



Legislation Privacy Impact Assessment

Why do I need to do a PIA?

Section 69(5) of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) states that the head of a ministry must conduct a privacy impact assessment (PIA) in accordance with the directions of the minister responsible for the FOIPPA. Section 69 (5.1) states that the PIA must be submitted to the minister responsible for the FOIPPA Act for review during the development of any new project, program or activity, system or proposed enactment, or when making changes to an existing one. The Privacy and Legislation Branch (PLB) is the representative of the Minister for the purposes of PIAs. Ministries must attach a Legislation PIA (LPIA) to their RFLs when submitting to PLB for review and comment. If you have not prepared an RFL, please attach the LPIA to your draft legislation. When completed please submit to PIA.Intake@gov.bc.ca. If you have any questions regarding this process or when filling out the LPIA, please contact PLB Helpline at 250 356 1851.

What if my proposed enactment does not include personal information?

Ministries need to complete a PIA and submit it to PLB even if it is thought that no personal information is involved. This allows PLB to ensure that the proposed or revised enactment has been accurately assessed.

Part 1 – GENERAL

Name of Legislation:	Land Owner Transparency Act		
Date of RFL:			
Name of Ministry:	Finance		
Ministry Contact:	Chris Ste-Croix	Phone:	236-478-0488
Email:	Chrsi.stecroix@gov.bc		

1. Please indicate whether the legislation is:

<input type="checkbox"/>	New
<input checked="" type="checkbox"/>	Amended
Name of the Act being replaced (if applicable):	

2. Provide a brief summary of the legislative proposal.

The purpose of the proposed amendments is to support the development and implementation of the registry of the beneficial ownership of land in BC described in the Land Owner Transparency Act (the Act).

The Land Title and Survey Authority (LTSA) is responsible for the development and operation of the Land Owner Transparency Registry and has identified technical issues with the legislation that could impact the effectiveness of the registry and undermine the legislation's overall policy goals.

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As part of the publicly accessible registry, the Act requires that the LTSA provide current information on beneficial ownership to the public. Each of the three amendments resolves technical issues which would otherwise impact the LTSA's ability to provide accurate and up-to-date information to individuals who search the registry.

Under the Act as written, the LTSA does not have the authority to collect the information required to differentiate between current and historical filings. Amendments are therefore required to allow the LTSA to differentiate between current and historical transparency records so that a public search of the registry only results in information about the current beneficial owners/interest holders.

Amendments are also required to allow reporting bodies to inform the LTSA that they no longer hold an interest in a property or that they are no longer a reporting body in order to allow out-of-date information to be removed from the publicly accessible registry.

Finally, amendments are required to allow searches of reporting bodies (i.e., the corporation, trustee or partner listed as the legal owner on title) as well as the release of the name of reporting bodies under which an individual has a beneficial interest in a property. While the Act currently allows individuals to search by the name of an interest holder or settlor, it does not expressly permit searching by reporting body name, nor the release of information pertaining to the reporting body associated with an interest holder or parcel identifier. As the release of this information to the public is required elsewhere in the legislation, this amendment corrects an inadvertent error and will ensure broader transparency and increase the utility of the registry search for the public.

3. Please advise:

a)	For which legislative session is the proposed amendment scheduled?	Spring 2020	
b)	Do you have a policy committee date?	Yes	Date: December 4, 2019
c)	Has the Privacy and Legislation Branch (PLB) reviewed any part of this amendment for a previous legislative session? (If yes, please list relevant parts, date reviewed and changes that have been made since. If you previously completed an LPIA or PIA, please attach a copy.)	No	

Part 2 - PRIVACY (Protection of Privacy)

In the following questions “**proposed legislation**” means the new or amended legislation that is being put forward by your Ministry. This PIA does not assess your compliance under the *Freedom of Information and Protection of Privacy Act* as it applies to existing legislation or the programs that are operational under your legislation.



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4. a) Within the proposed legislation, what personal information, if any, is authorized to be collected, used or disclosed?

There is no additional prescribed information authorized to be collected under these amendments. Amendments will allow the removal of out of date information from the public registry and will allow future regulations to prescribe additional information to be submitted as part of transparency declarations.

- b) Will there be a change to the scope (amount or type) of personal information being collected, used or disclosed? (If so, please describe.)

No.

5. Collection of personal information

a)	Does the proposed legislation <u>specifically authorize the collection</u> of personal information?		
<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No (Go to question 6)
If yes, please describe and provide the rationale to support the collection.			
<div></div>			
b)	Will the personal information be collected directly from the individual concerned?		
<input type="checkbox"/>	Yes (Go to question 6)	<input type="checkbox"/>	No
If no, will the proposed legislation authorize the indirect collection of the personal information? (Please specify)			
<div></div>			

6. Use of personal information

a)	Does the proposed legislation <u>specifically authorize the use</u> of personal information?		
<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No (Go to question 7)
If yes, please describe and provide the rationale to support the use.			
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7. Disclosure of personal information

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a)	Does the proposed legislation <u>specifically authorize the disclosure</u> of personal information?	
<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No (Go to question 8)
If yes, please describe and provide the purpose and rationale to support the disclosure. Please also describe to whom the personal information would be disclosed.		
b)	Does the proposed legislation <u>permit or require the disclosure</u> of personal information outside Canada? (This includes information posted on the internet.)	
<input type="checkbox"/>	Yes (Please describe and provide the rationale)	<input type="checkbox"/> No (Go to question 8)

8. Does the proposed legislation address the retention/disposal of personal information? If so, please explain.

Yes, the amendments will enable the administrator to identify and remove out of date records from the public registry.

9. Will the proposed legislation support a regulation-making function related to the administration of personal information?

<input checked="" type="checkbox"/>	Yes – please explain (Please follow-up with PLB during the regulation development)
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<input type="checkbox"/>	No
<input type="checkbox"/>	Unknown (If one is developed please follow-up with PLB during the regulation development)

Part 3 – ACCESS (Freedom of Information)

10. Does the proposed legislation include a section that overrides or limits provisions of the *Freedom of Information and Protection of Privacy (FOIPP) Act* (examples of this include a notwithstanding clause or “despite the FOIPP Act” clause)?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No (Go to question 11)
a)	Identify the provisions of the FOIPP Act that will be affected,	



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b)	cite section in proposed legislation (if available), and
c)	explain why the override or limitation is necessary.

11. Does the proposed legislation include a confidentiality clause or any other provision that limits the access of an individual to their personal information or other records of the public body?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
a)	Cite section reference in proposed legislation (if available)		
b)	Explain why the confidentiality clause or other limiting provision is necessary		

Part 4 – Conclusion

This LPIA is based on the RFL dated and identified on page one. If there are any changes in scope from the original RFL you may need to complete a new Legislation Privacy Impact Assessment. Please inform PLB if you make any changes to the scope.

LPIA Completed by:		Title:		Date:	
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Please note that PLB's review and comment on your PIA is confirmed through the summary it sends to Cabinet Operations.