



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
for British Columbia

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INVESTIGATION REPORT F13-03

**EVALUATING THE GOVERNMENT OF
BRITISH COLUMBIA'S
OPEN GOVERNMENT INITIATIVE**

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Executive Summary

This report evaluates the Government of British Columbia's open government initiative and whether it promotes transparency and accountability in practice. I make eighteen recommendations to strengthen BC's open government initiative and ensure its sustainability over the long term.

In July 2011, Premier Christy Clark announced an open government initiative for the Province of British Columbia that includes an open information policy, a disclosure log of government's responses to access requests, and an open data policy. This report evaluates each of these aspects of BC's open government program.

With respect to open information, the only open information government is disclosing on its website to date is travel expenses of ministers and deputy ministers. I recommend government proactively disclose hospitality expenses, calendars, contracts and audit reports to the Open Information website. Government should also review the list of other categories of records that must be disclosed under FIPPA to consider what other information it should be disclosing on a proactive basis.

With respect to the disclosure log on the Open Information website, where government posts its responses to access requests, government has implemented most of the best practices set out in a previous investigation report issued by this office. Government exempts some responses from publication in the disclosure log and, in response to a complaint from the BC Freedom of Information and Privacy Association; I have reviewed those exemptions and recommend that government institute a secondary severing process with respect to copyright matters so that more records are published on the disclosure log.

With respect to open data, government is on the leading edge and its policy aligns well with the principles of the G8 Open Data Charter issued in June 2013. I make a number of recommendations to improve the program from an accountability perspective, including more outreach to promote data literacy so that the policy achieves its potential.

With respect to maintaining the sustainability of the open government initiative, I recommend that records be made public by default and government should enact a modern archives and records management statute.

1.0 PURPOSE AND SCOPE OF REPORT

1.1 Introduction

Open government is of vital importance to our democracy. Citizens need information about government's actions and decisions to hold governments to account, engage in informed debate and participate in democratic processes.

It is therefore critical that British Columbia create and maintain a robust and well-resourced platform of laws, policies and resources to achieve transparent and open government on behalf of its citizens.

There is no question that the *Freedom of Information and Protection of Privacy Act* ("FIPPA") is a central part of BC's open government framework. The right to know is at the heart of open government, and provisions of the Act help shape the programs and policies that together make open government a reality.

Other aspects essential to open government include the proactive release of government records and information, the availability and accessibility of good quality open data sets, and the routine disclosure of information requested through formal access to records requests.

In July 2011, Premier Christy Clark issued a direction that charted a course for open government in BC. This initiative has three distinct elements—an open information policy, a disclosure log and an open data policy. The Premier's initiative was reinforced by legislative changes to FIPPA in November 2011 that require public bodies to establish categories of records for proactive disclosure.

It has been two years since government's open government initiative was announced, and some 18 months since FIPPA was amended. This report assesses government's progress on open government and offers eighteen recommendations for improvement to this important initiative.

This report also addresses concerns raised by the BC Freedom of Information and Privacy Association about how government proactively discloses its responses to general access requests. I decided to address the complainant's principal concerns in this report rather than initiate a separate investigation.

1.2 Jurisdiction

Under s. 42(1) of FIPPA, I have authority to monitor how FIPPA is administered to ensure that its purposes are achieved. This section also gives me authority to, among other things, engage in research, public commentary, and assess technologies relating to access to information.

This report is an exercise of my mandate that is intended to assist government by evaluating its laudable open government initiative and making recommendations on how to improve it moving forward.

1.3 Evaluation Method

This report is based on our evaluation of information we received from the Ministry of Technology, Innovation and Citizen's Services ("Ministry") regarding Premier Clark's open government initiative.

We received detailed information from government at a series of briefings from Ministry staff on different aspects of the initiatives. We also reviewed the Open Information and DataBC websites, their related policy and operational documents, and other materials relating to the initiative.

To assess the complaint made by the BC Freedom of Information and Privacy Association, we reviewed 148 files of responses to general access requests that had been exempted from publication on the disclosure log.

2.0 THE BC OPEN GOVERNMENT INITIATIVE

The following section describes the three main elements of the BC open government initiative and sets the context for my evaluation of government's progress to date.

2.1 Open Information

The open information strategy involves proactive disclosure of information that is frequently subject to access requests or the disclosure of which is otherwise in the public interest. Releasing records routinely in this way, without waiting for a formal access request, is a significant tool for implementing the principles underlying access to information laws. Routine disclosure makes it easier for citizens to participate in the political process and scrutinize government behaviour. Further, from an accountability perspective, articulated proactive

disclosure frameworks build public trust in a public body's commitment to openness and accountability, and also trust in the integrity and effectiveness of its actions and decisions generally.

The government's open information policy describes two ways that information can be identified for proactive disclosure. First, the policy direction to ministries requires them to "consider making information that they determine to be of interest or useful to the public available to the public on a routine basis", without requiring a request under FIPPA.¹ The policy directs ministries to do so "in a manner that makes the information available to a wide range of users with no requirement for registration, and in a non-proprietary, non-exclusive format."² The policy also gives the minister responsible for FIPPA the authority to identify information that must be proactively disclosed by all ministries.³ The information that is "designated" for release by the minister must be listed on the Open Information website, along with schedules for the release of this information.⁴

The government says that its Open Information website is where it "provides access to information that matters most to [citizens]—no closed doors or hidden agendas" under these policy directions. It says the goal is to become more open and transparent and to enable citizens to participate in government and its decision-making.⁵

When the FIPPA amendments mentioned previously were introduced in the Legislative Assembly in October 2011, the government described them as "enshrin[ing] the policy direction for open data, open government and open information into law."⁶ These amendments should, therefore, be assessed alongside the policy directions just described.

The amendments, which are set out in Appendix A of this report, focus on the identification of records for proactive disclosure and on making them available without a formal access request under FIPPA. Taken together, ss. 71 and 71.1 now impose a statutory framework under which public bodies, including government ministries, must identify categories of records that are available to the public.⁷

In addition to the obligation of ministries to identify classes of records available without request, the minister responsible for FIPPA now has the authority to identify categories of records of one or more ministries that they must make

¹ The Open Information and Open Data Policy, s. 2.2.1, *supra* note 3.

² The Open Information and Open Data Policy, s. 2.2.2, *ibid.*

³ The Open Information and Open Data Policy, s. 2.3.1, *ibid.*

⁴ The Open Information and Open Data Policy, s. 2.3.3, *ibid.*

⁵ Open Information Website; Online at: <http://www.openinfo.gov.bc.ca/ibc/admin/about.page?>.

⁶ British Columbia, Legislative Assembly, *Hansard*, No. 6 (6 October 2011) at 8064 (Hon. Dr. Margaret MacDiarmid); Online at: <http://www.leg.bc.ca/hansard/39th4th/h11006p.htm#80643>.

⁷ This is the thrust of s. 71. Section 71(2) allows fees to be charged for copies of such records.

available to the public without an access request. The minister in effect can step in and direct one or more ministries to proactively disclose records regardless of what they have done already to make records available.⁸

2.2 Disclosure Log

Another component of open government is a ‘disclosure log’, consisting of copies of the government’s responses to general access requests. These copies are posted on the government’s Open Information website.⁹

These responses include, for example, records that relate to such matters as plans, strategies, program information, policy and spending decisions, actions and meetings of officials.

Government’s response letter to applicants explains the results of the general access request and encloses copies of the records being released. The letter also informs the applicant whether the request for records will be posted to the Open Information website along with a copy of the response letter. Government informs the applicant that in doing this it removes his or her name and all contact information from the response letter before posting it.

Between July 2011 and April 2013, government posted over 2,000 of these responses to general requests to the Open Information website.

However not all responses to general access requests are posted. The Ministry states that responses that “will be considered for exemption” from proactive disclosure are those that contain:

- personal information or information that could lead to the identification of the applicant or other persons;
- information that may harm relations with a First Nation;
- information that may harm relations with another government;
- information that may harm a third party’s business interests; or,
- information that is not suitable for proactive disclosure based on a formal risk assessment that disclosure to the public may threaten the safety of a person or harm the security of any property or system.¹⁰

⁸ This authority is found in s. 71.1. This applies only to government ministries, not other public bodies.

⁹ Government classifies access requests into two types—requests for personal information and requests for general information. Government defines personal requests as those made by individuals (or their representative) seeking their own personal information. Government does not proactively disclose its responses to personal information requests.

¹⁰ The Open Information and Open Data Policy, Appendix A, p. 11.

2.3 Open Data

Open data is the publication of data that is in a format that is easily read, easily accessed and is provided under a license that allows the public to use it.¹¹ Under open data programs, governments provide access to their data holdings along with legal frameworks, or licenses that allow citizens, businesses and others to use it and share what they create from it with others.

The Premier issued three main directions to ministries regarding open data:

- To take steps to expand public access to government data by making it available online unless restricted by law, contract or policy;
- To re-prioritize and expand data collection efforts towards those that enable citizens and sectors to create value from government data, and
- To adopt an open government license for data and ensure data accessibility through the DataBC website.¹²

The DataBC website includes over 3,000 machine-readable datasets on a range of topics, including information on public sector compensation, land use and resource information, statistics from a range of sectors and government's budget.

Government has also created applications and services to assist in viewing or using open data on the DataBC website. Applications such as BC Health Service Locator and services like updated transit information are practical and useful to the public. For the more data-savvy users, government provides tools to create projects using the published data. The website also offers a number of tutorials and provides a forum for users to request more information. Finally, the website hosts a blog where the DataBC Team and guest bloggers post on open data topics and DataBC events.

