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## Who are we?



Government's central privacy office

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OFFICE OF THE  
INFORMATION &  
PRIVACY COMMISSIONER  
for British Columbia  
Protecting privacy. Promoting transparency.

### The Office of the Information and Privacy Commissioner (OIPC):

- conducts reviews and investigations to ensure compliance with FOIPPA
- mediates FOI disputes
- comments on FOI and privacy implications of proposed legislative schemes or public body programs

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Freedom of Information and Protection of  
Privacy Act (FOIPPA)  
Personal Information Protection Act (PIPA)

Personal Information Protection and  
Electronic Documents Act (PIPEDA)  
Access to Information Act  
Privacy Act

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Public bodies are governed by  
**FOIPPA.**

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- Part 1 – Introductory Provisions
- Part 2 – Freedom of Information
- Part 3 – Protection of Privacy
- Part 4 – Office and Powers of Information and Privacy Commissioner
- Part 5 – Reviews and Complaints
- Part 6 – General Provisions
- Schedule 1 – Definitions
- Schedules 2 and 3 – List of public bodies

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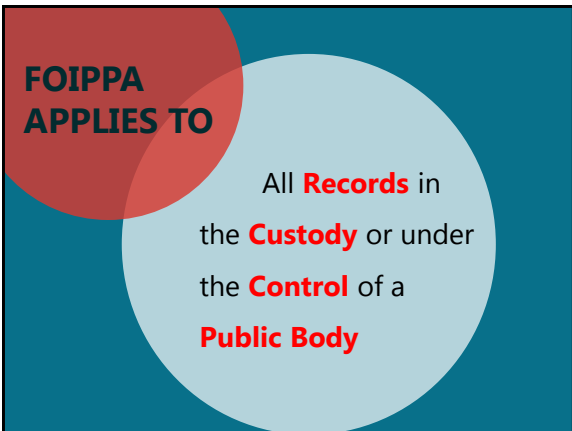
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Access to Information  
or  
Freedom of Information (FOI)

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Access to  
information rights  
can only exist  
when public  
bodies create the  
conditions for  
those rights to be  
exercised.



- Elizabeth Denham,  
Information & Privacy  
Commissioner

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Open  
Transparent  
Accountable public bodies

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Aim for a culture of openness.

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Proactive disclosures  
or  
Formal FOI process

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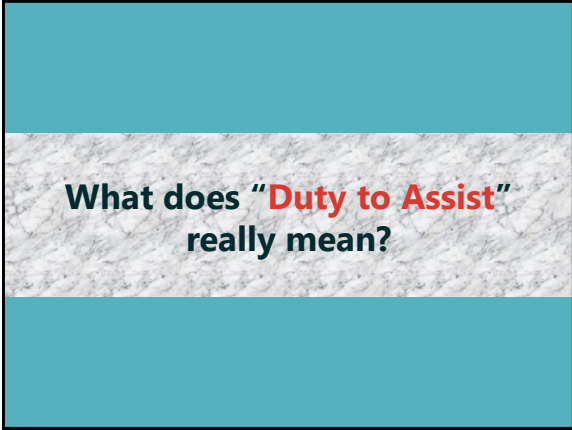
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**Tips**

- Once a request comes in, you must not delete records!
- Search anywhere your team stores info.
- Document your search efforts.

