[This section 43 decision was issued January 29, 1998. It has been severed to remove all third party identifying information.]
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In the Case of an Application for Authorization to Disregard Requests from [the Respondent] under Section 43 of the *Freedom of Information and Protection of Privacy Act* (the Act) by the City of Vancouver

I have had the opportunity of reviewing the application by the City of Vancouver under section 43 of the *Freedom of Information and Protection of Privacy Act* (the Act) for authorization to disregard section 5 requests made by [the respondent] (hereafter referred to as the respondent).

Section 43 gives me the power to authorize a public body to disregard requests under section 5 that, because of their repetitious or systematic nature, would unreasonably interfere with the operations of the public body, in this case the City of Vancouver.

Since the purpose of the Act is to make government bodies more accountable to the public by giving the public a right of access to records, authorization to disregard must be given sparingly and only in obviously meritorious cases. Granting section 43 requests should be the exception to the rule and not a routine option for public bodies to avoid their obligations under the legislation.

The respondent raised several procedural and other objections. I have carefully considered everything submitted, along with the City's responses. I have decided to proceed to consider the City's request for an authorization under section 43 on the basis of all evidence presented to me.

Based on a detailed review of the submissions of the City of Vancouver and the respondent, the following factors have led me to decide that the respondent's access requests are repetitious, systematic, and unreasonably interfere with the operations of the City of Vancouver:

1. The respondent is a former City employee who was terminated for cause in May, 1995. In March, 1997 [the respondent's] union withdrew [the respondent's] grievance for wrongful dismissal prior to the scheduled arbitration hearing. The City submits that [the respondent] is using the Act as a weapon against the City in retaliation for the decision to terminate [the respondent's] employment, which is contrary to the purpose of the Act and amounts to an abuse of access rights under the Act. (See Order No. 110-1996, June 5).

2. I accept the evidence provided by the City that the respondent's requests are systematic in nature. The City informs me that between June 16 and October 22, 1997, the respondent made numerous access requests, seventeen of which were opened as formal freedom of information request files. These comprised 40 percent of the requests to the City in that time period. Thirteen were for records related to the handling of [the respondent's] grievance or about persons connected with [the respondent's] grievance. The City has responded to 15 of these requests, releasing numerous records, including over 400 pages in response to one request alone, without charging fees. It made fee estimates in the other instances. The City indicates that over 100 hours of staff time have been devoted to responding to the respondent's requests already, and that an additional 100 hours may be required to respond to the remaining requests.

3 I accept the evidence provided to me by the City that a response to one request by this respondent frequently leads to additional requests for more records and information relating to the same topic.

4. The City has only one person dedicated to all access and privacy issues, and these requests from the respondent have interfered with that person's ability to perform his various duties.

5. The City submits that its long history of dealing with the respondent since May, 1995 suggests that [the respondent's] concerns, real or imagined, cannot be addressed through disclosures under the Act. The respondent has been provided with records [the respondent] is entitled to under the Act and under the grievance procedures. The City submits that the respondent has failed to show any wrongdoing on the part of the City, and there is no evidence to suggest that responding to any future requests would change that.

6. The City submits that there is no possibility of satisfying this respondent under the Act and that [the respondent's] requests for access continue to grow in size and complexity. It argues that "this is indeed an exceptional case which warrants the application of the section 43 remedy."

7. The City submits that the respondent is not using the Act for the purposes for which it was intended and that [the respondent] is not acting in good faith. The City further submits that [the respondent's] actions are bringing the Act into disrepute in the eyes of the staff in departments affected by the respondent's requests.

8. I accept the evidence provided to me by the City that the respondent's requests are repetitious in nature. I find that the respondent makes requests relating to the same subject matter and has on several occasions asked specifically for the same records [the respondent] had already received from the City.

9. I find on the evidence that the respondent's access requests are unreasonably interfering with the operations of the City.

In summary, I find that the access requests of [the respondent] to the City of Vancouver are repetitious, systematic, and unreasonably interfere with the operations of the City.

Therefore, I authorize the City of Vancouver to:

1. Disregard all past and present requests from [the respondent] for records related to the handling of the respondent's wrongful dismissal grievance against the City, or about any individuals connected with the respondent's grievance, as well as for records of, or related to, the Carnegie Centre.

2. Disregard all future requests from [the respondent] for records related to the handling of the respondent's wrongful dismissal grievance against the City, or about any individuals connected with the respondent's grievance, as well as for records of, or related to, the Carnegie Centre.

