



BUDGET SUBMISSION

Fiscal Years 2021/22–2023/24

Presented to:

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

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OVERVIEW

I am pleased to submit this budget for the Office of the Information and Privacy Commissioner (OIPC) and the Office of the Registrar of Lobbyists (ORL) for fiscal years 2021/22 through 2023/24 inclusive.

This budget submission supports the attached ORL and OIPC Service Plans for the same three-year period. Approximately 77 percent of our operating budget is spent on OIPC-related issues, while 14 percent covers ORL activities, and 9 percent pays our portion of corporate shared services.

In this budget submission, the Information and Privacy Commissioner and the Registrar of Lobbyists requests, for the fiscal year 2021/22, a combined operating budget of \$7,589,000 and, for planning purposes, operating budgets for fiscal years 2022/23 and 2023/24 of \$7,924,000 and \$7,639,000 respectively. The capital budget requested for the same three years is \$83,000, \$333,000, and \$60,000 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 OIPC and the ORL.



MANDATE OF THE OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

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

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

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

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

PIPA sets the rules private sector organizations (including businesses, labour organizations, political parties, interest groups, and non-profits) must follow in the collection, use, and disclosure of customer, client, and employee personal information. Similar to our duties under FIPPA, it is the OIPC's responsibility to enforce compliance of PIPA by the estimated one million private sector organizations 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 2020/21

I would like to highlight the OIPC's major accomplishments to date for 2020/21.

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 other members of the public making privacy complaints or requesting reviews of decisions of public bodies or organizations in response to their access requests under FIPPA or PIPA.

An investigator attempts to resolve the matter informally either by working with all parties to achieve consensus about the disposition of a file or by issuing findings. It can be long and arduous work bringing parties to a consensus, especially given that parties are often before the OIPC because their relationship is broken. It is a testament to the skill of OIPC's case review and investigator teams that they resolve about 92 percent of all complaints and appeals. Unresolved files, which typically include complex and contentious matters, proceed to adjudication.

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

Adjudication, the next stage of our process, involves a formal written hearing or inquiry involving the parties. Adjudication files are typically based on access requests, just over three of every four in 2019/20, 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 at this stage an adjudicator or the Commissioner deliberates on the submissions and issues a binding decision.

Service to the Public

The demand for OIPC services by way of new files has steadily increased since 2016/17, peaking at over 1,600 case files in 2019/20.¹ This year to date we have received approximately 80 percent the volume of files that we received last year, a drop that we believe is likely

¹ See table on investigations statistics on page 9.

attributable to the impacts of the COVID-19 pandemic. OIPC staff continue to seek ways to become efficient at handling more files.

OIPC continues to address a case file backlog by realigning our resources and practicing continuous improvement to ensure that we are working as efficiently and effectively as possible. With this practice case review, investigation and adjudication staff continuously seek opportunities to bring efficiencies to OIPC processes. For example, this year the case review team took the opportunity presented by remote work to shift case files to an electronic format rather than hard copy format, with limited exceptions such as where hard copy records are submitted.

The backlog currently stands at 87 files in investigations and 193 files moving through inquiry processes towards adjudications. I continue to realign resources to these areas as appropriate and anticipate that the backlog will be reduced by the end of the 2020/21 fiscal year to under 80 files at investigation and will increase to approximately 194 files at adjudication.

OIPC's practice of continuous improvement, reallocation of resources, and the slight reduction in demand on OIPC services during the COVID-19 pandemic will assist in reducing the backlogs. I am closely monitoring the demands on OIPC services this year and will continue to seek opportunities to improve our processes and reallocate resources to address the backlogs.

Major investigation and audit reports

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

1. The BC OIPC and the Ontario Information and Privacy Commissioner (IPC) find that LifeLabs failed to protect the personal health information of millions of Canadians

In June 2020 the BC OIPC and ON IPC published an investigation report finding that LifeLabs failed to protect personal information in a 2019 breach. The joint investigation revealed that LifeLabs' failure to implement reasonable safeguards to protect personal information of millions of Canadians violated BC PIPA and Ontario's health privacy law. The offices determined LifeLabs failed to take reasonable steps to protect the personal health information in its electronic systems, failed to have adequate information technology security policies in place, and collected more personal information than was reasonably necessary. The offices ordered LifeLabs to implement a number of measures to address these shortcomings. Publication of the report is pending court action to resolve LifeLabs' claim that information it provided to the commissioners is privileged or otherwise confidential, a claim that the Commissioners reject.

2. Joint investigation finds that Cadillac Fairview used facial recognition technology without their customers' knowledge or consent.

The federal, Alberta and BC Privacy Commissioners published an investigation report in October 2020 that found that Cadillac Fairview, one of North America's largest commercial real estate companies, imbedded cameras inside their digital information kiosks at 12 shopping malls across Canada (including the CF Richmond Centre and the CF Pacific Centre in BC) and used facial recognition technology without their customers' knowledge or consent. Cadillac Fairview asserted that shoppers were made aware of the activity via decals on shopping mall entry doors – a measure the Commissioners determined insufficient. In response to the investigation, the company removed the cameras from its digital directory kiosks and deleted all information associated with the video analytics technology that is not required for legal purposes. The Commissioners remain concerned that Cadillac Fairview refused their request that it commit to ensuring express, meaningful consent is obtained from shoppers should it choose to redeploy the technology in future.

3. OIPC finds that public bodies must act to categorize and communicate the kinds of records they will proactively disclose under section 71 of FIPPA

In June 2020 the Commissioner published a report finding that some public bodies comply with the s. 71 responsibility under FIPPA to proactively disclose records, while others need to do more. The report investigated how 30 public bodies categorized records available without a request under s. 71 of FIPPA. Categories of records should be specific, scheduled, and publicly available. The Commissioner cited COVID-19 as an example where public bodies might create categories of records for financial expenses specifically relating to the pandemic. The report gave three recommendations for all public bodies: establish additional categories of records; publish these categories so they are easily accessible; and Government should update its Open Information and Open Data Policy.

Other major initiatives

The OIPC has been addressing matters of broad public interest through other means as well.

1. The Commissioner participates in the Legislative Assembly's Special Committee to Review the Personal Information Protection Act (PIPA).

In June 2020 the Commissioner appeared before the Legislative Assembly's Special Committee to Review the Personal Information Protection Act (PIPA) in accordance with section 59 of that Act. The Commissioner recommended amendments to PIPA that include mandatory breach notification backed by the authority for the Commissioner to levy administrative monetary penalties where appropriate. The Committee was dissolved when the 42nd Provincial Election was called for October 24, 2020. A new

Special Committee was appointed by the Legislative Assembly on December 9, 2020 and the Commissioner will continue to participate in the Special Committee’s review of PIPA.

2. Special report issues ‘wake-up call’ over government’s routine violation of access to information timelines

The Commissioner’s special report card on government’s access to information timeliness was published in September 2020. The report showed government’s response times to access requests had improved since the previous report. However, in 4,000 cases examined, government did not seek OIPC permission to go beyond the legislated response time, as required by FIPPA. The report is based on information provided by Information Access Operations (IAO), which operates under the Ministry of Citizens’ Services and processes access requests received by all government ministries and select public bodies. OIPC analysts looked at the percentage of requests responded to in compliance with FIPPA timelines, average business days spent processing requests and the average business days a response is delayed beyond FIPPA timelines.

