

CHECK AGAINST DELIVERY

Speech to the Select Standing Committee on Finance & Government Services July 14, 2026

Michael Harvey Information and Privacy Commissioner/Registrar of Lobbyists

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

Before I begin, I would like to respectfully acknowledge the traditional territories of the Łəkʷəŋiŋən people, today known as the Songhees First Nation and the X̱m̱sepsəm or Esquimalt First Nation, where we are meeting today.

I am privileged to live in this beautiful place with my family, surrounded by nature, which reminds me to always reflect on how that comes with both privilege and responsibility, to the land itself, to the people that have lived here, and to the people that live here now.

As an Officer of the British Columbia Legislature, I also acknowledge that I am privileged to work with people across many traditional Indigenous territories, covering all regions of our province. This privilege comes with a responsibility to seek every opportunity to advance goals of truth and reconciliation as I conduct my legislative mandates and, as a Canadian, as I live my life.

Joining me this morning are Deputy Commissioner Jeannette Van Den Bulk, and Dave Van Swieten, Deputy of Corporate Shared Services. The OIPC Director of Communications Michelle Mitchell is attending in the gallery.

Thank you for finding time for me today, to present our supplemental request. When I appeared before you in April I mentioned I would be putting forward a fiscally prudent request in the fall to address the surge of files coming into the office. At that time, we were still evaluating whether the sharp increase was a momentary blip, or an indication of a new normal that we should prepare for. It is now clear to us that it is the latter, and that the intensity will only increase. The trajectory is so clear, in fact, that we are not able to wait until next fiscal for the resources needed to address this surge of files, without excessive wait times for people who need our services.

These delays matter. They matter to the person trying to access information about how public bodies make decisions that impact people in BC, or the person trying to access to their own information or the information of a deceased family member. They matter to the person concerned with how their personal information has been handled, or potentially compromised. And they matter to anyone concerned about transparency, and holding governments and public bodies accountable for the decisions they make that affect all of us.

Any delay in our ability to provide service to those navigating these issues has a real impact on people's lives. And we have now reached a tipping point where the efficiencies we have implemented are being vastly outpaced by an unprecedented surge in files.

Importantly, since my last appearance we have identified, at least in part, the cause for the surge. I previously mentioned the role that we expect AI may play in providing our office as a course of action if someone uses a prompt asking what to do if they aren't satisfied with an FOI response, and to assist with generating a complaint.

I also spoke to how this may be a beneficial tool for individuals that are looking for assistance when they feel like they have reached the end of the road. I again emphasize that I do see a very real benefit to technology helping individuals access the services they need, and in fact some of the increase is likely from individuals who did not know about their recourse options via our office, prior to using AI. That in itself is a benefit, in informing individuals of their access and privacy rights.

However, we are seeing a significant amount of complaint and request for review submissions that have been generated by AI that either do not fall within the OIPC's scope or jurisdiction, or that are not yet ready to come to our office. For example, in many cases applicants have not tried to address the issue with the public body or organization first. Or, many submissions have included lengthy, incorrect, or incomplete components that our team has to sort through to determine next steps.

The challenge is the resources it is taking on our part to not only respond to this increase, but additionally to weed through the AI errors and hallucinations we are finding in the submissions, and to identify when AI has been used to fabricate evidence used in complaints and requests for reviews.

And, as you will see in our business case, this has caused excessive strain on our case review team, which you may think of as intake officers. Because of our quasi-judicial functions, we use the term case review officers to emphasize the nature of their work. This team closed more than twice as many files in 2025/26 than in the prior fiscal. And yet, despite that significant increase in file closures, we are still not able to keep up with the demand and are falling further behind.

This is an issue that is not unique to my office. Our colleagues across the country, as well as international access and privacy regulators, report similar trends. There have been many news stories recently about how lawyers and the courts are facing similar issues in addressing hallucinations when it comes to court cases, and the resources and time it takes to identify inaccuracies and incorrect information. We have seen other administrative tribunals reference the complexities and increase in AI files.

We have taken measures internally to address the surge of files, such as integrating an online form for complaints and requests for review through our website, and implementing a word limit for initial submissions.

This helps to focus the information coming into our office through these processes, and allows our team to request further information from applicants when needed. We are working to integrate the forms with our internal case management system to reduce the amount of data entry our team needs to. We expect this to be in place this fall.

