OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
FOR BRITISH COLUMBIA

Order F25-78

THE BOARD OF EDUCATION OF SCHOOL DISTRICT 93 (CONSEIL SCOLAIRE FRANCOPHONE DE LA COLOMBIE-BRITANNIQUE)

Elizabeth Vranjkovic
Adjudicator

October 8, 2025

CanLII Cite: 2025 BCIPC 91
Quicklaw Cite: [2025] B.C.I.P.C.D. No. 91

Summary: An applicant made a request under the *Freedom of Information and Protection of Privacy Act* (FIPPA) to the Board of Education of School District 93 (Board) for access to records about him. The Board disclosed the responsive records but withheld some information under ss. 19(1)(a) (threat to safety or mental or physical health) and 22(1) (unreasonable invasion of a third party's personal privacy) of FIPPA. The adjudicator found that the Board was required to withhold most of the information at issue under s. 22(1) but was not authorized or required to withhold the remaining information under ss. 19(1)(a) or 22(1). The adjudicator ordered the Board to give the applicant access to the information it was not authorized or required to refuse to disclose.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, [RSBC 1996] c. 165, ss. 19(1)(a), 22(1), 22(2), 22(2)(c), 22(2)(e), 22(2)(f), 22(2)(h), 22(3)(a), 22(3)(d) and 22(4)(c).

INTRODUCTION

[1] An individual (applicant) made a request under the *Freedom of Information and Protection of Privacy Act* (FIPPA) to the Board of Education of School District 93 (Board) for access to:

> Merci de me transmettre mon dossier personnel (employé). Toutes les informations enregistrées m'identifiant de manière unique (âge, sexe, votre race, religion etc.), antécédents médicaux, éducatifs, financiers, criminels ou professionnels en votre possession ainsi que les opinions de quelqu'un d'autre envers moi: allégations/plaintes à mon encontre de la part des collègues de travail/directions

- Rapport de l'enquête pour discrimination et harcèlement effectué par [name]

- Rapport de l'enquête sur l'abus émotionnel de mon fils, [name].

[2] The Board provided the responsive records to the applicant but withheld some information under s. 22(1) (unreasonable invasion of a third party's personal privacy) of FIPPA.[1]

[3] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review the Board's decision. Mediation by the OIPC did not resolve the matters in dispute and the applicant requested an inquiry with respect to certain pages of the responsive records. Prior to the inquiry, the Board advised that it was also withholding the same information on those pages under s. 19(1)(a) (threat to safety or mental or physical health).

[4] The applicant and the Board requested and received permission from the OIPC to provide some evidence *in camera* (that is, for only the Commissioner to see).[2]

Preliminary Issues

Should I exclude some evidence from the inquiry?

[5] The Board objects to the "voluminous" materials the applicant relies on in support of his position and says some of it should be disregarded.[3]

[6] In general, the strict rules of evidence that apply to court proceedings do not apply to administrative proceedings, such as OIPC inquiries.[4] I am not persuaded that there is a justifiable reason to exclude any of the applicant's evidence from this inquiry. The applicant chose to provide this information to support his position at the inquiry. I also find there is no unfairness to the Board in admitting this information because the Board had an opportunity to respond to it in its reply submission. For these reasons, I decline to strike any of the applicant's evidence from the evidentiary record. The weight or attention that I give this information in terms of its reliability and relevance is a separate matter which is incorporated into my analysis and findings throughout this order.

---

[1] From this point forward, whenever I refer to section numbers I am referring to sections of FIPPA.
[2] OIPC's May 6, 2025 and May 22, 2025 *in camera* decision letters.
[3] Board's reply submission at paras 2-3.
[4] Order F21-02, 2021 BCIPC 2 at para 4 citing *Quebec (Commission des droits de la personne et des droits de la jeunesse) v Bombardier Inc. (Bombardier Aerospace Training Center)*, 2015 SCC 39 at paras 67-68; and Order F08-22, 2008 CanLII 70316 at para 28.

