



OFFICE OF THE  
INFORMATION & PRIVACY  
COMMISSIONER  
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Order F14-32

## THE MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

Ross Alexander  
Adjudicator

September 3, 2014

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**Summary:** The applicant requested information and details regarding the care and cause of death of her daughter, who passed away while in foster care 34 years ago. The Ministry of Children and Family Development withheld information on the basis that disclosure would be an unreasonable invasion of personal privacy under s. 22 of FIPPA. The adjudicator determined that s. 22 did not apply in the circumstances, so the Ministry was required to disclose the responsive records. The adjudicator also ordered the Ministry to process the applicant's request for the information in responsive records that the Ministry had marked out of scope.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, ss. 4 and 22.

**Authorities Considered: B.C.:** Order No. 96-1996, [1996] B.C.I.P.C.D. No. 22; Order F14-09, 2014 BCIPC No. 11 (CanLII); Order 02-44, 2002 CanLII 42478 (BC IPC); Order No. 200-1997, 1997 CanLII 719 (BC IPC); Order 00-11, 2000 CanLII 10554 (BC IPC); Order F07-20, 2007 CanLII 52745 (BC IPC); Order F12-08, 2012 BCIPC 12 (CanLII); Order 00-40, 2000 CanLII 14405 (BC IPC); Order F14-27, 2014 BCIPC 35 (CanLII).

## INTRODUCTION

[1] This inquiry relates to a request by the applicant to the Ministry of Children and Family Development (“Ministry”) for information and details regarding the care and cause of death of the applicant's daughter who passed away while in foster care in 1980.

[2] In general, applicants make requests for records in their own capacity. However, s. 5(b) of the *Freedom of Information and Protection of Privacy Act* (“FIPPA”) enables applicants to act on behalf of another person in accordance with the *Freedom of Information and Protection of Privacy Regulation* (“Regulation”), which specifies when an applicant may act for a minor or deceased person, or as a representative of another person. A common reason why a person may want to make a request on behalf of another person is because it may entitle them to more personal information of that person than if they were requesting those same records in their own capacity.<sup>1</sup>

[3] The applicant's initial request to the Ministry was on behalf of her daughter only. The Ministry requested more information from the applicant to determine whether the applicant met the requirements to act on behalf of her daughter, and then made the decision to deny access to the applicant because it concluded the applicant did not meet the eligibility requirement to act on her daughter's behalf pursuant to s. 5 of FIPPA and s. 3 of the Regulation. The applicant requested that the Office of the Information and Privacy Commissioner (“OIPC”) review the Ministry's decision to deny access to the information.

[4] During the OIPC review process, it was established that the applicant is seeking the information in her own right, in addition to on behalf of her daughter. As such, the Ministry revised its response and released some of the information to the applicant. The Ministry also created and provided the applicant with a detailed summary of information contained in the records in relation to her daughter's death.

[5] The Ministry is withholding the remaining information on the basis that disclosure would be an unreasonable invasion of a third party's personal privacy under s. 22 of FIPPA. The applicant requested that this matter proceed to inquiry under s. 5 of FIPPA for the remaining withheld information.

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<sup>1</sup> Section 22 of FIPPA requires public bodies to refuse to disclose personal information to an applicant if the disclosure would be a reasonable invasion of a third party's personal privacy. This section does not apply if the information is solely the applicant's personal information because the applicant is not a third party.

## ISSUES

[6] The issues in this inquiry are:

1. Is the Ministry required to refuse to disclose the withheld information because disclosure would be an unreasonable invasion of a third party's personal privacy pursuant to s. 22 of FIPPA?
2. Is the applicant acting on behalf of her deceased daughter in accordance with s. 5 of FIPPA and s. 3 of the Regulation?

[7] If the Ministry is not required to refuse to disclose information under s. 22, then it is unnecessary for me to consider issue #2 because the Ministry will already be required to disclose the withheld information to the applicant.

## DISCUSSION

[8] **Background**—The applicant's daughter was born in 1973. She was severely mentally disabled.<sup>2</sup>

[9] In 1977, the child became a permanent ward of the Province of BC. However, the applicant received some visitation rights and continued to have some involvement with her daughter.

[10] The child passed away in 1980 when she was seven years old. She remained a ward of the Province at the time of her death. Thirty-four years have elapsed since she passed away.

