

# Budget Submission Fiscal Years 2017/18 – 2019/20

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Presented to:

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

November 1, 2016

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## Overview

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This is the budget submission of the Office of the Registrar of Lobbyists (“ORL”) and the Office of the Information and Privacy Commissioner (“OIPC”) for fiscal years 2017/18 through to 2019/20 inclusive. This budget submission supports the attached ORL and OIPC Service Plans for the same three-year period.

Approximately 90% of our budget is spent on OIPC related issues and 10% on ORL activities.

In this budget submission, the Registrar of Lobbyists and the Information and Privacy Commissioner requests, for fiscal year 2017/18, a combined operating budget of \$6,064,000 and, for planning purposes, combined operating budgets for fiscal years 2018/19 and 2019/20 of \$6,120,000 and \$6,083,000 respectively. No change in the annual capital budget of \$45,000 is requested over the three year forecast period.

As my predecessor stated in 2015, I support the idea of attending this Committee at least on a semi-annual basis. I find this accountability opportunity helpful in fulfilling the Office’s mandate.

## Mandate of the Office of the Registrar of Lobbyists

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The ORL is charged with enforcing the *Lobbyists Registration Act* (“LRA”) and overseeing the B.C. Registry of Lobbyists. The Legislative Assembly passed the LRA in 2001. In 2010, it amended the LRA to enhance lobbying transparency and government accountability. The amendments made registration of lobbyists mandatory; expanded the powers of the Registrar to enforce the LRA; and ushered in a new regime for regulation of lobbying in B.C. Simultaneously, my Office launched an online Registry of Lobbyists, intended to allow B.C. citizens to see who is lobbying which public officials regarding what issues.

The LRA defines “lobbying” narrowly as communicating, for pay, with a public office holder in an attempt to influence a number of possible outcomes. The LRA does not capture communication between private citizens and government officials regarding matters of personal concern. It requires individuals, whose communications with public office holders meet the legal definition of lobbying, to register as lobbyists and provide information to the Registrar about those activities.

The Registrar is responsible for making this information publicly available through the online, searchable Registry managed by the ORL. Public access to

information about lobbyists and their activities is critically important to ensure transparency in government decision-making. The Registrar enforces compliance through an interrelated mix of strategies including education, verification of information in registrations, compliance investigations, and by levying administrative penalties up to \$25,000.

## ORL Major Accomplishments to date for 2016/17

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In this section, I would like to highlight the major accomplishments of the ORL since former Registrar Denham's last appearance before the Committee on May 18, 2016, and previously on November 19, 2015.

In her May 2016 presentation, she highlighted our two major priorities from the ORL Service Plan: increased enforcement of the *Lobbyists Registration Act* and public education and outreach. I would like to update you on both of these elements.

### 1. Increased Enforcement

The Registry Manager has conducted 56 compliance reviews so far this year. Of these 56, five went to formal investigations. One was found to be non-compliant but no administrative penalty was issued, and one resulted in the application of an administrative penalty. Staff resolved 51 reviews through informal means such as education and warnings, and two reviews were carried forward to this year. Informal resolutions are significantly more cost-effective and, during the last three years, we have aimed to use informal means to resolve possible non-compliance whenever appropriate and effective.

### 2. Public Education and Outreach

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

Last fiscal year, the ORL introduced several key initiatives of its Public Education Plan, reaching out to its target audiences with new initiatives and services. These groups include individuals who lobby but may not have registered, such as lawyers. Some of these initiatives include public education to lawyers through the publication of an article about lobbying for the Law Society's member magazine; a conference called "The Future of Lobbying," which brought lobbyists, regulators, public office holders, and observers together; and a new website ([www.lobbyistsregistrar.bc.ca](http://www.lobbyistsregistrar.bc.ca)). In addition, the ORL made several improvements

to its Lobbyists Registry, produced a Guide to Investigations, available on its new website, and continued to publish the ORL's bi-annual e-newsletter, *Influencing B.C.*

## Office of the Registrar of Lobbyists Priorities for fiscal year 2017/18

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The ORL has two key priorities for fiscal year 2017/18.

### **1. Enhance the enforcement function under the *Lobbyists Registration Act.***

From 2010 to 2013 the ORL engaged in public education and outreach about the LRA and the requirements of lobbyists to register. Lobbyists should now be well aware of their obligations regarding registration, especially those lobbyists who are active in public affairs in B.C. Most lobbyists make every attempt to comply with the law. However, there are a small number of lobbyists who do not exercise due diligence.

This is why my Office decided three years ago to conduct an increasing number of formal investigations and apply administrative penalties more frequently. ORL compliance investigations can involve multiple lines of inquiry and consume significant staff time. To ensure we can meet the ORL's investigative activity, we continue to use OIPC investigators to conduct ORL investigations. This has enabled us to take advantage of economies of scale and fulfill the functions of both offices more efficiently.

### **2. Implement the public education strategy.**

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

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

In addition, we are researching the feasibility of hosting webinars and workshops, as well as an ORL Twitter account. The emphasis, as we continue to implement the public education plan over the coming year, will be on monitoring the individual needs of each target population, as familiarity with the LRA and the ORL varies widely between each group. Our goal is to clarify procedures and requirements, thereby increasing compliance with the LRA.

For those Committee members who were present last year, you may recall that a former priority was legislative changes in the *Lobbyists Registration Act*. Without repeating all the proposals again, I would just draw to this Committee's attention that many of these suggestions would make it easier for lobbyists to comply with the law, and would thus save lobbyists and my Office time and money. I am particularly concerned that the current design requires lobbyists to identify whom they *expect* to lobby, rather than whom they have *actually* lobbied. This causes significant compliance and enforcement costs that I think can be avoided.

