



Ministry of
Citizens' Services

Report on the administration of the Freedom of Information and Protection of Privacy Act **2023/24**

April 25, 2024

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

Dear Mr. Speaker,

I am pleased to present this report on the administration of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) for the 2023/24 fiscal year. Outlined in this report are steps my ministry has taken in support of the 2020 and 2022 Ministry of Citizens' Services mandate letter direction:

- Continue to improve government's public sector data security and privacy practices.
- Continue to provide British Columbians with timely access to information and ensure the system provides public accountability.
- Continue to improve access to information rules to provide greater public accountability.

There has been considerable progress made in 2023/24 to improve accountability and transparency through increased access to information through freedom of information and proactive disclosure. This year, the Ministry completed onboarding of all ministries to its new, modernized FOI system, and invested in best-in-class digital tools. Two new directives were published requiring the monthly proactive disclosure of summaries of Briefing Notes provided to Deputy Ministers and Ministers of State.

I would like to express my appreciation to all the dedicated people across the public service who are committed to access to information and the protection of privacy.

Sincerely,



Honourable George Chow
Minister of Citizens' Services

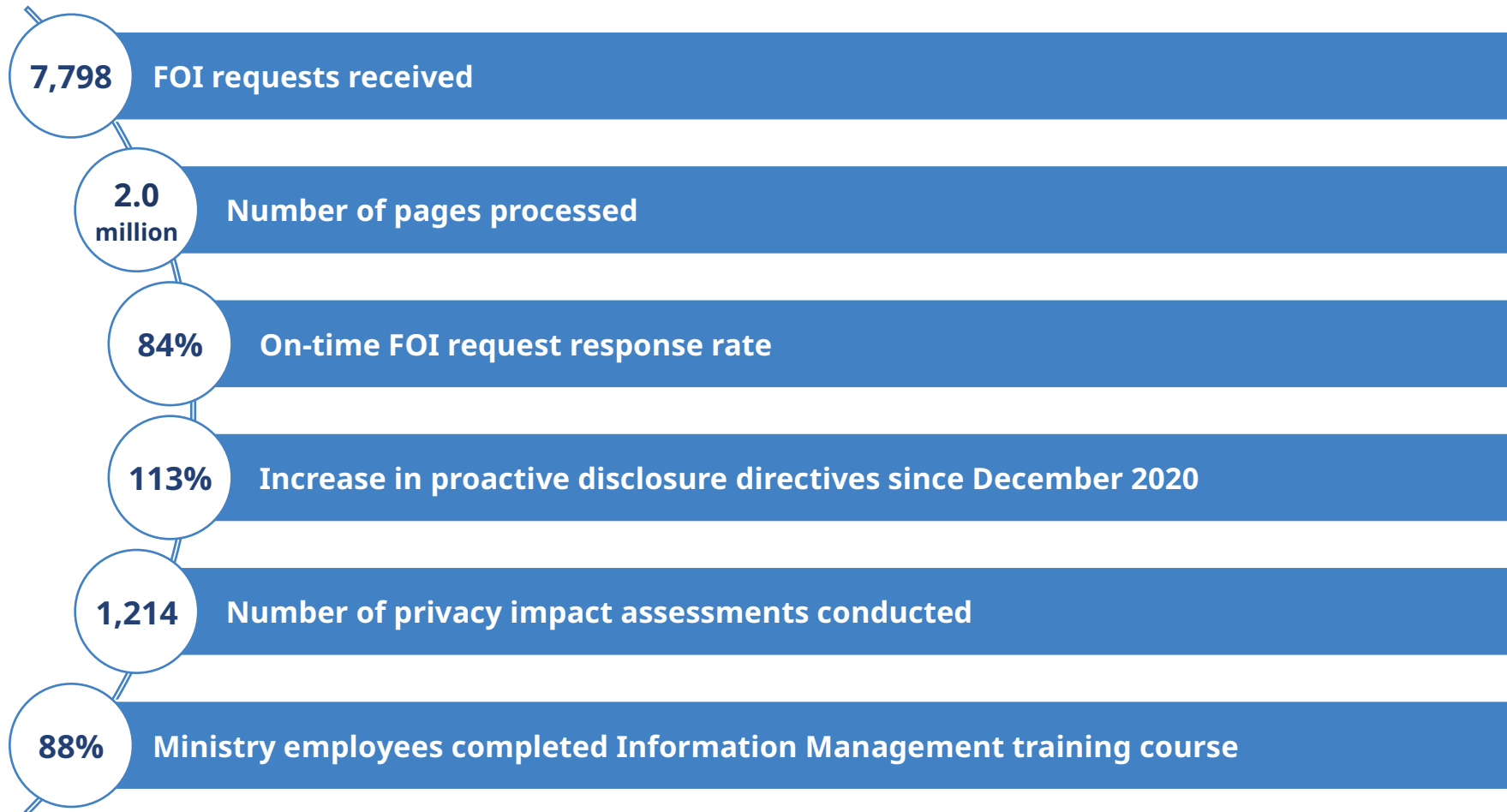
pc: Kate Ryan-Lloyd
Clerk of the Legislative Assembly
Legislative Assembly of British Columbia

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2023/24 FOIPPA Overview

Enacted in 1993, B.C.'s [*Freedom of Information and Protection of Privacy Act*](#) (FOIPPA) balances government's accountability to the public through access to information with a person's right to privacy.



