



Order F25-75

## BRITISH COLUMBIA LOTTERY CORPORATION

Allison J. Shamas  
Adjudicator

September 26, 2025

CanLII Cite: 2025 BCIPC 88  
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**Summary:** The British Columbia Lottery Corporation (BCLC) requested authorization to disregard outstanding and future access requests from an individual (the respondent) under ss. 43(a) and (c)(ii) of the *Freedom of Information and Protection of Privacy Act*. The adjudicator found that some of the respondent's outstanding requests were vexatious within the meaning of s. 43(a), but that s. 43(c)(ii) did not apply because BCLC had not established that responding to any of the outstanding requests would unreasonably interfere with the operations of BCLC under s. 43(c)(ii). The adjudicator authorized BCLC to disregard the vexatious requests; and for a period of 18 months, to disregard future requests relating to the same topics as the vexatious requests as well as all access requests that the respondent submits over and above a single access request at a time.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, RSBC 1996 c. 165 ss. 43(a) and 43(c)(ii).

### INTRODUCTION

[1] This proceeding concerns an application by the British Columbia Lottery Corporation (BCLC) under s. 43 of the *Freedom of Information and Protection of Privacy Act*<sup>1</sup> (FIPPA) for authorization to disregard access requests submitted by the respondent (application to disregard).

[2] At the time BCLC made its application to disregard,<sup>2</sup> the respondent had five outstanding requests open with BCLC. Following BCLC's application, but before the close of submissions, the respondent made an additional five

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<sup>1</sup> RSBC 1996 c. 165.

<sup>2</sup> BCLC applied to the Office of the Information and Privacy Commissioner (OIPC) for relief under s. 43 on May 30, 2025.

requests. BCLC did not request permission to add these five additional requests to its application, but it did request relief in respect of them.

[3] During the inquiry, I wrote to the parties to give them the opportunity to provide submissions as to whether I should give BCLC permission to add the five new access requests to the application, and to give the respondent the opportunity to provide any submissions they may wish to make about those five additional requests.

[4] BCLC made further submissions, the respondent did not. In its submissions BCLC requested permission to add the five new requests as well as two additional requests made by the respondent after the close of the usual submission process but before I sent my letter. In support of its request, BCLC submits that its request to disregard future requests until the end of 2025 covers all seven new requests, and that in any event to require it to submit a fresh application for the seven new requests would be unnecessary, repetitious and a waste of resources when the seven new requests can be addressed in the current application.

[5] While the respondent did not respond to my letter, in his original response submission the respondent noted that BCLC's request for relief in its inquiry submissions was more expansive than that in its original application and submitted that the expanding grounds were a method of intimidation.

[6] I am not persuaded that BCLC's decision to seek relief in respect of the respondent's new access requests is a form of intimidation against the respondent. Rather, I find that BCLC requested relief in respect of the seven new requests because it genuinely wants the OIPC to grant it s. 43 relief in respect of them.

[7] I agree with BCLC that it was clear from the time it made its application that it was seeking relief in respect of all future applications until the end of 2025. I also agree with BCLC that it would be a waste of resources to require it to submit a fresh application to address the seven new requests when they can be addressed in the current application. In addition, while the respondent elected not to do so, the respondent had the opportunity to make submissions about the requests they made after BCLC filed the application to disregard. In the circumstances, I find that it is appropriate to consider the seven new requests in this application. Accordingly, there are 12 access requests at issue in this inquiry. I will refer to them collectively as the "outstanding requests."

## **ISSUES IN DISPUTE**

[8] The issues before me in this application are:

1. Whether the outstanding requests are frivolous or vexatious within the meaning of s. 43(a)?
2. Whether responding to the outstanding requests would unreasonably interfere with the operations of the public body because the requests are repetitious or systematic within the meaning of s. 43(c)(ii)?
3. If the answer to either of the above questions is yes, what relief, if any, is appropriate?

The burden of proof is on BCLC to establish that ss. 43(a) and (c)(ii) apply.<sup>3</sup>

## BACKGROUND

[9] BCLC is a Crown corporation of the Province of British Columbia whose mandate is to conduct and manage gaming in the province. In fulfilling this mandate, BCLC contracts with service providers who own and operate casinos in the province.

[10] The respondent is a patron of those casinos and has been involved in several security incidents at two of them during which he was removed from the premises and, in some cases, barred entry for periods of time.

[11] The respondent submitted 19 access requests to BCLC between April 8, 2025 and June 16, 2025.<sup>4</sup> BCLC responded to the first seven requests (past requests), but 12 remain outstanding. It is with respect to the 12 outstanding requests and any future requests that BCLC requests relief under s. 43.

