



# Report on the administration of the Freedom of Information and Protection of Privacy Act *2019/20 & 2020/21*

*March 31, 2021*

May 18, 2022

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 2019/20 and 2020/21 fiscal years.

This work would not be possible without the dedicated people across the public service who are committed to access to information and the protection of privacy.

Sincerely,



Honourable Lisa Beare  
Minister of Citizens' Services

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

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# 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.

## 2019/20-2020/21 Highlights

### *FOI Modernization Project*

In January 2021, the FOI Modernization Project received \$5.3M in capital funding over 3 years to increase government efficiencies when responding to FOI requests.

The Project includes automating routine administrative tasks, streamlining and improving business processes, and implementing software tools to decrease processing time.

### *Proactive Disclosures*

Government is committed to accountability and transparency and to demonstrate this commitment, high-value records are made available to the public through the [Open Information](#) program.

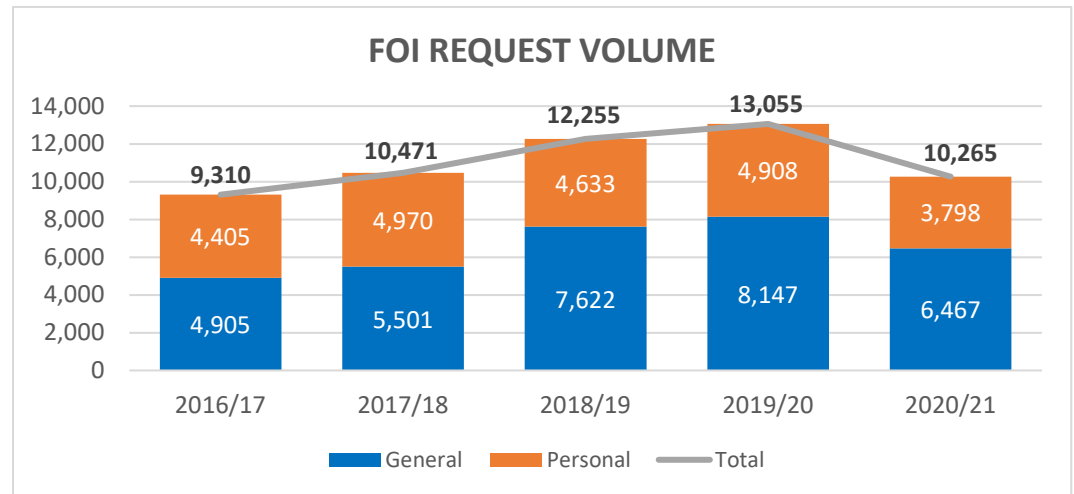
In December 2020, this program was expanded to add five new [proactive disclosure directives](#) including directives for the Corporate Transition Binder, Ministers' Transition Binders and Estimates Notes prepared for Ministers. There are now 13 categories of records that are proactively made public without the need for a request.

# Key Figures

## FOI Requests by Year

A Freedom of Information (FOI) request is a formal process to request records from a public body.

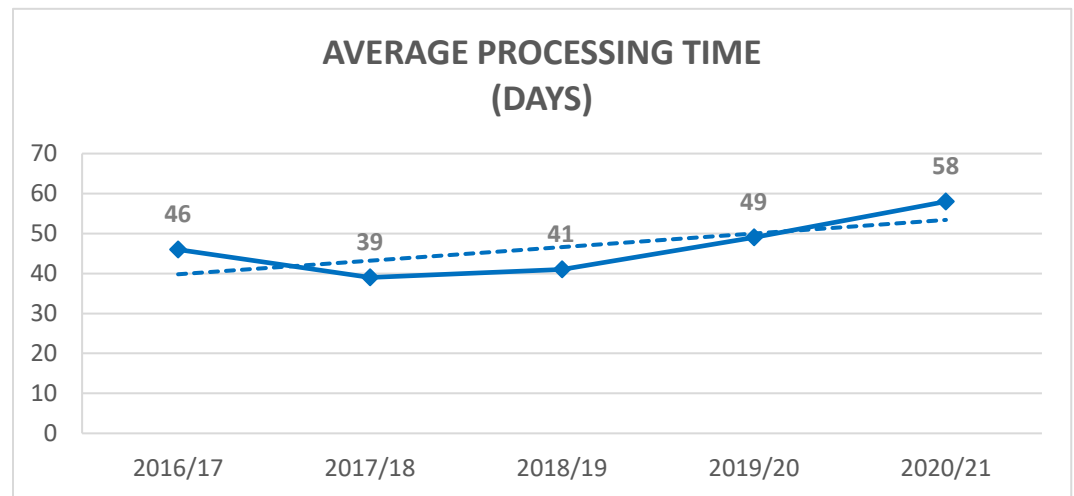
These requests grew in number, size, and complexity, reaching an all-time high of over 13,000 requests in 2019/20. The decline in 2020/21 coincides with the COVID-19 pandemic.



