



BUDGET SUBMISSION

Fiscal Years 2022/23–2024/25

Presented to:

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

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OVERVIEW

I am pleased to submit this budget for the Office of the Information and Privacy Commissioner (OIPC) and the Office of the Registrar of Lobbyists (ORL) for fiscal years 2022/23 through 2024/25 inclusive.

This budget submission supports the attached ORL and OIPC Service Plans for the same three-year period. Approximately 64 percent of our operating budget is spent on OIPC-related issues, while 22 percent covers ORL activities, and 14 percent pays our portion of corporate shared services.

In this budget submission, the Information and Privacy Commissioner and the Registrar of Lobbyists requests, for the fiscal year 2022/23, a combined operating budget of \$9,096,000 and, for planning purposes, operating budgets for fiscal years 2023/24 and 2024/25 of \$8,811,000 and \$8,861,000 respectively. The capital budget requested for the same three years is \$360,000, \$67,000, and \$55,000 respectively.

I continue to strongly support Committee appearances on a semi-annual basis. The opportunity to provide a mid-year update on our operations and budget adds to our offices' accountability to the Legislative Assembly and, through you, the people of British Columbia.



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 they collect in order to deliver public services.

PIPA sets the rules 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 our duties under FIPPA, it is the OIPC's responsibility to enforce compliance of PIPA by the estimated one million private sector organizations operating 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 2021/22

I would like to highlight the OIPC's major accomplishments to date for 2021/22.

More files closed at investigations and adjudication as files increase and inquiries surge

This fiscal year our case review and investigations teams are on track to close more files than in previous years. Specifically, the investigations team is expected to close at least 100 more files than in the previous fiscal, while the adjudications team is set to close 10 more inquiries than last year.¹ This advance is especially significant given that the files we now encounter have increased in complexity and frequently involve many more records compared to previous years. The improvements are attributable to the efficiencies and experience that our teams bring to their work.

Background

The complaint or freedom of information appeal process begins when a case review officer reviews the matter and determines whether a file will be opened. Once opened, the matter will be assigned to an investigator. These files are generated by individuals, media, or other members of the public making privacy complaints or requesting reviews of decisions of public bodies or organizations in response to their access requests under FIPPA or PIPA.

An investigator attempts to resolve complaints and requests for review informally either by working with all parties to achieve consensus about the disposition of a file or by issuing findings. It can be long and arduous work bringing parties to a consensus, especially given that parties are often before the OIPC because their relationship is broken. OIPC's skilled case review and investigator teams resolved about 87 percent of all complaints and appeals in 2020/21. Unresolved files, which typically include complex and contentious matters, proceed to adjudication.

Thirteen 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. When all investigators are carrying a full caseload, a backlog of files remain unassigned until investigators close one of their existing files.

Adjudication, the next stage of our process, involves a formal written hearing or inquiry involving the parties. Adjudications are a quasi-judicial proceeding and most often involve

¹ These increases in file closures should take into account that a trained investigator will close about 80 files a year, and a trained adjudicator will close about 12 files. See Table 1 on investigations statistics on page 6, and Table 2 on adjudications statistics on page 7.

complex legal matters and can involve thousands of pages of documents. Six employees deal with adjudications, five adjudicators and a Registrar position at 1.6 FTE. Adjudication files are typically based on access to information requests, representing more than three of every four adjudications in 2021/22, as most privacy complaints are resolved at case review or investigations. Adjudicators hear cases under both FIPPA and PIPA. All parties make formal written submissions, often with the aid of legal counsel, and at this stage an adjudicator or the Commissioner deliberates on the submissions and issues a binding decision.

Increase in demand for service from the public

The demand for OIPC services by way of new requests for review, complaints, and breach notification files dipped slightly in 2020/21, only to catapult back this fiscal year. We are now on track to receive more than 1,700 files in 2021/22 – a five year high. The **investigations²** statistics are as follows:

Table 1: Investigations				
Fiscal year	Number of files at beginning of year	New files received ³	Files closed during year	Number outstanding at year/end
2016/17 actual	685	1,509	1,752	442
2017/18 actual	442	1,564	1,390	616
2018/19 actual	616	1,600	1,671	545
2019/20 actual	545	1,526	1,617	454
2020/21 actual	454	1,443	1,461	436
2021/22 projection	436 (actual)	1,719 (est.)	1,593 (est.)	562 (est.)

In other words, the OIPC projects a 120 percent increase in the volume of files received for investigations between 2020/21 and 2021/22. This increase may illustrate that public bodies and organizations are catching up after the slight dip in files received at the OIPC during the first year of the COVID-19 pandemic. We continue to closely monitor the volume of files received.

At present the backlog for files to be assigned for investigation stands at 200, meaning that on average it takes seven months from when a file comes in the door to when an investigator closes the file or sends it for adjudication. Data breach files, given their emergent nature, are triaged and assigned as they are received.

² Includes case files closed by the case review and investigation teams.

³ Investigation files include requests for review (including deemed refusals), breach notifications, and access and privacy complaints under FIPPA and requests for review, breach notifications, and access and privacy complaints under PIPA.

The OIPC continues to address the investigator’s backlog within our current resources by realigning internal resources and by streamlining case file management and administration processes. OIPC case review officers and investigators also continue to seek ways to become efficient at handling more files.

By contrast however, the demand for adjudicated inquiries continues to grow beyond what the OIPC can manage within existing resources. The adjudication team’s streamlining of processes, and the internal reallocation of resources to contract adjudicators, has resulted in a record 104 closures last year, and we are on track for the same this year. Still, individuals and public bodies can currently expect to wait 18 months to have their case decided. This is too long of a wait, and a projected backlog of 235 inquires at the end of this fiscal year is expected to increase that wait time to nearly 24 months. The **adjudications**⁴ statistics are as follows:

Table 2: Adjudications				
Fiscal year	Number of inquiries at beginning of year	New inquiries received	Inquiries closed during year	Number of inquiries outstanding at year-end
2016/17 actual	71	101	80	92
2017/18 actual	92	74	86	80
2018/19 actual	80	101	82	99
2019/20 actual	99	121	70	148
2020/21 actual	148	155	104	199
2021/22 projection	199 (actual)	150 (est.)	114 (est.)	235 (est.)

The wait time for an adjudication for an FOI applicant or an individual with a privacy complaint is discussed in further detail below on page 11.

The OIPC has continued in 2021/22 to realign resources to support the rise in demand for adjudications. However, the increase has exceeded what the OIPC is able to address within its existing budget.

Producing reports to promote accountability, education, and awareness

The OIPC continues to produce major investigations, special and audit reports that hold public bodies and organizations accountable and promote education and awareness to the public about FIPPA and PIPA:

⁴ The numbers in this table have been updated across all years; updates reflect changes and late entries made in the case file system.

1. [Getting Ahead of the Curve: Meeting the challenges to privacy and fairness arising from the use of artificial intelligence in the public sector](#)

The Commissioner published a joint report with the BC Ombudsperson and Yukon Ombudsperson and Privacy Commissioner looking at the challenges of fairness and privacy arising from the use of artificial intelligence, or AI, in the public sector. The report, published June 17, 2021, explores the regulatory challenges that come with new and intricate technologies, and provides some best practices and general guidance for public bodies when implementing AI.

It also includes several recommendations, including committing to the principles of transparency, accountability, legality, procedural fairness and protection of privacy, as well as a practice of notifying an individual when an AI system is used to make a decision about them.

2. [Review of private liquor and cannabis retailers](#)

The OIPC issued a compliance review report of private sector licensed liquor and cannabis retailers on June 22, 2021. The report includes findings from the review of 30 such retailers. The report found that few retailers maintain adequate privacy management programs or document privacy policies, despite obligations under BC's PIPA. The report also found that some retailers collect biometric information, including using thumbprint scanners to document staff signing in and out for the day and the use of facial recognition software as part of a surveillance system.

The report contains 17 recommendations for liquor and cannabis retailers to establish and maintain privacy management programs, including discontinuing the collection of biometrics via facial recognition technology; immediately designating someone to be responsible for ensuring the organization complies with PIPA; develop written policies; and monitor compliance and conduct risk assessments to know that security safeguards are effective.

Subsequent to the report, the OIPC updated the guidance document [Protecting personal information: Cannabis transactions](#) to incorporate the legal requirement for cannabis retailers to have video surveillance in the interior and exterior of their stores, and the requirement under PIPA for retailers to give notice that an area is under surveillance. The Commissioner also participated in a [podcast](#) hosted by Privacy Laws & Business in September to discuss the compliance report and guidance document.

Addressing matters with broad public interest

The OIPC has been providing input on matters of broad public interest through other means as well.

1. [Joint Statement by Federal, Provincial and Territorial Privacy Commissioners on Privacy and COVID-19 Vaccine Passports](#)

In May 2021, the OIPC released a joint resolution and statement on the issue of vaccine passports with federal, provincial and territorial counterparts. The resolution reinforced the fact that passports could be a very useful tool to allow people to travel and gather, and could support economic recovery while protecting public health. However, the privacy guardians warned that while there may be substantial public benefit, the introduction of a vaccine passport would be an encroachment on civil liberties that should be taken only after careful consideration. Further, vaccine passports would need to be developed and implemented in compliance with applicable privacy laws, and incorporate privacy best practices in order to achieve the highest level of privacy protection commensurate with the sensitivity of the personal health information that would be collected, used, or disclosed.