[12] The respondent's history of access requests are as follows. Requests 1 – 7 are past requests. Requests 8 – 19 are outstanding requests:

Request #	BCLC File No.	Date of Request	Records or information requested
1	FOI 25-30	April 7, 2025	The current Patron Code of Conduct submitted by your service providers Gateway Casinos and Great Canadian Gaming, as established in the April, 2020 Gaming Policy and Enforcement Branch document entitled 'Safe and Respectful Work Environment Standard', issued by ---."
2	FOI 25-31	April 8, 2025	The current certification, code of conduct and ethical standards established by mandate or BCLC policy at major land-based service providers for the following staff positions: Floor Managers, Security Managers, Security Supervisors, Security

<sup>3</sup> See for example Order F24-38, 2024 BCIPC 46 (CanLII) at para 3.

<sup>4</sup> BCLC's initial submission dated June 10, 2025 and reply submission dated June 19, 2025.

			Guards, Guest Services Managers, Guest Services Supervisors and Guest Services Agents.
3	FOI 25-32	April 9, 2025	My personal electronic records entered into BCLC data infrastructure by [Casino name] for the purposes of security incidents and security administration from April 1, 2024 to March 31, 2025.
4	FOI 25-33	April 10, 2025	My personal electronic records entered into BCLC data infrastructure [Casino name] for the purposes of security incidents and security administration from April 1, 2023 to March 31, 2024.
5	FOI 25-36	April 14, 2025 (past request)	My personal electronic records entered into BCLC data infrastructure [Casino name] for the purposes of security incidents and security administration from April 8, 2022 to March 31, 2023.
6	FOI 25-37	April 15, 2025	My personal electronic records from BCLC data infrastructure in the form of messages and emails between BCLC employees and (BCLC's) service provider [Casino name] staff that reference, in part or whole, my formal name..., my preferred name..., my player name ([NAME]), or my Encore rewards account..., excluding marketing and promotional content, from April 1, 2024 to March 31, 2025.
7	FOI 25-38	April 23, 2025	My personal electronic records from BCLC data infrastructure in the year 2024 between September 1 and December 31 that indicate the date, time and operator who effected changes to my privacy settings for (my) Encore Rewards account changing what is visible on slot machines from 'Welcome [NAME] to 'Welcome [NAME]' and the date and time it was returned to a semi-private state displaying 'Welcome', except during slot tournament, displaying ['NAME']."
8	FOI 25-42	May 7, 2025 (outstanding request)	"...an analysis of the Encore Reward(s) database...(from) September 1, 2023... (to) October 31, 2024 for: a. the total number of accounts; b. the total number of active accounts; c. for slot players only: (iii) the top 100 in play dollars with totaled win loss report; (iii) the top 100 loss reports with total in play dollars; and (iii) the top 100 win reports with total in play dollars."
9	FOI 25-43	May 12, 2025	My personal records in the form of audio recordings between management, surveillance staff, security staff and third parties through radio, telecom or other devices on May 9, 2025 at the [Casino name redacted] starting with the complainant (est. 7:30 pm) through to the completion of the security incident (est. 11:00 pm) along with the incident report used for the purposes of security administration and edit logs for the report.
10	FOI 25-44	May 12, 2025	Digital video recordings or image streams starting from 7:00 pm through to the completion of the security incident (est. 11:00 pm)

			that occurred on May 9, 2025 at [Casino name] that have public views of the intersection on #3 Road and River Road.
11	FOI 25-46	May 23, 2025	An analysis of the BCLC (monetary) voucher system...from January 1, 2024... to December 31, 2024 for: 1. the total number of unique vouchers issued; 2. the total number of unredeemed vouchers; 3. the top 250 unredeemed vouchers ranked by value in Canadian dollars; and 4. the top 250 redeemed vouchers ranked by value in Canadian dollars.
12	FOI 25-48	May 27, 2025	The freedom of information requests received by BCLC from January 1, 2024 to April 30, 2024.
13	FOI 25-49	June 3, 2025	A list and details of all the voucher systems used as an instrument of currency by BCLC from January 1, 2024 to December 31, 2024.
14	FOI 25-50	June 4, 2025	An analysis of the Encore Rewards database...(from) September 1, 2018... (to) October 31, 2019 for: (a) the total number of accounts; (b) the total number of active accounts; (c) for slot play: (i) the top 250 in play dollars with win/loss report; (ii) the top 250 loss reports with in play dollars; and (iii) the top 250 win reports with total in play dollars.
15	FOI 25-55	June 12, 2025	The operating budget of the FOI department broken down by employee, yearly remuneration, bonuses and consolidated expenses, along with ancillary expenses of the department, for the fiscal years 2023 and 2024.
16	FOI 25-57	June 13, 2025	Written or electronic communication between the BCLC FOI Department and FOI applicants between April 1, 2025 to June 6, 2025, excluding mail to or from [email address].
17	FOI 25-60	June 16, 2025	All video surveillance in the lobby of the [Casino name redacted] between 12:20 pm to 12:30 pm on June 13, 2025 of the guest service desk and security door while I am interacting with an agent and a security manager appears from the security room, along with surveillance audio transmissions to security in the same time frame.
18	FOI 25-68	July 14, 2025	All video surveillance of the guest service desk and security room door at the [casino name and location] from 1:03 pm to 1:09 pm (on) July 14, 2025.
19	FOI 25-71	July 17, 2025	Digital video of public views of the intersection [street address and casino name] from 7:20 pm to 7:35 pm on July 4, 2025 showing the traffic control workers while I walk by. <sup>5</sup>

<sup>5</sup> Information about the respondent's access requests is found in BCLC's initial and reply submission. While the respondent takes issue with much of BCLC's submissions, they do not dispute the basic information about the requests that I have set out in the table. Where possible, I have anonymized or omitted any references to a specific Casino or an individual.

