

BRITISH COLUMBIA

FREEDOM OF INFORMATION AND PRIVACY

ASSOCIATION

2013 Annual Report

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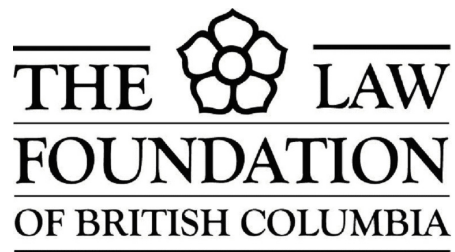
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The B.C. Freedom of Information and Privacy Association thanks the Law Foundation of B.C. and all our other donors, funders, and contributors for their ongoing support of our advocacy, research, programs, and services.



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MESSAGE FROM THE EXECUTIVE DIRECTOR

To our valued members, partners and allies...

2013 was another busy year for BC FIPA in pretty much all our spheres of activity: litigation, advocacy, education and law reform. The relentless advance of technology has opened up new opportunities as well as threats and will continue to do so in the years to come.

We are improving our own technological capacity to meet these challenges and to serve you better. A new website is coming soon, and will make the information you need and want easier to find. A massive increase in the use of our current website in the past two years shows just how important this upgrade will be, and FIPA staff will be able to make more information available to you.

On the policy front, our efforts and those of our friends and allies have increased public awareness of the danger of large scale government surveillance as well as government efforts to reduce transparency and access to information, especially the rise of oral government. We will redouble our efforts to fight both these trends in the coming months.

On the organizational front, we have successfully integrated a new Program Director into our team, and together we have managed to increase our income from membership. We have also had great continuing support from our funders, with a special thanks to the Law Foundation of British Columbia for not just maintaining our community education funding in a very challenging period for them, but also for making possible our modernized website and related systems.

BC FIPA has played a vital role in making our province and country a better and more open place to live. We are looking forward to working with all of you to keep moving forward in the years to come. We can't do it without you and I thank you for your unstinting support of information and privacy rights.

**Vincent Gogolek,
Executive Director**

OUR WORK

The B.C. Freedom of Information and Privacy Association is a non-partisan, non-profit society that was established in 1991 to promote and defend freedom of information and privacy rights in Canada.

Our goal is to empower citizens by increasing their access to public information and their control over their own personal information. We serve a wide variety of individuals and organizations through programs of public education, public assistance, research, and law reform.

FIPA was established in the early 1990s as part of an effort to establish access to information and privacy legislation in BC, and our organization was the prime non-governmental force behind the passage of B.C.'s Freedom of Information and Protection of Privacy Act (FIPPA). In the more than twenty years since, FIPA has worked tirelessly to defend and expand the reach of the FIPPA, and to protect the information rights of British Columbians. We have fought for the public disclosure of government contracts worth hundreds of millions of dollars. We have convened dialogues, conferences, workshops, and celebrations dedicated to establishing a democratic balance of power between the institutions, the citizens, and the officials who make up our society. Most importantly, we have helped countless citizens, in one-on-one conversation, understand and act on their fundamental information rights.

With a diverse, intergenerational membership of over 250 individuals and organizations, FIPA is a cornerstone of B.C.'s civil society community. Our main activities include:

Public Assistance and Referrals:

Every year, FIPA provides a wide variety of individuals and organizations with information and summary advice on freedom of information and privacy issues through our telephone and email helplines and our online Help Topics and resources. We occasionally arrange for advice or representation for people with serious access and privacy problems, through the

support of our own volunteer counsel, and also through arrangements with a number of partner organizations.

Public Legal Education:

FIPA produces a variety of public education events on freedom of information; privacy; and legislative and legal issues. Examples of our regular programming include our non-profit and small organization-focused Privacy Skills Networking Breakfast; our annual Freedom of Information Workshop; and our bi-annual Information Summit. We also provide the public with access to guided self-help materials where gaps in legal education are identified.

