



Protecting privacy. Promoting transparency.



BUDGET SUBMISSION

Fiscal Years 2018/19 – 2020/21

Presented to

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

November 21, 2017

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OVERVIEW

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 2018/19 through to 2020/21 inclusive. This budget submission supports the attached ORL and OIPC Service Plans for the same three-year period. Approximately 90 percent of our budget is spent on OIPC related issues and 10 percent on ORL activities.

In this budget submission, the Acting Registrar of Lobbyists and the Acting Information and Privacy Commissioner requests, for fiscal year 2018/19, a combined operating budget of \$6,426,000 and, for planning purposes, combined operating budgets for fiscal years 2019/20 and 2020/21 of \$6,635,000 and \$6,897,000 respectively. No change in the annual capital budget of \$45,000 is requested over the three-year forecast period.

I support the idea of attending this Committee on a semi-annual basis, to provide a mid-year update on our operations and budget. I find this accountability opportunity helpful in fulfilling the Office's mandate.



MANDATE OF THE OFFICE OF THE REGISTRAR OF LOBBYISTS

The ORL is charged with enforcing the *Lobbyists Registration Act* (LRA) and overseeing the BC 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 BC. Simultaneously, my office launched an online Registry of Lobbyists, intended to allow BC 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 searchable online 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 levying administrative penalties of up to \$25,000.

ORL MAJOR ACCOMPLISHMENTS TO DATE FOR 2017/18

In this section, I would like to highlight the major accomplishments of the ORL since my last appearance before the Committee on November 1, 2016.

Improvements to the Registration Process

While the Ministry of Attorney General hosts the Lobbyists Registry (Registry) on its website, my office has budgeted for improvements to the Registry at our request. We are working on changes to the user interface for the Registry to make it easier for lobbyists and the public to use. The changes will reduce the number of steps needed to submit a registration to four from the current six or seven. In addition, the new screens will be quicker for entry and searching. The Registry will use updated software to perform functions and will be more intuitive. We are planning to implement these changes before the end of the fiscal year.

Public Education and Outreach

The ORL has provided orientation, awareness, and training for lobbyists and public office holders since 2010. The broad goals of our public education activities are: 1) to increase awareness of the *Lobbyists Registration Act* (LRA) and its provisions, and 2) to support greater compliance with the LRA.

Last fiscal year, the ORL introduced several key initiatives as part of its public education plan, reaching out to its target audiences with new initiatives and services. In 2015, the ORL surveyed more than 350 lobbyists and members of the public and identified a need for improvements to the ORL website. The new website, which launched in September 2016, provides greater clarity and better functionality to lobbyists, organizations, and the public looking for detailed information about lobbying in British Columbia. The ORL updated and re-designed its e-newsletter and issued two editions during the 2016-2017 fiscal year.

OFFICE OF THE REGISTRAR OF LOBBYISTS PRIORITIES FOR FISCAL YEAR 2018/19

The ORL has two key priorities for fiscal year 2018/19.

1. Reform of 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 experience, combined with feedback from lobbyists and stakeholders, indicates there are a number of ways to enhance the LRA to better meet its primary objectives.

In December 2013, the former Registrar tabled a report in the Legislative Assembly with 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. 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 BC.

I am pleased that government has now addressed the third recommendation of our report by implementing a two-year prohibition on lobbying for former public office holders from the time they leave office. My office will continue to work with government on further amendments to the LRA with a view to the implementation of our remaining recommendations. I note that there is the possibility that future amendments to the LRA could require changes to the Registry and this may require additional financial resources.

2. Enhance public education

Several elements of the public education plan have already been implemented, including an in-depth analysis of the current ORL website and a survey of e-newsletter readers and website visitors.

We are working with the BC chapter of the Public Affairs Association of Canada to identify opportunities to provide key messages to targeted stakeholders.

In addition, we are researching the feasibility of hosting webinars and workshops, as well as an ORL Twitter account. The ORL plans to produce a general information brochure and revamp website content. Communications officers are drafting a new public education plan. The emphasis, as we continue to implement the public education plan over the coming year, will be on monitoring the individual needs of each target population, as familiarity with the LRA and the ORL varies widely between each group. For example, we have planned an information session for Ministerial Assistants. Our goal is to clarify procedures and requirements, thereby increasing compliance with the LRA.



MANDATE OF THE OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

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 to ensure that decisions and actions taken by 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, political parties, 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 British Columbia.

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 TO DATE FOR 2017/18

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

Addressing the Backlogs at Investigation and Adjudication

Investigation is the first stage of our process when we receive a complaint or appeal. This work is generated by citizens, media, or consumers making privacy complaints or requesting appeals of decisions of public bodies or organizations in response to their access requests under FIPPA or 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 broken. Investigators resolve about 96 percent of all complaints and appeals. The remainder go forward to adjudication.

Twelve employees deal with investigations. Each investigator carries a caseload of about 30 files. We have determined through experience that this is the most investigators can manage 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.

Adjudication is the second stage of our process, which involves a formal written hearing or inquiry involving the parties. These involve 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, or the Commissioner, deliberates on the submissions and issues a binding decision.

Last year at this time, November 1, 2016, we had 95 investigation and 80 adjudication files awaiting assignment. We now have 89 investigation and 66 adjudication files awaiting assignment.

