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# The Freedom of Information and Protection of Privacy Act

Enacted in 1992, the **Freedom of Information and Protection of Privacy Act** was British Columbia's first personal information protection legislation. The Act governs provincially-regulated public bodies, including provincial government ministries, school districts, health authorities and hospitals, colleges and universities, municipal governments and other provincial government corporations, agencies and regulatory bodies designated in **Schedule 2** and **Schedule 3** of the Act.

FIPPA primarily serves two purposes. First, it seeks to make governments more transparent and accountable by providing members of the public with a right to access records and information within government control. Its second purpose is to establish and provide the enforcement of appropriate standards for the collection, use, disclosure and protection of personal information.

The purposes of FIPPA are set out in section 2 of the Act, which states:

## **FIPPA, section 2**

1. *The purposes of this Act are to make public bodies more accountable to the public and to protect personal privacy by
  - a. giving the public a right of access to records,
  - b. giving individuals a right of access to, and a right to request correction of, personal information about themselves,
  - c. specifying limited exceptions to the right of access,
  - d. preventing the unauthorized collection, use or disclosure of personal information by public bodies, and
  - e. providing for an independent review of decisions made under this Act.*

## FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY REGULATION

FIPPA is augmented by the **Freedom of Information and Protection of Privacy Regulation** which is utilized to clarify the interpretation of FIPPA provisions, as required.

The regulation includes, but is not limited to, clarification of:

- Who may act for a minor.
- Who may act for an adult.
- Who may act for a deceased individual.
- Disclosure relating to mental or physical health.
- Disclosure for audit purposes.
- Purposes for collecting personal information.
- Consent respecting personal information.
- Privacy breach notifications.

## FIPPA LEGISLATIVE REVIEW AND AMENDMENTS

Every six years, the **Freedom of Information and Protection of Privacy Act** is reviewed by the Provincial Legislature, which invites and accepts submissions from public bodies, organizations and individuals about changes that may be needed to make the Act more current or to respond more effectively to social, technological or other changing circumstances.

In 2021, the Act was amended to impose new requirements on public bodies to better support privacy compliance within British Columbia's public sector. One of those requirements, which came into force on February 1, 2023, creates an obligation to implement and enforce a Privacy Management Program.

This manual is intended, in part, to provide school districts with guidance on how to establish a Privacy Management Program or "PMP".

## FIPPA OVERSIGHT

The **Office of the Information and Privacy Commissioner (OIPC)** provides independent oversight and enforcement of BC's access and privacy laws, including FIPPA.

The guidance document **Accountable Privacy Management Management in BC's Public Sector** details OIPC expectations of public bodies for their PMP programs. The OIPC website also includes a library of **Guidance Documents** on a variety of topics to help clarify compliance requirements.