[11] The applicant is requesting records regarding the details and circumstances of this death. The applicant is receiving counselling, and is attempting to deal with grief related to her daughter's death. She says that accessing these records will help her find peace of mind and closure.

[12] **Records**—The records at issue are from the deceased's child services file. The information includes medical and health assessment information, and other information relating to the deceased's ongoing care and development in foster care. There are child care activity forms documenting the deceased's movements or changes in living arrangements, as well as medical records, social worker reports and other assessments of the deceased. There are also invoices and billing records for foster care expenses for the deceased.

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<sup>2</sup> Ministry's initial submissions at para. 4.16.

*Preliminary Matters*

[13] There are two preliminary matters with respect to the records. The first preliminary matter is that the records contain a number of invoices and billing records for foster care expenses paid by the Ministry.<sup>3</sup> In my view, this information relates to the foster parent's remuneration, not the cause of death or care received by the deceased. I therefore find that these records are outside of the scope of the applicant's request, so I will not consider them further.

[14] The second matter is that the Ministry is withholding a number of excerpts of information that are part of responsive records on the basis that they are "out of scope of request". For example, p. 000043 of the records contains a review written by a social worker. Part of this page has been disclosed to the applicant, part of it has been withheld under s. 22, and the remainder of it has been withheld as out of the scope of the request. The information that is marked "out of scope of request" is severed from my copy of the records, so I do not know the content of the information.

[15] In my view, regardless of whether the information the Ministry has marked as "out of scope of request" is responsive to the substance of the applicant's request, the Ministry cannot withhold this information for that reason. This is because the information is part of records that are responsive to the request.

[16] Section 4 of FIPPA provides that a person who makes a request has a right of access to responsive "records". Division 2, Part 2 of FIPPA excepts certain types of "information" in records from disclosure, but there is no exception for information in responsive records that is not responsive to the applicant's request. Therefore, public bodies must provide access to the information in responsive records even if the information itself is not responsive to the request, unless the information can be withheld under an exception to disclosure in FIPPA. The reason for this is consistent with the purpose of FIPPA. As stated in Order F14-27:

The requirement for a public body to disclose an entire responsive record to an applicant, as opposed to only the responsive information in that record, may result in the public body disclosing more information than if it was only required disclose responsive "information". This broader disclosure makes it less likely that there will be a misunderstanding about the real weight or meaning of the disclosed information due to it being out of context. It also helps prevent access requests from being interpreted too narrowly. This

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<sup>3</sup> Records at p. 000059, 000081 to 000084, 000089, 000090, 000095 to 000098, 000164, 000178 to 000194, 000196 to 000209, 000211, 000212, 000218, 000220 to 000222, 000253, and 000271 to 000279.

more fulsome disclosure is consistent with the stated purpose in s. 2 of FIPPA to make public bodies more accountable, as well as the requirement in s. 6 of FIPPA that public bodies must respond to applicants openly, accurately and completely.<sup>4</sup>

[17] For the above reasons, I find that the Ministry is required to process the applicant's request with respect to the information before me that it has marked as "out of scope of request" and give the applicant a decision under FIPPA on whether she is entitled to have access to that information.

### *Section 22*

[18] Section 22(1) states that a "public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy."

[19] For the applicant's request in her own capacity for records about her daughter, s. 22 must be considered because the daughter is a third party. The need to consider whether s. 22 applies does not change because the daughter is deceased. A person's privacy rights continue after their death, although they diminish over time to a degree that varies with the particular circumstances.

[20] Numerous orders have considered the analytical approach to s. 22. It is first necessary to determine if the information in dispute is personal information as defined by FIPPA. If so, it must be determined whether the information meets the criteria identified in s. 22(4). If s. 22(4) applies, s. 22 does not require the public body to refuse to disclose the information. If s. 22(4) does not apply, it is necessary to determine whether disclosure of the information falls within s. 22(3). If s. 22(3) applies, disclosure is presumed to be an unreasonable invasion of third party privacy. However, this presumption can be rebutted. Whether s. 22(3) applies or not, the public body must consider all relevant circumstances, including those listed in s. 22(2), to determine whether disclosing the personal information at issue would be an unreasonable invasion of a third party's personal privacy.

[21] Since s. 22 relates to the personal information of a third party, the applicant has the burden of proof pursuant to s. 57(2) of FIPPA.

