GENERAL

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Guide to OIPC processes (FIPPA)

OFFICE OF THE INFORMATION & PRIVACY COMMISSIONER FOR BRITISH COLUMBIA

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PURPOSE OF THIS GUIDANCE DOCUMENT

This Guide addresses the most common procedures that the Office of the Information and Privacy Commissioner (OIPC) uses under the *Freedom of Information and Protection of Privacy Act* (FIPPA).

For all complaints and requests for review, the OIPC's overriding policy is to encourage the parties to agree to a resolution or settlement of the issues. OIPC staff will generally attempt mediation of all matters.

However, OIPC staff may also decline or discontinue an investigation or review in certain circumstances[1] and are authorized to decide whether a matter will proceed to the formal inquiry process.

GENERAL

Unless they are defined below, words in this document have the meanings given to them in FIPPA. The following definitions apply in this document:

"access request" means a request for records made to a public body under FIPPA;

"Adjudicator" means an individual to whom the Commissioner has delegated his or her inquiry and decision making duties, powers and functions;

"applicant" means a person who has made a request for records or, in the case of an application under ss. 42, 43, or 56 of FIPPA, the party making the application;

"appropriate person" means a person the Commissioner considers appropriate to receive notice of a request for review under s. 54(b) of FIPPA;

"Commissioner" means the Information and Privacy Commissioner appointed under FIPPA and includes an Acting Information and Privacy Commissioner appointed and acting under FIPPA;

"Complainant" means an individual who has made a complaint under Part 4 of FIPPA;

"complaint" means a complaint under FIPPA so designated by the OIPC;

"day" does not include a Saturday, Sunday or a holiday as that term is defined in the *Interpretation Act;*

[1] See the OIPC's policies for declining or discontinuing an investigation or review: www.oipc.bc.ca/CIP

"exception" means an exception to the right of access to records set out in Part 2 of FIPPA.

"FIPPA" means the *Freedom of Information and Protection of Privacy Act*;

"hearing" means a hearing held under FIPPA;

"*in camera*" means privately;

"inquiry" means an inquiry held under Part 5 of FIPPA;

"Case Review Officer" means an individual employed or retained by the OIPC as a Case Review Officer;

"Investigator" means an individual employed or retained by the OIPC as an Investigator;

"Notice of Hearing" means a notice issued by the OIPC that a hearing will be held under FIPPA;

"Notice of Inquiry" means a notice issued by the OIPC that an inquiry will be held under Part 5 of FIPPA;

"OIPC" means the Office of the Information and Privacy Commissioner for British Columbia and, in relation to the exercise of powers, duties and functions of the Commissioner, includes the exercise of those powers by a delegate of the Commissioner;

"public body" means a public body as defined in FIPPA;

"respondent" means the party responding to an application made by another party under ss. 42, 43 or 56 of FIPPA;

"request" means a request for review under Part 5 of FIPPA;

"third party" has the meaning given in FIPPA.

EXTENDING TIME LIMIT FOR RESPONDING

Section 7 of FIPPA provides that, subject to ss. 23 and 24(1) (notice to a third party), a public body must respond to a request for records not later than 30 days after receiving a request unless:

- the time limit is extended under s. 10;
- the public body transfers the request to another public body under s. 11;
- the public body applies under s. 43 of FIPPA to the OIPC for authorization to disregard the request;
- the public body issues a fee estimate and none of the events set out in s. 7(4) has occurred;
- the applicant requests a review relating to a fee; or
- a third party requests a review.

Section 10(1) of FIPPA provides that the head of a public body may extend the time for responding to a request for up to 30 days or, with the "Commissioner's permission," for a longer period if one or more of the following apply:

10(1)(a): the applicant does not give enough detail to enable the public body to identify a requested record;

10(1)(b): a large number of records is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the public body; or

10(1)(c): more time is needed to consult with a third party or other public body before the head can decide whether or not to give the applicant access to the requested records.

