

**MINISTRY OF CITIZENS' SERVICES**  
**FOIPPA 2021 AMENDMENTS**  
**Stakeholder Engagement Approach**

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## Background

British Columbia's *Freedom of Information and Protection of Privacy Act* (FOIPPA) balances government's accountability to the public through access to information with a person's right to privacy.

There are a very large number of stakeholders who have an interest in FOIPPA including the over 2,900 public bodies covered by the act as well as Indigenous peoples, professional associations, special interest groups, the Office of the Information and Privacy Commissioner (OIPC), political parties and the media/public.

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## Discussion

The Ministry of Citizens' Services (CITZ) will build on the productive 2017-2019 consultations and re-engage with these stakeholder groups to confirm previous input and to socialize the proposed amendments to gain an understanding of potential impacts. Effort will be made to select a representative sample of participants from each sector to ensure feedback is heard from organizations of all sizes;<sup>s.13</sup>

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Those unable to provide comments on draft amendments will be able to provide input through a public govTogetherBC survey. This survey will focus on topics not covered during the 2018 engagement, including hearing from the public their thoughts on government information and data management during COVID. The pandemic has shifted how government does business, with new technology being put in place very quickly to provide safe and convenient services to British Columbians. <sup>s.13</sup>

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s.13      s.12; s.13

s.12; s.13

These engagements will provide opportunities for Minister Beare to liaise with key stakeholders including discussions with the Information and Privacy Commissioner, leadership of several roundtables (with the B.C. tech sector, post-secondary institutions, and health organizations) and a welcome message for the govTogetherBC public engagement.

A new FOIPPA Special Committee was struck in December 2020 and may be undertaking public consultation at the same time as the Ministry's planned consultation. This could lead to some consultation fatigue as the same stakeholders would be engaged by both CITZ and the Special Committee.

## MINISTRY OF CITIZENS' SERVICES FOIPPA 2021 AMENDMENTS

### Engagement and Consultation Plan

#### Engagement Objectives

- Re-engage with key stakeholders, including the public as well as health, education and technology sectors and select FOIPPA public bodies to:
  - re-affirm previous input;
  - proactively socialize potential impacts; and
  - discuss implementation planning to support a smooth transition to operations.
- Continue to keep the OIPC apprised of the details of the proposed amendments.
- Meaningfully engage with Indigenous groups.

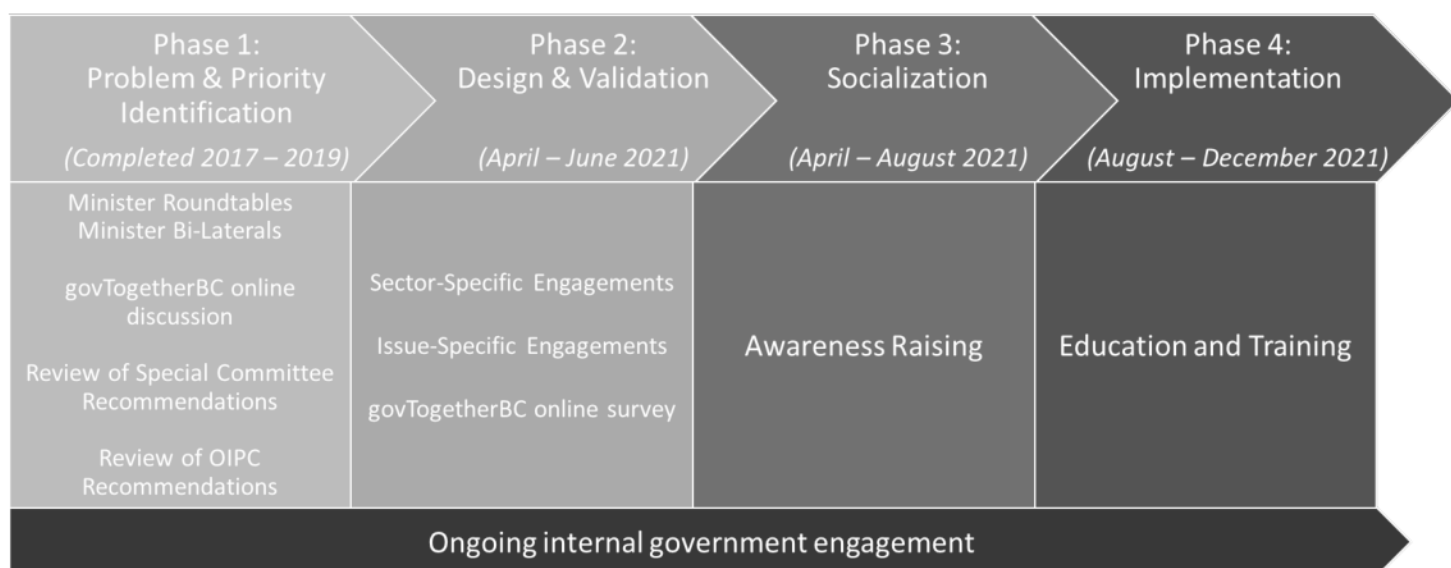
#### Overview

Below is a phased approach to engagement on the FOIPPA amendments. Phase 1 as outlined below has been completed<sup>s.12; s.13</sup>

s.12; s.13

Phase 2 will build on the problem and priorities identified in Phase 1 with a re-engagement of the general public through a survey on govTogetherBC as well as sector and issue specific engagements through small group roundtables and 1:1 sessions.

As the proposed amendments are confidential, any engagement with audiences will require a non-disclosure agreement to be signed. This means engagement with the public will need to be focused on confirming previous input and gauging agreement with the principles we are aiming to achieve with the FOIPPA amendments.



## Target Audiences

The audiences will include those previously engaged in 2017-2019 consultations supplemented by additional organizations where needed (e.g. additional Crown corporations, municipalities, and the tech sector).

The below table outlines the target audiences and topics of discussion. Please see Appendix 2 for further detail.

Sector/Organization	Key Discussion Topic(s)
	s.13
General public	
Office of the Information and Privacy Commissioner	
<b>BC Government</b>	
Ministries	
Central Government Agencies	
<b>Public Bodies</b>	
School Districts	
Post-secondary Institutions	
Health Authorities & Groups	
Local governments	
Crown corporations	
FOIPPA schedule 2 & 3 public bodies	
<b>Indigenous Partners</b>	
Union of BC Indian Chiefs	
First Nations Summit	
BC Assembly of First Nations	
First Nations Leadership Council	
Indigenous communities	
<b>Special Interest &amp; Advocacy Groups</b>	
BC Civil Liberties Association	
Freedom of Information and Privacy Association	
Professional Associations & Unions	
Tech Industry Associations	
InnovateBC	

## Proposed Approach

Office of the Information and Privacy Commissioner

*Purpose:*

CITZ wants to understand OIPC concerns regarding the overall package as well as the proposed drafting to inform content development (e.g. Minister's Q/As; House and Section notes, etc.) where appropriate.

