

STATUTORY OFFICE SUPPLEMENTAL BUDGET SUBMISSION
 Select Standing Committee on Finance and Government Services
 Office of the Information and Privacy Commissioner

1) Introduction

This submission requests supplemental funding for the Office of the Information and Privacy Commissioner (OIPC) for the fiscal year 2024/25.

The OIPC provides independent oversight and enforcement of BC’s access and privacy laws, including the *Freedom of Information and Protection of Privacy Act* (FIPPA), which applies to over 2,900 public bodies, and the *Personal Information Protection Act* (PIPA), which applies to any private sector organization that collects, uses, and discloses the personal information of individuals. The Information and Privacy Commissioner is also designated the Registrar of Lobbyists under the *Lobbyists Transparency Act* (LTA), with a mandate to maintain the Lobbyists Registry, raise awareness, and provide oversight over compliance with the LTA.

2) Summary of Budget Proposal:

This supplemental budget request is for \$374,000 in operating funds for fiscal year 2024/25. I have reviewed the office’s 2024/25 budget and determined that the OIPC has exhausted the flexibility within it and would not be able to absorb these cost pressures without reducing staff.

Table 1: Summary Supplemental Budget Request – New Funding 2024/25 (in \$000s)

<u>Supplemental Funding Requested 2024/25</u>	Operating	Operating% change	Capital
Starting budget with previously approved funding	11,111		105
New – Commissioner cost increase	175	1.58%	-
New – 90k for ORL amendments/Registry updates	90	0.81%	-
New – position for case tracker project extension	109	0.98%	-
B) Total budget including new key requests	11,485	3.37%	105

3) Key Requests

This supplemental request is to support OIPC/ORL operations in the following three areas.

- Commissioner cost increase: \$175,000 in operating for 2024/25
- ORL amendments/Registry updates: \$90,000 in operating for 2024/25
- Position for case tracker project extension: \$109,000 for 2024/25

- a) **Commissioner cost increases** – this request is for \$175,000 and is related to the following:
- **Commissioner salary** –\$100,000 resulting from the 2022 Judicial Compensation Commission (JCC) process. That process happens independently from the OIPC, as the Commissioner’s salary is tied to the salary for the judiciary by statute. That process had an automatic impact on the OIPC budget that was outside OIPC control. The increase was not known when the office presented its 2024/25 budget to the SSCFGS. The Committee’s support in 2023/24 was appreciated for the \$77,000 that was made available. The cumulative impact for the 2024/25 fiscal year increases this amount by \$23,000. Section 40 of the *Freedom of Information and Protection of Privacy Act* states that the salary of an appointed commissioner is entitled to be paid out of the consolidated revenue fund equal to the salary to be paid to the chief judge of the provincial court, and I request this funding pursuant to that provision. I understand that funding for the purpose of addressing expenditures arising from the JCC process has already been provided by Treasury Board to Ministries.
 - **New Commissioner relocation expenses** – Up to \$75,000 relating to relocation expenses for the newly hired Commissioner who is scheduled to start May 6, 2024. The Legislative Assembly recommended the appointment of Michael Harvey as information and Privacy Commissioner for BC on April 11, 2024, following the unanimous recommendation from a parliamentary committee. Mr. Harvey is at present the Information and Privacy Commissioner for Newfoundland and Labrador and will start in BC on May 6, 2024. This budget request will allow the new Commissioner to be relocated and begin his new duties as scheduled.
- b) **ORL Lobbyists Registry updates** – this request is for \$90,000 to complete updates required for the Lobbyists Registry relating to amendments in the Miscellaneous Statutes Amendments Act (Bill 9), 2024. See [business case](#) attached.
- c) **Position for case tracker project extension** – this request is for \$109,000 for the 2024/25 fiscal year to support the OIPC/ORL transition to the new case tracker system. See [business case](#) attached.

Business Case: ORL Lobbyists Registry updates

1.0 PURPOSE OF FUNDING REQUEST

This request is for \$90,000 to complete updates required for the Lobbyists Registry relating to amendments in the Miscellaneous Statutes Amendments Act, 2024 (Bill 9).

2.0 BACKGROUND

The Miscellaneous Statutes Amendments Act, 2024 (Bill 9) was introduced to the Legislative Assembly on March 11, 2024 and received Third Reading on April 8, 2024. It will bring in changes to the *Lobbyists Transparency Act* that:

- allow lobbyists to report government funding received every three months rather than monthly;
- remove the requirement to report government funding requested;
- clarify the registration requirements for lobbyists who work with other lobbyists or clients of lobbyists for the purpose of lobbying; and
- clarify when and how filing obligations end.

