

1995 Annual Report of the Freedom of Information and Protection of Privacy Office at the Workers' Compensation Board

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A. Introduction

1995 was the second full year of operation of the Board under *The Freedom of Information and Protection of Privacy Act* ("FIPPA") which came into force on October 4, 1993. The staff of the Board's Freedom of Information (FIPP) Office has become increasingly familiar with the legislation and its requirements, the needs of requesters and complainants, as well as the needs of Board staffing in applying the legislation on a day-to-day basis. This report outlines the various activities the FIPP Office has been engaged in during 1995 and includes statistics showing the type of requests and other work which have been dealt with under FIPPA

B. Legislative Framework

The purpose of the *Freedom of Information and Protection of Privacy Act* is twofold:

1. to make government and other public bodies more accountable to the public by giving a right of access both to an individual's personal information and also to the general records held by these public bodies.
2. to protect personal privacy by providing individuals with a right to request correction of personal information in the records of public bodies.

Openness, accountability and protection of privacy are the central pillars of the legislation. In addition, FIPPA seeks to prevent the unauthorized collection, use or disclosure of personal information by public bodies. In terms of supervision, it provides a process of independent review of decisions made under the legislation by the creation of the Office of the Information and Privacy Commissioner.

Times are changing and in democratic societies individuals are demanding more openness and accountability from their public servants. Accordingly, it is the intent of

the FIPP Office at the Workers' Compensation Board to ensure that the legislation is fully complied with by the Board both in the interests of community stakeholders and the Board itself.

C. The WCB FIPP System — FIPP Office and FIPP Contacts

Under the FIPPA legislation, the head of each public body is responsible for enforcing the legislation with respect to his or her public body. In the case of the Workers' Compensation Board, that role was performed by the chair of the Board of Governors until the summer of 1995, when the Board of Governors was disbanded and the provincial government replaced it with the Panel of Administrators. Under the FIPP legislation, the chair of the Panel of Administrators is the head of the Workers' Compensation Board.

Under Section 66 of the *Act*, the head of the public body may delegate his or her duties, powers and functions under the *Act* (except the power to delegate itself). At the Workers' Compensation Board, by Chair's Instruction Number 1, the chair has delegated his authorities under the *Act* to several persons at the Board. The person upon whom these responsibilities devolve on a day to day basis is the freedom of information coordinator, Heather McDonald. In this regard, she reports to Dale Parker, the president and chief executive officer, as well as to Ed Bates, general counsel to the Board. Other responsibilities under the FIPPA legislation have been delegated to SEC members (approving fee waivers over \$10,000) as well as to various managers and directors at the Board (appointing FIPP contacts).

The smooth functioning of the FIPP system at the Board is achieved by having "FIPP contacts" strategically placed throughout the Board. FIPP contacts are members of staff in each department who are responsible for responding to requests for records and information which they receive from the FIPP Office. Having trained contacts in every Board department ensures that the FIPP Office, so far as possible, meets the 30 day statutory deadline under the legislation for responding to requests for information. Moreover, contacts are not only trained to respond to requests from the FIPP Office for records from their respective departments, but also to recommend how the exceptions under the legislation might apply to the particular records they have been asked to locate. In this way, FIPP staff members benefit from the departmental expertise which comes with the familiarity department staff bring from working with records of a specialized nature.

The FIPP Office at the WCB has gained a reputation throughout the Province for responding to requests in a timely manner and this satisfactory position has been achieved principally by the professional and efficient assistance it receives from the FIPP contacts. Compliance with the FIPPA legislation is clearly more than a matter of

public relations. In view of the Board's high profile the FIPP Office sees its role as important to the way the Board is perceived by the general public. Prompt, helpful and accurate compliance with the FIPPA legislation can only enhance the reputation of the Board as a whole. In this regard, the FIPP Office greatly appreciates the assistance it receives from FIPP contacts at the Board.

