



Office of the Information  
and Privacy Commissioner  
for British Columbia

# ANNUAL REPORT AND SERVICE PLAN 2023-2024



OFFICE OF THE  
**INFORMATION &  
PRIVACY COMMISSIONER**  
FOR BRITISH COLUMBIA

# WHO WE ARE

Established in 1993, the Office of the Information and Privacy Commissioner provides independent oversight and enforcement of BC's access and privacy laws, including:

- The ***Freedom of Information and Protection of Privacy Act*** (FIPPA), which applies to over 2,900 public bodies, including ministries, local governments, schools, crown corporations, hospitals, municipal police forces, and more; and
- The ***Personal Information Protection Act*** (PIPA), which applies to any private sector organization (including businesses, charities, non-profits, and political parties) that collects, uses, and discloses the personal information of individuals in BC. PIPA also applies to any organization operating in BC that collects, uses, or discloses personal information of any individual inside or outside of BC.

**Michael McEvoy** is BC's Information and Privacy Commissioner.

The Office of the Information and Privacy Commissioner for BC respectfully acknowledges that its offices are located on the traditional territories of the ɫəkʷəŋən-speaking people of the Songhees and Esquimalt Nations. As an Officer of the Legislature, the Commissioner's work reaches across the homelands of the Indigenous Peoples within what we now call British Columbia. We honour the many territorial keepers of the Lands on which we work.

May 2024

The Honourable Raj Chouhan  
Speaker of the Legislative Assembly  
Room 207, Parliament Buildings  
Victoria, BC V8V 1X4

Dear Honourable Speaker,

In accordance with s. 51 of the *Freedom of Information and Protection of Privacy Act* and s. 44 of the *Personal Information Protection Act*, I have the honour of presenting the office's Annual Report to the Legislative Assembly.

This report covers the period from April 1, 2023 to March 31, 2024.

Yours sincerely,



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

# OUR CORE VALUES

**Impartiality** We are independent and impartial regulators of British Columbia's access to information and privacy laws.

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

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

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

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





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# COMMISSIONER'S MESSAGE

Our democratic form of government consists of more than just an election every four years.

Woven into our system of governance are checks, balances and guardrails that ensure governments act with restraint and are accountable throughout their tenure. Our court system ensures laws are interpreted independently of those who make them. And in some jurisdictions, legislative assemblies, as opposed to governments, have appointed officers to watch over governments in accord with a legal framework.

It has been my great privilege to serve as one of those officers during the past six years.

Three goals have driven my term as Commissioner.

## Timeliness

Whether it be a privacy breach, a request to review a public body's decision to deny access to information, a complaint, or a simple question, minimizing the time to resolve any matter is fundamentally important. I was especially concerned about the delays associated with our adjudication function; the formal step sometimes needed to finally settle a case by order. We had too many cases and too few adjudicators to handle them. I was grateful to the Select Standing Committee on Finance and Government Services who agreed to recommend strengthening the adjudication division — it has resulted in a significant reduction of case backlog.

## Relevance

Many emergent issues respecting access to information and protection of privacy arose during my term. However, the office's finite resources meant judiciously choosing which of those were a priority for investigation. Recent examples included: "Left Untreated," which focused on security gaps in one of BC's largest health databases; the use of facial recognition technology by Canadian Tire Dealerships; and an examination into the provincial government's timeliness in responding to access to information requests over the past three years. All of these matters spoke significantly to the accountability of public and private organizations.

## Reform

It is critical that our privacy and access laws are fit for purpose.

Progress has been made over the past six years. Privacy management programs are now required for all public bodies in BC, who must also report breaches of personal information that would pose a real risk of significant harm to people. These are important steps forward that serve to build trust in our governmental institutions.

It is also important that private organizations in BC face these same legal obligations - but they do not. In fact, BC is now almost alone in Canada and the United States in failing to protect its citizens by requiring organizations

to report breaches resulting in significant harm to individuals. This needs to be fixed.

On the access to information front government took a step backwards by permitting public bodies to charge a \$10 application fee for general requests for information. A more positive measure saw the provincial government acting proactively to publicly disclose more types of records.

### The Importance of Cooperative Regulation

Over the past six years, we have witnessed a continuous explosion of technologies and the use of those technologies by companies to accumulate vast amounts of personal information about us all. Advances in artificial intelligence have exponentially accelerated this collection of data. How do we tackle these immense challenges which are global in scope?

For too long, companies have operated seemingly everywhere, but have been accountable nowhere. That is changing. Many jurisdictions have passed laws aimed at protecting individuals and societal interests. In some cases, the law is identical across jurisdictions. The European Data Protection Regulation is one example. In most other cases, the laws are not identical but the principles underlying them are similar enough to allow regulators to cooperate across boundaries.

Ultimately, in a world where data knows no boundaries, cooperative regulation is the only way digital technology, and its consequences, can be regulated in the public interest.

My office has taken a leadership role in this important area, helping to coordinate investigations at the federal/provincial level and strengthening ties among regulators in the Asia Pacific region. Together with federal/provincial colleagues we have undertaken critical examinations of OpenAI and TikTok. At the international level, we have served as Secretariat to the Asia Pacific Privacy Authorities which includes 21 jurisdictions in the Asia Pacific Rim. These are British Columbia's trading partners, and where trade goes so too does personal data.

These bonds must be strengthened if we are to properly protect the interests of British Columbians. That will require giving our office additional tools consistent with those being acquired in other jurisdictions to allow consistent and enhanced enforcement across provincial and national boundaries.

**“Privacy management programs are now required for all public bodies in BC, who must also report breaches of personal information that would pose a real risk of significant harm to people.”**

I cannot state this strongly enough. Regulation of private sector privacy is not someone else's responsibility. British Columbia cannot be a bystander when it comes to these needed changes. Only BC's legislature can pass laws that will ensure we can work with other jurisdictions to protect BC's citizens.

The pages that follow detail the operation of my office over the last fiscal year. But behind these numbers and the stories that help illustrate them are an exceptional team of people. I am grateful that they have given their skills and abilities to serve in an office that helps strengthen the fabric of democratic system of governance. None of this, given recent world events, can be taken for granted.

Throughout my tenure, our Senior Leadership Team, headed by Deputy Commissioners oline Twiss and Jeannette Van Den Bulk, have shaped the office's direction. This was especially so during the COVID-19 pandemic. That event fundamentally reshaped the way the office functions. We adapted and are meeting the demands on the office even more effectively than ever.

To my colleagues with whom I have worked during my tenure as Commissioner and my time in the office since 2007 — thank you for your guidance, friendship, and dedication to the mission we have all shared.



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



## OUR 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 of Lobbyists for the purposes of the *Lobbyists Transparency Act* (LTA).<sup>1</sup> See <https://www.lobbyistsregistrar.bc.ca/reports/annual-reports/> for the 2023-24 Annual Report and Service Plan for the Office of the Registrar of Lobbyists.

1. Section 7, *Lobbyists Transparency Act*, SBC 2001, c 42



## WHO WE SERVE

## VISION

Under FIPPA and PIPA the OIPC serves:

- 1 the public;
- 2 the Legislative Assembly of British Columbia; and
- 3 organizations and public bodies.

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.



# OIPC TEAM

STAFF AT THE OIPC ARE DELEGATED BY THE COMMISSIONER TO CARRY OUT THE RESPONSIBILITIES AND POWERS OF THE COMMISSIONER UNDER THE *FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT* AND THE *PERSONAL INFORMATION PROTECTION ACT*.

## Commissioner

The Information and Privacy Commissioner for British Columbia, an independent Officer of the Legislature, oversees the information and privacy practices of public bodies and private organizations. The Commissioner has the legal authority to investigate programs, policies, or information systems in order to enforce compliance with BC's access and privacy laws. The Commissioner also reviews appeals of access to information responses; investigates access and privacy complaints; comments on the implications of new programs, policies, and technologies on access and privacy rights; issues binding orders; collaborates with national and international regulators; and engages in public education and outreach activities.

## Senior leadership team

The Deputy Commissioners help oversee the team that carries out the Commissioner's authorities to carry out education and conduct enforcement. The Deputy Commissioners provide strategic advice to the Commissioner and administer finance and human resource functions as delegated by the Commissioner. The Senior Leadership Team consists of team leads from departments across the office and provides strategic direction for the work of the office.

## Executive support

The executive support team assists the Commissioner, Deputy Commissioners, and OIPC and ORL staff with scheduling, coordinating cross-program projects, organizing and maintaining office facilities, and other administrative tasks as required. This team also responds to general enquiries from the public.

## Legal

The legal team delivers comprehensive legal advice and guidance to the Commissioner and other teams on current and emerging matters relating to access, privacy, and lobbying, as well as on matters relating to administrative law, common law, and constitutional law.

## Communications

The communications team publicizes the work of the office, including public education and outreach to inform and empower individuals to exercise their information and privacy rights. They manage the office's website, social media presence, media relations, annual report, and open data/ proactive disclosure. The team also supports the work of the Office of the Registrar of Lobbyists.

## Case review

The case review team assesses all incoming complaints and requests for reviews to determine admissibility based on OIPC BC jurisdiction and scope. The team also does early resolution of select complaints and breach notifications where appropriate. They provide guidance to individuals, organizations, and public bodies seeking information on OIPC processes and statutory functions and respond to general questions regarding the application of PIPA and FIPPA. Additionally, they exercise delegated decision-making authority on all time extension requests.

