Report on the Administration of the Freedom of Information and Protection of Privacy Act

2017/18 & 2018/19

Nov. 28, 2019

The Honourable Darryl Plecas
Speaker of the Legislative Assembly
Suite 207, Parliament Buildings
Victoria, B.C. V8V 1X4

Dear Mr. Speaker,

I am pleased to present to the Legislative Assembly of British Columbia a report on the *Administration of the Freedom of Information and Protection of Privacy Act* (FOIPPA) for the 2017/18 and 2018/19 fiscal years.

In doing so, I want to acknowledge the hardworking people across the public service whose dedication and commitment to access to information and the protection of privacy are key to ensuring this government provides high quality and timely service to British Columbians.
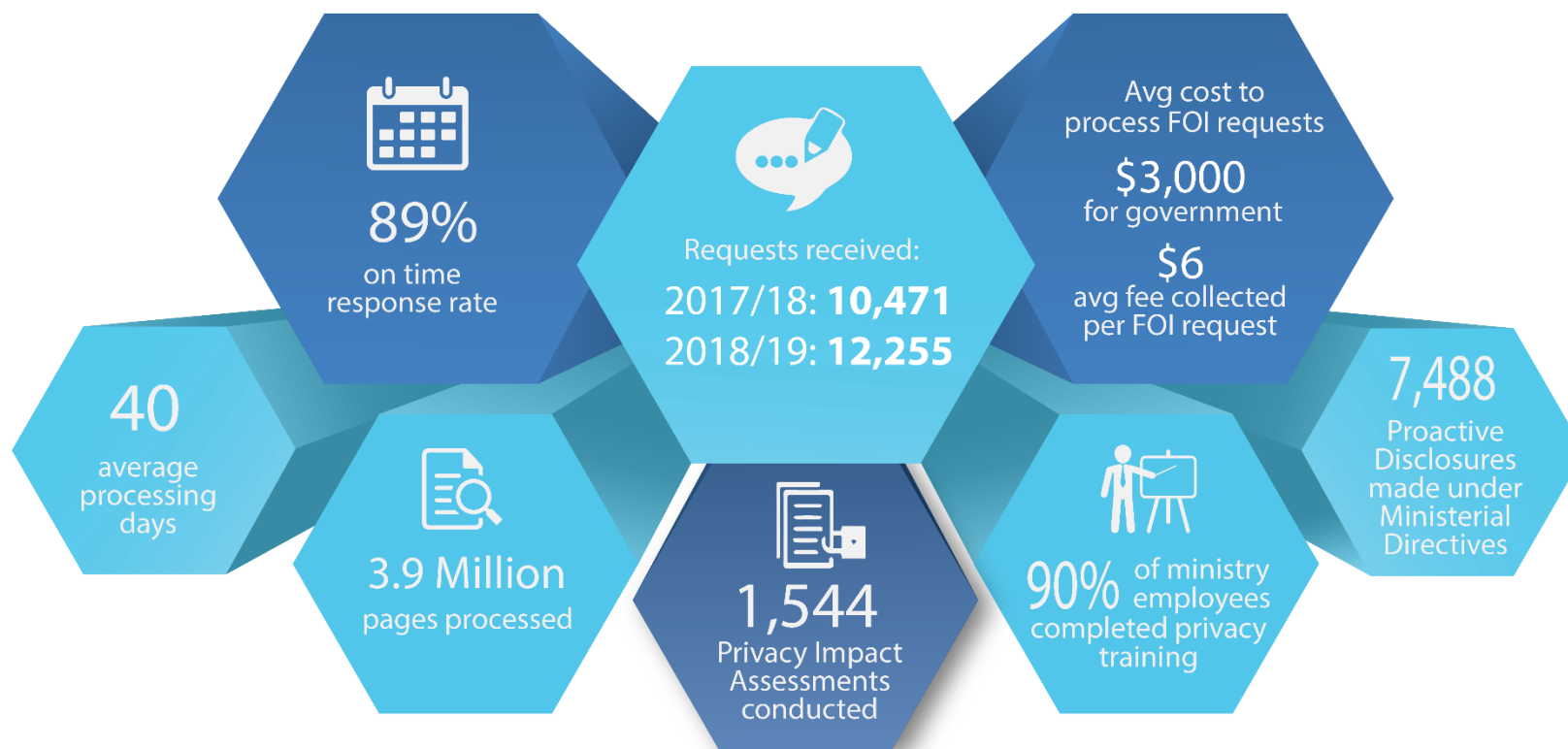
Sincerely,

Honourable Selina Robinson
Minister for Citizens' Services

pc: Ms. Kate Ryan-Lloyd
        Acting Clerk and Clerk of Committees,
        Legislative Assembly of British Columbia

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At a Glance

89%
on time response rate

Requests received:
2017/18: **10,471**
2018/19: **12,255**

Avg cost to process FOI requests

$3,000
for government

$6
avg fee collected per FOI request

40
average processing days

3.9 Million
pages processed

1,544
Privacy Impact Assessments conducted

90% of ministry employees completed privacy training

7,488
Proactive Disclosures made under Ministerial Directives

Access to Information

BC established itself as a leader in freedom of information and privacy protection when FOIPPA was enacted in 1993. FOIPPA makes provincial public bodies open and accountable by establishing the public's right to access information. FOIPPA gives any person the right to request information about themselves (personal requests) and about government business (general requests) from more than 2,900 public bodies. FOIPPA also sets a requirement for public bodies to make information available to the public through proactive disclosure — providing access to information that people want, without the need for a formal FOI request.

Premier John Horgan provided a mandate to the Minister of Citizens' Services to make substantive progress on the following priorities:

- Improve access to information rules to provide greater public accountability
- Improve response and processing times for freedom of information requests

Over the course of the two fiscal years described by this report, work has been underway to examine the processes, policies, regulation and legislation related to access to information, in order to improve services for the people of BC. The aim is to make improvements to the FOI system that are necessary to meet the continued high demand for quality access to information services and to address emerging challenges related to advancing technology and high volumes of complex FOI requests.

The Volume of FOI Requests is Trending Upwards

Ministries continue to receive an increasing number of FOI requests.

BC has an active and informed stakeholder community that makes more requests per capita than in the three prairie provinces (AB, SK, MB) combined. These requests come from a variety of sources; however, applicants can be broadly categorized in three areas:

- individuals (or their representatives) seeking their own personal information
- political parties, public agencies, interest groups, and researchers working for them
- academic researchers, and commercial applicants such as members of the media and businesses.

As indicated in the chart below, the volume of requests fluctuates year over year. However, there is a clear trend upwards, and government continues to process an increasing number of general requests, which also continue to grow in breadth and complexity.
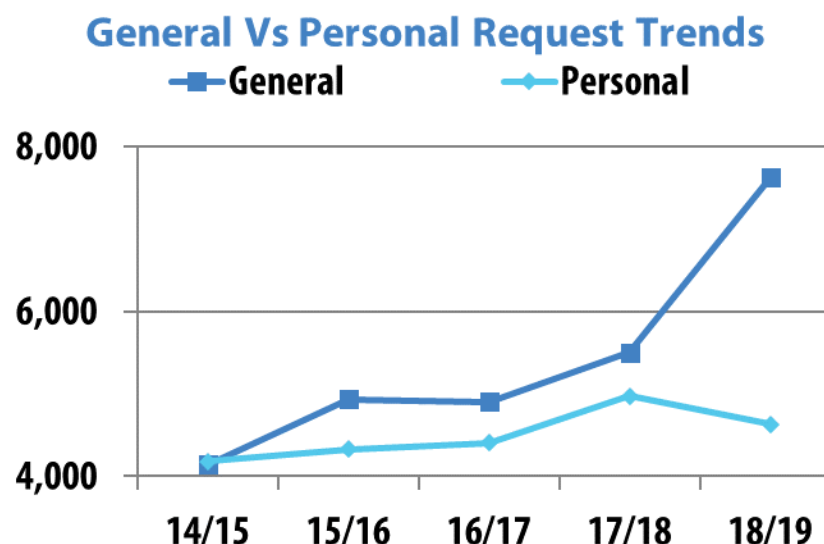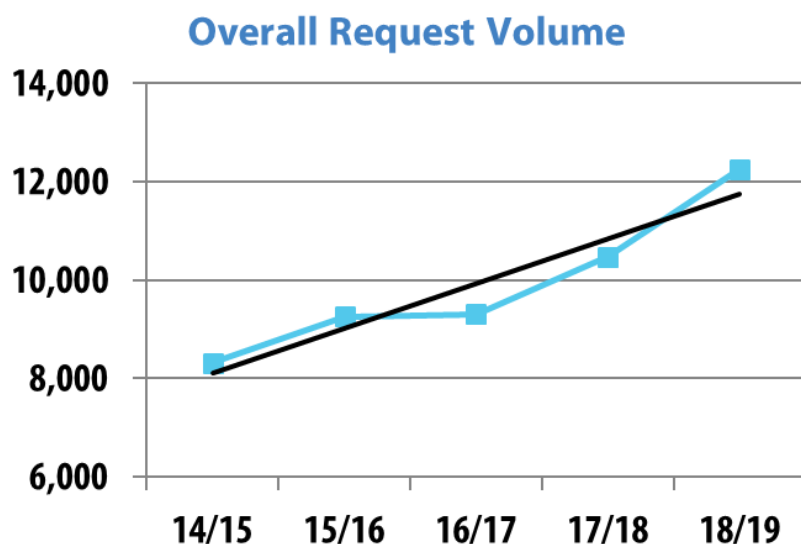
Response Times are Decreasing

In the 2017/18 fiscal year, ministries responded to 90% of requests on time.
In the 2018/19 fiscal year, 89% of requests were responded to on time.

