



Order F25-71

## VANCOUVER POLICE DEPARTMENT

Carol Pakkala  
Adjudicator

September 9, 2025

CanLII Cite: 2025 BCIPC 82  
Quicklaw Cite: [2025] B.C.I.P.C.D. No. 82

**Summary:** An applicant requested access, under the *Freedom of Information and Protection of Privacy Act* (FIPPA), to audio recordings of a 911 call. The Vancouver Police Department (VPD) withheld the audio recordings under ss. 15(1)(g) (exercise of prosecutorial discretion), 16(1)(b) (harm to intergovernmental relations), and 22(1) (unreasonable invasion of third party personal privacy) of FIPPA. The adjudicator found VPD was required to refuse access to the audio recordings under s. 22(1).

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

## INTRODUCTION

[1] An applicant, whose behaviour resulted in a call to 911, made a request to the Vancouver Police Department (“VPD”) under the *Freedom of Information and Protection of Privacy Act* (FIPPA) for access to audio recordings of the 911 call.

[2] VPD refused to give access to the records under ss. 15(1)(g) (exercise of prosecutorial discretion), 16(1)(b) (disclosure harmful to intergovernmental relations), and 22(1) (unreasonable invasion of third party personal privacy) of FIPPA.<sup>1</sup>

[3] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review VPD’s decision. OIPC’s investigation and mediation process did not resolve the issues, and the matter proceeded to this inquiry.

---

<sup>1</sup> From this point forward, unless otherwise specified, whenever I refer to section numbers, I am referring to sections of FIPPA.

[4] During the inquiry, VPD reconsidered its position and no longer relies on s. 16(1)(b).<sup>2</sup> For this reason, s. 16(1)(b) is no longer at issue in this inquiry, and I will not consider it further.

## **Preliminary Matters**

### *Additional submissions*

[5] After reviewing the submissions of both parties, I noted there was some confusion about a previous OIPC ruling. VPD made its initial submission<sup>3</sup> relying on an OIPC order<sup>4</sup> and the applicant responded<sup>5</sup> with a submission about an OIPC decision<sup>6</sup> with the same OIPC number. As these two rulings have the same F07-04 number, I could see how they were easily confused.

[6] Given the readily apparent confusion, I found it appropriate in the interests of fairness to give the applicant the opportunity to review and respond to Order F07-04. To that end, I extended an invitation to the applicant to make a submission on the application of that order. I clearly stated in my invitation that it was not an opportunity to argue any other issues beyond the application of Order F07-04.<sup>7</sup>

[7] The applicant provided a further submission addressing the application of Order F07-04.<sup>8</sup> VPD's response to this further submission identifies the length and breadth of the applicant's submission as being beyond the scope of my invitation.<sup>9</sup> I agree. For clarity, I only consider in this order those portions of the applicant's further submission that are relevant to the application of Order F07-04.

### *Matters outside the scope of this inquiry*

[8] The applicant's initial submission contains allegations of wrongdoing by VPD. I wish to be clear at the outset that while I appreciate the significance of these issues to the applicant, they are outside of my jurisdiction. The scope of this inquiry is solely about whether VPD properly applied FIPPA. For this reason, I will only refer to those portions of the applicant's submission that relate to the FIPPA issues I must decide in this inquiry.

---

<sup>2</sup> VPD's initial submission at para 10.

<sup>3</sup> VPD's initial submission at paras 46-47.

<sup>4</sup> Order F07-04, 2007 CanLII 9595 (BC IPC).

<sup>5</sup> Applicant's submission at para 4.

<sup>6</sup> Decision F07-04, 2007 CanLII 67284 (BC IPC).

<sup>7</sup> Adjudicator's letter to the applicant dated July 24, 2025.

<sup>8</sup> Applicant's further submission dated July 24, 2025. This further submission is 21 pages long with only pages 1-4 addressing the application of Order F07-04. I will refer to this submission as the "applicant's further submission".

<sup>9</sup> VPD's email to OIPC's registrar dated August 5, 2025.

