



Ministry of
Technology, Innovation
and Citizens' Services

2014/15
**REPORT ON THE FREEDOM OF
INFORMATION AND PROTECTION
OF PRIVACY ACT (FOIPPA)**

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Message from the Minister

This is an important time to be working on Freedom of Information and Protection of Privacy Act (FOIPPA) policy and legislation. New technology, new ideas and new principles have emerged in the 20 years since British Columbia passed FOIPPA. Fortunately FOIPPA is a living piece of legislation that continues to adapt to provide the best elements of openness and transparency along with strong protection of privacy and personal information.

Our leadership in this area goes beyond FOIPPA. I'd like to highlight the passage of the Information Management Act (IMA) completed earlier this year, a comprehensive piece of legislation that brings government document policy into the 21st Century. The IMA will move government's information management practices into the digital age, providing the foundation for automated processes such as online archive searches and better access to, and use of information.

On the subject of FOI itself, this report outlines the challenges and successes of ministry FOI staff as they work on an ever increasing volume of work, including a rise in the number of complex, cross-government requests.

Despite this added workload, we are able to improve our on-time rate for responding to requests to 79% up from 74% in 2013/14. We've also seen a more than 30% drop in requests that result in no responsive records results over the past two years. These improvements were all made within our existing budget and come from internal efficiencies and hard work by staff.

I'm pleased to note that the Office of the Information and Privacy Commissioner (OIPC) has recognized our solid management of privacy breaches, and our policies in place to manage, contain and mitigate the effects of any incident. Although our policy is recognized as being very strong, we continue to work to increase its effectiveness including taking action on OIPC recommendations in this area.

Our work to strengthen and improve FOI, privacy and personal information protection isn't just about legislation. For example, the ministry is developing a new Privacy Management Accountability Policy (PMAP), to be introduced this year. The PMAP spells out in detail a unified set of personal information protection guidelines, including the designation of a Chief Privacy Officer for each ministry. We are continuing our mandatory privacy training for all public service employees and increasing the resources available to ensure ministries have the tools they need to keep any personal information they hold safe.

This year is an opportunity for the public to help shape the future of B.C.'s information and privacy legislation, as the special committee to review FOIPPA will be working on recommendations over the next 12 months. I encourage members of the public to take advantage of the public consultation to have their voices heard on this important topic.

In closing, I want to acknowledge the skill of our staff in handling the essential balance between the right to access information and the protection of personal information. The work they do is essential to a working democracy; and I thank them for their tireless commitment and dedication to serving British Columbians.



A handwritten signature in black ink, appearing to read 'Amrik Virk'.

Honourable Amrik Virk
Ministry of Technology, Innovation and Citizens' Services

Introduction

British Columbia's Freedom of Information and Protection of Privacy Act (FOIPPA) 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.

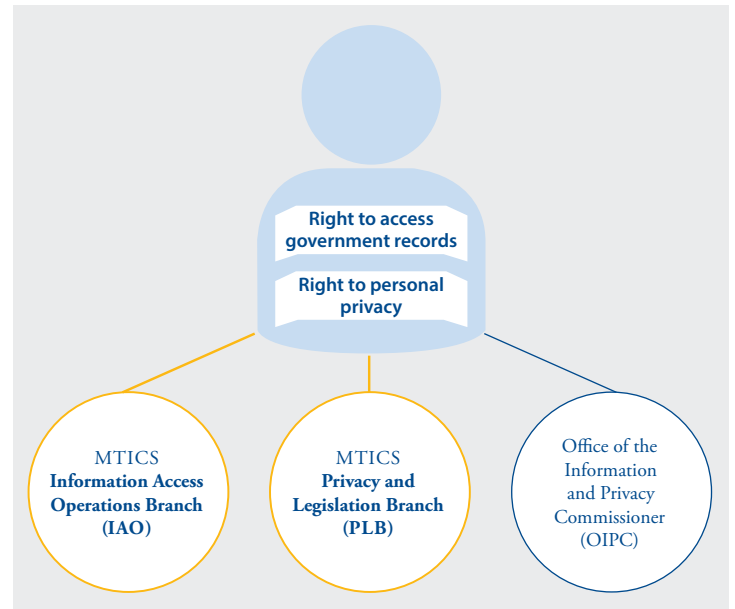
Both of these rights are fundamental to a free, democratic society and three organizations work to ensure they are upheld.

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 the FOIPPA. Staff at IAO carries 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, publishing responses to general FOI requests, and providing records management support to ministries, Crown corporations and agencies.

Another body within the Ministry, the Privacy and Legislation Branch (PLB) of the Office of the Chief Information Officer (OCIO), is responsible for managing legislative changes to the FOIPPA and its related regulations and directives. The PLB 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. The PLB reviews privacy assessments of all government initiatives, including new legislation and keeps government's Personal Information Directory up to date. The PLB is also responsible for delivering 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 the FOIPPA.

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



Success Stories

- Enacted the Information Management Act (IMA), which will streamline the management of government records schedules and classification, positively affecting access to information. The percentage of no responsive records on general FOI requests fell from 25 per cent in 2012/13 to 17 per cent in 2014/15.
- Policy commitments to strengthen government's privacy management program and breach containment.
- Implementation of new training programs for contractors and privacy professionals.