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General Public

*Purpose:*

s.12; s.13

s.13

## Public Bodies, Special Interest & Advocacy Groups

### *Purpose:*

CITZ wants to understand the potential impacts and implementation requirements for public bodies, special interest groups and the tech sector to prepare support materials for implementing the proposed 2021 FOIPPA amendments.

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## Indigenous Groups

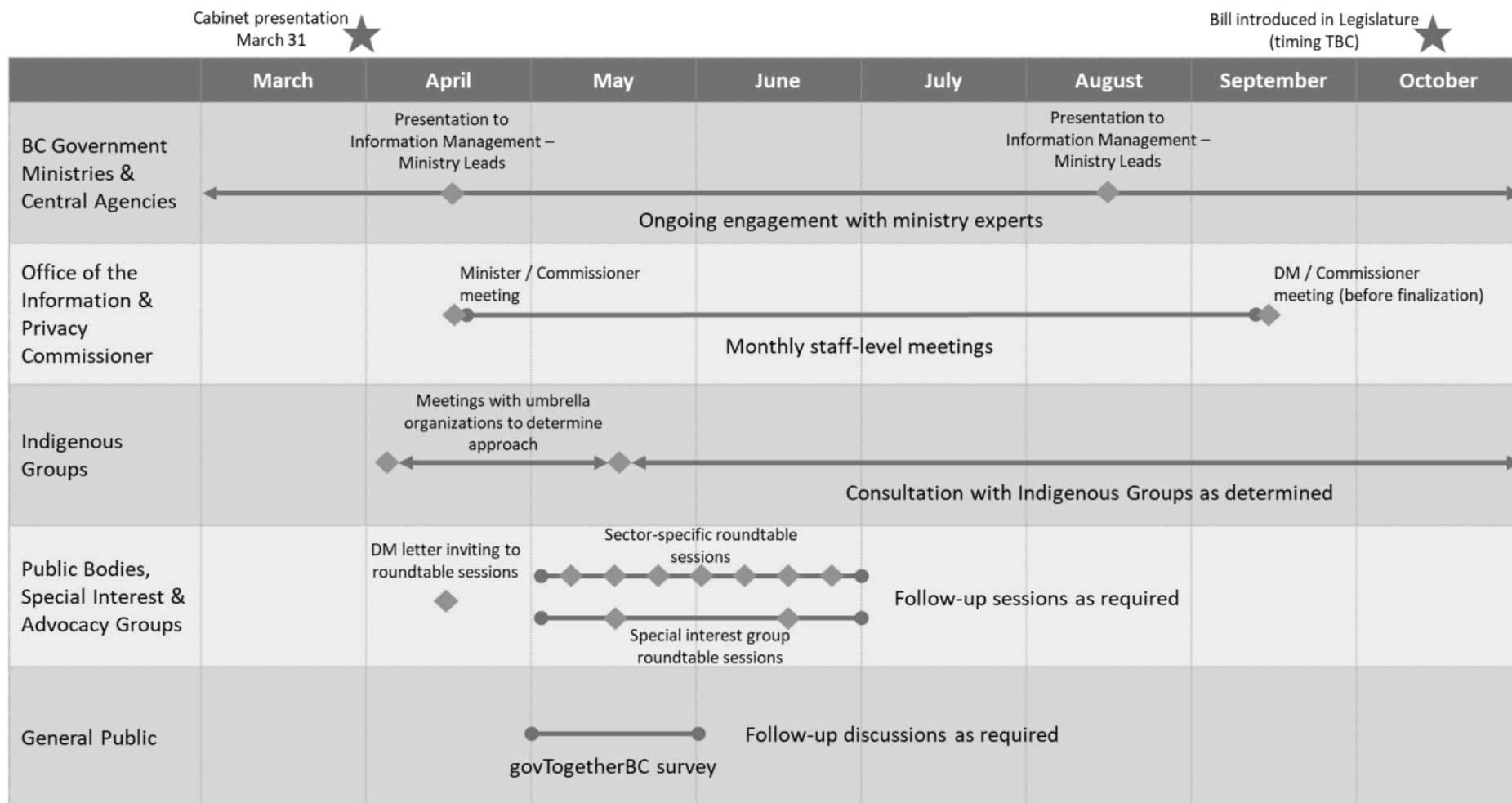
### *Purpose:*

CITZ wants to receive input from Indigenous groups regarding the proposed FOIPPA amendments related to Indigenous interests as well as the broader package to inform implementation of the proposed 2021 FOIPPA amendments.

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## Engagement Rollout



## Appendix 1 - 2018/19 FOIPPA Package Consultation Summary

### General

- Minister Sims hosted 6 roundtables with 35 stakeholder groups between November 2017 and April 2018 to discuss access to information & privacy.
  - Participants included representatives from a range of organizations including Health Authorities, Ministries, K-12 and Post-Secondary Institutions, the BC Civil Liberties Association and the BC Freedom of Information and Privacy Association.
- In spring 2018, CITZ conducted a 6-week public engagement on the govTogetherBC online forum focused on access to information and privacy.
  - As part of this engagement, stakeholder organizations, subject matter experts, and individuals were invited to provide a formal, written submission, or participate in public dialogue on a series of topics related to access and privacy including:
    1. General thoughts on how to improve the roles governing FOI and the protection of personal information
    2. The FOI process - Tell us how you think we can improve FOI service?
    3. Protecting privacy - Have you ever had to correct personal information or contacted the privacy commissioner? What was your impression of the process? Would you contact the privacy commissioner now that you know more?
    4. Proactive disclosure - What kinds of information should ministries make available regularly?
    5. Fees for FOI requests - What do you think of the fees charged in B.C. – are they fair? Are there other jurisdiction fee models that may work for British Columbia?
    6. Reporting privacy breaches - Some other provinces have laws that say privacy breach notifications and reporting are mandatory. What do you think?
    7. Offences and penalties in FOIPPA - Do you think the current penalties in FOIPPA are an effective deterrent? Should B.C. consider changes to these offences and penalties?
  - Responses included:
    - 29 written submissions
    - 38 individuals commented on related blog posts
    - 1 individual wrote a letter to the Minister
  - A summary of the results can be found at <https://engage.gov.bc.ca/govtogetherbc/impact/information-access-and-privacy-results/>.
- The Minister and the Strategic Policy & Legislation Branch (SPL) staff met with the Information and Privacy Commissioner and his staff numerous times.

