

BULLETIN

THIS EDITION: INTEGRATED CASE MANAGEMENT, ATIA CONSULTATIONS ANNOUNCED, IBM CONTRACT + MORE

FIPA, ALLIES CALL FOR PUBLIC INQUIRY INTO INTEGRATED CASE MANAGEMENT SYSTEM

After years of warning about the privacy and other dangers of the BC Government's Integrated Case Management system, several non-profit groups and privacy advocates have written to Premier Christy Clark seeking a public inquiry into the now \$200 million project. The letter to the Premier is [available through FIPA's website](#).

Groups signing the letter include FIPA, BC Society of Transition Houses, Positive Living BC, the BC Coalition of People with Disabilities and ASPECT, the umbrella group for BC's employment training organizations. The BC Civil Liberties Association also wrote to the premier asking for a public inquiry. Their letter can also be found [through FIPA's library](#).

Implementation of the ICM system began in April 2012, and almost immediately there were huge problems with its most basic functions.

The system was designed as a comprehensive personal data sharing environment involving not just the provincial government, but also hundreds of independent community organizations contracted to provide government services. With the government becoming ever more 'horizontal,' it claimed there was a need for access to more and more personal information in order to provide 'citizen centred services.' As for concerns about privacy and the widespread linkage of our personal information, according to proponents like Chief Information Officer Dave Nikolesjin, the ICM system was to provide "the right information, to the right people, at the right time."

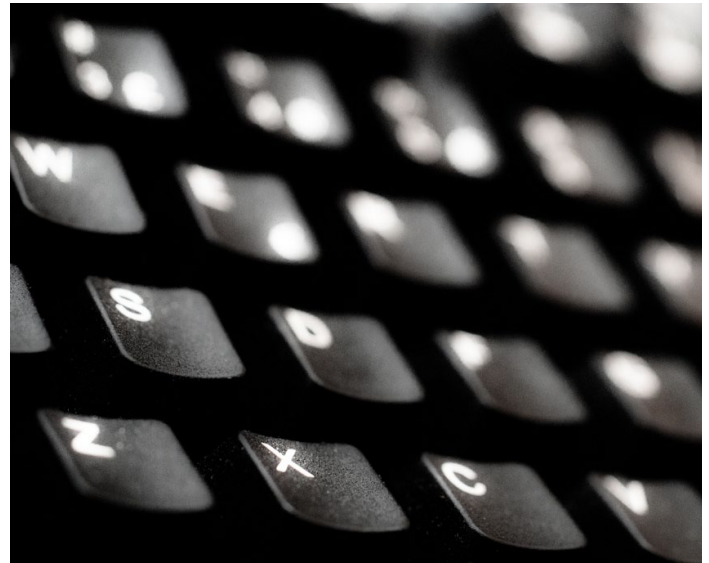


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"...there has been a litany of concerns expressed about the system, such as whether sensitive personal information is being properly captured, training difficulties, and 'overwhelming' technical issues"

Instead, as described in a [scathing statement](#) from the Representative for Children and Youth, Mary Ellen Turpel-Lafond, there has been a litany of concerns expressed about the system, such as whether sensitive personal information is being properly captured, training difficulties, and "overwhelming" technical issues. She referred privacy issues to Information and Privacy Commissioner Elizabeth Denham, and still others to Auditor-General John Doyle.

The government responded to the statement by the Representative by promising \$12 million in additional funding, and 150 additional social workers to cover the extra workload the system has imposed.

Last fall, the government amended the *Freedom of Information and Protection of Privacy Act* (FIPPA) to make this system possible, despite warnings about the dangers to

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Your support of FIPA is essential in the fight for democratic FOI and privacy policy- Here's how you can help:

- > **BECOME A MEMBER**
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personal privacy rights and the high profile failures of similar projects in the past.

FIPA has been warning about the danger of the ICM for years. A 2010 report by FIPA entitled *Culture of Care...or Culture of Surveillance?* sets out serious concerns about the system, regarding privacy rights and its potential effect on social services and the independent community service organizations that provide them.

That report can be downloaded for free [from our library](#).

“In terms of training and daily use, the ICM and related systems have proven to be failures,” says FIPA Executive Director Vincent Gogolek. “This is quite apart from the very serious dangers it poses to privacy rights, which Commissioner Denham is now looking into. We need a public inquiry to look at all the failings of the system.”