## Policy

The policy team researches and analyzes current and emerging access and privacy issues, reviews and comments on privacy management programs and privacy impact assessments and consults with public bodies and private organizations to provide guidance and make educational presentations.

They also review and analyze proposed legislation for implications to the access and privacy rights of British Columbians and review all public Independent Investigations Office reports (as legislated by the *Police Act*).

## Investigation & mediation

The investigation team conducts investigations and mediations on access and privacy complaints, reviews access to information requests, makes decisions on complaint files, and processes privacy breach notifications. They review any records at issue or investigate relevant facts and evidence, and work with public bodies, organizations, complainants, and applicants to reach resolutions.

## Adjudication

When a complaint or request for review cannot be resolved at investigation, the Commissioner or their delegate may conduct an inquiry. Adjudicators assess evidence and arguments and issue final and legally binding decisions. Orders are subject to review by the Supreme Court of British Columbia.

## Audit & systemic review

The audit and systemic review (AnSR) team performs audits, systemic reviews and investigations of information access and privacy compliance within public bodies and private sector organizations in relation to legislation, guidelines, and best practices. AnSR projects may be conducted jointly with other access and privacy regulators, and often comprise high-profile, complex investigations.

## Office of the Registrar of Lobbyists

The *Lobbyists Transparency Act* (LTA) designates the Information and Privacy Commissioner as Registrar of Lobbyists for British Columbia. ORL Registry and policy teams manage the Lobbyists Registry, oversee the registration of lobbyists, and conduct education about the LTA through guidance and presentations. The investigations team promotes compliance with the LTA by investigating instances of potential non-compliance and issuing administrative penalties when appropriate.

## A dedicated staff, committed to service

Sixty people worked at the Office of the Information and Privacy Commissioner in 2023-24. They were supported by the Corporate Shared Services team responsible for providing finance, HR, IT, and facilities management to the office, as well as three other Officers of the Legislature; the Office of the Merit Commissioner, the Office of the Police Complaint Commissioner, and the Office of the Ombudsperson.

The OIPC continued efforts to improve services to citizens, making its website more accessible to those with low vision or vision impairments, as well as translating site content into French, German, Simplified Chinese, Russian, Korean, Italian and Spanish. These actions, among others, were initiated by the office's Reconciliation, Equity, Accessibility, Diversity, Inclusion plus (READI+) team. Further details on these efforts are found in the Highlights articles on page 26.

OIPC staff recognize they are part of a wider community. They take pride in, and have long supported, community causes. This includes the Provincial Employees Community Services Fund, as well as other local causes. OIPC staff were recognized for their contributions to the 2023 PECSF campaign receiving four awards including for highest employee participation (for the tenth consecutive year) and for highest average employee donation.

# YEAR IN REVIEW

April 1, 2023-March 31, 2024

## April 2023

- 04 Commissioner participates in Centre for Information Policy Leadership (CIPL) roundtable discussion on cross-border data flows in Washington, DC.
- 20 An [OIPC investigation](#) finds that four Canadian Tire stores operating in British Columbia contravened the *Personal Information Protection Act* (PIPA) by using facial recognition technology without proper notification, a reasonable purpose, or the consent of people entering the stores.
- 26 Commissioner releases "[The digital dilemma: Reflections on the OIPC Youth Forum](#)", detailing privacy challenges facing youth and recommendations for a BC Children's Code to help businesses better protect young people's personal information.
- 28 Commissioner delivers [spring update to the Select Standing Committee on Finance & Government Services](#).



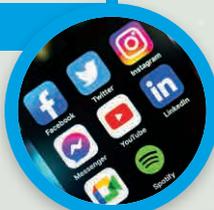
## May 2023

- 03 Commissioner encourages going "back to basics" and focusing on fundamental privacy protection principles in [statement for Privacy Awareness Week 2023](#).
- 25 OIPC BC, the Office of the Privacy Commissioner of Canada (OPC), the Office of the Information and Privacy Commissioner of Alberta (OIPC Alberta), and the Commission d'accès à l'information du Québec (CAI) launch a [joint investigation into OpenAI](#), the company behind ChatGPT.
- 26 Deputy Commissioners participate in panels at the International Association of Privacy Professionals (IAPP) Canada Privacy Symposium about the privacy impact and benefits of workplace monitoring; and planning, launching & scaling digital health projects.



## June 2023

- 05 Commissioner leads discussion with representatives from Google and Meta on data collection and Artificial Intelligence at meeting of Asia Pacific Privacy Authorities in Mexico City.
- Deputy Commissioner participates in panel about employee surveillance at same meeting.



## July 2023

- 04 Commissioner moderates panel on General Data Protection Regulation and its impact on Asia Pacific privacy authorities, and delivers keynote presentation Facebook Cambridge Analytica: Five Years On, at Privacy Laws and Business conference, Cambridge, UK.



## August 2023

- 30 OIPC publishes [2022-23 Annual Report](#).



## September 2023

- 13 OIPC publishes [follow-up report](#) to its [2022 investigation](#) into privacy and security vulnerabilities in the Provincial Health Services Authority's public health database and finds "meaningful steps" have been taken to address the concerns raised.
- 19 Commissioner delivers keynote presentation to the Institute of Corporate Directors in Victoria on data protection, privacy, and cybersecurity.
- 28: Commissioner issues [statement](#) for Right to Know Week 2023, calling on public bodies to "commit to an environment of transparency."



## October 2023

**03-26** OIPC delivers 13 FIPPA and PIPA **training sessions** in six cities across British Columbia.

**04** Commissioner issues **statement** celebrating the 30th anniversary of BC's public sector privacy and access to information law.

Commissioner joins Federal, Provincial, and Territorial Information Regulators, releasing a **resolution** to enhance access to government information; a **resolution** calling on governments to put the best interest of young peoples at the forefront of privacy and access to information; a **resolution** urging governments to enhance access to information; and a **resolution** calling on governments to protect employee privacy.

**17** Commissioner moderates panel on the topic of Indigenous privacy at the Global Privacy Assembly annual meeting in Bermuda.

**27** Commissioner submits the 2024/25-2026/27 **Budget and Service plan** and delivers **speech** to the Select Standing Committee on Finance & Government Services.



## November 2023

**27** Deputy Commissioner delivers presentation to non-profit organizations hosted by the Victoria Foundation about developing privacy management programs.

**29** Commissioner participates in panel at the International Association of Privacy Professionals (IAPP ANZ) Summit in Sydney, Australia, highlighting the work of Asia Pacific Privacy Authorities.

Deputy Commissioner participates in panel at the IAPP ANZ Summit in Sydney, Australia, about children's privacy.



## December 2023

**01** Commissioner presents Governance Committee report to the 60th APPA forum in Sydney, Australia and leads APPA reform discussions.

Deputy Commissioner participates in panel at the APPA forum in Sydney, Australia about intersectionality among international regulators.

**07** **The OIPC joins Canadian privacy regulators to launch principles** for the responsible development and use of generative artificial intelligence (AI).

Commissioner publishes joint **letter** with Ombudsperson and Human Rights Commissioner for BC to Minister of Citizens' Services urging the BC government to introduce public consultation, legislative reform on use of AI.

## January 2024

**26** Commissioner delivers keynote address to security and privacy conference at Thompson Rivers University in Kamloops on artificial intelligence and the work of the office.

**27** Commissioner issues Data Privacy Day **statement** celebrating the 20th anniversary of PIPA, and calling for updates to the legislation to ensure it remains fit for purpose.

**31** Commissioner releases a **special report**, *Review of Government's performance in responding to access requests: Apr 1, 2020 - Mar 31, 2023*, that finds more work needs to be done by Government to improve freedom of information backlogs.



## February 2024

**14** Deputy Commissioner addresses the **Special Committee to Review Passenger Directed Vehicles**.

**21** Commissioner delivers keynote presentation to the Canadian Counsel of Corporate Lawyers in Vancouver concerning the work of BC's Information and Privacy Commissioner.

**27** Commissioner delivers keynote presentation to Excite Winter Summit in Vancouver on the opportunities and challenges ahead for privacy and the OIPC.

## March 2024

**06** Commissioner addresses the South Island Prosperity Group in Victoria about the impact of privacy law on business.

**07** Commissioner delivers keynote speech to the Vancouver International Privacy and Security Summit in Vancouver about his term as BC's Information and Privacy Commissioner.

**13** The Commissioner and other Canadian regulators issue **statement** about Airbnb's decision to revise its policy on the use of surveillance cameras.

**20** Deputy Commissioner delivers presentation to the Aboriginal Housing Management Association and its member agencies on best privacy practices.



# FACE-OFF

OIPC investigation finds Canadian Tire retailers lacked consent, reasonable purpose in facial recognition technology use



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Consent and reasonableness are two fundamental principles of British Columbia’s *Personal Information Protection Act* (PIPA). Do individuals understand why their personal information is being collected and how it will be used or disclosed? Do organizations have the consent of those individuals? Would a reasonable person find the collection appropriate in the circumstances?

These principles were put to the test when the OIPC investigated four Canadian Tire Associate Dealers for their use of facial recognition technology. The Commissioner’s assessment was clear: PIPA sets a high bar for deploying FRT and that compelling reasons would be required to justify its use.

Following media reports about the use of FRT by BC retailers, the OIPC conducted a province wide survey to determine the extent of this use. While most retailers responded in the negative, the OIPC learned that FRT was used at 12 independently operated Canadian Tire Associate Dealers’ locations from 2018-2021.