### Indigenous Engagement

- The Union of British Columbia Indian Chiefs (UBCIC) provided a written submission to the govTogetherBC engagement asking government to consider the unique impacts that access to information has on Indigenous peoples.
- Following the Minister's formal response to UBCIC's submission in September 2018, SPL reached out to contacts within UBCIC, the First Nations Summit (FNS) and the BC Assembly of First Nations to set up a staff-level discussion.
  - UBCIC and FNS participated in a teleconference with SPL on October 31, 2018.



- Feedback included the suggestion that government needs to make an effort to connect with Indigenous communities throughout B.C. to adequately ensure that Indigenous people are provided with an opportunity to provide meaningful input.
- On December 27, 2019, a 2-page engagement document was mailed out to ~200 Indigenous communities requesting their feedback on potential improvements to access to information rules and how the Freedom of Information (FOI) system can be changed to better support the needs of Indigenous people.
  - One submission was received from the Samahquam First Nation.

#### BC Government Ministry Engagement

- SPL met with subject matter experts and decision makers from the following ministries:

Education	Finance	Health	Advanced Education
FLNRO	Municipal Affairs and Housing	CITZ	Attorney General

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# List of Stakeholder Groups and Interests

	Organization sub-group (if applicable)	Interest/special topics (if applicable)	Engaged in 2018?
<b>BC Government</b>			
Ministries	Advanced Education & Skills Training	s.13	Yes
	Agriculture, Food and Fisheries		
	Attorney General		Yes
	Children & Family Development		
	Citizens' Services		Yes
	Education		Yes
	Energy, Mines and Low Carbon Innovation		
	Environment & Climate Change Strategy		
	Finance		Yes
	Forests, Lands, Natural Resource Operations & Rural Development		Yes
	Health		Yes
	Indigenous Relations & Reconciliation		Yes
	Jobs, Economic Recovery and Innovation		
	Labour		
	Mental Health & Addictions		
	Municipal Affairs		Yes
	Public Safety & Solicitor General & Emergency B.C.		Yes
	Social Development & Poverty Reduction		
	Tourism, Arts, Culture and Sport		
	Transportation & Infrastructure		Yes
Central Government Agencies	BC Public Service Agency		Yes
	Crown Agencies and Board Resourcing Office		
	Government Communications and Public Engagement		
<b>Public Bodies</b>			
School Districts	British Columbia School Trustees Association		Yes
	BC School Superintendents		Yes

	Organization sub-group (if applicable)	Interest/special topics (if applicable)	Engaged in 2018?
	Selection of Small/Medium/Large school districts	s.13	No
Post-secondary Institutions	University of British Columbia		Yes
	Simon Fraser University		Yes
	University of Victoria		Yes
	University of Northern British Columbia		Yes
	Thompson Rivers University		Yes
	Royal Roads University		Yes
	Research Universities' Council of British Columbia		Yes
	BC Colleges		No
	BC Association of Institutes and Universities		No
Health Authorities & Groups	Fraser Health Authority		Yes
	Northern Health Authority		Yes
	Vancouver Island Health Authority		Yes
	Vancouver Coastal Health Authority		Yes
	Interior Health Authority		Yes
	Provincial Health Services Authority		Yes
	Doctors of BC		No
	British Columbia College of Nurses and Midwives		No
Local Governments	Local Government Management Association		Yes
	Union of British Columbia Municipalities		Yes
	Selection of small/medium/large municipalities		No
Crown corporations	TransLink		Yes
	BC Transit		No
	ICBC		No
	BC Hydro		No
	BCLC		No
	BC Assessment		No
	BC Ferries		No
FOIPPA schedule 2 & 3 public bodies	Selection of small/medium/large organizations		No

	Organization sub-group (if applicable)	Interest/special topics (if applicable)	Engaged in 2018?
<b>Indigenous Groups</b>			
Union of BC Indian Chiefs		s.13	Yes
First Nations Summit			Yes
BC Assembly of First Nations			Yes
First Nations Leadership Council			No
Modern Treaty Alliance			No
Metis Nation BC			Yes
Indigenous Health Authority			No
Indigenous communities	List to be informed by Ministry engagement / results from umbrella Indigenous group discussions		Yes (letter)
<b>Special Interest Groups</b>			
BC Civil Liberties Association			Yes
Freedom of Information & Privacy Association			Yes
Professional Associations & Unions	Canadian Bar Association		Yes
	BC Government Employees Union		Yes
	Professional Employees Association		No
	Canadian Union of Public Employees		No
	BC Teachers Federation		No
	BC Law Society		No
<b>OIPC</b>			
Information and Privacy Commissioner			Yes
OIPC Staff			Yes

	Organization sub-group (if applicable)	Interest/special topics (if applicable)	Engaged in 2018?
<b>BC Tech Sector</b>			
Industry Associations	BC Tech Association	s.13	No
	VIATEC		No
Crown Agency	Innovate BC		No
<b>Other</b>			
BC Human Rights Commissioner	(in partnership with Digital Platforms and Data Division)		No

## Appendix 3 – govTogetherBC survey proposal - Information management during COVID

### Background

In spring 2018, CITZ conducted a 6-week public engagement on the govTogetherBC online forum focussed on access to information and privacy.

As part of this engagement, stakeholder organizations, subject matter experts, and individuals were invited to provide a formal, written submission, or participate in public dialogue on a series of topics related to access and privacy including:

1. General thoughts on how to improve the roles governing FOI and the protection of personal information
2. The FOI process - Tell us how you think we can improve FOI service?
3. Protecting privacy - Have you ever had to correct personal information or contacted the privacy commissioner? What was your impression of the process? Would you contact the privacy commissioner now that you know more?
4. Proactive disclosure - What kinds of information should ministries make available regularly?
5. Fees for FOI requests - What do you think of the fees charged in B.C. – are they fair? Are there other jurisdiction fee models that may work for British Columbia?
6. Reporting privacy breaches - Some other provinces have laws that say privacy breach notifications and reporting are mandatory. What do you think?
7. Offences and penalties in FOIPPA - Do you think the current penalties in FOIPPA are an effective deterrent? Should B.C. consider changes to these offences and penalties?

Responses included:

- 29 written submissions
- 38 individuals commented on related blog posts
- 1 individual wrote a letter to the Minister

A summary of the results can be found at <https://engage.gov.bc.ca/govtogetherbc/impact/information-access-and-privacy-results/>.

### Discussion

s.12; s.13

s.12; s.13

SPL recognizes public engagement

should be included as part of the engagement plan; however, there is limited opportunity to revise the current amendment content.

Data and information management in the context of the pandemic is an area that has yet to be explored in public engagement. COVID significantly shifted most government services online with very little consultation on information management during this shift. s.12; s.13

s.12; s.13

The target audience is the general public; however, we recognize that most respondents will likely have a special interest in FOIPPA. We will work with public bodies and ministries to encourage responses from a broad range of individuals and organizations.

