



Order F25-89

COMMUNITY LIVING BC

Elizabeth Barker
Director of Adjudication

November 10, 2025

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Summary: An applicant asked Community Living BC (CLBC) to provide him with access to all information it had about him. CLBC refused access to some information in the records under several exceptions to disclosure in the *Freedom of Information and Protection of Privacy Act* (FIPPA). After mediation by the Office of the Information and Privacy Commissioner (OIPC), only a small amount of information remained in dispute under s. 22(1) (unreasonable invasion of third-party personal privacy). The adjudicator found that s. 22(1) applied to some, but not all, of the information in dispute. The adjudicator ordered CLBC to disclose the information it was not required to withhold under s. 22(1).

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, RSBC 1996 c. 165, ss. 22(1), 22(2)(a), 22(2)(c), 22(2)(f), 22(2)(h), 22(3)(a), 22(3)(c), 22(3)(d), and Schedule 1 (definition of “contact information”, “personal information” and “third party”).

INTRODUCTION

[1] An individual (applicant) made a request to Community Living BC (CLBC) for access to records containing information about him covering a period of a little over eight years. CLBC provided the applicant with some records but withheld parts of the records under ss. 3 (application of Act), 13 (advice or recommendations), 15 (harm to law enforcement), 17 (harm to financial or economic interests of a public body) and 22 (unreasonable invasion of third-party personal privacy) of the *Freedom of Information and Protection of Privacy Act* (FIPPA).¹

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

[2] The applicant requested the Office of the Information and Privacy Commissioner (OIPC) review CLBC's decision. Mediation by the OIPC resolved some but not all of the issues in dispute. The applicant asked for the matter to proceed to inquiry under s. 56(1) of FIPPA. Before the inquiry began, the applicant narrowed the scope of his request to only the information that had been severed from seven pages of the records under s. 22(1).²

[3] Both parties provided submissions in the inquiry. In addition, I granted CLBC's request to submit small parts of its affidavit evidence *in camera*.³

ISSUE

[4] The issue to be decided in this inquiry is whether CLBC is required to refuse to disclose the information in dispute under s. 22(1) of FIPPA.

[5] Section 57(2) places the burden on the applicant to establish that disclosure of the information in dispute would not be an unreasonable invasion of a third party's personal privacy. However, CLBC has the initial burden of proving the information is personal information.⁴

DISCUSSION

Background⁵

[6] CLBC is a crown corporation established under the *Community Living Authority Act*, SBC 2004 c. 60. CLBC funds the services and supports that are provided by service agencies to adults with developmental disabilities and their families.

[7] CLBC entered into an agreement with the Vernon and District Association for Community Living (VDACL) to provide shared living care and supervision for individuals with disabilities. At the time relevant to the requested records, the applicant was under contract with VDACL to provide home sharing services and supervision to individuals with developmental disabilities.

² OIPC Investigator's Fact Report at para 6.

³ The term *in camera* means the information was visible to me as the Commissioner's delegate, but not to the applicant. Section 56 of FIPPA provides the Commissioner the authority to consider *in camera* materials during an inquiry. In general, the Commissioner will permit material to be submitted *in camera* if it would reveal the actual information in dispute in the inquiry or it is information that a public body would be required or authorized to refuse to disclose under FIPPA.

⁴ Order 03-41, 2003 CanLII 49220 (BCIPC) at paras 9-11.

⁵ The information in this background comes from the parties' initial submission and is not in dispute.

[8] Certain aspects of the applicant's behaviour and performance resulted in CLBC's practice and service advisor (CLBC Advisor), VDACL's home share manager and another CLBC staff member meeting with him on October 28, 2021. The purpose of the meeting was to provide the applicant clear direction on his role and responsibilities in an attempt to bring his behaviour and performance in line with VDACL and CLBC expectations.⁶ The applicant agreed to adjust his conduct.

[9] Several months later CLBC learned the applicant was moving out of province. The applicant no longer provides CLBC-funded home sharing services.