January 29, 1998

David H. Flaherty
Commissioner

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In the matter of a reconsideration of an authorization to disregard requests from an applicant issued to the City of Vancouver under Section 43 of the *Freedom of Information and Protection of Privacy Act*

1. Description of the reconsideration

This decision reconsiders an authorization which I issued to the City of Vancouver (the City) against the applicant on January 29, 1998 under Section 43 of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 (the Act). Section 43 provides as follows:

> If the head of a public body asks, the commissioner may authorize the public body to disregard requests under Section 5 that, because of their repetitious or systematic nature, would unreasonably interfere with the operations of the public body.

The applicant is a former City employee who was terminated for cause in 1995 after working for approximately six months at the Carnegie Centre. Through his union the applicant unsuccessfully grieved the termination, then in 1997 he commenced making access to information requests to the City. Most of the requests related in some way to his termination and grievance. Whether and why the grievance was withdrawn or "settled" by the union became a central focus of the applicant's efforts to obtain information from the City. He came to believe that the City, his union, and the arbitrator had conspired to prevent the grievance from being dealt with justly, and that the City was inadequately and dishonestly processing his access requests in order to cover the tracks of this previous misbehaviour.

Over time, the City concluded that the applicant's requests met the parameters for an authorization under Section 43 of the Act and finally applied to me for such permission in November 1997. I received extensive submissions from the parties. The applicant's submissions included allegations of wrongdoing by the City and its representatives, which the City regarded as reckless and unsupported by evidence. On January 29, 1998 I issued an authorization which permitted the City:

> (a) to disregard all past and present requests from the applicant for records related to the handling of his wrongful dismissal grievance against the City, or about any individuals connected with his grievance, as well as for records of, or related to, the Carnegie Centre.
>
> (b) to disregard all future requests from the applicant for records related to the handling of his wrongful dismissal grievance against the City, or about any individuals connected with his grievance, as well as for the records of, or related to, the Carnegie Centre.

The applicant petitioned the Supreme Court of British Columbia for judicial review of the Section 43 authorization. This resulted in a judgement of the Court dated June 24, 1998, which upheld the authorization in relation to existing requests. However, the Court set the authorization aside in relation to future requests and remitted that issue back to me for reconsideration.

Following the Court's decision, my Office and one of my counsel were informed by counsel for the City and counsel for applicant that its clients were engaging in discussions with a view to agreeing on what authorization, if any, should be made to restrain future requests. As a result, and with the parties' consent, I decided to allow those discussions to take their course before embarking on the reconsideration.

In early November 1998, my Office received an extensive submission from the applicant requesting rescission of the Section 43 authorization issued on January 29, 1998. Almost simultaneously, my Office also received a letter from counsel for the City which attached a joint submission signed by counsel for both parties. The joint submission requested a Section 43 authorization permitting the City of Vancouver to:

> [d]isregard all requests made by the [applicant] except a request for a single record or a collection of records within a file that is made by the [applicant] when another request is not pending. A request is pending until the 30 day period provided for in

> Section 53(2)(a) of the *Freedom of Information and Protection of Privacy Act* has expired, or all proceedings before the Commissioner or a Court of law relating to the request has been completed, whichever be later.

I asked the parties to clarify these seemingly inconsistent submissions. Shortly thereafter, the applicant withdrew from the joint submission signed by his counsel (who henceforth ceased to act on the matter), because in the applicant's estimation the City had not lived up to terms of a settlement between the parties. Following this development, I informed the City and the applicant that I would proceed to reconsider the future requests issue, which had been sent back to me by the Court, and also to decide the applicant's request for rescission of the Section 43 authorization altogether. To that end, I received further submissions from both parties.

2. The Section 43 authorization issued on January 29, 1998

The evidence before me on the City's initial request for a Section 43 authorization against the applicant established that, between June 16 and October 22, 1997, he made numerous access requests, seventeen of which were opened as formal freedom of information request files. These comprised 40 percent of the requests to the City over that time period. Thirteen requests were for records related to the handling of the applicant's grievance or about persons connected to it. The City had responded to 15 of the requests, releasing numerous records, including over 400 pages in response to one request alone, without charging fees. For the other requests, the City had given fee estimates. The City had only one staff person dedicated to access to information and privacy issues. He estimated that he had spent 100 hours dealing with the applicant's requests and that he would have to spend an additional 100 hours to respond to the remaining requests. Other City staff had also spent time locating and retrieving records but did not keep track of their time.

