



Decision F25-04

**HUME GUNN**

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Legal Counsel

August 27, 2025

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**Summary:** The Office of the Information and Privacy Commissioner (OIPC) initiated and conducted a proceeding to determine whether an individual's use of *Freedom of Information and Protection of Privacy Act* (FIPPA) and OIPC processes amounted to an abuse of process and, if it did, what remedy would be appropriate. A delegate of the Commissioner determined that the individual had engaged in an abuse of process and placed restrictions on the individual's access to the OIPC's services to remedy the applicant's abuse of process.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, [RSBC 1996] c. 165, ss. 42(1), 42(2) and 56(1); *Personal Information Protection Act*, [SBC 2003] c. 63.

## INTRODUCTION

[1] After receiving five sets of correspondence from Hume Gunn (the "Respondent"), I initiated this proceeding to determine whether the Respondent's conduct constitutes an abuse of the *Freedom of Information and Protection of Privacy Act* (FIPPA)<sup>1</sup> and the Office of the Information and Privacy Commissioner's (OIPC) processes.<sup>2</sup> I conduct this matter as the Commissioner's delegate under FIPPA.<sup>3</sup>

[2] The Notice informed the Respondent that an abuse of conduct proceeding was being initiated, detailed the legal authority for the Commissioner to initiate such a proceeding, described the legal test that would be used to make any determination, provided examples from the Record of conduct that appeared to

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<sup>1</sup> RSBC, c 165.

<sup>2</sup> Notice letter to the Respondent, sent July 22, 2025 (Notice).

<sup>3</sup> Delegation matrix is available here: <https://www.oipc.bc.ca/media/17789/2025-05-12-fippa-delegation.pdf>.

be an abuse of process, invited the Respondent to make a submission, and included procedural instructions. Enclosed with the Notice was a 51-page record of proceedings (the “Record”) of materials that I would be relying upon to make my decision.

[3] I provided the Respondent with an opportunity to respond to the Notice by providing a submission not to exceed 10 pages, with a deadline of August 5, 2025. The Respondent provided a 4-page written submission on July 30, 2025.<sup>4</sup>

[4] This proceeding and decision, is initiated under the Commissioner’s broad discretionary powers found in ss. 42(2) and 56(1) and general duty under s. 42(1) of FIPPA to ensure its purposes are achieved.<sup>5</sup>

[5] Even absent an explicit power, the common law confers not only explicitly granted powers, but “by implication, all powers which are practically necessary for the accomplishment of the object intended to be secured by the statutory scheme created by the legislature.”<sup>6</sup> The power to conduct this kind of proceeding and make findings with respect to abuse of process, and at the conclusion make remedial orders to ensure FIPPA is properly administered, is implicit in the Commissioner’s power to ensure the proper administration of FIPPA. It is an incident of the Commissioner’s authority to control his own processes by addressing conduct that interferes with the proper administration of FIPPA by undermining the Commissioner’s ability to give timely and equitable attention to other applicants.

[6] Having considered the principles above, I will proceed to consider all relevant materials before me and decide the issues identified in the Notice.

## ISSUES

[7] The issues to be decided in this proceeding are as follows:

1. Is the Respondent’s use of FIPPA an abuse of process?
2. If I determine that the Respondent has abused FIPPA’s processes, what remedy, if any, is appropriate?

## DISCUSSION

[8] Abuse of process is a wide-ranging and flexible concept used by courts and administrative tribunals to control their own processes. In OIPC proceedings,

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<sup>4</sup> Respondent’s Submission, July 30, 2025 (the “Submission”).

<sup>5</sup> Similar reasoning was applied in Order F25-43, 2025 BCIPC 51 (CanLII) and Decision F25-03, 2025 BCIPC 70.

<sup>6</sup> *ATCO Gas & Pipelines Ltd. v. Alberta (Energy & Utilities Board)*, 2006 SCC 4 at para 51.

an abuse of process generally means using the OIPC's processes or exercising rights granted under FIPPA for improper purposes.

