



OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
for British Columbia

Protecting privacy. Promoting transparency.

March 2, 2015

Honourable Mike de Jong
Minister of Finance
Room 153, Parliament Buildings
Victoria BC, V8V 1X4

Dear Minister de Jong:

**Re: Bill 13—Finance Statutes Amendment Act, 2015—OIPC File
No. F14-59201**

I am writing to express my observations regarding Bill 13, the Finance Statutes Amendment Act, tabled before the Legislative Assembly on February 26, 2015.

Bill 13 allows the Minister of Finance to share the personal information of debtors of the provincial government with the Insurance Corporation of British Columbia (“ICBC”). Specifically, the Bill amends the *Financial Administration Act* to allow ICBC to refuse to renew a debtor’s driver’s licence or vehicle insurance until a debt to government is paid, or satisfactory arrangements for payment have been made by the debtor, or the Minister is satisfied the debtor will experience great hardship or financial difficulty without a driver’s licence.

While the *Freedom of Information and Protection of Privacy Act* (“FIPPA”) provides authority for public bodies to collect and disclose personal information relating to government’s ability to collect a debt from an individual, the linking of personal information between government agencies and ministries raises privacy concerns. This is because it often involves disclosing personal information which was collected for one purpose and using that information for a different purpose. Where government has been given the statutory authority to compel the collection of personal information, that authority is accompanied by an obligation to limit the subsequent use and disclosure to those purposes that are truly necessary.

Privacy concerns arise particularly where the sharing of personal information may result in an adverse action being taken against the individual the information is about. It is for this reason that data-linking between public bodies must be subject to transparency and adequate oversight so that any action resulting from

the linking is undertaken fairly and with due concern for the accuracy of the personal information being shared.

If Bill 13 is brought into force, it is my Office's intention to examine how the new authorities under this Bill are being exercised, whether the personal information is being used by the Ministry or ICBC for any other purpose, and how long the personal information is being retained.

Consistent with our longstanding practice when commenting on a Bill tabled in the Legislative Assembly, I am providing a copy of this letter to the Opposition critic for your Ministry. In addition, a copy of this letter will be posted on my Office's website.

Yours sincerely,

ORIGINAL SIGNED BY

Elizabeth Denham
Information and Privacy Commissioner
for British Columbia

pc: Carole James, MLA Victoria Beacon-Hill,
Opposition Spokesperson for Finance