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British Columbians facing longer wait times to access records from BC Government

VICTORIA— It is now taking, on average, 85 business days for the BC Government to respond to access to information requests – the highest number in the 13 years since the Office of the Information and Privacy Commissioner began reporting on Government’s timeliness.

In addition to the longer wait times, the BC Government only met the *Freedom of Information and Protection of Privacy Act’s* (FIPPA) 30-day benchmark in just over half of the cases processed during the last three fiscal years. This compares to nearly three quarter of cases a decade ago.

The review also found that in 5,100 cases, during the three-year period from April 1, 2020 to March 31, 2023, Government exceeded the time allowed to respond to a request without any legal authority to do so. In those cases, by 2022/23, applicants had to wait on average 192 additional business days to receive a response.

“It is important to remember that these are more than just numbers on a chart. The wait times involve real people trying to get information about themselves, or about the Government who serves them – individuals trying to get a record of their dealings with a particular ministry, or a journalist working with a deadline on a story impacting a multitude of individuals,” said Commissioner Michael McEvoy.

The report updates the impact of the \$10 application fee on access requests, and discloses that media, political party, and individual requests have declined since the levy was imposed. The OIPC will continue its scrutiny of the access fee and its effects on the freedom of information regime in British Columbia.

The OIPC recognizes BC Government efforts to improve response times, through a freedom of information (FOI) modernization program that updates technologies and processes used to respond to FOI requests. While there were exceptional factors contributing to longer wait times, such as the COVID-19 pandemic, the Commissioner noted that times of crises demand enhanced transparency as Government makes critical decisions affecting British Columbians.

The report includes six recommendations for Government to improve their timeliness performance, including:

- Regularly evaluate FOI processes to identify and correct any lags and provide written evaluation reports to the OIPC;

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- Ensuring appropriate resources and strategies exist to manage FOI functions; and
- Submitting a plan to the OIPC by March 31, 2024, detailing how it will eliminate the accumulation of unlawfully delayed requests within two years and prevent requests from becoming unlawfully delayed.

The OIPC will follow up with the BC Government on the recommendations made in the report, and will continue to monitor the impact of the \$10 application fee on the freedom of information system.

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

A video summarizing the report is available here: <https://youtu.be/OBzP-viGXlw>

A fact sheet summarizing the report is available here:

<https://www.oipc.bc.ca/media/17738/timeliness-overview-sheet-2024.pdf>

Media Contact

Michelle Mitchell | Director of Communications

Office of the Information and Privacy Commissioner for BC

250 217-7872 | mmitchell@oipc.bc.ca

Twitter: @BCInfoPrivacy