¹¹ See David Eaves, "The Three Laws of Open Government Data," September 30, 2009; Online at <http://eaves.ca/2009/09/30/three-law-of-open-government-data/>. Eaves, speaks of three "laws" of open data. First, the data has to be easily found by citizens. Second, to be open, the data must be in a useful format that allows citizens to analyze or otherwise use it. Finally, for data to be open, there must be a legal framework that allows citizens to share what they have created with others.

¹² The Open Information and Open Data Policy, Direction to Government from the Premier and Executive Council.

3.0 EVALUATION

I now turn to an evaluation of government's progress on open government, with specific focus on whether these initiatives increase transparency and accountability for citizens.

3.1 Open information

This portion of my report outlines considerations for the establishment of categories of records for disclosure and about progress in BC towards this goal.

3.1.1 Establishing categories of records for ministries' open information programs

Jurisdictions around the world have taken aggressive action to mandate identification of records for routine proactive disclosure.¹³ These "publication schemes" typically outline a public body's commitment, and obligation, to be transparent on a range of topics by routinely and proactively disclosing specified kinds of records.

Information Commissioners have been involved in the creation of basic templates to assist in making these categories consistent, or are involved in the approval of publication schemes.¹⁴

In my May 2011 investigation report, entitled *Investigation into the Simultaneous Disclosure Practice of BC Ferries* ("BC Ferries report"), I set out a number of best practices regarding the proactive disclosure of records by public bodies, including ministries.¹⁵ In particular, I recommended that public bodies should develop "publication schemes", or categories of records, that they then should proactively disclose. In an appendix to that report, I set out three precedents from other jurisdictions for classes of records appropriate for disclosure that I considered to

¹³ For example, both the United Kingdom and Australia have required public agencies to adopt categories of records that are then routinely and regularly published without an access request. In the U.K., see *Freedom of Information Act 2000*, s. 19, and in Australia, see the *Freedom of Information Act 1982*, as amended by the *Freedom of Information Amendment (Reform) Act, 2010*, which introduced ss. 8(2) and 8A.

¹⁴ The UK Information Commissioner's Office prepared a model publication scheme, online: http://www.ico.org.uk/for_organisations/freedom_of_information/guide/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/generic_scheme_v1.ashx. In Australia, the Information Commissioner reviews public bodies' publication schemes and can issue guidance on the schemes, online: http://www.oaic.gov.au/publications/fact_sheets/FOI_fact_sheet4_the_information_publication_scheme.html

¹⁵ Investigation Report F11-02, [2011] B.C.I.P.C.D. No. 21.

be a useful starting point. I have reproduced them as Appendix B of this report because I consider these examples to be relevant for present purposes.

Government took a major step forward to enshrine proactive disclosure in legislation. As a result of amendments to FIPPA in 2011, all public bodies, including ministries, are now required to identify records that they must “make available” to the public on a routine basis.

In addition, the minister responsible for FIPPA can direct the establishment of categories of records that one or more ministries must make available to the public.

This two-fold approach acknowledges that, in the first instance, individual ministries are likely to be best placed to assess which categories of records ought to be made publicly available. This is because these ministries are intimately familiar with their specific mandates and any particular laws affecting their operations. This puts them in the position of being able to assess which kinds of records should be made available as a priority, not to mention being able to best assess other pertinent factors that will shape, on an ongoing basis, their proactive disclosure program.

The decision to give the minister responsible for FIPPA the authority to intervene in the case of ministries is laudable. Given how access and privacy administration is organized in the government, the minister has a larger-scale knowledge and expertise respecting information rights across the provincial government. She or he is also likely to be most attuned to what kinds of records are most frequently requested under FIPPA overall. In short, the minister is in a very good position to identify, and require the public availability of, categories of records that one or more ministries should be proactively disclosing, but are not, in order to enhance government transparency and accountability.

Observers in other jurisdictions have noted that a standardized approach is most effective.¹⁶ Adopting a consistent approach may promote harmonization of disclosure respecting common, basic, functions of all ministries (e.g., records about budgeting processes and financial controls). It can also make it easier for citizens to find information that they may find useful or relevant across the ministerial public sector. Further, some jurisdictions are now reviewing their existing records publication schemes to incorporate into them principles underlying open information. These focus not solely on the kinds of records that are to be proactively disclosed, but also on the principle that, where records can be published instead in an open data format, they should be.¹⁷

¹⁶ <http://www.freedominfo.org/2013/02/standards-for-proactive-disclosure-recommended/>.

¹⁷ http://www.ico.org.uk/news/latest_news/2012/ico-to-revise-publication-scheme-requirements-17052012; http://www.ico.org.uk/news/latest_news/2012/~media/documents/library/Freedom_of_Information/Research_and_reports/revising_publication_schemes_under_s19_s20_foia.ashx.

I know that the Ministry has been consulting with ministries on a standardized approach to record disclosure. I also recognize that identifying categories of records to implement a proactive disclosure program can be an ambitious task. Doing this, as noted earlier, requires an assessment of not just what records should be published, but also how and when they should be published and where to locate and download that information easily. It is also clear that, once categories of records are identified, public bodies must have the capacity to maintain their proactive disclosure programs. Ministries must be prepared to release and properly archive and update information regularly and ensure that citizens can easily search and find that information.

However, it is of concern that 18 months since the passage of ss. 71 and 71.1, neither the minister responsible nor any ministries have established categories of records. The minister's authority to establish these categories is discretionary, but ministries have no discretion to do so or not. Their obligation to act is just that—s. 71 says they “must” do this. Again, I acknowledge that some work is being done on this front, but no ministries of which I am aware have, to date, complied with their s. 71 duties. Nor has the responsible minister done so.

I am also of the view that action on this front will be hastened if letters of expectation for ministers and deputy ministers were to include the requirement to establish categories of records for proactive disclosure.

RECOMMENDATION 1:

All ministries should implement s. 71 of FIPPA without further delay and establish categories of records for disclosure on a proactive basis. These obligations should be made part of letters of expectation for ministers and deputy ministers.

3.1.2 Ministerial action to prescribe records for proactive disclosure across government

I turn now to the responsible minister's authority to direct ministries to proactively disclose records and how that authority should be discharged. In the BC Ferries report, I set out four types of information that should be disclosed by government on a proactive basis because they were frequently the subject of FOI requests:

- Travel and hospitality expenses for ministers, deputy ministers and assistant deputy ministers,
- Calendars for ministers, deputy ministers and senior executives,
- Contracts in the amount of \$10,000 or more, and
- Audit reports.

Travel and hospitality expenses

Proactively disclosing travel and hospitality expense information of ministers, deputy ministers and assistant deputy ministers (or their equivalents) provides for individual accountability, builds public confidence in government representatives, and allows for greater scrutiny over the allocation of public funds.¹⁸

Government by policy only posts monthly travel expense reports of all ministers and deputy ministers on the Open Information website. There are over 900 of these reports on the Open Information website, spanning April 2011 through April 2013.¹⁹

This information can be downloaded in PDF format and outlines the following expenses:

- In-province travel (flight and other travel),
- Out-of-province travel,
- Out-of country travel, and
- Total year-to-date travel expenses of ministers or deputy ministers.²⁰

The travel expenses are published one month after the expenses are claimed. In addition yearly travel expenses and salary of the premier, ministers, deputy ministers and associate deputy ministers are also available on the DataBC website.

Although this is a step in the right direction, this expense information is still quite limited. The public has a right to know not just how much government officials spend while on public business but also in relation to what particular event. During our review of the Open Information website, it became clear that many of the FOI requests for officials' expense information were related to spending for an event, not just travel.

Other jurisdictions, including Alberta and the federal government,²¹ post travel and hospitality expense information by event. For example, the departments and

¹⁸ Hospitality expenses are generally defined as public funds extended to people not employed by government for government purposes, such as costs related to conferences, meetings, ceremonies or other events. These include expenses such as food, beverages, accommodations, entertainment and transportation. See, for example, FN 20 and 21.

¹⁹ Assessed by searching the open information catalogue for both ministers and deputy ministers, using the keyword "travel". Last search conducted on May 1, 2013.

²⁰ Expenses can be found online at <http://www.openinfo.gov.bc.ca/ibc/expenses/index.page?>; Descriptions of what these categories can be found online at: http://www.openinfo.gov.bc.ca/ibc/expenses/category_definitions.page?

²¹ See Federal Government's Proactive Disclosure Program Information online at: <http://www.tbs-sct.gc.ca/pd-dp/dthe-dfva/index-eng.asp>; See Alberta's policy at: <http://www.oipc.ab.ca/pages/About/ProactiveDisclosure.aspx>; The UK also releases information on hospitality and travel, see

agencies at the federal level typically post the following information in the form of a machine-readable table:

- date;
- destination;
- flight expense;
- other transportation expenses;
- accommodation expenses;
- meals and incidental expenses; and
- total amount spent for that particular purpose or event.²²

The Alberta government discloses information relating to travel and hospitality expenses on its website. The expenses are reported under the ministry that incurred the expense and can be sorted in a number of ways, including by the name of the person who incurred the expense, date or the type of cost. It also posts some expense information in an open data format.²³ Each ministry also posts information relating to its minister's office expenses and international expenses on individual ministry websites.²⁴

RECOMMENDATION 2:

The minister responsible for FIPPA should direct ministries to proactively disclose the travel and hospitality expenses of ministers, deputy ministers and assistant deputy ministers or their equivalent by event. The disclosed information should include the date of the event, destination, and expenses relating to flight, other transportation, accommodations, meals and incidentals, and the total amount spent for that particular purpose or event. This information should be published and searchable in an open data format.