The joint statement outlined the fundamental privacy principles that should be adhered to in the development of vaccine passports.

2. **Consultation on privacy guidance on facial recognition for police agencies**

The OIPC jointly developed guidance with our federal, provincial, and territorial privacy protection authorities on facial recognition for police agencies. The guidance is intended to clarify their privacy obligations with a view to ensuring any use of facial recognition complies with the law, minimizes privacy risks, and respects privacy rights.

The draft guidance was sent out for stakeholder feedback in June, 2021. In BC, the OIPC reached out to BC police services to gather feedback on whether the guidance can be practically implemented, whether it will have the intended effect of ensuring police agencies' use of FRT is lawful while mitigating privacy risks, and the potential for negative consequences arising from the recommendations. The federal office is currently updating the [guidance](#) based on the stakeholder feedback, and we will publish the guidance on our website upon completion.

3. [Order P21-06 – The Owners, Strata Plan BCS1964 \(Icon 1 and 2\)](#)

Order P21-06 looked at surveillance when a resident of a strata building complained that the strata corporation was in violation of PIPA by inappropriately collecting and using personal information that it obtained through its video surveillance system and key fob system. The adjudicator concluded the strata corporation was authorized under

PIPA to collect and use personal information through its video surveillance system to enforce garbage disposal bylaws, prevent and investigate property damage in the parkade, and for the purposes of creating and updating a key fob inventory.

However, the adjudicator required the strata corporation to stop collecting and using personal information for its other purposes and through its key fob system, because those purposes were inappropriate in the circumstances. The order is currently pending Judicial Review by the BC Supreme Court.

4. [Federal, Provincial and Territorial Information and Privacy Commissioners and Ombudsman Issue Joint Resolution About Privacy and Access to Information Rights During and After a Pandemic](#)

In June 2021, the OIPC released a joint resolution and statement with federal, provincial, and territorial counterparts to call on governments to use the lessons learned from the COVID-19 pandemic to improve privacy and access to information rights. The pandemic accelerated longstanding concerns about increasing surveillance by public bodies and private corporations and the slowing down of access requests, and highlighted the need to modernize the access to information system by leveraging technology and innovation to advance transparency.

The joint resolution adopted 11 access to information and privacy principles, and called on Canada’s governments to show leadership by implementing them and making the modernization of legislative and governance regimes about freedom of information and protection of privacy a priority.

5. Bill 22 - Introduced October 18, 2021

On October 18, the BC government introduced [Bill 22, Freedom of Information and Protection of Privacy Amendment Act, 2021](#) to the Legislature. The bill introduced the first set of comprehensive amendments to the *Freedom of Information and Protection of Privacy Act* (FIPPA) since 2011.

Commissioner McEvoy [welcomed](#) advances that put public bodies in a better position to safeguard privacy, including mandating new requirements for privacy management programs, mandatory breach notification, so-called “snooping offences”, and privacy impact assessments.

However, the Commissioner expressed concern in a [letter](#) to Minister Beare around a number of clauses, including the proposal to allow public bodies to send British Columbians’ personal information outside Canada without explaining how that information would be properly protected, and the introduction of an application fee for access to information requests. Commissioner McEvoy summed up his reaction to the

amendments by saying: “while I support some of the proposed changes, this is a lost opportunity for government to promote greater accountability and transparency.”

OIPC PRIORITIES FOR FISCAL YEAR 2022/23

1. More timely service to citizens for complaints, reviews, and adjudications

It continues to be my office’s priority to improve the timeliness of our response to matters that come before for us from the public, public bodies and organizations.

As of today, OIPC has 200 files request for review or complaint files waiting to get assigned to an investigator which amounts to a seven month wait from the time a file is received to the time it is closed or moves on to adjudication. In addition, there are 297 files actively being worked on by investigators. Just 13 percent of complaints or appeals on access requests move on to adjudication.

At adjudications there are 181 inquiries waiting to be assigned to an adjudicator which amounts to an 18 month wait from the time a file is received to the time it is closed or moves on to inquiry. In addition, 21 inquiries are being actively worked on by adjudicators.

OIPC has been managing its wait times by reallocating existing resources for a number of years. In that time, teams have streamlined file processes and continue to establish efficiencies on an ongoing basis.

OIPC has conducted a careful review of the numbers of inquiries at adjudications and has projected this fiscal year’s backlog at 235 or a 24 month wait. For ease of reference we reproduce the table found earlier in this submission:⁵

Fiscal year	Number of inquiries at beginning of year	New inquiries received	Inquiries closed during year	Number of inquiries outstanding at year-end
2016/17 actual	71	101	80	92
2017/18 actual	92	74	86	80
2018/19 actual	80	101	82	99
2019/20 actual	99	121	70	148
2020/21 actual	148	155	104	199
2021/22 projection	199 (actual)	150 (est.)	114 (est.)	235 (est.)

⁵ The numbers in this table have been updated across all years; updates reflect changes and late entries made in the case file system.

What jumps out from the table is that from just three years ago the number of matters proceeding to adjudication has jumped 50% to 150 and it is now evident as we look at this year’s projection that this number appears here to stay.

What is also plainly evident is that the wait times for an adjudicated decision cannot be reduced within existing resources. Additional resources are required to reduce the wait time for cases to be adjudicated – a wait that presently stands at 18 months and without further support will continue to increase.

Projecting the capacity of the adjudications team against this number of inquiries received over the next five years shows that the backlog will increase dramatically to 485 inquiries if matters remained unchanged:

Table 3: Adjudications Projections - 5 FTE (12 orders each)					
Fiscal Year	New inquiries received	Orders produced by 5 FTE ⁶	Inquiries cancelled/withdrawn	Backlog carried over from previous year	Total projected backlog
2022/23	150	60	40	235	285
2023/24	150	60	40	285	335
2024/25	150	60	40	335	385
2025/26	150	60	40	385	435
2026/27	150	60	40	435	485

As seen above, a 485 inquiry wait in 2026/27 would represent a 42 month wait from the time a file closes at investigation until an order is issued – a wait time that in our view, is simply unacceptable.

Having looked at the number of files proceeding to adjudication over the past five years and the number of orders produced, it is clear that we are facing a structural issue driven by increased demand, with no signs of resolving it short of allocating more resources to the adjudication team.

To examine the impact on continuity of service to the public, we have projected how the wait times would be affected with an adjudication staff compliment of 10 FTEs to address the increase in demand, and an additional two FTEs on board for a three-year term to support addressing that wait.

⁶ Includes director

Table 4: Adjudications Projections - 10 FTE (12 orders each) + 2 for 3 years						
Fiscal Year	New inquiries received	Orders produced by 10 FTE ⁷	Inquiries cancelled/withdrawn	Orders produced by 2 FTEs for 3 years	Backlog carried over from previous year	Total projected backlog
2022/23	150	120	40	24	235	201
2023/24	150	120	40	24	201	167
2024/25	150	120	40	24	167	133
2025/26	150	120	40	0	133	123
2026/27	150	120	40	0	123	113

A backlog of 113 files would bring the wait times down to 12 months. I am therefore requesting support from the committee for additional resources for adjudications, for seven FTEs (including five permanent positions and two three-year positions). The purpose of the five permanent positions would be to keep pace with the new demand, and the purpose of the two three-year positions would be to reduce the backlog.

2. Proactively address privacy issues through relevant investigation and audit reports and guidance

A key priority for my term as Commissioner is to be proactive in addressing privacy issues that emerge as a result of new technologies or new applications of existing technologies. Examining these issues through investigations, audits, or reviews means that various sectors and the public can learn from the incidents or issues examined by the OIPC. The resulting reports are often released with guidance documents for relevant sectors. While it is impossible to predict what issues will emerge in 2022/23, key issues on the horizon continue to be facial recognition and other biometrics, geolocation tracking, and video surveillance.

The OIPC has a number of investigations and audits underway. In June 2020 I [launched](#) a joint investigation with my counterparts in Alberta, Quebec, and Canada into Tim Hortons and its parent, Restaurant Brands International, amid concerns over persistent geolocation tracking as part of the company's mobile app. The investigation will review whether Tim Hortons obtains consent to collect, use and disclose geolocation and associated data. Privacy Commissioners will also review whether Tim Hortons' privacy practices are reasonable in the circumstances.

In August 2021 I [announced](#) an investigation into the Liberal Party of Canada's use of facial recognition technology for identification purposes in nomination races. The investigation was initiated in the wake of concerns about the Liberal Party of Canada's use of a third-party service provider for automated identification verification. The investigation will review whether the

⁷ includes director, starting FY 22/23

Liberal Party of Canada's use of facial recognition is compliant with BC's *Personal Information Protection Act* (PIPA).

We are also conducting a review of the BC government's de-identification standards and policies. I expect to release a report based on this work by the end of this fiscal year.

3. Continue as a leading privacy authority for the Asia Pacific Privacy Authority

We recognize that data flows and trading relationships often move in tandem, and many of British Columbia's trading partners are found in the Asia Pacific region. In this global economic environment, it is key that the region's privacy regulators work together to protect the personal information of their citizens.

That is why the OIPC has been a member of the Asia Pacific Privacy Authorities (APPA) for more than a decade, facilitating cross-border enforcement actions and sharing information and ideas with 19 authorities from 12 countries across the Asia Pacific Region.