ISSUES

[7] The issues I must decide in this inquiry are as follows:

1. Is the Board required to refuse to disclose the information in dispute under s. 22(1)?

2. Is the Board authorized to refuse to disclose the information in dispute under s. 19(1)(a)?

[8] Under s. 57(1), the Board has the burden of proving that the applicant has no right to access the information in dispute under s. 19(1)(a).

[9] Under s. 57(2), the applicant has the burden of proving that disclosing the information at issue under s. 22(1) would not unreasonably invade a third party's personal privacy. However, the Board has the burden of proving the information at issue qualifies as personal information.[5]

DISCUSSION

Background

[10] The applicant is employed by the Board pursuant to a collective agreement (the Collective Agreement) and is currently on leave. Prior to the applicant's leave, he filed complaints against other Board employees, and other Board employees filed complaints against him. Some of the complaints were the subject of a workplace investigation (the Investigation).

[11] The applicant has also filed BC Human Rights Tribunal (Tribunal) claims against the Board alleging discrimination based on place of origin and family status.

[12] To be clear, the merits of the complaints, the Investigation and the Tribunal claims are not at issue in this inquiry, and I make no findings about those matters.

Information at issue

[13] The records are 14 pages of emails containing complaints about the applicant. The Board is withholding most of the information in the body of those emails. It is also withholding the time and date of three of the emails.

---

[5] Order 03-41, 2003 CanLII 49220 (BC IPC) at paras 9-11.

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

[14] Section 22(1) requires a public body to refuse to disclose personal information if its disclosure would be an unreasonable invasion of a third party's personal privacy.[6]

[15] There are four steps in the s. 22(1) analysis,[7] and I will apply each step in the analysis under the headings that follow.

Personal information

[16] The first step in any s. 22 analysis is to determine if the information at issue is personal information.

[17] FIPPA defines personal information as "recorded information about an identifiable individual other than contact information."[8] Information is about an identifiable individual when it is reasonably capable of identifying a particular individual, either alone or when combined with other available sources of information.[9]

[18] FIPPA defines contact information as "information to enable an individual at a place of business to be contacted, and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual."[10] Whether information is contact information depends on the context in which it appears.[11]

[19] The Board says that the complaints are personal information.[12]

[20] The information at issue is most of the information in the body of emails containing complaints about the applicant and the time and date of three of those emails.

[21] I find that information in the body of the emails is about identifiable individuals, including the third parties who submitted the complaints and the applicant. Although the identities of those third parties have been withheld, I conclude that the applicant could identify them based on his pre-existing knowledge of the interactions described in the complaints. While some of the

[6] Schedule 1 of FIPPA says: "third party" in relation to a request for access to a record or for correction of personal information, means any person, group of persons, or organization other than (a) the personal who made the request, or (b) a public body.
[7] Order F15-03, 2015 BCIPC 3 at para 58 provides a summary of those four steps.
[8] Schedule 1.
[9] Order F19-13, 2019 BCIPC 15 at para 16, citing Order F18-11, 2018 BCIPC 14 at para 32.
[10] Schedule 1.
[11] Order F20-13, 2020 BCIPC 15 at para 42.
[12] Board's initial submission at para 28.

information is employee names and email addresses, which would generally be considered contact information, in the context of this matter, I find that the employee names and email addresses are not contact information because their disclosure would reveal who complained about the applicant. Therefore, I find that all of the information about identifiable individuals is personal information.

[22] However, I am not satisfied that the time and date of three emails is about an identifiable individual.[13] The contents of the emails do not indicate that disclosing the time or date would allow the applicant to identify the senders of the emails, and the Board does not explain how it would. Therefore, this information is not personal information, and the Board is not required to withhold it under s. 22(1).

Disclosure not an unreasonable invasion of privacy, s. 22(4)

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

[24] The applicant says s. 22(4)(c) applies.