OIPC PRIORITIES FOR FISCAL YEAR 2021/22

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 of today, OIPC has 87 investigation files waiting assignment and 193 files moving through the inquiry processes towards adjudication.²

In addition, the OIPC policy and practice of waiting to assign requests and complaints from applicants that already have five files open with our office ended in 2019-20. Over fifty files waiting assignment based on that policy were assigned by March 2020 and OIPC staff have been processing them through 2020/21 and into 2021/22.

We continue to address the OIPC backlogs within our current resources by realigning internal resources and streamlining case file management and administration processes.

² For an explanation of these backlogs, see pages 10-11.

The **investigations**³ statistics are as follows:

Fiscal year	Number of files at beginning of year	New files received ⁴	Files closed during year	Number outstanding at year/end
2016/17 actual	685	1,509	1,752	442
2017/18 actual	442	1,564	1,390	616
2018/19 actual	616	1,600	1,671	545
2019/20 actual	545	1,617	1,526	636
2020/21 est.	636	1,332	1,405	563

The **adjudications** statistics 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
2016/17 actual	71	101	80	92
2017/18 actual	92	82	85	89
2018/19 actual	89	101	82	103
2019/20 actual	103	119	70	148
2020/21 est.	148	143	97	194

I continue to monitor the number of files waiting assignment at OIPC and the impacts of resource realignment and volume of files received on those numbers.

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

A key priority for my term as Commissioner is to be proactive in addressing privacy issues that emerge as a result of new technologies or new applications of existing technologies. Examining these issues through investigations, audits, or reviews means that various sectors and the public can learn from the incidents or issues examined by the OIPC. The resulting reports are often released with guidance documents for relevant sectors. While it is impossible to predict what issues will emerge in 2021/22, key issues on the horizon are facial recognition and other biometrics (such as thermal temperature checks), geolocation tracking, and video surveillance. I also plan on issuing guidance on these topics and on the use of social media.

³ Includes case files closed at by the case review and investigation teams.

⁴ Investigation files include requests for review (including deemed refusals), breach notifications, and access and privacy complaints under FIPPA and requests for review, breach notifications, and access and privacy complaints under PIPA.

The OIPC has a number of investigations and audits underway. In February 2020 I launched a joint investigation with my counterparts in Alberta, Quebec, and Canada into Clearview AI. The joint investigation was initiated in the wake of numerous media reports that raised questions and concerns about whether the company is collecting and using personal information without consent. Those reports stated that Clearview AI uses its technology to collect images and make facial recognition available to law enforcement for the purposes of identifying individuals. As privacy regulators we have agreed to work together to investigate and develop guidance for the use of facial recognition technology by law enforcement.

In June 2020 I initiated another joint investigation with those same counterparts into Tim Hortons and its parent, Restaurant Brands International, amid concerns over persistent geolocation tracking as part of the company's mobile app. The investigation will review whether Tim Hortons obtained consent to collect, use and disclose geolocation and associated data. Privacy Commissioners are also reviewing whether Tim Hortons' privacy practices were reasonable in the circumstances.

In November 2020 I initiated a review of a selection of BC's licensed private sector liquor and cannabis retailers and their privacy management programs, privacy policies, and personal information collected from members, customers, employees, and others. The review also includes questions about retailers' use of video surveillance and whether or not they employ facial recognition technology. The OIPC selected liquor and cannabis retailers based on media stories and questions to our office regarding whether these retailers are authorized to collect, use and disclose personal information, including driver's license information, facial images and (recently, due to the COVID-19 pandemic) thermal temperatures. An aggregate report summarizing the findings from across the group of retailers will be published upon completion of the compliance review.

As technologies and their application become more complex, the OIPC increasingly requires the resources of technical and security experts to assist us with our investigations and audits. For example, our recent investigation into LifeLabs' privacy breach and security safeguards and the subsequent updating of our self-assessment tool for securing personal information required significant external technical expertise.

Most public bodies and organizations now use a suite of ever-expanding software services and platforms located across the globe to collect, use, disclose and store personal information. As a result, OIPC staff need to be able to contract with a diverse range of technical experts to keep up with changing technologies and to provide effective oversight. We have learned that retaining in-house employees is not practical because different privacy matters require different technical expertise. As a result, contracting the work to those with current and relevant expertise is the most fiscally prudent approach.

For these reasons, we are requesting \$100,000 to support our office in engaging experts in technology for investigations, audits and in developing appropriate guidance. This would

provide the OIPC with access to the right experts at the right time to support sound oversight over the privacy practices that impact British Columbians.

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 privacy implications of the COVID-19 pandemic, cooperation for cross-jurisdictional data breaches, facial recognition and artificial intelligence.

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.



MANDATE OF THE OFFICE OF THE REGISTRAR OF LOBBYISTS

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

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

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

The LTA defines “lobbying” narrowly as communicating, for pay, with a public office holder, in an attempt to influence a number of possible outcomes. It requires individuals whose communications with public office holders meet the legal definition of lobbying to register as lobbyists and provide information to the Registrar about those activities, including registering information about lobbying communications with senior public office holders on a monthly basis. The LTA does not 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 whether levied as a monetary (up to \$25,000) or a lobbying prohibition.

ORL MAJOR ACCOMPLISHMENTS TO DATE FOR 2020/21

I would like to highlight the ORL's major accomplishments to date for 2020/21.

Implement reforms to the *Lobbyists Transparency Act*⁵

This year the ORL is operating for the first time under the set of amendments passed by the Legislative Assembly in November, 2018 with Bill 54, the *Lobbyists Registration Amendment Act, 2018* which came into force on May 4, 2020. The amendments brought in significant changes including a change in the title of BC's lobbying law from the *Lobbyists Registration Act* to the *Lobbyists Transparency Act*.

The amendments brought in significant changes that increase transparency in lobbying in British Columbia. They include a new monthly reporting requirement for *actual* lobbying, with monthly returns to include information about lobbying communications with senior public office holders including who participated in the lobbying and the subject matter of the lobbying. The amendments also harmonize registration requirements for consultant and in-house lobbyists and remove the 100-hour threshold which has resulted in an increase in organizations that are required to register their lobbying activities.

The LTA requires lobbyists to submit information to the Lobbyists Registry that was not required under the LRA. Lobbyists must now enter information about who controls, directs, or funds lobbying. In relation to funding elected representatives, the changes also require lobbyists to include information about whether they have made a political, sponsorship, or recall contribution to a member of the Legislative Assembly or to that member's political party or constituency association⁶ on or after the date the writ was issued for the last provincial election. In relation to gifts, lobbyists are now required to disclose any promise or actual gift or other benefit to a public office holder, 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.

The ORL obtained the necessary resources to support lobbyists, public office holders, and the public to transition to this new legislation for its coming into force on May 4, 2020. The ORL licensed the federal registry at no cost, and adapted it to provide a functional Lobbyists Registry for the people of BC.

⁵ Title change on May 4, 2020 from the *Lobbyists Registration Act*.

⁶ Or made to a third-party sponsor that promotes an MLA or their political party in the case of sponsorship contributions.

