



Order F25-58

## KWANTLEN POLYTECHNIC UNIVERSITY

Alexander R. Lonergan  
Adjudicator

July 22, 2025

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**Summary:** An applicant asked Kwantlen Polytechnic University (University) for access, under the *Freedom of Information and Protection of Privacy Act* (FIPPA), to the number of ballots cast per candidate in an election for the University's board of governors. The University provided a responsive record but withheld the requested information under s. 22 (unreasonable invasion of third-party personal privacy) of FIPPA. The adjudicator found that disclosing the disputed information would not be an unreasonable invasion of a third party's personal privacy under s. 22(1). The adjudicator ordered the University to provide the applicant with access to all of the information in dispute.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165, ss. 22(1), 22(2), 22(2)(a), 22(2)(e), 22(2)(f), 22(2)(g), 22(2)(h), 22(3)(d), 22(4)(e).

## INTRODUCTION

[1] An individual (applicant) made a request to Kwantlen Polytechnic University (University), under the *Freedom of Information and Protection of Privacy Act* (FIPPA), for access to an "Excel file containing the March 2023 Board of Governors Election results." The University provided a responsive record but withheld the candidates' names under s. 22(1) (unreasonable invasion of third-party personal privacy) of FIPPA.

[2] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review the University's decision to withhold information. Mediation by the OIPC did not resolve the matter and it proceeded to this inquiry. Both the University and the applicant provided written submissions for this inquiry.

## **Preliminary Matters**

### ***New Issue, s. 13***

[3] The applicant argues that withholding the disputed information may conflict with s. 13 of FIPPA, which he says prohibits withholding the results of public opinion polls.<sup>1</sup> I understand the applicant is talking about s. 13(2)(b) which says that a public body must not refuse to disclose a public opinion poll under s. 13(1). The University did not refuse to disclose any of the information in the record under s. 13(1) and that provision is not listed as an issue in the Notice of Inquiry or the Investigator's Fact Report.

[4] The Notice of Inquiry states parties may not add new exceptions or issues without the OIPC's prior consent. Where a party has not sought prior approval from the OIPC to add a new issue to an inquiry and there are no exceptional circumstances which weigh strongly in favour of adding the issue, the OIPC will usually decline to add a new issue after commencement of an inquiry.<sup>2</sup>

[5] The applicant did not request permission to add s. 13 as an issue and there are no circumstances that persuade me it would be appropriate to consider it now. Therefore, I will not consider this provision in the analysis below.

## **DISCUSSION**

### ***Background***<sup>3</sup>

[6] The University is a post-secondary educational institution designated as a special purpose, teaching university under the *University Act* and the Designation of Special Purpose, Teaching Universities Regulation.<sup>4</sup>

[7] Under the *University Act*, the University must establish a Board of Governors (the Board) which must include two student representatives elected by the University's students. The student representatives are elected to the Board for a one-year term through an annual election.<sup>5</sup>

[8] Initially, the University held the 2023 Board election in March but later nullified that election (the Nullified Election) after receiving reports of activity it considered to be election interference. Despite its decision to nullify the election,

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<sup>1</sup> Applicant's submission at 2.

<sup>2</sup> Order F12-07, 2012 BCIPC 10 (CanLII) at para 6; Order F10-37, 2010 BCIPC 55 (CanLII) at para 10.

<sup>3</sup> The information in this background section is based on information provided in the parties' submissions and evidence. It is not information that is in dispute.

<sup>4</sup> *University Act*, RSBC 1996, c 468; Designation of Special Purpose, Teaching Universities Regulation, BC Reg. 220/2008 at s. 3.

<sup>5</sup> *University Act*, *ibid.* at s. 19(1)(e).

the University decided that it did not have enough evidence to find that any specific candidates or campaigns committed election interference. The University did not release the results of the Nullified Election.

[9] Subsequently, the University held a second Board election in June of 2023 which was not nullified (the Second Election). The applicant ran as a candidate for a student representative position in both of the 2023 Board elections.

### ***Records and Information at Issue***

[10] The disputed record is a 47-page list of voter identification codes consisting of letters and numbers representing each voter that cast a ballot in the Nullified Election. Beside each code is the name of the candidate or candidates that a voter selected with their ballot or the word “abstain”. By adding up the number of times the candidates’ names appear, it is possible to determine how many votes each candidate received in the Nullified Election.

[11] The University only withheld the names of the other candidates (other than the applicant’s name) under s. 22(1). It disclosed all the voter identification codes and the instances where the vote is recorded as “abstain” or being in favour of the applicant. By withholding the candidate names, the University prevents the applicant from determining the number of votes cast for each candidate in the Nullified Election.

