

CHECK AGAINST DELIVERY

**Speech to the
Select Standing Committee on Finance & Government Services
November 21, 2025**

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Good morning, Chair, Deputy Chair, and Members of the Committee.

I would like to begin this morning by recognizing the traditional territories of the Ləkʷəŋjɪnəŋ people, also known as the Songhees and Esquimalt First Nations, where we are meeting today. As an Officer of this Legislature, I also acknowledge that I am privileged to work with people across many traditional territories, covering all regions of our Province

Joining me this morning are Deputy Commissioner and Deputy Registrar oline Twiss, Acting Deputy Commissioner Ethan Plato, and Director of Communications Michelle Mitchell in the back. I am also joined by Dave Van Swieten, Deputy of Corporate Shared Services.

The submission before you this morning encompasses the work of both the Office of the Information and Privacy Commissioner and the Office of the Registrar of Lobbyists for British Columbia. As the Information and Privacy Commissioner I am designated the Registrar of Lobbyists under the *Lobbyists Transparency Act*.

Since my last appearance before you, we have launched our strategic plan that sets out the direction of both the OIPC and the ORL over the next three years. I am going to take a brief moment now to give you an overview of that plan, as I believe it helps set out the context for my request today.

To form the foundations of the strategic plan, I engaged in intentional but informal engagement throughout my first year as Commissioner, and met with politicians, public officials, businesses, professional associations, civil society organizations, students, and academics. In May, we held in-person sessions in seven regions around BC as part of a “listening tour”, to learn more about what people in BC think our priorities should be.

These discussions, in addition to written submissions received throughout the spring, helped inform what ultimately became our three strategic priorities for the OIPC: **Trust and transparency, Trusted innovation, and Enhancing rights equity.**

The process to identify these three issues of focus was important, as this plan is meant to reflect not only my priorities, as Commissioner, but those of my staff and the people of British Columbia as a whole. They reflect what I have heard people living in British Columbia, across many walks of life, identify about what matters to them in the areas of transparency and privacy. I will say that, for the most part, we were not surprised with what we heard.

We heard a need to protect the privacy of our most vulnerable populations, including seniors, children and youth, and those without stable housing. Protecting children and youth online, in particular, was a consistent theme, as the online world is now integrated into every aspect of our lives. Yes, new technologies open up possibilities that we could have barely dreamt of when we were children ourselves. But much of the promise of the internet involves the collection and use of their personal information in ways that we now know can cause great harm.

We heard how people are concerned about how fast technology is changing, and what that means for our society. Increased use and functionality of surveillance, for example, was raised at every session.

And we heard a lot about transparency. Transparency of public bodies, and the link to accountability – after all, people should have every right to ask questions of their government and public bodies in general. But also transparency in the changing landscape of technology, and how our visibility into how they work doesn't work the same way it used to.

We share the excitement about the many potentials of AI, to transform not only our economy but also our ability to improve public services and work more efficiently. But we are also concerned about the regulatory tools available to make sure that AI works for us, and not the other way around.

We also published a separate strategic plan for the ORL, that is focused on two priorities: raising awareness and agile enforcement. As I don't have a specific request for the ORL, I have nothing further to add on this, but I am happy to answer any questions you may have on that plan when the time comes.

I will now transition into the specific details of our request for the OIPC. If you turn to our submission, you will see that Table 1 sets out our key funding requests in a stand-alone table for ease of reference.

I will start by emphasizing that I am sensitive to the fiscal circumstances facing the province and have put before you the most minimal responsible ask that will allow us to maintain current service levels and for me to discharge my statutory mandates. This includes the request that I mentioned would be coming during my appearance in April, to address growing demand and the emerging issues that face people in British Columbia. I have also included all known factors affecting the next fiscal year, and you should have my updated submission to reflect the financial implications of the recent BCGEU agreement, which was ratified last week.

At our core, we provide a demand-driven service that supports individuals who are in dispute with both public bodies and the private sector – and we cannot control the volume of complaints that come through our door. We have seen a consistent upward trend of files over the last five years that has seen our core files more than double, with a rapid escalation in the past year that we expect to continue, and perhaps even accelerate.

Certainly, the fiscal climate of government spending reductions can adversely impact individuals, who in turn have the right to come to our office to request a review, or make a complaint in areas of my mandate.