We can also say with some pride that the OIPC is a leader in the Asia Pacific region having served as APPA's secretariat since 2016. We are grateful that the Select Standing Committee on Finance and Government Services at the Legislative Assembly of BC has supported this work since 2018 by recommending additional funds to support our office's leading role.

Our current three-year term as APPA secretariat is set to expire on December 31, 2021, and members have asked that we serve an additional three-year term to December 2024. We are humbled by this vote of confidence and we would like to request from the committee continuation of funding in support of our tenure as APPA Secretariat from December 2021 to December 2024.

Being a leading privacy authority in APPA has significant benefits for British Columbians. APPA Forums are an opportunity for data protection authorities to build ties over matters critical to protecting the personal information of British Columbians. APPA members share best regulatory practices, evaluate technological developments, and coordinate privacy enforcement actions, among other collaborative efforts.

Topics addressed at APPA Forums this past year include: privacy implications of the COVID-19 pandemic including remote work and protections relating to vaccine passports and certificates; engaging with industry on emerging technologies in the digital economy such as artificial intelligence, digital identity, facial recognition and biometrics; protecting children's privacy in the online environment; and the value of interoperability of global privacy frameworks for cross-borders data flows and for areas such as personal data portability.

OIPC BC is honoured to host the next APPA Forum scheduled from November 30 to December 2, 2021. Topics at the next Forum include privacy in virtual health care; enabling cross-boarder data flows; and privacy issues relating to use of digital identities.



MANDATE OF THE OFFICE OF THE REGISTRAR OF LOBBYISTS

The ORL is charged with enforcing the *Lobbyists Transparency Act* (LTA) and overseeing the British Columbia (BC) Registry of Lobbyists (Registry). The LTA enhances lobbying transparency and government accountability in BC.

The Legislative Assembly passed the *Lobbyists Registration Act* (LRA) in 2001 and amendments came into force on May 4, 2020 that ushered in the LTA. Registration of lobbyists in BC has been mandatory since 2010 when amendments expanded the powers of the Registrar to enforce the lobbying law and established a new regime for regulation of lobbying in BC. At that time my office launched an online Registry so that BC citizens could see who is lobbying which public officials regarding what issues. Further amendments in 2017 introduced a two-year prohibition on lobbying for public office holders.

The *Lobbyists Registration Amendment Act* of 2018 brought in a series of amendments that came into force on May, 4, 2020, including a title change to the LTA. The amendments included a requirement for lobbyists to report monthly on lobbying activities directed at senior public office holders, to report information about political and other contributions that a lobbyist has made to a public office holder, to report on gifts given or promised in the registry, and greater transparency from lobbyists in relation to who controls, directs, or funds lobbying.

The LTA defines “lobbying” narrowly as communicating, for pay, with a public office holder, in an attempt to influence a number of possible outcomes relating to the business of public office holders such as legislation, regulations, policies or programs, and funding. 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, including registering information about lobbying communications with senior public office holders on a monthly basis. The LTA does not apply to communication between private citizens and government officials regarding matters of personal concern.

Public access to information about lobbyists and their activities is critically important to ensure transparency in government decision-making. The Registrar is responsible for making this

information publicly available through the searchable online Registry managed by the ORL. The Registrar also enforces compliance through an interrelated mix of strategies including education, verification of information in registrations, compliance investigations, and levying administrative penalties whether levied as a monetary (up to \$25,000) or a lobbying prohibition.

ORL MAJOR ACCOMPLISHMENTS TO DATE FOR 2021/22

I would like to highlight the ORL's major accomplishments to date for 2021/22.

Make the Lobbyists Registry Accessible to Lobbyists and the Public

In 2021/22 the ORL focused on making the Lobbyists Registry accessible to lobbyists and the public.

In 2020 the ORL completed the final stages of development and testing of the updates to the Lobbyists Registry for the May 4, 2020 transition to the new Lobbyists Registry. The Registry was designed to be user friendly and to accept information about all lobbying activities as required under the LTA.

In 2021/22 ORL staff have supported lobbyists in using the Registry. With the support from the Select Standing Committee on Finance and Government Services, a new Registry and Compliance Officer has been added to the front-line staff serving lobbyists and the public. This team has conducted over 1000 verifications of information entered into the Registry this year to date. That is about 140 verifications per month – more than a 400% increase from the 26 per month the year before the amendments came into force. The authority for the ORL to conduct verifications of information in the Lobbyists Registry is an important tool for ensuring that the information in the Registry is accurate. Verifications also support ensuring compliance with the responsibilities that lobbyists have under the LTA.

ORL staff have also continued to respond to the demand for requests for information from lobbyists and the public. This year, to date, the team has responded to 1,662 requests for information. That is an average of approximately 237 requests per month – more than a 200 percent increase from 99 per month the year before the amendments came into force in 2019/20. Responding to requests for information is another important means of ensuring that the Lobbyists Registry contains accurate information about who is trying to influence public office holders in BC, and the ORL expects to receive a higher volume of requests for information than the number received before the amendments for some years to come.

ORL staff also continue to seek ways to further streamline the registration process. For example, earlier this year a number of organizations identified that when lobbying communications are sent to all MLAs there should be a streamlined way to enter that

information into the Registry. The ORL worked with developers to include an “all MLA” check box in the Registry so that lobbyists do not need to enter the names of each MLA separately when registering lobbying activities. Improvements to the Registry such as this have been made possible with the support granted from the Select Standing Committee on Finance and Government Services.

The ORL also continues to make the information in the Lobbyists Registry accessible to the public by publishing [Who’s Lobbying Who](#), a summary of all of the new Registration Returns activated or re-activated in the BC Lobbyists Registry each month.

ORL staff continue to monitor the transition to the new Registry, including by responding to requests for information, conducting verifications and dialoging with stakeholders to identify ongoing improvements and maintenance that will promote compliance.

Strengthening awareness of and compliance with the *Lobbyists Transparency Act*

The ORL has provided orientation, awareness, and training for lobbyists and public office holders since 2010. In 2021/22 the ORL education program has continued to focus on education for lobbyists, stakeholders, and the public about the recent amendments in the *Lobbyists Registration Amendment Act, 2018*.

The education program goals are to:

1. increase awareness of the LTA and its provisions; and
2. achieve greater compliance with the LTA.

The ORL education program in 2021/22 includes educating lobbyists by responding to requests for information, following up on registration verifications, and publishing Who’s Lobbying Who as outlined in the above section on making the Lobbyists Registry accessible to lobbyists and the public.

In addition, the education program includes publishing guidance documents, FAQs, our e-newsletter *Influencing BC*, and conducting speaking engagements. The ORL team has published or revised 12 guidance documents this year to date addressing Provincial Entities, Coalitions, a Getting Started Guide for new users of the Lobbyists Registry, 8 user guides, and a new infographic on a new senior officer for organization. ORL staff continue to update the searchable FAQs on the ORL website as appropriate. One edition of the ORL newsletter, *Influencing BC*, was published in May this year featuring information for lobbyists on the recent amendments and updates to the registry, and a second will be published at the end of 2021.

The ORL education program also includes speaking engagements. The ORL team has 3 speaking engagements currently planned for 2021/22.

Additionally, in September the ORL hosted the virtual Lobbyists Registrar and Commissioners Network (LRCN) conference. We had originally planned to host the event in person, but adapted to the ever-changing COVID-19 situation across the country and made the decision, for the health and safety of all involved, to move to a virtual gathering.

The LRCN conferences provide a valuable opportunity to share jurisdictional developments and updates on legislative reforms and lobbying issues. In our meeting this fall, the agenda also included roundtables on lobbying and elections, and social media and lobbying. We were grateful to hold an additional workshop at the conference, where the Organisation for Economic Co-operation and Development (OECD) discussed challenges related to the implementation of recommendations for their project on strengthening a culture of transparency and integrity in lobbying in Quebec. The lessons learned from LRCN discussions benefit us here in BC, as they can inform our approach to education.

With the support from the Select Standing Committee on Finance and Government Services the ORL has hired a Policy Analyst that will assist in supporting the education work of the ORL generally, including revising and updating guidance documents, researching policy questions received about the LTA, and supporting the delivery of speaking engagements.

Staff have reviewed the education program for 2022/23 which will continue to be an ORL priority as discussed in the next section.

OFFICE OF THE REGISTRAR OF LOBBYISTS PRIORITIES FOR FISCAL YEAR 2022/23

The ORL will focus on two priorities for fiscal year 2022/23:

1. Maintain a registry of lobbying activity that is clear and accurate

The fundamental purpose of the LTA 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. That database – the Lobbyists Registry – is the primary vehicle for transparency in lobbying activities in BC.

A key responsibility of the Registrar under the LTA is to establish and maintain that registry. It is a public record of all of the returns and documents submitted to the Registrar under the LTA. It is therefore imperative that the Lobbyists Registry be clear for lobbyists to use and that the information entered into the Lobbyists Registry be accurate.

The new Lobbyists Registry became available with the coming into force of the amendments under the *Lobbyists Registration Amendment Act, 2018* on May 4, 2020. It continues to be an ORL priority to maintain that Registry and monitor how it operates for lobbyists and the public.

Registry maintenance promotes clear and accurate information. It is about correcting bug fixes when they arise and ensuring the system is properly updated. It is also about making improvements to the Registry, which can be identified through dialogue with stakeholders about things such as whether the steps for registering are clear and easy to follow. Resources spent on updating the interface between users and the Lobbyists Registry foster greater compliance and are critical to upholding the transparency purpose of the LTA. For example, in 2021/22 improvements such as the all MLA check box, discussed above, make it easier for lobbyists to comply with the LTA. Improvements are prioritized for when they support compliance and enhance transparency in lobbying activities in BC.

