

Access to Information & Privacy

Access to Information and Privacy (ATIP) Division
City Clerk's Office, City of Vancouver



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Land Acknowledgement

The Access to Information and Privacy Division (ATIP), City Clerk's Office, is located at Vancouver City Hall, and would like to acknowledge the ancestral and unceded territory of the Musqueam, Squamish, and Tsleil-Waututh Nations. We thank them for having cared for this land since time immemorial and look forward to working with them in partnership as we continue to build this great city together.

Introduction

The ATIP annual report provides consistent and comparable data on our City service areas, so that our team can assess challenges, find solutions and create opportunities to uphold information access, best practices for management of information, and protection of personal information. Access to information – also referred to as Freedom of Information (FOI) – metrics have been gathered from various public sector municipalities in B.C. The purpose of these metrics are to be collaborative and promote the important work we do, as well as evaluate how we can continually improve and evolve going forward.

Who we are

ATIP is a division under the City Clerk's Office. Our team oversees management of information, FOI, and protection of privacy by adhering to legal and regulatory requirements. We are focused on promoting trust, openness, transparency, and fairness.

What we do

ATIP manages*:

- Formal access to information through FOI requests
- All aspects of the City's privacy and personal information protection obligations under the Freedom of Information and Protection of Privacy Act (FIPPA) of B.C.
- Corporate records and information management
- Ombudsperson's complaints and early resolution files for the Vancouver Board of Parks and Recreation, Vancouver Public Library (VPL), Board of Variance, and the Pacific National Exhibition (PNE)

**Delegated to administer FOI, privacy, and records and information management for the Vancouver Board of Parks and Recreation*

Purpose

This report is an annual review of our team's successes and how our service area compares to other municipal public bodies in B.C. Our intent is to showcase what we do, what we have delivered in 2021, and how we want to keep evolving. The annual report is to be used as a resource and/or reference to be shared with those in our field and publicly to those interested in what we do. Our approach is about raising awareness and creating positive connections with colleagues, citizens, and business partners.

Detailed metrics and commentary are provided in the following pages.

Significant 2021 Milestones

The following data is considered items of note in 2021.

Access to Information – FOI Requests

28 Days* – the average response time for FOI requests in 2021

- An increase from 2020, and our highest average (typically 18 to 23 days). This speaks to the increased complexity of FOI requests we receive and the need for extensions under s.10(1) of FIPPA.

**Metric is corrected for the following outliers: FOI files under review at the Office of the Information and Privacy Commissioner (“OIPC”) and large files that require an additional OIPC extension under s.10(2) of FIPPA.*

-5 per cent – decrease in the number of formal FOI requests received, compared to 2020

- This is the second continuous year to see a decline in formal FOI intake volume, with 2020 being the first year to see a decline since we began tracking metrics in 2008. This trend may be a side effect of a second year skewed by the COVID-19 pandemic or due to the FOI Office moving requests for Underground Storage Tank (UST) data into the routine “fee for service” request queue (ATIP received approximately 30 requests per year prior to 2020).

10 per cent – percentage of FOI requests from the press/media

- A one per cent reduction from 2020. This metric is the lowest percentage compared to all previous years.

\$0 – amount received for FOI Application Fees

- With the passing of Freedom of Information and Protection of Privacy Amendment Act, 2021 (Bill 22) on November 25, 2021, the City chose to [not issue an FOI application fee of \\$10](#).

Protection of Privacy

48 – Privacy Impact Assessments (PIAs) completed

- This is a 20 per cent decrease from 2020. It may be too early to determine if this is a significant trend.

124 – privacy reviews and consultations completed

- This is a 32 per cent decrease from 2020. It may be too early to determine if this is a significant trend.

15 – closed-circuit television (CCTV) applications or amendments

- A 15 per cent increase compared to 2020. The increase indicates a return to a pre-COVID-19 level of CCTV applications and amendments within a year.

Records Management

10.8 terabytes (TB) – of records stored in the City's Electronic Document and Records Management System (EDRMS)

- This is an increase of 1.3 TB from 2020. The storage growth in the EDRMS (called VanDocs) was reduced by 249 gigabyte (GB) as a result of applying records retention schedules.

