









Ministry of
Technology, Innovation
and Citizens' Services

■ 2012/2013 ANNUAL REPORT

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



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Message from the Minister

It has been 20 years since British Columbia passed the *Freedom of Information and Protection of Privacy Act* (FOIPPA). In that time, our society has evolved – with new technologies, tools and expectations. So has our approach to information management.

For example, we now routinely publish responses to general FOI requests to the Open Information website. We also regularly post records of ministers' and deputy ministers' travel expenses. And DataBC provides free public access to thousands of government datasets, which citizens can use to inform their own decision-making, and to develop tools, such as mobile applications, that add public value and have the potential to improve government services.

Along with releasing more information routinely, we are processing more FOI requests. In the past year, FOI requests from the media increased by almost 70 per cent. Requests from political parties were up by almost 50 per cent. Together, they accounted for 60 per cent of our general request processing costs. In an environment of finite resources, this demands a constant weighing of needs and priorities. I am pleased to note that due to an ongoing series of administrative improvements, including a formal LEAN initiative, our on-time response rate has stayed high. However, sustaining this level of public service will be increasingly challenging if current trends continue.

The volume increases have similarly impacted ministries. Nine ministries faced request volume increases that were at least 50 per cent higher than the preceding year. As the management of FOI is a partnership between Information Access Operations and ministries, the work of dedicated staff all across the government in supporting access to government information must be noted and recognized.

This year also saw changes to the *Freedom of Information and Protection of Privacy Regulation* that enhance privacy protections in information sharing and service delivery initiatives; and clarify who can act for others under FOIPPA. We also published government's Personal Information Directory on DataBC, improving transparency and making it easier for the public to access information on government's personal information holdings.

In closing, I want to acknowledge the hard work, commitment and dedication of our staff who have risen to the challenge of managing an ever-growing workload. It is only with their continued support that government can effectively balance citizens' rights to access information – both about themselves and about government, and to have their privacy appropriately protected at all levels, at all times.



Honourable Andrew Wilkinson

Ministry of Technology, Innovation and Citizens' Services

Introduction

British Columbia's *Freedom of Information and Protection of Privacy Act* has been in effect since 1993. It makes provincial public bodies, including government ministries, more open and accountable by putting into law the public's right to access government records. It also protects every citizen's right to personal privacy, prohibiting public bodies from collecting, using or disclosing British Columbians' personal information without authorization.

Both of these rights are fundamental to a free, democratic society and three organizations work to ensure they are upheld.

Within the Ministry of Technology, Innovation and Citizens' Services, the Information Access Operations (IAO) branch has a lead role in ensuring the government meets its legislated responsibilities with regard to FOIPPA. Staff here carry out the day-to-day work of providing timely responses to freedom of information (FOI) requests. This includes helping citizens through the request process, working with ministries to ensure consistency and compliance with FOI requirements, and providing records-management support to ministries, Crown corporations and agencies.

Another body within the Ministry, the Legislation, Privacy and Policy Branch (LPP) of the Office of the Chief Information Officer (OCIO), is responsible for managing legislative changes to FOIPPA and its related regulations and directives. LPP is also responsible for all cross-government privacy policies, standards and guidelines and for providing advice and support to government projects and ministries in identifying and addressing privacy concerns. LPP reviews privacy assessments of all government initiatives, including new legislation and keeps government's Personal Information Directory up-to-date. LPP is also responsible for delivering mandatory privacy training to all government employees and for managing the centralized reporting and investigation process for government privacy breaches.

The third organization, the Office of the Information and Privacy Commissioner (OIPC), is an independent office of the legislature that monitors and enforces FOIPPA. The office's mandate includes mediating access and privacy disputes, and reporting on government's performance in meeting its responsibilities under FOIPPA.

This report focuses primarily on the actions and achievements of the IAO and OCIO.



Report on Performance

Striving for Efficiency in FOI Response Times

The B.C. government received over 10,000 FOI requests and responded to more than 9,500 FOI requests in 2012/13. Of those, close to 5,000 were personal requests – people asking for their own information related to such things as adoptions or courts records. The remaining 4,500 were general requests for records relating to government activities and programs.

As shown in Figure 1 below, the volume of requests has increased steadily since 2007/08. Even with continuous improvements to administrative efficiency, the proportion of responses delivered on-time decreased slightly from 90 per cent in 2011/12 to 87 per cent in 2012/13.