These backlogs are the result of a surge of complaints and appeals since 2012. During the 2013/14 fiscal year, we experienced an increase in complaints and appeals of 33 percent, which caused a backlog of 300 files that year.

We have addressed the backlogs by realigning our resources and conducting a continuous improvement process review to ensure that we are working as efficiently and as effectively as possible.

This process involved streamlining case file management, implementing new policies for opening and closing files, and creating strategies to ensure that all complainants have fair and timely access to our resources. We have established performance targets and measures to evaluate our success. We have also taken measures to streamline our adjudication processes.

Our new process commenced October 31, 2015, and we have been very pleased with the results. Last November, we reported to you that the backlog at investigation was down to 95 files from 240 the previous year. As of this date, the backlog stands at 89 files, although we anticipate the ability to reduce that to below 50 in a few months, as new staff that we hired this month acquire a full case load. The backlog at adjudication was 80 files at this time last year and it now is 66 files.

So far this year we have opened 720 new investigation files and closed 711. We have opened 55 new adjudication files and closed 43.

Major Investigation and Audit Reports

1. Special Report – *Timing is Everything* – Report Card on Government’s Access to Information Responses

We released a special report examining the timeliness of government’s performance in responding to access to information requests from April 1, 2015 to March 31, 2017. This is the fifth in a series of assessments of timeliness that began in 2009.

We found that government’s responses to 20 percent of access requests exceeded the statutory deadlines for responding. The stages of the request process facing the greatest delays are the initial search for responsive records and executive approval. Our key recommendation in the report was that government take all necessary action to respond to access requests within the statutory timelines. To find solutions, we recommended that government monitor data indicating stages where delays are occurring in processing access requests. We also recommend that government modify its policy of deeming approval for recommended responses when executive fails to approve responses within a specific time period, to include all requests. Currently, the policy applies only to minister’s offices.

2. Audit of the Insurance Corporation of British Columbia’s Information Sharing Agreements

The audit assessed whether ICBC has an adequate policy framework for its information sharing and information sharing agreements (ISAs). It also assessed whether ICBC is meeting its obligations under FIPPA for the collection, use, disclosure, and retention of personal information. The audit team reviewed a sample of 94 of ICBC’s 247 ISAs.

The report found that ICBC appropriately shares personal information, and the disclosures of personal information to third parties as permitted in the ISAs reviewed were reasonable and proportionate to their intended use. However, there was room for improvement. We issued 12 recommendations to ICBC. The main points were to amend ISAs to ensure they have all essential elements, to put appropriate access controls in place and to conduct more compliance monitoring.

3. Audit of a Medical Clinic

In December 2016, we published an audit report related to a medical clinic’s privacy management program, including its use of video and audio surveillance. The report found that the clinic was not authorized under PIPA to collect personal information via video or audio surveillance as there was no evidence of a safety or security problem. Another issue was that the clinic was not in compliance with required consent provisions and was not authorized to collect the personal information without consent. In summary, the clinic did not have an effective privacy management program in place. Policies were missing essential components,

there was no personal information inventory, no privacy risk assessments, and staff had not received adequate privacy training.

The report contained 12 recommendations, including to: immediately cease collection via video and audio surveillance, ensure secure storage and disposal of records, update policies, conduct privacy risk assessments, and provide regular privacy training to staff. The clinic implemented all of the recommendations.

Other Major Initiatives

1. Guidance: Information Sharing Agreements

In conjunction with the ICBC audit, we produced and released a guidance document on information sharing agreements. Developed from the results of the audit, the guide is meant to be a useful resource for public bodies and private sector organizations that wish to share personal information. The guide includes a concise description of information sharing and attendant privacy risks. It also explains the role and value of ISAs in ensuring compliance with FIPPA and PIPPA. The document includes a list of provisions that should be included or addressed in an ISA.

2. Collaboration with other Privacy and Data Protection Authorities

This year, our office was one of 25 data protection authorities that participated in the fifth annual Global Privacy Enforcement Network Sweep (Sweep). The Sweep is a coordinated effort by data protection authorities from around the world to strengthen personal privacy protections in a global context.

This year's Sweep examined privacy communications and practices in relation to user controls over personal information. Sweep participants used a common set of indicators to examine privacy notices provided to individuals by organizations, as well as the ability of individuals to access, delete, and transfer their own personal information. For our contribution to the Sweep, the OIPC chose to focus on market research companies that collect personal information of British Columbians. Our results contributed to the Sweep's international findings, and the OIPC will work directly with these companies to strengthen and improve their privacy practices.

OIPC PRIORITIES FOR FISCAL YEAR 2018/19

1. More timely service to citizens on complaint and appeal files

The highest priority for my office for the next fiscal year will be to continue to improve the timeliness of responding to citizens in the investigation and adjudication functions my office is

responsible for. As stated previously, as of today, we have 89 investigation files and 66 adjudication files awaiting assignment.¹

The **investigation** statistics are as follows:

Fiscal Year	Number of Files at beginning of year	New Files Received	Files closed during year	Number outstanding at Year-end
2013/14 actual	361	1,536	1,311	586
2014/15 actual	586	1,354	1,311	629
2015/16 actual	629	1,479	1,423	685
2016/17 actual	685	1,509	1,752	442
2017/18 est.	442	1,327	1,302	467

I am pleased to report that as a result of the additional resources the Committee provided and our increase in efficiency as a result of our continuous improvement program, we have reduced the time complainants must wait for their file to be investigated. At this time in 2015, we reported that citizens were waiting an average of 24 weeks. The wait time is now only 13 weeks.³

However, I regret to report a new challenge to our ability to close files at the current rate. This involves an unprecedented increase in the number of requests for time extensions from public bodies that our intake officers must process.