This situation is in marked contrast to the problems described in the *1994 Annual Report*, which FIPP contacts were experiencing with the FIPPA legislation. The FIPP Office is aware of the additional workload and stress the legislation has placed on the Board, and in particular on the FIPP contacts. In 1995, however, the familiarity of FIPP contacts with the demands of the FIPP Office and regular meetings with the coordinator and the FIPP analysts led to a much smoother running of the FIPP system and an easier experience for the FIPP contacts.

In 1995, the FIPP Office revisited the issue of fees and how to charge requesters under the FIPP legislation. Under FIPPA, a requester who asks for his or her own personal information is entitled to receive that information free of charge. Requesters for other types of information (non-personal to the requester) are entitled to three free hours of time in locating and retrieving the information. Beyond those legislative restrictions, the FIPP Office may charge requesters for responding to requests.

The FIPP Office has been proactive in 1995 in educating FIPP contacts throughout the Board as to the importance of providing fee estimates wherever possible. Providing requesters with realistic fee estimates has certainly contributed to a more manageable workload. For example, charging fees has led some requesters to withdraw their requests. In other cases, responding to a FIPP request is perceived by FIPP contacts as less onerous since a corresponding fee is being paid for the service provided. When the fee is collected from the requester, the funds are credited to the particular department from where copies of the records were obtained.

The FIPP Office has also been working with the FIPP contacts to revise the existing FIPP contact response form, so that it will be both easier to use and more useful in calculating fee estimates and the actual cost to the Board of responding to the request. During 1996, the revised form will enable more fees to be collected and better statistics kept regarding the cost to the Board of complying with the FIPPA legislation. Improved record keeping will mean, at least in the case of requests for non-personal information, that fees will provide a welcome source of income for the Board.

Regular FIPP contact meetings will continue to be held throughout 1996 in order to maintain the valuable relationships that have been created between the contacts and the FIPP Office, and to keep awareness of the statutory requirements at an optimum level. In addition, new FIPP contacts will continue to receive one-to-one training from members of the FIPP Office to acquaint them with their responsibilities.

D. The FIPP Office — Change and Growth

The FIPP Office is part of the Board's Legal Services Division. In 1994 and 1995, the FIPP Office was physically separate from other departments in the Division, being located on the fifth floor of the Administration Building.

The statistics attached to this report will show the growth in requests over the previous two years and explain the need expressed by the coordinator in the *1994 Annual Report* for additional analysts to deal with this workload. For most of 1995, FOI analyst Susan Chew was still on secondment at the Ombudsman's Office and until her return in late September, a temporary analyst position was filled by several different persons in turn.

Recognizing the need for additional staff in the FIPP Office, the chair approved two more analyst positions as well as one further secretary. In February of 1995, Christel Nouwt, a Board employee, joined the staff of the FIPP Office. Ms Nouwt has an MA in Law from a Dutch university and valuable experience of Board operation. In August of 1995, Kate Gross, another Board employee, joined the staff. Ms Gross has a background as a solicitor in England and administrative experience in the Board appeal process. Monika Marx, another Board employee, joined the FIPP Office as the third secretary in September of 1995.

The extra staff meant that there was insufficient space on the fifth floor location of the FIPP Office to accommodate them. Therefore, for much of 1995, some of the FIPP staff were located on the sixth floor of the Main Administration building, within the physical premises of the Legal Services Division.

By the autumn of 1995, the FIPP Office was at last adequately staffed and able to meet the various demands of the FIPP legislation. During the autumn, the coordinator and analysts were able to embark on the essential work of training Board staff about the requirements of the *Act* in connection with their daily work, training which had been impossible for much of 1994 and 1995 when FIPP Office activities had been directed almost exclusively to satisfying formal FIPP requests, responding to complaints, participating in mediation processes in appeal situations, and preparing submissions in appeals to the commissioner's office.

