

The Voice of the People

Citizens' complaints to the Premier on Bill 22

In early March 2022, in response to my freedom-of-information requests, I received nearly 400 pages of records of complaints to the Premier and the Citizens Services ministry about Bill 22, the *Freedom of Information and Protection of Privacy Amendment Act, 2021*, mainly on fees.¹

There are also many pages of complaints about privacy protection losses in *Bill 22*, a worthy topic for another report. Some writers describe themselves as former NDP supporters who pledged to vote against the party in the next election. All the authors' names and identifying features were properly withheld under Section 22 for privacy reasons.

All the writers were then sent replies via the same generic form letter signed by Citizens Services Minister Lisa Beare. It reads in part: "Our proposed changes will help B.C. keep pace with new technology, ensure timely access to information, strengthen privacy protections, and improve services for people in B.C. . . . As a government, we are committed to open and transparent access to information. Thank you for your interest." There is no record here of any responses by the Premier. Excerpts from several of the texts appear below.

From emails addressed to B.C. Premier John Horgan

Oct. 25, 2021

Dear Premier Horgan. What has happened to you, I wonder. Don't hide your government's decision-making processes, expose them to the light! Secrecy does not work as a governing policy, so remember your values, Premier. Your legacy should be that you strengthened our democracy, not weakened it.

Oct. 27, 2021

We understand it is a pain for the ruling party to have to explain their actions from the past, but this is what democracy is all about. . . . This will not be forgotten in a couple of weeks, which seems to be what government hopes for. This change to FOI will haunt you in the next election. When the NDP are back in opposition, which will happen eventually, you will be kicking yourself.

¹ One can read the records at the B.C. open government website - <https://www2.gov.bc.ca/gov/search?id=4BAD1D13C68243D1960FECBBF7B8B091&q=FOI>
The files are: CITZ-2021-15446 (94 pages); OOP-2021-15447 (327 pages); OOP-2021-15451 (38 pages).

Oct. 20, 2021

Please reconsider your amendment to fees for accessing Freedom of Information from the government, particularly for those who are of low income, disabled, and single parents. By implanting a standard fee across the board, you are deliberately discriminating against the poor and disadvantaged persons in British Columbia.

The new amendment that makes it impossible for the Privacy Commissioner to waive fees in certain situations is really concerning. . . . Do I need to start a petition to prove this point? Please advise.

Oct. 25, 2021

John, you are not correct when you say, “Who cares?” I care very much. I have relied on B.C. journalists using FOIPPA requests to dig into casino money laundering, foreign ownership of housing, the Office of the Speaker clerk misspending, and pandemic information. It is not acceptable to me to put a financial barrier in place for any journalists to do their jobs.

Oct. 25, 2021

Some of the changes, around disclosure of privacy breaches for example, appear to be useful; but others, such as those which allow storage of personal information outside Canada, and the rather controversial addition of a fee, may not serve British Columbians well.

I ask that you withdraw this legislation, and revisit it once the committee has reported back to the legislature. Anything else looks like hubris, and that does not become you.

Oct. 26, 2021

Charging a fee for information that we should all have unhindered access to sends a strong message that you and your government have something to hide. It is baffling that you expect us to buy into this hogwash.

This definitely an issue for any re-election consideration. It certainly makes me look at your government in a different light. Very seldom do I take the time to speak out. . . but this proposed change is beyond disappointing.

Nov. 2, 2021

I’m very disappointed that it took such a short time for the NDP to introduce a B.C. Liberal type FOI access restriction. Even though I’m not an NDP member, until now I have always voted for the NDP provincially. It would appear that a minority government is best for the province.

Oct. 20, 2021

During the recent provincial election campaign, I don’t recall the NDP incumbent’s brochure advising voters that, if re-elected, the NDP would provide open and transparent government by introducing a \$25 fee for FOI requests. I urge you strongly to reconsider this imposition on good government.

Oct. 20, 2021

Dear John. After years of preaching the sanctity of freedom of information whenever the topic came up, your government is now going to start charging anyone who tries to exercise that right. This is indeed an unprecedented level of hypocrisy from your government, and a new low in the level of government trust by the voters. Please rescind this change.

Nov 10, 2021

Hey, we all supported a few draconian impositions on our freedoms during COVID. It was fair game but you are overstepping now. This is a bit eerie, if you know what I mean. Suppressing the public's ability to hold government to account and obtain information is frightening.

Oct. 30, 2021

So arrogant, so soon. . . . Without freedom of information, there is no accountability. Where do we live, China? Hungary? Pesky journalists, pesky opposition, pesky public. The premier knows what's best. Here's looking forward to the next election. Can't come soon enough.

