



Order F25-91

VANCOUVER COASTAL HEALTH AUTHORITY

D. Hans Hwang
Adjudicator

November 28, 2025

CanLII Cite: 2025 BCIPC 107
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Summary: The applicant made a request under *the Freedom of Information and Protection of Privacy Act* (FIPPA) to the Vancouver Coastal Health Authority (VCH) for records about an investigation into the alleged misconduct of a medical professional. VCH withheld the records and information in dispute under s. 14 (solicitor-client privilege) of FIPPA and s. 51 of the *Evidence Act*. The applicant argued the disclosure of the information in the records was in the public interest under s. 25(1) (public interest disclosure) of FIPPA. The adjudicator found VCH is not authorized to refuse to disclose the information under s. 14. Given VCH did not provide records withheld under s. 51 of the *Evidence Act*, the adjudicator ordered VCH, under s. 44(1)(b), to produce these records for the purpose of adjudicating the s. 25(1) of FIPPA and s. 51 of the *Evidence Act* issues on the merits.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, RSBC 1996 c 165, ss. 4(2), 14 and 25(1) and *Evidence Act*, RSBC 1996 c 124, ss. 51(5) and 51(7).

INTRODUCTION

[1] A journalist (applicant) made an access request to the Vancouver Coastal Health Authority (VCH), under the *Freedom of Information and Protection of Privacy Act* (FIPPA), for records relating to VCH's investigation into the alleged misconduct of a medical professional (Investigation). The applicant argued the disclosure of the information in the requested records was in the public interest under s. 25(1).

[2] VCH withheld all the information in the responsive records under s. 14 (solicitor-client privilege) of FIPPA.¹ VCH also informed the applicant that it found the disclosure of this information was not in the public interest under s. 25(1).

[3] The applicant asked the Office of the Information and Privacy Commissioner (OIPC) to review VCH's decisions regarding ss. 14 and 25(1). The OIPC's mediation and investigation process failed to resolve the issues between the parties and the matter proceeded to this inquiry.

[4] During the inquiry, the OIPC notified Providence Health Care (PHC) of the applicant's request for review and invited it to participate in the inquiry as an appropriate person under s. 54(b).² PHC agreed to participate in the inquiry, and supported VCH's decision to refuse access to the information in the records. VCH, PHC and the applicant provided submissions in the inquiry.

[5] Upon the request of VCH, the OIPC also permitted s. 51 of the *Evidence Act* to be added as an issue in the inquiry.³

PRELIMINARY ISSUE

Applicant's complaint about the change in the number of responsive records

[6] During the inquiry, I provided the applicant an opportunity to provide a sur-reply.⁴ In her sur-reply she expressed concerns with VCH and PHC being inconsistent in what they were saying about how many pages of records were at issue.⁵ She pointed out that the OIPC Investigator's fact report says there are 350 pages of responsive records, but VCH and PHC's inquiry materials say there are 230 pages.⁶ VCH responded by apologizing for any confusion and explained that it had removed duplicate copies of some records.⁷ The applicant replied that she appreciated VCH's clarification and apology and was content for the inquiry to continue.⁸

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

² Under s. 54(b) of FIPPA, the OIPC has ordered VCH to provide a copy of the applicant's request for review to any person the Commissioner considers appropriate. Under s. 56(3), that person must be given an opportunity to make representations to the Commissioner or their delegate during the inquiry.

³ OIPC's June 10, 2025 letter.

⁴ On September 25, 2025, I gave VCH and PHC an opportunity to provide additional evidence regarding s. 14, and the applicant was invited to make a sur-reply.

⁵ Applicant's October 21, 2025 sur-reply.

⁶ VCH and PHC's additional submissions and In-house Counsel's affidavit #2 state the records total 230 pages.

⁷ VCH's October 23, 2025 letter. I did not invite VCH to provide that response, but given it did, I offered the applicant an opportunity to reply which she did by way of an October 29, 2025 email.

⁸ Applicant's October 29, 2025 email.

[7] I would like to point out that VCH should not have unilaterally changed the number of records at issue in this inquiry by eliminating duplicate copies. There is no basis under Part 2 of FIPPA for a public body to refuse access to information in a record because it is duplicated elsewhere in the records.⁹ An applicant can, however, agree to narrow the scope of their access request by specifying that they do not want access to any duplicate records. Given that the applicant accepts VCH's explanation, I am satisfied that she agrees to the removal of the duplicates. Therefore, I will proceed on the basis that there are 230 pages of records at issue in this inquiry.