The volume of requests has reached levels not seen in over a decade. In the 2017/18 fiscal year, 10,471 requests were received. In the 2018/19 fiscal year, 12,255 requests were received.

Despite this increase, on-time response volumes have generally improved, and the average processing time for requests has decreased.

In the 2017/18 fiscal year, 90 percent of requests were responded to within legislated timelines. The average number of processing days per request dropped to 39 days from 46 days in the prior fiscal year.

In the 2018/19 fiscal year, 89 percent of requests were responded to within legislated timelines, and the average number of processing days per request increased to 41 days.

Timeliness is trending the right direction despite a general shift in the complexity of requests, with three factors contributing to this increase:

1. Requests for information are becoming increasingly broader, capturing a wider range and volume of records.
2. There is increase in the number of requests made to multiple ministries concurrently.
3. Systematic and repetitious requests are growing in frequency.

Average Processing Time
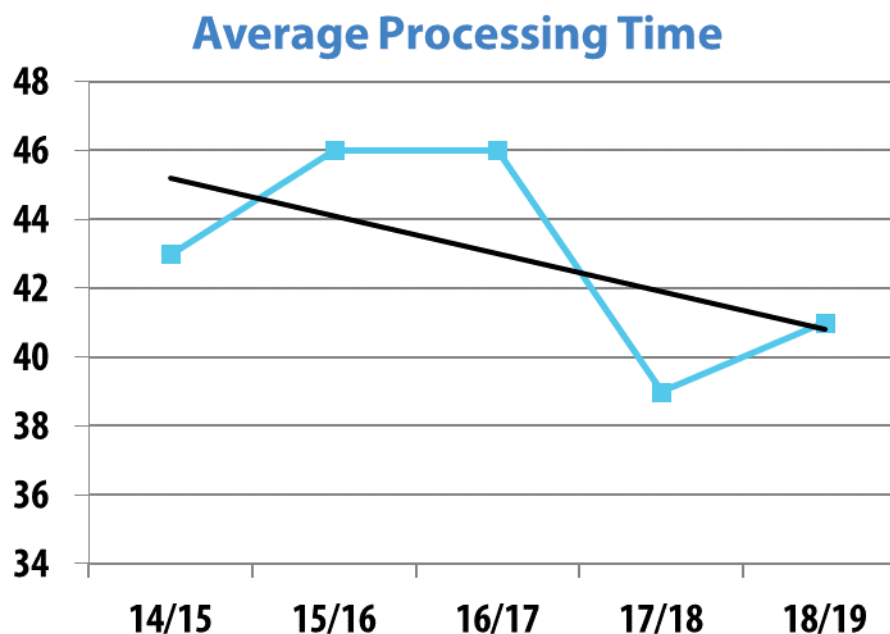
The Public Service is Facing New Challenges

The public-sector information landscape continues to change dramatically. The rapid pace of innovation and growth in digital communication and data storage capacity means that more records are being created than ever before.

Applicants have begun to submit requests for new types of information, such as system tracking logs, which are by-products of some of the IT systems that government uses to conduct its day-to-day business. This information is produced in massive quantities, and in some cases, it can contain highly sensitive information — including personal information — which must be protected. In the past two fiscal years, there has been an increase in broad and repetitious requests for this type of information, resulting in thousands of lines of data being reviewed for disclosure.

There has also been an increase in the number of FOI requests that target information associated with individual government employees, requesting information regarding things like internet browser histories, applications downloaded on mobile devices and screenshots of computer desktops. These requests can often be challenging to analyze because there are privacy considerations associated with disclosing information that could reveal the employee's personal information or the personal information of others.

Adding to the complexity of these requests is the fact that they are often made to multiple ministries simultaneously. A single "cross-government" request (an FOI request made to four or more ministries) can amount to hundreds of hours of search and processing time across multiple ministries.

In addition to the increased workload, these cross-government requests also lead to increases in the number of times government provides "no responsive records" responses to applicants. Despite government's efforts to reduce the overall number of FOI responses that yield no records, these repetitious cross-government requests have led to an increase in the number of "no responsive records", because of thousands of requests

Cross Government Request Trend
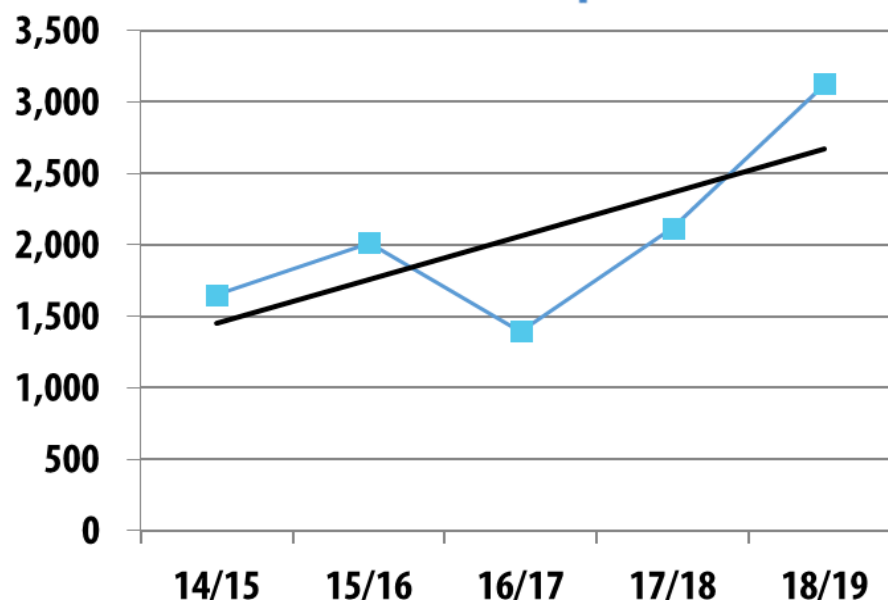
being directed to ministries that do not hold records about the matter in question. In the 2016/17 fiscal year, 848 requests resulted in no responsive records being located. In the 2017/18 fiscal year, 1,225 requests resulted in no responsive records, and in the 2018/19 fiscal year, that number increased to 1,803.

These new challenges are creating a strain on the FOI system, as public servants react to these new trends, while ensuring effective and timely FOI services are provided to all British Columbians.

The Fees Collected from FOI Applicants Remain Very Low

FOIPPA permits public bodies to collect fees for some services related to processing general requests for access to information. Fees for FOI services are not intended to be a deterrent or barrier to access; they are intended to provide a means of modest cost recovery and should provide an incentive for applicants to submit clear and focused requests and consider to which public body they wish to direct their request, in order to effectively target the records that they are interested in.

Recent analysis indicates that the majority of FOI request responses are provided without a fee and that the volume of fees collected by government for FOI represents only a small fraction of the costs associated with administering the system.

Of the 4,494 general requests closed by ministries in the 2017/18 fiscal year, fees were only collected for 157. The average fee per request was $6. Of the 7,222 general requests closed in the 2018/19 fiscal year, fees were collected for 151. The average fee per request was $5. According to a review of FOI costs conducted by Deloitte Canada in 2017/18, the estimated annual cost to government of FOI is $28 million, making the average cost of processing a single FOI request approximately $3,000. These estimates factor in direct costs (e.g. labour), indirect costs (e.g. IT and facilities), and the cost of legal services.

Ministries collected approximately $60,000 in fees for FOI in the 2017/18 fiscal year, and $63,000 in the 2018/19 fiscal year. This accounts for approximately 0.2 percent of the total estimated annual cost of government's FOI system.

