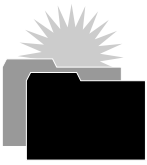
Annual Report

1999–2000



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER

British Columbia
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OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER

British Columbia
Canada

June 30, 2000

The Honourable Bill Hartley
Speaker
Legislative Assembly of British Columbia
Victoria, British Columbia
V8V 1X4

Dear Honourable Speaker Hartley:

Pursuant to section 51 of the Freedom of Information and Protection of Privacy Act, I have the honour to present my first and the Office's seventh Annual Report to the Legislative Assembly. This report covers the period from April 1, 1999 to March 31, 2000.

Sincerely,

David Loukidelis
Commissioner

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Table of Contents

Table of Figures

Table of Figures

I. Commissioner's Message

After I took office on August 15 last year, I was immediately struck by the abilities and dedication of my Office colleagues. Without their commitment and energy, my work would not be possible. I am indebted to my predecessor, David Flaherty, for having assembled such a strong team and for having left the Office in excellent shape. Since my arrival, everyone in the Office – and in the access and privacy community generally – has made me feel very welcome and I am grateful for that.

In the months since my appointment, I have completed or initiated a number of changes. We are currently in the process of revising the rules governing access appeals. We will simplify the process for public bodies and applicants alike and will make the appeal process more efficient. We are also working on a guide to services for applicants and on a set of helpful tips for public bodies and applicants as they negotiate the appeal process. Both of these documents will be published on our Web Site.

We are also placing greater emphasis on publishing privacy-related guidelines for public bodies on our Web Site. The following guidelines have either been published or will shortly be published: Guidelines for Travelling with Personal Information, Public Surveillance Systems Privacy Guidelines, Audit Guidelines for Automated Personal Information Systems, Data-Matching and Data-Sharing Guidelines, Services Outsourcing Privacy Checklist and Physical Security Privacy Guidelines.

We are also working on the launch of an electronic newsletter, which will inform the public, users of the Act and public bodies of new developments in access and privacy. It will also keep everyone abreast of our publications and activities.

We are currently in the process of revising the rules governing access appeals. We will simplify the process for public bodies and applicants alike and will make the appeal process more efficient.

We hope to issue this on a quarterly basis and will also post it on our Web Site.

Earlier this year, teams from our office conducted workshops for local public bodies who expressed a need for training and support in dealing with the Act. The feedback we received indicated that these sessions were of assistance and we will consider conducting more in the future.

Over the past few months several issues have emerged that, I believe, require individual comment.

Routine Disclosure Without Access Request

I have urged deputy ministers and other public body heads to begin routinely disclosing information – ideally using the Internet. With the obvious exception of information protected under the Act's mandatory exceptions to the right of access, it makes sense for public bodies to routinely make as much information available as possible without an access request being necessary. This better serves the Act's goals of openness and accountability while decreasing the cost of complying with the Act. I urge all public bodies to be aggressive about this and to make as much information as possible available to the public without access request or cost.

Personal Privacy and Information Technology

As technology becomes more efficient, cost effective and user-friendly, a greater number of public bodies are adopting electronic systems for processing, storing, using and sharing personal information. While the efficiencies and benefits derived from these systems are desirable, the concomitant risks to privacy and security of personal information cannot be understated. In the personal health information area, especially, it is necessary to ensure that the privacy interests of patients are fully protected at all points in the system. I urge the government, health care bodies, health care providers, citizens and others to be proactive in ensuring that electronic health information systems meet the best available standards for privacy protection and security.

I urge the government, health care bodies, health care providers, citizens and others to be proactive in ensuring that electronic health information systems meet the best available standards for privacy protection and security.

Private Sector Privacy Protection

Last summer, the Legislative Assembly struck a special committee to look into privacy protection in the private sector. This significant initiative was taken at a time when Parliament was considering enactment of the Personal Information Protection and Electronic Documents Act, which is now law. The Special Committee is considering whether a provincial private sector privacy law is needed. In my appearance before the Special Committee in November of last year, I noted that the federal law will apply in the provincial sector in roughly three years. I told the Special Committee there is something to be said for pre-empting this by enacting a made-in-British Columbia law. The Special Committee's work is important and I await its report with interest.

In closing, I encourage public bodies to promote accountability and openness in government as a way of maintaining a healthy and thriving democracy. I also encourage public bodies and citizens to be vigilant in their protection of privacy rights in every interaction in which they engage.

David Loukidelis
Information and Privacy Commissioner
for British Columbia

II. Access Response Delays Cause for Concern

The number of public bodies that are routinely not responding to access requests within the legislated time frame has increased. In addition, the length of the delay has increased from a few months to, in some cases, almost one year. The situation has progressed to the point that I must sound a note of concern.

There is a lot of truth in the saying 'Access delayed is access denied'. The Legislature set specific time frames for public bodies to respond to access requests under the Freedom of Information and Protection of Privacy Act. Once these times are passed, the individual who requested the records may no longer have use for the information they asked for; the effect of the delay often is the same as if the public body refused to provide the requested records. The impact can be detrimental, especially where individuals are seeking access to their own personal information in order to deal with other issues in their lives.

There is a lot of truth in the saying 'Access delayed is access denied'.

We have received complaints from individuals, organizations, the media and others about delays. There is no doubt about the dedication, energy and skills of front-line access and privacy staff generally. Theirs is a complex and difficult task. We have worked with some public bodies to, among other things, review their operations and suggest ways in which they could be streamlined. We have also urged senior management to dedicate more staff to the area and have suggested they re-evaluate and improve their records management procedures.

It is clear that a major reason for delays is that the volume of requests surpasses staffing available to respond. In tight fiscal times, of course, all institutions must do more with less. The rights of access under the Act, however, reflect important public interest objectives, which is why the

Act imposes legal obligations on public bodies to respond to access requests within certain times.

Our approach to this problem in past years, and since I took office, has been consultative and co-operative. I wholeheartedly support this way of doing business in all relevant aspects of our work. My statutory duty, however, is to ensure that public bodies adhere to their obligations. In cases of routine delay in responding, it may be necessary for me to consider other approaches to the problem if there is no material improvement by the end of this calendar year.

On the issue of timeliness generally, one partial response that would offer medium to long term benefit would be routine disclosure of information, preferably through the Internet.

On the issue of timeliness generally, one partial response that would offer medium to long term benefit would be routine disclosure of information, preferably through the Internet. I have at every opportunity urged this approach on government officials. Some ministries had already begun to do this, while others are considering doing so. Routine disclosure promotes accountability and openness in government while, it may be expected, reducing the number of access requests. I urge the government to focus on this in the coming years as a program to be adopted by ministries and Crown corporations where it makes most sense. I also urge local public bodies to routinely disclose information, without an access request, at every possible opportunity.

Another desirable step would be for all government ministries – and other public bodies – to adopt annual reporting on compliance with the Act. Such a system would involve reporting of request-related statistics on an annual basis. Properly designed and used, such a system would serve as a diagnostic tool for public bodies to monitor their own experience under the Act's access provisions. Identification of trends and problem areas would

allow cost-effective and fairly timely solutions to be implemented. The result would be a reduction in compliance costs and an improvement in compliance.

ISTA has recently rolled out a new request tracking system (RTS) for use by ministries. I strongly encourage all the government ministries and Crown corporations to participate in the new RTS. I also urge the government to adopt the Ontario approach, which requires public bodies to report statistics annually to the Information and Privacy Commissioner. Most public bodies already keep such statistics. Providing them to this Office would enable us to be more proactive in identifying problems as they arise and to work co-operatively with public bodies.

Finally, it is clear that modern records management legislation governing the life cycle of government records, from creation to disposal, is needed. The benefits in terms of reduced compliance costs under the Act are undeniable. It is also clear that a modern records management law can offer improvements in service delivery and administration costs generally. Moreover, records that are created and stored electronically are at risk of being lost due to technological obsolescence. Electronic records can also be difficult to authenticate, since they are easily corrupted. The Act's goals of accountability and openness are hardly served if records cannot be found or are of suspect authenticity. This problem also threatens the ability of archivists and historians to preserve and use the historical record that is created every day government functions.

I have, in this light, written to the Minister of Advanced Education, Training and Technology and urged that cross-government records management legislation be enacted and implemented, at an early date, to deal with these concerns.

David Loukidelis
Information and Privacy Commissioner
for British Columbia

III. Executive Director's Message

The Special Committee to Review the *Freedom of Information and Protection of Privacy Act* reported to the Legislature on July 15, 1999. The Committee was mandated to review all aspects of the Act and to make recommendations for change. The Committee broadly categorized the witnesses' recommendations into three areas: issues concerning specific sections of the Act, issues arising out of public bodies' practices based on the Act, and issues arising from new developments in information management that are not currently within the scope of the Act.

The Committee made 18 recommendations for change to the *Freedom of Information and Protection of Privacy Act*. The recommended changes range from emphasizing that the Act supports open and ready access to government information (recommendation 1), to ideas for ensuring that public bodies comply with response time-lines under section 7 (recommendation 3), to allowing more time for public bodies to transfer an information request (recommendation 4), to changes for archived materials (recommendations 6 through 9), to dealing with requests for fee waivers (recommendation 13) and fee estimates (recommendation 14). Another review of the legislation, to coincide with the selection of the next Commissioner, was recommendation 15. Recommendations 17 and 18 dealt with adding new public bodies to the Act's coverage from time to time.

Recommendations 10, 11 and 12 dealt with the powers of the Information and Privacy Commissioner. These recommendations are especially important to this Office's continuing ability to be a strong advocate for the principles of openness and accountability, and privacy protection, that underpin the Act. Recommendation 10 is that section 42(1)(f) of the Act be amended to enable the Information and Privacy Commissioner to comment on the implications for access to information or for protection of privacy of existing

legislative schemes or programs of public bodies. Currently, this office's powers are limited to commenting on proposed legislative schemes or programs of public bodies. Clearly, the ability to comment on programs that are in place, that may impinge on the rights outlined in the Act, is needed.

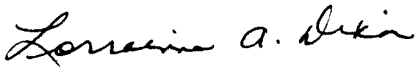
Recommendation 11 is that public bodies incorporate consultation with the Information and Privacy Commissioner in their policy development processes. While many public bodies do consult with this Office before developing or using new privacy invasive technologies or programs – such as video surveillance or information sharing agreements between public bodies or other governments – there is no requirement for them to do so. The adoption of this recommendation is needed to ensure that our Office can effectively monitor any new programs before government invests time and money in them and before policy positions are firmly entrenched. Privacy as a human right needs to be in the forefront of any discussions around new policies or programs.

The final recommendation dealing directly with this Office is recommendation 12, which is that sections 49(1) and 56 the Act be amended to enable the Information and Privacy Commissioner to delegate the order-making power and to refuse to hold inquiries under particular circumstances. These powers are necessary as the Office matures and are needed in order to allow us to efficiently and effectively provide good public service.

We originally understood that the legislative changes that had been developed by ISTA (the Information, Science and Technology Agency in the Ministry of Advanced Education, Training and Technology), after

consultations with our Office and others, would be debated in the Legislature during the spring sitting. Unfortunately, this did not happen. While we have been told the legislative changes may go before the Legislature if there is a fall sitting, we are concerned that the more time that passes from the tabling of the report, the less likely it is the changes will be implemented.

These recommendations were the result of extensive consultations with public bodies and the public – the users of the Act. They were made by an all-party committee of the Legislature. In order to give this process the recognition it deserves, the proposed changes should be put before the Legislature as legislative amendments.



Lorrainne A. Dixon

These recommendations were the result of extensive consultations with public bodies and the public – the users of the Act.

III. Introduction

This is the Office of the Information and Privacy Commissioner's seventh Annual Report. It explains the legislative mandate and role of the Commissioner's Office and provides information about its activities between April 1, 1999 and March 31, 2000.

The Office of the Information and Privacy Commissioner

Reviews occur when there is a dispute between applicants for records and public bodies about access rights.

The Commissioner's Office was established in July of 1993 in accordance with the framework set out in British Columbia's Freedom of Information and Protection of Privacy Act (1992). The Office's mandate is to monitor the access to information and protection of privacy practices of public bodies in British Columbia. Public bodies include ministries; Crown corporations; government agencies, boards, and commissions; local public bodies, such as regional health boards, schools districts, municipalities, colleges, and universities; and self-governing professional bodies, such as the Law Society of British Columbia and the British Columbia College of Physicians and Surgeons.

The Office's primary activity is reviewing decisions made by public bodies about an individual's right of access to records in the public bodies' custody or control. Reviews occur when there is a dispute between applicants for records and public bodies about access rights. The Office also investigates privacy complaints about public bodies' inadequate protection of personal information. The Act further authorizes the Office to comment on legislation or public policy affecting information and privacy rights, and to inform the public about these rights.

The Office is headed by the Information and Privacy Commissioner. He is an officer of the Legislature and is independent of government. This independence is essential to the Commissioner's ability to provide an impartial review of government's compliance with the Act. The Act provides that an Information and Privacy Commissioner is to be appointed for a six-year, non-renewable term of office. The present Information and Privacy Commissioner's term of office extends from 1999 to 2005.

