



## **Budget Submission**

**Fiscal Years  
2011-2013**

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

**November 25, 2009**

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## Overview

This is the budget submission of the Office of the Information and Privacy Commissioner (“OIPC”) for fiscal years 2011 through 2013. This submission is accompanied by the OIPC’s service plan for the same three-year period.

This budget submission requests a fiscal year 2011 operating budget of \$4,725,000 and, for planning purposes, operating budgets for fiscal years 2012 and 2013 of \$4,935,000 each year. In addition, a one-year increase in the fiscal 2011 capital budget of \$644,000 is required to pay for tenant improvements, systems and furniture purchases in the new shared space office. The requested resources are driven by three significant factors, each of which is discussed below.

## Mandate

The OIPC enforces British Columbia's *Freedom of Information and Protection of Privacy Act* (“FIPPA”) and *Personal Information Protection Act* (“PIPA”). Under FIPPA, the OIPC enforces compliance by more than 2,000 public bodies at all levels of government in BC with their access to information and privacy protection responsibilities. The OIPC investigates complaints relating to privacy and access to information decisions and practices of public bodies, adjudicates disputes about these matters, comments on the implications of proposed legislation and programs, and educates and informs the public about access and privacy. As the independent enforcement agency under FIPPA, the OIPC’s work is indispensable to the openness and accountability of public bodies to the public.

Under PIPA, the OIPC’s duties and functions are very similar to those under FIPPA, with the OIPC enforcing compliance by many thousands of for-profit and not-for-profit private sector organizations with the privacy protection responsibilities set out in PIPA. The OIPC investigates complaints, adjudicates disputes and educates and informs the public about privacy in the private sector.

Under the *Lobbyists Registration Act* (“LRA”), those who lobby government officials must register as lobbyists and provide information to the public about their activities. The person who is the Information and Privacy Commissioner is also the Registrar of Lobbyists (“Registrar”). A main function of the Registrar is to keep a publicly-accessible registry containing information about lobbyists and their activities. Public access to information about lobbyists and their activities is critically important in order to provide transparency and accountability in government.

Bill 19-2009 (*Lobbyists Registration Amendment Act*) was tabled in the Legislative Assembly at the end of October and received Third Reading on November 17, 2009. When in force, these amendments will significantly increase the functions and duties of the Registrar in enforcing compliance with the LRA’s new registration requirements. The amendments will empower the Registrar to conduct administrative investigations into LRA compliance, to promote awareness of registration requirements and provide the public with access to information about lobbying.

## **Priorities for Fiscal Year 2011**

There are three priorities for fiscal year 2011:

- Create the operational structure to implement the recently approved changes to the LRA,
- Ensure resources are available to respond to the significantly increased numbers of lawsuits being brought against the OIPC by government and other public bodies so that funding for ordinary operations is not diverted to respond to litigation beyond the OIPC's control, and
- Fund building occupancy costs previously approved by the Committee to complete the move to new shared accommodation.

### ***Lobbyists Registration***

In last year's budget submission, I sought funding for creation of a full-time Deputy Registrar of Lobbyists under the existing legislation, in addition to the resources we already had dedicated to the LRA functions. The Committee declined to approve that request and instead encouraged me to seek additional resources to deal with legislative changes as introduced in the House and once my office had analyzed their budgetary implications.

Having assessed the amendments as passed, it is clear that these vital changes cannot be implemented meaningfully without the hiring of a modest number of staff. This carefully-considered request for resources, which I believe is prudent and responsible, will enable the hiring of three staff to implement the significant legislative changes. Promoting compliance will involve an ongoing broad spectrum of strategies, including education, communication, formal enforcement investigations and sanctions, reporting of compliance and operation of a user-friendly online registration system.

I am therefore requesting an operational budget for the Office of the Registrar of Lobbyists for fiscal year 2011 of \$635,000, which is anticipated to decrease to \$615,000 for the two fiscal years following.

Sixty-five percent of this request (\$314,000) is to cover the salaries of three staff, being a Deputy Registrar, a Registry Manager and a Compliance Investigator/Analyst. Further, resources are requested for contract services in the amount of \$91,000, which includes \$40,000 for legal services support and \$51,000 for ongoing support of the new online registration system. (Because support needs for new information systems tend to be higher in the first year of operation, this number is expected to drop to \$40,000 in years two and three.) The budget for public education is also higher for fiscal year 2011 than for the two following years, recognizing the need for a significant education and communication effort in the first year following the legislative changes, to assist lobbyists in complying with their registration obligations.

### ***Judicial Review Litigation***

The OIPC is facing a significant challenge in the form of a substantial increase in the number of BC Supreme Court judicial review proceedings being brought against OIPC decisions. During fiscal year 2009, four new judicial review proceedings were brought against the OIPC. So far this year we have had six such proceedings brought against us. It usually takes in excess of one year for a judicial review matter to proceed to hearing and decision, so the costs of these six new proceedings will extend well into fiscal year 2011. We cannot control how many applications are brought; nor are there any funds dedicated solely to these matters. The OIPC has had to fund these litigation costs by under-staffing approved positions, resulting in a steadily increasing backlog of files and complaints.