Government is Committed to Enhancing Proactive Disclosure

One of the ways government is demonstrating its commitment to transparency and accountability is through the continued enhancement of its proactive disclosure initiative. Proactive disclosure is any release of government information to the public without requiring a formal FOI request. Proactive disclosure can reduce the volume of overly broad FOI requests that may occur when a person is seeking information but is unsure whether it exists or where. The practice of disclosing information on a routine basis can strengthen underlying principles of accountability and transparency, making it easier for British Columbians to participate in the political process and engage with government on topics of interest to them.

Categories of Records Established by Public Bodies for Proactive Disclosure

Section 71 of FOIPPA states that the head of a public body must establish categories of records in their custody or control that are made available to the public without a request for access. While these disclosures are typically made via the internet, these disclosures can also include the release of information in other formats. Ministries disclose a great deal of information outside of the FOI process. For example, disclosures are routinely made through:

- Online repositories and interactive tools such as Drive BC, BC Data Catalogue, a variety of web applications and services that provide access to geographic data, the BC Economic Atlas, Open Information, and OrgBook BC
- www.gov.bc.ca
- A variety of social media channels

Categories of Records Established by the Minister Responsible for FOIPPA

Section 71.1 of FOIPPA provides the Minister responsible for the Act with the authority to establish categories of records in the custody or under the control of one or more ministries that must be made available to the public without a request for access. Where a proactive disclosure category is established, ministries must follow any directions issued by the Minister relating to the disclosure of the information.

Records in these categories are published to government's Open Information website or the BC Data Catalogue. As part of this corporate proactive disclosure initiative, the Ministry of Citizens' Services continues to conduct analysis of the FOI requests received by government, to identify trends and establish new categories of records to be disclosed under potential future directives. Since the directives were issued in 2016, 7,488 disclosures have been made.

In 2018, in response to stakeholder feedback, the Minister rescinded and replaced two of these directives, to make adjustments to the information being disclosed to better protect the integrity of media applicants' rights to access information in the pursuit of journalistic endeavours.

Open Information Disclosures

17/18 — FOI Requests 1,788 | Other Directives 1,674

18/19 — FOI Requests 2,493 | Other Directives 1,533
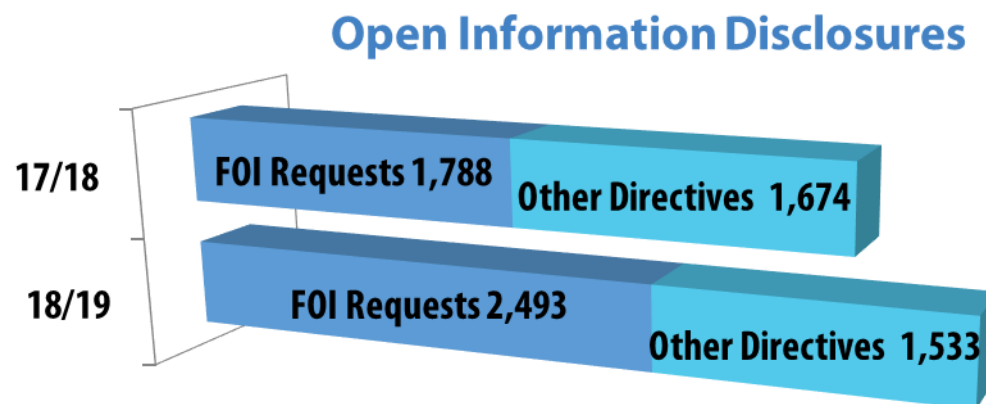
Protecting Privacy

Awareness Leads to Action on Privacy Breaches

Over 90% of reported privacy breaches were assessed as having little or no risk of harm in fiscal years 2017/18 and 2018/19.

As awareness of privacy management principles increases, so too does action taken by employees in identifying areas of non-compliance and reporting potential privacy breaches. A privacy breach is the collection, storage, access, use or disclosure of personal information that is not authorized by Part 3 of FOIPPA. It is important to recognize that not all privacy breaches are the same.

In the 2017/18 fiscal year, there was an increase in the number of actual or suspected privacy breaches and complaints reported to investigators, from 1,671 in the 2016/17 fiscal year to 1,803 in the 2017/18 fiscal year. In the 2018/19 fiscal year, there was a further increase in the number of actual or suspected privacy breaches and complaints reported to investigators, from 1,803 in the 2017/18 fiscal year to 2,013 in the 2018/19 fiscal year.

Not all reports and complaints are found to involve actual privacy breaches, which is why investigations are conducted to assess each possible privacy breach and complaint and to ensure government respond appropriately.

All actual or suspected privacy breaches and complaints are classified according to the risk of potential harm, the sensitivity of the information involved, and the type of investigative or other actions needed to respond to contain and resolve the incident. In each case, investigators classify the incident on a five-tier system based on several variables, including threat, risk and harm.

In fiscal years 2017/18 and 2018/19, no actual or suspected privacy breaches were identified as being at the top of the five-tier system, which represents the greatest risk of harm. Additionally, a significant majority of actual or suspected privacy breaches and complaints reported (93 percent in the 2017/18 fiscal year and 95 percent in the 2018/19 fiscal year) represented little to no risk of harm to impacted individuals.

Building Privacy Requirements into Government Programs

The Privacy Impact Assessment (PIA) is an important tool used by public bodies to determine whether a current or proposed enactment, system, project, program or activity meets the privacy requirements in FOIPPA. Ministries are required by law to conduct these assessments in accordance with the directions of the Minister responsible for the Act and must submit the PIA for review and comment by a privacy expert in the Ministry of Citizens' Services during the development stage of the initiative.

The PIA process is vital in ensuring that government employees are aware of their responsibilities respecting the proper handling of personal information. This process assists ministries in ensuring that any initiative that involves the collection, use or disclosure of personal information is carried out safely, securely and in accordance with the law. In the 2017/18 and 2018/19 fiscal years, there was a continuation of an upward trend in the number of PIAs conducted by ministries.

Online Training

■ Completed

90%

Building a Strong Culture of Privacy Protection

As of the 2018/19 fiscal year, 13 Ministry Privacy Officers (MPOs) have been designated accountability for privacy within each ministry or sector. These individuals and their staff have the necessary knowledge and experience with ministry portfolios, combined with privacy expertise to support privacy being built-in to new initiatives.

Training and awareness are also vital to ensuring that all government employees are aware of their responsibilities when it comes to managing the personal information in their care.

Privacy experts conduct in-person, online and webinar training sessions for thousands of ministry employees and public servants across the broader public sector annually. In addition, all ministry employees are required to complete a mandatory, online information management training course, which must be refreshed every two years. This course includes modules on privacy, access to information, proactive disclosure, records management and information security. At the end of the 2018/19 fiscal year, 90 percent of all ministry employees had completed the course. This number fluctuates continuously, as new employees enter the public service and current employees leave or retire.

Confirming Common Programs

Any time a public body intends to collect, use or disclose personal information, it must ensure that it has an appropriate authority under FOIPPA. The Act provides specific authority for central agencies to exchange information with their partners to provide centralized services. These are known as "common programs". In order to rely on these authorities, a central agency or other shared service must first be confirmed as a "common program" through either a common program agreement or an Order issued by the minister responsible for FOIPPA.

In 2017, the Minister of Citizens' Services signed four Ministerial Orders confirming four central agencies — the Corporate Information and Records Management Office (CIRMO), Government Communications and Public Engagement (GCPE), the Office of the Chief Information Officer (OCIO) and BC Mail Plus (BCMP) — as common or integrated programs under FOIPPA. These were the first such Ministerial Orders signed by a Minister responsible for FOIPPA. Common programs are subject to additional oversight by the Information and Privacy Commissioner.

Looking Forward

Responding to the 2018 Public Engagement

The Ministry of Citizens' Services continues to seek input from the public on how government can strengthen access to information and privacy, two fundamental rights that are important to the people of BC.

In the spring of 2018, an online public engagement was initiated. Stakeholder organizations, subject matter experts and interested members of the public were invited to provide written submissions to government or participate in an online dialogue focused on a series of topics related to access to information and privacy. These topics included:

- The FOI process
- Protecting your privacy
- Getting access to the information you want
- Fees for FOI requests
- Reporting privacy breaches
- Offences and penalties in FOIPPA

Government heard from several individuals, organizations and experts, who provided valuable input on how government can do a better job providing public access to information and protecting privacy. In addition to recommendations for process and service improvements, the ministry also received numerous recommendations for changes to FOIPPA itself, which has not been substantially amended since 2011.

Following a thorough review of the submissions, government released its "What We Heard" report in February 2019, which summarized the key themes from the input received during the engagement. The input received from the online engagement will inform future improvements to government's access and privacy systems as well as the law that governs them.