150,802 – documents added to VanDocs.

164,648 – documents were destroyed from VanDocs as a result of applying records retention schedules.

3.89 million – documents in VanDocs (the City's records management system)

- This is a four per cent increase from 2020.

FOI - Service Metrics

Public Access to City of Vancouver Records

Public access to City records that are not available to the public for free or on a fee for service basis, are handled through the FOI process. From 2016 to 2019 the City experienced a steady increase in the number of formal FOI requests received. This was not the case in 2020 where the total number of formal FOI requests was nine per cent less than 2019. In 2021, the number decreased again and was five per cent less than in 2020.

The reduction in 2020 reflects a reduced number of requests early in the year when the COVID-19 pandemic had its greatest impact, as well as a decision to move routine requests for underground storage tank data, previously handled as FOI requests, to a fee for service queue. In 2020, 16 requests were made for underground storage tank data and in 2021, 22 requests were made.

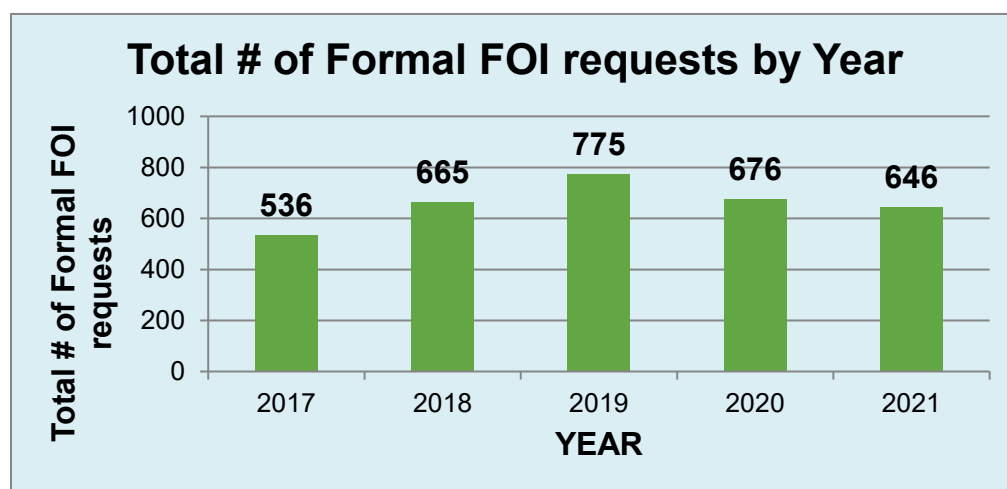
Table 1 and Figure 1 below provide this information in numeric and graphic form.

TABLE 1: Total number of formal FOI requests by year (2017-2021)

Year	2017	2018	2019	2020	2021
Total # of FOI Requests	536	665	775	676	646
% Increase from previous year*	6%	24%	17%	- 9%	- 5%

**Percentages are rounded to the closest whole number*

FIGURE 1: Total number of formal FOI requests by Year (2017-2021)



B.C. Public Bodies (Municipalities and Regional Districts) - 2021 Comparative FOI Request Metrics

A survey of B.C. public bodies was conducted in 2021. The 2021 comparative FOI metrics are provided in Table 2 below with the permission of the participant public bodies.

Table 2: 2021 Freedom of Information Requests – B.C. Public Bodies (Municipalities and Regional Districts)

Municipality or Regional District	Number of Formal FOI Requests received	Number of Fee Estimates Issued	Percentage of requests completed within 30 days*
City of Abbotsford	335	20	90%
City of Burnaby	165	13	94%
City of Chilliwack	79	4	100%
City of Coquitlam	139	49	92%
City of Delta	96	37	95%
City of Kelowna	76	3	96%
City of Langley	35	0	97%
City of Maple Ridge	86	2	98%
City of New Westminster	77	17	95%
City of North Vancouver	76	3	90%
City of Port Coquitlam	69	4	90%
City of Port Moody	56	16	76%
City of Surrey	719	19	n/a
City of Vancouver	646	82	75%
City of Victoria	178	4	76%
District of Hope	68	16	100%
District of North Vancouver	208	20	95%
District of Tofino	5	2	100%
Fraser Valley Regional District	55	34	89%

*As per FIPPA, the initial 30 business day response deadlines can be extended for several reasons and remain in statutory compliance, most commonly:

1. request requires clarification, s.10(1)(a); and/or
2. a large number of records must be searched and compiled, s.10(1)(b); and/or
3. the records require other public body or third party consults, s.10(1)(c).

