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Legislative Assembly of British Columbia

BILL 9

**FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY
AMENDMENT ACT, 2026**

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Minister of Citizens' Services

Explanatory Notes

- CLAUSE 1: *[Freedom of Information and Protection of Privacy Act, section 3]* disapplies Part 2 of the Act to records that must be produced, listed or identified as part of a proceeding.
- CLAUSE 2: *[Freedom of Information and Protection of Privacy Act, section 5]*
- provides that the decision of whether the request provides enough detail is a decision of the head of the public body;
 - adds that the request must provide enough detail for the record to be found in a reasonable amount of time.
- CLAUSE 3: *[Freedom of Information and Protection of Privacy Act, section 6]* changes the duty to respond without delay to a duty to respond without unreasonable delay.
- CLAUSE 4: *[Freedom of Information and Protection of Privacy Act, section 7]* clarifies that section 5 sets out requirements for an access request.

BILL 9 – 2026

**FREEDOM OF INFORMATION AND PROTECTION OF
PRIVACY AMENDMENT ACT, 2026**

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

1 Section 3 of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended

(a) in subsection (5) by adding the following paragraph:

- (e) a record that the public body, the Attorney General or the government of British Columbia is required by law, as part of a proceeding, to produce, list or identify
 - (i) to the applicant, or
 - (ii) in the case of an applicant who is acting on behalf of or under the direction of another person, to that person. , **and**

(b) by adding the following subsection:

- (5.1) A reference in subsection (5) (e) to a record that is required by law to be produced, listed or identified as part of a proceeding includes a record that is not specifically listed or identified, but that falls within a general class of records that is listed or identified as part of the proceeding.

2 Section 5 (1) (a) is repealed and the following substituted:

- (a) in the opinion of the head of the public body, provides enough detail to enable an experienced employee of the public body, with a reasonable effort and in a reasonable amount of time, to identify the record sought, .

3 Section 6 (1) is amended by striking out “without delay” and substituting “without unreasonable delay”.

4 Section 7 (1) is amended by striking out “a request described in section 5 (1)” and substituting “a request that meets the requirements of section 5 (1)”.

CLAUSE 5: *[Freedom of Information and Protection of Privacy Act, section 10]* allows the head of a public body to extend the time for responding to a request by a period to which the applicant consents.

CLAUSE 6: *[Freedom of Information and Protection of Privacy Act, section 10]* removes a lack of detail as a reason for which time may be extended.

CLAUSE 7: *[Freedom of Information and Protection of Privacy Act, section 16.1]* allows the head of a public body to refuse to disclose information that would reveal the substance of a communication made by or on behalf of a judicial officer about a proposed or existing policy, program or enactment.

CLAUSE 8: *[Freedom of Information and Protection of Privacy Act, section 26]* adds authority for the collection of personal information for the purposes of services provided under section 69.3 of the Act, as added by this Bill.

5 Section 10 is amended

(a) by repealing subsection (1) (d),

(b) by adding the following subsection:

(1.1) If an applicant consents in the prescribed manner to an extension, the head of a public body may extend the time for responding to the applicant's request by the period to which the applicant has consented. ,

(c) in subsection (2) by striking out “under subsection (1)” and substituting “under subsections (1) and (1.1)”, and

(d) in subsection (2) (a) by striking out “subsection (1) (a) to (d)” and substituting “subsection (1) (a) to (c)”.

6 Section 10 is amended

(a) by repealing subsection (1) (a), and

(b) in subsections (2) (a) and (3) (c) by striking out “subsection (1) (a) to (c)” and substituting “subsection (1) (b) or (c)”.

7 The following section is added:

Disclosure of judicial comments on legislation or policy

16.1 (1) In this section, “**judicial officer**” means a judge, associate judge or justice of the peace referred to in section 3 (3) (b).

(2) The head of a public body may refuse to disclose to an applicant information that would reveal the substance of a communication of a judicial officer, or a communication made on behalf of a judicial officer, to a public body respecting a proposed or existing policy, program or enactment.