Improving the FOI System

In addition to the engagement, a user-centred "Service Design" assessment of government's FOI operations was also conducted in 2018. This involved engaging with the people who utilize access to information services to understand users' needs and explore opportunities for improvement. As a result, a roadmap was developed for improvements to several aspects of the FOI system, such as increased education and awareness for FOI applicants, improvements to the FOI Request Form, and changes to internal policies and processes. The goal of these projects is to re-focus activities on assisting people and improving service delivery by leveraging small improvements that will have the greatest impacts on the quality of services provided to British Columbians.

Increasing Proactive Disclosures

In addition, government continues to look for opportunities to increase proactive disclosures. New Ministerial Directives, which will expand the categories of records routinely released, are anticipated in the coming year. The Ministry of Citizens' Services also continues to encourage ministries to make proactive disclosures to the public by identifying and establishing new categories of records within their own unique information holdings.

Introducing the British Columbia Information Privacy Certificate Program (BCIP)

The newly introduced British Columbia Information Privacy Certificate Program (BCIP) offers comprehensive privacy training designed specifically for the provincial public sector. It is for employees committed to protecting privacy and those preparing for a career in information privacy. Since the program was launched in April 2018, 311 public service employees have initiated this comprehensive privacy program.

FOIPPA by the Numbers

2017/18 – 2018/19

Freedom of Information

FOI Requests Received by Year

FOI requests are separated into two main types: personal requests — when an individual requests their own personal information held by government — and general requests, which are requests for all other government information. In the 2017/18 fiscal year, government received 10,471 total requests, encompassing increases in both personal and general requests. In the 2018/19 fiscal year, government received a total of 12,255 requests, which is the highest volume in over a decade. This volume is attributed to a significant increase in the number of general requests received, up 2,121 from the previous fiscal year, while the total number of personal requests actually decreased.

Requests Received by Year

■ General ■ Personal

Year	General	Personal
14/15	4,141	4,176
15/16	4,932	4,329
16/17	4,905	4,405
17/18	5,501	4,970
18/19	7,622	4,633
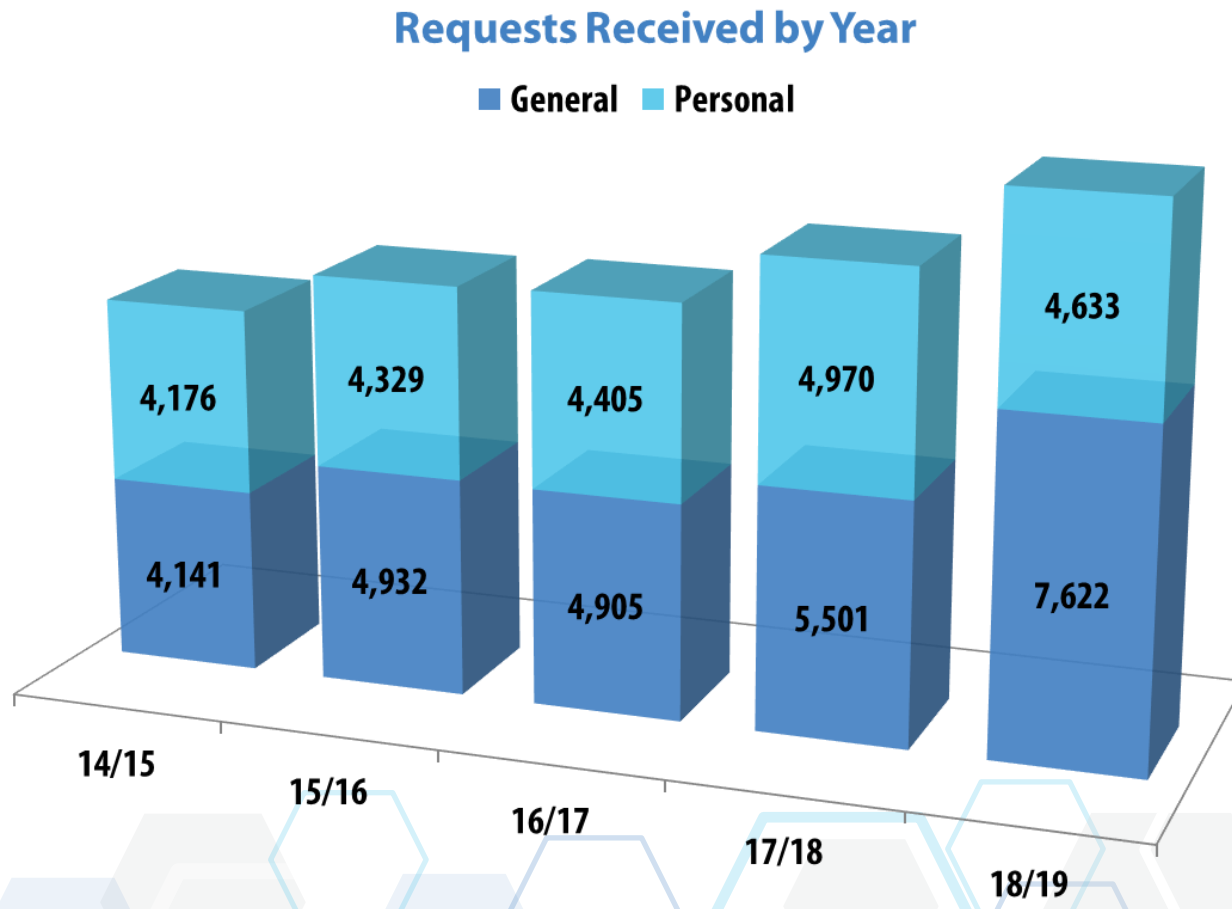
FOI Requests by Ministry

60 percent of all FOI requests made to ministries are directed towards just five: Children and Family Development, Public Safety and Solicitor General, Finance, Social Development and Poverty Reduction, and the Office of the Premier.

Total General and Personal Requests Received by Ministry 2017/18 and 2018/19

60%

CFD 4,566

PSS 3,267

MSD 2,064

FIN 2,319

OOP 1,406

29%

FNR 1,126

ENV 879

TRA 833

CTZ 718

EMP 501

JTT 436

MAG 1,084

HTH 686

AGR 434

11%

MAH 428

EDU 409

AED 375

TAC 330

IRR 329

LBR 290

MHA 246
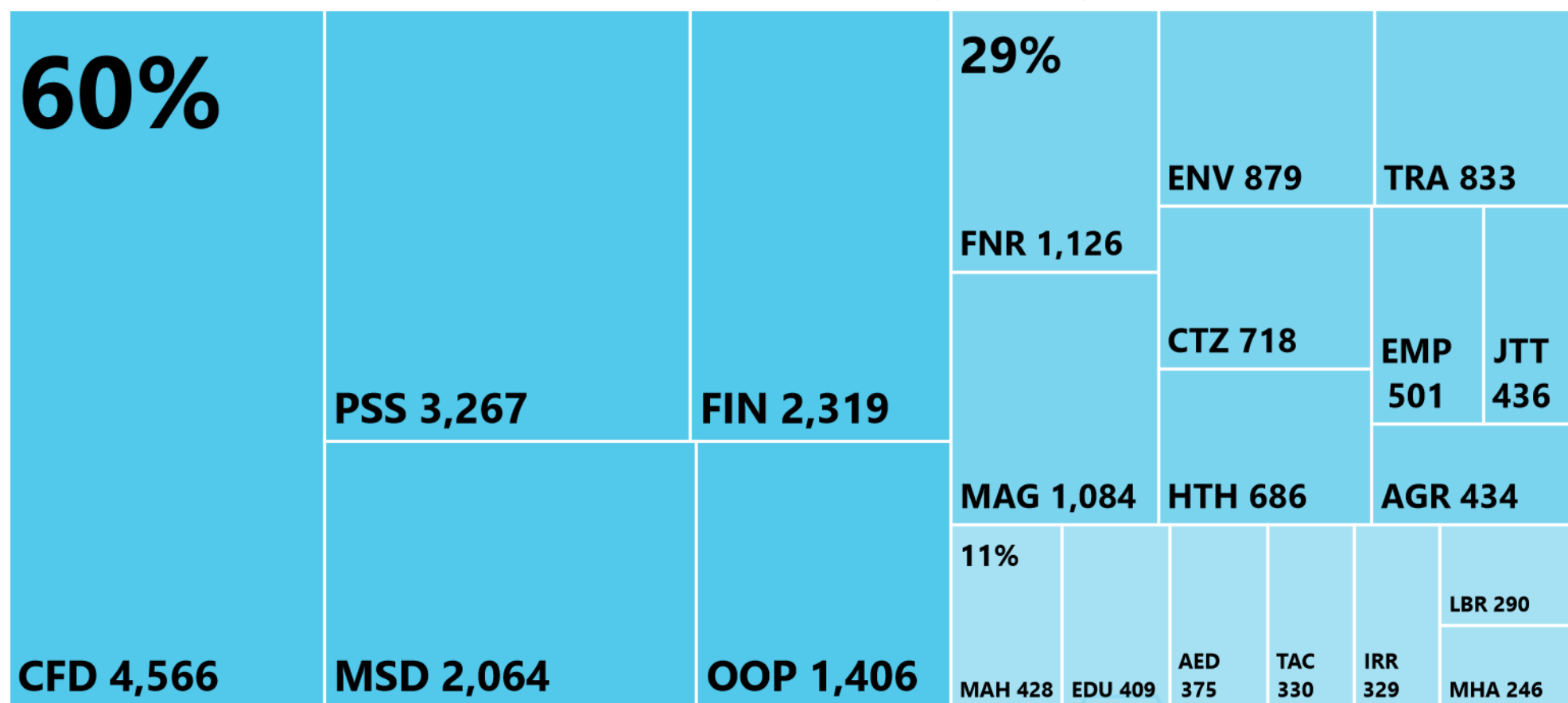
Approximately 70 percent of all personal requests made to ministries are directed towards two ministries: Children and Family Development and Public Safety and Solicitor General. Just under 30 percent of requests are divided between Social Development and Poverty Reduction, Finance, Attorney General and Health. The other 15 ministries receive just two percent of the total personal requests.

