



A look back at 2018



BC FREEDOM OF INFORMATION
AND PRIVACY ASSOCIATION

2018

ANNUAL REPORT

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2018 Annual Report

Funders

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

We also acknowledge the financial support of the Province of British Columbia (Gaming Policy and Enforcement Branch).



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Joyce Yan, Program Director
Bryan Short, Program Director

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Message from the President



**Dear members, allies,
and partners,**

It is a privilege to present this message as part of our 2018 Annual Report, and a continued honour to serve as President of the BC Freedom of Information and Privacy Association. Below, please find some observations about our current landscape, thoughts about priorities for the months to come, and notes about some highlights of the past year.

Priorities and the

Current Landscape

Privacy rights and threats to privacy have become prominent topics of public discussion, to the extent that we have moved beyond fractured debates over specific problems and have started to see a sustained conversation about the nature and implications of privacy in a digital age. This conversation transcends borders and cuts across a range of legislative and policy issues. At the same time, it is intimately connected to the devices, applications, and institutions that shape our everyday lives. This year's AGM comes just one month after the House of Commons hosted the second meeting of the International Grand Committee on Big Data, Privacy and Democracy, and over the past year we have seen - and participated in - numerous public events that focus on surveillance capitalism and the importance of reforming our privacy laws.

I am proud to see FIPA playing an active role in these debates, and we will continue to do so. In a context where the public is increasingly aware of and concerned about these issues, our challenge in the months ahead will not be to 'raise the alarm' (it is already sounding), but to determine how we can best direct our voice, our limited resources, and our efforts to make meaningful interventions that protect and extend privacy rights.

On the Freedom of Information side of the equation, this has been a busy - and frustrating - year. The Board of Directors identified pushing for the reform of BC's Freedom of Information and Protection of Privacy Act (FIPPA) as one of our central priorities, and FIPA took a number of steps to achieve this objective. We actively participated in all aspects of the government's public engagement around FOI reform, coordinated open letters, and consistently spoke about the need to update the FIPPA during interviews with local, provincial, and national media. FIPPA reform was a major theme cutting across panels at our 2018 Information Summit conference, and our new podcast series, Data Subjects, has addressed the ways that our current FOI regime has fallen short of the aspirations of its architects.

The shortcomings of FIPPA have also surfaced in several high-profile political scandals, including the Speaker's report regarding the misuse of funds at the Legislature (which involved public offices that fall outside the scope of FIPPA) and allegations of efforts to circumvent or interfere with FOI in the Office of the Minister of Citizens' Services. At the same time, the parties who currently hold the balance of power in the Legislature have promised to deliver on their election commitments to FOI reform. I had hoped that we would see more concrete action on this vital matter by this time. We are determined to redouble our efforts to achieve FIPPA reform, and we are planning a major campaign to coincide with the Fall sitting of the Legislature. We will be calling on all members of FIPA to actively participate in this campaign, and I look forward to working together over the coming months.

Highlights

Public education is an important part of our mandate, and this is one of the things that initially inspired me to get involved with FIPA. This year, I facilitated tailored versions of our free 'FOI 101' workshops with a range of different groups, including journalism and communications students and graduate researchers at several BC postsecondary institutions, and researchers working at BC-based nonprofit organizations.

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Message from the President

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For the first time ever, we were invited to deliver a version of our workshop for government FOI personnel in Victoria, and this was an important opportunity to talk about how the process looks from different vantage points. We also continued to deliver FOI 101 webinars through Courthouse Libraries BC, and we expanded this collaboration to include our first advanced '201' webinar (which I co-facilitated with Vincent Gogolek). These efforts were coordinated by our Program Director, with the assistance of a part-time Outreach Coordinator. It has been a real privilege to work with so many people interested in learning about how to use and troubleshoot our FOI processes, and I look forward to continuing to expand our capacity in this area. I invite members and allies to spread the word and to contact us to arrange workshops.

Another highlight for this year was a string of successful events and initiatives that connected FIPA with a range of audiences, and with our members. Our Information Summit was attended by FOI and privacy professionals, government officials, and members of the legal, academic, policing, and advocacy communities. Some of the conversations that started at the InfoSummit continued throughout the year, including a discussion about policing, privacy, and Big Data that culminated in a one-day conference in collaboration with the BC Civil Liberties Association and the KPU Criminology Department. We invested in some high-quality video and audio equipment this year, and this has allowed us to extend the reach of our public events by making content available online. This technology has also helped us to launch our Data Subjects podcast, and I am excited about the opportunity that this creates for us to provide contextualized, informative, and engaging analysis and commentary on important information and privacy rights issues.

