



OFFICE OF THE  
INFORMATION & PRIVACY  
COMMISSIONER  
for British Columbia

Protecting privacy. Promoting transparency.

October 4, 2011

## **NEWS RELEASE FOR IMMEDIATE RELEASE**

### ***Commissioner Satisfied Proposed Amendments Strike Workable Balance***

**VICTORIA**—In response to amendments to the *Freedom of Information and Protection of Privacy Act* tabled in the legislature today, B.C.'s Information and Privacy Commissioner Elizabeth Denham said, "Overall, these changes attempt to balance sharing citizens' information for government service delivery with increased oversight to protect the privacy of British Columbians."

Government has consulted the Office of the Information and Privacy Commissioner on the proposed amendments and is required to consult further on regulations. "The devil is in the details," said Commissioner Denham. "Some of these changes need more prescriptive rules. There is much work yet to be done."

The amendments include significant new oversight powers. "These would be some of the strongest in Canada," she said. "Under the proposed changes, new data-sharing initiatives will be done under the scrutiny of our Office. Public bodies will be required to submit privacy impact assessments for review."

Although the act still applies to the health sector, new data linking rules would not. "I am concerned that new data linking rules do not apply to the health sector. We recognize the unique needs within the sector, but rules for linking personal health information are needed, perhaps in stand-alone health information legislation," said Commissioner Denham. "During further consultations with government, I will push for the highest standards of health privacy, and will report publicly on our progress."

Under the proposed amendments, all public agencies are required to disclose some records to the public without an access request. "These changes promote openness and transparency in government," said Denham.

The Office of the Information and Privacy Commissioner is independent from government. Its purpose is to protect privacy and promote transparency.

Backgrounder Attached

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## **BACKGROUNDER** **Oct. 4, 2011**

### ***Freedom of Information and Protection of Privacy Act***

#### **Key Amendments**

Significant amendments being proposed by government include:

- 1. An increased ability to share data between organizations.** Overall, these changes attempt to balance sharing citizens' information for government service delivery with increased oversight to protect the privacy of British Columbians.
- 2. New oversight authority for the Commissioner on data-sharing and linking initiatives.** Although we support the new oversight powers, the Commissioner is concerned that the requirement does not apply to data linking within the health sector. Government has agreed to consult on rules unique to the health sector and the possibility of new stand-alone health information legislation.
- 3. A provincial identity information services provider for individuals seeking government services.** The Commissioner's Office has been consulted on government's plan for identity management and will actively monitor the design and implementation of the identity information system to ensure proper privacy protection.
- 4. Proactive disclosure programs that require public bodies to disclose records.** The Commissioner supports provisions for open government, and plans to work with public bodies in developing comprehensive publication schemes that meet public expectations and maximize transparency.
- 5. Permitted use of communication technology including social media to consult and communicate with individuals initiating contact with government.** The Commissioner agrees that government should be able to use the Internet to communicate with citizens.