

FW: Batch response for FOIPPA

From: Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>
To: Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>
Sent: October 20, 2021 9:25:44 AM PDT

Hi – should we chat about this? Are you clear on what's being asked for?
JC

From: Scott, Samantha CITZ:EX <Samantha.Scott@gov.bc.ca>
Sent: October 20, 2021 9:24 AM
To: McEwen, Shaylene CITZ:EX <Shaylene.McEwen@gov.bc.ca>
Cc: Molyneux, Jennifer CITZ:EX <Jennifer.Molyneux@gov.bc.ca>; Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>; Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>
Subject: RE: Batch response for FOIPPA

Importance: High

Morning ladies,

Shay has actioned all FOIPPA emails that have come in as batch response, so nothing should be batched for an individual MinSig.

As for a batch response that the minister wants for her colleagues, she is looking for a similar letter based on the general emails that are coming in. Key messages on the legislation a few lines on what the bill is amending and why it's important. Most of the emails that I have seen are about fees and data residency so those two areas should be highlighted.

Minister would like to see a draft batch response by end of day, as mentioned she is happy for the batch responses to be relatively similar for our inbox and for her colleagues.

Please call me if you have any further questions.

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: McEwen, Shaylene CITZ:EX <Shaylene.McEwen@gov.bc.ca>

Sent: October 20, 2021 8:58 AM

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

Subject: FW: Batch response for FOIPPA

Hello Sam,

Lindsay is just hoping to get clarification on the batch response to FOIPPA incoming. I believe you had mentioned a MinSig and with info, etc. correct?

Thank you,

Shay

From: Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>

Sent: October 20, 2021 8:37 AM

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

Cc: Molyneux, Jennifer CITZ:EX <Jennifer.Molyneux@gov.bc.ca>; Cook, Jeannette CITZ:EX <Jeannette.Cook@gov.bc.ca>

Subject: FW: Batch response for FOIPPA

Hey Shay!

By batch response does Sam mean a general response letter with info etc?

Some clarification would be helpful – Also unsure how many we have already received and how many are yet to be actioned – perhaps we can go through and make a list of CLIFF #'s so I can stop whichever ones are already being actioned and clump them all into one??

Let me know how you would like to proceed

Lindsay Jarmson | Administrative Coordinator
Deputy Minister's Office | Ministry of Citizens' Services
Ph: 250-978-9741 | **e:** lindsay.jarmson@gov.bc.ca

From: Scott, Samantha CITZ:EX <Samantha.Scott@gov.bc.ca>

Sent: October 19, 2021 6:15 PM

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

Cc: Jarmson, Lindsay CITZ:EX <Lindsay.Jarmson@gov.bc.ca>

Subject: Batch response for FOIPPA

Hi Shay,

All of the FOIPPA emails that I have actioned as Minister response, please request a batch response. Lindsay, that batch response that Shay is requesting can you see if we can also share that response with MLA's for their CA's to respond to their constituents?

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

(Insert crest, letter head here)

<Date>

Ref:

<Title> <Name>

<Position, if applicable>

<Company, if applicable>

<Address>

<City> <Province> <Postal Code>

Dear <insert name>:

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 Act* (FOIPPA) 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.

People want timely access to their personal information as well as to healthcare, education tools and the technology that's making their lives easier. Today, people can safely and securely access telehealth from home, talk to their doctor via Zoom, learn online, meet with their co-workers and do business, faster. None of that was possible under the old legislation, and the order making these advancements possible expires at the end of this year. We learned from the pandemic that we can safely make these changes.

During extensive consultation over the past several years, organizations like universities, health authorities, innumerable other public bodies and tech companies repeatedly told us that our data residency rules were outdated. These rules stopped them from being competitive, from being the most secure, and most importantly, responsive to people's evolving needs.

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.

.../2

We are committed to open and transparent access to information. In fact, this government was the one who saw the need for greater transparency and accountability for British Columbians when we enacted the FOIPPA legislation nearly three decades ago to hold current, and future, governments accountable to the people who trust them to make decisions on their behalf and to act with integrity. And today, we continue this tradition in culture and in practice in many ways including insisting on 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 government's priorities and decision-making.

The proposed updates to FOIPPA will continue this commitment to transparency through changes such as:

- Adding ministerial power to add subsidiary entities as new public bodies;
- Requiring mandatory breach reporting to the potentially harmed individual and the Privacy Commissioner;
- Adding requirements for privacy management programs, which may include transparency measures (e.g., a posted privacy policy); and
- Adding a new offence for wilfully evading FOI.

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

Sincerely,

[Insert MLA Name]

[Title]

pc:

(Insert Crest or letter head here)

<Date>

Ref:

<Title> <Name>
<Position, if applicable>
<Company, if applicable>
<Address>
<City> <Province> <Postal Code>

Dear <insert name>:

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 Act* (FOIPPA) 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. Government's 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.

We are committed to open and transparent access to information. In fact, this government was the one who saw the need for greater transparency and accountability for British Columbians when we enacted the FOIPPA legislation nearly three decades ago to hold current, and future, governments accountable to the people who trust them to make decisions on their behalf and to act with integrity. And today, we continue this tradition in culture and in practice 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 government's priorities and decision-making.

The proposed updates to FOIPPA will continue this commitment to transparency through changes such as:

- Adding ministerial power to add subsidiary entities as new public bodies;
- Requiring mandatory breach reporting to the potentially harmed individual and the Privacy Commissioner;
- Adding requirements for privacy management programs; and
- Adding a new offence for wilfully evading FOI.

.../2

We also believe people are waiting too long under the old legislation for the information they deserve. Right now, B.C. receives more Freedom of Information (FOI) requests annually than the three western provinces combined. We are adding a fee to non-personal FOI requests, which is in line with other jurisdictions in Canada. And those asking for personal information will continue to not pay a fee at all.

These amendments will 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. In addition to the improvements we are making by amending FOIPPA, we have committed \$5.3M to modernize and improve the process to manage the over 13,000 FOI requests the Province receives each year.

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

Sincerely,

[Insert MLA Name]

[Title]

pc:

Date:	Week of Royal Assent
From:	Minister Lisa Beare
To:	Public body information and privacy management practitioners and executive leaders [resource: excel spreadsheet]
Subject:	FOIPPA Amendments 2021
pc:	IM.ITPolicy@gov.bc.ca

Good morning/afternoon:

I am pleased to let you know that government has recently passed amendments to B.C.'s *Freedom of Information and Privacy Act* (FOIPPA). Apart from some minor changes in 2019, the Act has not been updated since 2011 and technology and peoples' expectations have changed substantially since that time, especially during the COVID-19 pandemic.

With royal assent on XX, these amendments 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.

Highlights of the amendments include:

- Updated data-residency provisions so public bodies can use modern tools while continuing to protect the personal information people entrust to us.
- Enhanced public-sector privacy protections and increased accountability by implementing mandatory privacy breach reporting and increasing penalties for offences.
- Introduction of an application fee for non-personal FOI requests.
- Demonstration of 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.

More details on the amendments can be found at [\[info bulletin link\]](#). We have also developed some resource materials to support public bodies to understand the changes which can be found [\[here\]](#).

We are hosting information sessions for public bodies' executive leaders, and more detailed sessions for privacy and information management practitioners in early December to provide an overview of the changes, implementation requirements and where to find support resources. Please visit [\[link\]](#) for more information and to register.

If you have any questions in advance of the sessions, please contact the IMIT Policy Inbox at IM.ITPolicy@gov.bc.ca

