

2015 OIPC Recommendations to the FOIPPA Special Committee

Recommendation	New / Previously Recommended by OIPC
<p>1. Add to Part 2 of FIPPA a duty for public bodies to document key actions and decisions based on the definition of government information” in the Information Management Act.</p>	Previously recommended
<p>2. Section 13(1) of FIPPA should be amended to clarify the following:</p> <ul style="list-style-type: none"> • “advice” and “recommendations” are similar and often interchangeably used terms, rather than sweeping and separate concepts; • “advice” or “recommendations” set out suggested actions for acceptance or rejection during a deliberative process; • the “advice” or “recommendations” does not apply to the facts upon which the advice or recommendation is based; and • the “advice” or “recommendations” does not apply to factual, investigative, or background material, for the assessment or analysis of such material, or for professional or technical opinions. 	Previously recommended
<p>3. Amend FIPPA to move paragraph (n) of the definition of “local government body” into the definition of “public body” in Schedule I, so that entities such as subsidiaries of educational bodies and the BCACP fall within the scope of FIPPA.</p>	Previously recommended
<p>4. Amend ss. 71 and 71.1 of FIPPA to require the publication of any categories of records that are established by the head of a public body or the Minister and made available to the public without an access request. This list should include links to relevant information or records.</p>	New
<p>5. Amend FIPPA to require public bodies to ensure that the name and type of applicant is only disclosed to the individual at the public body that receives an access request on behalf of that public body, while providing for limited exceptions where the applicant is requesting their own personal information or where the name of the applicant is necessary to respond to the request.</p>	Previously recommended

<p>6. Add an exception to s. 33.1(1) that states that a public body may disclose personal information inside or outside of Canada, if the information is contained in a non-statutory investigation or fact finding report commissioned by a public body, where the head of the public body concludes the public interest in disclosure outweighs the privacy interests of any person whose personal information is contained in the report.</p>	<p>New</p>
<p>7. Add to FIPPA a requirement that public bodies have a privacy management program that:</p> <ul style="list-style-type: none"> • designates one or more individuals to be responsible for ensuring that the public body complies with FIPPA; • is tailored to the structure, scale, volume, and sensitivity of the personal information collected by the public body; • includes policies and practices that are developed and followed so that the public body can meet its obligations under FIPPA, and makes policies publicly available; • includes privacy training for employees of the public body; • has a process to respond to complaints that may arise respecting the application of FIPPA; and • is regularly monitored and updated. 	<p>New</p>
<p>8. Add to Part 3 of FIPPA a breach notification and reporting framework which includes:</p> <ul style="list-style-type: none"> • A definition of a privacy breach: includes the loss of, unauthorized access to or unauthorized collection, use, disclosure or disposal of personal information. • A requirement to notify individuals when their personal information is affected by a known or suspected breach, if the breach could reasonably be expected to cause significant harm to the individual. • A requirement that a public body report to the Commissioner any breach involving personal information under the custody or control of that public body, if the breach or suspected breach could reasonably be expected to cause harm to an individual and/or involves a large number of individuals; • A timing requirement that process of notification and reporting must begin without unreasonable delay once a breach is discovered; • Authority for the Commissioner to order notification to an individual affected by a breach; and • A requirement that public bodies document privacy breaches and decisions about notification and reporting 	<p>Previously recommended</p>
<p>9. Add a de-identification requirement to s. 33.2(l) of FIPPA for any personal information that is disclosed for the purposes of planning or evaluating a program or activity of a public body.</p>	<p>New</p>
<p>10. That FIPPA be amended to limit the exemption in s. 3(J)(e) to Part 2 of FIPPA.</p>	<p>New</p>
<p>11. Add to s. 29 of FIPPA a requirement that public bodies correct personal information when an individual requests that his or her personal information be corrected if the public body is satisfied on reasonable grounds that the request made should be implemented.</p>	<p>New</p>

<p>12. Amend s. 42 of FIPPA to expand the Commissioner’s oversight by granting the Commissioner the jurisdiction to review matters or allegations of unauthorized destruction of records.</p> <p>The Commissioner should have jurisdiction over the unauthorized destruction of records as set out in:</p> <ul style="list-style-type: none"> • any enactment of British Columbia, or • set out in a bylaw, resolution or other legal instrument by which a local public body acts or, if a local public body does not have a bylaw, resolution or other legal instrument setting out rules related to the destruction of records, as authorized by the governing body of a local public body. <p>The oversight over unauthorized destruction should come with complementary offences and penalties under FIPPA.</p>	New
<p>13. Amend the definition for “data-linking” in Schedule I of FIPPA to define data-linking as the linking or combining of data sets where the purpose of linking or combining the information is different from the original purpose for which the information in at least one of the data sets that was originally obtained or compiled, and any purposes consistent with that original purpose.</p>	Previously recommended
<p>14. Repeal s. 36.1(2) of FIPPA to remove the exemption of the health care sector from the data-linking oversight provisions of the Act.</p>	Previously recommended
<p>15. Penalties for offences committed by individuals under FIPPA should be raised to be up to a maximum of \$50,000 for both general and privacy offences.</p>	New
<p>16. Add a privacy protection offence to s. 74.1 that makes it an offence to collect, use, or disclosure personal information in contravention of Part 3 of FIPPA.</p>	New
<p>17. Amend Part 6 of FIPPA to require government to list provisions in statutes that prevail over FIPPA in a schedule to the Act, and amend s. 80 of FIPPA to include a review of those provisions as part of the statutory review of the Act.</p>	New
<p>18. Amend s. 56 of FIPPA to permit the Commissioner to extend the 90 day time limit to review requests in a manner that is consistent with s. 50(8) of PIPA.</p>	Previously recommended
<p>19. Amend parts 4 and 5 of FIPPA to combine the complaint process and the review and inquiry process into a unitary process for the Commissioner to investigate, review, mediate, inquire into and make orders about complaints respecting decisions under FIPPA or other allegations of non compliance with FIPPA.</p>	Previously recommended
<p>20. Government should enact new comprehensive health information privacy legislation at the earliest opportunity.</p>	New
<p>21. Amend section 80 (1) of FIPPA to change the review cycle from 6 years to every 3-4 years.</p>	New

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2015 Meeting Note

Amrik Virk, Minister

Meeting Date: January 19th, 2015

Cliff #:

Attendees: Elizabeth Denham, Information and Privacy Commissioner for British Columbia (B.C.)

Issue: Introductory discussions with the Information and Privacy Commissioner (Commissioner).

