From: Brewer, Lia PREM:EX(Lia.Brewer@gov.bc.ca)

To: Smith, Matt PREM:EX (Matt.Smith@gov.bc.ca); Salter, Shannon PREM:EX

(Shannon.Salter@gov.bc.ca); Prince, Jessica PREM:EX (Jessica.Prince@gov.bc.ca)

Subject: Fwd: OIPC Report **Sent:** 01/31/2024 00:49:55

Attachments: IN_QA_FOI Timeliness report_Jan 30.docx, Timeliness 2020-2023 embargoed

240122.pdf

FYI.

Get Outlook for iOS

From: Pollard, Desmond CITZ:EX < Desmond.Pollard@gov.bc.ca>

Sent: Tuesday, January 30, 2024 4:39 PM

To: Brewer, Lia PREM:EX <Lia.Brewer@gov.bc.ca> **Cc:** Hannah, Jeff GCPE:EX <Jeff.Hannah@gov.bc.ca>

Subject: OIPC Report

Hey folks,

Final IN/KMQA for the OIPC report coming out tomorrow. Lia, the PO is referenced in the report, response language is included. Yellow highlights are what could change between now and 9:30AM tomorrow when the report is released.

Also, worth noting the commissioners forward will not be shared with us until 1 hour before release (8:30AM).

Thanks, and let me know if you have questions,

Desmond Pollard Chief of Staff to the Hon. Lisa Beare Minister of Citizens' Services

CONFIDENTIAL ISSUES NOTE

Ministry: Citizens' Services

Date: Jan 30, 4:30 p.m.

Minister Responsible: Hon. Lisa Beare

OIPC Report – Timeliness Report (April 2021 to March 2023)

ADVICE AND RECOMMENDED RESPONSE:

- We're committed to transparency and openness and providing people with the information they need in a timely way. That is why we've dedicated time and resources to improving Freedom of Information (FOI) requests by:
 - Increasing the number of proactive disclosures by 88%,
 - Reducing the backlog and closing 38% of overdue files,
 - Increasing timeliness of responses, including an 84% on time completion rate this fiscal year,
 - Invested \$7.7 million in improving our FOI processes and systems.
- The Commissioner's report covers the timeframe when government was focused on the COVID-19 pandemic, and other states of emergency. The report does not include government's FOI performance from this current fiscal year.
- In 2021/22, we made a conscious decision to reduce the backlog, which we knew would result in a short-term increase in our timeliness stats.
 - Reducing the backlog skews "average response times," since response time isn't calculated until a request is closed.
 - If we exclude files that were open for a year or more, in 2022/23 government responded on average within 38 days. And we're on track to do the same this fiscal year.
 - That's an improvement in response times from 45 days in 2020/21 and 41 in 2021/22.
- While the number of FOI requests has decreased in recent years, the total number of pages reviewed has increased. In 2022/23, over 2.5 million pages were processed under FOI – an increase of 28% over 2021/22.

 While we are making steady progress in improving timeliness and reducing the backlog, we'll be reviewing the report's six recommendations in detail before responding to the commissioner.

Proactive Disclosures

- Proactive disclosures have increased by 88% since December 2020.
- In 2022/23, there were 4,511 proactive disclosures.

Improvements to FOI system/processes across government

- We've also invested \$7.7 million in improving the FOI System across government.
 - We've invested in a new online platform that all ministries access (instead of each ministry having their own) to process requests, and new software automatically deletes duplicated documents.
 - This has already begun to decrease response times for requests. We expect more improvements to response times for 2024/25.
 - This investment also proactively addresses some of the recommendations in the Information and Privacy Commissioner's Report.
- We've also increased the number of staff processing personal requests to the Ministry of Children and Family Development from 12 to 20.

\$10 Application fee comments/restricting access

- Fees are never charged when a person is requesting personal information about themselves or when an Indigenous Governing Entity requests information.
- The original intent behind the fee was to get applicants to be more thoughtful and to target their requests. We have seen an increase in applicants requesting records from the ministries most likely to hold records, as opposed to sending a request to every ministry.
- We've also increased proactive disclosures in 2022/23 4,511 records were proactively disclosed in addition to 2,905 general FOI requests.
- A large reduction in media requests can be attributed to one applicant, who previously represented upwards of 76% of all general media requests and has reduced their volume in recent years.

