJ CITZ:EX <CJ.Ritchie@gov.bc.ca>; Faganello, Tara MUNI:EX <Tara.Faganello@gov.bc.ca>; Wilkins, Christina MUNI:EX <Christina.Wilkins@gov.bc.ca>; Brubacher, Kelly MUNI:EX <Kelly.Brubacher@gov.bc.ca>; Nelson, Shirley D MUNI:EX <Shirley.Nelson@gov.bc.ca>; Yuma Morisho, Okenge MUNI:EX <Okenge.YumaMorisho@gov.bc.ca>; Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>; Brouwer, Shauna CITZ:EX <Shauna.Brouwer@gov.bc.ca>

**Subject:** RE: Data storage outside of Canada

Hi Miriam – happy to support the below request. I did try to connect via phone this morning so available to discuss if you would like.

- Currently FOIPPA currently contains authorities to address emergency situations:
  - 33.1(1)(m), permits disclosure outside Canada, where the head determines that compelling circumstances exist that affect anyone's health or safety. However, this authority requires notice to be mailed to those whose information is disclosed.
  - 33.1(1)(p), permits temporary disclosure outside of Canada where a technical system has broken down, and disclosures are required to fix it/manage it (e.g. Canadian tech infrastructure has flooded, so US systems need to be used in lieu).
- CITZ currently has FOIPPA Bill 22 legislative changes being discussed in committee stage. If Bill 22 receives Royal Assent by end of session *tomorrow*, there will be increased ability to disclose information outside of Canada, without the limitations.

**Kerry Pridmore** | Assistant Deputy Minister |  
Corporate Information and Records Management Office |  
Ministry of Citizen Services |  
Cell: 250-507-1485 |

---

**From:** Starkl-Moser, Miriam MUNI:EX <Miriam.Starklmoser@gov.bc.ca>

**Sent:** November 24, 2021 9:33 AM

**To:** Brouwer, Shauna CITZ:EX <Shauna.Brouwer@gov.bc.ca>; Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>

**Cc:** Ritchie, CJ CITZ:EX <CJ.Ritchie@gov.bc.ca>; Faganello, Tara MUNI:EX <Tara.Faganello@gov.bc.ca>; Wilkins, Christina MUNI:EX <Christina.Wilkins@gov.bc.ca>; Brubacher, Kelly MUNI:EX <Kelly.Brubacher@gov.bc.ca>; Nelson, Shirley D MUNI:EX <Shirley.Nelson@gov.bc.ca>; Yuma Morisho, Okenge MUNI:EX <Okenge.YumaMorisho@gov.bc.ca>

**Subject:** Data storage outside of Canada

Hi Shauna and Jeannette,

MUNI DM Okenge Yuma Morisho and ADM Tara Faganello held a province wide call with CAOs/COs on Sunday, Nov 21, 2021 to provide an update on the catastrophic flooding emergency. During the call the following question was

raised (see below). I would really appreciate your assistance and ask if you could provide a few bullets to this question as soon as possible so that I can provide back a timely response to the regional district.

#### **Squamish Lillooet RD**

Can an exemption from the requirement under s. 30.1 of FOIPPA that data must be stored in Canada be provided? The SLRD is facing supply chain issues due to the flooding emergency with equipment they have ordered that will enable them to hold electronic meetings and store data within Canada.

Here is some background:

- Local government legislation (*Community Charter*) does not require electronic meetings to be recorded or live-streamed; however local governments are required to record minutes of meetings.
- As a best practice a recording of an electronic meeting can be published on the local government website after the meeting.
- Local governments that choose to hold fully electronic regular meetings (as authorized in their procedure bylaw) must provide technology that allows council or board members and the public to hear, or watch and hear the meeting. A physical place must also be provided where the public can hear, or watch and hear the electronic meeting.
- Local governments will want to consider the features of a third-party service provider's technology when conducting electronic meetings (e.g. security, privacy, encryption standards).
- MUNI has advised that local governments may also want to seek advice from a privacy and security consultant, legal advisor or the Office of the Information and Privacy Commissioner before using a technology or agreeing to the terms and conditions of a specific software product (including data storage outside of Canada).

Please let me know if you have any questions. I look forward to hearing from you.

Thanks,

Miriam

**Miriam Starkl-Moser** | Manager, Policy and Legislation

Policy, Research and Legislation Branch | Local Government Division

Ministry of Municipal Affairs

Direct: 250 387-4017 | Cell: 250 812-1590 | Email: [Miriam.Starklmoser@gov.bc.ca](mailto:Miriam.Starklmoser@gov.bc.ca)

*Acknowledging with gratitude the Lekwungen Peoples, traditional keepers of this land on which I live, work and play.*