These legislative proposals remain with the government and we once again recommend them.

## Mandate of the Office of the Information and Privacy Commissioner

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The OIPC is the independent oversight agency responsible for monitoring and enforcing compliance with two statutes, the *Freedom of Information and Protection of Privacy Act* ("FIPPA") and the *Personal Information Protection Act* ("PIPA").

Under FIPPA, the OIPC enforces compliance with access and protection of privacy legislation by more than 2,900 public bodies in British Columbia, including ministries, Crown corporations, health authorities, municipalities, self-governing professions, universities and school districts.

In discharging its mandate, the OIPC investigates and mediates access appeals and privacy complaints; conducts formal hearings; issues binding orders; comments on the access and privacy implications of proposed legislation, programs, policies and technologies; and educates the public about their access and privacy rights and public bodies about their legal obligations.

The work of the OIPC is to ensure that decisions and actions taken by public bodies remain open and accountable, and that public bodies properly control and manage the personal information of citizens that they collect in order to deliver public services.

PIPA sets the rules that private sector organizations, including businesses, labour organizations, interest groups and non-profits must follow in the collection, use and disclosure of customer, client and employee personal information. Similar to its duties under FIPPA, it is the OIPC's responsibility to enforce compliance of PIPA by the estimated 380,000 private sector organizations in British Columbia.

Under PIPA, the OIPC investigates complaints, adjudicates disputes and educates and informs the public about their consumer and employee privacy rights, and organizations about their privacy responsibilities.

## OIPC Major Accomplishments to date for 2016/17

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

Once again, this material represents an update on the presentation to this Committee of May 18, 2016.

### ADDRESSING THE BACKLOGS AT INVESTIGATION AND ADJUDICATION

Investigation is the first stage of our process when we receive a complaint or appeal. This work is generated by citizens or consumers making privacy complaints or requesting appeals of decisions of public bodies or organizations in response to their access requests under FIPPA and PIPA.

An investigator attempts to resolve the matter informally either by working with all parties to achieve consensus about the disposition of a file or by issuing informal findings. It can be long and arduous work bringing parties to a consensus, especially given that often the reason these parties are before us is because their relationship is broken. Investigators resolve about 96% of all complaints and appeals. The remainder go forward to adjudication.

Adjudication is the second stage of our process, which involves a formal written hearing or inquiry involving the parties. These are mostly **access** requests that proceed to adjudication, as investigators resolve nearly all privacy complaints. Adjudicators hear cases under both FIPPA and PIPA. All parties make formal written submissions, often with the aid of legal counsel, and an adjudicator, or the Commissioner, deliberates on the submissions and issues a binding decision.

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

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

Our new process commenced October 31, 2105, and we have been very pleased with the results. Last November, we reported to you that the backlog at investigation was 240 files. I am pleased to report that as of this date, the backlog has been reduced to 95 files, despite an increase in the total number of files received. The backlog at adjudication was 80 files at this time last year and it remains at 80 files.

So far this year we have received 594 new investigation files and closed 532. We have received 55 new adjudication files and closed 43.

## **MAJOR POLICY AND INVESTIGATION REPORTS**

### **1. Investigation Report - F16-02 - Clearly in the public interest: The disclosure of information related to water quality in Spallumcheen**

This report was issued June 29, 2016.

This investigation report was issued in response to a complaint by the University of Victoria Environmental Law Centre (“ELC”), which requested information from the Ministry of Environment about nitrate levels in drinking water in the Hullcar aquifer. The ELC argued that information regarding nitrate levels in the aquifer and in soil test results should have been proactively disclosed to the public, due to a risk of significant harm to the environment and to the health of a group of people, and because disclosure was clearly in the public interest.

The Commissioner found that the Ministry of Environment did not comply with the duty to assist because it failed to forward the request to appropriate individuals for processing. The Commissioner found that the issue of water quality in the aquifer was significant enough to warrant mandatory, proactive disclosure under s. 25(1)(a) of FIPPA. However, the duty to disclose that information had been met by public notifications by the Steele Spring Waterworks and the Interior Health Authority. Therefore, there was no requirement that the Ministry also disclose that information. The Commissioner ordered the Ministry to disclose the soil test results and nutrient management plans and other information relevant to pollution abatement or prevention orders issued by the Ministry with respect to nitrate levels in soil that may leach into the Hullcar aquifer.

### **2. Investigation Report - F16-03 - Mobile Device Management in B.C. Government**

This report was issued October 18, 2016.

This investigation report examined the management of mobile devices issued to employees of the B.C. government. This assessment was conducted concurrently with an audit by the Office of the Auditor General that focussed on the security of mobile devices in government. This investigation was based on

three criteria: whether the government had an appropriate privacy management program, whether the storage and retention of personal information accessed on mobile devices occurred only in Canada, and whether government had implemented reasonable security measures to protect that information.

The investigation determined that senior management in the selected ministries did not demonstrate a sufficient commitment to privacy compliance in the use of mobile devices by the ministries. OIPC investigators found evidence that employees responsible for privacy lacked the authority and resources necessary to implement and monitor program controls for privacy and mobile devices. The report also described a lack of clarity in the roles and responsibilities for privacy management. Based on the findings in this assessment and the companion audit conducted by the Auditor General we found that government is not meeting its statutory obligation to protect personal information stored on mobile devices.

## OTHER MAJOR INITIATIVES

### 1. Audit of the City of Vancouver's FOI program

We conducted this audit under our Audit and Compliance Program. The audit focussed on the overarching statutory duty to make every reasonable effort to assist and to respond to applicants without delay, openly, accurately and completely. The audit included a review of policy, procedures, requests for records, complaints to the OIPC, and written submissions from recurrent applicants to the City.

