



Order F25-45

**WORKERS' COMPENSATION BOARD  
(WORKSAFEBC)**

Elizabeth Vranjkovic  
Adjudicator

June 16, 2025

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**Summary:** The applicant made a request under the *Freedom of Information and Protection of Privacy Act* (FIPPA) to the Workers' Compensation Board (WorkSafeBC) for access to records relating to a deceased worker (the deceased). WorkSafeBC provided the responsive records to the applicant but withheld some information on the basis that the applicant was not acting on behalf of the deceased or his adult children and that disclosure would be an unreasonable invasion of a third party's personal privacy under s. 22(1) of FIPPA. The adjudicator found that the applicant was not acting on behalf of the deceased or his adult children and that WorkSafeBC was required to withhold some, but not all, of the information in dispute under s. 22(1). The adjudicator ordered WorkSafeBC to give the applicant access to the information it was not required to withhold.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, RSBC 1996 c 165, ss. 5(1), 5(1)(b), 22(1), 22(2), 22(2)(e), 22(2)(i), 22(3)(a), 22(3)(d), 22(3)(f), 22(4), 22(4)(a) and 22(4)(e). *Freedom of Information and Protection of Privacy Regulation*, BC Reg 155/2012, ss. 4, 4(1), 4(2), 5, 5(1), 5(2)(a) and 5(3).

## **INTRODUCTION**

[1] An individual (applicant) made a request under the *Freedom of Information and Protection of Privacy Act* (FIPPA) to the Workers' Compensation Board (WorkSafeBC) for a copy of a claim file relating to a deceased worker (the deceased).

[2] WorkSafeBC responded that the applicant was not an appropriate person to make an access request on behalf of the deceased. WorkSafeBC also provided the responsive records to the applicant but withheld some information

under s. 22(1) of FIPPA (unreasonable invasion of a third party's personal privacy).<sup>1</sup>

[3] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review WorkSafeBC's decision to withhold information. Mediation by the OIPC did not resolve the matter and it proceeded to inquiry.

[4] Prior to the inquiry, the applicant told the OIPC that for the purpose of the access request, she is acting as a representative of her adult children, who are also the children of the deceased (the adult children). The OIPC added the question of whether the applicant is acting as a representative of the adult children as an inquiry issue.

### ***Preliminary issues***

#### *Mediation material*

[5] The applicant's submissions contain communications between her and the assigned OIPC investigator during mediation.

[6] The OIPC's *Instructions for Written Inquiries* explains that "mediation material" refers generally to communications that relate to offers or attempts to resolve the matter during mediation.<sup>2</sup> This document further explains that a party may not, without the written consent of the other parties, refer to or include in their submissions any mediation materials, including any opinions or recommendations that an investigator expressed during mediation.

[7] Nothing in the material before me indicates that WorkSafeBC consents to the applicant including mediation material in her submissions. Therefore, I will not consider any mediation material while deciding the issues before me.

#### *Issues*

[8] The Notice of Inquiry (Notice) says one of the issues is whether the applicant has consent to act as a representative of each of the adult children under FIPPA for the purposes of the access request.

[9] Section 5(1)(b) says that to obtain access to a record, the applicant must make a written request that provides written proof of the authority of the applicant to make the request, if the applicant is acting on behalf of another person in accordance with the regulations. Section 4(2)(a) of the *Freedom of Information*

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<sup>1</sup> From this point forward, references to a section of a statute are references to FIPPA, unless otherwise specified.

<sup>2</sup> *Instructions for Written Inquiries* at pages 6-7. Available online at: <https://www.oipc.bc.ca/documents/guidance-documents/1658>.

*and Protection of Privacy Regulation* (Regulation) says that a “representative” of an adult may act for that adult in relation to a request for access to records under s. 5.<sup>3</sup>

[10] Therefore, in order to be entitled to exercise an adult’s FIPPA rights, the applicant must establish that she is a “representative” pursuant to s. 4 of the Regulation and she is “acting on behalf of” the adult pursuant to s. 5(1)(b) of FIPPA.