Key Challenges

- The number of general requests continues to be more than double what it was in 2008/09 when government centralized services.
- A large overdue backlog of personal requests that impact important life choices for people.
- The requests are becoming increasingly complex with many being cross government which require many areas of government to search and provide thousands of records which then need to be reviewed by staff to apply the FOIPPA. This creates pressures in our on-time response rate, but it is encouraging to note that the on-time rate for responding to requests increased to 79 percent in 2014/15; up from 74 percent in 2013/14.
- A recent trend of new requests for records such as calendars of professional public servants and the very broad nature of many general requests will further constrain government's ability to respond to personal requests.

Looking Ahead

- Continue to find innovative ways to respond to large volumes of personal requests that impact citizens' lives.
- Re-align current resources to address the backlog of personal requests.
- Continue to assist applicants to focus their requests to ensure the best results.
- Enhanced training for records management and privacy to ensure records are kept as required.
- Implementation of the IMA will make it easier for program areas to locate and retrieve records over time.

Report on Performance

Timeliness

The B.C. government received over 9,500 FOI requests in 2013/14 and over 8,300 FOI requests in 2014/15. Although there has been a slight reduction in the number of requests from 2012/13 when government received over 10,000 FOI requests, the numbers are up substantially from the years between 2008/09 and 2010/11. Approximately half of the requests received in each of the past two years are personal requests – individuals asking for their own information relating to such things as adoption and child welfare concerns. The remaining 4,000 requests were general requests for records relating to government activities and programs. The number of general requests has increased more than two-fold since 2008/09 when government centralized FOI services in 2009.

As noted in Figure 1, there was a drop in the on-time rate for responses to FOI requests in 2013/14 to 74 per cent. However, in 2014/15, this number increased to 79 per cent. Government is taking steps to improve its timeliness rate, which includes streamlined operations and enhanced technology; however volume increases over the past 5 years have created a backlog of overdue requests that need to be handled before current rates can improve. Strategies to address the overdue backlog with existing resources are discussed in more detail in the section on the Ministry of Children and Family Development requests.

Figure 1 REQUESTS AND TIMELINESS: APRIL 1, 2008 TO MARCH 31, 2015

Fiscal Year	General Requests Received	General Requests Closed	Generals % On Time	Personal Requests Received	Personal Requests Closed	Personals % On Time	Overall % On Time
2008/09	1,693	1,834	65	4,877	4,819	78	74
2009/10	2,532	2,479	89	5,122	5,271	90	90
2010/11	2,756	2,774	91	5,073	5,165	95	93
2011/12	3,329	3,182	86	5,094	5,030	93	90
2012/13	4,819	4,566	85	5,487	4,958	89	87
2013/14	5,216	5,235	78	4,395	4,597	69	74
2014/15	4,141	4,262	81	4,176	4,115	76	79

Notable Trends

Request Volume

The total number of requests received by government over the past two years has decreased by seven per cent in 2013/14 and by 14 per cent in 2014/15, a total of 19 per cent over the two year period. Despite the decrease in the number of requests, timeliness declined to a rate of 74 per cent on-time in 2012/13 and then back up to 79 per cent on-time in 2014/15. Several factors for the decrease in timeliness are discussed in more detail below and include more complex requests and a backlog of overdue personal requests.

The number of requests received has been historically used as a proxy for estimating the volume of work and hence the effect on timeliness percentage. However, we are finding that the nature of requests is changing with more cross government requests, requests requiring consultation with third parties, very broadly defined requests asking for all types of records and requests for information on issues of public interest such as Mount Polley, with tens of thousands of records. This results in staff spending a considerable amount of time to ensure that the FOIPPA is properly applied, including the protection of privacy of individuals. Hence, the number of requests received has become a less reliable measure to estimate volume of work. Therefore, we are exploring other methods to better estimate the volume of work. IAO recently implemented new FOI software that will provide more in depth information regarding workload.

As shown in Figure 2, close to 70 per cent of the general requests received by government over the past two fiscal years were from political parties and media applicants. These requests can be complex and time consuming to process, mostly because they are often directed to multiple ministries and based on current issues, (e.g. Mt. Polley) where records are still being used for program delivery and located in multiple locations. These requests are very different than requests that come in for concluded projects where government has had an opportunity to organize documentation.

During the same time period, government received close to 6,000 requests from individual citizens looking for their own personal records (Figure 3). Both general and personal requests are processed by IAO with the same pool of resources and under the same legislative timelines – the ability for government to respond to these individuals is heavily impacted by the number and complexity of general requests it receives.