In 2020 the ORL completed the final stages of development and testing of the updates to the Lobbyists Registry and the migration of data from the old Lobbyists Registry to the new one. Credit goes to ORL staff and the team of developers that remained on schedule for transitioning to the new Lobbyists Registry on May 4, 2020 in spite of the challenges presented by the COVID-19 pandemic.

ORL staff have worked this year to support lobbyists that either transitioned to the new registry after May 4, 2020 or were required to register for the first time. The Registrar extended a transition period for lobbyists to transfer existing registrations to the new Registry from June 15 to September 15 to support organizations that have been affected by the COVID-19 pandemic. Lobbyists availing themselves of the transition were required to submit details of lobbying communications that occurred between May 4 and September 15, 2020 to the Registry by September 15, 2020. ORL staff continue to monitor the transition to the new Registry, including identifying ongoing maintenance to promote compliance through dialogue with stakeholders.

The operational demands on the ORL have also increased with the coming into force of the amendments. The monthly reporting requirement has resulted in a significant increase in traffic to the registry: since May 4, 2020 there have been an average of 600 lobbying activity reports entered into the Lobbyists Registry on a monthly basis. This increase in activity has resulted in a 354% increase in the volume of requests for information and assistance: ORL staff have fielded an average of 450 requests for information per month this fiscal year to date compared to 99 per month in 2019/20. Similarly, ORL staff have significantly increased verifications of registrations – to support lobbyists in ensuring that information entered into the Lobbyists Registry is accurate – and are on track this year to complete 1512 verifications up from 317 lobbyist registrations verified in 2019/20.⁷

To manage the demands on ORL staff in relation to BC's new lobbying rules the OIPC reallocated resources in 2020/21 to the ORL team. This enabled additional front-line resources to answer questions for lobbyists and the public. It has also meant reallocating resources so that the ORL team could publish guidance documents – 15 this year to date, which is 13 more than had been planned for the year – to relief the pressure from front line staff. These documents are available to lobbyists 24 hours a day on the ORL website and others are planned over the coming year. In addition, ORL staff have worked with our communications team to build a frequently asked questions page on the website and search functionality to support lobbyists and the public in getting answers to questions in a timely and efficient manner.

The temporary reallocation of resources was manageable because of a minor reduction in case files at the OIPC, one that we believe to be temporary as a result of the COVID-19 pandemic. We can not continue to reallocate resources to the ORL in 2021/22 as OIPC case files return to normal levels in 2021-22. As a result, additional resources will be required to support ORL operations under the recently amended LTA.

⁷ Verifications were previously call “compliance reviews”. See the ORL Annual Report 2019-20 for stats.

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

The ORL has provided orientation, awareness, and training for lobbyists and public office holders since 2010. In 2020/21 the ORL education program has focused on education for lobbyists, stakeholders, and the public about the recent amendments in the *Lobbyists Registration Amendment Act, 2018*.

The education program goals are to:

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

As outlined above, the ORL education program in 2020/21 has included educating lobbyists by responding to requests for information, publishing guidance documents, and by following up on registration verifications. The ORL team has also published 15 guidance documents and a series of FAQs this year to make information available to BC lobbyists. Two editions of the ORL newsletter, *Influencing BC*, have been published so far this year featuring information for lobbyists on the recent amendments.

The ORL team planned for two speaking engagements in 2020/21, yet has delivered seven for lobbyists and public office holders to date. The additional speaking engagements have responded to the demand for education to promote awareness and compliance with the recent amendments and updates to the Lobbyists Registry. These educational events have reached over 500 lobbyists and have been held remotely for everyone's safety amidst the COVID-19 pandemic.

The ORL social media presence that started in March 2018 also continues. The office has a LinkedIn page for lobbyists to connect to and a YouTube channel for viewing educational webinars, such as those that provide guidance on the recent amendments for lobbyists: [Lobbying in BC: What you need to know](#) (posted April 23, 2020) and [Lobbying in British Columbia for non-profits: What you need to know](#) (posted Sept. 8, 2020).

Staff have reviewed the education program for 2021/22 and enhancing the program is an ORL priority discussed in the next section.

OFFICE OF THE REGISTRAR OF LOBBYISTS PRIORITIES FOR FISCAL YEAR 2021/22

The ORL will focus on two priorities for fiscal year 2021/22:

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

The ORL will continue with its education and outreach program for the remainder of 2020/21 with the goals of educating lobbyists, public office holders, and the public about the LTA to support compliance.

Our 2021/22 education plan is focused on educating lobbyists, the public, and public office holders about the recent significant changes to reporting lobbying activities that came into effect on May 4, 2020 with the completion of the coming into force of the *Lobbyists Registration Amendment Act, 2018*. The objective of raising awareness about the LTA amongst lobbyists, public office holders, and the public is to promote compliance with the LTA by lobbyists.

The demands for information and education in 2020/21 to date demonstrates a need to scale up the ORL education plan with two full time staff resources starting in 2021/22. The additional demands on the ORL since May 4, 2020 are likely to continue as there are new monthly reporting requirements and organizations that were not previously required to report their lobbying activities are now required to do so.

ORL staff recognize there are two prongs to strengthening awareness of the LTA: one about the LTA itself, and the other about how to use the Registry. The ORL request for two additional staff would directly support a number of initiatives to strengthen awareness about the LTA:

- research and analysis of the interpretation of recent amendments in order to provide sound guidance to lobbyists on their responsibilities under the LTA;
- publishing new and revised guidance and FAQs on the responsibilities of lobbyists under the LTA and guidance for lobbyists on how to register and report their lobbying activities in the registry;
- creating tools such as webinars or instructional videos on how to navigate the registry; and
- speaking engagements by ORL staff to discuss the LTA and recent amendments that are of particular relevance to various stakeholder groups, for example to assist public office holders in understanding the prohibitions on gift giving, or the two-year cooling off period for former public office holders.

The additional resource would result in front line support to respond to the 350% increase in the volume of requests for information since May 4, 2020. This front-line work raises awareness about the LTA and how to use the Lobbyists Registry.

In addition, tools and guidance could be created for the public to develop awareness about the LTA and how to access information readily available in the Lobbyists Registry. Public access to and knowledge about information regarding lobbying activities in BC that resides in the Lobbyists Registry is the foundation for the public confidence in government that is fostered by transparency in lobbying.

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

The fundamental purpose of the LTA is to create transparency regarding who is attempting to influence government decision-making. The legislation requires lobbyists to report their professional activities to the public by registering on the publicly searchable database. That database – the Lobbyists Registry – is the primary vehicle for transparency in lobbying activities in BC.

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

In light of the amendments under the *Lobbyists Registration Amendment Act, 2018* which came into force on May 4, 2020, a new Lobbyists Registry is now available. An ORL priority starting in 2021/22 will be to maintain that Registry and monitor how it operates for lobbyists and the public.

Registry maintenance is about correcting bug fixes when they arise and ensuring the system is properly updated. It is also about dialogue with stakeholders about whether the steps for registering are clear and easy to follow. Resources spent on updating the interface between users and the Lobbyists Registry will foster greater compliance and are critical to upholding the transparency purpose of the LTA. For example, in 2020/21 the Registrar reallocated resources to streamline the registration process for fulfilling the requirement for lobbyists to declare government funding requested and received. Simplifying the registry in this area assists lobbyists in complying with the LTA and ultimately promotes transparency for the public in which lobbyists are requesting and receiving government funding.