[11] In light of the legislative scheme set out above, I find that the issue is more appropriately stated as whether the applicant is acting on behalf of the adult children in accordance with s. 5(1)(b) of FIPPA and s. 4 of the Regulation.<sup>4</sup>

*Matters outside the scope of the inquiry*

[12] The applicant’s submission discusses matters that are not directly related to FIPPA or the issues set out in the OIPC investigator’s fact report or the Notice. I can see how important these matters are to the applicant. However, as the Commissioner’s delegate, my role is limited to determining the issues set out below. I have focused my discussion below only on the evidence and submissions relevant to deciding those issues.

## ISSUES

[13] The issues to be decided in this inquiry are:

1. Is the applicant acting on behalf of the adult children in accordance with s. 5(1)(b) of FIPPA and s. 4 of the Regulation?
2. Is the applicant acting on behalf of the deceased in accordance with s. 5(1)(b) of FIPPA and s. 5 of the Regulation?
3. Is WorkSafeBC required to refuse to disclose the information at issue under s. 22(1)?

[14] Neither FIPPA nor the Regulation say who has the burden of proof under s. 5(1)(b) of FIPPA and ss. 4 and 5 of the Regulation. In previous orders, the OIPC has stated that in this circumstance, as a practical matter, each party

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<sup>3</sup> BC Reg 155/2012.

<sup>4</sup> WorkSafeBC’s submission addresses s. 5(1)(b) of FIPPA and s. 4 of the Regulation and the applicant had an opportunity to respond to those submissions. As a result, I do not find it necessary to provide the parties with an opportunity to make further submissions about whether the applicant is acting on behalf of the adult children in accordance with s. 5(1)(b) of FIPPA and s. 4 of the Regulation.

should submit arguments and evidence to support its position.<sup>5</sup> I will apply the same approach here.

[15] With respect to s. 22(1), s. 57(2) places the burden on the applicant to establish that disclosure of the information at issue would not be an unreasonable invasion of a third party's personal privacy. However, the public body has the initial burden of proving the information at issue is personal information.<sup>6</sup>

## **DISCUSSION**

### ***Background***

[16] The deceased and the applicant were in a relationship for several years before separating. Several years later, in 2000, the deceased died in a work-related incident. WorkSafeBC awarded some compensation to the adult children and others (collectively, the beneficiaries).

### ***Information at issue***

[17] The responsive records are the deceased's workers' compensation claim file, which consist of 695 pages of records. The information at issue is in a variety of records including notices, forms, memos, reports, pension calculation sheets, tax documents, claim data reports, letters and fax cover letters.

### ***Is the applicant acting on behalf of the adult children?***

[18] As discussed above, in order to be entitled to exercise the adult children's FIPPA rights, the applicant must establish that she is a "representative" of each of the adult children pursuant to s. 4 of the Regulation and she is "acting on behalf of" each of the adult children pursuant to s. 5(1)(b) of FIPPA.

[19] Section 4(1) of the Regulation defines "representative" as follows:

4(1) In this section, "representative" means any of the following persons:

- (a) a committee appointed under the *Patients Property Act*;
- (b) a person acting under a power of attorney;
- (c) a litigation guardian;
- (d) a representative acting under a representation agreement, as defined in the *Representation Agreement Act*.

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<sup>5</sup> Order F08-18, 2018 BCIPC 10 at para 7; Order F07-10, 2007 CanLII 30395 (BC IPC) at paras 10-11.

<sup>6</sup> Order 03-41, 2003 CanLII 49220 (BC IPC) at paras 9-11.

[20] The applicant provides letters from the adult children, each of whom say that they grant the applicant “permission to access [their] personal information on [their] records.” In my view, these letters do not establish that the applicant is a “representative” of the adult children under any of the definitions set out above.

[21] I find that the applicant is not a “representative” as defined in s. 4(1) of the Regulation. As a result, I do not need to consider whether the applicant is acting on behalf of the adult children.

***Is the applicant acting on behalf of the deceased?***

[22] As previously discussed, to obtain access to a record under s. 5(1)(b), the applicant must make a written request that provides written proof of her authority to make the request, if she is acting on behalf of another person in accordance with the regulations.

[23] Section 5(2)(a) of the Regulation says that an “appropriate person” may act for a deceased person in relation to a request for access to records under s. 5.

[24] Therefore, in order to be entitled to exercise the deceased’s FIPPA rights, the applicant must establish both that she is an “appropriate person” pursuant to s. 5 of the Regulation and that she is “acting on behalf of” the deceased pursuant to s. 5(1)(b) of FIPPA.

