



PRIVACY AND ACCESS TO INFORMATION POLICY

SCOPE OF POLICY

This policy describes the information we collect in proceedings under the *Labour Relations Code* (the “Code”), how we use that information, and what information the public has access to.

The Board will identify names and relevant personal information in its published decisions. In exceptional circumstances, the Board may exercise its discretion to change a person’s name (anonymize), or to omit certain personal information, where the harm to a person’s privacy or security interest outweighs the public interest in transparency, accountability, and intelligibility of Board decisions.

This policy describes how you can identify the harm to your privacy and security interests you feel will occur if your name or specific personal information is included in a published decision.

INFORMATION WE COLLECT

Parties’ submissions to the Board may contain a wide variety of information in relation to applications made under the Code, including:

- contact information for parties and their representatives, including names, addresses, telephone numbers, fax numbers, and email addresses;
- copies of applications, complaints and responses, together with supporting documents, provided by parties. This may include personal information such as health information, financial records, and employment information and circumstances; and
- information about witnesses, including their contact information and evidence they might be called upon to provide.

The Board may also collect and use contact information to conduct surveys to evaluate and improve its services under s. 59.1 of the *Administrative Tribunals Act* (the “ATA”).

INFORMATION IS SHARED WITH THE PARTIES

The information obtained in a Board proceeding is shared with the parties to the matter, except for information deemed confidential under the Code such as membership in a trade union.

PUBLICATION OF DECISIONS

The Board must make its decisions in proceedings under the Code available in writing for publication (Code, s. 128(3)). The Board publishes its decisions on its website: www.lrb.bc.ca.

The Board’s decisions are not covered by the *Freedom of Information and Protection of Privacy Act* (“FOIPPA”) (Code, s. 115.1; ATA, ss. 61(2)(f)). However the Board has taken steps to prevent the decisions on its website from being accessed by internet search engines such as Google.

PUBLICATION OF HEARING SCHEDULES

On its website, the Board lists matters that are scheduled for an oral hearing, settlement discussions, or mediation. The schedule includes the place and date for the scheduled matter, the names of the parties, the type of matter, the relevant Code provision(s), and the Board case number. Hearings are typically open to the public. However, documents and submissions obtained in relation to a Code matter are not publicly available: Section 146(3) of the Code.

Settlement discussions and mediation facilitated through the Board are confidential, unless the parties agree or disclosure is required by law.

ANONYMIZING / OMITTING PERSONAL INFORMATION

Generally, the Board follows the open-court principle. This means that a published decision will likely include names of individuals and personal information.

To change a name so a person cannot be identified (anonymize) or to leave out certain personal information from a published decision is exceptional and is at the sole discretion of the panel assigned to the proceeding.

It is not enough for a person to want to remain anonymous or to avoid embarrassment. In exercising its discretion, the Board will consider whether the nature of the privacy or other interest you identify outweighs the public interest in transparency, accountability, and intelligibility of its decisions.

If you wish to provide information that will assist a panel of the Board in exercising its discretion, you must:

- (1) make a separate request in writing to the Registrar at registrar@lrb.bc.ca at the same time you file your application (if you are the applicant),

or

within 5 calendar days of the date the information was submitted to the Board by another party;

Note: If there is an expedited hearing, you must provide information as quickly as possible consistent with any expedited time frames;

- (2) identify whether you want your name anonymized and/or want certain information omitted from the decision;
 - (3) identify the specific information or circumstances you want omitted from the decision;
- and
- (4) explain how a decision identifying you by name, or including certain information, would be harmful to your privacy or security interests and why.

ACCESS TO INFORMATION REQUESTS

A person can make a request for access to information from the Board under the FOIPPA. The request must be made in writing to the Board's Registrar at registrar@lrb.bc.ca.