In the Section 43 authorization that I issued on January 29, 1998, I found that the applicant's requests were systematic. I accepted that a response to one request from the applicant frequently led to additional requests for more records and information concerning the same topic. I further found that the applicant's requests were repetitious in that he made requests relating to the same subject matter and had sometimes requested the same records he had already received from the City. I also found that the applicant's requests were unreasonably interfering with the City's operations within the meaning of Section 43 of the Act.

The Section 43 authorization addressed access requests initiated before and after the authorization was issued. It did not apply, however, to all requests by the applicant to the City, just those requests relating to the grievance, individuals connected to the grievance, or the Carnegie Centre.

3. The judgement of the Supreme Court of British Columbia

The judgement of the Court, issued on June 24, 1998, confirmed that Section 43 of the Act empowers me to make prospective orders, a proposition previously accepted in the case of *Crocker v. British Columbia (Information and Privacy Commissioner)*, [1997] B.C.J. No. 2691 (S.C.). The judgement also found that:

> The prerequisites for the Commissioner exercising his discretion under s. 43 are found in the section. There must have been requests for information of a repetitive or systematic nature which have unreasonably interfered or would unreasonably interfere with the operations of the public body. There is no prerequisite that the requests be made in bad faith or be frivolous and vexatious.

In upholding the authorization in relation to requests initiated before the authorization was issued, the Court accepted that there was a sufficient factual and legal supporting foundation:

> ...the Commissioner concluded that the access requests made by [the applicant] were repetitious, systematic and unreasonably interfered with the operations of the City. It was reasonable for the Commissioner to have authorized the City to disregard all pending requests from [the applicant] and there is no basis for setting aside the authorization as it pertains to pending requests.

In setting aside the authorization in relation to future requests, the Court noted the distinction made in *Crocker* between requests for access to an applicant's own personal information versus general information. The conclusion in *Crocker* that, in the absence of extenuating circumstances, it was wholly disproportionate to authorize a public body to disregard all future requests for information was also noted and considered to mostly reflect concerns about access to one's own personal information. The Court went on to observe that, because one cannot predict with certainty that a future request will unreasonably interfere with the operations of a public body, it would be inappropriate to deprive an applicant of a right to make a request. It nonetheless found that circumstances could exist which would warrant an authorization to disregard future requests for general or personal information:

> ...there will be situations where it would be appropriate for the Commissioner to authorize a public body to disregard all future requests for general information where the applicant has so abused his or her right of access to records that the Commissioner is able to conclude with reasonable certainty from the nature of the previous requests that any future request by the applicant would unreasonably interfere with the operations of the public body. Coultas J. gave potential examples of such situations in *Crocker* when he referred to applicants making repeated requests in bad faith or making frivolous and vexatious requests. But only in very exceptional circumstances would it be appropriate, in my view, for the Commissioner to authorize a public body to disregard all future requests for personal information (or a type of personal information).

The Court also accepted the proposition from *Crocker* that the remedy under Section 43 for restraining requests must redress and be proportionate to the harm to the public body involved:

> In attempting to minimize such harm, it is too drastic to authorize the public body to disregard all future requests for records (or a type of records) when it is not known whether any such requests will cause unreasonable interference with the operations of the public body. This is especially so when the requests relate to personal information for two reasons. First, personal information is more restricted by its nature and it is less likely that a request for personal information will unreasonably interfere with the operations of the public body. Second, the applicant has a stronger claim to have access to records of a personal nature than to general records.

The Court stated that:

> An appropriate remedy in respect of future requests would be to authorize the public body to disregard such requests in specified circumstances. An example of such a remedy is the one which Coultas J. found acceptable in *Crocker*, namely, that the public body was required to deal with only one request at a time. Another example would be to authorize the public body to disregard a request for records if

> it would take the staff of the public body more than a specified number of hours to comply with the request. I have no doubt that there are other ways to describe circumstances that would allow the public body to disregard future requests which would be likely to unreasonably interfere with its operations. It should also be borne in mind that if the authorization is not adequate in describing circumstances which would permit the public body to disregard a future request which it believes will unreasonably interfere with its operations, the public body may again apply under s. 43 for an authorization to disregard that request.