Last year, we spent \$246,000 on legal costs associated with judicial reviews and, based on our careful assessment of the costs of such proceedings, we confidently estimate that we will spend at least \$280,000 in the current fiscal year on these matters. We have other contract-related costs and with a budget of only \$300,000 for contract costs, we have had to use salary dollars to pay for the shortfall.

Accordingly, I am seeking dedicated funding of \$400,000 to cover the legal services costs associated with the judicial review applications on the condition that this funding will only be used for legal costs associated with judicial review applications and no other costs of the OIPC. This will allow us to spend our salary dollars on salary and remain fully staffed throughout the year. Any unused portion of the \$400,000 at the end of fiscal year 2011 will be returned to the Consolidated Revenue Fund.

### ***Capital Costs of Shared Premises***

On October 29, 2008, the Committee adopted a motion authorizing the Offices of the Ombudsperson, Information and Privacy Commissioner, Police Complaint Commissioner and Merit Commissioner to enter into a binding lease for 15 years that permits consolidation of their offices in new office space, and efficient continuation of their long-standing shared services arrangement, during fiscal 2011. Construction of the new space is on schedule and on budget for completion and occupancy at the end of October 2010.

Consistent with the Committee's prior approval, the OIPC needs a one-year increase of \$664,000 for the capital budget for fiscal year 2011 only. This is needed to pay for tenant improvements, systems and furniture purchases and office space. These increases are the result of the costs of moving into the new LEED Gold building that will be shared by the OIPC and three other independent officers of the Legislature.

## Statement of Operations

(Previous and Current Fiscal Years)

	Fiscal 2009 (previous)		Fiscal 2010 (current)
	Budget	Actual	Budget
<b>Funding</b>			
Voted Appropriation	3,603,000	3,481,062	3,822,000
<b>Total</b>	<b>3,603,000</b>	<b>3,481,062</b>	<b>3,822,000</b>
<b>Expenses</b>			
Salaries	2,184,000	1,945,023	2,497,000
Employee Benefits	476,000	417,132	513,000
Travel	45,000	62,813	45,000
Centralized Management Support Serv.	270,000	265,710	260,000
Professional Services	450,000	607,755	300,000
Information Systems	25,000	43,891	44,000
Office & Business Expenses	80,000	98,191	90,000
Information, Adv. & Publications	10,000	3,254	10,000
Statutory Adv. & Publications	10,000	5,430	10,000
Utilities, Materials & Supplies	13,000	9,369	13,000
Amortization	45,000	22,494	45,000
Building Occupancy	0	0	0
Recoveries	(3,000)	0	(3,000)
Recoveries	(1,000)	0	(1,000)
Recoveries	(1,000)	0	(1,000)
<b>Total Expenses</b>	<b>3,603,000</b>	<b>3,481,062</b>	<b>3,822,000</b>
<b>Capital Budget</b>			
Info. Systems, & Furniture & Equipment	60,000	22,767	45,000
Tenant Improvements	0	0	0
<b>Total Capital</b>	<b>60,000</b>	<b>22,767</b>	<b>45,000</b>

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

		Fiscal 2010 Current Budget	Fiscal 2011 Proposed Estimates	Change	Fiscal 2012 Planned	Fiscal 2013 Planned
<b>STOB</b>	<b>Expense Type</b>					
50	Salaries	2,239,000	2,352,000 <sup>1</sup>	113,000	2,345,000	2,345,000
51	Supplemental Salary	5,000	6,000	1,000	6,000	6,000
52	Employee Benefits	513,000	550,000 <sup>1</sup>	37,000	550,000	550,000
54	Officer of the Leg. Salary	253,000	259,000 <sup>2</sup>	6,000	259,000	259,000
57	Travel	45,000	67,000	22,000	67,000	67,000
59	Centralized Mgmt Support Services	260,000	178,000 <sup>3</sup>	(82,000)	51,000	51,000
60	Professional Services	300,000	791,000 <sup>4</sup>	491,000	791,000	791,000
63	Information Systems	44,000	48,000	4,000	48,000	48,000
65	Office & Business Expenses	90,000	113,000 <sup>5</sup>	23,000	103,000	103,000
67	Info., Advertising & Publications	10,000	25,000 <sup>6</sup>	15,000	15,000	15,000
68	Statutory Advertising & Publications	10,000	20,000 <sup>7</sup>	10,000	20,000	20,000
69	Utilities , Materials & Supplies	13,000	16,000 <sup>8</sup>	3,000	16,000	16,000
73	Amortization Expense	45,000	100,000 <sup>9</sup>	55,000	178,000	177,706
75	Building Occupancy	0	205,000 <sup>10</sup>	205,000	491,000	491,000
88	Recoveries	(3,000)	(3,000)	0	(3,000)	(3,000)
89	Recoveries	(1,000)	(1,000)	0	(1,000)	(1,000)
90	Recoveries	(1,000)	(1,000)	0	(1,000)	(1,000)
	<b>Total</b>	<b>3,822,000</b>	<b>4,725,000</b>	<b>903,000</b>	<b>4,935,000</b>	<b>4,935,000</b>