## SECTION 43

[13] Section 43 allows the Commissioner to limit an individual's access rights under FIPPA by authorizing a public body to disregard an individual's access requests. The provisions relevant to BCLC's s. 43 application read as follows:

43 If the head of a public body asks, the commissioner may authorize the public body to disregard a request under section 5 or 29, including because

(a) the request is frivolous or vexatious ...

(c) responding to the request would unreasonably interfere with the operations of the public body because the request ...

(ii) is repetitious or systematic.

[14] Relief under s. 43 restricts an individual's access rights. For this reason, the OIPC grants relief under s. 43 only after careful consideration and in exceptional cases.<sup>6</sup> However, s. 43 serves an important purpose. It is a remedial tool whose purpose is to curb abuses of the access rights conferred by FIPPA.<sup>7</sup> It recognizes that when an individual overburdens a public body with access requests, that individual interferes with the ability of others to legitimately exercise their rights under FIPPA.<sup>8</sup>

### ***Frivolous or Vexatious – s. 43(a)***

[15] Requests that are frivolous or vexatious are an abuse of the right to access information under FIPPA because they are made for a purpose other than a genuine desire to access information.<sup>9</sup>

[16] Frivolous requests include requests that are trivial or not serious. Circumstances where past orders have found that a request was frivolous include when the requested information was obviously publicly available, the request was for documents that the respondent authored and sent to the public body, and the respondent cancelled a large request after the public body had spent significant time processing the request.<sup>10</sup>

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<sup>6</sup> Order F22-08, 2022 BCIPC 8 (CanLII), para 29.

<sup>7</sup> *Crocker v. British Columbia (Information and Privacy Commissioner)*, 1997 CanLII 4406 (BC SC) [*Crocker*] at paras 32-33; Order F24-02, 2024 BCIPC 2 (CanLII) at para 14.

<sup>8</sup> *Ibid.*

<sup>9</sup> Order F25-49, 2025 BCIPC 57 at para 10.

<sup>10</sup> Order F22-08, 2022 BCIPC 8 (CanLII) para 82; *Auth* (s.43) 02-02, 2002 BCIPC 57 (CanLII), para 27; Order F17-18, 2017 BCIPC 19 (CanLII), para 23; Order F13-18, 2013 BCIPC 25 (CanLII), para 34; Order F18-09, 2018 BCIPC 11 (CanLII), para 29.

[17] A vexatious request is one made for an ulterior motive unrelated to any genuine interest in accessing the requested information. Vexatious requests include requests made in bad faith, such as for a malicious purpose or requests made for the purpose of harassing or obstructing the public body.<sup>11</sup> Past orders have found requests to be vexatious for the following reasons:

- The purpose of the request was to pressure the public body into changing a decision or taking an action;
- The respondent was motivated by a desire to harass the public body;
- The intent of the requests was to express displeasure with the public body or to criticize the public body's actions; and
- The request was intended to be punitive and to cause hardship to an employee of a public body.<sup>12</sup>

[18] In addition, the fact that one or more requests are repetitive may, alongside other factors, support a finding that a specific request is frivolous or vexatious.<sup>13</sup>

#### *Parties' submissions*

[19] BCLC submits that the respondent's requests are frivolous and vexatious because the respondent is motivated by a desire to express displeasure with BCLC and its service providers and does not have a genuine desire to access information. BCLC also says the respondent is using FIPPA to harass and retaliate against BCLC and its service providers.

[20] In support of its position, BCLC points to the number of access requests the respondent submitted between April and June of 2025. It also relies on excerpts from the respondent's past emails, which it included in its submissions. In those excerpts, the respondent disputes the underlying allegations leading to their being removed or denied entry to the casinos, states that they have made complaints about these incidents to the Gaming Policy and Enforcement Branch (GPEB), and states that they intend to rebuild the honesty and integrity of BCLC's service providers.

[21] BCLC also submits that some of the access requests are repetitious because they deal with the same issue and describes other requests as retaliatory in nature since they concern BCLC's freedom of information

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<sup>11</sup> Order F22-08, 2022 BCIPC 8 para 83.

<sup>12</sup> Auth (s.43) 02-02 supra note 10, para 27; Decision F08-10, 2008 BCIPC 33 (CanLII), paras 38-39; Order 13-16, 2013 BCIPC 20, para 20; Order 13-18, 2013 BCIPC 25 (CanLII), para 36; Decision F10-11, 2010 BCIPC 51 (CanLII); Order F16-24, 2016 BCIPC 20 (CanLII), para 40; Order F20-25, 2020 BCIPC 33 (CanLII), para 33; Order F19-44, 2019 BCIPC 50 (CanLII), para 33.

