

Ministry of Labour, Citizens' Services
and Open Government



2011/2012 ANNUAL REPORT

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



ANNUAL REPORT | 2011/2012



BRITISH
COLUMBIA

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Message from the Minister

2011/12 was a landmark year for the ministry and, in particular, our approach to information management. As leaders in the B.C. Open Government agenda, we have ushered in significant amendments to the *Freedom of Information and Protection of Privacy Act* (FOIPPA) and have begun to deliver on a number of initiatives to make government more open and accountable, while ensuring the strongest privacy protection and oversight in Canada.

We are now routinely releasing more government data, making the Province's websites more user-friendly, and enabling the use of new technologies to support more direct engagement with citizens. For example, in the past year, we became the first Canadian province to open up thousands of sets of government data, including full details of the 2012 provincial budget. More than 2,900 datasets are now online at the DataBC website, providing easy access to extensive information on everything from birth rates to carbon emissions. The data is free, searchable and available for anyone to use and repurpose. And the number of datasets is growing almost daily.

This new approach recognizes that, just as the tax dollars government spends belong to the people of British Columbia, so does the information we use. New technologies allow us to make information much more publicly accessible. For example, the Open Information website launched during 2011/12 offers free public access to information released in response to general FOI requests. It also provides records of ministers' and deputy ministers' travel expenses – and that is just the beginning. Our recently-enacted FOIPPA amendments set legislative requirements for open information and open data, supported by a policy that clearly states ministries must expand public access to government data online.

I'm proud of these advances, and equally proud of our record in responding to requests for information under the FOIPPA. The number of requests has continued to increase, up by more than 28 per cent since government centralized FOI services in 2009.

We're not just getting more requests, we're getting more complex requests, including a significant rise in those from political parties and the media. These requests often involve multiple ministries and consultations with third parties, including other governments. In many cases, they also relate to current events and issues, with records still in active use by government employees.

In spite of these and other challenges, we have maintained an on-time response rate of 90 per cent. In fact, since 2009 we have become increasingly efficient. Information management is now centralized, new processes are in place, and we continue to make improvements in areas such as staffing. These are important advances in a highly demanding work environment where staff are challenged every day to balance the government's commitment to openness with the fundamental need to protect personal privacy. I would like to thank the staff in Information Access Operations and in the ministries whose work has ensured these important achievements.

Like so many aspects of public service, achieving this balance on behalf of citizens is a great responsibility, and a great privilege. With that in mind, we will continue to seek new ways to improve our performance in the years to come.



Honourable Dr. Margaret MacDiarmid
Ministry of Labour, Citizens' Services and Open Government

■ ■ 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.