The Freedom of Information and Protection of Privacy Act

The Freedom of Information and Protection of Privacy Act provides individuals with the right of access to records in the custody or control of a public body in British Columbia, including the individual's own personal information. The Act also provides individuals with the right to protect the privacy of their personal information held by public bodies. The Act sets out further related rights, such as the right to request the correction of personal information if it is inaccurate, and the right to ask the Information and Privacy Commissioner to investigate disputes about information and privacy rights.

The overall purpose of the Freedom of Information and Protection of Privacy Act is to make public bodies more accountable for their actions and to ensure they protect the privacy of personal information entrusted to them.

General Statistics

The Office of the Information and Privacy Commissioner receives numerous enquiries daily on a wide variety of information and privacy issues. From April 1, 1999 to March 31, 2000, the Office logged over 3,000 telephone enquiries, some dealing with non-jurisdictional issues. Where it is not possible for the Office to resolve an issue over the telephone, callers are invited to submit their requests or complaints in writing. The Office's Intake Officers enter all written correspondence into the Office's computerized case-tracking system. Some cases are investigated and resolved by the Intake Officers, while others that require further review and investigation are assigned to the Office's Portfolio Officers.

Figure 1: Type of Cases Opened and Closed in Fiscal Year 1999-2000

This year the Office entered 1,880 new cases and closed 1,815 cases. These figures do not include the telephone enquiries, mentioned above

Figure 1, below, indicates the number of cases opened and closed this past fiscal year by case type.

Case Type	Opened	Closed
Requests for Review	803	730
Legislative or Policy Consultations	152	173
Non-Jurisdictional/Non-Reviewable Issues	176	171
Complaints and Investigations	119	110
Public Bodies' Requests for Time Extensions	95	96
Site Visits	36	36
FOI/Correction Requests to OIPC	3	3
Requests for Section 43 Authorizations	5	5
Other	491	491
Total	1,880	1,815

Definitions of Case Types

Requests for Review: An applicant who makes a request for records or a request for correction of personal information may seek a review of any decision, act, or failure to act which relates to that request. Third parties notified during the processing of a request may also request a review of any decision by a public body to give access.

Legislative or Policy Consultations: The Office is often asked to review proposed legislation or amendments to current legislation that may affect the information or privacy rights of individuals. The Office also may review policies, procedures, or forms developed by public bodies, which concern the collection, use, and disclosure of personal information.

Non–Jurisdictional Complaints and Non–Reviewable Issues: Non-jurisdictional complaints and enquiries include complaints to the Office about federal government agencies and private sector organizations or professionals, such as doctors, dentists, lawyers, insurance companies, credit bureaus, and banks. Such bodies and individuals are not covered by the Act. Non-jurisdictional complaints also include complaints against public bodies covered by the Act, but where the concern is not a freedom of information or protection of privacy issue.

Non-reviewable issues involve freedom of information or protection of privacy concerns related to public bodies under the Act, but are determined to be "non-reviewable" by the Office because the applicant has requested a review either before the public body has made a decision or has had an opportunity to make a decision.

Complaints and Investigations: Complaints normally concern the collection, use, retention, and disclosure of personal information by a public body. They may also allege the failure of a public body to perform a particular duty imposed by the Act.

Investigations may result from a complaint or series of complaints, or may be initiated by the Commissioner where there are concerns about systemic information or privacy issues. Investigations may result in a formal Investigation Report, although many are concluded less formally.

Public Bodies' Requests for Time Extensions: The Act provides 30 days, and in some limited circumstances, 60 days, for a public body to respond to a request for records. Where a public body determines that more than 60 days will be needed to respond to a request, it must request permission from the Commissioner to extend the response time.

Site Visits: The Commissioner has authority under the Act to audit the information-handling practices and procedures of public bodies covered under the Act. For the most part, site visits by the Commissioner are conducted informally and normally involve a tour of the facility and records areas, and discussion of pertinent information and privacy issues.

FOI/Correction Requests to the OIPC: The Commissioner's Office is a public body under the Act and, like other public bodies, is required to respond to requests for records and requests for correction of personal information within its custody or control. Section 3 (1) (c) of the Act, however, excludes access to records in the Office's possession that relate to its functions under the Act, such as investigation of requests for review or complaints.

Requests for Section 43 Authorizations: Under section 43 of the Act, a public body may ask the Commissioner for authorization to disregard requests for records that are of a repetitious or systematic nature and would unreasonably interfere with the operations of the public body.

Other: This category includes projects, systems reviews, public education, presentations, applications for time extensions by individuals who have missed the timeline for submitting requests for review to the Office, and information enquiries about the Act. Projects and systems reviews often are initiated by the Commissioner and result from a particular systemic or public interest issue.

Applicant Statistics

One of the questions most frequently asked of the Commissioner's Office is: "Who is submitting requests for review and complaints?" This is a difficult statistic to track accurately, since the Act does not require applicants to identify themselves as belonging to a particular group. When applicants do identify their affiliation, the request or complaint is categorized accordingly, as set out in Figure 2 below. If an applicant does not identify any affiliation, he or she is categorized as an individual requester. This may render the category of "Individual" slightly higher than is actually the case.

Figure 2: Type of Applicant Submitting Requests for Review and Complaints for cases closed between April 1, 1999 and March 31, 2000

Type of Applicant	Complaints and Investigations	Requests for Review	Percentage of Total
Individuals	83	557	76.2
Commercial	4	77	9.6
Media	0	36	4.3
MLA	0	3	0.4
Special Interest Groups*	2	9	1.3
First Nations	0	1	0.1
Initiated by Commissioner**	12	0	1.4
Other Organizations***	9	47	6.7
Total	110	730	100.0

* *e.g.: environmental, wildlife, human rights groups*

** *As indicated under the section 'General Statistics,' the Commissioner may initiate an investigation, without a complaint from the public, if he determines that the subject represents a significant or systemic information or privacy issue.*

*** *e.g.: unions, associations, societies, non-commercial organizations*

III. Requests for Review

Introduction

Section 52 of the Freedom of Information and Protection of Privacy Act authorizes the Commissioner to "review any decision, act, or failure to act" of a public body resulting from a request for records. This includes decisions about the disclosure of records, corrections to records, time extensions, and fees.

The Request for Review Process

Requests for review are received by the Office's Intake Officers, who review them and often contact applicants to clarify the facts or circumstances. If a request for review can proceed, one of the Intake Officers will assign it to a Portfolio Officer, who has 90 days to investigate the case and try to assist the parties to resolve their dispute by mediation. If the parties can agree to a mediated settlement, the request for review is closed. If not, the review proceeds to a formal inquiry before the Information and Privacy Commissioner.

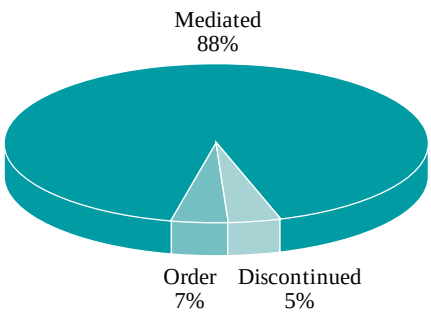


Figure 3: Disposition by Percentage of Requests for Review Closed Between April 1, 1999 and March 31, 2000

Ninety-four percent of requests for review that came to the Office were closed without going to a formal inquiry. Eighty-nine percent of the cases were resolved by mediation, five percent were discontinued, and the remaining cases were resolved by Orders.

Requests for Review Statistics

From April 1, 1999 to March 31, 2000, the Office closed 730 requests for review. Forty-nine requests required settlement by Order, which represents only 7 percent of the total requests for review. This low percentage of formal inquiries and Orders is due to the Office's strong emphasis on mediation as the primary tool for resolving disputes. The statistics this year reveal that the Office continues to serve as a centre of alternative dispute resolution.

Figures 4, below, sets out the disposition of requests for review by grounds closed between April 1, 1999 and March 31, 2000. Since many requests for review coming to the Commissioner's Office contain multiple issues, each review has been categorized only by its predominant grounds for review.

The total requests for review settled by order differs from the total number of Orders actually issued in this past fiscal year. This is due to the fact that some orders can deal with more than one request for review either because the requests were made by the same applicant or involved similar records and issues. For further details on Orders, please see Chapter VII: Commissioner's Orders.

Grounds	Mediated	Order	Discontinued*	Total
Denied Access	101	11	5	117
Partial Access	260	26	12	298
Adequacy of Search	51	2	4	57
Correction Request	2	1	0	3
Deemed Refusal	113	0	7	120
Fees	34	3	4	41
Third Party Request for Review	17	3	0	20
Time Extensions	30	0	4	34
Other	34	3	3	40
Total	642	49	39	730

Figure 4: Disposition of Requests for Review Closed Between April 1, 1999 and March 31, 2000 by grounds

* *"Discontinued" indicates those requests for review which have been abandoned or withdrawn.*

Definitions of Grounds for Review

Denied Access: This is a review of a decision by a public body to deny access to all records.

Partial Access: This is a review of a public body's decision to sever or withhold certain records.

Adequacy of Search: This is a review of whether further records exist. The issue is whether a public body conducted an adequate search for all relevant records.

Correction Request: This is a review of a public body's decision not to correct personal information.

Deemed Refusal: This is a review of a public body's failure to respond to a request within the designated time frame. The Act considers this failure as a decision to refuse access to the record.

Fees: This is a review of the fees assessed by a public body for access to records, or a review of its decision not to waive fees when requested by the applicant.

Third Party Request for Review: This is a review of a public body's decision to provide an applicant with access to personal or business information of a third party.

Time Extension: This is a review of a public body's decision to extend the time limit for responding to a request for records.

Other: This include reviews of whether a public body has met a duty imposed by the Act and whether the requested records fall within the scope of the Act. Often these reviews concern section 6, which is the duty to assist applicants, and issues around custody or control of a record.

Request for Review Statistics by Public Body

Some public bodies are the subjects of requests for review to the Commissioner's Office more often than others. Normally, it is because they possess or handle more personal information than other public bodies. It also may reflect ongoing disputes about certain types of records, issues, or policies of a particular public body.

Figures 5 and 6, following, identify the number, grounds, and disposition of requests for review for the past fiscal year, categorized by public body. Figure 5 identifies the grounds upon which reviews were requested, while Figure 6 shows how they were settled.

Note that there have been no requests for review made against the majority of public bodies under the Act. The total of 288 reviews for "All Other Public Bodies" represents, for the most part, the one or two requests for review that have been filed against 43 public bodies other than the ones specifically listed. None of these 43 public bodies received more than seven requests for review in total.

Figure 5: Grounds of Requests for Review, Closed Between April 1999 and March 31, 2000 by Public Body

	Total	Adequate Search	Correction Request	Deemed Refusal	Denied Access	Fees	Partial Access	Third Party	Time Extension	Other
Insurance Corporation of BC	68	1	0	8	4	0	49	1	4	1
Attorney General	49	4	0	8	6	2	20	0	2	7
Vancouver Police Department	39	6	0	1	13	0	16	0	0	3
Children and Families	38	3	0	11	3	1	20	0	0	0
Finance and Corporate Relations	28	3	0	6	3	3	6	2	2	3
Social Development & Economic Security*	24	2	0	17	0	2	2	0	0	1
Forests	23	1	0	6	2	6	4	0	2	3
Environment, Lands and Parks	20	2	1	2	1	3	7	2	2	0
Health	19	0	0	5	3	1	9	0	1	0
University of British Columbia	18	2	0	4	0	1	10	0	0	1
Workers' Compensation Board	18	5	1	3	1	8	0	0	0	0
BC Securities Commission	16	1	0	1	0	1	12	0	0	1
City of Vancouver	12	1	0	1	2	2	1	1	2	2
Corporation of the Township of Langley	11	1	0	0	3	0	6	0	1	0
Advanced Education, Training & Technology	10	0	0	2	2	0	5	0	1	0
Victoria Police Department	9	0	0	0	0	0	9	0	0	0
BC Hydro and Power Authority	8	0	0	1	2	1	3	0	1	0
City of Surrey	8	0	0	0	2	0	4	0	1	1
College of Physicians and Surgeons of BC	8	0	0	0	2	0	3	0	3	0
Law Society of BC	8	0	0	1	0	1	1	2	3	0
Simon Fraser University	8	0	0	3	0	0	4	0	1	0
All Other Public Bodies**	288	25	1	40	68	9	107	12	8	17
Total	730	57	3	120	117	41	298	20	34	40

* *The Ministry of Human Resources became part of the new Ministry of Social Development and Economic Security on July 22, 1999.*

** *See explanation of this category and its total figure of 288 in the paragraph above.*

Public Body	Requests for Review	Mediated	Discontinued	Order
Insurance Corporation of BC	68	66	1	1
Attorney General	49	41	2	6
Vancouver Police Department	39	34	4	1
Children and Families	38	33	2	3
Finance and Corporate Relations	28	23	4	1
Social Development & Economic Security*	24	23	1	0
Forests	23	15	7	1
Environment, Lands and Parks	20	15	1	4
Health	19	18	0	1
University of British Columbia	18	11	0	7
Workers' Compensation Board	18	15	2	1
BC Securities Commission	16	16	0	0
City of Vancouver	12	12	0	0
Corporation of the Township of Langley	11	9	1	1
Advanced Education, Training & Technology	10	10	0	0
Victoria Police Department	9	9	0	0
BC Hydro and Power Authority	8	8	0	0
Law Society of BC	8	8	0	0
College of Physicians and Surgeons of BC	8	6	1	1
City of Surrey	8	8	0	0
Simon Fraser University	8	6	1	1
All Other Public Bodies**	288	250	12	20
Total	730	642	39	49

Figure 6: Disposition of Requests for Review Closed Between April 1, 1999 and March 31, 2000 by Public Body

* *The Ministry of Human Resources became part of the new Ministry of Social Development and Economic Security on July 22, 1999.*

** *See explanation of this category and its total figure of 288 in the paragraph above.*

Selected Summaries of Recent Mediated Requests for Review

The following sample summaries of recent mediated requests for review represent the types of issues commonly brought before the Commissioner's Office and the range of mediated settlements it has been able to achieve.