The problems with the ICM are vast, and go to system's very concept, design and technological architecture. There are three more phases of the ICM still waiting to be rolled out, and we can't afford to keep putting band-aids on a gaping wound.

FEDERAL INFORMATION COMMISSIONER ANNOUNCES ATIA CONSULTATIONS



Commissioner Legault. Photo: Michelle Valberg

Early last month, Canada's *Access to Information Act* celebrated its thirtieth anniversary. To mark the occasion, federal Information Commissioner Suzanne Legault announced a “detailed review” of the Act, set to begin sometime in the fall.

Legault's announcement comes at an important time in the history of Canadian ATI and FOI legislation. As governments around the world step up their commitments to flashy Open Government and Open Data schemes, existing information freedom policies are falling into disrepair.

Legault commented in a July 6th news release that, despite Canada's “trailblazer” reputation on information rights 30 years ago, current investigations reveal “a number of deficiencies in the law which hampers the development of a truly open government.”

Many of these deficiencies can be attributed to the many failed or ignored attempts to reform the act over the past decade. Some might recall the efforts of Legault's predecessor, Robert Marleau, who in 2009 identified twelve essential steps for reforming the ATIA to avoid an information management crisis.

The Commons Access to Information, Privacy, and Ethics committee even managed to overcome party differences to issue a report voicing unanimous support for action in response to Mareleau's warnings. In a stunning move, however, Justice Minister Rob Nicholson turned his back on his own MPs and rejected every single recommendation.

More recent efforts at reform, such as a joint letter penned by Canada's information commissioners, have been similarly stonewalled by the President of the Treasury Board, Tony Clement.

ATI legislation exists to protect the information rights of citizens, so we want to know what you think should go into a reformed ATIA.

Despite this grim track record, FIPA remains hopeful that Legault's newest round of consultations will be fruitful and lead to much-needed changes to the act. FIPA intends to intervene in the process as an association, but we want to hear from you, as well.

“Despite Canada's ‘trailblazer’ reputation on information rights 30 years ago, current investigations reveal ‘a number of deficiencies in the law which hampers the development of a truly open government.’”

If you've got ideas for how ATI in Canada can be changed for the better, share them with us. Get in touch at fipa@vcn.bc.ca.

The ATIA affects us all and preserves the health of our democracy. Let's ensure that this round of consultations doesn't repeat past mistakes.

NEW ID THEFT SUPPORT CENTRE LAUNCHED

It's no secret that identity theft is on the rise, both in Canada and around the world. As more and more of our personal information--everything from banking data to employment records--is funneled through mobile devices, online portals, and proprietary platforms, the chances of that information being skimmed for nefarious purposes increases.

this launch, victims can call into our Centre and receive guidance and support to help regain control of their lives.” He adds, “victims are typically left to figure things out on their own, which can take up to hundreds of hours and incur huge costs. We assist individuals free-of-charge, from start to finish in the process of identity recovery.”

Launched in early July, **The Canadian Identity Theft Support Centre (CITSC)** aims to stem this tide. By providing support to victims of ID theft, and advice to the public on how to keep personal information secure, the Centre equips citizens with the tools and know-how they need to keep prying eyes out of their data.

The Centre will operate as a non-profit organization and offers top quality victim support to individuals across the country.

Kevin Scott, President of the CITSC, says “Identity theft is the fastest growing crime in Canada and with

FIPA was instrumental in the creation of the CITSC and fully supports their initiatives. We hope that their work empowers Canadians to take control of their personal information and draws attention to the security gaps that often come with new technologies.

CITSC Online: Web: idtheftsupportcentre.org
Twitter: [@CITSC1](https://twitter.com/CITSC1)

QUESTIONS?

FIPA provides assistance, referrals, and support to the public on information rights issues free of charge. If you have FOI or privacy concerns, get in touch.

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INFO SUMMIT 2012

> September 19, 2012

> UBC Robson Square

> Infosummit.ca

Followers of FIPA's work will no doubt recall that we have kept a close eye on the BC Government's new "Government 2.0: Citizens @ the Centre" initiative since its inception. A sweeping set of reforms, Government 2.0 seeks to dramatically rework how citizens access public services in this province by combining discrete databases and standardizing how information flows between ministries and service providers.

With the disastrous launch of the Integrated Case Management system (see page 1), it's clear that Government 2.0 and its various components are far from worry-free. New concerns and questions are emerging around the security and reliability of the system, especially in light of serious privacy breaches and difficulties with stratifying access.