<u>Enactment authorizes the disclosure, s. 22(4)(c)</u>

[25] Section 22(4)(c) says that a disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if an enactment of British Columbia or Canada authorizes the disclosure.

[26] The applicant says s. 22(4)(c) applies because he has several Tribunal claims against the Board alleging discrimination based on place of origin and family status.[14] He says the *Human Rights Code* and the Tribunal Rules of Practice and Procedure "mandate access to relevant evidence for a fair hearing." and Order F20-40 "supports releasing records for legal proceedings when an enactment applies, with redactions for irrelevant details."[15]

[27] The Board says previous OIPC orders have established that s. 22(4)(c) applies when a statute requires that a public body make information publicly available, not when disclosure occurs as part of a process for disclosure authorized by statute.[16]

---

[13] Information on pages 1, 7 and 10 of the records. When I refer to page numbers throughout this order, I am referring to the page numbers in the copy of the records provided to this office in response to my September 8, 2025 letter to the Board.
[14] Applicant's response submission at para 8.
[15] Applicant's response submission at para 23.
[16] Board's reply submission at para 16.

[28] I have considered Order F20-40. In that order, the adjudicator found a school board was authorized to withhold 228 pages of handwritten notes taken by an investigator during a workplace investigation under s. 19(1)(a).[17] I do not see, and the applicant does not adequately explain, how that order is relevant to s. 22(4)(c).

[29] Previous OIPC orders have found that s. 22(4)(c) does not apply where a statute creates a process through which a party to a specific proceeding may seek production of certain records.[18] In this case, the *Human Rights Code* and the Tribunal Rules of Practice and Procedure create a process through which a party to a Tribunal proceeding may seek production of documents that may be relevant to a complaint.[19] As these are precisely the circumstances where past orders have held s. 22(4)(c) does not apply, I conclude that s. 22(4)(c) does not apply.

Presumptions of unreasonable invasion of privacy, s. 22(3)

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

[31] The Board says ss. 22(3)(a) and (d) apply.

<u>Medical, psychiatric or psychological history, s. 22(3)(a)</u>

[32] Section 22(3)(a) says that disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation.

[33] The Board says s. 22(3)(a) applies to information which "reflects, relates to, or discloses" the emotional or mental health of third parties or would reveal a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation.[20] The Board does not refer to any specific information at issue.

[34] I am not persuaded that s. 22(3)(a) applies to any of the personal information. While I accept that some of the personal information concerns the emotions of third parties, there is no evidence that those emotions relate to an actual "psychological history, diagnosis, condition, treatment or evaluation." Therefore, I find s. 22(3)(a) does not apply to any of the personal information.

---

[17] 2020 BCIPC 48.
[18] Order F22-38, 2022 BCIPC 43 at para 42.
[19] BC Human Rights Tribunal Rules of Practice and Procedure, Part 6
[20] Board's initial submission at para 34.

Employment history, s. 22(3)(d)

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

[36] The Board says that third parties' complaints about conduct they experienced at work and their perceptions and opinions about the applicant's conduct toward them in the workplace form part of their occupational and/or employment history.[21]

[37] I find that s. 22(3)(d) applies to the third parties' complaints about the applicant. Previous orders have found that in the context of a workplace dispute, a complainant's allegations about what another person said or did to the complainant in the workplace is the complainant's employment history under s. 22(3)(d).[22] I agree with this approach, and I find that it is directly applicable to the personal information before me in this inquiry. Therefore, I find the presumption under s. 22(3)(d) applies.

Relevant circumstances, s. 22(2)

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

[39] The Board says ss. 22(2)(e), (f) and (h) apply. The applicant says s. 22(2)(c), the disclosure requirements in the Collective Agreement, and the similarity of the personal information to a previously disclosed complaint weigh in favour of disclosure. I also find it relevant that some of the personal information is the applicant's personal information.

