



# Remembering to Forget

A Case Study from B.C.'s Public  
Sector

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MIM 5020 Capstone Project



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# The Rise of Data Privacy

- Born from the digital age's explosion of personal data.
- Driven by public concern over data misuse and permanent digital footprints.
- The EU's landmark response: the General Data Protection Regulation (GDPR) in 2018.
- A regulation designed to harmonize data protection laws across the EU.
- Primary goal: To strengthen individual rights and control over personal data.



# What is the Right to be Forgotten?

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- Also known as the "Right to Erasure" under GDPR Article 17.
- Allows individuals to request the deletion of their personal data in specific circumstances.
- Key grounds include:
  - ❖ Data is no longer needed for its original purpose.
  - ❖ Consent is withdrawn.
  - ❖ Data was processed unlawfully.
- Addresses modern concerns over permanent digital footprints and data persistence.

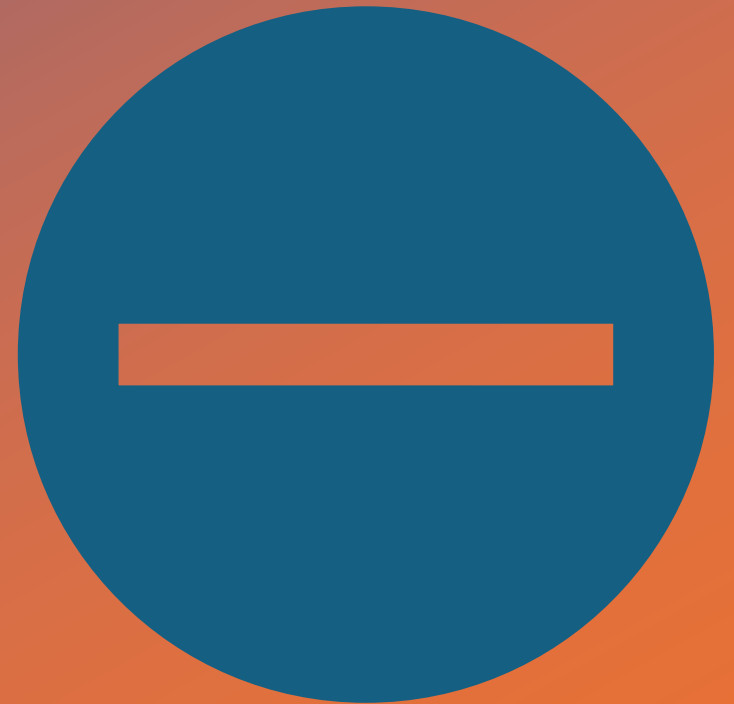


# Erasure vs. Retention

- The GDPR created a global expectation with the "Right to be Forgotten," allowing individuals to request data deletion.
- However, B.C.'s public sector operates under a different philosophy, with laws like FOIPPA and the IMA that mandate record-keeping for accountability.
- This creates the central problem for my research: a direct conflict between the principle of on-demand erasure and the legal duty of mandated retention.

**The Right to Erasure  
is NOT absolute,  
especially for the  
public sector.**

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# A Right with Limits

- The GDPR was designed with public bodies in mind and contains crucial exceptions in **Article 17(3)** and allows for restrictions under **Article 23**.
- Erasure is not required if retaining the data is necessary for:
  - ❖ Complying with a **legal obligation** under Union or Member State law.
  - ❖ Performing tasks in the **public interest**, including public health or archiving.
  - ❖ The establishment, exercise, or defense of **legal claims**.
- These exceptions often align with the very reasons public sector bodies in B.C. must retain records. The GDPR anticipates and provides a pathway to reconcile this tension.

A light blue speech bubble with a dark blue outline is located on the right side of the slide. It has a tail pointing towards the bottom left. Inside the bubble, the text "Can you delete my profile?" is written in a bold, black, sans-serif font.

**“Can you delete  
my profile?”**

A Simple Question

# From Theory to Reality: The Assessment Framework

## A Mixed-Methods Approach:

Document & Policy  
Analysis

Stakeholder  
Interviews

System &  
Comparative Analysis

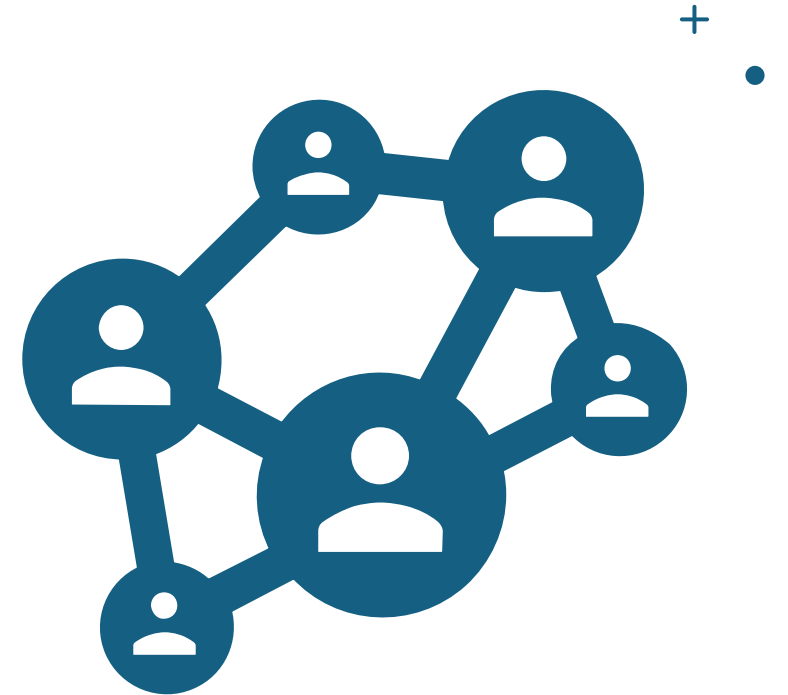


The Goal: To move beyond theory and understand the practical, on-the-ground feasibility.