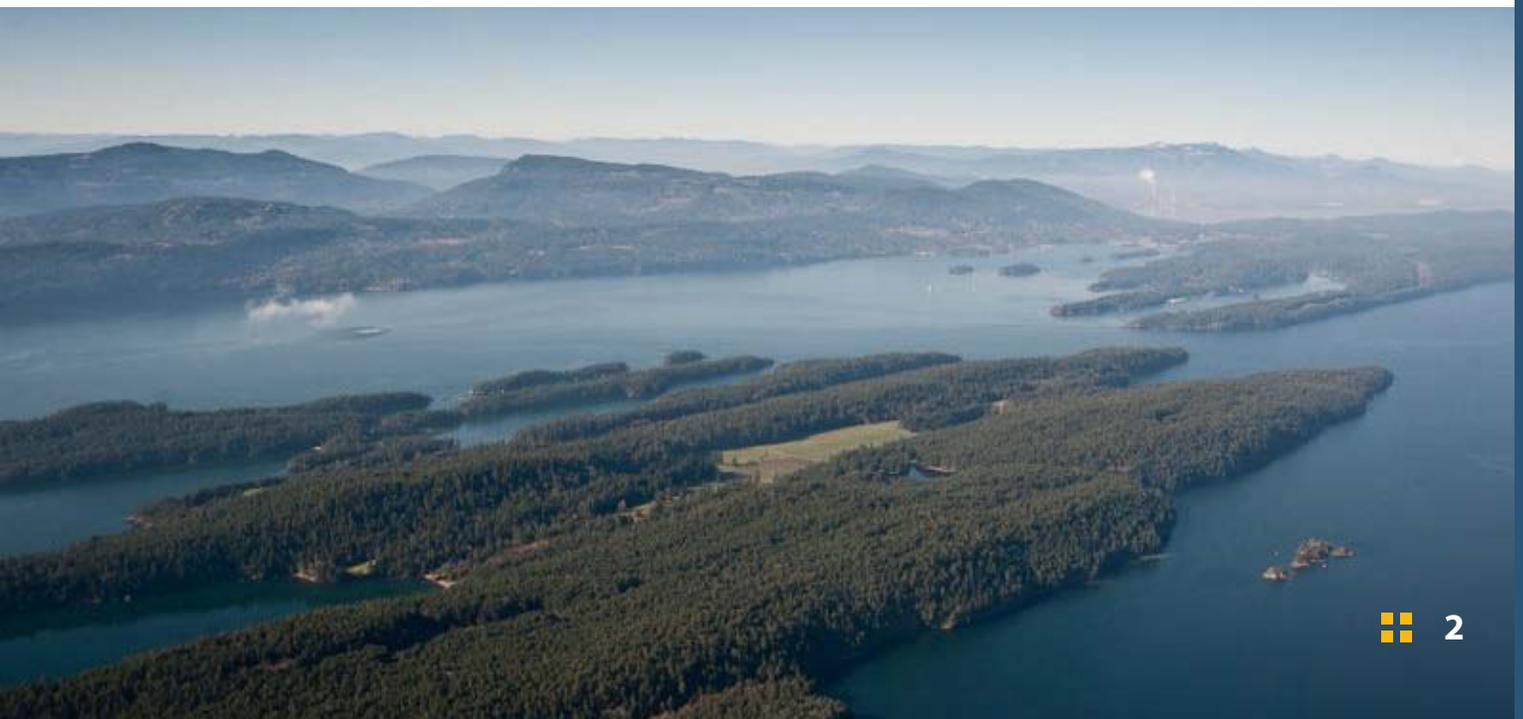
Both of these rights are fundamental to a free, democratic society and three organizations work to ensure they are upheld.

Within the Ministry of Labour, Citizens' Services and Open Government, the Information Access Operations (IAO) branch's role is to centrally manage government information and access operations to ensure 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 Office of the Chief Information Officer (OCIO), is responsible for FOIPPA and three related statutes – the *Personal Information Protection Act* (PIPA), which applies to the private sector, the *Document Disposal Act* and the *Electronic Transactions Act* – and all policy, standards and directives that flow from them. The office manages legislative changes for the acts, reviews all provincial legislation for privacy implications and develops all privacy policy related to FOIPPA. It also operates a privacy and access helpline, providing information to the public and advising public bodies on their responsibilities under FOIPPA.

The third organization, the Office of the Information and Privacy Commissioner (OIPC), is an independent office of the legislature that monitors and enforces FOIPPA and PIPA. 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 IAO and the OCIO.





■ ■ Key Accomplishments

Excelling in Response Times

- Achieved an on-time completion rate of 90 per cent for responding to Freedom of Information (FOI) requests – even as the number and complexity of such requests increased significantly.
- More than 8,000 requests were completed, a 28 per cent increase since 2008/09. On average, public servants completed more than four requests every hour, every working day of the year.

Supporting Open Government

- Dramatically increased the amount of information routinely released to the public, with two new websites – DataBC and Open Information. DataBC provides free, easy access to thousands of sets of data covering everything from vital statistics to details of the B.C. budget. The Open Information site provides free, timely public access to responses to general FOI requests as they are released, and travel expense summaries for ministers and deputy ministers.
- Amended the *Freedom of Information and Protection of Privacy Act*, enabling the use of new technologies to deliver citizen-centric, integrated and online services.
- Redesigned government's front door at gov.bc.ca and used social media and online tools to directly engage with British Columbians.
- Received the 2011 Public Sector Leadership Award for open government from the Institute of Public Administration of Canada. The Province was also recognized by the Stratford Institute as the leading jurisdiction in Canada for eGovernment initiatives.



