

Member Memo

To: BCCPA Service Provider Members

From: Michael Kary

Date: February 16, 2016

Re: Office of the Seniors Advocate – Requests for Information - Update

- As outlined under the BC [Seniors Advocate Act](#), the Seniors Advocate may request information (except personal information) from public and private sector service providers.
- Under the Act, BC Care Provider Association (BCCPA) members have little or no right to refuse requests for information that are directed to them from the Office of the Seniors Advocate (OSA). In particular, BCCPA members are largely compelled to provide information requested by the OSA in order to fulfill its mandate or designated responsibilities.
- Likewise, there are also no stipulations under the *Seniors Advocate Act* (2013) for service providers to be compensated for staff time and/or other costs required to gather information that is requested formally from the OSA.
- The inability to refuse to provide information and/or be compensated for such requests from the OSA represents a potential concern for the BCCPA and its members particularly if such information requests become more frequent.
- Recently, BCCPA members have expressed concerns about the increasing number of information and data / survey requests coming from the OSA. Along with the increased frequency there are also concerns over what the information could be used for.
- To help alleviate some of these concerns, particularly around the costs and such to obtain any information requested; the BCCPA may need to see adequate reimbursement for its members in order to cover any unanticipated staff expenses and/or other associated costs required to fulfill OSA's mandate.

BACKGROUND:

- The [Seniors Advocate Act](#), which was assented to in March 2013, outlines the responsibilities and other functions of the Office of the Seniors Advocate (OSA) such as the hiring of staff, power to establish an advisory council as well as gathering information.
- As outlined below, while section 3 of the *Seniors Advocate Act* deals with the responsibilities of the OSA, sections 7 and 8 of the Act deal with the power to gather information (section 7) and power to request and duty to provide information (section 8).

Responsibilities of Seniors Advocate (Section 3)

- As outlined in section 3.1 of the Act, the responsibilities of the Seniors Advocate include:
 - monitoring the provision of seniors' services;
 - analyzing issues that Seniors Advocate believes to be important to welfare of seniors;
 - advocating in the interests of seniors;
 - identify and analyze systemic challenges faced by seniors;
 - collaborate with persons who deliver seniors' services for the purpose of improving the efficiency and effectiveness of service delivery;
 - promote awareness, by seniors, their caregivers and their families, of systemic challenges faced by seniors, and of the resources available to seniors; and
 - make recommendations to government and to persons who deliver seniors' services respecting changes to improve the welfare of seniors.

Power to gather information (Section 7)

As outlined in section 7 (power to gather information) the **Seniors Advocate may engage in any activity necessary to effectively and efficiently fulfill the responsibilities of the Seniors Advocate under this Act**, including: a) conducting research, including conducting interviews and surveys, and b) consulting with persons who deliver seniors' services and with public.

Power to request and duty to provide information (Section 8)

- As outlined in section 8 of the Act (power to request and duty to provide information) section 8 (1) notes: For the purpose of fulfilling the responsibilities of the Seniors Advocate, the Seniors Advocate may request information, other than personal information within the meaning of [Freedom of Information and Protection of Privacy Act](#), from a service provider.
- As outlined in Section 8 (2): A request for information under subsection 8 (1) must be made in writing and may be made only if the Seniors Advocate has engaged in a process described in section 7 [*power to gather information*] and a service provider has:
 - i) Failed or refused to provide information requested by the Seniors Advocate within the time limit specified by the Seniors Advocate, or
 - ii) Provided information that, in the opinion of the Seniors Advocate, is incomplete, false or misleading.