
NEWS RELEASE

For Immediate Release

2018CITZ0003-000284

Feb. 26, 2018

Ministry of Citizens' Services

British Columbians invited to have their say on how best to improve access to their information

VICTORIA – A new public engagement website provides the people of B.C. with an opportunity to provide input on ways to improve how Freedom of Information (FOI) requests and privacy protection operate in B.C., Minister of Citizens' Services Jinny Sims announced today.

As part of its work to improve public accountability, the B.C. government has launched public consultations on access to information and privacy protection. Members of the public can learn more about the freedom of information and privacy protection process as they participate in this next phase of stakeholder engagement by visiting the govTogetherBC website:

<https://engage.gov.bc.ca/infoaccess/>

"During my time as minister, we have been meeting with stakeholders, executive staff and the acting information and privacy commissioner. Now we want to hear your ideas on how government can improve access to information and continue to maintain rigorous protections of your personal information," Sims said. "Making meaningful improvements to the way British Columbians access their information is something we want to get right, and now it's your turn to help guide this process."

British Columbians are being asked to participate in online discussions and provide written feedback on topics related to privacy and access to information, including what records should be released without an FOI request, timelines for responding to access requests and fees that can be charged, and what should happen when your privacy is breached. There will also be opportunities to learn more about how FOI and privacy work in B.C. and elsewhere in the world.

Submissions will be reviewed by government and the Minister of Citizens' Services to help shape improvements to policy and legislation.

"If you are someone who is interested in these critical government services, I want to hear your ideas," said Sims. "The engagement website will be updated regularly, so be sure to keep checking back for new topics and new opportunities to submit your thoughts."

The Freedom of Information and Protection of Privacy Act (FOIPPA) covers approximately 2,900 public bodies in British Columbia and helps to ensure your personal information is protected.

Reviewing the legislation, policies and processes is necessary to ensure British Columbians have a government that is both transparent and open. As technology evolves, updates to FOIPPA help the Province to maintain protections for British Columbians' personal information.

British Columbians will be able to participate until the engagement closes on April 9, 2018.

Quick Facts:

- The Freedom of Information and Protection of Privacy Act (FOIPPA) gives any person the right to access records of a public body, including their own personal information, as long as they request the information in accordance with the act's provisions.
- It also allows ministries and public bodies to make information available by other mechanisms, so that British Columbians can engage meaningfully with government on the topics that interest them.
- FOIPPA specifies requirements for how public bodies must collect, use and disclose personal information.
- British Columbia receives a high volume of FOI requests. Between 9,000 and 10,000 are processed by government each year. These requests continue to grow in number, size and complexity.
- In addition to public consultations, British Columbia has continued its work to consult stakeholders and public bodies that could be affected by changes to FOI and privacy rules, policies or legislation.

Learn More:

Participate in the discussion and learn more about FOI and privacy protection at govTogetherBC: <https://engage.gov.bc.ca/infoaccess/>

Contact:

Ministry of Citizens' Services
Government Communications and Public
Engagement
250 387-0172

Connect with the Province of B.C. at: news.gov.bc.ca/connect

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British Columbians are being asked to participate in online discussions and provide written feedback on topics including what records can be released without an FOI request, response timelines, fees and the safe storage of public records. There will also be opportunities to learn more about how FOI and privacy work in B.C. and elsewhere in the world.

Submissions will be reviewed by government and the Minister of Citizens' Services to help shape improvements to policy and legislation.

"If you are someone who is interested in this critical government service, I want to hear your ideas," said Sims. "The engagement website will be updated regularly, so be sure to keep checking back for new topics and new opportunities to submit your thoughts."

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Questions and Answers
FOI and privacy protection public engagement
Feb. 26, 2018

1. Why are you consulting the public on this? Haven't you done enough consulting on FOI?

- Many in B.C. – including British Columbians, members of the media, researchers, law firms, educators and businesses – rely on Freedom of Information requests to access information of interest to them.
- As Minister responsible for Freedom of Information and privacy protection, I take the duty to provide open, transparent access to information very seriously. I also want to make sure that any changes or improvements to our system protect the privacy of all British Columbians.
- After meeting with stakeholders inside and outside of government and after review of our current processes, we are now ready to hear from the people of British Columbia.
- It is important that the public have the opportunity to participate as we look to make access to information better and strengthen protections for the personal information of British Columbians.
- Simply put we need to hear from you - the people of British Columbia.
- We want to hear *your* ideas on how government can improve access to information while we continue to maintain rigorous protections of your personal information.
- Making meaningful improvements to the way British Columbians access information is something we want to get right. And now, it's your turn to help guide this process.

2. Aren't members of the public able to make submissions through the "Special Committee to Review FOIPPA"? Why is this extra consultation needed?

- This committee is only required to meet every six years with the last meeting being in 2015. It's an important way to engage but it's not enough.
- This public engagement builds on the work of the Special Committee and the recommendations produced by both the committee and the Office of the Information and Privacy Commissioner.
- Input from British Columbians in this engagement will help inform work on topics including fees for FOI requests, offences and penalties detailed in FOIPPA and the Freedom of Information process more generally.

3. What is the Special Committee to Review FOIPPA?

- This is an all-party committee that periodically reviews the legislation and produces a report for the Legislative Assembly with recommendations for improvement.
- Since FOIPPA was adopted in 1992, this committee has performed four reviews of the legislation.
- The Special Committee is also empowered to consult members of the public and stakeholders to help inform any recommendations it may make.
- The current public engagement is intended to build upon the important work of the Special Committee.

4. Will comments from the public make a difference and impact changes to policy and legislation?

- Our government knows that the people of this province want to have their voices heard. We are eager to hear from the public so we can use that feedback to inform any changes or improvements to the access and privacy rules and processes.
- I won't speculate on what changes may be made but I want the public to know that we are monitoring the site every day and will be updating it regularly with new information about access to information and protection of privacy.
- I am eager to hear what the people of British Columbia have to say about how they want to access the information that is important to them, and how government can ensure personal information is protected to the highest possible standards.

5. How do British Columbians participate? How long do we have to make a submission?

- As of today, British Columbians can go to engage.bc.ca and access the FOI public engagement site.
- Once there, you can learn more about access to information and protection of privacy through regular blog posts, and you can have your say on how we can do better to improve access and protect your privacy.
- It's that simple.
- We are accepting submissions from today until April 9, 2018, at which point we will gather the input and incorporate it into any changes or improvements we make to the system.

6. Will the results of the feedback be made public?

- Yes. The submissions received will inform a summary report that details comments and feedback received during the engagement. This will be posted to the website after the public engagement closes.

7. When can we expect to see changes to the legislation?

- At this time, it is too soon to predict when legislative changes will occur.
- In the coming months, I will be reviewing the results of our extensive consultations and defining specific steps that government will be taking to enhance access to information and privacy protections.
- My staff are working with stakeholders and will use their feedback, the feedback from the public and internal stakeholders to develop a framework that recommends real improvements to our system.

8. Will any of the improvements made to access to information undermine privacy protections?

- Striking the balance between access to information and the protection of privacy is one we take very seriously.
- While we look at new ways to improve access to information and improved transparency from this government, I want the people of B.C. to know any changes will not be at the expense of their privacy.

9. One of your mandate items is to improve access to information to provide greater accountability to the public. Government's been consulting on this for years. What's taking so long?

- While I know there have been other consultations and engagements on this process, this is the first time that government is engaging the public directly in this way.
- Since the change in government we have seen the FOI response compliance rate increase from 80% to 90%, the highest on-time rate in recent years. This is without adding any extra staff or resources, but just finally having a government that is committed to openness and transparency.

- This is a level of performance I am eager to maintain, and build upon, as we are committed to improving response times.

10. What about people who don't know about FOI and don't use the system. Should they still participate?

- Absolutely. Government has received a tremendous amount of input from users of the FOI system and we continue to engage stakeholders directly.
- Now it is time for British Columbians to have their say on how this system operates.
- While many British Columbians may have never made a formal FOI request, the system is there to help should individuals require it to access to their own records or to government records more generally.
- Our engagement is designed to share with British Columbians some of the challenges and opportunities facing access to information and privacy protection.
- We want to hear what British Columbians have to say about these issues – including those who aren't yet familiar with the system.

11. Are you planning any in-person consultations or community visits?

- We are consulting province-wide on this topic and the engagement website is the most efficient way to do so.
- This engagement site is also a resource that is updated weekly, with new topics being introduced as the consultation moves forward.
- Our hope is that British Columbians will not only participate, but submit multiple responses to the important issues raised throughout the engagement.
- This way we'll be able to generate valuable feedback from across the province without the expense and time required to visit communities across B.C.

12. Can't you just commit to sending the records on time and with less material blanked out?

- This is a topic that will be covered in the engagement and I am eager to have British Columbians submit their thoughts.
- One of the great challenges in FOI is that the public's right to access government records – public records – has to be balanced with things like privacy, protection of our businesses' competitive information, legal advice to government, information

that could harm the work of law enforcement, public safety matters and many other important exceptions that can limit the release of information.

- It is also incredibly labour-intensive to process records for release. For example, 1 full-time FOI analyst can be expected to process and complete about 100 FOI requests per year – and British Columbia receives as many as 10,000 per year.
- Our public servants work hard to meet the legislated deadlines when responding to FOI requests.
- Since the change in government we have seen the FOI response compliance rate increase from 80% to 90%, the highest on-time rate in recent years. This is without adding any extra staff or resources, but just finally having a government that is committed to openness and transparency.
- This is a level of performance I am eager to maintain, and build upon, as we are committed to improving response times.

13. Will you be getting rid of fees? What are your plans? What changes are you considering?

- I want to hear what British Columbians have to say about this and other topics before making any decisions that could impact the way FOI operates in this province for years to come.
- That said, I am committed to improving FOI to increase government transparency and accountability.
- Our government will be weighing a variety of options, informed by input from British Columbians, to achieve this aim.

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Media Event Plan

Event Title: *Outreach – Information Access and Privacy*

Date: Feb. 26, 2018 TBC Time: 9am	Media Market: Province-wide
Location: govTogetherBC (engage.gov.bc.ca)	English Media Spokesperson: Minister Jinny Sims
	Multicultural Media Spokesperson: Minister Jinny Sims
Author: Ben Ingram – 778-698-5379	Communications Director Signoff: _____
Version #: 1	Date: Feb. 15, 2018

THE EVENT

PROACTIVE EVENT OR INVITATION

Proactive

EVENT (what will the news headline be)

BC Government extends invite to public on future improvements for Freedom of Information process

Launch of engage.bc.ca site/ blog with opportunities for public to 'have their say' and learn more about the FOIPPA process as it relates to their provincial government. This is next stage in engagement process to determine possible changes to FOIPPA process.

Option 1: News release / Proactive owned media / Responsive media / stakeholders

News Release – Feb. 26. Release province-wide release that coincides with the launching of the FOI and privacy engagement website at engage.gov.bc.ca encouraging members of the public and interested stakeholders to learn more and keep an eye on the site as it will be updated regularly.

- Email blast to stakeholder lists including post-secondary schools, etc.

Owned Media channels:

- Engagement site
- govTogetherBC site
- Government of B.C. site
- BC Gov News
- Owned social media (Facebook): [@BCProvincialGovernment](#)
- Owned social media (Twitter): [@BCGovNews](#), [@govTogetherBC](#), [@Data_BC](#), [@EnvReportBC](#)
- Minister's social media channels: [@JinnySims](#) (Facebook & Twitter)
- Other: DataBC Blog

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Option 2: s.13

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WHO'S ORGANIZING? (Specify lead individual and coordinates)

GCPE Citizens' Services, GCPE Citizen Engagement, Corporate Information and Records
Management Office

BACKGROUND NOTES

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VENUE DESCRIPTION

Engage.gov.bc.ca

If event, TBD. Legislature/ Blue curtain

EVENT PARTICIPANTS (SPEAKERS)

Minister of Citizens' Services Jinny Sims.

KEY VALIDATORS & STAKEHOLDERS

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TARGET AUDIENCE

British Columbians and those with questions about progress on Minister's mandate commitments on FOI.

VISUAL MESSAGE(S)

Limited opportunities for visuals would include a demonstration of the website and minister addressing media at a location in the Legislature.

Digital (social media) opportunities

Ongoing opportunities for social media as Minister Sims invites public to participate and reflects on some of their comments. Tweets, Facebook posts, video messages etc. could be used to refresh participation throughout the engagement while also showing that the minister is listening and involved.