Note: City of White Rock, could not provide information at the time of the request

City of Vancouver – Comparative FOI Request Metrics (2017 to 2021)

The following metrics give an idea of the FOI work that is conducted for the year. Tables 3 and 4 provide detailed metrics whereas Figures 2 and 3 provide visual images to present the information proportionally.

TABLE 3: Foundation Metrics

Year	2017	2018	2019	2020	2021
Total Formal FOI Requests	536	665	775	676	646
Total Number of Pages of Records Released	60,473	36,685	34,012	54,712	31,379
Average Response Time (Business Days)	23	22	18	23	32
Number of OIPC Reviews*	23	22	23	26	17
OIPC Reviews as % of Total Requests	4.20%	3.30%	3.00%	3.85%	2.60%

*NOTE: Applicants can request a review by the Office of the Information and Privacy Commissioner (OIPC) if they are dissatisfied with any aspect of the handling of their FOI request. Third parties can also request a review if the City is unable to withhold their business information under s.21(1) of FIPPA.

FIGURE 2: Average Response Times (Days), 2017 to 2021

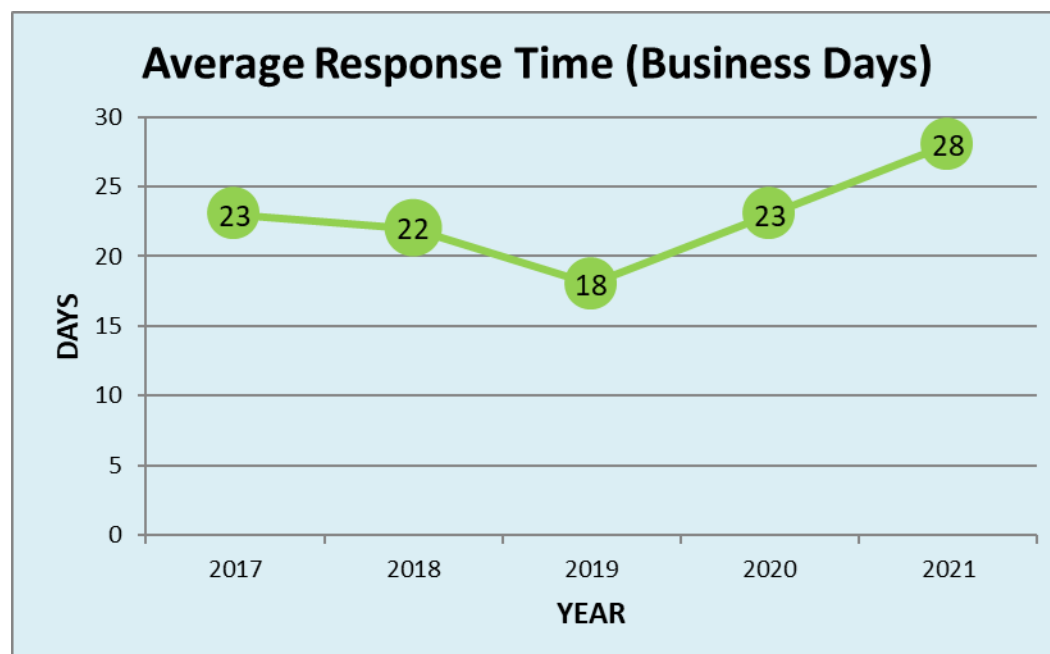
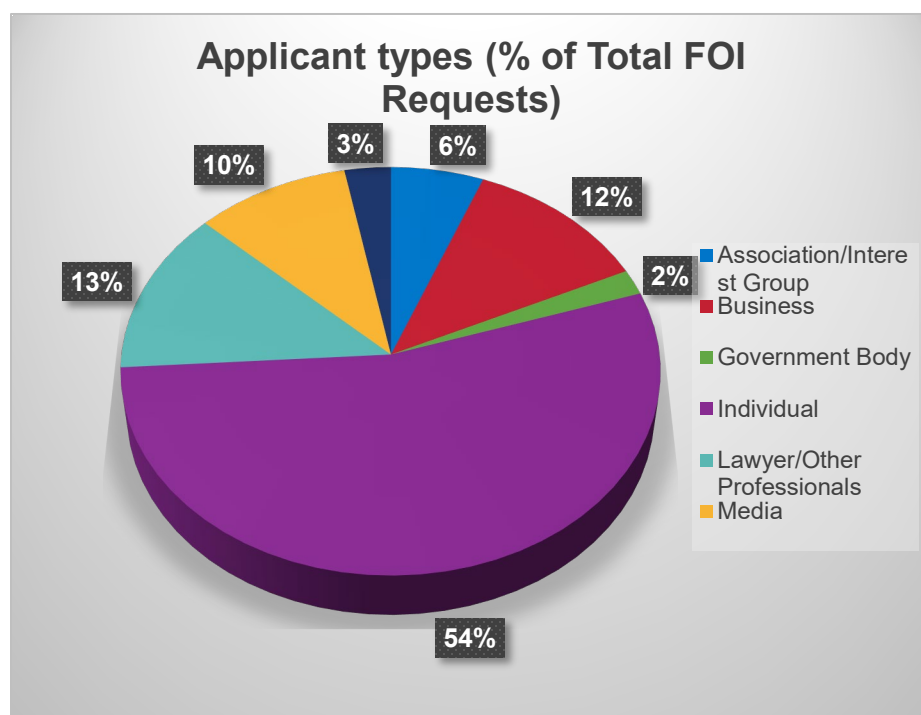


