



OFFICE OF THE  
INFORMATION &  
PRIVACY COMMISSIONER  
for British Columbia

Protecting privacy. Promoting transparency.

**O.R.L.**  
office of the  
registrar  
of lobbyists  
**BRITISH COLUMBIA**

# Budget Submission

## Fiscal Years 2015/16 - 2017/18

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Presented to:

Select Standing Committee on Finance  
and Government Services  
Legislative Assembly of British Columbia

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## Overview

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This is the budget submission of the Office of the Registrar of Lobbyists (“ORL”) and the Office of the Information and Privacy Commissioner (“OIPC”) for fiscal years 2015/16 through to 2017/18 inclusive. This budget submission supports the attached ORL and OIPC Service Plan for the same three-year period.

In this budget submission, the Registrar of Lobbyists and the Information and Privacy Commissioner requests, for fiscal year 2015/16, a combined operating budget of \$5,636,000 and, for planning purposes, combined operating budgets for fiscal years 2016/17 and 2017/18 of \$5,716,000 and \$5,716,000 respectively. No change in the annual capital budget of \$45,000 is requested for fiscal 2015/16 or for the other two fiscal years.

## Mandate of the Office of the Registrar of Lobbyists

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The ORL is charged with enforcing the *Lobbyists Registration Act* (“LRA”) and overseeing the B.C. Registry of Lobbyists. The Legislative Assembly passed the LRA in 2001. In 2010, it amended the LRA to enhance lobbying transparency and government accountability. The amendments made registration of lobbyists mandatory; expanded the powers of the Registrar to enforce the LRA; and ushered in a new regime for regulation of lobbying in B.C. Simultaneously, the ORL launched an online Registry of Lobbyists, which was intended to allow B.C. citizens to see who is lobbying which public officials regarding what issues.

The LRA defines “lobbying” narrowly as communicating, for pay, with a public office holder in an attempt to influence a number of possible outcomes. The LRA does not capture communication between private citizens and government officials regarding matters of personal concern. It requires individuals, whose communications with public office holders meet the legal definition of lobbying, to register as lobbyists and provide information to the Registrar about those activities.

The Registrar is responsible for making this information publicly available through the online, searchable Registry managed by the ORL. Public access to information about lobbyists and their activities is critically important to ensure transparency in government decision-making. The Registrar enforces compliance through an interrelated mix of strategies including education, verification of information in registrations, compliance investigations and the levying of administrative penalties of up to \$25,000.

## ORL Major Accomplishments for 2014/15

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In this section, I would like to highlight the major accomplishments of the ORL since my last appearance before the Committee in December 2013.

### **1. Investigations and Administrative Penalties**

The ORL has stepped up enforcement activity to ensure compliance with the LRA. Staff carried out 178 compliance reviews last fiscal year. Of these 178, 12 went to formal hearings and six resulted in the application of an administrative penalty. Staff resolved 158 through informal means such as education and warnings, and eight reviews carried forward to this year. Informal resolutions are significantly more cost-effective, and during the first three years of my mandate as the Registrar, we have aimed to use informal means to resolve possible non-compliance whenever they are appropriate and effective.

### **2. Improvements to the Online Registry of Lobbyists**

We made a number of changes to the online Registry this fiscal year to enhance transparency and ease compliance. Some of the most significant changes include:

- Adding a more detailed statistical report to allow those searching the Lobbyists Registry to see how frequently individual public office holders were targeted for lobbying. This change increases transparency regarding which public office holders that lobbyists have lobbied or expect to lobby.
- Adding a simple key word search of the Lobbyists Registry and streamlining the advanced search functionality. This change makes searching the registry more intuitive.
- Adding an enhanced screen view allowing registrants to see all the details of existing registrations on one screen. This change makes it easier for registrants to see what information in their registrations needs updating.

### **3. Seventh Annual Conference of Lobbyist Registrars and Commissioners**

The ORL hosted the annual conference of federal, provincial and municipal registrars and commissioners of lobbying in Victoria in September 2014. These conferences provide a forum for jurisdictional updates and sharing information about best practices in lobbyist regulation. This year we had sessions devoted to municipal lobbying and a panel of a public office holder, a lobbyist, and a journalist discussing whether lobbying regulatory regimes give the public greater confidence in public decision making. At the invitation of the Speaker of the Legislative Assembly, we held the conference in the Douglas Fir Room.

## Office of the Registrar of Lobbyists Priorities for fiscal year 2015/16

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This office has identified three key priorities for the ORL for fiscal year 2015/16.

1. Enhance the enforcement function under the *Lobbyists Registration Act*.
2. Promote enhancements to the *Lobbyists Registration Act*.
3. Develop and implement a public education plan for lobbyists and stakeholders.

### 1. Enhance the enforcement function under the *Lobbyists Registration Act*

From 2010 to 2013 the ORL engaged in public education and outreach about the LRA and the requirements of lobbyists to register. Lobbyists have had ample opportunity to be made aware of their obligations regarding registration, especially those lobbyists who are active in public affairs in B.C. Most lobbyists make every attempt to comply with the law. However, there are a small number of lobbyists who do not exercise due diligence.

This is why we decided last year to conduct an increasing number of formal investigations and apply administrative penalties more frequently. While informal resolution of possible non-compliance is desirable, where circumstances warrant we will proceed to formal hearings and issue administrative penalties for non-compliance with the LRA.

ORL compliance investigations can involve multiple lines of inquiry and consume significant staff time. To ensure we can meet the ORL's growing investigative activity, this past year we restructured our staff complement in a way that allows us to allocate resources dedicated to ORL investigations and merging some of the functions of the ORL with those of the OIPC. This has enabled us to take advantage of economies of scale and fulfill the functions of both offices more efficiently.

The Deputy Registrar function has been amalgamated with the OIPC Assistant Commissioner. We have assigned ORL investigations to two OIPC investigators. OIPC Intake Officers provide backup support to the ORL Registry Manager in the Registry help desk function. In addition, ORL communications functions have been transferred to the OIPC Director of Communications. This restructuring has enabled both offices to deliver more services within existing resources.

## 2. Promote enhancements to the *Lobbyists Registration Act*

The fundamental purpose of the LRA is to create transparency regarding who is attempting to influence government decision-making. The legislation requires lobbyists to report their professional activities to the public by registering on the publicly-searchable database. However, certain features of the current legislation inadvertently undermine the goal of transparency and create barriers to compliance. Our four years of experience, combined with feedback from lobbyists and stakeholders, indicate there are a number of ways to enhance the LRA to better meet its primary objectives.

In December 2013 I tabled a report in the Legislative Assembly and briefed the Minister of Justice and her senior staff on the following recommendations:

1. Require lobbyists and designated filers to identify public office holders who they have *actually* lobbied, instead of those whom they *expect* to lobby. The current requirement to register expected lobbying is not an accurate reflection of actual lobbying activity, since expected lobbying often does not take place.
2. Remove the requirement for organizations to lobby “at least 100 hours annually” before they are required to register as in-house lobbyists. However, the Registrar of Lobbyists should have the authority to grant exemptions in cases where it would be reasonable to excuse small organizations that do little lobbying.
3. Require that former public office holders, as defined by the LRA, refrain for a period of 12 months after they leave office, from lobbying the agency where they worked during the last 12 months of employment as public officials. They should also refrain from lobbying on matters they were involved with during the last 12 months of their employment as public officials.
4. Require designated filers to include in their registrations the name and business address of any person or organization, in addition to their client or employer, that controls, directs or funds the lobbying activities or has a direct interest in the outcome of a lobbyist's activities on behalf of a client or employer.
5. Require a mandatory review of the *Lobbyists Registration Act* every five years. There is currently no mandatory review period.