[9] Before continuing in my analysis, I would like to draw an important distinction for the Respondent. At many points in his submission, the Respondent states that he is not "abusive" but is simply seeking justice and fairness.

[10] In my review of the relevant material, it is clear to me that the Respondent has an honestly-held belief that the public bodies and organizations he has interacted with are engaging in nefarious behaviour. Within that context, I can understand the Respondent's frustration. However, the abuse of process analysis does not require me to find that the Respondent is acting maliciously. There are many behaviours that can constitute an abuse of process despite a party's genuinely-held beliefs and the absence of an intention to act abusively. Therefore, in the analysis below I will determine whether the Respondent's conduct is an abuse of process notwithstanding his sincere desire for a fair outcome to his disputes.

[11] There is no exhaustive list of criteria for determining whether a party is engaged in an abuse of OIPC processes, but the following indicators have been used to assess whether a party's conduct is an abuse of process:

- excessively using FIPPA's processes;
- "springboarding", which occurs when an applicant uses information received in response to an access request or during the OIPC's review processes as fodder for additional access requests or complaints in order to prolong the dispute with a public body;
- creating a complex web of interrelated proceedings;
- attempting to obtain records or information they have already received, particularly when they have already obtained these materials through FIPPA's processes;
- continuing to include arguments in submissions that are irrelevant or unsubstantiated, even after the OIPC has declined to address them or has rejected them outright;
- using FIPPA's processes to vent anger and berate other parties involved in the FIPPA dispute or people involved in an underlying dispute; and
- making unfounded and intemperate allegations of bias, illegality, incapacity, fraud, misrepresentation, conspiracy or tampering, and in particular continuing to make these assertions after the OIPC has found them to be unsubstantiated.<sup>7</sup>

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<sup>7</sup> Order F25-43 at para 39.

[12] I will discuss the indicators I consider most salient to the analysis, under the headings that follow.

***Excessively using FIPPA and the OIPC's processes***

[13] The Notice described that since 2008, the OIPC has opened 148 investigation files involving 32 different public bodies or organizations initiated by the Respondent. The Notice further stated that “the large number of files you have initiated, as well as the examples from the Record, indicate that you are engaging in a pattern of behaviour that may amount to an abuse of the right of access.”<sup>8</sup>

[14] In response, the Respondent says that he is “not abusive I just get frustrated of all the covering ups + I just kept on FOling.”<sup>9</sup> He explains that his underlying motivation is “fairness + justice.”<sup>10</sup>

[15] It is clear from the Record and the Respondent’s own submissions that the Respondent has a long history of using his access rights and the OIPC’s services to an excessive amount. The number of files initiated by the Respondent, coupled with the broad range of public bodies and organizations subject to those proceedings, strongly indicates that the Respondent is abusing the OIPC processes.

[16] This conduct has been present since at least 2013, when the Respondent’s access requests to a public body were found to be frivolous and vexatious by an OIPC adjudicator who authorized the public body under s. 43 of FIPPA to disregard the Respondent’s current and future access requests.<sup>11</sup> Most recently, in 2025, the Respondent’s requests to an organization were found to be frivolous by an OIPC adjudicator who authorized the organization under s. 37 of the *Personal Information Protection Act* (PIPA)<sup>12</sup> to disregard outstanding requests and future requests for a period of three years.<sup>13</sup>

[17] As indicated in the above orders and in the Record, the files before the OIPC are also likely just a fraction of the resources expended at the initiation of the Respondent, because public bodies or organizations are the initial decision-makers under FIPPA and the OIPC only becomes involved if the Respondent requests a review or files a complaint following that initial interaction. Therefore, while I consider the sheer volume of files before the OIPC alone sufficient to establish an excessive use of FIPPA processes, I also find that the Respondent has been excessively using the access system under FIPPA more broadly.

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<sup>8</sup> Notice, p 3.

<sup>9</sup> Submission, p 3.

<sup>10</sup> *Ibid*, p 4.

<sup>11</sup> Order F13-18, 2013 BCIPC 25 (CanLII).

<sup>12</sup> SBC 2003, c 63.