Finally, I want to highlight the work that FIPA's staff - with the support of our Board of Directors - has done to ensure the effective administration of our organization. The public-facing efforts of FIPA are made possible by a sustained cycle of report-writing, grant applications, project management, and accounting in our office. This is essential work, and when it is done properly (which it is!), it is generally invisible to everyone except the Board and Staff.

Acknowledgements

We have seen some turnover on our Board this year, and I want to take this opportunity to acknowledge some outgoing Directors.

James Symons' term as a Director came to an end at last year's AGM, and he did not run for reelection to the Board. James was a long-serving member of FIPA's Board, and he brought a pragmatic perspective to our discussions. On behalf of my fellow Directors, I wish him all the best in his retirement.

Paul Holden left the Board this year. Paul is a passionate and outspoken advocate for freedom of information and privacy rights, and FIPA benefited from his commitment, his historical knowledge of the organization, and his insights on emerging issues related to privacy and technology. The Board is deeply grateful to Paul for his contributions.

Sincerely,



Mike Larsen
President, BC Freedom of Information and Privacy Association

Message from the Executive Director

To our valued members, partners, friends, and allies:

2018 marked continued change and a very busy year for BC FIPA. We hit the new year completing the transition by officially saying good-bye to BC FIPA's long standing Vincent Gogolek. We started the year on a high note excited about the Ministry of Citizen Services launching the first ever public consultation on the freedom of information and privacy rights in British Columbia establishing one of the main objectives of BC FIPA's work over the coming year.

For FIPPA reform in 2018, we began with an open letter to Premier Horgan with the public consultation being announced and BC FIPA launching the "Call to Action" campaign to build awareness and encourage the public to participate in the consultation. We encouraged individuals to take advantage of the opportunity and tell their stories. This resulted in BC FIPA having a positive impact on the public consultation as the ministry from just a welcome and to seven new specific areas of public interest. BC FIPA's advocacy saw to it that a TTY number was added to the public consultation to ensure that everyone was able to participate. This was seen as an early win! In addition, BC FIPA made an extensive submission to the consultation process. I would like to thank all of the British Columbians who stepped up and shared their stories. Together, we sought change.

BC FIPA worked throughout the year to keep FIPPA reform in the public eye and on the provincial government's radar. BC FIPA continued to draw attention to FIPPA reform by pressuring the government to see a final report on the public consultation and by consistently requesting next steps of the legislative change. By year end, the ministry had not released a report so we are continuing to make FIPPA reform a priority in 2019.

In addition to BC FIPA's work on the freedom of information sector, is FIPA's work in the privacy sector. 2018 was a scandalous year for privacy breaches with Facebook taking the lead. BC FIPA focused on the use of digital analytics, big data collection and the how the use of big data can have an impact on our democracy. Our work included a submission on Digital Transformation for the public consultation of the Department of Innovation, Science and Economic Development Canada.

In time for the implementation of the BC Public Interest Disclosure Act, BC FIPA's research in Best Practices in Whistleblower legislation resulted in an

opportunity to assist the BC's Ombudsperson's office defining their thinking around implementation in the fall of 2018. Also in the area of research, BC FIPA began to do an update on the Connect Car research with launch expected in 2019.

In the fall of 2018, BC FIPA hosted a successful 2018 Information Summit. The summit addressed the need for open information and transparency in government records, while at a time, when many of us are having greater concerns of privacy in a growing connected and interconnected world. The summit was well attended and feedback was very positive with many requesting that it become a two-day summit. We are looking forward to the 2020 Information Summit.

Also in the fall of 2018, BC FIPA was once again faced with organizational change. Our program director, Joyce Yan left on maturity leave and we welcome Bryan Short to the role of Program Director. Also, BC FIPA welcomed Carlo Javier on a four-month contract to build community awareness about the work that BC FIPA does. We have started this work with the younger generation and building awareness about the importance of both their privacy rights. We focused on educating the younger generation about their right to know how government makes decisions and how they can be a part of that decision making. BC FIPA started upgrades to our website to make the website more user friendly and to allow us more flexibility in how we communicate with the public. We are now able to host podcasts for the public's interest.

