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Special report issues ‘wake-up call’ over government’s routine violation of access to information timelines

VICTORIA – British Columbians’ information rights are being undermined by government routinely extending timelines for responding to access requests without any legal authority, says Michael McEvoy, Information and Privacy Commissioner for British Columbia, in a special report released today.

The special report, *Now is the time: A report card on government’s access to information timeliness – April 1, 2017 – March 31, 2020*, shows government’s response times to access requests have generally improved since the previous report released in September 2017. However, this progress is set against a backdrop of thousands of cases where government extended the time it took to answer access applicants without any lawful basis under the *Freedom of Information and Protection of Privacy Act (FIPPA)*.

FIPPA sets 30 business days as the basic standard for responses to access requests. Government can extend that by an additional 30 days under specific circumstances, with any further extensions requiring OIPC approval.

In 4,000 cases examined, government did not seek OIPC permission to go beyond the 60-day response time as required by FIPPA.

“Government essentially took it upon themselves to extend the time for response without any legal right to do so. This issue is not new to government, as we have seen in past reports. However, the latest reporting period shows an acceleration in the number of files that exceed legislated timelines. This represents a blight on the access system that damages the integrity of BC’s access to information law. The timeline provisions in FIPPA are not suggestions – they are legal obligations.

“While I am satisfied to note that government’s overall response scores have improved, and that some suggestions from past reports have been implemented, there is significant work to be done to keep FIPPA from falling into disrepute. Nothing less than a shift in government’s mindset towards timely response to access to information requests will enable that work to succeed. Violating legislated timeline provisions should no longer be tacitly accepted as ‘business as usual’,” said Commissioner McEvoy.

The report is based on information provided by Information Access Operations (IAO), which operates under the Ministry of Citizens’ Services and processes access requests received by all government ministries and select public bodies, including the Office of the Premier. OIPC analysts looked at the percentage of requests responded to in compliance with FIPPA timelines, average business days spent processing requests and the average business days a response is delayed beyond FIPPA timelines.

The report concludes with recommendations aimed at assisting government in responding to access requests within the legislated timelines. These include proactively disclosing records, expanding presumptive sign-off policies and exploring automation for the processing of records.

The full report is available here: <https://www.oipc.bc.ca/reports/special-reports/>

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