Report on Performance

Improving Response Times to FOI Requests

The B.C. government responded to more than 8,000 FOI requests in 2011/12. Of those, 5,030 were personal requests – people asking for their own information related to such things as adoptions and court records. The remaining 3,182 were general requests for records relating to government activities and programs. Historically, personal requests have accounted for approximately two thirds of all requests received.

As shown in Figure 1 below, the volume of requests has increased steadily over the past five years. And – thanks to a more streamlined, better-coordinated process – response times have improved to the point where the Information and Privacy Commissioner has stopped issuing annual reports on timeliness.

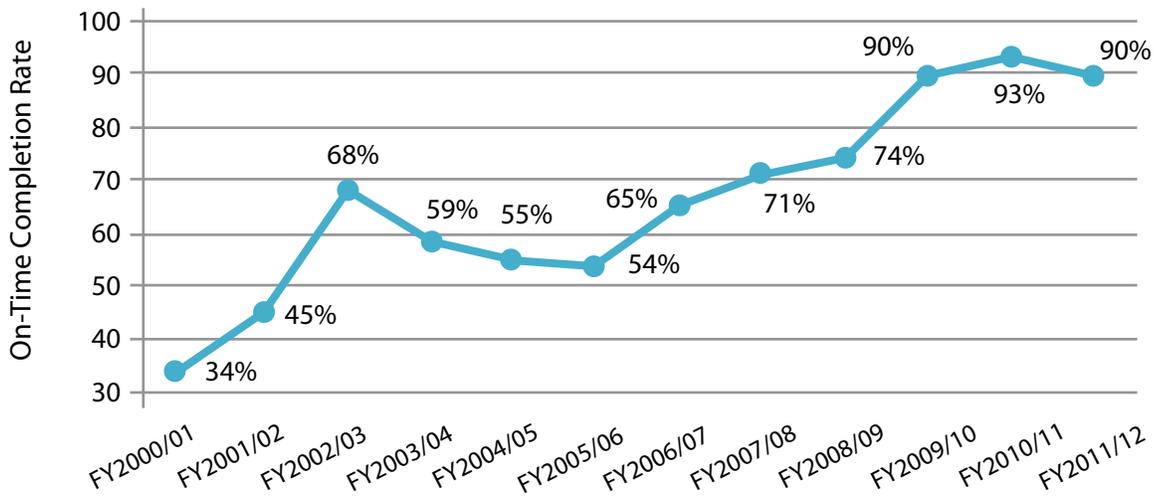
The slight drop in on-time responses in 2011/12 reflects the significant increase in volume of FOI requests received. As shown in Figure 2, response times have improved dramatically since 2000/01.

Figure 1. Summary of FOI Requests Received and Response Times (2007-2012)*

Fiscal Year	Total Requests Received	Total Requests Closed	Average Processing Days	Average Overdue Days	% On-Time
2007/08	5,394	5,222	34	37	71
2008/09	6,570	6,653	32	35	74
2009/10	7,654	7,750	24	25	90
2010/11	7,829	7,939	22	17	93
2011/12	8,423	8,212	26	16	90

*Statistics provided in Figure 1 and Figure 2 are for requests received by central government. Requests received by other public bodies covered by FOIPPA are not included.

Figure 2. On-Time Completion Rate (2001-2012)*



*Statistics provided in Figure 1 and Figure 2 are for requests received by central government. Requests received by other public bodies covered by FOIPPA are not included.

Notable Trends

2011/12 was notable not only for the increase in total FOI requests. We also experienced unprecedented spikes in volume at particular times of the year – creating challenges in resource allocation.

As shown in Figure 3 below, general FOI requests increased by about 94 per cent in the quarter in which government’s Open Information initiative was introduced. Figure 4 illustrates the impact of the spike on government’s ability to meet its on-time targets for responses.