The Court concluded that I had erred by permitting the City to disregard future requests from the applicant without regard to whether they would unreasonably interfere with its operations. I consider that the task remitted back to me is to decide the future requests issue with specific regard to the logic and factors first explained in *Crocker* and expanded upon by the Court in this case. This will involve examining whether there is evidence from which I can conclude with reasonable certainty that future requests from the applicant would unreasonably interfere with the City's operations. If such evidence exists, I should analyze the harm involved and craft a remedy which is proportionate to it. An authorization to disregard all future requests for information relating to the applicant's termination and grievance, such as the one which Court set aside, will only be justified in very exceptional circumstances.

4. The applicant's request for rescission of the Section 43 authorization

The applicant has provided voluminous submissions in support of his request for rescission of the Section 43 authorization, but they distil down to two reasons: 1) bad faith and dishonesty by the City, and 2) conflict of interest and bias by me and my Office.

(1) Bad faith and dishonesty by the City

The applicant argues that information not previously known to him shows that the City was untruthful in responding to his requests for information about the grievance and in its dealings with my Office. Under the following headings, he offers a detailed breakdown of the evidence that he believes shows the City's "willfully perjurious, false and misleading statements:"

(a) documents in the custody of the City's outside lawyer were withheld in breach of a settlement agreement between the applicant and the City;

(b) information in the file of the City's outside lawyer shows that the City "lied" in 1997 correspondence to the applicant;

(c) the City "lied" in some of its communications to the Commissioner's Office, thereby obtaining the Section 43 authorization "by fraudulent means";

(d) information in the file of the City's outside lawyer shows that the City "lied" in the judicial review proceedings;

(e) information in the file of the City's outside lawyer shows that the City had an understanding with the union to "derail" the grievance through a "devious scheme."

The heart of the applicant's attack is described in the "Final Summary" of his initial submission for rescission of the Section 43 authorization:

In this case, the City of Vancouver made false statements to me, the Commissioner and the B.C. Supreme Court about my access requests and my grievance. By stating under oath that my access requests were repetitious and systematic when it knew that was not the case, the City obtained authorization from the Information and Privacy Commissioner to disregard my requests for information by fraudulent means. The City and the Union used their lawyers to set up and perpetuate a fraud.

By stating under oath in proceedings under the *Freedom of Information and Protection of Privacy Act* and the *Judicial Review Procedure Act* that my grievance was withdrawn by the Union, when it had been settled, the City committed perjury. In short, the City knowingly made false statements to the Commissioner and Mr. Justice Tysoe. This is the stuff of which perjury and criminal prosecutions are made.

These acts, and others, were part of a pattern that began as an effort to derail my grievance by settling it secretly, and continued as an effort to prevent the information being disclosed in response to my access requests for information under the *FOI Act*, and in its submissions in legal proceedings under *Freedom of Information Act [sic]* and the *Judicial Review Procedure Act*.

Finally, by withholding documents in contravention of the *Freedom of Information Act [sic]* in 1997, lodging an application for authorization to disregard all past, present, and future requests for information from me under Section 43 of the *Freedom of Information Act [sic]*, obtaining authorization from the Information and Privacy Commissioner to effectively extinguish my right of access to my personal information in its custody for life, thereby forcing me to file a petition for judicial review of the lifetime ban, the City caused a substantial delay in the filing of my fair representation complaint against my union with the B.C. Labour Relations Board.

As well, the City further delayed the review of my application for reconsideration of the Labour Relations Board decision in BCLRB No. B315/98, when it breached its agreement (stemming from the judicial review) to release to me all the documents in the [H.] file not covered by solicitor and client privilege in a timely manner. The Court tendered its decision in the judicial review on June 24, 1998, but the City did not produce the records at issue until three months later, on September 25, 1998.

In my view, this submission represents substantial information that may constitute grounds for rescinding the Section 43 authorization granted to the City of Vancouver by the Information and Privacy Commissioner of British Columbia on January 29, 1998.

(2) Conflict of interest and bias by the Commissioner and his Office

The applicant argues in his reply submission that I lack jurisdiction to deal with the Section 43 authorization, because of bias and conflict of interest arising from my Office's involvement as a party in his application to judicially review the Section 43 authorization, because I am being asked to reconsider evidence from the City which I previously relied upon in granting the Section 43 authorization, and because the applicant was not granted as much time as he wanted to prepare his reply submission.