Public Interest Advocacy and Legal Research:

We conduct ongoing research into the policy and legal climates that structure access and privacy regimes in B.C. and across Canada, commissioning our own studies, and providing research support to lawyers, journalists, students, and the general public. In the course of answering inquiries from the public and responding to stories in the media, we research emerging information rights issues by filing FOI requests, thus making use of FOI law as an effective advocacy and research tool.

Litigation and Law Reform:

We are Canada's only public interest advocacy and watchdog group fully dedicated to FOI and privacy issues. We constantly monitor the performance of government bodies and Canada's Information and Privacy Commissioners, and are frequently consulted on policy issues by politicians and government officials. We regularly engage in legal advocacy before B.C.'s Information and Privacy Commissioner and various Canadian courts, and coordinate legal action with partner organizations to maximize effectiveness while avoiding duplication and overlap.

HIGHLIGHTS:

2013 in Numbers

FIPA's mission is to protect and advance the freedom of information and privacy rights of people in British Columbia and across Canada. We fulfill this mission by providing programs of legal assistance, public legal education, legal and policy research, law reform, and community outreach and advocacy.

PEOPLE SERVED: 2010-2013

	2010	2011	2012	2013
Helplines	462	510	285	266
Legal Assistance	42	30	21	23
Website Visits	107,439	102,773	97,064	136,277
Website Hits	750,757	812,867	1,050,575	1,337,097
Help Topic Hits	13,145	20,965	42,540	60,062
Media Interviews	118	117	175	168
FIPA Event Attendance	255	210	160	100
Speaking Engagements	319	544	370	810
NPC Listserv	145	163	163	163

In April 2012, FIPA had approximately 180 Twitter followers. Two years later, we have 1029 - that's a 570% increase!

HIGHLIGHTS:

2013 Accomplishments

BC Services Card- Public Awareness Raising:

In August of 2013 the B.C. government quietly launched a public consultation regarding the implementation of its new Services Card, and through our efforts we were able to ensure that this announcement received public and media attention. We effectively facilitated public input by recommending that the government expand the methods through which public comment could be submitted, and also enhanced public awareness of the program's shortcomings. The B.C. government invited FIPA's Executive Director to participate in both the Expert Conference panel and to present to the Users Panel as part of the consultation process, allowing FIPA to ensure that privacy concerns were taken into consideration.

Public Legal Education- Access in the Academy:

This year we experimented with a new model for promoting and distributing our public legal education resources with our ebook, *Access in the Academy*. The resource was made available for free or by donation in both physical and digital formats, thereby encouraging financial support while still ensuring free access to legal education services among B.C.'s many diverse communities. So far the ebook has been downloaded over 7,500 times. We released the ebook with an accompanying FOI workshop, allowing us to promote the resource among a range of communities and groups, provide hands-on guidance, and receive important feedback. Our first workshop was so successful that we held a second later in the year.

Important Legislative Interventions:

FIPA has been extremely effective this year at influencing the terms of information rights debates in British Columbia and across Canada. We have intervened at several levels of the Canadian court system, questioning the use of the policy advice exemption of Ontario's *FIPPA* in the Supreme Court of Canada; challenging the provincial *Election Act* in the Supreme Court of BC; and responding to the BC government's move to bring similarly restrictive third party spending limits to local government elections. In addition, several of our complaints to the Office of the Information and Privacy Commissioner have resulted in calls from the Commissioner for changes to the law.

Community Growth:

This year FIPA has built on the community partnerships established in 2012, connecting with many new constituents, a number of whom have since become donors, members, or subscribers. Integral to this has been the development of FIPA's online presence, and plans to continue this through our website upgrade. Thanks to a more serious investment in social

media networking and our regular contributions to the Huffington Post, we have successfully raised FIPA's profile, facilitating a more interactive and effective web presence, and allowing us to develop better relationships with members, potential funders, and similar organizations who we may work with in the future.