Similarly, securing registry updates that improve the navigation experience for the public is a key aspect of the LTA regime; public access to information about lobbying activities is a hallmark for trust and confidence in government.

To promote accuracy of information in the Lobbyists Registry, ORL staff conducts verifications of registrations. These verifications promote compliance when they result in follow-up with lobbyists to ensure that information entered into the Lobbyists Registry is accurate. ORL staff plan to continue to conduct a significantly higher volume of verifications in 2021/22 than in previous years as lobbyists learn to use the new Lobbyists Registry system.⁸

BUDGET REQUEST FOR FISCAL YEAR 2021/22

The budget for my two offices currently breaks down as follows: 65 percent for salaries and benefits; 6 percent for professional services; 19 percent for fixed costs such as our shared services costs, rent, and utilities; 9 percent for operating expenses like amortization and office expenses; and less than 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 2021/22, my office is faced with an adjustment of \$191,000 in inflationary cost increases, which includes:

- \$126,000 for government mandated salary increments and adjustments for Schedule A employees (union-classified) and management employees and the salary increment for the Officer of the Legislature;
- an increase in building occupancy of \$37,000;
- an increase in our Shared Services costs of \$22,000; and
- an increase in our information systems costs of \$6,000.

Therefore, I am requesting a funding increase to cover these cost pressures in the amount of \$191,000.

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

I also request for 2020/21 my office's share of the cost to replace the Case Tracker System (CTS) for the officers of the Legislature that share corporate services. The CTS is at the end of its useful life as technology – it is an Oracle Forms and Reports based system built in 1992 – and for business functionality as the existing platform is not capable of integrating with other system to gain efficiencies.

⁸ For example, the ORL is on-track this year to complete 1512 verifications in 2021/22, almost five times the volume of verifications in 2019/20 at 317.

Our case file system is a mission critical system for managing our core services. Those services include appeals and complaints for access to information requests and privacy at the OIPC, and investigations of potential lobbying contraventions. The system is also used for the breadth of files that relate to the Commissioner and Registrar’s powers, such as review and comment of privacy impact assessments and public education vis-à-vis speaking engagements.

The OIPC and ORL share of the CTS replacement in 2021/22 amounts to \$72,000 in operating costs and \$18,000 in capital costs. The portion of OIPC costs in subsequent years is detailed in the document “Case Tracker System Budget Submission Fiscal 2021/22”.

The need for my office to access technical experts when engaged in investigations regarding privacy breaches and the implementation of new technologies will provide the OIPC with the necessary tools to lift the veil on the technical matters at the heart of new and emerging privacy issues. To support access to the right technical expertise at the right time I am requesting operational funding of \$100,000 to engage experts on a contractual, case-by-case basis to support privacy investigations that require examination of new technologies or new applications of existing technologies.

To support the increase in demands to the ORL and its operations under the legislative changes that came into force on May 4, 2020, I am requesting an increase of \$284,000 in operating costs. This includes:

- \$171,000 for salaries and benefits for two positions for front line support to lobbyists navigating the registry and research and education initiatives that support compliance;
- \$85,000 towards information systems, which includes \$75,000 to support correcting bug fixes when they arise and ensuring the system is properly updated as well as \$10,000 in operating costs for the two requested positions; and
- \$28,000 office and Corporate Shared Services expenses to support the two requested positions.

The combined operating budget request is therefore an increase of \$647,000, for a total budget request of \$7,589,000. This represents an increase of 2.75 percent for inflationary costs pressures, 1.04 percent for the CTS Replacement, 1.44 percent to secure the expertise of technologists, and 4.09 percent to support ORL operations under the amended legislation, for a total operating budget increase of 9.32 percent compared to the current fiscal year.

In addition, \$54,000 in capital funds are requested for the 2021/22 fiscal year, to support \$24,000 primarily for shared infrastructure costs with the other three offices in the corporate shared services model. It also includes \$18,000 for our share of the CTS Replacement and \$12,000 for the ORL for the costs of IT and furniture to support the two requests staff positions that will serve the increase in demands to registry staff.

In summary, for 2021/22 I ask consideration of the Committee for an additional \$647,000 for a total operating budget of \$7,589,000 and an additional \$54,000 in capital for a total capital budget of \$83,000.

Thank you for your attention.

January 25, 2021

ORIGINAL SIGNED BY

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

Statement of Operations

Previous and Current Fiscal Years

Funding	Fiscal 2019/20 (previous year)		Fiscal 2020/21 (current year)
	Budget	Actual Expenditure	Budget
Voted Appropriation	6,702,000	6,612,018	6,942,000
Total	6,702,000	6,612,018	6,942,000
Expenses			
Salaries	3,580,000	3,582,685	3,694,000
Employee Benefits	903,000	908,110	932,000
Travel	52,000	73,029	52,000
Professional Services	425,000	374,575	379,000
Information Systems	239,000	252,703	239,000
Office and Business Expenses	173,000	152,082	173,000
Informational Advertising & Publications	-	2,664	0
Statutory Advertising & Publications	12,000	14,476	18,000
Utilities, Materials and Supplies	33,000	40,558	35,000
Amortization	39,000	34,630	147,000
Gain/loss on asset	-	-4,884	-
Building Occupancy	694,000	680,241	713,000
Shared Cost Agreement	-	10,942	-
Other Expenses	555,000	538,400	563,000
Internal Recoveries	(1,000)	-	-1,000
Other Recoveries	(1,000)	(2,000)	-1,000
External Recoveries	(1,000)	(46,193)	-1,000
Total Expenses	6,702,000	6,612,018	6,942,000
Capital Budget			
Information Systems, Furniture & Equipment	549,000	543,944	29,000
Total Capital	549,000	543,944	29,000
Revenue			
Revenue from fines (ORL)	-10,000	-6,250	-10,000
Total Revenue	-10,000	-6,250	-10,000