In addition, with the permission of the OIPC, the head of a public body may extend the time for responding to a request:

- if one or more of the circumstances described in ss. 10(1)(a) to (c) of FIPPA apply, for a period of longer than the 30 days permitted under that subsection; or
- if the OIPC otherwise considers that it is fair and reasonable to do so, as per s. 10(2)(b) of FIPPA.

Case Review Officers and Investigators have delegated authority to grant permission under s. 10 of FIPPA.

A public body may, on its own, extend the original 30-day time period for responding to a request for up to 30 additional days, if the reasons for taking the extension meet the criteria in s. 10(1) of FIPPA.

If a public body exercises its own discretion under s. 10(1) of FIPPA to take a time extension of up to 30 additional days and then determines, within that extended time, that it will need more than 60 days to respond to a request, it may request permission from the OIPC for a further extension.

A public body may request permission from the OIPC to extend the time for responding to a request if it determines, within the original 30-day time period for responding to the request, that one or more of the circumstances in ss. 10(1)(a) to (c) apply and it will need more than 60 days to respond to a request or that it would be fair and reasonable to extend the response time.

The OIPC will not consider a request for an extension of time after the original or, if applicable, extended time period has expired.

To request permission from the OIPC for an extension of time, a public body must complete an application for time extension.[2] Please see the OIPC Time Extension Guidelines for Public Bodies.[3]

If the OIPC gives permission for an extension, the public body must promptly deliver to the applicant a written notice containing the following:

a) the reason for the extension;

b) when a response can be expected;

c) a copy of the OIPC's permission letter; and

d) provision for a staged release of records where practicable.

COMPLAINTS

Under Part 4 of FIPPA, the Commissioner is responsible for monitoring how the Act is administered and is authorized to conduct investigations and audits to ensure compliance with any provision of FIPPA.

Part 4 provides that the OIPC may investigate and attempt to resolve complaints when:

- a duty imposed by FIPPA or the regulations, including an adequate search, has not been performed;

[2] Time extension applications are available on the OIPC's website at https://www.oipc.bc.ca/forms/public-bodies/

[3] OIPC Time Extension Guidelines for Public Bodies is available at: https://www.oipc.bc.ca/documents/guidance-documents/1363

- a time extension for responding to an access request is not in accordance with s. 10 of FIPPA;
- a fee required under FIPPA is inappropriate or when a public body has improperly denied a request for a fee waiver;
- a correction of personal information requested under FIPPA has been refused without justification; or
- personal information has been collected, used or disclosed by a public body in contravention of Part 3 of FIPPA.

A. Refer Back Policy

Unless circumstances warrant otherwise, the OIPC's policy is to refer a complainant back to the public body where the Complainant has not given the public body an opportunity to respond to and attempt to resolve the complaint.

B. Making a Complaint

A complaint must be made to the OIPC in writing. The OIPC will accept complaints by email sent to info@oipc.bc.ca, through the online webform available on the OIPC's website at oipc.bc.ca, or by fax or physical mail.

A complaint may be made orally where a Complainant has a limited ability to read and write or a physical disability that impairs their ability to make a written complaint. Where a person makes an oral complaint, the OIPC will put it in writing. After the complainant has reviewed it, he or she must acknowledge the document.

A complaint must provide enough information for the OIPC to understand and describe the issue (one issue at a time) involved and should be made within a reasonable time after the Complainant became aware of the alleged incident giving rise to the complaint. A Complainant must provide all of the following:

a) the Complainant's name, address and telephone number. If the Complainant prefers to communicate by fax or email, this information can also be included;

b) an explanation of the circumstances giving rise to the complaint (through the allowable limit in the form fields or two typed pages in a minimum 12-point font); and

c) where the OIPC has referred the Complainant to the public body, a copy of the applicant's complaint to the public body and a copy of the public body's response to the complaint, if any.