Background / Facts:

Legislated Role

- Independent Officer of the Legislature
- Appointed for a six-year term in May 2010
- Issues orders, investigation reports and public comment on administration of the *Freedom of Information and Protection of Privacy Act* (FOIPPA)
- Strongest oversight powers of any Commissioner in Canada
- Also responsible for overseeing the *Personal Information Protection Act* (PIPA) which is B.C.'s private sector privacy legislation

Previous Experience

- Assistant Privacy Commissioner of Canada (2007 – 2010) – led investigation of Facebook which resulted in change to privacy practices on a global basis and discussions with Google which resulted in changes to its street imaging services in Canada
- Director, Private Sector, Office of the Information and Privacy Commissioner of Alberta (2003 - 2007)
- Master's degree in archival and information science from the University of B.C.

Analysis:

Commissioner's Priorities/Government's Response

Privacy

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- Review of PIPA by Special Committee
The Commissioner made oral and written submissions to the Committee containing a number of recommendations for change. The key ones relate to mandatory breach notification, the Supreme Court ruling re labour information that resulted in the Alberta PIPA being declared unconstitutional, and privacy management programs. The Special Committee is expected to release its recommendations in February of this year.



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Ministry of
Technology, Innovation
and Citizens' Services



Attachment(s): Appendix A: Summary of OIPC Recommendations and Government's Response Status

Contact: *Sharon Plater, Executive Director, Privacy and Legislation Branch, 250-415-1921*

From: [Barlow, Richard O FIN:EX](#)
To: [Reed, Matt MTIC:EX](#)
Cc: [Carpenter, Michael FIN:EX](#)
Subject: Follow-up Subsidiary Corporate
Date: Thursday, December 17, 2015 1:56:18 PM

Matt, this is what I have found out. s.13
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This is based on the Ministry service plan and Schedule 2 of FOIPPA.

Crown Corporations:

- B.C. Securities Commission – in Schedule 2
- B.C. Lottery Corporation – in Schedule 2
- Partnerships B.C. – in Schedule 2

Boards and Commissions

- Financial Institutions Commission – in Schedule 2
- Financial Services Tribunal – in Schedule 2
- s.13
- Public Sector Employers' Council – in Schedule 2
- s.13
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Advisory Committees:

- s.13

Richard

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Freedom of Information and Protection of Privacy Act (FOIPP Act)

Special Committee (S.C.) to Review the FOIPP Act (2010)

Disposition of Recommendations

(May 2015)

Rec. #	Recommendation	Disposition
Part 1 – Introductory Provisions:		
1	<p>Add a new section 2(3) to acknowledge that information technology plays an important role in achieving the dual purposes of the Act by facilitating the routine disclosure of general information as well as enhancing safeguards for privacy protection.</p> <p>[Freedom of Information and Privacy Association, and members of the BC Branch of the Canadian Bar Association]</p>	<p>Complete Primarily addressed in policy but also addressed in part by the 2011 amendment package regarding the Open Government platform and in part by requirement to do Privacy Impact Assessments.</p> <p>s.13</p>
2	<p>Add a new section 2(4) to require that for an infringement of the right to privacy to be lawful, it must be proportional to the public interest that is achieved.</p> <p>[OIPC]</p>	<p>Complete The revised Privacy Impact Assessment process incorporates a proportionality assessment.</p> <p>s.13</p>
3	<p>Include the British Columbia Society for the Prevention of Cruelty to Animals by using definition (b) of <i>public body</i> in Schedule 1 that makes provision for adding an “other body” by regulation to Schedule 2; and add the proviso that access rights pertain only to those records that relate to this Society’s statutory powers.</p> <p>[2004 Special Committee report]</p>	<p>Complete No amendment necessary.</p> <p>s.13</p>

Rec. #	Recommendation	Disposition
4	<p>Expand the definition of “public body” in Schedule 1 to include any corporation that is created or owned by a public body, including an educational body.</p> <p>[UBC Alma Mater Society, Canadian Centre for Policy Alternatives, BC Health Coalition, OIPC]</p>	<p>public body to Schedule 2 of the FOIPP Act. However, Bill 24-2012 amended the <i>Prevention of Cruelty to Animals Act</i> to provide the responsible minister with the power to order the BCSPCA to report on any relevant matters and to make such reports public. It also requires the BCSPCA to comply with such orders. The Act was also amended to provide for notice to owners of proposed decisions about their animals and established a review and appeal process. These amendments addressed advocacy groups’ concerns about the lack of accountability and reporting requirements regarding the BCSPCA.</p> <p>Under consideration</p>
5	<p>Amend Section 3 to clarify that records created by or in the custody of a service-provider under contract to a public body are under the control of the public body on whose behalf the contractor provides services.</p> <p>[OIPC, advocacy groups, labour unions, librarians, taxpayers]</p>	<p>Complete Amended in 2011</p> <p>A new provision places records created by a service provider, that do not relate to the services it provides, outside the scope of the Act.</p> <p>Also addressed in part through policy that requires public bodies to establish contractual ‘control’ of service providers’ records when appropriate and sets the exclusion of records from control of public bodies as the exception</p>
6	<p>Amend section 3(1)(e) by replacing “employees” with “faculty members and teaching support staff” of a post-secondary educational body.</p> <p>[Confederation of University Faculty Associations]</p>	<p>Complete Amended in 2011</p>
Part 2 – Freedom of Information:		
7	<p>Add a new section at the beginning of Part 2 of the Act requiring public bodies - at least at the provincial government level - to adopt schemes approved by the</p>	<p>Complete Amended in 2011.</p>

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Rec. #	Recommendation	Disposition
	<p>Information and Privacy Commissioner for the routine proactive disclosure of electronic records, and to have them operational within a reasonable period of time.</p> <p>[OIPC, advocacy groups, labour unions, librarians, taxpayers]</p>	<p>Approval lies with minister not Commissioner. Commissioner approved amendment.</p>
8	<p>Amend section 13(2) to require the head of a public body to release on a routine and timely basis the information listed in paragraphs (a) to (n) to the public.</p> <p>[OIPC, advocacy groups, labour unions, librarians, taxpayers, 2004 Special committee Report]</p>	<p>Complete Government's policy and procedures manual has been amended to encourage public bodies to disclose these types of information</p>
9	<p>Amend section 9(2) of the Act to require that public bodies provide electronic copies of records to applicants, where the records can reasonably be reproduced in electronic form.</p> <p>[CUPE, OIPC]</p>	<p>Complete Amended in 2011</p>
10	<p>Amend section 4(1) to establish that an applicant who makes a formal access request has the right to anonymity throughout the entire process.</p> <p>[2004 Special committee report, OIPC]</p>	<p>Complete In response to the Commissioner's first annual report on the timeliness of government's access to information responses (February, 2009), government said that, while there are times when the identity of a requester needs to be known as part of the decision-making process, it will undertake efforts to ensure anonymity is protected to the greatest extent possible.</p>
11	<p>Amend sections 5 and 9 to allow applicants a right of access to original records if reasonable.</p> <p>[Victoria and Vancouver police]</p>	<p>Complete Amended in 2011 (section 9 only)</p>