A. MINISTRIES, CROWN CORPORATIONS, BOARDS, AGENCIES, AND COMMISSIONS

Ministry of Attorney General–Personnel records

An employee of a correctional institution had requested copies of any records pertaining to him. The Ministry provided some records but withheld the names of people who had provided references, as well as a memo concerning the applicant's job performance. The applicant appealed the decision, indicating that certain job action had been taken against him, therefore access to the records should be granted.

Through mediation, the applicant clarified that he was not interested in the names of the references, but he wanted a copy of the personnel memo. This memo had been withheld on the grounds that the safety of the person who wrote it might be in jeopardy, as the relationship between the letter writer and the applicant would deteriorate.

Through mediation, the Ministry agreed that the presumed harm was unlikely. The result was that the memorandum, written by the applicant's supervisor, was released.

Ministry for Children and Families – Adoption records

An applicant requested her adoption files from the Ministry for Children and Families for the purpose of determining her medical heredity. The ministry provided the applicant access to the requested files but severed all identifying information of third parties, including her birth parents. The applicant felt there must be more information in the adoption file as it appeared that her birth parents didn't suffer from any of the same ailments that she did. This office was able to help the applicant understand that adoption files do not often contain detailed information about the birth parents, in part because the birth parents are usually quite young when the adoption takes place and the medical conditions have not developed yet. Based on this information the applicant accepted that there was no further information of a medical nature in her adoption files.

Insurance Corporation of British Columbia – Accident report

The driver of a vehicle involved in a minor accident made a request to ICBC for records about the accident, including medical reports pertaining to the injured driver of the other vehicle. The applicant, who was the at-fault driver, did not believe the accident was serious enough to warrant a bodily injury claim by the other driver. The applicant requested the records to determine the legitimacy of the other driver's injuries so that the applicant could decide whether or not to dispute the increase in insurance premiums. ICBC disclosed some records relating to the claim but withheld the medical records. The applicant requested a review of ICBC's decision. The Portfolio Officer in charge of the review concluded that ICBC made the correct

decision under the Act. The applicant in turn accepted, with reluctance, that ICBC was required to withhold the medical records and that to disclose them would have constituted an unreasonable invasion of the other driver's privacy.

Ministry of Advanced Education, Training and Technology – Fast ferries

The BC Liberal Caucus requested a copy of any and all studies, reports, analyses, and/or presentations prepared by and/or for the Crown Corporations Secretariat for presentation to the Minister responsible for the BC Ferry Corporation, with respect to the construction of catamaran ferries by the BC Ferry Corporation and/or any of its subsidiaries, from January 1,1993 to date. The Ministry severed information under sections 12 and 13 of the Act and entire cabinet submissions were withheld.

This office reviewed all the severed material and provided an opinion letter to both parties. The Ministry agreed to release certain background information that did not reveal the substance of cabinet discussions. In addition, the Ministry released further information that had been withheld as policy advice. While the applicant was disappointed not to receive all the information, the Act restricts access to cabinet confidences.

Ministry for Children and Families – Privacy rights of an infant

A law firm representing the insurers of the British Columbia Federation of Foster Parents Association and the former foster parents of an infant requested all records relating to the Ministry investigation of injuries to the infant which were alleged to have resulted from the ingestion of caustic substances.

The Ministry provided the firm with copies of some records but severed or withheld other records on the grounds that disclosure would harm a law enforcement investigation and invade the personal privacy of third parties. In particular, the Ministry was concerned about the privacy of the infant who was no longer in the care of the foster parents. Many of the records were the infant's medical records – the infant's medical history, hospital reports including details of procedures performed on the infant, the infant's prognosis, and various doctors' opinions about the suspected cause of the injuries.

The Portfolio Officer agreed that the medical information belonged to the infant and that the infant did have privacy rights. However, the law firm representing the foster parents and the Foster Parent Association was really only interested in information that related to the cause of the injury or condition. As the infant was in the care of the foster parents when the injury occurred and the foster parents were suspected, investigated, and eventually exonerated by the Ministry based on what the doctors believed to the cause of the infants' condition, the law firm argued that this information also related to the foster parents. The Portfolio Officer agreed with this position but the foster parents' right of access to information had to be balanced against the child's right to privacy.

Through mediation, the Ministry and the law firm agreed to the further disclosure of information that was already known to the foster parents or that specifically dealt with suspected causes of the child's condition. This information included the initial suspicion that the infant ingested caustic substances while in the care of the foster parents and why this theory was eventually rejected by the Ministry. No other medical information of the infant was released. The law firm was satisfied with this further disclosure and agreed to close the file.

Ministry of Advanced Education, Training and Technology – Archival records

Two researchers made requests to the British Columbia Archives for police investigation records concerning Doukhobor activities in the 1950s and 1960s. These records contained some sensitive information about police informants. Therefore, it was necessary to first receive consent from the Ministry of Attorney General before the researchers could have access to these records.

A number of provincial ministries have delegated authority to Archives to make disclosure decisions about ministry records held by the Archives. However, there was no agreement concerning police investigation records. After lengthy discussions, the Ministry of Attorney General and the British Columbia Archives signed a delegation agreement concerning police investigation records and both researchers were then able to have access to the requested records through the normal Archives' procedures.

B. LOCAL PUBLIC BODIES

Municipality – Tender proposals

The applicant requested copies of the tenders submitted for a proposed daycare on municipal property. The municipality denied the request under section 21 of the Act and the applicant requested a review of this decision.

Mediation revealed that the municipality had received two daycare proposals and had selected one. The portfolio officer reviewed the successful and unsuccessful proposals, as well as the Request for Proposal, and then spoke with the applicant, the unsuccessful proponent. The applicant's main concerns, which he has already discussed with the municipality, were with the process the municipality had used in choosing the winning proposal.

In discussions with the successful proponent (the third party), the portfolio officer learned of the third party's concerns over the release of its proposal, including the format of the proposal and the unique programming the third party would offer, and heard that the third party planned to re-use this type of proposal in future bids. In settlement of the review, the applicant agreed to accept non-sensitive information extracted from the proposal (as previously agreed to by the third party) and the contract with the successful proponent.

Police Department – Investigation records

The applicant, an employee of the police department, requested access to records about himself related to a recent competition, including his marks, all notes and scoring information. He also requested the marks of the other candidates, excluding their names. The police department denied the request, although it acknowledged that candidates are told their final mark. The applicant requested a review of the decision to deny access to the competition records.

The portfolio officer met with the police and obtained their agreement to disclose a record showing the breakdown of the applicant's own marks, copies of assessments of the applicant by the applicant's supervisors and records of notes taken by the panel during the applicant's interview. The applicant was satisfied with this disclosure and agreed not to pursue an anonymized breakdown of the other candidates' marks.

Regional Health Board – Lease proposal

A union requested a copy of the lease proposal between a coffee company and a hospital. The coffee company operated a cappuccino bar within the hospital. The Health Authority withheld portions of the agreement under sections 17 and 21 of the Act. The coffee company was concerned that the release of this information would give its competitors a competitive advantage.

During mediation the union clarified that it wanted the information only for the purpose for discussions at collective bargaining and had no intention of using it for commercial purposes. The coffee company agreed to release the information to the union for use at the collective bargaining table. This agreement was made outside the process under the Act and facilitated the closure of our file.

Municipality – Request for proposal

The requester, a member of the media, requested the Request for Proposal the municipality had issued for the contracting out of the solicitor's department. The applicant also requested the proposals the municipality had received in response. During the processing of the request, the municipality issued notifications under section 23 of the Freedom of Information and Protection of Privacy Act (the Act) to the third parties, the law firms that

had submitted proposals. All proponents agreed to the disclosure of their proposals, except one law firm that objected to disclosure of its proposal on the basis that disclosure might provide an unfair advantage to its competitors. After considering the third parties' representations, the municipality decided to disclose all proposals. The law firm which had had objected to the release of its proposal then requested a review of this decision, arguing that the proposal should not be disclosed on the basis of sections 21 and 22 of the Act.

The portfolio officer and the municipality freedom of information coordinator met with the third party law firm and obtained its agreement to disclosure of its proposal with minimal severing of certain information about its systems and junior staff.

School District – Harassment investigation report

A former teacher, who had made a harassment complaint against three school district administrators, submitted an access request for the harassment investigation report prepared by a consultant. Initially, the school district refused to disclose the report because it believed this would be an unreasonable invasion of others' privacy and that disclosure may conflict with procedures in a collective agreement.

In this case, the allegations were about issues related to work assignments and lay off. Through mediation, the school district agreed to disclose the consultant's conclusions and recommendations, and personal information about the applicant where this could be done without revealing the identity of other individuals who had been interviewed in confidence. The applicant received about 90 % of the information in the report and accepted this as resolution of his access request.

Police Department – Insurance claims

Multiple requests for review were received from applicants seeking similar information from one police department. The applicants in these cases were Insurance agents and companies who requested information about various incidents to facilitate their investigation of their client's insurance claims. The incidents in question included burglary, armed robbery and arson.

The applicants were concerned that a delay in receiving information about the incident(s) could harm their client's interests as it would prolong the settlement process.

The police department denied access to the requested police reports and files, under section 15(1)(a) of the Act, as each of the cases was still under police investigation. Release of the information to anyone, including those involved in the incident, could jeopardize the police department's investigation of the matter. The use of section 15(1)(a) to protect information related to open police cases, is consistent with previous Orders released by the Information and Privacy Commissioner.

While the decision to withhold the requested records was accurate under the Act, it resulted in an obstruction of the insurance claim process. To resolve this situation, the Office worked with the parties to find a viable alternative solution. In the end it was determined that the Insurance agents/companies could approach the Officer who was in charge of the investigation. If the Officer determined that disclosure of basic facts associated with the case would not violate the investigation, he may, at his or her discretion, provide a verbal response to the agent's/companies questions. No records related to the case would be provided through this informal disclosure process.

Local Public Body – Letter of complaint

An applicant made a request for a letter of complaint that was used against her in a disciplinary meeting. The public body could not locate the complaint letter, and the applicant asked for a review of this response on the grounds that they had not conducted a reasonable search for the record.

During mediation, the public body indicated that another person had verbally complained about the applicant, and that person was asked to put those concerns in writing. The contents of the complaint were put into a disciplinary letter, and the original complaint letter destroyed.

The public body was reminded that section 31 of the Freedom of Information and Protection of Privacy Act required them to keep the complaint letter for a minimum of one year, as it had been used in a decision which directly affected the applicant. As it stood, the applicant did not have access to the specific allegations made against her.

The public body agreed to review its record retention policies in light of section 31 of the Act.

Municipality – Property appraisal

The applicant, a property owner in the municipality, requested a copy of an appraisal the municipality had had carried out, prior to making an offer to purchase the applicant's property. The municipality denied the request under section 17 of the Freedom of Information and Protection of Privacy Act (the Act). The applicant then requested a review of the decision to deny his request

Mediation revealed that real estate issues were at the heart of this request for review and that negotiations on the property purchase had stalled, although

there was interest on both sides in arriving at a deal on the property. The applicant argued that public money had paid for the appraisal and that the municipality was unfairly offering a lower price for the property.

The municipality stated that it had done its own appraisal as part of its due diligence process. It wished to ensure that it made an offer for the property that reflected fair market value and that it obtained good value for taxpayer's money.

The portfolio officer encouraged the applicant and the public body to resume discussions on the real estate issues, which they did. As part of the parties' discussions, the applicant agreed to abandon its request for the appraisal. The parties soon confirmed that they no longer required the office's help in pursuing this matter.

Regional Health Board – License termination

The applicant requested all records regarding her termination as the licensed manager of a group facility, including transcripts of interviews with other staff and the recommendation for termination.

The health region stated that it had already provided her with information about her termination. It denied access to the transcripts of interviews with other staff as being the personal information of others. It did, however, provide her with her own interview transcript. The applicant requested a review of the response, stating that she had only received part of the information concerning her termination and that she should be given the staff transcripts with identifying information removed.