We look forward to implementing new ways to communicate to the membership and the public; continuing to play an active role in the FIPPA reforms. We will try to find new ways in actively looking to the membership for support on our collective advocacy of the issues that impact freedom of information and privacy rights across Canada.

Sincerely,



Sara Neuert
Executive Director, BC Freedom of Information and Privacy Association

Our work

The BC 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 founded as part of an effort to establish access to information and privacy legislation in BC. Our organization was the prime non-governmental force behind the passage of BC's *Freedom of Information and Protection of Privacy Act (FIPPA)*. In the almost 30 years since, FIPA has worked tirelessly to defend and expand the reach of the *FIPPA* and to protect the information rights of British Columbians.

With a diverse, intergenerational membership of over 130 individuals and organizations, FIPA is a cornerstone of BC's civil society. Our two staff members focus on maintaining a dynamic core group of activities, including:

- Public assistance and referrals
- Public legal education
- Public interest advocacy and legal research
- Litigation and law reform

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.



By the numbers

In 2014, we began the process of transitioning from an inaccurate analytics system to a more accurate one. Starting in 2015, the number of website hits, website visits and help topic hits appear to have increased sharply but in actuality, this is a reflection in the change of systems. The table below includes figures from the new analytics systems. The changes are either noted in the table or as a footnote. We successfully migrated to the new system by the end of 2017.

People served

	2014	2015	2016	2017	2018
Helplines	236	226	173	161	178
Legal Assistance	22	160	152	151	172
Website Visits	4,954*	14,756	20,831	17,269	17,722
Pageviews	8,921*	25,552	26,939	23,071	24,021
Help Topic Hits	754*	6,812	13,108	12,074	9,254
Media Interviews	120	135	73	93	44
FIPA Event Attendees	205	80	171	298	320
FIPA Followers (Twitter, subscribers, members)	1825	2104	2312	2,482	3,124

*Reporting period July-December 2014

**Estimates from external events organized by colleagues and partner organizations.

Litigation: Number of cases

	2014	2015	2016	2017	2018
Litigation Cases	7	5	6	3	1
Litigation Cases Completed	4	3	2	2	0

Activities

Public assistance and referrals

A major component of our programming is providing advice and assistance to a wide variety of individuals and organizations. In our increasingly digital world. Our “Help Topics” pages provide information on how to file FOI requests with various public bodies, how to appeal decisions, how to request personal records, and how to make privacy complaints.

We also provide telephone and in-person assistance free of charge during normal business hours. In 2018, FIPA provided direct assistance to **178** people through our telephone and email helplines. In cases where more summary advice is needed, we provide basic assistance and referrals. In 2018, we provided referrals to **172** people. Increases that demonstrate an increased public need.

Public legal education

Self-help materials and online education

FIPA provides the public with access to guided self-help materials where gaps in legal education are identified. Our website, with its help sections and online library, is one of our most accessible means of educating the public on the systems governing freedom of information and privacy protection in British Columbia and across Canada.

Speeches and presentations

Representatives of FIPA often appear on panels and in conference sessions focused on various information rights issues.

In January of 2018, FIPA’s President gave an invited address as part of Simon Fraser University’s Data Privacy Day events. The talk was entitled “Privacy and Public Pedagogy in an Expository Society”. It focused on the importance of privacy-focused education in Canadian postsecondary institutions and called for universities to play a leadership role in preparing students and community members to make informed decisions about privacy and personal information.



In March, FIPA’s President and the Executive Director gave a talk to the students in the MA program at UBC’s SLAIS. The talk included an introduction to how our careers became about FOI advocacy and information rights issues of particular relevance to people interested in the Library/Archives/Information Studies fields.

In September, during Right to Know week, FIPA president Mike Larsen participated in a panel at the Vancouver Public Library with Michael Vonn, a lawyer with the BC Civil Liberties Association and Wawmeesh Hamilton, a journalist with The Discourse.

Events

Each year, FIPA produces a variety of public education events on freedom of information, privacy, and legislative and legal issues.

In June of 2018, FIPA held its Annual General Meeting. The AGM was attended by **20** people with **15** voting members present.