[9] The applicant also alleges there was an unauthorized collection of personal information that never underwent legal review.<sup>10</sup> An unauthorized collection of personal information is properly dealt with as a complaint to the OIPC and, as such, is beyond the scope of this current inquiry.

*Applicant's request for an oral hearing*

[10] During the submission phase, the applicant requested an oral hearing on the basis that there are conflicting facts that must be clarified orally. While s. 56(4)(a) gives the Commissioner the power to decide whether representations are to be made orally or in writing, for the reasons that follow, I decline to grant the applicant's request.

[11] The notice of inquiry clearly states that submissions were to be made in writing. This process is the one routinely used by the OIPC. In addition to this usual written submission process, I also convened the second round of submissions to permit the applicant to address the application of Order F07-04. Through this entire written submission process, the applicant was able to, and did, respond to VPD's affidavit evidence and position on the application of FIPPA.

[12] Based on the content of the applicant's submission, the conflicting facts appear to me to be related to the applicant's allegations of wrongdoings by VPD. As will be clear from my analysis below, the applicant does not dispute the facts related to the FIPPA issues I must decide in this inquiry. For example, the applicant does not dispute that the 911 call formed part of a law enforcement investigation.<sup>11</sup>

[13] I am not persuaded therefore that the applicant offers a sufficient reason to delay this matter for the purpose of convening an in-person hearing. I decline to grant the applicant's request for an oral hearing.

*Applicant's knowledge of the information in dispute*

[14] At the outset, I wish to be clear about the unique circumstances in this inquiry. The audio recordings at issue were transcribed. During this inquiry, the applicant provided the transcripts of the recordings attached to their submission.<sup>12</sup>

[15] I listened to the audio recordings while simultaneously reading the transcripts. I can confirm that the transcripts are a true and accurate reflection of

---

<sup>10</sup> Applicant's submission at page 5, para D.

<sup>11</sup> Applicant's further submission at page 2.

<sup>12</sup> Applicant's email to the OIPC dated June 5, 2025.

the content of the audio recordings. This inquiry is strictly about whether the applicant is entitled to access the voices in the audio recordings.

## ISSUES AND BURDEN OF PROOF

[16] The issues I must decide in this inquiry are whether:

1. Section 15(1)(g) authorizes VPD to refuse to withhold the information at issue.
2. Section 22(1) requires VPD to withhold the information at issue.

[17] Section 57 sets out who has the burden of proving that an applicant should or should not be given access to a particular piece of information. VPD has the burden of proving it is authorized to withhold the information in dispute under s. 15(1)(g).

[18] VPD also has the burden of proving the information at issue under s. 22 is personal information.<sup>13</sup> If VPD meets this burden, the burden then shifts to the applicant to prove that the disclosure of the personal information would *not* be an unreasonable invasion of third party personal privacy.<sup>14</sup>

## DISCUSSION

### Background<sup>15</sup>

[19] VPD received a request from the RCMP to check on the well being of an individual later identified as the applicant. The request stemmed from a 911 call from a crisis line worker (Caller). The 911 call was answered by a 911 call-taker (Call-taker) and was subsequently transferred to a 911 dispatcher (Dispatcher).

[20] The applicant was charged with a criminal offence related to this 911 call. The charge was later withdrawn by crown counsel.

[21] The applicant requested access to the audio recordings of the 911 call. As noted above, the applicant is already aware of the content of the 911 call because they have the transcripts of the audio recordings.<sup>16</sup>

---

<sup>13</sup> Order 03-41, 2003 CanLII 49220 (BC IPC) at paras 9-11.

<sup>14</sup> FIPPA, s. 57(2).

<sup>15</sup> These background facts come from the submissions of both parties and are not in dispute.

<sup>16</sup> The applicant submitted the transcripts in this inquiry.

## Records in dispute

[22] The responsive records consist of two audio recordings.<sup>17</sup> VPD describes them as audio recordings of a 911 call from a crisis line worker.<sup>18</sup> The first recording is of the conversation between the Caller and the Call-taker. The second is between the Caller and the Dispatcher. VPD withheld both audio recordings in their entirety.