The findings of the auditors included that standard documents were missing from some of the City files. The City failed to meet legislated timelines 16% of the time and there was often no justification for extensions taken. The City was also four times more likely to fail to meet timelines with media applicants compared to others. They also found detail was missing in response letters to applicants, a lack of accounting of the time spent searching for records, and a lack of policy relating to the use of personal email or devices for City business. Finally, there were issues with the tone in communication where the City's responses were curt and perfunctory or where the City did not respond to an applicant's query at all. The report provided 12 recommendations to assist the City in addressing gaps found through the audit and to bring them into line with their statutory duty to assist.

### 2. Guidance: Mobile Devices

Mobile devices are an integral part of our everyday lives, at home and at work. However, their use can involve privacy and security risks. The Office of the Information and Privacy Commissioner, in collaboration with the Office of the Auditor General of B.C., produced a guidance document for the general public entitled *Mobile Devices: Tips for Security & Privacy*. In plain English, the

document offers 15 effective ways to improve mobile device security. It was released to complement the two Offices' separate examinations of the use of mobile devices in the B.C. government.

### 3. Collaboration with other Privacy and Data Protection Authorities

This year, our Office was one of 25 data protection authorities that participated in the fourth annual Global Privacy Enforcement Network Sweep. The Sweep focused on the Internet of Things, which is a term that generally refers to the digital networking of uniquely identified, commonly-used objects, such as heart monitoring devices, automobiles and appliances. We evaluated how well the purveyors of networked devices communicate with customers about privacy issues, particularly in regards to what personal information is collected by these devices and how that information is used. In total, participating data protection authorities examined more than 300 devices.

Our Office examined the privacy notices related to Radio Frequency Identification devices used for electronic tolling on Lower Mainland bridges. We chose this topic because it is in our jurisdiction, and a large number of British Columbians use these devices. Overall, we found that the privacy notices related to these devices were compliant with our legislation, and included many of the best practices evaluated in the Sweep.

## OIPC Priorities for fiscal year 2017/18

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### 1. Reduce the current backlog of complaint and appeal files

The highest priority for my Office for the next fiscal year will be to continue to reduce the backlogs for the investigation and adjudication functions my Office is responsible for. As stated previously, as of today, we have 95 investigation files and 80 adjudication files awaiting assignment.

Last year at this time, November 19, 2015, we had 240 investigation and 80 adjudication files awaiting assignment.

These backlogs are the result of a surge of complaints and appeals since 2012. We experienced a further 9% increase in 2015/16.

Thirteen employees and two part-time contractors deal with investigations. Each investigator carries a caseload of about 30 files. We have determined through experience that this is the most investigators can manage efficiently. A backlog results when all investigators are carrying a full caseload. The files in the backlog remained unassigned until investigators close one of their existing files.

The **investigation** statistics are as follows:

<b>Fiscal Year</b>	<b>Number of Files at beginning of year</b>	<b>New Files Received</b>	<b>Files closed during year</b>	<b>Number outstanding at Year-end</b>
<b>2012/13 actual</b>	401	1,165	1,205	361
<b>2013/14 actual</b>	361	1,536	1,311	586
<b>2014/15 actual</b>	586	1,354	1,311	629
<b>2015/16 actual</b>	629	1,479	1,423	685
<b>2016/17 est.</b>	685	1,404	1,794	295

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

Four employees and one part-time contractor deal with adjudications. The Commissioner hears inquiries when there is a new area of interpretation of the law.

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

<b>Fiscal Year</b>	<b>Number of Files at beginning of year</b>	<b>New Files Received</b>	<b>Files closed during year</b>	<b>Number outstanding at Year-end</b>
<b>2012/13 actual</b>	37	84	69	52
<b>2013/14 actual</b>	52	112	66	98
<b>2014/15 actual</b>	98	86	99	85
<b>2015/16 actual</b>	85	98	115	75 <sup>1</sup>
<b>2016/17 est</b>	75	110	86 <sup>2</sup>	99

As the result of hiring an additional adjudicator and with existing adjudicators developing increased expertise, we closed 115 files in 2015/16, an increase of 16% over the previous year, as we predicted at this time last year.

Should one of the parties disagree with our adjudicator's decision, they can seek leave to appeal the decision to the Supreme Court of British Columbia. Thus the third and often very expensive step is judicial review. In 2016/17 there were nine

<sup>1</sup> Changes to the inquiry process last year led to changes in status to a few files during the course of the year and a reconciliation of the statistics.

<sup>2</sup> This projection is based on statistics at mid-year. This is low owing to adjudicator turnover and recruitment lag during the first six months. We anticipate a higher total by year end.

outstanding judicial reviews: three initiated by government, four by other public bodies, one by a third party, and one initiated by an applicant.

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

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

An emphasis on public and private sector organizations having Privacy Management Programs in place remains the Office's second highest priority.

For public agencies and private organizations, understanding how to comply with privacy laws can be challenging, technical, complex, and at times opaque. B.C. is one of a growing number of privacy regulators seeking to achieve greater compliance with the law by encouraging organizations to **proactively** adopt effective privacy management programs across the organization. In this approach, the onus is on the organization to be aware of, and comply with, the law rather than relying on a regulator to verify compliance or to attend once a major problem is found.

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

This approach gives governments and businesses the opportunity to be proactive in addressing privacy concerns of citizens and customers, and gives regulators a consistent framework or yardstick by which to measure overall compliance.

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

During the coming year, we will seek to promote our accountability document in various forums. We intend to use training sessions, workshops and presentations to highlight, for a variety of audiences, the existence of this guidance and the reasons why it is essential for public bodies and organizations to implement it.