***Appropriate person***

[25] Section 5(1) of the Regulation defines appropriate person as follows:

**“appropriate person”** means,

(a) in respect of a deceased adult, one of the following

- (i) a committee acting under section 24 of the *Patients Property Act* for the deceased;
- (ii) if there is no committee acting for the deceased, the personal representative of the deceased;
- (iii) if there is no committee acting for the deceased and no personal representative of the deceased, the nearest relative of the deceased; ...

[26] FIPPA does not define personal representative, but the *Interpretation Act* says that “personal representative” includes an executor of a will and an administrator with or without will annexed of an estate.<sup>7</sup>

[27] WorkSafeBC says that there was no committee or personal representative at the time of the deceased’s death, so the appropriate person is the deceased’s nearest relative.<sup>8</sup> The applicant does not say that there was a committee or personal representative. As a result, I find that there is no committee or personal representative and the appropriate person to act for the deceased is his nearest relative.

[28] Section 5(1) of the Regulation provides as follows:

“nearest relative” means the first person referred to in the following list who is willing and able to act under subsection (2) of this section for a deceased individual:

- (a) spouse of the deceased at the time of death.
- (b) adult child of the deceased;
- (c) parent of the deceased;
- (d) adult sibling of the deceased;
- (e) other adult relation of the deceased other than by marriage;
- (f) an adult immediately related to the deceased by marriage.

“spouse” means a person who

- (a) is married to another person and is not living separate and apart, within the meaning of the *Divorce Act* (Canada), from the other person, or
- (b) is living with another person in a marriage-like relationship for a continuous period of at least one year immediately before the death of the person.

...

(3) If a nearest relative who is acting under this section ceases to be willing or able to act, the right to act under subsection (2) of this section passes to the person who is next in the definition of “nearest relative” and who is willing and able to act.

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<sup>7</sup> RSBC 1996, c 238, s. 29.

<sup>8</sup> WorkSafeBC’s initial submission at para 10.

[29] The applicant does not fall within any of the circumstances that could qualify her as the deceased's nearest relative. Therefore, I find that the applicant has not established that she is an "appropriate person" for the purpose of exercising the deceased's rights to access records.

[30] However, it is evident that the applicant wants access to the disputed information regardless of whether the request is made on her own behalf, the adult children's behalf, or the deceased's behalf. As a result, I will consider her request on the basis that it is made on her own behalf.

***Unreasonable invasion of a third party's personal privacy, s. 22(1)***

[31] Section 22 requires a public body to refuse to disclose personal information if its disclosure would be an unreasonable invasion of a third party's personal privacy.<sup>9</sup> Numerous orders have considered the analytical approach to s. 22 and I will apply those same principles here.<sup>10</sup>

*Personal information*

[32] Section 22 only applies to personal information, so the first step in a s. 22 analysis is to determine if the information in dispute is personal information.

[33] Personal information is defined in FIPPA as "recorded information about an identifiable individual other than contact information." Information is "about an identifiable individual" when it is "reasonably capable of identifying an individual, either alone or when combined with other available sources of information."<sup>11</sup>

[34] FIPPA defines contact information as "information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual."<sup>12</sup>

[35] Much of the disputed information is about individuals who are identified by name, and some of the disputed information is about unnamed individuals whose identities can be ascertained from the context of the records. Some of the disputed information is about an individual who is not identified by name and whose identity I cannot ascertain from the records.<sup>13</sup> However, given the applicant's knowledge of the circumstances surrounding the claim file, I find that she could likely identify the unnamed individual based on the context in which

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<sup>9</sup> Schedule 1 of FIPPA says: "third party" in relation to a request for access to a record or for a correction of personal information, means any person, group of persons or organization other than (a) the person who made the request or (b) a public body.

<sup>10</sup> See for example, Order F15-03, 2015 BCIPC 3 at para 58.

<sup>11</sup> Order F19-13, 2019 BCIPC 15 at para 16, citing Order F18-11, 2018 BCIPC 14 at para 32.

<sup>12</sup> Schedule 1.

<sup>13</sup> Information on page 543.

their information appears in the records. As a result, I find that all of the disputed information is about identifiable individuals

[36] I also find that all of the information about identifiable individuals is personal information. There is some information about a medical professional that could, on its face, be considered contact information.<sup>14</sup> However, I find that it reveals the medical history of other individuals, so it is personal information.