While all 12 dealers stopped using the technology upon learning of the OIPC investigation, BC’s Information and Privacy Commissioner Michael McEvoy decided to continue with a thorough review of the issue, on the basis that it would benefit these and other retailers considering using the technology. He also believed an investigation would further inform the public and lawmakers about these emerging challenges. The Commissioner’s investigation focused on a sample of four stores across BC’s main regions.

The ensuing report highlighted the extraordinary and highly detailed personal information the stores were collecting through FRT: both the image or video of a person’s face and their biometrics — precise mathematical renderings of their faces, immutable characteristics specific to each person. Thousands of shoppers’ images were collected, including those of minors.

“Retailers, like the ones in this case, would have to present a highly compelling case to demonstrate that such collection would be reasonable,” Commissioner McEvoy said. “They failed to do so in this case.”

The dealers said they used FRT to identify people who had allegedly been involved in security incidents or theft. The images and biometrics collected from shoppers entering the stores would be compared against stored databases of images of these “Persons of Interest,” and if a positive match was made, staff would either monitor the individual or eject them if they felt they posed a danger to staff and customers.

The report found that the retailers had failed to make a case that their massive collection of highly sensitive personal information was effective in reducing theft or making the stores safer.

The retailer also lacked proper consent for gathering the facial images. Notices put up in the stores varied, but none provided sufficiently detailed information about the use of FRT for people to understand and provide consent to the collection, use and disclosure of this information.

/2  
er: male  
group: Young adult  
city: Caucasian  
y: 0,5 %  
y: 87 %  
1623 s  
tion: 25621 pts  
(x/y/z): 1322 / 856 / 21



Id: 2/2  
Gender: female  
Age group: Young adult  
Ethnicity: Caucasian  
Angry: 0 %  
Happy: 96 %  
Time: 2672 s  
Detection: 15472 pts  
Pos (x/y/z): 3322 / 1256 / 7

Commissioner McEvoy recommended that the retailers create and maintain robust privacy management programs, so that they are better equipped to consider the impact of their choices on people's privacy rights. The retailers have since implemented this recommendation.

However, the Commissioner also stated the investigation pointed to a major gap in the regulation of companies that sell such biometric security technologies. Current legislation provides oversight of businesses that provide security services such as CCTV, security guards, even locksmiths – but does not address biometrics; a far more intrusive form of technology.

The Commissioner therefore recommended the BC government regulate the sale or installation of technologies that capture biometric information and amend PIPA to create additional obligations for organizations that collect, use, or disclose biometric information, including that they notify the OIPC of such uses.

The OIPC will continue to press government to amend BC's laws to better reflect the challenges posed by these technologies.

The Commissioner underscored that when it comes to FRT and people's privacy rights, the gap may be irreconcilable.

"As a democratic society, we must proceed with caution, or not at all in many cases, when it comes to FRT and other technologies that collect biometrics," he said. ●

#### DOWNLOAD:

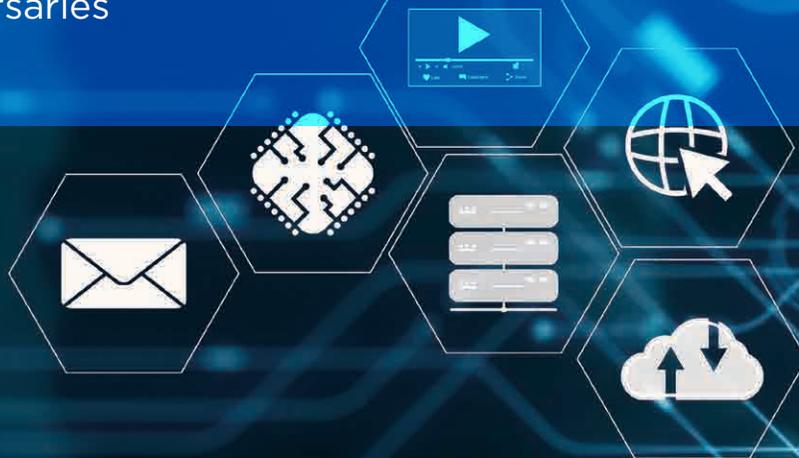
[Investigation Report 23-02: Canadian Tire Associate Dealers' use of facial recognition technology](#)

[News release, video on the report, and overview fact sheet](#)



# REFLECTING ON THE PAST, PREPARING FOR THE FUTURE

OIPC offers provincewide training on FIPPA and PIPA as both laws mark milestone anniversaries



Anniversaries are a time for reflection, and two key dates last year allowed the OIPC to do just that: the 30th Anniversary of the enactment of the *Freedom of Information and Protection of Privacy Act* (FIPPA) in October 2023 and the 20th anniversary of the *Personal Information Protection Act* (PIPA) in January 2024.

An OIPC-led province wide training program in October reaffirmed the importance of both pieces of legislation and the role British Columbians, in government and industry alike, play in ensuring that people’s access to information and privacy rights are protected and respected.

## Access and privacy — then, now, and beyond

When FIPPA passed with unanimous assent in 1993, it provided British Columbians with privacy and access to information rights and established the OIPC to provide independent oversight over the legislation.

Information and Privacy Commissioner Michael McEvoy said FIPPA’s passage filled a major accountability gap in our democratic system. No longer were citizens requesting records from their government left to the discretion of politicians or public servants: there was now an enshrined right of access to government information — the public’s information. It also put public bodies under a legal obligation to protect the personal information of British Columbians they held.

Ten years after FIPPA was enacted, the *Personal Information Protection Act* (PIPA) came into force, marking a pivotal change in the relationship between organizations and the people they serve.

“PIPA provides a foundation for trust when British Columbians provide their personal information in countless everyday transactions — making a purchase online, posting on social media, or providing potentially sensitive information to a medical clinic or non-profit, for example,” said Information and Privacy Commissioner Michael McEvoy. “That foundation is based on internationally accepted privacy principles, such as consent and limiting the collection of information to a specific, clearly defined, and reasonable purpose.”

Commissioner McEvoy said that while PIPA’s fundamentals remain strong, the legislation requires reform to ensure it is fit for purpose to meet the increasingly complex challenges of the digital age. The OIPC has been at the forefront of responding to these challenges, conducting investigations into, among others, social media companies, facial recognition technologies and, most recently, artificial intelligence.

“We have proudly stood up for British Columbians’ privacy rights in these domains but more than ever we need better tools to do that work effectively,” says McEvoy. Among these tools would be a requirement that organizations inform the OIPC and impacted individuals of major privacy breaches, and the ability of the Commissioner to levy significant fines on those who flagrantly violate British Columbians’ privacy rights.



## Towards stronger privacy and access protections in BC

The rights provided in FIPPA and PIPA are administered every day by individuals employed by public bodies and private organizations who receive access requests or complaints about how personal information is protected. Their work is critical to the system working properly.

In October, the OIPC held 13 free in-person training sessions for these frontline employees on both FIPPA and PIPA across British Columbia, specifically Abbotsford, Kamloops, Nanaimo, Prince George, Vancouver, and Victoria.

OIPC policy staff outlined the fundamentals of both laws, and practical steps that both public bodies and private sector organizations could take to comply with the legislation, including developing robust privacy management programs, and how OIPC resources and staff are available to support them in their efforts.

OIPC staff answered dozens of questions from attendees at each event, providing valuable feedback for the office to develop and refine its educational resources.

Commenting on the anniversaries of the two pieces of legislation, the Commissioner reaffirmed the OIPC's commitment to serve British Columbians and fulfil its mandate to protect and promote access and privacy rights.

“As we look forward, my office remains committed to the foundational rights and principles engrained in FIPPA and PIPA and ready to engage the increasingly complex challenges of the future,” he said. ●

### DOWNLOAD:

[Commissioner video for FIPPA anniversary](#)  
*FIPPA at 30: Commissioner reflects on three decades of BC's public sector privacy and access to information law*

[Commissioner video for PIPA anniversary](#)  
*Commissioner statement on Data Privacy Day and the 20th Anniversary of the Personal Information Protection Act*



# PROTECTIVE MEASURES

Follow-up report reveals positive steps taken to address vulnerabilities within BC's public health database

The OIPC's 2022 report *Left untreated: Security gaps in BC's public health database* sounded an alarm about how privacy and security vulnerabilities in the province's health information system were putting the personal health information of almost every British Columbian at risk. The investigation pointed to data security protections falling far short of meeting the basic requirements of the *Freedom of Information and Protection of Privacy Act* (FIPPA).

As Commissioner Michael McEvoy noted at the time, FIPPA requires public bodies to ensure "reasonable security measures" are in place to protect personal information. These measures should have reflected the volume and sensitivity of the personal health information held in the system, in this case, including matters related to mental and sexual health, infectious diseases and more.

The OIPC issued a second report in 2023 that reviewed the PHSA's progress in addressing the recommendations in the six months following the investigation. The review found that the PHSA took meaningful steps to meet its obligations to protect the personal health information of British Columbians and to strengthen the privacy and security of the system.

The 2022 investigation included seven recommendations, including that the PHSA acquire, configure, and deploy a privacy-tailored proactive audit system and ensure a multi-factor authentication solution meeting provincial standards is used to log onto the system. The OIPC also recommended that the PHSA encrypt personal information within the database at rest and create appropriate written security architecture, including full systems design documents and operations manuals for each component of the system.



The OIPC found that eight months after the release of the 2022 report, two recommendations were fully implemented, three recommendations substantially implemented, and two recommendations partially implemented.

