



OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
for British Columbia

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Statement

Dec. 16, 2015

**Statement from B.C. Privacy Commissioner
regarding David Loukidelis' report to government**

VICTORIA—Elizabeth Denham, Information and Privacy Commissioner for British Columbia, released the following statement in response to *Implementing Investigation Report F15-03* by David Loukidelis, released by government today:

“On Oct. 22, 2015, I released an investigation report called “Access Denied”, which made findings and 11 recommendations related to government’s freedom of information responsibilities. My office’s investigation into three complaints uncovered negligent searches for records, a failure to keep emails, a failure to document searches and the willful destruction of records in response to access requests in two government ministries and the Office of the Premier.

“In response to my investigation report, government engaged former Commissioner David Loukidelis to provide advice and assistance in implementing my recommendations related to records management, records retention, training and review processes within government. I believe his report provides a thoughtful contribution for progress on these important issues.

“I am pleased to see that Mr. Loukidelis’ report supports the removal of the ability for an individual to ‘triple delete’ emails. This action is an important first step in not only ensuring a permanent record exists, but in restoring public confidence in the access to information process.

“Consistent with another of my recommendations, the Loukidelis report urges government to introduce legislation that would give my office the authority to investigate alleged unauthorized destruction of records, while also making it an offence to either willfully destroy a record or to direct or assist anyone else in doing so. This will bring British Columbia in line with other jurisdictions across Canada.

“Another important recommendation in the Loukidelis report is that government give serious consideration to a legislated duty to document. As outlined in my investigation report, and my subsequent presentation to the Special Committee to Review the *Freedom of Information and Protection of Privacy Act*, a duty to document would show citizens that government is committed to creating an accurate and lasting record of its key decisions and actions.

“At the time of the release of my report, I was pleased that government supported and accepted my recommendations, and now commits to implementing Mr. Loukidelis’ blueprint for change. Implementing all the recommended actions in the two reports will provide certainty and stability for freedom of information practices and ensure proper records management.

“It is my intention to follow-up on the outcomes of government’s commitments in the spring of 2016.

“I look forward to working with government to create a culture that both respects and embraces the spirit of our freedom of information legislation.”

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