### *Summary of the position of the parties*

[22] The applicant relies on Order No. 96-1996 in support of her position that s. 22 does not apply.<sup>5</sup> In that case it was determined that s. 22 did not apply to

<sup>4</sup> Order F14-27, 2014 BCIPC 35 (CanLII) at para. 12.

<sup>5</sup> Order No. 96-1996, [1996] B.C.I.P.C.D. No. 22.

a deceased person's medical records for disclosure to the deceased's sister 53 years after the deceased passed away. The applicant states that her situation is similar to Order No. 96-1996 because both cases involve a close relative seeking information from a public body about their deceased relative regarding a death that happened many years ago. The applicant also submits that the privacy interests in this matter are minimal. She says these privacy interests do not outweigh the need to ensure that public bodies such as the Ministry are held accountable to the public and the rights for individuals such as the applicant to obtain the information.

[23] The Ministry submits it determined that the deceased child in this case has privacy interests worthy of protection under s. 22. It states that there is a presumption that disclosure of the information at issue would be an unreasonable invasion of her personal privacy because it relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation (s. 22(3)(a)). The Ministry states it recognizes that the length of time a person has been deceased is a relevant factor to consider (s. 22(2)(i)). However, it states that s. 22 is a mandatory exception to disclosure that is designed to protect privacy interests, and it was unable to find a decision of this office that led it to conclude that the information at issue could be released without contravening this section. Due to this and since the records at issue contain very sensitive personal information of the deceased child – including information about medical and physical difficulties – the Ministry says it took a cautious approach to withhold the information at issue here under s. 22(1).

[24] The Ministry emphasized that it is sympathetic to the concerns and views raised by the applicant in this case, and it points out that it took particular care to draft and provide a summary of information for the applicant. However, it says it was unable to conclude that the personal information at issue in this inquiry is no longer subject to the protection afforded by s. 22(1) of FIPPA as a result of the passage of time since the deceased passed away.

### **Analysis of s. 22**

*Is the information at issue personal information?*

[25] Based on my review of the records, I find that the withheld information is personal information of the deceased. Some of it is also inextricably interwoven with the personal information of other third parties. For example, some of the records contain doctors', social workers' or education staff's opinions, evaluations or comments about the deceased.

*Section 22(4)*

[26] Based on my review of the materials before me, I find that none of the circumstances in s. 22(4) of FIPPA apply. I also note that the applicant does not argue that any of the provisions in s. 22(4) apply in this case.

*Section 22(3)*

[27] Section 22(3) states disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy in certain circumstances. The Ministry submits that s. 22(3)(a) creates the presumption in this case. Section 22(3)(a) applies to personal information that "relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation".

[28] Based on my review of the records, I find that s. 22(3)(a) applies to the information at issue with respect to the deceased. Some of this information is intertwined with the personal information of medical and care staff, but s. 22(3)(a) does not apply to this information with respect to them because it is not medical information about them. Therefore, there is a presumption that disclosure of the information at issue about the deceased would be an unreasonable invasion of the personal privacy of the deceased child.

*Section 22(2)*

[29] Section 22(2) of FIPPA lists factors that public bodies must consider when determining whether disclosure of personal information would be an unreasonable invasion of a third party's personal privacy.

[30] The parties do not expressly address the specific provisions in s. 22(2), other than the Ministry stating that s. 22(2)(i) recognizes that the length of time a person has been deceased is a relevant factor to consider. The parties do, however, refer to a number of previous orders of this office that considered how s. 22 applies to records about deceased persons, and discuss the factors considered in those cases. I will address the factors that may be relevant in this case that are specified in s. 22(2), before turning to other relevant factors.

[31] In my view, s. 22(2)(f) and (i) warrant consideration about whether they are relevant to this case. These sections state:

22(2) In determining under subsection (1) or (3) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

...

- (f) the personal information has been supplied in confidence,
- ...
- (i) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.

*Supplied in Confidence — s. 22(2)(f)*

[32] Based on my review of the records, I find that s. 22(2)(f) is a relevant factor in favour of withholding the information. Nearly all of the information was generated by medical professionals, social workers or educators who were providing medical services, educating or caring for the deceased. This information was generated by these professionals observing and conducting evaluations of the deceased, and it was inherently supplied in confidence with respect to the deceased.<sup>6</sup>

*Information about a Deceased Person — s. 22(2)(i)*

[33] Section 22(2)(i) requires public bodies to consider whether the length of time a person has been deceased indicates that disclosure of his or her personal information would not be an unreasonable invasion of privacy.

