

History of FOI in BC

The BC Freedom of Information Act

In 1992, the BC Freedom of Information and Protection of Privacy Act (FOIPPA) was passed. The Act was intended to allow citizens to request copies of government records and receive them in a timely and affordable manner.

Then-Attorney General Colin Gableman said the Act will “empower citizens so that they can fully exercise their democratic rights. The reality is that if government has information which is denied to citizens, it becomes extremely difficult to make informed judgments about government policy or to endeavour to influence public policy.”¹

Over the last fourteen years, the Act has been used by thousands of people: citizens adversely affected by government decisions, journalists working to uncover corrupt government deals, environmental organizations fighting to protect endangered species, opposition parties working to hold the government accountable, and many others.

[Click here to read the FOIPP Act.](#)

The Act under Attack

Unfortunately, since its creation, the Act has been under attack, first by the former NDP government led by Glen Clark, and now by the BC Liberals. As a result, over the past 10 years a government “culture of denial” has developed that employs every possible tactic to discourage and delay requests for information that it considers in any way “sensitive”. This begs the question, why do governments choose secrecy over openness and public engagement?

The BC Liberals were elected in 2001 with positive intentions toward freedom of information. They promised to be “the most open, accountable and democratic government in Canada.”² They promised a new era of accountability that would “deliver real, transparent, [and] accountable government.”³

Following the election, the Liberals broke this pledge almost immediately by slashing the Office of the Information and Privacy Commissioner’s budget by 35 percent over three years (the Commissioner is an Officer of the Legislature and oversees privacy issues and FOI requests). The Office was forced to cut its staff to a skeleton crew of just 17. As a comparison, the office of the Alberta Commissioner, with about one-quarter the workload, has a staff of 30 and almost twice the budget.

Unfortunately, conditions have not improved much. When inflation is accounted for, the real terms funding in 2006/2007 by the BC Liberal government to the Office of the Information and Privacy Commissioner was more than \$100,000 less than it was in 2001/2002.

The Liberal government also took steps to increase Cabinet secrecy by amending the FOIPP Act to extend traditional Cabinet secrecy to Liberal Caucus Committees. This step was without precedent in BC history,

Two other sets of Liberal amendments to the FOIPP Act gave public bodies more time to respond to FOI requests. Here are some examples:

Previously, public bodies had to respond to requests within 30 days; now they have 30 "working" days. The clock may be stopped on the above time limit for a large number of reasons, including the transfer of an FOI request from one body to another. The allowable time for an above transfer of a request has been doubled to 20 days.

Today, fewer than half of FOI requests for general information are processed within the required 30-day time period.

The Liberals have also greatly increased fees for FOI requests. In 2005 a Tye request for a copy of the provincial government's contract with Maximus Ltd received a price tag of \$1,200.00. The Sierra Legal Defence Fund was quoted a fee of \$172,000 for access to information about the top corporate polluters in the province. This information was formerly provided routinely and free of charge by the NDP government — a practice that was discontinued when the Liberals took office in 2001.

These fee increases have resulted in a drastic decline in the number of FOI requests. In 2002 there were 302 FOI requests made by interest groups, in 2004 this number was down to 143. The irony is that in 2000, when the BC Liberals were in the Official Opposition, they were responsible for 30% (or 734) of the total of FOI requests that year.

¹British Columbia, Legislative Assembly, Hansard, Vol. 4, No. 20, (18 June 1992) at 2737 (Colin Gabelmann)

²New Era Document, pg 3

³ibid pg. 8