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# **BUDGET SUBMISSION**

## **Fiscal Years 2020/21–2022/23**

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Presented to:

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

October 28, 2019

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## OVERVIEW

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I am pleased to submit this budget for the Office of the Registrar of Lobbyists (ORL) and the Office of the Information and Privacy Commissioner (OIPC) for fiscal years 2020/21 through 2022/23 inclusive.

This budget submission supports the attached ORL and OIPC Service Plans for the same three-year period. Approximately 80 percent of our operating budget is spent on OIPC-related issues, while 12 percent covers ORL activities, and 8 percent pays our portion of corporate shared services.

In this budget submission, the Registrar of Lobbyists and the Information and Privacy Commissioner requests, for the fiscal year 2020/21, a combined operating budget of \$6,942,000 and, for planning purposes, operating budgets for fiscal years 2020/21 and 2021/22 of \$6,979,000 and \$6,935,000 respectively. The capital budget requested for the same three years is \$29,000, \$47,000, and \$36,000 respectively.

I continue to support Committee appearances on a semi-annual basis to provide a mid-year update on our operations and budget. I find this accountability opportunity helpful in fulfilling the mandates of the ORL and the OIPC.



## 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 British Columbia (BC) Registry of Lobbyists (Registry). The Legislative Assembly passed the LRA in 2001.

In 2010, the LRA was amended 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 BC. Simultaneously, my office launched an online Registry so that BC citizens could see who is lobbying which public officials regarding what issues. Further amendments to the legislation in 2017 and 2018 also promote better transparency in lobbying in BC.

The LRA defines “lobbying” narrowly as communicating, for pay, with a public office holder, in an attempt to influence a number of possible outcomes. 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 LRA does not capture communication between private citizens and government officials regarding matters of personal concern.

Public access to information about lobbyists and their activities is critically important to ensure transparency in government decision-making. The Registrar is responsible for making this information publicly available through the searchable online Registry managed by the ORL.

The Registrar enforces compliance through an interrelated mix of strategies including education, verification of information in registrations, compliance investigations, and levying administrative penalties up to \$25,000.

## ORL MAJOR ACCOMPLISHMENTS TO DATE FOR 2019/20

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I would like to highlight the ORL’s major accomplishments to date for 2019/20.

## Implementation of government amendments

Last year my office was focused on implementing amendments in the *Lobbyists Registration Amendment Act, 2018*. Those amendments established a two year “cooling off” period for lobbyists who are former public office holders. Lobbyists affected by this restriction can request an exemption from the Registrar if they believe it is in the public interest for them to lobby. These amendments came into force on May 1, 2018, and were a response to one of the recommendations made in the 2013 ORL Report *Lobbying in British Columbia: Recommendations for Changes to the Lobbyists Registration Act*.<sup>1</sup>

This year the ORL is focused on additional amendments passed by the Legislative Assembly in November, 2018 with Bill 54, the *Lobbyists Registration Amendment Act, 2018*. This bill, not yet in force, responds to the remaining recommendations in our 2013 report and includes additional and significant changes that will increase transparency in lobbying in British Columbia, including a requirement for lobbyists to complete a monthly return for lobbyist activities by the 15<sup>th</sup> of every month. It also amended the definition of “former public office holder” so that former staff of a current Minister’s office are also subject to the two-year prohibition on lobbying.

The bill introduced additional reforms discussed in the ORL priorities section below.

## Public education and outreach

The ORL has provided orientation, awareness, and training for lobbyists and public office holders since 2010. This program was significantly enhanced in 2018 with the implementation of a new public education plan for lobbyists, stakeholders, and the public with the goals of:

1. increasing awareness of the *Lobbyists Registration Act (LRA)* and its provisions; and
2. achieving greater compliance with the LRA.

In the 2018/19 fiscal year, on-time registrations increased from 95 percent to 98 percent.

The ORL social media presence that started in March 2018 continues. The ORL has a LinkedIn page for lobbyists to connect to and a YouTube channel for viewing educational webinars. A series of three webinars are now posted which provide guidance on registry requirements, searching the registry, and lobbying generally in BC.

The ORL education plan included publishing two editions of our newsletter *Influencing BC* during the 2018/19 fiscal year. A special edition of the newsletter was published in August 2019 which features information for lobbyists on the amendments passed by the legislature under the *Lobbyists Registration Amendment Act, 2018*. The ORL education plan for 2019/20 is focused on the upcoming reforms and is discussed further in the ORL priorities section below.

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<sup>1</sup> The full text of the Registrar’s report is available at [lobbyistsregistrar.bc.ca](http://lobbyistsregistrar.bc.ca).

## OFFICE OF THE REGISTRAR OF LOBBYISTS PRIORITIES FOR FISCAL YEAR 2020/21

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The ORL has two key priorities for fiscal year 2020/21.

1. Ensure implementation of reforms to the *Lobbyists Registration Act*

The fundamental purpose of the LRA is to create transparency regarding who is attempting to influence government decision-making. The legislation requires lobbyists to report their professional activities to the public by registering on the publicly searchable database.

In December 2013, the ORL tabled a special report in the Legislative Assembly that contained a number of recommendations on how to improve transparency in lobbying in BC. I am pleased that government has addressed those recommendations through the *Lobbyists Registration Amendment Act, 2017* and the *Lobbyists Registration Amendment Act, 2018*.

We expect that the government amendments proposed in the *Lobbyists Registration Amendment Act, 2018* will come into force in 2020. They will bring substantial changes to lobbying in BC as they:

1. introduce a monthly reporting requirement for *actual* lobbying, with monthly returns to include the lobbying target who participated in the lobbying and the subject matter of the lobbying;
2. harmonize registration requirements for consultant and in-house lobbyists and remove the 100-hour threshold;
3. broaden the definition of “former public office holder” to include “any individual, other than administrative support staff, formerly employed in a current or former office of a current member of Executive Council”;
4. require greater transparency from lobbyists in relation to who controls, directs, or funds lobbying;
5. institute a five-year mandatory review of the *Lobbyists Registration Act* by the Legislative Assembly;
6. establish an exception to registration for in-house lobbyists if the organization has fewer than six employees and has lobbied less than 50 hours in the preceding 12-month period;
7. require consultant lobbyists to disclose whether the outcome of lobbying or the success of arranging a meeting is based on contingency fees;

8. require lobbyists to declare if they have an undertaking in place to comply with a relevant code of conduct;
9. require lobbyists to disclose in monthly reports political, sponsorship, and recall contributions to certain individuals, including to a member of the Legislative Assembly, on or after the date the writ was issued for the last provincial election;
10. require lobbyists to disclose any promise or actual gift or other benefit to a public office holder in monthly reports, the name of the public office holder, a description of the gift or benefit, the value of the gift or benefit, and the circumstances under which the gift or benefit was given and accepted or promised to be given;
11. grant the Registrar power to impose a prohibition on lobbying;
12. expand the circumstances under which a lobbyist can request the Registrar conduct a reconsideration to include circumstances in which a prohibition is imposed;
13. provide that lobbyists may apply to the Supreme Court for relief from a prohibition on lobbying that has been confirmed or varied under reconsideration by the Registrar; and
14. establish a duty of the Registrar to ensure that information relating to a prohibition is made publicly available, whether imposed by the Registrar or confirmed or varied by a court, when the time limits or decision making related to reconsideration or appeal have been exhausted.

