



Order P25-07

COSTCO WHOLESALE CANADA LTD.

Elizabeth Vranjkovic
Adjudicator

October 9, 2025

CanLII Cite: 2025 BCIPC 92
Quicklaw Cite: [2025] B.C.I.P.C.D. No. 92

Summary: An individual (applicant) requested his personal information from Costco Wholesale Canada Ltd. (Costco) under the *Personal Information Protection Act* (PIPA). Costco disclosed some information but withheld other information under ss. 23(3)(c) (information collected for investigation), 23(4)(c) (personal information about another individual) and 23(4)(d) (identity of a person who provided personal information about another individual) of PIPA, and on the basis that some of the information was not the applicant's personal information. The adjudicator found that the applicant had no right to access some of the information because it was not his personal information. The adjudicator also found that s. 23(4)(c) applied to some of the applicant's personal information but ss. 23(3)(c) and 23(4)(d) did not apply. The adjudicator ordered Costco to disclose the information it was not authorized or required to withhold under ss. 23(3)(c), 23(4)(c) or 23(4)(d).

Statutes Considered: *Personal Information Protection Act*, [SBC 2003], c. 63, ss. 1, 23(1), 23(3)(c), 23(4)(c), 23(4)(d) and 23(5).

INTRODUCTION

[1] An individual (applicant) requested the following information from Costco Canada Wholesale Ltd (Costco):

1. The license numbers of employees he interacted with on October 5, 2023 at Costco's Vancouver warehouse location;
2. A copy of Costco's notebook entries relating to his interaction with Costco employees on October 5, 2023, and any records listing him as a result of that interaction;

3. The retention period for the Vancouver warehouse's security camera footage; and
4. A copy of Costco's training agreement with/for loss prevention officers.

[2] Costco responded that parts 1, 3 and 4 of the request were not for the applicant's personal information and withheld the documents responsive to part 2 of the request under s. 23(3)(c) (information collected for investigation) of the *Personal Information Protection Act* (PIPA).¹

[3] The applicant requested the Office of the Information and Privacy Commissioner (OIPC) review Costco's decision to refuse access. Mediation by the OIPC did not resolve the issues in dispute and the matter proceeded to inquiry. Because PIPA only grants applicants the right to access their own personal information under the control of an organization, the OIPC advised the applicant parts 1, 3, and 4 of his request would not be part of this inquiry because those parts are not requests for the applicant's personal information.

[4] Prior to the inquiry, Costco advised that it was also relying on ss. 23(4)(c) (personal information about another individual) and 23(4)(d) (identity of a person who provided personal information about another individual) to withhold some of the information in dispute.

Preliminary Issues

Relevant legislation

[5] The applicant says that his request was made under the *Freedom of Information and Protection and Privacy Act* (FIPPA) and PIPA. More specifically, he says that his request was "intended to cover FOIPA and PIPA, for the relevant options" but that "it became through the OIPC BC a PIPA issue, disregarding FOIPA." The applicant disagrees that Costco is subject to PIPA instead of FIPPA.²

[6] Costco says that it is not subject to FIPPA.³

[7] As set out in the Notice of Written Inquiry (Notice), this inquiry is under Part 11 of PIPA. PIPA applies to organizations, while FIPPA applies to all records in the custody or under the control of a public body.⁴ Costco is not a public body as defined in FIPPA and the applicant does not adequately explain how FIPPA is

¹ From this point forward, unless otherwise specified, whenever I refer to section numbers I am referring to sections of PIPA.

² Applicant's response submission at pages 5-8.

³ Costco's reply submission.

⁴ Section 3(1) of FIPPA and s. 3(1) of PIPA.

relevant. As a result, I will not consider whether any provisions of FIPPA apply in this inquiry.

Mediation material

[8] The applicant's supporting documents contain an email from the assigned OIPC investigator to the applicant expressing their opinion during mediation.⁵ Mediation takes place on a without prejudice basis, which means that the parties understand that mediation material will not be used during any subsequent proceedings including this inquiry. It would be inappropriate for me to consider information from mediation without the consent of the opposing party. There is no evidence of any such consent in this case. Given the importance of preserving the without-prejudice nature of the OIPC's mediation, I will not consider the investigator's email while deciding the issues before me.

Matters outside the scope of the inquiry

[9] The applicant's submission discusses matters that are not directly related to PIPA or the issues set out in the OIPC investigator's fact report and the Notice. For example, the applicant discusses the requirement for security guards to present a security licence upon request and raises concerns about being asked to reschedule a planned viewing of a Costco employee's security licence.⁶ He also raises several concerns about Costco, including its "ridicule and entrapment techniques."⁷

[10] As the Commissioner's delegate, my role is limited to deciding the issues set out below. I have focused my discussion below only on the evidence and submissions relevant to deciding those issues.

ISSUES

[11] At this inquiry, I must decide:

1. Is the information at issue the applicant's personal information?
2. Is Costco authorized to refuse access to the applicant's personal information under s. 23(3)(c)?
3. Is Costco required to refuse access to the applicant's personal information under ss. 23(4)(c) or (d)?