Our community is increasingly finding us online- web traffic to FIPA's website is over twelve times higher than in 2010

HIGHLIGHTS:

2013 Challenges and Opportunities

Resources and Funding:

While revenue from membership dues is running ahead of projections, overall we continue to face a low funding environment and an unstable economic future. Interest rates remain low, and we are mindful of the fact that this has necessitated cutbacks for the Law Foundation, which is our biggest source of funding. To account for this climate, FIPA has successfully experimented with releasing resources on a 'pay-what-you-wish' basis, and has worked to foster relationships with new organizational members.

Online Presence:

These efforts have been very successful, and we anticipate further improvements through the redevelopment of our website. The website is our public face, the portal through which our constituents most frequently access our services, and the first landing point for the majority of potential funders who are interested in learning more about us. As such it has to immediately communicate a clear and consistent articulation of our mandate, present a professional appearance, and successfully showcase our work. Our current website does not do this effectively; therefore the redesign of the website is an integral part of the organization's strategic development plan as we seek to become more self-sufficient.

Infrastructure:

The website redesign will occur in conjunction with various other electronic upgrades, including new computers and a new member database. The work of sourcing and procuring funding, and maintaining relationships with members, is a difficult and time-intensive job, and given the variety of programs and initiatives FIPA already maintains, it places an additional burden on our staff. However an upgrade of our technical equipment, software, and the new website will allow us to engage more effectively with supporters and potential funders, greatly increasing the impact of the information we disseminate without expending any more time and resources. Both the website upgrade and infrastructure improvements were made possible by a grant from the Law Foundation of British Columbia.



We're developing our online tools to better serve our members and to foster community.

PROGRAM REVIEW

Public Assistance and Referrals

In 2013 FIPA provided direct assistance to 435 people through our telephone and email helplines. This is a decrease compared to 2012, however this drop is more than offset by massive growth in other areas, particularly web traffic, help topic visitation, news subscriptions, and social media followership.

Our Help Topics are available free of charge and on demand through our website, and they provide individuals and organizations with information on how to file FOI requests, how to appeal the decisions of a public body if they are thought to be incorrect, how to request copies of personal records, and how to make privacy

complaints to appropriate commissioners and offices. In 2013, our help topics received a total of 60,062 hits, which is a 42% increase over the total for 2012. This growth in online service provision reflects FIPA's growing investment in digital communication environments and demonstrates the need for the coming upgrades to our web presence.

Finally, in cases where more than summary advice is required, FIPA provides basic legal assistance and referrals to our constituents. In 2013, we provided summary advice to 23 people and made 25 referrals to external organizations.

Public Legal Education

Outreach and Communications

Website: The total website hits for 2013 is 1,337,097. This is an increase of 27% over the total hits for 2012. The website has also experienced a significant increase in unique visits, which total 136,277 for 2013; an increase of 40% over 2012. Traffic reached its highest point in July, coinciding with the release of our Law Foundation-funded FOI resource, *Access in the Academy*. However over the year there has been a general increase in website traffic, reflecting a stronger content schedule for the website and more functional web presence overall.

Media Interventions: FIPA continues to appear regularly in news and media reports throughout British Columbia and across Canada. As the country's only organization devoted solely to information rights advocacy, we are well positioned to intervene in policy and legal debates through the media. Together, our Executive Director and our President provided commentary for 71 news and media items for print, web, radio, and television during this reporting period, and were interviewed a total of 168 times in 2013. This figure is a slight increase from 2012 (175 interviews) in spite of the difficulty of placing stories during a provincial election year. To counter this difficulty, FIPA also spent a significant

amount of time self-publishing through website posts and contributions to web outlets like the *Huffington Post*, where our Executive Director remains a regular blogger and published 16 pieces in 2013.



When Treasury Board President Tony Clement announced the government's consultation on the success of the *Open Government Partnership* (via Twitter, and in the depths of summer), the first many people heard of it was through our *Huffington Post* piece criticising the process. As a result, government extended deadline of the consultation.