WRITTEN MESSAGE(S)

- **It is now time for the public to have their say in how we can improve the FOIPPA process.**
- **This is an exciting next step in our on-going stakeholder consultation process.**
- **Making meaningful improvements to the way government handles and shares records is not something we can rush. This needs to be done right. It needs to be done in a way that involves the public.**
- **We have heard from stakeholders and the privacy commissioner. Government has received guidance from the special committee. Now is the time for British Columbians to have a say.**
- **If you are someone who is interested in this critical government service, I want to hear your ideas.**
- **Public submissions will help shape improvements to policy and legislation.**

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PROACTIVE EVENT OR INVITATION

Proactive

EVENT (what will the news headline be)

B.C. Government consulting public on changes to FOI, privacy protection

Option 1: News release / online only

Publish a province-wide release that coincides with the launching of the FOI and privacy engagement website at engage.gov.bc.ca.

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Option 2:s.13

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WRITTEN MESSAGE(S)

- The B.C. government and my ministry are committed to ensuring the FOI system in this province operates in a way that promotes transparency and accountability.
- British Columbians need to know they can obtain the information they seek from government in a timely way, and that public servants will be there to lend a hand as needed.
- Making meaningful improvements to the way government handles and shares records is not something we can rush. This needs to be done right. It needs to be done in a way that involves the public.
- We have heard from stakeholders and the privacy commissioner. Government has received guidance from the special committee. Now is the time for British Columbians to have a say.
- I will soon be inviting British Columbians to visit the engage.gov.bc.ca website and join our online discussions, submit written feedback, read submissions from their fellow citizens and learn more about how FOI and privacy protection work in B.C.
- If you are someone who is interested in this critical government service, I want to hear your ideas.
- Public submissions will help shape improvements to policy and legislation.



March 13, 2018

Ministry of Citizens' Services
Freedom of Information and Privacy Review
Submitted by email: FOI.Reform@gov.bc.ca

To: BC Freedom of Information and Privacy Review

I am writing on behalf of the British Columbia Office of the Canadian Centre for Policy Alternatives (CCPA). The CCPA is a national organization with more than 6,000 supporters in British Columbia. At both the national and British Columbia levels, our staff and Research Associates write on issues of social, economic and environmental justice.

Our staff and Research Associates regularly use the Freedom of Information process to gather information for our work. We have a moderate to high level of expertise on the issues of freedom of Information and privacy and in 2016 we submitted our thoughts to the Special Committee to Review the British Columbia Freedom of Information and Protection of Privacy Act. We would like to have our proposals in that presentation considered as part of this consultation. The submission is appended for reference, and may also be found at https://www.leg.bc.ca/content/CommitteeDocuments/40th-parliament/4th-session/foi/WrittenSubmissions/Organizations/FIPPA_40-4_CCPA.pdf

On a priority basis, we support the commitments which your government made in response to a survey by the BC Freedom of Information and Privacy Association to:

- Include "duty to document" in the Freedom of Information and Protection of Privacy Act.
- Create penalties against those who interfere with information rights. In your response you noted your previously proposed legislation creating a duty to investigate instances of unauthorized destruction of government information and removing legal immunity from officials who fail to disclose documents, making contraventions of the Act an offence subject to fines of up to \$50,000.
- Place limitations on the use of S. 13 (Policy advice or recommendations) of the legislation to prevent the release of information.
- Make the use of S. 12 of the legislation (Cabinet Confidences) discretionary. We note this is already done in Nova Scotia.
- Extend coverage of the legislation to capture subsidiaries created by public bodies.
- Amend S. 25 (Public Interest Override) of the legislation to remove the requirement of "urgent circumstances" before disclosure of information which release is clearly in the public interest.

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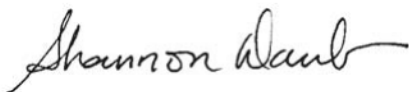
- Require mandatory notification of data breaches.
- End the practice of posting the texts of Freedom of Information requests it receives even before releasing any information the requester.
- Ensure the retention of BC's domestic data storage requirements in the Freedom of Information and Protection of Privacy Act.

We would also like to encourage adoption of other specific recommendations in our proposal to the Legislative committee:

- Add to Schedule 1 of the legislation private bodies paid by a public body to exercise functions of a public nature or to provide services which are the function of a public body. The application of the Freedom of Information and Protection of Privacy Act would only apply to those public functions provided by the private company and paid for by a public body.
- In the event that a public body fails to meet legislative timelines any fees connected to the request should be waived with the funds immediately returned to the requester if funds have been paid.
- Waiving fees in circumstances where more than 20% of material has been redacted.
- Provide in legislation a process for an expedited review by the Commissioner of requests for fee waivers.
- Provide sufficient resources to the Office of the Access to Information and Privacy Commissioner to reduce or eliminate backlogs.
- Reduce the timeline for FOI responses from 30 working days to 30 calendar days as is done in other jurisdictions.
- Increase the hours of free search time under the Freedom of Information and Protection of Privacy Act with consideration being given to adopting the standard now current in legislation in Newfoundland and Labrador (10 hours).

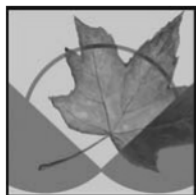
We are encouraged by your government's commitment to transparency, which is reflected in this consultation process. We believe this greater commitment to transparency is important in building confidence in government among British Columbia citizens.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Daub". The signature is fluid and cursive, with the first name "Shannon" written in a larger, more prominent script than the last name "Daub".

Shannon Daub
Associate Director

Attachment: Submission to the Special Committee to Review the British Columbia Freedom of Information and Protection of Privacy Act – January 18, 2016



CCPA

CANADIAN CENTRE
for POLICY ALTERNATIVES
BC Office

Submission to the Special Committee to Review the British Columbia Freedom of Information and Protection of Privacy Act

Presented by Keith Reynolds

On behalf of the BC Office of the Canadian Centre for Policy Alternatives

January 18, 2016

The British Columbia office of the Canadian Centre for Policy Alternatives (CCPA) welcomes this opportunity to submit its views to the Legislative Committee to Review the Freedom of Information and Protection of Privacy Act (FIPPA).

The CCPA is an independent, non-partisan research institute concerned with issues of social, economic and environmental justice. Founded in 1980, we have a National Office in Ottawa, and provincial offices in British Columbia, Saskatchewan, Manitoba, Ontario, and Nova Scotia. We have more than 13,000 supporters across Canada. Our research and policy documents are produced both directly by CCPA staff and by research associates working in academic institutions and in community and labour organizations.

In the past year the British Columbia Office of the CCPA has produced work on areas such as the environment, the provincial economy and social policy issues such as the treatment of seniors.

The CCPA believes that in a democratic society it is critical that there be a free exchange of ideas with respect to policies chosen by government. Such a free exchange of ideas must be informed by information that frequently is only produced and held by government.

In light of the foregoing, and while respecting the vital importance of personal privacy, this submission will address primarily the question of the right of public access to government records not affected by personal privacy.

We urge the committee to address the issues that will arise in this review in the light of statutory purpose of the legislation to make public bodies more accountable to the public.

ABOUT THE AUTHOR: Keith Reynolds is a board member and a research associate with the Canadian Centre for Policy Alternatives, where he has written on the role of legislative officers in government accountability. He has a long standing interest in Freedom of Information issues and in 2010 he authored the CCPA's submission to the Legislative Review Committee. Keith's interest in this field has also led to his election as a Director with the BC Freedom of Information and Privacy Association in 2012. While this presentation covers many of the same issues as those raised in the presentation by the Freedom of Information and Privacy Association, this submission reflects only the views of the CCPA. Keith has a Masters Degree in Public Administration from Queen's University. Previously he has worked for all three levels of government (including a school board and a municipality) and as a policy consultant.

INTRODUCTION

It is now pretty well taken for granted that Freedom of Information laws play an important role in our nation's democracy. In Canada, this reaches all the way back to 1997 when Justice LaForest commented on the purpose of access to information legislation:

The overarching purpose of access to information legislation, then, is to facilitate democracy. It does so in two related ways. It helps to ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry.¹

However, there is another important function to Freedom of Information legislation that receives less attention. The accountability and transparency arising from the legislation promotes trust in government. When citizens are confident the decisions of government are open and transparent they are more likely to trust and support those decisions. In recent years we have seen the citizens of British Columbia reject major policy initiatives on transit and taxation, to an important degree, because they lack trust in the governments which represent them.

We believe this declining level of trust arises at least partly from a declining level of confidence in the effectiveness of Freedom of Information and Protection of Privacy legislation in British Columbia.

There was a time when our legislation was considered to be among the best such in the world. Over time, the legislation itself has remained largely static. However, judicial decisions have undermined

¹ Dagg vs. Canada (Minister of Finance) 1997, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1525/index.do>

the powers of the legislation in a way contrary to the intent of the legislature that passed it. Section 13, dealing with advice to government, has been particularly weakened.

An increasing number of what were previously government functions have been privatized to private corporations beyond the reach of the legislation. Extremely long delays to acquire information from government have become too much the norm.

Most recently, accusations of a growing use of “oral government” have led people to wonder if information is being hidden from them. Without commenting on the validity of accusations it is sufficient to note the terms “triple delete” and “delete, delete, delete” have appeared dozens of times in BC newspapers in the past months with many more references on electronic media.

This Committee has the opportunity to rebuild public confidence in the legislation. This can be done by accepting the advice of the Legislature’s Information and Privacy Commissioner but equally importantly, by accepting innovations introduced to such legislation by other jurisdictions both in Canada and abroad. Much of the legislation in other parts of Canada and the world was informed by our innovative legislation in British Columbia. We can return the compliment by adopting the best from other jurisdictions.

We urge the Committee to be bold in its recommendations. While we will deal with these issues in more detail later in this brief there are four areas in which the Committee should recommend real improvements to the legislation. These are:

1. Duty to document

By accepting the advice of Information Commissioners across Canada, the BC Government can demonstrate its commitment to transparency by creating a legislated duty to document the deliberations, actions and decisions of public entities to promote transparency and accountability. We believe this is the most important recommendation this Committee can make.

2. Expanding coverage of the legislation

We recommend the Committee call on government to expand coverage of the legislation by:

- a. Reiterating the recommendation of the 2004 Review Committee to restore the public’s right to factual, investigative or background material under section 13.
- b. Extending coverage of the legislation to records held by outsourced service providers delivering a public service to the extent of that service.
- c. Extending coverage of the legislation to all corporations or entities owned or controlled by or created for public bodies or groups of public bodies covered by the legislation.

- d. Recommending that release of Cabinet documents be discretionary, as it is under Nova Scotia legislation, and compiling documents covered under sections 12 and 13 in a way that explicitly separates information which is releasable from that which is not.

3. Dealing with timelines

Many FOI requesters are waiting an unacceptable amount of time to receive a response to requests. This is caused by frequent failure to meet existing timelines as well as by extended delays for reviews in the Commissioner's Office. As well, by using a 30 working day standard rather than 30 calendar days, BC already has the longest timelines in Canada. We suggest the Committee recommend:

- a. Reducing the time for an initial response from 30 to 20 working days as has been recommended by the Clyde Wells committee in Newfoundland.
- b. Implementing financial or administrative penalties for public bodies and heads of public bodies which fail to meet timelines on a regular basis.
- c. An increase in funding for agencies responding to Freedom of Information requests and for the Office of the Commissioner to permit timely responses both to information requests and reviews.
- d. The identification and proactive release of information regularly subject to access requests to reduce the burden on people processing FOI requests.

Implementation of the measures recommended above would restore British Columbia to leadership in Freedom of Information legislation in Canada. It would be a bold move to restore trust in government.

Personal Information

While this brief will not comment on most issues related to personal information there is one issue we wish to address. There has been considerable discussion as to whether the TPP trade agreement invalidates the protection of section 30.1 of the legislation to ensure Canadian personal information remains within Canada.

The CCPA opposes any move to reduce or remove this protection.

DETAILED COMMENTARY ON RECOMMENDATIONS

Need for new provisions

DUTY TO DOCUMENT

The duty to document government decision making has been an issue discussed in the Freedom of Information community for several years. Canada's Information Commissioners are unanimous on the need for this measure, and in a resolution in 2013 called for reforms creating a legislated duty to document the deliberations, actions and decisions of public entities to promote transparency and accountability.