5. The City's request for authorization to disregard future requests

The City continues its position that the applicant's requests and accompanying demands and accusations have unreasonably interfered with the operations of its information and privacy staff. It argues that a main cause of the interference has been the volume and frequency of requests and correspondence, and that an appropriate remedy to redress the harm to the City, without unnecessarily depriving the applicant of his rights under the Act, would be to restrict him to making one access request at a time. The specific terms requested are the same as those in the joint submission from which the applicant withdrew in November 1998:

> ...to disregard all future requests made by [the applicant], except for a request for a single record or a collection of records within a single file that is made by [the applicant] when another request is not pending. A request is pending until the 30 day period provided for in Section 52(2)(a) of the Act has expired, or all proceedings before the Commissioner or a Court of law relating to the request have been completed, whichever be later.

6. Analysis

For the reasons explained below, I reject the applicant's request for a rescission of the January 29, 1998 Section 43 authorization, and I grant the City's request for a Section 43 authorization to disregard future requests from the applicant, but not in terms as broad as those requested by the City.

A. Applicant's request for rescission of the Section 43 authorization

(1) Bad faith and dishonesty by the City

(a) documents in the custody of the City's outside lawyer were withheld in breach of a settlement agreement between the applicant and the City

My role under Section 43 of the Act is to decide whether the applicant's requests are repetitious or systematic in nature and for that reason would unreasonably interfere with the City's operations. Section 43 also gives me discretion with respect to granting or crafting a remedy. I am not in a position in this inquiry to judge whether a contract for settlement existed and was breached by the City. I also fail to see how it is relevant here to explore the propriety or effectiveness of the settlement discussions between the City and the applicant, which followed the Court's decision on the judicial review, or to sort out whether the applicant was justified in withdrawing from the joint submission for settlement, which was put to me by the parties in early November. If I were required to formulate a conclusion in this area, I would find no more than that the applicant's settlement discussions with the City apparently did not work out as he hoped for or expected and that this does not undermine the grounds for the Section 43 authorization that I issued on January 28, 1998.

(b) information in the file of the City's outside lawyer shows that the City "lied" in 1997 correspondence to the applicant

This allegation has several aspects. Firstly, the applicant alleges that the City "lied" in correspondence which stated that the file of the City's outside lawyer contained only three records responsive to an access request by the applicant. I accept the City's explanation that the correspondence in question was not written in relation to the file of the City's outside lawyer. It was written in relation to the City's grievance file and the Carnegie Centre files.

Secondly, the applicant alleges that the City "lied" in correspondence which stated that records in the custody of the City's outside lawyer were records of the arbitrator and thus were not in the

custody or control of the City under the Act. I accept the City's submission that it did its best to comprehend the intent behind the applicant's access requests. I find that on a fair reading of the tangled correspondence between the parties, the City was asserting that the arbitrator's file was outside its custody and control, not the file of the City's outside lawyer.

Thirdly, the applicant alleges that the City "lied" in correspondence which stated that the grievance had been withdrawn. It is not for me to determine whether the grievance was "withdrawn" or "settled." However, I can and do accept the City's submission that the only references to the matter having been "settled" in the records involved in the applicant's access requests are in two documents created by the arbitrator:

> The [applicant's] assertion that his grievance has been settled, rather than withdrawn, appears to be based on two documents created by [the arbitrator] or his office. [He] was the arbitrator selected by the parties to hear the grievance. The two documents in question are a brief letter confirming that the grievance will not be proceeding and a statement of account, both dated March 11, 1997. Both documents indicate that the "matter has been settled." The [applicant] assigns great significance to these statements and quotes a labour law text definitions of "settled" and "withdrawn."
>
> For the [applicant] to now allege, on a basis of a remark in a letter confirming that the matter was not proceeding, that the grievance was "settled" reveals either a total lack of understanding on the issues or an intentional desire to mislead. [The arbitrator], whose letter and invoice are the only documents using the word "settled", has been quoted in *The Georgia Straight*, December 3-10, 1998, (Exhibit 'D') to the effect that all he knew about this matter was that it would not be proceeding to arbitration:
>
> 'I know nothing about this case. It was in front of me and, sometime before the hearing started, the city told me that it had settled, or that it had gone away. I don't know... The city could have told me that the union has withdrawn, or the union could have told me the union has withdrawn. I just take it that there is no longer an issue, and I close my file.'
>
> Thus [the arbitrator], the author of the documents relied on by the [applicant], clearly made no distinction as to how the matter was resolved and was merely confirming that it would not be proceeding to arbitration. This is hardly evidence on which to base a serious case. Yet this off-hand reference is the basis upon which the [applicant] has made outrageous accusations against the City.

