



February 26, 2013

Honourable Shirley Bond
Minister of Justice and Attorney General
Room 232, Parliament Buildings
Victoria BC V8V 1X4

Dear Minister Bond:

Re: Bill 12 – *Community Safety Act*

I write to comment on Bill 12, the *Community Safety Act* (“CSA”), which has been tabled before the Legislative Assembly.

I understand the important public safety objectives of the CSA. Its purpose is to assist communities in stopping illegal activities, such as drug production, in their neighbourhoods. Under this proposed legislation, individuals would be able to complain about harmful activities occurring on a specific property to the director of community safety, who would have the power to investigate or mediate the complaint, or apply to the court for a community safety order respecting that property.

As it is currently drafted, s. 8(1) of the CSA would require a person to keep the identity of a complainant confidential unless the complainant provided written consent for this disclosure. Pursuant to s. 8(2), the requirements relating to confidentiality and consent in the proposed CSA explicitly override the *Freedom of Information and Protection of Privacy Act* (“FIPPA”). I find this legislative override both puzzling and troubling.

In my view, the existing provisions in FIPPA are adequate to protect complainants under the CSA. Section 22 of FIPPA provides a basis upon which public bodies can be required to withhold information when it would be harmful to personal privacy. Moreover, this legislative override effectively takes away a citizen’s right of access under FIPPA.

Legislative overrides frustrate the purposes of FIPPA and threaten to upset the balance between access to information and confidentiality that was so deliberately designed by its drafters 20 years ago. For this reason, I respectfully recommend removing this unnecessary legislative override of FIPPA contained in s. 8 of the proposed CSA.

Consistent with our longstanding practice when commenting on a Bill tabled in the Legislative Assembly, I am providing a copy of this letter to the Opposition Critic for your ministry. In addition, a copy of this letter will be posted on my office's website.

Sincerely,



Elizabeth Denham
Information and Privacy Commissioner
for British Columbia

pc: Leonard Krog, MLA – Nanaimo
Opposition Critic for the
Ministry of Attorney General