## Processing Time

FOIPPA states that a public body must respond to an applicant who makes a formal FOI request no later than 30 business days after receiving a request, unless the time limit is extended per section 10 of the Act.

Processing times include those that are extended and can be affected by the volume and complexity of requests including more broad requests that capture a wider range and volume of records.



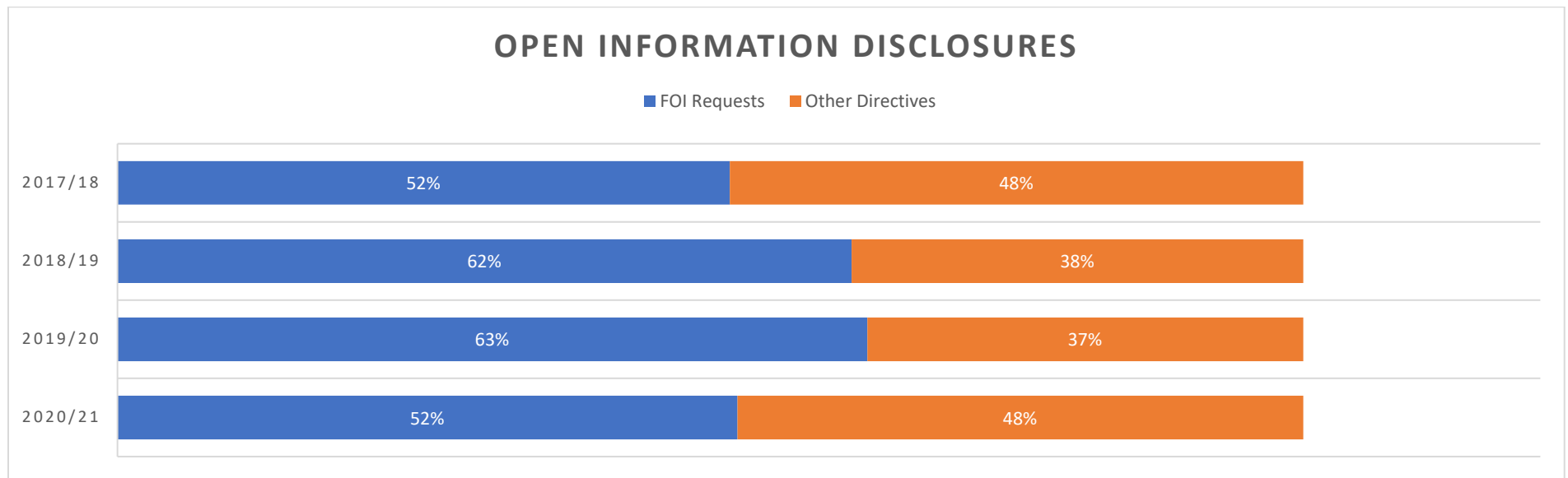
## Proactive Disclosure

Proactive disclosure is any release of government information to the public without requiring a formal FOI request. The practice of disclosing information on a routine basis demonstrates government's commitment to transparency and accountability.