The OIPC will not consider a complaint complete until all of the information described above, as applicable, has been provided to the OIPC, and the OIPC will not act on the

complaint until it is complete. The OIPC may request that a Complainant explain any undue delay in submitting the complaint to the OIPC.

Please note that your name and contact information, as well as a copy of your complaint, will be shared with the public body that is the subject of the complaint.

Complaints that exceed submission limits may not be considered and could result in the complaint not being accepted.

If you are using an LLM (such as ChatGPT, CoPilot, or Perplexity) to submit a complaint to the OIPC, please refer to OIPC guidance. Use caution about what you share, watch for inaccuracies and hallucinations, be sure to put privacy first, and know your rights. Please double check legal decisions, OIPC orders, and other sources that an LLM cites for accuracy.

C. Decline to Investigate Policy

The OIPC may decline to investigate a matter in certain circumstances. The policy and criteria for declining to investigate are available at: oipc.bc.ca/CIP.

A Complainant may appeal the OIPC's decision to decline to investigate by submitting an application to the OIPC, stating "request for reconsideration" and the relevant file number in the subject line, within 15 days of the instruction letter being sent. The Complainant must demonstrate how their file meets the reconsideration criteria outlined in section G.

D. Notice of Complaint

The OIPC may give a copy of the complaint to the head of the public body concerned.

E. Investigation

An investigation file may be assigned to a Case Review Officer if there appears to be an opportunity for early resolution of the matter. Otherwise, investigation files will be queued for assignment to an Investigator.

In conducting a complaint investigation, the Investigator exercises powers delegated by the Commissioner to investigate, make findings, and dispose of the complaint.

The Investigator will ensure that all parties have an opportunity to be heard. However, submissions during this phase are limited to 10 pages (minimum 12-point font), inclusive of attachments, unless otherwise directed by the investigator.

F. Discontinuing an Investigation Policy

The Investigator may discontinue an investigation into a matter in certain circumstances. The policy and criteria for discontinuing an investigation are available at: oipc.bc.ca/CIP.

A Complainant may appeal the OIPC's decision to discontinue an investigation by submitting an application to the OIPC, stating "request for reconsideration" and the relevant file number in the subject line, within 15 business days of being advised of the decision.

The Complainant must demonstrate how their file meets the reconsideration criteria outlined in section G.

G. Reconsiderations

If the public body or Complainant has concerns about an investigation, either party can request a reconsideration. Requests for reconsideration are not an appeal on the merits of the Case Review Officer or Investigator's decision; rather, they are limited to the grounds set out below. While there is no statutory obligation under FIPPA to reconsider the outcome of a complaint investigation, it is OIPC policy to review requests for reconsideration and to re-open a file when there are reasonable grounds to do so. A file *may* be re-opened under the following circumstances:

- When it is necessary to correct a clerical error, an accidental error, or an omission by the Case Review Officer or Investigator;
- When the finding has resulted from a breach of natural justice or administrative fairness;
- When relevant issues were not addressed; or
- Where new evidence or facts are brought forward that were not previously available to the individual seeking the reconsideration.

If the investigation is re-opened, the possible outcomes are to:

a) confirm all or part of the findings of the Case Review Officer or Investigator;

b) direct further investigation by a Case Review Officer or Investigator on all or part of the issues raised;

c) determine that no further action should be taken with respect to all or part of the complaint if further action would not serve the interest of a just determination of the issues raised in the complaint;

d) refer the matter to a hearing.

REQUESTS FOR REVIEW

A. Requesting a Review

A request for review must be made to the OIPC in writing. The OIPC will accept requests for review by email sent to info@oipc.bc.ca, through the online webform available on the OIPC's website at oipc.bc.ca, or by fax or physical mail. A request may be made

orally where an applicant has a limited ability to read and write or a physical disability which impairs the applicant's ability to make a written request. Where a person makes an oral request, the OIPC will put it in writing. After the applicant has reviewed it, he or she must acknowledge the document.