FIPPA requires public bodies to respond to requests within 30 business days, but permits extensions to this timeline in certain circumstances. Public bodies have the authority to grant themselves an extension of a further 30 business days under four conditions: if there is a large volume of records to search, if it is necessary to consult with another party that may be affected by the disclosure of the records, if the applicant has failed to provide sufficient detail to enable the public body to locate the records, or if the applicant consents. In cases where any of these factors prevent the public body from responding to the applicant within 60 business days, FIPPA permits the public body to apply to the OIPC for a further extension.

Intake officers have the delegated authority to process requests for time extensions, in addition to their other duties, including opening files, assisting applicants, and resolving files through early resolution. They must provide a response to the public body before the 60-day timeline has expired. This means that, usually, the intake officers must process the requests within a few days of receiving them. There is no option for placing these files in a backlog, as we do with

¹ For an explanation of these backlogs, see pages 7-8.

² This is a projection based on year to date. We have been understaffed owing to turnover this fiscal year. We are now fully staffed and expect to close more files during the remainder of the year and believe that we will actually close more files than indicated in this projection.

³ This should improve in the coming weeks as two new investigators build up to a full case load.

investigations and inquiries. Responding to requests for time extensions must take priority over the other activities of intake officers.

There has been a 75 percent increase in time extension requests received by my office over the last fiscal year, from 734 requests in 2015-16 to 1282 request in 2016-17. This increase is a departure from previous years where public bodies generally made just over 700 time extension requests to my office, as shown in the table below.

Fiscal Year	Requests for Time Extensions
2013/14 actual	853
2014/15 actual	721
2015/16 actual	734
2016/17 actual	1,282
2017/18 est.	1,272

Two years ago, intake officers received 734 time extension requests and each of the four intake officers were reviewing and processing, on average, almost 200 time extension requests over the year, which is approximately one per day. At that time, the public did not experience wait times for service from intake officers. In 2016-17, intake officers received 1282 time extension requests, and each processed approximately 320 requests.

This increase in requests for time extensions from public bodies does not appear to be temporary. My office is on track to receive a comparable number of time extension requests in the 2017-18 fiscal year. The increase in volume is the result of government and other public bodies receiving requests that produce higher volumes of records, and requests that are more complex. I reviewed this issue in my recent report *Timing is Everything: Report Card of Government's Access to Information Responses*⁴. We also expect that the fact the report highlights the need for ministries to meet the statutory timelines will lead to them requesting more time extensions from my office.

In addition, requests for time extensions are becoming more complex and time consuming to review. In some cases, an intake officer receives requests for time extensions from multiple ministries that have received an identical request from the same applicant. The different ministries involved may request different amounts of time to complete their request, and cite a different statutory justification.

The increase in time extension requests this past fiscal year is hampering the ability of intake officers to process other files, including conducting early resolution of appropriate files. This is because the volume of these requests is beyond our control. Public bodies have the statutory right to request them. The result is that intake officers are unable to complete their other work in a timely way and citizens face a three-month wait for service from intake officers, such as opening files or early resolution.

⁴ <https://www.oipc.bc.ca/special-reports/2074>

In order to restore service to the public in light of the 75 percent increase in requests from public bodies for time extensions, we need two additional intake officers. Restoring the workload of approximately 200 requests for time extensions to each intake officer per year would eliminate the backlog in responding to citizens and enable the intake officers to close files in early resolution. This would also assist investigators with improving their service to citizens.

Five employees and one part-time contractor deal with adjudications. The Commissioner hears inquiries when a new interpretation of the law is at issue.

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

Fiscal Year	Number of Files at beginning of year	New Files Received	Files closed during year	Number outstanding at year-end
2013/14 actual	52	112	66	98
2014/15 actual	98	86	99	86
2015/16 actual	86	100	113	71
2016/17 actual	71	99	80 ⁵	90
2017/18 est	90	90	95	85

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. To date there are ten outstanding judicial reviews: two initiated by government, three by other public bodies, three by third parties, one by an organization and one by an applicant.

Since these backlogs continue to be my top priority for the coming fiscal year, we are currently addressing these backlogs within our current resources – by such initiatives as more training of new employees, hiring co-op students to assist in the research, realigning internal resources, and streamlining administration processes wherever possible.

2. Increase the implementation of effective privacy management programs by public and private sector organizations

Encouraging public and private sector organizations to have privacy management programs in place remains the office’s second highest priority.

For public agencies and private organizations, understanding how to comply with privacy laws can be challenging, technical, complex, and at times opaque. BC 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. In this approach,

⁵ Since 2015/16, the adjudication area has experienced unusually high turnover. This resulted in a hiring lag and a drop in efficiency as new adjudicators were trained. We anticipate that, with staffing stability, efficiency levels will return to normal in 2018/19.

the onus is on the organization to be aware of and comply with the law, rather than relying on a regulator to verify compliance or to investigate after receiving a complaint.

