OFFICE OF THE INFORMATION & PRIVACY COMMISSIONER FOR BRITISH COLUMBIA

Job Profile:

Investigator

Classification:	Band 2	**Position:**	00109455
Reports to:	Director of Investigations	**Location:**	*see posting*

Context

Reporting to the Director of Investigations, the Investigator investigates and mediates access to information disputes filed under the *Freedom of Information and Protection of Privacy Act* (*FIPPA*) as well as investigates and attempts to resolve privacy complaints received under the *Personal Information Protection Act* (*PIPA*). The Investigator may comment on matters affecting access and privacy rights in the public and private sectors, including proposed legislation, policies, programs, the implementation of new technologies and establishes a liaison with newly proclaimed public authorities and assists them to set up and maintain effective internal complaint handling and dispute resolution mechanisms. The position functions with considerable independence within delegated authority under *FIPPA* and *PIPA*, relevant policies issued by the Information & Privacy Commissioner, and the principles of administrative fairness and common law. The Investigator may also provide support to the Office of the Registrar of Lobbyists (ORL) as required, including by assisting in investigations to determine whether a person has complied with the *Lobbyists Transparency Act* (*LTA*) or the regulations.

Accountabilities

- Investigates and mediates access and privacy disputes between individuals and public bodies through delegated authority under *FIPPA*, including gathering evidence, ascertaining positions of parties on issues, investigating means of settlement, formulating proposals, gaining all party agreement with terms of settlement, and preparing file reports.
- Investigates complaints from the public concerning access and privacy disputes involving private organizations pursuant to *PIPA*, gathers relevant information, attempts to informally resolve the complaint if possible, and makes formal findings with respect to the complaint (if required).
- Makes a determination as to whether or not a matter should proceed to inquiry, in matters where mediation is not successful under *PIPA* or *FIPPA*.
- Prepares for hearings by summarizing relevant facts, outlining positions of parties, identifying issues to be resolved, and notifying third parties and affected persons of their rights to participate in the hearing.
- Provides comment to public and private organizations covered by either *FIPPA* or *PIPA* to assist them in complying with their responsibilities under the legislation and works with FOI officials in those public bodies and privacy officers in those organizations to address issues relating to access to information and the protection of personal privacy.
- Provides comment to public bodies, agencies and private organizations on the access and privacy impacts of proposed legislation, policies, programs, and services including the introduction of new processes and technologies.

- Assists individuals in the filing of appeals by explaining the provisions of *FIPPA* and *PIPA*; outlining procedures, required processes, and the roles performed by government and private sector officials and the Information and Privacy Commissioner; determining the key issues to the dispute; and making referrals as necessary.
- Liaises with newly proclaimed public authorities and assists them to set up and maintain effective internal complaint handling and dispute resolution mechanisms.
- Conducts specific research including case law and other jurisdiction's precedents and obtains background information for the Information and Privacy Commissioner, Deputy Commissioners or Directors.
- Engages in public education and outreach programs for public and private organizations by developing and delivering training sessions, workshops, and seminars and undertaking public speaking engagements on access and privacy rights and obligations.
- Remains current on *FIPPA, PIPA* and emerging information and privacy protection legislation, regulations and policies within British Columbia, and in other jurisdictions and keeps up-to-date on related jurisprudence and case law.
- Maintains contacts and links with a number of internal and external contacts, including: government agencies (senior FOI officials in ministries, crown corporations, boards, commissions and agencies, school districts and educational institutions, local governments, health boards, and other public bodies); private organizations (corporations, trade unions, trusts, not-for-profit organizations, and unincorporated associations); and the general public.
- Provides support to the Office of the Registrar of Lobbyists (ORL) as required.

Qualifications

Education and Experience:

This opportunity may be of interest to those individuals who possess the following required qualifications:

- University degree in a related field (e.g. law, public administration, political/social sciences, information studies, computer science)
- A minimum of two years of experience mediating disputes or conducting investigations, analysis or research, including assessing evidence, researching/analyzing policies, and formulating recommendations or findings based on written reasons.
- An equivalent combination of education and experience may be considered.

Preference may be given to applicants with:

- Experience implementing the *Freedom and Information and Protection of Privacy Act* (*FIPPA*) and/or the *Personal Information Protection Act* (*PIPA*) and/or evaluating compliance with *FIPPA/PIPA*.
- Experience applying, evaluating, and/or assessing policies and procedures for the principles of administrative fairness and natural justice.
- Experience conducting investigations or applying investigation techniques.
- Experience or formal education in conflict resolution or mediation techniques.

Knowledge, Skills and Abilities:

- Comprehensive knowledge of privacy laws and principles, *FIPPA* and *PIPA*, and the mandate of the Information and Privacy Commissioner.
- Knowledge of the latest trends, developments, issues, legal decisions and precedents relating to access to information and protection of privacy.
- Comprehensive knowledge of the rules of natural justice and administrative fairness.
- Demonstrated negotiation and mediation skills to resolve issues in a manner that is fair and equitable to both complainants and public authorities.
- Strong investigative skills including the ability to prepare investigative plans, gather evidence, establish fact patterns, and identify relevant policies and procedures.
- Effective written and oral communication skills and the ability to communicate complex ideas clearly and concisely in written reports and correspondence and in discussions with complainants and senior officials within and outside of the office.
- Ability to use a variety of computer programs including word processing.
- Proven ability to work independently and manage a diverse and demanding workload.
- Proven ability to work effectively as part of a team and to develop effective working relationships with colleagues, complainants, and contacts in the assigned portfolios.
- Ability to act proactively as well as to use tact, discretion and sound judgement.

Competencies:

- **Open Listening** is letting go of conventional means of listening. It means listening to and valuing the telling of stories, and letting pauses in conversation extend into silence rather than jumping in to dispute, agree, question, or move on. It is an awareness of personal bias or judgment and its effect on one's ability to hear. It is the desire and ability to set aside physical, mental, and emotional distractions in order to be fully focused and listening respectfully and openly. It is staying open to the message even when conversations are filled with raw emotions like sadness or anger, and believing that each person's knowledge and reality is legitimate and valuable. Finally, it requires a willingness to reflect upon a story or message and to derive meaning from it based upon the situation in which it is shared.
- **Results Orientation** is a concern for surpassing a standard of excellence. The standard may be one's own past performance (striving for improvement); an objective measure (achievement orientation); challenging goals that one has set; or even improving or surpassing what has already been done (continuous improvement).
- **Analytical Thinking** is the ability to comprehend a situation by breaking it down into its components and identifying key or underlying complex issues. It implies the ability to systematically organize and compare the various aspects of a problem or situation, and determine cause-and-effect relationships ("if...then…") to resolve problems in a sound, decisive manner. Checks to ensure the validity or accuracy of all information.
- **Negotiating/Conflict Management** involves knowledge and skills to engage in two-party/multi-party negotiations and to facilitate third-party intervention or mediations into conflict situations.

- **Teamwork and Co-operation** is the ability to work co-operatively within diverse teams, work groups and across the organization to achieve group and organizational goals. It includes the desire and ability to understand and respond effectively to other people from diverse backgrounds with diverse views.
- **Information Seeking** is driven by a desire to know more about things, people, or issues. It implies going beyond the questions that are routine or required in the job. It may include 'digging' or pressing for exact information, resolution of discrepancies by asking a series of questions, or less focused environmental 'scanning' for potential opportunities or miscellaneous information that may be of future use.

BC's Information and Privacy Commissioner

Promoting and protecting the information and privacy rights of British Columbians.
http://www.oipc.bc.ca/