We will continue to assess the overall privacy management programs of public bodies and private organizations in the course of our systemic investigations, and we will also seek to implement an accountability lens to our audit and compliance

program. We will use the standards that we have incorporated in our guidance documents as the measure to evaluate compliance.

By announcing our intention to conduct audits, such as the ones on breach management that we completed this year, and compliance reviews based on our guidance documents, public bodies and organizations may see the value of conducting reviews on their own operations and following the step-by-step guidance to implement accountable privacy management in advance of any audit or review that we might conduct.

### **3. Promote increased access to information through cultural change and professional information management.**

A series of systemic investigations conducted by the OIPC have provided evidence that, 23 years after the implementation of FIPPA, public bodies frequently are not meeting their duty to assist applicants by responding openly, accurately and completely and without delay. Among many public bodies, we consistently find a lack of documentation, employees not turning over records subject to FIPPA requests, responses to access requests that do not meet statutory timelines and a lack of proactive disclosure of information where it would be in the public interest.

The original designers of the legislation wanted to establish a culture of openness. While government has taken some initiatives, such as promoting open data, this important goal remains unfulfilled.

We plan on conducting further investigations into access issues. We also plan to use the audit program to evaluate the extent to which public bodies are responding openly, accurately, completely and without delay to access requests such as the audit conducted on the City of Vancouver.

As discussed above, my Office plays a significant role in the review of FIPPA that is statutorily required every six years. As well as testimony before the Special Committee for that review, my Office provides detailed recommendations for reform and comments on the reform submissions provided by other organizations and individuals.

We will continue to monitor the responses to our recommendations and promote the public benefits of bringing regulations up to date.

## Budget Request for fiscal year 2017/18

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Our number one priority is to improve service to citizens. The most recent statistics have confirmed that the higher number of complaints and reviews that my Office has received in recent years will be the new norm. I am thankful to the Committee for recommending an increase to our budget last year that enabled us to hire an additional investigator and adjudicator. As noted, these additional resources, combined with the business process review we completed last year, have resulted in a considerable decline in our backlog of case files. This is despite an increase in the number of files received.

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

The budget for my two Offices currently breaks down as follows: 68% for salaries and benefits; 8% for professional services; 18% for fixed costs such as our shared services costs, rent, and utilities; 5% for operating expenses like amortization and office expenses and 1% for travel.

We have a staff complement of 37 positions, plus the Commissioner. Consequently, our management discretion to deal with further mandated cost increases has to come primarily from salaries (e.g., not hiring staff) or a reduction in outside professional advice, such as legal advice.

For the forthcoming fiscal year 2017/18, my Office is faced with an adjustment to cover government mandated salary increments and adjustments for Schedule A employees (union-classified) and the Commissioner and for our Shared Services costs (\$34,000) – IT (\$1,000), building (\$6,000) and other increases (\$9,000). This amounts to unavoidable increases of \$50,000, compared to our 2016/17 estimates.

We were able to absorb similar cost pressures in 2015/16 by exhausting the flexibility in our budget and with the decision of the Committee to remove restrictions on the use of judicial review funds. This is not an approach that I am able to replicate without cutting into staffing resources. Therefore, this year I am requesting a funding increase to cover these new and ongoing costs pressures.

Additionally, this Office assumed the Secretariat function for the Asia Pacific Privacy Authorities (APPA), the principal forum for privacy and data protection authorities in the Asia Pacific region. There are 19 agencies from 13 countries represented in APPA.

You are all aware of how crucial B.C.'s economic, commercial, political and social ties are with the Asia Pacific. The digital economy is an increasingly important part of that relationship. This means the efficient movement of data across borders is critical to the provincial economy.

To properly protect and regulate these data movements, we must work together with fellow regulators to share best practices, ensure consistent regulatory processes where possible, or in some instances to engage in joint enforcement work.

Our Office has already established a leadership role in many APPA initiatives and regulators such as Hong Kong have looked to us for guidance with respect to their operations.

Exercising the Secretariat function will further strengthen our relationship with each member of APPA and contribute to B.C.'s reputation for leadership among our Asia-Pacific partners. The activities of the Secretariat include setting the agenda for, and organizing, twice yearly APPA forums. This involves collating and disseminating all documents related to the forums and collecting fees. It also requires dealing with member requests and concerns. As the Secretariat, we chair eight APPA Governance Committee meetings per year.

The Secretariat function enables us to showcase B.C.'s laws to the world. It also gives us greater influence in the forum with respect to raising privacy issues of particular interest to British Columbians, including breach reporting and de-identification of data. We are currently working with the Office of the Privacy Commissioner of Canada on a proposal to hold another biannual meeting in Vancouver. This would bring people from across the Asia Pacific, and display the Province to those in both the private and public sectors in a region of the world critical to B.C.'s economic success.

I believe that this will present concrete benefits to the citizens of B.C. by helping facilitate opportunities for B.C. companies in the digital economy and creating greater awareness, owing to effective privacy protection among other reasons, that B.C. is a good place to do business.

This new role will place temporary additional financial burdens on our Office. Our predecessor, the Office of the Australian Information Commissioner, identified that the expense to their office was approximately \$70,000 Canadian per year. This represents mostly staff time, but also includes travel and materials. We will receive about \$20,000 per year from membership fees to cover part of this cost, leaving a shortfall of about \$50,000 in each of the next two fiscal years.

Therefore, I am also requesting a budget lift of \$50,000 to cover this temporary extraordinary cost for two fiscal years. I believe that it is a good investment in the economic future of B.C.

The combined budget request is for an increase of \$100,000 for a total budget request of \$6,064,000. This represents an operating budget increase of 1.68% compared to the current year.

The existing 2016/17 capital budget in the amount of \$45,000 is adequate for 2017/18.

