

1.0 Purpose

One of Consumer Protection BC's core functions, as stated in our Administrative Agreement with government, is the provision of information and assistance to consumers and businesses regarding their rights and obligations under the laws we administer. Without limitation, this includes consumer education initiatives that provide information verbally, in printed materials, online and through the media to raise awareness.

In addition to our broad mandate to provide information to consumers and licensees, we may publish information respecting actions or decisions regarding our licensing and enforcement functions. This document sets out Consumer Protection BC's policy for publishing this information.

2.0 Definitions

Decisions means the written reasons for both licensing actions and enforcement actions. They are issued to the respondents and include a summary of the complaint(s), the facts, the relevant legislation, the alleged violations, the analysis, the reasons for the decision, and the decision.

Enforcement actions include an undertaking; compliance order; direct sales prohibition order; administrative penalty; a property freeze order; a court order made under Part 10 of the *Business Practices and Consumer Protection Act* (BPCPA) or Part 11 of the *Cremation, Interment and Funeral Services Act* (CIFSA); or a conviction for an offence under the BPCPA, CIFSA or *Motion Picture Act* (MPA).

Judicial Review is a legal procedure that takes place in the BC Supreme Court. In a judicial review, a BC Supreme Court judge reviews a decision that has been made by an administrative tribunal or an administrative decision maker.

Licensees are businesses licensed by Consumer Protection BC.

Licensing actions include the refusal, suspension or cancellation of an application for a licence or an existing licence under section 146 of the BPCPA, section 55 of the CIFSA, or section 8 of the MPA, and may also include the placement of conditions on an application for a licence or existing licence.

Notice of Penalty/Undertaking/Order/Licensing Action Documents are sent to the respondents and include basic information about the decision, including the requirements of the order and the reconsideration or appeal process.

Publishing means making public in any manner, including by or through any medium. This includes listing information in the licensing or enforcement action search logs of the Consumer Protection BC website or putting a summary of the information on the website homepage, potentially distributing the information to the media and/or through social media.

Respondents are persons or businesses against whom actions may be taken.

Reconsiderations: the director may reconsider decisions about enforcement and/or licensing actions respecting a licence, a compliance order, a direct sales prohibition order or an administrative penalty. Reconsiderations do not apply to an undertaking, a court order made under the BPCPA; or a conviction of an offence under the Act.

3.0 Policy Statement

- 3.1 Consumer Protection BC may publish information respecting licensing and enforcement decisions and actions. This information serves to increase consumers' ability to make informed decisions and to reduce the incidence of violations.
- 3.2 Publishing this information serves to inform consumers about businesses and individuals against which actions have been taken and educates consumers and businesses about requirements under the legislation. It confirms that Consumer Protection BC enforces the legislation to ensure a fair marketplace.
- 3.3 Consumer Protection BC may publish a searchable list of all decisions and actions with hyperlinks to the reasons for the decision or action on the Consumer Protection BC website.
- 3.4 Consistent with the requirements of the *Freedom of Information and Protection of Privacy Act* (FIPPA) and the BPCPA, Consumer Protection BC will withhold certain information in the published documents to protect privacy.
- 3.5 All summaries and notices published on the website will remain on the website for at least 2 years after the determination date, after which time they will be archived. Archived information will be available upon request.

4.0 Authority

Consumer Protection BC may publish decisions in order to inform consumers, suppliers, and licensees about enforcement processes related to requirements under the applicable legislation. Authority to publish information respecting actions or decisions is provided by the BPCPA. Publication of decisions falls within our mandate, described by enabling legislation as the protection of consumers, promotion of fairness and knowledge, and administration of the Act in the public interest. It is also consistent with public expectations of public bodies' openness about their processes. Further, Consumer Protection BC's publication of decisions will conform to requirements of the FIPPA.