

September 10, 2024

Vancouver Coastal Health audit a clear reminder that public bodies must make FOI a priority

VICTORIA— Vancouver Coastal Health Authority’s (VCH) freedom of information (FOI) system suffered during the COVID-19 pandemic, which led to access requests languishing for months and applicants often left in the dark about their progress due to poor communication and improper application of the law.

These were among the findings of a newly published report by the Office of the Information and Privacy Commissioner for British Columbia, *Vancouver Coastal Health Authority's duty to assist, April 1, 2020 to March 31, 2023*.

While VCH has made considerable effort to improve its FOI practices since the audit was initiated, the report offers important lessons for all public bodies on the need to prioritize and properly resource the FOI function to ensure they meet their own obligations under *Freedom of Information and Protection of Privacy Act* (FIPPA).

During the period examined, VCH responded to less than one-quarter of applicable requests within FIPPA’s 30-day benchmark. VCH failed to comply with time limits in nearly three-quarters of the files sampled, and in one-third of cases, did not even provide written acknowledgement that they had received the requests.

The report also highlighted several additional areas where VCH failed to comply with FIPPA, including not conducting thorough searches for records, improper timeline extensions, and a failure to document requests. Application fees were another barrier, with VCH initially offering limited payment options, failing to notify applicants promptly of the need to pay the fee, and mistakenly putting response timelines on hold until fees were paid.

“This period was an extraordinary time for all people and organizations in British Columbia. It is no surprise that Vancouver Coastal Health (VCH), one of the province’s largest health authorities, faced among the greatest pressures and focused efforts on operational pandemic response and providing core health services,” said Michael Harvey, BC’s Information and Privacy Commissioner.

“However, these pressures do not relieve an organization from fulfilling their obligations under FIPPA, especially in a time of crisis when transparency and accountability are key to maintaining people’s trust. Trust will always be essential in our health system – people access these services often when they are at their most vulnerable. VCH’s core business, as a public health authority, is not just the provision of health services but rather the transparent and accountable provision

of health services. De-prioritizing freedom of information is harmful to its core business, just as it would be for any public body.”

The report makes eight recommendations, which cover the need for improved staff training on their obligations under FIPPA and how to apply the act, expanded and more accessible proactive disclosure, better tracking and management of FOI requests, and further internal evaluation to ensure requests are responded to within legislated time limits.

VCH has already made several important changes to ensure that they are meeting their FOI obligations, including ensuring more resources are in place to respond to FOI requests, improved reporting relationships, and new file and document management systems.

“I believe the efforts VCH have already taken shows a recognition for the need for a cultural change when it comes to their FOI practices, and I commend swift action VCH has taken in response to our audit. My office will continue to monitor VCH’s work in achieving compliance with FIPPA and in fully implementing all recommendations in the report,” said Michael Harvey.

The full report is available here: <https://www.oipc.bc.ca/documents/audit-reports/2859>

A video summarizing the report is available here: <https://youtu.be/Gol45OlbSxM>

A fact sheet summarizing the report is available here:

<https://www.oipc.bc.ca/documents/infographics/2860>

An infographic with important reminders for public bodies charging the \$10 application fee is available here: <https://www.oipc.bc.ca/documents/infographics/2857>

Media Contact

Michelle Mitchell | Director of Communications

Office of the Information and Privacy Commissioner for BC

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

X: @BCInfoPrivacy | LinkedIn: <https://www.linkedin.com/company/office-of-the-information-and-privacy-commissioner-for-british-columbia/>