### ***Issue and Burden of Proof***

[12] The issue I must decide in this inquiry is whether the University is required to refuse to disclose the information in dispute under s. 22(1) of FIPPA because disclosure would unreasonably invade one or more third parties’ personal privacy.<sup>6</sup>

[13] Section 57(2) places the burden on the applicant to establish that disclosure of the information withheld under s. 22 would not be an unreasonable invasion of a third party’s personal privacy. However, as the public body in this matter, the University has the initial burden of proving that the information withheld under s. 22 is personal information.<sup>7</sup>

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<sup>6</sup> Schedule 1 of FIPPA says that a “third party” in relation to a request for access to a record or for correction of personal information means any person, group of persons or organization other than the person who made the request, or a public body.

<sup>7</sup> Order 03-41, 2003 CanLII 49220 (BCIPC) at paras 9-11.

***Unreasonable Invasion of Third-Party Personal Privacy – s. 22***

[14] There are four steps in the s. 22(1) analysis, and I apply each step of this analysis under the headings that follow.<sup>8</sup>

***Personal Information, s. 22(1)***

[15] The first step in the s. 22 analysis is to determine whether the information in dispute is “personal information” within the meaning of FIPPA.

[16] Schedule 1 of FIPPA defines personal information as “recorded information about an identifiable individual other than contact information.” Contact information is defined 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”.

[17] The University argues that the withheld information is personal information because it reveals the number of votes cast for each candidate.<sup>9</sup> The University also says that the information is personal information because it invites inferences about the candidates’ participation in election interference.<sup>10</sup> The applicant does not dispute that the withheld information is personal information.

[18] The disputed information is clearly information about identifiable individuals because it consists of the candidates’ names. Given the context, the candidates’ names also reveal other information about them, specifically, the fact they stood for election and the number of votes they each received. The disputed information is not contact information because it does not enable the candidates to be contacted at a place of business. For these reasons, I find that all of the withheld information is third-party personal information.<sup>11</sup>

***Not an Unreasonable Invasion of Privacy, s. 22(4)***

[19] The second step of the 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 the information falls into one of the circumstances listed in s. 22(4), then s. 22(1) does not apply and the University cannot withhold it on that basis.

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<sup>8</sup> Order F15-03, 2015 BCIPC 3 (CanLII) at para 58.

<sup>9</sup> The University’s initial submission at para 28.

<sup>10</sup> The University’s initial submission at paras 29-33.

<sup>11</sup> The University explains that the codes used to anonymize the voters’ identities do not correspond to the same voter across multiple elections nor can it be used to identify an individual voter. For this reason, I find that none of the information in dispute is the personal information about the individual voters in the Nullified Election.

[20] The University says that none of the s. 22(4) circumstances apply. The applicant argues that s. 22(4)(e) applies.<sup>12</sup>

Information About a Third Party's Position or Functions – s. 22(4)(e)

[21] Section 22(4)(e) says that disclosure of personal information would not be an unreasonable invasion of privacy if the information is about a third party's position, functions, or remuneration as an officer or employee of a public body.

[22] Past orders have found that s. 22(4)(e) applies to information that relates to a public body employee's job duties in the normal course of work-related duties, including objective, factual information about what the individual said or did while discharging their job duties. However, if the information at issue appears in a context such that it reveals more than just the third party's name, job title, duties, functions, remuneration, position, or what they did in the normal course of their work, then s. 22(4)(e) may not apply.<sup>13</sup>

[23] The applicant says that s. 22(4)(e) applies because the candidates in the Nullified Election were seeking a "public role" with the University, so disclosing how many votes each of them received "should not be considered private, but rather an essential part of ensuring accountability."<sup>14</sup>

[24] I accept that a student representative position with the University's Board of Governors is essentially an officer position at the University, which is a public body. However, I am not persuaded that information about the candidates' performance in the Nullified Election is information about that position or its functions. Clearly, a candidate does not occupy the position of student representative with the University unless they are elected. Furthermore, the Nullified Election did not lead to any appointments at all because it was nullified. Therefore, I find that s. 22(4)(e) does not apply.

*Section 22(3) – Presumed to be an Unreasonable Invasion of Personal Privacy*

[25] The third step in the s. 22(1) analysis is to consider whether any of the presumptions in s. 22(3) apply to the personal information at issue. Section 22(3) lists circumstances in which disclosure of personal information is presumed to be an unreasonable invasion of personal privacy.

