



SELECT STANDING COMMITTEE ON FINANCE AND
GOVERNMENT SERVICES

OCTOBER 2022

Budget Fiscal Years 2023/24-2025/26



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OVERVIEW

I am pleased to submit this budget for the Office of the Information and Privacy Commissioner (OIPC) and the Office of the Registrar of Lobbyists (ORL) for fiscal years 2023/24 through 2025/26 inclusive.

This budget submission supports the attached OIPC and ORL Service Plans for the same three-year period. Approximately 77 percent of our operating budget is spent on OIPC-related issues, while 14 percent covers ORL activities, and 9 percent pays our portion of corporate shared services.

In this budget submission, the Information and Privacy Commissioner and the Registrar of Lobbyists requests, for the fiscal year 2023/24, a combined operating budget of \$9,272,000 and, for planning purposes, operating budgets for fiscal years 2024/25 and 2025/26 of \$9,001,000 and \$8,732,000 respectively. The capital budget requested for the same three years is \$261,000, \$47,000, and \$77,000 respectively.

Appearances at the Select Standing Committee on Finance and Government Services (“the Standing Committee”) on a semi-annual basis are an opportunity for me to feature the commitment of OIPC and ORL staff to serving the people of British Columbia. I continue to strongly support semi-annual updates on our operations and budget as an accountability measure to the Legislative Assembly and, through you, the people of British Columbia.



MANDATE OF THE OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

The OIPC is the independent oversight agency responsible for monitoring and enforcing compliance with two statutes, the *Freedom of Information and Protection of Privacy Act* (FIPPA) and the *Personal Information Protection Act* (PIPA).

Under FIPPA, the OIPC enforces compliance with access and protection of privacy legislation by more than 2,900 public bodies in British Columbia, including ministries, Crown corporations, health authorities, municipalities, self-governing professions, universities, and school districts.

In discharging its mandate, the OIPC investigates and mediates access appeals and privacy complaints; conducts formal hearings; issues binding orders; comments on the access and privacy implications of proposed legislation, programs, policies and technologies; and educates the public about their access and privacy rights and public bodies about their legal obligations.

The work of the OIPC is to ensure that decisions and actions taken by public bodies remain open and accountable and that public bodies properly control and manage the personal information they collect from citizens in order to deliver public services.

PIPA sets the rules private sector organizations (including businesses, labour organizations, political parties, interest groups, and non-profits) must follow in the collection, use, and disclosure of customer, client, and employee personal information. Similar to our duties under FIPPA, it is the OIPC's responsibility to enforce compliance of PIPA by the estimated one million private sector organizations operating in British Columbia.

Under PIPA, the OIPC investigates complaints, adjudicates disputes, and educates and informs the public about their consumer and employee privacy rights and organizations about their privacy responsibilities.

OIPC MAJOR ACCOMPLISHMENTS TO DATE FOR 2022/23

I would like to highlight the OIPC's major accomplishments to date for 2022/23.

Investigators and Adjudicators close more files while demand for services continues to surge

The OIPC case review and investigations teams took in a record-high 1,822 files in 2021/2022, and are on track to process a similarly high number this fiscal year. For its part the adjudication team received 169 files in 2021/22 and expects that those numbers will remain similarly high in this fiscal year. At the same time both of these teams succeeded in closing more files in 2021/22 than in any of the five years previous. These successes in the face of increasing demands can be attributed to the efficiencies and experience that our teams brought to their work in 2021/22 – and continue to do so in 2022/23.

Background

The OIPC processes begin when individuals, media, or other members of the public make privacy complaints or request reviews of decisions of public bodies or organizations in response to their access to information requests under FIPPA or PIPA. The complaint or request for review is received by our frontline Case Review Officers who then determine whether a file will be opened. Once opened, the matter will be assigned to an investigator.

An investigator attempts to resolve complaints and requests for review informally either by working with all parties to achieve consensus about the disposition of a file or by issuing findings. Consensual disposition is frequently time-consuming work because in many instances the relationship between the parties has broken down. OIPC's skilled case review and investigator teams resolved about 88 percent of all complaints and appeals in 2021/22. Unresolved files, which typically include even more complex and contentious matters, proceed to adjudication.

Thirteen employees deal with investigations. Investigators generally carry a caseload of about 30 files with consideration to ORL files as well. We have determined through experience that this is the most investigators can manage efficiently. When all investigators are carrying a full caseload, a backlog of files remain unassigned until investigators close one of their existing files.

Adjudication, the next stage of our process, involves a formal written hearing or inquiry involving the parties. Adjudications are a quasi-judicial proceeding and most often involve complex legal matters and can involve thousands of pages of documents. Nine employees deal with adjudications, currently six adjudicators and three Registrar positions at 2.6 FTEs. Adjudication files are typically based on access to information requests, which represented more than three of every four adjudications in 2021/22 as most privacy complaints are resolved

at case review or investigations. Adjudicators determine cases under both FIPPA and PIPA. All parties are invited to make formal written submissions, often with the aid of legal counsel, and at this stage an adjudicator or the Commissioner deliberates on the submissions and issues a binding decision.

Increase in demand for service from the public

As Table 1 below shows¹, the demand for OIPC services including new requests for review, complaints, and breach notifications dipped slightly during the COVID-19 pandemic year in 2020/21, catapulted back in 2021/22, and remains high thus far in 2022/23. If current projections hold the OIPC will have two consecutive years of high case file volumes.

Table 1: Investigations				
Fiscal year	Number of files at beginning of year	New files received ²	Files closed during year	Number outstanding at year/end
2017/18 actual	442	1,564	1,390	616
2018/19 actual	616	1,600	1,671	545
2019/20 actual	545	1,526	1,617	454
2020/21 actual	454	1,443	1,461	436
2021/22 actual	436	1,822	1,696	562
2022/23 projection	562 (actual)	1,767 (est.)	1,776 (est.)	553 (est.)

The two most recent consecutive years of increases strongly suggest that demand for OIPC services are likely to extend to the coming years. The increases we have recently experienced have stretched OIPC resources and staff, reducing the flexibility of the teams to manage additional demands.

At present, the backlog for files to be assigned for investigation stands at 280, and on average it takes nine months from when a file comes in the door to when an investigator closes the file or sends it for adjudication. Data breach files, given their emergent nature, are triaged and assigned as they are received.

The OIPC continues to closely monitor the volume of files received as additional demands for OIPC services are certain to occur when amendments relating to breach notification and privacy

¹ Includes case files closed by the case review and investigation teams.

² Investigation files include requests for review (including deemed refusals), breach notifications, and access and privacy complaints under FIPPA and requests for review, breach notifications, and access and privacy complaints under PIPA.

management programs under *Bill 22 – 2021: Freedom of Information and Protection of Privacy Amendment Act, 2021* come into force.³

The adjudication team remained committed to streamlining processes in 2021-22, and those efforts, combined with the OIPC’s reallocation of resources to contract adjudicators, resulted in a record 123 file closures last year as shown in Table 2. The adjudication team is working actively to hire the seven FTEs for which funding was approved in 2022-23, having now filled two of those positions with a competition now closed to fill the rest. In the meantime, three contractors have been engaged as adjudicators. The **adjudications**⁴ statistics are as follows:

Table 2: Adjudications				
Fiscal year	Number of inquiries at beginning of year	New inquiries received	Inquiries closed during year	Number of inquiries outstanding at year-end
2017/18 actual	92	74	86	80
2018/19 actual	80	101	82	99
2019/20 actual	99	121	70	148
2020/21 actual	148	155	104	199
2021/22 actual	199	169	123	236
2022/23 projection	236 (actual)	180 (est.)	166 (est.)	250 (est.)

The OIPC is closely monitoring the continuing high demand for its services.

Producing reports to promote accountability, education, and awareness

The OIPC continues to produce major investigation, special, compliance and audit reports that hold public bodies and organizations accountable and promote education and awareness to the public about FIPPA and PIPA:

1. [Report of findings: Joint investigation of TDL Group Corp. \(Tim Hortons\)](#)

The Commissioner published a joint report with the Office of the Privacy Commissioner of Canada, Commission d’accès à l’information du Québec, and Office of the Information and Privacy Commissioner for Alberta that found the Tim Hortons app violated privacy laws by tracking users’ movements every few minutes of every day, even when the app was not open. The investigation concluded that Tim Hortons’ continual and vast collection of location information was not proportional to the benefits Tim Hortons may have hoped to gain from better targeted promotion of its coffee and other products.

³ Bill 22 received Royal Assent on Nov. 25, 2021 and the provisions regarding breach notification and privacy management programs remain to be set by regulation.

⁴ The numbers in this table have been updated across all years; updates reflect changes and late entries made in the case file system.

The Commissioners made three recommendations to Tim Hortons, including that Tim Hortons delete any remaining location data and establish and maintain a robust privacy management program. Tim Hortons agreed to implement the recommendations.