Calendars

Calendars of ministers and senior officials are most frequently requested by political parties, but also by media, interest groups and individuals. In the BC Ferries report and in past reports on the timeliness of government responses to

example online at: <https://www.gov.uk/government/publications/dfid-ministers-gifts-hospitality-travel-and-meetings-with-external-organisations-october-to-december-2012>.

²² For an example of the Federal Government approach, see: <http://www.cic.gc.ca/english/disclosure/expenses/kenney.asp>.

²³ Online at: <http://alberta.ca/travelandexpensedisclosure.cfm>.

²⁴ See for example, <http://www.aboriginal.alberta.ca/>.

FOI requests, my office has highlighted the importance of proactively disclosing calendar information.²⁵ Government, however, does not publish calendar information proactively because of a threat assessment conducted by the BC Sheriff Services. The assessment concluded that publishing calendars proactively could, over time, reveal scheduling patterns that could raise security concerns and put government officials at risk of harm. On the basis of this evaluation, government decided not to publish any calendar information through its Open Information website.

Ensuring that information proactively disclosed does not harm the safety or security of any individual is a legitimate concern. At the same time, information about who government officials meet with and the subject of those meetings is both relevant and useful to the public. Government must find a way to disclose the information that does not raise security concerns.

One option would be for government to publish a summary of officials' external meetings without detail that would reveal scheduling patterns. Such a summary could include the following information:

- who government officials are meeting with;
- the subject matter of the meeting;
- the date of the meeting (week or day); and
- whether the meeting is held within their offices or externally.

It would not include the exact time or location of the meeting.

In other jurisdictions, general scheduling information for public officials is published on a regular basis.²⁶ In the case of the United Kingdom, information is published in a new record on a quarterly basis.²⁷ In the United States, government officials' calendars, including the President's, are published in a summary form on a daily basis.²⁸

Government has said it is hesitant to release calendar information in a new format. There is a concern that posting a summary form of any information will

²⁵ Office of the Information and Privacy Commissioner, "Report Card on the Timeliness of Government's Access to Information Responses April 1, 2010 – March 31, 2011," September 22, 2011, online: <http://www.oipc.bc.ca/report/special-reports.aspx>.

²⁶ This is similar to the practice in the United Kingdom. Disclose a table of meetings with external organizations that identify the date of the meeting, the name of the organization and the purpose of the meeting rather than the specific calendar.
<http://www.whitehouse.gov/schedule/complete/2013-W7>

²⁷ For example, the United Kingdom posts a list of external meetings held with ministers, including the prime minister on a quarterly basis. The information is published in multiple formats. Available online at: <https://www.gov.uk/government/organisations/cabinet-office/series/ministers-transparency-publications>.

²⁸ See the Whitehouse schedule at <http://www.whitehouse.gov/schedule/complete>.

be interpreted by citizens as filtered or incomplete, and may increase the workload of government without reducing the total number of FOI requests relating to calendars. Releasing summary calendar information will not eliminate FOI requests, to be sure. For example, there may be instances where the exact time of a particular meeting is critical information for the purposes of holding government accountable for a specific decision. However, in those cases, publishing summary information will enhance the FOI process by providing the information necessary for applicants to narrow their requests to a more limited timeframe. Moreover, government's concerns about misunderstanding of why calendar information is in a summary form can be addressed through educational information about why this has been done.

Practicality also favours proactive disclosure of calendar information. I am aware that requests under FIPPA are made on a regular, frequent, basis for access to copies of calendars of ministers and deputy ministers. Given the nature of duties and functions of Cabinet members and such senior officials, it is reasonable to conclude that considerable effort, and thus expense—and possible delay to access applicants—is involved in properly processing these requests. Always keeping in mind the need to protect personal security, surely proactive disclosure of calendar information would decrease the number of access requests while improving transparency and accountability.

I also note that, in terms of improving transparency and accountability, such a step could bolster the transparency sought by the *Lobbyists Registration Act* (“LRA”). As Registrar of Lobbyists, I consider that the information that lobbyists routinely and proactively provide under the LRA about who they are meeting with and why could, coupled with this calendar information, materially improve transparency and accountability.

RECOMMENDATION 3:

The minister responsible for FIPPA should direct ministries to proactively disclose calendar information of ministers, deputy ministers and senior executives or equivalent. This release should contain the names of participants, the subject and date of external meetings and be published, at minimum, on a monthly basis.

Contracts in the amount of \$10,000 or more

In the BC Ferries report, I recommended that government proactively disclose basic information relating to government contracts that exceed \$10,000 in value. This is also the threshold set by the federal government's open information program.²⁹ The publication of the basic terms of government contracts and servicing agreements enhances transparency as to how much government is paying to deliver services and programs to citizens. A search of the BC government's current disclosure log amply demonstrates that contracts are also frequently the subject of FOI requests.³⁰ Many of these requests have been for contract information in an electronic form, with specific items such as cost, subject matter, date, duration and procurement process featuring.³¹

I understand that government has concluded it is more efficient to post only those contracts that are requested under FIPPA rather than proactively disclose contract information. However, from my perspective, what should drive the decision to proactively disclose information is the clear public interest in its disclosure.

It has been argued that doing business with government should come with the understanding that basic terms of contracts are open to the public, on the basis that citizens have a right to know the following information:

- with whom the government is contracting;
- the purpose, value and duration of contracts; and
- information about the procurement process.³²

In this vein, the federal government recently announced a new procurement website, www.buyandsell.gc.ca, which makes a great deal of procurement data easy to search and download. This is a precedent the BC government should follow.

²⁹ See example here: <http://www.tbs-sct.gc.ca/scripts/contracts-contrats/reports-rapports-eng.asp?r=l&yr=2012&q=4&d=>.

³⁰ A search for the keyword "contract" in the catalogue of FOI Requests on the open information site results in over 360 records of the approximately 2000 files.

³¹ The UK has created a stand-alone website to search for information about contracts worth over £10,000 and government procurement. The search function provides a summary of the terms of the contract. The website also provides datasets on procurement activity for government departments and agencies, a list of buyers groups and a list of potential contract opportunities. Online at: <https://online.contractsfinder.businesslink.gov.uk>.

³² <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=14676§ion=text#cha4>.

RECOMMENDATION 4:

The minister responsible for FIPPA should direct ministries to proactively disclose information relating to its contracts that are worth more than \$10,000 on (at minimum) a quarterly basis. Contract information should include with whom the government is contracting, the purpose, value and duration of that contract, and information about the procurement process for the award of the contract.

Audit reports

In the BC Ferries report, I specifically recommended that public bodies proactively disclose all final reports or audit reports because they are likely to be the subject of access requests.

Audit reports also provide information that is extremely useful to the public. Audits evaluate the performance or efficiency of the policies, programs or activities of a public body. They provide insight on government operations and decision-making and measure compliance with law, policy and best practices. This information educates citizens on government's programs and activities and informs them of how well government functions in practice and whether objectives are being met. The proactive disclosure of audit reports is, thus, critically important for greater government transparency and accountability.

I note also that audit reports are one of the categories of records listed in s. 13(2) of FIPPA which is discussed below.

RECOMMENDATION 5:

The minister responsible for FIPPA should direct ministries to proactively disclose any final report or audit on the performance or efficiency of their policies, programs or activities.

Other categories of records

Over the years this Office has consistently recommended the proactive disclosure of a number of records identified in s. 13(2) of FIPPA.³³ These are all records that, if requested as part of an access request, a public body must not refuse to disclose under s. 13(1), which protects advice or recommendations to government.

Section 13(2) lists the following types of information:

- any factual material;
- a public opinion poll;
- a statistical survey;
- an appraisal;
- an economic forecast;
- an environmental impact statement or similar information;
- a final report or final audit on the performance or efficiency of a public body or on any of its policies or its programs or activities;
- a consumer test report or a report of a test carried out on a product to test equipment of the public body;
- a feasibility or technical study, including a cost estimate, relating to a policy or project of the public body;
- a report on the results of field research undertaken before a policy proposal is formulated;
- a report of a task force, committee, council or similar body that has been established to consider any matter and make reports or recommendations to a public body;
- a plan or proposal to establish a new program or activity or to change a program or activity, if the plan or proposal has been approved or rejected by the head of the public body;
- information that the head of the public body has cited publicly as the basis for making a decision or formulating a policy; or
- a decision, including reasons, that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of the applicant.

These are all types of information that are of significant interest to the public and would enable citizens to better evaluate government policy and decision making.

³³ For example, see the Submission of the Information and Privacy Commissioner to the Special Committee to Review the *Freedom of Information and Protection of Privacy Act* (Feb 5, 2004), pp. 8-10; also see the Submission of the Information and Privacy Commissioner to the Special Committee to Review the *Freedom of Information and Protection of Privacy Act* (March 15, 2010), pp. 16-18. Both are available online at: <http://www.oipc.bc.ca/report/special-reports.aspx>.

In response to a submission made by this Office, the 2004 Special Committee of the Legislature that reviewed FIPPA recommended that s. 13(2) should be amended to require the head of a public body to release on a routine and timely basis the information listed in paragraphs (a) to (n) to the public (subject of course to other legitimate exceptions in FIPPA).