“The security architecture document now provides a roadmap to the PHSA for applying the security controls that should have been in place from the outset,” said BC Information and Privacy Commissioner Michael McEvoy.

The PHSA also encrypted personal information in the system, including tables containing personal information, and implemented a vulnerability management program that the PHSA configured to scan for and alert staff to potential cyber threats. In addition, the health authority completed initial patching updates and reported on risk management assessments to senior management.

“While there is more work to be done, I am satisfied with the PHSA’s efforts and commitments to address the outstanding recommendations and ensure the trust of British Columbians in the health system is maintained,” said Commissioner McEvoy. ●

#### **DOWNLOAD:**

*[Follow-up report 23-04: Left untreated: Security gaps in BC’s public health database](#)*

*[News release, video on the report, and overview fact sheet](#)*

*[Left untreated: Security gaps in BC’s public health database \(2022 report\)](#)*



# THE WAITING GAME

Special report finds British Columbians facing longer wait times to access records from BC Government

Thirty years ago, the *Freedom of Information and Protection of Privacy Act* (FIPPA) enshrined a right of access to information in British Columbia. Citizens now had a legal right, subject to limited exceptions, to request and receive those records and hold their governments to account.

Since 2013, the OIPC has evaluated how well the Provincial Government meets its obligations to respond to citizens' access requests in a timely manner. The ninth such special report, *Review of Government's performance in responding to access requests April 1, 2020 to March 31, 2023*, showed Government taking longer to respond to access requests than it had in any of the office's prior reviews.

The OIPC found that Government was progressively slower in responding to access requests over the three-year period examined in the report and by 2022/23 it took, on average, 85 business days for the BC Government to respond to access requests.

In addition to the longer wait times, the BC Government only met FIPPA's 30-day benchmark in just over half of the cases processed during the last three fiscal years. This compares to nearly three quarter of cases a decade ago.

The review also found that in 5,100 cases, Government exceeded the time allowed to respond to a request without legal authority. Applicants had to wait an average of 192 additional business days to receive a response in those cases.

"It is important to remember that these are more than just numbers on a chart. The wait times involve real people trying to get information about themselves, or about the Government who serves them — individuals trying to get a record of their dealings with a particular ministry, or a journalist working with a deadline on a story impacting a multitude of individuals," said Commissioner Michael McEvoy.

The pandemic, not surprisingly, did affect Government response times, a fact Commissioner McEvoy recognized when he provided temporary relief to public bodies from access timelines during the height of COVID-19. However, the Commissioner found other explanations for the delays were less persuasive.



“To state the obvious, changes in operational demands require changes in operations to ensure compliance with statutory obligations,” he said.

The report also examined the impact of the \$10 application fee for access requests introduced by Government in 2021. It found that requests from media, political parties, and individuals have declined since the levy was imposed and that the imposition of the fee has not yielded more timely responses for applicants.

The report includes six recommendations for Government to improve their timeliness performance, including that they regularly evaluate FOI processes to identify and correct any lags and provide written evaluation reports to the OIPC, ensure appropriate resources and strategies exist to manage FOI functions, and submit a plan to the OIPC by March 31, 2024, detailing how they will eliminate the accumulation of unlawfully delayed requests within two years and prevent requests from becoming unlawfully delayed.

The OIPC will follow up with the BC Government on the recommendations made in the report and will continue to monitor the impact of the \$10 application fee on the freedom of information system. ●

**DOWNLOAD:**

*Special Report 24-01: Review of Government's performance in responding to access requests*

*News release, video on the report, and overview fact sheet*



# HIGHLIGHTS

## OIPC joins Canadian regulators in calling for overhaul of FOI regimes

In a joint resolution issued in October 2023, the OIPC and other Canadian federal, provincial, and territorial information commissioners and ombudspersons called upon governments to “act swiftly and decisively in modernizing their respective laws, policies, and information management practices, to strengthen access to information regimes and support a culture of transparency across Canada.” The resolution also urged governments across Canada to embrace foundational principles of healthy FOI systems, including a cultural shift towards openness — to treat government records as the people’s records, to ensure that access regimes have the resources they need to operate, that records are properly created and stored, and to address barriers to access — including a specific focus on those facing Indigenous peoples. The document builds on a [joint resolution](#) issued in 2019 and signals a renewed sense of urgency in today’s drastically changed context, the regulators said.



**DOWNLOAD:** [Joint resolution: Facilitating Canadians’ access to government records to help restore trust in our institutions](#)

## OIPC leads federal, provincial and international regulation cooperation benefitting British Columbians

In the digital age, the flow of personal information knows no boundaries. For that reason, protecting the personal information of British Columbians requires cooperation among privacy regulators in Canada and internationally. Cooperation is vitally important not only to share information and best practices, but also to facilitate cross-border enforcement and allow for coordinated responses in the event of a global privacy breach.

This is why the OIPC has been at the forefront of leadership helping coordinate provincial/federal investigations into OpenAI and TikTok, to name just a few.

A recent example of Federal/Provincial regulatory cooperation benefitting British Columbians was the joint effort by the OIPC and the Office of the Privacy Commissioner of Canada recommending to Airbnb that it change its privacy policy that permitted hosts to deploy security cameras and other intrusive devices in indoor areas used by guests.

In a statement, British Columbia Information and Privacy Commissioner Michael McEvoy, together with Privacy Commissioner of Canada Philippe Dufresne, Alberta Information and Privacy Commissioner Diane McLeod, and interim President of the Commission d’accès à l’information du Québec Rady Khuong, welcomed Airbnb’s decision to revise its [global policy](#) on the use of security cameras and other intrusive security devices. The new policy, effective April 30, prohibits indoor security cameras in all Airbnb listing types, adds more comprehensive rules on the use of outdoor security cameras, and requires hosts to disclose decibel monitors.



**DOWNLOAD:** [News release](#)



## OIPC joins pan-Canadian call for stronger youth privacy protections

The OIPC and its federal, provincial, and territorial counterparts issued a resolution in October 2023 calling on governments to address threats to young people’s privacy through legislative safeguards. The resolution also called upon organizations to protect young people’s data and empower them to safely manage their data. The resolution echoed themes from the OIPC’s report released in April 2023, *The digital dilemma: Reflections on the OIPC Youth Forum*. That report also called for a made-in-BC Children’s Code to provide businesses with rules for handling young people’s data. The main goal of such a code is so young people “are able to fully enjoy the benefits of technology, without falling prey to its potential harms,” said Michael McEvoy, Information and Privacy Commissioner.



**DOWNLOAD:** Special report 23-03: *The digital dilemma: Reflections on the OIPC Youth Forum*

Putting best interests of young people at the forefront of privacy and access to personal information

## Regulatory leadership in the Asia Pacific Region

And where trade goes so goes the flow of that jurisdiction’s personal information. British Columbia’s main trading partners are in the Asia Pacific rim and since 2016, the OIPC has been a leader in promoting this collaboration and representing British Columbians’ interests in the region as the Secretariat of the Asia Pacific Privacy Authorities (APPA) forum. During the period covered in this report, the OIPC participated in two APPA forums: APPA 59, hosted by the National Institute for Transparency, Access to Information and Personal Data Protection, Mexico, and APPA 60, hosted by the Office of the Australian Information Commissioner, Sydney, Australia. The Forums provide a critical venue for regional regulators to discuss and strategize regulatory approaches to pressing importance in the Asia Pacific and globally, including protecting children’s privacy, challenges posed by the rapid proliferation of artificial intelligence, and regulating biometrics.



**DOWNLOAD:** 59th APPA Forum Communiqué  
60th APPA Forum Communiqué

# HIGHLIGHTS

## OIPC, Ombudsperson and Human Rights Commissioner call for guardrails in public sector AI use

Artificial intelligence holds tremendous promise for the delivery of government services; however, its improper use could challenge fundamental rights of British Columbians, including the rights to privacy, administrative fairness, and areas protected under BC's Human Rights Code. On December 7, 2023, Information and Privacy Commissioner Michael McEvoy joined Ombudsperson Jay Chalke and Human Rights Commissioner Kasari Govender to express these concerns in a joint letter to the Minister of Citizens' Services. The independent officers welcomed the BC Government's initial draft principles for AI in the public sector and asked the minister to be consulted on future iterations to ensure rights protecting safeguards exist alongside this new technology. The letter referenced principles launched on the same day by the OIPC and its federal, provincial, and territorial counterparts which offer a framework for the responsible, trustworthy and privacy-protective development and use of generative AI in Canada. Commissioner McEvoy stressed that it was essential to build public trust in AI systems by ensuring British Columbians' rights are respected from the earliest stages of its use



**DOWNLOAD:** Joint letter to Minister of Citizens' Services  
Principles for responsible, trustworthy and privacy-protective generative AI technologies

## OIPC and Canadian counterparts unite in call for improved workplace privacy rights

The OIPC joined its federal, provincial, and territorial counterparts to release a joint resolution calling on governments to better protect employees' privacy rights in the workplace. The resolution, released in October, came in response to the increased use of employee monitoring software amid the shift to digital work environments, and in recognition of how many workplace privacy laws in Canadian jurisdictions are either outdated or missing altogether. The resolution called on governments to address these statutory gaps and for employers to protect their employees' privacy rights. "As we move forward with generation-defining advances in how and where we work, we must ensure employee privacy rights are respected," said Commissioner Michael McEvoy



**DOWNLOAD:** Resolution: Protecting Employee Privacy in the Modern Workplace



## OIPC order finds Metro Vancouver Regional District must provide access to dam incident report

Section 25(1)(a) of FIPPA requires for the disclosure of information that is in the public interest, an exception that an OIPC adjudicator recently applied in an order involving the Association of Professional Engineers and Geoscientists of the Province of British Columbia (applicant) and Metro Vancouver Regional District (Metro Vancouver). The applicant asked Metro Vancouver to provide access to a copy of a report Metro Vancouver had prepared for WorkSafeBC regarding an incident at a dam that resulted in the deaths of two members of the public. Metro Vancouver disclosed some information but withheld the remainder under several exceptions to disclosure in FIPPA. The applicant requested a review of that decision and argued disclosure was in the public interest under s. 25(1). The adjudicator decided that Metro Vancouver was required to immediately give the applicant access to the complete report under s. 25(1)(a) because it was about a risk of significant harm to the environment or to human health or safety. The adjudicator emphasized that the case was decided on its particular circumstances and the applicant was uniquely qualified and authorized to evaluate and mitigate that threat, if necessary.