Information Access

FOIPPA makes government open and transparent by providing a mechanism for the public to request information about themselves (personal requests) and government business (general requests) from the more than 2,900 public bodies in B.C. FOIPPA also sets a requirement for public bodies to make information available to the public through proactive disclosure.

2023/24 Highlights

FOI Modernization Project Update

Since fiscal year 2020/21, the Ministry has committed \$7.7M to modernize and improve FOI services to ministries, inclusive of a new funding commitment of \$2.2M in the 2023/24 fiscal year. This project has resulted in the introduction of new technology and business processes to support the large volume of requests received each year while also improving the applicant experience by making processes more transparent and easier to use.

In the 2023/24 fiscal year, the Ministry completed onboarding for all ministries to the new, modernized system.

An evaluation of the system's effectiveness, conducted at the end of a pilot involving five ministries, showed the following benefits:

- » The average staff time to process an FOI request decreased by almost two hours.
- » The average days to respond to an FOI request decreased by almost seven days.
- » The average on-time rate increased by 16%.

Since the pilot, the system has been further improved with:

- » The automatic removal of duplicate records, which reduces the time to respond to FOI requests.
- » New redaction capabilities that accelerate the process of reviewing records.

MCFD FOI Service Delivery Project

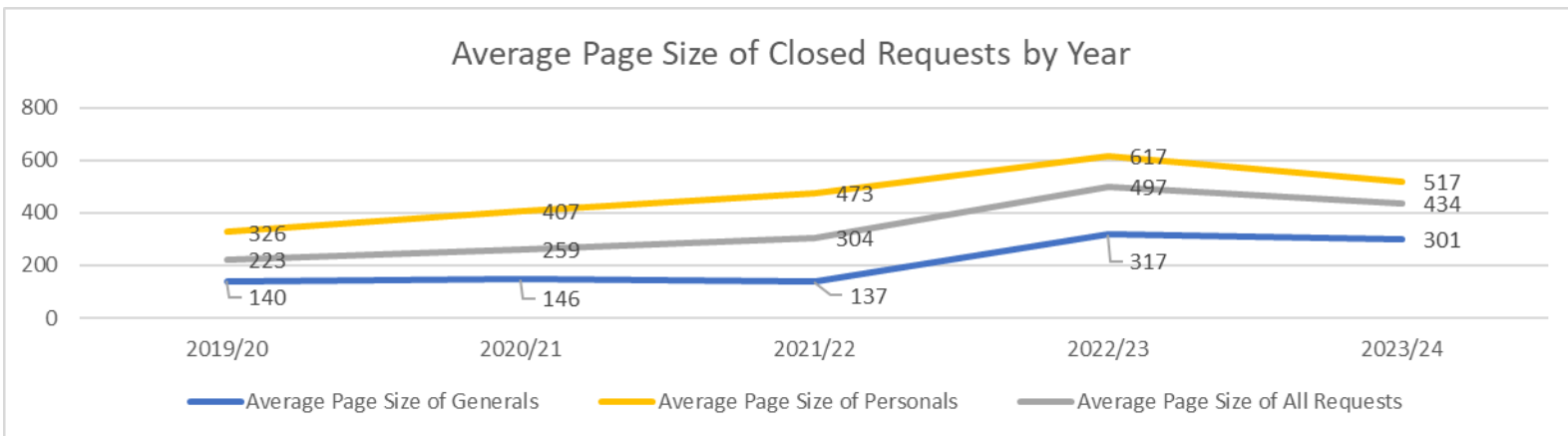
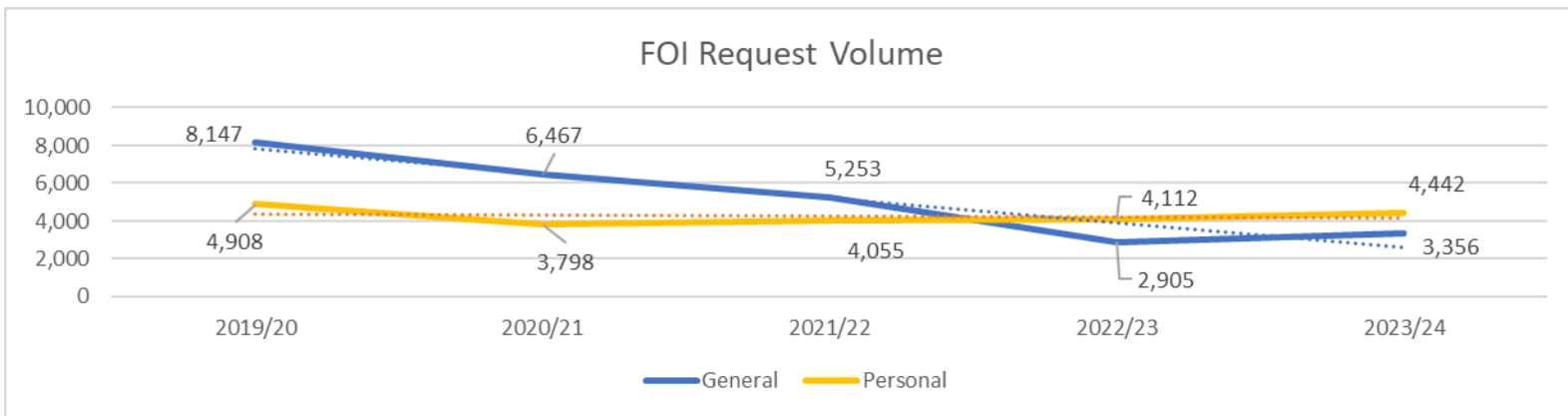
In the 2021/22 and 2022/23 annual reports, the Ministry reported on the partnership it established with the Ministry of Children and Family Development to improve service delivery for personal FOI requests in that ministry. Due to the success of this collaboration, the two ministries have agreed to continued collaboration and dedicated financial support for the purpose of processing these complex overdue requests through March 31, 2025. Results in the 2023/24 fiscal year include closing more than 200 overdue requests, containing approximately 650,000 pages.