Rec. #	Recommendation	Disposition
12	<p>Amend section 11 to reduce the time allowed for file transfers to ten business days.</p> <p>[FIPA, Dogwood Initiative]</p>	s.13
13	<p>Make section 14 a mandatory exception, by changing “may refuse” to “must refuse” except when the public body is the client and can choose to waive privilege, or, if the client is a third party, the client agrees to waive privilege.</p> <p>[Law Society of BC]</p>	
14	<p>Amend section 14 of the Act to state that decisions on the privileged status of materials when FOI requests are made must be referred to the Supreme Court of British Columbia.</p> <p>[ICBC]</p>	
15	<p>Amend section 20(3) to provide for immediate release of all requested records if 90 days have elapsed since receiving the applicant’s request; and to provide that an access request may be refused if the information will be published according to a statutory schedule.</p> <p>[FIPA, Dogwood Initiative, justice ministries, BC School Trustees Association]</p>	<p>Complete Amended in 2011.</p> <p>Information may be withheld under another provision.</p>
16	<p>Amend section 22(2) to state that the personal information of an individual who has been dead for over 20 years is a relevant consideration in determining whether the disclosure of the deceased’s personal information would be an unreasonable invasion of personal privacy.</p> <p>[OIPC; 2004 Special committee report]</p>	<p>Complete Amended in 2011</p>
17	<p>Amend section 22(3)(h), as follows: “The disclosure could reasonably be expected to reveal the substance of a personal recommendation, or evaluation, character reference, or personnel evaluation, that was supplied in confidence by a third party, or, to reveal the identity of the third party who supplied the</p>	<p>Complete Amended in 2011</p>

Rec. #	Recommendation	Disposition
	reference in confidence." A corresponding amendment would be required to repeal section 22(5). [UBC]	
18	Amend section 22(4)(i) by adding "degree, diploma or certificate" granted to the third party by a public body. [University of Victoria]	Complete Amended in 2011
19	Review section 25(1) in light of the Supreme Court of Canada decision, Grant v. Torstar Corp. [OIPC, advocacy groups, unions, librarians, a drafter of original Act, FIPA]	Complete Decision reviewed. No amendment is necessary.
Part 3 – Protection of Privacy:		
20	Amend the Act to allow an individual to consent to the collection, use and disclosure of their personal information by a public body (similar to the <i>Personal Information Protection Act</i>). [Government]	Complete Amended in 2011
21	Amend the Act to include language confirming a broader approach to research so that applied research into issues, facts, trends, etc for the purpose of program planning and/or evaluation can be undertaken, provided that only de-identified data are used. [Government]	Complete Amended in 2011 Issue of de-identified data is not addressed
22	Consider holding public consultations on data sharing initiatives. [OIPC]	s.13

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Rec. #	Recommendation	Disposition
23	<p>Appoint a Government Chief Privacy Officer.</p> <p>[OIPC]</p>	s.13
24	<p>Amend the Act to require that data sharing projects for the purpose of research must be subject to ethics review by an arm's length stewardship committee.</p> <p>[OIPC]</p>	
25	<p>Add a requirement in the Act that privacy impact assessments must be completed at the conceptual, design and implementation phases of an electronic record project. This requirement should apply to health authorities as well as government ministries.</p> <p>[OIPC]</p>	<p>Complete Amended in 2011.</p> <p>Public bodies must prepare PIAs in accordance with the Minister's directions. Ministries must submit PIAs to the Ministry of Labour, Citizens' Services and Open Gov't. Public bodies must provide PIAs on common or integrated programs or activities and on data linking initiatives to the Commissioner for review and comment.</p>
26	<p>Amend the Act to reflect the approach taken in the <i>Personal Information Protection Act</i> with respect to the collection of employee personal information.</p> <p>[BC Hydro, UBC, BC Branch of Canadian Bar Association, lawyers]</p>	<p>Complete Amended in 2011</p>
27	<p>Re-examine the protocols regarding sharing health information with immediate family members.</p> <p>[citizens, BC Schizophrenia Society]</p>	<p>To be addressed through policy development and information sharing guidelines.</p> <p>The OIPC has guidelines on this issue: "Emergency Disclosure of Personal Information by Universities, Colleges and other educational institutions", March 2008</p>
28	<p>Amend section 35 of the Act to permit a health care body to disclose de-identified personal health information without the individual's consent for legitimate research purposes.</p> <p>[Canadian Health Institute for Health Information, Population Data BC]</p>	s.13
<p>Part 4 – Office and Powers of Information and Privacy Commissioner:</p>		

Rec. #	Recommendation	Disposition
29	<p>Amend section 42 to explicitly give the Commissioner the power to require public bodies to submit statistical and other information related to their processing of freedom-of-information requests, in a form and manner that the Commissioner considers appropriate.</p> <p>[OIPC]</p>	s.13
30	<p>Combine the complaint process and the review and inquiry process - referred to in sections 42(2) and 52(1) respectively - into a unitary process for the Commissioner to investigate, mediate, inquire into and make orders about complaints respecting decisions under the Act and other allegations of non-compliance with the Act.</p> <p>[OIPC]</p>	Under Consideration
Part 5 – Reviews and Complaints:		
31	<p>Amend section 56 to permit the Commissioner to extend the 90-day time limit to review access requests in a manner that is consistent with section 50(8) of the <i>Personal Information Protection Act</i>.</p> <p>[OIPC]</p>	s.13
32	<p>Amend section 59(2) and add a new section 59(3) to inhibit abuse of the judicial review process by time-limiting the automatic stay of the Commissioner's order.</p> <p>[2004 Special committee; OIPC]</p>	Complete Amended in 2011
Part 6 – General Provisions:		
33	<p>Amend section 66 of the Act to include local government bodies in order that local governments have the option of appointing the Chair of the Board or the Mayor of the municipality as the head of the public body with the ability to delegate the duties, power or function to staff.</p>	Complete Amended in 2011