BACKGROUND:

On Jan. 31, 2024, the Office of the Information and Privacy Commissioner (OIPC) released its report, Review of Government's performance in responding to access requests: Apr 1, 2020 – Mar 31, 2023.

Under the Freedom of Information and Protection of Privacy Act (FOIPPA) ministries have 30 business days to respond to access requests for information. The response period can be extended for a number of legislatively permitted reasons. Government is responding to 84% of all requests on time (including when legal extensions are given).

As noted in the ministry 2022/23 FOI annual report, if files that are more than a year old are excluded from the calculation, the average response time is 38 business days.

The report commends government for its FOI modernization project, and for increasing the categories of proactive disclosures from eight to 15.

The report makes six recommendations:

- Regularly evaluate each ministry's FOI process to identify and correct any lags and provide written evaluation reports to the OIPC.
- Ensure appropriate resources and strategies exist within the ministries to manage FOI functions.
- 3. Secure permanent resources to address both MCFD's personal requests and to support Government's overall timeliness going forward
- 4. Allocate additional resources s. 13
- 5. Regularly evaluate government-wide FOI process specific to applicant type to identify and correct any delays.
- 6. Submit a plan to the OIPC by March 31, 2024, detailing how government will eliminate the accumulation of unlawfully delayed requests within two years and prevent requests from becoming unlawfully delayed.

FOI Modernization Project

The Ministry committed \$7.7 million to modernize FOI processes to meet response times. Now that all ministries are using the new system, we anticipate this project will start to show improvements to response times for 2024/25. Actions to date under this project also address many of the recommendations in the report.

Media Interest: There is generally media interest on reports that the Information and Privacy Commissioner releases.

Communications:	Vivian Thomas	250 213-2972
Program:	Charmaine Lowe, ADM, CIRMO	250 896-6697
	Rhianna Begley, ED, CIRMO	778 698-5851

Q&A

Why are you not responding to 43% of requests from media and 33% of requests from political parties on time?

- We treat all applicants equally. Any delay in response times depends on the volume and complexity of the records requested, and not who the applicant is.
- Response times may vary by the size and complexity of the request.

s. 13

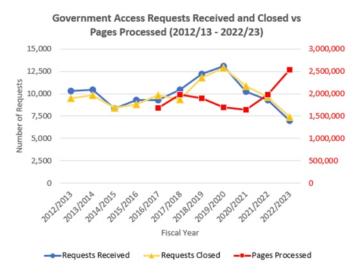
- 84 percent of new requests are responded to on time.
- We knew that tackling the backlog would affect this number.
- That is why we have made significant investments in staffing and modernization.
- We know there is more work to be done.

If pressed:

- New requests on average take 38 days to respond to. That's an improvement from 45 days in 2020/21 and 41 in 2021/22.
- In 2021, we made a conscious decision to reduce the backlog of overdue requests, which led to a spike in average processing times.
- Reducing the backlog skews "average response times," since response time aren't calculated until a request is closed.

Given the number of requests has decreased over the last few years, why haven't response times increased?

- Some of the decrease in requests can be attributable to the increase in proactive disclosures. For example, ministers and deputy ministers calendars, lists of contracts, lists of briefing notes were released upon request, as opposed to proactively.
- While lower request volumes have decreased the administrative work of processing FOI requests, the number of pages being reviewed is higher than ever.
- In 2022/23, government processed 2.5 million pages in response to FOI requests a 28% increase from 2021/22.
- Between 2020/21 and 2022/23 the average size of pages per request grew substantially. Responses to personal requests have grown, on average, from approx. 400 to 620 pages, while responses to general requests have more than doubled, on average, from approx. 145 to 320 pages.
- Despite this increase in page volume, government anticipates that on-time rates and average processing days will continue to improve in the coming years.



Why don't you dedicate more resources to responding to FOI requests?

- MCFD receives almost half of all requests for personal information across government which is why we have dedicated new staff and resources to ensure that people get the information that they need.
- We're investing \$7.7 million to improve the FOI system across government.
- And we've increased the number of staff dedicated to handling the large volume of requests to MCFD for personal information, from 12 in 2022/23 to 20 in 2023/24.