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<sup>12</sup> The University's initial submission at para 34; The University's reply submission at para 28; Applicant's submission at 2.

<sup>13</sup> Order F23-28, 2023 BCIPC 32 (CanLII), at paras 41-42.

<sup>14</sup> Applicant's submission at 2.

[26] The University says that s. 22(3)(d) applies to the disputed information.<sup>15</sup> The applicant does not discuss any of the circumstances set out in s. 22(3).

Employment, Occupational or Educational History – s. 22(3)(d)

[27] Section 22(3)(d) states that disclosure is presumed to be an unreasonable invasion of a third party's personal privacy if the personal information relates to the employment, occupational, or educational history of a third party.

[28] First, the University says that the disputed information relates to allegations of misconduct and election interference. I understand the University to be arguing that the election results are essentially descriptive information about a third party's behaviour or actions in the course of a complaint investigation or disciplinary matter. Past orders have consistently held that this type of information relates to that third party's employment history under s. 22(3)(d).<sup>16</sup>

[29] I am not persuaded that the disputed information is descriptive information about the candidates' behaviour or actions in the context of an investigation into wrongdoing. The disputed information is the outcome of an election that may have been influenced by wrongdoing. However, the results reveal nothing about the alleged wrongdoing and the University itself was unable to make a formal determination as to who, if anyone, was at fault.<sup>17</sup> Furthermore, the election results were not recorded in the context of an investigation into wrongdoing but instead because recording the results is a necessary part of conducting an election. Therefore, I find this aspect of the University's submission unpersuasive.

[30] Next, the University argues that the number of votes each candidate received in the Nullified Election relates to the candidates' educational history because it is about the candidates' participation in student elections.

[31] I can see that the disputed information reveals the fact that the candidates were students at the University at a specific point in time. The disputed information also reveals that those candidates participated in a contentious student election during a specific year. Given that the disputed information reveals these facts, I find that it relates to the candidates' educational history, so disclosure is presumptively an unreasonable invasion of the candidates' personal privacy under s. 22(3)(d).

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<sup>15</sup> The University's initial submission at paras 35-40.

<sup>16</sup> See for example, Order F20-13, 2020 BCIPC 15 (CanLII), at para 52; Order 01-53, 2001 CanLII 21607 at paras 32-33.

<sup>17</sup> Affidavit #1 of VP, Students, at para 15.

### *Section 22(2) – All Relevant Circumstances*

[32] The final step in the s. 22 analysis is to consider the impact of disclosure of the personal information in light of all relevant circumstances, including those listed in s. 22(2). It is at this stage that the applicant may rebut the presumption created under s. 22(3)(d).

[33] The University says that ss. 22(2)(e), (f), (g) and (h) favour withholding the disputed information.<sup>18</sup> The applicant does not refer to a specific provision of s. 22(2) but the arguments he makes are relevant to s. 22(2)(a). I will consider each of these provisions in the analysis below. I will also discuss the election context as a relevant circumstance.

#### Public Scrutiny of a Public Body – s. 22(2)(a)

[34] Section 22(2)(a) asks whether disclosing the personal information is desirable for subjecting the activities of the government of British Columbia or a public body to public scrutiny. The purpose of s. 22(2)(a) is to foster accountability of a public body as opposed to scrutinizing individual third parties.<sup>19</sup>

[35] The applicant argues that the University is improperly withholding the disputed information to protect the University's reputation and financial interests, as opposed to upholding third-party privacy or safety.<sup>20</sup> The applicant says that withholding the results of the Nullified Election contradicts an expectation of transparency in democratic elections, particularly at public institutions like the University.<sup>21</sup> To support his position, the applicant points to the University's past decisions to release information about election misconduct, including releasing the results of an earlier election which was also nullified and re-held.<sup>22</sup>

[36] The University says that the only reason it withheld the election results is to protect third-party personal privacy under s. 22 of FIPPA. The University argues that disclosure will not contribute to greater transparency or add meaningful information to the community's knowledge and understanding of its decision to nullify the Nullified Election. The University says that the withheld information does not discuss the nature of the election interference, how the University addressed it or why it made the decision to nullify the election. Finally, the University says that it did not cause or contribute to the election interference

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<sup>18</sup> The University's initial submission at para 41.

<sup>19</sup> Order F16-14, 2016 BCIPC 16 (CanLII), at para 40.

<sup>20</sup> Applicant's submission at 3.

<sup>21</sup> Applicant's submission at 1 and 3.