With an adequate staff level, the FIPP Office looks forward to meeting the challenges of the FIPPA legislation throughout 1996.

It is planned that early in 1996 the FIPP staff will finally be located in one area, and in this regard a move to the sixth floor, within the Legal Services Division premises, is anticipated in early January 1996.

E. FIPP Office Systems

The FIPP Office deals with files for requests, reviews, corrections and complaints. In order to handle these efficiently, it employs a file classification system, a file review system, a computerized request tracking system (RTS) and a legal opinion collection. The provincial government's ARCs classification for records is also used, and FIPP Office staff have worked on the plan to have this system adopted Boardwide. ARCs will make responding to FIPP requests easier, as well as making for greater efficiency and cost savings throughout the Board. FIPP Office staff have also been working on revising the filing system within the FIPP Office in accordance with ARCs requirements.

During 1995, the FIPP Office also developed an extensive practices and procedures manual for the use of new support staff and analysts in the FIPP Office. This manual has proved an invaluable tool for new members of staff, quickly acquainting them with FIPP Office methodology.

The budget/expenditures for the FIPP Office in 1995 is set out in Table 1.

F. Initiatives in Relation to FIPP Compliance

The *1994 FIPP Annual Report* made it clear that full compliance with the *Act* will take some years to achieve. Nevertheless, awareness of the FIPP legislation and its practical effect on Board policies and procedures have grown substantially throughout 1995. Board staff have become sensitive to "privacy" issues and have adopted sound legislative practices as part of their daily work routine. When Board staff are uncertain about a disclosure issue or privacy concern, they call the FIPP Office for advice. The FIPP Office receives numerous requests for advice each day from various departments of the Board, and responds to them promptly.

Policy review and development

The FIPP Office participated in policy review and development with the Criminal Injuries Compensation Section of the Legal Services Division, establishing a disclosure policy applicable to appeal and ordinary course of business disclosures. As well, the FIPP Office assisted the Prevention Division in providing advice for the development of a policy on the confidentiality of information received from employers, witnesses and informants. The Sensitive Claims Area of Compensation Services Division requested and received extensive assistance from the FIPP Office in the form of draft guidelines for policy development in dealing with claims where the alleged perpetrator of a sexual assault is the workplace employer of the claimant. The FIPP Office also prepared advice for the Appeal Division related to the policy issue regarding the availability of Appeal

Division decisions. The FIPP Office participated in policy development related to new projects in Compensation Services, including changes to the Form 6, changes to appeal disclosure related to the new Records Management Department, and the electronic file SDS project. The FIPP Office also assisted the Assessments Department with respect to the issue of fees charged for disclosures.

Administrative procedure review

On an ongoing basis, various departments throughout the Board routinely contact the FIPP Office for advice on their administrative procedures and the impact of the FIPP legislation. The coordinator and analysts have met with department representatives on a regular basis, including those from Human Resources, Criminal Injury Compensation Section, Facilities, Compensation Services, Prevention, Human Resources and Appeal Division, to provide suggestions and advice on various policies and procedures.

The FIPP Policy Manual

In 1995 the FIPP Office consulted with FIPP contacts as to the usefulness of the *FIPP Policy Manual*. Based on the comments received, the FIPP Office commenced a revision of the manual, to streamline it. In 1995, the manual was made available to the public through the Films and Posters Department of the Board.

Office of information & privacy policy and procedure manual

This two-volume manual is published by the British Columbia Office of Information and Privacy (formerly known as the Information and Privacy Branch of the Ministry of Government Services). It provides specific direction and advice on the interpretation and application of the FIPP legislation. It was updated in 1995. The advice in this manual is in no way binding on public bodies, but it is a valuable resource for the FIPP staff when responding to complicated or unusual requests. FIPP staff also regularly attend meetings with other public bodies held under the auspices of the British Columbia Office of Information and Privacy. The meetings in 1995 were productive, particularly the exchange of experiences regarding practical application of the FIPP legislation. As well, the FIPP Office participated in quarterly "Crowns" meetings, hosting one of the meetings wherein freedom of information staff from non-governmental public meetings gathered to discuss issues of common concern.