### Capital Budget

Info. Systems, & Furniture & Equip.	45,000	150,000 <sup>11</sup>	105,000	45,000	45,000
Tenant Improvements	0	559,000 <sup>11</sup>	559,000	0	0
<b>Total</b>	<b>45,000</b>	<b>709,000</b>	<b>664,000</b>	<b>45,000</b>	<b>45,000</b>

### Full Time Equivalents

<b>Total</b>	<b>24</b>	<b>27<sup>12</sup></b>	<b>3</b>	<b>27</b>	<b>27</b>
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## Notes:

1. STOB 50 (Salaries) and STOB 52 (Employee Benefits)—Includes funds for three additional analyst positions in fiscal year 2011.
2. STOB 54 (Officer of the Legislature Salary)—The salary for the Information and Privacy Commissioner is set, by statute, as equal to the salary of the Chief Judge of the Provincial Court. This salary was established by the final report of the 2007 British Columbia Judges Compensation Commission.
3. STOB 59 (Centralized Management Support Services)—Includes building occupancy charges payable to ARES for space occupied until the end of October 2010 when the new consolidated office will be ready for occupancy. Building Occupancy after November 1, 2010 is shown in STOB 75 because the lease for the new office space is not held by ARES.
4. STOB 60 (Professional Services)—In fiscal year 2011, a dedicated budget of \$400,000 is requested to meet the costs of the significantly increased number of judicial review proceedings brought against the OIPC. Funds dedicated to judicial review proceedings that are not expended during the fiscal year will be returned to the Consolidated Revenue Fund. The balance of the STOB 60 budget (\$391,000) is for general professional services contracts.
5. STOB 65 (Office & Business Expenses)—Includes costs for office stationary and supplies, offsite file storage, postal and courier charges, printing expenses (other than reports), newspaper subscriptions, staff training, photocopier leases, and business meeting expenses.
6. STOB 67 (Information, Advertising & Publications)—Includes the costs of printing public reports other than the annual report to the Legislature.
7. STOB 68 (Statutory Advertising & Publications)—Includes costs for preparing and printing the annual report to the Legislature.
8. STOB 69 (Utilities, Materials, & Supplies)—Includes costs for utilities such as cablevision and recycling, books, and supplies.
9. STOB 73 (Amortization)—This is the cost of repaying capital budget expenditures for tenant improvements, furniture and IT equipment (information systems hardware and software). Tenant improvements and furniture expenditures are amortized on a monthly basis over five years, whereas IT expenditures are amortized over three years.
10. STOB 75 (Building Occupancy)—This is the Office of the Information and Privacy Commissioner's share of the consolidated office space for the OIPC and three other independent offices at 947 Fort Street. The construction of the LEED Gold office space is on schedule and the actual terms of the lease were negotiated at slightly better rates than were presented to and approved by the Select Standing Committee on Finance and Government Services in the fall of 2008. The fiscal year 2011 budget is for five months of occupancy and the amount shown for future fiscal years is for full years. Occupancy charges payable to ARES in STOB 59 decrease as STOB 75 increases.
11. CAPITAL BUDGET—This includes a one-time increase in fiscal year 2011 to pay for the tenant improvements, furniture and IT equipment associated with the move to the new shared office space. These capital amounts are repaid through amortization in STOB 73.
12. FULL TIME EQUIVALENTS (FTEs)—The fiscal year 2011 budget includes three new positions dedicated to work related to the *Lobbyists Registration Act*.

## Proposed Operating Budget by Lines of Business

Business Area	Current Year	Plan		
	Fiscal 2010	Fiscal 2011	Fiscal 2012	Fiscal 2013

### Operating Expenses (\$000)

Core Services				
- Public Sector Information & Privacy	2,413	2,706	2,865	2,865
- Lobbyists Registration	150	635	615	615
- Private Sector Privacy	893	1,002	1,060	1,060
Total Core Services	3,456	4,343	4,540	4,540
Shared Services	366	382	395	395
<b>Total</b>	<b>3,822</b>	<b>4,725</b>	<b>4,935</b>	<b>4,935</b>