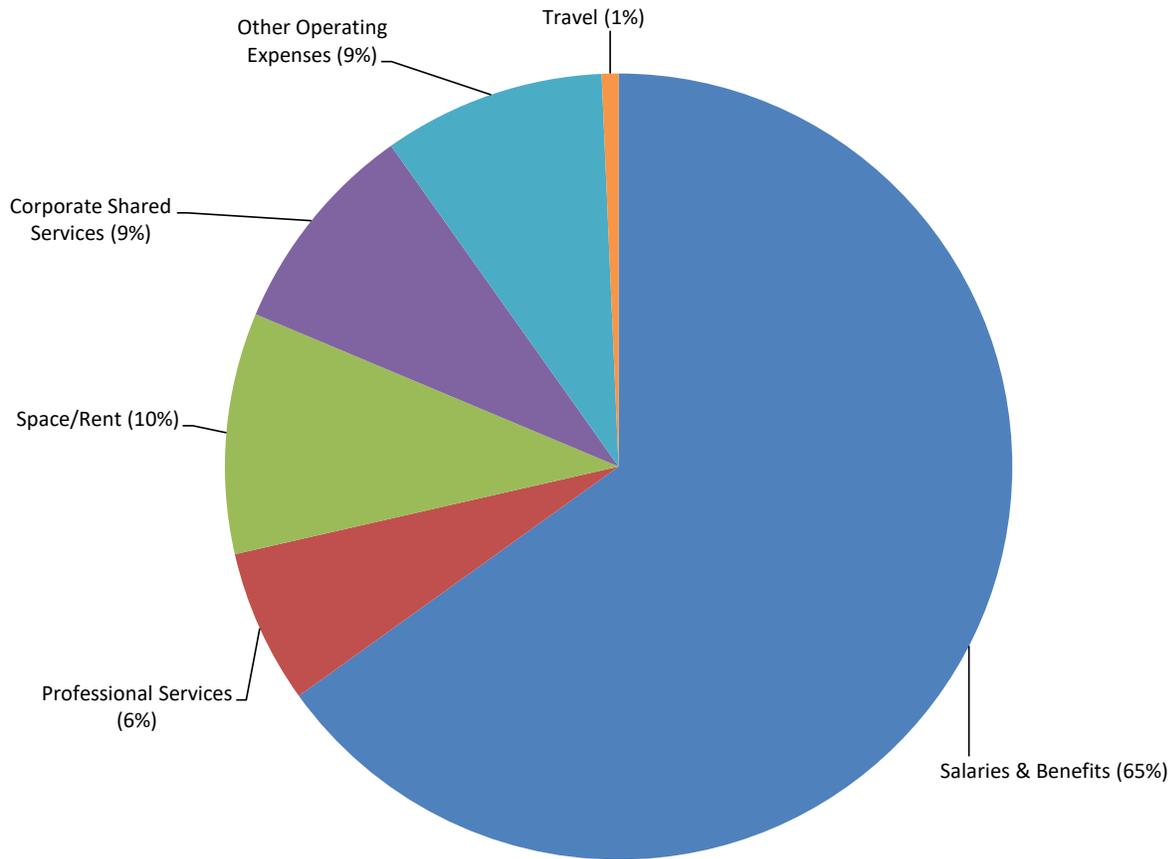
Proposed Budget by Standard Object of Expenditure (STOB)

STOB	Expense Type	Fiscal 2020/21 (current) Budget	Fiscal 2021/22 (Proposed) Estimates	Change from Previous Year	Fiscal 2022/23 Planned	Fiscal 2023/24 Planned
50	Salaries	3,390,000	3,599,000	209,000	3,679,000	3,599,000
51	Supplemental Salary	-	-	-	-	-
52	Employee Benefits	932,000	1,007,000	75,000	1,030,000	1,009,000
54	Officer of the Legislature Salary	304,000	317,000	13,000	323,000	323,000
57	Travel	52,000	52,000	-	52,000	52,000
60	Professional Services	379,000	479,000	100,000	429,000	429,000
63	Information Systems	239,000	333,000	94,000	550,000	431,000
65	Office and Business Expenses	173,000	181,000	8,000	181,000	181,000
67	Informational Advertising & Publications	-	-	-	-	-
68	Statutory Advertising & Publications	18,000	18,000	-	18,000	18,000
69	Utilities, Materials and Supplies	35,000	35,000	-	35,000	35,000
73	Amortization Expense	147,000	151,000	4,000	210,000	210,000
75	Building Occupancy	713,000	750,000	37,000	750,000	750,000
85	Other Expenses	563,000	670,000	107,000	670,000	605,000
88	Internal Recoveries	(1,000)	(1,000)	-	(1,000)	(1,000)
89	Other Recoveries	(1,000)	(1,000)	-	(1,000)	(1,000)
90	External Recoveries	(1,000)	(1,000)	-	(1,000)	(1,000)
Total		6,942,000	7,589,000	647,000	7,924,000	7,639,000

Capital Budget

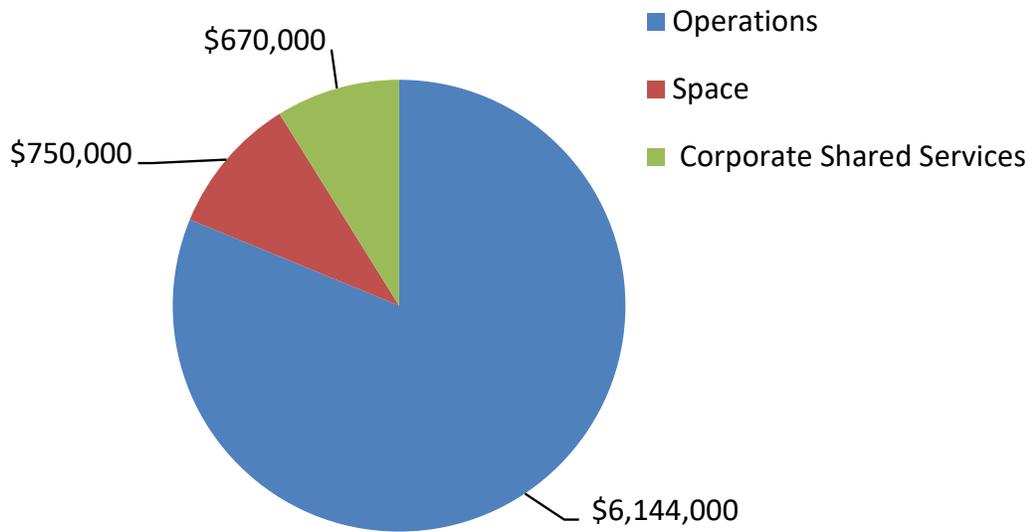
Information Systems, Furniture & Equipment	29,000	83,000	54,000	333,000	60,000
Total	29,000	83,000	54,000	333,000	60,000

Proposed Operating Budget by Expenditure Type

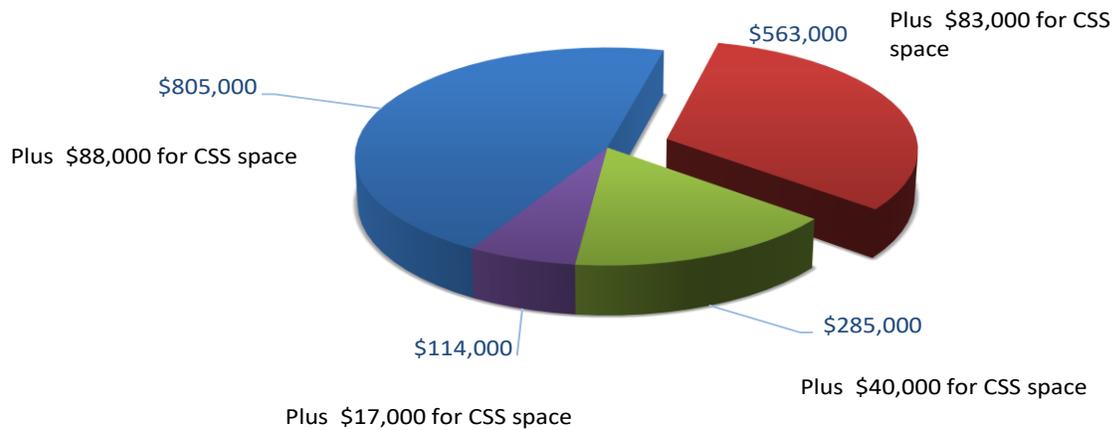


* Other Operating STOBs includes information Systems (63), Office Expenses (65), Reporting (67 and 68), Utilities (69) and Amortization (73) and recoveries (88, 89 and 90)