A request for review must provide enough information for the OIPC to understand and describe the issues involved. An applicant must provide all of the following:

a) The applicant's name, address and telephone number. If the applicant prefers to communicate by fax or email, this information should also be included);

b) A copy of the access request (if the request was made by email, please ensure the copy includes the date);

c) A brief explanation of what the applicant wants reviewed (through the allowable limit in the form fields or two typed pages in a minimum 12-point font); and

d) A copy of the public body's decision.

The OIPC will not consider a request for review complete until all of the information described above has been provided to the OIPC, and the OIPC will not act on the request until it is complete.

Requests for review that exceed submission limits may not be considered and could result in the request for review not being accepted.

If you are using an LLM (such as ChatGPT, CoPilot, or Perplexity) to submit a complaint to OIPC, please refer to OIPC guidance. Use caution about what you share, watch for inaccuracies and hallucinations, be sure to put privacy first, and know your rights. Please double check legal decisions, OIPC orders, and other sources that an LLM cites for accuracy.

The applicant must deliver a request for review to the OIPC within 30 days after being notified of the public body's decision. The OIPC may allow a longer period of time where the public body consents or where circumstances prevented the applicant from delivering the request within the 30-day period.

Where an applicant has not given the public body an opportunity to respond to and attempt to resolve a request for review, the OIPC may, under s. 44(3.1) of FIPPA, require the applicant to attempt to resolve the request for review in the way directed by the OIPC before the OIPC begins or continues an inquiry under s. 56 of FIPPA.

Please note that, when a request for review is received, the time frame set out at s. 56(6) of FIPPA is adjourned to allow for mediation, as most files are resolved in the mediation period. If the file is not resolved, then the 90-day period begins once the inquiry commences. Additionally, the OIPC considers this time frame to be directory rather than mandatory, meaning the OIPC does not lose jurisdiction to conduct an

inquiry if it takes longer than 90 days. This is based on a well-established rule of statutory interpretation.[4]

B. Decline to Review Policy

The OIPC may decline to review a matter in certain circumstances. The policy and criteria for declining to review are available at: oipc.bc.ca/CIP.

If a public body or applicant has concerns about an investigation, either party can request a reconsideration of the decision to decline to review. A request for reconsideration must be submitted to the OIPC, clearly identifying the relevant file number in the subject line, within 15 business days of being advised of the decision.

Requests for reconsideration are not an appeal on the merits of the Case Review Officer's decision; rather, they are limited to the grounds set out below. While there is no statutory obligation under FIPPA to reconsider the decision to decline to investigate, it is OIPC policy to review requests for reconsideration and to re-open a file when there are reasonable grounds to do so. A file may be re-opened under the following circumstances:

- When it is necessary to correct a clerical error, an accidental error, or an omission by the Case Review Officer;
- When the finding has resulted from a breach of natural justice or administrative fairness;
- When relevant issues were not addressed; or
- Where new evidence or facts are brought forward that were not previously available to the individual seeking the reconsideration.

If the file is re-opened, the possible outcomes are to:

(a) confirm all or part of the findings of the Case Review Officer;

(b) direct further investigation by a Case Review Officer on all or part of the issues raised;

(c) determine that no further action should be taken with respect to all or part of the complaint if further action would not serve the interest of a just determination of the issues raised in the complaint; or

(d) refer the matter to a hearing.

[4] See, for example, *Peters v East 3rd Street North Vancouver Limited Partnership,* 2023 BCSC 879 at paragraph 27.

C. Notice of Request for Review

The OIPC will give a copy of the request for review to the head of the public body concerned and any other person that the OIPC considers appropriate under s 54(b).

D. Application of New Exceptions

If, during the mediation process (see section E below), the public body decides to apply a new exception to disclosure of the records other than those specified in its response to the applicant, it must make that decision and communicate it in writing to the applicant and the OIPC as soon as practicable. The OIPC will treat any such decision by the public body as supplemental to the original response to the access request, not as a new response.