Section 71 of FOIPPA states that the head of a public body must establish categories of records in their custody or control that are made available to the public without a request for access. Ministries disclose a great deal of information through online repositories and interactive tools such as [BC Data Catalogue](#), [DriveBC](#), and the [BC Economic Atlas](#). The more than 3,000 data sets on the BC Data Catalogue increases transparency on government services.

Section 71.1 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. There are two categories of proactive disclosure: FOI Requests and Other Directives.

In an effort to continue making high-value records available to the public government's [Open Information program](#) continues to be expanded including five new proactive disclosure directives added December 2020. This has brought the number of categories up from eight to thirteen – a 62% increase.





# Privacy Protection

The government of B.C. is responsible for protecting citizens' privacy and personal information whenever citizens interact with us. The [Privacy Management and Accountability Policy \(PMAP\)](#) supports B.C. government 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 12 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.

## 2019/20-2020/21 Highlights

In Fall 2019, two new subsections were added to FOIPPA, authorizing limited disclosures of personal information inside or outside of Canada. These amendments enabled the public sector to use common technologies that are necessary to maintain operations. Additionally, the amendments allowed public bodies to adopt some cloud-based or cloud-enabled communication, collaboration, and accessibility tools; permitting government to lay the groundwork for a digitally-enabled public service.

The ministry continued to support government and businesses to successfully contract for services through general and cloud-focussed privacy contract schedules. As well, the ministry engaged in two service design initiatives focusing on identifying potential continuous improvements to the processes and tools that government uses to protect privacy, including the Privacy Impact Assessment process.

To improve information management training development and delivery for BC Government employees, the ministry employed a highly collaborative approach to develop the newest iteration of the mandatory employee training on information management, including content on access, information security, privacy, and records management which was delivered online in April 2021.

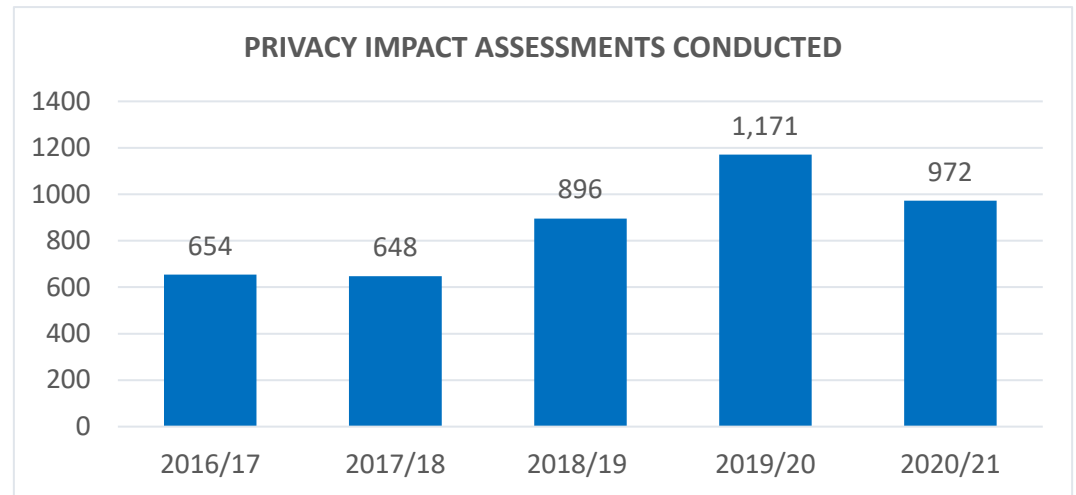


# Key Figures

## Privacy Impact Assessments

Privacy impact assessments 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.

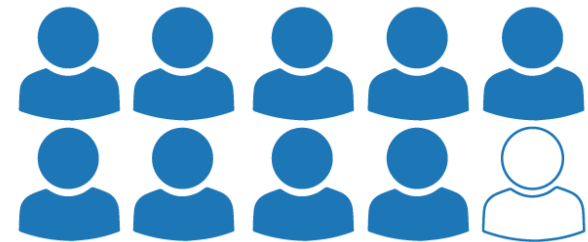
Conducting a PIA helps protect privacy and builds public trust by being clear about what information government is collecting, who has access to it, and where and how it's stored.