These are extensive and comprehensive changes that, in my opinion, significantly improve the transparency and accountability of lobbying activities in the province, thus enhancing democratic processes in BC.

The ORL has obtained the resources necessary to support the transition to this new legislation. Those resources will continue to be applied in 2020/21 to:

- adapt the federal lobbyists registry system, and monitor that adaptation once the new legislation comes into force;
- execute the design, development, testing, and implementation of the new registry;
- coordinate changes with the education plan addressing the new legislation for lobbyists and the public; and
- review and revise ORL policies and processes to account for new oversight responsibilities and make necessary adjustments to accommodate any increases in compliance reviews and investigations.

Public access to information about lobbying activities is a hallmark for trust and confidence in government. Resourcing the sound implementation of the *Lobbyists Registration Amendment Act, 2018* is a necessary step in accomplishing the objective of strengthening confidence and trust in the integrity of government decision making.

## 2. Strengthen *Lobbyists Registration Act* awareness and compliance

The ORL will continue to execute its education and outreach program with the goals of increasing broader awareness of the LRA and supporting greater compliance with the LRA.

Our 2020/21 education plan is focused on educating lobbyists, the public, and public office holders about the significant changes to reporting lobbying activities that will come into effect in 2020 with the *Lobbyists Registration Amendment Act, 2018*.

In 2020/21, we will also continue speaking engagements by the Registrar and senior staff that address the changes to the legislation and the production of guidance materials to facilitate a smooth transition to using a new registry and orient lobbyists to new or revised ORL compliance and investigation processes. We will also ensure that information about the new requirements for lobbyists will be easily accessible on our website.



## 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 they collect in order to deliver public services.

PIPA sets the rules private sector organizations (including businesses, labour organizations, political parties, interest groups, and non-profits) must follow in the collection, use, and disclosure of customer, client, and employee personal information. Similar to our duties under FIPPA, it is the OIPC's responsibility to enforce compliance of PIPA by the estimated one million private sector organizations 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 2019/20

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I would like to highlight the OIPC's major accomplishments to date for 2019/20.

Addressing backlogs at investigation and adjudication

### *Background*

The complaint or appeal process begins when a Case Review Officer reviews the matter and determines whether a file will be opened. Once opened, the matter will be assigned to an investigator. This work is generated by individuals, media, or consumers making privacy complaints or requesting reviews of decisions of public bodies or organizations in response to their access requests under FIPPA or PIPA.

An investigator attempts to resolve 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 these parties are often before us because their relationship is broken. It is a testament to the skill of our case review team and investigators that they resolve about 92 percent of all complaints and appeals. Unresolved files proceed to adjudication.

Twelve employees deal with investigations. Each investigator carries a caseload of about 30 files. We have determined through experience that this is the most investigators can manage efficiently. When all investigators are carrying a full caseload, a backlog of files remain unassigned until investigators close one of their existing files.

Adjudication, the next stage of our process, involves a formal written hearing or inquiry involving the parties. Adjudication files are typically based on access requests, 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.

### *Backlog statistics*

Backlogs of unassigned files are the result of an increasing number of complaints and requests for review to our office. During the 2013/14 fiscal year, we experienced an increase in complaints and appeals of 33 percent, which caused a backlog of 300 files that year. Demand for our services by way of new files received remained high and has increased ever since, peaking at 1,600 in 2018/19.<sup>2</sup>

We have been addressing the backlog statistics by realigning our resources and implementing a *continuous improvement process* to ensure that we are working as efficiently and effectively as possible. Our new processes commenced October 31, 2015, and we have been pleased with the results. We have streamlined case file management, implemented new policies for opening and closing files, and created strategies to ensure all complainants and applicants have fair and timely access to our resources. We continue to seek new ways to improve our processes.

Continuous improvement processes have helped us to address the backlog since its high-water mark of 300 files in 2013/14. However, demand for our services continues to increase. As a result, the backlog currently stands at 130 files in investigations and 123 files in adjudication.

I have also recently realigned resources to these areas and anticipate that the backlogs will be reduced by the end of the fiscal year to under 90 files at investigation and approximately 100 files at adjudication.

Continuous improvement and reallocation of resources help with the backlogs, but we may be nearing the limits of what my office can do to keep pace with growing demands for OIPC services. If demand continues to grow, then that growth will eclipse the rate at which we can address these backlogs and additional resources may be required. We are determining that now and I may be back next year to ask for additional resources.

### Major investigation and audit reports

The OIPC continues to produce major investigation and audit reports that promote education and awareness to the public about FIPPA and PIPA.

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<sup>2</sup> See table on investigations statistics on page 13.

## **1. The OIPC conducts joint investigation of Facebook with Office of the Privacy Commissioner of Canada (OPC)**

In April 2019, the OIPC and the OPC released findings from an investigation into Facebook Inc. that highlighted critical weaknesses within the current Canadian privacy protection framework and underscore an urgent need for stronger privacy law. In the report, the Commissioners found that Facebook contravened Canadian privacy laws and failed to take responsibility for protecting the personal information of Canadians. Despite its public acknowledgement of a “major breach of trust” in the Cambridge Analytica scandal, the social media giant disputed the investigation findings and refuses to implement recommendations to address deficiencies. Commissioner McEvoy stated that Facebook’s actions point to the need to give provincial and federal privacy regulators stronger sanctioning power in order to protect the public’s interests. The federal privacy commissioner has referred the case to Federal Court to seek an order to force the company to correct its privacy practices. The OIPC reserves its right under the PIPA to consider future actions against Facebook.

## **2. OIPC review finds privacy protections lacking at BC medical clinics**

An OIPC review published in September 2019 looked at how 22 BC medical clinics, each with five or more licensed physicians on staff, were meeting their legal obligations under PIPA. The review found that medical clinics throughout British Columbia need to do more to protect the often highly sensitive personal information in their custody. OIPC auditors examined clinics’ privacy management programs and privacy policies as well as their collection and safeguarding of personal information and found gaps in privacy management programs at several clinics, including the absence of a designated privacy officer, a lack of funding and resources for privacy, and a failure to ensure that privacy practices keep up with technological advances. To that end, the report includes 16 recommendations aimed at helping clinics address the gaps in their privacy management programs, build better policies and safeguards, and ensure they provide adequate notification about the purposes of collecting personal information online.

### Other major initiatives

In 2019/20 the OIPC addressed matters of broad public interest through other means as well.

#### **1. OIPC continues PrivacyRight, a year-long private sector public education program**

In early 2019, the OIPC launched its largest-ever public education program, in response to a growing number of requests from organizations who wanted to do more to protect personal information. PrivacyRight aims to demystify privacy management and help organizations understand their obligations under PIPA. The program consists of a comprehensive suite of tools that span a range of digital platforms, including animated webinars, videos, guidance documents, and podcasts based on actual OIPC files. The products were designed to inform business owners, employees, and individuals about the basic obligations of organizations under PIPA. Delivered throughout 2019, the animated webinars walk participants through how to

develop a privacy management program, how to write a privacy policy, how to respond to requests for records, and more.