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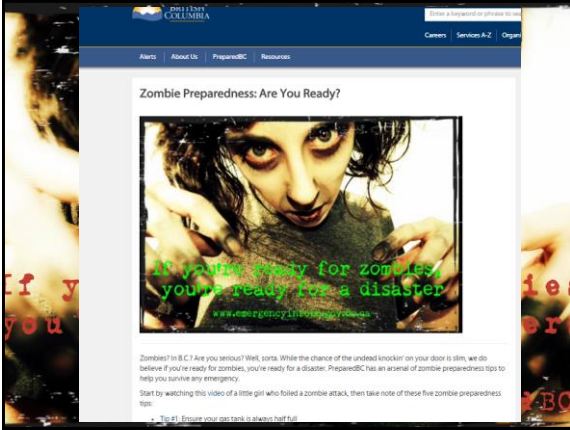
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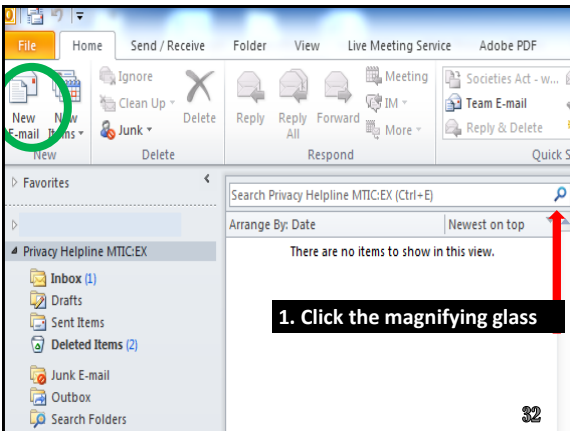
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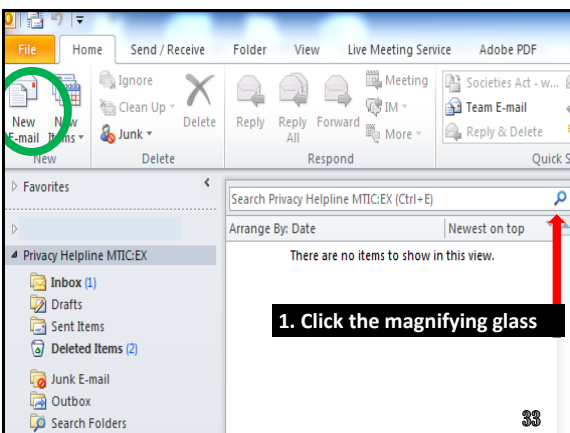
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Timeline for responding = 30 business days

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30 day extension for

- Volume
- Detail
- Consultation
- Consent

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The Commissioner can grant time extensions if the Commissioner considers it fair and reasonable.

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Can charge for

- Locating
- Preparing
- Handling
- Copying

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Can't charge for

- Applicant's own personal info
- First 3 hours searching
- Time spent severing

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Disclosure should be the rule not the exception.

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Line



By



Line



Review



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Right of Review



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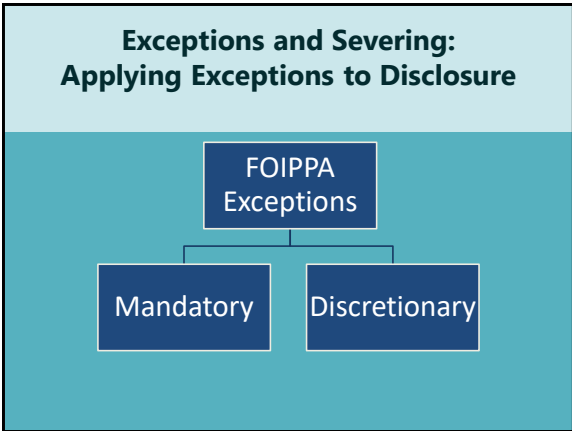
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Mandatory = **must** withhold

Discretionary = **may** withhold

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**Mandatory Exceptions**

- Section 12: Cabinet confidences
- Section 21: Third party business information
- Section 22: Disclosure harmful to personal privacy
- Section 22.1: Related to abortion services