Figure 1. *Summary of FOI Requests Received and Response Times (2007/08 – 2012/13)*

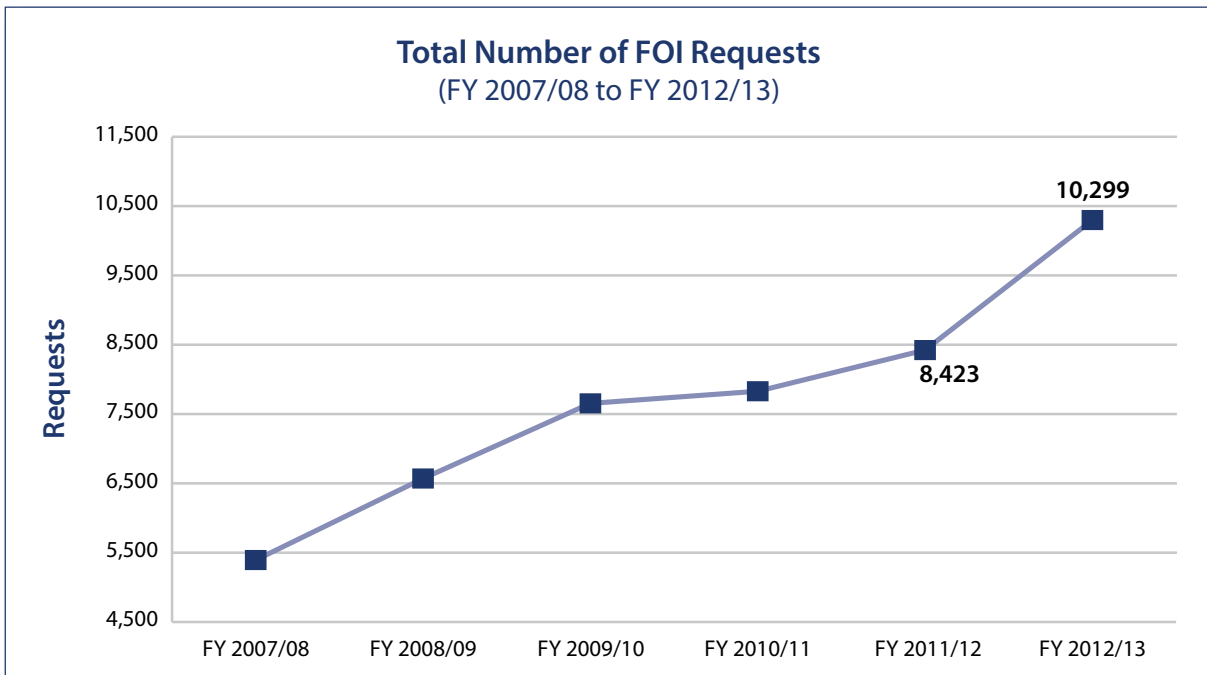
Requests and Timelines April 1, 2007 to March 31, 2013			
Fiscal Year	Total Requests Received	Total Requests Closed	% On-Time
2007/08	5,394	5,222	71
2008/09	6,570	6,653	74
2009/10	7,654	7,750	90
2010/11	7,829	7,939	93
2011/12	8,423	8,212	90
2012/13	10,299	9,523	87



Notable Trends

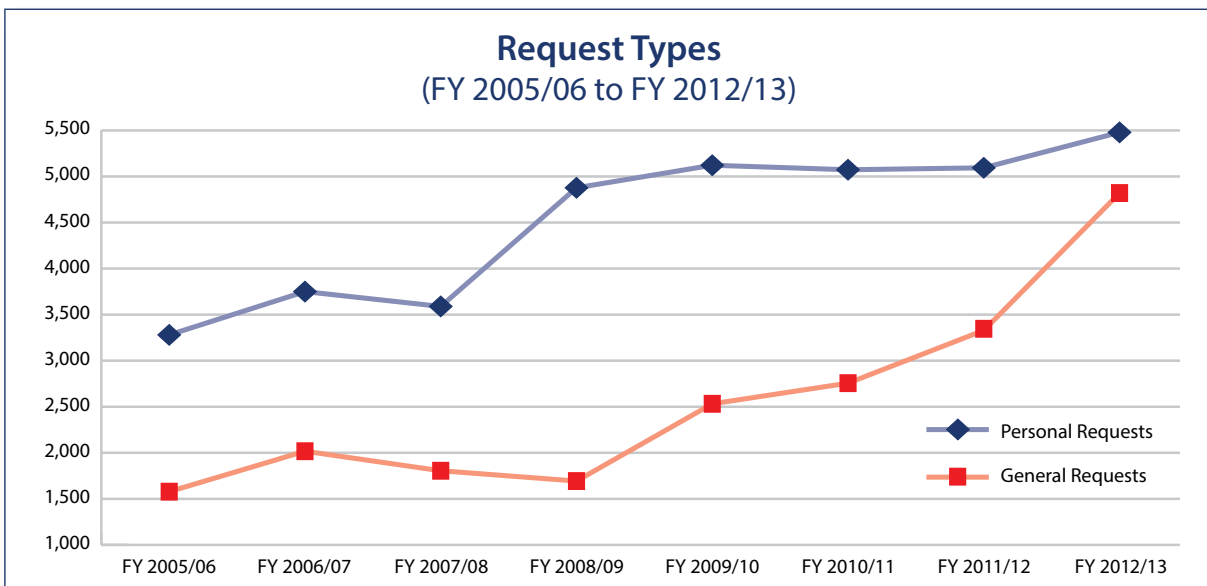
The number of FOI requests received in 2012/13 was up 22 per cent from one year earlier – including the largest-ever annual increase in general requests. As shown in Figure 2, the volume of requests has nearly doubled since 2007/08.