Figure 2 General FOI Requests By Applicant Type
(April 1, 2013 – March 31, 2015)

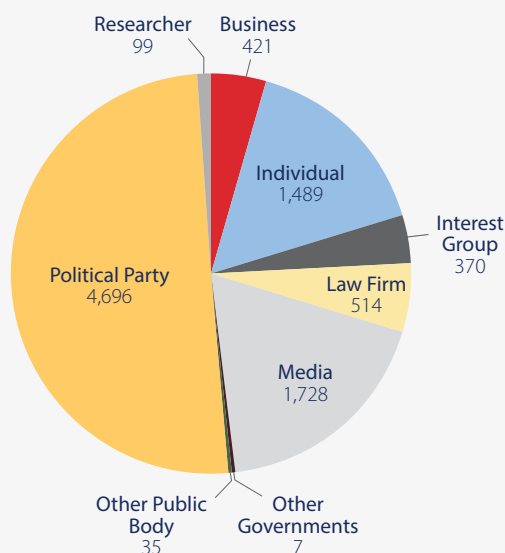
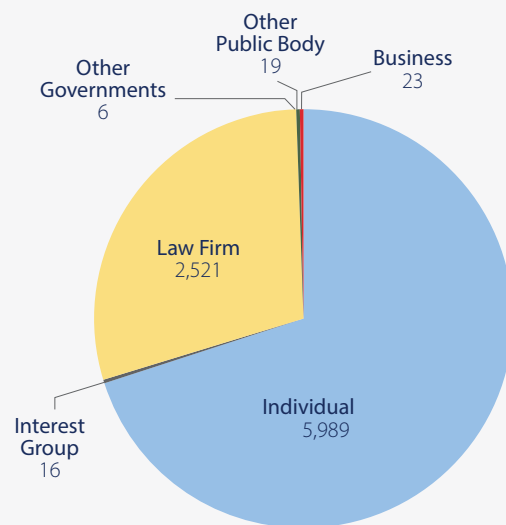


Figure 3 Personal FOI Requests By Applicant Type
(April 1, 2013 – March 31, 2015)



FOI Request Dispositions

Government is providing more information to the public each year through the FOI process to support its goals of transparency and open government. General requests with responsive records have more than doubled from approximately 1,300 in 2009/10 to more than 3,000 per year on average in the last two years with most of these posted on the government's Open Information website (over 5,000 since 2011)

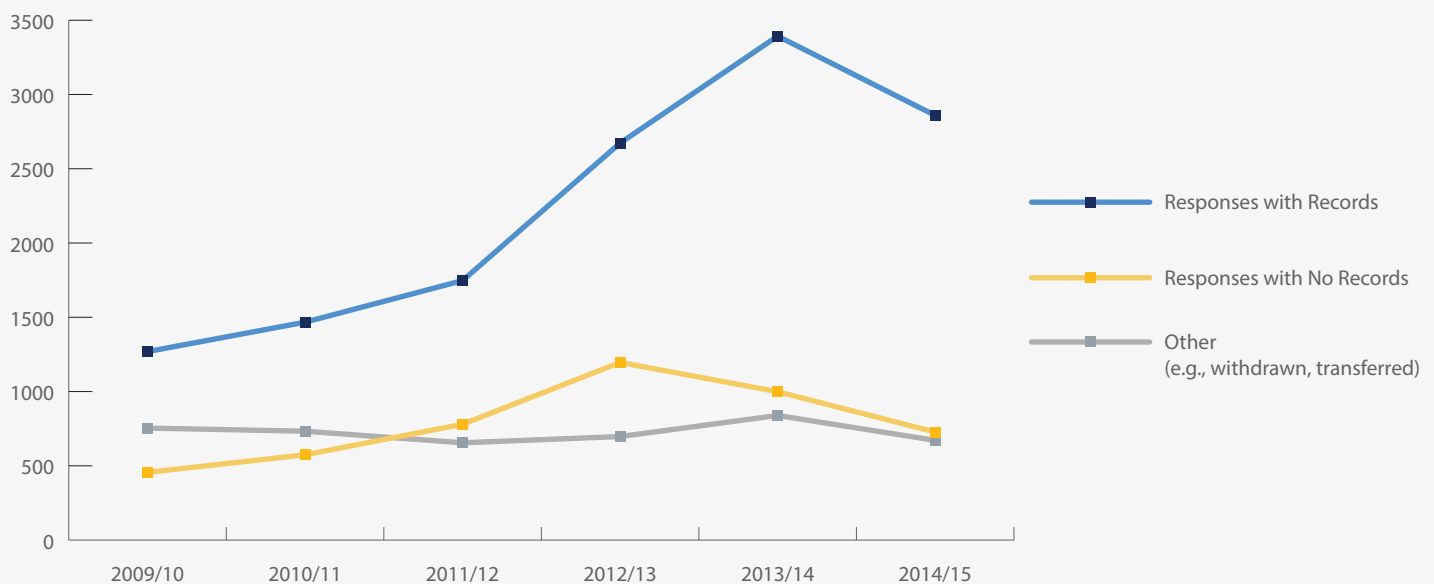
In addition, our efforts to reduce the number of requests with no responsive records have yielded significant results. The percent of time where government indicated to applicants that it has no responsive records on general FOI requests has decreased over the past three years – from 25 per cent in 2012/13 to 17 per cent in 2014/15. This is a very positive trend that results in greater access to information for citizens. Cooperation from the applicants to clearly define the requests and only seek information that is needed for their purposes and reduce the number of cross government requests will further improve this percentage. Our staff is committed to supporting all applicants in this respect.