E. Mediation

The OIPC may, under s. 55 of FIPPA, refer each request for review to an Investigator for mediation. A review file may be assigned to a Case Review Officer or Early Resolution Investigator if there appears to be an opportunity for early resolution of the matter. Otherwise, review files will be queued for assignment to an Investigator.

The intent of the mediation process is to facilitate a settlement of the issues and to ensure that the applicant has received access to all records or information to which the applicant is entitled under FIPPA. The mediation process is separate from any subsequent inquiry. Submissions during mediation are limited to 10 pages (minimum 12-point font), inclusive of attachments, unless otherwise directed by the investigator.

The OIPC may extend the period for mediation if it is fair and reasonable or otherwise necessary or appropriate in the circumstances.

Where a request for review is not settled during mediation, it may be referred for an inquiry.

F. Discontinuing a Review Policy

The Investigator may discontinue a review in certain circumstances. The policy and criteria for discontinuing a review are available at oipc.bc.ca/CIP.

If a public body or applicant has concerns about an investigation, either party can request a reconsideration of the decision to discontinue a review. A request for reconsideration must be submitted to the OIPC, clearly identifying the relevant file number in the subject line, within 15 business days of being advised of the decision.

Requests for reconsideration are not an appeal on the merits of the Investigator's decision; rather, they are limited to the grounds set out below. While there is no statutory obligation under FIPPA to reconsider the outcome of a file, it is OIPC policy to review requests for reconsideration and to re-open a file when there are reasonable grounds to do so. A file *may* be re-opened under the following circumstances:

- When it is necessary to correct a clerical error, an accidental error, or an omission by the Investigator;
- When the finding has resulted from a breach of natural justice or administrative fairness;
- When relevant issues were not addressed; or
- Where new evidence or facts are brought forward that were not previously available to the individual seeking the reconsideration.

If the investigation is re-opened, the possible outcomes are to:

(e) confirm all or part of the findings of the Investigator;

(f) direct further investigation by an Investigator on all or part of the issues raised;

(g) determine that no further action should be taken with respect to all or part of the complaint if further action would not serve the interest of a just determination of the issues raised in the complaint; or

(h) refer the matter to a hearing

G. Decision Not to Hold an Inquiry under s. 56 of FIPPA

If a request for review is not settled, the OIPC has discretion to decide whether all or part of the matter will proceed to an inquiry under s. 56 of FIPPA. Considerations for the exercise of that discretion include whether:

- the review has no reasonable prospect of succeeding, including because it is plain and obvious that requested records are subject to an exception to disclosure in FIPPA or fall outside the scope of FIPPA;
- the review is frivolous, vexatious, or otherwise an abuse of process;
- the review is trivial or no meaningful remedy is required or available under FIPPA;
- the substance of the review is more appropriately dealt with in another proceeding or process; or
- the discontinuing a review policy is applicable to the issue(s).

A party may also apply in writing to the OIPC to ask that all or part of a request for review not proceed to an inquiry.

Before the OIPC decides that all or part of a request for review will not be adjudicated at an inquiry, the parties will be given an opportunity to be heard.

INQUIRIES

A. General

An inquiry is a process wherein the Commissioner or an Adjudicator considers the issues in dispute, makes a decision, and issues an order.

Inquiries are generally conducted in writing.

B. Investigator's Fact Report

Before an inquiry, the Investigator will prepare a fact report:

a) providing a chronology of the request, review, and inquiry processes;

b) setting out the facts and indicating any that are in dispute;

c) describing the records and issues in dispute and any issues no longer in dispute; and

d) specifying which provisions of FIPPA are in issue.

The fact report will not include details relating to any attempts the parties made to settle the matter through mediation, other than to note any issues that have been settled and are no longer in dispute.

Before the Notice of Inquiry is issued, the Investigator will distribute the fact report to the parties. If they have any objections to the contents of the fact report, they must raise them with the Investigator within the specified time frame.