*Not an unreasonable invasion, s. 22(4)*

[37] The second step in the s. 22 analysis is to consider s. 22(4), which sets out circumstances where disclosure is not an unreasonable invasion of a third party's personal privacy. If information falls into one of the enumerated circumstances, s. 22(1) does not apply and the public body must disclose the information.

[38] The parties do not say anything about s. 22(4). Having considered the circumstances described in s. 22(4), I find that it is appropriate to consider ss. 22(4)(a) and (e).

*Third party has consented to or requested the disclosure, s. 22(4)(a)*

[39] Section 22(4)(a) says that disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if the third party has, in writing, consented to or requested the disclosure.

[40] The applicant provides signed, undated documents (consent letters) from each of the adult children, who say as follows:

I, [name], hereby grant my mother, [applicant's name], permission to access my personal information on our records. We are requesting this authorization in order to provide evidence in the resolution of this matter.

The evidence in question demonstrates that my brother and I were the sole dependants [sic] at the time of my father's death, as per the records held by the Canada Revenue Agency. As such we are considered the next of kin, which grants us the right to access all relevant records and information.

[41] In Order F15-14, Adjudicator Francis found that s. 22(4)(a) requires informed consent. In determining what constitutes "informed consent", she said:

[50] I could find no FIPPA orders dealing with the elements of "informed consent". However, Order P11-02<sup>15</sup>, under the *Personal Information Protection Act* ("PIPA") considered whether a complainant had given

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<sup>14</sup> Information on pages 379 and 418.

<sup>15</sup> Order P11-02, 2011 BCIPC No 16 at para 63.



meaningful consent to credit scoring when buying insurance. The adjudicator commented that:

[63] ... The consent must be voluntary and the individual must know the nature and scope of the request so that “customers know specifically what they are consenting to and how that consent will be used.”

[51] Guidelines for online consent on the OIPC website similarly stress the importance of obtaining meaningful consent from individuals. Individuals should be able to understand the risks and benefits of sharing their personal information with a business and be able to decide freely whether to do so. The Guidelines say that individuals must receive sufficient information to be able to understand what they are consenting to...<sup>16</sup>

[42] Based on those considerations, Adjudicator Francis found that while the consent at issue was dated and stated to whom personal information could be disclosed, it was missing several elements necessary for informed consent, including:

- The purpose of the disclosure;
- The proposed new use of the personal information;
- The specific elements of personal information to be disclosed;
- That the consent was voluntary;
- The potential impact of consent on [the individual giving the consent]; and
- The expiry date of the consent.<sup>17</sup>

[43] I agree with the approach taken by Adjudicator Francis and find that s. 22(4)(a) requires informed consent.

[44] Based on the materials before me, I am not satisfied that the adult children have provided informed consent for WorkSafeBC to disclose their personal information to the applicant. Some of the adult children’s personal information in the records is sensitive and it is not clear to me from the consent letters that the adult children understand what specific types of personal information are at issue and could be disclosed to the applicant. Additionally, the consent letters are not dated, do not contain expiry dates, and do not say that the consent is voluntary. For these reasons, I find s. 22(4)(a) does not apply.

*Third party’s position, functions or remunerations, s. 22(4)(e)*

[45] Section 22(4)(e) says that disclosure of personal information is not an unreasonable invasion of a third party’s personal privacy if the information is

<sup>16</sup> Order F15-14, 2015 BCIPC 14 at paras 50-52.

<sup>17</sup> Order F15-14, 2015 BCIPC 14 at para 53.

about the third party's position, functions, or remuneration as an officer, employee or member of a public body.

[46] It is well-established that s. 22(4)(e) applies to "objective, factual statements about what the third party said or did in the context of discharging [their] job duties."<sup>18</sup>

[47] WorkSafeBC says that s. 22(3)(d) applies to one sentence because it "reveals occupational information about a WorkSafeBC employee, as it consists of the employee's internal instructions on what information is needed by her and the next steps to take in relation to the claim file."<sup>19</sup>

[48] I do not see, and WorkSafeBC does not adequately explain, how s. 22(3)(d) could apply to this sentence. I find that disclosing this sentence would reveal the kind of objective, factual statement about what an individual did in the normal course of discharging their job duties to which s. 22(4)(e) typically applies. Therefore, I find that s. 22(4)(e) applies to this information.