Rec. #	Recommendation	Disposition
	[Regional District of Fraser-Fort George]	
34	<p>Amend section 71 to require public bodies to make available to an individual his or her own personal information free of charge and without an access request, but subject to any access exceptions under the Act.</p> <p>[2004 Special committee]</p>	s.13
35	<p>Review the Schedule of Maximum Fees with an emphasis on meeting the original objectives of the legislation and use the criterion of reasonableness throughout the whole process.</p> <p>[public; local public bodies, lawyers]</p>	

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From: [Ralph, Kerri GCPE:EX](#)
To: [Ritchie, CJ MTIC:EX](#)
Cc: [Furtado, Angelina MTIC:EX](#); [Plater, Sharon MTIC:EX](#); [Wey, Melody GCPE:EX](#)
Subject: Updated - IN_Sub subsidiary Corporations of Public Bodies FOIPP Act Amendments - Thursday AM
Date: Wednesday, February 5, 2014 2:22:10 PM
Attachments: [IN_Sub subsidiary Corporations of Public Bodies FOIPP Act Amendments_Jan 20.2014.docx](#)

Hi CJ,

Please find attached an updated version of the Subsidiary Corporations of Public Bodies FOIPP Act Amendments Issues Note for your final review/approval.

Sharon Plater has kindly assisted me with the updates and has approved this version.

Thanks so much,

Kerri Ralph

Public Affairs Officer

Ministry of Technology, Innovation and Citizens' Services

Government of B.C.

Direct (250) 356-0011

Mobile (250) 893-4136

From: Ralph, Kerri GCPE:EX
Sent: February-05-14 10:55 AM
To: Plater, Sharon MTIC:EX
Subject: RE: IN_Sub subsidiary Corporations of Public Bodies FOIPP Act Amendments_Jan 20 2014

Hi Sharon,

I've cleaned The document up with all of the track changes, if this looks good to you I will pass along for further approval, this is going to CJ in BJH's absence correct?

Thanks so much,

Kerri Ralph

Public Affairs Officer

Ministry of Technology, Innovation and Citizens' Services

Government of B.C.

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From: Plater, Sharon MTIC:EX
Sent: February-04-14 3:05 PM
To: Ralph, Kerri GCPE:EX
Subject: IN_Sub subsidiary Corporations of Public Bodies FOIPP Act Amendments_Jan 20 2014

Hi Kerri. I think I have addressed all of the questions. In the first comment, if it was to take out the word, 'important' – I agree with that change.

Let me know if I can be of further assistance.

Sharon

From: [Kolarich, Claudette MTIC:EX](#)
To: [Moreau, Denise MTIC:EX](#)
Cc: [Plater, Sharon MTIC:EX](#); [Harvey, Caylla MTIC:EX](#)
Subject: Special Committee - Subsidiary and Duty to Document
Date: Monday, April 7, 2014 2:27:16 PM
Attachments: [Special Committee - Subsidiary and Duty to Document.docx](#)

Hi Denise,

Please find attached a new Estimates note for the above mentioned. Bette-Jo asked Sharon to prepare it.

Thanks,
Claudette

Claudette Kolarich

Office Manager | [Legislation, Privacy and Policy](#)

Office of the CIO - Province of B.C.

Ministry of Technology, Innovation and Citizens' Services

Phone: 250 356-8660 | Mobile: 250 516-0204

From: [Reed, Matt MTIC:EX](#)
To: [Plater, Sharon MTIC:EX](#); [Francis, Celia MTIC:EX](#)
Subject: FW: DBN re: sub corps - draft
Date: Monday, April 28, 2014 10:49:48 AM
Attachments: [decision_note_SubCorps.docx](#)

Hi Celia, Sharon,

Here is the DBN that I prepared for Charmaine on the sub corps issue. It has not been reviewed yet by anyone, and the recommendation was based on my sense of the materials given to me, not based on any actual direction.

Thanks,
-m

Matt Reed
A/Manager, Corporate Privacy Initiatives, Awareness and Training
Legislation, Privacy and Policy Branch, OCIO
Ministry of Technology, Innovation and Citizens' Services
250-514-8870

2014 Decision Note Advice to Minister

Date: xxxx

Cliff #: xxxxx

Issue: Should the scope of the *Freedom of Information and Protection of Privacy Act (FOIPPA)* be expanded to include the subsidiary corporations of all public bodies.

Recommendation / Next Steps (if any):

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Background / Facts:

- Currently FOIPPA includes within its scope the subsidiary corporations of local government bodies (e.g. municipalities), but excludes from its scope any subsidiary corporations of any other public body (including ministries, crown corporations, and educational bodies)
- In their report, the 2010 Special Committee of the Legislature that reviewed FOIPPA recommended that an amendment be made to “expand the definition of a public body in Schedule 1 to include any corporation that is created or owned by a public body, including an educational body”
- Special interest groups and the Information and Privacy Commissioner have also recommended that these “subsidiary corporations of public bodies” be brought under the authority of the Act
- Consultations have been held with a selection of ministries and educational bodies on the expected effect of including subsidiary corporations into the scope of FOIPPA

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Analysis:

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Other Options:
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Approved/Not Approved
Minister to specify if the recommendation has been approved or one of the other options or simply not approved.

Honourable Andrew Wilkinson _____
Date

Attachment(s): N/A

Contact:

John Jacobson
250 387-8852

Bette Jo Hughes
250 387-0401



APPROVAL SLIP

PROGRAM AREA: (Start Date)	July 4	2014
*Associate DM or ADM OFFICE:		2014
*EFO OFFICE:		2014
*DM OFFICE:		2014
*MINISTER'S OFFICE		2014

*Document For:
Minister Wilkinson*

*Document Type:
Response Letter*

CLIFF #: 101298

Subject: MO Response – Amendment to the *Freedom of Information and Protection of Privacy Act (FOIPPA)* re Subsidiary Corporations

Branch Contact: Brittany Kitt **Branch Phone #:** 6-0361

Date Sent/Received	Approvals	Final Approval (Initials)	Date Approved	Approval Comments
Jul 6/14	Program Area - Drafter: Matt Reed	<i>MR</i>		
	Manager or Director:			
July 6/14	Executive Director: Sharon Plater	<i>SP</i>		
	Finance Office within ADM office:			
	Manager of Operations:			
	Associate DM or ADM OFFICE: (*Build in two full days for approval)			
	DM OFFICE - Deputy Minister: John Jacobson (*Build in two full days for approval)			
	GCPE - Communications Director:			
	Minister's Office: Honourable Andrew Wilkinson (*Build in three full days for approval)			

Special instructions and or comments, including special rush or approval instructions etc.