Figure 2. *Year-Over-Year Increase in Requests*



We have also seen a significant shift in the types of FOI requests. Historically, personal requests accounted for approximately two thirds of all requests received. In 2012/13, for the first time ever, the government received almost as many general as personal requests, as shown in Figure 3.

Figure 3. *General Requests Matching Personal for the First Time*



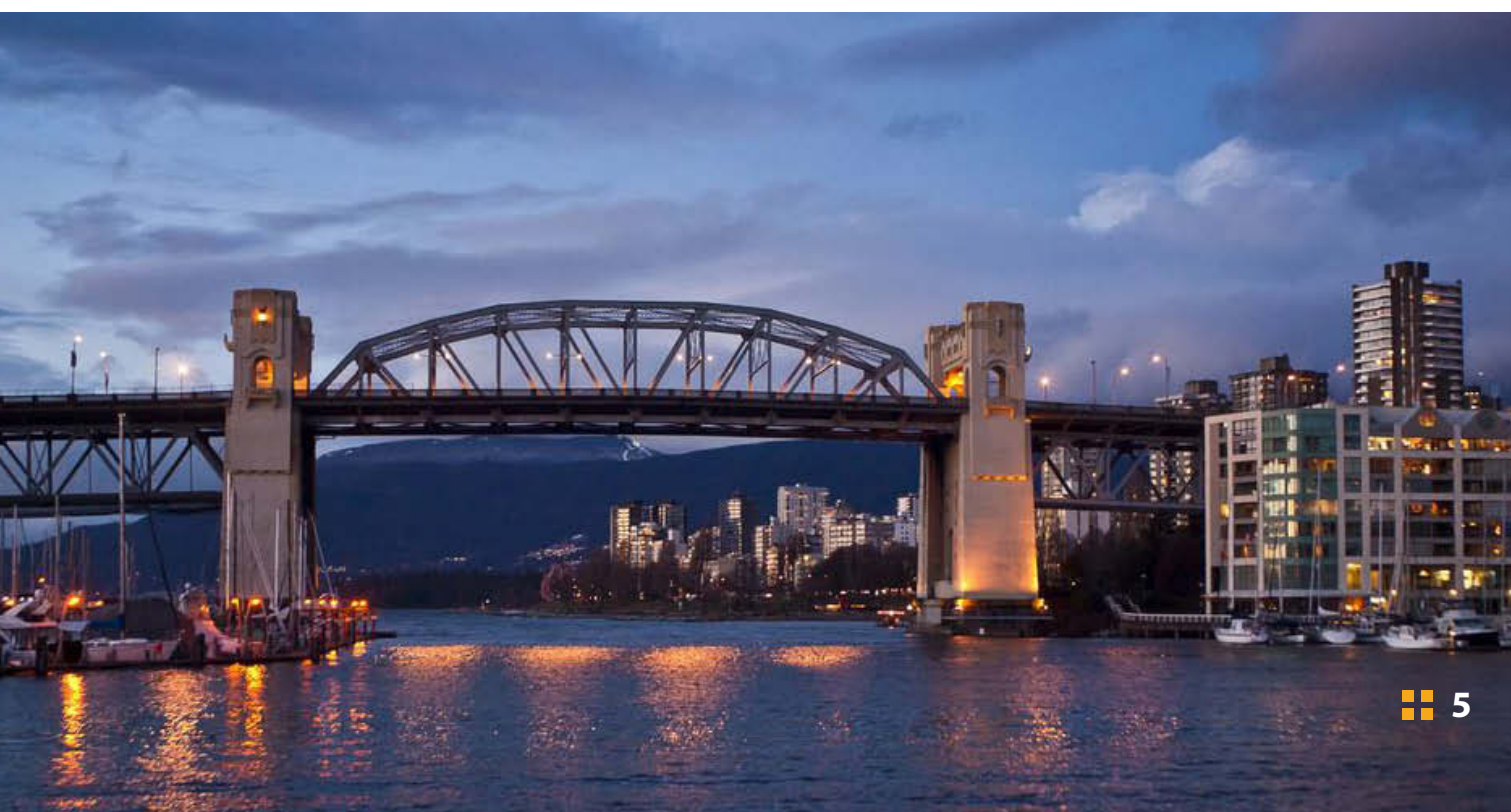
We also note a trend for more processing requests, which are essentially FOI requests for information related to the processing of other FOI requests. These requests are simply administrative details about the request and their processing can cause delays to other open requests.

At the same time, the proliferation of electronic records has increased the volume of records responsive to FOI requests. Faced with these realities, the ministry has developed a number of strategies to increase efficiency – allowing it to address the pressures of more and more complex requests while maintaining high on-time response rates. These are discussed in the following section.