Figure 3. General Requests Received Monthly for 2011/12 Fiscal Year

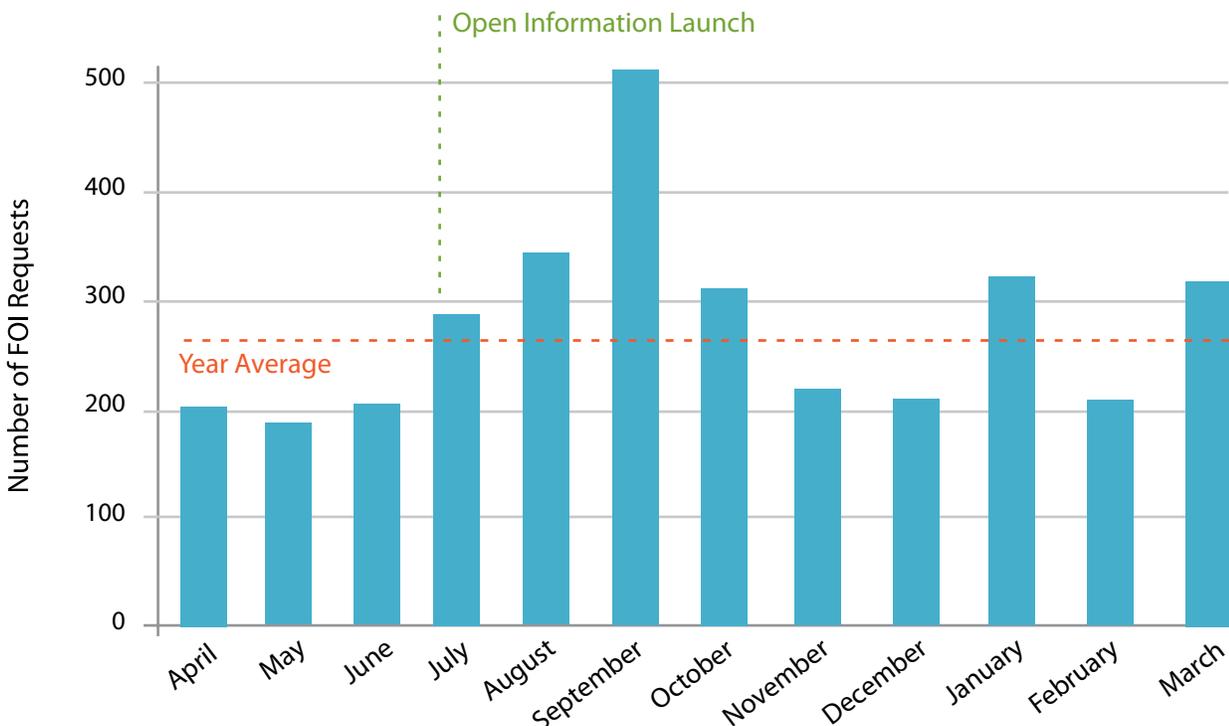