Oct. 19, 2021

I'm writing to express my concern and dismay regarding the new fee for the above that is set to be passed in the legislature. It is unnecessary, flies in the face of a democratic government, and provides no benefit to the public. At best this is a money grab, at worst it is initiating a gag order so that the public cannot even send in a request to access information (without paying for it) that rightfully belongs to them.

I'm appalled that the Government has chosen to act in a manner of secrecy and protectionism. This new piece of legislation needs to be abolished.

Oct. 26, 2021

We just heard about the new change the NDP is proposing in Bill 22 for charging for freedom of information. This is discouraging news for democracy. It makes B.C. politics look shady and corrupt. I'm sure that if the NDP was in opposition they would try very hard to block this bill. The fee will discourage some from paying, but not all, but that's not the point.

The point is lack of free resources for average people and media requesting information in the government files. Our little voice is nothing to you, but we ask that the NDP not pass this bill.

Oct. 24, 2021

I am writing as a concerned citizen, but also as a member of the NDP in good standing. I am writing to vigorously object to the changes being considered (actually "rammed through by the premier's office") according to the *Vancouver Sun*. . . . The no-cost structure of FOI was set up by the NDP government of the 1990s specifically as a way to ensure a robust democracy.

This is not the behavior the grassroots expects from an NDP government – imposing user fees like what Christy Clark used to do. Let's nip this in the bud now, and allow the public, the media, and the opposition to do their job of holding the government to account. Otherwise, the other question is - what else is in the pipeline to take away our public access rights?

Oct. 22, 2021

I am writing to object to, and express significant outrage about the regressive changes being pushed through against our B.C. freedom of information laws. First, I write this letter as a lifelong New Democrat, where I have given a lifetime of service to the cause of human rights and uplifting the status of the average working person.

My people are those that work minimum wage, disabled people on monthly support, racialized people working several jobs. This is the BC NDP party that I believe exists – one that fights for ordinary citizens; so why is the party going against its own principles to thwart our FOI rights?

Second, the initial FOI legislation was put in place by a B.C NDP government that wanted to increase transparency and in doing so, make our laws the most accessible in Canada. Why is this mandate being changed now?

Nov. 1, 2021

I appreciate that criticism is hard to take when people have been farming FOI requests to back up that criticism. It is what the Act is for. . . . This proposed fee has all the moral feel of Christy Clark's triple deleted emails. This fee eliminates any moral high ground the NDP might have got from that. It will only make your supporters distrust you. I am otherwise pleased with the performance of the NDP since they took power, especially on their handling of COVID 19.

Nov. 7, 2021

Please withdraw this Bill and recognize the role of the all-party special committee and allow it to complete its work. For democracy to resist the rise of right-wing anti-democratic movements, people need to believe their government supports an open and transparent attitude towards decision making.

Oct. 20, 2021

While I have been supportive of most of your agenda, it seems that a year in power has already gone to your head. Charging \$25 for FOI requests is undemocratic and exactly the type of thing that you would have opposed during 16 years in opposition. Unless you want to end up back in opposition, please stop proposing changes like this.

Oct. 21, 2021

I am deeply concerned with the above review. This seems to be leading down a dark path. Charging for FOI requests is an absolute no go. Isn't it the government's job to be transparent and accessible? I shake my head at this and wonder what needs to be hidden.

Oct. 19, 2021

Please do not start charging citizens fees for requesting access to our records. It really comes across as a petty way to get funds. Why are you taking away tolls on bridges, giving ICBC rebates and making transit free for kids, but now proposing to charge people to make FOI requests? From where I stand, it doesn't really make any sense.

Oct. 27, 2021

Why is this government NOT listening to the B.C. Privacy Commissioner for amendments to B.C. privacy legislation? Yes, the privacy legislation needs to be updated but not to benefit governments and business, and make it more difficult and costly for the public to submit FOI requests.

Nov 25, 2021

This legislation will stifle access to information, a concern expressed by the Information and Privacy Commissioner. The worst government is the one you elect because you think they share your values and then they betray your trust.

Nov. 26 2021

It is really a horrible thing you have done to become less transparent when more is actually needed! It is dishonourable that you passed this bill while parts of B.C. are in very difficult circumstances. It is certainly not a democratic decision, since most in B.C. are against your actions.

Nov. 7, 2021

I'm starting to doubt whether you are putting people first, and question whether I can trust you and your mandate letters. I'm asking you to withdraw this Bill. Please help me regain trust in public bodies by becoming more transparent.

Oct. 22, 2021

I supported you in the last two elections but my support is not guaranteed. The government when in a minority situation governed sensibly. Clearly, the need to have the support of Andrew Weaver kept the excesses somewhat in check, resulting in good middle of the road policies.

The arrogance already being displayed over the proposed Freedom of Information bill is unseemly and hypocritical. There should be no charge for these requests. Its this type of behavior that upsets people and gets them thinking about supporting the Liberals.