The portfolio officer learned that the applicant's main concern was to obtain a better understanding of why she had been terminated from her position as manager, although the health region had already discussed this with her.

The portfolio officer explained that the bulk of the transcripts of interviews with other staff contained personal information about other people (staff and residents) that she was not entitled to receive. The staff transcripts actually contained almost no personal information about the applicant and this small amount of information would not assist her in gaining a better understanding of the reasons for her termination – her own transcript would do this.

Although the health region was prepared to summarize the applicant's personal information in the staff interview transcripts, the applicant did not wish such a summary. The portfolio officer encouraged the applicant to discuss her termination further with the health region's licensing officers, which the applicant was also not interested in doing. In the end, the applicant decided that she would not pursue the review further.

Municipality – Complainant's identity

An applicant requested that the identity of an individual or group that complained about an illegal business be disclosed to her. The City withheld the information since it would reveal the identity of a confidential source of law enforcement information. During mediation, the applicant was made aware of previous orders by the Information and Privacy Commissioner in which he supported the concept of public bodies keeping the names of complainants confidential so that individuals can make complaints to regulatory or enforcement bodies without fear of reprisal or retribution. The applicant decided not to pursue the issue and the case was closed.

University – Admission records

A student made an access request for all records concerning her unsuccessful applications for admission to a university faculty. In response to her request, the university disclosed most information in the records but withheld some information about the applicant that had been provided, in confidence, by the people she had selected as references and university staff who had interviewed the applicant.

The university also withheld information that would identify these people.

In mediation, the applicant confirmed that she was not seeking information that would identify others. Therefore, the university agreed to remove the identifiers from these records including specific work or educational experiences involving the applicant and another person. In some cases, the university prepared a typed version of handwritten notes. The result was that the applicant received virtually all of the information about her including some pointed comments. The applicant accepted this as a satisfactory resolution of the matter.

Police Department – Investigation interviews

The applicant's legal counsel requested a transcript of interviews in which the applicant and her children had participated pertaining to a particular investigation. The police department denied the request under section 15 of the Freedom of Information and Protection of Privacy Act (the Act), as the criminal prosecution was not yet concluded, and the applicant's counsel requested a review of this decision.

During mediation, the police explained that they did not want to disclose the statements as they did not want to risk contaminating the evidence, thus potentially prejudicing the prosecution. The police also agreed that

section 3(1)(h) of the Act likely applied to the interviews, not section 15. The police stated, however, that if the Crown counsel had no objection to the disclosure of the statements, they would provide copies.

The portfolio officer discussed the police department's concerns and the likely application of section 3(1)(h) with the lawyer. The lawyer said he would deal with the Crown counsel on this matter instead. The portfolio officer suggested to the police that it would be helpful in future cases to recommend to lawyers that they deal with the Crown counsel from the beginning, rather than asking them to submit freedom of information requests. The police acknowledged this and agreed that that in this case it might have been appropriate to divert the lawyer to the Crown counsel right away.

School District – A harassment report

A teacher requested a copy of the harassment report and any notes or other records that related to the investigation of a harassment complaint made against her by a colleague. The investigation was conducted and the report written by an independent investigator hired by the School District. In addition to the harassment report, the records included a list of witnesses, submissions from the complainant and the applicant and notes from witness interviews.

The School District refused to provide the applicant with a copy of the harassment report and supporting documentation but it did release a summary of the report that was prepared by the investigator. The applicant was not satisfied with the summary and requested a review by this office.

During mediation, the Portfolio Officer suggested severing some records and creating summaries of others in accordance with the guidelines established in

Order 286-1998, a case that dealt with disclosure of a harassment report in another school district. Specifically, the Portfolio Officer recommended releasing information which would disclose the process of the investigation; the name of the complainant and the specific complaint, as this was already known to the applicant; the conclusions or findings of the report; letters and documents sent to the applicant or copied to her; the applicant's own submissions; and notes of her interviews. The Portfolio Officer agreed that the identities of the witnesses and information about specific students should be withheld. With respect to the investigator's notes of interviews with the complainant and witnesses, the Portfolio Officer recommending producing a summary.

The School District agreed to all of the recommendations. It released a severed copy of the harassment report and witness list as well as certain documents from the complainant's submissions. The summary the School District prepared of the investigator's notes of interviews with the complainant and witnesses contained, for the most part, actual excerpts from the investigator's notes so the end result was a very accurate and comprehensive summary. In a few cases, however, it was necessary to slightly modify the statement in order to protect the identity of the speaker. The applicant was satisfied with this outcome.

Municipality – Senior management expenses

An Applicant made a request for access to records of all expenses of municipality Council members, the Chief Administrative Officer and the Directors for the years 1995, 1996 and 1997. The applicant was a member of City Council.

In response to this request, the municipality provided copies of the expenses, but removed the names of outside individuals who met with municipal officers during meetings. The City stated the names were removed to protect the privacy of the third parties.

The applicant appealed this decision, stating "In private and public sectors, the normal practice is to authenticate the expenditure by some reference to the names of individuals and organizations who were at the luncheon and the justification of the meeting."

Through mediation, the municipality agreed to disclose the names, and the file was closed.

C. SELF-GOVERNING PROFESSIONAL BODIES

College of Physicians and Surgeons – Complaint records

An applicant requested access to all documentation pertaining to a complaint lodged by her with respect to medical services she received. The College granted partial access to the records requested and the applicant subsequently requested a review of the College's decision. During mediation, it was determined that the requested records related to the peer review process set up by the College. Although the applicant chose to proceed to a formal inquiry, she ultimately accepted that an inquiry was not the forum in which to remedy the problems she had with certain medical practice guidelines and withdrew her request for review.

VI. Complaints

INTRODUCTION

Sections 42(2) and 52 of the Freedom of Information and Protection of Privacy Act authorize the Commissioner to receive and investigate complaints about a public body's compliance with the Act. Individuals can complain to the Commissioner's Office that a public body has collected, used, or disclosed their personal information inappropriately. They can also complain that a public body has not fulfilled its duty to assist them under the Act. The Commissioner's Office will investigate these complaints and make recommendations and decisions for their resolution.

Individuals can complain to the Commissioner's Office that a public body has collected, used, or disclosed their personal information inappropriately.

THE COMPLAINT PROCESS

Complaints are received by the Office's Intake Officers, who review the relevant facts and circumstances and often contact the parties for more information. If the complaint can proceed under the Act, one of the Intake Officers will assign it to a Portfolio Officer, who has delegated authority from the Commissioner to investigate and resolve the issues of the complaint.

Based on the Portfolio Officer's findings, the Commissioner or Portfolio Officer may make recommendations requiring a public body to change the way it collects, uses, discloses, or secures personal information. The Commissioner may decide the issue is systemic or affects a significant number of people and thus assign it for further investigation and analysis, which may result in the release of a formal Investigation Report. Where a complaint is not substantiated, the Office may dismiss it.

STATISTICS FOR COMPLAINTS AND INVESTIGATIONS

Between April 1, 1999 and March 31, 2000, the Office closed 95 complaints and 15 investigations, most of which pertained to inappropriate collection, use, or disclosure of personal information. Other complaints or investigations related to the failure of a public body to perform a duty imposed by the Act, such as the duty to assist an applicant.

Complaints and investigations explore similar issues. However, a complaint is normally opened in response to an individual's concerns about his or her personal information while an investigation is usually initiated by the Commissioner in response to concerns about systemic access or privacy issues.

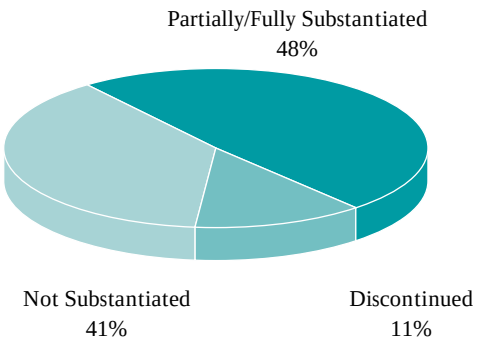
Complaints are resolved through investigation, which typically results in findings that the complaint, in full or in part, is either substantiated or not substantiated. Where a complaint is substantiated, the Commissioner's Office makes recommendations to a public body for changes to its existing policies or practices. Where a complaint is not substantiated, the case is closed.

Investigations are normally concluded in a similar fashion. However, where a matter has garnered significant public interest or where the recommendations may be applied generally to all public bodies, the Commissioner may release an Investigation Report. There were no Investigation Reports issued in the last fiscal year.

Between April 1, 1999 and March 31, 2000, the Office closed 95 complaints and 15 investigations, most of which pertained to inappropriate collection, use, or disclosure of personal information.

Figure 7, below, set out the disposition of complaints and investigations closed by the Commissioner's Office between April 1, 1999 and March 31, 2000 by percentage.

Figure 7: Disposition of Complaints and Investigations Closed Between April 1, 1999 and March 31, 2000 by Grounds



Since many complaints and investigations involve more than one issue, they have been categorized in Figure 8, below, by their predominant grounds only.

Figure 8: Disposition of Complaints and Investigations Received Between April 1,1999 and March 31, 2000 by Grounds

Grounds	Fully or Partially Substantiated	Not Substantiated	Discontinued*	Investigation Report Issued	Total
Failure to Perform a Duty	12	6	2	0	20
Inappropriate Collection	11	17	2	0	30
Inappropriate Disclosure	27	22	7	0	56
Inappropriate Use	3	0	1	0	4
Total	53	45	12	0	110

** "Discontinued" indicates those complaints that were abandoned or withdrawn*

Definitions of Grounds for Complaint

Failure to Perform a Duty: This is an investigation into an allegation that a public body has failed to perform a duty imposed by the Act, such as its duty to assist an applicant.

Inappropriate Collection: This is an investigation into an allegation that a public body has inappropriately collected personal information about an individual under the Act.

Inappropriate Disclosure: This is an investigation into an allegation that a public body has inappropriately disclosed personal information about an individual under the Act.

Inappropriate Use: This is an investigation into an allegation that a public body has inappropriately used personal information about an individual under the Act

COMPLAINT STATISTICS BY PUBLIC BODY

Some public bodies are the subjects of complaints to, or investigations by, the Commissioner's Office more often than others. Normally, it is because they possess or handle more personal information than other public bodies. It may also reflect ongoing disputes about certain practices or policies of a particular public body.

Figures 9 and 10, following, indicate the number, grounds, and disposition of complaints or investigations concluded by the Commissioner's Office from April 1, 1999 to March 31, 2000, categorized by public body. Figure 9 indicates the grounds under which the complaints were filed or investigations launched, while Figure 10 indicates their final disposition.

There have been no complaints filed or investigations launched against the majority of public bodies covered by the Act. The category of "All Other Public Bodies" and its total figure of 35 represent the one or two complaints made against 29 public bodies other than the ones specifically listed.

Figure 9: Grounds of Complaints and Investigations Closed Between April 1, 1999 and March 31, 2000 by Public Body

Public Body	Collection	Disclosure	Duty	Use	Total
Children and Families	4	12	2	0	18
Insurance Corporation of BC	5	6	2	0	13
Social Development and Economic Security	5	6	1	1	13
Health	3	3	2	0	8
Attorney General	1	7	0	0	8
City of Vancouver	1	2	0	0	3
Forensic Psychiatric Services Commission	1	0	2	0	3
Vancouver Police Department	1	2	0	0	3
Forests	0	2	1	0	3
Workers' Compensation Board	0	1	1	1	3
All Other Public Bodies**	9	15	9	2	35
Total	30	56	20	4	110

* *The Ministry of Human Resources became part of the new Ministry of Social Development and Economic Security on July 22, 1999.*

** *See explanation of this category and its total figure of 35 in the paragraph above.*

Public Body	Fully or Partially Substantiated	Not Substantiated	Discontinued	Investigation Report Issued	Total
Children and Families	11	7	0	0	18
Insurance Corporation of BC	6	6	1	0	13
Social Development and Economic Security*	7	6	1	0	13
Health	4	2	2	0	8
Attorney General	3	5	0	0	8
City of Vancouver	1	2	0	0	3
Vancouver Police Department	2	1	0	0	3
Forests	1	1	1	0	3
Workers' Compensation Board	1	1	1	0	3
Forensic Psychiatric Services Commission	3	0	0	0	3
All Other Public Bodies**	14	15	6	0	35
Total	53	45	12	0	110

Figure 10: Disposition of Complaints and Investigations Closed Between April 1, 1999 and March 31, 2000 by Public Body

* The Ministry of Human Resources became part of the new Ministry of Social Development and Economic Security on July 22, 1999.

** See explanation of this category and its total figure of 35 in the paragraph above.

Selected Summaries of Recent Complaints

The following complaint summaries are generally illustrative of the type of complaints received by the Commissioner's Office and how the .Office handles them.