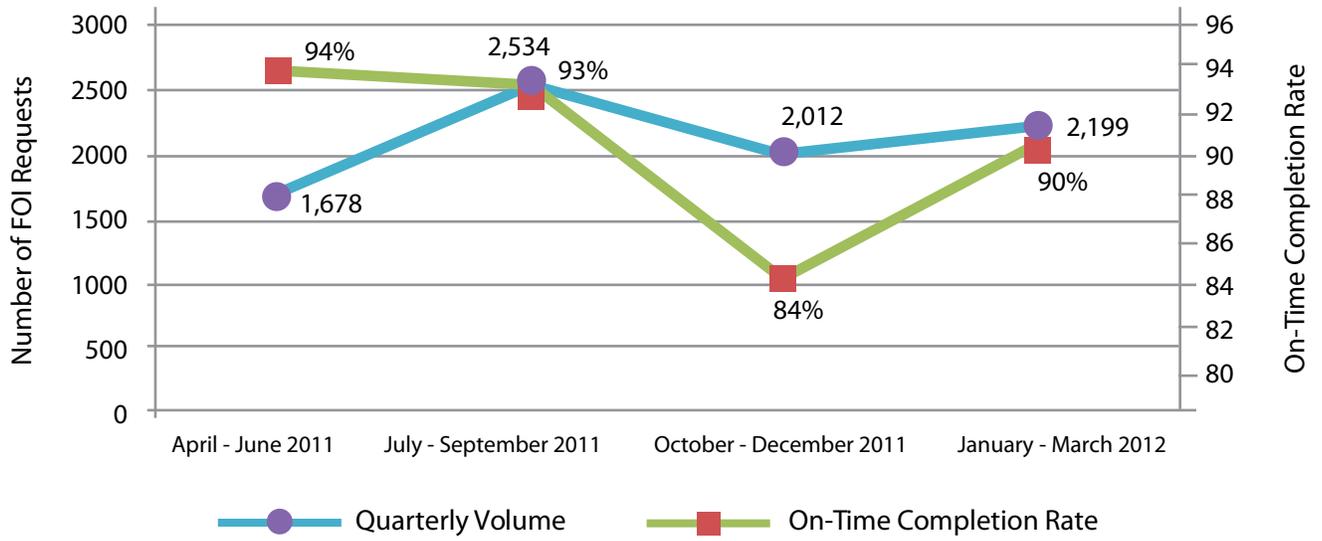
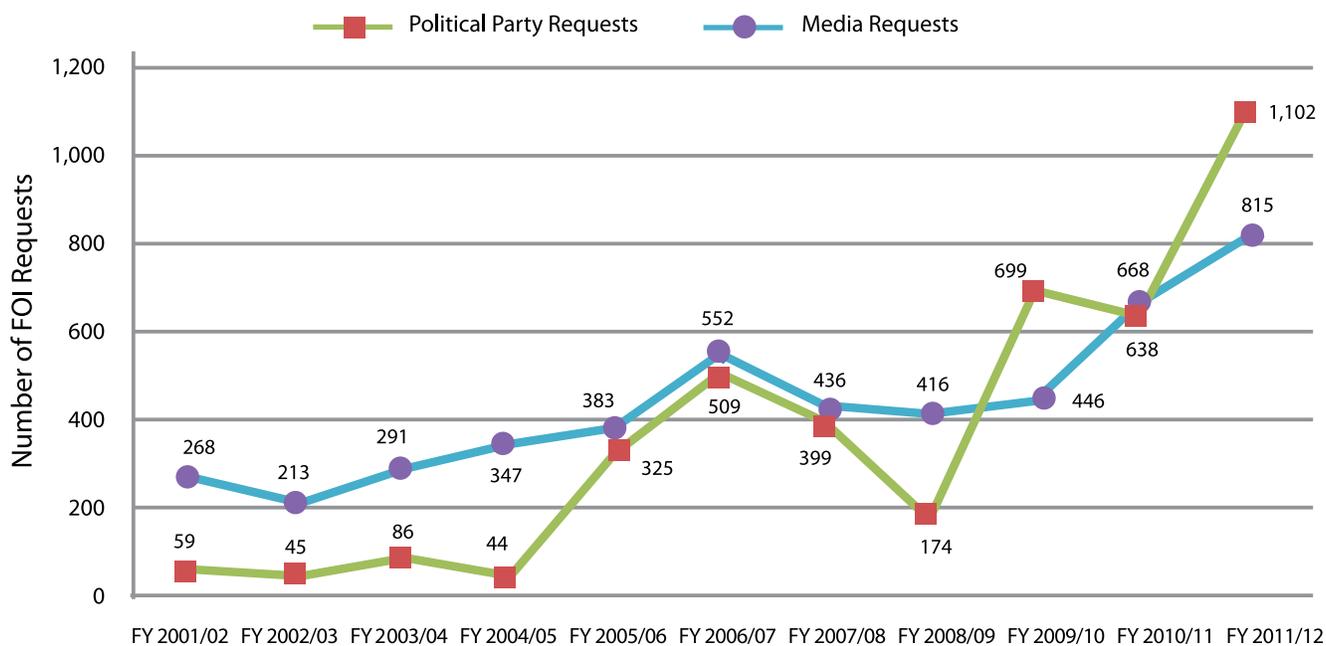