Operating Budget Request



Corporate Shared Services 2019/20 Budget All Offices



- Ombudsperson
- Information and Privacy Commissioner
- Police Complaint Commissioner
- Merit Commissioner

Proposed Budget By Business area

	Current Year	Proposed		
Business Area	Fiscal 2020/21	Fiscal 2021/22	Fiscal 2022/23	Fiscal 2023/24

Operating Expenditures (Consolidated Revenue Fund) (\$000)

Core Services:

- Public Sector Information & Privacy	4,214	4,359	4,570	4,406
- Private Sector Privacy	1,427	1,476	1,548	1,492
- Lobbyists Registration	738	1,084	1,137	1,137
Total Core Services	6,379	6,919	7,254	7,034
Corporate Shared Services	563	670	670	605
Total	6,942	7,589	7,924	7,639

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

Info. Systems, furniture & equipment

	29	83	333	60
Total	29	83	333	60



SERVICE PLAN

Fiscal Years 2021 /22 – 2023/24

Presented to:

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

January 25, 2021

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MESSAGE FROM THE INFORMATION AND PRIVACY COMMISSIONER AND REGISTRAR OF LOBBYISTS

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

The impacts of the COVID-19 pandemic have amplified society's digital universe: from BC businesses and public bodies expanding online services and employees working from home to educators delivering remote learning to students. Our immediate priority was to ensure the capacity of our staff so we could continue to provide the best possible service to British Columbians.

In response to the needs of public bodies and organizations, the OIPC developed guidance on everything from tips for public bodies and organizations setting up remote work locations to helping food and drink establishments with the “what” and the “how” when it comes to collecting personal information for potential exposure notification of customers.

The ORL focused on preparations for the May 4, 2020 transition to the *Lobbyists Transparency Act* (LTA) to make the transition as straightforward as possible for lobbyists and the public alike. An essential part of the preparations was the creation of a new lobbyist Registry. We were able to negotiate an arrangement to licence the federal system at no cost, and a team of developers adapted it to suit BC's legislative requirements. A surge in requests for information and requests for speaking events indicates a high demand for more education on the LTA and the Registry.

The demand for our services at the OIPC continues to grow. Time extensions in particular dramatically increased by almost 3,000 files from 2018-19 to 2019-20, and overall, the office saw an increase of almost 2,000 files in 2019-20 from the previous fiscal year (see Appendix A). Policy consults increased as our team provided guidance and education to organizations and public bodies in BC. Finally, voluntary privacy breach notifications maintained the steady increase seen in previous years.

During the 2019-20 fiscal year, the OIPC published one audit and compliance report and two investigation reports. These include a compliance review of 22 BC medical clinics that assessed the clinics' privacy management programs, privacy policies, and collection and safeguarding of personal information, and joint investigation reports with the Office of the Privacy Commissioner of Canada on AggregateIQ Data Services Ltd. and Facebook Inc.

The two joint investigations underscore the need for change to BC's private sector legislation. In both cases, Commissioner Therrien and I found that Canadian privacy laws were contravened – yet here in BC imposing a fine is not an option with either company because our private sector privacy law does not provide such deterrence. The ability to levy fines was one of my recommendations to the Special Committee to Review the *Personal Information Protection Act* this year, along with mandatory reporting of breaches that can result in harm.

The joint investigations also signal strong collaboration efforts between regulators across Canada, and are only two of many joint investigations to come from our office over the next few years.

Collaboration with our colleagues in other jurisdictions extends past our Canadian borders. British Columbians can be proud that the OIPC plays a leading role among regulators in the Asia Pacific region, acting as Secretariat and Chair of Governing Committee of the Asia Pacific Privacy Authorities (APPA). The OIPC has served in this capacity since 2016, organizing APPA's 19-member forums which serve as a platform for discussing common investigatory matters and approaches to emerging privacy issues, new technologies, and the management of privacy enquiries and complaints. The OIPC's role in APPA is especially relevant, given that so many of BC's trade relationships are within the Asia Pacific region. I remain grateful to the Finance and Governance Committee for continuing to support this initiative.

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

We have maintained service levels by continuing to improve our processes and through sound management of resource allocation, including through efficiencies gained from our Corporate Shared Services office.

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.

January 25, 2021

ORIGINAL SIGNED BY

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

VALUES

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

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

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

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

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

VISION

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

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

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

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

MANDATE

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

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

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

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

² ORL refers to the Registrar and the Registrar’s delegates that work through the registry office to administer the LTA.

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

WHO WE SERVE

Under FIPPA, PIPA and the LTA the offices serve:

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

HOW WE DO OUR WORK

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

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

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



SERVICE PLAN OF THE OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

Goals, strategies, and performance measures

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

The 2019/20 performance measures are the results obtained for the fiscal year ending March 31, 2020. In addition, the summary of OIPC caseload statistics in Appendix A shows that the demand for OIPC services continues to increase.

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

This goal builds on one of the OIPC key priorities established in 2017/18⁴: increase the proportion of public and private sector organizations that have effective privacy management programs in place.

Audit, special and investigation reports represent Commissioner-initiated audits and investigations into matters of broad public interest. They are an important and effective compliance and education tool for public bodies, organizations, and the people of BC in relation to privacy rights and responsibilities under PIPA and FIPPA. Starting in this Service Plan, the OIPC has separated the performance measures for these reports and uptake of the corresponding recommendations under goal 1 when they relate to privacy, and goal 2 when they relate to access to information. As a result, the target for performance measure 1 has been reduced from six to three.

In 2019/20 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. Reports published by the Commissioner in 2019/20 focused on Facebook-Cambridge-Analytica, AggregateIQ Data Services, and a compliance review of medical clinics in BC. The percentage of audit, compliance review and systemic investigation report recommendations implemented decreased to 29 percent in 2019/20 from 82 percent in 2018/19. This decrease resulted from Facebook refusing to implement four of the five recommendations resulting from our report.

The end of the 2019/20 fiscal year brought the beginning of the COVID-19 pandemic. The Commissioner supported the response to the pandemic in March 2020 by publishing tips for public bodies and organizations on setting up remote workplaces and by releasing a statement

⁴ As set out in the [OIPC Budget submission fiscal years 2017/19 – 2019/20](#).

inviting public bodies and organizations to contact OIPC if they were unsure of their responsibilities to collect and use personal information.

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

The strategies outlined below are still highly relevant with one addition to those in last year’s report. They have been updated to reflect OIPC’s work with both the public and private sectors.

Strategies

- Secure government support for legislative and policy reforms that would restore British Columbia as a leader in privacy⁵;
- Work with government to implement reforms, and educate and train public bodies and organizations;
- Promote OIPC’s privacy management guidance documents and develop new resources; and
- Conduct audits and systemic investigations to ensure compliance with FIPPA and PIPA, including examining Privacy Management Programs.

Performance Measure	2019/20		2020/21	2021/22	2022/23	2023/24
	Target	Actual	Target	Target	Target	Target
1. Number of audits, special reports, compliance reviews and systemic investigations that uphold privacy rights and monitor protection of person information	6	3	3	3	3	3
2. Percentage of related audit, compliance review and systemic investigation report recommendations implemented	95%	29%	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.

⁵ This strategy is become a priority as a result of both BC privacy law falling behind other jurisdictions in privacy reforms and the move to working and living online during the COVID pandemic.