*Minister's Message*

**To be developed – merge with background content**

*Background*

In Spring 2018 we reached out for ideas on potential improvements to the rules that govern both access to information and the protection of your personal information. A summary of the results can be found [here](#).

We recognize things have changed since those discussions took place. The pandemic has shifted how government does business, with technology being used more than ever before to provide safe and convenient services to British Columbians. We also recognize the pandemic has highlighted the need to improve our collection and use of demographic and race-based data to support social equality.

Thanks for participating! We look forward to hearing from you so we can improve our services in the future.

*Section 1 – Information access and privacy during COVID response*

The pandemic has changed the way government serves British Columbians. In a very short timeframe, we have had to find new digital communication tools to make sure government business can carry on without the standard, in-person interactions we previously relied upon.

1. How has the pandemic changed the way you try to get information and services in your community?  
(Please select all that apply)
  - ☐ I am using gov.bc.ca to access government information/services
  - ☐ I am using apps on my mobile phone (BC Services Card) to get government information/services
  - ☐ I am requesting information/services by phone
  - ☐ I am requesting information/services by email
  - ☐ I am waiting for the pandemic to be over before I access information/services in my community
2. In the past year, which of the following online tools to access government services in B.C.? (Please select all that apply.)
  - ☐ Virtual doctor's appointment (e.g. Telus Babylon Health)
  - ☐ Online file sharing
  - ☐ Video conferencing (Zoom, Skype, GoToMeeting, etc.)
  - ☐ BC Services Card app (mobile card)
  - ☐ Virtual Schools (K-12 or post-secondary)
  - ☐ Booking an appointment (ICBC, Government Agency)
  - ☐ Online health services (Health Gateway)
  - ☐ Laboratory test results (MyHealth - Island Health)
  - ☐ BC Billing & Payment Services
  - ☐ Applying for COVID-19 benefits or supports
  - ☐ Other [text entry]
3. Once it is safer to access government services in person, will you continue to use the online services?
  - ☐ I want to access all government services online
  - ☐ I want to be able to choose between online and in-person services
  - ☐ I don't want to access government services online



4. Do you have any concerns about your privacy or personal information when accessing government services online?
  - ☐ Yes
  - ☐ No
  - ☐ Sometimes [please describe]
5. How confident are you that government is effectively safeguarding your privacy?
  - ☐ Rate from 1-5

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## Surveys – FOIPPA engagement

June 1, 2021

### Summary:

To support the introduction of FOIPPA amendments in the fall, there is a stakeholder engagement taking place over June and July 2021 to get feedback from stakeholders, Indigenous partners, and the public on the proposed changes.

As part of the engagement with Indigenous partners, the ministry is developing a short survey to get feedback from community leaders on the protection of Indigenous information, access to information by Indigenous communities and control over Indigenous information. The ministry is also developing a public facing survey to get broader input.

Survey for Indigenous partners:

- Email to community leaders (Chiefs mostly), asking them to complete the drafted survey
- Survey posted to govTogetherBC

Public GovTogetherBC survey:

- govToegtherBC content
- GCPE MLA Kit – messaging and social media to encourage MLAs to raise awareness of the survey
- GCPE social media for Minister and govToegtherBC accounts
- GCPE key messages<sup>13</sup>
- Newsletter and website wording to send to stakeholders
- Speaking notes for any stakeholder meetings, roundtables

## Key Messages – FOIPPA engagement

June 14, 2021

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The Minister of Citizens' Services' mandate letter contains three commitments that relate to information access and privacy protection:

- Continue to provide British Columbians with timely access to information and ensure the system provides public accountability.
- Improve access to information rules to provide greater public accountability.
- Continue to improve government's public sector data security and privacy practices to ensure that British Columbians' personal information is safeguarded.

In support of these commitments, a survey on govTogetherBC will ask people for their input on access to information and privacy topics. The survey will be available from June 15 to July 15, 2021.

### Key Messages:

- Improving the services people and families depend on requires us to keep pace with their changing needs.
- The pandemic has taught us there is high demand for safe and convenient online services.
- My mandate includes a commitment to make government more accountable to people, while also safeguarding their personal information.
- We want people's input on how government can make it easier to access the information they need while also safeguarding personal information.
- A survey is open on govTogetherBC until July 15 that invites people and organizations to contribute their thoughts and suggestions on these important topics.

If asked (Amending FOIPPA?)

- Legislative amendments are one of the tools available to us as we increase public accountability and enhance privacy protection.
- The Freedom of Information and Protection of Privacy Act applies to more than 2,900 public bodies in B.C.
- It is essential that we understand what is important to British Columbians as we consider improvements to the way we protect people's information while keeping the Province accountable.

If asked (Why consulting again?)

- We are committed to engaging people on the topics that matter most to them, including access to information and privacy.
- We asked for people's ideas on these topics in spring 2018 and those responses have informed our work.
- As the pandemic has shifted the landscape, with services like health care and education increasingly being offered online, we want to hear if opinions have changed since 2018.
- More than ever, we are taking advantage of new developments in software and technology to make services more convenient.
- This survey asks for people's feedback on how to improve access to information, while maintaining privacy and rigorous protection of personal information, so we can improve government services.

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<p><b>CONFIDENTIAL ISSUES NOTE</b></p> <p>Ministry: Citizens' Services Date: Aug. 23, 2021 Minister Responsible: Lisa Beare</p>	<p><b>FOIPPA public engagement</b></p>
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### ADVICE AND RECOMMENDED RESPONSE:

#### *Problem:*

- The pandemic has taught us there is high demand for safe and convenient online services.
- B.C.'s legislation has not kept pace with advancements in technology, the way people access government services and privacy expectations.

#### *Solution:*

- Improving the services people and families depend on requires us to keep pace with their changing needs.
- My mandate includes a commitment to make government more accountable to people, while safeguarding their personal information.
- We are making sure that we hear from a balance of voices as we make it easier for people to access information, while also maintaining B.C.'s role as a leader in safeguarding information.
- Comprehensive feedback from Indigenous leaders, stakeholders, public body representatives and the public will inform our work as we review the Freedom of Information and Protection of Privacy Act.

#### *Benefit:*

- By gathering input from a wide range of people, businesses, Indigenous partners and other stakeholders, we will be in a position to improve the legislation based on what we hear – along with best practices from other Canadian jurisdictions.
- This will allow us to ensure government services are more readily available to people throughout the province, where and when they need them.