*Hay'sxw'qa Si'em*

## **Few FOI fees elsewhere; it costs more than \$25 to process the payment = loss**

From: Stromp <stromp@telus.net>  
To: Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>  
Cc: LCTZ.ChiefInformationOfficer@gov.bc.ca, Krista.Thomas@gov.bc.ca, Matt.Reed@gov.bc.ca, Kerry.Pridmore@gov.bc.ca, Shauna.Brouwer@gov.bc.ca, CJ.Ritchie@gov.bc.ca, CITZDeputyMinister@gov.bc.ca, stromp <stromp@telus.net>, GCIO Chief Information Officer CITZ:EX <LCTZ.ChiefInformationOfficer@gov.bc.ca>, Reed, Matt CITZ:EX <Matt.Reed@gov.bc.ca>, Brouwer, Shauna CITZ:EX <Shauna.Brouwer@gov.bc.ca>, CITZ Deputy Minister, CITZ:EX <CITZDeputyMinister@gov.bc.ca>, Ritchie, CJ CITZ:EX <CJ.Ritchie@gov.bc.ca>, Pridmore, Kerry CITZ:EX <Kerry.Pridmore@gov.bc.ca>, Thomas, Krista CITZ:EX <Krista.Thomas@gov.bc.ca>  
Sent: November 26, 2021 3:17:41 PM PST

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

<https://www.thejournal.ie/freedom-of-information-fees-scrapped-1548072-Jul2014/>

**In Ireland, the €15 fee for Freedom of Information requests is being abolished [About \$22 Canadian]**

Jul 1st 2014

Copyright

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<https://canadafoi.ca/bill-22-is-a-betrayal-of-the-public-interest/>

Copyright

<https://bc.ctvnews.ca/freedom-of-information-changes-will-disproportionately-affect-first-nations-indigenous-leaders-ubcic-1.5642454>

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On 11/22/2021 9:16 PM, Stromp wrote:

<https://indiginews.com/vancouver-island/proposed-foi-fee-threat-to-indigenous-peoples-families-and-communities>

**OPINION: B.C.'s proposed FOI fee threatens 'Indigenous Peoples, families and communities'**



## FOI debate becomes an indictment of 2021 wildfire response

---

From: Stromp <stromp@telus.net>  
To: stromp <stromp@telus.net>  
Cc: LCTZ.ChiefInformationOfficer@gov.bc.ca, Krista.Thomas@gov.bc.ca, Matt.Reed@gov.bc.ca, Kerry.Pridmore@gov.bc.ca, Shauna.Brouwer@gov.bc.ca, CJ.Ritchie@gov.bc.ca, CITZDeputyMinister@gov.bc.ca, Reed, Matt CITZ:EX <Matt.Reed@gov.bc.ca>, Brouwer, Shauna CITZ:EX <Shauna.Brouwer@gov.bc.ca>, Ritchie, CJ CITZ:EX <CJ.Ritchie@gov.bc.ca>, CITZ Deputy Minister, CITZ:EX <CITZDeputyMinister@gov.bc.ca>, Pridmore, Kerry CITZ:EX <Kerry.Pridmore@gov.bc.ca>, GCIO Chief Information Officer CITZ:EX <LCTZ.ChiefInformationOfficer@gov.bc.ca>, Thomas, Krista CITZ:EX <Krista.Thomas@gov.bc.ca>  
Sent: November 27, 2021 3:59:53 PM PST

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

<https://cfjctoday.com/2021/11/27/rothenburger-foi-debate-becomes-an-indictment-of-2021-wildfire-response/>

## ROTHENBURGER: FOI debate becomes an indictment of 2021 wildfire response

Nov 27, 2021 | 6:46 AM

Copyright

## **Les Leyne: Fix was in early on freedom-of-information bill, say critics**

Copyright

## Re: FOI changes - objection to the pending changes

---

From: McEwen, Shaylene CITZ:EX <Shaylene.McEwen@gov.bc.ca>  
To: s.22  
Cc: OfficeofthePremier, Office PREM:EX <Premier@gov.bc.ca>  
Sent: November 30, 2021 3:26:50 PM PST

Dear s.22:

Thank you for your response to my message regarding the *Freedom of Information and Protection of Privacy Amendment Act*.

I am taking all comments into consideration as policy work continues as part of the usual next steps following passage of a bill. The amendments made respond to feedback we heard through extensive consultation with thousands of people, organizations and businesses to reinforce the Act's original spirit and intent and improve B.C.'s high-quality freedom of information services to respond to people's requests faster.

We are as committed to open and transparent access to information as ever. We embrace this openness in many ways, including the addition of 40% more proactive disclosures of information that the public can access for free. We added five more proactive disclosure directives last year alone and earlier this month we released each Minister's estimates binder which are arguably the most crucial document to understanding government's priorities and decision-making.

I also want to assure you that data held by government is encrypted through multiple layers of protection, regardless of where it is stored. Further, larger, more established tech companies abroad have more resources devoted to data security, with some large tech firms investing over \$1 billion per year to keep information secure. Additionally, these amendments don't change government's need for Canadian data centers. Where our service providers have Canadian options, we will opt for those.

Thank you for your continued interest in this important update to B.C.'s information and privacy protection legislation.