From: [Hoskins, Chad MTIC:EX](#)
To: [Plater, Sharon MTIC:EX](#)
Cc: [Lowe, Charmaine MTIC:EX](#)
Subject: copy of MO briefing PPT
Date: Wednesday, January 14, 2015 2:10:30 PM
Attachments: [FOI MO Presentation June 2013 edits SM.pptx](#)

I think this is the one Sharon.

Chad

Chad Hoskins | Director, FOI and Open Information | Information Access Operations | Shared Services BC
d: 250.356.7343 *m:* 250.516.5181 | *e:* chad.hoskins@gov.bc.ca | *m:* PO Box 9569, Stn Prov Gov, Victoria BC V8V 1S2



ADVICE TO MINISTER

<p style="text-align: center;">CONFIDENTIAL ISSUES NOTE</p> <p>Ministry: Technology, Innovation and Citizens' Services</p> <p>Date: Jan. 18, 2012; Updated: Feb. 5, 2014</p> <p>Minister Responsible: Hon. Andrew Wilkinson</p> <p>Created by Government Communications and Public Engagement</p>	<p>Subsidiary Corporations of Public Bodies – FOIPPA amendments</p>
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ADVICE AND RECOMMENDED RESPONSE:

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KEY FACTS REGARDING THE ISSUE:

In May 2010, the Special Committee to Review the Freedom of Information and Privacy Act issued a report with 35 recommendations designed to ensure the FOIPP Act remains current.

Recommendation #4 is to: expand the definition of “public body” in Schedule 1 to include any corporation that is created or owned by a public body, including an educational body.

In Oct. 2006, the Ministry of Education made a commitment that school district business companies comply with the Freedom of Information and Protection of Privacy Act. Changes were made to the School Act in 2007 enabling school boards to create business entities that could generate extra funds for the districts.

However, the Ministry decided not to add school district business companies to coverage of FOIPPA and chose instead to achieve the accountability goals in other ways.

During the summer of 2012, Initial meetings were held with UBC, SFU, UVic and UNBC and in June 2013 the ministry met with the Ministries of Health, Education and Advanced Education who advised further consultation with universities, schools and health authorities.

As a result of these consultations, it was realized that the issue is complex and could have considerable impacts.¹³

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BACKGROUND:

In 2010, the Freedom of Information and Privacy Association was invited to participate in the consultations on the new legislation for the FOIPP Act, where it would have had an opportunity to raise this issue. It refused to participate.

On Oct. 2, 2012, Vincent Gogolek wrote Minister Stewart requesting that he follow through on Minister MacDiarmid's previous commitment to review the coverage of subsidiary corporations of educational institutions under the FOIPP Act. On Oct. 26, 2012, Minister Stewart responded to this letter from Mr. Gogolek informing him that the Ministry is continuing with the review.

On Oct. 20, 2011, the Information and Privacy Commissioner wrote a letter to Minister MacDiarmid requesting "the Ministry draft amendments to the FOIPP Act to ensure that the act covers subsidiary corporations of local public bodies."

The Information and Privacy Commissioner is concerned that the fact subsidiary corporations are not specifically covered as public bodies in their own right creates an "accountability gap." The Commissioner has requested this issue be rectified through an amendment to the FOIPP Act or other legislative options.

The Information and Privacy Commissioner made her request as a result of a B.C. Supreme Court Decision, *Simon Fraser University v. British Columbia (Information and Privacy Commissioner)*, [2009] BCSC 1481.

This decision held that Simon Fraser University did not exercise control, for the purposes of the FOIPP Act, of the records of its subsidiary corporations because the relationship between it and the corporations did not meet the common law test for "piercing the corporate veil." The Court also found that it was not appropriate for the records of a corporation to be subject to two legislative regimes with respect to privacy. As a result, the Court found that the requested records were not subject to the FOIPP Act.

Communications Contact:	Kerri Ralph	250 356-0011		
Program Area Contact:	Sharon Plater			
Created:	Jan. 18, 2012/Updated Jan. 18, 2014			
File path: n:\zz_citizens' services communications office\operations\issue notes\2014\1. draft\chief information officer - foippa\in_subsidary corporations of public bodies foipp act amendments_jan 20.2014.docx				
Program Area	ADM	DM	Comm. Dir	MO
SP				

Summary of OIPC Recommendations and Status of Government's Response

Document	OIPC Recommendation	OIPC current appraisal and concerns	Government's Response
DATA-LINKING	<p>An error in the drafting of the definition for data linking has resulted in very few initiatives being subject to OIPC oversight. The definition should be broadened to include the type of initiatives that were originally intended to be covered by the 2011 FOIPPA amendments.</p> <p>As acknowledged by Deputy Minister Kim Henderson in her April 11, 2013 letter to the Commissioner, the data linking provisions as currently drafted do not achieve their intended policy objectives and this matter should be addressed at the earliest opportunity.</p>	s.13	
INVESTIGATION REPORTS			
Investigation Report F11-02 – BC FERRIES (MAY 2011)	Minimum delay of 24 hours between the applicant's receipt of the response and the time the response is publicly posted.		
F13-01 – INCREASE IN NO RESPONSIVE RECORDS (MARCH 2013)	IAO communicate to an applicant when it is aware that the records the applicant is seeking exist within a different ministry than from where the applicant has originally requested the records.		
	IAO should be reasonably confident that before narrowing a request, the result will not deprive		

Summary of OIPC Recommendations and Status of Government's Response

	<p>applicants of records they would otherwise receive, unless IAO informs the applicant that this may be the case. s.13</p>
	<p>IAO ensure that it interprets requests broadly enough to assist the applicants in obtaining the records he or she is seeking.</p>
	<p>Where government does not have records responsive to an access request, IAO provide an explanation to the applicant as to why this is the case.</p>
	<p>IAO develop a classification system that more accurately reflects where an individual who has made the same request to multiple ministries ultimately receives the records they were seeking, irrespective of how many ministries respond that they do not have records.</p>
	<p>Government create a legislative duty to document key decisions as a clear indication that it does not endorse "oral government" and that it is committed to be accountable to citizens by creating an accurate record of its actions.</p>
<p>Investigation Report F13-03: Evaluating the Government of BC's Open Government Initiative (July</p>	<ul style="list-style-type: none"> • All ministries should implement s. 71 of FOIPPA without further delay and establish categories of records for disclosure on a proactive basis. These obligations should be made part of letters