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

Sincerely,

Lisa Beare
Minister

FOIPPA Amendments 2021

From : CITZ Deputy Minister, CITZ:EX <CITZDeputyMinister@gov.bc.ca>

To: diane.lianga@gov.bc.ca s.22
<diane.lianga@gov.bc.ca> s.22 Grout, Kim ALC:EX
<Kim.Grout@gov.bc.ca>, cberry@pgairport.ca, melinda.orlowski@victoriaairport.com,
ssharp@asttbc.org, mvernon@aibc.ca, s.22 Mitchell, Melanie B
EMLI:EX <Melanie.Mitchell@gov.bc.ca>, info@alregistrar.bc.ca, crintoul@abcls.ca,
cgelowitz@abcfp.ca, trichards@egbc.ca, s.22 Vaux, Shelagh
TACS:EX <Shelagh.Vaux@gov.bc.ca>, s.22 Bremner, Lindy
BCA:EX <lindy.bremner@bcassessment.ca>, s.22
jim.collins@gov.bc.ca, s.22 Pedersen, Kirsten AFF:EX
<Kirsten.Pedersen@gov.bc.ca>, mark.hillenbrand@bccsw.ca, rfleming@bccat.ca,
ksolanki@eocp.ca, Musgrave, Robert JERI:EX <Robert.Musgrave@gov.bc.ca>, s.22
XT:HLTH Prentice, Cathy
<cathy.prentice@phsa.ca>, Fyfe, Richard J AG:EX <Richard.Fyfe@gov.bc.ca>,
joanne.hansen@bcfma.ca, s.22
jason.barabash@bcferries.com, s.22 Lu, Barbara FSA:EX
<Barbara.Lu@bcfsa.ca>, alisonn@bcgames.org, s.22
Howatson, Evan HLTH:EX <Evan.Howatson@gov.bc.ca>, s.22
s.22 nstinson@bchousing.org, Ohler, Emily AG:EX
<Emily.Ohler@gov.bc.ca>, Nash, Andrea AG:EX <Andrea.Nash@gov.bc.ca>,
s.22 amy.mccallion@bchydro.com, s.22
svanveen@bcib.ca, ed@bcia.com, s.22
lindsay.holland@bcimc.com, kelly.orr@ltsa.ca, kcunningham@bcli.org,
gregmoore@livableregion.com, ccarter@bclc.com, s.22 Mihlar,
Fazil EMLI:EX <Fazil.Mihlar@gov.bc.ca>, XT:Blight, Stacey FIN:IN
<Stacey.Bligh@bcogc.ca>, Shorter, Richele HLTH:EX <Richele.Shorter@gov.bc.ca>,
s.22 rdin@bcpavco.com, Krishna, Kaye TRAN:EX
<Kaye.Krishna@gov.bc.ca>, westerhouts@bcrp.ca, s.22
Newport, Theresa AG:EX <Theresa.Newport@gov.bc.ca>, Leong, Brenda BCSE:EX
<BLEong@bcsc.bc.ca>, Joly, Lynn BCSE:EX <ljoly@bcsc.bc.ca>, Carlson, Tracie
EDUC:EX <Tracie.Carlson@gov.bc.ca>, ceo@victoriachamber.ca,
sacha_ravelli@bctransit.com, chaldane@bctreaty.ca, s.22
Morton, David BCUC:EX <David.Morton@bcuc.com>, Vourlis, Viki BCUC:EX
<Viki.Vourlis@bcuc.com>, s.22 admin@bcsla.org, BC
Board of Examiners MUNI:EX <BCBoardofExaminers@gov.bc.ca>,
carol@bcmrta.bc.ca, McConnell, Jeffrey PSSG:EX <Jeffrey.McConnell@gov.bc.ca>,
s.22 barbara_kader@bcit.ca,
derek.patterson@safetyauthority.ca, s.22 Chase, Andy OHCS:EX
<Andy.Chase@gov.bc.ca>, dschiolder@boabc.ca, s.22
martinh@camosun.bc.ca, ivy.lumia@ccohs.ca, Newman, Stephanie JERI:EX
<Stephanie.Newman@gov.bc.ca>, marikamorissette@capilanou.ca,
sparcher@bccpa.ca, Avison, Claire TACS:EX <Claire.Avison@gov.bc.ca>,
s.22 Petrova, Yulia CRT:EX <Yulia.Petrova@crtbc.ca>,
Cameron, Tara D JERI:EX <Tara.Cameron@gov.bc.ca>,
s.22 kquibell@coastmountaincollege.ca, Clark, Mark
LRB:EX <Mark.Clark@lrb.bc.ca>, executivedirector@cab-bc.org,
gmalfair@malfairlaw.ca, XT:Beaulieu, Marlene GCPE:IN <beaulieum@cnc.bc.ca>,
s.22 woods@cotr.bc.ca, jmedlar@cbit.org, sgreen@ourtrust.org,
anarod@farris.com, DeWolfe, Vivia AG:EX <Vivia.DeWolfe@gov.bc.ca>, s.22
s.22 Nordmann, Donna CLBC:EX
<Donna.Nordmann@gov.bc.ca>, manjit.bains@consumerprotectionbc.ca,
areichenback@creativebc.com, andre.breault@canada.ca s.22
cornel.lencar@gov.bc.ca, s.22 Rogers, Dorothy AEST:EX
<Dorothy.Rogers@gov.bc.ca>, s.22 Endrizzi, Nicole DBC:EX
<Nicole.Endrizzi@destinationbc.ca>, s.22 Fazlagic, Tijana
HLTH:EX <Tijana.Fazlagic@gov.bc.ca>, admin@sidit-bc.ca, s.22
Saville, Amanda HLTH:EX <Amanda.Saville@gov.bc.ca>, s.22
carina@ecuad.ca, Drown, Emily C EAAT:EX <Emily.Drown@eaat.ca>, Brownlie, Ian
EAAT:EX <Ian.Brownlie@eaat.ca>, s.22 Gordon, Marcella

EST:EX <Marcella.Gordon@bcest.bc.ca>, s.22
 colleen.k.smith@gov.bc.ca, s.22 claudine@fpcc.ca,
 lynn.pelletier@phsa.ca, XT:HLTH Krystal, Arden <arden.krystal@phsa.ca>,
 kevin.kriese@gov.bc.ca, dave.clarke@bcfpb.ca, Allan, John PREM:EX
 <John.Allan@gov.bc.ca>, victoria.hayes@bcfii.ca, s.22
 s.22 XT:Kirby, Liana HLTH:IN
 <liana.kirby@fraserhealth.ca>, XT:Cochrane, Doug HLTH:IN
 <doug.cochrane@interiorhealth.ca>, XT:Gudljek, Carmen HLTH:IN
 <carmen.gudljek@interiorhealth.ca>, s.22 XT:Chipman, Desa
 HLTH:IN <Desa.Chipman@northernhealth.ca>, s.22
 s.22 XT:Palazoff, Cheryl HLTH:IN
 <cheryl.palazoff@vch.ca>, XT:Shaw, s.22
 XT:Carlow, Louise HLTH:IN <louise.carlow@viha.ca>, Power, Stephanie A HLTH:EX
 <Stephanie.Power@gov.bc.ca>, Caron, Sarah D HLTH:EX
 <Sarah.Caron@gov.bc.ca>, dhobbs@hobbsgiroday.com, Soong, Evon EAB:EX
 <Evon.Soong@gov.bc.ca>, lynda.cranston@phsa.ca, s.22
 s.22 Deering, Angela INBC:EX
 <Angela.Deering@inbcinvestment.ca>, aaron.sumexheltza@inib.net, Sheldrake,
 Catherine IRR:EX <Catherine.Sheldrake@gov.bc.ca>, s.22
 coliver@fpse.ca, s.22 chan-
 seng.lee@partnershipsbc.ca, petter@sfu.ca, mfooster@bcic.ca, s.22
 christopher.putney@icbc.com, bthibault@insurancecouncilofbc.com,
 s.22 jeliason@islandstrust.bc.ca, XT:Jensen, Rebecca AG:IN
 <rjensen@provincialcourt.bc.ca>, s.22 jhaberfield@jibc.ca,
 s.22 pamelat@knowledge.ca, kerri.vangerven@kpu.ca,
 deb.alton@lrb.bc.ca, s.22
 jpaterson@lawfoundationbc.org, kholt@lsbc.org, gulnar.nanjijuma@legalaids.bc.ca,
 Zimmerman, Ted ENV:EX <Ted.Zimmerman@gov.bc.ca>, Mark, Melanie TACS:EX
 <Melanie.Mark@gov.bc.ca>, BC Honours and Awards HAS:EX
 <bchonoursandawards@gov.bc.ca>, Jones, Chantelle HLTH:EX
 <Chantelle.Jones@gov.bc.ca>, lee.peacock@gov.bc.ca, s.22 Smith,
 Danielle MCF:EX <Danielle.Smith@gov.bc.ca>, Mofidpoor, Maryam FLNR:EX
 <Maryam.MofidPoor@gov.bc.ca>, bwardburkitt@pgnfc.com,
 michelle.collens@vancouver.ca, Little, Andrew TACS:EX <Andrew.Little@gov.bc.ca>,
 branna@mvsabc.com, s.22 Johnson, Tania N TACS:EX
 <Tania.Johnson@gov.bc.ca>, s.22
 manager@nkdf.org, wschneider@nrtf.ca, s.22
 s.22 rachel.reid@nic.bc.ca,
 line.robert@islandcoastaltrust.ca, joel@northerndevelopment.bc.ca, holte@czlaw.ca,
 hladen@nlc.bc.ca, jmayr@snpsc.ca, tamckendrick@notaryfoundationofbc.ca,
 s.22 illegallee@okanagan.bc.ca, adam.palmer@vpd.ca, Kuznetsov,
 Artem PSSG:EX <Artem.Kuznetsov@gov.bc.ca>, callevato@aqrlaw.ca, Broocke, Jan
 TRAN:EX <Jan.Broocke@gov.bc.ca>, Downey, Gayle F HLTH:EX
 <Gayle.Downey@gov.bc.ca>, mayorbraun@abbotsford.ca,
 ryan.windsor@csaanich.ca, mayorharvie@delta.ca, jadooley@nelson.ca,
 jcote@newwestcity.ca, mayor@oakbay.ca, rvagramov@portmoody.ca,
 mayor@saanich.ca, doug.mccallum@surrey.ca, kennedy.stewart@vancouver.ca,
 mbooth@westvancouver.ca, info@npa.ca, hnewton@papa-appa.ca,
 arobin@rupertport.com, dean.readman@portmetrovanvancouver.com, Borowko, Whitney
 SDPR:EX <Whitney.Borowko@gov.bc.ca>, jay.ratzlaff@powerex.com,
 chris.oriley@gov.bc.ca, s.22
 phil@mfcouncil.ca, ceo@bccnm.ca, registrar@chirobc.com, jlance@cdhbc.com,
 ncrosby@cdsbc.org, registrar@cdt.bc.ca, XT:HLTH REGISTRAR@CD.BC.CA
 <REGISTRAR@CD.BC.CA>, jbouchard@collegeofdietitiansbc.org,
 eric.wredenhagen@cmtbc.ca, registrar@cnpsc.bc.ca, XT:HLTH Corbett, Kathy
 <kcorbett@cotbc.org>, lbannerman@cobc.ca, registrar@optometrybc.ca,
 bob.nakagawa@bcpharmacists.org, dianne.millette@cptbc.org,
 communications@cpsbc.ca, akowaz@collegeofpsychologists.bc.ca,
 cameron.cowper@cshhpb.org, executiveassist@cvbc.ca, XT:HLTH
 registrar@ctcma.bc.ca <registrar@ctcma.bc.ca>, Sandhu, Simmi PAAB:EX
 <Simmi.Sandhu@paab.bc.ca>, Bowman, Jason PAAB:EX
 <Jason.Bowman@paab.bc.ca>, s.22
 s.22