<sup>13</sup> Order F19-44, 2019 BCIPC 50 (CanLII) at para 12, citing Auth. (s. 43) 02-02 (November 8, 2002) at para 27.

department and were received mere days after it made its submissions in this inquiry.

[22] The respondent disagrees with BCLC's characterization of the access requests as frivolous or vexatious. With respect to the number of requests, the respondent says that they thoughtfully divided up their requests into individual access requests.<sup>14</sup>

[23] The respondent also says that they were not aware, until they received BCLC's s. 43 application, that BCLC took issue with receiving multiple requests for discrete but related bits of information.

[24] Addressing the purposes for their requests, the respondent says that while they have long been a patron of casinos operated by BCLC service providers, recently they have been involved in several security incidents with casino security. They explain that they are seeking their own personal information to gather evidence to support complaints to the GPEB and civil litigation in respect of these incidents.

[25] They also say that they are seeking information about the biggest winners in the Encore rewards system and largest vouchers issued through the casino voucher systems to investigate patterns following the "German Report", and that their purpose in doing so is to rebuild honesty and integrity at BCLC. (The "German Report" is the colloquial term used to refer to a report into money laundering through casinos in British Columbia commissioned by the provincial government). I understand the respondent to be saying that they are seeking information about the Encore Rewards and casino voucher systems to conduct their own investigation into alleged money laundering at the casinos.

[26] The respondent also critiques BCLC's submissions and how one of its FOI analysts acted during the FOI process:

As I stated before Mr. [FOI analyst] submission is confounding, and changes format to spaced lines on two pages. Mr. [FOI analyst] has made the FOI process adversarial and now requests your office to grant him injunctions against me !<sup>15</sup>

[27] Finally, the respondent notes that BCLC has attached no evidence to its submissions. Referencing BCLC's reliance on excerpts from emails rather than the emails themselves to support their position that the respondent's actions are vexatious, the respondent says that BCLC is relying only on obfuscated facts. I understand the respondent to be saying that by relying on excerpts from emails

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<sup>14</sup> Applicant's submission p 1.

<sup>15</sup> Applicant's submission p 4.



rather than the emails themselves, BCLC is not providing the OIPC with the complete picture.

### *Findings and analysis*

[28] In arriving at the findings below, I have considered the parties' submissions and the access requests that BCLC included with its application.

[29] I am not persuaded that the outstanding requests are frivolous for the purpose of s. 43(a). While BCLC asserts that this is the case, it does not seriously pursue this position. BCLC does not allege and there is insufficient information before me to suggest any of the circumstances described above that previous orders have said are frivolous are present here or that there is any other basis on which to find that the outstanding requests are frivolous.

[30] I am, however, persuaded that some of the outstanding requests are vexatious for the purpose of s. 43(a). The key issue in assessing whether a request is vexatious is the applicant's motivation for making the request. The parties present two opposing perspectives. BCLC submits that the requests are motivated by the respondent's desire to harass and express displeasure with BCLC and its service providers arising out of his disputes with casino security. The respondent submits that they have a genuine interest in the requested information. As I will discuss in more detail below, I find that with respect to some of the outstanding requests, the circumstances before me are more consistent with BCLC's position.

[31] The respondent made 19 access requests to BCLC between April 7, 2025 and July 17, 2025. This is a significant number of requests in a very short time. In addition, many of the requests were made in quick succession mere days apart (and in some cases on the same day). In my view, these circumstances raise questions about the respondent's motives.

[32] The respondent explains that a reason for the number of requests was that they thoughtfully divided the workload. However, the respondent's rapid fire approach did not leave BCLC time to respond to the previous request before it received a new request, or the respondent the time to consider BCLC's responses to earlier requests before preparing and sending new requests. Moreover, considering the circumstances objectively, it is clear that by making multiple small requests rather than single or a few broader ones the respondent created a larger administrative burden on BCLC. It is difficult to accept that this was not apparent to the respondent at the time they made the requests.

[33] Turning to the requests themselves, five of the outstanding requests are for video and audio recordings from casino security cameras.<sup>16</sup> While I am

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<sup>16</sup> Requests 9, 10, 17, 18 and 19.

concerned about the number and pace of the respondent's access requests, with respect to these access requests I accept the respondent's explanation about their reasons for making these requests because I find that it is consistent with the surrounding circumstances.

[34] The parties agree that the respondent has been involved in security incidents at the casinos at issue in the requests. These five requests for video and audio recordings from casino security cameras are focused on specific times and locations and seem to refer to specific incidents. As BCLC does not suggest otherwise, I accept that these requests relate to specific security incidents in which the respondent was involved.

