

THE BULLETIN

OCTOBER 2018

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THIS EDITION



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QUARTERLY
BULLETIN

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OPEN LETTER TO PREMIER HORGAN

Reform of Freedom of Information and Privacy Legislation

During this year's Right to Know Week, FIPA sent a joint letter to
Premiere John Horgan and Minister Jinny Sims calling for immediate
action to reform and update BC's
Freedom of Information and
Protection of Privacy Act (FIPPA).

Citing various studies, including a
report issued by the Special
Legislative Committee, FIPA asked
for the creation of a 'duty to
document,' tightening of
exceptions to disclose through sections 12 and 13, bringing
subsidiaries of public bodies under the scope of FIPPA, and creating
penalties for those who interfere freedom of information rights.

The open letter was co-signed by the BC Civil Liberties Association,
the Canadian Institute for Information and Privacy Studies, the
Canadian Internet Policy and Public Interest Clinic, EcoJustice, News
Media Canada, Wilderness Committee, the Centre for Law and
Democracy, the Union of British Columbia Indian Chiefs, Open
Media, and independent journalists and privacy experts.

You can [read the full letter here](#).





Changing Perceptions in FOI & Privacy TWO SIDES OF THE SAME COIN?

On Thursday, September 27th, FIPA hosted the 2018 BC Information Summit at UBC Robson Square in Vancouver. This year's theme explored how changing perceptions around the right to know and the right to one's privacy are being shaped.

The conference assembled a range of experts from varying backgrounds to look at these developments and discuss what they might mean for information and privacy rights.

In the morning, Sean Holman, Associate Professor of Journalism at Mount Royal University, gave a keynote entitled, *The Falling Currency of Democracy: Information as an Instrument of Control and Certainty in the Postwar and Post-truth Eras*.

Professor Holman wondered if, in this new age of digital information, our emotional demand for certainty has overpowered our cognitive need for truth.

The morning keynote was followed by panels that discussed the latest developments in FOI and ATI reform and considered how whistleblower laws, like BC's new PIDA, compare domestically and internationally.

After lunch, BC's Information and Privacy Commissioner, Michael McEvoy, gave the second keynote of the day about the latest developments in FOI and Privacy.



Commissioner McEvoy addresses the audience at the 2018 BC Information Summit during the afternoon keynote

"There's no conflict between privacy and access to information," said Commissioner McEvoy. "They're united by accountability."

The afternoon panels discussed personal information, privacy, and political parties and tensions between privacy and the right to know.

FIPA would like to extend a special thank you to the sponsors who made the event possible: CUPE BC, BCGEU, Vancity, Canadian Taxpayers Federation, the OIPC BC, News Media Canada, and Picatic.

A video of the conference will be available to members in the near future.

WHISTLEBLOWER REPORT & NATIONAL DIGITAL AND DATA SUBMISSION

FIPA PROVIDES FEEDBACK ON THE NEW PIDA AND TO CANADA'S DIGITAL TRANSFORMATION STRATEGY

Over the past few months, Dr. Carroll Boydell has been working on a BC FIPA research project comparing provincial and federal whistleblower legislation to international best practices. During the course of her research, she uncovered several best practices that are absent from existing legislation that would better protect whistleblowers and their families.

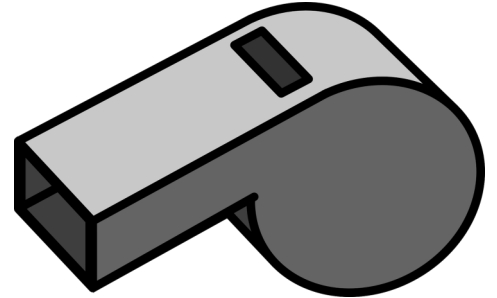
"Though protections exist for whistleblowers in Canada and the new BC legislation includes a number of best practice guidelines, the report uncovers several things that are overlooked by the patchwork of legislation that exists to protect whistleblowers today," says Dr. Boydell. "It would be nice to see some of the best practices put forward in this paper be adopted by legislators, and for procedures currently being developed as a result of the BC legislation to incorporate any best practices not explicitly addressed in the legislation."

The resulting paper from that research project will soon be published and available on our website.