8 Section 26 is amended by striking out “or” at the end of paragraph (g) (ii), by adding “, or” at the end of paragraph (h) (ii) (B) and by adding the following paragraph:

(i) the information is collected by

(i) a connected services provider for the purpose of enabling the connected services provider to provide a service under section 69.3, or

(ii) a public body from a connected services provider, or from another public body, for the purpose of enabling

(A) the connected services provider to provide a service under section 69.3, or

CLAUSE 8: *[Freedom of Information and Protection of Privacy Act, section 26 – continued]*

CLAUSE 9: *[Freedom of Information and Protection of Privacy Act, section 27]* adds authority for the indirect collection of personal information for the purposes of services provided under section 69.3 of the Act, as added by this Bill.

CLAUSE 10: *[Freedom of Information and Protection of Privacy Act, section 33]* removes the requirement for the commissioner to approve a research purpose in addition to approving the use of the information and the manner in which contact is to be made.

CLAUSE 11: *[Freedom of Information and Protection of Privacy Act, section 33]* adds authority for the disclosure of personal information for the purposes of services provided under section 69.3 of the Act, as added by this Bill.

CLAUSE 12: *[Freedom of Information and Protection of Privacy Act, section 42]* adds authority for the commissioner to exchange information and enter into information-sharing agreements with commissioners in other jurisdictions.

(B) the public body, or another public body, to provide a service through a connected services platform established under section 69.3.

9 Section 27 (1) is amended by striking out “or” at the end of paragraph (f), by adding “, or” at the end of paragraph (g) and by adding the following paragraph:

- (h) the information is collected for the purpose of enabling
 - (i) the connected services provider to provide a service under section 69.3, or
 - (ii) the public body, or another public body, to provide a service through a connected services platform established under section 69.3.

10 Section 33 (3) (h) (ii) (B) is amended by striking out “the research purpose,”.

11 Section 33 is amended by adding the following subsections:

- (10) In addition to the authority under any other provision of this section, a connected services provider may disclose personal information
 - (a) for the purpose of enabling the connected services provider to provide a service under section 69.3, or
 - (b) to a public body for the purpose of enabling the public body, or another public body, to provide a service through a connected services platform established under section 69.3.
- (11) In addition to the authority under any other provision of this section, a public body may disclose personal information to a connected services provider, or to another public body, for the purpose of enabling
 - (a) the connected services provider to provide a service under section 69.3, or
 - (b) the public body, or another public body, to provide a service through a connected services platform established under section 69.3.

12 Section 42 is amended

(a) in subsection (1) by striking out “and” at the end of paragraph (i) and by adding the following paragraphs:

- (k) subject to subsection (1.1), exchange information with any person who, under legislation of another province or of Canada, has powers and duties similar to those of the commissioner, and
- (l) enter into information-sharing agreements for the purposes of paragraph (k). ,

CLAUSE 12: *[Freedom of Information and Protection of Privacy Act, section 42 – continued]*

CLAUSE 13: *[Freedom of Information and Protection of Privacy Act, section 43]* adds and modifies grounds on which the commissioner can authorize a public body to disregard requests.

CLAUSE 14: *[Freedom of Information and Protection of Privacy Act, section 47]* permits the commissioner to disclose information in accordance with information-sharing agreements under section 42 of the Act.

(b) by adding the following subsection:

- (1.1) The commissioner may not exchange with a person described in subsection (1) (k) information contained in a record
 - (a) that is the subject of a request for
 - (i) access to information under section 5, or
 - (ii) the correction of personal information under section 29, and
 - (b) that the commissioner obtains as part of a review under section 52 (1) of a public body’s decision, act or failure to act in response to the request. ,
and
- (c) **in subsection (2) (b) by striking out “section 10 (1)” and substituting “section 10 (1) or (1.1)”.**

13 Section 43 is amended

(a) by adding the following paragraph:

- (a.1) the behaviour of the applicant is abusive or malicious, , **and**

(b) by striking out “or” at the end of paragraph (b) and by repealing paragraph (c) and substituting the following:

- (c) responding to the request would unreasonably interfere with the operations of
 - (i) the public body, or
 - (ii) the government of British Columbia, or
- (d) the request is
 - (i) an abuse of the right to make a request under section 5 or 29 because the request is repetitious or systematic, or
 - (ii) excessively broad.