Similarly, updating the Registry to improve the navigation experience for the public is a key aspect of the LTA regime. Public access to information about lobbying activities is a hallmark for trust and confidence in government. The Registry contains a number of reports that members of the public can run on the information in the Registry. For example, members of the public can run the following reports:

- [Active Lobbyists and Registrations by Type](#)
- [Lobbying Activity Reports by Reporting Period](#)
- [Subject Matter in Active Registrations](#)
- [Subject Matter in Lobbying Activity Reports](#)
- [Ministries/Provincial Entities in Active Registrations](#)
- [Ministries/Provincial Entities in Lobbying Activity Reports](#)

To promote accuracy of information in the Lobbyists Registry, ORL staff will continue to conduct verifications of registrations and respond to requests for information. These tasks promote compliance by ensuring that information entered into the Lobbyists Registry is accurate.

2. Strengthen awareness of the *Lobbyists Transparency Act* to support compliance

Our 2022/23 education plan will continue to focus on educating lobbyists, the public, and public office holders about the responsibilities of lobbyists under the LTA generally, including the recent legislative changes to reporting lobbying activities that came into effect on May 4, 2020. The objective of raising awareness about the LTA amongst lobbyists, public office holders, and the public is to promote compliance with the LTA by lobbyists.

ORL staff recognize there are two prongs to strengthening awareness of the LTA: one about the LTA itself, and the other about how to use the Registry. The ORL education plan includes:

- research and analysis of the interpretation of recent amendments in order to provide sound guidance to lobbyists on their responsibilities under the LTA;
- publishing new and updating existing guidance and FAQs on the responsibilities of lobbyists under the LTA and on how to register and report their lobbying activities in the registry;
- creating tools such as webinars or instructional videos on how to navigate the registry; and
- speaking engagements by ORL staff on the responsibilities of lobbyists under the LTA, tailored for various stakeholder groups. For example, a presentation to an audience of public office holders would focus on the prohibition on gift giving and the two-year cooling off period for former public office holders.

The education work is supported by Registry and Compliance Officers and the Registry and Compliance Manager, the Policy Analyst, Communications staff, and the Deputy working together to share information and prioritize areas that will promote an understanding of the LTA and transparency in the activities of those trying to influence government. As a function of the information in the Lobbyists Registry is transparency in lobbying activities, then a focus on making information in the Registry more accessible to the public will enhance public confidence in government.

BUDGET REQUEST FOR FISCAL YEAR 2022/23

The budget for my two offices currently breaks down as follows: 66 percent for salaries and benefits; 5 percent for professional services; 16 percent for fixed costs such as our shared services costs, rent, and utilities; 12 percent for operating expenses like amortization and office expenses; and less than 1 percent for travel.

We have a staff complement of 43 positions, plus the Commissioner. Consequently, our management discretion to deal with further mandated cost increases must come primarily from salaries (*e.g.*, not hiring staff) or a reduction in outside professional advice, such as legal advice.

Inflationary Increases

For the forthcoming fiscal year 2022/23, my office is faced with an adjustment of \$202,000 in inflationary cost increases, which includes:

- \$185,000 for salary increments and adjustments for increments incurred in the current fiscal year 2021/22;
- an increase in our Shared Services costs of \$7,000; and
- an increase in our information systems costs of \$10,000.

Therefore, I am requesting a funding increase to cover these cost pressures in the amount of \$202,000.

I have reviewed our budget and determined that we have exhausted the flexibility within it and as a result I am unable to absorb these cost pressures without reducing staff.

Case Tracker System Replacement

I also included my office's share of the cost to replace the Case Tracker System which was approved last fall. The CTS is at the end of its useful life as technology. It is an Oracle Forms and Reports based system built in 1992 and it is not capable of integrating with other systems to gain efficiencies.

Our case file system is a mission critical system for managing our core services. Those services include appeals and complaints for access to information requests and privacy at the OIPC, and investigations of potential lobbying contraventions. The system is also used for the breadth of files that relate to the Commissioner and Registrar's powers, such as review and comment of privacy impact assessments and public education vis-à-vis speaking engagements. The OIPC and ORL share of the CTS replacement in 2022/23 amounts to \$363,000 in operating costs and \$275,000 in capital costs.

Adjudicator positions to address wait times for the public

The OIPC requires additional resources to address the increase in demand for adjudicative inquiries.

New inquiries received at adjudication increased in 2019/2020, and then again in 2020/21, and it appears this year to date that increase to about 150 requests per year is here to stay. If this peak of 150 new adjudications continues, then we project it will result in an estimated backlog of 485 inquiries in 5 years - representing an unacceptable delay of 42 months (3.5 years) in responding to citizen requests and complaints.

The adjudications team closed a record number of inquiries in 2020/21 and are on track for another record this fiscal year closing 10 additional inquiries and still the current compliment of adjudication FTEs will not be sufficient to reduce wait times to a reasonable period. I am therefore requesting \$942,000 for adjudication resources, which includes:

- \$809,000 in salary and benefits costs for 7 FTEs, 5 permanent position and 2 three-year positions;
- \$63,000 in information system and business expense costs to support the new positions; and
- \$70,000 in Corporate Shared Services costs to support the requested positions.

Additional details for this request for adjudicators are set out in pages 11-13 of the Budget Submission.

The combined operating budget request is therefore an increase of \$1,507,000, for a total budget request of \$9,096,000. This represents an increase of 2.66 percent for inflationary costs

pressures, 4.78 percent for the CTS Replacement, 12.41 percent to secure a compliment of adjudicators to address wait times for the public at adjudications, for a total operating budget increase of 19.86 percent compared to the current fiscal year.

In addition, \$277,000 in capital funds are requested for the 2022/23 fiscal year, to support \$275,000 primarily for CTS replacement costs. It also includes \$13,000 for furniture to support the proposed adjudications positions.

In summary, for 2022/23, I ask consideration of the Committee for an additional \$1,507,000 for a total operating budget of \$9,096,000 and an additional \$277,000 in capital for a total capital budget of \$360,000.

Thank you for your attention.

November 10, 2021

ORIGINAL SIGNED BY

Michael McEvoy
Information and Privacy Commissioner for British Columbia
Registrar of Lobbyists

Statement of Operations

Previous and Current Fiscal Years

Funding	Fiscal 2020/21 (previous year)		Fiscal 2021/22 (current year)
	Budget	Actual Expenditure	Budget
Voted Appropriation	6,702,000	6,941,725	7,589,000
Total	6,702,000	6,941,725	7,589,000
Expenses			
Salaries	3,580,000	3,722,304	3,916,000
Employee Benefits	903,000	969,093	1,007,000
Travel	52,000	8,956	52,000
Professional Services	425,000	340,428	479,000
Information Systems	239,000	369,609	333,000
Office and Business Expenses	173,000	90,172	181,000
Informational Advertising & Publications	-	-	-
Statutory Advertising & Publications	12,000	14,317	18,000
Utilities, Materials and Supplies	33,000	40,901	35,000
Amortization	39,000	128,198	151,000
Gain/loss on asset	-	-	-
Building Occupancy	694,000	717,361	750,000
Shared Cost Agreement	-	11,152	-
Other Expenses	555,000	563,000	670,000
Internal Recoveries	(1,000)	-	-1,000
Other Recoveries	(1,000)	(2,000)	-1,000
External Recoveries	(1,000)	(31,766)	-1,000
Total Expenses	6,702,000	6,941,725	7,589,000
Capital Budget			
Information Systems, Furniture & Equipment	29,000	27,594	83,000
Total Capital	29,000	27,594	83,000
Revenue			
Revenue from fines (ORL)	(10,000)	(6,250)	(5,000)
Total Revenue	(10,000)	(6,250)	(5,000)

Proposed Budget by Standard Object of Expenditure (STOB)