Fair determination of the applicant's rights, s. 22(2)(c)

[40] Section 22(2)(c) asks whether the personal information is relevant to a fair determination of the applicant's rights. Previous OIPC orders have established the test for s. 22(2)(c) to apply:

1. The right in question must be a legal right drawn from the common law or statute, as opposed to a non-legal right based only on moral or ethical grounds;

---

[21] Board's initial submission at para 39.
[22] For example, see Order 01-53, 2001 CanLII 21607 (BC IPC) at para 38; Order F21-34, 2021 BCIPC 42 at para 42; and Order F23-56, 2023 BCIPC 65 at para 77.

2. The right must be related to a proceeding which is either underway or contemplated, not a proceeding that has already been completed;

3. The personal information sought by the applicant must have some bearing on, or significance for, determination of the right in question; and

4. The personal information must be necessary in order to prepare for the proceeding or ensure a fair hearing.[23]

[41] I will apply the same test in this matter.

Part one: legal right

[42] Part one of the s. 22(2)(c) test requires the right in question be a legal right drawn from the common law or a statute as opposed to a non-legal right based on moral or ethical grounds.

[43] The applicant says he has several Tribunal claims against the Board alleging discrimination based on place of origin and family status.[24] He also refers to his defence against third parties' claims of bullying and harassment and his legal rights under the Collective Agreement.[25]

[44] The Board does not say anything about this part of the test.

[45] I accept that the following legal rights are engaged here: 1) the applicant's legal rights under the Collective Agreement; and 2) the applicant's statutory right to complain that the Board breached the *Human Rights Code*. Therefore, I am satisfied that the first part of the s. 22(2)(c) test is met.

Part two: proceeding under way or contemplated

[46] Part two of the test requires the legal right to be related to a proceeding which is either under way or contemplated.

[47] The applicant does not explain whether there is a proceeding under way with respect to his rights under the Collective Agreement. The Board's evidence is that the Investigation found that the applicant had engaged in conduct amounting to bullying and harassment.[26] I can see from the applicant's supporting documents that he filed grievances with respect to the Investigation in 2021 but the applicant does not say anything about the status of those

---

[23] Order 01-07, 2001 CanLII 21561 (BC IPC) at para 31; Order F15-11, 2015 BCIPC 11 at para 24.
[24] Applicant's response submission at para 8.
[25] Applicant's response submission at para 25.
[26] Affidavit of the Board's Human Resources Director at para 6.

grievances.[27] Considering all of the above, I am not satisfied that there is a proceeding underway with respect to the applicant's rights under the Collective Agreement.

[48] The Board says that the applicant has applied for production of the records at the Tribunal and the matter is pending.[28] It is clear from this information that the Tribunal proceedings are under way. Therefore, I conclude that the second part of the test is met with respect to the Tribunal proceedings.

Part three: information has a bearing on the legal right

[49] Part three of the s. 22(2)(c) test requires that the personal information sought by the applicant have some bearing on, or significance for, a determination of the legal right in question. In other words, the applicant must prove there is a "demonstrable nexus" or connection between the withheld information and the legal right.[29]

[50] The applicant says the withheld complaints are essential to his Tribunal case.[30]

[51] The Board says the personal information is not relevant to the applicant's claim of discrimination at the Tribunal because it is information about the applicant's conduct and its impact on third parties and is not evidence of discrimination contrary to the *Human Rights Code*.[31]

[52] Although the applicant asserts that the complaints are "essential", he does not adequately explain how there is a demonstrable nexus between the personal information and his human rights complaints. He has also not provided sufficient information about his human rights complaints to allow me to independently identify a nexus between the personal information and his human rights complaints. In the absence of further information, I am not satisfied that such a connection exists. Therefore, I find that the third part of the test is not met, and I do not need to proceed to the fourth part of the test. I find that s. 22(2)(c) does not apply, so it is not, as the applicant claims, a circumstance that weighs in favour of disclosure.

<u>Unfair exposure to reputational and other harm, ss. 22(2)(e) and 22(2)(h)</u>

[53] The Board addresses ss. 22(2)(e) and (h) simultaneously. I will also consider these subsections simultaneously.

