

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF
CITIZENS' SERVICES

Freedom of Information and Protection of Privacy Act

Ministerial Order No. M431

WHEREAS efficient and prompt collaboration and communication are required to protect the health, safety and welfare of the residents of British Columbia during the COVID-19 pandemic;

I, Lisa Beare, Minister of Citizens' Services, order that, effective December 1, 2020, Ministerial Order No. M0180, issued under section 33.1(3) of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c.165, is extended to remain in effect until May 31, 2021 as set out in the attached Appendix.

November 30, 2020

Date



Minister of Citizens' Services

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Freedom of Information and Protection of Privacy Act*, section 33.1(3)

Other: _____

APPENDIX

1. A health care body as defined in the *Freedom of Information and Protection of Privacy Act*, or the Ministry of Health, the Ministry of Mental Health and Addictions, or the Provincial Health Services Authority may disclose personal information inside or outside of Canada in accordance with s. 33.2(a) and (c) of the *Freedom of Information and Protection of Privacy Act* on the condition that the disclosure is necessary:
 - a. for the purposes of communicating with individuals respecting COVID-19,
 - b. for the purposes of supporting a public health response to the COVID-19 pandemic, or
 - c. for the purposes of coordinating care during the COVID-19 pandemic.
2. A public body may disclose personal information inside or outside of Canada in accordance with s. 33.2(a) or (c) of *Freedom of Information and Protection of Privacy Act* through the use of third-party tools and applications on the condition that the disclosure is for the following purposes:
 - a. the third-party tools or applications are being used to support and maintain the operation of programs or activities of the public body or public bodies,
 - b. the third-party tools or applications support public health recommendations or requirements related to minimizing transmission of COVID-19 (e.g. social distancing, working from home, etc.), and
 - c. any disclosure of personal information is limited to the minimum amount reasonably necessary for the performance of duties by an employee, officer or minister of the public body.
3. A public body must not disclose information under sections 1 or 2 unless the head of the public body is satisfied that with respect to the information disclosed:
 - a. the third-party application is reasonably secure in compliance with s. 30 of the *Freedom of Information and Protection of Privacy Act*; and
 - b. the public body makes all reasonable efforts to remove personal information which is collected, used or disclosed using a third-party application from the third-party application as soon as is operationally reasonable and the public body retains and manages the information, as required by law.
4. For the purposes of this order “third-party tools and applications” includes any software developed and maintained by a third party and which is used to enable communication or collaboration between individuals.
5. This Order will remain in effect until May 31, 2021. The Minister may rescind or extend the effect of this Order in full or in part before May 31, 2021.