Inter-agency agreements

A written protocol between the Board and the Coroner's Office, dealing with the exchange of records between organizations, remains in draft form at this time. In 1995, the Board and the Coroner's Office agreed to conduct themselves according to the draft protocol, while awaiting independent designation of the Coroner's Office as a public

body under the FIPPA legislation. It is anticipated that when the Coroner's Office achieves status as a public body independent of the Ministry of the Attorney General, the protocol will be finalized as a written agreement under Section 33(d) of the FIPPA legislation.

In 1995, written protocols in draft form were established between the WCB and provincial municipal police forces, as well as the WCB and the RCMP. These protocols deal with information disclosure and exchange between the respective agencies, and were drafted after meetings and consultation between representatives of the agencies. The respective agencies are conducting information exchange and disclosure in accordance with the draft protocols, and it is hoped that in 1996 the police forces will respond by formalizing the protocols in signed agreements.

In late 1995, Compensation Services staff discovered a privacy problem in dealing with Notices of Attachment from the Family Maintenance Enforcement Program ("FMEP"). The FIPP Office was contacted for advice, and this led to consultations with FMEP representatives on a variety of issues, including information disclosure and strategies for more efficient processing of Notices of Attachment by the WCB working with Compensation Services staff and FMEP representatives, the FIPP Office facilitated reasonable solutions to the several identified problems. A central contact in Compensation Services was appointed to coordinate responses to Notices of Attachment from FMEP, for example. At this time, a written protocol describing the new procedures and information disclosure requirements is in draft form, awaiting comments from FMEP representatives. WCB and FMEP, as a practical matter, are conducting themselves in accordance with the draft protocol.

The FIPP Office was contacted by Finance and Administration staff to assist them in developing a written protocol agreement with Human Resources Development Canada [Unemployment Insurance Commission ("UIC")] for information exchange and disclosure. The FIPP Office has met with representatives from UIC to discuss the issue, prepared a manual on information exchange protocols for use by Finance and Administration staff, and has provided advice to the staff on the operational issues which need to be addressed in a written protocol. The FIPP Office is waiting for the Finance and Administration staff to conclude decisions on operational issues, so that a draft protocol can be prepared by the FIPP Office for consideration by the parties.

Compensation Services staff also contacted the FIPP Office regarding the potential for an information exchange protocol with Medical Services Plan. In early 1995, the initiative was focused only on the Plan's assumption of payment on behalf of the Board for medical services. The FIPP Office provided advice, in memorandum form, as to the language required in a written agreement focusing on the payment issues. In the autumn of 1995, however, the focus appeared to change and Compensation Services is now considering a broader form of information disclosure involving the Plan. The FIPP

Office has provided summary advice in this regard and will be assisting Compensation Services in early 1996 toward developing a written protocol with the new focus in mind.

Informal discussions began in late 1995 between the Board and representatives of the Insurance Corporation of British Columbia with respect to a variety of issues arising in which the agencies have a common interest. The FIPP Office was a participant in these discussions. One of the issues discussed involved the potential for an information exchange agreement. Representatives of the Board and ICBC intend to meet again throughout 1996 with a view to streamlining process in several areas, as well as to consideration of an information exchange protocol.

Creation and maintenance of the directory of records

The FIPP legislation requires the government to publish a directory of all of the records held by public bodies. Contents of the directory include: a generic list of administrative records which can be assumed to exist in all public bodies, lists of the specific operations records held by each public body (eg. claim files, assessment firm files, first aid certification files, rehab centre treatment files), lists of all policy and procedure manuals used by each public body to organize its various functions, and lists of the Personal Information Banks maintained by each public body.