## Privacy Protection Training

Ensuring government employees are trained in essential information management tools is critical to managing and protecting the personal information entrusted to government.

In April 2021, a refreshed, more interactive version of the information management mandatory training course was launched.



*90% of ministry employees completed the course within the first three months of the 2019 refresh cycle*

# Looking Ahead

## Amendments to FOIPPA

B.C.'s *Freedom of Information and Protection of Privacy Act* has not been substantially changed since 2011. Since that time, people's needs and expectations for government services have changed considerably.

Based on [stakeholder engagement](#), government tabled Bill 22 – the [Freedom of Information and Protection of Privacy Amendment Act](#) – in October 2021. These amendments intend to allow government to provide the level of service that people and organizations expect, keep pace with technology, ensure timely access to information for people, and strengthen privacy protection.

The amendments received royal assent on November 25, 2021, and further details on the can be found at [gov.bc.ca/FOIPPAUpdates](http://gov.bc.ca/FOIPPAUpdates).

## FOI Modernization Project

The FOI Modernization Project continues its work to improve the FOI applicant experience and to reduce the average number of days it takes for an applicant to receive a response to their FOI request.

The project team has already delivered a software tool to automate removing duplicate records in a request, which is estimated to save over 400 hours annually. This tool speeds up the request response as staff do not need to review duplicates of the same record.

Work will continue on this project through 2022-2023.



# Appendix – FOIPPA by the numbers



# Freedom of Information

## FOI Requests

Personal requests are when an individual request their own information held by government such as child in care records, income assistance records, BC Government staff employment records, etc. General requests are requests for all other government information such as briefing notes, contracts, etc.

	Requests Received by Year			Requests Closed by Year		
	General	Personal	Total	General	Personal	Total
<b>2016/17</b>	4,905	4,405	9,310	5,380	4,477	9,857
<b>2017/18</b>	5,501	4,970	10,471	4,494	4,870	9,364
<b>2018/19</b>	7,622	4,633	12,255	7,222	4,568	11,790
<b>2019/20</b>	8,147	4,908	13,055	8,317	4,582	12,899
<b>2020/21</b>	6,467	3,798	10,265	7,151	3,690	10,841

## 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, and the ministries must coordinate their responses to ensure consistency.

	2016/17	2017/18	2018/19	2019/20	2020/21
<b>Total</b>	1,397	2,117	3,129	2,933	2,323

## Requests Received by Ministry in 2019/20 and 2020/21

	2019/20		2020/21	
	General	Personal	General	Personal
Advanced Education & Skills Training	195	16	144	8
Agriculture, Food & Fisheries	278	1	190	0
Attorney General	369	142	251	80
Children & Family Development	369	2298	189	1852
Citizens' Services	290	14	254	3
Education	194	13	195	8
Energy, Mines & Low Carbon Innovation	293	1	202	0
Environment & Climate Change Strategy	439	4	334	10
Finance	1356	331	1061	286
Forests, Lands, Natural Resource Operations & Rural Development	557	14	471	7
Health	431	50	632	56
Indigenous Relations & Reconciliation	202	1	168	0
Jobs, Economic Recovery & Innovation	243	22	231	9
Labour	181	6	150	11
Mental Health & Addictions	183	2	149	0
Municipal Affairs	309	4	195	13
Office of the Premier	988	4	643	2
Public Safety & Solicitor General	389	1118	408	655
Social Development & Poverty Reduction	216	863	163	800
Tourism, Arts, Culture & Sport	228	0	141	0
Transportation & Infrastructure	437	4	296	0
<b>TOTAL</b>	<b>8147</b>	<b>4908</b>	<b>6467</b>	<b>3800</b>

## General Information Requests by Applicant Type

	Individual	Political Party	Law Firm	Researcher	Media	Interest Group	Business	Other Public Body	Other Gov't
2016/17	1,308	1,279	298	123	1,264	374	227	22	10
2017/18	838	1,652	274	1,143	971	272	325	21	5
2018/19	819	4,922	300	107	795	278	311	18	72
2019/20	946	5,836	213	68	536	195	302	17	34
2020/21	896	4,033	214	87	760	210	238	12	17