[35] I also accept that the respondent made a complaint to GPEB about the security incidents. In this regard, the respondent says this is the case both in their submissions and in emails to BCLC's FOI department that BCLC included in its submissions, BCLC does not suggest otherwise. Further, the respondent's past requests for a code of conduct for casino staff and patrons and a policy related to the GPEB lend some support their statement that they have made such a complaint.<sup>17</sup>

[36] Finally, these requests are limited to specific dates, locations, and times, in some cases as little as a six minute time period. It is my view that the focused nature of these requests is more consistent with an access applicant who wants information, than one who is misusing the access to information process as a means to harass and express displeasure with the public body. For the reasons above, despite my concerns about the respondent's pattern of requests, I accept that the respondent made these requests out of a genuine interest in the information. Therefore, I find that these five requests for video and audio recordings from casino security cameras are not vexatious.

[37] However, I come to the opposite conclusion about the respondent's remaining requests. Four outstanding requests relate to BCLC's Encore rewards and voucher systems.<sup>18</sup> The parties do not explain these systems to me. In these requests, the respondent asks BCLC to conduct analyses and provide them with information about big winners in the Encore system and large vouchers in the voucher system.

[38] BCLC says the respondent made the requests to harass and express displeasure with BCLC. The respondent says they made the outstanding requests because they want information to investigate alleged impropriety at BCLC.

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<sup>17</sup> Requests 1 and 2.

<sup>18</sup> Requests 8, 11, 13, and 14.

[39] There is no evidence or information before me to suggest that the respondent is in fact investigating alleged improprieties at BCLC. Nor does the respondent explain how they are qualified to conduct such an investigation, or why they wish to conduct their own personal investigation when the BC government has already conducted a formal one.

[40] The requests began on May 7, 2025, approximately one month into the respondent's involvement with BCLC and its access to information processes. It is apparent from the respondent's submission that they were frustrated both with how they were treated by casino personnel in respect of the security incidents, and by BCLC during the access to information process. In addition, the requests are broad and repetitive in the sense that they request the same or similar information over a number of different time periods.

[41] Considering all of the circumstances together with the total number and rapid fire nature of the respondent's requests to BCLC, I find that at least some of the respondent's motivation for making these four requests was a desire to express displeasure with BCLC and its service providers.

[42] The three remaining requests concern BCLC's FOI department.<sup>19</sup> The respondent did not explain their motivation for making these requests. These requests began on May 27, 2025, approximately 1.5 months into the respondent's involvement with BCLC's FOI department. In two of the requests, the respondent seeks the same information (access requests sent to BCLC's FOI department for overlapping time periods). In the third, the respondent seeks financial information about BCLC's FOI department and employees including employees' yearly remuneration and bonuses.

[43] While I make no finding as to who bears the responsibility for the relationship, it is clear from the respondent's submission that at some point during his involvement with BCLC's FOI department, his relationship with the FOI analyst assigned to his requests soured. Given the circumstances above, and in particular in the absence of some explanation from the respondent, it is difficult to escape the conclusion that part of the respondent's motivation for these requests was to express displeasure with BCLC, and in particular with its FOI department. I find this to be the case.

[44] In summary, I find that seven of the 12 outstanding requests are vexatious within the meaning of s. 43(a).

***Unreasonably interfere with operations because the request is repetitious or systematic – s. 43(c)(ii)***

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<sup>19</sup> Requests 12, 15, and 16.

[45] Section 43(c)(ii) has two parts and BCLC must prove both.<sup>20</sup> The outstanding requests must be systematic or repetitious, and responding to them must unreasonably interfere with BCLC's operations. It provides:

43(1) the commissioner may authorize the public body to disregard a request under section 5 or 29, including because

(b) responding to the request would unreasonably interfere with the operations of the public body because the request

(ii) is repetitious or systematic.

#### *Systematic or repetitious*

[46] Systematic requests are requests made according to a method or plan of acting that is organized and carried out according to a set of rules or principles.<sup>21</sup> Some characteristics of systematic requests may be:

- a pattern of requesting more records, based on what the respondent sees in records already received;
- combing over records deliberately in order to identify further issues;
- revisiting earlier freedom of information requests;
- systematically raising issues with the public body about their responses to freedom of information requests, and then often taking those issues to review by OIPC;
- behavior suggesting that a respondent has no intention of stopping the flow of requests and questions, all of which relate to essentially the same records, communications, people and events; and
- an increase in frequency of requests over time.<sup>22</sup>

[47] Repetitious requests are requests made more than once.<sup>23</sup> The fact that an applicant makes numerous requests does not mean that the requests are repetitious, as long as they are not requesting essentially the same information.<sup>24</sup> However, requests need not be strictly identical in order to be repetitious.

#### *Findings and analysis*

[48] I find that all 12 of the respondent's outstanding requests are systematic.

<sup>20</sup> See for example Order F25-41, 2025 BCIPC 49 (CanLII) at para 7; Order F24-92, 2024 BCIPC 105 (CanLII) at para 16; and Order F23-98, 2023 BCIPC 114 (CanLII) at para 6.

<sup>21</sup> Order F13-18, 2013 BCIPC 25 at para 23.