A. MINISTRIES, CROWN CORPORATIONS, AGENCIES, BOARDS AND COMMISSIONS

Insurance Corporation of British Columbia (ICBC) – Use of personal information

The complainant, a union group, was concerned about its employer's access to and improper use of personal information in ICBC's Motor Vehicle Database. The union was concerned that the employer was using its access to the database for purposes other than those for which access was approved.

The Commissioner's office consulted with ICBC to address this complaint and subsequently ICBC initiated an investigation. ICBC found that the employer had accessed the database and used the personal information for purposes other than those stipulated in the agreement between the employer and ICBC.

As a result of the investigation, ICBC suspended the employer's access rights for a set period of time. Once regular access is reinstated, ICBC will be monitoring access requests for a further period of time. ICBC also informed the Commissioner's office that it is re-writing all of its access agreements to provide more accountability and control over the release of information from the Motor Vehicle Database.

Ministry of Attorney General, Corrections Branch – Video surveillance

An employee of a correctional centre complained that management had installed a video camera in the administration area to monitor the use of a fax machine. The camera had been installed by the BC Buildings Corporation at the request of the Ministry during an investigation into improper use of the fax machine. It was thought the fax machine in question had been used to fax inappropriate material to other Correctional Centers.

The Commissioner's office found that the Ministry had, prior to installing the camera, employed a number of investigative tools to determine who was faxing the inappropriate material. After these methods failed to yield any concrete results, the camera was installed. The investigation also revealed that the area in which the fax machine was housed was closed after 5:00 p.m. and was essentially "off limits" to all staff in the institution after those hours. The camera was turned on after 5:00 p.m. and switched off when the office re-opened in the morning.

Based on this information the office found that the camera was not surreptitiously recording legitimate activities of the staff in the Correctional Centre. It was simply monitoring equipment in a restricted area during the time that area was unoccupied The use of the camera in this instance was not found to be a violation of privacy.

Ministry for Children and Families – Disclosure of personal information

The complainants alleged that the Ministry for Children and Families disclosed personal information about themselves and their daughter to potential intervenors in a Human Rights Tribunal proceeding.

In particular there were five documents – a complaint form, the allegation, a Human Rights Commission investigation report, and Ministry and complainant submissions to the Commission – at issue.

The Ministry asserted that it had disclosed the documents in accordance with section 79(k) of the Child, Family and Community Services Act (CFCSA). Section 79(k) states that a Director may disclose, without the consent of any person, information obtained under this Act, if the disclosure is necessary for the administration of the Act. The Ministry initially released the documents in their entirety, including the name of the child and personal information about the child, family and third parties to groups that had expressed an interest to the Ministry in intervening in the proceedings. The Ministry later asked to have these documents returned and released another set with some of the personal information severed and the child's name replaced with initials.

All of the documents, except the Ministry's own submissions, were provided to the Ministry as a party to a proceeding before the Human Rights Commission. The issue related to discrimination and not to the placement of the child. While the outcome may have had profound effects on the administration of Ministry programs it did not impact in anyway on the current situation of the child. The issue also related to the Ministry's legislated mandate. To adequately address this issue the potential intervenors needed to know the general topic, what legislation and/or polices were in jeopardy, and why the issue had arisen at this time. The Complaint form and the Allegations contain this information and are documents that the Tribunal had agreed to release in an anonymized form. The information contained in the Investigation report and the complainant's submissions

contained a significant amount of personal information related to the specific situation of the child, which was beyond the purview of comment for most of the intervenors

The Ministry's original release of the Complaint Form and the Allegations did not comply with section 79(k) of the CFCSA. It also violated the ruling of the Tribunal that all information related to the case would only contain the initials of the child. As the Tribunal may place restrictions on the form in which information is to be released, as it did in this case, it is more appropriate if the Tribunal conducts release of documents related to cases that are currently before it.

According to section 40(5) of the Human Rights Code, the Ministry's submissions to the Commission are not governed by FOIPPA. The discretion to release its own submission rests with the Ministry. However, fair information practices should still be employed to protect the privacy of the parties involved.

The Ministry's release of the Investigative Report was not authorized by section 79(k) of the CFCS Act, as this report was provided to the Ministry as a party to a Commission case and was not obtained under the CFCSA. The release was also not necessary to the administration of the Act. The Commission itself only releases copies of this report to third parties in accordance with the disclosure principles of the FOIPPA. All personal information of individuals other than the third parties is removed from the record prior to release. Neither the original or severed release of the documents, in this case, met this criterion.

In terms of the complainant's submissions, although the Ministry had these documents within its custody, they were not in its control and they should not have been released without the complainant's consent.

Insurance Corporation of British Columbia – Driving record

ICBC disclosed information pertaining to a third party's driving record to an applicant who made a request for the information under the Freedom of Information and Protection of Privacy Act. ICBC revealed information about the driver and his licence and the driver in turn complained to this office. ICBC disclosed two categories of information. The first category contained details about the issuance, expiration and renewal of the licence, including all periods for which the licence was valid. The second category of information gave details about the third party's prohibition from driving, including related sections of the Motor Vehicle Act.

ICBC was found to have been authorised to disclose the first category of information consisting of details about the status of the driver's license. It was not, however, authorised to disclose information describing driving prohibitions incurred by the third party which amounted to disclosing his driving history.

Ministry for Children and Families – Videotaping complaint

Several Ministry employees wrote to this office to complain that one of their co-workers had a video camera in her office and taped her interactions with them. The employees complained that they were not aware at the time that they were being videotaped and, as such, felt that their privacy was violated. As well the employees were concerned about the privacy of their clients as client files may have been discussed during the taping.

When questioned by this office, the Ministry acknowledged that one of its employees had videotaped her interactions with her colleagues. The Ministry stressed, however, that the videotaping was not authorized by the Ministry and was certainly not the normal practice of the Ministry. The employee had videotaped her colleagues for personal reasons. When management learned of the videotaping, they asked the employee to stop but no steps were taken to secure the videotape nor was any thought given to the privacy implications of the incident.

This office found that the videotaping was done in contravention of section 26 of the Freedom of Information and Protection of Privacy Act in that it was not authorized under an Act, it was not done for the purposes of law enforcement, and it was not related to or necessary for an operating program or activity of the Ministry. Even though the Ministry had not authorized the videotaping, this office found that the Ministry had a duty to protect the privacy of its employees and clients. The tape recorded work-related issues and was done by a Ministry employee in a Ministry office during working hours. The employees who were captured on the videotape had not consented to the videotaping nor did they have any knowledge of it.

The first recommendation this office made was that Ministry take immediate steps to secure custody of any and all copies of the videotape. This office and the complainants were concerned that further privacy violations could occur if the Ministry did not immediately secure all copies of the tape. When the Ministry asked the employee to turn over the tape and any copies she may have made, the employee replied in writing that the video recording had been destroyed and that no copies were made.

While this office was satisfied that the Ministry had taken the immediate steps necessary to rectify the privacy breach, we were still concerned about the fact that no action was taken at the time the videotaping incident was brought to management's attention and that the employee's response to the Ministry indicated that she was still not clear that her actions constituted a violation of the Freedom of Information and Protection of Privacy Act. These factors suggested that privacy training for both management and employees was necessary as well as written policies or guidelines on appropriate collection of information. This office, therefore, recommended that the Ministry provide training on collection, use and disclosure of personal information to the entire staff at the office where the incident occurred and that written guidelines be produced that instruct staff on confidentiality and privacy matters both in dealing with clients and in their interactions with each other. The Ministry accepted this office's recommendations and later confirmed that the recommendations had been implemented. The complainants stated that they were satisfied with this outcome.

Workers' Compensation Board – Delay in responding to a request

An applicant made a request to the WCB for policy records. Due to the scope of the request, the WCB took an additional 30 days to respond to the request. It took the WCB a further nine months to respond to the request.

As part of the complaint investigation, the OIPC reviewed the records that were the subject of the request, all of the internal correspondence, file notes and telephone notes and letters between the applicant and the WCB, that had been generated in relation to the request. The applicant filed a request for review during the course of the request processing period.

The Office found that the delay was unreasonable and contrary to section 6 of the Act that requires public bodies to respond openly, accurately and without delay to access requests. We found the delay was due to several factors, including the absence of an overall strategy to deal with such a large request, an overemphasis on cataloguing and organizing the records, unclear decision-making responsibilities and a lack of urgency to the processing of the request.

The WCB undertook to examine the issues raised in the investigation, with a view to ensuring that future large requests are dealt with without delay.

B. LOCAL PUBLIC BODIES

Municipality – Disclosure of personal information

A complainant stated that a municipality disclosed a letter she had written to an approving officer, outlining her concerns about a proposed subdivision, to the lawyers and neighbours involved in the subdivision. The complainant said she believed that the approving officer would disclose her concerns to her neighbours, in anonymous form, but not provide the complete letter. The complainant had also sent copies of her letter to the mayor and council members, but believed that they would keep it confidential. She stated that she and her family had been harassed by her neighbours as a result of the disclosure to the neighbours.

The portfolio officer learned that the municipality considers the subdivision process to be open, in a similar way to the zoning process. In this case, in addition to inviting written comments, the municipality held an open meeting so that the public could comment on the proposed subdivision. The municipality said it provides letters of concern to a person applying for a subdivision, unless they are marked confidential or contain negative

remarks, as it is more effective if the neighbours address the concerns among themselves. The municipality does not routinely inform the public that it will provide their written comments to neighbours applying for approval of a subdivision.

The Office found that the municipality acted properly in disclosing the letter to the neighbour applying for the subdivision, both as part of its duty to be open and accountable in this type of process and so that the neighbour could address the concerns. The fact that the complainant had sent copies of her letter to the mayor and council was also a factor in this determination.

The Office pointed out, however, that the public generally, and the complainant in particular, were unaware that the municipality might disclose the letters that the public sent in response to an invitation to comment on an application for subdivision. The municipality acknowledged this and agreed, in future similar cases where it is inviting written comments from the public, to inform people that it may provide copies of their letters to an applicant neighbour. In this way, the public can make an informed decision on how to word their letters or to mark their letters "confidential."

The complainant was also unhappy that the municipality had placed her letter on the agenda of an open council meeting. As above, the municipality acknowledged that it does not inform people when it will place their letters, for information, on the agenda for open council meetings. It stated that it does inform people when it plans to place letters requiring action on the council agenda. The Office found that the municipality had acted properly in placing the complainant's letter on the open council agenda, agreeing with the municipality's point that the complainant had sent copies of her letter to the mayor and council. The Office suggested, however, that the

municipality look for ways to raise public awareness of its practice of placing letters on open council agendas, which the municipality agreed to do.

Regional Health Board – Collection, access, and disclosure

The complaint concerns the collection, under section 26, and disclosure, under section 33, of personal information by a counselor at an agency located within a hospital.

The complainant alleged that during her initial telephone call to the agency, the counselor requested considerable personal information, including the name of her doctor. The complainant refused to provide her doctor's name and was informed that she could not access services without this information. The complainant terminated the call. The next day she had an appointment with her doctor who informed her that the counselor had contacted him and told him that she was having marital/spousal abuse problems. The applicant felt this was a gross invasion of her personal privacy and complained to the agency. The counselor told her that he was required to report issues of abuse/violence.

The counselor confirmed that he had spoken with the complainant, and that due to the fact that there was a baby in the house, the counselor felt it was necessary to report the spousal discord to someone. While the counselor was concerned for the safety of the child, he did not feel that the situation warranted contacting the Ministry for Children and Families. The counselor felt that this action would be very intrusive. Instead, the Counselor accessed the hospital's patient database, located the name of the patient's doctor and relayed his/her concerns to the doctor. The counselor asked the doctor not to tell the patient that he had called. The counselor did not consult with other

staff or a supervisor before taking this action; noting that he is used to making decision on his own. The counselor feels that his actions were warranted even though no indication was given, by the complainant, that the child was at risk.

Two findings were made. First, it is not necessary for the agency to collect the name of the client's doctor on a routine basis. There may be some instances where the agency must have the name of the doctor in order to provide adequate services. However, in this instance, the requested service was marital counseling and, while it might be nice to know this information, it is hard to conclude that a doctor's name is necessary in order to operate this type of program.

Secondly, it was concluded that the disclosure of information to the client's doctor without her consent was not authorized under section 33 of the Act as the facts of the case do not meet any of the specified criteria. If the counselor felt that the child was at risk the appropriate disclosure would have been to the Ministry for Children and Families. This is a mandatory reporting requirement in cases of suspected child abuse/neglect and would be authorized under section 33(d) of the Act.

Based on these conclusions, it was recommended that the agency: discontinue its practice of routinely collecting the name of every client's medical practitioner and in future only collect this information on an as needed basis; develop policies that outline the criteria for dealing with child protection issues; develop a peer review/consultation policy for unusual, ambiguous or sensitive cases; ensure that staff is aware of the collection, use and disclosure provisions in the Act; review its policies concerning the use of the electronic patient data system to ensure that access to the system is limited by position and the 'need to know' principle; and provide, where appropriate, further training for staff in the area of confidentiality.