If the legislated response time is 30 business days, why was the average in 2022/23 85 business days?

- The legislated response time is not always 30 days. Sometimes it is 60 days or more, depending on a number of factors including a larger number of records, the need to consult third parties, and/or getting clarify from an applicant on an unclear request.
- The average response time includes those files that have appropriate and lawful time extensions.
- Due to the growing page count of many files and the growing complexity of files, an
 increasing number of requests (approx. 38% in 2022/23) are meeting the criteria for
 additional time, which is contributing to a higher number of processing days.
- The years highlighted in the report are the years of COVID, atmospheric river and wildfires. This put a strain on all ministries, creating a backlog across government.
- New requests on average take 38 days to respond to. That's an improvement from 45 days in 2020/21 and 41 in 2021/22.
- In 2021, we made a conscious decision to reduce the backlog of overdue requests, which led to a spike in average processing times.
- Reducing the backlog skews "average response times," since response time aren't calculated until a request is closed.

How does reducing the backlog affect response times?

 Because the processing time for responding to a request is not calculated until a request is closed, a focus on closing overdue requests will skew the on-time and average processing days for that fiscal year.

- Complex requests overdue by more than one year accounted for only 8% of FOI responses in 2022/23. However, because of the impact of these files on the statistics, it looks as if the average file would take 85 days to close. This is not the case.
- •—In 2022/23, complex requests overdue by more than one year accounted for only 8% of FOI responses in 2022/23.
- And, for example, the Office of the Premier has prioritized responding to FOI
 requests and has made great progress. By the end of 2022/23, it had eliminated its
 backlog of requests and so far in 2023/24, it has responded to 98% of requests on
 time.

What's the difference between "timeliness" and "on-time"?

- Throughout the report the OIPC refers to "timeliness", to mean public bodies' ability to respond to a request within 30 business days.
- This is different than if a request is "on time". An on-time request is a request that was responded to within the legislated time frame, including when a file is legally extended for example, if an applicant agrees to provide government with more than the original 30 days to respond.
- Although the OIPC states that "FIPPA clearly establishes 30 business days as the
 expectation for response", this is only the case when other conditions outlined in the
 legislation are not met, such at the need for consultation or a large volume of
 records (typically 200-300 pages or more).

What is MCFD doing to deal with its huge backlog of personal requests?

- MCFD receives almost half of all the requests for personal information in all of government – in 2022/23 it received 2,020 requests for personal information.
- In April 2023, MCFD increased funding for staff dedicated to processing overdue personal FOI requests from 12 to 20 additional resources.

Why is the Office of the Premier so slow to respond to requests? How are they going to improve response times?

- The Premier's Office is responding to requests on time at 98% for this fiscal year and has eliminated its backlogged requests from 117 to 1.
- That backlog has been addressed and the PO is now responding to new requests on time at 98 percent.

Office of the	On Time %	Average Days	Backlog at end of
Premier			Fiscal
2020/21	90%	57	117
2021/22	80%	126	47
2022/23	71%	269	0
2023/24 – YTD	98%	38	1

Why is the Ministry of Health so slow to respond to requests? How are they going to improve response times?

- The Ministry of Health has made a considerable effort to reduce their overdue backlog and response times. While this work remains in progress, the backlog has already decreased by 84% since its height, from 231 requests to 38 requests.
- The years highlighted in the report are the years of COVID, atmospheric river and wildfires. This put a strain on all ministries, creating a backlog across government.

Ministry of Health	On Time %	Average Days	Backlog at end of
0000/04	770/	0.5	Fiscal
2020/21	77%	85	94
2021/22	80%	73	231
2022/23	39%	180	31
2023/24 - YTD	50%	141	38

Why is the Ministry of Mental Health & Addictions so slow to respond to requests? How are they going to improve response times?

- The Ministry of Mental Health and Addictions has made improvements this past year, decreasing the average response time by 37% to 58 days. MMHA is currently responding to requests faster than the government average.
- They have also improved their timeliness score to 62% from 45%, a clear step in the right direction.
- The years highlighted in the report are the years of COVID, atmospheric river and wildfires. This put a strain on all ministries, creating a backlog across government.