[23] While there are two separate recordings, I will refer to them collectively as the 911 call. I will only distinguish the two where necessary for the purposes of my analysis.

## ***Unreasonable invasion of third party personal privacy - s. 22***

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

[25] Section 22(1) is mandatory, meaning a public body has no discretion and is required by law to refuse to disclose the information to which it applies. Previous orders have considered the proper approach to the application of s. 22 and I apply those same principles here.<sup>19</sup>

### *Personal information*

[26] Section 22(1) only applies to personal information, so the first step in a s. 22 analysis is to decide if the information in dispute is personal information.

[27] 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.”<sup>20</sup> Whether information is “contact information” depends upon the context in which it appears.<sup>21</sup>

---

<sup>17</sup> VPD says there were three audio recordings responsive to the applicant's request and that one was released to the applicant. VPD provided two audio recordings (Audio\_2592489.wav and Audio\_2582492.wav) for review in this inquiry. I conclude that there are only two audio recordings in dispute that record the 911 call.

<sup>18</sup> VPD's initial submission at para 7.

<sup>19</sup> Order F15-03, 2015 BCIPC 3 (CanLII) at para 58 sets out a summary of the steps in a s. 22 analysis which I follow here.

<sup>20</sup> FIPPA, Schedule 1.

<sup>21</sup> Order F20-13, 2020 BCIPC 15 (CanLII) at para 42.

[28] I will first consider whether the information in the records in dispute is about identifiable individuals. I will then consider whether any of the information that I find is about identifiable individuals is contact information.

#### Parties' positions - personal information

[29] VPD says the information at issue is the spoken audio of a third party's call for police assistance. VPD says the audio includes the emotions associated with the call. VPD further says that the information about the applicant in the audio recordings is inextricably intertwined with third party personal information.<sup>22</sup>

[30] I understand the applicant's position to be that the audio recordings do not contain personal information because they record a call from a crisis line worker, not from a layperson. The applicant says the information recorded in the call is therefore "professional", rather than "personal", information.<sup>23</sup> The argument seems to me to be that "professional information" should not be accorded the same level of privacy protection as "non-professional" information.

#### Analysis - personal information

[31] The information in the audio recordings includes details about the events leading to the 911 call. The information also includes the name of the Caller, a phone number, and the voices of the Caller, the Call-taker, and the Dispatcher.

[32] I find that the name of the Caller is personal information. A name is the most direct means of identifying an individual.<sup>24</sup> Furthermore, I am satisfied in this case that the name is not contact information because of the context in which it was given in the call.

[33] The phone number in the audio recording is identified as the crisis line phone number. This phone number is not personal information because it is not the phone number of an identifiable individual.<sup>25</sup> The phone number is however given by the Caller, so I consider it further in the context of the voices below. I note here that the applicant already has the phone number from the transcripts of the audio recordings.

[34] I turn now to the voices of the Caller, the Call-taker, and the Dispatcher. In addition to the information conveyed by the speakers, the very nature of an audio recording means that it includes additional personal information such as the tone

---

<sup>22</sup> VPD's initial submission at paras 44-45.

<sup>23</sup> Applicant's further submission at page 3 addressing the application of Order F07-04 to the audio of a 911 call.

<sup>24</sup> Order F21-47, 2021 BCIPC 55 (CanLII) at para 13.

<sup>25</sup> The phone number is provided at minute 6:32 of Audio\_2582492.wav.

and inflection of a person's voice and their emotional state.<sup>26</sup> As a result, a voice can be personal information. The key question is whether the voices are *identifiable*.

[35] During the audio recordings, the Caller is identified by name and their voice is audible, as are the voices of the Call-taker and the Dispatcher. All three voices allow one to make inferences about gender, age, and first language.<sup>27</sup> Additionally, the occupations of all three are evident from the recordings. Finally, I can easily discern the tone and inflection of each person's voice.<sup>28</sup>

[36] Taking all of the above into account, I find that the voices could allow someone familiar with the events or with the individuals' occupations to identify them. In the particular circumstances before me, I am satisfied that the voices in the audio recordings are those of identifiable individuals.<sup>29</sup>

[37] I find the voices are not contact information because they were clearly not recorded to enable those specific individuals to be contacted at their places of business. I find that all three voices are recorded information about identifiable individuals, are not contact information, and are therefore personal information. As the Caller delivered the phone number discussed above in the context of making a 911 call, I include the delivery of that phone number as their personal information.