Speeches and Presentations: We have had a very busy year in terms of public appearances. In February, our Executive Director participated in the *Open Data Summit*, coordinated and promoted by the Open Data Society of British Columbia (total estimated attendance: 200 people). In March he also participated in the *Communication Freedom Summit*, organized by students and faculty at Capilano University in North Vancouver, addressing questions around our constitutional challenge to the BC *Election Act* (total attendance: approximately 150 people). In April, Mr. Gogolek moderated a workshop coordinated by the B.C. Civil Liberties Association entitled *The B.C. Services Card: Privacy Risks, Opportunities, and Alternatives* (attended by approximately 40-50 people). And in late May, Mr. Gogolek was invited to give a lecture to a group of approximately 20 computer science students at BCIT on provincial privacy law and its relation to technology.

In September Mr. Gogolek was a presenter at the *4th Annual Access to Information and Privacy Law Symposium*, hosted by the Canadian Bar Association in Ottawa, where he spoke about the need for a legislated duty to document, and the impact of new technologies on requesting records (attended by approximately 125 people, plus an unknown number of remote viewers watching a recording). In the same month he presented at the *Germain Briere Day and Right to Know Day 2013 Conference*, speaking about Canada's low global access to information ranking, and what could be done to improve this. The conference was jointly hosted by the Civil Law section of the Ottawa University Law School and the Information Commissioner of Canada, and attended by approximately 100 people (plus an unknown number of remote viewers watching on CPAC).

In October Mr. Gogolek spoke at *Privacy and Access 20/20: A new vision for information rights*. This special conference was hosted by the Office of the Information and Privacy Commissioner for B.C. in recognition of the 20th Anniversary of the *Freedom of Information and Protection of Privacy Act* (approximately 150 people attended the conference, and around 75 people attended his panel). In November Mr. Gogolek was invited to speak to the citizen panel which the B.C. government had assembled as part of its Services Card consultation. The presentation was attended by approximately 40 people. Also in November, and also related to identity credentials, Mr. Gogolek spoke as a panellist at the

Northern Identities Conference in Vancouver, attended by around 50 people. In total, through our public appearances, FIPA addressed more than 800 people in 2013.

Events

Privacy Skills Networking Breakfast: In collaboration with the B.C. Civil Liberties Association and OpenMedia.ca, FIPA held an event on January 29th at the People's Law School called *Protecting Constituent Privacy: Where to Start?* The free workshop introduced administrators and executives at small organizations (primarily non-profit, social mission, and advocacy groups) to their core duties under provincial privacy legislation, outlined strategies for compliance, and engaged attendees in a discussion about how technological and policy-based efforts can come together to protect client data. Following requests for similar events in the future, plans are underway to build this event into an ongoing series.

Annual General Meeting: On April 11th, FIPA held its 2013 Annual General Meeting at the People's Law School in downtown Vancouver. The meeting featured a guest address from award-winning and internationally recognized Vancouver journalist Bob Mackin.



The User Panel who evaluated the new BC Services Card. FIPA's Executive Director spoke to the Panel during the consultations, and was impressed by their dedication to the task.

Mackin, a veteran reporter and prolific filer of FOI requests, discussed the present state of access rights in British Columbia, with specific reference to his ongoing efforts to get information regarding the recent taxpayer-funded renovations at B.C. Place stadium released to the public.

Access in the Academy: In July, in anticipation of the 2013 academic year, FIPA held an event to launch our new educational resource—*Access in the Academy: Bringing ATI and FOI to Academic Research*—along with a Freedom of Information skills training workshop. The launch event was well attended by a range of researchers and librarians, as well as representatives from community and advocacy organizations. Mike Larsen, Instructor in the Department of Criminology at Kwantlen Polytechnic University, facilitated the workshop, which received overwhelmingly positive feedback and was attended by approximately 30 people.

Beginners FOI Workshop: Following the success of the ebook launch, FIPA hosted a second FOI workshop to celebrate *Right to Know Week* in September. Mike Larsen also facilitated this workshop, which was designed at a more introductory level in order to reach a broader audience. The feedback we received from the approximately 30 attendees indicated that the workshop met or exceeded expectations, and several attendees asked for future workshops that would focus on specific parts of the FOI process, such as complaints.