Government should also set timelines as to when this information should be released since the timeliness of the disclosure has a direct impact on the relevance and usefulness of the information.

RECOMMENDATION 6:

The Minister responsible for FIPPA should direct ministries to proactively disclose the records enumerated in s. 13(2) of FIPPA on a routine basis within a set timeline.

3.1.3 Using the Open Information website to make information easier to find

Open information is not just about identifying government information that should be proactively disclosed, but also potentially about the government creating new forms of records, determining what format that information should take, and organizing information that government already publishes on the 300,000 webpages that exist on nearly 600 unique government websites.

The Open Information website is a major step forward. There is undoubtedly great value in nurturing a single online space for publication of information in the public interest, primarily in order to enhance government transparency and accountability. The challenge now is for government to ensure that the Open Information website lives up to this promise. One way is to use the website as an online library to organize information that has already been published.

I am not advocating that government necessarily re-produce these records on the Open Information website. However, I see potential for government to utilize it to not just list the types of information that must be disclosed across government.³⁴ It could also either provide links to where that information could be found elsewhere, or have search functions to enable citizens to more easily find that information on the Open Information website. By way of example, the federal government's open information program includes a list of agencies with links to what information they report out on a routine basis.³⁵ Alternatively, there

³⁴ As required under the Open Information and Open Data Policy, s. 2.3.3.

³⁵ <http://www.tbs-sct.gc.ca/pd-dp/gr-rg/index-eng.asp>.

could be a search function that allows citizens to search for audits through the Open Information website, such as government has designed with respect to its crown publications.³⁶

RECOMMENDATION 7:

The Open Information website should be used as an online library to make information that must be disclosed across government more easily accessible by providing links to that information or a search function.

3.2 Disclosure Log

As described earlier, the BC government publishes, through an online ‘disclosure log’, copies of responses to general access requests. In the BC Ferries report, I identified the following best practices in this area:

- Delay posting of responses to general access requests by at least 24 hours after receipt by the applicant;
- Provide an opportunity for applicants to request a longer delay and agree to the request when it is made on reasonable grounds;
- Post all responses;
- Post a summary of the applicant’s request rather than the request itself;
- Not post the response letter because it may contain personal information;
- Not identify individual applicants;
- Update their disclosure logs regularly, at least once per month;
- Post responses for a minimum of 12 months;
- Remove documents that are outdated and no longer relevant;
- Archive removed documents and continue to make them available;
- Publish an index of archived documents;
- Develop a search facility where there are large numbers of requests;
- Provide links to disclosure logs from a prominent page on their websites;
- Carefully consider the format of the log with a view to ensuring accessibility; and
- Provide information in a directly accessible format.

Government has implemented most of these recommendations. Government delays posting of responses by at least 72 hours.³⁷ Government includes

³⁶ <http://australia.gov.au/publications>;
<http://www2.gov.bc.ca/gov/theme.page?id=DCE5D2A5AB44B3928DB60555D892E611>

³⁷ If government sends the response by mail, the response package is not posted for a minimum of five days.

a summary of the applicant's request and, while it does post its response letter, government removes the applicant's personal information so as to not identify individual applicants. Government has built a search function to enable the public to search published responses for desired terms. Government provides links to its disclosure log on the main government webpage.

To date, government does not provide applicants with an opportunity to request a delay of greater than 72 hours in posting its response. Although I believe it is preferable to have an appeal process built into policy, my understanding from government is that applicants have not complained about the automatic posting practice.

3.2.1 Complaint with respect to government's disclosure log practices

On August 21, 2012, I received a complaint from the BC Freedom of Information and Privacy Association ("FIPA") regarding government's practice of not publishing all its responses to general access requests on its disclosure log. Government has adopted a policy that contains certain exemptions from publication on the log of responses to access requests. Those exemptions, briefly summarized are:

- personal information or information that could lead to the identification of the applicant or other persons;
- information that may harm relations with a First Nation;
- information that may harm relations with another government;
- information that may harm a third party's business interests; or,
- information that is not suitable for proactive disclosure based on a formal risk assessment that disclosure to the public may threaten the safety of a person or harm the security of any property or system.³⁸

The complainant objects to that policy. In its view, the exemptions are unnecessary because all responses are reviewed and severed in accordance with FIPPA before they are sent to an applicant. FIPA suggests that the policy exemptions were introduced to keep information from being published on the disclosure log for government's own purposes, rather than to protect any societal interest. As a result of this approach, FIPA submits that government publishes only a minority of responses on the disclosure log.

FIPA further argues that government's practice is contrary to the policy itself, which states that exemptions are approved only in limited circumstances.³⁹

³⁸ The Open Information and Open Data Policy, Appendix A, p. 11.

³⁹ The Open Information and Open Data Policy, s. 2.1.2.

In FIPA's view, this also contradicts the best practices that I set out in the BC Ferries report.

In order to get a better sense of why some responses were not posted to the disclosure log, I examined how government decides what responses it posts on the disclosure log and which it does not. I studied the period between July 25, 2011 and October 24, 2012, which was long enough to get a clear sense of the issue.⁴⁰ During that time, the government responded to 2,577 general access requests by sending disclosure packages to the original applicant. Of those disclosures, government posted 1,402 of them to the disclosure log on its Open Information website leaving 1,175 which were not published.

We requested a list of all general access requests that were not published during this period and the reasons they were not published. The list of the non-published responses revealed the following:

- 828 related to government employee calendar requests and were considered a security risk
- 183 related to the disclosure of the applicant's personal information
- 133 related to business information associated with the applicant or were what government determined to be copyright material
- 22 related to miscellaneous cases most often involving the Coroner's Office
- 9 concerned information about a First Nations group that was itself the applicant for the information

What is apparent at the outset is that two thirds of the responses that were not posted related to calendar requests. Most of these requests had been made by political parties but also by members of the media, and most of these were requests for calendars of ministers, deputy ministers, assistant deputy ministers and their assistants.

I have already disposed of the matter of proactive calendar disclosures above. While I have acknowledged government's security concerns surrounding proactive disclosure, I have also emphasized the need for transparency of the activities of public officials. I have also already recommended that government summarize for proactive publication the calendar information for certain public officials. This recommendation, if followed, addresses in a significant manner the thrust of FIPA's complaint.

⁴⁰ This date range is approximately two and half months longer than the date range used by FIPA in its original complaint. FIPA's complaint used a date range of August 1, 2011 to July 31, 2012.

With respect to the remaining matters on the list, we reviewed the contents of a representative sample of individual files.⁴¹

Next to calendar requests, the largest number of exempted and therefore unpublished responses contained personal information. We reviewed 41 of these files in detail. The examination revealed that these requests contained personal information of the original applicant or would otherwise reveal their identity. Our Office has taken the position the applicants are entitled to remain anonymous.⁴² This view has been supported by FIPA.⁴³ We found, for example, that a number of these requests were made by one applicant who was requesting information about how government was processing their other general access requests. In a similar vein, with the miscellaneous cases referred to, the government decided not to publish information related to applications for Coroners' files made by the family members of deceased individuals.

Government has applied a similar approach to information where a business made an access request for its own information. For example, there were several requests by businesses relating to their own appraisals or management plans in relation to a specific property. Similarly, the files involving First Nations concerned matters relating specifically to that First Nation and their treaty negotiations.

Government's view is that, while the applicants in all of the situations described above are entitled to see their own personal information or information about their business or First Nation, it is not appropriate to later publish that information widely through the internet.

I agree in general with government's decisions not to publish the kind of information just described because of the potential harm it may cause to individuals, businesses or First Nations. However, in making this decision government assumes this harm and also assumes that an applicant would object to the public release of the information. In this respect, there may be circumstances where government may wish to consult applicants about whether they believe harm might result from the public release of the information. Government should consider this approach in appropriate situations where information does not appear to be particularly sensitive.

As to whether this kind of information could be severed to resolve the issues described above, our review of the files indicates that severing the material for the purpose of widely disclosing it would not be a simple matter. Considerable effort would need to be expended by government in determining what, if any, material might be disclosed that would not identify applicants, their personal

⁴¹ I examined 120 files or approximately 34.5% of the total number.

⁴² See for example BC Ferries report, p. 30.

⁴³ BC Ferries report, p. 23.

information, or cause harm. It also raises the question of whether there is any significant public interest in undertaking such a laborious process when it is questionable whether much could ultimately be published or whether information remaining after severance is of any residual public value.

Finally, it must also be remembered that the information in question has already been disclosed to the applicant who requested it. The applicant who received the response is able, subject to any applicable laws, publicize it as the applicant considers desirable, including over the internet.

With the exception of copyright material discussed below, I am generally satisfied with government's approach to publication in the disclosure log. However, I intend to monitor how government applies its exemptions to publication to ensure it is keeping within the parameters it has established.

A separate copyright category

The issues relating to one aspect of the business exemption category is more complicated. We reviewed 70 business exemption files.

In about one quarter of the cases, the information in these files would disclose the identity of the applicant and information about their business, or information that might cause harm if revealed to the public. In that light, my previous comments about the appropriateness of government's approach to disclosure apply here.

However, with respect to the remaining almost three-quarters of these files, the decision not to publish the information was based on the fact the records contained portions of or entire copies of newspaper articles, or links to newspaper articles in emails, or reports with photographs or other content subject to copyright.