TABLE 4: Requestor / Applicant Types, 2017 to 2021

Year	2017	2018	2019	2020	2021
Total number of FOI files	536	665	775	676	646
Requestor Types (#/Total)					
Association/Interest Group	35	34	35	25	36
Business	45	96	130	66	80
Government Body	8	7	10	7	16
Individuals	243	342	356	369	346
Lawyer/Other Professional	84	69	115	119	84
Media	120	103	118	77	67
Other	1	14	11	13	17
Requestor Types (%/Total)*					
Association/Interest Group	7%	5%	5%	4%	6%
Business	8%	14%	17%	10%	12%
Government Body	1%	2%	1%	1%	2%
Individuals	45%	52%	46%	54%	54%
Lawyer/Other Professional	16%	10%	15%	18%	13%
Media	22%	15%	15%	11%	10%
Other	1%	2%	1%	2%	3%

*Percentages are rounded to the closest whole number

FIGURE 3: 2021 Requester/Applicant Types (% of Total FOI Requests)



Ombudsperson Complaints

The Provincial Ombudsperson is legislated to handle all complaints regarding administrative fairness of municipalities. The legislation allows the Ombudsperson to investigate as fully and completely as is required to settle the complaint. Complaints for, or about, the City of Vancouver that require a full investigation by the Ombudsperson are handled by the ATIP Director as delegated by the City Clerk. The Ombudsperson publishes an annual report, providing a detailed summary of the work of the office for the previous year.

For the Ombudsperson's detailed annual report (2020/2021), please visit their website at bcombudsperson.ca/annual-reports/

Corporate Records and Information Management (CRIM)

The Access to Information and Privacy division of the City Clerk’s Office administers the Corporate Records and Information Management (CRIM) program. Record keeping at the City is governed by the Vancouver Charter, the Records Management By-law No. 9067, and the Records and Information Management Policy (ADMIN-009), and applies to all departments and all records. CRIM is responsible for developing, maintaining, and implementing records management policies, standards, guidelines, and best practices. In addition to providing advice, guidance, and training to departments, CRIM is responsible for VanRIMS, VanDocs, off-site storage, and records disposition.