***If pressed/asked: when are you planning to update the legislation?***

- **Legislative amendments are one of the tools available to us as we increase public accountability and enhance privacy protection.**
- **The Freedom of Information and Protection of Privacy Act applies to more than 2,900 public bodies in B.C.**
- **We want to understand what is important to people as we consider improving the way we protect people's information while keeping the Province accountable.**

**KEY FACTS:**

The B.C. government ran a public engagement from June 15 to July 15, 2021, asking people for their ideas on access to government information and privacy protection. The survey built on an extensive 2018 public and stakeholder engagement on the Freedom of Information and Protection of Privacy Act (FOIPPA) to inform proposed amendments. The 2021 survey sought input on how the landscape may have changed, considering the impact of the pandemic and people accessing more government services online. There were over 1,700 responses to the survey with 1,500 coming in during the last week the survey was open.

Based on the responses to the initial public engagement, the ministry recognized the need to ensure it heard from a broader representation of the population. An Ipsos Omnibus survey was undertaken with approximately 800 randomized British Columbians that asked very similar questions to the first engagement.

As well, starting June 29 and running until Aug. 15, 2021, a survey was sent out to over 200 Indigenous community leaders, inviting input on possible improvements to how Indigenous information is managed by government, including control, storage and access of information records related to cultural heritage, traditional knowledge and traditional cultural expression. This built on previous engagement in 2018-19.

The ministry is in the early stage of assessing results from these three surveys.

An FOI request for the results was submitted the day following the closure of the July 2021 public engagement.

In a July 6, 2021, news release, the Freedom of Information and Privacy Association criticized the public survey as, "...a document that creates the illusion of consultation, with more than a few leading questions."

FOIPPA requires information to be stored and accessed only from within Canada, unless an exception applies. COVID-19 has challenged normal business and communication practices, especially in the health sector and for organizations involved in or affected by



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the public-health emergency. A ministerial order permitting the use of additional communication tools in the public sector during the COVID-19 pandemic is in effect until Dec. 31, 2021. Legislative amendments would be needed to make changes permanent.

B.C.'s FOIPPA has not been substantially changed since 2011, apart from some minor amendments in 2019. Both the 2020 and 2017 Citizens' Services Minister mandate letters include "improve access to information rules to provide greater public accountability" as a priority. The Act keeps government accountable to the public, providing people with access to records held by public bodies and protecting personal privacy by establishing how public bodies collect, use and disclose personal information. There are more than 2,900 public bodies covered by the Act including government ministries, Crown corporations, and local public bodies such as municipalities, universities, colleges, school boards and health authorities.

Conversations with Indigenous communities as well as ministries and other public bodies will continue through fall 2021 and beyond to support implementation including developing any needed regulations.

The OIPC has made several recommendations for amendments to FOIPPA that have informed many of the proposed amendments. CIRMO staff have been meeting regularly with OIPC staff throughout the summer and they will receive a consultation draft of the proposed legislation for further feedback.

**Media Interest:** Media interest is low but may significantly increase in leadup to anticipated legislation.

Communications:	Jeremy Uppenborn, GCPE, Sr. PAO	250 974-5825
Program:	Rheannon Harriman, CIRMO, Director of Transformation Matt Reed, ED and A/Chief Policy Officer, CIRMO	250 208-7809 778 698-5855

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**CONFIDENTIAL ADVICE FOR MINISTER****MINISTRY OF CITIZENS' SERVICES****COMMUNICATIONS PLAN****FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT AMENDMENTS**

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**Purpose**

To identify and highlight upcoming opportunities to announce, and manage and respond to feedback from, amendments to the *Freedom of Information and Protection of Privacy Act*.

**Overview**

The Freedom of Information and Protection of Privacy Act (FOIPPA) was introduced in 1993 and keeps government accountable to the public and protects the privacy of British Columbians.

British Columbia has long been a leader in Canada with respect to privacy protection and access to information; however, FOIPPA has fallen out of step with similar statutes in other jurisdictions. Apart from the minor amendments made in 2019, the Act has not been substantially updated since 2011. As a result, it has been outpaced by considerable advancements in technology, significant changes in the way people access government services and evolving privacy protection expectations.

The Ministry of Citizens' Services is looking at opportunities to:

- Enable service modernization across the public sector, which will allow government to provide better services to British Columbians.
- Enhance public-sector privacy protections.
- Demonstrate the Province's commitment to diversity, inclusion, reconciliation and equity.
- Respond to a number of longstanding recommendations from two all-party Special Committees of the Legislative Assembly, the Office of the Information and Privacy Commissioner (OIPC), the public and other stakeholders.

There are a large number of stakeholders who have an interest in FOIPPA, including the over 2,900 public bodies covered by the Act as well as professional associations, special interest groups, the Office of the Information and Privacy Commissioner (OIPC) and the public. Indigenous partners also have an interest in this important piece of public sector legislation.

Substantial engagement was completed through 2017-2019 on the topic of information access and privacy to understand stakeholder concerns and priority issue identification. The feedback received, as well as recommendations from Special Committees of the Legislative Assembly that reviewed FOIPPA and the OIPC, informed the 2021 package of amendments.

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**Consultation summary**

Building on the productive 2017-2019 consultations, the ministry re-engaged with many of the same stakeholder groups to confirm their previous input and present proposed improvements based on their

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feedback – including gaining an understanding of potential organizational impacts from the changes. Engagement was undertaken between April and August 2021 with B.C broader public sector bodies, government ministries, Indigenous groups, the tech sector, and the general public.

Engagement and consultation focused on two key themes:

- Service modernization
- Privacy enhancement

Public sector feedback was received through roundtable meetings and presentations to representatives in key sectors of the broader public sector (such as post-secondary institutions and health authorities) as well as government ministries. Regular meetings with the OIPC,<sup>s.13</sup>

<sup>s.13</sup> have also informed proposed amendments.

For the general public, a survey was hosted on govTogetherBC which followed-up on a similar survey from spring 2018. The purpose of the survey was to understand if people's thoughts on access to government information and the protection of privacy has changed since that time – especially with the shift of more government business online because of the pandemic. The questions focused on how individuals access government information, data residency, the Freedom of Information (FOI) process, reporting privacy breaches and offences and penalties. Over 1,700 individuals responded to the survey between June 15 and July 15.

Based on the responses to the initial 2021 public engagement, the ministry recognized the need to ensure it heard from a broader representation of the population. An Ipsos Omnibus survey was undertaken with 800 randomized adult British Columbians and asked very similar questions to the first engagement.

In addition, special focus was placed on engaging with Indigenous audiences to better understand how reconciliation efforts can be supported through improving access to information and privacy. This work is still underway and has included meetings with Indigenous organizations, discussions with Treaty First Nations representatives as well as a questionnaire that was sent to over 200 First Nations leaders in communities throughout the province.