ISSUES

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

1. Whether VCH is authorized to refuse to disclose any information contained in the records pursuant to s. 14?
2. Whether VCH is required to disclose any information contained in the records pursuant to s. 25(1)?
3. Whether VCH is prohibited under s. 51 of the *Evidence Act* from disclosing information to the applicant?

[9] Section 57(1) places the burden on the public body to prove an applicant has no right of access to a record or part of a record withheld under s. 14.

[10] FIPPA is silent about whether there is a burden on either party to prove or disprove that s. 25(1) applies. However, past orders have said that it is in the best interest of both parties to provide whatever evidence and arguments they have to support the positions they take, but that it is ultimately up to the Commissioner to determine whether s. 25(1) applies after considering all of the available evidence and arguments.¹⁰ I will adopt the same approach here.

[11] Section 57 of FIPPA does not say who has the burden of proof regarding s. 51 of the *Evidence Act*, but previous orders have held that it is in the interests of both parties to present argument and evidence in support of their positions.¹¹ I adopt the same approach here.

⁹ Order F22-16, 2022 BCIPC 18 (CanLII) at para 13.

¹⁰ Order 02-38, 2002 CanLII 42472 (BC IPC) at para 39; Order 03-02, 2003 CanLII 49166 (BC IPC) at para 16; Order F22-64, 2022 BCIPC 72 (CanLII) at para 6.

¹¹ Order F10-41, 2010 CanLII 77327 (BC IPC) at para 5; Order F23-21, 2023 BCIPC 24 (CanLII) at para 15.

DISCUSSION

Background

[12] VCH is a regional health authority designated under the *Health Authorities Act*.¹²

[13] PHC is a registered society under the *Society Act*,¹³ and it operates medical facilities and provides services in partnership with British Columbia's health authorities including VCH.

[14] VCH's board of directors has established a health authority medical advisory committee (Advisory Committee) which investigates complaints against medical staff practising in VCH's facilities.

[15] The University of British Columbia (UBC)'s Faculty of Medicine operates its Ophthalmology Program at medical facilities of VCH and PHC.

[16] The applicant is a journalist. In 2024, she reported about a professional misconduct investigation conducted by UBC regarding a medical professional in UBC's Ophthalmology Program (the Physician). The Physician was practising at the facilities of VCH and PHC, so VCH initiated its own investigation pursuant to its Medical Staff Bylaws and Medical Staff Rules. This inquiry is about the applicant's request for the reports produced as a result of the VCH investigation.

Records and information at issue

[17] The responsive records consist of 230 pages comprised of 12 reports. VCH is withholding all of the information in these reports.

Section 14 – solicitor-client privilege

[18] Section 14 says that the head of a public body may refuse to disclose information that is subject to solicitor-client privilege. For the purpose of s. 14, solicitor-client privilege includes legal advice privilege and litigation privilege.

[19] In this case, VCH and PHC submit the information in dispute is protected by legal advice privilege.

Sufficiency of evidence to substantiate the s. 14 claim

¹² RSBC 1996, c 180.

¹³ SBC 2015, c 18.

[20] VCH did not provide the information withheld under s. 14 for my review. Instead, to support its claims, it provided affidavit evidence from VCH's in-house counsel (the In-house Counsel).¹⁴

[21] Section 44(1)(b) gives me, as the Commissioner's delegate, the power to order a public body to produce records so that I can review them during an inquiry. However, given the importance of solicitor-client privilege, and in order to minimally infringe on that privilege, I would only order production of records being withheld under s. 14 when it is absolutely necessary to decide the issues in dispute.¹⁵

[22] Although there are no steadfast rules and each case depends on its own facts, past OIPC orders and the Courts have discussed the evidence required to establish solicitor-client privilege in the absence of the records and provided the following guidance:

- a party claiming privilege must list each disputed record separately and provide, without revealing privileged information, a description of the record in sufficient detail to allow one to assess the claim of privilege;
- the description of the record should include the date it was created or sent, the type of communication (e.g., "email") and the names of the author and the recipient(s);
- in addition to a proper description of the disputed records, the party claiming privilege must provide evidence to substantiate the privilege claim;
- ideally, affidavit evidence in support of a privilege claim should avoid hearsay and come from an affiant with direct knowledge of the disputed records; and
- it is helpful, and in some cases even necessary, to have affidavit evidence from a lawyer, who is an officer of the court and has a professional duty to ensure that privilege is properly claimed.¹⁶

[23] After a preliminary review of VCH and PHC's submissions and evidence, I determined they had not provided a sufficient evidentiary basis for me to determine whether the records VCH withheld under s. 14 are subject to solicitor-client privilege.