Despite government's best efforts to assist applicants in locating the information they seek from the correct public body, there will still be requests that result in no responsive records. The most common reasons that a general request does not return records include:

- requests that are made to additional ministries that do not have primary responsibility for the subject matter
- records have been managed in accordance with approved records schedules and are no longer available
- requests are on topics for which no records would have been created

Access professionals also work closely with applicants to ensure that the wording of requests is likely to result in the records they are seeking. In accordance with direction from the Office of the Information and Privacy Commissioner, government makes an effort to inform applicants of the reason for a request where there are no responsive records.

Figure 4 General Request Dispositions



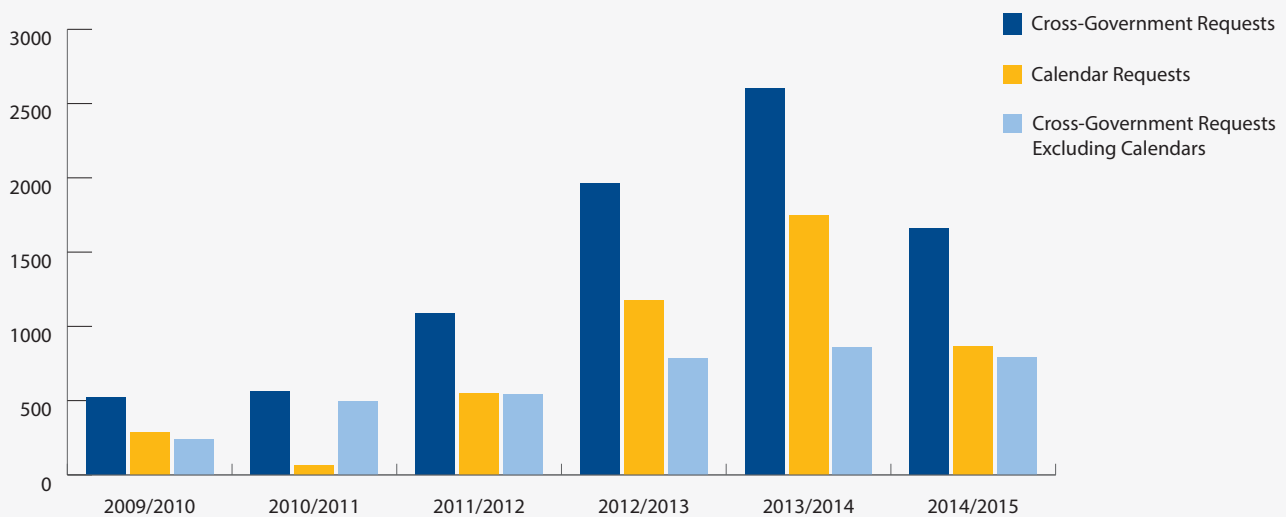
Cross-Government and Complex Requests

It is now much easier for an applicant to request information under the FOIPPA as a result of process improvements. Applicants are now able to much more easily file one request for information from a number of ministries at the same time. In 2013/14 and 2014/15, cross government requests accounted for between 40-50 per cent of all general requests and approximately 95 per cent of those requests were made by media and political parties.

In these cases, ministries are required to use valuable staff time to conduct a search for records, even if it is very unlikely that the ministry would possess responsive records. For example, government received a request last year to all ministries for the scripts for all television advertising. Twenty-five program areas within government conducted a search for records, with only four areas ultimately locating responsive material. This is time that could be better utilized to deliver services that are part of the ministries' core mandates and working to provide much needed personal information to individual citizens. In addition, often these requests are complex and require consultation with third parties. Such requests take time to search for records and then to apply the provisions of FOIPPA, which erodes staff's ability to timely respond to other personal and general requests.

Although there was a drop in the number of cross-government requests received by government in 2014/15, the numbers are up by close to 200 per cent over 2010/11. As well, the largest driver for the reduction of cross-government requests in 2014/15 was the amount of requests for executive calendars, which has a smaller impact on overall workload than other general requests. Government received approximately 750 fewer requests for the calendars of senior government officials in 2014/15. As a result of efficiency gains, government processes these types of requests at a rate that is higher than the overall average (81 and 84 per cent respectively for the past two years). As shown in the figure below, the number of complex cross-government requests excluding calendar requests has remained relatively constant over the past three years. However, a recent trend has emerged where requests have been received for senior government official's emails for specific periods of time, without specificity regarding the applicants' area of interest, and/or the email server logs for individuals.

Figure 5 Cross-Government Requests Fiscal 9/10 – Fiscal 14/15



Government has also seen an increase in the number of complex requests on certain issues, such as the case of the Mount Polley mine pond breach tailings. The Ministry of Environment and the independent panel tasked with a review of the breach proactively released over 40,000 pages of records related to the incident (www.mountpolleyreviewpanel.ca). These records included the final report, inspection reports, email communications, public submissions, site investigations reports and monitoring data. Despite government's best efforts to release information considered of value to the public, government still received 67 formal FOI requests on the issue. As previously noted, these requests heavily impact resources – work is still ongoing with respect to the pond breach and staff that hold records are actively involved in resolving core issues.