2021 Corporate Records Management Highlights

Staff eLearning course – Technology Services launched Part 1 of the new VanDocs Essentials eLearning course, developed as part of the curricula review project completed by Corporate Records and Learning Support. This modular course is designed to provide staff with quick access to interactive reference guides on the most important features and functionality of VanDocs. Since launching on June 1, 2021, it has become our most popular eLearning course, attracting almost 500 learners.

“DRC Superstar” recognition program – Departmental Records Coordinators (DRCs) are designated contacts in each business unit who support implementation and adherence to records management policy and procedures. The DRC Superstar contest, held for the third year in a row, received 50 nominations.

Records @ Work – Commemorated *Records @ Work* month again through a series of weekly themed communications posted on the City’s staff intranet, and one workshop. In addition, launched the first City-wide “TRIM Challenge” to encourage City staff to purge obsolete, dated, and transitory records from network file shares, and to file records into VanDocs.

CRIM Community of Practice newsletter – The CRIM Community of Practice newsletter is an internal monthly publication (commenced in 2020) that outlines best practices, tips, and resources on timely records management topics specific to City policy, systems, and practices. Seven newsletters were distributed to the DRC community and subsequently posted on the City’s intranet for access by all City staff.

Outreach and education – Delivered four presentations on records management principles, retention and disposition process, and VanDocs best practices to Departmental Records Coordinators and specific departments.

Corporate Records Management - Service Metrics

173 – staff attended VanDocs instructor-led training (Foundation and DRC). Instructor-led courses continued to be delivered online with success.

115 – staff completed self-guided online VanDocs training.

443 – visits to the new *VanDocs Essentials* e-Learning modules.

3.89 million – documents in VanDocs (four percent growth from 2020). The average number of new documents added for the past five years is 365,000 while the average net growth is 280,000.

2,468 – help calls were resolved (an increase of over 17 per cent from 2020 call volumes).

Privacy

Privacy metrics have been documented since 2018 when the City of Vancouver implemented a dedicated Privacy Analyst position. Our current core privacy metrics are the number of Privacy Impact Assessments received for the year and the number of closed-circuit television (CCTV) applications and amendments.

Privacy Impact Assessments (PIAs)

A PIA is a legally required assessment that determines if a program or initiative meets the privacy protection provisions in Part 3 of FIPPA. PIAs are required for any initiative that collects, uses, discloses, stores, or destroys personal information. CCTV applications and amendments, which assess the privacy compliance of CCTV installations, are also deemed to be PIAs.

CCTV Applications

These are a specific type of PIA that solely review City owned and managed camera installations. A CCTV application reviews whether the camera installation has the ability to capture personal information (such as imagery or video of persons), and if it does, records how the personal information is collected, recorded, stored, used, disclosed, and destroyed. CCTV applications demonstrate compliance with FIPPA and the City’s CCTV systems policy and procedures.

Internal and External Inquiries

In addition to collecting metrics on PIAs and CCTV applications, we also collect data on internal consultations (privacy matters) with staff and external (non-staff) inquiries (privacy queries) received. Table 5 and Figure 4 below show all four distinct privacy activities and a comparison to previous years. The total number of PIAs completed in 2021 slightly decreased, whereas CCTV applications and amendments only slightly increased.

Privacy – Service Metrics

Table 5 - 2018 to 2021

Year	2021	2020	2019	2018
Privacy Impact Assessments (PIAs) completed	48*	60**	47	35
CCTV Applications or amendments	15	13	14	10
Internal Inquiries (Privacy Matters)	93	151	170	111
External Inquiries (Privacy Queries)***	31	31	36	44****