2. Follow-up review of licensed liquor and cannabis retailers

The OIPC issued a compliance review report of 30 private sector licensed liquor and cannabis retailers on June 22, 2021. Due to the serious gaps found in the report and the lack of awareness for obligations under PIPA, the OIPC conducted a follow-up review six months later to determine retailers' compliance with the 18 recommendations provided.

The follow-up review found that most of the retailers have implemented the recommendations and, overall, retailers' privacy management programs and compliance with PIPA have improved. We continue to follow-up and work with retailers until all recommendations are implemented.

Addressing matters of broad public interest

The OIPC has been providing input on matters of broad public interest through other means as well.

1. Joint resolution of the Federal, Provincial and Territorial Privacy Commissioners on strengthening safeguards for sharing personal health information

At the September 2022 meeting of the Federal, Provincial and Territorial Privacy Commissioners and Ombudspersons, the OIPC joined Canadian counterparts in signing a joint resolution calling on respective governments and health care providers for a concerted effort across the healthcare sector to modernize and strengthen privacy protections for sharing personal health information.

The joint resolution outlines measures for adoption by governments, health institutions, and health care providers, including promoting the adoption of secure digital technologies and the implementation of responsible data governance frameworks that provide reasonable protection of personal health information against unauthorized access or inadvertent disclosures.

2. Political campaign activity guidance and code of practice

In March 2022, the OIPC released with Elections BC a political campaign activity code of practice to help guide the work of political parties as they collect, use, and disclose personal information as part of the election process. The code resulted from our 2019 report entitled: *Full Disclosure: Political parties, campaign data and voter consent* that revealed political parties were generally collecting too much information from potential

voters, without proper consent. The BC Green Party, BC Liberal Party, and BC NDP contributed to the code’s development and all signed on to the code.

In August the OIPC complimented the code with a political campaign activity guidance document. The guidance offers best practices for political parties, riding associations candidates, campaign staff and volunteers when handling personal information as part of the campaign process.

3. [Call for legal framework limiting police use of facial recognition technology](#)

The OIPC jointly developed guidance with our federal, provincial, and territorial privacy protection authorities on facial recognition for police agencies. The guidance is intended to clarify their privacy obligations with a view to ensuring any use of facial recognition complies with the law, minimizes privacy risks, and respects privacy rights.

The final guidance was published in May 2022, and followed our investigation into Clearview AI that found the platform was involved in mass surveillance. The guidance was accompanied by a [joint statement](#) recommending a legal framework for police agencies’ use of facial recognition.

4. [Supporting Legislative Committees in their work](#)

The Special Committee to Review the *Freedom of Information and Protection of Privacy Act* (“the Special Committee”) began its public consultation period in early 2022. The OIPC provided two written and two oral submissions to the Special Committee, and provided answers to questions as they arose throughout the process. The Commissioner made 17 recommendations to help broaden access to information and modernize privacy protections, including coverage of the administrative functions of the Legislature, the right for individuals to be notified if an automated-decision system is being used to make a decision about them, and consultation on draft legislation that affects access and privacy. This Special Committee released its final report in June 2022, that contained 34 recommendations for government, including a vast majority of our recommendations.

OIPC PRIORITIES FOR FISCAL YEAR 2023/24

1. More timely service to citizens for complaints, reviews, and adjudications

My office’s priority continues to be to improve the timeliness of our response to matters that come before for us from the public, public bodies and organizations.

As of this writing, there are 288 requests for review or complaint files awaiting assignment to an investigator and there are 342 files actively being worked on by investigators. When a

complainant or applicant come to the OIPC there is an approximate nine month wait from the time a file is received in the office to the time it is closed by an investigator or moves on to adjudication.

At adjudication, as of this writing, there are 246 inquiries waiting to be assigned to an adjudicator while 11 inquiries are being actively worked on by adjudicators. There is a 20 month wait on average from the time a file is received at adjudications to the time it is closed when an order is issued or withdrawn.

The OIPC continues to manage wait times faced by the investigations and adjudications divisions by reallocating existing resources and streamlining or establishing efficiencies in its processes on an ongoing basis. For example, confirming the continuing interest of applicants before proceeding at inquiry and clarifying OIPC's consent order forms can reduce time spent processing files. Still the increase in demand for OIPC investigations and adjudications remains high.

The OIPC expects that the additional FTEs approved for adjudications by the Standing Committee will soon be fully engaged – five permanent and two temporary positions over the next three years starting in 2022-23. These resources will support our work to reduce the wait time for adjudication services.

The OIPC projected in last year's Budget Submission that in 2022-23 the additional resources being requested would assist the OIPC in reducing the backlog to 201 files by the end of 2022/23. While we don't yet know what the adjudications backlog at the end of 2022-23 will be, it is presently projected at 250 files (see Table 2). This is 49 more files than projected at this time last year. The number is higher than projected because 30 more adjudication files were received than was projected last year. In addition, it is taking time to hire new adjudicators. We will report fully on the impact of the additional resources for adjudications at the end of the 2022-23 fiscal year.

A key priority in 2023/24 will be to support meeting the demands for services at case review, investigations and adjudications. While our OIPC staff are more productive than ever, the demand for our services is increasing at a faster rate than projected.

This is the backdrop against which regulations and directions under *Bill 22 – 2021: Freedom of Information and Protection of Privacy Amendment Act, 2021* are anticipated in the coming months that will create additional demands for OIPC services. Once published, the OIPC will review the impact of those regulations and directions on our office and I will return to the Standing Committee to request the necessary resources to serve public bodies and the public.

2. Proactively address privacy issues through relevant investigation and audit reports and guidance

A key priority for my term as Commissioner is to be proactive in addressing privacy issues that emerge as a result of new technologies or new applications of existing technologies. Examining

these issues through investigations, audits, or reviews means that various sectors and the public can learn from the incidents or issues examined by the OIPC. The resulting reports are often released with guidance documents for relevant sectors. While it is impossible to predict what issues will emerge in 2023/24, key privacy issues on the horizon continue to be facial recognition and other biometrics, and security of health information.

The OIPC has a number of investigations and audits underway. Earlier this year I announced that the OIPC would assess the impact of the new application fee for access to information requests, introduced in Bill 22, on the public right of access to information. That review is underway, and analyzes the six months of data marked from the start of the fee's imposition in November 2021 until May 2022. We have also started collecting data for our report card on the timeliness of government responses to access requests, a biannual assessment that lets citizens see how well the right of access fares within government.

Another area of focus is the impact tech companies are having on our children. There is emerging evidence some of these companies are inflicting considerable harm on our children, caused in part by those that are running roughshod over children's' privacy rights. This activity needs to be reigned in. It will require British Columbia to specifically regulate in this area and to join the global movement to take on this important issue. There are good models that BC can look to for regulating how organizations collect and process children's data. The implementation of a children's code would protect children's privacy by default, which is especially important as children are often less able to understand online risks and to exert control over their data. The OIPC is working with other regulators to research and work towards these important changes.

3. Continue as a leading privacy authority for the Asia Pacific Privacy Authority

We recognize that data flows and trading relationships often move in tandem, and many of British Columbia's trading partners are found in the Asia Pacific region. In this global economic environment, it is key that the region's privacy regulators work together to protect the personal information of their citizens.

That is why the OIPC is a member of the Asia Pacific Privacy Authorities (APPA), facilitating cross-border enforcement actions and sharing information and ideas with 19 authorities from 12 countries across the Asia Pacific Region.

We can also say with some pride that the OIPC is a leader in the Asia Pacific region having served as APPA's secretariat since 2016. We are grateful that the Standing Committee has supported this work since 2018 by recommending additional funds to support our office's leading role. Our term as secretariat runs to December 31, 2023.

Being a leading privacy authority in APPA has significant benefits for British Columbians. APPA Forums are an opportunity for data protection authorities to build ties over matters critical to protecting the personal information of British Columbians. APPA members share best

regulatory practices, evaluate technological developments, and coordinate privacy enforcement actions, among other collaborative efforts.

Topics addressed at APPA Forums this past year include: enhancing the effectiveness of data privacy protection for emerging technologies and data protection, enabling cross border data flows to ensure adequate protection of personal information, understanding the privacy implications of new tools in virtual healthcare, and intra-jurisdictional and inter-jurisdictional collaborative actions and investigations to demonstrate members' determination in acting as guardians of data privacy.



MANDATE OF THE OFFICE OF THE REGISTRAR OF LOBBYISTS

The ORL is charged with enforcing the *Lobbyists Transparency Act* (LTA) and overseeing the British Columbia (BC) Registry of Lobbyists (Registry). The LTA enhances lobbying transparency and government accountability in BC.

The Legislative Assembly passed the *Lobbyists Registration Act* (LRA) in 2001 and amendments came into force on May 4, 2020 that ushered in the LTA. Registration of lobbyists in BC has been mandatory since 2010 when amendments expanded the powers of the Registrar to enforce the lobbying law and established a new regime for regulation of lobbying in BC. At that time my office launched an online Registry so that BC citizens could see who is lobbying which public officials regarding what issues. Further amendments in 2017 introduced a two-year prohibition on lobbying for public office holders.