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**Mandatory Exceptions**

Cabinet Confidences s. 12



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**Mandatory Exceptions**

Third Party Business Information s. 21



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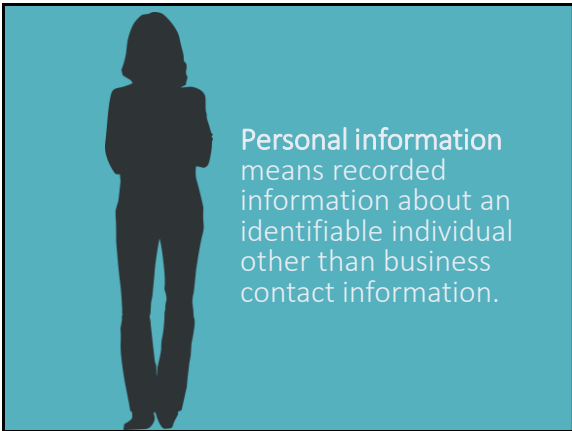
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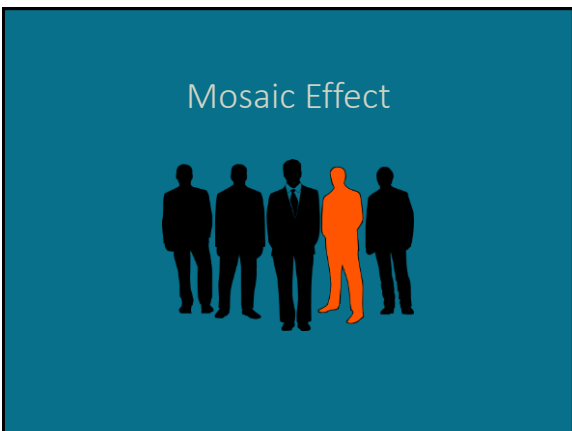
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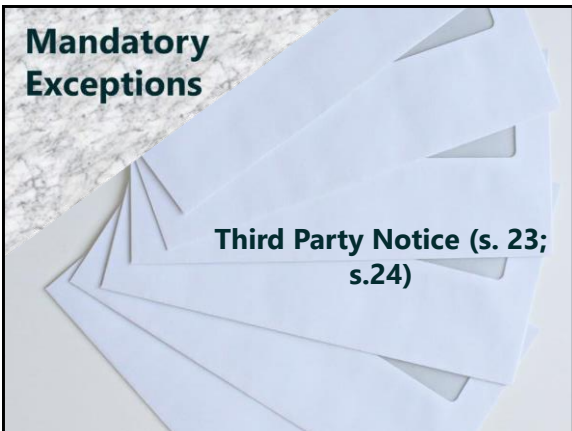
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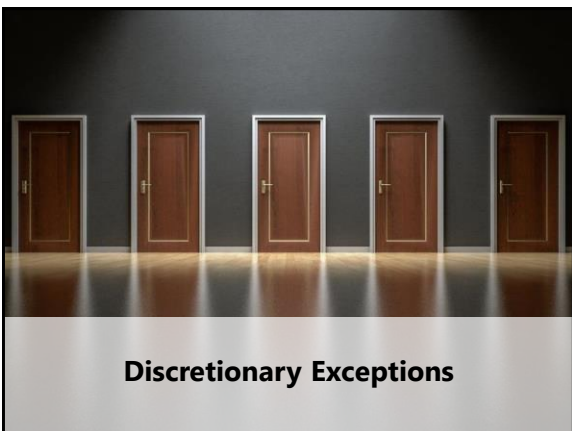
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## Discretionary Exceptions

- Section 13 – Policy advice or recommendations
- Section 14 – Legal advice
- Section 15 – Law Enforcement
- Section 16 – Intergovernmental relations or negotiations
- Section 17 – Financial or economic interests of a public body
- Section 18 – Conservation of heritage sites, etc.
- Section 19 – Individual or public safety
- Section 20 – Information published/released within 60 days

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### Tips

- What is the purpose of the legislation?
- Remember access is a balance of interests
- Consider the historical practice
- What is the nature of the record?
- Will disclosure increase public confidence?
- How old is the record?
- Look at previous OIPC orders

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I AM NOW CUTTING ALL MY RUDE REMARKS ABOUT THE PATIENT FROM HER FILE.