s.22 Holland, Jodie
MUNI:EX <Jodie.Holland@gov.bc.ca>, Williams, Shaylin SDPR:EX
<Shaylin.Williams@gov.bc.ca>, s.22 Stevanovic, Aleksandra
MCF:EX <Aleksandra.Stevanovic@gov.bc.ca>, Takkar, Nimmi MCF:EX
<Nimmi.Takkar@gov.bc.ca>, s.22

s.22 Jer-Nakamura, Lily RBCM:EX
<LJerNakamura@royalbcmuseum.bc.ca>, XT:Chan, Nelson GCPE:IN
<nchan@crd.bc.ca>, virginia.whitehead@royalroads.ca, s.22 Linge,
Yvonne AG:EX <Yvonne.Linge@gov.bc.ca>,
s.22 li-

jeen_broshko@sfu.ca, Courcelles, Danielle FLNR:EX
<Danielle.Courcelles@gov.bc.ca>, Kahlon, Ravi JERI:EX <Ravi.Kahlon@gov.bc.ca>,
Kincross, Sean JERI:EX <Sean.Kincross@gov.bc.ca>, s.22
taryn.barton@transitpolice.bc.ca, Stegman, Martin JERI:EX
<Martin.Stegman@gov.bc.ca>, s.22 Prince, Mickey FIN:EX
<Mickey.Prince@gov.bc.ca>, Vickers, Cheryl SRB:EX
s.22 secretariat@tru.ca, board@translink.ca,
s.22 cathy.young@gov.bc.ca, s.22
karen.hakkarainen@ubc.ca, wishartc@unbc.ca, shari.hoff@unbc.ca,
al.wiseman@ufv.ca, s.22

s.22 dlucas@vcc.ca, s.22
jolene.edmunds@viu.ca, s.22 cara_weirmier@bctransit.com,
s.22 kevin.hackett@rcmp-grc.gc.ca, Sims, Brian A
PSSG:EX <Brian.Sims@gov.bc.ca>, s.22 Shaw, Ian
WCB:EX <Ian.Shaw@worksafebc.com>, rscott@100milehouse.com,
gjoseph@abbotsford.ca, psparanese@abbotsford.ca, wendy.thomson@acrd.bc.ca,
teri.fong@acrd.bc.ca, deputy@alertbay.ca, officeclerk@alertbay.ca, cao@alertbay.ca,
karen.elrick@anmore.com, juli.halliwell@anmore.com,
ncressman@Cityofarmstrong.bc.ca, dlow@cityofarmstrong.bc.ca,
daniela@ashcroftbc.ca, tbutcher@barriere.ca, bpayette@barriere.ca,
ldysart@belcarra.ca, hdallas@bimbc.ca, sidsinga@bimbc.ca, ledwards@bimbc.ca,
curtis.helgesen@rdbn.bc.ca, cheryl.anderson@rdbn.bc.ca,
blanka.zeinabova@burnaby.ca, leon.gous@burnaby.ca, vanderson@burnslake.ca,
sworthing@burnslake.ca, cfo@cachecreek.ca, elle.brovold@campbellriver.ca,
deborah.sargent@campbellriver.ca, Ron.Neufeld@campbellriver.ca,
sylvie.hoobanoff@canalflats.ca, cao@canalflats.ca, kmorley@crd.bc.ca,
mlagoa@crd.bc.ca, rlapham@crd.bc.ca, ajohnston@cariboord.ca,
jmaclean@cariboord.ca, tbutler@castlegar.ca, cbarlow@castlegar.ca, cao@ccrd-
bc.ca, mmorrison@rdck.bc.ca, ssudan@rdck.bc.ca, shorn@rdck.bc.ca,
corie.griffiths@rdco.com, karen.needham@rdco.com, brian.reardon@rdco.com,
Emilie.Gorman@csaanich.ca, Christine.Culham@csaanich.ca,
soflaherty@chasebc.ca, cao@chasebc.ca, DWay@gochetwynd.com,
cnewsom@gochetwynd.com, kooistra@chilliwack.com, morgan@chilliwack.com,
crosmann@chilliwack.com, monteith@chilliwack.com, corporateservices@docbc.ca,
cao@docbc.ca, cao@village.clinton.bc.ca, clerk@coldstream.ca,
tseibel@coldstream.ca, jsham@csrd.bc.ca, chamilton@csrd.bc.ca,
airving@colwood.ca, mlalande@colwood.ca, rearl@colwood.ca, XT:Russwurm,
Shelly CITZ:IN <russwurm@comox.ca>, jwall@comox.ca,
jmartens@comoxvalleyrd.ca, jwarren@comoxvalleyrd.ca, rdyson@comoxvalleyrd.ca,
jgilbert@coquitlam.ca, SLam@coquitlam.ca, managersoffice@coquitlam.ca,
rallueva@coquitlam.ca, rmatthews@courtenay.ca, wsorichta@courtenay.ca,
ggarbutt@courtenay.ca, XT:Courtenay, City ENV:IN <info@courtenay.ca>,
angie.legault@cverd.bc.ca, kathleen.harrison@cverd.bc.ca,
brian.carruthers@cverd.bc.ca, dueck@cranbrook.ca, ron.fraser@cranbrook.ca,
Mark.Fercho@cranbrook.ca, steffan.klassen@creston.ca, kirsten.dunbar@creston.ca,
marsha.neufeld@creston.ca, mike.moore@creston.ca, rparker@cumberland.ca,
cpostings@cumberland.ca, mmason@cumberland.ca, XT:Ginter, Brenda CITZ:IN
<bginter@dawsoncreek.ca>, blekstrom@dawsoncreek.ca, randerson@delta.ca,

