

From: [Morgan, Keira OIPC:EX](#)
To: [Kirby, Kyla JERI:EX](#); [Cameron, Tara D JERI:EX](#)
Subject: Meeting Request
Date: May 12, 2021 10:44:54 AM
Attachments: [image002.png](#)
[image003.png](#)
Importance: High

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good morning Kyla and Tara,

I'm writing to schedule a meeting between Commissioner Michael McEvoy, ADM James Harvey and DM Bobbi Plecas with respect to InBC Investment Fund being covered by FIPPA. I am advised that 30 minutes should suffice but also that there is a level of urgency to the meeting.

Could you please advise me of the earliest availability the ADM and DM have? Alternatively, I'm happy to provide some possible dates and times the Commissioner is available.

Kind regards,



Keira Morgan

Executive Coordinator

She/Her/Hers

Phone: 250-387-0777

www.oipc.bc.ca



We acknowledge the homelands of the Indigenous Peoples of this place we now call British Columbia, and honour the many territorial keepers of the Lands on which we work.

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error please contact the sender by return email and delete all copies of this email and any attachments.

From: [Morgan, Keira OIPC:EX](#)
To: [Potheary, Meagan JERI:EX](#)
Subject: RE: Meeting Request
Date: May 13, 2021 9:38:05 AM
Attachments: [image002.png](#)
[image003.png](#)

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hi Meagan,

Thanks so much for providing available times. I confirm that Commissioner McEvoy and Deputy Commissioner Van Den Bulk are available on Friday, May 14th at 10:30 am.

Could you please provide me the email addresses for the ADM and DM so I can provide an invite to each of them?

Thanks kindly,

Keira / 250-387-0777

From: Potheary, Meagan JERI:EX <Meagan.Potheary@gov.bc.ca>

Sent: May 13, 2021 9:22 AM

To: Keira Morgan <KMorgan@oipc.bc.ca>

Cc: Kirby, Kyla JERI:EX <Kyla.Kirby@gov.bc.ca>

Subject: RE: Meeting Request

CAUTION: This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good morning Keira,

I have been informed that this meeting needs to happen this week. Bobbi and James are available on Friday May 13th at 10:30-11:00am, 12:30-1:00pm or 1:30-2:00pm.

Hopefully we can make this work!

Thank you,

Meagan

From: Potheary, Meagan JERI:EX

Sent: May 12, 2021 3:39 PM

To: 'KMorgan@oipc.bc.ca' <KMorgan@oipc.bc.ca>

Subject: FW: Meeting Request

Importance: High

Good afternoon Keira,

I was able to review with Bobbi and James and are hoping that May 20th 2:00-2:30pm or May 21st at 12:30-1:00pm (preferred) could work with Commissioner McEvoy's schedule.

If not, we could look at times/dates the week following. Feel free to phone me and we can canvass the calendars together.

Thank you,

Meagan

From: Keira Morgan <KMorgan@oipc.bc.ca>

Sent: May 12, 2021 10:45 AM

To: Kirby, Kyla JERI:EX <Kyla.Kirby@gov.bc.ca>; Cameron, Tara D JERI:EX <Tara.Cameron@gov.bc.ca>

Subject: Meeting Request

Importance: High

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good morning Kyla and Tara,

I'm writing to schedule a meeting between Commissioner Michael McEvoy, ADM James Harvey and DM Bobbi Plecas with respect to InBC Investment Fund being covered by FIPPA. I am advised that 30 minutes should suffice but also that there is a level of urgency to the meeting.

Could you please advise me of the earliest availability the ADM and DM have? Alternatively, I'm happy to provide some possible dates and times the Commissioner is available.

Kind regards,



Keira Morgan

Executive Coordinator

She/Her/Hers

Phone: 250-387-0777

www.oipc.bc.ca



We acknowledge the homelands of the Indigenous Peoples of this place we now call British Columbia, and honour the many territorial keepers of the Lands on which we work.

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error please contact the sender by return email and delete all copies of this email and any attachments.