[12] Section 51(a) places the burden on Costco, as the organization, to prove that the applicant has no right of access to his personal information.

⁵ OIPC investigator's July 3, 2024 email to the applicant.

⁶ Applicant's response submission at pages 12-13.

⁷ Applicant's response submission at page 11.

DISCUSSION

Background and information at issue

[13] The information at issue is in three statements (Statements) written by Costco employees (Authors). The Statements arise from interactions between the applicant and Costco employees on October 5, 2023 (the Event).

[14] Costco withheld most of the information in the Statements on the basis that it is not the applicant's personal information and that s. 23(3)(c) applies. It withheld a small amount of the information in the Statements on the basis that ss. 23(4)(c) and (d) apply.

Is the information at issue the applicant's personal information?

[15] Under s. 23(1), applicants have the right to access their own personal information under the control of an organization, subject to some exceptions set out in ss. 23(3) and 23(4). The information at issue must qualify as the applicant's personal information for access to be considered under s. 23(1). Therefore, the first question I must answer is whether the information at issue is the applicant's "personal information" as defined in PIPA.

[16] PIPA defines "personal information" and related terms as follows:

"personal information" means information about an identifiable individual and includes employee personal information but does not include

(a) contact information, or

(b) work product information;

"contact information" means 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;

"work product information" means information prepared or collected by an individual or group of individuals as part of the individual's or group's responsibilities or activities related to the individual's or groups employment or business but does not include personal information about an individual who did not prepare or collect the personal information.⁸

[17] In order to be personal information, the information must be reasonably capable of identifying a particular individual, either alone or when combined with other available sources of information.⁹

⁸ Section 1.

⁹ Order P12-01, 2012 BCIPC 25 at para 82.

[18] Costco says that the Statements contain “very limited and incidental” personal information about the applicant. Instead, it says the Statements are primarily about problems that arose in the context of the Event and the solutions it considered and implemented to address them. Costco also says the OIPC has previously found that not all documents referencing an applicant are “about” that applicant.¹⁰

[19] Some of the information at issue is the Authors describing interactions between the applicant and Costco employees.¹¹ I find that this information is clearly identifiable information about the applicant. It is not the applicant’s contact information or work product information, so it is his personal information.

[20] However, the remaining information is the Authors discussing their usual practices and information about their actions and communications that are not about the applicant.¹² The applicant has no right to access this information because it is not his personal information so I will not consider it further.

[21] I turn now to the question of whether Costco is authorized or required to withhold any of the information I found is the applicant’s personal information under ss. 23(3)(c), 23(4)(c) or 23(4)(d).

Investigation or proceeding, s. 23(3)(c)

[22] Section 23(3)(c) authorizes an organization to refuse access to information if it was collected or disclosed without consent, as allowed under s. 12 or 18, for the purposes of an investigation and the investigation and associated proceedings and appeals have not been completed.

[23] Costco says the Statements were collected as part an investigation into the Event by Costco warehouse management.¹³

[24] Costco does not say anything about whether the investigation has been completed. Given the passage of time since the Event, which occurred in 2023, I find it more likely than not that the investigation has been completed.

[25] The applicant does not say there are any associated proceedings or appeals underway. However, Costco says that s. 23(3)(c) applies because the

¹⁰ Costco’s initial submission at page 3.

¹¹ Information on pages 1-5 of the responsive documents. Costco did not number the pages of the responsive documents. For clarity, when I refer to page numbers throughout this order, I am referring to the page numbers of the copy of the responsive documents that will be provided to Costco with this order.

¹² Information on pages 1-3 and 5 of the responsive documents.

¹³ Costco’s initial submission at page 1.

applicant, who has alleged the Event breached various laws and violated his human rights, could still bring proceedings related to the Event.¹⁴

[26] In Order P10-02, the adjudicator found that an organization's speculation that an applicant might at some future date complain that the organization breached its duty of fair representation was not sufficient to establish that s. 23(3)(c) applies. He found that s. 23(3)(c) requires the associated proceedings and appeals to be underway.¹⁵

[27] I agree with Order P10-02 that s. 23(3)(c) refers to investigations and associated proceedings and appeals that are underway, not those that an organization speculates that an applicant may commence at some future date. Here, there is no evidence that there is an investigation, associated proceeding or appeal that is underway. Therefore, I find s. 23(3)(c) does not apply.

[28] Although Costco did not apply ss. 23(4)(c) or (d) to the information it withheld under s. 23(3)(c), in my view, ss. 23(4)(c) and (d) may apply to some of that information. To ensure completeness and since ss. 23(4)(c) and (d) are mandatory exceptions to disclosure, I will consider in my analyses below whether ss. 23(4)(c) and (d) apply to the information to which I found s. 23(3)(c) does not apply.