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

1. Funding to cover unavoidable increases in salary, benefits, IT, building and other costs netting at \$50,000; and
2. Funding for the costs of operating the Asia Pacific Privacy Authorities' Secretariat in the amount of \$50,000.

In total, this request represents an operating budget of \$6,064,000 and a capital budget of \$45,000 for 2017/18.

Thank you for your attention.

November 1, 2016

**ORIGINAL SIGNED BY**

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

Information and Privacy Commissioner/Office of the Registrar of Lobbyists

## Statement of Operations

### Previous and Current Fiscal Years

Funding	Fiscal 2015/16 (previous year)		Fiscal 2016/17 (current)
	Budget	Actual Expenditure	Budget
Voted Appropriation	5,636,000	5,624,100	5,964,000
<b>Total</b>	<b>5,636,000</b>	<b>5,624,100</b>	<b>5,964,000</b>
<b>Expenses</b>			
Salaries	2,981,000	2,820,373	3,166,000
Employee Benefits	803,000	709,141	850,000
Travel	52,000	78,867	52,000
Professional Services			
General Contracts	313,000	369,478	475,000
Judicial Review	130,000	228,993	-
Information Systems	97,000	108,474	98,000
Office and Business Expenses	113,000	119,093	150,000
Informational Advertising & Publications	-	2,647	-
Statutory Advertising & Publications	15,000	12,878	12,000
Utilities, Materials & Supplies	23,000	28,861	26,000
Operating Equipment & Vehicles			-
Amortization	120,000	100,251	39,000
Building Occupancy	578,000	595,887	615,000
Shared Cost Agreement		28,500	
Other Expenses (85)	447,000	449,400	484,000
Internal Recoveries	(1,000)	(9,095)	(1,000)
Other Recoveries	(1,000)	-	(1,000)
External Recoveries	(1,000)	(19,648)	(1,000)
<b>Total Expenses</b>	<b>5,636,000</b>	<b>5,624,100</b>	<b>5,964,000</b>
<b>Capital Budget</b>			
Information Systems, Furniture & Equipment	45,000	31,747	45,000
<b>Total Capital</b>	<b>45,000</b>	<b>31,747</b>	<b>45,000</b>

## Proposed Budget by Standard Object of Expenditure (STOB)

STOB	Expense Type	Fiscal 2016/17 (Current) Budget	Fiscal 2017/18 (Proposed) Estimates	Change 2015/16 to 2016/17	Fiscal 2018/19 Planned	Fiscal 2019/20 Planned
50	Salaries	2,893,000	2,921,000 <sup>1</sup>	28,000	2,949,000	2,953,000
51	Supplemental Salary					
52	Employee Benefits	850,000	857,000 <sup>1</sup>	7,000	864,000	865,000
54	Officer of the Leg. salary	273,000	274,000 <sup>2</sup>	1,000	274,000	274,000
57	Travel	52,000	52,000		52,000	52,000
60	Professional Services	475,000	530,000 <sup>3</sup>	55,000	535,000	485,000
63	Information Systems	98,000	99,000 <sup>3</sup>	1,000	100,000	100,000
65	Office and Business Expenses	150,000	152,000 <sup>4</sup>	2,000	154,000	154,000
68	Statutory Advertising & Publications	12,000	12,000 <sup>5</sup>		12,000	12,000
69	Utilities , Materials and Supplies	26,000	28,000 <sup>6</sup>	3,000	30,000	31,000
73	Amortization Expense	39,000	39,000 <sup>7</sup>		39,000	39,000
75	Building Occupancy	615,000	621,000 <sup>8</sup>	6,000	627,000	631,000
85	Other Expenses	484,000	482,000 <sup>9</sup>	(2,000)	487,000	490,000
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)
	<b>Total</b>	<b>5,964,000</b>	<b>6,064,000</b>	100,000	6,120,000 <sup>11</sup>	6,083,000 <sup>12</sup>

### Capital Budget

	Info. Systems, & Furniture & Equip.	45,000	45,000 <sup>10</sup>		45,000	45,000
	<b>Total</b>	<b>45,000</b>	<b>45,000</b>		<b>45,000</b>	<b>45,000</b>

1. STOB 50 (Salaries) and STOB 52 (Employee Benefits)—Includes salaries for existing staff positions, the known financial impact of the salary increases for Schedule A (Union classified).
2. STOB 54 (Officer of the Legislature Salary)—The salary for the Officer is set by statute, as equal to the salary of the Chief Judge of the Provincial Court
3. STOB 63 (Information Systems)—Includes data lines, IDIR accounts, voice services, software licensing, data communication, network security and supplies.
4. STOB 65 (Office & Business Expenses)—Includes costs for office stationary and supplies, offsite file storage, postal and courier charges, printing expenses (other than reports), news subscriptions, staff training, photocopier leases, and business meeting expenses.
5. STOB 68 (Statutory Advertising & Publications)—Includes the cost for preparing and printing the Annual Report to the Legislature.
6. STOB 69 (Utilities, Materials & Supplies)—Includes the cost for utilities, recycling, books and supplies.
7. STOB 73 (Amortization)—Is the cost of repaying the Capital budget expenditures for information systems hardware and software, tenant improvements and office furniture. Expenditures for information systems are amortized over three or five years depending on nature of the purchase. Expenditures for tenant improvements and office furniture are amortized over five years.
8. STOB 75 (Building Occupancy)—This is the proportionate share of the costs associated with the office space of the four Independent Offices located at 947 Fort Street. Operating costs (e.g., building insurance, hydro, property taxes and maintenance) are anticipated to increase in fiscal in subsequent years. The rate for base rent has increased in fiscal year 2016/17.
9. STOB 85 (Other expenses)—The amount contributed toward the operations of Corporate Shared Services (Services include: information technology, finance, human resources, facilities and reception).
10. CAPITAL BUDGET—This is for the purchase of information systems hardware and software and office furniture, and is consistent with the Capital budget in fiscal year 2015/16. Capital amounts are repaid through amortization expense in STOB 73.
11. FISCAL 18/19 PLANNED—This assumes a status quo budget with known increases for salary and benefits for Schedule A (Union classified) and utilities, plus an estimate for inflation of 1%, based on the consumer price index, for STOB 60, 63, 65, 75, 85, and salary related costs.
12. FISCAL 19/20 PLANNED—This assumes a status quo budget with known increases for salary and benefits for Schedule A (Union classified) and utilities, plus an estimate for inflation of 1%, based on the consumer price index, for STOB 60, 63, 65, 75, 85, and salary related costs.