Despite ongoing increases in the number and complexity of FOI requests, the government recovers a limited portion of processing costs on very few requests. Of the 9,523 requests processed in 2012/13, only 1.5 per cent resulted in fees being paid by the applicant. Figure 4 shows the changes in fees paid by applicants since 2010/11.

Figure 4. *Fees*

FOI Requests	FY 2010/11	FY 2011/12	FY 2012/13
Total Number	7,939	8,212	9,523
Number with Fees Paid	127	113	143
Percentage with Fees Paid	1.60%	1.40%	1.50%
Total Amount of Fees Paid	\$49,000	\$28,000	\$58,000
Fees Averaged across All Requests	\$6	\$3	\$6
Average Cost of Processing a FOI Request	\$2,488	\$2,405	\$2,075



Open Government Agenda

The Province's recently-enacted Open Government, Open Data and Open Information initiatives appear to be stimulating interest in accessing government records. As of March 31, 2013, government has proactively disclosed over 2,500 responses to FOI requests and over 1,000 Minister and Deputy Minister travel expense summaries on the Open Information website.

Over the same time period, the Province's open data initiative, the DataBC program has made over 3,000 datasets from across government available for anyone to use and repurpose under the Open Government License. These include information on a wide range of topics such as Industrial Mineral Production from 1904 to present, Oil and Natural Gas Land Tenure Areas and BC Public Library Statistics from 1902-2013.

FOI Request Life-Cycle

Government must ensure that its access program does not come at the expense of individuals' privacy. For this reason, each request passes through an in-depth review and approval process to ensure that citizens' personal information is protected (Figure 5). Government aims to release records in response to requests in as timely a manner as possible, but requests that need a more thorough privacy analysis can take longer to process.

Figure 5. *High-Level Overview of FOI Process*



Improving Efficiency

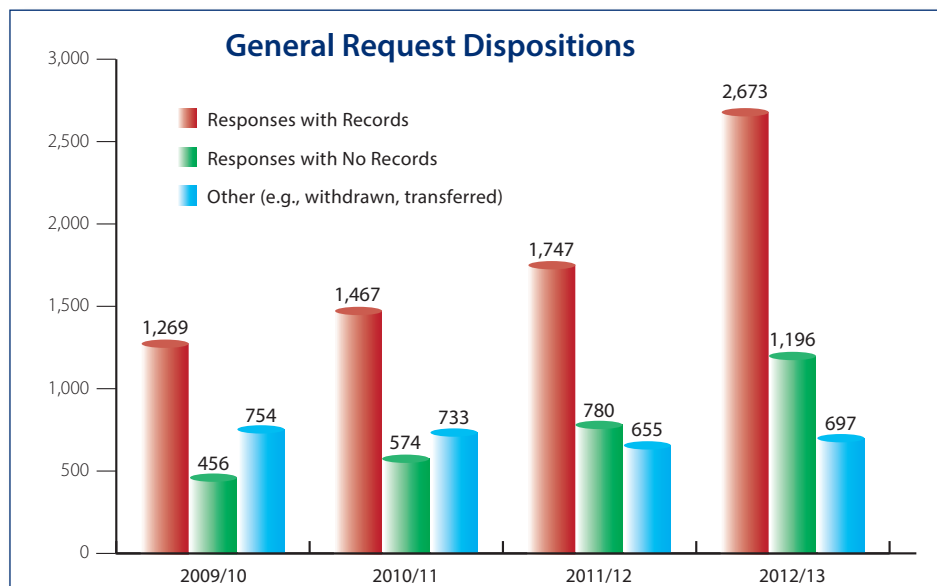
Over the last two years, the ministry has embarked on a staff-led continuous improvement program aimed at eliminating non-value-added steps in FOI request processing. A series of corporate and ministry-level LEAN projects were underway in 2012/13 to further streamline business processes. As of March 31, 2013, the number of steps involved in processing FOI requests in IAO decreased by 28 per cent.

The government is also implementing a new information technology system to more efficiently process requests. The FOI Express Information Technology (FIXIT) project will integrate the functions of seven older, disaggregated systems into one and eliminate many unnecessary administrative steps in the process. When complete, this project is expected to continue to increase FOI request process efficiency.