This is very similar to how regulators in other areas, such as banking and aviation, are proceeding and it is a very effective (and lower cost) strategy.

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 benchmark by which to measure overall compliance.

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

During the coming year, we will seek 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 implement an accountability lens to our audit and compliance program. We will use the standards 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 value of conducting reviews of 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. Reduce the unwarranted use of surveillance technologies.

We believe one of the biggest threats to the privacy of citizens is the growth of video and data surveillance.

The amount of personal information recorded every day is staggering. From CCTV cameras to Automated Licence Plate Recognition to credit card transactions to Fitbit health monitoring devices to internet browsing history to electronic medical records, public bodies and private sector organizations have an increasing volume of data recorded of where we have been and what we have been doing. If you can combine this data you can produce a detailed profile of an individual. This knowledge can give the holder of this information power over that individual.

I have serious concerns about how often we, as citizens, are being recorded, who is watching our activities, and what they are doing with the video record. In some limited circumstances, video surveillance is justified, but in other instances, it is invasive and excessive.

Video surveillance technology is readily available and inexpensive, but there are statutory limits on its use. It does not replace adequate business controls and supervision. It should be an avenue of last resort once all other less intrusive means to achieve the same objective have been tried and have failed. Too often it is an avenue of first resort.

We have seen increased use of video surveillance in the workplace. There is also surveillance through data trails. For example, law enforcement and national security agencies want faster and easier access to information crossing the internet. The key concern about surveillance is that it always results in the over collection of personal information beyond what is needed. This creates a privacy liability, as the personal information is vulnerable to breaches, from careless loss of mobile devices, to snooping, to deliberate theft. As the incidence of privacy breaches continues to increase, the threat to the privacy of citizens expands.

We will expand the use of our powers of audit and investigation to reduce the use of surveillance technologies when it is not in compliance with our privacy legislation.

BUDGET REQUEST FOR FISCAL YEAR 2018/19

Our number one priority is to improve service to citizens. The most recent statistics have confirmed that the trend is for an increase in complaints and reviews to my office each year. I am thankful to the previous Committee for recommending an increase to our budget last year that enabled us to maintain our current level of service and assume the secretariat function for the Asia Pacific Privacy Authorities. As noted, we continue to work at decreasing our backlog of case files, despite an increase in the number of files we received. This is possible, in part, because of the commitment to continuous improvement in my office.

In my opinion, the office does not require additional staff at this time to address the backlog. Provided that we can maintain existing staffing levels, I anticipate further reduction in our backlog by this time next year. In order to achieve that, however, we must avoid having to reduce staffing from the case file work to obtain the financial resources necessary to cover the mandated cost pressures we anticipate.

The budget for my two offices currently breaks down as follows: 68 percent for salaries and benefits; eight percent for professional services; 18 percent for fixed costs such as our shared services costs, rent, and utilities; five percent for operating expenses like amortization and office expenses and one percent for travel.

We have a staff complement of 38 positions, plus the Commissioner. Consequently, our management discretion to deal with further mandated cost increases has to come primarily

from salaries (*e.g.*, not hiring staff) or a reduction in outside professional advice, such as legal advice.

For the forthcoming fiscal year 2018/19, my office is faced with an adjustment to cover government mandated salary increments and adjustments for Schedule A employees (union-classified) and management employees of \$135,000. In addition we face increases in our Shared Services costs of \$6,000 – IT of \$1,000, building occupancy of \$6,000 and other increases of \$9,000. This amounts to increases of \$157,000, compared to our 2016/17 estimates.

A recent settlement relating to salary increases for provincial court judges will increase the salary and benefits costs for the Commissioner. As we have not yet received information as to the precise financial impact, I am not asking for additional funds to cover it. I wish to bring it to the attention of the Committee that there is a possibility that I will need to request another meeting to discuss the issue.

We were able to absorb similar cost pressures years ago by exhausting the flexibility in our budget. This is not an approach that I am able to replicate without reducing staffing resources. Therefore, this year I am requesting a funding increase to cover these new and ongoing cost pressures.

As I noted earlier in this submission, the sudden and near doubling of the number of requests for time extensions from public bodies has hampered our ability to provide timely services to citizens. This increased workload is beyond our control, is permanent, and we are unable to defer it. As a result, intake officers are not able to keep up with their other responsibilities to serve citizens by answering questions, opening up files, and resolving issues in early intervention.

I noted that the caseload of requests for time extensions for each intake officer has gone up from under 200 to over 320. In order for intake officers to restore timely service to citizens, it will be necessary to reduce the caseload of requests for time extensions to 200 per person per year. We can accomplish this with the addition of two intake officers.

Therefore, I am requesting additional funding of \$205,000 for salary, benefits, office space and other related costs for two intake officers. This will enable us to eliminate the current wait citizens face for intake services, which stands at three months, and it will help investigators to close more of their files faster, as our continuous improvement plan originally contemplated.

The combined budget request is for a net increase of \$362,000 for a total budget request of \$6,426,000. This represents an operating budget increase of six percent compared to the current year.

The existing 2017/18 capital budget in the amount of \$45,000 is adequate for 2018/19.

In order of priority, I ask consideration of the Committee for:

1. Funding to cover increases in salary, benefits, IT, building, and other costs netting at \$157,000; and
2. Funding for two additional intake officers to deal with the increase in requests for time extensions in the amount of \$205,000.

