



POLICY ON CONSULTATIONS WITH THE OIPC

April 2009

Background

The Office of the Information and Privacy Commissioner (“OIPC”) is often asked by public bodies to comment on various matters, including proposed policies, legislation, projects, programs, systems and other matters, or compliance issues, under the *Freedom of Information and Protection of Privacy Act* (“FIPPA”). Private sector organizations also often ask us to comment on similar matters, or on products or services, under the *Personal Information Protection Act* (“PIPA”). This policy statement confirms the basis on which we do this and the nature of any comments we make, whether verbal or written.

Legislative Context

Section 42 of FIPPA authorizes us to comment on the implications for access to information or the protection of privacy of proposed legislative schemes or programs of public bodies. It also authorizes us to comment on the implications for access or privacy of systems for the collection, storage, analysis or transfer of information, and on the implications for privacy of using or disclosing personal information for record linkage. Section 36 of PIPA gives us similar authority.

Statement of Policy

We sometimes hear that we have supposedly approved, endorsed, certified or signed off on something or that we support something. As the independent agency mandated to oversee and enforce compliance with FIPPA and PIPA, the OIPC does no such thing. Our comments are just that, comments, and it remains the responsibility of public bodies and organizations to ensure that they comply with their duties and obligations under applicable law. Accordingly, any suggestion that we have approved, endorsed, certified or signed off on, or support, something cannot be relied on.

Further, our comments are not intended to be relied on as legal or other advice and cannot be relied on as such. Our comments do not fetter or bind, or constitute a decision or finding by, the OIPC with respect to anything on which we have commented (or respecting any related matter, including any complaint, request for review, investigation, audit or inquiry under FIPPA or PIPA respecting which the OIPC will keep an open mind).

David Loukidelis
Information and Privacy Commissioner
for British Columbia