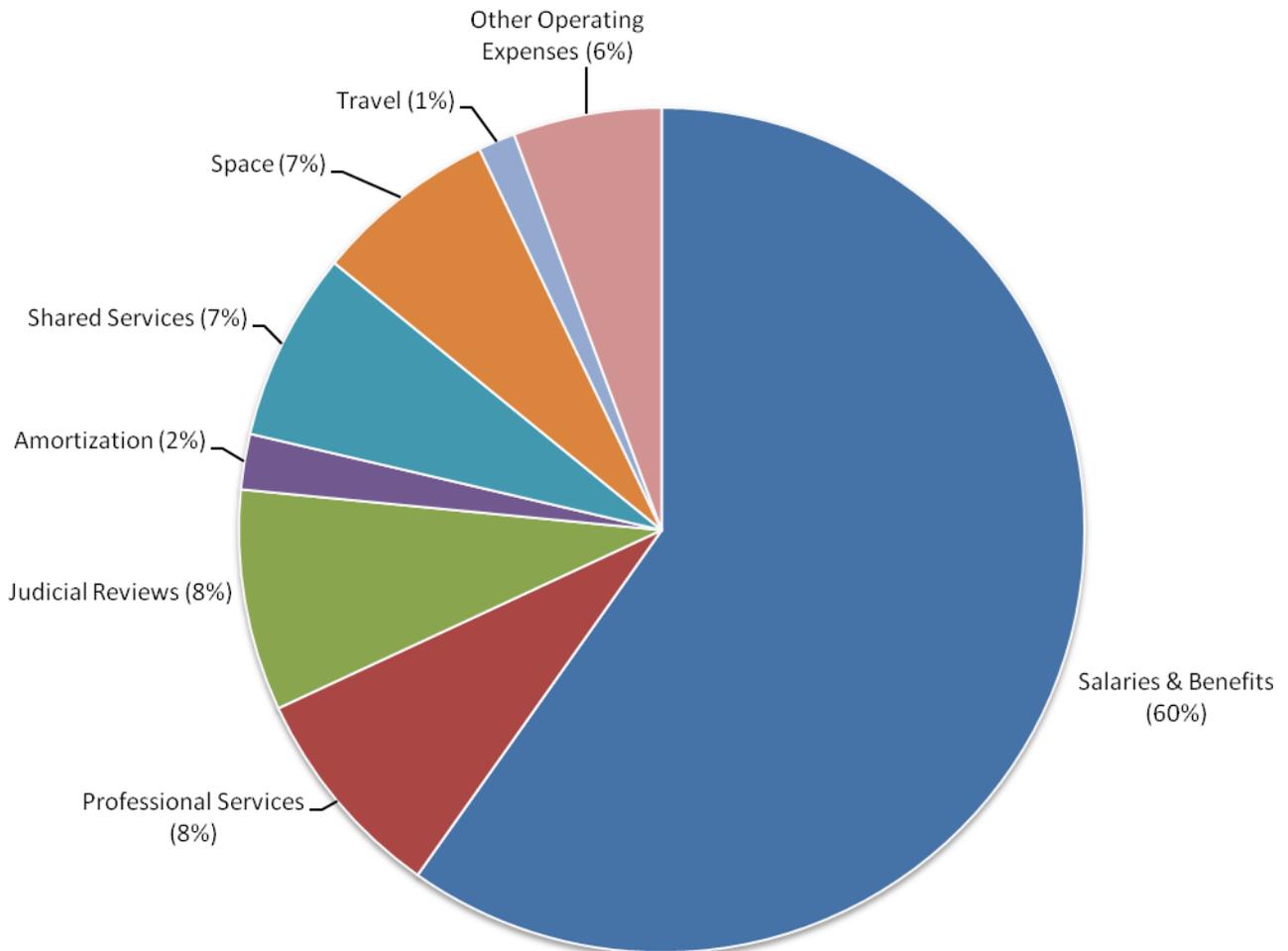
### Capital Expenditures (Consolidated Revenue Fund) (\$000)

Info. Systems, Furniture & Equipment	45	150	45	45
Tenant Improvements	0	559	0	0
<b>Total</b>	<b>45</b>	<b>709</b>	<b>45</b>	<b>45</b>