Sincerely,  
Lisa Beare  
Minister

---

**From:** s.22

**Sent:** October 27, 2021 11:11 AM

**To:** Minister, CITZ CITZ:EX <CITZ.Minister@gov.bc.ca>; OfficeofthePremier, Office PREM:EX <Premier@gov.bc.ca>

**Cc:** Begg.MLA, Garry LASS:EX <Garry.Begg.MLA@leg.bc.ca>; Kahlon.MLA, Ravi LASS:EX <Ravi.Kahlon.MLA@leg.bc.ca>; Chandra Herbert.MLA, Spencer LASS:EX <s.chandraherbert.mla@leg.bc.ca>; Mark.MLA, Melanie LASS:EX <Melanie.Mark.MLA@leg.bc.ca>; Chow.MLA, George LASS:EX <George.Chow.MLA@leg.bc.ca>; Dix.MLA, Adrian LASS:EX <Adrian.Dix.MLA@leg.bc.ca>; Elmore.MLA, Mable LASS:EX <Mable.Elmore.MLA@leg.bc.ca>; Eby.MLA, David LASS:EX <David.Eby.MLA@leg.bc.ca>; Heyman.MLA, George LASS:EX <George.Heyman.MLA@leg.bc.ca>; Sharma, Niki LASS:EX <Niki.Sharma.MLA@leg.bc.ca>; Chen.MLA, Katrina LASS:EX <Katrina.Chen.MLA@leg.bc.ca>; Routledge.MLA, Janet LASS:EX <Janet.Routledge.mla@leg.bc.ca>; Kang.MLA, Anne LASS:EX <Anne.Kang.MLA@leg.bc.ca>; Chouhan.MLA, Raj LASS:EX <Raj.Chouhan.MLA@leg.bc.ca>; Greene, Kelly LASS:EX <Kelly.Greene.MLA@leg.bc.ca>; Yao.MLA, Henry LASS:EX <Henry.Yao.MLA@leg.bc.ca>; Singh, Aman LASS:EX <Aman.Singh.MLA@leg.bc.ca>; Sims.MLA, Jinny LASS:EX <Jinny.Sims.MLA@leg.bc.ca>; Singh.MLA, Rachna LASS:EX <Rachna.Singh.MLA@leg.bc.ca>; Brar.MLA, Jagrup LASS:EX <Jagrup.Brar.MLA@leg.bc.ca>; Bains.MLA, Harry LASS:EX <Harry.Bains.MLA@leg.bc.ca>; Sandhu, Harwinder LASS:EX <Harwinder.Sandhu.MLA@leg.bc.ca>; andrew.mercier.mla@leg.gc.ca; Coulter, Dan LASS:EX <Dan.Coulter.MLA@leg.bc.ca>; Starchuk, Mike LASS:EX <Mike.Starchuk.MLA@leg.bc.ca>; Ralston.MLA, Bruce LASS:EX <Bruce.Ralston.MLA@leg.bc.ca>; Rankin, Murray LASS:EX <Murray.Rankin.MLA@leg.bc.ca>; Bailey, Brenda LASS:EX <Brenda.Bailey.MLA@leg.bc.ca>; Donnelly, Fin LASS:EX <Fin.Donnelly.MLA@leg.bc.ca>; Alexis, Pam LASS:EX <Pam.Alexis.MLA@leg.bc.ca>; Cullen, Nathan LASS:EX <Nathan.Cullen.MLA@leg.bc.ca>; Fleming.MLA, Rob LASS:EX <Rob.Fleming.MLA@leg.bc.ca>; Horgan.MLA, John LASS:EX <John.Horgan.MLA@leg.bc.ca>; Ma.MLA, Bowinn LASS:EX <Bowinn.Ma.MLA@leg.bc.ca>; Simons.MLA, Nicholas LASS:EX <Nicholas.Simons.MLA@leg.bc.ca>; jennifer.whiteside.mla@gov.bc.ca; Farnworth.MLA, Mike LASS:EX <Mike.Farnworth.MLA@leg.bc.ca>; D'Eith.MLA, Bob LASS:EX <Bob.Deith.MLA@leg.bc.ca>; Wilkinson.MLA, Andrew LASS:EX <Andrew.Wilkinson.MLA@leg.bc.ca>; Lee.MLA, Michael LASS:EX <Michael.Lee.MLA@leg.bc.ca>; Ashton.MLA, Dan LASS:EX <Dan.Ashton.MLA@leg.bc.ca>; Bond.MLA, Shirley LASS:EX <Shirley.Bond.MLA@leg.bc.ca>; Olsen.MLA, Adam LASS:EX

<Adam.Olsen.MLA@leg.bc.ca>; Furstenau.MLA, Sonia LASS:EX <Sonia.Furstenau.MLA@leg.bc.ca>; Morris.MLA, Mike LASS:EX <Mike.Morris.MLA@leg.bc.ca>; de Jong.MLA, Mike LASS:EX <Mike.deJong.MLA@leg.bc.ca>; s.22  
s.22 ; Bob Mackin <bob@thebreaker.news>; Info-oipc <info@oipc.bc.ca>

**Subject:** 116087 - Re: FOI changes - objection to the pending changes

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Dear Minister

Thank you for the reply, however, I wish to express my significant objection to these trite justifications and talking points. The NDP believes in open access, working for the average person, and then ensuring that records are available on a without cost basis. None of what you are saying meets within these goals of a party that purports to reflect the values of working people should be, and I am very surprised that the people advising you and the party, are engendering an era that eliminates one of the best FOI laws in Canada.