[49] WorkSafeBC also withheld the names of two public body employees without explaining why it withheld those names.<sup>20</sup> I find that the names reveal what those individuals did in the context of discharging their job duties. Therefore, I find that s. 22(4)(e) applies to the names of the public body employees.

[50] Finally, WorkSafeBC withheld several signatures of public body employees (the public body employee signatures).<sup>21</sup> WorkSafeBC says that combined with other information present in the records such as the names and occupations of the signatories, the public body employee signatures could be used for unintended purposes, including "social engineering" and identity theft. It says that the names and signatures could be combined with information available through other sources to impersonate the signatories, creating a privacy and security risk for the signatories.<sup>22</sup>

[51] WorkSafeBC does not provide any evidence in support of its assertion that disclosure creates a privacy and security risk for the signatories, and in the absence of any such evidence, I am not persuaded that it does. Past OIPC orders have found that s. 22(4)(e) applies to a public body employee's signature

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<sup>18</sup> Order F09-15, 2009 BCIPC 58553 at para 15; Order F14-41, 2014 BCIPC 44 at para 24; and Order F24-10, 24 BCIPC 14 at para 45.

<sup>19</sup> Public body's initial submission at para 38. Information on page 607.

<sup>20</sup> Information on pages 290, 292, 352 and 354.

<sup>21</sup> Information on pages 16, 27, 85, 86, 117, 121, 187, 206, 210, 223, 227, 282, 292, 298, 322, 326, 340, 357, 361, 442, 443, 447, 448, 540-542 and 546.

<sup>22</sup> Public body's initial submission at para 54.

provided in the normal course of performing their job duties.<sup>23</sup> Consistent with previous orders, I find that s. 22(4)(e) applies to the public body employee signatures.

[52] In summary, I find that s. 22(4)(e) applies to the sentence that reveals what a WorkSafeBC employee said while discharging their job duties, the names of two public body employees and the public body employee signatures. WorkSafeBC is not required to withhold this information under s. 22(1).

[53] I have considered the other circumstances listed under s. 22(4) and I find that none apply.

*Presumptions, s. 22(3)*

[54] The third step in the s. 22 analysis is to determine whether s. 22(3) applies to the personal information. If so, disclosure is presumed to be an unreasonable invasion of a third party's personal privacy.

[55] WorkSafeBC says that ss. 22(3)(a), (d) and (f) apply to some of the personal information. The applicant does not say anything about s. 22(3).

[56] I have considered whether any of the subsections in s. 22(3) apply and I find that only ss. 22(3)(a), (d) and (f) are relevant in this case.

Medical, psychiatric or psychological history, diagnoses, condition, treatment or evaluation, s. 22(3)(a)

[57] Section 22(3)(a) creates a presumption that disclosure of personal information relating to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation is an unreasonable invasion of a third party's personal privacy.

[58] WorkSafeBC says that on its face, some of the personal information consists of the medical or psychological history, diagnosis, condition, treatment or evaluations of third parties.<sup>24</sup>

[59] I can see that some of the withheld information is about the psychological history and treatment of third parties.<sup>25</sup> Additionally, some of the withheld information is about a medical condition affecting the deceased and his cause of death.<sup>26</sup>

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<sup>23</sup> Order F25-02, 2025 BCIPC 2 at para 83; Order F24-66, 2024 BCIPC 76 at para 73; and Order F22-62, 2022 BCIPC 70 at paras 26-28.

<sup>24</sup> Public body's initial submission at para 34.

<sup>25</sup> Information on pages 307-308, 379, 418, 543 and 549.

<sup>26</sup> Information on pages 455 and 491.

[60] I find that s. 22(3)(a) applies to this information and disclosure is presumed to be an unreasonable invasion of the personal privacy of the deceased and other third parties.

Employment, occupation and educational history, s. 22(3)(d)

[61] Section 22(3)(d) creates a presumption that disclosure of personal information relating to a third party's employment, occupational or educational history is an unreasonable invasion of a third party's personal privacy.

