



October 4, 2011

Honourable Dr. Margaret MacDiarmid
Minister of Labour, Citizens' Services
and Open Government
PO Box 9067 Stn Prov Govt
Victoria BC V8W 9E2

Dear Minister MacDiarmid:

Re: *Freedom of Information and Protection of Privacy Act Amendments*

I write regarding the proposed amendments to the *Freedom of Information and Protection of Privacy Act (FIPPA)* tabled in the Legislative Assembly on Tuesday, October 4. I am very pleased that the Legislature will be debating access and privacy issues and that the proposed amendments implement a number of recommendations made by the Special Committee of the Legislature to Review *FIPPA*.

In relation to access, I am very supportive of the requirement in the proposals for public bodies to implement Open Government initiatives. It is my stated intent to work with public bodies to develop timely and easily accessible information, without the need for a formal access request. I will also evaluate whether public bodies' proactive disclosure programs reflect best practices.

In relation to privacy, the proposed amendments strike a workable balance between government's operational needs to share data for the purposes of integrated service delivery with appropriate oversight by the Information and Privacy Commissioner. I will work with government to develop a new information-sharing code of practice and new regulations for data linking, as well as other matters to be prescribed by regulation.

I have concerns that new regulations for data linking would not apply to the integrated health sector but I have a commitment from the Ministry of Health to discuss rules for data linking that would apply, as well as the possibility of new stand-alone health information legislation. I will push for the highest standards of health privacy and will report publicly on the outcome of these discussions.

The proposed mandatory requirements for privacy impact assessments and prior notice of integrated programs and data-linking initiatives are critical to ensure privacy risks are identified and properly addressed. Our intention would be to develop guidelines for public bodies on the types of information that my office would require in order to be able to review and comment on their privacy impact assessments.

I appreciate that my office was consulted during preparation of the proposed amendments prior to their introduction in the Legislature. I will be encouraging British Columbians to inform themselves about these important amendments, particularly the new requirements for Open Government initiatives and greater oversight by my office of the sharing of data by government.

Sincerely,

ORIGINAL SIGNED BY

Elizabeth Denham
Information and Privacy Commissioner
for British Columbia

pc: Honourable Bill Barisoff
Speaker of the Legislative Assembly

Honourable Rich Coleman
Government House Leader

Douglas Routley, MLA – Nanaimo-North Cowichan
Opposition Critic

Members of the Legislative Assembly