The *Lobbyists Registration Amendment Act* of 2018 brought in a series of amendments that came into force on May, 4, 2020, including a title change to the LTA. The amendments included a requirement for lobbyists to report monthly on lobbying activities directed at senior public office holders, to report information about political and other contributions that a lobbyist has made to a public office holder, to report on gifts given or promised in the registry, and greater transparency from lobbyists in relation to who controls, directs, or funds lobbying.

The LTA defines “lobbying” narrowly as communicating, for pay, with a public office holder, in an attempt to influence a number of possible outcomes relating to the business of public office holders such as legislation, regulations, policies or programs, and funding. It requires individuals whose communications with public office holders meet the legal definition of lobbying to register as lobbyists and provide information to the Registrar about those activities, including registering information about lobbying communications with senior public office holders on a

monthly basis. The LTA does not apply to communication between private citizens and government officials regarding matters of personal concern.

Public access to information about lobbyists and their activities is critically important to ensure transparency in government decision-making. The Registrar is responsible for making this information publicly available through the searchable online Registry managed by the ORL. The Registrar also enforces compliance through an interrelated mix of strategies including education, verification of information in registrations, compliance investigations, and levying administrative penalties, whether levied as a monetary penalty (up to \$25,000) or a lobbying prohibition.

ORL MAJOR ACCOMPLISHMENTS TO DATE FOR 2022/23

I would like to highlight the ORL's major accomplishments to date for 2022/23.

Maintaining a Lobbyists Registry that is clear and accurate

In 2022/23 the ORL continues to work on making the Lobbyists Registry clear and accurate for lobbyists and the public.

The ORL is preparing to launch improvements in government funding updates in October 2022 that will streamline the process for entering government funding for lobbyists, and will make the Registry information on government funding clearer and more accessible for lobbyists and the public.⁵

In 2022/23 ORL staff have supported lobbyists in using the Registry. Registry Officers have conducted over 582 verifications of information entered into the Registry this year to date. That is almost 100 verifications per month. The authority for the ORL to conduct verifications of information in the Lobbyists Registry is an important tool for ensuring that the information entered for Registration Returns or Monthly Returns is accurate. Verifications also support ensuring compliance with the responsibilities that lobbyists have under the LTA.

ORL staff have also continued to respond to the demand for requests for information from lobbyists and the public. This year to date, the team has responded to over 1,151 requests for information, responding to an average of approximately 191 requests per month. Responding to requests for information is another important means of ensuring that the Lobbyists Registry contains clear and accurate information about who is trying to influence public office holders in BC.

⁵ For more detail on the forthcoming changes to the Registry relating to government funding, see the ORL October issue of Influencing BC at <https://www.lobbyistsregistrar.bc.ca/resources/influencing-bc/>.

The ORL also continues to make the information in the Lobbyists Registry accessible to the public by publishing [Who's Lobbying Who](#), a summary of all of the new Registration Returns activated or re-activated in the BC Lobbyists Registry each month.

ORL staff continue to monitor the transition to the new Registry, including by responding to requests for information, conducting verifications and dialoging with stakeholders to identify ongoing improvements and maintenance that will promote compliance.

Strengthening awareness of the *Lobbyists Transparency Act* to promote compliance

The ORL has provided orientation, awareness, and training for lobbyists and public office holders since 2010. In 2022/23 the ORL education program aims to educate lobbyists, the public, and public office holders about the responsibilities of lobbyists under the LTA generally.

The education program goals are to:

1. increase awareness of the LTA and its provisions; and
2. achieve greater compliance with the LTA.

The ORL education program includes educating lobbyists by responding to requests for information, following up on registration verifications, and publishing *Who's Lobbying Who*.

In addition, the education program includes publishing guidance documents, FAQs, our e-newsletter *Influencing BC*; and conducting speaking engagements. The ORL team has published or revised two guidance documents this year to date addressing [Public Office Holders and the Lobbyists Transparency Act](#) and the other for the public and media on [Accessing Information in the Lobbyists Registry](#). The team also published a new infographic detailing [registration timelines](#) that lobbyists need to know. ORL staff continue to update the searchable FAQs on the ORL website as appropriate. The next edition of the ORL newsletter, *Influencing BC*, will be published in September this year featuring information for lobbyists upcoming changes to the Registry in the area of government funding.

The ORL education program also includes speaking engagements. The ORL team completed speaking engagements with non-profits and with government's procurement branch this year to date.

Staff are in the process of reviewing the education program for 2023/24, which will continue to be an ORL priority as discussed in the next section.

ORL PRIORITIES FOR FISCAL YEAR 2023/24

The ORL will continue with the following priorities into fiscal year 2023/24:

1. Maintain a registry of lobbying activity that is clear and accurate

The fundamental purpose of the LTA is to create transparency regarding who is attempting to influence government decision-making. The legislation requires lobbyists to report their professional activities to the public by registering on the publicly searchable database. That database – the Lobbyists Registry – is the primary vehicle for transparency in lobbying activities in BC.

A key responsibility of the Registrar under the LTA is to establish and maintain that registry. It is a public record of all of the returns and documents submitted to the Registrar under the LTA. It is therefore imperative that the Lobbyists Registry be clear for lobbyists to use and that the information entered into the Lobbyists Registry be accurate.

ORL staff will continue to consult with stakeholders and monitor questions from lobbyists in order to identify improvements for the Registry that will support the transparency purpose of the LTA.

2. Strengthen awareness of the *Lobbyists Transparency Act* to support compliance

Our 2022/23 education plan continues to focus on educating lobbyists, the public, and public office holders about the responsibilities of lobbyists under the LTA generally, including the recent legislative changes to reporting lobbying activities that came into effect on May 4, 2020.

The ORL education plan includes:

- research and analysis of the interpretation of recent amendments in order to provide sound guidance to lobbyists on their responsibilities under the LTA;
- publishing new and updating existing guidance and FAQs on the responsibilities of lobbyists under the LTA and on how to register and report their lobbying activities in the registry;
- creating tools such as webinars or instructional videos on how to navigate the registry; and
- speaking engagements by ORL staff on the responsibilities of lobbyists under the LTA, tailored for various stakeholder groups. For example, a presentation to an audience of public office holders would focus on the prohibition on gift giving and the two-year cooling off period for former public office holders.

The education work is supported by Registry and Compliance Officers and the Registry and Compliance Manager, the Policy Analyst, Communications staff, and the Deputy working together to share information and prioritize areas that will promote an understand of the LTA and transparency in the activities of those trying to influence government.

BUDGET REQUEST FOR FISCAL

The budget for my two offices currently breaks down as follows: 66 percent for salaries and benefits; 5 percent for professional services; 18 percent for fixed costs such as our shared services costs, rent, and utilities; 10 percent for operating expenses like amortization and office expenses; and less than 1 percent for travel.

We have a staff complement of 51 positions, plus the Commissioner. Consequently, our management discretion to deal with further mandated cost increases must come primarily from salaries (*e.g.*, not hiring staff) or a reduction in outside professional advice, such as legal advice.

Inflationary Increases

For the forthcoming fiscal year 2023/24, my office is faced with an adjustment of \$221,000 in inflationary cost increases, which includes:

- \$115,000 for salary adjustments incurred in the current fiscal year 2022/23;
- an increase in our Shared Services costs of \$76,000; and
- an increase in our building occupancy costs of \$30,000.

Therefore, I am requesting a funding increase to cover these cost pressures in the amount of \$221,000. I have reviewed our budget and determined that we have exhausted the flexibility within it and as a result I am unable to absorb these cost pressures without reducing staff.

In addition, as future impacts for excluded management positions are unknown, we have not put forward a request for funding at this time. We will analyze our ability to absorb any cost increase and determine if there will be a need for any in year or future funding when known.

Case Tracker System Replacement

My office's share of the cost to replace the Case Tracker System (CTS) was approved in 2020 and I have included an adjustment in coordination with the other offices that are part of our Corporate Shared Services arrangement. The adjustment would make it a three-year project rather than a two-year project as originally planned.

For the OIPC and ORL share of the CTS replacement in 2023/24 I am requesting a reduction by \$45,000 for operating costs relating to amortisation, as these expenses are only incurred when the system has been launched. With a deferred time frame, these costs will not be

incurred until later in the fiscal year. Details are included in the written quarterly update submitted to the Standing Committee.

The combined operating budget request is therefore an increase of \$176,000, for a total budget request of \$9,272,000. This represents an increase of 2.43 percent for inflationary costs pressures and a reduction of 0.49 percent for the CTS replacement relating to deferred amortisation costs and for the case tracker replacement project being delayed for a total operating budget increase of 1.93 percent compared to the current fiscal year.

In addition, \$261,000 in capital funds are requested for the 2023/24 fiscal year, with a reduction of \$8,000 for inflationary capital costs including furniture, and a reduction of \$91,000 to support the adjusted schedule for the CTS replacement. No increase in overall project funding will be needed as there will be a deferment of \$200,000 for the CTS replacement.