In addition, Canada's department for Innovation, Science, and Economic Development solicited feedback on their national digital and data strategy through roundtable discussions over the last few months. Although FIPA was not formally invited to participate in the roundtables, which were purported to be inclusive of civil society groups, we were able to make a submission during the consultation process.

Prepared by Samantha Delechantos, the submission compares data protection regulations in the European Union, through the *General Data Protection Regulations*, to Canada's current data privacy framework. From this analysis, the author is able to make several recommendations on behalf of FIPA that will act to better protect the privacy of Canadians.

That submission will also soon be available on our website.



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.

An update on

USMCA AND THE PRIVACY OF BRITISH COLUMBIANS

During NAFTA negotiations in 2017, FIPA did two separate submissions regarding BC's Freedom of Information and Protection of Privacy Act (FIPPA) and saw significant concerns involving the information and privacy rights of Canadians. The first submission was to Minister Freeland in care of the NAFTA Consultations and the second was to the Standing Committee on International Trade. FIPA also raised the issue during the BC Election 2017, succeeding to have all three political parties commit to ensuring the

protection of our privacy law under any negotiations of a new NAFTA agreement, now known as the United States-Mexico-Canada Agreement (USMCA).

The BC data localization provisions contained within FIPPA have been in force since 2004 and were implemented by the liberal government of

Gordon Campbell on the recommendation of BC's Information and Privacy Commissioner.

A large number of British Columbians became concerned about the application of the USA PATRIOT Act to their personal health information after it was announced that a number outsourcing initiatives to a US controlled private service provider.

BC's Information and Privacy Commissioner made a number of



recommendations, including a requirement that data be stored in Canada. This was incorporated as s.30.1 of FIPPA, which is a quasi-constitutional statute that applies to most of the broader public sector in BC as well as the provincial government itself.

The provision requires public bodies in the province to "ensure that personal information in its custody or under its control is stored in Canada and accessed only in Canada", subject to a few limited exceptions.

FIPA once again raised concerns in the pending free trade agreement between Canada, Mexico and the United States of a possible conflict to the existing FIPPA s. 30.1. We have received assurance from the BC government that s. 30.1 of FIPPA remains protected.

The Ministry of Citizens' Services provided FIPA with this statement on October 18, 2018:

"We are pleased that that Canada, Mexico and the United States have concluded negotiations on a new trade agreement. We've completed a legal analysis and determined that the Province's legislative protections for data localization within Canada for public bodies under the Freedom of Information and Protection of Privacy Act are not impacted. B.C. worked closely with Ottawa during negotiations to ensure these data localization protections were maintained in the new agreement."

(Image used under [CC 3.0 license](#) and created by Keepscales)

Ongoing workshops...

Event: FOI 101 for the Ministry of Citizen Services

Date: Thursday, Nov 1, 2018

Location: Victoria, BC

Event: FOI 101 for the Georgia Straight Alliance

Date: Thursday, Nov 15, 2018

Location: Vancouver, BC

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-

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.



STAFF CHANGES

Wishing Joyce and her husband, Art, much happiness as they prepare for the arrival of Caliah

Joyce has been with FIPA since 2015 as Program Director; she will be taking a year's leave to start a new chapter in her life. Joyce has been my support and knowledge base during my transition as Executive Director.

She was instrumental in handling the event planning and promotion of our successful Information Summit this year. She has been keeping FIPA organized and on task for the past three years and she will be missed.

I think it is safe to say that on behalf of the board and myself, we wish Joyce all best in her new role. We look forward to her return next year.



Welcome Bryan Short as the FIPA's new Program Director

Bryan Short is the new Program Director of the BC Freedom of Information and Privacy Association. He comes to us with almost a decade of experience working in communications and marketing in the fields of technology and public education.

Bryan has shown his creativity and ingenuity in his working partnership with UBC on the Digital Tattoo Project, an online resource to help students consider their digital identities. He campaigned to create a student privacy bill of rights and launched a podcast and radio show about open access, copyright, privacy and surveillance issues.

Bryan has a Bachelor of Arts in English Literature and a Masters in Journalism from the University of British Columbia. Please join me in welcoming Bryan to the BC Freedom of Information and Privacy Association team.



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.