Key Figures

FOI Requests by Year

An FOI request is a formal process to request records from a public body. Personal requests are when an individual requests their own information held by government such as child-in-care records, income assistance records, or B.C. government staff employment records. General requests are requests for all other government information such as briefing notes or reports.

Since fiscal year 2019/20, the volume of personal requests has remained relatively steady. However, over the same period, the average number of pages under review in a personal FOI request has increased from 326 to 517 pages. The volume of general requests has increased 16% over the prior fiscal year. Since fiscal year 2019/20, the average number of pages under review in a general request has more than doubled, increasing from 140 to 301.

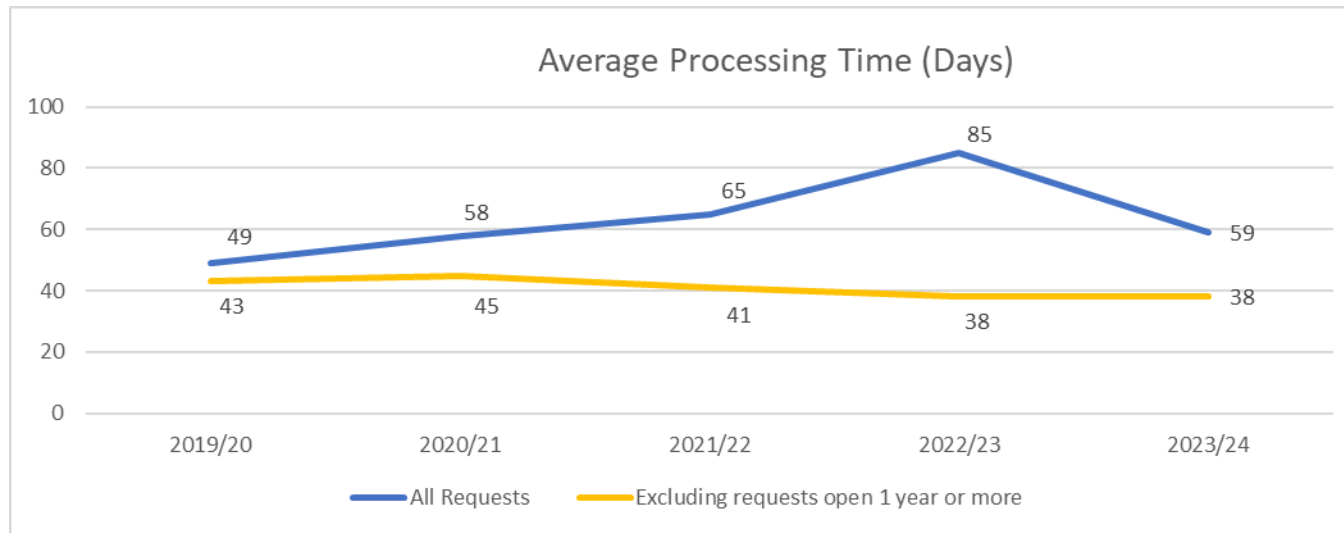


Processing Time

FOIPPA states that a public body must respond to an applicant who makes an FOI request within 30 business days. The Act provides for the ability to extend this time if certain conditions apply, or with the permission of the Information and Privacy Commissioner. The percentage of on-time responses to FOI requests is an essential way for government to measure the effectiveness of its access to information program. This measure provides an indication of government's annual performance in responding to FOI requests within the timelines defined in the *Freedom of Information and Protection of Privacy Act*.

