



**Office of the Information & Privacy Commissioner
External Advisory Board
Final Minutes of February 28th Inaugural Meeting**

ATTENDEES

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

AGENDA ITEMS:

1. INTRODUCTIONS

Commissioner Denham introduced the members of the board and announced that Catherine Tully was the new Assistant Commissioner of Investigation & Mediation. The members briefly told the group about their career and educational backgrounds.

2. ADVISORY BOARD MANDATE AND TERMS OF REFERENCE

Commissioner Denham discussed the purpose of the board and the terms of reference. Each board member then signed a copy of the terms of reference. There was a brief discussion regarding any conflicts of interest that might arise. All members agreed that they would disclose any conflict of interest and excuse themselves from any discussion on the topic.

The board decided to meet twice per year, that members can attend via conference call and that the meetings should be longer; 3-4 hours long and focus on a limited number of specific topics.

Every member offered the Commissioner their time throughout the year if she needs advice, etc. on issues.

3. OVERVIEW OF OIPC

Catherine Tully led the discussion on the Overview of OIPC.

- **Mandate and Structure:** There are 26 FTEs including Office of the Registrar of Lobbyists staff. OIPC staff have been re-organized into two new groups: Investigation & Mediation and Policy & Adjudication. In addition, the new positions of Assistant Commissioner, Investigation & Mediation and Assistant Commissioner, Policy & Adjudication have been created.
- **Priorities:** Commissioner Denham described our current priorities including evaluating the privacy impacts of eHealth records and understanding and evaluating new data sharing and data linking initiatives within government. On the private sector side we are looking to develop more resources particularly for small and medium sized organizations.
- **Resources:** Our most recent budget allocation included new funds to obtain information technology expertise. This is a significant new resource for our office. We anticipate that the refocusing of some of our resources to policy matters may have a negative impact on our ability to process individual reviews and complaints in a timely fashion. However, we continue to develop new strategies to improve our response times. We are currently developing a triage system that we anticipate will speed up our processes.
- **Budget:** In the fall of 2010 we were granted a 10% budget lift. The operational budget for the OIPC including the Office of the Registrar of Lobbyists for 2011/12 is \$4.9 million.
- **Corporate Rebrand:** The new logo and tag line was well received by all of the board members.

4. SWOT ANALYSIS

Commissioner Denham reviewed a “SWOT” analysis for the OIPC – strengths, weaknesses, opportunities and threats. The Commissioner discussed the OIPC strengths as including:

- Staff have many years of privacy and access experience and broad work and educational experiences;
- The Commissioner has extensive privacy experience in three jurisdictions;
- The BC OIPC leads the country in closed cases per FTE; and

- Our case management strategies have been effective in keeping the number of cases awaiting investigation from growing.

Our weaknesses include:

- A very limited budget;
- Workload that is much higher than capacity;
- High judicial review case load;
- A gaping technical talent hole; and
- A neglected public education mandate.

Our external opportunities include:

- Our ability to influence and make comments regarding any potential amendments to *Freedom of Information and Protection of Privacy Act* (FIPPA) or *Personal Information Protection Act* (PIPA);
- Our collaborative privacy-by-design relationship with government and organizations; and
- Our redesigned website with simpler, more contemporary and intuitive layout and front page.

The external threats we have identified include;

- That government may reject our comments and recommendations on any proposed amendments to FIPPA;
- Broad Data sharing by government without adequate controls; and
- The current fiscal environment.

5. **ROUNDTABLE**

Each board member was given five minutes to address some or all of the matters listed below:

- **Their foremost issue under FIPPA.**
 - Electronic health records, data breaches and data sharing;
 - Data breaches are occurring with depressing regularity;
 - Legislative reform; and
 - Citizen centric services challenge concept of individual privacy, could undermine the public's trust in the public sector.
- **Their foremost issue under PIPA.**
 - Data breaches are also a significant issue for organizations under PIPA and organizations are spending a lot of resources on developing good privacy protection strategies to avoid breaches;

- PIPA is working well from organizations' perspectives but they need more education, they want to learn from the experience of others; and
- Small and medium firms need guidance to comply with PIPA.
- **Strategies to improve Public Education mandate.**
 - Use the internet as a source of public education;
 - Perhaps get a weekly column in local newspapers – cost effective;
 - Private sector hates bad press and being embarrassed and likes to learn from other peoples' mistakes so there is an opportunity for the OIPC to provide guidance to private sector organizations;
 - Are we making best use of teachable moments when they come along, particularly with respect to privacy breaches;
 - OIPC needs to approach public education on privacy breaches from a new perspective – not so much as a privacy apocalypse but more from the perspective of the competency of the organizations and public bodies, this will resonate with organizations, public bodies and the public;
 - OIPC should have a set of three key messages prepared to provide to the media whenever there is a privacy breach and should make sure prominent journalists get copies;
 - OIPC should consider holding an International Conference – an international network of privacy commissioners dealing with similar issues – but get a separate budget line for this;
- **Website redesign: What information is useful to include on OIPC's new website?**
 - Go viral - use social networking tools like FaceBook, Blogs and Twitter;
 - Use all means of communication at our disposal to draw people to our site; and
 - List of orders with summaries are always useful.
- **Ideas for improving annual report.**
 - Annual report is well done and OIPC should not focus further resources on the annual report, it is serving its purpose in the current format.
- **How is OIPC perceived in BC? In Canada? Internationally?**
 - All board members believed that OIPC is perceived very well in BC, Canada and Internationally;
 - OIPC seen in some circles as too slow in responding to individual complaints and reviews; and
 - Excellent staff.

- **Where does OIPC best fit in the international scene?**
 - OIPC must be seen as serving the people of BC first and foremost, any participation in international organizations must always be seen in connection with how it will benefit BC;
 - Strong voice at APEC in the past but OIPC should not focus too many resources on APEC; and
 - GPEN (Global Privacy Enforcement Officers) is a better focus for the OIPC internationally since we can benefit in BC directly from this work.

6. OTHER ITEMS

The Commissioner asked the board if anyone would like to help out with agenda planning for the PIPA Conference October 13 – 14, 2011 and four board members offered their assistance.

The board also decided that OIPC should hold a one day Conference on Accountability in the fall.

Action Item: *All board members would like to be on the distribution list to receive all Orders, Reports, Press Releases, etc.*

MEETING ADJOURNED AT 2:00PM