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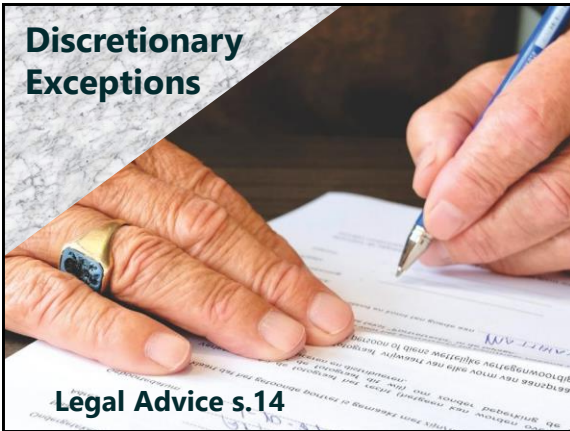
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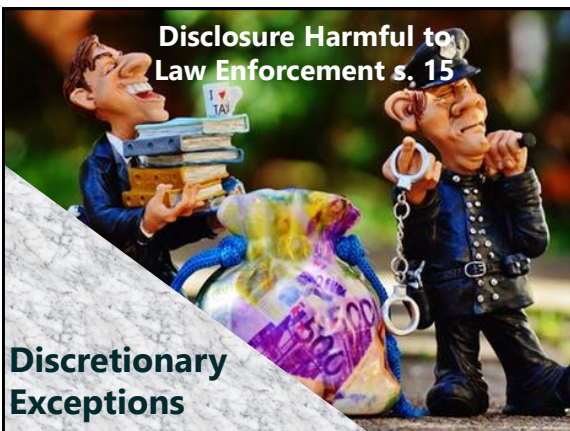
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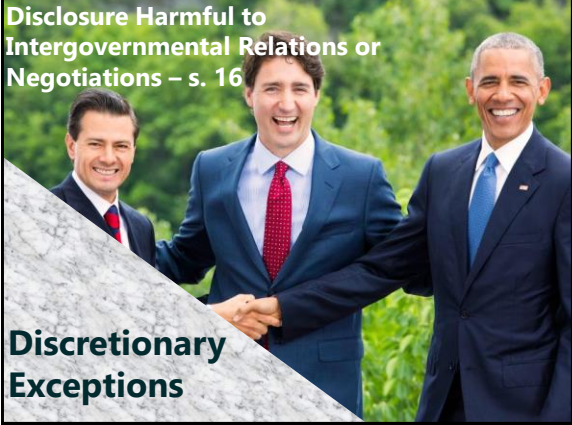
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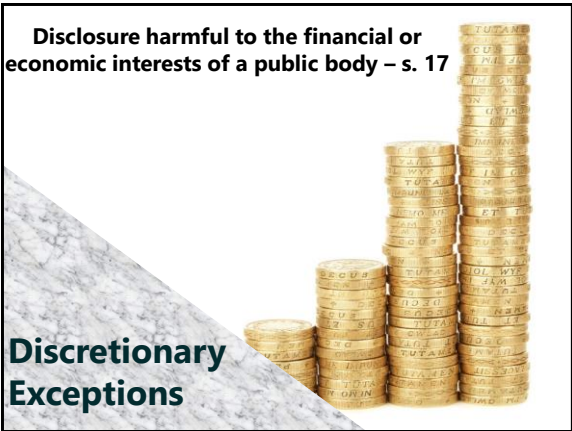
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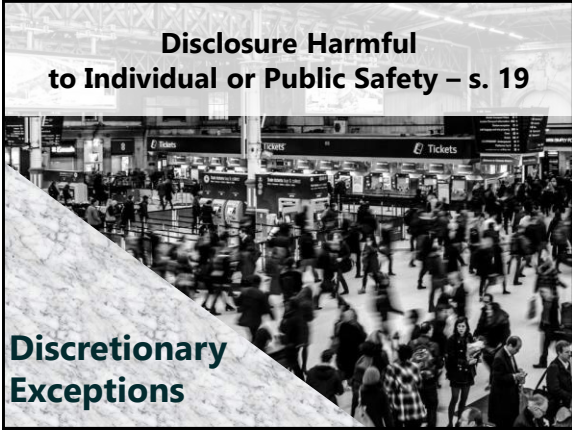
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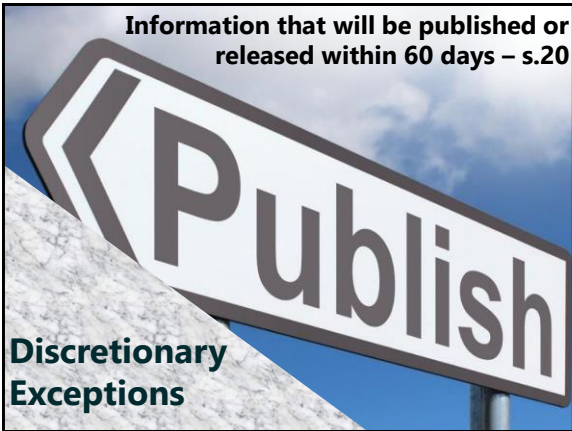
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## Afternoon Agenda