Summary of OIPC Recommendations and Status of Government's Response

25 th , 2013)	<p>of expectation for ministers and deputy ministers.</p>	s.13
	<ul style="list-style-type: none"> • The minister responsible for FOIPPA should direct ministries to proactively disclose the travel and hospitality expenses of ministers, deputy ministers and assistant deputy ministers or their equivalent by purpose or event. The disclosed information should include the date of the event, destination, and expenses relating to flight, other transportation, accommodations, meals and incidentals, and the total amount spent for that particular purpose or event. This information should be published and searchable in an open data format. 	
	<ul style="list-style-type: none"> • The minister responsible for FOIPPA should direct ministries to proactively disclose calendar information of ministers, deputy ministers and senior executives or equivalent. This release should contain the names of participants, the subject and date of external meetings and be published, at minimum, on a monthly basis. 	
	<ul style="list-style-type: none"> • The minister responsible for FOIPPA should direct ministries to proactively disclose 	

Summary of OIPC Recommendations and Status of Government's Response

	<p>information relating to its contracts that are worth more than \$10,000 on (at minimum) a quarterly basis. Contract information should include with whom the government is contracting, the purpose, value and duration of that contract, and information about the procurement process for the award of the contract.</p>	s.13
	<ul style="list-style-type: none"> • The minister responsible for FOIPPA should direct ministries to proactively disclose any final report or audit on the performance or efficiency of their policies, programs or activities. 	
	<ul style="list-style-type: none"> • The minister responsible for FOIPPA should direct ministries to proactively disclose the records enumerated in s. 13(2) of FIPPA on a routine basis within a set timeline. 	
	<ul style="list-style-type: none"> • The Open Information website should be used as an online library to make information that must be disclosed across government more easily accessible by providing links to that information or a search function. 	
	<ul style="list-style-type: none"> • Government should create a separate category for records that are not published on the 	

Summary of OIPC Recommendations and Status of Government's Response

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	<p>disclosure log due to concerns about copyright.</p>
	<ul style="list-style-type: none"> • Government should review its policy regarding the disclosure of copyright material to determine whether it is permissible to publish copyright material in response to an access request. Where it is determined that records may not be published due to copyright, government should publish a severed version of the record.
	<ul style="list-style-type: none"> • Government should include information on the Open Information website and in the annual report of the Minister of Technology, Innovation and Citizens' Services regarding responses to general access requests where there have been no responsive records.
	<ul style="list-style-type: none"> • Government should improve the ability to search the disclosure log to allow users to find specific content more easily.
	<ul style="list-style-type: none"> • Government should identify high value data sets for publication, particularly those that will increase the transparency and accountability of

Summary of OIPC Recommendations and Status of Government's Response

	<p>government and work towards releasing all identified high value data sets as soon as practicable.</p>	s.13
	<ul style="list-style-type: none"> • Government should commit to signing and implementing the G8 Open Data Charter as a sub-national. 	
	<ul style="list-style-type: none"> • Government should develop a single de-identification approach for ministries that includes procedures on de-identifying datasets and assessing the risk of re-identification in the context of open data. • Government should also develop policies for reviewing data released as open data on a regular basis to assess the risk of re-identification. 	
	<ul style="list-style-type: none"> • Government should continue to collaborate with stakeholders to increase data literacy and data literacy should be considered a measure of success for the open data program. 	

Summary of OIPC Recommendations and Status of Government's Response

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	<ul style="list-style-type: none"> • Government should incorporate access by design principles into its information management practices.
	<ul style="list-style-type: none"> • Government should establish an external advisory board on open government comprised of users of open information and open data, as well as, data and privacy experts to inform future developments in open government.
	<ul style="list-style-type: none"> • The Document Disposal Act should be replaced with a modern archives and records management statute. • The government also should act now to develop an archiving policy for its Open Information website, to enable citizens to continue to access records that have been removed from the active site. Indices of archives and the policy should be posted on the Open Information website.
F13-04 – Sharing of Personal Information as part of the Draft Multicultural Strategic	<ul style="list-style-type: none"> • Government should provide training for its employees regarding the use of personal email accounts.

Summary of OIPC Recommendations and Status of Government's Response

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<p>Outreach Plan (August 2013)</p>	
	<ul style="list-style-type: none"> • Government should ensure that copies of all records created by its employees that relate to government business are located in government-controlled information management systems
	<ul style="list-style-type: none"> • Government should provide its employees with sufficient technical resources to ensure that they do not have a reason to use personal email accounts in the performance of their government duties.
	<ul style="list-style-type: none"> • Government should ensure that employees with roles that are closely tied to the governing party participate in mandatory training sessions regarding the need to keep personal information obtained in their government role separate from personal information obtained in any role they might have with the political party.
<p>Investigation Report F13-05: Public Body Disclosure of Information Under Section 25 of the Freedom of Information and Protection of Privacy Act (Dec. 2, 2013)</p>	<p>Public bodies should develop policies that provide guidance to employees and officers about the public body's obligations under s. 25 of FIPPA.</p> <ul style="list-style-type: none"> •
	<p>Public bodies should ensure that its employees and officers understand the public body's obligations under s. 25 of FIPPA and are provided with adequate training to ensure compliance with these obligations</p>

Summary of OIPC Recommendations and Status of Government's Response

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	Government should amend s. 25(1)(b) of FOIPPA to remove the requirement of temporal urgency so that there is a mandatory obligation for public bodies to disclose all information that is clearly in the public interest to disclose.
Investigation Report F14-01: Use of Police Information Checks in British Columbia (Apr. 15, 2014)	<ul style="list-style-type: none"> • Government and municipal police boards should immediately mandate that police apprehensions collected under the authority of s. 28 of the Mental Health Act should never be included in a police information check.
	<ul style="list-style-type: none"> • Government should legislatively mandate that non-conviction information cannot be used in record checks outside of the vulnerable sector.