[62] WorkSafeBC says that some of the personal information is the deceased's employment and occupational history. WorkSafeBC also says that some of the disputed personal information is the educational history of some of the beneficiaries.<sup>27</sup>

[63] I can see from the records that the information at issue includes:

- The deceased's length of employment at a specific company and in a specific role.<sup>28</sup>
- The deceased's worker's compensation claims history;<sup>29</sup> and
- The levels and types of education completed by some of the beneficiaries.<sup>30</sup>

[64] I find that s. 22(3)(d) applies to this information and disclosure is presumed to be an unreasonable invasion of the personal privacy of the deceased and some of the beneficiaries.

Financial information, s. 22(3)(f)

[65] Section 22(3)(f) creates a presumption that disclosure of personal information that describes a third party's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness is an unreasonable invasion of a third party's personal privacy.

[66] WorkSafeBC says that disclosing some of the information would reveal the deceased's income and earnings, financial assets and liabilities and the amounts and duration of benefits paid and to be paid to the beneficiaries. WorkSafeBC also says that disclosing the pension or claim reserves would reveal the amounts required to cover future payments to be made to the beneficiaries as well as information about the beneficiaries.<sup>31</sup>

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<sup>27</sup> Public body's initial submission at paras 36-37 and 39.

<sup>28</sup> Information on page 455.

<sup>29</sup> Information on page 694.

<sup>30</sup> Information on pages 689-690.

<sup>31</sup> Public body's initial submission at paras 42-43.

[67] I find that information about the deceased's income and earnings, financial assets and liabilities clearly falls within s. 22(3)(f).<sup>32</sup> I also find that the pension reserves for the adult children and the amount and duration of benefits paid and to be paid to the beneficiaries describes the income and financial history of the beneficiaries.<sup>33</sup>

[68] I find that s. 22(3)(f) applies to this information and disclosure is presumed to be an unreasonable invasion of the personal privacy of the deceased and the beneficiaries.

*Relevant circumstances, s. 22(2)*

[69] The final step in the s. 22 analysis is to consider the impact of disclosing the personal information in light of all relevant circumstances, including those listed in s. 22(2). It is at this step that the s. 22(3) presumptions may be rebutted.

[70] WorkSafeBC says s. 22(2)(i) applies. Although WorkSafeBC does not refer to s. 22(2)(e), I find its arguments about disclosing signatures relevant to that section so I will consider it below.

[71] With respect to unenumerated circumstances, the applicant says that she knows much of the withheld personal information. I also find that it is appropriate to consider whether the signatures of some third parties relate to their professional capacity.

Financial or other harm s. 22(2)(e)

[72] Section 22(2)(e) asks whether disclosure of the personal information will unfairly expose a third party to financial or other harm. If so, this factor weighs in favour of withholding the personal information.

[73] I previously found that s. 22(4)(e) applies to the public body employee signatures, so I am not considering them here. I am referring here to the signatures of individuals who, from what I can see in the records, are not public body employees (the other signatures).<sup>34</sup>

[74] WorkSafeBC says that combined with other information present in the records such as the names and occupations of the signatories, the signatures could be used for unintended purposes, including "social engineering" and identity theft. It says that the names and signatures could be combined with

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<sup>32</sup> Information on pages 85, 473-475, 492, 510, 542, 548, 555 and 688.

<sup>33</sup> Information on pages 85, 279, 282, 290-292, 337, 340, 352-354, 473, 510, 542, 548 and 692-693.

<sup>34</sup> Information on pages 6, 16, 111, 162, 181, 182, 194, 310 and 555.

information available through other sources to impersonate the signatories, creating a privacy and security risk for the signatories.<sup>35</sup>

[75] I have considered WorkSafeBC's submissions on this matter from the position that disclosure of information under FIPPA is to be regarded as disclosure to the world.<sup>36</sup> In doing so, I am not suggesting that the applicant has any malicious intentions. It is simply that this principle is based on the fact that there are no restrictions in FIPPA prohibiting an applicant from disclosing the information publicly.

[76] As discussed above in relation to s. 22(4)(e), WorkSafeBC does not provide any evidence in support of its assertion that disclosure creates a privacy and security risk for the signatories, and in the absence of any such evidence, I am not persuaded that it does.