FOI Request Dispositions

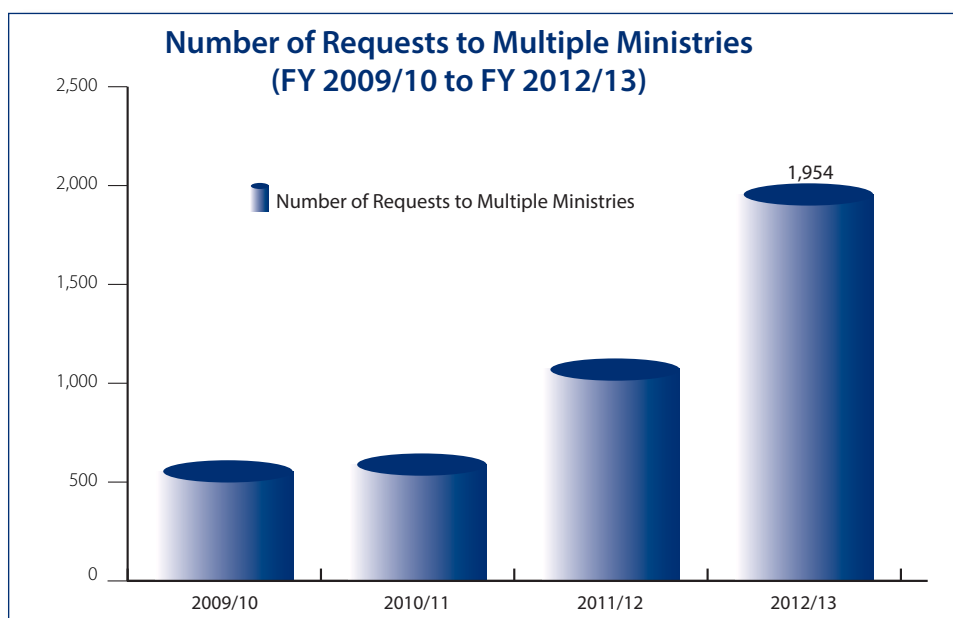
Figure 6 below shows the number of general requests that have resulted in responsive records and the number that have resulted in “no records” dispositions.

Figure 6. *General Request Dispositions*



There has been a 111 per cent increase in the number of general requests that have resulted in the release of records since 2009. During the same time, the number of “no records” responses for general requests has increased from 18 per cent of total general requests to 26 per cent. However, this is largely a result of the increase in requests to multiple ministries (duplicative requests to four or more ministries, some of which have no records). As shown in Figure 7, the number of requests to multiple ministries has increased by approximately 250 per cent since 2009. Statistics on all requests, including dispositions are posted on a quarterly basis to the DataBC catalogue (www.data.gov.bc.ca).

Figure 7. *Requests to Multiple Ministries (2009/10 – 2012/13)*



Personal Information Directory

FOIPPA requires the minister responsible for the legislation to establish and maintain a public-facing directory of the B.C. government's personal information holdings. Accordingly, summaries of all Personal Information Banks, Information Sharing Agreements, and Privacy Impact Assessments created by ministries have been consolidated into the Personal Information Directory (PID), which was republished on October 1, 2012 as part of the DataBC catalogue.

The new publication is easier for ministries and the public to use, and provides greater transparency about government's personal information holdings. By March 31, 2013, the number of entries posted in the PID had increased by 56 per cent.

Regulatory Changes to FOIPPA

In June 2012, the *Freedom of Information and Protection of Privacy Regulation* was updated to implement recommendations from the special legislative committees appointed to review FOIPPA, and to support amendments to the Act brought forward in 2011.

Annual Privacy and Security Conference

The B.C. government's 14th Annual Privacy and Security Conference brought a large (800+) international audience to Victoria for what is widely recognized as one of North America's leading privacy and security events. The conference, held February 6-8, 2013, featured world-renowned headliners and keynote speakers, with panellists from all levels of industry and the public sector.

The conference fosters important dialogue on the most pressing and emerging issues on the leading edge of privacy and security. The 2013 event, centred on the theme "Trust in a Connected World," included panel sessions on biometrics, cyber safety for children and families, identity management, social media, cloud computing, big data and bring-your-own-device (BYOD).

Office of the Information and Privacy Commissioner's Recommendations

In March 2013, the Office of the Information and Privacy Commissioner issued a report on its investigation of the overall increase in the number of "no records" responses to FOI requests. It concluded there was "no single reason for this trend" but noted that the centralization of FOI processing in 2009 was a contributing factor, allowing applicants to easily make the same request across a range of ministries.

The investigation found that, for the most part, government's searches in response to FOI requests were thorough, comprehensive and explored all reasonable avenues to locate records and assist applicants. It also found instances where government worked with applicants to narrow the scope of a request, calling this a "desirable practice" that reduces potential costs to the applicant.

The final report made six recommendations, summarized in the table below, five of which the government has now implemented, and one of which is still under consideration.

OIPC Recommendation	Government Response
Advise applicants when the records they are seeking exist within another ministry.	IAO will make every effort to direct applicants to the ministry most likely to have the requested records.
Ensure that narrowing requests does not unfairly deprive applicants of the records they are seeking.	IAO will work closely with ministry clients to achieve this end.
Ensure that requests are interpreted broadly enough to assist applicants.	Where it is clear that the applicant may be seeking records that are not specifically mentioned in the request wording, IAO staff will make every effort to direct the applicant to the correct records.
In cases where the government does not have records responsive to an access request, explain to the applicant why this is the case.	When requests are forwarded to multiple ministries and responsive records are located from at least one public body, IAO will ensure that responses to the applicant are clarified.
Create a legislated duty to document key government decisions.	Under consideration.
Develop a classification system that more accurately reflects where an applicant who has made the same request to multiple ministries ultimately receives the records.	IAO will more accurately classify “no records” responses on requests to multiple ministries where responsive records are located in at least one public body.

