FIPA BC FREEDOM OF INFORMATION AND PRIVACY ASSOCIATION

THE BULLETIN

AUGUST 2016

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FROM TRICKLE TO TIDE

Preparing for a wave of transparency
22 September 2016

Since the last Information Summit, we have seen some major shifts in the freedom of information and privacy landscape. There have been major reports from both a BC Special Legislative committee and from the House of Commons ATI Ethics and Privacy standing committee calling for a serious overhaul of the federal and provincial laws.

Some of those major reforms include a legislated 'duty to document', stiffer penalties for violations and improved coverage of bodies not currently under the *Act* and the types of records that can be requested. Not to mention bringing in more and better proactive disclosure.

Join us for the 2016 BC Information Summit September 22, 2016

In other words, a lot more accountability and transparency for both the federal and provincial governments.

That's why, on September 22 2016, FIPA is proud to present the **2016 BC Information Summit,** *From Trickle to Tide: Preparing for a Wave of Transparency.* Taking place at UBC Robson Square, our 6th Info Summit will hear from experts and people directly involved in the ever-changing landscape of information and privacy rights where they will engage with the different perspectives and strategies used to meet today's challenges.

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Continued from p.1... The conference will feature a wide array of speakers drawn from a number of fields, who will be exploring how this new landscape is playing out from a number of perspectives.

Full programming details for the Summit, along with registration, can be found online at www.infosummit.ca. Some highlights include:

- Keynote addresses from the **Information Commissioner of Canada, Suzanne Legault** and **Drew McArthur,** the **Acting Commissioner at the Office of the Information and Privacy Commissioner.**
- Opening remarks from FIPA President **Michael Markwick** and closing comments from **Vincent Gogolek**, our Executive Director.
- Panels featuring **Mike Larsen** (Lecturer, School of Criminology, Kwantlen University), **Paul Hancock** (Legal Counsel, Information and Privacy, UBC), **Victoria Lemieux** (Associate Professor of Archival Studies, UBC), **Layla Michaud** (Assistant Commissioner, Office of the Information Commissioner of Canada), **Michael Vonn** (Policy Director, BC Civil Liberties Association), and **Benjamin Goold** (Professor, Allard School of Law, UBC).
- And more speakers to come!

Registration is now open at https://www.picatic.com/infosummit2016. Get your seats early to make sure you get the information that you need. Info Summit is accredited as a Continuing Professional Development Course by the Law Society of BC.

FIPA would like to thank our 2016 Info Summit **sponsors:** School of Library, Archival and Information Studies at UBC, CUPE BC, BCGEU, the Office of the Information and Privacy Commissioner of BC, the Canadian Taxpayers Federation, Disability Alliance BC, Newspapers Canada, Vancity, the Wilderness Committee, and the Trial Lawyers Association of BC. We would also like to thank Picatic.

UPCOMING FIPA EVENTS

2016 BC Information Summit

September 22, 2016 8:15 AM - 5 PM

UBC Robson Square Theatre, Vancouver

More info here. **REGISTER**

25TH Anniversary Fundraising Soiree

November 3, 2016 6:30 PM - 9:30 PM

Bill Reid Gallery of Northwest Coast Art, Vancouver

Stay tuned for more information!

Special General Meeting

November 15, 2016

Doors open at 7 PM

Stay tuned for more information!

25 YEARS FIPA

BC FREEDOM OF INFORMATION AND PRIVACY ASSOCIATION

SAVE THE DATE!

On November 3rd, we will be celebrating our 25th anniversary Fundraising Soiree at the Bill Reid Gallery in downtown Vancouver. Come join us as we celebrate all we have accomplished as well as share our vision for the future. Tickets will be available soon. Come celebrate with us!

TRIPLE DELETE CASE HIGHLIGHTS NED FOR FOI LAW REFORM, PENLATIES

The conviction of former Ministry of Transportation political staffer George Gretes for obstructing the Information and Privacy Commissioner in her investigation of the "Triple Delete" scandal underscores the need for serious reform of the *Freedom of Information and Protection of Privacy Act (FIPPA)*.

He was not, however, charged with the act of deleting information as that is not actually an offence under *FIPPA.* We need tougher penalties for those interfering with information rights as well as a legislated duty to document..

Both Commissioner Elizabeth Denham and her predecessor, David Loukidelis, have called for a legislated 'duty to document' and for stiffer penalties for violations of the *Act.* So did FIPA. This was echoed by the Special Legislative committee reviewing the *Act* in its report this past May. The BC government has yet to respond to any of these recommendations except for vague statements that they were being 'actively studied.'