Police Department – Destruction of records

The applicant complained that a particular officer had destroyed his notebooks upon his retirement. The complainant learned this after making a freedom of information request for records regarding an accident that occurred in the mid-1970s. The complainant voiced concern that the police department had not carried out its obligations to maintain complete records and retain copies of the members' notebooks.

According to the police department's records retention policy, in effect since 1994, members are to turn in their notebooks when they retire. The police department had issued periodic reminders since that time. The officer who destroyed his notebooks retired after 1994 and thus had not complied with the department's policy for turning over his notebooks.

The portfolio officer requested that the police issue another notice, reminding officers to turn their notebooks over to the records department when they retire, which it did. The records manager also arranged for a procedure which would include the collection of notebooks, along with uniforms and other equipment, when officers left the department. This would make the notebooks available for processing under the Act. The Office found the complaint to be substantiated and considered the police department's response to be appropriate.

VII. Commissioner's Orders

INTRODUCTION

Sections 56(1) and 58(1), (2), and (3) of the Freedom of Information and Protection of Privacy Act provide that the Commissioner must dispose of requests for review by an Order if they cannot be settled by mediation. The Commissioner may make Orders on the right of access to records, time extensions, corrections to records, and fees. The Commissioner may also make Orders on the collection, use, and disclosure of personal information under the Act.

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Orders arise out of formal inquiries where the Commissioner reviews the facts, issues, and records of a particular dispute and then makes a decision. The Commissioner is the impartial adjudicator of a case and his decisions are final and binding under the Act. If individuals involved in the case are dissatisfied with the Commissioner's decision and want to appeal, they must take their case to the Supreme Court of British Columbia and apply for judicial review.

- The Commissioner's Orders are available on the Office's Web Site at: http://www.oipcbc.org.

THE FORMAL INQUIRY PROCESS

Inquiries are conducted by the Commissioner. He decides if they will be oral or written, who may make submissions during the inquiry and also all questions of fact and law arising during the inquiry. The Commissioner has 90 days within which to conclude the inquiry, although the first portion of the 90 days is normally allocated to Portfolio Officers for the purposes of mediation. After the Commissioner has concluded his inquiry, he makes an Order, which is released to the parties and becomes a public document.

The Order may require a public body to withhold records, release records, or resolve issues concerning times extensions, corrections to records, or fees. It also may decide matters related to the collection, use, and disclosure of personal information. Public bodies must comply with the Commissioner's Orders within 30 days.

Public bodies must comply with the Commissioner's Orders within 30 days.

- A Chronological Table of Orders and a Table of Concordance Between the Orders and the Act is available on the Office's Web Site at: http://www.oipcbc.org.

DISPOSITION OF COMMISSIONER'S ORDERS

Between April 1, 1999 and March 31, 2000, the Commissioner released 40 Orders. Twenty-three of the Orders upheld the decision of the public body, while eight of them overturned a public body's decision and nine contained a split decision.

In considering the high percentage of Orders which upheld a public body's decision, it is important to note that mediation plays a large role in this statistic. The Office's discussions with public bodies during the mediation process frequently result in public bodies releasing additional records or withdrawing the application of particular sections of the Act they have used to withhold records. Thus, if called upon to make an Order, the Commissioner generally is faced with resolving significantly narrowed issues and records. Without mediation, it is likely that Orders would contain more overturned or split decisions. It is also important to acknowledge that public bodies now have more experience in applying and complying with the Act than they did when it first became applicable to their records and operations.

The disposition of Commissioner's Orders by percentage issued between April 1, 1999 and March 31, 2000 is set out in Figure 11 below.

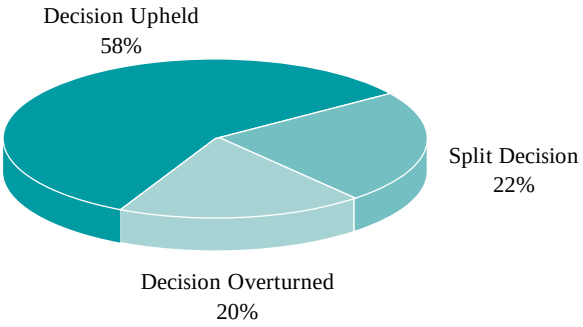

Figure 11: Disposition by Percentage of Orders Closed from April 1, 1999 to March 31, 2000.

SELECTED SUMMARIES OF RECENT ORDERS

From April 1, 1999 to March 31, 2000, the Commissioner issued 40 Orders. These were Orders Nos. 302 to 00-09. Some of the more recent topical Orders have been summarized and set out below in reverse chronological order.

Order No. 00-09 – A decision by the Ministry of Small Business, Tourism and Culture and the Ministry of Employment and Investment to disclose records related to the preservation and partial development of Burns Bog by Delta Fraser Properties Partnership.

The BC Liberal Caucus, Vancouver Television and The Leader newspaper made requests for records relating to an agreement between the Province and Delta Fraser Properties Partnership with respect to Burns Bog. The Ministry of Small Business, Tourism and Culture and the Ministry of Employment and Investment sought to release the majority of the records to the applicants. Delta Fraser objected to the release and requested a review by this Office.

At the inquiry, Delta Fraser argued that the records contained confidential commercial information, the disclosure of which would harm its negotiating and competitive position and result in undue financial loss to Delta Fraser. Specifically, Delta Fraser argued that release of the records would harm an ongoing litigation matter between the partners of Delta Fraser, harm it's negotiating position in two foreclosure actions, expose Delta Fraser to possible expropriation proceedings and affect an outstanding application for rezoning.

The Commissioner found Delta Fraser's arguments to be problematic: 'The material before me does not support a finding that confidential commercial or financial information of Delta Fraser was 'supplied' to the province. Delta Fraser says the documents were supplied to the Province, yet the material before me establishes that the agreements comprised in the records were negotiated between Delta Fraser and the Province. Those parties in effect jointly created the records… The fact that some of the records contained confidentiality clauses does not get around this. The parties' agreement to keep negotiated terms and conditions confidential does not avoid the supply issue.'

The Commissioner ruled that the Ministries' decision to release most of the information in the records was correct. He encouraged the Ministries to process the requests and make their decision as quickly as possible.

Order No. 00-06 – A decision by Simon Fraser University to withhold information relating to harassment complaints against the applicant

The applicant, who had been the subject of a harassment investigation, made an access to information request to Simon Fraser University under the Freedom of Information and Protection of Privacy Act. The university withheld certain records on the grounds that disclosure would reveal the identities and personal information of third parties involved in the investigation. As well, they withheld information from the applicant claiming solicitor-client privilege. At the inquiry, SFU conceded that solicitor client privilege did not apply to several of the documents it had refused to disclose.

The Commissioner found that the third party personal information was properly withheld. He also agreed with SFU's concession, stating: 'SFU's original claim of solicitor client privilege appears to have been based on the fact that copies of letters were provided to SFU's lawyer. The fact that a lawyer has been provided with a copy of a letter written by his or her client to someone else is not, on its own, an adequate basis for a claim of solicitor client privilege.'

The applicant argued that solicitor client privilege should not apply to the records that SFU still claimed as privileged as the communications were between SFU staff members rather than between solicitor and client. The Commissioner agreed in part. He found that such records may be privileged if they disclose a communication between solicitor and client, as in the case of an employee writing down legal advice that was communicated in confidence previously by the public body's lawyer. However, where SFU claimed privilege over an entire record simply because a handwritten note on

the record revealed privileged information, the Commissioner ordered SFU to sever the privileged information and release the remainder to the applicant.

Order No. 327–1999 – A decision by the University of British Columbia to withhold information relating to the applicant's graduate studies

The applicant, a graduate student at the University of British Columbia, made a series of requests for access to his personal information. UBC disclosed large amounts of information, but withheld some third party personal information, information subject to solicitor-client privilege, and advice or recommendations. With some minor exceptions, the Commissioner upheld UBC's refusal to disclose personal information about other students, as well as advice or recommendations and privileged information.

Included in the requested material were personal evaluations concerning the student's application for graduate school. In response to the student's request, UBC withheld two evaluations in their entirety on the grounds that they had been supplied in confidence and that disclosure of the evaluations would unreasonably invade the privacy of the evaluators. While UBC had released three other evaluations with the name and signature of the evaluator removed, the Commissioner concluded the evidence supported UBC's argument that the two evaluations in question were supplied in confidence and agreed that release of the evaluations would unreasonably invade the privacy of the evaluators.

The Commissioner found, however, that UBC had not complied with its statutory duty to prepare summaries of the personal information: 'The obligations to create a summary applies in this case. The personal evaluations in dispute qualify as personal information supplied in confidence about the applicant. As the applicant is entitled to his own personal information, UBC must disclose a summary of the personal information.'

Order No. 326-1999 – A decision by the City of Cranbrook to withhold a report entitled 'Evaluation of Fire Fighting Services for the Corporation of the City of Cranbrook'

The applicant made an access to information request to the City of Cranbrook under the Freedom of Information and Protection of Privacy Act for a consultant's report commissioned to provide a 'personnel and cost evaluation' of the City's fire-fighting services. The City withheld the entire report on the grounds that disclosure of the report would harm the City's financial interests and reveal in camera discussions of City Council.

The Commissioner ruled that disclosure of the report would neither harm the City's financial interests nor reveal the in camera discussions. 'Disclosure [of the report] tells us nothing about what was said at the council table, much less what was decided. The report can at best be described as the cause or subject of any such debates. We simply do not know, and cannot tell from the report, what the deliberations of council were.'

He further found that the City had 'not, on the evidence, established a reasonable expectation; that disclosure of the report would harm its financial or economic interests'. The Commissioner agreed that the report did contain advice and recommendations that could properly be withheld, but found that all other 'factual material' must be released. The Commissioner found that the City did not have the authority to withhold the entire report, and

ordered it to review the report, line by line, and sever out only that information which it was authorized to withhold.

Order No. 325-1999 – A decision by the Worker's Compensation Board (WCB) to refuse to disclose records dealing with WCB policy on payment of interest to employers when refunding certain contribution overpayments

The applicant requested records from the Worker's Compensation Board relating to the adoption of a policy regarding repayment of interest to employers on over-contributions by employers to reserve funds established under the Worker's Compensation Act. The WCB identified approximately 5,402 records as being responsive from a total of 12,000 pages of records that were examined. The WCB withheld some of those records indicating that they consisted of advice or recommendations developed by or for the public body or a minister.

The applicant argued that the Freedom of Information and Protection of Privacy Act prevents a public body from refusing to disclose a plan or proposal to establish a new program, or to change a program, if the plan or proposal has been approved or rejected by the head of the public body.

The WCB replied that withholding the records was necessary to ensure that the confidential policy advice process was not impaired. Further, a circle of confidentiality was necessary for free internal policy discussions. The WCB also disagreed with the applicant's characterization of the interest policy as a program. They stated that the policy in issue was merely the latest version of its policy on interest payments.

The Commissioner agreed with WCB saying: 'I cannot agree that what the applicant has described as a WCB policy review process is a program. To my way of thinking, a program for the purposes of the Freedom of Information and Protection of Privacy Act is an operational or administrative program that involves the delivery of services under a specific statutory or other authority. The term program does not, at the very least, encompass the kind of activity in issue here."

Order No. 323-1999 – A decision by the Vancouver General Hospital to refuse to disclose abortion services information

The applicant submitted an access request to the Vancouver General Hospital and Health Sciences Centre (VGH) for records showing the number of abortions performed at the hospital for the calendar years 1997 and 1998. The VGH had refused to release the statistics on the grounds that disclosure could reasonably be expected to threaten individual or public health and safety. It argued that disclosure of this information to an anti-abortion audience could be viewed as a call to protest against abortion services at the hospital and cause patients and service providers to fear for their safety.

The applicant argued that the hospital could not support its allegations and pointed out that the pro-life community is already aware that abortions are performed at VGH. The applicant also stated that other health facilities had provided such information and that VGH, itself, previously released data on the number of abortions performed in 1996 and part of 1997 to a news magazine.

The Commissioner found that VGH did not provide sufficient evidence to support it's position that disclosure of annual statistics concerning a hospital

known to perform abortions could reasonably be expected to threaten individual or public safety. In ordering the records disclosed the Commissioner stated: 'I cannot conclude there is such a reasonable expectation of harm, in the particular circumstances of this case, flowing from disclosure of the requested information. VGH's materials attest to the general context in which abortion services are provided, i.e., a climate where violence, intimidation and threats do occur. But the materials do not, in my view, support the position advanced by VGH respecting release of this statistical information' in this particular case.

Order No. 321-1999 – A decision by the Ministry of Attorney General to refuse to disclose records to an applicant concerning his Internet domain and his business

The applicant submitted a request to the Ministry of Attorney General for records concerning or mentioning him, his business, or his internet domain. The applicant was the subject of a criminal investigation in response to complaints from the public that his Web Sites carried hate propaganda. The Internet provider service run by the applicant came under attack from the Simon Wiesenthal Centre, B'nai Brith, and other organizations. The Ministry withheld investigation records of its Hate Crime Team on the grounds that disclosure of the records would harm a law enforcement matter, violate solicitor-client privilege, and threaten the health and safety of others.