## **2. OIPC builds on success of privacy awareness lesson plans for Grades 6-12 with new activity sheets for children in Grades 1-3**

Building on its success with the introduction of four privacy awareness lesson plans for Grades 6-12 in August 2018, the OIPC released a new series of activity sheets for children in Grades 1-3 to help parents and teachers start conversations about protecting their personal information online. The series puts a privacy twist on familiar children’s games and activities, including “Privacy Snakes and Ladders” and a word jumble with privacy-related terms. The activity sheets add to the series of educational tools that privacy commissioners are making available to promote digital literacy. Both the new activity sheets and the lesson plans are available in English and French.

## **OIPC PRIORITIES FOR FISCAL YEAR 2020/21**

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

My priority continues to be improving the timeliness of responding to citizens in the investigation and adjudication functions of my office. As stated previously, as of today, we have 130 investigation files waiting assignment and 123 files moving through the inquiry processes towards adjudication.<sup>3</sup>

We continue to address these backlogs within our current resources by realigning internal resources, reviewing training of new employees, and streamlining case file management and administration processes. Our continuous improvement processes have made it possible for our case review and investigations team to meet growing demand for our services. They have also allowed us to transition out of our policy and practice in 2019/20 of waiting to assign requests and complaints from applicants that already have five files open with our office.

The **investigations** statistics are as follows:

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<sup>3</sup> For an explanation of these backlogs, see pages 10-11.

Fiscal year	Number of files at beginning of year	New files received <sup>[1]</sup>	Files closed during year	Number outstanding at year/end
2015/16 actual	629	1,479	1,423	685
2016/17 actual	685	1,509	1,752	442
2017/18 actual	442	1,564	1,390	616
2018/19 actual	616	1,600	1,671	545
2019/20 est.	545	1,568	1,802	311

The statistics dealing with **adjudications**<sup>4</sup> are as follows:

Fiscal year	Number of files at beginning of year	New files received	Files closed during year	Number of files outstanding at year/end
2015/16 actual	86	100	115 <sup>5</sup>	71
2016/17 actual	71	101	80	92
2017/18 actual	92	82	85	89
2018/19 actual	89	101	82	103
2019/20 est.	103	100	85	100

We are monitoring whether continuous improvement remains a suitable means of addressing the steady increase in demand from the public for investigations and adjudications from my office. We will make a determination as to whether it is a suitable means of meeting the demands in adjudication after we assess the impact of resource realignment in the office.

2. Increase the implementation of effective Privacy Management Programs in private sector organizations

My second priority is to strongly encourage and support the implementation of Privacy Management Programs for BC organizations.

<sup>[1]</sup> Investigation files include requests for review (including deemed refusals), breach notifications, and access and privacy complaints under FIPPA and requests for review, breach notifications, and access and privacy complaints under PIPA.

<sup>4</sup> Some adjudication numbers have been updated from previous reports due to the late addition of data and/or data corrections in the OIPC case tracker system for “files closed” in 2015/16 and for “new files received” and “number outstanding at year end” in 2016/17.

<sup>5</sup> In 2015/16 the adjudication area had a strong year with a fully staffed team of experienced adjudicators. Since then, staff turnover has resulted in a decrease in efficiency. We anticipate that, with staffing stability, efficiency levels will return to 2015/16 levels in 2019/20.

Citizens expect proper management of their personal information; anything short of that creates public anxiety. The recent Facebook and Cambridge Analytica data breach revealed the dramatic impact of derelict personal information management practices, including those that affect the core of our democracy.

There are increased demands for more and better privacy protection all around us. Under new privacy laws in Europe, organizations that do not follow mandatory breach notification requirements can be subject to the greater of administrative fines up to 10 000 000 EUR (about \$15 000 000 CAD) or two percent of total worldwide annual turnover, *even if they operate from outside of Europe*. Closer to home, new federal mandatory breach notification requirements came into effect on November 1, 2018. The demands for privacy law reform continue to grow in BC and it can reasonably be anticipated change is likely to come sooner than later.

BC organizations must be ready to address statutory obligations both here and abroad. BC is a trading province; many of our businesses operate in a global environment where personal information can travel across borders in an instant, whether or not the business has worldwide reach. If we don't keep up with the quickly developing environment, BC businesses will suffer financial and reputational consequences.

Privacy Management Programs (PMPs) are a critical tool for organizations and businesses to implement personal information management practices that are compliant with existing and anticipated law and meet public expectations. The OIPC launched PrivacyRight in February 2019 to support private sector organizations and help them develop PMPs. PrivacyRight demystifies privacy management so organizations can better understand their obligations under the *Personal Information Protection Act* (PIPA). The program consists of a comprehensive suite of tools that span a range of digital platforms, including animated webinars, videos, guidance documents, and podcasts based on real files seen by our office.

Monthly releases throughout 2019 offer practical, step-by-step guidance on everything from basic obligations under PIPA to writing a privacy policy, issues around consent and notification, ensuring effective security safeguards, and more. Information about the program is included in welcome materials sent to people registering businesses in British Columbia. PrivacyRight updates are also spotlighted in the Better Business Bureau of BC's Accredited Business Newsletter, which is sent to more than 4,400 members, and have been shown on television screens in 60 Service BC locations. Once the full year of introductions is complete, outreach will continue to BC organizations through speaking engagements and targeted communications activities, such as articles in business publications and media interviews.

PrivacyRight is showing BC organizations how to manage personal information and conduct ongoing assessment of changes in the technology and legal environment so that they can respond and keep the personal information of British Columbians secure. Better support to BC organizations managing personal information will make BC businesses more competitive and will result in better security of the personal information of British Columbians and of those that use BC businesses.

### 3. Continue as APPA Secretariat

In 2016, the OIPC 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 12 countries represented in APPA.

The OIPC is a leading privacy authority in APPA as a result of our work for British Columbians and our role as the Secretariat. The OIPC's three year term as Secretariat began in December 2018 and will continue until December 2021. We are grateful that the Select Standing Committee on Finance and Government Services at the Legislative Assembly of BC recognizes the benefits of global regulatory privacy coordination and enforcement and recommended the additional funds to support our office's leading role for that period.

The Secretariat role is fitting for the OIPC. Personal data flows and trading relationships often move in tandem, and many of British Columbia's trading partners are found in the Asia Pacific region. For that reason, my office plays an active part in APPA as Secretariat and Chair of its Governance Committee. The 19 members of APPA share best regulatory practices, evaluate technological developments, and coordinate privacy enforcement actions, among other collaborative efforts. Topics addressed at APPA Forums this past year included children's privacy, artificial intelligence and ethics, implementation and application of Europe's General Data Protection Regulation (GDPR), and a discussion led by New Zealand's Privacy Commissioner on ways to prevent online dissemination of terrorist and violent extremist content following the Christchurch event in May 2019.