14 Section 47 is amended

(a) in subsection (1) by striking out “subsections (2) to (5)” and substituting “subsections (2) to (6)”, and

(b) by adding the following subsection:

- (6) The commissioner may disclose, or may authorize anyone acting for or under the direction of the commissioner to disclose, information in accordance with an information-sharing agreement entered into under section 42 (1) (l).

- CLAUSE 15: *[Freedom of Information and Protection of Privacy Act, section 56]* permits the commissioner to extend the timeline for a review in certain circumstances.
- CLAUSE 16: *[Freedom of Information and Protection of Privacy Act, section 58]* is consequential to the addition of section 10 (1.1) to the Act by this Bill.
- CLAUSE 17: *[Freedom of Information and Protection of Privacy Act, section 69]* requires the minister to notify the commissioner of a privacy impact assessment, and provide a copy to the commissioner on request, during the development of a common or integrated program or activity.
- CLAUSE 18: *[Freedom of Information and Protection of Privacy Act, section 69]* requires the head of a public body to notify the commissioner during the development of a common or integrated program or activity, and provide a copy of a privacy impact assessment to the commissioner on request.
- CLAUSE 19: *[Freedom of Information and Protection of Privacy Act, section 69]* is consequential to the other amendments to section 69 of the Act made by this Bill.

15 Section 56 (6) is repealed and the following substituted:

- (6) Subject to subsection (8), an inquiry into a matter under review must be completed within 90 days after receiving the request for the review, unless the commissioner
 - (a) specifies a later date, and
 - (b) notifies the following persons of the date specified under paragraph (a):
 - (i) the person who made the request;
 - (ii) the head of the public body concerned;
 - (iii) any person given a copy of the request.

16 Section 58 (3) (b) is amended by striking out “section 10 (1)” and substituting “section 10 (1) or (1.1)”.

17 Section 69 (5.2) is repealed and the following substituted:

- (5.2) If the minister responsible for this Act receives a privacy impact assessment under subsection (5.1) respecting a common or integrated program or activity, the minister must
 - (a) notify the commissioner during the development of the proposed enactment, system, project, program or activity, and
 - (b) if the commissioner requests, make the privacy impact assessment available to the commissioner for the commissioner’s review and comment.

18 Section 69 (5.4) is repealed and the following substituted:

- (5.4) The head of a public body that is not a ministry, with respect to a proposed common or integrated program or activity, must
 - (a) notify the commissioner during the development of the proposed system, project, program or activity, and
 - (b) if the commissioner requests, make the privacy impact assessment available to the commissioner for the commissioner’s review and comment.

19 Section 69 (5.5) is repealed.

CLAUSE 20: *[Freedom of Information and Protection of Privacy Act, section 69.3]* allows the minister to establish a connected services provider and authorizes the minister to give directions in relation to connected services.

20 *The following section is added:*

Connected services provider

- 69.3** (1) In this section, “**sharing**” means collection, use and disclosure.
- (2) The minister responsible for this Act may designate a public body as a connected services provider.
- (3) A connected services provider, by exercising its powers respecting the sharing of personal information, may provide the following services:
- (a) establishing and maintaining an online platform for the purpose of facilitating access to and delivery of services and programs of one or more other public bodies;
 - (b) facilitating the sharing of personal information between public bodies;
 - (c) identifying services and programs for which a person may be eligible;
 - (d) any other service related to an online platform referred to in paragraph (a) that the minister responsible for this Act considers appropriate.
- (4) For the purposes of this section, the minister responsible for this Act may give directions to a connected services provider or a public body
- (a) respecting the type and quantity of personal information that is to be shared between public bodies,
 - (b) respecting the privacy and security of personal information that is shared,
 - (c) respecting the format in which personal information is shared,
 - (d) identifying, for a specified category of personal information, which source of data to use for that category of personal information, and
 - (e) respecting the circumstances in which particular types of personal information may or may not be shared.
- (5) The minister, under subsection (4), may give different directions in relation to different
- (a) persons or classes of persons,
 - (b) public bodies or classes of public bodies, and
 - (c) categories of personal information.
- (6) The minister must
- (a) notify the commissioner of a designation under subsection (2), and
 - (b) if the commissioner requests, make the privacy impact assessment for the designation available to the commissioner for the commissioner’s review and comment.