First, I was extremely disheartened that this bill was referred to committee stage before 3rd reading. A review of the legislature bill status page shows 3rd reading is usually done within a matter of days without substantive changes to the law; I expect given this type of response with weak justifications, for nothing to change. I am saddened that you are or you staff felt this type of response is somehow "sufficient" when it is clearly not.

Second, response to the points raised, I provide my comments as clearly the talking points are designed to put the wool over the eyes of the public, who are not actually as gullible as your politically-appointed media staff, who seem to think that we do not have any intelligence to see why the changes are regressive.

- data residency issues, I do not agree that privacy controls in foreign jurisdictions would maintain appropriate controls; it is clear what happened to the other breaches in the USA as well as with Life Labs, showing that offshore data storage, would be beyond the reach of our privacy commissioner; not mentioning this is a travesty of justice.
- the lengthy timeframes to complete FOI request is a red herring insofar as it reflects poor resourcing of staff to process requests instead of the current approach where the government delays, denied and denigrates the rights of citizens to request access to such records.
- you say that BC received more FOI requests than other jurisdictions, as a weak justification; what you are not saying is that we the 3rd largest population in BC, a robust political and journalistic tradition, as well as a polarized political culture that reflects a strong democracy where governments, including this current NDP one - which is eroding our democracy through these regressive, Stalinist - Harper-esque, Jason-Kenney-esque, changes -- where it is expected as part of our political culture that requests would be generated to hold governments such as this sneaky NDP one - to account. You need better political strategists as these are weak points.
- the "fee for access" put simply, a weak justification - we have a social contract to provide these records, and what business does an NDP government have implementing fees on the very clients that the party purports to represent; this is political games because it shows that the government has something to hide - including the Covid19 data, the massey tunnel briefing documents, Site C documents, St Paul's documents, and what else?
- You say that "non inclusive language is not working for people" in the same breath as imposing a user fee, which also is not working for people FYI.

Minister Beare, s.22

and met you numerous times and I am so sorry that after a person becomes a minister, this is the message management from the top down instead of doing the right thing and stopping these regressive changes forthwith. In addition, it appears that the premier's office seems to be full of the same or similar type of staff who journalist Bob Mackin noted ran one of the most secretive governments in Canada.

<https://thebreaker.news/business/vision-secret-government/>

<https://vancouversun.com/news/metro/vancouvers-approach-to-access-to-information-appalling>

When a citizen looks at the changes, and weak excuses, deflective justifications thinking a public will be duped by talking points, and a premier who has changed from a champion of the underclass and working people to now denying the very rights that he initially blasted the BC liberals on, it shows that the NDP has changed from a champion of access to one of the worst examples of double talking that our democracy has ever seen. Never have I

felt such a sense of shame for a government which I have so proudly supported, due to this frankly, misleading, response to people protesting the regressive FOI changes. These are not "changes" but a "king of france" style fiat where you want us to "eat cake" but deny us the recipes to do so for free!

Please Minister and Premier, do not make these regressive changes, you are better than than and get rid of the misinformed, misplaced and mistaken ideas of staff you have thought this was a good idea, otherwise this portends the beginning of the end of a government, who now governing via majority, has lost what is was initially elected to do by a trusting (and now betrayed) public.

Sincerely,

s.22

On Wed, Oct 27, 2021 at 10:36 AM Minister, CITZ CITZ:EX <[CITZ.Minister@gov.bc.ca](mailto:CITZ.Minister@gov.bc.ca)> wrote:

Dear s.22 :

Thank you for your message regarding the government's recently announced Freedom of Information and Protection of Privacy Amendment Act.

B.C.'s Freedom of Information and Protection of Privacy legislation is outdated, last updated a decade ago, and is not working for people. The COVID-19 pandemic changed the way we live, work, connect with loved ones and access the services we need.

Our proposed changes will help B.C. keep pace with new technology, ensure timely access to information, strengthen privacy protections and improve services for people in B.C.

By updating data-residency provisions, public bodies will be able to use modern tools to provide services while continuing to protect the personal information people entrust to us. Data residency doesn't protect information – effective privacy controls do, and with these proposed amendments, we are making sure those are in place.

As a government, we are committed to open and transparent access to information. We also believe people are waiting too long under the old legislation for the information they deserve. Right now, B.C. receives more FOI requests annually than the three western provinces combined. The addition of a fee to non-personal FOI requests is in line with other jurisdictions in Canada. Those asking for personal information will continue to not pay a fee at all.

We are also demonstrating the Province's commitment to diversity, inclusion, reconciliation and equity by increasing information sharing with Indigenous peoples, adding Indigenous cultural protections and replacing non-inclusive language FOIPPA is not working for people anymore, and we're making these changes based on what we've heard from extensive consultation with thousands of people, organizations and businesses.

Thank you for your interest in this important update to B.C.'s information and privacy protection legislation.