Information in dispute

[10] CLBC provided the applicant with 112 pages of records in response to his access request but withheld some information in these records. The vast majority of the severing of the records is no longer in dispute. The information in dispute in this inquiry is contained in emails and in an instant message (IM) chat.⁷

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

[11] CLBC is withholding all of the information in dispute under s. 22(1). Section 22(1) requires public bodies to refuse to disclose personal information if disclosure would be an unreasonable invasion of a third party's personal privacy. A "third party" is defined in Schedule 1 of FIPPA as any person, group of persons or organization other than the person who made the access request or a public body.

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

Personal information

[13] Section 22 only applies to personal information, so the first step in a s. 22 analysis is to determine if the information in dispute is personal information. Personal information is defined in FIPPA as "recorded information about an identifiable individual other than contact information." Contact information is defined as "information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual."⁸

⁶ CLBC Advisor's affidavit at para 11-12.

⁷ The information in dispute is on pp. 22-23, 25, 39-40, 78 and 84 of the records.

⁸ See Schedule 1 of FIPPA for the definitions of personal information and contact information.

[14] CLBC's position is that the information in dispute is personal information because it is about identifiable individuals. The applicant essentially argues that the information is his personal information because it is the opinions and views of CLBC and VDACL employees about him, so it is primarily about him.

[15] CLBC withheld the following information under s. 22(1):

- Two phrases in the CLBC Advisor's October 20, 2021 email to two CLBC employees (the Internal Email).⁹ The first phrase is what the CLBC Advisor concludes the two experienced interacting with the applicant, and the second phrase is the identity of a VDACL employee who made a general statement about trust in the home share system (the statement, however, has been disclosed).
- A short phrase in a VDACL employee's October 20, 2021 email to the CLBC Advisor (External Email).¹⁰ The withheld information reveals the feelings of the VDACL employee and the CLBC Advisor.
- Parts of a December 21, 2021 IM chat between the CLBC Advisor and another CLBC employee (jointly the "employees").¹¹ From the context, it is clear that the employees are chatting while they are at work. The withheld information is about:
 - the employees' feelings regarding their interactions with the applicant;
 - the employees' opinions of the applicant;
 - a named person's medical condition and treatment combined with the employees' feelings and opinions about the person's circumstances;¹²
 - several instances of a client's first name, and first and last initials, in the context of the employees agreeing to discuss the client's needs later;¹³ and

⁹ The Internal Email is at pp. 22-23 of the records.

¹⁰ The External Email is at pp. 25, 78 and 84 of the records. These emails are exact copies of each other.

¹¹ The IM chat is at pp. 39-40 of the records. There is a brief email severed from the top of p. 39 that was created *after* the applicant made his FIPPA access request and it is about CLBC's processing of his request. CLBC says that email is outside the scope of the access request, and the applicant did not dispute that is the case. I agree this email is outside the scope of the access request, so I did not adjudicate CLBC's decision to refuse the applicant access to it.

¹² For clarity, if one were to number each of the instances severed from the IM chat, this information is in boxes 9-14.

¹³ This information is in boxes 1, 8 and 15 of the IM chat.

- the employees’ opinions about the judgement and choices made by other named individuals who are associated with the applicant.¹⁴ I will collectively refer to these individuals as the “Other Individuals”.

[16] I find that all of the withheld information is third-party personal information because it is about individuals who are identified by name, and it is clearly not contact information. In addition, some of the third-party personal information is simultaneously the applicant’s personal information because it is about the third parties’ interactions with him and their opinions about him and his behaviour.

Not an unreasonable invasion, s. 22(4)

[17] The second step in the s. 22 analysis is to determine if the personal information falls into any of the categories of information listed in s. 22(4). If s. 22(4) applies, disclosure would not be an unreasonable invasion of a third party’s personal privacy.

[18] CLBC says it does not think any of the sub-sections in s. 22(4) apply to the information in dispute. The applicant says nothing about s. 22(4).