[27] Annexes 87 and 88 to the applicant's response submission.
[28] Board's reply submission at para 22.
[29] Order F16-36, 2016 BCIPC 40 at paras 52 and 62.
[30] Applicant's response submission at para 24.
[31] Board's reply submission at para 21.

[54] Section 22(2)(e) asks whether disclosure will unfairly expose a third party to financial or other harm. Harm under s. 22(2)(e) includes "serious mental distress or anguish or harassment."[32] Embarrassment, upset or negative reactions do not rise to the required level of mental harm.[33]

[55] Section 22(2)(h) asks whether disclosure of personal information may unfairly damage the reputation of any person referred to in the records. The analysis under s. 22(2)(h) has two requirements. First, the public body must establish that disclosing the disputed information may damage the reputation of a person referred to in the records. Second, the reputational damage must be unfair.[34]

[56] The Board says disclosure would expose third parties to attacks on their reputations and stress and anxiety in anticipation of retaliation by the applicant or out of concern for their safety. The Board also provided *in camera* evidence which it says confirms that such fears exist and are reasonable in the circumstances. [35]

[57] The applicant says the alleged harms are speculative.[36]

[58] I am not satisfied that the Board's *in camera* evidence establishes that disclosure would expose any third parties to serious mental distress, anguish or harassment within the meaning of s. 22(2)(e). There is also nothing in the records or the surrounding circumstances to suggest that any third parties will be unfairly exposed to harm under s. 22(2)(e). Additionally, it is unclear how disclosing any of the personal information might damage anyone's reputation, or how any alleged damage to anyone's reputation would be unfair as required under s. 22(2)(h). The Board did not provide sufficient evidence or explanation to establish that s. 22(2)(h) applies.

[59] For these reasons, I find that ss. 22(2)(e) and (h) do not apply and are not factors that weigh against disclosure as the Board claims.

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

[60] Section 22(2)(f) asks whether the personal information was supplied in confidence. For s. 22(2)(f) to apply, there must be evidence that a third party supplied the personal information and that they did so under an objectively

---

[32] Order 01-37, 2001 CanLII 21591 (BC IPC) at para 42.
[33] Order 01-15, 2001 CanLII 21569 (BC IPC) at paras 49-50; Order F20-37, 2020 BCIPC 43 at para 120.
[34] Order F21-69, 2021 BCIPC 80 at para 80.
[35] Board's initial submission at paras 46 and 49.
[36] Applicant's response submission at para 26.

reasonable expectation of confidentiality at the time the information was provided.[37]

[61] The Board says that its *in camera* evidence confirms that the personal information was supplied in confidence, and the confidential nature of the personal information is obvious in the context of workplace complaints and investigations.[38]

[62] The applicant says that the complaints cannot have been supplied in confidence because the Board has an obligation to notify him of complaints under the Collective Agreement.[39]

[63] In reply, the Board says that it is only required to notify the applicant of complaints made by teachers and is only required to disclose a complaint if a formal investigation is commenced under the Collective Agreement.[40]

[64] I can see from the portions of the Collective Agreement before me that the Board is only required to disclose complaints in certain circumstances.[41] Although I cannot say more without revealing the information in dispute or *in camera* evidence, I am satisfied that the personal information was supplied in confidence, so s. 22(2)(f) weighs against disclosure.

Similarity to disclosed complaint

[65] The applicant says there is no reason to withhold the undisclosed complaints which he says are analogous to a third party's complaint that the Board disclosed to him.[42]

[66] In my view, there are many reasons why a public body might disclose a complaint in a given circumstance and withhold other complaints in other circumstances. I am not persuaded that the disclosure of a different complaint weighs in favour of disclosing the personal information.