[77] I have also considered previous orders where adjudicators have found disclosure could reasonably be expected to expose third parties to unfair harm in the form of identity theft or impersonation. In Order F18-48, Adjudicator Francis found that disclosing the address, telephone number, date of birth, driver's license number, height, weight and ethnicity of each third party could reasonably be expected to unfairly expose the third parties to identity theft and financial loss for the purposes of s. 22(2)(e).<sup>37</sup> Similarly, in Order F23-83, Adjudicator Corley found that disclosing the "home contact, physical characteristic, ethnicity, date of birth and identification number" of individuals could expose those individuals to being impersonated and therefore lead to unfair harm.<sup>38</sup>

[78] Here, the other signatures appear in conjunction with individuals' names, job titles and employers in documents from 2000-2004. I am not aware of any orders where the OIPC has found that disclosing this combination of information could unfairly expose the third parties to harm under s. 22(2)(e), and WorkSafeBC did not refer to any. In my view, this combination of information would be less useful to someone trying to impersonate the signatories than the types of information at issue in the orders discussed above. I think this is particularly the case when the job title and employer information is likely to be outdated due to the age of the records.

[79] In the absence of further explanation or evidence, I am not persuaded that disclosing the other signatures would unfairly expose the signatories to financial or other harm. I find that s. 22(2)(e) does not weigh in favour of withholding the other signatures.

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<sup>35</sup> Public body's initial submission at para 54.

<sup>36</sup> Order 03-25, 2003 CanLII 49204 (BC IPC) at para 24.

<sup>37</sup> Order F18-48, 2018 BCIPC 51 at para 23.

<sup>38</sup> Order F23-83, 2023 BCIPC 99 at para 59.

Information about a deceased person, s. 22(2)(i)

[80] Section 22(2)(i) asks whether the personal 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.

[81] FIPPA does not specify a number of years after which a deceased individual's personal information may be disclosed. Previous orders have noted that in most Canadian jurisdictions, the law provides that disclosing information about someone who has been deceased for 20-30 years is not an unreasonable invasion of their privacy. Previous orders have also said that an individual's personal privacy rights are likely to continue for at least 20 years past their death.<sup>39</sup>

[82] WorkSafeBC says that this matter is distinct from previous orders where the OIPC has ordered disclosure, which involved individuals who were deceased for 46 years and 53 years and in which the applicants were considered the nearest relatives of the deceased.<sup>40</sup>

[83] WorkSafeBC also says that some of the deceased's personal information would reveal personal information about third parties who are alive.<sup>41</sup>

[84] I find that s. 22(2)(i) does not apply to any information that is also about living third parties. However, I find that s. 22(2)(i) applies to information that is solely the deceased's personal information.<sup>42</sup> The deceased has been dead for 25 years. I find that this weighs in favour of disclosing the deceased's personal information, although I give this factor less weight than I would have in the case of someone deceased for a longer period of time.

Applicant's knowledge

[85] In past orders, OIPC adjudicators have considered the applicant's knowledge of the information in dispute as a relevant circumstance under s. 22(2).<sup>43</sup> However, in determining whether disclosure of the disputed information would be an unreasonable invasion of a third party's personal privacy, I must also consider the well-established principle that disclosure under FIPPA is disclosure to the world, not just to the applicant.<sup>44</sup>

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<sup>39</sup> Order F14-09, 2014 BCIPC 11 at para 30; Order F18-08, 2018 BCIPC 10 at paras 31-32.

<sup>40</sup> Public body's initial submission at para 58.

<sup>41</sup> Public body's initial submission at para 60.

<sup>42</sup> Information on page 645.

<sup>43</sup> Order F21-34, 2021 BCIPC 42 at para 73.

<sup>44</sup> Order F22-31, 2022 BCIPC 34 at para 80; Order F23-101, 2023 BCIPC 117 at para 171; Order F21-34, 2021 BCIPC 42 at para 70 and Order F25-12, 2021 BCIPC 14 at para 93.

[86] The applicant says that she has already received much of the information at issue, and she provides copies of some of that information in her response submission.

[87] WorkSafeBC says that the applicant received some information through disclosure for the purpose of legal proceedings, which were made under different rules that did not require a line-by-line review or the application of mandatory exceptions to disclosure under FIPPA. WorkSafeBC also says that the applicant's prior knowledge is not the single determinative factor under s. 22(1) and does not negate its obligation to conduct a line-by-line review.

[88] Where the applicant has provided copies of the personal information at issue in her inquiry submissions, I find that this weighs in favour of disclosing that information.<sup>45</sup> However, I find that this factor weighs minimally in favour of disclosure because disclosure under FIPPA is disclosure to the world and there is no indication that the personal information at issue is widely known.