Ministry of Mental	On Time %	Average Days	Backlog at end of
Health &			Fiscal
Addictions			
2020/21	64%	90	16
2021/22	46%	75	6
2022/23	45%	83	3
2023/24 – YTD	62%	58	7

The OIPC notes that the \$10 application fee has led to a decrease in the number of requests from individuals, media and political parties. What is your response?

Individuals

- Fees are never charged when a person is requesting personal information about themselves, nor does Government charge Indigenous Governing Entities an application fee.
- We have also seen an increase in applicants narrowing requests to ministries who
 are most likely to hold records, as opposed to sending requests to all ministries.
- Government has greatly expanded proactive disclosures, creating six new categories of records, for a total of 15 categories of records, that were previously routinely requested. That means those requests are no longer in the system.

 Although there was a spike in the number of individual applicants in 2021/2022, individual applicant request volumes are consistent with years prior.

Political parties

 Political parties used to submit FOI requests for records that are now routinely released through proactive disclosure, for example, ministers' calendars, lists of briefing notes, lists of contract awards.

Media

A large reduction in media requests can be attributed to one applicant, who
previously represented upwards of 76% of all general media requests and has
reduced their volume in recent years.

FOI Update

IAO Report on Operational Statistics

FY23/24 To Date FOI Performance

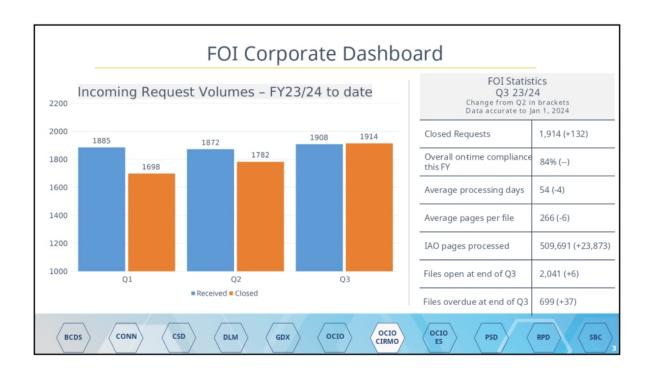


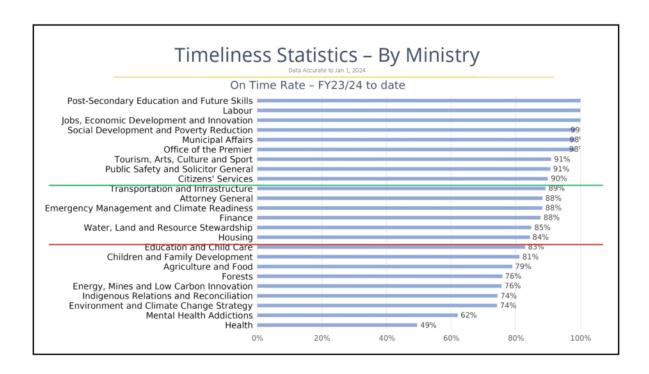
Ministry of Citizens' Services Inclusive of Q1-Q3