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### Communications Goals

- Demonstrate that the legislative amendments will improve freedom of information services for people, families, businesses and organizations – making the process faster and more efficient.
- Raise awareness of how the amendments support diversity, inclusion, reconciliation and equity.
- Profile the privacy enhancements that will build on B.C.'s rigorous standards to protect people's personal information.
- Increase understanding of the need to keep pace with technology to meet people's needs.

### Spokespeople

Primary:

- Honourable Lisa Beare, Minister of Citizens' Services
- 

Secondary:

- CJ Ritchie, Associate Deputy Minister & Government Chief Information Officer, Ministry of Citizens' Services
- Kerry Pridmore, ADM, Corporate Information and Records Management, Ministry of Citizens' Services
- Matt Reed, Executive Director and Acting Chief Policy Officer, Strategic Policy and Legislation, Ministry of Citizens' Services (to assist with technical questions on background).

### Target Audiences

- ~~B.C. Office of the Information and Privacy Commissioner~~
- ~~Indigenous Nations and communities in B.C.~~
- Public bodies (ministries, agencies, boards, commissions, Crown corporations, municipalities, educational institutions, health authorities, police associations and self-governing bodies of professions)
- B.C. Office of the Information and Privacy Commissioner for B.C.
- Media, political groups, legal firms, individuals and businesses that file FOI requests
- Indigenous First Nations and Indigenous communities in B.C.
- Privacy advocates (Freedom of Information and Privacy Association, B.C. Civil Liberties Association)
- BC Public Service
- B.C. and Canadian tech sector

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- General public

### Key Messages

- We are making significant changes to freedom of information and privacy laws in B.C. to keep pace with new technology and enhance privacy protection.
- Our amendments have been informed by input from the public, businesses and organizations and will enhance our ability to respond to people's changing needs, quickly and efficiently, including improved support for diversity, inclusion, reconciliation and equity.
- The *Freedom of Information and Protection of Privacy Act* has not been substantially changed since 2011 and these amendments will improve B.C.'s high-quality FOI services to the thousands of people, businesses and organizations who request access to information every year.
- These amendments will reinforce the Act's original spirit and intent and improve services to people by freeing up government resources to respond to people's personal requests faster.
- The amendments will also improve access to information rules, enhance accountability through mandatory breach reporting and increase penalties for general and privacy offences under the Act.

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### Potential Challenges:

Those who regularly file freedom of information requests, including media, may vocally oppose the amendment to permit a public body to charge an application fee.

Many public bodies say that B.C.'s current data-residency restrictions in the Act impede their ability to adopt and use modern technology. However, many privacy groups and individuals laud them as world-class privacy protections and the B.C. OIPC is likely to have concerns s.13

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The proposed data-residency amendments may negatively impact B.C.-based businesses that offer data-resident solutions in B.C. However, these potential negative impacts would be balanced in the longer term by broadening the tools B.C. businesses are able to use while providing service to government. Further, there are business and economic benefits that would result from public bodies being enabled to use more cloud-based services outside of Canada at a lower cost than they are currently paying for similar services that often have less functionality than cloud-based options.

### Communications Strategy

Ministry staff, with contractor assistance, will craft a detailed stakeholder communication plan to supplement this public communications plan.

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As it is proposed legislation, the ministry is unable to make any public communication until the proposed amendments are tabled by the Minister in the legislature. Tabling by the Minister will trigger distribution of a news release with details of the proposed amendments. CITZ GCPE and program staff will work together to draft informed legislative introduction speaking notes that detail the benefits of the proposed amendments for Indigenous communities, people and businesses in B.C.

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s.13 The news release will be echoed by B.C. government social media channels (Facebook, Twitter).<sup>s.13</sup>  
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Ministry staff will work with stakeholders in the tech and post-secondary sectors to identify validators willing to provide supportive quotes for the proposed amendments and a “what people are saying” backgrounder will be distributed with the news release.

Another backgrounder to be distributed with the news release will detail the many public, Indigenous and stakeholder consultations that preceded<sup>s.13</sup> and informed the amendments.

Once announced, ministry GCPE and program staff will monitor debate and social media and make adjustments to key messaging, the issues note, and questions and answers as needed for Minister or media response.

Social media posts will be crafted to announce that the legislation has received Royal Assent.

An information bulletin will be drafted to announce implementation of the legislation. Key messages, the issues note, and questions and answers will be updated prior to release. Government social media channels (Facebook, Twitter) will echo the contents of the information bulletin.

Issues management will continue to take place in the following weeks and months through media and social media monitoring and day-to-day ministry engagements with Indigenous leaders/communities, stakeholders and members of the public.

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## Media Strategy

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GCPE will get translations made of the news release and information bulletin into languages such as Mandarin, Cantonese, Hindi, Punjabi, and French (plus others as available).

### Social media Strategy

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- Monitoring Twitter to keep tabs on the social conversation about the amendments.
- Work with the GCPE social media team to respond on Twitter to factual inaccuracies with regard to government programs.

### Tools:

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- NR/IB/NYCU
- SN
- QAs/KMs
- Validator list (program to identify as part of their stakeholder relations communication planning)
- Issues note

### Communications Rollout

Date	Action	Responsibility	Status
Aug 30, 2021	Draft communications plan <ul style="list-style-type: none"> <li>• Communications plan</li> </ul>	Jeremy – GCPE	In progress

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Prior to legislation being introduced (TBD)	Draft pitch document a minimum of two weeks prior to introduction of legislation <ul style="list-style-type: none"> <li>Pitch</li> </ul>	Jeremy – GCPE	Not completed
Prior to legislation being introduced (TBD)	Draft issues note <ul style="list-style-type: none"> <li>Issues note</li> </ul>	Jeremy – GCPE	Not completed
Day legislation to be introduced (TBD)	Introduce legislative amendments in the legislature <ul style="list-style-type: none"> <li>Speaking notes</li> </ul>	Jeremy – GCPE Matt/Rheannon – CIRMO	Not completed
Day legislation to be introduced (TBD)	<ul style="list-style-type: none"> <li>Issue ‘trigger’ news release to coincide with introduction of legislative amendments. NR to include ‘what people are saying’ – quotes backgrounder and backgrounder on consultation history</li> <li>Q&amp;As</li> </ul>	<i>Delivery:</i> Minister <i>Materials:</i> Jeremy – GCPE	Not completed
Day legislation to be introduced (TBD)	Provide translations of the news release into French, Mandarin, Cantonese, Hindi, Punjabi, Tagalog, others	GCPE Editors	Not completed

## CONFIDENTIAL ADVICE FOR MINISTER

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Post-legislative introduction	Monitor legislative debate and media and update issues note, Q&As with response points for the legislature and media requests	Jeremy – GCPE Matt/Rheannon – CIRMO	Not completed
Royal Assent	Minister posts social media about Royal Assent, including key messaging <ul style="list-style-type: none"> <li>Social media</li> </ul>	<i>Posting:</i> MA <i>Drafting posts:</i> Jeremy – GCPE	Not completed
Implementation	Release information bulletin, outlining that amendments are now in force and reiterating how they support better services for people <ul style="list-style-type: none"> <li>Information bulletin</li> </ul>	Jeremy – GCPE	Not completed
Implementation	Social media to support the information bulletin on implementation <ul style="list-style-type: none"> <li>Social media</li> </ul>	<i>Posting:</i> GCPE Digital Services <i>Drafting posts:</i> Jeremy – GCPE	Not completed

**Evaluation:**

- Media coverage, including tone, outlet, placement (front page, top of the hour) and comments from stakeholders and community leaders.
- Social media coverage, including click-throughs and retweets.