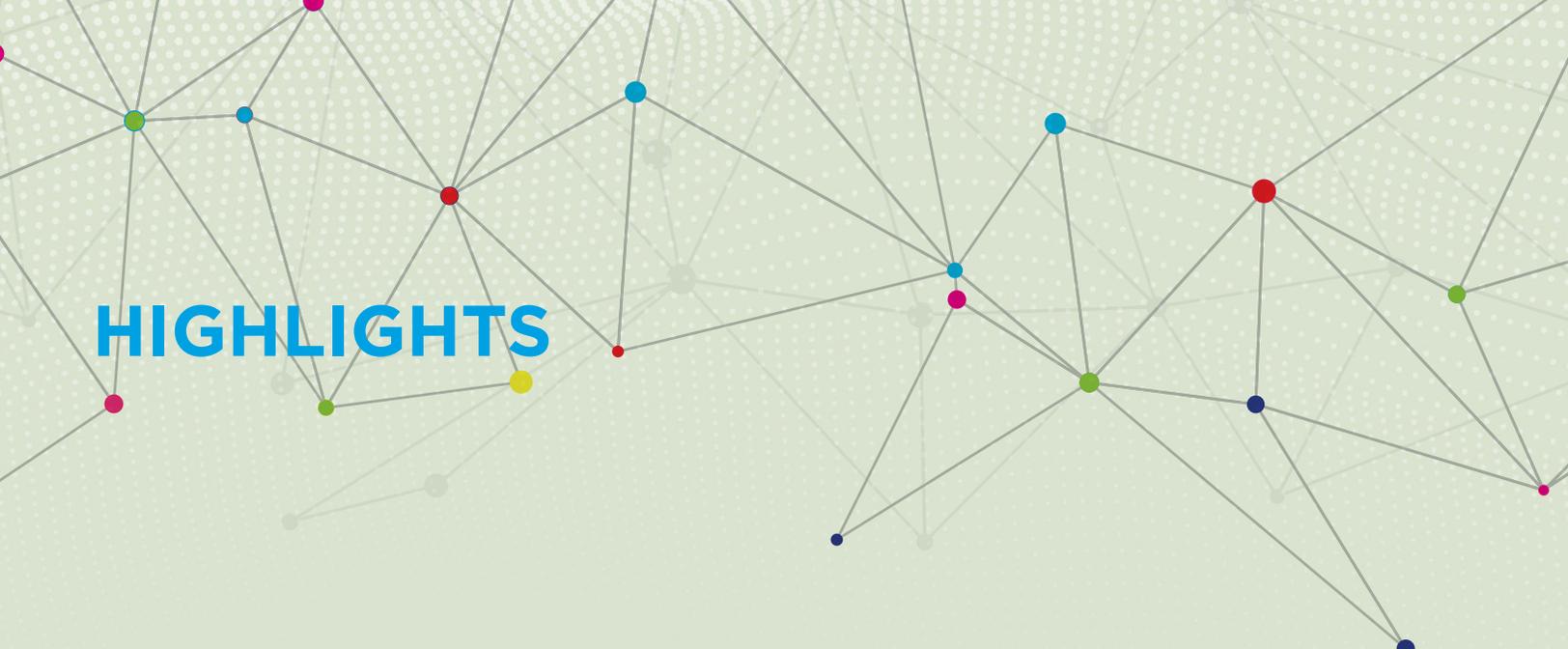
 **DOWNLOAD:** [Order F23-95](#)

## OIPC order finds company not authorized to operate video surveillance system

Under PIPA, rental buildings can utilize security equipment under certain circumstances, such as to deter theft, but they must ensure that they are authorized to do so under PIPA. FHBW Investments Co. Ltd. (FHBW) owned a rental building and had installed video cameras to monitor activity in the building. A tenant complained to the OIPC that FHBW was collecting, using and disclosing their image contrary to s. 6 of PIPA which states that “an organization must not collect, use or disclose personal information unless the individual gives their consent, PIPA authorizes the collection, use or disclosure without consent or PIPA deems the collection, use or disclosure was consented to by the individual.” The adjudicator concluded s. 6 did not authorize FHBW to collect, use or disclose the complainant’s personal information by means of its video surveillance system. The adjudicator ordered FHBW to disable the video cameras, to stop collecting, using and disclosing the complainant’s video images and to delete the video images.

 **DOWNLOAD:** [Order P23-05](#)





# HIGHLIGHTS

## OIPC's READI+ team takes action on accessibility, inclusion

The OIPC is committed to advancing truth and reconciliation, equity, accessibility, diversity, and inclusion both internally and through the services offered to the BC public. This year saw significant, office-wide work towards these goals, led by the OIPC's Reconciliation, Equity, Accessibility, Diversity, Inclusion plus (READI+) team. Among the advances were updates to make the OIPC website more accessible for those with low vision or vision impairments, as well as the translation of site content into French, German, Simplified Chinese, Russian, Korean, Italian and Spanish. The office also launched a pilot project offering spoken language interpretation for those accessing OIPC services in languages other than English. Internally, all staff successfully completed the San'yas: Indigenous Cultural Safety Training Program to learn about, reflect on, and take steps to improving cultural safety for Indigenous people accessing OIPC services.

In March, the OIPC joined other Officers at 947 Fort in commissioning a totem pole by Tom LaFortune from the STAUTW (Tsawout First Nation) to support the ongoing provincial reconciliation efforts with local indigenous peoples. This path supports the process of establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples to build trust, affirm historical agreements, address healing, and create a more equitable and inclusive society. The READI+ team also led preparations to ensure that the OIPC is in full compliance with its responsibilities when the office becomes subject to the *Accessible BC Act* in fall 2024.

*Photo: Totem commissioned for 947 Fort, carved by Tom LaFortune from the STAUTW (Tsawout First Nation)*

# YEAR IN NUMBERS

**TABLE 1. Year in numbers summary of all FIPPA and PIPA files received in 2023-24**

	Received 23/24	Closed 23/24	Received 22/23	Closed 22/23
<b>Privacy breach notification</b>				
FIPPA	213	208	108	93
PIPA	198	198	141	141
<b>Privacy complaints</b>				
<b>Access complaints</b>				
<b>Requests for review</b>				
Requests for review of decisions to withhold information	668	573	494	452
Deemed refusal	264	265	235	239
<b>Applications to disregard requests as frivolous or vexatious</b>				
<b>Time extensions</b>				
Requests by public bodies and private organizations <sup>1</sup>	2,548	2,544	2,139	2,139
Requests by applicants seeking a review <sup>2</sup>	42	42	44	43
<b>Public interest notification (s. 25)</b>				
<b>Requests for reconsideration of OIPC decisions</b>				
<b>Information requested/received</b>				
Requests for information	4,395	4,393	3,142	3,148
Non-jurisdictional issue	10	10	10	11
No reviewable issue	n/a	n/a <sup>3</sup>	1	2
Request for contact information (research)	5	2	4	3
<b>Media enquiries</b>				
<b>FOI requests for OIPC records</b>				
S. 60 adjudications of OIPC decisions <sup>4</sup>	2	2	1	0
<b>Commissioner initiated reports</b>				
Privacy reports	n/a	3	n/a	3
Access reports	n/a	1	n/a	1
<b>Policy</b>				
Policy or issue consultation	252	243	192	193
Legislative reviews	18	20	25	23
Police Act IIO reports	37	37	60	59
Privacy impact assessments	46	46	54	50
<b>Public education and outreach</b>				
Speaking engagements	70	83	81	61
Meetings with public bodies and private organizations	14	11	12	10
<b>Other (includes all file types except those otherwise listed)</b>				
<b>TOTAL</b>	<b>9,844</b>	<b>9,791</b>	<b>7,748</b>	<b>7,689</b>

1. (incl. s. 10 (FIPPA) and s. 31 (PIPA)).

2. (incl. s. 53 (FIPPA) and s. 47 (PIPA)).

3. This is no longer a file type, and this is the last year it will be reported.

4. The OIPC publishes s. 60 decisions here: <https://www.oipc.bc.ca/rulings/adjudications/>.



**TABLE 2. Breakdown of access complaints received in 2023-24 (FIPPA and PIPA)**

Duty required by Act	64
Time extension by public body	24
Adequate search	234
Fees	71
No notification issued	24
<b>TOTAL</b>	<b>417</b>

**NOTE:**

- Duty required by Act:** Failure to fulfill any duty required by FIPPA (other than an adequate search).
- Time extension by public body:** Unauthorized time extension taken by public body.
- Adequate search:** Failure to conduct adequate search for records.
- Fees:** Unauthorized or excessive processing fees assessed by public body.
- No notification issued:** Failure to notify as required under s. 25 of FIPPA.