Disclosure requirements in the Collective Agreement

[67] The applicant says that the disclosure requirements in the Collective Agreement rebut the s. 22(3) presumptions against disclosure.[43]

---

[37] Order F22-62, 2022 BCIPC 70 at para 47.
[38] Board initial submission at para 43.
[39] Applicant's response submission at para 26.
[40] Board's reply submission at para 26.
[41] Annexes 15 and 16 to the applicant's response submission.
[42] Applicant's response submission at para 19.
[43] Applicant's response submission at para 26.

[68] The Board says that the disclosure of complaints under the Collective Agreement is distinct from disclosure under FIPPA because the Collective Agreement process is expressly confidential.[44]

[69] The portions of the Collective Agreement the applicant provided to me say nothing about disclosure under FIPPA. I agree with the Board that disclosure under the Collective Agreement is distinct from disclosure under FIPPA because of the confidentiality rules that apply where complaints are disclosed under the Collective Agreement. I am not satisfied that the disclosure requirements in the Collective Agreement support disclosing the personal information at issue.

Applicant's personal information

[70] Previous orders have found that where the personal information at issue is the applicant's own information, then this factor will weigh in favour of disclosure.[45]

[71] Much of the disputed information is the personal information of both the applicant and third parties. I find that this weighs in favour of disclosure, although not as strongly as it would if the information was solely the applicant's personal information.[46]

Conclusion, s. 22(1)

[72] I found the times and dates the emails were sent is not personal information, so the Board is not required to withhold that information under s. 22(1).

[73] I found that s. 22(3)(d) applies to all of the personal information because it relates to third parties' employment history. As a result, disclosure is presumed to be an unreasonable invasion of a third party's personal privacy.

[74] Turning to the relevant circumstances, I found that all of the personal information was supplied in confidence, which weighs against disclosure. I also found that some of the personal information is the applicant's personal information, which weighs in favour of disclosure. However, this factor has limited weight because the personal information is also about third parties. After weighing all of the above, I conclude that disclosing the personal information would be an unreasonable invasion of a third party's personal privacy.

[44] Board's reply submission at para 6.
[45] Order F18-30, 2018 BCIPC 33 at para 41; Order F14-47, 2014 BCIPC 51 at para 36; Order F24-59, 2024 BCIPC 69 at para 138.
[46] See, for example, Order F15-52, 2015 BCIPC 55 at para 45.

Summary, s. 22(5)

[75] Section 22(5) requires a public body to provide a summary of the personal information in dispute to the applicant in certain circumstances. This provision says:

> On refusing, under this section, to disclose personal information supplied in confidence about an applicant, the head of the public body must give the applicant a summary of the information unless
>
> (a) the summary cannot be prepared without disclosing the identity of the third party who supplied the personal information, or
>
> (b) with respect to subsection (3)(h), either paragraph (a) of this subsection applies or the applicant could reasonably be expected to know the identity of the third party who supplied the personal recommendation or evaluation, character reference, or personnel evaluation.

[76] In my view, given the applicant's knowledge of the circumstances surrounding the complaints, the information that third parties supplied in confidence about the applicant cannot be meaningfully summarized without disclosing the identities of those third parties. Therefore, I find that s. 22(5) does not apply.

Threat to anyone else's safety or mental or physical health, s. 19(1)(a)

[77] The Board applied s. 19(1)(a) to the same information it applied s. 22(1). Accordingly, I will now consider the Board's application of s. 19(1)(a) to the information that I found it was not required to withhold under s. 22(1) – that is, to the time and date of three emails containing third parties' complaints about the applicant.[47]

[78] Section 19(1)(a) says that the head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to threaten anyone else's safety or mental or physical health.

[79] The standard of proof for s. 19(1)(a) is a reasonable expectation of probable harm, which has been described as "a middle ground between that which is probable and that which is merely possible."[48]

---

[47] Information on pages 1, 7 and 10 of the records.
[48] *Ontario (Community Safety and Correctional Services) v Ontario (Information and Privacy Commissioner)*, 2014 SCC 31 at para 54 [*Community Safety*].