<sup>22</sup> Order F23-37, 2023 BCIPC 44 (CanLII) at para 48 citing Order F13-18, 2013 BCIPC 25 (CanLII) at para 23 and Order F18-37, 2018 BCIPC 40 (CanLII) at para 26.

<sup>23</sup> Decision F12-01, 2012 CanLII 22871 (BC IPC) at para 5.

<sup>24</sup> Order F23-37, 2023 BCIPC 44 (CanLII) at para 45.

[49] First, in my view, the respondent admits to making their requests according to an organized plan of acting that is carried out according to a set of rules. In this regard, the applicant says:

I cut my teeth with the FIPPA act while investigating engineering issues at the City of New Westminster, my experiences with the City have always been productive and they offered me an extraordinary amount of patience in learning the system. My first request with the city was a lesson in making overly broad requests, and I paid a handsome sum for their time, but the knowledge gained more than made up for this cost. I learned the names of the documents and was able to focus the scope of my future requests and to thoughtfully divide the workload through multiple requests.<sup>25</sup>

[50] This submission describes a plan or method whereby the applicant divided up what would otherwise be one or more broad access requests into multiple individual access requests that they filed successively in order to avoid the consequences of making an overly broad request.

[51] In addition, I find there are other factors that show there is an organized system to the respondent's requests. To start, the respondent made 19 access requests in just over three months. The respondent made seven requests in April, five in May, another five in June, and two more in July. While the requests are not increasing in frequency, this is still a significant and consistent number of access requests in a very short time.

[52] Further, there is a pattern to the access requests wherein the respondent focuses on an issue, makes a series of requests about it, and then moves on to a new issue and repeats the pattern. Initially, the respondent's access requests concerned the security incidents. They made nine such requests.<sup>26</sup> Then the respondent became interested in BCLC's Encore rewards and voucher systems. They made five requests related to these topics.<sup>27</sup> Most recently, the respondent turned their attention to BCLC's FOI Department and made an additional three access requests about that department. This pattern of moving from issue to issue with multiple access requests raises real questions about whether and when the respondent intends to stop the flow of access requests to BCLC.

[53] Having found that the respondent's 12 outstanding access requests are systematic, I need not consider whether they are also repetitive.

*Unreasonably interfere*

[54] Whether responding to the 12 outstanding access requests will unreasonably interfere with BCLC's operations rests on an objective assessment

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<sup>25</sup> Applicant's response submission at para 2.

<sup>26</sup> Requests 1-6, 9, 10, and 17.

<sup>27</sup> Requests 7, 8, 11, 13, and 14.

of the facts. What constitutes “unreasonable interference” depends on the size and nature of the public body’s operation.<sup>28</sup> When assessing this issue, the OIPC considers the impact of responding to the request on the rights of other access applicants who may seek information from the public body.<sup>29</sup>

#### Parties’ submissions

[55] BCLC submits that by making multiple requests, the respondent is imposing unreasonable demands on it and unreasonably interfering with its operations. BCLC says that as of the date of its initial submissions, the respondent’s access requests accounted for 28 percent of all access requests it received in 2025. It also estimates that if the respondent was permitted to continue to make access requests at the current rate, the respondent’s access requests would amount to 100 in 2025. According to BCLC, this would be considerably more than the total number of access requests BCLC received from all access applicants in 2023 (67) and 2024 (68).

[56] It says that it employs two FOI analysts in its FOI department and that “For approximately the last two months, one of the two [analyst’s] time has been substantially devoted to processing the Respondent’s FOI requests.”<sup>30</sup>

[57] BCLC also states that its freedom of information department is experiencing a high volume of access requests from other applicants, which means that the respondent’s requests have led to significant strain on the department, and on other departments within BCLC that must provide information and records to the freedom of information department for processing.

[58] Finally, BCLC submits that the process of communicating with the respondent in respect of their access requests is time consuming. Pointing to the respondent’s submission in this inquiry which includes an excerpt from a clarification letter the respondent sent to BCLC as an example, BCLC submits that the clarifications and amendments the respondent makes to their access requests are wordy, confusing, repetitive and convoluted, necessitating additional time for its freedom of information department to comprehend and respond to.

[59] The respondent takes issue with the quality and nature of evidence provided by BCLC. They say that BCLC has attached no affidavit or other evidence to its submission. They also highlight that BCLC has not addressed the number of hours taken to process their access requests and takes issue with BCLC’s other calculations regarding the supposed burden to BCLC of responding to the access requests. Ultimately, the respondent submits that their

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<sup>28</sup> *Crocker*, supra note 7 at para 37.

<sup>29</sup> Order F17-18, 2018 BCIPC 19 at para 40; Order F24-29, 2024 BCIPC 36 (CanLII), at para 70.

<sup>30</sup> BCLC’s initial submission at para 28.

access rights should trump BCLC's application for relief because of the lack of evidence corroborating BCLC's position.