- Focus on privacy
  - Collection, use and disclosure
  - Security and retention
  - Privacy mantra
- Information incidents  
(including privacy breaches)
- Privacy tools

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**HARVARD**

**LAW REVIEW.**

Vol. IV.      DECEMBER 15, 1890.      No. 5.

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**THE RIGHT TO PRIVACY.**

\* It should be clear that the protection of private public credit files, and public records, which, when applied to a new statute, make common law without a protection, such cases when needed and approved by courts."      Warren, J., & Brandeis, L., *Harv. L. Rev.*, 129, 131.

**T**HAT the individual shall have full protection in person and in property is a principle as old as the common law; but it has been found necessary from time to time to define anew the exact nature and extent of such protection. Political, social, and economic changes entail the recognition of new rights, and the common law, in its eternal youth, grows to meet the demands of society. Thus, in very early times, the law gave a remedy only for physical interference with life and property, for trespasses *vi et contra*. Then the "right to life" served only to protect the subject from battery in its various forms; liberty meant freedom from actual restraint; and the right to property secured to the individual his lands and his cattle. Later, there came a recognition of man's spiritual nature, of his feelings and his intellect. Gradually the scope of these legal rights broadened; and now the right to life has come to mean the right to enjoy life,—the right to be let alone; the right to liberty secures the exercise of extensive civil privileges; and the term "property" has grown to comprise every form of possession—intangible, as well as tangible.

Thus, with the recognition of the legal value of sensations, the protection against actual bodily injury was extended to prohibit mere attempts to do such injury; that is, the putting another in

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Privacy is:

- Subjective
- Contextual
- “Negative”

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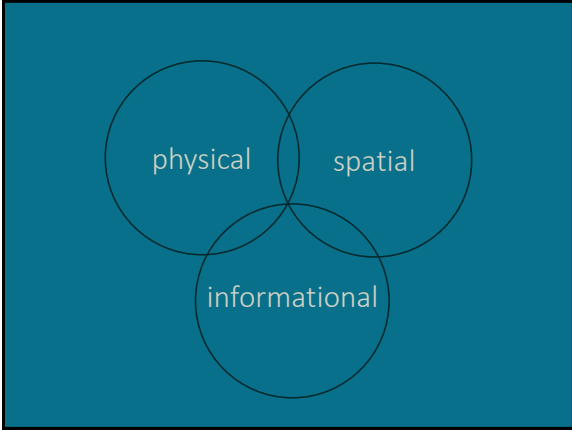
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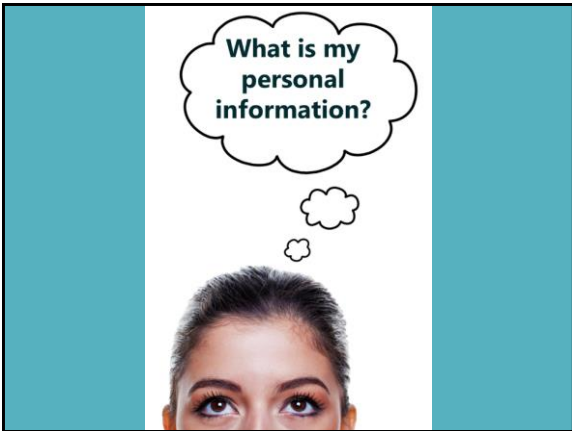
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A collage of images illustrating information as an asset. At the top, there are three small images: a modern house, a white SUV, and a hand holding several Euro banknotes. Below these is a central graphic with various icons representing information, technology, and business, such as a lightbulb, a gear, a magnifying glass over a document, a smartphone, a bar chart, and a globe. At the bottom of the collage, the text "Information is an asset." is written in a blue font.