The processing time for responding to an FOI request improved over the prior fiscal year, from 85 days to 59 days. This metric continues to be impacted by government's ongoing commitment to respond to and close overdue requests. Because the processing time for responding to a request is not calculated until a request is closed, a focus on closing overdue requests negatively affects the on-time and average processing days response rate for that fiscal year. In the 2023/24 fiscal year, ministries responded to 84% of FOI requests on time.

However, when complex requests that were overdue by a year or more (approximately 3% of files closed in 2023/24) are excluded from the total number of requests closed, government responded on time to 87% of FOI requests on time. When requests that were open for a year or more are excluded from the total number of requests closed, the average time to process a request has remained at 38 days.

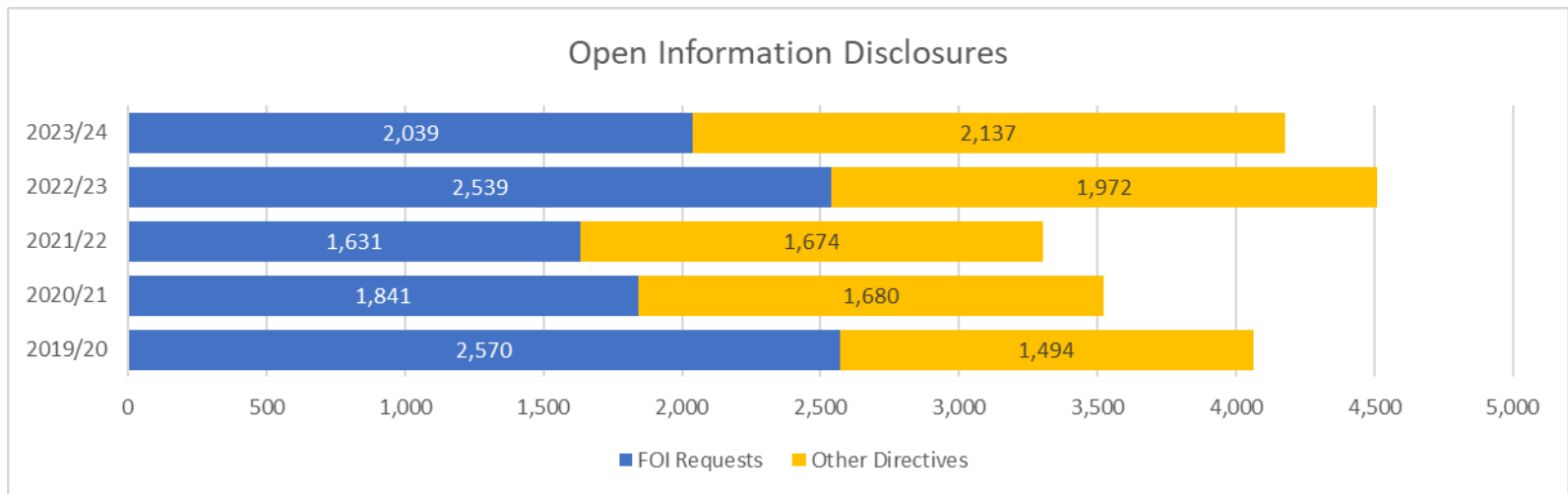


Proactive Disclosure

Proactive disclosure is the release of government information to the public without a formal FOI request. The practice of disclosing information on a proactive basis is an important way for government to improve access to information, transparency, and accountability. There have been 113% more proactive disclosure directives¹ since December 2020. As well, government continues to review opportunities to make high-value records available to the public through Open Information.

Section 71.1 of FOIPPA allows the Minister responsible for the Act to establish categories of records that ministries must proactively disclose and to issue directions that detail those disclosures. Since the 2019/20 fiscal year, over nineteen thousand disclosures have been made under these directives. Two new ministerial directives came into effect in March 2024 to require the proactive disclosure of summaries of Briefing Notes provided to Ministers of State and Deputy Ministers, which brings the total to 17 categories of records that are proactively released to the public. Examples of other categories include Corporate Transition Binders as well as Estimates Notes.

Ministries disclose a great deal of information through online repositories and interactive tools such as [BC Data Catalogue](#), [DriveBC](#), and the [BC Economic Atlas](#).



¹ There are two categories of proactive disclosure directives: FOI Requests and Other Directives.

Privacy Protection

The government of B.C. is responsible for protecting privacy and personal information whenever citizens interact with us. The Privacy Management and Accountability Policy (PMAP) supports ministry compliance with FOIPPA and strengthens government's ability to protect the privacy of individuals' personal information. It includes direction on the Province's privacy management program, including privacy management accountabilities, as well as privacy tools, agreements, and processes that support privacy protection in ministries.