These changes would result in substantial improvements to the current oversight regime. They would eliminate obstacles to transparency and clarify the standards for registration, making compliance with the legislation more practicable. This would assist the LRA in meeting its prescribed purpose of helping to make



lobbying more transparent and government more accessible to the citizens of B.C.

During the course of next year, I will continue to follow up with government with respect to its response to these recommendations and encourage their enactment by the Legislative Assembly.

### 3. Develop and implement a public education strategy

The ORL has provided orientation and awareness training for lobbyist and public office holders since 2010.

We believe that it is time to take a systematic approach to working with stakeholders and identifying their differing educational needs. We are convening a small group of stakeholders to conduct a public education needs assessment. After the consultations are complete, we will develop a formal plan for delivering public education sessions tailored to the needs of our different audience groups including lobbyists, public office holders, stakeholders and the general public.

## Mandate of the Office of the Information and Privacy Commissioner

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The OIPC is the independent oversight agency responsible for monitoring and enforcing compliance with two statutes, the *Freedom of Information and Protection of Privacy Act* (“FIPPA”) and the *Personal Information Protection Act* (“PIPA”).

Under FIPPA, the OIPC enforces compliance with access and protection of privacy legislation by more than 2,900 public bodies in British Columbia, including ministries, Crown corporations, health authorities, municipalities, self-governing professions, universities and school districts.

In discharging its mandate, the OIPC investigates and mediates access appeals and privacy complaints; conducts formal hearings; issues binding orders; comments on the access and privacy implications of proposed legislation, programs, policies and technologies; and educates the public about their access and privacy rights and public bodies about their legal obligations.

The work of the OIPC is crucial to ensuring that decisions and actions of public bodies remain open and accountable, and that public bodies properly control and manage the personal information of citizens that they collect in order to deliver public services.

PIPA sets the rules that private sector organizations, including businesses, labour organizations, interest groups and non-profits must follow in the collection, use and disclosure of customer, client and employee personal information. Similar to its duties under FIPPA, it is the OIPC's responsibility to enforce compliance of PIPA by the estimated 380,000 private sector organizations in B.C.

Under PIPA, the OIPC investigates complaints, adjudicates disputes and educates and informs the public about their consumer and employee privacy rights, and organizations about their privacy responsibilities.

## OIPC Major Accomplishments for 2014/15

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In this section, I would like to highlight the major accomplishments the OIPC was able to produce to date with the funding the Committee recommended last year.

### 1. INVESTIGATION INTO THE USE OF POLICE INFORMATION CHECKS IN BRITISH COLUMBIA

In April, I released what I believe is my most significant report in my term as Commissioner. This report required considerable resources from my office in the nearly six months between commencing the investigation and releasing my investigation report.

In B.C., when an individual goes to a police department and asks for a record check for employment purposes, the police issue a "Police Information Check" which discloses a great deal of personal information including criminal convictions, mental health apprehensions under s. 28 of the *Mental Health Act*, suicide attempts where police were first responders, and non-conviction information such a past police investigation that did not lead to charges, and charges that did not lead to convictions. This is the only record check available from police agencies in British Columbia. My office set out to examine the privacy implications of this practice, and we invited public submissions to help us understand the impact these checks have on citizens.

My office received more than 100 submissions from the public that showed the devastating personal impact these checks were having. Individuals told us how they had withdrawn from employment opportunities, and not pursued volunteer positions, on account of the sensitive personal information contained in their police information checks, some of which was a complete surprise to them. Some of the flags on their files included suicide attempts, events involving police where no charges were laid, and investigations that did not result in charges. These individuals were put in a situation where they had to explain these flags to



a prospective employer, when an employer would have no legal right to ask such questions of potential hires.

While this information might be legitimate for a police officer to have for law enforcement purposes, the disclosure of this information for the purposes of an employment background check is not appropriate.

I recommended that B.C. ultimately adopt a legislative solution to this issue to provide certainty and clarity for the police departments, employers and citizens. In the interim, I made recommendations such as removing all mental health information from the disclosures and prohibiting the release of non-conviction information outside of positions working with children or vulnerable adults. I recommended that for the vulnerable sector, police departments should follow the process in the *Criminal Records Review Act*, which provides for a criminal record check for convictions as the first step with additional disclosures taking place only where appropriate.

This is an issue my office continues to work on with government and police boards in hope that there will soon be a new process in B.C. that strikes a more appropriate balance between the legitimate safety concerns of employers and the privacy rights of citizens.

## 2. MODERNIZING GOVERNMENT INFORMATION MANAGEMENT

One of our main priorities continuing into next year involves maintaining a focus on the need for government to bring forward modern records management legislation. We issued two key special reports relating to this issue this past year.

- ***A Failure to Archive: Recommendations to Modernize Government Information Management***

In June 2014, I released a special report about the state of the British Columbia Archives. In 2003 when the BC Archives became a part of the Royal BC Museum, a “charge back” system was established for the archiving of government records. Ministries seeking to deposit records of long-term value with the BC Archives were to be charged \$454 per box. As a result of this fee, no government records scheduled for transfer have been deposited in the archives in the past decade. Instead, approximately 33,000 boxes of government records are languishing in government warehouses instead of being preserved and archived. I recommended that government end the archives deadlock by providing adequate resources going forward to ensure archiving continues.

This report also highlights the lack of a practical method for government to archive its electronic records. To effectively address this matter, I recommended that government bring forward legislation to provide a legal basis for archival

preservation of government's electronic records with an electronic archives capability established and funded within the Ministry of Technology, Innovation and Citizens' Services.

In this report, I also noted that the *Document Disposal Act* was enacted in 1936 and was no longer adequate to deal with the evolution of recordkeeping, particularly with the advent and reliance on digital records. I recommended that government replace the current legislative framework with modern records management legislation.

- ***A Step Backwards: Report Card on Government's Access to Information Responses***

In September of this year, I released a special report highlighting that government's performance on responding to access to information requests. This was my office's fourth timeliness report. In our last timeliness report card, government's performance had improved to an average of 93% on time (2011/12); over the past two years government's performance has fallen to 74% on time in fiscal year 2013/14.

The reasons behind this decline included a steady increase in the volume of requests received by government (up 24% since 2011) staffing challenges in the Information Access Operations (IAO) and issues specific to the Ministry of Children and Family Development, where on-time responses have plummeted from 99% to 52% over two fiscal years.

The report made seven recommendations to address the underlying issues driving access to information requests and the challenges facing government in responding in a timely manner, including a recommendation that government proactively disclose calendar information of ministers of senior public officials.

I also recommended that government adopt modern records management legislation, recognizing the importance of government being able to effectively track records from their creation through to their archiving.

In order to demonstrate an increased accountability to the public, I also recommended that government implement an email management system that would preserve the email accounts of senior government officials to ensure these documents are preserved and archived.