Audit, special and investigation reports represent Commissioner-initiated audits and investigations into matters of broad 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 to information rights and responsibilities under FIPPA. Starting in this Service Plan, the OIPC has separated the performance measures for these reports and uptake of the corresponding recommendations under goal 1 when they relate to privacy, and goal 2 when they relate to access to information. As a result, new performance measures are introduced below: number of audits, special reports, compliance reviews and systemic investigations that promote an open, accountable and transparent public sector (performance measure 3) and percentage of related audit, compliance review and systemic investigation report recommendations implemented (performance measure 4). This is the last year the OIPC Service Plan will report on performance measures 5 and 6 as those numbers are included in OIPC's timeliness reports.

In 2019/20 the OIPC also addressed matters of broad public interest by publishing a statement regarding independent oversight over government's duty to document and use of personal communication tools, and launching an examination of the timeliness of government responses to access requests under FIPPA.

The end of the 2019/20 fiscal year brought the beginning of the COVID-19 pandemic. The Commissioner supported the response to the pandemic in March by publishing a decision extending the time by 30 days for public bodies to respond to access to requests in light of the impact of the public health emergency on the operations of public bodies.

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

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

Strategies

- Increase the number of public bodies that have implemented effective open information programs;
- Promote open information through our education mandate, and by creating scalable guidance documents based on the open government/open information report;
- Provide support to freedom of information experts/leaders in public bodies by holding a speaker's series⁶ on access and privacy;
- Secure government support for legislative and policy reforms that would restore British Columbia as a leader in access to information, including explicit disclosure of categories of records⁷; and

⁶ This has been changed from a Symposium to a Speakers Series due to remote presenting in light of COVID.

⁷ This strategy is being updated to reflect the need for reform in access to information generally.

- Monitor and comment⁸ on the quality and timeliness of public bodies’ responses to access to information requests by assessing and reporting on the underlying causes for responses to access requests that are not on time in accordance with the timelines set out by FIPPA.

Performance Measure	2019/20		2020/21	2021/22	2022/23	2023/24
	Target	Actual	Target	Target	Target	Target
3. Number of audits, special reports, compliance reviews and systemic investigations that promote an open, accountable and transparent public	n/a	n/a	2	2	2	2
4. Percentage of related audit, compliance review and systemic investigation report recommendations implemented	n/a	n/a	95%	95%	95%	95%
5. Average processing days for all ministries (business days)	20	49 ⁹	n/a	n/a	n/a	n/a
6. Percentage of access requests processed on time by all ministries	95%	83%	n/a	n/a	n/a	n/a

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

Promoting awareness of information rights and privacy remains a key goal of our office. The OIPC will continue to support its education mandate through speaking engagements, interviews, training, conferences, and other events. Speaking engagements are an effective method of outreach to inform public bodies, organizations, and the public about FIPPA and PIPA. The OIPC completed 46 speaking engagements in 2019/20, an increase from 37 in 2018/29.

In 2019/20 the OIPC promoted information and privacy rights where there is broad public interest. The OIPC wrapped up PrivacyRight, a comprehensive educational series on privacy management for private sector organizations; published a Privacy Impact Assessment (PIA) template and related guidance for private sector organizations; hosted a Big Data Surveillance Conference; released privacy lesson plans for students in grades 1 to 3 in partnership with privacy regulators across Canada, which built on the lesson plans published in 2018/19 for students in grades 6 to 9; and released a podcast addressing personal information rights of the more than 1.5 million people who live in strata housing in BC.

⁸ This has been changed from “improve” to “monitor and comment on” to reflect the Commissioner’s actions when reporting on quality and timeliness and responses to access to information requests.

The goal of promoting information and privacy rights is mutually reinforcing of OIPC goals 1 and 2. It also includes responding to media enquiries and promoting information and privacy rights through digital media. In 2019/20 the OIPC handled 137 media enquiries. The OIPC plans to develop and implement a digital media strategy in the coming year to accompany traditional communication distribution methods. Digital media will assist with stimulating interest and discussion of information rights, and will assist to bolster the social media strategy.

The strategies outlined below continue to be relevant and appropriate and have been maintained 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	2019/20		2020/21	2021/22	2022/23	2023/24
	Target	Actual	Target	Target	Target	Target
7. Number of OIPC presentations	50	46	50	50	50	50

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

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

In 2019/20 the OIPC reached its goal of resolving 80 percent of review files within 90 business days of assignment. As a result, I have set the new target at 85 percent. The OIPC also settled 82% of requests for review without an inquiry in 2019/20, a decrease from 87 percent in 2018/19. I have reduced the target for 2021/22 on to 90 percent as performance in this area has ranged between 82 and 88 percent in the last five years. In 2019/20 OIPC resolved 89 percent of complaint files within 120 business days, an increase from 86 percent in 2018/19.

In 2019/20 I reviewed the adjudication processes with the goal of increasing the average number of orders issued per adjudicator per year. The outcomes of that review included setting an attainable target and changing the performance measure, which going forward will be the total number of adjudicator orders issued per year rather than the average number per

adjudicator. The average number of orders issued per adjudicator in 2019-20 was 9, and the target was 20.

The OIPC established a diversity and inclusion committee in 2019/20 after staff committed to further developing an inclusive and healthy workplace that builds upon intercultural skills after a workshop at a staff retreat addressing the same. The OIPC now has a multi-year diversity and inclusion action plan that started with all-staff training on Building a Respectful Workplace at the end of 2019/20.

The four strategies outlined below remain relevant and are continued from last year’s Service Plan with one adjustment: the OIPC has integrated continuous improvement into its operations by taking an ongoing approach to reviewing and improving its systems and processes.

Strategies

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

Performance Measure	2019/20		2020/21	2021/22	2022/23	2023/24
	Target	Actual	Target	Target	Target	Target
8. Percentage of requests for review settled without inquiry	95%	82%	95%	90%	90%	90%
9. Percentage of review files resolved within 90 business days of assignment	80%	80%	85%	85%	85%	85%
10. Percentage of complaint files resolved within 120 business days	90%	89%	90%	90%	90%	90%
11. Average number of orders and other decisions produced per adjudicator per year	20	9	n/a	n/a	n/a	n/a
12. Number of orders published per year	n/a	45	60	60	60	60



SERVICE PLAN OF THE OFFICE OF THE REGISTRAR OF LOBBYISTS

The ORL seeks compliance with British Columbia’s *Lobbyists Transparency Act* (LTA) through a series of interrelated compliance strategies. The title of the LTA was amended from the formerly entitled *Lobbyists Registration Act* (LRA) on May 4, 2020.

Our approach is built on guidelines recommended in a report by the Organisation for Economic Co-operation and Development.¹⁰ The ORL’s compliance principles are:

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

Goals, strategies, and performance measures

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

The 2019/20 performance measures and goals below are the results obtained for the fiscal year ending March 31, 2020.

Goal 1—Enhance the enforcement function under the *Lobbyists Registration Act*¹¹

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 2019/20 the ORL continued to have a high proportion of on-time registrations at 95 percent, down from 98 percent in 2018/19. I have further reduced the target for on-time

¹⁰ OECD (2009), *Lobbyists, Governments and Public Trust, Volume 1: Increasing Transparency through Legislation*, OECD Publishing, Paris.