[19] I find that the personal information at issue in the records does not fall into any of the categories of information listed in any part of s. 22(4).

Presumptions, s. 22(3)

[20] The third step in the s. 22 analysis is to determine whether any of the presumptions listed under s. 22(3) apply to the personal information in dispute. If one or more apply, then disclosure of that personal information is presumed to be an unreasonable invasion of a third party’s personal privacy.

[21] CLBC submits that ss. 22(3)(a) and (d) apply. I also find s. 22(3)(c) is important to consider given the content of the records.

[22] The applicant does not directly dispute the application of any presumptions. Instead, he asserts that he has the right to know the information in dispute because it is primarily about him and disclosure would not unreasonably invade third-party privacy, if severed appropriately.

Section 22(3)(a) – medical history

[23] 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.

¹⁴ This information is in boxes 3, 4 and 20 of the IM chat.

[24] I find that s. 22(3)(a) applies to the information in the IM chat about a person's health and specific medical treatment. I also agree with CLBC that s. 22(3)(a) applies to the client's name and initials because the very fact they are a client of CLBC and VDACL reveals that they are a person with medical, psychiatric or psychological conditions that requires they receive assistance with daily living.

Section 22(3)(c) - eligibility for income assistance or social service benefit

[25] 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 eligibility for income assistance or social service benefits or to the determination of benefit levels.

[26] There is some information in the IM chat that is about what the Other Individuals chose to do regarding their receipt of, or eligibility for, social benefits. I cannot discuss the information further without revealing the information in dispute. I find that s. 22(3)(c) applies and disclosing this personal information is presumed to be an unreasonable invasion of the Other Individuals' personal privacy.

Section 22(3)(d) – educational or employment history

[27] 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 employment, occupational or educational history.

[28] CLBC submits that s. 22(3)(d) applies to the withheld information in the Internal and External Emails because it is about CLBC and VDACL employees "coordinating about their experiences with the Applicant as they prepare for the October 28, 2021 meeting with the Applicant to bring his behaviour and performance in line with CLBC and VDACL's expectations."¹⁵ In support, CLBC cites five OIPC orders.¹⁶

[29] It is well-established that s. 22(3)(d) applies to evaluative information about a third party's workplace behaviour and actions in the context of a formal workplace investigation or disciplinary matter. For example, in each of the five orders CLBC cites, there was a formal investigation into a complaint about individuals' workplace behaviour, and the adjudicators found s. 22(3)(d) applied

¹⁵ CLBC's initial submissions at para 47.

¹⁶ Order F15-11, 2015 BCIPC 11 (CanLII); Order F16-19, 2016 BCIPC 21 (CanLII); Order F20-13, 2020 BCIPC 15; Order F21-08, 2021 BCIPC 12 (CanLII); F23-29, 2023 BCIPC 33 (CanLII).

to information about the individuals that the investigator was scrutinizing and evaluating.¹⁷

[30] The context and information in dispute in the present case are not the same as in the cases cited by CLBC. The personal information which CLBC says is the employment history of the CLBC and VDACL employees is not about them in the context of a workplace investigation or disciplinary matter, and it does not evaluate their work conduct in any way. I find this information does not relate to their employment history, so s. 22(3)(d) does not apply.

[31] Finally, I note that CLBC did not argue that s. 22(3)(d) applies to the IM chat. I agree the information in the IM chat does not relate to any third party's employment history.

Relevant circumstances, s. 22(2)

[32] The final step in the s. 22 analysis is to consider the impact of disclosure of the personal information in light of all relevant circumstances, including those listed in s. 22(2). It is at this step that the s. 22(3) presumptions may be rebutted. Given what the parties have said, I will consider ss. 22(2)(a), (f) and (h), the sensitivity of the information, the applicant's existing knowledge of the information, and the fact that some of it is the applicant's personal information.