dschmidt@delta.ca, mjanisson@delta.ca, smcgill@delta.ca, monika@duncan.ca,
 allison@duncan.ca, bernice@duncan.ca, peter@duncan.ca, thlushak@rdek.bc.ca,
 nbradshaw@rdek.bc.ca, stomlin@rdek.bc.ca, cdawson@elkford.ca,
 tmdasen@elkford.ca, kinglis@cityofenderby.com, jbellamy@cityofenderby.com,
 tbengtson@cityofenderby.com, deb.hopkins@esquimalt.ca,
 laurie.hurst@esquimalt.ca, meredith.daniel@fernie.ca, jeff.mcconnell@fernie.ca,
 michael.boronowski@fernie.ca, corporate@fortstjames.ca, cao@fortstjames.ca,
 bmccue@fortstjohn.ca, mmacdonald@fortstjohn.ca, vflfin@fraserlake.ca,
 rjholland@fraserlake.ca, jvannes@fvrd.ca, jkinneman@fvrd.ca, kjensen@rdffg.bc.ca,
 jmartin@rdffg.bc.ca, ktuttle@village.fruitvale.bc.ca, lgrist@gibsons.ca,
 mbrown@gibsons.ca, mroy@goldriver.ca, mls@golden.ca, ops@golden.ca,
 cao@golden.ca, kmckinnon@grandforks.ca, ddrexler@grandforks.ca,
 dredfearn@grandforks.ca, ssmith@villageofgranisle.ca,
 frontdesk.greenwoodcity@shaw.ca, greenwoodcity@shaw.ca,
 mmcdonald@harrisonhotsprings.ca, dkey@harrisonhotsprings.ca, dco@hazelton.ca,
 lgasser@hazelton.ca, mmiles@highlands.ca, lhilton@highlands.ca,
 dbellingham@hope.ca, jfortoloczky@hope.ca, executive.assistant@houston.ca,
 cao@houston.ca, jeanette@hudsonshope.ca, cao@hudsonshope.ca,
 corporateservices@invermere.net, cao@invermere.net, cthiel@islandstrust.bc.ca,
 Hotsenpiller, Russ <rhotsenpiller@islandstrust.bc.ca>,
 jill.logan@radiumhotsprings.ca, mark.read@radiumhotsprings.ca,
 ngarbay@kamloops.ca, ddrawin@kamloops.ca, allaway@kaslo.ca, cao@kaslo.ca,
 sfleming@kelowna.ca, lbentley@kelowna.ca, XT:Gilchrist, Doug CITZ:IN
 <dgilchrist@kelowna.ca>, clee@kentbc.ca, wmah@kentbc.ca, cao@keremeos.ca,
 cfo@keremeos.ca, mleroux@kimberley.ca, ssommerville@kimberley.ca,
 kenderson@kitimat.ca, wwaycheshen@kitimat.ca, rpoole@rdks.bc.ca,
 reneel@rdks.bc.ca, corporate@rdkb.com, XT:Andison, Mark Kootenay Boundary
 Regional District EAO:IN <mandison@rdkb.com>, jchandler@rdkb.com,
 dsmith@ladysmith.ca, amccarrick@ladysmith.ca, rseabrook@lakecountry.bc.ca,
 tgarost@lakecountry.bc.ca, tjames@lakecountry.bc.ca, jfernandez@lakecowichan.ca,
 mwatmough@langford.ca, dkiedyk@langford.ca, kkenney@langleycity.ca,
 wbauer@tol.ca, slittle@tol.ca, mbakken@tol.ca, fcheung@langleycity.ca,
 tcoates@lantzville.ca, nrichardson@lantzville.ca, ronaldcampbell@lantzville.ca,
 ktaylor@lillooet.ca, jdenegar@lillooetbc.ca, cao@lionsbay.ca, dca@loganlake.ca,
 cao@loganlake.ca, melanie@lumbly.ca, tomk@lumbly.ca, scurry@lytton.ca,
 ekaehn@districtofmackenzie.ca, diane@districtofmackenzie.ca,
 snichols@mapleridge.ca, shartman@mapleridge.ca, cao@masset.ca,
 cao@mcbride.ca, glowis@merritt.ca, ssmith@merritt.ca, lurlacher@metchosin.ca,
 chris.plagnol@metrovancover.org, jerry.dobrovolny@metrovancover.org,
 deputyclerk.midwaybc@shaw.ca, midwaybc@shaw.ca, jrussell@mission.ca,
 myounie@mission.ca, XT:Mission, District ENV:IN <info@mission.ca>,
 gfletcher@rdmw.bc.ca, mtennant@nakusp.com, jhill@rdn.bc.ca,
 sheila.gurrie@nanaimo.ca, jake.rudolph@nanaimo.ca, dholmes@rdn.bc.ca,
 swinton@nelson.ca, kcormack@nelson.ca, cmclure@nelson.ca,
 cao@newdenver.ca, rcarle@newhazelton.ca, XT:Hunt, Wendy; District of New
 Hazelton CITZ:IN <whunt@newhazelton.ca>, jkillawee@newwestcity.ca,
 lspitale@newwestcity.ca, corporateofficer@ncrdbc.com, cao@ncrdbc.com,
 michelle.martineau@northcowichan.ca, sarah.nixon@northcowichan.ca,
 ted.swabey@northcowichan.ca, david.sewell@rdno.ca, rdumas@northsaanich.ca,
 cgotto@northsaanich.ca, ttanton@northsaanich.ca, kgraham@cnv.org,
 lanzg@dnv.org, gordonja@dnv.org, lmccarthy@cnv.org, stuartd@dnv.org,
 swilliams@oakbay.ca, lvarela@oakbay.ca, cmalden@rdos.bc.ca,
 bnewell@rdos.bc.ca, dvaykovich@oliver.ca, rlougheed@oliver.ca, echow@oliver.ca,
 brianne@osoyoos.ca, arobinson@osoyoos.ca, achabot@osoyoos.ca,
 aweeks@parksville.ca, kkeehler@parksville.ca, Tyra.henderson@prrd.bc.ca,
 tabatha.young@prrd.bc.ca, shawn.dahlen@prrd.bc.ca, jsawatzky@peachland.ca,
 jcreron@peachland.ca, sfraser@pemberton.ca, ngilmore@pemberton.ca,
 angie.collison@penticton.ca, Donny.vanDyk@penticton.ca, tbarr@pittmeadows.ca,
 kbarchard@pittmeadows.ca, mroberts@pittmeadows.ca,
 twyla_slonski@portalberni.ca, tim_pley@portalberni.ca, scott_smith@portalberni.ca,
 cao@portalice.ca, deputy@portclements.ca, cao@portclements.ca,
 deakinc@portcoquitlam.ca, bremnerr@portcoquitlam.ca, ppereira@portedward.ca,
 dwilson@portedward.ca, rblackwell@porthardy.ca, hnelson.smith@porthardy.ca,

admin@portmcneill.ca, pete@portmcneill.ca, dshermer@portmoody.ca,
 ttakahashi@portmoody.ca, tsavoie@portmoody.ca, sstokes@poucecoupe.ca,
 cleggett@poucecoupe.ca, cjackson@powellriver.ca, rbrewer@powellriver.ca,
 maureen.connelly@princegeorge.ca, walter.babicz@princegeorge.ca,
 rosamaria.miller@princerupert.ca, Rob.Buchan@princerupert.ca,
 ckassa@princeton.ca, cao@princeton.ca, aradke@qathet.ca, mjones@qathet.ca,
 hgould@qualicumbeach.com, dsailand@qualicumbeach.com,
 hsvensen@qualicumbeach.com, XT:QueenCharlotte, Village ENV:IN
 <office@queencharlotte.ca>, mkellie@queencharlotte.ca, rhartley@quesnel.ca,
 bjohnson@quesnel.ca, kbolton@quesnel.ca, cfloyd@revelstoke.ca,
 jthackray@revelstoke.ca, XT:Richmond, City ENV:IN <cityclerk@richmond.ca>,
 administratoroffice@richmond.ca, planningdevelopment@richmond.ca,
 dco@rossland.ca, cao@rossland.ca, angila.bains@saanich.ca,
 sharon.froud@saanich.ca, paul.thorkelsson@saanich.ca, cao@salmo.ca,
 ejackson@salmonarm.ca, cao@saywardvalley.ca, jfrank@sechelt.ca,
 cao@sechelt.ca, dhill@secheltnation.net, nchampagne@shishalh.com,
 pjmaeff@secheltnation.net, corporate@sicamous.ca, cao@sicamous.ca,
 kbennett@sicamous.ca, snelson@sidney.ca, XT:Randy Humble, Town of Sidney
 CITZ:IN <rhumble@sidney.ca>, hellriott@silverton.ca, cao@villageofslocan.ca,
 dplouffe@smithers.ca, dmalkinson@smithers.ca, cmushata@sooke.ca, XT:Temple,
 Sarah CITZ:IN <stemple@sooke.ca>, nmcinnis@sooke.ca,
 cindy.graves@spallumcheentwp.bc.ca, lisa.gyorkos@spallumcheentwp.bc.ca,
 doug.allin@spallumcheentwp.bc.ca, smortimer@sparwood.ca,
 mschalekamp@sparwood.ca, lhannan@sparwood.ca, rarthurs@squamish.ca,
 cpawluk@squamish.ca, lglanday@squamish.ca, kclark@slrd.bc.ca,
 mhelmer@slrd.bc.ca, XT:District, Stewart, CAO TRAN:IN
 <cao@districtofstewart.com>, tyates@srd.ca, ewatson@srd.ca, dleitch@srd.ca,
 kkinsley@summerland.ca, dsvelichny@summerland.ca, gstatt@summerland.ca,
 admin@sunpeaksmunicipality.ca, cao@sunpeaksmunicipality.ca,
 jennifer.hill@scrd.ca, sherry.reid@scrd.ca, Dean.McKinley@scrd.ca,
 Jennifer.Ficocelli@surrey.ca, valalonde@surrey.ca, J.St.Denis@villageoftahsis.com,
 mtatchell@villageoftahsis.com, tpennell@districtoftaylor.com,
 mgreen@districtoftaylor.com, debbiejoujan@telkwa.ca, athompson@terrace.ca,
 kboland@terrace.ca, dcampbell@tnrd.ca, asa@tnrd.ca, shildebrand@tnrd.ca,
 nbest@tofino.ca, bmacpherson@tofino.ca, slucchini@trail.ca, mmcisaac@trail.ca,
 atorville@trd.ca, jthompson@trd.ca, jrotenberg@ucluelet.ca,
 dlawrence@ucluelet.ca, corporate@valemount.ca, katrina.leckovic@vancouver.ca,
 karen.levitt@vancouver.ca, paul.mochrie@vancouver.ca,
 Armin.Amrolia@vancouver.ca, dco@district.vanderhoof.ca,
 corporate@district.vanderhoof.ca, KAustin@vernon.ca, wpearce@vernon.ca,
 ckingsley@victoria.ca, sthompson@victoria.ca, jjenkyns@victoria.ca,
 sjones@viewroyal.ca, kanema@viewroyal.ca, jody.cox@warfield.ca,
 admin1@wells.ca, shelley.schnitzler@westkelownacity.ca,
 paul.gipps@westkelownacity.ca, mpanneton@westvancouver.ca,
 rbartlett@westvancouver.ca, plysaght@whistler.ca, vcullen@whistler.ca,
 tarthur@whiterockcity.ca, gferrero@whiterockcity.ca, rcoupe@williamslake.ca,
 gmuraca@williamslake.ca, cao@zeballos.com, XT:Kinloch, Kathy AEST:IN
 <Kathy_Kinloch@bcit.ca>, sbell@camosun.bc.ca, XT:Dangerfield, Paul AEST:IN
 <pdangerfield@capilanou.ca>, XT:Waye, Laurie AEST:IN
 <lwayne@coastmountaincollege.ca>, XT:Johnson, Dennis AEST:IN
 <johnsond@cnc.bc.ca>, XT:Vogt, Paul AEST:IN <pvogt@cotr.bc.ca>, XT:Denton,
 Kathy AEST:IN <dentonk@douglascollege.ca>, XT:Siddall, Gillian AEST:IN
 <gsiddall@ecua.ca>, XT:Tarko, Michel AEST:IN <mtarko@jibc.ca>, XT:Davis, Alan
 AEST:IN <alan.davis@kpu.ca>, XT:Trotter, Lane AEST:IN <ltrotter@langara.ca>,
 ktourand@nvit.ca, XT:Domae, Lisa AEST:IN <lisa.domae@nic.bc.ca>, XT:Kulmatycki,
 Bryn AEST:IN <bkulmatycki@nlc.bc.ca>, XT:Fassina - OKAN, Neil AEST:IN
 <nfassina@okanagan.bc.ca>, XT:Steenkamp, Philip AEST:IN
 <Philip.Steenkamp@royalroads.ca>, XT:Graeme, Angus AEST:IN
 <agraeme@selkirk.ca>, XT:Johnson - SFU, Joy AEST:IN <sfu_president@sfu.ca>,
 btfairbairn@tru.ca, XT:President, UBC AEST:IN <presidents.office@ubc.ca>,
 XT:Payne, Geoffrey AEST:IN <Geoff.payne@unbc.ca>, XT:MacLean, Joanne
 AEST:IN <joanne.maclean@ufv.ca>, XT:President, Uvic AEST:IN <pres@uvic.ca>,
 XT:Patel, Ajay AEST:IN <ajpatel@vcc.ca>, XT:Saucier, Deborah AEST:IN