FIPA held the 2018 BC Information Summit in September, entitled: *Changing Perceptions in*

FOI & Privacy: Two Sides of the Same Coin? The conference featured keynotes by Sean Holman, professor of journalism at Mount Royal University, and Michael McEvoy, BC's Information and Privacy Commissioner. The conference featured panels on FOI/ATI reform, privacy and political parties, whistleblower laws, and the tension between privacy and the right to know. This event attracted **130** participants.

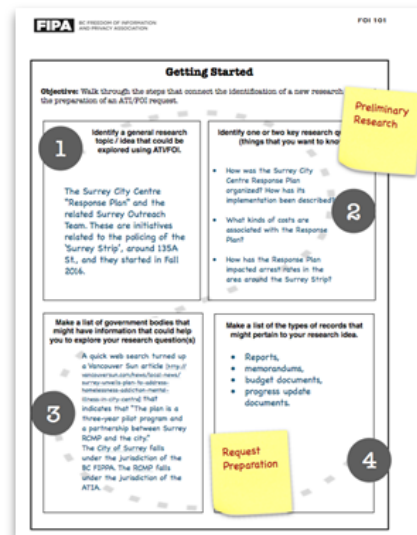
In November, FIPA took our FOI 201 workshop online as an interactive webinar through the Courthouse Libraries. The workshop covered advanced access skills and gives members of the public the opportunity to talk through more complex FOI issues. There were approximately **100** attendees of the FOI 201 webinar.

In addition, FIPA continued offering its FOI 101 workshop to the public during 2018. This included presentations to groups involved in environmental advocacy and to journalism and communications programs across the Lower Mainland. FIPA continues these educational outreach efforts into 2019 with more engagements with students studying journalism, communications, and library sciences.

Finally, the Program Director attended Rights

Con in Toronto in May. The international conference hosts business leaders, technologists, engineers, investors, and activists, and human rights advocates. She attended panels on surveillance, the federal ATI system, and smart cities.

At each event, FIPA is able to raise awareness of current FOI and privacy issues with the public and engage in important discussions with individuals about the access and privacy issues directly impacting them. We will continue to find new ways to engage the public and seek new ways members can support our work.



Building engagement in freedom of information and privacy rights

Media interventions

As Canada's only organization devoted to information rights advocacy, FIPA appears regularly in news and media reports, both provincially and nationally. This year, FIPA appeared in **44** media reports.

FIPA also self-published a number of articles through our website and through our new podcast initiative, *Data Subjects*.

Additionally, we continue to distribute media alerts and releases to the BC and Canadian press. 2018 was an active year and we published **5** news releases, many of which received province-wide and national coverage.

Social media and online communications

FIPA uses Twitter and mailing lists to sustain its

online engagement. We communicate relevant news, keep our contacts up to date with our work and solicit engagement in our campaigns.

In late 2018, we began a process of updating our website to make it more accessible. This meant improvements to people accessing content on the website from devices like phones and tablets. It also meant improved access for people with visual impairments.

We have also prioritized our online content curating and development, with more frequent messages to members, website posts and tweets than in previous years. This trend continues into 2019, with introduction of monthly newsletters and podcasts.

In 2018, our Twitter followers and mailing list subscribers increased by over **25%** to **3,145** people.

Highlights

FIPA is one of Canada's few 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. In turn, we are frequently consulted on policy issues by politicians and government officials. We regularly engage in legal advocacy before BC's Information and Privacy Commissioner and various Canadian courts, and coordinate legal action with partner organizations to maximize effectiveness while avoiding duplication and overlap.

FIPA conducts ongoing research into the policy and legal climates that structure access and privacy regimes in BC and across Canada. We commission our own studies and provide 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.

FIPA is Canada's only public interest advocacy and watchdog group fully dedicated to FOI and privacy issues.

Key Complaints

Overuse of Ministry's powers to exempt information:

In May, FIPA filed a complaint asking the BC Information and Privacy Commissioner to investigate a response received from the Ministry of Public Safety and Solicitor where the Ministry overused their power to exempt information from the request. An example of this overreach is found in a briefing note where factual material was redacted based on s. 13 of the *Freedom of Information and Protection of Privacy Act*.

The original request was for all records related to actual or proposed policy changes since January 1, 2017 to the use/adoption of the RCMP's Canadian Criminal Real Time Identification Services (CCRTIS) 'vulnerable sector policy'. Specifically, we wanted records related to circumstances where an applicant under the program would be required to provide fingerprints.