[80] There must be a clear and direct connection between disclosure of the withheld information and the anticipated harm.[49] General speculative or subjective evidence will not suffice.[50] The amount and quality of the evidence required will vary depending on the nature of the issue and the "inherent probabilities or improbabilities or the seriousness of the allegations and consequences."[51] As former Commissioner Loukidelis has explained:

> …harms-based exceptions to disclosure operate on a rational basis that considers the interests at stake. What is a reasonable expectation of harm is affected by the nature and gravity of the harm in the particular disclosure exception. There is a sharp distinction between protecting personal safety or health and protecting commercial and financial interests.[52]

Parties' submissions, s. 19(1)(a)

[81] The Board submits that the applicant has initiated a pattern of complaints, allegations and conduct that has threatened and continues to threaten the health and safety of third parties by exposing them to potential threats of retaliation, public humiliation through social media posts, and corresponding anxiety, worry and stress.[53] It says that the existence of a reasonable expectation of probable harm is apparent from the evidence and the circumstances, including the applicant's prior conduct and the concerns expressed by the third parties.[54]

[82] The applicant says the Board's submission on s. 19(1)(a) is unfounded and speculative. He says that his complaints addressed legitimate concerns and his social media posts were a reasonable response to the Board's lack of transparency, discriminatory and abusive restrictions, and community division caused by the Board breaching confidentiality.[55] He also says that "facing mental anguish is inevitable when facing responsibilities like testifying" and does not justify withholding information.[56]

Analysis and findings, s. 19(1)(a)

[83] I am not persuaded that s. 19(1)(a) applies to the time and date of the three emails containing the third parties' complaints about the applicant. The Board's submissions on s. 19(1) are general and do not address how s. 19(1)(a) applies to that specific information, nor is there any information before me that

---

[49] Order 02-50, 2002 CanLII 42486 (BC IPC) at para 137; Order F13-06, 2013 BCIPC 6 (CanLII) at para 24.
[50] Order F08-03, 2008 CanLII 13321 (BC IPC) at para 27.
[51] *Community Safety*, *supra* note 48 at para 54, citing *Merck Frosst Canada Ltd. v. Canada (Health)*, 2012 SCC 3 at para 94.
[52] Order F08-02, 2008 CanLII 70316 (BC IPC) at para 48.
[53] Board's initial submission at para 64.
[54] Board's initial submission at para 66.
[55] Applicant's response submission at para 28.
[56] Applicant's response submission at para 29.

indicates that the applicant would be able to identify the complainants based on the time and date of any of the emails.

[84] Ultimately, the Board did not provide sufficient explanation or evidence to persuade me that disclosure of the time and date of these three emails could reasonably be expected to threaten anyone's safety or mental or physical health, as required under s. 19(1)(a). I find the Board has not established the required "clear and direct connection" between disclosure of the disputed information and the alleged harm. The Board is not authorized to refuse access to the time and date of emails under s. 19(1)(a).

CONCLUSION

[85] For the reasons given above, I conclude the Board is required to withhold most of the information at issue in this inquiry under s. 22(1), but it is not authorized to withhold information under s. 19(1)(a). Accordingly, I make the following order under s. 58 of FIPPA:

1. Subject to item two below, I confirm in part the Board's decision to refuse the applicant access to the information withheld under s. 22(1).

2. I require the Board to give the applicant access to the time and date of three emails that I found it is not required to withhold under s. 22(1) or authorized to withhold under s. 19(1)(a). I have highlighted this information in green on pages 1, 7 and 10 of the copy of the records that will be provided to the Board with this order.

3. The Board must copy the OIPC registrar of inquiries on its cover letter to the applicant, together with a copy of the records/pages described at item 2 above.

Pursuant to s. 59(1) of FIPPA, the Board is required to comply with this order by November 21, 2025.

October 8, 2025

ORIGINAL SIGNED BY

Elizabeth Vranjkovic, Adjudicator

OIPC File No.: F23-95177