



**May 12, 2016**

**Statement from B.C. Privacy Commissioner regarding recommended changes to the *Freedom of Information and Protection of Privacy Act***

**VICTORIA**—Information and Privacy Commissioner Elizabeth Denham issued the following statement in response to the final report of the Special Committee to Review the *Freedom of Information and Protection of Privacy Act* (FIPPA), B.C.'s public sector privacy and access to information legislation:

“Every six years, a Special Committee undertakes a comprehensive review of FIPPA to determine the effectiveness of the legislation in the current social and economic environment. The Committee has spent a great deal of time during the past year consulting the public, government and my Office to develop recommendations to ensure FIPPA keeps up with our technologically-driven world.

“When FIPPA first came into effect in 1993, e-mail and the internet were still relatively new communication and search tools. Fast forwarding almost 25 years to the current day - citizens expect information to be available at their fingertips and digital technology has had a significant change and impact on how government manages information and records.

“These changes in the external environment make reviews of the legislation very important, as government has to ensure their access to information and privacy laws remain current.

“The Committee has made 39 recommendations for change, which, if implemented, will strengthen access to information and privacy rights in B.C. and make our laws more consistent with other jurisdictions. I support all of the Committee's recommendations.

“I am particularly pleased that the Committee is recommending a legislated duty to document for public bodies. Access rights depend on the creation of appropriate public records that document the key decisions and activities of government. If these records are absent, public accountability is lost, trust erodes and, ultimately, the public's access to information is denied.

“Should government and the legislature accept the Committee's recommendations, British Columbia will be in a leadership position as the first jurisdiction in Canada to bring into force a statutory duty to document.

“I welcome the Committee’s recommendation to expand the Commissioner’s oversight to review allegations of unauthorized destruction of records, as well as the addition of offences and penalties for such actions.

“Anytime there is an allegation that a record has been destroyed, the public’s trust is diminished. Effective independent oversight is an essential means to maintain the public’s trust and confidence in the freedom of information process.

“I am also encouraged that the Committee has recommended mandatory breach notification for the public sector. In most cases the public has no choice but to hand over our most sensitive information to government. We have to trust that government will protect citizen’s personal information from potential threats. Mandatory breach notification alerts individuals to potential harms as a result of a breach, and gives them an opportunity to take measures to protect themselves.

“If implemented, this recommendation will result in B.C. being current with legislated breach notification in other jurisdictions.

“I would like to thank the committee members and staff for their thorough and thoughtful work and express appreciation to everyone who participated in this process.

“I look forward to government’s response.”

The Report of the Special Committee to Review the *Freedom of Information and Protection of Privacy Act* is available at: <https://www.leg.bc.ca/parliamentary-business/committees/40thparliament-5thsession-foi/>

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