Statistics Canada's non-consensual collection of detailed financial information

When it was revealed that Statistics Canada was piloting a project to collect the detailed financial information of Canadian households, FIPA worked to encourage Canadians to find out if their information had been collected.

FIPA provided instructions on how a person could exercise their right to know by filing a request for personal information under the Access to Information Act with

Statistics Canada in order to discover if their financial information had been accessed.

In the end, over 700 Canadians made requests for their personal information with Statistics Canada and with the assistance of FIPA's instructions.

FIPA filed an ATI request with Statistics Canada to follow up on the success of the campaign and discovered that the initiative led Statistics Canada to suspend their practice of collecting this sensitive financial information.

The Office of the Information Commissioner also found in favour of FIPA on Statistics Canada's extension of 120 days on FIPA's follow up request.

ISED Digital Transformation Roundtables:

The department of Innovation, Science, and Economic Development had consultations across Canada related to its digital transformation strategy. Unfortunately, FIPA and other civil societies were not invited to participate in the roundtable discussions.

FIPA filed ATI requests for data relating to the composition of these roundtables and found that civil society was significantly under-represented at the roundtables and released an article on our website breaking down our findings.

ISED failed to respond to one of FIPA's ATI and a complaint is before the Information Commissioner of Canada's office.

British Columbians are in favour of a strong freedom of information system.

for improper record destruction, time limits and delay, clarification for fee waivers, access to records of subsidiaries of educational public bodies and to 'quasi-governmental' bodies, and more.

In addition, FIPA worked with the public to increase public input into the consultation process.

Innovation, Science and Economic Development Canada (ISED) Public consultation on Digital Transformation:

The submission provided a comparison of Canadian data protection regulations with other international regulations,

such as the General Data Protection Regulation ("GDPR") recently implemented in the European Union ("E.U."). This was followed by an outline of the impacts that digital transformation will have on individual privacy rights.

Key Submissions

ATI Reform:

In March, FIPA made a submission to the Senate Standing Committee on Access to Information, Privacy, and Ethics on Bill C-58 and amending the *Access to Information Act* as well as the *Privacy Act*. In our submission, FIPA echoed former Commissioner Legault's assessment of Bill C-58 in that it is "very disappointing" and regressive overall. This bill fails to deliver on government promises made to Canadians. We emphasized many of the same points as we have in the past: a legislated duty to document, expanding coverage of *ATIA* to include PMO and Ministers' offices, removal of fees, legal privilege, and more.

Access to information plays a crucial role providing citizens with the ability to pull information from government.

Best Practices in Whistleblower Legislation: An Analysis of Federal and Provincial Legislation Relevant to Disclosures of Wrongdoing in British Columbia:

Selected federal and provincial legislation was compared to best practices principles for

whistleblower laws development by Transparency International. The legislation reviewed includes the Criminal Code of Canada (CCC), the federal Public Service Disclosure Protection Act (PSDPA), BC's Public Interest Disclosure Act (PIDA), the Freedom of Information and Protection of Privacy Act (FIPPA) of BC, and the Personal Information Act (PIPA) of BC.

FIPPA Reform:

In March, the BC Ministry of Citizens' Services launched a public consultation on freedom of information and privacy rights in BC. April, FIPA submitted its submission on the review of *FIPPA*. This submission built upon our 2015 *FIPPA* submission, which again, called on the government to make changes to create a **legislative duty to document** with penalties

Coalition and Partner Work

In May, the Program Director attended RightsCon 2018 in Toronto. This international conference hosts the world's business leaders, technologists, engineers, investors, activists, human rights experts, and government representatives where they come together to

Build partnerships, shape global norms, showcase new technologies, and confront challenging issues at the intersection of human rights and technology.

The panels that Joyce attended included ones on surveillance, the federal ATI system, the right to be forgotten in Canada, smart cities, and the roll-out of the GDPR.

They were all very informative and featured important conversations, many of which will be continued at this year's Information Summit. Not only were the panels interesting, this was a great networking opportunity where she connected with other civil society groups across the country during the non-profit roundtable session.

FIPA continues to be an active member of the Protect our Privacy Coalition, a group of more than 50 civil society and public interest organizations working to protect privacy and fight repressive legislation such as the 2015 *Anti-Terrorism Act*.