[38] I note here that the applicant's position on "professional information" does not preclude a finding that the recordings contain "personal information" under FIPPA. As noted above, FIPPA defines "personal information" and there is a body of orders that further clarify its meaning. Nowhere does it say that professional information is not personal information. The applicant's comments about "professional information" are, in my view, relevant to the analysis under s. 22(4), so I consider them further below.

[39] The fact that the 911 call was about the applicant is not in dispute which means some of the information in the recordings is the applicant's information. The recording of the conversation between the Caller and the Call-taker contains no details about the applicant.<sup>30</sup> It is only when the 911 call is transferred to the Dispatcher that the applicant is specifically discussed.<sup>31</sup> I find therefore that only the recording of the conversation between the Caller and the Dispatcher contains the applicant's information.

---

<sup>26</sup> Order F24-10, 2024 BCIPC 14 (CanLII) at para 34; Order F18-47, 2018 BCIPC 50 (CanLII) at para 24; Order F22-10, 2022 BCIPC 10 (CanLII) at para 83.

<sup>27</sup> For similar reasoning, see Order F23-92, 2023 BCIPC 108 (CanLII) at para 39.

<sup>28</sup> Order F22-10, 2022 BCIPC 10 (CanLII) at para 10 citing Order F18-47, 2018 BCIPC 50 at para 24.

<sup>29</sup> For a similar analysis, see Order F07-04, 2007 CanLII 9595 (BC IPC).

<sup>30</sup> Audio\_2592489.wav.

<sup>31</sup> Audio\_2582492.wav.

[40] I find the applicant's information is not contact information because it is not information to enable them to be contacted at a place of business. I find that the second audio recording includes recorded information about the applicant that is not contact information and is therefore the applicant's personal information. I find this personal information is simultaneously the personal information of the applicant, the Caller, and the Dispatcher.

*Not an unreasonable invasion of third party personal privacy - s. 22(4)*

[41] The next step in the s. 22 analysis is to determine whether the personal information falls into any of the categories set out in s. 22(4) and is, therefore, not an unreasonable invasion of a third party's personal privacy.

Third party's position, functions, or remuneration – s. 22(4)(e)

[42] Given the applicant's comments about "professional information", I considered whether s. 22(4)(e) applies. Section 22(4)(e) says that it is not an unreasonable invasion of a third party's personal privacy to disclose information about their position, functions or remuneration as an officer, employee or member of a public body.

[43] Past orders have established that s. 22(4)(e) applies to objective, factual statements about what a third party public body employee did or said in the normal course of their duties.<sup>32</sup>

[44] For the Caller, beyond referring to those involved in the call as "professionals", the applicant does not say, and I cannot see, that the Caller is an "officer, employee or member of a public body". I find the Caller is not an officer, employee or member of a public body and, therefore, s. 22(4)(e) does not apply to the Caller's voice.

[45] For the Call-taker and Dispatcher, I am satisfied they are both public body employees. 911 calls in British Columbia are taken and dispatched through E-Comm<sup>33</sup> which is a public body under FIPPA.<sup>34</sup> I decided above that their voices are their personal information, so I turn now to whether s. 22(4)(e) applies to their voices.

[46] In Order F23-92,<sup>35</sup> the adjudicator found that 22(4)(e) applied to some of the content of a 911 call where the public body employees were talking in the

---

<sup>32</sup> Order F24-10, 2024 BCIPC 14 (CanLII) at para 45; Order F09-15, 2009 BCIPC 58553 (CanLII) at para 15; and Order F14-41, 2014 BCIPC 44 (CanLII) at para 24.

<sup>33</sup> Ecomm is a corporation established under the *Emergency Communications Corporations Act*, SBC 1997, c. 47.

<sup>34</sup> Schedule 2.