As BC's Information and Privacy Commissioner said in 2014, "I think there is general agreement about the need for government to record its key decisions, and how it arrived at and implemented them. It is only with the creation and preservation of adequate documentation of action and decision-making that access to information regimes and public archives can be effective."²

The Information and Privacy Commissioner has addressed this issue for a number of years, noting in a special report in 2014 that the number of "non-responsive record" responses had at least fallen from 25% to 19% after increasing in the previous four fiscal years. However, the non-responsive rate was still double what it was in 2002.

The government has specifically requested the Committee to address this issue.

As the Information Commissioner has pointed out, the duty to document provision does exist in other countries. This year's Newfoundland review of Freedom of Information legislation recommended a duty to document, however, it suggested this provision reside in other legislation.³ We instead endorse the Freedom of Information and Privacy Commissioner's recommendation that such a provision be included in the FIPPA.

The author of this report has personal experience with "no responsive records" replies to information requests. Two Ministries received FOIs seeking information on lobbying efforts that were reported in the Province's Lobbyist registry. Both Ministries responded they had no records relating to setting the meeting up, to documents used for the meeting, to notes from the meeting or to meeting follow up. This raises issues not only related to the recording of records but to the transparency of lobbying in British Columbia.

² Denham, Elizabeth, Special Report, Special Report, A Failure to Archive – Recommendations to Modernize Government Records Management, Office of the Information and Privacy Commissioner, 22 July 2014, page 17.

³ Wells, Clyde K., Doug Letto, Jennifer Stoddart, Report of the 2014 Statutory Review Access to Information and Protection of Privacy Act, Office of the Queen's Printer for Newfoundland, March 2015.

Recommendation 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.

Sections of the legislation requiring amendment

SECTION 7 – TIME LIMIT FOR RESPONDING

In 2014 BC’s Information and Privacy Commissioner made the following observation:

It is therefore disheartening for me to issue this report, which shows the government’s on-time performance for 2013/14 has dropped to 74%. This means one-quarter of responses exceeded the 30 business day statutory limit (not including access requests properly extended in specific cases).⁴

The Commissioner continued:

Since the publication of our last timeliness report in 2011, the average on-time response across all Ministries has dropped from 93% to 74%, average processing times have increased from 22 business days to 44 business days, and the average number of business days overdue rose from 17 to 47.⁵

And:

Time extension requests from public bodies to my office are also at an all-time high and have more than doubled in the last two fiscal years, with most of these requests coming from government ministries.⁶

Newspapers Canada commented on the same trend in their 2015 National Freedom of Information Audit giving British Columbia a failing grade for speed of responses.⁷

As bad as this may appear the situation is actually worse. BC bases its timelines on business days rather than calendar days. To miss a deadline by 47 days is nine weeks.

⁴ Special Report – *Report Card on Government’s Access to Information Responses* (April 2013 – March 2014), page 3

⁵ Ibid page 5

⁶ Ibid page 16

⁷ Vallence-Jones, Fred and Emily Kitagawa, *National Freedom of Information Audit 2015*, Newspapers Canada, 2015

Both Alberta and Manitoba complete more than 80% of their requests within required timelines, and, unlike BC, these timelines are based on calendar days.

The situation is made worse by delays in the Commissioner's Office. The author of this submission is currently awaiting review by the Commissioner's Office of a response to a request. So far the Commissioner has taken two 90 (business) day extensions. Outside of the original response time, which was late, the review has now been delayed by more than a year.

Public bodies are allowed what is basically the unilateral right to take a 30-business day extension without oversight. They can then go to the Commissioner to ask for a further extension. The author of this report has never seen such an extension declined by the Commissioner (though it may well have happened).

There are at least three reasons for the failure of the FIPPA to provide timely access to information. In order of importance we believe these are lack of consequences, lack of resources and the need for more effective proactive release of information.

Simply put, there are no consequences for a public body failing to meet its legislative timelines. In fact, the complete absence of penalties may even act as an incentive for delay. We believe in order to encourage timely responses to requests penalties should be imposed when legislated timelines are not met.

Recommendation 2

In the event that a public body fails to meet legislative timelines any fees connected to the request should be waived with the funds immediately returned to the requester if funds have been paid.

Recommendation 3

The Committee should recommend penalties of \$500 per day for failing to meet the obligations of section 7. These penalties would commence when a public body was in breach of timelines for five days. Revenues obtained from this penalty should be directed to the Office of the Information Commissioner to assist the office in dealing with backlogs. Heads of public bodies should also receive financial penalties for failing to carry out their duties in compliance with the legislation.

While a lack of consequences is a critical factor in delay, we acknowledge that an important reason for delay is the lack of resources provided to meet Freedom of Information requests.

In 2014 the Information and Privacy Commissioner reported:

It is my office's understanding that IAO [Information Access Operations] staffing levels have remained relatively consistent since centralization in 2009. This

despite the fact that the number of closed access to information requests have risen approximately 27% from 7,750 to 9,832 during that time. IAO experienced staff turnover of as many as 15-20% of its staff over the past two fiscal years. At times, it was unable to immediately replace individuals who were retiring or left IAO during government's hiring freeze. The combination of the steady rise in volume and the turnover in staffing put IAO in a position where it was nearly impossible for it to keep up with the number of requests.⁸

The Information and Privacy Commissioner also faces resource issues. As she reported in this year's annual report with respect to the privacy aspect of her work:

legitimate concerns about misuse of their personal information had a direct correlation to our Office's increased workload this fiscal year. Calls and emails from the public spiked to 5,200 individual requests for information, an increase of almost 30% from 2013-14.⁹

Recommendation 4

The Committee should endorse the recommendation of the Information and Privacy Commissioner that Government define and implement steps to eliminate the backlog of access to information requests and, in the forthcoming budget cycle, give priority to providing more resources to dealing with the greatly increased volume of access requests.

Recommendation 5

The BC Legislature should be encouraged to provide additional resources to the Office of the Information and Privacy Commissioner to reduce the backlog of reviews in her office.

Finally, the Information and Privacy Commissioner has identified areas in which proactive disclosure of information would reduce the necessity for management of Freedom of Information requests.

In a 2014 Special Report the Commissioner makes the following point:

Special attention is given in this report to one type of request: calendars of Ministers and senior officials. This type of request accounts for 75% of the overall increase in volume over the last two fiscal years, and 18% of all access requests submitted to government. This report recommends government routinely release

⁸ Information and Privacy Commissioner for British Columbia, SPECIAL REPORT A STEP BACKWARDS: REPORT CARD ON GOVERNMENT'S ACCESS TO INFORMATION RESPONSES, APRIL 1, 2013 –MARCH 31, 2014, page 19

⁹ Information and Privacy Commissioner for British Columbia, Annual Report 2015, page 4.

calendar information on a monthly basis. This would significantly lower the administrative burden associated with processing the large number of these requests and would also be consistent with the open government initiative.¹⁰

Recommendation 6

The Committee should endorse the recommendation of the Information and Privacy Commissioner that the minister responsible for FIPPA 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 subject to FOI requests. This release should, at a minimum, contain the names of participants, the subject and date of meetings and be published on a monthly basis.¹¹

Finally, there is no legitimate reason why British Columbia should have a longer timeline for response than most other jurisdictions which have a timeline of 30 calendar days. If other jurisdictions can meet this timeline, so can British Columbia. That being said, we recognize the legitimacy of using working days as a base.

Recommendation 7

The timeline for response to requests should be reduced from 30 working days to 20 working days.

SECTION 10 – EXTENDING THE TIME LIMIT TO RESPOND

Section 10 of the legislation outlines possible reasons for extending a time limit to respond as well as requiring the public body to inform the applicant that such an extension has been taken.

However, the section does not stipulate that the public body must inform the applicant at the time the extension is taken. As a result, the Commissioner's Office is now refusing to accept deemed refusal complaints when the public body is late unless the applicant has already contacted the public body to ask why the response is late.

In correspondence the Commissioner's Office said:

It is the policy of the Office of the Information and Privacy Commissioner to refer a complainant back to the organization, where the complainant has not first given the organization an opportunity to respond to an attempt to resolve the issue.

¹⁰ Information and Privacy Commissioner for British Columbia, SPECIAL REPORT: A STEP BACKWARDS: REPORT CARD ON GOVERNMENT'S ACCESS TO INFORMATION RESPONSES, APRIL 1, 2013 –MARCH 31, 2014, page 5

¹¹ Ibid, page 26

We believe this places a burden on applicants that was not originally intended by the legislation. Further, while regular users of the legislation are aware of this policy and act upon it, one-time users will not be aware of the policy. They will be left in limbo with no idea whether or not an extension has been taken or if the public body is simply ignoring them. This legislation must meet the needs of occasional users who are less aware of complex procedures not written in the Act or the regulations.

Recommendation 8

Section 10 should be amended so that the public body must not only inform the applicant of a decision to take an extension, they must inform the applicant at the time the extension is taken and provide reasons for the extension.

Section 10(2) permits public bodies to request a second extension from the Commissioner. Currently, public bodies are not required to provide the applicant with a copy of their request. The Commissioner is also not required to provide an applicant with her response. In the case of one CCPA research associate, this led to a situation where the Commissioner granted an extension based on an inaccurate chronology provided to her by the public body. We recommend that the clause be amended so that the public body and the applicant are placed on a more equal footing in this situation.

Recommendation 9

Section 10 should be amended to require that a public body making application for an extension under section 10(2) make the application at least seven business days before the expiry of the time limit under section 7(1) and that a copy of this request must be provided to the applicant at the time the application for extension is made. The Commissioner's response to such a request should also be provided to the applicant.

SECTION 12 – CABINET CONFIDENTIALITY

The CCPA has the same concerns about the broad use of Cabinet confidentiality that informed our presentation to the Committee six years ago. Cabinet confidentiality is a mandatory exemption, yet there are a range of subjects that might be released dealing with background information to decisions. Despite this, section 12 is often used as a blanket exemption.

However, other provincial courts have come to a different conclusion saying the BC approach uses “too broad a brush” for Cabinet confidentiality.

Other provinces have also been able to protect necessary areas of Cabinet confidentiality without resorting to a mandatory exemption. The Nova Scotia Act makes the release of such information

discretionary, something that more accurately reflects the reality that governments, for their own purposes, frequently make information public that has gone before Cabinet.

The Committee reviewing Freedom of Information Legislation in Newfoundland and Labrador also recommended a change to that province's legislation mirroring Nova Scotia's.

Moreover, Nova Scotia also requires the release of such information after ten years, rather than the 15 years in BC's FIPPA. This appears to have been accomplished without damage to necessary areas of Cabinet confidentiality in that province and there is no reason to suggest the result would be different here.

Recommendation 10

The BC Government should adopt the discretionary standard for release of information covered by Cabinet confidentiality used in the Nova Scotia legislation.

Recommendation 11

The BC government should adopt the standard of 10 years for the release of information covered by Cabinet confidentiality rather than the current standard of 15 years.

SECTION 13 – POLICY ADVICE OR RECOMMENDATIONS

It is difficult to improve upon the analysis of the problems in section 13 that was offered by the legislative FOI review committee in 2004.

Based on what we heard, the Committee thinks there is a compelling case, as well as an urgent need, for amending section 13(1) in order to restore the public's legal right of access to any factual information. If left unchallenged, we believe the court decision has the potential to deny British Columbians access to a significant portion of records in the custody of public bodies and hence diminish accountability. Furthermore, as described earlier, we have had the opportunity to hear firsthand accounts of the devastating impact the denial of access to factual information about themselves is having on some families in British Columbia. Regardless of whether these cases are directly related to the court decision, as a matter of principle, we believe that individuals have the legal right to access and correct personal factual information in third-party files, except in the most unusual circumstances. For these reasons, we urge the government to take speedy action to clarify the exception relating to policy advice or recommendations.

Unfortunately, the government chose not to act on this in 2004 and the Review Committee in 2010 declined to repeat the recommendation.

Recommendation 12

The recommendations from the 2004 Committee remain valid today and we urge the current Committee to repeat the following items:

Recommendation No. 11 — Amend section 13(1) to clarify the following: (a) "advice" and "recommendations" are similar terms often used interchangeably that set out suggested actions for acceptance or rejection during a deliberative process, (b) the "advice" or "recommendations" exception is not available for the facts upon which advised or recommended action is based; or for factual, investigative or background material; or for the assessment or analysis of such material; or for professional or technical opinions
and,

Recommendation No. 12 — 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.

We also recommend that section 13(3) be amended to reduce the time limit on section 13(1) from 10 years to five years. This is a reasonable improvement to the Act which has been recommended in the past both by the Freedom of Information and Privacy Association and the Freedom of Information and Privacy Commissioner.