### 3. A PRESCRIPTION FOR LEGISLATIVE REFORM – PERSONAL HEALTH INFORMATION

British Columbia is one of the few provinces without comprehensive health privacy legislation governing the many generators of personal health information. In April of this year, I released a report highlighting that our health information governance is fragmented between more than a dozen separate laws, which are complex, inconsistent and incomplete. In this report, I recommended that government enact a comprehensive health information privacy law, with clear and consistent rules for the public and the private sector. The report made 21 recommendations in relation to a new health privacy law that would ensure B.C. can embrace the opportunity of technology and innovations in health research, while also protecting personal health information.

### 4. SUBMISSION TO THE SPECIAL COMMITTEE REVIEWING PIPA

British Columbia's PIPA requires that a special committee of the Legislative Assembly review the legislation once every six years. PIPA was introduced in 2003, the last review was conducted in 2008 and the 2014 review is currently underway.

In preparing our submissions for the Special Committee, we have had to pay particular attention to federal activity as PIPA is designated as "substantially similar" to federal privacy legislation. As a result of this our key recommendations have been informed by federal bills that could affect the federal legislation such as Bill S-4 (*Digital Privacy Act*), and Bill C-13 (*Protecting Canadians from Online Crime Act*).

Our recommendations have also been informed by two relatively recent decisions from the Supreme Court of Canada involving warrantless access by police and the collection of personal information by members of a union involved in an industrial strike. In addition, new technologies continue to emerge that affect the privacy landscape and this past year there has been unprecedented attention brought to the question of access to personal information by public bodies and, in particular, law enforcement. All of this contributed to my decision for accountability and transparency to underpin the key recommendations that my office is making to the committee reviewing PIPA.

The Special Committee is expected to release its report in February 2015.

### 5. COMMENCEMENT OF AUDIT PROGRAM

Last year I announced that OIPC had launched a new audit program. This was as a result of the experience of previous investigations that had uncovered that, while many public bodies have developed policies and procedures to assist them with meeting their access and privacy obligations, few are conducting any kind of

follow up, or compliance reviews, to ensure that employees are complying with these policies and procedures.

We are in the process of finalizing the audit methodology and implementation plan, including audit tools, and identifying targets for compliance reviews. We expect the audit program will enable public bodies to identify and address privacy vulnerabilities before breaches occur. We will publish reports to provide guidance to other public bodies and organizations so that they can identify and address their own weaknesses.

We conducted a test run of audit methodology and some of the audit tools in an examination of the management and reporting of privacy breaches by provincial government ministries. The examination looked at existing policies and procedures with respect to the management and reporting of breaches and the extent to which ministries are complying with them.

## 6. GUIDELINES AND EDUCATION

The OIPC issued a series of guidance documents this past year. In January, we released updated Public Sector Surveillance Guidelines to reflect our office's view on the expanding use of surveillance. This guidance provided public bodies with information on how FIPPA applies to the use of video and audio surveillance systems and included a number of best practices for those looking to use such systems.

In January we also released updated guides to OIPC processes for both FIPPA and PIPA. These documents set out the most common procedures the OIPC follows for each piece of legislation and are intended to serve as a practical guide for citizens who are wishing to make a complaint or ask for a request for review.

In conjunction with the federal and Alberta Commissioners' offices, we also produced guidelines for online consent. This guidance on obtaining meaningful consent in the online context encourages organizations to have a clear, descriptive and accessible privacy policy that users are able to assist the user experience.

As follow-up to an OIPC order, we also issued guidance on conducting reference checks in the public sector. This guidance explains to public bodies that in circumstances where they wish to check additional references, they must first ask for the consent of the applicant.

## 7. COLLABORATION WITH OTHER PRIVACY AND DATA PROTECTION AUTHORITIES

In May, we joined 26 regulators around the world, to participate in the second Global Privacy Enforcement Network (GPEN) privacy sweep of mobile app developers. This is an example of privacy enforcement authorities working

together to promote privacy protection around the world. The B.C. office reviewed apps from financial institutions popular in B.C. and found that the majority of apps failed to provide sufficient information about their privacy practices, including collection, use and disclosure of client personal information. In conjunction with the federal and Alberta offices, the OIPC previously produced guidance entitled "*Seizing Opportunity: Good Privacy Practices for Developing Mobile Apps*".

## **8. HOSTING ASIA PACIFIC PRIVACY AUTHORITIES FORUM, 1-3 DECEMBER 2014**

The OIPC is a member of the Asia Pacific Privacy Authorities (APPA), which offers a forum for privacy authorities across the Asia Pacific to meet to exchange ideas and expertise about personal information protection – including on regulatory approaches, issues arising from new and emerging technologies, and the management of investigations and complaints.

Data routinely flows across international borders. As a result, data protection and privacy commissioners the world over have recognized the critical role that our cooperation plays in ensuring the protection of the personal information of individuals. Cooperation improves the efficiency and effectiveness of our office so that we may better serve the public here in B.C.

This year, in conjunction with my federal colleague, Daniel Therrien, our office is honoured to be hosting the 42<sup>nd</sup> APPA Forum in Vancouver, B.C., from December 1-3, 2014. This meeting will bring together data protection authorities from around the Asia Pacific. Members will engage in a high-level exchange on governance best practices and key developments in global privacy, such as the right to be forgotten and data privacy regulation in the context of cross-border trade.

This year we are also pleased to feature a focus on one of the defining privacy issues of our times: big data and personal information protection.



## OIPC Priorities for fiscal year 2015/16

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### 1. Reduce the current backlog of complaint and appeal files

The main focus of my office for next fiscal year will be to reduce the backlogs at the investigation and adjudication functions my office is responsible for. In my presentation to the Committee on October 8, 2014, I indicated that there had been a considerable increase in the backlog of the files at investigation and adjudication. As of today we have 220 files awaiting assignment at investigation and approximately 90 files awaiting assignment to an adjudicator.

These backlogs are the result of a surge of complaints and appeals. We experienced an increase of almost 33% between 2012/13 and 2013/14. These increases reflect national and international trends. For example, in fiscal 2013/14, the Office of the Information Commissioner for Canada experienced an increase of 17% and the Office of the Privacy Commissioner for Canada experienced an increase of 19%. My other colleagues across Canada and throughout Europe and the Asia Pacific Rim are also struggling to cope with growing backlogs of complaints and appeals. There is an increasing level of awareness and concern about privacy and access to information. Citizens in British Columbia and around the world are becoming more informed and engaged. I anticipate that the growing demand for the services of our offices will continue.

Investigation is the first stage of our process when we receive a complaint or appeal. This work is generated by citizens or consumers who are making privacy complaints or are requesting appeals of decisions of public bodies or organizations in response to their access requests under FIPPA and PIPA. An investigator attempts to resolve the matter informally either by working with all parties to achieve consensus about the disposition of a file or by issuing informal findings. It can be long and arduous work bringing parties to a consensus, especially given that often the reason these parties are before us is because their relationship is often broken. Investigators resolve about 93% of all complaints and appeals through mediation. The remainder go forward to adjudication.

There are 10 employees and four part-time contractors dealing with investigations. Each investigator carries a caseload of about 30 files. We have determined through experience that this is the number most investigators can manage most efficiently. A backlog results when all investigators are carrying a full caseload. The files in the backlog remained unassigned until investigators close one of their existing files.

