



OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
FOR BRITISH COLUMBIA

Special report

Review of Government's performance in responding to access requests

BACKGROUND

Thirty years ago, British Columbia legislators enshrined the right of access to information. The *Freedom of Information and Protection of Privacy Act* (FIPPA) gave citizens the right to ask public bodies for records about themselves or matters of general interest and, subject to certain exceptions, those bodies were required to provide them. Making that system meaningful meant requiring public bodies to respond to access requests within clear time frames.

The OIPC tracks how timely the provincial government is when responding to access requests. Timeliness in responding to an access to information request is assessed against FIPPA's key benchmark requiring public bodies to respond to a request no later than 30 business days after receiving it. Only if it meets prescribed circumstances can a public body take longer than 30 days to respond to a request.

THE OIPC

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

REVIEW PERIOD

April 1, 2020 to
March 31, 2023

READ MORE



Check out *Special Report 24-01 Review of Government's performance in responding to access requests: April 1, 2020 - March 31, 2023* to learn more.

<https://www.oipc.bc.ca/investigation-reports/>

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Our system of democratic governance is underpinned by mechanisms designed to hold our public bodies to account for their actions. One of those is freedom of information legislation giving citizens a right of access to Government records - the public's records.

”



FROM THE COMMISSIONER

In British Columbia that right of access was enshrined in the Freedom of Information and Protection of Privacy Act, unanimously approved of by the Legislature 30 years ago.

It is of course one thing to pass a law, and another to ensure adherence to its letter and spirit.

An important aspect of adherence is the legal responsibility of Government to respond to citizens' access requests in a timely way. This report marks the ninth time my office, charged with overseeing FIPPA, has measured the timeliness of Government responses to access requests.

Two metrics in particular shed light on Government's timeliness performance. One is the percent of requests it answers within 30 days, FIPPA's benchmark for response time. The second is the number of days Government takes, on average, to respond to requests.

In the first case, Government's performance has slightly improved over the last year; but measured against the last decade it has declined considerably. As for the average number of days taken by Government to respond to access requests – that figure has jumped dramatically in the last fiscal year, reaching the highest in the 13 years since we started reporting on Government's timeliness.

(See page 3 of the report for the full Commissioner's Message)

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Recommendations



1

Regularly evaluate each ministry's FOI processes to identify and correct any lags and provide written evaluation reports to the OIPC.

2

Ensure appropriate resources and strategies exist within the ministries to manage FOI functions.

3

Secure permanent resources to address both MCFD's personal requests and to support Government's overall timeliness going forward.

4

Allocate additional resources to the IAO to address complex and longstanding files.

5

Regularly evaluate government-wide FOI processes specific to applicant type to identify and correct any delays.

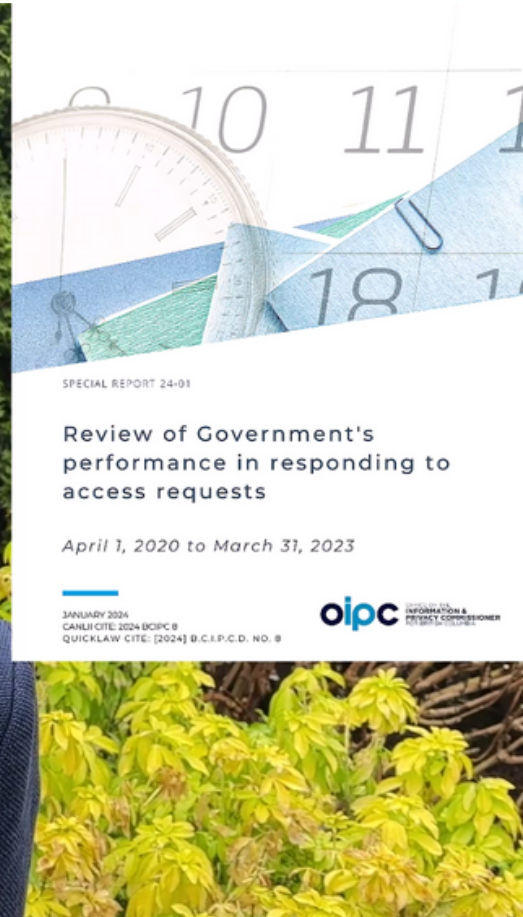
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Submit a plan to the OIPC by March 31, 2024, detailing how it will eliminate the accumulation of unlawfully delayed requests within two years and prevent requests from becoming unlawfully delayed.

A MESSAGE FROM THE COMMISSIONER

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WATCH



Check out the full video overview:

<https://youtu.be/0BzP-viGXlw>