In total, this request represents an operating budget of \$6,426,000 and a capital budget of \$45,000 for 2018/19.

While the Committee does not make formal recommendations for the budgets for 2019/20 and 2020/21, the Officers include projections for planning purposes. As I foresee increases for those years, I would like to provide some explanation.

For 2019/20, I see a pressing need to address a gap in public awareness of access and privacy regulation in BC. We conducted a survey in 2016 that found less than 46 percent of individuals surveyed were familiar with the province's information and privacy laws. As advances in technology and the appetite of businesses for personal information increases at an exponential rate, citizens need to be aware of the threats to their privacy and how to protect their rights. Therefore, to expand our public education program and increase awareness of information and privacy rights, I plan to request funding for an additional policy analyst and an additional investigator. The salary, benefits and other associated costs will amount to an increase of \$246,000 for fiscal 2019/20.

BC will need to respond to the winds of change from Europe in terms of more stringent privacy protection requirements to ensure BC businesses continue to have access to European data. This would include strengthening protection of privacy in ways that will give new responsibilities to my office. I want you to be aware of these potential changes on the horizon and that they would have resource implications for my office. I estimate that the resourcing requirements that would result from the necessary legislative changes involved would involve two additional policy analysts. The salary, benefits and other associated costs will amount to an increase of \$246,000 for fiscal 2020/21. Therefore, we have shown these figures in our budget projections.

Thank you for your attention.

November 9, 2017

ORIGINAL SIGNED BY

Drew McArthur
Acting Information and Privacy Commissioner
for British Columbia
and Registrar of Lobbyists

Information and Privacy Commissioner/Office of the Registrar of Lobbyists

Statement of Operations

Previous and Current Fiscal Years

Funding	Fiscal 2016/17 (previous year)		Fiscal 2017/18 (current year)
	Budget	Actual Expenditure	Budget
Voted Appropriation	5,964,000	5,857,302	6,064,000
Total	5,964,000	5,857,302	6,064,000
Expenses			
Salaries	3,209,000	2,977,339	3,237,000
Employee Benefits	807,000	718,442	814,000
Travel	52,000	94,930	52,000
Professional Services	475,000	503,048	530,000
Information Systems	98,000	236,867	99,000
Office and Business Expenses	150,000	183,674	152,000
Informational Advertising & Publications	-	-	-
Statutory Advertising & Publications	12,000	13,568	12,000
Utilities, Materials and Supplies	26,000	27,539	28,000
Amortization	39,000	32,368	39,000
Building Occupancy	615,000	613,658	621,000
Shared Cost Agreement	-	11,619	-
Other Expenses	484,000	474,000	483,000
Internal Recoveries	(1,000)	-	(1,000)
Other Recoveries	(1,000)	(2,000)	(1,000)
External Recoveries	(1,000)	(27,750)	(1,000)
Total Expenses	5,964,000	5,857,302	6,064,000
Capital Budget			
Information Systems, Furniture & Equipment	45,000	24,596	45,000
Total Capital	45,000	24,596	45,000

Office of the Information and Privacy Commissioner

Proposed Budget by Standard Object of Expenditure (STOB)