Spotlight on Personal Requests to the Ministry of Children and Family Development (MCFD)

Figure 6 MCFD PERSONAL REQUESTS

Fiscal	Received	Closed	Backlog	On Time
2012/13	1753	1363	287	86%
2013/14	1796	1860	235	51%
2014/15	1680	1658	306	59%

Value to FOI Applicants

Individuals formerly receiving services from the MCFD often use FOI services to obtain information that cannot be readily provided by front-line staff, often because of the need to protect sensitive personal information about third parties.

Frequently requests to MCFD for personal information are from former children in care who want a copy of their ministry records as simply a documentation of what happened in their life. As well requests are made by children who have been adopted and want to learn more about their biological history. In each of these instances, the information is personal and sensitive and can shape how a person feels about themselves.

The MCFD receives the highest volume of personal requests across government. These requests often come from individuals seeking access to information that involves major life events such as adoption, child custody matters and residential school claims. These requests demonstrate where the access system can provide some of its highest value.

Not only is the number of requests high, but the amount of information that is responsive to some of these requests can be staggering. IAO scanned close to two million records in the past two years that required review on MCFD personal requests. The information within these records is some of the most sensitive that government holds and government must disclose records with caution. This means that these requests often take longer to process (an average of 85 days per request compared to 35 days for general requests). IAO and the MCFD are dedicated to improving the timeliness of access to these records, but there are limited resources to respond to FOI requests and a substantial amount of those resources are used to respond to general requests made by larger organizations. The government will take steps to improve the timeliness of responses to citizens for their personal information, including prioritizing resources to respond to personal access requests.

Fees

Government estimates it spends over \$20 million annually to administer the FOIPPA and recovers only a very limited portion of the costs associated with processing FOI requests. Unlike some other jurisdictions in Canada, BC does not charge fees for redacting records under the legislation and has no application fee. Alberta, for example, charges a nominal application fee of \$25 for general requests and Ontario is able to charge fees for the review of records. The number of requests where fees were paid by an applicant in BC has remained under two per cent for the past three fiscal years.

FOI Requests	FY 2012/13	FY 2013/14	FY 2014/15
Total Number	9,523	9,826	8,377
Number with Fees Paid	144	177	158
Percentage with Fees Paid	1.50%	1.80%	1.90%
Total Amount of Fees Paid	\$58,000	\$78,000	\$50,000
Fees Averaged across All Requests	\$6	\$8	\$6
Average Cost of Processing a FOI Request	\$2,075	\$2,010	\$2,358

The minimal fees for access to information that government receives do not address the true costs of administration for FOI services. The budget for IAO is approximately \$7.9M. Based on the number of requests processed in 2014/15, this works out to about \$950 per request. When the time that ministries spend on each request is factored in, the total cost is approximately \$2,300 per request, or close to \$20 million in total for government.

OIPC Report on Timeliness Recommendations

In September 2014, the Office of the Information and Privacy Commissioner issued its fourth report on the performance of ministries in meeting their obligation under the Freedom of Information and Protection of Privacy Act to respond to access requests within the timelines set out in the legislation.

The report examined government's performance in three main areas – timeliness, no responsive records and fee estimates. The report rightly recognized that government has been challenged by volume to meet its legislated timelines for requests. This performance measure has dropped in recent years and government is taking steps to return to its normal high levels. On a more positive note, the Commissioner noted that there has been a reduction in the number of no responsive records and that the discrepancy between fees estimated and fees paid was a result of government's efforts to assist applicants in narrowing their requests.

OIPC Recommendation

Take steps to eliminate the backlog of access to information requests and give priority to providing more resources to dealing with the greatly increased volume of access requests.

Adopt a modern statutory framework to address the needs and realities of the digital age, recognizing the importance for government to effectively track records from their creation through to their archiving.

Proactively disclose calendar information of ministers, deputy ministers, assistant deputy ministers, as well as, certain other staff whose calendars are routinely the subject of access to information requests. This release should, at a minimum, contain the names of participants, the subject and date of meetings and be published on a monthly basis.

The Ministry of Children and Family Development should give attention on a priority basis to its statutory obligation under FOIPPA to respond to access to information requests within legal timelines. Planned actions should include addressing elements such as printing and retrieving difficulties regarding the ICM system, staff levels related to access to information and providing effective ongoing training to ICM users.

Build access and privacy into any new information management system at the design stage in order to ensure the system operates from a records management perspective, as well as, from a program perspective.

Where government does not have records responsive to an access to information request, IAO should provide a brief explanation to the applicant as to why this is the case.

Implement the Capstone or a similar email management system with respect to senior government officials to document its key decisions. This system should also be adopted by the Office of the Premier and Ministerial offices.

Government Response

IAO is taking steps to reduce the overdue backlog while continuing to provide timely responses to current requests. Resources have been reallocated within the current budget to address areas of high volume.

Met through the Information Management Act.

Government has considered this recommendation and has decided not to proceed in this matter as the calendars will need to be stripped of so much information based on advice from security experts that it will not reduce workload by releasing them proactively. Furthermore, there is only one applicant requesting this information.

MCFD has implemented the final phase of ICM, which included systems enhancements to facilitate access.