At a written inquiry, the applicant argued that his critics had been corresponding with the Ministry in order to have 'hate charges' laid against him under the Criminal Code. Lawyer for the applicant, Doug Christie, argued that 'nothing in the nature of public interest requires the protection of this information…except protection of the parties involved from a

revelation of their own oppressive contempt for freedom of expression and freedom of assembly.'

The Ministry argued that since the investigation was ongoing and no decision had yet been made on whether charges should be laid the information should not be disclosed. The RCMP were granted intervenor status and agreed stating that 'premature disclose' could result in 'the potential loss of evidence, uncovering of investigation techniques and frustration of surveillance, if and where it is used.'

The Commissioner was satisfied that the records concerned an ongoing investigation into specific possible breaches of the Criminal Code and that disclosure would reveal non-public information about that criminal investigation. The Commissioner was also 'satisfied that although the criminal investigation is not yet concluded and no charges have been approved, the disclosure of the records could reasonable be expected to reveal information used in the ongoing exercise of prosecutorial discretion by Crown Counsel and which is therefore protected.'

JUDICIAL REVIEW

From April 1, 1999 to March 31, 2000, five of the Commissioner's Orders were the subject of applications for judicial review before the B.C. Supreme Court: Orders No. 290-1999, 291-1999, 293-1999, 308-1999, and 322-1999. A section 43 authorization issued in 1997 was also the subject of an application for judicial review. Order No. 293-1999 is the only application that the Court ruled on in this fiscal year. It was dismissed on August 6, 1999, and a later petition to the Appeal Court was abandoned.

The Court also delivered three decisions during this time on Orders that were the subject of judicial review from previous fiscal years: Orders No. 144-1997, 126-1996 and 281-1998. The reconsideration of Order No. 144 was cancelled, Order No. 126 was partially upheld with the remainder sent back to the Commissioner for reconsideration, and Order 281 was set aside on.

** Copies of judicial review decisions are available by contacting the B.C. Supreme Court registries in Vancouver at (604) 660-2845, or Victoria at (250) 356-1478, or by linking from the table of judicial reviews on the Commissioner's Office Web Site to the corresponding B.C. Supreme Court decisions on the B.C. Superior Courts' Web Site at: http://www.courts.gov.bc.ca.*

VIII. Section 43 Authorizations

INTRODUCTION

Section 43 of the Freedom of Information and Protection of Privacy Act provides that the Commissioner may authorize a public body to disregard requests for records that are "repetitious or systematic" in nature, and which "would unreasonably interfere with the operations of the public body." The purpose of section 43 is to prevent irresponsible use of the Act by applicants.

The Commissioner reviews the arguments and issues a binding decision confirming or denying the request.

This year, the Commissioner's Office received five section 43 requests from public bodies. Four of the requests were withdrawn by the public body as a result of mediation with this Office, and one was denied by the Commissioner.

- Section 43 authorizations are available on the Office's Web Site at: http://www.opicbc.org.

THE SECTION 43 AUTHORIZATION PROCESS

The Office processes a public body's section 43 authorization request in similar fashion to a request for review. The Office's Intake Officers review the authorization request and assign it to a Portfolio Officer, who will try to assist the parties in reaching a mediated solution. If mediation fails, the request will proceed to a formal inquiry before the Information and Privacy Commissioner. During the inquiry, the public body is required to provide evidence to substantiate its claim that the applicant is unreasonably interfering with the public body's operations by making repetitious or systematic requests. The Commissioner reviews the arguments and issues a binding decision confirming or denying the request.

The terms of a section 43 authorization vary according to the nature of the public body's request and the Commissioner's determination of the facts. Normally, however, a section 43 authorization will bar an applicant from requesting records from a public body for a specified period of time, such as six months to one year.

The section 43 decisions issued this year has been summarized and set out below.

DECISION ON A SECTION 43 AUTHORIZATION

A decision on a section 43 application by the Vancouver Police Board

The applicant had been responsible for 24 requests received by the Vancouver Police Board during the period November 4, 1994 to October 29, 1999. Of the total of 3,874 requests received by the Board during the same period the respondent generated 0.62% of the total number of requests. The applicant's requests related to investigations of complaints levied against 16 police officers.

The Vancouver Police Board argued that the applicant's frivolous and vexatious submissions during the s.43 inquiry demonstrated that the applicant did not take the FOI process seriously nor did he recognize the cost of his repeated requests of both the Vancouver Police Department and Vancouver Police Board. The Board did not elaborate on its assertion that the respondent's 24 access requests, made over a span of almost four years, were of either a 'repetitious' or 'systematic' nature, nor did the Board provide any evidence to support its contention that the requests had unreasonably interfered with operations.

The Commissioner refused to grant the Order deciding that: 'in the absence of any analysis by the Board of the 24 requests over almost five yeas, I cannot determine – based on my review of the request letters and the responses alone – whether they are of a repetitious nature. In any case, even if the Board had established that the respondent's access requests are of a repetitious or systematic nature, it has not established that, because of their repetitious or systematic nature, those requests would unreasonably interfere with operations.

IX. Site Visits

INTRODUCTION

Section 42(1)(a) of the Freedom of Information and Protection of Privacy Act authorizes the Commissioner to conduct audits or investigations of public bodies under his jurisdiction to ensure their compliance with the provisions of the Act. Inspired by the German federal and state models of auditing data protection practices in the public sector, the Commissioner is convinced that auditing for compliance is essential to successful data protection, and fulfills this mandate, in part, by conducting "site visits."

Site visits are a less formal form of audit and typically focus on Part 3 of the Act, which sets out the rules and guidelines for public bodies on how to collect, use, and disclose personal information. These guidelines are often referred to as "fair information practices." The primary goal of a site visit is to raise consciousness about information and privacy rights and the obligations of public bodies under the Act. The Commissioner also uses it as an opportunity to learn more about the practices of particular public bodies, especially those in more remote communities, and to respond to the questions and concerns they might have about the Act.

The Commissioner is convinced that auditing for compliance is essential to successful data protection, and fulfills this mandate, in part, by conducting "site visits."

Site visits also provide the Commissioner with more information about freedom of information problems in general, such as the impact of the Act on the relationship between local police and hospital authorities. While alerting public bodies to the Office's role in monitoring compliance with the Act, the Commissioner also sees site visits as an opportunity to put a human face on the legislation and to offer guidance and support for its proper implementation.

RECENT SITE VISITS TO PARTICULAR PUBLIC BODIES

The Office conducted over 50 site visits to public bodies this year, most of which are listed below according to type of public body. Please note that some public bodies may have undergone name and/or organizational changes since the conclusion of the site visit.

- Hospitals: Children's and Women's Health Centre of BC; Chilliwack General Hospital; Fraser Canyon Hospital; Kelowna General Hospital; Lions Gate Hospital; Powell River General Hospital; Prince George Regional Hospital; Royal Inland Hospital; Simon Fraser Health Region; St. Joseph's Hospital; and Vernon Jubilee Hospital.
- Municipalities: City of Abbotsford; City of Prince George; City of Richmond; City of Surrey; City of Vancouver; Corporation of the City of White Rock; Corporation of the District of North Vancouver; District of Powell River; District of West Vancouver; and Town of Comox.
- Municipal Police: Abbotsford Police Department.
- School Districts: School District 34 – Abbotsford; and School District 57 – Prince George.
- Colleges and Universities: College of New Caledonia; Malaspina University-College; University College of the Fraser Valley; and University of British Columbia.
- Ministries, Agencies, Boards, and Crown Corporations: Ministry of Attorney General – Courtney Community Corrections Branch; BC Hydro; Ministry for Children and Families; Ministry of Social Development and Economic Security; and Workers Compensation Board.

- Self-governing Professional Bodies: College of Psychologists; and College of Teachers.

Earlier this year a document titled, 'Two years later – Results of a Privacy Check-up of the British Columbia Cancer Agency' was released by this Office. This paper is a valuable resource for all public bodies that collect, use and disclose sensitive personal information. In addition to addressing physical issues related to privacy and security, it focuses on issues of concerning the management of electronic registries/data banks of personal information and research using identifiable data. The full text of this document can be found on the Office Web Site at: www.oipcbc.org.

The purpose of the Web Site is to increase public awareness of the Freedom of Information and Protection of Privacy Act by making information about the Act and the Office as broadly accessible as possible.

X. Providing Advice

INTRODUCTION

Sections 42(1)(f), (g), and (h) of the Freedom of Information and Protection of Privacy Act authorize the Commissioner to comment on the access to information or protection of privacy implications of (i) proposed legislative schemes or programs; (ii) automated systems for the collection, storage, analysis, or transfer of information; and (iii) the use or disclosure of personal information for record linkage. The Office normally fulfills this advisory role by consulting directly with public bodies, although it may engage in public discussion of a particular matter if it appears to affect significantly the information and privacy rights of British Columbians.

RECENT MATTERS FOR ADVICE

Ministry of Health – Hospital waiting lists

The Ministry of Health informed the Office that it was about to start posting hospital waiting lists on its Web Site and invited Office staff to see a demonstration of the wait list screens. Staff learned that the public will have access to the names of surgeons by region, procedures they perform, the average number of patients on waiting lists and the median wait time for surgery. We also learned that the Ministry collects this information for care management.

Office staff then had a briefing from Ministry of Health staff and reviewed a Privacy Impact Assessment prepared by the Information and Privacy Branch, Ministry of Health. The Ministry explained that it had always intended to make this information public and that hospitals provide this information individually to the public. The Ministry also said that it had consulted with surgeons and that they and the British Columbia Medical Association had no objections to the Ministry's proposal. The Office was satisfied with the Ministry's proposal.

Insurance Corporation of British Columbia – The "gas and go" question

Service station owners often have customers fill up at the pump and then drive off without paying. Many write down as many offending license plate numbers as they can, in the hopes of someday finding the offender, filing a small claims action and recouping their losses. In the past, when service station owners approached ICBC for assistance in locating the perpetrators, ICBC suggested that service station owners should file a police report on the matter. If the owner could provide the police file number to ICBC, the Corporation would then release the offender's information (name and address) to the owner.

When the police stopped treating this type of offense as a criminal matter and the service station owners could not obtain a police file number, ICBC was asked by the station owners to release an offender's information directly. ICBC consulted the Office about the implications and viability of this request and an alternative plan of writing letters, on behalf of the station owners, to those whose license plate numbers had been written down.

The Office suggested that the Corporation's previous arrangement of providing service station owners with the name of a potential offender, once they had a police file number was inappropriate under the Act. If the police had requested this information as part of the investigation then the information could have been disclosed under section 33(n). However, no provision exists to disclose personal information to an individual or company pursuing a debt or a criminal investigation on their own. For the same reason it would be a violation of third party's personal privacy to disclose the locator information to individual companies now that the police no longer view these violations as criminal matters.

With respect to the letter writing option, this is an internal issue for ICBC to decide as no personal information would be disclosed if a letter is simply sent by the corporation. However, the Office did point out that the viability of such an option seemed limited. The Office suggested that service station owners could consider filing John Doe applications with the courts, which would allow them to make claims without requiring the offender's personal information.

Unique characteristics of the personal information found on the databases can create a data trail, or map of sorts, which may lead to a specific individual or group of individuals.

Ministry of Health – The anonymity of medical research data

The Ministry of Health asked the Office for advice on data warehousing – specifically, how to maintain the anonymity of medical research data in cases where personal information is being classified and stored.

The concern for personal privacy stems from the ability of many computer programs to link or match seemingly anonymous patient data (that which has had 'personal identifiers' removed) with information contained on other databases. While the relationships between data may not seem readily apparent, unique characteristics of the personal information found on the databases can create a data trail, or map of sorts, which may lead to a specific individual or group of individuals.

The Office recommended that Health consult various relevant literature on the subject, with particular attention to the work of Latanya Sweeney – the current expert in this area.

Attorney General – Seizure of hospital files for investigation

For the purpose of investigating a death, the Coroner is authorized to seize hospital records, make true copies of the records and, if necessary for the investigation, distribute the records to authorized parties. Common hospital procedure in this regard is to release the necessary records to the Coroner or

a party to the investigation, providing that the party has the appropriate consents from the executor or closest family member of the deceased or has received authorization from the Coroner's Office.

Concern about releasing hospital records to parties of a Coroner's investigation arose when a hospital staff member suggested, during the course of an investigation, that such release was an inappropriate and inconsistent purpose under the Act. The Ministry of Health backed up the staff member's assertion that the purpose of the release (collection for the Coroner's inquiry) was inconsistent with the original purpose of the records (collection for health care). The hospital's lawyer, however, asserted that the Coroner's use was consistent with the original purpose of the records.

The Office was asked to clarify consistent purpose in this context and found that two consistent purposes could be identified. The hospital staff member was correct in the assertion that the purpose of the records, in a hospital context, is for health care. The Coroner's Office was similarly correct in maintaining that collecting and releasing the hospital records to parties to an inquiry was consistent with the purpose of inquiry. In this case, where the hospital was releasing the records at the request of the Coroner, the Office found that the hospital was acting as an agent of the Coroner's Office, and thus the purpose for releasing the records was consistent in the context of the Coroner's investigation.