<deborah.saucier@viu.ca>, frank.lento@sd5.bc.ca, amber.byklum@sd6.bc.ca, ltrenaman@sd8.bc.ca, christine.dixon@sd10.bc.ca, bmacfarlane@sd19.bc.ca, czaitsoff@sd20.bc.ca, Gen.Acton@sd22.bc.ca, Moyra.Baxter@sd23.bc.ca, ciel.patenaude@sd27.bc.ca, TonyGoulet@sd28.bc.ca, willow_reichert@sd33.bc.ca, stan.petersen@abbyschools.ca, rross@sd35.bc.ca, larsen_laurie@surreyschools.ca, vwindsor@deltaschools.ca, snixon@sd38.bc.ca, carmen.cho@vsb.bc.ca, gdhaliwal@sd40.bc.ca, jen.mezei@burnabyschools.ca, Korleen_Carreras@sd42.ca, kpalmerisaak@sd43.bc.ca, gtsiakos@sd44.ca, cbroaday@wvschools.ca, aamaral@sd46.bc.ca, dale.lawson@sd47.bc.ca, rbarley@sd48.bc.ca, nkoroluk@sd49.ca, dmoraes@sd50.bc.ca, rose.zitko@sd51.bc.ca, james.horne@sd52.bc.ca, rzandee@sd53.bc.ca, jwilliams@sd54.bc.ca, swarrington@sd57.bc.ca, gswan@365.sd58.bc.ca, canderson@sd59.bc.ca, hngilbert@prn.bc.ca, rpainter@sd61.bc.ca, rparmar@sd62.bc.ca, tdunford@saanichschools.ca, tboulter@sd64.org, jpalanio@sd67.bc.ca, TrusteesBoardChair@sd68.bc.ca, eflynn@sd69.bc.ca, pcraig@sd70.bc.ca, sheila.mcdonnell@sd71.bc.ca, john.kerr@sd72.bc.ca, rkershaw@sd73.bc.ca, vadrian@sd74.bc.ca, tracy.loffler@mpsd.ca, linda.kerr@sd78.bc.ca, cspilsbu@sd79.bc.ca, ldolen@sd81.bc.ca, margaret.warcup@cmsd.bc.ca, board@sd83.bc.ca, afehr@viw.sd84.bc.ca, lwishart@sd85.bc.ca, yvonne.tashoots@sd87.bc.ca, dchristie@sd91.bc.ca, edavis@nisdga.bc.ca, patrick_gatien@csf.bc.ca, diane.lianga@gov.bc.ca awpb@island.net <diane.lianga@gov.bc.ca awpb@island.net>, XT:Hunt, Wendy, District of New Hazelton CITZ:IN

Cc: IMIT Policy CITZ:EX <IM.ITpolicy@gov.bc.ca>

Sent: November 29, 2021 11:10:47 AM PST

Good Morning:

I am pleased to let you know that government has recently passed amendments to B.C.'s *Freedom of Information and Privacy Act* (FOIPPA). Apart from some minor changes in 2019, the Act has not been updated since 2011 and technology and peoples' expectations have changed substantially since that time, especially during the COVID-19 pandemic.

With royal assent on November 25, these amendments 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.

Highlights of the amendments include:

- Updated data-residency provisions so public bodies can use modern tools while continuing to protect the personal information people entrust to us.
- Enhanced public-sector privacy protections and increased accountability by implementing mandatory privacy breach reporting and increasing penalties for offences.
- Introduction of an application fee for non-personal FOI requests.
- Demonstration of 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.

We have also developed some resource materials to support public bodies to understand the changes which can be found [here](#).

We are hosting information sessions for public bodies' executive leaders, and more detailed sessions for privacy and information management practitioners in early December to provide an overview of the changes, implementation requirements and where to find support resources. Please visit www.gov.bc.ca/privacytraining for more information and to register.

If you have any questions in advance of the sessions, please contact IM.ITPolicy@gov.bc.ca

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

Sincerely,

Shauna Brouwer
Deputy Minister
Ministry of Citizens' Services

FOIPPA Amendments 2021

From: IMIT Policy CITZ:EX <IM.ITpolicy@gov.bc.ca>
To: IMIT Policy CITZ:EX <IM.ITpolicy@gov.bc.ca>
Sent: December 1, 2021 5:06:47 PM PST

Good afternoon,

Earlier this week Shauna Brouwer, Deputy Minister of the Ministry of Citizens' Services, sent the message below to heads of many B.C. public sector organizations. As privacy and information management practitioners, we wanted to share the message with you as we know you will have an interest in the recent amendments to FOIPPA (for more information, please see gov.bc.ca/FOIPPAUpdates).

We also wanted to highlight some upcoming information sessions that will provide an overview of the changes, implementation requirements and where to find support resources. Please visit www.gov.bc.ca/privacytraining for more information and to register.

Please let us know if you have any questions in advance of the sessions. Thank you.

*Strategic Policy and Legislation Branch
Ministry of Citizens' Services*

From: CITZ Deputy Minister, CITZ:EX <CITZDeputyMinister@gov.bc.ca>
Sent: November 29, 2021 4:04 PM
Cc: IMIT Policy CITZ:EX <IM.ITpolicy@gov.bc.ca>
Subject: FW: FOIPPA Amendments 2021

Good Afternoon:

I am pleased to let you know that government has recently passed amendments to B.C.'s *Freedom of Information and Privacy Act* (FOIPPA). Apart from some minor changes in 2019, the Act has not been updated since 2011 and technology and peoples' expectations have changed substantially since that time, especially during the COVID-19 pandemic.

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requirements and where to find support resources. Please visit www.gov.bc.ca/privacytraining for more information and to register.