Government's current privacy impact assessment process looks to ensure that privacy is built into any new system or program during the development phase. PIA completion continues to climb across government.

A Data and Access Assessment is currently under development to help ensure that program areas turn their attention to how data will be made open and accessible in any new system or program.

This recommendation was also made in the "Increase in No Responsive Records" investigation report and has been adopted by IAO.

The existing Executive Records Schedule resembles the Capstone approach with respect to ADMs and above.

Changing the Culture of Privacy

The Privacy and Legislation Branch (PLB) is developing the Privacy Management and Accountability Policy (PMAP) to be published this fiscal 2015/16, which will act as the central policy for privacy and management of personal information within government. This includes such areas as accountability, training, assessments, breach response, and auditing.

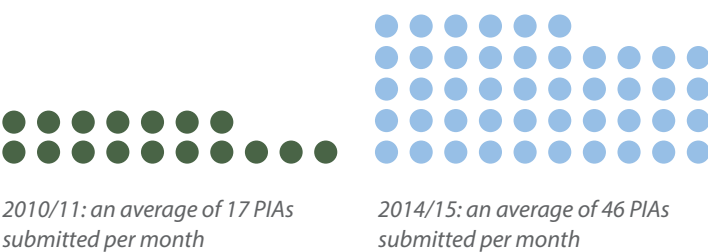
Each ministry will have a designated privacy officer that will act as the central point of contact for the OCIO and who will help coordinate and implement good privacy management practices within their responsible ministry.

The PMAP will be a huge boost to government’s privacy management practices and streamline and coordinate the ministries in their approaches to privacy and managing citizens’ personal information. The PMAP is designed to both support government in achieving its goals while ensuring that B.C. remains one of the leaders in both data access and personal information management.

Providing Employees with the Right Tools

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 the 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.

The PLB has seen a 162% increase from fiscal 2010/11 in the number of PIAs that are submitted for review by ministries. This translates as a change from an average of 17 PIAs per month to 46 per month. This increase prompted an internal review by the branch which resulted in improvements to the review process, such as administrative steps cut and the average time from receipt to entry into the Personal Information Directory cut from 6-8 weeks to 4-6 weeks. PLB also produced a new template and guideline document for PIAs which is now being sought after by other jurisdictions in Canada for use by their own ministries and public bodies.



In the past two fiscal years the PLB reviewed 509 PIAs in 2013/14 and 536 in 2014/15. Ministries now receive annual PIA report cards which show them how they are doing with their submissions compared to current government trends and similar size and sector ministries. The PLB anticipates that the number of PIAs submitted and reviewed will only continue to increase with the new template, efficiencies in the review process and follow-up with ministry compliance.

	2010/11	2011/12	2012/13	2013/14	2014/15
Total # per year	208	266	444	509	536
% increase from previous year	-	27.9%	66.9%	14.6%	6.9%
% increase from 2010/11	-	-	113.5%	144.7%	161.5%

To promote compliance with the FOIPPA and to help ministries and the broader public sector understand their privacy obligations and access responsibilities, the PLB operates the Privacy and Access Helpline. During the 2013/14 fiscal year, the Helpline received more than 1,250 calls and emails. In 2014/15, this increased to over 1,300, resulting in a 3% increase. 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.

Creating a sound knowledge base

1,664

new participants took part in online privacy training in 2014/15

The PLB is developing a new privacy certification program that is designed to address the lack of training focused specifically on the B.C. privacy landscape. This module based program contains a core curriculum that covers the “key” privacy topics (Governance, Access and Records, Breach Management, Security, and Privacy Compliance Tools), which will allow participants to demonstrate a broad understanding of privacy management in B.C. Three additional specializations (privacy professionals, front line staff, and technical staff) are also being developed in order to address unique privacy knowledge required for each of these areas.

In 2010, 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. The 2014/15 fiscal year saw 1,664 new participants take part in this online training. Training completion rates for the 2014/15 fiscal year were as follows:

Employee Category	Percentage Trained
Executive	80.9%
Non-Executive	68.8%

The PLB offers additional training on a range of topics related to privacy and access to public bodies and private organizations on a cost-recovery basis, providing easily accessible training opportunities. Training sessions are also routinely offered, free of charge, in the Capital Region District and Lower Mainland Region. In FY2014-2015, our trainers delivered in-person privacy content to over 3,300 individuals.

In order to ensure that government contractors and government employees are held to a similar standard for protecting government data, the Privacy and Legislation Branch is in the process of extending the requirement to take mandatory privacy training to government contractors that handle personal information. The online course, currently being piloted within government, will need to be taken at least once every two years so that government can be sure that contractors are aware of their obligations under the FOIPPA.

Transparency

10,000+

downloads of the *Personal Information Directory* in 2014/15

The 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 PIAs created by ministries have been consolidated into the Personal Information Directory (PID), which was republished on October 1, 2012 as part of the BC Data Catalogue.

The new publication is easier for ministries and the public to use, and provides greater transparency on government’s personal information holdings. Over 1,600 entries have been added to the PID over the last two fiscal years and the PID is consistently at the top of monthly downloads for tabular data, with over 10,000 downloads in the 2014/15 fiscal year.