Report on Performance – Protection of Privacy

Helpline

To promote compliance with FOIPPA and to help public bodies understand their privacy obligations, the Legislative, Privacy and Policy Branch (LPP) operates a Privacy Helpline.

During the fiscal year, the Helpline received more than 1,400 calls and emails. Three-quarters of these concerned interpretation questions, requests for assistance with Privacy Impact Assessments or other matters related to FOIPPA. The remaining 25 per cent of inquiries related to such topics as private sector privacy and open data initiatives.

Most inquiries related to FOIPPA (89 per cent) were made on behalf of a public body. Public bodies include core government (i.e., ministries and offices of the provincial government) and broader public sector organizations (such as Crown corporations, municipalities and regional districts, public education establishments and public healthcare institutions). The remaining 11 per cent of inquiries came from not-for-profit organizations, individuals and government bodies from other jurisdictions.

Privacy Impact Assessments

Provincial policies, programs and services evolve over time as governments respond to the changing needs and priorities of citizens and to the introduction of new technologies and new ways of doing business. In B.C., all new initiatives and changes to existing programs and services require the completion of a Privacy Impact Assessment (PIA) to identify potential privacy risks and ensure compliance with FOIPPA.

A PIA helps ministries consider, for each new activity, how relevant personal information will be collected, stored, used, disclosed, retained, protected and ultimately destroyed.

LPP reviewed 507 PIAs in 2012/13, an increase of 88 per cent over the previous year. Of those, 430 were PIAs conducted to assess the impacts of current or new systems, projects, programs and activities; this represents an increase of 113 per cent over last fiscal year. The remainder of PIAs related to changes to legislation or regulations.

Investigation of Privacy Incidents

In 2010, government established the Information Incident Management Process, which requires all government ministries and agencies to report suspected or actual privacy breaches to the OCIO. This centralized approach ensures that when a privacy breach does happen, it is reported immediately, contained as soon as possible and investigated in a thorough and consistent manner by a trained expert who is independent from the ministry or agency where the breach occurred.

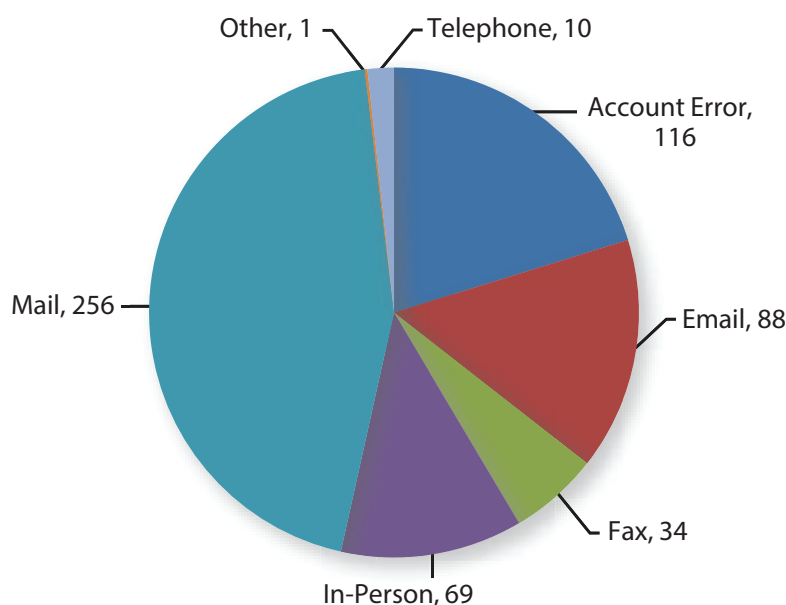
A privacy breach is any collection, use, disclosure, access, disposal, or storage of personal information, whether accidental or deliberate, that is not authorized by FOIPPA. Breaches – suspected or actual – are generally categorized as either administrative or non-administrative.

Administrative Errors

The majority of privacy breaches are administrative errors, which are typically human errors such as sending correspondence to the wrong person, or not taking adequate steps to verify a caller's identity before releasing personal information over the telephone. Business practice reviews and ongoing training of staff across government are undertaken continuously to reduce the reoccurrence of these types of breaches.

A total of 574 administrative errors were reported to the OCIO in 2012/13. Figure 8 illustrates the breakdown of these incidents by type of error.