The statistics dealing with **investigations** are as follows:

<b>Fiscal Year</b>	<b>Number of Files at beginning of year</b>	<b>New Files Received</b>	<b>Files closed during year</b>	<b>Number outstanding at Year-end</b>
<b>2012/13 actual</b>	401	1165	1205	361
<b>2013/14 actual</b>	361	1536	1311	586
<b>2014/15 estimated</b>	586	1420	1362	644

Translated into wait times, the average delay in waiting for a file to be assigned to an investigator is 20 weeks. The files take on average of 15 weeks to resolve. Therefore, most citizens are waiting 35 weeks for their complaint or appeal to be resolved. In most cases, citizens have already been dealing with the issue with the public body or organization for several months before approaching our office.

Adjudication is the second stage of our process which involves a formal written hearing or inquiry involving the parties. These are mostly **access** requests that proceed to adjudication, as investigators resolve nearly all privacy complaints. Adjudicators hear cases under both FIPPA and PIPA. All parties make formal written submissions, often with the aid of legal counsel, and an adjudicator deliberates on the submissions and issues a binding decision. There are four employees and one part-time contractor dealing with adjudications. The Commissioner hears inquiries when there is a new area of interpretation of the law. The statistics dealing with **adjudications** are as follows:

<b>Fiscal Year</b>	<b>Number of Files at beginning of year</b>	<b>New Files Received</b>	<b>Files closed during year</b>	<b>Number outstanding at Year-end</b>
<b>2012/13 actual</b>	37	84	69	52
<b>2013/14 actual</b>	52	113	64	101
<b>2014/15 estimated</b>	101	116	115	102

Translated into wait times, the average delay in receiving a binding adjudication decision is now 53 weeks, up from the average of 31 weeks in 2011/12. This means that of the files that reach adjudication, citizens have to wait approximately 90 weeks for a resolution. If there is a judicial review, they must wait yet another year.

Should one of the parties disagree with our adjudicator's decision, they can seek leave to appeal the decision to the Supreme Court of British Columbia. Thus the third and often very expensive step is judicial review. In 2014/15 there were nine outstanding judicial reviews, two initiated by government, three by other public bodies, three by third parties and one initiated by an applicant.

We are currently addressing these backlogs within our current resources – by such initiatives as more training of recently hired employees, hiring co-op students to assist in the research, realigning internal resources and streamlining administration processes wherever possible.

However, as I will return to in our budget request, in the case of investigations, we are unable to deal with the large volume of new files received in the last year and a half without additional staff resources.

The previously dedicated professional services funding of \$300,000 which the Standing Committee on Finance and Government Services permitted to be used to offset a projected 2014/15 deficit is the source of funding for legal services for these judicial reviews.

## **2. Increase the proportion of public and private sector organizations that have effective privacy management programs in place**

For public agencies and private organizations, understanding how to comply with privacy laws can be challenging, technical, complex, and at times opaque. British Columbia is one of a growing number of privacy regulators seeking to achieve greater compliance with the law by encouraging organizations to proactively adopt effective privacy management programs across the organization. In this approach, the onus is on the organization to be aware of, and comply with, the law rather than relying on a regulator to verify compliance.

This approach gives governments and businesses the opportunity to be proactive in addressing privacy concerns of citizens and customers, and gives regulators a consistent framework or yardstick by which to measure overall compliance.

Canada's privacy commissioners have published detailed guidance for the private sector to build privacy into an organization's foundation, promote compliance and demonstrate to regulators, governments and customers that they take privacy seriously. The B.C. office has also developed step-by-step guidance for the public sector.

During the coming year, we will be seeking to promote our accountability document in various forums. We intend to use training sessions, workshops and presentations to highlight, for a variety of audiences, the existence of this guidance and the reasons why it is essential for public bodies and organizations to implement it.

We will continue to assess the overall privacy management programs of public bodies and private organizations in the course of our systemic investigations, and we will also seek to implement an accountability lens to our new audit and compliance program. We will use the standards that we have incorporated in our guidance documents as the measure to evaluate compliance.

By announcing our intention to conduct audits and compliance reviews based on our guidance documents, public bodies and organizations may see the incentive of conducting reviews on their own operations and following the step-by-step guidance to implement accountable privacy management in advance of any audit or review that we might conduct.

### **3. Encourage adoption of OIPC recommendations for regulatory reform**

A prominent theme that has emerged from the OIPC's investigations and special reports over the last year is the need for a range of regulatory reforms related to information management and protection of privacy.

In the Investigation Report into the Use of Police Information Checks in British Columbia I recommended that government enact legislation to ensure the disclosure of personal information from police databases does not exceed that which is reasonable for the purpose of screening prospective employees and volunteers.

In "A Failure to Archive", the special report into the current state of B.C.'s provincial archive, I found that the 1936 *Document Disposal Act* was not meeting the needs of modern information management in government. I recommended that government enact a modern statutory framework to address the needs and realities of digital records. I also reiterated my 2013 recommendation that new information management legislation provide for a duty to document key government decisions and deliberations. I re-iterated the need for new information management legislation in my special report entitled "A Step Backwards: Report Card on Government's Access to Information Responses".

My office's special report "A Prescription for Reform" discusses how the current legal framework around personal health information has not kept pace with privacy and research needs in the modern digital age. I recommend that government enact comprehensive health information legislation that will protect the privacy of personal health information while enabling the disclosure for research that is necessary for efficient and cost-effective delivery of health services in B.C.

Finally, as discussed above, my office plays a significant role in the review of PIPA that is statutorily required every six years. As well as my testimony before the Special Committee for that review, my office provides detailed



recommendations for reform and comments on the reform submissions provided by other organizations and individuals. Chief among my many recommendations for this review is the need for mandatory notification to my office and to affected individuals in the event of a personal information breach.

I will continue to monitor the responses to my recommendations and promote the public benefits of regulatory reform.

## Budget Request for fiscal year 2015/16

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The budget for my two offices currently breaks down as follows: 60% is for salaries and benefits; 13% is for professional services; 18% is for fixed costs such as our shared services costs, rent, and utilities; 3% is for amortization and 5% is for office expenses and 1% is for travel. We have a staff compliment of 34 positions. Consequently, our management discretion to deal with further mandated cost increases has to come primarily from salaries (*i.e.*, not hiring staff) or a reduction in outside professional advice, such as legal advice.

Last year at this time, when I appeared before this committee, I requested an increase of \$72,000 (a 1.3% increase) to cover mandated cost pressures. The committee's decision was not to provide this request.

As explained in my presentation in October 2014, I dealt with these cost pressures by reducing professional services (primarily legal services), by cutting back on travel, by not filling vacant positions and by deferring activities in our strategic plan.

The committee's approval of my request to use the projected surplus in funding dedicated for professional services relating to judicial reviews allows us to be able to project that we will end 2014/15 with a small budget surplus.

This coming year we are, again, faced with an adjustment to cover government mandated salary increments and adjustments for Schedule A (union-classified) and management exclusion employees in the Office and within Shared Services, benefit increase of 1% for all staff and building and electricity increases. This amounts to unavoidable increases of \$214,000, compared to our 2014/15 estimates - which represents a projected expenditure increase of 3.8%. The Office is also facing additional cost pressures of \$126,000 due primarily to position reclassifications.

These amounts are partially offset by a reduction in amortization expenses of \$37,000, leaving my office with cost pressures of \$303,000 for 2015/16 and for future years.