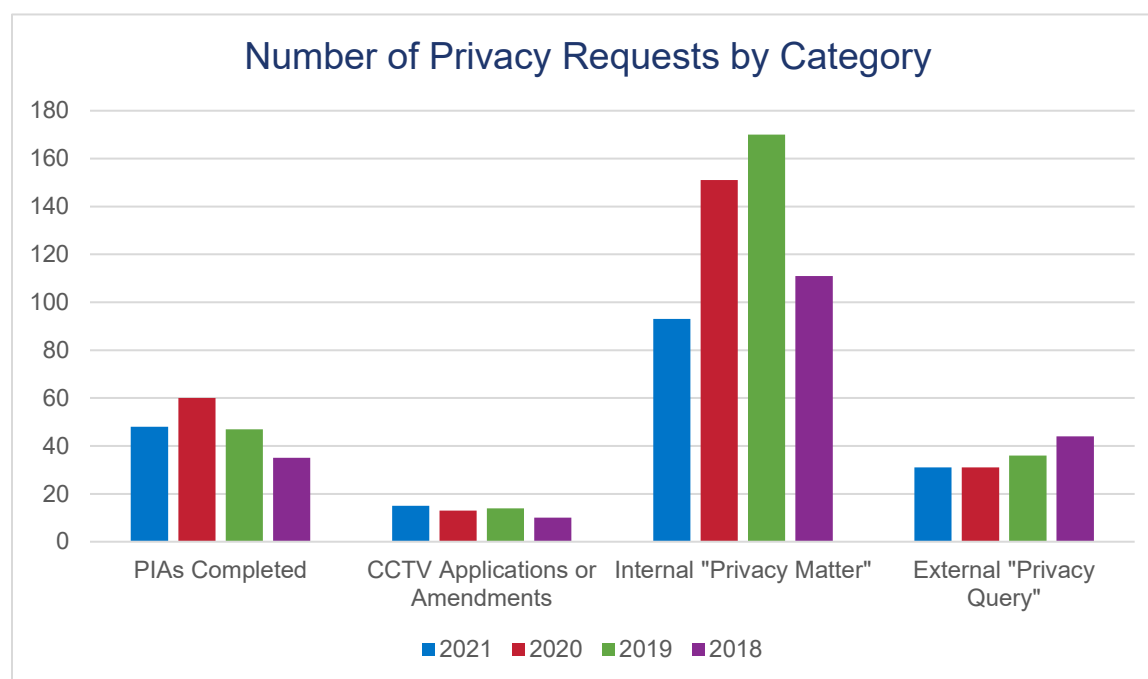
*32 PIAs and 16 Addendums (an addendum is an additional, secondary PIA that is complementary to the primary PIA)

**50 PIAs and 10 Addendums

***Includes external questions, comments, and feedback (as of 2019, this number excludes privacy incidents)

****Number includes Privacy Incidents

FIGURE 4: Number of Privacy Requests by Category (2018-2021)



2021 Privacy Highlights

Mandatory PIAs – Bill 22 replaced Canadian data residency requirements with a mandatory PIA and robust risk-based review process for all systems, procedures, or applications that may involve storage and/or disclosure of personal information outside of Canada.

Mandatory breach reporting – Bill 22 requires the head of a public body to report breaches to both the Office of the Information and Privacy Commissioner and to affected individuals where there is a risk of "significant harm." This is already consistent with the City's approach to notify.

CCTV policy and procedures – The City updated and approved the CCTV systems policy and the three supporting procedures for traffic, City premises, and public realm CCTV systems reflective of specific different circumstances. Policy and procedures are to ensure that any use by the City of CCTV systems or other video systems appropriately respects privacy and complies with the law.

Proof of residence

Two staff members of our division are Commissioners for Affidavits for B.C. in the course of their duties for the City of Vancouver. The affidavits are specific to legal matters that require a “Proof of Residence.” For example, some countries such as Japan, Germany, and Greece require persons eligible for a pension from their country, who reside in Vancouver on a permanent basis, to provide proof of residence each year in order for them to continue to collect their pension.