Recommendation 13

The Committee should recommend that section 13(3) be amended to reduce the time limit on section 13(1) from ten to five years.

Finally, the Newfoundland and Labrador committee reviewing that province's Freedom of Information legislation has one other proposal that could be usefully implemented in British Columbia. In reference to a section of their legislation referring to Ministerial briefings, which was similar to the advice and recommendations section, the Committee said: "The minister responsible for the OPE [Office of Public Engagement] and the deputy minister suggest briefing records can be compiled in such a way as to enable factual material to be separated easily from policy advice and recommendations."¹²

¹² Wells, Clyde K., Doug Letto, Jennifer Stoddart, Report of the 2014 Statutory Review Access to Information and Protection of Privacy Act, Office of the Queen's Printer for Newfoundland, March 2015, page 16

Recommendation 14

Public bodies change the manner in which briefing books are assembled, so that policy advice and Cabinet confidences are easily separable from factual information.

SECTION 75 – FEES

It is now almost universally accepted that permitting the public to have access to information held by government increases transparency and accountability. However, the cost of seeking this information can be a barrier particularly to requesters with limited means and those not representing organizations – in other words, most members of the public.

Different jurisdictions in Canada have taken different approaches to ensuring cost is not a barrier to access to information. Unlike Alberta and the federal government, BC does not charge a fee to submit a request, which is commendable. Different jurisdictions also offer differing amounts of free search time.

British Columbia's legislation currently provides three hours of free search time in response to a Freedom of Information request.

The most accessible legislation in Canada, however, is Newfoundland and Labrador's, where requesters are not charged for the first ten hours of time spent locating a record held by local governments and the first 15 hours where the request is held by another public body.¹³

Recommendation 15

Government should increase the hours of free search time under the Freedom of Information and Protection of Privacy Act with consideration being given to adopting the standard now current in legislation in Newfoundland and Labrador.

Even when fees are demanded it is not uncommon for the large majority of material provided to be blanked out because of various exemptions. Applicants should not be expected to pay for information they do not receive.

Recommendation 16

The Committee should recommend amendments to the legislation waiving fees where more than 20% of the material provided is blanked out

¹³ Nova Scotia Access to Information and Protection of Privacy Act 2015 section 25.

Finally, it is not uncommon for public bodies to demand fee deposits and to then fail to meet timelines under the legislation. Public bodies should not be permitted to request fees if they are not prepared to abide by the legislation that is supposed to guide them.

Recommendation 17

Section 10 should be amended to require that fees be waived in cases where the public body has failed to meet timelines under the legislation.

As the Committee is aware, if an appeal of fees is lodged with the Commissioner “the clock stops” until such time as a ruling is made (unless the requester pays the requested deposit, normally half the claimed fees). This can be another unreasonable source of delay, especially for less monied requesters.

The Office of the Information and Privacy Commissioner currently has an expedited process in place to deal with issues when a public body fails to meet its legislative timelines (deemed refusal). In a case of “deemed refusal” an order can be written for the public body to provide a response in a process that takes approximately one month.

Recommendation 18

The Committee should recommend creation of an expedited process in which the Commissioner could make a ruling as to whether or not fees should be waived. This would eliminate the possibility of fee demands being made solely to delay the process.

SCHEDULE 1 (DEFINITION OF PUBLIC BODY)

Since its implementation, the reach of the FIPPA has been diminished. In part this has occurred because information that was previously held by public bodies delivering a service are now often held either by outsourced private companies or by special purpose corporations established and owned by public bodies.

As early as 2002, the BC Ombudsperson complained that increasing privatization of services was placing services out of the reach of oversight. In his 2002 Annual Report the Ombudsperson said, “Services to the public that were previously subject to our oversight have been restructured in ways that have resulted in the loss of our jurisdiction to investigate complaints.”¹⁴

A significant portion of British Columbia government and local government services are now delivered by private corporations. This would include areas such as water treatment (Britannia

¹⁴ BC Ombudsman, 2002 Annual Report, June 2003, page 8

Mine), non-medical hospital services, the SRO renewal initiative, accommodation for workers at the Site C project, and maintenance on provincial roads and bridges. In some cases, where services are divided among the public and private sectors, the public sector is accessible under FOI and the private sector is not. One such example is TransLink, which operates the Expo and Millennium transit lines but not the Canada Line, which is operated by the private sector company, InTransitBC.

In England and Scotland, both of which have seen significant privatization, steps have been taken to ensure information on privately delivered public services remains accessible. The UK Freedom of Information Act 2000 says the Secretary of State:

may by order designate as a public authority for the purposes of this Act any person who is neither listed in Schedule 1 nor capable of being added to that Schedule by an order under section 4(1), but who—

- (a) appears to the Secretary of State to exercise functions of a public nature, or
 - (b) is providing under a contract made with a public authority any service whose provision is a function of that authority.
- (2) An order under this section may designate a specified person or office or persons or offices falling within a specified description.
- (3) Before making an order under this section, the [Secretary of State] shall consult every person to whom the order relates, or persons appearing to him to represent such persons.¹⁵

As the UK Justice Committee noted in 2012 when it was reviewing FOI legislation,

“if more and more services are delivered by alternative providers who are not public authorities, how do we get accountability? The Prime Minister dealt with that the other day in one respect, by saying that it is about accountability, through tracking expenditure and outcomes. That is certainly part of it, but we nevertheless need to find ways of holding the alternative providers to account if they are trousering very large sums of public money and carrying out public purposes contracted by authorities.”¹⁶

In response to recommendations from the Justice Committee the Ministry of Justice said,

The Protection of Freedoms Act will, from next year, bring over 100 additional bodies within scope by including companies wholly owned by any number of public authorities. We intend to continue consultations with over 200 more organisations, including the Local Government Group, NHS Confederation,

¹⁵ UK Freedom Of Information Act 2000 <http://www.legislation.gov.uk/ukpga/2000/36/section/5>

¹⁶ UK Ministry of Justice, Government Response to the Justice Committee’s Report: Post legislative scrutiny of the Freedom of Information Act 2000, November 2012

harbour authorities and awarding bodies, about their possible inclusion in relation to functions of a public nature that they perform; and then to consult more than 2000 housing associations on the same basis. Where we conclude that such bodies are performing functions of a public nature, we intend to legislate under section 5 of FOIA to bring them within the scope of FOIA in relation to those functions, unless there are very good reasons not to, by spring 2015.

There are similar powers in the Freedom of Information Act (Scotland) 2002.

Recommendation 19

Add to Schedule 1 of the legislation private bodies paid by a public body to exercise functions of a public nature or to provide services which are the function of a public body. The application of the Freedom of Information and Protection of Privacy Act would only apply to those public functions provided by the private company and paid for by a public body.

Another issue in British Columbia is the creation by educational public bodies of private corporations owned and controlled by them. These private bodies are screened from Freedom of Information because of judicial interpretations of the legislation.

BC's FIPPA partially deals with this issue in the definition of local government public bodies in Schedule 1:

any board, committee, commission, panel, agency or corporation that is created or owned by a body referred to in paragraphs (a) to (m) and all the members or officers of which are appointed or chosen by or under the authority of that body,

This characterization – expanded to include groups of public bodies – should be added to the definition of all public bodies in FIPPA.

The Committee reviewing Freedom of Information legislation in Newfoundland and Labrador also concluded that it was necessary for the legislation to cover corporations owned by groups of public bodies saying:

The Commissioner expressed concern that corporations owned by one or more municipalities are not currently covered under the *ATIPPA*. The Commissioner recommended that the definition of public body be expanded to include a corporation or entity owned by or created by a public body or group of public bodies.¹⁷

¹⁷ Wells, Clyde K., Doug Letto, Jennifer Stoddart, Report of the 2014 Statutory Review Access to Information and Protection of Privacy Act, Office of the Queen's Printer for Newfoundland, March 2015, page 45

Based on the views expressed by the Commissioner and his emphasis on municipalities, the Committee also concludes that the definition of public body should be expanded to include entities owned by or created by or for a municipality or group of municipalities.¹⁸

The Newfoundland government has committed itself to implementing recommendations from the Committee.

Recommendation 20

In Schedule 1 the definition of “educational body,” “health care body,” “local government public body” and “public body” should be changed to include similar provisions for the treatment of bodies created, owned or controlled by the public body. The provision should be expanded from the definition currently in “local government public body” so that the legislation covers “any board, committee, commission, panel, agency or corporation that is created, controlled or owned by a public body or group of public bodies.”

Privacy and the Trans Pacific Partnership

We would like to comment on one area of privacy protection covered by the legislation and that is the current requirement under section 30.1.

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

- (a) if the individual the information is about has identified the information and has consented, in the prescribed manner, to it being stored in or accessed from, as applicable, another jurisdiction;
- (b) if it is stored in or accessed from another jurisdiction for the purpose of disclosure allowed under this Act;
- (c) if it was disclosed under section 33.1 (1) (i.1).

Michael Geist, an expert in this field, recently commented in the Toronto Star about the Trans Pacific Partnership’s potential implications for privacy:

One of the most troubling, but largely ignored effects of the TPP involves privacy. Privacy is not an issue most associate with a trade agreement. However, the TPP features several anti-privacy measures that would restrict the ability of governments to establish safeguards over sensitive information such as financial and health data as well as information hosted by social media services.

¹⁸ Ibid, page 46

Two provisions are the source of the privacy concern. First, according to the Canadian government's summary, the agreement "prevents governments in TPP countries from requiring the use of local servers for data storage."¹⁹

Your Committee may hear presentations urging you to eliminate s. 30.1 to comply with trade agreements, however, you have also heard from presenters that s. 30.1 does not need to be eliminated. Tamir Israel, with the Canadian Internet Policy and Public Interest Clinic at the University of Ottawa's Faculty of Law, told you "While the TPP e-commerce chapter was initially reported as imposing limitations on private and public sectors alike, the final version, as adopted, excludes government procurement and government data collection from its scope. This effectively immunizes B.C. FIPPA's section 30.1."²⁰

Mr. Israel concluded his remarks with, "If I could respond really briefly, I think I wanted to provide some assurance that you're probably under no immediate trade obligation to change section 30.1."

Later in the meeting our Information and Privacy Commissioner made the following comments: "Essentially, the concerns that led the Legislature to make the data localization provisions remain unchanged. When I talk to British Columbians, they tell me that their privacy is really important to them and that they don't want their sensitive personal information to be compelled to be produced under a foreign law. They want the protection of our Canadian constitution. They want the protection of our privacy laws, which they lose once the data crosses the border."

The same day Ms. Betty-Jo Hughes, government chief information officer and associate deputy minister with the Ministry of Technology, Innovation and Citizens' Services told the Committee:

Maintaining the data residency provisions will assist B.C. in remaining an attractive business partner to other jurisdictions by ensuring our privacy standards continue to meet those of our peers, such as the European Union, whose data protection directive has set the bar for privacy internationally.

This year, the safe harbour agreement, which allowed U.S. companies working in Europe to self-certify their compliance with the EU data protection directive, was ruled invalid by the EU Court of Justice. This ruling is likely to have a significant impact on thousands of U.S.-based companies who relied on this agreement to do business in Europe.

The court's dismissal of the safe harbour agreement is a strong signal to the rest of the world that the EU is serious about upholding their data protection standards

¹⁹ Geist, Michael, How the TPP might put your healthcare data at risk, Toronto Star, 13 October 2015

²⁰ Israel, Tamir, Presentation to the SPECIAL COMMITTEE TO REVIEW THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 18 November 2015

at all costs. In that light, B.C. must ensure that our FOIPP Act remains on par with global privacy leaders to remain a viable partner in business and trade.

All of this suggests there is no need for the protection of this section to be removed. Even if trade agreements did threaten this section the committee would need to ask itself, should the privacy protections of Canadians be traded away?

Recommendation 21

The section of the legislation requiring public bodies to store personal information in their custody or control in Canada subject to existing exceptions should not be changed.

Home

FOI Reform — Enhancing Access to Information. Protecting Privacy.

The B.C. government is committed to making real and meaningful improvements to its information management practices, including freedom of information (FOI) and the protection of privacy.

Minister Jinny Sims wants your ideas about how to improve services to support you in accessing the information that is important to you and to ensure you have a high level of confidence that your personal information is protected, so that she can take recommendations for change to Cabinet by fall 2018.

Government has received a number of recommendations for improvement from a Special Committee of the Legislative Assembly, the Information and Privacy Commissioner, and other stakeholders. We want to hear from you on several key areas for improvement that have been identified through these channels, to strengthen our understanding of these important issues by ensuring we've considered a broad range of feedback.