Sincerely,

Lisa Beare

Minister

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**From:** s.22

>

**Sent:** October 24, 2021 1:20 PM

**To:** Begg.MLA, Garry LASS:EX <[Garry.Begg.MLA@leg.bc.ca](mailto:Garry.Begg.MLA@leg.bc.ca)>; Kahlon.MLA, Ravi LASS:EX <[Ravi.Kahlon.MLA@leg.bc.ca](mailto:Ravi.Kahlon.MLA@leg.bc.ca)>; Chandra Herbert.MLA, Spencer LASS:EX <[s.chandraherbert.mla@leg.bc.ca](mailto:s.chandraherbert.mla@leg.bc.ca)>; Mark.MLA, Melanie LASS:EX <[Melanie.Mark.MLA@leg.bc.ca](mailto:Melanie.Mark.MLA@leg.bc.ca)>; Chow.MLA, George LASS:EX <[George.Chow.MLA@leg.bc.ca](mailto:George.Chow.MLA@leg.bc.ca)>; Dix.MLA, Adrian LASS:EX <[Adrian.Dix.MLA@leg.bc.ca](mailto:Adrian.Dix.MLA@leg.bc.ca)>; Elmore.MLA, Mable LASS:EX <[Mable.Elmore.MLA@leg.bc.ca](mailto:Mable.Elmore.MLA@leg.bc.ca)>; Eby.MLA, David LASS:EX <[David.Eby.MLA@leg.bc.ca](mailto:David.Eby.MLA@leg.bc.ca)>; Heyman.MLA, George LASS:EX <[George.Heyman.MLA@leg.bc.ca](mailto:George.Heyman.MLA@leg.bc.ca)>; Sharma, Niki LASS:EX <[Niki.Sharma.MLA@leg.bc.ca](mailto:Niki.Sharma.MLA@leg.bc.ca)>; Chen.MLA, Katrina LASS:EX <[Katrina.Chen.MLA@leg.bc.ca](mailto:Katrina.Chen.MLA@leg.bc.ca)>; Routledge.MLA, Janet LASS:EX

<Janet.Routledge.mla@leg.bc.ca>; Kang.MLA, Anne LASS:EX <Anne.Kang.MLA@leg.bc.ca>; Chouhan.MLA, Raj LASS:EX <Raj.Chouhan.MLA@leg.bc.ca>; Greene, Kelly LASS:EX <Kelly.Greene.MLA@leg.bc.ca>; Yao.MLA, Henry LASS:EX <Henry.Yao.MLA@leg.bc.ca>; Singh, Aman LASS:EX <Aman.Singh.MLA@leg.bc.ca>; Sims.MLA, Jinny LASS:EX <Jinny.Sims.MLA@leg.bc.ca>; Singh.MLA, Rachna LASS:EX <Rachna.Singh.MLA@leg.bc.ca>; Brar.MLA, Jagrup LASS:EX <Jagrup.Brar.MLA@leg.bc.ca>; Bains.MLA, Harry LASS:EX <Harry.Bains.MLA@leg.bc.ca>; Sandhu, Harwinder LASS:EX <Harwinder.Sandhu.MLA@leg.bc.ca>; andrew.mercier.mla@leg.gc.ca; Coulter, Dan LASS:EX <Dan.Coulter.MLA@leg.bc.ca>; Starchuk, Mike LASS:EX <Mike.Starchuk.MLA@leg.bc.ca>; Ralston.MLA, Bruce LASS:EX <Bruce.Ralston.MLA@leg.bc.ca>; Rankin, Murray LASS:EX <Murray.Rankin.MLA@leg.bc.ca>; Bailey, Brenda LASS:EX <Brenda.Bailey.MLA@leg.bc.ca>; Donnelly, Fin LASS:EX <Fin.Donnelly.MLA@leg.bc.ca>; Alexis, Pam LASS:EX <Pam.Alexis.MLA@leg.bc.ca>; Cullen, Nathan LASS:EX <Nathan.Cullen.MLA@leg.bc.ca>; Fleming.MLA, Rob LASS:EX <Rob.Fleming.MLA@leg.bc.ca>; Horgan.MLA, John LASS:EX <John.Horgan.MLA@leg.bc.ca>; Ma.MLA, Bowinn LASS:EX <Bowinn.Ma.MLA@leg.bc.ca>; Simons.MLA, Nicholas LASS:EX <Nicholas.Simons.MLA@leg.bc.ca>; jennifer.whiteside.mla@gov.bc.ca; Farnworth.MLA, Mike LASS:EX <Mike.Farnworth.MLA@leg.bc.ca>; D'Eith.MLA, Bob LASS:EX <Bob.Deith.MLA@leg.bc.ca>; OfficeofthePremier, Office PREM:EX <Premier@gov.bc.ca>  
Cc: Wilkinson.MLA, Andrew LASS:EX <Andrew.Wilkinson.MLA@leg.bc.ca>; Lee.MLA, Michael LASS:EX <Michael.Lee.MLA@leg.bc.ca>; Ashton.MLA, Dan LASS:EX <Dan.Ashton.MLA@leg.bc.ca>; Bond.MLA, Shirley LASS:EX <Shirley.Bond.MLA@leg.bc.ca>; Olsen.MLA, Adam LASS:EX <Adam.Olsen.MLA@leg.bc.ca>; Furstenau.MLA, Sonia LASS:EX <Sonia.Furstenau.MLA@leg.bc.ca>; Morris.MLA, Mike LASS:EX <Mike.Morris.MLA@leg.bc.ca>; de Jong.MLA, Mike LASS:EX <Mike.deJong.MLA@leg.bc.ca>; s.22  
<s.22 >