Figure 8. *Administrative Errors by Type*



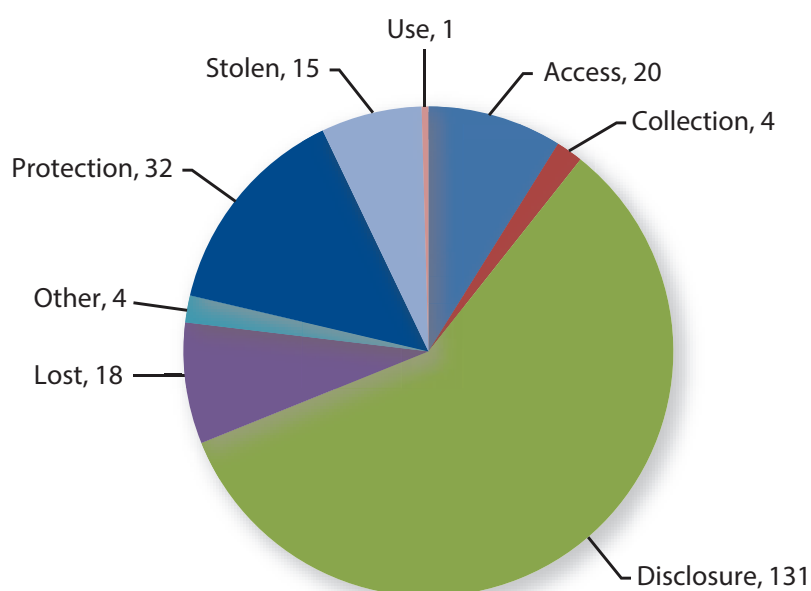
Non-Administrative Incidents

Non-administrative incidents involve lost or stolen records; inappropriate collection, use, access, or disclosure of personal information; or a failure to adequately protect personal information. Common examples include:

- Access to, or disclosure of, personal information in a government information system for a non-business related purpose.
- Lost or stolen records containing personal information.
- Records containing personal information left on a printer or unprotected in a government office or other location.

During 2012/13, 225 non-administrative privacy breaches were reported. Figure 9 illustrates a breakdown of these incidents by type of incident.

Figure 9. *Non-Administrative Privacy Incidents by Type*



Mandatory Privacy Training

In 2011, the Province established mandatory privacy training for all government employees. Along with promoting a culture of privacy and responsible information sharing, the course is designed to ensure that government employees can recognize privacy incidents when they occur, and understand their obligation to report any such incident immediately to the OCIO. Training completion rates for the 2012/13 fiscal year were as follows:

Employee Category	Percentage Trained
Executive	83.8%
Non-Executive	62.8%

DataBC: Opening up Public Data

In July 2011, the Province launched its Open Government Agenda, focused on increasing transparency and innovation in the public sector with:

- New approaches to citizen engagement in decision-making through <http://www2.gov.bc.ca/govtogetherbc>;
- Citizen-centred web design through a renewed gov.bc.ca portal; and
- The release of new types of information through <http://www.openinfo.gov.bc.ca/>.

One of the programs under this agenda was the launch of the Open Data program, known as DataBC (www.data.gov.bc.ca). The program makes government data publicly available in open formats, licensed so citizens can use it to create added-value products. Government data has the potential to inform business owners' decisions, such as choosing where to locate a new business; provide new assets for individuals and companies to create products that benefit citizens, such as web or mobile apps; and enable citizens to more effectively participate in government policy discussions and help to improve government services.

British Columbia was the first province in Canada to launch an open data program, helping public sector organizations realize their data is not solely a by-product of their operations; it is an asset that can help drive program and policy mandates. By supporting this concept with new approaches to licensing and sharing data with outside users, and an aggressive focus on building the community of data users, the Province is aspiring to reposition data as an emerging high-value asset to government and to citizens.

Since its launch, DataBC has achieved a number of important milestones:

- Launch of the DataBC web catalogue, a place for citizens and businesses to access government open data, use data exploration tools and engage on data-related topics. The catalogue was updated in February 2013 with improved design, tools and search capabilities.
- Creation of the first BC Open Government Licence, to ensure that data can be freely reused without copyright or intellectual property implications, based on an adaptation of the UK licence.
- Publication of an average of one new dataset every day. As of March 31, 2013, the catalogue hosted over 3,000 datasets from across government that are free, searchable and available for anyone to use and repurpose. Topics range from detailed geospatial data to public health to financial data; B.C. has also become the first province to release its budget as open data. This approach has resulted in over 120,000 visits to the catalogue and over 100,000 direct downloads of data by users. That's an average of 21 downloads every 10 minutes of each working day!
- Development of a large and growing community to support open data and its users across B.C. and Canada. This has included extensive social media outreach and community-building efforts through tools like blogs and Twitter, as well as support of events like "hackathons" to encourage the use and growth of data.
- Ongoing support for the use of data in the development of new public services for citizens, such as a mobile app to facilitate access to health services and a web app providing information on the performance of the justice system.