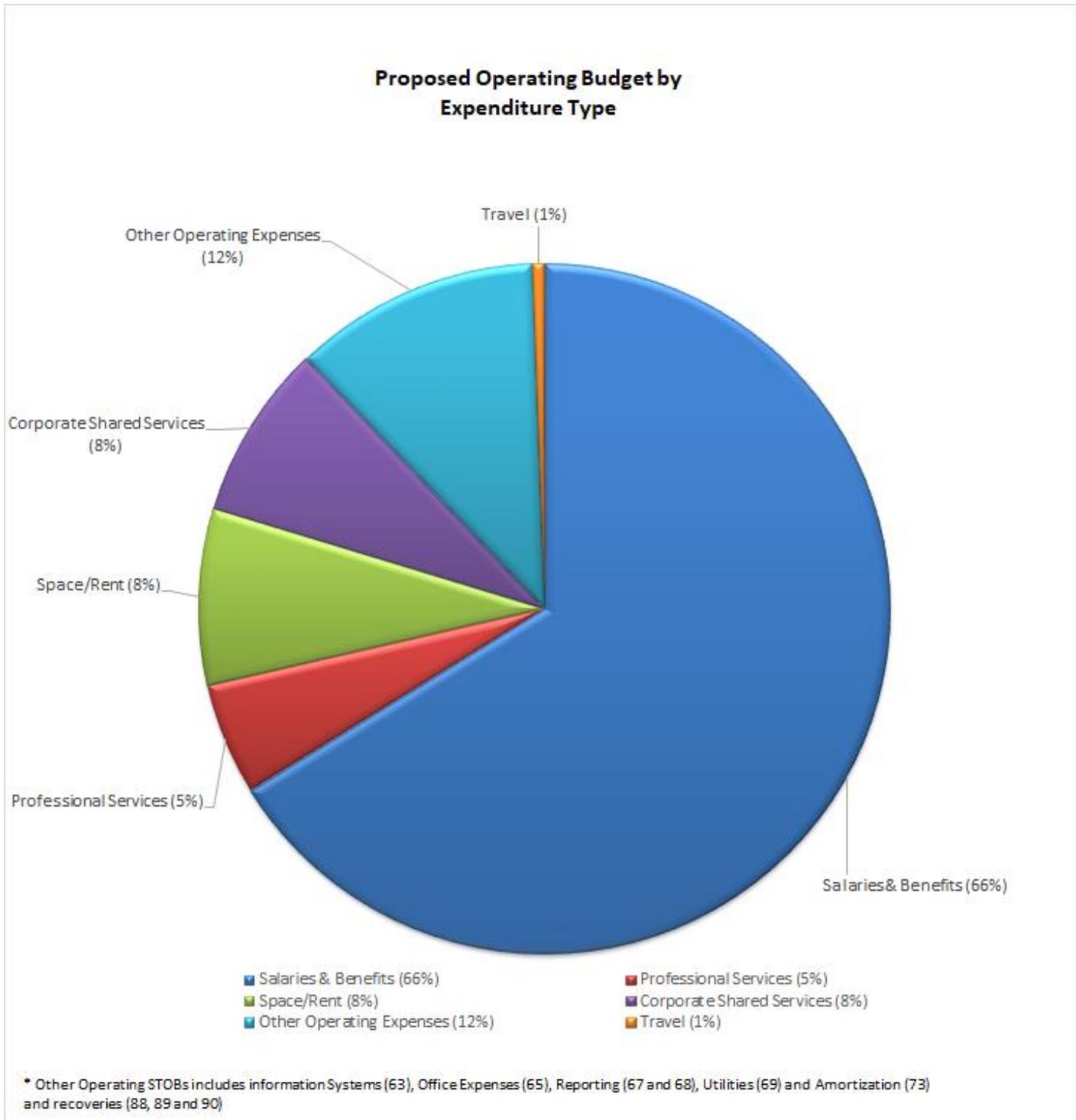
STOB	Expense Type	Fiscal 2021/22 (current) Budget	Fiscal 2022/23 (Proposed) Estimates	Change From Previous Year	Fiscal 2023/24 Planned	Fiscal 2024/25 Planned
50	Salaries	3,599,000	4,465,000	866,000	4,385,000	4,385,000
51	Supplemental Salary	-	-	-	-	-
52	Employee Benefits	1,007,000	1,229,000	222,000	1,208,000	1,208,000
54	Officer of the Legislature Salary	317,000	324,000	7,000	324,000	324,000
57	Travel	52,000	52,000	-	52,000	52,000
60	Professional Services	479,000	479,000	-	479,000	429,000
63	Information Systems	333,000	581,000	248,000	462,000	462,000
65	Office and Business Expenses	181,000	209,000	28,000	209,000	209,000
67	Informational Advertising & Publications	-	-	-	-	-
68	Statutory Advertising & Publications	18,000	18,000	-	18,000	18,000
69	Utilities, Materials and Supplies	35,000	35,000	-	35,000	35,000
73	Amortization Expense	151,000	210,000	59,000	210,000	210,000
75	Building Occupancy	750,000	750,000	-	750,000	750,000
85	Other Expenses	670,000	747,000	77,000	682,000	682,000
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		7,589,000	9,096,000	1,507,000	8,811,000	8,761,000

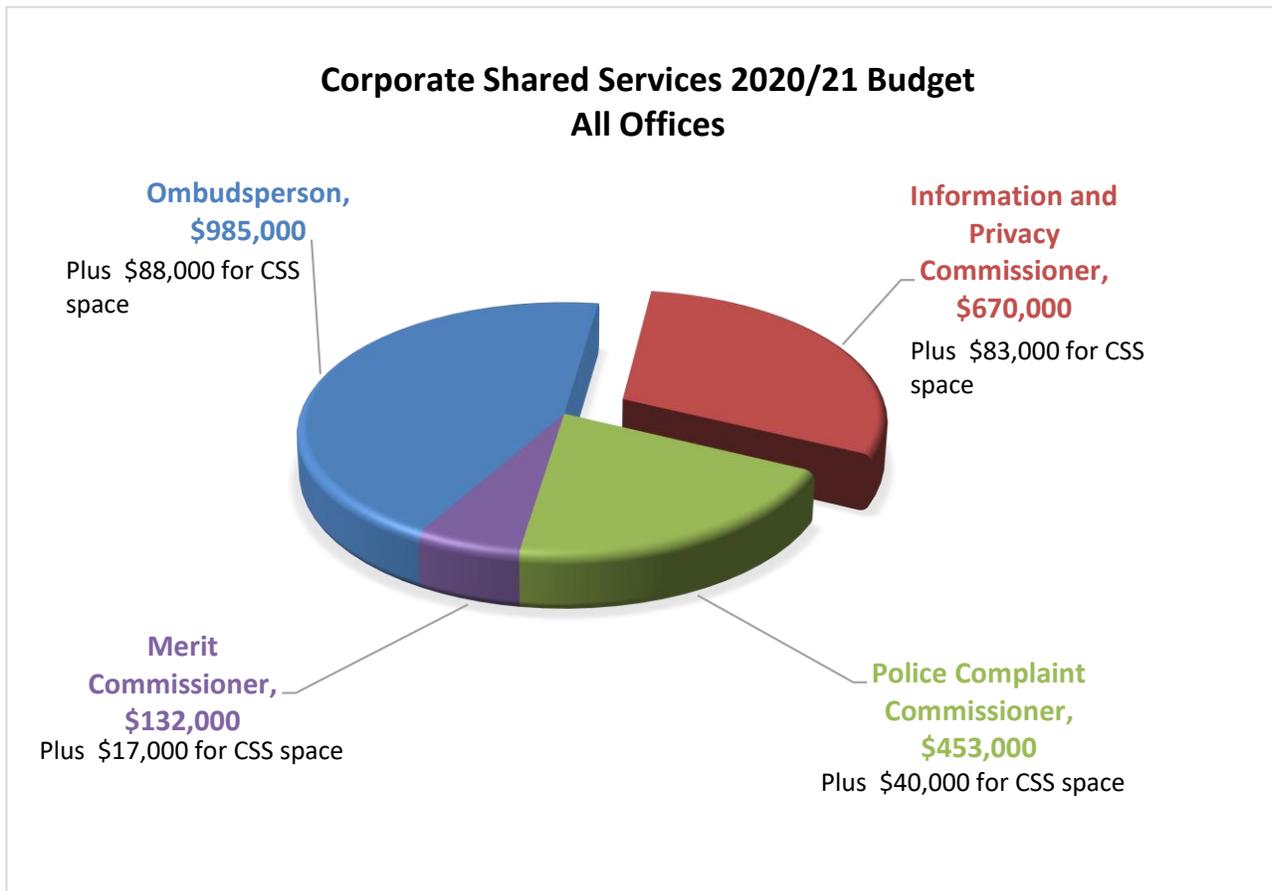
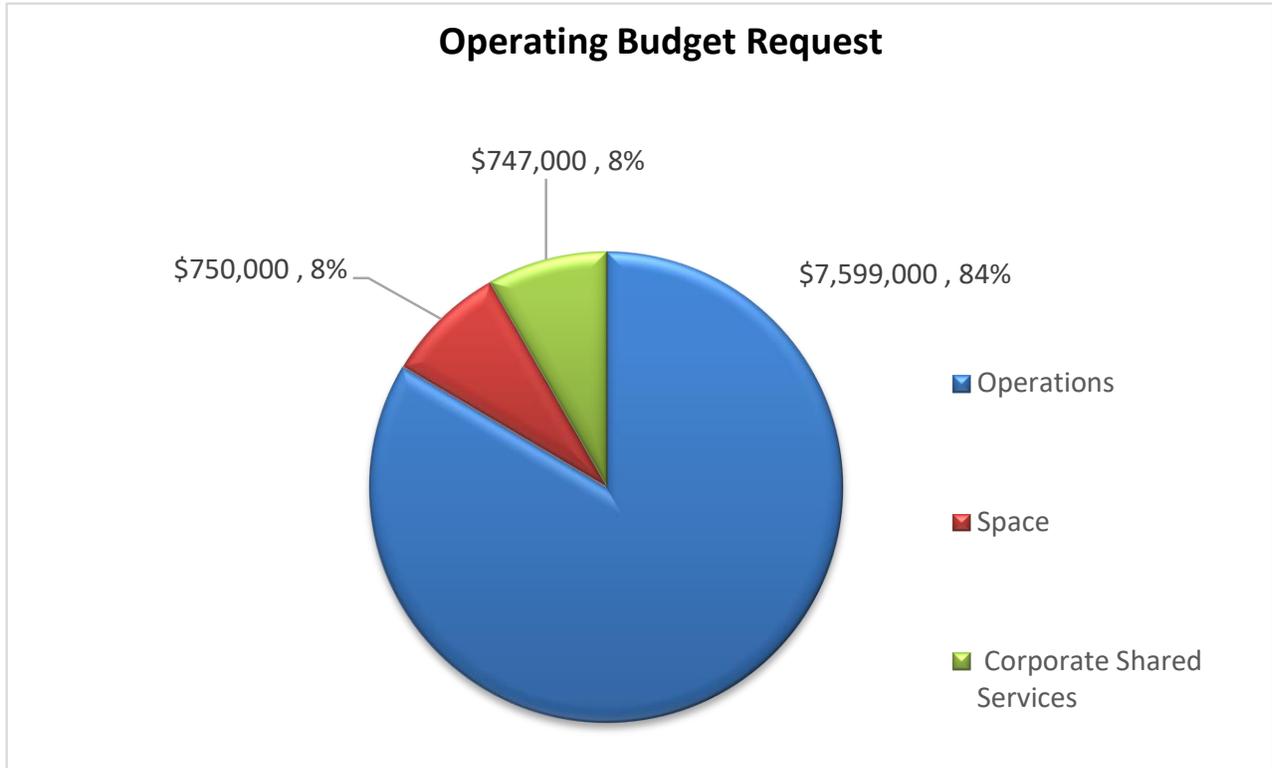
Capital Budget

