



<b>Classification:</b>	Band 3	<b>Position:</b>	multiple
<b>Reports to:</b>	Director of Adjudication	<b>Location:</b>	<i>see posting</i>

## Context

As a member of the adjudication team, the position performs an adjudicative function. As the Commissioner’s delegate, the Adjudicator exercises considerable decision-making authority and is responsible for deciding inquiries and issuing written orders under the *Freedom of Information and Protection of Privacy Act* (FIPPA) and the *Personal Information Protection Act* (PIPA). The Adjudicator also makes preliminary decisions about substantive and procedural matters pertaining to inquiries.

The Adjudicator must exercise independent judgment and decide each case on its merits by considering the evidence and applicable legislation and legal principles (notably administrative law principles). The inquiries often involve a high volume of detail with complex and controversial evidentiary and legal issues, and the Adjudicator’s reasons should be able to withstand scrutiny on judicial review by the Supreme Court of British Columbia.

The Adjudicator works closely with other members of the adjudication team and OIPC staff in the development and implementation of policies and procedures to ensure consistency, fairness, and efficiency in the conduct and administration of inquiries under FIPPA and PIPA.

## Accountabilities

- On delegation by the Commissioner, decides matters under FIPPA and PIPA by assessing the evidence and arguments provided by the parties, applicable legislation, case law, common law principles and policies;
- Writes and issues inquiry decisions as well as preliminary and procedural decisions;
- Reviews and provides feedback on the decisions of the other OIPC adjudicators;
- Provides advice and recommendations to the Commissioner and OIPC staff on matters related to adjudication and inquiries under FIPPA and PIPA, and on other matters as directed;
- Assists the Registrar of Inquiries with the administration of inquiries under FIPPA and PIPA, by reviewing materials and information related to matters proceeding to inquiry under FIPPA and PIPA and providing advice on the issues and appropriate procedures;
- Keeps up to date on FIPPA, PIPA, relevant jurisprudence, case law, legislation and policies in British Columbia and other jurisdictions;
- Ensures utmost confidentiality and discretion is applied in carrying out responsibilities;

## Qualifications

### Education and Experience

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

- Law degree from a recognized post-secondary institution, preferably in Canada;
- Adjudicative experience and/or applied knowledge of administrative law, specifically the principles of procedural fairness;
- Experience communicating legal analysis and reasoning in writing.

*Preference may be given to applicants with:*

- Experience interpreting and applying legislation, regulations and common law to varied and often complex situations in order to properly and defensibly exercise delegated decision-making authority.

## **Knowledge, Skills and Abilities**

- An understanding of FIPPA and PIPA and the OIPC's mandate, structure and processes;
- Strong written and oral communication skills to clearly, concisely and respectfully convey information in plain language;
- Strong analytical and problem-solving skills;
- Highly developed ability to read large volumes of complex information, identify issues, analyze evidence, interpret and apply the applicable law and policy, and write sound and well-reasoned decisions in a timely way;
- Thorough knowledge and understanding of administrative law and legal practices, evidentiary rules and relevant common law principles;
- Ability to do self-directed legal research;
- Ability to independently produce plain-language decisions free of grammatical and typographical errors with little to no staff support;
- Strong collegial orientation, including consulting, listening to and sharing information and opinions with colleagues, and maintaining positive working relationships;
- Ability to manage multiple cases and assignments;
- Ability to use a computer for word processing, file and document review, case management, research, decision-drafting, and online communications.
- Ability to handle sensitive and confidential material with utmost discretion, respect and attention to privacy.

## **Competencies**

**Expertise** includes the motivation to expand and use technical knowledge or to distribute work-related knowledge to others.

**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). Thus, a unique accomplishment also indicates a Results Orientation.

**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.

**Decisive Insight** combines the ability to draw on one's own experience, knowledge and training and effectively

problem-solve increasingly difficult and complex situations. It involves breaking down problems, tracing implications and recognizing patterns and connections that are not obviously related. It translates into identifying underlying issues and making the best decisions at the most appropriate time. At higher levels, the parameters upon which to base the decision become increasingly complex and ambiguous and call upon novel ways to think through issues.

**Relationship Building** is working to build or maintain ethical relationships or networks or contacts with people who are, or may be, potentially helpful in achieving work-related goals and establishing advantages. These people may include customers, clients, counterparts, colleagues, etc.

**Self-discovery and Awareness** means understanding one's thoughts, feelings, values and background and how they impact the success of the interaction and relationship, or how they may influence one's work. It is recognizing one's own biases by tracing them to their origins, through reflection and by noticing one's own behaviour—and then intentionally seeking a way forward that positively impacts the interaction and relationship. It means maintaining new ways of thinking and acting when situations become difficult or uncertain, or in times of urgency.

**Promoting Accord** involves exploring perspectives and underlying interests to reach outcomes that gain the acceptance of all parties. It is allowing Indigenous people the time, space and capacity to reach outcomes from their traditional decision-making practice. It is being willing to put the problem in the centre to work together on an outcome, rather than "competing" to win. It means making the assumption that everyone involved wants to work together and get the best result for all. It is thinking sideways into another perspective and valuing it as strongly as one's own, focusing on strengths and possibilities. It includes behaving in an honest, open way, and expressing organizational limitations (e.g. funding, time, staffing) up front so that all information is available when working towards agreement. It requires excellent communication skills.

## ***BC's Information and Privacy Commissioner***

***Promoting and protecting the information and privacy rights of British Columbians.***

***<http://www.oipc.bc.ca/>***