We can meet these costs pressures and budget for the same level of funding for 2015/16 as in 2014/15 and 2013/14 – an amount of \$5,526,000 based on:

- Reducing travel by \$15,000;
- Undertaking a number of other adjustments totalling reductions of \$34,000;
- Reducing professional service contracts by \$84,000; and
- With the approval of the committee, permanently removing the spending restrictions on the dedicated budget of \$300,000 for professional services funds for legal services relating to judicial reviews and reducing that budget element by \$170,000.

The existing 2014/15 capital budget in the amount of \$45,000 is an adequate level for 2015/16.

The consequence of this approach is that we can keep within the operating budget allocation we were provided in the previous and current fiscal years: \$5,526,000 with a capital budget of \$45,000.

However, as previously discussed on pages 14-16, this will leave my office unable to deal with the unacceptably high level of outstanding investigation case files, caused by a nearly 33% increase in complaints. This high level is my first priority to address. With incoming complaints showing no sign of abating, it will be impossible to respond to complainants and appeals in a timely fashion and I believe asking citizens to wait at least nine months before their access complaint is dealt with is unacceptable. The consequences of these backlogs are real and significant. Citizens are becoming increasingly vocal about their frustration with these delays. This problem also adversely affects public bodies and organizations, which sometimes must delay certain operations pending the outcome of the files.

I am therefore asking for one additional investigator position and corresponding salary and benefit costs in the amount of \$110,000 for a total budget request of \$5,636,000. This represents an operating budget increase of 1.9% compared to both the current and previous fiscal years.

An additional investigator would immediately reduce the backlog from 220 files to 190, as they would take 30 files out of the backlog and begin actively investigating them. As investigators close an average of six files per month, a new investigator would close 70 files (their original 30 plus 40 new files) over the course of the year. By the end of the year, this would reduce the backlog further and enable us to deliver faster outcomes to citizens by decreasing the average wait time by one month, which constitutes a significant reduction of 20%.

In summary I request:

1. Permanent authority to use professional services funds previously dedicated to legal services for judicial review to partially meet cost increases; and
2. Funding for an additional investigator to help reduce the backlog of files in the amount of \$110,000.

In total, this represents a requested operating budget of \$5,636,000 and a capital budget of \$45,000 for 2015/16.

November 25, 2014



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Elizabeth Denham  
Information and Privacy Commissioner  
for British Columbia  
and Registrar of Lobbyists

## Statement of Operations

### Previous and Current Fiscal Years

	Fiscal 2013/14 (previous year)		Fiscal 2014/15 (current year)
	Budget	Actual	Budget
<b>Funding</b>			
Voted Appropriation	5,526,000	5,320,746	5,526,000
<b>Total</b>	<b>5,526,000</b>	<b>5,320,746</b>	<b>5,526,000</b>
<b>Expenses</b>			
Salaries (STOBs 50, 51 and 54)	3,090,000	3,071,965	3,090,000
Employee Benefits	655,000	644,058	655,000
Travel	67,000	74,259	67,000
Professional Services			
General Contracts	429,000	387,689	429,000
Judicial Review	300,000	165,452	300,000
Information Systems	97,000	87,840	97,000
Office and Business Expenses	113,000	158,171	113,000
Informational Advertising & Publications	25,000	3,949	25,000
Statutory Advertising & Publications	18,000	14,336	18,000
Utilities, Materials and Supplies	16,000	22,630	16,000
Operating Equipment & Vehicles	12,000	9,409	12,000
Amortization	157,000	140,966	157,000
Building Occupancy	552,000	540,022	552,000
Internal Recoveries	(3,000)	0	(3,000)
Other Recoveries	(1,000)	0	(1,000)
External Recoveries	(1,000)	0	(1,000)
<b>Total Expenses</b>	<b>5,526,000</b>	<b>5,320,746</b>	<b>5,526,000</b>
<b>Capital Budget</b>			
Information Systems, Furniture & Equipment	45,000	32,972	45,000
<b>Total Capital</b>	<b>45,000</b>	<b>32,972</b>	<b>45,000</b>

## Proposed 3-Year Budget Plan by Standard Object of Expenditure (STOB)

		Fiscal 2014/15 (current) Budget	Fiscal 2015/16 (Proposed) Estimates	Change	Fiscal 2016/17 Planned	Fiscal 2017/18 Planned
<b>STOB</b>	<b>Expense Type</b>					
50	Salaries	2,825,000	3,127,000 <sup>1*</sup>	302,000	3,161,000	3,161,000
51	Supplemental Salaries	6,000		(6,000)		
52	Employee Benefits	655,000	766,000 <sup>1</sup>	111,000	775,000	775,000
54	Officer of the Legislature Salary	259,000	266,000 <sup>2</sup>	7,000	266,000	266,000
57	Travel	67,000	52,000	(15,000)	55,000	52,000
60	Professional Services					
	Operations	429,000	345,000 <sup>3</sup>	(84,000)	400,000	400,000
	Judicial Review	300,000	130,000 <sup>3</sup>	(170,000)	150,000	150,000
63	Information Systems	97,000	95,000 <sup>4</sup>	(2,000)	95,000	95,000
65	Office and Business Expenses	113,000	100,000 <sup>5</sup>	(13,000)	102,000	100,000
	Informational Advertising &			(15,000)		
67	Publications	25,000	10,000 <sup>6</sup>		10,000	10,000
	Statutory Advertising &			(3,000)		
68	Publications	18,000	15,000 <sup>7</sup>		15,000	15,000
69	Utilities, Materials and Supplies	16,000	23,000 <sup>8</sup>	7,000	25,000	25,000
	Operating Equipment and					
70	Vehicles	12,000	12,000	-	12,000	12,000
73	Amortization Expense	157,000	120,000 <sup>9</sup>	(37,000)	45,000	45,000
75	Building Occupancy	552,000	578,000 <sup>10</sup>	26,000	608,000	610,000
88	Internal Recoveries	(3,000)	(1,000)	2,000	(1,000)	(1,000)
89	Other Recoveries	(1,000)	(1,000)	-	(1,000)	(1,000)
90	External Recoveries	(1,000)	(1,000)	-	(1,000)	(1,000)
	<b>Total</b>	<b>5,526,000</b>	<b>5,636,000</b>	<b>110,000</b>	<b>5,716,000</b>	<b>5,716,000</b>

### Capital Budget

	Information Systems, Furniture & Equipment	45,000	45,000 <sup>11</sup>	0	45,000	45,000
	<b>Total</b>	<b>45,000</b>	<b>45,000</b>	<b>0</b>	<b>45,000</b>	<b>45,000</b>

### NOTES:

\* Includes an additional investigator's salary of \$88,000 for 2015/16 and subsequent years. The corresponding benefits increase of \$22,000 is indicated in STOB 52.