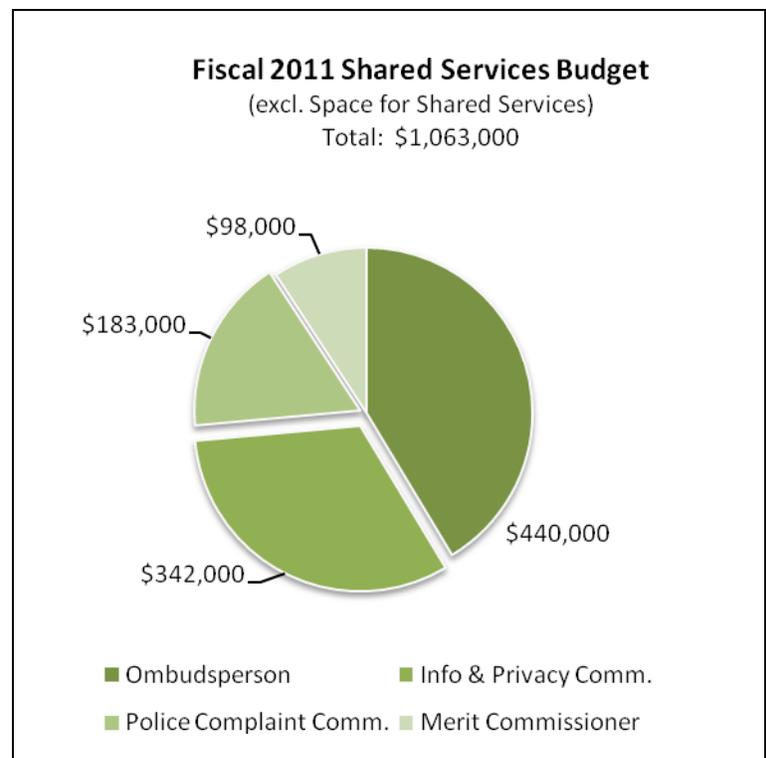
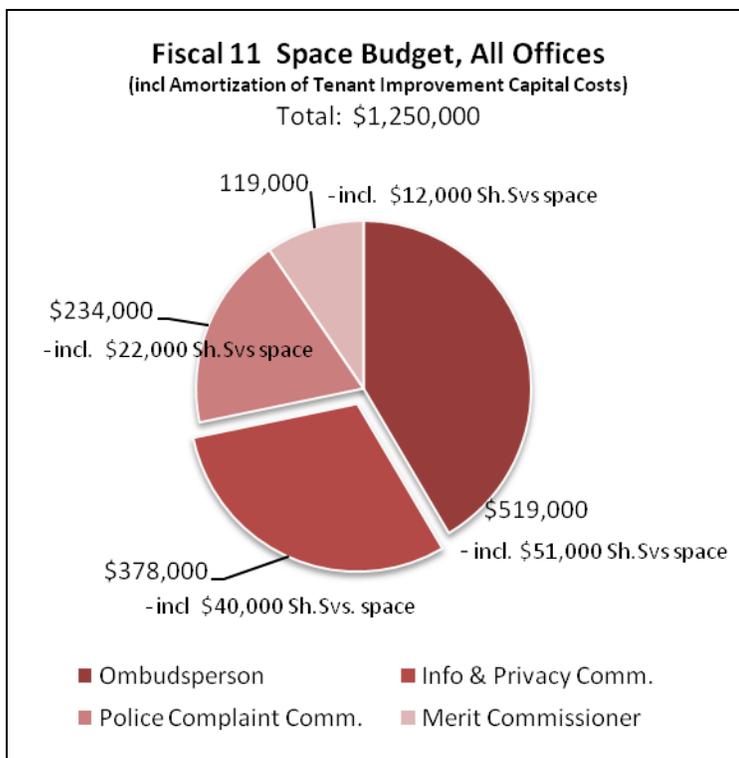
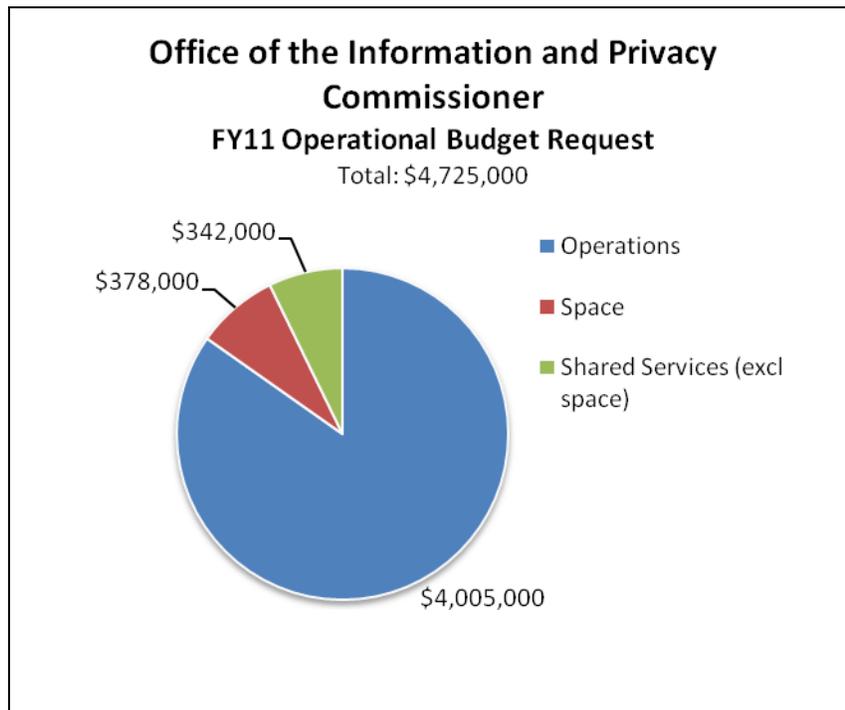
### Full Time Equivalents (FTEs)

Public Sector Information & Privacy	17.5	17.5	17.5	17.5
Lobbyists Registration	1.5	4.5	4.5	4.5
Private Sector Privacy	5	5	5	5
<b>Total</b>	<b>24</b>	<b>27</b>	<b>27</b>	<b>27</b>

## Fiscal 2011 Proposed Operating Budget by Expenditure Type Office of the Information and Privacy Commissioner



## Fiscal 2011 Proposed Shared Services and Space Budgets





## **Service Plan**

**Fiscal Years  
2011-2013**

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

**November 25, 2009**

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

This year I am providing a separate service plan in order to ensure that the Select Standing Committee on Finance and Government Services and the public have the information they need to fully understand and evaluate the work of my office.

This plan identifies our goals and objectives over the course of the next three years in our core areas of business under the *Freedom of Information and Protection of Privacy Act* (“FIPPA”), the *Personal Information Protection Act* (“PIPA”) and the *Lobbyists Registration Act* (“LRA”).

The most significant development from an operational perspective is the recent amendments to the LRA, which received Third Reading on November 17, 2009. The changes to the LRA will come into effect on April 1, 2010. They will, however, have an immediate impact on our work. They will result in a significant increase in our duties and will require new staff to monitor and enforce the new provisions. In the coming years, we will implement a multi-faceted compliance strategy. This will include extensive public education activities regarding the new registration and reporting requirements, producing and publishing guidance materials, policy and procedures manuals, and developing and implementing an administratively fair and transparent process for investigating compliance and imposing penalties where appropriate. Further, in the next fiscal year, we will develop baseline data to evaluate how effective the lobbyists registration oversight system is and how efficient our processes are at resolving complaints without the need for formal hearings or sanctions.

