



Protecting privacy. Promoting transparency.

Office of the Information & Privacy Commissioner External Advisory Board

August 26, 2011

ATTENDEES

- Elizabeth Denham, Information & Privacy Commissioner for BC
- Dr. Colin Bennett, Department of Political Science, University of Victoria
- Drew McArthur, McArthur Consulting Group (former Vice President, Corporate Affairs and Compliance, TELUS Communications)
- Dr. David Flaherty, former Information and Privacy Commissioner for BC
- Dr. Ben Goold, Faculty of Law, University of British Columbia
- Dirk Ryneveld, Q.C., former BC Police Complaints Commissioner
- Heather Black, former Assistant Privacy Commissioner for Canada (via phone)
- Catherine Tully, Assistant Commissioner, Investigations & Mediation, OIPC
- LeRoy Brower, Assistant Commissioner, Policy & Adjudications, OIPC
- Michelle Wakeman, Senior Executive Assistant, OIPC

AGENDA ITEMS:

1. STRATEGIC PLANNING INTRODUCTION: COMMISSIONER

Commissioner Elizabeth Denham introduced the members of the board to LeRoy Brower, Assistant Commissioner of Policy & Adjudications. LeRoy briefly told the group about his career history and educational background. He also advised the board of the key projects that he is currently working on in the office.

The Commissioner advised the board that the purpose of the meeting was to get their advice on the office's priorities and strategies and to seek their recommendations on our areas of focus in the next one to three years. She explained that OIPC has a legislative mandate to respond to complaints and requests for reviews which makes up the majority of our resources. The question is where do we focus our limited remaining resources on public education, audits, speaking engagements, etc.?

2. OVERVIEW OF POTENTIAL KEY PRIORITIES: ROUNDTABLE

The entire OIPC staff attended a strategic planning session in July, which was lead by a facilitator.

In the session, staff identified strengths of the office as:

- Internal Culture – good morale and cohesive team;
- High success rate of mediations;
- High profile investigation reports such as BC Lottery Corporation data breach, BC Ferries report on proactive disclosure and Timeliness Reports;
- Current in adjudications; and
- Influence on open government.

Staff identified opportunities for improvement as:

- Resources to address challenges of a large workload and limited staff;
- Education of the public about access and privacy issues; and
- Oversight of use of new information communication technology.

The staff also identified five areas that they felt were priorities for the office. The areas they identified are as follows:

(1) Open Information/Data Transparency in Government

Staff identified that OIPC should work to promote government placing more information online without the need for individuals to have to ask for it. We believe routine release of records promotes accountability and transparency, and may reduce the need for individuals to request access to information.

(2) Data Sharing and Data Linking

Data sharing and data linking is being promoted as a way to provide more efficient and effective services to citizens. We agree there are opportunities here, but they must be balanced by robust privacy controls that include the involvement and oversight of the OIPC in order to ensure privacy risk is reasonably mitigated.

(3) Employee/Employer Privacy

Staff voiced concerns that the OIPC has had a limited profile within the private sector and that organizations in BC are generally not knowledgeable about their privacy and security obligations under PIPA. Based on the questions we receive it appears that there are significant issues relating to employee privacy, particularly given the power imbalance intrinsic to the employment relationship.

(4) eHealth: Legislative Framework

Staff also identified that the OIPC should continue to examine the legislative framework regarding health privacy legislation in BC. Is the current legislative framework working? Does BC need stand-alone health privacy legislation?

(5) Providing Advice to British Columbians

Finally, staff identified that it should be a key priority to serve British Columbians by directly speaking to them and advising on access and privacy issues that impact them on a daily basis. The OIPC already serves the public, but staff discussed ways to improve services by expanding resources on the OIPC website, providing training sessions, and at speaking engagements.

3. POSSIBLE STRATEGIES

The board suggested the following strategies:

- Plan for less than 100% use of resources so there is room for emergencies;
- Have to get in a position of being less burdened;
- Be more proactive then reactive;
- Consider the political impact of saying "NO";
- Consider strategies that will give us the most success in the short term, using an existing area of strength – i.e. go for the “quick win”;
- Step away; if another FPT Commissioner is working on the same complaint then step away and we will look at the results;
- Continue publishing opinion editorials, these are effective communication/education tools;
- Evaluate the appropriate scale of response - different issues may require different levels of response; and
- Develop more robust guidance documents.

4. IDENTIFY KEY PRIORITIES: ROUNDTABLE

The board felt that we were on track with the key priorities that the OIPC staff identified in the strategic planning session. They did not see a need to choose among the five goals but overall highlighted the need for this office to devote more resources to the private sector. In particular the board noted that not for profit agencies hold a great deal of personal information and don't necessarily understand their obligations under PIPA. The board strongly encouraged us to undertake education programs for organizations and citizens in the form of opinion editorials, speeches and guidance materials.

Meeting Adjourned at 4:15pm