In response to the government's request for an inventory of Board records for inclusion in the Directory of Records, the FIPP Office provided, in the spring of 1995, an updated inventory for inclusion in the revised Directory. The revised Directory of Records was published in the summer of 1995, including the updated version of Board records.

FIPP training

One of the most important challenges for the FIPP Office is to provide effective training for Board staff in the interpretation and application of the FIPPA legislation to daily work activities at the Board.

The *1994 Annual Report* pointed out that in 1994 it was impossible for the FIPP Office to provide adequate training, as the staff level in the Office was low and other workload demands took priority.

In the summer of 1995, with adequate staff levels in place in the FIPP Office, an extensive training program was commenced. Our goal is to train every department of the WCB, including refresher courses as needed, within the next two years.

During six months of 1995, the following training sessions were provided to Board staff and others involved with the Board: A workshop was held for members of the Employ-

ers' Advisory Office in Richmond. Several training sessions were provided for psychologists and support staff in the Psychology Department; training sessions for new staff are provided in that department on a regular basis. A "question and answer" session was provided for members of the Policy and Research Department. A "question and answer" session was provided for Criminal Injury staff, followed several months later by five sessions to comprehensively train the staff in that department. One training session was provided to claims adjudicators and officer level staff in the Kamloops area office. Prevention Division staff participated in six training sessions, with more scheduled for 1996. Burnaby Service Delivery Location was trained in four sessions, with other Service Delivery Locations scheduled throughout 1996. The new Records Management Department (formerly known as the Disclosures Unit) was trained in two sessions. Medical Services physicians, managers and support staff were also trained in two sessions. Training sessions for new FIPP contacts were also provided.

It is important to note that as part of the training process, the FIPP Office often provides a comprehensive written manual geared to the special needs of the staff in the particular department being trained. In this way, the staff have a resource at hand, with practical examples relevant to the work they do. Thus effective training involves more than actual delivery of a verbal presentation: it must include useful written material which can be relied on as a future reference.

Part of training includes FIPP Office staff keeping themselves up-to-date on current law and general freedom of information issues. In this regard, FIPP Office staff attended a variety of seminars and meetings which provided education in these areas. A seminar on Prevention records was provided to FIPP Office staff by members of the Prevention Division. Two FIPP staff members attended a workshop dealing with psychiatric and other sensitive records, hosted by ICBC. In September of 1995, three staff members attended the second annual information and privacy commissioner's conference. And as earlier stated, FIPP Office staff attended meetings and workshops hosted by the Office of Information and Privacy as well as other non-governmental public bodies.

FIPP communications strategy

The FIPP bulletin board continues to provide a basic description of FIPP, and will now include summaries of Orders of the Information and Privacy Commissioner. As well, SEC policies that affect freedom of information issues, will also be posted on the bulletin board.

FIPP staff contributed to a *Board Talk* article in 1995, with more articles planned for 1996 issues.

FIPP staff, at the request of a Board vocational rehabilitation consultant, organized and wrote one issue of an occupational employment counselors' provincial journal, known as *networcc*.

As well, the FIPP Office has developed a bookmark as quick "freedom of information" reference guide for all Board staff, with plans for it to be printed and distributed in 1996.

Legal opinions

The FOI coordinator has continued throughout 1995 to provide numerous legal opinions to many Board departments, by way of formal legal memoranda, verbal advice, and informal written advice.

