

For immediate release

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Patchwork approach to municipal records disclosure leads to unequal access, lack of transparency

VICTORIA – A patchwork of inconsistent approaches to records releases by municipalities in BC highlights a need for municipal and provincial governments to improve access and strengthen freedom of information processes to provide transparent and accountable service to the public.

These were among the findings of a newly published report by the Office of the Information and Privacy Commissioner for British Columbia (OIPC) that examined how 160 municipal governments in BC make records available to the public under the *Freedom of Information and Protection of Privacy Act* (FIPPA). The investigation focused on three main methods of disclosure: freedom of information (FOI) processes, proactive disclosure, and records made available for purchase.

The OIPC found inconsistencies in the methods by which municipalities disclose records to the public, and unequal access to similar records across municipalities. For example, the report found that while all municipalities did make records available proactively without an FOI request, nearly a quarter of municipalities reported, incorrectly, they did not have a proactive disclosure program. The result is that some municipalities may fail to properly publish records that are intended to be available without an FOI request, which in turn may generate additional FOI requests that could incur an application fee.

The report also found potential for barriers to access in some municipalities that charge the \$10 application fee for general records. For example, 12 municipalities reported only allowing in-person or mail-in payment for the fee, which can limit accessibility by requiring applicants to make their way in person to the municipality, or to a mailbox.

Finally, the investigation revealed a lack of clear criteria in terms of which records can be made available for purchase, resulting in a broad and inconsistent application across municipalities.

The report makes three recommendations to municipal governments to address issues with fee payment options, staff training on routine disclosure and FOI processes, and publishing meaningful categories for routine disclosure. A fourth recommendation is directed toward the provincial government to establish clear criteria that would help municipalities, and other public bodies, determine which records should be provided for purchase and associated costs.

“I call on municipalities to review their record holdings, and carefully consider whether records should be released as a matter of routine, without a request, through the freedom of information process, or made available for purchase,” said BC Information and Privacy Commissioner Michael Harvey.

While the report is directed toward municipal governments, the OIPC encourages other public bodies across BC to review the report and implement relevant recommendations.

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/_aeaJ8jNWgE

A fact sheet summarizing the report is available here:

<https://www.oipc.bc.ca/resources/infographics/>

A guidance document on setting up a proactive disclosure program is available here:

<https://www.oipc.bc.ca/documents/guidance-documents/2914>

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