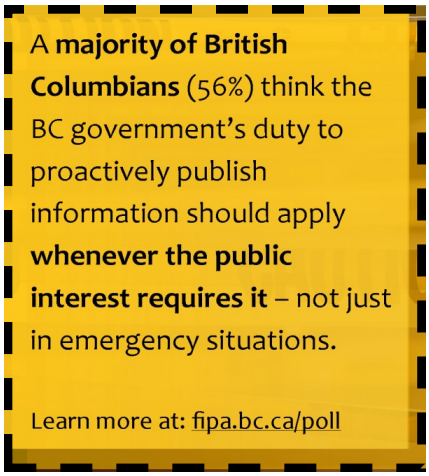
According to a poll done for FIPA by Ipsos Canada, it is clear that many British Columbians want action on these issues. The poll found:

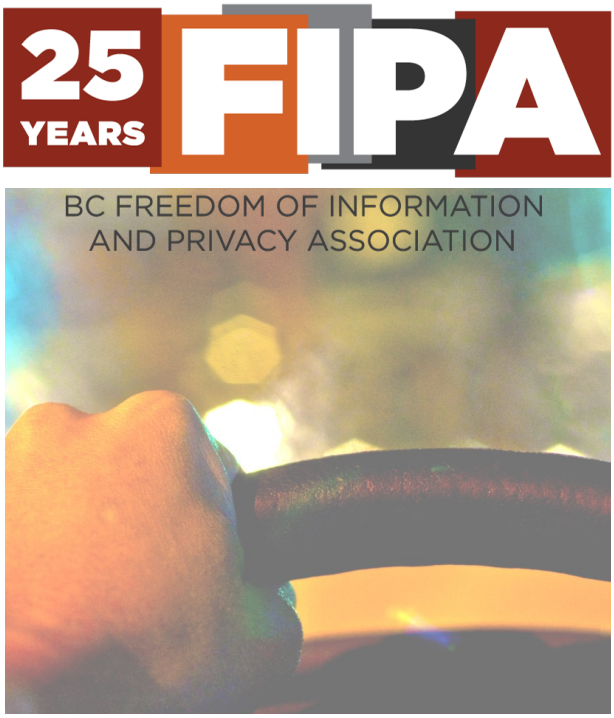
- 96% of British Columbians believe it is important that government officials be legally required to keep accurate, complete records of what they do on the job.
- 84% think government officials who interfere with access to information rights should face penalties.
- 85% of respondents believe these reforms should be put into law before the next provincial election in 2017.

(Full poll questions and responses can be found here: https://fipa.bc.ca/poll/)

The inaction of the BC government is unacceptable, especially since Commissioner Denham first made these recommendations more than three years ago – presumably they should be able to put together legislation to implement this amendment by now, especially since they were able to bring back the Legislature in the middle of summer to bring in changes to the land transfer tax.

There really is no excuse for delaying action to restore public confidence in this province's Freedom of Information system.





ABOUT FIPA

The BC Freedom of Information and Privacy Association (FIPA) 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 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'S *ELECTION ACT* CHALLENGE TO BE HEARD IN SUPREME COURT OF CANADA THIS FALL

With the provincial election just around the corner, FIPA's fight against restrictions on freedom of expression in BC's *Election Act* is going to make its final stop in the Supreme Court of Canada this October. This is barely six months before the BC election campaign begins.

The *Election Act* requires any persons or groups who actions fall under a very broad definition of 'advertising' to register with Elections BC – even if little or no money is spent. If they don't, they could face hefty fines (up to $10,000) and up to a year in jail.

FIPA argues that this absolute ban on unregistered expression is unconstitutional, as it applies to things like handwritten signs or other communications with a value of zero. Studies have shown people and groups avoid public comment, for fear of hefty fines and even jail time for inadvertently violating the law.

The BC and Canadian Civil Liberties Associations will be intervening in the challenge, as will the Attornies-General for Ontario, Quebec and Canada.

We are hoping that a victory in this important case will come before the May 2017 provincial election.

Many thanks as always to FIPA's pro bono lawyers Sean Hern and Alison Latimer of Farris Vaughn for representing us (and the public interest) in this case.

IN OTHER NEWS

There have been a few changes to our staff here at BC FIPA. We are pleased to introduce our new Event Coordinator and Program Director:

Amy Yeung joins us as our Event Coordinator. With over 10 years of corporate event planning experience, her background brings creativity, organizational and administrative skills to the BC FIPA team. She is extremely ambitious and highly passionate about helping others.

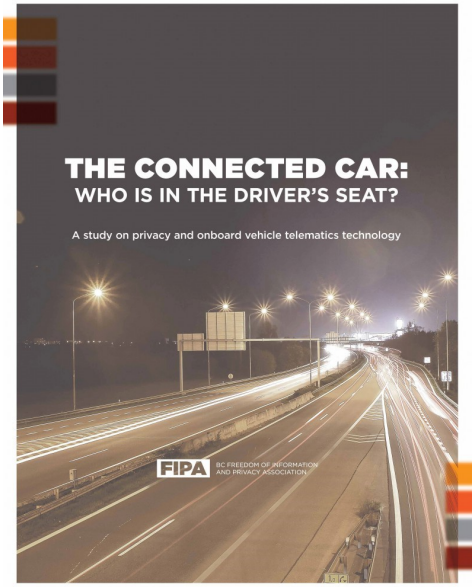
In 2011, Amy made a career switch from corporate to non-profit where to chose to commit her lifestyle and career to helping other. She moved to Guatemala to work for the non-profit "Project Somos." Upon her return to Vancouver, she continued working for them as their Manager of Canadian Operations and is currently their Fundraising Guru.