If you have any questions in advance of the sessions, please contact IM.ITPolicy@gov.bc.ca

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

Sincerely,

Shauna Brouwer
Deputy Minister
Ministry of Citizens' Services

FOIPPA 2021 Amendments Crosswalk Old-to-New

Former Disclosure Provisions	33.1(1)(a)	“in accordance w/Part 2”	33(2)(a)	New Disclosure Provisions
	33.1(1) (a.1)	“type described in 22(4)”	33(2)(b)	
	33.1(1)(b)	With consent	33(2)(c)	
	33.1(1)(c)	Under an enactment	33(2)(e)	
	33.1(1)(c.1)	Made public under law	33(2)(f)	
	33.1(1)(d)	Under an agreement, etc.	33(2)(g)	
	33.1(1)(e)	Temporary travel (employee)	Repealed	
	33.1(1)(e.1)	Temporary travel (contract)	Repealed	
	33.1(1)(f)	Employee health/safety	33(2)(i)	
	33.1(1)(g)	To the Attorney General	33(2)(m)	
	33.1(1)(h)	To the Coroner	33(2)(n)	
	33.1(1)(i)	“collecting amounts owing”	33(2)(o)	
	33.1(1)(i.1)	For payments	33(2)(p)	
	33.1(1)(k)	For licensing motor vehicles	33(7)(a)	
	33.1(1)(l)	Regulating professions/occupations	33(2)(q)	
	33.1(1)(m)	Individual health or safety	33(3)(a)	
	33.1(1)(m.1)	Risk of domestic violence	33(3)(b)	
	33.1(1)(n)	To notify next of kin	33(3)(c)	
	33.1(1)(o)	Archival or historical purpose	Refer to new 33(4) and 33(5)	
	33.1(1)(p)	Technical maintenance	33(2)(t)	
	33.1(1)(p.1)	Temporary processing	33(2)(u)	
	33.1(1)(p.2)	Metadata	33(2)(v)	
	33.1(1)(q)	Public events	33(2)(r)	
	33.1(1)(r)	Social media	33(2)(w)	
	33.1(1)(s)	Research purposes	Refer to new 33(3)(h)	
	33.1(1)(t)	Canadian warrants, subpoenas, orders	33(2)(l)	
	33.1(2)	From/to law enforcement	33(6)	
	33.1(3)	Ministerial Orders	Repealed	
	33.1(4)	By ICBC for specific claims	33(7)(b)	
	33.1(5)	By the PIISP	33(8)	
	33.1(6)	To the PIISP	33(9)	
	33.1(7)	Responding by email	Repealed	
	33.2(a)	Consistent purpose	33(2)(d)	
	33.2(c)	To employees as necessary	33(2)(h)	
	33.2(d)	Common/integrated prog.	33(2)(k)	
	33.2(e)	Employee health/safety	33(2)(i)	
	33.2(f)	To the Auditor General	33(2)(s)	
	33.2(g)	To an MLA	33(3)(e)	
	33.2(h)	To bargaining agent rep.	33(3)(f)	
	33.2(i)	For law enforcement	33(3)(d)	
	33.2(j)	To the archives	33(3)(g)	
	33.2(l)	For planning/evaluation	33(2)(j)	
	33.3	For proactive disclosure/s.71	33.3 [unchanged]	
	35	Research purposes	33(3)(h)	
	36(1)	Archival or historical purpose	33(4)	
	36(3)	To Board/Franco. Edu Auth.	33(5)	

Section short-hand is provided for reference only

FOIPPA 2021 Amendments Crosswalk New-to-Old

New Disclosure Provisions	33(2)(a)	“in accordance w/Part 2”	33.1(1)(a)	Former Disclosure Provisions
	33(2)(b)	“type described in 22(4)”	33.1(1) (a.1)	
	33(2)(c)	With consent	33.1(1)(b)	
	33(2)(d)	Consistent purpose	33.2(a)	
	33(2)(e)	Under an enactment	33.1(1)(c)	
	33(2)(f)	Made public under law	33.1(1)(c.1)	
	33(2)(g)	Under an agreement, etc.	33.1(1)(d)	
	33(2)(h)	To employees as necessary	33.2(c)	
	33(2)(i)	Employee health/safety	33.1(1)(f)	
	33(2)(j)	For planning/evaluation	33.2(l)	
	33(2)(k)	Common/integrated prog.	33.2(d)	
	33(2)(l)	Canadian warrants, subpoenas, orders	33.1(1)(t)	
	33(2)(m)	To the Attorney General	33.1(1)(g)	
	33(2)(n)	To the Coroner	33.1(1)(h)	
	33(2)(o)	“collecting amounts owing”	33.1(1)(i)	
	33(2)(p)	For payments	33.1(1)(i.1)	
	33(2)(q)	Regulating professions/occupations	33.1(1)(l)	
	33(2)(r)	Public events	33.1(1)(q)	
	33(2)(s)	To the Auditor General	33.2(f)	
	33(2)(t)	Technical maintenance	33.1(1)(p)	
	33(2)(u)	Temporary processing	33.1(1)(p.1)	
	33(2)(v)	Metadata	33.1(1)(p.2)	
	33(2)(w)	Social media	33.1(1)(r)	
	33(2)(x)	To an Indigenous Govt	n/a	
	33(3)(a)	Individual health or safety	33.1(1)(m)	
	33(3)(b)	Risk of domestic violence	33.1(1)(m.1)	
	33(3)(c)	To notify next of kin	33.1(1)(n)	
	33(3)(d)	For law enforcement	33.2(i)	
	33(3)(e)	To an MLA	33.2(g)	
	33(3)(f)	To bargaining agent rep.	33.2(h)	
	33(3)(g)	To the archives	33.2(j)	
	33(3)(h)	Research purposes	35	
	33(4)	Archival or historical purpose	33.1(1)(o) and 36(1)	
	33(5)	To Board/Franco. Edu Auth.	33.1(1)(o) and 36(3)	
	33(6)	From/to law enforcement	33.1(2)	
	33(7)(a)	For licensing motor vehicles	33.1(1)(k)	
	33(7)(b)	By ICBC for specific claims	33.1(4)	
	33(8)	By the PIISP	33.1(5)	
	33(9)	To the PIISP	33.1(6)	

Section short-hand is provided for reference only

DATA RESIDENCY CHANGES

Background

Amendments to the *Freedom of Information and Protection of Privacy Act* (FOIPPA) received royal assent on Nov. 25, 2021. As part of these changes, the B.C. government updated its data-residency provisions to help public bodies keep pace with new technology and provide the services people expect in a modern age.

Previously, the Act required that personal information be stored and accessed within Canada except under limited circumstances. Government has heard feedback from people, businesses, Indigenous groups, and organizations that they want to continue accessing government services, such as healthcare and educational opportunities, using the tools that have made their lives easier during the COVID-19 pandemic.

Overview

The 2021 amendments bring B.C. in line with other jurisdictions by removing restrictions that prevented public bodies from storing information outside of Canada.

To ensure personal information that people entrust to government continues to be protected, privacy impact assessment requirements for public bodies are being strengthened. These assessments consider risk on a case-by-case basis, based on the sensitivity of the information involved and where it is stored.

When sensitive personal information will be stored outside Canada, a supplementary assessment will be required. This additional assessment will consider factors that impact the risk of unauthorized collection, use, disclosure or storage of the personal information and risk responses that are commensurate to the risk posed.

An informed decision can then be made by the head of the public body on whether to proceed with the project.

More information

Additional information, including [guidance documentation](#), is available at <http://gov.bc.ca/FOIPPAUpdates> or contact the B.C. Privacy and Access Helpline at Privacy.Helpline@gov.bc.ca / 250-356-1851.

Information sessions are being held for ministries and the broader public sector. Check www.gov.bc.ca/privacytraining for updates.

January 2021

APPLICATION FEE FOR GENERAL REQUESTS

Background

Amendments to the *Freedom of Information and Protection of Privacy Act* (FOIPPA) received royal assent on Nov. 25, 2021. As part of these changes, the B.C. government introduced a \$10 fee for general freedom of information (FOI) requests.

The application fee for general requests is intended to bring B.C. in line with other Canadian jurisdictions that also have an application fee. Those making personal requests will continue to pay no fee at all.

B.C. receives among the highest volumes of FOI requests in Canada with over 10,000 requests annually. This volume increased by more than 40% between 2018 and 2020. And while work is being done to modernize and streamline the FOI system, stakeholders have told government they are not getting their information fast enough. This is mostly because of overly broad requests that are slowing down the system.

Overview

A non-refundable application fee of \$10 will now applied to all general FOI requests. This fee must be paid before the request will be processed and will apply to every public body included in the request (e.g., records requested from three ministries would be \$30).

If additional public bodies have records beyond the original request, the request may be transferred to ensure a fulsome response is provided. Those submitting the request will be notified before it is transferred to an additional public body as there will be an additional fee for any added public bodies.

To ensure the fee is not a barrier to access, Indigenous Governing Entities will not be required to pay application fees.

This fee also does not apply to personal FOI requests; those continue to be without a cost.

More information

Additional information regarding FOI requests and associated fees can be found [here](#) or contact the Information Access Operations Branch of the Ministry of Citizens' Services at FOI.Requests@gov.bc.ca or 250-387-1321. More information about the FOIPPA 2021 amendments can be found at gov.bc.ca/FOIPPAUpdates.

Information sessions are being held for ministries and the broader public sector. Check www.gov.bc.ca/privacytraining for updates.