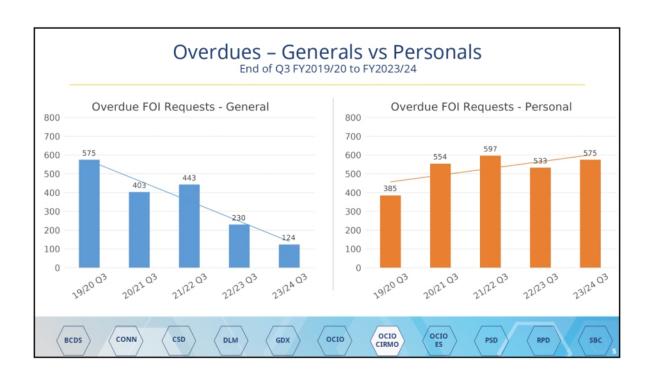
Purpose

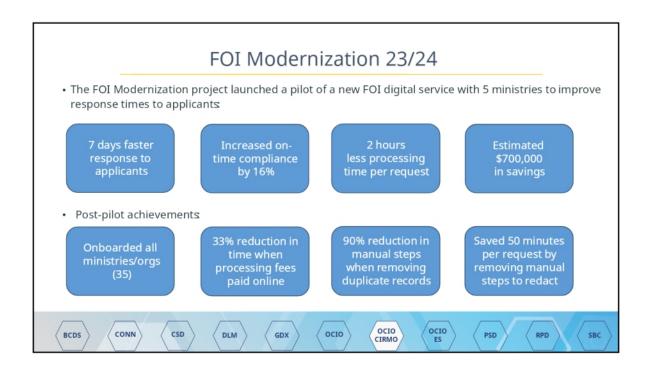
- ☐ Provide an update on FOI performance for FY 2023/24 to date.
- ☐ Identify trends and opportunities for Q4.
- ☐ Provide progress report on the FOI Modernization project.

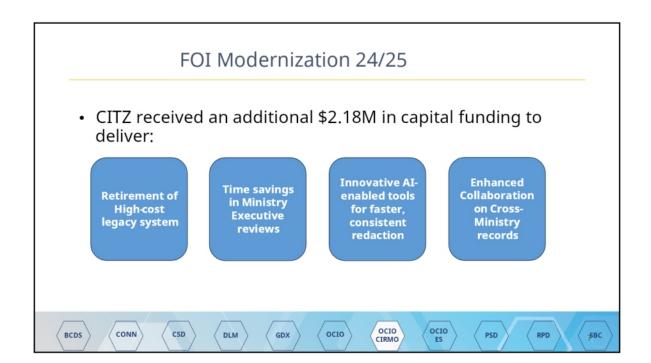












OIPC: Report on Timeliness

- · OIPC expected to publish its regular report on FOI Timeliness January 31
- Report scope: BC Government's timeliness from April 2020-March 2023
- We are currently reviewing embargoed copy for inaccuracies

Findings:

- Although there has been a decline in the number of FOI requests, overdue responses remain an issue
- Government is taking too long to respond to FOI requests
- Calls out the timeliness of specific ministries

Recommendations include:

- Ensure appropriate resources and strategies
- More permanent resources
- Submit regular reports that evaluate ministries' FOI processes and lags to OIPC
- Submit a plan to the OIPC on how we will eliminate overdue requests

Next steps

- · CITZ will proactively coordinate with ministries named in the embargoed Report
- CITZ will review report, in consultation with named ministries, and respond to Report's recommendations
- · CITZ is working with GCPE who is coordinating government response



From: Prince, Jessica PREM:EX(Jessica.Prince@gov.bc.ca)

To: Begley, Rhianna CITZ:EX (Rhianna.Begley@gov.bc.ca); Engelbrecht, Maya PREM:EX

(Maya.Engelbrecht@gov.bc.ca)

Lowe, Charmaine CITZ:EX (Charmaine.Lowe@gov.bc.ca); Thomas, Vivian P GCPE:EX

To: (Vivian.Thomas@gov.bc.ca); Kukucska, Cindy L CITZ:EX (Cindy.Kukucska@gov.bc.ca);

Elbahir, Cindy CITZ:EX (Cindy.Elbahir@gov.bc.ca)

Subject: RE: OIPC Report on FOI Timeliness - Embargoed copy

Sent: 01/24/2024 18:23:20

Thanks, Rhianna. That explanation makes sense to me. Appreciate it!

From: Begley, Rhianna CITZ:EX <Rhianna.Begley@gov.bc.ca>

Sent: Wednesday, January 24, 2024 10:22 AM

To: Prince, Jessica PREM:EX <Jessica.Prince@gov.bc.ca>; Engelbrecht, Maya PREM:EX

<Maya.Engelbrecht@gov.bc.ca>

Cc: Lowe, Charmaine CITZ:EX < Charmaine.Lowe@gov.bc.ca>; Thomas, Vivian P GCPE:EX

<Vivian.Thomas@gov.bc.ca>; Kukucska, Cindy L CITZ:EX <Cindy.Kukucska@gov.bc.ca>; Elbahir, Cindy CITZ:EX

<Cindy.Elbahir@gov.bc.ca>

Subject: RE: OIPC Report on FOI Timeliness - Embargoed copy

Hi Jessica,

Thanks for your note. As you'll probably know, Premier's Office and IAO worked to close out a backlog of overdue FOI requests that had built up. As you closed several very overdue files (some with original due dates in 2019) this meant that the average time to process an FOI request in FY 2022/23 rose to 269 days (because files aren't 'counted' in FOI stats until they are closed).