The amendments come into force by regulation of the Lieutenant Governor in Council. Staff of the Office of the Registrar of Lobbyists are prepared to work with developers to make the appropriate changes to the Lobbyists Registry system in the 2024/25 fiscal year.

3.0 DISCUSSION

The amendments to the LTA under the Miscellaneous Statutes Amendments Act, 2024 (Bill 9) will require updates to the Lobbyists Registry to reflect the amended requirements of lobbyists under the *Lobbyists Transparency Act*.

- Once the Act receives Royal Assent, the ORL will need to add the amendments to the Lobbyists Registry's scheduled maintenance and priorities for 2024/25.
- As the amendments introduce changes to some of the information that lobbyists are required to enter into the Lobbyists Registry, the ORL is prepared to prioritize the Registry updates in the 2024/25 fiscal year so that information in the Registry reflects the amendments' legal requirements for lobbyists as soon as the development work permits.
- The estimate for these updates is for \$90,000 and will take approximately six months to roll out with appropriate education materials for lobbyists. The funding will allow the ORL to build the new legislative requirements into the Lobbyists Registry without disrupting the planned maintenance and improvement schedule in 2024/25; the ORL is managing the costs of education within its existing budget.
- The funding is requested for the 2024/25 fiscal year on anticipation of Royal Assent of the Miscellaneous Statutes Amendments Act, 2024 (Bill 9).

Business Case: Case tracker System Resource for 2024/25

1.0 PURPOSE OF FUNDING REQUEST

This request is for \$109,000 for an FTE to support the implementation of the new case tracker software in the 2024/25 fiscal year.

2.0 BACKGROUND

The Case Tracker Replacement project was initiated in fiscal 21/22 to replace a legacy application with outdated technology amongst the four officers with Corporate Shared Services (Information and Privacy Commissioner, Ombudsperson, Merit Commissioner, and Police Complaint Commissioner). The Project was originally scheduled to be completed in two years with a targeted completion date for the end of fiscal 2023/24. The Information and Privacy Commissioner (IPC) is the last office to implement this software solution. Delays earlier in the project have pushed the go-live and implementation for IPC into the 2024/25 fiscal year.

Most of the expenditures to build and test the new system have already been processed. The remaining work focuses on data migration from the legacy system to the new system, expanding the testing of the system with end users, and ensuring reporting and functionality is sufficient for the ongoing operation of the office. All these activities are tasks completed internal to IPC with staff.

This resource request is included as a committed amount in the Quarterly Case Tracker Replacement Project update also included as part of this budget submission. The overall project budget remains underspent and the request for a resource does not exceed the overall project budget.

3.0 DISCUSSION

Since the last budget material submitted to the Committee was prepared last fall, additional experience and knowledge on implementing the new software has been gained. Specifically new information relating to three areas is now better understood.

1. New experience with the system - Up to the point of the budget submission last fall, only one office had implemented the new software. Since that time, both the Merit Commissioner and the Police Complaint Commissioner have launched the software. What we have learned in those instances is that post go-live support is critical for adopting the new system and ensuring consistent training is delivered to staff. To ensure the system is maximized to provide a service to the public as well as information to IPC management on investigations, a resource will be needed for at least six months post the go-live date.
2. Data migration – IPC is in the process of finalizing the data migration. Unlike the other offices, IPC completed the data migration well before the testing phase; however the data migration scrip still needs to be completed. Migrating data from the old system to the new system is not a straight-line mapping of information, as the new system processes and collects information in a different way than the legacy case tracker system. Conducting and then verifying the data

migration becomes critical in relying on information provided by the system as the data must be reviewed carefully post-migration.

3. Training – One of the benefits of the new system is the flexibility to collect and enter data in different manners, including the use of webforms to auto-populate information within the system. This means that monitoring in post-production will be critical, to ensure that the various ways of collecting and entering data all get captured in a consistent way that facilitates consistent reporting. One of the main ways of doing this is through a staff review of historical reports and comparing them with new reports. This is a labour-intensive process that supports quality assurance after the system's go-live date.

For these reasons a funding request is being put forward to support the implementation of the new case tracker system in the 2024/25 fiscal year.