G. FIPP Activities

The FIPPA legislation permits requests for records in the custody or control of a public body, allows researchers to seek access to personal information under research agreements, facilitates complaints concerning privacy protection and establishes a scheme under which people may seek review of decisions made by public bodies under the FIPPA legislation. In this regard, a summary is provided of the activities of the FIPP Office in 1995:

FOI requests

In 1995, the FIPP Office received 571 requests for disclosure of records, an increase of 215 from the previous year. See Table 2. Three-hundred-fifty-five requests (or approximately 60% of the requests) were from individuals seeking their own personal information, or next-of-kin seeking the personal information (claim files or accident reports) about their deceased relatives. This statistic indicates that the FIPPA legislation is operating at the Board as intended by the authors of the legislation: most requests are from individuals seeking their own personal information. Sixty-five requests (or 11%) were from employers or employers organizations. Forty-one requests (or 7%) were from individuals seeking non-personal information, that is, information other than information about themselves. Thirty-five requests (or 6%) were from trade unions. Eleven requests (or approximately 2%) were from political parties. Eighteen requests (or 3%) were from governmental or quasi-governmental agencies. The remainder of the requests fall in various categories, such as police and crown counsel inquiries.

Table 4 provides a breakdown of the 571 requests and the type of disclosure (full, partial, etcetera) provided by the FIPP Office. It also indicates that for requests that did not require extensions as contemplated by Section 10 of the legislation ((459 of the 571

requests), the FIPP Office was able to respond to the requests, in average, within 20.1 days. This is two days less than the average response time in 1994, and is well within the statutory deadline of 30 days.

Table 2 indicates that the trend, as predicted in the *1994 Annual Report*, is toward a growing number of requests overall, with periods of fluctuation in the number of requests received each month. Thus in March of 1995, seventy-seven new requests were received, whereas in July of 1995, only 26 new requests were received, yet in October and December of 1995, the number of new requests had again increased to what may be viewed as a fair monthly average of 50.

Reviews

In 1995, the FIPP Office received 37 review applications to the Office of the Information and Privacy Commissioner. The “review” process is an appeal procedure to the commissioner whereby FOI requesters challenge the FIPP Office’s decisions. This statistic indicates the success rate of the FIPP Office, because it means that in 1995 only 6% of requesters complained to the commissioner — 94% were satisfied at first instance with the decisions of the FIPP Office. Only two of those reviews were still pending in 1996. Thirty-four of the reviews initiated in 1995 were settled in 1995 through the mediation process. One review was the subject of a formal inquiry before the commissioner (Order #54 — September 19, 1995).

Order #54 of the information and privacy commissioner

The FIPP Office received a request from a Board claimant for the educational background, employment background and qualifications for his current position, of a Board vocational rehabilitation consultant. In accordance with the requirements of the FIPPA legislation, the FIPP Office provided the requester with the consultant’s current job description as well as the job description for the previous Board position he held, and indicated when he commenced in his current job. However, the FIPP Office refused to provide any other information, in particular personal details of the consultant’s educational background in which the claimant had expressed a special interest. The consultant refused to give consent to disclose this type of information to the requester.

The issues did not resolve in mediation and thus a formal inquiry before the commissioner was necessary. The commissioner upheld the decision of the FIPP Office, confirming the several rationales upon which the Office had relied. In essence, the commissioner accepted that in the circumstances of the case, it would be an unreasonable invasion of the employee’s privacy to disclose the requested information.

Judicial review — Order #22 — 1994 of the information and privacy commissioner

The *1994 Annual Report* referred to this decision, which dealt with Board records containing specific assessment information about certain employers. The commissioner had ordered the Board to disclose, with respect to each employer, the experience-rated assessment rate, the total assessments charged and collected, and the total claims costs charged for assessment rating purposes. The employers initiated a judicial review of the commissioner's decision. This action stayed the effect of the commissioner's decision until ordered otherwise by a Court. The Supreme Court of British Columbia heard the matter and rendered its decision on November 28, 1995. The Court upheld the commissioner's decision. Therefore the commissioner's decision has had legal effect since November 28, 1995, and the FIPP Office has provided appropriate advice in that regard to the Assessments Department.