The good news is that Premier's Office cleared out the backlog and ended FY 2022/23 with no overdue files. Premier's Office is currently showing an average processing time of 38 days, on average, well below the government average. We really want to highlight and commend the Premier's Office, for taking steps to prioritize its overdue backlog and celebrate your progress made in our reporting and responses. I know GCPE is drafting messaging to celebrate this in our IN/KMs.

Hope that answers your question – but let me know if you need anything else.

Thanks, Rhianna

From: Prince, Jessica PREM:EX < Jessica. Prince@gov.bc.ca >

Sent: Wednesday, January 24, 2024 9:36 AM

To: Begley, Rhianna CITZ:EX < Rhianna.Begley@gov.bc.ca>; Engelbrecht, Maya PREM:EX

<Maya.Engelbrecht@gov.bc.ca>

Cc: Lowe, Charmaine CITZ:EX < Charmaine.Lowe@gov.bc.ca >; Thomas, Vivian P GCPE:EX

< Vivian. Thomas@gov.bc.ca >; Kukucska, Cindy L CITZ: EX < Cindy. Kukucska@gov.bc.ca >; Elbahir, Cindy CITZ: EX

<Cindy.Elbahir@gov.bc.ca>

Subject: RE: OIPC Report on FOI Timeliness - Embargoed copy

Hi Rhianna – can you help me understand the 269 number highlighted below? What's the story behind that?

Thanks so much,

Jessica Prince (she/her)

Assistant Deputy Minister, Strategic Issues

Office of the Premier Phone: 250-818-0778

Victoria | ləkwənən Traditional Territory

From: Begley, Rhianna CITZ:EX < Rhianna.Begley@gov.bc.ca>

Sent: Wednesday, January 24, 2024 9:02 AM

To: Engelbrecht, Maya PREM:EX < Maya. Engelbrecht@gov.bc.ca >; Prince, Jessica PREM:EX

<Jessica.Prince@gov.bc.ca>

Cc: Lowe, Charmaine CITZ:EX < Charmaine.Lowe@gov.bc.ca>; Thomas, Vivian P GCPE:EX

< <u>Vivian.Thomas@gov.bc.ca</u>>; Kukucska, Cindy L CITZ:EX < <u>Cindy.Kukucska@gov.bc.ca</u>>; Elbahir, Cindy CITZ:EX

<Cindy.Elbahir@gov.bc.ca>

Subject: OIPC Report on FOI Timeliness - Embargoed copy

Importance: High

Good morning Maya and Jessica,

I'm writing to let you know that we have received a draft, embargoed copy of the OIPC's Report on Government FOI Timeliness. This report is anticipated to be published by the OIPC next week on the 31st.

I'm writing to share this early copy with you because there is content that specifically calls out the Office of the Premier. CTZ GCPE is coordinating, pulling an IN/messaging together and will be the lead for responding to media. They are working on materials now, including highlighting the great progress the Premier's Office has made with FOI. IAO has drafted some preliminary OOP-focused key messages, which I've shared with GCPE and below.

Proposed messaging:

s. 13

•

Office of the Premier	Timeliness	Average Days	Backlog at end of
			Fiscal
2020/21	90%	57	117
2021/22	80%	126	47
2022/23	71%	<mark>269</mark>	0
2023/24 – YTD	98%	38	1

Given the draft and embargoed nature of this report, I ask that you please not share widely.