To meet this increased demand, we continuously review and update our internal processes to find resource efficiencies. For example, we encourage greater discontinuation of matters that do not serve to further accountability or the public interest. We also restrict individuals' access to OIPC services when behaviours threaten the integrity of our processes, and we have begun issuing written decisions in abuse-of-process situations. And we have been able to swear multiple affidavits in-house with an internal legal counsel instead of using contractor law firms, which has saved both time and money. We also have been able to leverage office space of the Police Complaint Commissioner, when the Commissioner or staff need to travel, meet, and work in Vancouver for a day or so.

In addition to resource efficiencies, we continuously review our expenditures to identify savings to maintain a lean budget. To that end, we have reviewed our prior years' expenditures and identified savings in a number of areas. For example, we have realized savings from a reduction in the fixed cost of our rent at 947 Fort Street and have avoided increased costs by sharing office space among hybrid workers.

Whenever possible, we continue to complete work in-house with existing resources vs going to external vendors for assistance. An example of this is maintenance of our case management tracking software, where technical changes are done in-house to avoid incurring costs with the vendor. Stabilizing our adjudication division, where some of the most complex files end up being decided, has decreased the use of external contractors this year to address inquiries. We also were able to bring graphic design work in-house over the past year, where we have historically had to rely on external contractors to develop materials and produce reports such as our Annual Report. This decision has brought efficiencies not only to our financial bottom line, but also to our internal workflows.

We support work across independent offices, as we have an agreement with the Merit Commissioner that provides that office with communications support, that is billed at an hourly rate. This agreement has reduced their reliance on an external contractor for the work, yielding savings on their end, that leverages my office's knowledge of the work of an Office of the Legislature, and offsets costs for my office.

And, we have reduced our previous funding request for this fiscal for our IT modernization project, that was approved as part of our April submission. Two projects that were captured by that request will either be deferred indefinitely or completed with reduced resources. Yet, even with these improvements and efficiencies, we have found that the increase in demand for services, including demands relating to new and emerging technologies - which can be more complicated and resource-intensive, is outpacing gains that can be made from these continuous improvements.

With that background in mind, I will now move on to our request for budget increases over prior years. For wage inflation, we have updated our submission to reflect a request of 3% wage increase in 2026/27 in response to the BCGEU collective agreement, and 1% to reflect the impact that implementing the lift in 2025/26 will have on the 2026/27 salary baseline. We have also incorporated the 3% lift in subsequent years, to 2028/29, to reflect the terms of the agreement.

For non-wage inflation, a factor of 2% based on the BC Stats consumer price index has been applied to expenditures that have an increase in unit costs. This is consistent with the other Offices based on feedback from last year's committee.

Our key request, which I forecast in my April appearance, is for critical support to core functions of the office's mandates, for access and *particularly* for privacy. I mentioned earlier that I am sensitive to the economic pressures the province faces. I bring forward this request with this firmly in mind, and the intent that the work of our office will support trusted innovation in the technology sector, that can ultimately help drive BC's economy. This most obviously flows from the second of my three OIPC strategic priorities but will ultimately support all three.

Our request includes \$315,000 for two positions: a Director of Emerging Technologies and an Investigator to lead the office's work in the challenging field of emerging technologies. The intent is that these will be the first steps towards, over two years, growing out a team that will also involve people with policy and legal expertise.

I don't have to tell you the impact that the rapid pace of technology has on all our lives – and we know that AI, quantum computing, genomics, complex surveillance systems, and other technologies are here to stay. We also know that tools like AI have enormous potential for bringing efficiency to the public service in a time where demand for service continues to increase. But what we first need in place, to realize this potential, is trust in innovation.

The challenge with this is that AI, for example, deepens the "trust crisis" we are currently experiencing in institutions by adding layers of opacity to decision-making. Unlike traditional systems with visible organizational decisions, AI creates a black box – when even the creators of an algorithm may not know what's in that box or how an algorithm may be making decisions.

Fortunately, there are ways to establish trusted innovation. This requires a deep understanding of these emerging technologies to ensure the right regulatory approach is achieved; an approach that is too strict may stifle innovation, but one that is too loose or undefined can also stifle it through confusion and uncertainty, resulting in a competitive *dis*-advantage for BC businesses and entities. A clear and effective regulatory approach built on expertise and engagement can encourage trust and innovation.