**TABLE 3. Breakdown of privacy complaints received in 2023-24 (FIPPA and PIPA)**

Accuracy	0
Collection	95
Use	17
Disclosure	150
Retention	19
Correction	54
Reasonable security	26
<b>TOTAL</b>	<b>361</b>

**NOTE:**

- Accuracy:** Where personal information in the custody or control of a public body is inaccurate or incomplete.
- Collection:** The unauthorized collection of information.
- Use:** Unauthorized use by the public body or private organization.
- Disclosure:** Unauthorized disclosure by a public body or private organization.
- Retention:** Failure to retain information for the time required.
- Correction:** Refusal to correct or annotate information in a record.
- Reasonable security:** Failure to implement reasonable security measures.

# YEAR IN NUMBERS

**TABLE 4. Number of FIPPA complaints and requests for review received in 2023-24 by public body**

Public body	Complaints received	Requests for review received	Total
Fraser Health	17	46	<b>63</b>
Island Health	27	32	<b>59</b>
Ministry of Health	26	31	<b>57</b>
University of British Columbia	19	33	<b>52</b>
Vancouver Police Department	16	27	<b>43</b>
City of Vancouver	21	21	<b>42</b>
Provincial Health Services Authority	15	26	<b>41</b>
Ministry of Children and Family Development	7	29	<b>36</b>
WorkSafe BC	21	14	<b>35</b>
Ministry of Attorney General	10	17	<b>27</b>
<b>Top 10 totals</b>	<b>179</b>	<b>276</b>	<b>455</b>
All other public bodies	319	511	<b>830</b>
<b>TOTAL</b>	<b>498</b>	<b>787</b>	<b>1,285</b>

**TABLE 5. Number of PIPA complaints and requests for review received in 2023-24 by sector**

Sector	Complaints received	Requests for review received	Total
Services*	52	32	<b>84</b>
Health	44	30	<b>74</b>
Real Estate	43	16	<b>59</b>
Finance	20	10	<b>30</b>
Retail	19	11	<b>30</b>
Administration	23	6	<b>29</b>
Professional/Scientific	14	14	<b>28</b>
Construction	10	6	<b>16</b>
Education	11	5	<b>16</b>
Arts/Entertainment	7	8	<b>15</b>
<b>Top 10 totals</b>	<b>243</b>	<b>138</b>	<b>381</b>
Other	37	7	<b>44</b>
<b>TOTAL</b>	<b>280</b>	<b>145</b>	<b>425</b>

\*Services include various organizations such as personal services, religious, civic, social advocacy, business, professional, labour and other.



**NOTE (TABLES 6 - 9):**

**Investigation** includes files that were mediated, not substantiated, partially substantiated, substantiated, and withdrawn.

**No Investigation** refers to files with no jurisdiction, no reviewable issue or files in which the OIPC referred the complainant back to the public body or declined/discontinued an investigation.

**Inquiry** includes files that proceeded to inquiry.

**TABLE 6. Outcome of access complaints resolved in 2023-24, FIPPA**

Type	Investigation	No investigation	Inquiry	Total
Adequate search	96	90	5	<b>191</b>
Duty required by Act	39	23	5	<b>67</b>
Fees	44	17	3	<b>64</b>
Time extension by public body	25	2	0	<b>27</b>
S. 25 not applied	14	3	4	<b>21</b>
<b>TOTAL</b>	<b>218</b>	<b>135</b>	<b>17</b>	<b>370</b>

**TABLE 7. Outcome of access complaints resolved in 2023-24, PIPA**

Type	Investigation	No investigation	Inquiry	Total
Adequate search	30	14	0	<b>44</b>
Duty required by Act	17	5	1	<b>23</b>
Fees	3	0	0	<b>3</b>
<b>TOTAL</b>	<b>50</b>	<b>19</b>	<b>1</b>	<b>70</b>

# YEAR IN NUMBERS

**TABLE 8. Outcome of privacy complaints resolved in 2023-24, FIPPA**

Type	Investigation	No investigation	Inquiry	Total
Accuracy	1	0	0	1
Collection	12	8	2	22
Correction	17	18	0	35
Disclosure	38	40	0	78
Retention	3	4	0	7
Use	0	3	1	4
Reasonable security	4	7	0	11
<b>TOTAL</b>	<b>75</b>	<b>80</b>	<b>3</b>	<b>158</b>

**TABLE 9. Outcome of privacy complaints resolved in 2023-24, PIPA**

Type	Investigation	No investigation	Inquiry	Total
Accuracy	0	0	0	0
Collection	50	35	1	86
Correction	16	9	0	25
Disclosure	52	24	1	77
Retention	8	2	0	10
Use	6	3	0	9
Reasonable security	10	3	0	13
<b>TOTAL</b>	<b>142</b>	<b>76</b>	<b>2</b>	<b>220</b>

**TABLE 10. Outcome of all complaints resolved by the OIPC (FIPPA and PIPA) in 2023-24**

Investigation	No investigation	Inquiry	Declined to investigate/ discontinued	Total
485	247	23	63	818



**NOTE (TABLES 11 - 13):**

**Mediated/resolved** include files that were mediated or withdrawn.

**Declined to investigate/discontinued** include files which were declined, or discontinued at investigation, closed due to no jurisdiction, no reviewable issue or the applicant was referred back to the public body.

**Inquiry** refers to files that proceeded to Inquiry.

**TABLE 11. Outcome of requests for review resolved in 2023-24, FIPPA**

TYPE	Mediated/ resolved	Declined to investigate/ discontinued	Inquiry	Total
Deemed refusal	137	29	11	<b>177</b>
Deny access	69	17	36	<b>122</b>
Notwithstanding	9	8	0	<b>17</b>
Partial access	204	41	76	<b>321</b>
Refusal to confirm or deny	4	1	1	<b>6</b>
Scope	2	2	0	<b>4</b>
Third Party	35	5	12	<b>52</b>
<b>TOTAL</b>	<b>460</b>	<b>103</b>	<b>136</b>	<b>699</b>

**TABLE 12. Outcome of requests for review resolved in 2023-24, PIPA**

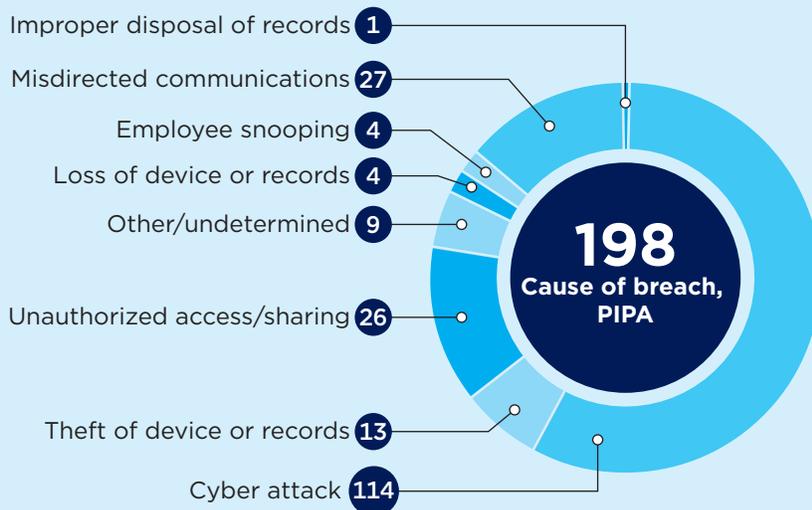
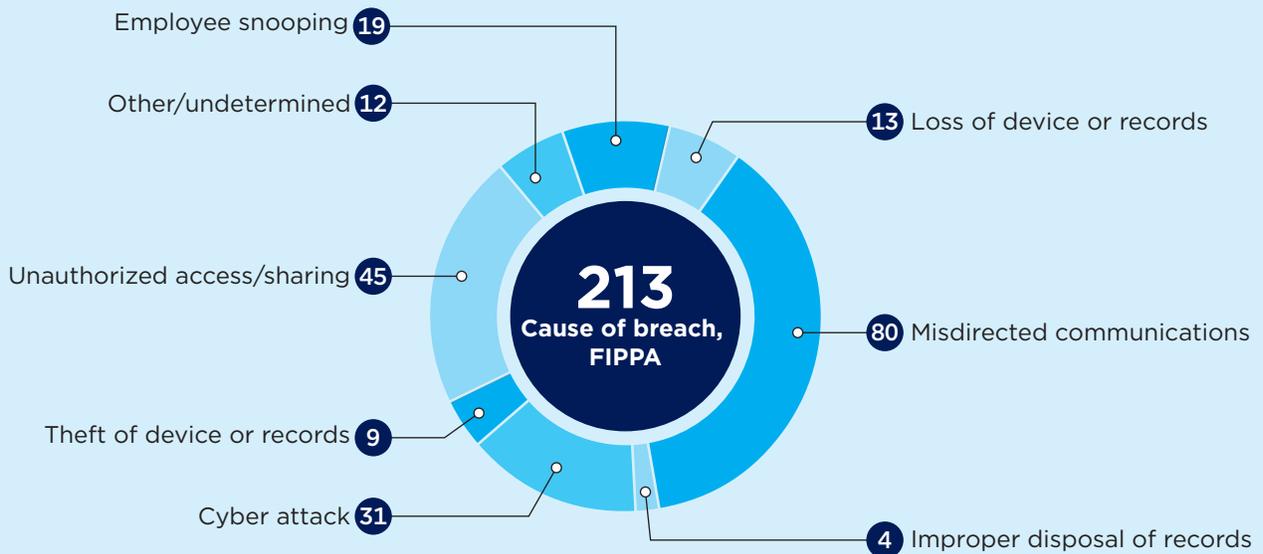
Type	Mediated/ resolved	Declined to investigate/ discontinued	Inquiry	Total
Deemed refusal	61	25	2	<b>88</b>
Deny access	14	10	4	<b>28</b>
Partial access	17	4	2	<b>23</b>
<b>TOTAL</b>	<b>92</b>	<b>39</b>	<b>8</b>	<b>139</b>

**TABLE 13. Outcome of all requests for review resolved by the OIPC (FIPPA and PIPA) in 2023-24**

Mediated/resolved	No investigation	Inquiry	Declined to investigate/ discontinued	Total
552	88	144	54	<b>838</b>

# YEAR IN NUMBERS

OIPC documents the cause of breaches when breach incidents are reported to the Commissioner's office. Public bodies and organizations can focus training and security measures based on the causes of their breaches.





