



BC FREEDOM OF INFORMATION AND PRIVACY ASSOCIATION

September 24, 2018

The Honourable John Horgan
Premier of British Columbia
Victoria, BC

The Honourable Jinny Sims
Minister of Citizens' Services
Victoria, BC V8W 9E2

By Email: premier@gov.bc.ca; LCTZ.Minister@gov.bc.ca

Dear Premier Horgan and Minister Sims:

Re: Reform of Freedom of Information and Privacy Legislation

This year, Right to Know Week will be celebrated the week of 24-30 September. Right to Know Week provides organizations, groups, and people across Canada an opportunity to come together to raise awareness of the importance of the right of access to government information, and to call for action with a view to strengthening and protecting this fundamental right.

We are marking 2018's Right to Know Week by writing to you regarding the need for immediate action to reform and update BC's Freedom of Information and Protection of Privacy Act (FIPPA).

The FIPPA is outdated, and meaningful and substantive reforms are long overdue. This has been the conclusion of various studies and reports, including the [2016 Report of the Special Legislative Committee](#) tasked with reviewing the Act. It is also our conclusion as active users and observers of BC's Freedom of Information system. Necessary changes include:

- Creating a real legislative 'duty to document' under FIPPA, to end the practice of 'oral government' and ensure that government officials are legally required to keep accurate, complete records of what they do on the job;
- Tightening certain exceptions to disclosure, particularly sections 12 (cabinet records) and 13 (policy advice), including taking steps to bring to an end the abuse of these provisions;
- Bringing all subsidiaries of educational and other public bodies within the scope of the FIPPA; and
- Creating penalties, under the FIPPA, for government officials who interfere with freedom of information rights.

Your government has expressed a commitment to improve BC's freedom of information system, and we know that you have taken steps to [consult with the public](#) and the FOI community (through the Spring 2018 public engagement on FOI and the ongoing Freedom of Information Rules Project conducted by the Ministry of Citizens' Services). However, we have yet to see the introduction of legislation to reform the FIPPA.

In our experience, governments of all types and at all levels frequently speak about the importance of transparency, accountability, and the right to know, and opposition political parties often call for FOI



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reform. However, these claims rarely translate into meaningful actions to improve the legislation that supports our right to know.

There is an opportunity for your government to show true leadership in this area by bringing forward legislation to reform the FIPPA. We note that 84% of respondents in a [2018 Ipsos poll conducted on behalf of BC FIPA](#) believe that FOI reforms should be put into law before the next provincial election. There is both a pressing need for change and a clear public mandate for it. We hope that you will mark this Right to Know Week by announcing - and committing to - a timetable for the introduction of a FIPPA reform bill.

We are available to work with your government to help bring about positive changes to protect the information rights of all British Columbians and build a stronger democracy.

Yours Truly,

A handwritten signature in black ink, appearing to read "Sara Neuert", written in a cursive style.

Sara Neuert
Executive Director, BC FIPA

A handwritten signature in blue ink, appearing to read "Mike Larsen", written in a cursive style.

Mike Larsen
President, BC FIPA

Micheal Vonn, Policy Director, **BC Civil Liberties Association**
Darrell Evans, Executive Director (volunteer), **Canadian Institute for Information and Privacy Studies Society**
Kris Constable, President, **Canadian Institute for Information and Privacy Studies Society**
Tamir Israel, Staff Lawyer, **Canadian Internet Policy and Public Interest Clinic**
Randy Christensen, Staff Lawyer, **EcoJustice**
John Hinds, President and Chief Executive Officer, **News Media Canada**
Beth Clarke, Development and Program Director, **Wilderness Committee**
Vincent Gogolek, FOI and Privacy Expert,
Toby Mendel, Executive Director, **Centre for Law and Democracy**
Stanley Tromp, Journalist
Robyn Laba, Senior Researcher, **Union of British Columbia Indian Chiefs**
Laura Tribe, Executive Director, **OpenMedia**