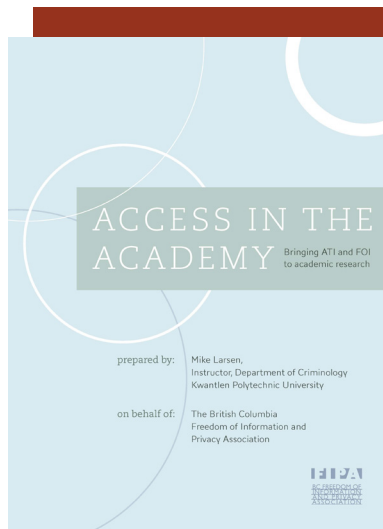
Media Democracy Days: In November FIPA participated in *Media Democracy Days* at Vancouver Public Library, where we engaged in public outreach alongside other community organizations who were invited to participate in a media fair, at which hundreds of members of the public were in attendance. We were able to raise awareness of current FOI and privacy issues with members of the public (for example the BC Services Cards), sign up new members to our mailing list, and engage in important discussions with individuals about the access and privacy issues that are important to them.

Special Projects

Access in the Academy eBook Project: In early 2013 the Law Foundation agreed to fund the development of a new public education resource meant to explore the understudied field of ATI/FOI mechanisms as legitimate academic research methods. The book was

released on July 25th both in print and electronic form, and was made available by donation (with a click through for those unable or unwilling to donate) through our website. The resource proved very popular, having been downloaded over 7,500 times to date, which would make it a Canadian bestseller if FIPA was offering it for sale! We also received requests for our limited run of 200 print copies from universities and libraries all over Canada.

Coalition and Partner Work: This year we joined two major advocacy coalitions. The first, *Our Fair Deal*, is an international coalition that challenges the intellectual property provisions of trade agreements like the *Trans Pacific Partnership*, and advocates for a more open, transparent negotiation process. The *Our Fair Deal*



Access in the Academy is one of the first resources of its kind available to academic researchers in Canada, providing a comprehensive, and highly practical introduction to the world of ATI and FOI.

website launched in July. The second coalition is a Canada-wide *Protect Our Privacy Coalition* of more than thirty major organizations. Building on the defeat of the online spying bill C-30, and fears that some of its worst provisions could be reintroduced in future legislation, the coalition is an effort to create a privacy-protective legislative framework for Canadians.

Website Renewal Initiative: A major part of our work is public education, so a clean, navigable website that pushes our Help Topics to the fore and shows off the research that we do, will help us fulfill that mandate and provide better services to our members. In December the Law Foundation generously agreed to provide funding for a complete re-launch of FIPA's website, and an upgrade of FIPA's hardware so that we have the computing power to manage these new online tools. We expect to be ready to launch the new site in early May.

Litigation and Law Reform

Submissions

Extension of federal gag orders: In the mid-June edition of *The Canada Gazette*, the Department of Justice announced their intention to amend the Schedule to the *Security of Information Act* to expand the number of current and former federal government employees under permanent gag order. The government's only stated justification for imposing this measure is to "provide... assurances to its international partners and allies that special operational information shared with Canada will be protected." To extend the gag, which carries a prison term of 14 years for violations, is to 'fix' a problem that may not even exist, since there is no indication that the current assurances are not sufficient for those foreign partners. On June 18th, FIPA sent a letter to the Department outlining our concerns.

Federal Open Government Commitments: One year into its commitment to the *Open Government Partnership* (OGP), an initiative through which countries around the world pledge to meet minimum standards of transparency, participation and accountability in government, the Canadian government launched a consultation to assess its success. Our submission noted that the consultation, announced in August, gave little attention to amending the *Access to Information Act*; something that is essential if real transparency is to be

achieved, and the few proposed changes fall far short of what is needed. President of the Treasury Board Tony Clement was forced by weight of public criticism to extend the deadline for submissions. FIPA also provided input to the independent review of the government's OGP commitments, conducted by Professor Mary Francoli of Carleton University.