NOTE: The remaining 15 ministries receive just two percent of the total personal requests.

Total Personal Requests Received by Ministry 2017/18 and 2018/19

70%

CFD 4,154

PSS 2,600

28%

MSD 1,743

FIN 535

MAG 264

HTH 109

Approximately 62 percent of all general requests are directed to eight ministries: Finance; the Office of the Premier; Forests, Lands, Natural Resource Operations and Rural Development; Environment and Climate Change Strategy; Transportation and Infrastructure; Attorney General; Citizens' Services; and Public Safety and Solicitor General.

Total General Requests Received by Ministry 2017/18 and 2018/19

62%

FIN 1,784

OOP 1,388

FNR 1,106

TRA 829

MAG 820

ENV 865

CTZ 702

PSS 667

26%

HTH 577

EMP 500

12%

TAC 330

IRR 328

MSD 321

AGR 433

CFD 412

EDU 390

LBR 275

MAH 416

JTT 376

AED 358

MHA 246
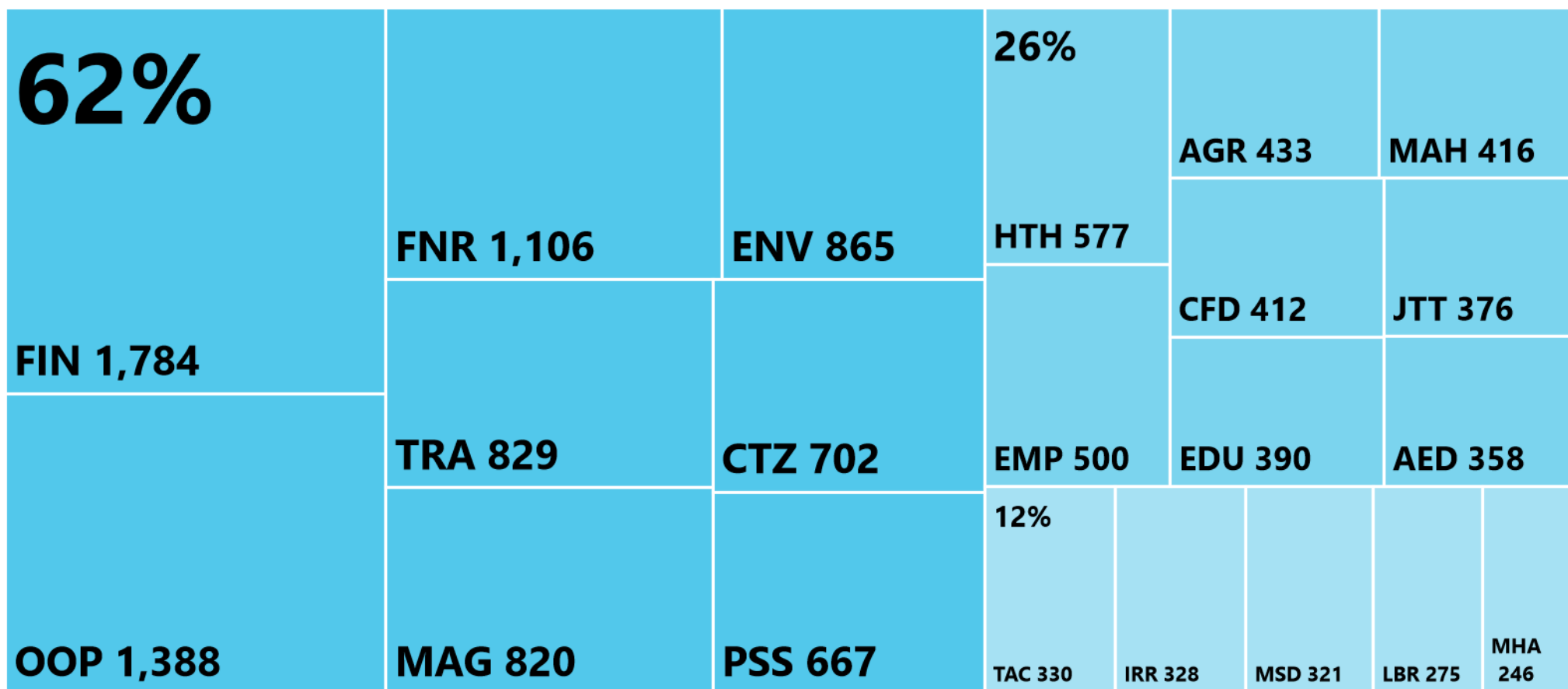
Cross-Government Requests

Any time a request is made to four or more ministries, it is considered a "cross-government" request. As detailed earlier in the report, this leads to an impact on timeliness as ministries must coordinate their response to ensure consistency.

Cross Government Requests
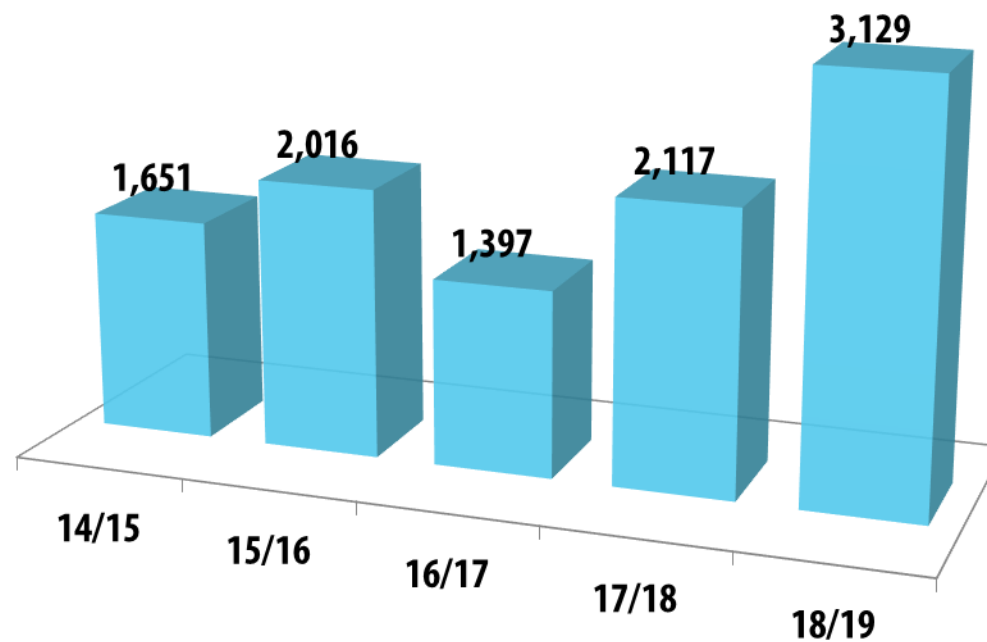
FOI Requests by Applicant Type

Identifying requests by applicant type helps provide information about who is making FOI requests. The World Justice Project Open Government Index, which measures government openness based on the general public's experiences and perceptions in 102 countries, advocates for separating and analyzing requests based on demographic information.

Currently, British Columbia tracks and reports on nine different applicant types, which can overlap and are subject to different interpretations. For example: "Researcher" may be an academic researcher or another person who states that the purpose of their request is related to research, "Law Firm" reflects requests from firms on behalf of clients (personal and business) as well as their own business interests, and "Individual" can refer to a person making a request for either personal or general information without identifying as an organization.