<sup>13</sup> Order P25-02, 2025 BCIPC 16 (CanLII).

### ***Springboarding***

[18] The Notice states:

The pattern of your behaviour observed in the Record appears to be a form of springboarding as the files usually involve an initial request for access, and then multiple, subsequent follow up requests for records “proving” statements or representations made in the records themselves. When a public body or organization responds confirming that they have provided you with all relevant records, you then follow up with a further request for records to support that conclusion or statement itself. Each of these requests are handwritten, faxed, and involve cross-references to previous letters or correspondence, sometimes from years in the past. The public bodies and organizations which are in receipt of the access requests, correspondingly are subject to the same pattern of behaviour.<sup>14</sup>

[19] In response, the Respondent provided a lengthy explanation of his interactions with the Ombudsperson’s office, effectively leveling accusations of dishonesty against a variety of individuals. The Respondent further explains his rationale:

In covering up the organization made a statement (in covering up) + not true. I’m just FOling the public body, if the statements are true I would not be asking for disclosure.<sup>15</sup>

[20] It is clear from what the Respondent says that he has a deep level of mistrust of information he receives from any organization or public body. Many attempts by those organizations to clarify or provide additional information triggers the Respondent to file further requests and deepens the Respondent’s mistrust when his concerns are not validated by the same information being provided to him, or he is met with statements that all responsive records have been provided. Instead of accepting the reasonable explanations offered by those public bodies or organizations, the Respondent consistently chooses to believe that there must be a conspiracy against his interests, leading him to and

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<sup>14</sup> Notice, p 3.

<sup>15</sup> Submission, at p 3. I have made every effort to accurately transcribe the Respondent’s handwritten, faxed submission accurately, but there may be minor errors in that process.

make further requests, complaints, and requests for review of public body decisions.

[21] While I appreciate the Respondent is not intending to be “abusive,” and I understand him to genuinely believe in his perspective, the OIPC has investigated his concerns dozens of times with no outcome that meaningfully confirms his suspicions. The Respondent’s use of the access system to attempt to further prove his unfounded allegations is indicative of an abuse of the right of access.

### ***Creating a complex web of interrelated proceedings***

[22] The Notice states:

This pattern also results in a complex web of proceedings that involve the same or related parties, are connected and reference each other, and which may have started from a single point but often refer back in time and across organizations. All of this becomes very challenging and time consuming for the OIPC (and the other parties) to untangle.

For example, you have opened at least ten (10) files with individual physicians, nine (9) files with the College of Physicians and Surgeons of British Columbia, seven (7) files with the Health Professions Review Board and twenty (20) files with the Law Society of British Columbia.<sup>16</sup> This indicates a pattern of moving from one initial complaint to a physician, to the regulatory body of that physician, the reviewing tribunal, and then the lawyers representing each. The OIPC has expended scarce resources investigating each of these matters.

[23] In his submission, the Respondent says that he is simply exercising his rights when he is dissatisfied, explaining:

If I am not happy with a lawyer I write to the Law Society of BC. If I am not happy with the Law Society of BC, I write to the BC Ombudsperson for fairness + justice. All I am doing is for justice + not abusive.<sup>17</sup>

[24] As was explained to the Respondent in the Notice, this proceeding is not a substantive review of his matters before the OIPC, nor does it concern the Respondent’s actions in matters outside of the OIPC’s jurisdiction, such as the regulation of the legal profession. The reference in the Notice to the variety of complaints and requests for review made to the OIPC about related public bodies

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<sup>16</sup> Record, at p 47.

<sup>17</sup> Submission, at p 4.

and organizations is relevant only to the extent that the Respondent may be using FIPPA *while also* pursuing those appeals in a way that is an abuse of process.

[25] It is clear to me that there is a pattern that leads to the Respondent's requests for OIPC services. The Respondent's explanation confirms that he moves from a service provider (i.e., a lawyer or physician) to the regulatory body responsible for that service provider, to the Ombudsperson. While I have no jurisdiction over that conduct, I can see that in every step of the Respondent's pursuit of his various appeals, he is also making access requests under FIPPA. A large number of those requests result in an OIPC file being opened. That means that for one underlying issue, for example a complaint against a physician, multiple, overlapping administrative proceedings are created. This pattern of behaviour is a weaponization of the access system and the OIPC's processes that does not serve to further accountability or transparency of public bodies, or to protect the privacy of individuals.