Government's position is that the publication of this material might violate copyright law. In my view, these "copyright" file exemptions are not aligned with the above-described legitimate concerns about harm. I consider that it is not appropriate to include copyright concerns under the business information exemption. Therefore, my first recommendation in respect of this issue is that government create a separate category for records that are not published on the disclosure log due to concerns about copyright.

RECOMMENDATION 8:

Government should create a separate category for records that are not published on the disclosure log due to concerns about copyright.

Government's approach to the copyright exemption

In reviewing the copyright exempted files, we observed that the records contained, unlike the other exempted records dealt with above, material of public interest, apart from material that may be copyright. My concern is that under government's current practice, a controversial response to an access request could be exempted from publication simply because it included a newspaper article relating to that issue. This would prevent publication of the entire response on the disclosure log. The government's blanket approach to this copyright issue is problematic because it could be used to defeat the purposes of open government.

It appears that government takes a very broad approach to what it considers copyright material. I express no view on copyright law, but suggest to government that it consider this issue in light of the common law and statutory framework relating to copyright and access to information. For instance, I observe that the following provisions of the federal *Copyright Act* state:

- 32.1(1) It is not an infringement of copyright for any person
- (a) to disclose, pursuant to the *Access to Information Act*, a record within the meaning of that Act or to disclose, pursuant to any like Act of the legislature of a province, like material;

It is arguable that the above section, read in concert with s. 71 of FIPPA, would authorize the government to publish copyrighted material in general access request response packages. This is something on which government should obtain advice.

There is also case law that indicates that government could publish links to newspaper articles without infringing the *Copyright Act*.⁴⁴ Alternatively, should government prefer not to deal with any material it considers problematic, another option is to sever the copyright information from the response packages prior to publication to the disclosure log. As government itself says, it must limit the circumstances where it exempts access responses from disclosure log publication. It is important that government publish as much information as possible on the disclosure log, even when this means that the response package sent to an applicant is different from what is published on the disclosure log. Given the numbers of exemptions at issue, it does not seem unduly burdensome for government to review the files concerning copyright and institute a secondary severing process.

⁴⁴ *Richard Warman and National Post Company v. Mark Fournier and Constance Fournier*, 2012 FC 803.

Any confusion that may result from this additional severing can be dealt with by a simple explanation of the reason for doing so on the government disclosure log website.

RECOMMENDATION 9:

Government should review its policy regarding the disclosure of copyright material to determine whether it is permissible to publish copyright material in response to an access request. Where it is determined that records may not be published due to copyright, government should publish a severed version of the record.

Remaining issues in FIPA's complaint

An issue that arose in the course of investigating FIPA's complaint was the discrepancy between what FIPA says were the percentage of access responses that government did not proactively publish and the number government says it publishes. My investigation suggests the explanation for the discrepancy between FIPA's calculations of files published on the disclosure log (33%) and the government's (58%) is that the government did not include in its numbers files where it has found that there are no responsive records. This is because if there were no records sent to the applicant, there was no information to post on the disclosure log.

A number of months prior to FIPA's complaint being made, government had begun to post data outlining all general access requests made to government, including those requests that did not have any responsive records. This dataset is posted on the DataBC website.

In my view, it is in the public interest to provide a complete picture of what questions have or have not been answered through the FOI regime. However, the DataBC website is not the appropriate place to locate that information to ensure it is widely known. A comprehensive picture should also be available on the Open Information website, by way of a link to the dataset, summarized information about records for which there have been no responses, or even a visualization of the information in some form.

Under s. 68 of FIPPA, the Minister of Technology, Innovation and Citizens' Services must prepare an annual report on its administration and lay the report before the Legislative Assembly. Government should also include information in that report regarding those responses to general access requests where there have been no responsive records.

RECOMMENDATION 10:

Government should include information on the Open Information website and in the annual report of the Minister of Technology, Innovation and Citizens' Services regarding responses to general access requests where there have been no responsive records.

3.2.2 Searching the disclosure log

Information is meaningful from an access perspective only if it can be easily found. With respect to the disclosure log, users have a choice to either search all the documents or limit searches to either type of record through a catalogue search. The catalogue search will search for information listed about the description, title, applicant type or ministry of the FOI response. Unlike the DataBC website, searches cannot be filtered to only include certain ministries or subjects.

Yet, the website itself suggests that a person could search the catalogue to find records about the following topics:⁴⁵

- What's driving the government's decision to implement a new tax?
- Are policy changes going to impact health care spending?
- What are the current high school graduation rates in B.C.?
- How effective has the pine beetle strategy been?
- What treaties does the province have with First Nations' communities?

Unfortunately, our search of these suggested topics did not always yield results. Other times, there were so many documents referenced by the search that it would be difficult to pinpoint which one was relevant to answering the question. Indeed, it was difficult to find answers to some of the questions posed.

Government makes the response package available in accessible and searchable formats. However, electronic documents are submitted in multiple formats and there are “technical limitations of the search engine” because certain document formats are not searchable.⁴⁶ Government could address these problems by directing ministries to submit documents in a format that is easy to search and by employing a more advanced search engine. Although I recognize some documents are not searchable (e.g., handwritten notes), to the extent

⁴⁵ See <http://www.openinfo.gov.bc.ca/>. It also includes a particular question relating to the travel expenses of ministers and deputy ministers.

⁴⁶ <http://www.openinfo.gov.bc.ca/ibc/search/search.page?#document>.

possible, government should endeavour to make all of its posted responses to requests searchable.

RECOMMENDATION 11:

Government should improve the ability to search the disclosure log to allow users to find specific content more easily.

3.3 Open Data

Open data is a focus of attention for governments everywhere. In May 2013, President Obama issued an executive order regarding the open data policy of the US Government, making open and machine-readable the new default for government information.⁴⁷ UK Prime Minister David Cameron has said he is committed to the most ambitious open data agenda of any government in the world and his government's 2012 Open Data White Paper made recommendations to promote easier access to public data, more standardized formatting and embedding a presumption that most data is to be published.

At the federal level, in 2012, Minister Tony Clement announced an action plan on open government that includes expanding access to open data.⁴⁸ Canada has also joined the Open Government Partnership, which is an international initiative of 55 countries that have adopted the Open Government Declaration, have developed a country action plan and have committed to independent reporting on their progress, including open data.⁴⁹ More recently, at the G8 summit in the UK, the federal government signed the Open Data Charter which commits it to making data it collects "open by default". If implemented, it could radically increase the quantity of data the federal government makes public.⁵⁰

Open data programs frame government data as a public asset that citizens have the right to access. Globally, as a result, people are starting to speak about the *right* to data, meaning the right for citizens to not just access, but adapt and reuse government data.

⁴⁷ "Executive Order – Making Open and Machine Readable the New Default for Government Information," online: <http://www.whitehouse.gov/the-press-office/2013/05/09/executive-order-making-open-and-machine-readable-new-default-government>.

⁴⁸ Cabinet Office, "Open Data White Paper: Unleashing the Potential," (28 June 2012), online: <https://www.gov.uk/government/publications/open-data-white-paper-unleashing-the-potential>.

⁴⁹ Online: <http://www.opengovpartnership.org/>.

⁵⁰ Online: <https://www.gov.uk/government/publications/open-data-charter>.

Beyond the benefit of accessing datasets in order to scrutinize government behaviour, there are tangible benefits to government and society to opening up data. Open data can help break down the “silos” within government, allowing public servants with access to more data from across government to evaluate programming and develop policy solutions. Open data is also an effective service delivery tool for government in the information age, as government data analysts can translate their own data into interactive and user-friendly maps and visualizations.

I acknowledge the many worthwhile public policy goals underlying open data initiatives, including creating opportunities for the digital economy and a “participatory environment in which citizens are engaged with their government, communities and public policy issues.”⁵¹ While I am an enthusiastic supporter of open data from these other perspectives, this report assesses open data against how well it helps further the fundamentally important goals of transparency and accountability.

In June 2011, Premier Clark directed government ministries to expand their efforts to make more data openly available to the public. Once a ministry has identified data for publication, it is sent to the DataBC program, which acts as a warehouse for all government open data and services that allow citizens to engage with that data. DataBC compares very favourably with open data sites in other jurisdictions and has received awards for its contribution to open government. Features of the DataBC program website include:

Licensing

- The Open Government License for the use of data sets is permissive, providing a perpetual, worldwide, royalty-free, non-exclusive license.⁵² Under the license, users are free to copy, adapt, publish or otherwise distribute the data, even for a commercial purpose.
- Datasets have a link to the associated license which allows for clear identification of the applicable license.

User-friendly website

- The DataBC website provides a single entry-point to open data.
- Services are accessible to inexperienced individuals, enabling public use of the data.
- Tools and features of the website are plainly and succinctly described, with links provided to more in-depth explanations and a glossary of terms.
- Data is linked to geographic information, significantly increasing its usability.

⁵¹ http://www.cio.gov.bc.ca/local/cio/kis/pdfs/open_data.pdf.

⁵² Based on the UK license.

Transparency and governance

- Government established a DataBC Council comprised of representatives from various sectors of government, and the Office of the Chief Information Officer, to facilitate cultural change towards open data across government.
- Website lists all terms of service, including contact information, as well as links to governance and policy documents.
- Links to standards and format information on the website, which are applicable across ministries.

Integration of user feedback

- Government monitors and analyses search terms, downloads, website usage, and user feedback on data that is accessed and requested to improve and inform the availability of data types and formats in areas that are in high demand.
- DataBC provides source ministries with quarterly reports to direct their resources to the further release of high demand data.
- Government requests feedback on usability of datasets on the website in order to improve them as they are updated.
- Government is highly responsive to inquiries about its data and possible uses, seeking to encourage reuse and enable parties interested in using its data.