In summary, for 2023/24, I ask consideration of the Standing Committee for an additional \$176,000 for a total operating budget of \$9,272,000 and reduced \$99,000 in capital for a total capital budget of \$261,000.

Thank you for your consideration.

September 29, 2022

ORIGINAL SIGNED BY

Michael McEvoy
Information and Privacy Commissioner for British Columbia
Registrar of Lobbyists

Statement of Operations

Previous and Current Fiscal Years

Funding	Fiscal 2021/22 (previous year)		Fiscal 2022/23 (current year)
	Budget	Actual Expenditure	Budget
Voted Appropriation	7,589,000	7,391,241	9,096,000
Total	7,589,000	7,391,241	9,096,000
Expenses			
Salaries	3,916,000	3,847,081	4,789,000
Employee Benefits	1,007,000	982,154	1,229,000
Travel	52,000	16,933	52,000
Professional Services	479,000	421,922	462,000
Information Systems	333,000	340,808	542,000
Office and Business Expenses	181,000	162,647	209,000
Informational Advertising & Publications	-	6,010	-
Statutory Advertising & Publications	18,000	13,499	18,000
Utilities, Materials and Supplies	35,000	36,591	35,000
Amortization	151,000	146,822	210,000
Gain/loss on asset	-	-	-
Building Occupancy	750,000	772,062	750,000
Shared Cost Agreement	-	5,167	-
Other Expenses	670,000	670,375	803,000
Internal Recoveries	(1,000)	-	-1,000
Other Recoveries	(1,000)	(2,000)	-1,000
External Recoveries	(1,000)	(28,830)	-1,000
Total Expenses	7,589,000	7,391,241	9,096,000
Capital Budget			
Information Systems, Furniture & Equipment	83,000	68,625	360,000
Total Capital	83,000	68,625	360,000
Revenue			
Revenue from fines (ORL)	-10,000	0	-10,000
Total Revenue	-10,000	0	-10,000

Proposed Budget by Standard Object of Expenditure (STOB)

STOB	Expense Type	Fiscal 2022/23 (current) Budget	Fiscal 2023/24 (Proposed) Estimates	Change From Previous Year	Fiscal 2024/25 Planned	Fiscal 2025/26 Planned
50	Salaries	4,465,000	4,557,000	92,000	4,479,000	4,295,000
51	Supplemental Salary	-	-	-	-	-
52	Employee Benefits	1,229,000	1,252,000	23,000	1,232,000	1,185,000
54	Officer of the Legislature Salary	324,000	324,000	-	324,000	324,000
57	Travel	52,000	52,000	-	52,000	52,000
60	Professional Services	462,000	462,000	-	412,000	412,000
63	Information Systems	542,000	542,000	-	429,000	419,000
65	Office and Business Expenses	209,000	209,000	-	209,000	201,000
67	Informational Advertising & Publications	-	-	-	-	-
68	Statutory Advertising & Publications	18,000	18,000	-	18,000	18,000
69	Utilities, Materials and Supplies	35,000	35,000	-	35,000	35,000
73	Amortization Expense	-	165,000	165,000	210,000	210,000
75	Building Occupancy	210,000	780,000	570,000	780,000	780,000
85	Other Expenses	750,000	879,000	129,000	824,000	804,000
88	Internal Recoveries	803,000	(1,000)	(804,000)	(1,000)	(1,000)
89	Other Recoveries	(1,000)	(1,000)	-	(1,000)	(1,000)
90	External Recoveries	(2,000)	(1,000)	1,000	(1,000)	(1,000)
	Total	9,096,000	9,272,000	176,000	9,001,000	8,732,000

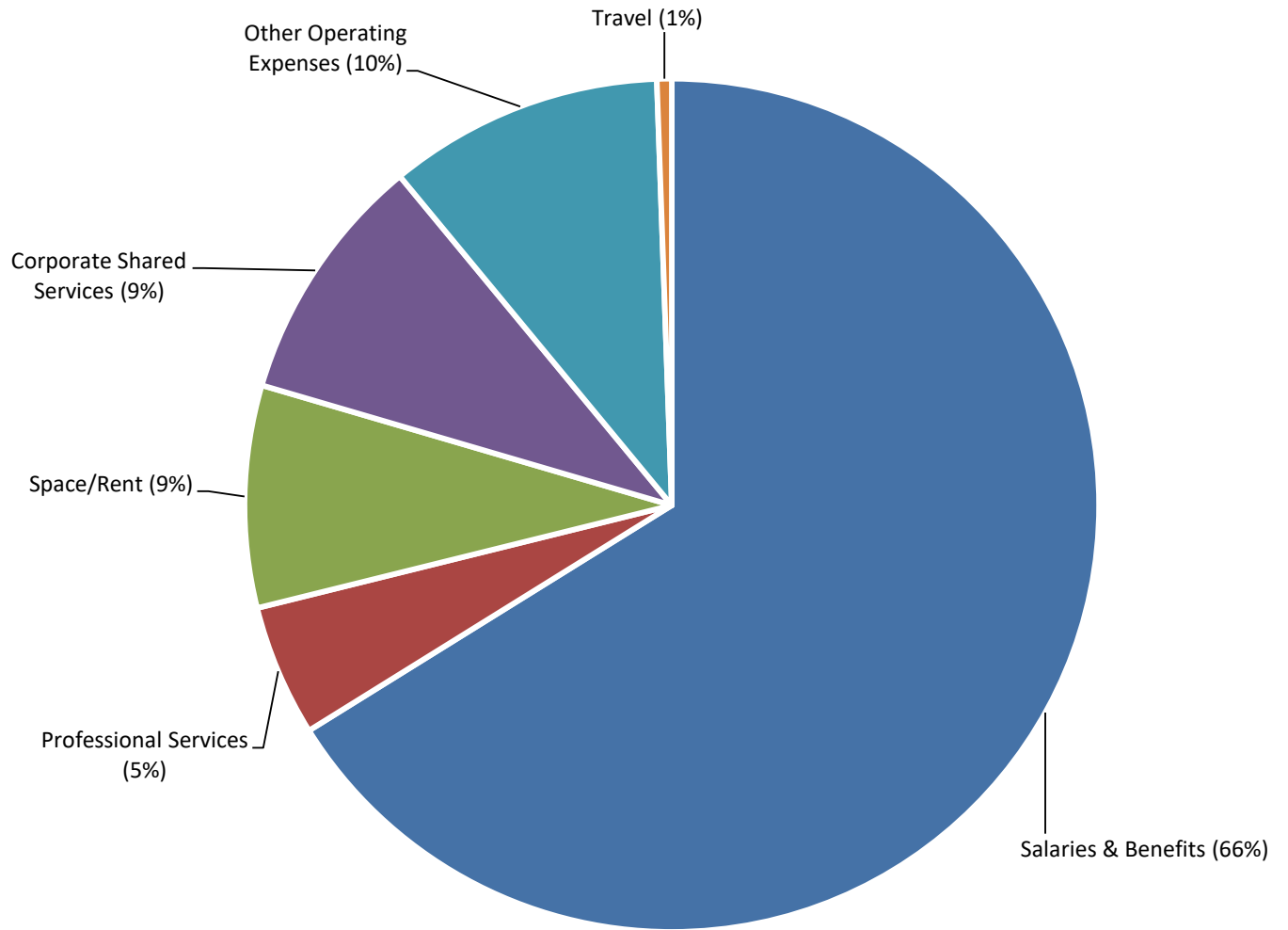
Capital Budget

Information Systems, Furniture & Equipment	360,000	261,000	(99,000)	47,000	77,000
Total	360,000	261,000	-99,000	47,000	77,000

Revenue

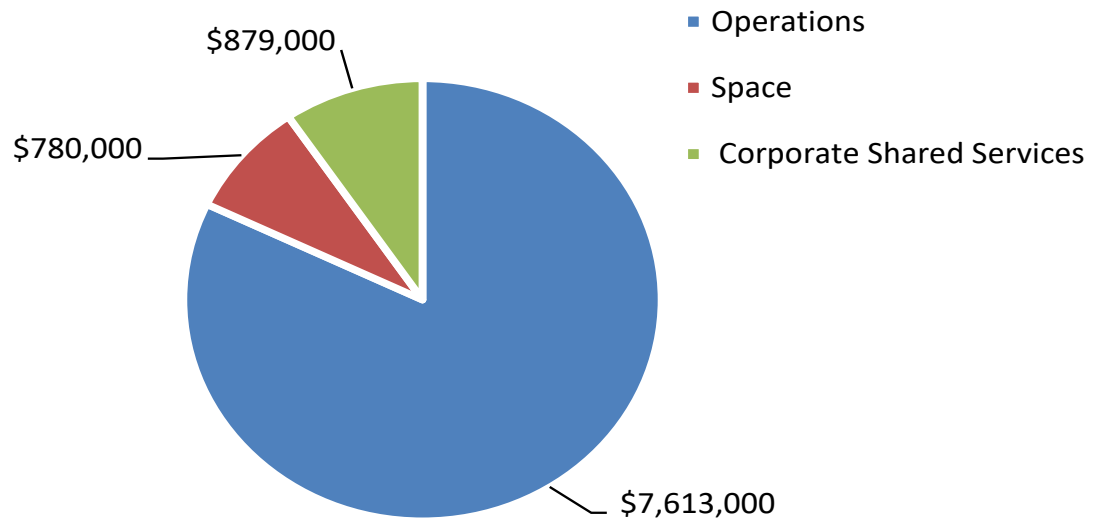
ORL Registry	10,000	5,000	(5,000)	5,000	5,000
Total	10,000	5,000	-5,000	5,000	5,000

