



OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
for British Columbia

Protecting privacy. Promoting transparency.

Job Profile:

Investigator

Classification:	Applied Leadership	Position:	Multiple
Reports to:	Assistant Commissioner, Investigation & Mediation	Location:	Victoria

Context

Reporting to the Assistant Commissioner, Investigation & Mediation, the Investigator investigates and mediates access to information disputes filed under the *Freedom of Information and Protection of Privacy Act (FIPPA)* as well as investigates and attempts to resolve privacy complaints received under the *Personal Information Protection Act (PIPA)*. The Investigator may comment on matters affecting access and privacy rights in the public and private sectors, including proposed legislation, policies, programs, the implementation of new technologies and establishes a liaison with newly proclaimed public authorities and assists them to set up and maintain effective internal complaint handling and dispute resolution mechanisms. The position functions with considerable independence within delegated authority under *FIPPA* and *PIPA*, relevant policies issued by the Information & Privacy Commissioner, and the principles of administrative fairness and common law.

Accountabilities

- Investigates and mediates access and privacy disputes between individuals and public bodies through delegated authority under *FIPPA*, including gathering evidence, ascertaining positions of parties on issues, investigating means of settlement, formulating proposals, gaining all party agreement with terms of settlement, and preparing file reports.
- Investigates complaints from the public concerning access and privacy disputes involving private organizations pursuant to *PIPA*, gathers relevant information, attempts to informally resolve the complaint if possible, and makes formal findings with respect to the complaint (if required).
- Makes a determination as to whether or not a matter should proceed to inquiry, in matters where mediation is not successful under *PIPA* or *FIPPA*.
- Prepares for hearings by summarizing relevant facts, outlining positions of parties, identifying issues to be resolved, and notifying third parties and affected persons of their rights to participate in the hearing.
- Provides comment to public and private organizations covered by either *FIPPA* or *PIPA* to assist them in complying with their responsibilities under the legislation and works with FOI officials in those public bodies and privacy officers in those organizations to address issues relating to access to information and the protection of personal privacy.
- Provides comment to public bodies, agencies and private organizations on the access and privacy impacts of proposed legislation, policies, programs, and services including the introduction of new processes and technologies.

- Assists individuals in the filing of appeals by explaining the provisions of *FIPPA* and *PIPA*; outlining procedures, required processes, and the roles performed by government and private sector officials and the Information and Privacy Commissioner; determining the key issues to the dispute; and making referrals as necessary.
- Liaises with newly proclaimed public authorities and assists them to set up and maintain effective internal complaint handling and dispute resolution mechanisms.
- Conducts specific research including case law and other jurisdiction's precedents and obtains background information for the Information and Privacy Commissioner, Assistant Commissioners or Senior Investigators.
- Engages in public education and outreach programs for public and private organizations by developing and delivering training sessions, workshops, and seminars and undertaking public speaking engagements on access and privacy rights and obligations.
- Remains current on *FIPPA*, *PIPA* and emerging information and privacy protection legislation, regulations and policies within British Columbia, and in other jurisdictions and keeps up-to-date on related jurisprudence and case law.
- Maintains contacts and links with a number of internal and external contacts, including: government agencies (senior FOI officials in ministries, crown corporations, boards, commissions and agencies, school districts and educational institutions, local governments, health boards, and other public bodies); private organizations (corporations, trade unions, trusts, not-for-profit organizations, and unincorporated associations); and the general public

Qualifications

Education and Experience:

- University Degree in a related field (e.g. law, public administration, political science).
- Two plus years of experience conducting investigations, which includes experience assessing evidence and formulating recommendations or findings based on written reasons.
- Two plus years of implementing the *Freedom of Information and Protection of Privacy Act* (FIPPA) and/or the *Personal Information Protection Act* (PIPA) and/or evaluating compliance with FIPPA or PIPA.
- Experience working with a broad cross-section of the public sector.
- Preference may be given to those who have experience or formal education in conflict resolution.

Knowledge and Abilities:

- Comprehensive knowledge of privacy laws and principles, FIPPA and PIPA, and the mandate of the Information and Privacy Commissioner.
- Knowledge of the latest trends, developments, issues, legal decisions and precedents relating to access to information and protection of privacy.
- Comprehensive knowledge of the rules of natural justice and administrative fairness.
- Demonstrated negotiation and mediation skills to resolve issues in a manner that is fair and equitable to both complainants and public authorities.

- Strong investigative skills including the ability to prepare investigative plans, gather evidence, establish fact patterns, and identify relevant policies and procedures.
- Effective written and oral communication skills and the ability to communicate complex ideas clearly and concisely in written reports and correspondence and in discussions with complainants and senior officials within and outside of the office.
- Ability to use a variety of computer programs including word processing.
- Proven ability to work independently and manage a diverse and demanding workload.
- Proven ability to work effectively as part of a team and to develop effective working relationships with colleagues, complainants, and contacts in the assigned portfolios.
- Ability to act proactively as well as to use tact, discretion and sound judgement.

Competencies:

- **Service Orientation** implies a desire to identify and serve customers/clients, who may include the public, co-workers, other branches/divisions, other ministries/agencies, other government organizations, and non-government organizations. It means focusing one's efforts on discovering and meeting the needs of the customer/client.
- **Results Orientation** is a concern for surpassing a standard of excellence. The standard may be one's own past performance (striving for improvement); an objective measure (achievement orientation); challenging goals that one has set; or even improving or surpassing what has already been done (continuous improvement).
- **Analytical Thinking** is the ability to comprehend a situation by breaking it down into its components and identifying key or underlying complex issues. It implies the ability to systematically organize and compare the various aspects of a problem or situation, and determine cause-and-effect relationships ("if...then...") to resolve problems in a sound, decisive manner. Checks to ensure the validity or accuracy of all information.
- **Problem Solving/Judgement** is the ability to analyze problems systematically, organize information, identify key factors, identify underlying causes and generate solutions.
- **Negotiating/Conflict management** involves knowledge and skills to engage in two-party/multi-party negotiations and to facilitate third-party intervention or mediations into conflict situations.
- **Communicating Effectively** involves good presentation skills (verbal and written), careful listening, problem framing and use of presentation technologies.
- **Teamwork and Co-operation** is the ability to work co-operatively within diverse teams, work groups and across the organization to achieve group and organizational goals. It includes the desire and ability to understand and respond effectively to other people from diverse backgrounds with diverse views.

BC's Information and Privacy Commissioner

Promoting and protecting the information and privacy rights of British Columbians.

<http://www.oipc.bc.ca/>