



ASSOCIATION OF
ADMINISTRATIVE +
PROFESSIONAL
STAFF AT UBC

Submission by the

Association of Administrative and Professional Staff of
The University of British Columbia

to the

Ministry of Citizens' Services

regarding

B.C. Freedom of Information and Protection of Privacy Act
Reform

April 9, 2018

The Association of Administrative and Professional Staff of The University of British Columbia is the professional association for the Management and Professional staff group at UBC. Our over 4,500 members play vital roles in every function of the University. They provide leadership and professional expertise to UBC's central service departments as well as within academic faculties and on research initiatives. Our members are located at UBC's two main campuses at Point Grey in Vancouver and the Okanagan Campus. They also work at hospitals and on research sites around the province.

The Freedom of Information and Privacy Act (FOIPPA) has two purposes, both impact our members.

1. To ensure that public bodies safeguard the private information of individuals.
2. To ensure that the general public has ready and available access to non-private information that is of broad public interest.

Both of these concerns are important.

The majority of our interaction with (FOIPPA) centres around our members and their employer, The University of British Columbia (UBC). We file Freedom of Information (FOI) requests to the University, and we also defend members whose privacy has been violated by their employer.

Based on our experiences and the experiences of our members, The Association of Administrative and Professional Staff of The University of British Columbia (AAPS) recommends that the BC Ministry of Citizens' Services:

- 1. Ensure that all public bodies such as Crown corporations, universities, health bodies, and municipalities covered by the Act are required to follow government standards with regards to procedures and reporting.**
- 2. Ensure that the Office of the Information and Privacy Commissioner can censure organizations that violate the Act, particularly in cases of a pattern of behavior.**
- 3. Focus on legislation and procedures that would see timelines of the Act be strictly enforced.**

We hope that through this process, the Provincial Government will be able to create legislation that supports all employees regardless of who their employer may be and ensure that Freedom of Information is enshrined as a democratic right and public service.

1. Ensure that all public bodies such as Crown corporations, universities, health bodies, and municipalities covered by the Act are required to follow government standards with regards to procedures and reporting.

Public bodies need to be held to the same standards as the government in regards to FOIPPA. They also need to share the government's approach and treat FOI requests as part of their public service. Public organizations need to be responsible for safe-guarding the private information of individuals. There is currently no real and effective mechanism to hold these organizations accountable.

Such lack of accountability and avenues of support have led one of our members to go through the court system to remedy a privacy breach by their employer. It should not be the court system, but the Office of the Information Privacy Commissioner (OIPC) that our member could have turned to for resolution. The OIPC should have been able to resolve this breach in a timely, affordable, and effective manner.

While AAPS is able to support our members both professionally and financially through legal proceedings, not every individual or representative organization can. This highlights the lack of democracy in the current FOIPPA legislation. New legislation needs to ensure democratic processes are in place for resolving privacy breaches of all public bodies. The burden should not be placed on individual citizens.

Public Bodies should be legislated to report incidents to the OIPC and be required to notify affected individuals in the event of a privacy breach.

Staff at public organizations who oversee privacy policies and processes as well as FOI requests should be well trained in their roles. They should have the same level of training and similar processes to that of the Information Access Operations (IAO).

The provincial government needs to hold public bodies accountable as well as support their training and development. The government, through the OIPC, should form a team that can go into public sector organizations for training and help manage specific crises. The government should be working with their public sector counterparts to ensure that the citizens of British Columbia experience the same level of transparency and accountability.

2. Ensure that the Office of the Information and Privacy Commissioner can censure organizations who violate the Act, particularly in cases of a pattern of behavior.

For legislation reforms to be effective for the people of British Columbia, the government must ensure that the OIPC is adequately staffed and funded. The OIPC should not only investigate complaints but should also be examining patterns of continuous violations by organizations and set a fine structure that will deter ongoing violations of the Act.

There also needs to be a way for the OIPC to hold individuals accountable for the decisions and actions that break or block access. Certain public institutions may believe that they are able to act like private sector businesses, but as public entities, funded by taxpayers, these organizations need to hold themselves to the same standard as the government.

3. Focus on legislation and procedures that would see timelines of the Act be strictly enforced.

One of the major challenges for AAPS and organizations like us is that the timelines for FOI requests are repeatedly disregarded. We help our members work through employment issues and violations. Delays made by the employer in releasing pertinent information that members and their representatives are entitled to, take an irreparable toll on our members. Their cases are frequently dragged out for months and even years because public sector organizations like The University of British Columbia (UBC) are simply not respecting existing timelines. Organizations need to be held accountable for timeline compliance.

The current legislation states that FOI requests will be responded to within 30 working days. In our experience, UBC regularly takes up to one full year to comply with FOI requests. This should be unacceptable, and there should be some recourse for organizations who flagrantly disregard legislated timelines.

Again as a larger, collectively funded member organizations, we are able to wait out these timeline abuses and still resolve our cases and requests. While this does take our resources away from other association matters, we are in a better position than individuals and smaller organizations to absorb these kinds of costs.

If the government is serious about having legislation to protect privacy and allow access to information that is transparent, accountable, and democratic then changes will need to be made to the current legislation that requires all public bodies to fully comply with FOIPPA.

ABOUT THE ASSOCIATION OF ADMINISTRATIVE AND PROFESSIONAL STAFF OF THE UNIVERSITY OF BRITISH COLUMBIA

The Association of Administrative and Professional Staff of The University of British Columbia (AAPS) is the professional association for the Management and Professional Staff group at UBC.

Management and Professional Staff (M&P Staff) play critical roles in every function of the University. Their leadership and professional expertise are essential to a world-class institution of learning, research, innovation, and community engagement.

AAPS members are highly qualified professionals overseeing information technology; conducting and facilitating research; directing academic and community programs; managing facilities and infrastructure; guiding and supporting students as academic advisors, counsellors, coaches, program administrators, career and co-op advisors, and travel abroad program coordinators. AAPS members lead industry initiatives and seek partnerships with the broader community for economic development, education, and communication.

AAPS is the legal bargaining agent for the M&P Staff group and represents its over 4,500 members in collective bargaining and dispute resolution with the University.

AAPS supports members in resolving workplace issues and strives to improve their work experience at UBC. The Association also creates a connected community of members through networking and professional development opportunities.

AAPS is registered under the B.C. Societies Act.



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