#### Professional capacity

[89] In previous orders, the OIPC has held that where information relates to an individual's actions in a professional capacity as opposed to a personal or private capacity, this circumstance weighs in favour of disclosure.<sup>46</sup>

[90] I can see from the records that the signatories of the other signatures signed the relevant records in a professional capacity. Consistent with previous OIPC decisions, I find that this factor weighs in favour of disclosing the other signatures.<sup>47</sup>

#### *Conclusion, s. 22(1)*

[91] To begin, all of the information at issue is personal information.

[92] For the reasons that follow, I find that disclosing some of the personal information would not be an unreasonable invasion of a third party's personal privacy.

[93] First, s. 22(4)(e) applies to the names of two public body employees, the sentence that reveals what a WorkSafeBC employee said while discharging their job duties and the public body employee signatures. Disclosure of this

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<sup>45</sup> Information on pages 85, 290, 473, 510, 542 and 548.

<sup>46</sup> Order F25-02, 2025 BCIPC 2 at paras 92-94; Order F24-48, 2024 BCIPC 56 at para 138; Order F23-05, 2023 BCIPC 6 at para 58; Order F18-42, 2018 BCIPC 45 at para 22; and Order F13-01, 2013 BCIPC 1 at para 61.

<sup>47</sup> Information on pages 6, 16, 111, 162, 181, 182, 194, 310 and 555.



information would not be an unreasonable invasion of those employees' personal privacy.

[94] Second, with respect to the other signatures, no s. 22(3) presumptions apply and no circumstances weigh against disclosure. However, the fact that the other signatures relate to third parties acting in a professional capacity weighs in favour of disclosure. As a result, I find that disclosing this information would not be an unreasonable invasion of the signatories' personal privacy.

[95] Finally, for some of the personal information, no s. 22(3) presumptions apply and no circumstances weigh against disclosure. However, the applicant's knowledge of some of this personal information and the length of time since the deceased's death weigh in favour of disclosing this personal information. As a result, I find that disclosing this information would not be an unreasonable invasion of a third party's personal privacy.

[96] However, I find that disclosure of the remaining personal information would be an unreasonable invasion of a third party's personal privacy.

[97] Sections 22(3)(a), (d) and (f) apply to most of the remaining personal information. For some of this information, no factors weigh in favour of disclosure. For the rest of this information, the length of time since the deceased's death and the applicant's knowledge weigh in favour of disclosure, but do not rebut the presumptions against disclosure. I find that disclosing this information would be an unreasonable invasion of third parties' personal privacy.

[98] For the remaining personal information, no s. 22(3) presumptions apply and no circumstances favour disclosure. Ultimately, the burden is on the applicant to establish that disclosure would not result in an unreasonable invasion of a third party's personal privacy, and I find that she has not done so. Therefore, I conclude that disclosure of the remaining personal information would be an unreasonable invasion of a third party's personal privacy.

## **CONCLUSION**

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

1. I confirm WorkSafeBC's decision that the applicant is not acting on behalf of the adult children under s. 5 of FIPPA and s. 4 of the Regulation.
2. I confirm WorkSafeBC's decision that the applicant is not acting on behalf of the deceased under s. 5 of FIPPA and s. 5(1) of the Regulation.

3. I confirm in part, subject to item 4 below, WorkSafeBC's decision to refuse the applicant access to the information withheld under s. 22(1).
4. WorkSafeBC is required to give the applicant access to the information that I have determined it is not required to withhold under s. 22(1). I have highlighted this information in green on pages 6, 16, 27, 85-86, 111, 117, 121, 162, 181-182, 187, 194, 206, 210, 223, 227, 282, 290, 292, 298, 310, 322, 326, 340, 352, 354, 357, 361, 365, 442-443, 447-448, 473, 510, 540-542, 546, 548, 555, 607 and 645 of the copy of the records that will be provided to the public body with this order.
5. WorkSafeBC must concurrently copy the OIPC registrar of inquiries on its cover letter to the applicant, together with a copy of the records/pages described at item 4 above.

[100] Pursuant to s. 59(1) of FIPPA, the public body is required to comply with this order by July 29, 2025.

June 16, 2025

**ORIGINAL SIGNED BY**

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Elizabeth Vranjkovic, Adjudicator

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