<sup>22</sup> Applicant's submission at 1-3.

so there is no basis to assert that disclosure is necessary or desirable to achieve public scrutiny of its decisions.<sup>23</sup>

[37] I do not find the University's arguments persuasive. The fact that the University did not participate in election interference does not mean that none of its activities related to the Nullified Election deserve public scrutiny. Similarly, the decision to nullify an election was not the University's only activity. The University established rules for its elections, conducted the Nullified Election, nullified it based on reports of election interference, decided not to make findings of individual fault, and then re-held the election.

[38] The University does not adequately explain its view that releasing the results of the Nullified Election is "entirely inconsistent" with its decision to nullify the election.<sup>24</sup> Clearly, disclosure would allow the public to compare the results of the Nullified Election and Second Election. The difference between these results is the actual consequence of the University's response to reports of election interference. In my view, contributing to public knowledge of the consequences of the University's actions would certainly promote accountability for those actions.

[39] Finally, I agree with the applicant's general argument that there is an enhanced expectation of transparency in the context of elections. It seems to me that almost all members of the public have an interest in the fair administration of elections conducted by public bodies.

[40] Having considered the arguments and the circumstances discussed above, I find that disclosing the results of the Nullified Election would enhance scrutiny of the University's activities in the broader context of how the University manages its elections. Therefore, I find that disclosure is desirable for subjecting the University's activities to public scrutiny and s. 22(2)(a) weighs in favour of disclosure.

#### Unfair Damage to Reputation or Other Harm – ss. 22(2)(e) and (h)

[41] The University provides the same arguments to support the application of ss. 22(2)(e) and (h). Therefore, I will consider both provisions at the same time.

[42] Section 22(2)(e) asks whether disclosure will unfairly expose a third party to financial or other harm. Previous orders have said that s. 22(2)(e) can apply to mental harm if it is "serious mental distress or anguish or harassment."<sup>25</sup>

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<sup>23</sup> The University's reply submission at paras 8-13.

<sup>24</sup> The University's reply submission at para 18.

<sup>25</sup> Order 01-37, 2001 CanLII 21591 (BC IPC) at para 42.



Embarrassment, upset, or negative reactions fall below the required level of mental harm.<sup>26</sup>

[43] Section 22(2)(h) requires a public body to consider whether disclosure of personal information may unfairly damage the reputation of any person referred to in the records. The analysis under s. 22(2)(h) has two requirements. First, the public body must establish that disclosing the disputed information may damage the reputation of a person referred to in the records. Second, the reputational damage must be unfair.<sup>27</sup>

[44] Finally, in order for ss. 22(2)(e) or (h) to apply, the exposure to the harms listed in those provisions must directly relate to disclosure of the disputed information.<sup>28</sup>

[45] Turning to the parties' arguments, the University says that the disputed personal information includes "inferred information that certain candidates may have participated in, supported or encouraged election abuses, threats of violence and other misconduct."<sup>29</sup> The University explains that there are differences between the Nullified Election and the Second Election which would invite inferences about who participated in election interference, for example, by concluding that a candidate participated in election interference if their number of votes decreased between the two elections. The University says that because of these inferences, disclosing the candidates' names creates a risk of stigma, personal embarrassment, anxiety, reputational harm, loss of employment opportunities, as well as retaliation, threats, or acts of violence against those candidates.<sup>30</sup>

[46] Referring to affidavit evidence from its Vice President of Students (the VP), the University says that some candidates, campaign supporters and voters were intimidated, anxious, and fearful of their safety due to the alleged election interference activity. The University says that this history of intimidation and anxiety provides a clear basis for its concern that disclosure may cause inferences about specific candidates, even if not accurate or reliable, that could contribute to further harms.<sup>31</sup> The University argues that this harm, if it occurs, would be unfair because these inferences would be speculative and based on unproven assumptions instead of substantiated evidence.<sup>32</sup>

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<sup>26</sup> Order 01-15, 2001 CanLII 21569 (BC IPC), at paras 49-50; Order F20-37, 2020 BCIPC 43 (CanLII), at para 120.

<sup>27</sup> Order F21-69, 2021 BCIPC 80 (CanLII) at para 80.

<sup>28</sup> Order F24-67, 2024 BCIPC 77 (CanLII), at para 118; Order F14-10, 2014 BCIPC 12 (CanLII) at para 37.

<sup>29</sup> University's initial submission at para 44.

<sup>30</sup> The University's initial submission at paras 1, 31-33, and 44.

