



# Privacy and Legislation Guidelines



These guidelines have been prepared for general information purposes only, not as a substitute for legal advice.  
Please refer to the *Freedom of Information and Protection of Privacy Act* and Regulations for full texts of the law.

## Legislation Privacy Impact Assessments and Requests for Legislation

### Instructions for Ministries

FOIPPA – *Freedom of Information and Protection of Privacy Act*  
LPIA – Legislation Privacy Impact Assessment  
LRC – Legislative Review Committee  
PIPA – *Personal Information Protection Act*

PLB – Privacy and Legislation Branch, Office of the Chief Information Officer  
OIPC – Office of the Information and Privacy Commissioner  
RFL – Request for Legislation

#### Stage One: Review of RFLs for Policy Committees

As part of the legislative process, ministries must ensure that an RFL meets the requirements of the FOIPPA. PLB is responsible for evaluating RFLs for this purpose. A ministry must send a copy of its RFL, along with the related LPIA, to PLB at least one week prior to submitting the RFL to Cabinet Operations. Earlier in the process, a ministry may contact PLB for assistance developing the LPIA on an RFL. The LPIA template is available on both the Cabinet Operations and PLB websites.

PLB will evaluate the RFL and the LPIA for any implications to privacy and access. PLB will then complete a Consultation Summary for Cabinet Operations. The Consultation Summary summarizes PLB's assessment of the proposed changes and any impacts the proposed legislation has on the public's privacy and access rights. The Consultation Summary also identifies whether PLB will require a review of the draft legislation and/or has recommended consultation with the OIPC and what the outcome of this consultation was, if it has taken place. The submitting ministry will receive a copy of the Consultation Summary.

**Note:** Cabinet Operations will not be able to complete work associated with the RFL without the Consultation Summary from the PLB, which means that ministries must submit RFLs to PLB in a timely fashion.

#### SUMMARY: STAGE ONE

1. Ministry **emails** RFL and completed LPIA to PLB at: [PIA.Intake@gov.bc.ca](mailto:PIA.Intake@gov.bc.ca) **at least one week prior** to scheduled policy committee date.
2. PLB **reviews** RFL and LPIA and identifies provisions relating to privacy, access, statutory overrides, or other consequences relating to FOIPPA.
3. PLB **posts** Consultation Summary to Cabinet Operations website and provides a copy to submitting ministry.
- 4a. *If PLB neither requires a review of draft legislation nor recommends a consultation with the OIPC:* RFL and LPIA review process is **complete**, unless ministry makes substantive changes to proposed legislation, in which case submitting ministry must inform PLB of changes.
- 4b. *If PLB has requested a review of the draft legislation or has recommended a consultation with the OIPC:* Ministry must **inform** PLB of decisions made by the Policy Committee. PLB will then require submitting Ministry to provide copy of draft legislation (see step 6 below).



Ministry of  
Labour, Citizens' Services  
and Open Government

**For more information:**  
**Phone:** (250) 356 1851 (in Victoria)  
**or Privacy and Access Helpline:** 1 800 663-7867  
**Website:** [www.cio.gov.bc.ca](http://www.cio.gov.bc.ca)



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## Stage Two: Review of Draft Legislation for LRC

When PLB requests the draft legislation, a ministry must provide a copy to PLB for review at least two weeks prior to the ministry's scheduled LRC date. The purpose of this review is to ensure that the legislation meets FOIPPA's requirements. PLB will confirm whether it recommends consultation with the OIPC.

While it is not required that a ministry consult with the OIPC prior to the proposed legislation going to LRC and then into the House for debate, consultation provides an opportunity for the OIPC to identify any issues it may have. It may also enable resolution of such concerns before the legislation goes to the House. The OIPC has authority to review draft legislation and is bound by statute to confidentiality in the process.

If the submitting ministry agrees to consult with the OIPC, it must notify PLB of its intention within one week of receiving PLB's recommendation. Once notified, PLB will facilitate meetings, provide the required documents to the OIPC, and attend the consultation with the ministry. PLB will receive final comments from the OIPC and will provide them to the submitting ministry. PLB will post the Consultation Summary to both the Cabinet Operations website and to the submitting ministry.

If a consultation was recommended but not agreed to by the ministry, this will be noted in the Consultation Summary provided to Cabinet Operations and to the submitting ministry. As with RFLs, Cabinet Operations will not be able to complete work associated with draft legislation without the Consultation Summary from PLB.

Please note, **if there is no RFL or PLB has not reviewed an RFL for a policy committee**, please complete an LPIA on the proposed legislation and inform PLB of the LRC meeting's date. PLB will then determine if it requires the draft legislation and/or recommends an OIPC consultation.

## SUMMARY: STAGE TWO

6. Ministry arranges to **provide draft legislation** to PLB at: [PIA.Intake@gov.bc.ca](mailto:PIA.Intake@gov.bc.ca) at least two weeks prior to scheduled LRC date.
7. PLB will **review** draft legislation and confirm with ministry whether it recommends consultation with OIPC.
- 8a. *If PLB recommends OIPC consultation and ministry agrees:* ministry must follow PLB process for consultation.
- 8b. *If PLB recommends OIPC consultation and ministry refuses:* PLB notes in Consultation Summary that ministry opted not to consult with OIPC.
- 8c. *If PLB does not recommend OIPC consultation:* PLB **completes review** of draft legislation.
9. Consultation Summary **provided** by PLB to Cabinet Operations and to submitting ministry.

## Contact Information

For further information, please contact the Privacy & Access Helpline.

### Privacy and Access Helpline

Privacy and Legislation

Tel: (250) 356 1851

[Privacy.Helpline@gov.bc.ca](mailto:Privacy.Helpline@gov.bc.ca)