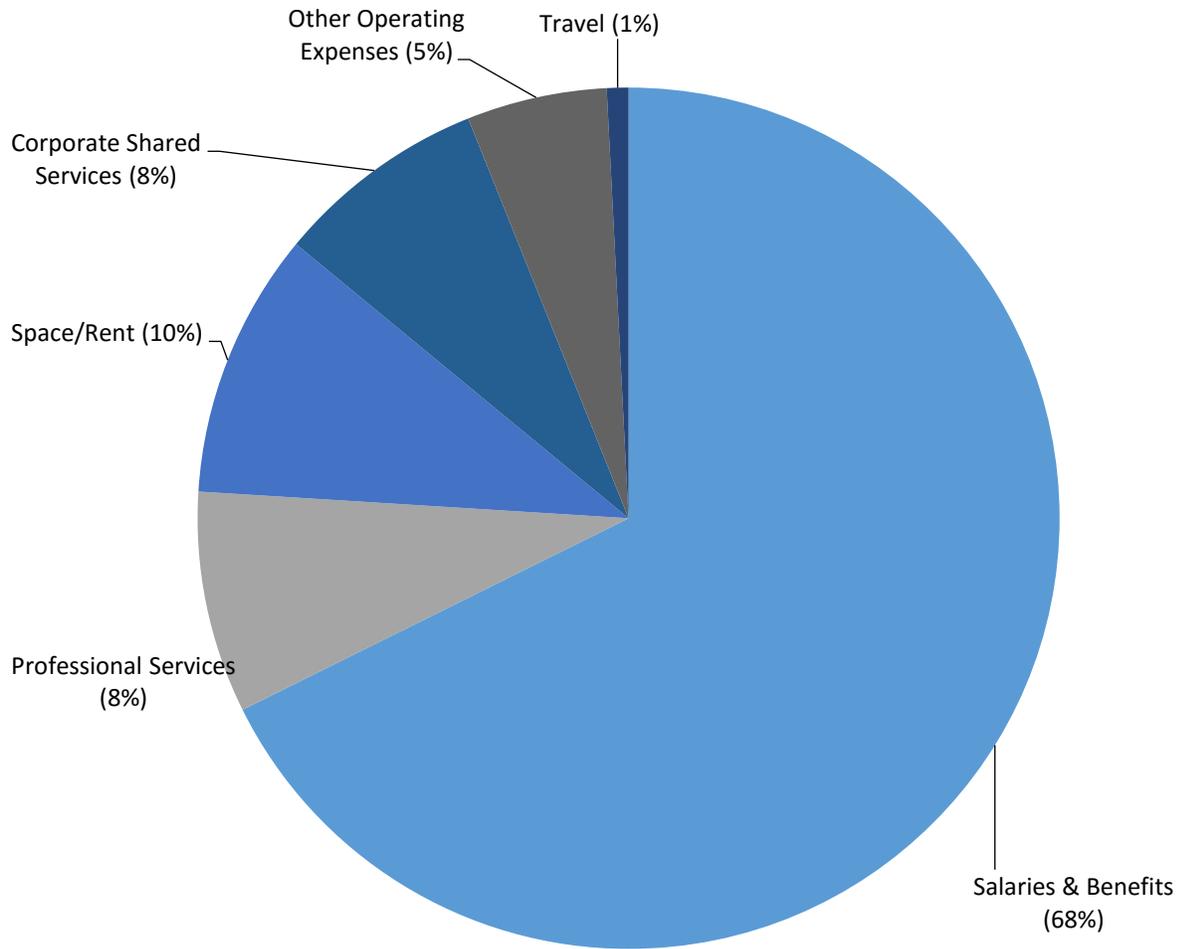
STOB	Expense Type	Fiscal 2017/18 (current) Budget	Fiscal 2018/19 (Proposed) Estimates	Change From Previous Year	Fiscal 2019/20 Planned	Fiscal 2020/21 Planned
50	Salaries	2,964,000	3,199,000	235,000	3,365,000	3,527,000
51	Supplemental Salary	-	-	-	-	-
52	Employee Benefits	814,000	876,000	62,000	918,000	959,000
54	Officer of the Legislature Salary	273,000	273,000	-	273,000	273,000
57	Travel	52,000	52,000	-	52,000	52,000
60	Professional Services	530,000	535,000	5,000	485,000	485,000
63	Information Systems	99,000	100,000	1,000	100,000	100,000
65	Office and Business Expenses	152,000	160,000	8,000	166,000	172,000
67	Informational Advertising & Publications	-	-	-	-	-
68	Statutory Advertising & Publications	12,000	12,000	-	12,000	12,000
69	Utilities, Materials and Supplies	28,000	30,000	2,000	31,000	31,000
73	Amortization Expense	39,000	39,000	-	39,000	39,000
75	Building Occupancy	621,000	642,000	21,000	661,000	692,000
85	Other Expenses	483,000	511,000	28,000	536,000	558,000
88	Internal Recoveries	(1,000)	(1,000)	-	(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)
Total		6,064,000	6,426,000	362,000	6,635,000	6,897,000