Ensuring Government Accountability

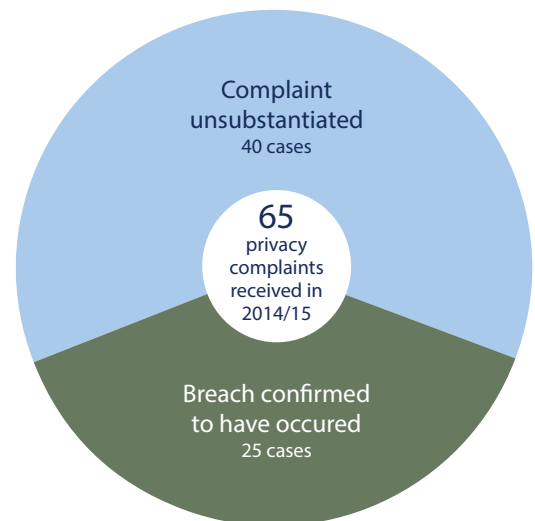
The volume of privacy breaches reported to, and investigated by, the OCIO declined in 2014/15 relative to the previous year for the first time since 2010. From 2010/11 to 2013/14 there had been a steady increase in the number of privacy breaches reported to the OCIO.

	2010/11	2011/12	2012/13	2013/14	2014/15
<i>Number per year</i>	575	660	798	974	957
<i>Average per month</i>	51.8	55.0	66.5	81.2	79.8
<i>% increase from previous year</i>	-	6.1%	20.9%	22.1%	-1.7%

The increase in the volume of privacy breaches between 2010/11 and 2013/14 is attributed to growing awareness across the BC Public Service of privacy breaches and the need to report them to the OCIO. It is projected that full awareness was achieved during the 2013/14 fiscal year and that ongoing educational and prevention efforts resulted in a slight decline in the volume of privacy breaches in 2014/15. The next 2–3 years will confirm whether this downward trend will hold or will become a steeper decline as additional efforts to incorporate privacy into the business of government take effect.

Privacy complaints involve concerns expressed by private citizens or BC Public Service employees that a B.C. Government ministry or agency may have committed a privacy breach which impacts them. Privacy complaints are treated as a suspected privacy breach and are investigated by the OCIO under the Information Incident Management Process.

Individuals submit privacy complaints on issues that range from administrative errors to more serious allegations of inappropriate access to, and/or disclosure of personal information by a government employee. During 2014/15, the OCIO received 65 privacy complaints. Of these, a privacy breach was confirmed to have occurred in 25 cases. In the remaining 40 cases the individual's privacy complaint was determined to be unsubstantiated. A privacy complaint can be unsubstantiated where a ministry or agency is determined to have had legislative authorization to disclose the individual's information or where evidence confirms the situation a person has complained about (e.g. "I'm sure a person I know is accessing information about me...") is not occurring as alleged (e.g. the person is not accessing information about them).

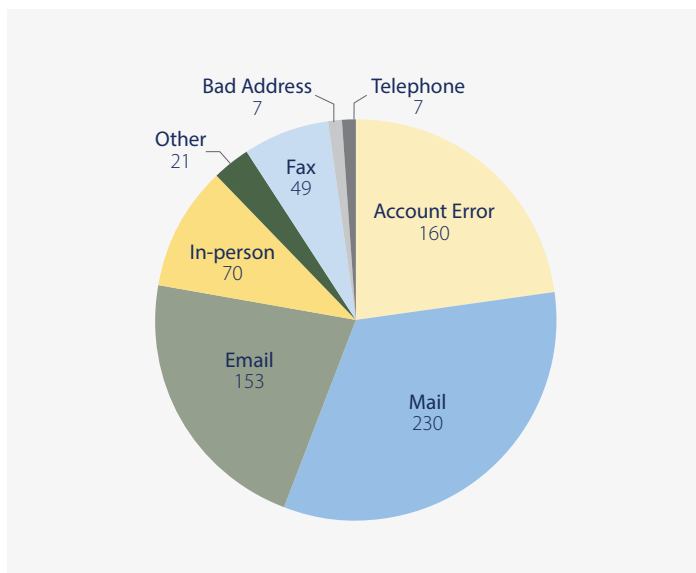


Breach Particulars

Most privacy breaches occur as a result of human error by government employees in the processing and issuance of correspondence or engaging in service interactions with British Columbians. These types of privacy breaches are referred to as administrative errors. Areas of government that deal with a greater volume of personal information typically experience a higher frequency of administrative incidents compared to areas of government that deal with less personal information.

Government responds to administrative errors with a strong emphasis on containment of the incident, harm assessment, and identifying training, awareness, and other types of measures to prevent similar incidents from occurring again in future.