Personal Requests by Applicant Type

Applicant Type	2018/19	2017/18
Individual	3,607	3,666
Law Firm	913	1,185
Interest Group	81	77
Other Public Body	11	14
Other Government	9	15
Business	7	8
Media	5	2
Political Party		1
Researcher		2

General Requests by Applicant Type

Applicant Type	2018/19	2017/18
Political Party	4,922	1,652
Individual	819	838
Media	795	971
Business	311	325
Law Firm	300	274
Interest Group	278	272
Researcher	107	1,143
Other Government	72	5
Other Public Body	18	21
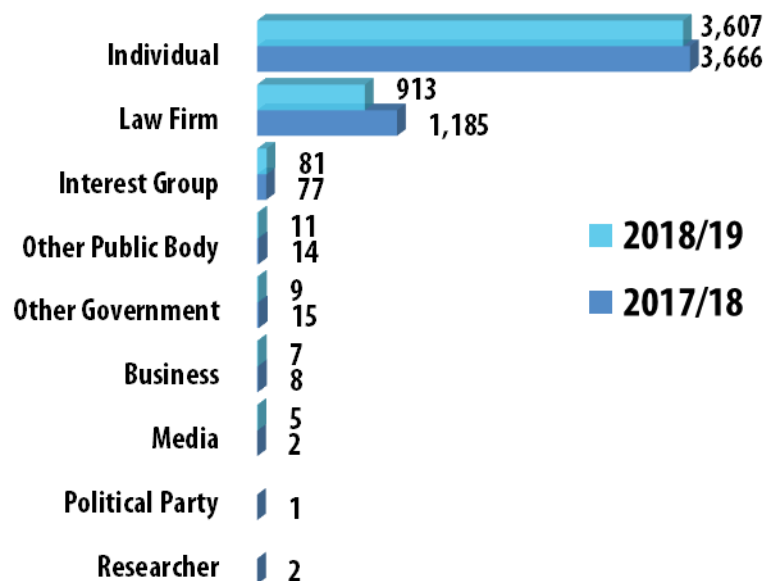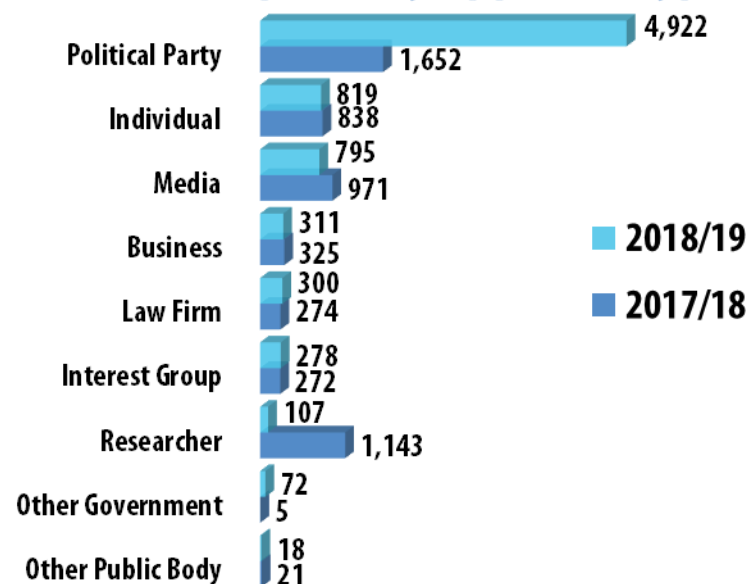
Types of FOI Applicants and Types of FOI Requests

By analyzing the types of applicants alongside the types of FOI requests government receives, it becomes apparent that there are three large stakeholder groups that are the most active users of the FOI system. These are individuals and their representatives requesting personal information; political parties, agencies, interest groups and researchers requesting government information; and media and businesses making general requests for commercial purposes. In the 2018/19 fiscal year, there was a significant shift in the percentage of general requests made by political parties, public agencies, researchers and interest groups.

■ Personal requests made by individuals or their representatives
■ General requests made by political parties, public agencies, researchers and interest groups
■ General requests made by media and business

Request Percentage 2017/18

15%
38%
47%
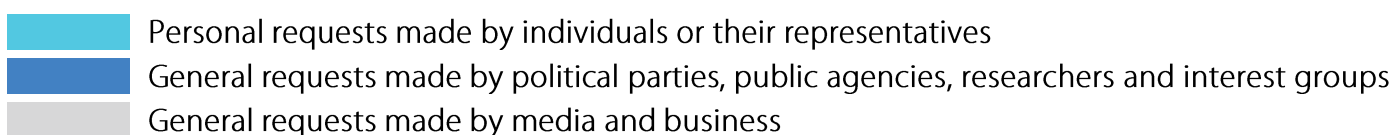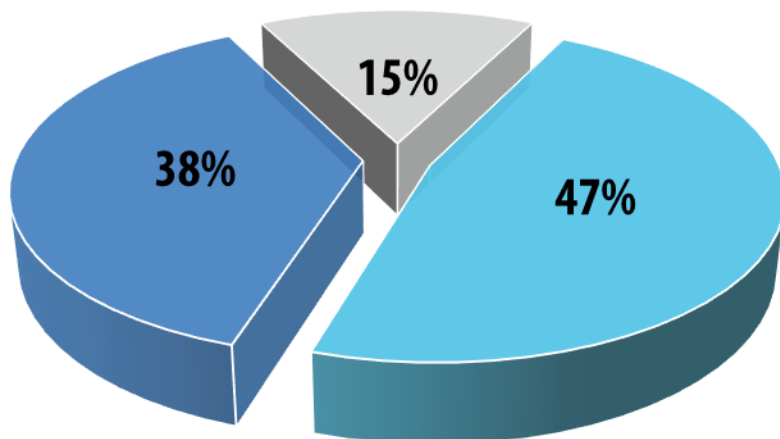
Request Percentage 2018/19

11%
51%
38%
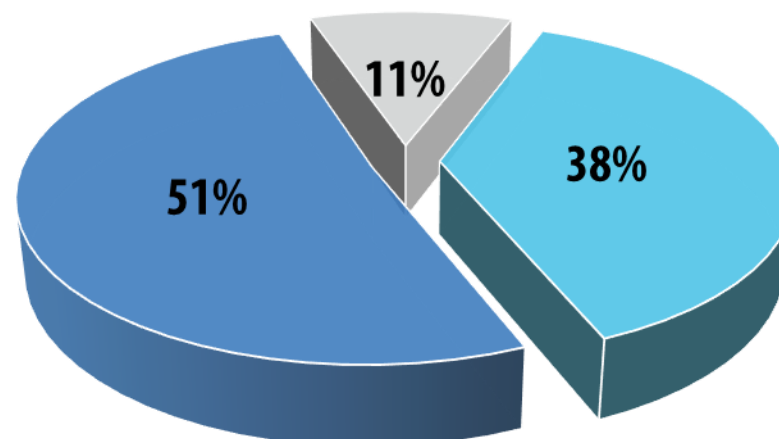
Request Dispositions: Released, Refused, Other

Releases - Identifies the extent to which information formally requested under FOI laws is released to an applicant. This includes FOI responses where ministries respond by: providing full disclosure; providing partial disclosure; indicating that records may be routinely releasable; indicating records are in another ministry or organization; transferring the request; or deferring access under s. 20 of FOIPPA (where the information is to be publicly released within 60 days).

Legend: Releases | Other | NRR | Refusals

Request Disposition

Year	Refusals	NRR	Other	Releases
14/15	229	967	993	6,150
15/16	227	1,055	1,257	6,267
16/17	214	848	1,371	7,422
17/18	275	1,224	1,201	6,662
18/19	406	1,802	2,316	7,265

Request Disposition Percentage Rate

Year	Refusals	NRR	Other	Releases
14/15	3%	12%	12%	74%
15/16	3%	12%	14%	71%
16/17	2%	9%	14%	75%
17/18	3%	13%	13%	71%
18/19	3%	15%	20%	62%

FOI Requests Closed by Year

Requests Closed by Year

■ General ■ Personal

Year	Personal	General
14/15	4,115	4,262
15/16	4,394	4,415
16/17	4,477	5,380
17/18	4,870	4,494
18/19	4,568	7,222

Updates on closed requests are posted publicly in the BC Data Catalogue on a quarterly basis.