¹⁴ In-house Counsel's affidavit #1.

¹⁵ Order F14-19, 2014 BCIPC 16 at para 10; *Canada (Privacy Commissioner) v Blood Tribe Department of Health*, 2008 SCC 44 at para 17; *Alberta (Information and Privacy Commissioner) v University of Calgary*, 2016 SCC 53 at para 68.

¹⁶ *Gardner v Viridis Energy Inc.*, 2013 BCSC 580 (in Chambers) at para 36. See also Rule 7-1(7) of the Supreme Court Civil Rules and Order F20-16, 2020 BCIPC 18 at paras 8-10.

[24] Therefore, I provided VCH and PHC with an opportunity to submit additional evidence in support of their privilege claim.¹⁷ In response to my request, they provided further submissions. However, I find these submissions did not suffice to address my need for more information regarding the s. 14 claim. In light of importance of solicitor-client privilege, I provided VCH and PHC with another opportunity to submit further materials,¹⁸ and VCH provided a second affidavit from the In-house Counsel.¹⁹ I also provided the applicant with an opportunity to reply to those submissions and evidence;²⁰ and the applicant provided a sur-reply.²¹

[25] The In-house Counsel explains that at the time the records at issue in this inquiry were created, she was VCH's senior legal counsel for medical affairs. As part of that role, she oversaw files relating to investigations and discipline of physicians who worked at VCH facilities, and she provided, and continues to provide, advice regarding medical affair files to VCH leaders and its board of directors. She says that given the nature of the complaints about the Physician, VCH retained a lawyer from an external law firm to investigate and provide a legal opinion. She also says she understood that the investigation would be subject to solicitor-client privilege. She says that as part of her role, she received the records at issue in the inquiry which are 12 reports that were generated by two lawyers at the external law firm.

[26] Further, I note that as a practising lawyer, the In-house Counsel has a professional obligation to ensure that privilege is not improperly claimed. In conclusion, I find the In-house Counsel's two affidavits provide sufficient information for me to decide if s. 14 applies and it is not necessary to order production of the records for my review.

Legal advice privilege

[27] Legal advice privilege protects confidential communications between a solicitor and client made for the purpose of seeking, formulating, or providing legal advice, opinion, or analysis. For information to be protected by legal advice privilege it must be:

- a communication between a solicitor and client (or their agent);
- that entails the seeking or providing of legal advice; and
- that is intended by the solicitor and client to be confidential.²²

¹⁷ OIPC's September 25, 2025 letter.

¹⁸ OIPC's October 7, 2025 letter.

¹⁹ VCH and PHC 's October 6, 2025 letters; In-house Counsel's affidavit #2.

²⁰ OIPC's October 15, 2025 email to the applicant.

²¹ Applicant's sur-reply dated October 21, 2025.

²² *Solosky v. The Queen*, 1979 CanLII 9 (SCC), [1980] 1 SCR 821 [*Solosky*] at p. 837.

[28] Not every communication between client and solicitor is protected by legal advice privilege. However, if the conditions set out above are satisfied, then legal advice privilege applies.

[29] Legal advice privilege also extends to communications that are a “part of the continuum of information exchanged” between the client and the lawyer in order to obtain or provide the legal advice.²³ In this regard, the courts have held that the “continuum of communications” includes the necessary exchange of information between solicitor and client for the purpose of obtaining and providing legal advice such as “history and background from a client” or communications to clarify or refine the issues or facts.²⁴

[30] The courts have also held that the continuum includes communications at the other end of the continuum, after the client receives the legal advice, such as internal client communications about the legal advice and its implications.²⁵ In addition, legal advice privilege applies not only to privileged communications themselves, but also to information that would reveal those communications.²⁶

Parties’ submissions

[31] VCH and PHC submit that legal advice privilege applies to all the information VCH withheld in the 12 reports because these are confidential communications between two external lawyers and their clients, VCH and PHC, to provide legal advice.²⁷