### Findings and analysis

[60] To succeed BCLC must establish that responding to the twelve outstanding access requests would unreasonably interfere with its operations. Based on the information before me, I am not persuaded that this is the case. The problem is two-fold. First, the information BCLC does provide is general in nature and found in submissions for which it provides little to no evidence. Further, the information BCLC provides does not address the outstanding requests themselves, and as a result, the conclusions it suggests I draw based on the information it does provide are speculative.

[61] With the exception of some access requests and excerpts from two emails and the remaining access requests which it copied into its submissions, BCLC did not provide any evidence to support its position. Rather, it relies primarily on submissions to establish its case.

[62] Moreover, those submissions focus on the time required to respond to the past access requests, and the impact on BCLC if the respondent's pattern of access requests continues. They do not, however, estimate how many hours it will take to process any of the outstanding requests. Beyond its assertion that communicating with the respondent is time consuming, BCLC does not explain why responding to any one of the outstanding requests would consume a significant amount of time or otherwise provide sufficient information that would assist me in making this determination.

[63] The question before me is whether responding to the outstanding requests would unreasonably interfere with BCLC's operations. While the time required to respond to past requests may be suggestive of the time required to respond to the outstanding requests, it also may not. The scope and nature of the past and some of the outstanding requests are quite different. Without evidence or at least information to explain how much time BCLC expects it to take to respond to the outstanding access requests, and the basis for these estimates, I am not prepared to simply infer that it will take BCLC the same amount of time to respond to the outstanding access requests as it did with the past access requests.

[64] The content of the outstanding requests themselves does not assist me in making this assessment. Five of the outstanding requests are for short video and audio recordings described by time and location. I have no difficulty understanding these requests. It is not clear to me, and BCLC does not explain why responding to these requests would necessitate additional communications

with the respondent or otherwise require significant time or resources from its FOI department or other departments.

[65] Four of the requests are for analyses and information from BCLC's Encore rewards and voucher systems and about its FOI department's budget. Responding to these requests may be as simple as explaining to the respondent that these records do not exist and that BCLC cannot create them. Or it may involve obtaining clarifications about what the respondent is seeking and gathering significant volumes of records. I cannot make this determination from the access requests alone, and BCLC does not say.

[66] The final three outstanding requests are for communications between BCLC and access applicants other than the respondent for a two month period, and the access requests received by BCLC's FOI department for a four month period. I have no difficulty understanding these requests. I do not know and BCLC does not say why responding to them would require significant time or resources from its FOI department or other departments.

[67] Finally, I am not persuaded by BCLC's submissions about a general increase in the number of access requests in recent months. While a public body's ability to respond to other access applicants is certainly a relevant consideration, that information alone is not enough to establish that responding to the outstanding access requests would unreasonably interfere with its operations.

[68] Without some evidence or information to assist me to understand how much time it will take BCLC to process the outstanding requests, I am unable to find that responding to the outstanding requests would unreasonably interfere with BCLC's operations. In short, while BCLC has established that the 12 outstanding access requests are systematic, it has not shown that responding to them would unreasonably interfere with BCLC's operations. Accordingly, I conclude that s. 43(c)(ii) does not apply.

***What relief is appropriate in the circumstances***

[69] BCLC requests authorization to disregard all outstanding access requests from the respondent. It also requests authorization to disregard all future access requests from the respondent until the end of 2025 and further asks that the Commissioner restrict the number of access requests the respondent may submit to BCLC for a two-year period commencing in 2026 to one request every 3 months and only after a response has been provided to the prior request. In the alternative, BCLC requests time extensions of 30 business days to respond to the respondent's outstanding access requests.

[70] I begin with BCLC's requests concerning the outstanding requests.



[71] BCLC requested authorization to disregard 12 outstanding requests. I found that seven of those requests were vexatious within the meaning of s. 43(a).<sup>31</sup> The BC Supreme Court has found that it would be entirely appropriate for the Commissioner to authorize a public body to disregard a pending request if the Commissioner concludes the criteria under s. 43 have been met.<sup>32</sup> I find that it is appropriate to authorize the College to disregard these seven requests under s. 43(a).

[72] I found that neither s. 43(a) nor s. 43(c)(ii) applied to the remaining five outstanding requests.<sup>33</sup> In a recent decision, the BC Supreme Court made clear that “a prerequisite to the exercise of the Commissioner’s discretion under s. 43, the Commissioner must be satisfied that the request in question meets one of the conditions under s. 43(a), (b) or (c).”<sup>34</sup> As the prerequisites under s. 43 have not been met for these five requests, no remedy under s. 43 is available. Accordingly, the College is not authorized to disregard these five requests.

[73] Because BCLC’s alternative request for an extension of time relates exclusively to the outstanding requests to which s. 43 does not apply, I also decline to grant this request. However, should BCLC require additional time to respond to the five remaining requests, I refer it to s. 10 of FIPPA which allows for the extension of time limits for responding to access requests in certain circumstances.

[74] I now turn to BCLC’s request for future relief.