1. STOB 50 (Salaries) and STOB 52 (Employee Benefits) include salary increases for Schedule A staff, the three percent management increase, the Office's portion of Corporate Shared Services costs and the increase in the benefits rate.
2. STOB 54 (Officer of the Legislature Salary)—The salary for the Information and Privacy Commissioner is set, by statute, as equal to the salary of the Chief Judge of the Provincial Court.
3. STOB 60 (Professional Services)—Includes funding for professional service contracts and specialized contracts to conduct information and privacy investigations and audits; contracts to support compliance functions under the Office of the Registrar of Lobbyists; and funding for legal services relating to judicial review proceedings brought against the Office of the Information and Privacy Commissioner.
4. STOB 63 (Information Systems) – Includes data lines, IDIR accounts, voice services, licensing, data communication and supplies.
5. STOB 65 (Office and Business Expenses) includes costs for office supplies, offsite file storage, postal and courier charges, printing and photocopying expenses (other than reports), newspaper subscriptions, staff training and business meeting expenses.
6. STOB 67 (Informational Advertising and Publications) includes costs for printing public reports other than the Annual Report to the Legislature.
7. STOB 68 (Statutory Advertising and Publications) includes costs for preparation and printing of the Annual Report to the Legislature.
8. STOB 69 (Utilities, Materials, and Supplies) includes costs for hydro, shredding, recycling, books and supplies.
9. STOB 73 (Amortization) - The cost of repaying the Capital budget expenditures for information systems hardware and software, tenant improvements and office furniture. Expenditures for information systems are amortized over three years. Expenditures for tenant improvements and office furniture are amortized over five years. Amortization costs for the substantial tenant improvements on office space will conclude during fiscal year 2015/16; however, the expected reduction in costs will be offset by an increase in base rent (see STOB 75).
10. STOB 75 (Building Occupancy)—The Office's share of the costs for the consolidated office space for four Independent Offices of the Legislature at 947 Fort Street. Operating costs (e.g. building insurance, hydro and property taxes) are anticipated to increase in fiscal year 2015/16 and in subsequent years. The rate for base rent will increase in fiscal year 2015/16 from \$30/square foot to \$33/square Foot.
11. CAPITAL BUDGET— This is for the purchase of information systems hardware and software and office furniture, and is consistent with the Capital budget in fiscal year 2014/15. Capital amounts are repaid through amortization expense in STOB 73.



## Proposed 3-Year Budget Plan by Business Area

Business Area	Current Year	Proposed		
	Fiscal 2014/15	Fiscal 2015/16	Fiscal 2016/17	Fiscal 2017/18

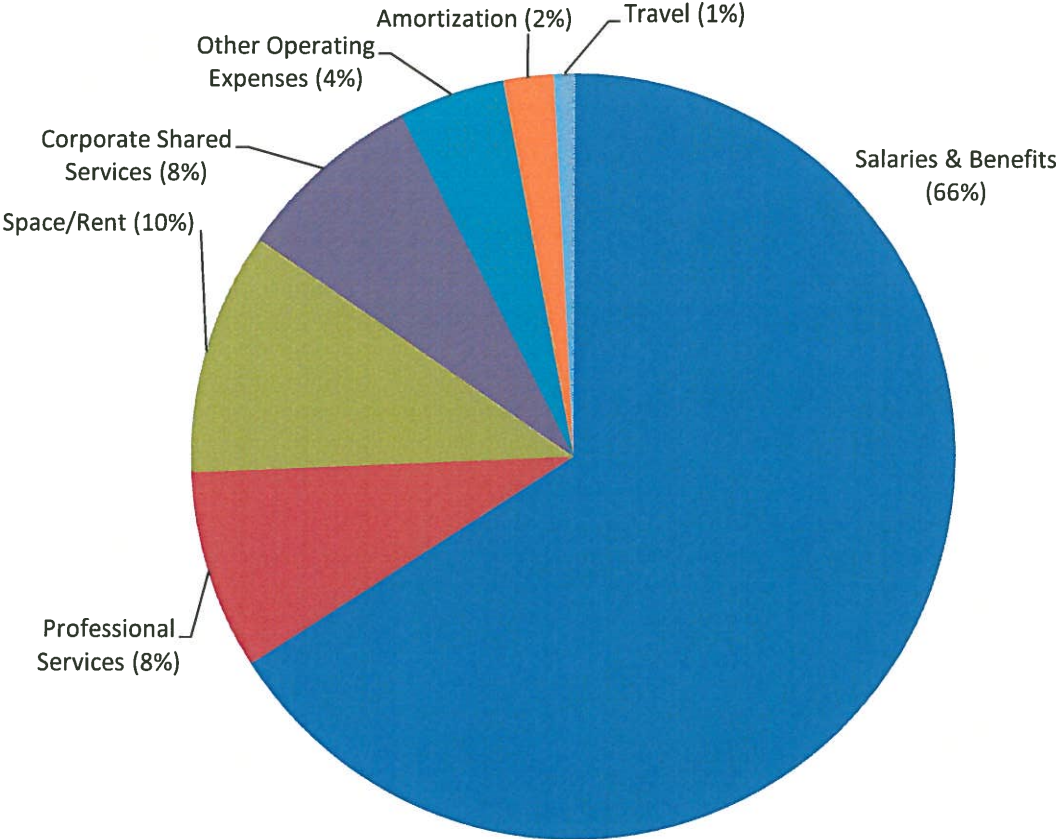
### Operating Expenditures (Consolidated Revenue Fund) (\$000)

Core Services:				
-Public Sector Information & Privacy	3,363	3,427	3,480	3,470
-Private Sector Privacy	1,136	1,162	1,180	1,177
-Lobbyists Registration	598	601	610	609
Total Core Services	5,097	5,190	5,270	5,255
Shared Services	429	446	446	461
<b>Total</b>	<b>5,526</b>	<b>5,636</b>	<b>5,716</b>	<b>5,716</b>

### Capital Expenditures (Consolidated Revenue Fund) (\$000)

Info. Systems, furniture & equipment	45	45	45	45
<b>Total</b>	<b>45</b>	<b>45</b>	<b>45</b>	<b>45</b>

# Fiscal 2015/16 Proposed Operating Budget, by Expenditure Type



\* Other Operating STOBs includes information Systems (63), Office Expenses (65), reporting (67 and 68), Utilities (69) and recoveries (88, 89 and 90)



OFFICE OF THE  
INFORMATION &  
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*for British Columbia*

Protecting privacy. Promoting transparency.

**O.R.L.**  
office of the  
registrar  
of lobbyists  
**BRITISH COLUMBIA**

# Service Plan

## Fiscal Years 2015/16-2017/18

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Presented to:

Select Standing Committee on Finance  
and Government Services  
Legislative Assembly of British Columbia

November 25, 2014

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## Message from the Information and Privacy Commissioner and Registrar of Lobbyists

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The past year has seen access to information, privacy and transparency increasingly discussed and debated in the news media and among citizens. From data breaches at retail giants such as Target and Home Depot, to the breach of a tailings pond at the Mount Polley mine, to questions about who is lobbying whom and why, British Columbians are deeply concerned about these issues.

As the Information and Privacy Commissioner and Registrar of Lobbyists, it is my responsibility to respond to these concerns and provide independent oversight to ensure information rights continue to be robustly exercised and transparency in lobbying is maintained.

In light of this growing interest and awareness, it has been a busy year. We successfully launched a new strategic plan for the Office of the Information and Privacy Commissioner ("OIPC") and delivered on our goals for the Office of the Registrar of Lobbyists ("ORL"). As the performance measures reported in this Service Plan indicate, in most cases we achieved or surpassed our targets.

During fiscal 2013/14, the ORL saw an improvement in the timeliness of lobbyist registrations to 95%, up 2% from last year. We completed 178 compliance reviews, an increase of 70% from last year. We also completed 12 formal investigations, topping our target of 10. We also delivered three issues of *Influencing BC*, our online journal for the lobbying community. As I noted last year, we issued a report recommending changes to the *Lobbyists Registration Act* and tabled it with the Ministry of Justice. Since then we have been raising awareness of the Report with the lobbying community and the public. The Government of British Columbia has yet to signal its intention to introduce a Bill to implement these changes, but we will continue to advocate for reform.