[34] The Ministry submits that it was unable to find an order where s. 22 did not protect the type of information at issue given the length of time that has passed since the applicant's daughter passed away. The applicant does not refer to s. 22(2)(i), but she cites orders of this office that state the privacy rights of the deceased diminish over time, and she points out that her daughter has been deceased for 34 years.

[35] Section 22(2)(i) is a relatively new provision of FIPPA that has not been considered in many orders. However, the issue of how the length of time a person has been deceased impacts whether disclosure of personal information would be unreasonable was considered in orders before this provision was enacted. This issue was also discussed in Order F14-09, which was issued after the parties provided their submissions in this case.

[36] In Order F14-09, the applicant requested all medical information and family history of a distant relative who had been deceased for 42 years. In considering s. 22(2)(i), it was noted that the law in most jurisdictions in Canada provides that disclosing information of a person who has been dead for at least a specified period of time — usually in the range of 20 to 30 years — is not an

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<sup>6</sup> See Order F14-09, 2014 BCIPC 11 (CanLII) at para. 27 and Order 02-44, 2002 CanLII 42478 (BC IPC) at para. 46.

unreasonable invasion of their privacy. My view in this case, as in Order F14-09, is that the statutory lengths of these timeframes across Canada are instructive—although not determinative—for the purposes of FIPPA in British Columbia.<sup>7</sup> In Order F14-09, the fact that the information was about a person who had died 42 years earlier was found to be a relevant factor that significantly favoured disclosure.

[37] In this case, 34 years have elapsed since the deceased child passed away. As such, I find that s. 22(2)(i) is a relevant factor in this case significantly favouring disclosure because the length of time that has passed since the deceased died is considerable.

#### *Other Relevant Factors*

[38] When considering whether s. 22 applies to personal information of a deceased person, previous orders have considered factors that are not usually considered in other circumstances. As stated in Order F14-09, this “recognizes the fact that a deceased person cannot consent to disclosure. It also attempts to meet the needs of family members to deal with the death and its consequences, balanced against the risk of an unreasonable invasion of the deceased’s privacy.”<sup>8</sup>

[39] As such, previous orders have considered factors such as the applicant’s purpose or motive for wanting the information, as well as their pre-existing knowledge of the information. For example, in Order 00-11 an applicant sought information about her sister’s death because she was concerned about the medical treatment her sister received prior to her death. In that case, former Commissioner Loukidelis stated with respect to these factors:

Having considered the circumstances of this case, including those found in s. 22(2) of the Act, I find, for two reasons, that disclosure of the deceased’s personal information would not unreasonably invade the deceased’s personal privacy under s. 22(1). First, the applicant has sought access for a legitimate purpose connected with the circumstances surrounding her sister’s death. Second, much of the deceased’s personal information has already been disclosed to the applicant or is known to her. This latter factor will not always favour subsequent disclosure through an access request under the Act, but it does so in the circumstances of this case.

[40] The purpose for why an applicant seeks information has been a factor both for and against disclosure. For example, in Order F12-08 the fact that a UBC Faculty of Law student program requested autopsy and forensic laboratory reports to investigate a claim of wrongful conviction by the person convicted of murdering the deceased favoured withholding the information, due

<sup>7</sup> Order F14-09, 2014 BCIPC 11 (CanLII), at para. 33.

<sup>8</sup> Order F14-09, 2014 BCIPC 11 (CanLII), at para. 36.

to the mental distress disclosure would likely cause the deceased victim's family members.<sup>9</sup> In contrast, as stated in the quote above, the applicant's purpose for requesting the information was a factor in favour of disclosure in Order 00-11. Further, in Order 96-1996, an applicant wanted to learn about her family history by obtaining information about her sister who had died 53 years earlier at age 7 while living in a provincial care institution. In that case, the applicant's motive was a factor in favor of disclosure, since the applicant was a close living relative of the deceased with a direct interest in the information.<sup>10</sup>

[41] In this case, the applicant is the mother of the deceased, and she is requesting information about her daughter in an attempt to find peace of mind and closure about her death that occurred 34 years ago. In my view, the applicant's motive strongly favours disclosure of the information at issue.