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# Roadblocks to Readiness

- Not a single issue, but a set of profound, interconnected barriers.
- Four main themes:
  - 1. Technical & Operational Barriers**
  - 2. Governance & Compliance Barriers**
  - 3. Organizational & Cultural Barriers**
  - 4. Ethical Barriers**



# The Technical Barrier - Legacy Systems



Core operations run on aging legacy IT infrastructure, including mainframes and older databases - Designed for long-term data retention, not erasure



Deleting data risks breaking "referential integrity" in interconnected databases, which could corrupt essential records that must be kept.



Lack reliable, built-in deletion capabilities.



"You can't delete what you can't find, and you can't fulfill the right if the system physically won't let you delete the data without breaking other things."

# The Operational Barrier - The Data Labyrinth

Finding all personal data scattered across siloed systems, unstructured files (emails, notes), and backups.

- Like “finding a needle in a haystack”

Verifying that the deletion was complete, secure, and irreversible across all system copies and backups.

Data duplication in unlinked systems complicates erasure, requiring separate and distinct processes for each platform.

# The Governance & Compliance Barrier

- A direct conflict with laws like FOIPPA and the IMA, which legally mandate record retention.
- No explicit legal authority for on-demand erasure exists in B.C. statutes, creating significant legal risk.
- Difficult to create reliable accountability mechanisms to verify and audit compliance, especially technical barriers.






## Data Without Borders?

- Data stored in Canada is not automatically safe from foreign laws.
- The US CLOUD Act can compel access to data held by US tech companies, no matter where it is stored.
- This creates a critical challenge:
  - Data Residency (where data lives) vs. Data Sovereignty (whose laws control it).
- This adds a significant layer of legal risk and complexity to data governance.

# The Organizational & Cultural Barrier

Resources: Requires substantial new resources, including significant funding, new tools, and dedicated



Culture: A deep-seated "cultural resistance to deletion" is prevalent

Paradigm Shift: Demands a "massive paradigm shift" in philosophy

Data Literacy: A need to understand data, how it's stored, and its lifecycle is paramount.

# The Ethical Barrier

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Risk of hindering essential programs like tax administration or debt collection.



Balancing individual privacy against public interests like accountability, security, and historical preservation.



Potential for malicious requests to "obscure wrongdoing" like debt evasion.



Risk of damaging public trust by offering a right that cannot be reliably delivered.

# Indigenous Data Sovereignty

- A Nation's right to govern its collective data.
- Individual erasure requests vs. collective data rights (e.g., OCAP®).
- Data practices must align with provincial commitments to reconciliation and UNDRIP.
- Legacy systems create technical barriers for Indigenous data needs (e.g., language, metadata).
- Meaningful consultation with Indigenous partners is a non-negotiable prerequisite.

# The Verdict: Are We Ready?

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**NO.**

- Fundamental legal barriers exist, from conflicts with retention laws to unresolved sovereignty issues.
- A deep technical incapacity is rooted in legacy systems that were designed to remember, not forget.
- Profound organizational gaps in resources, workflows, and culture are compounded by complex ethical challenges.
- Addressing these foundational gaps is the essential and non-negotiable first step toward readiness.

# Beyond Deletion: The Process

The request management process itself is the core feasibility barrier.

A substantial operational burden exists in finding, assessing, and verifying the data.

Burden affects multiple teams for every request, even those ultimately denied.

The true hardship is the resource-intensive complexity of the workflow, not just the final deletion.

# Recommendation: Foundations First

- Prioritize and resource foundational improvements in data governance maturity.
- Strengthen the core framework with data inventories, data flow maps, and clear ownership roles.
- Develop rigorous operational disciplines with documented procedures for the entire data lifecycle.
- Foster a data-centric culture through targeted training and sustained executive commitment.

# A Multi-faceted Strategy

## Policy & Legislative Action:

- ❖ Conduct a thorough legal review to map conflicts with retention mandates.
- ❖ If proceeding, advocate for legislative amendments that provide clear authority and explicit, robust exemptions.

## Technical Modernization:

- ❖ Develop a funded, long-term strategy to modernize or replace legacy systems.
- ❖ Mandate "Privacy and Security by Design" (including deletion capabilities) in all new systems.

## Organizational Capacity & Culture:

- ❖ Secure dedicated resources and implement comprehensive, ongoing training.
- ❖ Invest in sustained change management with strong executive sponsorship to shift the culture.

# Key Takeaways

A fundamental conflict exists between the 'Right to be Forgotten' and mandatory public sector retention laws – though this can be managed through exceptions

Readiness is not about a single tool; the barriers are foundational, spanning law, technology, and culture.

The most effective strategy is to focus on the basics first; strengthening data governance is the essential prerequisite.

This is a shared journey, as the challenges of legacy tech, resource gaps, and cultural change are universal.

# Thank You!



**Questions?**



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**Full Report Available  
on Request**