BC's participation in APPA cements critical ties between privacy and data protection authorities. These relationships facilitate cross-border enforcement actions, an increasing reality in the global economic environment that BC organizations operate in.

## **BUDGET REQUEST FOR FISCAL YEAR 2020/21**

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The budget for my two offices currently breaks down as follows: 67 percent for salaries and benefits; 5 percent for professional services; 18 percent for fixed costs such as our shared services costs, rent, and utilities; 9 percent for operating expenses like amortization and office expenses; and 1 percent for travel.

We have a staff complement of 41 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 2020/21, my office is faced with an adjustment of \$178,000 in inflationary costs, which includes government mandated salary increments and adjustments for Schedule A employees (union-classified) and management employees of \$143,000, an increase in our Shared Services costs of \$8,000 plus building occupancy of \$19,000, increases in Statutory advertising and publications of \$6,000 and Utilities, materials and supplies of \$2,000.

I have reviewed our budget and determined that we can absorb \$46,000 of these cost pressures by exhausting most of the flexibility in our budget, though we are unable to cover the remainder without reducing staffing resources. Therefore, this year I am requesting a funding increase to cover these new and ongoing cost pressures in the amount of \$132,000.

There is a strong case for asking for funding for a new position to reduce the backlogs in adjudication and investigations detailed above. However, I plan to continue to address the backlogs through continuous improvement in 2020/21 and will reassess in the forthcoming year whether that approach will permit us to meet the increased demand on our services.

I have also had to advance the recognition of amortization charges for the Lobbyists Registry from 2021/22 to 2020/21 as we anticipate that the development of the registry will be complete approximately a year ahead of schedule.

The committee has recommended the necessary funds to support the implementation of this legislative change in 2019/20, including \$287,000 for operating costs to ensure implementation is completed and capital investment of \$500,000 required to rebuild a searchable registry to reflect the significant changes in lobbyist reporting requirements under the *Lobbyists Registration Amendment Act, 2018*.

The registry will be complete in early 2020/21 and at that time \$108,000 in annual amortization charges will commence.

The combined operating budget request is therefore an increase of \$240,000, for a total budget request of \$6,942,000. This represents an increase of 1.97 percent for costs pressures and 1.61 percent for amortization, for a total operating budget increase of 3.58 percent compared to the current fiscal year.

In addition, \$29,000 in capital funds are requested for the 2020/21 fiscal year, primarily to support IT resources within our office as well as the infrastructure shared with the other three offices in the corporate shared services model. Recognizing that in September 2019, I requested the capital budget to enable the ORL registry system to become operational, the current year's capital budget has been changed to reflect this request, with a corresponding reduction in my previous 2020/21 request.

In summary, for 2020/21 I ask consideration of the Committee for an additional \$240,000 for a total operating budget of \$6,942,000 and a total capital budget of \$29,000.

Thank you for your attention.