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Right information.  
Right person.  
Right purpose.  
Right time.  
Right way.

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Freedom of Information and  
Protection of Privacy Act  
**(FOIPPA)**



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Public bodies **need an authority to collect** under section 26.

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**Limit  
Collection!**



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## HOW personal information can be collected...

- *Directly* from the individual
- With *notice*

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### **Sample Collection Notice**

This information is collected by [public body] under **section 26(c)** of the *Freedom of Information and Protection of Privacy Act*. The information collected will be used to [purpose].

If you have any questions about the collection, use or disclosure of your personal information, please contact:

- Position title**
- Physical address**
- Phone number**

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How do you handle overshares?

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**Limit USE ...**

- Use personal information for the **same purpose** for which it was obtained.
- Consent (*for a secondary purpose*)

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Consistent purpose =  
reasonable connection  
+  
necessary for duties

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### ... and Limit **DISCLOSURE**

Need to know vs. nice to know



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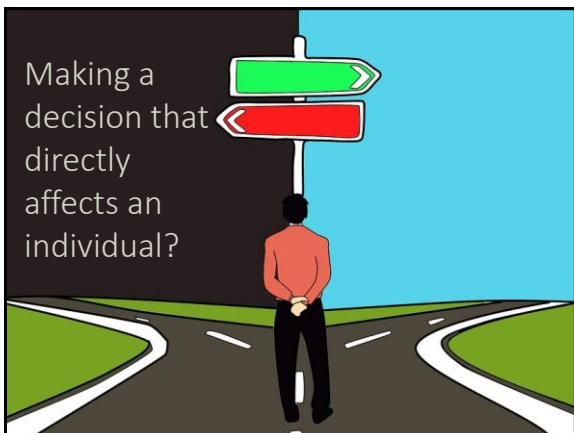
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Ensure the personal information is accurate and complete.

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An individual has the right to request correction of their personal information.

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I'M HERE TO CORRECT AN ERROR IN MY FILE.

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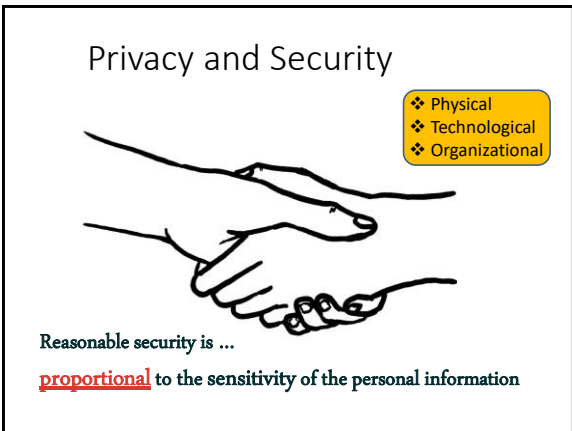
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The majority of privacy breaches are due to ...

**HUMAN ERROR.**

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- 1) Report
- 2) Recover
- 3) Remediate
- 4) Prevent

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Prevention is key!



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Privacy Tools



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A Privacy Impact Assessment will benefit your project.

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Privacy is  
baked  
in!



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Complete a PIA during the  
development phase.

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Other public bodies:



OFFICE OF THE  
INFORMATION & PRIVACY  
COMMISSIONER  
*for British Columbia*

250-387-5629  
info@oipc.bc.ca

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Information Sharing Agreements are the terms and conditions in the exchange of personal information.

-> Used when there is a *regular* and *systematic* disclosure of PI between public bodies.

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### Privacy Protection Schedule

- Attach as a schedule to the contract
- Contractor is an employee
- Can't contract out of FOIPPA

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### BC Privacy and Access Helpline

250-356-1851  
(Service BC 1-800-663-7867)

privacy.helpline@gov.bc.ca

[www.gov.bc.ca/protectprivacy](http://www.gov.bc.ca/protectprivacy)

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