FOIPPA states that a public body must respond to an applicant who makes a formal FOI request no later than 30 business days after receiving a request, unless the time limit is extended per section 10 of the Act. Section 10 permits a public body to extend a request by up to 30 days under a limited set of circumstances. If a public body requires more time, they may request an additional extension from the Office of the Information and Privacy Commissioner (OIPC). This means that requests which are processed beyond 30 days may still be within the timeframe allowed under the Act. The average number of days to process requests is trending downward. This can be attributed to ongoing business improvements to make the processing of all requests more efficient.

Average Processing Time (Days)

Year	Days
14/15	43
15/16	46
16/17	46
17/18	39
18/19	41
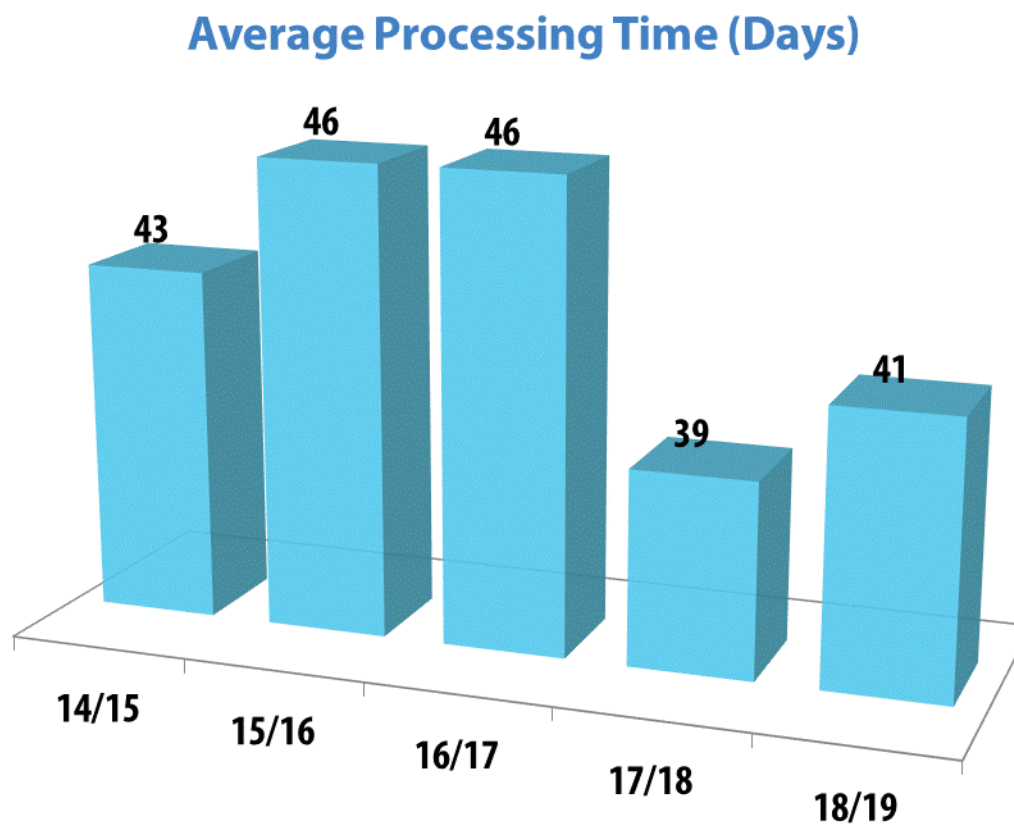
Fees for Access to Information

In 2016/2017, the Province recovered roughly $62,000 in fees from 5,380 general FOI requests closed in that year. In the 2017/18 fiscal year, the Province collected approximately $60,000.00 in fees from 4,494 general FOI requests closed. In the 2018/19 fiscal year, the Province collected approximately $63,000.00 in fees from 7,222 general FOI requests closed.

	2014/15	2015/16	2016/17	2017/18	2018/19
Total Number of FOI Requests Closed	8,377	8,809	9,857	9,364	11,790
Total Number of General Requests Closed	4,262	4,415	5,380	4,494	7,222
Number of Requests Where Fees Paid	158	176	188	157	151
Sum of Fees Paid (nearest thousand)	$50,000	$61,000	$62,000	$60,000	$63,000
Percent of General Requests Where Fees Paid	3.71%	4.15%	3.49%	3.49%	2.08%
Average Fee per FOI Request	$6	$7	$6	$6	$5

Protection of Privacy

Number of Privacy Impact Assessments Conducted

The Privacy Impact Assessment (PIA) is a process used to evaluate and manage privacy impacts and to ensure compliance with privacy protection obligations in FOIPPA. Conducting a PIA is a legislative requirement. Ministries must conduct a PIA when developing or changing an enactment, system, project, program or activity. A PIA must still be conducted even if it is determined that there is no personal information being collected, used or disclosed.

PIAs fall into one of the following broad categories: Legislative or Regulatory PIAs (LPIA/RPIA), which are conducted whenever government develops new or makes changes to current legislation or regulations, or Operational PIAs, which are conducted on any new system, project, program or activity. The steady increase in PIAs can be attributed to government's increase in privacy awareness.

	2015/16	2016/17	2017/18	2018/19
Total PIA	674	654	648	896
Operational PIA	526	513	503	695
LPIA/RPIA	148	141	145	201

Investigating & Responding to Possible Privacy Breaches

Within ministries, the Information Incident Management process requires that any employee who becomes aware of an actual or suspected information incident, including privacy breaches or complaints, reports the incident to the Ministry of Citizens' Services. Investigators assess each report and determine whether an investigation is warranted. An investigation may not be conducted if the incident is outside of the Ministry's investigative mandate or jurisdiction, or if it can be quickly determined that no violation of FOIPPA has occurred. Where an investigation is conducted, investigators seek to determine whether a violation of FOIPPA has occurred and, if so, what factors may have contributed to the incident or privacy breach.

Volume and Tiers of Possible Privacy Breaches

	2014/15	2015/16	2016/17	2017/18	2018/19
Reported (Privacy Breaches and Complaints)	1,319	1,353	1,671	1,803	2,013
Investigations Conducted	1,130	1,107	1,445	1,638	1,736
Violations Occurred	956	987	1,301	1,528	1,615

Not all privacy breaches represent the same level of risk of harm to impacted individuals. Investigators assess and categorize each incident using a five-tier system, in which the assigned tier reflects the potential risk of harm, the sensitivity of the information involved, and the type of investigative and/or other activities needed to respond. The tier assignment considers several factors including:

- The number and type of elements of personal information involved
- The number and type of impacted individuals (i.e. whether impacted individuals are part of a vulnerable population)
- What happened to the personal information involved (i.e. if the privacy breach involved an unauthorized disclosure, to whom the information was disclosed and how)
- Whether the personal information involved has been recovered or contained
- The context surrounding the violation and the complexity of factors that may have contributed to the privacy breach