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

[33] Section 22(2)(a) asks whether disclosure of the personal information is desirable for subjecting the activities of a public body to public scrutiny. If s. 22(2)(a) applies, then this factor will weigh in favour of disclosure. The purpose of s. 22(2)(a) is to make public bodies more accountable, and not to scrutinize the activities of individual third parties.¹⁸

[34] The applicant says, "I believe there is a public interest in disclosing this information, as it relates to how CLBC handles performance issues and makes decisions about home sharing providers, which is a matter of public concern under Section 22(2)(a)."¹⁹

[35] For its part, CLBC says:

While it may be in the Applicant's private interests to receive the withheld information in the Records, it is not in the public interest to disclose information that is understood to form part of a confidential

¹⁷ For examples, see Order 01-53, 2001 CanLII 21607 (BCIPC) at paras 32-37, and the orders cited by CLBC in a previous footnote.

¹⁸ Order F18-47, 2018 BCIPC 50 at para 32; Order F16-14, 2016 BCIPC 16 at para 40.

¹⁹ Applicant's submission at p. 1.

investigation containing sensitive personal information of numerous third parties. As such, s. 22(2)(a) is not a factor in favour of disclosure.²⁰

[36] I do not agree with CLBC's characterization of the records as being about a confidential investigation. There is no evidence that anything as formal as an "investigation" was underway. Rather, the context is that there was an issue with a service provider (i.e., the applicant) that CLBC and VDACL employees decided they would address by way of a meeting.

[37] That being said, I find that s. 22(2)(a) is not a circumstance that weighs in favour of disclosure of any of the disputed information. There is only a small amount of information in dispute, and it is limited to very specific facts occurring several years ago and involving a small number of individuals. There is nothing in the materials before me that suggests the third-party personal information at issue would provide the public anything of value in terms of scrutinizing how CLBC operates.

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

[38] Section 22(2)(f) asks whether the personal information was supplied in confidence. In order for s. 22(2)(f) to apply, there must be evidence that an individual supplied the information and that they did so with an objectively reasonable expectation of confidentiality at the time the information was provided.²¹

[39] CLBC says the people who had the IM chat expected their chat to remain confidential. CLBC does not say whether the rest of the information in dispute was supplied in confidence.

[40] The applicant does not address this circumstance in his submission.

[41] I find that the information in the IM chat that is about an ill person and their medical condition and treatment was supplied in confidence. The context shows that the ill person provided this information to the CLBC Advisor and asked her to share it with the other CLBC employee. Medical information is generally sensitive personal information and treated in confidence, which is why the s. 22(3)(a) presumption applies. There is nothing in the records to suggest the CLBC employees treated this medical information as anything other than confidential. Therefore, I am satisfied that at the time the ill person supplied their medical

²⁰ CLBC's initial submission at para 58.

²¹ For example, see Order F22-13, 2022 BCIPC 15 (CanLII) at para 108, citing Order F11-05, 2011 BCIPC 5 (CanLII) at para 41, citing and adopting the analysis in Order 01-36, 2001 CanLII 21590 (BCIPC) at paras 23-26 which was s. 21(1)(b) and the phrase "supplied, implicitly or explicitly, in confidence,"

details they would have had an objectively reasonable expectation that they were supplying it in confidence to only the two CLBC employees. I find that this factor only strengthens the s. 22(3)(a) presumption.

[42] However, for the following reasons, I find that the rest of the personal information in dispute was not supplied in confidence.

[43] There is personal information in the records that reveal what someone outside CLBC told the CLBC Advisor about the applicant and themselves in the context of their shared work.²² While I find this information was supplied by the outside person to CLBC, I cannot conclude there was an objectively reasonable expectation of confidentiality at the time it was supplied. That is because there are no explicit indicators or statements that it was supplied in confidence, and CLBC's submissions and affidavit evidence do not address what the expectations were regarding confidentiality at the time the outside person supplied the information. Further, with regards to the identity of the person who made the general statement about trust in the home share system, I note CLBC has disclosed essentially the same information elsewhere in the records, which supports a finding that the identity of the person who provided the statement was not supplied in confidence.