British Columbia's open government and open data efforts have been recognized with various awards, including the Institute of Public Administration in Canada's 2011 Public Sector Leadership Award, the 2012 Esri Special Achievement Award in geographic information systems (GIS), and a 2012 Government Technology (GTEC) Distinction Award.

Also in 2012, the independent Stratford Institute announced that British Columbia was ranked first in Canada for e-government as a result of its efforts on open government.

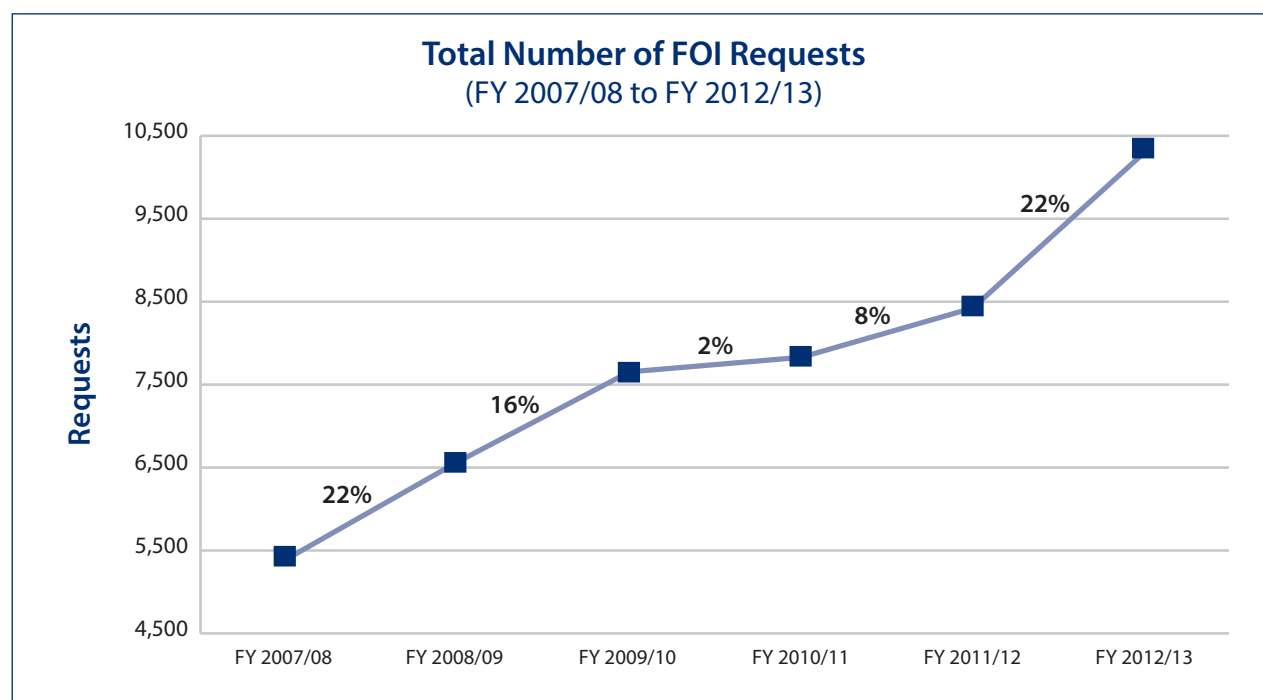
Looking Forward

On the 20th anniversary of the introduction of government's Freedom of Information and Protection of Privacy legislation in the fall of 2013, individual's right to access information is understood as a cornerstone of the democratic process. The Government of British Columbia is justifiably proud of our long-term commitment to information access, open government and the unwavering commitment to protecting individual privacy.

However, this commitment to information access has resulted in FOI caseload volumes that continue to grow year over year and which are not sustainable given current fiscal resources.

As shown in Figure 10, request volume has grown at a rate of approximately 14 per cent year over year. In addition, the large increase in requests to multiple ministries has added complexity to the FOI process. These caseload volumes cannot be managed within existing resources and legislated timelines.

Figure 10. *Annual Increase in Total Number of FOI Requests*



In the face of volume increases, government is taking concrete steps to improve efficiencies and manage the caseload, including the introduction of new FOI technology and ongoing business process improvements.

These efficiency improvements will partially help to manage the growing number of FOI requests within legislated timelines. Increasing caseload combined with the need to modernize records management practices across the government may require revisiting policy and legislation to ensure the most effective use of limited government resources and that government's information access and records management programs benefit all citizens fairly.

Appendix A Report on FOI Resources

	April 2011/12 Actuals		2012/13 Budget		2012/13 Actuals	
Freedom of Information	Gross Expend (\$ Thousands)	FTEs	Gross Expend (\$ Thousands)	FTEs	Gross Expend (\$ Thousands)	FTEs
	7,849	94	7,883	*105	7,946	105

* IAO's 2011/12 allotment for FOI staff was 94 FTEs. Over 2011/12, 11 additional staff were hired to support government's new Open Information Initiative. The additional staff provide administrative functions and prepare and post responses to General FOI requests on the Open Information website.