Oct. 20, 2021

I am very concerned about the new legislation that allows my personal data to be stored outside of Canada and potentially exposed to foreign laws which enable access to my data, which I have not authorized. In particular, laws in countries like the USA, China and Russia would not protect me from prying eyes. Please do more to protect my information.

Oct. 19, 2021

For too long the default mode in the civil service has been a paternalistic "we will tell you what you need to know." The people's data should be free and easy to access, not buried behind layers of bureaucracy designed to keep secrets hidden. If the problem is FOI requests are expensive (which I doubt), the answer is to make data available by default.

The government should have to justify its secrecy, not the people asked to justify their need for records. Of the many things B.C.'s government spend money on, servicing FOI requests is one I have zero concerns about (contrasted with, say, the billions of dollars for the Site C Dam!).

Oct. 22, 2021

I understand that the fees can range from \$5 to \$50. While there are few issues for large companies, I am concerned about fettering individual access as well as access from political parties. This can seriously impair the democratic process.

This feels like a Conservative move, not one I am accustomed to seeing from the NDP. Keep it in and I “campaign” for someone else.

Oct. 25, 2021

The stated purpose of your Bill 22 is to reduce the number of FOI requests! Obviously it is the people who have the least amount of money who will be most impacted. So they will have no access to the records of their own government?

Why not instead staff the department that is handling FOI requests? Why not improve its efficiency? Why not listen to the recommendations of the committees that have been studying the handling of FOI requests? I had expected better from you.

Oct. 20, 2021

I heard on the radio this morning with dismay this new legislation regarding the \$25 FOI fee. This is outrageous! Faith in our democracy is at an all time low as well as trust in government, and you think this is a good idea?

I was a longtime Liberal supporter but have switched sides for the past two elections. I feel you’ve doing an excellent job (thus far) and encourage you to reconsider this plan.

Oct. 21, 2021

There are legitimate changes needed to the legislation regarding use and storage of personal information, particularly in its use for healthcare and especially clinical research, etc., where we have seen major impediments to progress.

But the attempts to package such changes with policy designed to reduce your government’s accountability are truly discouraging. To be honest, it does really seem to be shaping into a pattern these days.

Oct. 22, 2021

This whole fee for freedom of information requests is ridiculous, and again Mr. Horgan says “Who cares?” I care. I have helped low-income parents access information about institutions and bureaucracies. . . . FOI is one of the few ways a citizen of the province can get information and the government can be transparent.

Oct. 22, 2021

We’ve already paid for the information. We’ve paid for you and your ministers and their researchers and consultants, and we’ve paid for the storage and retrieval and FOIPPA specialists that handle the information. Don’t tell us we have to pay twice for the same information. Stop the fees for FOI requests.

Oct. 20, 2021

I have never contacted anyone in government before but this is one that I could just NOT ignore. Your recent announcement of charging for processing FOI requests is one of the biggest hits against the democratic process in B.C. Are you turning into a Trump-like politician? This only makes it look like you're hiding things from us and unwilling to justify your decisions.

This is a huge hit against our rights as citizens of this province! And no, "other provinces do it" just not cut it. I am talking with all my friends about this, and although we may not agree on all things, we are in total agreement with this.

Oct. 27, 2021

Sorry, I just don't buy this spin. If it is costly, the solution is to be more efficient and have more open data. It'd be nice for once to have a government that was less concerned with comms-strategizing and focus-grouping every single decision, and just doing what is right and wanted by the people it purports to represent.

Oct, 22, 2021

I am writing to express my displeasure with the proposed changes to the FOI legislation, including the thinly veiled proposal to begin charging a fee for information requests. As a longtime NDP supporter, I find the increasing arrogance of your office and government distressing enough that I do not plan to support your party in the future.

I know that electronic systems can be put in place to provide access to all information. That is what your government should be doing – making all information available and then restrict access based on well defined privacy criteria. Government is not a business and should not be run as a business.

Oct. 27, 2021

I don't often agree with the B.C. Liberal party, but they are right to oppose the changes. Your government appears to want to be less transparent and hide your mistakes. The 911 heat wave situation is a perfect example of this.

Please remove the fees on access to information requests. A government that truly represents the people wouldn't stand for such a self-serving policy.

Oct. 23, 2021

Please count me squarely against the amendments you government is proposing to FOI legislation. Please remember that government is to serve the people, not frustrate their ability to oversee government work. Typically I am quite supportive of NDP policies. I am not happy about your direction on FOI – and particularly the requiring of payment from information seekers.

Oct. 24, 2021

I am appalled at the NDP's implementation of a \$25 fee for routine applications under the province's FOI legislation. It is an odious and unnecessary deterrent to people making access requests.