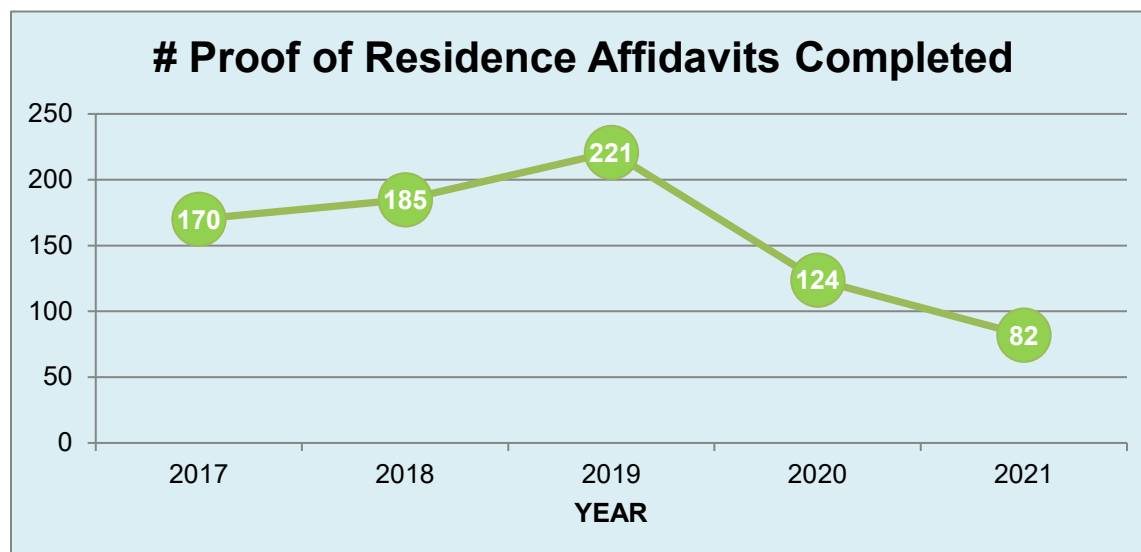
The service is free to Vancouver residents. Most of the people using the service are seniors who might otherwise have to pay a fee to a Notary Public to obtain the same documents. The seniors using the service come every year and we get to know them personally.

A total of 82 applications were processed in 2021. The process was still impacted by the limitations imposed by COVID-19 (as of March 2020), so we were only able to provide them to residents who were already in our database and whose government/pension organization allowed the forms to be completed digitally.

TABLE 6: Proof of Residence Affidavits Completed – 2017 to 2021

Year	Proof of Residence Affidavits Completed
2017	170
2018	185
2019	221
2020	124
2021	82

FIGURE 5: 2017 to 2021, Proof of Residence Affidavits Completed



Challenges and Opportunities

Looking back

As we adapted how we work during COVID-19 in 2020, it created opportunities such as the ability to pivot, working remotely, and finding ways to be increasingly efficient in an evolving digital landscape.

This has led to a continued commitment of paperless processes which was further enhanced with research and guidance towards using digital and e-signatures (when wet signatures are not required). Apart from environmental benefits, reducing paper (where possible) has eliminated costs in work time such as printing documents, using paper folders, creating labels, packing cardboard boxes, and the need to send files offsite.

Looking at 2021

Swift updates made to FIPPA under Bill 22 that were key to the City included not charging a \$10 administration fee in order to continue to allow diverse clients to access information and remove any barriers. Other key changes included new PIA requirements, additional protections for Indigenous entities and practices, mandatory breach notification (not yet in effect), and the requirement that a public body establish a privacy management program (also not yet in effect). These updates are in alignment with both past and present City practices.

Looking forward

Updating our information processes, promoting cross-organizational training, acknowledging Records and Information Management Month, Privacy Awareness Week, and Right to Know Week, and looking at ways to continuously strengthen personal privacy protections (including vulnerable residents). New systems and more ways to share information and collaborate are in full swing. Our division strives to be information leaders when promoting an information compliance culture which includes upholding diversity, inclusion, and accessibility. Focus is on reviewing, refining, refreshing, and streamlining. Looking forward to sharing highlights and reviewing how things evolved in 2022.

Stay tuned and warm regards,

Cobi Falconer, Director, Access to Information and Privacy, and the ATIP team