Our caseload under FIPPA and PIPA continues to be high. As detailed in Appendix 1, we are forecasting an overall 11% increase in caseload in fiscal year 2010. We also expect to receive over 1,000 inquiries from the public, many of which address issues or concerns with compliance. These workloads mean that, in practice, it will be a challenge for my office to continue to effectively and efficiently discharge our responsibilities for enforcing PIPA and FIPPA and to promote the values they represent.

## **Vision and Mandate**

### **Vision**

A community and public sector in which privacy and access rights are valued and respected.

A community and public sector in which the objectives of lobbyists registration are valued and respected.

### **Mandate**

#### ***What We Do***

Under FIPPA and PIPA, the Office of the Information and Privacy Commissioner (“OIPC”) functions to:

- Independently review the decisions and practices of public bodies and organizations concerning access to information and 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.

Under the LRA, the Registrar of Lobbyists (“Registrar”) functions to:

- Register lobbyists and conduct administrative investigations into LRA compliance, and
- Promote awareness of registration requirements and access to lobbying information by the public.

#### ***Who We Serve***

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

- the public, and
- the Legislature of British Columbia.

#### ***How We Do Our Work***

OIPC staff perform functions under FIPPA, PIPA and the LRA as delegated by the Information and Privacy Commissioner (“Commissioner”). They mediate appeals in access and privacy matters, investigate complaints, conduct audits, deliver educational sessions, comment on the privacy or access implications of legislation, programs or systems and issue binding orders.

## Goals, Strategies and Performance Measures

### Goal 1—An open and accountable public sector

In order to be open and accountable, public bodies must have systems in place to respond openly, accurately, completely and without delay to access to information requests.

#### Strategies

The OIPC will focus our energies on several systemic strategies to encourage, secure and monitor compliance with FIPPA. The OIPC will continue to monitor provincial government ministries' compliance by using data from the government databases to evaluate the timeliness of responses to freedom of information requests and to identify across government the causes of any delays in the processing of such requests.

The OIPC has the power to conduct audits to ensure compliance with any provision of FIPPA. This year the OIPC will develop its auditing capacity and will conduct an audit of access-related compliance by one or more public bodies, which may take the form of an audit of records management policies and practices. The results of the audit will be made public with recommendations for improvements in access-related processes as appropriate.

Routine disclosure of information is an effective means of ensuring timely and open access to information by the public. We will continue to encourage public bodies to adopt and implement routine disclosure schemes. In addition, we will recommend to the Special Committee to Review the *Freedom of Information and Protection of Privacy Act*, whose work is underway, that FIPPA be amended to require public bodies to adopt and implement schemes approved by the OIPC for routine publication of information without access request, with disclosure of information under these schemes being by electronic means wherever possible.

Performance Measure	Baseline	2010/11 Target	2011/12 Target	2012/13 Target
1. Average processing days for all ministries (business days).	35	30	30	30
2. Percentage of access requests processed on time by all ministries.	71%	75%	80%	80%

Data Source: The OIPC's Timeliness of Government's Access to Information Responses: Report for Calendar Year 2008.

### Goal 2—Respect for and protection of privacy in the public and private sectors

Public bodies and organizations are required to comply with privacy rules set out in FIPPA and PIPA. While the bulk of our work consists of responding to individual complaints of privacy violations, the OIPC does have systemic investigation powers under both Acts.

## Strategies

The OIPC will use its authority to conduct audits to monitor compliance with the privacy rules in FIPPA and PIPA. The OIPC will conduct an audit of the Ministry of Health Services' e-health system in fiscal year 2011. The results of the audit will be made public.

The OIPC will engage in cross-jurisdictional investigations of private sector privacy complaints or breaches should an appropriate opportunity arise. The advantage of cross-jurisdictional investigations is that the resulting findings and recommendations may have a more widespread influence and can better promote consistency of interpretation and compliance across jurisdictions. In support of these investigations, we will work with our federal and provincial colleagues to develop an investigation protocol.

The OIPC will continue to develop supportive tools and information for private sector organizations and members of the public, including resources for landlords and tenants and through ongoing work on the OIPC's information-security checklist for organizations.

Performance Measure	Baseline	2010/11 Target	2011/12 Target	2012/13 Target
3. Percentage of OIPC privacy complaint investigation report and privacy breach report recommendations implemented by affected public bodies and organizations.	92%	94%	96%	98%
Data Source: As part of the OIPC investigation process, OIPC investigators ascertain compliance with recommendations at the conclusion of each investigation and record them in the case file. The baseline data is for all resolved privacy complaint and privacy breach files received between April 1, 2008 and March 31, 2009.				

## Goal 3—Public awareness of access and privacy rights

One of the OIPC's functions is to educate the public about FIPPA and PIPA and the access and privacy rights under each law.