Privacy complaints

Sixteen privacy complaints were made in 1995. Eleven of those complaints were initiated through the Office of the Information and Privacy Commissioner, the remaining complaints being made directly to the FIPP Office and dealt with there. Four complaints remain outstanding at the end of 1995. Of the twelve resolved complaints, the Board was found at fault in six cases. In those cases, the FIPP Office investigated the complaint and took steps to educate staff to prevent future disclosure problems, as well as by responding by way of explanation and apology to the individual making the complaint. These complaints involved such matters as inappropriate disclosure of claimant information to an employer (non-appeal situations); clerical errors such as misfiling documents pertaining to one claimant on the file of a different claimant, resulting in inappropriate appeal disclosure; and purposeful disclosure of claim information to third parties without written authorization from the claimant.

One interesting privacy complaint, still unresolved, arises from medical reports which refer to a claimant's family history, indicating details about a claimant's relationships with other family members. This particular complaint is from the sister of a claimant, who objects to what she perceives as irrelevant, inaccurate information on the claim file. The sister has requested the FIPP Office to remove all references to family members, apart from the claimant, on the claim file. The FIPP Office has presented an extensive written submission to the Information and Privacy Commissioner, in which it has refused to remove evidence from the claim file, and in which it explains the relevancy of family relationships and the claimant's ability to deal with stress, to adjudication issues on the claim.

An ongoing issue arising from a privacy complaint, unresolved at the end of 1994 and still unresolved at the end of 1995, deals with the issue of appeal disclosure of claim files under the WCB's *Rehabilitation Services and Claims Manual* policy. In 1995, the FIPP

Office provided a further comprehensive written submission to the Information and Privacy Commissioner, submitting that under Section 3(2) of the FIPPA legislation, appeal disclosure of claim files is outside the jurisdiction of the commissioner. As of the end of 1995, we were still waiting for the commissioner's response.

Another ongoing issue concerns a complaint made about the collection and use of social insurance numbers by the WCB's Hearing Conservation Program. The *1994 Annual Report* indicated that the commissioner had considered the complaint and directed the WCB to begin taking steps to phase out, within a reasonable time frame, the collection and use of social insurance numbers for the purpose of verifying the identity of individuals participating in Hearing Conservation Program hearing tests. In the spring of 1995, the Prevention Division requested the FIPP Office to assist the Hearing Conservation Branch in preparing a request for reconsideration and accompanying submission to the Information and Privacy Commissioner. The commissioner did agree to reconsider his decision. We are still waiting for the commissioner's new decision in this regard.

Research agreements

Under Section 35 of FIPPA, the Board may disclose personal information for a research purpose, provided a confidentiality agreement is entered into with the researcher. No applications were made in 1995 for research agreements.

Correction requests

There were ten correction requests in 1995. This is a contrast to 1994, in which there were none.

Section 29 of FIPPA provides that an applicant may request a public body to correct his or her personal information found in the records of the public body. If the public body refuses to correct the information, it must annotate the record with the applicant's version of the information.

As claimants become more familiar with freedom of information legislation, we expect the numbers of correction requests to grow. A problem with Section 29 is that it leads persons to believe that they have a right to alter the opinions of their physicians, claims adjudicators, and vocational rehabilitation consultants. This results in claimants seeking to "correct" their claim file under Section 29 by replacing their version of their medical history with that of the experts. The FIPP Office has consistently refused to undertake such "corrections," but will annotate the claim file by placing the claimant's letter or submission on the file for anyone working on the file to read.

H. Cost/Impact Evaluation

Table 1 provides a breakdown of the costs to operate the FIPP Office. Because the response system depends on the time and effort of FIPP contacts and their colleagues in departments throughout the Board, there is also a significant associated cost. FIPP contacts have been asked to keep track of the time they spend in responding to requests from the FIPP Office. With more staff in 1995, the FIPP Office has been able to devote time to that project, with the result that a system is in place to fairly assess the associated costs of responding to the FIPP legislation. For the *1996 Annual Report*, we will have an assessment of such costs, as well as the cost recovery associated with fees collected from requesters for fulfilling their freedom of information requests.

