



OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
for British Columbia

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News Release

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Commissioner finds government routinely in contravention of FIPPA

VICTORIA—A special report issued today by Acting Information and Privacy Commissioner Drew McArthur found the BC government routinely operates in contravention of timeliness requirements in the *Freedom of Information and Protection of Privacy Act* (FIPPA). The commissioner's review, conducted in spring and summer 2017, examined government responses to access requests from April 1, 2015 to March 31, 2017.

The commissioner's staff reviewed 194 randomly selected access to information files across government to identify where delays commonly occur in processing requests. The report also revisited the issue of no responsive records.

"My office has actively examined this issue over the past ten years. I am disappointed to see consistently poor compliance rates and I am concerned at the increasing length of time it takes to process access requests," says McArthur.

The report found that between April 1, 2015 and March 31, 2017 government failed to meet legislated timelines at least 20% of the time. In addition, the average number of business days a file was overdue increased from 47 days to 62 days since 2014. Time extensions also increased significantly, resulting in extended waits for applicants to receive a response to their access request.

"This is an extraordinary finding – that in some years one in four access requests was not responded to as required by FIPPA. I find it difficult to imagine a circumstance where government would tolerate its citizens breaking the law 25% of the time.

"I am pleased to see government is making efforts to close overdue files; however additional improvements must be made in all ministries to reach 100% compliance."

The OIPC did find a decline in the percentage of general access requests to government that resulted in "no responsive records," indicating improved information management practices within government.

Timing is Everything: Report Card on Government's Access to Information Responses makes eight recommendations which, if adopted, will help restore timely and efficient access to information and increase government accountability to the people of BC.

These recommendations include expanding the current proactive disclosure program, addressing the backlog of overdue files, and monitoring and improving the process for responding to requests.

“FIPPA requires 100% compliance with the timelines and it requires my office to enforce those timelines. I cannot consider an 80% success rate to be satisfactory. Government has demonstrated that they have the capacity and skills to respond to complex issues and I expect it to do so for access requests as well.”

The office has released a tip sheet, [Requesting records from a public body or organization](#), to assist the public when requesting records.

Timing is Everything: Report Card on Government’s Access to Information Responses is available for download at <https://www.oipc.bc.ca/reports/special-reports/>

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