## Proposed Budget by Business Area (\$,000)

Business Area	Current Year	Proposed		
	Fiscal 2016/17	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20

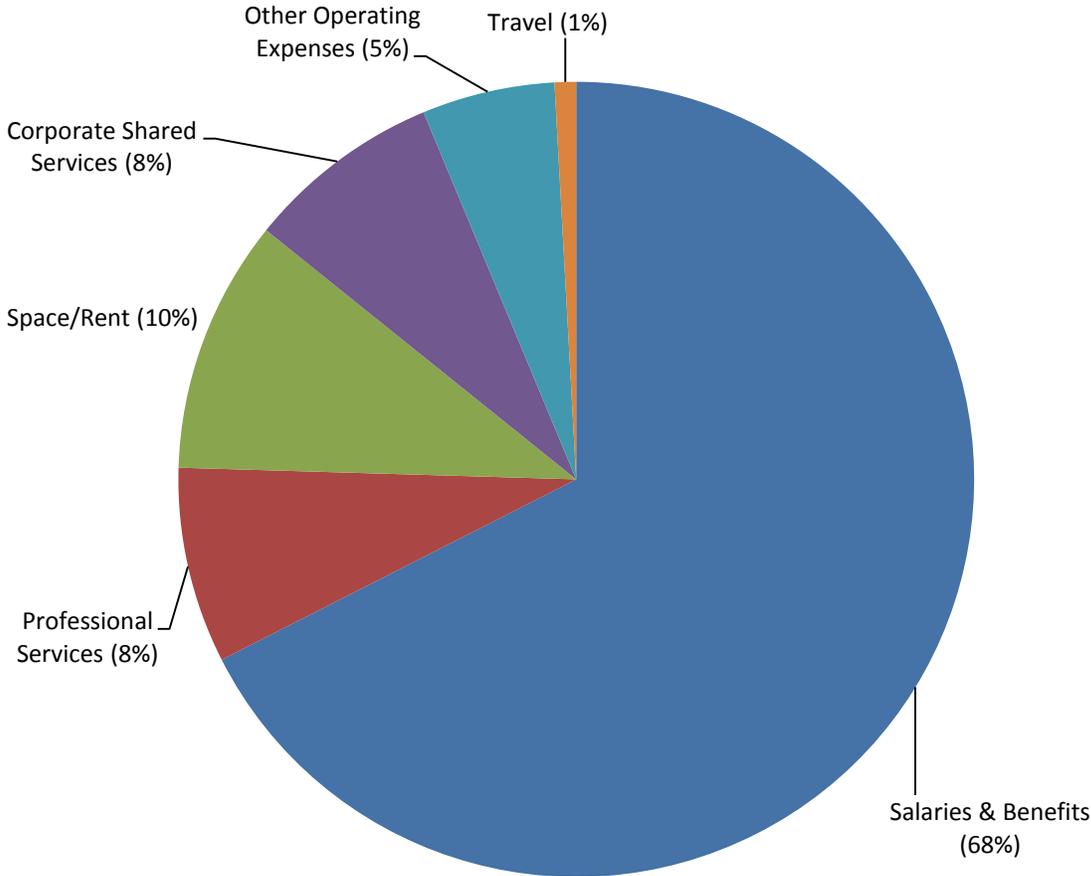
### Operating Expenditures (Consolidated Revenue Fund)

Core Services:				
- Public Sector Information & Privacy	3,620	<b>3,688</b>	3,722	3,695
- Private Sector Privacy	1,226	<b>1,249</b>	1,260	1,251
- Lobbyists Registration	634	<b>645</b>	651	647
Total Core Services	5,480	<b>5,582</b>	5,633	5,593
Corporate Shared Services	484	<b>482</b>	487	490
<b>Total</b>	<b>5,964</b>	<b>6,064</b>	<b>6,120</b>	<b>6,083</b>

### Capital Expenditures (Consolidated Revenue Fund)

Info. Systems, furniture & equipment	45	<b>45</b>	45	45
<b>Total</b>	<b>45</b>	<b>45</b>	<b>45</b>	<b>45</b>

**Fiscal 2017/18 Proposed**



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



OFFICE OF THE  
INFORMATION &  
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*for British Columbia*

Protecting privacy. Promoting transparency.

**O.R.L.**  
office of the  
registrar  
of lobbyists  
**BRITISH COLUMBIA**

# Service Plan

## Fiscal Years 2017/18-2019/20

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Presented to:

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

November 1, 2016

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## Message from the Information and Privacy Commissioner and Registrar of Lobbyists

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I am pleased to present the Service Plan for the Office of the Information and Privacy Commissioner and the Office of the Registrar of Lobbyists for the years 2017/18 to 2019/20. I am proud that the interests of citizens remain at the centre of all of our work.