Proposed Operating FY 2024 Budget by Expenditure Type

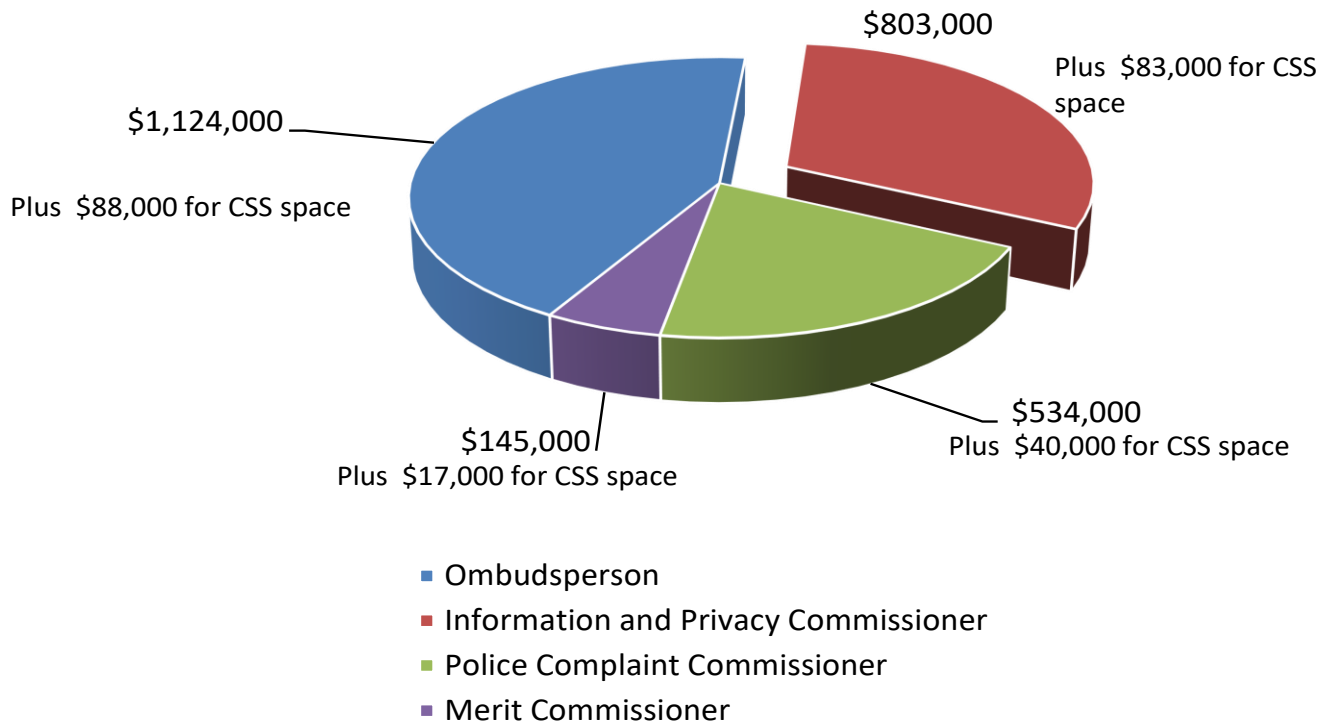


* Other Operating STOBs includes information Systems (63), Office Expenses (65), Reporting (67 and 68), Utilities (69) and Amortization (73) and recoveries (88, 89 and 90)

Operating Budget Request for FY 2024



Corporate Shared Services Budget All Offices - FY 2023



Proposed Budget By Business area

	Current Year	Proposed		
Business Area	Fiscal 2022/23	Fiscal 2023/24	Fiscal 2024/25	Fiscal 2025/26
Operating Expenditures (\$000)				
Core Services:				
- Public Sector Information & Privacy	5,269	5,333	5,195	5,009
- Private Sector Privacy	1,784	1,806	1,759	1,696
- Lobbyists Registration	1,240	1,254	1,222	1,222
Total Core Services	8,293	8,393	8,177	7,928
Corporate Shared Services	803	879	824	824
Total	9,096	9,272	9,001	8,723

Capital expenditures (Consolidated Revenue Fund) (\$000)				
Info. Systems, furniture & equipment	360	261	47	77
Total	360	261	47	77



SELECT STANDING COMMITTEE ON FINANCE AND
GOVERNMENT SERVICES

OCTOBER 2022

Service Plan Fiscal Years 2023/24-2025/26



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MESSAGE FROM THE INFORMATION AND PRIVACY COMMISSIONER AND REGISTRAR OF LOBBYISTS

I am honoured to present the Service Plan for the Office of the Information and Privacy Commissioner (OIPC) and the Office of the Registrar of Lobbyists (ORL) to the Legislative Assembly of British Columbia.

Access to information and privacy issues were on the citizen's mind and part of public debate as the COVID-19 pandemic continued for a second year, and amendments to our public sector access and privacy legislation took place. At the same time, demand for the services of my office held steady. During the last fiscal year, the number of files coming into the OIPC remained above 10,000. This number includes a significant increase in the core files received: access complaints, privacy complaints, and requests by individuals to review public body decisions withholding information in response to access requests.

In response to the needs of public bodies, organizations, and the public, the OIPC developed guidance and advice on access and privacy issues affecting British Columbians. Topics ranged from protecting personal information during cannabis transactions, to privacy and the BC vaccine card, to how BC's private sector privacy law applies to workplace drug and alcohol searches.

In the 2021-22 fiscal year, the OIPC completed a number of special and compliance reports, including a joint special report with the BC and Yukon Privacy Commissioners and Ombudsman calling on strengthened regulation and oversight of artificial intelligence in public sector decision-making. The OIPC also published a compliance report reviewing private licensed liquor and cannabis retailers, and a special report looking at how the access to information systems of select public bodies affected by the COVID-19 pandemic held up during the first year of the public health emergency.

Extending beyond our borders, the OIPC continued to serve in the leadership role of Secretariat for the Asia Pacific Privacy Authorities (APPA), a 19-member organization for privacy and data protection authorities in the Asia Pacific Region that exchanges ideas about privacy regulation, new technologies, and the management of privacy enquiries and complaints. This past December the OIPC hosted a three-day virtual forum that included discussions on emerging privacy questions that challenge the very precepts of citizen privacy and autonomy, and issues facing regulators and societies at large.

On the ORL side, the last fiscal year represented the first full reporting year under the *Lobbyists Transparency Act* (LTA), following significant amendments to BC's lobbying regime proclaimed in 2020. One of the significant changes brought in with the set of amendments was a shift to require lobbyists to report on actual lobbying activities on a monthly basis, instead of potential lobbying activity. In the past year, 9,000 Lobbying Activity Reports were completed through the Lobbyists Registry.

The ORL continued to educate lobbyists and the public on the LTA, the Lobbyists Registry, and further amendments to the Lobbyists Transparency Regulation, by issuing three issues of our e-newsletter *Influencing BC*, and issuing guidance on topics such as the gift-giving prohibition and reporting requirements with respect to coalitions. The ORL also produced a comprehensive guide to address common questions about lobbying in BC, and to provide an overview of the provisions of the current legislation and regulation.

Education and enforcement continue to be important tools in our tool belt for both offices. This is reflected in the goals outlined in this Service Plan. I look forward to continuing to improve our services to the people of British Columbia, as I respectfully submit this Service Plan to you.

September 29, 2022

ORIGINAL SIGNED BY

Michael McEvoy
Information and Privacy Commissioner for British Columbia and
Registrar of Lobbyists for British Columbia

VALUES

We are independent and **impartial** regulators of British Columbia’s access to information, privacy, and lobbying laws.

We use our **expertise** to enforce and advance rights, resolve disputes, and encourage best practices.

We are **dedicated** to protecting privacy and promoting transparency.

We **respect** people, organizations, public bodies, and the law.

We are **innovators** and recognized leaders in the global community.

VISION

A community where access to information rights are understood and robustly exercised.

A community where privacy is valued, respected, and upheld in the public and private sectors.

A community where public agencies are open and accountable to the citizenry they serve.

A community where lobbying is understood, respected, and transparent.

MANDATE

Under the *Freedom of Information and Protection of Privacy Act* (FIPPA) and the *Personal Information Protection Act* (PIPA), the mandate of the Office of the Information and Privacy Commissioner (OIPC) is to:

- Independently review decisions and practices of public bodies and private sector organizations concerning access to information and protection of privacy;
- Comment on the implications for access to information or protection of privacy of proposed legislative schemes, automated information systems, record linkages, and programs of public bodies and organizations;
- Educate and inform the public about access and privacy rights; and
- Promote research into access and privacy issues.

