

Joint Investigations Protocol

Date: July 13, 2022.

Purpose:

This protocol contains guidelines for coordinating investigations between the government investigations units (IU or “the Parties”) identified below. The protocol’s objectives are to ensure in situations of overlapping mandates, that:

- Investigations are complete, confidential, effective, efficient, fair, impartial, objective, reliable, repeatable, and timely;
- The mandate of each investigative unit is met;
- Investigations are co-ordinated in a manner that avoids duplication or interference with another unit’s investigation; and
- Investigations are co-ordinated in a manner that investigation units collaborate and share information as required based on mandate.

This protocol does not prevent additional efforts of collaboration and co-ordination between the Parties.

Investigation Units:

The following investigation units (“IU”) are included in this protocol agreement:

- **BC Public Service Agency (PSA)** – as it relates to investigations, the PSA conducts major human resources investigations where a BC Public Service Employee may have engaged in a violation of the Standards of Conduct. This includes allegations related to collective agreement processes and other government policy/legislation for both included and excluded employees.

The PSA is also responsible for leading investigations into allegations of serious wrongdoing within the BC Public Service made under the *Public Interest Disclosure Act* (PIDA) as a delegate of the “Agency Designated Officer”, which is the Assistant Deputy Minister (ADM) of Employee Relations.

- **Privacy, Compliance and Training Branch (PCT), Corporate Information and Records Management Office (CIRMO), Office of the Chief Information Officer (OCIO), Ministry of Citizens Services** – coordinates, investigates and resolves any actual or suspected information incidents, including unauthorized collection, use, disclosure, access, disposal, or storage of government information.
- **Security Investigations and Incident Response (SIIR) Unit, Information Security Branch (ISB), OCIO, Ministry of Citizens’ Services** – leads cyber security investigations and the response to enterprise cyber security incidents. SIIR also provides data acquisition and analysis to support partner-led IU investigations.
- **Forensic Accounting Services Unit, Office of the Comptroller General (OCG), Ministry of Finance** – respond to financial risks reported to the Comptroller General and lead the OCG’s strategic fraud prevention and detection initiatives.

Contacts for the IUs:

- **PSA:** Executive Director, Employee Relations, 778-698-5856
- **PCT:** PCT intake: PCTBIntake@gov.bc.ca
- **ISB:** SIIR: SecurityInvestigations@gov.bc.ca, 250-387-2061
- **OCG:** Executive Director, Corporate Compliance, 778-698-8136

Appropriate contacts for the IUs also include individuals delegated by the above-named parties.

General:

1. The contact for an IU is to immediately notify another Party of reported incidents and/or of information obtained that is relevant to the mandate of that specific unit. The contacts of each IU will discuss and co-ordinate efforts, as appropriate.
2. Any collection, use, storage or disclosure of personal information by an IU must comply with the *Freedom of Information and Protection of Privacy Act* (FOIPPA).
3. The contact for each IU will ensure that their investigators and other staff as appropriate are aware of and understand this protocol.
4. The expectation is that each IU will fulfil its mandate while ensuring that their investigations do not impair the mandate or investigations of any other Party.
5. Ministries, agencies, and their IUs will work collaboratively and share information and records in a manner that is compliant with the FOIPPA.
6. All Parties are to be cognizant and respectful of the other IUs' roles, mandate and professional standards.
7. All Parties and their investigators are expected to follow the principles of administrative fairness to respect the rights of individuals in the conduct of investigations.
8. Incidents requiring investigation may involve circumstances that require procedural timeliness and flexibility in regard to the process outlined in this protocol.
9. Each IU is responsible for determining the scope of electronic evidence or data required and providing approvals for an investigation. The IU's involved in the investigation will consult and work collaboratively with the Security Investigations and Incident Response Unit (ISB, OCIO) to procure only the relevant electronic evidence required to complete the investigation. The requesting IU is responsible for long-term retention of the evidence for as long as it is relevant.
10. Parties will not disclose or share information/evidence if it is not necessary to the mandate or work performance of another IU.
11. During the course of an investigation, all Parties will work collaboratively with the public body that has responsibility for an investigation by providing guidance, direction, and recommendations as necessary.

12. All Parties acknowledge that the PSA ADM of Employee Relations has been designated as the “Agency Designated Officer” and has primary responsibility within the BC Public Service for investigating disclosures of serious wrongdoing made under PIDA.
13. The Parties agree to work together collaboratively to satisfy the requirements of PIDA, and the requirements of other IUs as per the spirit of this protocol.
14. The Parties further acknowledge that information that could lead to the identification of a person who has made a disclosure under PIDA is to be protected to the fullest extent possible and only to be disclosed where authorized by PIDA and FOIPPA. The Parties recognize that in practice, such a disclosure would only be done in very limited circumstances.
15. All parties will collaborate as appropriate to resolve issues involving an IU in circumstances where the relevant IU cannot or should not act (e.g. conflict of interest, investigating senior officials of the same Ministry or Agency).
16. The IUs agree to follow common standards intended to ensure internal government investigations are conducted in accordance with recognized best practices. Standards are to be developed collaboratively and agreed to by the Parties.
17. The IUs agree to implement and maintain robust quality assurance mechanisms to ensure investigative practices are consistent with common standards as well as individual IU legislative, policy and procedural requirements.

Notification and Communications:

1. An IU must immediately notify the contact for any other IU when an incident or information obtained during an investigation is relevant to the mandate of the other IU. An initial meeting will forthwith be scheduled between the IUs involved to:
 - i. Share information about the subject incident/information;
 - ii. Confirm the IU that should lead the investigation;
 - iii. Develop a plan and timeline for the investigation;
 - iv. Identify any roles for other IUs; and
 - v. Identify information that needs to be gathered and questions to be asked.
2. The Parties acknowledge that the commitment to share relevant information with other IUs is an ongoing obligation to be met in accordance with any applicable statutes, policies, professional standards, as well as the exercise of sound professional judgement.
3. An IU contact will advise any other IU contact involved when a joint investigation requires notification to, or interaction with, Law Enforcement and/or Government Communications and Public Engagement (GCPE).

Dispute Resolution:





1. If a dispute arises in respect of this protocol, the issue(s) will be referred immediately for joint resolution to the Assistant Deputy Minister for OCIO Enterprise Services, the Government Chief Records Officer, the Comptroller General, and/or the Assistant Deputy Minister of Employee Relations (PSA) as appropriate.
2. The Deputy Ministers of the Ministry of Finance, the Ministry of Citizens' Services and/or the BC Public Service Agency will be notified, as appropriate, by an IU contact if the Comptroller General, Government Chief Records Officer, and/or the Assistant Deputy Minister of Employee Relations is the subject of an investigation.

Amendment:

1. This agreement can be mutually amended from time to time in writing by the Parties.

Approval:

This agreement is approved by the following parties:

 _____ Charles Mutanda A/Executive Director, Corporate Compliance & Controls Monitoring Branch Office of the Comptroller General Ministry of Finance	<u>July 14, 2022</u> _____ Date	 _____ Gary Perkins Executive Director, Chief Information Security Officer Office of the Chief Information Officer Ministry of Citizens' Services	<u>2022-07-19</u> _____ Date
 _____ Ken McLean Executive Director, Employee Relations BC Public Service Agency	<u>July 13, 2022</u> _____ Date	 _____ Janet Donald Executive Director Privacy, Compliance and Training Branch Corporate Information and Records Management Office Office of the Chief Information Officer Ministry of Citizens' Services	<u>July 14, 2022</u> _____ Date