Thank you,

Rhianna Begley | she/her

Executive Director, Information Access Operations

Corporate Information and Records Management Office (CIRMO)

Ministry of Citizens' Services

T: (250) 507-5110 (texts welcome) E: Rhianna.Begley@gov.bc.ca

From: Brouwer, Shauna CITZ:EX(Shauna.Brouwer@gov.bc.ca)

To: Salter, Shannon PREM:EX (Shannon.Salter@gov.bc.ca)

To: Prince, Jessica PREM:EX (Jessica.Prince@gov.bc.ca)

Timee, sessica i Reivi. Ex (sessica. i inice (agov. oc. ca)

Subject: Embargoed Report Commissioner McEvoy, Office of the Information and Privacy

Commissioner

Sent: 01/24/2024 00:11:30

Attachments: 2024-01-22 Embargoed Report Letter.pdf, Timeliness 2020-2023 embargoed

240122.pdf

Hi Shannon,

We have an embargoed report that the OIPC plans to release Jan 31. Just flagging as the PO was mentioned as having very poor response times [page 11 table] of the "Timeliness report" – this was largely due to the fact we have been dealing with the backlog and when you release a request it is at that time the days to release are added into the timeliness count. It is not a flattering report, but we expected this as we have been triaging the backlog and that impacts the stats cross gov.

I expect my Minister will take the questions should they come up but wanted you to be aware. I believe the CIRMO branch is also sending a copy to Jessica Prince.

Today we are seeing files on time and all but eliminated their backlog of overdue requests. MMHA and Health are also showing improvements.

Office of the	Timeliness	Average Days	Backlog at end
Premier			of Fiscal
2020/21	90%	57.	117
2021/22	80%	126	47.
2022/23	71%	269	0
2023/24 - YTD	98%	38	1

Regards,

Shauna

From: Cook, Jeannette CITZ:EX < Jeannette.Cook@gov.bc.ca>

Sent: Monday, January 22, 2024 10:34 AM

To: Brouwer, Shauna CITZ:EX <Shauna.Brouwer@gov.bc.ca>

Subject: FW: Correspondence on Behalf of Commissioner McEvoy, Office of the Information and Privacy

Commissioner

FYI

From: Pollard, Desmond CITZ:EX < Desmond.Pollard@gov.bc.ca >

Sent: Monday, January 22, 2024 10:27 AM

To: Thomas, Vivian P GCPE:EX < Vivian. Thomas@gov.bc.ca >; Hannah, Jeff GCPE:EX < Jeff. Hannah@gov.bc.ca >;

Mayer, Braeden CITZ:EX < <u>Braeden.Mayer@gov.bc.ca</u>> **Cc:** Cook, Jeannette CITZ:EX < <u>Jeannette.Cook@gov.bc.ca</u>>

Subject: FW: Correspondence on Behalf of Commissioner McEvoy, Office of the Information and Privacy

Commissioner

FYI. Vivian, can we have this read and a KMQA drafted?

Braeden, I believe we had some initial responses put together. If you could share those with the group, that would be appreciated.

Thanks, Desmond

From: Mayer, Braeden CITZ:EX < Braeden.Mayer@gov.bc.ca>

Sent: Monday, January 22, 2024 9:30 AM

To: Pollard, Desmond CITZ:EX < Desmond.Pollard@gov.bc.ca >

Subject: FW: Correspondence on Behalf of Commissioner McEvoy, Office of the Information and Privacy

Commissioner

Didn't get chance to read. In a meeting.

Braeden Mayer (he/him)

Executive Assistant to the Honourable Lisa Beare Minister of Citizens' Services and Deputy House Leader

Mobile: 250-818-1922

From: Flora Leigh < FLeigh@oipc.bc.ca > Sent: Monday, January 22, 2024 8:54 AM

To: Minister, CITZ CITZ:EX < CITZ.Minister@gov.bc.ca

Cc: Begley, Rhianna CITZ:EX < Rhianna.Begley@gov.bc.ca >; Allen, Tanya OIPC:EX < TAllen@oipc.bc.ca > Subject: Correspondence on Behalf of Commissioner McEvoy, Office of the Information and Privacy

Commissioner

You don't often get email from fleigh@oipc.bc.ca. Learn why this is important

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

Good morning,

Please find the attached correspondence sent on behalf of Commissioner McEvoy.

If you encounter any issues opening either attachment, please contact me at your convenience.

Kindly, Flora



Flora Leigh Executive Coordinator She/Her/Hers

Phone: 250-387-0777

www.oipc.bc.ca





Celebrating 30 years of the Freedom of Information and Protection of Privacy Act and 20 years of the Personal Information Protection Act.



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.

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