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**AUTHORIZATION:**

Courtney Stewart / Kirsten Youngs / Melody Wey  
Director of Communications

Shauna Brouwer  
Deputy Minister

**CONFIDENTIAL ADVICE FOR MINISTER**

Ministry of Citizens' Services  
[Month Day, 2021] NOT APPROVED

Ministry of Citizens' Services  
[Month Day, 2021] NOT APPROVED

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## MLA KIT

### Ministry of Citizens' Services

### FOIPPA Stakeholder Engagement Survey

**Dear Member,**

Beginning this week, the Ministry of Citizens' Services will launch an engagement and survey regarding the Freedom of Information and Protection of Privacy Act to better understand people's views on access to government information and the protection of privacy. I'd like to encourage you to help spread the word of the survey and encourage people in your network to send us their views. The pandemic has shifted the way government does business and technology is being used more than ever to provide the services people depend on. It's important that government understands people's priorities as it looks to improve access to information while balancing everyone's rights to privacy.

**BACKGROUND:**

As a mandate commitment, the Ministry of Citizens' Services is working to update the Freedom of Information and Protection of Privacy Act. The Act keeps government accountable to the public, providing people with a way to access records held by public bodies and protecting personal privacy by establishing how public bodies collect, use and disclose personal information.

Apart from some minor amendments in 2019, the Act has not been substantially updated in nearly a decade, which has resulted in B.C. beginning to fall behind other provinces.

There are more than 2,900 public bodies covered by the Act including government ministries, Crown corporations, and local public bodies such as municipalities, universities, colleges, school boards and health authorities

The pandemic has shifted the way government does business and technology is being used more than ever to provide the services people depend on. It's important that government understands people's priorities as it looks to improve access to information while balancing everyone's rights to privacy.

In 2018, the B.C. government undertook extensive public and stakeholder engagement to hear feedback about the Act. This year, we are engaging those groups and people in B.C. again. We are asking for input on how the landscape may have changed, especially considering the impact of the pandemic and people accessing more government services online.

People will be able to provide their thoughts through an online GovTogetherBC survey. Responses from the survey will help inform future decisions about online government services and how government manages the collection, storage, use and disclosure of personal information.

**KEY MESSAGES**

- We want to hear public sector stakeholder's and people's ideas on how government can improve access to information, while maintaining privacy and rigorous protection of personal information, so we can improve services in the future.

- The pandemic has shifted the way government does business and technology is being used more than ever to provide the services people depend on.
- The Freedom of Information and Protection of Privacy Act applies to more than 2,900 B.C. public bodies.
- In B.C., access to information and privacy protection legislation has not been substantially changed since 2011 and updating this legislation is a mandate commitment for the Ministry of Citizens' Services.
- Until July 15, you can give us your feedback at govTogetherBC's website and help shape future improvements to privacy protection and access to information.  
<https://engage.gov.bc.ca/govtogetherbc/consultation/information-access-and-privacy-2021/>

## **SOCIAL MEDIA**

### **@mentions to consider:**

BC Government @BCGOVNEWS

Citizens' Services Minister Lisa Beare @lisabeare

**Hashtags:** #AccessToInformation, #PrivacyProtection, #OpenGov, #BC

### **Facebook:**

#### **#1**

We want your input on how government shares information with people while protecting their privacy rights.

The pandemic has shifted the way government does business and technology is being used more than ever to provide the services people depend on. As we examine the rules that apply to more than 2,900 public bodies in B.C., we want to know what your priorities are.

A survey is up until July 15, giving you the chance to shape the future of how government protects your information while providing services that are helpful and convenient. It only takes a couple moments to share your thoughts.

<https://engage.gov.bc.ca/govtogetherbc/consultation/information-access-and-privacy-2021/>

#### **#2**

As more people access services like health care and education online, we need to examine the rules that govern how government shares information with British Columbians while protecting their privacy.

Want to help shape the future of access to information and privacy protection in B.C.? Please take our short survey by July 15.! Check it out here:

<https://engage.gov.bc.ca/govtogetherbc/consultation/information-access-and-privacy-2021/>

### **Twitter options:**

**#1** The pandemic has shifted the way government does business, and technology is being used more than ever to provide the services people depend on. What improvements would you like to see? <https://engage.gov.bc.ca/govtogetherbc/consultation/information-access-and-privacy-2021/> #OpenGov

**#2** We want people in #BC to provide their ideas about access to government information and protection of privacy so we can improve services in the future. Share your thoughts: <https://engage.gov.bc.ca/govtogetherbc/consultation/information-access-and-privacy-2021/> #OpenGov

### **Q&A**

#### **1. Didn't you already engage the public. What is this engagement about?**

- In spring 2018, we asked for your ideas to improve the rules that govern privacy and access to information.
- The pandemic has shifted the way government does business and technology is being used more than ever to provide the services people depend on.
- It's important that we understand what's important to British Columbians.
- We want to hear people's thoughts about access to government information and protection of privacy so we can improve services in the future.

#### **2. How will this feedback 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.

#### **3. How do British Columbians participate? How long do we have to make a submission? Is the online survey the only way people can participate?**

- Until July 15, British Columbians can go to govTogetherBC and find the engagement and survey on that website.

#### **4. Will the results of the feedback be made public?**

- All the feedback we receive will be used to inform our work to improve information access and privacy.

#### **5. When can we expect to see changes to the legislation?**

- British Columbians expect and deserve improvements for access to information and privacy protection legislation but we need to ensure we get this right.
- This survey will help us better understand what is important to British Columbians regarding access to government information and protection of privacy so we can improve services in the future.



## Social media for Minister Beare

### Twitter – two options:

#COVIDBC has shifted how government does business. As we use technology more to provide the services you depend on, we would like your input for improving information access and privacy. Tell us in this survey, open until July 15. #OpenGov

<https://engage.gov.bc.ca/govtogetherbc/consultation/information-access-and-privacy-2021/>

We've committed to improving people's #AccessToInformation and #PrivacyProtection in #BC and we want your input! Take our quick survey when you have a moment and have your say in #OpenGov.

