

STATUTORY OFFICE SUPPLEMENTAL BUDGET SUBMISSION
Select Standing Committee on Finance and Government Services
Office of the Information and Privacy Commissioner

1) Introduction

This submission requests supplemental funding for the Office of the Information and Privacy Commissioner (OIPC) for the fiscal year 2024/25.

The OIPC provides independent oversight and enforcement of BC's access and privacy laws, including the *Freedom of Information and Protection of Privacy Act* (FIPPA), which applies to over 2,900 public bodies, and the *Personal Information Protection Act* (PIPA), which applies to any private sector organization that collects, uses, and discloses the personal information of individuals.

2) Summary of Budget Proposal:

This supplemental budget request is for \$410,000 in operating funds for fiscal year 2024/25. I have reviewed the office's 2024/25 budget and determined that the OIPC has exhausted the flexibility within it and would not be able to absorb these cost pressures without reducing staff and impacting services to the public.

3) Key Request

This supplemental request is to support increased costs for OIPC operations relating to judicial reviews and appeals. An applicant, complainant, public body or organization can proceed with a judicial review if they are not satisfied when a decision is made by OIPC through either an adjudication or an investigation. The OIPC does not have control over whether a party decides to proceed with a judicial review, and the OIPC must respond when a judicial review is filed with the courts.

The increase in judicial review costs is attributable to significant litigation before the courts relating to OIPC decisions arising from investigations and adjudications. OIPC decisions regard matters of compliance relating to public bodies or organizations under FIPPA or PIPA, and they may contain findings and orders. Any party that wishes to appeal an OIPC decision follows judicial review as their process for appeal. Significant legal costs can be added if cases are further appealed from the court of first instance. The higher costs we are facing this year are driven by the unusually complex nature of the matters before the courts at this particular time.

The increased legal costs materialized slowly over the course of the 2023/24 fiscal year during which the OIPC was able to manage the additional costs within the existing budget. In 2024/25, the increase has continued and OIPC can now project that, combined with the increase in judicial reviews on investigations, we can no longer manage this increase in costs within the existing budget.

Judicial review and appeal costs are outside the control of the OIPC, and the only way enough costs could be reduced without supplemental funding to absorb this amount would be to reduce staff. We anticipate analyzing the drivers of these costs with more information and will return in the next budget session with an update and forecasting for future years.