

Investigation Protocol

Purpose:

This protocol contains guidelines for coordinating investigations between the government investigations units (IU or "the parties") identified below. The protocol's objectives are to ensure in situations of overlapping mandates, that:

- investigations are complete, confidential, effective, efficient, fair, impartial, objective, reliable, repeatable, and timely;
- the mandate of each investigation unit is met; and
- investigations are co-ordinated in a manner that avoids duplication or interference with another unit's investigation.

This protocol does not prevent additional efforts of collaboration and co-ordination between the parties.

Investigation Units:

The following investigation units ("IU") are included in this protocol agreement:

- **BC Public Service Agency, Ministry of Finance (PSA)** – conducts investigations regarding employee conduct related to collective agreements, human rights legislation and other government policy/legislation for both included and excluded employees.
- **Corporate Information and Records Management Office (CIRMO), Ministry of Citizens' Services Privacy, Compliance and Training Branch Investigations Unit** - coordinates, investigates and resolves any actual or suspected information incidents, including unauthorized collection, use, disclosure, access, disposal or storage of government information.
- **Office of the Chief Information Officer, Ministry of Citizens' Services Security Investigation and Forensics Unit** – coordinates, investigates and resolves any actual or suspected information technology security and cyber security incidents and provides evidentiary support and analysis of digital evidence and expert advice to other investigative units.
- **Office of the Comptroller General, Ministry of Finance (OCG) Investigation and Forensic Unit** - addresses allegations of fraud or financial improprieties reported to the Comptroller General.

Contacts for the Investigation Units:

- **PSA:** Director, Employee Relations, 604-788-9476

- **CIRMO Privacy, Compliance and Training Branch Investigations Unit:** Senior Director, Investigations and Audits, 604-807-4575
- **OCIO Security Investigations and Forensics Unit:** Director Cybersecurity Intelligence and Investigations, 250-744-0955
- **OCG Investigation and Forensics Unit:** Executive Director, Investigation and Forensic Unit, 250-216-5145

Contacts will also include a delegate or deputy of the named contact.

General:

1. The contact for an IU is to immediately notify another party of reported incidents and/or of information obtained that is relevant to the mandate of that specific unit. The contacts of each IU will discuss and co-ordinate efforts, as appropriate.
2. Any collection, use, storage or disclosure of personal information by an IU must comply with the *Freedom of Information and Protection of Privacy Act*.
3. The contact for each IU will ensure that their investigators are aware and understand this protocol.
4. The expectation is that each IU will fulfil its mandate while ensuring that their investigations do not impair the mandate or investigations of any other party.
5. Ministries, agencies and their IUs will work collaboratively and share information and records in a manner that is compliant with the FOIPPA.
6. All parties are to be cognizant and respectful of the other IUs' roles, mandates and professional standards.
7. All parties and investigators are expected to follow the principles of administrative fairness to respect the rights of individuals in the conduct of investigations.
8. Incidents requiring investigation may involve circumstances that require procedural timeliness and flexibility in regards to the process outlined in this protocol.
9. Each IU is responsible for determining the scope of electronic evidence or data required for an investigation. The IU is to consult and work collaboratively with the OCIO Security Investigations and Forensics Unit to procure only the relevant electronic evidence required to complete the investigation.

10. Parties will not disclose or share information/evidence if it is not necessary to the work performed by another IU.
11. During the course of an investigation, all parties will work collaboratively with the public body that has responsibility for an investigation by providing guidance, direction and recommendations as necessary.
12. All parties will collaborate to resolve issues involving an IU in circumstances where the relevant IU cannot or should not act (e.g. conflict of interest, investigating senior officials of the same Ministry or Agency). All parties will collaborate to resolve the issue.
13. The IUs agree to follow common standards intended to ensure internal government investigations are conducted in accordance with recognized best practices. Standards are to be developed collaboratively and agreed to by the parties.
14. The IUs agree to implement and maintain robust quality assurance mechanisms to ensure investigative practices are consistent with common standards as well as individual IU legislative, policy and procedural requirements.

Notification and Communications

1. An IU must immediately notify the contact for any other IU when an incident or information obtained during an investigation is relevant to the mandate of the other IU. An initial meeting will forthwith be scheduled between the IUs involved to:
 - i. Share information about the subject incident/information.
 - ii. Confirm the IUs that have a role in the event;
 - iii. Identify the IU that should lead the investigation;
 - iv. Develop a plan and timeline for the investigation;
 - v. Identify any roles for other IUs; and
 - vi. Identify information that needs to be gathered and questions to be asked.
 2. The parties acknowledge that the commitment to share relevant information with other IUs is an ongoing obligation to be met in accordance with any applicable statutes, policies and professional standards, as well as the exercise of sound professional judgement.
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- An IU contact will advise any other IU contact involved when a joint investigation requires notification to, or interaction with, Law Enforcement and/or Government Communications and Public Engagement (GCPE).

Dispute Resolution

- If a dispute arises in respect of this protocol, the issue(s) will be referred immediately for joint resolution to the Government Chief Information Officer, the Government Chief Records Officer, the Comptroller General, and the Assistant Deputy Minister of PSA.
- The Deputy Ministers of the Ministry of Finance, the Ministry of Citizens' Services and the BC Public Service Agency will be notified with a request for direction by a contact if the Comptroller General, the Government Chief Information Officer, the Government Chief Records Officer, or the Assistant Deputy Minister of the Employee Relations Division of the Public Service Agency, is the subject of an investigation.

Amendment


- This agreement can be mutually amended from time to time in writing by the parties.



Alex Kortum
Executive Director
Office of the
Comptroller General
Ministry of Finance

7/24/2017

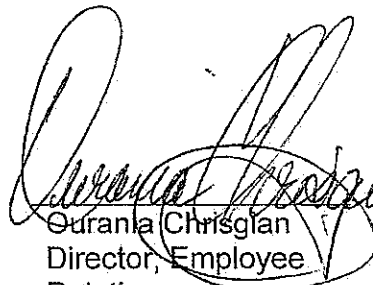
Date



Ken Prosser
Director, Cybersecurity
Intelligence and
Investigations
Office of the Chief
Information Officer
Ministry of Citizens'
Services

July 24, 2017

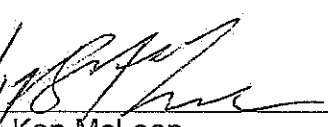
Date



Gurania Chrisglan
Director, Employee
Relations
BC Public Service
Agency

July 24, 2017

Date



Ken McLean
Senior Director,
Investigations and Audits
Corporate and
Information Records
Office
Ministry of Finance

July 24, 2017

Date