C. Notice of Inquiry

If the matter proceeds to inquiry, the OIPC will issue a notice of inquiry, along with the finalized fact report, to the parties. The parties will be allowed to make written submissions in accordance with a schedule set out in the notice of inquiry.

For further information about the inquiry process, see the OIPC's *Instructions for Written Inquiries*, which is available on our website under "Tools & Guidance."

DEEMED REFUSAL REVIEWS

FIPPA sets out the time within which a public body must respond to a request for access to records in s. 7. The usual time for response is 30 days after receiving a request described in s. 5(1), but extensions of the response time are possible under s. 10 in appropriate circumstances.

Section 53(3) of FIPPA says that the failure of the head of a public body to respond in time is to be treated as a decision to refuse access to the record, known as a deemed

refusal review. This policy sets out the expedited process the OIPC follows for deemed refusal reviews.

OIPC Evaluates the Review

1. Upon receipt of the deemed refusal review, the OIPC reviews the documents supplied to ensure that:
    a) the applicant has provided a copy of the original request for records;
    b) the applicant has provided a copy of the public body's letter acknowledging the access request, if any;
    c) the issue properly qualifies as a deemed refusal that should be considered under the OIPC's deemed refusal process; or
    d) if more information is required, contact is made with the applicant to confirm that the review relates solely to a deemed refusal.

2. Based on the information from the applicant, the OIPC will complete a preliminary calculation of the response time, taking into account time extensions and time excluded due to fee-related issues.

3. If satisfied that the sole issue relates to the public body's failure to respond in time, a deemed refusal review file will be opened and the OIPC will contact the public body to:
    a) confirm that the public body received the request and opened a file;
    b) confirm timelines and due dates;
    c) confirm whether or not time extensions were taken;
    d) confirm that there are no outstanding fee issues;
    e) record the public body's explanation for the delay;
    f) identify other appropriate persons e.g., if the delay is due to consultations;
    g) obtain the public body's estimated time for release;
    h) determine if the public body is willing to consider a consent order.

4. The OIPC will attempt to mediate a release date for access requests with a time extension of 500 business days (approximately 2 years) or less. This may include a consent order if both parties have indicated a willingness to seek one. The OIPC may advance review files directly to inquiry that have not been responded to within 500 business days or that have a time extension of over 500 business days.

Consent Orders

1. The public body and the applicant must sign the consent order. Once signed by the parties, the consent order is forwarded to a Director for review and approval if appropriate.

Expedited Inquiry Process

1. The OIPC may prepare and send out a notice of inquiry if any of the following apply:

    - mediation is unsuccessful;
    - either party is unwilling to seek a consent order;
    - the access request has a time extension of 500 business days or longer and has not been responded to; or
    - the access request has not been responded to within 500 business days from when the request was made.

    Each party will be allowed to make written submissions in accordance with a schedule set out in the notice of inquiry.

2. The Adjudicator will issue a decision.

Partial or Phased Release

The partial or phased release of records is not the end of a deemed refusal review unless the applicant agrees that it is. The OIPC may monitor a file with a partial or phased release until the remainder of the response is complete.

AUTHORIZATION TO INDIRECTLY COLLECT PERSONAL INFORMATION

Section 42(1)(i) of FIPPA provides that the head of a public body may request that the Commissioner authorize the public body to collect personal information from sources other than the individual that the information is about.

A public body seeking authorization to indirectly collect the personal information of individuals under this provision must make a request in writing to the OIPC stating the reasons for the request. The request must include the following information:

- A copy of the request(s) at issue;
- A privacy impact assessment that addresses the information involved, including how it will be collected, used, disclosed, stored, and accessed;
- A clear list of the information they are seeking to indirectly collect; and

- The rationale for why the information is necessary for the public body and why the information cannot be collected directly or indirectly, as authorized elsewhere by FIPPA.

