



Minutes of the External Advisory Board
Office of the Information and Privacy Commissioner for B.C.
May 16-17, 2016

Attendees:

- Elizabeth Denham, Information and Privacy Commissioner
- Dr. Colin Bennett, Department of Political Science, University of Victoria
- Heather Black, former Assistant Privacy Commissioner of Canada
- Dr. Peter Chow-White, School of Communications, Simon Fraser University
- Dr. David Flaherty, former B.C. Information and Privacy Commissioner
- Dr. Ben Gould, Faculty of Law, University of British Columbia
- Drew McArthur, McArthur Consulting Group
- Michael McEvoy, Deputy Commissioner, OIPC
- Jay Fedorak, Deputy Registrar/Assistant Commissioner, OIPC
- Jane Zatylny, Communications Officer, OIPC

The Commissioner called the meeting to order at 10:30 a.m.

Commissioner's Report

The Commissioner thanked the Board members for their advice and support over the past year as well as over her six-year term.

She noted that when she came to British Columbia from the federal Privacy Commissioner's Office her intent was to increase the OIPC's work on the privacy side of her mandate. While that goal was accomplished with the publication of several important investigations and numerous guidance documents, she believes the Office was also able to make important advances in access to information, particularly in regards to the government's duty to document, information management legislation and the timeliness of Freedom of Information responses. There was also a strong and positive reaction to the Office's recommendations for law reform by the Special Committee of the Legislature, which just completed a review of B.C.'s public sector law.

Update on OIPC activities

The Commissioner updated the Board on staff changes that occurred over the past year, including the departure of the Communications Director. A new Director has just been hired to start in June.

She explained that the addition of new staff over the course of her term has given the Office the ability to do more proactive work. A policy/technology team, for instance, was created to review Privacy Impact Assessments, conduct systemic investigations and provide education and guidance to public and private sector organizations.

She also introduced an Audit and Compliance program. Media interviews and public education initiatives increased annually during the Commissioner's term. At the same time, demand for the Office's services continues to grow, especially in the area of complaints. Reports of privacy breaches are also growing. Citing a 51% increase in files since 2010, the Commissioner expressed concern that volume continues to outpace the OIPC's resources.

The Commissioner also updated the Board on the Office's international work, including the OIPC's nomination to serve as Secretariat of the Asia Pacific Privacy Authorities (APPA). She underscored the importance of this work, the value of the Office's national and international connections and the benefits of sharing information and best practices in these regulator forums.

Deputy Commissioner Michael McEvoy briefed the Board on policy and adjudication work and on changes resulting from the Commissioner's major investigation reports since the last Board meeting, including *Access Denied: Record Retention and Disposal Practices of the Government of British Columbia*. He also provided a review of the joint report on cyberbullying, released by the Commissioner and the Representative for Children and Youth, along with other reports that will be published before the end of the Commissioner's term.

Assistant Commissioner Jay Fedorak updated the Board on the Ministry of Education breach, which involved the loss of an unencrypted hard drive containing personal information and educational data of millions of B.C. students, and the City of Vancouver audit, a report that examines the access to information practices of the province's largest city.

Communications Officer Jane Zatylny provided the Board with an overview of the work done by the Communications team, including the launch of a new OIPC blog, a website analysis and new website for the Office of the Registrar of Lobbyists ("ORL"), contactor-led FOI workshops for municipalities, public education for the ORL and three conferences.

Review of OIPC Strategic Plan, 2014-2016

The Commissioner led a discussion about the Office's Strategic Plan, sharing that the OIPC was generally on track with the goals and activities expressed in

the document. Board members acknowledged that the Office had accomplished a great deal. The EAB and the Commissioner discussed outstanding work of the Office and suggested areas of focus for the future Commissioner. They agreed to produce a document for the new Commissioner with their recommendations to help begin the process of developing a new Strategic Plan. The areas of focus suggested include law enforcement, health care, information sharing, judicial education, the private sector and guidance documents.

Role of External Advisory Board during Commissioner transition

The Board discussed the role of the EAB during the upcoming transition (an Acting Commissioner for a number of months before a permanent Commissioner can be appointed). Members agreed that remaining in place as an EAB would add stability and help maintain the Office's momentum.

Budget presentation

Assistant Commissioner Jay Fedorak led a discussion on the current fiscal outlook, noting that the Office faced extraordinary financial pressures in the previous year. Through fiscal restraint, the OIPC was able to weather these challenges. In November 2015, the Office received approval from the Finance and Government Services Committee of the Legislative Assembly for a budget lift for 2016-2017 fiscal year. These increased monies will allow the OIPC to address the mandatory salary increase, reinstate training and hire two new staff to address the investigation and adjudication backlog.

Continuous Improvement

Jay Fedorak reviewed the continuous improvement process (CIP), which began in fall 2014. The Office entered the implementation phase of the project in fall 2015 and the new processes have improved file closure times. The CIP will continue in the future and the Office anticipates further progress toward reducing the Office's backlog and investigator caseload.

External Advisory Board Review

The Commissioner led a discussion on the effectiveness and track record of the External Advisory Board. She explained that EAB members perform several important duties for the Office. They identify emerging issues, act as ambassadors and subject experts and help the Office form critical strategic alliances. The Commissioner also mentioned the many valuable conversations, support and advice she has had over her term with each Board member. The size and composition of the Board were discussed: those present agreed that decisions would be best left to the next Commissioner. All of the Board members indicated that they would like to remain on the EAB. They noted that they viewed their work as a positive public service for which they did not require honoraria. The Commissioner stated that she would recommend the retention of the EAB for the period that the Acting Commissioner is in place, and also recommend the continuation of the Board to the permanent Commissioner.