October 28, 2019

**ORIGINAL SIGNED BY**

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

## Information and Privacy Commissioner/Office of the Registrar of Lobbyists

### Statement of operations

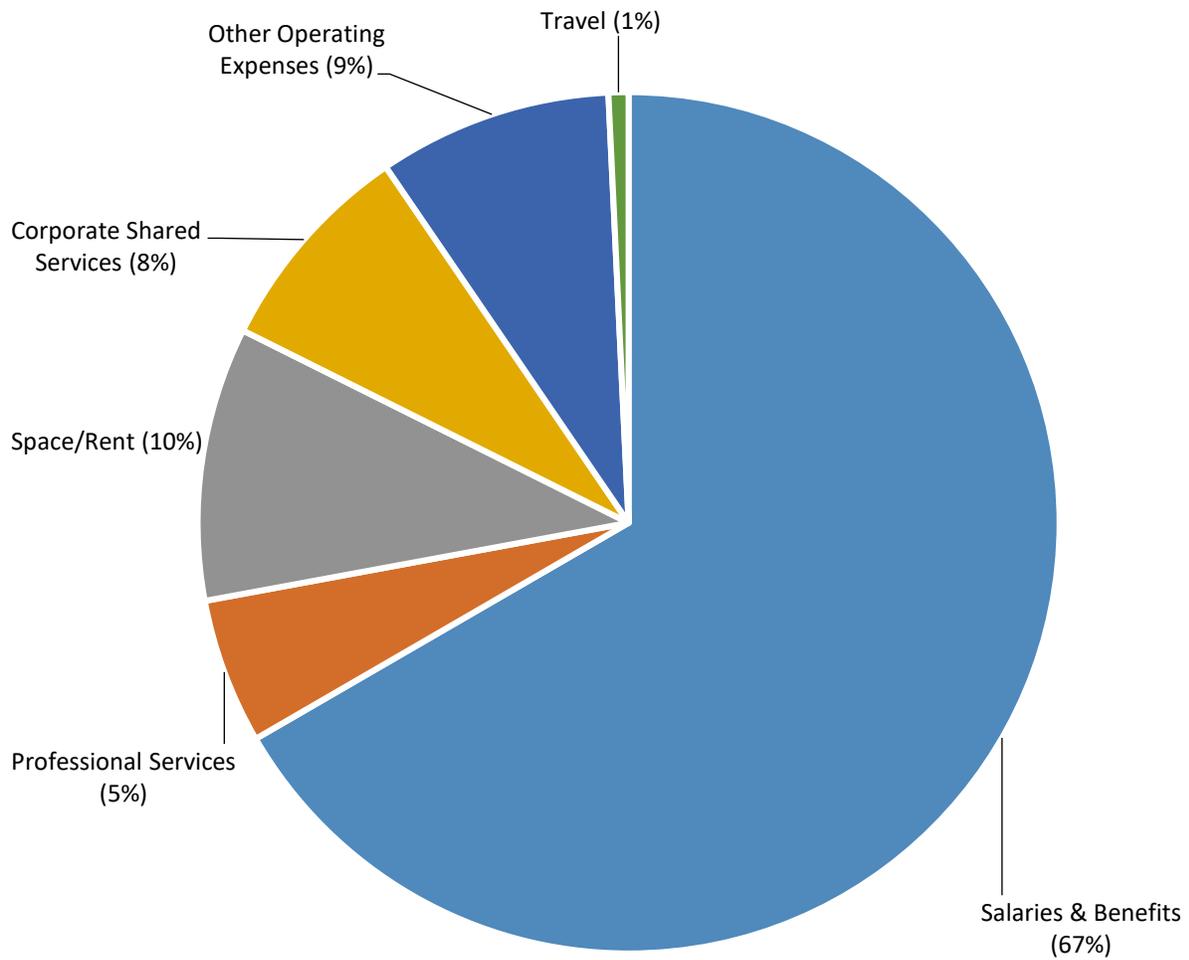
#### Previous and current fiscal years

Funding	Fiscal 2018/19 (previous year)		Fiscal 2019/20 (current year)
	Budget	Actual expenditure	Budget
Voted appropriation	6,252,000	6,165,323	6,702,000
<b>Total</b>	<b>6,252,000</b>	<b>6,165,323</b>	<b>6,702,000</b>
<b>Expenses</b>			
Salaries	3,368,000	3,284,285	3,580,000
Employee benefits	849,000	859,051	903,000
Travel	52,000	80,105	52,000
Professional services	535,000	304,596	425,000
Information systems	100,000	183,769	239,000
Office and business expenses	154,000	155,287	173,000
Informational advertising & publications	-	6,101	-
Statutory advertising & publications	12,000	17,663	12,000
Utilities, materials & supplies	30,000	39,693	33,000
Amortization	39,000	27,939	39,000
Gain/loss on asset	-	4,800	-
Building occupancy	627,000	745,624	694,000
Shared cost agreement	-	10,438	-
Other expenses	489,000	488,928	555,000
Internal recoveries	-	-	(1,000)
Other Recoveries	(1,000)	(2,000)	(1,000)
External Recoveries	(2,000)	(40,956)	(1,000)
<b>Total expenses</b>	<b>6,252,000</b>	<b>6,165,323</b>	<b>6,702,000</b>
<b>Capital Budget</b>			
Information systems, furniture & equipment	45,000	30,763	249,000
Requested access to contingency	-	-	300,000
<b>Total capital</b>	<b>45,000</b>	<b>30,763</b>	<b>549,000</b>

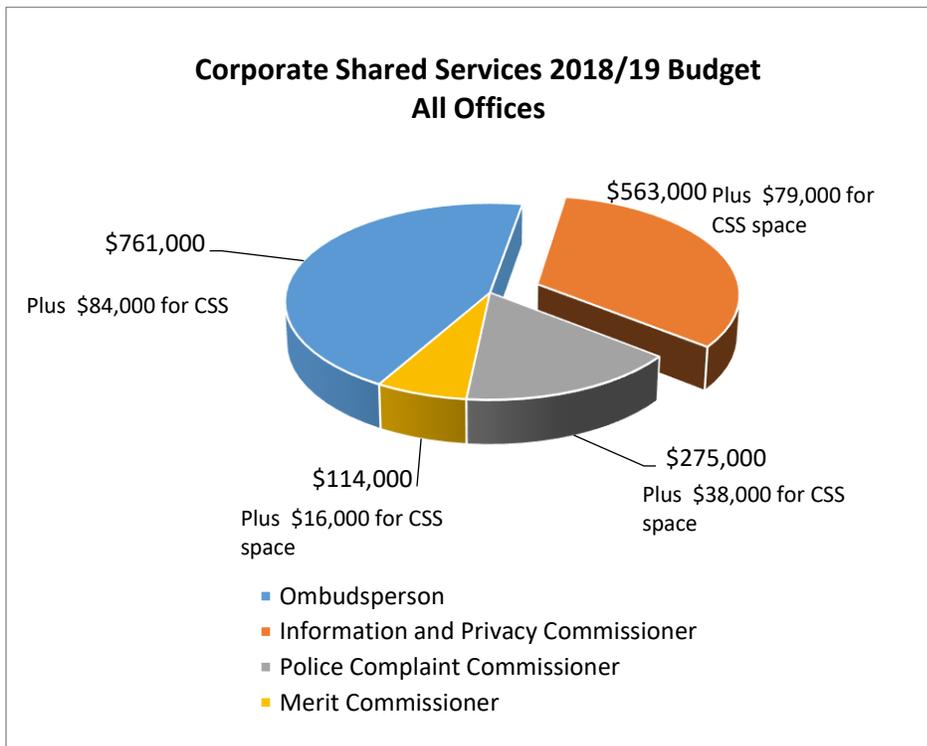
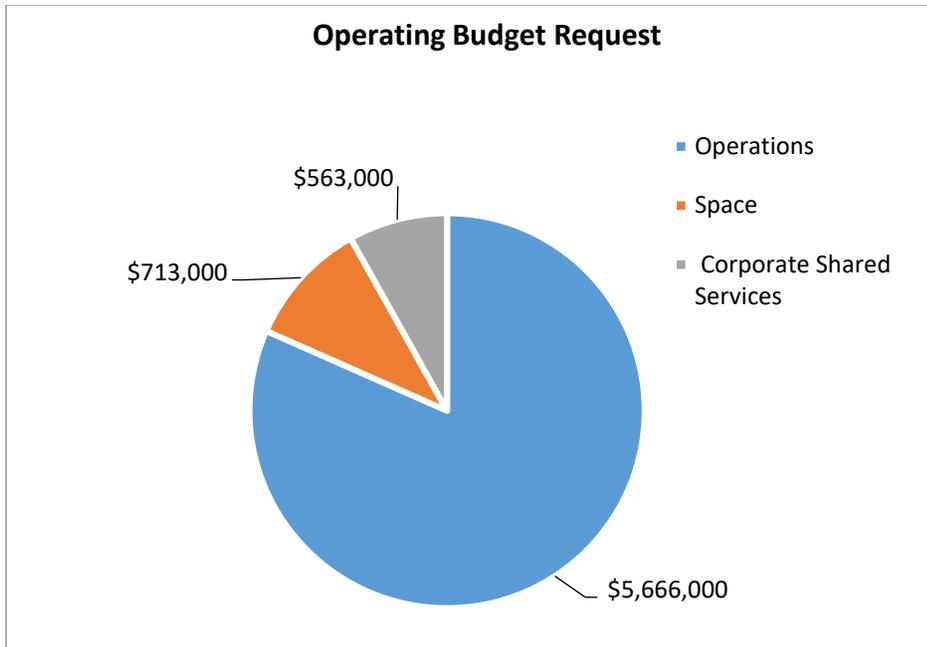
## Proposed budget by Standard Object of Expenditure (STOB)

STOB	Expense Type	Fiscal 2019/20 (current) budget	Fiscal 2020/21 (proposed) estimates	Change from previous year	Fiscal 2021/22 planned	Fiscal 2022/23 planned
50	Salaries	3,276,000	3,390,000	114,000	3,390,000	3,390,000
51	Supplemental salary	-	-	-	-	-
52	Employee benefits	903,000	932,000	29,000	932,000	932,000
54	Officer of the Legislature salary	304,000	304,000	-	304,000	304,000
57	Travel	52,000	52,000	-	52,000	52,000
60	Professional services	425,000	379,000	(46,000)	379,000	329,000
63	Information systems	239,000	239,000	-	239,000	239,000
65	Office and business expenses	173,000	173,000	-	173,000	173,000
	Informational advertising &	-	-	-	-	-
67	Publications	-	-	-	-	-
	Statutory advertising &	12,000	18,000	6,000	18,000	18,000
68	publications	-	-	-	-	-
69	Utilities, materials & supplies	33,000	35,000	2,000	35,000	35,000
73	Amortization expense	39,000	147,000	108,000	147,000	147,000
75	Building occupancy	694,000	713,000	19,000	743,000	749,000
85	Other expenses	555,000	563,000	8,000	570,000	570,000
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>6,702,000</b>	<b>6,942,000</b>	<b>240,000</b>	<b>6,979,000</b>	<b>6,935,000</b>
<b>Capital budget</b>						
	Information Systems, Furniture & Equipment	549,000	29,000	(520,000)	47,000	36,000
	<b>Total</b>	<b>549,000</b>	<b>29,000</b>	<b>(520,000)</b>	<b>47,000</b>	<b>36,000</b>