Do not attempt to justify this fee by accusing the Opposition of abusing access to information by bombarding the government with “too many requests.” Citizens want accountability and transparency. Yet once a party is elected, these principles are trampled upon.

Nov. 1, 2021

I have voted NDP in every provincial election. I’m pretty sure you are going to lose votes, and perhaps your governing positions in the next election, if you stick to this plan. I know I’m not alone in my distaste for these proposed cuts to the viability of the FOI. I’ve received several replies basically all saying something similar, like this one: “I’ve had it with the NDP.”

It was actually your party that first brought in this Act in 1993. Weakening it significantly like you are think about doing would be a cruel irony.

Oct.19, 2021

Good morning John. Forgive me for being rash, but are you trying to crush democracy in British Columbia?! Do you now see any ethical issues with charging citizens money in order to find out the truth and hold the government and public service accountable? I don’t know what your intentions are regarding this bill, but this looks bad. Not only does it look bad, it is bad.

I can’t help but notice your party’s hypocrisy given how many FOI requests the NDP put in while the Liberals were in office. Backpay all of those and then you can talk to me about \$25 to use my right to access public information. Good day sir!

Oct. 21, 2021 *[The only message of support]*

Recently your Government made an announcement that people who request background information through Freedom of Information will be charged \$25, which I think is a small price to pay for demanding a lot of staff time to respond to these requests.

I think it would be prudent to have the Ministry explain why the \$25 is reasonable, and also that the Government receives repeated requests from a few people who from my experience are trying to tie up Government operators, and based on your record nothing untoward is found. Keep up the good work John. Your friend.

From emails addressed to Citizens Services Minister Lisa Beare

Oct. 21, 2021

Dear Minister Beare. Freedom of information is critical for transparency and accountability, and in my opinion fees act as a barriers to access. Again, in my opinion, there are already sufficient provisions for when fees are appropriate. . . . Additionally, I believe that any information that must be provided by statute should be exempt from fees.

Nov. 10, 2021

I have been a B.C. NDP supporter all my adult life. . . . Proud that is until now. Bill 22 is, on balance, retrograde legislation. It should be withdrawn and re-written. Some of Bill 22's provisions are welcome but overall the bill is not a worthy effort.

I know how challenging the Act can be for government. . . . Fees for access are misguided. They will penalize the wrong people. To ordinary citizens looking for government (i.e., our) information, they will be just one more reason not to bother. At first blush, that may seem like a benefit, but is "trust us to govern well" really your motto? What about when it's the other guys' turn again?

Oct. 27, 2021

None of what you are saying meets the goals of a party that purports to reflect what the values of working people should be, and I am very surprised that the people advising you and the party are engendering an era that eliminates one of the best FOI laws in Canada. I was extremely disappointed that this bill was referred to committee stage before first reading.

The "fee for access" put simply is a weak justification. . . . this is a political game because it shows the government has something to hide – including COVID 19 data, the Massey Tunnel briefing documents, Site C documents, St. Pauls's documents, and what else? Never have I felt such a sense of shame for a government I have so proudly supported.

Oct. 28, 2021

Thank you for your reply. You have not addressed my central point, however. You have an all-party committee which has been charged with submitting a report that would seem to be relevant to the work that you have been undertaking to update B.C.'s freedom of information legislation.

Why not wait for the report prior to introducing new legislation? Why do we have parliamentary committees anyway?

From emails to NDP MLAs

Oct. 21, 2021

I am starting to doubt whether you are putting people first and question whether I can trust you and your mandate letters. Don't you think you are on the wrong side of this one?

I am asking you and you colleagues to consider these actions: Recommend the NDP withdraw this Bill. Recognize the role of the all-party special committee and allow it to complete its work, including an open consultation process. Commit, on the record, to introduce comprehensive amendments to FIPPA that reflect the recommendations of past and current special committees.

Nov. 26, 2021

What has happened to the NDP? What happened to transparency builds trust? Your party is unrecognizable. I watched as party members cheered the move to push through this bill with debate, denying British Columbians the right to information. Unbelievable. - Your constituent (for now).

Oct. 25, 2021

It's unbelievable that now that the NDP (my party!) has a majority, it seeks to introduce a \$25 fee for FOI requests. Wow, really? The "party of the people" wants to reduce FOI requests.

This bill bespeaks a political party that does not want to have its work, policies, decisions examined by society in general, but the opposition, by citizens. I'm appalled and ashamed to see the NDP propose this legislation. A party who wins a majority is well advised to remain humble with trust bestowed.

Oct. 30, 2021

Please don't make me regret voting for you by failing to speak up strongly and vote against the \$25 freedom of information fee. This fee may seem small to you and Premier Horgan, but it is the weekly food budget for many people. In a time of increased costs for everything, including the basics of food and shelter, this Bill is a cold and calculating way to keep us uninformed and mute. I expected better.