[32] The applicant argues the purpose of these reports was not litigation or providing legal advice; instead, the purpose was to conduct standard oversight, respond to complaints, and find relevant facts in the investigation.²⁸ She also says that even if s. 14 applies to the some of information in the records at issue, VCH should not withhold the records in their entirety.²⁹

[33] VCH says it properly applied s. 14 to the information in dispute since the information includes legal opinions two external lawyers provided while they were acting on their client’s instructions to conduct the investigation.³⁰

²³ *Camp Development Corporation v. South Coast Greater Vancouver Transportation Authority*, 2011 BCSC 88 (CanLII) at paras 40-46; *Huang v. Silvercorp Metals Inc.*, 2017 BCSC 795 at para 83.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ Order F22-16, 2022 BCIPC 18 (CanLII) at para 31.

²⁷ VCH’s initial submission at paras 22-25; In-house Counsel’s affidavit #1 at paras 7-8; In-house Counsel’s affidavit #2 at para 4.

²⁸ Applicant’s response submission at paras 32-33.

²⁹ Applicant’s response submission at para 30.

³⁰ VCH’s reply submission at paras 8-9.

Analysis and findings

[34] Based on the In-house Counsel's evidence,³¹ I find the records at issue consist of 12 reports provided by two external lawyers to VCH and the PHC (Reports) on March 8, 2023. These reports range in length between 7 to 46 pages.

External lawyers' role

[35] To determine whether legal advice privilege applies to the Reports, I will first consider the role of two external lawyers. As outlined above, legal advice privilege only arises where a solicitor is acting as a lawyer. For instance, when a lawyer is hired as an investigator only, solicitor-client privilege does not apply to the communications between the lawyer and client. However, where a lawyer is conducting an investigation for the purposes of giving legal advice, privilege will attach to those communications.³²

[36] VCH and the PHC submit that the Advisory Committee is responsible for investigating complaints against medical staff members³³ and the Advisory Committee may appoint an external lawyer as a third-party investigator to examine the allegations and provide legal advice and recommendations about the investigation.³⁴

[37] The In-house Counsel explains that VCH retained *a lawyer* at the external law firm to conduct the investigation of the complaint against the Physician and provide a legal opinion.³⁵ However, in her second affidavit, she says that the Reports were generated by *two lawyers* at the external law firm.³⁶

[38] Based on its submissions and evidence, it seems to me that VCH retained a lawyer at the external law firm and that lawyer worked together with another lawyer at the law firm in preparing and providing the reports to VCH and PHC.

[39] With respect to the involvement of other individuals from a lawyer's law firm, the courts have said that lawyers, their staff, and other firm members working together on a file may share privileged information amongst themselves without vitiating confidentiality.³⁷ Relying on these principles, I find that the involvement of another lawyer who worked together on the Reports has no

³¹ In-house Counsel's affidavit #2 at para 4.

³² *College of Physicians of BC v British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 at para 32.

³³ VCH's initial submission at paras 14; PHC's initial submission at para 28.

³⁴ VCH's initial submission at para 25; PHC's initial submission at para 29.

³⁵ In-house Counsel's affidavit #1 at para 8.

³⁶ In-house Counsel's affidavit #2 at para 4.

³⁷ *Shuttleworth v Eberts et. al.*, 2011 ONSC 6106 at paras 67 and 70-71 and *Weary v Ramos*, 2005 ABQB 750 at para 9.

bearing on the solicitor-client relationship between VCH and a lawyer it retained. I also find two external lawyers conducted an investigation together for the purpose of providing legal advice.

Who is the client?

[40] It was not clear from VCH and PHC's submissions and evidence who is the client of two external lawyers.

[41] VCH and PHC submit that they *jointly* retained a lawyer.³⁸ PHC did not provide any evidence to support its position. VCH provided affidavit evidence from the In-house Counsel who states that only VCH retained a lawyer to conduct the investigation and provide legal opinion.³⁹

[42] Then, in her second affidavit, the In-house Counsel explains that:

The Records are 12 reports that were generated by [two external lawyers], under solicitor-client privilege pursuant to processes set out in VCH and PHC Medical Staff Bylaws and Rules, conducted in accordance with section 51 of the *Evidence Act*. The reports were provided to VCH and PHC on March 8, 2023.⁴⁰

[Emphasis added]

[43] Again, this evidence does not directly state VCH and PHC jointly hired a lawyer. However, it is undisputed that an investigation against the Physician was jointly initiated by VCH and PHC⁴¹ and two external lawyers provided the investigation reports to VCH and PHC at the same time. Having considered these circumstances, I find it reasonable to conclude that both VCH and PHC were joint clients of the two lawyers at the external law firm.