Figure 4. Quarterly Volume and On-Time Completion Rate



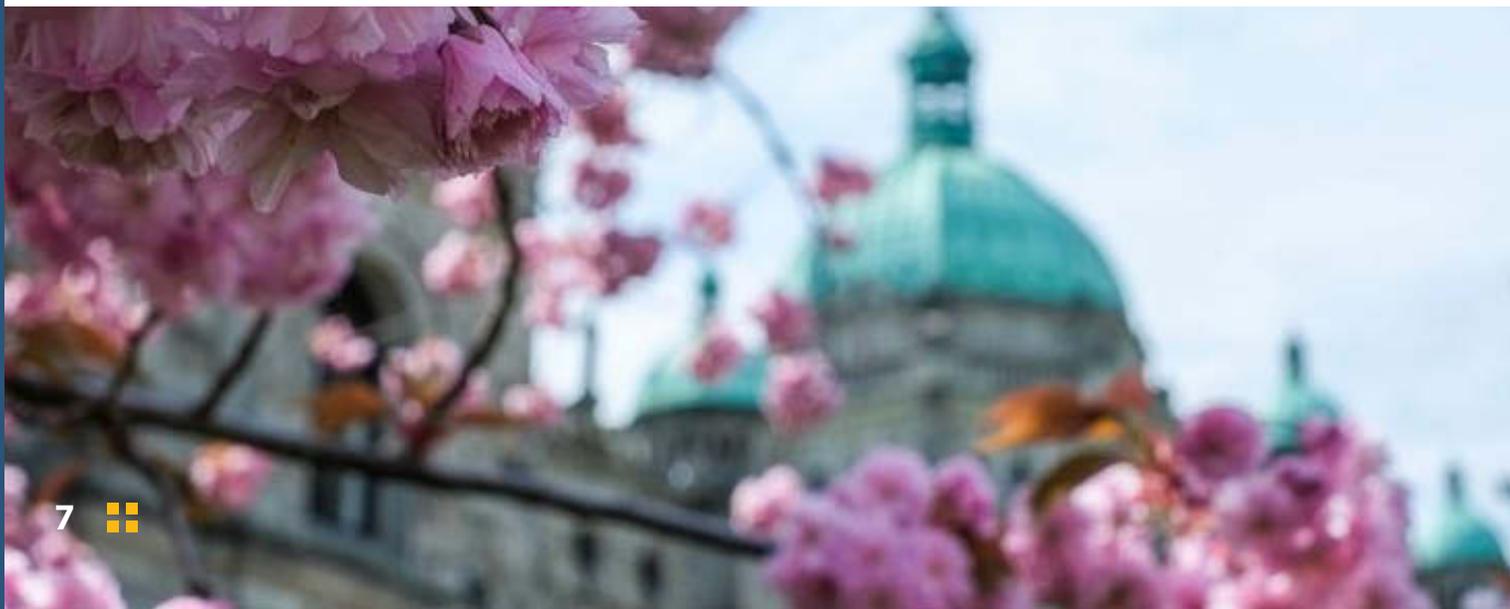
Another major trend in 2011/12 involved the sources of general requests compared to the previous year. As shown in Figure 5, the number of requests from media outlets increased by more than 20 per cent, while requests from political parties increased by 73 per cent. There has also been a noticeable increase in the number of requests from media and political parties since 2001/02.

Figure 5. Political Party and Media Requests



These increases created additional challenges for government. Political party and media requests are generally more complex and time-consuming to process because they often target issues that affect multiple ministries. This, combined with the spike in their numbers, led to decreases in on-time completion rates for these types of applicants in 2011/12. Compared to the previous year, on-time responses to media requests fell from 89 to 84 per cent, while responses to political party requests fell from 87 to 83 per cent on-time.

Other major shifts in 2011/12 included an increase of more than 80 per cent in requests for senior officials' calendars. These requests are resource-intensive as they must be extensively reviewed to protect security concerns, including those of affected third parties.



Despite an increase in the number of requests and the complexity of requests, government has reduced the amount of fees charged to access government records. Of the 8,212 requests processed in 2011/12, only 1.4 per cent of requests resulted in fees paid by an applicant. Figure 6 shows the change in fees paid by applicants from 2010/11 to 2011/12.