In September 2014, we hosted a very successful annual conference of the Lobbyists Commissioners and Registrars Network of Canada in Victoria. This provided an opportunity for our federal, provincial and municipal colleagues to report on their activities and share best practices. The Speaker of the Legislative Assembly graciously offered the Legislature as a meeting venue, and we received many accolades from the participants.

As Information and Privacy Commissioner, I issued five major reports and five guidance documents during the last 12 months. The most significant report was on the use of police information checks in an employment context, which garnered considerable public attention and participation in the consultation phase. We also issued a series of other reports recommending regulatory reform



at many levels: a prescription for reform in health information; the failure of the B.C. Government's archival program; the deterioration of ministry response times for access to information requests; and a report on the health data research forum.

The OIPC public education program is ongoing. We continue to deliver speeches and participate on panels at conferences. We deliver specialized training sessions to access and privacy professionals, as well as line staff in a broad range of local public bodies and organizations. As a result of salary and benefit cost pressures in fiscal 2014/15, we had to cut our travel budget. This has meant that we have delivered fewer speeches and conference presentations than in recent years. We continue to engage and inform British Columbians through social media, and our website continues to be recognized for its informative and innovative approach to informing individuals about their privacy and information rights.

In December 2014, in conjunction with the Office of the Privacy Commissioner of Canada, we will be hosting the 42<sup>nd</sup> Asia Pacific Privacy Authorities ("APPA") Forum in Vancouver. This meeting will provide an opportunity for data protection authorities from across the Asia Pacific to share best practices and discuss key developments in global privacy. This will be the first time that Canada has hosted this forum, and I am proud that APPA has chosen to give our Office this responsibility.

We have had a significant increase in our caseload. From 2012/13 to 2013/14, complaints, appeals, and breach notifications increased by approximately 33%. This has resulted in a steep increase in our backlog of case files. In some cases, individuals are waiting weeks, if not months, for their complaint or appeal to be heard. I am deeply concerned about the backlog and the impact it has on individuals' information rights. We are taking immediate steps to reduce the backlog, including an increase in contracted investigative staff. We are also making changes to our internal file management practices to ensure we can continue to provide fair and timely access to services for all applicants until the backlog can be resolved. Despite these significant challenges, we have continued to exceed our targets for resolving requests for review within 90 business days (69%) of being assigned to an investigator and complaints within 120 business days (85%). We settled 93% of requests for review without an inquiry, which is very close to our target (95%).

I am proud of our successes, especially given that we faced increasing demands for our services during a year of fiscal restraint, as we had to absorb the pressures of significant unfunded salary, benefit, and other cost increases. We will continue to deliver services to the citizens of British Columbia in the most

cost-effective manner. We will continue to face the challenges of a growing caseload, but I am confident that, with the guidance of our strategic plan, we will be able to rise to those challenges.

November 25, 2014



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Elizabeth Denham  
Information and Privacy Commissioner  
for British Columbia  
and Registrar of Lobbyists

## Vision

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- A community where privacy is valued, respected and upheld in the public and private sectors;
- A community where access to information rights are understood and robustly exercised;
- A community where public agencies are open and accountable to the citizenry they serve; and
- A community where lobbying is understood, respected, and transparent.

## Mandate

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Under the *Lobbyists Registration Act* ("LRA"), the mandate of the Office of the Registrar of Lobbyists ("ORL") is to:

- Promote awareness among lobbyists of registration requirements;
- Promote awareness among the public of the existence of the lobbyists registry;
- Manage registrations submitted to the lobbyists registry; and
- Monitor and enforce compliance with the LRA.

Under the *Freedom of Information and Protection of Privacy Act* ("FIPPA") and the *Personal Information Protection Act* ("PIPA"), the mandate of the Office of the Information and Privacy Commissioner ("OIPC") is to:

- Independently review decisions and practices of public bodies and private sector organizations concerning access to information and protection of privacy;
- Comment on the implications for access to information or protection of privacy of proposed legislative schemes, automated information systems, record linkages, and programs of public bodies and organizations; and
- Educate and inform the public about access and privacy rights.

## Who we serve

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Under FIPPA, PIPA, and the LRA, the Offices serve:

- the information and privacy rights of citizens and consumers; and
- the Legislative Assembly of British Columbia.

## *How we do our work*

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The ORL addresses concerns about the integrity of government decision-making in that it provides a public record of who is or has attempted to influence government decisions. The ORL manages compliance through an interrelated spectrum of compliance strategies including incentives, education and outreach to lobbyists and public office holders, verification of registration information, public reporting, compliance reviews, investigation and administrative penalties.

The OIPC mediates and investigates access to information appeals and privacy complaints, conducts audits, delivers public education, reviews and comments on the privacy or access implications of legislation, programs or systems, conducts formal hearings and issues binding orders.



## **Service Plan of the Office of the Registrar of Lobbyists**

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The ORL seeks province-wide compliance with the *Lobbyists Registration Act* ("LRA") through a series of interrelated compliance strategies. Our approach is built on guidelines recommended in *Lobbyists, Governments and Public Trust*, a report by the Organisation for Economic Co-operation and Development.<sup>1</sup>

### **Compliance Principles**

- The purpose of the LRA is to enhance transparency in lobbying;
- Lobbying in British Columbia must comply with legislation and regulations;
- Cost-effective, informal and non-punitive forms of resolving minor matters of non-compliance should be used where appropriate;
- Enforcement activities will be carried out in a fair, objective, respectful and consistent manner;
- Educating the public about the public Registry of Lobbyists is critical to achieving the policy objective of transparency; and
- Ongoing dialogue with the stakeholder community – lobbyists, organizations, public office holders, fellow oversight agencies and the public – is essential to ensuring compliance strategies remain timely, cost-efficient and effective.

### **Goals, Strategies and Performance Measures**

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<p><b>Goal 1—Enhance the enforcement function under the <i>Lobbyists Registration Act</i></b></p>
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Informal resolution of possible non-compliance is desirable, and the ORL will continue to use informal measures whenever they are appropriate and effective. However, this is the second year that the Office has conducted an increased number of formal investigations and applied administrative penalties more frequently in an effort to enhance enforcement.

<sup>1</sup> For the complete text of the OECD report, see: <http://www.oecd.org/dataoecd/5/41/41074615.pdf>.

## Strategies

- Analyze publicly available information sources to identify government priorities, organization priorities and possible unregistered lobbying;
- Conduct compliance reviews to identify potential contraventions for formal investigation; and

Performance Measure	2013/14		2014/15	2015/16	2016/17	2017/18
	Target	Actual	Target	Target	Target	Target
<b>1. Percentage of on-time registrations</b>	85%	95%	90%	90%	90%	90%
<b>2. Number of compliance reviews</b>	80	178	140	140	140	140
<b>3. Number of compliance investigations</b>	10	12	20	20	20	20

### Goal 2—Promote enhancements to the *Lobbyists Registration Act*.

We established this goal last year, in light of feedback from lobbyists and other stakeholders and based on our experience enforcing the LRA from 2010 to 2013. There are a number of ways to enhance the legislation to better meet its primary objectives. The fundamental purpose of the LRA is to create transparency regarding who is attempting to influence government decision making. However, certain features of the current legislation inadvertently undermine the goal of transparency and create barriers to compliance. To address these issues, in my report entitled, “Recommended Changes to the *Lobbyists Registration Act*” I have made five recommendations for reform.