BC ID Card: In August the B.C. government announced a fast-tracked consultation process for its already-launched BC Services Card and the government's digital services strategy. The consultation centered on a panel of randomly selected British Columbians, who were given until Christmas to create a report outlining their findings. We made a joint submission with the BC Civil Liberties Association (BCCLA) highlighting a number of impediments to the incorporation of public input, including the fact that the Panel was specifically denied the ability to recommend the Card program be stopped. British Columbians not selected for the panel were initially only able to give their input electronically, choosing from a set of government-sanctioned responses. In a small victory, the government allowed people to write in with their views on the Card, in addition to responding to its electronic forms.

Matters Before the OIPC

BC Open Government: At the end of July, the Office of the Information and Privacy Commissioner of BC responded to FIPA's 2012 complaint that the government is failing to post large numbers of completed and released FOI requests. In her report providing a critical assessment of BC Premier Christy Clark's 'open government' initiative, Commissioner Denham found this to indeed be the case, but also that the largest number of these requests were for calendars of ministers and government officials. She urged that these be released proactively, rather than requiring citizens to get them through FOI, and said her office would continue to monitor the situation.

Release of information in the public interest: An OIPC investigation released in December supported a 2012 complaint made by FIPA and the University of

Victoria's Environmental Law Clinic (ELC) regarding government failure to disclose information that is in the public interest. Section 25 of the *Freedom of Information and Protection of Privacy Act* requires public bodies to release information about risks to the environment and public health or safety, even if no Freedom of Information request has been made. However our complaint highlighted a number of cases where public bodies around B.C. appeared to have disregarded their legal obligations under section 25 for years or even decades. Commissioner Denham's investigation highlighted a systemic problem with these disclosures across government ministries, and called for changes to the law to promote the release of information in the public interest. We will be following up on her call for immediate legislative action.

Use of Private Emails and Transitory Records: A series of damning emails about the Burnaby Hospital Consultative committee were leaked to the NDP last year, including one sent to former Health Minister Margaret MacDiarmid on her private e mail account, contrary to government policy and law. Ms. MacDiarmid apologized for her actions, and, assuming the error would have been corrected, we filed an FOI request for the email. However no responsive records we found. The OIPC investigated and the Ministry responded that the email had been deleted as it was ‘transitory’. Records that are defined as transitory should have temporary usefulness, or are only needed to prepare an ongoing record. Having viewed the leaked copy of the email, it does not fit any conventional definition of transitory.

“No records” claims by BC government:

In September 2012 we made a complaint to the OIPC, setting out evidence that the number of “no records” responses to general FOI requests has risen alarmingly over the past ten years. During the last year for which figures were available, almost 25 percent of responses to general FOI requests came back with ‘no responsive records’. The Commissioner confirmed those numbers, and also found that the situation has become much worse, particularly in the Office of the Premier. The Commissioner found that the OOP responded to 45 percent of requests with ‘no responsive records.’ In addition, the Commissioner cited the government, particularly the Premier’s office, for conducting government business orally, or on private email accounts to avoid

FOI requests. She called for the government to amend FIPPA to include a ‘duty to document’. FIPA will continue to push these matters in the coming months.

BC ID Card: We requested information about the combined CareCards and driver’s licenses when the BC ID Card scheme was proposed in 2011. We received several hundred heavily redacted pages from ICBC after they signed a Consent Order to provide them. However, the Ministry of Health Services refused to sign such an order, then made a categorical denial of access to all documents two days before a hearing into their deemed refusal to respond to our FOI request. Complaints have been filed with the OIPC about both requests, and the hearings are scheduled for May 2014.

Ministry of Health data breach: In 2012, we received anonymous information about possible improper sharing of data with outside researchers by the Ministry of Health. After attempts to confirm this information proved unsuccessful, FIPA filed an FOI request for these records. A month later Minister MacDiarmid held a press conference to announce an inquiry and firings related to this incident. The Ministry refused to release any information to FIPA through FOI, claiming all this information relates to law enforcement and is exempt under s.15 of the *Act*. We challenged this as an over-broad interpretation of the section, and a hearing was scheduled for December 2013, but was pushed back to 2014.

