

## 1.0 Purpose

Consumer Protection BC historically has published in limited form information respecting actions or decisions related to our licensing and enforcement functions, without releasing full “reasons” for decisions. Effective January 1, 2017, we will publish to our website full text original decisions and related notices. We may also publish summaries. This document provides a statement of general procedures for decision makers preparing decisions for publication on the internet. Its purpose is to limit the disclosure of personal identifying information in published decisions and related documents, and create consistency, in that respect, in our written decisions.

## 2.0 Rationale and 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 *Business Practices and Consumer Protection Act* (“BPCPA” or the “Act”). 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 Freedom of Information and Protection of Privacy Act.

## 3.0 Procedures

- Before publishing their decisions, Consumer Protection BC decision-makers will prepare such documents in conformity with the requirements of the relevant legislation and internal policies enabling or limiting disclosure of personal information.
- Consistent with section 186 (2) of the BPCPA, Consumer Protection BC will generally publish the name of the person against whom a statutory action is taken (respondent). However, the disclosure of any additional personal information will be limited to that essential to understanding the decision or in furtherance of an identifiable public interest such as protection of persons from financial, emotional, or physical harm, or to promote deterrence.
- Persons against whom actions may be taken (respondents) include:
  - directors, officers, or agents of corporations, if such persons authorized, permitted or acquiesced in the contravention (for the purpose of administrative penalty, as per s. 164 (5) of the Act);
  - licensees (persons identified as licence holders in accordance with s. 143 of the Act), if the contravention is intrinsic to the sphere of regulated conduct (i.e., “designated activity”);
  - persons required to be licensed, though unlicensed, if the contravention relates to activity in respect of which licensing is required
  - owners of sole proprietorships; and
  - a supplier’s principals, managers, or employees, if the relevant facts in a decision indicate such persons’ liability for the contravention and the decision maker makes a finding to that effect.

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## Consumer Protection BC procedure – Publications of decisions

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- Decision makers will omit or redact such information from published decisions, except in the case of respondents, and unless parties or witnesses in proceedings consent to the inclusion of personal identifying information.
- Decision makers will avoid disclosing any information that may potentially identify other persons, except:
  - with express consent
  - as necessary for identifying persons subject to statutory action, or
  - for purposes identified in this policy

Information that may potentially identify persons includes:

- names, including alternative (“also known as”) names
- date of birth
- particulars of personal documents such as:
  - credit cards
  - drivers’ licences
  - government-issued cards containing unique information pertaining to a person (passports, healthcare / citizenship / provincial identity cards)
  - current or past residential addresses
  - motor vehicle licence plates
  - particulars of relationships to other persons including familial ties, friendships, employment or professional status
  - physical descriptions of a person
- While preparing or reviewing decisions prior to publication, the writer (or reviewer) must consider whether the combination of individual pieces of information in the context of all other details in the decision may result in the identification of an individual.
- As a general rule, decision makers should be mindful to exclude from original decisions any personal identifying information of non-respondents (whether direct or potential) that is not material from an evidentiary standpoint.
- The decision maker may substitute in a consistent and easily understood way neutral proxy identifiers for information that would otherwise potentially identify persons other than the respondent (e.g., “Complainant #1 / #2 / #3”, “Witness / Employee / Manager A / B / C”).
- To the extent that a decision requires reference to personal identifying information about persons other than respondents (for the purpose of making a decision understandable to the respondent) the decision maker may draft the original decision in a manner that allows for the later segregation or redaction of the information for the purposes of publication.
- Specifically, the decision maker may include personal identifying information as necessary in the original decision, while modifying or removing information from the original decision for the purpose of publication. The published decision in that case will be changed only to the extent necessary to prevent unnecessary disclosure of personal identifying information to the public, and in no other way.
- Consumer Protection BC, in its discretion, may publish summaries of original decisions, in which case it will disclose no personal identifying information in addition to that included in the full decision prepared for publication. Any summaries prepared for publication will be reviewed for accuracy and consistency with the original decision and this policy by the enforcement manager and vetted by management prior to publication.

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## Consumer Protection BC procedure – Publications of decisions

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- The decision maker may segregate information that may identify persons in a separate appendix attached to an original decision that is not included in the full published decision or any published summary.
- Conformity of written reasons with the intent of this policy is within the scope of the required substantive peer review completed prior to issuance of enforcement decisions. The reviewer (enforcement manager) will indicate to the decision maker all information in the decision that may potentially identify persons other than Respondents, or any other unnecessary disclosure of personal information, and the decision maker will ensure such information is removed or modified appropriately prior to public release.
- If a published decision is subject to a reconsideration as provided in legislation, Consumer Protection BC will publish notice to that effect. The notice will remain associated with the published decision until the reconsideration is concluded.
- To the extent that publication of statutory decisions involves related web notices or media releases referencing, summarizing, or linking to original decisions and notices, preparation of secondary notices and releases does not require disclosure of personal information additional to that included in the published decision, and should be avoided.
- Any person concerned about the disclosure of personal information will have the opportunity to request that Consumer Protection BC further remove information about that person from a published decision. Consumer Protection BC will consider on a case-by-case basis whether the disclosure is appropriate and justifiable.