## Strategies

- Raise awareness of the Registrar’s recommendations for reform among lobbyists and the general public.

There is no performance measure for this goal, as the decision will be taken by the Legislative Assembly as to whether to amend the legislation.

### Goal 3—Provide education for lobbyists, public office holders and the public

Our public education and outreach activities over the last three years have been largely focussed on making lobbyists and public office holders aware of the LRA and the need to register. This has led to a greater awareness about lobbying



legislation in British Columbia among lobbyists, public office holders and the general public. We believe that now it is time to develop specialized public education tailored to the particular needs of different stakeholders.

### Strategies

- Develop a comprehensive public education plan for lobbyists, stakeholders and the public;
- Co-host with Simon Fraser University a third conference on lobbying;
- Publish ORL online journal, *Influencing BC*, and circulate widely;
- Manage and keep current the Office of the Registrar of Lobbyists website; and
- Publish monthly summaries of registered lobbying activities in the province.

Performance Measure	2013/14		2014/15	2015/16	2016/17	2017/18
	Target	Actual	Target	Target	Target	Target
<b>4. Issues of <i>Influencing BC</i> published</b>	3	3	3	3	3	3



OFFICE OF THE  
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Protecting privacy. Promoting transparency.

## Service Plan of the Office of the Information and Privacy Commissioner

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### *Goals, Strategies and Performance Measures*

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#### **Goal 1—Uphold privacy rights and monitor protection of personal information and data**

This is a new goal for fiscal 2014/15 based on the OIPC's three-year strategic plan. The goal encompasses two of the key priorities we identified in our 2014/15 Budget Submission that accompanies this plan. They are: (1) ensure the implementation of robust privacy rules and guidelines for data linking and information sharing activities of public bodies; and (2) increase the proportion of public and private sector organizations that have effective privacy management programs in place.

#### **Strategies**

- Secure government support for robust privacy rules and guidelines for data linking and information sharing activities of public bodies as a priority initiative;
- Collaborate with government to implement reforms and educate and train public bodies;
- Promote OIPC's privacy management accountability guidance documents; and
- Develop an audit program to evaluate privacy management programs of public sector organizations to ensure their effectiveness.

<b>Performance Measure</b>	<b>2014/15 Target</b>	<b>2015/16 Target</b>	<b>2016/17 Target</b>	<b>2017/18 Target</b>
<b>1. Number of audits, compliance reviews and systemic investigations</b>	8	10	10	10
<b>2. Percentage of audit, compliance review and systemic investigation report recommendations implemented</b>	95%	95%	95%	95%

## **Goal 2—Promote and advocate for an open, accountable and transparent public sector**

This is a revised goal arising from our strategic plan for fiscal 2014/15 that expands on a previous goal, “An open and accountable public sector”. It also reflects the key priority from the 2014/15 Budget Submission of (3) Encourage the adoption of Open Government/Open Information programs and monitor the timelines and quality of public body responses to access requests.

### **Strategies**

- Increase the number of public bodies that have implemented effective open information programs through a systematic follow up of our open government report recommendations;
- Promote open information through our education mandate and by creating scalable guidance documents based on the open government/open information report;
- Provide support to FOI experts/leaders in public bodies by holding a one day symposium on open government best practices;
- Improve the quality and timeliness of public bodies’ responses to access to information requests, by assessing and reporting on the underlying causes for the lack of timeliness responding to access requests; and
- Advocate for information management legislation and policy reform that includes a duty to document, archival standards and explicit disclosure of categories of records.

Performance Measure	2013/14		2014/15	2015/16	2016/17	2017/18
	Target	Actual	Target	Target	Target	Target
<b>3. Average processing days for all ministries (business days)</b>	20	44	20	20	20	20
<b>4. Percentage of access requests processed on time by all ministries</b>	95%	74%	90% <sup>2</sup>	95%	95%	95%

**Goal 3—Ensure public bodies and private sector organizations understand their responsibilities under the law and individuals understand the value of information and privacy rights**

Promoting awareness of information rights remains a key goal of our Office. The OIPC will continue to support its education mandate through speaking engagements, interviews, training, conferences and other events.

### Strategies

- Meet the growing demand from public bodies and organizations for OIPC speakers and training in FIPPA and PIPA compliance by developing curricula and external resources so that public bodies and organizations can train their own employees;
- Facilitate public awareness of privacy and access rights by developing and implementing social media strategies for stimulating interest and discussion of individual information rights, and implement them with our other communications strategies; and
- Promote access and privacy issues in the public domain by responding to requests for media interviews and seeking out opportunities for public commentary.

Performance Measure	2013/14		2014/15	2015/16	2016/17	2017/18
	Target	Actual	Target	Target	Target	Target
<b>5. Number of OIPC presentations</b>	100	86	80 <sup>3</sup>	80	80	80

<sup>2</sup> We have revised this target from previous Service Plans as a result of our investigation into the timeliness of the responses of ministries. We hope that ministries, by adopting our recommendations, will improve their response rates over the next two years.

<sup>3</sup> We have reduced our target of 100 from previous Service Plans, as we make greater use of social media, webinars, and guidance documents for purposes of public education and as budget restrictions have reduced the ability of our staff to travel for the purpose of presentations.

<b>Goal 4—Enhance the quality and capacity of the OIPC’s people, systems, processes and culture</b>
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Delivering our mandate efficiently and effectively remains a goal of our Office.

### Strategies

- Ensure the timely resolution of complaints, reviews, and requests for information by conducting a review of internal processes and standards, and developing best practice guidelines;
- Leverage relationships with functional counterparts at other oversight agencies;
- Create opportunities for skills, knowledge and professional development for OIPC staff; and
- Promote a positive workplace culture, collaboration and engagement among OIPC staff.

Performance Measure	2013/14		2014/15 Target	2015/16 Target	2016/17 Target	2017/18 Target
	Target	Actual				
<b>6. Percentage of requests for review settled without inquiry</b>	95%	93%	95%	95%	95%	95%
<b>7. Percentage of review files resolved within 90 business days of assignment</b>	65%	69%	65%	65%	65%	65%
<b>8. Percentage of complaint files resolved within 120 business days</b>	75%	85%	75%	75%	75%	75%
<b>9. Average number of orders and other decisions produced per adjudicator per year</b>	22	11	22	22	22	22

## Caseload Statistics: Office of the Information and Privacy Commissioner

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<b>File Type</b>	<b>Fiscal 2011/12</b>	<b>Fiscal 2012/13</b>	<b>Fiscal 2013/14</b>
Appeals (requests for review)	568	618	780
Complaints	572	443	642
Requests for time extensions	382	735	853
Policy consultations	100	135	140
Review of legislation	55	56	38
Speeches and presentations	87	80	86
Privacy breach reviews	84	106	114
Other <sup>4</sup>	1,856	1,512	1,783
<b>Total Case Files</b>	<b>3,704</b>	<b>3,685</b>	<b>4,436</b>

Informal requests for information and assistance	4,353	2,686	2,938
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<sup>4</sup> Other file types include media inquiries, conference attendance, projects, and courtesy copies of letters not requiring a response.