“In the course of this investigation, we have seen evidence of the practice of “oral government”, where business is undertaken verbally and in a records-free way. There is no requirement in FIPPA to document these activities. Without a duty to document, government can effectively avoid disclosure and public scrutiny as to the basis and reasons for its actions.”

-- OIPC investigation report into FIPA’s complaint

Matters Before the Courts

Insurance company credit checks: At the request of the OIPC, FIPA intervened in a case where an unrepresented individual made a complaint to the Commissioner against his insurance company under B.C.’s Personal Information Protection Act (PIPA), alleging improper use of his personal credit information. The

client gave consent for the collection and use of his information for a credit check, but the information was used subsequently for a different, unrelated purpose – to assess risk and therefore claims level. The OIPC ordered that, although the collection of this data may be reasonable, the insurance company is still required

to get the consent of its customers. This was later confirmed in a settlement with the federal Privacy Commissioner under PIPEDA. As a result, this issue was not before the BC Supreme Court during a judicial review which overturned part of the OIPC Order. Joseph McArthur and Andrea Piercy of Blake Cassells and Graydon represented FIPA pro bono in this matter.

Election Act Charter challenge: The government's ongoing refusal to get rid of provisions in the provincial *Election Act* which are of dubious constitutionality has resulted in FIPA bringing a Constitutional challenge against the legislation. Individuals and organizations are required to register with Elections BC before undertaking any 'election advertising.' The definition of election advertising contained in s.228 of the Act is extremely broad, and there is no minimum amount of spending before being required to register with Elections BC, so something as simple as putting a handwritten sign in your window could be considered 'advertising.' Failure to register could result in a year in jail and a \$10,000 fine.

fine. As we saw during the last election, individuals and small organizations are afraid to communicate publicly about issues that concern them, lest they be considered unregistered 'third party advertisers,' resulting in a chilling of free speech. Our challenge was heard in B.C. Supreme Court in November. Sean Hern of Farris Vaughn, represented us pro bono in this matter.

Section 13 Policy Advice Exemption: We were in the Supreme Court of Canada in November, appearing as intervenors in an Ontario case relating to the scope of the 'policy advice' exemption under FOI law. The exemption is currently applied very broadly, meaning that it functions as a black hole for information that should be available to requesters. The Court's decision could have a significant impact on the way this exemption is used in B.C. as the Ontario section is similar to B.C.'s s.13. Brent Olthuis and Andrea Glen of Hunter Litigation Chambers represented FIPA pro bono in this case, and we are currently awaiting the decision.

Public Interest Advocacy & Legal Research

B.C. Services Card: The BCCLA received a grant from the Office of the Privacy Commissioner of Canada to investigate the new BC Services card; a program which launched in 2013 and combines the provincial driver's license with the functions of the old B.C. CareCard, allegedly in an effort to curb medical billing fraud. We worked with the B.C. Civil Liberties Association to investigate the privacy and policy implications of the

new B.C. Services Card, contributing significant research and FOI assistance to this initiative, which culminated in the release of the BCCLA's report *A National ID Card By Stealth? The BC Services Card*. In addition, we have participated in the governments consultations regarding the card, and are waiting for responses to FOI requests to shed further light on its implementation.



The report was released with an accompanying workshop, attended by civil liberties groups, technical experts, and other stakeholders.

C-12 Advocacy: This year we also collaborated with the Canadian Civil Liberties Association (CCLA) and the Canadian Internet Policy and Public Interest Clinic (CIPPIC) to produce a backgrounder on Bill C-12, which proposes a set of amendments to the federal Personal Information Protection and Electronic Documents Act. The Bill has been repeatedly pitched as a privacy-enhancing upgrade to PIPEDA, yet contains a number of troubling provisions that in fact make it easier for private organizations to disclose their clients' personal information to vaguely defined "lawful authorities." As well, it fails to properly address the inadequate breach notification provisions that are currently in PIPEDA. The resource was made available through our respective organizations' websites.