2021 AMENDMENTS OVERVIEW

Background

Introduced in 1993, *Freedom of Information and Protection of Privacy Act* (FOIPPA) balances government's accountability to the public through access to information with a person's right to information privacy. There are over 2,900 public bodies covered by FOIPPA including government ministries, agencies, boards commissions, Crown corporations, municipalities, post-secondary institutions, school boards, health authorities, and self-governing bodies of professions.

Amendments Highlights

Amendments to the FOIPPA received royal assent on Nov. 25, 2021. Most amendments take effect right away, however, select amendments will come into force at a later date to give public bodies more time to develop implementation plans, and some amendments will be further detailed in regulation or ministerial directions. All amendments are anticipated to come into force within one year.

Highlights include:

- Updating FOIPPA's data-residency provisions.
- Requiring public bodies to have a privacy management program.
- Implementing mandatory privacy breach reporting.
- Increasing penalties for offences and adding new offences for evading FOI.
- Introducing an application fee for non-personal FOI requests.
- Enabling more information sharing with Indigenous peoples.
- Adding Indigenous cultural protections.

More information

Support materials can be found at <http://gov.bc.ca/FOIPPAUpdates> and training opportunities are available to support public bodies' understanding of the changes as they work through implementation in their organizations.

- For questions about the 2021 amendments, please contact IM.ITPolicy@gov.bc.ca.
- For general privacy related questions, please contact privacy.helpline@gov.bc.ca.

DISCLOSURES OUTSIDE OF CANADA

Background

Amendments to the *Freedom of Information and Protection of Privacy Act* (FOIPPA) received royal assent on Nov. 25, 2021. As part of these changes, the B.C. government has changed its requirements for storing sensitive personal information outside of Canada to help public bodies keep pace with new technology and provide the services people expect in a modern age.

Previously, the Act required that personal information be stored and accessed within Canada except under limited circumstances. Government has heard feedback from people, businesses, Indigenous groups, and organizations that they want to continue accessing government services, such as healthcare and educational opportunities, using the tools that have made their lives easier during the COVID-19 pandemic.

Overview

The 2021 amendments bring B.C. in line with other jurisdictions by removing restrictions that prevented public bodies from storing information outside of Canada.

To ensure personal information that people entrust to government continues to be protected, privacy impact assessment requirements for public bodies are being strengthened. These assessments consider risk on a case-by-case basis, based on the sensitivity of the information involved and where it is stored.

When sensitive personal information will be stored outside Canada, a supplementary assessment will be required. This additional assessment will consider factors that impact the risk of unauthorized collection, use, disclosure or storage of the personal information and risk responses that are commensurate to the risk posed.

An informed decision can then be made by the head of the public body on whether to proceed with the project.

More information

Additional information, including [guidance documentation](#), is available at <http://gov.bc.ca/FOIPPAUpdates> or contact the B.C. Privacy and Access Helpline at Privacy.Helpline@gov.bc.ca / 250-356-1851.

Information sessions are being held for ministries and the broader public sector. Check www.gov.bc.ca/privacytraining for updates.

From: CITZ Deputy Minister, CITZ:EX <CITZDeputyMinister@gov.bc.ca>
Sent: November 29, 2021 4:04 PM
Cc: IMIT Policy CITZ:EX <IM.ITpolicy@gov.bc.ca>
Subject: FW: FOIPPA Amendments 2021

Good Afternoon:

I am pleased to let you know that government has recently passed amendments to B.C.'s *Freedom of Information and Privacy Act* (FOIPPA). Apart from some minor changes in 2019, the Act has not been updated since 2011 and technology and peoples' expectations have changed substantially since that time, especially during the COVID-19 pandemic.

With royal assent on November 25, these amendments 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.

Highlights of the amendments include:

- Updated data-residency provisions so public bodies can use modern tools while continuing to protect the personal information people entrust to us.
- Enhanced public-sector privacy protections and increased accountability by implementing mandatory privacy breach reporting and increasing penalties for offences.
- Introduction of an application fee for non-personal FOI requests.
- Demonstration of 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.

We have also developed some resource materials to support public bodies to understand the changes which can be found [here](#).

We are hosting information sessions for public bodies' executive leaders, and more detailed sessions for privacy and information management practitioners in early December to provide an overview of the changes, implementation requirements and where to find support resources. Please visit www.gov.bc.ca/privacytraining for more information and to register.

If you have any questions in advance of the sessions, please contact IM.ITPolicy@gov.bc.ca

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

Sincerely,

Shauna Brouwer
Deputy Minister
Ministry of Citizens' Services



FOIPPA Updates

On November 25th 2021, amendments to the *Freedom of Information and Protection of Privacy Act* received royal assent.

Most amendments take effect right away, however, select amendments will come into force at a later date to give public bodies more time to develop implementation plans, and some amendments will be further detailed in regulation or ministerial directions. All amendments are expected to come into force within one year.

Highlights include:

- Updating FOIPPA's provisions for the disclosure of personal information outside Canada.
- Requiring public bodies to have a privacy management program.
- Implementing mandatory privacy breach reporting.
- Increasing penalties for offences and adding new offences for evading FOI.
- Introducing an application fee for non-personal FOI requests.
- Enabling more information sharing with Indigenous Peoples.
- Adding Indigenous cultural protections.

The FOIPPA Policy & Procedures Manual is being updated to reflect these changes and support implementation.

Sections will be posted as they are available, please subscribe to this page to receive updates.

Related Information

- [Read an overview of the FOIPPA amendments \(PDF\)](#)
- [Learn about changes to the disclosure of personal information outside Canada \(PDF\)](#)
- [Learn about the new application fee for FOI requests \(PDF\)](#)
- [FOIPPA Amendments Changes to Disclosure Provisions Table \(PDF\)](#)

Contact Information

If you have questions, please email IM.ITPolicy@gov.bc.ca

Subscribe

Enter your email address to subscribe to updates of this page.

Email addresses are collected under section 26(c) of the Freedom of Information and Protection of Privacy Act, for the purpose of providing content updates. Questions about the collection of email addresses can be directed to the [Manager of Corporate Web](#), Government Digital Experience Division. PO Box 9409, Stn Prov Govt, Victoria, BC V8W 9V1



Fees for Freedom of Information Requests

When you make an FOI request to the provincial government, you can only access records held by those public bodies (ministries or agencies).

There are no application fees or processing fees for personal FOI requests.

Application Fees:

A non-refundable application fee of \$10 is required for all General FOI requests, for every public body included in the request. Indigenous Governing Entities (IGE) are not required to pay application fees. Indigenous Governing Entity "means an Indigenous entity that exercises governmental functions, and includes but is not limited to an Indigenous governing body as defined in the Declaration on the Rights of Indigenous Peoples Act."

Your request will not be processed until payment is received. Fee payments are accepted 8:30am to 4:30pm PST Monday to Friday, excluding statutory holidays, by phone at 250-387-1321 option 2. If calling from outside of Victoria, please call toll free at 833-283-8200 option 2. All major credit cards are accepted.

To pay a fee by cheque, please send a cheque or money order made payable to the Minister of Finance, quote your file number and mail it to:

Information Access Operations

PO Box 9569
Stn Prov Govt
Victoria BC V8W 9K1

If you would like to access records from another public body outside of government, you will have to submit a request directly to those public bodies. (e.g. Crown Corporations, school districts, health authorities, RCMP)

Processing fees may be charged for:

Please note that additional processing fees may apply to General FOI requests, depending on the size and complexity of the request description. Section 75 of the Freedom of Information and Protection of Privacy Act outlines the processing fees that can be charged for non-personal FOI requests for the following tasks or services:

- locating, retrieving and producing the record;
- preparing the record for disclosure;
- shipping and handling the record;
- providing a copy of the record.

There are no processing fees charged for:

- the first three hours spent locating and retrieving a record; or
- time spent severing (removing) information from a record.

How to Minimize Processing Fees for FOI Requests

Depending on the size and complexity of a General FOI request, processing fees may be charged for services provided. One way to eliminate or minimize the processing fees incurred is to be as specific as possible when making the initial request. Broad requests for 'any and all information' about a topic will require substantial time and effort to process, often going far beyond the initial three hours.

Before making a formal FOI request, be sure to [Search Open Information Resources](#) to determine if the request has been made by someone else, or if the information has been proactively shared.

Processing Fee Waiver

You may apply to have the processing fees waived if you cannot afford them or if there's a valid reason to excuse payment, such as the information received deemed a matter of public interest. A simple statement to say you cannot afford the fee is not sufficient: you'll need to provide adequate proof to support your request to have the processing fee waived. Please note that the application fee, which applies to all General FOI requests, cannot be waived.

Applicant fees are non-refundable.

[Section 75\(5\)](#) provides additional information about waiving fees.