The FIPP Office is able to charge the Ministry of the Attorney General for the work it undertakes on criminal injury compensation matters related to the FIPPA legislation. Thus there is some direct cost recovery by the FIPP Office for this type of work. In 1995, the amount recovered was \$64,777.00.

I. Future Directions

The 1994 report specified a goal for the FIPP Office of ensuring that we had adequate resources, and used those resources efficiently, to meet the immediate workload demands created by the FIPPA legislation as well as to undertake the demands that a long-range vision of FIPPA compliance requires. We met this goal in 1995.

Our goals for 1996 and the years ahead are to continue to respond FOI requests, complaints and reviews in an efficient and timely way, as well as to continue assisting all departments of the Board with policy review and development, training, records management, legal advice, and development of appropriate inter-agency agreements. We look forward to meeting the challenges.

Table 1
SUMMARY OF EXPENDITURES — Cost Centre 11-04
For the period January 1, 1995, to December 31, 1995

Administration Costs	Actuals 1994	Forecast 1995 ³
Salaries & Payroll	\$255,861 ¹	\$370,063
Travel Expenses	12,367	1,309
Supplies & Stationary	2,965	4,255
Communications	4,027	11,599
Equipment Costs	16,884 ²	21,707
Consultants		250
Other Costs	2,965	2,121
Miscellaneous Revenues	-1,646	-64,777
TOTAL EXPENDITURES	\$293,424	\$346,527

The 1995 Forecast includes actuals from January to December inclusive. Some adjustments to the actuals may still be made by Accounting.

¹ The FIPP Office comprised of five (5) employees in 1994. Three (3) additional positions were approved for 1995 and the incumbents assumed those positions throughout the year. Accordingly, the 1995 actuals do not reflect a full year's salary for the additional three employees.

² PC equipment and furniture was purchased in 1995 for the additional staff.

³ The sum of \$64,777 was recovered for work done for the Criminal Injury Compensation Program, a program administered by the Workers' Compensation Board but funded by the Ministry of the Attorney General.

Table 2
TRAINING, REQUESTS, COMPLAINTS, & REVIEWS — 1995

Description	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Number of Training Sessions	0	1	2	0	2	1	0	0	1	5	6	2
Number of Requests	101	45	77	33	40	52	26	41	26	50	28	52
Number of Privacy Complaints	0	0	3	0	1	3	1	1	2	1	3	1
Number of Research Agreements	0	0	0	0	0	0	0	0	0	0	0	0
Number of Correction Requests	1	0	1	0	1	1	1	0	0	1	4	0
Number of IPC Reviews	5	1	4	5	4	5	3	5	1	2	2	0
TOTAL ACTIVITIES	107	47	87	38	48	62	31	47	30	59	43	55

Table 3
REQUEST TYPES AND METHOD OF ACCESS FOR REQUESTS

Description	Number of Requests
Personal	294
General	267
Access to Copies of Records Requested	557
Access to Original Records Requested	8
Undetermined	6
TOTAL NUMBER OF CLOSED REQUESTS	561

Table 4
CHARACTER OF FIPP RESPONSES TO REQUESTS

Description	Number of Requests
Full Disclosure	185
Partial Disclosure	250
Access Denied	21
Records do not exist	33
Refused to confirm/deny	4
Request Withdrawn	4
Request Abandoned	21
Request Cancelled	1
Undetermined (in progress)	52
 Average Number of Response Days Excluding Extensions	 20.1
 Average Number of Response Days for Extensions	 50.3

Table 5

LEGAL SERVICES DIVISION — FREEDOM OF INFORMATION OFFICE

Costs to be charged to the Criminal Injury Section

Total Actual 1995 Expenses	\$411,304
Total Activities (Reviews, Requests, etc.)	654
Cost per Activity	629
Activities for Criminal Injury	103
TOTAL COST TO CRIMINAL INJURY PROGRAM	\$ 64,777