Figure 6. FOI Fees

FOI Requests	FY 2010/11	FY 2011/12
Total Number	7,939	8,212
Number with Fees Paid	127	113
Percentage with Fees Paid	1.6%	1.4%
Total Amount of Fees Paid	\$49,000	\$28,000
Average Amount of Fees Paid	\$386	\$248

■ Legislative Changes to FOIPPA

Since its enactment in 1993, the *Freedom of Information and Protection of Privacy Act* (FOIPPA) has been periodically reviewed and amended to reflect ongoing changes in society and government. Amendments enacted in 2011/12 were the most significant to date, enabling the use of new technologies to deliver citizen-centric, integrated and online services, while ensuring the strongest privacy protection and oversight in Canada.

Specifically, the amendments:

- Facilitate necessary information sharing for delivering common or integrated services;
- Enable greater communication and engagement with citizens through the use of social media tools and electronic communications;
- Support open government by setting legislative requirements for open information and open data;
- Establish personal identity information as a special category to enable citizens to interact securely with the government online;
- Strengthen and extend requirements for conducting Privacy Impact Assessments on any new programs, policies or legislation;
- Add new requirements to govern data-linking;
- Provide significant new oversight powers for the Information and Privacy Commissioner; and
- Increase accountability and transparency by allowing government to establish categories of information that must be released without an FOI request.

The amendments also address a number of recommendations from special committees that reviewed FOIPPA in 2004 and 2010. These include enabling people to consent to collection of their personal information to facilitate “one-stop” or customized services from government.

Overall, the amendments modernize the legislation by aligning it with current technology. They also reflect the results of consultation with British Columbians, where findings revealed the vast majority of citizens access services online and expect the same from government.

Office of the Information and Privacy Commissioner’s Recommendations

As part of its mandate to monitor and enforce FOIPPA, the Office of the Information and Privacy Commissioner issues regular reports and recommendations to government. The Province responded to four recommendations in 2011/12, as follows:

OIPC Recommendation	Government Response
Reduce delays associated with identity verification for personal requests.	Information Access Operations has revised business processes to reduce any delays associated with identity verification.
Proactively release Corporate Request Tracking System (CRTS) reports (CRTS is the system where all FOI requests are recorded and tracked).	CRTS data is now available through the DataBC website and reports are published quarterly and annually on IAO’s website.
Begin regular reporting by the responsible minister.	This annual report has been prepared for the Legislative Assembly.
Improve response times for requests made by political parties.	Government treats requests from all applicant types equally and continues to make every effort to complete each request within the legislative timelines.

The OIPC also noted concerns about the number of FOI requests that did not result in the release of any records. Upon further review, it was determined that the increase was largely a result of requests made by law firms for records related to residential school claims. In fact, many of these requests had been responded to in full. The OIPC recommended that these responses be recorded as “full disclosure” rather than “no records” responses, a practice that was adopted immediately.

Based on those findings, the OIPC revised its initial assessment of the issue to note that there was only a “slight trend” across government towards more “no records” responses. Much of that increase is attributable to the ease with which citizens can now make requests to multiple ministries, only some of which may have responsive records.



Report on Performance - Protection of Privacy

One of the key challenges in managing FOI requests is to balance the need for openness with the absolute necessity of protecting citizens' personal information. To help public bodies understand their roles and responsibilities in this regard, the Office of the Chief Information Officer operates a privacy and access helpline, which also responds to inquiries from citizens and the private sector.

The helpline received nearly 1,250 calls and emails during the fiscal year. Seventy-four per cent concerned FOIPPA. The balance related to such topics as PIPA, the *Electronic Transactions Act* and the Open Data initiative.

Ninety-three per cent of inquiries related to FOIPPA were made on behalf of a public body. The rest came primarily from not-for-profit organizations, individuals and government agencies from other jurisdictions.

Privacy Impact Assessments

Provincial policies, programs and services often change over time as governments respond to the evolving needs and priorities of their citizens. In B.C., each such change is subject to a Privacy Impact Assessment (PIA) to identify risks and ensure compliance with the privacy requirements in FOIPPA.

