

For immediate release

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Statement from BC Information and Privacy Commissioner regarding proposed amendments to the *Freedom of Information and Protection of Privacy Act*

VICTORIA— Information and Privacy Commissioner Michael McEvoy issued the following statement in response to Bill 22, *Freedom of Information and Protection of Privacy Amendment Act, 2021*, introduced in the Legislature today, that proposes amendments to British Columbia’s *Freedom of Information and Protection of Privacy Act* (FIPPA):

“Today, government has introduced the first set of comprehensive amendments to FIPPA in at least the last decade. It is imperative that our laws keep pace with public demand for greater accountability on the part of our public bodies. It is also important the personal information those bodies collect from our citizens be properly protected in light of rapidly evolving digital technologies.

“The amendments go some ways to strengthen privacy protections by mandating new requirements for privacy management programs, mandatory breach notification, so-called “snooping offences”, and privacy impact assessments. These are welcome advances that put public bodies in a better position to safeguard our privacy.

“What is exceedingly troubling however, is that government now proposes to allow public bodies to send British Columbians’ personal information outside Canada without explaining how they will properly protect it. Without concrete alternative protections for people’s data, the government is effectively asking the Legislative Assembly for a blank cheque to eliminate the current restrictions on public bodies accessing and storing people’s personal information outside of Canada.

“On access to information, some provisions of the Act improve the law while others do not. While making it an offence to wilfully destroy records to avoid complying with an access request is a welcome change, greater clarity is needed to capture improperly destroying a record *before* someone specifically requests it.

“I am also concerned that government proposes to exclude from the public’s right of access, information deleted by a public body. Another troubling proposal will permit, for the first time, public bodies to charge a flat upfront fee for access to records.

“Finally, while I support some of the proposed changes, this is a lost opportunity for government to promote greater accountability and transparency, especially by the Bill’s failure

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to provide comprehensive oversight of record destruction and inattention to longstanding calls for reform of advice and recommendations exceptions.

“I expect my Office will issue a comprehensive analysis of the Bill in the coming days. I welcome the public discussion that will now follow from the introduction of these amendments.”

Bill 22, *Freedom of Information and Protection of Privacy Amendment Act, 2021* is available here: <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/2nd-session/bills/progress-of-bills>

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