

 <b>CONSUMER PROTECTION BC</b>	Publishing Licensing, Administrative and Enforcement Actions Procedures	<b>Version:</b> 2025 1.1 <b>Modified:</b> June 2025 <b>Approved:</b> June 16, 2025 <b>Approved by:</b> President & CEO
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# Publishing Licensing and Enforcement Actions Procedures

## 1.0 Purpose

Consumer Protection BC, as an administrative tribunal, has a duty to share the content and outcome of the decisions it makes under the consumer protection laws it administers. Consumer Protection BC does so consistent with its policy on publishing licensing, administrative and enforcement decisions.

This document provides a statement of general procedures for decision makers preparing decisions for publication on the internet. Its purpose is to minimize the disclosure of personal identifying information in published decisions and related documents, and create consistency, in that respect, in the drafting of decisions.

## 2.0 Definitions

**Administrative actions** include actions taken against licensees for violations involving regulatory responsibilities. They can include undertakings; compliance orders; administrative penalties; property freeze orders; court orders made under Part 10 of the *Business Practices and Consumer Protection Act* (BPCPA), Part 11 of the *Cremation, Interment and Funeral Services Act* (CIFSA), or Part 4 of the *Ticket Sales Act* (TSA); or convictions for an offence under the BPCPA, CIFSA, TSA or *Motion Picture Act* (MPA).

**Decisions** means the written reasons for licensing, administrative 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 actions taken in respect of consumer complaints and marketplace transactions. They can include undertakings; compliance orders; direct sales prohibition orders; administrative penalties; property freeze orders; court orders made under Part 10 of the *Business Practices and Consumer Protection Act* (BPCPA), Part 11 of the *Cremation, Interment and Funeral Services Act* (CIFSA), or Part 4 of the *Ticket Sales Act*; or convictions for an offence under the BPCPA, CIFSA, TSA 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 and individuals licensed by Consumer Protection BC.

**Licensing actions** include the refusal of an application for a licence, or suspension or cancellation of an existing licence under section 146 of the BPCPA, section 55 of the CIFSA, or section 8 of the MPA.

**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, administrative or enforcement action search logs of the Consumer Protection BC website; loading a summary of the information on the Consumer Protection BC website; and distributing the information to the media and/or through social media.

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

**Reconsiderations** are requests to the director to reconsider decisions 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, CIFSA or TSA; or a conviction of an offence under any Act.

### 3.0 Procedures

- (a) Before publishing decisions, Consumer Protection BC decision-makers will prepare decision documents including written reasons and related orders, penalties and actions, in conformity with the requirements of the relevant legislation and internal policies enabling or limiting disclosure of personal identifying information.
- (b) Consistent with section 186 (2) of the BPCPA, 60(5) of the CIFSA, and 25(1) of the TSA, 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 identifying 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.
- (c) 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
  - 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
- (d) Except in the case of respondents, unless parties or witnesses in proceedings consent to the inclusion of personal identifying information, decision makers will omit or redact such information from published decisions.
- (e) 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.

- (f) 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
- (g) 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.
- (h) 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.
- (i) 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”).
- (j) To the extent that a decision requires reference to personal identifying information about persons other than respondents (for the purpose of deciding 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.
- (k) 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 and vetted by management prior to publication.
- (l) 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.
- (m) 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 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 identifying information, and the decision maker will ensure such information is removed or modified appropriately prior to public release.

- (n) 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.
- (o) 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 identifying information additional to that included in the published decision, and should be avoided.
- (p) Any person concerned about the disclosure of personal identifying 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.

#### 4.0 Authority

The authority to publish information respecting statutory determinations is provided as follows:

##### ***Business Practices and Consumer Protection Act***

The Business Practices and Consumer Protection Act (Part 12, Division 3) states:

##### **Publication by director**

186 (1) The director may publish information respecting the following:

- (a) the suspension or cancellation of a licence
- (b) an undertaking
- (c) a compliance order
- (d) a direct sales prohibition order
- (e) a property freezing order
- (f) the imposition of an administrative penalty
- (g) a court order made under this Act
- (h) a conviction of an offence under this Act.

(2) Without limiting subsection (1), the director may publish

- (a) the name of the person against whom action is taken
- (b) the amount of any penalty, and
- (c) the reason for the action taken or the nature of the contravention.

##### ***Cremation, Interment and Funeral Services Act***

The *Cremation, Interment and Funeral Services Act* adopts certain section of the Business Practices and Consumer Protection Act, including the power of the Director to publish information respecting decisions and reconsiderations:

##### **Application of Division 1 of Part 12 – reconsiderations**

60 (5) Sections 181 [reconsideration by director], 182 (1), (5) and (6) [powers of director on reconsideration] and 186 [publication by director] of the *Business Practices and Consumer Protection Act* apply for the purposes of this Act.

***Ticket Sales Act***

The Ticket Sales Act (Part 7) states:

**Publication by director**

25 (1) A director may publish information respecting any of the following:

- (a) an undertaking
- (b) an order made by a director or an inspector under this Act
- (c) the imposition of an administrative penalty
- (d) a court order made under this Act
- (e) a conviction for an offence under this Act.

(2) Without limiting subsection (1), a director may publish

- (a) the name of a person against whom action referred to in that subsection is taken
- (b) the amount of any penalty, and
- (c) the reason for the action taken or the nature of the contravention.

***Motion Picture Act***

While the MPA contains no specific provision related to the publishing of statutory determinations, Consumer Protection BC considers it an inherent statutory responsibility to provide to the public information regarding the status of any statutory determination or licensing action taken under the Act. As such, should the director take a licensing or enforcement action under the MPA, Consumer Protection BC will provide information respecting that action.

***Freedom of Information and Protection of Privacy Act***

All Consumer Protection BC's publication of decisions will conform to requirements of the FOIPPA.

**5.0 Approval**

Robert Gialloredo  
President & CEO

June 16, 2025

Date