The Information and Privacy Commissioner is designated the Registrar for the purposes of the *Lobbyists Transparency Act* (LTA).⁶ The mandate of the Office of the Registrar of Lobbyists (ORL)⁷ is to:

- Promote awareness among lobbyists of registration requirements;
- Promote awareness among the public of the existence of the Lobbyists Registry;
- Manage registrations submitted to the Lobbyists Registry; and
- Monitor and enforce compliance with the LTA.

WHO WE SERVE

Under FIPPA, PIPA and the LTA, the OIPC and ORL serve:

- the public;
- organizations and public bodies;
- BC lobbyists and public office holders; and
- the Legislative Assembly of British Columbia.

HOW WE DO OUR WORK

The OIPC provides independent oversight and enforcement of BC's access and privacy laws. The OIPC mediates and investigates access to information appeals and privacy complaints; conducts audits of private and public bodies that process personal information; delivers public education to public bodies, organizations, and the public; reviews and comments on the privacy or access implications of legislation, programs, or systems; conducts formal hearings; and issues binding orders under FIPPA and PIPA.

The ORL addresses concerns about the integrity of government decision-making by providing a public record of who is attempting to influence government decisions. The ORL manages compliance through many strategies, including: education and outreach to lobbyists, the public, and public office holders; verification of registration information; public reporting; compliance reviews; investigations; and administrative penalties under the LTA.

⁶ Section 7, [Lobbyists Transparency Act](#), SBC 2001, c 42.

⁷ ORL refers to the Registrar and the Registrar's delegates that work to administer the LTA.



SERVICE PLAN OF THE OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

Goals, strategies, and performance measures

This section deals with the office’s goals, strategies, and associated performance measures.

The 2021/22 performance measures are set out below. They include the target and actual results obtained for the fiscal year ending March 31, 2022. In addition, the summary of OIPC caseload statistics in [Appendix A](#) shows that the demand for OIPC services has remained steady in 2021-22 as the COVID-19 pandemic continued, with the exception of time extension requests to the Commissioner which decreased significantly in 2021-22.

Goal 1—Uphold privacy rights and monitor protection of personal information and data

This goal includes education and consultation support to public and private sector organizations in having effective privacy management programs in place.

Audit, special and investigation reports represent Commissioner-initiated audits and investigations into matters of broad public interest and they often provide recommendations and guidance relating to privacy management programs. They are a compliance and education tool for public bodies, organizations, and the people of BC in relation to privacy rights and responsibilities under PIPA and FIPPA. Performance measures for these reports and uptake of the corresponding recommendations are under Goal 1 when they relate to privacy, and Goal 2 when they relate to access to information.

Performance Measure 1 shows that the Commissioner published two reports in 2021/22 addressing privacy.⁸ The first was the [Compliance Review of Liquor and Cannabis Retailers](#)⁹ that examined compliance with PIPA across a sample of 30 private sector licensed retailers in BC. 70 percent of the recommendations from this report were implemented by the end 2021/22, and the OIPC continues to follow-up with retailers as they work towards meeting the remainder of the Commissioner’s recommendations. The second report was [Getting Ahead of the Curve: Meeting the challenges to privacy and fairness arising from the use of artificial intelligence in](#)

⁸ A third report that was largely investigated in 2021/22 into the Tim Horton’s app’s collection and use of geolocation data was published in the 2022/23 fiscal and will be reported out in the 2022/23 Service Plan.

⁹ *Compliance Review of Liquor and Cannabis Retailers*, <https://www.oipc.bc.ca/compliance-reports/3554>, OIPC, June 2021.

[the public sector](#)¹⁰. The Commissioner's joint recommendations¹¹ in this report were aimed at the public sector broadly, therefore implementation of recommendations is not being tracked. As indicated in Performance Measure 2, the percentage of audit, compliance review or systemic investigation report recommendations implemented dropped slightly to 70 percent in 2021/22 from 75 percent in 2020/21.

The COVID-19 pandemic continued throughout the 2021/22 fiscal year. The Commissioner supported the response to the pandemic through education and public reporting. In May, the Commissioner organized and chaired a panel on [Privacy in the age of COVID-19](#)¹², that featured perspectives and insight from current and former privacy commissioners on the impact of living more of our lives online. In response to nationwide discussions by decision-makers about the use of vaccine passports, the Commissioner joined federal, provincial, and territorial counterparts in calling on governments and businesses to ensure privacy is front and centre when considering the development and implementation of vaccine passports. In response to the BC's rollout of the vaccine card, the Commissioner published the guidance document [Privacy and the BC vaccine card: FAQs](#)¹³, to help members of the public navigate how the new BC Vaccine Card and the Public Health Orders work with FIPPA and PIPA. Finally, the Commissioner joined members of the Global Privacy Enforcement Network in releasing the findings of a [global sweep](#) that found data protection authorities around the world had significant involvement in COVID-19 solution-finding.

Privacy featured prominently in this Office's [submissions to the Special Committee to review FIPPA](#) in 2021-22. Notably, the Commissioner called for new provisions related to automated decision-making and new provisions to allow for greater information sharing between regulators.

OIPC Case Review Officers and Investigators handle a large number of privacy complaints from BC citizens. When processing complaints OIPC staff will educate public bodies and organizations as appropriate to promote privacy rights and the protection of the personal information of BC residents.

The strategies outlined below are still relevant to the OIPC responsibility to uphold privacy rights and monitor protection of personal information and data.

¹⁰ *Getting Ahead of the Curve, Meeting the challenges to privacy and fairness arising from the use of artificial intelligence in the public sector*, <https://www.oipc.bc.ca/special-reports/3546>, OIPC, June 2021.

¹¹ The joint report was issued with the BC Ombudsperson and the Yukon Information and Privacy Commissioner and Ombudsman.

¹² *Privacy in the age of COVID-19*, <https://youtu.be/TuxelX43DeM>, OIPC, May 2021.

¹³ *Privacy and the BC vaccine card: FAQs*, <https://www.oipc.bc.ca/guidance-documents/3577>, September 2021.

Strategies

- Secure government support for legislative and policy reforms that would restore British Columbia as a leader in privacy¹⁴;
- Work with government to implement reforms, and educate and train public bodies and organizations;
- Promote OIPC’s privacy management guidance documents and develop new resources; and
- Conduct audits and systemic investigations to ensure compliance with FIPPA and PIPA, including examining Privacy Management Programs.

Performance Measure	2021/22		2022/23	2023/24	2024/25	2025/26
	Target	Actual	Target	Target	Target	Target
1. Number of audits, special reports, compliance reviews and systemic investigations that uphold privacy rights and monitor protection of personal information	3	2	3	3	3	3
2. Percentage of related audit, compliance review and systemic investigation report recommendations implemented	95%	70%	95%	95%	95%	95%

Goal 2—Promote and advocate for an open, accountable, and transparent public sector

This goal integrates the Commissioner’s mandates to inform the public about relevant legislation and to comment on the implications for access to information of proposed legislative schemes, programs, or activities of public bodies.

Audit, special and investigation reports represent Commissioner-initiated audits and investigations into matters of broad public interest. They are a compliance and education tool for public bodies, organizations, and the people of BC in relation to access to information rights and responsibilities under PIPA and FIPPA. Performance measures for these reports and uptake of the corresponding recommendations are under Goal 1 when they relate to privacy, and Goal

¹⁴ This strategy has become a priority as a result of both BC privacy law falling behind other jurisdictions in privacy reforms and the move towards online work and services as a result of the COVID pandemic.

2 when they relate to access to information. This year’s target for audit, special or investigation reports on access to information remains that same as last year: two.

The Commissioner published one report in 2021/22 relating to access to information. [*The impact of COVID-19 on access to information*](#)¹⁵ examined the impact of the COVID-19 pandemic on the Government of BC’s access to information responses. The special report did not contain any recommendations, therefore the actual percentage result in Performance Measure 4 is marked as “not applicable.”

Access featured prominently in this Office’s [*submissions to the Special Committee to review FIPPA in 2021-22*](#)¹⁶. Notably, the Commissioner called for the inclusion of the administrative functions of the Legislative Assembly as a public body under FIPPA and a broadening of circumstances where information could be made public if disclosure would be in the public interest.

OIPC Case Review Officers and Investigators handle voluminous requests for review from BC citizens. When processing requests for reviews OIPC staff will educate public bodies and organizations as appropriate to promote freedom of information rights and responsibilities and to promote transparency and accountability under FIPPA and PIPA.

The strategies outlined below are those also found in last year’s report and continue to be relevant. The strategies on promoting open information and securing supportive legislative reforms are being pursued through a variety of means so those two strategies are now more broadly stated to reflect that.