There are 15 Ministry Privacy Officers (MPOs) who are accountable for privacy management programs within each ministry or sector. MPOs have the necessary knowledge and experience with ministry portfolios and privacy expertise to support robust, tailored programs for their ministries, which focus on supporting employee education and awareness, delivering sound privacy advice, and designing privacy into new ministry initiatives.

2023/24 Highlights

Guidance on the Responsible Use of Artificial Intelligence

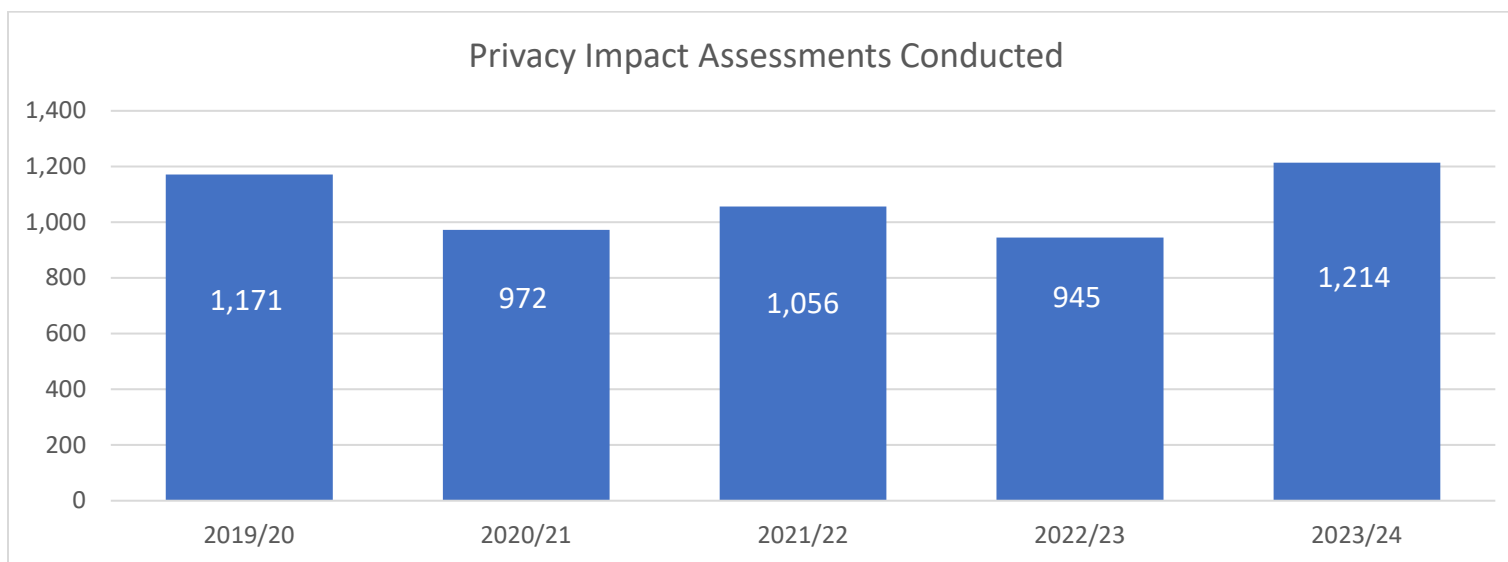
The BC Public Service is interested in exploring beneficial uses of AI to improve service delivery for British Columbians. However, government must carefully consider the risks and challenges that AI poses, including privacy and information security concerns, as well as data bias, fairness, and human rights issues. In the 2023/24 fiscal year, the Government Chief Information Officer issued interim guidance on the use of generative AI. The interim guidance contains privacy enhancing direction including restricting employees from putting any confidential information, including personal information, into third-party generative AI tools; and requiring employees to review the outputs to ensure that they are factually accurate, complete, and up-to-date.

Key Figures

Privacy Impact Assessments

Privacy Impact Assessments (PIAs) are used by public bodies to review the level of privacy risk to a system, project, program or activity. This step-by-step review process ensures government protects the personal information collected or used in accordance with the privacy requirements outlined in FOIPPA.