The engagement closes on **March 30, 2018**.

You can participate by joining the online discussion, submitting written feedback, reading submissions from others, and learning more about how FOI and Privacy work here and elsewhere in the world.

FOI and Privacy 101

Why is this important?

Why is it important for government to regularly seek feedback on FOI and Privacy?

The right to access the information you need to engage meaningfully with government on issues that matter to you is fundamental to our democratic society. The people of British Columbia are very active in exercising their right to access government information — in the 2016/17 fiscal year, almost 10,000 FOI requests were closed in ministries alone.

The right to privacy is equally fundamental. Over 2,900 public bodies are covered under FOIPPA, and it's important that you are able to trust that your personal information is protected.

This is why government regularly seeks feedback on the rules and regulations that govern both FOI and Privacy.

Why are you consulting the public again so soon after the Special Committee review?

We want to hear from you on some of the topics that were raised at the Special Committee to ensure that the solutions we design take into account a range of perspectives. It's important that we strike the right balance.

Why is FOI reform needed?

The FOIPPA has not been substantively amended in several years. B.C. is considered a leader in protection of privacy, transparency and openness. It is important that our legislation, policy and practice keep pace to ensure B.C. remains a leader in these areas.

Commented [MMS1]: On the Right hand nav --- can we have buttons linking to :

Read the Report of the Special Committee
(https://www.leg.bc.ca/content/committeedocuments/40th-parliament/5th-session/foi/report/scippa_report_2016-05-11.pdf)

Read Submissions to the Special Committee
(<https://www.leg.bc.ca/parliamentary-business/committees/40thParliament-4thSession-foi/meetingdocuments>)

The Special Committee made 39 recommendations to government, so we know there is room for improvement. The Minister wants your ideas so that she can take recommendations for change to Cabinet by fall 2018.

Background

The Freedom of Information and Protection of Privacy Act (FOIPPA) has two main purposes:

1. To make public bodies more accountable by providing the public with a right of access to records, subject to limited exceptions, and
2. To protect personal privacy by prohibiting the unauthorized collection, use, disclosure, access or storage of personal information by public bodies.

FOIPPA covers over 2,900 public bodies, including government ministries and many government agencies, boards, commissions and Crown corporations. It also covers “local public bodies” including municipalities, universities and colleges, school boards, and health authorities, as well as self-governing bodies of professions such as the College of Physicians and Surgeons and the Law Society of British Columbia.

FOIPPA gives any person the right to access records held by a public body, including their own personal information, as long as they request the information in accordance with the Act’s provisions. The only qualification to this right is that the right does not extend to information excepted from disclosure under Part 2 of the Act (for example, someone else’s personal information).

FOIPPA also protects personal privacy by specifying requirements for how public bodies must collect, use, and disclose personal information. These requirements, which also include reasonable efforts to ensure accuracy and security, retention requirements, and a right to request correction of personal information, are based on a set of internationally accepted fair information practices.

Engagement Process

Purpose and Timelines

The purpose of this engagement is to invite British Columbians to provide input to help shape the Minister’s recommendations to Cabinet in fall 2018.

This website provides information on the current FOI and Privacy rules in B.C. and elsewhere in Canada, and asks British Columbians to participate in an online discussion or provide written submissions on their thoughts about some key issues such as penalties for contravening the Act, fees for access to information, and the kinds of information they would like to see government make available without the need for a formal FOI request.

The results will inform a report by the Minister with recommendations for Cabinet’s consideration, and will help shape improvements to policy, practice, education and awareness, regulation and legislation.

What happens to your feedback

The public engagement on FOI reform closes March 30, 2018. At that time, Government’s Citizen’s Engagement team will coordinate a summary of the input gathered during the engagement.

This data, along with other sources of information such as past Special Committee and Commissioner's reports, will inform the Minister's report and recommendations, which the Minister will present to Cabinet for debate and decision.

Written Submissions

The Minister would like to hear from people throughout the province. Along with participating in the online discussions, interested organizations and individuals can make a written submission to [EMAIL](#).

Organizations making submissions should be aware their submissions will be posted publicly on this site. Submissions must not include third-party information or personal information, such as personal telephone numbers or stories that identify specific citizens.

Please submit your feedback by March 30, 2018

A summary report that details comments and feedback submitted will be posted to the site following the close of the public engagement.

Questions about the engagement process can be emailed to [EMAIL](#).

Ways to Participate

The Minister would like to hear from people throughout the province. There are several ways you may participate:

1. Join the online discussion
2. Interested organizations and individuals can make a written submission to [EMAIL](#)

Individuals or organizations making submissions should be aware their submissions will be posted publicly on this site. Submissions must not include third-party information or personal information, such as personal telephone numbers or stories that identify specific individuals.

Please submit your feedback by March 30, 2018

A summary report that details comments and feedback submitted will be posted to the site following the close of the public engagement.

Questions about the engagement process can be emailed to [EMAIL](#).

Freedom of Information: Improving Access

Final Trending Report (Week 6): April 2 – April 9, 2018

1. Site statistics

These statistics are based on visits to the home page of the engagement site. Site visits are not unique visitors, so may include repeat visitors.

	Launch Day (Feb. 26, 2018)	Week 1 Feb. 26 – Mar. 4	Week 2 Mar. 5 – Mar. 11	Week 3 Mar. 12 – Mar. 18	Week 4 Mar. 19 – Mar. 25	Week 5 Mar. 26 – Apr. 1	Week 6 Apr. 2 – Apr. 9*	Total / Average
Site Visits	187	477	313	289	268	179	252	1,779
Average Site Visit Duration	5min 30s	5min 39s	4min 59s	4min 15s	4min 46s	5min 50s	8min 9s	5min 37s
# of comments received	5	10	5	5	15	6	17	58
Subscribers/Signups								54

* Last week represents eight days.

2. Comparison to other engagements:

The Human Rights Commission Engagement in October 2017 had **21 comments** in the sixth week of the engagement, and the Species at Risk Engagement had **216 comments** submitted in their sixth (final) week.

3. Top referring sites

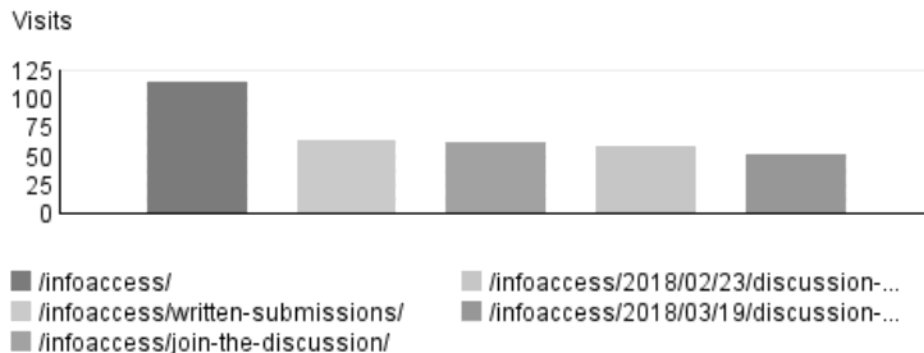
For this week, **over 66%** of citizens came to the site directly. The most popular referral site was news.gov.bc.ca/ with **15%** of referrals, Twitter with **9%** of referrals and Facebook with **3%**.

For the full engagement, these were the top 10 referring sites:

Domain	Visits	
1. Direct Traffic	949	53.34%
2. gov.bc.ca	398	22.37%
3. t.co	104	5.85%
4. facebook.com	70	3.93%
5. thetyee.ca	68	3.82%
6. google.ca	47	2.64%
7. vancourier.com	24	1.35%
8. thelawyersdaily.ca	20	1.12%
9. policynote.ca	14	0.79%
10. iapp.org	13	0.73%

4. Most popular pages

For this week, the most popular page on the site was Home Page, the Written Submissions page and Join the Discussion.



For the full engagement, the top five pages for the site (with their visits) were:

1. Home Page (978)
2. Discussion #2 (609)
3. Discussion #1(491)
4. Join the Discussion (318)
5. Written Submissions (256)

5. Sample quotes from the comments:

Although OIPC may appear to have tools of deterrence at its disposal, in practice it seems to limit itself to investigations and education. OIPC has no teeth or refuses to use them.

I agree that personal information should be provided free of charge but the stats published here do not indicate how many of the 10,000 requests per year are for personal information. It is hard therefore to respond appropriately to the question being asked without the proper information. Lets assume that 98% of all requests are for personal information and that the 2% quoted above generated the \$60,000 charged to applicants would be fair enough, however, if it only recoups 0.3% of the total cost to Government to provide open a information and a much larger proportion are from journalists and researches trying to make money then the fees are woefully too low.

6. News Articles

Public invited to engage on improving access to information B.C.

Sooke Pocket News – February 26, 2018

British Columbians are more FOI-hungry than all other Western provinces combined

Vancouver Courier – March 5, 2018

CBC Vancouver News – TV (Referenced at end of segment starting at 24 min)

CBC – Justin McElroy – March 8, 2018

Furious feedback: B.C. government launching one public consultation every week

CBC – Justin McElroy – March 10, 2018

Do you want a more transparent, accountable government? Tell them so!

Policy Note (Canadian Centre for Policy Alternatives) – Keith Reynolds – March 19, 2018

Do You Want a More Open Government? Then Tell Them

The Tyee – Keith Reynolds – March 22, 2018

7. Social Media

BC FIPA@bcfipa

just now

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<https://fipa.bc.ca/wordpress/wp-content/uploads/2018/03/Call-to-action.pdf>

BCCPAC Retweeted



BC Government News @BCGovNews · Mar 7

Our public engagement on freedom of information and privacy is open until April 9. Have your say and check back each week for new topics:



Home

Freedom of Information Reform — Enhancing Access. Protecting Privacy. The B.C. government is committed to making real and meaningful impr...
engage.gov.bc.ca



OIPC BC @BCInfoPrivacy · Mar 7

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engage.gov.bc.ca/infoaccess/foi... #FIPPA #FOI #bcpoli



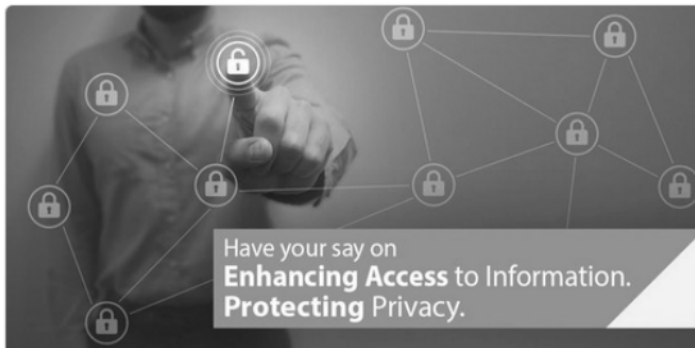
Join the Discussion

The Ministry of Citizens' Services wants your ideas about how you want to



OIPC BC @BCInfoPrivacy · Mar 27

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Join the Discussion

The Ministry of Citizens' Services wants your ideas about how you want to access the information that is important to you and how we can ensure yo...
engage.gov.bc.ca

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Editorial: NDP hedges on public's right to know (BiV)

05-Mar-2018 10:37

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Bob Mackin: Transparency is feasible for gov't

Times Colonist (Victoria)

Sunday, March 04, 2018

Page A11

By Bob Mackin-3

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Page 069 of 149 to/à Page 076 of 149

Withheld pursuant to/removed as

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March 19

Facebook

This week for the B.C. government's public engagement on information access and privacy, we're shifting gears back to Freedom of Information. The current topic up for discussion is access fees, which play a small but important role in the FOI process.

FOI fees are not intended as a barrier to accessing government information. In fact, of the roughly 10,000 FOI requests the B.C. government receives each year, only about 2% see fees charged. While the FOI program as a whole costs about \$24 million annually – or about \$2,400 per request -- the province generates approximately \$60,000 in FOI fee revenue.

So why charge a fee at all? One of the primary reasons we have fees is to protect taxpayer resources and ensure a level playing field for requestors. For example, if an individual were to request every record in government's possession, the province would be legally required to respond to that request at a significant cost to the taxpayer.