<sup>31</sup> The University's reply submission at paras 5, 15, and 34-36.

<sup>32</sup> The University's initial submission at paras 42-45.

[47] In response, the applicant says that this rationale is “entirely speculative and unsupported by any concrete evidence.” He argues that that accepting such hypothetical risks would undermine the integrity of information access.<sup>33</sup>

[48] The applicant also says that safety concerns cannot justify withholding the results of the Nullified Election because the University did not prevent any candidates from running in future elections, nor did it withhold the results of other elections where there was election interference.<sup>34</sup> In reply, the University says that the applicant’s perceptions about how other situations were handled is not relevant.<sup>35</sup>

[49] The VP’s affidavit evidence is that the University received reports that some voters, candidates and campaign supporters felt harassed, intimidated, and concerned for their safety during the Nullified Election.<sup>36</sup> While this aspect of the affidavit evidence is based on information and belief, I recognize that it would be problematic to obtain evidence directly from the voters for the purposes of this inquiry. Additionally, I think that the VP is likely the best-placed individual to describe the general circumstances of the Nullified Election. Therefore, on the basis of this evidence, I find that some voters, campaign supporters and candidates experienced harassment, intimidation, and fear for their personal safety during the Nullified Election.

[50] The harassment and intimidation that occurred during the Nullified Election arose from competing groups trying to secure victory for their preferred candidates. Those groups already know that the Nullified Election led to no victories for any candidates. Additionally, the successful candidates of the Second Election are already publicly known. Given that the motivation to interfere in the Nullified Election and Second Election no longer exists, I do not think the past interference activity during the Nullified Election supports the University’s concern that someone might harass, intimidate, or defame a former candidate once the disputed information is disclosed.

[51] The University is concerned that people will assume the candidates who received more votes in the Nullified Election must have participated in the election interference, and then those people will take actions that harm the mental wellbeing or reputation of those candidates. The problem with this expectation is that there is no meaningful evidence to establish that anyone might form those opinions or take those actions, and it relies on a series of assumptions about future opinions and actions.

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<sup>33</sup> Applicant’s submission at 2.

<sup>34</sup> Applicant’s submission at 2.

<sup>35</sup> The University’s reply submission at para 36.

<sup>36</sup> Affidavit #1 of VP, Students, at paras 14 and 15.

[52] For example, in order for the former candidates to be exposed to such harms, a person must assume that the reports of election interference activity are true, that the interference activity was effective to the point of being detectable in the election results, that there were no other factors meaningfully affecting the election results, and that the candidates who received the most votes played some role in the misconduct that benefited them.

[53] I am not satisfied by the University's affidavit evidence or arguments that anyone might draw all of these inferences, let alone that anyone might act upon them. In my view, anyone can already draw these inferences without the disputed information. I see no convincing reason to conclude that the number of votes for each candidate is information whose disclosure would change or intensify peoples' existing opinions about the candidates.

[54] I find that there is insufficient evidence or persuasive reasoning to establish that disclosure of the information in dispute would expose anyone (let alone unfairly) to financial or other harm, or that disclosure may unfairly damage anyone's reputation. I conclude that the University has not established that the harm contemplated under ss. 22(2)(e) and (h) would be directly related to disclosure of the specific information in dispute. Consequently, I find that ss. 22(2)(e) and (h) do not favour withholding the disputed information.

Information Supplied in Confidence – s. 22(2)(f)

[55] Section 22(2)(f) asks whether the personal information was supplied in confidence. If so, this will weigh against disclosure. Section 22(2)(f) requires evidence that an individual supplied the information under an objectively reasonable expectation of confidentiality at the time they supplied the information.<sup>37</sup>

[56] The University says that the withheld information is implicitly of a confidential character because of the information that can be inferred from it, namely, that the candidates may have engaged in election misconduct. The University also argues that it received the election results in confidence.<sup>38</sup>

[57] I find that the type of information the University is concerned about – i.e., information that could be *inferred* based on how many times a candidate's name appears in the record – is not information that anyone has *supplied*, let alone supplied in confidence. Drawing an inference or forming an opinion based on personal information that appears in the University's record is not an act of supplying personal information to the University.

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<sup>37</sup> Order F23-66, 2023 BCIPC 77 (CanLII) at para 69 citing Order F11-05, 2011 BCIPC 5 (CanLII) at para 41, citing Order 01-36, 2001 CanLII 21590 (BCIPC) at paras 23-26.

<sup>38</sup> The University's initial submission at paras 46-47.