## Strategies

In fiscal year 2011, we will substantially improve the OIPC website, conduct FIPPA and PIPA training sessions for public bodies, organizations and members of the public, and hold events across British Columbia for the annual Right to Know Week and Privacy Awareness Week.

The revamped website will include a hit counter so we can, without collecting personal information of users, count the number of visitors to various parts of the website, thus allowing us to assess the success of aspects of the website. We will also survey users, on a consent basis, to obtain their feedback, something we have already done in the course of assessing changes to the website.

We will also be extensively engaged in the planning and presentation of our fifth annual *Personal Information Protection Act* Conference with our colleagues in the Office of the Information and Privacy Commissioner of Alberta.

Performance Measure	Baseline	2010/11 Target	2011/12 Target	2012/13 Target
4. Number of individuals who attend OIPC presentations.	1400	1500	1600	1700
Data Source: Following delivery of presentations, OIPC staff record the number of attendees in the presentation file. The baseline is an extrapolation of the number of attendees for presentations given between April 1, 2009 and October 31, 2009.				

#### Goal 4—Efficient and effective OIPC operations

One of our core responsibilities is to independently review the decisions and practices of many thousands of public bodies and private sector organizations concerning access and privacy. Investigations and appeals frequently are resolved at a preliminary stage in mediation or during investigation, but sometimes they proceed to a formal inquiry hearing. We cannot control the number of cases we receive. Over the past two years the number of cases has risen steadily. The OIPC nonetheless must work towards providing as timely a resolution of complaints and reviews as we are able to.

#### Strategies

The OIPC has adopted four core strategies to improve the timeliness of our case management:

- First, we will dedicate more resources to the first stage of case-handling, known as early intervention. We will assign a second early intervention officer from among existing staff to work towards early settlement of cases identified as resolvable,
- Second, we will develop a policy to identify cases that should not be assigned for investigation or mediation based on fair and transparent criteria that we will publish,
- Third, we are developing a new process for evaluating when a matter should proceed to a formal inquiry hearing. Under both FIPPA and PIPA, the Commissioner has the authority to decide whether or not a matter should proceed to inquiry. That authority has been delegated to portfolio officers who will begin making these decisions in late 2009 and will continue through fiscal year 2011 and beyond. This will bring matters to an earlier resolution, and
- Fourth, we have hired a third full-time adjudicator to conduct inquiry hearings and to issue binding written orders.

Performance Measure	Baseline	2010/11 Target	2011/12 Target	2012/13 Target
5. Proportion of FIPPA and PIPA requests for review settled without inquiry.	93%	94%	95%	96%
6. Proportion of FIPPA and PIPA review files resolved within 90 business days.	50%	52%	55%	57%
7. Proportion of FIPPA and PIPA complaint files resolved within 120 business days	61%	62%	63%	64%
8. Average number of orders and other decisions produced per adjudicator per year.	12	20	20	20

Data Source: OIPC Annual Report 2008-2009 contains baseline data for Performance Measures 6 and 7. The baseline for Performance Measure 5 is taken from the OIPC database report listing the outcomes for all review files closed between April 1, 2008 and March 31, 2009.

### Goal 5—Compliance with LRA registration requirements

On November 17, 2009, Bill 19–2009, the *Lobbyists Registration Amendment Act*, received Third Reading. When in force, these major amendments will implement a number of critical changes to the LRA including:

- Expanding the scope of activities that constitute lobbying,
- Expanding the information that must be provided during the registration process,
- Removing the requirement to pay a registration fee,
- Prohibiting individuals who have contracted to provide advice to a public office holder from lobbying on the same matter,
- Requiring the Registrar to report annually to the Legislative Assembly,
- Enabling the Registrar to levy administrative sanctions, including the power to impose monetary sanctions,
- Providing the Registrar with powers to conduct administrative investigations into LRA compliance, including powers to compel production of documents and compel the attendance of individuals to testify,
- Making it an offence to obstruct the Registrar, and
- Requiring all lobbyists to re-register.

As the Office of the Registrar of Lobbyists, we will design and implement a multi-pronged program to educate lobbyists and the public about the new requirements and to enforce compliance with the new requirements.

### Strategies

Our strategies for ensuring compliance include conducting extensive public education activities regarding the new requirements, producing and publishing guidance materials, developing and

implementing an administratively fair and transparent process for evaluating compliance with the LRA and imposing penalties as appropriate.

The changes to the LRA will come into effect on April 1, 2010. In fiscal year 2011, we will develop baseline data to evaluate how effective the lobbyists registration oversight system is and how efficient our processes are in resolving complaints without the need of a formal hearing.

<b>Performance Measure</b>	<b>Baseline</b>
9. Percentage of all designated filers registered on time.	Baseline data to be developed in 2010-2011
10. Proportion of complaints resolved without a formal hearing.	Baseline data to be developed in 2010-2011

## **Progress on Key Commitments and Challenges Ahead**

### **Progress on Key Commitments**

Last year, we identified a number of service plan goals in our submissions to the Select Standing Committee on Finance and Government Services.

With respect to the goals set for investigations, audit and adjudication, we have succeeded in completing or making significant progress on all of the key commitments we identified last year. We are in the process of completing an audit of a selected health care case management system and anticipate concluding the audit before the end of this fiscal year. We also issued a report on provincial government ministry compliance with FIPPA access request response timelines, entitled, 'Timeliness of Government's Access to Information Responses'.