[42] Turning to the applicant's knowledge of the information at issue, this circumstance may be a factor in favour of disclosure. The Ministry was keenly aware of this factor when deciding whether s. 22 applies, and says it decided to disclose information the applicant has knowledge of and withhold the other information. The Ministry stated:

The Commissioner has held in previous orders that a relevant factor under section 22 is whether the Applicant has been privy to any of the information at issue in the past. As such, the Ministry determined that it was able to disclose to the Applicant information from the requested records that she had previously been aware of. The Ministry made a concerted effort to ensure that the mother was notified of the child's death, involved in the funeral and debriefed by a physician regarding the autopsy results so that she would understand how her child had died. The Ministry, on the basis of that prior knowledge, decided that it would not be an unreasonable invasion to provide the same information to the Applicant in response to her request under the Act.

[43] While I generally accept the Ministry's submission that it has already disclosed the information the applicant has knowledge of, in my view there remains some additional withheld information. For example, the applicant – as the biological mother of the deceased – would clearly know details about her own pregnancy, labour and delivery of her daughter.<sup>11</sup> In my view, the remaining withheld information that the applicant has knowledge of is a relevant factor in favour of disclosure of this information.

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<sup>9</sup> Order F12-08, 2012 BCIPC 12 (CanLII).

<sup>10</sup> Order No. 96-1996, [1996] B.C.I.P.C.D No. 22 (QL); Also see Order 00-11, 2000 CanLII 10554 (BC IPC) and F14-09, 2014 BCIPC 11 (CanLII).

<sup>11</sup> Records at p. 000060.

[44] The impact of disclosing the information at issue has also been considered in previous cases. As stated in Order F14-09:

An individual may not want family, friends or others to know certain details about them, some of which may change people's view or perceptions about them, or have other repercussions. These details frequently relate to medical information. The continuation of privacy rights after death recognizes the impact that disclosure of this information may have on others, and that the deceased may not want the information disclosed. However, this kind of impact often diminishes over time. Former Commissioner Flaherty addressed this point in Order No. 200-1997 with respect to an applicant seeking adoption records containing the name of her birth father who had been deceased for 46 years, stating that:

Given that, in this case, the named individual was relatively young when he died, has likely been dead for forty-six years, there are no living siblings, the parents would be in their nineties (and therefore may not be alive) and the identities of former friends are unknown, I find that the prospects for unreasonable invasion of the privacy of the named father are extremely remote.<sup>12</sup>

[45] In my view, the impact of disclosure is a relevant circumstance in this case. In this case, the applicant was only 7 years old when she passed away over 34 years ago. The circumstances are not like Order F07-20, where a father requested his son's suicide note within a few months of his son's death.<sup>13</sup> It is not a case where it is likely that the deceased—if alive—would object to the applicant receiving the personal information at issue. This case is also not like Order F12-08, where disclosure of autopsy and forensic laboratory reports to investigate a claim of wrongful conviction is likely to cause mental distress to the deceased's family.<sup>14</sup> While this matter is of significant importance to the applicant, in my view it is unlikely that disclosure of the information at issue would impact the views of any of the other remaining friends or family of the deceased. In my view, these reasons favour disclosure of the information at issue to the applicant.

[46] The applicant is a close familial relation of the deceased, which will often be a factor in favour of disclosure in circumstances like this where a lengthy period of time has elapsed since the deceased passed away and where there is no indication that the deceased would not want the applicant to have the information. I note however that the deceased in this case was a permanent ward of the Province, which may frequently occur for reasons that undercut the relationship between a parent and child. The types of situations that may give rise to a child becoming a ward of the Province – such as abusive conduct of a

<sup>12</sup> Order F14-09, 2014 BCIPC 11 (CanLII) at para. 41 citing Order No. 200-1997, 1997 CanLII 719 at para. 22.

<sup>13</sup> Order F07-20, 2007 CanLII 52745 (BC IPC).

<sup>14</sup> Order F12-08, 2012 BCIPC 12 (CanLII).

parent to the child – may strongly favour withholding the information at issue. However, this is not one of those cases.<sup>15</sup> Further, it is also apparent from the materials before me that the applicant and the deceased continued to have a relationship until her death. In my view, the relationship between the applicant and the deceased favours disclosure in this case.

