

Terms of Reference

On October 22, 2015, Elizabeth Denham, Information and Privacy Commissioner for British Columbia, released an investigation report entitled “*Access Denied: Record Retention and Disposal Practices of the Government of British Columbia*” (the “Report”).

Government is committed to ensuring that it complies with its obligations under the *Freedom of Information and Protection of Privacy Act* (FOIPPA) and records management legislation. Government is also committed to dealing with the records management concerns referenced in the Report in a manner that is transparent and inspires public confidence.

The Commissioner made a number of findings in the Report. The Commissioner also provided eleven recommendations to Government in the Report. Some of those recommendations will be actioned by Government immediately. Some of the recommendations in the Report (8 and 11) will require legislative amendment and have been referred for consideration to the Select Standing Committee to Review the Freedom of Information and Protection of Privacy Act.

A number of findings and recommendations in the Report dealt with records management issues. Those findings and recommendations require careful consideration by Government.

To that end, Government has retained David Loukidelis, Q.C., former Information and Privacy Commissioner for British Columbia, to assist Government in dealing with the findings and recommendations in the Report dealing with records management issues.

Mr. Loukidelis will provide the following services to Government:

1. Advice to Government in relation to the records management findings and recommendations found in the Report, including advice on any policies, procedures, structures and/or technical measures that Government could implement to ensure compliance with records management requirements. That advice will include recommendations and guidance concerning the types of records that need not be retained under applicable records management requirements. The advice will also include any FOIPPA requirements to retain records.
2. The provision of training to Ministers and staff in their offices, including the Office of the Premier, and advice on records management training to be carried-out across the public service.
3. Recommendations concerning the establishment of an ongoing practice review process to ensure records management processes across Government are improved over time.
4. Any additional recommendations or advice to government he deems appropriate in light of the Report’s findings and recommendations.

All advice provided by Mr. Loukidelis to Government will be made publicly available.

Mr. Loukidelis has advised that he anticipates completing this work before December 15, 2015, with the training contemplated in paragraph 2 being provided as early in 2016 as practicable.