[58] Furthermore, the voters did not supply the total number of votes that each candidate received in the election. The total number of votes is information that can be calculated using the number of times a candidates' name appears in the record at issue.

[59] The only information that each voter supplied was the name of their preferred candidate, and the candidates supplied their own names to the University for the purpose of the election. In either case, I am not satisfied that the personal information in dispute was supplied in confidence. It seems obvious to me that everyone expected the University to disclose the candidates' names for the purpose of the election. There is nothing in the material before me that suggests the candidates or voters expected the candidates' names to be kept confidential when that information was supplied to the University.

[60] Having considered these circumstances, I conclude that the disputed information was not supplied in confidence, so s. 22(2)(f) does not weigh against disclosure.

Information that is Likely to be Inaccurate or Unreliable – s. 22(2)(g)

[61] Section 22(2)(g) asks whether the personal information in dispute is likely to be inaccurate or unreliable. Section 22(2)(g) weighs against disclosure if the withheld personal information is likely to be inaccurate or unreliable, or where its disclosure could result in third parties being misrepresented in a public way.<sup>39</sup>

[62] The University argues that s. 22(2)(g) weighs against disclosure because, if the record in dispute is disclosed, then people will be invited to make inferences about the candidates' involvement in election interference. The University explains that these inferences would be based on unproven assumptions about the effectiveness of election interference tactics and on the assumption that no other factors influenced the results of the Nullified Election.<sup>40</sup>

[63] Section 22(2)(g) is concerned with the accuracy and reliability of the disputed personal information. It is not concerned with the accuracy or reliability of inferences that some third parties might form in the future after combining the disputed information with other information. Therefore, I find that under s. 22(2)(g), whether third parties will draw inaccurate inferences using the information in dispute is not a relevant consideration and I will not consider it further.

[64] Clearly, the University believed that the votes which comprise the election results were not reliable enough to accept the results of that election due to the

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<sup>39</sup> Order F23-102, 2023 BCIPC 118 (CanLII) at para 33; Order F24-09, 2024 BCIPC 12 (CanLII) at para 64.

<sup>40</sup> The University's initial submission at paras 48-50.

possibility of election interference activity. However, I am satisfied the personal information accurately represents the votes the University recorded each candidate having received - regardless of what factors may have influenced the voter to cast their vote as they did. In that sense, I can see nothing to indicate that the disputed personal information, as it appears in the record, is likely to be inaccurate or unreliable.

[65] I find that the disputed personal information is not likely to be inaccurate or unreliable, so s. 22(2)(g) does not favour disclosure.

### Context

[66] I have also considered the fact that the personal information was recorded in the context of an open election. It is reasonable to conclude, given there is nothing indicating otherwise, that candidates and voters always expected the University would publicly disclose the candidates' names and how many votes they received. This context weighs strongly in favour of disclosure.

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

[67] All of the disputed information is the personal information of the candidates in the Nullified Election. I determined that all of the personal information is subject to a presumption that disclosure would be an unreasonable invasion of the candidates' personal privacy under s. 22(3)(d) because it relates to their educational history.

[68] Turning to the relevant circumstances under s. 22(2), I determined that disclosure is desirable for subjecting the University's activities to public scrutiny under s. 22(2)(a), which weighs in favour of disclosure. Additionally, I determined that disclosure would not expose anyone to financial or other harm under s. 22(2)(e) or unfairly damage anyone's reputation under s. 22(2)(h). I also found the disputed information was not supplied in confidence under s. 22(2)(f), and the disputed information was not likely to be unreliable or inaccurate under s. 22(2)(g). I also considered the context of the personal information to be a circumstance that weighs strongly in favour of disclosure. The context was an open election where the reasonable expectation of everyone involved was that the candidates' names and the number of votes each of them received would be publicly disclosed.

[69] Taking all relevant circumstances into consideration, I conclude that the s. 22(3)(d) presumption has been rebutted and disclosing the personal information at issue would not be an unreasonable invasion of third-party personal privacy.

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## **CONCLUSION**

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

1. The University is not required or authorized by s. 22(1) to refuse the applicant access to any of the information in dispute.
2. I require the University to give the applicant access to all of the information in dispute. The University must concurrently provide the OIPC registrar of inquiries with a copy of its cover letter and the record it provides to the applicant in compliance with this order.

[71] Pursuant to s. 59(1) of FIPPA, the University is required to comply with this order by September 4, 2025.

July 22, 2025

## **ORIGINAL SIGNED BY**

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Alexander R. Lonergan, Adjudicator

OIPC File No.: F23-94352