**Subject:** Fwd: FOI changes - objection to the pending changes

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Dear NDP MLAs,

I am writing as a very concerned citizen, but also as a member of the BC NDP in good standing. I am writing to vigorously object to the changes being considered (actually "rammed through by the premier's office" ) according to the Vancouver Sun:

link: <https://vancouver.sun.com/news/politics/vaughn-palmer-freedom-of-information-who-cares-says-b-c-premier>

We live in a democracy where the foundation of our system is public access to government records as part of our social contract on accountability. This means to hold the government to account INCLUDING the BC NDP and the BC Liberals, each one of these parties, should as a matter of right, hold the government to account. The "no cost" structure of FOI was set up by the then NDP government of the 1990s specifically as a way to ensure a robust democracy and allow the public and journalists to do their job - HOLD THE GOVT TO ACCOUNT.

Therefore, when NDP MLAs state that journalists like Bob Mackin or excessive requests from, god forbid, the BC liberals (who have their own unfortunate history) are considered "excessive" or a "nuisance" because the powers that be in the premier's office don't like it - I say as a concerned citizen, too bad. This shows that democracy is working and they are holding the NDP (of which I am a member and regular advocate for the cause of human rights for average and marginalized people) to account. I want this type of system where even my own party is not immune to scrutiny but in essence what you are saying Mr. Premier is that now that there is a majority govt, "some animals are more equal than others". <https://www.dictionary.com/browse/all-animals-are-equal--but-some-animals-are-more-equal-than-others>

This is not the behaviour the grassroots expects from an NDP government - imposing user fees like what Christy Clark used to do. Preventing and hindering access to FOI records under very thin grounds. Saying it's taking up government resources to process records. Newsflash, this the job of govt as part of our social contract - and with the NDP in charge, there has been a growth in govt jobs, and there is ample resources to do so, as part of the existing system. If you need more people to process, then hire them, but do not charge fees.

Please oppose these regressive changes, and remind our premier that giving thin excuses is not a good look and how distasteful I personally found it. I represent the disabled, the racialized, the disenfranchised who you are now saying do not matter because it's "too inconvenient" for the champagne socialists in charge to process, because they have forgotten about the grassroots which the NDP purports to represent. If this, then what else is my question? Let's nip this in the bud now, and allow the public, the media, and the opposition to do the job of holding government to account. Otherwise, the other question is what else is in the pipelines to take away our public access rights?

Sincerely,

s.22

----- Forwarded message -----

From: s.22

Date: Sat, Oct 23, 2021 at 9:56 AM

Subject: Re: FOI changes - objection to the pending changes

To: s.22

Cc: Titchener, Dorothy <[Dorothy.Titchener@leg.bc.ca](mailto:Dorothy.Titchener@leg.bc.ca)>, Rowlands, Conrad <[Conrad.Rowlands@leg.bc.ca](mailto:Conrad.Rowlands@leg.bc.ca)>

Good morning,

Thank you for copying me on your recent correspondence with the Premier. I appreciate the concerns you have expressed about Bill 22, recently tabled by the government.

Access to information is critical for British Columbians as well as those charged with holding the government to account. My biggest disappointment is that there seems to be a complete disregard for the consequences of the legislation and in particular the specific concerns outlined by the Privacy Commissioner.

Again, thank you for taking the time to outline your concerns. The Official Opposition will continue to raise many of the issues you have included in your email. I would encourage you to reach out to NDP MLAs as well, who were not participating in the debate at all last week. That is disappointing to say the least, particularly when they spoke passionately about the Miscellaneous Statutes Amendment Act.

Take good care.

s.22

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**From:** s.22

**Sent:** Friday, October 22, 2021 8:26:04 PM

**To:** OfficeofthePremier, Office PREM:EX <[Premier@gov.bc.ca](mailto:Premier@gov.bc.ca)>; Horgan.MLA, John <[John.Horgan.MLA@leg.bc.ca](mailto:John.Horgan.MLA@leg.bc.ca)>; [lisa.beare@leg.bc.ca](mailto:lisa.beare@leg.bc.ca) <[lisa.beare@leg.bc.ca](mailto:lisa.beare@leg.bc.ca)>; Beare.MLA, Lisa <[Lisa.Beare.MLA@leg.bc.ca](mailto:Lisa.Beare.MLA@leg.bc.ca)>; Minister, CITZ CITZ:EX <[CITZ.Minister@gov.bc.ca](mailto:CITZ.Minister@gov.bc.ca)>