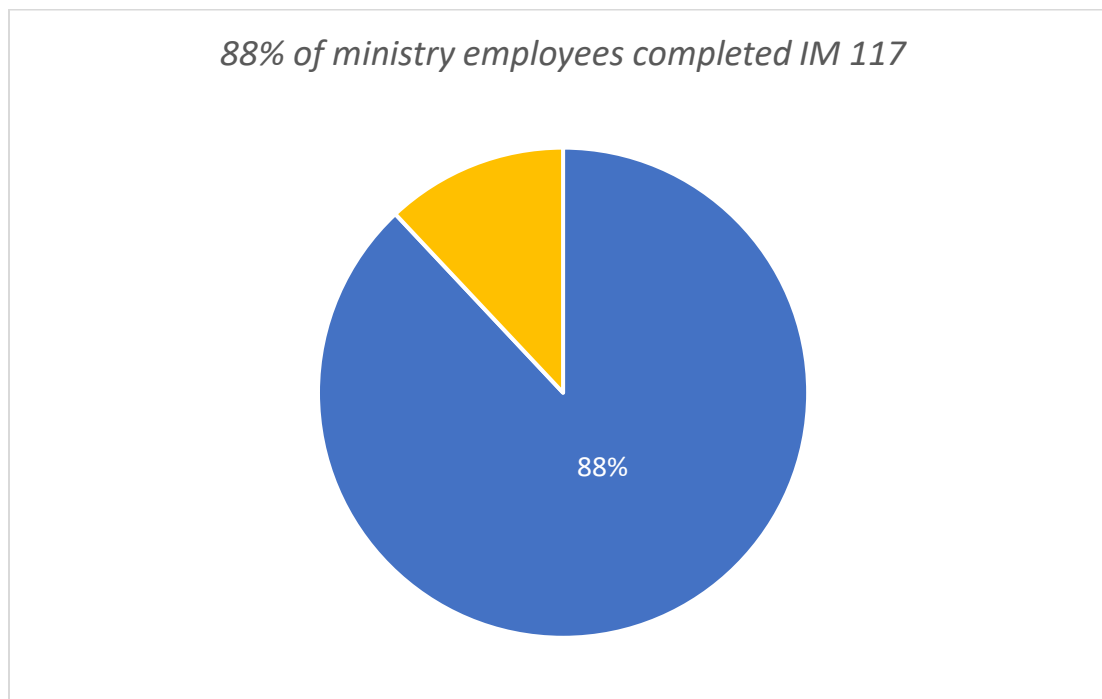
Completing a PIA helps protect privacy and builds public trust by being clear about what information a ministry is handling; who has access to it; and how it is stored.



Privacy Protection Training

Ensuring government employees are trained in information management is critical to managing and protecting the personal information entrusted to government. This is done, in part, by requiring every government employee to take a comprehensive information management course which focuses on privacy, information security, access, and records management (Information Management 117 – IM117).

Employees are required to complete IM117 every two years. In the 2023/24 fiscal year, Public Service employees were in year one of the two-year completion cycle, and therefore must complete the course before 2024/25. As of the end of the 2023/24 fiscal year, eighty eight percent of B.C. government employees had completed IM117.



Looking Ahead

FOI Modernization Project

In the coming year, the Ministry's FOI Modernization project team will continue to enhance the new cross-government FOI system used by ministries to manage government FOI requests.

Additional planned enhancements include:

- » Improvements that speed up ministries' review and approval of records.
- » Innovative tools such as natural language processing to speed up the process of reviewing records.
- » Streamlining the consultation process to save time and ensure consistency.
- » Integrating the new system with the publishing of information on the Open Information website.