Privacy Breach Volume by Tier

Tier 5; 0

Tier 4; 7

Tier 5; 0

Tier 4; 0

Tier 3; 107

Tier 2; 386

Tier 3; 97

Tier 2; 255

Tier 1; 1,138

Tier 1; 1,384

17/18

18/19
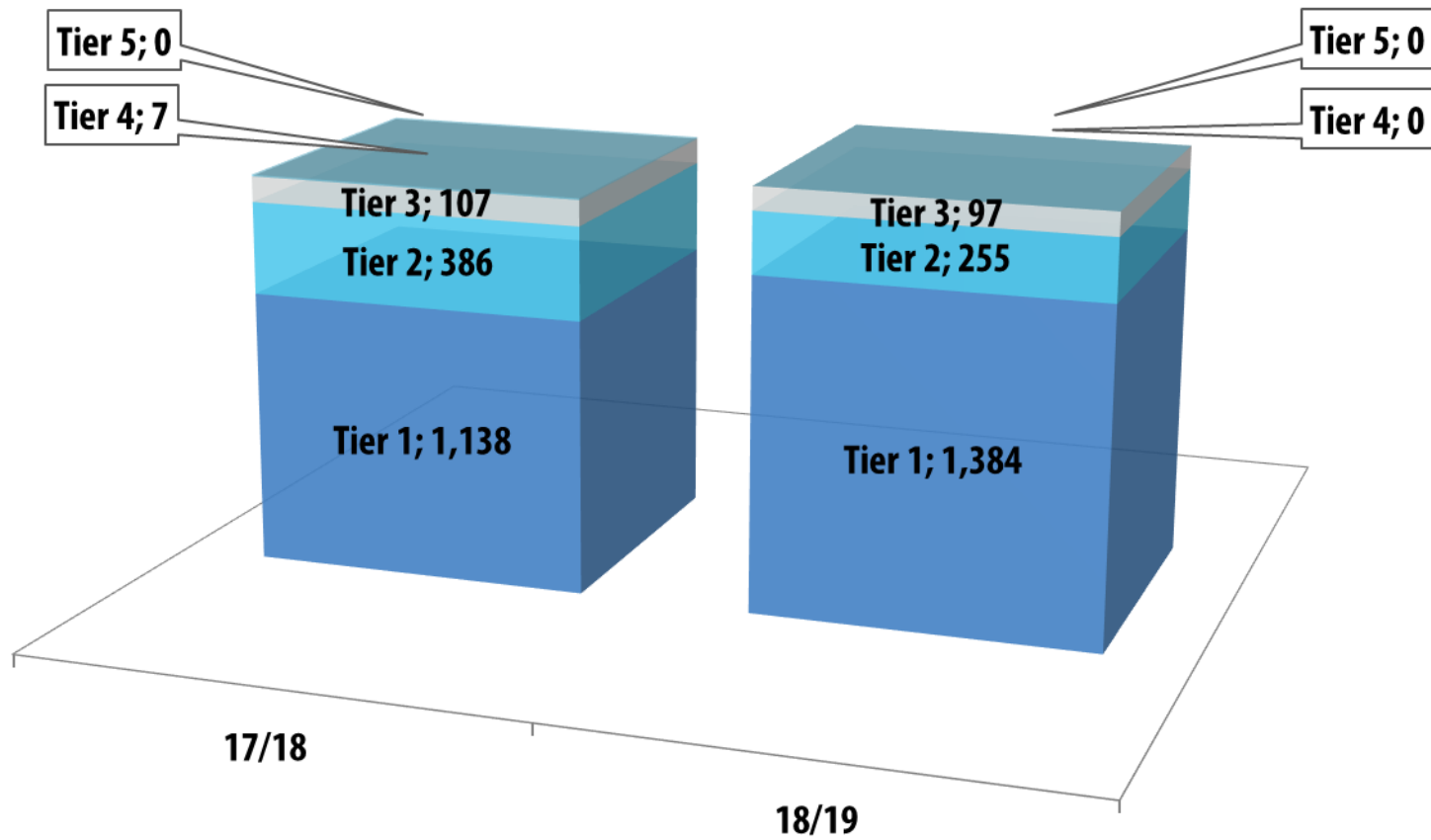
Volume of Complaints Received

An individual can make a complaint about the handling of their personal information by government and is entitled to receive a response to such a complaint. Government investigates privacy complaints to determine whether they can be substantiated and, where they are substantiated, issues recommendations to program areas as to how to strengthen their information management practices and prevent similar privacy breaches from occurring in the future.

	2014/15	2015/16	2016/17	2017/18	2018/19
Complaints Reported	63	62	89	69	62
Complaints Substantiated	23	26	47	44	43

Volume of Required Notifications to Impacted Individuals

Notification of impacted individuals is one of the primary methods of mitigating risks associated with privacy breaches. For example, where a privacy breach could create a risk that an individual could fall victim to identity theft or fraud, notification provides that individual with an opportunity to take preventative measures, such as changing account passwords and monitoring bank statements. When the Ministry investigates a privacy breach, investigators work with ministries to complete a harm assessment and makes a notification recommendation based on this harm assessment. In particular, the investigators assess whether a privacy breach could put impacted individuals at risk for identity theft or fraud, harm, humiliation or damage to reputation, damage to business or employment prospects, or physical harm. These factors are assessed in context to determine whether there is an actual risk of harm to impacted individuals. Ministries are then responsible for making the decision as to whether to notify impacted individuals based on the Ministry's harm assessment and notification recommendation, as well as its knowledge of its clients and its operational environment.

	2014/15	2015/16	2016/17	2017/18	2018/19
Instances Where Notification Required	145	167	119	113	87

Engagement with the Office of the Information and Privacy Commissioner

Government regularly engages with the OIPC to promote transparency and accountability in investigations into privacy breaches. Since 2015/16, government has provided summary information about all privacy breaches to the OIPC monthly and proactively reports serious privacy breaches to the OIPC within a few business days of becoming aware of the issue. This engagement gives the OIPC an opportunity to determine whether it should open its own file to review any of government's investigations.

	2015/16	2016/17	2017/18	2018/19
Files Sent to OIPC	1,353	1,671	1,803	2,013
Proactive Reporting to OIPC	15	22	10	5
OIPC Files Opened	23	37	20	20

Data Tables

	Requests Received by Year			Requests Closed by Year		
	General	Personal	Received	General	Personal	Closed
14/15	4,141	4,176	8,317	4,262	4,115	8,377
15/16	4,932	4,329	9,261	4,415	4,394	8,809
16/17	4,905	4,405	9,310	5,380	4,477	9,857
17/18	5,501	4,970	10,471	4,494	4,870	9,364
18/19	7,622	4,633	12,255	7,222	4,568	11,790

Note: Data also used to create trend lines for Overall Request Volume and General vs. Personal Request trends.

	Personal Information Requests by Applicant Type*								
	Individual	Political Party	Law Firm	Researcher	Media	Interest Group	Business	Other Public Body	Other Government
14/15	3,096		1,036			9	5	8	2
15/16	3,106	1	1,173	1	1	7	30	4	6
16/17	3,266		1,034			48	23	10	10
17/18	3,666	1	1,185	2	2	77	8	14	15
18/19	3,607		913		5	81	7	11	9

General Information Requests by Applicant Type*

	Individual	Political Party	Law Firm	Researcher	Media	Interest Group	Business	Other Public Body	Other Government
14/15	752	1,998	266	64	656	168	201	14	6
15/16	808	2,379	341	48	756	244	318	30	8
16/17	1,308	1,279	298	123	1,264	374	227	22	10
17/18	838	1,652	274	1,143	971	272	325	21	5
18/19	819	4,922	300	107	795	278	311	18	72

*Data also used to calculate Request Percentage 2017/18 and 2018/19.

Open Information Disclosures

	FOI Requests	Other Directives	Total
17/18	1,788	1,674	3,462
18/19	2,493	1,533	4,026

Privacy Breach Volume by Tier

Tier	17/18 #	18/19 #
1	1,138	1,384
2	386	255
3	107	97
4	7	0
5	0	0

	14/15	15/16	16/17	17/18	18/19
Cross-Government Requests	1,651	2,016	1,397	2,117	3,129
Average Processing Time (Days)	43	46	46	39	41
On Time Trend Line	79%	74%	80%	90%	89%

Note: Data used to create both bar and trendline charts.

Combined Requests Received by Ministry 2017/18 and 2018/19

Ministry	Abbr.	General	Personal	Total
Children and Family Development	CFD	412	4,154	4,566
Public Safety and Solicitor General	PSS	667	2,600	3,267
Finance	FIN	1,784	535	2,319
Social Development and Poverty Reduction	MSD	321	1,743	2,064
Office of the Premier	OOP	1,388	18	1,406
Forests, Lands, Natural Resource Operations and Rural Development	FNR	1,106	20	1,126
Attorney General	MAG	820	264	1,084
Environment and Climate Change Strategy	ENV	865	14	879
Transportation and Infrastructure	TRA	829	4	833
Citizens' Services	CTZ	702	16	718
Health	HTH	577	109	686
Energy, Mines and Petroleum Resources	EMP	500	1	501
Jobs, Trade and Technology	JTT	376	60	436
Agriculture	AGR	433	1	434
Municipal Affairs and Housing	MAH	416	12	428
Education	EDU	390	19	409
Advanced Education, Skills and Training	AED	358	17	375
Tourism, Arts and Culture	TAC	330		330
Indigenous Relations and Reconciliation	IRR	328	1	329
Labour	LBR	275	15	290
Mental Health and Addictions	MHA	246		246
TOTAL		13,123	9,603	22,726

** Data used for Total, General and Personal Requests Received by Ministry 2017/18 and 2018/19.

Disposition Refusals *

	Access Denied	Refuse to Confirm or Deny
14/15	229	
15/16	224	3
16/17	206	8
17/18	255	20
18/19	327	79

Disposition Other ***

	Abandoned	Withdrawn	Correction	Cancelled	Outside the scope of the act	No Response Records Exist /Located
14/15	571	299		86	37	967
15/16	841	336		45	35	1,055
16/17	659	641	1	54	16	848
17/18	637	516	1	38	9	1,224
18/19	898	1,375		35	8	1,802

	Full disclosure	Partial Disclosure	Disposition Releases*** Routinely Releasable	Access Denied – Section 20	Records in another min/org	Transferred
14/15	966	4,904	64	2	84	130
15/16	1,013	4,958	69	3	80	144
16/17	1,678	5,317	67	14	139	207
17/18	1,273	5,011	51	10	104	213
18/19	1,291	5,567	46	7	213	141

*** Data used to calculate Request Disposition, and Request Disposition Percentage Rates.