### Proposed Operating Budget by Expenditure Type



\* Other Operating STOBs includes information Systems (63), Office Expenses (65), Reporting (67 and 68), Utilities (69) and Amortization (73) and recoveries (88, 89 and 90)



## **Office of the Information and Privacy Commissioner and Office of the Registrar of Lobbyists**

### **Proposed budget**

**by Business area**

Business area	Current year	Proposed		
	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22	Fiscal 2022/23

#### **Operating expenditures (Consolidated Revenue Fund) (\$000)**

Core Services:

- Public Sector Information &  
Privacy

3,847      **4,160**      **4,180**      **4,133**

- Private Sector Privacy

1,298      **1,404**      **1,411**      **1,412**

- Lobbyists Registration

1,001      **815**      **819**      **820**

Total Core Services

6,147      **6,379**      **6,409**      **6,365**

Corporate Shared Services

555      **563**      **570**      **570**

**Total**      **6,702**      **6,942**      **6,979**      **6,935**

#### **Capital expenditures (Consolidated Revenue Fund) (\$000)**

Info. Systems, furniture &  
equipment

549      **29**      47      36

**Total**      **549**      **29**      **47**      **36**



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# SERVICE PLAN

## Fiscal Years 2020/21 – 2022/23

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Presented to:

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

October 28, 2019

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## MESSAGE FROM THE REGISTRAR OF LOBBYISTS AND INFORMATION AND PRIVACY COMMISSIONER

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

It has been my privilege to serve as Information and Privacy Commissioner and Registrar of Lobbyists for the past 18 months. The goals in this, my second Service Plan, continue to reflect my commitment to serve the people of this province by optimizing outcomes within our available resources. These goals include enhancing enforcement functions under the *Lobbyists Registration Act*; ensuring the quality and capacity of the people, systems, processes, and culture in the Office of the Information and Privacy Commissioner; and providing education in the areas of lobbying, access to information, and privacy.

During the 2018-19 fiscal year, preparations for the sound implementation of reforms to the *Lobbyists Registration Act* were a key focus for the Office of the Registrar of Lobbyists. These activities follow the passage of a comprehensive suite of reforms to the *Lobbyists Registration Act* in late 2018. When all of the reforms come into force in 2020, the title of BC's lobbying legislation will change to the *Lobbyists Transparency Act* (LTA). This Act will bring new transparency and accountability to lobbying activities in our province.

We have provided preliminary information to lobbyists and the general public about the amendments through the *Influencing BC* newsletter and a speaking engagement with the lobbyists community. We will be implementing an education and outreach plan for lobbyists, relevant organizations, and the general public ahead of the coming into force of the new Act. The ORL is also developing a sophisticated new Lobbyists Registry to accommodate these important changes. Work will continue on this major project into the next fiscal.

During the 2018-19 fiscal year, the Office of the Information and Privacy Commissioner published three audit and investigation reports. These included an audit of the City of White Rock's duty to assist applicants, a privacy breach investigation into the City of Nanaimo's protection of personal information, and an investigation report into the privacy practices of British Columbia's political parties. The latter report received a significant amount of attention provincially and nationally, given that BC is the only province in Canada that can regulate the privacy practices of political parties under its private sector privacy legislation.

Public trust in our system of political campaigning goes to the very heart of our democracy. It is important that the findings and recommendations from this report are not viewed in isolation, however. British Columbia's Chief Electoral Officer has the wide-ranging responsibility for the conduct and administration of provincial election matters, and a number of the issues raised in the report are best accomplished by coordination between our two offices. Together we are working on a code of practice for political parties that clearly spells out their legal responsibilities.

Over the past year, the work of my office reflected the public's desire for accountability, and demands on the OIPC increased dramatically. Privacy complaints increased by 22%, requests for information grew by 17%, and the total number of files handled by the OIPC rose by 38%, from 8,791 files to 12,148 (see Appendix A). We have maintained service levels by continuing to improve our processes and through the sound management of resource allocation, including through efficiencies gained from our Corporate Shared Services office.

In 2018/19, the OIPC addressed matters of broad public interest through other means as well, including launching PrivacyRight, an educational series on privacy management for private sector organizations. I continue to believe that privacy management programs are the best way to promote protection of personal information because they place responsibility for that protection in the hands of the organization that knows its business best. PrivacyRight supports organizations in BC with tools to build effective privacy management programs. Resources we have prepared, including webinars, podcasts, and guidance documents, have already been well utilized by British Columbians. My office also released lesson plans for students on privacy, and sent a joint letter from Officers of the Legislature to the Legislative Assembly Management Committee to recommend the adoption of a modern transparency and accountability framework for the administrative aspects of the legislative assembly.

Rapidly advancing technology also means that personal data travels across provincial and national borders at light speed. This requires our office to work with privacy commissioners across Canada and globally to properly protect British Columbians' personal information. The Facebook-Cambridge Analytica scandal, for example, affected 622,000 users in Canada, including 92,000 in British Columbia. Our joint investigation with the Privacy Commissioner of Canada focused on how privacy laws require Facebook to better protect the personal information of its users.

The public's increased desire for accountability and transparency can only be fully addressed by legal reform. Successive special legislative committees of the legislature have recommended that government amend privacy and access legislation to protect citizens' rights. Mandatory reporting of breaches that can result in harm is one of many reforms needed to ensure access and privacy legislation properly serve their public purposes.

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

October 28, 2019

**ORIGINAL SIGNED BY**

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

## VALUES

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

We use our **expertise** to enforce and advance rights, resolve disputes, and encourage best practices.

We are **dedicated** to protecting privacy and promoting transparency.

We **respect** people, organizations, public bodies, and the law.

We are **innovators** and recognized leaders in the global community.

## VISION

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

A community where access to information rights are understood and robustly exercised.

A community where privacy is valued, respected, and upheld in the public and private sectors.

A community where public agencies are open and accountable to the citizenry they serve.

## 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;
- Educate and inform the public about access and privacy rights; and
- Promote research into access and privacy issues.

## WHO WE SERVE

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Under the LRA, FIPPA, and PIPA the offices serve:

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

## HOW WE DO OUR WORK

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

The Office of the Information and Privacy Commissioner mediates and investigates access to information appeals and privacy complaints; conducts audits of private and public bodies that process personal information; delivers public education to public bodies, organizations, and the public; reviews and comments on the privacy or access implications of legislation, programs, or systems; conducts formal hearings; and issues binding orders under FIPPA and PIPA.

## SERVICE PLAN OF THE OFFICE OF THE REGISTRAR OF LOBBYISTS

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The ORL seeks compliance with British Columbia’s *Lobbyists Registration Act* (LRA) through a series of interrelated compliance strategies.