Information Systems, Furniture & Equipment	83,000	360,000		67,000	55,000
Total	83,000	360,000	277,000	67,000	55,000

Revenue

ORL Registry	10,000	5,000	(5,000)	5,000	5,000
Total	10,000	5,000	(5,000)	5,000	5,000





Proposed Budget By Business area

	Current Year	Proposed		
Business Area	Fiscal 2021/22	Fiscal 2022/23	Fiscal 2023/24	Fiscal 2024/25
Operating Expenditures (Consolidated Revenue Fund) (\$000)				
Core Services:				
- Public Sector Information & Privacy	4,571	5,304	5,164	5,126
- Private Sector Privacy	1,548	1,796	1,749	1,736
- Lobbyists Registration	800	1,249	1,216	1,216
Total Core Services	6,919	8,349	8,129	8,079
Corporate Shared Services	670	747	682	682
Total	7,589	9,096	8,811	8,761

Capital expenditures (Consolidated Revenue Fund) (\$000)				
Info. Systems, furniture & equipment	83	360	67	55
Total	83	360	67	55



SERVICE PLAN

Fiscal Years 2022/23 – 2024/25

Presented to:

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

November 10, 2021

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MESSAGE FROM THE INFORMATION AND PRIVACY COMMISSIONER AND REGISTRAR OF LOBBYISTS

I am honoured to present the Service Plan for the Office of the Information and Privacy Commissioner (OIPC) and the Office of the Registrar of Lobbyists (ORL) to the Legislative Assembly of British Columbia.

During the last fiscal year, the spread of COVID-19 continued to strongly impact both our internal operations at the OIPC and our mandate to protect the personal information of citizens and their right to access information - accelerated by the dramatic increase in online services utilized by public bodies, private organizations, and individuals.

For example, operationally the number of files coming into the OIPC didn't slow down. However, we did see a shift in the *types* of files received, as staff saw an increase in breach reports, requests for information, privacy impact assessments, and requests for inquiry compared to the previous fiscal year. This came as no surprise as British Columbians had to rely on new online tools to conduct business, and individual and organizations alike tried to understand how new Public Health Officer measures and orders affected them.

In response to the needs of public bodies and organizations, the OIPC developed guidance and advice to a wide array of interests, from businesses and school educators to public bodies and the general public. We have offered our expertise on matters ranging from how retail establishments should collect and use their patrons' personal information to how educators should deploy new technological learning tools for kids; from how seniors shopping online, often for the first time, should protect themselves; to what businesses can do to make sure work from home doesn't expose the sensitive information of clients and customers.

During the 2020-21 fiscal year, the OIPC completed a number of investigation reports, including a report card on the timeliness of provincial government responses to access to information requests, and joint investigations into the LifeLabs cyberattack, the commercial use of surveillance without a person's consent by Cadillac Fairview, and the use of artificial intelligence and facial recognition technology by Clearview AI. These joint investigations signal strong collaborative efforts between and amongst Canadian regulators.

The need for national and international regulatory cooperation highlighted the importance of my office's continued leadership role as Secretariat for the Asia Pacific Privacy Authorities (APPA). We have served in this capacity since 2016, coordinating the activities of the 19-member organization. Together, we share information about common investigatory matters and exchange ideas regarding emerging privacy issues, new technologies, the management of privacy enquiries and complaints, and the pressing need of many jurisdictions for legislative reform.

The OIPC's role in APPA is especially relevant, given that so many of BC's trade relationships are within the Asia Pacific region. I remain grateful to the Legislative Assembly's Finance and Governance Committee for continuing to support this initiative.

During the last fiscal year, the changes to BC’s lobbying legislation with the passage of the *Lobbyists Transparency Act* (LTA) came into force on May 4, 2020.

The ORL team intensified the public outreach and education work we began in the lead-up to May 4, 2020 transition date to the new legislation, including a webinar on the LTA; a targeted webinar for non-profits; a roundtable discussion with the social services sector; and a presentation to the Affiliation of Multicultural Societies and Service Agencies of BC. The virtual format necessitated by COVID-19 enabled our office to reach those who may not have been able to attend in-person events.

The ORL also launched our new Lobbyists Registry when the amendments came into force. Based on the federal system, the new Registry provides British Columbians with easily accessible information on who is trying to influence government and provides lobbyists with a streamlined interface to facilitate compliance with the legislation.

Many organizations were profoundly affected by the pandemic and lobbied government to ensure matters impacting them were addressed. The information conveyed to government was critical for government to make decisions about directing resources in a time of crisis. It was and is also vital for transparency and accountability in a democratic system of government that the public know who is influencing those government decisions. COVID-19 was one of the top subject matters in the registry throughout 2020/21.

The goals in this Service Plan reflect my continued commitment to serve the people of this province by optimizing outcomes within our available resources. These goals include enhancing enforcement functions under the *Freedom of Information and Protection of Privacy Act* (FIPPA), *Personal Information Protection Act* (PIPA) and the *Lobbyists Transparency Act* (LTA); ensuring the quality and capacity of the people, systems, processes, and culture in the Office of the Information and Privacy Commissioner; and providing education in the areas of lobbying, access to information, and privacy.

I look forward to continuing to improve our services for the people, organizations, and public bodies of British Columbia and present this Service Plan to you.

November 10, 2021

ORIGINAL SIGNED BY

Michael McEvoy
Information and Privacy Commissioner for British Columbia and
Registrar of Lobbyists for British Columbia

VALUES

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

A community where lobbying is understood, respected, and transparent.

MANDATE

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.

The Information and Privacy Commissioner is designated the Registrar for the purposes of the *Lobbyists Transparency Act* (LTA).¹ The mandate of the Office of the Registrar of Lobbyists (ORL)² 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 LTA.

WHO WE SERVE

Under FIPPA, PIPA and the LTA the offices serve:

- the public;
- organizations and public bodies;
- BC lobbyists and public office holders; and
- the Legislative Assembly of British Columbia.

HOW WE DO OUR WORK

The OIPC provides independent oversight and enforcement of BC's access and privacy laws. The OIPC mediates and investigates access to information appeals and privacy complaints; conducts audits of private and public bodies that process personal information; delivers public education to public bodies, organizations, and the public; reviews and comments on the privacy or access implications of legislation, programs, or systems; conducts formal hearings; and issues binding orders under FIPPA and PIPA.

The ORL addresses concerns about the integrity of government decision-making by providing a public record of who is attempting to influence government decisions. The ORL manages compliance through many strategies, including: education and outreach to lobbyists, the public, and public office holders; verification of registration information; public reporting; compliance reviews; investigations; and administrative penalties under the LTA.³

¹ Section 7, [Lobbyists Transparency Act](#), SBC 2001, c 42. On May 4, 2020 the title of the lobbying legislation for BC was amended from the *Lobbyists Registration Act* to the *Lobbyists Transparency Act*.

² ORL refers to the Registrar and the Registrar's delegates that work to administer the LTA.

³ On May 4, 2020 the title of the lobbying legislation for BC was amended from the *Lobbyists Registration Act* to the *Lobbyists Transparency Act*.



SERVICE PLAN OF THE OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

Goals, strategies, and performance measures

This section deals with the office’s goals, strategies, and associated performance measures.

The 2020/21 performance measures are the results obtained for the fiscal year ending March 31, 2021. In addition, the summary of OIPC caseload statistics in Appendix A shows that the demand for OIPC services has remained steady through the COVID-19 pandemic.

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

This goal includes education and consultation support to public and private sector organizations in having effective privacy management programs in place.

Audit, special and investigation reports represent Commissioner-initiated audits and investigations into matters of broad public interest and they often provide recommendations and guidance relating to privacy management programs. They are a compliance and education tool for public bodies, organizations, and the people of BC in relation to privacy rights and responsibilities under PIPA and FIPPA. Performance measures for these reports and uptake of the corresponding recommendations are under Goal 1 when they relate to privacy, and Goal 2 when they relate to access to information. This year’s target for audit, special or investigation reports on privacy remains the same as last year: three.