That's why, on September 19th, FIPA is proud to present the 2012 BC Information Summit, *This Time, It's Personal: Freedom of Information and Privacy Under Government 2.0*. Taking place at UBC Robson Square, our fourth Info Summit will take a comprehensive, multi-faceted look at Government 2.0 and what it means for information rights in BC.

Government 2.0 is a wide-reaching initiative. It affects citizens, service providers, and government employees across a whole range of industries and sectors, from healthcare to housing.

The conference will feature a wide array of speakers drawn from a number of fields, who will be exploring how this new legal and practical landscape is playing out from a number of perspectives.

Full programming details for the Summit, along with

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registration, can be found online at infosummit.ca, but some highlights include:

- An opening keynote address from **BC Information and Privacy Commissioner Elizabeth Denham**
- An afternoon keynote exploring the new "Smart CareCard" from **Colin Bennett**, surveillance researcher and professor of Political Science at the University of Victoria
- Closing comments from **federal Information Commissioner Suzanne Legault**
- Panels featuring **Micheal Vonn** (Policy Director, BC Civil Liberties Association), **Herb Lainchbury** (founder of OpenDataBC.ca), **Gwen Barlee** (Policy Director, Wilderness Committee), and **Alexis Kerr** (Director of Legal Services & General Legal Counsel, Fraser Health Authority)

This outstanding team of contributors comes together at an important time. Information is moving faster and changing hands more often than ever before, making questions of privacy and security of paramount importance. Coupled with trends in government that make access and FOI procedures decidedly more complex, such as private-sector outsourcing, these forces are fundamentally redefining how we think about our information rights. Today, the opportunities offered by new technologies seem to run neck and neck with their risks.

How do we meet increasing demands on government services without compromising the need for privacy and security? What do legal practitioners, service providers, government employees, and citizens need to

know about their new information rights environment? What's changed, what does it mean, and how does it affect you? Get the answers to these questions and more at the 2012 BC Information Summit.

Full details at infosummit.ca. Registration is open now at infosummit.ca/registration. Get your seats early to make sure you get the information you need. Info Summit is accredited as a Continuing Professional Development Course by the Law Society of BC.

FIPA would like to thank our Info Summit **presenting partners**: UBC School of Library, Archival, and Information Studies, COPE 378, CUPE BC, BC Library Association, and BCGEU. We also rely on support from our **sponsors**: The Wilderness Committee, The Canadian Taxpayers Federation, The BC Coalition for People with Disabilities, Newspapers Canada, and The Trial Lawyers Association of BC. Thanks also to our **community & media partners**: The Tyee, OpenMedia.ca, Media Democracy Days Vancouver, and the BC Civil Liberties Association.



BC GOVERNMENT FINALLY RELEASES \$300 MILLION IBM CONTRACT

FIPA is happy to report that in July, after an exhausting and expensive eight-year legal battle, the BC Government has finally relented in its efforts to withhold details of their \$300 million Workplace Services Agreement with computing giant IBM.

The Agreement, originally signed back in 2004, was meant to provide extensive changes to government computer systems over ten years. Given that the contract was awarded using public funds, FIPA filed an FOI request for the agreement in the interest of increasing accountability and transparency around government spending. What followed was a nearly decade-long sparring match, in which the BC Government attempted to withhold the contract by citing a whole range of FOI exemptions and procedural arguments.

The government released bits and pieces of the contract over the years, with most of it coming out after an Order by the Commissioner's office in 2010. However, they sought judicial review of that Order in 2011, claiming the Commissioner was in error about the risk to the security of the government's computer systems.

In June, Justice J. Keith Bracken quashed the government's bid to withhold the final details of the agreement, essentially ordering its release. Rather than

appealing the ruling, the Government relented and on July 4th, released full details of the contract.

This is a huge victory for government accountability and transparency in British Columbia. While major service agreements such as the IBM contract might involve private sector corporations, they still rely on public dollars. Government expenditures to public bodies often, and rightly, come under close scrutiny to ensure they are carried out in the public interest. Contracts with private bodies should be no different. If it's our money in play, we should have the means to access information about how it's being used and why.

As governments in BC and across Canada contract more of their services out to the private sector, this kind of transparency is becoming more important than ever before. As we've seen with the disastrous launch of the ICM system, public-private partnerships can become incredibly volatile and even put citizens at risk. It's essential that we are able to see such agreements through FOI. Ideally, though, FIPA would like to see proactive disclosure of contracts become routine.