Rapid advancements in technology continue to present new challenges to the information rights of citizens. This requires us to be a progressive and adaptable regulator, but there are some issues that we cannot keep up with adequately without legislative reform.

The challenges of managing personal information in light of advances in Artificial Intelligence and the implications of Big Data will require constant vigilance to ensure privacy rights are upheld. In addition, the emerging use of Block Chain technology used to manage crypto-currencies such as Bitcoin require specialized technical expertise. As technologies advance we must avail ourselves of external expertise in order to ensure our investigations and guidance to the public are up to date and appropriate.

We will soon see changes nationally and globally that will reinforce the need to update our legislation. Federally, Bill S-4 implements changes to the *Personal Information Protection and Electronic Documents Act* for mandatory breach reporting. Internationally, the European Common Data Protection Regulation coming into force in May 2018 includes breach reporting and introduces Administrative Monetary Penalties for private sector organizations of up to 4% of global turnover.

That's one reason why we continue to engage with international DPAs through our work with APPA. Information knows no boundaries or borders as evidenced recently by the now infamous Ashley Madison breach that saw the Canadian and Australian Privacy Commissioners cooperate on an investigation.

We continue to advocate on behalf of the citizens of B.C. for changes to the *Freedom of Information and Protection of Privacy Act* ("FIPPA") and the *Personal Information Protection Act* ("PIPA") and are pleased that the Special Committees have adopted and endorsed all of our recommended changes. Government has publicly committed to introduce duty to document legislation. We take pride that we have been the catalyst for this important change, but it has not been easy.

We strongly believe that the first stage in effective regulatory oversight is proactive outreach and public education. We will achieve the greatest level of compliance by improving awareness among citizens of their rights and among

public bodies and organizations of their responsibilities. That is the reason we have undertaken benchmark public awareness surveys this year.

We have continued to focus attention and resources on the backlog of our case files. I am pleased to report that since this time last year, we have reduced our backlog of investigation files from 240 to 95. We have also increased the proportion of complaints that we resolve within 120 business days and requests for review within 90 business days. This means that citizens are receiving more timely service. We have been able to achieve this by acquiring additional resources and improving our business processes and productivity. I anticipate further progress in the coming year.

November 1, 2016

**ORIGINAL SIGNED BY**

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

## Vision

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

## Mandate

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Under the *Lobbyists Registration Act* ("LRA"), the mandate of the Office of the Registrar of Lobbyists ("ORL") is to:

- Promote awareness among lobbyists of registration requirements;
- Promote awareness among the public of the existence of the lobbyists registry;
- Manage registrations submitted to the lobbyists registry; and
- Monitor and enforce compliance with the LRA.

Under the *Freedom of Information and Protection of Privacy Act* ("FIPPA") and the *Personal Information Protection Act* ("PIPA"), the mandate of the Office of the Information and Privacy Commissioner ("OIPC") is to:

- Independently review decisions and practices of public bodies and private sector organizations concerning access to information and protection of privacy;
- Comment on the implications for access to information or protection of privacy of proposed legislative schemes, automated information systems, record linkages, and programs of public bodies and organizations; and
- Educate and inform the public about access and privacy rights.

## *Who we serve*

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

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

## *How we do our work*

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The ORL addresses concerns about the integrity of government decision-making by providing a public record of who is or has attempted to influence government decisions. The ORL manages compliance through an interrelated spectrum of compliance strategies including incentives, education and outreach to lobbyists and public office holders, verification of registration information, public reporting, compliance reviews, investigation and administrative penalties.

The OIPC mediates and investigates access to information appeals and privacy complaints, conducts audits, delivers public education, reviews and comments on the privacy or access implications of legislation, programs or systems, conducts formal hearings and issues binding orders.



## Service Plan of the Office of the Registrar of Lobbyists

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The ORL seeks province-wide compliance with the *Lobbyists Registration Act* ("LRA") through a series of interrelated compliance strategies. Our approach is built on guidelines recommended in *Lobbyists, Governments and Public Trust*, a report by the Organisation for Economic Co-operation and Development.

### Compliance Principles

- The purpose of the LRA is to enhance transparency in lobbying;
- Lobbying in British Columbia must comply with legislation and regulations;
- Cost-effective, informal and non-punitive forms of resolving minor matters of non-compliance should be used where appropriate;
- Enforcement activities will be carried out in a fair, objective, respectful and consistent manner;
- Educating the public about the Registry of Lobbyists is critical to achieving the policy objective of transparency; and
- Ongoing dialogue with the stakeholder community – lobbyists, organizations, public office holders, fellow oversight agencies and the public – is essential to ensuring compliance strategies remain timely, cost-efficient and effective.

### Goals, Strategies and Performance Measures

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<p><b>Goal 1—Enhance the enforcement function under the <i>Lobbyists Registration Act</i></b></p>
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Informal resolution of possible non-compliance is desirable, and the ORL will continue to use informal measures whenever they are appropriate and effective. However, this is the third year that the Office has conducted an increased number of formal investigations and applied administrative penalties more frequently in an effort to enhance enforcement.

## Strategies

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

Performance Measure	2015/16		2016/17	2017/18	2018/19	2019/20
	Target	Actual	Target	Target	Target	Target
<b>1. Percentage of on-time registrations</b>	95%	90%	95%	95%	95%	95%
<b>2. Number of compliance reviews</b>	160	178	160	160	160	160
<b>3. Number of compliance investigations</b>	20	16	20	20	20	20

### Goal 2—Promote enhancements to the *Lobbyists Registration Act*.

We established this goal last year, in light of feedback from lobbyists and other stakeholders and based on our experience enforcing the LRA from 2010 to 2013. There are a number of ways to enhance the legislation to better meet its primary objectives. The fundamental purpose of the LRA is to create transparency regarding who is attempting to influence government decision making. However, certain features of the current legislation inadvertently undermine the goal of transparency and create barriers to compliance. To address these issues, in my 2013 report entitled, “Recommendations for Changes to the *Lobbyists Registration Act*”<sup>1</sup> I made five recommendations for reform.