Reports completed by the Commissioner in 2020/21 focused on the LifeLabs privacy breach with five recommendations, Cadillac Fairview’s use of facial recognition technologies with four recommendations, and Clearview AI’s scraping of billions of images of people from across the internet with three recommendations. The percentage of audit, compliance review or systemic investigation report recommendations implemented increased significantly to 75 percent in 2020/21 from 29 percent in 2019/20; LifeLabs and Cadillac Fairview implemented all 9 recommendations. Clearview AI partially implemented one recommendation and refused to implement the other two.

The COVID-19 pandemic unfolded throughout the 2020/21 fiscal year. The Commissioner supported the response to the pandemic by issuing a joint statement on COVID-19 contact tracing applications in May 2020, and by publishing guidance on: FIPPA and online learning during the COVID-19 pandemic; privacy tips for seniors; collecting personal information at food

and drink establishments, gatherings, and events during COVID-19; and securing personal information: a self-assessment for public bodies and organizations.

OIPC Case Review Officers and Investigators handled a large number of privacy complaints from BC citizens in 2020/21. This contact gives staff an opportunity to educate both public bodies and organizations to ensure that privacy rights are upheld and the personal information of BC residents continues to be protected.

The strategies outlined below are still relevant to the OIPC responsibility to uphold privacy rights and monitor protection of personal information and data.

Strategies

- Secure government support for legislative and policy reforms that would restore British Columbia as a leader in privacy⁴;
- Work with government to implement reforms, and educate and train public bodies and organizations;
- Promote OIPC’s privacy management guidance documents and develop new resources; and
- Conduct audits and systemic investigations to ensure compliance with FIPPA and PIPA, including examining Privacy Management Programs.

Performance Measure	2020/21		2021/22	2022/23	2023/24	2024/25
	Target	Actual	Target	Target	Target	Target
1. Number of audits, special reports, compliance reviews and systemic investigations that uphold privacy rights and monitor protection of personal information	3	3	3	3	3	3
2. Percentage of related audit, compliance review and systemic investigation report recommendations implemented	95%	75%	95%	95%	95%	95%

⁴ This strategy has become a priority as a result of both BC privacy law falling behind other jurisdictions in privacy reforms and the move to working and living online during the COVID pandemic.

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

This longstanding OIPC goal, since the 2014/15 fiscal year, integrates the Commissioner’s mandates to inform the public about relevant legislation and to comment on the implications for access to information of proposed legislative schemes, programs, or activities of public bodies.

Audit, special and investigation reports represent Commissioner-initiated audits and investigations into matters of broad public interest. They are a compliance and education tool for public bodies, organizations, and the people of BC in relation to privacy rights and responsibilities under PIPA and FIPPA. Performance measures for these reports and uptake of the corresponding recommendations are under Goal 1 when they relate to privacy, and Goal 2 when they relate to access to information. This year’s target for audit, special or investigation reports on access to information remains that same as last year: two.

Reports published by the Commissioner in 2020/21 focused on the timeliness of responses to access to information requests by the Government of BC, and categories of records that are available without an access to information request at various public bodies. One hundred percent of the audit, compliance review or systemic investigation report recommendations were implemented in 2020/21. The target will remain at 95%; OIPC works towards 100% uptake but recognizes that implementation of some recommendations may take longer than our reporting periods.

The COVID-19 pandemic continued throughout the 2020/21 fiscal year. The Commissioner supported the response to the pandemic by making a proactive decision on March 18, 2020 that recognized both the challenges public bodies faced in reorganizing themselves due to COVID-19 and the continuing need for transparency. The decision granted a 30-day time extension to public bodies to respond to freedom of information requests received between March 1, 2020 and April 30, 2020. On April 22, 2020 the Commissioner extended that decision to requests received between May 1 and May 15, 2020 in order to give public bodies time to arrange their operations to meet the provisions of the statutes. In both decisions, public bodies were required to report any extensions taken to the OIPC.

OIPC Case Review Officers and Investigators handle a large number of requests for review from BC citizens. This contact gives staff an opportunity to educate both public bodies and organizations to ensure that freedom of information rights and responsibilities are upheld to promote transparency and accountability under FIPPA.

Two performance measures have been removed from the performance measures below because they reflect government performance measures rather than OIPC ones: Average processing days for all ministries (business days) and Percentage of access requests processed on time by all ministries.

The strategies outlined below are still relevant and are the same as in last year’s report. The strategies on promoting open information and securing supportive legislative reforms are being

pursued through a variety of means so those two strategies are now more broadly stated to reflect that.

Strategies

- Increase the number of public bodies that have implemented effective open information programs;
- Promote open information through our education mandate, and by creating scalable guidance documents;
- Provide support to freedom of information experts/leaders in public bodies by holding a speaker’s series on access and privacy;
- Secure government support for legislative and policy reforms that would restore British Columbia as a leader in access to information; and
- Monitor and comment on the quality and timeliness of public bodies’ responses to access to information requests by assessing and reporting on the underlying causes for responses to access requests that are not on time in accordance with the timelines set out by FIPPA.

Performance Measure	2020/21		2021/22	2022/23	2023/24	2024/25
	Target	Actual	Target	Target	Target	Target
3. Number of audits, special reports, compliance reviews and systemic investigations that promote an open, accountable and transparent public sector	2	2	2	2	2	2
4. Percentage of related audit, compliance review and systemic investigation report recommendations implemented	95%	100%	95%	95%	95%	95%

Goal 3—Promote information and privacy rights and obligations to public bodies, organizations, and individuals

Promoting awareness of information rights and privacy 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. Speaking engagements are an effective method of outreach to inform public bodies, organizations, and the public about FIPPA and PIPA. The OIPC completed 40 speaking engagements in 2020/21, a decrease from 46 in 2019/20.

In 2020/21, the OIPC promoted information and privacy rights where there is a broad public interest. The OIPC issued an array of COVID-19 related guidance and advice in 2020-21 for businesses, school educators, and the general public. This included guidance on how retail establishments should collect and use their patrons’ personal information, how educators should deploy new technological learning tools for kids, how seniors shopping online, often for the first time, should protect themselves, and what businesses can do to make sure work from home doesn’t expose the sensitive information of clients and customers.

The goal of promoting information and privacy rights is mutually reinforcing of OIPC Goals 1 and 2. It also includes responding to media enquiries and promoting information and privacy rights through digital media. In 2020/21 the OIPC handled 149 media enquiries. The OIPC is in the process of developing and implementing a digital media strategy to accompany traditional communication distribution methods. Digital media will assist with stimulating interest and discussion of information rights, and will assist to bolster the social media strategy.

The strategies outlined below continue to be relevant and appropriate and have been maintained with those published in last year’s Service Plan.

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	2020/21		2021/22	2022/23	2023/24	2024/25
	Target	Actual	Target	Target	Target	Target
5. Number of OIPC presentations	50	40	50	50	50	50

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. This goal is mutually reinforcing of OIPC goals 1 and 2 as the processing of case files by case review officers, investigators, and adjudicators is directly related to upholding privacy rights and promoting an accountable public sector.

In 2020/21 the OIPC settled 78 percent of review files within 90 business days of assignment which is slightly down from 80 percent in 2019/20. The OIPC also settled 78 percent of requests for review without an inquiry in 2020/21, a slight decrease from 82 percent in 2019/20. The 80% target was met in 2020/21 so in last year's Service Plan the new target became 85% starting in 2022/23. In 2020/21 the OIPC resolved 86 percent of complaint files within 120 business days, a slight decrease from 89 percent in 2019/20. The slightly slower rates of closing files could generally reflect reports from investigators where files took longer to process during the COVID-19 pandemic, often because staff at public bodies and organizations were adjusting to remote work, at times unable to access files. Current targets remain realistic as workplaces are making appropriate adjustments as the pandemic continues.

Last year the OIPC replaced the performance measure for average number of orders per Adjudicator with the number of orders published per year by OIPC. Adjudicators reached the target of publishing 60 orders in 2020/21 and as a result that target has been raised to 70 orders at the beginning of 2022/23.

The work of the OIPC diversity and inclusion committee continues with staff committed to further developing an inclusive and healthy workplace that builds upon intercultural skills. The OIPC multi-year diversity and inclusion action plan kicked off with all-staff training on 'Building a Respectful Workplace' at the end of 2019/20. In 2020/21, OIPC implemented six actions recommended by the office's Diversity and Inclusion Group (DIG), most of which have now been integrated into our regular office practices. These include establishing a harassment policy; incorporating Indigenous Relations Behavioural Competencies into job postings; creating an orientation document for new hires, which includes information about actions taken in this area; supporting staff who wish to take training about diversity and inclusiveness as part of their learning plans; updating our signature blocks to include acknowledgement of Indigenous territory with an option to incorporate gender pronouns; and including territorial acknowledgements in OIPC speeches and presentations.

The four strategies outlined below remain relevant.

Strategies

- Ensure the timely resolution of complaints, reviews, and requests for information through ongoing 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	2020/21		2021/22	2022/23	2023/24	2024/25
	Target	Actual	Target	Target	Target	Target
6. Percentage of requests for review settled without inquiry	95%	78%	90%	90%	90%	90%
7. Percentage of request for review files resolved within 90 business days of assignment	80%	78%	85%	85%	85%	85%
8. Percentage of complaint files resolved within 120 business days	90%	86%	90%	90%	90%	90%
9. Number of orders published per year	60	68	60	70	70	70



SERVICE PLAN OF THE OFFICE OF THE REGISTRAR OF LOBBYISTS

The ORL seeks compliance with British Columbia’s *Lobbyists Transparency Act* (LTA) 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.⁵ The ORL’s compliance principles are:

- The purpose of the LTA 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 Lobbyists Registry 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

This section deals with the office’s goals, strategies, and associated performance measures.