FIPA would like to thank Sean Hern of Farris Litigation and Brent Olthuis and Tam Boyar of Hunter Litigation for representing FIPA in our Supreme Court appearances throughout this long battle.

COMMISSIONER DENHAM LAUNCHES SECTION 25 INVESTIGATION AFTER FIPA, ELC COMPLAINT

In response to a submission to the Office of the Information and Privacy Commissioner by FIPA and the Environmental Law Clinic (ELC) at the University of Victoria, Commissioner Denham has launched an investigation into the widespread disregard of section 25 of the *FIPPA*.

Section 25 requires public bodies to proactively disclose information relevant to public health and/or environmental risks. The submission, prepared on behalf of FIPA by the ELC, outlines several cases over a two year period in which this mandate was ignored, putting the public at serious risk.

In 2010, for example, the Testalinden Dam in Oliver BC collapsed triggering an enormous mudslide that destroyed several homes. A Solicitor General's report on the incident revealed that the Ministry of Environment was aware of problems with the dam

for decades, yet in contravention of section 25, this information was never disclosed.

Luckily, no lives were lost in the Oliver collapse, but the problem of non-disclosure needs to be addressed.

“Ultimately, Commissioner Denham’s report could have a major positive effect, helping to protect British Columbians from future environmental and health risks.”

In response to this submission, Commissioner Denham has launched an official investigation. According to a news release posted to the OIPC website in late July, the investigation will commence this month and conclude with the release of a public report.

FIPA hopes that this investigation will promote the proactive disclosure of information relevant to the public interest and improve transparency across the province. Ultimately, Commissioner Denham’s report could have a major positive effect, helping to protect British Columbians from future environmental and health risks.

STAFF CHANGES AND NEW OUTLOOKS AT FIPA

For the past twenty years, FIPA has thrived under the watchful eye and passionate direction of Darrell Evans. A staunch defender of information rights and an unflagging devotee of the democratic ideal, Evans has led FIPA to some astonishing victories, including successfully lobbying for the passage of BC’s *Freedom of Information and Protection of Privacy Act*. His expertise and dedication have been the driving force behind FIPA since its creation in 1991.

With a tremendous track record in hand, Evans has now finished his time with FIPA and is working on pursuing related projects, including establishing the Canadian Institute for Information and Privacy Studies. He will also continue to support FIPA as a member of our advisory board.

Stepping into the role of Program Director is Tyler Morgenstern. Morgenstern comes to FIPA with a

background in project management and communications for non-profit organizations.

A graduate of and former outreach coordinator for the SFU School of Communication, he has held positions with OpenMedia.ca and Media Democracy Days Vancouver, where he has sought to engage diverse communities in discussions of information freedom and media democratization. Also an accomplished writer, Tyler counts The Huffington Post, The Mark, and The Toronto Star among his recent publication credits.

He is excited to explore new opportunities and directions for FIPA’s future, and is already initiating projects that will engage members more directly in our work and inspire collaborations with new organizations right across the country.

FIPA IN COURT FIGHT OVER IMPROPER USE OF CREDIT CHECK INFORMATION

Insurance company Economical Mutual is appealing an Order from the OIPC that they must get actual consent from their customers to use customers' credit information to determine risk for insurance.

The adjudicator ordered Economical Mutual to stop using personal information it had collected in contravention of PIPA, as well as to review the consents it provided to insurance applicants and to provide adequate notice to its applicants.

Once it has provided adequate notice and obtained the consents, Economical may resume collecting and using credit scores. (The order can be [downloaded from the OIPC website](#))

FIPA intervened on the side of the consumer/complainant in this case, which will be heard in October. Joseph McArthur and Anthony Purgas of Blake, Cassels and Graydon in Vancouver are representing FIPA pro bono in this case, courtesy of Access ProBono of BC.

FIPA INTERVENING IN ELECTION ACT REFERENCE IN BC COURT OF APPEAL

FIPA has been granted intervenor status in the reference on the constitutionality of the latest government amendments to the Election Act.

The amendments are to replace parts of the previous law, which were struck down by the courts for infringing upon freedom of expression.

FIPA's primary concerns are the extremely broad definition of what constitutes "election advertising" and the requirement that anyone producing anything falling within that definition must register with Elections BC before exercising their right to free speech.

The reference will be heard in September. FIPA will be represented pro bono by Sean Hern of Farris Vaughn.

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