Summary of OIPC Recommendations and Status of Government's Response

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	<ul style="list-style-type: none"> • At the direction of government and municipal police boards, police agencies should implement a model for conducting record checks that will allow individuals to request only relevant conviction information for record checks for positions outside of the vulnerable sector.
	<ul style="list-style-type: none"> • Government should legislatively mandate that the centralized office in place under the CRRA should conduct all vulnerable sector checks in British Columbia. The current process for mandatory checks under the CRRA for provincially-funded employers would remain the same. Where an employer or volunteer agency that is not currently subject to the CRRA chooses

Summary of OIPC Recommendations and Status of Government's Response

	<p style="text-align: right;">s.13</p> <p>to require a prospective employee or volunteer in the vulnerable sector to undergo a record check, it would be conducted in the same manner as set out by the CRRA.</p>
	<ul style="list-style-type: none"> • Government and municipal police boards should direct municipal police departments to immediately stop releasing non-conviction information for police information checks not involving the vulnerable sector.
Special Reports	
<p>A Failure to Archive – Recommendations to Modernize Government Records Management (July 22, 2014)</p>	<ul style="list-style-type: none"> • Government should repatriate the BC Archives into government and fund it on the same basis as other valuable public programs. • Alternatively, government should develop a policy or legislative framework where the fees to archive records are set on a basis that is acceptable to both government and the Royal

Summary of OIPC Recommendations and Status of Government's Response

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	<p>British Columbia Museum rather than the current unilateral process set by the Museum. Ministries should then be provided with sufficient resources to enable the transfer of records to the BC Archives.</p> <ul style="list-style-type: none"> • To address the backlog of 33,000 boxes of records, government should provide funding to the Royal British Columbia Museum from the 2014/15 Estimates – Contingencies in an amount to be determined.
	<ul style="list-style-type: none"> • The Minister of Technology, Innovation and Citizens' Services should initiate the creation or procurement of an electronic records archiving infrastructure to ensure the management and archival preservation of government's electronic records. • The repository for the electronic archives should be within the Ministry and should be publically funded.
	<ul style="list-style-type: none"> • Recognizing changes in information management in the last decade, Government should replace the Document Disposal Act of 1936 with a modern statutory framework to address the needs and realities of the digital age.
	<ul style="list-style-type: none"> • Provincial archivist should play a prominent role in decisions around the creation of electronic records as well as the approval of retention schedules.

Summary of OIPC Recommendations and Status of Government's Response

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	<ul style="list-style-type: none">• Process for approval of records schedules should be more efficient and should not require the approval of the Legislature of the Public Accounts Committee.
	<ul style="list-style-type: none">• Should provide for oversight of information management requirements and for sanctions when those requirements are not met.

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<p>A Step Backwards: Report Card on Government's Access to Information Responses April 1, 2013 – March 31, 2014 (Sept. 23, 2014)</p>	<ul style="list-style-type: none"> • Government should define and implement steps to eliminate the backlog of access to information requests and, in the forthcoming budget cycle, should give priority to providing more resources to dealing with the greatly increased volume of access requests.
	<ul style="list-style-type: none"> • As recommended in my report entitled A Failure to Archive: Recommendations to Modernize Government Information Management, government should adopt a modern statutory framework to address the needs and realities of the digital age, recognizing the importance for government to effectively track records from their creation through to their archiving.
	<ul style="list-style-type: none"> • After discussion and agreement between government and the political parties currently making calendar requests, the minister responsible for FOIPPA should develop a system to proactively disclose calendar information of ministers, deputy ministers, assistant deputy ministers, as well as, certain other staff whose calendars are routinely the subject of access to information requests. This release should, at a

Summary of OIPC Recommendations and Status of Government's Response

	<p>minimum, contain the names of participants, the subject and date of meetings and be published on a monthly basis.</p>	s.13
	<ul style="list-style-type: none"> • The Ministry of Children and Family Development should give attention on a priority basis to its statutory obligation under FOIPPA to respond to access to information requests within legal timelines. Planned actions should include addressing elements such as printing and retrieving difficulties regarding the ICM system, staff levels related to access to information and providing effective ongoing training to ICM users. 	
	<p>Government should ensure it builds access and privacy into any new information management system at the design stage in order to ensure the system operates from a records management perspective, as well as, from a program perspective.</p>	
	<p>Where government does not have records responsive to an access to information request, IAO should provide a brief explanation to the applicant</p>	

Summary of OIPC Recommendations and Status of Government's Response

	<p>as to why this is the case.</p>	s.13
	<p>Government should implement the Capstone or a similar email management system with respect to senior government officials to document its key decisions. This system should also be adopted by the Office of the Premier and Ministerial offices.</p>	
<p>An Examination of The Government of BC'S Privacy Breach Management (January 2015)</p>	<p>Government establish an ongoing privacy compliance monitoring function within the OCIO that:</p> <ul style="list-style-type: none"> a.) Reviews processes, policies & training government-wide, to ensure that breaches are promptly reported to the OCIO and that affected individuals are notified without delay; b.) Conducts regular follow-up with ministries to ensure full implementation of prevention strategies and recommendations provided through the breach investigation process; c.) Reviews privacy and security safeguards within ministries and service providers; d.) Conducts regular cross-government analysis of the causes and potential solutions to privacy breaches; and e.) Publicly reports detailed information relating to breaches, bodies, responsibilities, types and causes, and preventative measures annually. 	
	<p>Government adopt the following interim breach reporting requirements:</p>	

Summary of OIPC Recommendations and Status of Government's Response

	<p>a.) Document risk evaluation processes and decisions regarding notification of affected individuals and reporting to the OIPC; and</p> <p>b.) Report all suspected breaches to the OIPC if the suspected breach:</p> <ul style="list-style-type: none"> - Involves personal information; and - Could reasonably be expected to cause injury or harm to the individual and/or involves a large number of individuals. 	s.13
	<p>The OCIO to:</p> <p>a.) Review and amend breach categories and category definitions;</p> <p>b.) Ensure fulsome and accurate collection and documentation of privacy breach incidents;</p> <p>c.) Ensure ministry tracking of the OCIO file number; and</p> <p>d.) Ensure OCIO tracking of the OIPC file number.</p>	
	<p>The OCIO to:</p> <p>a.) Review and amend policy documents relating to privacy breach management; and</p> <p>b.) Provide basic guidance or training for privacy breach investigative staff as well as ministry information and security staff relating to amendments made.</p>	

Summary of OIPC Recommendations and Status of Government's Response

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	<p>Government to:</p> <ul style="list-style-type: none"> a.) Provide ongoing training and awareness of the importance of protecting personal information and breach management processes; and b.) Increase staff (and service provider, if applicable) participation rates in this training.
OTHER	
<p>Subsidiary Corporations (various letters, including June 11, 2014)</p>	<p>We have asked that government amend FIPPA to ensure that subsidiary corporations of local public bodies are covered.</p>

Summary of OIPC Recommendations and Status of Government's Response

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Adding PRIMECorp to Schedule 2 (2012)	We asked for PRIMECorp to be added	
BC Services Card (Feb. 2013)	We recommended public consultation about the implementation of BC Services Card.	
Statement from BC Privacy Commissioner regarding the results of government's public consultation on the BC Services Card (Apr 1, 2014)	The need for public consultation on the BC Services Card is not over. Future public consultations are required as the system is architected and new services are contemplated.	
Open Letter to Minister Wilkinson regarding the designation of police associations as public bodies under FOIPPA. (Apr. 2, 2014)	Recommend that the BC Association of Chiefs of Police and the BC Association of Municipal Chiefs of Police be added as public bodies under FOIPPA.	