## Personal Information Requests by Applicant Type

	Individual	Political Party	Law Firm	Researcher	Media	Interest Group	Business	Other Public Body	Other Gov't
2016/17	3,266		1,034			48	23	10	10
2017/18	3,666	1	1,185	2	2	77	8	14	15
2018/19	3,607		913		5	81	7	11	9
2019/20	3,873	1	916		4	60	10	19	25
2020/21	2,854		864			52	7	19	2

## Open Information Disclosures<sup>1</sup>

	FOI Requests	Other Directives	Total
2017/18	1,788	1,674	3,462
2018/19	2,493	1,533	4,026
2019/20	2,570	1,494	4,064
2020/21	1,841	1,680	3,521

<sup>1</sup> Proactive disclosures were introduced in 2016/17, 2017/18 was the first reporting year.

## 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
2016/17	206	8
2017/18	255	20
2018/19	327	79
2019/20	271	59
2020/21	234	77

## Disposition Other

	Abandoned	Withdrawn	Correction	Cancelled	Outside the Scope of the Act	No Responsive Records Exist / Located
2016/17	659	641	1	54	16	848
2017/18	637	516	1	38	9	1,224
2018/19	898	1,375		35	8	1,802
2019/20	1,199	480	3	64	25	3,108
2020/21	1,437	336		34	44	2,198

## Disposition Releases

Releases identify 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 under s. 20 of FOIPPA (where the information is to be publicly released within 60 days).

	Full Disclosure	Partial Disclosure	Routinely Releasable	Access Denied - Section 20	Records in Another Min/Org	Transferred
<b>2016/17</b>	1,678	5,317	67	14	139	207
<b>2017/18</b>	1,273	5,011	51	10	104	213
<b>2018/19</b>	1,291	5,567	46	7	213	141
<b>2019/20</b>	1,313	6,096	70	10	53	148
<b>2020/21</b>	1,056	5,114	85	28	60	138

## Fees for Access to Information

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

	2016/17	2017/18	2018/19	2019/20	2020/21
<b>Total FOI Requests</b>	9,310	10,471	12,255	13,055	10,265
<b>General Requests</b>	4,905	5,501	7,622	8,147	6,467
<b>Number of Requests Where Fees Paid</b>	188	157	151	145	144
<b>Sum of Fees Paid (nearest thousand)</b>	\$62,000	\$60,000	\$63,000	\$44,000	\$51,000
<b>Percent of General Requests Where Fees Paid</b>	3.49%	3.49%	2.08%	1.74%	2.01%
<b>Average Fee for all FOI Requests</b>	\$6	\$6	\$5	\$3	\$5



# Privacy Protection

## Privacy Impact Assessments Conducted

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

	2016/17	2017/18	2018/19	2019/20	2020/21
<b>Total PIA</b>	654	648	896	1,171	972
<b>Operational PIA</b>	513	503	695	946	740
<b>LPIA/RPIA</b>	141	145	201	225	232

## Privacy Breaches

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

	2016/17	2017/18	2018/19	2019/20	2020/21
<b>Reported (Privacy Breaches &amp; Complaints)</b>	1,671	1,803	2,013	2,234	1,978
<b>Investigations Conducted</b>	1,445	1,638	1,736	1,889	1,621
<b>Violations Occurred</b>	1,301	1,528	1,615	1,405	1,455
<b>Instances Where Breach Notification Required</b>	119	113	87	115	124

## 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.

	2017/18	2018/19	2019/20	2020/21
<b>Tier 1</b>	1,138	1,384	1,519	1,369
<b>Tier 2</b>	386	255	241	247
<b>Tier 3</b>	107	97	129	113
<b>Tier 4</b>	7	0	0	0
<b>Tier 5</b>	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.

	2016/17	2017/18	2018/19	2019/20	2020/21
<b>Complaints Reported</b>	89	69	62	74	71
<b>Complaints Substantiated</b>	47	44	43	24	29



Ministry of  
Citizens' Services