FIPA has worked closely with Click-law and the Courthouse Libraries BC over the last reporting period. FIPA contributed a list of questions and responses to common questions regarding freedom of information and privacy issues. These


questions help to clarify roles and responsibilities of different bodies and legislation, and they also provide references to other resources

Law Reform

FIPPA Consultation: In early 2018, FIPA coordinated an open letter, signed by allies and partners in the FOI and privacy nonprofit community, calling on the BC Government to reform and update the FIPPA. This letter cited our previous election commitment survey and our Ipsos poll showing a public mandate for FIPPA reform.

In March, the BC Ministry of Citizens' Services launched a public consultation on freedom of information and privacy rights in BC. FIPA played an active role in providing guidance for those who were interested in participating with the public engagement.


After the public consultation ended, FIPA continued to request the Ministry of Citizens Services on next steps of legislative reform and to report on the results of the public consultation. With no clear path to legislative change, FIPA continues to push for FIPPA reform.



97% of British Columbians think it is **important** that BC government officials be **legally required** to keep accurate and complete records of what they do on the job.




85% of British Columbians believe there should be **penalties** for government officials who interfere with



84% of people agreed it is **somewhat** or **very** important that key reforms to information access law be passed **before** the next BC election.

Learn more at: fipa.bc.ca/poll-2/



A majority of British Columbians (87%) think BC education subsidiaries (school boards, colleges, universities, etc.) should be covered by FOI laws.

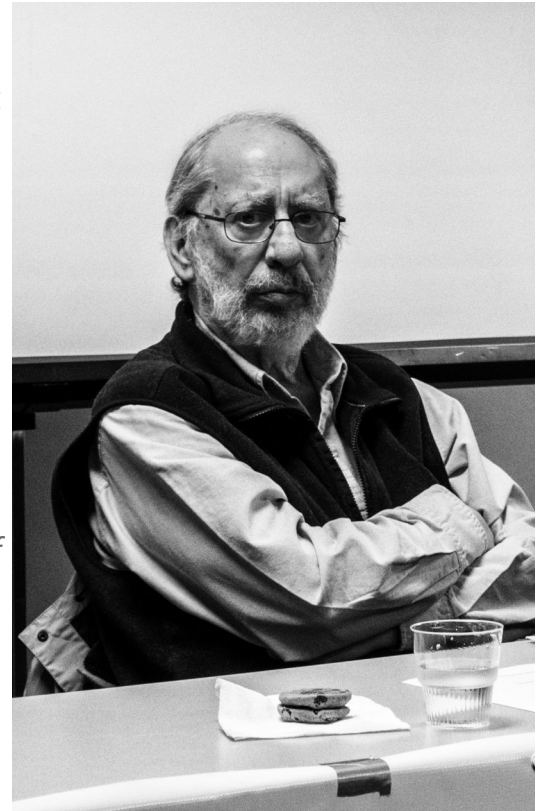
Learn more at: fipa.bc.ca/poll-2/

In Memoriam

It is with great sadness that we acknowledge the passing of Dr. Richard Rosenberg, Emeritus Professor in the Department of Computer Science of UBC, former President of the BC Freedom of Information and Privacy Association, and lifelong advocate for privacy rights.

Below is a message from FIPA's President, Mike Larsen:

"Richard's involvement with FIPA dates back to 1998, when he joined the Board of Advisors and sat on our Legislation and Policy Committee. He was elected President of the Board of Directors in 2005, and he served in that role for ten years. This was a time of enormous transformation in the information and privacy rights field, and Richard provided leadership and guidance as FIPA dealt with the expansion of state and private sector surveillance, government efforts to circumvent transparency laws, and the privacy implications of an increasingly interconnected world. Richard's professional expertise in computer science was always accompanied by a passionate concern for ethics and the impact of technology on civil liberties."



In 2017, Richard received a Lifetime Achievement Award from the BC Civil Liberties Association, in recognition of his contributions to the advancement of privacy rights, both Canada and internationally.



I will remember Richard as a kind, funny, and thoughtful person, an outstanding leader, and a strong advocate whose approach to emerging issues was always guided by a commitment to privacy as a cornerstone of civil liberties.

Richard will be deeply missed by all of us at FIPA, and his energy and inspiration will continue to inform our work to protect and advance information and privacy rights."

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