[26] In my view, the Respondent's use of his FIPPA rights and the OIPC's services to weave a complex web of disputes alongside his other administrative proceedings indicates an abuse of FIPPA's and the OIPC's processes.

***Attempting to obtain records or information already received***

[27] Based on what I can see in the Record, it is clear that the Respondent has made repeated requests for information that he has already received or for information the OIPC has already told him he is not entitled to access.

[28] The Notice explained further:  
For example, you made an initial request to your union, the International Longshore Workers Union Local 500 (the Union). After you received the Union's response, you then made multiple access requests for the same information to both the Union and the law firm that represents the Union. Both organizations then applied to the OIPC for permission to disregard a number of outstanding requests for the same material that had already been provided to you. After an inquiry, the OIPC issued Order P25-02, authorizing both organizations to disregard outstanding and future requests made by you. After receiving that decision, you sent a letter to the adjudicator purporting to be an access request for certain findings of fact the adjudicator made in Order P25-02. You also made a further access request to the law firm in question. Despite knowing that Order P25-02

authorized the law firm to disregard your access request, you complained to the OIPC about the fact the law firm had not responded. While both organizations are not under an obligation to respond to your requests, reviewing your correspondence nonetheless takes significant administrative time and effort and frustrates the relief granted under P25-02.

The same pattern is evident in your requests to the Ombudsperson of British Columbia for access to its records. You made 43 separate access requests to it, the majority of which were for information already disclosed to you.

This behaviour is present with your interactions with the Land Title and Survey Authority, where you made multiple access requests for information either in your possession or that you had already been provided.<sup>18</sup>

[29] In his submission, the Respondent says that if organizations or public bodies “make statements” that amount to what he says is “covering up,” then he makes access requests in response, citing the example of the law firm that was granted relief in Order P25-02.<sup>19</sup>

[30] Making access requests for information already provided to an applicant, in particular after relief under s.43 of FIPPA or s.37 of PIPA has been granted by the OIPC, is an abuse of the right of access. I am not persuaded by anything the Respondent says that this conduct is not an abuse.

[31] While it may be the Respondent sometimes misunderstands what information has been provided to him, it is clear from the Record that the Respondent maintains his opinion when presented with objective information, records, or correspondence that does not accord with his existing beliefs. I am sympathetic to the Respondent’s clear frustration, but that does not change the fact that public bodies have been expending scarce public resources for nearly two decades dutifully responding to the Respondent in accordance with their obligations under FIPPA. Allowing this conduct to continue when the Respondent has already received reasonable and objectively complete responses to his requests, frustrates the purposes of FIPPA.

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<sup>18</sup> Notice, at p 4, citing pp 2, 11, and 36 of the Record.

<sup>19</sup> Submission, at p 3.



## CONCLUSION

[32] Having considered the indicia and circumstances discussed above, I find that the Respondent's conduct is an abuse of FIPPA and the OIPC's processes. The next step is to determine what the appropriate remedy is.

### ***Remedy***

[33] The Respondent was provided an opportunity to comment on what remedy might be appropriate if I determined that his behaviour constituted an abuse of process. The Respondent did not make any submissions on this subject.

[34] In determining the appropriate remedy in this case, I am mindful of the purposes of FIPPA and the duty of the Commissioner to ensure the proper administration of FIPPA. Included in that duty is to protect the integrity of the system and to ensure scarce public resources are used fairly.

[35] The Respondent's history has demonstrated that for the nearly two decades of his proceedings before the OIPC, the Respondent has consumed an extraordinary amount of public resources with no reasonable basis for such doing so. That impact is likely much higher than I can determine by what is before me as I have only reviewed matters that have been referred to the OIPC. Based off the conduct I have observed, there is likely a much greater amount of time and resources spent at the public body and organization level engaging with the Respondent's conduct in respect of his FIPPA matters.