Our approach is built on guidelines recommended in a report by the Organisation for Economic Co-operation and Development.<sup>1</sup> The ORL’s compliance principles are:

- 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 Lobbyists Registry is critical to achieving the policy objective of transparency; and
- Ongoing dialogue with the stakeholder community – lobbyists, organizations, public office holders, fellow oversight agencies, and the public – is essential to ensuring compliance strategies remain timely, cost-efficient, and effective.

### Goals, strategies, and performance measures

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

The 2018/19 performance measures are the results obtained for the fiscal year ending March 31, 2019.

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

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

In fiscal 2018/19 the ORL met its target of 98% on-time registrations, largely owing to our education efforts. As a result we expect we will meet this same target set for 2019-20 for on-time registrations. We have reduced the target starting in 2020/21 as the *Lobbyists Registration Amendment Act, 2018* is expected to come into force in mid-2020 and the legislation will

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

require some people engaged in lobbying activities to register who are currently not required to register.<sup>2</sup>

The office conducted slightly fewer compliance reviews in 2018/19 than targeted, as shown in Performance Measure 2, below. Compliance reviews can be triggered by scanning media reports or information received from the public, in addition to information submitted in the Lobbyists Registry.

We carried out fewer investigations in 2018/19 than we had targeted. I expect that when the *Lobbyists Registration Amendment Act, 2018* comes into force it will result in an increase in investigations as there will be greater possibility for contraventions once lobbyists are required to report their lobbying activities monthly in the areas of contributions and gifts. I estimate that there will be five more investigations per year than this year over the next three years, as indicated in Performance Measure 3.

The ORL added a new performance measure last year: the number of exemption decisions made by the Registrar in response to former public office holders seeking exemption from the two-year lobbying prohibition, as shown in Performance Measure 4, below. In November 2017, the Legislative Assembly of BC amended the LRA by adding a two-year cooling-off period from lobbying by former public office holders.

The amendments, which came into effect May 1, 2018, grant the Registrar the authority to exempt a former public office holder from the two-year prohibition if the Registrar determines it is in the “public interest.” In 2018/19, I published six exemption decisions in response to applications from former public office holders to be considered for relief from the prohibition. This is slightly less than what we had anticipated and as a result we have adjusted the target for the next three years.

## **Strategies**

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

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<sup>2</sup> For example, organizations currently do not need to register their lobbying activities if they amount to less than 100 hours. When the *Lobbyists Registration Amendment Act, 2018* comes into force this 100 hours threshold will be removed.

Performance Measure	2018/19		2019/20	2020/21	2021/22	2022/23
	Target	Actual	Target	Target	Target	Target
1. Percentage of on-time registrations	98%	98%	98%	95%	95%	95%
2. Number of compliance reviews	140	117	140	140	140	140
3. Number of compliance investigations	10	5	10	15	15	15
4. Number of exemption decisions	8	6	8	6	6	6

## Goal 2—Implement improvements to the *Lobbyists Registration Act*

This goal has changed from last year’s report. Given the recent legislative amendments, I have changed it from “promoting improvements” to “implementing improvements” to the LRA.

In 2018/19, ORL staff did implementation work for the *Lobbyists Registration Amendment Act, 2017*, and in 2019/20, the focus has been on implementation work for the *Lobbyists Registration Amendment Act, 2018*. The 2017 legislation came into force on May 1, 2018, and included a two-year cooling off period for lobbyists who are former public office holders. The 2018 legislation passed on November 28, 2018, and is expected to come into force at a time set by government in 2020.

These legislative changes support greater transparency about who is attempting to influence government decision making. They respond to the five recommendations for reform that were made by my office in a 2013 report entitled, *Recommendations for Changes to the Lobbyists Registration Act*.<sup>3</sup> They also correct a drafting error that I identified when processing an application from a lobbyist to be exempt from the two-year cooling off period, a correction that came into effect shortly after the 2018 legislation was passed in November 2018.

Given the legislative changes, the three strategies outlined below are newly added.

### *Strategies*

- Update the Lobbyists Registry to meet the legislative and operational requirements of the *Lobbyists Registration Amendment Act, 2018*;
- Raise awareness about recent legislative reforms among lobbyists, public office holders, and the general public, including speaking engagements and developing guidance documents; and

<sup>3</sup> <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?ID=449>

- Review and update ORL internal processes as necessary to conduct compliance reviews and investigations in relation to the new rules under the *Lobbyists Registration Amendment Act, 2018*.

Since the 2018 changes to the *Lobbyists Registration Act* were passed by the Legislative Assembly after our 2019/20 Service Plan was submitted, I have taken the step of updating our current year’s targets to add the guidance documents and speaking engagement targets necessary to implement those legislative changes in 2019/20 and 2020/21.

Performance Measure	2018/19		2019/20	2020/21	2021/22	2022/23
	Target	Actual	Target	Target	Target	Target
5. Number of guidance documents to raise awareness about legislative reforms	n/a	n/a	8	2	-	-
6. Number of speaking engagements to raise awareness about legislative reforms	n/a	n/a	6	2	-	-

### Goal 3—Educate lobbyists, public office holders, and the public about the LRA

In 2018/19 my office developed educational materials and resources to assist lobbyists in understanding and complying with the *Lobbyists Registration Act* and the *Lobbyists Registration Amendment Act, 2017*. ORL staff also prepared an education plan for the same regarding the *Lobbyists Registration Amendment Act, 2018*.

The purpose of our education plan is to improve compliance with the *Lobbyists Registration Act*. Our public education and outreach activities have focussed on making lobbyists and public office holders aware of the LRA and the need to register. This has led to a greater awareness of lobbying legislation in British Columbia among lobbyists, public office holders, and the general public. Our specialized public education is tailored to the particular needs of different stakeholders, including those that may be most impacted by the *Lobbyists Registration Amendment Act, 2018*.

In 2018/19 the Registrar published a special amendment issue of our *Influencing BC* newsletter to provide guidance on the government amendment mandating the two-year cooling-off period for former public office holders who wish to become lobbyists after leaving the public service. *Influencing BC* continues in 2019/20 to feature information about the 2018 amendments and we plan to publish an additional issue in 2020/21 to address questions that come up after the 2018 legislation comes into force.

The four strategies outlined below remain relevant and have been maintained from last year’s report.

**Strategies**

- Develop a comprehensive public education plan for lobbyists, stakeholders, and the public;
- Continue publishing and circulating *Influencing BC*, the ORL’s online journal;
- Manage and keep current the Office of the Registrar of Lobbyists website; and
- Continue publishing monthly summaries of registered lobbying activities in the province.

Performance Measure	2018/19		2019/20	2020/21	2021/22	2022/23
	Target	Actual	Target	Target	Target	Target
<b>7. Issues of <i>Influencing BC</i> published</b>	2	2	2	3	2	2
<b>8. Issues of “Who’s Lobbying Who” published</b>	12	12	12	12	12	12



# SERVICE PLAN OF THE OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

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## Goals, strategies, and performance measures

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

The 2018/19 performance measures are the results obtained for the fiscal year ending March 31, 2019.