**Cc:** Mark.MLA, Melanie <[Melanie.Mark.MLA@leg.bc.ca](mailto:Melanie.Mark.MLA@leg.bc.ca)>; Dix.MLA, Adrian <[Adrian.Dix.MLA@leg.bc.ca](mailto:Adrian.Dix.MLA@leg.bc.ca)>; Info-oipc <[info@oipc.bc.ca](mailto:info@oipc.bc.ca)>; Ashton.MLA, Dan <[Dan.Ashton.MLA@leg.bc.ca](mailto:Dan.Ashton.MLA@leg.bc.ca)>; Furstenau.MLA, Sonia <[Sonia.Furstenau.MLA@leg.bc.ca](mailto:Sonia.Furstenau.MLA@leg.bc.ca)>; Bond.MLA, Shirley <[Shirley.Bond.MLA@leg.bc.ca](mailto:Shirley.Bond.MLA@leg.bc.ca)>; Wilkinson.MLA, Andrew <[Andrew.Wilkinson.MLA@leg.bc.ca](mailto:Andrew.Wilkinson.MLA@leg.bc.ca)>; Begg.MLA, Garry <[Garry.Begg.MLA@leg.bc.ca](mailto:Garry.Begg.MLA@leg.bc.ca)>; Greene.MLA, Kelly <[Kelly.Greene.MLA@leg.bc.ca](mailto:Kelly.Greene.MLA@leg.bc.ca)>; Olsen.MLA, Adam <[Adam.Olsen.MLA@leg.bc.ca](mailto:Adam.Olsen.MLA@leg.bc.ca)>; Glumac.MLA, Rick <[Rick.Glumac.MLA@leg.bc.ca](mailto:Rick.Glumac.MLA@leg.bc.ca)>; Elmore.MLA, Mable <[Mable.Elmore.MLA@leg.bc.ca](mailto:Mable.Elmore.MLA@leg.bc.ca)>; s.22

s.22

**Subject:** FOI changes - objection to the pending changes

Dear Premier & Minister Responsible for FOI:

I am writing to object to, and express significant outrage about the regressive changes being pushed through against our BC freedom of information laws. With respect, I ask the government to rescind these regressive changes and instead of preventing access, it should expand access for all citizens and maintain our social contract: meaning, the government provides access as part of our taxes and does not hinder access.

First, I write this letter as a lifelong New Democrat, where I have given a lifetime of service to the cause of human rights and uplifting the status of the average working person. s.22

s.22

, and have served in numerous capacities on behalf of the cause. I care deeply about people - but I am very worried that our premier does not seem to as these changes thwart our democracy rights. What I am not includes not being associated with “captains of industry” “business elites” or “high priced corporate types”; my people are those that work minimum wage, disabled people on monthly support, racialized people working several jobs, who are all ordinary citizens. This is the BC NDP party that I believe exists - one that fights for ordinary citizens: so why is the party going against its own principles to thwart our FOI rights? Please Mr Premier I do not like what is happening here, and I am writing as a New Democrat to voice my objections and ask that you do not take such regressive action.



Second, the initial FOI legislation was put in place by a BC NDP government that wanted to increase transparency and in so doing, make our laws the most accessible in Canada. The idea was to make the government more accountable, more accessible, but most importantly allow ordinary people the ability to get records on themselves easily, for free, and make corrections. Why is this mandate being changed now? Again, the BC NDP bills itself as the part of working people, and brands itself as “working for you” the ordinary working person. Yet, against media questions, our “people's premier” is deflecting, distracting, and mischaracterizing the issue. Please Mr Premier, we are the only province with an NDP government so please do not use examples of other provinces as a weak excuse for change; keep our values intact and ensure free access, and no sneaky regulations, and keep the office the premier within the ambit of FOI laws.

Therefore, I provide my comments below, which I have taken from the FOI Commissioner's letter.

<https://www.oipc.bc.ca/public-comments/3592>

1. The concern that OIPC is being changed by changing it from substantive legislation which has the oversight of parliament, to “framework legislation” whereby the minister can put through changes without input of our elected reps. This is an affront to our democracy as you are essentially removing public debate and criticism by this regressive approach to government. I ask that the status quo be kept where our province should be leader in public laws, not become “Stephen-Haper-esque” in the approach to government where that government worked against Canadians; we are the NDP and support human rights and open access.
2. Changing the data residency rules to remove the protection of our information and using other provisions such as in-Canada residence of the data as an effective surrogate. We have seen the issues with the breach of privacy by Life Labs, and then other security breaches that we all hear back in other countries. Please maintain such protection.
3. The deeply troubling “trick” to remove the “office of the premier” as a body covered under the FOI laws, and using weak excuses, justifications when questioned. We all know what happened with the City of Vancouver, when the now ex-“Vision Vancouver” municipal party used similar tricks to thwart access to FOI records where the FOI commisiosner rebuked them.. It seems the same approach and personnel are using the same slippery tactics and this is wrong. Mr. Premier, if you are to be a beacon of hope, please don't use these “Jason Kenney” style tactics to thwart our democracy. The BC NDP is better than that.
4. I also that you please include within the provisions of FOI, non-profit organizations that receive principal funding from the government, similar to the federal contractors program, so that these organizations, while private, are covered by access laws. This should be an expansion of our rights that is reasonably expected.
5. The imposition of a request fee, which has been touted as \$25 per request, is an affront to our democracy. In the media, it has been noted that the government is doing this to avoid pesky journalists or the opposition, who I note are in fact doing the job of holding politicians to account. The very same approach that the NDP took when in opposition. Mr. Premier, I am deeply troubled that you are taking this regressive approach denying the very democratic access to rights that we all enjoy, thwarting a citizen's right to information which is a part of government operations and should never be on a fee for access basis (social contract). I ask that you remove this Stalinist provision from our law, never to see the light of day again. I also ask that NDP staff who are “supporting the changes” due to “demands on ministry staff time” are not thinking why comments like this support privilege from a white male, who has had NO EXPERIENCE that racialized people have with discrimination from the attitudes like this that show why systemic racism against vulnerable people exists, because government operations are paid by taxes to enable such access. Keep the access free, and disallow these ill considered comments that frankly, make me sick, as I