[44] As for the balance of the disputed personal information, I find that it was not supplied to CLBC because it was generated or created by CLBC employees. It is the employees' interpretation of, and opinions about, other people's behaviour and feelings.

Unfair damage to reputation, s. 22(2)(h)

[45] Section 22(2)(h) requires a public body consider whether disclosing the personal information may unfairly damage the reputation of any person referred to in the record requested by the applicant.

[46] CLBC submits this factor weighs against disclosure of the CLBC employees' opinions and speculation in the IM chat. It says the people who were the subject of the CLBC employees' speculation about their personal lives had no opportunity to respond so there is a risk that some of the speculation is inaccurate and unreliable.²³ Further, CLBC says disclosure of the CLBC employees' "honest speculation and views or opinions" of the applicant "would have the potential to unfairly harm the reputation of the CLBC employees in the sense that the Chat is not a document that includes a complete documentation of relevant interactions known and understood by the CLBC employees."²⁴

²² This information is in the Internal Email on p. 23, the External Email on p. 25, and in severing box 16 in the IM chat.

²³ CLBC's initial submissions at para 61.

²⁴ CLBC's initial submissions at para 62.

[47] The applicant does not discuss this circumstance in his submission.

[48] I find that disclosing what the CLBC employees said in the IM chat about the Other Individuals has the potential to unfairly damage the reputation of the Other Individuals. That is because it paints a negative and one-sided picture of their judgement and choices, and there is no information to counter it. Therefore, I find that s. 22(2)(h) weighs against disclosure of the information about the Other Individuals. I have already found that the s. 22(3)(c) presumption against disclosure applies to this information, so this factor only strengthens the presumption.

[49] However, I find that disclosing what the CLBC employees said in their IM chat about the applicant would not unfairly damage their reputations, so s. 22(2)(h) is not a factor that weighs against disclosure of that information. What the employees say about the applicant can best be described as gossiping about work matters. Many people may consider some of the language used to be unprofessional, so in that sense disclosure could reflect negatively on their work reputations. However, I do not think it is unfair for a public body employee to have to defend or be accountable for comments about work matters that were made while they were working and using IT equipment and services provided by their employer.²⁵

[50] Finally, I note CLBC did not argue that disclosing the disputed information in the Internal or External Emails would unfairly damage the reputation of any third party. I agree because that information does not show any third party in a negative light, so that is not a factor that weighs against disclosing that information.

Sensitivity

[51] Past orders have found that when the personal information in dispute is sensitive it is a circumstance that weighs against disclosure.²⁶ On the other hand, if the information is innocuous and not sensitive, it has been viewed as a factor that weighs in favour of disclosure.²⁷

[52] CLBC says the IM chat contains sensitive personal information about various individuals.²⁸ The applicant does not discuss the issue of sensitivity in his submissions.

²⁵ For a similar finding, see Order F23-13, 2023 BCIPC 15 (CanLII) at para 180.

²⁶ Order F19-15, 2019 BCIPC 17 at para 99.

²⁷ Order F16-52, 2016 BCIPC 58 at para 91.

²⁸ CLBC's initial submissions at para 59.

[53] As discussed above, the medical information in the IM chat, which I found is protected by s. 22(3)(a), is sensitive personal information. I also find the information that is protected by s. 22(3)(c), which is about what the Other Individuals chose to do regarding their receipt of, or eligibility for, social benefits, is sensitive personal information. The sensitivity of this information is a circumstance that weighs against its disclosure and strengthens the s. 22(3) presumptions. However, I find the rest of the personal information is not sensitive and that factor weighs in favour of disclosing that information.

Applicant's knowledge

[54] Past orders have held that an applicant's existing knowledge of disputed information is a factor that may weigh in favour of disclosing that information.²⁹

[55] CLBC says that while the applicant may know the names of some of the CLBC clients mentioned in the records, that is not a reason to provide him with the names "in a forum that is equivalent to disclosure to the world."³⁰ This is a reference to the principle that disclosure to an applicant is, in effect, disclosure to the world because FIPPA does not prohibit an applicant from disclosing the information publicly.³¹ The applicant does not say anything about this factor.