Strategies

- Increase the number of public bodies that have implemented effective open information programs;
- Promote open information through our education mandate, and by creating scalable guidance documents;
- Provide support to freedom of information experts/leaders in public bodies by holding a speaker’s series on access and privacy;
- Secure government support for legislative and policy reforms that would restore British Columbia as a leader in access to information; and
- Monitor and comment on the quality and timeliness of public bodies’ responses to access to information requests by assessing and reporting on the underlying causes for

¹⁵*The impact of COVID-19 on access to information*, <https://www.oipc.bc.ca/special-reports/3613>, OIPC, December 2021.

¹⁶ *General briefing for the Special Committee to Review the Freedom of Information and Protection of Privacy Act*, <https://www.oipc.bc.ca/legislative-submissions/3635>, OIPC, February 2021.

responses to access requests that are not on time in accordance with the timelines set out by FIPPA.

Performance Measure	2021/22		2022/23	2023/24	2024/25	2025/26
	Target	Actual	Target	Target	Target	Target
3. Number of audits, special reports, compliance reviews and systemic investigations that promote an open, accountable and transparent public sector	2	1	2	2	2	2
4. Percentage of related audit, compliance review and systemic investigation report recommendations implemented	95%	n/a*	95%	95%	95%	95%

* The OIPC report on the impact of COVID-19 on access to information did not contain recommendations.

Goal 3—Promote information and privacy rights and obligations to public bodies, organizations, and individuals

Promoting awareness of information rights and privacy remains a key goal of our office. The OIPC will continue to support its education mandate through speaking engagements, interviews, training, conferences, and other events. Speaking engagements are an effective method of outreach to inform public bodies, organizations, and the public about FIPPA and PIPA. Performance Measure 5 shows that OIPC completed 45 speaking engagements in 2021/22, which is an increase from 40 in 2020/21.

In 2021/22, the OIPC promoted information and privacy rights where there is a broad public interest. The OIPC issued an array of guidance including a [Guide for organizations collecting personal information online](#), on [Protecting personal information: Cannabis transactions](#), on [PIPA and workplace drug and alcohol searches: a guide for organizations](#), updated guidance [Privacy Guidelines for Strata Corporations and Strata Agents](#) and guidance on [Reasonable security measures for personal information disclosures outside Canada](#). In addition, the Commissioner published a [Political Campaign Activity Code of Practice](#) for political parties in BC.

The goal of promoting information and privacy rights is mutually reinforcing of OIPC Goals 1 and 2. This goal also includes responding to media enquiries and promoting information and privacy rights through digital media. In 2021/22 the OIPC handled 101 media enquiries. The OIPC has developed and started implementing a digital media strategy to accompany

traditional communication distribution methods. Digital media will assist with stimulating interest and discussion of information and privacy rights in BC.

The strategies outlined below continue to be relevant and appropriate and have been maintained with those published in last year’s Service Plan.

Strategies

- Meet the growing demand from public bodies and organizations for education and training in FIPPA and PIPA compliance by developing curricula and external resources so that public bodies and organizations can train their own employees;
- Facilitate public awareness of privacy and access rights by developing and implementing social media strategies for stimulating interest and discussion of individual information rights, and implement them with our other communications strategies; and
- Promote access and privacy issues in the public domain by responding to requests for media interviews and seeking out opportunities for public commentary.

Performance Measure	2021/22		2022/23	2023/24	2024/25	2025/26
	Target	Actual	Target	Target	Target	Target
5. Number of OIPC presentations	50	45	50	50	50	50

Goal 4—Enhance the quality and capacity of the OIPC’s people, systems, processes, and culture

Delivering our mandate efficiently and effectively remains a goal of our office. This goal is mutually reinforcing of OIPC goals 1 and 2 as the processing of case files by case review officers, investigators, and adjudicators is directly related to upholding privacy rights and promoting an accountable public sector.

In 2021/22 the OIPC settled 87 percent of review files within 90 business days of assignment, up from 78 percent in 2020/21 - exceeding the target of 85 percent. The OIPC also settled 86 percent of requests for review without an inquiry in 2021/22, an increase from 78 percent in 2020/21 - exceeding the 80 percent target, despite raising the target from 80 percent the previous year. In 2021/22 the OIPC resolved 90 percent of complaint files within 120 business days, also an increase from 86 percent in 2020/21. Current targets remain realistic and OIPC will adjust targets that are met or exceeded over two consecutive years.

Adjudicators reached the target of publishing 60 orders for the second year in a row in 2021/22. Still, additional resources were necessary to address the demand on the OIPC so the OIPC requested and received resources to address the demand for adjudications starting in 2022/23.

As a result, and consistent with last year’s OIPC/ORL [budget submission](#), the projections for orders published per year has increased to 144 starting in 2022/23.¹⁷

The work of the OIPC/ORL diversity and inclusion group (DIG) continues. The Commissioner and staff are committed to further developing an inclusive and healthy workplace focused on continuous staff learning and ensuring our services to the public are equitable and accessible. In 2021/22 the office continued to apply gender neutral language in communications and interactions. Staff-wide learning sessions on topics ranged from the histories of Canada and Indigenous Peoples, to building equitable workplaces in relation to anti-racism and allyship, to trauma-informed dispute resolution and having difficult conversations. The group identified priorities for the OIPC/ORL response to the calls for action from the Truth and Reconciliation Commission and to the *Declaration on the Rights of Indigenous Peoples Act* through education, hiring, and reviewing OIPC processes.

The four strategies outlined below remain relevant.

Strategies

- Ensure the timely resolution of complaints, reviews, and requests for information through ongoing review of internal processes and standards and developing best practice guidelines;
- Leverage relationships with functional counterparts at other oversight agencies;
- Create opportunities for skills, knowledge, and professional development for OIPC staff; and
- Promote a positive workplace culture, collaboration, and engagement among OIPC staff.

Performance Measure	2021/22		2022/23	2023/24	2024/25	2025/26
	Target	Actual	Target	Target	Target	Target
6. Percentage of requests for review settled without inquiry	90%	86%	90%	90%	90%	90%
7. Percentage of request for review files resolved within 90 business days of assignment	80%*	87%	85%	85%	85%	85%
8. Percentage of complaint files resolved within 120 business days	90%	90%	90%	90%	90%	90%

¹⁷ For details on how additional FTEs will be applied to address the demands on adjudications, please see pages 11-13 of the OIPC/ORL Budget Submission for Fiscal Years 2022/23—2024/25 <https://www.oipc.bc.ca/budget-service-plans/3603>.

9. Number of orders published per year**	60	80	144	144	144	120
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*This number in last year’s Service Plan was incorrectly reported at 85% and has been corrected. The new 85% target was a raised from 80% to start in the 2022/23 fiscal year.

**The targets from 2022/23 forward have been updated to reflect the Commissioner’s proposal for how new FTEs requested and received would address the demands on adjudications from the OIPC/ORL Budget Submission for Fiscal Years 2022/23—2024/25 <https://www.oipc.bc.ca/budget-service-plans/3603>.



SERVICE PLAN OF THE OFFICE OF THE REGISTRAR OF LOBBYISTS

The ORL seeks compliance with British Columbia’s *Lobbyists Transparency Act* (LTA) through a series of interrelated compliance strategies.

Our approach is built on guidelines recommended in a report by the Organisation for Economic Co-operation and Development.¹⁸ The ORL’s compliance principles are:

- The purpose of the LTA is to enhance transparency in lobbying;
- Lobbying in British Columbia must comply with legislation and regulations;
- Cost-effective, informal, and non-punitive forms of resolving minor matters of non-compliance should be used where appropriate;
- Enforcement activities will be carried out in a fair, objective, respectful, and consistent manner;
- Educating the public about the Lobbyists Registry is critical to achieving the policy objective of transparency; and
- Ongoing dialogue with the stakeholder community – lobbyists, organizations, public office holders, fellow oversight agencies, and the public – is essential to ensuring compliance strategies remain timely, cost-efficient, and effective.

¹⁸ OECD (2009), *Lobbyists, Governments and Public Trust, Volume 1: Increasing Transparency through Legislation*, OECD Publishing, Paris.

Goals, strategies, and performance measures

This section deals with the office’s goals, strategies, and associated performance measures.

The 2021/22 performance measures are set out below. They include the target and actual results obtained for the fiscal year ending March 31, 2022.

The ORL has assessed the goals and strategies for the ORL as the former Goal 3 has been complete.¹⁹ A new goal has been added, now Goal 1, to reflect the Registrar’s mandate to maintain the Lobbyists Registry. The former Goal 1 regarding enforcement has been moved to Goal 3.²⁰

Goal 1—Maintain and improve the Lobbyists Registry

Section 7 of the LTA authorizes the Registrar to maintain a registry of lobbying activities in BC. The Lobbyists Registry is published online and is searchable for lobbyists and the public.

The ORL introduced a new registry system concurrent with amendments to the *Lobbyists Transparency Amendments Act, 2018* coming into force on May 4, 2020. The ORL is dedicated to improving the registry by identifying and implementing updates in an ongoing manner. The aim is to make the Registry more user-friendly for lobbyists and easy for the public to search. A variety of users conduct searches of the Registry, including lobbyists themselves, media, public office holders and their staff, and individuals and organizations that are seeking information about lobbying that is happening in their sector.