What are your thoughts on the fees charged for FOI requests? Would you like to make any changes? Have your say by visiting www.engage.gov.bc.ca/infoaccess

Tweets (MO)

This week we're discussing #FOI fees at the engagement website. Please take the time to share your thoughts here: www.engage.gov.bc.ca/infoaccess

Help us shape the future of #FOI by joining this week's discussion on fees. Click here to weigh in www.engage.gov.bc.ca/infoaccess

About 2% of the #FOI requests received by the BC Government are charged a fee. Would you make changes? Join the discussion: www.engage.gov.bc.ca/infoaccess

Tweets (HQ)

The BC Government wants your thoughts on #FOI access fees. Join the discussion here: www.engage.gov.bc.ca/infoaccess

We want to hear your thoughts on #FOI access fees are structured in BC. Are there changes you would like to see? Weigh in here www.engage.gov.bc.ca/infoaccess

Around 2% of the 10,000 FOI requests the BC Government receives each year result in a fee being charged. Have your say on fees here: www.engage.gov.bc.ca/infoaccess

March 13

Facebook

Have you heard of the provincial government's Open Data program? Our province was the first in Canada to launch this type of service, which offers the public more than 2,000 searchable datasets that can be used or repurposed under our Open Government Licence. Every day, your B.C. government generates an incredible amount of data – information on a variety of topics like greenhouse gas emissions, property transactions, traffic volumes, hospital visits and indigenous business listings. Open Data access enables enterprising British Columbians to find useful and innovative ways to use or repurpose this government data, for example by developing apps to help service our residents.

As part of our current engagement on information access and privacy, we are seeking input from British Columbians on the information that government makes available without the need for an FOI request. Have your say by following the link here: <http://bit.ly/2p7QXAG>

Tweets (MO)

FOI is but one of the many ways the B.C. government shares info with the public. What are your thoughts on the information B.C. makes available every day? <http://bit.ly/2p7QXAG>

Is there data you would like your BC government to make available to the public? Join the discussion here: <http://bit.ly/2p7QXAG>

Did you know the BC government is required to publish information like surgical wait times, class size data and pollution monitoring? I want your thoughts – join the discussion here: <http://bit.ly/2p7QXAG>

Tweets (HQ)

The BC government wants your thoughts on the info it makes available outside of the FOI process. What information would you like to see? <http://bit.ly/2p7QXAG>

Did you know BC was the first province in Canada to launch an Open Data program? Join our discussion at the Information Access and Privacy engagement site: <http://bit.ly/2p7QXAG>

The BC government interacts with its citizens every day, sharing information from across the public sector on a variety of mediums. Have your say in what is shared by clicking here: <http://bit.ly/2p7QXAG>

March 9

Facebook

As technology evolves, our provincial government is sharing more information with British Columbians than ever before. This requires us to be vigilant in safeguarding your personal information and privacy rights. Did you know you can request your personal records from government free of charge? You can also ask a public body to fix any errors you might find in the information British Columbia has about you. Government has a great deal of your information that it uses to safely and securely deliver services to you – things like education records, health information and more. British Columbians have a chance to shape how government works to protect the privacy rights of its citizens. Join the discussion and contribute your thoughts and suggestions here: <http://bit.ly/2DcU0f1>

Tweets (MO)

British Columbians need to know their personal information is safe with government. I want your thoughts on #privacy protection – how can we do better? <http://bit.ly/2DcU0f1>

Did you know the law requires public bodies to identify the potential #privacy impacts of any new government initiative? Join the discussion here: <http://bit.ly/2DcU0f1>

Technology is evolving and so is the BC government's work to protect your personal information. Help shape policy by joining the discussion: <http://bit.ly/2DcU0f1>

Tweets (HQ)

We want your thoughts on #privacy protection in BC! Join the discussion and help inform government's work to protect your personal information <http://bit.ly/2DcU0f1>

Have you ever had to correct personal information contained in government records? Do you know how to check? Join the discussion <http://bit.ly/2DcU0f1> #FOI #Privacy

#FOI and #privacy public engagement update: We are asking the public to weigh in on privacy protection. Share your thoughts here: <http://bit.ly/2DcU0f1>

March 7

Tweets (HQ):

2nd week of our public engagement on #FOI and #privacy. Help inform our work to make BC a leader in transparency and openness: <http://bit.ly/2Fw2u3r>

Our public engagement on #FOI and #privacy is open until April 9. Have your say and check back each week for new topics: <http://bit.ly/2Fw2u3r>

Feb. 27

Tweets (MO):

British Columbians deserve a government that is transparent and accountable. I want your thoughts on #FOI and #privacy protection – how can we do better? <http://bit.ly/2Fw2u3r>

Our public engagement on #FOI and #privacy is open until April 9. Help inform our work to make BC a leader in transparency and openness: <http://bit.ly/2Fw2u3r>

This week's topic on #FOI and #privacy engagement: the #FOI process. Have your say and check back each week for new topics: <http://bit.ly/2Fw2u3r>

Facebook (MO):

I am excited to announce this week's launch of public consultation and engagement on Freedom of Information and the protection of privacy in British Columbia. Even if you are not a frequent user of FOI, we want to hear your thoughts and suggestions to inform our work to make the B.C. government more accountable and transparent while protecting the privacy of your information. This consultation runs until April 9 and members of the public can participate in online discussions and provide written feedback. Each week, we will be highlighting a new topic of interest to British Columbians. This week's discussion is about the FOI process. Point your browser to <http://bit.ly/2Fw2u3r> and be sure to check in every week for new discussions and topics.



**Enhancing Access to Information.
Protecting Privacy.**



Have your say on
**Enhancing Access
to Information**



Have your say on
Enhancing Access to Information



Have your say on
Protecting Privacy



Have your say on
Protecting Privacy

Freedom of Information: Improving Access

First Week Report: April 26 - March 4, 2018

1. Site statistics

These statistics are based on visits to the home page of the engagement site. Site visits are not unique visitors, so may include repeat visitors.

	Launch Day (March 5th, 2017)	First Week April 26 - March 4
Site Visits	187	477
Average Site Visit Duration	5min 30s	5min 39s
Total # of comments received	5	10

2. Comparison to other engagements:

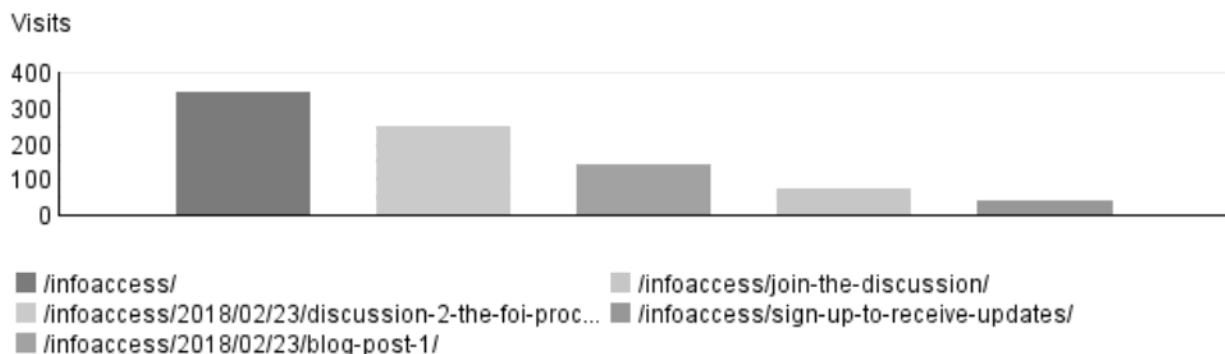
The Climate Action Leadership engagement in July 2015 had **86 comments** in the first week of the engagement, the Liquor Policy Review blog in 2013 had **690 comments** in its first week, and Okanagan Lake Second Crossing Project had **119 feedback forms** submitted.

3. Top referring sites

Over 55% of citizens came to the site directly. The most popular referral site was news.gov.bc.ca/ with **33%** of referrals, and intranet.gov.bc.ca/ BC with **4%** of referrals.

4. Most popular pages

The most popular page on the site was the home page, followed by the Share page, and Ways to Participate page.



5. Sample quotes from the comments:

Municipalities as well hold back studies and information that belongs to the public. If not released quickly to public, ever more advantage naturally accrues to insiders who can potentially profit from advance knowledge. Default should be, if a public institution, its public info, with as few, only truly necessary exceptions as possible.

I think the news media will still find plenty of shocking information in just helping the public understand the ramifications of releases. And please keep growing real investigative reporting wherever it takes you.

I made an FOI request last year for some aggregate MSP data. I received email correspondence from the Ministry and that was handled well. That said, I was confident that this data existed, but perhaps it existed in a different format than what I requested. So, twice they came back with no records and I didn't know how else to ask for it. I feel that it may have been more straight-forward for me to have a quick chat with someone to clarify the intent of what I was looking for, and then the data may have turned up. Given the number of requests government receives in a year and the costs associated with that, not sure if costs would go down for the sake of efficiency, as there will always be someone who will find a way to abuse the service.

6. News Articles

Public invited to engage on improving access to information B.C.

Sooke Pocket News – February 26, 2018

British Columbians are more FOI-hungry than all other Western provinces combined

Vancouver Courier – March 5, 2018

Freedom of Information: Improving Access

Third Week Report: March 12 - March 18, 2018

1. Site statistics

These statistics are based on visits to the home page of the engagement site. Site visits are not unique visitors, so may include repeat visitors.

	Launch Day (Feb. 26, 2018)	First Week Feb. 26 – Mar. 4	Second Week Mar. 5 – Mar. 11	Third Week Mar. 12 – Mar. 18	Total / Average
Site Visits	187	477	313	289	1,079
Average Site Visit Duration	5min 30s	5min 39s	4min 59s	4min 15s	5min 8s
# of comments received	5	10	5	5	20
Subscribers/Signups					40

2. Comparison to other engagements:

The Human Rights Commission Engagement in October 2017 had **25 comments** in the first week of the engagement, and Okanagan Lake Second Crossing Project had **2 comments** submitted.

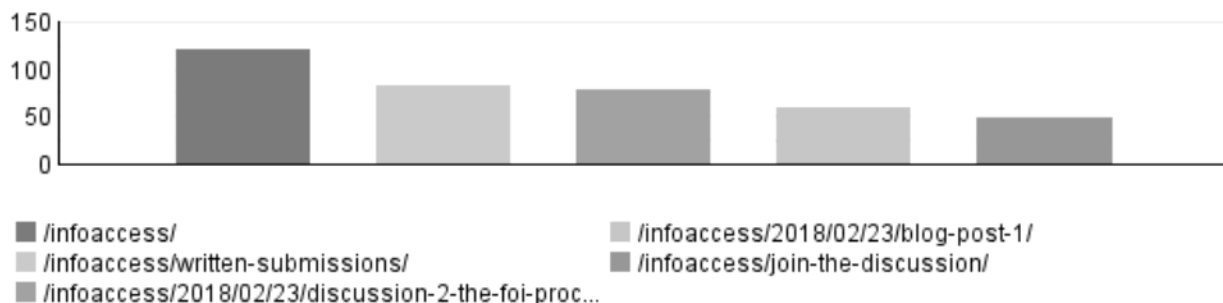
3. Top referring sites

Over 68% of citizens came to the site directly. The most popular referral site was news.gov.bc.ca/ with **15%** of referrals, and Facebook with **7%** of referrals.

4. Most popular pages

The most popular page on the site was the home page, followed by the Written Submissions page, and Discussion #2 (The FOI Process) page.

Visits



5. Sample quotes from the comments:

I support retaining the data residency requirements. The US PATRIOT Act (and successors) give so many rights to government, including access to all data held by US-based corporations, that I would not trust our government to hold the data securely if a strong residency requirement is not retained.

As an experienced archivist I find the access rules and fees with regards to research on individual surveys and land titles to be problematic. In researching an 1880's land survey of an individual land title within a block where the original posts have long since disappeared, the modern title holder is expected to hire a professional researcher, a lawyer or surveyor for a fee to research the early surveys and land titles...

6. News Articles

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Sooke Pocket News – February 26, 2018

British Columbians are more FOI-hungry than all other Western provinces combined

Vancouver Courier – March 5, 2018

CBC Vancouver News – TV (Referenced at end of segment starting at 24 min)

CBC – Justin McElroy – March 8, 2018

Furious feedback: B.C. government launching one public consultation every week

CBC – Justin McElroy – March 10, 2018

Copyright

7. Social Media

BC FIPA@bcfipa

just now

Copyright

<https://fipa.bc.ca/wordpress/wp-content/uploads/2018/03/Call-to-action.pdf>



OIPC BC @BCInfoPrivacy · Mar 7
Copyright



engage.gov.bc.ca/infoaccess/joi... #FIPPA #FOI #bcpoli



Join the Discussion

The Ministry of Citizens' Services wants your ideas about how you want to

Freedom of Information: Improving Access

Second Week Report: February 26 - March 11, 2018

1. Site statistics

These statistics are based on visits to the home page of the engagement site. Site visits are not unique visitors, so may include repeat visitors.

