



October 15, 2012

Craig James  
Clerk of the Legislative Assembly  
Parliament Buildings  
Victoria BC V8V 1X4

Dear Craig James:

**Re: Policy or Issue Consultation – MLA Expenses; OIPC File F10-42976**

I write further to our communications regarding the issue of proactive disclosure of MLAs' expenses, including constituency expenses.

I appreciate the opportunity to provide my comments on an issue that I believe to be of considerable public importance. There is significant evidence that citizens expect elected officials to demonstrate the highest standards of integrity, accountability, transparency and prudent stewardship of public funds. The Legislative Assembly now has an opportunity to provide leadership in these important matters at a time when the public is keenly interested in both open government and proactive disclosure. Moreover, I am confident that the disclosure of MLAs' expenses can be done in a manner that meets the goals I have outlined while protecting the privacy of MLAs' employees as required under the *Personal Information Protection Act* (PIPA). Since under PIPA these employees have a right to privacy of their personal information, including their salaries, I believe the public interest on this issue is to try to balance the right to privacy and the need for disclosure.

As we discussed during our September 27, 2012 meeting, since MLAs have very few employees, it could be relatively easy to discern the salaries of specific employees if these salaries were disclosed as a single figure. To protect employee privacy, where an MLA employs fewer than three staff members, I suggest that the MLA should only publish salary and benefit information in combination with other expenses. However, salary and benefit expenses should not be combined with expenses involving lease costs or expenses relating to advertising, communications or outreach as there is a public interest in seeing these amounts disclosed on their own.

I have reviewed your suggestion to combine employee salary and benefit expenses with office administration expenses and, perhaps, office supplies and furnishing expenses. I offer the following comments on that suggestion:

1. Including office administration expenses and professional development expenses in this combined category with employee salary and benefit information would mitigate the privacy concerns I have raised without undermining the intent behind disclosure.
2. Office supplies and furnishing expenses should be disclosed as a separate category, thus, not be combined with employee salary and benefit information.
3. MLA Bob Simpson and the Honourable Mike de Jong include different content in their categories entitled "office administration." In my opinion, all the items listed by both MLAs could be included as office administration expenses (i.e. mail, phone, internet charges, IT and office support, website fees, staff cell phones, security, janitorial services and staff mileage/travel expenses).
4. The reporting of MLAs aggregated expense information on a quarterly basis, consistent with the province's financial reporting practices, I believe, strike the appropriate balance between providing the public with meaningful and timely transparency while mitigating the ability to deduce any particular employee's salary information.

I would also encourage you to publish the data in open formats to allow citizens to search and compare the data with ease.

Finally, I encourage you to periodically evaluate all components of MLA expense reporting to ensure they meet the standards of public disclosure.

Thank you for your efforts to promote proactive disclosure. I am encouraged by the commitment of the Legislative Assembly to increase transparency and openness of elected officials. Please contact my office if you have any additional questions.

Sincerely,



Elizabeth Denham  
Information and Privacy Commissioner  
for British Columbia

pc: Honourable Bill Barisoff  
Speaker of the Legislative Assembly