



Questions for party leaders on Freedom of Information and privacy issues in British Columbia

The B.C. Freedom of Information and Privacy Association would appreciate your responses to the following questions. Please do not be restricted by the format, and feel free to elaborate on any point.

1. Do you accept the April 2017 report of the Ombudsperson into the firings at the Ministry of Health, and will you bring in whistleblower protection legislation by March 2018 as recommended?
2. Both FIPA and the Information and Privacy Commissioner have recommended the creation of a ‘duty to document’ in the *Freedom of Information and Protection of Privacy Act*. The Special Legislative Committee reviewing *FIPPA* agreed with this recommendation. FIPA has called for the creation of penalties under *FIPPA* to discourage interference with information rights, as have the Commissioner and the Special Committee.
 - 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 support the creation of penalties against those who interfere with information rights?
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?
4. In 2017, the Special Legislative Committee reviewing *FIPPA* repeated the recommendation from the 2010 Committee that subsidiaries created by educational public bodies like colleges and universities should be made subject to the *Act*. Will your government make this change and if not, why?
5. 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. FIPA, the Commissioner [and the Special Committee] have called for legislative change to this section to bring it into line with how the Commissioner interprets this requirement.
 - A. Do you agree that Section 25 needs to be rewritten to reflect this?

- B. What other steps would you take to bring public bodies into line with their statutory duty to disclose under this section?

6. As the number of data breaches continues to grow, there have been repeated calls for joining other provinces and federal government in bringing in mandatory data breach notification. Special Legislative committees examining both the public and private sector privacy laws have recommended including mandatory data breach notification in both the *Freedom of Information and Protection of Privacy Act* (public sector) and the *Personal Information Protection Act* (private sector).

- A. Will your government bring in mandatory data breach notification for the public sector?
- B. Will your government bring in mandatory data breach notification for the private sector?

7. The B.C. *Election Act* has no lower limit for third party election advertising unlike most jurisdictions in this country. This means people or groups spending little or no money can face jail or fines for failing to register with the government during an election. This has resulted in absurdities like [Elections BC requiring](#) homemade pamphlets to be handed out rather than put in mail boxes, and limiting the number of such pamphlets to 25 per person handing them out.

- A. Will your government end this ridiculous situation by bringing in a minimum spending amount of \$500 like most other jurisdictions in Canada?
- B. If not, why not?

8. BC has been without a full time Information and Privacy Commissioner since July 2016, with no replacement until later this year at the earliest. Clearly there is a problem with the appointment process.

What will your government do to ensure this situation never happens again?

9. The BC government now posts the texts of Freedom of Information requests it receives even before releasing any information the requester. This practice has been criticized by FIPA and many others as measure that can intimidate requesters while providing no additional transparency on government operations.

- A. Do you agree with this policy, and if so, why?
- B. If not, will your government end this practice?

10. The [United States](#) has again identified BC's domestic data storage requirements in the *Freedom of Information and Protection of Privacy Act* as a trade barrier. With renegotiation of NAFTA set to begin in the near future, what will your government do to ensure our privacy law is protected?