



Today's BC Liberals

1. Twenty years after the *Freedom of Information and Protection of Privacy Act* was passed, information requesters now regularly face problems with high fees and long delays. What specific changes, if any, would you make to *FIPPA*, its regulations or policies to make it easier for people to obtain government records and information? What steps would your government take to reduce the delays and fees experienced by requesters?

Today's BC Liberals believe open government is about sharing information and giving British Columbians more opportunities to participate in decisions that make a difference in their lives. We are changing our approach to governing by putting citizens at the centre of our web services and making government data and information more freely available.

As part of Premier Clark's commitment to Open Government, we are posting information requested through Freedom of Information on the new Open Information website after it has been released to the applicant. Our Open Information website is fully searchable and updated regularly, sometimes daily, as new requests are released.

The Information and Privacy Commissioner's 2010 FOI report card praised our government's efforts to improve response times, stating: "government has significantly improved its performance." Since 2009, response times have improved from 71 per cent of FOI requests completed on time to 90 per cent on-time across government. In the Commissioner's follow up report, the performance and delivery of FOI requests improved to 93 per cent on time.

2. In a recent report, the Information and Privacy Commissioner found that there is a large and growing culture of 'oral government' in B.C. The report found that 45% of FOI requests sent to the Office of the Premier now come back with "no responsive records" and that government staff use private email accounts to avoid FOI requests. The Commissioner has called for the creation of a legislated "duty to document," and advised against the use of private email accounts for conducting public business. Further to this point, FIPA has called for the creation of penalties under *FIPPA* to discourage interference with information rights.

- A. Will your government act on the Commissioner's recommendations to put a "duty to document" in the *Freedom of Information and Protection of Privacy Act*?
- B. Will your government allow the use of personal email accounts for conducting public business, and what steps, if any, would you take to implement the Commissioner's recommendations on this issue?
- C. Will your government support the creation of penalties against those who interfere with information rights?

Today's BC Liberals appreciate the OIPC's review of government's operations and cooperated with the investigation through the process. We have committed to implementing many of the suggestions the Commissioner has made.

Our Freedom of Information (FOI) legislation is one of the cornerstones of our democratic process and one of the best tools available to provide accountable and transparent government. FOI requests are processed by trusted professional public servants, whose decisions and actions are guided by the *Freedom of Information and Privacy Protection Act*. British Columbia's *Freedom of Information and Protection of Privacy Act* is widely recognized as having the broadest coverage in the country.

Today's BC Liberals will continue to lead the way in transparency and openness. In fact, we are the first province in Canada to offer truly open information and open data.

3. Certain sections of *FIPPA* that exempt records from release, specifically cabinet confidences (s.12) and policy advice (s.13) have long been criticized as overly broad and in need of change. What specific changes, if any, would you make to those sections?

Today's BC Liberals introduced amendments to the *Freedom of Information and Protection of Privacy Act* in 2011. They were based on recommendations made by the Special Committee that reviewed the Act, the Office of the Information and Privacy Commissioner, and 118 submissions from stakeholders including the UBCM and the broader public sector.

These amendments modernize an Act that came into force in 1992, when the majority of citizens had not even heard of the Internet. We have aligned the Act with current day technology and with the way British Columbians want to be served by government today. We consulted with citizens, conducted focus groups and surveys with people from around the province in order to inform us on when, where and how citizens want and expect to receive government services. These amendments balance sharing citizens' information for government service delivery with increased oversight to protect the privacy of British Columbians.

The Act stipulates that a review must take place every six years and further amendments will be considered in a little over three years from now.

4. Section 25 of FIPPA states that if government records are deemed to be in the public interest, they must be disclosed, even if no request has been made. Based on a complaint filed by the Environmental Law Clinic at UVic on FIPA's behalf, the Commissioner is currently conducting an investigation into what appears to be a systemic failure of public bodies to comply with this section.

- A. Do you agree that Section 25 needs to be rewritten?**
- B. What other steps would you take to bring public bodies into line with their statutory duty to disclose under this section?**

Amendments to FIPPA introduced in 2011 stipulate that a mandatory review of the Act must take place every six years. Today's BC Liberals would be open to including these concerns during the next review process.

5. In 2010, the legislative Special Committee reviewing FIPPA recommended that subsidiaries created by public bodies like colleges and universities should be made subject to the Act. Will your government make this change and if not, why?

British Columbia's *Freedom of Information and Protection of Privacy Act* is widely recognized as having the broadest coverage in the country. Since 2001, Today's BC Liberals have added 77 public bodies to the Act. The Act now covers more than 2,900 public bodies. Coverage includes ministries and local governments, crown corporations, school boards, universities and colleges, municipal police, hospitals, health authorities, and governing bodies of professions.

Today's BC Liberals commit to exploring further opportunities to improve public oversight by adding more public bodies to the Act.

6. The Government of British Columbia has introduced a number of data linkage initiatives in recent years that have been strongly criticized by both civil society groups and Officers of the Legislature, including the Representative for Children and Youth, the Information and Privacy Commissioner, and the Auditor General. Criticisms of these initiatives, such as the Integrated Case Management system and the B.C. Services Card, include privacy infringements and lack of a clear purpose. Commissioner Denham has called for public consultations on identity management initiatives, and FIPA, along with a number of community groups, continues to call for a public inquiry into the government's data linkage programs and practices.

- A. Will your government conduct a full consultation with the people of British Columbia on these data linkage and identify management programs? If yes, how will that take consultation take place?**
- B. Will your government conduct a public inquiry into the numerous failures--technical, practical, and otherwise--of current data management and linkage systems, such as the ICM, BCeSIS and the JUSTIN case management system?**
- C. Will your government freeze implementation of these projects until these consultations and inquiries have taken place?**

Data linkage initiatives ensure that information is connected between appropriate government entities – something that British Columbians expect from us in this digital age. It is incredible that with all of the technology available today, that different branches of government, separated only by ministry designations, aren't able to 'speak' to each other and share information. Or that some areas of government deliver critical social programs like child protection services, income assistance and employment programs, using outdated and inflexible information systems.

That said, we also know that British Columbians expect us to keep their personal information private. So any time our government undertakes a data linkage initiative, we consult with the Office of the Information and Privacy Commissioner to ensure that all appropriate precautions are taken as we implement these new initiatives.

Our challenge as we replace some of government's obsolete data systems is to balance the benefits without compromising privacy rights. Today's BC Liberals will continue to strive to achieve that balance, and will work until we get it right.

8. The current B.C. *Election Act* requires that anyone doing anything that falls into the very broad definition of 'election advertising' must first register with Elections BC or face up to a year in jail or a \$10,000 fine. This includes handmade signs made by individuals and displayed during the election period. Do you agree that this law is unfair and unconstitutional, and if so, what do you intend to do about it?

The requirement for all election advertisers to register with Elections BC – regardless of how much they spend – has been in place since 1996. These rules are not meant to prevent the average citizen from having his or her say. They provide transparency so the public knows who is engaging in paid advertising around elections. As your organization is currently challenging this law in the courts, it would be inappropriate to further discuss the matter in this forum.