[56] I find that the applicant likely knows the name of the person who made the general statement about trust in the system because CLBC has essentially disclosed that information elsewhere in the records. That weighs in favour of disclosing that person's name. Other than that, I have insufficient information to conclude that the applicant knows the rest of the information in dispute.

Applicant's personal information

[57] Generally, an applicant is entitled to their own personal information. Previous OIPC decisions have found that the fact that information is an applicant's own personal information weighs in favour of disclosure, however, the weight of this factor is limited where the information in dispute is simultaneously the applicant's personal information and the personal information of other individuals.³²

[58] The applicant says that he believes the information is primarily about him and that is a relevant circumstance to consider. For its part, CLBC says it provided the applicant with as much of his personal information as it could

²⁹ For examples see: Order F18-30, 2018 BCIPC 33 at para 41; Order F20-13, 2020 BCIPC 15 at para 73.

³⁰ CLBC's initial submissions at para 64.

³¹ See, for example, Order 03-35, 2003 CanLII 49214 (BCIPC) at para 31.

³² Order F24-31, 2024 BCIPC 38 (CanLII) at para 141; Order F15-52, 2015 BCIPC 55 at para 45, Order F22-31, 2022 BCIPC 34 (CanLII) at para 85.

without unreasonably invading the personal privacy of the third parties whose personal information is inextricably intertwined with his.³³

[59] The fact that some of the information in dispute is the applicant's personal information weighs in favour of disclosure of that information. However, I find it does so in only a minor way because all of his personal information is simultaneously third-party personal information.

Summary and conclusion – s. 22(1)

[60] I find that all of the information in dispute is personal information, and none of it falls into any of the categories under s. 22(4).

[61] I find that two of the s. 22(3) presumptions against disclosure apply to some of the personal information in the IM chat. Section 22(3)(a) applies to information about someone's illness and medical treatment and s. 22(3)(c) applies to information about the individuals who are in receipt of, or eligible for, social benefits. There are no relevant circumstances that weigh in favour of disclosing this third-party personal information, so I find the presumptions have not been rebutted.

[62] However, no s. 22(3) presumptions, including s. 22(3)(d), apply to the rest of the disputed information. In deciding whether disclosure of that information would be an unreasonable invasion of the personal privacy of third parties, I considered the following circumstances: disclosing the information is not desirable for subjecting the activities of a public body to public scrutiny (s. 22(2)(a)); the information was not supplied in confidence (s. 22(2)(f)); disclosing the information would not unfairly damage reputations (s. 22(2)(h)); the information is not sensitive; some of the information is about the applicant; and the applicant already knows some of the information because it was already disclosed elsewhere in the records. Considering all those circumstances, I find that disclosing this information would not be an unreasonable invasion of third parties' personal privacy and CLBC is not authorized or required to refuse to disclose it under s. 22(1).

[63] For clarity, in a copy of the relevant pages of the records that are provided to CLBC along with this order, I have highlighted in green the information CLBC is not authorized or required to refuse to disclose under s. 22(1).

CONCLUSION

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

³³ CLBC's initial submission at para 51.

1. Subject to item 2 below, I require CLBC to refuse to disclose the information in dispute under s. 22(1).
2. Section 22(1) does not apply to the information in dispute that I have highlighted in green in a copy of pages 22-23, 25, 39-40, 78 and 84 of the records which are provided to CLBC with this order. CLBC is required to disclose that information to the applicant.
3. CLBC must copy the OIPC registrar of inquiries on the cover letter and records it sends to the applicant in compliance with item #2 above.

[65] Pursuant to s. 59(1) of FIPPA, CLBC is required to comply with this order by **December 23, 2025**.

November 10, 2025

ORIGINAL SIGNED BY

Elizabeth Barker, Director of Adjudication

OIPC File No.: F23-94981