

B.C. privacy responses taking step backwards, says commissioner's report

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B.C. Information and Privacy Commissioner Elizabeth Denham says provincial government response to access to information requests is getting slower.

Photograph by: DARREN STONE, VICTORIA TIMES COLONIST

VICTORIA — Outdated government policies on sharing and managing information are choking off the fulfilment of thousands of information requests made by British Columbians every year, says a report released Tuesday.

Information and Privacy Commissioner Elizabeth Denham said her report raises concerns about the ongoing backward steps contributing to increasing delays in the legislated 30-business-day deadline to complete access to information requests.

The 67-page report, *Backwards: Report Card on Government's Access to Information Responses*, states in the past two years on-time access to information response requests have dropped from 93 per cent to 74 per cent.

The report concluded the four government ministries with the lowest on-time rates were: Justice, 72 per cent; Energy and Mines, 66 per cent; Jobs, Tourism and Skills Training, 65 per cent; and Ministry of Children and Family Development, 52 per cent.

The report said the completion of access requests suffered significantly in the last fiscal year with the children's ministry ranking lowest and slowest of the 19 ministries.

"This is an alarmingly low statistic that reveals that for nearly half of all access requests, (the children's ministry) is taking too long to respond to its access to information requests," stated the report.

In 2012/13, no ministry was below the current government average on-time rate of 74 per cent, the

report said.

Access to information requests have increased by 63 per cent between 2008 to the fiscal year 2013/14, the report stated.

Denham said the delays in response times for information frustrates those who file the requests and erodes the public's right to know.

"I'm concerned that it's a trend and the issues are systemic," she said in an interview. "It's the law and one-in-four requests are responded to outside of the legal limits, and I think that's a serious problem for the public."

Denham said she's also troubled by the government's record management and the deletion of emails that staff consider short term in nature. She suggested government officials make sure the documents are archived.

The report makes seven recommendations, including ensuring government builds access and privacy into any new information management system.

"What this speaks to is the need for British Columbia to develop a modern, statutory framework for information management that addresses the full life-cycle of a record, from creation and management through to final disposition and archiving," the report stated.

Such a system would fundamentally improve government's ability to respond to requests, the report concluded.

The report also recommends allowing more public access to the calendar and appointment records of cabinet ministers and senior public officials to loosen the load of officials processing other access to information requests.

Requests to view calendar information — filed primarily by other political parties — accounts for 75 per cent of the overall increase in access requests over the past two years, the report stated.

"You wouldn't want any security risks, for example, people to figure out where an official is always going to be on a second Tuesday of a month, but I think most information on a calendar going through an FOI request is releasable," she said.

Technology, Innovation and Citizens' Services Minister Andrew Wilkinson said in a statement the government is always looking for ways to improve access to information for British Columbians.

The statement does not say if the government will heed Denham's suggestion and release minister and bureaucrat calendar information. Wilkinson could not be immediately reached for comment.

The Freedom of Information and Privacy Association said in a statement that the government must move immediately to stop the backward trend.

"It's disgraceful," said executive director Vincent Gogolek. "This type of backsliding is not acceptable, and the government has to act immediately to remedy this situation."

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