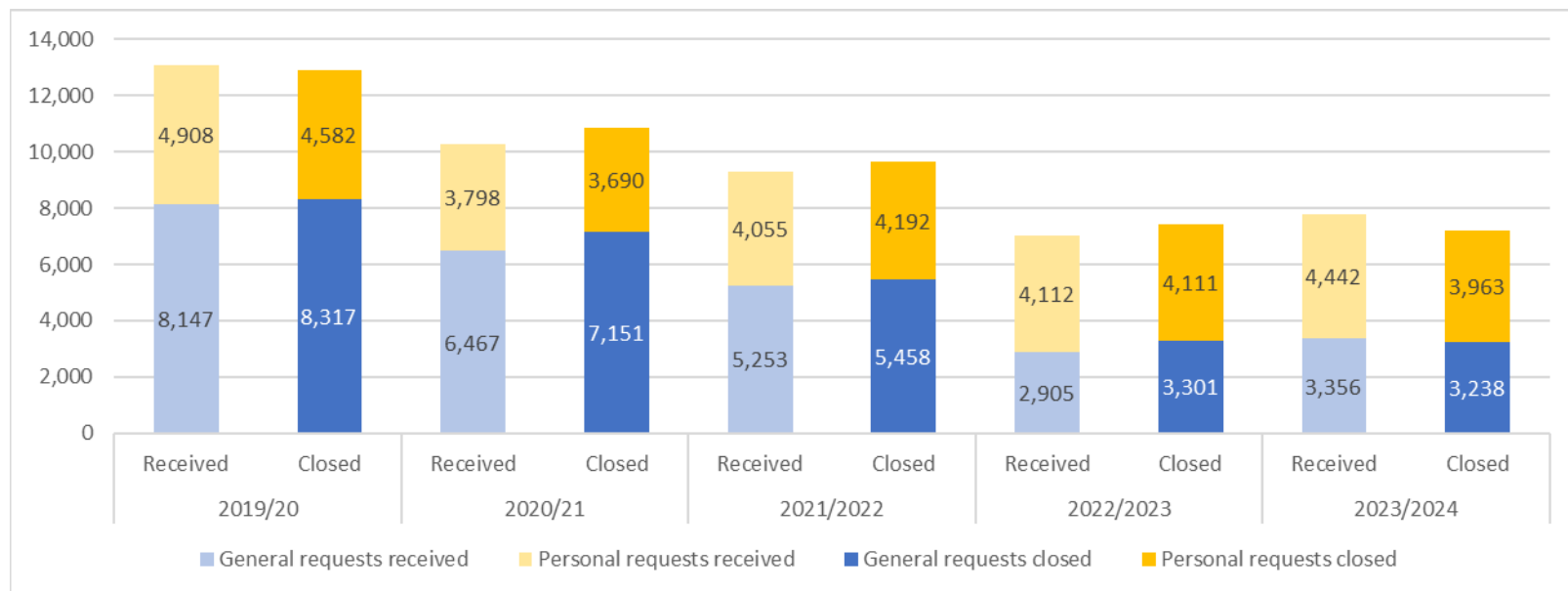


Appendix – FOIPPA by the numbers

Freedom of Information

FOI Requests

Personal requests are when an individual requests access to their own information held by government such as child-in-care records, income assistance records, B.C. government staff employment records, etc. General requests are requests for all other government information such as briefing notes, and reports.



Cross-government Requests

A request is considered “cross-government” when it is made to four or more ministries. Cross-government requests can have significant impacts on timeliness as searches must be conducted across multiple ministries.

	2019/20	2020/21	2021/22	2022/23	2023/24
Total*	2,933	2,323	1,371*	470	616

* Beginning in 2021/22 FOI trends have seen applicants directing more targeted requests to specific ministries, rather than submitting broad requests to many ministries.

Requests Received by Ministry	2022/23		2023/24	
	General	Personal	General	Personal
Agriculture and Food	70	8	70	0
Attorney General	160	99	159	110
Children and Family Development	82	2,020	76	2,278
Citizens' Services	81	4	87	13
Education and Child Care	110	25	158	21
Emergency Management and Climate Readiness	62	1	53	0
Energy, Mines and Low Carbon Innovation	109	-	154	1
Environment and Climate Change Strategy	268	10	261	17
Finance	272	416	277	364
Forests	292	8	274	11
Health	254	41	239	64
Housing	28	1	137	10
Indigenous Relations and Reconciliation	36	1	109	1
Jobs, Economic Recovery, Development and Innovation	58	-	45	1
Labour	56	8	60	7
Mental Health and Addictions	49	-	74	5
Municipal Affairs	46	7	64	12
Office of the Premier	133	1	153	5
Post-Secondary Education and Future Skills	50	2	89	8
Public Safety and Solicitor General	226	616	226	655
Social Development and Poverty Reduction	53	830	52	839
Tourism, Arts, Culture and Sport	64	3	58	2
Transportation and Infrastructure	201	6	289	12
Water, Land and Resource Stewardship	145	5	192	6
TOTAL	2,905	4,112	3,356	4,442

General Information Requests by Applicant Type

	Individual	Political Party	Law Firm	Researcher	Media	Interest Group	Business	Other Public Body	Other Gov't	Indigenous Governing Entity*
2019/20	946	5,836	213	68	536	195	302	17	34	--
2020/21	896	4,033	214	87	760	210	238	12	17	--
2021/22	1,429	2,091	243	91	908	163	286	15	19	8
2022/23	809	909	243	92	286	239	291	9	11	16
2023/24	910	735	298	41	405	525	398	18	13	13

* Indigenous governing entity applicant type was introduced in November 2021. Total reported for 2021/2022 reflects 4 months of reporting.

Personal Information Requests by Applicant Type

	Individual	Political Party	Law Firm	Researcher	Media	Interest Group	Business	Other Public Body	Other Gov't	Indigenous Governing Entity*
2019/20	3,873	1	916	0	4	60	10	19	25	--
2020/21	2,854	0	864	0	0	52	7	19	2	--
2021/22	3,089	0	873	0	1	52	9	20	5	6
2022/23	2,956	0	1,046	0	0	88	7	10	2	3
2023/24	3,269	0	1,052	0	1	31	26	22	25	16

* Indigenous governing entity applicant type was introduced in November 2021. Total reported for 2021/2022 reflects 4 months of reporting.

Proactive Disclosures*

	FOI Requests	Other Directives**	Total
2019/20	2,570	1,494	4,064
2020/21	1,841	1,680	3,521
2021/22	1,631	1,674	3,305
2022/23	2,539	1,972	4,511
2023/24	2,039	2,137	4,176
TOTAL	10,620	8,957	19,577

* Previously titled Open Information Disclosures.

** In total, seventeen [directives](#) have been issued.

Disposition Releases

This category 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 records may be routinely releasable; indicating records are in another ministry or organization; transferring the request; or deferring access as the information is to be publicly released within 60 days.