The applicant asks me to conclude that the City was part of a conspiracy to improperly resolve the grievance and that this motivated it to process his requests for access to information about the grievance in inadequate or misleading ways. These accusations are very serious and would require cogent and convincing evidence. From the material before me, I am quite unable to draw the inferences of wrongdoing envisioned by the applicant. The City's information and privacy staff were not required to adopt the applicant's perspective on his termination or grievance or to divine more than what was reasonably apparent from his access requests. In my view, the City made significant and reasonable efforts to assist and be responsive to the applicant. I also find no evidence which establishes or suggests that the City's application for the Section 43 authorization against the applicant was tainted by *mala fides* or other improper purposes.

> (c) the City "lied" in some of its communications to the Commissioner's Office thereby obtaining the Section 43 authorization "by fraudulent means"

(d) information in the file of the City's outside lawyer shows that the City "lied" in the judicial review proceedings

(e) information in the file of the City's outside lawyer shows that the City had an understanding with the union to "derail" the grievance through a "devious scheme"

The applicant's arguments under headings (c), (d) and (e) are essentially reformulations of his arguments under headings (a) and (b). I therefore reject them for the same reasons.

(2) Conflict of interest and bias by the Commissioner and his Office

My Office has been joined as a respondent in two judicial review proceedings brought by the applicant. This is normal. Under Section 15 of the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241, the decision-maker affected by an application for judicial review must be notified and may choose to participate as a party. Section 5 empowers the Supreme Court to remit the matter for reconsideration and that is what it did in this case with the future requests issue. I find there is no impropriety in me or my Office dealing with this matter. Indeed, I find that my dealing with it is entirely appropriate, given the decision of the Supreme Court issued on June 24, 1998, and the fact that Section 49(1)(c) of the Act precludes my powers under Section 43 from being delegated.

B. City's request for authorization to disregard future requests

The applicant has in the past made repetitious and systematic access requests in relation to his termination and grievance, and those associated with it, which unreasonably interfered with the operations of the City. The applicant is also presently convinced that the City has deliberately processed his access requests improperly and inadequately, though the evidence he relies upon, in my judgement, neither supports nor sustains that conclusion. Indeed, in my judgement it indicates that the City has been entirely reasonable in assisting the applicant and processing his requests for information.

The totality of the evidence leads me to conclude that the applicant is a person who tends to find unacceptable any answers other than those which he seeks and to conclude that unacceptable answers must be motivated by animus against him. Skepticism can be a healthy trait, no doubt, but the applicant's beliefs and conduct in relation to the City have been unreasonable and are likely to continue to be so. In these circumstances, I conclude that the applicant's rights under the Act should be restrained with respect to future access requests to the City, but not so severely as the City proposes.

An authorization under Section 43 of the Act which limits the applicant to one request at a time makes sense in terms of the harm to be addressed. My concerns about the terms put forth by the City are threefold. Firstly, the authorization should be restricted to requests relating to the applicant's termination and grievance and those connected to them. Secondly, the City's proposal that a pending access request should extend to the disposition of any proceeding relating to it under the Act or before a court seems broader than necessary to protect the functioning of the City's information and privacy staff. Though the City's staff may be involved in inquiries under the Act and in judicial reviews and appeals therefrom, its primary duties under the Act are to process and to respond to access requests. For this reason, I think the harm to the City will be addressed, if the applicant is confined to making one access request at a time. As soon as a response to a request is provided by the City or the deadline under the Act for doing so expires, then the applicant should not be restrained from making another request. Thirdly, I question whether a Section 43 authorization of indefinite duration should be made when an authorization of one year's duration may adequately relieve the burden the City has been labouring under and break the cycle of

repetitious and systematic requests. If this does not turn out to be so, the City can re-apply for another when this authorization expires.

7. Conclusion

The applicant's request for rescission of the Section 43 authorization dated January 29, 1998, is denied.

The City of Vancouver's request for an authorization under Section 43 relating to future access requests from the applicant is granted, in part, on the following terms:

> **The City of Vancouver is authorized under Section 43 of the *Freedom of Information and Protection of Privacy Act* to disregard the applicant's future requests for records related to his employment or termination by the City, including any individuals connected with those matters and the grievance of the applicant's termination, except for a request for a single record or a collection of records within a single file that is made by the applicant when another request is not pending. A request is no longer pending when it is withdrawn, when the City issues a response or when the time expires within which the City is required by the Act to issue a response. This authorization expires one year after the date of this decision.**

February 23, 1999

David H. Flaherty
Commissioner