Capital Budget

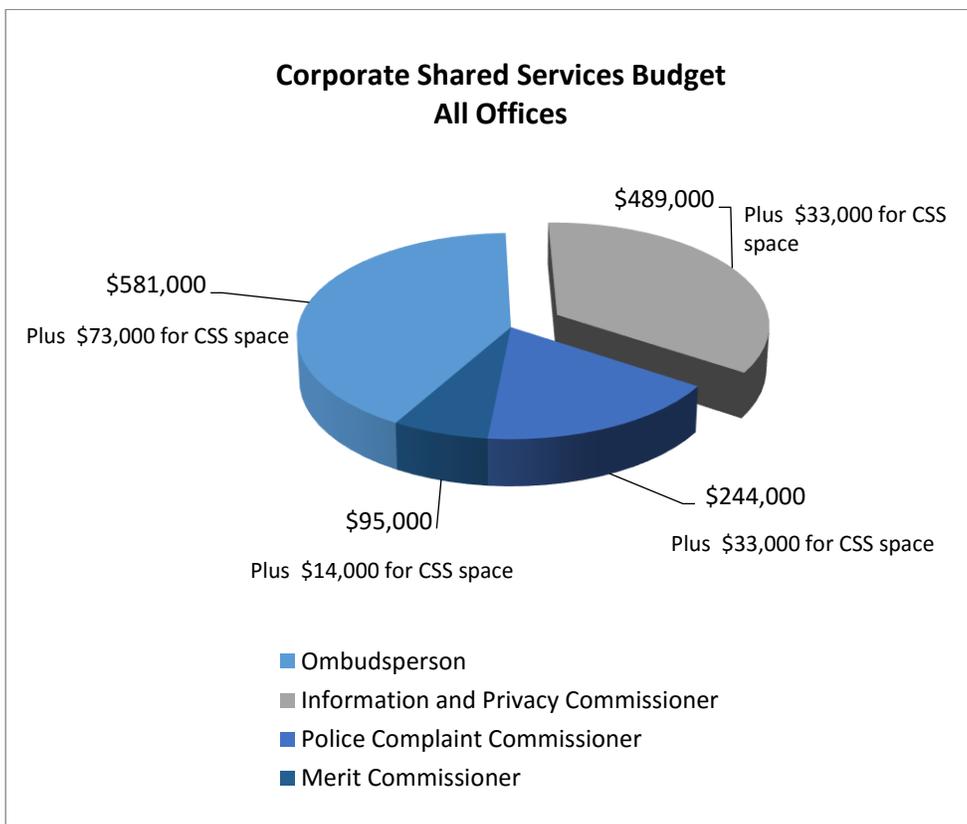
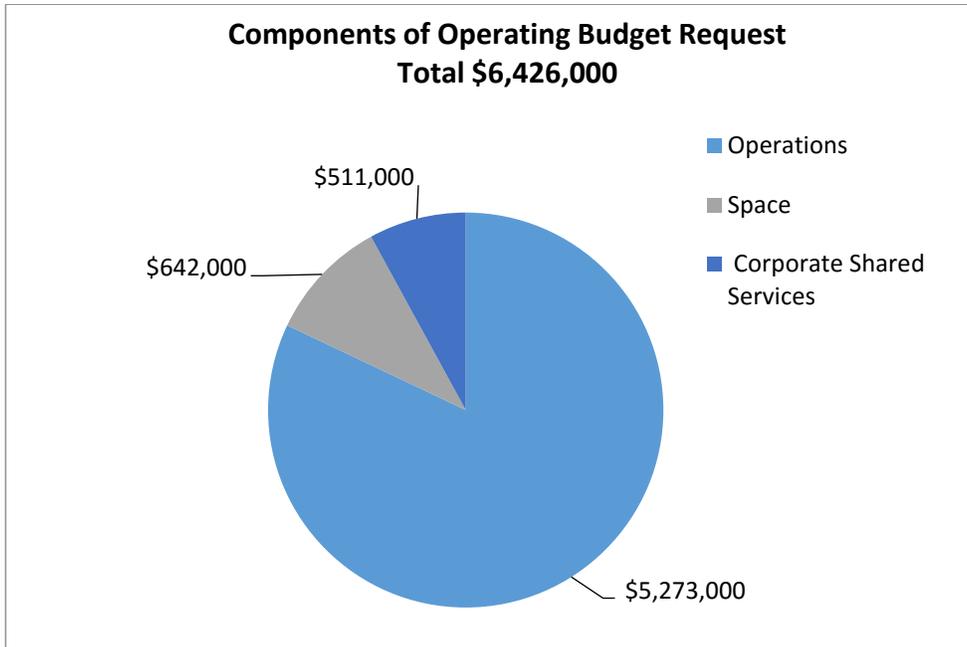
Information Systems, Furniture & Equipment

	45,000	45,000	-	45,000	45,000
Total	45,000	45,000	0	45,000	45,000

Proposed Operating Budget by Expenditure Type



* Other Operating STOBs includes information Systems (63), Office Expenses (65), Reporting (67 and 68), Utilities (69) and Amortization (73) and recoveries (88, 89 and 90)



Office of the Information and Privacy Commissioner and Office of the Registrar of Lobbyists

Proposed Budget by Business Area

	Current Year	Proposed		
Business Area	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21

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

Core Services:

- Public Sector Information & Privacy	3,687	3,908	4,029	4,188
- Private Sector Privacy	1,249	1,323	1,365	1,418
- Lobbyists Registration	645	684	705	733
Total Core Services	5,581	5,915	6,099	6,339
Corporate Shared Services	483	511	536	558
Total	6,064	6,426	6,635	6,897

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

Info. Systems, furniture & equipment	45	45	45	45
Total	45	45	45	45



Protecting privacy. Promoting transparency.



SERVICE PLAN

Fiscal Years 2018/19 – 2020/21

Presented to

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

November 21, 2017

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MESSAGE FROM THE ACTING REGISTRAR OF LOBBYISTS AND INFORMATION AND PRIVACY COMMISSIONER

I am pleased to report that the past year was very productive for the Office of the Registrar of Lobbyists (ORL) and the Office of the Information and Privacy Commissioner (OIPC).

As Acting Registrar of Lobbyists, I continue to prioritize education and outreach to registered lobbyists. My office has tabled five investigation reports in the Legislative Assembly thus far this fiscal and I anticipate we will issue additional reports in coming months. Amendments to the *Lobbyists Registration Act* are expected, which will increase transparency in lobbying activities. These changes will impact our staff and require technical improvements to the Registry of Lobbyists.

Since my appointment as Acting Information and Privacy Commissioner in July 2016, I have issued four investigation reports, one special report, and two audits. Recently, I released a special report that examined government's performance responding to access to information requests within the time limit set out under the *Freedom of Information and Protection of Privacy Act*. My office is also currently reviewing whether landlords in BC ask prospective tenants for too much personal information.

During the last fiscal, we conducted our first-ever public awareness survey to better understand the level of privacy awareness in our province. The findings helped create meaningful goals and objectives for our 2018/19 - 2020/21 Strategic Plan, which will guide our future outreach efforts. In particular, we narrowed our strategy to two important goals: Operational Excellence and Proactive Engagement. I will be issuing the new Strategic Plan in the coming weeks and will incorporate it in the Service Plan for next year to reflect our eight objectives, each with precise key performance indicators, in support of these two strategic goals.

Our continuous improvement process for addressing the office's heavy caseload of investigation files has been very successful. Last fall, I reported a reduction in our backlog from 240 to 95 files. We have further reduced the backlog to 89 files as of November 2017, and we have also reduced the amount of time required for files to be assigned to our investigators. As a result, more individuals are now able to successfully exercise their access and privacy rights.