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

This goal builds on one of the key priorities identified in our 2018/19 Budget Submission: increase the proportion of public and private sector organizations that have effective privacy management programs in place.

In 2018/19 the actual number of reports of audits, special reports, compliance reviews, and systemic investigations published by the Commissioner decreased to three from five the previous year. Audit, special, and investigation reports represent Commissioner-initiated audits and investigations into matters of broader public interest. They are an important and effective compliance and education tool for public bodies, organizations, and the people of BC in relation to access and privacy rights and responsibilities under PIPA and FIPPA.

In 2018/19 the OIPC addressed matters of broad public interest through other means as well. We launched PrivacyRight, a comprehensive educational series on privacy management for private sector organizations; released privacy lesson plans for students in partnership with privacy regulators across Canada; intervened in the Province’s legal action against Philip Morris International; wrote a joint letter with other Officers of the Legislature to the Legislative Assembly Management Committee; and introduced guidance for private sector cannabis retailers.

The strategies outlined below are still highly relevant and are the same as in last year’s report.

### *Strategies*

- Secure government support for robust privacy rules and guidelines for data linking and information sharing activities of public bodies as a priority initiative;
- Work with government to implement reforms, and educate and train public bodies;
- Promote OIPC’s privacy management guidance documents and develop new resources; and

- Conduct audits and systemic investigations to ensure compliance with FIPPA and PIPA, including examining Privacy Management Programs.

Performance Measure	2018/19		2019/20	2020/21	2021/22	2022/23
	Target	Actual	Target	Target	Target	Target
1. Number of audits, special reports, compliance reviews and systemic investigations	6	3	6	6	6	6
2. Percentage of audit, compliance review and systemic investigation report recommendations implemented	95%	82%	95%	95%	95%	95%

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

This has been an OIPC goal since the 2014/15 fiscal year. It integrates, among other things, the Commissioner’s mandates to inform the public about relevant legislation and to comment on the implications for access to information and the protection of privacy of proposed legislative schemes, programs, or activities of public bodies.

The strategies remain relevant from last year’s report, though the fourth strategy has been changed slightly as legislative and policy reform on duty to document is complete.

### *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 freedom of information experts/leaders in public bodies by holding a symposium on access and privacy;
- Support the development of legislative and policy reform that includes an explicit disclosure of categories of records; and
- Improve the quality and timeliness of public bodies’ responses to access to information requests by assessing and reporting on the underlying causes for responses to access requests that are not on time in accordance with the timelines set out by FIPPA.

Performance Measure	2018/19		2019/20	2020/21	2021/22	2022/23
	Target	Actual	Target	Target	Target	Target
1. Average processing days for all ministries (business days)	20	39 <sup>4</sup>	20	20	20	20
2. Percentage of access requests processed on time by all ministries	90%	89%	95%	100%	100%	100%

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

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. Speaking engagements are an effective method of outreach to inform public bodies, organizations, and the public about FIPPA and PIPA.

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

*Strategies*

- Meet the growing demand from public bodies and organizations for education and training in FIPPA and PIPA compliance by developing curricula and external resources so that public bodies and organizations can train their own employees;
- Facilitate public awareness of privacy and access rights by developing and implementing social media strategies for stimulating interest and discussion of individual information rights, and implement them with our other communications strategies; and
- Promote access and privacy issues in the public domain by responding to requests for media interviews and seeking out opportunities for public commentary.

Performance Measure	2018/19		2019/20	2020/21	2021/22	2022/23
	Target	Actual	Target	Target	Target	Target
3. Number of OIPC presentations	50	37	50	50	50	50

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<sup>4</sup> The average processing days for ministries to process freedom of information (FOI) requests is determined by Ministries. As the Legislative Officer with oversight responsibilities over FIPPA, I plan to continue to publish a report examining government’s responses to FOI requests. These examinations report on government’s average processing days for freedom of information requests and make recommendations for improving the timeliness of responses to FOI requests for the people of BC.

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.

The four strategies outlined below remain relevant and are continued from last year’s Service Plan.

*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.

As part of ensuring timely resolution for complaints and reviews, I am reviewing the adjudication processes with the goal of increasing the average number of orders and other decisions produced per adjudicator per year as indicated in Performance Measure 9.

Given staff attrition, and the increasing complexity of adjudications, the actual number of orders was below target. The objective of the review is to raise the average number of orders produced to 20 per adjudicator.

Performance Measure	2018/19		2019/20	2020/21	2021/22	2022/23
	Target	Actual	Target	Target	Target	Target
4. Percentage of requests for review settled without inquiry	95%	87%	95%	95%	95%	95%
5. Percentage of review files resolved within 90 business days of assignment	80%	78%	80%	80%	80%	80%
6. Percentage of complaint files resolved within 120 business days	90%	86%	90%	90%	90%	90%
7. Average number of orders and other decisions produced per adjudicator per year	20	11	20	20	20	20

## **CONCLUSION**

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It is an honour to serve the people of British Columbia and to lead an immensely talented group of women and men doing work that is critical to the interests of the public, organizations, and public bodies in BC.

I am pleased to submit this Service Plan that represents the goals of the Office of the Information and Privacy Commissioner and the Office of Registrar of Lobbyists over the next three years.

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

File Type Received	2016/17	2017/18	2018/19
Appeals (requests for review)	645	666	657
Complaints	698	712	738
Requests for time extensions	1,283	1,638	3,854
Privacy breach reviews	166	186	194 <sup>5</sup>
Public interest notifications (s.25 ) <sup>6</sup>	11	16	20
Policy consultations	186	206	392
Review of legislation	18	20	42
Review and comment on Privacy Impact Assessments (PIAs)	49	48	94
Review and Comment on Police Act IIO Reports	11	21	44
Speeches and presentations	43	42	48
Other <sup>7</sup>	1,032	1,440	1,309
<b>Total Case Files</b>	<b>4,131</b>	<b>4,995</b>	<b>7,392</b>
Informal requests for information and assistance received <sup>8</sup>	4,187	3,796	4,756

<sup>5</sup> Does not include monthly government breach reviews.

<sup>6</sup> Public interest notifications (s. 25), Review and comment on Privacy Impact Assessments (PIAs) and Review and Comment on Police Act IIO Reports are routine OIPC file types that have been added to this table this year. The “Other” and “Total Case Files” numbers have been changed accordingly.

<sup>7</sup> “Other” file types now include Application for indirect collection, Application to disregard, Audit & Compliance, Conference Attendance, Misc. Correspondence, FOI Requests, Govt Breach Review, Internal Review, Investigation, Media inquiries, Meetings, No Reviewable issue, Project, Reconsideration, Formal Request for Info, Section 56 Decision, Section 53 time extension request. The 2016/17 and 2017/18 “Other” numbers have been adjusted accordingly.

<sup>8</sup> The 2016/17 and 2017/18 numbers have been reconciled with the Annual Report’s Year in Numbers Table and adjusted to remove the “formal requests for information” as they are included in the “Other” file type numbers.