<https://engage.gov.bc.ca/govtogetherbc/consultation/information-access-and-privacy-2021/>

### Facebook

Are you interested in the way government shares information while safeguarding your privacy rights? We want to hear from you!

The COVID-19 pandemic has shifted how we do business as a government. More than ever, services like health care and education are being provided using technology. That added convenience means we also need to consider how information is shared and protected in a post-pandemic world.

B.C. has rules governing how the more than 2,900 public bodies share information with people while maintaining the strict privacy protections we all count on.

We need to get this right, which is why we are asking for your thoughts in our public survey. Your feedback can help guide how government protects your information. Please send us your views through this survey, open to July 15. <https://engage.gov.bc.ca/govtogetherbc/consultation/information-access-and-privacy-2021/>

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Ministry of  
Citizens' Services

**SPEAKING NOTES**  
for  
**MINISTER LISA BEARE**

**BRIEFING FOR CAUCUS**

***FOIPPA AMENDMENTS***

**Date: June 15, 2021**

**Time: 9:30 am**

**Run Time: Approx. 7 minutes**

## Opening Remarks

- **Good morning, thank you for having me here today to provide an update on work my ministry is undertaking to update the Freedom of Information and Protection of Privacy Act.**
- **To start, I would like to acknowledge that I'm speaking from the traditional territory of the Lekwungen [Lakwungen] speaking peoples, today known as the Songhees and Esquimalt Nations.**
- **Joining me are:**
  - **Shauna Brouwer, Deputy Minister of Citizens' Services**
  - **CJ Ritchie, Associate Deputy Minister and our Government Chief Information Officer, and**
  - **Kerry Pridmore, Assistant Deputy Minister, who leads the Corporate Information and Records Management Office.**

## FOIPPA Overview

- **I'm responsible for the Freedom of Information and Protection of Privacy Act or FOIPPA.**
- **This important piece of legislation keeps government accountable to the public and has two main purposes:**
  - **To provide people with a way to access records held by public bodies, and**

- **To protect personal privacy by establishing appropriate authorities for the collection, use and disclosure of personal information by public bodies.**
- **FOIPPA also establishes an Independent Officer of the Legislature, the Information and Privacy Commissioner, to monitor how the Act is administered and ensure its purposes are achieved.**
- **Apart from some minor amendments in 2019, the Act has not been substantially updated in nearly a decade.**
- **This has created issues for public bodies and has meant that B.C. is falling behind other provinces.**
- **We're looking at ways we can:**
  - **Enable a modern public sector and allow public bodies to provide better services to British Columbians;**
  - **Strengthen public-sector privacy protections; and**
  - **Respond to a number of longstanding recommendations from two Special Committees of the Legislative Assembly; the Office of the Information and Privacy Commissioner (OIPC); the public and other stakeholders.**

- I'm here today to provide an overview of what we are working on as well as some upcoming stakeholder engagement that you may be interested in.

## Data Residency

- While B.C. has been seen by many as privacy-leading, the data residency provisions have kept the public sector from easily using technology that would allow us to provide better services for people.
- The pandemic made online government services the norm.
- I extended a Ministerial Order so that public servants can use online tools when needed during these extraordinary pandemic working conditions.
- For example:
  - People are meeting with their doctors online. If they see their doctor in person, they are using apps like WaitWhile to schedule their appointments and check in.
  - Students are attending classes online while teachers provide them with lesson materials through cloud-based platforms like Google Docs.

- **However, this Order is only temporary and a longer-term solution is needed, which will require amending FOIPPA.**
- **We will be moving forward to modernize the data residency provisions.**
- **Stakeholders, including the Office of the Information and Privacy Commissioner, may not agree with some of the amendments and may voice their concern.**
- **We acknowledge these concerns but believe the benefits for British Columbians far outweigh the potential risks.**

## **FOI-Related Concerns**

- **Another area we are looking at is FOI services across government.**
- **In 2019, government commissioned a report from Deloitte to look into government's FOI system and assess its costs.**
- **This report estimated that the average cost to government of processing one FOI request is \$3,000.**
- **There's been a 40% increase in the cost of FOI services for government, which are the result of a small number of applicants making repetitive requests and seeking records unrelated to government operations.**

- **People who make a small number of requests are waiting much longer for their records because the frequent, repeat applicants are bogging down the system.**
- **Some measures we are planning to reduce the impact of these increasing FOI requests include:**
  - **A minor application fee for general requests that would not apply to individuals requesting their own information;**
  - **Limits to FOI requests not related to government business; and**
  - **Expanded criteria under which a public body can apply to the Commissioner to disregard a request.**

## **Privacy enhancements**

- **There are also opportunities to enhance privacy protections.**
- **Though British Columbia already has a strong privacy management framework, we have heard calls for enhancements to this framework so that we remain at the forefront of privacy protection in Canada.**
- **These include new requirements to notify individuals of a privacy breach and report them to the Commissioner.**
- **And for public bodies to have a privacy management program to ensure the necessary framework is in place to meet their obligations under the Act.**



- **These measures would significantly enhance privacy across the public sector.**
- **They will also help balance any perceived loss of privacy protections associated with any potential changes to the Act's data-residency provisions.**

## **FOIPPA Engagement**

- **There are over 2,900 public bodies covered by FOIPPA including government ministries, Crown corporations, and local public bodies such as municipalities, universities and colleges, school boards, and health authorities.**
- **In 2018, we undertook an extensive engagement with these audiences.**
- **This year, we are re-connecting with those groups to confirm input and discuss how the landscape may have changed, especially with the impact of the pandemic.**
- **This month, I am hosting roundtables with public bodies including:**
  - **Health authorities;**
  - **Post-secondary institutions;**
  - **School districts; and**
  - **Local governments.**
- **We also hosted a similar session with the BC Tech sector.**

- In addition, we are launching a survey to gather feedback from interested stakeholders and the public.
- This will be launched later today and will be open for the next month.
- This engagement follows up on a similar survey in 2018 and asks for feedback from the public on access to government information and protection of privacy.
- The questions focus on similar themes to what I have discussed today including:
  - data residency;
  - the FOI process;
  - reporting privacy breaches; and
  - offences and penalties.
- I would appreciate your support in getting the word out about this survey.

## Closing Remarks

- Thank you for meeting with us today.
- We feel the timing is right to make the Act work better for both the people of British Columbia and the public sector.
- We are aiming for late-fall enactment, so there is a lot of work to be done between now and then.

- **This package will be significant, and I will need the support of colleagues like you to move this forward.**
- **If there is any additional information you need from my Ministry, or any materials we can provide to you, please don't hesitate to reach out.**

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