Coverage of University Subsidiaries: For several years, FIPA has pushed the provincial government to add the subsidiary corporations of school boards, colleges, and universities to the schedule of public bodies covered by the FIPPA. However, despite promises from multiple ministers that this change would be made (going back to at least 2006), we've yet to see any legislative action. FIPA intends to renew our efforts to make this long-delayed fix a reality. We have already sent the new minister a letter urging him to take action on this issue and are awaiting a response.

Vehicle Telemetry: This is a new issue that FIPA began investigating in 2013. Private insurance companies in the USA and at least one Canadian province (Ontario) have begun offering rate reduction plans in exchange for customers opting in to having telemetry systems installed on their vehicles that monitor the car's performance. Essentially, it amounts to a willingness to trade privacy regarding your driving and movement data for cash or lower payments. The federal Privacy Commissioner has just approved our application for funding to carry out a study into this issue, as it will not only have implications for the privacy rights of drivers, but also cost implications for consumers in general.

If vehicle telemetry systems become the norm, drivers who do not wish to have their privacy infringed upon may be required to pay more for auto insurance, perhaps a great deal more.

Federal Information Control: Over the course of this reporting period, FIPA has tracked and responded to a number of information, access, and privacy issues at the federal level. We have been collaborating with organizations such as the Canadian Association of University Teachers and the BC Library Association to publicize the implications of recent budget cuts to Library and Archives Canada (LAC), and we have raised concerns in the *Huffington Post* around the ways in which the federal government is slashing and centralizing the information available to Canadians through government websites.

We have also been working behind the scenes to look into claims that the Harper government is abusing the Order Paper Question system in the House of Commons, failing to produce meaningful responses to OPQs from members of the opposition, and using their own OPQs in order to get public servants and bureaucrats to conduct ostensibly partisan research for the Conservative Party of Canada. This is related to a marked rise in political interference in what should be non-political access activities (claiming ministerial and cabinet secrecy to withhold records from requesters, etc.), and a powerful culture of secrecy across government. Other moves with negative implications for transparency include the government's recently effort to use an Order in Council to put a number of current and federal employees under a lifetime gag order.

Finally, we have been keeping tabs on the growing problem of privacy breaches within the federal government. Curbing such breaches, and amending federal privacy legislation to ensure that breach notifications are required, are a major advocacy plank for the new privacy coalition referenced above.

"More than ever, Canadians need strong, genuinely transparent, and properly enforced safeguards to secure privacy rights. We call on Government to put in place effective legal measures to protect the privacy of every resident of Canada against intrusion by government entities."

-- Protect Our Privacy Coalition

ORGANIZATIONAL CHANGES

2013 saw several changes to FIPA's board. Ann Rees resigned to focus on personal and academic work, and Michael Markwick took a leave of absence during the provincial election to stand as an independent candidate, returning later in the year.

In June, FIPA began recruiting for a new Program Director to replace outgoing staff member Tyler

Morgenstern. Catherine Hart was hired and took over the position at the beginning of August. She comes to FIPA with a master's degree in Communications; experience with non-profit fundraising and campaigning; and a background with advocacy organizations that focus on issues such as media democratization, information rights, communications policy, and technology.

SUPPORT FIPA

FIPA relies on the contributions of members, community groups, and individual donors to support its work.

HERE'S HOW YOU CAN HELP:

BECOME A MEMBER

Join as an individual or as an organization to receive early notice of events, first-run access to the FIPA Bulletin, special offers, and AGM voting privileges.

BECOME A DONOR

The best way to support FIPA is by signing up as a monthly contributor. One-time gifts and donations are also greatly appreciated! Visit fipa.bc.ca and click 'Donate.'

SPREAD THE WORD

Follow us on Twitter (@bcfipa), subscribe to our news updates, and share our quarterly Bulletin! We're always looking to expand the information rights community in B.C.



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