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

The OCIO processed 256 PIAs in 2011/12. Of those, 171 were general PIAs, conducted to assess the impacts of new systems, projects, programs and activities. The remainder were RFL PIAs, related to changes in legislation. An RFL PIA is a mandatory part of the Request for Legislation process.

Figures 7 and 8 below show the breakdown of PIAs by B.C. government sector.

Figure 7. General PIAs by Government Sector

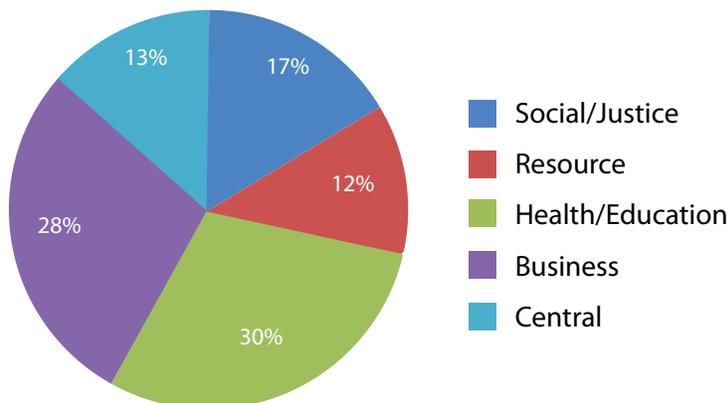
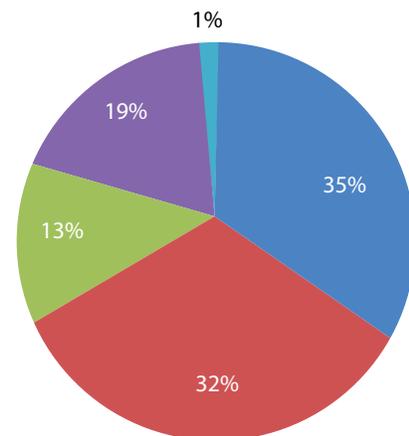


Figure 8. RFL PIAs by Government Sector



■ ■ Looking Forward

With a new, citizen-focused government website, release of open datasets and proactive posting of general FOI responses and government expenses, B.C. has become a national leader in open government. British Columbians now have more opportunities to participate in decisions that affect them – and we will continue building on these advances in the year ahead, with:

- More information available through DataBC – an online catalogue of thousands of sets of free, searchable government data, available for anyone to use and repurpose.
- Greater use of open data by external developers and companies to create new products of public value.
- Greater sharing of data by government ministries.
- Continued growth in the proactive and routine disclosure of information across government.
- Further improvements to processes supporting FOIPPA and records management.
- Ongoing improvement of government’s main website (www.gov.bc.ca).
- Expansion of cross-government public engagement programs, such as those developed to support the B.C. Jobs Plan.

Along with these advancements, the Ministry of Labour, Citizens’ Services and Open Government will continue to evaluate actions related to open government to ensure they are meeting public expectations and resulting in improvements for citizens.

These activities provide opportunities for government ministries to reflect the principles of open government in the work they do every day, improving the quality of information accessible to citizens and changing the way people receive services and interact with their government.

Moving forward, B.C. will continue to be a leader and innovator in open government. The Province is committed to openness, transparency and engaging with its citizens, while also respecting and protecting their privacy.



Appendix A - Report on Resources

Information Access Operations' FOI Budget Overview

Freedom of Information	2010/11 Budget		April 2011/12 Budget		Restated September 2011/12 Budget and 2012/13 Budget	
	Gross Expend (\$ Thousands)	FTEs	Gross Expend (\$ Thousands)	FTEs	Gross Expend (\$ Thousands)	FTEs
	7,000	94	7,000	94	*7,883	**105

* Gross expenditure restated from \$7,000,000 to \$7,883,000 as a result of reconciling FOI and records functions within Information Access Operations.

Total voted funding for IAO is \$9.618 million, comprised of \$7.883 million relating to FOI operations, \$7.803 million relating to records management operations, and \$6.068 million in projected recoveries.

**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.



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