[75] The Commissioner has the power, under s. 43, to make prospective orders by authorizing public bodies to disregard future access requests when the circumstances warrant such relief.<sup>35</sup> Previous OIPC orders have tailored any future relief to the circumstances of each case and have considered factors such as a respondent’s right to their own personal information; whether there are live issues between the public body and the respondent; the nature of past requests; and whether there are other avenues available to the respondent to obtain information.<sup>36</sup>

[76] The BC Supreme Court has clarified, however, that “the remedy fashioned by the Commissioner must redress the harm to the public body seeking the authorization.”<sup>37</sup> The Court said any remedy the Commissioner authorizes under

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<sup>31</sup> Requests 8, 11, 12, 13, 14, 15, and 16.

<sup>32</sup> *Mazhero v. British Columbia (Information and Privacy Commissioner)*, 1998 CanLII 6010 (BCSC) [*Mazhero*] at para 26.

<sup>33</sup> Requests 9, 10, 17, 18 and 19.

<sup>34</sup> *Besler v British Columbia (Information and Privacy Commissioner)*, 2025 BCSC 662 (CanLII) at para 49.

<sup>35</sup> *Crocker*, *supra* note 7 at paras 40-41.

<sup>36</sup> Order F23-61, 2023 BCIPC 71 (CanLII) at para 72 and the orders cited therein.

<sup>37</sup> *Crocker supra* note 7 at para 45 and *Mazhero supra* note 32 at para 29.

s. 43 must be proportional to the harm inflicted and must bear in mind the objectives of s. 43.<sup>38</sup>

[77] In this case, the harm at issue is the respondent's history of making vexatious requests to BCLC in such rapid succession that, in many cases, BCLC did not have time to respond to one request before it received another. Notably, however, I found that only some of the respondent's requests were vexatious, and the requests that were not vexatious (i.e., the requests for video and audio recordings from casino security cameras) were clearly for the respondent's own personal information. It also appears that the respondent's primary interest is in their own personal information, and that there is a live dispute between the parties that relates to the respondent's complaint to GBEP. I also find it relevant that the parties' history is relatively short – beginning in April of 2025.

[78] An appropriate remedy in this case should address the harms to BCLC without infringing too harshly on the respondent's ability to make requests that do not violate s. 43, particularly those for their own personal information.

[79] I decline to grant BCLC's request for authorization to disregard all future requests from the respondent until the end of 2025, because I find this wholesale approach would unduly restrict the respondent's ability to make legitimate requests that do not violate s. 43. More specifically, in the circumstances before me, I am not satisfied that all or even most of the respondent's future access requests would be vexatious. Further, given the relatively short duration of the parties' relationship, I find that the request for permission to disregard all of the respondent's requests until the end of 2025 is disproportionate.

[80] Given the findings I have made, I find that an appropriate remedy is to authorize BCLC to disregard all requests from the respondent that relate to its Encore rewards system, voucher system, and/or FOI department for an 18 month period. In addition, given my finding that a core component of the respondent's vexatious conduct was the rapid fire nature of their requests, I also find it appropriate to authorize BCLC to disregard all other access requests made by the respondent over and above a single access request at a time, for an 18 month period.

[81] I recognize that this is not a perfect solution. However, given the nature of the evidence before me in this case, it is my view that this is the remedy that best addresses the harms to BCLC without unduly infringing on the respondent's rights.

[82] I caution the respondent that they should not see this remedy as an invitation to look for other ways to strategically circumvent the intention of this order or the purposes of s. 43. If the respondent does do so, I expect that BCLC

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<sup>38</sup> *Crocker supra* note 7 at para 45 and *Mazhero supra* note 32 at para 25.

will have no difficulty gathering the evidence it needs to succeed in a fresh application under s. 43. In this last regard, I trust that the reasons above will assist both BCLC and the respondent in understanding how the OIPC approaches applications under ss. 43(a) and (c)(ii), what kinds of conduct engage these provisions, and the nature of the evidence and information required to establish a violation of these provisions.

## **CONCLUSION**

[83] For the reasons given above, I make the following authorizations under s. 43:

1. BCLC is authorized, under s. 43(a), to disregard Requests 8, 11, 12, 13, 14, 15, and 16.
2. BCLC is authorized to disregard all access requests that the respondent submits relating to BCLC's Encore rewards system, voucher system, and/or FOI department for a period of 18 months from the date of this authorization.
3. BCLC is not authorized under ss. 43(a) or 43(c)(ii) of FIPPA to disregard Requests 9, 10, 17, 18 and 19. It is therefore required to respond to these requests in accordance with Part 2 of FIPPA.
4. BCLC is authorized to disregard all access requests that the respondent submits over and above a single access request at a time for a period of 18 months from the date of this authorization.
5. BCLC is authorized to treat the five outstanding requests (Requests 9, 10, 17, 18 and 19) as a request for the purpose of item 4 above. Therefore, until BCLC has complied with item 3 above, or the time limit for it to do so has expired, it is authorized to disregard all access requests that the respondent submits.

September 26, 2025

## **ORIGINAL SIGNED BY**

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Allison J. Shamas, Adjudicator

OIPC File No.: F25-01055