Search

- Open data is available through a single entry point.
- Search mechanism allows data users to look for datasets by ministry as well as subject matter, which provides transparency as to which public body is responsible for each particular dataset.
- Comprehensive dataset information is provided, including information about the source of the dataset when it is updated and a contact person for that source (where applicable).

3.3.1 How to identify datasets for open data?

Again, although there are many purposes for and benefits of open data, the focus here is on assessing the extent to which the government's open data initiative enhances government transparency and accountability. As with open information, the key question is what types of datasets should be published and how.

Government has published some datasets in the category of "democracy data" which are seen to provide for greater transparency of government decision-making and enhance government accountability. For example, BC was the first jurisdiction in Canada to make its budget available in a machine-readable form.

However, at present, DataBC is largely about publishing datasets or services to provide basic information about the province or spur innovations rather than increasing government transparency and accountability. For example, datasets about migratory patterns for different animals, jurisdictional boundaries, or even statistics on birth rates, do not, on their own, shed light on the policies and decisions of government. I recognize that, over time, this type of data might reveal patterns which could ultimately inform government policy and decisions and that, therefore, it is valuable to have this type of information. However, it is clearly statistical / geographic data and not democracy data.

In addition to statistical / geographic data and democracy data, there are two other types of data -- operational data and regulatory data.⁵³ Operational data is about the delivery of government services. Regulatory data is data created as part of a regulatory regime.

The question of what data should be published as open data has been the subject of debate. The US government has defined “high value” information.⁵⁴ New Zealand has taken a similar approach by setting a number of characteristics of “high value public data.”⁵⁵ Neither approach, however, separates the economic and social value of open data from its value from a transparency and accountability perspective. The US approach, in particular, has been criticized for being overly broad and subjective.⁵⁶ The UK has been more successful by identifying specific datasets that, if published, would provide insight into government spending.⁵⁷

The new G8 Open Data Charter (June 2013) is a useful contribution to the debate. It recognises a number of data categories as high value, both for improving democracies and encouraging innovative re-use. The data categories are as follows:

- Companies
- Crime and Justice
- Earth observation
- Education
- Energy and environment
- Finance and contracts

⁵³ These four types of data were first identified by David Eaves.

⁵⁴ “High value” is defined by the Open Government Direction as information which can be used to increase agency accountability and responsiveness, improve public knowledge of the agency and its operations, further the core mission of the agency, create economic opportunity, or respond to need and demand as identified through public consultation.

⁵⁵ <http://ict.govt.nz/programmes/open-and-transparent-government/toolkit-agencies/applying-5-star-open-data-model-your-high-value-pu/>.

⁵⁶ <http://sunlightfoundation.com/blog/2010/02/11/term-high-value-dataset-bunk/>.

⁵⁷ <https://www.gov.uk/government/news/letter-to-cabinet-ministers-on-transparency-and-open-data>

- Geospatial
- Global development
- Government Accountability and Democracy
- Health
- Science and Research
- Statistics
- Social mobility and welfare
- Transport and Infrastructure

The G8 Open Data Charter provides that, as a first step, key datasets on national statistics, maps, elections and budgets will be made available and discoverable and the parties will work towards improving their granularity and accessibility. The G8 also agreed to increase the supply of open government data available on key functions, such as democracy and environment by December 2014.

The government's initiative is already well developed in that DataBC includes datasets in relation to each of the categories. Going forward, I recommend that government adopt the G8 approach to identifying more datasets for release through DataBC. It should identify high value data and establish timelines to release datasets in those areas. In order to be able to do this, government's initial task will be to compile an inventory of all the datasets that government has. While I appreciate that there are many other considerations that go into deciding whether and how to publish a specific dataset⁵⁸ from the perspective of transparency and accountability, datasets in the G8 category of "Government Accountability and Democracy" should be the first priority for open data.

RECOMMENDATION 12:

Government should identify high value data sets for public particularly those that will increase the transparency accountability of government, and work towards releasing identified high value data sets as soon as practicable.

One way in which the government could demonstrate its leadership and commitment to open data is by signing the G8 Open Data Charter as a sub-national.

The Charter states that it is offered for consideration by other countries, multinational organizations and initiatives and its five principles were intended to set a benchmark for all governments. The principles are:

⁵⁸ http://www.data.gov.bc.ca/local/dbc/docs/databc/DataBC_Concept_of_Operations_-_V1.0.pdf
at p 18.

- Principle 1: Open Data by Default
Principle 2: Quality and Quantity;
Principle 3: Useable by All;
Principle 4: Releasing Data for Improved Governance; and
Principle 5: Releasing Data for Innovation.

RECOMMENDATION 13:

Government should commit to signing the G8 Open Data Charter as a sub-national.

3.3.2 Protecting privacy in open data

Many datasets proactively disclosed through open data programs have nothing to do with individuals (e.g., datasets relating to land use, finances or natural resources).

Of course, there are datasets that do include data about people and there can be great social utility in using data about people for social policy development, health research and the like. My position on the importance of health research is, in fact, very clear.⁵⁹ Yet, datasets containing personal information must not be published as open data unless the personal information has been de-identified, so that it is no longer personal information. De-identification is critical to protect privacy and to build public confidence in open data programs.

The world of de-identification or anonymization is becoming increasingly complex. When a dataset becomes open data, there is a risk that it could be combined with other data or information to re-identify an individual.⁶⁰ As more data enters the public domain and more powerful tools are developed to analyze datasets, it becomes easier to re-identify individuals.⁶¹ This makes the future of current de-identification methods challenging.

Ministries are responsible for de-identifying datasets before they become open data. Ministries must also conduct an assessment on privacy in accordance with

⁵⁹ “Privacy is a partner, not a foe, in medical research,” Vancouver Sun, August 16, 2012; Report of the Health Research Roundtable <http://www.oipc.bc.ca/special-reports/1483>.

⁶⁰ Re-identification is the process of analysing data or combining it with other data with the result that individuals become identifiable.

⁶¹ Information Commissioner’s Office, “Anonymisation: managing data protection risk code of practice,” p. 11 online: http://www.ico.org.uk/for_organisations/data_protection/topic_guides/~media/documents/library/Data_Protection/Practical_application/anonymisation_code.ashx.

the government's open data policy.⁶² This assessment requires ministries to determine whether an individual could be identified directly or indirectly in a dataset, for example because the data could reasonably be combined with other data to identify individuals. As it stands, ministries may contact the Legislation, Privacy and Policy Branch of the Office of the Chief Information Officer to assist in that assessment.

In November 2012, the UK Information Commissioner's Office released a code of practice for anonymization directed at both public bodies and private organizations.⁶³ The code includes a step-by-step guide on how to determine whether a person is directly or indirectly identifiable in information or a dataset, as well as methods to determine how to assess the risk of re-identification. In the code, the Commissioner's Office emphasizes the importance of carrying out periodic reviews of policies to assess data already published based on current and future threats.⁶⁴

The BC government should follow a similar approach. It should create, as soon as practicable, standardized guidance for all ministries to use to de-identify datasets identified for the open data program.

Government should also implement a policy to re-assess open data on the DataBC site on a routine basis to determine whether the risk of re-identification has changed as a result of more information or data entering the public domain.

I understand that the DataBC Council, the internal government body responsible for creating data standards and promoting open data publication, has been looking at developing its own de-identification code. I support this initiative and encourage it as a priority for early completion and implementation. I suggest that the Council consult my office on the design and implementation of that de-identification code.

RECOMMENDATION 14:

Government should develop a single de-identification approach for ministries that includes procedures on de-identifying datasets and assessing the risk of re-identification in the context of open data. Government should also develop policies for reviewing data released as open data on a regular basis to assess the risk of re-identification.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ *Ibid* p. 21

3.3.3 Ensuring open data is accessible to all

Some open data enthusiasts will say that the open data sets currently available on the DataBC website have great potential to make government more transparent and accountable. Holding government to account, they might say, is up to the data user. In other words, it is not government's job to target what specific datasets are valuable from an access to information perspective, but to flood the DataBC site with as much usable data as possible and leave it up to data users to figure out the rest.

At the same time, DataBC has been presented as a place where citizens can do their own research and fact-check government decision making.⁶⁵ In fact, government's *DataBC Concept of Operations* document outlines that one of the goals is "to encourage public dialogue and participation by giving citizens access to data about their communities and the operations of government."⁶⁶ From government's perspective, citizens could use open data to help them better understand government issues and decision making, which, in turn, can help inform them on issues and enable them to scrutinize government action.⁶⁷

The question is how to make this possible, or even measurable, under the current open data program structure in light of the small community of existing data users.

Many citizens do not know what open data is, let alone how to use it. If government open data is meant to be a public asset and empower citizens to hold government to account, then government should take steps to make it available and practically accessible to all citizens, and not just those who have the skills or resources to use it.⁶⁸

I recognize that data literacy is a complicated question. It takes specific skills for an individual to understand and analyze data. It also takes time to learn how to use services or applications to view the datasets available on the DataBC website.

Government has recognized this challenge since launching its open data program. It has published some learning tools, including a number of lesson

⁶⁵ Ministry of Labour Citizens Services and Open Government, "DataBC: Concept of Operations," v. 1.0 (March 2012), online: http://www.data.gov.bc.ca/local/dbc/docs/dataabc/DataBC_Concept_of_Operations_-_V1.0.pdf.