¹¹ This goal was under the *Lobbyists Registration Act* in 2019/20 as the amendments to that Act did not come into force until May 4, 2020.

registrations to numbers that are attainable. This resulted from that fact that a number of organizations and consultant lobbyists engaged in lobbying activities now need to register lobbying under the LTA that previously were not required to.¹²

The office conducted significantly more verifications of information in the Lobbyists Registry¹³ in 2019/20 than targeted, as shown in Performance Measure 2, below. Information verifications can be triggered by scanning media reports or information received from the public, in addition to information submitted in the Lobbyists Registry.

Still, we carried out fewer investigations in 2019/20 than we had targeted in spite of the increase in verifications of information in the Lobbyists Registry. While in 2020/21 the ORL is not on track for 15 compliance investigations, I continue to expect that same target for investigations in 2021/22 as indicated in Performance Measure 3. This is because under the LTA there is a greater possibility for contraventions as lobbyists are required to report their lobbying activities monthly and are required to report additional information such as in the areas of contributions and gifts.

The ORL added a new performance measure two years ago: the number of exemption decisions made by the Registrar in response to former public office holders that seek an exemption from the two-year lobbying prohibition, 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 2019/20 I did not receive any requests for relief from this prohibition and as a result I have lowered the target to 2 per year starting in 2021/22.

The strategies outlined below continue to be relevant and appropriate and have been maintained from those published in last year’s Service Plan. The ORL plans to review and update the performance measures for next year’s Service Plan in relation to the amendments that came into force on May 4, 2020.

Strategies

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

¹² The results from the removal of the 100-hour thresholds under the *Lobbyists Registration Amendment Act, 2018*.

¹³ Previously referred to as “compliance reviews,” the language has been updated to more accurately reflect the statutory authority being exercised when a verification of information in the Lobbyists Registry is being carried out.

Performance Measure	2019/20		2020/21	2021/22	2022/23	2023/24
	Target	Actual	Target	Target	Target	Target
1. Percentage of on-time registrations	98%	95%	95%	95%	95%	95%
2. Number of verifications of information in registry ¹⁴	140	317	140	140	140	140
3. Number of compliance determinations ¹⁵	10	5	15	15	15	15
4. Number of exemption decisions	8	0	6	2	2	2

Goal 2—Educate lobbyists, public office holders, and the public about the *Lobbyists Registration Act*¹⁶

In 2019/20 my office developed an education plan, including educational materials and resources to assist lobbyists in understanding and complying with the *Lobbyists Registration Act*. The office also developed materials for those provisions of the *Lobbyists Registration Amendment Act, 2018* that came into force on May 4, 2020, and that is reflected in Goal 3.¹⁷

The purpose of our 2019/20 education plan was to improve compliance with the *Lobbyists Registration Act*. Our public education and outreach activities have focused on making lobbyists and public office holders aware of the LRA and the need to register as well as the coming changes to the Act. This has led to a greater awareness of lobbying legislation in British Columbia among lobbyists, public office holders, and the general public.

In 2019/20 the Registrar published a special amendment issue of our *Influencing BC* newsletter to provide guidance on the amendments introduced by government in November 2018 via the *Lobbyists Registration Amendment Act, 2018*. *Influencing BC* continues to feature information about those amendments in 2020/21.

The strategies outlined below remain relevant and have been maintained from last year’s report. The ORL plans to review and update the performance measures for next year’s Service Plan in relation to the amendments that came into force on May 4, 2020.

Strategies

- Develop a comprehensive public education plan for lobbyists, stakeholders, and the public;

¹⁴ Previously referred to as “compliance reviews.”

¹⁵ Previously referred to as “compliance investigations.”

¹⁶ This goal was under the *Lobbyists Registration Act* in 2019/20 as the amendments to that Act did not come into force until May 4, 2020.

¹⁷ The order of goal 2 and goal 3 have been switched from the order they appeared in the Service Plan for Fiscal Years 2020/21 – 2022/23.

- 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	2019/20		2020/21	2021/22	2022/23	2023/24
	Target	Actual	Target	Target	Target	Target
5. Issues of <i>Influencing BC</i> published	2	3	3	2	2	2
6. Issues of “Who’s Lobbying Who” published	12	11	12	12	12	12

Goal 3—Implement improvements to the *Lobbyists Transparency Act*¹⁸

In 2019/20, ORL staff prepared to implement the amendments to the *Lobbyists Registration Act* from the *Lobbyists Registration Amendment Act, 2018*. The legislation passed on November 28, 2018, and came into force on May 4, 2020, amidst the COVID-19 pandemic. The amendments included a name change to the *Lobbyists Transparency Act*.

The 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*.¹⁹ 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; that correction came into effect shortly after the 2018 legislation was passed in November 2018.

To provide lobbyists with information about the changes, the ORL published 12 guidance documents and hosted 6 speaking engagements in 2019/20. Our team also restructured the website and prepared changes in the Lobbyists Registry so that it would meet the requirements of the new legislation.

The strategies outlined below were introduced in last year’s Service Plan as part of the transition to the amendments coming into force on May 4, 2020. They continue to be relevant and appropriate for 2020/21. The ORL plans to review and update the performance measures for next year’s Service Plan in relation to the amendments.

Strategies

- Update the Lobbyists Registry to meet the legislative and operational requirements of the *Lobbyists Registration Amendment Act, 2018*;

¹⁸ Formerly titled the *Lobbyists Registration Act*, the amendments came into force on May 4, 2020 and included a title change. The order of goal 2 and goal 3 have been switched from the order they appeared in the Service Plan for Fiscal Years 2020/21 – 2022/23.

¹⁹ <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?ID=449>

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

The table below shows the education targets in the lead up to and period following the amendments coming into force on May 4, 2020.

Performance Measure	2019/20		2020/21	2021/22	2022/23	2023/24
	Target	Actual	Target	Target	Target	Target
7. Number of guidance documents to raise awareness about legislative reforms	8	12	2	-	-	-
8. Number of speaking engagements to raise awareness about legislative reforms	6	5	2	-	-	-

CONCLUSION

It continues to be an honour to serve the people of BC and to lead the immensely talented group of individuals 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 ²⁰	2017/18	2018/19	2019/20
Appeals (requests for review)	666	657	661
Complaints	712	738	656
Requests for time extensions	1,638	3,854	6,591
Privacy breach reviews ²¹	186	194	209
Public interest notifications (s.25)	16	20	12
Policy consultations	206	392	407
Review of legislation	20	42	47
Review and comment on Privacy Impact Assessments (PIAs)	48	94	69
Review and Comment on Police Act IIO Reports	21	44	64
Speeches and presentations	42	48	42
Other ²²	1,440	1,309	738
Total Case Files	4,995	7,392	9,493
Requests for information ²³	3,796	4,756	4,528

²⁰ OIPC file types added to this table this year are: Public interest notifications (s. 25), Review and comment on Privacy Impact Assessments (PIAs) and Review and Comment on Police Act IIO Reports.

²¹ 2017/18 included monthly government breach reviews (as reported in the OIPC 2018-19 Annual Report).

²² “Other” in 2019/20 includes all file types except those otherwise listed. All requests for information are now reported under “Requests for information”.

²³ Assistance received is reported under “other” as miscellaneous correspondence.