<sup>35</sup> 2023 BCIPC 108 (CanLII) at para 46.



normal course of discharging their job duties. The adjudicator also found it did not apply where the information was not exclusively about the employees' positions, functions or remuneration.

[47] In this case, given that the context is an audio recording, the Call-taker and Dispatcher's voices and what they said are inextricably linked. Their voices convey information about them as individuals that is in addition to what they said in the normal course of discharging their job duties. Therefore, the withheld personal information is not exclusively about the Call-taker and Dispatcher's positions, functions or remuneration. For that reason, I am not satisfied that s. 22(4)(e) applies to the Call-taker and Dispatcher's personal information in the audio recording.

[48] I considered whether any other circumstances listed under s. 22(4) apply and I find they do not.

*Presumed unreasonable invasion of third party personal privacy - s. 22(3)*

[49] The third step in the s. 22 analysis is to determine whether any presumptions set out in s. 22(3) apply to the voices. Section 22(3) sets out circumstances where disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy. VPD relies on s. 22(3)(b).<sup>36</sup>

Investigation into a possible violation of law – s. 22(3)(b)

[50] Section 22(3)(b) creates a presumption of an unreasonable invasion of personal privacy where the personal information "was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation."

[51] The applicant does not dispute that the recordings occurred in a law enforcement context. The applicant acknowledges that, as in Order F07-04, the presumption under s. 22(3)(b) is "engaged on the face of it".<sup>37</sup> However, the applicant says the s. 22(3)(b) presumption applied to a 911 call in Order F07-04 should not apply here.

[52] In considering the guidance provided by Commissioner Loukidelis in Order F07-04, the applicant urges me to consider: VPD's alleged procedural wrongdoings and mischaracterization of applicable authorities; the difference in identities of the applicants; the applicant's prior knowledge of the contents of the recordings; the context of the call and differing privacy expectations; and the

---

<sup>36</sup> VPD's initial submission at paras 39-48.

<sup>37</sup> Applicant's further submission at page 2.

public interest.<sup>38</sup> None of these factors are relevant to whether or not the presumption under s. 22(3)(b) applies. Some of these factors are however relevant to the application of s. 22(2) so I consider them further below.

[53] The applicant does not dispute that the recordings occurred in a law enforcement context or that the applicant faced criminal charges related to the 911 call. VPD has demonstrated that the audio recordings were compiled and are identifiable as part of an investigation into a possible violation of law. Therefore, I find that s. 22(3)(b) applies and that disclosure of the voices is presumed to be an unreasonable invasion of their privacy.

[54] I considered whether any of the other presumptions under s. 22(3) apply and find they do not.

*Relevant circumstances – s. 22(2)*

[55] The final step in the s. 22 analysis is to consider all relevant circumstances, including those listed in s. 22(2), before determining whether the disclosure of personal information would be an unreasonable invasion of personal privacy. It is at this step that the s. 22(3)(b) presumption may be rebutted.

[56] VPD does not directly identify any relevant circumstances under s. 22(2). Based on the totality of what both VPD and the applicant say, I consider ss. 22(2)(a) and (f) are relevant listed circumstances for me to consider.

Public scrutiny of a public body – s. 22(2)(a)

[57] Section 22(2)(a) supports disclosure where it is desirable for the purpose of subjecting the activities of a public body to public scrutiny. The purpose of s. 22(2)(a) is to foster the accountability of a public body.<sup>39</sup>

[58] As noted above, the applicant says procedural wrongdoing by VPD is a factor that should outweigh third party privacy concerns. The details about any alleged procedural wrongdoing by the applicant appears to me to be in relation to a different audio recording that is not at issue in this inquiry.<sup>40</sup>

[59] From listening to the voices in the audio recordings, I find they do not reveal anything that is desirable for the purposes of subjecting VPD to public scrutiny. Further, the applicant already has the content of the audio recordings so disclosure of the voices would not add any additional information for the purpose of subjecting the VPD to public scrutiny. Therefore, I find that s. 22(2)(a) does not apply.

---

<sup>38</sup> Applicant's further submission at pages 3-4.