Communications that entail the seeking or providing of legal advice

[44] The next step in the legal advice privilege analysis is to consider whether the communications between solicitor and client entail the seeking or providing of legal advice. For the reasons that follow, I find VCH and PHC did not sufficiently demonstrate the second part of the legal test is met.

[45] VCH asserts that the investigation was undertaken to provide legal advice to VCH and the records at issue contain advice and opinion.⁴² PHC asserts that it

³⁸ VCH's initial submission at para 3; VCH's October 6, 2025 letter; PHC's initial submission at para 17.

³⁹ In-house Counsel's affidavit 1 at para 8.

⁴⁰ In-house Counsel's affidavit 2 at para 4.

⁴¹ Applicant's response submission at para 3.

⁴² VCH's initial submission at para 25.

and VCH sought a lawyer's advice, analysis, recommendations and opinions following an investigation and the records contain communications between PHC and a lawyer.⁴³

[46] VCH provides affidavit evidence from the In-house Counsel that VCH retained a lawyer to conduct the investigation and provide legal opinion.⁴⁴ However, I find that VCH's evidence is only about the purpose for retaining the lawyer. There was no affidavit evidence that says the records contain legal advice and opinion.

[47] I note that there is a difference between evidence saying that a lawyer was retained for the purpose of providing legal advice and evidence saying that communications between a lawyer and their client actually contain legal advice or opinions. The In-house Counsel further says in her second affidavit that the records were generated under "solicitor-client privilege". However, again, this evidence does not speak to whether the Reports contain any communications about legal advice.

[48] As a result, I find there is nothing before me which demonstrates the records at issue contain communications that entail the seeking or giving of legal advice.

[49] It is well established in decisions and past OIPC orders that it is not enough to merely assert that privilege applies, and conclusory statements unsupported by facts do not suffice.⁴⁵ Instead, where a public body claims legal advice privilege, it must establish each step of the legal test set out in paragraph 27 is satisfied.⁴⁶ In this case, I find VCH and PHC have not provided sufficient evidence to establish the information withheld under s. 14 is a communication between a solicitor and client that entails the seeking or providing of legal advice.

Conclusion, s. 14

[50] Based on all of the above, I conclude VCH has not established that the Reports are communications that entail the seeking or providing of legal advice. Given this finding, it is unnecessary for me to consider whether the disputed information was intended to be confidential.

⁴³ PHC's initial submission at para 28.

⁴⁴ In-house Counsel's affidavit #1 at para 8.

⁴⁵ See *Nelson and District Credit Union v Fiserv Solutions of Canada, Inc.*, 2017 BCSC 1139 (CanLII) at para 52; *Intact Insurance Company v 1367229 Ontario Inc.*, 2012 ONSC 5256 at para 22; *Nanaimo Shipyard Ltd. v Keith et al.*, 2007 BCSC 9 (CanLII) at paras 15 and 29; and Order F20-16, 2020 BCIPC 18 (CanLII) at para 10; Order F19-14, 2019 BCIPC 16 (CanLII) at para 38.

⁴⁶ *Solosky v. The Queen*, 1979 CanLII 9 (SCC), [1980] 1 SCR 821 [*Solosky*] at p. 837.

Section 51 of Evidence Act

[51] VCH also says that s. 51 of the *Evidence Act* prohibits disclosure of the information in dispute.⁴⁷

[52] The *Evidence Act* says, in part, as follows:

51 (5) A committee or any person on a committee must not disclose or publish information or a record provided to the committee within the scope of this section or any resulting findings or conclusion of the committee except

(a) to a board of management or, in the case of a committee described in paragraph (b.1) of the definition of "committee", to the boards of management that established or approved the committee,

(b) in circumstances the committee considers appropriate, to an organization of health care professionals, or

(c) by making a disclosure or publication

(i) for the purpose of advancing medical research or medical education, and

(ii) in a manner that precludes the identification in any manner of the persons whose condition or treatment has been studied, evaluated or investigated

...

