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## **STATEMENT** **Mar. 18, 2013**

### **B.C. Information and Privacy Commissioner announces preliminary investigation**

**VICTORIA**—B.C. Information and Privacy Commissioner Elizabeth Denham issued the following statement regarding a preliminary investigation and related matters:

“My office has been closely monitoring recent events involving the use of personal email accounts by public servants. We have reviewed all publicly available information about an email sent by the Premier's former Deputy Chief of Staff, the multicultural strategic outreach plan, and a report issued last week by the Premier's Deputy Minister John Dyble.

“These documents raise important questions about whether personal email accounts were being used in an attempt to evade access to information law, and whether personal information was inappropriately shared. My office is taking the following actions to address the access and privacy issues raised by these events.

“First, I have directed my staff to conduct a preliminary investigation into the activities described in the multicultural strategic outreach plan, including alleged information sharing between public servants and the BC Liberal Party. We will review all relevant records and meet with parties involved in order to determine whether a formal investigation is required under the *Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection Act*, which applies to political parties.

“Second, my office is doing additional fact-checking in relation to my recent investigation report on “no responsive records” replies by the B.C. Government to general access to information requests. Staff will also do follow-up work regarding the use of personal email accounts in relation to freedom of information requests canvassed in that report.

“Third, my office has today released detailed guidance that describes the applicability of B.C.'s freedom of information law to personal email accounts, and the risks presented by the use of such accounts for government business. I encourage all public bodies to read this guidance and implement policies for the use of personal email accounts by employees as soon as possible.

“These events reinforce the need for a legislated duty to document, which would ensure that a record of key decisions, actions, advice, recommendations and deliberations of government is

created, secured and preserved. A duty to document is not only in the public interest; it promotes openness and transparency, good governance, and provides documentation of government's legacy for future generations. I have set out additional details about a duty to document in a letter to the Minister of Citizens' Services and Open Government, which I have made public today.”

The Office of the Information and Privacy Commissioner will not make any further comments until the preliminary investigation is complete.

The guidance document, *Use of Personal Email for Public Business*, is available at: <http://www.oipc.bc.ca/tools-guidance/guidance-documents.aspx>

The Commissioner’s letter to the Minister of Citizens’ Services and Open Government is available at: <http://www.oipc.bc.ca/news-events/public-comment.aspx>

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