We have implemented file limits on the number of active files an individual can have open at any time.

We are also evaluating our website, to identify improvements to structure and content that would ultimately help LLMs provide more accurate and relevant information to users.

All of these measures aim to maximize the access of our services to all who seek them in a way that is consistent with the rules of procedural fairness.

But these measures alone are not enough. While we can, and will continue, to increase the efficiency and effectiveness of our current resources, we unquestionably need to supplement those resources.

Our flexibility to address this unprecedented surge of files coming into the office within our current budget envelope has been exhausted, as we have had to reallocate money from other STOBs to address the underfunded inflation gap. For a number of years now we have been required to increase our wages at a rate consistent with broad advice from the Public Sector Employers Council to maintain equity with the rest of the public service, though the Committee has only recommended wage inflation funding of 2 percent. In any given year a shortfall of .5 percent, such as was the case in each of 2025/26 and the present year, may seem like a small increment, but these gaps compound over the years. By now this gap has grown to the equivalent of an FTE. The implication is that by underfunding wage inflation, the Committee has made real cuts to our budget.

We are in a similar situation with parental leave. The Committee rejected my April 2025 request to fund parental leave, but I don't have a choice whether to pay it out – it is a contractual employment requirement. In previous years this was one of the elements that we could absorb by slack within our budget created by salary lag. However, there is no such slack remaining.

With the unprecedented demand we are facing, we are now starting to see the effects of previous funding decisions in real time, and the actual impact it has on people in British Columbia.

Therefore, I am requesting supplemental funding for 2026/27 for three case review officers and four investigators, to address the surge in demand to our office. This request represents the minimum responsible ask I can put forward to provide effective and efficient service to the public.

I will now briefly walk through the impact this surge has had on the case review and investigation teams to illustrate why these specific resources are needed.

The case review team is the first point of contact for applicants. They review submissions to determine whether complaints fall within our legislated scope and jurisdiction, and they assess whether the applicant has attempted to resolve the issue with the public body or organization. They also provide an important early resolution function to attempt to mediate complaints, if appropriate, that do not need to proceed to investigation.

The surge in files has led to an unsustainable increase in files for the case review team to process – often having to work through AI errors and hallucinations. The challenge is just what you would think: as a quasi-judicial administrative tribunal, the OIPC must review what comes in as a matter of administrative fairness, whether or not we end up opening a file.

In 2025/26, when we started to see the increase grow, we brought on two temporary case review officers to address the surge. Historically, we have been able to manage bringing on additional temporary front-line employees with savings from salary lag when employees either leave the OIPC, change positions within the office, or take a leave of absence.

However, this fiscal year the combination of unfunded inflationary costs and static staff movement means we do not have any salary lag to maintain the temporary positions. Further, we require a third full time case review officer to address the surge.

This increase in files means the OIPC is both declining more files, AND opening more files. Files not resolved at case review go into the queue where complainants wait for assignment to an investigator. We have determined that the most effective and efficient caseload for an investigator is 30. This means that files coming from case review and waiting for assignment to an investigator increases the files in the queue.

Without additional resources, the queue, and ultimately wait times, will only grow – and at an exponential rate. While the queue is currently about four months, it has started to grow significantly faster than ever before. We have analyzed the current trajectory of incoming files, and project that if we maintain our current TA investigators and add two additional FTEs, we will be able to maintain the queue at investigation over the next three fiscal years. However, if we do not receive funding wait times will increase to just over a year by end of 2027/28, and almost 20 months by end of 2028/29. These wait times are above and beyond anything we have seen before at investigation.

Through careful analysis of the files in the queue and the rate of increase coming in the door, we have determined that we will need to retain two temporary investigators, and bring on an additional two, to keep the queue from reaching wait times beyond what any person in BC would consider reasonable.

It is important to emphasize that there is a direct relationship between the number of FTEs requested and the wait times I have mentioned. Should we not receive the requested funding, that relationship will only continue to grow in the years to come – meaning people in BC will have to wait longer than ever to have their files addressed.

With that Chair, I thank you and the Committee for your care and attention to these matters. I would like to emphasize that this supplemental request has been developed with the fiscal environment in mind, and represents the minimum my office needs to maintain timely and effective service to people in BC. My team and I would now be pleased to answer any questions you may have.