Personal information about another individual, s. 23(4)(c)

[29] Section 23(4)(c) requires an organization to withhold information that would reveal personal information about another individual. Another individual refers to an individual other than the applicant.¹⁶ This section does not involve deciding whether or not disclosure would unreasonably invade another person's personal privacy. It is enough that the information is the personal information of another individual.¹⁷

[30] As previously noted, s. 1 says that personal information means information about an identifiable individual and includes employee personal information but does not include contact information or work product information. Therefore, the first step is to determine whether any of the applicant's personal information is also about an identifiable individual other than the applicant. If it is, then I must decide whether that information is personal information about that individual, or whether it is excluded because it is contact information or work product information.¹⁸

¹⁴ Costco's initial submission at page 4.

¹⁵ Order P10-02, 2010 BCIPC 10 at para 38.

¹⁶ Order P14-03, 2014 BCIPC 49 at para 13; Order P11-01, 2011 BCIPC 9 at para 17.

¹⁷ Order P06-02, 2006 CanLII 32980 (BC IPC) at para 53.

¹⁸ Order P13-01, 2013 BCIPC 23 at para 16.

[31] I find that some of the information at issue is about identifiable individuals other than the applicant, namely the Authors and the Costco employees who interacted with the applicant during the Event.¹⁹

[32] However, some of the information at issue is not about identifiable individuals other than the applicant.²⁰ This information is partial sentences and short phrases of a factual nature about the applicant. I do not see how anyone could identify the Authors from this information, so it is not identifiable information about those individuals.

[33] The next question is whether the information that I found is about identifiable individuals other than the applicant is contact information or work product information. If it is, then it is not the other individual's personal information under PIPA and Costco is not authorized to withhold it under s. 23(4)(c).

[34] It is clear that none of the information about other individuals is contact information. I also find that none of the information about other individuals is work product information. While the Authors prepared the Statements as part of their responsibilities related to their employment, the information at issue is about other individuals who did not prepare or collect the personal information, so it is not work product information. As a result, I find that all of the information about identifiable individuals other than the applicant is the personal information of those individuals.

[35] For these reasons, I find that s. 23(4)(c) applies to some of the applicant's personal information because it would reveal the personal information of individuals other than the applicant.

Identity of an individual who provided personal information about another individual, s. 23(4)(d)

[36] Section 23(4)(d) requires an organization to refuse to disclose information that would reveal the identity of an individual who has provided personal information about another individual and the individual providing the personal information does not consent to the disclosure of their identity.

[37] For an organization to withhold information under s. 23(4)(d), the following requirements must be satisfied:

- An individual (Individual "A") provided personal information about another individual (Individual "B") who can be the applicant;
- Individual "A" does not consent to the disclosure of their identity; and

¹⁹ Information on pages 1-5 of the responsive documents.

²⁰ Information on pages 1-5 of the responsive documents.

- The information at issue would reveal the identity of Individual “A.”

[38] Costco says that the Authors do not consent to the disclosure of their identities to the applicant. It also says that disclosing the Statements would directly or indirectly reveal the identities of the Authors.²¹

[39] From the Statements, I can see that the Authors provided personal information about other individuals, namely the applicant and other Costco employees. I accept that the Authors do not consent to the disclosure of their identities to the applicant. The question that remains is whether the information at issue would reveal the identity of any of the Authors.

[40] The information that remains at issue is partial sentences and short phrases of a factual nature about the applicant. I found above in my s. 23(4)(c) analysis that the Authors are not identifiable from this information. For the same reason, I find that s. 23(4)(d) does not apply to this information.

Severance, s. 23(5)

[41] Section 23(5) says that if an organization is able to remove the information referred to in ss. 23(3)(a), (b) or (c) or 23(4) from a document that contains personal information about the individual who requested it, the organization must provide the individual with access to the personal information after the information referred to in ss. 23(3)(a), (b) or (c) or 23(4) is removed.

[42] I have found that s. 23(4)(c) applies to some of the applicant’s personal information. In my view, the applicant’s personal information is so intertwined with the information that Costco must withhold under s. 23(4)(c) that it is not possible to provide the applicant with that information. Therefore, I conclude that severance is not required under s. 23(5).

CONCLUSION

[43] For the reasons given above, I conclude that Costco is required to withhold some of the applicant’s personal information under s. 23(4)(c) but is not authorized or required to withhold information under ss. 23(3)(c) or 23(4)(d). Accordingly, I make the following orders under s. 52 of PIPA:

1. I require Costco to refuse the applicant access to the information that I found does not qualify as his personal information under PIPA.
2. I require Costco to refuse the applicant access to the personal information to which I found s. 23(4)(c) applies.

²¹ Costco’s initial submission at page 5.

3. I require Costco to give the applicant access to the applicant's personal information that I have found it is not required or authorized to withhold under ss. 23(3)(c), 23(4)(c) or 23(4)(d). I have outlined this information in green boxes on pages 1-5 of the copy of the responsive documents that will be provided to Costco with this order.
4. Costco must copy the registrar of inquiries on its response to the applicant, together with a copy of the pages set out at item 3 above.

[44] Under s. 53 of PIPA, Costco is required to comply with this order by no later than November 24, 2025.

October 9, 2025

ORIGINAL SIGNED BY

Elizabeth Vranjkovic, Adjudicator

OIPC File No.: P23-95528