The 2020/21 performance measures and goals below are the results obtained for the fiscal year ending March 31, 2021.

Government amended the *Lobbyists Registration Act* with the *Lobbyists Registration Amendment Act, 2018*. The amendment came into force in 2020/21, on May 4, 2020. They included change the name of BC’s lobbying legislation to the *Lobbyists Transparency Act* (LTA). Goal 3 for 2020/21 was dedicated to the transition to the new amendments. The ORL assessed the goals and strategies for the ORL at the beginning of 2021/22. After review it was determined that some of the Goal’s 3 strategies and performance measures have ongoing relevance so they were integrated into Goal 2 for 2021/22 forward.

⁵ OECD (2009), *Lobbyists, Governments and Public Trust, Volume 1: Increasing Transparency through Legislation*, OECD Publishing, Paris.

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

Informal resolution of possible non-compliance is desirable, and the ORL will continue to use informal measures whenever they are appropriate and effective.

In fiscal 2020/21 the ORL received 82 percent of registrations on-time, down from 95 percent in 2019/20. The reduction is likely due to a number of organizations and consultant lobbyists engaged in lobbying activities being required to register after May 4, 2020 that previously were not required to.⁶

The office conducted significantly more verifications of information in the Lobbyists Registry in 2020/21 than targeted, 1805 where the target was 140, as shown in Performance Measure 2 below. Information verifications have become a primary tool for Registry staff to use to raise awareness about the obligations of lobbyists relating to the Lobbyists Registry in the wake of the amendments that came into force in 2020. Verifications can be triggered by scanning media reports or information received from the public, or by information submitted in the Lobbyists Registry that is reviewed and raises questions. Their utility is expected to continue, so performance targets for verifications of information at 1500 from 2022/23 on.

The ORL did fewer investigations resulting in compliance determinations in 2020/21 than targeted in spite of the increase in verifications of information in the Lobbyists Registry. In 2020/21 the ORL completed 3 compliance determinations. While the focus of the ORL continues to be on raising awareness about obligations under the LTA, compliance determinations will continue to be carried out as appropriate.

In 2020/21 the number of exemption decisions made by the Registrar in response to former public office holders that seek an exemption from the two-year lobbying prohibition was four as shown in Performance Measure 4 below. In November 2017, the Legislative Assembly of BC amended the lobbying legislation by adding a two-year cooling-off period from lobbying by former public office holders. The amendments came into force on May 1, 2018 and they grant the Registrar the authority to exempt a former public office holder from the two-year prohibition if the Registrar determines it is in the “public interest.” Last year the target was lowered to two per year.

The strategies outlined below continue to be relevant and appropriate and have been maintained from those published in last year’s Service Plan.

Strategies

- Analyze publicly available information sources to identify government priorities, organization priorities, and possible unregistered lobbying; and
- Conduct verifications of information in the Lobbyists Registry to identify potential contraventions that proceed to formal investigation.

⁶ Owing to amendments under the *Lobbyists Registration Amendment Act, 2018*.

Performance Measure	2020/21		2021/22	2022/23	2023/24	2024/25
	Target	Actual	Target	Target	Target	Target
1. Percentage of on-time registrations	95%	82%	95%	95%	95%	95%
2. Number of verifications of information in registry	140	1805	140	1500	1500	1500
3. Number of compliance determinations	15	3	15	15	15	15
4. Number of exemption decisions	6	0	2	2	2	2

Goal 2—Educate lobbyists, public office holders, and the public about the *Lobbyists Transparency Act*

In 2020/21 my office developed an education plan, including educational materials and resources to assist lobbyists in understanding and complying with the *Lobbyists Transparency Act*. The office also developed materials for those provisions of the *Lobbyists Registration Amendment Act, 2018* that came into force on May 4, 2020, and that is reflected in Goal 3.

The purpose of our 2020/21 education plan was to improve compliance with the *Lobbyists Transparency Act*. Our public education and outreach activities have focused on making lobbyists and public office holders aware of the LTA, the registration requirements as well as the changes to the Act. This has led to a greater awareness of lobbying legislation in British Columbia among lobbyists, public office holders, and the general public.

In 2020/21 the Registrar published a special amendment issue of our *Influencing BC* newsletter to provide guidance on the amendments introduced by government in November 2018 via the *Lobbyists Registration Amendment Act, 2018*. *Influencing BC* continues to feature information about those amendments and its regular publication schedule of two issues per year resumed in 2021/22.

Goal 3 below – ‘Implement improvements to the *Lobbyists Transparency Act* (transitional goal)’ – was included in last year’s Service Plan and was initiated to show the ORL’s performance measures to implement the new legislation. Given the implementation work has largely been completed, my office has decided to integrate the relevant performance measures from Goal 3 into Goal 2 and report out on that basis going forward.

The strategies from last year’s service plan for Goal 2 and have been maintained from last year’s report while relevant strategies have been imbedded from last year’s Goal 3 to enable a merging of the Goals going forward.

The additions include strategies integrated from Goal 3 for their ongoing relevance to the education plan:

- managing and keeping current the Lobbyists Registry, and
- raising awareness through new or revised guidance materials and speaking engagements.

Strategies

- Develop a comprehensive public education plan for lobbyists, stakeholders, and the public;
- Continue publishing and circulating *Influencing BC*, the ORL’s online journal, and monthly summaries of registered lobbying activities in the province;
- Manage and keep current the Office of the Registrar of Lobbyists website and the Lobbyists Registry; and
- Raise awareness about the LTA among lobbyists, public office holders, and the general public, including speaking engagements and developing guidance documents; and

Performance Measure	2020/21		2021/22	2022/23	2023/24	2024/25
	Target	Actual	Target	Target	Target	Target
5. Issues of <i>Influencing BC</i> published	3	3	2	2	2	2
6. Issues of “Who’s Lobbying Who” published	12	12	12	12	12	12
7. Number of new or revised guidance documents to raise awareness about the LTA	*	*	*	10	10	10
8. Number of speaking engagements to raise awareness about the LTA	*	*	*	5	5	5

*See Performance Measures table under Goal 3. From 2021/22 on, these transitional performance measures are being adopted as part of Goal 2 on education.

Goal 3—Implement improvements to the *Lobbyists Transparency Act (transitional goal)*

As stated above – this will be the last year we will pursue this transitional Goal, and relevant strategies and performance measures have been imbedded in Goal 2’s strategies and performance measure.

Reporting out on this Goal - in 2020/21, ORL staff focused on education relating to the amendments from the *Lobbyists Registration Amendment Act, 2018*. The legislation passed on November 28, 2018, and came into force on May 4, 2020, amidst COVID-19.

To provide lobbyists with information about the changes, the ORL published or revised 25 guidance documents and hosted six speaking engagements in 2020/21. Our team also continued to manage the website and added features, such as a search function to the FAQs, that support lobbyists in getting answers to their questions.

In 2020/21 the Registry itself was amended to reflect the legislative changes, and registry staff continue to work with developers to amend the Registry to ensure it is easy to use and as streamlined as possible in order to support compliance. In addition, a review of internal processes resulted in revised guidance on investigations, now published on the ORL website.

Strategies

- Update the Lobbyists Registry to meet the legislative and operational requirements of the *Lobbyists Registration Amendment Act, 2018*;
- Raise awareness about recent legislative reforms among lobbyists, public office holders, and the general public, including speaking engagements and developing guidance documents; and
- Review and update ORL internal processes as necessary to conduct verifications of information in the Lobbyists Registry and investigations in relation to the new rules under the *Lobbyists Registration Amendment Act, 2018*.

The table below reports out on the performance measures for 2020/21 under transitional Goal 3.

Performance Measure	2020/21	
	Target	Actual
9. Number of guidance documents to raise awareness about legislative reforms	2	25
10. Number of speaking engagements to raise awareness about legislative reforms	2	6

CONCLUSION

It is my honour to continue to serve the people of BC and to lead the immensely talented group of individuals doing the same at the Office of the Information and Privacy Commissioner and at the Office of the Registrar of Lobbyists.

I am pleased to submit this Service Plan that represents the goals and performance measures of these two offices over the next three years.

APPENDIX A: CASELOAD STATISTICS FOR THE OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

File Type Received	2018/19	2019/20	2020/21
Appeals (requests for review)	657	661	592
Complaints	738	656	613
Requests for time extensions	3,854	6,591	5,885 ⁷
Privacy breach reviews ⁸	194	209	238
Public interest notifications (s.25)	20	12	17
Policy consultations	392	407	380
Review of legislation	42	47	14
Review and comment on Privacy Impact Assessments (PIAs)	94	69	97
Review and Comment on Police Act IIO Reports	44	64	48
Speeches and presentations	48	42	40
Other ⁹	1,309	738	666
Total Case Files	7,392	9,493	8,590
Requests for information	4,756	4,528	5,364

⁷ This number includes the 1,856 time extensions taken under the Commissioner's March 18 and April 22, 2020 decisions discussed under OIPC Goal 2.

⁸ 2017/18 included monthly government breach reviews (as reported in the OIPC 2018-19 Annual Report).

⁹ "Other" in 2019/20 forward includes all file types (received) except those otherwise listed. "Other" in 2018/19 included some requests for information, which are all reported under "Requests for information" effective 2019/20.