
Fifth Session, Fortieth Parliament
65 Elizabeth II, 2016
Legislative Assembly of British Columbia

BILL M 2**

Government Records Accountability Act, 2016

Mr. Douglas Routley

Explanatory Note

This Act strengthens the *Freedom of Information and Protection of Privacy Act* with regards to the creation and maintenance of government records to ensure the documentation of government decision-making and protect the public interest. The inclusion of a duty to document is a step towards restoring government accountability by guaranteeing that records of government business are created. This Act makes it an offence to destroy government records and gives the Privacy Commissioner power to investigate the destruction of records. It also removes the legal immunity from government officials for failing to disclose records.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 *Schedule 1 of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended by adding the following definition*

"government information" means recorded information created or received by a government body in connection with government business, including

- (a) information that must be held by the government body by law,
- (b) information that documents a decision by a government body respecting a course of action that directly affects a person or the operations of the government body,
- (c) information that documents or supports the government body's organization, policies, procedures, transactions or operations,
- (d) information created or received by a government body that has archival value, and
- (e) information relating to matters of court administration assigned to the Attorney General or government by law,

but does not include

- (f) constituency information held in the office of a minister,
- (g) court information, or
- (h) information stored in or recorded on a judicial administration record;

2 *Part 2 of the Freedom of Information and Protection of Privacy Act, is amended by adding the following section*

11.1

- (1) Every public body and service provider must create and maintain full and accurate records of government information, including the records of any matter that is contracted out to an independent contractor.
- (2) Every public body must maintain in an accessible form, so as to be able to be used for subsequent reference, all government information that are in its control, until their disposal is authorized by or under this Act or required by or under another Act.

3 *Section 42(1) is amended by:*

- (a) *deleting the word "and" from the end of paragraph (i),*

(b) adding the following paragraphs:

- (k) investigate or review matters or allegations of unauthorized destruction of records or government information,
- (l) conduct investigations and audits to ensure compliance with the *Document Disposal Act*, and when it comes into force the *Information Management Act*, and
- (m) require public bodies to release statistical information related to the processing of freedom of information requests.

4 ***Section 73 is repealed.***

5 ***Section 74 is amended by:***

(a) repealing subsection (2) and (3) substituting the following

- (2) A person who contravenes subsection (1) commits an offence and is liable to a fine of up to \$50,000.
- (3) A person who, without proper authorization, disposes of, destroys, or hides government information commits an offence and is liable to a fine of up to \$50,000.

Commencement

6 This Act comes into force on the day it receives royal assent.