During 2014/15 there were a total of 696 administrative errors reported to the OCIO, which can be broken down as follows:

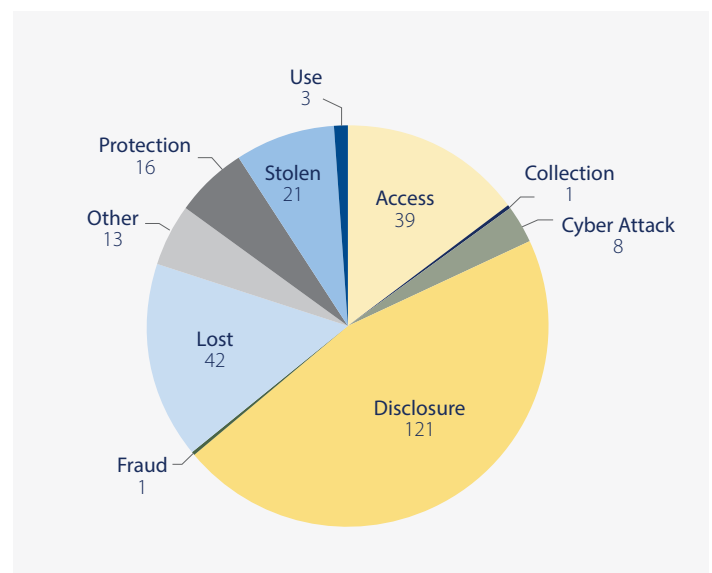


Non-administrative incidents involve the inappropriate collection, use, access, or disclosure of personal information; situations where there has been a failure to adequately protect personal information, or the loss or theft of records containing personal information.

Common examples include:

- Access to, and/or disclosure of personal information for a non-business related purpose;
- The loss or theft of records containing personal information;
- Records containing personal information that are left on a printer or inadequately protected in a government office, system, or other location.

There were a total of 261 non-administrative privacy breaches reported to the OCIO in 2014/15:



For every actual or suspected privacy breach, an assessment is conducted to determine whether the individual(s) impacted by the breach need to be notified. The decision is based on whether the impacted individual(s) could face a risk of harm as a result of the privacy breach, and government is responsible for conducting and documenting a harms assessment in every case.

Examples of types of harm considered include:

- Identity theft or identity fraud;
- Physical harm;
- Hurt, humiliation, or damage to reputation; and/or
- Loss of business or employment opportunities.

There are also many situations where notification is provided to an impacted individual(s) even though the assessment does not identify any foreseeable risk of harm. This is most commonly conducted where the impacted individual is a vulnerable person, or where the ministry/agency deals feels that notification is important to ensure there is no loss of trust.

Oversight: Examining Government's Breach Management

During 2014/15 the Office of the Information and Privacy Commissioner (OIPC) conducted an examination of the B.C. Government's privacy breach management practices. The examination, the first of the OIPC's new privacy management assessment program, reviewed the extent to which the B.C. Government is compliant with applicable legislative requirements, policies, and procedures.

The OIPC's examination culminated in a public report which found that the B.C. Government has a solid foundation for managing privacy breaches. The OIPC also issued a number of recommendations intended to target opportunities for improvement. The OIPC recommendations included calls for the establishment of a privacy compliance monitoring program, increased reporting of government privacy breaches to the OIPC and to the public, continued efforts to increase participation in privacy training courses, and updates to policies and practices respecting the management of privacy breaches.

The OCIO has undertaken a variety of actions in response to the OIPC's recommendations, including:

- The development of a Privacy Audit Program which includes responsibilities for auditing the implementation of OCIO recommendations issued during privacy investigations, oversight of privacy audits to be conducted by ministries, and conducting OCIO led privacy audits. The OCIO began auditing the implementation of OCIO recommendations issued during privacy breaches in April of 2015 and will implement the remaining aspects of the Privacy Audit Program in a staged fashion over the course of the 2015/16 fiscal year.
- Seeking a new investigations case management tool or updating the functionality of its existing software to support more advanced data analytics and reporting functionality, and functionality to support new lines of business related to the Privacy Audit Program.
- Implementing a number of updates to its business practices related to risk assessment, documentation and categorization of privacy breaches.

The actions taken by the OCIO have improved a program that is already recognized as a very strong breach management program. The OCIO will leverage this solid foundation as it looks to implement further updates and improvements in the upcoming fiscal year, particularly in the area of privacy compliance monitoring, and data analytics and reporting.

Breach Prevention: Leading the Way

A key goal in managing privacy breaches involves taking action to prevent future breaches. Towards this end, the OCIO has authority under government policy to issue recommendations to a ministry or agency that can be mandatory (directives) or advisory in nature. During 2014/15, prevention measures were undertaken in approximately 87.0% of all privacy breach investigations. These included a wide variety of measures from technical improvements to government systems, to coaching and awareness activities with employees, to improvements to government policy and/or practices.

The OCIO has also stepped up its recommendations in the area of privacy training and awareness. Privacy investigators are identifying recurring or systemic issues, or other situations which indicate that targeted privacy training would be valuable for the program area responsible for one or multiple privacy breaches. This includes some analysis regarding the frequency at which privacy breaches are occurring in the program area and a referral for training which will identify specific learning objectives related to the issues experienced by the program area.

The OCIO has also undertaken to increase its analysis of systemic issues that underpin government privacy breaches. These efforts will be supported by advanced data analytics and reporting capabilities, which once implemented, will help identify systemic issues and provide an opportunity for OCIO intervention. The specific intervention will need to be tailored to the issue, and could involve targeted training, awareness activities, or other actions as appropriate.



Ministry of
Technology, Innovation
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