Prominent author Yuval Noah Harari points out in his popular new book *Nexus*, it is essential that regulators not only understand the implications of AI systems, but also that we are able to communicate *about* them in a way people can understand, to develop trust. In his words: "To vet algorithms, regulatory institutions will need not only to analyze them but also to translate their discoveries into stories that humans can understand. Otherwise, we will never trust the regulatory institutions and might instead put our faith in conspiracy theories and charismatic leaders."

Further, I think it is important to highlight that privacy and innovation are not competing priorities – they can and should be mutually reinforcing, and we need to ask how innovation can be done in a way that respects peoples' rights. The privacy challenges associated with pace of technological change poses risks to all of us if they are not implemented in a way that protects the privacy rights of individuals, and we will lose out on opportunities to avail of these technologies in a positive way.

This is not work that can be done off the side of a desk, and proper oversight requires specific expertise and focus that our current org chart doesn't provide. Further, a province without a regulatory structure that is capable of understanding modern technologies will discourage investment from firms who we hear repeatedly are looking for clarity and certainty. If we cannot respond, as the regulator in this space, in an agile way to private and public sector proposals, then we will impede and discourage innovation by local and global firms, and in public services by public bodies across the province.

It's clear both the federal and provincial governments agree with its importance by creating new cabinet posts on AI. And other regulators across Canada, such as the Office of the Information and Privacy Commissioner for Ontario, have already recognized the need to catch up by establishing similar positions in their offices to the ones I propose.

This work should matter to all of us. We know that the rapid pace of technological change is not going to slow down, it will only increase. But I should emphasize that there are benefits to be explored within these emerging technologies, that we can potentially leverage to help us achieve efficiencies within our office, to help us better serve the public.

The emerging technologies team I am proposing will offer office-wide, multi-disciplinary, cross-functional support and expertise on files and investigations, as well as internal oversight of the use of emerging technologies within the OIPC. They will also contribute to the education mandate of my office, by engaging and assisting organizations and public bodies looking to incorporate technologies such as AI into their own work. We have identified this work as a priority in our strategic plan, as we recognize the impact that these technologies, when used without guardrails, can have on anyone living in British Columbia. It is essential that we have the expertise available to help, from the beginning when companies are considering implementing or developing this technology, rather than to have to investigate after problems are found.

If we don't build capacity now, it will be infinitely more challenging to catch up later on, let alone keep pace, with the rapidly changing environment. BC has a major advantage to lead Canada in the 21st century – but our strategic regulatory infrastructure must keep pace. And for my office to assist with promoting domestic investment and excellence in public service in this area, we need the expertise to know the right questions to ask, the right guidance to give, and the best recommendations to strengthen the guardrails we need.

I have already mentioned that we are continually looking to enhance efficiencies and improve service to the public, and that this becomes more difficult as the demand continues to rise. We expect this team will ultimately guide us as we explore how these emerging technologies can improve our internal workflows, and our service delivery to the public.

Further, as I have oversight over the privacy and access concerns of such technologies, it is my responsibility to make sure my office has the necessary expertise to do so. But we cannot undertake this work without the proper resources, and the most effective and prudent way to do so is with internal, permanent positions, that will yield cost savings to people in British Columbia.

For this request, we are specifically asking for 1.75 FTEs in fiscal 2026/27, for a Director and investigator, to get the team up and running. This accounts for an April 1 start date for the Director and a July 1 start date for the investigator.

Finally, I'll take just a moment to walk you through the additional STOB analysis. We have made cost-neutral efficiency adjustments by reallocating a number of STOBs throughout the year.

This includes reallocating \$14,000 in office and business expenses from STOB 65 to cover cost pressures in STOB 63. We reallocated \$15,000 from STOB 52 to STOB 70 to reflect the Commissioner's vehicle lease costs under the Executive Vehicle program. The change reflects the use of a vehicle lease vs a vehicle allowance by the former Commissioner and is consistent with the employment contract and core government policies we adhere to. We also reallocated \$59,000 in amortization from STOB 73 to STOB 63 to cover pressures. And we reallocated \$139,000 in building occupancy costs, from STOB 75 to STOBs 50-54 and 68. These taken together realized a savings of \$116,000.

I'd be happy to respond to any of your questions, or to walk you through any of the STOBs in detail, with the time we have left this morning. Before I invite your questions, I want to acknowledge our OIPC and ORL teams. Their dedication is second-to-none and it is a privilege to work with them.

With that Chair, I thank you and the Committee for your care and attention to these matters. My team and I would now be pleased to answer any questions you may have.