	Launch Day (Feb. 26, 2018)	First Week Feb. 26 – Mar. 4	Second Week Mar. 5 – Mar. 11	Total / Average
Site Visits	187	477	313	790
Average Site Visit Duration	5min 30s	5min 39s	4min 59s	5min 24s
Total # of comments received	5	10	5	15

2. Comparison to other engagements:

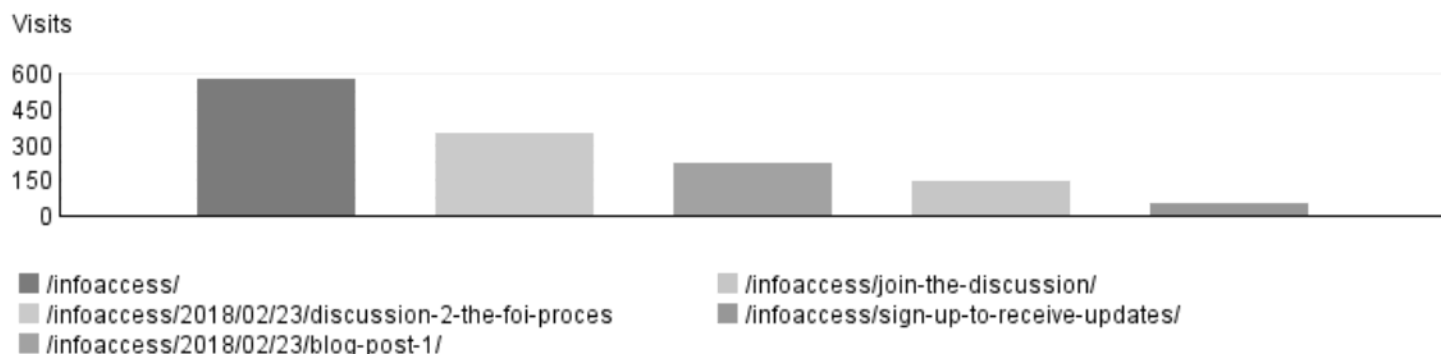
The Human Rights Commission Engagement in October 2017 had **36 comments** in the first week of the engagement, the Liquor Policy Review blog in 2013 had **249 comments** in its first week, and Okanagan Lake Second Crossing Project had **12 comments** submitted.

3. Top referring sites

Over 49% of citizens came to the site directly. The most popular referral site was news.gov.bc.ca/ with **14%** of referrals, and engage.gov.bc.ca/ BC with **8%** of referrals.

4. Most popular pages

The most popular page on the site was the home page, followed by the Share page, and Ways to Participate page.



5. Sample quotes from the comments:

I think this consultation provides a tremendous opportunity to finally rid the Act of the ineffectual and counterproductive data residency requirement (FIPPA section 30.1). On its surface, the requirement might seem to protect Canadian residents against the boogymen of Homeland Security and the Patriot Act; however, most

information security experts will tell that's just not how the internet works and locating servers in Canada provides almost no protection (in and of itself) against foreign governments accessing our residents' data.

It seems the IAO would operate more effectively (for the public and the government's purse) if all public/potentially requestable records were automatically copied / digitally archived with IAO in the first place. IAO would not need to gather all records at each request, and could instead focus on collating the records into an appropriate brief/release package and reviewing it's validity internally, with far less necessary interaction and waiting on multiple other bureaucracies.

6. News Articles

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Sooke Pocket News – February 26, 2018

British Columbians are more FOI-hungry than all other Western provinces combined

Vancouver Courier – March 5, 2018

CBC Vancouver News – TV (Referenced at end of segment starting at 24 min)

CBC – Justin McElroy – March 8, 2018

Furious feedback: B.C. government launching one public consultation every week

CBC – Justin McElroy – March 10, 2018

Copyright

Freedom of Information: Improving Access

Week 4 Report: March 19 - March 25, 2018

1. Site statistics

These statistics are based on visits to the home page of the engagement site. Site visits are not unique visitors, so may include repeat visitors.

	Launch Day (Feb. 26, 2018)	Week 1 Feb. 26 – Mar. 4	Week 2 Mar. 5 – Mar. 11	Week 3 Mar. 12 – Mar. 18	Week 4 Mar. 19 – Mar. 25	Total / Average
Site Visits	187	477	313	289	268	1,079
Average Site Visit Duration	5min 30s	5min 39s	4min 59s	4min 15s	4min 46s	5min 8s
# of comments received	5	10	5	5	15	35
Subscribers/Signups						46

2. Comparison to other engagements:

The Human Rights Commission Engagement in October 2017 had **35 comments** in the fourth week of the engagement, and Okanagan Lake Second Crossing Project had **8 comments** submitted.

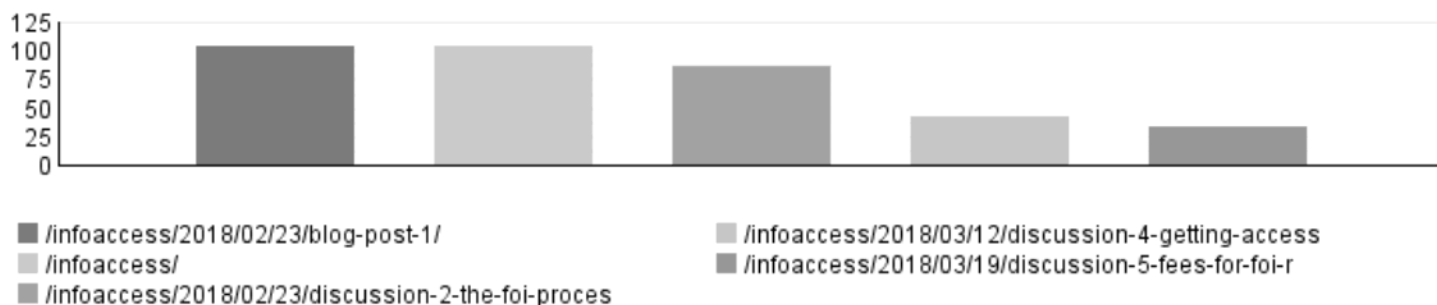
3. Top referring sites

Over 44% of citizens came to the site directly. The most popular referral site was news.gov.bc.ca/ with **20%** of referrals, the Tyee with **18%** of referrals and Facebook with **7%**.

4. Most popular pages

The most popular page on the site was Discussion #1 (Welcome), followed by the home page, and Discussion #2 (The FOI Process) page.

Visits



5. Sample quotes from the comments:

Ensure government and government body staff are all trained, management understand and are aware of the importance of FOIPPA and that audits are done to ensure records are in fact kept as required so they can be requested.

The person should hold the highest value of privacy, any data collected off a person should not be used without consent and payment.

Government should have No privacy, you are public employees and need to be held accountable to insure private interest do not get involved...

6. News Articles

Public invited to engage on improving access to information B.C.

Sooke Pocket News – February 26, 2018

British Columbians are more FOI-hungry than all other Western provinces combined

Vancouver Courier – March 5, 2018

CBC Vancouver News – TV (Referenced at end of segment starting at 24 min)

CBC – Justin McElroy – March 8, 2018

Furious feedback: B.C. government launching one public consultation every week

CBC – Justin McElroy – March 10, 2018

Copyright

Do you want a more transparent, accountable government? Tell them so!

Policy Note (Canadian Centre for Policy Alternatives) – Keith Reynolds – March 19, 2018

Do You Want a More Open Government? Then Tell Them

The Tyee – Keith Reynolds – March 22, 2018

7. Social Media

BC FIPA@bcfipa

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<https://fipa.bc.ca/wordpress/wp-content/uploads/2018/03/Call-to-action.pdf>



OIPC BC @BCInfoPrivacy · Mar 7

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engage.gov.bc.ca/infoaccess/joi... #FIPPA #FOI #bcpoli



Join the Discussion

The Ministry of Citizens' Services wants your ideas about how you want to

Freedom of Information: Improving Access

Week 5 Report: March 26 – April 1, 2018

1. Site statistics

These statistics are based on visits to the home page of the engagement site. Site visits are not unique visitors, so may include repeat visitors.

	Launch Day (Feb. 26, 2018)	Week 1 Feb. 26 – Mar. 4	Week 2 Mar. 5 – Mar. 11	Week 3 Mar. 12 – Mar. 18	Week 4 Mar. 19 – Mar. 25	Week 5 Mar. 26 – Apr. 1	Total / Average
Site Visits	187	477	313	289	268	179	1,527
Average Site Visit Duration	5min 30s	5min 39s	4min 59s	4min 15s	4min 46s	5min 50s	5min 9s
# of comments received	5	10	5	5	15	6	41
Subscribers/Signups							51

2. Comparison to other engagements:

The Human Rights Commission Engagement in October 2017 had **50 comments** in the fifth week of the engagement, and the Species at Risk Engagement had **84 comments** submitted.

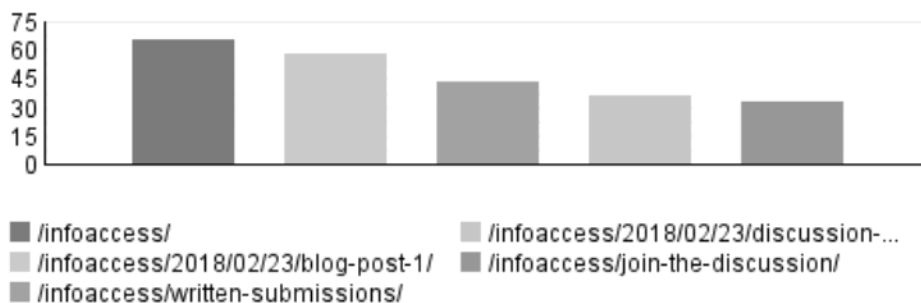
3. Top referring sites

Over 44% of citizens came to the site directly. The most popular referral site was news.gov.bc.ca/ with **20%** of referrals, the Tyee with **19%** of referrals and Facebook with **10%**.

4. Most popular pages

The most popular page on the site was Home Page, Discussion #1 (Welcome), followed by the Written Submissions page

Visits



5. Sample quotes from the comments:

Mandatory through OIPC will just make OIPC even slower. Is Government failing to report breaches that it claims are not significant but OIPC claims are? If not than the process right now probably works just fine and should be left alone.

I think that privacy breach notifications and reporting should be mandatory for all public bodies covered by FOIPPA.

6. News Articles

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Vancouver Courier – March 5, 2018

CBC Vancouver News – TV (Referenced at end of segment starting at 24 min)

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7. Social Media

BC FIPA@bcfipa

just now

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<https://fipa.bc.ca/wordpress/wp-content/uploads/2018/03/Call-to-action.pdf>

BCCPAC Retweeted

BC Government News @BCGovNews · Mar 7

Our public engagement on freedom of information and privacy is open until April 9. Have your say and check back each week for new topics:



Home

Freedom of Information Reform — Enhancing Access. Protecting Privacy. The B.C. government is committed to making real and meaningful impr...
engage.gov.bc.ca

OIPC BC @BCInfoPrivacy · Mar 7

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engage.gov.bc.ca/infoaccess/foi... #FIPPA #FOI #bcpoli



Join the Discussion

The Ministry of Citizens' Services wants your ideas about how you want to

A grayscale graphic showing a person's hand pointing towards a network of interconnected padlock icons, symbolizing digital security and information access.

Have your say on
Enhancing Access to Information.
Protecting Privacy.

Join the Discussion
The Ministry of Citizens' Services wants your ideas about how you want to access the information that is important to you and how we can ensure yo...
engage.gov.bc.ca

Freedom of Information: Improving Access

Final Trending Report (Week 6): April 2 – April 9, 2018

1. Site statistics

These statistics are based on visits to the home page of the engagement site. Site visits are not unique visitors, so may include repeat visitors.

	Launch Day (Feb. 26, 2018)	Week 1 Feb. 26 – Mar. 4	Week 2 Mar. 5 – Mar. 11	Week 3 Mar. 12 – Mar. 18	Week 4 Mar. 19 – Mar. 25	Week 5 Mar. 26 – Apr. 1	Week 6 Apr. 2 – Apr. 9*	Total / Average
Site Visits	187	477	313	289	268	179	252	1,779
Average Site Visit Duration	5min 30s	5min 39s	4min 59s	4min 15s	4min 46s	5min 50s	8min 9s	5min 37s
# of comments received	5	10	5	5	15	6	17	58
Subscribers/Signups								54

* Last week represents eight days.