## Complaints and Requests for Review Files closed by stage of resolution:

April 1, 2023-March 31, 2024



The two main types of files processed by the OIPC are access and privacy **complaints**, and **requests for review** of access to information responses.

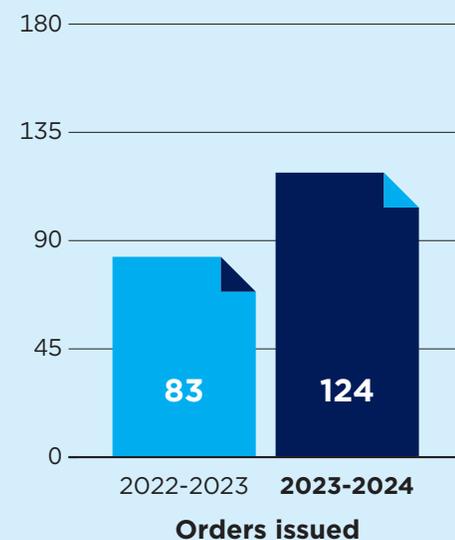
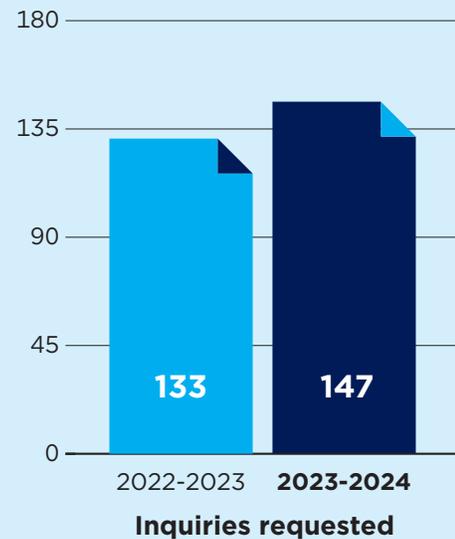
Complaints and requests for review are often resolved early on by case review officers or investigators. Some files that cannot be resolved during these stages are sent to Adjudication.

# ADJUDICATION

When investigation and mediation do not resolve a dispute, the Commissioner or their delegate may conduct an inquiry. At the inquiry, the adjudicator reviews written evidence and arguments, decides all questions of fact and law and issues a binding order. Orders are subject to judicial review by the Supreme Court of British Columbia<sup>1</sup>.

The following orders provide a snapshot of the varied nature of the cases handled at adjudication over the past year:

- An individual complained that an organization contravened PIPA when it disclosed information about the applicant to the lawyer of the parties opposing them in a legal dispute. (Order P23-12)
- A journalist requested the City of Vancouver provide access to the bids for three requests for proposal for nearly 900 units of affordable housing. (Order F23-105)
- An applicant requested that Vancouver Coastal Health Authority provide access to their deceased mother's medical records. (Order F23-80)
- An applicant requested access to information revealing the total legal fees the Corporation of the District of Summerland incurred at an arbitration and appeal for an employment law matter. (Order F23-81)
- An applicant requested the Ministry of Forests, Lands, Natural Resource Operations and Rural Development provide conditional water licences records related to a dam near Kamloops. (Order F23-100)
- An applicant requested information from the College of Physicians and Surgeons of British Columbia regarding complaints made about the applicant and the applicant's concerns about their medical corporation. (Order F23-89)



1. The Commissioner's formal rulings are subject to judicial review by the Supreme Court of British Columbia. The OIPC publishes orders that have been judicially reviewed here: <https://www.oipc.bc.ca/rulings/judicial-reviews/>.







**SERVICE PLAN**



# Service Plan Goal 1

Uphold privacy rights and monitor protection of personal information

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

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

Performance Measure 1 shows that the Commissioner published three reports in 2023/24 addressing privacy. *Canadian Tire Associate Dealers' use of facial recognition technology* detailed how four stores used facial recognition technology to collect customers' biometric information between 2018 and 2021, in contravention of the *Personal Information Protection Act*. *The digital dilemma: Reflections on the OIPC Youth Forum* detailed the pressing privacy challenges facing young people and offered a path to improved protections with a made-in-BC Children's Code. A special *Follow-up report: Left untreated: Security gaps in BC's public health database found the Provincial Health Services Authority* was taking meaningful steps to incorporate recommendations aimed at strengthening the privacy and security of the Provincial Public Health Information System, following the OIPC's 2022 report.

The metric for Performance Measure 2 is lower than targeted, as three of the four recommendations made were for legislative changes, which take time to implement. The OIPC will replace Performance Measure 2 in 2025-26 with a Performance Measure on guidance documents, which better reflects service provided by OIPC to public bodies and organizations.

OIPC case review officers and investigators handle a large number of privacy complaints from BC citizens. When processing complaints, OIPC staff educate public bodies and organizations as appropriate to promote privacy rights and the protection of the personal information of BC residents.

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



## Strategies

- Secure government support for legislative and policy reforms that would restore British Columbia as a leader in privacy;
- 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.

 <b>Performance Measure</b>	2023/24		2024/25	2025/26	2026/27	2027/28
	Target	Actual	Target	Target	Target	Target
<b>1</b> Number of audits, special reports, compliance reviews and systemic investigations that uphold privacy rights and monitor protection of personal information	3	3	3	3	3	3
<b>2</b> Percentage of related audit, compliance review and systemic investigation report recommendations implemented	95%	33%	95%	n/a	n/a	n/a
Number of new or revised guidance documents to raise awareness about FIPPA and PIPA	n/a	n/a	n/a	3	3	3



## Service Plan Goal 2

Promote and advocate for an open, accountable, and transparent public sector

This goal integrates the Commissioner's mandates to inform the public about relevant legislation and to comment on the implications for access to information of proposed legislative schemes, programs, or activities of public bodies.

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

The Commissioner published one report in 2023/24 relating to access to information. *Special report: Review of Government's performance in responding to access requests* examined how long it took the BC Government to respond to access to information requests between April 1, 2020 and March 31, 2023. As the report was released late in the fiscal year, none of the recommendations have been implemented.

The OIPC will replace Performance Measure 4 in 2025-26 with a Performance Measure on guidance documents, which better reflects service provided by OIPC to public bodies and organizations.

The OIPC updated two tip sheets: *Tips for requesting records* and *10 tips for public bodies managing requests for records*.

OIPC case review officers and investigators handle voluminous requests for review from BC citizens. When processing requests for reviews, OIPC staff educate public bodies and organizations as appropriate to promote freedom of information rights and responsibilities and to promote transparency and accountability under FIPPA and PIPA.

The strategies outlined are those also found in last year's report and continue to be relevant. ●



## Strategies

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

 <b>Performance Measure</b>	2023/24		2024/25	2025/26	2026/27	2027/28
	Target	Actual	Target	Target	Target	Target
<b>3</b> Number of audits, special reports, compliance reviews and systemic investigations that promote an open, accountable and transparent public sector	2	1	2	2	2	2
<b>4</b> Percentage of related audit, compliance review and systemic investigation report recommendations implemented	95%	0%	95%	n/a	n/a	n/a
Number of new or revised guidance documents to raise awareness about FIPPA and PIPA	n/a	n/a	n/a	2	2	2



## Service Plan 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 interviews and presentations, including speaking engagements, 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. Performance Measure 5 shows that the OIPC completed 83 speaking engagements in 2023/24.

In 2023/24, the OIPC held 13 in-person training sessions on FIPPA and PIPA across British Columbia, specifically Abbotsford, Kamloops, Nanaimo, Prince George, Vancouver, and Victoria. Staff outlined the fundamentals of both laws, and practical steps that both public bodies and private sector organizations could take to comply with the legislation, including developing robust privacy management programs, and how OIPC resources and staff are available to support them in their efforts.

The goal of promoting information and privacy rights is mutually reinforcing of OIPC Goals 1 and 2. This goal also includes responding to media enquiries and promoting information and privacy rights through digital media. In 2023/24 the OIPC handled 85 media enquiries and continued to implement a digital media and accessibility strategy to accompany traditional communication distribution methods, including ensuring materials are available in accessible formats.