⁶⁶ *Ibid*, p. 4.

⁶⁷ *Ibid*, p. 59.

⁶⁸ See Mike Gurstein, "Open Data: Empowering the Empowered or Effective Data Use for Everyone?", (September 2, 2010), online: <http://gurstein.wordpress.com/2010/09/02/open-data-empowering-the-empowered-or-effective-data-use-for-everyone/>; Jesse Lichtenstein, "Why Open Data Alone is Not Enough," *Wired Magazine*, (June 28, 2011), online: http://www.wired.com/magazine/2011/06/st_essay_datafireworks/.

plans for school-aged children which were developed in collaboration with other organizations. DataBC representatives are also frequently in the community, engaging in conferences or hackathons, and reporting their activities on the DataBC blog.

Despite government's commendable outreach efforts, the open data community remains small. It is important that, government continue to promote data literacy in the community and reach those who are not engaging with DataBC's current outreach efforts. The first step would be for government to use its own expertise to identify what are the barriers to participation. Government could then focus its approaches, such as developing specific curricula targeted at different communities and making open data literacy a learning outcome in schools. Government should also continue to collaborate with local public bodies, libraries and open data advocacy groups. Our office, together with the Ministry of Education, held a successful Open Data Learning Summit in September 2012 which promoted open data literacy and leadership among BC's librarians and information professionals. The use of open data by public servants should also be encouraged.

Increasing data literacy must go hand in hand with the release of datasets if this aspect of open government is to be truly measured as a success.

RECOMMENDATION 15:

Government should continue to collaborate with stakeholders to increase data literacy and data literacy should be considered a measure of success for the open data program.

3.4 Sustainable Open Government

Government needs to continue to devote effort and resources to open government so that it realizes its potential to promote transparency and accountability. On a go forward basis, I identify three areas which would help to ensure the open government initiative is sustainable and relevant—access by design; informing the initiative through external stakeholders; and archiving.

3.4.1 Adopting access by design

The new landscape created by the open government initiative will only increase the public's appetite for more information and data. I have made a number of suggestions in this report that both bring government's practices in line with other

jurisdictions and help government become a leader in open information and open data from an accountability perspective.

Many of my recommendations mean creating new documents and perhaps even in multiple forms (both information and open data). By providing more informal ways for citizens to request information and data, government has committed to a new culture of information sharing that is potentially time consuming. While acknowledging that these entail budgetary implications, this is the cost of making proactive disclosure meaningful in the information age.

The goals of open information and open data are not just fundamentally important, they are also attainable. I am convinced that the practical way forward is for government to make more records, both data and information, public by default. Any exceptions should be limited and specific. This approach, known as “access by design”, means re-evaluating how government interacts with information and data so they may be more easily disclosed at the outset. This includes making data that is collected because of a statutory requirement freely available.

The Information and Privacy Commissioner of Ontario has identified seven fundamental principles of “access by design”:

1. Proactive, not reactive
2. Access embedded into design
3. Openness and transparency = accountability
4. Fosters collaboration
5. Enhances efficient government
6. Makes access truly accessible
7. Increases quality of information⁶⁹

Access by design amounts to a shift in government culture. It is a more sustainable approach than focussing on how to create new or modified forms of existing government information or data for publication. I also believe this approach is more cost-effective in the long run.

By way of example, briefing notes are frequently requested and posted in response to an FOI request. Consideration should be given to drafting them in a standardized format so that they could be published online proactively in a timely manner. The Open Information website would be an excellent platform for the publication of briefing notes.

⁶⁹ Ann Cavoukian, Access by Design The 7 Fundamental Principles
http://www.ipc.on.ca/images/Resources/accessbydesign_7fundamentalprinciples.pdf.

From my perspective, access by design should be a basic tenet of open government. To make open government meaningful, government must be prepared for a shift in how it operates.

RECOMMENDATION 16:

Government should incorporate access by design principles into its information management practices.

3.4.2 Informing open government

A basic principle of most open government initiatives is that they must be informed by the public. This is more than a principle, however. Ultimately, it makes sense to look to the citizens who use open data and open information to develop its content.

Government has adopted a comprehensive internet strategy that reviews citizens' interactions with government in their multiple roles, such as parents, business owners and taxpayers. Government also reviews activity on the open information and DataBC websites to evaluate what records have been downloaded most frequently, in order to target, in particular, future datasets for publication. It also uses a variety of approaches to get user comments on the Open Information and DataBC websites.

Although this is one useful method of obtaining feedback, government should ensure that it does not overlook other information sources that might provide insight on government decision-making and policies in this area.

For one thing, interest groups, political parties, researchers and the media are frequently the applicants that request public interest information. These groups help to hold government accountable by gaining access to information and informing the public. While their work may not show in number counts on government websites, their perspectives and overall importance of function should be taken into account when building open government programs.

From my perspective, government should seize the opportunity to include more of these external voices, to provide advice on what content should be part of open information and open data. The UK government, for example, established an advisory board known as the Public Sector Transparency Board in May 2010. It is chaired by the Minister for the Cabinet Office and includes public sector data specialists, data experts and a privacy expert. I believe that having an active external advisory board on open government would be an effective way to obtain

input from stakeholders outside government. It should be comprised of members of the public and civil society who are users of both open information and open data.

RECOMMENDATION 17:

Government should establish an external advisory board on open government comprised of users of open information and open data as well as data and privacy experts to inform future developments in open government.

3.4.3 The critical importance of digital and conventional archives

Without proper archiving and organization of their content, online sites can become cluttered with content, which over time may become dated or no longer useful. Citizens nonetheless must be able to gain access to content that has been archived, to ensure they have a comprehensive picture of what information is available through government. Selective records also need to be available for research and other purposes. It is important, therefore, for the government to adopt a well-designed and properly managed system, including appropriate retention periods, for the digital archiving of online records.

As more and more documents become available online through proactive disclosure, government needs to identify what information should be preserved over the long-term and then be able to protect, manage and store those records in a way that continues to make them digitally available to citizens. The Open Information website is nearly at the two-year mark. As I understand it, no archival policies for information published on the site have been established. This is something government should implement in the immediate future.

As regards retention periods, government policy is that information posted on the Open Information website (both as open information and in the disclosure log) will remain there for two years.⁷⁰ I have said previously that when information is removed from a disclosure log, it should be indexed and archived indefinitely so that it continues to be available and searchable. This should be the policy for all open information and open data.

The question of archival policies and practices for digital information published through Open Information points to a larger, and critically important, matter—the need for BC to have a modern, leading-edge statutory and policy framework for the archiving and management of records and information. The *Document*

⁷⁰ http://www.gov.bc.ca/citz/iao/foi/open_info/faq.html.

Disposal Act is BC's central archives and record-keeping legislation. It is an antiquated law enacted in 1936 and needs to be updated for the 21st Century.

A modern legislative foundation for archives and record-keeping in the digital age is indispensable for transparency and accountability in government. As I said in an investigation report issued earlier this year:

Archiving serves many important purposes in society, including providing a means by which to measure government accountability through maintaining vital records created and received by government. As such, it is crucial that government ensure that it adopts a properly managed system to archive its records on a regular basis.⁷¹

It is also indispensable, more broadly, for good government and proper administration. Without proper systems for archiving and managing records and information, a government will face risks and lose valuable assets. Among other things, without these systems, a government will be unable to find records that will help avoid repetition of past mistakes, will lose sight of valuable approaches to problem-solving and end up re-inventing many wheels, and may face increased exposure to liability if documentation supporting its actions cannot be produced. The greater public interest is also damaged if historians and others cannot find records they need for their research.

These are all well-known concerns. Over the years, my Office has called for the government to do something about this critical situation. The time has come for the government to act—the *Document Disposal Act* is far from adequate to the task. BC needs a modern statutory framework for the creation, management and archiving of records, in both digital and other forms. Other jurisdictions in Canada and around the world have acted in recent years—the legislation in Ontario, Queensland and United States at the federal level are only a few examples of models for the long overdue modernization of BC's law. There are many other examples of leading-edge laws and practices from around the world, and the government should learn from the best of them and act now to modernize BC's law.

It is also critically important that the records and information management and archiving program be well-resourced. History shows that, in challenging fiscal times, governments often reduce staffing in these areas, which sometimes are (incorrectly) seen as not providing front-line operational services. Here in BC, in 2003 the British Columbia Archives merged with the Royal BC Museum and a fee for service model for managing and preserving government archives was introduced. Sadly, this fee has acted as a significant deterrent—since it was

⁷¹ Investigation Report F13-01, [2013] B.C.I.P.C.D. No. 7, at p. 22.

introduced, ministries have not transferred any permanent records to the British Columbia Archives. This is a matter of serious concern in view of the damage that this can do, as mentioned above. A full decade of inaction on the archiving of records is too much. I call on government to remove this fee.

RECOMMENDATION 18:

The *Document Disposal Act* should be replaced with a modern archives and records management statute. The government also should act now to develop an archiving policy for its Open Information website, to enable citizens to continue to access records that have been removed from the active site. Indices of archives, and the policy, should be posted on the Open Information website.

4.0 SUMMARY OF RECOMMENDATIONS

Recommendations with respect to open information

RECOMMENDATION 1

All ministries should implement s. 71 of FIPPA without further delay and establish categories of records for disclosure on a proactive basis. These obligations should be made part of letters of expectation for ministers and deputy ministers.