2. Comparison to other engagements:

The Human Rights Commission Engagement in October 2017 had **21 comments** in the sixth week of the engagement, and the Species at Risk Engagement had **216 comments** submitted in their sixth (final) week.

3. Top referring sites

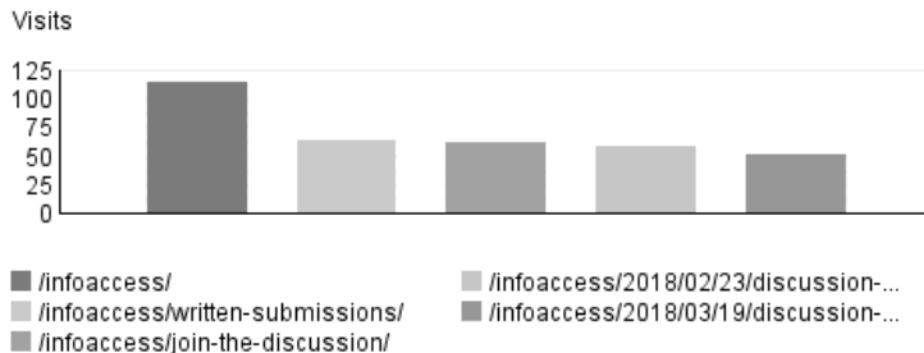
For this week, **over 66%** of citizens came to the site directly. The most popular referral site was news.gov.bc.ca/ with **15%** of referrals, Twitter with **9%** of referrals and Facebook with **3%**.

For the full engagement, these were the top 10 referring sites:

Domain	Visits	
1. Direct Traffic	949	53.34%
2. gov.bc.ca	398	22.37%
3. t.co	104	5.85%
4. facebook.com	70	3.93%
5. thetyee.ca	68	3.82%
6. google.ca	47	2.64%
7. vancourier.com	24	1.35%
8. thelawyersdaily.ca	20	1.12%
9. policynote.ca	14	0.79%
10. iapp.org	13	0.73%

4. Most popular pages

For this week, the most popular page on the site was Home Page, the Written Submissions page and Join the Discussion.



For the full engagement, the top five pages for the site (with their visits) were:

1. Home Page (978)
2. Discussion #2 (609)
3. Discussion #1(491)
4. Join the Discussion (318)
5. Written Submissions (256)

5. Sample quotes from the comments:

Although OIPC may appear to have tools of deterrence at its disposal, in practice it seems to limit itself to investigations and education. OIPC has no teeth or refuses to use them.

I agree that personal information should be provided free of charge but the stats published here do not indicate how many of the 10,000 requests per year are for personal information. It is hard therefore to respond appropriately to the question being asked without the proper information. Lets assume that 98% of all requests are for personal information and that the 2% quoted above generated the \$60,000 charged to applicants would be fair enough, however, if it only recoups 0.3% of the total cost to Government to provide open a information and a much larger proportion are from journalists and researches trying to make money then the fees are woefully too low.

6. News Articles

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Vancouver Courier – March 5, 2018

CBC Vancouver News – TV (Referenced at end of segment starting at 24 min)

CBC – Justin McElroy – March 8, 2018

Furious feedback: B.C. government launching one public consultation every week

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7. Social Media

BC FIPA@bcfipa

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<https://fipa.bc.ca/wordpress/wp-content/uploads/2018/03/Call-to-action.pdf>

BCCPAC Retweeted



BC Government News @BCGovNews · Mar 7

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OIPC BC @BCInfoPrivacy · Mar 7

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engage.gov.bc.ca/intoaccess/joi... #FIPPA #FOI #BCpoll



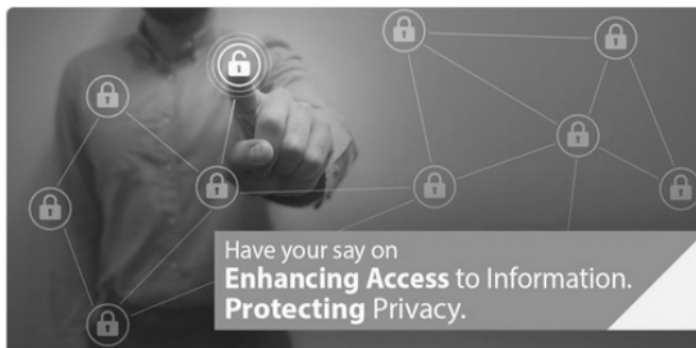
Join the Discussion

The Ministry of Citizens' Services wants your ideas about how you want to



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Join the Discussion

The Ministry of Citizens' Services wants your ideas about how you want to access the information that is important to you and how we can ensure yo...
engage.gov.bc.ca

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Withheld pursuant to/removed as

s.13

Reporter

Karissa Gall, Reporter

Black Press Digital

karissa.gall@blackpress.ca

778-697-9199

Deadline ASAP

Request

I'm working on a story on freedom of information and the executive director of the BC Freedom of Information and Privacy Association is asking why a report on the public consultation conducted by the ministry on freedom of information and privacy rights last spring has not been made available. Can you please provide comment on why the report has not been made available yet and what the timeline for the report release is, if any? If there are any planned changes based on the public consultation, detail provided on those would also be appreciated.

Background**Recommendation**

s.13

Page 140 of 149

Withheld pursuant to/removed as

s.13

From: [Harbord, Chris GCPE:EX](#)
To: [Ingram, Ben GCPE:EX](#)
Subject: FW: For your Review and Comment: Engagement Report
Date: August 23, 2018 7:50:53 PM
Attachments: [Ben and Chris - engagement report comments.docx](#)

Thanks for doing this. I agree with your feedback. I added a bit of my own and sent it off.

From: Harbord, Chris GCPE:EX
Sent: Thursday, August 23, 2018 7:45 PM
To: Sexsmith, Melissa M CITZ:EX
Subject: RE: For your Review and Comment: Engagement Report

Hi there – here is some feedback from both Ben and I. Please let me know if you have any questions.

Also, the Minister's Office should have a chance to review before its posted as well.

Cheers, Chris

From: Sexsmith, Melissa M CITZ:EX
Sent: Monday, August 20, 2018 9:04 AM
To: Harbord, Chris GCPE:EX
Subject: FW: For your Review and Comment: Engagement Report

Hi Chris,

s.22 . Is there someone else we should provide this document to for review before it is posted online?

Thanks,
Melissa

Melissa M. Sexsmith, A/Executive Director | Strategic Policy and Legislation Branch | Corporate Information and Records Management Office | 2nd Floor – 546 Yates Street, Victoria BC | 250 514 2173

From: Sexsmith, Melissa M CITZ:EX
Sent: August 17, 2018 5:24 PM
To: Whittier, Joanne GCPE:EX
Cc: Curtis, David CITZ:EX
Subject: For your Review and Comment: Engagement Report

Hi Jo,

Attached for your review and comment at your earliest convenience is the engagement report summarizing “what we heard” during the online engagement on FOI and Privacy on EngageBC.

We made a commitment to publish these findings on EngageBC and currently intend to do so in September.

We've prepared this report in PowerPoint, which I recognize makes it difficult to comment on. I've also attached a Word version that contains an image of each slide and a column where you may wish to type comments, should that prove easier.

Thanks for your feedback on this.

Melissa

Melissa M. Sexsmith, A/Executive Director | Strategic Policy and Legislation Branch | Corporate Information and Records Management Office | 2nd Floor – 546 Yates Street, Victoria BC | 250 514 2173

From: Sexsmith, Melissa M CITZ:EX
To: Harbord, Chris GCPE:EX; Ingram, Ben GCPE:EX
Subject: RE: For review and comment (ASAP)
Date: December 19, 2018 5:08:30 PM

Thanks Chris, we appreciate your comments. I think you've hit on one of the key things we're trying to get to the bottom of --- we're hearing that Indigenous communities have concerns about things like delays, but we don't have a sense, from the data or anecdotally from ministries/IAO of whether and to what extent this is occurring. We'll think about how we might be able to frame that part a little differently to get at the issue!

Melissa

From: Harbord, Chris GCPE:EX
Sent: December 19, 2018 5:05 PM
To: Sexsmith, Melissa M CITZ:EX; Ingram, Ben GCPE:EX
Subject: RE: For review and comment (ASAP)

Hi Melissa – Ben and I have reviewed. I provided a few minor suggestions for your consideration. I was also wondering if a few examples to educate communities on the types of situations government finds itself in related to the release of Indigenous information? It just reads a little vague to me and I don't think many Indigenous communities use FOI very much. (I used to review FOI requests at MIRR and several other ministries prior to release and don't recall very many FN applicants that we knew of anyway.) Cheers, Chris

From: Sexsmith, Melissa M CITZ:EX
Sent: Wednesday, December 19, 2018 10:49 AM
To: Ingram, Ben GCPE:EX
Cc: Harbord, Chris GCPE:EX
Subject: For review and comment (ASAP)
Importance: High

Hi Ben and Chris,

As discussed with Ben, attached is our draft engagement material for Indigenous communities. As you are aware, we had some responses through our EngageBC engagement that encouraged us to connect directly with Indigenous communities on matters of interest to them. In partnership with Ministry of Indigenous Relations and Reconciliation, we have prepared the attached document. MIRR's advice was to provide some background and content to guide responses to the engagement — we are attempting to do that without getting too technical.

Because this document is for external distribution, we would appreciate your review.

CIRMO is looking to send this out before the stat holiday (it will be printed and distributed by BC Mail).

We appreciate your feedback at your earliest opportunity.

Melissa

Melissa M. Sexsmith, A/Executive Director | Strategic Policy and Legislation Branch | Corporate Information and Records
Management Office | 2nd Floor – 546 Yates Street, Victoria BC | 250 514 2173

From: [Fairbairn, Joel CITZ:EX](#)
To: [Ingram, Ben GCPE:EX](#); [Sexsmith, Melissa M CITZ:EX](#)
Subject: RE: Engagement report question
Date: November 20, 2018 11:11:55 AM

Email but no RSS

From: Ingram, Ben GCPE:EX
Sent: Tuesday, November 20, 2018 9:51 AM
To: Fairbairn, Joel CITZ:EX; Sexsmith, Melissa M CITZ:EX
Subject: Engagement report question

Good morning – just a quick question. When the report is published, will subscribers to the website be notified? I seem to recall there were email notifications when new content was posted. I don't think there's an RSS feed or anything?

Ben Ingram
Public Affairs Officer
Ministry of Citizens' Services
778-698-5379

From: [Ingram, Ben GCPE:EX](#)
To: [Harbord, Chris GCPE:EX](#)
Subject: RE: For your Review and Comment: Engagement Report
Date: August 20, 2018 9:30:00 AM

Yep, on it

From: Harbord, Chris GCPE:EX
Sent: Monday, August 20, 2018 9:11 AM
To: Ingram, Ben GCPE:EX
Subject: FW: For your Review and Comment: Engagement Report

Hi Ben – Melissa would like us to review this document by the end of the week. Can you please go through it and let me know if you have any concerns? I'll take a look once you've had a chance to go through it. Cheers, Chris

From: Sexsmith, Melissa M CITZ:EX
Sent: Monday, August 20, 2018 9:04 AM
To: Harbord, Chris GCPE:EX
Subject: FW: For your Review and Comment: Engagement Report

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Cc: Curtis, David CITZ:EX
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to type comments, should that prove easier.

Thanks for your feedback on this.

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Management Office | 2nd Floor – 546 Yates Street, Victoria BC | 250 514 2173

From: Sexsmith, Melissa M CITZ:EX
To: Ingram, Ben GCPE:EX
Subject: RE: For your Review and Comment: Engagement Report
Date: August 20, 2018 1:52:58 PM

Correct. It won't be used as a PowerPoint. It was just easier to format this way.

Melissa

From: Ingram, Ben GCPE:EX
Sent: August 20, 2018 1:27 PM
To: Sexsmith, Melissa M CITZ:EX
Subject: RE: For your Review and Comment: Engagement Report

Hey, Melissa. Quick question about this – we're posting it online to fulfill the commitment to share the results with the public, correct? Is anyone giving a presentation using this?

All the best,

Ben

From: Sexsmith, Melissa M CITZ:EX
Sent: Monday, August 20, 2018 9:04 AM
To: Harbord, Chris GCPE:EX
Subject: FW: For your Review and Comment: Engagement Report

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