would never as a New Democrat think like this - I am for full access, open access, and no fee access without bogus excuses like this from staff that just tout talking point, which do not reflect the opinion of the rank and file - e.g, the grassroots members who would never support such changes; so do not take ill conceived comments like those of Mr. Walters to be reflective of NDP values when they are not.

<https://twitter.com/brentonwalters/status/1450233822872698881>

6. I disagree with the provision to “disregard requests” as again it’s thwarting our democracy. The provisions as they exist in the law allow this to occur.

7. Please restore the section 13 provision to its original intent to ensure there is full access to records.

I have copied the various MLAs on this matter, to ensure they can note there is strong public opposition to these regressive “right wing style” changes to cherished access to information laws. I am citizen who believes in a strong democracy, and that is the reason I have been a long-time New Democrat serving on numerous committees; therefore, this is why I am very upset and displeased with these changes, and ask that in the spirit of what our party stands for, to protect citizens, make it easier, and then ensure we enhance not remove access rights. Please advise on the reply, and so doing, please Mr. Premier do not provide talking points, pretexts or justifications from your staff, who I have come to know and sadly, seen what politics has done to them as it has “changed them” from idealists wanting to do right (including MLAs), to now being captured by the very same system that they were trying to change for the better. It seems Mr. Premier this is the case with this law, and others around it, that cannot for the life of them see these actions go against everything we believe in. Please do better and do right by the public.

Sincerely,

s.22

cc. MLA Melanie Mark

MLA Bruce Banman

MLA Shirley Bond

MLA Sonia Fursteneau

Links:

<https://www.oipc.bc.ca/public-comments/3592>

<https://www.timescolonist.com/opinion/columnists/les-leyne-opposition-finds-plenty-to-fault-in-ndp-s-freedom-of-information-proposals-1.24365188>

<https://thetyee.ca/News/2021/10/19/BC-Introduces-Troubling-Limits-Freedom-Information/>

<https://theorca.ca/resident-pod/when-freedom-of-information-is-neither-free-nor-informative/#.YW-h0amd03Q.twitter>

## FOIPPA

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From: s.22  
To: Minister, Citz Citz:Ex <citz.minister@gov.bc.ca>  
Cc: Ritchie, CJ Citz:Ex <cj.ritchie@gov.bc.ca>, Pridmore, Kerry Citz:Ex <kerry.pridmore@gov.bc.ca>  
Sent: December 2, 2021 10:13:26 AM PST  
Attachments: small icon.jpg

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Dear Minister

Now that the FOIPPA legislation is passed I wanted to drop you a quick note of thanks and congratulations. BC's Tech sector is pleased to see the data residency provisions updated to be more consistent with the modern tools available and the efficiencies those can deliver.

In the digital era expectations are changing and it is important that government has a regulatory framework in place that enables it to take advantage of the best of modern technology whilst ensuring British Columbia's privacy is protected.

We are pleased by the potential the new legislation gives for greater access to cloud-based services and the changes open the door for more local companies to leverage the cutting-edge technology to support BC's public sector to deliver to citizens' expectations.

I'd also like to record my appreciation for your team of officials, led by CJ and Kerry, who were open and responsive throughout the consultation process and a pleasure to work with.

All my best for what I hope will be a restful and recuperative holiday season for you all!

s.22

## Article on Bill 22 passage

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To: stromp <stromp@telus.net>  
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Sent: December 4, 2021 1:41:10 PM PST

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Deliberate misdirection [On Bill 22 passage]

<https://theorca.ca/resident-pod/deliberate-misdirection/>

Nov. 30, 2021. By Rob Shaw.

..... In the process, it made hypocrites of longtime FOI advocates, including Murray Rankin, Doug Routley, Nathan Cullen, Adrian Dix, David Eby and Horgan himself, who'd long railed against other governments that tried to undermine freedom of information, before eventually doing it themselves.

After the vote, there was a long moment of silence in the legislature. Normally the government claps at the passage of one of its bills, giving kudos to itself and the minister responsible. BC Liberal MLAs started heckling, asking why the government wasn't congratulating itself after such a long and bitter fight over FOI.

A couple of New Democrats laughed awkwardly and started to clap. But the vast majority sat silent. Deep down, they know what we know: It was a hollow victory that made liars of them all.

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