[36] Public resources to meet public body's responsibilities under FIPPA are not unlimited, and for each additional matter the Respondent initiates, other members of the public necessarily receive less attention.

[37] While my decision focussed on the abuse of the Respondent's FIPPA rights and the OIPC's processes, it is also clear from the Record that the Respondent has also targeted organizations subject to PIPA. While I am not convinced at this time that a total restriction on all of the Respondent's access rights is warranted, I am of the view that strict controls are necessary to prevent further instances of abuse of process at the hands of the Respondent.

### ***Publication of this Decision***

[38] I have considered whether it is appropriate for this decision to be published on the OIPC website as would normally be the case for orders. Generally, the OIPC has a practice of anonymizing complainant and applicant's identities in orders as privacy protective measure.

[39] For the reasons that follow, I find that the interest in the proper administration of FIPPA and PIPA outweighs the Respondent's legitimate privacy interests.

[40] In Decision F25-03, I considered whether it was appropriate to publish the Respondent's name as part of that decision and ultimately found in that case that the proper administration of FIPPA outweighed the Respondent's legitimate privacy interests. I reasoned:

As I have found above, the Commissioner has a duty to ensure the proper administration of FIPPA. A critical aspect of the OIPC's ability to fulfill the Commissioner's statutory mandate is to ensure that the OIPC's limited public resources are not misused.<sup>20</sup> But the Commissioner's responsibility extends beyond just his own processes, but to the proper functioning of FIPPA and the access system in the Province as a whole. In that way, the Commissioner also has a duty to protect against abuses of the access system generally. For that reason, I find there is a strong public interest in other public bodies being aware of this decision and knowing that it involves this individual. A public body who experiences conduct consistent with the conduct found to be an abuse of process can use these findings to assess whether conduct they are facing rises to the level of an abuse of process and take steps necessary to ensure efficient use of limited public resources.<sup>21</sup>

[41] In my view the above reasoning is even stronger in the present case given the wide range of public bodies and organizations found in the Record.<sup>22</sup> I have also considered the Respondent's privacy interests in remaining anonymous. Unlike Decision F25-03, the Respondent in this case has not initiated judicial review proceedings in open court, such that the issues discussed in this decision are already a matter of public record.

[42] In this case, I find the public interest in the Commissioner's duty in s. 42(1) of FIPPA outweighs the Respondent's interest in anonymization.

### ***Restriction on access to OIPC services***

[43] For the reasons given above, I am imposing the following restrictions on the Respondent:

1. Hume Gunn must seek and receive leave from the OIPC before initiating any complaint or request for review (a "Proceeding") under the *Freedom of Information and Protection of Privacy Act* or the *Personal Information*

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<sup>20</sup> Decision F25-02, 2025 BCIPC 63 (CanLII) at para 34.

<sup>21</sup> Decision F25-03.

<sup>22</sup> Record, pgs. 47-51.

*Protection Act*, either on his own behalf, on behalf of any other person, or by any other person on his behalf.

2. To commence a Proceeding, Hume Gunn must submit an application for leave to [info@oipc.bc.ca](mailto:info@oipc.bc.ca) that is no more than one page in length inclusive of any attachments describing the issue he would like to have heard.
3. In considering an application for leave, the OIPC decision-maker will consider the application under a presumption that the Proceeding is an abuse of process, made for an improper purpose, and subject to being declined under the OIPC's Policy, Procedures and Criteria for Declining to Investigate.<sup>23</sup>
4. At any given time and unless otherwise permitted by the OIPC, Hume Gunn may only have one (1) file open before the OIPC. For clarity, this includes any matter where the OIPC is a party in any proceeding, including but not limited to any open matter before a court or tribunal.

August 27, 2025

**ORIGINAL SIGNED BY**

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Ethan Plato, Legal Counsel

OIPC File No.: GEN-F25-00391

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<sup>23</sup> <https://www.oipc.bc.ca/media/16799/declining-policy-for-website.pdf>.