We would also like to welcome our new Program Director: **Joyce Yan** comes from a background of social and environmental justice. She completed her B.A. at SFU in Political Science and International Studies with a focus on international development. She then pursued this passion at Queen's University where she earned her M.A. in Global Development Studies.

Having worked on an international scale for several years, Joyce has decided to focus local social issues. Her experience working with non-profits and student communities has provided her with the tools and training to carry out the organization's mandate and to help it grow in the future.

FIPA'S CONNECTED CAR REPORT MAKES WAVES IN SUPREME COURT OF CANADA

FIPA's much praised report for the Office of the Privacy Commissioner, The Connected Car: Who is in the Driver's Seat is now being cited as an important authority in the Supreme Court of Canada.



Last month the Supreme Court turned down a request for leave to appeal from Wayne Rodney Fedan, who was convicted in BC of two counts of dangerous driving causing death. The appeal centred on whether or not RCMP had the legal authority to remove and take information from an event data recorder in the accused's pickup truck. The Court of Appeal upheld the conviction and the RCMP's search.

The Court does not provide reasons in its leave decisions, so we don't know why they declined to hear this case. The many issues raised by the collection of information by Connected Cars will have to wait for another day in court.

It is interesting to note that both the Crown and the defense cited FIPA's Connected Car study in support of their respective arguments.

FIPA IS JOINING FACEBOOK

After careful consideration and deliberation, FIPA is finally joining the Facebook world. Yes, you read that correctly.

But first, we want to make a few things clear:

- We will not be posting content exclusively to Facebook – anything found on our page will also be available on our website and/or Twitter. Our Facebook posts will be visible to anyone and everyone, regardless of whether they have a Facebook account, or are signed in to Facebook.
- We are not, in any way, encouraging anyone to join Facebook. We have no intention (nor will we) of endorsing Facebook in any way.

We have decided to make use of Facebook because – and simply because – it's another way to engage with people. Facebook is the most used social media platform in Canada, with 14 million people logging in every day – that's over half of Canada's internet users!

Facebook has become an important tool for popular education, a way to raise issues, and a means to bring communities together – it has become the backbone of most non-profits and advocacy organizations including many other privacy-minded organizations and experts.

With all that said, we do recognize that Facebook has many problematic policies and practices relating to users' privacy, and we want to hear from you, our members.

Just send us an e-mail at fipa@fipa.bc.ca and let us know what you think.

WANT TO DO MORE?

There are three main ways you can support FIPA: by becoming a member, by donating, or by becoming a volunteer!

As a non-profit organization, we really rely on the generosity of our supporters to allow us to keep doing this important work.

To become a member, donate, or volunteer, visit us online at fipa.bc.ca, send us an email at fipa@fipa.bc.ca or call us at 604-739-9788.

THANK YOU!

FIPA would like to thank you, our members, donors and funders for your generous support in making our work—and this bulletin—possible.

FIPA
BC FREEDOM OF INFORMATION AND PRIVACY ASSOCIATION

Federal Government Consultations coming on National Security

The federal government has taken a while to get moving on its election promise to make amendments to Bill C-51, but it now looks like things may be starting to stir.

There have been a number of false starts to date. For example, Public Safety Minister Ralph Goodale, writing in the Huffington Post in early June stated that "In a discussion paper soon to be published, we will describe the laws and procedures which currently exist to protect Canadians against terrorist threats and how they evolved over the past 15 years since 9/11 -- up to and including the impact of C-51."

To date, there has been no sign of the promised discussion paper, nor the promised wide ranging consultation on national security issues.

However, a spokesperson for the Public Safety Minister told iPolitics.ca earlier this week that the consultation would be coming "…most likely before Parliament resumes."

The House of Commons is scheduled to return Monday September 19.

It will be interesting to see what the government proposes by way of amendments to C-51, in light of the Liberal party's commitment to amend but not repeal the much criticized legislation.

FIPA and our allies in the fight against the draconian legislation will be taking an active role in the coming debate.

JOIN US FOR OUR SPECIAL GENERAL MEETING

Thank you to all of those who attended our Annual General Meeting, which took place June 2, 2016 at the YWCA Hotel. There were, however, a few matters that were left out of the AGM.

We are holding a Special General Meeting on November 15, 2016 to vote in new directors to the board, and to amend our current by-laws and constitution in compliance with the new BC *Societies Act.*

Venue is still to be determined but keep an eye out for our announcement!

Doors will open at 7 PM for registration and membership renewal. For more information, or to submit a form of proxy, call 604-739-9788. To renew your membership through our secure online form, click here.

We look forward to seeing you there!

MAKE SURE YOUR MEMBERSHIP IS UP TO DATE!

We seek to empower citizens by...

..increasing their right of access to government-held information.

..promoting and defending the principle of universal and affordable access to the basic information channels of our time.

..limiting the surveillance activities of the state, and by increasing our right of access to our own personal information and our ability to control the collection, use and sharing of our personal information, wherever it is stored.

Join us!

Contact FIPA for more information on becoming a member.