

GUIDANCE FOR SMALL PUBLIC BODIES ON THE IMPLEMENTATION OF PIDA

BACKGROUND

- The Public Interest Disclosure Act (PIDA) requires that every chief executive of a public body
 - establish procedures under section 9 for managing disclosures from their employees
 - designate at least one senior official as a designated officer (DO) to receive and investigate disclosures.
- Section 9 procedures must include provisions for assessing reprisal risk for disclosers; receiving and reviewing disclosures; confidentiality; collection and protection of personal information; and reporting out on disclosures received and investigations completed.
- PIDA provides that the above requirements do not apply to small organizations, where the organization, in consultation with the Ombudsperson under section 10(2), determines it is not practical to apply these requirements.

COMPARISON BETWEEN SECTION 10(2) EXEMPT PUBLIC BODIES AND NON-EXEMPT PUBLIC BODIES

| | REGULAR PUBLIC BODIES | SECTION 10(2) EXEMPT |
|---|--|---|
| Section 9 procedures required? | Yes | No |
| Must designate at least one designated officer? | Yes | If no designation, Chief Executive is the DO by default |
| Authorized to receive disclosures? | Yes | Yes |
| Authorized to provide advice to employees? | Yes | Yes |
| Authorized to investigate disclosures? | Yes, in accordance with their s.9 procedures | Yes, in consultation with the Ombudsperson |



WHO SHOULD SEEK AN EXEMPTION UNDER SECTION 10(2)

- Any chief executive of a public body who believes that it is not practical due to the size of the organization to designate a DO or establish procedures under section 9 of PIDA
- Considerations about size may include the number of employees, budget or capacity of the organization
- NOTE: the Ombudsperson has developed sample section 9 procedures that organizations may wish to adapt or adopt rather than seeking exemption.

HOW TO SEEK AN EXEMPTION UNDER SECTION 10(2)

- Contact Carly Chunick, Manager of Public Interest Disclosure at 250-508-3032 cchunick@bcombudsperson.ca or John Greschner, Deputy Ombudsperson at 250-952-5992 with a request or any questions.