Given that the seizure of records by the Coroner places the records in the control of the Coroner, and given that the purpose of the Coroner's seizure is to facilitate inquiry into a death, the Office found that subsequent release of the same information to authorized parties to the investigation meets the test of section 33 (c) of the Act as the same or consistent purpose. However, the Coroner's current authorization letter should be more explicit in dealing

with section 33. This way, it will be clear at the outset that the collection for inquiry, and not health care, is the consistent purpose.

Further it is not clear why the Coroner's Office, once in control of the records, still puts the burden on hospitals for the subsequent release of records to the authorized parties. If the Coroner's Office handled its own disclosure of the records to the parties then the confusion for health care providers would cease to exist.

Hospital – Custody and/or status of records

In this case, clinic physicians were given free space at a hospital and admitted their patients through the hospital's admitting unit. The clinic charged a fee for service, paid the secretarial staff separately and had a patient base from outside of the hospital. The hospital held basic personal records for admitting purposes and the clinic held the individual case files.

Given that all of the clinic records were located within the hospital, either in admitting or in the clinic itself, and that all admitting to the clinic is done through the hospital, the Office concluded that the records are covered by the Act. To avoid confusion in the future, the Office suggested that the hospital may wish to clearly establish custody and/ or status of records when in-house clinics are first established. For example, if the clinic records are to be independent of the hospital then the clinic clients should not be admitted through the hospital and the hospital should not keep information related to the admission or treatment of these clients.

Ministry of Health – Amendments to the Tobacco Sales Act

The Ministry of Health requested an opportunity to consult with Office staff regarding a proposed amendment to the Tobacco Sales Act which would allow publication of the names of retailers who have been suspended for violations related to minors.

Office staff reviewed the proposed amendments and commented that, in their view, section 22 of the Freedom of Information and Protection of Privacy Act (the Act) does not protect the names of retailers/sole proprietors from publication, if they are acting in their business capacity. Staff saw no other privacy issues.

College of Teachers – Collecting personal information

The B.C. College of Teachers asked the Office to make suggestions on the text of a letter to be sent out to school districts. While it was understood that the College collects personal information about teachers in order to provide teaching certification and membership services, there was some concern as to why the College was also asking teachers to disclose their Social Insurance Numbers (SIN).

The College explained that the SIN has specific administrative purposes, such as the issue of income tax receipts, and is instrumental for ensuring that teachers' payroll information is accurate and up to date.

The Office suggested an explanatory addition to the existing letter being sent to teachers, in order to permit a clear understanding of the College's need for and use of the SIN.

Capital Health Region – Access to patient information for pastoral care

It has long been recognized that, for many people, spiritual or pastoral care is an integral element of the health and healing process. However, the mangers of patient records and the pastoral care providers at a number of long-term care facilities found themselves deadlocked with respect to the issue of patient consent. The pastoral care providers were requesting routine access to patient admission files, so that they would be able to discern the names, addresses and religious affiliations of the patients, visit patients of their respective denominations and provide them with an avenue for spiritual care. The patient records managers, while not opposed to pastoral care in principle, were extremely concerned about patient privacy and the violations of privacy that would occur if patients did not expressly consent to a visit from a clergy member or pastoral care volunteer.

The Office identified a number of areas for consideration, and helped to devise a working agreement between the patient records managers and the pastoral care providers.

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The first issue that needed to be addressed was the automatic collection of patient's religious affiliation. According to the patient records managers, the only reason that this information is required is if the patient is interested in receiving pastoral care services. One of the key principles of privacy protection is to only collect that information which is necessary to the task. In this instance, asking the patient if they would like to receive pastoral care is the first step. Then if they answer, "yes" they can disclose what religious denomination they wish to receive a visit from. The pastoral care department would only receive the lists of those who positively identified a

wish to access pastoral care. Those who did not wish to have this service would have their privacy protected.

In the long term care setting, it was determined that the inclusion of a 'pastoral care consent form' in the admission package would be the most effective way to collect the necessary information. This form would contain all of the necessary details for the pastoral care provider on the condition of patient consent. The consent would be voluntary, and the information provided by the patient would be related only to their spiritual needs – as opposed to their clinical needs. Pastoral care providers expressed concern that some patients may answer "no" and then change their minds at a later date, so the consent form was drafted to clearly state that a patient may consent to pastoral care at any time, and can do so by contacting the pastoral care office or by making an anonymous request.

The Office believes the current "pastoral care consent" system in the Capital Health Regions will best serve the privacy interests of long-term care patients.

Another issue that arose was the provision of the entire list of those patients seeking pastoral care to each provider. This again was determined to be more information than each individual group needed to have and an invasion of the privacy of those seeking the service. It was suggested each denomination should only receive the list of patients that were seeking pastoral care from that denomination. This was accomplished by establishing on honour based system of colour coded files that could be accessed by clergy and volunteers. Although it would have been more ideal to have the lists under lock and key or available only through a staff member these options were impractical in a situation where the information may be needed at any hour of the day by a wide range of individuals.

The Office believes the current "pastoral care consent" system in the Capital Health Regions will best serve the privacy interests of long-term care patients.

Other Issues

The Office commented on media access in public bodies (Children's and Women's Health Centre of BC, Vancouver Hospital and Health Science Centre); research initiatives (Renal Agency, Capital Health Region, BC Cancer Agency, and the Ministry of Health); the development of privacy codes (BC BioTech Labs, and the College of Psychologists); data sharing (Vital Statistics/BC Hydro); creation of public education materials (BC Police Complaint Commissioner); privacy breaches (Labour Relations, Transportation and Highways, BC Cancer Agency); implications of electronic health databases (Health Canada, and Government of Manitoba); and data access and privacy policies (Peace Arch Hospital, Ministry for Children and Families, Vancouver Hospital and Health Science Centre, and BC Cancer Agency).

The Office also provided comments regarding hospital fund raising, Bill C-6, the Children's Commission Fatality Reports, disclosures of personal information by public bodies under section 33 of the Act, and the creation of automated health databases by the provinces regional health boards.

XI. Informing the Public

INTRODUCTION

Section 42(1)(c) of the Freedom of Information and Protection of Privacy Act authorizes the Commissioner to inform the public about the Act. The Office fulfills this educational mandate by interacting with the media; participating in and hosting conferences; presenting speeches, seminars, workshops, and video conferences; and developing various public education materials and tools, such as the Office's Web Site, information kits, FAQs, and an information and privacy rights brochure.

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TRAINING SEMINARS

The Office held a series of local seminars in the early months of 2000 with a view to assisting Tier 2 public bodies in British Columbia to implement the Freedom of Information and Protection of Privacy Act ("Act") more effectively and efficiently and improve decision-making. Teams of Portfolio Officers designed the seminars around a core curriculum, with a range of optional subjects tailored to suit the needs and interests of the audience. The seminars took place in Nelson, Surrey, University of British Columbia, Prince George, Courtenay, Powell River, Kelowna and Kamloops and we had an excellent turnout of over 250 people.

The Office plans to hold more seminars in coming years, beginning with a session in Victoria in June 2000 for the public bodies added to the Act earlier in the year.

WEB SITE UPDATE

The Commissioner's Office continues to update its Web Site with new and relevant information. The purpose of the Web Site is to increase public awareness of the Freedom of Information and Protection of Privacy Act by making information about it and the Office as broadly accessible as possible. The Web Site plays an important role in the Office's communication and education strategy and continues to experience increased usage each year.

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This year the Office added Guidelines for Travelling with Personal Information and has been working on a number of other documents that will be added to the Web Site early in the next fiscal year.

The Web Site currently includes the following relevant materials:

- A copy the Freedom of Information and Protection of Privacy Act
- The Commissioner's Orders
- The Commissioner's Investigation Reports
- News releases for Orders and Investigation Reports
- Section 43 authorizations
- A Table of Concordance cross-referencing sections of the Act with the Orders
- A Table of Judicial Reviews of the Commissioner's Order linking to the B.C. Superior Courts Web Site
- The Office's Annual Reports for 1994/95, 1995/96, 1996/97, 1997/98, and 1998/99
- The Office's Information and Privacy Rights brochure

- The Office's Policies and Procedures
- Privacy Advice, including Fax , E-mail Guidelines, Privacy Impact Assessments and Travel guidelines
- Submissions by the Office to other public bodies, such as the Legislative Assembly and Industry Canada
- Copies of the Commissioner's speeches and presentations
- Information about past and future information and privacy events, such as conferences and workshops
- Links to other major information and privacy Web Sites in Canada and around the world
- How to contact the Commissioner's Office

Appendix A

FINANCIAL STATEMENT

Budget Allocation for the 1999/2000 Fiscal Year

Total Salaries and Benefits	$1,631,000
Total Operating Costs	$ 713,000
Total Recoveries	($15,000)
Total Voted Expenditure*	$2,329,000

The Office of the Information and Privacy Commissioner's 1999/2000 Expenditure Target reflects the annual operating costs and the funding required to achieve the goals of its jurisdiction.

HIGHLIGHTS FOR FISCAL 1999/2000

- End of term for the first Information and Privacy Commissioner in July 1999
- Appointment of a new Commissioner in August 1999. The new Commissioner's first year included meeting with all of the Deputy Ministers, Officer's of the Legislature and the majority of public bodies covered by the Act.
- Increased public awareness and promoted a wider public understanding of the Act and the Commissioner's role through:
- Delivering training sessions in several areas of the Province
- Ensuring information on the Office was readily available by distributing the information and privacy rights brochure, and continually updating the Office's Web Site
- Continuing to participate in the Four Year Legislative Review of the Freedom of Information and Protection of Privacy Act of the Legislative Assembly's Special Committee.

- Released a White Paper and Discussion on 'Personal Privacy and PKI' at the Deloitte & Touche PKI Forum
- Releasing 'Guidelines for Protection of Personal Information When Travelling on Business'
- Participating as a speaker/presenter in a number of conferences, presentations and seminars provincially and in other provinces
- Keeping informed about Bill C-6 – the Personal Information Protection and Electronic Documents Act
- Making a submission to the Legislative Assembly's Special Committee on Information Privacy in the Private Sector

AS MANDATED THE OFFICE CONTINUED TO:

- Develop and maintain productive working relationships with the variety of public bodies falling under the jurisdiction of the Freedom of Information and Protection of Privacy Act;
- Conduct investigations and audits to ensure compliance with the Act;
- Monitor, encourage, and where necessary enforce compliance with the Act; and
- Continue to build an integrated, competent office that responds effectively to its clients needs.

Appendix B

OFFICE STAFF

One of the major achievements of our Office is the settlement of most cases before they would need to be brought to formal inquiry. The Office believes that this is reflective of the quality and commitment of its operational and administrative staff, who are identified below for the 1999/2000 fiscal year:

Linda Calver	Director, Finance and Administration
Mary Carlson	Portfolio Officer
Lisa Crumly	Receptionist
Lorrainne A. Dixon	Executive Director
Helga Driedger	Registrar
Judy Durrance	Intake Officer
David H. Flaherty	Commissioner (until July 30, 1999)
Celia Francis	Portfolio Officer
Mark Grady	Portfolio Officer
Deanna Hamberg	Intake Officer
Barbara Haupthoff	Senior Executive Administrator
Robyn Jarvis	Law Co-op Student (May 3 – August 27, 1999)
David Loukidelis	Commissioner (from August 16, 1999)
Charmaine Lowe	A/Portfolio/Communications Officer
Peter Luttmer	Portfolio Officer
Sharon Plater	Portfolio Officer

Ros Salvador	Law Co-op Student (September 13 – December 31, 1999)
Jim Sereda	Portfolio Officer
Ralph Sketchley	Portfolio Officer
Michael Skinner	Portfolio Officer
Darleen Taylor	Coordinator, Finance and Administration
Bill Trott	Portfolio Officer
Terry Widen	Administrative Assistant
Judy Windle-Newby	Administrative Assistant
Jason Young	Researcher (until August 13, 1999)

Appendix C

HOW TO CONTACT THE COMMISSIONER'S OFFICE

- By Telephone: (250) 387-5629

Or for toll free access within British Columbia, call Enquiry BC at the number in your area below and ask to be transferred to 387-5629:

- Vancouver: 660-2421
- Victoria: 387-6121
- Elsewhere in B.C.: 1-800-663-7867
- By Facsimile: (250) 387-1696
- By Mail:
  Office of the Information and Privacy Commissioner for British Columbia
  PO Box 9038, Stn Prov Govt. Victoria, B.C. V8W 9A4
- By E-mail: info@oipcbc.org
- By Web Site: http://www.oipcbc.org
- In Person:
  Office of the Information and Privacy Commissioner for British Columbia
  4th Floor, 1675 Douglas St. Victoria, B.C. V8V 1X4

(NOTE: The Office does not accept requests for review or privacy complaints by e-mail, since it is not an acceptably secure medium for this purpose. The Office accepts all other enquiries by any of the means of contact set out above.)