[53] The purpose of s. 51 of the *Evidence Act* is to protect hospitals' efforts to ensure that high standards of patient care and professional competency and ethics are maintained, by ensuring confidentiality for documents and proceedings of committees entrusted with this task.⁴⁸

Records not provided

[54] VCH did not provide the information that it claims must not be disclosed under s. 51 of the *Evidence Act*. Instead, it relies on the two affidavits sworn by the In-house Counsel, which it relied for its claim of solicitor-client privilege.

[55] The In-house Counsel says that:

⁴⁷ PHC's initial submission at para 15.

⁴⁸ *Lew (Guardian ad litem) v Mount St Joseph Hospital Society*, 1995 CanLII 1291 (BC SC) at para 18, endorsed by the Court of Appeal in *Sinclair v March*, 2000 BCCA 459 at para 23.

- Every complaint regarding a medical staff member's professional competence, their ethics, and behaviour may ultimately be referred to the Advisory Committee and then to the VCH Board of Directors to make a final determination;⁴⁹
- Any records generated while investigating a complaint against a member of medical staff are ultimately made for the purpose of providing recommendations to the Advisory Committee and the VCH Board of Directors. As such, all investigations into complaints regarding medical staff members are subject to the protections set out in section 51 of the *Evidence Act*;⁵⁰ and
- The Reports were generated by the two external lawyers pursuant to processes set out in the VCH and PHC Medical Bylaws and Rules, conducted in accordance with s. 51 of the *Evidence Act*.⁵¹

[56] After reviewing this, I find that I cannot decide s. 51 of the *Evidence Act* without seeing the records and have decided to order VCH to produce the records for my review. I find the affidavit evidence is insufficient because it is high-level and general statements and information about how things are supposed to work conceptually when it comes to s. 51 of the *Evidence Act* and it does not speak to whether and how the information in dispute in this case meets the requirements set out under that section.

[57] I recognize that s. 51 of the *Evidence Act* prohibits disclosure of certain records and information. However, s. 51(7) of the *Evidence Act* allows the OIPC to order production of the records for review as follows:

51 (7) Subsections (5) to (6.1) apply despite any provision of the *Freedom of Information and Protection of Privacy Act* other than section 44(1)(b), (2), (2.1) and (3) of that Act.

[58] And s. 44(1)(b) of FIPPA says:

44 (1) For the purposes of conducting an investigation or an audit under section 42 or an inquiry under section 56, the commissioner may make an order requiring a person to do either or both of the following:

....

(b) produce for the commissioner a record in the custody or under the control of the person, including a record containing personal information.

⁴⁹ In-house Counsel's affidavit #1 at para 6.

⁵⁰ *Ibid.*

⁵¹ In house counsel's affidavit #2 at para 4.

[59] Further, past orders of this office have decided the application of s. 51 of the *Evidence Act* only after seeing the records in dispute. In the two isolated cases where the public body did not initially provide the records for the adjudicator to review during the inquiry, the public body was ordered to do under s. 44(1)(b) and it complied.⁵²

[60] In conclusion, I find it necessary and appropriate to order VCH, pursuant to s. 44(1)(b), to produce the records in dispute to me so I can review them and decide if s. 51 of the *Evidence Act* applies.

Public interest disclosure, s. 25

[61] The applicant submits VCH should disclose the information in dispute under ss. 25(1)(a) and (b). Section 25 requires disclosure without delay in certain circumstances. The relevant parts of s. 25 state:

25 (1) Whether or not a request for access is made, the head of a public body must, without delay, disclose to the public, to an affected group of people or to an applicant, information

(a) about a risk of significant harm to the environment or to the health or safety of the public or a group of people, or

(b) the disclosure of which is, for any other reason, clearly in the public interest.

(2) Subsection (1) applies despite any other provision of this Act.

[62] I cannot decide s. 25 without reviewing the records. As, I have decided to order VCH to produce these records, I will consider whether s. 25 applies after reviewing them.

CONCLUSION

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

1. VCH is not authorized to refuse to disclose the information at issue under s. 14 of FIPPA.

[64] Under s. 44(1)(b) of FIPPA, VCH is required to produce to me all of the information in dispute so I can decide if s. 25 of FIPPA and s. 51 of the *Evidence*

⁵² See Order F17-42, 2017 BCIPC 46 (CanLII) at para 10 and Order F23-21, 2023 BCIPC 24 (CanLII) at para 3.

Act apply. Under s. 44(3), VCH must produce these records by December 12, 2025.

November 28, 2025

ORIGINAL SIGNED BY

D. Hans Hwang, Adjudicator

OIPC File No.: F24-96233