From: [Kahlon, MLA, Ravi LASS:EX](#)
To: [Minister, JERI JERI:EX](#)
Subject: 154592 Incoming: FW: Inclusion of InBC to the Freedom of Information and Protection of Privacy Act
Date: May 19, 2021 10:40:15 AM
Attachments: [image008.png](#)
[image009.png](#)
[2021-05-19 LT Minister Kahlon and Minister Beare re InBC.pdf](#)

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

From: Keira Morgan <KMorgan@oipc.bc.ca>
Sent: May 19, 2021 10:03 AM
To: Kahlon, MLA, Ravi <Ravi.Kahlon.MLA@leg.bc.ca>; Beare, Lisa CITZ:EX <Lisa.Beare@gov.bc.ca>
Subject: Inclusion of InBC to the Freedom of Information and Protection of Privacy Act

Good morning Minister Kahlon and Minister Beare,
I am writing on behalf of Commissioner Michael McEvoy with respect to the above-referenced matter. Attached please find his letter dated May 19, 2021 to each of you in that regard.
Kind regards,



Keira Morgan
Executive Coordinator
She/Her/Hers
Phone: 250-387-0777
www.oipc.bc.ca
 

We acknowledge the homelands of the Indigenous Peoples of this place we now call British Columbia, and honour the many territorial keepers of the Lands on which we work.

This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else. If you receive this in error please contact the sender by return email and delete all copies of this email and any attachments.

May 19, 2021

Minister Ravi Kahlon
Minister of Jobs, Economic Recovery and Innovation
Room 301 - Parliament Buildings
501 Belleville Street
Victoria BC V8V 1X4

Minister Lisa Beare
Minister of Citizens' Services
PO Box 9068 Stn Prov Govt
Victoria BC V8W 9E2

Dear Minister Kahlon and Minister Beare:

**Re: Inclusion of InBC to the *Freedom of Information and Protection of Privacy Act*
OIPC File F21-86127**

I write to urge the government to add InBC Investment Corp. (InBC) as a public body under the *Freedom of Information and Protection of Privacy Act* (FIPPA).

My understanding is that InBC will manage some \$500,000,000.00 of public funds for the purpose of investing in BC-based businesses with a triple bottom line mandate. Because InBC will be making decisions about the allocation of significant public monies and discharging important public functions, it should be subject to transparency and accountability under FIPPA.

There are many precedents for this.

British Columbia Investment Management Corporation (BCIMC) manages some \$171.3 billion in assets and is a major provider of investment management services for the public sector in British Columbia. It is a public body under FIPPA. So too is InnovateBC, which allocates public funds to private parties to finance innovation and economic development.

There are many other examples of Crown corporations or agencies that manage public funds or assets for the benefit of the province while being subject to FIPPA. ICBC, which competes in the

excess motor vehicle insurance market, and BC Hydro, which also operates in a competitive context, are two such illustrations.

Ontario also offers up an example that is analogous to InBC. The Ontario Capital Growth Corporation, whose website describes it as the venture capital agency of the government of Ontario, has been subject to that province's *Freedom of Information and Protection of Privacy Act* since 2011 and I understand that this has not presented any challenges.

As the above examples show, successive governments have recognized that FIPPA is of critical importance to ensuring the transparency and accountability of Crown or statutory corporations and agencies.

It would be no answer to say that FIPPA coverage is unnecessary because InBC will be required to release annual reports and will be subject to external reviews. Its annual reports are to be in a form and manner specified by the minister and external reviews will occur only every five years. These accountability mechanisms fall far short of what is needed and lack the ongoing transparency afforded through the access to information regime. Corporations such as BCIMC and ICBC are subject to FIPPA even though they are also subject to other reporting channels. The bottom line is that transparency and accountability to the public are best achieved through a range of measures, notably the public's right of access to information, guaranteed through the independent oversight of this Office.

The business interests of InBC and parties with whom it does business can be fully protected by FIPPA's robust access exceptions. This is amply demonstrated by the almost 30 years of experience of public bodies such as BCIMC, ICBC and BC Hydro in protecting their own business information and that of their business partners. Examples of the FIPPA exceptions that can come into play are sections 13 (advice or recommendations), 14 (solicitor-client privilege), 17 (financial interests of InBC or the provincial government), 21 (third-party business interests), and 22 (personal privacy of InBC employees and others).

FIPPA builds public trust in public operations and actions. There can be no doubt that, despite its investment independence from government—an independence shared by other public bodies—the public's trust of InBC will depend upon its ongoing transparency and accountability. The public's right of access to information under FIPPA, tempered by exceptions that can appropriately protect InBC's and third-party interests, is vitally important to achieving and keeping that trust.

I therefore urge the government to support Minister Beare in adding InBC as a public body under Schedule 2 of FIPPA, using her regulation making power in section 76.1(1)(a).

Because this letter relates to a Bill now before the Legislative Assembly, I will be making this letter publicly available.

Sincerely,



Michael McEvoy
Information and Privacy Commissioner for British Columbia

pc: Todd Stone
Official Opposition Critic for Jobs, Economic Recovery, and Innovation

Bruce Banman
Official Opposition Critic for Citizens' Services