We continue to be challenged by a backlog of appeals in mediation and investigation and a backlog of adjudication decisions and orders. Last year we reported that despite running two public competitions, we had been unsuccessful in filling the manager of intake position. In the interim, we added a temporary full-time intake officer and assigned the management duties to the existing senior portfolio officer position. We determined that the temporary addition of a full-time intake officer had been very successful in addressing our intake backlog problem. Accordingly, I decided to create a fourth permanent intake officer position.

While we have not reduced the backlog of appeals in mediation and investigation so far this fiscal year, the backlog has not grown at all in the past fiscal year. This is an improvement over fiscal year 2009, when the backlog grew by 14 files per month. As regards the backlog of adjudication orders and decisions, we anticipate that, with the hiring of a third adjudicator in September, we will make progress in reducing this backlog before the end of this fiscal year.

We have completed all of the public education and stakeholder support projects identified last year, including development and publishing of all of the compliance tools we described (with the exception of the information security checklist, which we expect to publish before the end of this fiscal year). We updated our FIPPA and PIPA policies and procedures after stakeholder consultation and published them on our website. We conducted training and education seminars and hosted the fourth annual *Personal Information Protection Act* Conference in Vancouver together with the Office of the Information and Privacy Commissioner of Alberta. We also completed the Physicians' Privacy Toolkit in cooperation with the BC Medical Association and the College of Physicians and Surgeons of BC.

We were successful in obtaining amendments to the LRA.

### **Challenges Ahead**

Our key challenge in fiscal year 2011 will be to implement the significant changes made to the LRA. The changes to the LRA will require staff to develop and implement a system of administrative

penalties, to educate the public and lobbyists about the requirements of the LRA and to implement the changes to the registration requirements. LRA staff will also begin using a new online registration system and database that has been designed and built over the past two years. As with any new IT system, we anticipate added work in getting the system up and running.

The major access and privacy challenges that lie ahead in the next year will include the need for ongoing monitoring of ministry compliance with statutory access request response times under FIPPA. It is often said, and rightly so, that access delayed is access denied, so we will continue to focus resources on ensuring that public bodies meet their statutory duties in this area.

We have been actively monitoring the development of provincial electronic health (“e-health”) information systems and have initiated a privacy audit of one e-health system at the regional health authority level. Given the significance and sensitivity of the information contained in these systems, we anticipate that e-health systems will continue to be a focus of our work for the foreseeable future.

The provincial government is moving forward with a number of programs that involve more widespread disclosure, within government and across agency boundaries, of citizens’ personal information in the name of improving service delivery and efficiencies. Data sharing across government will continue to present important privacy challenges that must be addressed in the coming months. It is important that the demands of efficiency, and claimed improvements in service quality, not diminish privacy inappropriately.

In fiscal year 2011 we will continue to be challenged by a very high FIPPA and PIPA caseload. The performance standards we have set for ourselves are quite demanding and require portfolio officers to complete 110 files per year on average. The backlog of cases has held steady at 200 files in the past year. Only with the addition of two full-time portfolio officers would we be able to eradicate the backlog. However, as noted below, the focus of our budget submission this year is to get the resources essential for proper implementation of the LRA amendments. Therefore, in the next year we will continue to develop and implement strategies to reduce the case load as best we can, recognizing there are real limits to such strategies, and to fulfill our mandate using more creative, less case-specific, strategies.

## **Priorities for Fiscal 2011**

The OIPC's priorities for fiscal year 2011 are spread across the range of our statutory responsibilities.

### **Lobbyists Registration Implementation**

We will devise and implement programs and policies for compliance with the amended LRA, including through stakeholder and public consultation, education and communication.

### **Audit of E-Health Systems**

We will begin our privacy audit of provincial government e-health systems.

### **Audit of Access-Related Practices**

We will devise and begin an audit of one or more public bodies within the provincial government regarding their records and information management practices as they relate to freedom of information responsibilities under FIPPA.

### **Public Education and Outreach**

We will complete the update and rebuild of our website. We will implement training programs for public bodies, organizations and the public regarding access and privacy rights and responsibilities under FIPPA and PIPA.

## Appendix 1— Caseload Statistics

Files Received by File Type				
File Type	Fiscal 2006/07	Fiscal 2007/08	Fiscal 2008/09	Fiscal 2009/10 Projected
Appeals (requests for review)	596	693	629	543
Complaints	458	454	491	543
Requests for Time Extensions	242	352	277	303
Policy Consultations	133	110	127	111
Review of Bills	52	43	57	36
Speeches	58	58	74	57
Privacy Breach Reviews	86	68	80	63
Others	425	459	564	564
<b>Sub Total</b>	<b>2050</b>	<b>2237</b>	<b>2225</b>	<b>2220</b>
General Requests for Information & Assistance	880	1012	1003	1347
<b>Total All Files</b>	<b>2930</b>	<b>3249</b>	<b>3228</b>	<b>3567</b>

**Appendix 2 — Office Structure — Office of the Information and Privacy Commissioner**