<sup>39</sup> Order F05-18, 2005 CanLII 24734 (BC IPC) at para 49.

<sup>40</sup> Applicant's submission at page 3.

Supplied in confidence, s. 22(2)(f)

[60] Section 22(2)(f) weighs against disclosure of third party personal information that has been supplied in confidence. For s. 22(2)(f) to apply, there must be evidence that an individual supplied the personal information, and that they did so under an objectively reasonable expectation of confidentiality at the time the information was provided.<sup>41</sup>

[61] In Investigation Report P97-010, then Commissioner Flaherty said that when a person calls 911 and seeks assistance, the call and any information supplied during the conversation with a 911 operator is in the strictest confidence.<sup>42</sup>

[62] The applicant comments on the nature of a 911 call from a crisis line worker being different than a call from a private citizen reporting a crime. I understand the applicant's position to be that because the 911 call occurred in the context of the crisis line worker's occupation, there is no expectation of confidentiality.

[63] In my view, the expectation of confidentiality for 911 callers arises from a desire to get assistance in emergent circumstances without risk of being subject to public scrutiny. The applicant does not say, and I cannot see, why that expectation is any different for a crisis line worker.

[64] While there is no express statement of confidentiality in the 911 call, given the content and context of the 911 call, I find that it is reasonable to conclude that the call was in the strictest confidence.

[65] I find that s. 22(2)(f) applies and weighs against disclosing the voices.

Unlisted circumstances

[66] Past OIPC orders also identify other circumstances not specifically listed in s. 22(2) as relevant to consider. Those circumstances include the applicant's knowledge<sup>43</sup> and whether any of the information is the applicant's personal information.<sup>44</sup> I considered both circumstances.

---

<sup>41</sup> Order F23-92, 2023 BCIPC 108 (CanLII) at para 56 citing Order F11-05, 2011 BCIPC 5 at para 41 citing and adopting the analysis in Order 01-36, 2001 CanLII 21590 (BC IPC) at paras 23-26 regarding s. 21(1)(b).

<sup>42</sup> Order F23-92, 2023 BCIPC 108 (CanLII) at para 58; Investigation Report P97-01, <http://www.oipc.bc.ca/investigation-reports/1257> at page 3.

<sup>43</sup> F23-92, 2023 BCIPC 108 (CanLII) at para 67 citing Order F18-48, 2018 BCIPC 51 at para 27; Order F20-22, 2020 BCIPC 26 at para 51.

<sup>44</sup> See, for example, Order F18-30, 2018 BCIPC 33 (CanLII) at para 41; Order F20-13, 2020 BCIPC 15 (CanLII) at para 73.

[67] I find that the applicant has not demonstrated prior knowledge of the voices. I also find that while the information in the 911 call is about the applicant, it is inextricably intertwined with the third parties' personal information (voices). Further, the applicant has the transcripts and is already aware of the personal information discussed in the audio recordings. I find these factors do not weigh in favour of disclosure.

*Conclusion – s. 22(1)*

[68] I found that the 911 audio recordings contain the personal information of the Caller, the Call-taker, the Dispatcher, and the applicant. I found that s. 22(4)(e) does not apply. I also found that a presumption of an unreasonable invasion of personal privacy under s. 22(3)(b) applies to the voices.

[69] After considering all of the relevant circumstances, including those listed under s. 22(2), I conclude that the applicant has not rebutted the presumption under s. 22(3)(b). I find that disclosing the voices would be an unreasonable invasion of third party personal privacy. VPD must withhold the voices.

***Section 15(1)(g) – prosecutorial discretion***

[70] Section 15(1)(g) authorizes a public body to refuse to disclose information that could reasonably be expected to reveal any information relating to or used in the exercise of prosecutorial discretion. Given my findings under s. 22(1), I need not consider whether s. 15(1)(g) also applies.

**CONCLUSION**

[71] For the reasons given above, I confirm VPD is required to refuse access to the audio recordings of the 911 call under s. 22(1).

September 9, 2025

**ORIGINAL SIGNED BY**

---

Carol Pakkala, Adjudicator

OIPC File No.: F23-95768