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

# 3

## 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.

 <b>Performance Measure</b>	2023/24		2024/25	2025/26	2026/27	2027/28
	Target	Actual	Target	Target	Target	Target
<b>5</b> Number of OIPC presentations	50	83	50	50	50	50



## Service Plan 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.

During the 2023-24 fiscal year, the OIPC integrated a number of action items recommended by the office's Reconciliation, Equity, Accessibility, Diversity, Inclusion plus (READI+) team to support OIPC's people, systems, processes, and culture. Commissioner and staff are committed to further developing an inclusive and healthy workplace focused on continuous staff learning and ensuring our services to the public are equitable and accessible for all. In 2023/24 the office engaged in staff-wide learning sessions to learn about, reflect on, and take steps to improving cultural safety for Indigenous people accessing OIPC services.

The four strategies outlined remain relevant and appropriate and have been maintained with those published in last year's Service Plan. ●



# 4

## 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.

 <b>Performance Measure</b>	2023/24		2024/25	2025/26	2026/27	2027/28
	Target	Actual	Target	Target	Target	Target
<b>6</b> Percentage of requests for review settled without inquiry	90%	83%	90%	90%	90%	90%
<b>7</b> Percentage of request for review files resolved within 90 business days of assignment	85%	79%	85%	85%	85%	85%
<b>8</b> Percentage of complaint files resolved within 120 business days	90%	79%	90%	90%	90%	90%
<b>9</b> Number of orders published per year	144	124	144	120	120	120

# FINANCIAL REPORTING

## Nature of operations

The Information and Privacy Commissioner is an independent Officer of the Legislature whose mandate is established under the *Freedom of Information and Protection of Privacy Act* (FIPPA) and the *Personal Information Protection Act* (PIPA).

FIPPA applies to more than 2,900 public agencies and accords access to information and protection of privacy rights to citizens. PIPA regulates the collection, use, access, disclosure and retention of personal information by more than one million private sector organizations.

The Commissioner has a broad mandate to protect the rights given to the public under FIPPA and PIPA. This includes conducting reviews of access to information requests, investigating complaints, monitoring general compliance with the Acts, and promoting freedom of information and protection of privacy principles. In addition, the Commissioner is the Registrar of Lobbyists and oversees and enforces the *Lobbyists Transparency Act*.

Funding for the operation of the Office of the Information and Privacy Commissioner is provided through a vote appropriation (Vote 6) of the Legislative Assembly. The vote provides separately for operating expenses and capital acquisitions, and all payments or recoveries are processed through the Province's Consolidated Revenue Fund.

The Office receives approval from the Legislative Assembly to spend funds through this appropriation. There are two components: operating and capital. Any unused appropriation cannot be carried forward for use in subsequent years.

The following table compares the Office's voted appropriations, total operating and capital expenses, and the total remaining unused appropriation (unaudited) for the current and previous fiscal years:

2023-24	Operating	Capital
Appropriation	\$10,911,000	\$277,074
Total operating expenses	\$10,792,704	-
Capital acquisitions	-	\$275,074
Unused appropriation	\$118,296	\$1,926

2022-23	Operating	Capital
Appropriation	\$9,096,000	\$360,000
Total operating expenses	\$8,585,732	-
Capital acquisitions	-	\$152,753
Unused appropriation*	\$510,268	\$207,247

**NOTE:** \*\$200,000 of the unused portion was for a specific project for a new case management system that has moved into FY 2024.



## Tangible capital assets

Tangible capital assets are recorded at historical cost less accumulated depreciation. Depreciation begins when the asset is put into use and is recorded on the straight-line method over the estimated useful life of the asset.

The following table shows the Office's capital assets (unaudited).

2023-24	Closing cost	Closing accumulated amortization	Net book value (March 31/24)
Computer hardware and software*	\$1,086,761	(\$588,259)	\$498,503
Tenant improvements	\$0	\$0	\$0
Furniture and equipment	\$17,083	(\$14,225)	\$2,858
<b>Total tangible capital assets</b>	<b>\$1,103,844</b>	<b>(\$602,484)</b>	<b>\$501,360</b>

**NOTE:** \*includes \$308,738 work in progress for new case management system.

2022-23	Closing cost	Closing accumulated amortization	Net book value (March 31/23)
Computer hardware and software*	\$812,855	(\$428,215)	\$384,640
Tenant improvements	\$0	\$0	\$0
Furniture and equipment	\$15,915	(\$11,582)	\$4,333
<b>Total tangible capital assets</b>	<b>\$828,770</b>	<b>(\$439,797)</b>	<b>\$388,973</b>

**NOTE:** \*includes \$90,218 work in progress for new case management system.

## Public Interest Disclosure Act

British Columbia's *Public Interest Disclosure Act* (PIDA) allows BC government ministry employees, employees of independent offices, like the OIPC and ORL, and the Legislative Assembly, as well as former public servants to report specific kinds of serious wrongdoing without fear of reprisal.

PIDA requires public bodies in British Columbia to report on investigations into wrongdoing started under the Act, the number of disclosures made internally, and the number of disclosures received by the Office of the Ombudsperson.

The Office of the Information and Privacy Commissioner and the Office of the Registrar of Lobbyists have not had any investigations or disclosures under PIDA between April 1, 2023 and March 31, 2024.



# Michael McEvoy

Information and Privacy Commissioner for BC



# VIPSS

Vancouver International Privacy & Security Summit



## OUTREACH

COMMISSIONER MCEVOY AND OIPC STAFF ARE FREQUENT SPEAKERS AND PARTICIPANTS AT EVENTS AND CONFERENCES THROUGHOUT BRITISH COLUMBIA – AND BEYOND.

*Commissioner Michael McEvoy at the Vancouver International Privacy & Security Summit March 2024*

Here are some of the events and institutions that featured OIPC speakers and presenters in the 2023-24 fiscal year:

- Canadian Bar Association, BC Branch
- Canadian Corporate Counsel Association
- Excite Winter Summit
- Global Privacy Assembly
- IAPP Canada Privacy Symposium
- Landlords BC Conference
- Northeastern University
- Osteopathy British Columbia
- Rising Economy/South Island Prosperity
- Thompson Rivers University
- University of British Columbia
- University of Victoria
- Vancouver International Privacy & Security Summit

# RESOURCES

## Resources

- 🔗 Access to data for health research
- 🔗 BC physician privacy toolkit
- 🔗 Developing a privacy policy under PIPA
- 🔗 Early notice and PIA procedures for public bodies
- 🔗 Guide to OIPC processes (FIPPA and PIPA)
- 🔗 Guide to PIPA for businesses and organizations
- 🔗 Privacy impact assessments for the private sector
- 🔗 Privacy management program self-assessment

## Access (General)

- 🔗 Common or integrated programs or activities
- 🔗 Guidance for conducting adequate search investigations (FIPPA)
- 🔗 How do I request records?
- 🔗 How do I request a review?
- 🔗 Instructions for written inquiries
- 🔗 PIPA and workplace drug and alcohol searches: a guide for organizations
- 🔗 Section 25: The duty to warn and disclose
- 🔗 Time extension guidelines for public bodies
- 🔗 Tip sheet: requesting records from a public body or private organization
- 🔗 Tip sheet: 10 tips for public bodies managing requests for records

## Privacy (General)

- 🔗 Collecting personal information at food and drink establishments, gatherings, and events during COVID-19
- 🔗 Direct-to-consumer genetic testing and privacy
- 🔗 Disclosure of personal information of individuals in crisis
- 🔗 Employee privacy rights
- 🔗 FIPPA and online learning during the COVID-19 pandemic
- 🔗 Guide for organizations collecting personal information online
- 🔗 Guide to using overt video surveillance
- 🔗 Identity theft resources
- 🔗 Information sharing agreements
- 🔗 Instructions for written inquiries
- 🔗 Obtaining meaningful consent
- 🔗 Political campaign activity code of practice
- 🔗 Political campaign activity guidance
- 🔗 Privacy and the BC vaccine card: FAQs
- 🔗 Privacy guidelines for strata corporations and strata agents
- 🔗 Privacy-proofing your retail business
- 🔗 Privacy tips for seniors: Protect your personal information
- 🔗 Private sector landlords and tenants
- 🔗 Protecting personal information away from the office
- 🔗 Protecting personal information: cannabis transactions
- 🔗 Reasonable security measures for personal information disclosures outside Canada
- 🔗 Responding to PIPA privacy complaints
- 🔗 Securing personal information: A self-assessment for public bodies and organizations

## Comprehensive privacy management

- 🔗 Accountable privacy management in BC's public sector
- 🔗 Getting accountability right with a privacy management program

## Privacy breaches

- 🔗 Accountable privacy management in BC's public sector
- 🔗 Privacy breaches: tools and resources for public bodies
- 🔗 Privacy breach checklist for private organizations
- 🔗 Privacy breach checklist for public bodies
- 🔗 Privacy breaches: tools and resources for the private sector
- 🔗 Privacy breaches: tools and resources for public bodies

## Technology and social media

- 🔗 Guidance for the use of body-worn cameras by law enforcement authorities
- 🔗 Guidelines for online consent
- 🔗 Guidelines for conducting social media background checks
- 🔗 Mobile devices: tips for security & privacy
- 🔗 Public sector surveillance guidelines
- 🔗 Tips for public bodies and organizations setting up remote workspaces
- 🔗 Use of personal email accounts for public business



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For more information about BC's access and privacy laws, visit [oipc.bc.ca](https://oipc.bc.ca)



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