RECOMMENDATION 2

The minister responsible for FIPPA should direct ministries to proactively disclose the travel and hospitality expenses of ministers, deputy ministers and assistant deputy ministers or their equivalent by purpose or event. The disclosed information should include the date of the event, destination, and expenses relating to flight, other transportation, accommodations, meals and incidentals, and the total amount spent for that particular purpose or event. This information should be published and searchable in an open data format.

RECOMMENDATION 3

The minister responsible for FIPPA should direct ministries to proactively disclose calendar information of ministers, deputy ministers and senior executives or equivalent. This release should contain the names of participants, the subject and date of external meetings and be published, at minimum, on a monthly basis.

RECOMMENDATION 4

The minister responsible for FIPPA should direct ministries to proactively disclose information relating to its contracts that are worth more than \$10,000 on (at minimum) a quarterly basis. Contract information should include with whom the government is contracting, the purpose, value and duration of that contract, and information about the procurement process for the award of the contract.

RECOMMENDATION 5

The minister responsible for FIPPA should direct ministries to proactively disclose any final report or audit on the performance or efficiency of their policies, programs or activities.

RECOMMENDATION 6

The minister responsible for FIPPA should direct ministries to proactively disclose the records enumerated in s. 13(2) of FIPPA on a routine basis within a set timeline.

RECOMMENDATION 7

The Open Information website should be used as an online library to make information that must be disclosed across government more easily accessible by providing links to that information or a search function.

Recommendations with respect to the disclosure log

RECOMMENDATION 8

Government should create a separate category for records that are not published on the disclosure log due to concerns about copyright.

RECOMMENDATION 9

Government should review its policy regarding the disclosure of copyright material to determine whether it is permissible to publish copyright material in response to an access request. Where it is determined that records may not be published due to copyright, government should publish a severed version of the record.

RECOMMENDATION 10

Government should include information on the Open Information website and in the annual report of the Minister of Technology, Innovation and Citizens' Services regarding responses to general access requests where there have been no responsive records.

RECOMMENDATION 11

Government should improve the ability to search the disclosure log to allow users to find specific content more easily.

Recommendations with respect to open data

RECOMMENDATION 12

Government should identify high value data sets for publication, particularly those that will increase the transparency and accountability of government, and work towards releasing all identified high value data sets as soon as practicable.

RECOMMENDATION 13

Government should commit to signing and implementing the G8 Open Data Charter as a sub-national.

RECOMMENDATION 14

Government should develop a single de-identification approach for ministries that includes procedures on de-identifying datasets and assessing the risk of re-identification in the context of open data. Government should also develop policies for reviewing data released as open data on a regular basis to assess the risk of re-identification.

RECOMMENDATION 15

Government should continue to collaborate with stakeholders to increase data literacy and data literacy should be considered a measure of success for the open data program.

Recommendations with respect to sustainable open government**RECOMMENDATION 16**

Government should incorporate access by design principles into its information management practices.

RECOMMENDATION 17

Government should establish an external advisory board on open government comprised of users of open information and open data as well as data and privacy experts to inform future developments in open government.

RECOMMENDATION 18

The *Document Disposal Act* should be replaced with a modern archives and records management statute. The government also should act now to develop an archiving policy for its Open Information website, to enable citizens to continue to access records that have been removed from the active site. Indices of archives, and the policy, should be posted on the Open Information website.

5.0 CONCLUSION

Open government is a key element of a healthy democracy and I support the impetus that underlies the steps government has taken in open government.

In this report, I have examined three elements of the policy initiative—open information, the disclosure log, and open data programs. I have also looked at the new provisions added to FIPPA that promote open government.

The open information component is the weakest component of the policy initiative. Only travel expenses are being proactively disclosed and government has done little to implement the new provisions in FIPPA. These provisions are critical to ensuring that there is a consistent commitment across government to proactively disclose information. I have previously provided guidance on

categories of records which I believe is a useful starting point for government. I have also suggested ways the Open Information website can be harnessed to better organize public interest information.

With respect to the disclosure log, I am pleased that most of my previous recommendations have been implemented. I have made recommendations to address concerns related to the proportion of responses to access requests that are not published. I believe government could do a better job at articulating its publication practices and should work towards proactively disclosing more of its responses to access requests.

Significant effort and resources are being applied to the open data program. The number of available open datasets appears to be growing every day. DataBC website was just recently re-launched to make it easier to navigate and find datasets.

However, making datasets available in the manner that presently exists is not clearly in support of government transparency and accountability. At this point, the types of datasets being published largely focus on providing interesting information or spurring innovations. Their capacity to enable citizens to scrutinize government policy and decision making is frequently indirect at best. I believe there is a framework for moving forward to build that content in, and have provided guidance for that purpose. Further, I believe more emphasis must be placed on data literacy and de-identification if government wants open data to remain the flagship of its initiative.

I also have concerns about the sustainability of the open government movement. Without re-orienting government practices to make more records available publicly by default, government will have difficulty keeping up with the demand for both information and data. Further, these programs must be informed to ensure they continue to focus on access to information principles. Websites must be maintained and archived to ensure that citizens will be able to access that information for generations to come. I believe a modern archives and records management statute should be a priority for government.

I anticipate issuing further guidance to facilitate open government. After an appropriate amount of time, I will re-evaluate the open information and open data projects and assess how well government has implemented the recommendations set out in this report.

6.0 ACKNOWLEDGEMENTS

I acknowledge that the Ministry of Technology, Innovation and Citizens' Services has cooperated fully with our Office's evaluation and their cooperation is appreciated.

July 25, 2013

ORIGINAL SIGNED BY

Elizabeth Denham
Information and Privacy Commissioner
for British Columbia

OIPC File No.: F12-49491

APPENDIX A

Relevant Sections of the *Freedom of Information and Protection of Privacy Act*

Records available without request

- 71(1) Subject to subsection (1.1), the head of a public body must establish categories of records that are in the custody or under the control of the public body and are available to the public without a request for access under this Act.
- (1.1) The head of a public body must not establish a category of records that contain personal information unless the information
- (a) may be disclosed under section 33.1 or 33.2, or
 - (b) would not constitute, if disclosed, an unreasonable invasion of the personal privacy of the individual the information is about.
- (1.2) Section 22 (2) to (4) applies to the determination of unreasonable invasion of personal privacy under subsection (1.1) (b) of this section.
- (2) The head of a public body may require a person who asks for a copy of an available record to pay a fee to the public body.
- (3) Subsection (1) does not limit the discretion of the government of British Columbia or a public body to disclose records that do not contain personal information.

Records that ministries must disclose

- 71.1(1) Subject to subsection (2), the minister responsible for this Act may establish categories of records that are in the custody or under the control of one or more ministries and are available to the public without a request for access under this Act.
- (2) The minister responsible for this Act must not establish a category of records that contain personal information unless the information
- (a) may be disclosed under section 33.1 or 33.2, or
 - (b) would not constitute, if disclosed, an unreasonable invasion of the personal privacy of the individual the information is about.
- (3) Section 22(2) to (4) applies to the determination of unreasonable invasion of personal privacy under subsection (2)(b) of this section.
- (4) The minister responsible for this Act may require one or more ministries to disclose a record that is within a category of records established under subsection (1) of this section or section 71(1).
- (5) If required to disclose a record under subsection (4), a ministry must do so in accordance with any directions issued relating to the disclosure by the minister responsible for this Act.

Appendix B

Categories of Records

UK Information Commissioner's Office Model Publication Scheme Classes of information

Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Lists and registers

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

Australia

Information Publication Scheme

Freedom of Information Act 1982, s. 8(2)

Agencies are required to publish the following information:

- the agency plan
- details of the structure of the agency's organisation
- details of the agency's functions, including its decision making powers and other powers affecting members of the public (or any particular person or entity, or class of persons or entities)
- details of appointments of officers of the agency that are made under Acts such as appointment of statutory office holders
- the agency's annual reports
- details of arrangements for members of the public to comment on specific policy proposals for which the agency is responsible, including how (and to whom) those comments may be made
- information in documents to which the agency routinely gives access in response to requests
- information that the agency routinely provides to the Parliament in response to requests and orders from the Parliament
- details of an officer (or officers) who can be contacted about access to the agency's information or documents under the FOI Act
- the agency's operational information (information held by the agency to assist it to perform or exercise its functions or powers in making decisions or recommendations affecting members of the public—or any particular person or entity, or class of persons or entities—for example the agency's rules, guidelines, practices and precedents relating to those decisions and recommendations)

State of Queensland, Australia Ministerial Guidelines

Operation of Publication Schemes and Disclosure Logs Under section 21(3) and section 78(2) of the *Right to Information Act 2009*

Publication Scheme Classes of Information

Seven classes of information are to be published. The classes of information are as follows:

1. *About us (Who we are and what we do)*
Agency information, locations and contacts, constitutional and legal governance
 2. *Our services (The services we offer)*
A description of the services offered by the agency, including advice and guidance, booklets and leaflets, transactions and media releases
 3. *Our finances (What we spend and how we spend it)*
Financial information relating to projected and actual income and expenditure, tendering procurement and contracts
 4. *Our priorities (What our priorities are and what we are doing)*
Strategy and performance information, plans, assessments, inspections and reviews
 5. *Our decisions (How we make decisions)*
Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations
 6. *Our policies (Our policies and procedures)*
Current written protocols for delivering our functions and responsibilities
 7. *Our Lists (Lists and registers)*
Information held in registers required by law and other lists and registers relating to the functions of the agency
-