	Full disclosure	Partial Disclosure	Routinely Releasable	Information to be published within 60 days	Records in another Min/Org	Transferred
2019/20	1,313	6,096	70	10	53	148
2020/21	1,056	5,114	85	28	60	138
2021/22	1,035	5,465	96	3	161	222
2022/23	727	3,978	62	4	199	163
2023/24	687	3,696	97	2	198	153

Disposition Refusals

Applicants can be denied access to all or part of a record in accordance with mandatory or discretionary exceptions as outlined in FOIPPA. In some circumstances, the mere knowledge that a record exists will cause harm to law enforcement or will unreasonably invade the personal privacy of a third party. Therefore, the head of a public body may refuse to confirm or deny the existence of such a record, as outlined in [section 8\(2\)\(a\) and \(b\)](#).

	Access Denied	Refuse to Confirm or Deny
2019/20	271	59
2020/21	234	77
2021/22	182	62
2022/23	150	57
2023/24	172	79

Disposition Other

This category includes requests that have been abandoned by the applicant, requests withdrawn by the applicant, requests to correct information, requests that have been cancelled, requests that are out of scope of the Act, and requests that result in no responsive records.

	Abandoned	Withdrawn	Correction	Cancelled	Outside the Scope of the Act	No Responsive Records Exist / Located
2019/20	1,199	480	3	64	25	3,108
2020/21	1,437	336	0	34	44	2,198
2021/22	739	330	0	31	12	1,311
2022/23	894	308	0	29	7	834
2023/24	706	328	0	49	37	997

Fees for Access to Information

Section 75 of FOIPPA enables a public body to charge a [fee](#) for some aspects of an FOI request.

Processing fees may include:

- Locating and retrieving the record;
- Producing the record;
- Preparing the record for disclosure, except for time spent severing information from the record;
- Shipping and handling the record;
- Providing a copy of the record.

Starting in November 2021, a \$10 application fee was applied to all general FOI requests. The fee must be paid before the request will be processed and applies to every ministry public body included in a request. Indigenous governing entities are exempt from paying application fees.

	2019/20	2020/21	2021/22	2022/23	2023/24
Total FOI Requests	13,055	10,265	9,308	7,017	7,798
General Requests	8,147	6,467	5,253	2,905	3,356
Number of Requests Where Processing Fees Paid	145	144	143	171	192
Sum of Processing Fees Paid (nearest thousand)	\$44,000	\$51,000	\$50,000	\$53,000	\$54,000
Percent of General Requests Where Processing Fees Paid	1.74%	2.01%	2.70%	5.88%	5.72%
Average Processing Fee for all FOI Requests	\$3	\$5	\$5	\$7.50	\$7
\$10 application fees paid for General Requests	--	--	\$11,950*	\$26,930	\$29,650

* A \$10 application fee for general requests was introduced in November 2021. The value reported for 2021/22 reflects 4 months of reporting.

Privacy Protection

Privacy Impact Assessments Conducted

Operational PIAs are conducted on any new or updated system, project, program, or activity. Legislative or Regulatory PIAs (LPIA/RPIA) are conducted on new or amended legislation or regulations.

	2019/20	2020/21	2021/22	2022/23	2023/24
Operational PIA	946	740	823	707	961
LPIA/RPIA	225	232	233	238	253
Total PIA	1,171	972	1,056	945	1,214

Privacy Breaches

The Information Incident Management Policy requires that any BC Public Service employee who becomes aware of an actual or suspected information incident must report 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 it can be quickly determined that no violation of FOIPPA has occurred or if the incident is outside of the Ministry's investigative mandate or jurisdiction. 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.

	2019/20	2020/21	2021/22	2022/23	2023/24
Reported (Privacy Breaches & Complaints)	2,234	1,978	2,487	3,114	4,025
Investigations Conducted	1,889	1,621	2,043	2,556	3,991
Violations Occurred	1,405	1,455	1,897	2,439	3,923
Instances Where Breach Notification Required (% of violations)	115 (8.2%)	124 (8.5%)	100 (5.3%)	116 (4.8%)	25 (0.6%)

Privacy Breach Volume by Tier

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.

- » Tier 1 and 2: Minor to moderate incidents involving personal or confidential information with negligible risk of harm to individuals or government.
- » Tier 3: Moderate/major incidents (including complaints) involving sensitive personal or confidential information, inappropriate or wilful conduct and potential jeopardy for the individuals involved. Usually require more in-depth investigations.
- » Tier 4: Major, complex and/or high-profile incidents involving highly sensitive personal or confidential information, may impact public confidence in a ministry or government, notification likely due to high potential for a significant risk of harm.
- » Tier 5: Major incidents requiring the involvement of an external investigator due to an actual or perceived conflict of interest for the Investigations Unit, or its executive.

	2019/20	2020/21	2021/22	2022/23	2023/24
Tier 1	1,519	1,369	1,825	2,128	3,756
Tier 2	241	247	254	349	175
Tier 3	129	113	84	109	94
Tier 4	0	0	0	0	0
Tier 5	0	0	0	0	0

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. 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.

	2019/20	2020/21	2021/22	2022/23	2023/24
Complaints Reported	74	71	57	52	43
Complaints Substantiated	24	29	27	28	20