Contact Information

If you have questions about the Freedom of Information (FOI) process for B.C. government ministries or the Office of the Premier, contact Information Access Operations:

Information Access Operations

PO Box 9569
Stn Prov Govt
Victoria BC V8W 9K1

Telephone: 250-387-1321
Toll Free: 833-283-8200

Fax: 250-387-9843
Email: FOI.Requests@gov.bc.ca

Fees for Personal FOI request

There are no fees for making a personal FOI request for yourself or for someone you have proof of authority or signed consent for disclosure.



Freedom of Information (FOI) Frequently Asked Questions

To help you get the information you need in a timely manner, we've compiled this list of frequently asked questions that provide context and clarity for common topics within the realm of FOI.

FOI Process

Expand All | Collapse All

How do I submit an FOI request?

When you make an FOI request to the provincial government, you can only access records held by those public bodies (ministries or agencies). If you would like to access records from another public body outside of government, you will have to submit a request directly to those public bodies. (e.g. Crown Corporations, school districts, health authorities, RCMP)

Where/how do I send a request for records to Information Access Operations (IAO)?

Where to submit a Freedom of Information (FOI) request depends on which public body holds the records. Information Access Operations (IAO) is the FOI service provider for B.C. government ministries and the Office of the Premier.

FOI requests for general (non-personal) records held by B.C. government ministries may be submitted to IAO using the [online FOI form](#) (recommended). These requests also may be sent by email to FOI.Requests@gov.bc.ca, by fax to 250-387-9843, or by hardcopy mail to:

Freedom of Information Request
PO Box 9569
Stn Prov Govt
Victoria BC V8W 9K1

FOI requests for personal records held by B.C. government ministries may be submitted to IAO at the above email, fax or postal address, or through the [Request Personal Records](#) online form. FOI requests for records of B.C. public bodies that are not served by IAO should be submitted to those bodies directly. Most have their own website, which should include information on how to submit FOI requests.

How can I make a request for records to a B.C. government ministry?

First, check with the ministry that you believe holds the records to confirm your assumption and see if the records are routinely available. If you are requesting general (not personal) records, you also can check the [Open Information](#) website to see if the records you want are published there. FOI requests must be in writing.

If you are requesting records from a B.C. government ministry or the Office of the Premier, please [submit your request to Information Access Operations](#) (IAO). Select/identify the ministry from which you are requesting records and describe those records clearly and concisely. If you are requesting records from other

public bodies not served by IAO, you will need to send your request to those public bodies directly. Most public bodies have their own websites with contact information.

Can I make an FOI request for someone else?

In some cases, you may be permitted to access another person's personal records. If you need advice on submitting these requests, please contact IAO at 250-387-1321.

Personal privacy rights continue after a person has died. Section 5 of the Freedom of Information and Protection of Privacy Regulation describes who can access a deceased person's personal records. Privacy rights for deceased individuals diminish over time, so the records you can access may depend on how long it has been since the person died.

How long should a request take?

It could take 30 business days, or longer, to respond to your request. This time may be extended under FOIPPA when a large volume of records is requested; when additional time is needed to consult with third parties or other public bodies; or if we need to work with you to clarify your request.

Large complex FOI requests take longer to process than small simple requests. You may wish to work with your IAO analyst to try to narrow and simplify your request to help expedite processing.

I am going to court and I need to have my records today.

We are unable to respond to requests for records that quickly. All records need to be reviewed carefully before they are released, to ensure that you get a complete response to your request, and to protect the privacy of others.

What information do I need to provide to access my personal records?

You will need to provide your full legal name and mailing address. It is also helpful to provide a daytime phone number so we can contact you if there are questions about your request. You should be clear about what kind of records you want; for example, what type of government services did you receive? You may need to provide additional information to ensure that we are able to match the correct records to you.

Once you've determined the type of FOI request you need, you can begin your application through our online form.

What kind of personal records can be requested through an FOI request?

Common types of personal records requested under FOIPPA include:

Ministry of Children and Family Development:

- Child in Care records
- Child, Youth and Mental Health records

- Child Protection records
- Adoption records
- Foster Parent records
- Daycare Subsidy records
- ***MCFD** records available to individuals for their own information directly from the Ministry (outside of the formal FOI process):
 - Copies of a client's own identification on file; (BCID, birth certificate etc.)
 - Any forms completed by the client that they have supplied to the ministry (example - a form the social worker asks a client to complete)
 - Copies of information that a client has voluntarily provided and it is clear that client supplied the item (example – letters from a character reference, landlord, doctor or counsellor)
 - Printouts of Child Care Subsidy Benefit Plans already in place; (requestor could be the child care provider or a ministry client receiving subsidy benefits) – these requests can go directly to Child Care Subsidy for response
 - Ministry correspondence addressed to and previously provided to the client

Ministry of Public Safety and Solicitor General:

- BC Corrections Branch records
- Office of the Superintendent of Motor Vehicles (OSMV) records (e.g. Driver Fitness file)
- Victim Assistance program records

Ministry of Social Development and Poverty Reduction (MSDPR*):

- Income Assistance records
- Disability Assistance records
- Health Assistance Branch records
- Employment Skills/Training records
- Family Maintenance records (Note: Family Maintenance Enforcement program records are held by the Ministry of Justice)

***MSDPR** records available to individuals for their own information directly from the Ministry (outside of the formal FOI process):

- Records submitted by clients (individuals) to the ministry, for example a doctor's letter, a pay stub, a monthly report (SD0081) form, identification records.

- A copy of a record that was previously provided by the ministry to a client (individual), for example a letter from an Employment and Assistance Worker.
- Calculation of benefits records (T5007 information)
- Cheque history information

Community Living BC:

- Eligibility
- Assessment
- Planning
- Service Provider (Agency) Records

BC Public Service Agency:

- B.C. government staff employment records
- B.C. government employee payroll records
- B.C. government employee occupational health records

What type of information is exempt from FOI requests?

As defined in Part 2, Division 2 of FOIPPA, each section listed below has its own tests to determine if information should be excepted from disclosure through FOI. Refer to those sections to determine the appropriate tests.

Section 12: Cabinet confidences

Section 13: Advice or recommendations

Section 14: Legal advice

Section 15: Harm to law enforcement

Section 16: Harm to intergovernmental relations or negotiations

Section 17: Harm to financial or economic interests of a public body

Section 18: Harm to conservation of heritage sites

Section 18.1: Disclosure harmful to interests of an Indigenous people

Section 19: Harm to individual or public safety

Section 20: Information to be published or released within 60 days

Section 21: Harm to business interests of a third party

Section 22: Harm to personal privacy**Section 22.1: Information relating to abortion services****Can you email my copies of ministry records when they are ready?**

We are happy to email records that respond to FOI general requests. Personal records are not sent by email for security reasons, to ensure that unauthorized persons cannot access your personal information. We can arrange for you to pick up your records in person at certain government offices, where you will need to show identification before receiving them. If you need your records urgently, you can arrange for a courier to pick them up and deliver them to you at your expense.

What if I disagree with the response?

If you have questions about the response you received, including the ministry's decision to withhold information, please contact the IAO analyst who processed your request. If the analyst is unable to address your concerns, you may request a review by the [Office of the Information and Privacy Commissioner \(OIPC\)](#) within 30 business days of receiving the IAO response letter to your FOI request. Information on the review process is included in the response letter, or you may contact the OIPC.

How do I get information about the status of my FOI request to a ministry?

Call 250-387-1321 or toll free at 833-283-8200 and quote your FOI request file number to be connected with the analyst assigned to your file.

Fees

[Expand All](#) | [Collapse All](#)

How much does it cost?**How do I pay the application fee using the online FOI Request form?****How do I pay the application fee if I am submitting a request by email, fax, or hardcopy mail?****Can I ask for the application fee to be waived?****Why am I being charged additional application fees to transfer my request to another ministry/public body?****Can I get a refund on my FOI application fee?**

Children & Family Records

Expand All | Collapse All

If my child is in the care of the MCFD, can I request access to his/her personal information?

Why do I have to explain why I want my child's records?

Why do I need to provide the most current Family Law Act (FLA) court order or agreement to obtain my child's records?

What if I don't have a Family Law Act (FLA) court order or agreement? Can I still obtain my child's records?

How do I get access to the personal information of my incapable child over 12 but under 19 years of age?

How do I access the information of an incapable adult 19 years or over?

What if I want the records for a Family Court matter?

Why do I have to obtain the consent of my child who is over 12 years of age?

Contact Information

If you have questions about the Freedom of Information (FOI) process for B.C. government ministries or the Office of the Premier, contact Information Access Operations:

Information Access Operations

PO Box 9569

Stn Prov Govt

Victoria BC V8W 9K1

Telephone: 250-387-1321

Toll Free: 833-283-8200

Fax: 250-387-9843

Email: FOI.Requests@gov.bc.ca

Top FAQ:

How do I get information about the status of my FOI?

Call 250-387-1321 or Toll Free at 833-283-8200 and quote your FOI request file number. Please ask for the IAO analyst assigned to your file.

Outside of Canada/USA: 1-604-660-2421

Ask to be transferred to 250-387-1321