## Strategies

- Raise awareness of the Registrar’s recommendations for reform among lobbyists and the general public.

There is no performance measure for this goal, as the decision will be taken by the Minister of Justice and the Legislative Assembly as to whether to amend the legislation.

<sup>1</sup> <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?ID=449>

### Goal 3—Provide education for lobbyists, public office holders and the public

Our public education and outreach activities over the last four years have been largely focussed on making lobbyists and public office holders aware of the LRA and the need to register. This has led to a greater awareness about lobbying legislation in British Columbia among lobbyists, public office holders and the general public. We believe that now it is time to develop specialized public education tailored to the particular needs of different stakeholders.

#### Strategies

- Develop a comprehensive public education plan for lobbyists, stakeholders and the public;
- Publish and circulate *Influencing B.C.*, the ORL's online journal;
- Manage and keep current the Office of the Registrar of Lobbyists website; and
- Publish monthly summaries of registered lobbying activities in the province.

Performance Measure	2015/16		2016/17 Target	2017/18 Target	2018/19 Target	2019/20 Target
	Target	Actual				
<b>4. Issues of <i>Influencing BC</i> published</b>	2	2	2	2	2	2



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Protecting privacy. Promoting transparency.

## Service Plan of the Office of the Information and Privacy Commissioner

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### *Goals, Strategies and Performance Measures*

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

The goal expands on one of the key priorities we identified in our 2017/18 Budget Submission that accompanies this plan: increase the proportion of public and private sector organizations that have effective privacy management programs in place.

#### **Strategies**

- Secure government support for robust privacy rules and guidelines for data linking and information sharing activities of public bodies as a priority initiative;
- Collaborate with government to implement reforms and educate and train public bodies;
- Promote OIPC's privacy management guidance documents; and
- Conduct audits to evaluate privacy management programs of public sector organizations to ensure their effectiveness.

Performance Measure	2015/16		2016/17	2017/18	2018/19	2019/20
	Target	Actual	Target	Target	Target	Target
1. Number of audits, compliance reviews and systemic investigations	10	7	10	10	10	10
2. Percentage of audit, compliance review and systemic investigation report recommendations implemented	95%	84%	95%	95%	95%	95%

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

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

#### Strategies

- Increase the number of public bodies that have implemented effective open information programs through a systematic follow up of our open government report recommendations;
- Promote open information through our education mandate and by creating scalable guidance documents based on the open government/open information report;
- Provide support to FOI experts/leaders in public bodies by holding a one day symposium on open government best practices;
- Improve the quality and timeliness of public bodies' responses to access to information requests, by assessing and reporting on the underlying causes for the lack of timeliness responding to access requests; and
- Advocate for information management legislation and policy reform that includes a duty to document, archival standards and explicit disclosure of categories of records.

Performance Measure	2015/16		2016/17 Target	2017/18 Target	2018/19 Target	2019/20 Target
	Target	Actual				
<b>3. Average processing days for all ministries (business days)</b>	20	46	20	20	20	20
<b>4. Percentage of access requests processed on time by all ministries</b>	90%	74%	90%	95%	95%	95%

**Goal 3—Ensure public bodies and private sector organizations understand their responsibilities under the law and individuals understand the value of information and privacy rights**

Promoting awareness of information rights remains a key goal of our Office. The OIPC will continue to support its education mandate through speaking engagements, interviews, training, conferences and other events.

### Strategies

- Meet the growing demand from public bodies and organizations for OIPC speakers 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	2015/16		2016/17 Target	2017/18 Target	2018/19 Target	2019/20 Target
	Target	Actual				
<b>5. Number of OIPC presentations</b>	80	49	80	80	80	80

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

Delivering our mandate efficiently and effectively remains a goal of our Office.

#### **Strategies**

- Ensure the timely resolution of complaints, reviews, and requests for information by conducting a review of internal processes and standards, and developing best practice guidelines;
- Leverage relationships with functional counterparts at other oversight agencies;
- Create opportunities for skills, knowledge and professional development for OIPC staff; and
- Promote a positive workplace culture, collaboration and engagement among OIPC staff.

Performance Measure	2015/16		2016/17	2017/18	2018/19	2019/20
	Target	Actual	Target	Target	Target	Target
<b>6. Percentage of requests for review settled without inquiry</b>	95%	84%	95%	95%	95%	95%
<b>7. Percentage of review files resolved within 90 business days of assignment</b>	65%	77%	80%	80%	80%	80%
<b>8. Percentage of complaint files resolved within 120 business days</b>	75%	90%	90%	90%	90%	90%
<b>9. Average number of orders and other decisions produced per adjudicator per year</b>	22	20	22	22	22	22

## Caseload Statistics: Office of the Information and Privacy Commissioner

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File Type	Fiscal 2013/14	Fiscal 2014/15	Fiscal 2015/16
Appeals (requests for review)	780	676	717
Complaints	642	546	606
Requests for time extensions	853	721	734
Policy consultations	140	172	191
Review of legislation	38	54	43
Speeches and presentations	86	54	49
Privacy breach reviews	114	132	156
Other <sup>2</sup>	1,783	1,641	1,918
<b>Total Case Files</b>	<b>4,436</b>	<b>3,996</b>	<b>4,414</b>

Informal requests for information and assistance	2,938	4,489	4,249
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<sup>2</sup> Other file types include media inquiries, conference attendance, projects, and courtesy copies of letters not requiring a response.