The OIPC will review the materials, meet with the public body if there are concerns, and issue a decision. The Commissioner may require the submission of additional information in support of the application.

Previous authorizations are online at: https://www.oipc.bc.ca/rulings/decisions/

AUTHORIZATION TO DISREGARD AN ACCESS REQUEST

Section 43 of FIPPA provides that, if the head of a public body asks, the Commissioner may authorize the public body to disregard access requests, or requests for correction of personal information, if:

(a) the request is frivolous or vexatious,

(b) the request is for a record that has been disclosed to the applicant or that is accessible by the applicant from another source, or

(c) responding to the request would unreasonably interfere with the operations of the public body because the request

(i)is excessively broad, or

(ii) is repetitious or systematic.

A public body seeking authorization to disregard an access request or request for correction must make a request in writing to the OIPC and the access applicant stating the reasons for the request. The request must include the following information:

- A copy of the request(s) at issue;
- An explanation as to how responding to the request(s) would unreasonably interfere with the public body's operations because of the repetitious or systematic nature of the request and/or an explanation as to how the request(s) is frivolous or vexatious; and
- the proposed remedy the public body seeks.

The OIPC will review the request and attempt to resolve the matter.

Where the matter is not resolved, the OIPC will issue a notice of inquiry, and the parties will be allowed to make written submissions. The Commissioner or Adjudicator will make the decision and issue an order.

REQUESTS TO CONTACT POTENTIAL STUDY PARTICIPANTS FOR HEALTH RESEARCH

Section 35 of FIPPA states that researchers may have access to personal information when contacting individuals to participate in research about health issues if the Information and Privacy Commissioner for British Columbia approves the following:

a) The research purpose,

b) The use of disclosed information for the purpose of contacting a person to participate in the research, and

c) The manner in which contact is to be made, including the information to be made available to persons contacted.

Health researchers must provide complete and accurate information to the Office of the Information and Privacy Commissioner regarding each of these elements in order for requests to be properly reviewed and considered for approval.

Researchers must submit either a form developed by the Ministry of Health for use in conjunction with requests for personal information from databases of the Ministry of Health Services, health authorities or PharmaNet OR submit the same information directly to the Office of the Information and Privacy Commissioner by answering the questions set out here.

Process for Making a Request

The process to be followed differs depending on the public body that has custody or control of the requested information.

Ministry of Health or health authority data

If the request is for personal information contained in databases of the Ministry of Health or health authorities, health researchers must complete the form "Request to Contact Potential Study Participants Using Data from Ministry of Health, a Health Authority, or PharmaNet" [HLTH 5424] and submit it to the Ministry of Health. The Ministry will provide the application to the Office of the Information and Privacy Commissioner for review and approval.

Non-Ministry of Health or health authority data

If the request is for personal information in the custody or control of other public bodies, health researchers must submit a request for contact information to the Office of the Information and Privacy Commissioner that answers all of the questions set out here.

Before your request will be considered by the Commissioner, you must also provide written confirmation of:

- documentation verifying research ethics board approval;

- if applicable, documentation indicating approval of the research study from a funding agency; and
- information regarding the proposed manner of contact, a description of the study and what will be asked of participants, and a telephone number that participants can call either to consent to participation or to request no further contact.

Requests for contact information from public bodies (other than the Ministry of Health or health authorities) should be sent to:

Office of the Information and Privacy Commissioner
PO Box 9038 Stn Prov Govt
Victoria BC, V8W 9A4
Fax: (250) 387-1696
info@oipc.bc.ca

The OIPC will review the materials, meet with the public body if there are concerns, and issue a decision. The Commissioner may require the submission of additional information in support of your application.

These guidelines are for information purposes only and do not constitute a decision or finding by the Office of the Information and Privacy Commissioner for British Columbia. These guidelines do not affect the powers, duties, or functions of the Information and Privacy Commissioner regarding any complaint, investigation, or other matter under PIPA.