Improvements are identified by ORL staff as the system is administered and by receiving input and comments from lobbyists and the public. Recent enhancements to the Registry include:

- 1) An “auto-complete” function was added to the Registry in the Lobbying Activity Report process in March 2022. This feature allows lobbyists to easily access senior public office holders from Lobbying Activity Reports previously entered, a feature that saves time for lobbyists.
- 2) An “all MLA” check box was added in September 2021 to streamline reporting for lobbyists that are contacting all MLAs.
- 3) For government funding, a mechanism for lobbyists to report government funding once that is received over a period of time was created in November 2020 to streamline the reporting government funding for lobbyists.

¹⁹ Former Goal 3 was a transitional goal aimed at implementing improvements to the Lobbyists Transparency Act.

²⁰ The 2021-21 Service Plan discussed the review of the goals and strategies at the beginning of 2020/21. At that time, it was determined that the strategies and performance measures in Goal 3 have ongoing relevance to the Registrar’s education mandate, so they were integrated into Goal 2 and remain there for the Service Plan.²⁰

The goal of Registry maintenance and improvement will now be accompanied by two new performance measures: the number of improvements made to the Lobbyists Registry and the number of days in the fiscal year that the Lobbyists Registry is available online to lobbyists and the public

The strategies for this goal are listed below.

Strategies

- Manage and keep current the Lobbyists Registry by identifying and implementing updates and improvements that support users, including simplifying data entry requirements for lobbyists and providing more user-friendly access for the public; and
- Maintain the Registry and its availability to lobbyists and the public every day of the year.

Performance Measure	2021/22		2022/23	2023/24	2024/25	2025/26
	Target	Actual	Target	Target	Target	Target
1. Number of improvements to the Lobbyists Registry	n/a	n/a	n/a	5	5	5
2. Number of days the Lobbyists Registry is available online to lobbyists and the public	n/a	n/a	n/a	365	365	365

Goal 2—Educate lobbyists, public office holders, and the public about the *Lobbyists Transparency Act*

Section 9.4 of the LTA grants the Registrar the authority to “develop and conduct public education and information designed to promote awareness and understanding of this Act.” ORL staff develop an annual education plan aimed at assisting lobbyists and the public in understanding the registration requirements under the LTA and the information available to the public via the Lobbyists Registry. ORL education and outreach has led to a greater awareness of lobbying legislation in British Columbia among lobbyists, public office holders, and the public.

In 2021/22 the Registrar published an additional third issue of our *Influencing BC* newsletter to support ongoing education relating to the amendments that came into force on May 4, 2020 shows in Performance Measure 3. *Influencing BC* also continues to feature information about updates to the Registry, enforcement actions and other topics relevant to transparency in lobbying. The regular publication schedule of two issues per year has resumed in 2022/23. *Who’s Lobbying Who*, the ORL publication listing active lobbying in the past month, was published monthly as planned as shown in Performance Measure 4.

In 2021/22 the Registrar also published 13 new or updated guidance documents in an effort to ensure that guidance materials are responsive to the questions that are being asked of ORL staff, shown in Performance Measure 5. Guidance topics included a [Getting Started Guide](#); a [Provincial Entities Guidance Document](#); a [Coalitions Guidance Document](#); a [Gift Guidance Document](#); and an Infographic on [New Senior Officer](#). All guidance documents can be viewed on the ORL [website](#).

In 2021/22 the Registrar and ORL staff conducted three speaking engagements, slightly fewer than targeted in Performance Measure 6.

The strategies for Goal 2 remain relevant and have been maintained and the strategy to manage and keep the Registry up to date has been moved under Goal 1.

Strategies

- Develop a comprehensive public education plan for lobbyists, stakeholders, and the public;
- Continue publishing and circulating *Influencing BC* (the ORL’s online newsletter) and monthly summaries of registered lobbying activities in the province;
- Manage and keep current the Office of the Registrar of Lobbyists website; and
- Raise awareness about the LTA among lobbyists, public office holders, and the general public, including speaking engagements and developing guidance documents.

Performance Measure	2021/22		2022/23	2023/24	2024/25	2025/26
	Target	Actual	Target	Target	Target	Target
3. Issues of <i>Influencing BC</i> published	2	3	2	2	2	2
4. Issues of “Who’s Lobbying Who” published	12	12	12	12	12	12
5. Number of new or revised guidance documents to raise awareness about the LTA	*	13	10	10	10	10
6. Number of speaking engagements to raise awareness about the LTA	*	3	5	5	5	5

*These performance targets have recently been added to Goal 2 and targets start in 2022/23.

Goal 3—Enhance the enforcement function under the *Lobbyists Transparency Act*

Section 7.1 of the LTA authorizes the Registrar to investigate potential non-compliance under the LTA and section 7.2 authorizes the Registrar to hold a hearing and issue an administrative penalty in cases where it is determined that there was non-compliance. However, informal resolution of possible non-compliance is desirable, and the ORL will continue to use informal measures whenever they are appropriate and effective.

In fiscal 2021/22 the ORL received 83 percent of registrations on-time as shown in Performance Measure 7, slightly up from 82 percent in 2020/21 though down from the 95% rate of on-time registrations that existed prior to the coming into force of amendments on May 4, 2020.²¹ ORL staff continue to prioritize education and outreach that supports lobbyists in registering their lobbying activities on-time.

The office conducted significantly more verifications of information in the Lobbyists Registry again in 2021/22 than targeted, 1568 where the target was 140 shown in Performance Measure 8. Information verifications have become a primary tool for Registry staff to raise awareness about the obligations of lobbyists relating to the Lobbyists Registry. Verifications can be triggered by a registry officer review of information submitted in the Lobbyists Registry, by scanning media reports or via information received from the public. Their utility is expected to continue, so performance targets for verifications of information stands at 1500 from 2022/23 on.

The ORL commenced seven investigations in 2021-22 and none had yet resulted in compliance determinations by the end of the fiscal year, indicated in shown in Performance Measure 9. As a result, the number of compliance determinations in 2021/22 were below target in spite of the investigations initiated and the increase in verifications of information in the Lobbyists Registry. While the focus of the ORL in 2021/22 continued to be on raising awareness about obligations under the LTA, compliance determinations were initiated as appropriate.

In 2021/22 the number of exemption decisions made by the Registrar in response to former public office holders that seek an exemption from the two-year lobbying prohibition was zero, shown in Performance Measure 10. Exemption requests may be submitted to the Registrar from any lobbyist that is subject to the two-year cooling-off period for former public office holders. The LTA grants the Registrar the authority to exempt a former public office holder from the two-year prohibition if the Registrar determines it is in the “public interest.”

The strategies continue to be relevant and appropriate and have been maintained from those published in last years’ Service Plan and a new strategy has been added that reflects authority of the Registrar to investigate and issue compliance determinations.

²¹ Under the *Lobbyists Registration Amendment Act, 2018*.

Strategies

- Analyze publicly available information sources to identify government priorities, organization priorities, and possible unregistered lobbying;
- Conduct verifications of information in the Lobbyists Registry to identify potential contraventions that proceed to formal investigation; and
- Monitor for potential non-compliance and initiate investigations and make compliance determinations as appropriate.

Performance Measure	2021/22		2022/23	2023/24	2024/25	2025/26
	Target	Actual	Target	Target	Target	Target
7. Percentage of on-time registrations	95%	83%	95%	95%	95%	95%
8. Number of verifications of information in registry	140	1568	1500	1500	1500	1500
9. Number of compliance determinations	15	0*	15	15	15	15
10. Number of exemption decisions	2	0	2	2	2	2

*Number reflects completed decisions. Seven investigations were *initiated* in 2021/22 and are scheduled to be complete in 2022/23.

APPENDIX A: CASELOAD STATISTICS FOR THE OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

File Type Received	2019/20	2020/21	2021/22
Appeals (requests for review)	661	592	780
Complaints	656	613	868
Requests for time extensions ²²	6,591	5,885	3,260
Privacy breach reviews	209	238	174
Public interest notifications (s.25)	12	17	20
Policy consultations	407	380	339
Review of legislation	47	14	22
Review and comment on Privacy Impact Assessments (PIAs)	69	97	76
Review and Comment on Police Act IIO Reports	64	48	50
Speeches and presentations	42	40	45
Other ²³	738	666	513
Total Case Files²⁴	9,496	8,590	6,147
Requests for information ²⁵	4,528	5,364	5,340
Total files	14,014	13,954	11,487

²² The 2020/21 number includes the 1,856 time extensions taken under the Commissioner's March 18 and April 22, 2020 decisions at the beginning of the COVID pandemic.

²³ "Other" includes all file types (received) except those otherwise listed.

²⁴ The 2019/20 number has been updated from 9,493 to correct a typo.

²⁵ The 2021/22 number includes correspondence received.