- CLAUSE 21: *[Freedom of Information and Protection of Privacy Act, section 71]* allows the head of a public body to establish categories of records containing information about an individual that may be made available directly to the individual without a request for access.
- CLAUSE 22: *[Freedom of Information and Protection of Privacy Act, section 71.1]* allows the minister to establish categories of records containing information about an individual that may be made available directly to the individual without a request for access.
- CLAUSE 23: *[Freedom of Information and Protection of Privacy Act, section 73]* clarifies that the section applies in relation to records to which the Act, or Part 2 of the Act, does not apply.
- CLAUSE 24: *[Freedom of Information and Protection of Privacy Act, Schedule 1]* adds a definition.
- CLAUSE 25: *[Transition – records that must be identified, listed or disclosed as part of a proceeding]* provides a transitional rule in relation to the addition of section 3 (5) (e) to the Act by this Bill.

21 Section 71 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) Subject to subsection (1.1), the head of a public body
 - (a) must establish categories of records that are in the custody or under the control of the public body and are available to the public without a request for access under this Act, and
 - (b) in the case of records in the custody or under the control of the public body that contain personal information about an individual, may establish categories of those records that the public body may make available to the individual without a request for access under this Act. ,
and

(b) by repealing subsection (2) and substituting the following:

- (2) The head of a public body may require a person who asks for a copy of a record available under subsection (1) (a) to pay a fee to the public body.

22 Section 71.1 (1) is repealed and the following substituted:

- (1) Subject to subsection (2), the minister responsible for this Act may establish categories of records that are in the custody or under the control of one or more ministries and that, without a request for access under this Act,
 - (a) are available to the public, or
 - (b) in the case of a record that contains personal information about an individual, a ministry may make available to the individual.

23 Section 73 is amended by renumbering the section as section 73 (1) and by adding the following subsection:

- (2) For certainty, subsection (1) applies in relation to records referred to in section 3 (3) and (5).

24 Schedule 1 is amended by adding the following definition:

“connected services provider” means a connected services provider designated under section 69.3 (2); .

Transitional Provisions

Transition – records that must be identified, listed or disclosed as part of a proceeding

- 25** Section 3 (5) of the *Freedom of Information and Protection of Privacy Act*, as amended by this Act, applies to requests received before, on or after the date this section comes into force.

CLAUSE 26: *[Transition – detail requirement]* provides a transitional rule in relation to sections 5 (1) (a), 7 (1) and 10 of the Act as amended by clauses 2, 4 and 6 of this Bill.

CLAUSE 27: *[Transition – communications of judicial officers]* provides a transitional rule in relation to the addition of section 16.1 to the Act by this Bill.

CLAUSE 28: *[Transition – grounds for disregarding a request]* provides a transitional rule in relation to section 43 of the Act as amended by this Bill.

Transition – detail requirement

- 26** The amendments made by sections 2, 4 and 6 of this Act to sections 5 (1) (a), 7 (1) and 10 of the *Freedom of Information and Protection of Privacy Act* do not apply in relation to a request received before the date this section comes into force.

Transition – communications of judicial officers

- 27** Section 16.1 of the *Freedom of Information and Protection of Privacy Act*, as enacted by this Act, does not apply in relation to a request received before the date this section comes into force.

Transition – grounds for disregarding a request

- 28** Section 43 of the *Freedom of Information and Protection of Privacy Act*, as amended by this Act, applies to requests received before, on or after the date this section comes into force.

Commencement

- 29** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 2	By regulation of the Lieutenant Governor in Council
3	Section 4	By regulation of the Lieutenant Governor in Council
4	Section 6	By regulation of the Lieutenant Governor in Council
5	Section 26	By regulation of the Lieutenant Governor in Council