My office regularly liaises with both Canadian and international privacy and lobbying regulators. We are successfully fulfilling our duties as secretariat for the Asia Pacific Privacy Authorities (APPA), an activity we identified as a budget item in last year's Budget Submission.

November 9, 2017

ORIGINAL SIGNED BY

Drew McArthur
Acting Information and Privacy Commissioner
for British Columbia
and Registrar of Lobbyists

VALUES

We are independent and **impartial** regulators of British Columbia’s access to information and privacy laws.

We use our **expertise** to enforce and advance rights, resolve disputes, and encourage best practices.

We are **dedicated** to protecting privacy and promoting transparency.

We **respect** people, organizations, public bodies, and the law.

We are **innovators** and recognized leaders in the global community.

VISION

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

MANDATE

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;
- Educate and inform the public about access and privacy rights; and
- Promote research into access and privacy issues.

WHO WE SERVE

Under the LRA, FIPPA, and PIPA, the office serves:

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

HOW WE DO OUR WORK

The ORL addresses concerns about the integrity of government decision-making by providing 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

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 a report by the Organisation for Economic Co-operation and Development.¹

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 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

Goal 1—Enhance the enforcement function under the *Lobbyists Registration Act*

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 third year that the office has conducted an increased number of formal investigations and applied administrative penalties more frequently in an effort to enhance enforcement.

¹ OECD (2009), *Lobbyists, Governments and Public Trust, Volume 1: Increasing Transparency through Legislation*, OECD Publishing, Paris.

Strategies

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

Performance Measure	2016/17		2017/18	2018/19	2019/20	2020/21
	Target	Actual	Target	Target	Target	Target
1. Percentage of on-time registrations	95%	93%	95%	95%	95%	95%
2. Number of compliance reviews	160	115	110 ²	110	110	110
3. Number of compliance investigations	20	9	10	10	10	10

Goal 2—Promote improvement 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 improve 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 the 2013 report entitled, *Recommendations for Changes to the Lobbyists Registration Act*³ my predecessor 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 responsibility to amend the LRA rests with the Attorney General and the Legislative Assembly.

² This number is partially dependent on the Registry flagging issues of compliance in new registrations. As registrants have become more proficient the incidence of these flags has decreased.

³ <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?ID=449>

Goal 3—Educate lobbyists, public office holders, and the public

Our public education and outreach activities over the last four 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;
- Publish and circulate *Influencing BC*, the ORL’s online journal;
- 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	2016/17		2017/18	2018/19	2019/20	2020/21
	Target	Actual	Target	Target	Target	Target
4. Issues of <i>Influencing BC</i> published	2	2	2	2	2	2



SERVICE PLAN OF THE OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

Goals, Strategies, and Performance Measures

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

The goal builds on one of the key priorities we identified in our 2017/18 Budget Submission that accompanies this plan: 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 guidance documents; and
- Conduct audits to evaluate privacy management programs of public sector organizations to ensure their effectiveness.

Performance Measure	2016/17		2017/18	2018/19	2019/20	2020/21
	Target	Actual	Target	Target	Target	Target
1. Number of audits, compliance reviews and systemic investigations	10	4	10	10	10	10
2. Percentage of audit, compliance review and systemic investigation report recommendations implemented	95%	97%	95%	95%	95%	95%

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

This goal arises from our three-year strategic plan for fiscals 2014/15 through 2016/17.

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 freedom of information 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 legislative and policy reform that includes a duty to document, archival standards, and explicit disclosure of categories of records.

Performance Measure	2016/17		2017/18	2018/19	2019/20	2020/21
	Target	Actual	Target	Target	Target	Target
3. Average processing days for all ministries (business days)	20	46	20	20	20	20
4. Percentage of access requests processed on time by all ministries	90%	80%	90%	95%	100%	100%

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 education 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	2016/17		2017/18	2018/19	2019/20	2020/21
	Target	Actual	Target	Target	Target	Target
5. Number of OIPC presentations	80	60	80	80	80	80

Goal 4—Enhance the quality and capacity of the OIPC’s people, systems, processes, and culture

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	2016/17		2017/18	2018/19	2019/20	2020/21
	Target	Actual	Target	Target	Target	Target
6. Percentage of requests for review settled without inquiry	95%	87%	95%	95%	95%	95%
7. Percentage of review files resolved within 90 business days of assignment	80%	78%	80%	80%	80%	80%
8. Percentage of complaint files resolved within 120 business days	90%	86%	90%	90%	90%	90%
9. Average number of orders and other decisions produced per adjudicator per year	22	13	22	22	22	22

CASELOAD STATISTICS: OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

File Type Received	2016/17	2017/18	2018/19
Appeals (requests for review)	676	717	645
Complaints	546	606	698
Requests for time extensions	721	734	1,283
Policy consultations	172	191	186
Review of legislation	54	43	18
Speeches and presentations	54	49	43
Privacy breach reviews	132	156	166
Other ⁴	1,641	1,918	1,156
Total Case Files	3,996	4,414	4,195
Informal requests for information and assistance received	4,489	4,249	4,788

⁴ Other file types include media inquiries, conference attendance, projects, and courtesy copies of letters not requiring a response.