Estimates Note Advice to the Minister

Ministry of Technology, Innovation and Citizens' Services
Minister Responsible: Hon. Andrew Wilkinson

Date: April 7, 2014

Issue: SPECIAL COMMITTEE REVIEW OF THE *FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FOIPPA)* AND OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER: RECOMMENDATIONS AND STATUS

Advice and Recommended Response:

- In 1999, the first Special Committee made 18 recommendations, of which six were dealt with by legislative amendment in 2002.
- Of the 28 recommendations made by the **2004 Special Committee**:
 - Eighteen were dealt with through legislative or regulatory amendment;
 - Nine were addressed through policy or other action; and
 - One remains under consideration for future amendment (see Appendix A).
- Of the 35 recommendations made by the **2010 Special Committee**:
 - Eighteen were dealt with through legislative or regulatory amendment;
 - Ten were addressed through policy or other action, of which four were considered but not implemented; and
 - A further seven recommendations remain under consideration, including expanding the definition of public body to cover subsidiary corporations (see Appendix A).
- **Subsidiary Corporations**:
 - Ministry staff have been consulting with affected stakeholders to better understand the scope of the issue and the impact of covering these public bodies' corporations.
- **Duty to Document**:

- In Investigation Report F13-01 the Commissioner recommended that government create a legislative duty to document key decisions.
- Government has committed to examine this recommendation and suggested that it be considered by the next Special Committee of the Legislative Assembly to review the FOIPPA, which is expected to be convened in 2016.

PREPARED BY:

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REVIEWED BY:

Sharon Plater
Acting Executive Director
Legislation, Privacy and Policy

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Ministry of Finance
BRIEFING DOCUMENT

To: Honourable Michael de Jong, Q.C. **Date Requested:**
Minister of Finance **Date Required:**

Initiated by: **Date Prepared:**

Ministry Contact: **Phone Number:**
Email:
Cliff #:

TITLE: Subsidiary corporations under the *Freedom of Information and Protection of Privacy Act* (FOIPPA).

PURPOSE:
(X) FOR INFORMATION

DATE PREPARED: December 23rd, 2015

TITLE: Subsidiary corporations under the *Freedom of Information and Protection of Privacy Act* (FOIPPA).

ISSUE: Subsidiary corporations of ministries and most other public bodies are not subject to FOIPPA, as was recommend by the OIPC.

BACKGROUND:

On October 20, 2011, the Minister responsible for FOIPPA received a letter from the Office of the Information and Privacy Commissioner (OIPC) asking the ministry to draft amendments to FOIPPA to ensure coverage of subsidiary corporations of local public bodies. The Commissioner made this request in response to a 2009 BC Supreme Court decision (*Simon Fraser University (SFU) v. British Columbia (Information and Privacy Commissioner)*, 2009 BCSC 1481) which held that FOIPPA did not extend to the records of SFU's subsidiary corporations.

The 2010 Special Committee that reviewed FOIPPA made a similar, but slightly broader, recommendation to: expand the definition of "public body" in Schedule 1 to include any corporation that is created or owned by a public body, including an educational body. The 2015 Special Committee has shown significant and sustained interest in the issue of subsidiary corporations. Similarly, the OIPC's submission to the Special Committee recommended that subsidiary corporations of all public bodies be subject to FOIPPA, which is an expansion on her earlier recommendation.

Currently, corporations that are created or owned by "local government bodies" (which include municipalities and regional districts) are, by definition, already covered by FOIPPA. However, this is not the case for corporations created or owned by ministries, crowns, universities, school boards, health authorities, and other types of "local public bodies". These corporations are not, by definition, covered by the Act.

Government has consulted with ministries, crowns, universities and school boards to understand the scope of the issue and the impact of covering these public bodies' corporations. Consultations have indicated that this is a complex issue due to the divergent types of corporations that are affiliated with local public bodies.

DISCUSSION:

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Subsidiary Corporations of Local Public Bodies

KEY MESSAGES

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- **Maximum ½ page**
- **To be completed by GCPE**

KEY POINTS AND BACKGROUND

- On October 20, 2011, the Minister received a letter from the Information and Privacy Commissioner asking the ministry to draft amendments to the *Freedom of Information and Protection of Privacy Act* (FOIPPA) to ensure coverage of subsidiary corporations of local public bodies.
- The Commissioner made this request in response to a 2009 BC Supreme Court decision (*Simon Fraser University v. British Columbia (Information and Privacy Commissioner), 2009 BCSC 1481*) which held that the FOIPPA did not extend to the records of subsidiary corporations owned by Simon Fraser University.
- The 2010 Special Committee that reviewed FOIPPA made a similar, but slightly broader, recommendation (#4) to: expand the definition of “public body” in Schedule 1 to include any corporation that is created or owned by a public body, including an educational body.
- Currently, corporations that are created or owned by “local government bodies” (which include municipalities and regional districts) are, by definition, already covered by FOIPPA.
- However, this is not the case for corporations created or owned by universities, school boards, health authorities and other types of “local public bodies”. These corporations are not, by definition, covered by the Act.
- Government has consulted with public bodies such as universities and school boards to understand the scope of the issue and the impact of covering these public bodies’ corporations.

- Consultations have indicated that this is a complex issue due to the divergent types of corporations that are affiliated with local public bodies. Further review and consideration is required.
- Government will be identifying and reviewing the options for extending coverage of the FOIPPA to subsidiary corporations of local public bodies once the scope of the issue and the impact of adding these corporations is fully understood.
- A question is often asked about the 2006 Ministry of Education commitment that school district business companies comply with the *Freedom of Information and Protection of Privacy Act*. While the ministry made changes to the *School Act* in 2007, enabling school boards to create business entities that could generate extra funds for the districts it decided not to add school district business companies to coverage of FOIPPA and chose instead to achieve the accountability goals in other ways.

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