*Personal Information of Deceased —Section 22(1)*

[47] The Ministry is required to refuse to disclose the information at issue if disclosure would be an unreasonable invasion of the personal privacy of the deceased child. The information at issue contains the medical and health assessment information of the deceased, as well as other information relating to the deceased child's ongoing care and development in foster care. Since this information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation, there is a presumption under s. 22(3) that disclosing the information would be an unreasonable invasion of the personal privacy of the deceased. Further, the information is sensitive personal information of the deceased—including information about medical and physical difficulties—and in my view it was supplied in confidence under s. 22(2)(f).

[48] However, notwithstanding the sensitivity of the information, I find the presumption that disclosure of the records would be an unreasonable invasion of the deceased's personal privacy has been rebutted, considering all of the relevant circumstances in this case.<sup>16</sup> In my view, the fact that 34 years has elapsed since the deceased passed away is a significant factor in favour of disclosure in this case. Further, there are a number of other factors that favour disclosure of the information, including the fact that the applicant and the deceased are close familial relations who had an ongoing relationship at the time of the deceased's death, that the applicant's motive for wanting the information is to help grieve the loss of the deceased, and that there is no evidence suggesting that the deceased would not want the applicant to have this information. The applicant's knowledge of some of the information also favours disclosure for the information she already knows.

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<sup>15</sup> For an example of a situation where information about children was withheld from an abusive parent, see Order 00-40, 2000 CanLII 14405 (BC IPC). In that case, a mother sought a school counsellor's note of interviews about her two children. The school board submitted *in camera* evidence in that case, and the mother also candidly admitted "slapping" her children in her submissions. The applicant was denied access to the records under ss. 19 (disclosure harmful to individual or public safety) and 22.

<sup>16</sup> This includes a few short excerpts in the records that may not be known to the applicant about a third party's opinion of what the deceased felt about the applicant based on the third party observing the deceased (for example, the middle of the page on p. 000288). While it is not at all clear the information in this record accurately reflects the opinions and feelings of the deceased and s. 22(2)(g) states that a factor to consider is whether "the personal information is likely to be inaccurate or unreliable", I find that disclosure of this information would not be an unreasonable invasion of the deceased's personal privacy due to the factors in favour of disclosure that are stated above.

[49] In summary, I find that disclosing the records would not be an unreasonable invasion of the privacy of the deceased under s. 22. The Ministry is therefore required to disclose the information to the applicant.

*Personal Information of Other Third Parties*

[50] As previously stated, portions of the records contain personal information of third parties that is interwoven with personal information of the deceased. There is personal information about doctors and others – such as a foster parent – who provided care for the deceased. For example, there are medical opinions and other evaluations about the deceased. This information was generated over 34 years ago by these third parties in the normal course of providing care to the deceased, and the information is more about the deceased than the third party. In my view, disclosure of this information would not be an unreasonable invasion of the personal privacy of these third parties.

*Is the applicant acting on behalf of her deceased daughter in accordance with s. 5 of FIPPA and s. 3 of the Regulation?*

[51] Since I have determined that the applicant is entitled to receive the withheld information in her own right because s. 22 does not require the Ministry to withhold her daughter's personal information from her, it is unnecessary for me to determine whether the applicant is entitled to receive this same information on behalf of her daughter. Therefore, I will not consider whether the applicant is acting on behalf of her daughter in accordance with s. 5 of FIPPA and s. 3 of the Regulation.

## **CONCLUSION**

[52] For the reasons given above, under s. 58 of FIPPA, I make the following orders:

- (a) The Ministry must give the applicant access to the withheld information by October 16, 2014, subject to (b) below and excluding those records I have identified as being out of the scope of the applicant's request at pages 000059, 000081 to 000084, 000089, 000090, 000095 to 000098, 000164, 000178 to 000194, 000196 to 000209, 000211, 000212, 000218, 000220 to 000222, 000253, 000271 to 000279. The Ministry must concurrently copy me on its cover letter to the applicant, together with a copy of these records.

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- (b) The Ministry is required to give the applicant a decision under FIPPA about whether she is entitled to have access to the information in the records before me that the Ministry has marked “out of scope of request” by October 16, 2014.

September 3, 2014

**ORIGINAL SIGNED BY**

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Ross Alexander, Adjudicator

OIPC File No.: F13-52366